

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Minutes

Ordinary Meeting of Council  
26 September 2018

**Ordinary Meeting No. 427**  
**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 Lorraine Brunt, Mayor                  Cr Aaron Brown, Deputy Mayor                  Cr Ray Argento                  Cr Don Hill                  Cr Maxine Kiel                  Cr Andrew McEwen                  Cr Jeremy Rich                  Cr Alyson Skinner                  Cr Meg Edwards</p>
COUNCILLORS NOT PRESENT:	-
OFFICERS:	<p>Tim Tamlin, Chief Executive Officer                  Faith Page, Director Corporate and Community Services                  Anthony Seabrook, Director Infrastructure Services                  Bryan Sword, Acting Director Development Services                  Rick Rutjens, Manager Executive Support and Community Information                  June Ernst, Coordinator Council Business                  Natasha Berry, Corporate and Council Business Officer                  Jodi Cumming, Corporate and Council Business Officer</p>

## SOUTH GIPPSLAND SHIRE COUNCIL

Ordinary Meeting No. 427 of the  
Wednesday 26 September 2018  
Council Chambers, Leongatha  
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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:

1. Special Committee Meeting, held on 15 August 2018 in the Council Chambers, Leongatha be confirmed.
2. Ordinary Meeting No. 426, held on 22 August 2018 in the Council Chambers, Leongatha be confirmed.
3. Special Meeting of Council held on 5 September 2018 in the Council Chambers, Leongatha be confirmed.

**MOVED:** Cr Argento

**SECONDED:** Cr Edwards

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

1. **SPECIAL COMMITTEE MEETING, HELD ON 15 AUGUST 2018 IN THE COUNCIL CHAMBERS, LEONGATHA BE CONFIRMED.**
2. **ORDINARY MEETING NO. 426, HELD ON 22 AUGUST 2018 IN THE COUNCIL CHAMBERS, LEONGATHA BE CONFIRMED.**
3. **SPECIAL MEETING OF COUNCIL HELD ON 5 SEPTEMBER 2018 IN THE COUNCIL CHAMBERS, LEONGATHA BE CONFIRMED.**

**CARRIED UNANIMOUSLY**

## 1.7. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS

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

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

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

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

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

**Councillor Brown declared an indirect financial conflict of interest in Agenda Item 4.1 CONSIDER SUBMISSIONS & DETERMINE PROPOSAL – SALE OF RESERVE 8 VARNEY ROAD, FOSTER as he owns land that has a drain that connects from this property to his own property of ownership.**

**Note: Councillor Edwards declared a conflict of interest during the Agenda Item 9.2 COUNCILLOR UPDATES and was not present for the consideration and vote of this item.**

**Councillor Edwards declared an indirect conflict of interest by conflict of duty in Agenda Item 3.2 PUBLIC TRANSPORT CONSULTATION IMPROVEMENTS as the motion is for advocacy to State Candidates and MPs and she will be running for State Election.**



## 1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF

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

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

**Nil**

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

### **2.1. GRANT APPLICATION - SOUTH GIPPSLAND BUSINESS ASSOCIATIONS GOOD GOVERNANCE TOOLKIT**

Infrastructure Directorate

#### **EXECUTIVE SUMMARY**

Regional Development Victoria's *Regional Jobs and Infrastructure Fund* (RJIF) is the Victorian Government's overarching regional development package that provides grant support for major projects, employment, and communities. There are three programs that Regional Development Victoria (RDV) administers as part of the RJIF's program; Regional Infrastructure Fund, Regional Jobs Fund, and Stronger Regional Communities Plan.

Following an Expression of Interest to RDV, Council has been invited to apply for funding to RDV's Stronger Regional Communities Plan (SRCP) for the South Gippsland Business Associations Good Governance Toolkit (Good Governance Toolkit).

This project has been developed based on input from local Chambers of Commerce and business associations in South Gippsland who can be challenged by the lack of good governance information available to support their volunteer committees. This project will identify current best practise methods that simplify these governance challenges.

This project will include:

- Consultation with South Gippsland's business associations to understand and support their needs.
- The development of a resource that is tailored to the needs of each of the participating business associations.
- An online resource which can be accessed remotely to guide governance issues.

The Economic Development and Tourism 2018/19 budget has funds available to allocate to support the business community through this program.

## RECOMMENDATION

That Council:

1. Applies for funding of \$45,000 to Regional Development Victoria's – Regional Jobs and Infrastructure Fund (RJIF) under the Stronger Regional Communities Plan program for the South Gippsland Business Associations Good Governance Toolkit;
2. Notes that Council's contribution of \$15,000 for the South Gippsland Business Associations Good Governance Toolkit is available in the 2018/19 Annual Budget; and
3. Provides staff resources within funding allocated in the total project costs for management of the projects if approved by Regional Development Victoria in the 2018/19 financial year.

**MOVED:** Cr Kiel

**SECONDED:** Cr Skinner

## THAT COUNCIL:

1. **APPLIES FOR FUNDING OF \$45,000 TO REGIONAL DEVELOPMENT VICTORIA'S – REGIONAL JOBS AND INFRASTRUCTURE FUND (RJIF) UNDER THE STRONGER REGIONAL COMMUNITIES PLAN PROGRAM FOR THE SOUTH GIPPSLAND BUSINESS ASSOCIATIONS GOOD GOVERNANCE TOOLKIT;**
2. **NOTES THAT COUNCIL'S CONTRIBUTION OF \$15,000 FOR THE SOUTH GIPPSLAND BUSINESS ASSOCIATIONS GOOD GOVERNANCE TOOLKIT IS AVAILABLE IN THE 2018/19 ANNUAL BUDGET; AND**
3. **PROVIDES STAFF RESOURCES WITHIN FUNDING ALLOCATED IN THE TOTAL PROJECT COSTS FOR MANAGEMENT OF THE PROJECTS IF APPROVED BY REGIONAL DEVELOPMENT VICTORIA IN THE 2018/19 FINANCIAL YEAR.**

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

**AGAINST:** Councillor Edwards

**CARRIED**

[Link to Next Agenda Item](#)

## **REPORT**

Regional Development Victoria's (RDV) Stronger Regional Communities Plan (SRCP) small grants program aims to support rural and regional towns in attracting families and young people to live and work in rural areas. It will do so by investing in community-led initiatives and partnerships that create or enhance the conditions for economic growth and build resilient, diversified and sustainable economies.

Strong communities are characterised by high levels of social and economic participation. They demonstrate effective decision-making and strong networks and are attractive to people considering moving to live and work.

Funding of up to \$50,000 is available through the program.

Council submitted an Expression of Interest (EOI) to the SRCP for the South Gippsland Business Associations Good Governance Toolkit (Good Governance Toolkit) on Tuesday 14 August 2018. RDV formally invited Council to apply for funding for the project.

### **South Gippsland Business Associations Good Governance Toolkit**

Council's Economic Development and Tourism Strategy 2018-2020, outlines its commitment to supporting the Shire's Chambers and Commerce and Business Associations through its Action Plan:

- 2.2 Main Street Program – Collaborate with South Gippsland's Chambers of Commerce and Tourism Associations and support the Shire's main street retail precincts.

This program will build capacity within local business groups and strengthen the process of inducting new members to the executives. Council will take the lead by building on the skills of Chambers of Commerce and Business Associations and developing a resource toolkit, which will provide ongoing support in areas such as:

- Strategic Planning
- Governance/Procedures
- Committee succession planning
- Membership drives
- Marketing including social media
- Volunteerism

At the commencement of the program, face-to-face workshops will be conducted to promote the key objectives and benefits of the Good Governance Toolkit. Workshops will be delivered in at least six towns across the South Gippsland Shire. The workshops will be recorded and these sessions will be available to view online as part of the Good Governance Toolkit. The Good Governance Toolkit will incorporate social media and easy-to-understand animation clips. Council intends to share this resource with other councils, which will have the potential to benefit organisations across the wider Gippsland region.

The material in the Good Governance Toolkit will assist Chambers of Commerce and Business Associations to focus on activities to enhance the operation of the commercial and business precincts rather than on time consuming administrative duties. The Good Governance Toolkit will allow Chambers to focus on a range of innovative projects to market their localities, build membership and strengthen business-to-business connections.

### **CONSULTATION**

Discussions with Chambers of Commerce and Business Associations have identified administrative challenges involved in supporting the groups, particularly when there is a change of leadership within the committees.

### **RESOURCES**

Council's contribution of \$15,000 for the South Gippsland Business Associations Good Governance Toolkit is available in the 2018/19 Economic Development and Tourism Annual Budget. This component of the budget is for the delivery of annual programs that benefit the business community. In the previous month at the 22 August 2018 at an Ordinary Meeting of Council, Council noted the contribution of \$15,000 for the South Gippsland Specialty Food Logistics Program (being available in the 2018/19 Annual Budget). This contribution was taken from the same allocation. If approved, the remaining amount will be utilised for this application.

Funding for this project is as follows:

<b>Estimated Total Cost:</b>	<b>\$60,000</b>
Stronger Regional Communities Plan	\$45,000
Council Contribution	\$15,000

The estimated cost will ensure professional delivery of the program and result in an ongoing resource which will be available for the business community. There will be no further ongoing costs after completion of the program.

## **RISKS**

If Council does not support the project, Council will miss an opportunity to obtain external funds to support Business and Tourism Associations within the South Gippsland Shire to maximise their capabilities and be more effective in delivering services to local business and industry.

## **STAFF DISCLOSURE**

Nil

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

Annual Budget 2018/19

Economic Development and Tourism Strategy 2018-2020

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

#### **3.1. LEONGATHA COLLABORATION AND LEADERSHIP - EXPRESSION OF INTEREST**

Corporate and Community Services Directorate

##### **EXECUTIVE SUMMARY**

At the Ordinary Meeting of Council 30 May 2018, Council resolved to undertake a consultation with the Leongatha community to assess the level of interest in establishing a new Community Leadership network or group to support:

- (a) A higher level of formal collaboration between groups; and
- (b) The ongoing development of Leongatha.

Officers have undertaken extensive consultation to determine the level of interest in establishing a new community collaboration and leadership structure.

There has been insufficient interest shown in development of a new leadership and collaboration structure for Leongatha to warrant any further action being undertaken at this time. However, Council can play an effective role in supporting a greater level of information flow between groups as well as continuing to assist Leongatha based organisations with specific projects.

##### **RECOMMENDATION**

That Council:

1. Notes the consultation undertaken to engage the Leongatha Community on establishing a new community collaboration and leadership structure;
2. Notes the outcomes of the consultation on establishing a new community collaboration and leadership structure;
3. Continues to work directly with Leongatha-based community organisations on specific projects; and
4. Works with Leongatha-based community organisations to develop processes that will support regular information sharing between groups.

**MOVED:** Cr Hill

**SECONDED:** Cr Edwards

**THAT COUNCIL:**

- 1. NOTES THE CONSULTATION UNDERTAKEN TO ENGAGE THE LEONGATHA COMMUNITY ON ESTABLISHING A NEW COMMUNITY COLLABORATION AND LEADERSHIP STRUCTURE;**
- 2. NOTES THE OUTCOMES OF THE CONSULTATION ON ESTABLISHING A NEW COMMUNITY COLLABORATION AND LEADERSHIP STRUCTURE;**
- 3. CONTINUES TO WORK DIRECTLY WITH LEONGATHA-BASED COMMUNITY ORGANISATIONS ON SPECIFIC PROJECTS; AND**
- 4. WORKS WITH LEONGATHA-BASED COMMUNITY ORGANISATIONS TO DEVELOP PROCESSES THAT WILL SUPPORT REGULAR INFORMATION SHARING BETWEEN GROUPS.**

**CARRIED UNANIMOUSLY**

[Link to Next Agenda Item](#)



## REPORT

At the Ordinary Meeting of Council 30 May 2018, Council resolved to:

- "1. Endorse the proposed steps to engage the Leongatha community;*
- 2. Allocate a further \$5,000 in the 2018/19 Annual Budget to support implementation of this process; and*
- 3. Receive a further report on 26 September 2018 Ordinary Meeting of Council outlining the extent of interest expressed by the Leongatha Community in establishing a new community collaboration and leadership structure."*

Council endorsed the following proposed steps to engage the Leongatha Community to help determine the level of interest the Leongatha Community has in creating additional, more formal, community leadership processes:

1. Research and map the range and number of community and business networks based in Leongatha and obtain current contact information for these groups (June 2018).
2. Write to all the known groups outlining Council's desire to support the community to enhance community collaboration and leadership with staff time and other resources. (This information would include examples community leadership structures that are proving effective in both South Gippsland and other like rural communities in Victoria) (July 2018).
3. Invite interested groups to provide initial comments on enhancing community collaboration and leadership (July/August 2018).
4. Create an online forum for discussion on enhancing community collaboration and leadership (July/August 2018).
5. In conjunction with the online forum conduct three community forums to explore the value of establishing new collaboration structures in Leongatha (August 2018).
6. Provide a report to Council on the interest expressed by the community in establishing a formal structure and what form it might take (26 September 2018 Ordinary Council Meeting).
7. If the outcomes from the online consultation and workshops are in support of this structure, Council will proceed with establishing an identified structure /model for Leongatha (October 2018).

## CONSULTATION

Council supported the following process to determine initial interest.

**1. Research and map the range and number of community and business networks based in Leongatha and obtain current contact information for these groups (June 2018):**

*Action:* List of 43 groups established. This list included well-established service clubs, cultural organisations, sporting groups, education providers and older person's clubs (e.g. Probus and Senior Citizens). This list did not include individual businesses as they are not community organisations but can still provide a voice via the Leongatha Business Association.

**Write to all the known groups outlining Council's desire to support the community to enhance community collaboration and leadership with staff time and other resources. (This information would include examples community leadership structures that are proving effective in both South Gippsland and other like rural communities in Victoria) (July 2018):**

*Action:* Letters sent to 43 groups by email/post on 24 July 2018 and reminders sent on 3 August 2018. The first informal response was received within two days of the first letter being sent. Written responses were received from four groups - one strongly in favour of Council taking a role in establishing a new Leadership network for Leongatha, and three stating that there was no need for a new group.

One group focused instead on the need for more support for a major visual arts facility to be built in Leongatha.

**2. Invite interested groups to provide initial comments on enhancing community collaboration and leadership (July/August 2018):**

*Action:* The letters included an invitation to attend forums, use 'OurSay' or make direct contact with Council to provide comment. This was backed up with media releases (20 July 2018 – run in three local papers) inviting direct response, online comment and attendance at forums.

Channel 9 regional TV organised to interview staff on this matter on 25 July 2018, but subsequently chose to interview officers only on the Public Transport consultation.

ABC Radio also chose to interview staff on the Public Transport consultation (23 July 2018) and not the Leongatha Leadership network consultation.

The Leongatha Star and the Sentinel Times reported extensively on the project in their issues of 24 July, 7 August and 14 August 2018 and included details of how people and groups could respond.

The project was promoted on the home page of Council's website continuously from 24 July and boosted on Facebook on 27 July, and 8 and 15 August 2018.

**3. Create an online forum for discussion on enhancing community collaboration and leadership (July/August 2018):**

*Action:* This commenced on 23 July and closed on 17 August. Over 1000 individuals visited the OurSay site, but only 14 followed up with comments of which 10 directly related to the topic. Of the 10, two were in favour of a new group, six opposed and two ambivalent.

Of the four comments not directly related to the topic, one was about public transport and three focussed on the need to work with all communities in South Gippsland not just Leongatha. Eight of the comments posted came from people in the 3953 postcode. The submitters in favour of a new group or ambivalent on this issue all noted the value in a greater flow of information between groups.

**4. In conjunction with the online forum conduct three community forums to explore the value of establishing new collaboration structures in Leongatha (August 2018):**

*Action:* Council initially planned to have three forums: one weekday morning/one weekday afternoon/one weekday evening. The two daytime forums were rolled into one four hour drop-in session instead of two stand-alone two hour drop-in sessions. Participants were provided with a three page summary of the project drawn from the Notice of Motion paper developed by Councillor Hill, and the Council report presented to the 30 May 2018 Ordinary Meeting of Council.

Council retains the opportunity to hold a third forum to consider the outcomes of the first two events and the other responses but at this stage staff do not believe the time and expense is justified.

Total attendance over the two sessions was eight members of the public. Most of them attended directly as a result of a group they are part of receiving a letter invitation. Two participants attended to talk about footpaths rather than community leadership.

Two attendees strongly supported a new group being established and four supported a higher level of information sharing but didn't believe that a new group needed to be established to achieve this outcome. However they

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suggested that Council has a role to play in helping groups to share information on a more regular basis.

Two Councillors, three Council staff and two local media representatives also attended the first forum. Two staff participated at the second forum and two media representatives attended to talk directly with participants.

### **Other Direct Feedback**

One direct response was received telephonically by officers. This respondent believes strongly that Leongatha needs a strategic plan and that Council needs to lead this. The respondent believes the existing community groups are too narrowly focused on their immediate needs and that the Leongatha Business Association is controlled by a small group of businesses.

Officers also discussed the outcomes of the consultation directly with Councillors via a briefing on 5 September 2018.

### **Summary of Consultation**

The level of interest shown through the consultation does not justify the need for a new Community Leadership network for Leongatha. A total of three individuals or groups expressly supported a new network or group being established, nine individuals or groups expressly opposed such a group being established, and eleven respondents supported an increased level of communication between local groups.

Community Strengthening team members have had effective communications in the last two months with at least 18 of the groups invited to comment so the lack of engagement does seem to relate to the specific topic, not an unwillingness to engage with Council.

### **RESOURCES**

Council allocated \$5,000 to support this process, and Officers did indicate that this would be a maximum requirement. To date, less than \$1,000 has been required as the bulk of this allocation allowed for the engagement of an external presenter if initial interest warranted such action.

### **RISKS**

The lack of comment on this initiative and the negative media reporting may impact on the willingness of some Leongatha groups to work with Council staff on other activities in the near future.

### **STAFF DISCLOSURE**

Nil

**REFERENCE DOCUMENTS**

**Council Policy**

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

Community Strengthening Strategy

**Legislative Provisions**

Local Government Act 1989

**Cr Edwards left the Council Meeting at 2.17pm.**

### **3.2. PUBLIC TRANSPORT CONSULTATION IMPROVEMENTS**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

Following the 28 March 2018 Ordinary Meeting of Council on the Public Transport Consultation resolved to:

*“1. In partnership with South West Gippsland transport Group (SWG TG), Transport for Victoria (TFV) and local business and resident associations develop a consultation plan and convene appropriate workshops and consultations to develop a local bus services plan for South Gippsland.*

*2. In partnership with South West Gippsland transport Group and local groups advocate for the proposed local bus service to all political parties and candidates in the forthcoming State elections”.*

Extensive consultation was conducted with the community through ‘Our Say’ and six drop in sessions throughout the shire resulting in a significant number of responses.

The Public Transport Consultation sessions were an opportunity for the public to provide input which could guide Council’s advocacy to the Victorian Government both prior to and beyond the upcoming State election.

#### **RECOMMENDATION**

That Council advocate to all local political parties and candidates nominated in the 2018 Victorian State Government Election and Transport for Victoria (TFV) to develop a ‘Local Bus Services Plan’ for South Gippsland, based on the key themes from the recent public transport consultation.

**MOVED:** Cr McEwen

**SECONDED:** Cr Rich

**THAT COUNCIL ADVOCATE TO ALL LOCAL POLITICAL PARTIES AND CANDIDATES NOMINATED IN THE 2018 VICTORIAN STATE GOVERNMENT ELECTION AND TRANSPORT FOR VICTORIA (TFV) TO DEVELOP A ‘LOCAL BUS SERVICES PLAN’ FOR SOUTH GIPPSLAND, BASED ON THE KEY THEMES FROM THE RECENT PUBLIC TRANSPORT CONSULTATION.**

**CARRIED UNANIMOUSLY**

**Noting that Cr Edwards was not present for the vote.**

[Link to Next Agenda Item](#)

## REPORT

Following the 28 March 2018 Ordinary Meeting of Council on the Public Transport Consultation resolved to:

- "1. In partnership with South West Gippsland transport Group (SWGTTG), Transport for Victoria (TFV) and local business and resident associations develop a consultation plan and convene appropriate workshops and consultations to develop a local bus services plan for South Gippsland.*
- 2. In partnership with South West Gippsland transport Group and local groups advocate for the proposed local bus service to all political parties and candidates in the forthcoming State elections."*

Extensive consultation was conducted with the community through 'Our Say' and six drop-in sessions throughout the shire resulting in a significant number of responses. A range of Community Associations were directly advised of the consultation and encouraged to promote this opportunity through their networks.

The Public Transport Consultation sessions were an opportunity for the public to provide input which could guide Council's advocacy to the Victorian Government both prior to and beyond the upcoming State election.

### Outcome of the Consultation

Approximately 150 people responded to the invitation to contribute. Some people used both the online and face-to-face opportunities. The majority of comments received were practical and directly related to the topic.

The questions put forward did produce broad commentary. However, a clear pattern has emerged that an increase in number of services along the two existing trunk routes with more coordinated time-tabling, allied with some new local bus services, would partially address the proposals made.

Responses by category include:

1. Sixty-five responses (44%) seeking additional services on the two current route services (South Gippsland / Melbourne and Wonthaggi / Latrobe Valley) to provide greater flexibility for people wishing to access a wider range of education, employment, health and cultural activities in the greater Melbourne metropolitan area, Latrobe Valley, and coastal communities.

2. Fifty responses (33%) that focused primarily on providing local bus services that can help connect the towns of southern Gippsland more effectively including Poowong and the coastal communities of South Gippsland (including Venus Bay), that have almost no services at present. A petition of 800 signatures was tabled in Parliament by Mr. Danny O'Brien, Member for Gippsland South in 2017 seeking provision of public transport services for the Poowong area.
3. Thirty-three responses (22%) included statements indicating strong support for return of rail to Leongatha.
4. Twenty-one responses (14%) with an interest in a flexible local connections service that could help locals and visitors access: Trafalgar railway station, Wilsons Promontory, Cranbourne, and Mornington Peninsula. Respondents suggested a range of options to address this issue. This includes: new community transport services, a subsidised taxi service and flexi bus services (similar to services provided in the Metung and Macedon areas), allied with an increase with route services along main arterial routes.
5. Thirty responses were on various related topics, these include: requests for better bus shelters, better busses, or very specific personal transport needs (that may best be addressed via community transport or some form of subsidized taxi operations).

Note that this list notes 199 responses. Many respondents had more than one suggestion.

## **CONSULTATION**

The Public Transport Consultation sessions were an opportunity for the public to provide input which could guide Council's advocacy to the Victorian Government both prior to and beyond the upcoming State election.

Council conducted community consultation and collated feedback through:

- An 'OurSay' forum- resulting in 93 suggestions and 14 follow-on comments.
- Six drop in sessions included 26 interviews in: Tarwin Lower, Foster, Mirboo North and Nyora. 30 interviews conducted in the Shire's larger towns of Leongatha and Korumburra.
- Directly communication with a range of business associations and community networks, providing them the opportunity to comment and invite their local networks to participate in the process.



Council staff discussed the outcomes with representatives from the SWGTG and the proposed service improvements are an outcome of these discussions.

### **Proposed service increases**

As a result of the consultation it is proposed that Council and SWGTG advocate for:

1. Four additional services running week days (Monday to Friday) between South Gippsland and Melbourne. This increase will assist people of all ages with accessing employment, education, medical appointments as well as social and cultural activities.
2. Two additional services on weekends (Saturday and Sunday) between South Gippsland and Melbourne, with the focus being on a later bus service that allows people to spend a longer period of time at their destination.
3. Two additional services daily (Monday to Sunday) between Wonthaggi and Traralgon with a focus on both earlier and later additional services to allow people to take up work and educational opportunities in towns served by this route. This will also benefit people needing to access medical services in the Wonthaggi and Latrobe Valley areas.
4. A local bus service for Leongatha and Korumburra of at least four services per day that aligns with the enhanced north/south and east/west trunk routes. These services will particularly benefit young people needing to access post compulsory educational services as well as older people and those without private transport to access medical services and town centre facilities.
5. Investigation of the potential for a flexi bus service for the coastal areas of South Gippsland, particularly during peak tourist periods from December to Easter.

### **RESOURCES**

All work to date has been completed with existing resources. Additional advocacy work can be undertaken within existing resources and in conjunction with other community engagement activity.

A more detailed analysis of the responses and any further work required to devise and cost revised timetables on existing routes and establishment of new local bus service routes would require an allocation of additional funds.

## **RISKS**

By continuing to undertake public consultation with the community and industry stakeholders, Council is better prepared to respond to and advocate for community and business needs. It should also be noted that such consultation raises community expectations that improvements will be introduced.

## **STAFF DISCLOSURE**

Nil

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

Arts, Culture and Creative Industry Strategy

Economic Development and Tourism Strategy

### **Legislative Provisions**

Local Government Act 1989

**Cr Edwards returned to the Council Meeting at 2.23pm.**

**Councillor Brown left the Council Meeting at 2.23pm with a declared indirect financial conflict of interest in Agenda Item 4.1 CONSIDER SUBMISSIONS & DETERMINE PROPOSAL – SALE OF RESERVE 8 VARNEY ROAD, FOSTER as he owns land that has a drain that connects from this property to his own property of ownership.**

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

##### **4.1. CONSIDER SUBMISSIONS & DETERMINE PROPOSAL - SALE OF RESERVE 8 VARNEY ROAD, FOSTER**

Infrastructure Directorate

###### **EXECUTIVE SUMMARY**

At the Ordinary Meeting of Council 27 June 2018, Council resolved to commence the statutory procedures for the proposed sale of 8 Varney Road, Foster.

The public notice calling for submissions was published in the local newspapers edition 2 July 2018. Council received one submission to the proposal – refer to **Confidential Attachment [15.1.1]** – and the submitter elected to speak to their submission. A Special Committee of Council held 15 August 2018 heard the submitter speak to their submission.

This report is presented to Council to consider the submission and determine the proposal for the sale of 8 Varney Road, Foster.

###### **RECOMMENDATION**

That Council:

1. Notes the recommendation of the Special Committee of Council held 15 August 2018:
  - a. Heard the following submitter speak to their submission regarding the proposed sale of 8 Varney Road, Foster – Deirdre Morgan.
2. Having considered the submission in Confidential Attachment [15.1.1]:
  - a. Sells the land in accordance with s.189 of the Local Government Act 1989, known as 8 Varney Road, Foster being the land described in certificate of title volume 11399 folio 545 to the adjoining land owner on the western boundary for not less than a valuation obtained not more than six months prior to the sale; and

- b. Authorises the adjoining land owner to proceed with the removal of the reserve and amendment of the easements in accordance with sections 23 and 24A of the Subdivision Act 1988.
3. Provides the following reason for its decision:
- a. That drainage concerns of the submitter would be addressed by the developer via planning permit conditions determined by Council engineers so that the construction of the drainage does not adversely impact on the adjacent residential properties.

**MOVED:** Cr Argento

**SECONDED:** Cr Skinner

**THAT COUNCIL:**

1. **NOTES THE RECOMMENDATION OF THE SPECIAL COMMITTEE OF COUNCIL HELD 15 AUGUST 2018:**
  - a. **HEARD THE FOLLOWING SUBMITTER SPEAK TO THEIR SUBMISSION REGARDING THE PROPOSED SALE OF 8 VARNEY ROAD, FOSTER – DEIRDRE MORGAN.**
2. **HAVING CONSIDERED THE SUBMISSION IN CONFIDENTIAL ATTACHMENT [15.1.1]:**
  - a. **SELLS THE LAND IN ACCORDANCE WITH S.189 OF THE LOCAL GOVERNMENT ACT 1989, KNOWN AS 8 VARNEY ROAD, FOSTER BEING THE LAND DESCRIBED IN CERTIFICATE OF TITLE VOLUME 11399 FOLIO 545 TO THE ADJOINING LAND OWNER ON THE WESTERN BOUNDARY FOR NOT LESS THAN A VALUATION OBTAINED NOT MORE THAN SIX MONTHS PRIOR TO THE SALE; AND**
  - b. **AUTHORISES THE ADJOINING LAND OWNER TO PROCEED WITH THE REMOVAL OF THE RESERVE AND AMENDMENT OF THE EASEMENTS IN ACCORDANCE WITH SECTIONS 23 AND 24A OF THE SUBDIVISION ACT 1988.**
3. **PROVIDES THE FOLLOWING REASON FOR ITS DECISION:**
  - a. **THAT DRAINAGE CONCERNS OF THE SUBMITTER WOULD BE ADDRESSED BY THE DEVELOPER VIA PLANNING PERMIT CONDITIONS DETERMINED BY COUNCIL ENGINEERS SO THAT THE CONSTRUCTION OF THE DRAINAGE DOES NOT ADVERSELY IMPACT ON THE ADJACENT RESIDENTIAL PROPERTIES.**

**CARRIED UNANIMOUSLY**

[Link to Next Agenda Item](#)

## REPORT

At the Ordinary Meeting of Council 27 June 2018, Council resolved to commence the statutory procedures for the proposed sale of 8 Varney Road, Foster.

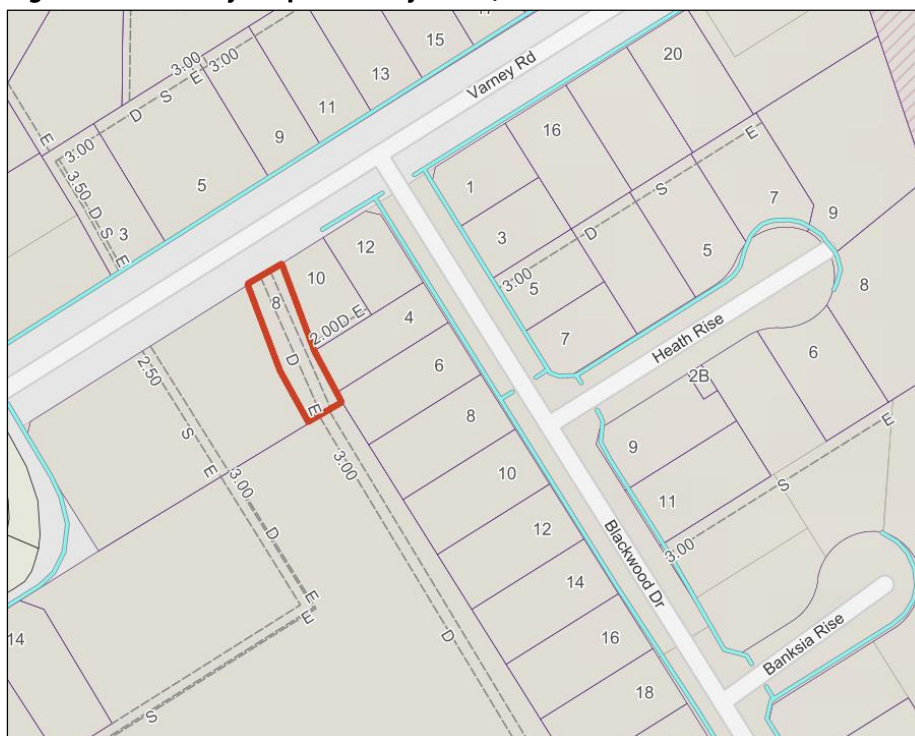
The public notice calling for submissions was published in the local newspapers edition 2 July 2018. Council received one submission to the proposal and the submitter elected to speak to their submission. A Special Committee of Council held 15 August 2018 heard the submitter speak to their submission.

The submitter's main concerns are not against the sale of the land but the drainage proposal:

- If the open drain is piped, it might directly impact on the submitter's property as it abuts the drain.
- What happens to existing drainage on the submitter's block?
- Fencing materials may be exposed to water damage.
- Would like a guarantee that any change will not cause drainage problems and that any costs incurred would be covered.

The subject land is bordered red in **Figure 1** below.

**Figure 1 – Locality Map 8 Varney Road, Foster**



### ***Engineering Response to Address Submitters Concerns***

As part of the construction works for the subdivision, the new lots created on the west side of Blackwood Drive (which includes the submitter's property) were raised to 0.6m–0.7m to ensure that property drainage was directed towards Blackwood Drive.

Accordingly, the submitter's land is elevated approximately 1m–1.5m above the open drain that is proposed to be piped.

Drainage calculations indicate that piping this drain can be achieved with 600mm–750mm diameter pipes, which would discharge into the remaining section of open drain, without adversely impacting on any of the properties abutting Blackwood Drive. This section of piped drain would also require an open surface drain above it to ensure adequate capture of overland storm water flow before entering the adjacent properties.

A planning permit will be required to enable the developer to subdivide the subject site (and adjacent land) and conditions will be placed on any approved planning permit, which requires such drainage to be constructed without adversely impacting on the adjacent residential properties.

### **CONSULTATION**

Public notice calling for submissions to the proposal was published in the local papers and Council's website during the week commencing 2 July 2018.

Letters were sent to adjoining land owners at 10 Varney Road, Foster and 4 Blackwood Drive, Foster.

Engineering officers were consulted to address drainage concerns raised by the submitter through the public submission process.

### **RISKS**

The developer's proposal to acquire the land is, in part, to improve drainage. Any drainage works would be subject to planning permit conditions.

### **STAFF DISCLOSURE**

Nil

### **CONFIDENTIAL ATTACHMENTS**

**Confidential Attachment [15.1.1]** – Submission – has been provided in accordance with s.77(2)(c) of the Local Government Act 1989. The Chief Executive Officer designates this Agenda 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 confidential to protect the privacy of the submitter.

**REFERENCE DOCUMENTS**

**Legislative Provisions**

Local Government Act 1989

Subdivision Act 1988

**Cr Brown returned to the Council Meeting at 2.27pm.**

**4.2. AWARD CONTRACT CON/186 KORUMBURRA RAILWAY STATION & COMMUNITY HUB MASTER PLAN**

Infrastructure Directorate

**EXECUTIVE SUMMARY**

Council adopted the Korumburra Revitalisation Project as a 2018/19 Priority Project for Development at its Ordinary Meeting on 27 June 2018. A component of the Korumburra Revitalisation Project is the completion of a master plan for the Korumburra Railway Station site (the Site) focusing on three main elements:

- Location and design of the community hub incorporating the railway station;
- Accessibility in and around the site with connectivity to the main street; and
- Location of the skate park and open space for future use.

It will also take into consideration the Great Southern Rail Trail.

In accordance with Council's Procurement Policy and procedures, Council is required to follow an open tender process for its contracts. In response to Council's Request for Tender RFT/186 - *Development of a Master Plan for the Korumburra Railway Station Site and the Design and Documentation for the Community Hub on the Railway Station Site* (RFT/186), seventeen tender submissions were received.

The tenders were shortlisted with two tenderers invited to present their case to the evaluation panel on Monday 20 August 2018 with a preferred tenderer nominated.

Therefore, it is recommended that Council approve the award of contract CON/186 for the development of a master plan for the Korumburra Railway Station site incorporating a community hub.

**RECOMMENDATION**

That Council:

1. Notes that there is \$200,000 in the 2018/19 Capital Works Program to complete the master plan and concept plans.



2. Allocates an additional \$150,750 excluding GST from the \$5 million in the Long Term Financial Plan (which has been set aside for the detailed designs and overall development of the Korumburra Community Hub / Korumburra Railway Station site redevelopment, connectivity, and access to the railway station site) to fund the detailed design component of the project.
3. Allocates a contingency amount of 10 per cent of the lump sum contract price.
4. Approves the award of contract CON/186 Development of a Master Plan for the Korumburra Railway Station Site and the Design and Documentation for the Community Hub on the Railway Station Site.
5. Publishes on Council's website the successful contractor and lump sum amount within one week of Council's decision to approve the award CON/186 to allow sufficient time for the formal award of the contract.
6. Delegates to the Manager Infrastructure Delivery the power to approve contract variations up to the contingency allowance in the contract.
7. Authorises the Chief Executive Officer to sign and affix the Common Seal of the Municipality to the contract documents.

**MOVED:** Cr Brown

**SECONDED:** Cr McEwen

**THAT COUNCIL:**

1. **NOTES THAT THERE IS \$200,000 IN THE 2018/19 CAPITAL WORKS PROGRAM TO COMPLETE THE MASTER PLAN AND CONCEPT PLANS.**
2. **ALLOCATES AN ADDITIONAL \$150,750 EXCLUDING GST FROM THE \$5 MILLION IN THE LONG TERM FINANCIAL PLAN (WHICH HAS BEEN SET ASIDE FOR THE DETAILED DESIGNS AND OVERALL DEVELOPMENT OF THE KORUMBURRA COMMUNITY HUB / KORUMBURRA RAILWAY STATION SITE REDEVELOPMENT, CONNECTIVITY, AND ACCESS TO THE RAILWAY STATION SITE) TO FUND THE DETAILED DESIGN COMPONENT OF THE PROJECT.**
3. **ALLOCATES A CONTINGENCY AMOUNT OF 10 PER CENT OF THE LUMP SUM CONTRACT PRICE.**
4. **APPROVES THE AWARD OF CONTRACT CON/186 DEVELOPMENT OF A MASTER PLAN FOR THE KORUMBURRA RAILWAY STATION SITE AND THE**

**DESIGN AND DOCUMENTATION FOR THE COMMUNITY HUB ON THE RAILWAY STATION SITE.**

- 5. PUBLISHES ON COUNCIL'S WEBSITE THE SUCCESSFUL CONTRACTOR AND LUMP SUM AMOUNT WITHIN ONE WEEK OF COUNCIL'S DECISION TO APPROVE THE AWARD CON/186 TO ALLOW SUFFICIENT TIME FOR THE FORMAL AWARD OF THE CONTRACT.**
- 6. DELEGATES TO THE MANAGER INFRASTRUCTURE DELIVERY THE POWER TO APPROVE CONTRACT VARIATIONS UP TO THE CONTINGENCY ALLOWANCE IN THE CONTRACT.**
- 7. AUTHORISES THE CHIEF EXECUTIVE OFFICER TO SIGN AND AFFIX THE COMMON SEAL OF THE MUNICIPALITY TO THE CONTRACT DOCUMENTS.**

**CARRIED UNANIMOUSLY**

[Link to Next Agenda Item](#)

## **REPORT**

Council has a number of priority projects that are of local significance identified for development. The Korumburra Revitalisation Project is one of Council's 2018/19 Priority Projects. It comprises three elements; the development of the community hub, Korumburra Railway Station site redevelopment, and the Korumburra Streetscape.

The Korumburra Revitalisation Project is a Council initiative to guide land use and development in the Korumburra Town Centre in coming years. The project builds on the recommendations of the recently completed Korumburra Town Centre Framework Plan (KTCFP) and other strategic work.

In order to progress the Korumburra Revitalisation Project, a master plan is to be developed for the Korumburra Railway Station site focusing on three main elements:

1. The location and detailed design of the community hub on the Korumburra Railway Station site.
2. Accessibility in and around the site with connectivity to the main street.
3. The location of the skate park and open space for future use.

It will also take into consideration the Great Southern Rail Trail (GSRT), another significant 2018/19 Priority Project for Council, which proposes to develop the rail corridor from Clyde (City of Casey) to Yarram (Wellington Shire Council) that is no longer operational.

## **CONSULTATION**

In accordance with Council's Procurement Policy and procedures, Council is required to follow an open tender process for its contracts.

Tender specifications were developed in consultation with all relevant officers involved in planning this project.

Council advertised the Request for Tender RTF/186 *Development of a Master Plan for the Korumburra Railway Station Site incorporating a community hub* (RFT/186) on 26 June 2018 and tenders were received up until the closing date of 31 July 2018.

In response to Council's Request for Tender RFT/186, Council received seventeen tender submissions. The tenders were assessed in accordance with the criteria specified in the contract documentation by an evaluation panel on 13 July 2018. The evaluation panel consisted of the Manager Infrastructure Delivery (delegate for the Director Infrastructure), Coordinator Buildings,

Coordinator Major Projects & Emergency Management, and the Contract Administrator.

The tenders were shortlisted with two tenderers invited to present their case to the evaluation panel on Monday 20 August 2018 with a preferred tenderer identified.

A summary of the tender evaluation has been included in **Confidential Attachment [15.2.1]**.

## RESOURCES

Council has budgeted \$200,000 in the 2018/19 Capital Works Program to complete the master plan and concept plans for the development of the Korumburra Railway Station site and community hub.

Another \$5 million is included in Council's Long Term Financial Plan (LTFP) for the detailed designs and overall development of the Korumburra Community Hub, Korumburra Railway Station site redevelopment, connectivity, and access to the railway station site.

As the project scope was revised to include the detailed designs, Council needs to transfer the budget set aside for the detailed designs from the \$5 million allocated in the Long Term Financial Plan.

There is also a contingency allowance required for contract variations for additional works throughout the delivery of this contract. The contingency allowance is calculated at 10 per cent of the lump sum amount (\$350,750 x 10%). The breakdown is included below.

ITEM	\$ COST (EX. GST)
Tendered Amount (\$385,825 incl. GST)	\$350,750
Council Budget (original)	\$200,000
<i>Shortfall for detailed design component</i>	<i>\$150,750</i>
10% contingency allowance	\$35,075
Shortfall	\$150,750
<i>Additional budget to be allocated from the LTFP (\$5M)</i>	<i>\$185,825</i>
<b><i>Revised Council Budget</i></b>	<b><i>\$385,825</i></b>

## **RISKS**

### **Safety in Design / Build Ability**

The consultant is expected to complete a "Safety in Design" Risk Assessment as part of the design process. The assessment is to identify any risks associated with each stage of construction and then provide solutions through the design to mitigate or remove these risks.

## **STAFF DISCLOSURE**

Nil

## **CONFIDENTIAL ATTACHMENT**

**Confidential Attachment [15.2.1]** – Tender Evaluation Summary RFT/186 – has been provided in accordance with s.77(2)(c) of the Local Government Act 1989. The Chief Executive Officer designates this Agenda Item as confidential information on the grounds that it relates to s.89(2)(d) - contractual matters.

This item is deemed confidential to protect the privacy of the contractors, tender scores, and tendered amounts submitted for consideration.

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

Annual Plan 2018/19

Council Plan 2017-2022

Korumburra Structure Plan 2010

Korumburra Town Centre Framework Plan – Framework Report 2013

Korumburra Community Infrastructure Plan 2014

Korumburra Town Centre Streetscape Master Plan 2016

Blueprint for Social Community Infrastructure 2014-2029

People Places: A Guide for Public Library Buildings in NSW

Korumburra Skate Park Report 2016

The Station @ Korumburra Business Plan 2017

### **Legislative Provisions**

Local Government Act 1989

#### **4.3. GRANT APPLICATION - VENUS BAY JETTY REDEVELOPMENT**

Infrastructure Directorate

##### **EXECUTIVE SUMMARY**

It is proposed to submit an application for \$100,000 to the Victorian Fisheries Authority Better Fishing Facilities Grants Program for the reconstruction of the Venus Bay Fishing Jetty.

The Better Fishing Facilities grants program provides funds to projects that deliver clear benefits to recreational fishers and contribute to boosting participation.

##### **RECOMMENDATION**

That Council:

1. Applies for an application for \$70,000 to the Victorian Fisheries Authority Better Fishing Facilities Grants Program for the reconstruction of the Venus Bay Fishing Jetty Reconstruction project; and
2. Note that Council's contribution of \$100,000 is available in the 2018/19 Annual Budget for the Venus Bay Fishing Jetty Reconstruction project which will be determined in the December Capital Works Program review.

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

**MOVED:** Cr Skinner

**SECONDED:** Cr Argento

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

1. **APPLIES FOR \$100,000 TO THE VICTORIAN FISHERIES AUTHORITY BETTER FISHING FACILITIES GRANTS PROGRAM FOR THE RECONSTRUCTION OF THE VENUS BAY FISHING JETTY; AND**
2. **NOTE THAT COUNCIL'S CONTRIBUTION OF \$100,000 IS AVAILABLE IN THE 2018/19 ANNUAL BUDGET FOR THE VENUS BAY FISHING JETTY RECONSTRUCTION PROJECT WHICH WILL BE DETERMINED IN THE DECEMBER CAPITAL WORKS PROGRAM REVIEW.**

**CARRIED UNANIMOUSLY**

[Link to Next Agenda Item](#)

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## **REPORT**

### **Target One Million – Better Fishing Facilities Grants Program**

The government has allocated \$46 million over four years to deliver a range of commitments under the Target One Million program to grow recreational fishing in Victoria. One of the key components of the Target One Million program is the delivery of the Better Fishing Facilities grants program which will guide investment into:

1. Recreational fishing reefs and Fish Aggregating Devices (FADS).
2. Improving access for land and boat based fishers.
3. Delivering better recreational fishing facilities and infrastructure.

The Better Fishing Facilities grant program provides funding up to \$100,000 towards recreational fishing infrastructure and access projects.

The funding body advised that Council was able to apply for \$100,000.

#### ***What is likely to be funded?***

Projects that are likely to be funded are those that will improve access to marine, estuarine, and inland waters for boat based fishers by:

1. Installing new or upgrading existing boat launching facilities.
2. Installing new and upgrading existing jetties and pontoons to assist launching and retrieval of vessels.

### **Venus Bay Fishing Jetty Reconstruction Project**

The Venus Bay Fishing Jetty is a 30 metre (approximate) timber structure that has serviced the community for more than twenty years. Council engaged Pitt & Sherry consulting engineers to undertake a Level 3 Bridge Assessment of the Jetty's structural condition following a previous Level 2 inspection in June 2018. The Level 3 Assessment findings and recommendations are as follows:

1. Replace all failed and severely corroded bolts as soon as practicable.
2. Consider closing the structure, or as a minimum, restrict its use. The current load carrying capacity of the structure cannot be accurately determined through desktop assessment due to the variable condition.
3. Plan for complete replacement of the structure (assuming a jetty is still required) as soon as practicable.
4. Further modification / rehabilitation is not recommended due to the extent of deterioration.

As a result of the inspection, the Jetty was closed to the public and progress for its replacement hastened with external funding immediately pursued.

The project is estimated at \$200,000 for which funding of of \$100,000 will be sought through the Better Fishing Facilities Grant Program.

**Additional Funding Source – Boating Safety Facilities Program - Boating infrastructure category**

In addition to the Better Fishing Facilities Grants Program; another source of potential income could be received through the Department of Transport Boating Safety Facilities Program - Boating infrastructure category. This category aims to assist with the development and upgrading of boating facilities including; boat ramps, jetties, trailer parking, minor access dredging, selected infrastructure, boating development plans and boating communications projects such as webcams and weather stations. Funding of up to 80 per cent of the total eligible project cost is available.

The 2018/2019 program is anticipated to open early 2019 with outcomes likely in April/May 2019. Consultation with the funding body suggests that Council could apply for \$90,000 through the program and therefore reduce Council's contribution to \$10,000 if approved.

**CONSULTATION**

Council has liaised with the Venus Bay Angling Club in relation to the most appropriate design for the new jetty to ensure that it meets the future needs of the recreational fishing and boating community.

**OPTIONS**

Council has two options:

1. Submit an application for \$100,000 immediately to the Better Fishing Facilities Grants Program with Council contributing the remaining \$100,000 towards the \$200,000 project. This would allow the project to commence prior to the end of 2018.
2. Submit an application for \$100,000 to the Boating Safety Facilities Program - Boating infrastructure category and an application for \$90,000 to the Better Fishing Facilities Grants Program as soon as the program opens which is anticipated early 2019. This would mean that the project would not be able to commence until after the funding announcement anticipated in April/May 2019, however there would be a significant cost saving to Council as its contribution towards the project would be decreased to \$10,000.



Option 1 is recommended as it ensures that the jetty will be reinstated in the earliest possible timeframe.

**RESOURCES**

Council's required contribution of \$100,000 will be determined in the annual Capital Works Program review in December 2018.

**RISKS**

If Council does not formally support an application for the project, it will miss an opportunity to obtain external funding to reconstruct the Venus Bay Fishing Jetty and will be required to fully fund the project.

**STAFF DISCLOSURE**

Nil

**REFERENCE DOCUMENTS**

**Legislative Provisions**

Local Government Act 1989

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

### **5.1. DRAFT 2017/18 ANNUAL REPORT - REPORT OF OPERATIONS**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

Council is required to complete an Annual Report of Operations (Report of Operations) for the 2017/18 financial year and this is presented to Council for endorsement. The Report of Operations is to be combined with the audited Performance Statement and the Financial Statements to form the 2017/18 Annual Report (Annual Report). The Annual Report is to be submitted to the Minister of Local Government by 30 September 2018.

The Performance Statement and Financial Statements are subject to audit by the Victorian Auditor General's Office (VAGO) and are submitted to Council in a separate report.

Once all reports are approved in principle, the final Annual Report will then be advertised through a public notice and made available for public inspection for a two week period, prior to being presented at the 24 October 2018 Ordinary Meeting of Council for final adoption.

#### **RECOMMENDATION**

That Council:

1. Approves in principle the 2017/18 Annual Report (Report of Operations) (Attachment [5.1.1]);
2. Upon receipt of the certified Performance Statement and Financial Statements, combines these documents with the Report of Operations into the 2017/18 Annual Report;
3. Sends a copy of the 2017/18 Annual Report to the Minister for Local Government by 30 September 2018;
4. Advertises the preparation of the Annual Report through a public notice and makes it available for public inspection at the Council Offices 9 Smith Street, Leongatha and on Council's website, for a two week period prior to the 24 October 2018 Ordinary Meeting of Council; and
5. Considers the 2017/18 Annual Report at the Ordinary Meeting of Council on 24 October 2018 for final adoption.

**MOVED:** Cr Kiel

**SECONDED:** Cr Edwards

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

**CARRIED UNANIMOUSLY**

[Link to Next Agenda Item](#)

## REPORT

The Local Government Act 1989, s.131(6) requires Council to prepare an Annual Report that provides a succinct end-of-year summary of Council's performance.

The report begins with a snapshot of Council's highlights and achievements against the 2017-2021 Council Plan Strategic Objectives and 2017/18 Annual Initiatives.

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 abides by the 2017/18 Better Practice Guide – Report of Operations produced by Local Government Victoria. 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 [5.1.1]**). These indicators are compared against the previous three years' results. Some of these indicators are also included in the Performance Statement and are audited by VAGO.

Local Government Victoria has amended some LGPRF indicators and other reporting requirements and definitions in the Local Government (Planning and Reporting) Amendment Regulations 2017. The main changes that make a difference to previous data are as follows:

- The Home and Community Services indicators have been revoked;
- The Statutory Planning indicator now provides for VicSmart and other planning application decisions; and
- The Food Services indicators now cover a calendar year, rather than a financial year.

The Local Government Act 1989 requires Council's Annual Report to be submitted to the Minister for Local Government by close of business on 30 September annually.

## **CONSULTATION**

Council departments have contributed to the information contained in the Report of Operations and the LGPRF indicators. This information has been validated by Coordinators, Managers and their Directors.

The Executive Leadership Team has reviewed the documents and provided comment on minor adjustments. These have been incorporated into the report.

The Report of Operations and the Performance Statement were presented to the Audit Committee on 10 September 2018.

## **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 of the Report of Operations and subsequent Annual Report is an annual legislative requirement. To not complete the Annual Report and not submit it to the Minister for Local Government by 30 September 2018 would be a breach of s.131 (Annual Report) of the Local Government Act 1989.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

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

1. 2017/18 Annual Report - Report of Operations **[5.1.1]**

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

Annual Budget 2017/18

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

Council Plan 2017-2021

### **Legislative Provisions**

Local Government Act 1989, s. 131, 132, 133 and 134 relating to the Annual Report  
Local Government (Planning and Reporting) 2017/18, June 2018

Local Government Better Practice Guide 2017/18 – Report of Operations, June 2018

Local Government Better Practice Guide 2017/18 – Performance Reporting  
Framework Indicator Workbook, May 2018

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## **5.2. UNAUDITED FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT 2017/18**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

The unaudited Financial Statement (**Attachment [5.2.1]**) and Performance Statement (**Attachment [5.2.2]**) for 2017/18 are presented to Council:

1. To seek 'in-principle' approval of the Statements; and
2. To seek a resolution of Council authorising the two Councillor representatives on the South Gippsland Shire Council Audit Committee to certify the Statements following audit completion.

The Financial Statement (**Attachment [5.2.1]**) and Performance Statement (**Attachment [5.2.2]**) for the 2017/18 financial year, present fairly the financial performance and position of the Council for the financial year.

It is recommended that Council approve the Statements "in principle", which will then be submitted to the Victorian Auditor-General's Office (VAGO) for further review.

### **RECOMMENDATION**

**That Council:**

1. **Approves in principle the draft Annual Financial Statement (Attachment [5.2.1]) and the draft Performance Statement (Attachment [5.2.2]) for the year ended 30 June 2018;**
2. **Authorise Councillor Lorraine Brunt and Councillor Ray Argento to certify the Financial Statements, and Performance Statement on behalf of Council, once the audit has been finalised; and**
3. **Sends the draft Annual Financial Statements and the draft Performance Statement for the year ended 30 June 2018 to the Auditor General for certification.**

**NOTE: the recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 43.**

[Link to Next Agenda Item](#)

## REPORT

Pursuant to s.133(1) of the Local Government Act 1989 (the Act), the Annual Report of Council must be submitted to the Minister of Local Government by 30 September 2018. Under s.131(2) of the Act, the audited Financial Statements and Performance Statement, including the Auditor's report on both Statements, are to form part of the Annual Report. This requires the completion and audit of the Statements by early to mid-September to allow sufficient time for their inclusion into the Annual Report.

Under s.132 (2) of the Act, Council must approve "in principle" the draft Financial Statements and Performance Statement prior to formally submitting the accounts for audit. Due to the timing constraints noted above and the requirements of the Auditor General, it is standard practice to complete audits prior to Council approving the draft Statements.

A meeting of the Audit Committee was held on 10 September 2018 which included reviewing the draft Financial and Performance Statements, the Final Management Letter and Closing Report 2017/18 with Council's auditors.

As Council's approval is only "in-principle", based on the draft Financial Statements and Performance Statement, opportunities for changes to the Statements may arise, particularly after final review by VAGO. To cover such changes, s.132(5) requires Council to appoint two Councillors to certify the Statements following any amendments that may arise after finalisation of the audit.

There is a strong correlation between the Long Term Financial Plan, the Annual Budget and the actual results in the Financial Statements. Annual budgets are set within a strategic 15 year forward financial planning framework. The actual financial performance achieved is also monitored within the context of the 15 year financial framework.

### 2017/18 The Highlights

<b>Comprehensive Income Statement (Profit &amp; Loss)</b>	<b>2016/17 \$000's</b>	<b>2017/18 \$000's</b>
Total Revenue	73,348	69,369
Total Expenses	(60,488)	(60,911)
Surplus (Deficit)	12,860	8,458
Net asset revaluation increment	-	(5,684)
Comprehensive result	12,860	2,774

<b>Balance Sheet</b>	<b>2016/17 \$000's</b>	<b>2017/18 \$000's</b>
Current Assets	31,077	35,739
Current Liabilities	11,021	10,664
Working Capital Ratio	2.82:1	3.35:1
Non-current Assets	531,934	530,017
Non-current Liabilities	5,954	6,282
Net Assets/Total Equity	546,036	548,810

<b>Statement of Changes in Equity</b>	<b>2016/17 \$000's</b>	<b>2017/18 \$000's</b>
Balance at beginning of financial year	533,176	546,036
Surplus / (deficit) for the year	12,860	8,458
Net Asset revaluation increment (decrement)	-	(5,684)
Balance at end of financial year	546,036	548,810

<b>Cash Flow Statement</b>	<b>2016/17 \$000's</b>	<b>2017/18 \$000's</b>
Net cash inflows from operating activities	25,444	17,024
Net cash outflows from investing activities	(18,532)	(21,124)
Net cash outflows from financing activities	(142)	(143)
Net increase (decrease) in cash held	6,770	(4,243)
Cash at the beginning of the year	2,931	9,701
Cash at the end of the year	9,701	5,458

### **Comprehensive Income Statement**

The Comprehensive Income Statement result is \$2.77M surplus (previous year \$12.86M). The comprehensive result for 2017/18 includes an asset revaluation decrement of \$5.68M. There was no revaluation of assets in 2016/17. Asset revaluation increments of \$7.86M in property were more than offset by declines of \$13.54M in asset valuations in infrastructure, largely within the revaluation of roads based on condition ratings used in the valuations. The decrement in revaluation of assets is offset against the asset revaluation reserve due to historical positive valuation increments.

The surplus prior to asset revaluations was \$8.45M in 2017/18 compared to \$12.86M in 2016/17. The main difference between the two periods relates to timing of receipt of Victorian Grants Commission allocations, with 2016/17 receiving the entire 2016/17 grant allocation during the year, in addition to \$4.5M (approximately 50%) of the 2017/18 grant. In 2017/18, the remaining 50% of the 2017/18 grant was received in addition to \$4.8M of the 2018/19 grant received in advance.



## **Balance Sheet**

The Balance Sheet shows an overall strengthened position, as a result of the comprehensive surplus result achieved for the financial year.

The working capital ratio of 3.35 to 1 is stronger than the previous year's ratio of 2.82 to 1, with increased financial asset holdings to fund future capital works in addition to slight decreases in current liabilities.

## **Statement of Changes in Equity**

The total changes in equity for the 2017/18 year is a \$2.77M increase, reflecting the surplus from the Comprehensive Income Statement for the financial year. The total changes in equity for the previous 2016/17 year was a \$12.86M increase.

It is important not to take the financial implications of revaluation increments out of context. Revaluations are conducted periodically to ensure that the current replacement costs of assets are reflected in the Balance Sheet. Generally speaking, these costs tend to increase rather than decrease over the years, however, they can be influenced by multiple variables in the valuation calculations such as a change to condition-based valuation. These variations typically have a material financial impact on the equity position of Council.

Any effect of the revaluation of non-current assets is ultimately reflected both in the Balance Sheet and Statement of Changes in Equity, with flow on impacts in future years' income statements through altered depreciation expenses.

## **Cash Flow Statement**

The Cash Flow Statement shows the movement of cash from operating activities (recurrent income and expenses), investing activities (payments and proceeds associated with non-current assets) and financing activities (new borrowings and repayments of principal). The cash position (\$5.4M) of the Shire has decreased relative to that of the previous year (\$9.7M) due to transfer of cash to investments (recognised as "Other Financial Assets" in the balance sheet).

## **Performance Statement**

The Performance Statement provided in (**Attachment [5.2.2]**) is in line with the required format and content. The audited Local Government Performance Reporting Framework indicators are incorporated for the fourth year. The indicators provide a comparison to the 2016/17 financial year results. These indicators will be up-loaded to the 'Know Your Council' website managed by the State Government for each Council.

The Financial Statements and the Performance Statement will be combined with the Annual Report of Operations, once the two statements have been certified.

The Performance Statement includes material variation comments for a number of the financial and non-financial indicators, particularly those that are outside the normal range established by the State Government, or where VAGO has indicated that a comment would be beneficial to assist the reader. Material variation comments are also included where a variance is + or – 5 per cent compared to 2016/17.

### **STAFF DISCLOSURE**

Nil

### **ATTACHMENTS**

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

1. Draft - 2017/18 Unaudited Financial Statements - Annual Report **[5.2.1]**
2. Draft - 2017/18 Performance Statement - Annual Report **[5.2.2]**

### **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

#### **Legislative Provisions**

Local Government (Planning and Reporting) 2017/18, June 2018

Local Government Act 1989, s. 131

Local Government Better Practice Guide 2017/18 – Performance Reporting Framework Indicator Workbook, May 2018

### **5.3. AWARD CONTRACT CON/187 SUPPLY AND INSTALLATION OF MULTI-FUNCTION DEVICES WITH ONGOING MAINTENANCE AGREEMENT**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

Council has a small fleet of multi-function devices (printers) which are at end-of-life. In accordance with Council's Procurement Policy and procedures Council is required to follow an open tender for the provision of new devices.

In response to Council's RFT/187 Supply and Installation of Multi-Function Devices with Ongoing Maintenance Agreement, six tenders were received. The tender was for a three-year contract with two one-year extension options.

As Council is likely to exercise the options, the contract exceeds the Chief Executive Officer's delegation and is therefore brought to Council for approval.

#### **RECOMMENDATION**

That Council:

1. Approves the award of contract CON/187 Supply and Installation of Multi-Function Devices with Ongoing Maintenance Agreement to Chris Humphrey Office Systems P/L for their total Device and options cost of \$82,900 excluding GST and ongoing monthly service fee for the initial 3 year contract period and 2 X 1 year extensions.
2. Authorises the Chief Executive Officer to sign and affix the Common Seal of the Municipality to the contract documents; and
3. Authorises the Chief Executive Officer to exercise the 2 X 1 year extensions of the contract.

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

**MOVED:** Cr Skinner

**SECONDED:** Cr Kiel

**THAT COUNCIL:**

- 1. APPROVES THE AWARD OF CONTRACT CON/187 SUPPLY AND INSTALLATION OF MULTI-FUNCTION DEVICES WITH ONGOING MAINTENANCE AGREEMENT TO CHRIS HUMPHREY OFFICE SYSTEMS P/L FOR THEIR TOTAL DEVICE AND OPTIONS COST OF \$82,900 EXCLUDING GST AND ONGOING APPROXIMATE MONTHLY SERVICE FEE OF \$6,392.50 FOR THE INITIAL 3 YEAR CONTRACT PERIOD AND 2 X 1 YEAR EXTENSIONS, IF AWARDED;**
- 2. AUTHORISES THE CHIEF EXECUTIVE OFFICER TO SIGN AND AFFIX THE COMMON SEAL OF THE MUNICIPALITY TO THE CONTRACT DOCUMENTS; AND**
- 3. AUTHORISES THE CHIEF EXECUTIVE OFFICER TO EXERCISE THE 2 X 1 YEAR EXTENSIONS OF THE CONTRACT, SUBJECT TO SATISFACTORY CONTRACTOR PERFORMANCE AND THIS BEING REPORTED TO COUNCIL.**

**CARRIED UNANIMOUSLY**

[Link to Next Agenda Item](#)

## REPORT

In response to Council's Request for Tender RFT/187, for the Provision of Multi-Function Devices, six tender submissions were received (**Confidential Attachment [15.3.1]** – Tender Evaluation Summary – RFT/187 Supply and Installation of Multi-Function Devices with Ongoing Maintenance).

Each tender received provided pricing and documented compliance against a range of capability requirements including scanning and fold/insert capability.

The best value for money submission in terms of capability, flexibility, service level requirements, and overall price was that provided by Chris Humphrey for the supply of Canon devices.

This has the additional bonus that Council's existing fleet is provided by this supplier which will minimise the impact of change-over as staff training will not be required and the supplier is already familiar with Council's environment.

## CONSULTATION

Tender specifications were developed in consultation with users.

RFT/187 Supply of Multi-Function Devices was advertised on 14 July 2018 and closed on 7 August 2018.

The tenders were assessed in accordance with the criteria specified in the contract documentation by an evaluation panel. The evaluation panel comprised the Manager Innovation & Council Business, the Information Services Coordinator, the Senior System Administrator, the IT Service Desk Officer and the Procurement Officer.

The tender documentation noted that the contract would be awarded to the highest scored bid.

A summary of the Tender Evaluation has been included in (**Confidential Attachment [15.3.1]** – Tender Evaluation Summary – RFT/187 Supply and Installation of Multi-Function Devices with Ongoing Maintenance).

## RESOURCES

The supply of Multi-Function Devices is accommodated within the existing IT budget.

## RISKS

Council's existing contract has been fully optioned and the fleet is at the end of its life; as a result the devices are starting to fail and require replacement.

Only one device would be impacted by the proposed Shared Services initiative. In addition, given that Shared Services may take several years to be implemented, it is considered this contract provides value for money.

#### **STAFF DISCLOSURE**

Nil

#### **CONFIDENTIAL ATTACHMENTS**

**Confidential Attachment [15.3.1]** – Tender Evaluation Summary - RFT/187 Supply and Installation of Multi-Function Devices with Ongoing Maintenance – has been provided in accordance with s.77(2)(c) of the Local Government Act 1989. The Chief Executive Officer designates this item as confidential information on the grounds that it relates to s.89(2)(d) - contractual matters.

This item is deemed confidential to protect the privacy of the contractors, tender scores and tendered amounts submitted for consideration.

#### **REFERENCE DOCUMENTS**

##### **Council Policy**

*Documents are available on Council's website:* [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)  
Procurement Policy (December 2015)

##### **Legislative Provisions**

Local Government Act 1989

**6. OTHER COUNCIL REPORTS**

**6.1. NIL**

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

**7.1. NIL**

## **8. PROCEDURAL REPORTS**

### **8.1. FINANCIAL PERFORMANCE REPORT JULY TO AUGUST 2018**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

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

- Operating result: \$34.32M surplus which is \$3.11M favourable when compared with the year-to-date budget projection of a \$31.21M surplus;
- Capital works: \$1.50M expenditure which is \$8.94M behind a year-to-date budget of \$10.44M;
- Cash assets: Projected 30 June \$18.86M, against the Original budget of \$20.02M;
- Underlying working capital ratio: Projected 30 June 1.46 to 1.00 against the Original budget of budget 1.32 to 1.00; and
- The projected financial outcome for 2018/19 is a \$1.39M surplus. This is \$0.58 unfavourable compared to the originally budgeted surplus of \$1.44M.

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

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

#### **RECOMMENDATION**

**That Council receive and notes the Financial Performance Report July to August 2018 (Attachment [8.1.1]).**

**MOVED:** Cr Hill

**SECONDED:** Cr Rich

**THAT THE RECOMMENDATIONS IN ITEMS 8.1, 8.2 AND 8.3 BE ADOPTED.**

**CARRIED UNANIMOUSLY**

[Link to Next Agenda Item](#)



## REPORT

Council each year sets an Annual Budget within the framework of a 15 year Long Term Financial Plan. Guidance is provided by the Long Term Financial Strategies when developing annual and longer term budgets. The financial integrity of the budgeted financial statements in the annual and forward budgets can be assessed by reference to financial performance indicators.

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

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

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

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

The reporting timelines include:

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

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

## Discussion

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

- Executive Summary - This section provides a high level overview of Budget and Actual Operating performance and Capital Work expenditure;
- Financial Statements as at 31 August 2018 - This section lists the three major financial statements: Income Statement, Balance Sheet and Cash Flow Statement;
- Major Variation Explanations - Material variation comments between year-to-date actual results and year-to-date budgeted results. Major variations are selected based on being greater than \$20,000 and 5 per cent between the actual result and year-to-date budget at a Cost Centre level;
- Annual Year-to-Date Financial Analysis - This section analyses the implications of the year-to-date performance and the projected outcome for the financial year end; and
- Long Term Financial Plan analysis - This section benchmarks and strategically analyses the financial impact of the projected financial results for the year against the adopted Annual Budget, Long Term Financial Plan and the Long Term Financial Strategies key performance indicators.

## RISKS

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

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

## STAFF DISCLOSURE

Nil

## ATTACHMENTS

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

1. Financial Quarterly Report August 2018 **[8.1.1]**

**REFERENCE DOCUMENTS**

**Council Policy**

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

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

**Legislative Provisions**

Local Government Act 1989

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

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

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

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

### **RECOMMENDATION**

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

**NOTE: the recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 56.**

[Link to Next Agenda Item](#)

## REPORT

Meeting Title	Details
<b>Wednesday 25 July 2018</b>	
<b>New Policy: CEO Appointment and Remuneration Policy (C71)</b>	<p><b>Councillors Attending:</b> Councillors Kiel, McEwen, Argento, Brown, Brunt, Skinner, Rich and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillors considered New Policy: CEO Appointment and Remuneration Policy (C71) in anticipation of managing the Chief Executive Officer's end of contract.</p>
<b>Ordinary Council Agenda Topics Discussion 25 July 2018</b>	<p><b>Councillors Attending:</b> Councillors Kiel, McEwen, Argento, Brown, Brunt, Skinner, Rich and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillors considered and asked questions relating to Agenda items for the Ordinary Meeting 25 July 2018.</p>
<b>Public Presentations  Open Session – 10am</b>	<p><b>Councillors Attending:</b> Councillors Kiel, McEwen, Argento, Brown, Brunt, Skinner, Rich and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<p><b>A Presentation was made to Council by the following community members:</b></p> <p><b>Paul Hamlett</b>, regarding Council Agenda Item 2.1. PLANNING SCHEME AMENDMENT C90 - HOUSING AND SETTLEMENT - SUBMISSIONS CONSIDERATION AND PLANNING PANEL REFERRAL.</p> <p><b>Robert Mestrom</b>, representing Motorcycling Victoria regarding Council Agenda Item 2.2. PLANNING APPLICATION - USE LAND FOR MOTOR RACING TRACK (EVENTS) - 85 MERRICKS TRACK.</p> <p><b>Darrell Van Den Borne</b>, representing Leongatha Motorcycle Club regarding Council Agenda Item 2.2. PLANNING APPLICATION - USE LAND FOR MOTOR RACING TRACK (EVENTS) - 85 MERRICKS TRACK.</p> <p><b>Nigel Sherlock</b>, Local Resident regarding Council Agenda Item 2.2. PLANNING APPLICATION - USE LAND FOR MOTOR RACING TRACK (EVENTS) - 85 MERRICKS TRACK (objecting to application).</p> <p><b>Paul Norton</b>, regarding Council Agenda Item 2.2. PLANNING APPLICATION - USE LAND FOR MOTOR RACING TRACK (EVENTS) - 85 MERRICKS TRACK.</p> <p><b>Rodger Harvey</b>, Lead Petitioner regarding Council Agenda Item 2.3 PETITION RESPONSE: BEACH REPLENISHMENT AT PORT WELSHPOOL.</p>	

Meeting Title	Details
<b>Wednesday 25 July 2018</b>	
<b>West Gippsland Regional Library Corporation Update</b>	<p><b>Councillors Attending:</b> Councillors Argento, Kiel, McEwen, Edwards, Brunt, Skinner, Brown and Rich.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillors considered an update of operations from the West Gippsland Regional Library Corporation.</p>
<b>Ordinary Council Agenda Topics Discussion 25 July 2018</b>	<p><b>Councillors Attending:</b> Councillors Argento, Kiel, McEwen, Rich, Skinner, Edwards, Hill, Brown and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillors considered and asked questions relating to Agenda items for the Ordinary Meeting 25 July 2018.</p>
<b>Friday 27 July 2018</b>	
<b>Mount Best Hall – Community Meeting</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Rich, Skinner and Argento.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Planning and application provisions in Mount Best.</p>
<b>Tuesday 31 July 2018</b>	
<b>Australia Day Advisory Committee</b>	<p><b>Councillors Attending:</b> Councillors Kiel and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Australia Day Awards – Youth Nomination</li> </ul>

Meeting Title	Details
<b>Wednesday 1 August 2018</b>	
<b>VicForests Update</b>	<p><b>Councillors Attending:</b> Councillors Kiel, Skinner, Argento, Edwards, Brown, Brunt, McEwen, Rich and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillors considered an update on the activities of VicForests.</p>
<b>Arts Culture and Creative Industry Strategy 2017 – 2021 – Progress Update</b>	<p><b>Councillors Attending:</b> Councillors Kiel, Skinner, Argento, Edwards, Brown, Brunt, McEwen, Rich and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillors considered the wide range of new arts and cultural activities that have been initiated since the Arts Culture and Creative Industry Strategy 2017-2021 was adopted.</p>
<b>Great Southern Rail Trail (GSRT) Extension Project Update</b>	<p><b>Councillors Attending:</b> Councillors Skinner, Kiel, Hill, Brunt, Brown, Edwards, Rich and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillors considered an update on the status of each component of the Great Southern Rail Trail Extension Project 2018/19 Priority Project:</p> <ul style="list-style-type: none"> <li>• Welshpool to Alberton (Wellington Shire Council)</li> <li>• Leongatha to Korumburra</li> <li>• Korumburra to Nyora and beyond.</li> </ul>
<b>Executive Update</b>	<p><b>Councillors Attending:</b> Councillors Skinner, Kiel, Hill, Brunt, Brown, Edwards, Rich and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Korumburra Hub project</li> <li>• Aged and Disability Services Review Update</li> <li>• Gippsland Shared Services</li> <li>• Staff turnover</li> <li>• Ordinary Meeting Agenda Topics 22 August 2018</li> <li>• Priority Projects</li> </ul>

Meeting Title	Details
<b>Wednesday 1 August 2018</b>	
<b>Economic Development and Tourism Steering Briefing</b>	<p><b>Councillors Attending:</b> Councillors Argento, Skinner, Kiel, Hill, Brunt, Brown, Edwards, Rich and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Victorian Auditor General's Office (VAGO) Report on Local Government and Economic Development.</li> <li>• South Gippsland Shire Council Draft Advocacy Framework.</li> <li>• South East Australian Transport Strategy (SEATS) Priority Projects.</li> </ul>
<b>Planning Briefing</b>	<p><b>Councillors Attending:</b> Councillors Argento, Skinner, Kiel, Hill, Brunt, Brown, Edwards, Rich and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Strategic Planning Project list</li> <li>• Planning Applications of interest</li> <li>• Decisions for June 2018</li> <li>• VCAT decisions</li> </ul>
<b>Wednesday 8 August 2018</b>	
<b>Coal Creek - Business Functions</b>	<p><b>Councillors Attending:</b> Councillors Argento, McEwen, Skinner, Kiel, Brunt, Hill, Brown and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillors considered the business functions of Coal Creek as a museum, business and tourist attraction.</p>



Meeting Title	Details
<b>Wednesday 8 August 2018</b>	
<b>Executive Update</b>	<p><b>Councillors Attending:</b> Councillors Argento, McEwen, Skinner, Kiel, Brunt, Hill, Brown and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Agenda Item 4.4 Loan Application – Mirboo North Pool Refurbishment – 2018/19 Community Sports Infrastructure Loans Scheme</li> <li>• Letter of Support to Greater Dandenong City Council - Status Resolution Support Services (SRSS) for People Seeking Asylum</li> <li>• Aged and Disability Services Review Update</li> <li>• Hard waste collection</li> <li>• Councillor email communication</li> <li>• Vietnam Veterans event</li> <li>• Korumburra Supermarket Development Project Update</li> </ul>
<b>Councillor Strategic Discussions</b>	<p><b>Councillors Attending:</b> Councillors Argento, McEwen, Skinner, Kiel, Brunt, Hill, Brown and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Council Plan and community feedback.</li> </ul>
<b>Wednesday 15 August 2018</b>	
<b>Ordinary Council Agenda Topics Discussion 22 August 2018</b>	<p><b>Councillors Attending:</b> Councillors Kiel, McEwen, Argento, Edwards, Rich, Brown and Brunt.</p> <p><b>Conflict of Interest:</b> Chief Executive Officer declared a direct conflict of interest on Agenda Item 5.2 NEW POLICY C71 CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY as it relates to his employment and performance management. The matter was not discussed in this session.</p> <p><b>Matters Considered:</b> Councillors considered and asked questions relating to Agenda items for the Ordinary Meeting 22 August 2018.</p>

Meeting Title	Details
<b>Wednesday 15 August 2018</b>	
<b>Executive Update</b>	<p><b>Councillors Attending:</b> Councillors Kiel, McEwen, Argento, Edwards, Rich, Brown, Brunt and Skinner.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Funding announcement</li> <li>• Korumburra Supermarket Development</li> <li>• Equestrian/Expo Centre Business Case Study update</li> </ul>
<b>New Policy: CEO Appointment and Remuneration Policy (C71)</b>	<p><b>Councillors Attending:</b> Councillors Brown, Kiel, McEwen, Argento, Brunt, Skinner, Rich and Edwards.</p> <p><b>Conflict of Interest:</b> The Chief Executive Officer did not attend the session as he has a declared direct conflict of interest on Agenda Item 5.2 NEW POLICY C71 CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY as it relates to his employment and performance management.</p> <p><b>Matters Considered:</b> Councillors considered New Policy: CEO Appointment and Remuneration Policy (C71) in anticipation of managing the Chief Executive Officer's end of contract.</p>
<b>Wednesday 15 August 2018</b>	
<p><b>Community Strengthening Activities Update – Monthly Meetings</b></p> <p><b>Open Session</b></p>	<p><b>Councillors Attending:</b> Councillors Brown, McEwen, Skinner, Edwards, Brunt, Hill, Argento, Kiel and Rich.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillors considered an update of current key community strengthening activities.</p>
<b>Public Presentation Session</b>	<b>Nil Presentations booked by the community.</b>

Meeting Title	Details
<b>Wednesday 15 August 2018</b>	
<b>Planning Process 2018/19 Council Plan and Annual Initiatives including Corporate Timetable 2018/19</b>	<p><b>Councillors Attending:</b> Councillors Brown, Kiel, McEwen, Argento, Brunt, Skinner, Rich and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillors considered the timetable for the annual review of the 2017-2021 Council Plan – revised June 2018 and development of the 2019/20 Annual Initiatives.</p>
<b>Thursday 16 August 2018</b>	
<b>Access and Inclusion Advisory Committee (AIAC)</b>	<p><b>Councillors Attending:</b> Councillor Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Issue: Pedestrian Traffic lights in McCartin Street</li> <li>• Terms of Reference – plain English</li> <li>• Professional Development session</li> <li>• AIAC 2018 meetings calendar</li> </ul>

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

Public Participation in Meetings with Council Policy (C65)

**Legislative Provisions**

Local Government Act 1989

**8.3. DOCUMENTS SEALED AWARDED OR EXTENDED BY CEO 21 JULY 2018 TO 24 AUGUST 2018**

Corporate and Community Services Directorate

**EXECUTIVE SUMMARY**

This document reports to Council the following actions undertaken by the Chief Executive Officer (CEO) which occurred during the period from 21 July to 24 August 2018, as required by the Council's Instrument of Delegation to the Chief Executive Officer and Procurement Policy:

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

**RECOMMENDATION**

**That Council receive and note this report.**

**NOTE: the recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 56.**

[Link to Next Agenda Item](#)

## REPORT

### Documents Sealed

Under the Local Government Act 1989 (the Act), each Council is a body corporate and a legal entity in its own right. Each Council must have a common seal that is an official sanction of that Council.

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

Local law No. 3 2010, Part 9, Section 107 (f) (iv) – the Common Seal of Council, states that ‘If the Chief Executive uses the Common Seal in a manner prescribed by sub-clause (c) then he/she must advise Council of such use on a regular basis.’ Council’s Instrument of Delegation to the CEO also delegates to the CEO the power to ‘use the Common Seal of Council subject to that use being reported to Council’.

In accordance with the Local Law and Instrument of Delegation, the following are presented to Council as documents sealed during the period from 21 July to 24 August 2018:

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 2-4 Lynch Road, Venus Bay in relation to the development of land with a replacement dwelling – Seal Applied 26 July 2018.
2. Section 173 Agreement between South Gippsland Shire Council and Matradar Holdings P/L in relation to subdivision of land Summers Court, Toora – Seal Applied 27 July 2018.
3. Section 173 Agreement between South Gippsland Shire Council and the owners of 85B Victoria Street, Toora in relations to completion of infrastructure for an old 14 lot subdivision – Seal Applied 1 August 2018.
4. Section 173 Agreement between South Gippsland Shire Council and the owner of 7 Wattle Court, Sandy Point in relation to extension to existing dwelling – Seal Applied 1 August 2018.
5. Section 173 Agreement between South Gippsland Shire Council and the owner of 17 School Road, Tarwin Lower in relation to develop land with dwelling, an outbuilding and native vegetation removal – Seal Applied 1 August 2018.

6. Section 173 Agreement between South Gippsland Shire Council and the owner of 813 Lees Road, Venus Bay in relation to use and develop land with single dwelling – Seal Applied 1 August 2018.
7. Section 173 Agreement between South Gippsland Shire Council and the owner of 44 Jupiter Boulevard, Venus Bay in relation to develop land with single dwelling and remove native vegetation – Seal Applied 1 August 2018.
8. Section 173 Agreement between South Gippsland Shire Council and the owner of 26 Landscape Drive, Venus Bay in relation to develop land with single dwelling – Seal Applied 1 August 2018.
9. Section 173 Agreement between South Gippsland Shire Council and the owner of 13 Foster Road, Toora in relation to a two lot subdivision – Seal Applied 1 August 2018.
10. Section 173 Agreement between South Gippsland Shire Council and the owner of 4 Smith Street, Port Welshpool in relation to the development of land with dwelling and outbuilding (garage) – Seal Applied 17 August 2018.
11. Section 173 Agreement between South Gippsland Shire Council and the owner of 19 Louis Road, Venus Bay in relation to development of land for a dwelling and the removal of native vegetation – Seal Applied 17 August 2018.
12. Section 173 Agreement between South Gippsland Shire Council and the owner of 38 Townsend Street, Port Welshpool regarding the development of a single dwelling – Seal Applied 24 August 2018.
13. Under section 98(1) of the *Local Government Act 1989*, Instrument Of Delegation Council to Members of Staff – Seal Applied 25 July 2018.
14. Under section 98(1) of the *Local Government Act 1989*, S6 Instrument of Delegation – Members of Staff – Seal Applied 22 August 2018.
15. Under section 147(4) of the *Planning and Environment Act 1987*, Instrument of Appointment and Authorisation to the following officers – Seal Applied 22 August 2018:
  - a. Bryan Sword
  - b. Paul Stampton
  - c. Ken Griffiths

- d. Chantal Lenthall
- e. Sophie Gibson
- f. Vera Fordyce
- g. Skye Radcliffe-Scott
- h. Lyndal Peterson
- i. David Symon
- j. Tanya Cooper
- k. Michelle Keen
- l. Timothy Berger
- m. Lauren McDermott
- n. Siobhan Matthews
- o. Kristy Crawford
- p. Laurie Brentnall
- q. Carla Witherow
- r. Jamie Thorley
- s. Fraser Orr
- t. Leanne Edwards
- u. Jennifer Fallu
- v. Luke Mullen
- w. Andrea Wrigley
- x. Chris Rankin

16. Service Provider Agreement between South Gippsland Shire Council and The Uniting Church in Australia Property Trust (Victoria) on behalf of Uniting Age Well for the provision of home services – Seal Applied 14 August 2018.

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

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

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

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

The following contracts were awarded during the period 21 July to 24 August 2018 under the CEO's financial delegation of \$250,000 (inclusive of GST) following a public tender.

Nil

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

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

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

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 21 July to 24 August 2018:

1. SGC13/08 – Provision of Kerbside Garbage and Recycling Collection Services with Transpacific Cleanaway Pty Ltd. Variation to approve the per tonne pricing increase of materials which resulted in \$44,640 for the March to June period of FY17/18. This is estimated to result in an increase of \$175,776 for the FY18/19 after which there is a final seven months of the contract which will also be subject to the amended per tonne rates.

**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 21 July to 24 August 2018:

Nil

**STAFF DISCLOSURE**

Nil

**REFERENCE DOCUMENTS**

**Council Policy**

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

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

Procurement Policy, 28 June 2017

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

**Legislative Provisions**

Local Government Act 1989, ss.5 and 186

## 9. COUNCILLOR REPORTS

### 9.1. REQUESTS FOR LEAVE OF ABSENCE

Nil

### 9.2. COUNCILLOR UPDATES

#### Cr Argento

Cr Argento addressed Council by reporting on a funding announcement made by Harriet Shing MP for the Stage 2 development of the Toora Swimming Pool, car park and splash pool.

#### Cr Skinner

Cr Skinner addressed Council by reporting on her attendance at:

- Annual General Meeting (AGM) for the Australian Coastal Council Association.
- AGM Stockyard Gallery Foster (Section 86 Committee).
- West Gippsland Regional Library Corporation Board meeting as the Council Library representative.

#### Cr Edwards

Cr Edwards addressed Council by reporting on her attendance at:

- Municipal Association Victoria (MAV) Tech forum in Melbourne.
- Gippsland Local Government Network (GLGN) meeting.
- Cranlana Gippsland, study of philosophy, economic and cultural texts.
- Prom Country Regional Tourism (PCRT) meeting.
- Book launch at Coal Creek.

Cr Edwards congratulated the Gippsland Business Award finalists.

Cr Edwards addressed Council by declaring that she has an indirect conflict of interest by conflict of duty in Agenda Item 3.2 PUBLIC TRANSPORT CONSULTATION IMPROVEMENTS as the motion is for advocacy to State Candidates and MPs and she will be running for State Election. Cr Edwards further noted that she did not attend this item when it was considered in the Council Meeting.

Cr Edwards also noted that she will be placing a 'Request Leave of Absence' at the next Ordinary Council Meeting 24 October 2018.

**Cr Brunt**

Cr Brunt addressed Council by commenting on the funding announcement of the Toora Swimming Pool and the Korumburra Recreation Reserve.

Cr Brunt addressed Council by reporting on her attendance at:

- Opening of the Burra Brewing Co in Korumburra.
- Historical Society event.

**Cr Kiel**

Cr Kiel addressed Council by announcing and tendering her resignation as Councillor, effective as at the close of this Ordinary Council Meeting.

**The Mayor adjourned the Council Meeting for 10 minutes at 3.28pm to acknowledge Councillor Kiel's resignation.**

**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.

**Councillor Andrew McEwen presented a petition to Council (the prayer outlined below) on behalf of lead petitioner Nicole Sage. The petition contains 25 signatures from residents mostly within the Shire.**

That council commits to improving standard of local gravel roads by:

1. Improve their performance and compliance with the Shire's own standards as outline in the "Gravel Road Maintenance Operation Procedure" in the shire.
2. To support the Council Plan's service level review of gravel roads and roadside maintenance, test assumptions and report the findings to Council with the review to include:
  - a. Investigate how levels of service can be improved on unsealed roads.
3. To allocate sufficient funds in 2019-20 for an additional cycle of gravel road maintenance that has proven in the past to reduce current road maintenance requests by 80%+.
4. To reduce the customer dissatisfaction for local gravel roads from the current 55% to 30% in the condition of gravel roads in the Shire in the next two years.

### RECOMMENDATIONS

That Council:

1. Receives and notes the petition; and
2. Lay the petition on the table until the matter is considered at the Ordinary Meeting of Council 24 October 2018.

**MOVED:** Cr McEwen

**SECONDED:** Cr Edwards

**RECOMMENDATIONS**

**THAT COUNCIL:**

- 1. RECEIVES AND NOTES THE PETITION; AND**
- 2. LAY THE PETITION ON THE TABLE UNTIL THE MATTER IS CONSIDERED AT THE ORDINARY MEETING OF COUNCIL 24 OCTOBER 2018.**

**CARRIED UNANIMOUSLY**

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

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

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

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

**Nil**

### 11.3. SUBMITTED PUBLIC QUESTIONS

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

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

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

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

#### **Question 1**

**Accepting that CEO is responsible for Council staff at SGSC. Did SGSC have a Director and or a Council Officer to enact Councils Occupational Health and Safety Act 2014. As of the date of 30 November 2016 and also whom were those officer names.**

#### **Question 2**

**Whom is the Director and or Council Officers whom is responsible for enacting Council's OH&S policy at this time and date 26 September 2018.**

#### **Response to Question 1 and 2**

It is correct that the Chief Executive Offer, as the employer is the prime person in respect of ensuring compliance as set out in the Occupational Health & Safety Act 2004.

In respect of whom is the Director and or Council Officers whom is responsible, every employee is responsible and refer to section 25 of the Act:

Duties of employees,

- (1) While at work, an employee must—
  - (a) take reasonable care for his or her own health and safety; and



(b) take reasonable care for the health and safety of persons who may be affected by the employee's acts or omissions at a workplace;  
and

(c) co-operate with his or her employer with respect to any action taken by the employer to comply with a requirement imposed by or under this Act or the regulations

## **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.

That Council close the meeting to the public to allow for consideration of Closed item 14.1 PERSONNEL MATTER pursuant to section 89(2)(a) – personnel matter of the Local Government Act 1989.

**MOVED:** Cr Kiel

**SECONDED:** Cr Edwards

**THAT COUNCIL CLOSE THE MEETING TO THE PUBLIC TO ALLOW FOR CONSIDERATION OF CLOSED ITEM 14.1 PERSONNEL MATTER PURSUANT TO SECTION 89(2)(A) – PERSONNEL MATTER OF THE LOCAL GOVERNMENT ACT 1989.**

**CARRIED UNANIMOUSLY**

**CLOSED ITEM 14.1 PERSONNEL MATTER**

**The following resolutions Council resolved to make public.**

**14.1. PERSONNEL MATTER**

**THAT COUNCIL:**

- 1. RECEIVES AND CONSIDERS THE INVESTIGATION REPORT (CONFIDENTIAL ATTACHMENT [14.1.1]);**
- 2. RECEIVES, ADOPTS AND ABIDES BY THE RISK ASSESSMENT AND CONTROL MEASURES (CONFIDENTIAL ATTACHMENT [14.1.2]);**
- 3. NOTES THAT COSTS INCURRED BY COUNCIL IN RELATION TO THIS MATTER TOTAL APPROXIMATELY \$69,000. THESE COSTS DO NOT INCLUDE LOST PRODUCTIVITY COSTS ASSOCIATED WITH THE SIGNIFICANT HOURS IN SENIOR OFFICER ADMINISTRATION TIME, STAFF AND COUNCILLOR INTERVIEW TIME;**
- 6. MAKE COUNCIL'S RESOLUTION PUBLIC, EXCLUDING ITEMS 4 AND 5, WHICH REMAIN CONFIDENTIAL;**
- 7. REVIEW THE CONFIDENTIALITY OF ITEM 4 AT THE ORDINARY MEETING OF COUNCIL 24 OCTOBER 2018; AND**
- 8. MAKE THE RISK ASSESSMENT AND CONTROL MEASURES (CONFIDENTIAL ATTACHMENT [14.1.2]) PUBLIC WITH THE ORDINARY MEETING OF COUNCIL MINUTES FOR 26 SEPTEMBER 2018.**

## **13. MEETING CLOSED**

### **NEXT MEETING**

The next Ordinary Meeting of Council open to the public will be held on Wednesday, 24 October 2018 commencing at 2pm in the Council Chambers, Leongatha.

**CEO Note: As a result of Councillor Maxine Kiel's resignation, effective as at the close of this Ordinary Council Meeting, an extraordinary vacancy now exists for Tarwin Valley Ward.**

**The Meeting Closed at 5.03pm.**

**Confirmed this**

**24<sup>th</sup> day of October 2018.**

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**Mayor, Councillor Lorraine Brunt**