

SOUTH GIPPSLAND SHIRE COUNCIL

Special Meeting of Council

Council receives, considers and determines S223 submissions to the Proposed Annual Budget 2019/20 including Annual Initiatives and the Proposed Rating Strategy 2019-2022, pursuant to section 223 of the Local Government Act 1989

29 May 2019
RSL Leongatha
Commencing at 11.00am



agenda



*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.

Council undertakes audio recordings of Council Meetings as a contribution to good governance and accuracy of minutes. An audio recording of this meeting is being made for the purpose of verifying the accuracy of minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, and subpoena or by any other law such as the Freedom of Information Act 1982. It should be noted that other people present at the meeting may be recording the meeting and Council has limited power to regulate this. Council has developed a policy to regulate recordings, "*Sound Recording of Council Meetings*".

A copy of this policy is located on Council's website www.southgippsland.vic.gov.au.

SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that the Special Meeting of Council of the South Gippsland Shire Council which will be held on 29 May 2019 in the RSL, Leongatha commencing at 11.00am

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Tim Tamlin
Chief Executive Officer

1. PRELIMINARY MATTERS

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. REQUESTS FOR LEAVE OF ABSENCE

1.6. APOLOGIES

1.7. DECLARATION OF CONFLICT 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.

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*.

1.8. DECLARATION OF CONFLICT 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*.

2. COUNCIL REPORTS

2.1. PROPOSED 2019-2022 RATING STRATEGY, PROPOSED 2019/20 ANNUAL BUDGET AND REVISED 2017-2021 COUNCIL PLAN - S223 SUBMISSIONS

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

At the Special Meeting of Council 20 March 2019, Council endorsed the Proposed 2019-2022 Rating Strategy (Proposed Rating Strategy), the Proposed 2019/20 Annual Budget (Proposed Budget) and the Revised Council Plan 2017-2021 (Revised Council Plan). Council resolved to invite formal submissions from the public under s.223 of the Local Government Act 1989 (Act) on these three strategic documents.

Council received seven written submissions for the Proposed Rating Strategy, 19 written submissions for the Proposed Budget, and six written submissions for the Revised Council Plan by the closing date of 26 April 2019. Two petitions were received after the closing date in support of two submissions received within the timeframe. The two submitters have asked for Council to consider the petitions as part of their submissions. It is proposed that Council receive, consider and determine these petitions together with the two submissions, rather than lay them on the table to be dealt with at a later time. Local Law No.3 2010 clause 102(b) allows for Council to agree to deal with a petition earlier.

Eighteen people indicated that they wanted to speak to their submissions. Two Hearing Meetings were held on 22 May 2019. The 10.45am Hearing Meeting was for the Proposed Budget and Revised Council Plan and 11 of 13 submitters spoke to their submissions. The 2.15pm Hearing Meeting was for the Proposed Rating Strategy and three of five submitters spoke to their submissions. A number of apologies were received from submitters who had previously requested to speak who were unavailable to speak to their submissions at the Hearing Meetings.

Following the Hearing Meetings, Council discussed the submissions and provided comments on all submissions at a Briefing Session on 22 May 2019.

The submissions have been reviewed and a response developed for each one for Council's final consideration and determination.

To assist the administration of the Motions, it is recommended that the Chair determine that each submission be voted on individually (in parts) as per c.61 in Local Law No.3 2010.

RECOMMENDATION

That Council:

1. **Receives the petition delivered on 27 April 2019, after the submission closing date, from Shirley Cowling in support of her Proposed Budget submission (Confidential Attachment [2.1.3] – Petition - Jumbunna Public Hall Committee – 27 April 2019);**
2. **Receives the petition delivered to Council on 6 May 2019, after the submission closing date, from John McCombe, in support of his Proposed Council Plan submission (Confidential Attachment [2.1.4] – Petition – Rate Reduction Strategy);**
3. **Considers and determines Shirley Cowling’s (Confidential Attachment [2.1.3]) and John McCombe’s (Confidential Attachment [2.1.4]) petitions together with their submissions in this meeting;**
4. **Receives, considers and determines the seven submissions and responses contained in Attachment [2.1.1] to the Proposed Rating Strategy 2019-2022, as follows:**
 - a. **Submission 1 (RS01) from Barry Gilbert re: Reduce the Rural Vacant Land rate from 190% to 140%;**
 - i. **That no changes be made to the Proposed Rating Strategy / Proposed Annual Budget and the review of the Rating Strategy.**
OR
 - ii. **Reduce the Rural Vacant Land rate from 190% to 140%.**
 - b. **Submission 2 (RS02) from Noelene Cosson (Korumburra Business Association) re: Support Business and Industrial rate but reasoning behind Extractive Industrial and Infrastructure and Utilities rate;**
 - i. **That no changes be made to the Proposed Rating Strategy / Proposed Annual Budget.**
OR
 - ii. **Removes the Extractive Industries and Infrastructure category(s) from the Proposed Rating Strategy.**
 - c. **Submission 3 (RS03) from Marie Gerrard-Staton (Rate Challengers a Community South Gippsland Group) re: Five main questions for the Rating Strategy 2019 – 2022;**

5. **Receives, considers and determines the 19 submissions and responses (reasons) contained in Attachment [2.1.2] to the Proposed 2019/20 Annual Budget:**
- a. **Submission 1 (AB01) Steven Rath re: Fortnightly rubbish collection – Proposed 2019/20 Annual Budget;**
 - i. **That no changes to the Proposed Annual Budget / Revised Council Plan be made; AND**
 - ii. **This proposal can be considered in the next review of the Kerb-side Waste and Recycling Contract in 2021.**
 - b. **Submission 2 (AB02) Geoff Treloar re: Jones Street, Foster Drainage / Kerb & Channel – Proposed Annual Budget 2019/20;**
 - i. **That no changes to the Proposed Annual Budget / Revised Council Plan be made; AND**
 - ii. **Refers the Jones Street, Foster Drainage / Kerb & Channel proposal to be considered against other priorities in the ‘Roads to Recovery’ grant funding program.**
 - c. **Submission 3 (AB03) from Charles Price re: Objection to the Bair Street Redevelopment Upgrade / Precinct – Proposed 2019/20 Annual Budget;**
 - i. **Determines that as this project is a Council ‘Priority Project’ and includes \$4.2M in grants funding, that no changes to the Proposed Annual Budget / Revised Council Plan be made.**
 - d. **Submission 4 (AB04) from Pee Wee Lewis (Korumburra Round Table) re: Support for the Korumburra Community Hub, Revitalisation Project, the Recreation Reserve, Skate Park, and the Jumbunna Road shared path to the Korumburra Secondary College. – Proposed 2019/20 Annual Budget;**
 - i. **That no changes to the Proposed Annual Budget / Revised Council Plan be made, as these projects are all progressing.**
 - e. **Submission 5 (AB05) from Don Atkins re: Sealing of Walkerville Road (last 3km) and Car Park – Proposed 2019/20 Annual Budget;**
 - i. **That no changes to the Proposed Annual Budget / Revised Council Plan be made; AND**

- ii. Refers the sealing of Walkerville South Road and car park to be considered against other priorities in the review of the 'Gravel to Sealed Roads' program and 'Roads to Recovery' grant funding program.

- f. Submission 6 (AB06) from Dr Moragh MacKay (Energy Innovative Co-operative Limited) re: South Gippsland Shire Council and Energy Innovation Cooperative Limited Partnership Proposal – Proposed 2019/20 Annual Budget;
 - i. That no changes to the Proposed Revised Council Plan be made; **AND**
 - ii. Prepares a new category with associated guidelines for Community Sustainability Projects to be funded through the Community Grants Program.

- g. Submission 7 (AB07) from Sharon Turton re: Sealing Clancys Road, Korumburra and Gravel to Seal Program Funding – Proposed 2019/20 Annual Budget;
 - i. That no changes to the Proposed Annual Budget / Revised Council Plan be made; **AND**
 - ii. Advocates to State Government for a reduction in the speed zones for gravel roads to 80km/h; **AND**
 - iii. Refers the sealing of sealing of Clancy's Road to be considered against other priorities in the review of the 'Gravel to Sealed Roads' program and the 'Roads to Recovery' grant funding program.

- h. Submission 8 (AB08) from Noelene Cosson (Korumburra Business Association) re: Korumburra Industrial Estate to Commercial Street Footpath Extension and Skip Walking Track at Coal Creek – Proposed 2019/20 Annual Budget;
 - i. That no changes to the Proposed Annual Budget / Revised Council Plan be made; **AND**
 - ii. Acknowledges Korumburra Industrial Estate is currently Project 30, in the 'Footpath Extension' program; **AND**
 - iii. Skip Walking Track at Coal Creek is included in the 'Paths and Trails Strategy' and is currently unfunded.

- i. Submission 9 (AB09) from Ross Garner re: Various provisions in grant funding and a program (grant in aid) for community creative arts and culture in South Gippsland;**

 - i. That the submission has been considered but is not supported, resulting in no changes to the Proposed Annual Budget / Revised Council Plan.**

- j. Submission 10 (AB10) from Craig Kenny and Anne Lewis re: Various requests to be considered in their submission – Proposed 2019/20 Annual Budget.**

 - i. That Council considers the submitters suggestions in the opportunities for community engagement for the development of the 2020/21 Annual Budget; AND**
 - ii. Considers the requirements for greater control over weeds management in the proposed review of Local Law No1, by 30 June 2020; AND**
 - iii. That no changes to the Proposed Annual Budget / Revised Council Plan be made.**

- k. Submission 11 (AB11) from Ted Landy (South Walkerville Action Group) re: Objection to the Sealing of Walkerville South Road – Proposed 2019/20 Annual Budget;**

 - i. That no changes to the Proposed Annual Budget / Revised Council Plan be made; AND**
 - ii. Notes Council’s resolution in regard to Don Atkins submission (AB05) in 5(e), as this resolution is applicable to this submission.**

- l. Submission 12 (AB12) from Clive Hope (Meeniyan Progress Association) re: Street Lighting at Tompkins Road, Meeniyan – Proposed 2019/20 Annual Budget;**

 - i. That the submission has been considered but is not supported, resulting in no changes to the Proposed Annual Budget / Revised Council Plan.**
 - ii. Notes Council’s decision for Marie Gerrard-Staton (RS02) under Item 4(c)(ii) is applicable for this submission.**

- m. Submission 13 (AB13) from John McCombe (South Gippsland Action Group) re: Growth for Rates Reduction and Growth for Reduced Rates**

to be considered for Exhibition and Equestrian Centre in Stony Creek – Proposed 2019/20 Annual Budget;

- i. That no changes to the Proposed Annual Budget / Revised Council Plan be made.**
- n. Submission 14 (AB14) from Fred Weight re: 24-hour Boat Launching Facilities at 'The Landing' on Stockyard Creek – Proposed 2019/20 Annual Budget;**
 - i. That the submission has been considered but is not supported, resulting in no changes to the Proposed Annual Budget / Revised Council Plan.**
- o. Submission 15 (AB15) from Shirley Cowling (Jumbunna Public Hall Committee) re: Sealing Jumbunna Hall Car Park – Proposed 2019/20 Annual Budget;**
 - i. That no changes to the Proposed Annual Budget / Revised Council Plan be made; AND**
 - ii. Prepares a Council briefing on Council-owned and Community-owned Public Halls.**
- p. Submission 16 (AB16) from Paul Katsieris (Walkerville Ratepayers Association) re: Acacia Way, Walkerville Path and Sealing Walkerville South Road and Drainage – Proposed 2019/20 Annual Budget;**
 - i. That no changes to the Proposed Annual Budget / Revised Council Plan be made; AND**
 - ii. Acacia Way – Proms View Estate footpath is included in the 'Paths and Trails Strategy' and is currently unfunded; AND**
 - iii. Notes Council's resolution in regard to item Don Atkins submission (AB05) in 5(e), as this resolution is applicable to this submission.**
- q. Submission 17 (AB17) from Ralph Gallagher re: Multiple questions with respect to the Proposed 2019/20 Annual Budget;**
 - i. That no changes to the Proposed Annual Budget / Revised Council Plan be made.**
- r. Submission 18 (AB18) from Ross Barnacle (Loch Community Development Association) re: List of works that should be commenced**

utilised for the value for money service improvements, better infrastructure and / or rate reductions” ;

OR

- ii. That the Proposed Annual Budget / Revised Council Plan be returned back to the former Council Plan (2018) Strategy 4.3 being:

“Work in partnership with the Chief Executive Officer and senior staff to develop a four year Rate Reduction Strategy, to reduce the rate burden by 3 per cent through improved innovation and productivity savings, streamlining the administrative structures and processes, through improved Business Unit performance and economic growth.”

AND

- iii. Removes the Annual Initiative under Objective 4: *“Develop a ten year ‘Sustainable Cost Reduction Strategy’ based on improved organisational efficiencies and population growth, to be utilised for value for money service improvements, better infrastructure and/or rate reductions.”* **AND**
- iv. Prepares a Council briefing to determine options to reduce the rate burden by 3 per cent for consideration in the development of the 2020/21 Annual Budget.
- d. Submission 4 (CP04) from Noelene Cosson (Korumburra Business Association) re: Supports the proposed changes in relation to the rate cut objective;
 - i. Notes Council’s decisions made for John McCoombe’s Proposed Council Plan submission (CP03) under Item 6(c), is applicable for this submission.
- e. Submission 5 from Tony Walker (Prom Coast Climate Action Group) re: Develop and Implement a Climate Emergency Response Plan;
 - i. That no changes to the Proposed Annual Budget / Revised Council Plan be made; **AND**
 - ii. Prepares a Council briefing following an investigation into what actions may be relevant for a ‘Climate Emergency Response’ for the organisation and Shire.
- f. Submission 6 (CP06) Clive Hope (Meeniyen Progress Association) re: Why the delay in the decision and progress on the proposed Equestrian and Exhibition / Expo Centre;

- i. **That no changes to the Proposed Annual Budget / Revised Council Plan be made.**

7. **Notifies all submitters of Council's decisions in regard to their submissions, including the Officers responses contained under the 'Response to Submissions' in Attachments [2.1.1] and [2.1.2].**

REPORT

The Proposed Budget has been prepared following community consultation throughout the year and is guided by priorities outlined in its key strategic documents including the Revised Council Plan 2017-2021 and 15 Year Long Term Financial Strategies.

Following the Open Hearing of submissions on the Proposed Budget, Council Plan and Proposed Rating Strategy on 22 May 2019, Councillors held a Closed Briefing session to discuss the information contained in the submissions and provided comments on each submission.

The **Attachment [2.1.1]** – s.223 Submissions to the Proposed 2019-2022 Rating Strategy and **Attachment [2.1.2]** – s.223 Submissions to the Proposed 2019/20 Annual Budget and Proposed Revised 2017-2021 Council Plan encapsulate community feedback arising from the formal public exhibition of these strategic documents. The attachments contain Council's responses to each individual submission.

Summary of Proposed Rating Strategy Submissions

Seven submissions were received for the Proposed 2019-2022 Rating Strategy. They are summarised as follows:

Definition	Number of Submissions
Changes to the advertised differential rates	3
Questioning the need for the new categories	2
Rating Strategy process, level of rates raised, financial hardship	2

Summary of Proposed Annual Budget and Revised Council Plan Submissions

There were 25 submissions received for the Annual Budget and Revised Council Plan. The 19 Proposed Budget submissions relate to the following topics:

Definition	Number of Submissions
Infrastructure	10
Waste management and garbage collection	1
Bair Street, Leongatha redevelopment	1
Korumburra Hub	1

Definition	Number of Submissions
Advocacy	1
Arts and Culture	1
Economic growth	1
Other	3

There are six submissions relating to the Revised Council Plan, two being co-joined as Proposed Budget submissions. The submissions relate to the following topics:

Definition	Number of Submissions
Sustainability and climate change	2
Town based Internet	1
Support for proposed Strategic Objective 4.3 - Sustainable Cost Reduction Strategy	1
Retention of former Strategic Objective 4.3 - 3 per cent Rate Reduction	1
Equestrian and Exhibition/Expo Centre	1

CONSULTATION

The Proposed Rating Strategy and the Proposed Budget were placed on public exhibition from 26 March 2019 to 26 April 2019. Twenty-six submissions were received and are attached for Council's consideration and determination (**Attachment [2.1.1]** and **Attachment [2.1.2]**).

Twelve submitters spoke to their submissions. The presentations took place on 22 May 2019. The Councillors were provided with an opportunity to ask questions of the submitters and seek further clarification on their submissions.

RESOURCES

The current Proposed Rating Strategy and the Proposed Budget are sustainable and meet the requirements determined by the Local Government Act 1989. Council is required to ensure that a sustainable Budget can be passed that will not place a financial burden on future generations.

RISKS

If Council determines that only insignificant changes be made to the Proposed Council Plan, Proposed Budget or Proposed Rating Strategy, then a final Revised Council Plan, Annual Budget and Rating Strategy can proceed with minor amendments to the adoption stage scheduled for the 26 June 2019 Ordinary Meeting of Council. This approach minimises Council's risk of breaching legislation.

If Council determines that significant changes are to be made to the Proposed Council Plan and/or Proposed Budget that make material changes and affect the financial operations and position of Council, then Council would be required to prepare a new Proposed Budget and/or Revised Council Plan and undertake a further s.223 public consultation process.

In this situation a request to the Minister for Local Government for an extension of time would be required, with no guarantee of approval potentially leaving Council in breach of the Local Government Act 1989.

STAFF DISCLOSURE

Nil

ATTACHMENTS

Attachments are available on Council's website –visit www.southgippsland.vic.gov.au.

1. S223 Submissions - Proposed Rating Strategy 2019 – 2022 - 29 May 2019 **[2.1.1]**
2. S223 Submissions - Proposed 2019-20 Annual Budget and Revised Council Plan 2017 - 29 May 2019 **[2.1.2]**

CONFIDENTIAL ATTACHMENTS

Confidential Attachment [2.1.3] – Petition - Jumbunna Public Hall Committee – 27 April 2019 and **Confidential Attachment [2.1.4]** – Petition – Rate Reduction Strategy – has been provided in accordance with s.77(2)(c) of the Local Government Act 1989. The Chief Executive Officer designates this item as confidential information on the grounds that it relates to s.89(2)(h) – any other matter which the Council or Special Committee considers would prejudice the Council or any persons.

These items are deemed confidential to protect the privacy of the petition signatures.

REFERENCE DOCUMENTS

Council Policy

Documents are available on Council's website –visit www.southgippsland.vic.gov.au.

Long Term Financial Strategies 2016/17
Proposed Rating Strategy 2018/19
Proposed Revised Council Plan 2017-2021
Proposed Annual Budget 2018/19

Legislative Provisions

Local Government Act 1989

3. MEETING CLOSED

NEXT MEETING

The next Ordinary Meeting of Council open to the public will be held on Wednesday, 29 May 2019 commencing at 2pm in the RSL, Leongatha.