

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Agenda

Ordinary Meeting of Council  
24 July 2019

**Ordinary Meeting No. 436**  
**Council Chambers, Leongatha**  
**Commencing at 2pm**

**ADMINISTRATOR**  
Julie Eisenbise



# 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.***

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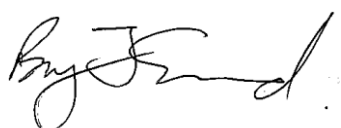
## SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that Ordinary Meeting No. 436 of the  
South Gippsland Shire Council will be held on 24 July 2019  
in the Council Chambers, Leongatha commencing at 2pm

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**Bryan Sword**  
**Acting Chief Executive Officer**

## **1. PRELIMINARY MATTERS**

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

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

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

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

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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, present and emerging, their Spirits and Ancestors.

**1.5. APOLOGIES**

**1.6. CONFIRMATION OF MINUTES**

**RECOMMENDATION**

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 435, held on 26 June 2019 in the Council Chambers, Leongatha be confirmed.

## 1.7. DECLARATION OF CONFLICTS OF INTEREST FOR ADMINISTRATORS

Any interest that an Administrator 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 an Administrator 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 Administrator 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.

Administrators should check the Minutes of the Council Meeting to ensure their disclosure is recorded accurately. Administrators 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 – October 2012*.

## 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*.



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

### 2.1. LAND SUBJECT TO INUNDATION OVERLAY - SUBMISSIONS

Development Services Directorate

#### EXECUTIVE SUMMARY

South Gippsland Planning Scheme Amendment C116 (Amendment C116) proposes to update the existing Land Subject to Inundation Overlay (LSIO) controls in the South Gippsland Planning Scheme and correct zone mapping errors. The LSIO is proposed to be applied to the Lang Lang River, Little Lang Lang River and their tributaries and a section of Muddy Creek on the western urban edge of Toora.

The Amendment proposes to correct zone mapping errors on 80 parcels by rezoning private freehold land adjoining waterways from the Public Conservation and Resource Zone (PCRZ) and Public Park and Recreation Zone (PPRZ) to Farming Zone (FZ) or Township Zone (TZ).

Amendment C116 was exhibited for eight weeks, concluding on 8 February 2019. However, the deadline for submissions was extended at the request of residents to accommodate a town meeting held on 14 February 2019. A copy of the submissions received is in **Confidential Attachment [15.1.1]**.

A total of fifteen responses were received, of which twelve are objections from landowners about the Muddy Creek LSIO, two with regard to the Nyora LSIO and one regarding the zone mapping correction.

Where submissions cannot be resolved, an Amendment must be referred to an Independent Planning Panel (Panel) for consideration before Council can make its final decision on an Amendment. In consultation with the Melbourne Water and the West Gippsland Catchment Management Authority (WGCMA), Council officers have formed the view that it is not possible to negotiate the withdrawal of all submissions and that a Panel is required. This report recommends Amendment C116 be referred to a Panel, with a further recommendation to change elements of Amendment provisions in response to issues raised in some of the submissions as discussed in **Attachment [2.1.2]**.

## RECOMMENDATION

### That Council:

1. **Requests the Minister for Planning to appoint an Independent Planning Panel to consider South Gippsland Planning Scheme Amendment C116 as exhibited and submissions received to the Amendment that are not able to be resolved; and**
2. **Considers the recommendations of the Independent Planning Panel prior to making a decision on Amendment C116.**

## REPORT

### Background

South Gippsland Planning Scheme Amendment C116 (Amendment C116) proposes to update the existing Land Subject to Inundation Overlay (LSIO) controls in the South Gippsland Planning Scheme and correct zone mapping errors. The LSIO is proposed to be applied to the Lang Lang River, Little Lang Lang River and their tributaries and a section of Muddy Creek on the western urban edge of Toora.

The Amendment also proposes to correct zone mapping errors on 80 parcels by rezoning private freehold land adjoining waterways from the Public Conservation and Resource Zone (PCRZ) and Public Park and Recreation Zone (PPRZ) to Farming Zone (FZ) or Township Zone (TZ).

The reasons for preparing Amendment C116 were discussed in detail in the 28 March 2018 Ordinary Council Report which Council considered in its decision to seek authorisation and exhibit Amendment C116 (**Attachment [2.1.1]**). This report makes no further comment on the justification for the Amendment other than to note that the Planning Scheme's overlay controls should seek to accurately display land use and development constraints and risks, including the potential for storm water inundation.

### Issues

The main concerns that were raised in the submissions are detailed in **Confidential Attachment [15.1.1]**. Further discussion on these issues is in **Attachment [2.1.2]**.

- The impact on land values, land sales and insurance.
- The maintenance of Muddy Creek. Whose responsibility is it and if it was maintained better would an LSIO be necessary.

- The culverts and infrastructure on Victoria Street and on the South Gippsland Highway need to be increased.
- Council will be liable if the area floods.
- Council should provide compensation to landowners.
- The LSIO is not necessary, inappropriate and incorrectly assessed.
- One submission identified an error in the mapping of land proposed for rezoning in Kongwak.

Where submissions cannot be resolved, an Amendment must be referred to an Independent Planning Panel (Panel) for consideration before Council can make its final decision on an Amendment. In consultation with the Melbourne Water and the West Gippsland Catchment Management Authority, Council officers have formed the view that it is not possible to negotiate the withdrawal of all submissions and that a Panel is required. As such, it is recommended that Amendment C116 be referred to a Panel, with a further recommendation to change elements of Amendment provisions in response to issues raised in some of the submissions.

In response to issues that may be able to resolved, it is recommended that Council:

- Seek West Gippsland Catchment Management Authority's (WGCMA) views on concerns regarding the flood modelling.
- Make corrections to the rezoning maps in Kongwak.

## **CONSULTATION**

Exhibition of Amendment C116 occurred for eight weeks and concluded on 8 February 2019. The deadline for submissions, however, was extended at the request of residents to accommodate a town meeting held on 14 February 2019. Exhibition notification was provided by:

- Postal notification to the owners and occupiers of all land where the LSIO is proposed to be applied.
- Public notice, press release and newspaper articles in local newspapers.
- Public notices, display information, and Amendment technical documentation provided at across the area affected by the Amendment.
- Extensive Amendment information on Council's webpage and the Planning Ministry's webpage.

- Phone calls to mining companies affected by the Amendment.

A town meeting was also organised by Councillor Skinner and community members. Council officers and WGCMA provided representatives to speak at the meeting. Approximately 40 community members attended this meeting.

A total of 15 responses were received, of which 12 are objections from landowners about the Muddy Creek LSIO, two with regard to the Nyora LSIO and one regarding the zone mapping correction.

## RESOURCES

Financial considerations for Council directly related to the Report Recommendation are limited to payment of Panel costs.

## RISKS

There are no risks to Council directly related to referring Amendment C116 to a Panel.

## STAFF DISCLOSURE

Nil

## ATTACHMENTS

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

1. South Gippsland Planning Scheme Amendment C116 - Council Report 28 March **[2.1.1 - 7 pages]**
2. Amendment C116 Land Subject to Inundation Overlay - Council Report 28 March 2018 **[2.1.1 - 7 pages]**
3. Amendment C116 Land Subject to Inundation Overlay - Summary of Submissions and Response **[2.1.2 - 3 pages]**

### CONFIDENTIAL ATTACHMENTS

**Confidential Attachment [15.1.1.]** – Amendment C116 Land Subject to Inundation Overlay – Submissions – has been provided in accordance with s.77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this item as confidential information on the grounds that it relates to s.89(2)(h) – any other matter which the Council or Special Committee considers would prejudice the Council or any persons.

This is deemed confidential to protect the privacy of the submitters, submission and petition signatures.

**REFERENCE DOCUMENTS**

**Council Policy**

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

South Gippsland Planning Scheme

**Legislative Provisions**

Planning and Environment Act 1987

## 2.2. PORT WELSHPOOL MARINE PRECINCT PLAN

Development Services Directorate

### EXECUTIVE SUMMARY

The Port Welshpool Marine Precinct Master Plan (**Attachment [2.2.1]**) has continued from the Port Welshpool Marina project and design (**Attachment [2.2.2]**) to address the long term recreational, commercial and industrial uses between the Long Jetty and Fisherman's Wharf.

It proposes a short, medium and long term solution to the safety, tourism, commercial, recreational and government uses in the Port.

Extensive community consultation has been undertaken, including two public meetings with Councillor involvement.

The project was substantially funded by a grant from Regional Development Victoria (RDV).

### RECOMMENDATION

**That Council:**

- 1. Adopts the Port Welshpool Marine Precinct Plan (Attachment [2.2.1]; and**
- 2. Receives a future report which identifies the available options to implement the recommendations contained within the Port Welshpool Marine Precinct Plan. The report shall include details of any statutory approvals, private and/or public funding opportunities and consider options for a staged approach.**

### REPORT

The Port Welshpool Marine Precinct Master Plan (the Plan) (**Attachment [2.2.1]**) has continued from the Port Welshpool Marina project and design (**Attachment [2.2.2]**) to address the long term recreational, commercial and industrial uses between the Long Jetty and Fisherman's Wharf.

This area contains port and historic infrastructure, modern trailer boating facilities, a former marine passenger terminal currently utilised by the community and extensive parking and open recreation areas.

The project has addressed the current use conflicts at the port and identified the potential for enhanced tourism usage of the area.

The project scope included:

1. Review of previous work and literature
2. Review of Long Jetty, boat ramp, marina and port infrastructure design.
3. Review of current and proposed onshore facility design and location including investigation of prospective marina locations.
4. Review of safety considerations particularly between recreational and commercial port marine users and onshore interaction between users, visitors and commercial operations.
5. Operational level design and recommendation options paper for stakeholder and community discussion based on Points 1 to 4.
6. Draft paper based on Point 5 for consideration by Council, DELWP and Gippsland Ports.
7. Discussions with key stakeholders.
8. Community wide engagement.
9. Final Marine Precinct Master Plan for Port Welshpool for adoption by Council, DELWP and Gippsland Ports.
10. Presentation of the final report to Council, DELWP and Gippsland Ports.

The Plan was coordinated by well recognised marine consultants Watertech Pty Ltd with assistance from the multinational engineering firm Meinhardt, Group GSA, Planning consultants MESH and Essential Economics.

### **Key Elements of the Plan**

#### ***Environment***

The coast is one of the most sensitive environmental areas in the state. Any developments in Port Welshpool would require Marine and Coastal Act approvals through the Department of Water, Environment, Land and Planning. It is likely that Federal Government and Planning and Environment Act approvals would also be required. The Plan makes it clear that successful completion of the works would only be possible once the approval processes have been undertaken.

#### ***Marina***

The Plan details a proposed Marina site that meets community and port management requirements. The Port Welshpool Marina Project highlighted

the need for a marina at the port (the nearest locations are at Phillip Island and Lakes Entrance) but also the limitations of using the existing harbour related to large vessel movement and size available within the confines of existing infrastructure.

Whilst the Plan identifies a Marina site it is not suggested that Council would necessarily be the funding body or the operator of the facility. A number of governance models operate across the state including Motorboat/Yacht Club (Paynesville/Newhaven), Full commercial (Yaringa) or Shire based (East Gippsland). These options will be explored as the Plan progresses.

Creation of a marina would enable the angled jetty that contains the existing moorings to be removed as it comes to the end of its economic life. This would enhance Gippsland Ports and commercial operations in the area.

### ***Boat Ramp***

Current boat ramp operation (South Gippsland Shire) is problematic due to the proximity of the Roll On – Roll Off (RoRo) Coastal Freight Terminal. The Plan proposes that this facility would remain until a protected launch facility is constructed to the East of the Fisherman's Wharf as part of Stage 1 of the Marina.

### ***Coast Guard***

The Port Welshpool Coast Guard provides an essential service to the mariners of Corner Inlet and beyond. Its location in proximity to the port is key part of the Plan. It details the current poor standard of the buildings used by the Coast Guard and recommends that purpose built facilities are required either at the present location or within the proposed marina precinct to take advantage of interaction with recreational vessels.

### ***Trucks***

At the moment considerable conflict occurs between Heavy Vehicles queuing to access the RoRo and recreational users at high usage times attempting to access the existing boat ramp and carpark. A dedicated queuing area is detailed in the Plan.

Heavy and Medium Vehicles also occasionally access the Marginal Wharf area. This is to remain with better safety protocols required for net stretching activities from the wharf into Council managed carpark.

### ***Port***

Port Welshpool is an active commercial port. Use has increased noticeably recently due to Bass Strait Island traffic. The port also maintains extensive



shipping channel buoyage in Corner Inlet. If the proposed offshore windfarm is constructed a likely significant increase in activity may occur. A primary concern of the project was to address long term viability for the port and safety concerns related to the current interaction of commercial and recreational boat users. The Plan largely meets the requirements and has been approved by the Gippsland Ports Board.

## **CONSULTATION**

Consultation included a Project Reference Group which had representation from Gippsland Ports, Councillors, Transport Safety Victoria, Coast Guard, DELWP, Port Welshpool Working Group, Welshpool Working Group and consultants.

A well-attended drop in session was conducted and later a full 'town hall' style community meeting was conducted to discuss the draft plan.

As a result of the draft plan consultation and feedback from agencies and the community the plan was significantly altered to bring it into line with their vision for the area and infrastructure based requirements.

The Port Welshpool Marine Precinct Plan has the support of Gippsland Ports and DELWP.

## **RESOURCES**

The project was substantially grant funded by Regional Development Victoria (RDV).

## **RISKS**

The Plan was funded by RDV with active participation from Gippsland Ports, Transport (Marine) Safety Victoria to address existing safety concerns in the port area and to provide a long term plan to ensure recreational and tourism uses could continue at Port Welshpool. Adopting the plan will enable these issues to be addressed and will create the framework for advancement of the area.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

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

1. Port Welshpool Marine Precinct Plan 2018 **[2.2.1 - 33 pages]**
2. Port Welshpool Marina Economic and Design Assessment 2014 **[2.2.2 - 86 pages]**

**REFERENCE DOCUMENTS**

**Council Policy**

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

South Gippsland Planning Scheme

**Legislative Provisions**

Planning and Environmental Act 1987

Marine and Coastal Act 2018

Environment Conservation Biodiversity Act 1999

## **2.3. VENUS BAY TOURISM PRECINCT PLAN - RECOMMENDATIONS**

Development Services Directorate

### **EXECUTIVE SUMMARY**

A Tourism Precinct Plan (refer to **Attachment [2.3.1]** - Venus Bay Tourism Precinct Plan) has been prepared for Venus Bay and is presented to Council for adoption as a result of 28 February 2018 Ordinary Meeting of Council - Notice of Motion and Report Recommendation at the 30 May 2018 Ordinary Meeting of Council:

#### **28 February 2018 – Ordinary Meeting of Council - Agenda Item 7.2. NOTICE OF MOTION 713 - VENUS BAY STRATEGIC STRUCTURE PLAN**

*That Council receives a report outlining costs and timeframes to develop and implement a Venus Bay precinct plan at or before the Ordinary Council Meeting 30 May 2018.*

#### **30 May 2018 – Ordinary Meeting of Council – Agenda Item 2.2. VENUS BAY ACTIVITY CENTRE PLAN**

*That Council commence the development of a Venus Bay activity centre plan with an associated funding allocation of \$35,000.*

This Plan was derived from the Venus Bay Activity Centre Project, which developed a streetscape concept plan for improvement to the commercial and tourism precincts of Venus Bay, addressed issues relating to pedestrian safety, overflow car parking and the need for better skate park facilities.

A commercial assessment was commissioned to identify the land area required for commercial uses that will meet projected population changes. It recommended a modest expansion of commercial land and to secure land for commercial uses by the implementation of a Planning Scheme Amendment to rezone land.

A concept plan for a small scale sewerage scheme has been developed to allow for the expansion of commercial uses and improve public conveniences at Jupiter Boulevard Park and Beach Number One.

## RECOMMENDATION

### That Council:

1. **Adopts the Venus Bay Tourism Precinct Plan, Attachment [2.3.1];**
2. **Seeks authorisation for a Planning Scheme Amendment generally in accordance with the Venus Bay Tourism Precinct Plan's recommendations and refer any submissions to an Independent Planning Panel;**
3. **Prepares a Wastewater System Feasibility Report to progress wastewater management improvements; and**
4. **Commences planning and seeks funding for the redevelopment/renewal of Jupiter Boulevard Park (including a new skate park) and streetscape improvements contained in the Tourism Precinct Plan.**

## REPORT

At the 28 February 2018 Ordinary Meeting of Council, a Notice of Motion was adopted with a subsequent recommendation at the 30 May 2018 Ordinary Meeting of Council to prepare a Venus Bay Activity Centre Plan to consider how open space networks, transport networks, employment provision, infrastructure and natural systems can be managed and improved over the next 10-20 years in the Venus Bay town centre and its immediate surrounds. This was to provide for an anticipated population growth and to deliver positive economic and community activity in the area.

A review of past consultations, customer requests and internal discussions identified key issues in the town centre including pedestrian safety, overflow car parking and the need for better skate park facilities.

The idea of a new skate park arose from the 2016 Community Capital Works Allocation Process, which resulted in the allocation of \$125,000 to a skate park facility in Venus Bay. A site evaluation process determined a proposed location, and it quickly emerged as a divisive issue within the community, both in terms of need and location. As a result, it was deemed prudent to seek comment on the skate park location within the context of a wider Activity Centre Plan.

The Activity Centre Plan developed into a Tourism Precinct Plan (refer to **Attachment [2.3.1]** - Venus Bay Tourism Precinct Plan), in recognition that tourism is a key source of commercial activity and a catalyst for increasing service level requirements, for example, more public parking. This plan comprises of three areas recommended for improvement.

### **Tourism Precinct Streetscape**

A detailed Concept Plan was prepared for streetscape improvements within the Tourism Precinct (which includes the town centre, Jupiter Boulevard Park and Community Centre). The draft was prepared using information and feedback previously provided by the community, community organisations and public authorities. It also considered engineering (traffic and safety) standards. The final Streetscape Concept Plan is available at Appendix 1 of **Attachment [2.3.1]**.

Consultation with the community and other stakeholders allowed for refinement of the above components, in particular the relocation of a disabled car park in front of the chemist, relocation of new skate park to Jupiter Boulevard Park, addition of raised pedestrian crossings to reduce vehicle speed and 'redevelopment/renewal planning' for Jupiter Boulevard Park.

The next step is to proceed to detailed design of streetscape and plan for Jupiter Boulevard Park renewal and skate park construction. It is anticipated that the streetscape works will precede the development of a formalised carpark at 141-143 Jupiter Boulevard.

### **Commercial / community wastewater treatment scheme**

Venus Bay faces a number of challenges and/or limitations in relation to future commercial growth. The primary constraint is that of wastewater management.

In consultation with South Gippsland Water and Council's Environmental Health Team, the project investigated the concept of a small scale sewerage scheme to address inadequate wastewater management capacities within existing lots.

A Septic Tank Effluent Pumped (STEP) system can improve treatment and dispersal of effluent at current and future commercial properties, even assuming conservative daily flow rates. This option is reasonably cost effective given the existing septic tank system ages, effluent pumps in use and shallow pipes used.

A parcel of land at 130 Inlet View Road is considered to have the most potential for treatment and dispersal of collected effluent. It is zoned Public Use Zone 1 and owned by the Victorian Government.

The next step is a detailed Feasibility Report to confirm a suitable design and cost prior to formal discussions with DELWP, owners and businesses.

### **Future Commercial Services Requirements**

An independent economic analysis (refer to Appendix 2 of **Attachment [2.3.1]**) commissioned to determine the amount of commercial floor space needed to service anticipated future population growth considered two scenarios for population to 2036. These are:

- Scenario 1 - a steadily increasing share of houses in Venus Bay will be occupied by residents rather than used as holiday homes with an increase of 770 residents
- Scenario 2 - Venus Bay will accommodate all the growth for the South West Coastal District (based on forecast by .id consulting) with an increase 241 residents.

Based on these scenarios, the assessment recommended that an additional 460-610m<sup>2</sup> of retail floor space will be required for local centre services, being mostly for food and tourism based retail.

The next step is to prepare a planning scheme amendment to rezone land to Commercial 1 Zone to secure for commercial purposes.

### **CONSULTATION**

Community consultation for the Streetscape Concept Plan was held during January and February 2019.

Consultation also took place internally, with external agencies, as well as the Venus Bay Surf Life Saving Club.

Considerable comment was received in relation to the location of a new entry level skate park; peak seasonal car parking facilities; pedestrian safety (paths, crossings, speed zones and lighting) as well as visitor/user experience aspects such as entrance features; landscaping; public toilets; directional and way-finding signs; and public open space.

### **RESOURCES**

Additional funding is required to implement this plan including the development of policy, capital works design and implementation. In particular for the:

- Detailed design and implementation of Streetscape Concept Plan. Partial funding has been allocated for detailed design in the 2019/20 Financial Year and construction in the 2020/21 Financial Year.
- Preparation of a Planning Scheme Amendment to implement the changes to zoning and design controls funding within existing resources.

- Design and implementation of a Commercial & Community Services Wastewater Treatment Scheme funding within existing resources.
- Planning and implementation of Jupiter Boulevard Park renewal and skate park construction funding within existing resources.

## **RISKS**

Further population growth and commercial development in Venus Bay is subject to uncertainties regarding infrastructure provision and wastewater management planning. Any delay to improvements is likely to result in constraint of commercial services growth and prosperity.

Existing conditions for pedestrians require streetscape improvements to rectify.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

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

1. Venus Bay Tourism Precinct Plan [2.3.1 - 67 pages]

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

Asset Management Strategy

Blueprint for Social and Community Infrastructure 2014-2029

Economic Development and Tourism Strategy

Open Space Strategy 2007

Paths and Trails Strategy

South Gippsland Housing and Settlement Strategy

South Gippsland Planning Scheme

Town Centre Framework Plans

### **Legislative Provisions**

Environment Protection Act 1970

Planning and Environment Act 1987

Water Act 1989

## **2.4. PLANNING APPLICATION 2019/53 - 205 DAWSONS ROAD WOOREEN - EXPANSION OF EXISTING SAND QUARRY**

Development Services Directorate

### **EXECUTIVE SUMMARY**

The applicant is seeking approval for the expansion of the existing use and development of the land for stone extraction at 205 Dawsons Road, Wooreen. The proposed expansion would not increase the current extraction rates, however it would extend the life of the sand resource by an estimated 30 years. The subject land is located approximately 11 kilometres to the north of the Leongatha township and 12 kilometres to the west of the Mirboo North township.

This application has been referred to Council for determination as five objections have been received to the proposal. Key issues raised by objectors include the impacts of quarry vehicles on Dawsons Road, noise and dust emissions from the quarry and heavy vehicles, potential impacts to the water table and the extent of native vegetation removal. A number of other issues have also been raised in submissions.

The key issues to be considered for this application are the effects of an expanded quarry on Dawsons Road and the residences located along the road and whether the potential amenity impacts (noise, dust and the like) can be appropriately managed. While there are other factors in quarrying operations (such as vegetation, groundwater and rehabilitation), these issues are addressed through approvals issued by the state under the *Mineral Resources (Sustainable Development) Act (1990)*.

The application is recommended for approval.

### **RECOMMENDATION**

**That Council issues a Notice of Decision to Grant a Permit for the expansion of the existing use and development of the land for stone extraction in accordance with Work Authority 284 (WA284) at 205 Dawsons Road Wooreen, in accordance with the endorsed plans and subject to the following conditions:**

- 1. The building, works and layout as shown on the endorsed plans must not be altered or modified except with the written consent of the Responsible Authority;**
- 2. All stone extraction on the subject land must be undertaken in accordance with the requirements and conditions of Work Authority 284**



**(WA284) or its successor under the *Mineral Resources (Sustainable Development) Act 1990*;**

- 3. The extraction, processing and sale of materials must only occur between the following times:  
  
06:30 – 18:00 Monday to Friday  
06:30 – 18:00 Saturday  
  
No activity is permitted on Sundays and/or Public Holidays;**
- 4. Excepts with the written consent of the Responsible Authority, the total output from the site must not exceed 150,000 tonnes of material per year;**
- 5. Excepts with the written consent of the Responsible Authority, no blasting may occur on the land;**
- 6. Effective noise levels from the use of the premises must not exceed the recommended levels as set out in *Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011)* or as amended;**
- 7. Any use of the premises involving the emission of dust and other air quality indicators must comply with the *State Environment Protection Policy (Air Quality Management)* or as amended;**
- 8. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - a. transport of materials, goods or commodities to or from the land;**
  - b. appearance of any building, works or materials;**
  - c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or**
  - d. presence of vermin.****
- 9. All loads leaving the site must be covered and secured to the satisfaction of the Responsible Authority;**
- 10. Before the commencement of works authorised by this permit, the permit holder must undertake the following works to the satisfaction of the Responsible Authority:**

- a. **Sealing and construction of the existing unsealed section of Dawsons Road to a similar, or as agreed standard to those sections already sealed.**
  - b. **Cleaning out and/or replacing existing road culverts.**
  - c. **Installation of new road culverts at agreed locations.**
- 11. Prior to the commencement of works along Dawsons Road, engineering plans to the satisfaction of the Responsible Authority are to be submitted to and approved by the Responsible Authority. These plans must include (at a minimum):**
  - a. **Type sections at appropriate locations along the road.**
  - b. **An agreed and approved pavement mark-up.**
  - c. **Appropriately located cut-off drains to ensure the integrity of table drains can be maintained.**
- 12. Upon approval of construction plans by Council, pay to Council an amount equivalent to 2.5 per cent of the estimated cost of construction for supervision of the works. A certified cost estimate is to be provided by the applicant;**
- 13. A Site Management Plan showing the proposed dust, erosion and sediment control measures is to be submitted to and approved by the Responsible Authority prior to construction works commencing on site;**
- 14. The number and timing of inspections of construction work are to be agreed with Council's Engineering Department in relation to the Dawsons Road works. A minimum of twenty-four (24) hours' notice is required for inspections;**
- 15. A twelve (12) months Defects Liability Period shall apply to all civil engineering and landscaping works which will become the responsibility of South Gippsland Shire Council;**
- 16. Upon agreed practical completion of civil works, pay to Council an amount equivalent to 5 per cent of the actual cost of construction of infrastructure to be handed to Council, being for Guarantee of Works during Defects Liability Period. The amount is to be refunded upon release from Defects Liability Period by Council;**
- 17. The applicant must comply with all items identified in the risk management plan attached to PLN-000753 Work Plan (WA);**

**In particular compliance of the following items:**

- a. **Hazardous Waste – Protection of water ways and drainage lines from contamination by fuel, chemicals or associated materials/waste and plant equipment.**
- b. **Erosion and Sedimentation – Protection against impact on surface water, waterway areas, riparian zones and drainage lines.**
- c. **Maintenance of buffers along riparian zones – as detailed in the surface water management plan, a 30 metre buffer must be maintained either side of the waterway.**

**As per the Community Engagement Plan, there must be timely correspondence with South Gippsland Water regarding any incidents where waterways or drainage lines may have become contaminated by fuel, chemicals, sedimentation or if on-site surface water retention structures fail resulting in impact to waterways or drainage lines.**

18. **Any planning permit conditions imposed do not duplicate or copy the requirements contained within the attached Statutorily Endorsed Work Plan and accompanying conditions; and**
19. **This permit will expire if any of the following circumstances applies:**
  - a. **The use and development does not commence within three (3) years of the date of this permit.**
  - b. **The use is discontinued for a period of two (2) or more years.**
  - c. **The Work Authority for the use issued under the provisions of the *Mineral Resources (Sustainable Development) Act 1990* is:**
    - i. **Cancelled in accordance with Section 770 of that Act.**
    - ii. **Surrendered in accordance with Section 770A of that Act.**

**The Responsible Authority may extend the periods referred to in points a) and b) if a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.**

## REPORT

### Background

The subject land is identified as Lot 2 on Lodged Plan 118625, Parish of Allambee, County of Buln Buln, more commonly referred to as 205 Dawsons Road, Wooreen. The subject land is generally trapezoid in shape, with a total land area of 34.45ha. The site is located at the terminus of Dawsons Road, approximately two kilometres from its intersection with the Leongatha-Yarragon Road. The subject land is currently developed with an existing sand quarry, occupying approximately 4.1ha of the site.

The subject land is located within the Special Use Zone – Schedule 1 (Earth and Energy Resources Industry) and is covered by the Environmental Significance Overlay – Schedule 2 (Special water supply catchment areas), Environmental Significance Overlay – Schedule 5 (Areas susceptible to erosion) and the Bushfire Management Overlay. A permit is required under the provisions of both the SUZ and ESOs, as well as particular provisions relating to earth and energy resources industry and stone extraction.

The surrounding land is characterised by a mixture of smaller rural-residential properties, interspersed with larger agricultural holdings used primarily for dairying and grazing animal production. The closest dwelling is located approximately 170 metres from the outer extremity of the extraction Area.

Refer to **Attachment [2.4.1]** – Aerial Photograph, **Attachment [2.4.2]** – Zoning Map of Site and Surrounding Area, and **Attachment [2.4.3]** – Planning Property Report

### The Proposal

The application seeks approval to expand the existing quarrying operations on the subject land to allow for continued extraction from the site over the next 30 years. The existing quarry has been operating on the subject land since 1971, and currently relies on 'existing use rights' to operate. This application provides an opportunity to formalise the use and apply reasonable conditions to its operation.

The proposed expansion has been granted approvals under the *Mineral Resources (Sustainable Development) Act (1990)*, including the statutory endorsement of a Work Plan Variation to allow the increased extraction area. The applicant therefore seeks to achieve concurrent permission under the *South Gippsland Planning Scheme* to meet their legislative requirements.

The expanded Work Authority area is estimated to add 30 years to the life of the quarry through the addition of these resource areas. Extraction from the site is expected to be in the order of 50,000 – 100,000 tonnes per annum. Up

to 16 truck and dog vehicle movements per day would cater for this level of extraction.

While there are a number of other components that form part of this expansion, many issues have been addressed through approval granted under the *Mineral Resources (Sustainable Development) Act (1990)* (i.e. native vegetation removal and groundwater). These issues are therefore not reassessed as part of this application.

The proposal is shown in detail in **Attachment [2.4.4]** – Proposed Development Plans.

### **Assessment**

A detailed assessment of the application against relevant sections of the *Planning and Environment Act (1987)* and the relevant matters of the South Gippsland Planning Scheme are discussed in **Attachment [2.4.5]** – Delegates Report – 205 Dawsons Road Wooreen.

Officers consider that the primary issues relating to this application are:

- Whether the planning context supports expanded quarrying activity on the site;
- Whether the expanded quarry would lead to unacceptable amenity impacts on neighbouring properties; and
- Whether Dawsons Road is capable of sustaining traffic associated with an expanded quarry.

Officers consider that the proposal is consistent with the relevant Planning Policy Framework objectives and strategies, the objectives and decision guidelines of the Special Use Zone and the decision guidelines of Clause 65, subject to the inclusion of appropriate conditions to minimise any off-site impacts.

### **CONSULTATION**

The application was advertised to all property owners and occupiers within a 500 metre radius of the site, as well as all property owners and occupiers on Dawsons Road. A notice was placed in the South Gippsland Sentinel-Times and Great Southern Star newspapers. As a result, five objections have been received to the application.

The objections primarily relate to the suitability of Dawsons Road for increased quarry traffic, noise and dust from trucks and quarrying equipment, potential effects on groundwater and the extent of vegetation removal

required. These matters are summarised and addressed in detail in **Attachment [2.4.5]** – Delegates Report – 205 Dawsons Road Wooreen.

The application was referred to South Gippsland Water (SGW) pursuant to Section 55 of the *Planning and Environment Act (1987)*. SGW requested conditions be placed on any permit that may issue. The application was referred under Section 52 of the *Planning and Environment Act (1987)* to the Environment Protection Authority who supported the permit.

Referral responses are discussed in more detail in **Attachment [2.4.5]** – Delegates Report – 205 Dawsons Road Wooreen.

### **Options**

Pursuant to Section 61 of the Planning and Environment Act 1987, Council may determine to:

1. Grant a permit; or
2. Grant a permit subject to conditions; or
3. Refuse to grant a permit.

### **RESOURCES**

Should Council issue a Notice of Decision to Grant a Planning Permit for the proposal, any objector may elect to appeal to the Victorian Civil and Administrative Tribunal (VCAT) to review Council's decision.

Should Council determine to refuse to grant a permit for the proposal, the permit applicant may elect to appeal to the VCAT to review Council's decision.

### **RISKS**

Should Council fail to make a decision on this application at this meeting, there is a risk that the applicant may appeal to VCAT against Council's failure to determine the application. Such an appeal affects Council's reputation and opens Council to a potential costs claim for its failure to determine.

### **STAFF DISCLOSURE**

Nil

## ATTACHMENTS

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

1. Aerial Photograph - 205 Dawsons Road Wooreen **[2.4.1 - 1 page]**
2. Zoning Map of Site and Surrounding Area - 205 Dawsons Road Wooreen **[2.4.2 - 1 page]**
3. Planning Property Report - 205 Dawsons Road Wooreen **[2.4.3 - 5 pages]**
4. Proposed Development Plans - 205 Dawsons Road Wooreen **[2.4.4 - 4 pages]**
5. Delegate Report - 205 Dawsons Road Wooreen **[2.4.5 - 16 pages]**

## CONFIDENTIAL ATTACHMENTS

**Confidential Attachment [15.2.1]** – Compiled Objections – 205 Dawsons Road Wooreen – has been provided in accordance with s.77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this item as confidential information on the grounds that it relates to s.89(2)(h) - any other matter which the Council or Special Committee considers would prejudice the Council or any persons.

This is deemed confidential to protect the privacy of the objectors.

## REFERENCE DOCUMENTS

### Council Policy

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

South Gippsland Planning Scheme

### Legislative Provisions

Planning and Environment Act 1987

Mineral Resources (Sustainable Development) Act 1990

Environmental Effects Act 1978

**2.5. PLANNING APPLICATION 2018/325 - 85 COMMERCIAL STREET  
KORUMBURRA - PLACE OF WORSHIP AND CAR PARKING REDUCTION**

Development Services Directorate

**EXECUTIVE SUMMARY**

The applicant proposes to use the land at 85 Commercial Street, Korumburra for a place of worship and reduce the car parking requirement.

It is considered that the proposed use of the land for a place of worship and a reduction of car parking requirements can be supported, subject to appropriate conditions. The application is therefore recommended for approval.

**RECOMMENDATION**

**That Council issue a Notice of Decision for the use of the land for a Place of Worship and reduction of car parking requirements at 85 Commercial Street Korumburra, subject to the following conditions:**

- 1. Before the use start(s), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided.**

**The plans must be generally in accordance with the plans submitted with the application but modified to:**

- a. show a title panel that includes the date, version and a north point**
  - b. remove all indicative signage**
  - c. show bicycle facilities capable of accommodating two (2) bicycles**
- 2. The use must be managed so that the amenity of the area is not detrimentally affected, through the:**
    - a. transport of materials, goods or commodities to or from the land**
    - b. appearance of any building, works or materials**
    - c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil**
    - d. presence of vermin**



3. **The maximum number of persons permitted on the premises at any one time must not exceed 130;**
4. **All waste material or other refuse must be obscured from the view of the public and must be disposed of in a manner to the satisfaction of the Responsible Authority;**
5. **The property must be maintained in a neat and tidy condition to the satisfaction of the Responsible Authority;**
6. **This permit will expire if the use does not start within two (2) years of the date of this permit; and**

**The Responsible Authority may extend the periods referred to in accordance with Section 69 of the Planning and Environment Act 1987, if a request is made in writing.**

**Proposed Notes:**

1. **This permit allows the above land to be used or developed for the purpose specified. It is the permit holder's responsibility to ensure that any other relevant approvals are obtained prior to the commencement of the use or development.**

**REPORT**

**Background**

The subject land is Lot 1 and 2 TP880830G, more commonly known as 85 Commercial Street, Korumburra. The subject land is a mostly rectangular shape, with a total size of approximately 365m<sup>2</sup>. The site has a frontage of approximately 10m to Commercial Street and approximately 4.7m to Little Commercial Street. The subject land is generally flat and contains an existing building that occupies the large majority of the site.

The subject land is mostly within the Commercial 1 Zone (C1Z). It is noted that a small portion of the land is also within the Public Use Zone – Schedule 6 (PUZ6) and Parking Acquisition Overlay (PA01). However, there are no triggers under the PUZ6 or PA01.

The use of the land for a place of worship requires planning permission under the Commercial 1 Zone due to the gross floor area of the building exceeding 250m<sup>2</sup>.

The surrounding properties and wider area are characterised by commercial and retail development and uses. The closest residential zone (i.e. GRZ1) is located approximately 85m away from the subject land.

Refer to **Attachment [2.5.1]** - Aerial Photographs – 85 Commercial Street Korumburra and to **Attachment [2.5.2]** - Planning Property Report – 85 Commercial Street Korumburra.

### **The Proposal**

The application seeks to use the land for a place of worship and reduction of car parking. The proposed place of worship will utilise the existing building on site with a total floor area of approximately 382.2m<sup>2</sup> (including ground and first floor). The subject site is currently vacant and has been for some time since it was last used as a National Australia Bank branch.

The main entrance of the church will be changed to the side of the existing building, with access to this entrance being from the rear of the building along Little Commercial Street.

The intention is to hold a church service on Sunday mornings (approx. 9.00am to 1.00pm) and youth group on either Friday or Saturday evenings (approx. 7.00pm to 9:30pm).

The proposed use of the land for a Place of Worship has a car parking requirement of 34 spaces under Table 1 to clause 52.06-5 based on a maximum patronage of 114. However, given that there are three existing car parking spaces on site the proposal seeks a reduction of 31 car parking spaces. A Car Parking Demand Assessment (CPDA) has been provided by the permit applicant, demonstrating that there is suitable parking availability to the rear of the shop, with 111 vacant spaces surveyed at the time of assessment. Further supporting information is contained within the submitted CPDA and the 2013 Council commissioned *Korumburra Town Centre Car Parking Strategy*.

Refer to **Attachment [2.5.3]** – Plans – 85 Commercial Street Korumburra and **Attachment [2.5.4]** - Car Parking Demand Assessment – 85 Commercial Street Korumburra.

### **Assessment**

A detailed assessment of the application against relevant sections of the *Planning and Environment Act 1987* and the relevant matters in the South Gippsland Planning Scheme are discussed in **Attachment [2.5.5]** – Officer's Delegate Report – 85 Commercial Street Korumburra.

The primary considerations in the assessment of this application have been the appropriateness of the proposed use in the Commercial 1 Zone and the justification for a reduction in the car parking requirement. The proposal is considered to be consistent with the relevant Planning Policy Framework

objectives and strategies as well as the relevant decision guidelines of the Commercial 1 Zone and Clause 52.06 - car parking.

## **CONSULTATION**

The application was notified by mail to adjoining and nearby properties along Commercial Street, Little Commercial Street and Radovick Street. The application was also notified by placing a sign on the front and rear of the land and by publishing a notice in newspapers generally circulating in the area. As a result, Council has received 10 objections to the application.

The objections primarily include:

- The use is not appropriate in the Commercial Zone C1Z.
- There is insufficient car parking available in Korumburra township.
- The public car parking in Korumburra is for customers of business and shops and not for church patrons.
- Car parking waiver/reduction.
- The use will adversely impact on existing businesses and traders in the area.
- The subject site should be retained for future retail businesses.
- The use would be better suited to an area outside of the main retail/business precinct.
- Growing congregation and increasing associated activities.

Some of the matters raised by objectors are considered relevant and have been addressed while others are not considered specifically relevant or are not planning considerations. This is covered in more detail in the Officer's Delegate Report in **Attachment [2.5.5]**.

## **OPTIONS**

Pursuant to Section 61 of the Planning and Environment Act 1987, Council may determine to:

1. Grant a permit; or
2. Grant a permit subject to conditions; or
3. Refuse to grant a permit.

## RESOURCES

Should Council issue a Notice of Decision to Grant a Planning Permit for the proposal, any objector may elect to appeal to the Victorian Civil and Administrative Tribunal (VCAT) to review Council's decision.

Should Council determine to refuse to grant a permit for the proposal, the permit applicant may elect to appeal to the VCAT to review Council's decision.

## RISKS

Should Council fail to make a decision on this application at this meeting, there is a risk that the applicant may appeal to VCAT against Council's failure to determine the application. Such an appeal affects Council's reputation and opens Council to a potential costs claim for its failure to determine.

## STAFF DISCLOSURE

Nil

## ATTACHMENTS

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

1. Aerial Photographs - 85 Commercial Street Korumburra **[2.5.1 - 1 page]**
2. Planning Property Report - 85 Commercial Street Korumburra **[2.5.2 - 4 pages]**
3. Plans - 85 Commercial Street Korumburra **[2.5.3 - 2 pages]**
4. Car Parking Demand Assessment - 85 Commercial Street Korumburra **[2.5.4 - 11 pages]**
5. Delegate Report - 85 Commercial Street Korumburra **[2.5.5 - 17 pages]**

## CONFIDENTIAL ATTACHMENTS

**Confidential Attachment [15.3.1]** – Compiled Objections – 85 Commercial Street Korumburra – has been provided in accordance with s.77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this item as confidential information on the grounds that it relates to s.89(2) (h) - any other matter which the Council or Special Committee considers would prejudice the Council or any persons.

This attachment is deemed confidential to protect the privacy of the objectors.

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

South Gippsland Planning Scheme

Korumburra Town Centre Car Parking Strategy

### **Legislative Provisions**

Planning and Environment Act 1987

## 2.6. ENDORSE THE SMALL BUSINESS FRIENDLY CHARTER

Development Services Director

### EXECUTIVE SUMMARY

This report seeks endorsement by Council to become a signatory to the Victorian Small Business Commission's Business Friendly Charter which was launched by the Minister for Small Business and Local Government, the Hon. Adem Somyurek in May 2019.

The Victorian Small Business Commission (VSBC) has developed a Small Business Friendly Council Initiative (the Initiative), which includes the Small Business Friendly Charter Agreement (the charter) (refer to **Attachment [2.6.1]**).

The Charter advises specific areas to deliver better outcomes for businesses and the VSBC is requesting all Victorian Local Government Agencies to sign to up its six key elements. The Charter summarises shared goals of Council and the VSBC to create a fair and competitive trading environment for Victorian small businesses.

The six elements include:

1. Mitigating the impact of disruptive infrastructure projects on small businesses;
2. Supporting small businesses to build stronger business networks;
3. Streamlining permit approvals processes for small businesses;
4. Faster payment of invoices for small businesses;
5. Coordinating resources available to small businesses from local councils, Small Business Victoria and the VSBC; and
6. Creating strong and mutually beneficial channels of communication between VSBC and local councils.

Once The Charter has been signed, Council will have 12 months to implement all six elements. Council could demonstrate its support of The Charter by including it in the Economic Development and Tourism Strategy 2019-20 Annual Action Plan.

### RECOMMENDATION

**That Council becomes a signatory to the Victorian Small Business Commission's Business Friendly Charter.**

## **REPORT**

The Victorian Small Business Commission (VSBC) worked with 12 councils to develop 'The Business Friendly Charter' and its six key elements. The Charter clearly outlines the commitment from the VSBC to work with Small Business Victoria and Council, whilst also outlining its expectations of Council, to support the needs of small business in Victoria.

The VSBC will provide all participating councils with the Small Business Friendly Council Initiative logo to use in their own materials. It will provide a platform to share success stories and case studies from participating councils, and list all participating councils on the VSBC website.

The VSBC does not require The Charter elements to be in place at the time of signing, however, they will follow up with councils within 12 months to measure its success.

The following information outlines Council's current fulfilment of The Charter and opportunities over the next 12 months:

### **1. Mitigating the impact of disruptive infrastructure projects on small businesses**

Complete: Council agreed to implement The Victorian Small Business Engagement Guidelines- Working with Small Businesses during disruptive infrastructure projects by Council Resolution in 2018.

### **2. Supporting small businesses to build stronger business networks**

In progress: Council has the opportunity to work more closely and regularly with the Shire's Chambers and business associations to identify issues and connections with the necessary information and/or support.

### **3. Streamlining permit approvals processes for small businesses**

In progress: This can be achieved through implementation of the Better Approvals Project.

### **4. Faster payment of invoices for small businesses**

Complete: The finance team has indicated that Council already meets the 30 day payment requirement to fulfil this element.

### **5. Coordinating resources available to small businesses from local councils, Small Business Victoria and the VSBC**

In progress: There is opportunity to strategically develop Council's Business Expansion and Retention (BEAR) program to provide greater support to businesses.

**6. Creating strong and mutually beneficial channels of communication between VSBC and local councils.**

In progress: Council can achieve this via regular coordinated meetings between the VSBC and internal departments to identify issues and opportunities that impact the business community, and identify ways for further support.

**CONSULTATION**

Discussion with the Victorian Small Business Commission (VSBC) has resulted in a briefing to ELT and this subsequent report.

**RESOURCES**

There may be a future financial cost to Council by "streamlining permit approvals processes for small businesses" and this has been identified in a report to Council recommending to endorse the State Government's Better Approvals Project (The Project).

If the Better Approvals Project is undertaken, consultancy fees will be paid by the Victorian Government. However, there may be future costs to Council to implement the project outcomes and recommendations.

All remaining elements can be resourced within the existing budget.

**RISKS**

By becoming a signatory to the Victorian Small Business Commission's Business Friendly Charter, Council is actively demonstrating its strong support for business growth within the Shire. This proactive approach is particularly important during major infrastructure impacting main street businesses, and during problematic planning, building or environmental health applications where reputational risk is likely.

**STAFF DISCLOSURE**

Nil

**ATTACHMENTS**

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

1. SBFC Charter [2.6.1 - 5 pages]



**REFERENCE DOCUMENTS**

**Council Policy**

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

Economic Development and Tourism Strategy

## 2.7. ENDORSE THE BETTER APPROVALS PROJECT

Development Services Director

### EXECUTIVE SUMMARY

This report seeks endorsement by Council to implement The Better Approvals Project (The Project), which is a Victorian Government initiative through the Department of Jobs, Precincts & Regions (DJPR).

The Project is designed to reduce the time taken for a small business to obtain the regulatory permits required in South Gippsland. It aims to reduce the administrative burden on both business and Council and requires collaboration of Council staff, Small Business Victoria and design consultants onsite.

Meetings with an internal project team consisting of economic development, planning, health, regulatory staff, and other internal departments will be held twice weekly over a four week period. Reforms have a strong customer focus, and the result is a suite of streamlined council processes that delivers value for the small business community.

The Better Approvals Getting Started Checklist (refer to **Attachment [2.7.1]**) provides more detailed information. If endorsed, the process and timeline to undertake The Project will be discussed with the State Government.

### RECOMMENDATION

**That Council endorses the implementation of *The Better Approvals Project*.**

### REPORT

To participate, Council will be required to:

- Have endorsement by its executive leadership team; and
- Form a project team comprising representatives from Economic Development, Planning, Environmental Health, Local Laws, Business Improvement and Communications, Customer Service or IT who will be available for the weekly meetings.

The reforms to be implemented during The Better Approvals Project are:

- The introduction of a business concierge model;
- The introduction of a single application process;
- Concurrent processing of applications; and

- A simplified process to footpath trading and events applications.

A number of councils have already undertaken The Better Approvals Project, including Latrobe City Council and Baw Baw Shire Council that have both recently completed The Project; and Bass Coast Shire Council that is soon to commence. A new position titled Business Concierge Officer has been supported by the Latrobe Valley Authority (LVA) for a 12 month period during early implementation of The Project within these three Gippsland councils.

## **CONSULTATION**

The Economic Development and Tourism Unit has presented a briefing to the Executive Leadership Team after consultation with the State Government.

## **RESOURCES**

The State Government will pay for the consultant to undertake The Project.

The cost to Council will relate to staff required to undertake The Project and outcomes and recommendations may also impact further costs.

## **RISKS**

The perception of current regulatory processes may be viewed by the business community as time-consuming and fragmented, therefore, by taking a proactive approach and implementing The Better Approvals Project, Council will build stronger relationships and reduce its reputational risk.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

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

1. Better Approvals Getting Started Checklist **[2.7.1 - 8 pages]**

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

Economic Development and Tourism Strategy

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

#### **3.1. NEW: YOUTH STRATEGY 2019 - 2023**

Corporate and Community Services Directorate

##### **EXECUTIVE SUMMARY**

The South Gippsland Shire Council Plan 2017-2021 identified a need to develop a Youth Strategy to aid in determining the needs of young people between 12 and 25 years of age in South Gippsland and to assist them to have a voice regarding matters that affect them.

*“Strategic Objective 2*

*Build strong partnerships, strengthen Arts and Culture and deliver equitable outcomes*

*2.7 – Develop and implement a Youth Strategy to determine the needs of young people and assist them to have a voice regarding matters that affect them.”*

The proposed draft South Gippsland Youth Strategy 2019-2023 (the Strategy) (**Attachment [3.1.1]**) has been developed through consultation with young people and outlines actions that Council, young people, and their communities could undertake to achieve these aims.

Following a Strategic Briefing on 15 May 2019 asking Council to provide comment on the Strategy this report recommends that Council adopt the Strategy 2019-2023.

##### **RECOMMENDATION**

**That Council adopt the Draft South Gippsland Youth Strategy 2019-2023 (Attachment [3.1.1]).**

##### **REPORT**

The South Gippsland Shire council Plan 2017-2021 identified a need to develop a Youth Strategy to aid in determining the needs of young people aged between 12 and 25 in South Gippsland and assist them to have a voice regarding matters that affect them.

The adoption of the Strategy will assist Council to achieve implementation of its existing Youth Policy 2021 (C46).

South Gippsland Shire Council provides a key role in youth engagement, participation and inclusion through:

- Provision of support for Youth Consultative Networks, established as required through consultation with young people in South Gippsland;
- Advocating for the provision of quality services for young people including education, training, social and cultural services and employment opportunities;
- Promotion of young people as active members of the community through providing opportunities to participate in community programs, initiatives and decision making processes;
- Providing a leadership role in developing strong partnerships between all stakeholders and providing a sustainable future for young people in the South Gippsland Shire; and
- Provision of leadership and community engagement skills development opportunities for young people.

The Strategy will provide opportunity for Council to achieve elements of other Strategies and Plans with particular reference to young people, such as; Health & Wellbeing Plan 2017-2021, South Gippsland Art, Culture and Creative Industry Strategy 2017-2021 and the Disability Action Plan 2018-2022.

Throughout the consultation period (October 2017 – April 2019) young people in South Gippsland have been asked to give their responses to four key questions. These questions were taken from other youth consultations that have taken place across the State to provide a basis for comparison (Mission Australia Annual Youth Survey 2018) and other LGA Youth Strategies, for example Wellington Shire Council Youth Strategy 2017 – 2020 and Macedon Ranges Shire Youth Strategy 2018 – 2028.

The four questions are:

- What issues are important to you? (Global / outward question)
- What challenges are you facing? (Personal / inward question)
- What is great about where you live? (Personal / local question) and
- Do you want to be involved in your community? (Personal / community question)

The responses that young people gave to these questions has enabled Officers and young people to develop a vision, and the themes, goals and actions that can be delivered through the Strategy.

The Strategy is framed around four key themes: Environment, Advocacy and Representation, Health and Wellbeing and Participation.

Each of the themes has a goal and actions required to achieve these goals. Responsibility for the actions defined in the Strategy are further divided into actions for Council, and actions for young people and their communities.

## **CONSULTATION**

The youth population can be difficult to reach, and much of the consultation has been informal, through discussion with young people at community events, schools and through the FReeZA Committee (13 members).

The Foundation for Young Australians (FYA, YLAB) with the Community Strengthening team ran two design workshops with young people in October 2017 (Mirboo North and Leongatha).

A group of 21 young people who identified through the 'OurSay' Survey process as interested in the Youth Strategy met in January 2019 to discuss the process and input provided by their peers through the consultation and engagement phase, and have expressed an interest in continuing as a reference group for the Strategy.

Consultation also included:

- FYA, YLAB forums – Mirboo North and Leongatha, October 2017;
- Discussion at Secondary Colleges (Korumburra Secondary College, Mary MacKillop Catholic Regional College, Leongatha Secondary College), June – November 2018;
- Paper based surveys, collected by members of the FReeZA Committee, September 2018;
- Community Activities (Leongatha Daffodil Festival, September 2018, Foster Farmers Market, October 2018, Pearl Park Music Festival, January 2019);
- Group Discussion, FReeZA (2017-2019);
- Online Survey (OurSay), November 2018; and
- Youth Reference Group Discussion, January 2019.

## RESOURCES

Effective implementation of the Strategy can be delivered within current allocations, but will require an ongoing staff commitment from existing teams, in particular Community Strengthening and Economic Development and Tourism. Community Strengthening includes \$22,000 in its annual budget to support youth led initiatives including youth leadership projects.

Council's allocation is regularly augmented by external grant funds such as FReeZA and Learner to Probationary Driver (L2P) project funding.

Implementation of the Strategy will not require extra staff time as it provides clarity on what activities to pursue and will create a clear pathway for a range of Council teams to participate in delivery of actions within the Strategy.

The Strategy does recommend that a specific stream of funds from the current Community Grants program be made available for youth led initiatives, with the initial proposal being for \$20,000 per annum (x 4 projects of \$5,000) to be made available.

## RISKS

The youth population is difficult to reach, and have through this process offered their opinions and personal comments. There is a potential risk that not adopting the Strategy could be perceived as Council not respecting young people's voices and could reduce Council's ability to form partnerships with this group in the future.

## STAFF DISCLOSURE

Nil

## ATTACHMENTS

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

1. South Gippsland Youth Strategy 2019 - 2023 [3.1.1 - 14 pages]

## 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

Municipal Public Health and Wellbeing Plan 2013-2017

South Gippsland Art, Culture and Creative Industry Strategy, 2017-2021

Youth Policy (C46)

**Legislative Provisions**

Child Safe Standards 2016

Child Wellbeing & Safety Act 2005

Children, Youth and Families Act 2009



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

### **4.1. POWER PURCHASING AGREEMENT FOR COUNCIL ELECTRICITY**

Infrastructure Directorate

#### **EXECUTIVE SUMMARY**

Council has an opportunity to join with the current 39 other Victorian councils to enter into a long-term agreement (up to ten years) for the procurement of electricity via a Power Purchasing Agreement (PPA). The detailed *Energetics PPA Business Case Report (Confidential Attachment [15.4.1])* shows the potential for significant savings for Council of up to 19 per cent or \$224,000 on electricity expenditure over the next ten years.

In addition, entering into the PPA would enable Council to move to 100 per cent renewable energy for its electricity supply at no extra cost, compared to business-as-usual, allowing for significant emissions reduction from Council operations. This would demonstrate to the community Council's commitment to emissions reduction and leadership on environmental matters.

#### **RECOMMENDATION**

**That Council:**

- 1. Commits to the Victorian Local Government Power Purchasing Agreement tender process for electricity purchases by:**
  - a. Joining with partner councils in a Request-For-Quotation process, brokered by MAV, to find the best PPA offer available in the market; and**
  - b. Accepting the best offer, provided it falls within the pre-defined parameters of Net Present Cost impact over the life of the offer(s), and is no more than Business-as-Usual costs.**
- 2. Delegates authority to the Acting Chief Executive Officer to sign and seal the Power Purchasing Agreement retail contracts for the supply of electricity to South Gippsland Shire Council from 1 July 2020, subject to the final offer(s) being within the agreed financial limits.**

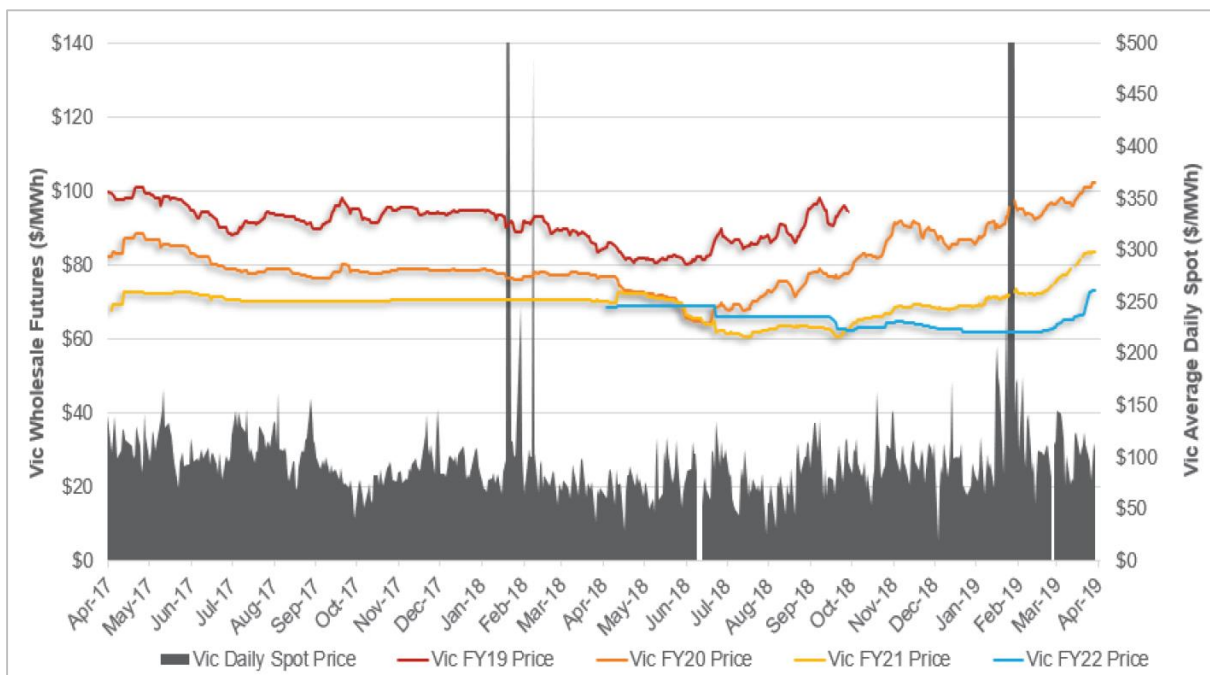
#### **REPORT**

At present, Council enters into contracts with an electricity retailer every two or three years for the purchase of electricity. These contracts are brokered by MAV Procurement on behalf of a number of councils across Victoria. The

prices achieved through this process are very much dependent on the short-term future energy market at the time of going to market, so can vary significantly depending on when the contract comes up for renewal. This wholesale electricity price volatility is highlighted in **Figure 1** below.

Council’s current electricity supply contracts expire in mid-2020 for “small market sites” (about 43 per cent of Council’s total electricity consumption) and the end of 2020 for street-lighting and the single “large market site” (Council’s Main Office at 9 Smith Street, Leongatha), with considerable uncertainty as to what the future price will look like at that time.

**Figure 1: Short-term variability and uncertainty in the future market for electricity**



**Note:** “Vic FY21 Price” represents the future price for electricity in the 2021 financial year.

Over the past 12 months, Council has partnered with an initial group of 39 councils from across Victoria to investigate the possibility of entering into a long-term agreement for the joint procurement of electricity from renewable energy generators via a PPA. This would involve a 7-to-10 year contract with an electricity retailer, whereby Council would be committing to purchase electricity from that retailer, along with renewable energy certificates, certifying that the electricity was procured from a renewable energy facility.

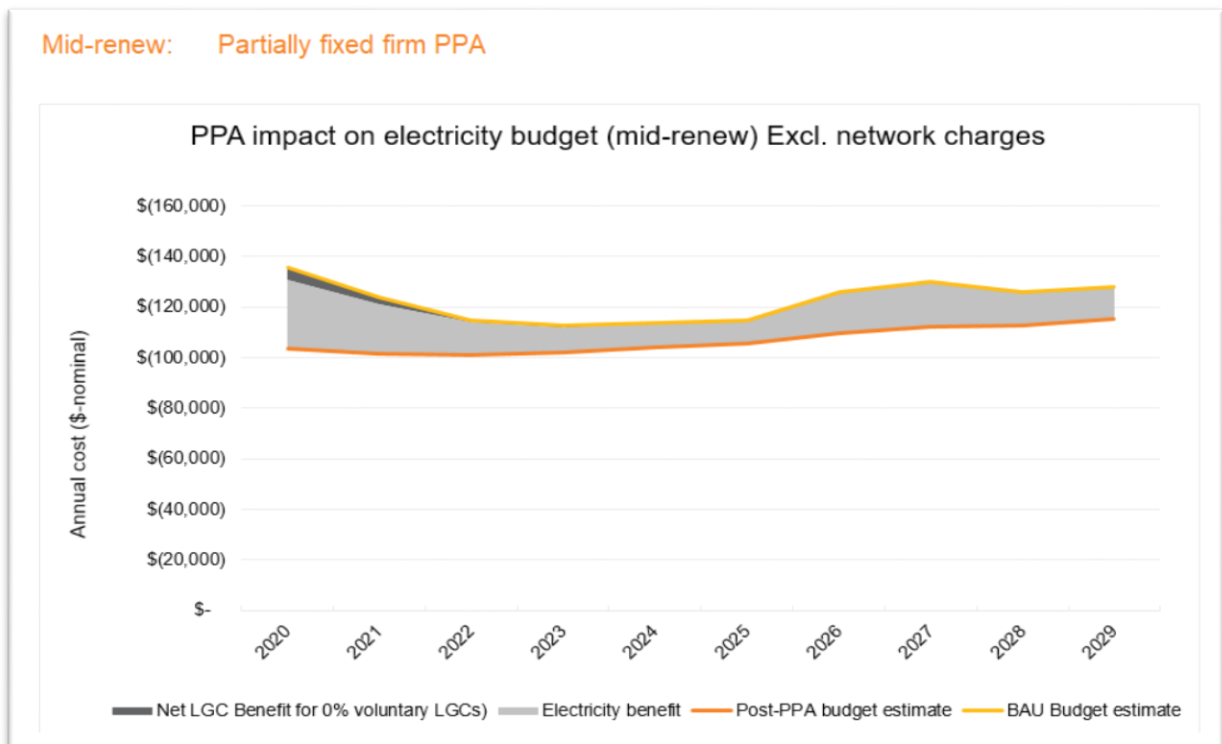
Details of the project to date and the process from here is outlined in the *Local Government PPA Project Offer Summary (Confidential Attachment [15.4.2])* with more details in the *Energetics PPA Business Case Report (Confidential Attachment [15.4.1])*.

The supply of renewable energy certificates (called “Large Generation Certificates”, or LGCs) gives Council the flexibility of either shifting to 100 per cent renewables for its electricity supply to help meet emissions reduction targets, or on-selling the LGCs to reduce electricity expenditure, depending on the priorities of Council over the life of the project.

By joining with a number of other councils and locking in a large volume of electricity demand over an extended period, the group of councils offer an attractive proposition to electricity retailers in terms of volume certainty and customer loyalty. This in turn is likely to result in very competitive prices for the term of the contract, providing value and enhanced long-term budget certainty for Council.

Modeling by leading energy market analysts *Energetics* suggests that entering into the PPA (as proposed) would provide savings of between \$5,000 and \$30,000 per annum when compared to current arrangements (see **Figure 2** below). Higher savings could be achieved under a scenario whereby Council increases their emissions reduction target in the future. In this instance, savings between \$11,000 and \$224,000 would be achieved across the life of the project.

**Figure 2: Annual expenditure on electricity under a business-as-usual scenario (yellow line), versus a PPA arrangement (orange line)**



Some of the other advantages of joining the proposed PPA include:

- Long-term budget certainty: At least a portion of Council's electricity expenditure would be fixed for the life of the contract (7-to-10 years).
- Reduce exposure to price shocks: At present Council is at the mercy of the energy market at the time its contract is up for renewal (every 2 to 3 years). Given the fluctuations in the futures market for electricity, plus uncertainty in wholesale prices going forward, entering into a long-term agreement reduces the risk of being exposed to unexpected and significant increases in prices over the term of the contract.
- Ability to achieve greenhouse gas emissions reductions for Council: By procuring electricity from a renewable energy facility, Council can choose to either sell the renewable energy certificates created and transferred as part of the purchase (if cost minimisation was the primary driver), or alternatively surrender them and achieve the associated emissions reductions. This would be valuable as Council may either voluntarily increase its emissions reduction target in the future, or alternatively Council may become subject to external (eg. State-imposed) emissions reduction targets, as are the water authorities.
- Displaying leadership on climate action: The ability to shift to 100 per cent renewable energy for Council operations at little or no extra cost provides an opportunity for Council to demonstrate leadership on greenhouse gas emissions reductions.
- Avoid the possibility of being left behind: By not being part of the PPA buying group, there is a risk that the remaining councils will have lower bargaining power for future energy contracts as the quantity of electricity demand on offer will be reduced.
- Reduced administrative burden to council officers: By entering into a 10-year PPA, Council will eliminate the costly and time-consuming need to go to market every two or three years to seek and assess electricity offers, as well as having a consistent energy retailer for an extended period of time, which would increase familiarity with data access and account management processes, etc.

Within the next six to twelve months, Council will be required to enter into new contracts for electricity purchases for Council operations. This local government-led PPA offers a number of advantages over the status quo of two or three year contracts via MAV Procurement, as well as over the range of other options available to Council as outlined in the *Summary of Electricity Procurement Options - South Gippsland Shire Council (Attachment [4.1.1])*.

Following recent discussions between the project team and MAV, it has now been confirmed that MAV will take the lead as the procurement agent for the purpose and duration of the project.

While this offer is only available to local governments at this stage, South Gippsland Shire Council will pursue the possibility of extending this offer to council-owned buildings where community groups are responsible for purchasing electricity, or alternatively exploring other options for reducing electricity bills for community groups accessing Council-owned facilities, via energy efficiency, renewable energy or other alternatives.

## **CONSULTATION**

The Sustainability team have been working with a group of 38 other councils (now 39 councils) for the last six months on scoping, designing, and assessing the feasibility of this project. A *Business Case (Confidential Attachment [15.4.1])* was delivered by renowned energy industry consultants *Energetics*. They modelled a number of scenarios and determined that, in all but a very small handful of instances, Council are likely to be significantly better off by participating than if we were to continue with the current path – as much as \$224,000 over the ten year life of the contract.

Additionally, finance, risk and procurement teams were consulted internally, and were supportive of the proposal to contribute 100% of Council's electricity demand to the project.

A Strategic Briefing to Council was held on 5 June 2019 to present the PPA offer and options for Council electricity. This was followed up with a Briefing to the Administrator in 11 July 2019.

## **RESOURCES**

Council has contributed \$1,000 to participate in the development of the *Business Case (Confidential Attachment [15.4.1])*. In addition, there is a requirement for Council to contribute \$4,000 plus GST to develop the tender document, assess the tender responses, and contribute to further advisory services and communications.

However, once commenced, the long-term nature of the contract will result in reduced resource requirements for Council officers by not needing to seek and assess electricity offers every two or three years, as well as having a consistent energy retailer for an extended period of time, which would increase familiarity with data access and account management processes, etc.

## RISKS

There are risks involved with proceeding with the PPA offer, and equally in continuing with the status quo. While a ten year contract partially locks Council into a price and thus potentially misses out on any unexpected falls in electricity prices in the future, not being part of the PPA exposes Council to any unexpected increases when it next comes time to renegotiate our short-term contracts.

The long-term cost risk is mitigated to a degree by being part of a large buying group with an attractive offer to energy retailers, which will likely result in a very competitive price for participants. In addition, a thorough *Business Case* has been completed by industry experts, examining the options in full and predicting significant savings to be achieved through the PPA.

If Council were not to proceed, there is a risk that it would be left negotiating for short-term contracts with a small number of councils, with over half of the local councils across the State likely to join the PPA. This would leave Council with reduced market power with regards to the next round of negotiations via the MAV Procurement process potentially resulting in higher electricity prices and poorer non-price outcomes such as customer service standards, or both.

## STAFF DISCLOSURE

Nil

## ATTACHMENTS

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

1. Summary of Electricity Procurement Options - South Gippsland Shire Council  
**[4.1.1 - 17 pages]**

## CONFIDENTIAL ATTACHMENTS

**Confidential Attachments [15.4.1]** – Energetics PPA Business Case Report and **[15.4.2]** – Local Government PPA Project Offer Summary – has been provided in accordance with s.77(2)(c) of the Local Government Act 1989. The Chief Executive Officer designates these Agenda Items 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 as they contain information of other Local Government's electricity consumption and commitment towards the project.

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

Greenhouse Gas Reduction Plan

Procurement Policy (C32)

Sustainability Strategy

### **Legislative Provisions**

Local Government Act 1989

## **4.2. AWARD CONTRACT CON/226 SUPPLY & DELIVERY OF PREMIXED CONCRETE**

Infrastructure Directorate

### **EXECUTIVE SUMMARY**

Council requires the supply and delivery of premixed concrete in order to deliver the annual road and footpath maintenance and construction programs, including the projects in the adopted Capital Works Program.

In accordance with Council's Procurement Policy and procedures, Council is required to follow an open tender process for the supply and delivery of premixed concrete. In response to Council's Request for Tender RFT/226 Supply and Delivery of Premixed Concrete (RFT/226), one conforming tender was received. It is recommended that Council accepts the tender and award contract CON/226 for the supply and delivery of premixed concrete for a three year term with two one-year extension options commencing 1 July 2019.

Council has a good working relationship with the recommended contractor and has found their work to be of an acceptable standard.

### **That Council:**

- 1. Approves the award of contract CON/226 Supply and Delivery of Premixed Concrete for a three year contract term with two one-year extension options commencing on 1 July 2019 for the schedule of rates outlined in their submission (Confidential Attachment [15.5.1]);**
- 2. Publishes on Council's website the successful contractor and the contract details in Item 1 above within one week of Council's decision to approve the award of contract CON/226 to allow sufficient time for the formal awarding of the contract;**
- 3. Authorises the Acting Chief Executive Officer to sign and affix the Common Seal of the Municipality to the contract documents; and**
- 4. Authorises the Chief Executive Officer, subject to delegation, to approve any contract extensions subject to satisfactory contractor performance review.**

### **REPORT**

In response to Council's Request for Tender RFT/226 Supply and Delivery of Premixed Concrete (RFT/226), Council received one tender submission. The contractor submitted schedule of rates prices for the supply and delivery of premixed concrete.



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

### **CONSULTATION**

Tender specifications were developed in consultation with all relevant officers involved in premixed concreting services.

RTF/226 was advertised in The Age (18 May 2019), Latrobe Valley Express and in Council's Noticeboard (week commencing 20 May 2019) and tenders closed on 31 May 2019.

The tenders were assessed in accordance with the criteria specified in the contract documentation by an evaluation panel on 27 June 2019. The evaluation panel consisted of the Manager Operations, Supervisor Construction, Coordinator Sealed Roads Planning, and Procurement officer.

A summary of the tender evaluation is included in **Confidential Attachment [15.5.1]**.

### **RESOURCES**

The purchase of premixed concrete is accommodated within Council's annual maintenance budget, capital works budget, and in Council's Long Term Financial Plan. For the past two years Council has spent approximately \$200,000 per annum on premixed concrete.

### **RISKS**

Awarding contract CON/226 will assist Council in the delivery of the annual road and footpath maintenance and construction programs, including the projects in the adopted *Capital Works Program*.

### **STAFF DISCLOSURE**

Nil

### **CONFIDENTIAL ATTACHMENTS**

**Confidential Attachment [15.5.1]** – Tender Evaluation Summary - RFT/226 – 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 contractor, tender scores, and tendered amount 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)*

2019/20 Annual Budget  
Long Term Financial Plan  
Procurement Policy (C32)  
Road Management Plan

**Legislative Provisions**

Local Government Act 1989  
Occupation Health and Safety Act 2004  
Road Management Act 2004

#### **4.3. AWARD CONTRACTS UNDER CEO DELEGATION - 2019/20 CAPITAL WORKS PROGRAM**

Infrastructure Directorate

##### **EXECUTIVE SUMMARY**

Council delivers a number of projects through its Capital Works Program on an annual basis and many of the projects are delivered by way of a contract. The construction period in South Gippsland is quite short due to the weather patterns in the region. Therefore, it is critical that projects commence as early as possible in the construction season to enable contractors the maximum available time to complete the construction works.

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

##### **RECOMMENDATION**

**That Council:**

- 1. Subject to the recommended tenders being within Council's adopted budget and compliance with Council's Procurement Policy, delegate to the Acting Chief Executive Officer the power to award the following contracts which exceed the Acting Chief Executive Officer's financial delegation of \$250,000 (incl. GST):**
  - a. Leongatha Business Precinct Project – Bair Street - \$5,400,000.**
  - b. Footpath Renewal and Extension Programs - \$394,555.**
  - c. Korumburra Community Hub - \$5,189,063.**
  - d. Great Southern Rail Trail - \$4,850,000.**
  - e. Agnes Falls Contribution - \$469,698.**
  - f. Footpath Extension – Jumbunna Road, Korumburra - \$906,079.**

- g. Bridge - Timms Road, Poowong - \$621,000.**
  - h. Guard Rails Replacement Program - \$115,361.**
  - i. Roads – Gardner Lane, Poowong - \$257,000.**
  - j. Roads – Reseal Program - \$1,574,828.**
  - k. Recreation – Venus Bay Skate Park - \$250,000.**
  - l. Recreation – Korumburra Skate Park - \$240,000.**
  - m. Pools – Renewal Program - \$1,083,650.**
  - n. Pools – Refurbishment Design – Mirboo North - \$5,485,000.**
  - o. Recreation – Baromi Park Master Plan Works - \$490,000.**
  - p. Buildings – Fish Creek Pre-School Refurbishment - \$367,155.**
  - q. Leongatha & District Netball Association Courts - \$770,000.**
- 2. Receive a report at the next practicable Ordinary Meeting of Council following the award of any contract detailing the contract awarded and the successful contractor; and**
- 3. Delegate to the Manager Infrastructure Delivery the power to approve variations in accordance with the specified delegation for variations in the Procurement Manual which is up to 10 per cent of the contract lump sum capped at \$75,000 (excl. GST).**

## **REPORT**

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

Detailed in **Table 1** below is the list of projects for which construction contracts are proposed to be publicly advertised in the 2019/20 financial year. Those projects marked with an asterisk are subject to further investigation and resolutions of Council.

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

**Table 1 – 2019/20 Construction Projects**

<b>NO.</b>	<b>[COST CENTRE] PROJECT NAME</b>	<b>BUDGET (EX. GST)</b>
a.	[82040] Leongatha Business Precinct Project – Bair Street #	\$ 5,400,000
b.	[88050] & [88090] Footpaths Renewal and Extension Programs, including: 1. Whitelaw St, Meeniyan renewal 2. Boundary Rd, Foster renewal 3. Horn St, Leongatha extension 4. Koala Dr, Koonwarra extension 5. Peacock St, Mirboo North extension 6. Grand Ridge Road East, Mirboo North extension 7. McKitterick St, Meeniyan extension	\$ 226,939
c.	[73630] Buildings – Korumburra Community Hub #	\$ 5,189,063
d.	[93120] Great Southern Rail Trail #	\$ 4,850,000
e.	[65350] Agnes Falls Contribution	\$ 469,698
f.	[88090] Footpath Extension – Jumbunna Road, Korumburra	\$ 906,079
g.	[85210] Bridge – Timms Road, Poowong	\$ 621,000
h.	[82240] Guard Rails – Replacement Program, including: + 1. Hudsons Rd, Korumburra South 2. Gwythers Siding Rd, Leongatha South 3. Sewells Rd, Koonwarra	\$ 115,361
i.	[82420] Roads – Gardner Lane, Poowong	\$ 257,000
j.	[82110] Roads – Reseals, including: 1. 308,790m <sup>2</sup> @ \$5.10/m <sup>2</sup>	\$ 1,574,828
k.	[93140] Recreation – Venus Bay Skate Park	\$ 250,000
l.	[93180] Recreation – Korumburra Skate Park	\$ 240,000
m.	[93070] Pools – Renewal Program, including: 1. Foster Swimming Pool – \$197,269 2. Leongatha Splash Amenities - \$255,679 3. Toora Swimming Pool Stage 2 - \$630,702	\$ 1,083,650
n.	[99020] Pools – Refurbishment Design – Mirboo North	\$ 5,485,000
o.	[93130] Recreation – Baromi Park Masterplan Works	\$ 490,000
p.	[73530] Buildings – Fish Creek Pre-School Refurbishment	\$ 367,155
q.	[66020] Leongatha & District Netball Association Courts	\$ 770,000
* Subject to further investigation and resolutions of Council. + Budget will increase by around \$250,000 if Council obtains Blackspot funding. # Budgets span 2019/20 & 2020/21 financial years.		

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

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

### **CONSULTATION**

The proposed 2019/20 Capital Works Program was presented to Council throughout the 2018/19 financial year in the lead up to the 2019/20 Annual Budget adoption.

In preparing this report, internal consultation has occurred within the Infrastructure Delivery and Infrastructure Planning departments and the Finance, Risk and Procurement department.

### **RISKS**

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

### **STAFF DISCLOSURE**

Nil

### **REFERENCE DOCUMENTS**

#### **Council Policy**

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

15-year Capital Works Program

2019/20 Annual Budget

Council's Instrument of Delegation to the CEO, 22 February 2017

Long Term Financial Plan

Procurement Policy (C32)

#### **Legislative Provisions**

Local Government Act 1989

#### 4.4. PETITION RESPONSE - PEART STREET, LEONGATHA TREE CONCERNS

Infrastructure Directorate

##### EXECUTIVE SUMMARY

Council managed trees are a significant asset that are of a high value to the community and contribute greatly to the amenity of the built environment, providing a sense of place and improved neighbourhood character within the Shire. These values on occasion conflict with the community's expectations in regards to safety and nuisance issues.

At the Ordinary Council Meeting on 26 June 2019, a petition was received from Leongatha residents concerned with the street trees along Peart Street, Leongatha. At that meeting it was resolved:

*"That Council:*

- 1. Receive and note the petition; and*
- 2. The petition lay on the table until the matter is considered and decided on at the Ordinary Council Meeting 24 July 2019."*

The petition contains 81 signatures in total (70 signatures from directly affected Peart Street residents) who believe that the street trees are a hazard and ideally would like to see the Queensland Brush Box (*Lephostemon confertus*) removed from the streetscape.

It is proposed that Council survey all residents along Peart Street to officially seek their preference on whether to retain the Queensland Brush Box street trees or remove and replace them with a more suitable tree such as the *Prunus blireana*. The survey results will then be presented at the next appropriate Ordinary Meeting of Council to assist in establishing a formal response to the petition for Council's consideration.

##### RECOMMENDATION

**That Council:**

- 1. Notes the petition detailing the residents' concerns in regards to the Queensland Brush Box street trees in Peart Street, Leongatha (Confidential Attachment [15.6.1]);**
- 2. Surveys all residents along Peart Street, Leongatha to seek their preference on the Queensland Brush Box street trees (remove and replacement vs retain);**

3. **Receives a further report at the next appropriate Ordinary Council Meeting detailing the survey results to assist in establishing a formal response to the petition for Council’s consideration.**

**REPORT**

South Gippsland Shire Council has a responsibility for the ongoing maintenance, upkeep, renewal, and risk management of a wide range of urban trees on Council-land within the 40 km to 80 km per hour speed limit zone and any Council managed parks.

Council managed trees are a significant asset that are of a high value to the community and contribute greatly to the amenity of the built environment, providing a sense of place and improved neighbourhood character within the Shire. These values on occasion conflict with the community’s expectations in regards to safety and nuisance issues.

At the Ordinary Council Meeting on 26 June 2019, a petition was received from Leongatha residents requesting Council review the street trees along Peart Street, Leongatha. The petition contains 81 signatures in total (70 signatures from Peart Street residents) who believe that the street trees are a hazard for the following reasons:

- They drop a large amount of branches thus creating a tripping hazard for the residents, particularly the elderly who reside in the area.
- They drop berries at various times of the year, which cause the path to become slippery and are a danger (as per previous point).
- The footpath is constantly lifting as a consequence of hydraulic pressure of tree roots, creating a tripping hazard to the public.
- The debris constantly falling from the trees creates considerable build-up of a potential fire hazard particularly under resident’s houses.

A copy of the petition is available in **Confidential Attachment [15.6.1]**. The petition prayer is available in **Figure 3** below.

**Figure 1 - Petition Prayer**

Peart Street Leongatha  
 The trees along the abovenamed street have become a serious hazard for the following reasons;

They drop a large amount of branches thus creating a tripping hazard for the residents, particularly the elderly who reside in the area.  
 They drop berries at various times of the year, which cause the path to become slippery and are a danger per previous point.  
 The footpath is constantly lifting as a consequence of hydraulic pressure of tree roots, creating a tripping hazard to the public.  
 The debris constantly falling from the trees creates considerable build-up of a potential fire hazard particularly under resident’s houses.

The undersigned respectively request a meeting and the matter to be treated with the seriousness required. In the event no action is undertaken by the Council, the matter will be reported to the relevant governing authorities.



Therefore, it is proposed to survey abutting property occupiers/owners along Peart Street to seek their position regarding the Queensland Brush Box street trees.

### CONSULTATION

It is proposed to survey abutting property occupiers/owners along Peart Street to seek their position regarding the Queensland Brush Box street trees. The proposed survey tick box options will be:

- YES, please remove and replace the Queensland Brush Box street trees (**Figure 1**) with *Prunus blireana* (**Figure 2**).
- NO, please retain the Queensland Brush Box street trees.

**Figure 2 - Queensland Brush Box**



**Figure 3 - *Prunus blireana***



The results of the survey will be presented to Council at the next appropriate Council Meeting to assist in establishing a formal response to the petition on whether to retain or replace the Queensland Brush Box street trees.

### RESOURCES

Council has allocated a budget of \$52,000 for urban tree maintenance in accordance with Council's Tree Management Plan. Trees that are recognised as a threat to public safety are prioritised and actioned accordingly as budget allows.

### RISKS

The risks associated with trees is mitigated by Council's Tree Management Plan which was adopted by Council on 26 July 2019.

A search of the Council's Insurance information confirms that there have been no claims lodged against the footpath or trees on Peart Street, Leongatha.

#### **STAFF DISCLOSURE**

Nil

#### **CONFIDENTIAL ATTACHMENT**

**Confidential Attachment [15.6.1]** – Petition - Peart Street, Leongatha Tree Concerns – has been provided in accordance with s.77(2)(c) of the Local Government Act 1989. The Chief Executive Officer designates this item as confidential information on the grounds that it relates to s.89(2)(h) - any other matter which the Council or Special Committee considers would prejudice the Council or any persons. This item is deemed confidential for the privacy of the petition signatories.

#### **REFERENCE DOCUMENTS**

##### **Council Policy**

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

Electric Line Clearance Management Plan  
Municipal Fire Management Plan  
Road Management Plan  
Roadside Vegetation Management Plan  
Tree Management Plan

##### **Legislative Provisions**

Australian Standard AS 4373 2007 Pruning of Amenity Trees  
Australian Standard AS 4970 2009 Protection of Trees on Development Sites  
Electricity Safety Act 1998  
Heritage Act 1995  
Local Government Act 1989  
Planning and Environment Act 1987  
Road Management Act 2004  
SP AusNet: Your Guide to Planting near Electricity Lines

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

### **5.1. ADMINISTRATOR DECLARATION OF THE OATH OF OFFICE - 24 JUNE 2019 MINUTE**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

The purpose of this report is to minute that Administrator Julie Eisenbise has taken the Oath of Office and read, signed and dated her declaration to abide by the Councillor Code of Conduct at a ceremony conducted at 1.00pm on 25 June 2019.

The oath and declaration have been made and signed in the presence of the Acting Chief Executive Officer (CEO), Bryan Sword, as the witness.

The 24 July 2019 Ordinary Meeting of Council is to include the signed Oath and Declaration made by Administrator Eisenbise for inclusion in the Minutes, as required by s.63(2)(c) of the Local Government Act (the Act) (refer to **Attachment [5.1.1]**).

#### **RECOMMENDATION**

**That Council:**

- 1. Notes that Administrator Julie Eisenbise has taken, signed and dated the Oath of Office and the declaration to abide by the Councillor Code of Conduct, at a ceremony held at 1.00pm on 25 June 2019 in the Council Chambers Leongatha, with the Acting Chief Executive Office as her witness (Attachment [5.1.1]); and**
- 2. Notes the signed and dated Oath and Councillor Code of Conduct declaration is recorded and included in the minutes of the 24 July 2019 Ordinary Meeting of Council.**

#### **REPORT**

On Friday 21 June 2019, Hon Adem Somyurek, the Minister for Local Government, announced the Governor in Council appointment of Julie Eisenbise to be the Administrator for South Gippsland Shire Council under s.6(a) of the *Local Government (South Gippsland Shire Council) 2019* (the LGSGSC Act), following the dismissal of Council under the same Act.

The appointment is for a 90 day period from the day after making the Order or until such time as a panel of administrators is appointed for the South Gippsland Shire Council.

Sections 7(a), 7(b) and 7(c) of the *Local Government (South Gippsland Shire Council) Act*, outlines that a person(s) appointed by the Minister for Local Government, and subject to the Order in Council, is to be an Administrator for South Gippsland Shire Council thereby constituting the Council. In this role the Administrator(s) must perform all the functions, powers, duties of the Council which must be treated as if they were performed by the Council.

In accordance with these sections of the LGSGSC Act and s.63 of the Act, the Administrator is required to take the oath or affirmation of office and agree to abide by the Councillor Code of Conduct.

A person appointed by the Governor in General to be an Administrator, is not capable of acting as an Administrator until these two declarations are made and witnessed by the CEO.

The oath and declaration made by Administrator Julie Eisenbise have been made and signed in the presence of the Acting Chief Executive Officer (CEO), Bryan Sword, as her witness.

The 24 July 2019 Ordinary Meeting of Council is to include the signed Oath and Declaration made by Administrator Eisenbise for inclusion in the Minutes, as required by s.63(2)(c) of the Act (refer to **Attachment [5.1.1]**).

## **CONSULTATION**

The Administrator was provided with advice and an induction session on the requirements to take up the role of Administrator, at a session held on 24 June 2019.

## **RESOURCES**

The appointment of the Administrator requires a remuneration fixed at \$160,000 per annum, plus a superannuation contribution and requiring a minimum of three work days a week. Funds currently allocated to Councillors' allowances will be transferred to cover these expenditure requirements.

## **RISKS**

Council is required by law to ensure all appointed Administrators take, sign and date the oath or affirmation of office and read, sign and date the Councillor Code of Conduct before they can take up the role of Administrator.

The following sessions contributed to ensuring the Administrator has been sworn into the role in accordance with the legislative requirements of ss.7(a), 7(b) and 7(c) of the LGSGSC Act and s.63 of the Act:

1. Pre-declaration induction session was held with the Administrator on 24 June 2019;
2. The declaration ceremony for Administrator Julie Eisenbise, was held at 1.00pm 25 June 2019 in the Council Chambers, Leongatha; and
3. The inclusion of the signed Administrator Oath and Code of Conduct declaration – Minute Version (**Attachment [5.1.1]**) is captured in the Ordinary Meeting of Council Minutes 24 July 2019.

#### **STAFF DISCLOSURE**

Nil

#### **ATTACHMENTS**

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

1. Administrator Julie Eisenbise - Signed Oath and Declaration - 24 June 2019  
**[5.1.1 - 1 page]**

#### **REFERENCE DOCUMENTS**

##### **Council Policy**

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

Councillor Code of Conduct Policy (C14)

##### **Legislative Provisions**

Local Government Act 1989

Local Government (South Gippsland Shire Council) Act 2019

## 5.2. CHANGES TO ORDINARY MEETING COUNCIL 28 AUGUST 2019

Corporate and Community Services Directorate

### EXECUTIVE SUMMARY

Council conducts Ordinary Meetings of Council at which the general business of Council may be transacted. The Ordinary Council Meeting schedule 2019 was determined at its Meeting of 19 December 2018. This report proposes changes to Ordinary Council Meeting No.437 – 28 August 2019.

A significant community event (Leongatha Daffodil Festival) is being held in the Memorial Hall Complex over the week of 28 August 2019. This report proposes to change the venue of the Meeting to take place in the Leongatha RSL (Leongatha Returned & Services League of Australia).

This report also proposes to change the commencement time of the Meeting, from 2.00 pm back to 12 noon. The commencement time has changed to ensure that the business of Council concludes in line with the availability of the venue at the Leongatha RSL.

### RECOMMENDATION

**That Council change the details of the Ordinary Meeting of Council to be held on Wednesday 28 August 2019, meeting number 437 to:**

- 1. Hold the Ordinary Meeting at the Leongatha Returned & Services League (RSL), corner of Smith Street and Michael Place;**
- 2. Commence the Ordinary Meeting at 12 noon;**
- 3. Authorises the Acting Chief Executive Officer to further change the meeting location and time should that be warranted, due to the nature of business and availability of the Leongatha RSL; and**
- 4. Provides reasonable notice to the public via local newspapers and Council's website, should a change in meeting time or location be warranted.**

### REPORT

#### ***Ordinary Council Meeting Date, Time and Venue***

Council is required by Local Law No.3 2010 (clause 8) to fix the time, date and place of all Council Meetings and provide reasonable notice to the public. The Ordinary Council Meeting schedule 2019 was determined at its Meeting of 19 December 2018. Meeting information is published in Council's Noticeboard section of local newspapers and on its website.

There are a number of significant community events held throughout the year that are conducted in the Leongatha Memorial Hall Complex. At these times Council seeks alternate venues to conduct the business of Council. The Leongatha RSL is able to accommodate Council on Wednesday 28 August, however Council needs to have concluded its business by 4pm. To ensure this requirement, an earlier 12 noon meeting time commencement is proposed.

Ordinary Council Meetings usually commence at 2.00pm and are held in the Council Chambers, Leongatha. The Chief Executive Officer may change a meeting location should that be warranted, due to the nature of business and availability of the Council Chambers, Leongatha. As there are two changes to this Council Meeting, the time and venue, it is prudent to bring to Council for a decision.

### **CONSULTATION**

Consultation with Council's event coordination functions to ensure optimum conduct of Council Business.

Councillors are briefed each week on Council's monthly meeting schedule in the Executive Updates Briefings and via *InfoSum*, the Councillor newsletter.

### **RISKS**

The timely determination of Council Meeting dates ensures the smooth transaction of Council Business.

### **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)

Councillor Code of Conduct (C14)

Public Participation in Meetings with Council Policy (C65)

#### **Legislative Provisions**

Local Government Act 1989

### 5.3. RATING STRATEGY 2019 - 2022

Corporate and Community Services Directorate

#### EXECUTIVE SUMMARY

At the Ordinary Meeting of Council 20 March 2019, Council endorsed the Proposed Rating Strategy 2019 - 2022 and resolved that it be made available for public comment until 26 April 2019.

During this time, seven written submissions were received. These submissions were considered by Council during a Special Meeting of Council held on 29 May 2019. Following deliberations on the submissions, Council determined one change to be made to the Proposed Rating Strategy 2019 - 2022. This change altered the proposed differential for "Rural Vacant Land" from 190% of the general rate to 150% of the general rate for properties that meet the definition for this category.

Rating Category	Advertised Differential	Proposed Differential
Rural Vacant Land	190%	150%

Reports were prepared for the Ordinary Meeting of Council on 26 June 2019 to consider the adoption of the Rating Strategy 2019 – 2022 and Proposed Rating Strategy 2019 – 20122 – Extractive Industries Rate Differential Category. Both of these reports were noted at the meeting on 26 June 2019, with a request for the Acting CEO to bring a report on the 2019 – 2022 Rating Strategy to the Council meeting on 24 July 2019 for final adoption.

After further consideration of the Proposed Rating Strategy 2019 – 2022, the following changes are proposed for adoption.

Rating Category	Proposed Differential	Updated Differential
Rural Vacant Land	150%	70%
Rural Residential - abolished	70%	100% (General)

It is also proposed that the new categories of Extractive Industries and Infrastructure and Utilities are retained with a differential of 105%, as advertised, with a further report to be prepared for Council on these categories for consideration in any future revisions to the Rating Strategy used by Council.

This report presents the updated Rating Strategy 2019 - 2022 **Attachment [5.3.1]** for Council's consideration and adoption.

The Rating Strategy 2019 - 2022 has been developed with community engagement through the Rating Strategy Review Steering Committee and the



s.223 public submission process on the Proposed Rating Strategy 2019 - 2022.

It is considered that the current strategy continues to provide an equitable distribution of the rate burden.

## **RECOMMENDATION**

**That Council:**

- 1. Adopts the Rating Strategy 2019-2022 (Attachment [5.3.1]). in accordance with s.130 (1) of the Local Government Act 1989 including the Declaration of Rates and Charges in accordance with s.158 of the Local Government Act 1989 (Attachment [5.3.1]);**
- 2. Authorises the Acting Chief Executive Officer to give public notice of this decision to adopt the Rating Strategy 2019-2022 (Attachment [5.3.1]) in accordance with s.130 (2) of the Local Government Act 1989;**
- 3. Provides the Minister for Local Government with a copy the Rating Strategy 2019-2022 (Attachment [5.3.1]);**
- 4. Publishes the Rating Strategy 2019-2022 (Attachment [5.3.1]) on Council's website;**
- 5. Distributes copies of the Rating Strategy 2019-2022 (Attachment [5.3.1]) to the Council's Customer Service Centre and libraries; and**
- 6. Requests the Acting Chief Executive Officer to prepare a further report to Council on the Extractive Industries and Infrastructure and Utilities Rating Categories, prior to 31 March 2020.**

## **REPORT**

On 25 June 2014, Council adopted a Rating Strategy 2014-2018 that included a key element:

*"That Council with the assistance of a Rating Strategy Steering Committee review the Rating Strategy on a four year cycle that aligns with the 2nd year term of a newly elected Council".*

On 23 August 2017, a report to Council recommended that Council again considers implementing this better practice approach to developing a rating strategy, similar to that which was undertaken four years prior. Subsequently, a Rating Strategy Steering Committee comprising six external nominees from various rate categories, an independent non-voting chairperson and three Councillors was developed to make recommendations to Council for a new strategy.

The Rating Strategy Review Committee met on eight occasions between November 2017 and February 2018 and had approximately 25 submission papers presented to it from various members of the committee putting forward ideas on how to get the most equitable outcome for ratepayers through an equitable distribution of the rate burden.

A briefing was provided to Council by the Steering Committee on 21 February 2018 with their report, "*Draft Recommendations of the Rating Strategy Committee 2018 – 2022 Rating System*". This report recommended a number of changes to the existing strategy.

Following the briefing by the committee to Council on 21 February 2018, Council determined based on the differing views of the committee that there was insufficient evidence to support making the changes recommended by the committee for the 2018/19 budget and that Council would undertake an internal review in time for the 2019/20 budget.

Council subsequently met over seven workshops from August 2018 - December 2018 to determine the Rating Strategy in time for advertising to the public as part of the Section 223 process. During this time, the following three changes from the previous rating strategy were recommended.

1. Creation of a new rating category, "Rural Vacant Land", and to apply a differential of 190% of the general rate for properties that meet this definition.
2. Creation of a new rating category, "Extractive Industries", and to apply a differential of 105% of the general rate for properties that meet this definition.
3. Creation of a new rating category, "Infrastructure and Utilities", and to apply a differential of 105% of the general rate for properties that meet this definition.

## **CONSULTATION**

At the Special Meeting of Council 20 March 2019, Council endorsed the Proposed Rating Strategy 2019 - 2022 and authorised the Chief Executive Officer to invite public submissions.

The public submission process was advertised extensively through local papers and Council's website during the submission period in order to attract as many submissions as possible.

Seven written submissions were received for the formal s.223 submission requirement by the closing time on 26 April 2019. Two submitters asked to speak to their submissions. The hearing of submissions took place at a Special

Meeting of Council 22 May 2019. All submissions were considered and determined at the Special Meeting of Council held on 29 May 2019.

Following consideration of the submissions, Council determined one change to the proposed Rating Strategy 2019 – 2022. This change alters the proposed differential for Rural Vacant Land from 190% of the general rate for properties to 150% of the general rate for properties.

<b>Rating Category</b>	<b>Advertised Differential</b>	<b>Proposed Differential</b>
Rural Vacant Land	190%	150%

Reports were prepared for the Ordinary Meeting of Council on 26 June 2019 to consider the adoption of the Rating Strategy 2019 – 2022 and Proposed Rating Strategy 2019 – 20122 – Extractive Industries Rate Differential Category. Both of these reports were noted at the meeting on 26 June 2019, with a request for the Acting CEO to bring a report on the 2019 – 2022 Rating Strategy to the Council meeting on 24 July 2019 for final adoption.

After further consideration of the Proposed Rating Strategy 2019 – 2022, the following changes are proposed for adoption.

<b>Rating Category</b>	<b>Proposed Differential</b>	<b>Updated Differential</b>
Rural Vacant Land	150%	70%
Rural Residential - abolished	70%	100% (General rate)

Rural Vacant Land has been changed from a differential of 150% to 70%, to reflect the underlying Farm and Rural Activity Zone zoning of these properties.

The Rural Residential category is proposed to be abolished. The Rural Residential rate applied to properties of a certain size only, and the small number of properties will transfer to the General Rate Rating Category. This category was created in 2015 when a single submission was received from a farmer with land of more than 18.3ha who wished to receive the farming differential. A separate category was created and characterised as Rural Residential, representing properties between 18.30 and 20 Hectares.

Legal advice at the time cautioned Council about making this change. In particular the decision be considered against a strategic context and not be in response to one submission. The consequence of this decision was 37 properties between 18.30 and 20 hectares were moved to a newly created category. This category is recommended to be abolished given the lack of strategic justification and is a practice which is inconsistent with other rating practices in Victoria.

It is also proposed that the new rating categories of Extractive Industries and Infrastructure and Utilities are retained with a differential of 105% of the general rate, as advertised, with a further report to be prepared for Council on these categories for consideration in any future revisions to the Rating Strategy used by Council.

## **RISKS**

Whilst there are only three recommended changes to the structure of the proposed Rating Strategy 2019 – 2022, these changes cause a redistribution of the rate burden away from the Rural Vacant Land properties (\$63,000 (150%) + \$95,000 (70%)), offset by a movement toward the former Rural Residential properties (\$34,000) and the remainder toward that of all other rating categories.

The rates in the dollar which are applied to individual property valuations to determine an individual's rate bill are determined based on the Rating Strategy and advertised in the annual budget each year. As a result of changing the Rural Vacant land differential and abolishing the former Rural Residential differential between the advertised budget and budget adoption meetings, this has caused the rates in the dollar to be re-calculated.

Some rate payers will as a result of these changes experience a greater than anticipated rates increase. In particular the 37 owners currently classified under the Rural Residential category. The recommendation to abolish this category will return these properties to the general rates classification.

## **Differential Change**

Council has mooted a possible change to the differential applied to the newly formed category, "Extractive Industries" at the budget adoption meeting on the 26<sup>th</sup> June. The existing category as it stands represents 12 properties and is advertised with a differential of 105% of the general rate.

At the Special Meeting of Council 29 May 2019, Council resolved to,

*"That Council calls for a report to the 26 June 2019 Ordinary Council Meeting to consider applying a different differential to the Extractive Industries Category, including reasons why a differential change would be required."*

This report was prepared for the 26 June 2019 Ordinary Council Meeting. It was recommended in that report, and also the current version of the Rating Strategy 2019 – 2022 that the Extractive Industries differential remain at 105% of the general rate.

## **ATTACHMENTS**

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

1. Rating Strategy 2019- 2022 **[5.3.1 - 40 pages]**

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

Annual Budget and Long-Term Financial Plan  
Council Plan 2017-2021

### **Legislative Provisions**

Local Government Act 1989

Valuation of Land Act 1960

Directions for a New Local Government Act

Ministerial Guidelines on differential rating (2013)

## 5.4. ANNUAL BUDGET 2019/20

Corporate and Community Services Directorate

### EXECUTIVE SUMMARY

Council endorsed the Proposed 2019/20 Annual Budget at the Ordinary Meeting of Council 20 March 2019. A formal s.223 public consultation program has been completed, following a hearing of submissions on 22 May 2019 and the consideration and determination of submissions made at a Special Meeting of Council on 29 May 2019.

The Annual Budget 2019/20 is presented to Council for adoption. It includes a general rate increase of 2.5%, which is in line with the rate cap for 2019/20 announced by the Minister for Local Government.

Reports were prepared for the Ordinary Meeting of Council on 26 June 2019 to consider the adoption of the Annual Budget 2019/20 and Proposed 2019/20 Annual Budget – Options in Achieving a Zero per cent Rate Rise. Both of these reports were noted at the meeting on 26 June 2019, and it was resolved that the 2019/20 Annual Budget report would be determined at the Ordinary Meeting of Council meeting on 24 July 2019.

South Gippsland Shire Council Annual Budget 2019/20 (**Attachment [5.4.1]**) has been prepared pursuant to ss.127 and 130 of the Local Government Act 1989.

There have been a number of changes made to the Proposed 2019/20 Annual Budget presented to the Ordinary Meeting of Council 20 March 2019 relating to operating income, fees and charges, operating and capital expenditure. These budget adjustments have not compromised the integrity of either the Annual Budget 2019/20 or the budgeted financial statements in the Long Term Financial Plan.

These movements are summarised below and the major changes are expanded upon under the Report heading section:

Income Statement	Proposed Budget (March) \$'000	Annual Budget (June) \$'000	Variation Projected to Current budget \$'000	
<b>Total income</b>	70,862	67,531	3,331	Decrease
<b>Total expenses</b>	61,618	62,354	736	Increase
<b>Surplus (deficit)</b>	9,244	5,177	4,067	(Unfav)

Capital Expenditure	Proposed Budget (March) \$'000	Annual Budget (June) \$'000	Variation Projected to Current budget \$'000	
Expenditure	25,949	32,449	6,500	Increase

Other	Proposed Budget (March) \$'000	Annual Budget (June) \$'000	Variation Projected to Current budget \$'000	
Rates & Charges	43,861	43,869	8	Increase
Employee EFT	251.56	251.56	0	Unchanged

### Financial impact

The budget adjustments have not compromised the integrity of either the Annual Budget 2019/20 or the budgeted financial statements in the Long Term Financial Plan.

### RECOMMENDATION

That Council:

1. **Adopts the Annual Budget 2019/20 (Attachment [5.4.1]) in accordance with s.130(1) of the Local Government Act 1989 including the Declaration of Rates and Charges in accordance with s.158 of the Local Government Act 1989;**
2. **Authorises the Acting Chief Executive Officer to give public notice of this decision to adopt the 2019/20 Annual Budget (Attachment [5.4.1]) in accordance with s.130 (2) of the Local Government Act 1989;**
3. **Provides the Minister for Local Government with a copy of the adopted 2019/20 Annual Budget (Attachment [5.4.1]);**
4. **Publishes the 2019/20 Annual Budget (Attachment [5.4.1]) on Council's website;**
5. **Distributes copies of the 2019/20 Annual Budget (Attachment [5.4.1]) to the Council's Customer Service Centre and libraries; and**
6. **Completes a review of the Rates and Charges Hardship Policy (C53), which includes benchmarking against other Victorian Councils, by 30 June 2020.**

**REPORT**

At the Ordinary Meeting of Council held 20 March 2019, Council considered and prepared the 2019/20 Annual Budget for the purposes of s.127 of the Local Government Act 1989.

Council resolved in part that the 2019/20 Annual Budget be referred to the Ordinary Meeting of Council 26 June 2019 for adoption.

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

Reports were prepared for the Ordinary Meeting of Council on 26 June 2019 to consider the adoption of the Annual Budget 2019/20 and Proposed 2019/20 Annual Budget – Options in Achieving a Zero per cent Rate Rise. Both of these reports were noted at the meeting on 26 June 2019, and it was resolved that the 2019/20 Annual Budget report would be determined at the Ordinary Meeting of Council meeting on 24 July 2019.

The Annual Budget 2019/20 presented to Council for adoption includes a general rate increase of 2.5%, which is in line with the rate cap for 2019/20 announced by the Minister for Local Government.

Consideration was given to a rate rise lower than 2.5% for the 2019/20 Budget, however, it is recommended that the rate rise remain at 2.5% for the 2019/20 Budget for the following reasons:

- To optimise Council's long term financial and service delivery sustainability, whilst further research and community consultation is undertaken, and a Sustainable Services Strategy is developed;
- It is in line with the Rate Cap announced by the Minister for Local Government, that is informed by input from the Essential Services Commission;
- To provide some ability to Council to respond to emerging trends and community requirements, as evidenced by a number of projects that are now in Council's long term plans, which were not previously identified, as well as others that are at an early stage which will develop further;
- Possible risks and impacts on Council's infrastructure assets due to the evolving climatic conditions being experienced in recent years;
- A number of unfunded programs that are of increasing concern to some sections of the community (such as improvements or sealing of gravel



roads, which Council has 1,200 km of, and sealing 1 km costs approximately \$400,000);

- As previously committed to, Council will review its Rates and Charges Hardship Policy (C53), including benchmarking with other Victorian Councils during the 2019/20 financial year.

### **Budget adjustments**

Departments have reviewed their final budget projections for 2019/20 with the objective being that the financial year end 30 June 2019, actual costs incurred will correlate closely to projected costs.

As part of this process there were a number of capital, grant funded and other projects identified that will not be completed by financial year end. The budget projections for these projects have been reduced in 2018/19 and corresponding increases have been made to budgets in 2019/20.

A significant budget adjustment was to reduce \$4.92M of Victoria Grants Commission (VGC) income for 2019/20 that has been paid in advance and recorded as income in 2018/19.

The above adjustments distort the financial KPIs between the two financial years but do not present a strategic concern. The funding implications of budgeted carry forwards and the timing of receiving VGC grant income between the two years have a nil overall impact.

The major changes to the Proposed Budget presented in March are detailed below.

### **Operating Income**

1. A reduction of \$4.92M Victoria Grants Commission income for 2019/20 has been paid in advance and recorded as income in 2018/19.
2. An increase of \$476,907 for additional Roads to Recovery payments announced by the Minister of Infrastructure, Transport and Regional Development as part of a Road Safety Package to focus on reducing the burden of trauma. This amount is also included in forward year budgets also.
3. \$200,000 additional land sales identified for sale of consolidated land at Pound Road, Foster.
4. Land sales for Korumburra Library (\$918,000), King Street Korumburra (\$342,000) and Biralee Victoria Street Korumburra (\$355,500) moved to

2022/23. This timing may however be adjusted to reflect changing circumstances.

5. Additional grant for Leongatha Business Precinct Project – Bair Street (\$100,000).
6. \$120,000 grant for Ruby Arawata Road bridge works carried forward from 2018/19 to better reflect likely timing of receiving grant.
7. \$50,000 for grant and contribution to Leongatha Knights Soccer Club for lights and pitch upgrade carried forward from 2018/19 to better reflect likely timing of receiving grant.
8. \$30,000 for grant to Leongatha Gymnastics extension carried forward from 2018/19 to better reflect likely timing of receiving grant.
9. \$61,250 for grant and contribution to Poowong netball court redevelopment carried forward from 2018/19 to better reflect likely timing of receiving grant.
10. \$265,000 grant for Bena Kongwak bridge works carried forward from 2018/19 to better reflect likely timing of receiving grant.
11. \$400,000 new grant for Timms Road bridge works.
12. \$600,000 new grant for Refurbishment and design of Mirboo North swimming pool.
13. \$77,559 grant received early in 18/19 for Refurbishment and design of Mirboo North swimming pool.
14. \$180,000 grant for Baromi Park masterplan and associated works carried forward from 2018/19 to better reflect likely timing of receiving grant.
15. \$153,497 additional sales to accurately reflect the timing of plant fleet trade-ins.
16. There has been a number of changes to fees and charges since the proposed budget was adopted for advertising, which are detailed in the table below.

<b>Fee Description</b>	<b>Advertised Fee Amount \$</b>	<b>New Fee Amount \$</b>
Class 2 – Sporting Club	295.00	297.50
Class 3 – Sporting Club	188.00	189.50

<b>Fee Description</b>	<b>Advertised Fee Amount \$</b>	<b>New Fee Amount \$</b>
Block Clearing (Fire Prevention / Hazards)	121.0	Removed
Pensioner fee for dog registration for working dogs, microchipped only (C4P)	27.00	Removed
Dog registration for working dogs, microchipped only (C4)	54.00	Removed
Animal registration undesexed dogs and cats (C2)	57.00	Removed
Pensioner fee for undesexed dogs and cats (C2P)	27.00	Removed
Animal registration for micro-chipped and desexed dogs and cats (C3)	54.00	Removed
Pensioner fee for micro-chipped and desexed dogs and cats (C3P)	27.00	Removed
Building Permit Document Search / Certificate Fees	165.00	157.80
Place of public entertainment occupancy permit	674.00	645.00
Farm Shed Permit Exemptions	290.00	290.40
Stormwater information Request	141.20	144.70
Building Approval Lodgement - Commercial	118.90	121.90
Building/Property Information Requests	46.10	47.20
Building Approval Lodgement - Residential	118.90	121.90
Report & Consent	283.40	290.40
Section 29A demolition report and consent	83.10	85.20
Report & Consent (reg 116 Protection of Public)	287.60	294.70
Applications or Requests to respond in written Planning Enquiries	92.00	90.00
Secondary Consent (single dwelling or ancillary to single dwelling) where cost of development increases by 10,001 - 100,000	316.00	308.00
Secondary Consent (anything other than single dwelling or ancillary to single dwelling) where cost of development increases by less than 100,000	645.00	629.00
Request for extension of time (first request)	282.00	275.00
Request for extension of time (second or subsequent request)	512.00	500.00
To register a new Section 173 Agreement with titles office or to remove or amend Section 173 Agreement from title by agreement of all parties	660.00	643.00

<b>Fee Description</b>	<b>Advertised Fee Amount \$</b>	<b>New Fee Amount \$</b>
Secondary Consent (anything other than single dwelling or ancillary to single dwelling) where cost of development increases by more than 1,000,000	1,705.00	1665.00
Secondary Consent (single dwelling or ancillary to single dwelling) where cost of development increases by more than 100,000	645.00	629.00
Secondary Consent (subdivision)	660.00	643.00
Secondary Consent (single dwelling or ancillary to single dwelling) where cost of development does not increase by more than 10,000	102.00	100.00
Title Searches	40.00	35.00
Small Deluxe (Jayco) (Peak)	0.00	145.00
Small Deluxe (Jayco) (Off Peak)	0.00	125.00
Small Deluxe (Bonusnight Negotiable Rate)	0.00	93.00
Unpowered Sites (Off Peak)	0.00	31.00
Unpowered Sites (Peak)	0.00	39.00
Small Deluxe Cabin off peak stay 7 pay 6	0.00	750.00
Small Deluxe Cabins off peak stay 10 pay 8	0.00	1000.00
Deluxe Cabins off peak stay 10 pay 8	0.00	1080.00
Large Deluxe Cabins off peak stay 10 pay 8	0.00	1120.00
Cleaning Charge - Hourly Rate	0.00	55.00
Large Deluxe Jayco peak	1039.00	Removed
Powered site peak stay 7 pay 6	283.00	Removed
Unpowered site peak stay 7 pay 6	223.00	Removed
2 Family Park Cabins (Off Peak)	135.00	Removed
2 Family Park Cabins (Peak)	169.00	Removed
2 Family Park Cabins - (Bonus Night / Negotiable Rate)	119.00	Removed
7 Night Special Powered Peak Stay 7 pay 6	283.00	Removed
Standard Cabins off peak stay 7 pay 6	671.00	678.00
Deluxe Cabin off peak stay 7 pay 6	727.00	810.00
Large Deluxe Jayco off peak stay 7 pay 6	837.00	840.00
Powered site off peak stay 7 pay 6	235.00	234.00

<b>Fee Description</b>	<b>Advertised Fee Amount \$</b>	<b>New Fee Amount \$</b>
Standard Cabins off peak stay 10 pay 8	246.00	904.00
Laundry / Linen Hire	15.00	20.00
Premium Powered Site (beach front / larger sites) Peak	58.00	57.00
7 Night Special Standard Cabins Off Peak Stay 7 pay 6	555.00	564.00
7 Night Special Seaview Cabins Off Peak Stay 7 pay 6	837.00	840.00
7 Night Special Couples Cabins Off Peak Stay 7 pay 6	813.00	816.00
7 Night Special Seaview Cottage Off Peak Stay 7 pay 6	1385.00	1392.00
7 Night Special Powered Off Peak Stay 7 pay 6	235.00	240.00
7 Night Special Unpowered Off Peak Stay 7 pay 6	186.00	192.00
10 Night Special Standard Cabins Off Peak Stay 10 pay 8	739.00	752.00
10 Night Special Seaview Cabins Off Peak Stay 10 pay 8	1116.00	1120.00
10 Night Special Couples Cabins Off Peak Stay 10 pay 8	1083.00	1088.00
10 Night Special Seaview Cottage Off Peak Stay 10 pay 8	1846.00	1856.00
10 Night Special Powered Off Peak Stay 10 pay 8	313.00	320.00
10 Night Special Unpowered Cabins Off Peak Stay 10 pay 8	247.00	256.00
10 Night Special Premium Powered site Off Peak Stay 10 pay 8	370.00	368.00

### **Operating Expenditure**

1. \$51,155 for unspent Aged and Disability Services Management Minor Capital Grant carried forward to 2019/20.
2. \$20,000 expenditure for new Early Years Services project – “Three Year Old Kindergarten”. Grant recognised in 2018/19.
3. \$75,000 expenditure for new Arts and Culture project – “Gender equity”. Grant recognised in 2018/19.
4. \$70,000 for unspent Rural Access program carried forward to 2019/20.
5. \$880,000 for land sale book value moved to 2022/23 in line with anticipated land sales in those years.
6. \$40,000 savings in Strategic Planning project in 2018/19, “Building on Steep Slopes review” has been carried forward to fund two new activities

in 2019/20 being, "C115 Planning Scheme" \$20,000 and "C90 Planning Scheme" \$20,000.

7. \$18,473 of unspent expenditure for Strategic Planning project, "Venus Bay Activity Centre Plan" in 2018/19 has been carried forward to 2019/20.
8. \$171,611 of unspent expenditure for Leongatha Knights Soccer Club – lights and pitch upgrade project in 2018/19 has been carried forward to 2019/20.
9. \$205,000 of unspent expenditure for Leongatha Gymnastics Extension project in 2018/19 has been carried forward to 2019/20.
10. \$45,645 of unspent expenditure for Jim Harvey Biodiversity Fund project in 2018/19 has been carried forward to 2019/20.

### Capital Expenditure

The following capital projects have had budgets carried forward from 2018/19 to 2019/20

Cost Centre Name	Activity Name	Account Name	\$
Long Jetty Caravan Park	Cabin Replacement	Contractors	152,664
Long Jetty Caravan Park	Power Head replacements	Contractors	10,995
Long Jetty Caravan Park	Residence / Kiosk	Contractors	62,420
Long Jetty Caravan Park	Storage Shed	Contractors	3,921
IT Capital Works	GIS	Software Purchases	83,440
IT Capital Works	Integration	Labour	59,416
IT Capital Works	Network Infrastructure	Hardware	272,034
IT Capital Works	Technology Projects	Contractors	59,379

<b>Cost Centre Name</b>	<b>Activity Name</b>	<b>Account Name</b>	<b>\$</b>
IT Capital Works	VOIP	Software Purchases	27,420
IT Capital Works	Shared Services	Software Purchases	439,539
IT Capital Works	Mobility Project	Software Purchases	74,153
IT Capital Works	Aerial Photography	Contractors	80,000
IT Capital Works	Corporate Planning Software	Software Purchases	40,000
IT Capital Works	Integrated Platform	Contractors	65,997
IT Capital Works	Contracts and Procurement	Software Purchases	70,000
Yanakie Caravan Park	Electrical Supply Upgrade	Contractors	165,560
Yanakie Caravan Park	Power Head Replacement Program	Contractors	9,881
Yanakie Caravan Park	Power Heads	Contractors	14,871
Splash Hydro Therapy Pool and Gymnasium	General	Contractors	29,907
Korumburra commercial streetscape	General	Contractors	164,393
Loch Streetscape	General	Contractors	610,582
Ruby Arawata Road bridge	General	Contractors	100,000
Jumbunna Road footpath extension, Korumburra	General	Contractors	400,000

Cost Centre Name	Activity Name	Account Name	\$
Waratah Bay Caravan Park upgrade works	Fire Fighting Services	Contractors	120,000
Mirboo North Swimming Pool refurbishment	General	Contractors	465,000
Baromi Park Masterplan & Associate Works.	Toilet	Contractors	50,000
Plant Purchases	Various	Plant Purchases	998,030
<b>Total</b>			<b>4,629,602</b>

- The Mirboo North Swimming Pool refurbishment, in addition to the carry forward listed above for \$465,000, recognized an additional \$600,000 expenditure as a result of receiving an additional grant.
- An allocation of \$531,218 for Timms Road Bridge in 20/21 has been brought forward to 2019/20 and budgeted for at \$621,000 as a result of receiving an additional grant in 2019/20.
- An additional allocation of \$476,907 has been added to the Roads to Recovery program as a result of a State budget announcement of additional funding over a five year period.
- An additional \$164,870 has been budgeted in 2019/20 for Plant Purchases in addition the carry forward amount.

## CONSULTATION

- A formal s.223 public consultation program was undertaken between 26 March to 26 April 2019 inviting written submissions to the Proposed Annual Budget 2019/20, Revised Council Plan 2017-2021 and Proposed Rating Strategy 2019 -2022.
- At a Special Meeting of Council 22 May 2019 a hearing of submissions was made prescribed under the Local Government Act 1989 s.223 in respect to Proposed Annual Budget 2019/20, Revised Council Plan 2017-2021 and Proposed Rating Strategy 2019 - 2022.
- Nineteen written submissions were received for the formal s.223 submission requirement by the closing time on 26 April 2019. Eleven asked



to speak to their submissions. The hearing of submissions took place at a Special Meeting of Council 22 May 2019. All submissions were considered and determined at the Special Meeting of Council held on 29 May 2019.

- Submitters have been advised in writing of Council's decisions at the 29 May 2019 Special Meeting.

## **RISKS**

### **Incorrect Budget Projections**

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

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

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

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

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

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

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

**STAFF DISCLOSURE**

Nil

**ATTACHMENTS**

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

1. Annual Budget 2019-20 [5.4.1 - 89 pages]

**REFERENCE DOCUMENTS**

**Council Policy**

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

Council Plan 2017-2021

Annual Budget and Long Term Financial Plan

**Legislative Provisions**

Local Government Act 1989

## 5.5. REVISED COUNCIL PLAN 2017-2021

Corporate and Community Services Directorate

### EXECUTIVE SUMMARY

On 26 June 2019, Council resolved:

*“That Council:*

- 1. Defers the Revised 2017-2021 Council Plan to the 24 July 2019 Ordinary Meeting of Council to provide opportunity to brief the Administrator; and*
- 2. Requests the Acting Chief Executive Officer to bring a Revised 2017-2021 Council Plan Report to the 24 July 2019 Ordinary Meeting of Council for final adoption.”*

The annual review of the 2017-2021 Council Plan (Council Plan) has now been completed with this final report presented to Council following a formal s.223 public consultation program incorporating a Hearing of Submissions and consideration and determination of submissions at a Special Meeting of Council on 29 May 2019.

The Administrator has been briefed on the Council Plan at a workshop on 3 July 2019. The Council Plan 2017-2021 – Revised July 2019 (Council Plan – July 2019) as set out in **Attachment [5.5.1]** has been updated to reflect final some final amendments and is presented to Council for adoption.

### RECOMMENDATION

**That Council:**

- 1. Adopts the Council Plan 2017-2021 - Revised July 2019 (Attachment [5.5.1]), including any final adjustments to the Strategic Resource Plan arising from the adopted 2019/20 Annual Budget;**
- 2. Provides a copy of the Council Plan 2017-2021 - Revised July 2019 (Attachment [5.5.1]), to the Minister for Local Government;**
- 3. Publishes the Council Plan 2017-2021 - Revised July 2019 (Attachment [5.5.1]), on Council’s website; and**
- 4. Distributes copies to the Council’s Customer Service Centre and libraries.**

## REPORT

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

The Council Plan contains the four year Strategic Resource Plan (SRP), taken from Council's Annual Budget 2019/20 (Budget) and Long Term Financial Plan (LTFP). The SRP outlines the resources required to achieve the Council Plan and will be updated annually as a rolling four-year plan. Section 126 of the Act requires that the SRP be included in the Council Plan.

Council is required under s.125 of the Act to review the Council Plan annually, to ensure it remains current. Amendments have been made to the Council Plan in light of the review and these were endorsed by Council for a formal s.223 public consultation to commence at the 20 March 2019 Ordinary Meeting.

Council received six formal s.223 written submissions on the Revised Council Plan. Three submitters spoke to their submission at the Hearing Meeting on 22 June 2019. Council considered and determined the six submissions at a Special Meeting of Council on 29 June 2019.

The Administrator further reviewed the Council Plan and the progress of Annual Initiatives at a workshop on 3 July 2019. The Council Plan 2017-2021 – Revised July 2019 (Council Plan – Revised July 2019) as set out in **Attachment [5.5.1]** has been updated to reflect final some final amendments and is presented to Council for adoption.

### ***Summary of the Council Plan – Revised July 2019***

The Council has retained its 'Vision' that states:

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

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

- 1. Strengthen economic growth and prosperity.*
- 2. Build strong partnerships, strengthen arts and culture and deliver equitable outcomes.*

3. *Improve South Gippsland's built assets and value our natural environment.*
4. *Enhance organisational development and implement governance best practice.*

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

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

The Council Plan – Revised July 2019 now includes further amendments to some 'Strategies' and 'Annual Initiatives' to those presented at the 26 June 2019 Ordinary Council Meeting Agenda as follows:

**1. *Strategic Objective 1 – Strengthen Economic Growth and Prosperity Amendments***

Two new Major Initiatives are proposed to be included in 2019/20 to enact "*Strategy 1.1 Develop a 'Vision' for the future growth and development of the Shire in partnership with the community.*"

**1.1 Major Initiative 1 - Added**

*"Develop and commence implementation of a 10+ year Community Vision over the two year term of the Administrators, by instigating a significant community consultation project. The scope and process to be defined and reported to Council within the 2019/20 financial year."*

and:

**1.2 Major Initiative 2 - Added**

*"Develop and implement a 'Community Leadership Education Program' to enhance understanding of the role and purpose of Local Government, the services provided by Council, legislative and resource constraints, financial position and the roles and responsibilities of Councillors and the organisation."*

**2. *Strategic Objective 3 – Improve South Gippsland's Built Assets and Value our Natural Environment Amendments***

Modifications have been made to '*Sub Strategy 3.3.1: Establish a Council Committee to review the implementation of Council's 'Compliance and*

*Enforcement Policy', taking into consideration community concerns and regulatory requirements.'*

Given there will be three Administrators representing Council and providing strategic direction to the Council, there is no longer a requirement for a Council Committee to be established. This process is predominantly operation in nature.

**Revised Strategy 3.3.1 Wording is:**

*"Sub Strategy 3.3.1: Undertake an operational review of the implementation of Council's 'Compliance and Enforcement Policy', taking into consideration community concerns and regulatory requirements."*

The endorsed 2019/20 Annual Initiative to implement this Sub Strategy will be retained unchanged.

**3. Strategic Objective 4 – Enhance Organisational Development & Implement Governance Best Practice Amendments**

The most contentious and challenging 'Strategy' of the Council Plan has been 'Strategy 4.4' below. While an overarching aim to reduce the impact of the rate burden was endorsed by the majority, there has never been agreement on what the rate reduction impact should be, or how to achieve it.

The original strategy (Strategy 4.4) was removed and replaced with a long term strategy (Strategy 4.3) in the 2019 review with a mix of outcomes to be achieved from the improved efficiencies.

The original strategy was reinstated into the Council Plan following consideration of a Council Plan s.223 submission on 29 May 2019 and a resolution of Council. There remains confusion whether the 3% rate reduction is in 'nominal' terms or 'real' terms.

The two strategies are:

*"Strategy 4.3 Develop a 10 year 'Sustainable Cost Reduction Strategy' based on improved operational efficiencies and population growth, to be utilised for value for money service improvements, better infrastructure and/or rate reductions.  
(Chief Executive Office)*

and

*"Strategy 4.4 Work in partnership with the Chief Executive Office 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."*

The two strategies coexisted in the Council Plan – Revised June 2019 version presented to the 26 June 2019 Ordinary Meeting of Council.

There now exists no clear delineation of the two strategy's similarities and differences. This is likely to lead to a duplication of effort and/or continued confusion amongst the community on what outcomes are to be achieved.

Following the deferral of the Council Plan to the 24 July Meeting and a further review workshop held with the Administrator on 3 July 2019, further changes have been made that refine the intent of these two strategies into one strategic direction to be taken forward by the Council as follows:

**Revised Strategy 4.3 Wording is:**

*"Develop a 'Sustainable Service Delivery Strategy' that considers all of the services that Council provides and identifies operational and service delivery efficiency opportunities. The Strategy is to be adopted and ready for implementation in the 2021/22 Annual Budget and Long Term Financial Plan."*

The 2019/20 Annual Initiative has also been amended to align with the revised strategy, using the same wording.

**Initiative Added:**

*"Identify efficiency measures that Council has achieved since the introduction of the Victorian Rate Capping System and present a report to Council by 30 December 2019."*

**Revised Annual Initiative Wording 1 is:**

*"Develop a 'Sustainable Service Delivery Strategy' that considers all of the services that Council provides and identifies operational and service delivery efficiency opportunities. The Strategy is to be adopted and ready for implementation in the 2021/2022 Annual Budget and Long term Financial Plan."*

In accordance with clause 96 of Local Law no. 3 2010, Revised Strategy 4.3 in the Council Plan – Revised July 2019 will replace Council's resolutions of Agenda Item 6C i, ii and iii, resolved at the 29 May 2019 Ordinary Meeting of Council:

*Item 6C Submission 3 (CPO3) from John McCombe (South Gippsland Action Group) Re: Council to honour the commitment to reduce rates by 3 per cent and follow through by embracing the 'Growth for reduced rates plan';*

- i. That no changes to the Proposed Annual Budget / Revised Council Plan be made to Strategy 4.3, being "Develop a 10 year 'Sustainable Cost Reduction Strategy' based on improved operational efficiencies and population growth, to be utilised for value for money service improvements, better infrastructure and/or rate reductions." And;*
- ii. That the proposed Annual Budget/Revised Council Plan be amended to retain the former Council Plan (2018) Strategy 4.3 amended to be 4.4 being: "Work in partnership with the Chief Executive Office 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. Retains the Annual Initiative under Objective 4; "Develops 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."*

### **Finalisation of the 2017-2021 Council Plan - Revised 2019**

The Council Plan 2017-2021 – Revised July 2019, contained in **Attachment [5.5.1]** is now presented to Council for adoption. Once adopted, a copy will be provided to the Minister for Local Government in accordance with s.125 of the Act. It will also be published on Council's website and distributed to the libraries.

The Strategic Resource Plan has been updated to reflect the next four years of the Long term Financial Plan. This includes the financial and non-financial resources required to achieve the Council Plan. The SRP may require updating for publication and a further copy provided to the Minister for Local Government if any further changes are made to the Budget.

Annual Initiatives for 2019/20 have been developed. These are included in the Council Plan under each Strategic Objective. They are also included in Chapter 2 of the Budget.



Budget considerations to fund the Annual Initiatives has been factored into the Budget, SRP and LTFP.

### **CONSULTATION**

Council has considered community feedback and Councillors' ideas in the development of the Revised Council Plan over the course of seven workshops held between October 2018 and February 2019. Information from various Council Departments has also been included to inform the review, the development of Initiatives and any budgetary implications. These include:

1. Council's top ten strategic risks;
2. Verbatim comments from community members from the 2018 Customer Satisfaction Survey and the first wave of the 2019 survey feedback collected in October 2018;
3. Community ideas and feedback from various community engagement activities held during 2018 and in previous years;
4. Council Plan strategies;
5. Council's priority projects; and
6. Budgetary considerations for various Initiatives and proposed new Capital Works.
7. Public consultation was undertaken through formal written s.223 submissions conducted between 26 March and 26 April 2019.
8. A Hearing Meeting on 22 May 2019 provided submitters with an opportunity to speak to their s.223 submissions.
9. Council considered and decided on all submissions at a Special Meeting on 29 May 2019.
10. A workshop was held on 3 July 2019 that informed the Administrator of the strategic directions and Annual Initiatives contained in the Council Plan – Revised July 2019 and provided opportunity for final refinements.

### **RESOURCES**

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

Any final amendments made to the Council Plan will need to be updated in the Budget, SRP and LTFP, where applicable. In the same manner, any further

changes to the Budget, SRP and LTFP may require changes to the Council Plan.

### **RISKS**

Sections 125 and 126 of the Act require Council to adopt a four-year Council Plan which sets out Objectives, Strategies, Indicators and a Strategic Resource Plan. Further, the Act requires the Council Plan to be reviewed annually. Public submissions are required when changes to the strategic directions of Council are made. The s.223 public submission program has mitigated the risk of Council being in breach of the Act.

The adoption of the revised Council Plan, along with the provision of a copy to the Minister for Local Government and its publication on Council's website, further mitigate the risk of Council being in breach of the Act.

### **STAFF DISCLOSURE**

Nil

### **ATTACHMENTS**

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

1. Council Plan 2017-2021 - Revised June 2019 **[5.5.1 - 48 pages]**

### **REFERENCE DOCUMENTS**

#### **Council Policy**

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

Council Plan 2017-2021

#### **Legislative Provisions**

Local Government Act 1989

Local Government (Planning and Reporting) Regulations 2015

## **6. OTHER COUNCIL REPORTS**

### **6.1. AUDIT COMMITTEE MEETING - 11 JUNE 2019**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

The minutes of the Audit Committee Meeting held on 11 June 2019 (**Attachment [6.1.1]** – Minutes – Audit Committee – 11 June 2019) are provided for Council's noting.

#### **RECOMMENDATION**

**That Council notes the Audit Committee Minutes – 11 June 2019 (Attachment [6.1.1]).**

#### **REPORT**

The matters considered by the Audit Committee at the 11 June 2019 meeting (**Attachment [6.1.1]**) are provided to the Council for noting.

#### **RISKS**

A failure by Council to effectively monitor the activities and advice provided by the Audit Committee could lead to:

- Not effectively managing risks and compliance obligations under Council's Risk Management Framework:
- Increasing the likelihood of adverse impacts to Council's operations; and
- Not achieving some strategic objectives set within the Council Plan.

#### **STAFF DISCLOSURE**

Nil

#### **ATTACHMENTS**

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

1. MINUTES - Audit Committee - 11 June 2019 ( Council Report) [**6.1.1 - 5 pages**]

#### **REFERENCE DOCUMENTS**

##### **Council Policy**

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

##### **Legislative Provisions**

Local Government Act 1989

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

### **7.1. NIL**

## **8. PROCEDURAL REPORTS**

### **8.1. ASSEMBLY OF COUNCILLORS - 22 MAY TO 21 JUNE 2019**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

Council is committed to making relevant, timely and useful information available for members of the public with the aim of enhancing transparency. 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 May and 21 June 2019.

The matters summarised in this report satisfy Council's requirements under the *Local Government Act 1989*, s.80A(2):

*The Chief Executive Officer must ensure that the written record of an assembly of Councillors is, as soon as practicable –*

- a. reported at an ordinary meeting of the Council; and*
- b. incorporated in the minutes of that Council meeting.*

#### **RECOMMENDATION**

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

## REPORT

Meeting Title	Details
<b>Wednesday 22 May 2019</b>	
<b>Briefing S223 Responses Rating Strategy 2019-2022, 2019/20 Annual Budget and 2019/20 Annual Initiative and Revised Council Plan 2017-2021</b>	<b>Councillors Attending:</b> Councillors Finlay, Hirst, Cousin, Hill, Argento, Brown and Skinner. <b>Conflict of Interest:</b> Nil disclosed <b>Matters Considered:</b> Councillors considered, discussed and asked questions relating to s.223 Hearing of Submissions for the 2019/20 Annual Budget, 2017/21 Revised Council Plan, 2019/20 Annual Initiatives and the 2019-2022 Rating Strategy.
<b>Public Hearing: S223 Proposed 2019/20 Annual Budget and Proposed Revised 2017-2021 Council Plan</b>  <b>Open Session</b>	<b>Councillors Attending:</b> Councillors Finlay, Hirst, Cousin, Hill, Argento, Brown and Skinner. <b>Conflict of Interest:</b> Nil disclosed
<p><b>Open hearing of submissions as prescribed under the Local Government Act 1989, Section 223 in respect of Proposed 2019/20 Annual Budget and Proposed Revised 2017-2021 Council Plan. The following community members spoke to their submissions:</b></p> <p><b>Tony Walker</b>, representing the Prom Coast Action Group regarding developing a new Climate Emergency Response Plan.</p> <p><b>Dr Moragh Mackay</b>, representing Energy Innovation Co-operative Ltd regarding request to amendments to the Revised Council 2017-2021 as proposed by the Energy Innovation Cooperative.</p> <p><b>Craig Kenny and Anne Lewis</b> regarding various topics on Proposed Annual Budget 2019/20.</p> <p><b>John McCombe and Lindsay Love</b> representing South Gippsland Action Group regarding Council to honour the commitment to reduce the rates by 3 per cent and consider the Exhibition and Equestrian Centre in Stony Creek through their 'Growth for Reduced Rates Plan'.</p> <p><b>Shirley Cowling and Brian Enbom</b> representing Jumbunna Public Hall Committee regarding funding for Jumbuna Hall.</p>	

Meeting Title	Details
<b>Wednesday 22 May 2019</b>	
<p><i>Continued from previous page.</i></p> <p><b>Fred Weight</b> regarding 24 hour Boat Launching Facilities at 'The Landing' on Stockyard Creek.</p> <p><b>Paul Katsieris</b>, representing Walkerville Ratepayers and Residents Association regarding Acacia Way, Walkerville Path and Sealing of Walkerville South Road, Walkerville.</p>	
<p><b>Briefing S.223 Submission Review - Annual Budget/Revised Council Plan/Annual Initiatives</b></p>	<p><b>Councillors Attending:</b> Councillors Finlay, Hirst, Cousin, Hill, Argento, Brown, and Skinner.</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> Councillors considered, discussed and asked questions relating to s.223 Hearing of Submissions for the Annual Budget, Revised Council Plan and Annual Initiatives.</p>
<p><b>Public Hearing: S223 Proposed 2019/20 Annual Budget and Proposed Revised 2017-2021 Council Plan</b></p> <p><b>Open Session</b></p>	<p><b>Councillors Attending:</b> Councillors Finlay, Hirst, Cousin, Hill, Argento, Brown and Skinner.</p> <p><b>Conflict of Interest:</b> Nil disclosed</p>
<p><b>Open Hearing of Submissions as prescribed under the Local Government Act 1989, Section 223 in respect of Proposed 2019/22 Rating Strategy:</b></p> <p><b>Ralph Gallagher</b>, regarding questions with respect to the Rating Strategy 2019-2022.</p> <p><b>Barry Gilbert</b>, regarding a reduction to the Rural Vacant Land rate from 190% to 140%.</p> <p><b>Marie Gerrard-Staton</b>, representing 'Rate Challengers' Group regarding five main questions for the Rating Strategy 2019-2022.</p>	

Meeting Title	Details
<b>Wednesday 22 May 2019</b>	
<b>Briefing Review S223 Submission Review – 2019-2022 Rating Strategy and Annual Budget/Annual Initiatives</b>	<b>Councillors Attending:</b> Councillors Finlay, Hirst, Cousin, Hill, Argento, Brown, and Skinner. <b>Conflict of Interest:</b> Nil disclosed <b>Matters Considered:</b> Councillors considered, discussed and asked questions relating to s.223 Hearing of Submissions for the 2019-2022 Rating Strategy and 2019/20 Budget/Annual Initiatives.
<b>Wednesday 29 May 2019</b>	
<b>Special Meeting Agenda Topic Discussion: 29 May 2019</b>	<b>Councillors Attending:</b> Councillors Finlay, Hirst, Hill, Brown and Skinner. <b>Conflict of Interest:</b> Bryan Sword, Acting Chief Executive Officer declared a direct conflict of interest in Ordinary Agenda 29 May 2019, Item 6.1 and 6.2. The items were not discussed and as such did not leave the room. <b>Matters Considered:</b> Councillors considered and asked questions relating to Agenda items for the Special Meeting of Council 29 May 2019. The Special Meeting business: <i>That Council receives, considers and determines S.223 submissions to the Proposed 2019/20 Annual Budget and Proposed Revised 2017-2021 Council Plan, and the Proposed Rating Strategy 2019-2022, pursuant to section 223 of the Local Government Act 1989.</i>
<b>Public Presentation</b>  <b>Open Session</b>	<b>Councillors Attending:</b> Councillors Finlay, Hirst, Hill, Argento, Brown and Skinner. <b>Conflict of Interest:</b> Nil disclosed
<b>A presentation was made to Council by the following community member: David Amor, regarding Council Budget.</b>	



Meeting Title	Details
<b>Wednesday 29 May 2019</b>	
<p><b>Special Meeting Agenda Topic Discussion: 29 May 2019</b></p>	<p><b>Councillors Attending:</b> Councillors Finlay, Hirst, Hill, Argento, Brown and Skinner.</p> <p><b>Conflict of Interest:</b> Bryan Sword, Acting Chief Executive Officer declared a direct conflict of interest in Ordinary Agenda 29 May 2019, Item 6.1 and 6.2. The items were not discussed and as such he did not leave the room.</p> <p><b>Matters Considered:</b> Councillors considered and asked questions relating to Agenda items for the Special Meeting of Council 29 May 2019.</p>
<b>Wednesday 5 June 2019</b>	
<p><b>Annual Community Satisfaction Survey Results (combined round 1 and 2)</b></p>	<p><b>Councillors Attending:</b> Councillors Finlay, Hirst, Cousin, Hill, Skinner, McEwen and Cr Elect Sherry.</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> Councillors considered the <i>'2019 South Gippsland Shire Council Community Satisfaction Survey Report'</i> that is proposed to be adopted at the Ordinary Meeting 26 June 2019.</p>
<p><b>Planning Briefing</b></p>	<p><b>Councillors Attending:</b> Councillors Finlay, Hirst, Cousin, Hill, Skinner, McEwen and Cr Elect Sherry.</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 April 2019</li> <li>• VCAT Decisions</li> <li>• Applications received April 2019</li> </ul>

Meeting Title	Details
<b>Wednesday 5 June 2019</b>	
<b>Investigate the use of design panels</b>	<p><b>Councillors Attending:</b> Councillors Finlay, Hirst, Cousin, Hill, Skinner, McEwen and Cr Elect Sherry.</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> Councillors considered the findings of an investigation as required under the Council Plan, Strategy 3.4.1 Council to receive a report on the use of design panels for major projects and other development in the municipality. The Investigation for the use of design panels is proposed to be tabled at Ordinary Council Meeting 26 June 2019.</p>
<b>Councillor Strategic Discussion</b>	<p><b>Councillors Attending:</b> Councillors Finlay, Hirst, Cousin, Hill, Skinner, McEwen and Cr Elect Sherry.</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Review of Staff Code of Conduct</li> <li>• Review of an audio recording</li> <li>• Update on how CEO will tackle Councillor/Executive interactions</li> <li>• Media Relations and Strategy going forward</li> </ul>
<p><b>Councillor Declaration of Oath of Office</b></p> <p><b>Open Session</b></p>	<p><b>Councillors Attending:</b> Councillors Finlay, Hirst, Cousin, Hill, Skinner and Cr Elect Sherry.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillor Elect Matthew Sherry made his declaration of Oath of Office as a Councillor, swore to abide by the Councillor Code of Conduct and signed it.</p>

Meeting Title	Details
<b>Wednesday 5 June 2019</b>	
<b>Ordinary Meeting Agenda Topic Discussion: 26 June 2019</b>	<b>Councillors Attending:</b> Councillors Finlay, Hirst, Cousin, Hill, Skinner and Sherry. <b>Conflict of Interest:</b> Nil disclosed. <b>Matters Considered:</b> Councillors considered and asked questions relating to Agenda items for the Ordinary Meeting of Council 26 June 2019.
<b>Workshop 5: Proposed 2019/20 Annual Budget – Budget Discussions from 29 May Special Meeting of Council</b>	<b>Councillors Attending:</b> Councillors Finlay, Hirst, Cousin, Hill, Skinner and Sherry. <b>Conflict of Interest:</b> Nil disclosed. <b>Matters Considered:</b> Councillors further considered preparation of 2019/20 Annual Budget, Annual Initiatives, Long Term Financial Plan (LTFP) and Capital Works.
<b>Power Purchasing Agreement for Council Electricity</b>	<b>Councillors Attending:</b> Councillors Finlay, Hirst, Cousin, Hill, Skinner and Sherry. <b>Conflict of Interest:</b> Nil disclosed. <b>Matters Considered:</b> Councillors considered a procurement opportunity in respect of electricity via a Power Purchasing Agreement (PPA), this action could allow for emission reduction from Council operations.
<b>Draft 2019 Recreation Strategy</b>	<b>Councillors Attending:</b> Councillors Finlay, Hirst, Cousin, Hill, Skinner and Sherry. <b>Conflict of Interest:</b> The Recreation Officer declared an indirect conflict of interest by way of conflicting duty in that they are a board member of the Gippsland Soccer League. <b>Matters Considered:</b> Councillors considered a draft revised 2019 Recreation Strategy, future challenges in recreation and sporting clubs were highlighted.

Meeting Title	Details
<b>Wednesday 5 June 2019</b>	
<b>Economic Development &amp; Tourism Steering Briefing</b>	<p><b>Councillors Attending:</b> Councillors Finlay, Hirst, Hill, Skinner and Sherry.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillors considered a presentation on the following matters:</p> <ul style="list-style-type: none"> <li>• Southern Gippsland Food Futures Program</li> <li>• Business Investment and Attraction Policy</li> </ul>
<b>South Gippsland Branding</b>	<p><b>Councillors Attending:</b> Councillors Finlay, Hirst, Hill, Skinner and Sherry.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillors considered the alignment of Destination Gippsland's brand campaign and South Gippsland branding.</p>
<b>Wednesday 12 June 2019</b>	
<b>New Policy: Port Welshpool Maritime Museum and Collection Policy (C73)</b>	<p><b>Councillors Attending:</b> Councillors Finlay, Cousin, Argento, McEwen and Sherry.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillors further considered the Port Welshpool Maritime and District Collection Policy.</p>
<b>Ordinary Council Agenda Topics Discussion: Agenda 26 June 2019</b>	<p><b>Councillors Attending:</b> Councillors Finlay, Cousin, Argento, McEwen and Sherry.</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 of Council 26 June 2019.</p>

Meeting Title	Details
<b>Wednesday 12 June 2019</b>	
<b>Councillor Strategic Discussions</b>	<p><b>Councillors Attending:</b> Councillors Finlay, Cousin, Argento, McEwen and Sherry.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Communication Strategy</li> <li>• Future briefing format</li> <li>• Staff Code of Conduct</li> <li>• CEO and Councillor Roles</li> </ul>
<b>Ordinary Council Agenda Topics Discussion: Agenda 26 June 2019</b>	<p><b>Councillors Attending:</b> Councillors Finlay, Hirst, Cousin, Hill, Argento, McEwen and Sherry.</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 of Council 26 June 2019.</p>
<b>Local Law No.1 (General Local Law) - Amendment</b>	<p><b>Councillors Attending:</b> Councillors Finlay, Hirst, Cousin, Hill, Argento, McEwen and Sherry.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillors considered proposed amendments to the Local Law No.1 (General Local Law 2014).</p>
<b>Community Strengthening Forums and Community Events</b>	<p><b>Councillors Attending:</b> Councillors Finlay, Hirst, Cousin, Hill, Argento, McEwen and Sherry.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillors considered an update on a Council initiative, 'Community Forums and Community Cluster Project'.</p>

Meeting Title	Details
<b>Wednesday 12 June 2019</b>	
<b>Executive Update/ Discussion</b>	<p><b>Councillors Attending:</b> Councillors Finlay, Hirst, Cousin, Hill, Argento, McEwen and Sherry.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Walkerville Retarding Basin</li> </ul>
<b>Wednesday 19 June 2019</b>	
<b>Ordinary Council Agenda Topics Discussion: Agenda 26 June 2019</b>	<p><b>Councillors Attending:</b> Councillors Finlay, Hirst, Hill, Argento, Skinner, McEwen and Sherry.</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 of Council 26 June 2019.</p>
<b>Councillor Strategic Discussion</b>	<p><b>Councillors Attending:</b> Councillors Finlay, Hirst, Hill, Argento, Skinner, McEwen and Sherry.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Minister of Local Government announcement of Council's dismissal.</li> <li>• End of term matters.</li> </ul>
<b>Remaining scheduled briefings for 19 June 2019 cancelled as a result of the announcement from the Minister Local Government proposing Council's dismissal.</b>	

## REFERENCE DOCUMENTS

### Council Policy

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

Public Participation in Meetings with Council Policy (C65)

### Legislative Provisions

Local Government Act 1989

Local Government (South Gippsland Shire Council) Bill 2019

## **8.2. DOCUMENTS SEALED AWARDED OR EXTENDED BY CEO - 25 MAY TO 21 JUNE 2019**

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 25 May to 21 June 2019, 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 receives and notes this report.**

### **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, s.107 (f) (iv) – the Common Seal of Council, states that 'If the Chief Executive uses the Common Seal in a manner prescribed by sub-clause (c) then he/she must advise Council of such use on a regular basis.' Council's Instrument of Delegation to the CEO also delegates to the CEO the power to 'use the Common Seal of Council subject to that use being reported to Council'.

In accordance with the Local Law and Instrument of Delegation, the following are presented to Council as documents sealed during the period from 25 May to 21 June 2019:

1. Instrument of Appointment and Authorisation to an Officer appointed under s.147(4) of the *Planning and Environment Act 1987* – Seal applied 29 May 2019.
2. Section 173 Agreement between South Gippsland Shire Council and the owner of 11 St Ives Crescent, Venus Bay in relation to development of land with replacement dwelling and removal of native vegetation – Seal applied 3 June 2019.
3. Section 173 Agreement between South Gippsland Shire Council and the owner of 11 Fishermans Road, Venus Bay in relation to development of land with single dwelling and removal of native vegetation – Seal applied 18 June 2019.
4. Section 173 Agreement between South Gippsland Shire Council and the owner of 15 Graham Avenue, Venus Bay in relation to development of land with single dwelling and removal of native vegetation – Seal applied 18 June 2019.
5. Schedule of Variation – Community Development Grants Programme – Port Welshpool Long Jetty Rehabilitation Project – Seal applied 18 June 2019.

#### **Contracts Awarded, Varied or Extended**

1. Contracts awarded after a public tender process within the CEO's delegation between 25 May to 21 June 2019:  
  
Nil
2. Contracts awarded after a public tender process under the Statutory threshold by staff other than the CEO between 25 May to 21 June 2019:  
  
Nil
3. Contract variations approved by the CEO between 25 May to 21 June 2019:  
  
Nil
4. Contract extensions approved by the CEO between 25 May to 21 June 2019:  
  
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, (C32)

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

**Legislative Provisions**

Local Government Act 1989, ss.5 and 186

### **8.3. INSTRUMENTS OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

This report recommends that Council adopts an Instrument of Appointment and Authorisation (Instruments) under the *Planning and Environment Act 1987* (the Act) to a new employee who has been appointed to a position within the Planning Department.

#### **RECOMMENDATION**

**That Council:**

- 1. Resolves that, in the exercise of the powers conferred by s.224 of the *Local Government Act 1989* and the other legislation referred to in the attached Instrument of Appointment and Authorisation (Instruments of Appointment and Authorisation) Council to Staff under the *Planning and Environment Act 1987* (Attachment [8.3.1]):**
  - a. The member of Council staff referred to in the Instrument of Appointment and Authorisation be appointed and authorised as set out in the instrument;**
  - b. The Instrument of Appointment and Authorisation comes into force immediately the common seal of Council is affixed to the instrument and remain in force until Council determines to vary it or it is revoked in accordance with Item 2 below; and**
  - c. The Instrument of Appointment and Authorisation be sealed.**

#### **REPORT**

The allocation of authorisations and appointments to Council employees contributes to the effective functioning of Council. Therefore it is important to ensure that formal Instruments are updated to reflect changes in personnel. The employee identified in the attached Instrument has recently been recruited to a position within the Planning Department.

#### **RISKS**

Failure to adopt or revoke an Instrument of Appointment and Authorisation could result in a decision of a current employee being invalidated or Council being held liable for the actions of former employees.

**STAFF DISCLOSURE**

Nil

**REFERENCE DOCUMENTS**

**Legislative Provisions**

Local Government Act 1989

Planning and Environment Act 1987

**9. ADMINISTRATOR REPORTS**

**9.1. REQUESTS FOR LEAVE OF ABSENCE**

**9.2. ADMINISTRATOR UPDATES**

**9.3. COMMITTEE UPDATES**

## 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 Administrators 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 Administrator 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 Administrator...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 Administrator 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.

## 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 an Administrator. 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 an Administrator at a Public Presentation session speak briefly to its contents. At the following Ordinary Meeting of Council, an Administrator would accept the petition and introduce it to Council for formal noting and actioning by Council.

The Administrator 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.

## 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.

Questions can also be submitted in hard copy format into the 'Public Question Box' within the first 15 minutes of an Ordinary 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 28 November 2018.*

### 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.

Questions can also be submitted in hard copy format into the 'Public Question Box' within the first 15 minutes of an Ordinary 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 28 November 2018.*



## **12. CLOSED SESSION**

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

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

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

**Nil**

### **13. MEETING CLOSED**

#### **NEXT MEETING**

The next Ordinary Meeting of Council open to the public will be held on Wednesday, 28 August 2019 commencing at 12noon in the Leongatha RSL, details to be confirmed.