

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Minutes

Ordinary Meeting of Council

23 October 2019

**Ordinary Meeting No. 439**  
**Council Chambers, Leongatha**  
**Commenced at 2pm**

**ADMINISTRATORS**

Julie Eisenbise, Chair

Christian Zahra, Deputy Chair

Rick Brown



# minutes



*South Gippsland  
Shire Council*

*Come for the beauty, Stay for the lifestyle*



## MISSION

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

### Privacy

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

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

## PRESENT

ADMINISTRATORS:	Julie Eisenbise, Chair Christian Zahra, Deputy Chair Frederick (Rick) Brown
NOT PRESENT:	-
OFFICERS:	Bryan Sword, Acting Chief Executive Officer Faith Page, Director Corporate and Community Services Anthony Seabrook, Director Infrastructure Services Paul Stampton, Acting Director Development Services Rick Rutjens, Manager Executive Support and Community Information, Media and Communications June Ernst, Coordinator Council Business Natasha Berry, Corporate and Council Business Officer Jodi Cumming, Corporate and Council Business Officer

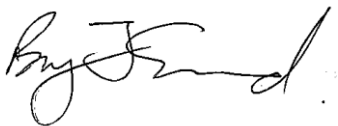
## SOUTH GIPPSLAND SHIRE COUNCIL

Ordinary Meeting No. 439  
 Wednesday 23 October 2019  
 Council Chambers, Leongatha commenced 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.

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

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

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

Thank you

### **1.2. WELCOME**

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

### **1.3. OPENING PRAYER**

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

Amen

**1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS**

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

**1.5. APOLOGIES**

**Nil**

**1.6. CONFIRMATION OF MINUTES**

**RECOMMENDATION**

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 438, held on 25 September 2019 in the Council Chambers, Leongatha be confirmed.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL ORDINARY MEETING NO. 438, HELD ON 25 SEPTEMBER 2019 IN THE COUNCIL CHAMBERS, LEONGATHA BE CONFIRMED.**

**CARRIED UNANIMOUSLY**

## 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*.

**Nil**



## 1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF

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

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

**Nil**

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

### 2.1. REVIEW OF COUNCIL'S GENERAL LOCAL LAW 2014

Development Services Directorate

#### EXECUTIVE SUMMARY

This report is before Council to consider the proposed amendments to Council's *General Local Law (2014)* (Local Law) and to endorse public consultation with the community of South Gippsland in relation to the proposed amendments.

The intent of Council's Local Law is to respond to issues and community needs within our municipality. Local laws are adopted to protect public health, safety and amenity in a municipality. Any local law passed by council is designed to ensure that the actions of an individual or group do not have an adverse impact on the rest of the community, and only apply within the municipality in which they are passed.

If a council wishes to make a new local law, it must advertise this publicly and consider any submissions it receives before implementing the law. A draft *General Local Law Amendment 1 of 2019* has been developed for public consultation (**Attachment [2.1.1]**). Once the public consultation phase is complete, a Council Report with possible amendments to the Local Law will be considered at a future Ordinary Meeting of Council.

#### RECOMMENDATION

That Council:

1. Notes the proposed amendments to the General Local Law 2014 to be referred to as *General Local Law (Amendment 1 of 2019)* (Attachment [2.1.1]); and
2. Approves commencement of the statutory procedures to *General Local Law (Amendment 1 of 2019)* pursuant to s.119 and s.223 of the *Local Government Act 1989 (the Act)*.
3. Gives notice in the Government Gazette and public notice in Council's Noticeboard section of the local newspapers stating:
  - a. The purpose and general purport of the proposed amended *General Local Law (Amendment 1 of 2019)*;

- b. A copy of the proposed Local Law can be obtained from the Council office; and
    - c. That any person may make a submission under s.223 of the *Local Government Act 1989*.
  4. States in the public notice:
    - a. The proposed amendments to the *General Local Law 2014* to be referred to as *General Local Law (Amendment 1 of 2019)*;
    - b. A person proposing to make a submission under s.223 of the *Local Government Act 1989* must submit no later than 10 January 2020;
    - c. The submission must be addressed to the Acting Chief Executive Officer, South Gippsland Shire Council, Private Bag 4, Leongatha 3953 or delivered to the Council office, 9 Smith Street, Leongatha;
    - d. All submissions will be considered in accordance with s.223 of the *Local Government Act 1989*;
    - e. Any person(s) making a written submission is entitled to state in their submission that he or she wishes to appear in person, or be represented by a person specified in their submission, at a meeting to be heard in support of their submission;
    - f. Copies of submissions (including submitters' names and addresses) will be made available to the public at the appropriate Ordinary Meeting of Council at which the submissions are considered and Council is required to make submissions available for public inspection for a period of twelve months;
    - g. The time, date and place for hearing of submissions; and
    - h. Following the consideration of any submissions, Council may or may not decide to adopt the *General Local Law (Amendment 1 of 2019)*.
  5. Authorises the Acting Chief Executive Officer to fix the time, date and place for the s.223 hearing for persons who wish to be heard in support of their submission;
  6. Advises those person(s) who wish to be heard in support of their submission of the date, time and place of the hearing of their submissions;
  7. Hears, considers and determines the submissions; and
-

8. Receives a further Council report at the next appropriate Ordinary Meeting of Council to discuss the outcome of the s.223 process.

**MOVED:** Administrator Zahra

**SECONDED:** Administrator Brown

**THAT COUNCIL:**

1. **NOTES THE PROPOSED AMENDMENTS TO THE GENERAL LOCAL LAW 2014 TO BE REFERRED TO AS *GENERAL LOCAL LAW (AMENDMENT 1 OF 2019)* (ATTACHMENT [2.1.1]); AND**
2. **APPROVES COMMENCEMENT OF THE STATUTORY PROCEDURES TO *GENERAL LOCAL LAW (AMENDMENT 1 OF 2019)* PURSUANT TO S.119 AND S.223 OF THE *LOCAL GOVERNMENT ACT 1989 (THE ACT)*.**
3. **GIVES NOTICE IN THE GOVERNMENT GAZETTE AND PUBLIC NOTICE IN COUNCIL'S NOTICEBOARD SECTION OF THE LOCAL NEWSPAPERS STATING:**
  - a. **THE PURPOSE AND GENERAL PURPORT OF THE PROPOSED AMENDED *GENERAL LOCAL LAW (AMENDMENT 1 OF 2019)*;**
  - b. **A COPY OF THE PROPOSED LOCAL LAW CAN BE OBTAINED FROM THE COUNCIL OFFICE; AND**
  - c. **THAT ANY PERSON MAY MAKE A SUBMISSION UNDER S.223 OF THE *LOCAL GOVERNMENT ACT 1989*.**
4. **STATES IN THE PUBLIC NOTICE:**
  - a. **THE PROPOSED AMENDMENTS TO THE *GENERAL LOCAL LAW 2014* TO BE REFERRED TO AS *GENERAL LOCAL LAW (AMENDMENT 1 OF 2019)*;**
  - b. **A PERSON PROPOSING TO MAKE A SUBMISSION UNDER S.223 OF THE *LOCAL GOVERNMENT ACT 1989* MUST SUBMIT NO LATER THAN 10 JANUARY 2020;**
  - c. **THE SUBMISSION MUST BE ADDRESSED TO THE ACTING CHIEF EXECUTIVE OFFICER, SOUTH GIPPSLAND SHIRE COUNCIL, PRIVATE BAG 4, LEONGATHA 3953 OR DELIVERED TO THE COUNCIL OFFICE, 9 SMITH STREET, LEONGATHA;**

- d. ALL SUBMISSIONS WILL BE CONSIDERED IN ACCORDANCE WITH S.223 OF THE *LOCAL GOVERNMENT ACT 1989*;
  - e. ANY PERSON(S) MAKING A WRITTEN SUBMISSION IS ENTITLED TO STATE IN THEIR SUBMISSION THAT HE OR SHE WISHES TO APPEAR IN PERSON, OR BE REPRESENTED BY A PERSON SPECIFIED IN THEIR SUBMISSION, AT A MEETING TO BE HEARD IN SUPPORT OF THEIR SUBMISSION;
  - f. COPIES OF SUBMISSIONS (INCLUDING SUBMITTERS' NAMES AND ADDRESSES) WILL BE MADE AVAILABLE TO THE PUBLIC AT THE APPROPRIATE ORDINARY MEETING OF COUNCIL AT WHICH THE SUBMISSIONS ARE CONSIDERED AND COUNCIL IS REQUIRED TO MAKE SUBMISSIONS AVAILABLE FOR PUBLIC INSPECTION FOR A PERIOD OF TWELVE MONTHS;
  - g. THE TIME, DATE AND PLACE FOR HEARING OF SUBMISSIONS; AND
  - h. FOLLOWING THE CONSIDERATION OF ANY SUBMISSIONS, COUNCIL MAY OR MAY NOT DECIDE TO ADOPT THE *GENERAL LOCAL LAW (AMENDMENT 1 OF 2019)*.
- 5. AUTHORISES THE ACTING CHIEF EXECUTIVE OFFICER TO FIX THE TIME, DATE AND PLACE FOR THE S.223 HEARING FOR PERSONS WHO WISH TO BE HEARD IN SUPPORT OF THEIR SUBMISSION;
  - 6. ADVISES THOSE PERSON(S) WHO WISH TO BE HEARD IN SUPPORT OF THEIR SUBMISSION OF THE DATE, TIME AND PLACE OF THE HEARING OF THEIR SUBMISSIONS;
  - 7. HEARS, CONSIDERS AND DETERMINES THE SUBMISSIONS; AND
  - 8. RECEIVES A FURTHER COUNCIL REPORT AT THE NEXT APPROPRIATE ORDINARY MEETING OF COUNCIL TO DISCUSS THE OUTCOME OF THE S.223 PROCESS.

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

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## REPORT

The Local Law was created in accordance with the *Minister's Guidelines for Local Laws Manual 2010* (the Guidelines) and input from the Council-appointed Macquarie Local Government Lawyers (MLGL). The current Local Law was adopted by Council on 16 April 2014 and will expire on 17 April 2024.

The Guidelines recommend that a review of a Local Law should happen periodically, to ensure it is functioning in the way it was intended to operate; and if a Local Law is actually required to address ongoing issues.

The survey of our community in late 2018 and early 2019 was evidence that the Local Law is out-of-touch with what our community's standards when handling certain issues such as domestic animals within our Shire. The survey undertaken in mid-2018 in relation to the cat curfew and dog leash order showed that our community is ready for change and would like to implement a dog leash order in our townships and a 24-hour cat curfew across the Shire. Other areas of community concern raised as part of Council's community satisfaction survey included: illegal camping, car parking, recreational use of motorbikes on farming land, excess animals and the illegal dumping of rubbish.

The resolution to implement a dog leash order and cat curfew at Council's 19 December 2018 Ordinary Meeting of Council, requires an amendment to the Local Law. It is an opportune time to undertake a full review of the Local Law and include amendments to address these additional issues raised by the community.

### Proposed Amendments

Full details of the proposed amendments are summarised in **Attachment [2.1.2]**, with a brief review of each area provided below:

- Enable enforcement of Council's *Domestic Wastewater Management Plan 2016-2020* to ensure septic systems are maintained to cause no nuisance to the community or protected water catchments;
- Extend the scope of recreation vehicle (motor bikes) local law requirements, to greatly reduce the amenity impacts on surrounding property owners;
- Enhance the protection of Council employees from the effects of antisocial behaviour whilst undertaking their duties;
- Protection of Council property from unlawful damage;
- Greater clarity around the keeping of animals in our Shire;

- Introduction of the Cat Curfew and Dog Leash Order;
- Defining who is permitted to camp on private land; and
- General grammatical amendments throughout the document.

### **Council Plan Objectives**

The Council Plan objective achieved through the review of the Local Law are:

Objective Overview 3 of the Council Plan is:

*"...Our infrastructure is well-maintained and our asset management practices ensure they are sustainable and fit for purpose.*

*Council encourages sustainable practices, seeks to reduce its carbon footprint and diverts a greater proportion of its waste away from landfill.*

*Council seeks to protect and enhance the natural environment.*

*Revitalisation of our major commercial precincts will be encouraged through infrastructure and streetscape renewals..."*

Specifically, the review of the Local Law will achieve Strategic Objective 3.3 to;

*"Promote a safe and healthy community through our municipal public health programs, Emergency Management Plans and regulatory activities that meet our statutory obligations."*

Due to the Strategic Objectives stated above, it is recommended that Council accept the proposed amendments, subject to feedback from our community through the consultation process.

### **CONSULTATION**

Consultation with the following internal Council departments has been undertaken to assist with the formulation of the Amendment 1 of 2019 version of the Local Law:

- Statutory Planning
- Parks and Works Depot
- Environmental Health
- Building and Planning Compliance
- Infrastructure Delivery

- Community Strengthening
- Economic Development
- Customer Service

In accordance with the *Guidelines*, any changes to a Local Law other than an obvious error or minor grammatical correction, requires public consultation. Section 119(2)(c) of the *Local Government Act 1989*, states that

*“...any person affected by the proposed local law may make a submission relating to the proposed local law under section 223”.*

The consultation process for the Local Law is proposed to be undertaken for a period of 66 days using Council’s online “Our Say” platform, and printed material at all Council libraries and offices. Promotion will be undertaken on Facebook, Council’s website, local papers and at community events.

A list of community consultation process is contained within **Attachment [2.1.3]**. Every opportunity will be given to community members to present their submissions before the Council, at an Ordinary Meeting of Council in early 2020.

## **RESOURCES**

The review of the Local Law is being undertaken within existing resources.

## **RISKS**

The review of the Local Law will manage risks associated with community expectations and ensuring it remains relevant with legislative changes.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

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

1. Draft General Local Law 2014 Amendment 1 of 2019 [2.1.1 - 29 pages]
2. Local Law Amendment 2019 - List of Amendments [2.1.2 - 21 pages]
3. Local Law Amendment 2019 - Community Consultation Process [2.1.3 - 2 pages]

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

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## Domestic Wastewater Management Plan 2016-2020

### **Legislative Provisions**

Building Act 1993

Country Fire Authority Act 1958

Domestic Animals Act 1994

Emergency Management Act 1986

Environment Protection Act 1970

Graffiti Prevention Act 2007

Impounding of Livestock Act 1994

Liquor Control Reform Act 1998

Local Government Act 1989

Ministers Guidelines for Local Laws Manual 2010

Planning and Environment Act 1987

Road Management Act 2004

Road Safety Act 1986

Summary Offences Act 1966

The Regulations made under these Acts

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

**3.1. NIL**

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

### **4.1. COMPULSORY LAND ACQUISITION - JUMBUNNA ROAD, KORUMBURRA SHARED FOOTPATH**

Infrastructure Directorate

#### **EXECUTIVE SUMMARY**

The *2019/20 Capital Works Program* includes the construction of a 2.5m wide concrete shared path from the intersection of Radovick Street and Guys Road in Korumburra along Jumbunna Road down to the Korumburra Secondary College. This project is designed to better cater for pedestrians and cyclists along this route, particularly students and staff at the secondary college.

Council has engaged an engineering consulting firm to design this asset. As part of their investigations, Council has been made aware of the need to acquire two strips of land from 121 Jumbunna Road being volume 9472 folio 481 and volume 9472 folio 482.

In order to proceed with this project, a compulsory land acquisition process is required to be carried out in accordance with the *Land Acquisition and Compensation Act 1986*. The land is required for road purposes to construct a new 2.5m wide shared path along Jumbunna Road (**Attachment [4.1.1]**).

#### **RECOMMENDATION**

That Council:

1. Pursuant to the *Land Acquisition and Compensation Act 1986* and *Land Acquisition and Compensation Regulations 2010*:
  - a. Undertakes the process to compulsorily acquire two parcels of land (shown in Attachment [4.1.1]) required for road purposes for the construction of a new shared path along Jumbunna Road, Korumburra as follows:
    - i. Road R1 – 436m<sup>2</sup> of Lot 2 LP139824 being part of the land contained in certificate of title volume 9472 folio 481; and
    - ii. Road R2 – 442m<sup>2</sup> of Lot 4 LP135303 being part of the land contained in certificate of title volume 9472 folio 482.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL:**

**1. PURSUANT TO THE *LAND ACQUISITION AND COMPENSATION ACT 1986* AND *LAND ACQUISITION AND COMPENSATION REGULATIONS 2010*:**

**a. UNDERTAKES THE PROCESS TO COMPULSORILY ACQUIRE TWO PARCELS OF LAND (SHOWN IN ATTACHMENT [4.1.1]) REQUIRED FOR ROAD PURPOSES FOR THE CONSTRUCTION OF A NEW SHARED PATH ALONG JUMBUNNA ROAD, KORUMBURRA AS FOLLOWS:**

**i. ROAD R1 – 436M<sup>2</sup> OF LOT 2 LP139824 BEING PART OF THE LAND CONTAINED IN CERTIFICATE OF TITLE VOLUME 9472 FOLIO 481; AND**

**ii. ROAD R2 – 442M<sup>2</sup> OF LOT 4 LP135303 BEING PART OF THE LAND CONTAINED IN CERTIFICATE OF TITLE VOLUME 9472 FOLIO 482.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

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## **REPORT**

The construction of a new concrete shared path has been in Council's *Capital Works Program* for a number of years. This shared path will replace the existing concrete and asphalt narrow footpath which is generally in very poor condition and not useable by cyclists.

The proposed acquisition is from 121 Jumbunna Road Korumburra which is land currently subject to a development process that has been running for a number of years. The indicative subdivision and staging plan prepared by the developer's consultant details 5.0m and 2.5m strips of land designated on the plan as "widening for a pedestrian path" for two parcels which are identical in detail to the proposed acquisition.

Whilst this land would eventually most likely transfer to Council under the development approval process, Council officers are of the view that the timeframes for this process will not align with the construction program for this project. Therefore, to ensure this land is available in time for construction of the shared path, the decision was taken to obtain the land through a compulsory acquisition process. Design for the shared path is well advanced and this process has confirmed that this land is required.

It is proposed that the land acquisition be carried out under a compulsory acquisition process under the 10 per cent rule provided for in accordance with regulation 6 of the *Land Acquisition and Compensation Regulations 2010*. This rule allows the compulsory acquisition of land without a Planning Scheme Amendment provided that each parcel is less than 10 per cent of the allotment size and value. The proposed acquisition for this allotment complies with this rule.

A survey plan for both acquisitions has already been prepared, preliminary valuations undertaken, and notices of intention to acquire are currently being prepared.

## **CONSULTATION**

Discussions have occurred with the landowner with the most recent being carried out during September 2019. The landowner is supportive of the project.

## **RESOURCES**

There is adequate allowance within the project budget for the land acquisition.

## **RISKS**

Following the compulsory land acquisition process reduces the risk of the land acquisition impacting on the delivery of the project.

Reaching agreement with the property owner on the compensation valuation is a risk with Council's offer being based on an independent valuation. Council's valuer has commenced this process.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

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

1. Plan of Subdivision for Acquisition [4.1.1 - 3 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 2019/20

Paths and Trails Strategy

Planning Scheme Amendment

### **Legislative Provisions**

Land Acquisition and Compensation Act 1986

Land Acquisition and Compensation Regulations 2010

Local Government Act 1989

Road Management Act 2004

Road Safety Act 1986

## **4.2. NEW POLICY: WASTEWATER MANAGEMENT POLICY (C78)**

Development Services Directorate

### **EXECUTIVE SUMMARY**

Council is responsible for issuing permits to install and use wastewater 'septic' systems and investigate complaints related to them. The *Wastewater Management Policy (C78)* (the Policy) (**Attachment [4.2.1]**), sets out how Council will undertake these activities and make these decisions in a transparent and outcome focussed way.

The Policy fulfils a key action within the *Municipal Domestic Wastewater Management Plan* and ensures continued management of risks to health and the environment.

### **RECOMMENDATION**

That Council:

1. Adopts the Wastewater Management Policy (C78) (Attachment [4.2.1]); and
2. Publishes the Wastewater Management Policy (C78) on Council's website.

**MOVED:** Administrator Zahra

**SECONDED:** Administrator Brown

**THAT COUNCIL:**

1. **ADOPTS THE WASTEWATER MANAGEMENT POLICY (C78) (ATTACHMENT [4.2.1]); AND**
2. **PUBLISHES THE WASTEWATER MANAGEMENT POLICY (C78) ON COUNCIL'S WEBSITE.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

Council has a legislative role under the *Environment Protection Act 1970* to:

- Issue permits to install or alter septic tank systems;
- Approve their use once installed or altered; and
- Investigate complaints of non-permitted or underperforming septic tank systems.

The Policy sets out how Council will perform these functions and ensures that septic tank systems don't cause harm to health of the community or the environment, including:

- Clarifying when sewer connection is required or septic installation permitted;
- Defining the criteria for authorising alteration of a system which cannot meet current standards but result in a better overall health or environmental outcome; and
- Setting out the conditions under which systems for containing but not treating wastewater would be considered acceptable – for example assessed as part of a recent tourism initiative for temporary group accommodation.

The Policy also outlines non-legislative activities which will help to address:

- Education of the general public, to overcome a general lack of knowledge across the Shire, resulting in poor maintenance frequency and purchasing of failing systems by unsuspecting buyers; and
- Data improvement, to give a more accurate indication of the quantity and location of septic systems across the Shire, enabling better decision making around planning and wastewater management.

In addition, adoption of this Policy fulfils an action with Council's *Municipal Domestic Wastewater Management Plan 2016-2020*.

## CONSULTATION

This Policy has been developed in consultation with South Gippsland Water.

## RESOURCES

Implementation of this Policy will not affect the current resourcing of wastewater management.



## **RISKS**

Implementation of this Policy will ensure that:

- There is a consistent approach to managing the risks posed by septic tank systems and wastewater generally;
- Safe and sustainable use of land is enabled wherever possible;
- Current and future property owners are aware of the health, environmental and financial risks associated with septic tank systems and are able to make informed decisions when buying, selling and developing property; and
- Issuing permits for appropriate lots under 40 hectares within the Tarwin Open Potable Water Catchment is able to continue, in accordance with the exemption under the *Ministerial Guidelines for planning permit applications in open potable water supply catchments*.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

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

1. C78 Wastewater Management Policy - Draft [4.2.1 - 4 pages]

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

Municipal Domestic Wastewater Management Plan 2016-2020

### **Legislative Provisions**

Environment Protection Act 1970

Ministerial Guidelines for planning permit applications in open potable water supply catchments

### 4.3. 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.

At the 26 June 2019 Ordinary Meeting of Council, a petition was received containing 81 signatures in total (70 signatures from directly affected Peart Street residents) who believe that the Queensland Brush Box (*Lephostemon confertus*) street trees are a hazard and would like to see them removed from the streetscape.

A copy of the petition is included in (**Confidential Attachment [15.1.1]**). At that meeting it was resolved that Council receive and note the petition and that the Petition lay on the table until the matter is considered and decided on at the 24 July 2019 Ordinary Meeting of Council.

At the 24 July 2019 Ordinary Council Meeting, Council resolved to survey all residents and property owners along Peart Street to seek their opinion on whether to retain the Queensland Brush Box trees or remove and replace them with a more suitable tree such as the *Prunus blireana*. The reason for proposing *Prunus blireana* as the replacement trees is due to the fact that these were planted along the south side of Peart Street during 2015/16.

In August 2019, Council surveyed all Peart Street residents and property owners in order to provide an opportunity to indicate their preference on retaining the Queensland Brush Box street trees or removing and replacing them. All survey responses are included in **Confidential Attachment [15.1.2]**.

Based on the outcome of the resident's survey, it is therefore recommended to remove all seventeen (17) Queensland Brush Box street trees and replace them with *Prunus blireana*.

#### RECOMMENDATION

That Council:

1. Considers the results of the survey (Confidential Attachment [15.1.2]) for the proposed removal of the Queensland Brush Box Street trees on Peart Street, Leongatha;
2. Based on the outcome of the resident's survey results conducted in August 2019, determine that the Queensland Brush Box Street trees are removed and replaced with *Prunus blireana*; and

3. Writes to the lead petitioner advising them of the outcome of this Council Report.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL:**

1. **CONSIDERS THE RESULTS OF THE SURVEY (CONFIDENTIAL ATTACHMENT [15.1.2]) FOR THE PROPOSED REMOVAL OF THE QUEENSLAND BRUSH BOX STREET TREES ON PEART STREET, LEONGATHA;**
2. **BASED ON THE OUTCOME OF THE RESIDENT'S SURVEY RESULTS CONDUCTED IN AUGUST 2019, DETERMINE THAT THE QUEENSLAND BRUSH BOX STREET TREES ARE REMOVED AND REPLACED WITH *PRUNUS BLIREANA*; AND**
3. **WRITES TO THE LEAD PETITIONER ADVISING THEM OF THE OUTCOME OF THIS COUNCIL REPORT.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

South Gippsland Shire Council has a responsibility for the ongoing maintenance, upkeep, renewal, and risk management of a wide range assets. This includes urban trees on Council land within the 40km to 80km per hour speed limit zone and in 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 overall asset management obligations and community's expectations in regards to safety and nuisance issues. On occasions, a balance needs to be found and the replacement of trees is necessary.

### Background

#### 2015/16 Tree Replacement Program

In December 2015, as part of Council's Tree Replacement Program, the existing Queensland Brush Box on the south side of the street were removed (**Figure 1**) and replaced with *Prunus blireana* (**Figure 2**) in the autumn of 2016.

**Figure 1 - Queensland Brush Box**



**Figure 2 - Prunus blireana**



The decision to implement this program was primarily due to the rising maintenance costs and having little amenity value as they were unattractive from the continual pruning during the annual Powerline Clearance program.

#### Ordinary Council Meeting on 26 June 2019 (The Petition)

At the 26 June 2019 Ordinary Council Meeting, 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 [15.1.1]**.

### **Arborist Report – Findings**

In response to the petition received, Council engaged Arborzone Professional Tree Services to conduct a thorough visual tree inspection / assessment and produce an arborist report detailing the health, condition, and risk (if any) of the seventeen Queensland Brush Box street trees on Peart Street. The subject trees were identified and assessed under the criteria such as age, height, diameter at breast height, canopy spread, health class, structural condition.

The trees were found to be generally in good health, however the main challenges in retaining these trees into the future will be dealing with driveway and footpath damage as the basal flare and root plates expand. Management could consider using flexible concrete substitutes, or alternatively, continue to repair damaged concrete as problems occurs, as has clearly taken place over the last two decades.

The most relevant of the nuisance factors listed by the residents encountered on site were the slipperiness of the shed seed pods on the ground.

### **Ordinary Council Meeting 24 July 2019 (First Petition Response)**

At the 24 July 2019 Ordinary Council Meeting, it was resolved to survey all tenants and owners along Peart Street to officially seek their preference on whether to retain/remove the Queensland Brush Box street trees and to bring the findings back to Council to assist in establishing a formal response to the petition for Council's consideration.

*"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."*

The outcome of the survey is discussed under Consultation of this report.

### Customer Requests

Over the past five years, Council has received 20 customer requests specifically in relation to the removal and / or maintenance of the Queensland Brush Box street trees along Peart Street. The requests are summarised in **Table 1** below:

**Table 1 - Customer Requests (Peart Street, Leongatha)**

Request	Complete	Comment
<b>2015 (4 requests)</b>		
1. Tree removal (no. 34-36) due to fall from lifting tree roots.	Yes	Tree replaced as per Tree Replacement Program.
2. Fallen limb	Yes	Limb removed.
3. Powerline maintenance (property no. 47)	Yes	Tree pruned.
4. Trimming for site distance at intersection	No	No site distance issue upon inspection.
<b>2016 (6 requests)</b>		
5. Tree removal (no. 19) due to nuts falling into Telstra pit and causing trip hazard.	No	No signs of debris on the footpath or Telstra pit. Advised customer that tree will not be removed on the basis that it drops nuts.
6. Fallen limb.	Yes	Limb removed.

Request	Complete	Comment
7. Fallen limb.	Yes	Limb removed.
8. Exposed tree root from tree removal (no. 44).	Yes	Root has been cut off and the area levelled.
9. Notification of the removal of new trees planted.	Yes	Trees found and replaced.
10. Notification of the removal of new trees planted (no. 32).	Yes	Tree replaced.
<b>2017 (9 requests)</b>		
11. Tree removal (no. 61) due to mess.	No	Advised customer that there is no budget or resources to remove healthy trees for reasons like fallen debris, leaves, gum nuts etc.
12. Tree removal due to lifting footpath and fall resulting in a broken shoulder from nuts.	No	As above.
13. Tree removal due to footpath lifting and fallen nuts causing tripping hazard.	No	As above.
14. Tree removal due to fallen nuts causing trip hazard and mess.	No	As above.
15. Notification of the removal of new trees planted.	Yes	Tree replaced.
16. Notification of the removal of new trees planted.	Yes	Tree replaced.
17. Notification of the removal of new trees planted.	Yes	Tree replaced.
18. Trimming.	Yes	Tree trimmed.
19. Overhanging private property (no. 61).	Yes	Tree trimmed including all other trees in the street.

Request	Complete	Comment
<b>2019 (1 request)</b>		
20. Fallen limb (no. 39).	Yes	Branch cleared.

## CONSULTATION

### Residential Survey – Conducted in August 2019

In response to Item 2 of the 24 July 2019 Council resolution, affected land owners / occupiers were consulted via a survey to gauge their preference on whether to retain or remove/replace the Queensland Brush Box.

This survey provided an opportunity for the community to agree or disagree with the proposal to remove the trees, and to tick one box to indicate if they wanted to have the street trees removed and replaced with a *Prunus blireana* – refer to **Figure 2**.

### Figure 3 – Resident's Survey

Please indicate if you are the:  Owner ~OR~  Tenant.

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.

Please complete and return the survey in the reply paid envelope by **Friday 23 August 2019**.

The general guideline for a good survey response rate is approximately 10 to 15 per cent of the surveys sent out are returned. A total of 122 surveys were sent out (69 to owners and 53 to tenants) with 49 surveys returned which provides Council with a very good survey response rate of 40 percent. Of the 49 surveys, a total of 42 surveys were supportive of the proposal to remove the Queensland Brush Box and a total of 7 survey responses were against the removal of these trees. A breakdown of the responses are included in the table below and a copy of each survey response is included in **Confidential Attachment [15.1.2]**.



**Table 2 – Residential Survey Results**

Item	Owner	Tenant	Not specified	Total
Surveys sent out:	69	53	N/A	<b>122</b>
Surveys returned:	34 (69%)	11 (22%)	4 (8%)	<b>49 (100%)</b>
YES (remove trees)	*31 (63%)	7 (14%)	4 (8%)	<b>42 (86%)</b>
NO (retain trees)	**3 (6%)	4 (8%)	0 (0%)	<b>7 (14%)</b>

\* Owner indicated that they would prefer a *crepe myrtle* to be planted as opposed to a *Prunus blireana*.

\* Owner indicated that they would prefer small natives (as in Long Street, Leongatha) to be planted as opposed to a *Prunus blireana*.

\*\* Owner wants to retain the Queensland Brush Box, however, if the trees are going to be removed, they would prefer a *Telopia speciosissima* or at least an Australian native to be planted as opposed to a *Prunus blireana*.

## RESOURCES

The removal and replacement of the seventeen Queensland Brush Box street trees with *Prunus blireana* will cost approximately \$8,500 and this can be accommodated in the urban tree maintenance budget.

## RISKS

By removing the existing trees and replacing them with *Prunus blireana*, a precedent is set which may result in future requests from residents to remove and replace their existing street trees.

The risks associated with trees is mitigated by Council's *Tree Management Plan*.

## STAFF DISCLOSURE

Nil

## CONFIDENTIAL ATTACHMENT

**Confidential Attachment [15.1.1]** – Petition Submission - Peart Street, Leongatha Tree Concerns and **Confidential Attachment [15.1.2]** Resident Survey Responses - Peart Street Leongatha – have been provided in accordance with s.77(2)(c) of the Local Government Act 1989. The Chief Executive Officer designates these 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 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

#### **4.4. PETITION RESPONSE: KEEPING PONY IN BACKYARD AT 45 TOWNSEND STREET, PORT WELSHPOOL**

Development Services Directorate

##### **EXECUTIVE SUMMARY**

At the Ordinary Meeting of Council 25 September 2019, a petition was received from residents of Port Welshpool requesting the keeping of a horse in the backyard at 45 Townsend Street, Port Welshpool (the Proposal). The petition contains 62 valid signatures from residents in Port Welshpool and surrounding towns supporting the keeping of a horse in the backyard.

At the meeting, it was resolved:

*"That Council:*

- 1. Receives and notes the petition: and*
- 2. Receives a report at the Ordinary Meeting of Council 23 October 2019."*

Prior to the submission of the petition a complaint was received from a nearby property owner regarding the horse. A subsequent investigation conducted by Council revealed that conditions of the current permit to keep the horse were not being adhered to. At the conclusion of the investigation all conditions of the permit were being complied with by the property owner and the concerns of the complainant addressed.

The permit has since been renewed.

##### **RECOMMENDATION**

That Council:

1. Notes that the owners of 45 Townsend Street, Port Welshpool have a permit with conditions to keep a horse in their backyard; and
2. Writes to the lead petitioner to inform them of the outcome of this report.

**MOVED:** Administrator Zahra

**SECONDED:** Administrator Brown

**THAT COUNCIL:**

1. **NOTES THAT THE OWNERS OF 45 TOWNSEND STREET, PORT WELSHPOOL HAVE A PERMIT WITH CONDITIONS TO KEEP A HORSE IN THEIR BACKYARD; AND**
2. **WRITES TO THE LEAD PETITIONER TO INFORM THEM OF THE OUTCOME OF THIS REPORT.**

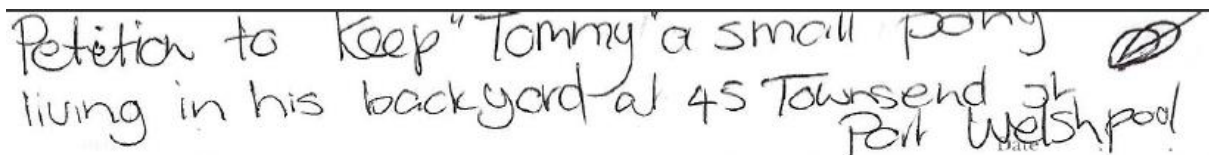
**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

At the Ordinary Meeting of Council 25 September 2019, a petition was received from residents of Port Welshpool requesting the keeping of a horse in the backyard at 45 Townsend Street, Port Welshpool (the Proposal). A copy of the petition is available in **Confidential Attachment [15.2.1]**. The petition prayer is available in **Figure 1** below.

**Figure 1 - Petition Prayer**



Petition to keep Tommy a small pony living in his backyard at 45 Townsend St Port Welshpool

The current petition states that there are 62 valid signatures from Port Welshpool and surrounding towns, eight signatures from outside the Shire (five invalid signatures) that support keeping the horse in the backyard.

## RESOURCES

Council has allocated budget and resources for the issue and management of Local Law permits, including permit to keep livestock.

## RISKS

Officers have identified there are minimal risks to the amenities of surrounding properties based on the complaint received and these risks are mitigated if all permit conditions are adhered to.

## STAFF DISCLOSURE

Nil

## CONFIDENTIAL ATTACHMENTS

**Confidential Attachment [15.2.1]** – Petition Submission - Livestock in Township - 45 Townsend Street Port Welshpool – has been provided in accordance with s.77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this item as confidential information on the grounds that it relates to s.89(2)(h) - any other matter which the Council or Special Committee considers would prejudice the Council or any persons.

This item is deemed confidential to protect the privacy of the petition signatories.

**REFERENCE DOCUMENTS**

**Council Policy**

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

General Local Law 2014

**Legislative Provisions**

Local Government Act 1989

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

### **5.1. 2018/19 ANNUAL REPORT**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

Section 131(6) of the *Local Government Act 1989* (the Act) requires Council to submit an Annual Report to the Minister for Local Government by 30 September each year. It contains a Report of Operations, an audited Performance Statement and the Financial Statements and is based on the 2018/19 financial year.

The Performance Statement and Financial Statements have been audited by the Victorian Auditor General's Office (VAGO) and were submitted to Council for endorsement on 25 September 2019. The endorsed Annual Report was provided to the Minister by 30 September 2019. Once submitted, a period of public inspection is required prior to final adoption by Council.

The 2018/19 Annual Report (**Attachment [5.1.1]**) has been advertised in a Public Notice and was made available for public inspection for a two-week period, from 1 October 2019.

It is recommended that Council adopt this 2018/19 Annual Report. Once adopted it will be published on Council's website.

#### **RECOMMENDATION**

That Council:

1. Adopts the 2018/19 Annual Report including the audited Performance and Financial Statements contained in Attachment [5.1.1]; and
2. Publishes the 2018/19 Annual Report (Attachment [5.1.1]) on Council's website and makes printed copies available at local libraries and Council's Customer Service Centre.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL:**

- 1. ADOPTS THE 2018/19 ANNUAL REPORT INCLUDING THE AUDITED PERFORMANCE AND FINANCIAL STATEMENTS CONTAINED IN ATTACHMENT [5.1.1]; AND**
- 2. PUBLISHES THE 2018/19 ANNUAL REPORT (ATTACHMENT [5.1.1]) ON COUNCIL'S WEBSITE AND MAKES PRINTED COPIES AVAILABLE AT LOCAL LIBRARIES AND COUNCIL'S CUSTOMER SERVICE CENTRE.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)



## REPORT

Section 131 of the *Local Government Act 1989* requires Council to prepare an Annual Report that provides a succinct end-of-year summary of Council's performance.

The Annual Report begins with a snapshot of Council's key achievements against the *2017-2021 Council Plan* Strategic Objectives and 2018/19 Annual Initiatives.

This is followed by four main sections:

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

The Report of Operations section abides by the *2018/19 Better Practice Guide – Report of Operations (February 2019)* produced by Local Government Victoria (LGV). These guidelines set the context of the report and the performance data requirements for all Victorian councils.

Council's *Local Government Performance Reporting Framework (LGPRF)* indicators and results are presented under each Strategic Objective of the Council Plan in *Section 2 – Reporting*, under the heading 'Service Performance Indicators' (refer to **Attachment [5.1.1]**). These indicators are compared against the previous three-year results. Some indicators are also included in the Performance Statement and are audited by VAGO.

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

The LGPRF indicators will be published on the 'Know Your Council' website as at 30 November 2019.

## CONSULTATION

The Report of Operations, the Performance Statement and Financial Statements were endorsed by the Audit Committee on 9 September 2019.

The draft 2018/19 Annual Report - Report of Operations and unaudited Financial Statements and Performance Statements were presented to Council on 25 September 2019. These were endorsed and signed for approval by Council.

VAGO provided an 'Independent Auditors' Report' for certification and approval of the Performance Statement and Financial Statements, which have been combined into the 2018/19 Annual Report for final certification purposes in accordance with the Act.

The final Annual Report has been advertised on 1 October 2019 for a two-week period prior to its presentation to Council for formal adoption.

## **RESOURCES**

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

## **RISKS**

Completion and submission of the Annual Report to the Minister for Local Government are annual legislative requirements. The endorsed Annual Report and certification was provided to the Minister by 30 September 2019.

## **STAFF DISCLOSURE**

Nil

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

Annual Budget 2018/19

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

Council Plan 2017-2021

### **Legislative Provisions**

Local Government Act 1989, s. 131, 132, 133 and 134 relating to the Annual Report

Local Government Better Practice Guide 2018/19 – Performance Reporting Framework – Strategic Directions Paper 2018-21, February 2019

Local Government Better Practice Guide 2018/19 - Planning and Reporting 2018/19, February 2019

Local Government Better Practice Guide 2018/19 – Report of Operations, February 2019

Local Government Better Practice Guide 2018/19 – Performance Reporting Indicator Workbook, February 2019

## **5.2. AUDIT COMMITTEE MEETING - 10 SEPTEMBER 2019**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

The minutes of the Audit Committee Meeting held on 10 September 2019 (**Attachment [5.2.1]**) are provided for Council's noting.

### **RECOMMENDATION**

That Council notes the Audit Committee Minutes – 10 September 2019 (Attachment [5.2.1]).

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT THE RECOMMENDATIONS IN AGENDA ITEMS 5.2, 8.1, 8.2 AND 8.3 BE ADOPTED.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## **REPORT**

The matters considered by the Audit Committee at the 10 September 2019 meeting (**Attachment [5.2.1]**) 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;
- Increase 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. 2019.09.10 Audit Committee Minutes [5.2.1 - 6 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

**6. OTHER COUNCIL REPORTS**

6.1. NIL

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

7.1. NIL

## **8. PROCEDURAL REPORTS**

### **8.1. ASSEMBLY OF COUNCILLORS - 22 AUGUST TO 21 SEPTEMBER 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 August and 21 September 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.**

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

[Link to next Agenda Item.](#)

## REPORT

Meeting Title	Details
<b>Wednesday 28 August 2019</b>	
<b>Korumburra Community Hub – site options</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered the proposed site locations and site option drawings.</p>
<b>Ordinary Agenda Topic Discussion: 28 August 2019</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered and asked questions relating to Agenda items for the Ordinary Meeting of Council 28 August 2019.</p>
<b>Internal Audit Plan 2020/21</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators reviewed the proposed Internal Audit Plan for 2020/21.</p>
<b>Wednesday 4 September 2019</b>	
<b>Recreational Vehicle (RV) and Camping</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered an update on Recreational Vehicles (RV) and Camping and how they relates to Shire-wide Tourism Strategy.</p>

Meeting Title	Details
<b>Wednesday 4 September 2019</b>	
<b>Planning Briefing</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered Planning Items including:</p> <ul style="list-style-type: none"> <li>• Strategic Planning Project List</li> <li>• Planning Applications of Interest</li> <li>• Decisions for July 2019</li> <li>• VCAT Decisions</li> <li>• Applications received July 2019</li> </ul>
<b>Coal Creek Community Park and Museum</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators received a brief on the current operations and management model of Coal Creek.</p>
<b>Rail Trail Committee of Management</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered an external briefing from members of the Rail Trail Committee of Management.</p>
<b>Executive Update</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> Costs to Council under Administration</p>
<b>Korumburra Community Hub – site options</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered the proposed site locations for the Korumburra Community Hub.</p>



Meeting Title	Details
<b>Wednesday 4 September 2019</b>	
<b>Council Plan, Annual Initiatives &amp; Vision Direction</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered a workshop on the Revision of the Council Plan and the related Annual Initiatives for future planning, including a discussion on a Community Vision for the Council.</p>
<b>Public Participation in Meeting with Council Policy (C65)</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered proposed changes to Public Participation in Meeting with Council Policy (C65).</p>
<b>Executive Update</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> Capital Works Program and Mirboo North Pool</p>
<b>Tuesday 10 September 2019</b>	
<b>Project Marinus</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered an external presentation regarding Project Marinus, an investigation in the case for further Bass Strait interconnection as part of Australia's future electricity grid.</p>

Meeting Title	Details
<b>Wednesday 11 September 2019</b>	
<b>Administrator Tour of Shire</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators undertook a tour of sites in the Shire that relate to future Council decisions and operations of Council.</p>
<b>Wednesday 18 September 2019</b>	
<b>Proposed Delburn Wind Farm</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered an external presentation regarding a proposed Wind Farm at Delburn, part of the Windfarm is proposed within the South Gippsland Shire.</p>
<b>Social Planning</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators received a brief on the Social Planning activities of Council including relevant strategies and plans.</p>
<b>Draft Recreation Strategy 2020 - 2030</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered the key issues, current commitment and proposed priorities in regard to developing the <i>South Gippsland Sport and Recreation Strategy 2020 – 2030</i>.</p>

Meeting Title	Details
<b>Wednesday 18 September 2019</b>	
<b>Executive Update</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered their weekly newsletter and asked questions.</p>
<p><b>Ordinary Agenda</b> <b>Topic Discussion:</b> <b>25 September 2019</b></p>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered and asked questions relating to Agenda items for the Ordinary Meeting of Council 25 September 2019.</p>

## 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 - 24 AUGUST TO 20 SEPTEMBER 2019**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

This document reports to Council the following actions undertaken by the Acting Chief Executive Officer (CEO) which occurred during the period from 24 August to 20 September 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.**

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

[Link to next Agenda Item.](#)

## **REPORT**

### **Documents Sealed**

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

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

Local Law No. 3 2010, Part 9, clause 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 24 August to 20 September 2019:

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 33 McIndoe Avenue, Venus Bay in relation to the development of a dwelling - Seal applied 27 August 2019.
2. Section 173 Agreement between South Gippsland Shire Council and the owner of 18-24 Whitelaw Street, Meeniyan in relation to a 2 Lot subdivision – Seal applied 29 August 2019.
3. Section 173 Agreement between South Gippsland Shire Council and the owner of 62 Mercury Drive, Venus Bay in relation to the development of a dwelling – Seal applied 29 August 2019.
4. Section 173 Agreement between South Gippsland Shire Council and the owner of 48 Orion Road, Venus Bay in relation to an extension to existing dwelling – Seal applied 29 August 2019.
5. Section 173 Agreement between South Gippsland Shire Council and the owner of 340 Millar Road, Yanakie in relation to a 2 Lot subdivision – Seal applied 2 September 2019.
6. Section 173 Agreement between South Gippsland Shire Council and the owner of 150 One Chain Road, Kardella in relation to a 2 Lot subdivision – Seal applied 12 September 2019.
7. Section 173 Agreement between South Gippsland Shire Council and the owner of 385 O'Mearas Road South, Poowong North in relation to a 2 Lot subdivision – Seal applied 12 September 2019.
8. Section 173 Agreement between South Gippsland Shire Council and the owner of 2750 Meeniyan-Mirboo North Road, Mirboo North in relation to the development of a dwelling – Seal applied 17 September 2019.

**Contracts Awarded, Varied or Extended**

1. Contracts awarded after a public tender process within the CEO's delegation between 24 August to 20 September 2019:

Nil

2. Contracts awarded after a public tender process under the Statutory threshold by staff other than the CEO between 24 August to 20 September 2019:

Nil

3. Contract variations approved by the CEO between 24 August to 20 September 2019:

Nil

4. Contract extensions approved by the CEO between 24 August to 20 September 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)*

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

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

Procurement Policy (C32)

#### **Legislative Provisions**

Local Government Act 1989, ss.5 and 186

### **8.3. INSTRUMENT OF DELEGATION - COUNCIL TO STAFF**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

This report recommends that Council adopts an updated Instrument of Delegation to Council Staff to reflect minor improvements recommended by Council's legal advisors and minor positional changes to Council's organisation structure.

#### **RECOMMENDATION**

**That Council resolves that, in the exercise of the powers conferred by s.98(1) of the *Local Government Act 1989* and the other legislation referred to in the attached *Instrument of Delegation (Instrument of Delegation) Council to Members of Staff (Attachment [8.3.1])*:**

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the officers or positions referred to in (Attachment [8.3.1]) the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument of Delegation;**
- 2. The Instrument of Delegation (Attachment [8.3.1]) to staff comes into force immediately that the common seal of Council is affixed to the Instrument of Delegation;**
- 3. On the coming into force of the Instrument of Delegation (Attachment [8.3.1]) all previous delegations from Council to members of Council staff (other than the Instrument of Delegation to the Chief Executive Officer) are revoked; and**
- 4. The duties and functions set out in the Instrument of Delegation (Attachment [8.3.1]) must be performed, and the powers set out in the Instrument of Delegation must be executed, in accordance with any guidelines or policies that Council may adopt.**

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

[Link to next Agenda Item.](#)



## REPORT

The allocation of delegations to the Chief Executive Officer or other employees contributes to the effective functioning of Council. It is important to update delegations to reflect changes in personnel / legislation and improvements recommended by legal advisors to ensure decisions made are valid.

The updated Instrument of Delegation (**Attachment [8.3.1]**) consists of the following minor edits recommended by Maddocks as well as minor positional changes to Council's organisational structure:

- New provisions:
  - *Local Government Act 1989: s.185L(4)* relating to the 'power to declare and levy a cladding rectification charge' which is not relevant to SGSC and as such no delegate has been applied.
  - *Planning and Environment Act 1987: s.61(2A)* relating to the 'power to decide to refuse to grant a permit if a relevant recommending referral authority objects the grant of permit' which has been delegated to Planning staff.
- Deleted provisions: from the *Planning and Environment Act 1987: s.46AS(ac), s.50(6) and s.61(2A)*.

## RISKS

Failure to update an Instrument of Delegation (**Attachment [8.3.1]**) could result in the decisions of delegated Officers being declared invalid or unenforceable.

## STAFF DISCLOSURE

Nil

## ATTACHMENTS

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

1. Instrument of Delegation Council to Members of Staff – 23 October 2019  
[8.3.1 - 49 pages]

## REFERENCE DOCUMENTS

### Legislative Provisions

Local Government Act 1989

## **9. ADMINISTRATOR REPORTS**

### **9.1. REQUESTS FOR LEAVE OF ABSENCE**

**Nil**

### **9.2. ADMINISTRATORS UPDATES**

**Administrator Zahra addressed Council by providing a summary of events attended in the previous month, including:**

- **Two events in Mirboo North, the first a 'Council Community Forum' whereby local projects were showcased. The second was with the group called the 'Mirboo North Country Incorporated'. Administrator Zahra commented on the strong sense of community pride exhibited in this town.**
- **One of the topics raised at the community session and highlighted by Administrator Zahra, he noted the passion behind the Mirboo North Pool project in the form of raising funds and community activism for future generations. Administrator Zahra imparted that this project is at the forefront of Council activity and is currently is undergoing the tender process.**

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**Administrator Brown addressed Council by providing a summary of events attended in the previous month, including:**

- **Two events that will be occurring in the Shire on Thursday 24 October 2019. The first project is the opening of a 24hr hour library in Foster. It is a new initiative, a precedent that may be replicated throughout South Gippsland and potentially more widely in Victoria.**
- **The second event is a celebration in Fish Creek of the selection of South Gippsland Shire by the State Government as one of the first councils to participate in an extended Kindergarten program for 3 year olds.**

**Administrator Eisenbise addressed Council by providing a summary of events attended, including:**

- **Mirboo North community meeting and made comment that the community has put on an event in every month of the year and that she is looking forward to the large event earlier next year, *Italian Festa*.**
- **Business Association meeting in Foster, commenting that she visited the 24 hr library 'after hours' and the local kindergarten.**

**Administrator Eisenbise commented that she has been encouraging community consultation amongst young mothers in the Shire.**

### **9.3. COMMITTEE UPDATES**

**Nil**

## 10. URGENT OR OTHER BUSINESS

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

### 1. Urgent Business

Normally no motion should be debated by 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 Administrators 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.

**10.1. AWARD CONTRACT CON/236 - PROVISION OF BITUMINOUS SURFACING & ASSOCIATED SERVICES**

**RECOMMENDATION TO CONSIDER AS AN URGENT ITEM**

That Council consider item 10.1 AWARD CONTRACT CON/236 - PROVISION OF BITUMINOUS SURFACING & ASSOCIATED SERVICES as urgent in order to progress the commencement of works in the earliest timeframe to coincide with the construction season.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL CONSIDER ITEM 10.1 AWARD CONTRACT CON/236 - PROVISION OF BITUMINOUS SURFACING & ASSOCIATED SERVICES AS URGENT IN ORDER TO PROGRESS THE COMMENCEMENT OF WORKS IN THE EARLIEST TIMEFRAME TO COINCIDE WITH THE CONSTRUCTION SEASON.**

**CARRIED UNANIMOUSLY**

## **10.1. AWARD CONTRACT CON/236 - PROVISION OF BITUMINOUS SURFACING & ASSOCIATED SERVICES**

Infrastructure Directorate

### **EXECUTIVE SUMMARY**

The Sealed Road Reseal program forms part of Council's 2019/20 Capital Works Program with a budget of \$1,574,828.

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

In response to Council's Request for Tender RFT/236 – Provision of Bituminous Surfacing and Associated Services (RFT/236), five tender submissions were received. Four submissions were within Council's budget allocation of \$1,574,828 while the remaining submission exceeds Council's available budget.

The tenders were assessed against the criteria specified in the contract documentation by an evaluation panel. The preferred tenderer scored highest on both price and non-price assessment criteria. Therefore, it is recommended that Council approves the award of contract CON/236 Provision of Bituminous Surfacing and Associated Services Fulton Hogan Industries Pty Ltd for the lump sum of \$1,131,082.19 as detailed in **Confidential Attachment [15.3.1]**).

### **RECOMMENDATION**

That Council:

1. Approves the award of contract CON/236 - Provision of Bituminous Surfacing and Associated Services to Fulton Hogan Industries Pty Ltd for the lump sum of \$1,131,082.19.
2. Delegates to the Manager Infrastructure Delivery (Contract Superintendent) the power to approve variations up to a contingency allowance of 10 per cent.
3. Authorises the Chief Executive Officer to sign and affix the Common Seal of the Municipality to the contract documents.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL:**

- 1. APPROVES THE AWARD OF CONTRACT CON/236 - PROVISION OF BITUMINOUS SURFACING AND ASSOCIATED SERVICES TO FULTON HOGAN INDUSTRIES PTY LTD FOR THE LUMP SUM OF \$1,131,082.19.**
- 2. DELEGATES TO THE MANAGER INFRASTRUCTURE DELIVERY (CONTRACT SUPERINTENDENT) THE POWER TO APPROVE VARIATIONS UP TO A CONTINGENCY ALLOWANCE OF 10 PER CENT.**
- 3. AUTHORISES THE CHIEF EXECUTIVE OFFICER TO SIGN AND AFFIX THE COMMON SEAL OF THE MUNICIPALITY TO THE CONTRACT DOCUMENTS.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

**REPORT**

The Sealed Road Reseal program forms part of Council's 2019/20 Capital Works Program with a budget of \$1,574,828.

On 14 September 2019, Council invited tenders for the provision of bituminous surfacing and associated services (RFT/236).

The works involved in this program are for the resealing of nominated lengths of sealed roads plus the initial sealing of five 2019/20 Sealed Road Rehabilitation program projects at the following locations:

No.	Road	Township / Locality
<b>RESEALS</b>		
1.	Fairbank Road	Arawata
2.	Fairbank Road	Arawata
3.	Port Franklin Road	Bennison
4.	Boolarra Mirboo North Road	Boolarra South
5.	Farmers Road	Dumbalk North
6.	Harding Lawson Road	Fish Creek
7.	Harding Lawson Road	Fish Creek
8.	Falls Road	Fish Creek
9.	Fullers Road	Foster
10.	Jeetho West Road	Jeetho
11.	One Chain Road	Kardella
12.	One Chain Road	Kardella
13.	Wild Dog Valley Road	Leongatha
14.	Wild Dog Valley Road	Leongatha
15.	Leongatha North Road	Leongatha North
16.	Leongatha Yarragon Road	Leongatha North
17.	Whitelaws Track	Leongatha South
18.	Whitelaws Track	Leongatha South
19.	Nicholls Road	Mardan
20.	Nicholls Road	Mardan
21.	Mirboo Road	Mirboo
22.	Mirboo Road	Mirboo
23.	Mirboo Road	Mirboo
24.	Andersons Inlet Road	Moyarra
25.	Andersons Inlet Road	Moyarra
26.	Andersons Inlet Road	Moyarra
27.	Andersons Inlet Road	Moyarra
28.	Ruby Arawata Road	Ruby
29.	Walkerville Road	Tarwin Lower
30.	Walkerville Road	Tarwin Lower



No.	Road	Township / Locality
<b>REHABILITATION</b>		
31.	Mardan Road	Leongatha
32.	Dyrings Road	Foster
33.	Dollar Road	Dumbalk East
34.	Main South Road	Poowong
35.	Loch Poowong Rd	Poowong

The evaluation panel considered the tenders and was satisfied with recommending the award of CON/236 based on the assessment of the submissions. The evaluation panel considered that the preferred schedule of rates submission represents value for money in the current contracting environment.

### **CONSULTATION**

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

RFT/236 was advertised in The Age (14 September 2019), the Latrobe Valley Express (17 September 2019) and in Council's Noticeboard section of the local papers (17 September 2019). Tenders closed on 8 October 2019.

In response to Council's Request for Tender for RFT/236, five tender submissions were received, with four being within Council's budget of \$1,574,828 and the other submission exceeding Council's budget.

The submitted tenders were assessed in accordance with the criteria specified in the tender documentation by an evaluation panel on 11 October 2019. The evaluation panel consisted of the Manager Infrastructure Delivery, Coordinator Engineering, Supervisor Sealing, and Senior Procurement Officer.

The evaluation panel determined to undertake further reference checking of the preferred tenderer in relation to product quality control. Those checks subsequently satisfied the panel that the preferred tenderer will be able to successfully complete the works as specified. The successful tenderer scored highest on both price and non-price assessment criteria.

A summary of the tender evaluation is included in **Confidential Attachment [15.3.1]**. A copy of the successful tenderer's schedule of rates prices is included in **Confidential Attachment [15.3.2]**.

### **RESOURCES**

The total available budget is \$1,574,828 which is accommodated within Council's 2019/20 Annual Budget under cost code 82110 Roads – Reseals.

A contingency amount of 10 per cent has been allowed for over and above the schedule of rates items outlined in the successful tenderer's submission. This contingency amount is for unforeseen expenditure items relating to this contract at the Contract Superintendent's discretion.

## **RISKS**

Maintaining our sealed road network as required will reduce Council's exposure to litigation.

## **STAFF DISCLOSURE**

Nil

## **CONFIDENTIAL ATTACHMENT**

**Confidential Attachment [15.3.1]** – Tender Evaluation Summary RFT/236 and **Confidential Attachment [15.3.2]** – Fulton Hogan - Schedule of Rates RFT/236 – have 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)(d) - contractual matters. These items are deemed confidential to protect the privacy of the contractors, tender scores, and tendered amounts submitted for consideration.

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

Annual Budget 2019/20

Asset Management Plan - Road Infrastructure

Asset Management Policy (C04)

Procurement Policy (C32)

Road Management Plan

### **Legislative Provisions**

Local Government Act 1989

Road Management (General) Regulations 2016

Road Management (Works and Infrastructure) Regulations 2015

Road Management Act 2004

Road Management Plan

Road Management Regulations 2005 (ss.301 and 304)

**10.2. AWARD QUOTATION WITHIN PANEL CONTRACT CON/219 - ANNUAL SUPPLY OF PLANT HIRE & CARTAGE CONTRACTORS (ROAD STABILISING WORKS)**

**RECOMMENDATION TO CONSIDER AS AN URGENT ITEM**

That Council consider item 10.2 AWARD QUOTATION WITHIN PANEL CONTRACT CON/219 - ANNUAL SUPPLY OF PLANT HIRE & CARTAGE CONTRACTORS (ROAD STABILISING WORKS) as urgent in order to progress the commencement of the Stabilisation Works as part of the 2019/20 Reseal Program in the earliest timeframe to coincide with the construction season.

**MOVED:** Administrator Eisenbise

**SECONDED:** Administrator Brown

**THAT COUNCIL CONSIDER ITEM 10.2 AWARD QUOTATION WITHIN PANEL CONTRACT CON/219 - ANNUAL SUPPLY OF PLANT HIRE & CARTAGE CONTRACTORS (ROAD STABILISING WORKS) AS URGENT IN ORDER TO PROGRESS THE COMMENCEMENT OF THE STABILISATION WORKS AS PART OF THE 2019/20 RESEAL PROGRAM IN THE EARLIEST TIMEFRAME TO COINCIDE WITH THE CONSTRUCTION SEASON.**

**CARRIED UNANIMOUSLY**

## **10.2. AWARD QUOTATION WITHIN PANEL CONTRACT CON/219 - ANNUAL SUPPLY OF PLANT HIRE & CARTAGE CONTRACTORS (ROAD STABILISING WORKS)**

Infrastructure Directorate

### **EXECUTIVE SUMMARY**

Contract CON/219 – Annual Supply of Plant Hire and Cartage Contractors (CON/219) was awarded to a panel of preferred suppliers in order to assist Council to delivery road projects this financial year as part of its Road Reseal program.

Stabilising works are performed by Council as part of Council's Reseal Preparation program. Stabilising works aid in improving the long term performance of our road network. It is a cost-effective measure undertaken to improve the condition and reduce the overall cost of the life of a road.

Two members of the panel contract (CON/219) have the experience and capability to undertake full service stabilising works. Therefore, these two contractors were requested to quote for the road stabilising works.

It is recommended that Council awards the road stabilising works to the preferred contractor as part of the panel contract CON/219 – refer to **Confidential Attachment [15.4.1]** – Quotation Evaluation Summary (CON/219).

### **RECOMMENDATION**

That Council:

1. Approves the quotation from a member of the panel contract CON/219 Plant Hire and Cartage Contractors to carry out the road stabilising works as part of Council's Road Reseal Preparation program to Sure Constructions Pty Ltd for the lump sum of \$406,484.54.
2. Delegates to the Manager Operations (Contract Superintendent), the power to approve variations up to a contingency allowance of 20 per cent of the purchase order price.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL:**

- 1. APPROVES THE QUOTATION FROM A MEMBER OF THE PANEL CONTRACT CON/219 PLANT HIRE AND CARTAGE CONTRACTORS TO CARRY OUT THE ROAD STABILISING WORKS AS PART OF COUNCIL'S ROAD RESEAL PREPARATION PROGRAM TO SURE CONSTRUCTIONS PTY LTD FOR THE LUMP SUM OF \$406,484.54.**
- 2. DELEGATES TO THE MANAGER OPERATIONS (CONTRACT SUPERINTENDENT), THE POWER TO APPROVE VARIATIONS UP TO A CONTINGENCY ALLOWANCE OF 20 PER CENT OF THE PURCHASE ORDER PRICE.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

At the 26 June 2019 Ordinary Council Meeting, Council approved the award of Contract CON/219 - Annual Supply of Plant Hire and Cartage Contractors (CON/219) to a panel of preferred suppliers in order to assist Council to deliver the 2019/20 Road Reseal program.

Stabilising works are performed by Council as part of Council's Reseal Preparation program.

Stabilising is a method used to strengthen an existing road pavement that has failed. By mixing cement and lime to existing pavements, then compacting and reshaping the road before resealing, the new pavement is strengthened. This results in longevity of the road pavement and therefore increases the time between maintenance schedules.

Stabilisation is performed to achieve the following:

- Fix any issues with the earthworks material;
- Increase the strength of the material;
- Improve the compaction the material;
- Increase the load bearing capacity of the material;
- Decrease the permeability of the material;
- Get better value-for-money outcomes with improved performance from the pavement material; and
- Decrease the reliance on new materials being trucked onsite.

As part of CON/219, two members of the panel have the experience and capability to undertake full service stabilising works. These two contractors were requested to quote for the following road stabilising projects:

- Andersons Inlet Road, Moyarra (two sections)
- Fairbank Road, Arawata
- Farmers Road, Dumbalk North
- Leongatha North Road, Leongatha North
- Mirboo Road, Mirboo
- One Chain Road, Kardella

- Silcocks Hill Road, Toora
- Soldiers Road, Leongatha South
- Whitelaws Track, Leongatha North
- Woorarra Road, Woorarra

## CONSULTATION

Quotations were sought from two members of the panel contract (CON/219) who possessed the capability to perform stabilising works.

In response to Council's request for quotation in relation to CON/219, specifically section 3.1.11, Hire Arrangements, both contractors submitted quotations (schedule of rates) which were within Council's budget.

Quotations were assessed against the criteria specified in the contract documentation by an evaluation panel on 9 October 2019. The evaluation panel consisted of the Manager Operations, Operations Technical Officer, and Coordinator Roads.

The successful panel member quotation was competitive in price and they are proficient at the tasks required.

A summary of the quotation evaluation including schedule of rates prices for the stabilising projects is included in **Confidential Attachment [15.4.1]**. A full copy of the schedule of rates from the successful contractor is included in **Confidential Attachment [15.4.2]**.

## RESOURCES

The total budget for reseal preparation works is \$880,000. The cost of the stabilising works is covered by this budget.

## RISKS

There are minimal risks associated with the works to be performed by the successful supplier. The successful supplier has also provided a twelve-month defect liability.

## STAFF DISCLOSURE

Nil

## CONFIDENTIAL ATTACHMENTS

<b>Confidential Attachment [15.4.1]</b> – Quotation Evaluation Summary and Project Pricing - Panel Contract CON/219 (Road Stabilising Works) and <b>Confidential</b>
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**Attachment [15.4.2]** – Sure Constructions Pty/Ltd - Schedule of Rates - Panel Contract CON/219 (Road Stabilising Works) – have 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)(d) - contractual matters. These items are deemed confidential to protect the privacy of the contractors, quotation scores, and quotation amounts submitted for consideration.

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

Annual Budget 2019/20

Asset Management Plan - Road Infrastructure

Asset Management Policy (C04)

Procurement Policy (C32)

Road Management Plan

### **Legislative Provisions**

Local Government Act 1989

Road Management (General) Regulations 2016

Road Management (Works and Infrastructure) Regulations 2015

Road Management Act 2004

Road Management Regulations 2005 (ss.301 and 304)



**10.3. CURRENT STATUS OF WORKS TO REPAIR ROAD SLIPS IN THE SOUTH GIPPSLAND SHIRE**

**RECOMMENDATION TO CONSIDER AS AN URGENT ITEM**

That Council consider item 10.3 CURRENT STATUS OF WORKS TO REPAIR ROAD SLIPS IN THE SOUTH GIPPSLAND SHIRE as urgent in order to provide an update to the community following recent storm events in August 2019.

**MOVED:** Administrator Eisenbise

**SECONDED:** Administrator Zahra

**THAT COUNCIL CONSIDER ITEM 10.3 CURRENT STATUS OF WORKS TO REPAIR ROAD SLIPS IN THE SHIRE AS URGENT IN ORDER TO PROVIDE AN UPDATE TO THE COMMUNITY FOLLOWING RECENT STORM EVENTS IN AUGUST 2019.**

**CARRIED UNANIMOUSLY**

### **10.3. CURRENT STATUS OF WORKS TO REPAIR ROAD SLIPS IN THE SOUTH GIPPSLAND SHIRE**

Infrastructure Directorate

#### **EXECUTIVE SUMMARY**

South Gippsland Shire was impacted by large natural disaster storm events in August 2019, resulting in ten significant road slips at the following locations:

1. Clarkes Road, Hallston (2 sites)
2. Foster Mirboo Road, Dollar
3. Grand Ridge Road, Trida (2 sites)
4. Griggs Road, Hallston (*Full road closure with detours in place*)
5. Kardella-Fairbank Road, Kardella
6. Mt Eccles Road, Mt Eccles (*Full road closure with detours in place*)
7. Nicholls Road, Mardan (*Full road closure with detours in place*)
8. Wild Dog Valley Road, Mt Eccles (*Full road closure with detours in place*)

#### **RECOMMENDATION**

That Council notes this report and the current status of works to repair the road slips.

**MOVED:** Administrator Eisenbise

**SECONDED:** Administrator Brown

**THAT COUNCIL NOTES THIS REPORT AND THE CURRENT STATUS OF WORKS TO REPAIR THE ROAD SLIPS.**

**CARRIED UNANIMOUSLY**

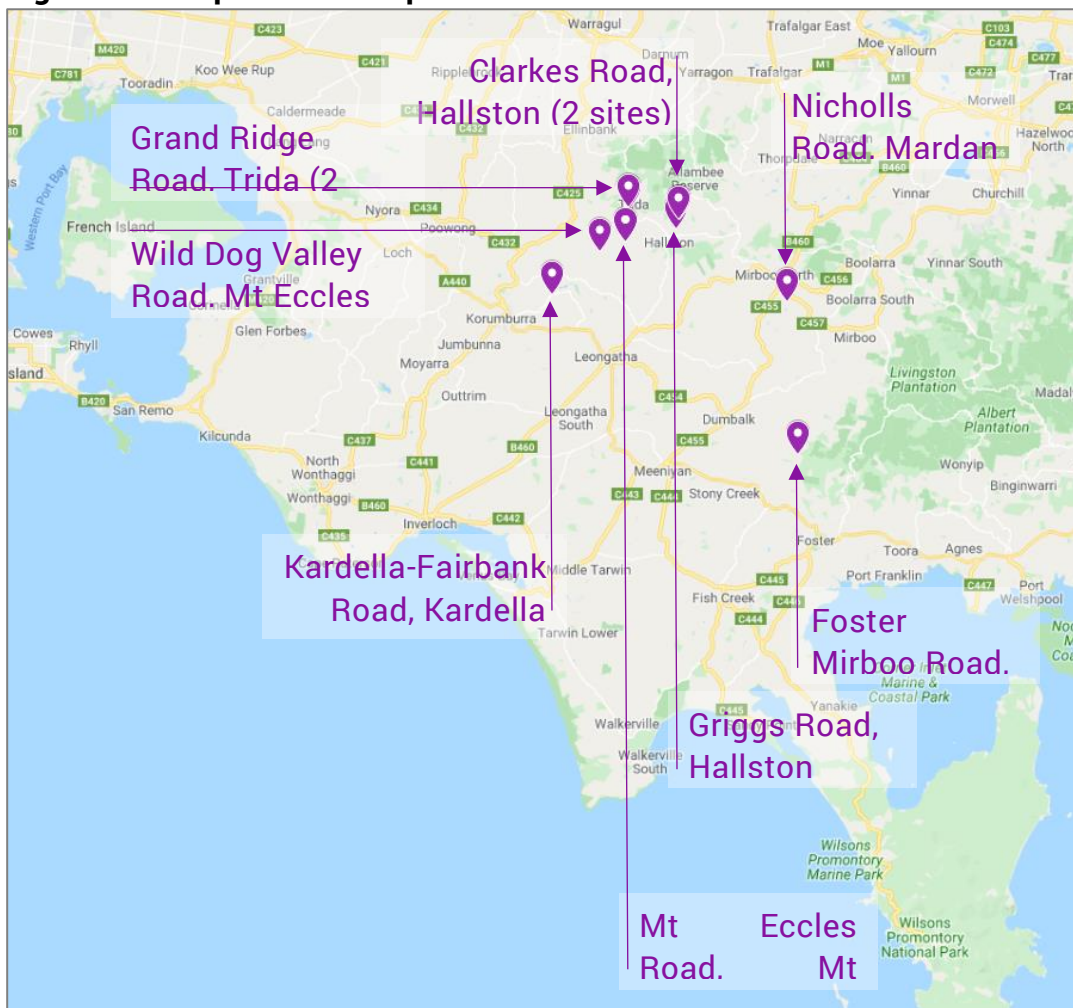
[Link to next Agenda Item.](#)

**REPORT**

During August 2019, large natural disaster storm events caused landslips on a number of roads around the Shire. The more significant slips are at the following locations – refer to the map in **Figure 1** for the road slip locations:

1. Clarkes Road, Hallston (2 sites)
2. Foster Mirboo Road, Dollar
3. Grand Ridge Road, Trida (2 sites)
4. Griggs Road, Hallston
5. Kardella-Fairbank Road, Kardella
6. Mt Eccles Road, Mt Eccles
7. Nicholls Road, Mardan
8. Wild Dog Valley Road, Mt Eccles

**Figure 1 – Map of Road Slip Locations**



Four of the slip-affected roads have required full closures due to them being either impassable or unsafe for traffic:

1. Griggs Road, Hallston
2. Mt Eccles Road, Mt Eccles
3. Wild Dog Valley Road, Mt Eccles
4. Nicholls Road, Mardan

The full closure of Griggs Road has caused the most impact on local residents, particularly residents on the north side of the slip. Those residents either have to use Yarragon-Leongatha Road or Allambee Estate Road to leave the area. If travelling to Leongatha, the trip takes in the order of an hour longer than when Griggs Road was open – refer to **Figure 2**.

**Figure 2 – Griggs Road Detour**



Now that ground conditions have dried out significantly in recent weeks, Council has arranged for Griggs Road to be re-opened to local traffic only. This was done on 22 October 2019 following advice from and subject to the conditions recommended by its geotechnical consultant. Council has also engaged a contractor do remedial works on the uphill slope to reduce the likelihood of further movements on this road batter. This work will require a closure for a few days from 28 October 2019. Works will be also required on the downhill slope, which will occur when a solution has been developed and a contractor has been engaged. These works will also require the road to be closed.

Grand Ridge Road has a lane closure adjacent the slip site that does not impact significantly on traffic.

Council has developed a proposal for the damage on Nicholls Road, Mardan. Quotes for the repair work were sought and a contract has been awarded for these works. It is expected that the road will be re-opened by late November, depending on site and weather conditions.

With respect to the other slips noted above, they are more complex and require specialist geotechnical investigation and designs for the repairs. A contract has been awarded to Geotesta Pty Ltd for these works. Due to the impact of the closure of Griggs Road on local residents, developing a permanent solution for this repair has been deemed the highest priority so that the road can be fully re-opened in the shortest possible time. The next highest priority is Mt Eccles Road.

It is important to note that all slip repair works are required to be carried out by contract to be reimbursable under the rules of the Victorian Government Department of Treasury and Finance (DTF) and Federal National Disaster Recovery Arrangements (DRFA). This applies to both investigation/design work as well as construction works.

The Chief Executive Officer has declared the slips caused by the August natural disaster storm events to be an emergency. This declaration allows Council to enter into contracts without first undertaking a public tender process as this facilitates quicker engagement of contractors for these works. The Chief Executive Officer has also suspended Council's Road Management Plan for the section of roads subject to road closures pursuant to Section 83 of the Wrongs Act 1958.

## **CONSULTATION**

Council has been in regular contact with geotechnical engineers.

Letters and emails have been sent to residents on and around Griggs Road to keep them up to date with developments at that site.

Many residents have spoken to Council's engineers, Emergency Management officers, Administrators, and the Chief Executive Officer.

Members of the Infrastructure team spoke to local land-owners around the Griggs Road slip to ascertain whether it would be possible to construct a temporary route through private property.

Council's Emergency Management team has been in contact with all Emergency Services to keep them up to date with all road closures.

Australia Post has been informed of the Griggs Road closure and has re-routed its mail delivery service to the area.

The Chief Executive Officer and the Director Infrastructure met with a number of Griggs Road residents on site on 18 October 2019 to discuss their concerns. A further meeting was held on 22 October 2019 to discuss the re-opening of Griggs Roads to local traffic and the further work planned in the coming weeks. Weekly emails are also being forwarded to keep Griggs Roads residents up to date with progress on proposed works.

A number of other agencies have been kept abreast of developments:

- Baw Baw Shire Council
- Regional Roads Victoria
- Victorian Department of Treasury and Finance
- Local Government Victoria

## **RESOURCES**

On 2 October 2019, Council was advised in a letter from the Victorian Department of Treasury and Finance that the August storm event had been formally declared an emergency. This means that all works associated with the repairs are refundable under the Federal National Disaster Recovery Arrangements.

Council will fund all repair works from its own reserves. When the works are complete, it will claim for reimbursements.

## **RISKS**

A significant risk relating to these slips is putting in place suitable traffic management arrangements to ensure that the safety of the travelling public is protected. A risk assessment has been carried out for all the slip sites which has resulted in the roads noted above being closed to the travelling public.

On Griggs Road in particular, it has been apparent that because of the lengthy detours people are taking the risk of driving over the slip site despite the signage in place. Council opted to use concrete barriers to physically prevent people endangering themselves. However, as noted above, this road had recently been re-opened to local traffic following advice from and subject to the conditions recommended by its geotechnical consultant.

There is a risk that Council will be criticised for not completing works in a timely fashion. There are a number of unavoidable delays – the most significant being the weather. Now that the hills are starting to dry out repairs can be designed. Works can then commence to get the roads re-opened as soon as possible.

Members of the community are concerned about the risk of an emergency while the roads are closed. Council has been assured that all Emergency Services are aware of the road closures and will make appropriate arrangements should they need to attend to any emergency in the vicinity of the road closures.

## **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)*

Procurement Policy (C32)

Road Management Plan

### **Legislative Provisions**

Local Government Act 1989

Road Management Act 2004

## 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.

**Nil**



## 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.*

**Marie Gerrard-Staton representing the Rates Challengers Community Group submitted questions at Ordinary Council Meeting 25 September 2019. The questions were taken on notice and responses are now provided.**

### **Question 1**

**Please detail times, dates and venues where community consultation has occurred on Ordinary Meeting 25 September 2019, Agenda Item 2.2. KORUMBURRA RAILWAY STATION SITE MASTER PLAN / COMMUNITY HUB LOCATION this topic since the Administrators have been appointed?**

### **Response**

A variety of consultation activities occurred during August and September 2019 with representatives of the Korumburra Hub stakeholders group, West Gippsland Regional Library Corporation, Korumburra Business Association, Korumburra Round Table and The Station @Korumburra Working Group. The location of the Korumburra Hub at 4 Victoria Street was first identified in the Korumburra Town Centre Framework Plan (KTCFP). The KTCFP was adopted by Council and is incorporated into the South Gippsland Planning Scheme. The KTCFP was subject to broad public consultation which occurred over a 7 month period, directly engaged over 400 people and resulted in 275 individual submissions.

## **Question 2**

**Please detail if the current rating strategy and a proposed rate hardship waiver is considered to be a priority item.**

### **Response**

The Rating Strategy is due to be reviewed in 2022. As per the resolution at the 24 July Ordinary Council Meeting, a review of the hardship policy will be completed by 30 June 2020.

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**W.E. Staton submitted a question to Ordinary Council Meeting 25 September 2019. The questions was taken on notice and a response is now provided.**

## **Question 1**

**What is the cost to the ratepayers having Administrators in lieu of Councillors?**

### **Response**

The Minister for Local Government sets both the allowances per annum for Councillors and the per annum remuneration for the Administrators. The total base cost of allowances for the Councillors was \$285,452 and for the Administrators is \$320,000. Both Councillors and Administrators receive superannuation and are entitled to claim reimbursement for work related expenses. Expenses may include travel, training or other expenses incurred in the exercise of the functions, powers or duties of their respective roles. In 2018/19 a total budget of \$441,323 was allocated for Councillor expenses inclusive of the set allowance. It is anticipated that the total cost of Administrators including expenses will fall within the same budget allocation.

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**Peter Diekel submitted a question to Ordinary Council Meeting 25 September 2019. The questions was taken on notice and a response is now provided.**

## **Question 1**

**What is the salary of the Administrators in comparison to the Prime Minister of Australia?**

### **Response**

Council is not privy to the salary and associated remunerations paid to the Prime Minister.

The Minister for Local Government sets both the allowances per annum for Councillors and the per annum remuneration for the Administrators. The total base cost of allowances for the Councillors was \$285,452 and for the Administrators is \$320,000. Both Councillors and Administrators receive superannuation and are entitled to claim reimbursement for work related expenses. Expenses may include travel, training or other expenses incurred in

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the exercise of the functions, powers or duties of their respective roles. In 2018/19 a total budget of \$441,323 was allocated for Councillor expenses inclusive of the set allowance. It is anticipated that the total cost of Administrators including expenses will fall within the same budget allocation.

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**David Amor submitted questions at Ordinary Council Meeting 25 September 2019. The questions were taken on notice and responses are now provided.**

**Question 1**

**What is the response to a question asked by Gus Blaauw at the previous Ordinary Council Meeting re: rail easement and rail sleepers?**

**Response**

Responses were provided at the September Ordinary Meeting, these can be located on page 128 of the Council Meeting Minutes.

**Question 2**

**Given that according to the financial report council did not spend \$5.1M of last years \$10.1M roads budget, can council please explain why it cannot fix the roads with landslips?**

**Response**

Unspent Road management budget in 2018-19 per the 2018-19 Annual Report was \$1.4M. Adopted budget in 2018-19 was \$5.6M and \$4.2M was spent in the year. Council is addressing the land slips.

**Question 3**

**The Annual Financial Report shows employee cost were \$2.1M (or 10.2%) over budget. This may be equivalent to an extra 20 employees, can Council please explain?**

**Response**

Adopted budget for 2018-19 for employee costs was \$25.2M. Actual 2018-19 employee costs were \$26.5M. Employee costs were \$1.3M (5.1%) over budget. HACC redundancies amounted to \$0.98M and the rest was due to an increase in work cover costs. These details were provided within the Financial Statements contained within the Annual Report.

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**Gus Blaauw submitted questions at Ordinary Council Meeting 25 September 2019. The questions were taken on notice and responses are now provided.**

**Question 1**

**Why is the presentation of income items (from Ordinary Meeting 25 September 2019, Agenda Item 5.2. UNAUDITED FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT 2018/19) in both categories which are badly presented and impossible to reconcile acceptable?**

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**Response**

Council presents its financial statements in accordance with the relevant Australian Accounting Standards and the requirements of the Victorian Auditor General's Office (VAGO). Council's financial statements are audited by VAGO.

**Question 2**

**What are the total employee costs (including on costs) per year expended on the two Council Managed Caravan Parks for each financial year ending 30 June as follows: 2014, 2015, 2016, 2017, 2018 and 2019?**

**Response**

The Caravan Park Annual Management Summary which was considered at the September 2019 Council meeting is not intended to provide a line by line breakdown of income and expenses. Council produces an Annual Report each year that provides Council's consolidated employee numbers and associated costs. This was presented at the same Council meeting.

**Question 3**

**What is the legal requirement by Council for me to provide my name and address to a council officer before council provide me with an objection to a residential Valuation form?**

**Response**

There is no legal requirement.

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**Kathleen Murray submitted questions at Ordinary Council Meeting 25 September 2019. The questions were taken on notice and responses are now provided.**

**Question 1**

**In the document Agenda Item 5.2 Unaudited Financial Statements and Performance Statement 2018/19, Section 4.1 Employee Costs does not have the total employee cost, why not?**

**Question 2**

**In the document Agenda Item 5.2 Unaudited Financial Statements and Performance Statement 2018/19, Section 4.1 Employee Costs, do the costs shown represent the total number of employees of Council?**

**Question 3**

**Is it an error that the total employee cost is not represented in the document Agenda Item 5.2 Unaudited Financial Statements and Performance Statement 2018/19, Section 4.1 Employee Costs?**

### **Response**

One response can be provided for all three questions. The financial statements are presented in the format prescribed by Australian Accounting Standards and the Local Government Model Financial Report. If your question is in relation to whether the "Total employee costs" shown in Section 4.1 includes employee costs that have been capitalized to projects, the answer is no. There is an additional \$810K in employee costs and on-costs that are capitalized and therefore form part of the assets in the balance sheet. For this reason, they are separate to the operating employee costs shown in section 4.1.

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**Jennifer McLeod-Blaauw submitted questions at Ordinary Council Meeting 25 September 2019. The questions were taken on notice and responses are now provided.**

### **Question 1**

**Regarding the Agenda Item 5.2 Unaudited Financial Statements and Performance Statement 2018/19, why does this document not contain the important employee establishment details, listing all individual positions employed by Council?**

### **Response**

The Financial Statements contain the information prescribed by Australian Accounting Standards and the Local Government Model Financial Report.

### **Question 2**

**Why are the ratepayers not informed of the position when the total costs of the expense is not provided in this document?**

### **Response**

All revenue and expense items of Council are included in the Financial Statements in the prescribed format. These documents been audited and approved by the Victorian Auditor General Office.

### **Question 3**

**Is the document by not including employees salaries and wages, positions, functionality and total costs a deficient [document]?**

### **Response**

The Financial Statements are presented in the format prescribed by Australian Accounting Standards and the Local Government Model Financial Report and are therefore not deficient.

### 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.*

**Marie Gerrard-Staton representing the Rates Challengers Community Group submitted questions and responses are now provided.**

#### **Question 1**

**When will questions to South Gippsland Shire Council start being answered on the same day and not taken on notice?**

#### **Response**

Questions received at Council meetings are responded to as per Council Policy (C65) *Public Participation in Meetings with Council Policy* 2.6 (b) of the policy provides:

*2.6 b. Responses are usually provided at the next Ordinary Council Meeting where a question has been taken on notice, to allow time for a considered response to be prepared.*

#### **Question 2**

**Please advise the community how you travel [Administrators] to your workplace here in the Shire and how you have taken leadership in addressing the lack of public transport in the Shire?**

#### **Question 3**

**What is South Gippsland Shire Council position in regard to the return of rail to the region? What recent open community consultation has taken place to justify this Council position?**

#### **Response to question 2 and 3**

The State Government has identified that there are no current plans to return passenger rail services to South Gippsland. To understand and assist the advocacy of public transport issues Council conducted a community engagement process in July and August 2018. This consultation used the “Our Say” online platform, had six public drop-in sessions across the Shire and was widely reported in the local media. The drop-in sessions were held in Nyora, Tarwin Lower, Leongatha, Foster, Mirboo North and Korumburra. A report on this consultation and outcomes was tabled at the Ordinary Meeting of Council of 26 September 2018.

Key issues identified from this process that have been conveyed to the Victorian Government include:

- Additional services are needed for the two current route services ie Melbourne and Bass Coast/Latrobe Valley.
- Improvements to local bus services connecting towns within South Gippsland.
- The need for public transport services to be accessible to as many South Gippsland communities as possible, not just the main towns.
- Support for return of rail services to Leongatha when feasible.
- Flexible local service connections that could help residents and visitors access locations such as Wilsons Promontory, Cranbourne, Mornington Peninsula and locations on the existing Gippsland rail corridor.

Council also conducted consultation in 2018 on community transport issues, in conjunction with the Department of Transport and Bass Coast Shire Council. This involved an online survey and forums with service providers and users.

As a direct result of this process, funding was provided by the Victorian Government for a number of projects through their Flexible Local Transport Solutions Program.

These included:

- Construction of a Disability Discrimination Act (DDA) compliant footpath to connect the V/Line bus stop to Mirboo North's existing footpath network.
- Support for the Venus Bay Men's Shed community bus service.
- A door-to-door community transport service for non-urgent medical appointments and other health-related transport needs.
- Transport assistance for vocational education students to access trade training facilities in Leongatha and Korumburra.

Council is continuing its discussions with the Department of Transport regarding public and community transport issues.

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**Lindsay Love representing the South Gippsland Action Group submitted questions and the questions are taken on notice.**

**Question 1**

**Please advise time sheet records for staff undertaking road condition reports and advice on road drainage issues with the Records to show date, time allocation and roads inspected?**

**Question 2**

**Please provide advice on training qualifications of staff undertaking road condition inspections?**

**Question 3**

**Can Council please advise when the staff Code of Conduct and Terms and Conditions of Employment documents will be amended to reflect the change in community (and hence employee) behaviour in respect to taking drugs and the impact of drugs for a safe workplace and safe people environment in the Shire, which would suggest some form of random drug testing should be applied to Shire operators of vehicles, plant and equipment?**

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**Gus Blaauw representing the South Gippsland Action Group submitted questions and responses are now provided.**

**Question 1**

**Considering Council's cash position of \$35M as at 30 June 2019, will the administrators admit the advice received was nonsense and they were wrong to dump the 3% rate reduction?**

**Response**

Much has been made of the fact that Council has significant cash reserves at the start of each financial year. Council does not empty its bank accounts by 30 June each year and start on 1 July with zero dollars in the bank. It operates in the same way that a household does, saving funds for future expenses. If someone knows that they are planning to renovate the bathroom then they generally save for a year or two ready to pay for the work. That's exactly what Council's reserves are – money put aside for projects and expenses that it knows are on the horizon. The current reserves include money for capital works projects as well as expected costs such as defined benefits superannuation. They are not simply stored away as a nest egg that can be eroded by using them for operational expenses in lieu of future revenue.



As of 30 June 2019, external restrictions and specific purpose allocations account for \$24.84M of the \$35.2M on hand at that time. These allocations as set out in note 5.1 of the annual accounts represent:

- Cash held to fund carried forward capital works \$11.87M
- Grants recognized as revenue and obtained on the condition that they be expended in a specified manner \$1.99M
- Reserve funds allocated for specific future purpose \$4.98M
- Trust funds and tender deposits of \$1.0M
- In addition to the above, \$5.0M is included as 50% of the Victorian Grants Commission (VGC) financial assistance grant for 19/20 was paid early in 18/19.

This leaves \$11.4M cash to funding new capital works and continue running programs for the 2019-20 year.

The advice to remove the 3% rate reduction was, and still is sound in terms of maintaining financial sustainability in the medium to long term. This is based on the existing services and service levels as specified in the long term financial plan.

#### **Question 2**

**Why did Council incur a loss of (\$313,000) when assets with a book value of \$1,116,000 sold for only \$803,000?**

#### **Response**

There was a loss of \$335,000 representing the book value of infrastructure assets which were disposed of (removal of old pavement in order to lay new pavement) in the course of constructing new assets. These assets cannot be sold and therefore will always represent a non-cash book loss when re-constructed.

Sale of property, vehicles and plant had an overall gain of \$23,000 (Book value of \$780,000 sold for \$803,000).

### **Question 3**

**What is the exact breakdown of the legal fees expenditure of \$883,000 which increased by a staggering \$479,000 or 218.6% in just one year?**

#### **Response**

Increase in legal fees is due to the following claims:

- \$345,000 in relation to Ansevata water claim, including the \$226,000 settlement which was disclosed in the Annual Report (\$34,000 in 2017-18)
- \$155,000 in relation to Bald Hills Wind Farm nuisance complaint (\$48,000 in 2017-18)
- \$60,000 in relation to Councillors response to Ministry investigation (\$Nil in 2017-18)

Other areas remained consistent or decreased in 2018-19.

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**John McCombe representing the South Gippsland Action Group submitted questions, two questions were taken on notice.**

### **Question 1**

**Given Council has an oft stated position of being open and transparent – a highly valued objective – is it possible for the minutes of the open segments of council meetings to henceforth include the verbatim comments/ speeches of the Administrator's when they speak to a motion, prior to voting on the matter under consideration?**

This question was taken on notice.

### **Question 2**

**What motivation did Administrator Brown have for moving the amendment to the motion dealing with the decision to not proceed further with the Equestrian and Exhibition Centre proposal before Council and why was the restriction considered necessary at all, given the \$87,000 bill, for the project to date, is being footed by the ratepayers – not by the favoured community group?**

#### **Response**

It was not Administrator Brown's intent in the amendment about restricting access to the studies but to ensure that the working group were provided copies if they wished to continue to advance the project privately.

### **Question 3**

**Is there any reason why the VicTrack lease with SGSC cannot be made available for scrutiny by any rate payer?**

This question was taken on notice.

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## **12. CLOSED SESSION**

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

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

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

**Nil**

### **13. MEETING CLOSED**

#### **NEXT MEETING**

The next Ordinary Meeting of Council open to the public will be held on Wednesday, 20 November 2019 commencing at 2pm in the Council Chambers, Leongatha.

**The Ordinary Council Meeting closed at 2.47pm.**

**Confirmed this**

**20<sup>th</sup> day of November 2019.**

**Administrator Chair, Julie Eisenbise**