

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Agenda

Ordinary Meeting of Council  
20 November 2019

**Ordinary Meeting No. 440**  
**Council Chambers, Leongatha**  
**Commencing at 2pm**



# agenda



*South Gippsland  
Shire Council*

*Come for the beauty, Stay for the lifestyle*



## MISSION

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

### Privacy

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

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

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

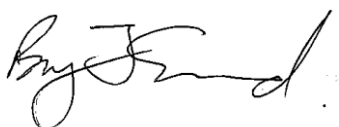
## SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that Ordinary Meeting No. 440 of the  
South Gippsland Shire Council will be held on 20 November 2019  
in the Council Chambers, Leongatha commencing at 2pm

### TABLE OF CONTENTS

<b>1. PRELIMINARY MATTERS .....</b>	<b>5</b>
1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER.....	5
1.2. WELCOME.....	5
1.3. OPENING PRAYER.....	5
1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS .....	6
1.5. APOLOGIES.....	6
1.6. CONFIRMATION OF MINUTES.....	6
1.7. DECLARATION OF CONFLICTS OF INTEREST FOR ADMINISTRATORS....	7
1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF .....	8
<b>2. OBJECTIVE 1 - STRENGTHEN ECONOMIC GROWTH AND PROSPERITY .....</b>	<b>9</b>
2.1. SOUTH GIPPSLAND SHIRE COUNCIL RESPONSE TO THE VICTORIAN LOCAL GOVERNMENT RATING SYSTEM REVIEW.....	9
<b>3. OBJECTIVE 2 - BUILD STRONG PARTNERSHIPS, STRENGTHEN ARTS &amp; CULTURE AND DELIVER EQUITABLE OUTCOMES.....</b>	<b>10</b>
3.1. COMMUNITY ENVIRONMENTAL SUSTAINABILITY PROJECTS - COMMUNITY GRANTS REPORT .....	10
<b>4. OBJECTIVE 3 - IMPROVE SOUTH GIPPSLAND'S BUILT ASSETS AND VALUE OUR NATURAL ENVIRONMENT .....</b>	<b>12</b>
4.1. COMMUNITY INFRASTRUCTURE LOAN SCHEME - RECOMMENDED APPLICATIONS - KORUMBURRA COMMUNITY HUB (\$5M) AND KORUMBURRA STREETSCAPE DEVELOPMENT (\$5M) .....	12
4.2. AGNES FALLS CANTILEVERED LOOKOUT PROJECT .....	18
<b>5. OBJECTIVE 4 - ENHANCE ORGANISATIONAL DEVELOPMENT AND IMPLEMENT GOVERNANCE BEST PRACTICE.....</b>	<b>23</b>
5.1. LONG TERM FINANCIAL STRATEGIES.....	23
5.2. POLICY REVIEW: COUNCILLOR SUPPORT EXPENDITURE REPORT (C51) .....	27
<b>6. OTHER COUNCIL REPORTS.....</b>	<b>29</b>
6.1. NIL.....	29
<b>7. NOTICES OF MOTION AND/OR RESCISSION.....</b>	<b>29</b>
7.1. NIL.....	29

<b>8. PROCEDURAL REPORTS .....</b>	<b>30</b>
8.1. ORGANISATIONAL PERFORMANCE REPORT - JULY 2019 TO SEPTEMBER 2019 .....	30
8.2. ASSEMBLY OF COUNCILLORS - 22 SEPTEMBER TO 21 OCTOBER 2019	33
8.3. DOCUMENTS SEALED, AWARDED OR EXTENDED BY CEO - 21 SEPTEMBER TO 18 OCTOBER 2019 .....	39
<b>9. ADMINISTRATOR REPORTS .....</b>	<b>42</b>
9.1. REQUESTS FOR LEAVE OF ABSENCE .....	42
9.2. ADMINISTRATORS UPDATES .....	42
9.3. COMMITTEE UPDATES .....	42
<b>10. URGENT OR OTHER BUSINESS .....</b>	<b>43</b>
<b>11. PUBLIC QUESTIONS.....</b>	<b>44</b>
11.1. PETITIONS AND JOINT LETTERS .....	44
11.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE .....	45
11.3. SUBMITTED PUBLIC QUESTIONS.....	46
<b>12. CLOSED SESSION .....</b>	<b>47</b>
<b>13. MEETING CLOSED .....</b>	<b>48</b>



**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**

#### **1.6. CONFIRMATION OF MINUTES**

##### **RECOMMENDATION**

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 439, held on 23 October 2019 in the Council Chambers, Leongatha be confirmed.

## 1.7. DECLARATION OF CONFLICTS OF INTEREST FOR ADMINISTRATORS

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

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

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

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

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

## 1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF

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

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



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

### **2.1. SOUTH GIPPSLAND SHIRE COUNCIL RESPONSE TO THE VICTORIAN LOCAL GOVERNMENT RATING SYSTEM REVIEW**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

In response to the Parliament of Victoria's Inquiry into the Sustainability and Operational Challenges of Victoria's Rural and Regional Councils the Government agreed to undertake an inquiry into the local government rating system to identify changes that will improve its fairness and equity.

South Gippsland Shire Council recognises that the current system places an unfair burden on the residents of larger, less populated rural and regional councils. In recognition of this inherent unfairness and in support of its residents, Council made a submission to the Victorian Local Government Rating System Review contained in **Attachment [2.1.1]**.

#### **RECOMMENDATION**

**That Council note the submission made to the Victorian Local Government Rating System Review (Attachment [2.1.1]).**

#### **STAFF DISCLOSURE**

Nil

#### **ATTACHMENTS**

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

1. SGSC Rating Review Submission - 1 November 2019 [2.1.1 - 25 pages]

#### **REFERENCE DOCUMENTS**

##### **Council Policy**

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

Revised Council Plan 2017 - 2021

##### **Legislative Provisions**

Local Government Act 1989

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

#### **3.1. COMMUNITY ENVIRONMENTAL SUSTAINABILITY PROJECTS - COMMUNITY GRANTS REPORT**

Corporate and Community Services Directorate

##### **EXECUTIVE SUMMARY**

Council resolved at the Special Meeting of Council on 29 May 2019 to create a new Community Grant category for environmental sustainability projects.

As the current Community Grants program guidelines do not exclude projects that address environmental sustainability, it is recommended that no further action be taken at this time to create a new category.

A review of the Community Grants program and associated guidelines is scheduled to occur in June 2020. This is the appropriate time to consider any enhancements or changes to the Community Grants program.

##### **RECOMMENDATION**

**That Council:**

- 1. Makes no change to the existing Community Grants Program; and**
- 2. Notes that a review of the Community Grants Program is scheduled for June 2020.**

##### **REPORT**

Section 223 budget submissions were heard at the Special Meeting of Council on 29 May 2019. In response to a submission by the South Gippsland Energy Innovation Ltd, Council resolved to create a new Community Grant category to support Community Sustainability Projects.

As the current *Community Grants Program Guidelines* do not exclude projects that address environmental sustainability, it is recommended that no further action be taken at this time to create a new category.

A review of the Community Grants Program and associated guidelines is scheduled to occur in June 2020. This is the appropriate time to consider any enhancements or changes to the Community Grants program.

## **CONSULTATION**

A major review of Council's Community Grants Program is scheduled for June 2020.

In addition to Council's Community Grants program, there are additional public and private grant programs that support environmental projects. Council assists interested groups to apply for funding through these external programs.

## **RESOURCES**

The Community Grants Program is funded in the 2019/20 Annual Budget. The total budget for the 2019/20 Community Grants Program is \$307,000.

## **RISKS**

Council's current allocation for community grants is oversubscribed with suitable projects every year. Increasing the scope of the grant program without additional funding may result in fewer applications in the current categories being supported.

## **STAFF DISCLOSURE**

Nil

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

Community Grants Program Policy (C47)

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

### **4.1. COMMUNITY INFRASTRUCTURE LOAN SCHEME - RECOMMENDED APPLICATIONS - KORUMBURRA COMMUNITY HUB (\$5M) AND KORUMBURRA STREETScape DEVELOPMENT (\$5M)**

Infrastructure Directorate

#### **EXECUTIVE SUMMARY**

Local Government Victoria's Community Infrastructure Loans program is designed to support councils to access low-interest-rate loans between \$500,000 and \$10M to deliver community infrastructure.

The program is based on the guidelines of the Sport and Recreation Victoria's Community Sports Infrastructure Loans Scheme (Loans Scheme), through which Council was successful in obtaining \$3.6M for the Mirboo North Pool redevelopment.

The loan terms will be based on Treasury Corporation of Victoria's borrowing at the time of the loan drawdown. The indicative rate as of 30 September 2019 is 1.495 per cent for a 10-year loan. The Loans Scheme also provides an additional interest subsidy of at least 50 per cent, resulting in an equivalent interest rate of 0.7475 per cent as at 30 September 2019.

It is proposed that Council submits applications for funding to the Loans Scheme for the Korumburra Community Hub Development project (\$5M) and the Korumburra Streetscape Project (\$5M) as both projects meet the program guidelines (refer to **Attachment [4.1.1]** for Program Guidelines).

The Finance department has modelled the future budget implications if Council is successful in the loan application and advise that Council's financial position will remain strong and will continue to adhere to Council's adopted financial strategies.

#### **RECOMMENDATION**

**That Council:**

- 1. Approves the lodgement of the following applications for a loan of \$10M under the Local Government Victoria's 2019 Community Infrastructure Loans Scheme by 29 November 2019:**
  - a. Korumburra Community Hub Development Project (\$5M); and**

- b. Korumburra Streetscape Project (\$5M).**
- 2. Notes that if either or both of the loan applications are approved through Local Governments Victoria's Community Infrastructure Loans Scheme, a report to Council will be provided to endorse the terms and conditions of the loan and authorise the Chief Executive Officer to enter into the loan agreement; and**
- 3. Notes that if successful, it will refer the project(s) and associated loan funding for consideration as part of its 2020/21 Annual Budget deliberations.**

## **REPORT**

### **Community Infrastructure Loans Scheme**

The Community Infrastructure Loans Scheme (Loans Scheme) will support the delivery of community infrastructure by providing Victorian councils with access to low-interest, government-guaranteed loans through Treasury Corporation of Victoria of between \$500,000 and \$10M per project. Up to \$100M in loan funds will be made available.

Projects that could be supported by the Loans Scheme include;

- community centres and hubs;
- multi-purpose community facilities;
- arts and cultural facilities;
- public libraries;
- kindergartens and early learning facilities;
- restoration of heritage buildings to enable community use; and
- parks, play spaces, reserves and trails.

The terms of the loan are:

- Fixed or variable interest rate at the Treasury Corporation of Victoria's borrowing rate. As of 30 September, for a 10-year loan, the borrowing rate is 1.42 per cent and 1.68 per cent for 15 years.
- An additional interest subsidy of at least 50 per cent of the applicable interest rate, up to a maximum 1.5 per cent.
- Loan terms up to 15-years.

- Variable timing of repayments (monthly / quarterly / semi-annual).
- Loans Scheme applications close on 29 November 2019.

The benefit of this loan scheme is that it provides councils with access to loan funds at a rate which is well below the rate of inflation. If successful it will provide flexibility to the delivery of Council's capital works program over the

15 year long term financial plan. It ensures that today's community is not burdened with all the costs associated with providing infrastructure to support future community needs.

Further information is available in the Program Guidelines which is included in **Attachment [4.1.1]**.

### **Korumburra Community Hub Development Project**

The Korumburra Community Hub is an adopted Priority Project of Council that will relocate and modernise Council's library service. The project will build community partnerships by co-locating a number of community groups and community services. The land vacated by this project is identified as forming part of a future site for a full-line supermarket.

The Korumburra Community Hub will be built at 4 Victoria Street with a concept design to be completed by December 2019. The project will then enter into the design and contract documentation phase with the tender for construction commencing mid-2020.

### **Korumburra Streetscape Project**

This project will rejuvenate the main street of Korumburra which also serves as a highway and heavy vehicle route. The redevelopment provides for much needed traffic and pedestrian safety enhancements. It will improve the visual appeal and functionality of Commercial Street, Radovick Street, and Little Commercial Street. It will encourage and support economic development opportunities within the town centre.

Although a concept design was completed following extensive community consultation, the architects engaged to complete the design of the Korumburra Community Hub are detailing the improvements required in the Little Commercial Street precinct (refer to Figure 1) to accommodate the functionality of the hub. Completing detailed design is the next phase of the project and will be undertaken in early 2020.

**Figure 1 – Little Commercial Street Improvements**



**CONSULTATION**

The Finance department has modelled the future budget implications if Council is successful in the loan application and advise that Council’s financial position will remain strong and continues to adhere to Council’s adopted financial strategies.

On 30 September 2019, Council staff attended the Loans Scheme Information Session.

An onsite meeting was held with representatives from Local Government Victoria to discuss the suitability of the projects for submission to the Loans Scheme.

The Administrators were briefed on 16 October 2019 about the Victorian Government’s Loans Scheme.

## RESOURCES

### Staffing

The resources required to apply and manage a loan under the Community Infrastructure Loans Scheme can be accommodated within current staffing levels.

### Long Term Budget Implications

A \$10M loan over ten years to fund the Korumburra Community Hub and Korumburra Streetscape projects would result in an interest expense of \$381,519 over the term of the loan, using the current interest rate of 1.495 per cent (subsidised to 0.7475 per cent) and making annual repayments.

Future cash balances will be negatively impacted over the term of the loan through the repayment of the \$10M loan in addition to interest payments. This creates a slight decrease in the "Underlying Working Capital" financial performance indicator, however, this still remains within Council's adopted financial strategies and the long-term strategic targets.

## RISKS

Council's financial risks are managed through the adoption and adherence to its adopted financial strategies. Council's loans and borrowings as a percentage of rates is well below the similar Council average.

Council continues to actively seek external grant funding opportunities to support realisation of its adopted priority projects. However, there is currently limited grant funding opportunities available. If Council does not consider borrowing funds, it will need to rely on grants to assist in funding Council's priority projects or funds may be required to be diverted from other capital projects.

Should the applications to the Loan Scheme be unsuccessful, Council has the capacity to borrow funds through other traditional means (if required).

## STAFF DISCLOSURE

Nil

## ATTACHMENTS

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

1. Community Infrastructure Loans Scheme Guidelines [4.1.1 - 16 pages]



**REFERENCE DOCUMENTS**

**Council Policy**

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

Council Plan 2017-2021

Economic Development and Tourism Strategy

Korumburra Town Centre Framework Plan (KTCFP)

Long Term Financial Plan

Priority Projects 2019/2020

## **4.2. AGNES FALLS CANTILEVERED LOOKOUT PROJECT**

Infrastructure Directorate

### **EXECUTIVE SUMMARY**

Agnes Falls is hidden within the rolling green hills of the Strzelecki Ranges. At 59 metres, Agnes Falls is the highest single span waterfall in Victoria. Managed by Parks Victoria, Agnes Falls is classified as a Scenic Reserve.

On the 27 September 2017, a Notice of Motion was passed by Council to allocate \$520,000 to the construction of a cantilevered lookout in the Parks Victoria managed Reserve. To date, Council has contributed \$59,306 (excluding GST) towards completing the detail design for the cantilevered lookout. Construction costs are estimated at a further \$450,000.

Prior to committing funds to commence construction of the cantilevered lookout, Council should consider whether it is appropriate to direct ratepayer funds to an asset which will be under the direct management of Parks Victoria. The Victorian Government has not committed any funding to this project.

Investment in infrastructure on Parks Victoria land is not typically undertaken by Local Government and sets a precedent that South Gippsland will be unable to replicate in other areas. By completing the project, there may be an expectation that Council replace the infrastructure at its end of life.

As a rural Shire, South Gippsland has a limited revenue base with access to finite resources. This is evidenced by the Victorian Government's rating review which will consider the impact of the rating system on the financial sustainability of rural councils and communities.

Council needs to prioritise its capital investments and the list of projects desired by the community will always exceed the finite resources at its disposal.

It is acknowledged that the project would make improvements to Agnes Falls Scenic Reserve, however given the asset belongs to Parks Victoria and the potential consequences anticipated as a result of the project, it is recommended the Council do not proceed to constructing the cantilever.

## RECOMMENDATION

### That Council:

1. **Note its contribution of \$59,306 (excluding GST) for the design of the Agnes Falls Cantilevered Lookout which has been completed by Thompson Berrill Landscape Design Pty Ltd.**
2. **Not proceed to construction of the Agnes Falls Cantilevered Lookout due to the asset being located on Parks Victoria land.**
3. **Note that funding the construction of the cantilever may set an unmanageable expectation that Council would make improvements to other lands under Parks Victoria management.**
4. **Note that previous attempts to secure funding for the cantilever project from the Federal and State Government have been unsuccessful.**
5. **Removes the remaining funds from the 2019/20 Annual Budget for the Agnes Falls Cantilevered Lookout Project and reallocate to a project(s) in the 2020/21 Annual Budget.**
6. **Advise the Friends of Agnes Falls of the reasons for Council's decision.**
7. **Provides a copy of the final Cantilevered design to Parks Victoria and the Friends of Agnes Falls.**
8. **Support the Friends of Agnes Falls to seek alternate funding opportunities for the construction of the Cantilever.**

## REPORT

### Background

Agnes Falls is hidden within the rolling green hills of the Strzelecki Ranges. The meandering Agnes River cascades over rocks into a deep picturesque gorge. At 59 metres, Agnes Falls is the highest single span waterfall in Victoria. Managed by Parks Victoria, Agnes Falls is classified as a Scenic Reserve.

A Master Plan for the redevelopment of the Agnes Falls Scenic Reserve was undertaken as part of Council's Corner Inlet Tourism Development Project. Proposed works included the construction of a new cantilevered lookout to maximise the view of Agnes Falls. Other projects completed under the Corner Inlet Tourism Development Project included the reconstruction of the Port Welshpool Long Jetty (\$11M), construction of the Great Southern Rail Trail (\$2.9M) and development of the Port Welshpool Marine Precinct Plan.

Council originally allocated \$350,000 towards the project and began seeking external funding to support the project. In 2015, a project proposal was submitted to Regional Development Victoria's Putting Locals First program, however, the project was not invited to proceed to the application stage. A further attempt was made in 2016 to the Federal Government's Tourism Demand Driver Infrastructure program, this application was also not supported for funding.

On the 27 September 2017, a Notice of Motion was passed by Council to allocate \$520,000 to the construction of a cantilevered lookout in the Parks Victoria managed Reserve.

### **Current Status**

In February 2019, Council engaged Thompson Berrill Landscape Design Pty Ltd for design services for the development of the cantilevered lookout. The cost of these works was \$59,306 excluding GST. The design works are in the final stages of completion.

To complete the project, construction costs are estimated at a further \$450,000.

### **Agnes Falls Cantilever Lookout Project**

Parks Victoria is the land manager for Agnes Falls Scenic Reserve and is responsible for the maintenance of the reserve. Parks Victoria has undertaken upgrade works to the reserve in recent years including new toilets, upgrades to pathways, improved signage within the reserve, and picnic facilities.

A new cantilever lookout would become an asset of Parks Victoria, who have committed to its maintenance. However, Council is unaware of any commitment to consider required upgrades to the reserve as a consequence of the development of a cantilevered lookout, e.g. car-parking.

Council recently adopted its 2019/20 Priority Projects and will need to plan for supporting infrastructure to meet the requirements of the Victorian Government's recently announced 3 year old kinder initiative.

As a rural Shire, South Gippsland has a limited revenue base with access to finite resources. This is evidenced by the Victorian Government's rating review which will consider the impact of the rating system on the financial sustainability of rural councils and communities.

Council needs to prioritise its capital investments and the list of projects desired by the community will always exceed the finite resources at its disposal.

It is acknowledged that the project would make improvements to Agnes Falls Scenic Reserve, however given the asset belongs to Parks Victoria and the potential consequences anticipated as a result of the project, it is recommended the Council do not proceed to constructing the cantilever.

Previous attempts to obtain external funding for the project have not been successful.

Considering the information provided, it is recommended that the design documentation for the cantilevered lookout be provided to Parks Victoria and the Friends of Agnes Falls for advancement of the project.

It is also recommended that Council support the Friends of Agnes Falls to seek alternate grant funding opportunities.

### **CONSULTATION**

Council has advised Parks Victoria and the Friends of Agnes Falls of the recommended action.

### **RESOURCES**

In 2017, \$520,000 was allocated to the development of the Agnes Falls Cantilevered Lookout project. Expenditure of approximately \$60,000 has already been spent on designs costs.

There is currently \$450,000 remaining in the current budget which could be reallocated to Council owned or managed land in the development of the 2020/21 Annual Budget.

### **RISKS**

Investment in infrastructure on Parks Victoria land is not typically undertaken by Local Government and sets a precedent that South Gippsland will be unable to replicate in other areas. By completing the project, there may be an expectation that Council replace the infrastructure at its end of life.

Based on current market conditions, there is a risk that the current budget of \$450,000 for the construction of a cantilevered lookout would not be adequate.

A further risk exists that the development of the cantilevered lookout may put pressure on infrastructure within the reserve (such as car parking) which has not been budgeted for by Parks Victoria.

Council has not considered its legal liability should the infrastructure fail after construction.

**STAFF DISCLOSURE**

Nil

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

### **5.1. LONG TERM FINANCIAL STRATEGIES**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

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

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

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

The financial strategies are reviewed on an annual basis and are listed in **Attachment [5.1.1]** - 2019/20 Long Term Financial Strategies. Two existing strategies have been removed and minor wording to three other strategies has been proposed to strengthen the strategies intent and reflect Council's current practice.

#### **RECOMMENDATION**

**That Council adopts the Long Term Financial Strategies as documented in the 2019/20 Long Term Financial Strategies (Attachment [5.1.1]).**

## REPORT

### Background

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

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

The strategies provide the strategic framework for developing the Long Term Financial Plan, the Council Plan (which includes the Strategic Resource Plan) and the Annual Budget. Implementation of these strategies has ensured that the Council is in a financially sound position.

### Discussion

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

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

The strategy review process for 2019/20 has recommended the following changes to the strategies adopted in November 2018 as follows:

1. Removal of strategy 4, *"Material favourable budget variations realised at the end of a financial year will be allocated to a general reserve (unless required to finance projects deemed as 'unavoidable') that can be used as funding source for future one off, unexpected or unavoidable costs."*
  - The reason for removing this strategy is to fall in line with recent current practice of allowing any favourable variations to flow through to the bottom line and be reflected in a strengthened balance sheet ratio instead of transferring to a reserve.
2. Removal of strategy 6, *"Annual transfers equivalent to the average interest earned on investments during the financial year are made to all reserves, Loan Reserve excepted"*.



- The reason for removing this strategy is based on the insignificant interest earned on the minor reserve balances.
3. Removal of one of the Key Performance Indicators, “*Self-financing*” in Strategy 9.
- The reason for removing this indicator is that is no longer used by the Victorian Auditor General’s Office or the Local Government Performance Reporting Framework and is not a measure relied upon by South Gippsland in analysing the financial integrity of the long term financial plan.
4. Rewording of strategy 3 to, “*Transfers to discretionary reserves should only be included in the Annual Budget if matched by an equivalent budgeted surplus in the Income Statement to preserve the accumulated surplus position of Council*”.
- The reason for rewording this strategy is that previously the strategy referred to the, “underlying budgeted surplus”. The word “underlying” has been removed to correctly reflect that an equivalent, “budgeted surplus” is what is required before transfers to discretionary reserves should be considered to preserve the accumulated surplus position of Council, not the “underlying budgeted surplus”.
5. Rewording of strategy 12 from, “Capital income must only be utilised as a funding source for capital or ‘one off’ expenditure requirements” to “Capital income from grants must only be utilised as a funding source for capital expenditure or maintenance of existing capital assets.”
- The reason for this change is to strengthen the intent of the strategy and recognise that in practice, Council does receive capital income from grants that is utilised in the maintenance of existing capital assets which is reflected as an operating expense.

## **RESOURCES**

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

## **RISKS**

The strategies will provide guidance to Council in preparing the 2020/21 Annual Budget and the Long Term Financial Plan.

Continuation of the strategic planning and management process will help achieve long term business viability. This will ensure that Council has

sufficient financial resources for both service provision and for infrastructure asset management now and in future years.

**STAFF DISCLOSURE**

Nil

**ATTACHMENTS**

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

1. 2019/20 Long Term Financial Strategies [5.1.1 - 33 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

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

## 5.2. POLICY REVIEW: COUNCILLOR SUPPORT EXPENDITURE REPORT (C51)

Corporate and Community Services Directorate

### EXECUTIVE SUMMARY

A review, including minor amendments, to the *Councillor Support and Expenditure Policy C51* (Policy C51) has been undertaken to ensure Policy C51 is appropriate for Administrators and consistent with industry practice.

Policy C51 has been revised and is contained in **Attachment [5.2.1]** for Council's consideration. This version replaces the former version adopted 27 March 2019.

Administrator expenses will be reported in Council's Annual Report. The Annual report is submitted to the Minister for Local Government by 30 September each year.

### RECOMMENDATION

**That Council adopts 'Councillor Support and Expenditure Policy C51' contained in Attachment [5.2.1] which supersedes all previous resolutions related to the Councillor Support and Expenditure Policy (C51).**

### REPORT

A review, including minor amendments, to the *Councillor Support and Expenditure Policy C51* (Policy C51) has been undertaken to ensure Policy C51 is appropriate for Administrators and consistent with industry practice.

The Policy C51 has been revised and is contained in **Attachment [5.2.1]** for Council's consideration. This version replaces the former version adopted 27 March 2019.

Minor amendments to the Policy have been made which include reporting of Councillor/Administrator expenses in Council's Annual Report. The Annual report is submitted to the Minister for Local Government each year.

The minor amendments made relate to the allowances required to be paid, a change to annual reporting requirements, refinements to resource provision and inclusion of the annual reporting of the 'Cost of Elected Representatives' indicator, as set out in regulations for the Local Government Performance Reporting Framework (LGPRF).

The LGPRF indicator is published on the State Government 'Know Your Council' website for comparative and transparency purposes. Annual reporting will also capture the one accurate point in time where all

Administrator/Councillor expenditure and claims for reimbursements are known.

Utilising the LGPRF indicators and the Annual Report will ensure that accurate data is used and is provided in a comparative form to measure the Council's performance in regard to the cost of governance against other councils.

### **CONSULTATION**

The Administrators and relevant internal Officers have been involved in the review of Policy C51.

### **RESOURCES**

Council's annual budgets make allowances for the cost of Councillors/ Administrators.

### **RISKS**

Policy C51 seeks to minimise the misuse of Council resources (fraud) and reputational risk by setting the levels of reasonable usage of various resources by Councillors in the performance of their civic duties.

### **STAFF DISCLOSURE**

Nil

### **ATTACHMENTS**

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

1. C51 Councillor Support and Expenditure Policy - Draft November 2019 [5.2.1 - 14 pages]

### **REFERENCE DOCUMENTS**

#### **Council Policy**

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

Councillor Support and Expenditure Policy (C51)

#### **Legislative Provisions**

Local Government (Planning and Reporting) Regulations 2015

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. ORGANISATIONAL PERFORMANCE REPORT - JULY 2019 TO SEPTEMBER 2019**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

The Organisational Performance Report for the period July 2019 to September 2019 (refer to **Attachment [8.1.1]**) provides detailed reporting on Council's performance against the 2019/20 Annual Initiatives, Performance Indicators, Capital Works Program and Department Highlights.

The covering report outlines the key achievements, updates and events that occurred during this reporting period and highlights the progress against the Council Plan 2017-2021 and Annual Initiatives.

Council's 2017-2021 Council Plan is reviewed annually and includes key Strategic Outcomes, Objectives and Initiatives. A series of indicators are allocated to the four Outcomes of the Council Plan and progress against these indicators and service performance measures are outlined within the report.

The alignment of the Council Plan, Organisational Performance Report and Council Agenda topics in Ordinary Meetings of Council all outline the various activities and initiatives that work towards achieving the Council Plan Strategic Outcomes and Strategies.

This Organisational Performance Report (**Attachment [8.1.1]**) will be presented to Council's Audit Committee on 10 December 2019.

#### **RECOMMENDATION**

**That Council:**

- 1. Receives and notes the Organisational Performance Report for the period July 2019 to September 2019 (Attachment [8.1.1]);**
- 2. Publishes the Organisational Performance Report (Attachment [8.1.1]) to Council's website and distributes it to local libraries; and**
- 3. Presents the Organisational Performance Report (Attachment [8.1.1]) to Council's Audit Committee in December 2019.**

## REPORT

### Background

The 2019/20 Annual Budget (inclusive of the Annual Initiatives) was adopted by Council on 24 July 2019. It sets the indicators and initiatives/activities which are reported in the Organisational Performance Report – July 2019 to September 2019 (**Attachment [8.1.1]**).

The 2017-2021 Council Plan adopted in July 2019 and reviewed annually, includes key Strategic Outcomes, Objectives and Strategies. A series of indicators are allocated to the four Outcomes and progress against these indicators is included in the Annual Plan 2019/20 Performance Update. These indicators have been reviewed annually and are also reflected in the 2019/20 Annual Budget.

### Discussion

This report provides an overview of the major activities undertaken by Council in the first quarter of the 2019/20 financial year (1 July 2019 to 30 September 2019). Where possible, comparisons of results have been made and reflected throughout the report.

Significant highlights during the period include:

- 100 per cent of the 27 Annual Plan initiatives for 2019/20 are on track or have been completed by September 2019.
- 20 per cent of the 153 Capital Works Program initiatives for 2019/20 have been completed or are on track as at September 2019.

### CONSULTATION

Each Directorate has contributed to the report. The Organisational Performance Report (**Attachment [8.1.1]**) will be presented to Council's Audit Committee in December 2019.

### RESOURCES

The 2019/20 Annual Initiatives and Capital Works Program are funded through the 2019/20 Annual Budget.

### RISKS

The Organisational Performance Report (**Attachment [8.1.1]**) mitigates the risk of annual initiatives and capital works activities not being managed, as every Department is required to monitor and report on the progress of their respective responsibilities on a regular basis.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

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

1. Organisational Performance Report - July 2019 to September 2019 [8.1.1 - 44 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 Incorporating 15 Year Long Term Financial Plan and Annual Plan Initiatives

Council Plan 2017-2021

### **Legislative Provisions**

Local Government Act 1989, ss.125, 127 and 223

Local Government Act 1989, Environmental Upgrade Agreement, s.138

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



## **8.2. ASSEMBLY OF COUNCILLORS - 22 SEPTEMBER TO 21 OCTOBER 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 September and 21 October 2019.

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

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

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

### **RECOMMENDATION**

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

**REPORT**

Meeting Title	Details
<b>Wednesday 25 September 2019</b>	
<b>Policy Review: Public Presentation Policy (C65)</b>	<b>Administrators Attending:</b> Rick Brown, Christian Zahra  <b>Conflict of Interest:</b> Nil disclosed  <b>Matters Considered:</b> The Administrators considered a review of the Public Participation Policy and development of other supportive policies.
<b>Public Presentations  Open Session</b>	<b>Administrators Attending:</b> Rick Brown, Christian Zahra  <b>Conflict of Interest:</b> Nil disclosed
<p><b>Presentations were made to Council by the following community members:</b></p> <p>Janine Bullock, representing Equestrian &amp; Exhibition Working Group regarding Agenda Item 4.1. SOUTH GIPPSLAND EQUESTRIAN AND EXHIBITION CENTRE IN SOUTH GIPPSLAND.</p> <p>David Amor regarding Agenda Items 2.2. KORUMBURRA RAILWAY STATION SITE MASTER PLAN / COMMUNITY HUB LOCATION, 4.1. SOUTH GIPPSLAND EQUESTRIAN AND EXHIBITION CENTRE IN SOUTH GIPPSLAND and 4.2. 2019/20 PRIORITY PROJECTS.</p>	
<b>Ordinary Agenda Topic Discussion: Korumburra Railway Station Site Master Plan/ Community Hub Location</b>	<b>Administrators Attending:</b> Rick Brown, Christian Zahra  <b>Conflict of Interest:</b> Nil disclosed  <b>Matters Considered:</b> The Administrators considered Agenda Item 2.2. KORUMBURRA RAILWAY STATION SITE MASTER PLAN / COMMUNITY HUB LOCATION.

Meeting Title	Details
<b>Wednesday 2 October 2019</b>	
<b>Old Waratah Road, Fish Creek Footpath – outcome of resident survey</b>	<p><b>Administrators Attending:</b> Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered the outcomes of survey regarding Old Waratah Road, Fish Creek.</p>
<b>Award Contracts – Mirboo North Pool Redevelopment</b>	<p><b>Administrators Attending:</b> Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered the current status of the tender process for the Design and Construction of the Mirboo North Pool.</p>
<b>Regional Development Victoria (RDV)</b>	<p><b>Administrators Attending:</b> Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered an external presentation from Regional Development Victoria (RDV) including its function in the Shire and how it interacts with local businesses with the aim to develop investment.</p>
<b>Planning Briefing</b>	<p><b>Administrators Attending:</b> 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 August 2019</li> <li>• VCAT Decisions</li> <li>• Applications received August 2019</li> </ul>

Meeting Title	Details
<b>Wednesday 2 October 2019</b>	
<b>Rural Land Use Strategy (2011)</b>	<p><b>Administrators Attending:</b> Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators were informed of the Rural Land Use Strategy and its function in planning.</p>
<b>Wednesday 9 October 2019</b>	
<b>Annual Budget – End of Year Financials 2018/19 &amp; Long Term Financial Strategies</b>	<p><b>Administrators Attending:</b> Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered the End of Year Financials 2018/19 and Long Term Financial Plan.</p>
<b>Strategy Review: Open Space Strategy (2007)</b>	<p><b>Administrators Attending:</b> Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered the review of the Open Space Strategy.</p>
<b>Executive Update</b>	<p><b>Administrators Attending:</b> Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Planning for a potential site for a future Sandy Point caravan park</li> </ul>

Meeting Title	Details
<b>Wednesday 16 October 2019</b>	
<b>Community Infrastructure Loan Scheme</b>	<p><b>Administrators Attending:</b> Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered Local Government Victoria’s Community Infrastructure Loans Scheme that supports councils to access low-interest rate loans between \$500,000 and \$10M to deliver community infrastructure. The Administrators considered two applications to this scheme.</p>
<b>Community Grants Program – Proposed Environmental Sustainability Category</b>	<p><b>Administrators Attending:</b> Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered a proposed new grant category, ‘Environmental Sustainability Projects’ as part of the Community Grants Program.</p>
<b>2018/19 Community Grants Round 1 Assessment</b>	<p><b>Administrators Attending:</b> Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered 2018/19 Community Grants Round 1 Assessment.</p>
<b>Executive Update</b>	<p><b>Administrators Attending:</b> Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered an update on the Korumburra Skate Park and Mirboo North Pool Redevelopment.</p>

Meeting Title	Details
<b>Wednesday 16 October 2019</b>	
<p><b>Community Strengthening Activities:</b> <i>Council support for Community Events and Festivals</i></p> <p><b>Open Session</b></p>	<p><b>Administrators Attending:</b> 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 from representatives of the Venus Bay/ Tarwin Lower Auto Festival, on how the group have liaised with Council to get their new event off the ground. The Administrators were also informed about the numerous events across the Shire and how they are supported by Council.</p>
<p><b>Public Presentations</b></p> <p><b>Open Session</b></p>	<p><b>Administrators Attending:</b> Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p>
<p><b>Presentations were made to Council by the following community members:</b></p> <p>Rachel Brown, representing Toora Caravan Park regarding the Franklin River Reserve.</p> <p>Clive Hope, regarding Ordinary Meeting 25 September 2019, Agenda Item 4.1. SOUTH GIPPSLAND EQUESTRIAN AND EXHIBITION CENTRE IN SOUTH GIPPSLAND.</p> <p>David Amor, regarding Roads and Planning Application Administration.</p> <p>Nigel Hutchinson-Brooks, regarding Nigel Hutchinson-Brooks, regarding a Sovereign Fund for South Gippsland funding idea to generate income for capital expenditure.</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) Act 2019

### **8.3. DOCUMENTS SEALED, AWARDED OR EXTENDED BY CEO - 21 SEPTEMBER TO 18 OCTOBER 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 21 September to 18 October 2019, as required by the Council's Instrument of Delegation to the Chief Executive Officer and Procurement Policy:

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

#### **RECOMMENDATION**

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

#### **REPORT**

##### **Documents Sealed**

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

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

Local Law No. 3 2010, Part 9, 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 21 September to 18 October 2019:

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 641 Lees Road, Venus Bay in relation to the development of land with single dwelling. Seal applied 10 October 2019.
2. Section 173 Agreement between South Gippsland Shire Council and the owner of 13 Centre Road, Venus Bay in relation to the development of land with single dwelling. Seal applied 10 October 2019.
3. Instrument of Appointment and Authorisation to two Officers appointed under s.147(4) of the Planning and Environment Act 1987 – Seal applied 29 May 2019.
4. CON/220-J Annual Supply/Delivery - Quarry Products & Road Making Materials.
5. Contracts sealed following the 25 September Council Meeting.
  - a. CON/223 - Provision of design services for the Mirboo North and Korumburra Skate Parks.
  - b. CON/233 – Design and Construction of the Toora Swimming Pool Splash Park.
  - c. CON/232 – Construction of Footpath Renewals and Footpath Extensions.

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

1. Contracts awarded after a public tender process within the CEO's delegation between 21 September to 18 October 2019:

Nil
2. Contracts awarded after a public tender process under the Statutory threshold by staff other than the CEO between 21 September to 18 October 2019:

Nil
3. Contract variations approved by the CEO between 21 September to 18 October 2019:
  - a. Awarding of variation No. 4 to Contract /195 to the amount of \$24,626.29 (excluding GST) on 25 September 2019 following consultation with the Administrator, bringing the total contract amount to \$770,987.97 (excluding GST) noting that variations No. 1,



No. 2 and No. 3 totalling \$9,226.59 had previously been approved by the CEO in accordance with the Procurement Policy.

4. Contract extensions approved by the CEO between 21 September to 18 October 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

## **9. ADMINISTRATOR REPORTS**

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

### **9.2. ADMINISTRATORS UPDATES**

### **9.3. COMMITTEE UPDATES**

## 10. URGENT OR OTHER BUSINESS

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

### 1. Urgent Business

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

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

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

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

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

### 2. Other Business

This provides an opportunity for 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.

## 11. PUBLIC QUESTIONS

### 11.1. PETITIONS AND JOINT LETTERS

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

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

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

## 11.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

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

Questions can also be submitted in hard copy format into the 'Public Question Box' within the first 15 minutes of an Ordinary Council Meeting.

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

*Source: Public Participation in Meetings with Council Policy (C65) – adopted 28 November 2018.*

### 11.3. SUBMITTED PUBLIC QUESTIONS

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

Questions can also be submitted in hard copy format into the 'Public Question Box' within the first 15 minutes of an Ordinary Council Meeting.

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

*Source: Public Participation in Meetings with Council Policy (C65) – adopted 28 November 2018.*

## 12. CLOSED SESSION

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

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

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

### **RECOMMENDATION**

**That Council close the meeting to the public to allow for consideration of Closed ITEM 14.1 PREJUDICIAL MATTER pursuant to section 89(2)(h) a matter which the Council or Special Committee considers would prejudice the Council or any person of the Local Government Act 1989.**

## **13. MEETING CLOSED**

### **NEXT MEETING**

The next Ordinary Meeting of Council open to the public will be held on Wednesday, 18 December 2019 commencing at 2pm in the Council Chambers, Leongatha.