



South Gippsland
Shire Council

Come for the beauty, Stay for the lifestyle

COUNCIL AGENDA PAPERS

27 May 2015

**ORDINARY MEETING NO. 391
SOUTH GIPPSLAND SECONDARY COLLEGE, FOSTER
COMMENCING AT 2PM**

MISSION

To effectively plan and provide for the social, built, economic and natural environments that ensure the future wellbeing of South Gippsland Communities.

SOUTH GIPPSLAND SHIRE COUNCIL

NOTICE IS HEREBY GIVEN THAT ORDINARY MEETING NO. 391
OF THE SOUTH GIPPSLAND SHIRE COUNCIL WILL BE HELD ON
27 MAY 2015 IN THE SOUTH GIPPSLAND SECONDARY
COLLEGE, FOSTER COMMENCING AT 2PM

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Tim Tamlin
Chief Executive Officer

SECTION A - PRELIMINARY MATTERS

A.1 WELCOME

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

A.2 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

A.3 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

A.4 APOLOGIES

A.5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 390, held on 22 April 2015 in the Council Chambers, Leongatha be confirmed.

A.6 REQUESTS FOR LEAVE OF ABSENCE

A.7 DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS

Any interest that a Councillor or staff member has deemed to be significant and has disclosed as either a direct or an indirect interest is now considered to be a conflict of interest. Conflict of interest legislation is in sections 77A, 77B, 78, 78A-D and 79 of the Local Government Act 1989. This legislation can be obtained by contacting the Council's Corporate Services Directorate (Governance Services) or by accessing the Victorian Legislation and Parliamentary Documents website at www.legislation.vic.gov.au. An interest may be by close association, financial, conflicting duties or receipt of gifts.

If a Councillor or staff member discloses any interest in an item discussed at any Council Meeting (whether they attend or not) they must:

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

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

Councillors should check the Minutes of the Council Meeting to ensure their disclosure is recorded accurately.

Councillors are not required to disclose conflict of interest in relation to matters only considered at Meetings they do not attend.

Detailed information is available in Conflict of Interest – A Guide for Councillors June 2011.

Type of Interest		Example of Circumstance
Direct Interest		Reasonably likely that your benefits, obligations, opportunities or circumstances will be directly altered. Reasonably likely to receive a direct benefit or loss measurable in money. Reasonably likely that your residential amenity will be directly affected.
Indirect Interest	Close Association	A member of your family has a direct interest or an indirect interest. A relative has a direct interest. A member of your household has a direct interest.
	Indirect financial Interest	Likely to receive a benefit or loss, measurable in money, resulting from a change to another person's interest. Holding shares in a company or body that has a direct interest (subject to threshold) When a person with a direct interest owes money to you.
	Conflict of Duty	Manager or member of the governing body of an organisation with a direct interest. Trustee for a person with a direct interest. Past dealings in relation to the matter as duty to another person or body.
	Applicable Gift	Gifts valued at \$500 in previous 5 years. Election donations valued at or above \$500 in previous 5 years. Gifts other than election campaign donations that were received more than 12 months before a person became a Councillor are exempt.
	Party to the Matter	Initiated or became party to civil proceedings in relation to the matter.

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. Further information or a copy of the policy or can be obtained by contacting Council's Organisational Development Department (Governance).

A.8 DECLARATION OF CONFLICT OF INTEREST FOR STAFF

Sections 80B and 80C of the Local Government Act 1989 require members of Council staff who have delegated functions and /or provide advice to Council or a Special Committee to disclose conflicts of interest. If Council staff have written, provided information/advice or approved a Council Report and have a conflict of interest it is the responsibility of that staff member to disclose the interest. Guidance to identifying and disclosing a conflict of interest is contained in Department of Planning and Community Development in '*Conflict of Interest A Guide for Council staff*', October 2011.

A.9 PETITIONS

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

The lead petitioner or person organising the petition may in presenting the petition to a Councillor at the Council Meeting speak briefly to its contents. At the same meeting a Councillor would accept the petition and introduce it to Council for formal noting and actioning by Council.

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

A.10 COUNCILLOR REPORTS

SECTION B - NOTICES OF MOTION AND/OR RESCISSION

Nil

SECTION C - COMMITTEE REPORTS

Nil

SECTION D – PROCEDURAL REPORTS

D.1 QUARTERLY PERFORMANCE REPORT JANUARY TO MARCH 2015

Corporate Services Directorate

EXECUTIVE SUMMARY

The organisational Quarterly Performance Report for the period January to March 2015 provides detailed reporting on Council's performance against the 2014-2015 Annual Plan and Department Budgets.

The report's Executive Overview provides a high level summary across the organisation, while the Directorate Overviews delve deeper into the key highlights, issues, updates and events that have occurred during this reporting period.

This report does not capture every achievement during the quarter. However, it focuses on key achievements that contribute to the delivery of the corporate priorities.

The organisational Quarterly Performance Report January to March 2015 is provided in **Appendix 1**.

Document/s pertaining to this Council Report

- **Appendix 1** - Quarterly Performance Report January to March 2015

A copy of **Appendix 1 - Quarterly Performance Report January to March 2015** is available on Council's website: www.southgippsland.vic.gov.au or by contacting 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989, Sections 125, 127 and 223

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

2014-2015 Annual Budget incorporating 15 year Long Term Financial Plan and Key Strategic Activities

COUNCIL PLAN

Outcome:	4.0	A Leading Organisation
Objective:	4.2	Pursue best practice in organisational development and operation of the organisation.
Strategy:	4.2.4	We will create an environment for people to be their best, to optimise the performance of the organisation and to deliver quality outcomes for the community.

CONSULTATION

Each Department across the organisation has contributed to the report; providing highlights, outcomes and updates for the reporting period.

The community was consulted during the preparation of the 2014-2015 Annual Budget.

REPORT

Background

The 2014-2015 Annual Budget (inclusive of the Annual Plan) was adopted by Council on 25 June 2014. It sets the indicators and initiatives/activities which are reported within the Quarterly Performance Report to Council (**Appendix 1**).

Discussion

The report provides Directorate overviews outlining key highlights, issues, updates and events that have occurred during this reporting period. Where possible, comparisons are made and reflected in graphs.

A number of significant highlights during the January to March 2015 period include:

COMMUNITY SERVICES

- Men's Shed Cluster – presentation by local indigenous men's group, re-learning their traditional arts via the Men's Sheds – attended by approximately 60 men from 14 sheds.
- ICE information forum held on 4 March with approximately 200 community members attending.
- Great Southern Rail Trail Toora to Welshpool extension opened on 7 February involving approximately 150 cyclists and walkers.
- The draft Strategic Direction for Aquatic Facilities in South Gippsland 2015 – 2020 was endorsed by Council for Public Exhibition on 25 March.
- Successfully obtained \$42k in grant funding in July 2014 from the Department of Health and Ageing to lead a Gippsland-wide Healthy Ageing Program. The project aim was to 'raise the awareness of the impact of nutrition on the quality of life of older people'. This project was completed in March and has been recognised by the State Government as a highly successful regional project.
- Sustainability Festival successfully held in partnership with Bass Coast on 29 March at the State Coal Mine, Wonthaggi.

DEVELOPMENT SERVICES

- Completion and adoption of the Planning Scheme Review (required every four years by the Planning & Environment Act). The Review provides a detailed work plan for a series of improvements to the Planning Scheme over the next four years.
- Hosted the February 2015 of South Eastern Australian Transport Strategy (SEATS) meeting in Port Welshpool. SEATS advocates for Transport Infrastructure improvements for Gippsland and NSW local Governments.
- Released final detailed design of the Leongatha Heavy Vehicle Alternate Route in conjunction with VicRoads. Construction of the route is planned to commence in late 2015.
- Council approved a planning permit for a new supermarket at Tarwin Lower.
- Over 1200 people attended the inaugural Geek Festival at Coal Creek and drew visitors from Melbourne as well as surrounding areas.

ENGINEERING SERVICES

- Completed road rehabilitation works at Loch Poowong Rd, Poowong and the Leongatha Industrial Estate.
- Completed resealing works at Whitelaws Track, Stony Creek Dollar Rd and McKittericks Rd, Stony Creek; Falls Rd, Fish Creek; Koonwarra Pound Creek Rd, Pound Creek; Miller St, Dumbalk; Kardella Rd, Korumburra; Hedley Range Rd, Hedley; Stewarts Rd, Outtrim; Woorarra Rd, Woorarra; Slades Hill Rd, Welshpool.
- Completed drainage works at Calder & Camerons Rd and Fitzgeralds Rd, Fairbank; Loch Poowong Rd, Poowong; Boolarra Mirboo North Rd, Mirboo North; Zotti & Dowells Rd, Wares Rd, Duncans Rd, Gravel Pit Rd, Hillgroves Rd and Beilbys Rd, Leongatha Sth; McCartins Rd, Turtons Creek; McAninleys Rd, Hunts Road and Hedley Range Rd, Bingenwarri; Lowrys Rd and Hoddle Settlement Rd, Fish Creek; Mount Nicoll Road, Foster; Hedley Road, Hedley; Christoffersens Road, Nerrena.
- Progressing with developing condition assessment methodology for unsealed roads to inform the re-sheet program. Road widths, gravel depths & subgrade California Bearing Ratio (CBR's) on selected roads will be sourced by the Road Inspector.
- Works progressing for Gray St, Leongatha which includes sealing the road, footpaths and drainage works. Subgrade issues have been encountered as expected and are being addressed.

- Completed the roof at the Nyora Hall. External refurbishment works (concreting, retaining walls, car parking) are progressing well and internal structural works are 75% complete at the Nyora Hall.

CORPORATE SERVICES

- The Proposed 2015-2016 Budget, incorporating the Annual Initiatives, has been endorsed by Council for public consultation.
- Australia Day Awards Celebration evening was well supported in January, along with the seven local events throughout the community. David Green was named Citizen of the Year and the Community Event of the Year went to Meeniyah Town Tavern Night 30th Anniversary.
- Reviewed and updated Information Privacy Policy and Councillor Support and Expenditure Policy.

FINANCIAL CONSIDERATIONS

Activities within the Council 2014-2015 Annual Plan are funded through the 2014-2015 Annual Budget.

RISK FACTORS

The Quarterly Performance Report mitigates the risk of Annual Plan 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. It also provides Council and the community increased transparency in monitoring Council's performance in the achievement of its corporate objectives and adopted plans throughout the financial year.

CONCLUSION

It is recommended that Council receive and note the Organisational Quarterly Performance Report January to March 2015 in **Appendix 1**. The Report provides an overview of Council's performance against both Department Budgets and the Annual Plan for the period January to March 2015.

RECOMMENDATION

That Council receive and note the Organisational Quarterly Performance Report (Appendix 1) for the period January to March 2015.

STAFF DISCLOSURE OF INTEREST

Nil

D.2 COUNCILLOR EXPENDITURE REPORT - 31 MARCH 2015

Corporate Services Directorate

EXECUTIVE SUMMARY

The Councillor Expenditure Report (**Attachment 1**) provides Council with a quarterly update on Councillor Expenditure from 1 July 2014 to 31 March 2015, as resolved in 2003.

Document pertaining to this Council Report

- **Attachment 1** - Councillor Expenditure

LEGISLATIVE/ ACTION PLANS/ STRATEGIES/ POLICIES

- Local Government Act - Section 75 Reimbursement of expenses of Councillors
- Councillor Support and Expenditure Policy

COUNCIL PLAN

Outcome:	4.0	A Leading Organisation
Objective:	4.2	Pursue best practice in organisational development and operations of the organisation
Strategy:	4.2.3	We will make informed decisions and provide opportunities for the community to participate in the decision making process.

REPORT

Background

The Councillor Expenditure Report (**Attachment 1**) provides Council with an update on Councillor expenditure from 1 July 2014 to 31 March 2015.

Councillor expenditure is reported on a cash basis, and no adjustments are made for 'pre-paid expenditure' except at financial year end.

FINANCIAL CONSIDERATIONS

Overall expenditure is slightly over budget year to date.

RISK FACTORS

Transparency in reporting is a risk management control measure that allows the community and Council to view the financial management and expenditure of Councillors.

RECOMMENDATION

That Council receive and note the Councillor Expenditure Report for the period 1 July 2014 to 31 March 2015.

STAFF DISCLOSURE OF INTEREST

Nil

**Attachment 1
Councillor Expenditure report 1 July 2014 to 31 March 2015**

Councillor	Car	Travel Expenditure				Other Expenditure				Total
		Councillor Car Operating Cost *	Other travel reimbursements **	Mobile Phone	Phone/Fax/ Modem	Training & Professional Development ***	Councillor Allowance	Remoteness Allowance		
Cr. Robert Newton	Council	\$ 5,935	\$ -	\$ 321	\$ -	\$ 41	\$ 20,859	\$ -	\$ 27,156	
Cr. Lorraine Brunt	Council	\$ 6,563	\$ -	\$ 977	\$ -	\$ 124	\$ 20,859	\$ -	\$ 28,523	
Cr. Andrew McEwen	Personal	\$ -	\$ 4,834	\$ 633	\$ -	\$ 818	\$ 20,859	\$ -	\$ 27,144	
Cr. Kieran Kennedy	Council	\$ 7,293	\$ -	\$ 650	\$ -	\$ 3,848	\$ 20,859	\$ -	\$ 32,650	
Cr. Mohya Davies	Council	\$ 5,961	\$ -	\$ 701	\$ -	\$ 450	\$ 20,859	\$ -	\$ 27,971	
Cr. Jeanette Harding	Council	\$ 6,307	\$ -	\$ 515	\$ -	\$ 2,519	\$ 46,297	\$ 520	\$ 56,158	
Cr. Nigel Hutchinson Brooks	Council	\$ 6,447	\$ -	\$ 476	\$ -	\$ 253	\$ 20,859	\$ -	\$ 28,035	
Cr. Don Hill	Personal	\$ -	\$ 3,812	\$ 370	\$ 482	\$ -	\$ 20,859	\$ -	\$ 25,523	
Cr. James Fawcett	Personal	\$ -	\$ -	\$ 381	\$ -	\$ 254	\$ 39,101	\$ -	\$ 39,736	
Total Actual (Year to date March 2015)		\$ 38,506	\$ 8,646	\$ 5,024	\$ 482	\$ 8,307	\$ 231,411	\$ 520	\$ 292,896	
Total Budget (Year to date March 2015)		\$ 39,825	\$ 9,000	\$ 5,301	\$ 4,599	\$ 5,376	\$ 216,367	\$ 369	\$ 280,837	
Variance		\$ 1,319	\$ 354	\$ 277	\$ 4,117	\$ 2,931	\$ 15,044	\$ 151	\$ 12,059	
* Notes to Councillor Car Operating Costs:										
-Car operating costs are for the 6 months period ended 31 March 2015;										
-Car Depreciation is based on 2 years useful life;										
-Depreciation is net of estimated sale value of car at the end of two years;										
-Car Insurance cost is based on average unit cost premium; and										
-Notional interest is calculated @ 3.5% per annum on Capital cost of car.										
** Travelling expenditure for Councillors using private vehicles is at the prescribed rate of reimbursement . Reimbursements also include actual public transport costs.										
*** Training & professional development includes accommodation, conference and parking expenses.										

D.3 REPORT ON ASSEMBLY OF COUNCILLORS - APRIL 2015

Corporate Services Directorate

EXECUTIVE SUMMARY

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

The matters listed in this report were presented or considered, at either an Advisory Committee Meeting, Councillor Strategic Briefing Session or Public Presentation Session in April 2015.

Copies of responses to written questions presented and asked, that were not answered at the meetings, will be either provided as an attachment to this report or to a subsequent Council Meeting, as is practicable, to enable the development of a proper and informed response.

Document/s pertaining to this Council Report

- Nil

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989, Section 3D and Section 80A

COUNCIL PLAN

Outcome:	4.0	A Leading Organisation
Objective:	4.2	Pursue best practice in organisational development and operations of the organisation.
Strategy:	4.2.2	We will monitor corporate governance processes, including risk management and skills development with the aim of ongoing improvement.

REPORT

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 1 April 2015		
Planning Committee	<p>Councillors Attending:</p> <p>Crs Hill, Harding, Brunt, Davies, Kennedy, Fawcett, McEwen, Newton and Hutchinson - Brooks.</p> <p>Conflict of Interest:</p> <p>Cr Hutchinson-Brooks declared conflict of interest for Koonwarra Agricultural Commercial Precinct.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • February 2015 decisions • VCAT decisions February 2015 • Statutory and Strategic Planning Applications of Significance
Relocation Plan for Foster for Co-Locating Services	<p>Councillors Attending:</p> <p>Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks, McEwen and Davies.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <p>Councillors were provided information on the proposed option for the scope of the project.</p>
Restlee Estate, Yannathan Road, Nyora Development Proposal	<p>Councillors Attending:</p> <p>Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks, McEwen, Hill and Davies.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <p>Councillors were provided information regarding a rezoning application from Farming zone to Rural Living zone.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 1 April 2015		
Executive Update	<p>Councillors Attending:</p> <p>Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks, McEwen and Hill.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • MAV State Council Meeting • Rural and Regional Councils • ALGA National General Assembly • Rural Summit Halls Gap • MAV 2015 Future Of Local Government National Summit • Caravan update: Waratah Bay and Korumburra • Consultation for Early Years Infrastructure Review Satellite Services Corner Inlet
Council Timetable for Feb/ March 2015	<p>Councillors Attending:</p> <p>Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks, McEwen and Hill.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Councillor timetable for Feb/ March 2015
Financial Sustainability Steering Committee	<p>Councillors Attending:</p> <p>Crs Hill, Harding, Davies, Kennedy, Hutchinson-Brooks, Brunt, Newton, McEwen and Fawcett.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Previous methods used to review services • Key areas for future consideration • Staffing, structure, productivity, efficiency components

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 15 April 2015		
Municipal Precinct Project Reference Group	<p>Councillors Attending: Crs Fawcett, Kennedy, Newton, Brunt, Harding, Hutchinson-Brooks and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Municipal Precinct Project Update • Project evaluation matrix
Ordinary Council Agenda Topics Discussion 22 April 2015	<p>Councillors Attending: Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks, McEwen and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Ordinary Council Meeting Agenda topic discussion for 22 April 2015.</p>
Leadership Circle – Review	<p>Councillors Attending: Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks, McEwen, Hill and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • CEO review
<p>Community Question and Answer Session on the Proposed Council Budget 2015 – 2016</p> <p>OPEN DAY SESSION</p>	<p>Councillors Attending: Crs Fawcett, Kennedy, Brunt, Hutchinson-Brooks, Hill and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Community members presented questions to Councillors and responses were provided.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 15 April 2015		
<p>Public Presentations</p> <p>OPEN DAY SESSION</p>	<p>Councillors Attending: Fawcett, Kennedy, Brunt, Newton, Hutchinson-Brooks, Hill and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	
<p>Presentations were made to Council by the following community members:</p> <p>Allen Van Kuyk, regarding the Rail Trail and an insurance claim made to Council.</p> <p>Darren Bone and Blair Donaldson representing Council's Access Inclusion Advisory Committee regarding an update to Council on the Disability Action Plan Status Report.</p> <p>Bret Hume and Daryl Smith representing Nyora Recreation Reserve who are seeking Council Support and Funding for an In-ground sprinkler system.</p> <p>Paul Norton, regarding Governance matters in respect of the Council Meeting and Health and Well-being.</p>		
<p>Ordinary Council Agenda Topics Discussion 22 April 2015</p>	<p>Councillors Attending:</p> <p>Crs Fawcett, Kennedy, Brunt, Newton, Hutchinson-Brooks, Hill and Davies.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <p>Ordinary Council Meeting Agenda topic discussion for 22 April 2015.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 15 April 2015		
Executive Update	<p>Councillors Attending:</p> <p>Crs Fawcett, Kennedy, Brunt, Newton, Hutchinson-Brooks, Hill and Davies.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Swimming Pool Budgets • Organisational Structure Review • Consideration of Agribusiness Membership funding • Rural Living Equal Services Campaign • Update of Kindergarten Infrastructure Review • 'Change it Up' Youth Workshop • Invitation to visit Bald Hills Windfarm
<p>Public Presentations</p> <p>OPEN EVENING SESSION</p>	<p>Councillors Attending: Fawcett, Kennedy, Brunt, Newton, Hutchinson-Brooks and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p>	
<p>Presentations were made to Council by the following community member:</p> <p>Fred Couper, representing Friends of Mirboo North Pool regarding the Aquatic.</p>		
Wednesday 22 April 2015		
<p>Ordinary Council Agenda Topics Discussion</p>	<p>Councillors Attending:</p> <p>Crs Fawcett, Kennedy, Brunt, Newton, Hutchinson-Brooks and Davies.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <p>Ordinary Council Meeting Agenda topic discussion for 22 April 2015.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 22 April 2015		
Public Presentation Session	Councillors Attending: Crs Fawcett, Kennedy, Brunt, Newton, Hutchinson-Brooks and Davies.	
OPEN DAY SESSION	Conflict of Interest: Nil disclosed.	
<p>Presentations were made to Council by the following community members:</p> <p>Dan Poynton and Josh Hall representing Leongatha Golf Club, regarding Leongatha Golf Club Strategic Plan.</p> <p>David Amor regarding Coal Creek Isobel Boulevard, Korumburra.</p>		
Ordinary Council Agenda Topics Discussion	Councillors Attending: Crs Fawcett, Brunt, Newton, Harding, Hutchinson-Brooks, McEwen and Davies. Conflict of Interest: Nil disclosed.	Topics Discussed: Ordinary Council Meeting Agenda topic discussion for 22 April 2015.
Review of Home and Community Care	Councillors Attending: Crs Fawcett, Kennedy, Brunt, Hutchinson-Brooks, Davies, McEwen and Hill. Conflict of Interest: Nil disclosed.	Topics Discussed: <ul style="list-style-type: none"> • Future provision of Home and Community Care in South Gippsland

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 22 April 2015		
Ordinary Council Agenda Topics Discussion	<p>Councillors Attending:</p> <p>Crs Fawcett, Kennedy, Brunt, Hutchinson-Brooks, Davies, McEwen and Hill.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <p>Ordinary Council Meeting Agenda topic discussion for 22 April 2015.</p>
Thursday 23 April 2015		
Korumburra Round Table	<p>Councillors Attending:</p> <p>Cr Newton</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Community updates • Council update • Updates and reports from the action groups formed at the recent workshops • Christmas and other events – planning underway • Marketing & communications • Arts, Culture and food – meeting has given rise to ideas on festivals, art shows in the gallery, art networks etc. • Decision for May meeting to be members only – theme to be “What’s Possible?” – looking at the future for the Round Table, possibility of working with KCDA (Korumburra Community Development & Action).

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Friday 24 April 2015		
Access & Inclusion Advisory Committee	<p>Councillors Attending: Cr Newton</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Achievement Award • Gippsland Deaf Access Officer attendance at next meeting • Disability Action Plan Council Briefing Review • Website Update
Wednesday 29 April 2015		
Coal Creek Community Park and Museum Business Plan	<p>Councillors Attending: Cr Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks, McEwen and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Coal Creek Business analysis report and recommendations
Coal Creek Community Park and Museum Interpretive Guide Application	<p>Councillors Attending: Cr Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks, McEwen and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Demonstration of 'app' that provides a guide of Coal Creek for visitors • Determination of hire cost
Executive Update	<p>Councillors Attending: Cr Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks, McEwen and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • MAV State Council Meeting – Bass Coast Motion • Request from AGLA for Resolution RE: Federal Financial Assistance Grants Program

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 29 April 2015		
Korumburra Development Proposal	Councillors Attending: Cr Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks, McEwen and Davies. Conflict of Interest: Nil disclosed.	Topics Discussed: <ul style="list-style-type: none">• Developer proposal library site and recommendations

RECOMMENDATION

That Council receive and note this report.

STAFF DISCLOSURE OF INTEREST

Nil

D.4 COUNCILLOR DISCRETIONARY FUND ALLOCATION REPORT

Corporate Services Directorate

EXECUTIVE SUMMARY

Each Councillor, subject to an annual budget and in accordance with the Councillor Discretionary Fund Policy, has the discretion to nominate Council funds to community groups and / or individuals in accordance with the guidelines developed for this purpose.

This report details Councillors allocations for the period between 2 April 2015 and 6 May 2015.

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Councillor Discretionary Fund Policy 2014

COUNCIL PLAN

Outcome:	2.0	Closely Connected Communities
Objective:	2.1	Engage and work collaboratively with our community
Strategy:	2.1.3	We aim to minimise barriers and find ways to support our volunteers, community groups and committees to provide services beyond those that Council, by itself, can provide.

REPORT

The following applications have been allocated funding from the Councillor's 2014/2015 Discretionary Fund for the period between 2 April 2015 and 6 May 2015.

- TP Taylor Reserve Committee of Management: To assist with costs associated with the annual Easter Sandy Point Art Show.

Cr Mohya Davies - \$200
- Team Luca and Eli Fundraising Group: To assist with the costs for a fundraising event for Team Luca and Eli.

Cr Lorraine Brunt - \$100

Cr Andrew McEwen - \$50

Cr Nigel Hutchinson-Brooks - \$200
- South Gippsland Miners Baseball Club: To assist with costs to purchase equipment for the newly formed South Gippsland Miners Baseball Club that will compete in the Latrobe Valley Baseball Association in 2015.

Cr Nigel Hutchinson-Brooks - \$300

Cr Robert Newton - \$100

Cr Andrew McEwen - \$50

Cr Don Hill - \$100

- St Joseph's Primary School: To assist with the costs of creating a native and diverse environmental space within an area that is currently neglected.

Cr Robert Newton - \$200

- St Lawrence's Primary School Parent and Friends Association: To cover hall hire costs for fundraising event which will raise funds to create an environmental area.

Cr Don Hill - \$200

Cr Nigel Hutchinson-Brooks - \$100

FINANCIAL CONSIDERATIONS

Each Councillor is allocated \$4,000 from the Councillor Discretionary Fund in the 2014/2015 Financial Budget. An additional \$2,000 has been allocated to the Mayor to cover a broader focus across the entire Municipality.

CONCLUSION

The unexpended Councillor Discretionary Funds for the 2014/2015 Financial Year as at 2 April 2015 is as follows:

- Cr Mohya Davies - \$200
- Cr Jeanette Harding - \$600
- Cr Kieran Kennedy – Nil
- Cr Lorraine Brunt - \$105
- Cr Robert Newton - Nil
- Cr Andrew McEwen - \$250
- Cr James Fawcett - Nil
- Cr Don Hill - Nil
- Cr Nigel Hutchinson-Brooks - \$199
- Mayoral Fund - \$166

RECOMMENDATION

That Council receive and note this report.

STAFF DISCLOSURE OF INTEREST

Nil

D.5 DOCUMENTS SEALED AND CONTRACTS AWARDED OR VARIED BY THE CHIEF EXECUTIVE OFFICER - APRIL 2015

Corporate Services Directorate

EXECUTIVE SUMMARY

This document reports to Council the following actions undertaken by the Chief Executive Officer (CEO) which occurred during April 2015, 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 by the CEO which exceeded the CEO's delegation.

LEGISLATIVE/ ACTION PLANS/ STRATEGIES/ POLICIES

- Local Government Act 1989 - Section 5 and 186 (the Act)
- Local Law No. 3 2010 Processes of Municipal Government (Meeting Procedures and Common Seal)
- South Gippsland Shire Council Procurement Policy
- South Gippsland Shire Council Instrument of Delegation to the Chief Executive Officer

COUNCIL PLAN

Outcome:	4.0	A Leading Organisation.
Objective:	4.2	Pursue best practice in organisational development and operations of the organisation.
Strategy:	4.2.2	We will monitor corporate governance processes, including risk management and skills development with the aim of ongoing improvement.

REPORT

Documents Sealed

Under the Act, each Council is a body corporate and a legal entity in its own right. Each Council must have a common seal (like any corporate entity) that is an official sanction of that Council. All courts, judges and persons acting judicially must take judicial notice of the imprint of the common seal of a Council on any document.

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

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

In accordance with the Local Law and Instrument of Delegation, the following are presented to Council as documents sealed in the month of April 2015.

1. Section 173 Agreement between South Gippsland Shire Council and the Owners of 156 Canterbury Road, Venus Bay in relation to the development of a single dwelling – Seal Applied 1 April 2015.
2. Section 173 Agreement between South Gippsland Shire Council and the Owners of Varney Road/Blackwood Drive, Foster in relation to the subdivision of land into 50 lots – Seal Applied 1 April 2015.
3. Boundary Road Agreement between South Gippsland Shire Council and Baw Baw Shire Council in relation to municipal boundary roads and assets – Seal Applied 13 April 2015.
4. Section 173 Agreement between South Gippsland Shire Council and the Owners of 10 Canterbury Road, Venus Bay in relation to the development of a dwelling and garage – Seal Applied 13 April 2015.
5. Section 173 Agreement between South Gippsland Shire Council and the Owners of 137 O’Tooles Road, Wild Dog Valley in relation to a 3 lot subdivision – Seal Applied 13 April 2015.
6. Section 173 Agreement between South Gippsland Shire Council and the Owners of 15 Centre Street, Port Franklin in relation to the development of a dwelling and related works – Seal Applied 20 April 2015.
7. Section 173 Agreement between South Gippsland Shire Council and the Owners of 30 Cherry Tree Road, Nyora in relation to the use and development of a dependent persons unit in a BMO – Seal Applied 20 April 2015.
8. Section 173 Agreement between South Gippsland Shire Council and the Owners of 3 Balook Street, Mirboo North in relation to a 2 lot subdivision – Seal Applied 23 April 2015.
9. Section 173 Agreement between South Gippsland Shire Council and the Owners of 39 Outlook Drive, Venus Bay in relation to the development of a dwelling – Seal Applied 23 April 2015.

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

The CEO's delegation of power from the Council allows the CEO to award contracts up to the value of \$250,000 (inclusive of GST). The delegation requires all contracts awarded after a public tender process that are within the CEO's delegation to be reported to Council at the Council meeting immediately after the contract is awarded.

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

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

There were no contracts awarded under the CEO's delegation during April 2015 following a public tender.

Contract variations approved by the CEO

Council's Procurement Policy authorises the CEO to approve any necessary variations to a contract which exceeds the CEO's delegation, to allow the proper fulfilment of the contract, subject to this variation being reported to the next practicable Council Meeting.

There are no contract variations which exceeded the CEO's delegation, made by the CEO during April 2015.

RECOMMENDATION

That Council receive and note this report.

STAFF DISCLOSURE OF INTEREST

Nil

SECTION E - COUNCIL REPORTS

E.1 675 YANNATHAN ROAD NYORA (RESTLEE ESTATE) CLARIFICATION OF DEVELOPMENT RESTRICTIONS ON THE LAND

Development Services Directorate

EXECUTIVE SUMMARY

675 Yannathan Road Nyora is a 93ha parcel of Farming Zone land situated north west of Nyora's town centre. Prior to and during the preparation of the Nyora Structure Plan in 2012-13, the landowner sought Council's support to identify 675 Yannathan Road (the Subject Land) as a Rural Living Zone (RLZ) investigation area in the Local Policy provisions of the Planning Scheme. If achieved, the intention was to rezone the land and subdivide it into approximately 20 lots.

Exhibition of the Nyora Structure Plan implementation amendment (Amendment C72) identified community objection to inclusion of the Subject Land as an RLZ investigation area in the Planning Scheme. In response to the issues raised, Council resolved on 25 July 2012 to remove the Subject Land from Amendment C72 and furthermore, that the Subject Land not be considered in the (then) proposed preparation of the Housing and Settlement Strategy (HSS).

The wording of the 25 July 2012 Council Resolution has created ongoing uncertainty for the landowner in regards to their ability to participate in future strategic planning exercises that may affect the subject land. The purpose of this Council Report and Recommendation is to clarify that the position expressed in Council's 25 July 2012 resolution ceased to have any force or effect upon Council's adoption of the HSS in September 2013.

Document/s pertaining to this Council Report

- **Attachment 1** - Subject Land - 675 Yannathan Road Nyora
- **Attachment 2** - Adopted Council Resolution 25 July 2012

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Planning and Environment Act 1987

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Nyora Structure Plan June 2013

COUNCIL PLAN

Outcome:	2.0	Closely Connected Communities
Objective:	2.1	Engage and work collaboratively with our community
Strategy:	2.1.2	We will develop an integrated approach to planning and project development

CONSULTATION

Consultation is not required. The Recommendation of this Council Report clarifies Council's position in relation to the Subject Land and does not change the land's development potential and does not directly affect third parties. Consultation has been undertaken with the owner of the Subject Land.

REPORT

Discussion

The proposal to rezone the Subject Land to RLZ received objections from the local community (and Cardinia Shire) and was subsequently not supported by Council or the Planning Panel appointed to consider submissions to Amendment C72. These are historic matters and the merits of the rezoning of the Subject Land are not under consideration in this Council Report. The reasons the proposal was not supported are set out in detail in the 25 July 2012 and 26 June 2013 Council Reports (available for viewing on Council's webpage) and in the Amendment C72 Panel Report which can be viewed on the Planning Ministry webpage www.dtpli.vic.gov.au.

Following exhibition of Amendment C72 in early 2012, and the subsequent receipt of objections regarding the subject land, Council formed the view that the Amendment and its submissions should be referred to a Planning Panel for consideration. Council resolved at the same time that it would remove its support to include the Subject Land as a RLZ investigation area and that this position would be put to the Planning Panel. This decision was formally made in the adopted Council Resolution at the Ordinary Council Meeting on 25 July 2012 which stated:

*Advise the Panel that Council intends to refer all Rural Living Zone investigation areas in the Nyora Structure Plan to its imminent Housing and Settlement Strategy, with the exception of the land at Yannathan Road Nyora which Council does not support for development.
(Resolution Number 4)*

In accordance with Council's Resolution the proposal for the Subject Land was not supported at Panel and was not included in the HSS. These elements of the Resolution are clear however the resolution's concluding words stating "...which Council does not support for development" have been

read to mean that Council's position in not supporting a zone change on the subject land extends beyond the completion of the HSS and will be ongoing.

The Recommendation in this report clarifies this matter for the public record.

It is important to note that the Recommendation seeks only to clarify that the Subject Land is no different to any other land in the Shire in terms of its potential use and development and in no way indicates any position in relation to any future proposal to rezone or otherwise develop the land. Any rezoning, land use or development proposal regarding the Subject Land would be subject to a separate Council Report and public exhibition as may be required by the Act.

FINANCIAL CONSIDERATIONS

Nil

RISKS

If the 25 July 2012 Resolution is not clarified there is a risk that uncertainty surrounding Council's position on the subject land will remain and the land will be perceived to be restricted in an ongoing manner. This will place an unintended and unnecessary restriction on the current and future land owners.

CONCLUSION

The 25 July 2012 Council Resolution regarding 675 Yannathan Road Nyora has created a level of uncertainty for the owner of the land and other parties, including Council officers. It is recommended that this matter be clarified by adoption of the new Recommendation. This will remove the uncertainty and ensure that the land is considered by Council in a similar manner to all other land in the Shire.

RECOMMENDATION

That Council:

- 1. Note the resolution of the Ordinary Council Meeting of 25 July 2012 - Item E.5 Planning Scheme Amendment C72 - Loch, Nyora, Poowong and Meeniyah Structure Plan, number 4 of the resolution states:**

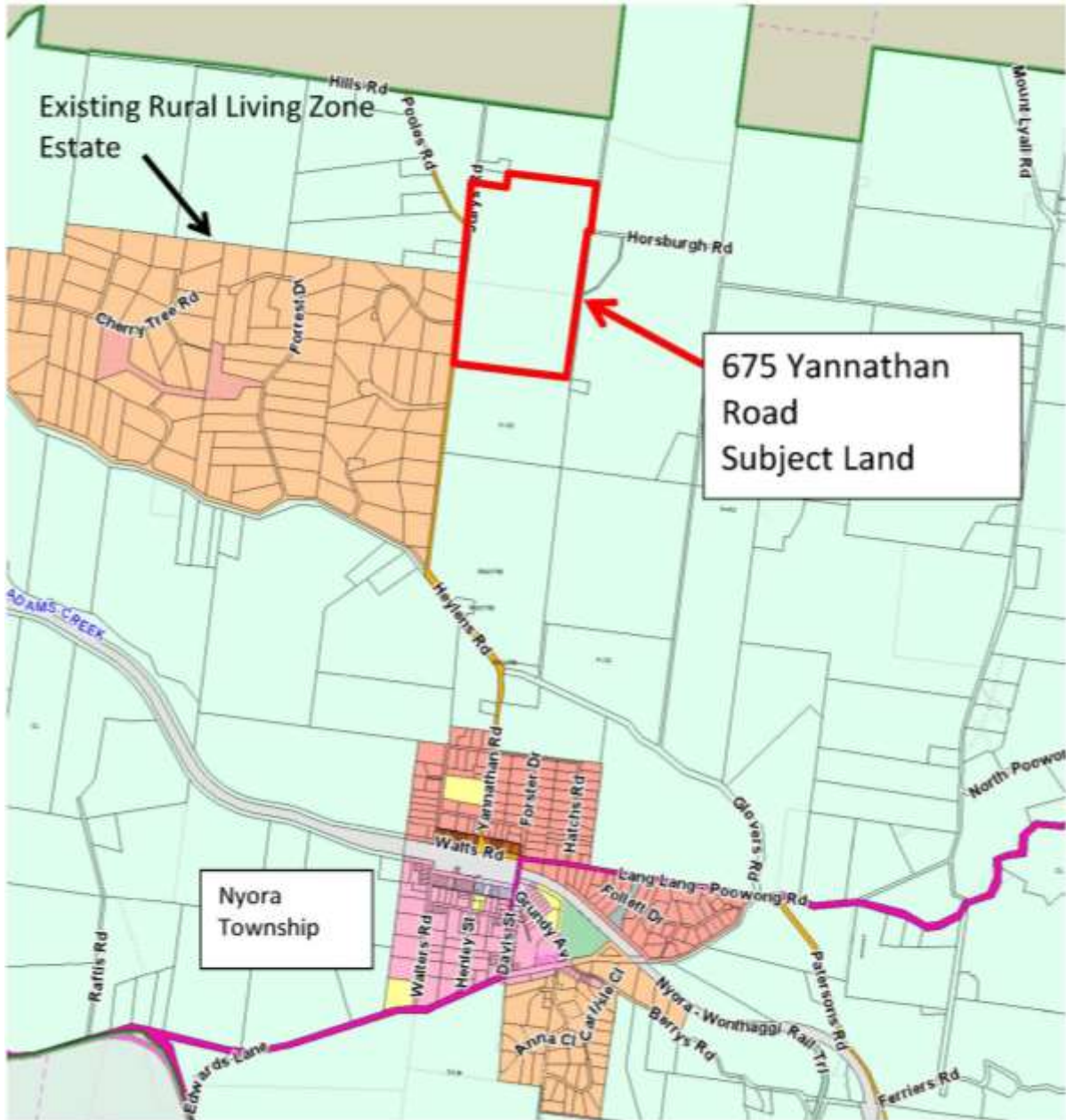
"Advise the Panel that Council intends to refer all Rural Living Zone investigation areas in the Nyora Structure Plan to its imminent Housing and Settlement Strategy, with the exception of the land at Yannathan Road, Nyora which Council does not support for development."

- 2. Note that Council adopted the Housing and Settlement Strategy on 25 September 2013.**
- 3. Acknowledge that Council holds no position regarding 675 Yannathan Road, Nyora following adoption of the Housing and Settlement Strategy; and**
- 4. Advise the landowner of 675 Yannathan Road Nyora of Council's clarification regarding its 25 July 2012 Council Resolution and further note that this decision is made without consideration to the merits of any rezoning or development proposal on the Subject Land and specifically does not imply any level of support for the rezoning of the Subject Land.**

STAFF DISCLOSURE OF INTEREST

Nil

Attachment 1
Subject Land - 675 Yannathan Road Nyora



**Attachment 2
Adopted Council Resolution 25 September 2012**

THAT COUNCIL:

- 1. RECEIVE ALL LATE SUBMISSIONS TO PLANNING SCHEME AMENDMENT C72.**
- 2. REFER ALL SUBMISSIONS TO PLANNING SCHEME AMENDMENT C72 TO AN INDEPENDENT PLANNING PANEL FOR CONSIDERATION.**
- 3. RECOMMEND TO THE PANEL THAT PLANNING SCHEME AMENDMENT C72 BE AMENDED IN ACCORDANCE WITH THE CHANGES DETAILED IN ATTACHMENT 3 TO THIS COUNCIL REPORT.**
- 4. ADVISE THE PANEL THAT COUNCIL INTENDS TO REFER ALL RURAL LIVING ZONE INVESTIGATION AREAS IN THE NYORA STRUCTURE PLAN TO ITS IMMINENT HOUSING AND SETTLEMENT STRATEGY, WITH THE EXCEPTION OF THE LAND AT YANNATHAN ROAD NYORA WHICH COUNCIL DOES NOT SUPPORT FOR DEVELOPMENT.**

CARRIED UNANIMOUSLY

E.2 FILM POLICY

Development Services Directorate

EXECUTIVE SUMMARY

Council adopted a Film Policy in 2010. The Victorian Government, through Film Victoria, has now adopted new legislation and requires all Councils to update their Film Policies. The policy has been reviewed and updated.

This report recommends that Council revoke the previous Film Policy. As the policy is administrative in nature, this report further recommends that Council delegate the approval of the Film Policy to the Chief Executive Officer.

The Policy seeks to promote film and television production in South Gippsland, build the image of the area and maximise the associated economic benefits. The Policy will provide a framework to manage these film projects in a safe and consistent manner and will also ensure that Council is compliant with new Victorian legislation and guidelines.

Document/s pertaining to this Council Report

- **Appendix 1** - Guide to Filming in South Gippsland
- **Attachment 1** - Film Policy
- A copy of **Appendix 1** is available on Council's website: www.southgippsland.vic.gov.au or by contacting 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Filming Approval Act (2014)

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Economic Development and Tourism Strategy

COUNCIL PLAN

Outcome:	1.0	A Prosperous Shire
Objective:	1.1	Work with the business community to support existing businesses, diversify employment opportunities and to attract new businesses.
Strategy:	1.1.1	We will actively plan for growth and economic development.

CONSULTATION

External consultation has occurred with Film Victoria and all other Gippsland Councils.

REPORT

Background

Council first adopted a Film Policy in 2010 to assist with processing requests for film and television productions. The Victorian Government, through Film Victoria, has now adopted new legislation and requires all Councils to update their Film Policies.

Discussion

Film and television production provides economic and promotional opportunities for the Shire. Films crews operating during a production spend money locally on food and accommodation and other businesses. There is a secondary benefit of promoting the area and encouraging visitation, particularly if the production is successful.

Council's former Film Policy worked effectively with a number of television, movie and commercial projects occurring in the Shire, including the ABC Television series "Bed of Roses".

The Victorian Government has recently introduced new legislation, the Filming Approval Act (2014). All Councils are required to comply with this legislation.

Together with the Act, Film Victoria has also produced a template for 'Guidelines for Filming' to ensure consistency across the State. The guidelines cover key principles including: timeliness of approvals, reasons for refusal, providing a single point of contact, standard application forms and accessibility of information.

To ensure compliance with the legislation the following have been prepared:

- Updated Film Policy.
- 'Guide to Filming in South Gippsland' document using the Film Victoria template.
- Film Permit Application Form.
- Dedicated page for filming enquiries on Council's website.
- Film enquiries email address.

The new policy retains the objective to assist student film and small community productions by providing capacity for Council to relax some compliance issues that would generally apply to larger commercial productions. A simple one page guide has also been produced to assist smaller productions.

Proposal

It proposed that Council revoke the former 2010 Film Policy and delegate responsibility to approve the Film Policy to the Chief Executive Officer.

FINANCIAL CONSIDERATIONS

Any fees and charges attributed to the Film Policy will be considered during the fees and charges review.

RISKS

A key purpose of the Policy is to manage the risk to Council and the community from film production activities. Referring to the old policy will make Council non-compliant with Victorian legislation.

CONCLUSION

The Film Policy has been developed in cooperation with Film Victoria. The policy will ensure compliance with legislation and give Council the ability to continue to promote South Gippsland as location for film and television production.

RECOMMENDATION

That Council:

- 1. Revoke the 2010 Film Policy; and**
- 2. Delegate responsibility for approval of the Film Policy to the Chief Executive Officer.**

STAFF DISCLOSURE OF INTEREST

Nil

Attachment 1 Film Policy



South Gippsland Shire Council

FILM POLICY

Policy Number	CE28	Directorate	Development Services
ELT Approval Date		Department	Strategic Planning and Development
Approved by the CEO	May 2015	Primary Author	Ken Fraser
Revision Date	March 2020	Secondary Author	Anna Anthony

POLICY OBJECTIVE

This policy seeks to:

- Promote film and television production in South Gippsland Shire (Shire), build the image of the area and maximise the associated economic benefits.
- Provides a framework to manage film and television projects in a safe and coordinated manner through a filming permit application process to ensure these outcomes.
- To ensure Council's compliance with Victorian Government legislation.

LEGISLATIVE PROVISIONS

Filming Approval Act (2014)
Local Government Act (1989)
Road Management Act (2004)
Occupational Health and Safety Act (2004)
(Hazardous Substances) Regulations (1999)
Use of Council Logo Policy (Oct 2012)

POLICY STATEMENT

This policy seeks to increase the Shire's profile as a desirable film and television production destination. To advocate and facilitate filming activity in the region, and to generate greater economic benefits for the Shire by being flexible, prompt, positive, consistent and transparent whilst maintaining community amenities, ensuring public safety, preserving the environment and heritage assets.

POLICY BACKGROUND

Interest in Victoria as a location for production and post-production of films, television programs and commercials has increased in recent years. South Gippsland Shire Council (Council) recognises the need for a coordinated approach across local government to address the demand from the production industry and has committed to promoting and facilitating greater access to its locations.

Film and television production can generate revenue for hospitality, accommodation and other local industries. A secondary benefit of these projects is the promotion of the region and stimulation to tourism and investment.



COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

The film and television industry provides a significant economic contribution to the State of Victoria and the Gippsland Region. Council wants to ensure all commercial and amateur film producers have a 'film friendly' experience. Council has a strong working relationship with Film Victoria and other Gippsland Councils to promote this activity.

The Filming Approval Act (2014) came into effect in August 2014. The Victorian Government has produced Film Friendly Guidelines that Victorian public agencies, including Council, must comply with when considering film permit applications. This Policy is based on these guidelines.

COUNCIL'S ROLE

Council will:

- Promote South Gippsland as a location for film and television production.
- Provide a central contact person for all Council film enquiries, known as the Film Liaison Officer.
- Assess and issue Film Permit Applications.
- Liaise with relevant departments to expedite permit applications where possible.
- Assist in sourcing locations to match production specifications.
- Respond to all enquiries in a timely, flexible, positive manner relating to film and television production.
- Provide contact information for, but not limited to:
 - Council Services and Statutory requirements
 - Emergency services
 - Road closures and traffic management
 - Signage
 - Waste management
 - Business and support services
 - Local community groups and organisations
 - Local media
- Make available film permit application information on our website <http://www.southgippsland.vic.gov.au/> and provide a dedicated email address filmenquiries@southgippsland.vic.gov.au
- Comply with Film Friendly Guidelines as part of the Filming Approval Act 2014 when considering permit applications.

PERMIT PROCESS

Production companies/producers seeking to undertake a film or television production will submit a Film Permit Application Form with any other documentation required by Council.

Linked to this policy are three related documents. These are:

1. South Gippsland Shire Film Application Quick Guide.
2. Film Permit Application Form.
3. A Guide to Filming in South Gippsland Shire.

FEES

Film Policy

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Attachment 1 Film Policy



COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

To encourage film projects Council will not charge a fee for the issuing of a 'Film Permit'.

Council may negotiate a fee for filming activity to recover costs where Council assets are used or where significant event coordination and officer time is required. These fees will be reasonable and transparent.

All expenses associated with advertising, traffic control, road closures and any other costs incurred in the facilitation of the application i.e. building/planning permits, will be borne by the applicant.

A bond may be required to offset any potential damage to public amenities.

Council has the right to waive or vary fees in certain circumstances.

SUPPORT FOR COMMUNITY FILM PROJECTS

This policy also seeks to encourage the development of Community Film and Television projects. These include: student projects, charitable activities or activities that relate to the cultural heritage of the South Gippsland Shire. In these instances Council may consider relaxing the provisions on the Guide to Filming in South Gippsland where they may be an impediment to these efforts and where public safety is maintained.

RISK ASSESSMENT

By having a Film Policy and guidelines Council mitigates the risks to the public and community. It sets standards for film makers so that they provide the necessary public safety, traffic management, pedestrian management and insurance cover to undertake their work in a safe and coordinated manner.

It ensures compliance of Council with Victorian Government legislation.

There could be a risk to the following with no Film Policy or Filming guidelines:

- Public Amenity;
- Safety and security;
- Environment and heritage risks;
- Fraudulent, corrupt activity or conflicts of interest;
- Non-compliance with State Government legislation; and
- South Gippsland Shire Council operational requirements.

IMPLEMENTATION STATEMENT

The Film Policy, A Guide to Filming in South Gippsland and the Film Permit Application provides a framework to review and process applications for filming and television production in South Gippsland Shire. These allow stakeholders to understand their responsibilities and expectations when filming in South Gippsland Shire.



The implementation of the policy will be managed by the Economic Development and Tourism Unit.

Information regarding Policy, Guide and Application, once adopted by Council will be endorsed and communicated to staff via email and will be available on the Council website.

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

Film Policy

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E.3 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - FEDERAL FINANCIAL ASSISTANCE GRANTS SUPPORT CAMPAIGN

Corporate Services Directorate

EXECUTIVE SUMMARY

The Australian Local Government Association has requested Council's support for its national Federal Government Financial Assistance Grants support campaign.

Document/s pertaining to this Council Report

- **Attachment 1** - ALGA - Financial Assistance Grants To Local Government Support Campaign

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Annual 2014-2015 Budget and Long Term Financial Plan

COUNCIL PLAN

Outcome:	4.0	A Leading Organisation.
Objective:	4.1	Improve the financial sustainability of Council, including diversifying revenue streams.
Strategy:	4.1.1	We will explore innovative ways of increasing revenue and reducing expenditure.

CONSULTATION

The Australian Local Government Association (ALGA) has approached Victorian councils to seek support for a national campaign regarding importance of the Federal Financial Assistance Grants to Local Government.

REPORT

Background

Local governments across Australia receive Commonwealth Financial Assistance Grants (FAG) that support the provision of services and facilities in local communities. The funds are untied grants allowing each Council to use the funds in the most appropriate manner to meet community needs.

The provision of these FAG are an important revenue source for councils as they cover expenditure for infrastructure and services that may not otherwise be possible.

In 2014 the Federal Government placed a 'freeze' on the indexation of these grants. At South Gippsland Shire Council this equates to a \$6.5million negative impact over the 15 year Long Term Financial Plan.

Discussion

ALGA, in its 2015 Federal Budget submission, has called for FAG indexation to be restored immediately and the Federal Government to consider the adequacy of the quantum of FAG and the indexation methodology in the future.

Council has been approached by the Australian Local Government Association and the Municipal Association Victoria (MAV) to pass a resolution acknowledging the importance of the Commonwealth's Financial Assistance Grants in assisting councils to provide important community infrastructure (refer **Attachment 1**).

They are also seeking councils to acknowledge the receipt of Financial Assistance Grants from the Commonwealth in media releases and council publications, including the Annual Report.

Proposal

As a means to support the ALGA and MAV campaign it is proposed that Council:

1. Acknowledge the importance of Federal funding through the Financial Assistance Grants program for the continued delivery of Council's services and infrastructure;
2. Acknowledge that Council will receive \$8.5 million in 2014-2015;
3. Will ensure that this Federal funding and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in Council publications, including the Annual Report; and
4. Request the ALGA encourage the Federal Government to remove the Federal Financial Assistance Grants Program indexing freeze, as this freeze is forecast to remove \$6.5million dollars from Council's budget over the next 15 years.

FINANCIAL CONSIDERATIONS

There are no costs associated with pursuing the ALGA and MAV campaign. However, there would be a positive financial benefit to local communities if the campaign is successful, if the Commonwealth grants' indexing is restored and the grants program continually supported.

RISKS

There are no identified risks arising from participating in the campaign. Council's involvement may support the restoration of the Financial Assistance Grant Program. This in turn would reduce the risk of inadequate infrastructure and service provision forecast to be impacted as a result of the indexation freeze that is currently in place.

CONCLUSION

The ALGA and MAV are pursuing a proactive campaign to recognise the importance of the Federal Financial Assistance Grant Program to local government. Councils from across the nation are being encouraged through their local associations to support this campaign for the benefit of local communities.

RECOMMENDATION

That Council:

- 1. Acknowledge the importance of Federal funding through the Financial Assistance Grants program for the continued delivery of Council's services and infrastructure;**
- 2. Acknowledge that Council will receive \$8.5 million in 2014-2015;**
- 3. Ensure that this Federal funding and other funding provided by the Federal Government under relevant grant programs , is appropriately identified as Commonwealth grant funding in Council publications, including the Annual Report; and**
- 4. Request the ALGA encourage the Federal Government to remove the Federal Financial Assistance Grants Program indexing freeze, as this freeze is forecast to remove \$6.5million dollars from Council's budget over the next 15 years.**

STAFF DISCLOSURE OF INTEREST

Nil

Attachment 1
ALGA - Financial Assistance Grants To Local Government Support Campaign



AUSTRALIAN LOCAL
GOVERNMENT ASSOCIATION



10 April 2015

Mayor Jeanette Harding
South Gippsland Shire Council
Private Bag 4
LEONGATHA VIC 3953



Dear Mayor Harding

Financial Assistance Grants to Local Government

Local councils across Australia have recently received the third quarterly payment of Commonwealth Financial Assistance Grants (FAGs) to local government for this financial year. FAGs are an important untied payment to councils from the Australian Government which are invested in essential community infrastructure and services ranging from local roads and parks to swimming pools and libraries. Councils will receive \$2.3 billion from the Australian Government in 2014-15 under this important program.

ALGA welcomes the payment of FAGs to local government, and acknowledges the importance of this direct funding link between the Commonwealth and local government. However, it is also important that the level of funding provided to councils, the sphere of government closest to the community, is adequate to ensure infrastructure and services are provided at a reasonable level in all communities.

FAGs funding is not currently keeping pace with demand for services and infrastructure in local communities, and the freeze of indexation will worsen this. Freezing FAGs at their current level until 2017-18 will result in a permanent reduction in the FAGs base by 13%.

ALGA, in its 2015 Federal Budget submission, has called for FAGs indexation to be restored immediately and for the Federal Government to consider the adequacy of the quantum of FAGs and the indexation methodology in the future.

While the FAGs are paid through each state's Local Government Grants Commission, the funding originates with the Commonwealth and it is important it is recognised as such. We are asking your council, and every other council in Australia, to pass a resolution acknowledging the importance of the Commonwealth's Financial Assistance Grants in assisting councils to provide important community infrastructure. We are also asking councils to acknowledge the receipt of Financial Assistance Grants from the Commonwealth in media releases and council publications, including your annual report.

The FAGs are paid quarterly and it would help to illustrate the importance and impact of the grants if councils identified an individual project of a similar size to their annual or quarterly FAGs payment and highlighted this to the media and your local Federal Member and Senator in a positive story on the grant funds.

Falling levels of Financial Assistance Grants threaten the provision of important services in all local communities. The financial sustainability of local government is of utmost importance for our communities, and we urge you to support the campaign to maintain Financial Assistance Grants and restore indexation of the grants by passing a resolution similar to draft resolution attached. Once your council has passed this resolution, please advise MAV via comms@mav.asn.au, this will assist ALGA in compiling a national list

Full details on FAGs payments for the current financial year are available on the Department of Infrastructure and Regional Development website at www.regional.gov.au/local/assistance.

Thank you for your commitment to the local government sector and your assistance in our campaign to restore the indexation of Financial Assistance Grants.

Yours sincerely



Mayor Troy Pickard
President
Australian Local Government Association



Cr Bill McArthur
President
Municipal Association of Victoria

SECTION F - URGENT OR OTHER BUSINESS

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

1. Urgent Business

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

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

It is necessary for the Councillor wishing to raise a matter of urgent business to raise a motion similar to the following: 'That consideration of (*the issue*) be dealt with as a matter of urgent business and Councillorbe 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 3 will apply.

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

2. Other Business

This provides an opportunity for Councillors to raise items of general interest to the Council and the community. It may relate to an up coming event or the outcomes of a recent meeting with a Minister etc.

SECTION G – GENERAL QUESTION TIME

G.1 Question Time

G.2 Answers to Previous Questions on Notice

At the Ordinary Council Meeting 22 April 2015 written questions were taken on notice from Wilma Western and responses are now provided.

Question 1

I refer to the draft budget on exhibition for comment. Under the heading “Closely Connected Communities”, gross and net expenditure figures are listed. The total gross expenditure figure is stated to be 8 million 8 hundred thousand dollars. The revenue total for communities is 3 million, 141 thousand; giving a stated net expenditure of 5 million, 659 thousand dollars.

But the expenditure breakdown only adds up to 7 million 183 thousand dollars. The revenue total is correct. So the net expenditure on the information provided would be 4 million and 42 thousand dollars not well over five and a half million.

In other words expenditure of 1 million 617 thousand dollars has not been explained in the draft budget on exhibition. So how did an error like this get to be put out for public exhibition? Some important expenditure seems to have been omitted. What are the implications if any for the exhibition process?

Response:

The \$1.617 relates to:

Community Services Management	<p>The Community Services Directorate is responsible for the coordinated delivery of Sustainability Services, Children and Family Services, Aged and Disability Services, Community Strengthening, Community Safety and for Library Services.</p> <p>The majority of the expenditure for this Unit covers Council's funding for the Library services.</p>	<p>\$ 1,617 (\$ 0) <hr/>\$ 1,617</p>
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The information was omitted from the 'proposed budget document' due to officer error. When the tables of information were being formatted the table of information / costings was inadvertently deleted. The budget document that Council will consider at its meeting in June will include the information.

Question 2

In answer to a previous question about the study being conducted into a municipal precinct, I was informed that the consultant will consult internal and external stakeholders, while the general public who have to pay for both the study and any new municipal precinct will be informed from time to time. Today's agenda states that the CEO of the West Gippsland Library association, which advocates for libraries but does not run the West Gippsland Regional Library Corporation, is one of the external stakeholders being consulted.

Who are the other external stakeholders? Presumably the internal stakeholders are staff and perhaps councillors?

Response:

List of Key Stakeholders

External

ORGANISATION	NAME
West Gippsland Regional Library Corporation	John Murrell, CEO
Active Retirees Advisory Committee	Jeff Montague
Leongatha Probus	Pres: Jim Geary
Woorayl Probus	Sec: Patricia Allaway
Community House	Cate Garratt, Coordinator
South Gippsland Citizens Advice Bureau	Diann Newton, Lorraine Rome
Community College Gippsland	Tracel Devereux, Director
Leongatha Chamber of Commerce	Pres: Peter Watchorn, Sandra Fleming
Leongatha CWA (Country Women)	Sec: Rochelle Virtue
Leongatha Seniors (Daker Centre)	Ian Rasmussen
Korumburra Business Association	David Amor
Mirboo Country Development	Maxine Kiel
Foster Chamber of Commerce	John Davies

Internal

NAME	TITLE AND PROJECT CONNECTION
PROJECT REFERENCE GROUP	
Chris Van Der Ark	Manager Property (Project Manager)
Tim Tamlin	Chief Executive Officer
Anthony Seabrook	Director – Engineering Services (Project Sponsor)

NAME	TITLE AND PROJECT CONNECTION
Jan Martin	Director – Community Services (Steering Committee member)
Councillor #1	Mayor Jeanette Harding
Councillor #2	Councillor Nigel Hutchinson Brooks
Councillor #3	Councillor Kieren Kennedy
John Murrell	West Gippsland Regional Library Corporation
PROJECT WORKING GROUP	
Chris Van Der Ark	Manager Property (Project Manager)
Anthony Seabrook	Director – Engineering Services
Alister Fixter	Building Operations Coordinator
John Moylan	Manager – Engineering & Assets
Paul Stampton	Manager – Strategic Planning, Tourism & EcDev
Ned Dennis	Manager – Community Strengthening
Christian Stefani	Manager – Customer Relations

Question 3

There is a lot of confusion in the general public about why the Council decided to take over both the management and the capital improvement of foreshore caravan parks in the Shire. This Council often complains about extra responsibilities being loaded onto them by other levels of government, but here we have major management and financial commitments voluntarily being taken over by Council from the state department that owns the parks. In today's agenda, section E1 there is a list of recommendations to Council . Among these recommendations is this: "Provide strong advocacy to State and federal Departments to take responsibility for investing in appropriate infrastructure on land owned and managed "by these other levels of government.

Council has statutory responsibilities, for example re septic tanks etc. Suitable action to ensure proper management of septic tanks and other items within Council's regulatory responsibilities can be taken without any need to take over the whole enterprise concerned. So could you explain the reasons for Council's takeover of management and capital improvements for these caravan parks?

Response:

Council's decision to directly manage the Long Jetty Foreshore and Yanakie Caravan Parks is as outlined in the previous Council Plan (2010-2014):
"To effectively plan and provide for the social, built, economic and natural environments that ensure the future well-being of South Gippsland communities"
 There are various areas of attention required at these Parks that may not appear obvious to you from an initial site inspection. A summary of these are provided below:

Risk and Compliance

Yanakie and Long Jetty Caravan parks were managed poorly under the lease model and the existing assets were in a run-down condition. The ratio of annual site holders was too high with no controls in place to ensure site holder accommodation complied with the Residential Tenancies (Caravan Parks and Moveable Dwellings Regulations and Standards) Regulations 2010 and the State Government's Policy and Guidelines for Crown Land Caravan Parks.

Safety

Management of safety within the Parks was also poorly managed. This included emergency management, occupational health and safety, foreshore erosion and management and vegetation management. These are all required to be complied with in accordance with either legislation and/or the direction of the State Government policy mentioned above.

Financial

All operating profit generated at the Parks gets invested back into Council's Caravan Park Reserve and used for capital expenditure at the Parks. Therefore in the long term, no ratepayer funds are used to operate and make improvements to these parks.

Tourism / Business benefits

Studies undertaken for Council have shown that the vast majority of tourists to South Gippsland visit our natural attractions such as Wilson Prom and our beaches.

If Council develops as a leader in the industry, it can transfer this knowledge to privately owned caravan parks in the Shire/Region and we can work together towards improving the tourism experience for campers in South Gippsland. The improvements made to the Parks will also generate increased attention from suitably qualified privately operated caravan park professionals with whom Council could consider negotiating a future lease/contract.

At the moment, the interest in leasing and operating these Caravan Parks is minimal due to their poor run-down condition. With regards to Council withdrawing as Committee of Management for the Parks, this has been tried many times and failed. It is difficult to ever see the State Government agreeing to Council withdrawing as Committee of Management for the Parks.

At the Ordinary Council Meeting 22 April 2015 written questions were taken on notice from Paul Norton and responses are now provided.

Question 1

Affecting the reality the Council and Vic Roads have released the Final Plans for the Leongatha Heavy vehicle Alternate Route. I believe even at this late stage Council should make a effort to get VicRoads or even Council themselves to build a separate pedestrian bridge between the Salvos and the Bair Street BP Servo over the Rail Line. The present bridge is 16 metre long 1.4 metres wide but only 1 metre wide at the BP end of the guard rail. The path on the Salvo end is 1.9 metre wide. The guard rail has had many hits. The outside of the present pedestrian part of the Bridge is only chain wire mesh. The side of the guard rail has sharp steel posts. I have to believe at this stage that Council seemly be of the belief that pedestrian including school would traverse via Bennet Street Station Street and Bass Highway to the CBD. Myself because of some of the gradients isn't suitable for the disabled. I also well aware as of the reality that council and myself have differing views as to the later.

I am prepared to again meet with at council officer on site if it may believed it may achieve a result.

Response:

The pedestrian bridge referred to in Mr Norton's submission is assumed to be the footpath on the rail bridge leading into Bair Street from Koonwarra Road. The widths quoted in his submission do not meet the IDM specified footpath widths, being 1.5m in residential areas and 2.0m in commercial areas. However, to achieve these dimensions on an old structure such as this or new structure would be prohibitively expensive and unlikely to be funded.

It is noted that this structure is currently the responsibility of VicRoads. Council will assume responsibility for it along with Bair Street after the Leongatha Heavy Vehicle Alternative Route is completed. Satisfactorily addressing some of the matters raised in Mr Norton's submission such as the condition of the pedestrian fencing could be made a condition of Council taking responsibility for the structure. It is acknowledged that some of the gradients may not comply with the Disability Discrimination Act requirements, but given the controls of the existing bridge and the topography of the area, these standards cannot reasonably be met. As noted in Mr Norton's submission, pedestrians including school students wishing to walk to the shopping precinct from the Long Street / Nerrena Road intersection will have the choice of either crossing the rail bridge or using the path network past the V-Line Bus Stop and along Bennett Lane.

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 (the Act), 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

SECTION H - MEETING CLOSED

NEXT MEETING

The next Ordinary Council Meeting open to the public will be held on Wednesday, 24 June 2015 commencing at 2pm in the Council Chambers, Leongatha.