



South Gippsland
Shire Council

Come for the beauty, Stay for the lifestyle

COUNCIL MINUTES

**ORDINARY MEETING NO. 398
WEDNESDAY 16 DECEMBER 2015
COUNCIL CHAMBERS, LEONGATHA
COMMENCED AT 2PM**

PRESENT:

Mayor: Cr Robert Newton
Deputy Mayor: Cr Mohya Davies
Councillors: Nigel Hutchinson-Brooks, James Fawcett, Kieran Kennedy, Lorraine Brunt, Andrew McEwen, Don Hill and Jeanette Harding.

APOLOGY: Nil

OFFICERS:

Mr Tim Tamlin	Chief Executive Officer
Anthony Seabrook	Director Sustainability and Infrastructure Services
Bryan Sword	Director Development Services
Jan Martin	Director Community and Corporate Services
June Ernst	Coordinator Corporate Planning and Council Business
Audrey Waddington	CEO Executive Assistant

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

ORDINARY MEETING NO. 398 WEDNESDAY 16 DECEMBER 2015 COUNCIL CHAMBERS, LEONGATHA COMMENCED 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.

The Mayor adjourned the Meeting at 2.02pm for ten minutes for a presentation to be made to Captain's Martin and Heather Scrimshaw and his wife in appreciation of the work undertaken in our community through the Salvation Army, Leongatha.

A.4 REQUESTS FOR LEAVE OF ABSENCE

Nil

A.5 APOLOGIES

Nil

A.6 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 397, held on 25 November 2015 in the Council Chambers, Leongatha be confirmed.

MOVED: Cr Fawcett

SECONDED: Cr Davies

THAT THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL ORDINARY MEETING NO. 397, HELD ON 25 NOVEMBER 2015 IN THE COUNCIL CHAMBERS, LEONGATHA BE CONFIRMED WITH THE FOLLOWING AMENDMENT:

COUNCIL AGENDA ITEM APPENDIX 1 D.1 QUARTERLY PERFORMANCE REPORT – JULY TO SEPTEMBER 2015, UPDATED TABLES RELATING TO THE YANAKIE AND LONG JETTY FORESHORE CARAVAN PARKS ON PAGES 29 AND 30, TO REFLECT CORRECT FORMATTING.

CARRIED UNANIMOUSLY

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.

222If 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).

Councillor Fawcett declared an indirect conflict of interest in Section E - Council Reports E.2 Priority Project – Northern Towns Connection Project, having a conflicting duty in that he is a Director of South Gippsland Water.

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.

Nil

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.

Councillor Mohya Davies presented three Petitions to Council (the prayer of each is outlined below) from the same lead petitioner. The first petition contains approximately 70 signatures, the second petition contains approximately 186 signatures and the third petition contains approximately 25 signatures from the residents of Foster, Fish Creek and Toora in relation to the Proposed Sale of Land, 2 Berry Street, Foster.

Petition Prayer #1

'This petition relates to the future of the PJ Wilson Sculpture Park. Its purpose is to show the South Gippsland Shire Council that residents are unhappy with its proposed decision to sell this piece of land, which was donated by Jim Wilson to the Shire of South Gippsland to provide an attractive entrance to the town and a park which could be enjoyed by local residents and visitors.'

Petition Prayer #2

'We, the undersigned insist that the South Gippsland Shire Council removes the parcel of land at 2 Berry Street Foster from the list of land to be sold, so that it can be retained as a sculpture park under the title of PJ Wilson Park.'

Petition Prayer #3

'We, the undersigned insist that the South Gippsland Shire Council removes the parcel of land at 2 Berry Street Foster from the list of land to be sold.'

RECOMMENDATION

That Council:

1. Receive and note the three petitions and deal with them together; and,
2. The petitions lay on the table until the Council Meeting of February 2016 to enable officers to prepare a report to Council.

MOVED: Cr Davies

SECONDED: Cr Kennedy

THAT COUNCIL:

- 1. RECEIVE AND NOTE THE THREE PETITIONS AND DEAL WITH THEM TOGETHER; AND,**
- 2. THE PETITIONS LAY ON THE TABLE UNTIL THE COUNCIL MEETING OF FEBRUARY 2016 TO ENABLE OFFICERS TO PREPARE A REPORT TO COUNCIL.**

CARRIED UNANIMOUSLY

Councillor Don Hill presented a Petition to Council (the prayer outlined below). The petition contains approximately 1,970 signatures from the residents of the Gippsland region in relation to exploration licenses in the Mirboo North region.

Petition Prayer

'Petition: to ban coal mining in the Mirboo North region. We, the undersigned, petition South Gippsland Shire Council, Baw Baw Shire Council, Latrobe City Council, and the Victorian Parliament. We respectfully request that the Victorian Parliament rescind the exploration licences (EL5336, EL5338, EL5428, EL5429) issued to Mantle Mining to explore the land for coal. We respectfully request that the South Gippsland Shire Council, Baw Baw Shire Council and the Latrobe City Council refuses to allow exploration or mining for coal in an area which is agricultural and has high tourism potential.

We believe this region to a valuable agricultural resource: please protect the region from coal mining.'

RECOMMENDATION

That Council:

1. Receive and note the petition; and,
2. The petition lay on the table until the Council Meeting of February 2016 to enable officers to prepare a report to Council.

MOVED: Cr Hill

SECONDED: Cr Kennedy

THAT COUNCIL:

1. **RECEIVE AND NOTE THE PETITION; AND,**
2. **THE PETITION LAY ON THE TABLE UNTIL THE COUNCIL MEETING OF FEBRUARY 2016 TO ENABLE OFFICERS TO PREPARE A REPORT TO COUNCIL.**

CARRIED

For: Crs Hutchinson-Brooks, Kennedy, Davies, Harding, Hill, Brunt and McEwen.

Against: Crs Fawcett and Newton.

Councillor Andrew McEwen presented a Petition to Council (the prayer outlined below). The petition contains approximately 2,420 signatures from the residents of the Gippsland region in relation to return of the Leongatha to Melbourne Passenger trains on the South Gippsland Rail Corridor.

Petition Prayer

'This petition that has been signed by 2,420 people calls on the South Gippsland Shire Council to make a commitment to a plan that will see the South Gippsland railway line from Cranbourne to Leongatha reopened and rail passenger services reintroduced between Melbourne and Leongatha after its withdrawal on July 24, 1993. This campaign has been backed by the South and West Gippsland Transport Group, who established in 2011 and are continuing to campaign for improved public transport services and upgrades to essential infrastructure in the South East region of Victoria that includes South Gippsland and neighbouring municipalities.'

RECOMMENDATION

That Council:

1. Receive and note the petition; and,
2. The petition lay on the table until the Council Meeting of February 2016 to enable officers to prepare a report to Council.

MOVED: Cr McEwen

SECONDED: Cr Kennedy

THAT COUNCIL:

1. **RECEIVE AND NOTE THE PETITION; AND,**
2. **THE PETITION LAY ON THE TABLE UNTIL THE COUNCIL MEETING OF FEBRUARY 2016 TO ENABLE OFFICERS TO PREPARE A REPORT TO COUNCIL.**

CARRIED UNANIMOUSLY

A.10 COUNCILLOR REPORTS

Cr Fawcett addressed Council by making a comment about Section A.9 Petition regarding the mining petition in that he voted the way he did as he is not against the item itself but voted against as what the petition was requesting is outside of Council's powers.

Cr Kennedy addressed Council regarding attendance at:

- **'Deadly in Gippsland' held at Wilsons Promontory at the commencement of December 2015 and commented on its great success. Congratulations to Council's Community Strengthening team and in particular Barbara Look for facilitating this great event.**

Cr Kennedy addressed Council by:

- **Acknowledging the sad loss of Jenny Hibbit from Venus Bay and commented on her community role in the commencement of Community Emergency Response Team (CERT), he noted that she 'epitomised community volunteerism'.**
 - **Thanking all those who sent him cards and good wishes after his triple heart bypass operation.**
-

The Mayor, Cr Newton thanked the Councillors and Officers who attended the 'Deadly in Gippsland' in his stead.

Cr Brunt addressed Council regarding attendance at opening of the new Bowling Greens at Korumburra and commented how important it is to upgrade facilities that are a vital hub for community belonging. Cr Brunt informed that the club raised significant funds and that Council supported the Club in gaining the grant.

Cr Harding addressed Council by:

- **Congratulating Year 12 students on their recent exams and results, particular mention was made regarding the successful result of Chloe Wood from Port Franklin who achieved a high score.**
 - **Acknowledging the amazing display of art works in Toora and Welshpool.**
 - **Congratulating the event organisers of a basketball grand final held at Port Welshpool, the Grand Final hosted 14 different teams.**
 - **Announcing that the Coastal Councillors Cr Kennedy, Cr Davies and Cr Harding are going to organise a public meeting in January 2016 with the aim to bring local people back on board to raise money for the repair of the Long Jetty, Port Welshpool.**
-

Cr Davies addressed Council by commenting that a range of options could be considered to support the Long Jetty fund raising cause at the meeting mentioned by Cr Harding.

Cr Davies addressed Council regarding attendance at:

- **‘Deadly in Gippsland’ and commented how Council can be proud of the conference held at Tidal River, Wilsons Promontory. Cr Davies commented that it gave an opportunity for the youth to shine as it was hosted by young people.**
- **Rural Councils Victoria (RCV) Executive meeting in Melbourne. Cr Davies noted that it is a time of change as the secretariat is currently operating from Pyrenees Council with the aim to move to a permanent ongoing residence in a local council. Cr Davies commented how they met with Hon Jaala Pulford and discussed regional planning and a conference to be held in Marysville in March 2016.**

Cr McEwen addressed council regarding attendance at:

- **‘Deadly in Gippsland’ and commented that he thought the closing ceremony was a highlight.**
- **Rail Freight Alliance meeting and commented how rail access to the port is critical.**
- **Municipal Association of Victoria (MAV) Transport Committee and commented on a presentation from CEO Metro Rail Link and that passenger traffic is going up 4% per annum and if infrastructure is not maintained there will be no capacity after 2022 and as traffic increases this can then result in a gridlock in the inner city.**

Cr Hill addressed Council regarding attendance at:

- **Inaugural ‘Seed’ Market at Mossvale Park event and commented about its great success however he did highlight the traffic problem on the day in respect of car parking and people having to park along the road. Cr Hill commented how pleasing it is to see local people selling their local produce.**
- **Cr Hill addressed Council by commenting on the recent State Government gas report and highlighted that he summarised from the report that the industry is not safe. Cr Hill stated that he had been discussing the report with community members.**

The Mayor, Cr Newton ruled that Cr Hill was not making a report and that he was to continue if he was making a report.

Cr Hutchinson-Brooks addressed Council regarding attendance at:

- **Fish Creek Development Association Annual General Meeting (AGM) and commented how devastating it was to hear that two of their committee members passed away this year. Cr Hutchinson-Brooks commented on the resilience of the community and that members of the community have stepped up to fill the vacancies.**
- **Carols at the Drome in Leongatha and spoke on Mayor's behalf and commented that the general opinion was that it was the best ever as it was 'home grown' with a local MC and singer Russell Hemming, Mary McKillop and the two primary schools took part.**

The Mayor, Cr Newton thanked volunteers and commented that if it wasn't for the diligence of neighbours and the fire brigade the fire at his property today could have been a disaster.

SECTION B - NOTICES OF MOTION AND/OR RESCISSION

B.1 NOTICE OF MOTION NUMBER 688 – SURVEY ON COAL SEAM GAS

PURPOSE

The ratepayers of South Gippsland desire that Council represents its views on the matter of Coal Seam Gas (CSG) to the state government enquiry into CSG.

This report (**Attachment 1**) represents some of those views and seeks to have the survey results received by Council and to have pertinent points included within the submission currently being prepared by Council officers.

MOTION

I, Councillor Don Hill, advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on **16 December 2015**.

‘That Council:

- 1. Receive this report (Attachment 1) and represent the ratepayers views by including relevant information contained within the report in the council report to be sent to the Coal Seam Gas (CSG) enquiry.**
- 2. Note the community comments and reflect upon how Council might achieve a more a favourable response from the community on the next occasion that the community requests Council hears and represents the community views.’**

MOVED: Cr Hill

SECONDED: Cr McEwen

THAT COUNCIL:

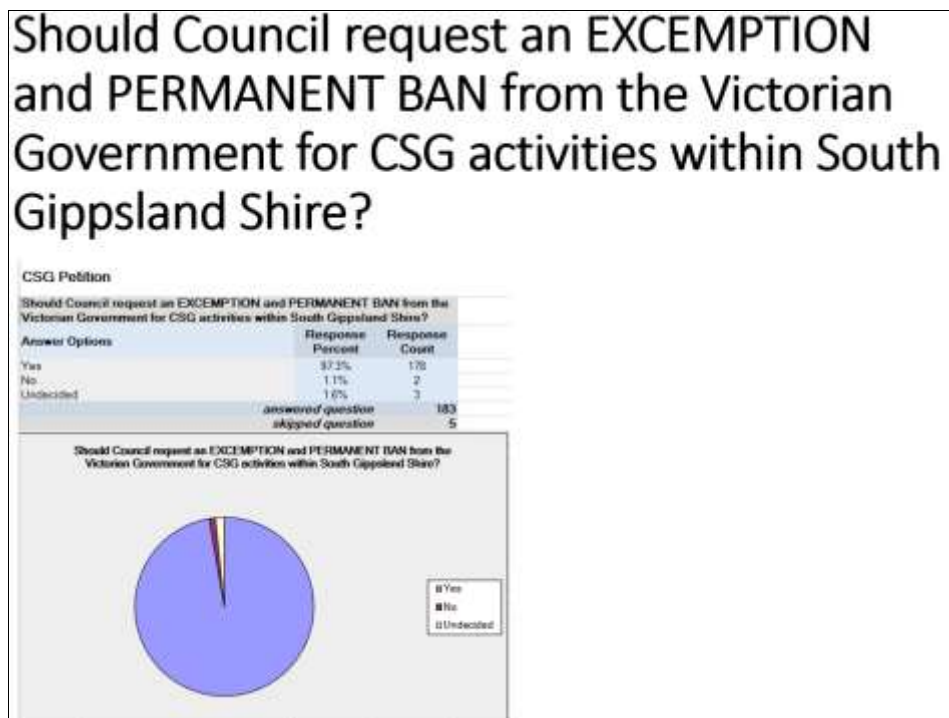
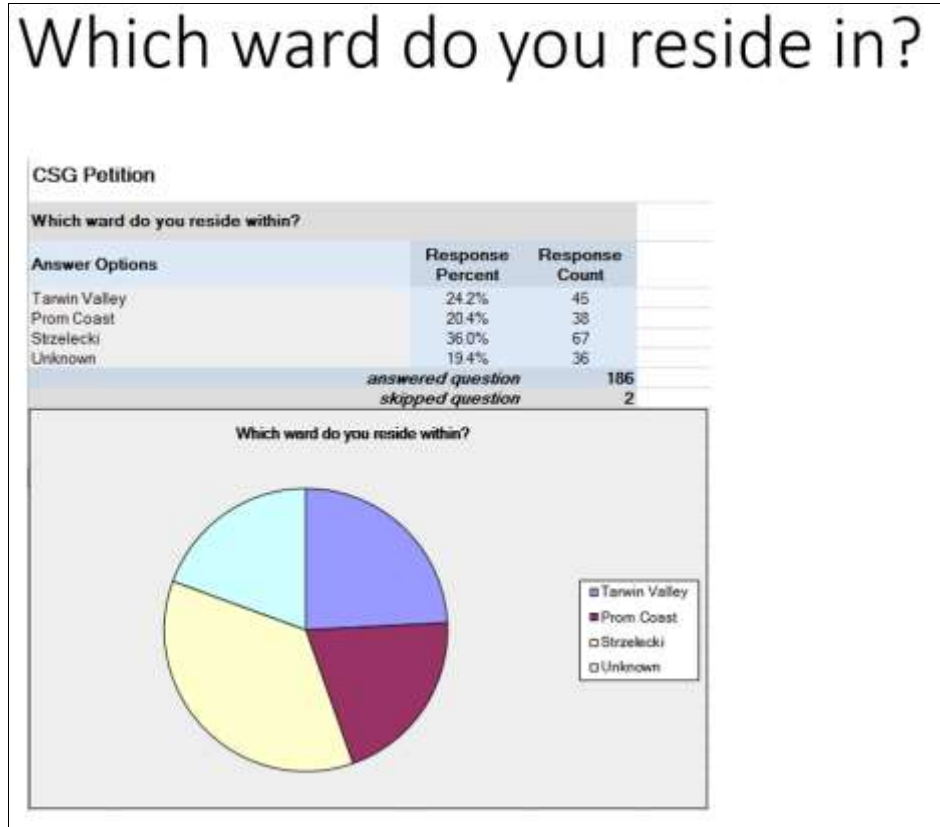
- 1. RECEIVE THIS REPORT (ATTACHMENT 1) AND REPRESENT THE RATEPAYERS VIEWS BY INCLUDING RELEVANT INFORMATION CONTAINED WITHIN THE REPORT IN THE COUNCIL REPORT TO BE SENT TO THE COAL SEAM GAS (CSG) ENQUIRY.**
- 2. NOTE THE COMMUNITY COMMENTS AND REFLECT UPON HOW COUNCIL MIGHT ACHIEVE A MORE A FAVOURABLE RESPONSE FROM THE COMMUNITY ON THE NEXT OCCASION THAT THE COMMUNITY REQUESTS COUNCIL HEARS AND REPRESENTS THE COMMUNITY VIEWS.**

LOST

For: Crs Hill, McEwen, Harding and Kennedy.

Against: Crs Fawcett, Newton, Hutchinson-Brooks, Davies and Brunt.

Attachment 1

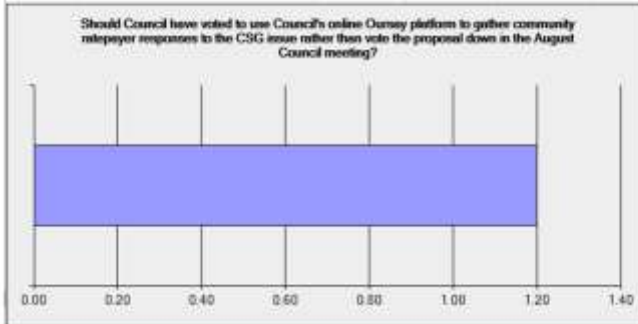


Should Council have voted to use Council's online Oursay platform to gather community ratepayer responses to the CSG issue rather than vote the proposal down in the August Council meeting?

CSG Petition

Should Council have voted to use Council's online Oursay platform to gather community ratepayer responses to the CSG issue rather than vote the proposal down in the August Council meeting?

Answer Options	Strongly Agree	Agree	No opinion	Disagree	Strongly Disagree	Rating Average	Response Count
	154	24	2	0	2	1.20	182
	answered question						182
	skipped question						6

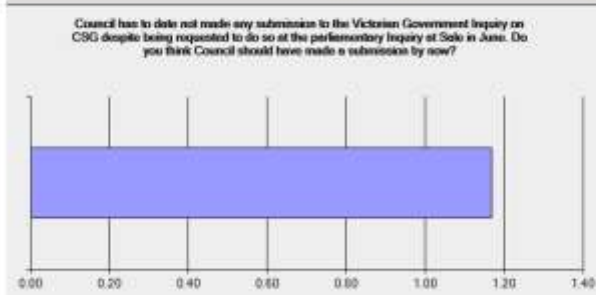


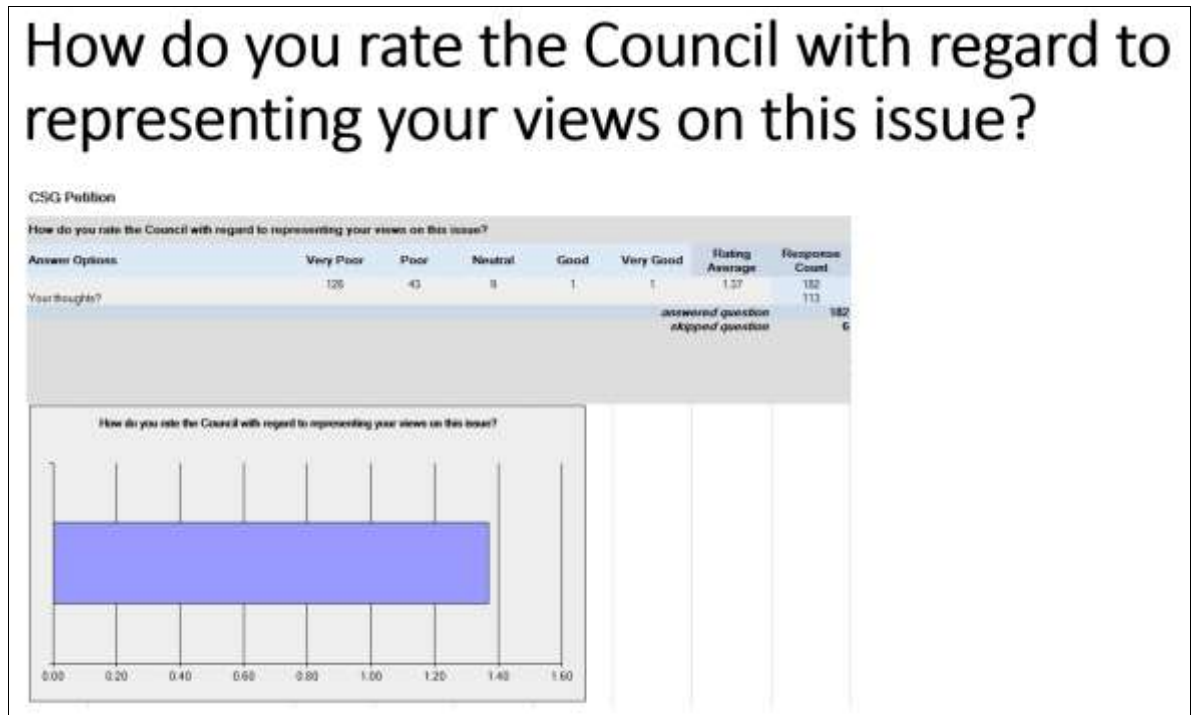
Council has to date not made any submission to the Victorian Government Inquiry on CSG despite being requested to do so at the parliamentary Inquiry at Sale in June. Do you think Council should have made a submission by now?

CSG Petition

Council has to date not made any submission to the Victorian Government Inquiry on CSG despite being requested to do so at the parliamentary Inquiry at Sale in June. Do you think Council should have made a submission by now?

Answer Options	Strongly Agree	Agree	No opinion	Disagree	Strongly Disagree	Rating Average	Response Count
	157	20	0	2	1	1.17	180
	answered question						180
	skipped question						8





Individual comments are shown below:

We are deeply disappointed at Council's apparently disingenuous attempts to lull residents into a false sense of security that Council supports our concerns regarding CSG. We all know that most Councillors were forced, by the strength of community concern, to support a moratorium on GSG, and since then there has been nothing but platitudes and spin. We do not believe that Council is representing the interests or the will of the people, but is pursuing its own economic rationalist agenda. We have no faith in Council on this issue.

With 67 plus communities saying NO to onshore gas mining in Vic, Sth Gipps Council is ignoring its rate payers by NOT making a declaration to the Vic Parliamentary Inquiry

No CSG in South Gippsland.

[REDACTED]

Fee simple title is what's at stake ,our right to buy and own land . Everything we have strived for lost at the stroke of a pen from someone this won't affect . We are at the cusp of the end of the Industrial Age , let us stand together greening and healing our world , rather than allowing corporate rule .

Apart from the threat of climate change and drought, this is the Ost significant issue facing our communities. [REDACTED] protect us from the potential onslaught on an industry that could destroy our economic and environmental wellbeing.

I would like to see this council take a direct and positive stand calling for a total ban on this industry in South Gippsland. If the councillors cannot see by now what devastating effects this industry could have on the livelihood of this and surrounding districts, then they need to do some serious research themselves and support the many communities throughout South Gippsland's stance against coal seam gas. I do not believe that this council is acting in our best interests.

<p>As some of Victoria's prime agricultural land do not devastate the hands and livelihoods of those who feed us!</p>
<p>I am deeply disappointed that South Gippsland Shire Council has paid nothing more than lip service to this incredibly important issue. The views of the community are evident. The harm that this industry has wreaked on other communities in NSW, Queensland and in the USA is equally abundantly evident. Cities, states and nations around the world are now banning unconventional gas mining because they can see that it brings more harm than good. It is time that SGSC [REDACTED] takes bold action to protect its communities and their capacity to grow clean, exportable food.</p>
<p>CSG mining has huge ramifications for all; rate payers (and all residents of their respective shires) should be able to have their opinions heard and reflected at higher political levels.</p>
<p>The region, and in particular Council as the people's representative, need to be proactive on this issue. Sitting back will not bring the desired results</p>
<p>The Council is there to carry out what the majority of residents want and represent them, yet they are not doing what 90% of us want. What harm will it do to make the residents wants heard?</p>
<p>More information and clearer on the stance of not wanting it</p>
<p>It is disappointing that such a serious issue is not canvassed thoroughly by Council. Damage done by CSG cannot be undone and has serious future implications. I am currently in America where the full extent of damage to the water table is now being felt even in city suburban areas !</p>
<p>[REDACTED] on this issue, or at the very least being significantly out of touch with ratepayer sentiment on this issue.</p>
<p>This is an important environmental issue that could have a huge impact on the livelihoods, lifestyles and health of residents.</p>
<p>South Gippsland Council had the same attitude leading up to the desalination plant. Not so Bass Shire. Gippsland is all about food production and with all the doubt worldwide about the safety issues with CSG it is a no brainer that we remain CSG free. Just read the gippsland magazine and see how important the area is in food production.</p>
<p>CSG presents enormously dangerous risks to existing prosperous Sth Gippsland industries of dairy, agriculture, vineyard & tourism. CSG risks include toxic pollution of vital waterways, aquifers and gross industrialisation of the landscape. CSG extraction typically has methane leaks that contribute significantly to carbon emissions & global warming. We don't need the polluting fossil fuel CSG industry; there are many clean energy industries that could be developed.</p>
<p>council should make a submission opposing CSG within south gippsland, on social and environmental grounds</p>
<p>council should reflect the views if its community, and consult</p>
<p>CSG mining is destroying property and lives in NSW and Qld. The Victorian Government needs to learn from this and say NO to CSG mining to protect our precious land and environment, not look at very short term monetary gains.</p>
<p>South Gippsland Shire Council has not been representative of the residents and ratepayers of South Gippsland with regard to many issues and especially CSG. The council is appointed to represent the people and this is a huge failing to date!</p>
<p>This issue is extremely serious & community views must prevail.</p>
<p>The negative environmental effects of CSG are well reported. This is at odds with maintaining the integrity of the pristine environment of Venus Bay.</p>

Isn't it best for the Council to explain to ratepayers why it wants to go ahead with CSG without outlining what the positives and the negatives could be. It is best to be informed why they think CSG is safe.

The Council should to listen to it's constituents. Councillors are paid to represent the community. We pay absolutely enormous council rates (eg my property in VB is \$1700 in rates this year PLUS BIN CHARGES , property rated worth \$249,000, my property in Monash by comparison rated as worth over a million and rates LESS\$1500 INCLUDING BIN CHARGES. Why is the council not listening??? I do not want bores on my property contaminated. The landscape raped and pillaged for the profit of corporation. There is no long term benefit to the community in placing land and residents at risk..

Too many Councillors are sitting on the fence

- Councillors are only reps of their Ward and their personal view should not enter into the subject. CSG could damage all agriculture and also kill tourism as no tourists will want to view drilling rigs. If CSG companies take over the value of land will drop which will mean council rates will drop in accordance and there will be no money for the council coffers and people will leave the area.

Moved to Mirboo North 6.5 years ago at a time when the Government was advocating Melbournians move to the country for "Quality of Life ",

a healthy environment to bring children up and a more affordable existence not to mention make way in Suburbia for the influx of new arrivals.

In acting on the above ALL my assets were pooled and a purchase was made.

During the last 3 or so years I have lived with the threat of "CSG" and associated mining hanging over my head thereby creating an unbearable level of stress,

a condition that has already been instrumental in me suffering a Heart Attack . This move was to ensure that there would be no repeat .

Doctors advice in the past was that my only real threat to a healthy existance , or existance at all , was to remove "Stress" from my every day life.So much for that.

In recent times The Premier has been on Television again extolling the virtues of moving to the country. How serious can this Government and in particular the Premier

be about this message when a decision regarding approval or not is to be made regarding this insidious industry put forwarded by its greedy advocates .

A view that more information/ research is needed before a decision is made. Are these people serious , have a look around our own country, let alone those communities around the world , listen to the people living with this distaster on the door steps, the effect on their health, the ghost towns in America where no healthy water now exists.

Some short time ago a report in the "Herald/Sun reported in a Health Study of All of Australia that the most unhealthy region in this country was "The Darling Downs" in

Quensland,

Once a great and productive region , now a vastly dececrated waste land . A coincidence? I dont think so.

We , in Gippsland , are blessed with some of the most beautiful country and most valuable in all of Australia, We are invaluable to Australia as a very major "Food Bowl" contributor having been so for a very long time and MUST be retained as such for this and future generations. I believe the next major conflicts in our world will be regarding Water and Food. Why would any body think of compromising the essential ingrediants for a healthy existence?

Tourism is equal to any in this country and also must be preservsed.

There is only one correct decision that can be made regarding this offensive practice and industry and that is to permanently BAN CSG and its associated activities for the future of all.

Perhaps those Councilors or so called Representatives of the rate payers and residents of South Gippsland start representing those that elected them . [REDACTED]

[REDACTED]

speak up now. we need to hear the response of each councillor. This issue is extremely important. Lets see it as part of a global concern as well as an issue that caould threaten our area in many ways. Be honest stand up and listen to the people.

Local council's reputation is very poor in the community it should therefore strive to offer citizens every oppportunity to raise their concerns. The survey may have been one way to appease growing anxiety about csg being a done deal as far as council is concerned.

South Gippsland is a prime agricultural and eco tourism destination. Both of these would be at severe risk if CSG was mined here. I am concerned that the underlying aquifers have not been fully mapped and that there are many undocumented abandoned mine shafts intersecting the aquifers - this means that any pollution caused by CSG drilling could easily spread throughout our region.

This is an issue of great concern to many ratepayers. The experience of communities in Queensland subject to CSG should be examined by Council.

We need to learn from the experiences of communities that have been severely affected by coal seam gas mining in other states - stopping the mining companies BEFORE they take hold of an area. We stand to be one of the prime food growing areas in the nation as water supply reduces. It makes sense to preserve as much as possible the health of our soils and water supplies - CSG mining is not a match and would be utterly irresponsible to allow to progress in South Gippsland.

Council is there to serve the needs of the people, it is imperative that the people be heard and their views respected on this issue as it has potentially long term, irreversible negative impacts on our environment including underground water supply, our communities and our precious already extremely stressed wildlife. We need constructive, intelligent, sustainable planning and leadership.

<p>Listen to the rate payers!</p>
<p>We can no longer afford to be digging up and allowing fossil fuels to be burnt. CSG is up there with burning brown coal in terms of CO2 emissions. The current business as usual paradigm is not sustainable - we must look to a future of using less, truly re-new-able energy use and development and stop the "growth at any cost" mantra.</p>
<p>CSG is massive risk to all existing industries in Shire, especially agriculture, tourism and value added activities. Organic cert'n under threat, unknowable and so unacceptable risks with fracking chemicals to groundwater.</p>
<p>Councillors need to take on board and LISTEN to community input, that is why they are there to represent us. CSG has already proven itself to be problematic and destructive for the now and long term - Look at the bigger picture council and think about the long term future of our coastal zone - we need to maintain it's viability as a future food\tourism\environmental and historical resource - think long and hard and open up the conversation, don't bury your heads in the sand!</p>
<p>I do not think that CSG should be extracted in ANY part of Australia.</p>
<p>It is outrageous that council has ignored the obvious position of so many residents on this matter, made evident by the number of "lock the gate" signs on South Gippsland properties.</p>
<p>The council can not let CSG go ahead in South Gippsland</p>
<p>I am astonished that the Council has been so apathetic to ratepayer's views on such a serious issue. Surrounded by a strong farming community, the adverse affects of CSG fracking could have long term implications, never to be rectified!!!</p>
<p>[REDACTED]</p>
<p>Council ought not to represent political parties and this has been the case, clearly, particularly in the lead up to the last state election. Council should have the best interests of the residents, future generations and the environment at heart. It's a fool's paradise when Council allows the incremental destruction of the land, sea and air and this is what I see happening. Stand up and speak for South Gippsland. Lord only knows there's no one in the state or federal governments doing so.</p>
<p>It is time this council started doing their job of representing the ratepayers of South Gippsland. It beggars belief that the vast majority of South Gippsland residents who are firmly against the desecration of our beautiful area are ignored.</p>
<p>CSG, unlike wind turbines will actually reduce CO2 produced in the La Trobe Valley. Look at the USA and see how gas has transformed their economy and emissions</p>
<p>We just don't need it here</p>
<p>It is not worth the risk to our water and agricultural systems. pasture based production (dairy, beef and sheep) and vegetables generated enormous economic value to our region.</p>
<p>The environmental damage from CSG is far worse than most people realise.</p>
<p>We do not need coal seam gas fracking in our fully productive rural land</p>
<p>Never Never Never and no where</p>
<p>Keep our region totally free of any intervention to our rural industry</p>
<p>Surely this is an issue where the answer is obvious. We are an important area for primary production, the best in Australia, why would we want ANYTHING to jeopardise our environment.</p>

Sun has supplied enough energy to support Life on Earth for millions of years. There is nothing wrong with sunshine - solar energy is set to increase for the next 5 billion years. Australia has the HIGHEST solar energy resource of all countries on Earth. It should be a crime against Life and Nature not to use solar energy....
Please take ratepayer preferences into account rather than just councillors opinions
I feel that the council has forgotten that we are people out here, [REDACTED] and not interested in the productive land we have and the harm it would do to start mining etc.....
I believe that prime farming and food production land and water resources should be preserved and alternative more sustainable renewable energy sources be supported.
The upcoming election will see the reaction of ratepayers to the bulk of the Councils lack of interest in this matter.
As a farmer, i am VERY concerned for the future of our foodbowl.
I am v disappointed that our Council could be doing more to protect this important farming land!!
Our elected representatives are meant to be presenting the views and wishes of this community not their own outdated attitudes from the 1980s. Get with it council re look at what your attitude to democracy should be. You are supposed to be leaders who we trust to make our future safe.
For too long Council has ignored the unique and irreplaceable assets (both human &natural) of South Gippsland Shire in favour of short term monetary gains. Are they blind to the devastating long-term impact their apparent complacency couldlead to?
Councillors of gippsland please stand up and strongly support us please declare Victoria CSG free, I am worried for our future our beautiful dairy industry, our waterways fauna and flora not mentioning our health and the future of our children and grandchildren.
Council need to understand that they are the ratepayers employees and ONLY put in that position to implement and maintain what the ratepayers need in the best interests of their Shire, and that has been a resounding NO to CSG in this area and the whole state if you look at responses from other ratepayers on other Shires
Experiences in other parts of the world has shown the results of trusting large companies to mine.They never do anything for the community they operate in.Fortunately Bass Coast Councillors have lead the way on GSG.
no csg for south gippsland
CSG exploitation in South Gippsland, an agricultural region of great significance, is a complete 'no'brainer'.
time to represent the rate payers, [REDACTED]
We do not think the council should sacrifice prime productive farm land.
Start listening to the people
Council is elected to represent rate-payers. Without seeking rate-payers' views they should not be taking what looks like a strong stand of support for a questionable industry
This is a contentious issue with a lot at stake, particularly because of the potential

for CSG mining to deleteriously impact on agricultural and tourism activities - mainstays of the local economy and local wellbeing. For SGSC to deny the public a voice on an issue of such direct public importance indicates that the council is not interested in responding to the public's preferences and does not want to hear what the public values.

We need to take a stand and move away from this type of energy source. This area is already Victoria's food bowl. We import enough food from other countries at the expense of our own food produced in pristine locations such as Sth Gippsland. I expect my council to fight to keep the productive capacity of our region.

This is a major concern for the farmers and residents as the permission for CSG in our area could cause permanent damage to water sources and the ability for farmers to continue in this area. I would have thought our Council had the future of the viability of South Gippsland farming communities as a high priority.

When elected to council, they MUST remember to represent the ratepayers, and them alone.....

There is so much evidence from around the world to inform them that this CSG is extremely bad for our environment, that I cannot believe they can be ignorant of the facts, but it appears they are.....

we dont need the devastation this has proved to cause in our area or any where else,we have no need for this gas ,as there is ample being produced and being sold overseas for much cheaper than we can .purchase it right here,where its being produced.

We need to let the Victorian Government know that we do not want CSG in South Gippsland.

The ratepayers are entitled to a voice. We do not want CSG or any councillors in favour of it.

I want to see some leadership from our councillors,

I really find it hard to believe a council representative who has grown up and lived in this area all their lives, could possibly support CSG in South Gippsland. If they haven't grown up in this area, they should represent the residents who have, (who can see the risk and damage it can cause to their farmland) and not allow the industry to even start. Once infrastructure for Gas fields have been started, the mining corporations will want their investment back in the form of profits so it will proceed until they have at least broken even, and who knows what environmental damage could be caused by then??.

Come for the beauty, stay for the lifestyle! This is what makes our shire unique and it is imperative we keep it that way for generations to come!

Coucillors Hill and McEwen doing a great job

I strongly agree with the fact that this area is indeed very important in the food chain and so should be respected and not tampered with in regard to CSG exploration.

The evidence is in!!! Take a look at Queensland's decimated farming areas, water aquifers and waterways. CSG totally incompatible with prime farming country!

The towns have been independently interviewed by locals to get an accurate sense of what residents want..... and the results all over 95%, declared themselves CGS free, doesn't that mean anything to council can they don't sense our

<p>disapproval, our concerns. We live in Australia and we have a democracy?????? Surely this should be taken notice of and conveyed to the decision makers as urgent.</p>
<p>CSG is a big concern and SGSC should be working with the community to protect prime agricultural land and tourism opportunities.</p>
<p>██████████ on the matter of CSG,I ask the question who do they represent? ██████████ or the wishes of the Shire?I hope people remember at the next Shire Elections who to serves them best and who to vote for.</p>
<p>South Gippsland needs to CSG free</p>
<p>Kongwak has an overwhelmingly 98% response to VOTE NO to CSG and so do many other towns why are we not being heard by our councillors!!!!!! CSG has the potential to ruin our lifestyles our food bowl and our health all for some cheap gas that will only last approx. 10 years its outrageous!</p>
<p>all forms of governments need to start listening to the people , local councils are losing rate payer respect , with there disregard to to what the general population want .</p>
<p>Submission has been requested from affected parties by the inquiry but that request has been ignored or declined by SGSC.</p>
<p>This could indicate that SGSC has no opinion on this important issue. It may be too late to be considered later in the inquiry.</p>
<p>Our local communities have all spoken out in favour of being CSG free. It is a matter of enormous disappointment that this Council of ours which was elected to represent the community sits on the fence. I say Shame South Gippsland Council. Those councillors who will not act wont be getting my vote in future</p>
<p>You are elected to represent ratepayers wishes. This issue is critical to south Gippsland. Be proactive, not reactive</p>
<p>Input to the inquiry at the preliminary stage is critical. I am particularly disappointed that council have chosen to ignore the community wishes in this regard. You were elected to represent the community. Start representing.</p>
<p>CSG is a fossil fuel -- if we have any chance at all of slowing global warming and keep that warming below 2deg C we must stop digging up and burning fossil fuels. The potential for farmland and water contamination to destroy our valuable agricultural industry is enormous in this region -- it is worth noting that Gippsland and in particular South Gippsland is often held up as the future food bowl as ongoing/increased droughts brought about by climate change in the Murray Darling basin reduce/destroy its capacity to grow much of our food. It is time local government worked for its residents a a truly sustainable future.</p>
<p>The risk to future generations is not worth the economic benefits to this generation. Please no CSG for our food bowl in South Gippsland.</p>
<p>Get on with it SGSC! Do your job and represent the people! Be proactive not reactive (and too late).</p>
<p>The groundswell of opposition to CSG mining is overwhelming in the community. Wake up councillors!</p>
<p>I'd like to see councillors represent the community and not their own agenda</p>
<p>It appears that they do not care about the whole gas issue.</p>
<p>Council is the representative entity of the ratepayers and local residents.</p>

They should seek views and in some cases instructions from their constituents when it comes to matters that vitally affect or will affect the abode and lifestyle.

Why is it always the people who are left to fight to protect there area!!

if Council cannot even properly maintain roads in our area, which is an uncomplicated subject, how are they going to handle a more technical and legal matter like CSG?

If Australian is to support 60 million people in 2050, how is it going to feed them? It needs all of the productive agricultural land devoted to food production. With global warming, Australia's agricultural land is contracting. The Shire of South Gippsland should be proactive in protecting some of Australia's richest agricultural assets against CSG which will destroy the natural ground water in South Gippsland.

CSG mining is a destruction of the underground natural assets of our region and has devastating effects on natural resources such as the water table and thus impacts the growth of our native trees and pastures. South Gippsland is a beautiful area thanks particularly to its natural assets. Why do you want to destroy it??.

We pay rates, we own our land, so we should have a say as to what happens to it and the areas around it !!!

Simple. No CSG to be considered at all.

(CSG) exploration and extraction in our South Gippsland Shire (SGS) and the state of Victoria have done a good job and are to be commended for their efforts. I do not know why the remainder of the council as a whole is unwilling to allow an open forum on the Oursay platform regarding ratepayers attitudes to this Issue. What are they afraid of ? Do they have undeclared vested interests ? Are they just uninformed ? .

There is more than adequately strong opinion against CSG from the South Gippsland community. Council has a responsibility, as elected representatives of this community, to put the case against CGS in the strongest terms and at every opportunity – nothing less.

This is a major issue and potential problem for our food producing area. The power of big business in the energy sector cannot be underestimated and combined with the current federal governments push to exploit all resources asap has the potential to ruin our beautiful area. We must ALL act to protect the country and the people.

It is obvious that CSG has detrimental effects on the environment, the water table and it is debatable as to the veracity of using this gas as many other forms of renewable energy are available in this era. Why do we need to have an energy source that would disadvantage farming ? South Gippsland is a green, clean environment for food production. Short term gain for whom in using CSG as an energy source? Overseas interests? Look after our land and environment please. It is a resource that needs to be protected.

I was VERY disappointed in the shires reaction to the possible CSG industry, We have a wonderful resource here in south gippsland, in food production, tourism and a clean green image, The CSG industry, not only threatens that but Property prices, employment and in turn rates values. SGS, i want a Total ban on CSG in Gippsland. I want you to support us. I want you to support your community.

It is very hard to comprehend how people can back CSG when the huge amount of

evidence from overseas, and now too, Australia, especially around Chinchilla, prove that this is not environmentally friendly, let alone the horrific damage it is doing to people.....

It is hard to believe such destruction can be backed by councils.

Councillors should get off the fence and represent their communities, that is who voted them in!

The council was requested to make a submission to the parliamentary enquiry, and is aware of the general negative thoughts of it's residences on this issue and yet chose in a vote of 3 to 6 against not to. This leads to the question "Is our council representing it's residents?" On this issue NO!!!

Council continually disregards the community views in regards to this issues. Some Councillors put forward their own views, ahead of community's

B.2 NOTICE OF MOTION NUMBER 689 – UNDERTAKE AMENDMENTS TO THE LOCAL PLANNING POLICY FRAMEWORK TO MAKE SPECIFIC REFERENCE TO SUPPORT THE WALKERVILLE COASTAL VILLAGE AT 2075 WALKERVILLE ROAD, WALKERVILLE

PURPOSE

It is the intent of this Notice of Motion for Council to work with Jeremy Rich (the proponent) and his representatives to investigate options to amend the Local Planning Policy Framework of the South Gippsland Planning Scheme in order to enable specific policy support for the proposed Walkerville Coastal Village at 2075 Walkerville Road, Walkerville.

At its meeting on 28 October 2015 the Council voted to not seek Authorisation from the Minister for Planning to prepare Planning Scheme Amendment C89 (a request to rezone 2075 Walkerville Road, Walkerville to a Special Use Zone “Walkerville Village Zone”). The decision was influenced by what some Councillors considered to be an absence of explicit policy support for such a proposal.

The Walkerville Coastal Village project has the potential to bring significant benefits to the region and address an existing infrastructure deficiency within this part of the Shire. The benefits of this proposal should be explored and the Council should proceed to undertake the necessary measures to consider amending the local policy framework so that this proposal may succeed.

MOTION

I, **Councillor Andrew McEwen** advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on **16 December 2015**.

‘That Council receive a report on the options available to the Council to amend the Local Planning Policy Framework to specifically provide support for the Walkerville Coastal Village.’

Cr McEwen withdrew his Notice of Motion 689 UNDERTAKE AMENDMENTS TO THE LOCAL PLANNING POLICY FRAMEWORK TO MAKE SPECIFIC REFERENCE TO SUPPORT THE WALKERVILLE COASTAL VILLAGE AT 2075 WALKERVILLE ROAD, WALKERVILLE as such the matter was not considered.

SECTION C - COMMITTEE REPORTS

Nil

SECTION D – PROCEDURAL REPORTS

D.1 FINANCE PERFORMANCE REPORT JULY - NOVEMBER 2015

Corporate and Community Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

The financial performance to November 2015 shows the following high level outcomes:

- Operating result: \$2.19 million deficit which is \$386,000 favourable compared to the year to date budget projection of \$2.57 million deficit;
- Capital works: \$2.26 million expenditure which is \$1.13 million behind year to date budget of \$3.39 million;
- Cash assets: Projected 30 June \$9.64 million (original budget \$13.85 million);
- Underlying working capital ratio: Projected 30 June 1.70 to 1 (original budget 1.62 to 1);
- The projected financial outcome for 2015/16 is a \$2.26 million surplus. This is \$3.03 million unfavourable compared to the original \$5.29 million budgeted surplus; and
- The Essential Services Commission (ESC) has released its final report 'Local Government Rates Capping & Variation Framework Review'. The forecast annual rate caps will negatively impact on Council's financial sustainability by 2025/26. This situation will need to be strategically managed as part of the development of the forthcoming 2016/17 Annual Budget / LTFP.

Document/s pertaining to this Council Report

- **Appendix 1** - Financial Performance Report to 30 November 2015

A copy of **Appendix 1** - Financial Performance Report to 30 November 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 - Part 7 Financial Management

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Long Term Financial Strategies

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.

REPORT

Background

Council each year sets an Annual Budget within a 15 year Long Term Financial Plan framework. Guidance is provided by the Long Term Financial Strategies when developing annual and longer term budgets. The financial integrity of the budgeted financial statements in the annual and forward budgets can be assessed by reference to financial performance indicators.

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

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

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

The Financial Performance Reports are purposefully prepared outside traditional quarterly cycles. The timelines better align with strategic events that occur throughout the financial year. This enables important financial updates to be provided to Council and the community in a timely manner.

The reporting timelines include:

- August: Report identifies financial implications of previous year's financial results as well the budget impact of funding projects carried forward that were not completed by 30 June;
- November: Report identifies financial implications of any changes made to operational or capital budgets prior to the commencement of the development of the annual budget for the following financial year;

- February: Report aligns with annual budget process; and
- May: Report provides Council with likely financial outcome for year-end including identifying budgets being carried forward for projects that are not expected to be completed by 30 June.

At financial year end comprehensive financial statements and performance statements are produced, subject to external audit and form part of the Annual Report.

Discussion

Appendix 1 - Financial Performance Report contains detailed reporting on:

Section 1 - Year to date financial performance and projected financial results.

This section discusses variations in year to date performance and budget projections. The information is presented in the budgeted financial statements format.

Section 2 – Annual year to date financial analysis.

This section analyses the implications of the year to date performance and the projected outcome for the financial year end.

Section 3 – Long Term Financial Plan analysis.

This section benchmarks and strategically analyses the financial impact of the year's projected financial results against the adopted Annual Budget, Long Term Financial Plan and the Long Term Financial Strategies key performance indicators.

FINANCIAL CONSIDERATIONS

Activities within the Council 2015-2016 Annual Plan are funded through the 2015/16 Budget.

The Financial Performance Report provides a high level analysis of Council's position for the July to November period.

The longer term financial performance indicators of the original adopted 2015/16 Budget showed that the financial plan was financially sustainable. However, the forecast annual rate caps will negatively impact on Council's financial sustainability in the longer term. This situation will need to be strategically managed as part of the development of the forthcoming 2016/17 Annual Budget / LTFP.

RISK FACTORS

Transparency in reporting is a risk management control measure that allows the community and Council to view and assess the financial management of year to date results as well as the annual and longer term financial implications.

Council can not only assess year to date performance, but can assess the annual and longer term financial implications as well.

CONCLUSION

It is recommended that Council receive and note the Financial Performance Report. The Report provides an overview of Council's financial performance for the period July to November 2015.

RECOMMENDATION

That Council receive and note the Financial Performance Report (Appendix 1) for the period July to November 2015.

Cr Hill and Cr Kennedy left the Council Chamber at 3.00pm.

Cr McEwen left the Council Chamber at 3.01pm.

Cr Kennedy returned to the Council Chamber at 3.02pm.

Cr Hill returned to the Council Chamber at 3.03pm.

Cr Fawcett left the Council Chamber at 3.03pm and returned to the Council Chamber at 3.04pm.

MOVED: Cr Hutchinson Brooks

SECONDED: Cr Harding

THAT THE RECOMMENDATIONS IN ITEMS D.1, D.2, D.3 AND D.4 BE ADOPTED.

CARRIED UNANIMOUSLY

Cr McEwen was not present in the Council Chamber for the Vote.

D.2 REPORT ON ASSEMBLY OF COUNCILLORS – 22 OCTOBER – 21 NOVEMBER 2015

Corporate and Community Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

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 22 October – 21 November 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
Thursday 22 October 2015		
Korumburra Roundtable	Councillors Attending:	
	Cr McEwen	
	Conflict of Interest: Nil disclosed	
	Topics Discussed:	
	<ul style="list-style-type: none"> • Korumburra Streetscape Master Plan • Council update – including <ul style="list-style-type: none"> ○ Gippsland Regional Plan, ○ Rezoning in Nyora and Leongatha ○ Budget and Our Say activities ○ South Gippsland Water (lead agency), ○ Lodging report on Round Table activities at December Council meeting • Town Entry signage • Korumburra Main Street Business Project • Membership - encourage youth input • Korumburra Arts Group Update • Discussion on potential impact on Korumburra of the Landfill site at Leongatha South 	
Wednesday 28 October 2015		
Council Agenda Topic Discussion 28 October 2015	Councillors Attending:	
	Crs Fawcett, Brunt, Newton, Harding, Hutchinson-Brooks, Hill and Davies.	
	Conflict of Interest:	
	Cr Hutchinson-Brooks provided declarations of conflict of interest:	
	E3 PLANNING SCHEME AMENDMENT C108 - AGRICULTURAL SERVICES - Conflicting Duty as a company to which he is Director, is a consultant to the proponents of the C108 Agricultural Services Zone.	
	E4 PLANNING SCHEME AMENDMENT C89 - WALKERVILLE VILLAGE – Indirect Interest by past association as a company of which he was a Director has in the past had conversations with the	

	<p>proponents but has not acted for them.</p> <p>Cr Hutchinson-Brooks left the room with a declared conflict of interest as discussions took place for item E3 and E4.</p> <p>Topics Discussed:</p> <p>Council Agenda topic discussion for Ordinary Council Meeting 28 October 2015.</p>
<p>Public Presentation Session</p> <p>OPEN SESSION</p>	<p>Councillors Attending: Crs Fawcett, McEwen, Brunt, Newton, Harding, Hutchinson-Brooks, Hill and Davies.</p> <p>Conflict of Interest:</p> <p>Cr Hutchinson-Brooks provided declarations of conflict of interest:</p> <p>E3 PLANNING SCHEME AMENDMENT C108 - AGRICULTURAL SERVICES - Conflicting Duty as a company to which he is Director, is a consultant to the proponents of the C108 Agricultural Services Zone.</p> <p>· E4 PLANNING SCHEME AMENDMENT C89 - WALKERVILLE VILLAGE – Indirect Interest by past association as a company of which he was a Director has in the past had conversations with the proponents but has not acted for them.</p> <p>Cr Hutchinson-Brooks left the room with a declared conflict of interest as discussions took place for item E3 and E4.</p>
	<p>Presentations were made to Council by the following community members:</p> <p>Craig Watson, President of Venus Bay Surf Lifesaving Club and Paul Hoffman, member of the Club regarding Raising Awareness for ‘Swimming between the Flags’ Campaign.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 28 October 2015		
Executive Update	Councillors Attending: Crs Fawcett, McEwen, Brunt, Newton, Harding, Hutchinson-Brooks, Hill and Davies. Conflict of Interest: Nil disclosed. Topics Discussed:	<ul style="list-style-type: none">• Funding Update provided regarding an increased budget allocation for the South Gippsland Rural Cricket Facilities Project application to Sport and Recreation Victoria.
Public Presentation Session OPEN SESSION Continued	Councillors Attending: Crs Fawcett, McEwen, Brunt, Newton, Harding, Hutchinson-Brooks, Hill and Davies. Conflict of Interest: As above.	
Presentations were made to Council by the following community members: The Mayor, Councillor Harding addressed the Gallery by noting that she received a 'Certificate of Ambassadorship for 2016' from Viplus, Toora and commented about how positively the factory is progressing and that it is currently employing more staff. Cr Hutchinson-Brooks left the room with a declared conflict of interest. Rob Liley representing Walkerville Foreshore Reserve Committee, Tony Landy regarding objections to Council Agenda Item E4 PLANNING SCHEME AMENDMENT C89 - WALKERVILLE VILLAGE. David Song , Director Song Bowden Planning, Peter McIntyre , McIntyre Partnership and Jeremy Rich , applicant regarding support of Council Agenda Item E4 PLANNING SCHEME AMENDMENT C89 - WALKERVILLE VILLAGE.		

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 28 October 2015		
<p>Council Agenda Topic Discussion 28 October 2015</p>	<p>Councillors Attending:</p> <p>Crs Fawcett, McEwen, Brunt, Newton, Harding, Hutchinson-Brooks, Hill and Davies.</p> <p>Conflict of Interest:</p> <p>Cr Hutchinson-Brooks left the room with a declared conflict of interest as Council Agenda E4 was discussed.</p> <p>Topics Discussed:</p> <p>Council Agenda Topics 28 October 2015.</p>	
<p>Council Policy – Sound Recording of Council Meeting</p>	<p>Councillors Attending:</p> <p>Crs Fawcett, McEwen, Brunt, Newton, Harding, Hill and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Topics Discussed:</p> <p>Councillors were presented with Sound Recording of Council Meeting policy for review and proposed adoption at Council Meeting 25 November 2015.</p>	
<p>Update on Financial Sustainability Steering Committee</p>	<p>Councillors Attending:</p> <p>Crs Fawcett, McEwen, Brunt, Newton, Harding, Hutchinson-Brooks, Hill and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Topics Discussed:</p> <ul style="list-style-type: none"> • Council confirmed the minutes of the previous two Steering Committee Meetings; 6 and 20 May 2015. • It was agreed by the majority of Councillors that the Financial Sustainability Steering Committee should discontinue and that matters relating to the organisation’s financial sustainability be presented and discussed as topic specific briefings to Council. 	

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Friday 30 October 2015		
Access and Inclusion Advisory Committee	Councillors Attending: Crs Newton and Brunt. Conflict of Interest: Nil disclosed. <ul style="list-style-type: none">• Topics Discussed:• Achievement Awards• Enhanced L2P support• Public Transport Victoria• Volunteer database• Access and Inclusion Advisory Committee membership• Information Technology• Rural Access Update• GippsSport Update• Access Audits – Council facilities	
Wednesday 4 November 2015		
Planning Committee	Councillors Attending: Crs Harding, Hutchinson-Brooks, Brunt, Newton, Kennedy, Davies and McEwen. Conflict of Interest: Cr Nigel Hutchinson-Brooks declared an indirect conflict of interest by conflict of duty in Item 5 – C108 <i>Koonwarra Agricultural Commercial Precinct Project</i> as he is a <i>Director of the Company that are consultants to the proponents</i> and in item C89 <i>Walkerville Rezoning (Ansevata Nominees)</i> . Paul Stampton and Cavell Ferrier declared a direct conflict of interest in Item 5 - <i>C89 Walkerville Rezoning (Ansevata Nominees)</i> , both being landowners in the area. The items were subsequently not discussed in the Meeting.	

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 4 November 2015		
Planning Committee <i>Continued</i>	Topics Discussed: <ul style="list-style-type: none">• Strategic Planning Project List• Planning Applications of Significance• Decisions for September 2015• VCAT Decisions Planning Scheme Amendment C81 – Land Subject to Inundation Overlay – Post Exhibition Summary	
Council Timetable for November - December 2015	Councillors Attending: Crs Brunt, Newton, Harding, Hutchinson-Brooks, Davies and McEwen. Conflict of Interest: Nil disclosed. Topics Discussed: Councillors were provided information on the Council Timetable for November and December 2015.	
Korumburra Streetscape Master Plan	Councillors Attending: Crs Brunt, Newton, Harding, Hutchinson-Brooks, Davies and McEwen. Conflict of Interest: Nil disclosed. Topics Discussed: Councillors were provided information on the proposed steps for the community consultation program for the Korumburra Streetscape Master Plan.	

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 4 November 2015		
Country Football Netball Program – Application	Councillors Attending: Crs Fawcett, Brunt, Newton, Harding, Hill, Hutchinson-Brooks, Davies and McEwen. Conflict of Interest: Nil disclosed. Topics Discussed: Council were provided information on the proposed application to the 2015/2016 Sport and Recreation Victoria (SRV) Country Football Netball Program.	
Korumburra Indoor Pool Finances	Councillors Attending: Crs Brunt, Newton, Harding, Hutchinson-Brooks, Davies and McEwen. Conflict of Interest: Nil disclosed. Topics Discussed: Council were provided information on a request of the Korumburra Amateur Swimming and Lifesaving Club, for an annual allocation of \$5,000 towards the maintenance of the Korumburra Indoor Pool.	
Executive Update	Councillors Attending: Crs Brunt, Newton, Harding, Hutchinson-Brooks, Davies and McEwen. Conflict of Interest: Nil disclosed. Topics Discussed: • Venus Bay Lifesaving Club sponsorship	
Council Agenda Topic Discussion Special Meeting of Council 4 November 2015	Councillors Attending: Crs Brunt, Newton, Harding, Hutchinson-Brooks, Davies and McEwen. Conflict of Interest: Nil disclosed. Topics Discussed: Council Agenda topic Special Statutory Meeting of Council.	

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 11 November 2015		
Local Government Act 1989 - Review Workshop	Councillors Attending: Crs Newton, Hutchinson-Brooks, Davies, McEwen. Conflict of Interest: Nil disclosed. Topics Discussed: Councillors were provided information for the review and re-write of the Local Government Act 1989. Comments and recommended changes are being included in a submission to Local Government Victoria.	
Wednesday 18 November 2015		
Ordinary Council Agenda Topics Discussion 25 November 2015	Councillors Attending: Crs Fawcett, Harding, Newton, Davies and Hutchinson-Brooks Conflict of Interest: Nil disclosed. Topics Discussed: Council Agenda topic discussion for Ordinary Council Meeting 25 November 2015.	
Monash University Rural Professional Experience Placement Program	Councillors Attending: Crs Fawcett, Harding, Newton, Davies and Hutchinson-Brooks Conflict of Interest: Nil disclosed. Topics Discussed: Council were provided information on background and aims of the Monash University Rural Professional Experience Placement Program, Council were provided information on how Council could participate in this program.	

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 18 November 2015		
Long Term Financial Strategies	Councillors Attending: Crs Fawcett, Brunt, Harding, Newton, McEwen, Davies and Hutchinson-Brooks. Conflict of Interest: Nil disclosed. Topics Discussed: Councillors were provided information on the purpose of Long Term Financial Strategies to: <ul style="list-style-type: none">• Provide strategic guidance in developing the 2016/17 Annual Budget, four year Strategic Resource Plan and the 15 year Long Term Financial Plan; and• Efficiently accommodate ongoing funding requirements of existing and new or enhanced levels of service.	
Executive Update	Councillors Attending: Crs Fawcett, Brunt, Harding, Newton, McEwen, Davies and Hutchinson-Brooks. Conflict of Interest: Nil disclosed. Topics Discussed: <ul style="list-style-type: none">• Karmai Children's Centre - opening	
Asset Management System and Practices Update	Councillors Attending: Crs Fawcett, Brunt, Harding, Newton, McEwen, Davies and Hutchinson-Brooks. Conflict of Interest: Nil disclosed. Topics Discussed: Councillors were provided information on the current status of South Gippsland Shire Council's Asset Management System and practices.	

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 18 November 2015		
Public Presentations OPEN DAY SESSION	Councillors Attending: Crs Fawcett, Brunt, Harding, Newton, Davies, McEwen and Hutchinson-Brooks. Conflict of Interest: Nil disclosed.	
Presentations were made to Council by the following community members: Nicholas Hill Committee Secretary, representing the Dumbalk Recreation Reserve Committee of Management regarding presentation of Dumbalk Recreation Reserve Master Plan. Deb Eales Committee Secretary, representing the Foster Showgrounds Committee of Management regarding presentation of a Feasibility Study for the Foster Showgrounds. Paul Hamlett regarding Council Agenda Item E3 SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C81 – LAND SUBJECT TO INUNDATION OVERLAY. Rodger Harvey regarding Council Agenda Item E3 SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C81 – LAND SUBJECT TO INUNDATION OVERLAY. Paul Norton regarding correspondence to Council. Graham Noble regarding objections he has to Council Agenda Item E1 Planning Application – 13 Clarence St Loch – Use and Development of the Land for a Hospital.		

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 18 November 2015		
Public Presentations	Councillors Attending: Crs Newton, Hutchinson-Brooks, Fawcett, Harding and Davies.	
EVENING OPEN SESSION	Conflict of Interest: Nil disclosed.	
Presentations were made to Council by the following community members: David Hoy regarding concerns he has for Council Agenda Item E3 SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C81 – LAND SUBJECT TO INUNDATION OVERLAY.		

RECOMMENDATION

That Council:

1. Receive and note this report; and
2. Make confidential pursuant to Section 77(2)(b) that all matters considered in Planning Committee is deemed confidential information pursuant to:
 - a. Section 89(2)(e) proposed developments; and
 - b. Section 89(2)(h) matters which the Council considers would prejudice the Council or any person, as provided for in the Local Government Act 1989.

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 30.

D.3 COUNCILLOR DISCRETIONARY FUND ALLOCATION REPORT NOVEMBER 2015

Corporate and Community Services

STAFF DISCLOSURE OF INTEREST

Nil

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 17 October 2015 and 23 November 2015.

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Councillor Discretionary Fund Policy 2015

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 2015/2016 Discretionary Fund for the period between 17 October 2015 and 23 November 2015.

- Waratah Beach Life Saving Club: To assist with the costs of purchasing of purchasing a Boat catch device.

Cr Mohya Davies - \$300
 - Venus Bay Community Centre: To assist with costs to operate the Venus Bay Free Summer Beach Shuttle Service 27 Dec – 12 Jan 2016.

Cr Mohya Davies - \$200

Cr Jeanette Harding - \$300

Cr Kieran Kennedy - \$500
-

- Corner Inlet Boxing Club: To assist with the costs of purchasing Safety flooring (matting) located in Leongatha.

Cr Mohya Davies - \$200

Cr James Fawcett - \$266

Cr Don Hill - \$266

Cr Nigel Hutchinson-Brooks - \$267
- Foster Community House Inc: To assist in the development of a new website to increase their capacity for social media promotions.

Cr Mohya Davies - \$500
- Fish Creek Primary School Parents and Friends: To assist with their costs for their end of year local food celebration.

Cr Jeanette Harding - \$200

Cr Kieran Kennedy - \$200
- Tarwin Valley Development Group Inc.: To assist with the costs associated with the launch of the Tarwin Valley Brand held 23 October 2015.

Cr Jeanette Harding - \$200

Cr Andrew McEwen - \$466

Cr Don Hill - \$334
- Toora Village Artists Collective Inc.: To assist with marketing material to promote the Toora Village Artists Collective.

Cr Jeanette Harding - \$300
- Venus Bay Life Saving Club: To assist with costs to purchase a Jet Ski.

Cr Kieran Kennedy - \$1,000
- Tour De Tarwin Inc.: To assist with costs associated to run the Tour De Tarwin 2016 event (10th Anniversary).

Cr Kieran Kennedy - \$1,000
- Korumburra Community Development & Action Inc.: To assist with the coordination of the Christmas Street Celebrations in Korumburra.

Cr Lorraine Brunt - \$334

Cr Robert Newton - \$333

Cr Andrew McEwen - \$333

- Leongatha Carols in the Dome: To assist with costs of hosting the 2015 Carols in the Dome.

Cr James Fawcett: \$333

Cr Don Hill - \$333

Cr Nigel Hutchinson-Brooks - \$334

- Mirboo North Music Festival: To assist the associated with the Mirboo North Music Festival.

Cr James Fawcett: \$333

Cr Don Hill - \$333

Cr Nigel Hutchinson-Brooks - \$334

- Mirboo North Secondary College: To assist with costs of attending the Banksia Foundation Awards in Sydney.

Cr James Fawcett: \$240

Cr Don Hill - \$200

Cr Nigel Hutchinson-Brooks - \$200

FINANCIAL CONSIDERATIONS

Each Councillor is allocated \$4,000 from the Councillor Discretionary Fund in the 2015/2016 Financial Budget. An additional \$2,000 has been allocated to the Mayor to cover a broader focus across the entire Municipality.

CONCLUSION

The remaining Councillor Discretionary Funds for the 2015/2016 Financial Year as at 23 November 2015 is as follows:

- Cr Mohya Davies - \$800
- Cr Jeanette Harding - \$2,680
- Cr Kieran Kennedy – \$700
- Cr Lorraine Brunt - \$2,279
- Cr Robert Newton - \$2,240
- Cr Andrew McEwen - \$2,235
- Cr James Fawcett - \$1,344

- Cr Don Hill - \$1,051
- Cr Nigel Hutchinson-Brooks - \$1,382
- Mayoral Fund - \$1,500

RECOMMENDATION

That Council receive and note this report.

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 30.

D.4 DOCUMENTS SEALED AND CONTRACTS AWARDED OR VARIED BY THE CHIEF EXECUTIVE OFFICER - 5 NOVEMBER TO 24 NOVEMBER 2015

Corporate and Community Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

This document reports to Council the following actions undertaken by the Chief Executive Officer (CEO) which occurred during the period from 5 November to 24 November 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.

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 during the period from 5 November to 24 November 2015.

1. S173 Agreement between South Gippsland Shire Council and the owners of 60 Watts Road, Nyora in relation to the development of a second dwelling and outbuilding – Seal Applied 11 November 2015.
2. S173 Agreement between South Gippsland Shire Council and the owners of 65 Korumburra Bena Road, Korumburra in relation to a 2 lot subdivision – Seal Applied 11 November 2015.
3. S173 Agreement between South Gippsland Shire Council and the owners of 80 Lawsons Road, Koorooman in relation to a 2 lot subdivision (re-subdivision) – Seal Applied 11 November 2015.
4. S173 Agreement between South Gippsland Shire Council and the owners of 36 Jupiter Boulevard, Venus Bay in relation to a development of a dwelling – Seal Applied 24 November 2015.
5. S173 Agreement between South Gippsland Shire Council and the owners of 390 Wild Dog Valley Road, Leongatha North in relation to a 2 lot subdivision – Seal Applied 24 November 2015.
6. S173 Agreement between South Gippsland Shire Council and the owners of 77 Landing Road, Foster in relation to an extension to existing dwelling – Seal Applied 24 November 2015.

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

The CEO's delegation from 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 between 5 November to 24 November under the CEO's delegation following a public tender.

In addition, Council resolved on 26 August 2015 to delegate to the Chief Executive Officer the power to award capital works contracts specified in the resolution, subject to the preferred tenders being within budget and that Council receive a report detailing the contracts awarded. Council is now advised that the following contracts were awarded by the CEO during the period from 5 November to 24 November 2015.

1. CON/81 Construction of Cell 4 Koonwarra Landfill was awarded on 11 November 2015 to Goldsmith Civil & Environmental Pty Ltd for the contract amount of \$1,298,366.45 (including GST).
2. CON/85 Reconstruction of Welshpool to Port Welshpool Trail and Port Welshpool Path was awarded on 18 November 2015 to Fowlers Asphaltting Pty Ltd for the contract amount of \$307,290.61 (including GST).

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 the period from 5 November to 24 November 2015.

RECOMMENDATION

That Council receive and note this report.

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 30.

SECTION E - COUNCIL REPORTS

E.1 SEASONAL POPULATION IMPACTS IN COASTAL TOWNS PLAN

Development Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

The Draft Seasonal Population Impacts in Coastal Towns Plan was presented to Council on 23 September 2015. Following a period of public exhibition and community consultation a final plan has been prepared to be presented to Council (see **Appendix 1**). This report recommends that Council adopt the Seasonal Population Impacts in Coastal Towns Plan.

Document/s pertaining to this Council Report

- **Attachment 1** - Submission summary of themes
- **Appendix 1** - Seasonal Population Impacts in Coastal Towns Plan
- **Appendix 2** - Submissions

A copy of **Appendix 1 and 2** is available on Council's website: www.southgippsland.vic.gov.au or by contacting 5662 9200.

LEGISLATIVE / ACTION PLANS /STRATEGIES / POLICIES

- Charter of Human Rights and Responsibilities Act 2006
- Coastal Management Act 1995
- Planning and Environment Act 1987

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Annual Plan 2015 - 2016
- Coastal Spaces Landscape Assessment Study 2006
- Urban Design Frameworks - Venus Bay, Sandy Point, Walkerville, Waratah Bay, Eastern Districts
- Economic Development and Tourism Strategy 2015 - 2020
- Paths and Trails Strategy 2010
- South Gippsland Emergency Management Plan 2013

- South Gippsland Housing and Settlement Strategy 2013
- South Gippsland Shire Planning Scheme
- Tarwin Lower Venus Bay Community Infrastructure Plan 2014

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:	1.1.2	We will protect and retain the unique identity of towns, villages and farming districts
Outcome:	3.0	Integrated Services and Infrastructure
Objective:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development.
Strategy:	3.1.2	We will collaborate with other agencies and service providers to focus attention on growth areas and avoid duplication of services.
	3.1.4	Plan for the service needs of the Shire's changing demographic.

CONSULTATION

External consultation

A survey of resident and non-resident ratepayers and visitors to South Gippsland Coastal towns conducted between December 2014 and April 2015 (5,000+ sent - 800 returned).

Community meetings held in coastal towns and Melbourne (120 people).

Public exhibition

The Draft Seasonal Population Impacts in Coastal Towns Plan was endorsed by Council on 23 September 2015 for public exhibition in coastal towns. The exhibition period concluded 30 October 2015.

The draft document was exhibited in the following sites:

- Libraries - Foster, Leongatha, Southern Mobile Library;
- Fish Creek Store;
- Port Welshpool General Store;
- Port Franklin (notice at post office boxes);

- Sandy Point Store;
- Tarwin Lower Community Health Centre;
- Toora Supermarket;
- Venus Bay Community Centre;
- Walkerville Caravan Park;
- Waratah Bay Caravan Park;
- Welshpool Transaction Centre; and
- Yanakie General Store.

The Plan was made available from Council's Customer Service Team and on Council's website. Information about the exhibition including a link to Council's website and exhibition sites was emailed to interested community members, key stakeholders and advertised in Council's Noticeboard.

Twenty five submissions were received (see **Appendix 2**). Feedback provided in submissions is included in **Attachment 1**.

REPORT

Background

South Gippsland coastal towns are becoming increasingly popular with holiday home owners, retirees, holiday makers and day visitors. Managing peak season population increases is important to prevent frustration and to keep all people safe.

The Seasonal Population Impacts in Coastal Towns Plan was developed to assist Council and external organisations to plan for and manage increased populations during peak holiday periods in South Gippsland coastal towns.

Discussion

The Seasonal Population Impacts in Coastal Towns Plan identifies the impact of fluctuating seasonal populations on South Gippsland coastal towns.

It includes an action plan of prioritised actions for Council, other relevant agencies and the community to cater for seasonal population impacts. Some actions are relevant across a number of coastal towns whilst other are specific to the needs of a certain town.

The action plan is supported by:

- A profile and analysis of the current and forecast coastal populations
- Identification of coastal population impacts

- A review of current strategies and documents relating to coastal towns in South Gippsland
- A detailed description of community input to the plan, possible actions compared with existing recommendations, and future needs

Twenty five (25) submissions were received providing comments relating to all coastal towns included in the report. Eleven (11) themes were discussed by submitters. The submissions are summarised in **Attachment 1**. The submission themes are detailed below:

1. Boat ramps and boating - condition and position of boat ramps, enforcement, development of boating facilities, and dredging;
2. Bores and septic tanks - referred to Environmental Health Coordinator for inclusion to Draft Municipal Waste Water Management Plan;
3. Car parking - enforcement and danger to pedestrians;
4. Drainage and water supply - road flooding, easement drainage, blockage of natural flow on farms, water supply at identified sites;
5. Footpaths, bike paths, pedestrian safety - speed limits, planning footpaths, roadside safety, shared road signs;
6. Natural environment - Pipi fishing, animal management, weed management;
7. Public toilets - Venus Bay, Sandy Point, Toora, Waratah Bay;
8. Rubbish management - Green waste, recycling, litter, kerbside collection, soiling and littering in dunes;
9. Traffic speed / signs in residential areas;
10. Service delivery restrictions in peak season; and
11. Free camping in peak season.

No community members requested a drop in session or personal interview. Most submissions requested a change of priority to sections of the action plan rather than presenting new concepts or solutions not previously raised in the development stage of the plan.

Amendments were made to the body of the plan and the action plan as a result of submissions received. The action plan has been amended as follows:

1. Car parking
 - a. Council Local Laws is negotiating an agreement with Parks Victoria to provide an enforcement service for car parking in Venus Bay beach roads and carparks, Walkerville and Waratah Bay.
 - b. Recommendation added to action plan to investigate extension of footpath to corner of Church Parade and Beach Parade Sandy Point.
2. Pedestrian safety
 - a. Amend action plan to include that the community strengthening team will engage with communities of coastal towns to discuss review of speed limits in coastal towns in line with best practice. Document amended to include best practice examples and strategic documents.
 - b. Future shared road signs in Sandy Point will include horse and rider logo.
3. Public toilets
 - a. Sandy Point public toilet upgraded to high priority. Document amended to reflect progress in partnership work between DELWP, Council and the Foreshore Committee of Management.
4. Natural Environment
 - a. Council to investigate feasibility of cat curfew.
 - b. Unrestrained dogs on beaches reported to relevant organisations/committees.

Proposal

That the amended Seasonal Population Impacts in Coastal Towns Plan be adopted by Council. That the action plan is further developed to link with Council business plans, capital works plan and strategic plan reviews.

That Council provide specific feedback to organisations and the community regarding submissions and the final report to assist future partnerships to manage seasonal population impacts in coastal towns.

FINANCIAL CONSIDERATIONS

Budget implications for Council are clearly noted in the action plan and Council will consider the actions and funding requirements as part of its annual budgeting process.

Some costs that lie with external committees of management or external organisations require Council staff time. This is noted in the action plan and Council will also consider resource implications at budget time where applicable.

Any improvements to current infrastructure may be assessed in relation to Council's 15 year Capital Works budget and where appropriate be included.

RISKS

There is a risk of raising community expectation that Council will fund new infrastructure projects or upgrades. However, the document clearly articulates the financial constraints that Council and external organisations are experiencing. Where community funding or external funding is required it is clearly noted in the action plan.

CONCLUSION

The Seasonal Population Impacts in Coastal Towns Plan analyses issues relating to seasonal population increases in South Gippsland coastal towns. An action plan outlines priorities for managing population increases in each coastal town for Council, external organisations and the community.

RECOMMENDATION

That Council:

1. Acknowledge the submissions and advise the submitters of Council's response; and
2. Adopt the amended Seasonal Population Impacts on Coastal Towns Plan 2015.

Cr McEwen returned to the Council Chambers at 3.06pm.

MOVED: Cr Davies

SECONDED: Cr Hutchinson-Brooks

THAT COUNCIL:

- 1. ACKNOWLEDGE THE SUBMISSIONS AND ADVISE THE SUBMITTERS OF COUNCIL'S RESPONSE; AND**
- 2. ADOPT THE AMENDED SEASONAL POPULATION IMPACTS ON COASTAL TOWNS PLAN 2015.**

CARRIED

For: Crs Fawcett, Brunt, Davies, Hutchinson-Brooks, Harding, Hill, McEwen and Newton.

Against: Cr Kennedy

Attachment 1

**Attachment 1
Submission summary of themes**

Total submissions – 24

SUBMISSION THEME	DETAILS	TOWN/S	RESPONSE	CHANGE
Boat ramps and boating (7)	New boat ramp	Walkerville	Actions and rationale regarding boat ramps outlined in Walkerville Foreshore Coastal Management Plan	X
	Not user friendly	Waratah Bay	Actions outlined in Foreshore Strategic Management Plan as outlined	X
	Enforcement of jetskis and land yachts use.	Waratah Bay	Enforcement of this lies with DELWP. A summary of issues will be forwarded to DELWP	X
	Dredging	Toora	Confirms details provided in plan	X
	Develop boating facilities	Port Welshpool	Confirms details regarding status of Port Welshpool Master Plan and Long Jetty funding application	X
Bores and septic tanks (7)		Sandy Point Venus Bay Walkerville	Referred to Environmental Health Coordinator for consideration in Draft Municipal Waste Water Management Plan	X
Car parking (6)	Enforcement of parking is needed	Venus Bay Waratah Bay	Council is negotiating an agreement with Parks Victoria to provide an enforcement service at Venus Bay beach car parks and entrance roads, Walkerville and Waratah Bay dependent on availability of enforcement officers	✓
	Danger to pedestrians at shops – no footpath space	Sandy Point	Amend action to review parking spaces on corner Church Parade and Beach Parade Sandy Point	✓
	Potholes on road prevent access to beach	Toora	Road is included on regular maintenance cycle	X
Drainage (3)	Awareness of dangers around flooding	Venus Bay	Already noted in plan	X
	Easement drainage management required	Waratah Bay	Maintenance works have been completed rectifying previous issues in Caringal Street	X
	Farmers blocking natural	Toora	Discussions ongoing between landowners regarding this. Council does not propose to undertake any capital works in the	X

	water courses		area	
Water supply (2)	drinking water at The Gap	Waratah Bay	No current plans to install drinking water	X
	Need tap at Beach 5	Venus Bay	No current plans to install drinking water by Parks Vic	X
Emergency Management (4)	Education is important	Venus Bay	Community fire education programs are described in the plan – no change	X
	Patient transport service no longer operating from Foster	Toora	Patient transport service will be continued from Yarram to include eligible South Gippsland residents. Noted in body of plan	✓
	NBN upgrade should be a high priority	Sandy Point	Sandy Point to receive fixed line service by 1 st quarter 2017 (NBN 3 year plan) noted in report	✓
	Lifesaving services	Venus Bay	Lifesaving club risk assessment decision to limit service to Beach 1.	X
Footpaths , bike paths and pedestrian safety (13 suggestions)	Speed limits	Venus Bay Sandy Point Waratah Bay	Amend action to include that Council will engage with communities of coastal towns to discuss review of speed limits in coastal towns in line with best practice. Document amended to include best practice examples and strategic documents	✓
	Footpaths, bike paths - need better planning and more funding	Venus Bay	Paths and Trails Strategy being reviewed in 2016 – 2017 year	X
	Off road footpath, bike path on Canterbury and Lees Road	Venus Bay	Footpaths as extensive as those proposed by the submitter would require extensive funding. Limited population influx is unlikely to receive priority funding ahead of areas around shops	X
	Roadside at Walkerville North	Walkerville	The Walkerville Foreshore Reserve Management Plan 2014 outlines the need to develop basic masterplans with Council for all visitor /parking areas.	X
	Walking track along Acacia Road Prom Views Estate	Walkerville	Included for consideration in Action Plan with need to budget in capital works plan. To be assessed in accordance with Council's Paths and Trail Strategy	✓
	Footpaths from	Waratah Bay	Current path from within caravan park to beach and in front of Freycinet houses	X

Attachment 1

	Freycinet St to caravan park			
	Waratah Way Shared Trail	Sandy Point – Waratah Bay	Name corrected in plan. Feasibility study underway	✓
	Shared road signs no longer have horse and rider on them	Sandy Point	Any replacement signs will have the horse and rider logo on them	✓
Service delivery restrictions (1 suggestion)	Mobile library service cannot be delivered at times in summer if signed space for vehicle is blocked by visitors	Sandy Point	Noted with thanks and included in issues section of final plan	✓
Natural Environment (8 suggestions)	Pipi fishing should be banned (3)	Venus Bay	Noted in original plan reflects opinion recorded in survey stage	X
	Allow new houses on double blocks only	Venus Bay	Referred to Environmental Health Coordinator for consideration in Draft Municipal Waste Water Management Plan	X
	Cats should be banned	Venus Bay Waratah Bay	Council to investigate feasibility of implementing cat curfew	✓
	Unrestrained dogs on beach	Sandy Point	Responsibility of DELWP/Foreshore Committee of Management – report to be provided to relevant stakeholders	X
	Koala population decline	Sandy Point	Noted as impact of population increases on natural environment	✓
	Support to Foreshore committee required	Sandy Point	DELWP currently reviewing responsibilities of coastal foreshore committees of management – included in plan	X
Public toilets (13)	Enough public toilets Signs to toilets a good idea	Venus Bay	Noted with thanks	X
	Need toilets at each beach	Venus Bay	Noted in plan from original surveys	X

	Sagassar park toilet	Toora	Noted with thanks that toilet now completed. Amended plan	✓
	Urgent need to prioritise higher (3)	Sandy Point	Sandy point public toilet upgraded to high priority. Document amended to reflect progress in partnership work between DELWP, Council and the Foreshore Committee of Management	✓
	New toilet needed	Waratah Bay	New public toilet budgeted for 2015/2016. Consultation underway with community regarding position and design	X
Rubbish management (11)	Support green waste collection	Sandy Point	Noted with thanks	X
	Green waste bin not sufficient	Sandy Point	Green waste amnesty period is still available for clearing prior to summer fire season	X
	No recycling bins available	Sandy Point	Will be considered in negotiations for next waste management contract. Currently not financially viable to collect recycling from Sandy Point	X
	Rubbish collection should be extended to Gripp Road	Toora	Noted and forwarded for consideration in negotiations for next waste management contract	X
	Litter bins	Venus Bay	Submissions received for and against litter bin removal at beaches 2 – 5. Removal of litter bins is in line with Parks Victoria Policy, not Council	X
	Kerbside rubbish collection	Venus Bay	Kerbside rubbish collection has been introduced in an effort to prevent dumping of household waste in litter bins as outlined in plan	X
	Soiling and littering in dunes	Venus Bay	An issue for Parks Vic. Parks Vic will be informed of submissions receive that are relevant to them	X
Free camping	Request to have submissions forwarded to Rec/Hall Committee of Management	Yanakie	All organisations and committees of management will be informed of outcomes of submission period and will be sent a submission summary and the final plan	X
Tourism attraction	Kayak launching	Venus Bay Port Franklin	Added to Port Franklin action plan for consideration	✓

Cr Fawcett left the Council Chamber at 3.19pm with a declared conflict of interest due to an indirect interest as he is a Director of South Gippsland Water.

E.2 PRIORITY PROJECT - NORTHERN TOWNS CONNECTION PROJECT

Development Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's endorsement of:

1. The Northern Towns Connection Project to be listed as a priority for advocacy support; and
2. Support for South Gippsland Water in their advocacy efforts to obtain State Government funding.

Document/s pertaining to this Council Report

Nil

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Economic Development and Tourism Strategy

COUNCIL PLAN

Outcome:	1.0	A Prosperous Shire
Objective:	1.2	Raise the awareness of local and regional issues with State and Federal decision makers.
Strategy:	1.2.2	We will advocate for priority projects that assist in stimulating economic growth, agricultural development, tourism infrastructure and community facilities.

CONSULTATION

Discussions have been held between Council officers; South Gippsland Water (SGW); Regional Development Victoria (RDV); Department of Environment Land, Water and Planning (DELWP) and Burra Foods regarding the scope, focus and mutual benefit of this project to the township of Korumburra and the shire's northern towns.

REPORT

Background

Korumburra has been subject to frequent water supply insecurity over recent years, with water restrictions imposed from time to time.

This is due to the relatively small water storages in the area and increasing demands from both industrial and residential uses. Existing reservoirs rely on annual rainfall and during 2006/07 reservoir levels were less than 10% full.

It is likely that this situation will become increasingly problematic during the coming years, with expected increases in water demand from projected industrial and residential growth.

Certainty of water supply will enable levels of regional growth which would otherwise not have been possible. Securing government funding avoids unacceptable tariff increases for SGWs customers.

Discussion

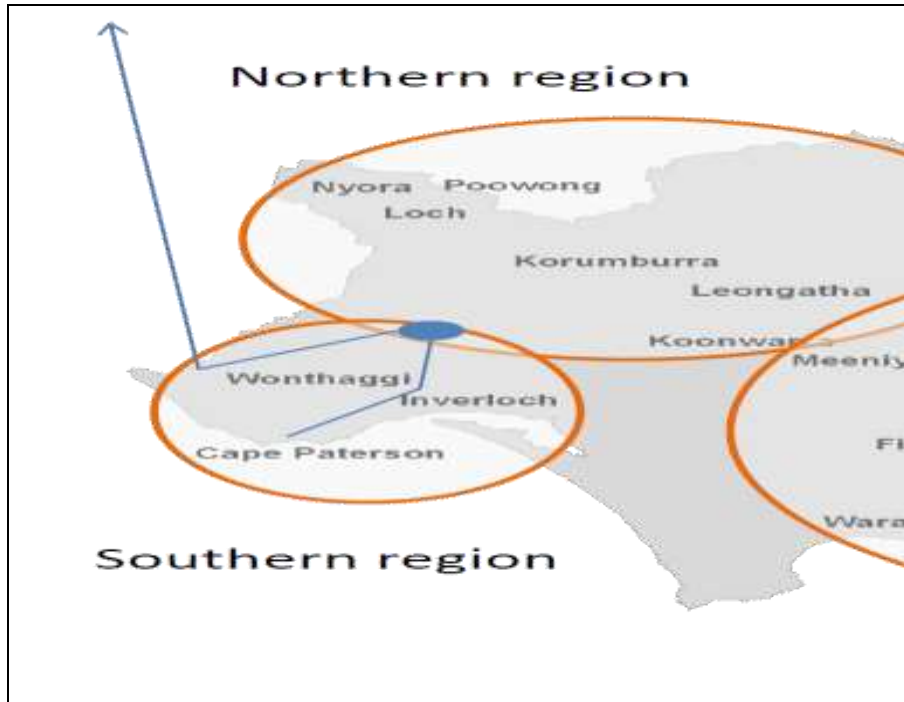
Korumburra is South Gippsland's second largest town with a population of about 4,100, projected to grow to about 6,600 by 2036.

It is an important contributor to the shire's prosperity with significant commercial and industrial areas including Burra Foods, one of the largest employers in the shire.

A major threat to future residential and economic development in Korumburra is limited water supply, with the town currently reliant on the small reservoirs of Coalition Creek, Ness Gully and Bellview Creek.

From an economic perspective, this is likely to inhibit both the attraction of new business and expansion of existing businesses, having an adverse flow on effect to the broader South Gippsland community. From a social perspective, it has the potential to limit residential growth.

South Gippsland Water is exploring a number of long-term solutions to address this issue, which include networking Southern and Northern water supply systems utilising the Lance Creek reservoir located near Kongwak.



South Gippsland Water is seeking funding through the 2016/17 Victorian State Government Budget to provide the required infrastructure upgrades to complete the project. If realised this initiative will provide the necessary water supply security to support future industrial growth and will generate further flow on economic benefits.

Council should support South Gippsland Water in their advocacy efforts and recognise this as a Council priority project for advocacy. If supported a strategic advocacy campaign will be developed in partnership with South Gippsland Water.

Strategic context

This proposal is consistent with the objectives and strategies of Council Plan and consistent with the strategic intent of Council's Economic Development and Tourism Strategy:

"Advocate for and facilitate the provision of all modern infrastructure required to support the development of business and industry including water, telecommunications, energy and waste systems including using innovative systems that meet community requirements."

Proposal

That the Northern Towns Connection Project be included on Council's list of priority projects for advocacy support.

FINANCIAL CONSIDERATIONS

No financial commitment is required from Council.

RISKS

The lack of long term water solutions represents a significant risk for Korumburra. This project will mitigate these risks and provide for water supply improvements for Korumburra, Loch, Poowong and Nyora.

CONCLUSION

Council has an important role in advocating for critical infrastructure on behalf of the community and has had considerable success with similar projects in the past.

The Northern Towns Connection Project is an important infrastructure project for South Gippsland, with major economic and social benefits for the town and wider community.

It is therefore proposed that Council supports the efforts of South Gippsland Water and includes the project as a priority for advocacy support.

RECOMMENDATION

That Council endorse the Northern Towns Connection Project as a 'Priority Project' for advocacy, support and funding from other levels of government.

MOVED: Cr Brunt

SECONDED: Cr Harding

THAT COUNCIL ENDORSE THE NORTHERN TOWNS CONNECTION PROJECT AS A 'PRIORITY PROJECT' FOR ADVOCACY, SUPPORT AND FUNDING FROM OTHER LEVELS OF GOVERNMENT.

CARRIED UNANIMOUSLY

Cr Fawcett returned to the Council Chamber at 3.29pm.

E.3 LONG TERM FINANCIAL STRATEGIES

Corporate and Community Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

Long Term Financial strategies provide the framework or business rules that both the annual and longer term business plans are built on. The strategies were originally adopted in 2003 and undergo an annual review process.

Council has adopted a strategic approach to business planning over the past 13 years. Since then, its overall financial performance has systematically improved.

Three refinements to the Strategies are proposed for Council's consideration. They include:

- *Strategy #2 has been refined to reduce the underlying working capital ratio down from 1.50 to 1 to 1.25 to 1.*
- *Strategy #9 has also been refined to change the key financial performance indicator; 'underlying working capital ratio' from 1.50 to 1 to 1.25 to 1.*
- *Strategy #16 is a new strategy that has been included to enable services undertaking service review processes to review their fees and charges structure so that the basis of the fees and charges being set are dependent upon the type of service being provided to the community.*

All the remaining financial strategies remain unchanged.

Overall, the fundamental intent of the Financial Strategies remains unchanged from the original strategies adopted in 2003.

It is recommended Council adopt the Long Term Financial Strategies (**Appendix 1**).

Document/s pertaining to this Council Report

- **Appendix 1** - Long Term Financial Strategies

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

Local Government Act 1989, Section 136 - Principles of sound financial management

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

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 Council reviewed the draft Long Term Financial Strategies at a briefing held on 18 November 2015 and endorsed the proposed amendments.

REPORT

Background

The Auditor General in his Annual Report to Parliament in the last few years has recommended that all Victorian councils should develop strategic performance indicators to review past performances and set targets for following years.

South Gippsland Shire Council introduced a strategic planning and performance management framework in 2003. Council has maintained since that date, 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. It is important that the financial strategies continue to align with Council's financial objectives.

The strategies continue to provide the strategic framework for developing the Long Term Financial Plan, the Council Plan (which includes the Strategic Resource Plan) and the Annual Budget.

Discussion

The Council Plan is a high level strategic planning document that includes objectives and strategies that cover the four year 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. The strategies ensure that Council's budgeted financial statements in the Long Term Financial Plan, is sustainable both in the short and longer term.

Proposal

Outlined in **Appendix 1** is the proposed Long Term Financial Strategies for Council's consideration. It outlines strategic considerations for Council, the financial strategies and background information.

Three minor amendments have been incorporated into the Long Term Financial Strategies for Council's consideration. These include:

- *Strategy #2 has been refined to reduce the underlying working capital ratio down from 1.50 to 1 to 1.25 to 1.*
- *Strategy #9 has also been refined to change the key financial performance indicator; 'underlying working capital ratio' from 1.50 to 1 to 1.25 to 1.*
- *Strategy #16 is a new strategy that has been included to enable services undertaking service review processes to review their fees and charges structure so that the basis of the fees and charges being set are dependent upon the type of service being provided to the community.*

FINANCIAL CONSIDERATIONS

The development and implementation of the Long Term Financial Strategies is managed within existing budgets. The strategies will provide guidance to Council in preparing the 2016/17 Annual Budget and the Long Term Financial Plan.

RISK FACTORS

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.

CONCLUSION

The Long Term Financial Plan, Council Plan (including the Strategic Resource Plan) and the Annual Budget will continue to be referenced back against the Long Term Financial Strategies. The strategies have been updated to respond to Council's current strategic considerations.

RECOMMENDATION

That Council adopt the financial strategies as documented in the Long Term Financial Strategies (Appendix 1).

MOVED: Cr Davies

SECONDED: Cr Fawcett

Cr Brunt left the Council Chamber at 3.29pm and returned to the Council Chamber at 3.31pm.

THAT COUNCIL ADOPT THE FINANCIAL STRATEGIES AS DOCUMENTED IN THE LONG TERM FINANCIAL STRATEGIES (APPENDIX 1).

CARRIED UNANIMOUSLY

E.4 COUNTRY FOOTBALL NETBALL PROGRAM – APPLICATION

Corporate and Community Services

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

The Leongatha Football Netball Club are seeking Council endorsement and an allocation of Council funding to support an application to the Sport and Recreation Victoria (SRV) 2015/2016 Country Football Netball Program.

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Leongatha Outdoor Netball Court Feasibility Study
- Community Project Management Policy

COUNCIL PLAN

Strategic Goal:	3.0	Integrated Services and Infrastructure
Outcome:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development
Strategy No:	3.1.1	We will deliver Council and community projects and leverage project funds to attract investment from external sources

CONSULTATION

Leongatha Football Netball Club – Outdoor Netball Court Development project was presented to Council on the 21 October 2015 by the committee seeking support from Council for:

- An application to the Country Football Netball Program
- A financial contribution to the project

Council staff have liaised with representatives from Sport and Recreation Victoria to ensure that the project is considered eligible.

Council was briefed on the recommended application for funding through the Country Football Netball Program at a Strategic Briefing on 4 November 2015.

REPORT

Background

On the 22 September 2015, the Sport and Recreation Victoria (SRV) 2015/2016 Country Football Netball Program (CFNP) was announced by Minister John Eren.

The CFNP provides funding to assist country football and netball clubs, associations and umpiring organisations to develop facilities in rural, regional and outer metropolitan locations including: change room facilities for players and umpires of both genders; development or upgrading of football playing fields; development or upgrading of netball facilities; and development or upgrading of lighting facilities.

- Funding ratio is SRV \$2: Local \$1
- Applications close 11 February 2016

Applications to Sport and Recreation Victoria must be submitted by Council. Councils may be successful in receiving the total maximum funding of \$100,000 consisting of up to three applications per financial year.

Council has identified that the Leongatha Football Netball Club – Outdoor Netball Court Development project is the only project considered eligible and ‘shovel ready’ for the 2015/2016 CFNP program.

Discussion

Leongatha Football Netball Club – Outdoor Netball Court Development project

Project scope:

- 1 asphalt netball match court with all essential items \$145,041.74
- Lighting \$40,000.00
- Shelter \$30,000.00
- Modified fencing \$5,000.00

Total Estimated Project Cost \$220,041.74 (\$220,000).

Funding sources:

- SRV Country Football Netball Program Grant - \$100,000
- Club/Community contribution - \$60,000
- Council contribution - \$60,000

Leongatha Outdoor Netball Court Feasibility Study identified an option for two courts at an estimated total cost of \$407,835. However due to limited funds available through the SRV Country Football Netball Program (max \$100,000) and the capacity for the club to raise the required funds, the two court option has not been pursued at this point in time.

Other projects

The following enquiries regarding eligibility for the fund were made to Council staff. However these projects are currently not considered 'shovel ready' and the clubs have been advised of the process for developing their projects. Council staff will work with these committees to assist them.

Toora Football Netball Club

- Social Club upgrade (not eligible through the CFNP)
- Lighting Upgrade

Fish Creek Football Netball Club

- Match Court Redevelopment

Korumburra Bena Football Netball Club

- Female Amenities Development (more likely aligned to the SRV Female Friendly Facilities program)

Proposal

It is recommended that Council endorse an application to the 2015/2016 Sport and Recreation Victoria (SRV) Country Football Netball program for the Leongatha Football Netball Club – Outdoor Netball Court Development project and allocate funding to the project, in accordance with the funding ratio required.

FINANCIAL CONSIDERATIONS

Funding of \$118,637 is currently available through Council's 'Community Infrastructure Projects' budget to cover Council's contribution to the project.

As applications are to be submitted by Council, Council will be required to provide staff resources, funded within the total project cost.

RISKS

If Council doesn't support the project Council will miss an opportunity to obtain external funds to assist in improving recreational facilities within the Shire, all of which have been deemed priorities, based on prior strategic planning.

To mitigate the risk of project cost overruns to Council, it is recommended to advise the Leongatha Football Netball Club, that any project cost overruns

are the responsibility of the committees to fund, in accordance with Council's Community Project Management Policy. This policy states that if funds are not available within the overall project budget, the applicant will be required to provide the additional funding.

CONCLUSION

The Sport and Recreation Victoria Funding Program provides Council and the community with an ideal opportunity to gain external funding to progress projects that have been identified through strategic plans for the improvement of sport and recreation in the Shire.

The Leongatha Football Netball Club – Outdoor Netball Court Development project is the only project considered eligible and 'shovel ready' for the 2015/2016 Country Football Netball program.

RECOMMENDATION

That Council:

1. Apply for \$100,000 to the Sport and Recreation Victoria 2015/2016 Country Football Netball Program for the Leongatha Football Netball Club – Outdoor Netball Court Development project ;
2. Allocate \$60,000 from the 2015/2016 Community Infrastructure Projects budget towards the project if the application is approved by Sport and Recreation Victoria;
3. Advise the Leongatha Football Netball Club Committee that any project overruns are the responsibility of the committee to fund, in accordance with Council's Community Project Management Policy and Guidelines; and
4. Provide staff resources, with funding allocated in the total project costs, for management of the project if approved by Sport and Recreation Victoria.

MOVED: Cr Fawcett

SECONDED: Cr Davies

THAT COUNCIL:

- 1. APPLY FOR \$100,000 TO THE SPORT AND RECREATION VICTORIA 2015/2016 COUNTRY FOOTBALL NETBALL PROGRAM FOR THE LEONGATHA FOOTBALL NETBALL CLUB – OUTDOOR NETBALL COURT DEVELOPMENT PROJECT ;**
- 2. ALLOCATE \$60,000 FROM THE 2015/2016 COMMUNITY INFRASTRUCTURE PROJECTS BUDGET TOWARDS THE PROJECT IF THE APPLICATION IS APPROVED BY SPORT AND RECREATION VICTORIA;**
- 3. ADVISE THE LEONGATHA FOOTBALL NETBALL CLUB COMMITTEE THAT ANY PROJECT OVERRUNS ARE THE RESPONSIBILITY OF THE COMMITTEE TO FUND, IN ACCORDANCE WITH COUNCIL'S COMMUNITY PROJECT MANAGEMENT POLICY AND GUIDELINES; AND**
- 4. PROVIDE STAFF RESOURCES, WITH FUNDING ALLOCATED IN THE TOTAL PROJECT COSTS, FOR MANAGEMENT OF THE PROJECT IF APPROVED BY SPORT AND RECREATION VICTORIA.**

CARRIED UNANIMOUSLY

E.5 PROCUREMENT POLICY REVIEW

Corporate and Community Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

This report recommends that Council approve the revised Procurement Policy (**Attachment 1**).

Document/s pertaining to this Council Report

- **Attachment 1** - Procurement Policy

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Policy Review Framework

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

CONSULTATION

During 2014/2015 Council formed a Procurement Working Group (PWG) consisting of key staff involved in procurement activities. The PWG's purpose was to review and simplify the Procurement Policy (**Attachment 1**) and to develop a new, extensive Procurement Manual to provide better guidance than the current policy and processes. The PWG also reviewed the Council Instrument of Delegation to the Chief Executive Officer.

The revised Procurement Policy was then approved by Council's Executive Leadership Team, Audit Committee and published in the Councillor internal newsletter InfoSum with a request for feedback.

REPORT

Background

Council last reviewed and adopted its Procurement Policy on 25 June 2014.

Discussion

Council's current Procurement Policy was developed in 2012, based on the then "model" policy provided by Local Government Victoria (LGV), which was an extensive document. Further, in the absence of a Procurement Manual, the policy evolved into a lengthy document which contained significant procedural instructions.

In October 2013, LGV released an updated Victorian Local Government Best Practice Procurement Guidelines (VLGBPPG) to provide further guidance to councils, which was also incorporated into the existing Procurement Policy extending it further.

When the PWG developed the Procurement Manual, based on the VLGBPPG, it was an opportune time to simplify Council's Procurement Policy (**Attachment 1**) by removing procedural information and to only contain policy statements and the necessary direction from Council.

Apart from the simplification of the Policy, the primary area of consideration was the Procurement Thresholds on Page 7. The following proposed changes were derived from benchmarking the thresholds of 27 other councils:

- Single quotation: increase the threshold to receive one written quote from \$5,000 to \$10,000 to improve procurement efficiency and provide clarity to require a written quotation rather than the vague requirement to obtain a verbal quote.
- Minor quotation: replace the requirement to 'seek' three quotations which doesn't guarantee a competitive arrangement with a clearer requirement to obtain two written quotes which does guarantee a competitive arrangement and expand the upper threshold to \$50,000 to eliminate the need for the unnecessary Intermediate Quotation category.
- Public Tender: increase the thresholds required for a public tender to be closer to or be the same (excluding GST) as those required by the Act. In the previous policy the threshold set was lower than that required by the Act to minimise the risk of breaching Section 186 of the Act, however this proved confusing for staff. It has been amended with guidance advising that if "doubt exists as to whether the likely value of an intended contract would exceed the threshold for a public tender, then a public tender process should be undertaken.

Council's new Procurement Manual has been developed to provide greater guidance to staff on the practical elements of procurement and has been broadly based on the VLGBPPG. Further CE23 Procurement Approval

Levels Policy and Council Purchasing Cards Policy have been incorporated into the manual to provide a single place to access procurement guidance.

Once the Instrument of Delegation to the Chief Executive Officer and Procurement Policy have been adopted by Council, the Chief Executive will approve the Procurement Manual and training will be provided to relevant staff.

Proposal

It is proposed that Council adopt the revised Procurement Policy (**Attachment 1**).

RISKS

Through the effective implementation of the revised Procurement Policy (**Attachment 1**) and Procurement Manual Council will manage the risk of legislative non - compliance associated with procurement activities.

CONCLUSION

It is concluded that on the basis of ensuring good governance that the revised Procurement Policy (**Attachment 1**) be adopted. The changes recommended strengthen Council's governance of procurement.

RECOMMENDATION

That Council adopt the revised Procurement Policy contained in Attachment 1.

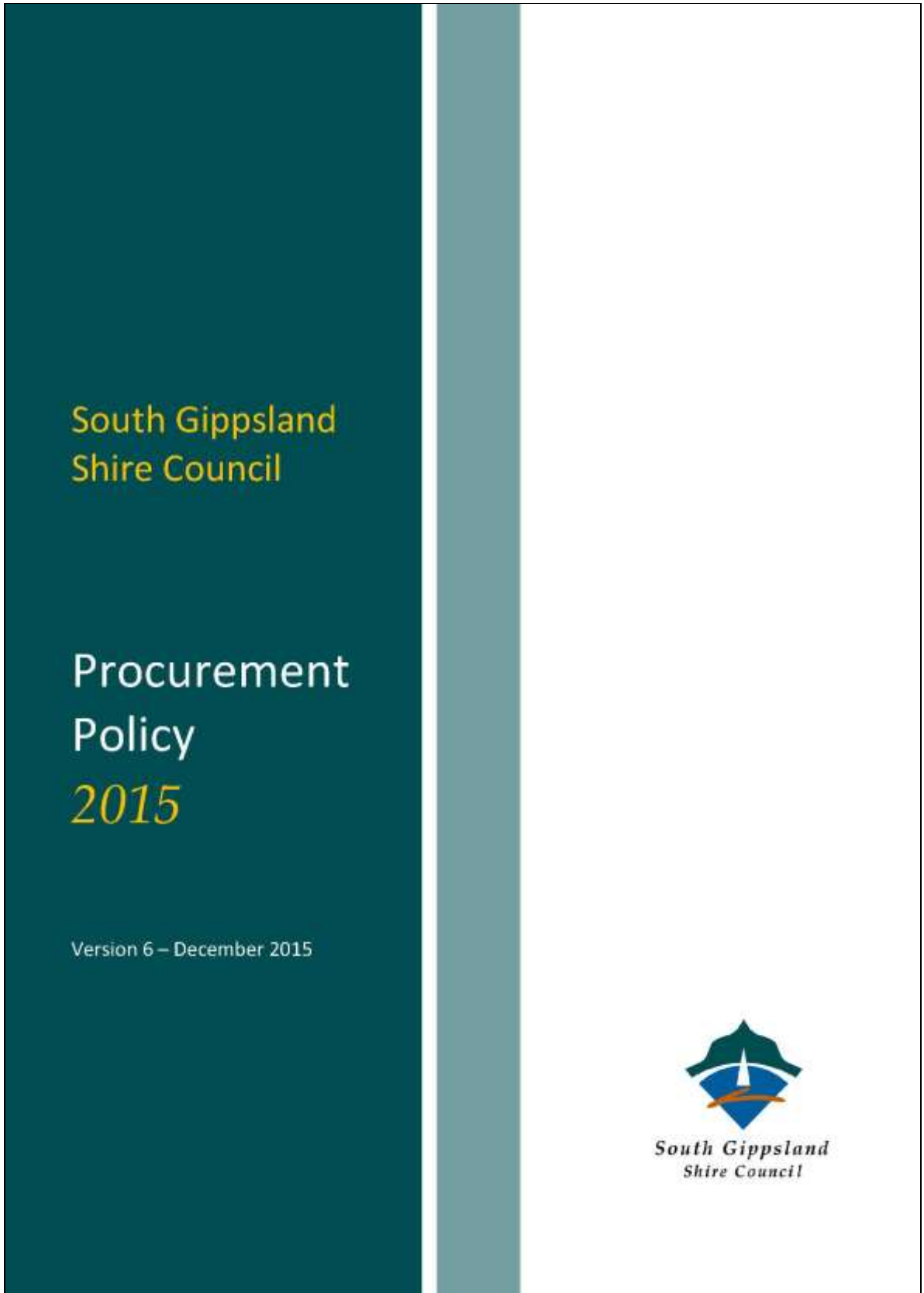
MOVED: Cr Fawcett

SECONDED: Cr Hutchinson-Brooks

**THAT COUNCIL ADOPT THE REVISED PROCUREMENT POLICY
CONTAINED IN ATTACHMENT 1.**

CARRIED UNANIMOUSLY

**Attachment 1
Procurement Policy**





South Gippsland Shire Council

PROCUREMENT POLICY

Policy Number	C32	Directorate	Corporate and Community Services
Council Item No.	TBA	Department	Finance, Risk and Procurement
Adoption Date	December 2015	Primary Author	Coordinator Risk and Procurement
Revision Date	June 2017	Secondary Author	Procurement Officer

POLICY OBJECTIVE

The Procurement Policy aims to obtain best value in the delivery of the Council Plan, Annual Initiatives and continuous improvement of services through Council's procurement activities.

This policy:

- Provides direction through a framework of principles, processes and procedures that will be applied to the purchase of all goods, services and works by Council;
- Will achieve compliance with relevant legislation; and
- Will achieve high standards of probity, transparency, accountability, risk management and open and fair competition.

LEGISLATIVE PROVISIONS

This Procurement Policy is developed to comply with Section 186A of the Local Government Act 1989(Act).

Section 186A requires Council to prepare, approve and comply with a Procurement Policy encompassing the principles, processes and procedures applied to all purchases of goods, services and works by Council.

- Section 186 of the Act: Power to enter into Contracts.
- Section 186A of the Act: Procurement Policy.
- Section 190 of the Act: Restriction on power to lease land.
- Section 3C of the Act: Objectives of a Council.
- Sections 208A of the Act: Best Value Principles to be followed.
- Sections 208C of the Act: Applying Best Value Principles.
- Sections 77A, 77B,78, 78A to 78E, 79, 79B to D, 80, 80A to C and 95 of the Act: Conflict of Interest.
- Section 98 of the Act: Delegations.
- Section 140 of the Act: Accounts and Records.
- Local Government (General) Regulations 2004.
- Sections 208A of the Act: Best Value Principles to be followed.

COUNCIL POLICY

COUNCIL POLICY

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COUNCIL POLICY

- Other relevant legislation such as but not limited to the Trade Practices Act 1974, Victorian Charter of Human Rights and Responsibilities Act 2006 and the Environmental Protection Act 1970.

Standards and Guidelines

- National Competition Guidelines 2009
- Department of Planning and Community Development (DPCD) Local Government Procurement Best Practice Guidelines 2013.
- Municipal Association Victoria (MAV) Contract Management Guidelines.
- Victorian Government Purchasing Board Guidelines (VGBP).

Council and Corporate Policies/Guidelines

- Procurement Manual.
- Code of Conduct for Councillors / Staff.
- Community Infrastructure Project Management Policy and Guidelines.
- Land Ownership Policy.
- Acceptance of Gifts and Donations Policy.
- Fraud Policy.
- National Competition Policy.
- Human Rights Policy.
- Protected Disclosure Guidelines.
- Risk Management Policy.
- Occupational Health and Safety Policy.
- Asset Disposal Policy.
- Council Instrument of Delegation to CEO.

DEFINITIONS AND EXPLANATIONS

Procurement is the whole process of acquisition of external goods, services and works. This process spans the whole lifecycle from initial concept, through to the end of the useful life of an asset (including disposal) or the end of a service contract.

All other definitions, explanations and implementation information applicable to this Policy are contained in the supporting Procurement Manual.

POLICY STATEMENT

Council's Procurement Policy will apply the following fundamental principles where reasonably practicable to all procurement, irrespective of the value and complexity of that procurement, including:

- Value for money;



COUNCIL POLICY

- Open and fair competition;
- Accountability for decision making;
- Risk management; and
- Probity and transparency.

Council is committed to reducing its environmental impacts. Council will encourage the design and use of products and services that have been produced to ethical standards, which minimise as far as practicable the impact on the environment and human health.

Council encourages local suppliers and providers to compete for the provision of Council goods, services and works. Council recognises the contribution made by procurement to the economic prosperity of the Shire. Council staff are encouraged, where practical to purchase from local businesses (suppliers within the South Gippsland Shire and the immediate neighbouring municipalities) where purchases are justified on best value grounds for South Gippsland Shire, which include local economic, environmental and social benefits. Further Council staff are required to use 'preferred suppliers' whenever possible or available.

Council will not accept late tenders or major quotations unless it can be clearly documented that:

- There was a system failure / interruption with Council's electronic e-Tendering system that impacted on lodgement; or
- Access was denied or hindered in relation to the physical tender box; and
- The Chief Executive Officer agrees to acceptance.

Council will establish, document and maintain a framework of internal controls over procurement processes.

Council requires all procurement activities to be performed with integrity and in a manner able to be upheld under the closest possible audit scrutiny. This requires all relevant Councillors and staff to act impartially and with integrity, avoiding conflicts of interest. Further, the Chief Executive Officer could approve a formal probity plan for proposed high value, risk or complexity contracts which require a high level of public confidence.

Council has established and will maintain an Instrument of Delegation from Council to the Chief Executive Officer, including procurement.

The Chief Executive Officer will manage procurement activities on behalf of Council by establishing and maintaining:

- A Procurement Manual including procurement methods, procurement approval levels for staff, processes and procedures; and
- Alignment with relevant Council Policies and supporting corporate (internal) policies and procedures.

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY



COUNCIL POLICY

The purchase of goods or services to the value of \$150,000 or more, or for the carrying out of works to the value of \$200,000 or more, including GST, (or as otherwise prescribed by Order in Council) for the whole term of the contract will be undertaken by a public tender process unless one of the nominated legislated exemptions apply. Procedures for tenders, quotations and other procurement methods are set out in the supporting Procurement Manual and other relevant Council / Corporate policies.

Council may engage in post tender negotiations subject to these being conducted in accordance with Council's Procurement Manual and the Victorian Local Government Procurement Guidelines.

Council will make public all contracts over the statutory thresholds set out in the Act required for a public tender, in a contracts register that will be made available for public inspection and recording in the Council Minutes. These will show the contracts purpose, the successful tenderer, a brief description of the goods, services or works that is being procured (including contract length) and total contract price. Council will not disclose information about procurements below the statutory thresholds.

COUNCIL POLICY

Approval to enter into contracts which exceed a Special (Section 86) Committees financial delegation to enter into contracts as outlined in their Instrument of Delegation must be approved by a Council Officer possessing the required financial delegation as set by the Chief Executive Officer in Council's Procurement Manual. The approving officer must confirm compliance with Council's Procurement Policy / Manual, ensure necessary permits / safety arrangements are in place and this decision must be documented.

COUNCIL POLICY

All proposed contract cost variations which exceed the total approved contract price (including any approved contingency) require approval at the level of the total revised contract amount, rather than the variation itself, in line with procurement approval levels set in Council's Procurement Manual or any relevant Council resolution. Should the revised contract amount exceed the CEO's delegation or the budget allocation in the Annual Budget, the CEO is authorised by Council to approve any necessary variations to allow the proper fulfilment of the contract and to ensure delays to key projects are avoided, following consultation with the Mayor and subject to this variation being reported to the next practicable Council Meeting.

The CEO is authorised to enter into any contract extensions subject to the satisfactory performance of the contractor and the extension being reported to Council for any contracts which in total exceeds the CEO's delegation.

COUNCIL POLICY

Council will ensure that all of its procurement operations are fully consistent with prescribed rights and responsibilities and that they respect the 20 fundamental rights within the Victorian Charter of Human Rights and Responsibilities Act 2006.

Should a matter arise that is not covered by this policy or the relevant Legislation, Standards, Guidelines, other Council Policies or Council's Procurement Manual, the matter must be referred to the Chief Executive Officer to determine.



COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

RISK ASSESSMENT

The effective management of financial resources and legislative compliance are strategic risks for Council. The establishment and adherence to a Procurement Policy, supporting Procurement Manual, expenditure thresholds and clear accountabilities for managing procurement, are put in place to effectively control these aspects of the broader financial management strategic risk.

IMPLEMENTATION STATEMENT

This Policy will be implemented and monitored through the following:

1. Council will develop and maintain a Procurement Manual which will detail expenditure thresholds and relevant information to implement this Policy.
2. The Council will maintain a procurement management responsibility structure including delegations which ensure accountability, traceability and auditability of all goods, services and works purchased by the Council.
3. Council will operate a centre-led procurement structure wherein all strategy, policy, technology, best practice and coordination in procurement matters will be led by the Finance, Risk and Procurement Department. This structure incorporates centralised procurement for major quotes and tenders and decentralised procurement for minor quotes and lower valued purchases, in line with expenditure thresholds contained in the Procurement Manual.
4. Council will review its Procurement Policy annually as required by the Local Government Act 1989. The internal Audit Committee will be invited to participate in this review.
5. The Procurement Manual will be reviewed when required to reflect legislative changes or where agreed in response to recommendations contained in internal or external reviews and audits.
6. A training and development program will be developed and implemented to inform Councillors, Staff, Section 86 Committees and other relevant individuals and/or groups undertaking procurement activities on behalf of Council of the requirements of this policy and the supporting manual.
7. The Procurement Policy will be published on Council's website www.southgippsland.vic.gov.au and available at the main Council office 9 Smith Street Leongatha.
8. The Procurement Policy and Procurement Manual will be made accessible to staff internally through Council's intranet. Further a procurement presence on the intranet will be maintained that contains policies, procedures, templates, information and guidance material relating to procurement activities and purchase orders.



COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

PROCUREMENT THRESHOLDS

	TRANSACTION LIMITED BY HOLDERS PURCHASING CARD	\$0 – \$9,999	\$10,000 – \$49,999	\$50,000 – \$134,999 GOODS / SERVICES \$179,999 WORKS	\$135,000 + GOODS / SERVICES OR \$180,000 + WORKS
Procurement Process	Purchasing Card or Employee Expense Reimbursement	Single Quotation	Minor Quotation	Major Quotation <	Public Tender <
No quote required	✓	✗	✗	✗	✗
Obtain one written quote	✗	✓	✗	✗	✗
Obtain two written quotes	✗	✗	✓	✗	✗
Seek a minimum of 3 written quotes	✗	✗	✗	✓♦	✗
Public Tender	✗	✗	✗	✗	✓
Evaluated by	✗	Officer / Coordinator / Manager	Officer / Coordinator / Manager	Panel	Panel
Record keeping requirements	Receipts in iExpense	Invoice, Receipt or Quote in iProcurement	TRIM, iProcurement	TRIM, CMS & iProcurement	TRIM, CMS & iProcurement

- All figures are excluding GST.
- The Procurement Process selected must be approved by the Council Officer authorised under Section 6 of Council’s Procurement Manual, Procurement approval levels.
- ♦ Officers are required to seek a minimum of three written quotes. It is recommended to maximise best value that a sufficient number of Request of Quotations (RFQ) are sent to prospective suppliers to increase the likelihood that three written quotes are received.
- < If doubt exists as to whether the likely value of an intended contract would exceed the threshold for a public tender, then a public tender process should be undertaken.

E.6 COUNCIL DELEGATION TO CHIEF EXECUTIVE OFFICER

Corporate and Community Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

This report recommends that Council approve a new Instrument of Delegation (Instrument) to the Chief Executive Officer (CEO) (**Attachment 1**).

Document/s pertaining to this Council Report

- **Attachment 1** - South Gippsland Shire Council Instrument of Delegation to the Chief Executive Officer

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989, section 98(1)

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

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.

CONSULTATION

During 2014/2015 Council formed a Procurement Working Group (PWG) consisting of key staff involved in procurement activities. The PWG's purpose was to review and simplify the Procurement Policy and to develop a new, extensive Procurement Manual to provide better guidance than the current policy and processes. The PWG also reviewed the Council Instrument of Delegation to the CEO (**Attachment 1**).

The revised Instrument of Delegation to the Chief Executive Officer (**Attachment 1**) was then approved by Council's Executive Leadership Team, Audit Committee and published in the Councillor internal newsletter InfoSum, with a request for feedback.

REPORT

Background

The Local Government Act 1989 (the Act) provides for Council to delegate its powers by an Instrument of Delegation (the Instrument) to the CEO. Council last reviewed this Instrument on 28 August 2013.

Discussion

The effective functioning of local government would not be possible if all decisions were made by Council, hence many decision-making powers are allocated by formal delegations to the CEO.

It is now an opportune time to review this Instrument because of:

- The relatively recent re-appointment of the CEO; and
- The recent review of Council's Procurement Policy which has considered the aspect of the CEO's power to enter into contracts.

It is proposed in this review of the Instrument to change the following:

- Remove the power "to declare that a contract must be entered into because of an emergency".
 - Legal advice has determined this power cannot be delegated to the CEO under section 186(5)(a) of the Act and must be determined by Council.
 - In an emergency it is deemed the CEO financial delegation is adequate to enable an initial response, with the option available to call a Special Council Meeting to enter into a contract which exceeds the CEO's delegation.
- Include the power to enter into contracts that fall within the budget allocation in the Annual Budget that exceed the CEO's financial delegation of \$250,000 (inclusive of GST) consistent with Council's resolution of 26 August 2015 Item E8, to delegate to the CEO the power to award the certain contracts subject to the preferred tenders being within budget, compliance with Council's procurement policy and subject to the contracts awarded being reported to Council to facilitate the more fluid approval of contracts and to expedite works;
- To remove from the Instrument text requiring that contracts awarded after a public tender process within the CEO's delegation are to be reported to Council at the Council meeting immediately after the contract is awarded.
 - This has been removed as the purpose of this section of the Instrument is to define the conditions and limitations of the CEO.

- Instead these reporting requirements to Council are included in the revised Procurement Policy; and
- Inclusion of new clause 6 and updates to clause 7 to reflect minor changes in the recommended template from Council's Legal Advisors, Maddocks.

Proposal

To update the Instrument to reflect the changes outlined above.

FINANCIAL CONSIDERATIONS

The Instrument provides a financial delegation to the CEO to enable the efficient and flexible functioning of Council, with reporting required to Council to advise of the exercising of this financial delegation in accordance with the requirements of this Instrument and revised Procurement Policy.

RISK FACTORS

The Instrument allows Council to manage a number of its key risks including, providing confidence that Council insurances are arranged, premiums paid in a timely manner and that Council does have ongoing insurance cover.

Further adequate provisions are provided, in this Instrument and revised Procurement Policy, to ensure that decisions made by the CEO under the proposed delegations are reported to Council in a timely manner.

CONCLUSION

Updating the Instrument allows the delegation of additional powers at an appropriate level to minimise risk to Council and provides for more effective functioning of the organisation in the interests of the community.

RECOMMENDATION

In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached Instrument of Delegation to the Chief Executive Officer (CEO) (Attachment 1), South Gippsland Shire Council (Council) resolves that:

1. There be delegated to the person holding the position, acting in or performing the duties of CEO the powers, duties and functions set out in the attached Instrument of Delegation to the CEO, subject to the conditions and limitations specified in that Instrument;
2. The Instrument comes into force immediately after the common seal of Council is affixed to the Instrument;
3. On the coming into force of the Instrument, all previous Instruments of Delegation to the CEO are revoked;

4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it has adopted or may from time to time adopt; and
5. The Instrument includes a power of delegation to members of Council staff, in accordance with Section 98(3) of the Act.

MOVED: Cr Hutchinson-Brooks

SECONDED: Cr Davies

Cr McEwen left the Council Chamber at 3.40pm and returned to the Council Chamber at 3.42pm.

IN THE EXERCISE OF THE POWERS CONFERRED BY SECTION 98(1) OF THE LOCAL GOVERNMENT ACT 1989 (THE ACT) AND THE OTHER LEGISLATION REFERRED TO IN THE ATTACHED INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER (CEO) (ATTACHMENT 1), SOUTH GIPPSLAND SHIRE COUNCIL (COUNCIL) RESOLVES THAT:

1. **THERE BE DELEGATED TO THE PERSON HOLDING THE POSITION, ACTING IN OR PERFORMING THE DUTIES OF CEO THE POWERS, DUTIES AND FUNCTIONS SET OUT IN THE ATTACHED INSTRUMENT OF DELEGATION TO THE CEO, SUBJECT TO THE CONDITIONS AND LIMITATIONS SPECIFIED IN THAT INSTRUMENT;**
2. **THE INSTRUMENT COMES INTO FORCE IMMEDIATELY AFTER THE COMMON SEAL OF COUNCIL IS AFFIXED TO THE INSTRUMENT;**
3. **ON THE COMING INTO FORCE OF THE INSTRUMENT, ALL PREVIOUS INSTRUMENTS OF DELEGATION TO THE CEO ARE REVOKED;**
4. **THE DUTIES AND FUNCTIONS SET OUT IN THE INSTRUMENT MUST BE PERFORMED, AND THE POWERS SET OUT IN THE INSTRUMENT MUST BE EXECUTED, IN ACCORDANCE WITH ANY GUIDELINES OR POLICIES OF COUNCIL THAT IT HAS ADOPTED OR MAY FROM TIME TO TIME ADOPT; AND**
5. **THE INSTRUMENT INCLUDES A POWER OF DELEGATION TO MEMBERS OF COUNCIL STAFF, IN ACCORDANCE WITH SECTION 98(3) OF THE ACT.**

CARRIED UNANIMOUSLY

Attachment 1

South Gippsland Shire Council

Instrument of Delegation

to

The Chief Executive Officer

Page 1 of 4

Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989 (the Act)* and all other powers enabling it, the South Gippsland Shire Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that:

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 16 December 2015;
2. the delegation
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 is subject to any conditions and limitations set out in the Schedule;
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.4 remains in force until Council resolves to vary or revoke it.
3. the member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her.

South Gippsland Shire Council Common Seal

SCHEDULE

The power to:

1. Determine any issue;
2. Take any action; or
3. Do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

In addition Council also delegates to the Chief Executive Officer the power to undertake the following functions, which must remain a delegation to the Chief Executive Officer:

- Endorse the appointment of members to fill casual vacancies in Advisory Committees subject to appointments being advised to Council;
- Appoint / remove members to a Special Committee established under section 86 of the Act subject to appointments and removals being advised to Council;
- Use the Common Seal of Council subject to that use being reported to Council; and
- Payment of annual WorkCover and Council Insurance premiums subject to payments being reported to the next Council meeting immediately after payment is made.

Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing

4. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 4.1 awarding a contract equal to or exceeding the value of \$250,000 (inclusive of GST) with the exception of:
 - annual WorkCover and Council insurance premiums; and
 - any contract which falls within the allocation in the Council adopted Annual Budget which exceeds the value of \$250,000 (inclusive of GST);
 - 4.2 making a local law under Part 5 of the Act;
 - 4.3 approval of the Council Plan under s.125 of the Act;
 - 4.4 adoption of the Strategic Resource Plan under s.126 of the Act;

- 4.5 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
- 4.6 adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
- 4.7 determining pursuant to s.37 of the Act that an extraordinary vacancy on Council not be filled;
- 4.8 exempting a member of a special committee who is not a Councillor from submitting a return under s.81 of the Act;
- 4.9 appointment of councillor or community delegates or representatives to external organisations; or
- 4.10 the return of the general valuation and any supplementary valuations.
- 4.11 the ending of agreements made pursuant to section 173 of the Planning and Environment Act 1987 as provided for under section 177(2) of the Planning and Environment Act 1987.
5. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
6. if the issue, action, act or thing is an issue, action, act or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
7. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - 7.1 policy; or
 - 7.2 strategy
 - 7.3 annual budget or compromise the long term financial plan adopted by Council; or
8. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
9. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

E.7 COUNCIL MEETING TIMETABLE 2016

Corporate and Community Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

Council's monthly meeting structure supports its objective to make informed, open and transparent decisions that provide opportunities for the community to participate.

Council conducts Ordinary Meetings of Council at which the general business of Council may be transacted. The dates and times of these meetings for the next calendar year are set by Council in December each year.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989 - Sections 83,84 and 89
- Local Law No.3 2010 Processes for Municipal Government (Meeting Procedure and Common Seal) - Clause 8

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Ordinary Council Meeting Minute - 26 June 2013 - Item E.11 Public Presentation Session Schedule
- Councillor Code of Conduct
- Communication and Consultation Policy

COUNCIL PLAN

Outcome:	2.0	Closely Connected Communities
Objective:	2.1	Engage and Work Collaboratively with our Community
Strategy:	2.1.1	We will develop a continually evolving Vision for the Shire that encourages community participation in defining what it wants, needs and can afford, to guide rationalisation, consolidation and achievement of desired community outcomes.
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.
- Strategy: 4.2.3 We will make informed decisions and provide opportunities for the community to participate in the decision making process.

CONSULTATION

Councillors are briefed each month on Council's monthly meeting schedule and provide comment regarding forthcoming strategic briefings and public presentations.

Early consultation has been undertaken to determine whether there are any significant community events due to take place in 2016 that mean a Council meeting is unable to be held in the Council Chambers, Leongatha on the prescribed Wednesday.

REPORT

Background

Council's Monthly Meeting Structure

Following a review at the commencement of Council's current term (Council Election 27 October 2012) it was agreed that the monthly meeting structure would continue in accordance with the previous practice of holding the following meetings each month, excluding January, where no meetings are held unless considered necessary.

The timeframe for the December meeting can vary from year to year to avoid a clash with the Christmas and New Year public holidays.

- 1st Wednesday of each month: Strategic Briefing Day
- 3rd Wednesday of each month: Public Presentation Day
- 4th Wednesday of each month: Council Meeting Day

A formal review of Council's Public Presentation schedule was considered by Council at its Ordinary Council Meeting 26 June 2013. Council resolved to continue with the previous practice of holding public presentation sessions on the 3rd Wednesday of each month at 2pm and 7pm (by appointment) and on Council Meeting Days on the 4th Wednesday of each month at 10am.

Ordinary Council Meeting Dates

Council is required by Local Law No.3 2010 (Clause 8) to fix the time, date and place of all Council Meetings and provide reasonable notice to the public. Council publishes notice of Council Meetings (both Ordinary and Special) in Council's Notice Board section of local newspapers and on its website.

It is proposed to hold the first Council Meeting for 2016 on Wednesday 24 February 2016 and from then on the 4th Wednesday of each month for the remainder of the year, except for October and December 2016. The Ordinary Council Meetings will commence at 2pm and be held in the Council Chambers, Leongatha, with the following exceptions:

- Council business will continue unimpeded throughout January 2016 given the extensive delegations provided to the Chief Executive Officer and the right of the Mayor or three Councillors to call a Meeting of Council, should a situation emerge that warrants a Special Meeting.
- Early consultation has determined that only one meeting will not be able to be conducted in the Council Chambers on the prescribed Wednesday. The Leongatha Daffodil Festival is a significant community event that will hold its 60th Anniversary in 2016 during the week of the August Ordinary Council meeting. It is therefore proposed that the Ordinary Council Meeting of Wednesday 24 August 2016 be conducted at an alternate venue, to be determined.
- There will be no Ordinary Council Meeting in October 2016, due to the Council elections scheduled for 22 October 2016. The December Ordinary Council Meeting is proposed to be conducted on 21 December 2016; the 3rd Wednesday of the month, to accommodate the Christmas and New Year break.

FINANCIAL CONSIDERATIONS

Costs associated with holding Council Meetings, Strategic Briefings and Public Presentation Days are covered within existing budgets.

RISKS

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

CONCLUSION

It is recommended that the Ordinary Council Meetings for 2016 be scheduled as detailed below.

RECOMMENDATION

That Council:

- 1.** Set the Ordinary Council Meetings in 2016 to be held in the Council Chambers on the following dates and times:
 - a.** 24 February 2016, 2pm
 - b.** 23 March 2016, 2pm
 - c.** 27 April 2016, 2pm
 - d.** 25 May 2016, 2pm
 - e.** 22 June 2016, 2pm
 - f.** 27 July 2016, 2pm
 - g.** 28 September 2016, 2pm
 - h.** 23 November 2016, 2pm
 - i.** 21 December 2016, 2pm;
- 2.** Hold the Ordinary Council Meeting scheduled for 24 August 2016, 2pm at a venue to be determined with reasonable notice provided to the public via local newspapers and Council's website;
- 3.** Determine that there will not be an Ordinary Council Meeting in October 2016, due to the timing of the Local Council Elections;
- 4.** Authorise the Chief Executive Officer to change a meeting location should that be warranted, due to the character of business and availability of the Council Chambers; and
- 5.** Provide reasonable notice to the public via local newspapers and Council's website should a change in Meeting location be warranted.

MOVED: Cr Davies

SECONDED: Cr McEwen

THAT COUNCIL:

- 1. SET THE ORDINARY COUNCIL MEETINGS IN 2016 TO BE HELD IN THE COUNCIL CHAMBERS ON THE FOLLOWING DATES AND TIMES:**
 - a. 24 FEBRUARY 2016, 2PM**
 - b. 23 MARCH 2016, 2PM**
 - c. 27 APRIL 2016, 2PM**
 - d. 25 MAY 2016, 2PM**
 - e. 22 JUNE 2016, 2PM**
 - f. 27 JULY 2016, 2PM**
 - g. 28 SEPTEMBER 2016, 2PM**
 - h. 23 NOVEMBER 2016, 2PM**
 - i. 14 DECEMBER 2016, 2PM;**
- 2. HOLD THE ORDINARY COUNCIL MEETING SCHEDULED FOR 24 AUGUST 2016, 2PM AT A VENUE TO BE DETERMINED WITH REASONABLE NOTICE PROVIDED TO THE PUBLIC VIA LOCAL NEWSPAPERS AND COUNCIL'S WEBSITE;**
- 3. DETERMINE THAT THERE WILL NOT BE AN ORDINARY COUNCIL MEETING IN OCTOBER 2016, DUE TO THE TIMING OF THE LOCAL COUNCIL ELECTIONS;**
- 4. AUTHORISE THE CHIEF EXECUTIVE OFFICER TO CHANGE A MEETING LOCATION SHOULD THAT BE WARRANTED, DUE TO THE CHARACTER OF BUSINESS AND AVAILABILITY OF THE COUNCIL CHAMBERS; AND**
- 5. PROVIDE REASONABLE NOTICE TO THE PUBLIC VIA LOCAL NEWSPAPERS AND COUNCIL'S WEBSITE SHOULD A CHANGE IN MEETING LOCATION BE WARRANTED.**

CARRIED UNANIMOUSLY

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.

F.1 STRATEGIC REVIEW OF LANDHOLDINGS – APPOINTMENT OF COUNCILLORS TO SPECIAL COMMITTEE TO CONSIDER, HEAR AND DETERMINE SUBMISSIONS

MOVED: Cr Fawcett

SECONDED: Cr Davies

THAT COUNCIL:

- 1. CONSIDER AGENDA ITEM F.1 STRATEGIC REVIEW OF LANDHOLDINGS – APPOINTMENT OF COUNCILLORS TO SPECIAL COMMITTEE TO CONSIDER, HEAR AND DETERMINE SUBMISSIONS BE CONSIDERED AS URGENT BECAUSE THE CONSIDERATION, HEARING AND DETERMINATION OF SUBMISSIONS IS PLANNED TO OCCUR BEFORE THE NEXT MEETING OF COUNCIL IN FEBRUARY 2015. AS A CONSEQUENCE THE STRATEGIC REVIEW OF LANDHOLDINGS MAY BE DELAYED UNLESS COUNCILLOR APPOINTMENTS ARE MADE TO THE SPECIAL COMMITTEE; AND**
- 2. CONSIDER THIS ITEM IN THE CLOSED SECTION OF THE MEETING TO THE PUBLIC TO ALLOW FOR CONSIDERATION OF ITEM F.1 STRATEGIC REVIEW OF LANDHOLDINGS – APPOINTMENT OF COUNCILLORS TO SPECIAL COMMITTEE TO CONSIDER, HEAR AND DETERMINE SUBMISSIONS, LEONGATHA PURSUANT TO SECTION 89(2)(h).**

CARRIED

For: Crs Fawcett, Brunt, Harding, Newton, Davies, McEwen, Hutchinson-Brooks and Hill.

Against: Cr Kennedy

F.2 2016 AUSTRALIA DAY AWARDS

MOVED: Cr Brunt

SECONDED: Cr McEwen

THAT COUNCIL:

- 1. CONSIDER AGENDA ITEM F.2 2016 AUSTRALIA DAY AWARDS BE CONSIDERED AS URGENT COUNCIL DOES NOT MEET AGAIN UNTIL FEBRUARY 2016 IT IS IMPERATIVE THAT THIS REPORT BE CONSIDERED AT THE 16 DECEMBER 2015 COUNCIL MEETING; AND**
- 2. CONSIDER THIS ITEM IN THE CLOSED SECTION OF THE MEETING TO THE PUBLIC TO ALLOW FOR CONSIDERATION OF ITEM F.2 2016 AUSTRALIA DAY AWARDS PURSUANT TO SECTION 89(2)(h).**

CARRIED UNANIMOUSLY

F.3 COMMUNITY BUDGETING UPDATE

MOVED: Cr Fawcett

SECONDED: Cr Davies

THAT COUNCIL CONSIDER AGENDA ITEM F.3 COMMUNITY BUDGETING UPDATE BE CONSIDERED AS URGENT BECAUSE THERE ARE ACTION ITEMS IN RESOLUTION E.7 COMMUNITY BUDGETING FROM THE 28 OCTOBER 2015 MEETING OF COUNCIL THAT WILL NOT BE ACHIEVED BY THE DECEMBER 2015 DEADLINE.

CARRIED UNANIMOUSLY

F.3 COMMUNITY BUDGETING UPDATE

Office of the Chief Executive

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

This report is to update the Council on the progress of the Community Budgeting project that was adopted at the 28 October 2015 Meeting.

Document/s pertaining to this Council Report

Nil

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

IAP2 Framework

Core Values for the Practice of Public Participation:

1. Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.
2. Public participation includes the promise that the public's contribution will influence the decision.
3. Public participation promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision makers.
4. Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
5. Public participation seeks input from participants in designing how they participate.
6. Public participation provides participants with the information they need to participate in a meaningful way.
7. Public participation communicates to participants how their input affected the decision.

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.

REPORT

Background

1. At its August meeting Council carried a Notice of Motion to “Receive a report before 31 December 2015 that details a process of how Council can facilitate a Participatory Budgeting Jury to determine projects and allocate capital works for the 2016/17 Budget to the value of \$400,000 (\$1,600,000 in total) in each of the following four areas: Korumburra, Foster, Venus Bay and Mirboo North.”
2. Given the short turnaround time to receive recommendations prior to consideration of the 2106/17 budget, an expedited report was presented to the October meeting.
3. The call for nominations for potential panel participants closed on 30 November. A total of 25 nominations were received, well short of the number required to continue with a genuine random selection process, even for those towns (Mirboo North and Korumburra) where the nominations exceeded the six required for the panel.

The breakdown of nominations per town is as follows:

- a. Foster: 2 nominations
- b. Korumburra: 9 nominations
- c. Mirboo North: 9 nominations
- d. Venus Bay: 5 nominations

Discussion

The timelines for this project have proved to be too tight to meet the dates outlined in the October resolution. Given this and the already abbreviated process, it is suggested that Council defer the Community Budgeting recommendations to the 2017/18 financial year. The extra time to plan and convene the panels will allow a more robust process and a better outcome.

Options

1. Continue with the Community Budgeting process as outlined in the October resolution.
2. Defer the Community Budgeting process to receive recommendations for the 2017/18 budget.

Proposal

1. Defer the Community Budgeting process to receive recommendations for the 2017/18 budget.

2. Invite the people who nominated to participate in the Community Budgeting process to a pre-budget lunch and meeting to discuss their ideas for their communities.

FINANCIAL CONSIDERATIONS

Council will need to consider the future allocation of the \$1.6 million (4 x \$400,000) allocated to the Community Budgeting project.

RISKS

1. If the process is deferred at this point Council risks disenfranchising those who have nominated to participate in the Community Budgeting process.
2. If the process continues without amendment there are too few nominees to ensure proper community representation, particularly in Foster and Venus Bay. This risks both poor outcomes and undue pressure on those panel members.

RECOMMENDATION

That Council:

1. Defer the Community Budgeting process as outlined in the E.7 resolution of the 28 October 2015 Council meeting.
2. Receive a report by June 2016 into how to undertake a more representative Participatory Budgeting process for the 2017/18 budget.
3. Prior to the 2016/17 budget being finalised, invite those who nominated to participate in the Community Budgeting process to a lunch and meeting to discuss ideas for their communities.

MOVED: Cr Fawcett

SECONDED: Cr Davies

THAT COUNCIL:

1. **DEFER THE COMMUNITY BUDGETING PROCESS AS OUTLINED IN THE E.7 RESOLUTION OF THE 28 OCTOBER 2015 COUNCIL MEETING.**
2. **RECEIVE A REPORT BY JUNE 2016 INTO HOW TO UNDERTAKE A MORE REPRESENTATIVE PARTICIPATORY BUDGETING PROCESS FOR THE 2017/18 BUDGET.**
3. **PRIOR TO THE 2016/17 BUDGET BEING FINALISED, INVITE THOSE WHO NOMINATED TO PARTICIPATE IN THE COMMUNITY BUDGETING PROCESS TO A LUNCH AND MEETING TO DISCUSS IDEAS FOR THEIR COMMUNITIES.**

CARRIED UNANIMOUSLY

SECTION G – GENERAL QUESTION TIME

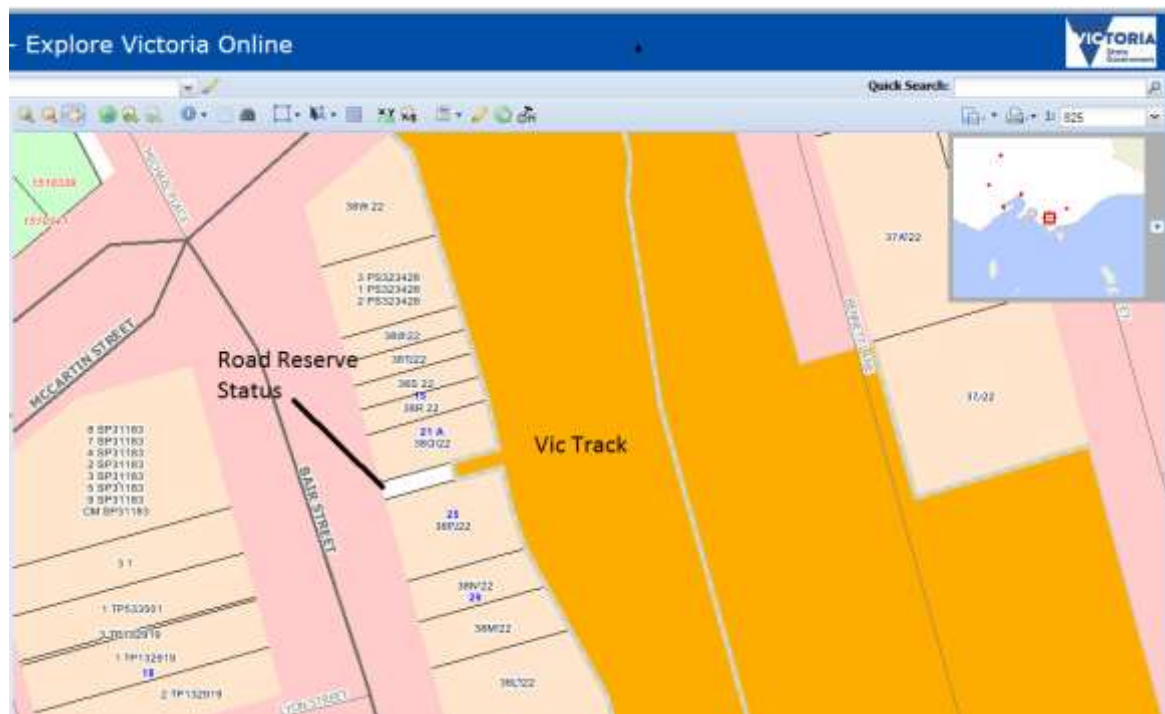
G.1 QUESTION TIME

Mr Paul Norton addressed Council by submitting a written question prior to the Council Meeting.

Question

To be responded at the next Council Meeting as of the Public consultation as of the Bair Street System such as “Linking into the “Rail yard Land”. Will Council endeavour to find out whom owns the Pedestrian path way that runs from the Bair Street Traffic light to where the foot path Bridge over the roadway to rail yards was. Is the land where the said Pedestrian path way is still part of VicRoads railways yard land title or is it on a stand alone land title?

The Chief Executive Officer responded by pointing out the ‘orange’ area on the following map as owned by VicTrack. The initial path off Bair Street, Leongatha shown white has road reserve status and is the responsibility of Council.



Mr Ron Wangman addressed Council by making comments about water security concerns.

Cr Fawcett raised a concern by asking Mr Wangman if he was going to ask a question about Council Agenda item E.2 PRIORITY PROJECT - NORTHERN TOWNS CONNECTION PROJECT as he has a declared conflict of interest. Cr Fawcett left the Council Chamber at 4.15pm.

G.2 ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

Noted.

At the Ordinary Council Meeting 25 November 2015 a question was taken on notice from Wendy Williamson representing the Foster Mirror and a response is now provided.

Question

Wendy Williamson representing the Foster Mirror addressed Council by asking a question about a block of land (2 Berry Street, Foster) proposed for land sales, it was donated to Council by Jim Wilson for use as a park and he was not consulted about land sale proposal.

Response

The land in question was not gifted or donated. In 1967, Council negotiated with the land developer to accept the land in lieu of any financial contribution being made to Council as part of the approval process for a subdivision. At the same time, Council also indicated that it would like the land to be known as Wilson Park.

Council's methodology for the Strategic Land Review process includes an evaluation matrix. This evaluation matrix was developed with input from the community. The land at 2 Berry Street, Foster was identified as suitable for sale for a variety of reasons. In particular, the fact that it is a lot on a plan (and not a reserve) and is contained within a Residential 1 zone (and not a public park and recreation zone) and that it is adjacent to land that is constrained by its status as a Government Road and contained within a Road Zone under our planning scheme. This makes it difficult to make any future strategic plans for the 2 Berry Street land.

Parking does not occur on 2 Berry Street but rather, on the Government Road Reserve. The sculptures have not been placed on 2 Berry Street but are placed on the Government Road Reserve with the approval of VicRoads. Council does not propose to remove the sculptures.

While the land is locally known as P J Wilson Park, that name is not officially listed on the Register of Geographic Names.

The Council strategies that were considered for this land were the Foster Structure Plan and the Open Space Strategy 2007. Neither of these documents include a proposal for future use of the land. As the surrounding land is Government Road Reserve and contained within a Road Zone this adds complexities for future ideas and plans.

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.

F.1 STRATEGIC REVIEW OF LANDHOLDINGS – APPOINTMENT OF COUNCILLORS TO SPECIAL COMMITTEE TO CONSIDER, HEAR AND DETERMINE SUBMISSIONS

F.2 2016 AUSTRALIA DAY AWARDS

ITEM 1 AUDIT COMMITTEE REPORT 30 NOVEMBER 2015

ITEM 2 CONTRACTUAL MATTER

RECOMMENDATION

That Council close the meeting to the public to allow for consideration of:

1. Item 1 AUDIT COMMITTEE REPORT 30 NOVEMBER 2015 pursuant to section 89(2)(a) and 89(2)(h) as provided for by the Local Government Act 1989; and
2. Item 2 CONTRACTUAL MATTER pursuant to section 89(2)(d) as provided for by the Local Government Act 1989.

MOVED: Cr Davies

SECONDED: Cr Hutchinson-Brooks

THAT COUNCIL CLOSE THE MEETING TO THE PUBLIC TO ALLOW FOR CONSIDERATION OF:

1. **ITEM 1 AUDIT COMMITTEE REPORT 30 NOVEMBER 2015 PURSUANT TO SECTION 89(2)(A) AND 89(2)(h) AS PROVIDED FOR BY THE LOCAL GOVERNMENT ACT 1989; AND**
2. **ITEM 2 CONTRACTUAL MATTER PURSUANT TO SECTION 89(2)(d) AS PROVIDED FOR BY THE LOCAL GOVERNMENT ACT 1989.**

CARRIED

For: Crs Hutchinson-Brooks, Hill, McEwen, Davies, Newton, Brunt and Harding.

Against: Cr Kennedy

ITEM 1 AUDIT COMMITTEE REPORT 30 NOVEMBER 2015

- 2. MAKE PUBLIC THE REPORT OF THE AUDIT COMMITTEE
(CONFIDENTIAL ATTACHMENT 1) HELD ON 30 NOVEMBER 2015,
EXCLUDING ANY REPORTS REFERRED TO IN THE REPORT OF
THE AUDIT COMMITTEE WHICH REMAIN CONFIDENTIAL;**

- 4. MAKE PUBLIC DR IRVINE'S APPOINTMENT AS AUDIT COMMITTEE
CHAIR FOR 2016; AND**

**Confidential Attachment 1
Report of Audit Committee - 30 November 2015**

Report of Audit Committee			
Meeting Objective			
Date	Monday 30 November 2015	Time 9.30 am (Committee met in committee at 9.00 am with internal auditor)	Duration: 2 hour meeting Location: Meeting Room 2, Council Chambers, Michael Place, Leongatha
Attendees	Dr Irene Irvine (Chair) Dr Craig Nisbet (by phone) Dr John (A.J) Purcell Cr Robert Newton (Mayor) Cr Lorraine Brunt Cr Davies (observer) Support Staff: Tim Tamlin: CEO, Jan Martin: Director Corporate and Community Services, June Ernst: Coordinator Corporate Planning and Council Business and Luke Anthony, Coordinator Risk and Procurement. HLB Mann Judd: Vineet Danwar, Manager Audit and Assurance		
Apologies	Phil Dwyer, Manager People and Culture		
In Committee Section	Committee met with internal auditor, HLB Mann Judd and it was reported later that no issues of concern were identified.		
Disclosures of Interest	Dr Irvine as a member of South Gippsland Water, Walkerville Foreshore Committee and Walkerville Residents Association. Dr Craig Nisbet as a member of the City Of Glen Eira Audit Committee. Dr A. J Purcell as member of Baw Baw Shire, Bayside City, Banyule City and Moorondah City councils Audit Committees.		
Confirmation of report of previous meeting	Committee approved the report of the Audit Committee meeting held on 14 September 2015.		
Advise of possible breaches of legislation / compliance	An historical non – compliance with Transport Accident Act 1986 Section 115 was noted. The Committee requested a report at the March 2016 Audit Committee meeting on 2016 / 2017 insurance coverage renewal, providing a checklist of the areas covered by Council's insurance policies double checked with other Councils.		

AGENDA ITEM	Responsible	Comment / Action
1. Quarterly Performance Report Financial Performance Report	Manager Finance	Committee noted Jul–Nov 15 report will be reported to Council in Dec 15.
Quarterly (Non-Financial) performance report: Jul – Sep 15 report	Coordinator Planning	Committee noted the report.
Local Government Performance Reporting:	Coordinator Planning	Committee noted the 2014/2015 report and acknowledged the Council's strong results in many functional areas.
2. Internal Control System		
2.1 Policy Reviews	Coordinator Risk	Committee provided general feedback on the following policies: including: <ul style="list-style-type: none"> • Delegation Council to CEO: recommended Council consider: <ul style="list-style-type: none"> ○ Adding the requirement for compliance with Council's Procurement Policy to section 4.1 relating to the CEO's power to enter into contracts within the annual budget. ○ For Section 4.5, confirming whether the CEO should be precluded from preparation of the Budget or a Revised Budget. • Procurement Policy: recommended Council consider: <ul style="list-style-type: none"> ○ Adding to the CEO's authorisation to approve any necessary variations that exceed the CEO's delegation, the words "to ensure delays to key projects are avoided" and the requirement to consult with the Mayor. ○ Adding further detail in relation to purchase order procedures. ○ Adding the requirement to consider implementing independent, probity arrangements for high value or risk procurements. ○ Replace the word 'or' quote with 'and' quote on page 7. ○ Remove the word 'best practice' and add the words 'where practical' on page 3. ○ Add a comment in relation to the use of preferred suppliers whenever possible or available.
3. Risk Management		
3.1 Monitor Risk Systems / Register and profile		
3.1.1 Strategic Risk Register	Coordinator Risk	The Committee noted the register will next be presented at Mar 15 meeting.
3.1.2 Reports of the Strategic Risk Committee (SRC)	Coordinator Risk	The Committee noted the next SRC is scheduled for 30 Nov 15.

AGENDA ITEM	Responsible	Comment / Action
3.1.3 Risk Management Shared Services	Coordinator Risk	The Committee noted a MOU between Baw Baw and SGSC has been executed and applications for the Risk Coordinator vacancy close 4/12/15.
3.1.4 Quarterly report from a Director / CEO Direct Report People and Culture Risk Report	Manager People & Culture	The Committee noted Mr Phil Dwyer's apology and agreed to hold over this report until the next Audit meeting.
3.1.5 OHS Trends and Annual Leave Balances	Manager People & Culture	The Committee agreed to hold over these reports until the next meeting.
4. Internal Audit		
4.1 Planned Internal Audits	Coordinator Risk	Committee noted management's commitment to address recommendations and that no significant issues were identified. A further suggestion was raised to consider reducing the \$50 gift reporting threshold to \$0. A draft, revised Policy will be provided to the Committee for feedback in March 16.
4.1.1: Q1 15/16: Credit Cards (and Gift Register)		The Committee approved the draft audit scope with minor edits and noted the audit starts 14 Dec 15 with the report due to the Committee Mar 16.
4.1.2: Q2 15/16: Council Governance (Induction, Council Meetings, Code of Conduct)		The Committee agreed to replace the Accounts Payable component with a WorkCover review and noted the audit will occur in February 16 and the report is due to the June 16 meeting.
4.1.3: Q3 15/16: Accounts payable (CAT) and payroll		The Committee noted the audit scope is due for approval in Mar 16 with the audit starting 9 May 16 and a final due to the June 16 meeting.
4.1.4: Q4: 15/16 Effectiveness of mitigation controls top 3 risks: Contracts, Legislative Compliance & OHS		Committee discussed the performance of HLB Mann Judd and commended them on their contribution to Council's assurance program.
4.2 Internal auditor service / performance review	Coordinator Risk	
5. External Audit		
No agenda items this meeting.	Manager Finance	Committee noted Draft Audit Scope will be presented at Mar 16 meeting.
6. Compliance		
6.1 Regulatory updates	Coordinator Risk	The Committee noted Council's compliance in respect to recommendations arising from a recent IBAC sector wide review of Council Works Depots.
Keep informed of the findings / examinations by regulatory agencies including Ombudsman, IBAC and LGICI		
6.2 Review protected disclosure arrangements / reports	CEO	The Committee noted the annual protected disclosure report.
7. Reporting responsibilities		
7.1 Audit Committee reports regularly to Council.	Coordinator Risk	The Committee noted 14 Sept 15 Minutes were reported to Council on 28 Aug 15.

ITEM 2 AWARD CONTRACT RFT/87 RECONSTRUCTION OF PRINCES AND JOHN STREETS, KORUMBURRA

- 1. AWARDING CONTRACT RFT/87 RECONSTRUCTION OF PRINCES AND JOHN STREETS, KORUMBURRA TO FOWLERS ASPHALTING PTY LTD FOR THE LUMP SUM AMOUNT OF \$820,019.96 (INCLUDING GST).**

SECTION H - MEETING CLOSED

NEXT MEETING

The next Ordinary Council Meeting open to the public will be confirmed at this Council Meeting 16 December 2015.

The Meeting closed at 4.44pm.

CONFIRMED:.....

COUNCILLOR ROBERT NEWTON – MAYOR

Date:.....