



South Gippsland
Shire Council

Come for the beauty, Stay for the lifestyle

COUNCIL MINUTES

**ORDINARY MEETING NO. 383
WEDNESDAY 27 AUGUST 2014
FEDERATION TRAINING, LEONGATHA
COMMENCED AT 2PM**

PRESENT:

Deputy Mayor: Cr Jeanette Harding

Councillors: Mohya Davies, Kieran Kennedy, Robert Newton, Nigel Hutchinson-Brooks and Don Hill.

APOLOGIES: Councillor Fawcett with Leave of Council granted on 23 July 2014.
Councillors Andrew McEwen and Lorraine Brunt.

OFFICERS:

Anthony Seabrook	Acting Chief Executive Officer
Jan Martin	Director Community Services
June Ernst	Director Corporate Services
Bryan Sword	Acting Director Development Services
Fred Huitema	Acting Director Engineering Services
Luke Anthony	Manager Governance Services
Natasha Berry	Governance Officer
Ned Dennis	Manager Community Strengthening

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. 383 WEDNESDAY 27 AUGUST 2014 FEDERATION TRAINING, LEONGATHA COMMENCED AT 2PM

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Anthony Seabrook
Acting Chief Executive Officer

SECTION A - PRELIMINARY MATTERS

A.1 WELCOME

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

A.2 OPENING PRAYER

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

Amen

A.3 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

A.4 APOLOGIES

Cr James Fawcett with Leave of Absence granted at Council Meeting 23 July 2014.

Cr Hutchinson-Brooks addressed Council by relaying that the absence of Councillors Andrew McEwen and Lorraine Brunt are due to sound reasons of family health issues.

A.5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 382, held on 23 July 2014 in the Council Chambers, Leongatha be confirmed.

MOVED: Cr Newton

SECONDED: Cr Kennedy

THAT THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL SPECIAL MEETING OF COUNCIL HELD ON WEDNESDAY 13 AUGUST 2014 IN THE COUNCIL CHAMBERS, LEONGATHA AND THE MINUTES OF ORDINARY MEETING NO. 382, HELD ON 23 JULY 2014 IN THE COUNCIL CHAMBERS, LEONGATHA BE CONFIRMED.

CARRIED UNANIMOUSLY

A.6 REQUESTS FOR LEAVE OF ABSENCE

Nil

A.7 DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS

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

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

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

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

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

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

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

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

Privacy

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

Council undertakes audio recordings of Council Meetings as a contribution to good governance and accuracy of minutes. An audio recording of this meeting is being made for the purpose of verifying the accuracy of minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, and subpoena or by any other law such as the Freedom of Information Act 1982. It should be noted that other people present at the meeting may be recording the meeting and Council has limited power to regulate this. Council has developed a policy to regulate recordings, "Sound Recording of Council Meetings". A copy of this policy is located on Council's website www.southgippsland.vic.gov.au. Further information or a copy of the policy or can be obtained by contacting Council's Organisational Development Department (Governance).

Nil

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.

Nil

A.10 COUNCILLOR REPORTS

Cr Nigel Hutchinson-Brooks addressed Council regarding attendance at:

- **Senior Citizen Annual General Meeting (AGM) and highlighted Council's recent review of the Senior Citizen Policy and other updates from Council including the recent passing of Green Waste collection.**
 - **Fish Creek Kindergarten Circle of Stones Ceremony and explained that the area has been set up to provide education for children of Indigenous culture.**
 - **Leongatha Education Precinct (LEP) Board meeting, and highlighted the issue of Mesley Hall as a proposed Performing Arts Centre and discussed the difficulties involved in setting up an appropriate governance structure.**
 - **Municipal Emergency Management Planning Committee and the Municipal Emergency Fire Management Planning Committee meetings and noted a number of controlled burns are anticipated in the coming months including the Walkerville area.**
 - **Municipal Association Victoria (MAV) Planning Committee and noted a particular standard regarding noise pollution and onus of any remedial measures falls upon the new resident or developer and this applies to the Corner Inlet Motorcycle group as they have been situated in the area for some time.**
 - **Scout South Gippsland District AGM and presentation evening at Foster and commented what a great movement it is in developing the skills of young people. The local Scout association is seeking leaders.**
 - **Melbourne Museum Award Night and noted that Coal Creek was awarded Museum accreditation and that this is a highly regarded award.**
-

Cr Harding addressed Council regarding attendance at:

- **Luncheon in Wonthaggi with Shadow Minister Tim Pallas.**
 - **Meeting with the Deputy Premier Mr Peter Ryan and Ms Jan Martin, Director Community Services regarding the Korumburra Children's Hub. Cr Harding also commented to the Deputy Premier regarding the Long Jetty, Port Welshpool project.**
 - **South East Australian Transport Strategy (SEATS) in Sale and noted the wide range of topics by the speakers on every form of transportation and that she was nominated Chairperson for the next 12 months.**
-

SECTION B - NOTICES OF MOTION AND/OR RESCISSION

B.1 NOTICE OF MOTION/RESCISSION NUMBER 668 – COMMUNITY FUNDRAISING

PURPOSE

Council has identified through a range of strategic plans, including its Community Social Infrastructure Blueprint, the need for strong funding partnerships with the community for the improvement of existing social infrastructure and the development of new infrastructure.

A number of community leaders from the Tarwin Lower/Venus Bay area have expressed an interest in developing a community fund raising and holding organisation that could support a range of projects over the long term. This group is particularly interested in establishing a mechanism to attract Deductible Gift Recipient status donations or gifts.

Council could assist this group by hosting discussions on development of an independent district Community Foundation, or another suitable community entity, that could receive, hold and distribute funds for the district. Such action by Council would not require any new funds and can be incorporated into the work plan of the Community Strengthening Department.

MOTION

I, Councillor Kieran Kennedy, advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on 27 August 2014.

‘That Council:

1. Support the development of a pilot project with the Venus Bay and Tarwin Lower cluster to establish a community foundation with an independent Board with Deductible Gift Recipient status in order to attract government, private and community funding for community projects; and
2. Note that this pilot will inform the development of other community foundations in South Gippsland.’

MOVED: Cr Kennedy

SECONDED: Cr Hill

THAT COUNCIL:

- 1. SUPPORT THE DEVELOPMENT OF A PILOT PROJECT WITH THE VENUS BAY AND TARWIN LOWER CLUSTER TO ESTABLISH A COMMUNITY FOUNDATION WITH AN INDEPENDENT BOARD WITH DEDUCTIBLE GIFT RECIPIENT STATUS IN ORDER TO ATTRACT GOVERNMENT, PRIVATE AND COMMUNITY FUNDING FOR COMMUNITY PROJECTS; AND**
- 2. NOTE THAT THIS PILOT WILL INFORM THE DEVELOPMENT OF OTHER COMMUNITY FOUNDATIONS IN SOUTH GIPPSLAND.**

CARRIED UNANIMOUSLY

SECTION C - COMMITTEE REPORTS

Nil

SECTION D – PROCEDURAL REPORTS

D.1 QUARTERLY PERFORMANCE REPORT APRIL TO JUNE 2014

Corporate Services Directorate

EXECUTIVE SUMMARY

The organisational Quarterly Performance Report for the period April to June 2014 provides detailed reporting on Council's performance against the 2013-2014 Annual Plan and Department Budgets. As this is the final quarter, it also provides the end of year result for the financial year.

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

This report does not capture every achievement during the quarter. However, it focuses on key achievements that contribute to the delivery of the corporate priorities. The contents summarise the performance for the quarter and the end of year status of the Annual Plan and Key Strategic Activities as at 30 June 2014. The Key Strategic Activities will be subject to audit by the Victorian Auditor Generals Office.

The organisational Quarterly Performance Report April to June 2014 is provided in **Appendix 1**.

Document/s pertaining to this Council Report

- **Appendix 1** - Quarterly Performance Report April to June 2014

A copy of **Appendix 1 - Quarterly Performance Report April to June 2014** is available on Council's website: www.southgippsland.vic.gov.au or by contacting 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989, Sections 125, 127 and 223

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- 2013-2014 Annual Plan
- 2013-2014 Annual Budget incorporating 15 year Long Term Financial Plan and Key Strategic Activities

COUNCIL PLAN

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

CONSULTATION

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

The community was consulted during the preparation of the 2013-2014 Annual Plan.

Background

The 2013-2014 Annual Plan, adopted by Council on 26 June 2013, set the indicators and activities, including the Key Strategic Activities (KSA's), which would be reported within the Quarterly Performance Report to Council (**Appendix 1**).

Discussion

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

Of the 71 Annual Plan commitments 66 were achieved, 2 are currently progressing on track and 3 are behind the target.

A number of significant highlights during the April to June 2014 period include:

- The Toora and Poowong Outdoor Pools Master Plans were presented to and adopted by Council at the June meeting. These Master Plans were developed with extensive community input and support.
- Aged and Disability Services team were approached by the Department of Health to lead a Gippsland wide Healthy Ageing Program 'Eating for Independence' with a strong focus on nutritional needs for older people. This project is fully grant funded and the Project Manager has been appointed.
- Council hosted a Professional Development opportunity for early year's teachers and educators in centres across South Gippsland and Bass Coast on 18 June. 90 attended a presentation by Jo Lange which

provided strategies to guide children's behaviour effectively and respectfully.

- Council hosted an interagency training exercise with a scenario based on a Foot and Mouth disease outbreak. Agencies that attended included Department of Environment and Primary Industries, Parks Victoria, Department of Education and Early Childhood Development, Country Fire Authority, State Emergency Service, Victoria Police, Victorian Council of Churches, Red Cross and Lions.
 - The West Gippsland Regional Library Corporation (WGRLC) Board endorsed the provision of an additional e-book platform to expand the range of electronic books available and a further platform with the capability to stream e-music to library users.
 - The Sustainability Festival was held on 13 April. Over 2000 people attended the festival with forty eight exhibitors attending on the day. The festival covered a host of displays of alternative energy, local produce, self-sufficiency skills and range of sustainable products. The Recycled Art Exhibition received 81 applications compared to 6 last year.
 - The 2014-2015 Annual Budget and 2014-2018 Rating Strategy were adopted by Council at the 25 June 2014 Council Meeting.
 - Social Media Strategy and Policy was adopted by Council's Executive Leadership Team in June to commence use of a Council Facebook page.
 - The following grant applications were approved through the Putting Locals First Program:
 - Nyora Public Hall Upgrade; and
 - Yanakie Recreation Reserve Development Project.
 - A grant application was submitted for the Great Southern Rail Trail – Black Spur Development Stage 1.
 - Councillor iPad rollout and Dashboard Software re-configuration implemented to reduce reliance on paper based agendas and briefings.
 - Funding for the Leongatha Heavy Vehicle Alternate Route was announced in May.
 - Burra Foods opened a new \$22 million infant formula plant in Korumburra. Salvation Army opened a new facility in Leongatha. Planning permit issued for ViPlus Dairy Processing Plant second stage development at Toora.
 - The National Broadband Network commenced in South Gippsland with switching on of fixed wireless towers to cover the following towns: Fish
-

Creek, Foster (surrounds), Toora, Agnes, Hazel Park, Hedley, Welshpool and Yanakie.

- Coal Creek was awarded 2014 Trip Advisor (www.tripadvisor.com) Certificate of Excellence for signifying that it has consistently earned outstanding feedback from Trip Advisor travellers.
- WIN news report on local school utilising Coal Creek as an educational celebration of schools centenary.
- Completed reseal works at Leongatha Yarragon Rd, Leongatha North; and Grand Ridge Rd, Hallston.
- Completed playground replacement at Helens Park, Brendan St, Meeniyah.
- Completed footpath renewal at Queen St, Korumburra.
- Completed Risk Assessments and Hazard Identification at Caravan Parks with rectification works programmed for 2014/15.

The two items currently progressing on track both relate to Coal Creek. They include:

- 4.1.1 for service levels associated with the future direction for Coal Creek. This is progressing as Council deferred its consideration of the future of Coal Creek until November 2014.
- 4.1.1 for service levels associated with the development and implementation of a business case for Coal Creek by 30 June 2014. Progressing as Council deferred its consideration of the future of Coal Creek until November 2014.

For both service levels above, the Financial Sustainability Committee will consider various options for changing the business model of Coal Creek; which will inform a new report.

The three below target items include:

- Strategy 3.1.2 for service levels associated with a Relocation Plan for Foster co-locating services is progressing. This did not achieve target due to time constraints.
- Strategy 3.1.4 (2) for service levels associated with Asset Management Plans where the 'percentage of customer requests completed in time' is below the target.
- Strategy 3.1.4 (2) for service levels associated with Asset Management Plans where the 'reseal 300,000 to 430,000sqm of sealed surface' is

below the desired standard (275,015m²), due to the use of a large amount of polymer seals which are more expensive than the standard C170 seals.

There are eight KSA's and these have all been complete.

FINANCIAL CONSIDERATIONS

Activities within the Council 2013-2014 Annual Plan are funded through the 2013-2014 Annual Budget.

The weighted average of 5 key financial ratios (including indebtedness, underlying working capital ratio, self-financing, investment gap and underlying result for the 2013-2014 Budget) is 100.2% at 30 June 2014.

RISK FACTORS

The Quarterly Performance Report mitigates the risk of Annual Plan and Capital Works activities not being managed, as every Department is required to monitor and report on the progress of their respective responsibilities on a regular basis. It also provides Council and the community increased transparency in monitoring Council's performance in the achievement of its corporate objectives and adopted plans throughout the financial year.

CONCLUSION

It is recommended that Council receive and note the Organisational Quarterly Performance Report April to June 2014 in **Appendix 1**. The Report provides an overview of Council's performance against both Department Budgets and the Annual Plan for the period April to June 2014. The Key Strategic Activities are subject to audit. A final result on all Annual Plan actions and Key Strategic Activities will be presented to Council in the 2013-2014 Annual Report.

RECOMMENDATION

That Council receive and note the Organisational Quarterly Performance Report (Appendix 1) for the period April to June 2014.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Hill

SECONDED: Cr Hutchinson-Brooks

**THAT COUNCIL RECEIVE AND NOTE THE ORGANISATIONAL
QUARTERLY PERFORMANCE REPORT (APPENDIX 1) FOR THE PERIOD
APRIL TO JUNE 2014.**

CARRIED UNANIMOUSLY

D.2 COUNCILLOR EXPENDITURE REPORT - 30 JUNE 2014

Corporate Services Directorate

EXECUTIVE SUMMARY

The Councillor Expenditure Report (**Attachment 1**) provides Council with a quarterly update on Councillor Expenditure from 1 July 2013 to 30 June 2014, as resolved in 2003.

Document pertaining to this Council Report

- **Attachment 1** - Councillor Expenditure

LEGISLATIVE/ ACTION PLANS/ STRATEGIES/ POLICIES

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

COUNCIL PLAN

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

REPORT

Background

The Councillor Expenditure Report (**Attachment 1**) provides Council with an update on Councillor expenditure from 1 July 2013 to 30 June 2014.

Councillor expenditure is reported on an accrual basis being financial year end. Pre-paid expenses are not included in this report.

FINANCIAL CONSIDERATIONS

Overall expenditure is in line with budget.

RISK FACTORS

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

RECOMMENDATION

That Council receive and note the Councillor Expenditure Report for the period 1 July 2013 to 30 June 2014.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Newton

SECONDED: Cr Kennedy

THAT THE RECOMMENDATIONS IN ITEMS D.2, D.3, D.4 AND D.5 BE ADOPTED.

CARRIED UNANIMOUSLY

**Attachment 1
Councillor Expenditure report 1 July 2013 to 30 June 2014**

Councillor Expenditure From 1 July 2013 to 30 June 2014		Other Expenditure								Total	
		Travel Expenditure	Councillor Car Operating Cost *	Other travel reimbursements **	Mobile Phone	Phone/Fax/ Modem	Training & Professional Development ***	Councillor Allowance	Remoteness Allowance		Printing & Stationery
Councillor	Car										
Cr. Robert Newton	Council	\$ 8,377	\$ -	\$ 576	\$ -	\$ 496	\$ 24,796	\$ -	\$ 188	\$ 34,433	
Cr. Lorraine Brunt	Council	\$ 8,496	\$ -	\$ 1,443	\$ -	\$ 434	\$ 24,796	\$ -	\$ 97	\$ 35,266	
Cr. Andrew McEwen	Personal	\$ -	\$ 9,942	\$ 807	\$ -	\$ 1,220	\$ 24,796	\$ -	\$ 158	\$ 36,923	
Cr. Kieran Kennedy	Council	\$ 8,367	\$ -	\$ 1,182	\$ -	\$ 1,280	\$ 42,829	\$ -	\$ 97	\$ 53,755	
Cr. Mohya Davies	Council	\$ 8,860	\$ -	\$ 1,367	\$ 32	\$ 1,111	\$ 24,796	\$ -	\$ 97	\$ 36,263	
Cr. Jeanette Harding	Council	\$ 8,391	\$ -	\$ 827	\$ -	\$ 5,933	\$ 24,796	\$ 480	\$ 171	\$ 40,598	
Cr. Nigel Hutchinson Brooks	Council	\$ 9,012	\$ -	\$ 609	\$ -	\$ 3,008	\$ 24,796	\$ -	\$ 97	\$ 37,522	
Cr. Don Hill	Personal	\$ -	\$ 4,754	\$ 1,009	\$ 271	\$ 351	\$ 24,796	\$ -	\$ 97	\$ 31,278	
Cr. James Fawcett	Personal #	\$ 137	\$ -	\$ 893	\$ -	\$ 141	\$ 58,690	\$ -	\$ 215	\$ 60,076	
Total Actual (Year to date June 2014)		\$ 51,640	\$ 14,696	\$ 8,713	\$ 303	\$ 13,974	\$ 275,091	\$ 480	\$ 1,217	\$ 366,114	
Total Budget (Year to date June 2014)		\$ 65,400	\$ 12,600	\$ 7,020	\$ 9,226	\$ 18,630	\$ 278,346	\$ 492	\$ 2,087	\$ 393,801	
Variance		\$ 13,760	-\$ 2,096	-\$ 1,693	\$ 8,923	\$ 4,656	\$ 3,255	\$ 12	\$ 870	\$ 27,687	

* Notes to Councillor Car Operating Costs:
 -Car operating costs are for the 12 months period ended 30 June 2014;
 -Car Depreciation is based on 2 years useful life;
 -Depreciation is net of estimated sale value of car at the end of two years;
 -Car Insurance cost is based on average unit cost premium; and
 -Notional interest is calculated @ 3.5% per annum on Capital cost of car.
 ** Travelling expenditure for Councillors using private vehicles is at the prescribed rate of reimbursement . Reimbursements also include actual public transport costs.
 *** Training & professional development includes accommodation, conference and parking expenses.
 # Cr. Fawcett utilised Council car for a short period.

D.3 REPORT ON ASSEMBLY OF COUNCILLORS - JULY 2014

Corporate Services Directorate

EXECUTIVE SUMMARY

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

The matters listed in this report were presented or considered, at either an Advisory Committee Meeting, Councillor Strategic Briefing Session or Public Presentation Session in July 2014.

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

Document/s pertaining to this Council Report

Nil

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

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

COUNCIL PLAN

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

REPORT

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 2 July 2014		
Council Dashboard Training	<p>Councillors Attending: Crs Hutchinson-Brooks, Brunt, Newton, Fawcett, Harding, Davies, Hill, Kennedy and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information and training on the functionality of software that enables the provision of Council papers in electronic format.</p>
Community Social Infrastructure Project Update – Draft Blueprint	<p>Councillors Attending: Crs Hutchinson-Brooks, Brunt, Newton, Fawcett, Harding, Davies, Hill, Kennedy and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information and comment sought for Community Social Infrastructure Project – Draft Blueprint.</p>
Port Welshpool Marina	<p>Councillors Attending: Crs Hutchinson-Brooks, Brunt, Newton, Fawcett, Harding, Davies, Hill, Kennedy and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information on the progress of the Port Welshpool Marina project and discuss future actions.</p>
Planning Committee	<p>Councillors Attending: Crs Hutchinson-Brooks, Brunt, Newton, Fawcett, Harding, Davies, Hill, Kennedy and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • April Decisions • VCAT decisions • Statutory Planning Applications of Significance • Strategic Planning and Development Projects • General Business
Executive Update	<p>Councillors Attending: Crs Hutchinson-Brooks, Brunt, Newton, Fawcett, Harding, Davies, Hill, Kennedy and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Format briefing paper • Local Law No.3 Review • Bald Hills Wind Farm
Council Plan Actions and Council Timetable July/August 2014	<p>Councillors Attending: Crs Hutchinson-Brooks, Brunt, Newton, Fawcett, Harding, Davies, Hill, Kennedy and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Council Plan Actions • Council Timetable July/August 2014

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 9 July 2014		
Swimming Pool Contract	<p>Councillors Attending: Crs Hutchinson-Brooks, Brunt, Fawcett, Davies and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information on contract specifications.</p>
Sport Recreation Victoria Community Facilities Funding Program	<p>Councillors Attending: Crs Hutchinson-Brooks, Brunt, Fawcett, Davies and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information and discussed a preferred way forward in allocating and supporting applications to the Sport and Recreation Victoria 2015/2016 Community Facility Funding Program.</p>
Councillor iPad – feedback session	<p>Councillors Attending: Crs Hutchinson-Brooks, Brunt, Newton, Fawcett, Davies and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors discussed the progress in using Council Dashboard as a tool for provision of Council papers in electronic format.</p>
Caravan Park Update	<p>Councillors Attending: Crs Hutchinson-Brooks, McEwen, Brunt, Newton, Fawcett, Harding, Davies, Hill and Kennedy.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information on proposed changes to 2014-2015 fees and charges and Council's responsibilities as a Committee of Management of Crown Land and statutory authority.</p>
IT Capital Works and Projects - update	<p>Councillors Attending: Crs Hutchinson-Brooks, McEwen, Brunt, Newton, Fawcett, Harding, Davies, Hill and Kennedy.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information on the overview of the Information and Communication Technology Capital Works Program.</p>
Executive Update	<p>Councillors Attending: Crs Hutchinson-Brooks, McEwen, Brunt, Newton, Fawcett, Harding, Davies, Hill and Kennedy.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Long Jetty – update • South Gippsland Water – Liaison Dinner • Burra Foods Buffer Zone • Proposed Victorian Water Science Studies • SGSC Facebook Page • Leongatha Development Update

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 9 July 2014		
Mobile Phone Black Spot Program	<p>Councillors Attending: Crs Hutchinson-Brooks, McEwen, Brunt, Newton, Fawcett, Harding, Davies, Hill and Kennedy.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information on the Commonwealth Government's Mobile Blackspots Program and Council's advocacy for the program.</p>
Financial Sustainability Steering Committee	<p>Councillors Attending: Crs Hutchinson-Brooks, McEwen, Brunt, Newton, Fawcett, Harding, Davies, Hill and Kennedy.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • SGSC Vision for Coal Creek • Home and Community Care • Visitor Information Centre
Wednesday 16 July 2014		
Ordinary Council Agenda Topics Discussion 23 July 2014	<p>Councillors Attending: Crs McEwen, Newton, Fawcett, Harding, Davies, Hill and Kennedy.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Ordinary Council Agenda Topics Discussion 23 July 2014.</p>
Rail Trail	<p>Councillors Attending: Crs Hutchinson-Brooks, McEwen, Newton, Fawcett, Harding, Davies and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Councillors were provided a presentation by the Great Southern Rail Trail Committee of Management on an update on the operations of the Committee and condition of the Rail Trail. • Council considered opportunities to assist the Committee of Management with ongoing maintenance and promotion of the Rail Trail.
Potential Bio Energy Development	<p>Councillors Attending: Crs Hutchinson-Brooks, McEwen, Brunt, Newton, Fawcett, Harding, Davies, Hill and Kennedy.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided a presentation on a potential project to develop energy from waste products at Port Anthony and subsequently produce energy in an environmentally sustainable manner.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 16 July 2014		
<p>Public Presentations</p> <p>OPEN DAY SESSION</p>	<p>Councillors Attending: Crs Hutchinson-Brooks, McEwen, Brunt, Newton, Fawcett, Harding, Davies, Hill and Kennedy.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Presentations were made to Council by the following community members:</p> <p>Mr David Amor, Mr Paul Rothier and Mr Viv Pepper, regarding concerns of surrounding land owners of the impact of the proposed planning scheme amendment for the introduction of an odour buffer around the Burra Foods site.</p> <p>Mr Gary Chisholm, representing the permit applicant regarding Council Agenda Item E.8 SUBDIVISION TO CREATE 14 LOTS AND ANCILLARY WORKS AT 90 HARMON ROAD, FOSTER.</p>
<p>Ordinary Council Agenda Topics Discussion 23 July 2014</p>	<p>Councillors Attending: Crs Hutchinson-Brooks, Brunt, Fawcett, Harding, Davies, Hill and Kennedy.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Ordinary Council Agenda Topics Discussion 23 July 2014.</p>
<p>Executive Update</p>	<p>Councillors Attending: Crs Hutchinson-Brooks, Brunt, Fawcett, Harding, Davies, Hill and Kennedy.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Enforcement and VCAT costs • Councillor Support Officer appointment • Mental Health First Aid Course • Council Meeting August - GippsTAFE
<p>Public Presentations</p> <p>OPEN EVENING SESSION</p>	<p>Councillors Attending: Crs Hutchinson-Brooks, Brunt, Newton, Fawcett, Harding, Davies, Hill and Kennedy.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Presentations were made to Council by the following community members:</p> <p>Mr Fred Cooper, representing Friends of Mirboo North Pool regarding Proposed Redevelopment Mirboo North Swimming Pool Hub.</p> <p>Mr Peter Burgess, regarding Council Agenda Item E.8 SUBDIVISION TO CREATE 14 LOTS AND ANCILLARY WORKS AT 90 HARMON ROAD, FOSTER.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 23 July 2014		
Ordinary Council Agenda Topics Discussion 23 July 2014	Councillors Attending: Crs Hutchinson-Brooks, McEwen, Brunt, Newton, Fawcett, Harding, Davies and Kennedy. Conflict of Interest: Nil disclosed.	Topics Discussed: Ordinary Council Agenda Topics Discussion 23 July 2014.
Public Presentations OPEN DAY SESSION	Councillors Attending: Crs Hutchinson-Brooks, McEwen, Brunt, Newton, Fawcett, Harding, Davies and Kennedy. Conflict of Interest: Nil disclosed.	<p>Presentation was made to Council by the following community member: Mr Paul Norton, regarding general comments around Health and Wellbeing.</p>
Executive Update	Councillors Attending: Crs Hutchinson-Brooks, McEwen, Brunt, Newton, Fawcett, Harding, Davies and Kennedy. Conflict of Interest: Nil disclosed.	Topics Discussed: <ul style="list-style-type: none"> • Advocacy Document for State Election draft • Pool Liaison Officer • WindFarm deliveries
Community Satisfaction Survey	Councillors Attending: Crs Hutchinson-Brooks, McEwen, Brunt, Newton, Fawcett, Harding, Davies and Kennedy. Conflict of Interest: Nil disclosed.	Topics Discussed: Councillors were provided information on Community Satisfaction Survey Results 2014 including verbatim comments and benchmarking.
Thursday 24 July 2014		
Korumburra Round Table	Councillors Attending: Crs Newton and McEwen. Conflict of Interest: Nil disclosed.	Topics Discussed: <ul style="list-style-type: none"> • Guest Presenter: Philippe de Plessis, CEO South Gippsland Water • Gateway Signage Project • Visioning Workshop • Korumburra websites • Councillor role at an Advisory Meeting • Council Land / assets in Korumburra • July Council Meeting update • Coal Creek discussion • Library site and operation • Deputy Chair nomination

RECOMMENDATION

That Council receive and note this report.

STAFF DISCLOSURE OF INTEREST

Nil

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 16.

D.4 COUNCILLOR DISCRETIONARY FUND ALLOCATION REPORT

Corporate Services Directorate

EXECUTIVE SUMMARY

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

This report details Councillors allocations for the period between 01 July 2014 and 07 August 2014.

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Councillor Discretionary Fund Policy 2014

COUNCIL PLAN

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

REPORT

The following applications have been allocated funding from the Councillor's 2014/2015 Discretionary Fund for the period between 01 July 2014 and 07 August 2014.

- Welshpool and District Horticultural Society: To assist with the costs of purchasing a portable PA system, TV, CD and DVD that will be used during meetings.

Cr Jeanette Harding - \$100

Cr Kieran Kennedy - \$100
- Port Welshpool Working Group Inc.: To assist with costs of covering insurance for the Sea Days Festival 2015.

Cr Jeanette Harding - \$500

Cr Kieran Kennedy - \$500
- Friends of Agnes Falls: To assist with the purchase of a Marquee.

Cr Jeanette Harding - \$100

Cr Kieran Kennedy - \$50

- Poowong Recreation Reserve: Purchase 3 display signs to promote the reserve.

Cr Lorraine Brunt - \$225

Cr Robert Newton - \$227

Cr Andrew McEwen - \$225

- Korumburra Cricket Club: To assist with the cost of purchasing a turf wicket marker.

Cr Lorraine Brunt - \$215

Cr Robert Newton - \$215

Cr Andrew McEwen - \$215

- Poowong Amateur Basketball Association: Purchase 18 size 5 basketballs to use for the Under 9 Age Group.

Cr Lorraine Brunt - \$170

Cr Robert Newton - \$170

Cr Andrew McEwen - \$170

FINANCIAL CONSIDERATIONS

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

CONCLUSION

The unexpended Councillor Discretionary Funds for the 2014/2015 Financial Year as at 7 August 2014 is as follows:

- Cr Mohya Davies - \$4,000
- Cr Jeanette Harding - \$3,300
- Cr Kieran Kennedy - \$3,350
- Cr Lorraine Brunt - \$3,390
- Cr Robert Newton - \$3,388

- Cr Andrew McEwen - \$3,390
- Cr James Fawcett - \$4,000
- Cr Don Hill - \$4,000
- Cr Hutchinson-Brooks - \$4,000
- Mayoral Fund - \$2,000

RECOMMENDATION

That Council receive and note this report.

STAFF DISCLOSURE OF INTEREST

Nil

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 16.

D.5 DOCUMENTS SEALED AND CONTRACTS AWARDED UNDER CHIEF EXECUTIVE OFFICER DELEGATION - JULY 2014

Corporate Services Directorate

EXECUTIVE SUMMARY

Under the Victorian Local Government 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 include agreements, contracts, leases or any other contractual or legally binding document that binds Council to another party.

Council's Procurement Policy requires that Council be advised of the award of contracts after a public tender process that fall within the Chief Executive Officer's delegation.

LEGISLATIVE/ ACTION PLANS/ STRATEGIES/ POLICIES

- Local Government Act 1989 - Section 5 and 186
- Local Law No. 3 2010
- 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

The Local Government Act 1989 requires that every Council must have a common seal and all courts, judges and persons acting judicially must take judicial notice of the imprint of the common seal of a Council on any document.

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.’

In accordance with the Local Law, the following are presented to Council as documents sealed in the month of July 2014.

1. Contract No. SGC15/01 between South Gippsland Shire Council and Artcraft Pty Ltd in relation to the Supply and Delivery of Traffic Management Signs and Associated Products – Seal Applied 8 July 2014.
2. Section 173 Agreement between South Gippsland Shire Council and the Owners of 3 Wattle Court, Sandy Point in relation to a Single Dwelling and Vegetation Removal – Seal Applied 9 July 2014.
3. Section 173 Agreement between South Gippsland Shire Council and the Owners of 5 Juno Road, Venus Bay in relation to a Single Dwelling – Seal Applied 9 July 2014.
4. South Gippsland Shire Council Instrument of Delegation for the following Committees - Seal Applied 9 July 2014:
 - a. Korumburra Recreation Reserve Special Committee;
 - b. Meeniyah & District Sports Stadium Special Committee;
 - c. Foster Showgrounds Special Committee; and
 - d. Foster War Memorial Arts Centre and Senior Citizens Special Committee.
5. Lease agreement between South Gippsland Shire Council and VicRoads relating to 12 Ashenden Street Leongatha - Seal Applied 9 July 2014.
6. Section 173 Agreement between South Gippsland Shire Council and the Owners of 25 Algers Road, Outtrim in relation to the subdivision of land into two lots – Seal Applied 15 July 2014.
7. Section 173 Agreement between South Gippsland Shire Council and the Owners of 27 Pandora Avenue, Venus Bay in relation to a dwelling

development under the provisions of the Bushfire Management Overlay, Environmental Significance Overlay Schedule 7 and Design and Development Overlay Schedule 5 – Seal Applied 17 July 2014.

8. Contract SGC15/03 Supply and Delivery of Quarry Products – Seal Applied 17 July 2014.
9. Section 173 Agreement between South Gippsland Shire Council and the owners of 78 Inlet View Road Venus Bay in relation to the development of a dwelling and removal of vegetation – Seal Applied 28 July 2014.
10. Section 173 Agreement between South Gippsland Shire Council and the owners of 8249 Bass Highway Leongatha in relation to a single dwelling – Seal Applied 28 July 2014.

Contracts Awarded Under Chief Executive Officer Delegation

The Chief Executive Officer's delegation of power from the Council allows the Chief Executive Officer to award contracts up to the value of \$250,000 (inclusive of GST) after a public tender process, subject to the exercise of this power being reported to the Council meeting after the contract is awarded.

All of the legislative requirements of section 186 of the Local Government Act 1989 and the requirements of Council's Procurement Policy are met in respect of the tender/s.

Procurement Policy requires recording in the Council Minutes all contracts over the statutory threshold set out in the Local Government Act 1989 (\$150,000 inclusive of GST for goods and services and \$200,000.00 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 the total contract price.

There have been no contracts awarded under the Chief Executive Officer's delegation this month.

RECOMMENDATION

That Council note this report.

STAFF DISCLOSURE OF INTEREST

Nil

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 16.

SECTION E - COUNCIL REPORTS

E.1 PROPOSED LEASE TO THE CORNER INLET MOTORCYCLE CLUB INC: 2746 MEENIYAN PROMONTORY ROAD, YANAKIE - OUTCOME OF THE SECTION 223 PROCESS AND RECOMMENDED PROCEEDINGS

Engineering Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is to:

1. Present the outcome of the Section 223 Hearing at the Special Committee of Council held on 18 July 2014 where submissions were heard in regards to Council's proposal to lease 2746 Meeniyana Promontory Road, Yanakie (the Site) and enter into a new lease with the Corner Inlet Motorcycle Club Incorporated (CIMCC).
2. Commence negotiations with the CIMCC for a new lease based on the draft lease as provided in **Confidential Appendix 1** for a term of 10 years.

Document/s pertaining to this Council Report

- **Confidential Appendix 1** - CIMCC Draft Lease 2014.
- **Appendix 1** - Submissions from the Public.

A copy of **Confidential Appendix 1** has been distributed separately to Councillors and the Executive Leadership Team.

A copy of **Appendix 1** is available on Council's website or by contacting (03) 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989 (Sections 190 and 223)

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Leasing Policy 2014

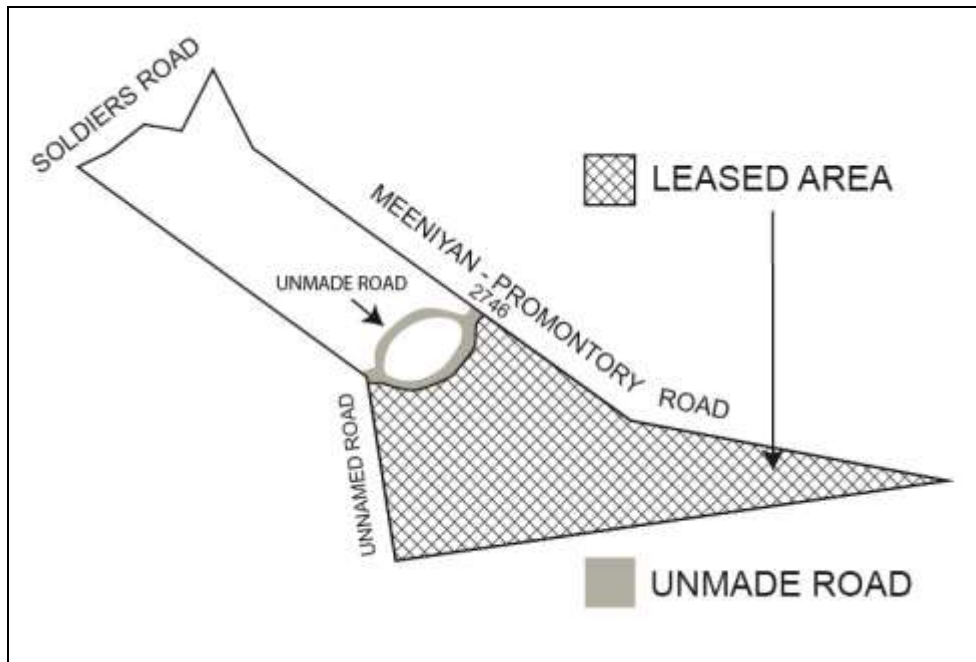
COUNCIL PLAN

- | | | |
|------------|-------|---|
| Outcome: | 3.0 | Integrated Services and Infrastructure. |
| Objective: | 3.1 | Deliver affordable modern community facilities through an integrated approach to planning and infrastructure development. |
| Strategy: | 3.1.3 | We will plan for the service needs of the Shire's changing demographic. |

CONSULTATION

External consultation has included:

- Ongoing consultation with representative of the CIMCC regarding acoustics, siltation and dust suppression.
- Public advertisements on 5 March 2014, 25 March 2014 and 23 April 2014 of Council's intention to lease the Site and proposal to enter into a new lease with the CIMCC.



- Discussions with Motorcycle Victoria concerning current motorcycle noise testing and industry requirements for the use of motorcycle tracks.
- Ongoing correspondence and telephone conversations with adjoining property owners.
- Discussions with Council's lawyers on the development and content of the new lease.

Internal consultation has included:

- Discussions between Council's Engineering, Property and Biodiversity Departments regarding siltation, dust suppression and vegetation management.

REPORT

Background

Previous reports to Council have discussed this matter in detail. The relevant background points for the purposes of this report are as follows:

- Council entered into a 10 year lease with the CIMCC on 1 December 2004 for the use of 2746 Meeniyah Promontory Road, Yanakie as a motorcycle track (the Site).
- The lease to CIMCC is due to expire on the 31 August 2014. There is an over holding provision under the lease to allow the CIMCC to remain in occupancy of the premises in the interim under the terms and conditions of the current lease.
- The last Council report was presented on 16 April 2014 and Council resolved to extend the public notice period and include a more accurate plan of the leased premises (public notice of 23 April 2014).
- Council appointed a Special Committee of Council to hear submissions to the proposed new lease. This Special Committee hearing took place on 18 June 2014 at 12.45pm in Meeting Room 2, Leongatha Memorial Hall and 4 people spoke to their submissions.

Discussion

1. Responses to Public Notices

A total of 44 submissions were received in response to the public notices advertising Council's intention to lease the Site and enter into a new lease with the CIMCC. The break-down of these were:

- 38 submissions were in favour.
- 5 submissions were against.
- 1 submission was neutral.

Also, a petition (700 signatures) in favour of the CIMCC (previously received by Council in November 2011) was re-submitted by CIMCC to strengthen support for a new lease.

A copy of all submissions is available in **Appendix 1 - Submissions from the Public**.

2. Requests to be heard

There were 4 submitters who requested to be heard. The main concerns of the submitters are summarised in Table 1 below:

Table 1: Main Concerns

Submitter	Main Concerns
Submitter 1 (Against)	<ul style="list-style-type: none"> • Noise. • Dust. • Excessive use of the track by Club. • Calendar of use. • Delay in arranging acoustics report by Council.
Submitter 2 (Against)	<ul style="list-style-type: none"> • Degradation of the land. • Traffic problems. • Dust / sound barriers. • Lease not managed well. • Lack of supervision by Council. • Rental too low. • Club members not approachable.
Submitter 3 (Support)	<ul style="list-style-type: none"> • Council provides venues for other recreational users, why not motorcycle clubs. • Club's activities are governed by Motorcycle Victoria. • Club monitors, noise, dust and weather conditions. • Controls are in place to keep noise down on the track. • Adjoining property owners are aware of the track at the time of buying and continue to raise complaints. • Club is expanding as it is well run. • 75 family / 39 single memberships. • Provides a safe environment for riders.
Submitter 4 (Against)	<ul style="list-style-type: none"> • Impact on business from dust & noise. • Visibility on roads. • Noise. • Limited revenue to the area from Club's visitors.

At the Special Committee of Council held on 18 June 2014, responses were provided towards addressing these concerns. In particular, how the terms of the current lease fail to recognise obligations of the CIMCC

in a clear and concise manner and that a new lease can be structured so that each party's obligations are clearly defined.

To address the concerns raised, the draft lease has been prepared to include the following obligations:

- a. Reference to guidelines established by Motorcycle Victoria regarding noise monitoring and the Club's responsibilities to obtain noise monitoring equipment and training of stewards to conduct the monitoring of bikes on the track.
- b. An obligation on CIMCC that Motorcycle Victoria inspect the track annually, and for CIMCC and Council to receive a report on any issues that require rectification before renewing any registration with motorcycling affiliations.
- c. An obligation on the CIMCC to keep a log book to record noise, dust and weather conditions, each time the track is used.
- d. An obligation on CIMCC to manage vegetation on the leased area in accordance with a vegetation management plan previously prepared by its consultant.
- e. An obligation on CIMCC to adhere to a calendar of use of the Track.

A draft lease has been prepared and is available in **Confidential Appendix 1**.

Options

The options available to Council are to:

1. Negotiate a new lease with the CIMCC for a term of 10 years.
2. Not grant a new lease to CIMCC and end its use of the track as at 31 August 2014.

Proposal

It is proposed that Council negotiate a new lease with the CIMCC as provided in **Confidential Appendix 1**.

The main particulars as included in the Schedule to the draft lease are as follows:

Schedule Item		Particulars
1	Tenant	Corner Inlet Motorcycle Club Inc.
2	Guarantor	N/A

Schedule Item		Particulars
3	Premises	Lot 1 on TP887244H, being the whole of the land described in certificate of title volume 8171 folio 293 and known as 2746 Meeniyen - Promontory Road, Yanakie
4	Permitted Use	Motorcycle track and motorcycle club
5	Commencement Date	1 September 2014
6	Expiry Date	31 August 2024
7	Retail Leases Act	No
8	Rent	\$104.00 plus GST
15	Options for renewal of term	Not Applicable
18	Special conditions relating to:	
18.1	Site Environmental Management Plan to be prepared, submitted to Council and followed.	
18.2	Noise control and monitoring requirements.	
18.3	Dust suppression management	
18.4	Calendar of Events.	

FINANCIAL CONSIDERATIONS

There is minimal financial risk to Council with entering into a new lease as the ongoing maintenance of the Site and facilities is the responsibility of the CIMCC.

RISKS

As a Council asset, the Site is included with Council's global building and public liability insurances. The CIMCC are required to take out public liability insurance cover of \$20,000,000 per annum to mitigate the risk to Council, as the owner of the Site.

The lease will be reviewed at three year intervals to ensure that it complies with current regulations, standards and policies of Motorcycle Victoria and affiliated bodies.

CONCLUSION

A lease will provide certainty for the CIMCC to commence improvements at the Site to accommodate their growing membership. These improvements include the construction of a new toilet block and general upgrade of facilities.

Over the last few years, the CIMCC have worked closely with Council to understand its obligations and address concerns of adjoining property owners as far as practicable and possible given the nature of the concerns raised.

The draft lease has been structured to ensure measurable performance obligations of the CIMCC.

RECOMMENDATION

That Council:

1. Commence negotiations with the Corner Inlet Motorcycle Club Inc. for a new lease based on the draft lease as provided in Confidential Appendix 1 for a term of 10 years.
2. Notify all submitters of Council's decision to negotiate a new lease with the Corner Inlet Motorcycle Club Inc.
3. Receive a further report to enter into a new lease once negotiations have been finalised.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Davies

SECONDED: Cr Hill

THAT COUNCIL:

1. **COMMENCE NEGOTIATIONS WITH THE CORNER INLET MOTORCYCLE CLUB INC. FOR A NEW LEASE BASED ON THE DRAFT LEASE AS PROVIDED IN CONFIDENTIAL APPENDIX 1 FOR A TERM OF 10 YEARS.**
2. **NOTIFY ALL SUBMITTERS OF COUNCIL'S DECISION TO NEGOTIATE A NEW LEASE WITH THE CORNER INLET MOTORCYCLE CLUB INC.**
3. **RECEIVE A FURTHER REPORT TO ENTER INTO A NEW LEASE ONCE NEGOTIATIONS HAVE BEEN FINALISED.**

CARRIED UNANIMOUSLY

E.2 APPLICATIONS TO THE RESTORING COMMUNITY WAR MEMORIALS AND AVENUES OF HONOUR GRANTS PROGRAM

Corporate Services Directorate

EXECUTIVE SUMMARY

The Returned and Services League of Australia Limited (RSL) Korumburra Sub Branch is seeking Council endorsement to support two applications to the Restoring Community War Memorials and Avenues of Honour Grants Program through the Department of Premier and Cabinet. The applications are for the restoration of the Korumburra and Poowong Cenotaphs.

Grants of up to \$20,000 are available for projects which demonstrate a commitment to ensuring Victoria's service history is preserved for future generations. The Korumburra Cenotaph Restoration Project cost is \$18,000 and the Poowong Cenotaph Restoration Project cost is \$7,000. Applications will be submitted for 100% of the total cost for each project.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Restoring Community War Memorials and Avenues of Honour Grants Program - Application Guidelines

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Community Infrastructure Project Management Policy and Guidelines 2014

COUNCIL PLAN

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:	3.1.1	We will deliver Council and community projects and leverage project funds to attract investment from external sources.

CONSULTATION

The Korumburra RSL Sub Branch formally requested Council to submit an application to the Restoring Community War Memorials and Avenues of Honour Grants Program for the restoration of the Korumburra and Poowong Cenotaph in early 2014. Council staff met with representatives of the committee to discuss the project and possible grant application.

The Executive Leadership Team was briefed on the projects on 24 July 2014.

REPORT

Background

The Restoring Community War Memorials and Avenues of Honour Grants Programs supports communities in Victoria to ensure local war memorials, honour rolls and avenues of honour are restored to their original condition or improved to reflect the service history of the local community. Grants of up to \$20,000 are available for projects which demonstrate a commitment to ensuring Victoria's service history is preserved for future generations.

Discussion

The Korumburra RSL Sub Branch is requesting that Council submit an application to the stated program for the restoration of the Korumburra and Poowong Cenotaphs. The scope of each project is as follows:

Restoration of the Korumburra Cenotaph

- Stone Masons works
- Electrical works
- Flag pole upgrade
- Contingency/Cost escalations
- **Total Project Cost: \$18,000.00**

Restoration of the Poowong Cenotaph

- Stone Masons works
- Contingency/Cost escalations
- **Total Project Cost: \$7,000**

Both cenotaphs are located on Council property. Therefore, as per the Community Infrastructure Project Management Policy and Guidelines, Council would be required to provide resources to manage the project in consultation with the committee.

Although there is no closing date for applications to this program, the Committee would like the projects implemented in time for the Anzac Centenary (25 April 2015).

Proposal

It is proposed, that Council endorses the applications and provide the resources to deliver the projects if the grants are successful.

FINANCIAL CONSIDERATIONS

There is no financial contribution required by Council; however in-kind support is required for staff resources in preparing and delivering the project and application.

RISK FACTORS

If Council doesn't support the projects, Council will pass over an opportunity to seek external funds to restore the Korumburra and Poowong Cenotaphs.

To mitigate the risk of project cost overruns to Council, it is recommended to advise the Korumburra RSL Sub Branch through this resolution, that any project cost overruns are the responsibility of the committee to fund, in accordance with Council's Community Infrastructure Project Management Policy. This policy states that if no funds are available within the overall project budget, the applicant will be required to provide the additional funding.

CONCLUSION

The Victorian Government aims to commemorate, honour and support veterans in Victoria through a range of initiatives that promote understanding of the service and sacrifice of our veterans. By assisting communities to restore their war memorials, honour rolls and avenues of honour the Government is helping to ensure the 'baton' of remembrance is passed to future generations of Victorians.

The applications for the restoration of the Korumburra and Poowong cenotaphs provide Council with an opportunity to support these objectives and its obligation to the program.

RECOMMENDATION

That Council:

1. Endorse the project and seek funding for \$18,000 for the Korumburra Cenotaph Restoration Project from the Restoring Community War Memorials and Avenues of Honour Grants Programs;
2. Endorse the project and seek funding for \$7,000 for the Poowong Cenotaph Restoration Project from the Restoring Community War Memorials and Avenues of Honour Grants Programs;
3. Provide staff resources as in-kind, for management of the projects if approved by the Department of Premier and Cabinet; and
4. Advise the Korumburra RSL Sub Branch Committee that any project overruns are the responsibility of the committee to fund, in accordance with Council's Community Infrastructure Project Management Policy.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Newton

SECONDED: Cr Hutchinson-Brooks

THAT COUNCIL:

1. **ENDORSE THE PROJECT AND SEEK FUNDING FOR \$18,000 FOR THE KORUMBURRA CENOTAPH RESTORATION PROJECT FROM THE RESTORING COMMUNITY WAR MEMORIALS AND AVENUES OF HONOUR GRANTS PROGRAMS;**
2. **ENDORSE THE PROJECT AND SEEK FUNDING FOR \$7,000 FOR THE POOWONG CENOTAPH RESTORATION PROJECT FROM THE RESTORING COMMUNITY WAR MEMORIALS AND AVENUES OF HONOUR GRANTS PROGRAMS;**
3. **PROVIDE STAFF RESOURCES AS IN-KIND, FOR MANAGEMENT OF THE PROJECTS IF APPROVED BY THE DEPARTMENT OF PREMIER AND CABINET; AND**
4. **ADVISE THE KORUMBURRA RSL SUB BRANCH COMMITTEE THAT ANY PROJECT OVERRUNS ARE THE RESPONSIBILITY OF THE COMMITTEE TO FUND, IN ACCORDANCE WITH COUNCIL'S COMMUNITY INFRASTRUCTURE PROJECT MANAGEMENT POLICY.**

CARRIED UNANIMOUSLY

E.3 AWARD OF TENDER SGC15/11 - CONSTRUCTION OF FOOTPATH AND KERB & CHANNEL RENEWALS - VARIOUS LOCATIONS

Engineering Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is to recommend awarding Tender 'SGC15/11 - Construction of Footpath and Kerb & Channel Renewals - Various Locations' to Sure Constructions Pty Ltd.

The contract commences on 1 September 2014 and ends on 30 April 2015.

Document/s pertaining to this Council Report

- **Attachment 1** - 2014/15 Footpath and Kerb & Channel Renewal Projects.
- **Confidential Appendix 1** - Evaluation Summary & Lump Sum Figures excluding GST.

A copy of **Confidential Appendix 1** has been distributed separately to Councillors and the Executive Leadership Team.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Procurement Best Practice Guidelines
- Local Government Act 1989

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Procurement Policy 2014
- Road Management Plan 2013

COUNCIL PLAN

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:	3.1.4	We will plan for the service needs of the Shire's changing demographic.

CONSULTATION

N/A

REPORT

Background

Tender SGC15/11 was advertised in The Age and regional newspapers in June 2014 and closed on 15 July 2014. Tender submissions were sought from experienced concreting contractors for the construction of footpath and kerb & channel renewals at various locations throughout the shire.

An Evaluation Panel was convened on 25 July 2014 to assess the Tenders. The Evaluation Panel consisted of the Director Engineering Services (as CEO representative), Acting Manager Engineering & Projects, Assets Technical Officer and Contracts Administrator.

The Tenders were assessed in accordance with the criteria specified in the contract documentation.

A copy of the Tender Evaluation Summary has been included in **Confidential Appendix 1**.

Discussion

Five footpath and kerb & channel renewal projects have been nominated for completion during the 2014/15 financial year. A list of the projects is available in **Attachment 1**.

Eight submissions were received from the following tenderers:

1. C & D Earthworks Pty Ltd.
2. Sure Constructions Pty Ltd.
3. ADA Construction Services Pty Ltd.
4. Micton Constructions Pty Ltd.
5. Fowlers Asphaltting Pty Ltd.
6. M Mileto & B Whale T/A M & M Paving.
7. Kevron Constructions Pty Ltd.
8. Contula Constructions Pty Ltd.

Each of these contractors submitted lump sum prices for each of the five nominated projects except for C&D Earthworks Pty Ltd, who only provided prices for Melville Avenue and Swanson Street, Korumburra.

Proposal

It is proposed that Council award Tender 'SGC15/11 - Construction of Footpath and Kerb & Channel Renewals - Various Locations' to Sure Constructions Pty Ltd.

FINANCIAL CONSIDERATIONS

The awarded amounts to the successful Tenderer are accommodated in Council's adopted budget.

RISKS

By completing the Footpath and Kerb & Channel Renewal Program for the 2014/15 financial year, Council mitigates tripping hazards for pedestrians and the potential risk for future claims against Council.

CONCLUSION

Awarding of Tender SGC15/11 to Sure Constructions Pty Ltd will enable Council to successfully complete all nominated footpath and kerb & channel renewal projects within the 2014/15 financial year.

RECOMMENDATION

That Council:

1. Award Tender 'SGC15/11 - Construction of Footpath and Kerb & Channel Renewals - Various Locations' to Sure Constructions Pty Ltd for the lump sum amount of \$234,189.36 including GST.
2. Authorise the Chief Executive Officer, or his delegate, to sign the Contracts and affix the Common Seal of the Council to the Contract documents.
3. Authorise for the Manager Engineering & Projects to be the Contract Superintendent for Contract SGC15/11.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Hutchinson-Brooks

SECONDED: Cr Kennedy

THAT COUNCIL:

- 1. AWARD TENDER 'SGC15/11 - CONSTRUCTION OF FOOTPATH AND KERB & CHANNEL RENEWALS - VARIOUS LOCATIONS' TO SURE CONSTRUCTIONS PTY LTD FOR THE LUMP SUM AMOUNT OF \$234,189.36 INCLUDING GST.**
- 2. AUTHORISE THE CHIEF EXECUTIVE OFFICER, OR HIS DELEGATE, TO SIGN THE CONTRACTS AND AFFIX THE COMMON SEAL OF THE COUNCIL TO THE CONTRACT DOCUMENTS.**
- 3. AUTHORISE FOR THE MANAGER ENGINEERING & PROJECTS TO BE THE CONTRACT SUPERINTENDENT FOR CONTRACT SGC15/11.**

CARRIED UNANIMOUSLY

Attachment 1
2014/15 Footpath and Kerb & Channel Renewal Projects

Projects	Description
1) Dutton Street, Toora	Kerb Renewal
2) Bruce Street, Leongatha	Footpath Renewal
3) Main Street, Welshpool	Footpath Renewal
4) Melville Avenue, Korumburra	Footpath Renewal
5) Swanson Street, Korumburra	Footpath Renewal

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.

Nil

SECTION G – GENERAL QUESTION TIME

G.1 QUESTION TIME

Mr Rob Waycott representing the Mirboo North Times addressed Council by asking a question regarding the Federal Assistance Grants and the CPI increase was not included and asked what the shortfall of funds that would have been otherwise provided.

The Question was taken on notice and will be addressed at the next appropriate Council Meeting.

Councillor Don Hill addressed Council by asking a question regarding \$34 million in the 15 Year Works Unallocated Roads and the movement of these funds in April to Future Major Works and then passed in June into Unallocated Buildings Capital. Was this change notified through the Section 223 Statutory Process and is this a significant change to warrant a further Section 223 Statutory Process?

The Questions were taken on notice and will be addressed at the next appropriate Council Meeting.

G.2 ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

Noted.

At Ordinary Council Meeting 23 July 2014, Mr Paul Norton submitted written questions, the questions were taken on notice and responses are now provided.

Question 1:

About a month ago the Mayor in his Local press media report that some members of Council staff would accompany the Local athletes to the Commonwealth Games in Glasgow, Scotland. If there is staff members going are they going on their own time, or holidays or long service. What is the estimated cost to Council and the number of staff attending?

Response

Whilst Council has an interest in the achievements of its local athletes it did not send members of staff as representatives to the recent Commonwealth Games. As such there was no cost incurred to Council.

Question 2a:

A few years ago in a letter that stated that Council would make a pathway along Long Street to link into Bair Street that would be DDA compliant into V/Line Leongatha bus stop. As the Shire has recently completed the last 20 or 30 metres has or will Council share any of the cost of the recently completed path way along Long Street that fronts the new Salvation Army which must also be part of the same DDA pathway?

Response

Council will not be sharing any of the cost of the Pathway fronting the Salvation Army.

Question 2b:

Also as part of the 'new' Leongatha CBD bypass will any or all of the Long Street Pathways be fenced?

Response

The detailed design of the Leongatha bypass will determine if a fence is required.

Question 3:

A few years ago Mr Seabrook stated in a letter (since recycled) to myself that if there were any funds left as of what I believe was shared project with V/Line as of the then 'new' pathway at Station Street linking the bus stop to and only to the Rail crossing at Roughead Street to build a fence along the Rail Line. So at this time can the Council state if or not a fence will or not be built?

Response

Council is not proposing to build a fence along the railway line.

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.

ITEM 1 CONTRACTUAL MATTER

MOVED: Cr Davies

SECONDED: Cr Kennedy

THAT COUNCIL CLOSE THE MEETING TO THE PUBLIC TO ALLOW FOR CONSIDERATION OF A CONTRACTUAL MATTER PURSUANT TO SECTION 89(2)(D) AS PROVIDED FOR BY THE LOCAL GOVERNMENT ACT 1989.

CARRIED UNANIMOUSLY

**ITEM 1 EXTENSION OF CONTRACT SGC12/02 FOR THE MANAGEMENT
AND OPERATION OF THE TOORA OUTDOOR SWIMMING POOL**

- 3. MAKE PUBLIC COUNCIL'S DECISION TO EXTEND THE TOORA
SWIMMING POOL CONTRACT WITH EC AND CA BENNETT.**

SECTION H - MEETING CLOSED

NEXT MEETING

The next Ordinary Council Meeting open to the public will be held on Wednesday, 24 September 2014 commencing at 2pm in the Council Chambers, Leongatha.

The Meeting closed at 3.26pm.

CONFIRMED:.....

CR JAMES FAWCETT - MAYOR

Date:.....