



South Gippsland
Shire Council

Come for the beauty, Stay for the lifestyle

COUNCIL MINUTES

**ORDINARY MEETING NO. 381
WEDNESDAY 25 JUNE 2014
COUNCIL CHAMBERS, LEONGATHA
COMMENCED AT 2PM**

PRESENT:

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

OFFICERS:

Tim Tamlin	Chief Executive Officer
Anthony Seabrook	Director Engineering Services
Jan Martin	Director Community Services
Phil Stone	Director Development Services
Tom Lovass	Acting Director Corporate Services
Luke Anthony	Manager Governance Services
David Roche	Governance and Statutory Compliance Coordinator
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. 381 WEDNESDAY 25 JUNE 2014 COUNCIL CHAMBERS, LEONGATHA COMMENCED AT 2PM

INDEX

SECTION A - PRELIMINARY MATTERS	1
SECTION B - NOTICES OF MOTION AND/OR RESCISSION	8
B.3 NOTICE OF MOTION NUMBER 666 - RELIST GUIDELINES FOR INCORPORATING EXPENDITURE INTO 15 YEAR BUDGET PROJECTIONS	8
SECTION D – PROCEDURAL REPORTS	10
D.1 FINANCE PERFORMANCE REPORT JULY 2013 - MAY 2014.....	10
D.2 REPORT ON ASSEMBLY OF COUNCILLORS – MAY/ JUNE 2014	14
D.3 COUNCILLOR DISCRETIONARY FUND ALLOCATION REPORT	24
D.4 DOCUMENTS SEALED AND CONTRACTS AWARDED UNDER CHIEF EXECUTIVE OFFICER DELEGATION - MAY 2014.....	26
SECTION E - COUNCIL REPORTS	29
E.1 RATING STRATEGY 2014-2018.....	29
E.2 ADOPTION OF ANNUAL BUDGET 2014-2015 AND DECLARATION OF RATES AND CHARGES.....	38
B.1 NOTICE OF MOTION NUMBER 664 – AMENDMENT TO DIFFERENTIAL RATES IN BUDGET 2014-2015	71
B.2 NOTICE OF MOTION NUMBER 665 – AMENDMENT TO BUDGET 2014- 2015.....	75
B.4 NOTICE OF MOTION NUMBER 667 – REPORT ON EFFECT OF \$34 MILLION TO FORWARD BUDGET PROJECTIONS ON RATE REVENUE RAISED OVER THE 15 YEAR PROJECTIONS	78

SECTION C - COMMITTEE REPORTS	85
E.3 DOMESTIC WATER BORES IN VENUS BAY AND SANDY POINT - IMPACT ON DEVELOPMENT OF LAND	86
E.4 TOORA AND POOWONG SWIMMING POOL MASTER PLANS	97
E.5 MIRBOO NORTH COMMUNITY INFRASTRUCTURE PLAN 2014	103
E.6 TARWIN LOWER VENUS BAY COMMUNITY INFRASTRUCTURE PLAN 2014.....	114
E.7 KORUMBURRA ROUNDTABLE - PROGRESS REPORT	122
E.8 COMMUNITY SATISFACTION SURVEY RESULTS 2014	134
E.9 PLANNING SCHEME AMENDMENT C77 PART 2 (PROM VIEW LODGE REZONING TOORA) - ADOPTION	142
E.10 COMMUNICATION AND ENGAGEMENT POLICY	149
E.11 2014/2015 COMMUNITY GRANTS PROGRAM POLICY REVIEW	159
E.12 BUSINESS INVESTMENT AND ATTRACTION POLICY	166
E.13 WASTE DISPOSAL PRIVILEGES FOR FUNDRAISERS AND COMMUNITY GROUPS POLICY REVIEW.....	173
E.14 ART ACQUISITION POLICY REVOCATION	189
E.15 COAL CREEK COMMUNITY PARK AND MUSEUM COLLECTION POLICY	196
E.16 COMMUNITY INFRASTRUCTURE PROJECT MANAGEMENT POLICY	205
E.17 COUNCIL POLICY REVIEW - INTELLECTUAL PROPERTY POLICY AND PROCUREMENT POLICY.....	215
E.18 SPECIAL (SECTION 86) COMMITTEES REVIEW – FOSTER SHOWGROUNDS SPECIAL.....	223
E.19 SPECIAL (SECTION 86) COMMITTEES REVIEW – MEENIYAN SPORTS STADIUM SPECIAL COMMITTEE	235
E.20 SPECIAL (SECTION 86) COMMITTEES REVIEW – FOSTER WAR MEMORIAL ARTS CENTRE AND SENIOR CITIZENS COMMITTEE	246
E.21 SPECIAL (SECTION 86) COMMITTEES REVIEW – KORUMBURRA RECREATION RESERVE SPECIAL COMMITTEE	257

SECTION F - URGENT OR OTHER BUSINESS	268
SECTION G – GENERAL QUESTION TIME	269
G.1 QUESTION TIME	269
G.2 ANSWERS TO PREVIOUS QUESTIONS ON NOTICE	269
CLOSED SESSION	270
ITEM 4 NOTICE OF INTENTION TO REAPPOINT CHIEF EXECUTIVE OFFICER OF SOUTH GIPPSLAND SHIRE COUNCIL.....	272
SECTION H - MEETING CLOSED	273

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 – MAYOR

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 – MAYOR

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

A.4 APOLOGIES

Nil

The Mayor welcomed back Cr Kennedy.

A.5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 380, held on 28 May 2014 in the Council Chambers, Leongatha be confirmed.

MOVED: Cr Harding

SECONDED: Cr Davies

**THAT THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL
ORDINARY MEETING NO. 380, HELD ON 28 MAY 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.

Councillor Mohya Davies declared a direct conflict of interest in Council Reports - Item E.9 - PLANNING SCHEME AMENDMENT C77 PART 2 (PROM VIEW LODGE REZONING TOORA) - ADOPTION, having made an offer to purchase Prom View Lodge at an auction.

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

Privacy

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

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

A.8 DECLARATION OF CONFLICT OF INTEREST FOR STAFF

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

Mr Tim Tamlin, Chief Executive Officer declared a direct conflict of interest in Closed Session Item 4 - CONFIDENTIAL REPORT – PERSONNEL MATTER – INTENTION TO REAPPOINT CEO, as his benefits and circumstances will be directly altered by the outcome of this matter.

Noted.

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 Hutchinson-Brooks addressed Council regarding attendance at:

- **Australian Local Government Association (ALGA) in Canberra commented that of the 565 Local Governments with approx. 4,500 Councillors around Australia they face similar problems. Cr Hutchinson-Brooks made a number of observations from the conference:**
 - **It was great to hear how other councils have tackled problems similar to ours.**
 - **One speaker made a comment that building capacity of small-medium businesses is important rather than building on high cost big projects that might not be successful.**
 - **Representations were made to members of Parliament and the discussion focussed on the Korumburra Children's hub.**
 - **Discussed an opportunity for our Shire to host a Campervan and Motor Home Club Australia (CMCA) event in April 2016.**
- **Gecko Gallery Fish Creek, and noted the incredible workmanship encourage community to attend.**

Cr McEwen addressed Council noting that the Campervan and Motor Home Club Australia (CMCA) event would benefit the Shire by contributing a considerable sum to the economy, of approximately \$2- \$4 million.

Cr McEwen addressed Council regarding attendance at:

- **Leongatha South Public Progress Hall Committee meeting and noted that they are working together with Council.**
- **Meeniyah Mens Shed meeting and are still looking forward to move into the old CFA building.**
- **Tarwin Valley Branding group meeting and noted that the website is almost ready for launching.**
- **Gippsland Waste Management Group and noted that there should be a smooth transition to new structure and noted funding concerns.**

Cr McEwen informed Council that he had been approached by community members regarding Coal Seam Gas (CSG) issues and that the group may come back to Council to seek reaffirmation of Council's stand point on these issues.

Cr Brunt addressed Council regarding the attendance by Councillors at the ALGA Conference, Canberra and was pleased with the comments/ support made about Korumburra Children's Centre.

Cr Brunt thanked staff for the hard work in gaining the grant for the Nyora Hall and noted that Council does great things.

Cr Brunt made a comment about a new sustainability program undertaken at the Consolidated Primary School in Poowong, and that it is important to teach children about sustainability.

Cr Harding addressed Council regarding attendance at:

- **ALGA Canberra conference, and noted that Council was well represented by each of the attendees of South Gippsland Shire Council.**
- **Yanakie Recreation Reserve Development Project grant presentation.**
- **Toora Park Land Advisory Committee meeting and noted that the minutes have included a motion for consideration by Council of a dump site at Toora.**

Cr Davies addressed Council regarding attendance at:

- **Yanakie Recreation Reserve Development Project grant presentation.**
- **Various Rail Trail Branding Project meetings and noted that the meetings have been well attended and the community has been providing feedback.**

Cr Fawcett addressed Council regarding attendance at events throughout the Shire alongside Peter Ryan MP and noted that Council has made significant contribution to Halls throughout the Shire through grants applied for by Council including Sandy Point, Yanakie and Nyora.

MOVED: Cr Davies

THAT THE ORDER OF BUSINESS BE CHANGED TO CONSIDER ITEMS AS FOLLOWS B.3, D.1, D.2, D.3, D.4, E.1, E.2 , B.1, B.2 AND B.4.

CARRIED

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

Against: Crs Kennedy, Hill and McEwen.

SECTION B - NOTICES OF MOTION AND/OR RESCISSION

B.3 NOTICE OF MOTION NUMBER 666 - RELIST GUIDELINES FOR INCORPORATING EXPENDITURE INTO 15 YEAR BUDGET PROJECTIONS

PURPOSE/INTRODUCTION

The process for preparing a 15 year budget is a statutory requirement set out in the Local Government Act (1989).

I am of the opinion that not all Councillors understood the intent or potential ramifications of the Notice of Motion B.1 GUIDELINES FOR INCORPORATING EXPENDITURE INTO 15 YEAR BUDGET PROJECTIONS Points 3, 4, and 5– which were not passed by Council on 28 May 2014.

To agree, as was the case, to approve Points 1. and 2. of said motion which was to review and develop a policy that set a clear and transparent process to be employed before adding future additional expenditure into the 15 year budget but to fail to approve the motion requiring existing expenditure items which have not been approved of using this clear and transparent method to be so approved before confirming their place within the 15 year budget is I believe an unacceptable process for this Council.

This approach creates a major risk for Council if the resulting 15 year budget is perceived by the broader community to be inclusive of unapproved expenditure and therefore requiring higher rates to be charged to cover said expenditure. For expenditure to be included without a clear and transparent process leads to perceptions of slush funds, and inappropriate interactions between staff and councillors. This flawed process is seen to be a failure of good governance.

MOTION

I, Councillor Don Hill, advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on 25 June 2014:

THAT THE FOLLOWING MOTION IN RESPECT OF ITEM B1 (POINTS 3, 4, AND 5) WHICH WAS NOT CARRIED AT THE ORDINARY MEETING OF COUNCIL HELD ON 28 MAY 2014 BE RELISTED AT THE 23 JULY 2014 MEETING OF COUNCIL 2014:

THAT COUNCIL RELIST:

3. Itemise current items of expenditure that have not been previously approved using such methods or that are not covered by a current asset management plan which identifies them as part of a sustainable expenditure program.
4. To remove from the 15 year projections those identified expenditure items and only to reallocate them if council determines to do so after

following the policy guidelines developed from this report.

5. Identify all future expenditure items required to be funded from developer contributions or other external funding sources and indicate this in the 15 year financial projections.

MOVED: Cr Hill

SECONDED: Cr McEwen

THAT THE FOLLOWING MOTION IN RESPECT OF ITEM B1 (POINTS 3, 4, AND 5) WHICH WAS NOT CARRIED AT THE ORDINARY MEETING OF COUNCIL HELD ON 28 MAY 2014 BE RELISTED AT THE 23 JULY 2014 MEETING OF COUNCIL 2014:

THAT COUNCIL RELIST:

3. **ITEMISE CURRENT ITEMS OF EXPENDITURE THAT HAVE NOT BEEN PREVIOUSLY APPROVED USING SUCH METHODS OR THAT ARE NOT COVERED BY A CURRENT ASSET MANAGEMENT PLAN WHICH IDENTIFIES THEM AS PART OF A SUSTAINABLE EXPENDITURE PROGRAM.**
4. **TO REMOVE FROM THE 15 YEAR PROJECTIONS THOSE IDENTIFIED EXPENDITURE ITEMS AND ONLY TO REALLOCATE THEM IF COUNCIL DETERMINES TO DO SO AFTER FOLLOWING THE POLICY GUIDELINES DEVELOPED FROM THIS REPORT.**
5. **IDENTIFY ALL FUTURE EXPENDITURE ITEMS REQUIRED TO BE FUNDED FROM DEVELOPER CONTRIBUTIONS OR OTHER EXTERNAL FUNDING SOURCES AND INDICATE THIS IN THE 15 YEAR FINANCIAL PROJECTIONS.**

LOST

For: Crs Kennedy, Hill and McEwen.

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

SECTION D – PROCEDURAL REPORTS

D.1 FINANCE PERFORMANCE REPORT JULY 2013 - MAY 2014

Corporate Services Directorate

EXECUTIVE SUMMARY

An update on Council's current financial performance from July 2013 to May 2014 is provided in this report.

The Financial Performance Reports are purposefully prepared outside traditional quarterly cycles to better align with strategic events that occur throughout the financial year.

Projected year-end financial projections show 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 105% which is above the target of 98%.

The financial performance indicators show that the Long Term Financial Plan is financially sustainable.

Document/s pertaining to this Council Report

- **Appendix 1** - Financial Performance Report to 31 May 2014

A copy of **Appendix 1 - Financial Performance Report to 31 May 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:- Part 7 Financial Management

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Financial Strategy 2014/15

COUNCIL PLAN

Outcome:	4.0	A Leading Organisation
Objective:	4.1	Improve the financial sustainability of Council, including diversifying revenue streams.
Strategy No:	4.1.1	We will explore innovative ways of increasing revenue and reducing expenditure

CONSULTATION

All departments have contributed information to the development of the Financial Performance Report and the details have been considered by the Executive Leadership Team.

REPORT

Background

Council must abide by the principles of sound financial management and ensure that periodically a statement comparing budgeted revenue and expenditure for the financial year with the actual revenue and expenditure is presented to Council.

Council each year sets an Annual Budget within a 15 year Long Term Financial Plan framework. Guidance is provided by the 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 performance 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's budgeted financial statements.

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 (financial KSA) 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 information updates to be provided to Council and its community in a timely manner. The reporting timelines include:

- August: Report picks up financial implications of previous year's financial results as well as the budgets impact of funding projects carried forward that were not completed by 30 June
- November: Report picks up financial implications of any changes made to operational or capital budgets during the mid-year financial review process

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

At financial year end a comprehensive financial statements, standard statements, and performance statements are produced, subject to external audit and form part of the Annual Report. The Annual Report is presented to Council in September.

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, the projected outcome for the financial year end as well as commentary on the financial Key Strategic Activities (KSA).

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 Financial Strategy's key performance indicators.

FINANCIAL CONSIDERATIONS

Activities within the Council 2013/14 Annual Plan are funded through the 2013/14 Budget.

The Financial Performance Report provides a high level analysis of Council's financial performance for the 11 month period from July 2013 to May 2014.

Projected year-end financial projections show 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 105% which is above the target of 98%.

The longer term financial performance indicators show that the Long Term Financial Plan is financially sustainable.

RISK FACTORS

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

Council can assess year to date performance and 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 2013 to May 2014.

RECOMMENDATION

That Council receive and note the Financial Performance Report (Appendix 1) for the period July 2013 to May 2014.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Newton

SECONDED: Cr Davies

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

CARRIED UNANIMOUSLY

D.2 REPORT ON ASSEMBLY OF COUNCILLORS – MAY/ JUNE 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 May/ June 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 7 May 2014		
Policy Review – Waste Disposal Privileges for Fundraisers and Community Groups	<p>Councillors Attending: Crs McEwen, Brunt, Harding and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information relating to review of Waste Disposal Privileges for Fundraisers and Community Groups policy.</p>
Draft Recreational Vehicle (RV) Strategy Submission Responses	<p>Councillors Attending: Crs McEwen, Brunt, Harding and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information considering submission responses from recent community consultation of the draft Recreation Vehicle Strategy.</p>
Jim Harvey Bequest Proposal	<p>Councillors Attending: Crs McEwen, Brunt, Harding and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information relating to allocation of bequest.</p>
Water Bore restriction development in Sandy Point and Venus Bay	<p>Councillors Attending: Crs McEwen, Brunt, Harding and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information relating to State Regulations for water bores for Sandy Point, Venus Bay and Tarwin Lower.</p>
New Policy – Enforcement Policy	<p>Councillors Attending: Crs McEwen, Brunt, Harding, Hill and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information relating to proposed new enforcement policy.</p>
Toora Boat Ramp Project Update	<p>Councillors Attending: Crs McEwen, Brunt, Harding, Hill and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information relating to current progress for the dredging of the access channel at the Toora boat ramp.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 7 May 2014		
Councillor / CEO Session	<p>Councillors Attending: Crs Brunt, Harding, Hill and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Councillor correspondence • Employee opinion survey • Letter to the editor
Planning Committee	<p>Councillors Attending: Crs Harding, Davies, Brunt, McEwen and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Planning Decisions March • VCAT decisions • Statutory Planning Applications • Strategic Planning and Development Projects • General Business
Executive Update	<p>Councillors Attending: Crs Brunt, Harding, Hill and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • IPAA State Budget Breakfast • Bass Coast Benchmarking Project • National Asset Management Conference – Road Maintenance Presentation • Discussion of Management Arrangements around Waratah Bay
Council Plan Actions and Council Timetable for May/ June 2014	<p>Councillors Attending: Crs Brunt, Harding, Hill and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Council Plan Actions • Council Timetable May/June 2014
Thursday 8 May 2014		
South Gippsland Arts Network	<p>Councillors Attending: Cr Harding</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Gippsland Arts Festival and Council promotion of local events • Local arts activities May – August • Funding opportunities for Arts • Council draft 2014-15 Annual Plan and Budget

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 14 May 2014		
Review of Gippsland Regional Plan and Consultation	<p>Councillors Attending: Crs Fawcett, McEwen, Davies, Hutchinson-Brooks and Newton.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information relating to and requested input to help inform the review and redevelopment of the Gippsland Regional Plan.</p>
Review of Caravan Parks Steering Committee	<p>Councillors Attending: Crs Davies and Hutchinson-Brooks</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Confirmation of minutes 23 April 2014 • Outstanding actions from previous minutes • DEPI meeting outcome/ Waratah Bay Planning • Community Consultation feedback • Council's Caravan Park Webpage
Financial Sustainability Steering Committee	<p>Councillors Attending: Crs Davies, McEwen, Fawcett and Newton.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Bass Coast Benchmarking Project • Proposed Financial Sustainability Steering Committee Terms of Reference for 2014-2015 • Capital Works Review Procedure
Community Engagement and Evolving Vision Steering Committee	<p>Councillors Attending: Crs Davies and Fawcett.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Roads Campaign update • Draft Social Media strategy and policy
Thursday 15 May 2014		
Municipal Emergency Management Planning Committee	<p>Councillors Attending: Cr Hutchinson-Brooks</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Murray Goulburn Business Continuity in an Emergency • Training Exercise – animal disease • Establish Working group to review Pandemic Plan • Draft Tarwin Lower Local Flood guide • Review draft Heatwave Plan • Agency Reports

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 21 May 2014		
2013 – 2014 Community Grants Round 2 - Assessment	<p>Councillors Attending: Crs Lorraine Brunt, James Fawcett, Jeannette Harding, Mohya Davies and Nigel Hutchinson-Brooks.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information relating to consideration of recommendations for 2013-2014 Community Grants Program – Round 2.</p>
Community Grants Program Review	<p>Councillors Attending: Crs McEwen, Hill, Brunt, Fawcett, Harding, Hutchinson-Brooks and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information and reviewed the Community Grants Program prior to program commencement 1 July 2014.</p>
Ordinary Council Agenda Topics Discussion 28 May 2014	<p>Councillors Attending: Crs Mohya Davies, Lorraine Brunt, James Fawcett, Jeannette Harding, and Nigel Hutchinson-Brooks.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Ordinary Council Agenda Topics Discussion 28 May 2014.</p>
Road Maintenance – it’s a wicked problem	<p>Councillors Attending: Crs Mohya Davies, Lorraine Brunt, James Fawcett, Jeannette Harding, Robert Newton and Nigel Hutchinson-Brooks.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: A presentation was made to Councillors on the widespread issues attributing to road maintenance.</p>
Community Feedback on the Swimming Pool Master Plans	<p>Councillors Attending: Crs Mohya Davies, Lorraine Brunt, James Fawcett, Jeannette Harding, Robert Newton and Nigel Hutchinson-Brooks.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors considered the submissions on Swimming Pool Master Plans.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 21 May 2014		
Executive Update	<p>Councillors Attending: Crs Mohya Davies, Lorraine Brunt, Robert Newton, James Fawcett, Jeannette Harding, Nigel Hutchinson-Brooks and Don Hill.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Membership consideration • Local Purchasing Policy • Coal Exports via Port Anthony • Consuls General Tour of Gippsland • IT project update – rollout of ipads • State and Federal Budget • Harmon Road, Foster Subdivision
<p>Public Presentations</p> <p>OPEN SESSION</p> <p>Presentations were made to Council by the following community members:</p> <p>Mr Clive Hope, regarding Council’s Communication Engagement Policy and Councillors Code of Conduct.</p> <p>Members of the Leongatha Skate Park Youth Committee regarding a proposed Skate Park in Leongatha.</p> <p>Mr Matthew Croome, representing Bald Hill Wind Farm organisation regarding Bald Hills Wind Farm - Progress Update.</p> <p>Mrs Vivian Jones, representing the Foster Community Association regarding Council Agenda Item E.1 RECREATIONAL VEHICLE (RV) STRATEGY.</p>	<p>Councillors Attending: Crs Mohya Davies, Lorraine Brunt, Robert Newton, James Fawcett, Jeannette Harding, Nigel Hutchinson-Brooks and Don Hill.</p> <p>Conflict of Interest: Nil disclosed.</p>	
Councillor / CEO Session	<p>Councillors Attending: Crs Mohya Davies, Lorraine Brunt, Robert Newton, James Fawcett, Jeannette Harding, Nigel Hutchinson-Brooks and Don Hill.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Letters to the Editor • Shared Services with other Councils • Council Enforcement Policy

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 21 May 2014		
Ordinary Council Agenda Topics Discussion 28 May 2014	<p>Councillors Attending: Crs Mohya Davies, Lorraine Brunt, Robert Newton, James Fawcett, Jeannette Harding, Nigel Hutchinson-Brooks and Don Hill.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Ordinary Council Agenda Topics Discussion 28 May 2014.</p>
Korumburra Round Table	<p>Councillors Attending: Cr Newton</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Committee resignations • Gateway/signage project • Council update • Presentation by Council's Economic and Tourism department • Budgeting • Chair Nominations
Tuesday 27 May 2014		
Active Retiree Advisory Committee	<p>Councillors Attending: Cr Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Overview of objectives, goals, mission, role • Endorse terms of reference • Election of chair • Priorities outlined: transport connections, medical services, building space for use
Wednesday 28 May 2014		
Ordinary Council Agenda Topics Discussion 28 May 2014	<p>Councillors Attending: Crs McEwen, Brunt, Newton, Fawcett, Harding, Hutchinson-Brooks and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Ordinary Council Agenda Topics Discussion 28 May 2014.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 28 May 2014		
<p>Public Presentations</p> <p>OPEN SESSION</p> <p>Presentations were made to Council by the following community members:</p> <p>Mr Paul Norton regarding answers to questions taken on notice at previous Council Meeting.</p> <p>Mr David Jones, representing Foster Fire Brigade and Foster Station Park Advisory Committee, Ms Irene Spooner, representing local business, Toora Newsagency, Ms Karen Barwick and Ms Fenna van der Meulen, from Vic Park on behalf of Rachel Brown, Toora Tourist Park regarding Council Agenda Item E.1 RECREATIONAL VEHICLE (RV) STRATEGY.</p> <p>Mr David Amor, representing Korumburra Business Association and community regarding state of VIC roads signage in Korumburra, pipe work in Station Street, hard rubbish and dumping on side of road.</p>	<p>Councillors Attending: Crs McEwen, Brunt, Newton, Fawcett, Harding, Hutchinson-Brooks and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	
<p>Executive Update</p>	<p>Councillors Attending: Crs McEwen, Brunt, Newton, Fawcett, Harding, Hutchinson-Brooks and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Developer Contributions • Bald Hills Wind Farm
<p>Distribution of Remaining Recreation Maintenance Allocation</p>	<p>Councillors Attending: Crs McEwen, Brunt, Newton, Harding, Hutchinson-Brooks, Hill and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information on the allocation of recreation maintenance funding allocation.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 4 June 2014		
Occupancy Agreements for Council Properties	<p>Councillors Attending: Crs Nigel Hutchinson-Brooks, Jeanette Harding and James Fawcett.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information relating to review of all Council's agreements including leases, licenses and committees of management.</p>
Kerbside Green Waste Collection	<p>Councillors Attending: Crs Andrew McEwen, Lorraine Brunt, James Fawcett, Jeanette Harding, Nigel Hutchinson-Brooks and Mohya Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information relating to proposed kerbside green waste collection.</p>
Victoria Grants Commission – South Gippsland allocation	<p>Councillors Attending: Crs Andrew McEwen, Lorraine Brunt, James Fawcett, Jeanette Harding, Nigel Hutchinson-Brooks and Mohya Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information relating to detail on how South Gippsland State funding is allocated.</p>
GEO/Fulham Prison Community Work Program	<p>Councillors Attending: Crs Andrew McEwen, Lorraine Brunt, James Fawcett, Jeanette Harding, Nigel Hutchinson-Brooks, Don Hill and Mohya Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information relating to proposed project to be conducted in the Shire.</p>
Financial Sustainability Steering Committee	<p>Councillors Attending: Crs Fawcett, Davies, McEwen, Brunt, Hutchinson-Brooks, Harding and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • VCG grants changes and budget considerations • Korumburra Round Table project • Business strategy and staffing comparisons
CEO Review Committee	<p>Councillors Attending: Crs Fawcett, Harding, Davies, McEwen, Hutchinson-Brooks, Hill and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Extension to CEO Contract • Advertise notice to reappoint CEO within required 14 days notice • Receive report 25 June 2014

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 4 June 2014		
Councillor/ CEO Session	<p>Councillors Attending: Crs McEwen, Brunt, Fawcett, Harding, Hutchinson-Brooks, Hill and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Letters to the Editor • Shared Services with other Councils • Council Enforcement Policy
Council Plan Actions and Council Timetable for June/July 2014	<p>Councillors Attending: Crs McEwen, Brunt, Fawcett, 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 Plan Actions • Council Timetable June/ July 2014
Review submissions Council Budget 2014 – 2015 and Rating Strategy 2014-2018	<p>Councillors Attending: Crs McEwen, Brunt, Fawcett, Harding, Hutchinson-Brooks, Hill and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors considered the submissions on proposed Council Budget and Rating Strategy.</p>
Executive Update	<p>Councillors Attending: Crs Andrew McEwen, Lorraine Brunt, James Fawcett, Jeanette Harding, Nigel Hutchinson-Brooks, Don Hill and Mohya Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Local Law No 3 Review commenced • Community Satisfaction Survey results • Mental Health First Aid courses • Uniting Care request for funding for Prom Coast Centre for Children • Request from Citizens Electoral Council regarding legislation to protect bank deposits • Planning Extension • Bald Hills Wind Farm letter

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 13.

D.3 COUNCILLOR DISCRETIONARY FUND ALLOCATION REPORT

Corporate Services Directorate

EXECUTIVE SUMMARY

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

This report details Councillors allocations for the period between 2 May 2014 and 10 June 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 2013/2014 Discretionary Fund for the period between 2 May 2014 and 10 June 2014.

- Port Welshpool & District Maritime Museum: To assist with the costs of repairs to the Janet Iles boat.

Cr Jeanette Harding - \$100

- Poowong Football and Netball Club Inc.: To assist with the costs of printing a book titled "125 years of holding the ball" which will document and celebrate the clubs 125 years of existence.

Cr Loraine Brunt - \$161

Cr Andrew McEwen - \$300

- Bass Coast/South Gippsland Reconciliation Group: To assist with the costs of purchasing three banners for promotional use.

Cr Robert Newton - \$200

- Bena Hall Inc.: To assist with costs of upgrading three emergency exit doors with new safety locks.

Cr Robert Newton - \$315

- South Gippsland Bass Swimming Club: To assist with costs for coaching courses.

Cr Robert Newton- \$100

FINANCIAL CONSIDERATIONS

Each Councillor is allocated \$4,000 from the Councillor Discretionary Fund in the 2013/14 Financial Budget. An additional \$2,000 has been allocated to the Mayor to cover a broader focus across the entire Municipality.

CONCLUSION

The remaining balances of Councillor Discretionary Funds for the 2013/14 Financial Year as at 10 June 2014 is as follows:

- Cr Mohya Davies - Nil
- Cr Jeanette Harding - Nil
- Cr Kieran Kennedy - \$500
- Cr Lorraine Brunt - Nil
- Cr Robert Newton - \$67
- Cr Andrew McEwen - \$400
- Cr James Fawcett - \$358
- Cr Don Hill - Nil
- Cr Hutchinson-Brooks - \$198
- Mayoral Fund - Nil

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 13.

D.4 DOCUMENTS SEALED AND CONTRACTS AWARDED UNDER CHIEF EXECUTIVE OFFICER DELEGATION - MAY 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 May 2014.

1. Section 173 Agreement between South Gippsland Shire Council and the Owners of 4 Grogan Court Venus Bay in relation to a Dwelling and vegetation removal – Seal Applied 2 May 2014
2. Section 173 Agreement between South Gippsland Shire Council and the Owners of 39 – 41 Manuka Street Sandy Point in relation to 2 Lot Subdivision – Seal Applied 7 May 2014
3. Section 173 Agreement between South Gippsland Shire Council and the Owners of 7 Noble Street Venus Bay in relation to a Dwelling and earthworks – Seal Applied 7 May 2014
4. Section 173 Agreement between South Gippsland Shire Council and the Owners of 57 Hobsons Road Foster in relation to a Dwelling, vegetation removal and buildings and works - Seal Applied 19 May 2014
5. Section 173 Agreement between South Gippsland Shire Council and the Owners of 5 Jenkins Street Venus Bay in relation to building and works – Seal Applied 25 May 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 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 13.

SECTION E - COUNCIL REPORTS

E.1 RATING STRATEGY 2014-2018

Corporate Services Directorate

EXECUTIVE SUMMARY

Council at its Meeting on 16 April 2014 endorsed that the Proposed Rating Strategy 2014-2018 be made available for public comment till 28 May 2014.

Fourteen written submissions were received pertaining to the Proposed Rating Strategy 2014-2018. Council at a Special Council meeting held on 11 June 2014 considered the Proposed Rating Strategy 2014-2018 submissions received from the public. Following deliberations on the submissions Council determined that no changes be made to the Proposed Rating Strategy 2014-2018.

This report presents the Rating Strategy 2014-2018, contained in Appendix 1, for Council's consideration and adoption.

The Rating Strategy 2014-2018 has been developed with community engagement through the Rating Strategy Review Steering Committee, public feedback from the Rating Strategy Discussion Paper and the Section 223 public submissions on the endorsed Proposed Rating Strategy 2014-2018.

The changes to the rating structure, as detailed in the Rating Strategy 2014-2018, achieve a more equitable distribution of the rate burden. It will increase the amount of rates paid by some properties and decrease the amount of rates paid by others.

The changes to the rating structure will be implemented over a two year period.

Document/s pertaining to this Council Report

- **Appendix 1** - Rating Strategy 2014-2018

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 - Part 8, Rates and Charges on Rateable Land
- Valuation of Land Act 1960
- Cultural and Recreational Lands Act 1963
- Ministerial Guidelines for Differential Rating, April 2013

- Rating Practices in Local Government VAGO, February 2013
- Developing a Rating Strategy - A Guide for Councils, MAV July 2004

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Council Plan 2013-2017
- Annual Plan 2013-2014
- Special Charge Scheme Policy 2010
- Debt Recovery of Unpaid Rates Policy 2013
- Rates and Hardship Policy 2013
- Long Term Financial Plan 2013-2014

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 where appropriate.
Action/Target:	4.1.1	Review and Revise Council's Rating Strategy to align with amended State Government requirements and ensure equity as far as practicable - Report presented to Council by 30 June 2014.
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.

CONSULTATION

The Rating Strategy Review Steering Committee, established and appointed by Council, consisted of 3 Councillors and 7 Community members. Eight Committee Meetings were held between 6 November 2013 and 6 February 2014.

A Rating Strategy Discussion Paper was presented to Council on 13 February, with the resolution that it be released for public comment to inform Council's Proposed Rating Strategy 2014-2018.

Ratepayers were invited to read the discussion paper and provide feedback up until 10 March 2014.

Letters were sent to commercial and industrial property owners, who potentially stood to be adversely affected by the committee recommendations, to read the Discussion Paper and fill in the survey.

A Public Meeting was held at the Council Chambers on 4 March 2014 to inform participants of the proposed changes recommended by the Rating Strategy Steering Committee.

31 persons responded to the electronic survey and 7 provided separate submissions, some of which were from the same respondents.

Council at a briefing session held on 19 March 2014 considered the 2014-2018 Rating Strategy Discussion Paper and feedback received from the public.

Council, at a meeting held on 16 April 2014 endorsed the Proposed Rating Strategy 2014-2018 and authorised the Chief Executive Officer to invite public submissions. The submissions were considered at a Special Council Meeting held on 11 June 2014.

Letters were sent to all ratepayers encouraging them to review the Proposed Rating Strategy 2014-2018 and inviting them to make submissions. 14 written submissions were received and considered by Council.

REPORT

Background

The resolution of Council made at the Ordinary Council Meeting held on 26 June 2013 was:

'That Council:

1. *Instruct the Chief Executive Officer to prepare a report for presentation at the 28 August 2013 Council Meeting that examines the intent and requirements of the Ministerial Guidelines for Differential Rates and sets out the following:*
 - a. *An appropriate good governance framework for the Rating Strategy project.*
 - b. *Terms of reference for a Steering Committee made up of interested Councillors, relevant Council Officers and up to 4 community members to oversee the project.*

- c. *Identify information sources and relevant data that can inform the review in regard to capacity to pay, equity and fairness and how the various objectives for the differentials can be justified.*
- d. *Outline an engagement process that allows various stakeholders to participate by providing submission into the review.'*

At the 28 August Ordinary Council Meeting, Council further resolved:

'That Council:

1. *Amend its decision of 26 June 2013 to allow an increased number of greater than four (4) community members to participate in the Steering Committee;*
2. *Adopt the Rating Strategy Steering Committee Terms of Reference (Attachment 1)*
3. *Adopt the Rating Strategy Review Timetable (Attachment 2) as a guide to ensure the work is undertaken in a timely and efficient manner;*
4. *Note the Draft Information Kit (Attachment 3);*
5. *Confirm that Cr Kennedy, Cr Hill and Cr Brunt be nominated to the Committee, with the Mayor to be Chair of the Rating Strategy Review Steering Committee;*
6. *Call for nominations for the Rating Strategy Review Steering Committee via Noticeboard and targeted invitations;*
7. *Instruct the Chief Executive Officer (CEO), Director Corporate Services and the nominated Councillors to review the nominations and appoint suitable applicants representing the various rate payer categories; and*
8. *Endorse the internal provision of technical and administrative support to the Rating Strategy Review Steering Committee.'*

At the 13 February Special Council Meeting, Council was presented with the 2014-2018 Rating Strategy Discussion Paper and resolved:

That Council:

1. *Receive the Rating Strategy 2014-2018 Discussion Paper (Appendix 1) presented by the Rating Strategy Review Steering Committee;*
2. *Endorse the Rating Strategy 2014-2018 Discussion Paper (Appendix 1) for public comment.*

3. *Thank the Rating Strategy Review Steering Committee for its deliberations and for the Rating Strategy 2014-2018 Discussion Paper (Appendix 1).*
4. *Formally disband the Rating Strategy Review Steering Committee.*
5. *Make available the Rating Strategy 2014-2018 Discussion Paper (Appendix 1) for public comment to 5pm Monday 10 March 2014 on Council's website, Libraries, Customer Service Centre and through the local media.*
6. *Instruct the Chief Executive Officer to bring a draft 2014-2018 Rating Strategy to Council for consideration for endorsement, once analysis of community responses to the discussion paper have been considered.*

At the 16 April meeting Council considered the public submissions and survey responses and made a number of refinements to the strategies. These included:

- The municipal charge to be phased out over two years; reduced to 10% in 2014/15 and 0% in 2015/16. (original position: reduce to zero in 2014/15)
- Industrial category have a 105% differential rate and be phased in over two years; 102.5% in 2014/15 and 105% in 2015/16 (original position: 108% differential)
- Commercial category have a 105% differential rate and be phased in over two years; 102.5% in 2014/15 and 105% in 2015/16 (original position: 108% differential in 2014/15)
- Farm category have a 70% differential rate and be phased in over two years; 80% in 2014/15 and 70% in 2015/16 (original position: 71% differential in 2014/15)
- Farm Category definition be revised so that it ties in with the Australian Valuation Property Classification Codes.
- Vacant land category have a 200% differential rate and be phased in over two years; 175% in 2014/15 and 200% in 2015/16 (original position: 200% differential in 2014/15)
- Restricted Vacant Land Category is no longer required as separate differential rating category and removes it as a specific Differential category.
- Cultural and Recreational category have a 50% differential rate and be phased in over two years; 43.75% in 2014/15 and 50% in 2015/16 (original position: 50% differential in 2014/15)

Feedback

Key issues raised in the Section 223 submission process are summarised below:

- Request that the rating differentials need to be reviewed and revised.
- Rate increases are unjustifiable for vacant land owners.
- Encouraging vacant land owners to develop properties will be detrimental to the environment.
- Concern about rate increases to Commercial properties having a detrimental impact to Leongatha and surrounding area.
- Concern that farmers get a reduction in rates when they only pay one set of rates (most business owners pay residential and business rates).
- Position put that Rating Strategy 2014-2018 is illegal.
- Concern that Council has already decided outcome and concern with cost of living and the impact of rates on pensioners.
- Request that valuations be equitable for properties in the vicinity of Wind Farms.
- Concern that wind farms should not be rated as farms.
- Concern about rate increases for residential properties when taking into consideration the reduction of the municipal charge and property revaluations.
- Concern about reclassification of rural lifestyle properties from farm to general land.
- Concern that property values do not reflect capacity to pay rates and charges.
- Concerns of increasing rates on farming land.

Options

In considering the Rating Strategy 2014-2018, Council is able to:

1. Adopt the Rating Strategy 2014-2018 contained in Appendix 1;
2. Do nothing and make no changes to the existing Differential Rating Structure;
3. Consider and adopt an alternative differential rating structure.

If an alternative proposal is required, it would be important to align the proposals with specific principles and Council Plan objectives to meet the requirements of the Ministerial guidelines. The need for a further Section 223 public consultation process would also need to be considered if differentials for various land categories are proposed to be changed. This requirement would be recommended if proposed changes would result in material impacts on ratepayers, particularly negative impacts.

Proposal

Option 1, to adopt the Rating Strategy 2014-2018 contained in Appendix 1, is proposed for Council's consideration. It is understood that for all those who may gain some relief from the tax burden as a result of its deliberations, there will be others who will pay more compared to the current Rating Strategy. The proposal to phase in the changes over two years is recommended, as this will ease the changes and reduce the rate impact, particularly on the higher valued properties.

The recommended model:

1. Provides a fairer distribution of rates across the various land categories than is provided under the current Rating Strategy;
2. Applies the overarching principles of transparency and simplicity in each of its recommendations;
3. Provides the context, rationale and justification for each recommendation; and
4. Will assist Council to achieve the purpose, objectives and strategies outlined in the Council Plan 2013-2017.

FINANCIAL CONSIDERATIONS

The Rating Strategy 2014-2018 is a strategic plan that determines the apportionment of the rating burden across various land categories. It does not generate income or incur expenditure in its own right, but outlines the various means by which Council may raise rates to fund the range of services provided. The utilisation of a rating structure that applies differentials to various land categories based on the Capital Improved Value (CIV) of land, is one of the main methods proposed in the Rating Strategy 2014-2018.

The Rating Strategy Steering Committee and the resulting Discussion Paper, Proposed Rating Strategy 2014-2018 and the final Rating Strategy 2014-2018 have been managed and supported within existing budgets. The Committee members volunteered their time, both at meetings and outside of the meetings for pre-reading. Council support to the Committee was provided within existing budgets, as no additional budget allocation was provided or used to support the Committee.

The consultation phase has also being managed within existing budgets with the cost of postage for the letter mailed to all ratepayers being \$9,460.

Council needed to refer the proposed rating category systems and processes to its legal advisers to ensure that it complies with the Local Government Act and Valuation Act. The cost was \$9,000.

RISKS

Any amendments to Council's current Rating Strategy are anticipated to have both positive and negative impacts on various ratepayers in all land categories. It was important that Council ensured that the Rating Strategy complied with the Local Government Act and Valuation Act. The proposed differential rating categories were referred to Council's legal advisors.

Council recognised from the outset that better outcomes would be achieved if community members representing various land categories were involved in the Rating Strategy review from the beginning of the process. To this end, Council established a robust governance framework and Terms of Reference for the Steering Committee, invited and appointed seven Community Members to represent various land categories. The Committee reached a majority view on 19 recommendations that were presented to Council.

Further, Council has sought broader community comment and feedback on the Discussion Paper and the Proposed Rating Strategy 2014-2018. Council has been mindful that the proposals contained in the Rating Strategy will place an increased financial burden on some ratepayers. In order to inform all ratepayers of the proposed changes, a letter was mailed to all ratepayers encouraging them to read the Proposed Rating Strategy 2014-2018 and make a written submission, if desired.

The resulting Rating Strategy 2014-2018 has been mindful of the Committee's recommendations and community feedback on the Discussion Paper in the first instance and then the Proposed Rating Strategy 2014-2018 document.

The Rating Strategy 2014-2018 document, contained in Appendix 1, informs the 2014-2015 Annual Budget. Any material changes made to the Rating Strategy 2014-2015 may impact the Annual Budget 2014-2015.

CONCLUSION

The Rating Strategy 2014-2018 has been developed following an extensive community engagement process over the past ten months. It commenced with the appointment of community members to the Rating Strategy Steering Committee, it continued with public discussion on the Steering Committee's Discussion Paper and then proceeded to formal public consultation following endorsement by Council of the Proposed Rating Strategy 2014-2018.

The Rating Strategy 2014-2018 provides a rating structure that will achieve a more equitable distribution of the rate burden and work towards achieving the Outcomes, Strategic Objectives and Strategies contained in the Council Plan 2013-2017.

Community feedback provided throughout each stage of development has been considered and has informed the Rating Strategy 2014-2018 presented to Council for adoption in Appendix 1.

RECOMMENDATION

That Council:

1. Adopt the Rating Strategy 2014-2018 contained in Appendix 1; and
2. Publish the Rating Strategy 2014-2018 on Council's website and make copies available upon request.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Brunt

SECONDED: Cr Davies

THAT COUNCIL:

1. **ADOPT THE RATING STRATEGY 2014-2018 CONTAINED IN APPENDIX 1; AND**
2. **PUBLISH THE RATING STRATEGY 2014-2018 ON COUNCIL'S WEBSITE AND MAKE COPIES AVAILABLE UPON REQUEST.**

CARRIED

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

Abstentions: Cr Hill

E.2 ADOPTION OF ANNUAL BUDGET 2014-2015 AND DECLARATION OF RATES AND CHARGES

Corporate Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is to adopt Council's budget for the 2014/15 financial year and to declare the rates and charges for that year. This report references **Appendix 1** South Gippsland Shire Council Annual Budget 2014-2015 (Annual Budget) incorporating the 15 year Long Term Financial Plan and 4 year Strategic Resource Plan. This is the Annual Budget for the 2014-2015 financial year that has been prepared pursuant to Section 127 of the Local Government Act 1989.

The report also references Appendix 2 Revised Council Plan 2013-2017, which has been updated to include an additional section in the Vision area and the Strategic Resource Plan 2014-2018.

There have been a number of changes made to the 'prepared Budget' presented to the 16 April 2014 Council Meeting. These are summarised below:

Income Statement	Prepared Budget (April) \$'000	Annual Budget (June) \$'000	Variation Projected to Current budget \$'000	
Total income	61,292	64,271	2,979	Increase
Total expenses	56,309	58,185	1,876	Increase
Surplus (deficit)	4,983	6,086	1,103	(Fav)

Capital Expenditure	Prepared Budget (April) \$'000	Annual Budget (June) \$'000	Variation Projected to Current budget \$'000	
Expenditure	14,032	15,476	1,444	Increase

The major changes to income and expenditure budgets include:

Recurrent Income

1. Additional \$115,000 rates and charges income resulting from a combination of revised Capital Improved Valuations, as well as further reclassification of property types.
2. \$12,000 less grant funds from the Victoria Grants Commission for 2014/15, as a result of the Federal Government freezing the indexation of grants for three years to 2016/17. This means Council will receive \$1.5 million less grants over a 5 year period (\$3.9 million over 10 years / \$6.5 million over 15 years).
3. \$2.75m of storm recovery funding being carried forward from 2013/14 to 2014/15.

Recurrent Expenditure

1. \$1.62m additional 'material & consumable' expenditure - predominantly grant funded expenditure being carried forward from 2013/14 for uncompleted projects. These projects are described within this report.
2. \$246,000 additional 'Other' expenditure – which includes a \$110,000 Agnes Falls contribution and \$163,000 Grants and contributions being carried forward from 2013/14 to 2014/15.

Capital Expenditure

1. \$1.44 million additional 'capital expenditure' - the majority being funds being carried forward from 2013/14 for uncompleted capital projects. These projects are described in this report.
2. The forward capital works index has had the indexing revised down from 4.25% to 3.8% to provide a funding offset for the reduced grant allocations from the Federal Government, which is discussed further in the report.

Financial impact

The budget adjustments have not compromised the integrity of both the Annual Budget 2014-2015 and the budgeted financial statements in the Long Term Financial Plan. It needs to be noted however that there is limited financial capacity in the next 4 years (including 2014/15).

Document/s pertaining to this Council Report

- **Appendix 1** – Annual Budget 2014-2015, incorporating the 15 year Long Term Financial Plan and 4 year Strategic Resource Plan

- **Appendix 2** - Revised Council Plan 2013-2017, incorporating the Strategic Resource Plan 2014-2018

A copy of **Appendix 1** - Annual Budget 2014-2015, incorporating the 15 year Long Term Financial Plan and 4 year Strategic Resource Plan and Appendix 2 – Revised Council Plan 2013-2017 are 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, 126, 127, 129, 130 and 223
- Local Government (Planning and Reporting) Regulations 2014

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

2014-2015 Financial Strategy

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 where appropriate. |
| 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. |

Council Plan reviewed and Annual Plan 2014-2015 developed by 30 June 2014

An Annual Plan and Annual Budget developed and adopted by Council by 30 June annually.

CONSULTATION

The development of the Budget and Long Term Financial Plan has been prepared having regard to the various discussions Council has held since September 2013 as part of the Financial Sustainability Steering Committee, Rating Strategy Steering Committee as well as briefing sessions that reviewed the Capital Works Program and draft budgets.

Extensive discussions and briefings have been held with Council during the period November 2013 to April 2014. These have included:

- 4 December 2013 - Strategic Financial Issues briefing session;
- 26 February 2014 - Financial Strategy adopted by Council;
- 12 March 2014 - Council Briefing Draft Budget;
- 25 March 2014 - Council Briefing Draft Budget;
- 26 March 2014 - Community Consultation;
- 2 April 2014 - Council Briefing Draft Budget.
- 16 April 2014 – Proposed Annual Budget 2014-2015 endorsed by Council.

Council has actioned the resolutions required from the 16 April Council Meeting for Item 'E5 - Proposed Annual Budget 2014-2015 incorporating the 15 year Long Term Financial Plan and 4 year Strategic Resource Plan'. Council was required to seek and consider written submissions from the public on the Proposed Annual Budget 2014-2015.

36 written submissions were received (including 3 late submissions). Of the 36 submissions 14 were particularly directed at the Proposed Rating Strategy 2014-2018. Five submitters asked to be heard in regard to their submissions. These were heard in the Public Submission Hearing at the Special Meeting of Council held on 11 June 2014. The Council then formally considered all submissions.

Council resolutions from that meeting that had a direct impact on the Annual Budget included:

- a. Allocating \$2,500 to install a Public Dump Point in Meeniyah, subject to conditions; and
- b. \$20,000 contribution towards Korumburra Signage project.

These resolutions have been updated into the Annual Budget 2014-2015.

REPORT

Background

At the Council Meeting 26 February 2014, Council adopted the 2014/15 Financial Strategy (Financial Strategies) to be used in the development of the Annual Budget 2014-2015 and Long Term Financial Plan.

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.

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

Council has adopted a strategic approach to business planning over the past 11 years. Since then, its overall financial performance has systematically improved.

At the Council Meeting held on 16 April 2014 Council considered and prepared an Annual Budget for the purposes of Section 127 of the Local Government Act 1989.

Council resolved in part that the Annual Budget be referred to the Ordinary Council Meeting to be held on 25 June 2014 for adoption.

As required under the provisions of Section 129 of the Local Government Act 1989 the necessary public notices have been given. The information required to be made available under Regulation 8 of the Local Government Regulations 2014 has been complied with.

Council had also determined that any submissions on the Annual Budget made in accordance with Section 129 (2) and Section 223 of the Local Government Act 1989 be considered and heard at a Hearing of Submissions Meeting on 11 June 2014.

Council Plan 2013-2017 Review – Strategic Resource Plan Update

The Local Government Act 1989 (Act) requires that Council review and update the Council Plan each year. As there have been no changes to the outcomes, strategic objectives, the strategies for achieving the objectives and the associated indicators for monitoring the achievement of the objectives, the Council Plan does not have undergo a Section 223 public consultation process.

Two amendments have been made to the Council Plan 2013-2014 contained in **Appendix 2**.

1. In addition to the Community 2020 Vision, a new organisational Vision, Mission and Values has been developed by Council and this has been incorporated as an additional page in the 'Vision' section of the Council Plan. This additional detail outlines Council's commitment to its community. This was also incorporated in the Proposed Annual Budget 2014-2015. No public comments were made in regard to it.

2. The Act requires that the Council Plan is to include the updated 4 year Strategic Resource Plan and this must be reviewed and adopted by 30 June annually. To achieve this requirement, the Strategic Resource Plan 2014-2018, developed and contained within the Annual Budget, has now replaced the original Strategic Resource Plan 2013-2017 in the Council Plan.

The financial data in the 4 year Strategic Resource Plan is a 4 year slice of the 15 year Long Term Financial Plan. The Annual Budget 2014-2015 incorporates both the 15 year Long Term Financial Plan and the 4 year Strategic Resource Plan. The Strategic Resource Plan that has been appended to the Council Plan has been prepared with reference to the Local Government Model Strategic Resource Plan Better Practice Guide issued by Local Government Victoria.

It is proposed that the Council Plan 2013-2014 be adopted and re-published with these amendments included. It will then be placed on Council's website and a copy sent to the Minister for Local Government.

Annual Plan 2014-2015

A new approach to presenting Council's Annual Plan 2014-2015 (Annual Plan) has been implemented, due to recent amendments to the Local Government Act 1989 and the Local Government (Planning and Reporting) Regulations 2014 (Regulations). The Annual Plan is no longer a stand-alone document. 'Section 3 - Services, Initiatives and Service Performance Indicators' of the Annual Budget 2014-2015 has replaced the Annual Plan.

Section 2 and 3 of the Annual Budget establishes the linkages between the Council Plan 'Outcomes' and the relevant Department budgets that work towards achieving each 'Outcome'. Initiatives to be achieved in 2014/15 are listed, along with the relevant Council Plan indicators and also the new mandatory Service Performance Indicators that apply to each Council Plan 'Outcome'.

Please refer to Section 2 and Section 3 in **Appendix 1**, for details on the specific initiatives planned for 2014-2015.

These were all contained in the Proposed Annual Budget 2014-2015. Minor refinements have been made to the descriptions of some Departments and all of the Department budgets have been updated with the most current figures. Minor amendments have been made to a couple of the Initiatives/Major Initiatives in the final Annual Budget. These amendments include:

Strategic Outcome 1 - A Prosperous Shire

Initiative 4 - A Domestic Wastewater Management Plan to identify and manage public health and environment risks associated with the disposal of domestic waste water (septic tanks) will be developed. This strategy will establish Council's approach to enact, educate and enforce its legislative responsibilities (Planning and Environmental Health).

Initiative 9 - Planning for a kerbside green waste collection service will be undertaken. This initiative is aimed at reducing waste to landfill in accordance with Council's Sustainability Strategy and will be presented to Council for their consideration (Sustainability Services).

Major Initiative 3 - Continued development of the Great Southern Rail Trail will be pursued by implementing funding grants received, seeking further funding and marketing of the Rail Trail. Joining the existing sections of the Great Southern Rail Trail to form one connected corridor, will increase tourism opportunities and in turn improve the economic benefits this community asset brings to the Shire (Community Strengthening, Governance Services, Engineering and Projects and Planning and Development).

Strategic Outcome 2 - Closely Connected Communities

Initiative 1 - Planning for the Deadly in Gippsland event, to be held in late 2015. This event is a significant cultural event that is a celebration of aboriginal people and culture, and what can be achieved in partnership (Community Strengthening).

Initiative 5 - Educating and engaging our young people in understanding local democracy will be advanced by holding a Council Meeting Day in one of the Shire's Secondary Colleges. Activities held on the day will encourage students to share their thoughts and ideas on local community issues with Council (Governance Services).

Strategic Outcome 3 - Integrated Services and Infrastructure

Initiative 4 - Stage 2 of the Social Community Infrastructure project will be completed with capital works allocated and potential funding sources identified. This project will assist Council in planning future social infrastructure requirements for various sized towns, villages and hamlets within the Shire (Community Services Management and Engineering Services Management).

Strategic Outcome 4 - A Leading Organisation

Initiative 2 - Advocacy activities will be pursued seeking grant funding for a range of community projects including Tarwin Lower Recreation Reserve, Agnes Falls development and the Korumburra Bowls Club. These funds are being sought to assist local community groups develop facilities that they value in their local areas (Governance Services).

Budget adjustments

The forecast projections for 2013-2014 and the Annual Budget 2014-2015 have been updated. The changes are summarised below.

Final Budget Projections for 2013/14 and Budgeted 'Carry Forwards':

Departments have reviewed their final budget projections for 2013/14, with the aim being that at financial year end (30 June 2014) actual costs incurred correlate closely to cost projected.

As part of this process there are a number of capital, grant funded and other projects identified that will not be completed by financial year end. The budget projections for these projects have been reduced in 2013/14 and corresponding increases have been made to budgets in 2014/15.

This will distort the financial KPI's between the two financial years but does not present as a strategic concern. The funding implications of 'budgeted carry forwards' between the two years are net neutral.

Grant funded projects that have had funds carried forward from 2013/14 to 2014/15 include:

Cost Centre	Cost Centre Name	Activity Name	Account Name	\$
2115	Sustainability Services	Sustainability Wiki	Materials	1,429
2115	Sustainability Services	Sustainability Wiki	Contractors	39,505
2255	Litter Bins	Korumburra Bin Upgrade Project	Non Recurrent Grant - State Government	10,000
2430	Municipal Building	Bushfire Planning Permit Project	Contractors	20,000
3376	Advancing Country Towns	Weather Station - Operating	Lease and Rental	500
3376	Advancing Country Towns	Weather Station - Operating	Contractors	705
3376	Advancing Country Towns	General	Lease and Rental	1,200
3376	Advancing Country Towns	General	Consultancies	8,319
3376	Advancing Country Towns	General	Catering	765
2410	Strategic Planning	Housing and Settlement Strategy	Consultancies	3,320
2410	Strategic Planning	Municipal Strategic Statement Review	Consultancies	4,768
2410	Strategic Planning	Eastern Districts Structure Planning	Consultancies	5,521
2410	Strategic Planning	Korumburra Town Centre Framework Plan	Contractors	13,228

2410	Strategic Planning	Korumburra Town Centre Framework Plan	Consultancies	57,634
2410	Strategic Planning	Port Welshpool Master Plan	Contractors	5,534
2410	Strategic Planning	Industrial Land Study - Leongatha	Contractors	5,009
2410	Strategic Planning	Korumburra Traffic Study	Consultancies	49,240
3376	Advancing Country Towns	Food Directory and Web Portal	Contractors	(5,954)
2505	Economic Development	Small Business Festival	Sundry Revenue	(8,085)
2505	Economic Development	Small Business Festival	Non Recurrent Grant - State Gov	(7,500)
2505	Economic Development	Small Business Festival	Contractors	36,267
2115	Sustainability Services	Local Food Network	Lease and Rental	300
2115	Sustainability Services	Local Food Network	Materials	3,127
2115	Sustainability Services	Local Food Network	Catering	300
2462	Severe Rain Event Aug 2013	Boundary Road Foster	Materials	100,100
3290	Aged and Disability Services Management	Healthy Ageing Program	Materials	31,600
3290	Aged and Disability Services Management	Improving Liveability for Older People	Materials	8,000
3290	Aged and Disability Services Management	Minor Capital	Minor Furniture, Plant and Equipment	110,677
3213	Community Register Project	General	Printing and Stationery	21,321
3275	Building Inclusive Communities	Rural Access Program	Materials	11,000

Other projects that have had funds carried forward from 2013/14 to 2014/15 include:

Cost Centre	Cost Centre Name	Activity Name	Account Name	\$
2370	Property Management	Master planning of the Foster Depot	Contractors	60,000
8271	Dredging Toora Channel	General	Contractors	20,000
8309	Bridge - Black Spur Bridge Investigation - Koonwarra	Advancing Country Towns	Contractors	300,000
8885	Corner Inlet Tourism - Great Southern Rail Trail	General	Contractors	500,000
1335	Customer Service - Fire Services Levy	General	Labour Hire	20,000
8271	Dredging Toora Channel	General	Contractors	7,000
8309	Bridge - Black Spur Bridge Investigation - Koonwarra	General	Contractors	7,000
2110	Grants Office	General	Grants, Contributions and Discretionary Funds committed	163,985

Capital projects that have had funds carried forward from 2013/14 to 2014/15 include:

Cost Centre	Cost Centre Name	Activity Name	Account Name	\$
1670	Other - CCHV - Capital Projects	General	Contractors	108,714
2459	Betterment Works - NDFA	General	Contractors	280,000
8030	Information Services	iExpense Implementation	Software Purchases and Enhancements	32,556
8030	Information Services	Governance Software	Software Purchases and Enhancements	42,000
8030	Information Services	Compliance Software	Software Purchases and Enhancements	15,000

8030	Information Services	Grants Software	Software Purchases and Enhancements	12,000
8030	Information Services	Online Induction Software	Software Purchases and Enhancements	30,000
8152	Roads - Rehabilitation Program (CRandB and R2R)	Ashenden Street, Leongatha	Materials	180,576
8152	Roads - Rehabilitation Program (CRandB and R2R)	Watsons Road, Leongatha	Materials	267,790
8152	Roads - Rehabilitation Program (CRandB and R2R)	Tilson Court, Leongatha	Materials	56,953
8152	Roads - Rehabilitation Program (CRandB and R2R)	Watts Road, Nyora	Materials	61,990
8559	Waste - Koonwarra Landfill Cells 1 and 2 Cap	General	Contractors	357,000
8882	Meeniyan Dumbalk United (MDU) Football Netball Club - Netball Court Redevelopment Project	General	Contractors	20,000
8895	Footpaths - Station Road, Foster	General	Contractors	23,360
9425	Buildings - Child Care Hub - Korumburra	General	Contractors	190,000
9425	Buildings - Child Care Hub - Korumburra	General	Contractors	10,000
9511	Recreation - Kindergartens Playground Replacement Program	General	Contractors	15,000
9531	Buildings - Caravan Park Rotunda and Camp Kitchen - Waratah Bay	General	Contractors	50,000
9563	Playgrounds - Replacement Program	General	Materials	50,271
9577	Recreation - TP Taylor Reserve Open Space Enhancement Project	General	Materials	45,000
9577	Recreation - TP Taylor Reserve Open Space Enhancement Project	General	Materials	67,250
9705	Bridge - Allambee Estate Rd Bridge Rehab -	General	Contractors	(6,917)

	Allambee Reserve			
9739	Roads - Anderson St Town Entrance - Leongatha	General	Contractors	11,000
9762	Roads - Station Street Rehabilitation - Korumburra (R2R)	General	Contractors	58,843
9814	Roads - Deviation of Koonwarra-Pound Creek Road - Leongatha	Land Acquisition	Contractors	21,000

Capital Works Program

Aside from the capital works carry forwards described above, the \$110,000 budget allocation for Corner Inlet Projects in the Proposed Annual Budget 2014-2015 that was adopted by Council on 16 April, has now been reallocated to Agnes Falls Contribution.

The Koonwarra Landfill Cells 1 and 2 budget was increased by \$200,000. Funding offset was provided by reducing Henry Roads and Betterment Works by \$100,000 each.

Debt Procurement

Council at its meeting on 28 May 2014 resolved to participate in the first Local Government Funding Vehicle (LGFV) bond issuance for an amount of \$3.35 million. MAV procurement has assessed the wholesale market to deliver saving of approximately 100 basis points (1%).

Council will now refinance its outstanding borrowings as at 30 June 2014 and incur interest charges over a five year period. The reduced cash outflows when compared to a normal principal and interest payment arrangement will enable additional interest on investments to be generated over the five years. \$670,000 will be allocated annually to an internal reserve to ensure that it has \$3.35 million when the bond is payable in 2018/19.

Reduced grant allocations and indexing of forward capital works budgets

As a result of the Federal Government pausing the indexation of financial assistance grants for three years to 2016/17 Council will now receive significant less Victoria Grants Commission funding. The financial impact significantly compounds over the next three years.

Council will receive \$12,000 less grant funds from the Victoria Grants Commission for 2014/15 and receive \$1.5 million less grants over a 5 year period, \$3.9 million over 10 years and \$6.5 million over 15 years.

The reduction of the indexing of the capital works index from 4.25% to 3.80% (as well as revised capital income estimates) provides an equivalent funding offset over the 15 years. The immediate years' index is still above the

construction index of 3.25% so there remains a buffer for regional cost impacts. However the conservative buffer for the forward years is greatly reduced. Construction pricing is currently at a low point and inevitably it will increase in future years. Any increase movements in the index in coming years will make the financial plan more sensitive to price movements which may require reactive budget revisions to be made more often.

Importantly the loss of cash in-flows from loss of grants income in the immediate years are significantly greater than the reduced costs arising from the revised indexing of the capital works program. This is reflected in the underlying working capital ratio being marginally weaker than what was disclosed in the Proposed Annual Budget 2014-2015 and remaining below the strategic target up until 2018/19.

Fees and Charges and Other Income line items

Court disbursement costs that were classified as 'fees and charges' have been reclassified as 'other income'.

Local Government (Planning and Reporting) Regulations 2014

In order to comply with the Local Government (Planning and Reporting) Regulations that came into operation on 18 April 2014, the financial statement's line items have been refined so as to accord with the Local Government Model Financial Report.

The more significant changes included greater disclosure or grant funding in the Comprehensive Income Statement and Capital Expenditure Program.

Local Government (Planning and Reporting) Regulations 2014 - Service Performance Indicators

The Service Performance Indicators that is now mandatory for all Victorian councils to report on, have been included in Section 3 'Services, Initiatives and Service Performance Indicators' in the budget document.

FINANCIAL CONSIDERATIONS

The table below shows a series of key performance indicators to assess the financial integrity of the budgeted financial statements in the Long Term Financial Plan.

2014/15 Budget	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
Financial performance																
Underlying result	-9.02%	-0.11%	2.81%	2.19%	4.13%	4.55%	5.27%	5.67%	5.55%	13.41%	5.83%	6.07%	6.75%	7.10%	7.59%	7.87%
Underlying Working Capital	1.17	1.56	1.01	1.06	1.38	1.54	2.09	1.52	1.17	1.89	1.70	1.66	1.94	2.04	1.84	1.90
Funding capacity																
Self-financing	15.76%	24.16%	25.00%	26.08%	26.85%	27.79%	28.04%	28.87%	29.78%	25.56%	31.39%	32.19%	32.59%	33.35%	33.84%	33.74%
Sustainability Index	108%	132%	136%	102%	92%	85%	90%	158%	98%	127%	128%	91%	113%	124%	138%	130%
Borrowing capacity																
Indebtedness	2.51%	10.28%	8.21%	8.11%	7.80%	1.23%	1.31%	1.40%	1.48%	1.40%	1.64%	1.71%	1.77%	1.84%	1.91%	1.97%
Total Debt as a % of Rate revenue	9.94%	9.39%	8.88%	8.41%	7.98%	7.59%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Debt servicing costs as a % of Total revenue	0.25%	0.23%	0.25%	0.24%	0.23%	0.22%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%

Note: Ratios coloured red indicate either short term / immediate sustainability concerns, yellow denotes medium risk and green low risk.

The 'Underlying Result' compares recurrent income and recurrent expenditure. The underlying result is forecast to be in the yellow zone in 2013/14 and 2014/15. From 2015/16 and all the forward budgets it is projected to be in the green zone.

The 'Underlying Working Capital' assesses Balance Sheet strength and in particular Council's ability to pay existing liabilities. In the forward plan the ratio falls below the strategic target of 1.50 to 1 from 2015/16 through to 2017/18. Although it does not present as an immediate financial concern it does indicate that Council has less financial capacity to accommodate unforeseen strategic opportunities or unavoidable cost events that may arise in that period of time. The ratio again falls below the strategic target in 2021/22.

The 'Self Financing' indicator compares net operating cash flows to underlying revenue and capital grants. It is forecast to be in the yellow zone for 2013/14. The ratio is impacted by the prepayment of half of its Victoria Grants Commission allocation in the preceding 2012/13 financial year. This does not present as a strategic concern. From 2014/15 and beyond, the ratio is projected to be in the green zone.

The 'Sustainability Indicator' assesses asset renewal and upgrade expenditure spend effort over a period of time. It is forecast to be in the green zone for 2013/14 and forward budgets up until and including 2016/17. In the following years it fluctuates between the green and yellow zone and even dips into the red zone in 2018/19 before stabilising again in the green zone. This does not present as a strategic concern. It is worth noting that there are no asset renewal primary funding gaps for all major classes of assets. There are adequate funds for recurrent cost requirements for all major asset classes for the current defined service levels as documented in Asset Management Plans.

The three borrowing capacity indicators, 'Indebtedness', 'Total Debt as a percentage of Rate Revenue' and 'Debt Servicing Costs as a percentage of Total Revenue' are forecast to be in the green zone for 2013/14 and all the forward budgets.

For the 2014/15 financial year the:

- Operating expenditure (including depreciation) will be \$58.16m;
- Capital expenditure will be \$15.48m;
- Total debt redemption will be nil;
- Total cash outflows will be \$63.56m;
- Total cash inflows will be \$63.07m;
- Cash at end of financial year will be \$9.66m;
- Increase in rates & charges will be 4.13% (5.50% increase in rates, 16.00% decrease in Waste Services Charges).

RISKS

Annual budgets are 'best estimates' of cost requirements to deliver a defined level of services and strategic projects and initiatives. Throughout the financial year there is reasonable likelihood that:

- some costs incurred may vary materially to what was budgeted;
- unavoidable cost events or increases may occur; and / or
- strategic opportunities may arise that require funding.

Council will strategically manage these events by utilising 'rolling budget' management processes. On a monthly basis, management will review 'actual' financial performance to 'year to date' budgets. An exception based summary for material variations and changes to annual and longer term budget projections, will be circulated to Councillors.

Budget projections for annual and forward budgets will be updated when it is known that the year end result will vary materially with original budgets. This process ensures that management and Council are at all times aware of likely year end results and longer term financial impact. This provides opportunity for Council to demonstrate sound financial management by strategically managing financial risks faced by Council throughout the year.

Depending on Council's future service level and asset funding requirements there is a potential to further moderate rate rises from around 2018/19. However it needs to be noted that the capital income streams in the later

years may be a little ambitious and in future years may need to be revised down.

Throughout the course of the financial year the actual financial performance is performance 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's budgeted financial statements.

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

CONCLUSION

A number of key financial performance indicators are used to assess the financial integrity of the annual and forward budgets. The budgeted financial statements of the Annual Budget 2014-2015 and Long Term Financial Plan referenced in **Appendix 1** and as set by the 2014/15 Financial Strategy, are financially viable and sustainable.

RECOMMENDATION

That Council:

1. Adopt the Annual Budget 2014-2015 annexed to this resolution.
2. Authorise the Chief Executive Officer to give public notice of this decision to adopt the Annual Budget 2014-2015 in accordance with Section 130(2) of the Local Government Act 1989.
3. Determine that it intends to raise the following amounts by way of general rates, municipal charges and service charges:

General Rate	\$30,115,358
Municipal Charge	\$3,326,200
Service Charges	\$1,809,935
Total	\$35,251,493

4. General Rates

4.1 Determine that the rates set out below shall be levied on rateable land within the municipal district for the twelve months commencing on 1 July 2014 and ending on 30 June 2015:

4.1.1 General Land is any land which is not Commercial Land, as described in subparagraph 4.1.2, Industrial Land, as described in subparagraph 4.1.3, Vacant Land, as described in subparagraph 4.1.4, Farming Land, as described in subparagraph 4.1.5 or Cultural and Recreational Land, as described in subparagraph 4.1.6.

Has a 0.452857% of the Capital Improved Value of the rateable land.

4.1.2 Commercial Land is any land which is used predominantly for commercial purposes and to which any of the following AVPCC codes, or AVPCC codes in the following ranges, have been allocated:

AVPCC 202–208, 210–299, 656, 657, 669–672, 674, 675, 684, 687, 688, 690, 696, 711, 715, 803–816, 818–820, 822, 823, 825, 827 and 828.

Has a 0.464179% of the Capital Improved Value of the rateable land.

4.1.3 Industrial Land is any land which is used predominantly for industrial purposes and to which any of the following AVPCC codes, or AVPCC codes in the following ranges, have been allocated:

AVPCC 303–399, 400–481, 483–499, 602–612, 615–623, 626–637, 639–644, 647–649, 659, 661–664, 666, 667, 673, 676–679, 681–683, 685, 689, 691, 693, 694 and 697–699.

Has a 0.464179% of the Capital Improved Value of the rateable land.

4.1.4 Vacant Land is any land which is vacant, to the extent that no buildings are erected on it, and to which any of the following AVPCC codes, or AVPCC codes in the following ranges, have been allocated:

AVPCC 100–108, 150, 151, 200, 201, 300, 301, 482, 600, 601, 700–706, 782 or 800–802.

Has a 0.792500% of the Capital Improved Value of the rateable land.

4.1.5 Farming Land is any land on which the business of farming is being carried out, and which:

has a total area of less than 2 hectares and is –
used predominantly for farming purposes;

AND

forms part of a farm business which straddles the boundary with an adjoining municipality;

OR

(where the farm business is entirely within the municipality) to which any of the following AVPCC codes, or AVPCC codes in the following range, have been allocated:

AVPCC 540–543 or 564;

OR

used predominantly for farming purposes;

AND

is operated in combination with other property within Council's municipal district which, when combined, have a total area exceeding 20 hectares, to which AVPCC codes in the following range apply:

AVPCC 570–572;

OR

4.1.5.2. has a total area of between 2 and 20 hectares and –

(a) is used predominantly for farming purposes;

AND

(b) if there is a dwelling situated on the land, or a current planning permit for construction of a dwelling on the land, has applied to it an AVPCC code within the following range:

AVPCC 540–583;

OR

(c) if there is no dwelling situated on the land, and no current planning permit for construction of a dwelling on the land, has applied to it an AVPCC code within the following range:

AVPCC 500–583;

OR

4.1.5.3. has a total area exceeding 20 hectares and –

(a) is used predominantly for farming purposes;

AND

(b) has applied to it an AVPCC code within the following range:

AVPCC 500–583.

Has a 0.362286% of the Capital Improved Value of the rateable land.

4.1.6. Cultural and Recreational Land is any land that has the characteristics of 'recreational lands' as defined by section 2 of the Cultural and Recreational Lands Act 1963.

Has a 0.198125% of the Capital Improved Value of the rateable land.

4.2 Determine, in relation to general, commercial, industrial, vacant, farming and cultural & recreational land:

- a. That the characteristics of the land that is subject to differential rates in paragraphs 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5 and 4.1.6 of this resolution shall be that such respective rateable land is land that is general, commercial, industrial, vacant, farming and cultural & recreational land as defined in the paragraphs 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5 and 4.1.6 of this resolution and the criteria contained in paragraphs 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5 and 4.1.6 in respect of the definitions of each such type of rateable land shall define the characteristics and the criteria for declaring the aforesaid differential rates.
- b. That the definitions of the classes of land which are subject to the differential rates are those definitions contained in paragraphs 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5 and 4.1.6 of this resolution.
- c. That the reasons for the use and level of each differential rate in relation to each class of land are in respect of general, commercial, industrial, vacant, farming and cultural & recreational land, is to ensure that the burden of the payment of general rate is fairly apportioned across all rateable land and is appropriately and fairly rated having regard to the use to which such land is put, fairness being assessed on the characteristics of the property and equity being between the classes created, not between the members of each class.

- d. The reasons for the use and level of the differential general rate in respect of general, commercial, industrial, vacant, farming and cultural & recreational land are these categories of property have been adopted as all rateable land can be divided into these categories according to the nature and use of the land.
- e. The level of the differential general rates were determined after Council decided that it was fair to adopt a municipal charge so that all ratepayers contributed equally to a portion of Council's administrative costs.
- f. That the balances of rates were to be apportioned among the six classes on the basis of land use.

5 Municipal Charge

- 5.1 That a municipal charge be levied on all rateable land within the municipal district for the twelve months commencing on 1 July 2014 and ending on 30 June 2015 for the purposes of recovering some of the administrative costs of the Council.
- 5.2 That the municipal charge be levied in respect to all rateable land, other than rateable land that is exempt from a municipal charge by reason of Section 159(3) of the Local Government Act 1989.
- 5.3 That the municipal charge be \$181.70.
- 5.4 That new applications for municipal charge waiver will be accepted within the rating year only on the form determined by Council in accordance with Section 159(5) of the Local Government Act 1989.

6 Service Charge for Garbage and Recycling Services

- 6.1 That the annual service charges (that applies for properties in the Shire where the service is provided) pursuant to Section 162 of the Local Government Act 1989, be levied for the services to be provided as set out in the table below on rateable land within the municipal district for the twelve months commencing on 1 July 2014 and ending on 30 June 2015.

Service Charge	Service
\$179.10	Waste Services Charge A - Kerbside garbage & recycling collection service charge – Residential (120 litre weekly garbage/240 litre fortnightly recycling.
\$179.10	Waste Services Charge B - Kerbside recycling only collection service charge - Commercial (2 x 240 litre fortnightly recycling service only.

\$259.60	Waste Services Charge C - Kerbside garbage & recycling collection service – Commercial premises only (240 litre weekly garbage / 240 litre fortnightly recycling).
\$185.80	Waste Services Charge D – Kerbside garbage & recycling collection service - Sandy Point (120 litre weekly garbage/240 litre fortnightly recycling, plus 3 additional recycling collections during Summer).
\$215.60	Waste Services Charge E – Kerbside garbage & recycling collection service - Waratah Bay (120 litre weekly garbage/240 litre fortnightly recycling, plus 3 additional recycling collections during Summer).
\$109.70	Waste Services Charge G – Kerbside garbage & recycling collection service – Venus Bay (120 litre weekly garbage / 240 litre fortnightly recycling) for 6 months from November to April.
\$195.70	Waste Services Charge H – Kerbside garbage & recycling collection service – Venus Bay (120 litre weekly garbage / 240 litre fortnightly recycling) for 12 months.
\$127.60	Waste Services Charge J – Kerbside garbage & recycling collection service – Walkerville (120 litre weekly garbage / 240 litre fortnightly recycling) for 6 months from November to April.
\$225.70	Waste Services Charge K – Kerbside garbage & recycling collection service Walkerville (120 litre weekly garbage / 240 litre fortnightly recycling) for 12 months.

6.2 That an annual service charge (that applies for properties in the Shire where the service is provided) be levied in respect to the services set out in the table below for the twelve months period commencing on 1 July 2014 and ending on 30 June 2015 in respect of all land that is not rateable land but which is liable for the payment of an annual service charge under Section 221 of the Local Government Act 1989.

Service Charge	Service
\$179.10	Waste Services Charge A - Kerbside garbage & recycling collection service charge – Residential (120 litre weekly garbage/240 litre fortnightly

	recycling.
\$179.10	Waste Services Charge B - Kerbside recycling only collection service charge - Commercial (2 x 240 litre fortnightly recycling service only.
\$259.60	Waste Services Charge C - Kerbside garbage & recycling collection service – Commercial premises only (240 litre weekly garbage / 240 litre fortnightly recycling.
\$185.80	Waste Services Charge D – Kerbside garbage & recycling collection service - Sandy Point (120 litre weekly garbage/240 litre fortnightly recycling, plus 3 additional recycling collections during Summer.
\$215.60	Waste Services Charge E – Kerbside garbage & recycling collection service - Waratah Bay (120 litre weekly garbage/240 litre fortnightly recycling, plus 3 additional recycling collections during Summer.
\$109.70	Waste Services Charge G – Kerbside garbage & recycling collection service – Venus Bay (120 litre weekly garbage / 240 litre fortnightly recycling) for 6 months from November to April.
\$195.70	Waste Services Charge H – Kerbside garbage & recycling collection service – Venus Bay (120 litre weekly garbage / 240 litre fortnightly recycling) for 12 months.
\$127.60	Waste Services Charge J – Kerbside garbage & recycling collection service – Walkerville (120 litre weekly garbage / 240 litre fortnightly recycling) for 6 months from November to April.
\$225.70	Waste Services Charge K – Kerbside garbage & recycling collection service Walkerville (120 litre weekly garbage / 240 litre fortnightly recycling) for 12 months.

6.3. That the criteria specified for each of the service charges is the recovery by Council of the cost of providing each of the services referred to for land within the municipal district.

7 General

- 7.1 That the general rates, municipal charge and service charge be declared and levied for a period of twelve months commencing on 1 July 2014 and ending on 30 June 2015.
- 7.2 That the general rates, municipal charge and service charge referred to in these resolutions shall be levied by the service of a notice on each person liable to pay such rate or charge in accordance with Section 158 of the Local Government Act 1989.
- 7.3 That in accordance with Section 167 of the Local Government Act 1989, the rates and charges declared by the Council for the 2014/15 Financial Year must be paid as follows;
- by four instalments made on or before the following dates:
- Instalment 1 - 30 September 2014
- Instalment 2 - 1 December 2014
- Instalment 3 - 2 March 2015
- Instalment 4 - 1 June 2015
- or;
- by a lump sum payment made on or before 16 February 2015.
- 7.4 That the Rate Collector be directed and authorised to demand payment of and recover the general rates and charges referred to in these resolutions in accordance with the Local Government Act 1989.
- 7.5 That under the provisions of Section 172 (2) of the Local Government Act 1989 interest is due on instalments or lump sum not paid by the due date from the date that each instalment or lump sum is due.
- 7.6 That in accordance with Section 126 3 (a) of the Local Government Act 1989 Council adopt the Strategic Resource Plan that is appended to the Council Plan 2013-2017.
8. Adopt and re-publish the Council Plan 2013-2017 incorporating the additional Council wording in the 'Vision' section of the plan and the 2014-2018 Strategic Resource Plan.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Fawcett

SECONDED: Cr Hill

THAT COUNCIL:

- 1. ADOPT THE ANNUAL BUDGET 2014-2015 ANNEXED TO THIS RESOLUTION.**
- 2. AUTHORISE THE CHIEF EXECUTIVE OFFICER TO GIVE PUBLIC NOTICE OF THIS DECISION TO ADOPT THE ANNUAL BUDGET 2014-2015 IN ACCORDANCE WITH SECTION 130(2) OF THE LOCAL GOVERNMENT ACT 1989.**
- 3. DETERMINE THAT IT INTENDS TO RAISE THE FOLLOWING AMOUNTS BY WAY OF GENERAL RATES, MUNICIPAL CHARGES AND SERVICE CHARGES:**

GENERAL RATE	\$30,115,358
MUNICIPAL CHARGE	\$3,326,200
SERVICE CHARGES	\$1,809,935
TOTAL	\$35,251,493

4. GENERAL RATES

- 4.1 DETERMINE THAT THE RATES SET OUT BELOW SHALL BE LEVIED ON RATEABLE LAND WITHIN THE MUNICIPAL DISTRICT FOR THE TWELVE MONTHS COMMENCING ON 1 JULY 2014 AND ENDING ON 30 JUNE 2015:**

- 4.1.1 GENERAL LAND IS ANY LAND WHICH IS NOT COMMERCIAL LAND, AS DESCRIBED IN SUBPARAGRAPH 4.1.2, INDUSTRIAL LAND, AS DESCRIBED IN SUBPARAGRAPH 4.1.3, VACANT LAND, AS DESCRIBED IN SUBPARAGRAPH 4.1.4, FARMING LAND, AS DESCRIBED IN SUBPARAGRAPH 4.1.5 OR CULTURAL AND RECREATIONAL LAND, AS DESCRIBED IN SUBPARAGRAPH 4.1.6.**

HAS A 0.452857% OF THE CAPITAL IMPROVED VALUE OF THE RATEABLE LAND.

- 4.1.2 COMMERCIAL LAND IS ANY LAND WHICH IS USED PREDOMINANTLY FOR COMMERCIAL PURPOSES AND TO WHICH ANY OF THE FOLLOWING AVPCC CODES, OR AVPCC CODES IN THE FOLLOWING RANGES, HAVE BEEN ALLOCATED:**

AVPCC 202–208, 210–299, 656, 657, 669–672, 674, 675, 684, 687, 688, 690, 696, 711, 715, 803–816, 818–820, 822, 823, 825, 827 AND 828.

HAS A 0.464179% OF THE CAPITAL IMPROVED VALUE OF THE RATEABLE LAND.

- 4.1.3 INDUSTRIAL LAND IS ANY LAND WHICH IS USED PREDOMINANTLY FOR INDUSTRIAL PURPOSES AND TO WHICH ANY OF THE FOLLOWING AVPCC CODES, OR AVPCC CODES IN THE FOLLOWING RANGES, HAVE BEEN ALLOCATED:**

AVPCC 303–399, 400–481, 483–499, 602–612, 615–623, 626–637, 639–644, 647–649, 659, 661–664, 666, 667, 673, 676–679, 681–683, 685, 689, 691, 693, 694 AND 697–699.

HAS A 0.464179% OF THE CAPITAL IMPROVED VALUE OF THE RATEABLE LAND.

- 4.1.4 VACANT LAND IS ANY LAND WHICH IS VACANT, TO THE EXTENT THAT NO BUILDINGS ARE ERECTED ON IT, AND TO WHICH ANY OF THE FOLLOWING AVPCC CODES, OR AVPCC CODES IN THE FOLLOWING RANGES, HAVE BEEN ALLOCATED:**

AVPCC 100–108, 150, 151, 200, 201, 300, 301, 482, 600, 601, 700–706, 782 OR 800–802.

HAS A 0.792500% OF THE CAPITAL IMPROVED VALUE OF THE RATEABLE LAND.

- 4.1.5 FARMING LAND IS ANY LAND ON WHICH THE BUSINESS OF FARMING IS BEING CARRIED OUT, AND WHICH:**

**HAS A TOTAL AREA OF LESS THAN 2 HECTARES AND IS –
USED PREDOMINANTLY FOR FARMING PURPOSES;**

AND

FORMS PART OF A FARM BUSINESS WHICH STRADDLES THE BOUNDARY WITH AN ADJOINING MUNICIPALITY;

OR

(WHERE THE FARM BUSINESS IS ENTIRELY WITHIN THE MUNICIPALITY) TO WHICH ANY OF THE FOLLOWING AVPCC CODES, OR AVPCC CODES IN THE FOLLOWING RANGE, HAVE BEEN ALLOCATED:

AVPCC 540–543 OR 564;

OR

USED PREDOMINANTLY FOR FARMING PURPOSES;

AND

IS OPERATED IN COMBINATION WITH OTHER PROPERTY WITHIN COUNCIL'S MUNICIPAL DISTRICT WHICH, WHEN COMBINED, HAVE A TOTAL AREA EXCEEDING 20 HECTARES, TO WHICH AVPCC CODES IN THE FOLLOWING RANGE APPLY:

AVPCC 570–572;

OR

4.1.5.2. HAS A TOTAL AREA OF BETWEEN 2 AND 20 HECTARES AND

–

(A) IS USED PREDOMINANTLY FOR FARMING PURPOSES;

AND

(B) IF THERE IS A DWELLING SITUATED ON THE LAND, OR A CURRENT PLANNING PERMIT FOR CONSTRUCTION OF A DWELLING ON THE LAND, HAS APPLIED TO IT AN AVPCC CODE WITHIN THE FOLLOWING RANGE:

AVPCC 540–583;

OR

(C) IF THERE IS NO DWELLING SITUATED ON THE LAND, AND NO CURRENT PLANNING PERMIT FOR CONSTRUCTION OF A DWELLING ON THE LAND, HAS APPLIED TO IT AN AVPCC CODE WITHIN THE FOLLOWING RANGE:

AVPCC 500–583;

OR

4.1.5.3. HAS A TOTAL AREA EXCEEDING 20 HECTARES AND –

(A) IS USED PREDOMINANTLY FOR FARMING PURPOSES;

AND

(B) HAS APPLIED TO IT AN AVPCC CODE WITHIN THE FOLLOWING RANGE:

AVPCC 500–583.

HAS A 0.362286% OF THE CAPITAL IMPROVED VALUE OF THE RATEABLE LAND.

4.1.6. CULTURAL AND RECREATIONAL LAND IS ANY LAND THAT HAS THE CHARACTERISTICS OF 'RECREATIONAL LANDS' AS DEFINED BY SECTION 2 OF THE CULTURAL AND RECREATIONAL LANDS ACT 1963.

HAS A 0.198125% OF THE CAPITAL IMPROVED VALUE OF THE RATEABLE LAND.

4.2 DETERMINE, IN RELATION TO GENERAL, COMMERCIAL, INDUSTRIAL, VACANT, FARMING AND CULTURAL & RECREATIONAL LAND:

- A. THAT THE CHARACTERISTICS OF THE LAND THAT IS SUBJECT TO DIFFERENTIAL RATES IN PARAGRAPHS 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5 AND 4.1.6 OF THIS RESOLUTION SHALL BE THAT SUCH RESPECTIVE RATEABLE LAND IS LAND THAT IS GENERAL, COMMERCIAL, INDUSTRIAL, VACANT, FARMING AND CULTURAL & RECREATIONAL LAND AS DEFINED IN THE PARAGRAPHS 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5 AND 4.1.6 OF THIS RESOLUTION AND THE CRITERIA CONTAINED IN PARAGRAPHS 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5 AND 4.1.6 IN RESPECT OF THE DEFINITIONS OF EACH SUCH TYPE OF RATEABLE LAND SHALL DEFINE THE CHARACTERISTICS AND THE CRITERIA FOR DECLARING THE AFORESAID DIFFERENTIAL RATES.**
- B. THAT THE DEFINITIONS OF THE CLASSES OF LAND WHICH ARE SUBJECT TO THE DIFFERENTIAL RATES ARE THOSE DEFINITIONS CONTAINED IN PARAGRAPHS 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5 AND 4.1.6 OF THIS RESOLUTION.**
- C. THAT THE REASONS FOR THE USE AND LEVEL OF EACH DIFFERENTIAL RATE IN RELATION TO EACH CLASS OF LAND ARE IN RESPECT OF GENERAL, COMMERCIAL, INDUSTRIAL, VACANT, FARMING AND CULTURAL & RECREATIONAL LAND, IS TO ENSURE THAT THE BURDEN OF THE PAYMENT OF GENERAL RATE IS FAIRLY APPORTIONED ACROSS ALL RATEABLE LAND AND IS APPROPRIATELY AND FAIRLY RATED HAVING REGARD TO THE USE TO WHICH SUCH LAND IS PUT, FAIRNESS BEING ASSESSED ON THE CHARACTERISTICS OF THE PROPERTY AND EQUITY BEING BETWEEN THE CLASSES CREATED, NOT BETWEEN THE MEMBERS OF EACH CLASS.**
- D. THE REASONS FOR THE USE AND LEVEL OF THE DIFFERENTIAL GENERAL RATE IN RESPECT OF GENERAL, COMMERCIAL, INDUSTRIAL, VACANT, FARMING AND CULTURAL & RECREATIONAL LAND ARE THESE CATEGORIES OF PROPERTY HAVE BEEN ADOPTED AS ALL**
-

RATEABLE LAND CAN BE DIVIDED INTO THESE CATEGORIES ACCORDING TO THE NATURE AND USE OF THE LAND.

- E. THE LEVEL OF THE DIFFERENTIAL GENERAL RATES WERE DETERMINED AFTER COUNCIL DECIDED THAT IT WAS FAIR TO ADOPT A MUNICIPAL CHARGE SO THAT ALL RATEPAYERS CONTRIBUTED EQUALLY TO A PORTION OF COUNCIL'S ADMINISTRATIVE COSTS.**
- F. THAT THE BALANCES OF RATES WERE TO BE APPORTIONED AMONG THE SIX CLASSES ON THE BASIS OF LAND USE.**

5 MUNICIPAL CHARGE

- 5.1 THAT A MUNICIPAL CHARGE BE LEVIED ON ALL RATEABLE LAND WITHIN THE MUNICIPAL DISTRICT FOR THE TWELVE MONTHS COMMENCING ON 1 JULY 2014 AND ENDING ON 30 JUNE 2015 FOR THE PURPOSES OF RECOVERING SOME OF THE ADMINISTRATIVE COSTS OF THE COUNCIL.**
- 5.2 THAT THE MUNICIPAL CHARGE BE LEVIED IN RESPECT TO ALL RATEABLE LAND, OTHER THAN RATEABLE LAND THAT IS EXEMPT FROM A MUNICIPAL CHARGE BY REASON OF SECTION 159(3) OF THE LOCAL GOVERNMENT ACT 1989.**
- 5.3 THAT THE MUNICIPAL CHARGE BE \$181.70.**
- 5.4 THAT NEW APPLICATIONS FOR MUNICIPAL CHARGE WAIVER WILL BE ACCEPTED WITHIN THE RATING YEAR ONLY ON THE FORM DETERMINED BY COUNCIL IN ACCORDANCE WITH SECTION 159(5) OF THE LOCAL GOVERNMENT ACT 1989.**

6 SERVICE CHARGE FOR GARBAGE AND RECYCLING SERVICES

- 6.1 THAT THE ANNUAL SERVICE CHARGES (THAT APPLIES FOR PROPERTIES IN THE SHIRE WHERE THE SERVICE IS PROVIDED) PURSUANT TO SECTION 162 OF THE LOCAL GOVERNMENT ACT 1989, BE LEVIED FOR THE SERVICES TO BE PROVIDED AS SET OUT IN THE TABLE BELOW ON RATEABLE LAND WITHIN THE MUNICIPAL DISTRICT FOR THE TWELVE MONTHS COMMENCING ON 1 JULY 2014 AND ENDING ON 30 JUNE 2015.**

SERVICE CHARGE	SERVICE
\$179.10	WASTE SERVICES CHARGE A - KERBSIDE GARBAGE & RECYCLING COLLECTION SERVICE CHARGE – RESIDENTIAL (120 LITRE WEEKLY GARBAGE/240 LITRE

	FORTNIGHTLY RECYCLING.
\$179.10	WASTE SERVICES CHARGE B - KERBSIDE RECYCLING ONLY COLLECTION SERVICE CHARGE - COMMERCIAL (2 X 240 LITRE FORTNIGHTLY RECYCLING SERVICE ONLY.
\$259.60	WASTE SERVICES CHARGE C - KERBSIDE GARBAGE & RECYCLING COLLECTION SERVICE – COMMERCIAL PREMISES ONLY (240 LITRE WEEKLY GARBAGE / 240 LITRE FORTNIGHTLY RECYCLING.
\$185.80	WASTE SERVICES CHARGE D – KERBSIDE GARBAGE & RECYCLING COLLECTION SERVICE - SANDY POINT (120 LITRE WEEKLY GARBAGE/240 LITRE FORTNIGHTLY RECYCLING, PLUS 3 ADDITIONAL RECYCLING COLLECTIONS DURING SUMMER).
\$215.60	WASTE SERVICES CHARGE E – KERBSIDE GARBAGE & RECYCLING COLLECTION SERVICE - WARATAH BAY (120 LITRE WEEKLY GARBAGE/240 LITRE FORTNIGHTLY RECYCLING, PLUS 3 ADDITIONAL RECYCLING COLLECTIONS DURING SUMMER).
\$109.70	WASTE SERVICES CHARGE G – KERBSIDE GARBAGE & RECYCLING COLLECTION SERVICE – VENUS BAY (120 LITRE WEEKLY GARBAGE / 240 LITRE FORTNIGHTLY RECYCLING) FOR 6 MONTHS FROM NOVEMBER TO APRIL.
\$195.70	WASTE SERVICES CHARGE H – KERBSIDE GARBAGE & RECYCLING COLLECTION SERVICE – VENUS BAY (120 LITRE WEEKLY GARBAGE / 240 LITRE FORTNIGHTLY RECYCLING) FOR 12 MONTHS.
\$127.60	WASTE SERVICES CHARGE J – KERBSIDE GARBAGE & RECYCLING COLLECTION SERVICE – WALKERVILLE (120 LITRE WEEKLY GARBAGE / 240 LITRE FORTNIGHTLY RECYCLING) FOR 6 MONTHS FROM NOVEMBER TO APRIL.

\$225.70	WASTE SERVICES CHARGE K – KERBSIDE GARBAGE & RECYCLING COLLECTION SERVICE WALKERVILLE (120 LITRE WEEKLY GARBAGE / 240 LITRE FORTNIGHTLY RECYCLING) FOR 12 MONTHS.
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6.2 THAT AN ANNUAL SERVICE CHARGE (THAT APPLIES FOR PROPERTIES IN THE SHIRE WHERE THE SERVICE IS PROVIDED) BE LEVIED IN RESPECT TO THE SERVICES SET OUT IN THE TABLE BELOW FOR THE TWELVE MONTHS PERIOD COMMENCING ON 1 JULY 2014 AND ENDING ON 30 JUNE 2015 IN RESPECT OF ALL LAND THAT IS NOT RATEABLE LAND BUT WHICH IS LIABLE FOR THE PAYMENT OF AN ANNUAL SERVICE CHARGE UNDER SECTION 221 OF THE LOCAL GOVERNMENT ACT 1989.

SERVICE CHARGE	SERVICE
\$179.10	WASTE SERVICES CHARGE A - KERBSIDE GARBAGE & RECYCLING COLLECTION SERVICE CHARGE – RESIDENTIAL (120 LITRE WEEKLY GARBAGE/240 LITRE FORTNIGHTLY RECYCLING.
\$179.10	WASTE SERVICES CHARGE B - KERBSIDE RECYCLING ONLY COLLECTION SERVICE CHARGE - COMMERCIAL (2 X 240 LITRE FORTNIGHTLY RECYCLING SERVICE ONLY.
\$259.60	WASTE SERVICES CHARGE C - KERBSIDE GARBAGE & RECYCLING COLLECTION SERVICE – COMMERCIAL PREMISES ONLY (240 LITRE WEEKLY GARBAGE / 240 LITRE FORTNIGHTLY RECYCLING.
\$185.80	WASTE SERVICES CHARGE D – KERBSIDE GARBAGE & RECYCLING COLLECTION SERVICE - SANDY POINT (120 LITRE WEEKLY GARBAGE/240 LITRE FORTNIGHTLY RECYCLING, PLUS 3 ADDITIONAL RECYCLING COLLECTIONS DURING SUMMER.
\$215.60	WASTE SERVICES CHARGE E – KERBSIDE GARBAGE & RECYCLING COLLECTION SERVICE - WARATAH BAY (120 LITRE WEEKLY GARBAGE/240 LITRE

	FORTNIGHTLY RECYCLING, PLUS 3 ADDITIONAL RECYCLING COLLECTIONS DURING SUMMER.
\$109.70	WASTE SERVICES CHARGE G – KERBSIDE GARBAGE & RECYCLING COLLECTION SERVICE – VENUS BAY (120 LITRE WEEKLY GARBAGE / 240 LITRE FORTNIGHTLY RECYCLING) FOR 6 MONTHS FROM NOVEMBER TO APRIL.
\$195.70	WASTE SERVICES CHARGE H – KERBSIDE GARBAGE & RECYCLING COLLECTION SERVICE – VENUS BAY (120 LITRE WEEKLY GARBAGE / 240 LITRE FORTNIGHTLY RECYCLING) FOR 12 MONTHS.
\$127.60	WASTE SERVICES CHARGE J – KERBSIDE GARBAGE & RECYCLING COLLECTION SERVICE – WALKERVILLE (120 LITRE WEEKLY GARBAGE / 240 LITRE FORTNIGHTLY RECYCLING) FOR 6 MONTHS FROM NOVEMBER TO APRIL.
\$225.70	WASTE SERVICES CHARGE K – KERBSIDE GARBAGE & RECYCLING COLLECTION SERVICE WALKERVILLE (120 LITRE WEEKLY GARBAGE / 240 LITRE FORTNIGHTLY RECYCLING) FOR 12 MONTHS.

6.3. THAT THE CRITERIA SPECIFIED FOR EACH OF THE SERVICE CHARGES IS THE RECOVERY BY COUNCIL OF THE COST OF PROVIDING EACH OF THE SERVICES REFERRED TO FOR LAND WITHIN THE MUNICIPAL DISTRICT.

7 GENERAL

7.1 THAT THE GENERAL RATES, MUNICIPAL CHARGE AND SERVICE CHARGE BE DECLARED AND LEVIED FOR A PERIOD OF TWELVE MONTHS COMMENCING ON 1 JULY 2014 AND ENDING ON 30 JUNE 2015.

7.2 THAT THE GENERAL RATES, MUNICIPAL CHARGE AND SERVICE CHARGE REFERRED TO IN THESE RESOLUTIONS SHALL BE LEVIED BY THE SERVICE OF A NOTICE ON EACH PERSON LIABLE TO PAY SUCH RATE OR CHARGE IN ACCORDANCE WITH SECTION 158 OF THE LOCAL GOVERNMENT ACT 1989.

7.3 THAT IN ACCORDANCE WITH SECTION 167 OF THE LOCAL GOVERNMENT ACT 1989, THE RATES AND CHARGES DECLARED BY THE COUNCIL FOR THE 2014/15 FINANCIAL YEAR MUST BE PAID AS FOLLOWS;

BY FOUR INSTALMENTS MADE ON OR BEFORE THE FOLLOWING DATES:

INSTALMENT 1 - 30 SEPTEMBER 2014

INSTALMENT 2 - 1 DECEMBER 2014

INSTALMENT 3 - 2 MARCH 2015

INSTALMENT 4 - 1 JUNE 2015

OR;

BY A LUMP SUM PAYMENT MADE ON OR BEFORE 16 FEBRUARY 2015.

7.4 THAT THE RATE COLLECTOR BE DIRECTED AND AUTHORISED TO DEMAND PAYMENT OF AND RECOVER THE GENERAL RATES AND CHARGES REFERRED TO IN THESE RESOLUTIONS IN ACCORDANCE WITH THE LOCAL GOVERNMENT ACT 1989.

7.5 THAT UNDER THE PROVISIONS OF SECTION 172 (2) OF THE LOCAL GOVERNMENT ACT 1989 INTEREST IS DUE ON INSTALMENTS OR LUMP SUM NOT PAID BY THE DUE DATE FROM THE DATE THAT EACH INSTALMENT OR LUMP SUM IS DUE.

7.6 THAT IN ACCORDANCE WITH SECTION 126 3 (A) OF THE LOCAL GOVERNMENT ACT 1989 COUNCIL ADOPT THE STRATEGIC RESOURCE PLAN THAT IS APPENDED TO THE COUNCIL PLAN 2013-2017.

8. ADOPT AND RE-PUBLISH THE COUNCIL PLAN 2013-2017 INCORPORATING THE ADDITIONAL COUNCIL WORDING IN THE 'VISION' SECTION OF THE PLAN AND THE 2014-2018 STRATEGIC RESOURCE PLAN.

MOVED: Cr Kennedy

SECONDED: Cr Davies

THAT COUNCILLORS BE GRANTED AN EXTENSION OF TIME FOR A FURTHER THREE MINUTE PERIOD.

CARRIED UNANIMOUSLY

CARRIED

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

Against: Crs McEwen, Newton and Hill.

B.1 NOTICE OF MOTION NUMBER 664 – AMENDMENT TO DIFFERENTIAL RATES IN BUDGET 2014-2015

PURPOSE/ INTRODUCTION

The rating strategy principles document accepted by Council is in conflict with the stated differentials within the strategy and also fails in my opinion to satisfy the ministerial guidelines re equitable distribution of rates across the different rate categories.

This motion is to redress the two most serious conflicts. The farm category differential rate needs to be lower and the vacant land category differential rate needs to be higher.

This is because the principles for vacant land as stated within the rating strategy state that there needs to be an incentive to develop land and the actual outcomes of the given differential are that a large percentage of vacant land would receive a lower rate charge and the group as a whole only has an average rate rise of 5% to the median value. This is clearly at odds with the desired principle and I believe would make matters worse. The farm category has negligible change and this is also at odds with the stated principles for the farm category.

No other categories would be affected by these changes.

MOTION

I, Councillor Don Hill, advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on 25 June 2014:

That Council phases in over a two year period the changes to the following differential rating categories:

3. Increase the Vacant Land Category Differential Rate to 220% for 2014-2015 and 240% for 2015-2016.
4. Increase the Cultural and Recreational Category Differential Rate 55% for 2014-2015 and 60% for 2015-2016.
5. Apply the additional dollars raised to the Farm Category Rate and adjust the Farm Category Differential Rate accordingly.
6. Amend the Budget 2014-2015 to include these changes.

MOVED: Cr Hill

THAT COUNCIL PHASES IN OVER A TWO YEAR PERIOD THE CHANGES TO THE FOLLOWING DIFFERENTIAL RATING CATEGORIES:

- 1. INCREASE THE VACANT LAND CATEGORY DIFFERENTIAL RATE TO 220% FOR 2014-2015 AND 240% FOR 2015-2016.**
- 2. INCREASE THE CULTURAL AND RECREATIONAL CATEGORY DIFFERENTIAL RATE 55% FOR 2014-2015 AND 60% FOR 2015-2016.**
- 3. APPLY THE ADDITIONAL DOLLARS RAISED TO THE FARM CATEGORY RATE AND ADJUST THE FARM CATEGORY DIFFERENTIAL RATE ACCORDINGLY.**
- 4. AMEND THE BUDGET 2014-2015 TO INCLUDE THESE CHANGES.**

The Motion LAPSED for want of seconder.

OFFICER COMMENTS

Council is advised that if this motion is adopted, the statutory processes associated with the setting of the 2014–2015 Council Budget may need to be re-conducted, including the advertising and hearing of submissions under Section 223 of the Local Government Act 1989. The changes may cause a material change to both the 2014-2018 Rating Strategy and the 2014-2015 Annual Budget resulting in a negative or beneficial financial impact on ratepayers. The following Local Government Act 1989 requirements should be taken into consideration by Council when deciding if the statutory processes should be re-conducted. Ultimately, it is Council's decision.

The Local Government Act 1989 Section 127 (3) 'Council must prepare a budget' requires:

Section 127 (3) The Council must ensure that the budget also contains—

- (a) the information the Council is required to declare under section 158(1);*
- (b) if the Council intends to declare a differential rate under section 161, the information listed in section 161(2);*
- (c) if the Council intends to declare a differential rate under section 161A, the information listed in section 161(2).*

The Local Government Act 1989 under Section 128 'Revised Budget' also requires:

A Council must prepare a revised budget if circumstances arise which cause a material change in the budget and which affects the financial operations and position of the Council.

- (2) The Council must ensure that a revised budget is prepared as soon as is practicable after the Council becomes aware of the change in the budget.*
- (3) The Council must ensure that a revised budget contains all the information required by the regulations.*

Further, the Local Government Act 1989 under Section 129 'Public Notice' also requires:

- (1) As soon as practicable after a Council has prepared a proposed budget or revised budget, the Council must give public notice.*
- (2) A person has a right to make a submission under section 223 on any proposal contained in the proposed budget or revised budget.*
- (3) In addition to any other requirements specified by this Act, the notice referred to in subsection (1) must—*
 - (a) contain any information required by the regulations; and*
 - (b) advise that copies of the proposed budget or revised budget are available for inspection for at least 28 days after the publication of the notice at—*

- (i) the Council office and any district offices; and*
- (ii) any other place required by the regulations; and*
- (c) advise that the proposed budget or revised budget is published on the Council's Internet website for at least 28 days after the publication of the notice.*
- (4) A copy of the proposed budget or revised budget must be available and published as set out in subsection (3)(b) and (c).*

Finally, the Local Government Act 1989 under Section 130 'Adoption of budget or revised budget' requires:

- (1) A Council may adopt a budget or revised budget if it has complied with all of the relevant requirements of this Act relating to budgets and revised budgets.*
- (2) The Council must give public notice of its decision under subsection (1).*
- (3) The Council must adopt the budget by 31 August each year.*
- (4) The Council must submit a copy of the budget or revised budget to the Minister within 28 days after adopting the budget under subsection (3) or adopting the revised budget under subsection (1).*
- (5) The Minister may extend the period within which a Council must comply with subsection (4).*
- (6) If a Council fails to submit a copy of the budget or revised budget to the Minister within the time allowed, the Secretary must ensure that details of the failure are published in the annual report of the Department.*
- (7) A Council must give the Minister any information concerning its budget or revised budget that the Minister requests.*
- (8) A Council must comply with subsection (7)—*
 - (a) within 14 days of receiving a request in writing for the information from the Minister; or*
 - (b) within any longer period specified by the Minister in the request.*
- (9) A copy of the budget or revised budget must be available for inspection by the public at—*
 - (a) the Council office and any district offices; and*
 - (b) any other place required by the regulations.*

Note:

In addition, a Council must ensure that the current budget or revised budget is published on the Council's Internet website (see section 82A(2)(ab)(iii)). The delays associated with meeting these requirements, may place the statutory timeframes required to finalise the 2014 – 2015 Council Budget and 2013 – 2014 Annual Report at risk, placing the Council at risk of legislative non - compliance.

**B.2 NOTICE OF MOTION NUMBER 665 – AMENDMENT TO BUDGET
2014-2015**

PURPOSE/INTRODUCTION

In 2013-2014 the 15 year total expenditure increased by \$53 million more than I believe it should have done if following previous 15 year budget projections. This increase was I believe not knowingly intended when approved of by council and will lead to increased rate charges over the 15 year period of around \$1.8 million per annum.

MOTION

I, Councillor Don Hill, advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on 25 June 2014:

That Council:

1. Remove from the 15 year budget projections the expenditure amounts of \$9.2 million from year 2026-2027, \$12 million from year 2027-2028, and \$12 million from year 2028-2029.
2. Remove the amounts of \$0.9 million from 2014-2015, and \$1.8 million from 2015-2016 both of which currently reside within the Accommodation Reserves account.
3. Apply a rate rise of 4.5% for 2014-2015 year.
4. Amend the Budget 2014-2015 to include these changes.

The Motion was not moved.

OFFICER COMMENTS

Why is the \$34 million in the budget?

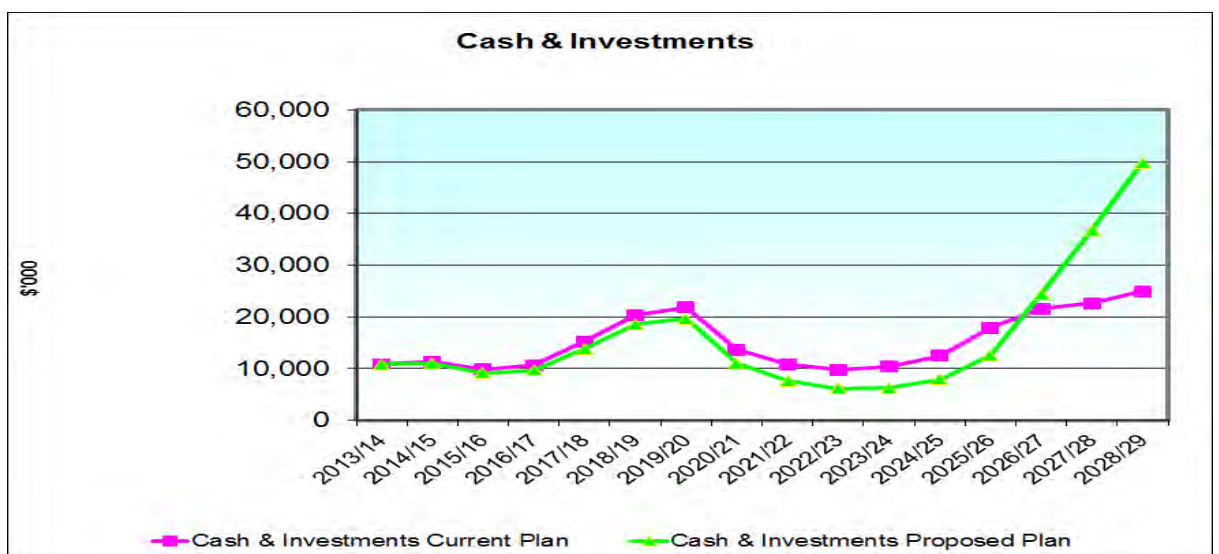
This amount has been allocated based on historical expenditure patterns and Council's estimated capital expenditure with the intention to ensure Council is not financially disadvantaged in these later years. It allows future Councils to develop infrastructure that is yet to be determined in response to emerging community needs.

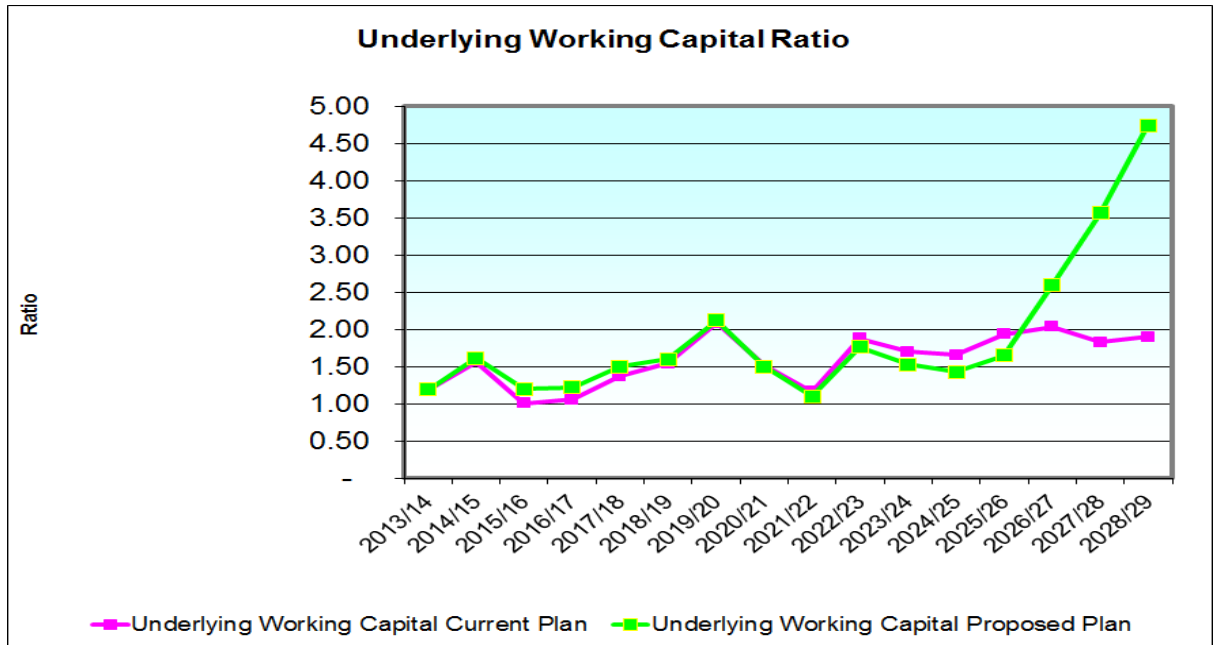
Was Council informed of this \$34 million in expenditure?

The \$34 million is allocated in the last 3 years of the 15 year capital works program and is subject to review by Council annually. In the late half of 2013, a series of briefing sessions were held with Council reviewing and refining the current and forward capital works budget requirements. The outcome of this annual review has been included in the draft 2014/15 budget.

What is the effect of removing the expenditure and applying a rate rise of 4.5% for 2014-2015 year?

If \$34 million dollars capital expenditure was removed along with the \$2.6 million transfers to internal reserves as well as a rate reduction to 4.5% in 2014-2015 year as suggested, Council's adopted Long Term Financial Strategy, underlying Working Capital Ratio will remain under its strategic target for a number of years before recovering as shown in the graph and table below. This reduces Council's financial capacity to strategically manage unavoidable cost events or strategic capital investment opportunities.





Alternate Budget	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
Financial performance																
Underlying Working Capital	1.19	1.62	1.20	1.22	1.50	1.60	2.12	1.50	1.10	1.77	1.53	1.43	1.65	2.50	3.57	4.74

Commentary on Accommodation Reserves

During briefings held with Councillors on the Capital Works Program and the draft 2014/15 Budget, the establishment of an internal ‘Accommodation Reserve’ was discussed whereby funds may be set aside for future Council civic precinct requirements (this includes library, community meeting spaces and office accommodation). Funding from two related Capital Works projects were transferred to this fund following discussions on the Capital Works Program. The financial outcome was provided to Council at the first budget briefing session held 12 March 2014. This information was included and endorsed by Council at the April 2014 Council Meeting.

B.4 NOTICE OF MOTION NUMBER 667 – REPORT ON EFFECT OF \$34 MILLION TO FORWARD BUDGET PROJECTIONS ON RATE REVENUE RAISED OVER THE 15 YEAR PROJECTIONS

BACKGROUND

The effect on the level and amount of rate revenues required due to the unrequired \$34 million expenditure placed into the forward budget projections is significant and an unnecessary burden to the ratepayers.

To generate those required rate revenues to cover the \$34 million the rates have to be artificially high over the 15 year projections. This amount is “hidden” within the annual rate rise and represents a lack of transparency and I also believe the process lacks good governance.

This report suggests how this process may operate and its financial implications to the rates collected over the 15 years.

PURPOSE

The purpose of this Motion is for Council to receive a report identifying the cost to the 15 year budget due to the \$34 million in expenditure and to enable councillors to make an informed decision with regard to this year’s rate rise and to take further steps to ensure this does not occur in the future.

REPORT

In the budget year 2011-2012 it was stated that:

The focus is now shifting to provide additional funding for capital works renewal programs over the coming years. The rates charges increase for the 2010/11 year was 6.50%.

This comment suggests that the revenue so generated would be used to cover renewal of existing infrastructure and not new works.

Further, since all the asset management plans were not as yet available it was not possible to know exactly how much was needed to cover renewals for current existing assets and a rate rise above Municipal Association of Victoria (MAV) CPI was therefore reasonable.

In that year it was noted that future rate rises were predicted to be as follows:

Year	Increase %	Total Rates and Charges Raised \$'000
2010/11	6.50%	27,799
2011/12	5.04%	29,455
2012/13	4.81%	31,136
2013/14	4.81%	32,347
2014/15	4.82%	33,900

Taking the 15 year projected figures from each of the succeeding financial years we get the following data. (Figures are in millions and rounded to the nearest million).

Budget Year				
Rates Raised Per Year Projected for 15 year's out				
Forward Projected Year	2011-2012	2012-2013	2013-2014	2014-2015
2014-2015	\$34	\$34	\$36	\$35
2015-2016	\$36	\$36	\$39	\$38
2016-2017	\$38	\$38	\$41	\$40
2017-2018	\$40	\$40	\$43	\$42
2018-2019	\$42	\$42	\$46	\$44
2019-2020	\$44	\$44	\$49	\$46
2020-2021	\$46	\$45	\$51	\$49
2021-2022		\$49	\$54	\$51
2022-2023		\$51	\$62	\$52
2023-2024		\$53	\$61	\$57
2024-2025		\$56	\$65	\$61
2025-2026		\$59	\$68	\$64
2026-2027		\$62	\$72	\$68

It can be seen that the year 2012-2013 stated the same figures for each of the forward years.

In 2013-2014 however, the figures jumped significantly.

Note: The figures should remain the same unless the CPI was to rise above expected. All forward figures do have CPI factored into the numbers.

It is my belief that these inflated figures were due to the inclusion of the \$34 million (and perhaps other as yet unidentified monetary amounts), into the forward expenditure.

The additional monies so required going forward would need higher rate rises than anticipated at 2012-2013. It is my belief also, that the actual rates charged above MAV CPI was accumulated so as to recoup this annual cost of around 5% for each and every year going forward.

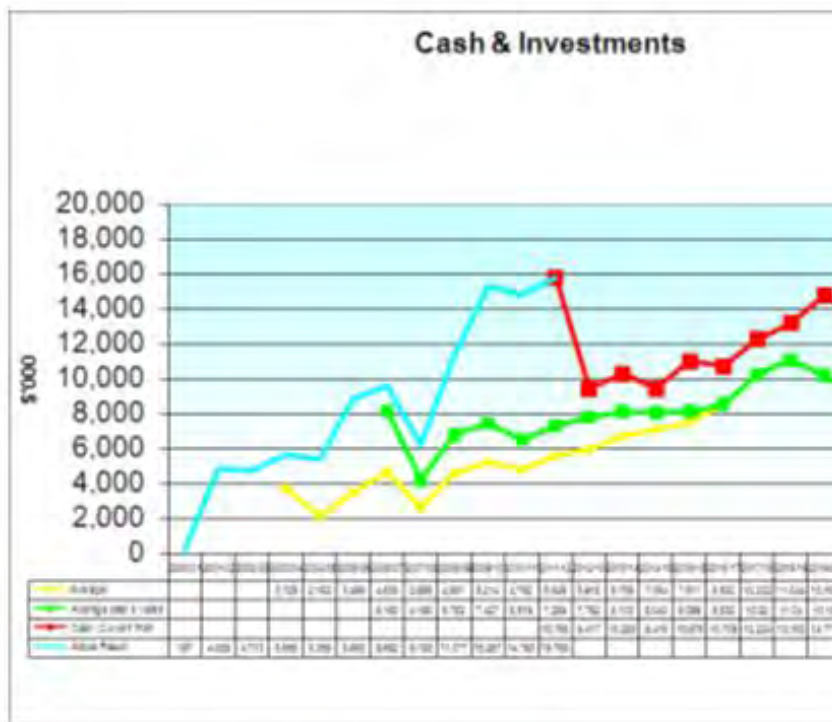
During 2013-2014 asset management plans were completed and it was stated in the budget papers that the council was in a financially sustainable position with regard to the primary funding gap which had been covered.

Therefore, I believe that we did not need to raise rates above MAV CPI. In fact, rates have been raised above MAV CPI for the last 4 years as shown in this table.

Year	Predicted from 2011-2012 Budget	MAV CPI	Actual Rate Rise	Extra to MAV CPI	Accumulated Extra
2011-2012	5.04	3.25	5.04	1.79	1.79
2012-2013	4.81	3.9	4.85	0.95	2.74
2013-2014	4.81	3.9	6.75	2.85	5.59
2014-2015	4.82	3.5	5.5	2.00	7.59

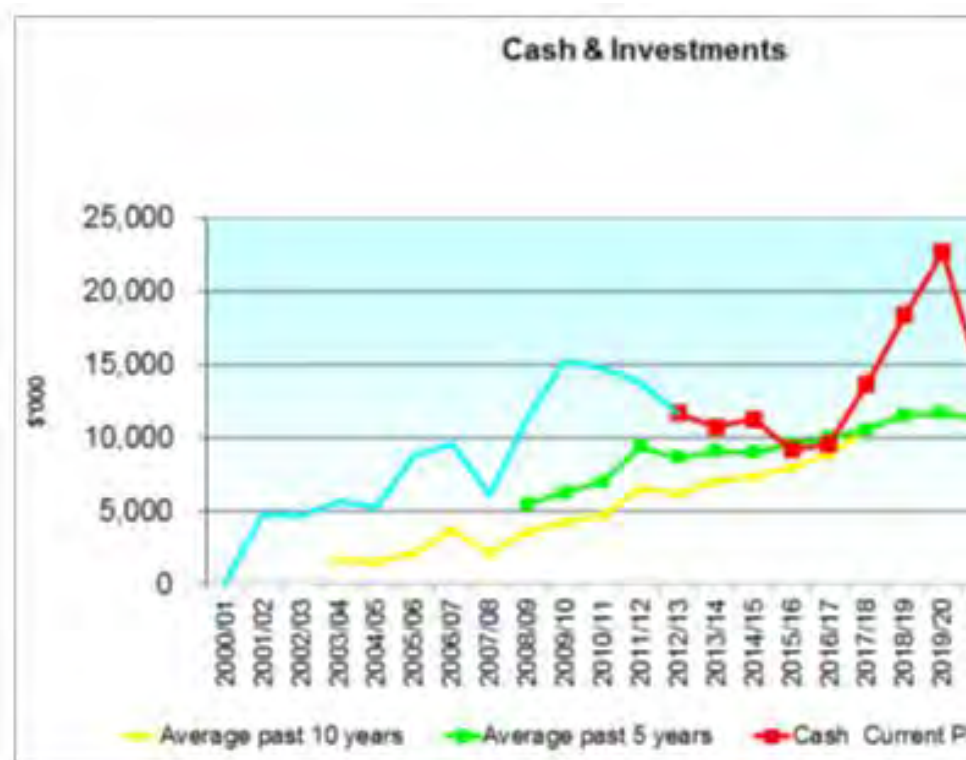
We are now paying nearly 6% more than was required based on MAV CPI and this represents around \$1.9 million from next year's rates.

The cash accounts looking forward (from the 2012-2013 budget) shows the following:



This shows cash balance of \$14 million at 2019-2020.

The same diagram from this year's budget shows a different story:



This shows a cash balance of \$23 million. Clearly an additional \$8 million has been accumulated over the next 5 years.

Equivalent to an annual figure of \$1.6 million this figures matches that shown above as the additional raised rate revenue needed to cover the \$34 million in the later years.

Further evidence to suggest the figure calculated here of between \$1.6 and \$1.9 million per annum is valid comes from the finance team who were asked to calculate the annuity amount required to fund this \$34 million in expenditure. The figure came out at \$1.8 million.

Finally, a further \$2.6 million has been identified within the reserves accounts (accommodation reserves) in 2014-2016 that has to date not been approved of by council for any particular project.

This means we have an identified amount of around \$10 million dollars squirreled away over the next 5 years. Years 6 to 15 would continue to accumulate (if not spent), further sums of money.

CONCLUSION

I believe these facts show a serious issue of governance and financial accountability in the current budget papers and after a thorough review of all

expenditure related budget items, a similar analysis needs to be conducted within the revenue area.

MOTION

I, Councillor Don Hill, advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on 25 June 2014:

That Council receive this report.

MOVED: Cr Hill

THAT COUNCIL RECEIVE THIS REPORT.

The Motion lapsed for want of seconder.

OFFICER COMMENTS

Why is the \$34 million in the budget?

This amount has been allocated based on historical expenditure patterns and Council's estimated capital expenditure with the intention to ensure Council is not financially disadvantaged in these later years. It allows future Councils to develop infrastructure that is yet to be determined in response to emerging community needs.

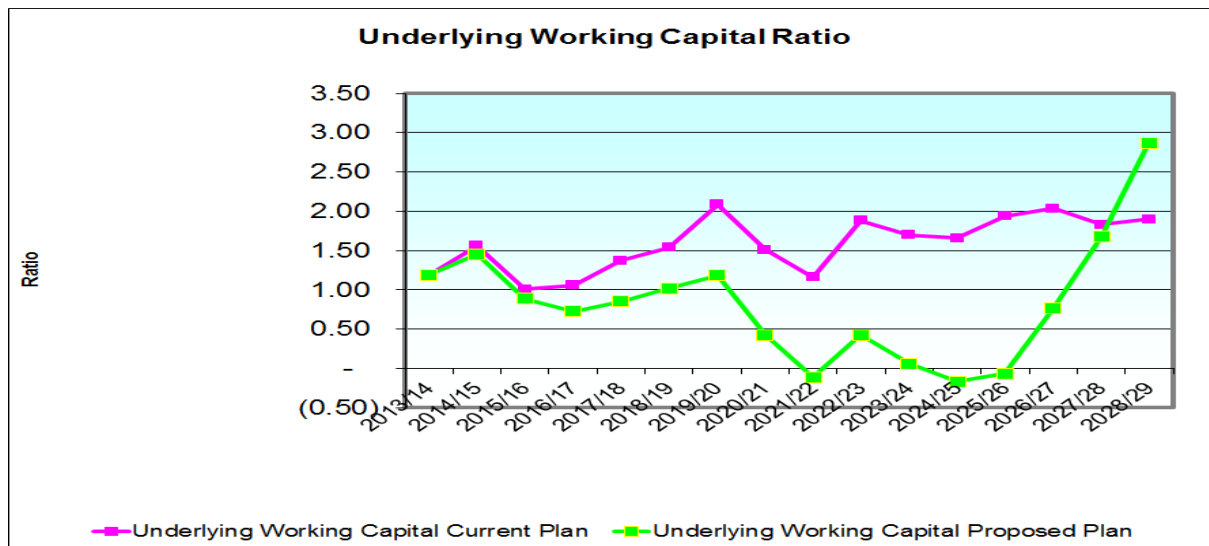
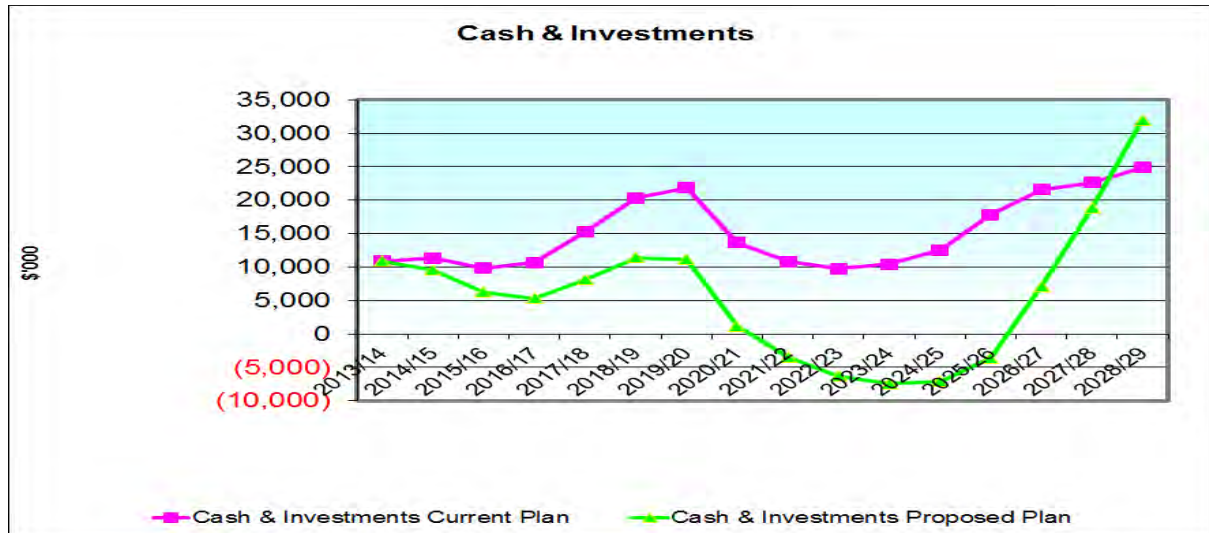
Was Council informed of this \$34 million in expenditure?

The \$34 million is allocated in the last 3 years of the 15 year capital works program and is subject to review by Council annually. In the late half of 2013, a series of briefing sessions were held with Council reviewing and refining the current and forward capital works budget requirements. The outcome of this annual review has been included in the draft 2014/15 budget.

What is the effect of removing the expenditure and income?

If \$34 million dollars capital expenditure was removed along with an income of \$1.8 million per year as inferred, Council's short term financial capacity would be compromised and longer term Council would be financially unsustainable.

There would be adverse financial ramifications on both Council's cash position and underlying working capital ratio in the forward plan as shown in the graphs below.



Alternate Budget	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
Underlying Working Capital	1.19	1.45	0.89	0.73	0.85	1.02	1.19	0.42	(0.11)	0.42	0.06	(0.17)	(0.07)	0.77	1.68	2.87

Commentary on comparative data of rate rises

It should be noted that in the table that contains comparative data of rate rises in which:

- The column 'Predicted from 2011-2012 Budget' shows the overall 'rates and charges increases' over a number of years, but;
- The column 'Actual Rate Rise' contains a mix of information, the 2011/12 and 2012/13 shows 'overall' rates and charges increases, whereas the 2013/14 and 2014/15 shows only the general rate increase (it does not take into

consideration movements in waste charges) - the 'overall' rates and charge increases being 6.48% for 2013/14 and 4.13% for 2014/15.

The 'MAV CPI' (actual title 'Local Government Cost Index') is no longer produced by the MAV after the VAGO made adverse findings in relation to the use of the index.

Commentary on Accommodation Reserves

During briefings held with Councillors on the Capital Works Program and the draft 2014/15 Budget, the establishment of an internal 'Accommodation Reserve' was discussed whereby funds may be set aside for future Council civic precinct requirements (this includes library, community meeting spaces and office accommodation). Funding from two related Capital Works projects were transferred to this fund following discussions on the Capital Works Program. The financial outcome was provided to Council at the first budget briefing session held 12 March 2014. This information was included and endorsed by Council at the 16 April 2014 Council Meeting.

SECTION C - COMMITTEE REPORTS

Nil

E.3 DOMESTIC WATER BORES IN VENUS BAY AND SANDY POINT - IMPACT ON DEVELOPMENT OF LAND

Development Services Directorate

EXECUTIVE SUMMARY

Concerns have been raised by members of the community about the use and approval of domestic water bores in Venus Bay and Sandy Point potentially restricting future infill or re-development of land.

Under the Environmental Protection Authority (EPA) Code of Practice for Onsite Wastewater Systems, Council is prohibited from approving a waste water treatment system (septic tank) within 50m of a domestic water bore. The setback may be reduced to 20m if the waste water system includes secondary treatment and disinfection.

As a consequence of domestic water bores being located on an adjoining property it may impact the ability to appropriately site a septic tank system as required under the EPA Code of Practice. This has potential to restrict infill or the re-development of land.

Interested parties to the issue include Department of Environment and Primary Industry (DEPI), Southern Rural Water (SRW), EPA, Council and affected landowners (current and future). This report considers available options to reduce the impact of this issue and recommends that Council continue to advocate to the DEPI, SRW and the EPA for further legislative and process change.

No planning permit application has been refused at this stage as negotiation between landowners to either relocate or decommission bores has resolved most issues.

LEGISLATIVE/ ACTION PLANS/ STRATEGIES/ POLICIES

- Planning and Environment Act 1987
- Environment Protection Act 1970
- Water Act 1989
- South Gippsland Planning Scheme
- EPA Code of Practice - Onsite Wastewater Management

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Domestic Wastewater Management Plan (DWMP)

COUNCIL PLAN

Outcome:	1.0	A Prosperous Shire
Strategy:	1.1.1	We will actively plan for growth and economic development.
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
Strategy:	3.1.5	We will encourage sustainable development that promotes the health, well-being and unique character of the community

CONSULTATION

Discussions have been held with the Environment Protection Authority (EPA), Department of Environment Primary Industry (DEPI), Southern Rural Water (SRW), Office of Living Victoria (OLV) and Housing Industry Australia (HIA).

Application specific discussions have also been held with planning permit applicants, building and planning consultants, landowners and adjoining property owners.

A submission was made to proposed amendments to the Water Act 1989 recommending greater acknowledgement of septic tank locations when an application for a domestic water bore is considered by water authorities.

REPORT

Background

Concern has been raised about the effect domestic water bores can have on future development opportunities in Venus Bay and Sandy Point. These concerns could further extend to Tarwin Lower and they primarily relate to applications for new dwellings.

When making an assessment of a planning permit application or an application to install a septic tank system, Council is required to consider relevant legislative controls.

Under the EPA Code of Practice for Onsite Wastewater Management, Council is prohibited from approving a development where waste water is proposed to be disposed of within 50m of a domestic water bore or within 20m where the method of waste water disposal includes disinfection.

As most residential blocks in these towns are commonly 20mx30m (600sqm) in size, bores on adjoining properties may have a significant impact on where a septic tank can be sited. This could restrict future development opportunities. Preliminary mapping indicates that without further intervention a number of vacant allotments may be impacted by the location of domestic water bores on adjoining properties.

This issue is somewhat unique to the Townships of Venus Bay and Sandy Point due to a range of factors including;

- Small lots sizes;
- Neither town has access to reticulated water or sewerage;
- Readily available infill development opportunities; and
- Access to generous ground water supplies.

It should be noted that this issue is a result of implementation of State Government legislation.

No planning permit application has been refused to date as agreement between landowners to either relocate or decommission bores has generally resolved the issue. It is however likely that not all adjoining owners will be agreeable to relocating or decommissioning their bore.

DISCUSSION

Issues

Some of the contributing factors are as follows:

- Requirements for bore construction licences came into effect in 1969.
- Bores for stock and domestic purposes are considered “as of right” by SRW pursuant to s.8 of the Water Act 1989.
- There are no records that indicate a domestic bore licence has been previously refused.
- Licensed installers are expected to observe set back distances to existing septic tank systems prior to installation.
- There is no evidence that SRW have undertaken any enforcement activities for bores which have either been installed illegally or contrary to licence conditions.
- Despite domestic bores not being licensed for potable water uses, there is some indication that some land owners may use bore water to supplement potable water supplies.
- A new mapping overlay was integrated into Council’s mapping system in July 2013 allowing Council to more readily identify the location of bores.
- Contrary to what has been reported, the impact of the revised EPA Code of Practice for Onsite Wastewater Management has been minor. The only variation from previous practice is the inclusion of a requirement to disinfect effluent prior to dispersal to land.

- The EPA considered introducing reduced set-back distances between wastewater systems and bores for non-potable uses; however it is understood that this did not eventuate due to perceived public health risks.
- In addition to new mapping, greater understanding of the potential impact of this issue would require detailed onsite investigation. This is currently addressed during the assessment of individual development applications.

Options

1. Formalise a Memorandum of Understanding (MOU) between DEPI or SRW and Council for the referral of applications for new domestic water bores to minimise potential conflicts between bore and septic tank locations.
2. Advocate to the DEPI and SRW to enforce conditions of domestic water bore licences and installers of new bores who fail to observe required set back distances.
3. Advocate for an amendment to the EPA Code of Practice for onsite waste water systems to consider reduced setbacks distances between bores and onsite waste water systems.
4. Advocate to the EPA for alternate system design options e.g. pump out systems or “best environmental outcome” options for new or alterations to existing waste water systems.
5. Lobby for the provision of reticulated water and/or sewerage. These services would eliminate the need for onsite waste water systems and reduce the need to supplement local water supplies with bore water.
6. Lobby the Minister for Water and Office of Living Victoria (OLV) for an amendment to the Water Act 1989 to provide greater consideration of waste water treatment systems when assessing applications to construct domestic water bores.

Evaluation of Options

Formalise an MOU between DEPI, SRW and Council

Discussions with DEPI and SRW have been positive and SRW have indicated that they would support an MOU for the referral of domestic water bore licences.

If implemented this would provide Council with an opportunity to provide comment on the suitability of domestic water bore installations during SRWs assessment of licence applications.

It is proposed that the SRW application forms will require applicants to consult with Council prior to lodgement. Council would comment on:

- The existence of adjacent wastewater systems within 50m of the proposed bore and the potential risk to bore water; and
- The existence of Planning permits or vacant lots within 20m of the proposed bore that may be impacted by the presence of the bore.

SRW have advised that they would likely support licence applications regardless of Council's comments. However, Council could further advocate to the DEPI to introduce guidelines for water authorities to consider when determining licence applications.

The referral of these applications would become an additional responsibility for Council to administer but it is estimated that this could be absorbed within existing resources.

Advocate for the proactive enforcement of licence conditions

Investigation and enforcement of illegal bore installations could eliminate some future development impacts associated with waste water disposal.

SRW have advised that currently they do not actively undertake enforcement activities for domestic water bore installations. Council has no legislative control for the installation of bores.

Advocating to the DEPI and SRW to undertake appropriate compliance activities, if successful, will minimise the impact domestic water bores have on future development opportunities.

Advocate for amendment to the EPA Code of Practice

Council must assess applications to install septic tanks under the requirements of the Code of Practice for Onsite Wastewater Management Systems. Council could advocate for a reduction in the prescribed set back distances between domestic water bores and septic tanks.

The reduction of prescribed setback distances on the surface presents the most readily achievable outcome to mitigate the impacts of domestic water bore installations. However, for health reasons it is important to maintain safe setback distances between the disposal of waste water and uptake of ground water for domestic use.

Despite domestic water bores not being licenced for potable water uses, there is some indication that some land owners and occupiers use bore water to supplement household potable water supplies.

Residents and visitors to Venus Bay and Sandy Point are advised by way of signage that bore water is not recommended for human consumption.

High absentee ownership rates and holiday rental arrangements for these towns further complicates this option. Many visitors would be unaware that properties may be serviced by bore water and septic tanks. It is impossible for Council to educate and protect persons against the human consumption of bore water.

Currently the EPA Code of Practice allows Council to consider reduced setback distances, however it has been advised that this is an error in the Code and will be amended to eliminate this discretion.

This option is not recommended as there is no supporting science, no strategies to prevent persons using bore water for potable uses and it would therefore elevate public health risks.

Advocate for alternate system design options

Alternate waste water system designs that could be considered to alleviate this issue could include;

- Provision for pump-out systems in the EPA Code of Practice; and
- Achieving 'Best Environmental' outcome for redevelopment;

- Pump-out Systems

Septic tank pump-out systems would require an owner/occupier to ensure that the septic tank system is pumped out prior to overflowing, or more likely, back loading into the household. The frequency of system pump-outs is determined by the water consumption habits of the occupiers. During summer, pump-outs could be required weekly.

Any permit issued for a development based on a pump-out wastewater system would be conditional and likely require Council to undertake monitoring and compliance of permit conditions.

Septic tank pump-out systems are not currently permitted under the EPA Code of Practice, however they have been discussed as a potential resolution to this and other issues involving waste water disposal constraints.

Permitting these systems would raise legitimate public health concerns and would require an active compliance program to ensure that associated public health risks are mitigated. Council would need to either fund or recover the costs associated with implementing a proactive compliance program.

Council is currently undertaking a review of its Domestic Wastewater Management Plan (DWMP). This review will consider what monitoring and compliance activities are appropriate and the cost implications for a range of wastewater and public health considerations. Finalisation of the DWMP is reliant upon completion of the Tarwin River Water Supply Catchment Policy.

It is recommended that a decision on monitoring and compliance is deferred until consideration of the DWMP.

Due to high absentee ownership, high occupancy rates during summer and associated public health risks this option is not supported.

- Environmental Best Outcome

Due to the size of the original subdivision of Sandy Point and Venus Bay it is likely that in many instances the redevelopment of land may not be able to comply with current waste water standards. Rather than prohibit the redevelopment it would be more prudent to approve the development where there is an improvement to the existing conditions; although not complying with the 'standard of the day'. Although not complying with the required standard, achieving the 'Best Environmental' outcome acknowledges constraints and would improve existing conditions.

However, approving a waste water disposal system that does not meet the required standards presents risk. As it would likely reduce the risk of the existing conditions it is recommended that this only be supported in cases of redevelopment which do not increase the amount of waste water generated.

Under the EPA Code of Practice there is no scope to consider a 'Best Environmental' outcome. It is recommended that this be further discussed with the EPA and consideration of ongoing monitoring and compliance should be deferred until the DWMP is considered.

Lobby for provision of reticulated sewerage and water services

While reticulated sewerage or water services could resolve this issue permanently, their provision is cost prohibitive and long term.

Moreover, during the review of Councils DWMP residents of Sandy Point and Venus Bay commonly expressed reluctance to support further investigation of reticulated sewerage. South Gippsland Water (SGW) have previously advised that at least 70% support from land owners for reticulated sewerage is required to further investigate sewer.

Due to the lack of Community support, reticulated services are not recommended for further investigation at this time.

Lobby the Minister for Water and Office of Living Victoria (OLV) for legislative amendment to the Water Act 1989.

The Victorian Government is carrying out a comprehensive review of Victoria's water laws to deliver a streamlined and effective legislative framework for water management and use in Victoria. The OLV is managing the water law review.

It is this Act that establishes the right of all land owners to access water for stock and domestic purposes and establishes the administrative arrangements for managing bores.

A submission was made to the OLV in response to proposed amendments to the Water Act 1989 recommending greater acknowledgement of septic tank locations when an application for a domestic water bore is considered by water authorities.

A further submission could be made on behalf of Council that reiterates the issues contained in this report.

CONCLUSION

Land owners within Township Zones have a reasonable expectation to be able to develop their land with a dwelling. Members of the community and visitors to the area also have a reasonable expectation that development approvals will not compromise their amenity or health.

Council is required to administer its legislative responsibilities and consider the impact a development may have on the health and wellbeing of the community. Council does not have discretion when considering applications to install waste water systems under the EPA Code of Practice.

The legislated controls that are in place are there to protect public health and amenity. Deviation from these controls could put Council at risk should a public health risk eventuate.

This report identifies that whilst Council is not the Responsible Authority for all of the matters contributing to this issue, there are opportunities available to advocate on behalf of land owners.

Therefore it is prudent that Council continue to advocate to the DEPI, SRW and the EPA for further legislative and process change.

FINANCIAL CONSIDERATIONS

Inability to develop land intended for residential use has significant financial implications to the land owner and potentially Council through devaluation of land.

The option to approve developments on the basis of pump-out systems would require a substantial input from Council to monitor compliance. Consequently it is recommended that this option be deferred for further consideration as part of the review of Councils DWMP.

RISK FACTORS

Approval of waste water systems that fail to meet the EPA Code of Practice could expose the local community to unacceptable health risks and put

Council at risk of failure to meet its statutory obligations under the Environment Protection Act 1970.

RECOMMENDATION

That Council:

1. Note its obligations under the Environment Protection Act 1987 when considering applications to install onsite waste water systems.
2. Write to the Department of Environment and Primary Industry (DEPI) and Southern Rural Water (SRW) to formalise arrangements for Council to provide comment on applications for new domestic water bores.
3. Write to the Environment Protection Authority (EPA) requesting amendment to the EPA Code of Practice for onsite waste water management systems.
4. Continue to encourage applicants to collaboratively find solutions to planning application specific issues.
5. Consider various compliance models and associated cost implications when considering the review of the Domestic Waste Water Management Plan (DWMP).
6. Consider a future report, following the review of the DWMP that makes recommendations on a monitoring and enforcement program for onsite wastewater systems.

MOVED: Cr Hill

SECONDED: Cr Davies

THAT COUNCIL:

- 1. NOTE ITS OBLIGATIONS UNDER THE ENVIRONMENT PROTECTION ACT 1987 WHEN CONSIDERING APPLICATIONS TO INSTALL ONSITE WASTE WATER SYSTEMS.**
- 2. WRITE TO THE DEPARTMENT OF ENVIRONMENT AND PRIMARY INDUSTRY (DEPI) AND SOUTHERN RURAL WATER (SRW) TO FORMALISE ARRANGEMENTS FOR COUNCIL TO PROVIDE COMMENT ON APPLICATIONS FOR NEW DOMESTIC WATER BORES.**
- 3. WRITE TO THE ENVIRONMENT PROTECTION AUTHORITY (EPA) REQUESTING AN AMENDMENT TO THE EPA CODE OF PRACTICE FOR ONSITE WASTE WATER SYSTEMS TO CONSIDER REDUCED SETBACKS DISTANCES BETWEEN NON POTABLE WATER BORES AND ONSITE WASTE WATER SYSTEMS.**
- 4. CONTINUE TO ENCOURAGE APPLICANTS TO COLLABORATIVELY FIND SOLUTIONS TO PLANNING APPLICATION SPECIFIC ISSUES.**
- 5. CONSIDER VARIOUS COMPLIANCE MODELS AND ASSOCIATED COST IMPLICATIONS WHEN CONSIDERING THE REVIEW OF THE DOMESTIC WASTE WATER MANAGEMENT PLAN (DWMP).**
- 6. CONSIDER A FUTURE REPORT, FOLLOWING THE REVIEW OF THE DWMP THAT MAKES RECOMMENDATIONS ON A MONITORING AND ENFORCEMENT PROGRAM FOR ONSITE WASTEWATER SYSTEMS.**
- 7. ADVOCATE TO THE EPA FOR ALTERNATE SYSTEM DESIGN OPTIONS E.G. PUMP OUT SYSTEMS OR “BEST ENVIRONMENTAL OUTCOME” OPTIONS FOR NEW OR ALTERATIONS TO EXISTING WASTE WATER SYSTEMS.**
- 8. LOBBY THE MINISTER FOR WATER AND OFFICE OF LIVING VICTORIA (OLV) FOR AN AMENDMENT TO THE WATER ACT 1989 TO PROVIDE GREATER CONSIDERATION OF WASTE WATER TREATMENT SYSTEMS WHEN ASSESSING APPLICATIONS TO CONSTRUCT DOMESTIC WATER BORES.**

Cr Kennedy left the Meeting at 4.17pm.

Cr Hutchinson-Brooks left the Meeting at 4.17pm.

Cr Fawcett left the Meeting at 4.19pm.

Cr Harding assumed the Chair.

Cr Hutchinson-Brooks returned to the Meeting at 4.20pm.

Cr McEwen left the Meeting at 4.20pm.

Cr Kennedy returned to the Meeting at 4.20pm.

Cr Fawcett returned to the Meeting at 4.21pm and resumed the Chair.

CARRIED UNANIMOUSLY

E.4 TOORA AND POOWONG SWIMMING POOL MASTER PLANS

Community Services Directorate

EXECUTIVE SUMMARY

Master Plans were commissioned for the Poowong and Toora outdoor swimming pools, in accordance with the recommendations contained in Council's Strategic Direction for Aquatic Facilities 2012-2016.

It is also an action in Council's Annual Plan 2013-2014 to Develop Master Plans for swimming pools, Toora and Poowong, and to be completed and reported to Council for adoption by 30 June 2014.

The Master Plans provide guidance to the local communities and Council on projects required to support effective, affordable and sustainable development of both facilities.

The draft Master Plans have been exhibited for broad community input with a total of five submissions received, all of which are supportive of the Master Plans.

Document/s pertaining to this Council Report.

- **Appendix 1** - Draft Poowong and Toora Pool Master Plan

A copy of **Appendix 1 - Draft Poowong and Toora Pool Master Plan** is available on Council's website: www.southgippsland.vic.gov.au or by contacting 5662 9200.

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Strategic Direction for Aquatic Facilities in South Gippsland 2012 - 2016
- Future capital investment in outdoor pools will be informed through the development of Master Plans (including Asset Management Plans) for each facility.

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:	3.1.6	We will refine the provision of Council services through reviews focused on evolving community needs, realistic and affordable service standards and efficient management of resources.

CONSULTATION

The Draft Poowong and Toora Pool Master Plans were available on Council's website, promoted through the media and emailed to the committees and volunteers of the Poowong and Toora Pools.

Five submissions have been received, four relating to Toora and one relating to Poowong.

Extensive community engagement was undertaken during December 2013 and January 2014 to seek community contributions for consideration in the development of the draft master plans.

REPORT

Background

In February 2012 the Council adopted a Strategic Direction for Aquatic Facilities in South Gippsland 2012-16. The strategy states that future capital investment will be informed through the development of Master Plans. At that meeting Council resolved to:

Develop Master Plans, in consultation with the committee and community for Mirboo North and Korumburra in 2013/14 and Poowong, Foster and Toora in 2013/14 to guide the future capital investment in these activities. The Toora and Poowong Master Plans were included in Council's Annual Plan 2013-2014.

At the 27 November 2013 Council meeting, Council resolved to defer completion of a master plan for the Foster Pool during the 2013/14 financial year while a review focussing on the performance of the Foster Pool occurred.

In November 2013, Insynch Consultancy was appointed to develop the master plans for Poowong and Toora pools.

At the 16 April 2014 Council meeting the Draft Poowong and Toora Pool Master Plans were considered and it was resolved:

That Council:

- 1. Exhibit the draft Poowong and Toora Pool Master Plans until 14 May 2014;*
- 2. Invite written submissions from the community; and*
- 3. Consider a report to adopt the final Master Plans at the 25 June 2014 Ordinary Council Meeting.*

Discussion

Since November 2013 Insynch Consultancy has been undertaking consultation and investigations to develop the draft master plans for Poowong and Toora pools. Council has received five submissions during the community consultation period. Submissions were distributed and discussed at the Council Briefing held on 21 May 2014.

Submission	Summary	Changes to Master Plan
President Toora Pool Committee	Support for Toora Pool section of master plan document.	No change required
	Works to address car park condition is missing from draft master plan	Yes - Car park improvement project included in final plan.
	Importance of maintaining current hours for benefit of community.	No - The master plan does not recommend any change to current service level.
Secretary Toora Pool Committee	Support for Toora Pool section of master plan document.	No change required
	Works to address car park condition is missing from current master plan	Yes - Car park improvement project included in final plan.
Toora Pool Committee Member	Support for Toora Pool section of master plan document.	No change required
	Works to address car park condition is missing from current master plan	Yes - Car park improvement project included in final plan.
	Importance of maintaining current hours for benefit of community.	No change required - The master plan does not recommend any change to current service level.

Community Health Centre	Support for Toora Pool section of master plan document.	No change required
	Identified benefits of warm water exercise at Toora	No change required
	Support for a range of improvements identified in master plan for Toora.	No change required
Poowong Pool Volunteer	Concerns with impact of higher opening temperature on season ticket holders and value for money	No change required - The service level (opening hours, opening temperature etc.) was considered by Council in a separate report. The submission did not relate directly to the master plan.

Proposal

The Draft Poowong and Toora Pool Master Plans document has been updated to include car park works for Toora. Adoption of the amended Master Plans would enable local committees to plan the implementation of some of the smaller identified projects and provide Council with clear direction on larger projects for consideration in the long term capital works program and the Long Term Financial Plan.

It is proposed that Council adopt the Poowong and Toora Pool Master Plans as presented.

The proposed Master Plans provide clear direction on opportunities for improvements to these two facilities. While adoption of these documents requires Council support for the projects identified, the implementation of all aspects of the master plans is part of a long term plan and any works will be the subject of a future Council decision at which time funding for capital works will be requested.

These facilities are two of six pools operated by Council. The implementation of any major projects will need to be prioritised noting that capital works at other facilities may be a more urgent priority than the major works identified at Toora and Poowong.

FINANCIAL CONSIDERATIONS

The master plans contain projects that would require significant financial contributions from Council. Within the long term capital works programs there are allocations towards projects at aquatic facilities and as stated in Council's Strategic Direction for Aquatic Facilities 2012-2016 any upgrade or renovation of pools will be dependent on community fundraising, external grants and/or commercial sponsorship.

Council is making no commitment of specific funds by adopting the master plans. Council funding of any of the projects identified will be subject to a future report to Council.

CONCLUSION

The Poowong and Toora Pool Master Plans June 2014 have been developed in consultation with the community and clearly identify opportunities for improvements to each facility. Adoption of the master plans will enable the implementation of smaller project by the community and allow Council to prioritise larger projects for consideration in future capital works programs.

RECOMMENDATION

That Council:

1. Adopt the Poowong and Toora Pool Master Plans June 2014;
2. Facilitate a collaborative community engagement process with the Poowong and Toora community to plan for and share in the funding of an affordable and sustainable future aquatic facilities;
3. Encourage the local committees to implement small projects contained within the master plans;
4. Utilise the master plan documents to prioritise larger projects across all pool facilities for consideration in the long term capital works program; and
5. Investigate any funding opportunities to implement projects from the master plans.
6. Thank the submitters for their feedback on the draft plans and provide written notification of Council's decision.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Brunt

SECONDED: Cr Harding

THAT COUNCIL:

- 1. ADOPT THE POOWONG AND TOORA POOL MASTER PLANS JUNE 2014;**
- 2. FACILITATE A COLLABORATIVE COMMUNITY ENGAGEMENT PROCESS WITH THE POOWONG AND TOORA COMMUNITY TO PLAN FOR AND SHARE IN THE FUNDING OF AN AFFORDABLE AND SUSTAINABLE FUTURE AQUATIC FACILITIES;**
- 3. ENCOURAGE THE LOCAL COMMITTEES TO IMPLEMENT SMALL PROJECTS CONTAINED WITHIN THE MASTER PLANS;**
- 4. UTILISE THE MASTER PLAN DOCUMENTS TO PRIORITISE LARGER PROJECTS ACROSS ALL POOL FACILITIES FOR CONSIDERATION IN THE LONG TERM CAPITAL WORKS PROGRAM; AND**
- 5. INVESTIGATE ANY FUNDING OPPORTUNITIES TO IMPLEMENT PROJECTS FROM THE MASTER PLANS.**
- 6. THANK THE SUBMITTERS FOR THEIR FEEDBACK ON THE DRAFT PLANS AND PROVIDE WRITTEN NOTIFICATION OF COUNCIL'S DECISION.**

Cr Newton left the Meeting at 4.26pm.

Cr Hill left the Meeting at 4.26pm.

CARRIED UNANIMOUSLY

E.5 MIRBOO NORTH COMMUNITY INFRASTRUCTURE PLAN 2014

Development Services Directorate

EXECUTIVE SUMMARY

The draft Mirboo North Community Infrastructure Plan was presented to Council on 19 March 2014. Following a period of public exhibition and community consultation a final plan has been prepared to be presented to Council (refer **Appendix 1**). This report recommends that Council adopt the Mirboo North Community Infrastructure Plan.

Document/s pertaining to this Council Report

- **Attachment 1** - Summary of Submissions and Workshop notes
- **Appendix 1** - Mirboo North Community Infrastructure Plan 2014
- **Confidential Appendix 1** - Submissions

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:
www.southgippsland.vic.gov.au or by contacting 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Charter of Human Rights and Responsibilities Act 2006
- Disability Act 2006
- Equal Opportunity Act 2010
- Planning and Environment Act 1987

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Active Ageing Plan 2012 - 2016
- Annual Plan 2013 - 2014
- Council Plan 2013 - 2017
- Disability Action Plan 2013 - 2017
- Early Childhood Services Building Assets Policy Framework
- Draft Economic Development and Tourism Strategy 2014 - 2019
- Mirboo North Structure Plan 2004

- Municipal Early Years Plan 2011 - 2016
- Municipal Public Health and Wellbeing Plan 2013 - 2017
- Open Space Strategy 2007
- Recreation Plan 2008
- South Gippsland Municipal Emergency Management Plan (version 1.6 April 2013)
- South Gippsland Shire Asset Management Strategy 2013
- South Gippsland Shire Planning Scheme
- South Gippsland Youth Policy

COUNCIL PLAN

Outcome:	3.0	Integrated Services and Infrastructure
Objective:	3.1	Affordable modern community services and facilities through an integrated approach to planning and infrastructure development
Strategy:	3.1.4	Plan for the service needs of the changing demographic
	3.1.5	Sustainable development that promotes health, wellbeing and unique character of the community.

CONSULTATION

During the public exhibition period seven written submission were received (**Confidential Appendix 1**). Meetings were held with community members in preparation for the final plan with 15 different people consulted.

REPORT

Background

The Mirboo North Community Infrastructure Plan will guide the development, timing and possible location of community facilities and services for the short, medium and long term to meet the needs of a growing population. It describes the needs of key age groups in the community and also different infrastructure types influencing the whole community.

Discussion

Mirboo North is the third largest settlement in South Gippsland with a population of 2,296. It is expected that by 2031 the population will have increased by at least 540 people at an annual growth rate of 1%. The increase is expected in families (0 - 14 years and 25 - 39 years) and retirees

(55 - 64 years). There will continue to be a loss of young adults (18 - 24) from the town for work and education.

Community infrastructure priorities for Mirboo North requiring further detailed planning include:

- Indoor recreation
- Health services hub within new private doctors clinic
- Youth meeting spaces and services
- Consolidation of the early years hub

The plan identifies three short term solutions to specific issues including:

1. Improving side ramp access to The Grain Store;
2. Providing a covered bike rack near the VLine bus stop; and
3. Further investigation of funding for a bus shelter at the VLine bus stop with heritage designed elements

Investigate extension of library floor space The priorities identified in this plan are consistent with many priorities of the community and offer opportunities for Council to work with the community to investigate community driven solutions to infrastructure provision. This may include the scoping for a larger indoor recreation facility.

Written submissions, workshops and interviews supported the broad priorities of the draft plan whilst providing suggested changes to some details within priorities. Submission and workshop comments are summarised in **Attachment 1** with the names of submitters and written submission included in **Confidential Appendix 1**.

Submissions (Confidential Appendix 1)

Seven written submissions were received with the main themes of the submissions summarised in **Attachment 1**. The submission themes are detailed below.

1. Access to Walter J Tuck Reserve - unsafe for pedestrians and cars
2. Indoor recreation centre - current facility (3/4 court on concrete) at school is not adequate
3. Youth spaces and services - indoor and outdoor, transport bus and bike shelters required
4. Health Services - health hub within new doctors clinic

5. Baromi Park - variety of suggestions and enhancements for all community
6. Library - extension of floor space at Mirboo North Library
7. Role of the community and community groups in progressing joint plans and actions in the town
8. Minor corrections and adjustments

Proposal

It is proposed that the Mirboo North Community Infrastructure Plan be adopted to support timing and funding considerations for community infrastructure in Mirboo North in response to current and future needs of the community.

FINANCIAL CONSIDERATIONS

The community infrastructure plan will inform financial decision making by Council to:

- Support funding applications for community infrastructure.
- Support prioritisation for Council works.

RISKS

This plan may raise the community's expectations that facilities and services will be provided with population growth in the town. There is a risk that Council may not be able to deliver to the community's expectations or in the timeframes estimated in the plan due to Council's financial constraints.

The plan provides a clear message that proposed infrastructure are 'recommendations only' requiring further investigation for funding and budget allocation.

CONCLUSION

Mirboo North is well appointed with community infrastructure with a range of meeting spaces, a centrally located public realm in Baromi Park, and a well-managed and coordinated recreation reserve. There is a need to investigate the provision of an indoor recreation facility accessible to the community. There are many small infrastructure priorities which, if implemented, could make significant differences to young people, people with disabilities and the ageing population.

Decisions on the allocation for funding for community infrastructure in Mirboo North from budget and grants can be made with reference to this document.

RECOMMENDATION

That Council adopt the Mirboo North Community Infrastructure Plan 2014 (Appendix 1).

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Hutchinson-Brooks SECONDED: Cr Kennedy

**THAT COUNCIL ADOPT THE MIRBOO NORTH COMMUNITY
INFRASTRUCTURE PLAN 2014 (APPENDIX 1).**

CARRIED UNANIMOUSLY

Attachment 1
Summary of submissions and workshops

Topic	Details	Officer observations
Support or no objection		
Whole report	- Comprehensive, picks up on key issues Consistent priorities with other plans	Priorities retained in final document and further detail added
Next 5 years priorities	Early Years Hub Primary Allied Health Hub Indoor recreation facility Youth meeting spaces Arts and Culture Accessible Public Buildings Arts and Culture Community Meeting spaces Law and Emergency Services	
Chapter 2: Current and Forecast Demographics General corrections in inconsistencies	- Corrections to data provided	Corrections made
Additional health providers	- Additional community organisations provide health programs for older people	
Population forecasts	- Forecasts in the document considered limited – connection of NBN and work practices will allow greater movement to rural areas including Mirboo North	
Chapter 3: Early Years		
Early Years Hub	- Intention was for child care, kinder and MCHC to be a hub. Propose MCHC in Health Hub and increase space for library Knock down fence between kinder and childcare and integrate services Establish integrated Early Years Committee	Since draft written, YMCA Ballarat has commenced management of childcare improving opportunities for closer integration with kindergarten
Chapter 4: Youth		
Youth spaces and services	- BMX / bike track at Rec Reserve - Undercover table top games such as table tennis in Baromi Park - Baths Road Reserve – flying fox, adventure course, sealed track to connect on scooters,	Suggestions included Flying fox not named due to safety concerns - broader description provided

	bikes to and from town centre - Library is popular with youth for central location and free Wi-Fi - Half-court basketball in Baromi Park see rec below	Investigated opportunities for increased use of maternal child health as meeting room/study space - successful
Transport for youth events	- Transport for youth wishing to attend youth council, recreation outside the town centre or after school if attending school outside town.	Suggestions included
Bike racks at bus stops	- No safe, secure bike storage at bus stops.	Propose combined undercover bike rack/ bus shelter at VLine bus stop Mirboo North
Potential youth centres	- Grainstore can only cater for young people with access to town	
Youth programs	- Previous issues with contact between program coordinators and participants	
Refugee youth housing	Needs of refugee youth including housing, integration with local youth	To be investigated, difficult to source information
Youth Arts	- See reference in arts and culture	
Chapter 5: Older People and Ageing Details to update	- HACC services, RSL buses	Suggestions included
Aged Care Facility	- Current facility good. Rooms small and crowded Waiting list for residents	
Age grouping	Active ageing for younger retirees, particularly men. E.g. Wednesday Warriors Wellbeing of older generations supports intergenerational mixing	
Scooter recharge points Chapter 6: Disability and Diversity Split chapter	- Need to identify scooter recharge points - Should not link disability and diversity, split into separate chapters	Chapter split into separate chapter and further information regarding cultural diversity of the community included
Aboriginal population	- Emphasise Aboriginal population and its growth,	

	Aboriginal services available	
	- Due to topography, housing areas suggested for people with disabilities and older people not appropriate.	
Housing	- Public housing units adjacent to Baromi Park have vacancies	
Chapter 7: Arts and Culture		
Baromi Park	- Recommendations appropriate and align with MN community plan for Baromi Park	Suggestions included
Arts and culture for youth	- Emphasis on arts and culture increases value of these across the whole community and makes more mainstream for youth. Arts not previously as mainstream as sport for young people	
Chapter 8: Commercial Retail and Tourism		
Tourism	- Consideration of RV facilities to attract tourists with co-location with swimming pool complex	Not included in the scope of this document
Truck parking in retail area	- Retail area cluttered with trucks. Short term truck parking and long vehicle needed e.g. purchase and development of land next to Police station.	Included
Barriers to commercial development	- Gas, telecommunications, transport, poor co-location to business/industry, lack of suitable land, labour availability	Included
Chapter 9: Community Meeting Spaces		
Better access to meeting spaces to increase use	- Better paths, parking and steps may assist in increasing use of community shed – a community owned facility	Included
Efficiencies in use of community meeting rooms	- Hesitant about a centralised booking system due to loss of autonomy and control by committees of management - Support to promotion of all meeting rooms, equipment and contact details to enhance usage and sharing of space	Retain centralised booking system but not related issues
Chapter 10: Education Learning and Libraries		

Library Opening Hours	- Library opening 5 ½ hours per week A place for older people to gain further education	No control over library opening hours - depends on viability of service for library corporation
Life-long learning Education and training in neighbouring towns Training gaps	- Students travel to Trafalgar for specialist programs - Registered training in neighbouring towns accessed - Gaps in training for tradesmen in skill upgrades in South Gippsland Place for people undertaking distance education from Mirboo North to study, receive support and exchange ideas	Include further details
Potential partnership to develop links with Federation University	- Gaps in flexibility and funding for training for farming community Organisations in Mirboo North to take proactive role in encouraging links between community and Fed University	Include opportunities
Chapter 11: Health Services Revise wording Primary and Allied Health Hub	- Re community planning process A hub could provide the collegiate support, modern facilities contribute to ability of MN to attract GPs but not all that is required	Suggestions included
Demographic statistics re GPs Health programs	- Three GPs justified - Healthy lifestyles programs offered in Senior Citizens Centre, Wednesday Warriors	
Maternal and Child Health Centre	See Early Years above	
Advocacy for health services Respite care Supported residential care for young people Community health services	- Need for advocacy for nursing and allied health service providers to Mirboo North Local respite care needs will increase - Needed in town as co-location with aged services inappropriate Add visiting family services	Reference to family services but not listed as extensive and difficult to include all services

	available in town	
Chapter 12 Law and Emergency Services		
Statistical data	- Verify meaning of data presented regarding volunteers and comparison with Foster	Sentence changed to clarify meaning
Chapter 13 Open Space, Streets, Parks and Playgrounds		
Paths	- Paths critical to maintaining a healthy lifestyle for ageing population - Better paths to Community Shed may increase use - Add Lyrebird Forest walk to list	Supports existing message in draft
	Master plan for Baromi Park community planning priority	
		Included
Baromi Park	Half Court / full court basketball in Baromi Park	Included
Long Vehicle Parking	- Development of long vehicle parking next to police station to beautify park with toilets	Included in retail chapter
Public Transport	- Extra bus service from Wonthaggi to Traralgon at 3.30pm. Students to access appointments, shops or cinema after school - Return bus from Traralgon at 5pm. For workers, students returning, University and TAFE students returning Additional bus on weekends and public holidays	
Bus Shelters	Bus shelters are long overdue. Lack of bike storage at bus stops disadvantages youth access to public transport and school buses Older people discouraged from using buses due to lack of bus stops	Reprioritised bus shelter and bike shelter at VLine bus stop
Chapter 14 Sport and Recreation – Indoor and Outdoor		
Indoor recreation facility	- 2 x full sized basketball courts, flexible wooden floor required at Rec Reserve Surface of courts is concrete and lino - is dangerous and not suited to competitions	Reprioritised indoor recreation - support community to investigate and scope funding, location and specifications and balance with need for a pool
Swimming Pool	- Availability of current facility is	Include current working group

	limited Current working group activities Technical findings of pool review questioned	activities
Basketball court outdoor	- See Baromi Park and youth	
Walter J Tuck Recreation Reserve	- Committee encourage outside user groups of facilities and will make adjustments to sports fixtures to accommodate festivals and events	More detail included to describe recreation reserve
Pedestrian access to Rec Reserve and rail trail / Vehicle access to Rec Reserve	- Underpass or overpass for young people, old people and people with disabilities Car accidents an ongoing issue since 2002 Statistics regarding cars entering the reserve provided	Emphasise pedestrian and vehicle access issues in range of chapters
Other priorities Energy Environment	/ - Appropriate but reliant on funding from non- council resources Cost of energy services, coal seam gas, industry / commercial needs Energy Hub priority for community planning Impacts of climate change on jobs, transport, catastrophic events	Highlight details of community plan and role of community groups in Mirboo North
Technology	- Influence of NBN – for education mentioned in plan, add impact on economic development, community, cultural exchange Influence of availability of electronic devices	Influence of fast internet on other factors included
Total	Written submissions	7
Total Meetings	Focus group discussions /interviews Mirboo North Community Planning Working Group x 5 participants Community Consultation Workshop x 9 participants Interview x 2 participants Basketball Association; interview x 1 participant, Recreation Reserve Committee	4

E.6 TARWIN LOWER VENUS BAY COMMUNITY INFRASTRUCTURE PLAN 2014

Development Services Directorate

EXECUTIVE SUMMARY

The draft Tarwin Lower Venus Bay Community Infrastructure Plan was presented to Council on 16 April 2014. 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 Tarwin Lower Venus Bay Community Infrastructure Plan.

Document/s pertaining to this Council Report

- **Attachment 1** - Summary of Submission and Workshop notes
- **Appendix 1** - Tarwin Lower Venus Bay Community Infrastructure Plan 2014
- **Confidential Appendix 1** - Submissions

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

A copy of **Appendix 1 - Tarwin Lower Venus Bay Community Infrastructure Plan 2014** 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
- Disability Act 2006
- Equal Opportunity Act 2010
- Planning and Environment Act 1987

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Active Ageing Plan 2012 - 2016
- Annual Plan 2013 - 2014
- Council Plan 2013 - 2017
- Disability Action Plan 2013 - 2017
- Early Childhood Services Building Assets Policy Framework
- Draft Economic Development and Tourism Strategy 2014 - 2019

- Housing and Settlement Strategy 2013
- Municipal Early Years Plan 2011 - 2016
- Municipal Public Health and Wellbeing Plan 2013 - 2017
- Open Space Strategy 2007
- Recreation Plan 2008
- South Gippsland Municipal Emergency Management Plan (version 1.6 April 2013)
- South Gippsland Shire Asset Management Strategy 2013
- South Gippsland Shire Planning Scheme
- South Gippsland Youth Policy
- Tarwin Lower and Venus Bay Community Plan 2010
- Tarwin Lower Urban Design Framework 2006
- Venus Bay Urban Design Framework 2006

COUNCIL PLAN

Outcome:	3.0	Integrated Services and Infrastructure
Objective:	3.1	Affordable modern community services and facilities through an integrated approach to planning and infrastructure development
Strategy:	3.1.4	Plan for the service needs of the changing demographic
	3.1.5	Sustainable development that promotes health, wellbeing and unique character of the community.

CONSULTATION

During the public exhibition period 11 written submissions were received (**Confidential Appendix 1**) and two community meetings were held in preparation for the final plan.

REPORT

Background

The Tarwin Lower Venus Bay Community Infrastructure Plan will guide the development, timing and possible location of community facilities and services for the short, medium and long term to meet the needs of a growing

population. It describes the needs of key age groups in the community and also different infrastructure types influencing the whole community.

Discussion

Tarwin Lower and Venus Bay are located 5 kilometres apart and share services and facilities. Tarwin Lower is a farming hamlet with a population of 363 permanent residents. Venus Bay is a coastal community with the highest percentage of unoccupied dwellings in South Gippsland (82%) and has a permanent population of 589 people. It is expected that by 2031 the population of both towns will have increased by at least 200 people. Studies indicate more people moving to live permanently in their holiday homes at a younger age. This is expected to occur in Venus Bay and Tarwin Lower, however it is difficult to estimate the rate at which this will occur and the impact it will have on the population of Venus Bay and Tarwin Lower.

Community infrastructure priorities for Tarwin Lower and Venus Bay include:

1. Tarwin Lower shared path linking the recreation reserve to the shopping strip, a process for funding is currently underway;
2. Visitor impact in Venus Bay on parking and toilets in summer period;
3. Venus Bay public park developments and open space consolidation or enhancement;
4. Recreation needs for an ageing population.

The final plan identifies three short term solutions to specific issues including:

1. Venus Bay retail streetscape planning
2. Clear signs:
 - a. Linking existing shared paths to on-road pedestrian / bike path network
 - b. Venus Bay Community Centre from Venus Bay shops

Community consultation and submissions have confirmed issues attracting particular interest and concern, including Council's Land Realisation Project and the impact of visitors on services and infrastructure during the summer months.

Written submissions, workshops and interviews supported the broad priorities of the draft plan whilst providing suggested changes to some details within priorities. Submission and workshop themes are summarised in **Attachment 1** with the names of submitters and written submissions included in the **Confidential Appendix 1**.

Eleven written submissions were received with the main themes of the submissions summarised in **Attachment 1**. The submission themes are detailed below:

1. Venus Bay streetscape
2. Emergency services - fire
3. Land sales, open space and parks
4. Beach parking and rubbish collection during summer
5. Conservation of natural environment

Proposal

It is proposed that the Tarwin Lower Venus Bay Community Infrastructure Plan be adopted to support timing and funding considerations for community infrastructure in Tarwin Lower and Venus Bay and that short term solutions be explored in the next 12 months.

FINANCIAL CONSIDERATIONS

The community infrastructure plan will inform financial decision making by Council to:

- Support funding applications for community infrastructure
- Support prioritisation for Council works.

RISKS

This plan may raise the community's expectations that facilities and services will be provided with population growth in the town. There is a risk that Council may not be able to deliver to the community's expectations or in the timeframes estimated in the plan.

The plan provides a clear message that proposed infrastructure are 'recommendations only' requiring further investigation for funding and budget allocation.

CONCLUSION

The increase of the population of Venus Bay in the summer holiday period requires provision of additional community infrastructure. A review of the current provision of signs, car parking, toilets, rubbish collection and services in Venus Bay is required.

There are some small infrastructure priorities which if implemented could make significant difference to movement of the large number of visitors to the area whilst also benefitting ageing permanent residents.

Submissions provided a clear message that on the whole, permanent residents enjoy the current neighbourhood character of Venus Bay, preferring preservation of the natural environment rather than extensive development of footpaths or formal parks containing community infrastructure.

Council, the community and organisations in the area can use the document to decide on the allocation of funding, to seek grants and establish partnerships for the implementation of priorities.

RECOMMENDATION

That Council adopt the Tarwin Lower Venus Bay Community Infrastructure Plan 2014 (Appendix 1).

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Kennedy

SECONDED: Cr Davies

THAT COUNCIL ADOPT THE TARWIN LOWER VENUS BAY COMMUNITY INFRASTRUCTURE PLAN 2014 (APPENDIX 1).

Cr Hill returned to the Meeting at 4.29pm.

Cr Newton returned to the Meeting at 4.30pm.

CARRIED UNANIMOUSLY

Attachment 1
Submission and workshop summary of themes

Topic	Details	Officer observations
Support or no objection		
Plan scope	Support for scope of plan and scope accompanying suggestions for specific areas as listed below	-
Chapter 2: Current and Forecast Demographics		
Tarwin Lower	No comment	-
Venus Bay	No comment	-
Chapter 3: Early Years and Primary School Education		
	No comment	-
Chapter 4: Youth		
	No comment	-
Chapter 5: Retail and Tourism		
Streetscape for Venus Bay retail area	- Proposal and design for Venus Bay retail area west of Jupiter Boulevard and Centre Rd – planter boxes, crossing points, seating, signage and footpath link. Full proposal and drawings as part of submission.	Proposal included in final report with suggestions for how it may be delivered noting previous advice to group on next steps. Some aspects included in quick wins section.
Footpath in Venus Bay retail area	- Complete footpath on northern side of road between pizza shop and 'Venus Food Trap' Cafe	This will be the responsibility of the developer of the vacant land adjacent to this area to construct footpath with development. included
Wildlife and tourism	- Attraction of Cape Liptrap Coastal Reserve and Venus Bay estates as supportive environment for native flora and fauna	
Chapter 6: Community Groups, Community Plan and Meeting Places		
	No comment	-
Chapter 7: Services		
Health	No comment	-
Library	No comment	-
Emergency Services	- Minimal detail on emergency management especially relating to fire Details relating to fire brigade, fire management planning, vehicles and facilities. Relation to emergency planning for fire evacuation or place of last resort and fire danger over summer	Not within the scope of this plan referred to Municipal Emergency Management Coordinator
Public Transport	No comment	-
Rubbish and toilets in	- Rubbish collection in beach	Residential rubbish collection

peak periods	areas needs to be more frequent in peak season. Residential lots with rubbish stored is a public health issue Additional toilets in beach areas	consultation with waste management coordinator - details included. Toilets in beach areas are responsibility of Parks Vic.
Chapter 8: Open Space, Streets, Parks and Playgrounds		
Tarwin Lower Path – 3 submissions	- Supported, encourage passive exercise	-
Firm access to Beach No 1 – 3 submissions	- Not supported – beach is rarely firm enough to support people with walking difficulties	Remove as priority but retain as needing investigation.
Signs showing links between shared path to continuous on road shared lanes (workshop and 2 submissions)	Supported - Better connection between shopping centre in Jupiter Boulevard and Community Centre. Footpath suggested Shared roads across all estates in Venus Bay	Include option of footpath from shops to community centre.
Land sales of pocket parks (workshop and 5 written submissions)	- Evidence of lack of community support for land sales in Venus Bay Value held for pocket parks unstructured play and enjoyment of nature and wildlife corridor. Consolidation of land where possible. Maintenance of pocket parks being undertaken by community keeping weeds controlled. Linking of open space to form wildlife corridors and include walking paths Need to maintain vegetation in the area where possible and Council's obligations regarding this.	Present range of community opinion included and discussed separately. Assumptions regarding current desires recognised and referenced to Land Realisation Project.
Maintaining vegetation and environment – 3 submissions	- Support for preservation of natural features and environment. Need to retain biodiversity of Venus Bay through retention of land Preserve mature indigenous trees in Tarwin Lower	-
Purchase of vacant land adjacent to Jupiter Reserve	- Submitter suggests land adjacent to Jupiter Park is for sale and the opportunity to purchase to extend Jupiter Park is a matter of urgency.	Include consideration to opportunities to expand regional parks if necessary.
Beach parking	- Present provision of paved	Included

/crowding/ visitor management Recreation for older people – 3 submissions	areas set away from beach and screened by vegetation is good - Exercise station not supported, more seats, tables and walking paths	Emphasise seats and de-emphasise exercise stations.
On road shared paths	- Designate all roads as shared car, bicycle, pedestrian and horse in Venus Bay	All roads in all estates in Venus Bay are shared roads - further discussion on improved signs.
Chapter 9: Sport and Recreation	No comment	-
Other Services NOT available in Venus Bay	- Growth of town, real estate sales lack of bridge from Inverloch and their influence on real estate sales and population grown.	Response to submitter regarding triggers for provision of gas and water, condition of roads and pedestrian path linking Tarwin Lower and Venus Bay. Unlikely a bridge will be built across Anderson Inlet. Add mention of barriers on provision of utilities such as water and gas linked to population size and industry.
Implementation of Community Infrastructure Plan	- All strategies should be ranked by priority Council's priorities for first 5 years should be identified Links to Council budget, responsibility, whole of Council approach to implementation	Unable to prepare a detailed link to all other Council plans for final report, however have held discussions with relevant council staff.
Rates: service provision	- Health, transport and library facility provision low	Health services are provided extensively at Tarwin Lower Community Health Service and to the home. Library trial in Venus Bay not supported – trigger to change from mobile service 2,500 permanent population. Transport trial described in plan.
Total Submissions	Written submissions Focus group/workshop discussion	11 4

E.7 KORUMBURRA ROUNDTABLE - PROGRESS REPORT

Development Services Directorate

EXECUTIVE SUMMARY

This report provides an update on the outcome of the Korumburra Roundtable (KRT) Pilot project; tables a report from the Chair of the KRT and recommends that Council continues to support the KRT for a further twelve months.

Document/s pertaining to this Council Report

- **Attachment 1** - Extract from minutes of Ordinary Council Meeting, 27 March 2013
- **Attachment 2** - Report from the Chair of Korumburra Roundtable

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.

CONSULTATION

The Korumburra Roundtable (KRT) process has been well supported by the Community with approximately 20 people attending the meetings regularly since the wider group was appointed.

The Core Group of the KRT consulted widely to "recruit" the additional members and received many nominations.

REPORT

Background

In March 2013, Council unanimously resolved to commence supporting an integrated community group for Korumburra, called the Korumburra Community Roundtable (later shortened to Korumburra Roundtable - KRT). It was decided by Council that the KRT be "a self-driven community leadership group, comprising representatives of community members and groups of Korumburra, Ward Councillors and a member of the Executive Leadership Team" (see **Attachment 1**).

Discussion

Council decided that an initial group, known as the "core group", be invited to submit nominations. Letters requesting nominations were sent to the Korumburra Senior Citizens, Milpara Community House, Lions Club, Rotary Club, Karingal Women's, Korumburra Integrated Children's Centre, Korumburra Business, and Korumburra Community Development & Action. Following the nomination process, the inaugural meeting was held on 17 October 2013. Founding group members were John Davies (Elected as Chair - Milpara), Syd Whyte (Korumburra Community Development and Action), Brian Hess (Korumburra Business Association), Jennie Enbom (Korumburra Integrated Childcare Centre), Crs McEwen and Newton, Director Development Services, and Community Strengthening Officer to provide secretariat.

The Core Group then called for further nominations, setting membership with its Terms of Reference and by December 2013, the KRT had received many nominations and had appointed 18 people to attend the first full meeting of the KRT in January 2014.

The report from the Chair of the KRT, Mr John Davies, is attached and outlines the activities of the KRT over the past six months. In particular, it should be noted that the enthusiasm and momentum of the group has increased to a point where it has provided a budget submission requesting funding from Council to undertake a signage project - a recommended initiative of the Korumburra Town Centre Framework plan - and is also looking at ways to improve the collaboration of the retail sector for Korumburra.

Options

As the KRT was resolved by Council to be a "pilot", Council has the option to continue with supporting this initiative or to discontinue its support.

Proposal

The KRT is considered successful as it has established itself with enthusiasm, commenced the planning of two initiatives to improve Korumburra, and it has conducted itself with robust and professional debate. Therefore, it is proposed that Council continue to support the KRT.

FINANCIAL CONSIDERATIONS

Minor costs have been incurred to facilitate the monthly meetings (e.g. tea/coffee, meeting room hire etc.), and there is an estimated budget of \$1000 proposed in the 2014/15 draft Council budget. The KRT has also provided a budget submission requesting \$20,000 to co-fund a signage project for Korumburra, but this will be decided by Council through its deliberations on the 2014/2015 budget.

CONCLUSION

In conclusion, the Korumburra Roundtable in nine months of activity has developed enthusiasm and momentum. It is therefore appropriate that Council continues to support the group.

RECOMMENDATION

That Council:

1. Receive and note the report of the Korumburra Roundtable Chair and the success of the project thus far,
2. Approve the continuation of the Korumburra Roundtable and the provision of secretariat and officer support for a further 12 months, and
3. Receive a report detailing options for consideration for future community groups using the 'Round Table' model.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr McEwen

SECONDED: Cr Brunt

THAT COUNCIL:

1. **RECEIVE AND NOTE THE REPORT OF THE KORUMBURRA ROUNDTABLE CHAIR AND THE SUCCESS OF THE PROJECT THUS FAR,**
2. **APPROVE THE CONTINUATION OF THE KORUMBURRA ROUNDTABLE AND THE PROVISION OF SECRETARIAT AND OFFICER SUPPORT FOR A FURTHER 12 MONTHS, AND**
3. **RECEIVE A REPORT DETAILING OPTIONS FOR CONSIDERATION FOR FUTURE COMMUNITY GROUPS USING THE 'ROUND TABLE' MODEL.**

CARRIED UNANIMOUSLY

Attachment 1
Extract from minutes of Ordinary Council Meeting, 27 March 2013

South Gippsland Shire Council
Minutes without In-Committee

27 March 2013
Council Chambers, Leongatha

E.6 KORUMBURRA COMMUNITY ROUNDTABLE

Development Services Directorate

EXECUTIVE SUMMARY

Council has a strong desire to increase its engagement with the community as partners in decision making. In response to this desire, a collaborative approach is proposed to lead social and economic development in Korumburra.

This report proposes to develop a new approach to working with the community by establishing the Korumburra Community Roundtable. This group will be a self-driven community leadership group, comprising representatives of community groups of Korumburra, ward Councillors and a member of the Executive Leadership Team.

Document/s pertaining to this Council Report

- **Attachment 1** - Korumburra Community Roundtable IPA2 Engagement Spectrum

COUNCIL PLAN

Strategic Goal:	1.0	A vibrant, engaged community
Outcome:	1.1	An active, resilient community
Strategy No:	1.1.1	Community partnerships

CONSULTATION

A meeting to develop this proposal was held with Strzelecki Ward Councillors, the Acting CEO, Director Community Services, Acting Director Development Services, Manager Community Strengthening, Acting Manager Strategic Planning and Social Planning Officer after Council's resolution from February 2013. A discussion paper was prepared to outline key points of this proposal.

REPORT

Background

Council's approach to engagement with the community has largely been to inform and consult; with a focus on specific projects. At the Ordinary Meeting of Council in February 2013, Council resolved to establish a collaborative partnership approach to the social and economic development of Korumburra based on the IPA2 Engagement Spectrum - see **Attachment 1**.

It is suggested that the Korumburra community would benefit from a common agenda, vision and voice. This report proposes the development of a Korumburra Community Roundtable to meet this need.

South Gippsland Shire Council
Minutes without In-Committee

27 March 2013
Council Chambers, Leongatha

Discussion

It is proposed to establish a 'Korumburra Community Roundtable' Community group as a pilot project to establish a partnership between Council and the community. If successful, this pilot will inform similar approaches in other communities.

The Korumburra Community Roundtable will comprise representatives from key community sectors, ward councillors and a Council director as a representative of Council staff.

It would be intended that this group comprise community leaders willing to take on the role of "community champions"; representing a broad cross-section of the Korumburra community. It is expected that this group will establish a common agenda for the positive social and economic development of Korumburra and focus on the shared needs for Korumburra and its future.

Projects based in the town will report to this group via the responsible Council staff member. These projects will also continue to invite traditional consultation with the broad community via meetings, surveys and focus groups to discuss specific issues relating to each project.

Proposal

It is proposed that a Korumburra Community Roundtable is established with the support of Council comprising 15 - 17 people, including community representatives from key sectors of the community:

- A "core group" will be established and will identify other key representative sectors of the community; invite nominations and select the final, larger group
- The core group will consist of:
 - 5 - 7 community representatives,
 - Three ward councillors, and
 - A member of Council's Executive Leadership Team
- The core group will include community representatives from the following sectors:
 - Senior Citizens Club
 - Milpara Community House
 - Service groups
 - Korumburra Integrated Children's Centre

South Gippsland Shire Council
Minutes without In-Committee

27 March 2013
Council Chambers, Leongatha

- Korumburra Business Association
- Korumburra Community Development Association

Secretariat support will be provided by the Community Strengthening team redirected from the community directions resources allocated to Korumburra.

FINANCIAL CONSIDERATIONS

This group will be resourced with staff time to support this group.

Costs related to meeting rooms may need to be considered.

RISK FACTORS

It is a risk that the Korumburra Community Roundtable may be perceived as an 'elite' group that is not representative of the Korumburra community. It is considered that this risk will be minimised by empowering the group to develop its own charter and agenda with support from Council.

Community participants may experience burn-out from being involved in more than one community group. The Roundtable will need to manage the membership of the group closely and provide maximum tenures, or similar controls, to ensure that other interested candidates participate over time and longer term members get relieved.

Varying agendas between different groups could lead to fragmentation between group members and an inability to reach decisions.

CONCLUSION

A pilot approach to collaboratively engage the community is proposed to be undertaken in Korumburra. A Korumburra Community Roundtable will be established for discussion of the broad social and economic development issues and initiatives within Korumburra.

This group would comprise community members, Strzelecki Ward Councillors and a representative from the executive leadership team. This group would partner with Council to provide advice and recommendations on the future social and economic development of Korumburra.

South Gippsland Shire Council
Minutes without In-Committee

27 March 2013
Council Chambers, Leongatha

RECOMMENDATION

That Council:

1. **Establish a Korumburra Community Roundtable consisting of Councillor Brunt, Councillor McEwen, Councillor Newton, Director Development Services and a representative from each of:**
 - a. **Korumburra Senior citizens**
 - b. **Milpara Community House**
 - c. **A Korumburra service club such as Lions, Rotary or Karingal Women's.**
 - d. **Korumburra integrated children's centre**
 - e. **Korumburra Business Association, and**
 - f. **Korumburra Community Development Association: and**
2. **Allocate resources previously used for Community Directions projects in Korumburra into supporting the Korumburra Community Roundtable.**

STAFF DISCLOSURE OF INTEREST

Nil

South Gippsland Shire Council
Minutes without In-Committee

27 March 2013
Council Chambers, Leongatha

AMENDED RECOMMENDATION

That Council:

1. Establish a Korumburra Community Roundtable comprising 15 - 17 members of the Korumburra Community, consisting of:
 - a. Strzelecki Ward Councillors
 - b. Director, Development Services
 - c. A "Core Group" of six additional community members that will identify other key representatives from the community to fill the remaining positions.
2. Request nominations from the following groups to form the 'Core Group':
 - a. Korumburra Senior citizens
 - b. Milpara Community House
 - c. A Korumburra service club such as Lions, Rotary or Karingal Women's
 - d. Korumburra Integrated Children's Centre
 - e. Korumburra Business Association
 - f. Korumburra Community Development Association; and
3. Allocate resources previously used for Community Directions projects in Korumburra into supporting the Korumburra Community Roundtable.

South Gippsland Shire Council
Minutes without In-Committee

27 March 2013
Council Chambers, Leongatha

MOVED: Cr McEwen

SECONDED: Cr Brunt

THAT COUNCIL:

- 1. ESTABLISH A KORUMBURRA COMMUNITY ROUNDTABLE COMPRISING 15 - 17 MEMBERS OF THE KORUMBURRA COMMUNITY, CONSISTING OF:**
 - a. STRZELECKI WARD COUNCILLORS**
 - b. DIRECTOR, DEVELOPMENT SERVICES**
 - c. A "CORE GROUP" OF SIX ADDITIONAL COMMUNITY MEMBERS THAT WILL IDENTIFY OTHER KEY REPRESENTATIVES FROM THE COMMUNITY TO FILL THE REMAINING POSITIONS.**
- 2. REQUEST NOMINATIONS FROM THE FOLLOWING GROUPS TO FORM THE 'CORE GROUP':**
 - a. KORUMBURRA SENIOR CITIZENS**
 - b. MILPARA COMMUNITY HOUSE**
 - c. A KORUMBURRA SERVICE CLUB SUCH AS LIONS, ROTARY OR KARINGAL WOMEN'S**
 - d. KORUMBURRA INTEGRATED CHILDREN'S CENTRE**
 - e. KORUMBURRA BUSINESS ASSOCIATION**
 - f. KORUMBURRA COMMUNITY DEVELOPMENT ASSOCIATION; AND**
- 3. ALLOCATE RESOURCES PREVIOUSLY USED FOR COMMUNITY DIRECTIONS PROJECTS IN KORUMBURRA INTO SUPPORTING THE KORUMBURRA COMMUNITY ROUNDTABLE.**

CARRIED UNANIMOUSLY

South Gippsland Shire Council
Minutes without In-Committee

27 March 2013
Council Chambers, Leongatha

Attachment 1
IPA2 Engagement Spectrum Attachment (Accessed 7 3 2013
International Association for Public Participation Australasia)



IAP2 Public Participation Spectrum
Developed by the International Association for Public Participation

INCREASING LEVEL OF PUBLIC IMPACT

INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
Public Participation Goal:	Public Participation Goal:	Public Participation Goal:	Public Participation Goal:	Public Participation Goal:
To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
Promise to the Public:	Promise to the Public:	Promise to the Public:	Promise to the Public:	Promise to the Public:
We will keep You informed.	We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
Example Techniques to Consider:	Example Techniques to Consider:	Example Techniques to Consider:	Example Techniques to Consider:	Example Techniques to Consider:
<ul style="list-style-type: none"> • Fact sheets • Web Sites • Open houses 	<ul style="list-style-type: none"> • Public comment • Focus groups • Surveys • Public meetings 	<ul style="list-style-type: none"> • Workshops • Deliberate polling 	<ul style="list-style-type: none"> • Citizen Advisory • Committees • Consensus building • Participatory decision-making 	<ul style="list-style-type: none"> • Citizen juries • Ballots • Delegated decisions

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Attachment 2 Report from the Chair of Korumburra Roundtable

Korumburra Roundtable

Report to South Gippsland Shire Council – May 2014

It has been an interesting six months since the formation of the Korumburra Roundtable in October 2013.

The initial call for nominations from community groups resulted in six nominations to the core group which met in October and elected the chair and started the process of establishing the terms of reference for the KRT and decided to call for nominations from the community.

In November the core group met again and went through the nominations and decided on the final make up of the KRT. The group decided to meet monthly for the first six months of 2014 and then review what it had achieved and open nominations for the chair and membership again.

The full KRT met for the first time in January 2014. The first two or three meetings were concerned with finalising the terms of reference and trying to work out how the committee would function. The only significant change to the terms of reference that was made was in the make up of the committee. It was resolved that the Ward Councillors and Council Officers who were part of the committee would be non-voting members. This was a change put forward by the Chair to ensure that the Ward Councillors role was that of a two way conduit for information between Council and the Korumburra community and that the politics of the Council Chamber did not play a role in the KRT.

The first few meetings were a learning process for the committee. Presentations from a number of Council officers gave members a lot of information about Council processes, budgeting, planning, social and infrastructure priorities. A feature of the meetings that has developed are the "Updates", one done by the Council Officer present who brings to the meeting's attention any matters that had come up at the previous Council meeting that are relevant to Korumburra and the other done by representatives of the various community groups that give the meeting an update on what their groups are doing.

Amongst the topics discussed were the Korumburra Town Centre Framework Plan, The C93 Planning Scheme amendment and the state of the saleyards site. In general the committee was happy with the way that these matters had been handled by the Council. The overriding message coming from these and other discussions was that the committee was keen to look at how Korumburra might develop in the future.

By the March 2014 meeting the committee wanted to start doing something positive for the Korumburra community so a small project team was established to look at what could be done to enhance the main gateway to Korumburra on the western approaches to the town on the South Gippsland Highway. The team came up with a project plan and put a budget submission to the Council for consideration in the budget preparations in April.

By the April 2014 meeting the committee was fired up and keen to do more, the energy in the room at that meeting was amazing; discussion at times was quite robust. A major concern for the Korumburra community is the state of the retail businesses in the town. The Korumburra Business Association only represents some of the retail businesses so it was suggested that the KRT might be able to bring all retail businesses together to look at ways of revitalising retail in the town. Another project team was formed and has already met and had a brainstorming session to look at ways this might be achieved.

As mentioned earlier, a number of Council officers have made presentations to the KRT on various aspects of their areas of expertise and more are planned. We appreciate the commitment that Council have made in supporting the KRT with the Secretariat and the input of Council officers and the Ward Councillors.

We have arranged a presentation by the Managing Director of South Gippsland Water for the July 2014 meeting.

The operation KRT will be reviewed by the membership at the June 2014 meeting. The Chair believes that the enthusiasm and energy of the committee bodes well for the long term viability of the KRT and would encourage Council to continue to support the operations of the KRT.



John Davies
Chair – Korumburra Roundtable

E.8 COMMUNITY SATISFACTION SURVEY RESULTS 2014

Corporate Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is to initially present to Council, the recently released (29 May 2014) results of the Community Satisfaction Survey 2014 (the 2014 survey) (**Appendix 1**) to meet the requirements of an action from Council's Annual Plan 2013 - 2014 to publish the results by 30 June 2014.

Following this report, further analysis is proposed to be conducted on the 2014 survey results, including verbatim comments, benchmarking with similar councils and updating of Council's action plan to address the feedback provided. This analysis will then be reported to Council.

Document/s pertaining to this Council Report

- **Appendix 1** – Community Satisfaction Survey South Gippsland Shire Council Research Report – 2014

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

- South Gippsland Shire Council - Council Plan 2013 - 2017
- South Gippsland Shire Council - Annual Plan 2013 - 2014

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
Action:		South Gippsland Shire Council Community Satisfaction Survey Results published by 30 June 2014.

CONSULTATION

The 2014 survey was undertaken by an independent market research consultancy, JWS Research commissioned by the Department of Transport, Planning and Local Infrastructure (DTPLI) on behalf of Victorian councils. This survey utilised methodology developed for the 2012 survey, following consultation with councils. The 2014 survey was conducted between

31 January 2014 and 11 March 2014 by telephone interview with 401 residents aged 18+ years residing in the South Gippsland Shire.

Council was provided an opportunity to include additional survey questions. Council opted to add questions relating to the use of Council's swimming pools and the willingness of respondents to support an increased levy on rates to retain all pools.

Council has been provided with an initial brief of the results of the 2014 survey on 11 June 2014 and it is proposed to provide Council with future briefing/s and a report once further analysis has been undertaken.

REPORT

Background

2014 was the seventeenth year in which the Local Government Community Satisfaction Survey has been conducted. South Gippsland Shire Council has participated since its inception. However, in 2012 new survey methodology was used following consultation with councils. As a consequence Community Satisfaction Survey results comparisons can only be made with the 2012 results and cannot be made with results from 2011 and prior. Some of the changes included:

- The survey is now conducted as a representative random sample survey of residents aged 18 years or over in local Councils, whereas previously it was conducted as a 'head of household' survey.
- Results are now weighted post survey to the known population distribution of South Gippsland according to the most recently available Australian Bureau of Statistics population estimates.
- The service responsibility area performance measures have significantly changed and the rating scale used to assess performance has also changed.

Discussion

1. Summary results for key core performance measures:

Outlined in the table below is a summary of results for the 2014 survey comparing Council's performance against the results it received in 2012 and 2013 against the Large Rural Shires Average and State-wide Average for 2014.

Performance Measures	SGSC 2012	SGSC 2013	SGSC 2014	Large Rural Shires Average 2014	State-wide Average 2014
Overall Performance	50	48	49	57	61
Community Consultation and Engagement	53	54	51	55	57
Advocacy (lobbying on behalf of the community)	51	51	49	54	56
Customer Service	65	68	63	68	72
Overall Council Direction	43	42	42	51	53

Further the following demographic information can be noted in relation to the key core performance measures:

- a. Overall performance: at an Index Score (IS) of 49 for 2014 South Gippsland Shire (SGSC), saw an increase of one from 2013, however this score has not moved by more than a point or two in the last three years. SGSC was rated well below the State-wide average of 61 (up from 60 in 2013) and below the average Large Rural Shires group of 57 (same as 2013) for 2014. Please also note the average ratings from the following age groups and Wards.
 - i. Highest: amongst residents aged 18-34 year olds (57) and Tarwin Valley residents (50).
 - ii. Lowest: amongst residents aged 35-49 (46) and 50-64 (47).
- b. Community consultation and engagement: at an IS of 51 SGSC for 2014 saw a decrease from a result in 2013 of 54 (and 53 in 2012) and is still rated below the State Average of 57 and Large Rural Shires group of 55. Please also note the average ratings from the following age, gender and Ward groups.
 - i. Highest: residents aged 18-34 (54), Tarwin Valley Ward (53) and Women (52).

- ii. Lowest: amongst residents aged 35-49 (50), Coastal Promontory Ward (50) and Strzelecki Ward (50).
- c. Advocacy: at an IS of 49 SGSC saw a decrease from a 2013 and 2012 result of 51 and was rated below the State Average of 56 and below the average Large Rural Shires group of 54. Please also note the average ratings from the following age and Ward groups.
 - i. Highest: amongst residents aged 18-34 (59) and Tarwin Valley ward (52).
 - ii. Lowest: amongst residents aged 35-64 (45) and Coastal Promontory (45).
- d. Customer service: at an IS of 63, SGSC declined by 5 points from a 2013 score of 68, rating below the State Average of 72 and the Large Rural Shires group average of 68. Please also note the average ratings from the following age, gender and Ward groups.
 - i. Highest: amongst Strzelecki Ward residents (66), Tarwin Valley Ward residents (64) and women (64).
 - ii. Lowest: Coastal Promontory (55), residents aged 35-49 (62) and men (62).
- e. Overall Council Direction: at an IS of 42, SGSC which was the same as the 2013 score and was rated below the State Average of 53 and Large Rural Shires group average of 51.
 - i. Highest: amongst residents aged 18-34 (52) and Tarwin Valley residents (43).
 - ii. Lowest: amongst residents aged 35-49 (36) and residents aged 50-64 (39).

2. Analysis of results related to performance strengths and improvement opportunities:

When asked whether Council's performance had improved over the last 12 months, 70% of respondents indicated that Council's performance had either remained the same as last year (60%) or improved (10%). 25% had indicated there had been deterioration in performance.

Respondents were then asked two questions to determine Council's performance strengths and identify improvement opportunities for which verbatim responses were captured for analysis and summarised below.

2.1 Performance strengths:

When asked to describe the best thing about Council, 20% of respondents said 'nothing' which was a significant reduction from previous years (28% in

2013 and 31% in 2012 said 'nothing'), potentially indicating that respondents were more easily able to nominate an area of Council operations as a strength. All other performance strengths rated only a single figure mention.

2.2 Improvement opportunities:

When asked what Council most needs to do to improve its performance, sealed road maintenance (mentioned by 36% of respondents in 2014, 49% in 2013 and 41% in 2012) was the stand out issue, with all other issues rating only a single figure mention.

The reduction in comments related to sealed road maintenance may be viewed as a result of Council's communication efforts over the past 12 months to reduce confusion over which roads were VicRoads or Council responsibilities.

3. Use and experience of Council swimming pools:

Council requested additional survey questions related to the respondent's use of Council's swimming pools and willingness to incur a rate rise to ensure all Pools remain open.

196 or 49% of respondents (or members of their households) had an experience with a SGSC Pool in the past 12 months. Of these, they indicated that they had visited the following pools:

- f. Splash / Leongatha: 55%;
- g. Korumburra: 26%;
- h. Mirboo North: 26%;
- i. Toora: 13%;
- j. Poowong: 11%;
- k. Foster: 9%; and
- l. Other: 4%.

It should be noted that respondents could select multiple swimming pools and as a result the total has added up to more than 100%.

When all survey respondents were asked if they had to choose between the closure of one or more swimming pools or pay an increased levy in rates to retain them all, the overall responses were as follows:

Response options	All respondents
Definitely close one or more swimming pools	13%
Probably close one or more swimming pools	13%
Probably increase levy on rates	30%
Definitely increase levy on rates	31%
Can't say	13%

Overall 61% of respondents indicated that they would either probably or definitely support an increased levy on rates to retain all pools whilst 26% indicated they would either definitely or probably support the closure of one or more swimming pools.

The following breakdowns were observed between gender and aged groupings:

- Gender: men were more likely to definitely or probably support the closure of one or more pools (30%) compared to women (22%); and
- Age: those aged between 35-49 (39%) and 50-64 (31%) were more likely to definitely or probably support the closure of one or more pools than younger respondents aged 18-34 (12%) and older respondents aged over 65 (21%).

Proposal

Following this initial presentation of the 2014 survey results, it is proposed for further analysis to be conducted on the results, including verbatim comments, benchmarking with similar councils and updating of Council's action plan to address the feedback provided. It is proposed for this further analysis to be reported to Council in a future report.

Further it is proposed to utilise the survey results relating to Council's swimming pools, in any future Council considerations regarding Council's swimming pools.

FINANCIAL CONSIDERATIONS

Provision for Council's participation in the 2014 Community Satisfaction Survey is included in current and forward budgets.

RISKS

It is important for Council to fully understand the needs and views of the community to deliver improved services. The survey results are an excellent source of feedback outlining areas where Council can improve to better meet its service objectives and manage its risks.

Ongoing below average levels of community satisfaction with Council performance or understanding of Council's improvement initiatives will hamper Council and community efforts to work effectively together to achieve common objectives.

CONCLUSION

The results from the 2014 survey indicate the community's satisfaction with Council's performance against the survey's core performance measures continues to be just below the average of the Large Rural Shires group.

RECOMMENDATION

That Council:

1. Note the results of the South Gippsland Shire Council in the 2014 Community Satisfaction Survey (Appendix 1);
2. Endorse the proposal to conduct further analysis on the 2014 survey results, including verbatim comments, benchmarking with similar councils to guide the update of Council's action plan to address the feedback provided;
3. Receive a report on the results of this analysis; and
4. Utilise the survey results relating to Council's swimming pools, in any future considerations regarding Council's swimming pools.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Davies

SECONDED: Cr Fawcett

THAT COUNCIL:

- 1. NOTE THE RESULTS OF THE SOUTH GIPPSLAND SHIRE COUNCIL IN THE 2014 COMMUNITY SATISFACTION SURVEY (APPENDIX 1);**
- 2. ENDORSE THE PROPOSAL TO CONDUCT FURTHER ANALYSIS ON THE 2014 SURVEY RESULTS, INCLUDING VERBATIM COMMENTS, BENCHMARKING WITH SIMILAR COUNCILS TO GUIDE THE UPDATE OF COUNCIL'S ACTION PLAN TO ADDRESS THE FEEDBACK PROVIDED;**
- 3. RECEIVE A REPORT ON THE RESULTS OF THIS ANALYSIS; AND**
- 4. UTILISE THE SURVEY RESULTS RELATING TO COUNCIL'S SWIMMING POOLS, IN ANY FUTURE CONSIDERATIONS REGARDING COUNCIL'S SWIMMING POOLS.**

CARRIED UNANIMOUSLY

Councillor Mohya Davies left the Meeting at 4.37pm with a declared direct conflict of interest in Council Reports - Item E.9 - PLANNING SCHEME AMENDMENT C77 PART 2 (PROM VIEW LODGE REZONING TOORA) - ADOPTION, having made an offer to purchase Prom View Lodge at an auction.

E.9 PLANNING SCHEME AMENDMENT C77 PART 2 (PROM VIEW LODGE REZONING TOORA) - ADOPTION

Development Services Directorate

EXECUTIVE SUMMARY

C77 Part 2 proposes to rezone the former 'Prom View Lodge' site at 25 Welshpool Rd Toora from Public Use Zone 3 (Health and Community) [PUZ3] to Rural Activity Zone [RAZ]. It was split from C77 (Eastern District Urban Design Frameworks) on the recommendation of the C77 Planning Panel, so the rezoning could be deferred "until such time as the future use of the land is known."

The landowner, Prom Country Aged Care (PCAC), has requested that Council proceed with the rezoning to RAZ (see **Attachment 1**). PCAC have entered into a contract of sale for the property with a private business purchaser who wishes to use the facility for tourism accommodation.

Document/s pertaining to this Council Report

- **Attachment 1** - Request to proceed with rezoning
- **Attachment 2** - C77 Part 2 amendment documentation

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Planning and Environment Act 1987

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Eastern District Urban Design Frameworks January 2012

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:	3.1.5	We will encourage sustainable development that promotes the health, well-being and unique character of our community.

CONSULTATION

A Planning Panel was convened on 14 May 2013 to consider submissions received in response to exhibition of C77. (A copy of the Panel report can be viewed in the Council Meeting Minutes for 24 July 2013, **Appendix 1** to Item E4 - Planning Scheme Amendment C77 - Eastern District Urban Design Frameworks - Final consideration).

REPORT

Background

One of the changes proposed by C77 (as exhibited) was the creation of a rural tourism precinct on the north side of the South Gippsland Highway between Creamery Valley Road and Silcocks Hill Road Toora. The precinct was created by rezoning several titles from Farming Zone to RAZ. The precinct recognised the existing caravan park and the potential for its expansion or for new tourism developments on adjoining serviced land fronting the highway and located close to town facilities.

With the consolidation of aged care services imminent (at the time) in a new facility at Foster, PCAC requested rezoning of 25 Welshpool Rd (former Prom View Lodge) to RAZ as part of C77. In order to maximise the vacated facility's market potential, PCAC requested that the site's rezoning be deferred until a purchaser was found. In the event of a 'public use' purchaser proposing a 'health and community purpose', PCAC would withdraw its rezoning request. In the event of a purchaser desiring to convert the facility to tourism accommodation, PCAC would ask Council to proceed with the rezoning.

Regarding the future use of Prom View Lodge, the Eastern District Urban Design Frameworks January 2012, recommended that Council:

"Support Prom Country Aged Care and the community in consideration of alternative use options for Prom View Lodge, including potential for health/community use, tourism or other economy-stimulating activities."

The site's prospective purchaser has received advice from Council's Statutory Planning Team that their tourism accommodation proposal is a use that requires a planning permit in the RAZ, and that Council would not be able to accept such an application until the RAZ rezoning of the land is completed.

The site's PUZ3 zoning reflects the original use of the site for a bush nursing hospital. Initially privately run, the hospital was part of the State health system (hence owned by a public land manager) for many years before being converted to an aged care facility when the State Government closed the hospital.

Discussion

As the Panel Report noted, Toora Primary School and Toora Primary School Council, "submitted that the Prom View Lodge site should remain as a public

facility". In turn, PCAC "submitted that they would also like to see some ongoing community use of the site and would be seeking a buyer that could provide a service or business that would benefit the community."

The Panel observed that deferral of a rezoning decision until a purchaser was identified, "...would seem to acknowledge the concerns raised in submissions." However the Panel concluded, "...that RAZ would be an appropriate zone if the land is ultimately no longer in public ownership."

Prom View Lodge did not sell at an auction held in January 2014. Council received many enquiries about use and rezoning of the site both before and after the auction. However none were from a public land manager proposing a health or community use. With the exception of the current prospective purchaser, the enquiries have been about uses which would be prohibited by both the RAZ and the PUZ3.

The rezoning supports a practical business use of the site and its infrastructure, which in turn will have tourism and employment benefits for Toora and district. Continued vacancy of this prominent highway site does not give a positive impression of Toora to tourists or potential investors. Sale of the site will provide significant financial benefit to PCAC, which is a not-for-profit local community group providing aged care services in Corner Inlet. The sale proceeds will assist with investment in the new aged care facility at Foster.

The proposed rezoning to RAZ:

- Is a logical extension of the existing RAZ zoning of land immediately to the north and west of the site, and bounded by Creamery Valley and Silcocks Hill Roads;
- Allows for tourism use close to town services but does not weaken the boundary of the Township Zone by extending urban zoning north of the highway in this location;
- Aligns with Council's strategic direction for Toora, the site's existing development and the proposed ownership and use of the site; and
- Is recommended by the Planning Panel;

Options

Council may adopt C77 Part 2 or it may abandon C77 Part 2. There is no planning reason for Council to abandon C77 Part 2.

Proposal

That Council adopt Planning Scheme Amendment C77 Part 2, and submit the Amendment to the Minister for Planning for approval.

FINANCIAL CONSIDERATIONS

Adoption of C77 Part 2 has no financial implications for Council but has positive benefits for the Corner Inlet economy.

RISKS

There are no risks to Council in adopting Amendment C77 Part 2.

CONCLUSION

Planning Scheme Amendment C77 Part 2 will benefit Toora, the wider community and a local community group by opening up opportunities for appropriate alternative commercial uses of a prominent site that is no longer required for public health care purposes or owned by a public land manager.

RECOMMENDATION

That Council:

1. Adopt Planning Scheme Amendment C77 Part 2 (Prom View Lodge Toora) in accordance with the documents provided in Attachment 2.
2. Request the Minister for Planning to approve South Gippsland Planning Scheme Amendment C77 Part 2 (Prom View Lodge Toora).

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Hutchinson-Brooks

SECONDED: Cr Kennedy

THAT COUNCIL:

1. **ADOPT PLANNING SCHEME AMENDMENT C77 PART 2 (PROM VIEW LODGE TOORA) IN ACCORDANCE WITH THE DOCUMENTS PROVIDED IN ATTACHMENT 2.**
2. **REQUEST THE MINISTER FOR PLANNING TO APPROVE SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C77 PART 2 (PROM VIEW LODGE TOORA).**

Cr Brunt left the Meeting at 4.39pm.

CARRIED

For: Crs Hutchinson-Brooks, McEwen, Newton, Fawcett, Hill and Kennedy.

Against: Cr Harding

Cr Davies returned to the Meeting at 4.40pm.

Attachment 1
Request to proceed with rezoning



Att: Fiona Mottram
Planning Department
South Gippsland Shire Council
9 Smith St,
Leongatha, Vic 3953.

Dear Fiona,

This letter is to notify your department and the South Gippsland Shire Council that, on behalf of Prom Country Aged Care's Board of Management, we wish to proceed with the re-zoning request at 25 Welshpool Rd, Toora (formerly known as Prom View Lodge) to Rural Activity Zone as per request made at the re-zoning hearing held at the Foster Arts Hall on the 14th May, 2013.

A contract of sale has been signed on the 29th of May, 2014 to hand over the property to new owners pending re-zoning approval.

If you require any further information regarding this issue, please contact me on the details below.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Rhett McLennan", written over a light blue horizontal line.

Rhett McLennan
CEO, Prom Country Aged Care
Ph: 03 5682 0883
Email: rhett.mclennan@promcountryagedcare.com.au

Attachment 2
C77 Part 2 amendment documentation

Planning and Environment Act 1987

SOUTH GIPPSLAND PLANNING SCHEME

AMENDMENT C77 Part 2

INSTRUCTION SHEET

The planning authority for this amendment is the South Gippsland Shire Council

The South Gippsland Planning Scheme is amended as follows:

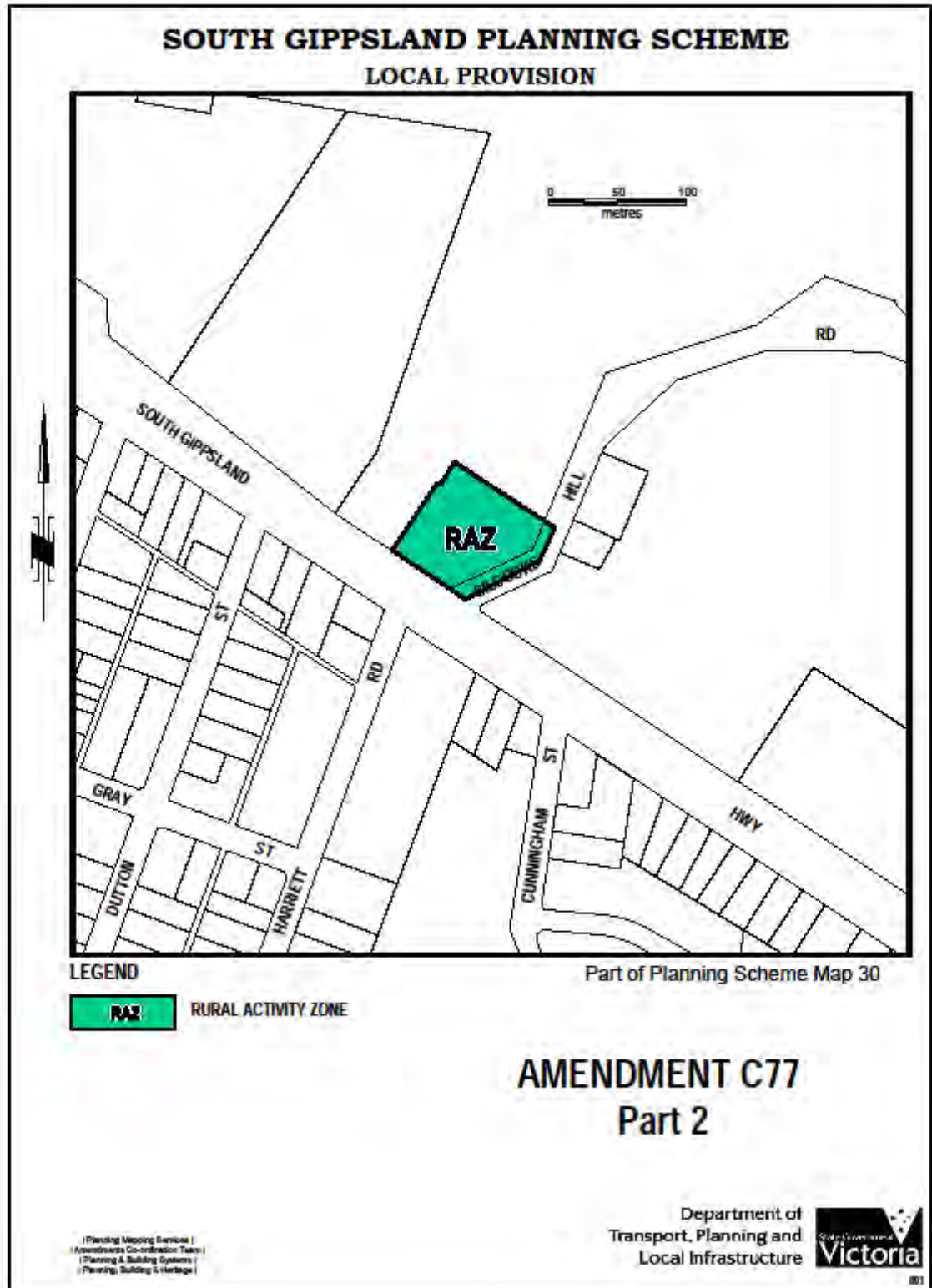
Planning Scheme Maps

The Planning Scheme Maps are amended by a total of one attached map.

Zoning Maps

1. Amend Planning Scheme Map No.30 in the manner shown on the attached map marked "South Gippsland Planning Scheme, Amendment C77 Part 2".

End of document



E.10 COMMUNICATION AND ENGAGEMENT POLICY

Corporate Services Directorate

EXECUTIVE SUMMARY

A 'Communication and Engagement Policy' (Policy) (**Attachment 1**) has been reviewed and developed by the Community Engagement and Evolving Vision Steering Committee (Committee) for consideration by Council.

The premise of the Policy is that the best decisions will be made if those involved in the outcome have every opportunity to participate in the decision making process. The policy promotes various forms of community engagement within Council.

The policy has been on public exhibition for public comment. Minor amendments have been made and the final version for adoption by Council.

Document/s pertaining to this Council Report

- **Attachment 1** - Communication and Engagement Policy

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989 (Best Value, Council Plan, S223)
- Planning and Environment Act 1987
- Emergency Management Act 1986
- Commonwealth Disability Discrimination Act 1992
- Information Privacy Act 2000

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Community Engagement Plan and Toolkit 2014
- Council Written Communication Guide
- Council Corporate Style Guide
- Council and Community Planning Framework
- Councillor and Staff Codes of Conduct

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.

CONSULTATION

External Consultation had occurred through previous versions of this draft Policy. That feedback has been incorporated into the development of this Policy.

Internal Consultation has been through the guidance and development of the Policy via the Community Engagement and Evolving Vision Steering Committee and staff. The Committee, established and appointed by Council, consisted of all Councillors and the Executive Leadership Team.

The Policy contained in **Attachment 1**, was released for public comment from 16 April until 16 May 2014. The Policy was made available on Council's website under 'Documents on Public Exhibition', from Council's Customer Service Centre and Council Libraries. The Policy was also promoted via local newspapers and direct email to the Council's business, tourism and community networks.

A total of eight enquiries (six telephone enquiries and two front counter enquiries) were made regarding the Policy, however no formal submissions were received.

A presentation to Council regarding the Policy was received from Mr Clive Hope on 21 May 2014. Although it was not a written submission, Mr Hope's comments have been considered in the review of the final version.

REPORT

Background

Council adopted a Communication and Consultation Policy on 19 March 2008. Council deferred adoption of a revised version of this Policy at the end of 2012 until a review was completed by the then new Council elected in October 2012.

A review of the Policy has been undertaken through Council's Community Engagement and Evolving Vision Steering Committee.

Council encourages individuals, groups and communities to be involved in local government. It recognises the value in a diversity of opinions, innovative ideas and life experience – this information allows Council to better understand issues and provide services that are tailored to community needs.

Discussion

Council's Community Engagement and Evolving Vision Steering Committee have met throughout 2013 to review and redevelop the Policy and an accompanying internal document titled the 'Community Engagement Plan and Toolkit'.

A 'Communication and Engagement Policy' (**Attachment 1**) has been developed by the Committee so Council may engage in consultation and active participation when making decisions and the community will have the opportunity to provide feedback on important issues.

The community consists of a numerous and diverse sub groups. Each group has a unique perspective of issues with its own needs and wants. Many prefer using a variety of communication options with Council, from face-to-face meetings to phone calls, letters, social media and e-mail correspondence.

Communication and Engagement requires a practical application, however no two circumstances are identical, so a mix of tools to engage the community are required. An internal 'Community Engagement Plan and Toolkit' has also been developed to support staff and Councillors while following the Policy.

Together, the Policy and internal 'Toolkit' provide a framework within which Council can proactively engage with the community to enhance decision making and service delivery. The best decisions will be made if those involved in the outcome have every opportunity to participate in the decision making process.

The Policy has been developed to establish the principles under which Council will operate when engaging with its community. This also includes the process to manage media enquiries and acknowledge Protected Disclosures (formerly Whistleblowers Protection Act)

Feedback

Of the eight enquiries made to Council during the public exhibition process, comments were supportive or neutral in terms of Council's history in community engagement. Comments that were received ranged from the process of developing the Policy and internal 'Toolkit', through to the current use of community and business networks to communicate with stakeholders.

Other comments raised in discussion were:

- the need for Council to urgently develop a new website and increase use of Social Media,

- positive feedback about Council's advocacy and community engagement for recent issues such as Council's support for childcare provision in Corner Inlet and the Repairing Our Roads campaign,
- the opportunity to support community groups to deliver their own community engagement activities,
- understanding the process for media enquiries, and
- opportunities for Council to educate students on civic engagement, through participation at local schools.

No formal submissions were received via these enquiries.

Mr Clive Hope presented to Council requesting the format of this Policy be reconsidered as it was too wordy and lengthy compared to similar policies from neighbouring Councils. Council's policies are also developed via a standard 'Policy template', so where one is altered, others may require changes to maintain consistency in approach.

In consideration of Mr Hope's comments, it is proposed to omit the definitions page from the Policy as it is essentially covered again in the body of the Policy. Further refinements have been made to shorten the length of the Policy from seven pages to five pages, which will not impact on the intent of the document as these are captured in the internal 'Toolkit' document, further reducing duplication.

Although the document is not as short as some from other Councils that have been referred to for comparison, the primary audience for this Policy are Councillors and Council staff. The information provided will also reduce the need to produce other policies specific to just Community Engagement and Media Enquiries as has been the case in other councils.

Proposal

It is recommended that Council endorse the Communication and Engagement Policy (**Attachment 1**).

FINANCIAL CONSIDERATIONS

The Policy and Toolkit do not carry budgetary implications. When applying community engagement methods, Council should give consideration to the costs associated when planning the engagement and incorporate costs into project budgets.

RISKS

Inconsistent communication, engagement methodology and the possibility of breaching statutory or legislative requirements exists without a policy for engagement. These risks can damage the image and perception of Council within the community and potentially compromise our stakeholders. Council

should consider an appropriate risk management approach to engagement and should apply it when developing a communication or engagement plan.

CONCLUSION

Various forms of communication and engagement create connections between governments, citizens and communities on a wide range of policy, program and service issues.

A 'Communication and Engagement Policy' has been developed for consideration by Council. The Policy will provide guidance for Council to proactively engage with the community to enhance decision making and service delivery.

The Policy (**Attachment 1**) is presented to Council for consideration and endorsement.

RECOMMENDATION

That Council:

1. Revoke the Communication and Consultation Policy adopted by Council on 19 March 2008; and
2. Adopt the Communication and Engagement Policy C06 contained in Attachment 1, which has been presented by the Community Engagement & Evolving Vision Steering Committee.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr McEwen

SECONDED: Cr Newton


THAT COUNCIL:

1. **REVOKE THE COMMUNICATION AND CONSULTATION POLICY ADOPTED BY COUNCIL ON 19 MARCH 2008; AND**
2. **ADOPT THE COMMUNICATION AND ENGAGEMENT POLICY C06 CONTAINED IN ATTACHMENT 1, WHICH HAS BEEN PRESENTED BY THE COMMUNITY ENGAGEMENT & EVOLVING VISION STEERING COMMITTEE.**

Cr Brunt returned to the Meeting at 4.42pm.

CARRIED UNANIMOUSLY

Attachment 1 Communication and Engagement Policy



South Gippsland Shire Council

COMMUNICATION AND ENGAGEMENT POLICY

Policy Number	C06	Directorate	Corporate Services
Council Item No.	E	Department	Customer Relations
Council Adoption Date	25 June 2014	Primary Author	Manager Customer Relations
Revision Date	February 2014	Secondary Author	Communications Officer

POLICY OBJECTIVE

The objective of this policy is to broadly define Council's approach to communication and engagement with the community. It applies across the full range of policy, program and service issues encountered by local government.

LEGISLATIVE PROVISIONS

- Local Government Act 1989
- Planning and Environment Act 1987
- Emergency Management Act 1986
- Commonwealth Disability Discrimination Act 1992
- Information Privacy Act 2000
- Charter of Human Rights and Responsibilities Act 2006

Council Strategies, Plans and Guides

- Council Plan 2013 - 2017
- Council Corporate Style Guide including templates
- Councillor Code of Conduct
- Staff Code of Conduct
- Municipal Emergency Management Plan
- Community Engagement Plan and Toolkit
- Social Media Policy (under development)

Other documents used in the preparation of this policy

- Good Governance Guide, MAV, 2004
- International Association for Public Participation – (IAP2) Spectrum of Engagement – obligations to public (www.iap2.org)

Page 1 of 5



COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

POLICY STATEMENT

Council encourages individuals, groups and communities to be involved in local government. It recognises the value in a diversity of opinions, innovative ideas and life experience – this information allows Council to better understand issues and provide services that are tailored to community needs.

Council encourages consultation and active participation when making decisions so the community has the opportunity to provide feedback on important issues. Active participation will aim to achieve outcomes where the community feels as though it has had sufficient input.

The community consists of a variety/numerous sub groups. Each group has a unique perspective of issues and each has its own needs and wants within the broader community. Many prefer using a variety of communication options with Council, from face-to-face meetings to phone calls, letters, social media and e-mail correspondence.

The application of this policy will assist Council to make more informed decisions. The best decisions will be made if those involved in the outcome have every opportunity to participate in the decision making process.

Benefits of Communication and Engagement

The benefits that can be obtained through this policy are:

- Providing information to the community on issues and decisions that may impact them;
- Building relationships and promoting two-way communication between Council and the community;
- Identifying diverse values, priorities, opinions and concerns, and the strength of community support for each;
- Encouraging new and innovative ideas and solutions;
- Improving and enhancing outcomes through more informed decision making;
- Acknowledging that the community has valuable contributions to make on issues;
- Providing consistency in Council practices;
- Increasing community understanding of decision and plans, and fostering greater community cooperation in their implementation;
- Complying with legislation when a person has a legal right to make a submission to a Council proposal; and
- Confirming Council's commitment to considering and respecting human rights when making decisions that impact people and community.



COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

Principles

Council will have regard to the following engagement principles:

- Council will be inclusive and seek a connection with those in the community who are hardest to reach;
- Council will look to improve and develop ways engagement can deliver better solutions to benefit the South Gippsland community;
- Council will listen, understand and act on experiences that may be different from our own, while recognising the diverse range of values and interests present in the community;
- Council will follow ethical principles of conduct, making engagement processes open and accountable, identifying the rules of engagement and reporting on the outcomes;
- Council will utilise appropriately trained staff or consultants when necessary to facilitate community engagement, especially during active participation;
- Council will provide feedback to participants as per the guidelines in the *'Community Engagement Plan and Toolkit'*; and
- Council will commit to respecting human rights during the engagement process.

When to inform our community

- Information is held by Council that will be of interest/provide guidance to the community; and/or
- Service changes of an operational nature are being implemented.

When to consult with our community

- The issue before Council is anticipated to have a significant impact on the economy, lifestyle or environment of the Shire or its residents;
- Information is sought by Council on community needs, priorities and values to ensure planning is appropriate and responsive; and/or
- Council has a statutory obligation to consult with the community.

When to gain active participation with our community

- The community should be involved and collaborate in the development and decision making process related to projects or issues; and/or
- The community should be involved prior to decisions being made and are required to lead or take ownership of a project.



Engagement Methodology

The Communication and Engagement Policy together with the associated Community Engagement Plan and Toolkit provides a matrix of opportunities for information, consultation, involvement, collaboration and empowerment.

Outcomes and feedback from participants during an engagement process may be provided to Council as a report. The feedback will also be used when reviewing the engagement methods used and measure their success. An evaluation checklist is provided in the Community Engagement Plan and Toolkit.

Media Enquiries

Media enquiries provide an important source of information for our community. Council will communicate openly and honestly with the media in order to maintain our commitment as a transparent and accountable organisation.

The following protocols apply to the management of media enquiries:

- General media enquiries should be made to a Communications Officer or Manager Customer Relations, who will direct the enquiry to the appropriate person, or provide a response;
- For specific questions Directors are designated as the responsible officers for media contact in their area of responsibility. They may delegate media responses to an appropriate manager or officers;
- The Chief Executive Officer is the official spokesperson for all Council operational issues;
- Officers other than the CEO and Directors must obtain approval from their Director prior to commenting on Council matters with the media and for the provision of media releases;
- The Mayor will speak on behalf of Council on all 'political' matters. The Mayor, at his/her discretion, may send the release to their colleagues for comment, and decide if comments received will be reflected in the release;
- The right of Councillors to contact and respond to media inquiries of concern to their constituents will not be infringed. Councillors need to take care to ensure their comments are within the bounds of legality, adhere to the Councillor Code of Conduct and that personal opinions are not represented as Council policy; and
- During a declared emergency response situation (fire, flood, storm, pandemic, etc.), or when a Municipal Emergency Coordination Centre (MECC) is in operation, all media enquiries and media releases related to the emergency must be authorised only through the Municipal Emergency Response Coordinator (MERC). The MERC will be a representative of Victoria Police and will liaise with Council's Emergency Management and Communications teams to authorise appropriate communication to the public and other emergency agencies.



COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

Protected Disclosures (formerly Whistleblowers Protection Act)

In accordance with the requirements of the *Whistleblowers' Protection Act 2001* (The 'Act'), Council has established procedures to facilitate the making of disclosures under the Act. The procedures set out the process in place to protect people from reprisals for making protected disclosures, and provide guidance on investigations.

The Act allows for confidential disclosures of corrupt conduct, conduct involving a substantial mismanagement of public resources, or conduct involving a substantial risk to public health and safety or the environment. Information on this Council Policy can be obtained from the Council website, (www.southgippsland.vic.gov.au).

Privacy Act

Council operates in accordance with the *Information Privacy Act 2000*, to protect the privacy of personal information. Information on this Council Policy can be obtained from the Council website, (www.southgippsland.vic.gov.au).

RISK ASSESSMENT

Inconsistent communication, engagement methodology and the possibility of breaching statutory or legislative requirements exists without a binding policy for engagement. These risks can damage the image and perception of Council within the community and potentially compromise our stakeholders. Council should consider an appropriate risk management approach to engagement and should apply it when developing a communication or engagement plan.

IMPLEMENTATION STATEMENT

Council will apply communication and engagement methodologies appropriate to the circumstances and desired outcome of the specific engagement.

Councillors and Council staff will be informed of the policy through the induction process, all staff communications including email and intranet postings. Directors are encouraged to inform their staff members through team meetings. The Communications Officer will update staff through newsletters, media releases and local media advertising.

Policy training and induction should be implemented by department managers in conjunction with the Communications team so new and existing staff members are aware of the process. Consultants working on behalf of Council that undertake consultation must be informed of this policy.

Public release of the policy will be through media releases and direct correspondence to town and district, business and industry associations. The policy will be available on the Council website. The 'Community Engagement Plan and Toolkit' will be an internal resource document for staff use.

E.11 2014/2015 COMMUNITY GRANTS PROGRAM POLICY REVIEW

Corporate Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is to recommend the adoption of the revised Community Grants Program Policy and Guidelines which is due for review in accordance with Council's Corporate Policy Review Timetable.

The 2014/2015 Community Grants Program will open 1 July 2014.

Document/s pertaining to this Council Report

- **Attachment 1** - Community Grants Program Policy
- **Appendix 1** - 2014/2015 Community Grants Guidelines

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, Sections 3C, 3D and 3E
- The Australian Institute of Grants Management (AIGM) – Best Practice network for government and local government grants managers and grant makers.

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Open Space Strategy
- Recreation Plan
- Bike, Paths and Trails Strategy
- Community Strengthening Strategy
- Sustainability Strategy
- Risk Management Framework
- Asset Management Strategy
- Access and Inclusion Plan
- Public Health and Wellbeing Plan

COUNCIL PLAN

Outcome	2.0	Closely Connected Communities.
Objectives	2.1	Engage and work collaboratively with our community.
Strategy No:	2.1.3	We aim to minimise barriers and find way to support our volunteers, community groups and committees to provide services beyond those that Council, by itself, can provide.

CONSULTATION

Consultation was provided through the following activities:

- An opportunity was provided for previous applicants to provide feedback;
- An internal review was completed by relevant officers; and
- A Council Briefing was conducted on 21 May 2014.

REPORT

Background

The Community Grants Program provides the opportunity for organisations across the Shire to access funding support for a wide range of projects and purposes.

As Council continues to support the development of Community Directions Statements it is important that the Community Grants Program encourages projects that can be supported in response to these directions.

Discussion

Although the Community Grants Program continues to meet its objectives, in recent years the program has allowed for applications from government funded agencies. The eligibility criteria within the guidelines currently states:

‘Government funded agencies are generally not eligible. However, significant partnerships or collaborative arrangements may constitute special circumstances.’

As a result of more applications being submitted under this clause, it is recommended to ensure the objectives of the Community Grants Program are achieved, that this be amended to read:

‘Government agencies and/or organisations that are the responsibility of a Government Agency are not eligible. However, applications will be considered for projects associated with facilities that are Council owned/or managed from which a Government funded agency operates.’

Examples of organisations that would still be considered eligible would be Community Houses and Kindergartens.

It is also recommended to change the name of the Small Equipment Program category to the Small Emergency Grants Program. This will strengthen the emphasis of the objective of the program and also allow for urgent minor works to be considered.

It is also recommended to rename the Minor Projects category to Minor Projects and Equipment category to specify that equipment can also be funded through this category.

Other minor amendments have been made to the guidelines; however they will not affect the objective of the Community Grants Program.

Options

Council has two options following the review of the Community Grants Program review:

- Option one: that the 2014/2015 Community Grants Program Policy and Guidelines remains unchanged.
- Option two: that the recommended changes are made to the 2014/2015 Community Grants Program Policy and Guidelines.

Proposal

Option two is recommended to ensure that the Community Grants Program continues to meet the objective of the program.

FINANCIAL CONSIDERATIONS

The budget allocated to the 2014/2015 Community Grants Program will be determined by Council at the 25 June 2014 Council Meeting. It is anticipated that this figure will be \$300,000.

The nominal figure of \$50,000, for the Small Emergency Grant Program (previously the Small Equipment Program) which is funded through the Community Grants budget has already been reduced by \$20,000 to \$30,000 in 2014/2015. The reduced amount has been relocated to the Community Infrastructure Projects to use as leverage for larger community projects.

RISKS

Reviewing the Policy and Guidelines provides for better governance of the Community Grants Program as it strengthens legislative compliance, ensures the appropriate and effective use of Council funds, assists to avoid potential conflicts of interest and facilitates openness, transparency and accountability.

CONCLUSION

The Community Grants Policy and Guidelines have been reviewed with the objective of ensuring that funds allocated through the Community Grants Program is aligned with the needs and direction of the Community and Council.

RECOMMENDATION

That Council:

1. Revoke the Community Grants Policy C47 adopted by the Council on 26 July 2012; and
2. Adopt the Community Grants Policy C47 contained in Attachment 1.
3. Adopt the 2014/2015 Community Grants Guidelines in Appendix 1; and
4. Open the 2014/2015 Community Grants Program on 1 July 2014.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Davies

SECONDED: Cr Kennedy

THAT COUNCIL:

1. **REVOKE THE COMMUNITY GRANTS POLICY C47 ADOPTED BY THE COUNCIL ON 26 JULY 2012; AND**
2. **ADOPT THE COMMUNITY GRANTS POLICY C47 CONTAINED IN ATTACHMENT 1.**
3. **ADOPT THE 2014/2015 COMMUNITY GRANTS GUIDELINES IN APPENDIX 1; AND**
4. **OPEN THE 2014/2015 COMMUNITY GRANTS PROGRAM ON 1 JULY 2014.**

CARRIED UNANIMOUSLY

Attachment 1 Community Grants Program Policy



South Gippsland Shire Council

COMMUNITY GRANTS PROGRAM

Policy Number: C47	Directorate: s	Corporate Services
Adoption date: June 2014	Department:	Governance Services
Revision date: June 2015	Primary Author:	Penny Elliott
	Secondary Author:	

POLICY OBJECTIVE

Council strives to facilitate, plan and provide programs, services and opportunities that strengthen its communities. One of the most immediate ways Council seeks to do this is through its annual Community Grants Program, making funds available for a broad range of community initiatives across the municipality.

Funding will contribute to obtaining the outcomes of Council's strategic goals as outlined in the Council Plan.

LEGISLATIVE PROVISIONS

Local Government Act 1989 Sections 3C, 3D and 3E

Guiding Documents:

1. Council Plan 2014-2017
2. South Gippsland Shire Council Community Grants Guidelines
3. Victorian Local Governance Association - Best Practice in Local Government Community Grants Programs
4. Administration of Grants – Better Practice Guide

DEFINITIONS

Guidelines – is a supporting document that outlines the eligibility criteria and requirements for applicants and details the processes for administering and allocating funds.

Beneficial Project/Activities – elements of beneficial projects/activities are likely to give rise to sustainable outcomes for the community of South Gippsland Shire, be consistent with Council's broader strategic aspirations, and minimise the relationship of dependence on Council.

POLICY STATEMENT

Council may at its discretion, and in accordance with this Policy and the Guidelines, provide financial support to eligible community groups to strengthen South Gippsland communities. The direction of support will be to enhance the quality of life, heritage, recreation and cultural opportunities of the broader South Gippsland community. This program is secular and apolitical. The program funds specific initiatives, activities, events and programs.

Community Grants Program Policy
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Page 6 of 7



CORPORATE POLICY

CORPORATE POLICY

CORPORATE POLICY

CORPORATE POLICY

The Community Grants Program will provide:

- a) Grants for a range of initiatives that support the achievement of the strategic goals and outcomes of the Council Plan and enhance the quality of life, heritage, recreation and cultural opportunities of the broader South Gippsland community.
- b) A program that is flexible and responsive to the needs of the community.
- c) A program that minimises the administrative burden on volunteers without undermining good governance and asset management principles.
- d) Further opportunities to volunteer groups and organisations, which would otherwise have limited access to funds to expand or maintain community engagement within the community.
- e) Support to community groups to increase self reliance without encouraging a relationship of dependence.

The Community Grants Program will not fund:

- a) Applications for programs or initiatives where Council considers the purpose of the program or initiative, or activities within it, is to advance the organisation's religious beliefs or political positions, irrespective of what those beliefs or positions might be. However, religious or politically affiliated groups may apply for grants for programs or initiatives that comply with this policy.
- b) Commercial enterprises.
- c) Applications by individuals other than where the individual is authorised to apply on behalf of a community group or organisation.
- d) Applications for activities or programs that are not based within the South Gippsland Shire or cannot demonstrate that they service a significant number of residents of the South Gippsland Shire.

Through the Community Grants Program:

Funding will be available under the following categories as determined in the guidelines:

- Small Emergency Grants Program;
- Minor Projects and Equipment;
- Events, Celebrations and Festivals;
- Planning and Development Studies;
- Major Projects; and
- Major Events.



CORPORATE POLICY

The approval of funding allocations remains with Council. Council may, however, from time to time delegate this responsibility, either indefinitely or temporarily, to the

Chief Executive Officer or his/her delegate. Such delegations are subject to any terms and conditions that the Council deems appropriate.

All applications are still subject to further evaluation by the Community Grants Program Assessment Panel and Council.

At the conclusion of the assessment of applications, a Council Report will be provided listing all successful and unsuccessful applications which will be made public after adoption by Council.

RISK ASSESSMENT

This policy

- Will provide transparency, openness and accessibility in respect of grant allocation and ensure best use of limited funds for community strengthening activity.
- Addresses the risk of Council assuming the responsibility for ongoing asset maintenance by requiring community groups to obtain evidence of approval from relevant authorities and/or land owners, and where appropriate, insurance and OHS policies and implementation.

IMPLEMENTATION STATEMENT

- Community groups wishing to apply for funding through the Community Grants Program need to comply with this policy's requirements and supporting Guidelines.
- Council will allocate funds annually through the Budget process to support the Community Grants Program.
- Council will endeavour to arrange for the education of Councillors and relevant staff of their responsibilities, for the allocation of the Community Grants.
- Advertise the Community Grants Program and provide application forms, comprehensive guidelines and explanatory information on the Council website and means identified in the Community and Consultation Strategy Tool Kit.
- The promotion, assistance and administration provided by Council's Grants Officer including community consultations.

CORPORATE POLICY

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CORPORATE POLICY

E.12 BUSINESS INVESTMENT AND ATTRACTION POLICY

Development Services Directorate

EXECUTIVE SUMMARY

Council adopted a Business Investment and Attraction Policy in April 2009 to assist with the facilitation of new business investment in the Shire. The Policy outlined the range and scope of assistance Council could provide to assist this investment including the declaration of 'Projects of Local Significance'.

The Policy has proved very effective since that time, assisting with a range of major developments and supporting grant applications for local businesses.

This report seeks the adoption of a revised policy with minor adjustments and consistent with Council's current strategies.

Document/s pertaining to this Council Report

- **Attachment 1** - Business Investment and Attraction Policy

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989, Section 3C

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Draft Economic Development and Tourism Strategy 2014-2019

COUNCIL PLAN

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

CONSULTATION

The original Policy has been in place for five years and has been widely used during that time. No issues have arisen during its implementation.

The updated Policy has minimal changes from the previous document and was considered by Council's Economic Development and Tourism Steering Committee as part of its process to develop the Economic Development and Tourism Strategy.

REPORT

Background

To assist with the objective of facilitating business investment, Council adopted the Business Investment and Attraction Policy in April 2009. The Policy has proved a useful and successful tool for achieving this objective. An update of the policy is required to reflect changes to the policy format, structural changes in Council and alignment with Strategies.

Discussion

Following the adoption of its first Economic Development Plan, Council developed a Business Investment and Attraction Policy. The Policy was a public statement of Council's desire to facilitate new investment and outlined the range and scope of the assistance it could provide.

A key issue that was addressed by the Policy was the management of major development projects that can bring significant benefits to the local economy. These benefits can include employment, new infrastructure and value adding to other businesses.

These major projects are often complex and require coordination of multiple Council departments and the timing of the development is usually critical. While businesses understand the required approvals processes, they are often seeking a level of confidence before committing to a major investment.

This issue was addressed in the Policy through the capacity to declare some developments 'Projects of Local Significance'. This allowed scope for nomination of a liaison officer, appointment of an internal project team and coordination of the approvals process.

The provision for 'Projects of Local Significance' proved beneficial and was used with a range of major developments such as Burra Foods' expansion of its Korumburra dairy facility and the new Aldi supermarket in Leongatha.

The policy has also assisted Council to support significant grant applications from local businesses such as Murray Goulburn Cooperative and Freshzest herbs at Pound Creek.

Since its adoption Council has introduced a new format for its policies and changes have occurred to Council's internal structure. The updated Policy reflects these changes. As the original policy proved effective and no issues arose during its implementation, the updated policy is a minimal change document.

The Committee for Gippsland are developing a Gippsland wide Investment Prospectus and this policy will integrate with that initiative at a local level.

The implementation of the Policy is included in the Action Plan for the Draft Economic Development and Tourism Strategy. Outcomes from the policy will be reported through the normal process for reporting on the Strategy.

Proposal

That Council adopt the updated Business Investment and Attraction Policy.

FINANCIAL CONSIDERATIONS

The Policy contains no direct financial proposals and no such assistance was provided during the life of the original policy. It leaves open the capacity for Council to consider financial or other assistance through a transparent process on a case-by-case basis.

RISKS

The intention of the policy is to minimise the risk to Council and the community and provide clear direction for facilitating business investment. Proposals will be assessed individually to ascertain their level of risk.

CONCLUSION

The Business Investment and Attraction Policy proved an effective tool to assist with the facilitation of new investment in the Shire. The updated Policy fits closely with Council's Economic Development and Tourism Strategy and Council Plan and will continue to assist with this key objective.

RECOMMENDATION

That Council:

1. Revoke the Business Investment and Attraction Policy of April 2009; and
2. Adopt the Business Investment and Attraction Policy contained in Attachment 1.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Davies

SECONDED: Cr Hutchinson-Brooks

THAT COUNCIL:

1. **REVOKE THE BUSINESS INVESTMENT AND ATTRACTION POLICY OF APRIL 2009; AND**
2. **ADOPT THE BUSINESS INVESTMENT AND ATTRACTION POLICY CONTAINED IN ATTACHMENT 1.**

CARRIED UNANIMOUSLY

Attachment 1 Business Investment and Attraction Policy



South Gippsland Shire Council

BUSINESS INVESTMENT AND ATTRACTION POLICY

Policy Number	C19A	Directorate	Development Services
Council Item No.	E	Department	Strategic Planning and Development
Council Adoption Date	June 2014	Primary Author	Ken Fraser
Revision Date	July 2019	Secondary Author	

POLICY OBJECTIVE

To provide a framework to assist the facilitation of new business development and to build the local economy. To add strategic weight to economic development proposals within the Shire by providing guidance and formalising Council's approach to business investment and attraction.

LEGISLATIVE PROVISIONS

Section 3C of the Local Government Act 1989 defines the primary objective of a Council is to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions.

To achieve this objective the Act defines a number of facilitating objectives that are relevant to this policy:

- to promote the social, economic and environmental viability and sustainability of the municipal district;
- to promote appropriate business and employment opportunities;
- to ensure transparency and accountability in Council decision making.

DEFINITION

Nil

POLICY STATEMENT

Council is committed to sustainable economic development and as a result aims to attract new businesses to the Shire. This is a key element of Council's Economic Development and Tourism Strategy. New and expanding businesses help to provide additional economic growth, employment and new services to the community.

Council acknowledges a significant role and responsibility in utilising its resources to provide an appropriate environment for the private and public sector to generate local economic development, wealth and employment opportunities.

In facilitating local economic development Council may provide assistance to encourage strategic and major development within South Gippsland, where it can be demonstrated that such development provides significant benefit to the community.

South Gippsland Shire Council encourages strategic, sustainable business investment that will support ongoing prosperity, high value employment, career development opportunities for residents and promote further investment.



This Policy supports the implementation of the Economic Development and Tourism Strategy.

Council's Role in Promoting Business Investment

Council will:

Use its powers and influence to provide and advocate for:

- Sufficient supply of suitably zoned land for commercial, industrial, agricultural and residential purposes;
- High quality transport, telecommunications, energy, waste and water infrastructure;
- A skilled and flexible workforce;
- Increased population.

Provide a positive climate to encourage business development through:

- Facilitation and assistance with new investment through its Economic Development and Tourism team.
- Provision of efficient approvals and regulatory services.
- Support for coordination and facilitation of proposed 'Projects of Local Significance'.

Assistance available

Council provides a range of services to assist business development, including:

1. Support with development approvals processes;
2. Identification of development sites;
3. Infrastructure co-ordination;
4. Relocation and expansion advice and support;
5. Links to government, business and employment support programs;
6. Introductions to other businesses, authorities and organisations within the Shire;
7. Assistance and advice with obtaining Government grants;
8. Access to statistical and general information;
9. Access to a range of local networks and contacts;
10. Access to business workshops and seminars;
11. Access to feasibility studies.

Projects of Local Significance

The Chief Executive Officer may declare a 'Project of Local Significance' due to its ability to provide significant economic impact.

A "Project of Local Significance" is a project, which in the opinion of Council may have one or more of the following attributes:



COUNCIL POLICY

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1. Is a large employer or has the potential to be a significant employer;
2. Has a strong supply base or economic links in the local area;
3. Competes with the outside market i.e. outside South Gippsland;
4. Has a long-term commitment to South Gippsland and is able to operate and grow in a profitable and viable manner;
5. Is an exporter or has export potential and/or the ability to replace imports to the region;
6. Will have significant flow on effects to existing businesses or the potential to lead to further business activity or investment;
7. Will add to the diversity of the Shire's economic base;
8. Will add value to the existing primary production of the Shire;
9. Is a major retail operation, particularly in areas not currently available;
10. Is a significant tourism business such as major accommodation, conference venue or attraction;
11. Will introduce new technology or infrastructure such as new telecommunications;
12. Will add services to the community such as Government offices, health and education services or in areas that are currently lacking either functionally or geographically.

Where a proposal is declared to be a 'Project of Local Significance', Council will appoint:

- a Council Liaison Officer for the project and
- an internal project coordination team;
- Coordinate the timing of the approvals processes.

Council is prepared to negotiate with developers and businesses on a case-by-case basis in relation to development support that may be offered, however Council will generally not provide direct financial assistance to a business.

The level of support which may be offered by Council will be related to the level of benefit the community will derive from the investment.

Any proponent may request a formal briefing to Council regarding their proposal.

Transparency

Generally Council will disclose any assistance provided to a proponent after the final negotiations have concluded and Council has made its final decision.

A proponent may submit a request for consideration by Council that information relating to the proposal remain confidential due to reasons of "Commercial-in-Confidence".

The provision of support/assistance will not limit, prejudice or in any way fetter Council's proper exercise of its statutory responsibilities and discretions.



RISK ASSESSMENT

The intention of the policy is to minimise risk to Council and the community and provide clear direction for facilitating business investment. Proposals will be assessed individually to ascertain their level of risk.

IMPLEMENTATION STATEMENT

- The Policy will be implemented in conjunction with Economic Development and Tourism Strategy. It is an element of the Strategy's Action Plan and will be included in reporting on outcomes from the Strategy.
- The Policy will be publically available on Council's Website.
- Businesses seeking to invest will be informed of the Policy.
- Other Council Departments will be made aware of the Policy.
- The Manager Strategic Planning and Development is responsible for implementing and updating this policy.
- The Policy will be reviewed by July 2019.

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E.13 WASTE DISPOSAL PRIVILEGES FOR FUNDRAISERS AND COMMUNITY GROUPS POLICY REVIEW

Community Services Directorate

EXECUTIVE SUMMARY

Council's Waste Disposal Privileges (WDP) for Fundraisers and Community Groups Policy allows for eligible fundraisers and community groups to dispose of waste free of charge at Council's waste transfer stations. The Policy was established in 2003 and last reviewed in 2008. A review of the Policy has occurred as part of Council's Policy Review Schedule.

This report recommends that Council endorse the Waste Disposal Privileges Policy in its current form and continue to subsidise the cost of waste disposal for all eligible groups.

Document/s pertaining to this Council Report

- **Attachment 1** - Current Waste Disposal Privileges for Fundraisers and Community Groups Policy
- **Attachment 2** - Correspondence from beneficiaries requesting Council retain the existing Policy
- **Confidential Appendix 1** - Annual Direct Cost to Council and List of Beneficiaries

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Council Policy - Waste Disposal Privileges for Fundraisers and Community Groups
- Waste Management Strategy

COUNCIL PLAN

Outcome:	1.0	A Prosperous Shire
Objective:	1.3	Improve the sustainability of the local and regional environment
Strategy:	1.3.2	We will promote sustainable waste management practices, energy efficiency and management of our natural resources

CONSULTATION

Council was briefed on 7 May 2014. The briefing proposed that Council consider revoking the policy and cease providing a subsidised waste disposal service to fundraisers and community groups.

All groups currently receiving free waste disposal under the WDP Policy were invited to attend a stakeholder meeting on 5 June 2014 to discuss the potential phasing out of the policy and the support that would be offered to them during the proposed 12 month transition period. The meeting was attended by 15 people, representing 8 of the groups currently receiving assistance under the policy.

It was apparent that all groups at the meeting were appreciative of the support provided by Council through the Policy and that in some cases; their organisations were dependant on subsidised waste disposal to remain viable.

Key points discussed included:

- Most of the waste that groups needed to dispose of was forced upon them through dumping of rubbish at their shops or bins after hours;
- They all stated that they took actions to separate recyclable materials from other wastes prior to disposal and highlighted the fact that Opportunity Shops were in fact based on the principle of recycling;
- They highlighted the difficulty of disposing of unusable mattresses and sofas and the logistics of trying to separate recycling components from such items;
- They all had other options for waste disposal in place such as skip bins, kerbside collection for which they paid and only used their Waste Disposal Privileges as their last option for disposal;
- The groups believed that increased illegal dumping in places other than the front of their premises or bins would occur if the Policy was revoked;
- The income generated from the Opportunity Shops is used to provide social welfare services to the South Gippsland community. Reducing or ceasing the subsidy would ultimately mean less resources would go back into supporting vulnerable people in the local community; and
- The cost to Council for implementation of the WSP Policy equates to approximately \$1.50 per ratepayer per year.

REPORT

Background

The Waste Disposal Privileges for Fundraisers and Community Groups Policy was first adopted by Council in February 2003 and last amended in August 2008.

The policy allows for fundraising and community groups who meet eligibility criteria to receive free waste disposal at Council's waste transfer stations. Groups must apply for free disposal under the Policy.

The Policy was due for review by 30 June 2014, in accordance with Council's Policy Review Schedule.

Discussion

The cost to Council of subsidising waste disposal for eligible fundraising and community groups is approximately \$21,000 per year.

The groups benefitting from the subsidy include not-for-profit welfare agencies, scout groups and opportunity shops. These agencies and organisations are either run or supported by a large contingent of volunteers with profits going back into community support and welfare.

During 2012/13 it became apparent that several groups were disposing of large amounts of waste which increased the cost to Council. To address this issue, monthly limits were introduced and this measure has successfully contained costs within budget.

Most of the waste disposed of under the policy is the by-product of opportunity-shops run by charities. Much of this waste is comprised of inappropriate material dumped at opportunity shops or their charity bins outside of operating. Inappropriate material includes items such as broken furniture, old televisions and soiled mattresses.

All groups had other options for waste disposal in place for which they paid. They used their Waste Disposal Privileges as their last option for disposal.

This Policy does result in ratepayers contributing approximately \$1.50 per year to some waste disposal by the eligible groups. However, this is after they have used other waste disposal options such as skips and the kerbside collection for which they pay themselves.

There was a concern by Council staff that there was no incentive for beneficiaries of the policy to take action to reduce the amount of waste they generate or to discourage dumping through the use of surveillance cameras. Feedback from several groups indicates that they are committed to recycling and, wherever possible, do take steps to separate recyclable materials prior to disposing of waste responsibly.

Groups have indicated that they are prepared to consider increased investment in improved signage, fencing and surveillance cameras, particularly if Community Grant funds were available to support them in covering the cost.

Phasing out the Policy and working with groups to reduce the amount of dumped waste would reduce costs for Council. Although assistance would be provided to groups during a proposed transition period to improve their signage and security, it is likely that dumping of inappropriate materials will continue to occur, imposing ongoing cost impacts for some groups.

Other Gippsland councils were consulted to determine the level of support they offered to charities and community groups by way of free or subsidised waste disposal. All Councils advised that they did not have a formal policy, but that they did offer limited support, with budget allocations varying between approximately \$2,400 and \$40,000 per year. In 2012/13 the cost of implementing the WDP Policy was \$26,650.

Options

Option 1 - Continue to subsidise waste disposal to fundraisers and community groups by continuing the policy and take measures to reduce illegal dumping.

This option would maintain the status quo allowing eligible groups to continue to dispose of waste, free of charge. Limits on the amount of waste groups are able to dispose of would continue to be applied in order to encourage groups to segregate recyclable materials from other wastes wherever possible.

Beneficiaries of the WDP Policy would be encouraged to take measures to reduce illegal dumping at the front of their shops and bins. Council will work with groups by assisting with the development of educational material and signage, as well as providing advice on the use of surveillance cameras where suitable. Council's Local Laws team will also assist with enforcement action where large inappropriate items or loads have been dumped and evidence to support a prosecution is able to be obtained.

The cost to Council would be approximately \$24,000 per year, based on current fees and usage.

Option 2 - Modify the policy to reduce costs for Council.

This option would involve retaining the Policy but altering eligibility and/or monthly disposal limits. Participation rates could be curbed through stricter eligibility criteria (e.g. only registered charities). However, this is likely to have a limited cost saving effect as the heaviest users of the service are registered charities. Further limiting the amount of waste each beneficiary was allowed to dispose of each month would reduce cost impacts.

Conditions could be placed on opportunity shops to erect and maintain agreed signage to discourage dumping of inappropriate materials.

Option 3 - Cease subsidised waste disposal after a 12 month transition period.

This option would provide the groups with 12 months notice before the subsidised waste disposal service ceased. It would provide an opportunity for Council to assist groups to implement actions aimed at reducing the amount of dumping of inappropriate materials and increase recycling. Council will work with groups to assist them through the transition period and provide advice and support to implement measures aimed to reduce illegal dumping at the front of their premises and bins.

This option would provide budget savings of approximately \$24,000 per year.

Proposal

It is proposed that Council continues to subsidise waste disposal to fundraisers and community groups through the implementation of the policy in its current form. No changes to the policy are proposed.

FINANCIAL CONSIDERATIONS

Reimbursement costs for the 2013/14 year are expected to be \$21,000, which has been allowed for in the budget. An amount of \$24,000 has been allocated in the 2014/15 budget and is a recurrent expenditure item in the Long Term Financial Plan.

In future years, the costs of implementing the policy under the current waste disposal limits and eligibility may grow as gate fees to be reimbursed to the contractor increase each year and eligible organisations may increase.

Regular monitoring of use of the WDP Policy already occurs and if necessary a refinement of monthly limits could occur to ensure costs are retained within budget.

RISKS

Option 1 - Continue to subsidise waste disposal to fundraisers and community groups by continuing the Policy

The main risk to Council under this option is an increasing annual cost of reimbursements to the transfer station contractor due to increased waste disposal fees and through subsidising a larger number of beneficiaries. Since 2009/10 the number of eligible groups has steadily increased.

Another risk is that recyclable materials may enter landfill that might otherwise have been diverted through separation from other wastes in an effort to reduce disposal costs.

These risks are currently managed by placing of limits on the amount of waste groups are able to dispose of each month which can be reviewed as required. Work will be undertaken with groups on an individual basis to improve signage and security. Council's Local Laws team will also assist with illegal dumping enforcement action where offenders are able to be identified.

Option 2 - Modify the policy to reduce costs for Council

Risks under this option are the same as for Option 1, but of lesser significance.

These risks could be mitigated through stricter eligibility criteria and reduced waste disposal limits for all groups.

Option 3 - Cease subsidised waste disposal after a 12 month transition period

If Council revokes the policy, the groups affected will regard the decision as a withdrawal of Council support for volunteer and not for profit organisations that exist to generate income to provide welfare assistance to some of the most vulnerable people in the South Gippsland community.

Smaller opportunity shops may not be able to sustain the costs of operating.

A communication strategy outlining why the change was necessary and assistance by Council to the groups to reduce the impact of waste dumping may help mitigate the impact.

CONCLUSION

The beneficiaries of the Waste Disposal Privileges Policy provide significant benefit to the community. They provide assistance to those in need and in the case of opportunity shops, divert significant amounts of material that may otherwise have ended up in landfill.

Although there is a direct cost to Council of approximately \$21,000 per annum, the benefit provided by the groups, which is predominantly staffed by volunteers, to the community cannot be measured on the basis of a dollar value.

It is recommended that Council endorse the policy in its current form and continue to subsidise the cost of waste disposal for all eligible groups.

RECOMMENDATION

That Council:

1. Endorse the Waste Disposal Privileges for Fund Raisers and Community Groups Policy in its current form and continue to subsidise the cost of waste disposal for all eligible groups; and
2. Work with groups by assisting with the development of educational material and signage, as well as providing advice on the use of surveillance cameras where suitable.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Hutchinson-Brooks

SECONDED: Cr Davies

THAT COUNCIL:

- 1. ENDORSE THE WASTE DISPOSAL PRIVILEGES FOR FUND RAISERS AND COMMUNITY GROUPS POLICY IN ITS CURRENT FORM AND CONTINUE TO SUBSIDISE THE COST OF WASTE DISPOSAL FOR ALL ELIGIBLE GROUPS; AND**
- 2. WORK WITH GROUPS BY ASSISTING WITH THE DEVELOPMENT OF EDUCATIONAL MATERIAL AND SIGNAGE, AS WELL AS PROVIDING ADVICE ON THE USE OF SURVEILLANCE CAMERAS WHERE SUITABLE.**

CARRIED UNANIMOUSLY

Attachment 1 Current Waste Disposal Privileges for Fundraisers and Community Groups Policy

South Gippsland Shire Council

COUNCIL POLICY

Department:	Engineering and Asset Services
Sub-Section:	Waste Management
Title:	Waste Disposal Privileges for Fundraisers and Community Groups

Policy Statement

Council encourages and supports Fundraising and Community Groups through the provision of financial assistance in the form of waste disposal privileges.

Policy Rationale

This policy has been developed to ensure a fair and reasonable approach is taken in relation to waste disposal privileges. Council appreciates the work undertaken by Fundraising and Community Groups and is happy to assist, whilst being mindful of the ever-increasing costs associated with the disposal of waste.

Definitions

Fundraising Group

A group that raises funds solely to provide benefit to the wider community.

Community Group

A group that is:

- a community based organisation/service;
- not for profit;
- an ongoing recognised group;
- not currently receiving ongoing operating funds from the South Gippsland Shire Council or State or Federal Government;
- providing a service to the whole community; and
- not operating for the sole benefit of its own association.

Waste

Any material that cannot be reused, resold or recycled. Only wastes generated within the South Gippsland Shire will be accepted.

Guidelines

The group seeking waste disposal privileges must:

- be a recognised Fundraising or Community Group; and
- provide services within the South Gippsland Shire.

A Group may be entitled to waste disposal privileges if:

- they are disposing of waste resulting from an emergency or natural disaster;
- the waste has been collected during Clean Up Australia Day activities;
- the waste has been collected during community clean-ups on Council owned or managed property;
- the works carried out by a Community Group would otherwise have been done by Council; or
- in the case of a fundraising group, the waste has been generated directly as a result of fundraising activities.

Fundraising or Community Groups

A Fundraising Group or Community Group may apply to Council for waste disposal privileges at any time. Written applications must be on the Groups' letterhead to ensure that only Incorporated Groups are requesting free waste disposal.

Once a request has been received, the Waste Management Coordinator will forward an application form to be completed and returned to Council. All details on the form must be completed including the estimated amount of waste likely to be disposed of by the Group. Groups are asked to be as accurate as possible when estimating the amount of waste to be disposed of, as this will assist with planning for the management of waste at the landfill. Council may limit the amount of waste to be disposed of by any Group.

Groups must meet the requirements (see Definitions) of the Policy in order to qualify for waste disposal privileges.

Other Organisations

Where groups are requesting waste disposal privileges for materials generated from an emergency or natural disaster, they must contact the Waste Management Coordinator to seek approval for waste disposal privileges.

Where large quantities of material are generated, the group may be directed to the Koonwarra Landfill.

Other Requirements

Recyclables must be separated from the load wherever possible and placed in the appropriate areas at the disposal facility as directed by the attendant. Recyclable materials include glass, plastic bottles, steel cans, aluminium cans, white goods (fridges must be degassed), metal, aluminium, paper, cardboard, greenwaste and clean wood waste (free of nails etc.).

Related Legislation, Guidelines, Specifications and Codes of Practice

Nil

Approval Date:	5 February 2003	Approved by:	Council
Amendment 1:	16 August 2006	Approved by:	Council
Amendment 2:	20 August 2008	Approved by:	Council
Amendment 3:		Approved by:	



Attachment 2
Correspondence from beneficiaries requesting Council retain the existing Policy

**LEONGATHA VETERANS' & DEPENDANTS'
WELFARE CENTRE**

CHAIRMAN
Roslyn Bryan, OAM J.P.
19 Jay Road
Foster Vic 3960
Home: (03) 5682 1900



VICE CHAIRMAN
Peter Carruthers
8 Allison Street
Leongatha Vic 3953
Home: (03) 5662 3160

"Lest we forget"

30th May 2014

Mr Peter Roberts
Waste Management Coordinator
South Gippsland Shire Council
Smith Street
Leongatha Vic 3953



Dear Mr Roberts

Re: Waste Disposal and Privileges Policy Review

Thank you for your letter of advice received from Geoff McKinnon dated 23rd May 2014, in which we are made aware of the review of the Council's current policy regarding waste disposal and waste privileges provided to charity groups.

As I am unable to attend the meeting on the 5th June to discuss the proposed changes, please accept this letter as an extremely strong objection to the proposed changes to the waste policy.

Being a known local charity organization within the South Gippsland Shire, we work tirelessly for the benefit of our returned service men and women. It is imperative to us that the free waste disposal privileges card is not removed as this would be extremely detrimental to our services and the frail pensioners that are in need. We use it strictly on the desperate need of a veteran or their widows, for those who may have passed away or are being relocated to a facility that is better equipped to care for them, or to those who resident in units alone with no family for support. Our clients are unwell physically and/or psychologically, they do not have the strength or some even the ability to clean up their own property, and the very last thing in their aging minds should be that of waste disposal and its cost.

2 Smith Street
LEONGATHA 3953
EMAIL: rosbryan@leongathawelfarecentre.com.au

PO Box 385
LEONGATHA 3953

TEL: 03 5662 0979
FAX: 03 5662 0979

When we are required to do clean up on a veterans property there is waste in various forms, which includes green waste, recycling, white goods, furniture we are never frivolous with any items and be assured that we ONLY dispose of items that are WASTE.

It angers me when the frail, aged, infirm, or disabled have services removed that are there to help them with things as simple as waste removal. The removal of the Volunteer and Community Group Waste Disposal Card will only create the South Gippsland Shire Council a larger problem of roadside rubbish dumping, as the free waste removal will only hurt those that are already in pain.

Yours sincerely

Ros Bryan OAM J.P.

Ros Bryan OAM J.P.
Chairperson

30th May 2014

Mr Peter Roberts
Waste Management Coordinator
South Gippsland Shire Council
Smith Street
Leongatha Vic 3953



Dear Mr Roberts

Re: Policy Review of Waste Disposal Card

I refer to a conversation that I recently had with Ros Bryan, Chairperson of the Leongatha Veterans and Dependents Welfare Centre, with regard to a matter concerning the review of the Councils Waste Disposal and Privileges Policy

In my position as President of the RSL Leongatha Branch, I am committed to assisting our service men and women as well as their families. Not only do I liaise regularly with Ros Bryan and the volunteer work that is done from the Welfare Centre. I also call upon her and volunteers associated with the Centre to assist veterans and their widows that are in need.

If the South Gippsland Shire Council in their policy review were to remove the Waste Disposal and Privileges Card, this would not only have a detrimental effect on the work done to assist our war veterans, but in the wider community it will have a damaging effect on other charities that rely heavily on the free disposal of waste.

Over the years I have seen the amalgamation of Shire's offices and how the cutting of services has affected local residents within the Shire, I do believe that in cutting this policy from those that need it the most would not be to the benefit of the community in general.

Yours sincerely

A handwritten signature in black ink, appearing to read "Peter Carruthers".

Peter Carruthers
President
RSL Leongatha Sub Branch

Peter Roberts

From: VBCC <vbcc@bigpond.com>
Sent: Thursday, 5 June 2014 3:16 PM
To: Peter Roberts
Cc: Geoff McKinnon; 'Helen Macrae'
Subject: Waste disposal and privileges at Venus Bay

Good afternoon Peter,

Thank you for the invitation to meet to discuss the Waste disposal privileges for community groups this afternoon. I will not be able to make this meeting, however would like to make the following comments which I hope will be included in the discussion.

The Venus Bay Community Centre is a not for profit centre. We run a social enterprise in the form of our community recycling op shop. Our aim is to redistribute goods within our community/district; to provide access to low cost clothing and furniture for community members, to reduce the amount of material that is taken (thoughtlessly) to the transfer station; to provide volunteering opportunities for community members and to raise funds that support the community strengthening work we undertake in partnership with both local and state government.

We have been very thankful to have a waste disposal privilege card in the past, and we hope that we can come to some arrangement in future to continue this support from the Shire.

We have over 20 volunteers who work in our recycling venture and we take every opportunity to reduce our waste, and indeed our footprint; we regularly give items to other op shops and groups and have sent donations to Aboriginal communities in the Northern Territory and to communities in Africa. Our volunteers regularly take excess stock or rubbish home to use their own paid garbage collection service.

I am sure you would appreciate that at times, we receive donations that really ought to have been taken straight to the tip, this is incredibly frustrating for all parties and we are thankful that it does not happen too often.

The times that we use the waste privilege card are the times that we absolutely need to. Please bear in mind that while we do not have to 'pay' for the transfer fee, we have to give our time, use our vehicles and borrow a trailer to take these things to the tip.

We also not only maintain the property & grounds at the Venus Bay Community Centre for the Shire, we facilitate working groups that maintain the indigenous reserves nearby the Centre. This produces green waste at certain times, there are expenses involved for other community volunteers.

I understand that council needs to look at its expenditure, however it is equally true that community contributions need to be taken into account.

I would strongly urge Council to continue to support community groups with a waste disposal privilege card.

You may consider the following amendments:

- Introduce a limit (either dollars or times per year) to each user; this would not penalise the small users for whom the costs would be prohibitive
- Include green waste concession for properties that undertake vegetation management on behalf of the Shire or community.

I look forward to hearing the notes from the meeting this afternoon, and would appreciate being informed of any proposal before it goes to council.

Many thanks, Alyson

Alyson Skinner
Manager, Venus Bay Community Centre Inc
e: vbcc@bigpond.com
p: 03 5663 7499
f: 03 5663 7499
Open Monday, Wednesday, Thursday 9.30 - 3.30 pm

3rd June 2014

South Gippsland Shire Council
Private Bag 4
Leongatha Vic 3953

Attention: Mr Peter Roberts – Waste Management Coordinator

Dear Peter

Re: Waste Disposal and Privileges Policy Review

I am writing in response to your letter regarding the above matter on behalf of the South Gippsland Group Uncle Bobs Club.

The Uncle Bob's Club is a not for profit organisation. They raise funds primarily for the Royal Children's Hospital Good Friday Appeal and also for sick and handicapped children in Victoria. Each year, the South Gippsland Group of the Uncle Bob's Club raises in excess of \$25,000 towards this annual event.

As a part of our fund raising efforts, one activity we conduct is the collection of cardboard boxes from local businesses in Korumburra and Leongatha and business owners are charged a small fee for our volunteers to take their cardboard away. The van we use for this collection was donated to the Club by a generous man, who also pays for the fuel and upkeep of the vehicle. There are no expenses incurred by the Club which enables 100% of funds collected to go directly to the Children's Hospital. This fundraising activity conducted by our volunteers contributes over \$6,000 annually.

We are only collecting recyclable cardboard and hope we are able to continue with an exemption to allow us to continue this vital work.

It would be disappointing to see this exemption taken away from any group that plays a vital role in our community – a role that in particular helps others in need. Keeping costs to a minimum enables funds to go where they are needed most. I appreciate there is a cost to everything but it would be disappointing to have the exemption removed.

Thank you for your time. I apologise that I am unable to attend the meeting on Thursday due to work commitments but look forward to hearing any feedback. I realise the Shire is trying to create additional funds but I truly believe the wrong groups are being targeted. Please feel free to contact me should you wish to discuss any content of this letter.

Kind Regards

Melissa Whelan
Group Treasurer

South Gippsland Uncle Bobs Club
PO Box 381
Korumburra Vic 3950

melissawhelan@iprimus.com.au

melissaw@wef.com.au

Phone: 03 56552311 (work)

Mobile: 0417324435

E.14 ART ACQUISITION POLICY REVOCATION

Community Services Directorate

EXECUTIVE SUMMARY

Council adopted an Arts Acquisition Policy in 1999 to establish and build up a Council art collection. Implementation of the policy required specialist resources which were discontinued a number of years ago.

Over time Council's focus on the arts community has changed from acquisition of art to supporting arts and cultural activity within the broad arts community.

Revocation of the current policy is recommended with a focus of future efforts on exhibiting and managing the existing collection to provide better access to Council's collection by the South Gippsland community.

Document/s pertaining to this Council Report

- **Attachment 1** - Art Acquisition Policy(1999)
- **Attachment 2** - Register of nine items in Council's current Art Collection

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Arts and Culture Policy 2013

COUNCIL PLAN

Outcome:	2.0	Closely Connected Communities
Objective:	2.1	Engage and work collaboratively with our communities
Strategy:	2.1.1	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.

CONSULTATION

Consultation has been undertaken internally, with Executive Leadership Team, Governance Department, Community Strengthening Department and Coal Creek.

REPORT

Background

Council adopted an Arts Acquisition Policy in 1999 (**Attachment 1**).

Nine items were purchased through this Policy- three paintings, one print, a decorative small table, a Paper Mache bowl and three photographic works.

The Policy requires the establishment and support of a panel of eminent artists to oversee the acquisitions. The work to implement this Policy was initially undertaken by the fulltime Arts Officer and the 0.5 Curatorial Officer, however, the Arts Officer position was discontinued in 2003 and the Curatorial Officer position was discontinued in 2008. The arts portfolio now sits within the Community Strengthening team but has no designated worker.

Most of the works acquired under this Policy were displayed in the Council Chambers and function room in the Smith Street complex. A register of the nine items together with their current locations is attached.

In 2007 the former Council Chambers and function room were changed into office space. The current Council Chambers are not suitable for display of these works.

Discussion

Due to the reduction in personnel to implement this policy and the lack of suitable space to permanently exhibit art works, it is proposed that the current Arts Acquisition Policy be revoked and replaced with an Arts Collection Management policy.

Council's Arts and Culture Policy (adopted June 2013) focuses Council's effort on supporting partnerships with the arts community, and the available staff time is directed to this purpose.

It is proposed that Council does not acquire any further works until the current collection can be more effectively displayed, and procedures for de-accessioning collection items is established.

Options

Council can either:

- Revoke the current policy; or
- Implement the current policy.

Proposal

That Council revoke the current Arts Acquisition Policy.

FINANCIAL CONSIDERATIONS

Continuation of the current Policy will require an allocation of new funds to engage a staff member to undertake this work or a revision of the 2014/15 Community Strengthening business plan to cease existing projects and release time for a staff member to implement the current Policy.

There are no funds allocated in the 2014/15 budget to in the Long Term Financial Plan for the purchase or management of a Council arts collection.

CONCLUSION

The 1999 Arts Acquisition Policy cannot be implemented as planned with current resources and Annual Plan commitments.

The existing collection is well maintained but not regularly exhibited.

Revocation of the current policy and focusing future efforts on exhibiting and managing the existing collection will provide better access to Council's collection by the South Gippsland community.

RECOMMENDATION

That Council revoke the current Arts Acquisition Policy.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Davies

SECONDED: Cr Brunt

THAT COUNCIL REVOKE THE CURRENT ARTS ACQUISITION POLICY.

CARRIED

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

Against: Crs Kennedy, Harding, Hill and McEwen.

Attachment 1 Arts Acquisition Policy (1999)

South Gippsland Shire Council

COUNCIL POLICY

Department:	Community Services
Sub-Section:	Arts
Title:	ART ACQUISITION

Policy Statement

1. To build up a representative collection of quality visual arts and crafts produced by residents of the South Gippsland Shire.
2. To provide encouragement for local artists and crafts people.
3. To encourage the production of new and innovative work.
4. To provide a framework recommendation for the identification of the area of acquisition and the process to be followed.

Policy Rationale

This policy will ensure:

- fair and equitable representation of artists throughout South Gippsland.
- access and reasonable preparation time to all artists across the Shire.
- Development of a well-balanced, fairly represented collection of art works from the most outstanding artists and craftspeople within the South Gippsland Shire.
- A recorded history of South Gippsland's most distinguished artists and craftspeople.

Council has recently made two individual allocations of \$1000 to acquire art work from local art shows:

1. Stockyard Gallery – Prom Centenary – 1997/98 budget.
2. Mirboo North Primary School Art Show – 1998/99 budget.

The process for allocating these funds annually has not yet been established.

Guidelines

Overview:

- The Art Acquisition to be offered annually by the South Gippsland Shire Council.

- The Annual Art Acquisition will be made within the South Gippsland Shire to celebrate and recognise the work of eminent local visual artists.
- This policy will ensure that one outstanding South Gippsland artist will be recognised each year through the purchase of art/craft work.
- Council will be able to record its heritage of leading local artists by establishing a collection of outstanding South Gippsland art and craft work.

Key Policy Statements:

- The acquisition should be built up on the basis of representing a variety of visual arts work.
- Acquisitions should take into account works already 'publicly' owned – e.g. Shire, Rotary, Art Groups.
- Work must be nominated and acquired on the basis of quality.
- Acquisitions would include purchase for 'public art'.
- Acquisitions will be made of work by residents of the South Gippsland Shire.

Process:

- Council will decide on the town in which the annual acquisition will be made. A five year plan to be devised so that artists can be alerted and prepared.
- The Council will decide, on the recommendation of the Arts Co-ordinator, the art show in the relevant town from which the acquisition will be made. This will be publicised through local newspapers and arts newsletters.
- The Arts Co-ordinator convenes a representative group of eminent arts and crafts people (peer nomination). The group will comprise six members, two of which will be nominated from the Arts Advisory Committee.
- The eminent artists group will define:
 - The area (arts discipline) for acquisition each year.
 - The criteria for selection.
 - Any other requirements or conditions.
- The eminent artists group will make recommendations to the relevant art show organising committee regarding the selection of the judge to make the decision on the acquisition.
- Artwork is judged and selection is made.
- Announcement of winner and cheque to be presented at opening ceremony of relevant art show.

Review Timing and Process:

Town, art show and budget should be reviewed after five years.

The process for selection of the art or craft work should be reviewed annually by the Arts Co-ordinator in conjunction with the eminent artist's group.

Recommendations:

- An annual allocation of \$1000.00 should be designated to the budget via the Arts Co-ordinator in each year's budget.
- The acquisition collection to form the core of a local (regional) gallery.
- Council to develop a five year plan of which towns/exhibitions will host the annual art acquisition.

Related Legislation, Guidelines, Specifications and Codes of Practice

South Gippsland Arts and Culture Policy
Business Plan

Approval Date:	16 June 1999	Approved by:	Council
Amendment 1:		Approved by:	
Amendment 2:		Approved by:	
Amendment 3:		Approved by:	

Attachment 2
Register of nine items in Council's current Art Collection

Item	Year	Value	Location
Wooden table	1999	500	Council Offices - Mayor's Office
Painting - Afternoon Light	2000	595	Storage-Coal Creek
Mono Print - "The Gathering" Tasmanian Tigers	2001	595	Council Offices - Mayor's Office
Painting - Nature's Bounty	2003	400	Storage - Coal Creek
Papier Mache Bowl - "Flotsam and Jetsom"	2004	300	Council Offices
Photograph - Last Night at Mt Best	2006	150	Storage - Coal Creek
Photograph - Mossvale Park in Autumn	2006	360	Storage - Coal Creek
Photograph - Mossvale Park in Autumn	2006	360	Storage - Coal Creek
Painting - portrait of Jack Cowley	2009	340	Storage - Coal Creek

E.15 COAL CREEK COMMUNITY PARK AND MUSEUM COLLECTION POLICY

Development Services Directorate

EXECUTIVE SUMMARY

This report provides for the revocation of Council's current Coal Creek Collection Policy C05 and adoption of a new Coal Creek Community Park and Museum Collection Policy (**Attachment 1**) as part of Council's agreed Policy Review Timetable 2013/14.

Document/s pertaining to this Council Report

- **Attachment 1** - Coal Creek Community Park and Museum Collection Policy

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989 sections 3C, 3D, 3E
- Commonwealth Copyright Act 1968
- Historic Shipwrecks Act 1976
- Victorian Information Privacy Act 2000
- Public Records Act 1973
- International Council of Museums Code of Ethics for Museums 2006
- Aboriginal Heritage Act 2006 Section 24
- Crown Land (Reserves) Act 1978
- Museums Act 1983
- Heritage Act 1995
- National Museum of Australia Collection Care and Preservation Policy 2012

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

The policy has been reviewed by the Executive Leadership Team and was circulated to Councillors on 14 May 2014 with a request for any feedback. Feedback included a request to define the International Museum Code of Ethics and the term, "significant criteria". These definitions were added to the final proposed policy.

REPORT

Background

Coal Creek Community Park and Museum exists to promote awareness and understanding of the natural, industrial and social history of South Gippsland from pre-European settlement to 1920, through the collection, preservation and communication of relevant material culture.

The Coal Creek Collection Policy was last reviewed by Council in August 2004. Since this time the direct management of the site has changed from a Section 86 Committee of Management to Council. The policy has been updated to ensure that:-

1. The content reflects requirements for achieving Museum Accreditation through the Museum Accreditation Program (MAP).
2. The policy strengthens collection documentation to minimise public reputation risk and litigation through poor collection management.
3. Processes for management of collection items that do not belong to Council are clarified.
4. The Legislative and International Code of Ethics for Museum's responsibilities are highlighted.

Discussion

A Council Policy articulates a matter of public policy. It is a statement of Council's strategic direction in relation to decision making and guides its behaviour in matters affecting the wider community. It may also include guiding principles in the way Council deals with internal operations, other levels of Government, Government agencies and the business community.

Proposal

It is proposed that the current Coal Creek Community Park and Museum Collection Policy be revoked and a new Coal Creek Community Park and Museum Collection Policy (**Attachment 1**) adopted.

RISKS

A failure to properly manage the collection may lead to:-

1. Loss of a valuable component of regional, state or national heritage
2. Disputes over collection care resulting in litigation
3. Disposal of items through damage
4. Lack of community confidence in Council's custodial role over an important and significant part of local history
5. Loss of Council's reputation in the wider museum and educational community

Council also aims through this policy to set an example of honesty and integrity in the management of the Collection.

CONCLUSION

On the basis of ensuring good governance, it is recommended that the revised Coal Creek Community Park and Museum Collection Policy (**Attachment 1**) be adopted.

RECOMMENDATION

That Council:

1. **Revoke the Coal Creek Collection Policy C05 adopted by Council on 18 August 2004; and**
2. **Adopt the reviewed Coal Creek Community Park and Museum Collection Policy C05 contained in Attachment 1.**

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Newton

SECONDED: Cr Davies

THAT THE RECOMMENDATIONS IN ITEMS E.15 – E.17 BE ADOPTED.

CARRIED UNANIMOUSLY

Attachment 1 Coal Creek Community Park and Museum Collection Policy



South Gippsland Shire Council

COAL CREEK COMMUNITY PARK MUSEUM AND COLLECTION POLICY

Policy Number	C05	Directorate	Development Services
Council Item No.	E.15	Department	Coal Creek Community Park and Museum
Council Adoption Date		Primary Author	Site Coordinator
Revision Date	June 2016		

POLICY OBJECTIVE

The objective of this policy is to:

1. Provide guidance about the Coal Creek Community Park and Museum collection.
2. Ensure that acquisition and disposal of collection items meet significance criteria through their relevance to the stated time-line period and to the planned themes of the site appropriate to the interpretation of the policy statement.
3. Replace existing Coal Creek Collection Policy C05 adopted by Council on 18 August 2004.

This policy is intended to be separate from, and implemented independently from, Council's Asset Disposal Policies.

Coal Creek Community Park and Museum exists to promote awareness and understanding of the natural, industrial and social history of South Gippsland from pre-European settlement to 1920, through the collection, preservation and communication of relevant material culture.

LEGISLATIVE PROVISIONS

- Local Government Act 1989 sections 3C, 3D, 3E
- Commonwealth Copyright Act 1968
- Historic Shipwrecks Act 1976
- Victorian Information Privacy Act 2000
- Public Records Act 1973
- Code of Ethics for Museums (ICOM 2006)
- Aboriginal Heritage Act 2006 Section 24
- Crown Land (Reserves) Act 1978
- Museums Act 1983
- Heritage Act 1995



DEFINITIONS

International Council of Museums Code of Ethics

The International Council of Museums (ICOM) Code of Ethics for Museums was adopted in 1986 by ICOM and revised in 2004. It establishes the values and principles shared by ICOM and the international museum community. It is a reference tool translated into 36 languages and it sets minimum standards of professional practice and performance for museums and their staff.'

Significance

The National Museum of Australia describes significance as follows:

“‘Significance’ refers to the values and meanings that items and collections have for people and communities. Significance helps unlock the potential of collections, creating opportunities for communities to access and enjoy collections, and to understand the history, cultures and environments of Australia.”

The Coal Creek Community Park and Museum collection consists of artefacts catalogued and held in trust for the community. These items are displayed for interpretation of the theme of the site. The collection includes outright donations to the site and loan items.

Collection

The word collection refers to objects catalogued into the museum’s collection for display or interpretation.

BACKGROUND

Coal Creek Community Park and Museum exists to promote awareness and understanding of the natural, industrial and social history of South Gippsland from pre-European settlement through to 1920, through the collection, preservation and communication of relevant cultural material.

The collection is integral to this awareness and promotion as well as the collection being of value in its own right.

The Coal Creek Community Park and Museum Collection Policy provides information about the underpinning principals for:

1. Development of the collection
2. Defining the range of objects the museum chooses to collect or not collect
3. Ensuring that a high standard of care of the current collection is maintained

POLICY STATEMENT It is the intention of Council that acquisitions and any necessary disposals of for the museum collection at Coal Creek Community Park and Museum meet significant criteria through relevance to the stated time period and to the planned themes of the site. Themes are developed in order to interpret the following areas of South Gippsland regional history: indigenous culture, coal mining,



farming and dairying, forestry and saw milling, transport industry and the development of the towns.

Policy Guidelines

1. Method of Acquisition

- a. Acquisitions to the collection may be in the form of donations or bequests, or by purchase or exchange. Purchasing will be in accordance with financial delegation limits.
- b. All decisions regarding acquisitions and de-accessioning will be made by the Curatorial Advisory Committee in consultation with the Curatorial Officer or authorised representative.
- c. If original objects are not obtainable for exhibitions; replicas, models, photographs or other graphic representations may be considered as viable alternatives.
- d. An object will not be assessed as significant simply because of its age.

2. Coal Creek Community Park and Museum will only acquire those objects that:

- a. Are of significance to Coal Creek Community Part and Museum
- b. Can be appropriately cared for and maintained i.e. Storage requirements, conservation needs.
- c. Will be utilised in the exhibition in the foreseeable future even though no commitment can be made that any particular item will be permanently displayed.
- d. Have adequate provenance to ensure their authenticity.
- e. Have adequate provenance to ensure the legality of donation or purchase
- f. Are not restricted or encumbered as to their use i.e. by copyright, patent, trademark or due to any hazardous nature of the object.
- g. Are not restricted or encumbered in their use through conditions set by the donor.
- h. Do not duplicate objects already held in the existing collection, unless multiple examples of this object are necessary for display or the item for consideration is of superior condition or historic value than those currently in the collection.
- i. If loans are acquired only on a short-term basis.

3. Documentation and Storage

South Gippsland Shire Council recognises that it is a custodian of the material culture entrusted to it for preservation for future generations. Council is committed to ensuring that the collection is properly catalogued and appropriately stored, subject to its resourcing and budgetary constraints.

N.B. Objects may be collected for use as spare parts for the existing collection.

4. Contractual Considerations

Coal Creek Community Park and Museum will remain mindful of any legal restrictions and ethical guidelines, as set out in the International Council of Museums (ICOM) Code of Ethics, governing the acquisition of objects and will not acquire or exhibit an object in breach of these restrictions and guidelines.



COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

Coal Creek Community Park and Museum will be attentive to the regulations and procedures of any relevant tax incentive for the Arts Scheme, when considering any gift proposed through this scheme.

A Donor Agreement Form must be co-signed by the Donor and a Curatorial Officer or authorised representative of Coal Creek Community Park and Museum in order to ensure the transfer to South Gippsland Shire Council of legal ownership of the object.

5. De-accessioning

5.1 Criteria for De-accession of Objects

Coal Creek Community Park and Museum Curatorial Advisory Committee, in consultation with the Curatorial Officer or authorised representative, may dispose of items in the collection because they are:

- a. Not relevant to the functions and aims of the site.
- b. There is insufficient supporting information to enable proper identification or to establish relevance.
- c. Damaged beyond repair.
- d. Unnecessary duplicates thereof or they are inferior to other similar items in the current collection.
- e. Under exceptional circumstances, subject to a substantiated request for the return of the item to the original owner/donor.

5.2 Legal and Ethics

Coal Creek Community Park and Museum Curatorial Advisory Committee will remain mindful of any legal restrictions and ethical guidelines governing the disposal of objects and will not dispose of an object in breach of these restrictions and sanctions.

5.3 Method of Disposal

5.3.1 Options for Disposal

Disposal of de-accessioned items will be carried out in one of the following ways:

- a. Return to the donor or donor's family if the donor is deceased.
- b. Offered to another museum or educational or cultural institution (not for profit).
- c. If neither of these options is successful, the item/s may be offered for public sale or auction/tender.
- d. Collection items received under the Deductible Gifts Program will be offered to another institution with Deductible Gifts Program status.

5.3.2 Proceeds from Sale

Proceeds from public sale/auction of collection items will be credited solely to collection funds and used specifically for collection maintenance and development.



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5.3.3 Personal acquisition and de-accessioning

At no time will a staff member, Coal Creek Community Park and Museum Curatorial Advisory Committee member, volunteers at Coal Creek Community Park and Museum, persons connected with South Gippsland Shire Council or any person formally connected with Coal Creek Community Park and Museum, be permitted to acquire a de-accessioned object directly from Coal Creek Community Park and Museum or South Gippsland Shire Council.

5.3.4 Cooling Off Period

A time period of six months must elapse between making the decision to de-accession an object and the disposal of that object unless emergency management is required due to public safety or damage to other collection items.

6. Review of Collection Policy

Coal Creek Community Park and Museum Collection Policy will be reviewed two years after its adoption and every five years prior to the Museum Accreditation Program reaccreditation process, or more frequently as required.

7. Loans Inward

South Gippsland Shire Council and Coal Creek Community Park and Museum Curatorial Advisory Committee do not accept permanent loans unless the item on offer is assessed to be of particular significance to the permanent exhibition. Short-term loans may be accepted as necessary for temporary exhibitions. All inward loans will be for a fixed time and the conditions agreed to in writing on a Loan Agreement form. The loan agreement may include provision for the lender to assist with financial support of the item for restoration, storage, maintenance or insurance.

8. Loans Outward

South Gippsland Shire Council and Coal Creek Community Park and Museum Curatorial Advisory Committee, in consultation with the Curatorial Officer or authorised representative, will assess outward loan requests from other institutions on individual merit. Borrowers will be required to sign a loan agreement which provides a condition report of the loaned item, length of loan period and any specific requirements regarding care during the loan period.

9. Winding up of Operations

In the event that Coal Creek Community Park and Museum ceases its operations, South Gippsland Shire Council will dispose of the collection and will remain mindful of any legal restrictions and ethical guidelines governing the disposal of the objects. South Gippsland Shire Council will not dispose of an object in breach of these restrictions and sanctions and will use the following means:



COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

9.1 Method of Disposal

- a. Return to the donor or donor's family if the donor is deceased.
- b. Offered to another museum, educational or cultural institution which is not for profit.
- c. If neither of these options is successful, the item/s may be offered for public sale or auction/tender.
- d. Any collection items received under the Deductible Gifts Program will be offered to another organisation with Deductible Gifts Program status.
- e. At no time will a staff member, Coal Creek Community Park and Museum Curatorial Advisory Committee member, volunteers at Coal Creek Community Park and Museum, persons connected with South Gippsland Shire Council or any person formally connected with Coal Creek Community Park and Museum, be permitted to acquire any object directly from Coal Creek Community Park and Museum or South Gippsland Shire Council.

RISK ASSESSMENT

A failure to properly manage the collection may lead to:

- Loss of a valuable component of regional, state or national heritage
- Disputes over collection care resulting in litigation
- Disposal of items through damage
- Lack of community confidence in Council's custodial role over an important and significant part of local history
- Loss of Council's reputation in the wider museum and educational community

IMPLEMENTATION STATEMENT

- All staff and volunteers at Coal Creek Community Park and Museum will be provided with a copy of this policy.
- All donors of items will be provided with a copy before donations are made and accepted.
- Owners of items, where they can be identified, will be provided with a copy of the policy.
- Council will arrange insurance cover for the collection for values agreed between Council and the insurers.

E.16 COMMUNITY INFRASTRUCTURE PROJECT MANAGEMENT POLICY

Engineering Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is to recommend the adoption of the revised Community Infrastructure Project Management Policy which is due for review in accordance with Council's Corporate Policy Review process.

Document/s pertaining to this Council Report

- **Attachment 1** – Community Infrastructure Project Management Policy (current).
- **Attachment 2** – Community Infrastructure Project Management Policy 2014.
- **Attachment 3** – Community Infrastructure Projects Management Policy - Guidelines.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Community Infrastructure Project Management Guidelines
- Procurement Policy
- Community Infrastructure Process Map (being developed)
- Occupational Health and Safety Policy
- Community and Consultation Strategy Toolkit

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

Following the review of the Policy, it is considered that the policy is still relevant and only requires minor amendments.

REPORT

Background

Council adopted the existing Community Project Management Policy on 7 July 2004.

Discussion

Summary of Changes

Minor editorial changes were made to the revised policy including renaming the Policy from Community Project Management to Community Infrastructure Project Management to better reflect the scope of the policy.

The other change is the removal of the guidelines section of the policy into a separate guideline document.

A process map is currently under development which will assist in guiding parties through the steps in these projects. The remaining changes are minor editorial amendments including clearer definitions of the parties involved in the process.

Proposal

It is proposed that Council adopts the revised Community Infrastructure Project Management Policy as detailed in **Attachment 2**.

FINANCIAL CONSIDERATIONS

In implementing Community Infrastructure Projects, Council will initially be responsible for outlaying some costs associated with each project. These costs will require up front funding from Council before costs can be recovered from Community Groups or the grant funding agency. This can sometimes take a lengthy period.

If a Community Infrastructure Project does not proceed, all costs incurred by Council to that time will be borne by Council.

Financial capability to deliver these projects will be assessed annually as part of the Community Infrastructure Projects process.

RISKS

Not having a policy increases the risk of projects not being adequately planned and greater potential for cost overruns, poor infrastructure outcomes and non-compliance with funding conditions. The development of associated guidelines and a process map will also reduce the risk of substandard outcomes.

CONCLUSION

This Policy review has resulted in a clearer policy title, better definition of parties involved in the projects and the removal of guidelines into a separate document which results in a succinct Policy document.

RECOMMENDATION

That Council:

- 1. Revoke the Community Project Management Policy 2004 (Attachment 1).**
- 2. Adopt the Community Infrastructure Project Management Policy (Attachment 2).**
- 3. Adopt the Community Infrastructure Project Management Guidelines (Attachment 3).**

STAFF DISCLOSURE OF INTEREST

Nil

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 198.

Attachment 1 Community Project Management 2004 (Current)

South Gippsland Shire Council

COUNCIL POLICY

Department	Community Services
Sub-Section	Community Development
Title	COMMUNITY PROJECT MANAGEMENT

Policy Statement

Council will ensure that all community projects, under its control, are responsibly planned and managed. Administrative and financial requirements are to be met and approved by Council prior to its involvement in a project or as a sponsor of an application for project funding.

This includes:

- proposed projects on Council owned or managed land;
- grants received by Council and auspiced to an organisation;

This excludes:

- community grants

Policy rationale

Council is responsible for many projects within the municipality as a sponsor, owner and municipal authority. It is essential that adequate planning is undertaken and information provided to Council so that projects are suitable, have relevant approvals, project costings and timings are met and risk is reduced. If Council is the project manager, this makes GST management more effective.

Definitions

Community Project is any project associated with a grant sourced through State or Federal Government.

An **applicant** is the group, organisation or committee that applies for funding (other than Council) and who may appoint a project supervisor to act as a liaison with Council on behalf of the applicant.

The **Project Manager** is an officer of Council who has been appointed to manage a project and authorise/approve all expenditure on the project.

The **Project Supervisor** is a community representative appointed to control the day to day works

Guidelines

Before Council will consider sponsoring a project, the following information must be provided:

1. Copy of completed grant application;
2. Contact names and addresses of two (2) or more project supervisors;

Attachment 1 Community Project Management 2004 (Current)

3. Documentary evidence of ownership of land;
4. Letter of approval for project from land owner/statutory authority;
5. Native Title approval for projects located on crown land subject to claim;
6. Evidence of Public Liability Insurance cover by the applicant for the duration of the project;
7. Full costing of works, **excluding GST**, (including a summary sheet and itemised written quotations for all elements of the project);
8. Preliminary design of project;
9. Pre-prepared applications for Council planning/building permits;
10. Site plan showing location of all project elements;
11. Record of capacity to finance the project and evidence of 75% of funds is available from the group upon submission of the application;
12. 100% capacity to finance the project on awarding of the grant;

Once a project has been approved by Council and funding has been obtained, applicants are required to sign a funding agreement with Council. The following elements are included in this agreement:

1. Council is responsible for overall project management. Council will appoint a Project Manager and the applicant is required to implement the 'day to day' elements of the project as per instructions from the Project Manager;
2. Council enters into all contracts, approves variations and final design plan development and liaises with other agencies or professional bodies in consultation with the community group;
3. Applicant is to provide Council with its share of the full cash component **prior** to Council signing the funding agreement.
4. Applicant makes a commitment to maintain a register of actual "in-kind" contribution: i.e. labour & donated resources;
5. A register of volunteers is to be maintained by the applicant and presented to Council on a regular basis;
6. All expenditure is approved by the Project Manager prior to payment. Delivery of goods/services are to be organised by applicant;
7. Contract variation and cost overruns: If no funds are available within the overall project budget, the applicant will be required to provide the additional funding. If this is to apply then an arrangement will be entered into and be subject to interest charges;
8. Council will be provided with a final report information/summary of project upon completion, by the applicant;
9. All projects are to be carried out according to Council's Occupational Health and Safety Policy;

Attachment 1 Community Project Management 2004 (Current)

10. The Project Manager will undertake an initial project risk assessment and ensure that the appropriate public liability cover documentation as appropriate is viewed prior to commencement of works.
11. Project Manger will arrange a Permit to Work (SafetyMap) prior to commencement of any works. Works are not to be authorised by the applicant, without the consent of the Project Manager.
12. Ongoing liability cover and maintenance of the project, once complete, are the responsibility of the applicant.

Related Legislation, Guidelines, Specifications and Codes of Practice

Approval Date:	6 March 2002	Approved by:	Council
Amendment 1	7 July 2004	Approved by:	Council
Amendment 2		Approved by:	
Amendment 3		Approved by:	

Attachment 2 Community Infrastructure Project Management Policy 2014



South Gippsland Shire Council

COMMUNITY INFRASTRUCTURE PROJECT MANAGEMENT

Policy Number	C09	Directorate	Engineering Services
Council Item No.	To be confirmed	Department	Engineering & Projects
Council Adoption Date	25 June 2014	Primary Author	Manager Engineering & Projects
Revision Date	June 2018	Secondary Author	Grants Officer

COUNCIL POLICY
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POLICY OBJECTIVE

Council will ensure that all community infrastructure projects seeking external funding, under its control, are responsibly planned managed and delivered. Strategic justification, supporting documentation and financial requirements are to be met and approved by Council prior to its involvement in a project.

LEGISLATIVE PROVISIONS

- Local Government Act 1989 Sections 3C, 3D and 3E.
- Community Infrastructure Project Management Guidelines.
- Procurement Policy.
- Community Infrastructure Project Process Map.
- Occupational Health and Safety Policy.

DEFINITIONS

Community Infrastructure Project	is any project associated with a grant sourced through State and/or Federal Government and where Council is the applicant on behalf of an organisation.
Organisation	is the group, or committee that is seeking external funding for a Community Infrastructure Project.
Grants Officer	is an officer of Council who liaises with the organisation, Council, internal staff, funding bodies and other stakeholders in preparing an application for consideration.
Project Manager	is an officer of Council who has been appointed to manage a project and authorise/approve all expenditure on the project.
Community Representative	is the person appointed by the organisation to liaise with the Project Manager and Grants Officer as the primary contact during the application and project stage.
Guidelines	are a supporting document that outlines the eligibility criteria and requirements for Council and the organisations when applying for external funding for a community infrastructure project. It also outlines the process and responsibilities once funding is approved until the project is completed.

Attachment 2 Community Infrastructure Project Management Policy 2014



COUNCIL POLICY

POLICY STATEMENT

Council is responsible for many projects within the municipality as an applicant for Community Infrastructure Projects. It is essential that adequate planning is undertaken and comprehensive information is provided to Council so that projects are suitable, have relevant approvals, project costings and timeframes are met, hence risk is reduced.

RISK ASSESSMENT

This Policy aims to ensure Community Infrastructure Projects are adequately planned to reduced the risk of cost overruns and non-compliance of Funding Conditions.

COUNCIL POLICY

IMPLEMENTATION STATEMENT

- Organisations wishing to request that Council seek external funding for Community Infrastructure Projects need to comply with this Policy's requirements and supporting Guidelines.
- Council will allocate funds annually through the Budget process to support this policy.
- Council will endeavour to arrange for the education of Councillors and relevant staff of their responsibilities and the process for organisations seeking external funding for Community Infrastructure Projects.
- Council will place the Community Infrastructure Projects Management Policy and Guidelines on the Council website.
- Consultation will be carried out in accordance with the Community and Consultation Strategy Toolkit.
- Council will make available the promotion, assistance and administration provided by Council's Grants Officer including community consultation.

COUNCIL POLICY

COUNCIL POLICY

Attachment 3 Community Infrastructure Project Management Policy – Guidelines



South Gippsland Shire Council

COMMUNITY INFRASTRUCTURE PROJECTS MANAGEMENT - GUIDELINES

Council will ensure that all community infrastructure projects seeking external funding, under its control, are responsibly planned, managed and delivered. Strategic justification, supporting documentation and financial requirements are to be met and approved by Council prior to its involvement in a project.

Before Council considers supporting a Community Infrastructure Project, the following information must be provided by the organisation if applicable:

1. Project proposal with strategic justification i.e. Master Plans, Community Plans, Australian Standards etc.
2. Contact for the community representative who will liaise with the Grants Officer and provide the required information.
3. Documentary evidence of ownership of land (if not Council).
4. If not Council owned land or facility, letter of approval for project from land owner / statutory authority.
5. Native Title approval for projects located on crown land subject to claim.
6. Cost estimates of the project proposal with supporting quotes.
7. Preliminary concept design and site plan of project where relevant.
8. Pre-prepared applications for Council planning and other relevant permits.
9. Evidence of organisation's capacity to finance their required contribution.

Once a project has been approved by Council and funding has been obtained, applicants are required to sign an agreement with Council. The following elements are included in this agreement:

1. Council is responsible for overall project management. Council will appoint a Project Manager and the organisation is required to nominate a community representative to liaise with the Project Manager and Grants Officer.
2. Council enters into all contracts in accordance with Council's Procurement Policy. The Project Manager will approve final design, plan development and variations and liaise with other agencies or professional bodies in consultation with the community representative.
3. The organisation is to provide Council with 50% (plus GST) of its cash contribution prior to Council signing the funding agreement. The remaining 50% (plus GST) must be provided prior to the completion of the project.
4. All expenditure is approved by the Project Manager prior to payment.

Attachment 3 Community Infrastructure Project Management Policy – Guidelines



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5. Council must approve any contract variations and/or cost overruns. If funds are not available within the overall project budget, the organisation will be required to provide the additional funding.
6. All projects are to be carried out in accordance with Council's Occupational Health and Safety Policy.
7. The Project Manager will undertake an initial project risk assessment and ensure that appropriate public liability insurance is provided by the contractor(s) and inspected prior to the commencement of works.
8. Unless the project involves Council owned / managed infrastructure, the ongoing insurance cover and maintenance of the project, once complete, will be the responsibility of the organisation.

E.17 COUNCIL POLICY REVIEW - INTELLECTUAL PROPERTY POLICY AND PROCUREMENT POLICY

Corporate Services Directorate

EXECUTIVE SUMMARY

This report presents a revised Intellectual Property Policy and a revised Procurement Policy to Council for adoption as part of Council's Policy Review Timetable 2013/14.

Document/s pertaining to this Council Report

- **Attachment 1** - Intellectual Property Policy C23
- **Appendix 1** - Procurement Policy C32

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
- Patents Act 1990
- Trademarks Act 1995
- Designs Act 1906
- Circuit Layout Act 1989
- Copyright Act 1968
- Policy Review Framework

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

These policies have been reviewed by the Executive Leadership Team, Audit Committee and published in the Councillor internal newsletter InfoSum with a request for any feedback.

REPORT

Background

Intellectual Property Policy

Council's current Intellectual Property Policy was last revised on 16 August 2006 and has been translated into Council's current template and updated to enhance and clarify Council's position in relation to intellectual property.

The objective of this policy is to:

- Recognise the value of and protect Council's Intellectual Property (IP);
- Acknowledge that Council owns, controls and manages all IP that it has created or acquired;
- Recognise that all staff, contractors, subcontractors and consultants have a responsibility to properly identify, attribute and preserve the IP of Council; and
- Ensure that Council's IP is managed professionally, protected, shared and commercialised where appropriate.

This policy applies to:

- All activities of Council and related activities; and
- All staff whether permanent or temporary or provided by an agency, consultants, contractors, subcontractors or other appointees.

Procurement Policy

Section 186A Local Government Act requires Council to review its current Procurement Policy at least once each financial year, and may amend the policy. This Policy was last reviewed and adopted by Council on 26 June 2013.

In 2014/2015 significant process, procedure and systems improvements are planned for Council's approach to procurement. These improvements will allow the Policy to be re-written in a way which will enable the removal of procedural information currently contained within it. These will be contained within supporting procedural documentation. A broader strategic approach will be developed to consider procurement in terms of economic

development, best value provision and place greater emphasis and rationale on procuring locally.

In the interim the policy requires re-adoption in accordance with legislative requirements. Interim improvements have been made to the Policy, these include:

- Inclusion of a definition of 'Contingency' and 'Variation'.
- Adding to the definition of gift / present the terms hospitality / food to create further clarity for staff.
- A comment has been added in relation to obtain best value through 'shared procurement' opportunities.
- Additional content to explain that the threshold Council has set for a public tender is lower than the Statutory Threshold required by the Local Government Act 1989 to avoid / reduce the likelihood of Council breaching the Statutory Threshold.
- Removal of the requirement for Council approval for Major Quotations as all procurements, within the required thresholds, now fall within the CEO's financial delegation.
- An update to the implementation statement to reflect that initial training has occurred and that ongoing training will be a part of Council's annual training plan. Further it should be noted work to develop a Procurement Strategy / Manual and Procedures will occur as a part of the in-progress Contract Management / e-Tendering System Project.
- Extending the non-disclosure of information to quotes.
- Rectification of an error associated with the expression of Ex GST amounts for the Statutory Thresholds.
- The creation of a heading 7.1.3 in Appendix 2 to highlight the reporting of approved variations and an update for the reporting of variations to clarify that variations to contracts approved by Council should be reported to the Council and for contracts that fall within the CEO's delegation should be reported to the CEO. It is proposed to remove the reporting to the Audit Committee of approved variations, as long as there is no non-compliance associated with the variation. It should be noted Section 4 of Appendix 2 requires that Council utilises its Audit Committee to "monitor any identified non – compliances."

Discussion

A Council Policy articulates a matter of public policy. It is a statement of Council's strategic direction in relation to decision making and guides its behaviour in matters affecting the wider community. It may also include

guiding principles in the way Council deals with internal operations, other levels of Government, Government agencies and the business community.

Proposal

It is proposed that:

- The current Intellectual Property Policy C23 dated 16 August 2006 is revoked and a new Intellectual Property Policy C23 (Attachment 1) is adopted; and
- The current Procurement Policy C32 dated 26 June 2013 is revoked and a new Procurement Policy C32 (Appendix 1) is adopted.

RISKS

Through the effective implementation of these policies Council will manage the risk of:

- Loss through the unapproved use of Council's IP or breaching the IP rights of a third party; and
- Legislative non-compliance associated with procurement activities.

CONCLUSION

It is concluded that on the basis of ensuring good governance that both policies be adopted. The changes recommended strengthen Council's governance of intellectual property and procurement.

RECOMMENDATION

That Council:

- 1. Revoke Intellectual Property Policy C23 dated 16 August 2006;**
- 2. Adopt Intellectual Property Policy C23 contained in Attachment 1;**
- 3. Revoke Procurement Policy C32 dated 26 June 2013; and**
- 4. Adopt Procurement Policy C32 contained in Appendix 1.**

STAFF DISCLOSURE OF INTEREST

Nil

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 198.

Attachment 1 Intellectual Property Policy



South Gippsland Shire Council

INTELLECTUAL PROPERTY POLICY

Policy Number	C23	Directorate	Corporate Services
Council Item No	TBA	Department	Governance Services
Council Adoption Date	25 June 2014	Primary Author	David Roche
Revision Date	30 June 2017	Secondary Author	Luke Anthony

POLICY OBJECTIVE

The objective of this policy is to:

- recognise the value of and protect Council's Intellectual Property;
- acknowledge that Council owns, controls and manages all Intellectual Property (IP) that it has created or acquired;
- recognise that all staff, contractors and consultants have a responsibility to properly identify, attribute and preserve the IP of Council; and
- ensure that Council's IP is managed professionally, protected, shared and commercialised where appropriate.

This policy applies to:

- All activities of Council and related activities; and
- All staff whether permanent or temporary or provided by an agency, consultants, contractors or other appointees.

Council wishes to foster the development of Intellectual Property that is a valuable asset to the organisation. Intellectual Property may only be used in a manner that furthers Council's purposes. Council has the right to choose which ideas are to be developed. It is the responsibility of staff to protect Council's Intellectual Property and ensure that it is used in accordance with this policy.

LEGISLATIVE PROVISIONS

The following Commonwealth legislation is (without limitation) applicable to this policy:

Patents Act 1990
Trademarks Act 1995
Designs Act 1906
Circuit Layout Act 1989
Copyright Act 1968

DEFINITIONS

Intellectual Property: means all rights conferred under statute, common law and equity in relation to inventions, designs, names, registered and unregistered trade marks (including service marks), trade and trade secrets, logos and get up, circuit layouts, confidential information, copyright and any other intellectual or proprietary



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rights as defined in Article 2 of the World Intellectual Property Organisation Convention of July 1967;

Intellectual property is what our minds create that is then put into material form (i.e. written down, drawn, photographed, composed, broadcast, performed, designed, invented). IP rights are protected in a variety of ways, some of which are automatic upon creation, e.g. copyright, and some are registrable, e.g. registered trademarks and patents.

Developed Intellectual Property: means all Intellectual Property created or developed during the course of or in connection with any project undertaken by Council, including without limitation, projects undertaken by Council together with a third party.

Council Materials: means all material brought or required to be brought into existence by or for Council including but not limited to documents, logos, branding material, printed material, electronic products, databases, audio / visual products, equipment, data stored by any means and any other material or information prepared by Council or otherwise held by or for Council.

POLICY STATEMENT

Council owns, controls and manages all IP created by Council staff.

Council Staff, who are also employed outside of the Council, cannot use Council IP, as part of this employment, unless permission has been granted in writing by the Chief Executive Officer of Council (CEO). It is also noted that Council staff cannot be employed outside of Council unless this is specifically approved by the CEO.

Where Council engages any contractor or consultant or their subcontractors, and the contractor or consultant or their subcontractors creates any IP (including copyright) as part of that engagement, then there must be a written agreement which clearly sets out that Council owns this IP. This also applies to individuals employed by Council through an agency.

Should an occasion occur where commercialisation of IP is considered Council must seek appropriate legal, financial and commercial advice when making decisions in this regard.

Staff Responsibilities

To properly identify, preserve and use IP of Council, and respect the IP of others. Where there has been an alleged infringement or misuse of IP owned by Council by a third party, staff must notify their manager who will provide a written report to their Director and CEO.

To ensure that copyright material is identified, captured and recorded on an appropriate system.

Council's Ownership and use of Intellectual Property

It is Council policy that:

- Council is the owner of Council's Intellectual Property including, without limitation, Council Materials;



- Council's Intellectual Property may be used only for Council's purposes (unless otherwise agreed by Council);
- Council's Intellectual Property may not be reproduced in any form or communicated using any medium without Council's consent; and
- Council's Intellectual Property may not be assigned to a third party without the prior written consent of Council's Chief Executive Officer.

Developed Intellectual Property

It is Council policy that by participating in any of Council's project teams, technical committees and / or the creation and adoption of Council's Intellectual Property, participants and committee members (whether they are employees or third parties) must acknowledge that Council is the owner of all Developed Intellectual Property.

If necessary, individuals who participate in Council project teams, technical committees and related activities will be required to sign an agreement acknowledging the transfer of any rights in Council's Intellectual Property to Council. The rights granted by this assignment shall belong to Council in perpetuity.

For clarity, it is Council's policy that unless otherwise agreed by Council, contractors, subcontractors engaged by Council for the purposes of providing Council with specified services must acknowledge and agree that the ownership of Developed Intellectual Property created or developed in the course of or in connection with the provision of services by the contractor to Council will vest in Council. Further, the contractor may be requested to execute certain documents and do certain things required by Council for the purposes of giving effect to Council's ownership of such Developed Intellectual Property rights.

Third Parties' Intellectual Property

It is Council policy that the Intellectual Property of third parties must be respected and not infringed by Council or any of its committees, or any employee, member or other person acting on behalf of Council.

Copyright and Council's Electronic Networks

The Copyright Act 1968 (Cth) (the Act) protects the rights of owners of certain work (literary, dramatic, musical and artistic work). Specifically, the Act preserves the owner's exclusive rights to, depending on the type of work, reproduce the work in a material form, publish the work, perform the work in public, make available online or electronically transmit the work to the public, make an adaptation of the work and / or enter into a commercial rental arrangement in respect of the work.

In relation to Council's electronic systems it is therefore Council policy that inputting, uploading, downloading, reproducing, transmitting, or in any way making available online Council's Intellectual Property without Council's prior written permission is prohibited, with the exception that Council is not intending to limit the applicability of the 'fair dealing' concept established in the Act (the relevant sections aim to allow some 'exceptions', within the bounds of what is 'fair' - refer to the Act for more detail).

To assist staff using Council's electronic networks and computer systems are aware of their obligations in relation to Intellectual Property, the following message is displayed upon PC start up.



'Only individuals currently authorised to log in on Council's network may use this computer. All information accessed on or generated by this computer is the property of South Gippsland Shire Council and is subject to the protection accorded to Intellectual Property (by law and Council Policy)'

RISK ASSESSMENT

Through the effective implementation of this Policy Council will manage the risk of loss through the unapproved use of Council's IP or breaching the IP rights of a third party.

IMPLEMENTATION STATEMENT

Council will implement this policy by:

- Publication of policy on the Council website;
- Managing IP in accordance with the Corporate Information Management Policy;
- Ensuring all employment contracts for staff (including agency staff) and contracts with contractors, sub-contractors and consultants contain an appropriate clause relating to ownership and use of Council's IP.
- Reporting to Council's Audit Committee and Council any issues arising about Council's IP.

COUNCIL POLICY

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E.18 SPECIAL (SECTION 86) COMMITTEES REVIEW – FOSTER SHOWGROUNDS SPECIAL

Corporate Services Directorate

EXECUTIVE SUMMARY

This report provides the opportunity for the Council to review the current Instrument of Delegation (Instrument) for the Foster Showgrounds Special Committee (Committee) and approve a new Instrument (Attachment 1) as part of Council's adopted Special (Section 86) Committee Instrument of Delegation Review schedule.

Document/s pertaining to this Council Report

- **Attachment 1** – Instrument of Delegation Foster Showgrounds Special Committee

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989 - sections 81 and 86

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Section 86 Committee Kit 2009
- Foster Showgrounds Master Plan 2013

COUNCIL PLAN

Strategic Goal:	4.0	A Leading Organisation
Outcome:	4.2	Pursue best practice in organisational development and operations of the organisation
Strategy No:	4.2.2	We will monitor corporate governance processes, including risk management and skills development with the aim of ongoing improvement

CONSULTATION

The review of the Foster Showgrounds Special Committee has been conducted in collaboration with Council's Community Strengthening, Property, Risk, Occupational Health & Safety (OHS), Parks & Gardens, People & Culture and Governance Departments.

Councillors were provided with a briefing about this matter in Council's internal newsletter InfoSum and the review has been considered by the Executive Leadership Team. The Committee have also been provided with a copy of the InfoSum article outlining the proposed changes to the Instrument of Delegation.

REPORT

Background

Council commenced a review of the operation of all its Special (Section 86) Committees (Committees) in 2010.

On 26 June 2013 Council adopted a Special (Section 86) Committee Instrument of Delegation Review schedule. This schedule requires that the Foster Showgrounds Reserve Special Committee is to be reviewed by June 2014.

The purpose of the Committee is to exercise Council's functions and powers and to perform Council's duties in relation to the management of a recreation reserve.

The Foster Showgrounds is a multi-use venue consisting of football / netball clubrooms, basketball stadium, gymnasium, cafe and oval as well as many agricultural show facilities.

Income is predominately derived from rentals from sporting clubs and markets held at the showgrounds.

The Committee receives a grant from Council.

A Master Plan was completed in 2013 which provides a clear direction for the Committee and Council to improve facilities at the Reserve. Reference to the Master Plan has been included in the new Instrument.

It is important to acknowledge that decisions of Special Committees are deemed to be decisions of Council. Further, Special Committees play an integral part in managing Council owned or controlled properties and facilities that are essential for community activities and engagement. The process of review provides for the continuation of community engagement in a way that minimises risk to both community members who make up the Special Committees, without over burdening these members.

During the review the compliance with the Instrument was considered good, however could be improved. It is considered that a way to improve compliance, reporting, support and communication between Council and the Committee would be for the Instrument to include provision for a Council representative, either a Councillor or Council officer, to be appointed to the Committee. It is proposed to appoint Councillor Davies to the Committee, with a Council officer nominated to attend meetings as required. This appointment and nomination also reflects the significance of the reserve as part of Council's recreation infrastructure. A clause to this effect has been included in the new Instrument. Generally, though the Instrument is considered adequate, either the Committee or Council Officers have requested the following minor changes:

- Increasing the authority for approving expenditure and entering into contracts from \$2,000 to \$5,000, which is considered appropriate given the size of the facility;
- Increasing the authority to undertake minors repairs from \$500 to \$2,000, which is also considered appropriate given the size of the facility; and
- Manage maintenance of the facility in accordance with Council's approval Maintenance Regime/Schedule for the reserve.

These changes have been incorporated into the new Instrument (**Attachment 1**).

The Committee does an excellent job of maintaining a frequently utilised major recreation reserve. Stakeholder groups are well informed on Committee decisions, which are representative of the interests of stakeholders.

As with other Special Committees a clause will be included for the Committee to carry out an annual self-evaluation of Committee effectiveness.

At an operational level the following action is proposed:

- Remind the Committee of the need to comply with the Instrument particularly in respect of contracts, leases and employment of staff, follow current Council and volunteer recruitment processes for all volunteers and advise Council of any injuries and concerns relevant to insurance and injury matters as soon as they are aware of any issues;
- Clarification of existing lease arrangements in respect of the gymnasium;
- OHS Coordinator to visit the Reserve to review and provide recommendations in respect of any significant OHS risks; and
- Staff to confirm the area of the reserve and prepare a map of the area for inclusion in the Instrument.

This report facilitates the confirmation of the current Committee membership by Council with the addition of a Council representative, as outlined above. It is proposed that a Council representative be appointed to the Committee, subject to annual review at the Special (Statutory) Meeting. It should be noted that the Chief Executive Officer has the power under delegation from Council to appoint and remove external members to Special Committees subject to appointments and removals being reported to Council.

Options

Council has the options of:

- Making a new Instrument with the changes outlined in **Attachment 1**; or

- Revoking the current Instrument and returning direct management to Council.

Proposal

Council make a new Instrument of Delegation with schedule and guidelines, with minor changes outlined in this report and set out in **Attachment 1**.

FINANCIAL CONSIDERATIONS

Ongoing support, reviews, monitoring and development of Section 86 Committees is included in Council's budget. Assistance is provided by the Community Strengthening, Governance and Property Departments.

RISKS

By conducting this review of delegations Council will be provided with a level of assurance that the Committee and the Council will act within the limits of their respective powers and in conformance with the Local Government Act 1989.

CONCLUSION

Special Committees are integral to the proper management of Council owned or controlled properties and facilities that are essential for community activities and engagement. The process of review, as proposed in this report, provides for the continuation of community engagement in a way that minimises risk to both Council and community members who make up the Special Committee, without over burdening these members.

RECOMMENDATION

That Council, in exercise of the powers conferred by sections 86 and 87 of the Local Government Act 1989 (the Act), Council resolves that:

- 1. This report is endorsed.**
- 2. From the date of this resolution, there is established as a special committee the Foster Showgrounds Special Committee.**
- 3. The purposes of the Committee are those set out in Attachment 1 Instrument of Delegation Foster Showgrounds Special Committee to this resolution.**
- 4. The members of the Committee are:**
 - a. Neil Shaw**
 - b. Sheila Hall**
 - c. Deb Allott**

- d. **Deb Eales**
 - e. **Robert Paragreen**
 - f. **Bruce Standfield**
 - g. **Peter Collins**
 - h. **Ian Sutton**
 - i. **Ian Lyon**
 - j. **Max Parnell**
 - k. **Rod Cooper**
 - l. **A representative nominated by Council.**
- 5. **It recognises the Chief Executive Officer has the power, under delegation from Council, to appoint and remove external members to Special Committees subject to appointments and removals being reported to Council.**
 - 6. **The Committee is required to report to Council at the intervals specified in the schedule to this resolution (Attachment 1).**
 - 7. **The members of the Committee are exempted from being required to submit a primary return or ordinary return.**
 - 8. **The Chairperson of the Committee is appointed by the Special Committee.**
 - 9. **A quorum for the Committee is a whole number that is an absolute majority of the number of members of the Committee.**
 - 10. **All members of the Committee have voting rights on the Committee.**
 - 11. **There be delegated to the Committee the powers, duties and functions set out in the Attachment 1 Instrument of Delegation Foster Showgrounds Special Committee.**
 - 12. **The Instrument:**
 - a. **Comes into force immediately the common seal of Council is affixed to the Instrument; and**
 - b. **Remains in force until Council determines to vary or revoke it.**
 - 13. **The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with any guidelines or policies Council may from time to time adopt.**
-

- 14. The Instrument be sealed.**
- 15. Councillor Davies is appointed to the Foster Showgrounds Special Committee, as Council's member of the Committee, with a Council officer to attend meetings as required.**

Cr McEwen left the Meeting at 5.08pm.

MOVED: Cr Hutchinson-Brooks SECONDED: Cr Kennedy
THAT THE RECOMMENDATIONS IN ITEMS E.18 – E.21 BE ADOPTED.
CARRIED UNANIMOUSLY

Attachment 1

Instrument of Delegation

Foster Showgrounds Special Committee

SCHEDULE

PURPOSE

To exercise Council's functions and powers and to perform Council's duties in relation to the management of a reserve and the continuing implementation of the Foster Showgrounds Master Plan 2013.

1. Reporting requirement

The Committee must report to Council according to Clauses 3.2, 3.3, 5.5, 5.6, 6.1, 6.4 and 7.3 in the Schedule of the Instrument of Delegation of Foster Showgrounds Special Committee.

2. Powers and functions

To exercise Council's functions and powers and to perform Council's duties in relation to the management of a reserve and the continuing implementation of the Foster Showgrounds Master Plan 2013, and for those purposes;

3. Administration

3.1 To do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers;

3.2 To provide Council with monthly financial reports and minutes of every meeting and a Treasurer's report;

3.3 To provide Council with an annual report, including a self- evaluation of the Committee's effectiveness, to be submitted in September including:

- Patronage
- User groups
- Injuries and Accidents
- Maintenance/Improvements undertaken and future requirements
- Self-evaluation of operations and management
- Other matters considered relevant by the Committee;

- 3.4 To be the point of contact for the public with respect to the operation of Foster Showgrounds. All matters shall be referred to the Committee for resolution in the first instance. All requests shall be dealt with promptly and the Council shall be kept informed at all times;
- 3.5 To ensure that the decisions and policies of Council are implemented/adhered to without delay;

4. Facility use

- 4.1 The power to negotiate the use of facilities with user groups and the power to approve programs operating from the Foster Showgrounds;
- 4.2 The power to set dates and opening/closing times;
- 4.3 To ensure that the Foster Showgrounds is used only for purposes appropriate to the facility;
- 4.4 To ensure that the facility is operated in accordance with Recreation Reserve type guidelines;

5. Finance

- 5.1 The power to set user fees;
 - 5.2 To enter into contracts and to incur expenditure under \$5000, with approval being required from Council for contracts over \$5000;
 - 5.3 The power to open and maintain a bank account at a bank and branch approved by Council, into which all monies received by the Committee shall be paid. All cheques and or transactions drawn on the account shall be signed and or authorised by any two of the following:
 - Chairperson
 - Vice Chairperson
 - Secretary
 - Treasurer;
 - 5.4 To pay all utility, municipal and water charges incurred in occupying the premises;
 - 5.5 To provide Council with adopted Financial Statements by 30 September each year, with support documentation being available upon request;
 - 5.6 To provide Council with a proposed budget for the forthcoming year, within seven (7) days of the end of the financial year;
-

- 5.7 The power to apply income received from facility users to the ongoing operation and management of the Foster Showgrounds;

6. Maintenance

- 6.1 To provide an annual 'Facility Maintenance Report' detailing all anticipated maintenance for the following financial year that is submitted to Council by 31 January of the preceding year;
- 6.2 The authority to undertake minor repairs up to the value of \$2000, however consent from Council's Property Co-ordinator must be gained for any maintenance item over \$2000, that has not been anticipated in the 'Facility Maintenance Report'. Any works must be carried out by qualified personnel, relative to the task being performed, and all certificates of compliance must be forwarded to Council immediately, upon completion. All maintenance is to be in accord with Council's adopted Maintenance Regime/Schedule;
- 6.3 To make no structural alterations or additions to the premises without the written consent of Council's Engineering and Assets department;
- 6.4 To maintain a register of keys issued by the Committee and to include these details in the annual 'Facility Maintenance Report'. Council must be provided with a set of keys to all external and internal locks. Any change in locking system must be in accordance with Council's restricted lock system and should be paid for by the Committee;

7. Risk Management / Insurance

- 7.1 To ensure that the facility is maintained in a manner that meets all Workcover and Occupational Health and Safety Regulations. Council may provide an inspection on at least two occasions per annum;
- 7.2 To maintain a monthly checklist, provided by Council, relating to building safety, and make available to Council staff when requested;
- 7.3 To ensure that volunteers complete a registration form that is to be forwarded to Council's Insurance and Return to Work Advisor. Volunteer groups must be supervised by a member of the Committee at all times. Each Committee must maintain a volunteer register containing names, addresses, type of activity performed, times of work and volunteer signature;
- 7.4 To contact Council's Occupational Health and Safety Coordinator, before volunteers commence any work to determine whether training is required;
- 7.5 To adhere to all statutory and legislative requirements;

8. Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

- 8.1 Enter into contracts over \$5000, or incur expenditure, for an amount which exceeds the approved budget;
- 8.2 Employ people, engage contractors or enter into leases without the prior consent of Council;
- 8.3 Exercise the powers which, by force Section 86 of the Act, cannot be delegated;
- 8.4 Borrow funds.

GUIDELINES – COMMITTEE DELEGATIONS

Name

These guidelines may be referred to as the Port Welshpool and District Maritime and District Museum Committee Guidelines.

Application

These guidelines have been adopted by the South Gippsland Shire Council ("Council") for the guidance of:

- Foster Showgrounds Special Committee
- any other special committee in respect of which Council resolves that these guidelines are to apply.

Exercise of Powers

The powers, duties and functions set out in the Instrument are delegated to the Committee. This means that the Committee can only act under delegation when sitting in a formally constituted meeting.

This means that the meeting must be called and conducted in a manner that complies with the provisions of the Local Government Act 1989 ("the Act") and with the Council's meeting procedures local law.

The Committee cannot exercise its delegated powers when gathered outside the formal meeting structure as described above. For example, an informal coming together of members would not resolve to act under delegation.

Similarly, the delegations do not extend to individual members of the Committee.

The only opportunity for individual Committee members to be granted delegated powers exists where the Committee member is a member of Council staff and subject to a delegation under section 98 of the Act.

All delegations must be read in conjunction with this document and any other policies and guidelines that may be adopted by the Council from time to time.

Reporting Back

These guidelines have been developed to support the concept of delegation as a means of ensuring that the functions of Council are conducted in an efficient and timely manner.

Reporting back of delegations exercised may be necessary to ensure that adequate information regarding those actions is available to other staff, management and the Council.

Such reporting back would be by presentation of reports to Council within the time specified in the Instrument of Delegation; and production of minutes of meetings that will be circulated or available for inspection at any time.

It is to be noted that the reporting back requirements on this policy are a minimum standard only and that nothing will preclude more detailed or extensive reporting back of delegated actions if individual circumstances warrant.

Insurance

After receiving Special Committee Details Form, within 1 month of appointment, Council will, upon appointment of each committee, effect and pay for an annual public liability insurance policy to protect hirers. For events involving large numbers of people (more than 50), alcohol, some children's activities and some sporting events, Council will effect and pay for cover but may require the committee to ensure that hirers complete an insurance form which is to be directed to the insurance company by the committee. Council must be contacted before events such as carnivals, large sporting events and 'pop/rock' concerts are booked or organised, as cover may not be available for some events.

All of the above insurance arrangements are subject to Council approval based on reasonable use of facilities and frequency. If a committee is unsure about any aspect of insurance cover, they must contact Council's Risk Management Department.

The actions of committee members, in the proper execution of the committee power and responsibilities, are covered by Council's existing public liability policy.

E.19 SPECIAL (SECTION 86) COMMITTEES REVIEW – MEENIYAN SPORTS STADIUM SPECIAL COMMITTEE

Corporate Services Directorate

EXECUTIVE SUMMARY

This report provides the opportunity for the Council to review the current Instrument of Delegation (Instrument) for the Meeniyana Sports Stadium Special Committee (Committee) and approve a new Instrument as part of Council's adopted Special (Section 86) Committee Instrument of Delegation Review schedule.

Document/s pertaining to this Council Report

- **Attachment 1** - Instrument of Delegation Meeniyana Sports Stadium Special Committee

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989 - sections 81 and 86

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Section 86 Committee Kit 2009

COUNCIL PLAN

Strategic Goal:	4.0	A Leading Organisation
Outcome:	4.2	Pursue best practice in organisational development and operations of the organisation
Strategy No:	4.2.2	We will monitor corporate governance processes, including risk management and skills development with the aim of ongoing improvement

CONSULTATION

The review of the Meeniyana Sports Stadium Special Committee has been conducted in collaboration with Council's Community Strengthening, Property, Risk, Occupational Health & Safety (OHS), Parks & Gardens, People & Culture and Governance Departments.

Councillors were provided with a briefing about this matter in InfoSum and the review has been considered by the Executive Leadership Team. The Committee have also been provided with a copy of the InfoSum article outlining the proposed changes to the Instrument of Delegation.

REPORT

Background

Council commenced a review of the operation of all its Special (Section 86) Committees (Committees) in 2010.

On 26 June 2013 Council adopted a Special (Section 86) Committee Instrument of Delegation Review schedule. This schedule requires that the Meeniyah Sports Stadium Special Committee is to be reviewed by June 2014.

The purpose of the Committee is to exercise Council's functions and powers and to perform Council's duties in relation to the management of a recreation facility.

The Meeniyah Sports Stadium is a large recreation facility, well used by the community of Meeniyah. It has been partially funded by a loan from Council.

It is important to acknowledge that decisions of Special Committees are deemed to be decisions of Council. Further, Special Committees play an integral part in managing Council owned or controlled properties and facilities that are essential for community activities and engagement. The process of review provides for the continuation of community engagement in a way that minimises risk to both community members who make up the Special Committees, without over burdening these members.

During the review the compliance with the Instrument was considered good, however could be improved. It is considered that a way to improve compliance, reporting, support and communication between Council and the Committee would be for the Instrument to include provision for a Council representative, either a Councillor or Council officer, to be appointed to the Committee. Councillor Newton is currently a member of the Committee and this appointment is recommended to be re-confirmed in the Instrument. It is also proposed for a Council officer to be nominated to attend meetings as required. This appointment and nomination would also reflect the significance of the reserve as part of Council's recreation infrastructure. A clause to this effect has been included in the new Instrument. Generally, though the Instrument is considered adequate, the Committee or Council Officers have requested the following minor changes:

- Increasing the authority for approving expenditure and entering into contracts from \$2,000 to \$5,000, which is considered appropriate given the size of the facility;
- Increasing the authority to undertake minors repairs from \$500 to \$2,000, which is also considered appropriate given the size of the facility; and
- Manage maintenance of the facility in accordance with Council's approved Maintenance Regime/Schedule.

These changes have been incorporated into the new Instrument (**Attachment 1**).

The Committee does an excellent job of maintaining a frequently utilised major recreation reserve. Stakeholder groups are well informed on Committee decisions, which are representative of the interests of stakeholders.

As with other Special Committees a clause will be included for the Committee to carry out an annual self-evaluation of Committee effectiveness.

At an operational level the following action is proposed:

- Remind the Committee of the need to comply with the Instrument particularly in respect of contracts, leases and employment of staff, follow current Council and volunteer recruitment processes for all volunteers and advise Council of any injuries and concerns relevant to insurance and injury matters as soon as they are aware of any issues;
- OHS Coordinator to visit the Reserve to review and provide recommendations in respect of any significant OHS risks; and
- Staff to confirm the area of the facility and prepare a map of the area for inclusion in the Instrument.

This report facilitates the confirmation of the current Committee membership by Council with the confirmation of a Council representative, which is recommended to be Councillor Robert Newton, as outlined above. It is proposed that this Council representative be appointed to the Committee, subject to annual review at the Special (Statutory) Meeting. It should be noted that the Chief Executive Officer has the power under delegation from Council to appoint and remove external members to Special Committees subject to appointments and removals being reported to Council.

Options

Council has the options of:

- Making a new Instrument with the changes outlined in **Attachment 1**; or
- Revoking the current Instrument and returning direct management to Council.

Proposal

Council make a new Instrument of Delegation with schedule and guidelines, with minor changes outlined in this report and set out in **Attachment 1**.

FINANCIAL CONSIDERATIONS

Ongoing support, reviews, monitoring and development of Section 86 Committees is included in Council's budget. Assistance is provided by the Community Strengthening, Governance and Property Departments.

RISKS

By conducting this review of delegations Council will be provided with a level of assurance that the Committee and the Council will act within the limits of their respective powers and in conformance with the Local Government Act 1989.

CONCLUSION

Special Committees are integral to the proper management of Council owned or controlled properties and facilities that are essential for community activities and engagement. The process of review as proposed in this report provides for the continuation of community engagement in a way that minimises risk to both Council and community members who make up the Special Committee, without over burdening these members.

RECOMMENDATION

That Council, in exercise of the powers conferred by sections 86 and 87 of the Local Government Act 1989 (the Act), Council resolves that:

- 1. This report is endorsed.**
- 2. From the date of this resolution, there is established as a special committee the Meeniyah Sports Stadium Special Committee.**
- 3. The purposes of the Committee are those set out in Attachment 1 Instrument of Delegation Meeniyah Sports Stadium Special Committee to this resolution.**
- 4. The members of the Committee are:**
 - a. Anthony Bright**
 - b. Fay Sinclair**
 - c. Kim Byrnes**
 - d. Lucas Byrnes**
 - e. Gene Vanderzalm**

- f. A representative nominated by Council.**
- 5. It recognises the Chief Executive Officer has the power, under delegation from Council, to appoint and remove external members to Special Committees subject to appointments and removals being reported to Council.**
 - 6. The Committee is required to report to Council at the intervals specified in the schedule to this resolution (Attachment 1).**
 - 7. The members of the Committee are exempted from being required to submit a primary return or ordinary return.**
 - 8. The Chairperson of the Committee is appointed by the Special Committee.**
 - 9. A quorum for the Committee is a whole number that is an absolute majority of the number of members of the Committee.**
 - 10. All members of the Committee have voting rights on the Committee.**
 - 11. There be delegated to the Committee the powers, duties and functions set out in the Attachment 1 Instrument of Delegation Meeniyan Sports Stadium Special Committee.**
 - 12. The Instrument:**
 - a. Comes into force immediately the common seal of Council is affixed to the Instrument; and**
 - b. Remains in force until Council determines to vary or revoke it.**
 - 13. The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with any guidelines or policies Council may from time to time adopt.**
 - 14. The Instrument be sealed.**
 - 15. Councillor Newton is appointed to the Meeniyan Sports Stadium Special Committee, as Council's member of the Committee, with a Council officer to attend meetings as required.**

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 228.

Attachment 1

Instrument of Delegation

Meeniyan Sports Stadium Special Committee

SCHEDULE

PURPOSE

To exercise Council's functions and powers and to perform Council's duties in relation to the management of a recreation facility.

1. Reporting requirement

The Committee must report to Council according to Clauses 3.2, 3.3, 5.5, 5.6, 6.1, 6.4 and 7.3 in the Schedule of the Instrument of Delegation of Meeniyan Sports Stadium Special Committee.

2. Powers and functions

To exercise Council's functions and powers and to perform Council's duties in relation to the management of a recreation facility, and for those purposes;

3. Administration

3.1 To do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers;

3.2 To provide Council with monthly financial reports and minutes of every meeting and a Treasurer's report;

3.3 To provide Council with an annual report, including a self-evaluation of the Committee's effectiveness, to be submitted in September including:

- Patronage
- User groups
- Injuries and Accidents
- Maintenance/Improvements undertaken and future requirements
- Self-evaluation of operations and management
- Other matters considered relevant by the Committee;

- 3.4 To be the point of contact for the public with respect to the operation of Meeniyah Sports Stadium. All matters shall be referred to the Committee for resolution in the first instance. All requests shall be dealt with promptly and the Council shall be kept informed at all times;
- 3.5 To ensure that the decisions and policies of Council are implemented/adhered to without delay;

4. Facility use

- 4.1 The power to negotiate the use of facilities with user groups and the power to approve programs operating from the Meeniyah Sports Stadium;
- 4.2 The power to set dates and opening/closing times;
- 4.3 To ensure that the Meeniyah Sports Stadium is used only for purposes appropriate to the facility;
- 4.4 To ensure that the facility is operated in accordance with Sports Stadium type guidelines;

5. Finance

- 5.1 The power to set user fees;
- 5.2 To enter into contracts and to incur expenditure under \$5000, with approval being required from Council for contracts over \$5000;
- 5.3 The power to open and maintain a bank account at a bank and branch approved by Council, into which all monies received by the Committee shall be paid. All cheques and or transactions drawn on the account shall be signed and or authorised by any two of the following:
 - Chairperson
 - Vice Chairperson
 - Secretary
 - Treasurer;
- 5.4 To pay all utility, municipal and water charges incurred in occupying the premises;
- 5.5 To provide Council with adopted Financial Statements by 30 September each year, with support documentation being available upon request;

- 5.6 To provide Council with a proposed budget for the forthcoming year, within seven (7) days of the end of the financial year;
- 5.7 The power to apply income received from facility users to the ongoing operation and management of the Meeniyan Sports Stadium;

6. Maintenance

- 6.1 To provide an annual 'Facility Maintenance Report' detailing all anticipated maintenance for the following financial year that is submitted to Council by 31 January of the preceding year;
- 6.2 The authority to undertake minor repairs up to the value of \$2,000, however consent from Council's Property Co-ordinator must be gained for any maintenance item over \$2,000, that has not been anticipated in the 'Facility Maintenance Report'. Any works must be carried out by qualified personnel, relative to the task being performed, and all certificates of compliance must be forwarded to Council immediately, upon completion. All maintenance is to be in accord with Council's adopted Maintenance Regime/Schedule;
- 6.3 To make no structural alterations or additions to the premises without the written consent of Council's Engineering and Assets department;
- 6.4 To maintain a register of keys issued by the Committee and to include these details in the annual 'Facility Maintenance Report'. Council must be provided with a set of keys to all external and internal locks. Any change in locking system must be in accordance with Council's restricted lock system and should be paid for by the Committee;

7. Risk Management / Insurance

- 7.1 To ensure that the facility is maintained in a manner that meets all Workcover and Occupational Health and Safety Regulations. Council may provide an inspection on at least two occasions per annum;
- 7.2 To maintain a monthly checklist, provided by Council, relating to building safety, and make available to Council staff when requested;
- 7.3 To ensure that volunteers complete a registration form that is to be forwarded to Council's Insurance and Return to Work Advisor. Volunteer groups must be supervised by a member of the Committee at all times. Each Committee must maintain a volunteer register containing names, addresses, type of activity performed, times of work and volunteer signature;
- 7.4 To contact Council's Occupational Health and Safety Coordinator, before volunteers commence any work to determine whether training is required;

7.5 To adhere to all statutory and legislative requirements;

8. Exceptions, conditions and limitations.

The Committee is not authorised by this Instrument to:

- 8.1 Enter into contracts over \$5,000, or incur expenditure, for an amount which exceeds the approved budget;
- 8.2 Employ people, engage contractors or enter into leases without the prior consent of Council;
- 8.3 Exercise the powers which, by force Section 86 of the Act, cannot be delegated;
- 8.4 Borrow funds.

GUIDELINES – COMMITTEE DELEGATIONS

Name

These guidelines may be referred to as the Meeniyah Sports Stadium.

Application

These guidelines have been adopted by the South Gippsland Shire Council ("Council") for the guidance of:

- Meeniyah Sports Stadium Special Committee
- any other special committee in respect of which Council resolves that these guidelines are to apply.

Exercise of Powers

The powers, duties and functions set out in the Instrument are delegated to the Committee. This means that the Committee can only act under delegation when sitting in a formally constituted meeting.

This means that the meeting must be called and conducted in a manner that complies with the provisions of the Local Government Act 1989 ("the Act") and with the Council's meeting procedures local law.

The Committee cannot exercise its delegated powers when gathered outside the formal meeting structure as described above. For example, an informal coming together of members would not resolve to act under delegation.

Similarly, the delegations do not extend to individual members of the Committee.

The only opportunity for individual Committee members to be granted delegated powers exists where the Committee member is a member of Council staff and subject to a delegation under section 98 of the Act.

All delegations must be read in conjunction with this document and any other policies and guidelines that may be adopted by the Council from time to time.

Reporting Back

These guidelines have been developed to support the concept of delegation as a means of ensuring that the functions of Council are conducted in an efficient and timely manner.

Reporting back of delegations exercised may be necessary to ensure that adequate information regarding those actions is available to other staff, management and the Council.

Such reporting back would be by presentation of reports to Council within the time specified in the Instrument of Delegation; and production of minutes of meetings that will be circulated or available for inspection at any time.

It is to be noted that the reporting back requirements on this policy are a minimum standard only and that nothing will preclude more detailed or extensive reporting back of delegated actions if individual circumstances warrant.

Insurance

After receiving Special Committee Details Form, within 1 month of appointment, Council will, upon appointment of each committee, effect and pay for an annual public liability insurance policy to protect hirers. For events involving large numbers of people (more than 50), alcohol, some children's activities and some sporting events, Council will effect and pay for cover but may require the committee to ensure that hirers complete an insurance form which is to be directed to the insurance company by the committee. Council must be contacted before events such as carnivals, large sporting events and 'pop/rock' concerts are booked or organised, as cover may not be available for some events.

All of the above insurance arrangements are subject to Council approval based on reasonable use of facilities and frequency. If a committee is unsure about any aspect of insurance cover, they must contact Council's Risk Management Department.

The actions of committee members, in the proper execution of the committee power and responsibilities, are covered by Council's existing public liability policy.

E.20 SPECIAL (SECTION 86) COMMITTEES REVIEW – FOSTER WAR MEMORIAL ARTS CENTRE AND SENIOR CITIZENS COMMITTEE

Corporate Services Directorate

EXECUTIVE SUMMARY

This report provides the opportunity for the Council to review the current Instrument of Delegation (Instrument) for the Foster War Memorial Arts Centre and Senior Citizens Committee Special Committee (Committee) and approve a new Instrument (**Attachment 1**) as part of Council's adopted Special (Section 86) Committee Instrument of Delegation Review schedule.

Document/s pertaining to this Council Report

- **Attachment 1** - Instrument of Delegation Foster War Memorial Arts Centre and Senior Citizens Committee

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989 - sections 81 and 86

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Section 86 Committee Kit 2009

COUNCIL PLAN

Strategic Goal:	4.0	A Leading Organisation
Outcome:	4.2	Pursue best practice in organisational development and operations of the organisation
Strategy No:	4.2.2	We will monitor corporate governance processes, including risk management and skills development with the aim of ongoing improvement

CONSULTATION

The review of the Foster War Memorial Arts Centre and Senior Citizens Committee Special Committee has been conducted in collaboration with Council's Community Strengthening, Property, Risk, OHS, Parks & Gardens, People & Culture and Governance Departments.

Councillors were provided with a briefing about this matter in InfoSum and the review has been considered by the Executive Leadership Team. The Committee have also been provided with a copy of the InfoSum article outlining the proposed changes to the Instrument of Delegation.

REPORT

Background

Council commenced a review of the operation of all its Special (Section 86) Committees (Committees) in 2010.

On 26 June 2013 Council adopted a Special (Section 86) Committee Instrument of Delegation Review schedule. This schedule requires that the Foster War Memorial Arts Centre and Senior Citizens Committee Special Committee is to be reviewed by June 2014.

The purpose of the Committee is to exercise Council's functions and powers and to perform Council's duties in relation to the management of an Arts Centre and Senior Citizens Centre.

The Centre is a high use facility located in Foster with approximately 220 Meetings a year, 110 rehearsals and 40 major lettings/productions/cabarets. The Centre has undergone substantial upgrade over several years.

It is important to acknowledge that decisions of Special Committees are deemed to be decisions of Council. Further, Special Committees play an integral part in managing Council owned or controlled properties and facilities that are essential for community activities and engagement. The process of review provides for the continuation of community engagement in a way that minimises risk to both community members who make up the Special Committees, without over burdening these members.

During the review the compliance with the Instrument was considered good, however could be improved. It is considered that a way to improve compliance, reporting, support and communication between Council and the Committee would be for the Instrument to include provision for a Council representative, either a Councillor or Council officer, to be appointed to the Committee. It is proposed to appoint Councillor Davies as a member of the Committee, with a Council officer nominated to attend meetings as required. This appointment and nomination also reflects the significance of the reserve as part of Council's infrastructure. A clause to this effect has been included in the new Instrument. Generally, though the Instrument is considered adequate, either the Committee or Council Officer have requested the following minor changes:

- Increasing the authority for approving expenditure and entering into contracts from \$2,000 to \$5,000, which is considered appropriate given the size of the facility;
- Increasing the authority to undertake minors repairs from \$500 to \$2,000, which is also considered appropriate given the size of the facility; and
- Manage maintenance of the facility in accordance with Council's approved Maintenance Regime/Schedule for the facility.

These changes have been incorporated into the new Instrument (**Attachment 1**).

The Committee does an excellent job of maintaining a frequently utilised major facility. Stakeholder groups are well informed on Committee decisions, which are representative of the interests of stakeholders.

As with other Special Committees a clause will be included for the Committee to carry out an annual self-evaluation of Committee effectiveness.

At an operational level the following action is proposed:

- Remind the Committee of the need to comply with the Instrument particularly in respect of contracts, leases and employment of staff, follow current Council and volunteer recruitment processes for all volunteers and advise Council of any injuries and concerns relevant to insurance and injury matters as soon as they are aware of any issues;
- OH&S Coordinator to visit the Centre to review and provide recommendations in respect of any significant OHS risks;
- Staff to confirm the area of the Centre and prepare a map of the area for inclusion in the Instrument; and
- Staff to engage in discussions with the Committee to facilitate the broader use of the entire facility across a range of community groups.

This report facilitates the confirmation of the current Committee membership by Council with the addition of a Council representative, as outlined above. It is proposed that a Council representative be appointed to the Committee, subject to annual review at the Special (Statutory) Meeting. It should be noted that the Chief Executive Officer has the power under delegation from Council to appoint and remove external members to Special Committees subject to appointments and removals being reported to Council.

Options

Council has the options of:

- Making a new Instrument with the changes outlined in Attachment 1;
- Revoking the current Instrument and returning direct management to Council.

Proposal

Council make a new Instrument of Delegation with schedule and guidelines, with minor changes outlined in this report and set out in Attachment 1.

FINANCIAL CONSIDERATIONS

Ongoing support, reviews, monitoring and development of Section 86 Committees is included in Council's budget. Assistance is provided by the Community Strengthening, Governance and Property Departments.

RISKS

By conducting this review of delegations Council will be provided with a level of assurance that the Committee and the Council will act within the limits of their respective powers and in conformance with the Local Government Act 1989.

CONCLUSION

Special Committees are integral to the proper management of Council owned or controlled properties and facilities that are essential for community activities and engagement. The process of review as proposed in this report provides for the continuation of community engagement in a way that minimises risk to both Council and community members who make up the Special Committee, without over burdening these members.

RECOMMENDATION

That Council, in exercise of the powers conferred by sections 86 and 87 of the Local Government Act 1989 (the Act), Council resolves that:

- 1. This report is endorsed.**
- 2. From the date of this resolution, there is established as a special committee the Foster War Memorial Arts Centre and Senior Citizens Committee Special Committee.**
- 3. The purposes of the Committee are those set out in Attachment 1 Instrument of Delegation Foster War Memorial Arts Centre and Senior Citizens Committee Special Committee to this resolution.**
- 4. The members of the Committee are:**
 - a. Peter Clyne**
 - b. Andrew Jamieson**
 - c. Robert Fulton**
 - d. Robert Paragreen**
 - e. Leone Clyne**
 - f. Joyce Simpson**
 - g. Jack Croft**

- h. **Gwen Combridge**
 - i. **Stan Tindle**
 - j. **Josephine Mackenzie**
 - k. **A representative nominated by Council.**
- 5. **It recognises the Chief Executive Officer has the power, under delegation from Council, to appoint and remove external members to Special Committees subject to appointments and removals being reported to Council.**
- 6. **The Committee is required to report to Council at the intervals specified in the schedule to this resolution (Attachment 1).**
- 7. **The members of the Committee are exempted from being required to submit a primary return or ordinary return.**
- 8. **The Chairperson of the Committee is appointed by the Special Committee.**
- 9. **A quorum for the Committee is a whole number that is an absolute majority of the number of members of the Committee.**
- 10. **All members of the Committee have voting rights on the Committee.**
- 11. **There be delegated to the Committee the powers, duties and functions set out in the Attachment 1 Instrument of Delegation Foster War Memorial Arts Centre and Senior Citizens Special Committee.**
- 12. **The Instrument:**
 - a. **Comes into force immediately the common seal of Council is affixed to the Instrument; and**
 - b. **Remains in force until Council determines to vary or revoke it.**
- 13. **The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with any guidelines or policies Council may from time to time adopt.**
- 14. **The Instrument be sealed.**
- 15. **Discussions are entered into with the Committee to facilitate the broader use of the entire facility across a range of Community groups.**
- 16. **Councillor Davies is appointed to the Foster War Memorial and Senior Citizens Centre Special Committee, as Council's member on the Committee, with a Council officer to attend meetings as required.**

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 228.

Attachment 1

Instrument of Delegation

Foster War Memorial Arts Centre and Senior Citizens Special Committee

SCHEDULE

PURPOSE

To exercise Council's functions and powers and to perform Council's duties in relation to the management of an Arts Centre and Senior Citizens facility.

1. Reporting requirement

The Committee must report to Council according to Clauses 3.2, 3.3, 5.5, 5.6, 6.1, 6.4 and 7.3 in the Schedule of the Instrument of Foster War Memorial Arts Centre and Senior Citizens Special Committee.

2. Powers and functions

To exercise Council's functions and powers and to perform Council's duties in relation to the management of a facility, and for those purposes;

3. Administration

3.1 To do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers;

3.2 To provide Council with monthly financial reports and minutes of every meeting and a Treasurer's report;

3.3 To provide Council with an annual report, including a self- evaluation of the Committee's effectiveness, to be submitted in September each year including:

- Patronage
- User groups
- Injuries and Accidents
- Maintenance/Improvements undertaken and future requirements
- Self-evaluation of operations and management
- Other matters considered relevant by the Committee;

- 3.4 To be the point of contact for the public with respect to the operation of Foster War Memorial Arts Centre and Senior Citizens. All matters shall be referred to the Committee for resolution in the first instance. All requests shall be dealt with promptly and the Council shall be kept informed at all times;
- 3.5 To ensure that the decisions and policies of Council are implemented / adhered to without delay;

4. Facility use

- 4.1 The power to negotiate the use of facilities with user groups and the power to approve programs operating from of the Foster War Memorial Arts Centre and Senior Citizens Centre;
- 4.2 The power to set dates and opening / closing times;
- 4.3 To ensure that the Foster War Memorial Arts Centre and Senior Citizens Centre are used only for purposes appropriate to the facility;
- 4.4 To ensure that the facility is operated in accordance with Arts Centre and Senior Citizen Centre type guidelines;

5. Finance

- 5.1 The power to set user fees;
- 5.2 To enter into contracts and to incur expenditure under \$5,000, with approval being required from Council for contracts over \$5,000;
- 5.3 The power to open and maintain a bank account at a bank and branch approved by Council, into which all monies received by the Committee shall be paid. All cheques and or transactions drawn on the account shall be signed and or authorised by any two of the following:
- Chairperson
 - Vice Chairperson
 - Secretary
 - Treasurer;
- 5.4 To pay all utility, municipal and water charges incurred in occupying the premises;
- 5.5 To provide Council with adopted Financial Statements by 30 September each year, with support documentation being available upon request;

- 5.6 To provide Council with a proposed budget for the forthcoming year, within seven (7) days of the end of the financial year;
- 5.7 The power to apply income received from facility users to the ongoing operation and management of the Foster War Memorial Arts Centre and Senior Citizens facility;

6. Maintenance

- 6.1 To provide an annual 'Facility Maintenance Report' detailing all anticipated maintenance for the following financial year that is submitted to Council by 31 January of the preceding year;
- 6.2 The authority to undertake minor repairs up to the value of \$2,000, however consent from Council's Property Co-ordinator must be gained for any maintenance item over \$2,000, that has not been anticipated in the 'Facility Maintenance Report'. Any works must be carried out by qualified personnel, relative to the task being performed, and all certificates of compliance must be forwarded to Council immediately, upon completion. All maintenance is to be in accord with Council's adopted Maintenance Regime / Schedule;
- 6.3 To make no structural alterations or additions to the premises without the written consent of Council's Engineering and Assets department;
- 6.4 To maintain a register of keys issued by the Committee and to include these details in the annual 'Facility Maintenance Report'. Council must be provided with a set of keys to all external and internal locks. Any change in locking system must be in accordance with Council's restricted lock system and should be paid for by the Committee;

7. Risk Management / Insurance

- 7.1 To ensure that the facility is maintained in a manner that meets all Workcover and Occupational Health and Safety Regulations. Council may provide an inspection on at least two occasions per annum;
- 7.2 To maintain a monthly checklist, provided by Council, relating to building safety, and make available to Council staff when requested;
- 7.3 To ensure that volunteers complete a registration form that is to be forwarded to Council's Insurance and Return To Work Coordinator. Volunteer groups must be supervised by a member of the Committee at all times. Each Committee must maintain a volunteer register containing names, addresses, type of activity performed, times of work and volunteer signature;
- 7.4 To contact Council's Occupational Health and Safety Coordinator, before volunteers commence any work to determine whether training is required;

7.5 To adhere to all statutory and legislative requirements;

8. Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

- 8.1 Enter into contracts over \$5000, or incur expenditure, for an amount which exceeds the approved budget;
- 8.2 Employ people, engage contractors or enter into leases without the prior consent of Council;
- 8.3 Exercise the powers which, by force Section 86 of the Act, cannot be delegated;
- 8.4 Borrow funds.

GUIDELINES – COMMITTEE DELEGATIONS

Name

These guidelines may be referred to as the Foster War Memorial Arts Centre and Senior Citizens Committee Guidelines.

Application

These guidelines have been adopted by the South Gippsland Shire Council ("Council") for the guidance of:

- Foster War Memorial Arts Centre and Senior Citizens Special Committee
- any other special committee in respect of which Council resolves that these guidelines are to apply.

Exercise of Powers

The powers, duties and functions set out in the Instrument are delegated to the Committee. This means that the Committee can only act under delegation when sitting in a formally constituted meeting.

This means that the meeting must be called and conducted in a manner that complies with the provisions of the Local Government Act 1989 ("the Act") and with the Council's meeting procedures local law.

The Committee cannot exercise its delegated powers when gathered outside the formal meeting structure as described above. For example, an informal coming together of members would not resolve to act under delegation.

Similarly, the delegations do not extend to individual members of the Committee.

The only opportunity for individual Committee members to be granted delegated powers exists where the Committee member is a member of Council staff and subject to a delegation under section 98 of the Act.

All delegations must be read in conjunction with this document and any other policies and guidelines that may be adopted by the Council from time to time.

Reporting Back

These guidelines have been developed to support the concept of delegation as a means of ensuring that the functions of Council are conducted in an efficient and timely manner.

Reporting back of delegations exercised may be necessary to ensure that adequate information regarding those actions is available to other staff, management and the Council.

Such reporting back would be by presentation of reports to Council within the time specified in the Instrument of Delegation; and production of minutes of meetings that will be circulated or available for inspection at any time.

It is to be noted that the reporting back requirements on this policy are a minimum standard only and that nothing will preclude more detailed or extensive reporting back of delegated actions if individual circumstances warrant.

Insurance

After receiving Special Committee Details Form, within 1 month of appointment, Council will, upon appointment of each committee, effect and pay for an annual public liability insurance policy to protect hirers. For events involving large numbers of people (more than 50), alcohol, some children's activities and some sporting events, Council will effect and pay for cover but may require the committee to ensure that hirers complete an insurance form which is to be directed to the insurance company by the committee. Council must be contacted before events such as carnivals, large sporting events and 'pop/rock' concerts are booked or organised, as cover may not be available for some events.

All of the above insurance arrangements are subject to Council approval based on reasonable use of facilities and frequency. If a committee is unsure about any aspect of insurance cover, they must contact Council's Risk Management Department.

The actions of committee members, in the proper execution of the committee power and responsibilities, are covered by Council's existing public liability policy.

E.21 SPECIAL (SECTION 86) COMMITTEES REVIEW – KORUMBURRA RECREATION RESERVE SPECIAL COMMITTEE

Corporate Services Directorate

EXECUTIVE SUMMARY

This report provides the opportunity for the Council to review the current Instrument of Delegation (Instrument) for the Korumburra Recreation Reserve Special Committee (Committee) and approve a new Instrument (**Attachment 1**) as part of Council's adopted Special (Section 86) Committee Instrument of Delegation Review schedule.

Document/s pertaining to this Council Report

- **Attachment 1** – Instrument of Delegation Korumburra Recreation Reserve Special Committee

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989 - sections 81 and 86

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Section 86 Committee Kit 2009

COUNCIL PLAN

Strategic Goal:	4.0	A Leading Organisation
Outcome:	4.2	Pursue best practice in organisational development and operations of the organisation
Strategy No:	4.2.2	We will monitor corporate governance processes, including risk management and skills development with the aim of ongoing improvement

CONSULTATION

The review of the Korumburra Recreation Reserve Special Committee has been conducted in collaboration with Council's Community Strengthening, Property, Risk, Occupational Health & Safety (OHS), Parks & Gardens, People & Culture and Governance Departments.

Councillors were provided with a briefing about this matter in InfoSum and the review has been considered by the Executive Leadership Team. The Committee have also been provided with a copy of the InfoSum article outlining the proposed changes to the Instrument of Delegation.

REPORT

Background

Council commenced a review of the operation of all its Special (Section 86) Committees (Committees) in 2010.

On 26 June 2013 Council adopted a Special (Section 86) Committee Instrument of Delegation Review schedule. This schedule requires that the Korumburra Recreation Reserve Special Committee is to be reviewed by June 2014.

The purpose of the Committee is to exercise Council's functions and powers and to perform Council's duties in relation to the management of a recreation reserve.

The Korumburra Recreation Reserve is a substantial sporting facility and clubrooms in Korumburra. The Reserve is the home of the Korumburra Cricket Club and is also used for soccer. Plans are underway to install a turf wicket at the reserve. The reserve was once the home of the Korumburra Football Club and after the club's merger with the Bena Football Club the reserve is no longer used for football. However, it is still the home for a collection of Korumburra Football Club memorabilia. The clubrooms are used for club and community social functions.

It is important to acknowledge that decisions of Special Committees are deemed to be decisions of Council. Further, Special Committees play an integral part in managing Council owned or controlled properties and facilities that are essential for community activities and engagement. The process of review provides for the continuation of community engagement in a way that minimises risk to both community members who make up the Special Committees, without over burdening these members.

During the review the compliance with the Instrument was considered good, however could be improved. It is considered that a way to improve compliance, reporting, support and communication between Council and the Committee would be for the Instrument to include provision for a Council representative, either a Councillor or Council officer, to be appointed to the Committee. Councillor Newton is currently a member of the Committee and this appointment is recommended to be re-confirmed in the Instrument. It is also proposed for a Council officer to be nominated to attend meetings as required. This appointment and nomination also reflects the significance of the reserve as part of Council's recreation infrastructure. A clause to this effect has been included in the new Instrument. Generally, though the Instrument is considered adequate, either the Committee or Council Officers have requested the following minor changes:

- Increasing the authority for approving expenditure and entering into contracts from \$2,000 to \$5,000, which is considered appropriate given the size of the facility;

- Increasing the authority to undertake minors repairs from \$500 to \$2,000, which is also considered appropriate given the size of the facility; and
- Manage maintenance of the facility in accordance with Council's approved Maintenance Regime/Schedule for the reserve.

These changes have been incorporated into the new Instrument (**Attachment 1**).

The Committee does an excellent job of maintaining a frequently utilised major recreation reserve. Stakeholder groups are well informed on Committee decisions, which are representative of the interests of stakeholders.

As with other Special Committees a clause will be included for the Committee to carry out an annual self-evaluation of Committee effectiveness.

At an operational level the following action is proposed:

- Remind the Committee of the need to comply with the Instrument particularly in respect of contracts, leases and employment of staff, follow current Council and volunteer recruitment processes for all volunteers and advise Council of any injuries and concerns relevant to insurance and injury matters as soon as they are aware of any issues;
- OHS Coordinator to visit the Reserve to review and provide recommendations in respect of any significant OHS risks; and
- Staff to confirm the area of the reserve and prepare a map of the area for inclusion in the Instrument.

This report facilitates the confirmation of the current Committee membership by Council with the confirmation of a Council representative, which is recommended to be Councillor Robert Newton, as outlined above. It is proposed that this Council representative be appointed to the Committee, subject to annual review at the Special (Statutory) Meeting. It should be noted that the Chief Executive Officer has the power under delegation from Council to appoint and remove external members to Special Committees subject to appointments and removals being reported to Council.

Options

Council has the options of:

- Making a new Instrument with the changes outlined in **Attachment 1**; or
- Revoking the current Instrument and returning direct management to Council.

Proposal

Council make a new Instrument of Delegation with schedule and guidelines, with minor changes outlined in this report and set out in **Attachment 1**.

FINANCIAL CONSIDERATIONS

Ongoing support, reviews, monitoring and development of Section 86 Committees is included in Council's budget. Assistance is provided by the Community Strengthening, Governance and Property Departments.

RISKS

By conducting this review of delegations Council will be provided with a level of assurance that the Committee and the Council will act within the limits of their respective powers and in conformance with the Local Government Act 1989.

CONCLUSION

Special Committees are integral to the proper management of Council owned or controlled properties and facilities that are essential for community activities and engagement. The process, of review as proposed in this report, provides for the continuation of community engagement in a way that minimises risk to both Council and community members who make up the Special Committee, without over burdening these members.

RECOMMENDATION

That Council, in exercise of the powers conferred by sections 86 and 87 of the Local Government Act 1989 (the Act), Council resolves that:

1. **This report is endorsed.**
2. **From the date of this resolution, there is established as a special committee the Korumburra Recreation Reserve Special Committee.**
3. **The purposes of the Committee are those set out in Attachment 1 Instrument of Delegation Korumburra Recreation Reserve Special Committee to this resolution.**
4. **The members of the Committee are:**
 - a. **Bill Rodda**
 - b. **Allan Summerfield**
 - c. **Phil Miller**
 - d. **Jamie Allen**
 - e. **Trevor Allen**

- f. **Brendan Maskell**
 - g. **Michael Hopkins**
 - h. **A representative nominated by Council.**
5. **It recognises the Chief Executive Officer has the power, under delegation from Council, to appoint and remove external members to Special Committees subject to appointments and removals being reported to Council.**
6. **The Committee is required to report to Council at the intervals specified in the schedule to this resolution (Attachment 1).**
7. **The members of the Committee are exempted from being required to submit a primary return or ordinary return.**
8. **The Chairperson of the Committee is appointed by the Special Committee.**
9. **A quorum for the Committee is a whole number that is an absolute majority of the number of members of the Committee.**
10. **All members of the Committee have voting rights on the Committee.**
11. **There be delegated to the Committee the powers, duties and functions set out in the Attachment 1 Instrument of Delegation Korumburra Recreation Reserve Special Committee.**
12. **The Instrument:**
 - a. **Comes into force immediately the common seal of Council is affixed to the Instrument; and**
 - b. **Remains in force until Council determines to vary or revoke it.**
13. **The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with any guidelines or policies Council may from time to time adopt.**
14. **The Instrument be sealed.**
15. **Councillor Robert Newton is appointed to the Korumburra Recreation Reserve Special Committee, as Council's member to the Committee, with a Council Officer to attend meetings as required.**

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 228.

Attachment 1

Instrument of Delegation

Korumburra Recreation Reserve Special Committee

SCHEDULE

PURPOSE

To exercise Council's functions and powers and to perform Council's duties in relation to the management of a reserve.

1. Reporting requirement

The Committee must report to Council according to Clauses 3.2, 3.3, 5.5, 5.6, 6.1, 6.4 and 7.3 in the Schedule of the Instrument of Delegation of Korumburra Recreation Reserve Special Committee.

2. Powers and functions

To exercise Council's functions and powers and to perform Council's duties in relation to the management of a reserve and for those purposes;

3. Administration

3.1 To do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers;

3.2 To provide Council with monthly financial reports and minutes of every meeting and a Treasurer's report;

3.3 To provide Council with an annual report, including a self-evaluation of the Committee's effectiveness, to be submitted in September each year including:

- Patronage
- User groups
- Injuries and Accidents
- Maintenance/Improvements undertaken and future requirements
- Self-evaluation of operations and management
- Other matters considered relevant by the Committee;

- 3.4 To be the point of contact for the public with respect to the operation of Korumburra Recreation Reserve. All matters shall be referred to the Committee for resolution in the first instance. All requests shall be dealt with promptly and the Council shall be kept informed at all times;
- 3.5 To ensure that the decisions and policies of Council are implemented/adhered to without delay;

4. Facility use

- 4.1 The power to negotiate the use of facilities with user groups and the power to approve programs operating from the Korumburra Recreation Reserve;
- 4.2 The power to set dates and opening/closing times;
- 4.3 To ensure that the Korumburra Recreation Reserve is used only for purposes appropriate to the facility;
- 4.4 To ensure that the facility is operated in accordance with recreation reserve type guidelines;

5. Finance

- 5.1 The power to set user fees;
- 5.2 To enter into contracts and to incur expenditure under \$5000, with approval being required from Council for contracts over \$5000;
- 5.3 The power to open and maintain a bank account at a bank and branch approved by Council, into which all monies received by the Committee shall be paid. All cheques and or transactions drawn on the account shall be signed and or authorised by any two of the following:
 - Chairperson
 - Vice Chairperson
 - Secretary
 - Treasurer;
- 5.4 To pay all utility, municipal and water charges incurred in occupying the premises;
- 5.5 To provide Council with adopted Financial Statements by 30 September each year, with support documentation being available upon request;

- 5.6 To provide Council with a proposed budget for the forthcoming year, within seven (7) days of the end of the financial year;
- 5.7 The power to apply income received from facility users to the ongoing operation and management of the Korumburra Recreation Reserve;

6. Maintenance

- 6.1 To provide an annual 'Facility Maintenance Report' detailing all anticipated maintenance for the following financial year that is submitted to Council by 31 January of the preceding year;
- 6.2 The authority to undertake minor repairs up to the value of \$2000, however consent from Council's Property Co-ordinator must be gained for any maintenance item over \$2000, that has not been anticipated in the 'Facility Maintenance Report'. Any works must be carried out by qualified personnel, relative to the task being performed, and all certificates of compliance must be forwarded to Council immediately, upon completion. All maintenance is to be in accord with Council's adopted Maintenance Regime/Schedule;
- 6.3 To make no structural alterations or additions to the premises without the written consent of Council's Engineering and Assets department;
- 6.4 To maintain a register of keys issued by the Committee and to include these details in the annual 'Facility Maintenance Report'. Council must be provided with a set of keys to all external and internal locks. Any change in locking system must be in accordance with Council's restricted lock system and should be paid for by the Committee;

7. Risk Management / Insurance

- 7.1 To ensure that the facility is maintained in a manner that meets all Workcover and Occupational Health and Safety Regulations. Council may provide an inspection on at least two occasions per annum;
- 7.2 To maintain a monthly checklist, provided by Council, relating to building safety, and make available to Council staff when requested;
- 7.3 To ensure that volunteers complete a registration form that is to be forwarded to Council's Insurance and Return To Work Advisor. Volunteer groups must be supervised by a member of the Committee at all times. Each Committee must maintain a volunteer register containing names, addresses, type of activity performed, times of work and volunteer signature;
- 7.4 To contact Council's Occupational Health and Safety Coordinator, before volunteers commence any work to determine whether training is required;

7.5 To adhere to all statutory and legislative requirements;

8. Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

- 8.1 Enter into contracts over \$5000, or incur expenditure, for an amount which exceeds the approved budget;
- 8.2 Employ people, engage contractors or enter into leases without the prior consent of Council;
- 8.3 Exercise the powers which, by force Section 86 of the Act, cannot be delegated;
- 8.4 Borrow funds.

GUIDELINES – COMMITTEE DELEGATIONS

Name

These guidelines may be referred to as the Korumburra Recreation Reserve Committee Guidelines.

Application

These guidelines have been adopted by the South Gippsland Shire Council ("Council") for the guidance of:

- Korumburra Recreation Reserve Special Committee
- any other special committee in respect of which Council resolves that these guidelines are to apply.

Exercise of Powers

The powers, duties and functions set out in the Instrument are delegated to the Committee. This means that the Committee can only act under delegation when sitting in a formally constituted meeting.

This means that the meeting must be called and conducted in a manner that complies with the provisions of the Local Government Act 1989 ("the Act") and with the Council's meeting procedures local law.

The Committee cannot exercise its delegated powers when gathered outside the formal meeting structure as described above. For example, an informal coming together of members would not resolve to act under delegation.

Similarly, the delegations do not extend to individual members of the Committee.

The only opportunity for individual Committee members to be granted delegated powers exists where the Committee member is a member of Council staff and subject to a delegation under section 98 of the Act.

All delegations must be read in conjunction with this document and any other policies and guidelines that may be adopted by the Council from time to time.

Reporting Back

These guidelines have been developed to support the concept of delegation as a means of ensuring that the functions of Council are conducted in an efficient and timely manner.

Reporting back of delegations exercised may be necessary to ensure that adequate information regarding those actions is available to other staff, management and the Council.

Such reporting back would be by presentation of reports to Council within the time specified in the Instrument of Delegation; and production of minutes of meetings that will be circulated or available for inspection at any time.

It is to be noted that the reporting back requirements on this policy are a minimum standard only and that nothing will preclude more detailed or extensive reporting back of delegated actions if individual circumstances warrant.

Insurance

After receiving Special Committee Details Form, within 1 month of appointment, Council will, upon appointment of each committee, effect and pay for an annual public liability insurance policy to protect hirers. For events involving large numbers of people (more than 50), alcohol, some children's activities and some sporting events, Council will effect and pay for cover but may require the committee to ensure that hirers complete an insurance form which is to be directed to the insurance company by the committee. Council must be contacted before events such as carnivals, large sporting events and 'pop/rock' concerts are booked or organised, as cover may not be available for some events.

All of the above insurance arrangements are subject to Council approval based on reasonable use of facilities and frequency. If a committee is unsure about any aspect of insurance cover, they must contact Council's Risk Management Department.

The actions of committee members, in the proper execution of the committee power and responsibilities, are covered by Council's existing public liability policy.

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

Mrs Wilma Western addressed Council by asking a question about an item in the Council Report – D.2 REPORT ON ASSEMBLY OF COUNCILLORS – MAY/ JUNE 2014, specifically 21 May 2014 an assembly regarding Port Anthony and sought clarification on its meaning.

The Mayor, Cr Fawcett and the CEO, Tim Tamlin provided clarification on the assembly by explaining that the topic was discussed not as an update on activities undertaken at the Port but rather a clarification of a miscommunication that allegedly occurred with a Councillor.

G.2 ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

Noted.

The following questions were taken on notice at the previous Council Meeting 28 May 2014 and responses are now provided.

A question raised by Ms Danika Dent, representing the Sentinel Times relating to Foster Museum Historical Society accreditation was taken on notice and a response is now provided.

Each Museum has to have its own accreditation as a stand-alone institution. Accreditation is requested by the museum and is assessed by an independent industry body, Museums Victoria. Therefore, Foster Museum couldn't take on Coal Creek's accreditation as Foster is also independently assessed by Museum's Victoria.

A question raised by Cr Hill about \$2.6 million in the accommodation account and how it was approved was taken on notice and a response is now provided.

During briefings held with Councillors on the Capital Works Program and the draft 2014/15 Budget, the establishment of an internal 'Accommodation Reserve' was discussed whereby funds may be set aside for future Council civic precinct requirements (this includes library, community meeting spaces and office accommodation). Funding from two related Capital Works projects were transferred to this fund following discussions on the Capital Works Program. The financial outcome was provided to Council at the first budget briefing session held 12 March 2014. This information was included and endorsed by Council at the 16 April 2014 Council Meeting.

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

ITEM 2 2013 – 2014 COMMUNITY GRANTS PROGRAM ROUND 2

ITEM 3 MATTER THE COUNCIL CONSIDERS WOULD PREJUDICE THE COUNCIL OR PERSON

ITEM 4 PERSONNEL MATTER – INTENTION TO REAPPOINT CEO

RECOMMEDATION

That Council close the Meeting to the Public to allow for consideration of a:

1. Contractual matter pursuant to section 89(2)(d);
2. 2013 – 2014 Community Grants Program Round 2 pursuant to section 89(2)(h);
3. Matter the Council considers would prejudice the Council or person pursuant to section 89(2)(h);
4. Personnel Matter Intention to reappoint Chief Executive Officer pursuant to section 89(2)(a);

as provided for by the Local Government Act 1989.

MOVED: Cr Davies

SECONDED: Cr Newton

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

- 1. CONTRACTUAL MATTER PURSUANT TO SECTION 89(2)(D);**
- 2. 2013 – 2014 COMMUNITY GRANTS PROGRAM ROUND 2 PURSUANT TO SECTION 89(2)(H);**
- 3. MATTER THE COUNCIL CONSIDERS WOULD PREJUDICE THE COUNCIL OR PERSON PURSUANT TO SECTION 89(2)(H);**
- 4. PERSONNEL MATTER INTENTION TO REAPPOINT CHIEF EXECUTIVE OFFICER PURSUANT TO SECTION 89(2)(A);**

AS PROVIDED FOR BY THE LOCAL GOVERNMENT ACT 1989.

**ITEM 4 NOTICE OF INTENTION TO REAPPOINT CHIEF EXECUTIVE
OFFICER OF SOUTH GIPPSLAND SHIRE COUNCIL**

THAT COUNCIL:

- 1. NOTE THAT PURSUANT TO SECTION 94 OF THE LOCAL GOVERNMENT ACT 1989 IT HAS GIVEN PUBLIC NOTICE IN THE STAR, SOUTH GIPPSLAND SENTINEL TIMES AND THE FOSTER MIRROR ON WEDNESDAY 11 JUNE 2014 AND ON COUNCIL'S WEBSITE ON TUESDAY 10 JUNE 2014 OF ITS INTENTION TO RE-APPOINT ITS CHIEF EXECUTIVE OFFICER, MR TIM TAMLIN AS CHIEF EXECUTIVE OFFICER WITHOUT THE POSITION BEING ADVERTISED;**
- 2. NOW REAPPOINTS MR TIM TAMLIN AS THE CHIEF EXECUTIVE OFFICER (CEO) FOR A FIVE YEAR PERIOD COMMENCING THIS DAY WEDNESDAY 25 JUNE 2014 WITH A COMMENCING TOTAL REMUNERATION PACKAGE OF \$291,078.00**
- 3. MAKE DETAILS OF THE PROPOSED TOTAL REMUNERATION OF THE CHIEF EXECUTIVE OFFICER UNDER THE NEW CONTRACT AVAILABLE FOR PUBLIC INSPECTION WITHIN FOURTEEN DAYS OF THE PASSING OF THIS RESOLUTION;**

SECTION H - MEETING CLOSED

NEXT MEETING

The next Ordinary Council Meeting open to the public will be held on Wednesday, 23 July 2014 commencing at 2pm in the Council Chamber, Leongatha.

The Meeting closed at 5.46pm.

CONFIRMED:.....

CR JAMES FAWCETT – MAYOR

Date:.....