

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Minutes

Ordinary Meeting of Council

22 March 2017

**Ordinary Meeting No. 410**  
**Council Chambers, Leongatha**  
**Commenced at 2pm**



# minutes



*South Gippsland  
Shire Council*

*Come for the beauty, Stay for the lifestyle*



## MISSION

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

### Privacy

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

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

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

## PRESENT

COUNCILLORS:	<p>Cr Ray Argento, Mayor          Cr Maxine Kiel, Deputy Mayor          Cr Meg Edwards          Cr Alyson Skinner          Cr Jeremy Rich          Cr Andrew McEwen          Cr Lorraine Brunt          Cr Aaron Brown          Cr Don Hill</p>
COUNCILLORS NOT PRESENT:	Nil
OFFICERS:	<p>Tim Tamlin, Chief Executive Officer          Vanessa Adams, Acting Director Community and Corporate Services          Bryan Sword, Director Development Services          Anthony Seabrook, Director Sustainable Communities &amp; Infrastructure          Rick Rutjens, Media and Communications Coordinator, Media and Communications          Natasha Berry, Corporate and Council Business Officer          June Ernst, Coordinator Corporate Planning &amp; Council Business          Jodi Cumming, Corporate and Council Business Officer</p>

# SOUTH GIPPSLAND SHIRE COUNCIL

Ordinary Meeting No. 410 of the  
Wednesday 22 March 2017  
Council Chambers, Leongatha commenced at 2pm

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**Tim Tamlin**  
**Chief Executive Officer**

## **1. PRELIMINARY MATTERS**

### **1.1. WELCOME**

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

### **1.2. OPENING PRAYER**

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

Amen

### **1.3. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS**

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

**MOVED:** Cr Edwards

**SECONDED:** Cr Kiel

**THAT THE ORDER OF BUSINESS BE CHANGED TO MOVE AGENDA ITEM 1.10 COUNCILLOR REPORTS TO PRIOR TO SECTION 7 GENERAL QUESTION TIME.**

**CARRIED UNANIMOUSLY**

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

**Nil**

### **1.5. APOLOGIES**

**Nil**

## **1.6. CONFIRMATION OF MINUTES**

### **RECOMMENDATION**

That the Minutes of the South Gippsland Shire Council:

1. Special Meeting of Council, held on 15 February 2017 in the Council Chambers Leongatha;
2. Special Meeting of Council, held on 22 February 2017 in the Council Chambers Leongatha; and
3. Ordinary Meeting No. 409, held on 22 February 2017 in the Council Chambers, Leongatha be confirmed.

**MOVED:** Cr Brunt

**SECONDED:** Cr Skinner

### **THAT THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL:**

1. **SPECIAL MEETING OF COUNCIL, HELD ON 15 FEBRUARY 2017 IN THE COUNCIL CHAMBERS LEONGATHA;**
2. **SPECIAL MEETING OF COUNCIL, HELD ON 22 FEBRUARY 2017 IN THE COUNCIL CHAMBERS LEONGATHA; AND**
3. **ORDINARY MEETING NO. 409, HELD ON 22 FEBRUARY 2017 IN THE COUNCIL CHAMBERS, LEONGATHA BE CONFIRMED.**

**CARRIED UNANIMOUSLY**

## 1.7. 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 (the Act). This legislation can be obtained by contacting the Council's Corporate & Community Services Directorate (Council Business) or by accessing the Victorian Legislation and Parliamentary Documents website at [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au).

An interest may be by close association, financial, conflicting duties or receipt of gifts. If 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 Council Business Department at South Gippsland Shire Council).
- Advise the Chair of the interest immediately before the particular item is considered (if attending the Meeting).
- Leave the Council Chamber or Meeting room while the item is being discussed and during any vote taken (if attending the Meeting).

The 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 – October 2012*.

**Councillor Andrew McEwen declared a direct Conflict of Interest on Agenda Item 5.13 FORMALISE ROAD NAME CHANGE IN MEENIYAN (TWO SECTIONS OF MCILWAINE ST) as he is a property owner on the subject road, McIlwaine Road, Meeniyan.**



## 1.8. 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 the Victorian State Government, Department of Transport, Planning and Local Infrastructure – *Conflict of Interest – A Guide for Council Staff – October 2011*.

**Nil**

## 1.9. 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 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 a Public Presentation session speak briefly to its contents. At the following Ordinary Meeting of Council, a Councillor would accept the petition and introduce it to Council for formal noting and actioning by Council.

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

**Councillor Meg Edwards presented a petition to Council (the prayer is outlined below), containing approximately 52 signatures from the residents of Old Waratah Road, Fish Creek in relation to road safety.**

***'We the residents of Old Waratah Road Fish Creek, have noticed an increase in the number of vehicles using the road over the last year. We believe one cause of the increase is the use of GPS in vehicles that advise this road as the shortest direct route to Wilsons Promontory National Park. Although there is a sign advising local road only and a 50k sign, visitors take no notice of the restrictions. There are no footpaths on Old Waratah Road and a number of small children reside here, putting walkers and children at risk.***

***We suggest that a solution to the problem would be to make Old Waratah Road a No Through Road, closing the exit to the Meeniyan Promontory Road at the southern end and extending the speed limit to 50k to that end. This would fix the GPS problem and divert the traffic to the main road as intended by the present Local Road Only sign.'***

## RECOMMENDATION

That Council:

1. Receive and note the petition; and,
2. The petition lay on the table until the Council Meeting of 26 April 2017 to enable officers to prepare a report to Council.

**MOVED:** Cr Edwards

**SECONDED:** Cr McEwen

**THAT COUNCIL:**

1. **RECEIVE AND NOTE THE PETITION; AND,**
2. **THE PETITION LAY ON THE TABLE UNTIL THE COUNCIL MEETING OF 26 APRIL 2017 TO ENABLE OFFICERS TO PREPARE A REPORT TO COUNCIL.**

**CARRIED UNANIMOUSLY**

## **2. NOTICES OF MOTION AND/OR RESCISSION**

**Nil**

## **3. COMMITTEE REPORTS**

**Nil**

## **4. PROCEDURAL REPORTS**

### **4.1. FINANCIAL PERFORMANCE REPORT JULY 2016- FEBRUARY 2017**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

This report provides an overview of Council's financial performance for the period July to February 2017. It shows the following high level outcomes:

- Operating Result: Operating result: \$4.79M surplus which is \$4.39M favourable compared to the year-to-date budget projection of a \$393,000 surplus
- Capital works: \$11.66M expenditure which is \$228,000 ahead against the year-to-date budget projection of \$11.43M.
- Cash assets: projected to be \$9.04M at 30 June (original budget \$9.12M).
- Underlying working capital ratio: projected to be 1.94 to 1 at 30 June (original budget 1.64 to 1).
- The projected financial outcome for 2016/17 is a \$8.31M surplus. This is \$2.65M more favourable than the original \$5.66M budgeted surplus.
- The Minister for Local Government has reduced the rate cap for 2017/18 to 2.00%. This situation has been strategically managed as part of the development of the forthcoming 2017/18 Annual Budget and Long Term Financial Plan.
- As at 28 February 2017 the Long Term Financial Plan continued to be financially sustainable.

#### **RECOMMENDATION**

That Council receives and notes the Financial Performance Report (Attachment [4.1.1]) for the period July 2016 to February 2017.

**MOVED:** Cr Brunt

**SECONDED:** Cr Skinner

**THAT COUNCIL: RECEIVES AND NOTES THE FINANCIAL PERFORMANCE REPORT (ATTACHMENT [4.1.1]) FOR THE PERIOD JULY 2016 TO FEBRUARY 2017.**

**CARRIED UNANIMOUSLY**

## BACKGROUND

Each year Council sets an Annual Budget within a 15 year Long Term Financial Plan framework guided by the Long Term Financial Strategies. The financial integrity of the budgeted financial statements in the annual and forward budgets can be assessed by reference to our financial performance indicators.

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

- Comparing year-to-date actual financial performance with the year-to-date budgets.
- Monitoring the financial impact of changes made to budget projections on the forecast financial results at year end; and
- Monitoring the longer term financial ramifications and comparing them to the adopted Long Term Financial Plan.
- The financial performance indicators used to develop the annual and longer term budgets are used to monitor projected financial outcomes at year end and the longer term financial ramifications.
- The Financial Performance Reports are purposefully prepared outside traditional quarterly cycles as this offers better alignment with strategic events that occur throughout the financial year. This enables important financial updates to be provided to Council and the community in a timely manner.

The reporting timelines are:

- August: Report identifies the financial implications of the previous year's financial results, as well the budget impact of funding projects carried forward that were not completed by 30 June.
- November: Report identifies financial implications of any changes made to operational or capital budgets prior to the development of the annual budget for the following financial year.
- February: Report aligns with annual budget process.
- May: Report provides Council with likely financial outcome for year end including identifying budgets being carried forward for projects that are not expected to be completed by 30 June.

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

## DISCUSSION

- **Attachment [4.1.1]** - Financial Performance Report – February 2017 contains detailed reporting as follows:
  - Section 1 – Year-to-date financial performance and projected financial results.  
  
This section discusses variations in year-to-date performance and budget projections. The information is presented in the budgeted financial statements format.
  - Section 2 – Annual year-to-date financial analysis.  
  
This section analyses the implications of the year-to-date performance and the projected outcome for the financial year end.
  - Section 3 – Long Term Financial Plan analysis.  
  
This section benchmarks and strategically analyses the financial impact of the year's projected financial results against the adopted Annual Budget, Long Term Financial Plan and the Long Term Financial Strategies' key performance indicators.

## RISKS

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

## ATTACHMENTS

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

1. Financial Performance Report - February 2017 **[4.1.1]**

## REFERENCE DOCUMENTS

Local Government Act 1989  
SGSC Long Term Financial Strategies 2016/17

## **4.2. ASSEMBLY OF COUNCILLORS: 22 JANUARY - 21 FEBRUARY 2017**

Corporate and Community 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 between 22 January and 21 February 2017.

### **RECOMMENDATION**

That Council:

1. Receives and notes this report; and
2. Makes confidential pursuant to s.77(2)(b) of the Local Government Act 1989 (the Act) all matters considered by the Planning Committee at its meeting held on Wednesday 1 February 2017 on the basis that the meeting discussed:
  - a. Proposed developments (s.89(2)(e) of the Act); and
  - b. Matters which the Council considers would prejudice the Council or any person (s.89(2)(h) of the Act),

Until such time as the Council's Chief Executive Officer determines to include an individual matter on an Agenda for an Ordinary or Special Meeting of Council, or when required to undertake a statutory obligation, and this confidentiality then ceases to apply only to that individual matter.

3. Makes confidential pursuant to s.77(2)(b) of the Act all matters considered by the Economic Development and Tourism Steering Committee at its meeting held on Wednesday 1 February 2017 on the basis that the meeting discussed:
  - a. Proposed developments (s.89(2)(e) of the Act); and
  - b. Matters which the Council considers would prejudice the Council or any person (s.89(2)(h) of the Act),

Until such time as the Council's Chief Executive Officer determines to include an individual matter on an Agenda for an Ordinary or Special Meeting of Council, or when required to undertake a statutory obligation, and this confidentiality then ceases to apply only to that individual matter.

**MOVED:** Cr Brunt

**SECONDED:** Cr Edwards

**THAT THE RECOMMENDATIONS IN AGENDA ITEMS 4.2 AND 4.3 BE ADOPTED.**

**CARRIED UNANIMOUSLY**



## REPORT

<b>Tuesday 24 January 2017</b>	
<b>Meeting Title</b>	<b>Details</b>
<b>Councillor Transition Program: Bus Tour Caravan Parks</b>	<p><b>Councillors Attending:</b> Councillors Kiel, Edwards, Argento, Skinner, Rich, McEwen, Brunt, Hill and Brown.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors attended a bus tour to Long Jetty Port Welshpool and Yanakie Caravan Parks.</p>
<b>Coal Creek Community Park and Museum</b>	<p><b>Councillors Attending:</b> Councillors Kiel, Edwards, Argento, Skinner, Rich, McEwen, Brunt, Hill and Brown.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided with an introductory briefing on the history, current status and future options for the management and potential development of Coal Creek Community Park and museum.</p>
<b>Wednesday 25 January 2017</b>	
<b>Caravan Parks Briefing Session</b>	<p><b>Councillors Attending:</b> Councillors Kiel, Edwards, Argento, Skinner, Rich, McEwen, Brunt, Hill and Brown.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided information on the potential development and management models of Caravan Parks.</p>

<b>Wednesday 25 January 2017</b>	
<b>Meeting Title</b>	<b>Details</b>
<b>Review of Local Government Act, Governance &amp; Councillor Code of Conduct</b>	<p><b>Councillors Attending:</b> Councillors Kiel, Edwards, Argento, Skinner, Rich, McEwen, Brunt, Hill and Brown.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> A representative from Council's lawyers briefed Council regarding the legislative requirements central to their role as Local Government Councillors. Various governance and Code of Conduct factors were discussed to assist them with the review and adoption of a new Councillor Code of Conduct. The briefing also provided information on concerns raised by the Ombudsman's Report into transparency of decision making by councils.</p>
<b>Visitor Information Services</b>	<p><b>Councillors Attending:</b> Councillors Kiel, Edwards, Argento, Skinner, Rich, McEwen, Brunt, Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided with information on the review of the Visitor Information Service (VIS) as part of its annual service review program. The review considered contemporary trends, visitor and key stakeholder expectations, costs and options available.</p>

<b>Wednesday 25 January 2017</b>	
<b>Meeting Title</b>	<b>Details</b>
<b>Development Proposal: RSL land exchange with Council</b>	<p><b>Councillors Attending:</b> Councillors Kiel, Edwards, Argento, Skinner, Rich, McEwen, Brunt, Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided with a presentation on the development proposal.</p>
<b>Councillor Code of Conduct Review</b>	<p><b>Councillors Attending:</b> Councillors Kiel, Edwards, Argento, Skinner, Rich, McEwen, Brunt, Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors made a final review of the Code of Conduct prior to its adoption in February 2017.</p>
<b>Wednesday 1 February 2017</b>	
<b>Planning Briefing</b>	<p><b>Councillors Attending:</b> Councillors Argento, Kiel, Skinner, Rich, McEwen and Brunt.</p> <p><b>Conflict of Interest:</b> Nil Disclosed.</p> <p><b>Matters Discussed:</b> Strategic Planning Projects, Residential Land Supply and Rezoning, Planning applications of significance, Planning decisions November – December 2016 and VCAT decisions.</p>

<b>Wednesday 1 February 2017</b>	
<b>Meeting Title</b>	<b>Details</b>
<b>Economic Development and Tourism Steering Committee</b>	<p><b>Councillors Attending:</b> Councillors Argento, Kiel, Skinner, Rich, McEwen, Brunt and Edwards.</p> <p><b>Conflict of Interest:</b> Nil Disclosed.</p> <p><b>Matters Discussed:</b> Committee purpose and focus, Branding Review, Review of Economic Development &amp; Tourism Strategy, Update on Priority Projects, Leongatha and Main Street Issues and 'Invest Gippsland Initiatives'.</p>
<b>Special Committee Meeting of Council – Submission Hearing</b>	<p><b>Councillors Attending:</b> Councillors Kiel, Edwards, Argento, Skinner, Rich and Brunt.</p> <p><b>Conflict of Interest:</b> Cr McEwen was not in attendance at the Special Committee Meeting, prior to the Meeting he lodged a direct Conflict of Interest as he is a property owner on the subject road, Mcllwaine Road, Meeniyan.</p> <p><b>Matters Discussed:</b> Special Committee Meeting of Council to hear submitters who have elected to speak to their submission regarding proposed renaming of two sections of Mcllwaine Street in the township of Meeniyan.</p>
<b>Executive Update</b>	<p><b>Councillors Attending:</b> Councillors Hill, Skinner, McEwen, Kiel, Brunt and Rich.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• Mossvale Park – 'Music for the People' event held over until 2018 in order to seek a headline act for the 50<sup>th</sup> Anniversary Celebrations.</li> <li>• Strategic Briefing to Council on Community Boards</li> </ul>

<b>Wednesday 1 February 2017</b>	
<b>Meeting Title</b>	<b>Details</b>
<b>Municipal Precinct in Leongatha - Project Update</b>	<p><b>Councillors Attending:</b> Councillors Hill, Skinner, McEwen, Kiel, Argento, Edwards, and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided with an update on the project and determined the next steps.</p>
<b>Rezoning Land Interest in Foster</b>	<p><b>Councillors Attending:</b> Councillors Hill, Skinner, McEwen, Kiel, Edwards, and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided with information on a planning matter.</p>
<b>Risk Management Training</b>	<p><b>Councillors Attending:</b> Councillors Hill, Skinner, McEwen, Kiel, Edwards and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> As part of the Councillor Transition Program Councillors were provided with Risk Management Training.</p>
<b>Risk Management Framework &amp; Plan &amp; Policy Review: C35 Risk Management Policy</b>	<p><b>Councillors Attending:</b> Councillors Hill, Skinner, McEwen, Kiel, Edwards and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided with information on the Risk Management Framework, Plan and Policy. Councillors also considered risk appetite.</p>

<b>Wednesday 1 February 2017</b>	
<b>Meeting Title</b>	<b>Details</b>
<b>Relocation Plan for Foster Services - Project Update</b>	<p><b>Councillors Attending:</b> Councillors Hill, Skinner, Kiel, Argento, Edwards and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided with an update on the project.</p>
<b>Executive Update</b>	<p><b>Councillors Attending:</b> Councillors Hill, Skinner, Kiel, Argento, Edwards and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• Leongatha Precinct Project – Railway Steering Group</li> <li>• Korumburra Commercial Precinct Project</li> </ul>
<b>Wednesday 15 February 2017</b>	
<b>Terms and Conditions of Hire:</b>	<p><b>Councillors Attending:</b> Councillors Kiel, Argento, Skinner, McEwen, Brown and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided with information on the Terms and Conditions of hire for both venues.</p>
<b>Executive Update</b>	<p><b>Councillors Attending:</b> Councillors Kiel, Argento, McEwen, Brown, Edwards and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matter Discussed:</b></p> <ul style="list-style-type: none"> <li>• Gippsland Business Awards</li> </ul>

<b>Wednesday 15 February 2017</b>	
<b>Meeting Title</b>	<b>Details</b>
<b>Waste Management Strategy Review Update</b>	<p><b>Councillors Attending:</b> Councillors Kiel, Argento, McEwen, Brunt, Brown, Skinner and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors considered Council's Waste Management Strategy 2011-2021 that aims to continue to guide the provision of Council's waste management services.</p>
<b>South Gippsland Regional Equestrian &amp; Exhibition Centre</b>	<p><b>Councillors Attending:</b> Councillors Kiel, Argento, McEwen, Brunt, Brown, Skinner, Edwards and Rich.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors considered the proposed development of a Regional Equestrian and Exhibition Centre at Stony Creek Racecourse.</p>
<b>Council Plan Draft</b>	<p><b>Councillors Attending:</b> Councillors Kiel, Argento, McEwen, Brunt, Brown, Skinner, Edwards, Rich and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided the draft of the Council Plan and discussed development, progress and timelines.</p>
<b>Draft Council Budget 2017/18 and Long Term Financial Plan</b>	<p><b>Councillors Attending:</b> Councillors Kiel, Argento, McEwen, Brunt, Brown, Skinner, Edwards, Rich and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors reviewed the draft Budget and Long Term Financial Plan.</p>

<b>Wednesday 15 February 2017</b>	
<b>Meeting Title</b>	<b>Details</b>
<b>Public Presentation Session</b> <b>Open Session</b>	<b>Councillors Attending:</b> Councillors Kiel, Argento, McEwen, Brunt, Brown, Skinner, Edwards, Rich and Hill. <b>Conflict of Interest:</b> Nil disclosed.
<p><b>Presentations were made to Council by the following community members:</b></p> <p><b>David Arnault</b>, addressed Council regarding Climate Change and implications for Council strategic decision making.</p> <p><b>Gus Blaauw</b>, addressed Council regarding purchase and sale of public land.</p> <p><b>Trevor Ludeman</b>, planning consultant representing the applicant, addressed Council regarding Planning Scheme Amendment – Parr Street, Leongatha</p> <p><b>Marg Lynn</b>, representing the Bass Coast South Gippsland Reconciliation Group, addressed Council regarding the role of the group and the proposed name change of McMillan electorate and Australia Day.</p>	
<b>Council Agenda Topics</b> <b>22 February 2017</b>	<b>Councillors Attending:</b> Councillors Kiel, Argento, McEwen, Brunt, Brown, Skinner, Edwards, Rich and Hill. <b>Conflict of Interest:</b> Cr Hill disclosed a direct conflict of interest in respect of Council Agenda item 5.5 ROAD OPENING IN MIRBOO NORTH (OFF GILES STREET), as he is the applicant. Cr Hill left the room when the matter was discussed. <b>Matters Discussed:</b> Councillors were provided information on Council Agenda items for the Ordinary Council Meeting 22 February 2017.
<b>Executive Update</b>	<b>Councillors Attending:</b> Councillors Kiel, Argento, McEwen, Brunt, Brown, Skinner, Edwards, Rich and Hill. <b>Conflict of Interest:</b> Nil disclosed. <b>Matters Discussed:</b> <ul style="list-style-type: none"> <li>• Gippsland Business Awards</li> <li>• Singapore Hospital Purchasing Manager tour</li> <li>• Bald Hills Wind Farm update</li> </ul>



<b>Wednesday 15 February 2017</b>	
<b>Meeting Title</b>	<b>Details</b>
<b>Public Presentation Session</b>  <b>Open Evening Session</b>	<b>Councillors Attending:</b> Councillors Rich, Edwards, Kiel, Hill, Skinner and McEwen.  <b>Conflict of Interest:</b> Nil disclosed.
<p><b>Presentations were made to Council by the following community members:</b></p> <p><b>Debbie Kraushofer</b> representing Venus Bay Community Centre addressed Council regarding Concerns for the land sale of two property sites in Venus Bay.</p> <p><b>Steve Finlay</b> representing South Gippsland Action Group addressed Council regarding an introduction to the newly formed group. <b>Otto Ipple</b>, a member of the group addressed Council regarding Council rate reduction.</p> <p><b>Lindsay Love</b> addressed Council regarding Council's management of Caravan Parks.</p>	
<b>Friday 17 February 2017</b>	
<b>Community Governance Structures</b>	<b>Councillors Attending:</b> Councillors Kiel, Edwards, Argento, Skinner, Rich, McEwen, and Brunt.  <b>Conflict of Interest:</b> Nil disclosed.  <b>Matters Discussed:</b> Councillors were provided a strategic briefing about how local government can manage complex community governance structures.

## REFERENCE DOCUMENTS

Local Government Act 1989

### **4.3. DOCUMENTS SEALED AND AWARDED VARIED OR EXTENDED BY CEO**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

This document reports to Council the following actions undertaken by the Chief Executive Officer (CEO) which occurred during the period from 21 January 2017 to 16 February 2017, as required by the Council's Instrument of Delegation to the Chief Executive Officer and Procurement Policy:

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

#### **RECOMMENDATION**

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

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

## REPORT

### Documents Sealed

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

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

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

In accordance with the Local Law and Instrument of Delegation, the following are presented to Council as documents sealed during the period from 21 January to 16 February 2017:

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 170 & 240 Hulls Road, Nerrena in relation to a two lot subdivision – Seal Applied 21 January 2017.
2. Section 45 Transfer of Land Act 1958 Execution between South Gippsland Shire Council and the Transferees of Part 33-35 Main Street, Foster – Seal Applied 24 January 2017.
3. Section 173 Agreement between South Gippsland Shire Council and the owner of 49 Waratah Avenue, Waratah Bay in relation to the development of the land with a dwelling – Seal Applied 30 January 2017.
4. Section 173 Agreement between South Gippsland Shire Council and the owner of 590 South Gippsland Highway, Leongatha South in relation to rezoning of land from Farming Zone to Special Use Zone Schedule 6 and a two lot subdivision – Seal Applied 1 February 2017.
5. Section 45 Transfer of Land Act 1958 Execution between South Gippsland Shire Council and the Transferees of 5 to 9 Sloan Avenue, Leongatha – Seal Applied 6 February 2017.

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

The CEO's delegation from Council allows the CEO to award contracts up to the value of \$250,000 (inclusive of GST), with the exception of:

- Annual WorkCover and Council insurance premiums; and
- Any other contract which complies with Council's Procurement Policy and is delegated to the Chief Executive Officer to award by a resolution of Council.

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

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

1. Contract CON/132 Refurbishment of the Meeting Room Toilets – Leongatha Memorial Hall Complex was awarded to Considine & Johnston Pty Ltd on 14 February 2017.

Council resolved on 24 August 2016 to delegate to the CEO the power to award contracts specified in the resolution, subject to the preferred tenders being within budget and that Council receive a report detailing the contracts awarded. The following contracts were awarded between 21 January to 16 February 2017 that were specified in the 24 August 2016 resolution and that were within budget:

1. Contract CON/123 Reconstruction of the Foster Streetscape (Part Station and Main Streets) was awarded to ADA Construction Services Pty Ltd for the lump sum amount of \$1,085,790.79 (excluding GST and contingency amount) on 29 January 2017; and
2. Contract CON/125 Refurbishment of the Poowong Swimming Pool Amenities / Entrance Area was awarded to Bowden Corporation Pty Ltd for the lump sum amount of \$314,075 (excluding GST and contingency amount) on 24 January 2017

Council's Procurement Policy authorises the CEO to approve any necessary variations to a contract which exceeds the CEO's delegation, to allow the proper fulfilment of the contract and to ensure delays to key projects are avoided, following consultation with the Mayor and subject to this variation being reported to the next practicable Council Meeting.

The following variations to a contract which exceeds the CEO's delegation, were approved by the CEO:

1. CON/73 Construction of Karmai Community Children's Centre Korumburra - Variation No. 11 to the amount of \$40,607.38 (excluding GST) approved on 23 December 2016.

### **Contract extensions approved by the CEO**

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

No Extensions have been approved by the CEO during the period 21 January to 16 February 2017.

### **REFERENCE DOCUMENTS**

Local Government Act 1989 (the Act), ss. 5 and 186

Planning and Environment Act 1987

SGSC Local Law No. 3 2010, Processes of Municipal Government (Meeting Procedures and Common Seal)

SGSC Procurement Policy, December 2015

SGSC Instrument of Delegation to the Chief Executive Officer, 14 December 2016

## 5. COUNCIL REPORTS

### 5.1. 2017/2018 PROPOSED ANNUAL BUDGET

Corporate and Community Services Directorate

#### EXECUTIVE SUMMARY

This report presents the South Gippsland Shire Council Proposal Annual Budget (Proposed Budget) for the 2017-2018 financial year refer **Attachment [5.1.1]**.

The Minister for Local Government announced that Victorian council rate increases will be capped to the rate of inflation, 2.0% for 2017/18. The rate rises in the forward years have also been modelled at 2.0%.

Council will now receive \$27m less rates & charges revenue over a 14 year period when comparing the Proposed 2017/18 Budget / Long Term Financial Plan (LTFP) to the previously adopted 2016/17 Budget / LTFP.

Sections 2 and 3 of the Proposed Budget set out the strategic initiatives Council aims to implement in 2017-2018 which in effect contain the annual plan actions and indicators to be achieved in 2017-2018.

The budgeted financial statements for the 2017-2018 Budget and Long Term Financial Plan are financially sustainable. They are validated by a series of key financial performance indicators. It is important to note the longer term concern with the progressively deteriorating underlying operating results.

This will in coming years have to be carefully monitored and managed.

It is recommended that Council endorse the 2017-2018 Proposed Annual Budget and commence a Section 223 public consultation process inviting formal written submissions from the community on the Proposed Budget, with a closing date of Wednesday 26 April 2017.

Section 223 public submissions will be heard at a Council briefing session on Wednesday 17 May 2017 and then considered and determined at a Special Meeting of Council on Wednesday 24 May 2017.

#### RECOMMENDATION

That Council:

1. Endorse the Proposed 2017-2018 Budget, including the 15 year Long Term Financial Plan, contained in Attachment [5.1.1], pursuant to section 127 of the Local Government Act 1989.

- 2.** Approve commencement of the statutory procedures to invite public submissions on the Proposed 2017-2018 Budget, in conjunction with the Proposed 2017-2021 Council Plan, pursuant to section 125 and 129 of the Local Government Act, 1989.
- 3.** Authorise the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under section 223 of the Local Government Act, 1989 in respect of the statutory procedures outlined in item 2 above.
- 4.** Give public notice on Tuesday 28 March 2017 and on Council's website of the Proposed 2017-2021 Council Plan and Proposed 2017-2018 Budget in accordance with section 125, 127 and 129 of the Local Government Act 1989 and commence a section 223 Public Consultation process inviting written submissions from the community on the Proposed 2017-2021 Council Plan and Proposed 2017-2018 Budget by close of business (5pm) on Wednesday 26 April 2017.
- 5.** In the public notice on Tuesday 28 March 2017 state:
  - a.** Preparation of the Proposed 2017-2021 Council Plan including the four year Strategic Resource Plan and Proposed 2017-2018 Budget, including the 15 year Long Term Financial Plan.
  - b.** Copies of the Proposed 2017-2021 Council Plan and Proposed 2017-2018 Budget, together with information prescribed by the Local Government (Planning and Reporting) Regulations 2014 are available for inspection on Council's website [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) and Main Office, 9 Smith Street Leongatha from 8.30am to 5.00pm between 28 March to 26 April 2017.
  - c.** A person proposing to make a submission under section 223 of the Act must do so by 5.00pm on Wednesday 26 April 2017. Late submissions will not be considered by Council.
  - d.** Submission must be addressed to the Chief Executive Officer, South Gippsland Shire Council and it is preferred that they be sent via email to [submissions@southgippsland.vic.gov.au](mailto:submissions@southgippsland.vic.gov.au). Alternatively submissions can be addressed to, Private Bag 4, Leongatha 3953, or delivered to the Council Office, 9 Smith Street, Leongatha.
  - e.** All formal written submissions will be considered in accordance with section 223 of the Act.
  - f.** Any person making a written submission is required to state in their submission if he or she wishes to appear in person, or be represented by a person specified in their submission, at an open meeting to be heard in support of their submission.
  - g.** Copies of submissions (including submitter's names and addresses) will be made available at the Hearing and Special Council Meeting at which the





3. **APPROVE COMMENCEMENT OF THE STATUTORY PROCEDURES TO INVITE PUBLIC SUBMISSIONS ON THE PROPOSED 2017-2018 BUDGET, IN CONJUNCTION WITH THE PROPOSED 2017-2021 COUNCIL PLAN, PURSUANT TO SECTION 125 AND 129 OF THE LOCAL GOVERNMENT ACT, 1989.**
4. **AUTHORISE THE CHIEF EXECUTIVE OFFICER TO UNDERTAKE THE ADMINISTRATIVE PROCEDURES NECESSARY TO ENABLE THE COUNCIL TO CARRY OUT ITS FUNCTIONS UNDER SECTION 223 OF THE LOCAL GOVERNMENT ACT, 1989 IN RESPECT OF THE STATUTORY PROCEDURES OUTLINED IN ITEM 2 ABOVE.**
5. **GIVE PUBLIC NOTICE ON TUESDAY 28 MARCH 2017 AND ON COUNCIL'S WEBSITE OF THE PROPOSED 2017-2021 COUNCIL PLAN AND PROPOSED 2017-2018 BUDGET IN ACCORDANCE WITH SECTION 125, 127 AND 129 OF THE LOCAL GOVERNMENT ACT 1989 AND COMMENCE A SECTION 223 PUBLIC CONSULTATION PROCESS INVITING WRITTEN SUBMISSIONS FROM THE COMMUNITY ON THE PROPOSED 2017-2021 COUNCIL PLAN AND PROPOSED 2017-2018 BUDGET BY CLOSE OF BUSINESS (5PM) ON WEDNESDAY 26 APRIL 2017.**
6. **IN THE PUBLIC NOTICE ON TUESDAY 28 MARCH 2017 STATE:**
  - A. **PREPARATION OF THE PROPOSED 2017-2021 COUNCIL PLAN INCLUDING THE FOUR YEAR STRATEGIC RESOURCE PLAN AND PROPOSED 2017-2018 BUDGET, INCLUDING THE 15 YEAR LONG TERM FINANCIAL PLAN.**
  - B. **COPIES OF THE PROPOSED 2017-2021 COUNCIL PLAN AND PROPOSED 2017-2018 BUDGET, TOGETHER WITH INFORMATION PRESCRIBED BY THE LOCAL GOVERNMENT (PLANNING AND REPORTING) REGULATIONS 2014 ARE AVAILABLE FOR INSPECTION ON COUNCIL'S WEBSITE [WWW.SOUTHGIPPSLAND.VIC.GOV.AU](http://WWW.SOUTHGIPPSLAND.VIC.GOV.AU) AND MAIN OFFICE, 9 SMITH STREET LEONGATHA FROM 8.30AM TO 5.00PM BETWEEN 28 MARCH TO 26 APRIL 2017.**
  - C. **A PERSON PROPOSING TO MAKE A SUBMISSION UNDER SECTION 223 OF THE ACT MUST DO SO BY 5.00PM ON WEDNESDAY 26 APRIL 2017. LATE SUBMISSIONS WILL NOT BE CONSIDERED BY COUNCIL.**
  - D. **SUBMISSION MUST BE ADDRESSED TO THE CHIEF EXECUTIVE OFFICER, SOUTH GIPPSLAND SHIRE COUNCIL AND IT IS PREFERRED THAT THEY BE SENT VIA EMAIL TO [SUBMISSIONS@SOUTHGIPPSLAND.VIC.GOV.AU](mailto:SUBMISSIONS@SOUTHGIPPSLAND.VIC.GOV.AU). ALTERNATIVELY SUBMISSIONS CAN BE ADDRESSED TO, PRIVATE BAG 4, LEONGATHA 3953, OR DELIVERED TO THE COUNCIL OFFICE, 9 SMITH STREET, LEONGATHA.**
  - E. **ALL FORMAL WRITTEN SUBMISSIONS WILL BE CONSIDERED IN ACCORDANCE WITH SECTION 223 OF THE ACT.**

- F. ANY PERSON MAKING A WRITTEN SUBMISSION IS REQUIRED TO STATE IN THEIR SUBMISSION IF HE OR SHE WISHES TO APPEAR IN PERSON, OR BE REPRESENTED BY A PERSON SPECIFIED IN THEIR SUBMISSION, AT AN OPEN MEETING TO BE HEARD IN SUPPORT OF THEIR SUBMISSION.**
  - G. COPIES OF SUBMISSIONS (INCLUDING SUBMITTER'S NAMES AND ADDRESSES) WILL BE MADE AVAILABLE AT THE HEARING AND SPECIAL COUNCIL MEETING AT WHICH THE SUBMISSIONS ARE CONSIDERED AND COUNCIL IS REQUIRED TO MAKE SUBMISSIONS AVAILABLE FOR PUBLIC INSPECTION FOR A PERIOD OF TWELVE MONTHS.**
  - H. THE TIME, DATE AND PLACE FOR HEARING OF SUBMISSIONS.**
  - I. FOLLOWING CONSIDERATION OF THE SUBMISSIONS, COUNCIL MAY AMEND OR NOT AMEND THE 2017-2021 COUNCIL PLAN AND/OR 2017-2018 ANNUAL BUDGET.**
- 7. AUTHORISE THE CHIEF EXECUTIVE OFFICER TO FIX THE TIME, DATE AND PLACE FOR THE SECTION 223 HEARING FOR PERSONS WHO HAVE INDICATED IN THEIR WRITTEN SUBMISSIONS THAT THEY WISH TO BE HEARD IN SUPPORT OF THEIR SUBMISSION, AS WEDNESDAY 17 MAY 2017 AT 10.45AM AT THE COUNCIL CHAMBERS, MICHAEL PLACE, LEONGATHA;**
  - 8. APPOINT ALL COUNCILLORS IN ATTENDANCE TO HEAR THE SUBMISSIONS;**
  - 9. ADVISE THOSE PERSONS WHO HAVE INDICATED IN THEIR WRITTEN SUBMISSION THAT THEY WISH TO BE HEARD IN SUPPORT OF THEIR SUBMISSION, OF THE DATE, TIME AND PLACE OF THE HEARING OF SUBMISSIONS, AS SOON AS PRACTICABLE;**
  - 10. AUTHORISE THE CHIEF EXECUTIVE OFFICER TO FIX THE TIME, DATE AND PLACE TO CONSIDER AND DETERMINE THE SUBMISSIONS FOR INCLUSION IN THE FINAL 2017-2021 COUNCIL PLAN AND/OR 2017-2018 BUDGET AT A SPECIAL MEETING OF COUNCIL ON WEDNESDAY 24 MAY 2017 AT 11.15AM IN THE COUNCIL CHAMBERS, LEONGATHA; AND**
  - 11. REQUIRE THE FINAL 2017-2018 BUDGET BE PRESENTED TO COUNCIL FOR ADOPTION AT A COUNCIL MEETING ON 28 JUNE 2017.**

**CARRIED UNANIMOUSLY**

## REPORT

### Rate Capping

The Minister for Local Government, Natalie Hutchins, announced that Victorian council rate increases will be capped to the rate of inflation, 2.0% for 2017/18. The rate rises in the forward years of the Long Term Financial Plan (LTFP) have been modelled at 2.0% from 2017/18 onwards.

Council will now receive \$27m less rates and charges revenue over a 14 year period when comparing the Proposed 2017/18 Budget / LTFP to the previously adopted 2016/17 Budget / LTFP.

### Changes Made to 2nd Draft Budget

There as been several changes made to the 2nd draft 2016/17 Budget / LTFP that was considered by Council on 15 February 2017.

This includes making the following allocations from the \$1.6m Community Capital Works allocation that was established in 2016/17 to following projects in 2017/18:

- Couper Street Mirboo North footpath - \$100,000
- Foster recycled water project - \$400,000
- Venus Bay Surf Life Saving Club - \$150,000 (*allocated to an Internal Reserve*)
- Baromi Park Masterplan & associated works - \$300,000
- Venus Bay Skate Park - \$125,000
- Korumburra Recreation Centre - \$175,000
- Korumburra Recreation Reserve - \$175,000
- Korumburra Skate Park - \$50,000

Changes to capital works / major works program budget allocations include:

#### RSL/Carinos Land investigation Hub and library investigation

- 2017/18 \$25,000 for preliminary investigation
- 2018/19 \$400,000 relocation costs for 40 staff if project proceeds
- 2019/20 \$100,000 rent office space
- 2020/21 \$100,000 rent office space

- 2020/21 \$5m Capital expenditure

Great Southern Rail Trail project covering both east and west connections

- 2017/18 \$120,000 for design investigation and feasibility
- 2019/20 \$3m expenditure and \$2m income
- 2020/21 \$3m expenditure and \$2m income

Korumburra Revitalisation project which includes review of Town Centre Framework Plan, selecting location for Community Hub, and landscape design for the Railway Land

- 2017/18 \$100,000 expenditure

Equestrian / Expo Centre Business Case and Detailed Design

- 2017/18 \$90,000 expenditure
- 2019/20 \$1.8m expenditure and \$1.2m income

Mirboo North Pool

- Budget increased from \$1.9m to \$3.8m to cover renewal.

SPLASH moved to commence construction in 2019/20 as business case has not been finalised.

There has also been a \$100,000 recurrent expenditure budget included as a funding source to implement the Arts & Culture Strategy.

The Employee costs projections in the Income Statement have also been refined. Changes include taking into account workover cost requirements for 2017/18, banding increments and increases to superannuation contributions in the later years of the plan. As a result, there is a \$83,000 cost increase for 2017/18 but an actual net cost saving of \$2m over 15 years.

## **Implementation**

Council is legislatively required to prepare and then adopt an Annual Budget.

The tabled Proposed Budget document in **Attachment [5.1.1]** is the Budget for the purposes of preparing a budget under Section 127 of the Local Government Act 1989.

The Proposed Budget follows the Best Practice Guidelines prepared by a working party consisting of Chartered Accountants Australia and New Zealand, LG Pro, LG Financial Professionals and the Municipal Association of Victoria (MAV).

Council is required to give 28 days notice of its intention to adopt the proposed Budget **Attachment [5.1.1]**. During this public exhibition period the general public can consider the budget and make formal written submissions to the Chief Executive Officer pursuant to Section 223 of the Local Government Act. An opportunity to speak to submissions will be provided to submitters, upon request. Any written submission must be considered by Council before the adoption of the Budget.

It is proposed to hear submissions at a Council meeting to be held on 17 May 2017. Council will then consider and determine submissions at a Special Meeting of Council to be held on 24 May 2017 and adopt the 2017-2018 Annual Budget at the Ordinary Council Meeting on 28 June 2017.

Council may endorse the Budget **Attachment [5.1.1]** as presented or consider any final amendments, prior to the commencement of the public consultation period.

## **CONSULTATION**

Council commenced its consultation for the 2017/18 Budget on 9 August through to 7 September 2016 with an on-line community engagement activity - OurSay. 54 participants generated 70 ideas and 278 people participated in the activity. These were considered in the January workshops where Councillors worked through a series of activities to commence the development of the draft 2017/21 Council Plan that will shape the direction and allocation of resources of Council for the coming four years.

Council briefings were held in December 2016, January, February and March 2017, to prepare the Proposed 2017/21 Council Plan and 2017/18 Annual Initiatives.

Once the Proposed Budget is endorsed by Council, the community engagement process will commence with written public submissions being called for. This process will be undertaken in accordance with section 223 - Right to Make a Submission, of the Act.

Submitters that have indicated in their submission they wish to be heard, will be invited to speak to their submission at an open Hearing on Wednesday 17 May 2017.

All submissions will be considered and determined at a Special Meeting of Council on Wednesday 24 May 2017.

Council is scheduled to formally consider and adopt the 2017/18 Annual Budget at its meeting to be held on 28 June 2017.

## **RESOURCES**

Council has a legislative requirement to comply with the following principles of sound financial management:

- Prudently manage financial risks relating to debt, assets and liabilities;
- Provide reasonable stability in the level of rate burden;
- Consider the financial effects of Council decisions on future generations; and
- Provide full, accurate and timely disclosure of financial information.

A key component of sound financial management is the preparation of an Annual Budget within a longer-term business framework. For the 2017-2018 financial year, the Proposed Budget includes the following features:

- Operating expenditure (including depreciation) will be \$61.16 million;
- Capital expenditure will be \$20.14 million;
- Total debt redemption will be \$nil;
- Total cash outflows will be \$69.31 million;
- Total cash inflows will be \$67.86 million;
- Cash at end of financial year will be \$7.59 million;
- Increase in rates will be 2.00% and 1.30% for waste services;
- Rate and charges income will be \$40.94 million.

When comparing capital expenditure outlays for the first four years of this current Long Term Financial Plan to the previous 2016/17 plan, Council has increased the capital expenditure budget by \$10.6m. Council will have somewhat restricted financial capacity to accommodate unforeseen strategic opportunities or unavoidable cost events that may arise.

In the later years of the plan the projected operating result has a gradual downward trend. This is due to the longer term impact of less rates revenue as a result of rate capping. Council is managing this issue by allowing any future years' productivity gains to flow through to the bottom line in the later years, so as to strategically address the downward trend in the forecast underlying operating results.

The financial statements for the 2017-2018 Budget and Long Term Financial Plan are financially sustainable. They are validated by a series of key financial performance indicators contained in **Attachment [5.1.1]**.

## **RISKS**

Council has legislated time constraints and specific responsibilities set out in the Local Government Act 1989 (Act) for preparing an Annual Budget. Endorsing the

Proposed Budget and commencing the formal public consultation process will work towards ensuring the required legislative timelines can be met.

Further, under Section 136 of the Act, Council is required to manage financial risks prudently, having regard to economic circumstances and ensuring that decisions made and actions taken consider their financial effects on future generations. Council's Annual Budget and Long Term Financial Plan is developed with reference to a number of Long Term Financial Strategies which include a number of key financial performance indicators.

## **ATTACHMENTS**

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

1. Proposed Budget 2017-2018 **[5.1.1]**

## **REFERENCE DOCUMENTS**

Local Government Act 1989

## **5.2. 2017-2021 PROPOSED COUNCIL PLAN**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

The Proposed 2017-2021 Council Plan, including the four year Strategic Resource Plan, (Proposed Plan) (**Attachment [5.2.1]**) has been developed to provide direction through strategic objectives, strategies and indicators to be achieved in the four year term of Council. The Proposed Plan is presented to Council for endorsement.

Once endorsed, public submissions will be sought on the Proposed Plan for a minimum of 28 days, closing on Wednesday 26 April 2017 at 5.00pm.

A public hearing of submitters that have indicated a request to be heard in their submission, will be held on Wednesday 17 May 2017 at 10.45am at the Council Chambers, Michael Place, Leongatha.

Council will consider and determine submissions to the section 223 Proposed 2017-2021 Council Plan and Proposed 2017-2018 Budget at a Special Meeting of Council in the Council Chambers, Michael Place, Leongatha at 11.15am on Wednesday 24 May 2017. Copies of submissions (including submitters' names and addresses) will be made public in Agenda and Minutes at the Open Hearing on 17 May 2017 and the Special Council Meeting on 24 May 2017.

### **RECOMMENDATION**

That Council:

- 1.** Endorse the Proposed 2017-2021 Council Plan, including the Strategic Resource Plan, contained in Attachment [5.2.1], pursuant to section 125 of the Local Government Act 1989.
- 2.** Approve commencement of the statutory procedures to invite public submissions on the Proposed 2017-2021 Council Plan, in conjunction with the Proposed 2017-2018 Budget, pursuant to section 125 and 129 of the Local Government Act, 1989.
- 3.** Authorise the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under section 223 of the Local Government Act, 1989 in respect of the statutory procedures outlined in item 2 above.
- 4.** Give public notice on Tuesday 28 March 2017 and on Council's website of the Proposed 2017-2021 Council Plan and Proposed 2017-2018 Budget in accordance with section 125, 127 and 129 of the Local Government Act 1989



and commence a section 223 Public Consultation process inviting written submissions from the community on the Proposed 2017-2021 Council Plan and Proposed 2017-2018 Budget by close of business (5pm) on Wednesday 26 April 2017.

5. In the public notice on Tuesday 28 March 2017 state:
- a. Preparation of the Proposed 2017-2021 Council Plan including the four year Strategic Resource Plan and Proposed 2017-2018 Budget, including the 15 year Long Term Financial Plan.
  - b. Copies of the Proposed 2017-2021 Council Plan and Proposed 2017-2018 Budget, together with information prescribed by the Local Government (Planning and Reporting) Regulations 2014 are available for inspection on Council's website [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) and Main Office, 9 Smith Street Leongatha from 8.30am to 5.00pm between 28 March to 26 April 2017.
  - c. A person proposing to make a submission under section 223 of the Act must do so by 5.00pm on Wednesday 26 April 2017. Late submissions will not be considered by Council.
  - d. Submission must be addressed to the Chief Executive Officer, South Gippsland Shire Council and it is preferred that they be sent via email to [submissions@southgippsland.vic.gov.au](mailto:submissions@southgippsland.vic.gov.au). Alternatively submissions can be addressed to, Private Bag 4, Leongatha 3953, or delivered to the Council Office, 9 Smith Street, Leongatha.
  - e. All formal written submissions will be considered in accordance with section 223 of the Act.
  - f. Any person making a written submission is required to state in their submission if he or she wishes to appear in person, or be represented by a person specified in their submission, at an open meeting to be heard in support of their submission.
  - g. Copies of submissions (including submitter's names and addresses) will be made available at the Hearing and Special Council Meeting at which the submissions are considered and Council is required to make submissions available for public inspection for a period of twelve months.
  - h. The time, date and place for hearing of submissions.
  - i. Following consideration of the submissions, Council may amend or not amend the 2017-2021 Council Plan and/or 2017-2018 Annual Budget.

6. Authorise the Chief Executive Officer to fix the time, date and place for the section 223 hearing for persons who have indicated in their written submissions that they wish to be heard in support of their submission, as Wednesday 17 May 2017 at 10.45am at the Council Chambers, Michael Place, Leongatha;
7. Appoint all Councillors in attendance to hear the submissions;
8. Advise those persons who have indicated in their written submission that they wish to be heard in support of their submission, of the date, time and place of the hearing of submissions, as soon as practicable;
9. Authorise the Chief Executive Officer to fix the time, date and place to consider and determine the submissions for inclusion in the final 2017-2021 Council Plan and/or 2017-2018 Budget at a Special Meeting of Council on Wednesday 24 May 2017 at 11.15am in the Council Chambers, Leongatha; and
10. Require the final 2017-2021 Council Plan be presented to Council for adoption at a Council Meeting on 28 June 2017.

**MOVED:** Cr Brunt

**SECONDED:** Cr Edwards

**THAT COUNCIL:**

1. **ENDORSE THE PROPOSED 2017-2021 COUNCIL PLAN, INCLUDING THE STRATEGIC RESOURCE PLAN, CONTAINED IN ATTACHMENT [5.2.1], PURSUANT TO SECTION 125 OF THE LOCAL GOVERNMENT ACT 1989 WITH THE FOLLOWING CHANGE TO COUNCIL PLAN, STRATEGIC OBJECTIVE 2.8 TO REFLECT:**
  - A. **INVESTIGATE OPPORTUNITIES TO CONSIDER A MODEL FOR COMMUNITY SELF-DETERMINATION TO FACILITATE WORKING IN PARTNERSHIP WITH THE COMMUNITY.**
2. **APPROVE COMMENCEMENT OF THE STATUTORY PROCEDURES TO INVITE PUBLIC SUBMISSIONS ON THE PROPOSED 2017-2021 COUNCIL PLAN, IN CONJUNCTION WITH THE PROPOSED 2017-2018 BUDGET, PURSUANT TO SECTION 125 AND 129 OF THE LOCAL GOVERNMENT ACT, 1989.**
3. **AUTHORISE THE CHIEF EXECUTIVE OFFICER TO UNDERTAKE THE ADMINISTRATIVE PROCEDURES NECESSARY TO ENABLE THE COUNCIL TO CARRY OUT ITS FUNCTIONS UNDER SECTION 223 OF THE LOCAL GOVERNMENT ACT, 1989 IN RESPECT OF THE STATUTORY PROCEDURES OUTLINED IN ITEM 2 ABOVE.**

4. **GIVE PUBLIC NOTICE ON TUESDAY 28 MARCH 2017 AND ON COUNCIL'S WEBSITE OF THE PROPOSED 2017-2021 COUNCIL PLAN AND PROPOSED 2017-2018 BUDGET IN ACCORDANCE WITH SECTION 125, 127 AND 129 OF THE LOCAL GOVERNMENT ACT 1989 AND COMMENCE A SECTION 223 PUBLIC CONSULTATION PROCESS INVITING WRITTEN SUBMISSIONS FROM THE COMMUNITY ON THE PROPOSED 2017-2021 COUNCIL PLAN AND PROPOSED 2017-2018 BUDGET BY CLOSE OF BUSINESS (5PM) ON WEDNESDAY 26 APRIL 2017.**
5. **IN THE PUBLIC NOTICE ON TUESDAY 28 MARCH 2017 STATE:**
  - a. **PREPARATION OF THE PROPOSED 2017-2021 COUNCIL PLAN INCLUDING THE FOUR YEAR STRATEGIC RESOURCE PLAN AND PROPOSED 2017-2018 BUDGET, INCLUDING THE 15 YEAR LONG TERM FINANCIAL PLAN.**
  - b. **COPIES OF THE PROPOSED 2017-2021 COUNCIL PLAN AND PROPOSED 2017-2018 BUDGET, TOGETHER WITH INFORMATION PRESCRIBED BY THE LOCAL GOVERNMENT (PLANNING AND REPORTING) REGULATIONS 2014 ARE AVAILABLE FOR INSPECTION ON COUNCIL'S WEBSITE [WWW.SOUTHGIPPSLAND.VIC.GOV.AU](http://WWW.SOUTHGIPPSLAND.VIC.GOV.AU) AND MAIN OFFICE, 9 SMITH STREET LEONGATHA FROM 8.30AM TO 5.00PM BETWEEN 28 MARCH TO 26 APRIL 2017.**
  - c. **A PERSON PROPOSING TO MAKE A SUBMISSION UNDER SECTION 223 OF THE ACT MUST DO SO BY 5.00PM ON WEDNESDAY 26 APRIL 2017. LATE SUBMISSIONS WILL NOT BE CONSIDERED BY COUNCIL.**
  - d. **SUBMISSION MUST BE ADDRESSED TO THE CHIEF EXECUTIVE OFFICER, SOUTH GIPPSLAND SHIRE COUNCIL AND IT IS PREFERRED THAT THEY BE SENT VIA EMAIL TO [SUBMISSIONS@SOUTHGIPPSLAND.VIC.GOV.AU](mailto:SUBMISSIONS@SOUTHGIPPSLAND.VIC.GOV.AU). ALTERNATIVELY SUBMISSIONS CAN BE ADDRESSED TO, PRIVATE BAG 4, LEONGATHA 3953, OR DELIVERED TO THE COUNCIL OFFICE, 9 SMITH STREET, LEONGATHA.**
  - e. **ALL FORMAL WRITTEN SUBMISSIONS WILL BE CONSIDERED IN ACCORDANCE WITH SECTION 223 OF THE ACT.**
  - f. **ANY PERSON MAKING A WRITTEN SUBMISSION IS REQUIRED TO STATE IN THEIR SUBMISSION IF HE OR SHE WISHES TO APPEAR IN PERSON, OR BE REPRESENTED BY A PERSON SPECIFIED IN THEIR SUBMISSION, AT AN OPEN MEETING TO BE HEARD IN SUPPORT OF THEIR SUBMISSION.**
  - g. **COPIES OF SUBMISSIONS (INCLUDING SUBMITTER'S NAMES AND ADDRESSES) WILL BE MADE AVAILABLE AT THE HEARING AND SPECIAL COUNCIL MEETING AT WHICH THE SUBMISSIONS ARE CONSIDERED AND**

**COUNCIL IS REQUIRED TO MAKE SUBMISSIONS AVAILABLE FOR PUBLIC INSPECTION FOR A PERIOD OF TWELVE MONTHS.**

- h. THE TIME, DATE AND PLACE FOR HEARING OF SUBMISSIONS.**
  - i. FOLLOWING CONSIDERATION OF THE SUBMISSIONS, COUNCIL MAY AMEND OR NOT AMEND THE 2017-2021 COUNCIL PLAN AND/OR 2017-2018 ANNUAL BUDGET.**
- 6. AUTHORISE THE CHIEF EXECUTIVE OFFICER TO FIX THE TIME, DATE AND PLACE FOR THE SECTION 223 HEARING FOR PERSONS WHO HAVE INDICATED IN THEIR WRITTEN SUBMISSIONS THAT THEY WISH TO BE HEARD IN SUPPORT OF THEIR SUBMISSION, AS WEDNESDAY 17 MAY 2017 AT 10.45AM AT THE COUNCIL CHAMBERS, MICHAEL PLACE, LEONGATHA;**
  - 7. APPOINT ALL COUNCILLORS IN ATTENDANCE TO HEAR THE SUBMISSIONS;**
  - 8. ADVISE THOSE PERSONS WHO HAVE INDICATED IN THEIR WRITTEN SUBMISSION THAT THEY WISH TO BE HEARD IN SUPPORT OF THEIR SUBMISSION, OF THE DATE, TIME AND PLACE OF THE HEARING OF SUBMISSIONS, AS SOON AS PRACTICABLE;**
  - 9. AUTHORISE THE CHIEF EXECUTIVE OFFICER TO FIX THE TIME, DATE AND PLACE TO CONSIDER AND DETERMINE THE SUBMISSIONS FOR INCLUSION IN THE FINAL 2017-2021 COUNCIL PLAN AND/OR 2017-2018 BUDGET AT A SPECIAL MEETING OF COUNCIL ON WEDNESDAY 24 MAY 2017 AT 11.15AM IN THE COUNCIL CHAMBERS, LEONGATHA; AND**
  - 10. REQUIRE THE FINAL 2017-2021 COUNCIL PLAN BE PRESENTED TO COUNCIL FOR ADOPTION AT A COUNCIL MEETING ON 28 JUNE 2017.**

**CARRIED UNANIMOUSLY**

## REPORT

The role of Council is to provide leadership for the good governance of the Shire. This is achieved, in part, by establishing strategic directions articulated in a four year Council Plan and supported by a four year Strategic Resource Plan. These requirements are legislated under section 125 of the Local Government Act 1989 (Act).

The Council, elected in November 2016, has worked together to develop Strategic Objectives, Strategies and Strategic Indicators contained in the Proposed Plan in **Attachment [5.2.1]**.

The Proposed Plan contains the four year Strategic Resource Plan (SRP), taken from Council's Annual Budget 2017-2018 and Long Term Financial Plan. The SRP outlines the resources required to achieve the Proposed Plan.

This Proposed Plan, including the four year Strategic Resource Plan, is presented to Council for endorsement, prior to the commencement of a 28 day public consultation activity in accordance with section 223 of the Local Government Act, 1989 (Act). Written submissions on the Proposed Plan are to be received by Council by 5pm on Wednesday 26 April 2017 at 5.00pm. Late submissions will not be considered by Council.

Submission must be addressed to the Chief Executive Officer, South Gippsland Shire Council and it is preferred that they be sent via email to [submissions@southgippsland.vic.gov.au](mailto:submissions@southgippsland.vic.gov.au). Alternatively submissions can be addressed to, Private Bag 4, Leongatha 3953, or delivered to the Council Office, 9 Smith Street, Leongatha.

Submissions may, or may not, result in amendments to the final 2017-2021 Council Plan that will be presented to the 28 June 2017 Council Meeting.

### Summary of the Proposed 2017-2021 Council Plan (**Attachment [5.2.1]**)

The Proposed Plan contains the following information:

- A compilation of community request for consideration;
- The Council's response is captured within the Strategic Objectives, Strategies and Strategic Indicators of the Proposed Plan;
- An overview of the Council and their commitment to the community;
- Council's Vision for Success' being:

- "South Gippsland Shire will be a place where our quality of life and sense of community are balanced by sustainable and sensitive population growth and economic development."
- Four Strategic Objectives that set out the overarching direction required to achieve the Vision. Each one contains an Overview of what the Objective is addressing and Outcomes that Council aims to have achieved, or significantly progressed, at the end of its four year term. These Objectives being:
  - Strengthen economic growth and prosperity.
  - Build strong partnerships, strengthen arts & culture and deliver equitable outcomes.
  - Improve South Gippsland's built assets and value our natural environment.
  - Enhance organisational development and implement governance best practice.
- Strategic Indicators for each Strategic Objective that assist in monitoring the achievement of the objectives over the four year term.
- Strategies for each Strategic Objective provide directions that can realistically be progressed, given the resources and the four year timeframe that the Proposed Plan covers.
- Strategic Resource Plan that covers the first four years of the Long term Financial Plan. This includes both financial and non-financial resources required to achieve the Proposed Plan.

## **CONSULTATION**

Council has considered community feedback and Councillors' ideas received through a range of mediums in the development of the Proposed Plan. These include:

- 70 ideas generated by 54 participants and involving 278 people through the OurSay on-line forum held in August/September 2016, along with ideas from previous OurSay budget forums;
- Verbatim comments from 'Areas Council Needs To Improve On' in the 2016 Community Satisfaction Survey;
- Letters from community members with suggestions for the plan;
- Presentations given at public presentation sessions by community members and interested groups;

- Comparative Local Government Performance Reporting Framework data from the 'Know Your Council' website; and
- Ideas and reflections raised by Councillors from community interactions through the Election Period and in other networks or places where they engage with the community.
- Regional, State and Federal directions.

Council reflected on these varied information sources at a two day workshop held on 17 and 18 January 2017. A further briefing session was held on 15 February. This was followed by two further workshops on 1 and 8 March 2017.

These discussions were used to formulate the Proposed Plan in **Attachment [5.2.1]**.

Once the Proposed Plan is endorsed by Council, a further community engagement process will commence with written public submissions being called for. This process will be undertaken in accordance with section 223 - Right to Make a Submission, of the Act.

Submitters that have indicated in their submission they wish to be heard, will be invited to speak to their submission at an open Hearing on Wednesday 17 May 2017.

All submissions will be considered and determined at a Special Meeting of Council on Wednesday 24 May 2017.

## **RESOURCES**

Financial implications arise as a result of the directions and priorities Council sets for the four year term. Council has considered these implications through the development of the Proposed 2017-2021 Council Plan, Proposed 2017-2018 Budget (Budget) and Long Term Financial Plan (LTFP. These plans are all interlinked and dependent on each other, providing both opportunities and constraints.

The final 2017-2018 Council Plan, 2017-2018 Budget and Long Term Financial Plan may all require amendment prior to adoption, following consideration and determination of submissions received from the community members through the section 223 public submission review.

## **RISKS**

Considering the financial implications required to implement the new priorities of Council, will mitigate the risk of overcommitting Council to achieve outputs and outcomes it does not have the resources to support. The Financial Strategies, outlined in the Budget and in the SRP, provide guidance for Council in determining

how to responsibly plan the future provision of Council services. Adherence to these strategies will mitigate this risk.

Council is required to adopt a Council Plan for the four year term of Council in accordance with section 125 of the Act. It is required to contain Strategic Objectives, Strategies to achieve these Objectives for at least four years, Strategic Indicators to monitor the achievement of the Objectives and a rolling four year Strategic Resource Plan to deliver the Council Plan. Without these sections included, Council risks breaching legislative requirements set out in the Local Government Act 1989.

## **ATTACHMENTS**

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

1. 2017-2021 Proposed Council Plan **[5.2.1]**

## **REFERENCE DOCUMENTS**

Local Government Act 1989, specifically sections 125 and 223



### 5.3. 2016/17 CAPITAL WORKS PROGRAM AMENDMENT

Sustainable Communities and Infrastructure Services Directorate

#### EXECUTIVE SUMMARY

Savings of approximately \$980k from the Anderson Street, Leongatha - Town Entrance project (\$600,000) and the Sealed Road Rehabilitation Program (\$380,000) gives Council the opportunity to include two road rehabilitation projects, being Bass Valley Road, Bena (\$685,000) and Walkerville Road, Tarwin Lower / Walkerville (\$250,000) in the 2016/17 Capital Works Program.

In addition, the Federal Department of Infrastructure and Transport has recently advised that \$1.6m of Council's allocation from Roads to Recovery (R2R) funding in the 2016/17 financial year will be transferred to 2017/18 as part of a national adjustment for all local councils. Therefore, most of the reconstruction and sealing of 3km of Hudsons Road, Korumburra South will now occur in the 2017/18 financial year.

If Council supports these amendments to the 2016/17 Capital Works Program, budget adjustments will be made to reflect these proposed changes.

#### RECOMMENDATION

That Council:

1. Authorise the following amendments to the 2016/17 Capital Works Program:
  - a. Reduce 82170 - Anderson Street, Leongatha Town Entrance project budget by \$600k (original budget \$1.407m, revised budget \$807k).
  - b. Reduce Ashenden Street, Leongatha Industrial Estate Car Park Construction project budget in 82210 - Sealed Road Rehabilitation Program by \$210,700 (original budget \$660,700, actual cost \$450,000).
  - c. Reduce Loch Wonthaggi Road, Loch Road Rehabilitation project budget in 82210 - Sealed Road Rehabilitation Program by \$168,034 (original budget \$518,034, actual cost \$350,000).
  - d. Include the following projects in 82210 - Sealed Road Rehabilitation Program:
    - i. Bass Valley Road, Bena – budget \$685,000.
    - ii. Walkerville Road, Tarwin Lower / Walkerville – budget \$250,000.

- e. Carry forward 82200 - Hudsons Road, Korumburra South Road Reconstruction project budget of \$1.15m to the 2017/18 financial year (original budget \$1.3m, revised budget \$150k).

**MOVED:** Cr Brunt

**SECONDED:** Cr Skinner

**THAT COUNCIL:**

**1. AUTHORISE THE FOLLOWING AMENDMENTS TO THE 2016/17 CAPITAL WORKS PROGRAM:**

- a. **REDUCE 82170 - ANDERSON STREET, LEONGATHA TOWN ENTRANCE PROJECT BUDGET BY \$600K (ORIGINAL BUDGET \$1.407M, REVISED BUDGET \$807K).**
- b. **REDUCE ASHENDEN STREET, LEONGATHA INDUSTRIAL ESTATE CAR PARK CONSTRUCTION PROJECT BUDGET IN 82210 - SEALED ROAD REHABILITATION PROGRAM BY \$210,700 (ORIGINAL BUDGET \$660,700, ACTUAL COST \$450,000).**
- c. **REDUCE LOCH WONTHAGGI ROAD, LOCH ROAD REHABILITATION PROJECT BUDGET IN 82210 - SEALED ROAD REHABILITATION PROGRAM BY \$168,034 (ORIGINAL BUDGET \$518,034, ACTUAL COST \$350,000).**
- d. **INCLUDE THE FOLLOWING PROJECTS IN 82210 - SEALED ROAD REHABILITATION PROGRAM:**
  - i. **BASS VALLEY ROAD, BENA – BUDGET \$685,000.**
  - ii. **WALKERVILLE ROAD, TARWIN LOWER / WALKERVILLE – BUDGET \$250,000.**
- e. **CARRY FORWARD 82200 - HUDSONS ROAD, KORUMBURRA SOUTH ROAD RECONSTRUCTION PROJECT BUDGET OF \$1.15M TO THE 2017/18 FINANCIAL YEAR (ORIGINAL BUDGET \$1.3M, REVISED BUDGET \$150K).**

**CARRIED UNANIMOUSLY**

**REPORT****1. 82170 - Anderson Street, Leongatha Town Entrance ..... savings \$600,000***Adopted 2016/17 budget: \$1.407m**Revised budget: \$807,000*

Tenders for this project closed on 31 January 2017 and the contract was awarded on 17 February 2017. The tender lump sum is well under the existing budget of \$1.407m. This budget was based on a concept design at the time that anticipated significant service relocation works. The final design managed to avoid all these services saving in the vicinity of \$500k for service relocation.

**2. 82210 - Sealed Road Rehabilitation Program ..... savings \$378,734**

There have been significant savings to date on this program for the 2016/17 financial year. The savings are mainly from Ashenden Street, Leongatha Industrial Estate - Car Park Construction project (\$210,700) and Loch Wonthaggi Road, Loch - Road Rehabilitation (\$168,034).

**a) Ashenden Street - Car Park Construction (\$210,700 savings)***Adopted 2016/17 budget: \$660,700**Actual cost: \$450,000*

The adopted 2016/17 project budget for Ashenden Street was based on works completed in the adjacent section of Watson Road in 2014/15, where significant areas of poor subgrade conditions were encountered. A combination of better subgrade conditions and improved construction methodology has resulted in this saving of \$210,700.

**b) Loch Wonthaggi Road - Road Rehabilitation (\$168,034 savings)***Adopted 2016/17 budget: \$518,034**Actual cost: \$350,000*

The Loch Wonthaggi Road savings has resulted from some of the works within the scope of this project being funded by a successful Federal Blackspot Program bid for the same section of road.

**3. 82210 - Sealed Road Rehabilitation Program ..... new projects \$935,000**

It is intended that the \$978,734 savings from the Anderson Street project (\$600,000) in combination with the savings with the Ashenden Street (\$210,700) and Loch Wonthaggi Road (\$168,034) be directed to the following projects:

**a) Bass Valley Road, Bena – budget \$685,000**

Works on Bass Valley Road were intended to be carried out in 2015/16. However, due to saturated subgrade conditions, the project was deferred

except for the installation of drains near the Bena Rail Bridge in an attempt to dry out the subgrade in this area.

A location map of the proposed works is included in **Figure 1** – refer to last page of report this report.

b) Walkerville Road, Tarwin Lower / Walkerville – budget \$250,000

The Walkerville Road works have been included to address pavement issues on a number of sections of the road between Tarwin Lower and Buffalo – Waratah Road.

A location map of the proposed works is included in **Figure 2** – refer to last page of report this report.

These projects will be created as new activities under 82210 Sealed Roads Rehabilitation Program.

**4. 82200 - Hudsons Road, Korumburra South – Road Reconstruction**

*Adopted 2016/17 budget: \$1.3m (c/f \$1.15m)                      Revised budget: \$150,000*

The reconstruction and sealing of 3 km of Hudsons Road is included in the 2016/17 Capital Works Program with a budget of \$1.3m. This project is being funded under the R2R program.

The Federal Department of Infrastructure and Transport has recently advised that \$1,656,648 from Council's allocation in the 2016/17 financial year will be transferred to 2017/18 as part of a national adjustment for all local councils. Only drainage works at the stream crossings valued at \$150,000 will be carried out this year. The works on Hudsons Road are being carried out by Council's Depot Construction team and this adjustment will assist in balancing their workload as Council transitions from a busy 2016/17 financial year, to a quieter one in 2017/18.

## CONSULTATION

Adjacent property owners along the relevant sections of Bass Valley Road and Walkerville Road will be advised of these works prior to commencement.

The project will also be listed in Council's Noticeboard section of the local newspapers throughout the duration of the works, and also on Council's website under [Roads and Infrastructure > Weekly road & infrastructure works](#).

## RESOURCES

The proposed amendments have minimal change to the total budget for the 2016/17 Capital Works Program with the exception of Hudsons Road where \$1,150,000 will be carried forward to the 2017/18 financial year. As noted above, this will assist in balancing the Depot's workload over two financial years. The breakdown of the proposed changes are provided in **Table 1** below:

**Table 1 – Summary of Proposed 2016/17 Capital Works Program Changes**

2016/17 Project Savings ( <i>figures rounded</i> )	\$980k
(a) Anderson Street (\$600k)	
(b) Ashenden Street (\$210k)	
(c) Loch Wonthaggi Road (\$170k)	
2016/17 New Projects (81220 Sealed Road Rehab Program)	\$935k
(a) Bass Valley Road (\$685k)	
(b) Walkerville Road (\$250k)	
<b>Difference (2016/17 Savings)</b>	<b>\$45k</b>
2016/17 Hudsons Road Project	\$1.30M
(a) Carry forward amount to 2017/18.	\$1.15M
<b>Difference (2016/17 Budget)</b>	<b>\$150k</b>

## RISKS

The works on Bass Valley Road and Walkerville Road are deemed necessary as the pavements in these areas are distressed and will continue to deteriorate unless remedial works are carried out. These works can be delivered during the 2016/17 financial year.

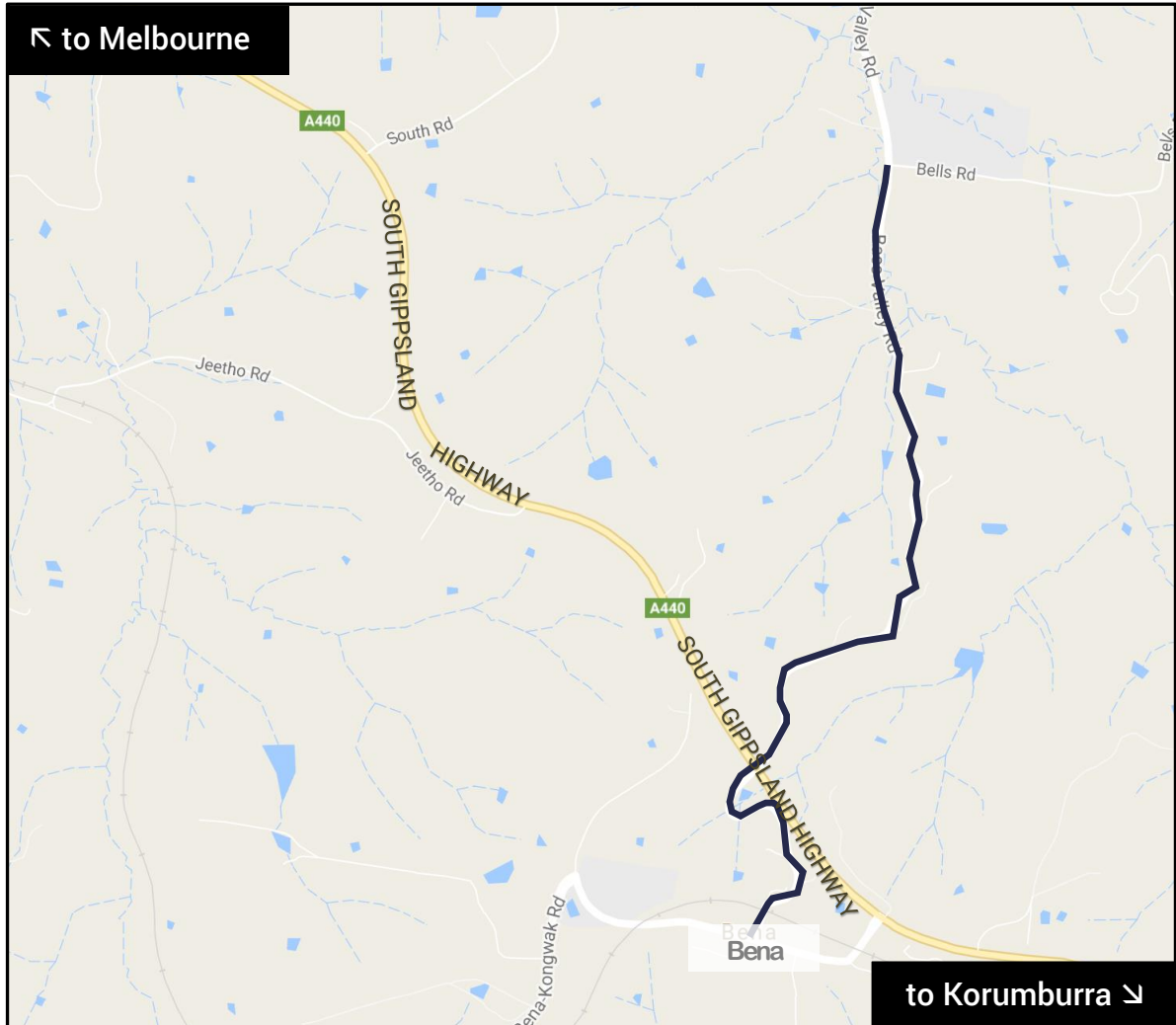
## REFERENCE DOCUMENTS

SGSC Long Term Financial Strategies 2016/17  
 SGSC Asset Management Strategy 2013

Figure 1 - Locality Map

### Bass Valley Road, Bena

PROJECT BUDGET \$685,000



**Figure 2 - Locality Map**

## Walkerville Road, Tarwin Lower / Walkerville

PROJECT BUDGET \$250,000



## **5.4. VISITOR INFORMATION SERVICE (VIS) REVIEW – OPTIONS AND RECOMMENDATIONS REPORT 2016/17**

Development Services Directorate

### **EXECUTIVE SUMMARY**

Council resolved to conduct four periodic service reviews as part of its annual review plan. The Visitor Information Services Review was identified as part of the annual review plan to be undertaken in the 2016/17 financial year. The purpose of the review is to consider the current situation and identify the most suitable service profile which offers the best value and is consistent with visitor needs and current trends.

The first stage of consultation was completed in December 2016. Over 400 survey results have been analysed alongside findings from a data and literature review. These results have informed the preliminary options and recommendation report located in **Attachment [5.4.1]**.

This report requests that Council authorise the final stage of community consultation over four weeks. It recommends that Council make a decision on the preferred option at the 28 June 2017 Council Meeting.

### **RECOMMENDATION**

That Council:

1. Adopts the Visitor Information Service (VIS) Review- Options and Recommendations Report 2016/17 (Attachment [5.4.1]);
2. Commences final of community consultation on the VIS Review- Options and Recommendations Report 2016/17 as outlined in the table under Consultation; and
3. Receives a final report at its 28 June 2017 Council Meeting, including recommendations based on the results of community consultation to make a decision on the preferred option for future service provision of Visitor Information Services.



**MOVED:** Cr Kiel

**SECONDED:** Cr Brown

**THAT COUNCIL:**

- 1. ADOPTS THE VISITOR INFORMATION SERVICE (VIS) REVIEW- OPTIONS AND RECOMMENDATIONS REPORT 2016/17 (ATTACHMENT [5.4.1]);**
- 2. COMMENCES FINAL OF COMMUNITY CONSULTATION ON THE VIS REVIEW- OPTIONS AND RECOMMENDATIONS REPORT 2016/17 AS OUTLINED IN THE TABLE UNDER CONSULTATION; AND**
- 3. RECEIVES A FINAL REPORT AT ITS 28 JUNE 2017 COUNCIL MEETING, INCLUDING RECOMMENDATIONS BASED ON THE RESULTS OF COMMUNITY CONSULTATION TO MAKE A DECISION ON THE PREFERRED OPTION FOR FUTURE SERVICE PROVISION OF VISITOR INFORMATION SERVICES.**

**CARRIED UNANIMOUSLY**

## REPORT

Council currently operates two fully accredited Visitor Information Centres (VICs) based at Coal Creek Community Park and Museum (Korumburra) and Stockyard Gallery (Foster). The Visitor Information Services team consists of 3.6 FTE, supported by volunteers, who work on a 7 day rotating roster between the two sites.

The combined operating cost of Council's two VICs in 2015/16 was approximately \$325k which has been itemised below.

Visitor Information Services 2015/16 budget:

<b>Costs</b>	<b>Actual 2015/16</b>
<b>Labour costs</b>	\$301,105
<b>Other costs</b>	\$24,229
<b>Total</b>	<b>\$325,334</b>

### Key Findings of the Report

South Gippsland has approximately one million visitors to the region with an average annual expenditure of \$123 million. Overnight visitors spend an average of 3.3 nights in South Gippsland and peak visitation occurs between October and April.

The analysis of consultation and literature reviews outlined in **Attachment [5.5.1]** identified five key focus areas. These focus areas led to identifying future service model opportunities and five service of delivery options for consideration by Council.

The five key focus areas of analysis included:

- Industry Trends- findings derived from analysis of the Victorian Visitor Information Centres Futures Project report released in December 2013
- Local Visitation Trends- findings taken from VIC visitation statistics and door counter
- Usage and Perceptions- findings derived from research undertaken by Council officers via a series of surveys to key stakeholders including visitors, residents, business, industry and staff
- Booking Services- findings from analysis of consumer research and feedback via survey from staff and other Victorian based VICs
- Technology- widespread consumer feedback from visitors, residents, and tourism operators formed a significant part of analysis

From the five key focus areas, the following future service model opportunities were identified:

- Increased digital presence- With a noted increase in smartphone usage and access to new popular information websites, the findings suggest that there is an opportunity to further develop and improve accessibility to the Visit Prom Country website.
- Integration- Consideration could be given to a more appropriate organisational structure which offers a more integrated, consistent service delivery.
- Booking services- Rather than continue with the current outdated booking system, Council could adopt a 'referral' model whereby VIC staff provide advice and encourage visitors to make bookings direct on their smart devices.
- Stakeholder preferences- Local businesses agreed that an increased digital presence would be the best way to support them into the future.
- Impacts- Opinions within the business community and industry stakeholders were split when asked if changes to the current model would impact them, however general concerns related to the reduced physical VIC presence. There is an opportunity to explore new locations for future services.

### Options

Five options have been developed for discussion and feedback from the community during final consultation. Each option is outlined in detail under the Options section in **Attachment [5.5.1]** – Visitor Information Service 2016-17 - Options and Recommendations Report.

- **OPTION 1:** Maintain the Current Operating Model
- **OPTION 2:** Increase Digital Service Offering
- **OPTION 3:** Integrated Model
- **OPTION 4:** New VIC Location
- **OPTION 5:** Close VICs and increase volunteer offering

**Note:** Where there is a reduction of service, it be considered that a reserve of savings be set aside to deliver on an increased digital presence.

### CONSULTATION

Widespread consultation through stage one of community and stakeholder engagement was complete by 31 December 2016.

The final stage of community consultation, to be rolled out over a four week period is outlined in **Attachment [5.5.1]**. Commencing April 2017 this period will allow the

community and relevant stakeholders to provide feedback to be considered in the final report to Council.

## **RESOURCES**

Financial implications are outlined in **Attachments [5.5.1]**.

## **RISKS**

Visitor Reach: By continuing with the current service, Council may only reach a minimum percentage of the visitor economy. Therefore, if Council does not keep up with trends, opportunities for growth may be lost in future and the audience reach may diminish.

Reputation: The perception that any change in service levels may diminish the quality of service to the public.

## **ATTACHMENTS**

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

1. Visitor Information Service Review 2016-17 Options and Recommendations Report **[5.4.1]**

## **5.5. STRATEGIC ROAD PROJECTS**

Chief Executive Office

### **EXECUTIVE SUMMARY**

This report is seeking Council endorsement of nine significant road projects that would enhance economic prosperity and liveability within the shire. If formally endorsed, Council will advocate to other levels of government to have the projects funded.

### **RECOMMENDATION**

That Council endorse the following as significant road projects and advocate to the State and Federal Governments to have the projects funded:

- a. Bair Street – Leongatha
- b. Bena Kongwak Road – Bena
- c. Powneys Road – Middle Tarwin
- d. Ruby Arawata Road – Ruby
- e. North Poowong Road – Loch
- f. Simons Lane – Leongatha
- g. Hughes Street – Leongatha
- h. Coal Creek / South Gippsland Highway Bends – Korumburra
- i. South Gippsland Highway between Foster and Welshpool

**MOVED:** Cr Skinner

**SECONDED:** Cr Brown

**THAT COUNCIL ENDORSE THE FOLLOWING AS SIGNIFICANT ROAD PROJECTS AND ADVOCATE TO THE STATE AND FEDERAL GOVERNMENTS TO HAVE THE PROJECTS FUNDED:**

- a. **BAIR STREET – LEONGATHA**
- b. **BENA KONGWAK ROAD – BENA**
- c. **POWNEYS ROAD – MIDDLE TARWIN**
- d. **RUBY ARAWATA ROAD – RUBY**

- e. **NORTH POOWONG ROAD – LOCH**
- f. **SIMONS LANE – LEONGATHA**
- g. **HUGHES STREET – LEONGATHA**
- h. **COAL CREEK / SOUTH GIPPSLAND HIGHWAY BENDS – KORUMBURRA**
- i. **SOUTH GIPPSLAND HIGHWAY BETWEEN FOSTER AND HEDLEY**

**Cr Hill left the Council Meeting at 3.04pm and returned at 3.06pm.**

**CARRIED UNANIMOUSLY**

## REPORT

Council performs an important role in advocating for government funding and/or commitments needed to deliver projects of local significance to enhance economic prosperity and liveability within the shire.

In recent years Council has successfully obtained government funding and advocated support for a number of key projects including the Korumburra Community Children's Centre, Leongatha Heavy Vehicle Alternate Route, the Great Southern Rail Trail, the Long Jetty, Foster Streetscape works, the Northern Towns water connection project and the Black Spur road realignment.

Council typically reviews, updates and confirms its list of annual priorities at the beginning of each calendar year to reflect progress made during the previous 12 months, the contemporary environment and other issues that may impact on the success or otherwise of each project. Given that the new Council is yet to adopt its final Council Plan or the associated financial plans it is premature to consider its priority projects for the year ahead. There are, however, a number of significant road projects that Council can be advocating to have funded by the State and/or Federal Governments. The purpose of this report is to seek Council endorsement for the projects in the following table.

Road Name	Estimated Cost	Status	Treatment
<b>Bair Street Leongatha</b>  <b>Project Description: Streetscape Project due to the Heavy Vehicle Bypass in Leongatha</b>  <b>Investment ready*</b>	\$4,590,000	<b>Status:</b> VicRoads owned but about to be handed over to Council due to Leongatha Heavy Vehicle Alternate Route (LHVAR). Length: 0.071kms Arterial Road that runs through the Leongatha CBD.  <b>Issue:</b> Due to the construction of LHVAR, it is proposed that Bair Street and adjoining access roads be transformed into a Streetscape Project comprising seating, walkways, landscaping, etc.  <b>Use:</b> Connecting Bass Highway and Strzelecki Highway to the north and South Gippsland Highway to the south.	Connecting Bass Highway and Strzelecki Highway to the north and South Gippsland Highway to the south.

Road Name	Estimated Cost	Status	Treatment
<p><b>Bena Kongwak Road Bena</b></p> <p><b>Project Description:</b>  <b>Reconstruction of Bena Kongwak Road bridge and road realignment over railway line.</b></p> <p><b>Investment ready</b></p>	\$2,100,000	<p><b>Status:</b> Council owned sealed connector road.  Length: 19km  14% heavy vehicle use.  Higher Mass Limits (HML) &amp; Performance Based Standards (PBS) vehicles are not allowed.  School bus route.</p> <p><b>Issue:</b> 126 year old timber/steel VicTrack bridge and unsafe road alignment.</p> <p><b>Use:</b> Connecting Bena Kongwak Road from South Gippsland Highway to Korumburra-Wonthaggi Road.</p>	Construct new 30m bridge and associated road realignment at both approaches.
<p><b>Powneys Road Middle Tarwin</b></p> <p><b>Project Description:</b>  <b>Reconstruction of Powneys Road bridge, Tarwin Lower</b></p> <p><b>Investment ready</b></p>	\$320,000	<p><b>Status:</b> Council owned gravel access road.  Length: 4.4km  11% heavy vehicle use.  HML &amp; PBS vehicles are not allowed.</p> <p><b>Issue:</b> Old and narrow (3.8m wide) timber/steel bridge.</p> <p><b>Use:</b> Strategic local access road providing access to large diary, beef cattle farms and lifestyle properties. Connected to Inverloch-Venus Bay Road.</p>	Construct new 14m bridge and associated road works at both approaches.
<p><b>Ruby Arawata Road Ruby</b></p> <p><b>Project Description:</b>  <b>Road widening and reconstruction of Ruby Arawata Road bridge, Ruby.</b></p> <p><b>Investment ready</b></p>	\$970,000	<p><b>Status:</b> Council owned sealed connector road.  Length: 3.8km.  3% heavy vehicle use.  HML &amp; PBS vehicles are not allowed.</p> <p><b>Issue:</b> 1.5km narrow section of road pavement and 100+ year old concrete bridge not suitable for HML &amp; PBS vehicles. Ruby Fairbank Road to Bones Road.</p> <p><b>Use:</b> Strategic connector road providing access to cattle, agricultural and lifestyle</p>	Widen 1.5km length of road pavement, rehab and slot widening, construct new Bridge and associated road works at both approaches.



Road Name	Estimated Cost	Status	Treatment
		properties. Connected to South Gippsland Highway northwest of Leongatha.	
<b>North Poowong Road Loch</b>	\$2,230,000	<b>Status:</b> Council owned gravel and part sealed access road. Length: 6.2km. 15% heavy vehicle use. HML & PBS vehicles are not allowed. School bus route.  <b>Issue:</b> Pavement failures.  <b>Use:</b> Connecting Mount Lyall Road to Drouin Korumburra Road.	Earthworks, pavement rehabilitation, drainage, etc.
<b>Project Description: Reconstruction and realignment of North Poowong Road, Poowong.</b>			
<b>Investment ready early 2017/18</b>			
<b>Simons Lane Leongatha</b>	\$3,000,000	<b>Status:</b> Council owned gravel access road. Length: 2.5km 7% heavy vehicle use. HML & PBS vehicles are not allowed.  <b>Issue:</b> Unsafe intersection with Bass Highway  <b>Use:</b> Connecting South Gippsland Highway to Bass Highway.	Southern bypass including intersection works, new connection and sealing. Scope and Part Design exist.
<b>Project Description: Reconstruction of Simons Lane, Leongatha.</b>			
<b>Investment ready early 2017/18</b>			
<b>Hughes Street Leongatha</b>	\$15,000,000	<b>Status:</b> Council owned sealed access road. Length: 1.1km 30% heavy vehicle use. HML & PBS vehicles are not allowed.  <b>Issue:</b> Reconstruct intersections including Turner Street, widening and seal.  <b>Use:</b> Connecting South Gippsland Highway to Strzelecki Highway.	Intersection works without rail signals. Incorporate Turner Street intersection, widen and seal.
<b>Project Description: Reconstruction of Hughes Street.</b>			
<b>Advocacy ready**</b>			
<b>Coal Creek / South Gippsland Highway Bends Korumburra</b>	TBA	<b>Status:</b> Public Acquisition Overlay in place.  <b>Issue:</b> High accident area.  <b>Use:</b> Arterial Road	Realignment of South Gippsland Highway adjacent to Coal Creek.
<b>Project Description: Realignment of road</b>			
<b>Advocacy ready</b>			

Road Name	Estimated Cost	Status	Treatment
<b>South Gippsland Highway between Foster and Welshpool</b>	TBA	<b>Status:</b> VicRoads owned. Length: 22km	Earthworks, road restoration
<b>Advocacy ready</b>		<b>Issue:</b> Road between Foster and Welshpool requires maintenance to improve the condition of the road surface. It has been expressed by heavy vehicle operators that the ride quality is poor from the uneven / bumpy road surface.	
		<b>Use:</b> Arterial Road	

\* Investment ready – ready for works to commence.

\*\* Advocacy ready – identified need but yet to be fully planned.

## CONSULTATION

The list of road projects included in this report has been developed in consultation with VicRoads, the Gippsland Local Government Network (GLGN) and South East Australia Transport Strategy Inc. (SEATS).

Further consultation will be required for the upgrade of 22km of South Gippsland Highway between Foster and Welshpool. It is anticipated that this project will be tabled at the South Gippsland Safe Freight Roundtable on 20 March 2017 to seek their confirmation and support for the project.

## RESOURCES

Council's anticipated financial contribution towards each of the proposed significant road projects has already been accounted for in the long-term financial plan. Should Council be successful in attracting funding to any of these significant road projects the existing Capital Works program would be adapted to facilitate their delivery. Any increase to existing financial commitments would need to be formally accounted for and adopted through Council's statutory budget process.

## RISKS

Given that the funding available for such projects is limited, the risk is that if South Gippsland Shire Council does not advocate for support then the resourcing will flow to other municipalities.

## **5.6. POLICY REVIEW: C35 RISK MANAGEMENT POLICY AND FRAMEWORK**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

This report recommends that Council approves a revised Risk Management Framework (**Attachment [5.6.1]**) and Risk Management Policy (**Attachment [5.6.2]**).

The revised documents are key components of Council's Risk Management (Shared Services) Business Plan developed in partnership with Baw Baw Shire Council (BBSC) and have been guided by the International Risk Management Standard.

### **RECOMMENDATION**

That Council adopts the revised:

1. Risk Management Framework;
2. Risk Management Policy; and
3. Publishes both documents on Council's website.

**MOVED:** Cr Brunt

**SECONDED:** Cr Skinner

### **THAT COUNCIL ADOPTS THE REVISED:**

1. **RISK MANAGEMENT FRAMEWORK;**
2. **RISK MANAGEMENT POLICY; AND**
3. **PUBLISHES BOTH DOCUMENTS ON COUNCIL'S WEBSITE.**

**CARRIED UNANIMOUSLY**

## **REPORT**

South Gippsland Shire Council (SGSC) entered into a shared services agreement with BBSC in November 2015 in respect of its risk management function. A business plan was developed as part of the arrangement.

The Business Plan maps out agreed actions until December 2017 and provides for a review of both councils' Risk Management Frameworks (RMF) and Risk Management Policies, including the development of common documents to the extent possible.

These newly developed documents are attached and recommended for adoption by Council. They have been structured based on International Risk Management Standard AS/NZS ISO 31000:2009. Prior to this refresh, Council's RMF and Policy were last updated in May 2012.

In adopting a revised RMF and Policy Council will enhance the way strategic and operational risks are managed, and will ensure that appropriate and robust governance measures are in place to guide the delivery of the following:

- Audit Committee;
- Strategic Risk Committee;
- Strategic and Operational Risk Registers; and
- Risk Management staff and councillor training.

## **CONSULTATION**

The revised RMF and Policy follow the recommendations set out in AS/NZS ISO 31000: 2009 and have been developed with extensive input and review from both councils' Executive Leadership Teams, Internal Risk Committees and Audit Committees. In the process Council also benchmarked the corresponding policies of the other GLGN councils.

Councillors considered the proposed RMF and Policy and provided feedback at a briefing on 1 February 2017.

## **RESOURCES**

The proposed RMF and Policy have been developed and will be implemented using internal Council resources, funded within current and forward budgets.

## **RISKS**

The revised RMF and Policy propose improvements to Council's existing risk management capability and processes, in a manner consistent with AS/NZS ISO 31000: 2009.

Both documents will enable Council to better manage its key strategic and operational risks and support the achievement of Council's objectives as provided for in the Council Plan.

The failure to effectively implement the RMF and Policy may contribute to increased adverse operational and financial impacts. It may also limit Council's ability to harness opportunity, innovate and grow.

### **ATTACHMENTS**

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

1. Risk Management Framework - South Gippsland Shire Council - Council Meeting 22 March 2017 **[5.6.1]**
2. Risk Management Policy - 22 March 2017 **[5.6.2]**

### **REFERENCE DOCUMENTS**

Local Government (Planning and Reporting) Regulations 2015

Local Government Act 1989

Audit Committees – A Guide to Good Practice for Local Government, January 2011

SGSC Audit Committee Charter and Terms of Reference 2015

## **5.7. COUNCIL POLICY: LIVE STREAMING COUNCIL MEETINGS**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

Council resolved at its Ordinary Council Meeting 22 February 2017 to live stream Council Meetings to the internet. This report complements February's resolution by providing the Policy direction and guidelines for Councillors, Officers and members of the public in attendance at a Council Meeting and for those who view the live streaming of Council Meetings.

Council's Live Streaming of Council Meetings Policy (the Policy) is provided as an **Attachment [5.7.1]**.

### **RECOMMENDATION**

That Council:

1. Adopts the Live Streaming of Council Meetings Policy (refer Attachment [5.7.1]); and
2. Publishes the Policy on Council's website.

**MOVED:** Cr Edwards

**SECONDED:** Cr Hill

### **THAT COUNCIL:**

1. **ADOPTS THE LIVE STREAMING OF COUNCIL MEETINGS POLICY (REFER ATTACHMENT [5.7.1]); AND**
2. **PUBLISHES THE POLICY ON COUNCIL'S WEBSITE.**

**CARRIED UNANIMOUSLY**

## REPORT

### ***Transparent Council Decision Making***

Council is demonstrating its commitment to increasing transparency in Council decision-making by live streaming, recording and publishing Council Meetings. Live streaming provides the community greater access to Council decisions and debate. It also eliminates geographic and time barriers which may prevent the public from attending meetings in person. Council aims to build community confidence in the integrity and accountability of the decision making process.

The Victorian Ombudsman (Ms Debra Glass) initiated an investigation and tabled a report '[Investigation into the Transparency of Local Government Decision Making](#)' in the Victorian Parliament on Thursday 15 December 2016.

The Ombudsman's report contains a number of recommendations, including the recording of Council Meetings (wherever practicable) and posting of same on Council websites; all of which the State Government will take into account as part of the current comprehensive review presently being undertaken of the Local Government Act 1989 (Act). The report also makes reference to the fact that some Councils had embraced innovations such as live streaming (web-casting) of Council meetings, as a means of enhancing transparency processes around decision making.

### ***Live Streaming, Recording and Publishing***

Ordinary and Special Meetings held in the Council Chamber, Leongatha will be streamed live, recorded and published in accordance with this Policy. If Council is required to conduct a Council Meeting other than in the Council Chambers, Leongatha, it will endeavour to live stream the Meeting.

Ordinary and Special Meetings held in the Council Chamber, Leongatha will be streamed live and will be able to be accessed from Council's website.

Any parts of Council's Meetings that are closed to members of the public under s.89(2) of the Act are regarded as confidential and will not be recorded.

The Chair and/or the CEO have the discretion and authority at any time to direct the termination or interruption of live streaming. Such direction will only be given in exceptional circumstances where deemed relevant. Circumstances may include instances where the content of debate is considered misleading, defamatory or potentially inappropriate to be published. The Meetings will be recorded in such a way to minimise the risk of publishing misleading, defamatory and libel content.

Attendees are advised that they may be subject to legal action if their actions result in inappropriate and/or unacceptable behaviour and/or comments.

Whilst Council will make every effort to ensure that live streaming is available, it takes no responsibility for, and cannot be held liable for technical issues beyond its control. Technical issues may include, but are not limited to the availability of the internet connection, device failure or malfunction, unavailability of social media platforms or power outages.

### ***Publication of Notices – Informing Attendees***

By attending a public meeting of the Council, attendees are consenting to their image, voice and comments being recorded. A number of notices informing that live streaming will be taking place, have been prepared to ensure that attendees are made aware of their consent.

- At the commencement of each Meeting, the Chair will read a statement included in the Preliminary Matters of the Council Agenda notifying those present that the Meeting will be live streamed on the internet and that a recording of the Meeting will be published on Council's website.
- Signage communicating a similar message will be visibly displayed in the foyer of the Council Chamber, Leongatha.
- Notice will also be published on Council's website.

### **CONSULTATION**

Council consulted with other councils who utilise live streaming technology with particular regard to suitable equipment and policy direction.

The Municipal Association of Victoria (MAV) have been consulted regarding risk considerations associated with 'Recording and Publishing Council Meetings'.

Council's Information Technology Team has been consulted regarding equipment and technical capabilities.

### **RISKS**

Council considered guidelines provided from the Municipal Association Victoria (MAV) regarding Risk Management and Insurance Implications associated with 'Recording and Publishing Council Meetings'.

A risk assessment was undertaken that identified that Council may be exposed to legal action that may result in financial loss and reputational damage from a range of causes. Controls have been put in place and additional treatment plans are currently being implemented to ensure that risk exposure is minimised as far as practicable. Key risks identified include:



- Legal exposure relating to inappropriate behaviours of those in attendance in the meeting.
- Technical issues beyond Council's control.
- Legal exposure relating to breach of privacy and defamation or other such matters.

## **ATTACHMENTS**

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

1. Live Streaming of Council Meetings Policy **[5.7.1]**

## **REFERENCE DOCUMENTS**

### ***Council Policy***

Councillor Code of Conduct

Staff Code of Conduct

Public Participation in Meetings with Council Policy

Local Law No.3 – Processes of Municipal Government, Meeting Procedure and Common Seal

### ***Legislative Provisions***

[Victorian Ombudsman: Investigation into the transparency of local government decision making, December 2016](#)

Local Government Act 1989

Privacy and Data Protection Act 2014

Public Records Act 1973

## **5.8. MUNICIPAL ASSOCIATION VICTORIA (MAV) STATE COUNCIL MEETING - NOTICES OF MOTION**

Chief Executive Office

### **EXECUTIVE SUMMARY**

The Municipal Association of Victoria (MAV) is holding its State Council Meeting on Friday 12 May 2017. The Mayor, Councillor Ray Argento is Council's appointed MAV representative and can vote for or against Motions at the Meeting on behalf of Council.

Each Council has the opportunity to put forward Notices of Motion for consideration and advocacy by the MAV. Meeniyā Cemetery Trust has asked Council to support the motion as found in **Attachment [5.8.1]**. This Report seeks Council's endorsement for the Meeniyā Cemetery Trust Motion. If supported, Council's response will be provided to the MAV by Friday 14 April 2017.

### **RECOMMENDATION**

That Council endorse the Notice of Motion 'Exempt Community Cemetery Trusts from Payment of Rates' to the Municipal Association of Victoria's (MAV) State Council on 12 May 2017 (Attachment [5.8.1]).

**MOVED:** Cr McEwen

**SECONDED:** Cr Brunt

**THAT COUNCIL ENDORSE THE NOTICE OF MOTION 'EXEMPT COMMUNITY CEMETERY TRUSTS FROM PAYMENT OF RATES' TO THE MUNICIPAL ASSOCIATION OF VICTORIA'S (MAV) STATE COUNCIL ON 12 MAY 2017 (ATTACHMENT [5.8.1]).**

**CARRIED UNANIMOUSLY**

## REPORT

### Background

Twice each year councils have the opportunity to put forward Notices of Motion relating to matters of strategic significance to local government for consideration at the Municipal Association Victoria (MAV) State Council meeting.

Should the Motions be carried at the State Council Meeting MAV will then make representations on behalf of Local Government to the State and Commonwealth Governments as appropriate to advocate for the matters.

Council has been approached by the Meeniyam Cemetery Trust with the purpose of seeking a rate exemption as outlined below.

The Meeniyam Cemetery Trust (the Trust) has been operating since June 2000 providing an essential service to the township and district of Meeniyam. The Trust is a voluntary service organisation however receives commercial payments for burials to finance the operations. The Trust members act as custodians of the cemetery, with the primary role to manage the cemetery efficiently, to provide a facility that the community can be proud of and preserve funds for its future maintenance.

The Trust was recently approached by the NBN to lease a proportion of land for a NBN Tower. A lease was signed which provides essential monies with which the Trust has hired a part time worker to carry out needed works.

Unbeknown to the Trust at the time of signing the lease, the leased land being commercial was subject to payment of rates and Fire Services Levy. The contract excluded the NBN from paying the rates.

On behalf of the Meeniyam Cemetery Trust (and other Victorian Cemetery Trusts in this position) this motion requests State Government to allow Councils to exempt Community Cemetery Trusts (as distinct from commercial business) from the payment of rates. If made exempt, the rates payment could then be transferred back into the cemetery maintenance program.

### Discussion

The MAV State Council Meeting is scheduled for Friday 12 May 2017 and the deadline for the Motions close on Friday 14 April 2017.

### Proposal

It is proposed that Council endorse the Notice of Motion provided at **Attachment [5.8.1]** by the due date for consideration at the MAV State Council Meeting.

## **CONSULTATION**

The Chairperson, Mr Philip Benson, of the Meeniyah Cemetery Trust has contacted Council to seek support for the proposed motion for the MAV State Council.

## **RISKS**

There are no specific risks to Council associated with supporting this Notice of Motion.

## **ATTACHMENTS**

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

1. MAV State Council Motion Exempt Community Cemetery Trusts from Payment of Rates **[5.8.1]**

## **REFERENCE DOCUMENTS**

Local Government Act 1989

## **5.9. LEONGATHA MEMORIAL HALL COMPLEX & KORUMBURRA COMMUNITY MEETING ROOM - TERMS AND CONDITIONS OF HIRE**

Sustainable Communities and Infrastructure Services Directorate

### **EXECUTIVE SUMMARY**

Leongatha Memorial Hall Conditions of Hire have been in place since 2004.

The Korumburra Community Meeting Room Conditions of Hire were last reviewed in 2011.

For consistency it is appropriate for Council to review the terms and conditions of hire for each of these facilities.

- **Attachment [5.9.1]** – Leongatha Memorial Hall Complex – 2017 Terms and Conditions of Hire.
- **Attachment [5.9.2]** – Korumburra Community Meeting Room – 2017 Terms and Conditions of Hire.

### **RECOMMENDATION**

That Council:

1. Adopt the Leongatha Memorial Hall Complex – 2017 Terms and Conditions of Hire as contained in Attachment [5.9.1]
2. Adopt the Korumburra Community Meeting Room – 2017 Terms and Conditions of Hire (Attachments [5.9.2]).

**MOVED:** Cr Edwards

**SECONDED:** Cr Skinner

**THAT THE ITEM BE DEFERRED UNTIL COUNCIL MEETING 26 APRIL 2017.**

### **CARRIED**

**For:** Councillors Skinner, Edwards, Brown, Argento, Kiel, McEwen, Hill and Rich.

**Against:** Councillor Brunt

## REPORT

### Leongatha Memorial Hall Complex

In March 2004, Council adopted the *2004 Hire Conditions* for the complex and exempted two user groups from the set fees and charges, being the RSL (Anzac Day activities) and Legacy (annual dinner/lunch) due to its history of being the War Memorial Hall.

A copy of the 2004 Hire Conditions and the Council Minutes are available in the following attachments:

- **Attachment [5.9.4]** – Council Minutes 17 March 2004 - Memorial Hall and Michael Place Complex Conditions of Hire.
- **Attachment [5.9.5]** – 2004 Memorial Hall and Michael Place Complex – Conditions of Hire.

These two groups will continue to use Memorial Hall as per the 2004 agreement.

### Korumburra Community Meeting Room

When the Korumburra Community Meeting Room was made available for users to hire as a community meeting room, terms and conditions were developed and fees and charges to book the meeting room for events and functions were set as part of Council's Annual Budget.

The terms and conditions of hire will now be consistent with those of Leongatha Memorial Hall.

### Fees and Charges

On 27 July 2016, Council adopted three categories for the 2016/17 fees and charges for the hire of Memorial Hall being commercial, non-commercial community groups, and private functions (**Attachment [5.9.3]**).

To help alleviate one of the concerns raised by users, payment conditions to hire the Complex have been amended to include a deposit of 20 per cent and allow up to 14 days for users to finalise payment after a function.

It is proposed to use the same structure for the booking of the Korumburra Community Meeting Room at the same rate as the adopted fees and charges for the Leongatha Memorial Hall Complex – Meeting Room 2. Refer to **Attachment [5.9.3]** – Council Minutes 27 July 2016 – Leongatha Memorial Hall Fees and Charges and **Attachment [5.9.7]** – 2016/17 Fees and Charges – Korumburra Community Meeting Room (Proposed).

## CONSULTATION

### External

The Leongatha Memorial Hall Manager has been consulted in the preparation of this report.

### Internal

Officers have discussed the above issues between departments for both venues. Councillors were updated at a Confidential Briefing on 15 February 2017 on this matter (refer to **Docs on Tap: Councillor Meetings** → Previous Strategic Briefings).

## RESOURCES

### RISKS

Enforcing the new terms and conditions for the Leongatha Memorial Hall Complex will reduce any confusion regarding which users are exempt from the fees and charges. To retain the 2004 Hire Conditions which requires payment in advance, could potentially discourage clients from using the Complex and cause the facility to be underutilised.

## ATTACHMENTS

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

1. Leongatha Memorial Hall Complex - 2017 Terms and Conditions of Hire (Proposed) **[5.9.1]**
2. Korumburra Community Meeting Room - 2017 Terms and Conditions of Hire (Proposed) **[5.9.2]**
3. Council Minutes 27 July 2016 - Leongatha Memorial Hall Fees and Charges 2 **[5.9.3]**
4. 2004 Memorial Hall and Michael Place Complex - Conditions of Hire **[5.9.4]**
5. 2016 17 Fees and Charges - Korumburra Community Meeting Room (proposed) **[5.9.5]**
6. 2011 Korumburra Meeting Room - Conditions of Hire **[5.9.6]**
7. Council Minutes 17 March 2004 - Memorial Hall and Michael Place Complex Conditions of Hire **[5.9.7]**

**Confidential Attachment [9.2.1]** – Leongatha Memorial Hall Complex – Informal Agreements with User Groups.

**Confidential Attachment [9.2.1]** has been provided in accordance with section 77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this Agenda Items as being confidential information on the grounds that it relates section 89(2)(h) - any other matter which the Council or Special Committee considers would prejudice the Council or any persons.

The item is confidential for the privacy of the user groups listed.

## 5.10. SOUTH GIPPSLAND SPLASH TENURE

Sustainable Communities and Infrastructure Services Directorate

### EXECUTIVE SUMMARY


This report discusses the current land tenure arrangement for the SPLASH building and surrounds at the Leongatha Recreation Reserve and makes recommendations to change the current arrangement to improve Council's level of control over its building asset – the SPLASH building.

The Leongatha Agricultural and Recreation Reserve Committee of Management Inc. (Rec Reserve CoM) are currently the Committee of Management (CoM) of the land that comprises the SPLASH building, including the building surrounds (SPLASH Site). The current land tenure arrangement between the Rec Reserve CoM and Council for the SPLASH Site is a licence agreement and this has been the arrangement since SPLASH was developed.

This tenure arrangement is problematic for Council, as the Rec Reserve CoM is the appointed CoM for a valuable Council asset sitting on land that Council has limited control over. It is preferable that Council reaches an agreement with the Rec Reserve CoM Inc. and the Department of Environment, Land, Water, and Planning (DELWP) to change this tenure arrangement so that Council becomes the CoM for the SPLASH site.

### RECOMMENDATION

That Council:

1. Write to the Department of Environment, Land, Water, and Planning to request that Council be appointed the Committee of Management over the land that comprises the SPLASH building and being part of the land contained within CA7C Section 29 being approximately 12,560m<sup>2</sup> shown hatched black  in Figure 1 – SPLASH Committee of Management Sites (Site 1).
2. Cancel the licence and licence fee of \$6,000 per annum paid to the Leongatha Agricultural and Recreation Reserve Committee of Management Inc. when Council is appointed the Committee of Management for the Crown Land described in item 1 above.
3. Supply the Department of Environment, Land, Water, and Planning with the supporting correspondence from the Leongatha Agricultural and Recreation Reserve Committee of Management Inc. regarding relinquishment of their management of the area shown in Attachment [5.10.1] – Correspondence from Leongatha Agricultural and Recreation Reserve Committee of Management Inc.




4. Agree to the proposal and enter into a maintenance agreement with the Leongatha Agricultural and Recreation Reserve Committee of Management Inc.) for the ongoing maintenance, as detailed in the Attachment [5.10.1] – Correspondence from Leongatha Agricultural and Recreation Reserve Committee of Management Inc.

**MOVED:** Cr Kiel

**SECONDED:** Cr Edwards

**THAT COUNCIL:**

1. **WRITE TO THE DEPARTMENT OF ENVIRONMENT, LAND, WATER, AND PLANNING TO REQUEST THAT COUNCIL BE APPOINTED THE COMMITTEE OF MANAGEMENT OVER THE LAND THAT COMPRISES THE SPLASH BUILDING AND BEING PART OF THE LAND CONTAINED WITHIN CA7C SECTION 29 BEING APPROXIMATELY 12,560M<sup>2</sup> SHOWN HATCHED BLACK  IN FIGURE 1 – SPLASH COMMITTEE OF MANAGEMENT SITES (SITE 1).**
2. **CANCEL THE LICENCE AND LICENCE FEE OF \$6,000 PER ANNUM PAID TO THE LEONGATHA AGRICULTURAL AND RECREATION RESERVE COMMITTEE OF MANAGEMENT INC. WHEN COUNCIL IS APPOINTED THE COMMITTEE OF MANAGEMENT FOR THE CROWN LAND DESCRIBED IN ITEM 1 ABOVE.**
3. **SUPPLY THE DEPARTMENT OF ENVIRONMENT, LAND, WATER, AND PLANNING WITH THE SUPPORTING CORRESPONDENCE FROM THE LEONGATHA AGRICULTURAL AND RECREATION RESERVE COMMITTEE OF MANAGEMENT INC. REGARDING RELINQUISHMENT OF THEIR MANAGEMENT OF THE AREA SHOWN IN ATTACHMENT [5.10.1] – CORRESPONDENCE FROM LEONGATHA AGRICULTURAL AND RECREATION RESERVE COMMITTEE OF MANAGEMENT INC.**
4. **AGREE TO THE PROPOSAL AND ENTER INTO A MAINTENANCE AGREEMENT WITH THE LEONGATHA AGRICULTURAL AND RECREATION RESERVE COMMITTEE OF MANAGEMENT INC.) FOR THE ONGOING MAINTENANCE, AS DETAILED IN THE ATTACHMENT [5.10.1] – CORRESPONDENCE FROM LEONGATHA AGRICULTURAL AND RECREATION RESERVE COMMITTEE OF MANAGEMENT INC.**

**CARRIED UNANIMOUSLY**

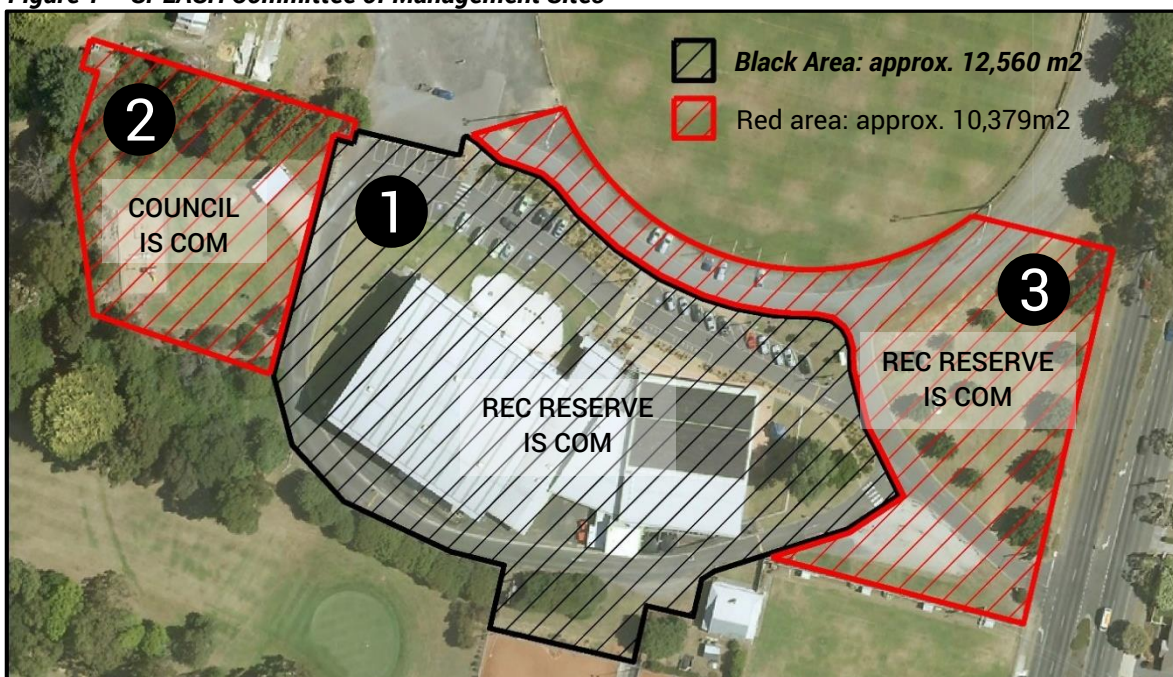
## REPORT

### Background

The Rec Reserve CoM are the appointed Crown Land CoM for the Leongatha Recreation Reserve in Roughead Street. This includes the site that comprises the SPLASH building, including the surrounding grounds – refer to site 1 in **Figure 1** below.

Council is the CoM over the former public outdoor swimming pool site within the Leongatha Recreation Reserve which is now a public park maintained by Council – refer to site 2 in **Figure 1**.

**Figure 1 – SPLASH Committee of Management Sites**



When SPLASH was developed, additional land was required outside of Council's CoM boundaries and within the boundaries of the Rec Reserve CoM land. It was intended for Council to be appointed the CoM over the SPLASH Site however, the time it would take for DELWP to complete the process did not fit in with the development timeframe.

In order to secure a tenure arrangement in line with the development timeframe, Council and the Rec Reserve CoM entered into a licence agreement for the SPLASH Site on 1 July 2008 for Council to pay rental of \$5,000 per annum. The licence fee has increased over the years and Council are currently paying \$6,000 per annum to the Rec Reserve CoM for its own building.

The licence agreement was a requirement of DELWP as their process to create a new Crown allotment, reserve the area, and appoint Council as the CoM would take too

long. The licence agreement does not convey an appropriate level of interest in the land for Council and creates an unnecessary layer of approvals.

### Current CoM Status and Maintenance Arrangements

The arrangements for the three sites in **Figure 1** is reflected in **Table 1** below.

**Table 1 - SPLASH CoM Status and Maintenance Arrangements**

SITE AREA	CoM STATUS	MAINTENANCE
1. SPLASH Site	Rec Reserve	Council <sup>1</sup>
2. Former Pool Site	Council	Council
3. North East Site	Rec Reserve	Council


The most secure tenure position for Council is to be appointed the CoM over the SPLASH Site (**Figure 1** – site 1) to protect its assets, and be in a position to remove any unnecessary cost and layer of approvals. This was the original intention.

For the land represented as site 3, it is proposed that the Rec Reserve CoM remain as the appointed CoM, but for both parties to enter into a maintenance agreement so that Council can continue to maintain this piece of land.

### CONSULTATION

Meetings and discussions have been held between Council, the Rec Reserve CoM, and DELWP regarding the matter. All are in agreement to proceed to amend the tenure arrangement for the SPLASH Site.



When revisiting the tenure arrangement with the Rec Reserve CoM, it was initially reluctant to relinquish its status over the SPLASH Site as it would lose the benefit of the annual licence fee from Council. However, after further discussions, the Rec Reserve CoM agreed to the following in lieu of the licence fee:

1. *The Rec Reserve CoM will relinquish management control of the area hatched black  on the map in **Figure 1** subject to the following::*
  - a. *Council agreeing to continue to maintain roadways, parking surfaces, main entrance to the recreation reserve, playground, rotary pavilion and barbeque, and the grounds including trees, shrubs, turf, grass, plants, lawns, and gardens in accordance with proper horticultural standards including tree pruning, replacing dead or*

<sup>1</sup> Although the Rec Reserve CoM is the appointed CoM, Council carries out all building and grounds maintenance, as well as pays the Rec Reserve CoM an annual licence fee to the Rec Reserve CoM of \$6,000 for a building it owns.



*diseased trees, shrubs and other plants, watering and fertilising and top dressing lawns and gardens beds;*

- b. *Maintenance to be conducted in accordance with Council service standards at the time; and*
- c. *Maintenance to be ongoing unless variations are agreed to by both parties.*

The maintenance area that Council will continue to maintain is shown hatched red  being a land area of 10,379m<sup>2</sup>, and shown hatched black  being a land area of 12,560m<sup>2</sup>.

Council already maintains all three sites so this request has no impact to Council's operational program or budget.

## **RESOURCES**

As Council already maintains the areas shown hatched red  and black  there is no increase to Council's current budget.

It costs Council approximately \$7,500 from the Parks and Gardens operational budget to maintain the grounds of the three SPLASH sites.

Council pays the Rec Reserve CoM an annual licence fee of \$6,000 for the SPLASH Site (site 1) and this will cease once Council becomes the CoM.

## **RISKS**

A major risk is that continuing with a licence agreement does not provide Council with exclusive use and does not convey Council's interest in the land.

## **ATTACHMENTS**

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

1. Correspondence Leongatha Agricultural and Recreation Reserve Co M **[5.10.1]**

## **REFERENCE DOCUMENTS**

Crown Land (Reserves) Act 1978

SGSC Strategic Direction for Aquatic Facilities in South Gippsland 2015-2020

## **5.11. ROAD DISCONTINUANCE IN ALLAMBEE (OFF MIRBOO YARRAGON RD)**

Sustainable Communities and Infrastructure Services Directorate

### **EXECUTIVE SUMMARY**


Two portions of unused government road (the former Mirboo-Yarragon Road in the locality of Allambee) are no longer required for the purposes of a road, and can now be discontinued, sold to the adjoining land owner, and consolidated into the adjoining certificate of title.


In between these two parcels of unused government road is a parcel of Council road reserve that is also no longer required as a road (Subject Land). Council must first formally discontinue the Subject Land so that it can also be sold to the adjoining landowner.

In accordance with the Local Government Act 1989 (s.206, s.207A, s.223, and schedule 10(3)), Council is required to commence statutory procedures and publish a notice inviting written submissions from the public in order to formally discontinue a road.

### **RECOMMENDATION**

That Council:


- 1.** Commence the statutory procedures pursuant to s.206, s.207A, s.223, and schedule 10(3) of the Local Government Act 1989 to (the Proposal):
  - a.** Discontinue part of unused Mirboo-Yarragon Road, Allambee East shown hatched  in Figure 1 – Road Discontinuance Plan described as Part Crown Allotment 79 Parish of Allambee East being part of the land described within certificate of title volume 2903 folio 493 with an area of 1,531m<sup>2</sup>; and
  - b.** Sell the land from the road to the adjoining landowner as the road is not required for public traffic.
- 2.** Give public notice in its Noticeboard section of the local newspapers in the week commencing 27 March 2017 (in accordance with s.223 of the Local Government Act 1989) on the Proposal inviting written submissions by 5.00pm, Wednesday 26 April 2017.
- 3.** Authorise the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under s.233 of the Local Government Act 1989 in respect of the Proposal.
- 4.** If submissions are received to the public notice:


- a. Authorise the Chief Executive Officer to:
    - i. Fix the time, date, and place for the s.223 submission hearing (open session) for persons who wish to be heard in support of their submission.
    - ii. Appoint a Special Committee of Council to hear submissions with at least three Councillors present.
  - b. Receive a further report at the next Ordinary Council Meeting (open session) detailing the s.223 submission hearing outcome and include all the submissions received to the public notice for Council's consideration and determination.
5. If no submissions are received to the public notice:
- a. Discontinue part of the unused Mirboo-Yarragon Road, Allambee East shown hatched  in Figure 1 – Road Discontinuance Plan described as Part Crown Allotment 79 Parish of Allambee East being part of the land described within certificate of title volume 2903 folio 493 with an area of 1,531m<sup>2</sup>; and
  - b. Sell the land from the discontinued part of the road to the adjoining land owner for not less than a valuation obtained not more than 6 months prior to the sale, as the road is not required for public traffic.
6. Publish a Road Discontinuance Notice in the Victoria Government Gazette.

**MOVED:** Cr Kiel

**SECONDED:** Cr Edwards

**THAT COUNCIL:**

1. **COMMENCE THE STATUTORY PROCEDURES PURSUANT TO S.206, S.207A, S.223, AND SCHEDULE 10(3) OF THE LOCAL GOVERNMENT ACT 1989 TO (THE PROPOSAL):**
  - a. **DISCONTINUE PART OF UNUSED MIRBOO-YARRAGON ROAD, ALLAMBEE EAST SHOWN HATCHED  IN FIGURE 1 – ROAD DISCONTINUANCE PLAN DESCRIBED AS PART CROWN ALLOTMENT 79 PARISH OF ALLAMBEE EAST BEING PART OF THE LAND DESCRIBED WITHIN CERTIFICATE OF TITLE VOLUME 2903 FOLIO 493 WITH AN AREA OF 1,531M<sup>2</sup>; AND**
  - b. **SELL THE LAND FROM THE ROAD TO THE ADJOINING LANDOWNER AS THE ROAD IS NOT REQUIRED FOR PUBLIC TRAFFIC.**

- 2. GIVE PUBLIC NOTICE IN ITS NOTICEBOARD SECTION OF THE LOCAL NEWSPAPERS IN THE WEEK COMMENCING 27 MARCH 2017 (IN ACCORDANCE WITH S.223 OF THE LOCAL GOVERNMENT ACT 1989) ON THE PROPOSAL INVITING WRITTEN SUBMISSIONS BY 5.00PM, WEDNESDAY 26 APRIL 2017.**
- 3. AUTHORISE THE CHIEF EXECUTIVE OFFICER TO UNDERTAKE THE ADMINISTRATIVE PROCEDURES NECESSARY TO ENABLE THE COUNCIL TO CARRY OUT ITS FUNCTIONS UNDER S.233 OF THE LOCAL GOVERNMENT ACT 1989 IN RESPECT OF THE PROPOSAL.**
- 4. IF SUBMISSIONS ARE RECEIVED TO THE PUBLIC NOTICE:**
  - a. AUTHORISE THE CHIEF EXECUTIVE OFFICER TO:**
    - i. FIX THE TIME, DATE, AND PLACE FOR THE S.223 SUBMISSION HEARING (OPEN SESSION) FOR PERSONS WHO WISH TO BE HEARD IN SUPPORT OF THEIR SUBMISSION.**
    - ii. APPOINT A SPECIAL COMMITTEE OF COUNCIL TO HEAR SUBMISSIONS WITH AT LEAST THREE COUNCILLORS PRESENT.**
  - b. RECEIVE A FURTHER REPORT AT THE NEXT ORDINARY COUNCIL MEETING (OPEN SESSION) DETAILING THE S.223 SUBMISSION HEARING OUTCOME AND INCLUDE ALL THE SUBMISSIONS RECEIVED TO THE PUBLIC NOTICE FOR COUNCIL'S CONSIDERATION AND DETERMINATION.**
- 5. IF NO SUBMISSIONS ARE RECEIVED TO THE PUBLIC NOTICE:**
  - a. DISCONTINUE PART OF THE UNUSED MIRBOO-YARRAGON ROAD, ALLAMBEE EAST SHOWN HATCHED  IN FIGURE 1 – ROAD DISCONTINUANCE PLAN DESCRIBED AS PART CROWN ALLOTMENT 79 PARISH OF ALLAMBEE EAST BEING PART OF THE LAND DESCRIBED WITHIN CERTIFICATE OF TITLE VOLUME 2903 FOLIO 493 WITH AN AREA OF 1,531M<sup>2</sup>; AND**
  - b. SELL THE LAND FROM THE DISCONTINUED PART OF THE ROAD TO THE ADJOINING LAND OWNER FOR NOT LESS THAN A VALUATION OBTAINED NOT MORE THAN 6 MONTHS PRIOR TO THE SALE, AS THE ROAD IS NOT REQUIRED FOR PUBLIC TRAFFIC.**
- 6. PUBLISH A ROAD DISCONTINUANCE NOTICE IN THE VICTORIA GOVERNMENT GAZETTE.**

**CARRIED UNANIMOUSLY**

## REPORT

### Background

#### Unused Government Road



The owner of the land that adjoins the former sections of Mirboo-Yarragon Road, Allambee has commenced negotiations with the Department of Environment, Land, Water, and Planning (DELWP) to purchase unused government road to allow the land to be consolidated into their adjoining land title.

For this to occur, the unused government road must first be discontinued so that the 'road' status can be formally removed from these land parcels. Then the sale process from DELWP to the adjoining land owner can commence.


#### Council Freehold Road (Subject Land)

Whilst DELWP were investigating the status of the unused government road, it was identified that a portion was Council-owned freehold road.

Refer to **Figure 2 – Locality Plan** which shows:

-  the unused government road; and
-  Council owned freehold road (Subject Land).

DELWP contacted Council to discuss its findings and the need for Council to commence a road discontinuance procedure and sale to the adjoining landowner for the Subject Land prior to DELWP commencing its procedure. This is because the Land Registry Office would not accept a road discontinuance plan that renders a portion of land "land-locked". In this case, the Council-owned freehold road, the Subject Land, would become the land-locked parcel.

The Subject Land is described as Part Crown Allotment 79 Parish of Allambee East and has an area of 1,531m<sup>2</sup> as shown hatched  in **Figure 1 – Road Discontinuance Plan**.

The outcome being that all three parcels of land (discontinued roads) can be sold to the adjoining land owner for consolidated into the one property.

### Legislation

The Local Government Act 1989 (s.206, s.207A, s.223 and schedule 10(3)) provides Council with the power to discontinue a road and sell the land.



## **CONSULTATION**

### **External Consultation**

External consultation has included discussions with DELWP and the adjoining landowners.

Further external consultation will commence when Council publicly advertises the Proposal in accordance with s.223 of the Local Government Act 1989.

Adjoining landowners in the vicinity of the Subject Land will be advised by letter of the Proposal.

### **Internal Consultation**

There were no concerns raised by the Engineering and Assets department when investigating the need to discontinue the road.

### **Service Authorities**

There are no assets that belong to service authorities for the Subject Land. This means that the creation of easements is not required.

## **RESOURCES**

### **Financial Implications**

There are no costs associated with the proposed road discontinuance. Survey costs will be met by the adjoining landowner.

If the Subject Land is discontinued, the purchase price for the land to be sold to the adjoining landowner will be at a cost no less than the valuation determined by a valuation being not more than six months old at the day of sale.

### **RISKS**

There are no risks to Council as this process is governed by the Local Government Act 1989.

## **REFERENCE DOCUMENTS**

Local Government Act 1989

Figure 1 - ROAD DISCONTINUANCE PLAN

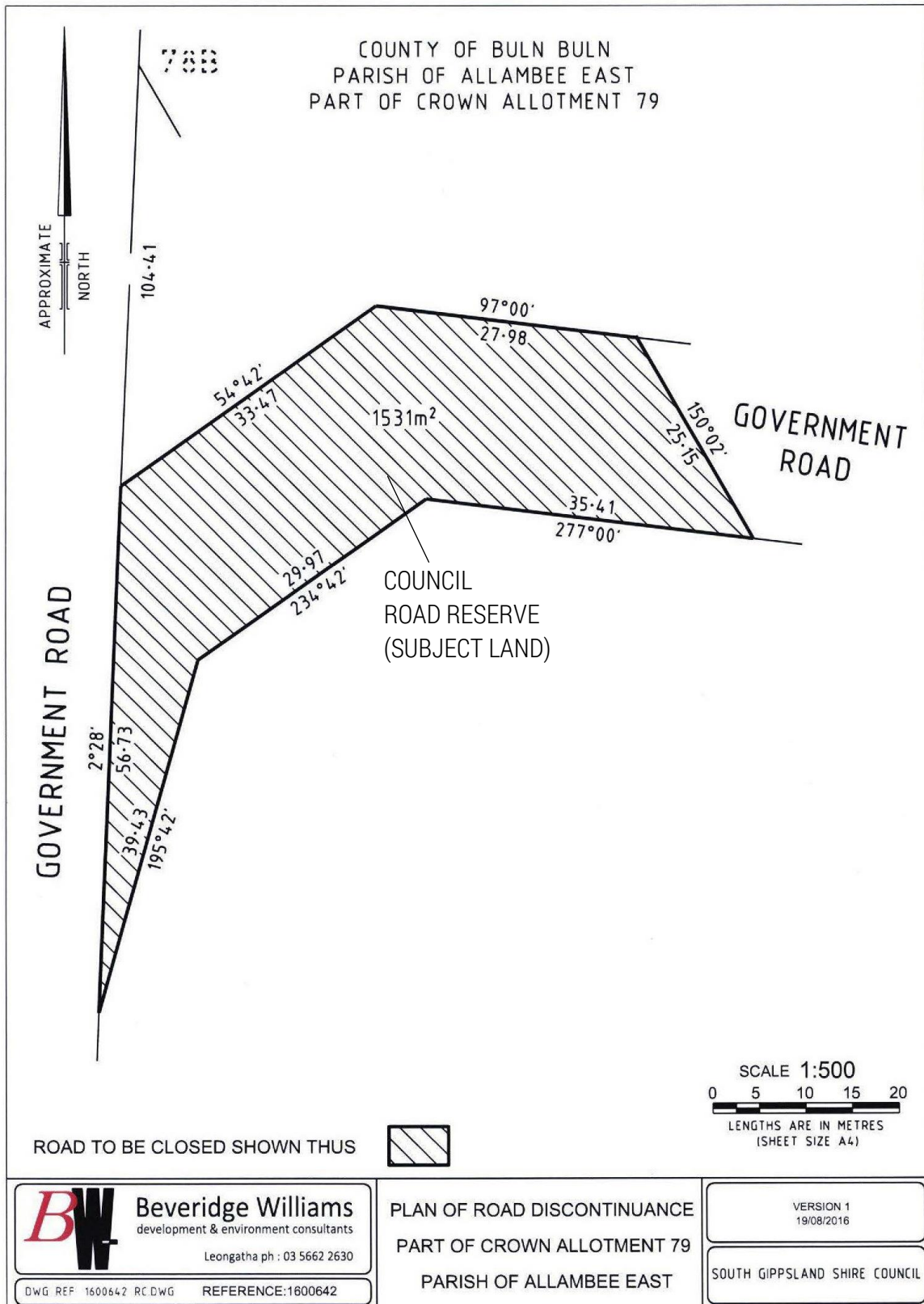
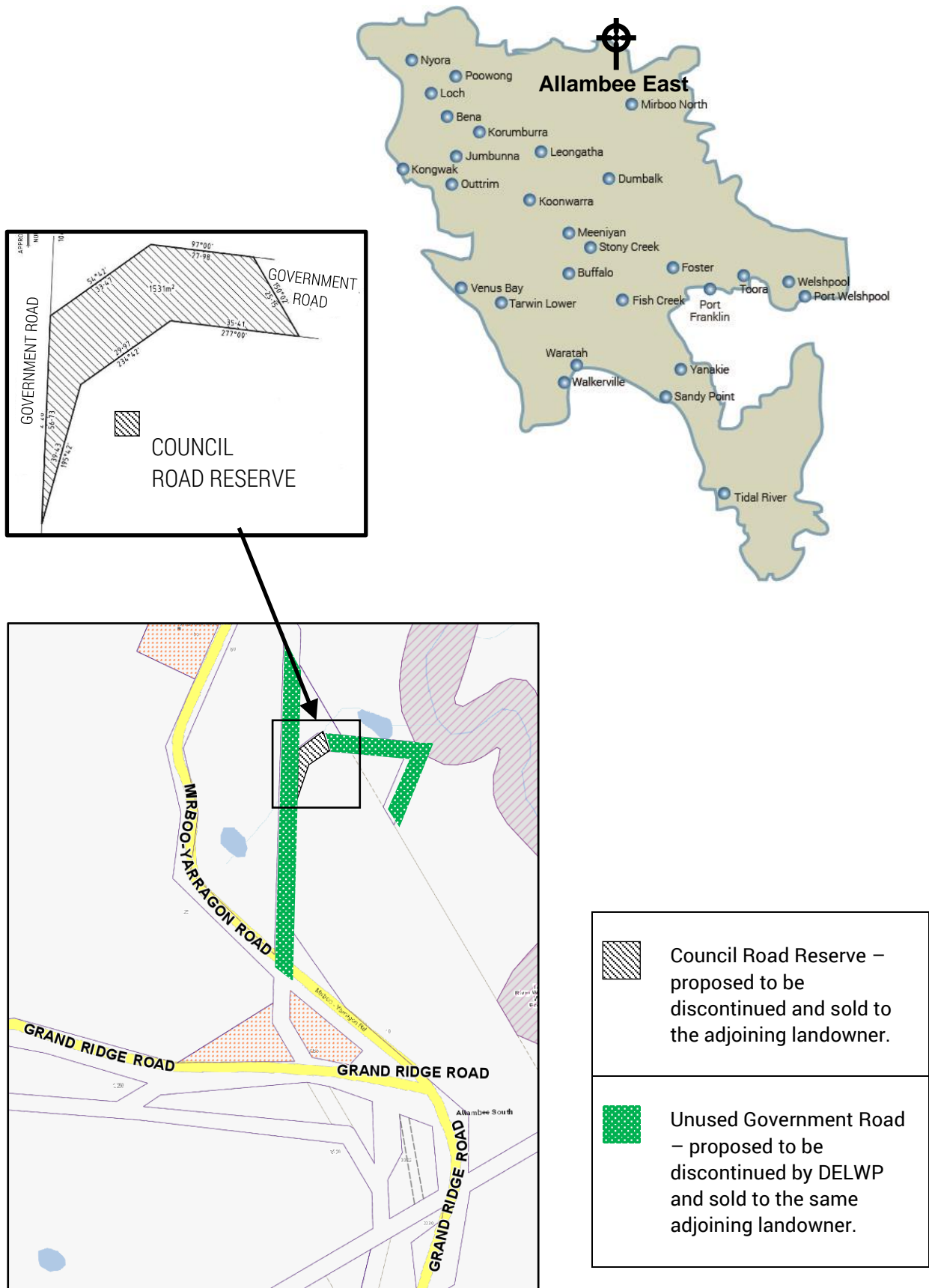


Figure 2 - Locality Plan



## 5.12. RELINQUISHMENT OF COUNCIL AS COMMITTEE OF MANAGEMENT – OUTTRIM GRAVEL RESERVE

Sustainable Communities and Infrastructure Services Directorate

### EXECUTIVE SUMMARY

Council is Committee of Management (CoM) for a parcel of crown land in Outtrim (part of allotment 25A Parish of Kongwak) known as the '*Outtrim Gravel Reserve*' (the Site). The Site is located at the intersection of Outtrim-Moyarra Road and Stewarts Road.


Historically, the Site was given the reservation status of '*supply of gravel*' or '*gravel reserve*' as handy and diverse locations were required by Council (formerly the Shire of Poowong and Jeetho) to store road making materials. To Council's knowledge, the Site has not been used by Council for this purpose and it is considered unlikely that it will in the future. However, as Council is the implied CoM, it is Council's responsibility to maintain the Site regardless of whether Council uses it or not.

For the CoM status to be removed from the Site, an application needs to be submitted to the Department of Environment, Land, Water, and Planning (DELWP) detailing the following information:

- Confirmation that the Site has not been used, and is no longer required by Council as a '*Gravel Reserve*'.
- That there is no community requirement for the Site.
- Any existing or previous tenure with any landowner occupying the Site.

### RECOMMENDATION


That Council:

1. Submit an application to the Department of Environment, Land, Water, and Planning (DELWP) to relinquish Council's Committee of Management status over the '*Outtrim Gravel Reserve*' being part of allotment 25A Parish of Kongwak (shown hatched  in Figure 1) for the following reasons:
  - a. The Site, to the knowledge of Council, has not been used as a '*Gravel Reserve*'.
  - b. The Site is no longer required by Council.
  - c. There is no community requirement for the Site.
  - d. There is no existing or previous tenure between Council and any landowner occupying the Site.

**MOVED:** Cr Brown

**SECONDED:** Cr Brunt

**THAT COUNCIL:**


- 1. SUBMIT AN APPLICATION TO THE DEPARTMENT OF ENVIRONMENT, LAND, WATER, AND PLANNING (DELWP) TO RELINQUISH COUNCIL'S COMMITTEE OF MANAGEMENT STATUS OVER THE 'OUTTRIM GRAVEL RESERVE' BEING PART OF ALLOTMENT 25A PARISH OF KONGWAK (SHOWN HATCHED  IN FIGURE 1) FOR THE FOLLOWING REASONS:**
  - a. THE SITE, TO THE KNOWLEDGE OF COUNCIL, HAS NOT BEEN USED AS A 'GRAVEL RESERVE'.**
  - b. THE SITE IS NO LONGER REQUIRED BY COUNCIL.**
  - c. THERE IS NO COMMUNITY REQUIREMENT FOR THE SITE.**
  - d. THERE IS NO EXISTING OR PREVIOUS TENURE BETWEEN COUNCIL AND ANY LANDOWNER OCCUPYING THE SITE.**

**CARRIED UNANIMOUSLY**

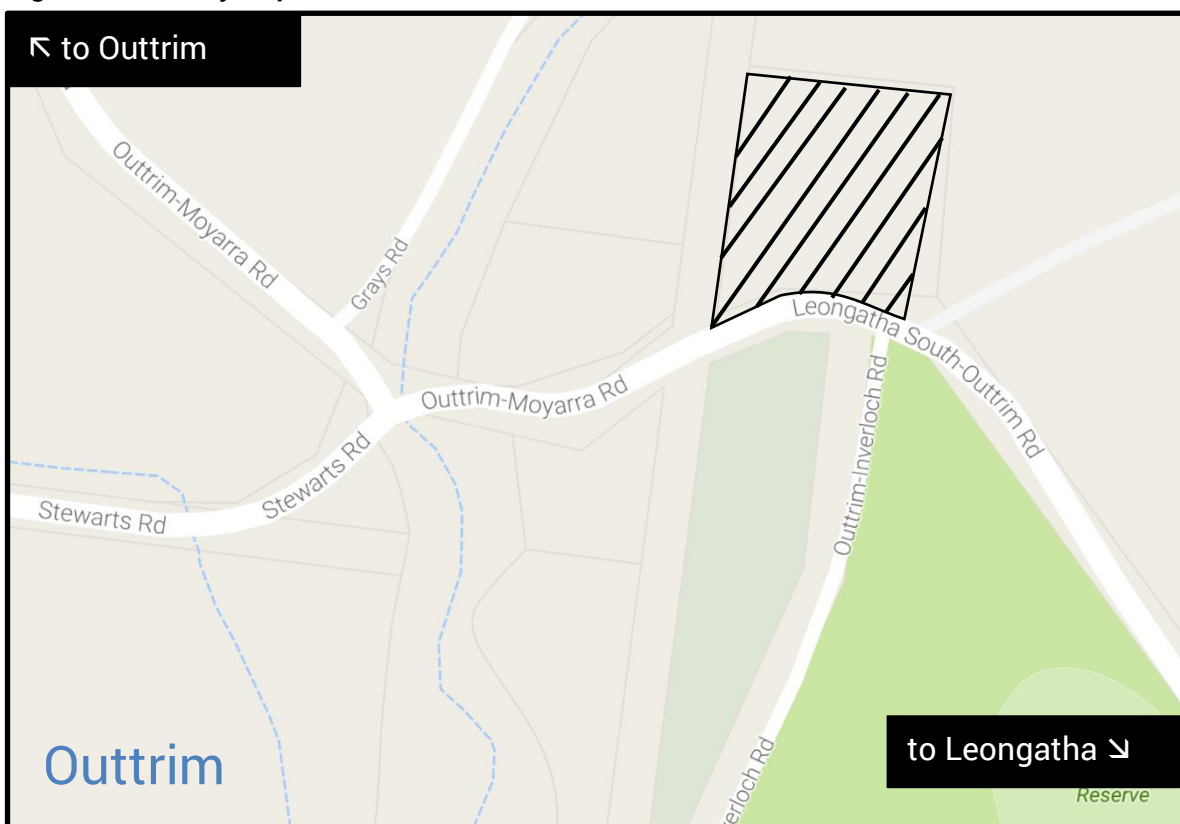
## REPORT

### Background

In 1906, a parcel of Crown land in Outtrim was given the reservation status of 'supply of gravel' or 'gravel reserve' to allow Council to store and access road making materials (eg gravel) in order to construct roads in the area – refer to **Attachment 5.12.1** – Historical Documentation – Outtrim Gravel Reserve.

The Site is known as the 'Outtrim Gravel Reserve' (shown hatched  in **Figure 1** below) and is located on Outtrim-Moyarra Road/Stewarts Road intersection, being part of allotment 25A Parish of Kongwak.

**Figure 1 – Locality Map – The Site – Outtrim Gravel Reserve**



To Council's knowledge, the Site has not been used by Council for this purpose and it is considered unlikely that it will be needed in the future. As Council is the implied CoM, it is Council's responsibility to maintain the Site regardless of whether Council uses it or not. Council has never carried out works at the Site in respect to maintenance.

An adjoining landowner has fenced and planted part of the Site to improve the amenity of the area, without objection, and in collaboration with a Landcare Group. The vegetation on this Site is quite thick and established and visually appears to be part of the adjoining land – refer to **Figure 2** and **Figure 3** below.



Figure 2 – Aerial Map



Figure 3 – Street View



**Discussion**

As Council is the CoM for the Site, a review was carried out in order to confirm the nature of the current use in line with its intended purpose.

The review confirmed that the Site is not used for its reserved purpose and has been fenced by an adjoining landowner and partially planted by the same adjoining landowner with support of a Landcare Group. Discussions with the adjoining

landowner and the Korumburra Historical Society confirmed that the Site has never been used by Council for its intended purposes as a 'gravel reserve'.

This being the case, Council should remove itself as the CoM for the Site, eliminating any ongoing responsibility for its maintenance and upkeep, and allow DELWP to enter into discussions with the adjoining landowner regarding any future tenure arrangements for the Site.

The process to remove Council as the CoM is to submit an application to the DELWP detailing the following information:

- Confirmation that the Site has not been used, and is no longer required by Council as a 'gravel reserve'.
- That there is no community requirement for the Site.
- Any existing or previous tenure with any landowner occupying the Site.

## **CONSULTATION**

### **External Consultation**

External consultation has included discussions with DELWP, the adjoining landowner, and the Korumburra Historical Society. DELWP have confirmed the process to be followed by Council to remove itself as the CoM.

The adjoining landowner informed Council about the tree plantings in partnership with a Landcare Group.

According to historical information provided by the Korumburra Historical Society, in the early 1900s, Council (formerly the Shire of Poowong and Jeetho) carried out negotiations with several people in the area about the supply of road making material, which must have been required in ever increasing quantities.

However, given the means of transportation, sites were needed in handy and diverse locations and at the time, the Site was selected as a potential option for this purpose – refer to **Attachment [5.12.1] - Historical Documentation – Reservation Status – Outtrim Gravel Pit**.

### **Internal Consultation**

Internal consultation has included a discussion with Council's Biodiversity Supervisor regarding the planting out of the Site by a Landcare Group. No concerns or objections were raised.

## **RESOURCES**

There are no financial or resource implications of relinquishing Council's CoM status.



## **RISKS**

There is no apparent risks to Council in relinquishing its CoM status.

## **ATTACHMENTS**

Attachments are available on Council's website –visit

[www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au).

1. Historical Documentation - Reservation Status - Outrim Gravel Pit 2 **[5.12.1]**

## **REFERENCE DOCUMENTS**

Crown Land (Reserves) Act 1978.

**Councillor Andrew McEwen left the Council Meeting at 3.19pm with a declared direct Conflict of Interest on agenda item 5.13 FORMALISE ROAD NAME CHANGE IN MEENIYAN (TWO SECTIONS OF MCILWAINE ST) as he is a property owner on the subject road, Mcllwaine Road, Meeniyan.**

### **5.13. FORMALISE ROAD NAME CHANGE IN MEENIYAN (TWO SECTIONS OF MCILWAINE ST)**

Sustainable Communities and Infrastructure Services Directorate

#### **EXECUTIVE SUMMARY**

There are three sections of Mcllwaine Street in Meeniyan, which is causing confusion. The first section is west off Meeniyan Promontory Road, the second section is east off Morgans Road, and the third section is west off Morgans Road. The first and second sections are divided by a "no through road" restriction.

At its Ordinary Meeting of Council on 27 July 2016, Council resolved to commence a public consultation process by calling for community comment on the proposed renaming of two sections of Mcllwaine Street, Meeniyan.

A Public Notice calling for submissions was advertised in the local papers and Council's website (in the week commencing 1 August 2016) and correspondence sent to land owners adjoining the three sections of Mcllwaine Street, notifying them of the Proposal.

Eight submissions were received during the public consultation process with three submitters requesting to be heard in support of their submission. Two of the three submitters were heard at the Special Committee of Council on 1 February 2017.

This report details the outcome of the submission process and recommends Council finalises the road name change for sections one and two of Mcllwaine Street, Meeniyan and forward the proposal to the Registrar of Geographic Place Names for final consideration and approval.

#### **RECOMMENDATION**

That Council:

1. Receives the resolution from the Special Committee of Council held 1 February 2017 (public submission hearing):
  - a. That the Special Committee of Council heard the following submitters in regards to the proposed renaming of two sections of Mcllwaine Street, Meeniyan:



**MOVED:** Cr Brown

**SECONDED:** Cr Brunt

**THAT COUNCIL:**

- 1. RECEIVES THE RESOLUTION FROM THE SPECIAL COMMITTEE OF COUNCIL HELD 1 FEBRUARY 2017 (PUBLIC SUBMISSION HEARING):**
  - a. THAT THE SPECIAL COMMITTEE OF COUNCIL HEARD THE FOLLOWING SUBMITTERS IN REGARDS TO THE PROPOSED RENAMING OF TWO SECTIONS OF MCILWAINE STREET, MEENIYAN:**
    - I. SUBMITTER 1 BELIEVES THAT SECTION 2 SHOULD BE RENAMED "LIVINGSTONE LANE".**
    - II. SUBMITTER 2 BELIEVES THAT SECTION 1 SHOULD BE RENAMED "WILLIAM STREET".**
  - b. CONSIDERS ALL EIGHT SUBMISSIONS ON THE PROPOSED RENAMING OF TWO SECTIONS OF MCILWAINE STREET, MEENIYAN.**
- 2. DETERMINES THE RENAMING OF SECTIONS 1 AND 2 OF MCILWAINE STREET, MEENIYAN AND RENUMBER ANY AFFECTED PROPERTIES ACCORDINGLY AS FOLLOWS:**
  - a. SECTION 1 – RENAME AND RENUMBER SECTION 1 OF MCILWAINE STREET, MEENIYAN TRAVERSING IN A WESTERLY DIRECTION OFF MEENIYAN PROMONTORY ROAD AS "HEWETT STREET".**
  - b. SECTION 2 – RENAME AND RENUMBER SECTION 2 OF MCILWAINE STREET, MEENIYAN TRAVERSING IN AN EASTERLY DIRECTION OFF MORGANS ROAD AS "LIVINGSTONE LANE".**
  - c. SECTION 3 - MCILWAINE STREET, MEENIYAN TRAVERSING IN A WESTERLY DIRECTION OFF MORGANS ROAD TO REMAIN AS "MCILWAINE STREET" AND BE RENUMBERED ACCORDINGLY.**
- 3. FORWARD THE PROPOSED NAME CHANGES TO THE REGISTRAR OF GEOGRAPHIC PLACE NAMES FOR FINAL CONSIDERATION AND APPROVAL.**
- 4. SUBJECT TO GEOGRAPHIC PLACE NAMES APPROVAL OF THE PROPOSED NAME CHANGE, PLACE A NOTICE IN LOCAL NEWSPAPERS AND ADVISE ABUTTING LAND OWNERS, LOCAL ORGANISATIONS, AND LOCAL STAKEHOLDERS OF THE NEW ROAD NAMES.**

**CARRIED UNANIMOUSLY**

## REPORT

### Background

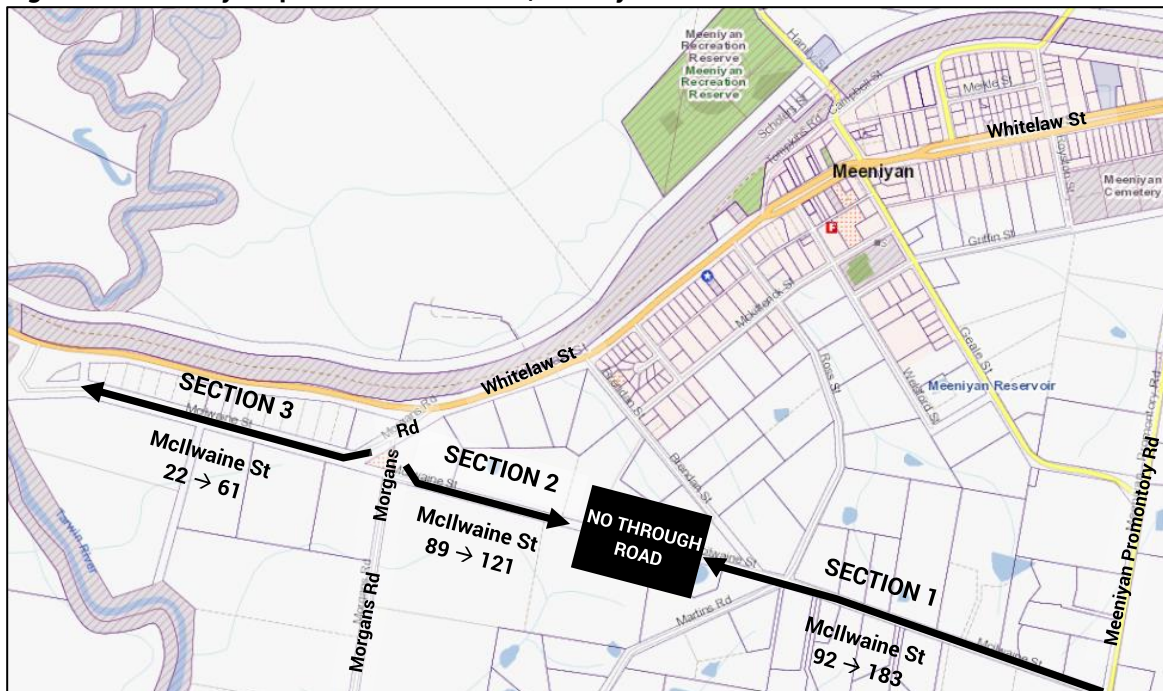
Council officers have had numerous requests from residents to look into the confusing issues relating to the three sections of Mcllwaine Street, Meeniyán.

- The first section is west off Meeniyán Promontory Road;
- The second section is east off Morgans Road; and
- The third section is west off Morgans Road.

The first and second sections are divided by a "no through road" restriction. A locality map and the current road numbering of Mcllwaine Street, Meeniyán.

A locality map is provided in **Figure 1** below.

**Figure 1 – Locality Map – Mcllwaine Street, Meeniyán**



### Consultation (October 2012 to August 2015)

In October 2012, the first round of consultation commenced with all Mcllwaine Street properties, the Leongatha and District Historical Society (Historical Society), and the Meeniyán Returned Services League (RSL) on the proposed renaming of two sections of Mcllwaine Street, Meeniyán.

The original proposal was to rename sections 2 and 3 (off Morgans Road), as this would have the least impact to households. However, objections received from the

public informed that section 3 should remain as 'McIlwaine Street' due to the historical connection with the McIlwaine family farm.

Given this feedback, Council commenced the second round of consultation with the adjoining properties on sections 1 and 2, proposing these two sections of McIlwaine Street are renamed (section 3 to remain 'McIlwaine').

As a result of the first and second round of public consultation, twelve alternate road names were put forward to Council for sections 1 and 2, and five of these (shown **bold** in **Table 1** below) conformed with the statutory naming rules, with no duplicates or similar sounding names found in the Vicnames 15km duplicate search.

**Table 1** summarises the proposed names resulting from the first and second round consultations with adjoining landowners, the Historical Society, and the RSL.

**Table 2 – Summary of Submissions (October 2012 to August 2015)**

SECTION 1 <i>west off Meeniyah-Prom Rd</i>	SECTION 2 <i>east off Morgans Rd</i>	SECTION 3 <i>west off Morgans Road</i>
<b>Hewett Street<sup>2</sup></b>	Bullock Rise Bushy Lane <b>Gumtree Rise<sup>3</sup></b> Livingstone Lane Magpie Lane McIlwaine Street West - <b>Nugget Lane</b> <b>Rosella Lane</b> <b>Tween Lane</b> Ti Tree Lane	McIlwaine Street (retain) McIlwaine Street East

The compliant names were then tabled at the 27 July 2016 Ordinary Meeting where Council resolved to commence a public consultation process and publish a notice calling for submissions on the road name proposals. An extract of the Council minutes is in **Figure 2** below:

<sup>2</sup> **Hewett Street** was proposed by the Historical Society.

<sup>3</sup> **Gum Tree** as submitted by the community was considered as potentially ambiguous or confusing for road users therefore **Gumtree** (as one word) was proposed.

Figure 2 – Extract Council Minutes 27 July 2016

- a. PROPOSAL 1 – TO RENAME AND RENUMBER SECTION 1 OF MCLLWAINE STREET, TRAVERSING IN A WESTERLY DIRECTION OFF MEENIYAN PROMONTORY ROAD AS “HEWETT STREET”.
- b. PROPOSAL 2 – TO RENAME AND RENUMBER SECTION 2 OF MCLLWAINE STREET, TRAVERSING IN A EASTERLY DIRECTION OFF MORGANS ROAD AS ONE OF THE FOLLOWING NAMES:
  - i. “GUMTREE RISE”;
  - ii. “ROSELLA LANE”;
  - iii. “NUGGET LANE”;
  - iv. “TWEEN LANE”; OR
  - v. “BALDWIN STREET”.
- c. PROPOSAL 3 – SECTION 3 OF MCLLWAINE ST, TRAVERSING IN A WESTERLY DIRECTION OFF MORGANS ROAD TO REMAIN AS “MCLLWAINE STREET” AND RENUMBERED ACCORDINGLY.

**Baldwin Street**<sup>4</sup> was requested by the Mayor at the 27 July 2016 Ordinary Council Meeting. The name complied with the Vicnames statutory naming rules with no duplications or similar sounding names within a 15km radius, therefore it was included in the recommendation for Council’s consideration. However, the Leongatha and District Historical Society advised that there was no merit or enough historical content to use the name ‘Baldwin’ for this section of road.

All the background information on the first and second round of public consultations is available in **Attachment [5.13.1] – Council Minutes 27 July 2016 – E.12 – Mcllwaine Street Name Change**. This includes the reasons for conformance in line with the Vicnames statutory naming rules. A copy of the submissions received for the first and second round consultations were also tabled at this meeting as a confidential appendix – refer to **Confidential Attachment [9.1.1] – Submissions (October 2012 – August 2015)**.

### Consultation (August 2016)

Council received eight submissions in response to the public consultation process on the proposal (third round). Three submitters requested to be heard in support of their submission at the Special Committee of Council on 1 February 2017. Two submitters were heard in closed session as one submitter withdrew from speaking at the hearing.

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<sup>4</sup> **Baldwin Street** was included in the recommendations of 27 July 2016 as it was requested by the Mayor, Councillor Robert Newton.

The submissions are summarised in **Table 2** below:

**Table 3 – Summary of Submissions (August 2016)**

	SECTION 1 <i>west off Meeniyah-Prom Rd</i>	SECTION 2 <i>east off Morgans Rd</i>	SECTION 3 <i>west off Morgans Road</i>
<b>PROPOSED NAMES (as per Council resolution dated 27 July 2016)</b>	Hewett Street	Gumtree Rise Rosella Lane Nugget Lane Tween Lane Baldwin Street	Mcllwaine Street
<b>SUBMITTER 1, 6</b>	-	Livingstone Lane	-
<b>SUBMITTER 2, 5, 7</b>	William Street	Hamilton Rise / Lane Hamiltons Track	-
<b>SUBMITTER 3</b>	-	Catherine Street	-
<b>SUBMITTER 4</b>	Ridgeview Street Towerhill Street Grandview Street The Crest The Ridge	Gumtree Rise Rosella Lane	-
<b>SUBMITTER 8</b>	✘	✘	-

Copies of all eight submissions are available in **Confidential Attachment [9.1.2] – Submissions (August 2016)**. The Special Committee of Council Meeting minutes are provided in **Confidential Attachment [9.1.3] – Council Minutes 1 February 2017 – Mcllwaine Submission Hearing**.



## Vicnames Compliance Check

Compliance with the Vicnames 15km duplicate<sup>5</sup> or similar sounding/spelling name search and the statutory naming rules was carried out for all names proposed as part of the August 2016 consultations (third round) – refer to **Table 3** below:

**Table 4 – Vicnames Compliance Check – August 2016**

Road Name Proposed	CONFORMS	REASON
CATHERINE	x	Commemorative names should only use the surname of a person, not first or given names.
GRANDVIEW	x	One similar spelling/sounding road found in Leongatha - 'Greenwood'.
HAMILTON(S)	x	One similar spelling / sounding road found in Buffalo and Fish Creek – 'Hamilton Road'.
LIVINGSTONE <sup>6</sup>	✓	No duplications or similar spelling / sounding names found.
RIDGEVIEW	x	No duplications found. One similar spelling / sounding road found in Mirboo North – 'Ridgway'.
TOWERHILL	✓	No duplications or similar spelling / sounding found.
THE CREST	x	'The' is not a suitable prefix in naming of any road, feature or locality - Under 'Principle (J) Language'. Two similar spelling / sounding roads to 'Crest' found in the Shire – 'Crightons' and 'Christoffersens'.
THE RIDGE	x	'The' is not a suitable prefix in naming of any road, feature or locality - Under 'Principle (J) Language'. Five similar spelling / sounding roads to 'Ridge' found in the Shire - 'Ritchie' - 'OGradys Ridge' - 'Tarwin Ridge' - 'Cambridge' - Eldridges' and 'Ridgway'.
WILLIAM	x	Commemorative names should only use the surname of a person, not first or given names

<sup>5</sup> **Duplicates** are considered to be two (or more) names within close proximity, or names that are identical or have similar spelling or pronunciation.

<sup>6</sup> **Livingstone** was deemed not compliant in the 27 July 2016 Council minutes as it was thought the proposal was based on the submitters surname (Vicnames does not allow the use of people's names who are still alive) however, historical information sourced during third round consultations found that the late Ewen and Hester Livingstone farmed in this area off Morgans Road.

## CONSULTATION

### External consultation

As discussed earlier, external consultation has occurred with the residents along McIlwaine Street, the Historical Society, and the RSL on the proposed road name change for two sections of McIlwaine Street in Meeniyah. Vicnames guidelines have been followed and a 15 km duplicate or similar/spelling sounding names on the proposed new road names to ensure they comply. Refer to **Attachment [5.13.2]** – *Naming Rules for Places in Victoria - Roads, Features, and Places*.

### Internal consultation

The Engineering and Assets department and the Rates team have discussed the property address issues.

### Council's Website

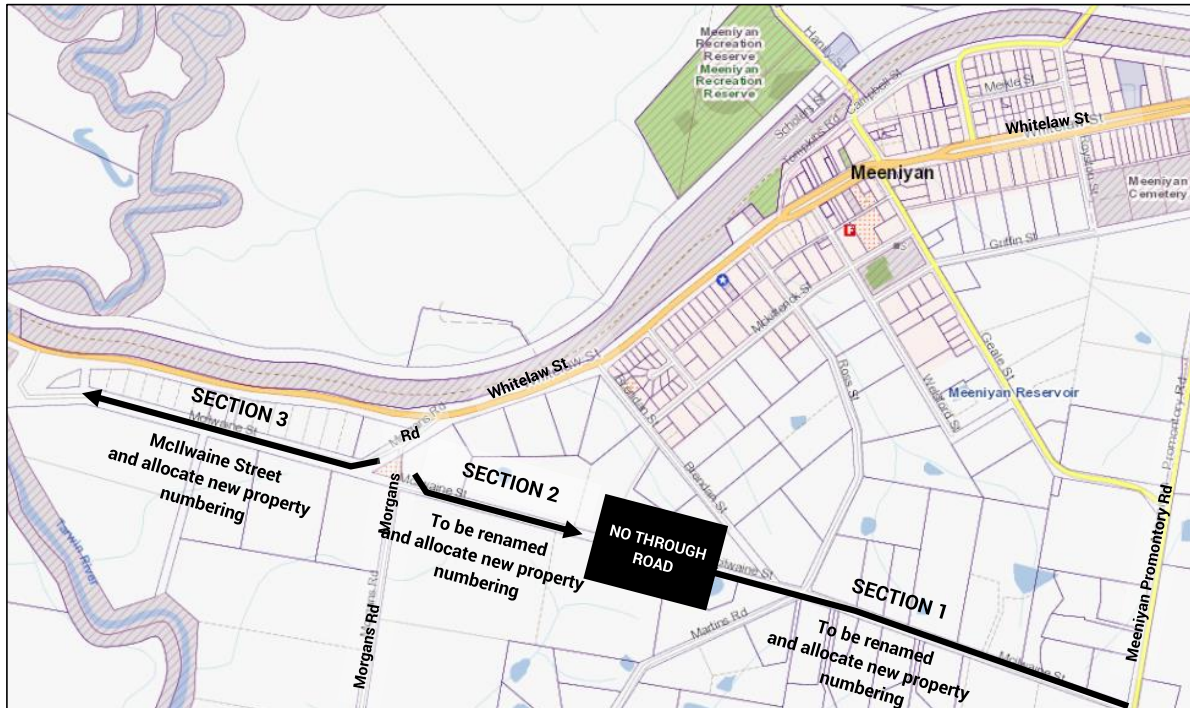
The information on the road name change proposal is available on Council's website which provides a status update, locality map, previous reports to Council, etc. Recently uploaded is the historical information sourced on the names proposed for the renaming – visit Council's website and go to [Roads and Infrastructure > Roads > Naming roads, places & features > Current projects](#). This information is also available in **Attachment [5.13.3]** – *Historical Information – Proposed Road Names for McIlwaine Street*, and on the Vicnames website – the State's official Register of Geographic Names.

The history of the adopted road names will be added to the Vicnames Registrar and South Gippsland Road Register so that the historical component of the families will not be lost.

## CONSIDERATION OF SUBMISSIONS AND DETERMINATION OF FINAL ROAD NAMES

Based on the submissions detailed in **Confidential Attachments [9.1.1]** and **[9.1.2]**, it is proposed to retain the name "McIlwaine Street" for section 3 due to the significant historical connection the family has to the area and the location of the family farm on this section of road. Sections 1 and 2 are proposed to be renamed – refer to **Figure 3** below:

Figure 3 – Proposed sections to be renamed



Suggested road name proposals for Council’s consideration and determination resulting from the public consultation process is detailed below. The Vicnames compliant names are shown as “**bold**”.

1. **SECTION 1: entering from Meeniyán Promontory Road (travelling west).**

Road Names Proposed

“**Hewett Street**” – Ridgeview Street – “**Towerhill Street**” – Grandview Street – The Crest – The Ridge – William Street.

- a. “**Hewett Street**” was proposed due to the significant historical connection the family has to the area (**Recommended**).
- b. “**Towerhill Street**” was proposed due to the street being on a crest with street views and the water tower located on this section of road.

Property Numbering

New unique road numbering commencing from Meeniyán Promontory Road (traversing east to west) to end of road “no through road access”.

**2. SECTION 2: entering from Morgans Road (turn left – travelling east).**

Road Names Proposed

Baldwin Street – Bullock Rise – Bushy Lane – Catherine Street – **“Livingstone Lane”** – **“Gumtree Rise”** – Hamilton Rise / Lane – Hamiltons Track – **“Rosella Lane”** – Magpie Lane – Mcllwaine Street West – **“Nugget Lane”** – Ti Tree Lane – **“Tween Lane”**.

- a. **“Livingstone Lane”** was proposed due to the significant historical connection the family has to the area (**Recommended**).
- b. **“Gumtree Rise”** – **“Rosella Lane”** was proposed due to the landscape of the street being on a crest with street views.
- c. **“Tween Lane”** – was suggested in the first round of public consultations, however, a reason was not provided.
- d. **“Nugget Lane”** was proposed after local identity, Charles Nugget, however no further information has been sourced.

Property Numbering

New unique road numbering commencing from Morgans Road (traversing west to east) to end of road – “no through road access”.

**3. SECTION 3: entering from Morgans Road (turn right – travelling west) to ‘No Through Road’ end.**

Road Names Proposed

**“Mcllwaine Street”** – Mcllwaine Street West.

- a. **“Mcllwaine Street”** was proposed to be retained due to the significant historical connection the family has to the area and the location of the family farm on this section of road (**Recommended**).

Property Numbering

New unique road numbering commencing from Morgans Road (traversing east to west) to end of road.

The historical information sourced on the proposed new road names for Mcllwaine Street is available in **Attachment [5.13.3]**.

## **Vicnames Compliance**

This proposal complies with the Vicnames statutory naming rules – refer to **Attachment [5.13.2]**.

## **Registrar of Geographic Place Names**

If the proposed name changes are adopted by Council, these will be forwarded to the Registrar of Geographic Place Names for final consideration and approval. If the names do conform to the naming rules, the Office of Geographic Place Names will Gazette the names, add them to the Vicnames Registrar, and notify relevant stakeholders.

If the names do not conform to the naming rules, the proposal will be sent back to the naming authority for reconsideration of a new name.

## **CONCLUSION**

Renaming sections 1 and 2 of McIlwaine Street and providing unique numbering on all three sections will remove the confusion for emergency services and the general public.

## **RESOURCES**

### **Financial Considerations**

The cost to Council will be for the supply and installation of new signage for the affected roads if approved by Council. The estimated cost to install new signage is approximately \$450 and can be accommodated in Council's signage budget.

## **RISKS**

Council's risk is minimal as the methodology for the road naming has followed the Naming Rules for Naming Places in Victoria 2016.

## **ATTACHMENTS**

Attachments are available on Council's website – visit:

1. Council Minutes 27 July 2016 - E 12 Mc Ilwaine Street Name Change **[5.13.1]**
2. Naming Rules for Places in Victoria - Roads Features and Places **[5.13.2]**
3. Historical Information - Proposed Road Names for Mc Ilwaine Street **[5.13.3]**

## **CONFIDENTIAL ATTACHMENTS**

The following **Confidential Attachments** have been provided in accordance with section 77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this Agenda Items as being confidential information on the grounds that it relates section 89(2):

- (h) - any other matter which the Council or Special Committee considers would prejudice the Council or any persons, and
- (i) - a resolution to close the meeting to members of the public.

Items are deemed confidential to protect the privacy interests of the community members who made a submission towards the proposed renaming of McIlwaine Street.

**[9.1.1] – Submissions (October 2012 to August 2015)**

**[9.1.2] – Submissions (August 2016)**

**[9.1.3] – Council Minutes 1 February 2017 – McIlwaine Submission Hearing**

## **REFERENCE DOCUMENTS**

Local Government Act 1989

Road Management Act 2004

Geographic Place Names Act 1998

Naming Rules for Places in Victoria - Statutory Requirements for Naming Roads, Features and Localities – 2016

AS/NZS4819:2011 Rural and Urban Addressing

SGSC Road Naming Procedure 2013

**Councillor McEwen returned to the Council Meeting at 3.24pm.**

## 6. 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 Councillor....be allowed a 'short period' to indicate the reason(s) why the matter should be considered as a matter of urgent business.' If the Chairperson accepts the motion as meeting the urgent business criteria, normal meeting procedures in Local Law No. 3 will apply.

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

### 2. Other Business

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

**Nil**

## 1.10. COUNCILLOR REPORTS

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**Councillor Meg Edwards addressed Council regarding her attendance at:**

- **West Gippsland Regional Library Board planning meeting and commented that Radio Frequency Identification (RFID) technology has been launched, this means that people can now self-checkout books that they wish to borrow.**
- **Mardan Mirboo Landcare the first of three Sustainable Farm Workshops. Cr Edwards directed a question to key note speaker, Major General The Honourable Michael Jeffery, about the future of land, he responded simply by saying that it comes back to school gardens and that if children learn to value soil then we will also as a population.**
- **Leongatha Railway Reference Group meeting.**
- **South Gippsland Water consultation meeting held at Fish Creek, the topical conversation was around sewerage in Fish Creek.**
- **South Gippsland Relay for Life at Fish Creek and highlighted that over \$180,000 has been raised in the community over three years. Cr Edwards commended the organisers and local businesses for their great community effort.**
- **Foster Amateur Music and Drama Association (FAMDA) new production has opened.**
- **Southern Womens Business Network and commented that the network is looking for ways with which to work with South Gippsland Shire Council.**
- **Foster Rotary meeting.**
- **Venus Bay tour with Cr Skinner.**
- **Stony Creek Races and commented that the Club has regained their 5 race status.**
- **Rural Financial Counselling Services and commented that the range of services and resources offered to farmers and small businesses impacted by changes in the agricultural industry has increased.**

**Cr Edwards made comment that Pennicott Wilderness Journeys is currently out for community consultation regarding the potential development of running tour boats out of Tidal River.**

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**Cr Hill left the Council Meeting at 3.29pm.**

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**Councillor Aaron Brown addressed Council regarding his attendance at:**

- **Stony Creek Races and commented that it was great to see this event for the first time and how such a great event can contribute towards economic growth.**
  - **Rural Financial Counselling Services meeting.**
  - **Danish Festival in Poowong East and commented that it was great to see the community spirit in this small farming community.**
- 

**Cr Hill returned to the Council Meeting at 3.31 pm.**

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**Councillor Alyson Skinner addressed Council regarding her attendance at:**

- **Community Emergency Response Team (CERT) High Tea in Tarwin Lower, and commented that the CERT team set up the High Tea to raise funds for this valuable community volunteer service.**
  - **Tarwin Lower Recreation Reserve meeting and commented that the Committee is working closely with Council to bring about opportunity and change.**
  - **Youth Council meeting scheduled to discuss new ways to engage with the Youth in the Shire.**
  - **Hacktivation Conference: Transforming Local Government in the Innovation Era conducted by the Municipal Association Victoria (MAV) in Melbourne.**
- 

**Councillor Andrew McEwen addressed Council regarding his attendance at the Rail Freight Alliance Meeting and commented that Infrastructure Victoria has recently completed a study into the ports of Bay West and Hastings. The Report highlighted that there is an \$8 M difference and that this has implications for South Gippsland on a positive note, that rail may become a required mode of transport that could mean a potential rail line to Leongatha.**

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**Councillor Lorraine Brunt addressed Council by highlighting to all the outstanding achievements of a young resident in the Bena community, Dallas Loughridge who was recently awarded a gold medal from the School Sport Australia Basketball Championships.**

**Cr Brunt addressed Council regarding her attendance at the Danish Settlers Festival held in Poowong East.**

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**Councillor Maxine Kiel addressed Council regarding her attendance at:**

- **Foster Show and commented that it was well supported.**
- **Legacy Changeover Dinner in Leongatha.**
- **Emergency Planning Committee Meeting.**
- **Community Dinner at Mardan.**
- **Jeetho Hall 125<sup>th</sup> year celebration and commented how beautifully the hall has been preserved.**
- **Karmai Children's Centre in Korumburra official opening.**
- **Dumbalk Market.**
- **Citizens Advice Bureau.**

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**Councillor Ray Argento addressed Council regarding his attendance at:**

- **Toora Pear Party and commented how this small event has grown each year and draws large crowds.**
  - **Toora Arts Show and highlighted the location of the gallery in the 'Bargain Centre'.**
  - **Foster Community Association meeting, the Committee have recently come out of recess and this was the first meeting, great projects are expected in the next 12months.**
-

## 7. GENERAL QUESTION TIME

### 7.1. QUESTION TIME

This is an opportunity for the community members to ask questions, in accordance with clause 99 of the Local Law No. 3 2010. Members of the public addressing the Council must extend due courtesy and respect to the Council and must take direction from the Chair whenever called upon to do so.

Questions should be in writing and provided to the Council Business Department at South Gippsland Shire Council. If a response cannot be provided at the Meeting a response will be provided and included in the minutes of the next appropriate Ordinary Meeting of Council.

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**Clive Hope resident of Meeniyah addressed Council with questions relating to:**

1. **He was a recent participant of a phone survey, what is the cost to the Shire of this survey?**

*The Chief Executive Officer, Mr Tim Tamlin responded by informing that the compulsory survey, the Annual State Government Local Government Satisfaction Survey costs Council approximately \$12,000.*

2. **What equipment does Council own by way of graders for gravel roads and drainage, and how many operators does Council have on staff to operate the equipment?**

*The question was taken on notice and will be responded to at the next appropriate Council Meeting.*

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**Gus Blaauw resident of Venus Bay representing the South Gippsland Action Group (SGAG) addressed Council with questions relating to:**

1. **With respect of the Council Budget, will Council revisit improving funding to Venus Bay?**
2. **With respect of the Council Budget, will Council make expenditure details available in the 'Materials and Services' and 'Other Expenses'?**
3. **With respect of the Council Budget, will Council make improvements to the sections: 'Section 2 Services and Service Performance Indicators' ?**

*The Mayor responded by encouraging a submission to the Council Budget.*

*The questions were taken on notice and will be responded to in the next appropriate Council Meeting.*

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**Cr Skinner left the Council Meeting at 3.50pm and returned at 3.52pm.**

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**Lindsay Love representing the SGAG addressed Council with questions relating to:**

- 1. Will Council review the OH&S policy and specifically to randomly test workers for recreational drug use?**
- 2. Will Council reduce the CEO's wage bill after allowing for reductions due to cuts from the operations?**
- 3. With respect of Caravan Parks, can Council release the financial reports that they have sent to the Government for the past 3 years of Council operating the Caravan Parks?**
- 4. Can Council confirm that the proposed Municipal Precinct project has been deleted from the Budget? And if it has what is Council doing with the Capital Reserves for this project?**
- 5. With respect of Caravan Parks, will Council continue to manage Caravan Parks or will it lease out the management?**
- 6. With respect of Home and Community Care Service, will Council be continuing the service and thus make expenditure savings?**

***The Mayor responded by informing that Council are yet to decide on many of the items mentioned in the questions.***

***The questions were taken on notice and will be responded to in the next appropriate Council Meeting.***

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**Otto Ipple representing the SGAG addressed Council with a question relating to:**

- 1. Councillors asking the following question to members of the community; do they think they pay too much Rates?**

***The question was taken on notice and will be responded to in the next appropriate Council Meeting.***

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## **7.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE**

**Noted.**

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**Questions raised by Wilma Western at Council Meeting 22 February 2017 were taken on notice and a response is now provided.**

**Agenda item 5.2 Memorandum of understanding between South Gippsland Shire and RSL Leongatha, what is going to be in the MOU and how public will the content of that MOU be?**

### **Response**

The MOU will record the intentions of the Council and the RSL to explore the possibility of a land swap. This means it will outline the structure of investigations (ie what is to be investigated by each party and a timeframe for completion).

The investigations are to be completed prior to Council progressing to the next phase of contract documentation that will include a public notice in accordance with sections 189 and 223 of the Local Government Act, 1989.

Council hope to be able to make the MOU public and place it on Council's website for our community to view. However, we are seeking advice on this as there may be commercial in confidence matters from the RSL's perspective that need to be protected.

**How will Council be placed if the RSL proposal increases the number of Poker machines?**

### **Response**

Unfortunately Council has no say in the number of gaming machines that the RSL may seek to install at its proposed location.

There are 105 gaming machines installed in, and nearby to Leongatha that have significant sums expended. The total figure expended on the 105 machines in 2015/16 was \$6,565,792.42 (\$6.5 Million).

A total of 207 machines are permitted in the shire under the current State Government regulations.

**Questions raised by David Lewis at Council Meeting 22 February 2017 were taken on notice and a response is now provided.**

**Agenda item 5.2 Memorandum of understanding between South Gippsland shire and RSL Leongatha if the MOU is signed, is it legally binding? Can a clause be added to ensure that it is not legally binding?**

**Response**

The purpose of the MOU is to demonstrate the good faith of each party. It is not the intention of Council or the RSL to create a legal relationship at this point in time. A clause to that effect is contained in the MOU.

**When does Council plan to start the Rating Strategy Review?**

**Response**

The Rating Strategy is scheduled to be reviewed in the 2017/18 financial year.

**When does Council intend to review its Public Participation in Meetings Policy? Will briefings to Council be made public?**

**Response**

Council is currently reviewing the Public Participation in Meetings with Council Policy. It will be presented to Council for re-adoption in due course. Briefing sessions are both open and closed which is dependent on the material being conveyed. Each month an open report is provided to Council with an 'Assemblies of Councillors Report' summarising the topics discussed at briefings held in the previous month.

Questions raised by Gus Blaauw at Council Meeting 22 February 2017 were taken on notice and a response is now provided.

**Agenda item 5.1 MUNICIPAL PRECINCT STUDY, what will happen to the funds accumulated from this Municipal Precinct Study?**

### Response

The decision to remove the municipal precinct project from the forward budgets does not make more money available. As of today there is the same amount of money available as there was prior to the decision as the project was not planned for several years into the future. There is \$5.5 million in reserves and \$3.67 million in working capital capacity. It will be up to Council how they allocate this money in future budgets.

**What is Council's legal expenditure in the Council Budget 2015/16? Detail of this expenditure is requested.**

### Response

<b>Program</b>	<b>Total for Calendar Year 2016</b>
Accounting	\$1,833.80
Corporate Planning and Council Business	\$71.90
Development Services Management	\$1,906.10
Environmental Health	\$1,951.26
Executive Services	\$226,529.66
Landfills	\$1,237.50
Land Acquisition and Development	\$2,991.30
Local Laws	\$12,165.82
Long Jetty Caravan Park	\$56,750.50
Municipal Building	\$2,521.48
People and Culture	\$62,324.00
Projects	\$1,382.80
Property and Revenue	\$116,475.53
Property Services	\$28,894.79
Risk and Procurement	\$1,910.00
Statutory Planning	\$4,401.93
Yanakie Caravan Park	\$40,250.50
Strategic Planning	\$876.20
Sustainable Communities Management	\$4,908.50
Sustainable Communities and Infrastructure Management	\$1,250.00
<b>Total</b>	<b>\$567,724.17</b>

## **8. CLOSED SESSION**

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

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

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

**Nil**




## **9. MEETING CLOSED**

### **NEXT MEETING**

The next Ordinary Meeting of Council open to the public will be held on Wednesday, 26 April 2017 commencing at 2pm in the Council Chambers, Leongatha.

**The Ordinary Council Meeting Closed at 3.58pm.**

**Confirmed this 26th day of April 2017.**



.....  
**Deputy Mayor, Cr Maxine Kiel**

(The Mayor, Cr Ray Argento was absent from Ordinary Council Meeting 26 April 2017, the Meeting at which the minutes were confirmed.)