

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Agenda

Ordinary Meeting of Council

24 May 2017

**Ordinary Meeting No. 412**  
**Council Chambers, Leongatha**  
**Commencing at 2pm**



# agenda



*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).

## SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that Ordinary Meeting No. 412 of the  
South Gippsland Shire Council will be held on 24 May 2017  
in the Council Chambers, Leongatha commencing 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. LIVE STREAMING, RECORDING AND PUBLISHING OF MEETINGS**

This Council Meeting is being streamed live, recorded and published in accordance with Council's *Live Streaming in Council Meetings Policy*.

To those present in the gallery today, by attending a public meeting of the Council you are consenting to your image, voice and comments being recorded and published.

Anyone who is invited to read out a question or a presentation will be recorded and their voice, image and comments will form part of the live stream and recording.

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.

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

Today's Meeting is being streamed live as well as recorded and published on Council's website.

Thank you.

### **1.3. 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

### **1.4. 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.

**1.5. REQUESTS FOR LEAVE OF ABSENCE**

**1.6. APOLOGIES**

**1.7. CONFIRMATION OF MINUTES**

**RECOMMENDATION**

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 411, held on 26 April 2017 in the Council Chambers, Leongatha be confirmed.

## 1.8. 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*.

### 1.9. 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**



## 1.10. 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.

## **1.11. COUNCILLOR REPORTS**

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

**Nil**

### **3. COMMITTEE REPORTS**

**Nil**

## **4. PROCEDURAL REPORTS**

### **4.1. QUARTERLY PERFORMANCE REPORT – JANUARY TO MARCH 2017**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

The organisational Quarterly Performance Report for the period January to March 2017 (refer to **Attachment [4.1.1]**) provides detailed reporting on Council's performance against the 2016/17 Annual Initiatives, Capital Works Program and Department Highlights.

The covering report outlines the key achievements, issues, updates and events that occurred during this reporting period.

#### **RECOMMENDATION**

**That Council:**

- 1. Receives and notes the Quarterly Performance Report for the period January to March 2017 (Attachment [4.1.1]), and;**
- 2. Publishes the Quarterly Performance Report to Council's website and distributes it to local libraries.**

#### **REPORT**

##### **Background**

The 2016/17 Annual Budget (inclusive of the Annual Initiatives) was adopted by Council on 22 June 2016. It sets the indicators and initiatives/activities which are reported in the Quarterly Performance Report – January to March 2017 (**Attachment [4.1.1]**).

The 2013-2017 Council Plan adopted in June 2013 and reviewed annually, includes key strategic Outcomes, Objectives and Strategies. A series of indicators are allocated to the four Outcomes and progress against these indicators is included in the Annual Plan 2016/17 Performance Update. These indicators have been reviewed annually and are also reflected in the 2016/17 Annual Budget.

##### **Discussion**

This report provides Directorate overviews of the major activities undertaken for the quarter. Where possible, comparisons are made and reflected in graphs.

**Significant highlights during the period include:**

**Executive Office**

- Ninety-two per cent of the total 26 Annual Plan initiatives for 2016/17 are on track or have been completed by March 2017.
- Successfully conducted the 2017 Australia Day Award and event.
- Organisational Effectiveness Survey and engagement surveys distributed to staff.
- Launch of the 2017 South Gippsland Shire Council Mentoring Program.
- Project initiated with older staff employees to better ensure a planned and controlled exit path to reduce organisational risk.

**Corporate and Community Services**

- The Karmai Community Children's Centre's official opening was held on 10 March 2017.
- The Proposed 2017/21 Council Plan and 2017/18 Annual Budget were endorsed for public comment through an s.223 submission process.
- 2017 Public Influenza Program commenced for the South Gippsland Shire Council community members.
- Round two of the 2016/17 Community Grants Program closed on 31 March 2017 with 32 applications received.
- The draft Library Plan 2017/21 was developed collaboratively by the Library Board, library staff and the Community Advisory Committee members.
- The Valuation team commenced the biannual revaluation process of all rateable properties in the Shire.

**Sustainability and Infrastructure Services**

- Ninety-seven per cent of the total 155 Capital Works Program initiatives for 2016/17 are on track or have been completed by March 2017.
- Municipal Precinct in Leongatha project abandoned by Council at the 22 February 2017 Ordinary Meeting of Council.
- Proposed 2017/18 Capital Works Program second draft presented to Council on 15 February 2017.

- Leongatha Rail Yards Landscape Master Plan – project scope complete and community consultation underway.

### **Development Services**

- Eighty-five per cent of the total 20 Strategic Planning initiatives for 2016/17 are on track or have been completed by March 2017.
- Value of approved building work for the quarter was \$17.8M, down 11% compared to the same quarter last year.
- In response to Council's fire prevention program, 65 properties were cleared to reduce fire risk within the Shire.

### **CONSULTATION**

Each Department has contributed to the information contained in the Quarterly Performance Report.

### **RESOURCES**

The 2016/17 Annual Initiatives and Capital Works Program are funded through the 2016/17 Budget.

### **RISKS**

The Quarterly Performance Report mitigates the risk of Annual Initiatives and Capital Works activities not being managed, as every Department is required to monitor and report on the progress of their respective responsibilities on a regular basis.

### **ATTACHMENTS**

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

1. Quarterly Performance Report - January to March 2017 **[4.1.1]**

### **REFERENCE DOCUMENTS**

#### **Council Policy**

2016/17 Annual Budget Incorporating 15 Year Long Term Financial Plan and Annual Plan Initiatives  
Council Plan 2013-2017

#### **Legislative Provisions**

Local Government Act 1989 ss. 125, 127 and 223  
Local Government Act 1989, Environmental Upgrade Agreement, s. 138

## **4.2. COUNCILLOR EXPENDITURE REPORT - 31 MARCH 2017**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

The Councillor Expenditure Report [**Attachment 4.2.1**] provides Council with an update on Councillor Expenditure from 1 July 2016 to 31 March 2017.

### **RECOMMENDATION**

**That Council receive and note the Councillor Expenditure Report [Attachment 4.2.1] for the period 1 July 2016 to 31 March 2017.**

### **REPORT**

The Councillor Expenditure Report provides Council with an update on Councillor Expenditure from 1 July 2016 to 31 March 2017.

Councillor expenditure of \$279,716 for the period ended 31 March 2017 is below budget by \$3,556.

### **RISKS**

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

### **ATTACHMENTS**

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

1. Ordinary Meeting 24 May 2017 Attachment 04.02.1 Councillor Expenditure Report - 31 March 2017 [**4.2.1**]

### **REFERENCE DOCUMENTS**

#### **Council Policy**

Councillor Support and Expenditure Policy, July 2016

#### **Legislative Provisions**

Local Government Act 1989



#### **4.3. ASSEMBLY OF COUNCILLORS - 20 MARCH - 21 APRIL 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 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 20 March and 21 April 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 5 April 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 Local Government Act 1989 (the Act) all matters considered by the Economic Development and Tourism Steering Committee at its meeting held on Wednesday 5 April 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.**

**REPORT**

<b>Monday 20 March 2017</b>	
<b>Meeting Title</b>	<b>Details</b>
<b>Gippsland Ports/ South Gippsland Shire Council Meeting</b>	<p><b>Councillors Attending:</b> Councillors Argento and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• Port Welshpool Marine Precinct Planning, Long Jetty project, Long Jetty Memorandum of Understanding</li> <li>• Port Albert berthing capacity</li> <li>• Inverloch Marina Proposal</li> <li>• Port Franklin slipway</li> <li>• Toora channel</li> <li>• ESSO</li> <li>• Tek Ocean – future dredging</li> <li>• Gippsland Ports South Gippsland – future resourcing</li> </ul>
<b>Wednesday 22 March 2017</b>	
<b>Council Agenda Topics Discussion 22 March 2017</b>	<p><b>Councillors Attending:</b> Councillors Argento, McEwen, Brown, Kiel, Skinner and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided information on Council Agenda items for the Ordinary Council Meeting 22 March 2017.</p>

Meeting Title	Details
<b>Wednesday 22 March 2017</b>	
<b>Public Presentations</b>	There were nil public presentations requested by community members.
<b>Roadside Weed Management Control</b>  <b>Open Day Session</b>	<b>Councillors Attending:</b> Councillors Brunt, Brown, Rich, Argento, Kiel, Skinner McEwen and Edwards.  <b>Conflict of Interest:</b> Nil disclosed.  <b>Matters Discussed:</b> Council is responsible for controlling regionally prohibited and regionally controlled weed species and pest animals on its roadsides. Councillors were provided information on its Roadside Weed Management Control Program.
<b>Wastewater Compliance Program</b>	<b>Councillors Attending:</b> Councillors Brunt, Brown, Rich, Argento, Kiel, Skinner McEwen and Edwards.  <b>Conflict of Interest:</b> Nil disclosed.  <b>Matters Discussed:</b> Councillors were provided information on the implementation requirements of its Domestic Wastewater Management Plan which aims to identify wastewater risks and ways to improve onsite wastewater management and link planning, stormwater management and water supply policies.
<b>Council Agenda Topics Discussion 22 March 2017</b>	<b>Councillors Attending:</b> Councillors Hill, Brunt, Brown, Rich, Argento, Kiel, Skinner McEwen and Edwards.  <b>Conflict of Interest:</b> Nil disclosed.  <b>Matters Discussed:</b> Councillors were provided information on Council Agenda items for the Ordinary Council Meeting 22 March 2017.

<b>Wednesday 22 March 2017</b>	
<b>Meeting Title</b>	<b>Details</b>
<b>Youth Engagement Meeting</b>	<p><b>Councillors Attending:</b> Councillors Edwards, Skinner and Brown.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• Engagement with young people relating to the Council Plan</li> <li>• Engagement and programs for young people</li> <li>• Current engagement activities with young people</li> </ul>
<b>South Gippsland Shire Council and South Gippsland Water</b>	<p><b>Councillors Attending:</b> Councillors Hill, Brunt, Brown, Rich, Argento, Kiel, Skinner and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• South Gippsland Shire Council item - Waste Water Compliance Program</li> <li>• South Gippsland Water items: <ul style="list-style-type: none"> <li>• Introduction to the Board</li> <li>• Lance Creek Water Connection</li> <li>• Foster reuse water project</li> </ul> </li> </ul>
<b>Thursday 23 March 2017</b>	
<b>Active Retirees Advisory Committees</b>	<p><b>Councillors Attending:</b> Councillor Rich</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• Active Ageing Plan 2017-2022</li> <li>• Seniors Festival 2017</li> <li>• Briefing to Council in May</li> </ul>

<b>Wednesday 29 March 2017</b>	
<b>Meeting Title</b>	<b>Details</b>
<b>Strategic Briefing – Rural Land Use and Housing and Settlement Strategy</b>	<p><b>Councillors Attending:</b> Councillors Hill, Brunt, Brown, Rich, Argento, Kiel, Skinner, McEwen and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <p><b>Rural Land Use Strategy:</b> Farming Zone, Farming Zone Statistics, Farming Zone Dwellings/Lot sizes, Farming Zone Provisions, Rural Land Use Strategy Dwellings, Rural Land Use Strategy Subdivision, Planning Applications and Rural Land Use Strategy Summary.</p> <p><b>Housing and Settlement Strategy (HSS):</b> Summary, Settlement Hierarchy, Objectives, Framework Plans, Restructure Areas, Rural Living, Settlement Boundaries and HSS summary.</p>
<b>Monday 3 April 2017</b>	
<b>Council’s Audit Committee Meeting</b>	<p><b>Councillors Attending:</b> Councillors Argento 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>• Local Government Performance Reporting Framework Report</li> <li>• Procurement Policy</li> <li>• People and Culture Risk Report</li> <li>• Insurance Coverage</li> <li>• Internal Audit Program</li> <li>• External Audit Proposed Audit Scope</li> <li>• Victorian Auditor General’s Office Key Audit Themes report</li> </ul>

<b>Tuesday 4 April 2017</b>	
<b>Meeting Title</b>	<b>Details</b>
<b>Town and District Association Network (TADAN) Meeting</b>	<p><b>Councillors Attending:</b> Councillors Edwards, Kiel and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• Small town resilience</li> <li>• Gippsland multicultural plan</li> <li>• TADAN newsletter</li> <li>• Council Plan/ Budget 2017/2018 submissions invited</li> </ul>
<b>Wednesday 5 April 2017</b>	
<b>Planning Briefing</b>	<p><b>Councillors Attending:</b> Councillors Hill, Brunt, Brown, Rich, Argento, Kiel, Skinner, McEwen and Edwards.</p> <p><b>Conflict of Interest:</b> Cr Don Hill declared an indirect Conflict of Interest in item 6 – Mirboo North Structure Plan Refresh – Submissions, as a closely associated person to him made a submission to the plan. Cr Hill left the meeting when the item was discussed.</p> <p><b>Matters Discussed:</b> Strategic Planning Projects, Mirboo North Structure Plan Refresh – Submissions, Planning for Bushfire, West Gippsland Floodplain Management Strategy – Draft for community consultation, Leongatha Railway Site Transformation, Planning Applications of significance, Decisions for February 2017 and VCAT decisions.</p>
<b>Economic Development and Tourism Steering Committee</b>	<p><b>Councillors Attending:</b> Councillors Hill, Brunt, Brown, Rich, Argento, Kiel, Skinner, McEwen and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• Review of Economic Development &amp; Tourism Strategy</li> <li>• Consideration of Promotional Filming Tourism related</li> <li>• South East Australian Transport Strategy (SEATS)</li> </ul>

<b>Wednesday 5 April 2017</b>	
<b>Meeting Title</b>	<b>Details</b>
<b>Draft Tennis Facilities Plan</b>	<p><b>Councillors Attending:</b> Councillors Edwards, Brunt, Brown, Rich, Kiel, Skinner, Hill, Argento and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided information on the 2017 Tennis Facilities Plan draft which has been developed based on a court audit conducted on each facility across the Shire. It is proposed that the Plan be released for further stakeholder and community engagement.</p>
<b>Emergency Response Drill with Councillors</b>	<p><b>Councillors Attending:</b> Councillors Edwards, Brunt, Brown, Rich, Skinner, Hill, Argento and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors and members attending Council Meeting days participated in an emergency drill for a scenario which could foreseeable affect a Council Meeting.</p>
<b>Domestic Animal Management Plan</b>	<p><b>Councillors Attending:</b> Councillors Edwards, Brunt, Brown, Rich, Skinner, Hill and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided information on the Domestic Animal Management Plan which is proposed to be released at Council Meeting 24 May 2017 for public exhibition, seeking community comment.</p>



<b>Wednesday 5 April 2017</b>	
<b>Meeting Title</b>	<b>Details</b>
<b>Fraud and Corrupt Conduct Policy Review and Training</b>	<p><b>Councillors Attending:</b> Councillors Edwards, Brunt, Brown, Rich, Kiel, Skinner, Hill, Argento and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided information on the Fraud and Corrupt Conduct Policy and provided with training to support this policy.</p>
<b>Fleet Service Review</b>	<p><b>Councillors Attending:</b> Councillors Edwards, Brunt, Brown, Rich, Kiel, Skinner, Hill, Argento and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided with information regarding:</p> <ul style="list-style-type: none"> <li>• Fleet Review 2009 recommendations that impacted Council's Light Fleet to date.</li> <li>• Fleet Review 2016 that considered Council's latest practices in novated leasing.</li> </ul>
<b>Executive Update</b>	<p><b>Councillors Attending:</b> Councillors Edwards, Brunt, Brown, Rich, Kiel, Skinner, Hill, Argento and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• Memorial Hall – terms and conditions of hire</li> <li>• Korumburra Access Centre</li> <li>• Use of Council buildings.</li> </ul>
<b>Policy Strategy Review: C04 Asset Management Policy and Strategy 2017</b>	<p><b>Councillors Attending:</b> Councillors Edwards, Brunt, Brown, Rich, Kiel, Skinner, Hill, Argento and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided with information on the revised Asset Management Policy and Strategy that aims to build a strong knowledge base for informed decision making in relation to the service delivery that assets provide to the community.</p>

<b>Wednesday 5 April 2017</b>	
<b>Meeting Title</b>	<b>Details</b>
<b>Councillor/ CEO only session</b>	<p><b>Councillors Attending:</b> Councillors Edwards, Brunt, Brown, Rich, Kiel, Skinner, Hill, Argento and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided with information regarding the outcomes of the Organisation Effectiveness Survey.</p>
<b>Leongatha Railway Site Transformation Project Reference Group</b>	<p><b>Councillors Attending:</b> Councillors Kiel, Edwards and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• Community engagement plan for the ideas consultation</li> <li>• Korumburra Railway group</li> <li>• Leongatha Railway Precinct Ideas Open Day (22 April) planning</li> <li>• Leongatha Railway Precinct Workshop (19 May) planning.</li> </ul>
<b>Wednesday 19 April 2017</b>	
<b>Council Agenda – Proposed Changes</b>	<p><b>Councillors Attending:</b> Councillors Brunt, Argento, Kiel, McEwen, Skinner and Rich.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided information on proposed changes to the Council Meeting Agenda structure and Public Presentation Policy.</p>

<b>Wednesday 19 April 2017</b>	
<b>Meeting Title</b>	<b>Details</b>
<b>2017 Road Management Plan and Road Infrastructure Asset Management Plan</b>	<p><b>Councillors Attending:</b> Councillors Brunt, Argento, Kiel, McEwen, Skinner, Rich and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided information on the Road Management Plan that is required by legislation to be reviewed and adopted by 30 June 2017.</p>
<b>Data Demographics Presentation</b>	<p><b>Councillors Attending:</b> Councillors Brunt, Argento, Kiel, McEwen, Skinner, Rich, Edwards and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided information on understanding South Gippsland population, key demographics and changing age structures. The information is accessible from Council's website.</p>
<b>Emergency Management Plans and submissions update to the Emergencies Direction Paper</b>	<p><b>Councillors Attending:</b> Councillors Brunt, Edwards, Argento, Kiel, McEwen, Hill and Rich.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided information to:</p> <ol style="list-style-type: none"> <li>1. Note the updated Emergency Management Plans that form part of the Municipal Emergency Management Plan which will be indorsed by the Municipal Emergency Management Planning Committee; and</li> <li>2. Endorse the preparation of a formal submission to Councils and Emergencies Directions Paper.</li> </ol>

<b>Wednesday 19 April 2017</b>	
<b>Meeting Title</b>	<b>Details</b>
<p><b>Open Space Strategy</b></p> <p><b>Open Session</b></p>	<p><b>Councillors Attending:</b> Councillors Brunt, Edwards, Skinner, Argento, Kiel, McEwen, Hill and Rich.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided information on the broad framework for open space in the municipality. The Open Space Strategy was last adopted in 2007 and will be reviewed again over the next two years, it will draw on numerous sources to inform its development.</p>
<p><b>Public Presentation Session</b></p> <p><b>Open Session</b></p>	<p><b>Councillors Attending:</b> Councillors Brunt, Edwards, Skinner, Argento, Kiel, McEwen, Hill and Rich.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<p><b>Presentations were made to Council by the following community members:</b></p> <p><b>Susan Davies and Peter Wonfor</b>, representing Energy Innovation Cooperative addressed Council regarding 'Old Energy New Energy Project' and southern Community Owned Renewable Energy (CORE) Fund and seeking support from Council with its activities.</p> <p><b>Peter Woods</b>, lead petitioner along with <b>Mary Ellis and Helen Ritt</b> addressed Council regarding Council Agenda 26 April 2017 item 5.1 Petition - Old Waratah Road, Fish Creek - Road Closure.</p> <p><b>David Jones</b>, representing the Meeniyah Tourism and Traders Association regarding the inaugural Meeniyah Garlic Festival held in February, he commented on its success and the future vision for the event.</p> <p><b>Bill Clappers</b>, applicant for Council Agenda 26 April 2017 item 5.3 Planning Application 2016/225 – Use and Development of the land for Food and Drink Premises and Licenced Premises at 3 Millar Rd Yanakie.</p> <p><b>Rob Knight and Nev Pulham</b>, representing Great Southern Rail Trail (GSRT) Committee of Management, addressed Council on how management of GSRT could continue as the current volunteer committee is unable to continue and will shortly resign.</p>	

<b>Wednesday 19 April 2017</b>	
<b>Meeting Title</b>	<b>Details</b>
<b>2017 Arts and Cultural Strategy</b>	<p><b>Councillors Attending:</b> Councillors Brunt, Edwards, Skinner, Argento, Kiel, McEwen, Hill and Rich.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided information and contributed suggestions towards the new draft strategy prior to it being finalised. The development of a four year Strategy follows the adoption of Arts and Culture Policy.</p>
<b>Executive Update</b>	<p><b>Councillors Attending:</b> Councillors Brunt, Argento, Kiel, Hill, Skinner 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>• RV Friendly Towns – Korumburra nomination</li> <li>• Hospitality Purchasing Tour that showcases local produce to build relationships between producers and export buyers.</li> <li>• National General Assembly – Councillor attendance in Canberra</li> <li>• Councillors meeting with new Municipal Association Victoria (MAV) Board President, Councillor Mary Lalios.</li> </ul>
<b>Council Agenda Topics Discussion 26 April 2017</b>	<p><b>Councillors Attending:</b> Councillors Brunt, Skinner, Argento, Kiel, Hill and Rich.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided information on Council Agenda items for the Ordinary Council Meeting 26 April 2017.</p>

<b>Wednesday 19 April 2017</b>	
<b>Meeting Title</b>	<b>Details</b>
<p><b>Public Presentation</b></p> <p><b>Open Evening Session</b></p>	<p><b>Councillors Attending:</b> Councillors Brunt, Edwards, Argento, Kiel, Hill and Rich.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> <b>Claire and Brenton Williams</b>, representing the Leongatha Daffodil Festival Committee presented to Council seeking support for a community grant application regarding the invigoration of the Festival, which will this year be called the Daffodil and Dairy Festival.</p>

**REFERENCE DOCUMENTS**

Local Government Act 1989

#### **4.4. DOCUMENTS SEALED AND AWARDED 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 25 March 2017 to 21 April 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 receive and note this report.**

##### **REPORT**

###### **Documents Sealed**

Under the Act, each Council is a body corporate and a legal entity in its own right. Each Council must have a common seal 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, s.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 25 March 2017 to 21 April 2017:

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 56B Old Waratah Road, Fish Creek in relation to use and develop land with dwelling and develop land with agricultural shed – Seal Applied 7 April 2017.
2. Section 173 Agreement between South Gippsland Shire Council and the owner of 930 Korumburra Warragul Road, Ranceby in relation to a 2 lot subdivision – Seal Applied 10 April 2017.
3. Section 173 Agreement between South Gippsland Shire Council and the owner of 180 Carmodys Road, Leongatha in relation to develop land with replacement dwelling – Seal Applied 10 April 2017.
4. Section 173 Agreement between South Gippsland Shire Council and the owner of 14 Burrows Way, Tarwin Lower in relation to use and development of the land for a single dwelling – Seal Applied 10 April 2017.
5. Section 173 Agreement between South Gippsland Shire Council and the owner of 15 Higg Street, Leongatha in relation to permit existing carport to continue to be located over an easement – Seal Applied 13 April 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.

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

There were no contracts awarded between 25 March 2017 and 21 April 2017 under the CEO's financial delegation of \$250,000 (inclusive of GST) following a public tender that were not specified in the 24 August 2016 resolution (refer to the paragraph below).



### **Contract variations approved by the CEO**

Council's Procurement Policy authorises the CEO to approve any necessary variations to a contract which exceeds the CEO's delegation, to allow the proper fulfilment of the contract 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.

There were no variations to a contract which exceeded the CEO's delegation, approved by the CEO between 25 March 2017 and 21 April 2017.

### **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.

There were no contract extensions approved by the CEO during the period 25 March 2017 to 21 April 2017.

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

Procurement Policy, December 2015

Instrument of Delegation to the Chief Executive Officer, 22 February 2017

### **Legislative Provisions**

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

## **5. COUNCIL REPORTS**

### **5.1. PETITION RESPONSE: PRESERVATION OF PUBLIC OPEN SPACES IN VENUS BAY (STRATEGIC LAND REVIEW)**

Sustainable Communities and Infrastructure Services Directorate

#### **EXECUTIVE SUMMARY**

The Strategic Land Review Project commenced in 2013 for the purpose of assessing Council's property portfolio against Council's existing strategies and plans. The outcome included identification of land considered suitable for sale and surplus to Council's needs.

The sale of Council land is usually contentious within the community but has been particularly so for the sale of land in Venus Bay. Concerns were raised from the new Councillors of the Coastal Promontory Ward regarding the repeated submissions objecting to the sale of land within Venus Bay.

At the 26 April 2017 Ordinary Council Meeting, a petition was received titled "Preservation of Public Open Spaces in Venus Bay" and Council unanimously resolved to receive a report to address the concerns of submitters and petition signatories.

It is recommended that Council place two properties "on hold" pending the completion of the Public Open Space Strategy for Venus Bay (currently under review) to determine Council's land holding requirements for Public Open Space within Venus Bay.

#### **RECOMMENDATION**

**That Council:**

- 1. Pending the completion of the Public Open Space Strategy for Venus Bay:**
  - a. Withdraw the planning permit applications for, and put "on hold", the sale of:**
    - i. 3 Marine Parade, Venus Bay; and**
    - ii. 30A Canterbury Road, Venus Bay (previously known as 1A Canterbury Road, Venus Bay).**
- 2. Consider a further report at the next appropriate Council Meeting detailing the outcome of the Public Open Space Strategy for Venus Bay to determine**

## **Council's land holding requirements for Public Open Space within Venus Bay.**

### **REPORT**

#### **Background**

The Strategic Land Review Project has identified Council land that is considered to be surplus to Council's needs and Council has received various briefings and reports on outcomes and proposed land sales.

Some of the properties resolved to be sold required the removal of a reservation status and or rezoning under the South Gippsland Planning Scheme before they could proceed to sale.

The Local Government election was held in November 2016 which saw a majority of new Councillors being appointed and in particular, three new Councillors for the Coastal Promontory Ward.

Due to the contentious nature of land sales and the attention they attract within the community, a confidential briefing on the Strategic Land Review was presented to Council on 1 March 2017 for the benefit of the new Councillors. The briefing aimed at providing the new Councillors with background information and context on the Strategic Land Review Project.

At this briefing, concerns were raised from the Coastal Promontory Ward Councillors regarding some individuals and groups that repeatedly lodge objections to the sale of land within Venus Bay and Welshpool.

The Strategic Land Review project was put "on hold" in Venus Bay and Welshpool towns whilst Ward Councillors arranged to meet with Property officers to review the Venus Bay properties earmarked for sale.

#### **The Petition**

At the Ordinary Meeting on 26 April 2017, Councillor Alyson Skinner presented a petition regarding the preservation of public space in Venus bay. The petition titled "Preservation of Public Open Spaces in Venus Bay" contained approximately 891 signatures from the residents of Venus Bay and across the Shire, as well as some suburbs of Melbourne, objecting to land sales in Venus Bay. Council unanimously resolved that, *"the petition lay on the table until the Council Meeting of 24 May 2017 to enable officers to prepare a report to Council."*

The prayer from the petition is shown in **Figure 1** below and a copy of the full petition is available in **Confidential Attachment [9.1.1]** – Petition: Strategic Land Review – Venus Bay.

Figure 1 – Petition Prayer

<b>Petition to the South Gippsland Shire Council</b>	
<b>Re: Preservation of Public Open Spaces in Venus Bay.</b>	
<p>We the undersigned residents, landowners, community group members and concerned citizens do not support the restructure and sale by Council of existing Public Open Spaces and Council owned land in Venus Bay.</p>	
<p>We request that Council:</p>	
<p>1. Formally undertake not to sell any of Venus Bay's <b>Public Open Spaces</b> or <b>Road Reserves</b> or any other <b>Council owned land</b>.</p>	
<p>2. Undertake a full <b>cultural heritage</b> and <b>environmental</b> assessment of all Public Open Spaces and council owned land in Venus Bay. This to be done in consultation with the community, and in accordance with the relevant Aboriginal Cultural Heritage legislation. Any costs associated with these assessments to be borne by Council.</p>	
<p>3. Based on the reports and recommendations produced as a result of point two above, rezone ALL Public Open Spaces and council reserve land to <b>Public Park and Recreation Zone (PPRZ)</b> or <b>Public Conservation and Resource Zone (PCRZ)</b>. Further, with regard to any council owned land zoned <b>Business 1 (BIZ)</b>, the Venus Bay community is to be consulted in an open and transparent manner, as to its use.</p>	
<p>4. Set an initial target of <b>5% Public Open Space</b> for Venus Bay and allocate funds from its annual budgets to acquire this land by a pre-determined date negotiated with the Venus Bay community.</p>	
<p>5. Consult the Venus Bay Community, in an open and transparent manner, regarding any proposal to re-develop the existing central business area in Jupiter Boulevard.</p>	

### Venus Bay Land Sales

There have been five properties within Venus Bay that have been resolved for sale. They are listed in **Table 1** below:

PROPERTY ITEM	PROPERTY ADDRESS
1	<p><b>143A Inlet View Road [SOLD]</b> This parcel of land has had the reservation removed and has been sold.</p>
2	<p><b>3 Marine Parade</b> This parcel of land needs to be rezoned from a <i>Public Park and Recreation Zone</i> to a <i>Residential 1 Zone</i> and the reservation removed for a sale to proceed. An application has been lodged to remove the reservation and rezone the land.</p>
3	<p><b>30A Canterbury Road (previously 1A Canterbury Road)</b> This parcel of land needs to have the reservation removed for the sale to proceed. An application has been lodged to remove the reservation from the land.</p>
4	<p><b>Juno Road, Venus Bay</b> These are three parcels of land within a restructure overlay and needs to be sold to the adjoining land owner who can consolidate</p>

PROPERTY ITEM	PROPERTY ADDRESS
	with their land to make a parcel of land capable of achieving a building permit.
5	<b>641A Lees Road, Venus Bay</b> This parcel of land has had the reservation removed and vendor statements prepared to send out to the interested adjoining landowner.

### Proposal

To alleviate some of the concern of the objectors, it is proposed that Council agree to the following way forward for the remaining four parcels of land that have been resolved for sale (property items 2, 3, and 4 in **Table 1** above).

1. With regards to properties 2 and 3, put on hold any further work on a sale process and withdraw the planning permit application for the removal of the reservation and rezoning until the following projects are completed:
  - a. **Public Open Space Strategy review.**  
A review of the strategy will commence in 2017/18. This will include a review of public open space in Venus Bay. The review will be undertaken by Council's Strategic Planning Department and planning for the review has already commenced.
  - b. **Venus Bay Environmental Projects.**  
The environmental projects are identified for Venus Bay out of the 2016/17 community infrastructure budgeting process.
2. Proceed with the sale of property 4 - Juno Road, Venus Bay – given this property is within the restructure overlay and is required to be sold in accordance with the overlay.
3. Proceed with the sale of property 5 – 641A Lees Road, Venus Bay – given the location, configuration, and limited biodiversity issues and the progress already being made with the adjoining landowner.

### CONSULTATION

A Confidential Strategic Briefing on 1 March 2017 provided the Councillors an update on the Strategic Land Review Project.

Coastal Promontory Ward Councillors have liaised with their constituents regarding the Strategic Land Review affecting Venus Bay and Welshpool.

Council Officers have met with the Coastal Promontory Ward Councillors.

Property, Strategic Planning, and Environmental Officers have discussed a way forward and recommend the completion of the Public Open Space Strategy for Venus Bay to determine Council's land holding requirements for Public Open Space within Venus Bay.

## **RESOURCES**

There is minimal financial impacts in withdrawing the planning permits and placing the sale of the two Venus Bay properties "on hold". Costs to prepare the land for sale include surveying fees and planning fees.

The financial cost of retaining properties that are surplus to Council's needs is primarily maintenance expenses and lost opportunity towards improving public open space used for recreational purposes and improved services.

## **RISKS**

The sale of Council land creates a reputational risk to Council as land sales are always a contentious issue regardless of whether Council has a strategy for land sales or not.

There is potential reputational risk to Council if it disregards the views of the Venus Bay community and proceeds with the Venus Bay land sales. This may be mitigated by working with the Venus Bay community until the Public Open Space Strategy is complete which will provide the direction and requirements of Public Open Space in Venus Bay.

## **CONFIDENTIAL ATTACHMENT**

**Confidential Attachment [9.1.1]** – Petition - Strategic Review of Landholdings - Venus Bay has been provided in accordance with s.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.

Items are deemed confidential to protect the privacy and contact details of the petition signatories.

**Confidential Attachment** – Petition: Strategic Land Review – Venus Bay **[9.1.1]**

## **REFERENCE DOCUMENTS**

### **Council Policy**

Council Land Ownership Policy

**Legislative Provisions**

Local Government Act 1989

## **5.2. PETITION RESPONSE: STOP COUNCIL LAND SALE LAND BETWEEN SUTHERLAND LANE AND ADJACENT TO WELSHPOOL RAIL TRAIL (STRATEGIC LAND REVIEW)**

Sustainable Communities and Infrastructure Services Directorate

### **EXECUTIVE SUMMARY**

The Strategic Land Review Project commenced in 2013 for the purpose of assessing Council's property portfolio against Council's existing strategies and plans. The outcome included identification of various parcels of land considered suitable for sale and surplus to Council's needs. Two parcels of Council land were identified in Sutherland Lane, Welshpool.

The sale of any Council land is usually contentious within the community but has been particularly so for the sale of these two parcels of Council land in Welshpool.

Initially, an objection was received to the public notice regarding the sale of these parcels of land in Sutherland Lane, Welshpool. This submission was considered at the Ordinary Council Meeting on 24 August 2016, and Council resolved to proceed to sell. Subsequent to this resolution, the submitter who lodged the objection commenced a petition to stop the proposed sale on the basis that the land can be retained by the Welshpool and District Advisory Group for the community to support tourism to the town and enhance the rail trail.

It is recommended that Council place the sale of the Land "on hold" subject to a tenure arrangement being reached between Council and the Welshpool and District Advisory Group to allow the Land to be retained for the community to support tourism to the town and enhance the rail trail.

### **RECOMMENDATION**

**That Council:**

- 1. Subject to a tenure arrangement being reached between Council and the Welshpool and District Advisory Group for the Land by 31 December 2017:**
  - a. Put "on hold" the Council land resolved for sale in Sutherland Lane, Welshpool being the land described in certificates of title volume 3419 folio 611 and volume 9999 folio 030 (the Land).**
- 2. Writes to the Welshpool and District Advisory Group confirming the following:**



- a. **That Council's Sustainable Communities department work with the Welshpool and District Advisory Group to further develop their proposal for use of the Land which will include:**
  - i. **Providing assistance with the proposed use for the Land and identifying any funding or grant opportunities.**
  - ii. **Negotiating a tenure arrangement between Council and the Welshpool and District Advisory Group to manage the Land in an environmentally responsible manner and includes responsibility for all costs associated with the use to be paid by the Welshpool and District Advisory Group.**
3. **Proceed to sell the Land if the tenure arrangement proposal is not finalised by 31 December 2017.**

## **REPORT**

### **Background**

The Strategic Land Review Project identified Council land that is considered to be surplus to Council's needs and Council has received various briefings and reports on the outcomes and proposed land sales.

With regards to the Council land in Sutherland Lane, Welshpool (the Land), a report presented to Council on 25 May 2016 sought a resolution to commence the statutory procedures for sale of the Land along with seven other parcels of vacant Council land.

At that meeting, Council resolved to commence the statutory procedures for the sale of the Land which included calling for submissions, hearing and considering those submissions before determining whether to continue to sell or not to sell.

A public notice regarding the sale of the Land was advertised on 6 June 2016. One submission was received on 29 June 2016 which objected to the sale.

A further report to Council on 24 August 2016 considered and determined this submission. At this meeting, the Council resolved to proceed with the sale.

The Local Government election was held in November 2016 which saw a majority of new Councillors being appointed and in particular, three new Councillors for the Coastal Promontory Ward.


Due to the contentious nature of land sales and the attention they attract within the community, a confidential briefing on the Strategic Land Review was presented to Council on 1 March 2017 for the benefit of the new Councillors. The

briefing aimed at providing the new Councillors with background information and context on the Strategic Land Review Project.

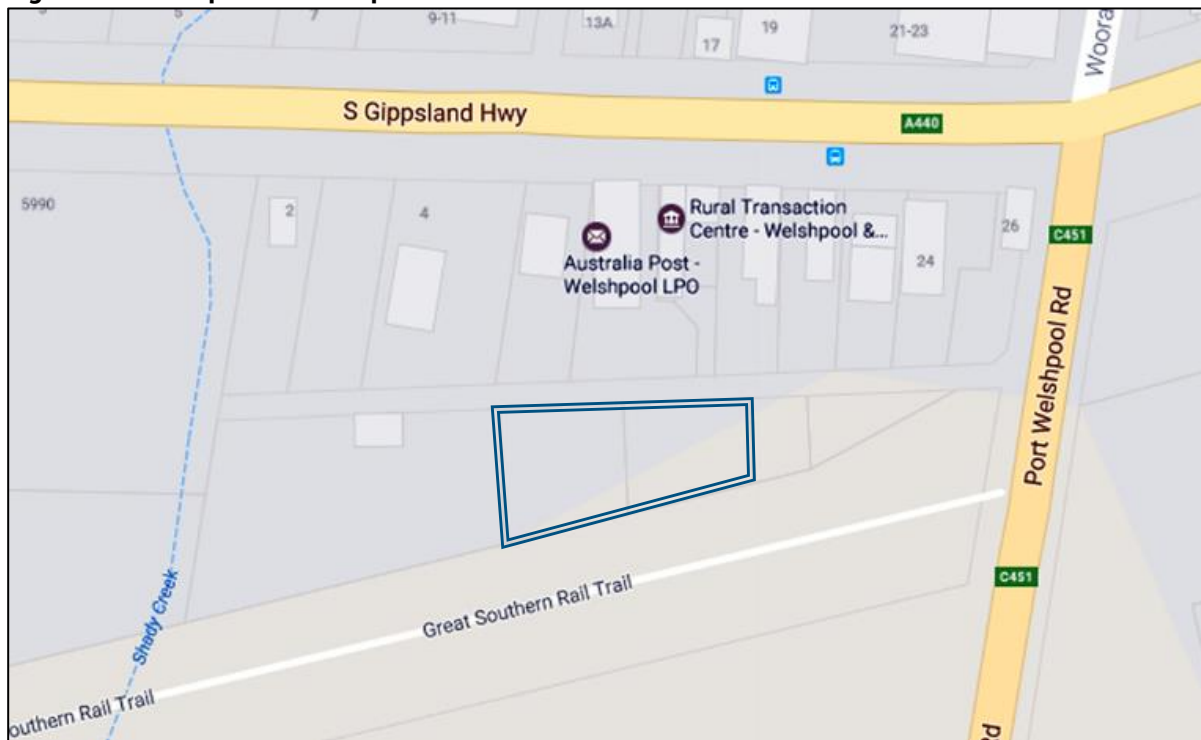
At this briefing, concerns were raised from the Coastal Promontory Ward Councillors regarding some individuals and groups that repeatedly lodge objections to the sale of land within their electorate, in particular Venus Bay and Welshpool.

The Strategic Land Review Project was put “on hold” in the Venus Bay and Welshpool towns whilst Ward Councillors arranged to meet with Property officers to review properties earmarked for sale.

### Welshpool Land

The Land proposed for sale in Welshpool is comprised of two vacant parcels of land shown bordered  in **Figure 1** below:

**Figure 1 – Welshpool Land Map**



The legal description for these parcels of land is as follows:

1. Lot 16 LP4756 being the land comprised in certificate of title volume 3419 folio 611; and
2. Lot 1 TP145202 being the land comprised in certificate of title volume 9999 folio 030.

The Land is included in a *Township Zone* pursuant to the South Gippsland Planning Scheme with no overlays (*note: not included in a "Land Subject to Inundation Overlay"*). It is noted as being within an area of Aboriginal, Cultural Heritage Sensitivity.

**The Petition**

The submitter started a petition objecting to the sale of the Land and delivered the petition to the new Ward Councillors. The Ward Councillors met with the submitter (now the lead petitioner) and community members regarding their requirements for the Land. The community expressed an interest in having a tenure over it and to trial some community projects.

At the Ordinary Meeting on 26 April 2017, Councillor Jeremy Rich presented the petition. The petition titled "To Stop the Proposed Sale of Council Land Between Sutherland Lane and adjacent to Welshpool Rail Trail" contained approximately 91 signatures from the residents and community of Welshpool and surrounds, objecting to the sale of the Land. Council unanimously resolved that, *"the petition lay on the table until the Council Meeting of 24 May 2017 to enable officers to prepare a report to Council."*

The prayer from the petition is shown in **Figure 2** below and a copy of the full petition is available in **Confidential Attachment [9.2.1] – Petition - Strategic Land Review – Welshpool.**

**Figure 2 – Petition Prayer**

<b>Petition to South Gippsland Council</b>	
<b>Petition summary and background</b>	<b>TO STOP THE PROPOSED SALE OF COUNCIL LAND BETWEEN SUTHERLAND LANE AND ADJACENT TO WELSHPOOL RAIL TRAIL</b>
<b>Action petitioned for</b>	<p>We, the undersigned, are concerned citizens who urge our leaders to act now to:</p> <p>To have the land remain as an open, safe area for the community.</p> <p>The Council to review the environmental impact of the following; This low lying land historically holds water and is prone to flooding.</p> <p>The Welshpool &amp; District Advisory Group propose to retain this land for the community by supporting tourism to the town by enhancing the rail trail with the addition of Wooden Bench Seating and also erecting a Horse Hitching Rail.</p>

The actions of the petition is for the following:

- “1. To have the land remain as an open, safe area for the community.
2. The Council to review the environmental impact of the following; This low lying land historically holds water and is prone to flooding.

3. *The Welshpool and District Advisory Group propose to retain this land for the community by supporting tourism to the town by enhancing the rail trail with the addition of wooden bench seating and also erecting a horse hitching rail."*

### **Strategic Land Review Assessment**

The assessment undertaken for the Land identified that the Land is not used for community purposes and there is sufficient open space in Welshpool for community purposes without the need for the Land.

Over the years, there is evidence that the Land has been used by adjoining shop owners to park vehicles.

The Land is low lying and has been known to flood during extreme wet weather. This would not prevent a sale from occurring and appropriate drainage would need to consider this at the time of its development. There is no overlay "*Land Subject to Inundation Overlay*" on the site. There is no requirement for an environmental assessment of the Land due to its vulnerability to flooding.

### **Proposal**

It is proposed that Council write to the Welshpool and District Advisory Group confirming that Council will:

1. Put on hold the Council land resolved for sale in Sutherland Lane, Welshpool being the land described in certificates of title volume 3419 folio 611 and volume 9999 folio 030 (the Land) subject to a tenure arrangement being reached between Council and the Welshpool and District Advisory Group for the Land by 31 December 2017.
2. That Council's Sustainable Communities department will work with the Welshpool and District Advisory Group to further develop their proposal for use of the Land which will include:
  - a. Providing assistance with the proposed use for the Land and identifying any funding or grant opportunities.
  - b. Negotiating a tenure arrangement between Council and the Welshpool and District Advisory Group to manage the Land in an environmentally responsible manner and includes responsibility for all costs associated with the use to be paid by the Welshpool and District Advisory Group.

### **CONSULTATION**

A Confidential Strategic Briefing on 1 March 2017 provided the Councillors an update on the Strategic Land Review.

Coastal Promontory Ward Councillors have liaised with their constituents regarding the Strategic Land Review Project affecting Venus Bay and Welshpool.

Council Officers have met with the Coastal Promontory Ward Councillors.

## **RESOURCES**

There is minimal financial impacts in placing the sale of the Welshpool Land “on hold”. If the Land is not sold there will be a loss of sale income. The current market valuation of the Land is provided in **Confidential Attachment [9.2.2]** – Land Valuation - Sutherland Lane, Welshpool.

## **CONFIDENTIAL ATTACHMENTS**

**Confidential Attachment [9.2.1]** – Petition - Strategic Review of Landholdings - Welshpool has been provided in accordance with s.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.

Items are deemed confidential to protect the privacy and contact details of the petition signatories.

**Confidential Attachment** – Petition - Strategic Land Review – Welshpool **[9.2.1]**

**Confidential Attachment** – Land Valuation, Southerland Lane, Welshpool **[9.2.2]**

## **REFERENCE DOCUMENTS**

### **Council Policy**

Council Land Ownership Policy

### **Legislative Provisions**

Local Government Act 1989

### **5.3. MIRBOO NORTH STRUCTURE PLAN REFRESH - FINAL FOR ADOPTION**

Development Services Directorate

#### **EXECUTIVE SUMMARY**

The Mirboo North Structure Plan is currently the oldest town structure plan in the planning scheme and requires updating as a result of new format requirements and many changes to the planning scheme including the addition of bushfire controls.

A detailed background report on the town has been produced and community consultation has been undertaken.

The final report which takes community concerns into account is presented for adoption. It includes recommendations on land supply and built form design for the town and details an associated Planning Scheme Amendment to implement the recommendations of the Mirboo North Structure Plan Refresh 2017.

#### **RECOMMENDATION**

**That Council:**

- 1. Adopts the Mirboo North Structure Plan Refresh - April 2017 (Attachments [5.3.1], [5.3.2], [5.3.3]).**
- 2. Seeks authorisation from the Minister for Planning to prepare and exhibit a Planning Scheme Amendment generally in accordance with the Mirboo North Structure Plan Refresh - April 2017 into the South Gippsland Planning Scheme.**

#### **PURPOSE**

The purpose of this report is to present the final Mirboo North Structure Plan Refresh April 2017 (**Attachments [5.3.1], [5.3.2], [5.3.3]**) to Council for adoption.

#### **BACKGROUND**

The current Mirboo North Structure Plan (2004) aims to guide future land use and development between 2004 and 2019 (15 years). However, since the Structure Plan was prepared, there have been changes to bushfire and water catchment controls and other changes (including a reduction in the permissible lot size in the Low Density Residential Zone) that require reconsideration of some of the current recommendations and directions of the current Structure Plan. State Government requirements for structure plans have also changed in this time. As a result, the

existing plan needs to be 'refreshed' to incorporate these changes and to reflect changing community views on town development.

The draft Structure Plan was considered by Council at its 22 June 2016 Ordinary Council Meeting before being presented to the community for their feedback. Economic analysis was undertaken to confirm the supply and demand for residential, commercial and industrial land in the town. This confirmed that no further extension of the settlement boundary is needed for future growth. It made recommendations to provide for future growth within the settlement boundary which included some rezoning. Minor changes were made to the Mirboo North Structure Plan Refresh to reflect the findings of the consultation and the economic analysis.

## **REPORT**

Mirboo North Structure Plan Refresh seeks to address challenges and limitations to future growth that the town faces including:

- Fire risk
- Erosion and landslip risk
- Difficulties with infrastructure servicing – especially reticulated sewer.
- Potable water catchment restrictions

This report recommends that the planning scheme be updated to reflect the Plan via a planning scheme amendment. The following changes are proposed:

- Update the town's Framework Plan (shown on following page) to encourage future town growth generally within the settlement boundary.
- Update the objectives and strategies in local policy.
- Rezone some Mixed Use Zone land (4-6 Peters St & 39-41 Giles St) to Commercial 1 Zone to provide for future commercial land demand.
- Modify urban residential controls so that the planning controls better reflect local conditions and improve amenity.
- Apply design controls to the town centre area that better protect the town's tourist amenity and retain its village feel.

The urban residential controls changes will involve changes to the General Residential Zone schedules to:

- Reduce maximum fence heights.

- Ensure front setbacks are at least 50% permeable<sup>1</sup>.
- Provide lower fire risk vegetation on site.
- Increase site permeability requirements (from 20% to 40%) beyond 400m walk of the town centre.
- Reduce maximum site coverage (from 60% to 50%) beyond 400m walk of the town centre.
- Not allowing walls to be built on side boundaries beyond 400m walk of the town centre.

These controls will affect the rules in the building system and will apply when a planning permit is needed.

The proposed town centre design controls involve applying a Design and Development Overlay to the town centre in order to promote safety, tourism and pedestrian amenity. The proposed overlay will:

- Require weather protection (cover over footpaths) along Ridgway.
- Discourage vehicle access to and from Ridgway.
- Restrict front fencing.
- Avoid large expanses of blank walls.

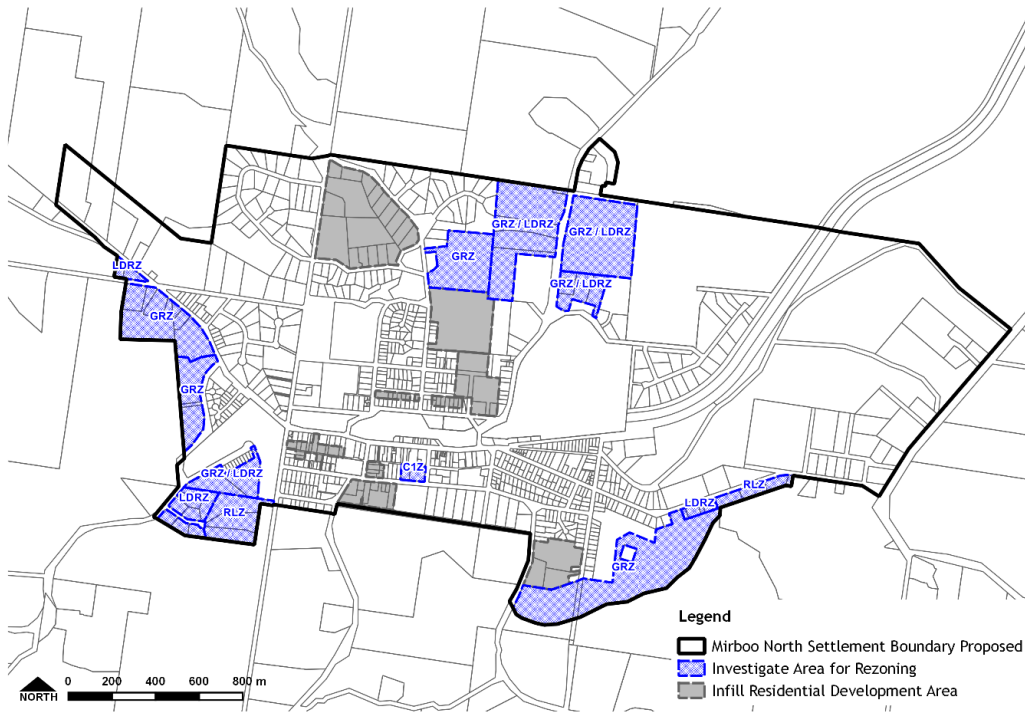
These controls are not retrospective and will only apply when a requirement for a planning permit is triggered (i.e. when redevelopment occurs).

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<sup>1</sup> Amount of the site that can absorb water



**Proposed Framework Plan for inclusion in the Planning Scheme**



GRZ = General Residential Zone - LDRZ = Low Density Residential Zone - RLZ = Rural Living Zone - C1Z = Commercial Zone

## Proposed Land Rezoning – Commercial 1 Zone (C1Z)



### CONSULTATION

Council has consulted with key external agencies: Gippsland Water, South Gippsland Water, Country Fire Authority, West Gippsland Catchment Management Authority and the Department of Environment, Land, Water and Planning.

Internally, consultation has taken place with statutory planning, social planning, engineering and community strengthening.

The draft structure plan was made available to the public for comment from 21 November 2016 to 19 December 2016. Consultation provided the opportunity for the public to raise issues and opportunities for the town and provide feedback

on the draft structure plan. Two events were held during the consultation period to publicise the consultation:

1. Information stall at the Mirboo North market at Baromi Park
2. Community meetings at Mirboo North Hall

Approximately 30 people attended these sessions. Eleven submissions were received during the consultation period. No late submissions were received. A summary of the submissions and Council's responses are available in **Attachment [5.3.4]** - Mirboo North Structure Plan Refresh Draft - Submissions and Council's Response.

More details about consultation are available in **Attachment [5.3.3]** - Mirboo North Structure Plan Refresh - Appendix B Background Report.

## **RESOURCES**

The project has an allocated budget of \$35,000. The project will be delivered within budget.

## **RISKS**

Growth and development in Mirboo North is subject to fire risk, erosion risk and uncertainties regarding infrastructure provision and potable water catchment planning. The Structure Plan seeks to address these issues by directing growth away from fire risk areas, avoiding development on steep slopes and taking measures to avoid impacts on the water catchment area.

## **ATTACHMENTS**

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

1. Mirboo North Structure Plan Refresh - April 2017 - Final Report **[5.3.1]**
2. Mirboo North Structure Plan Refresh - Appendix A Land Use Analysis **[5.3.2]**
3. Mirboo North Structure Plan Refresh - Appendix B Background Report **[5.3.3]**
4. Ordinary Meeting 24 May 2017 Attachment 05.03.4 Mirboo North Structure Plan Refresh Draft - Submission **[5.3.4]**

## **REFERENCE DOCUMENTS**

### **Council Policy**

Mirboo North Structure Plan 2004  
South Gippsland Planning Scheme  
Open Space Strategy 2007

Blueprint for Social and Community Infrastructure 2014-2029

### **Legislative Provision**

Planning and Environment Act 1987

## **5.4. SOUTH GIPPSLAND ART, CULTURE, AND CREATIVE INDUSTRY STRATEGY 2017-2021 - ADOPTION**

Sustainable Communities and Infrastructure Services Directorate

### **EXECUTIVE SUMMARY**

Council has committed to supporting the development of art, culture, and creative industries across South Gippsland. In order to provide support effectively, Council has directed that a comprehensive four year arts strategy be developed to realise the outcomes established in the recently adopted *C03 Arts and Culture Policy*.

The *South Gippsland Art, Culture, and Creative Industry Strategy 2017-2021* (**Attachment [5.4.1]**) provides a detailed plan to direct investment of time and other resources by Council and the sector in order to expand the range of activities in this field.

The South Gippsland arts sector participated strongly in the development of the *C03 Arts and Culture Policy* and has continued to contribute to the development of the *South Gippsland Art, Culture, and Creative Industry Strategy 2017-2021*. This strong involvement provides a sound partnership between Council and the arts sector to enable effective implementation of the proposed strategy.

This report recommends that Council adopt the *South Gippsland Art, Culture, and Creative Industry Strategy 2017-2021* in order to commence work to address the identified actions.

### **RECOMMENDATION**

**That Council:**

- 1. Adopts the South Gippsland Art, Culture, and Creative Industry Strategy 2017-2021 (Attachment [5.4.1]).**
- 2. Publishes the Strategy to Council's website.**

### **REPORT**

In July 2016, Council adopted *C03 Arts and Culture Policy* (Arts Policy) and commenced development of the *South Gippsland Art, Culture, and Creative Industry Strategy 2017-2021* (Arts Strategy) to guide the implementation of the Arts Policy over the next four years.

Key elements of the Arts Policy include:

- Supporting the existing arts-based organisations to remain sustainable and to flourish.

- Developing new partnerships between the arts sector and business sector, particularly tourism-based businesses, to enable the cultural tourism market in South Gippsland to grow.
- Supporting commercial arts organisations with information and networking that can increase business viability and potential job creation.

The Arts Policy listed a variety of actions to be considered for inclusion in the Arts Strategy:

- Supporting the development of an independent Arts Alliance (peak body) which can provide advice to Council, the South Gippsland community, and external organisations and lobby on behalf of the sector.
- Supporting the continuation of a Council facilitated South Gippsland Arts Network as a communication and engagement tool for the sector and Council.
- Development of a plan to support more equitable funding between physical recreation activities and arts and cultural development.
- Identification and engagement of Council teams that can make a specific contribution to implementing aspects of the Arts Policy.
- Participation with neighbouring municipalities on joint projects that support art and cultural activity and creative industries.
- Participation with the broader recreation and civic community of South Gippsland on joint projects that support arts and cultural activity.
- Collaboration with the tourism sector to develop and promote cultural tourism opportunities.
- Collaboration with the broader emerging creative industries cluster to promote innovation within the creative industry sector.
- Expansion and maintenance of public art across South Gippsland, with consideration to the development of a new Council policy for developer contributions towards public art.
- Development of an “Arts Facilities and Venues Plan” consistent with Council’s *Social Community Infrastructure Blueprint* to improve access to spaces for exhibition, presentation, and skills development for the arts and cultural sector across the whole municipality.

All these matters have been addressed in the Arts Strategy, and have been included as actions in some form during the four year period. A copy of the Arts

Strategy is available in **Attachment [5.4.1]** – South Gippsland Art, Culture, and Creative Industry Strategy 2017-2021.

## **CONSULTATION**

Extensive consultation has been undertaken with the South Gippsland and wider arts industry and community organisations in developing the Arts Strategy. This has led to a wider range of achievable initiatives being included in the Arts Strategy. For example, actions directed to strengthening relationships with local historical groups and developing the capacity of the local arts sector to contribute to community recovery in times of emergency have been included in the Arts Strategy.

Specific consultation undertaken includes:

### **Internal Consultation**

- Consultation has been undertaken with Council's Economic Development and Tourism team who will have a direct role to play with the implementation of the Arts Strategy.
- Discussions have also been held with the Grants and Emergency Management team as the Arts Strategy refers to supporting greater use of Council's Community Grants for arts and cultural activity, and the development of community resilience using arts and cultural activity.

### **External Consultation**

Extensive consultation has been undertaken with the arts and cultural sector of South Gippsland and relevant external bodies in the development of the Arts Strategy. This has included:

- Sending draft versions of the Arts Strategy to the 100 South Gippsland Arts Network members for contribution (5 January, 17 January, and 23 February 2017);
- Holding two forums with open invitation to the Arts Network (8 December, 2016 and 23 February, 2017); and
- Establishing a sector working party of five members to assist with the development of the Arts Strategy. This working party has convened eight times since August 2016 for this purpose.

Council also appointed an external industry specialist, Deborah Milligan, to consult with external bodies, including Regional Arts Victoria (RAV) and the Victorian Cultural Development Network (VCDN), and bring a broader perspective to the local forums and deliberations.

Council staff have consulted with arts and cultural officers of the other Gippsland municipalities via the Creative Gippsland Network throughout the development of the Arts Strategy.

## **RESOURCES**

Effective implementation of the Arts Strategy will require an increase in resourcing and an ongoing staff commitment from existing teams, in particular Community Strengthening and Economic Development and Tourism. A new allocation of \$100,000 per annum has been included in the draft Annual Budget 2017/18 towards resourcing the implementation of the Arts Strategy.

The bulk of the new funds will be committed to the engagement of an Arts and Events Officer, with a small proportion being held to support specific initiatives such as the development of a 'Public Art Register' and to help leverage external resources such as funds allocated by Creative Victoria through the State Government's *Creative State Strategy*.

## **RISKS**

The arts sector has been heavily involved in developing the Arts Strategy. Therefore there is potential risk that major changes to the Arts Strategy in its current form may create concern within the arts sector and perceived that Council does not respect its direction and therefore could reduce Council's ability to establish new partnerships.

## **ATTACHMENTS**

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

1. South Gippsland Art, Culture, and Creative Industry Strategy 2017-2021  
**[5.4.1]**

## **REFERENCE DOCUMENTS**

### **Council Policy**

[CO3 Arts and Culture Policy 2016](#)

[Social Community Infrastructure Blueprint 2014](#)

## **5.5. DOMESTIC ANIMAL MANAGEMENT PLAN - 2017-2021 - DRAFT**

Development Services Directorate

### **EXECUTIVE SUMMARY**

Council is required to prepare a Domestic Animal Management Plan (DAMP) (**Attachment [5.5.1]**) under section 68A of the Domestic Animals Act 1994 (the Act). The DAMP outlines the services, programs and policies Council has established to address the administration of the Act and the management of dog and cat issues in their community.

The current DAMP is scheduled for renewal in 2017. Therefore, a new DAMP is required to be adopted by Council prior to 3 November 2017. A draft DAMP has been prepared using a template recommended by the Department of Primary Industries (refer **Attachment [5.5.1]**). It's proposed the draft DAMP is placed on public exhibition for a four week period for community consultation. Once the DAMP is finalised a future Council report will be tabled recommending its adoption.

### **RECOMMENDATION**

**That Council adopt the attached Draft Domestic Animal Management Plan 2017-2021 (Attachment [5.5.1]) to be placed on public exhibition for a four week community consultation period.**

### **REPORT**

Council is required to prepare a DAMP under s.68A of the Act. The DAMP outlines the services, programs and policies Council has established to address the administration of the Act and the management of dog and cat issues in their community. Section 68A requires a DAMP to be prepared every four years.

The current DAMP was adopted in 2013 and therefore, scheduled for renewal in 2017. A new DAMP is required to be adopted by Council prior to 3 November 2017.

A draft DAMP 2017-2021 has been prepared. The DAMP has been prepared using a template recommended by the Department of Primary Industries which prescribes the specific contents a DAMP should have. This template is widely used by other Councils. The recommended DAMP contents are listed below.

1. Training of Authorised Officers
2. Registration and Identification
3. Nuisance



4. Dog Attacks
5. Dangerous, Menacing and Restricted Breed Dogs
6. Overpopulation and High Euthanasia
7. Domestic Animal Businesses
8. Other Matters
  - a. Pound Provision & Management

It's proposed that the DAMP is placed on public exhibition for a four week period for community consultation. The comments received during the community consultation would be considered during the finalisation of the DAMP. Once the DAMP is finalised a future Council report will be tabled recommending its adoption.

### **CONSULTATION**

It's proposed the draft DAMP is placed on public exhibition for a four week period for community consultation.

### **RESOURCES**

The majority of the draft DAMP has been prepared based on current service levels. Areas identified within the DAMP that may require financial considerations in the future, are clearly identified within the four year action plan and will be referred to Council for specific decisions.

### **RISKS**

A new DAMP is required to be adopted by Council prior to 3 November 2017. Therefore, if Council do not adopt the draft DAMP for public exhibition, Council may not be able to adopt a new DAMP by 3 November 2017.

### **ATTACHMENTS**

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

1. Domestic Animal Management Plan 2017-2021 - Draft **[5.5.1]**

### **REFERENCE DOCUMENTS**

#### **Council Policy**

Domestic Animal Management Plan 2013-2017

#### **Legislative Provisions**

Domestic Animals Act 1994

## **5.6. ROAD DISCONTINUANCE IN ARAWATA - PART FAIRBANK ROAD (TELSTRA SITE)**

Sustainable Communities and Infrastructure Services Directorate

### **EXECUTIVE SUMMARY**

Visionstream has sought approval from Council for the construction of a telecommunications tower on a former Telstra site in Fairbank Road, Arawata. The construction of this telecommunications tower is part of the Government's Mobile Black Spot Program.

The former Telstra site is situated on an open government road reserve (Crown land) that is registered on Council's Public Road Register. As the site is part of an open government road reserve, Council will need to agree to remove the road status from it in order for the relevant approvals to be provided for construction of the telecommunications tower. Once the road status is removed, the site will become unreserved Crown land under the responsibility of the Department of Environment, Land, Water and Planning (DELWP), which can negotiate a tenure of the site to Telstra.

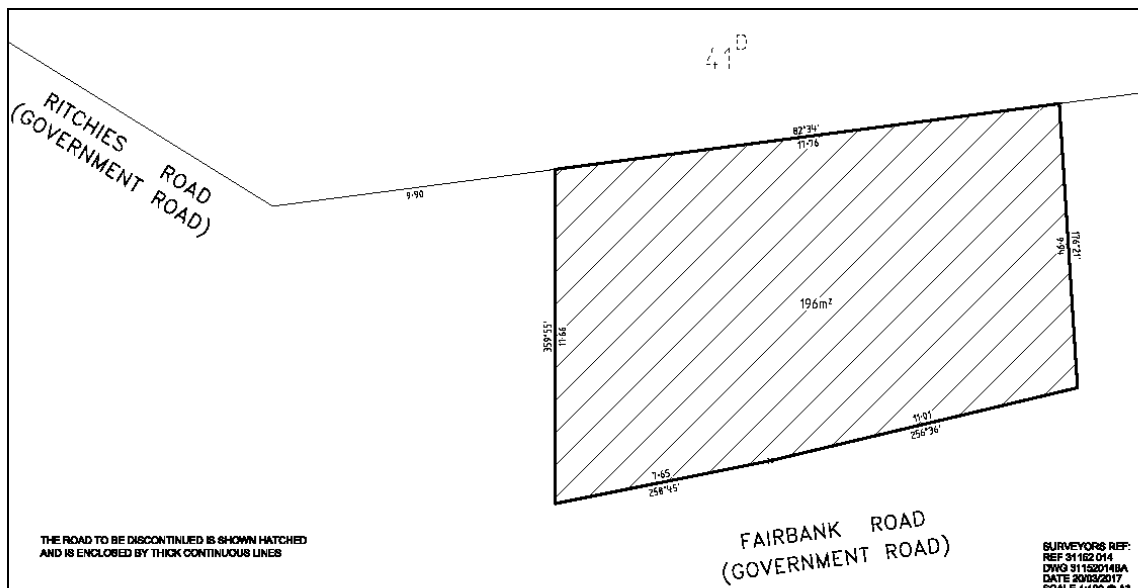
The purpose of this report is to recommend that Council use its powers under the Local Government Act 1989 to commence the statutory procedures to remove the road status from the site to progress the construction of the telecommunications tower.

The proposal to construct a telecommunications tower is exempt from notice and review requirements as per Planning Scheme Amendment VC131. This amendment exempts a permit application for a telecommunications facility funded (or partly funded) under the Commonwealth Government's Mobile Black Spot Program from the notice and review requirements of the Planning and Environment Act 1987.

### **RECOMMENDATION**

**That Council:**

- 1. Commence the statutory procedures in accordance with s.206 and schedule 10 clause (3) to discontinue an area of road of 196m<sup>2</sup> being part of Fairbank Road, Arawata, Parish of Korumburra (as shown hatched in the plan below) for the reason that this area of road is not required for public traffic (the Proposal).**



2. Give public notice in its Noticeboard section of the local newspapers in the week commencing 29 May 2017 in accordance with s.223 of the Local Government Act 1989 on the Proposal inviting written submissions by 5.00pm 28 June 2017.
3. Authorise the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under s.223 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 fix the time, date and place of a meeting for the s.223 hearing for persons who wish to be heard in support of their submission.
  - b. Appoint a Special Committee of Council comprising of all Councillors, but not fewer than three Councillors, present at the meeting to hear and consider all submissions.
  - c. Receive a further report from the Special Committee of Council at the next appropriate Council meeting to determine the Proposal.
5. If no submissions are received to the public notice:
  - a. Implement the Proposal.
  - b. Publish the road discontinuance notice in the Victoria Government Gazette.

**c. Notify the Department of Environment, Land, Water and Planning.**

**REPORT**

Visionstream, acting on behalf of Telstra Corporation Limited (Telstra), has contracted Council regarding the construction of a telecommunications tower on a site already used by Telstra in Fairbank Road, Arawata.

Construction of this telecommunications tower will achieve the objectives of the Government's Mobile Black Spot Program to improve mobile phone coverage and competition in regional and remote areas.

**The Site**

The location of the site is identified in **Attachment [5.6.1]** - Locality Plan - Road Discontinuance Part Fairbank Road, Arawata. It has an area of 196m<sup>2</sup> and is within a road reserve that is part of Fairbank Road. It is also part of an open government road that is registered on Council's Public Roads Register.

Originally, VicRoads was the governing road authority and issued a lease to Telstra for a telecommunications hut on the site. This became void when Council became the governing road authority. Council does not have the same powers as VicRoads to lease open government road reserves so cannot provide a tenure to Telstra for the site.

In order for Telstra to progress negotiations with DELWP for a tenure of the site and construction of the telecommunications tower to achieve the objectives of the Mobile Black Spot Program, Council will need to agree that the site is not required for road purposes and remove the road status from the site.

**CONSULTATION**

**External**

Discussions have been held with DELWP regarding the matter and legal advice has been sought regarding Council's rights. No concerns have been raised by DELWP or Council's lawyers regarding a proposed way forward that includes Council agreeing to commence the statutory procedures to remove the road status from the site and DELWP proceeding to negotiate a land tenure with Telstra.

The statutory process will call for public submissions therefore providing the public with the opportunity to comment on the proposal.

## **Internal**

Discussions have been held between Council's Property and Assets Team regarding the need for the site for road purposes and Council agreeing to commence the statutory procedures to remove the road status from the site. The outcome of discussions confirmed that the site is not required for public traffic and there is minimal risk in removing the road status from the site.

## **RESOURCES**

Telstra has provided the surveyed plan for the area of land that requires a road discontinuance. This will be used for the public notice and road discontinuance notice in the Victoria Government Gazette. A copy of the road discontinuance plan is provided in **Attachment [5.6.2]** - Road Discontinuance Plan - Telstra Site Arawata.

There will be minor administration costs associated with advertising and legal advice.

## **RISKS**

There are minimal risks to Council associated with removing the road status from the site as there is no need for the site for road purposes.

## **ATTACHMENTS**

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

1. Locality Plan - Road Discontinuance Part Fairbank Road Arawata **[5.6.1]**
2. Road Discontinuance Plan - Telstra site Arawata **[5.6.2]**

## **REFERENCE DOCUMENTS**

### **Legislative Provisions**

Local Government Act 1989

## **5.7. ROAD DISCONTINUANCE IN FISH CREEK (PART WILLIAMSON STREET) - SUBMISSIONS**

Sustainable Communities and Infrastructure Services Directorate

### **EXECUTIVE SUMMARY**



At the Ordinary Meeting held on 22 February 2017, Council resolved to commence the statutory procedures to discontinue part of Williamson Street in Fish Creek and sell the land to the adjoining land owner. The statutory procedures commenced with the publication of a public notice calling for submissions in the local papers with submissions closing at 5.00pm on 28 March 2017.

Council received one submission to the public notice which was in support of the proposal.

This report is presented to Council so that it may consider the submission and determine the outcome to the proposed road discontinuance.

### **RECOMMENDATION**

**That Council:**

- 1. Consider the submission in Confidential Attachment [9.3.1] – Submission - In Support - Proposed Road Discontinuance Part Williamson Street.**
- 2. Given the submission is in favour of the proposed road discontinuance, agree to proceed with the statutory procedures pursuant to s.206, s.207A and s.223 and schedule 10, clause 3(b) of the Local Government Act 1989 to:**
  - a. Discontinue that part of Williamson Street, Fish Creek shown hatched  on the plan in Attachment [5.7.1] – Locality Plan and Road Discontinuance Plan - Part Williamson Street, Fish Creek being part of the land described in certificate of title volume 11565 folio 770 and having an area of approximately 4,461m<sup>2</sup> for the reason that this part of Williamson Street, Fish Creek is not required for public traffic;**
  - b. Publish a Road Discontinuance Notice in the Victorian Government Gazette; and**
  - c. Sell the land from the discontinued part of the road shown hatched  in Attachment [5.7.1] to the adjoining land owner for not less than the valuation provided by Council's valuer and obtained not more than six months prior to the sale of the land.**

## **REPORT**

Council has received a request from a landowner to purchase part of an unused road reserve. The land owner has lodged an application for a planning permit with Council for a permit to use and develop their land with a dwelling and develop land with an agricultural shed (the Application). The Application includes the acquisition of the unused part of Williamson Street, Fish Creek (the Road).

Discussions with Council's Engineering and Assets department confirmed that the Road is unused, unmade, not on Council's Public Road Register, and not considered to be required for its original purpose as a road in the future.

This being the case, Council can use its powers as a Road Authority to discontinue the Road and sell the land to the adjoining owner, therefore providing the adjoining owner with the outcome desired from the planning permit application.

Council's powers to discontinue a road is provided by s.206 schedule 10 clause 3(b) of the Local Government Act 1989. Council published the public notice calling for submissions in the local papers with submissions closing by 5.00pm 28 March 2017.

Council received one submission which was in support of the proposal and did not elect to be heard in support of their submission. A copy of the submissions is available in **Confidential Attachment [9.3.1]** - Submission - In Support - Proposed Road Discontinuance Part Williamson Street.

## **CONSULTATION**

### **Internal**

The Application has been discussed with officers in the Planning department, Engineering and Assets department, and the Property team. No concerns were raised with the request to remove the road status and sell the land to the adjoining landowner.

### **External**

In accordance with s.223 of the Local Government Act 1989, Council published a notice inviting written submissions from the public regarding the Proposal to which Council must hear and consider the submissions before determining an outcome.

Over and above the legislative requirements, land owners will be notified within the immediate vicinity of the road to be discontinued and sold.

## RESOURCES

The applicant has paid for the cost of survey works to date and will be responsible for legal fees as part of the road discontinuance procedure. Council will incur administrative costs including publication of notices.

## ATTACHMENTS

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

1. Locality Plan and Road Discontinuance Plan - Part Williamson Street, Fish Creek **[5.7.1]**

## CONFIDENTIAL ATTACHMENT

**Confidential Attachment [9.3.1]** – Submission – In Support – Proposed Road Discontinuance Part Williamson Street has been provided in accordance with s.77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this Agenda Item 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 deemed confidential to protect the privacy and contact details of the submitter.

**Confidential Attachment** - Submission - In Support - Proposed Road Discontinuance Part Williamson Street **[9.3.1]**

## REFERENCE DOCUMENTS

### Legislative Provisions

Local Government Act 1989  
Public Road Register



## **5.8. POLICY REVIEW: C65 PUBLIC PARTICIPATION IN MEETINGS WITH COUNCIL**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

A review of Policy C65 – *Public Participation in Meetings with Council (Policy)*, has been undertaken to provide clearer guidance to Council and community members on the requirements for participants attending meetings with Council. This review was undertaken concurrently with a review of the Ordinary Council Meeting Agenda – Order of Business, as these two governance matters are related.

The revised Policy, contained in **Attachment [5.8.1]**, sets the context for public participation to support informed decisions making. It outlines the many avenues through which community members are encouraged to interact with Council.

Further, the Policy provides clearer requirements for participants seeking to make public presentations to Council or submit questions to Ordinary Council Meetings.

### **RECOMMENDATION**

**That Council:**

- 1. Adopts the revised 'Policy C65 – Public Participation in Meetings with Council,' in Attachment [5.8.1], replacing the 27 April 2016 version; and**
- 2. Publishes the revised 'Policy C65 – Public Participation in Meetings with Council' on Council's Website.**

### **REPORT**

A review of Policy C65 – *Public Participation in Meetings with Council*, has been undertaken concurrently with a review of the Ordinary Council Meeting Agenda – Order of Business by Council. The Order of Business is being dealt with as a separate report to Council.

The revised Policy, contained in **Attachment [5.8.1]**, aims to provide a welcoming, respectful and safe environment for members of the public to interact with Council. It outlines the many avenues through which community members are encouraged to interact with Council and outlines the most applicable avenue to be used for various matters.

More specific details are provided in the revised Policy on the various avenues community members can interact with Council on matters of interest to them (refer **Attachment [5.8.1]**).

Requirements for Public Presentations Sessions

The Policy supports Local Law No. 3, 2010, by providing the procedures and requirements relating to public participation in meetings with Council.

It is important for public participants to understand that Council decisions are made in formally constituted Council Ordinary and Special Meetings and at Special Committees of Council. Public presentation sessions and question times are provided for Councillors to hear community views and are not a forum for debate or decision making.

The existing Policy *C65 - Public Participation in Meetings with Council*, has provided guidance to public participants and Council, however Councillors require that the policy be strengthened primarily to:

- Clarify expectations;
- Articulate acceptable behaviours;
- Specify requirements of community participants; and
- Improve the efficiency and effectiveness of these sessions and ensure the smooth conduct of Council meetings.

The refinements to the policy include:

- A requirement for Community members to submit an 'Expression of Interest to Present to Council' by close of business on the Friday preceding a Public Presentation Session. An online form will be available on Council's website for this purpose. An example of the form is contained in Attachment 1 of the Policy.
- The Mayor and Chief Executive Officer will review and consider the completed Expressions of Interest against both the form criteria and what is being sought from Council, in accordance with this Policy.
- An appropriate appointment time will be made for community members to present to Council.
- Where possible the matter may be resolved quickly and concisely without requiring the person or group to attend a public presentation session.

Community members are encouraged to note that public participation sessions held on the third week of the month will relate to a broad range of topics, while sessions held on the fourth week of each month will be used only to hear presentations on current Council Agenda items.

The revised Policy seeks to ensure fair and equitable access to Council by creating an environment where the views of a greater number of people can present to Council on a wider range of topics. Council normally only meets on three days of each month and two of these days contain limited allocations of time for public presentations to council. To make the best use of these limited opportunities, the Policy provides an option to co-join presenters with the same or similar views, where appropriate, and/or to limit presenters that seek to present to Council more than once on the same, or similar topic, within a three month period.

More specific details are provided in the revised Policy on the requirements pertaining to public participation sessions with Council (refer **Attachment [5.8.1]**).

#### *Refinements to Public Questions to Ordinary Council Meetings*

Where Community questions have been raised with Council, a number of concerns have been identified:

- Not all questions have been answered, or the answers provided have not fully addressed the question.
- For Councillors, it has at times been difficult to discern what the questions are from both verbal and written communications.
- In some instances, personal points of view have been worded as rhetorical questions.

Refinements have therefore been made to the Policy to improve the handling of questions. Community members seeking to submit a question to an Ordinary Council Meeting are to use an on-line form that sets out specific places and numberings for the questions. These are thereby separated from supporting information. The 'Register Your Question' form will be available on Council's website.

The policy refinements include:

- Requirement for questions to be submitted by close of business on the Friday preceding the Ordinary Council Meeting Day.
- The Chief Executive Officer (CEO) will read out the questions in the Public Question section of the Ordinary Council Meeting, where the requester is present at the meeting. Where practicable, the CEO will either provide an answer at the Council Meeting or advise the requestor that the questions is being taken on notice.

- Community members that have submitted questions but are not in attendance at the Ordinary Council Meeting, will receive a response to their questions in writing.
- The Minutes of the Meeting will reflect answers provided to questions.
- A limit of three questions, including part questions, per person to encourage community members to clearly articulate their questions for Council. This will assist in addressing the concern that often the same question is being asked multiple times using different words.
- Any community member with a question pertaining to the decisions made by Council during a Council meeting, are encouraged to raise these with the Mayor following the meeting.

*Refinements to Inappropriate Behaviour and Actions Taken in Response*

Council encourages constructive and open dialogue with the public in a respectful environment that is safe for all. The revised Policy is intended to assist participants' understanding of appropriate behaviours and actions.

The meeting Chair retains the right to stop presentations, disallow inappropriate questions and/or refuse entry to anyone prior to, or during, a meeting whose behaviour or supporting material is likely to create an unsafe environment, cause offence to others or disrupt the orderly conduct of the meeting. Short or longer term restrictions may be placed on individuals or groups and penalty points can be applied in accordance with the Local Law, where applicable.

More specific details are provided in the revised Policy on inappropriate behaviours of community members and the actions Council may take to address them (refer **Attachment [5.8.1]**).

*Refinements to Documents, Props and Devices that may be brought into a Meeting.*

Minor refinements have been made to this section of the revised Policy. The main change requires public presenters to include supporting documentation in their Expression of Interest. This allows powerpoint presentations to be set up ready for the presenter. It also allows the documents to be distributed to Councillors prior to the session to enable them to prepare adequately.

More specific details are provided in the revised Policy to guide presenters in the provision of information to support their presentations (refer **Attachment [5.8.1]**).

## **CONSULTATION**

Council discussed proposed changes to the Policy on 22 February 2017 and 19 April 2017.

The revisions to the Policy have also taken account of community comments and concerns raised verbally with staff and/or Councillors following public presentation sessions and Council Meetings over many months.

Councillors, community members and staff have commented on the need to better manage expectations, behaviours and overall control of the meetings so that everyone can feel safe and respected.

## **RESOURCES**

The implementation of this Policy can be achieved with existing resources.

## **RISKS**

There is a risk that the opportunity for diverse views to be shared and considered by Council may be unduly limited, if meetings with Council are not managed in an orderly, structured manner.

Occupational health and safety concerns raised by attendees regarding inappropriate and sometimes unsafe practices, need to be considered by Council. Creating a safe respectful environment for everyone, is a primary aim of the refinements included in the revised Policy.

## **ATTACHMENTS**

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

1. C65 Public Participation in Meetings with Council Policy - Revised May 2017  
**[5.8.1]**

## **REFERENCE DOCUMENTS**

### **Council Policy**

Policy Review Framework

### **Legislative Provisions**

Local Government Act 1989

## **5.9. PROPOSED CHANGES TO STRUCTURE OF COUNCIL AGENDA**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

The structure of the Council Agenda has been reviewed to streamline the flow of meetings.

The proposed Order of Business brings forward reports of greatest interest to community members. The proposed approach also seeks to more closely demonstrate the alignment of reports to Council's new Council Plan objectives.

### **RECOMMENDATION**

**That Council:**

- 1. Confirms its preferred order of business as set out below:**

#### **TABLE OF CONTENTS**

- 1. PRELIMINARY MATTERS**
  - 1.1 Live-streaming Council Meeting Disclaimer**
  - 1.2 Welcome**
  - 1.3 Opening Prayer**
  - 1.4 Acknowledgment of Traditional Custodians**
  - 1.5 Apologies**
  - 1.6 Confirmation of Minutes**
  - 1.7 Declaration of Conflicts of Interest for Councillors**
  - 1.8 Declaration of Conflicts of Interest for Staff**
- 2. COUNCIL REPORTS**
  - 2.1 Strengthen Economic Growth & Prosperity**
  - 2.2 Builds Strong Partnerships, Strengthen Arts & Culture & Deliver Equitable Outcomes**
  - 2.3 Improve South Gippsland's Built Assets & Value our Natural Environment**

- 2.4 Enhance Organisational Development & Implement Governance Best Practice
  - 2.5 Other Reports
  - 3. NOTICES OF MOTION AND/OR RESCISSION
  - 4. PROCEDURAL REPORTS
    - 4.1 Assembly of Councillors Report
    - 4.2 Performance Reports
    - 4.3 Documents Sealed and Awarded, Varied or Extended by CEO
  - 5. COUNCILLOR REPORTS
    - 5.1 Requests for Leave of Absence
    - 5.2 Councillor Updates
    - 5.3 Committee Updates
  - 6. URGENT OR OTHER BUSINESS
  - 7. PUBLIC QUESTIONS
    - 7.1 Petitions and Joint Letters
    - 7.2 Answers to previous questions on notice
    - 7.3 Submitted Public Questions
  - 8. CLOSED SESSION
  - 9. MEETING CLOSED
2. Notes that the Chief Executive Officer has authority under clause 27(a) of Council's Local Law No 3, 2010 to set the agenda items and order of business; and that Council has authority under clause 28 of Council's Local Law No 3, 2010, to change the order of business by resolution.

## **REPORT**

The general structure of the Ordinary Council Meeting Agenda has remained relatively unchanged for many years. The Chief Executive Officer (CEO) has authority under clause 27(a) of Council's Local Law No 3, 2010 (Local Law) to set the agenda items and order of business. The Council, under clause 28, also has authority to change the order by resolution.

The Local Law outlines that while preparations should aim at a consistent agenda, clause 27(b) also allows:

“...that this should not preclude altering the order of business to enhance the fluent and open process of government of Council, to meet identified needs of Council or to take advantage of opportunities which may arise from time to time.”

One of the primary reasons Council has sought to adjust the structure of Ordinary Council Meetings, is to better recognise and value the time community members give to attend meetings to hear specific matters. Restructuring the Order of Business to bring forward reports of greatest interest to community members reinforces Council’s responsiveness to the community.

Having observed attendees at Council meetings over the years, there are two main types of attendee. The first group includes regular attenders who come and listen to the entire meeting. The second group includes people who come to hear Council’s debate and decision on specific agenda items of personal interest.

Many of the attendees from this second group are predominantly interested in statutory or strategic planning reports. There is also often increased attendance in relation to specific strategic plans or policy directions.

Having considered the needs of these various groups, a proposed Ordinary Meeting Agenda structure is set out below. This moves many preliminary and procedural matters to later in the Agenda, while bringing forward the primary Council Reports that most participants are interested in.

Further, a sub-structure within ‘Council Reports’ is proposed. This creates headings under which reports would generally fit. These align to the proposed Council Plan Objectives. Creating this connection in the Agenda structure aligns with the State Government’s proposed intention to require closer ties between Council decisions and the Council Plan in the new Local Government Act to be released in 2018.

As ‘Strengthen Economic Growth and Prosperity’ is the first Objective in the Council Plan, many planning matters will be the first items considered in the Agenda. This will assist the many attendees who come specifically to hear these statutory and strategic planning items.

Streamlining the overall structure, as set out below, now groups items that were previously dispersed throughout the agenda.

Procedural reports and Councillor Updates, predominantly cover historical information. These reports, along with various preliminary matters, have been moved to later in the Order of Business. These items rarely require debate and are generally of low interest to the community.



The Notices of Motion process allows Councillors to raise issues at Council meetings. Councillor Notices of Motion / Rescission have been moved to the heart of the Order of Business. While they may be strategic in intent, they are generally used to call for investigation into a matter to be brought to a future Council meeting. This is encouraged in the conclusion (point 484) of the Victorian Ombudsman's 'Investigation into the Transparency of Local Government Decision Making' report, as a means of addressing concerns regarding the quality of decision making and transparency, where Notices of Motion have been raised without adequate time for a response to be thoroughly researched.

The Local Law allows the Order of Business to be changed by the CEO and/or by resolution of Council in exceptional circumstances so that a report can be brought forward if required.

Petitions have been relocated from Preliminary Matters and moved to the Public Questions section. These are normally 'laid on the table' for consideration at a future Council meeting once they have been investigated.

It is proposed to structure the Ordinary Meeting Agenda as follows:

## **TABLE OF CONTENTS**

### **1. PRELIMINARY MATTERS**

- 1.1. Live-streaming Council Meeting Disclaimer
- 1.2. Welcome
- 1.3. Opening Prayer
- 1.4. Acknowledgement of Traditional Custodians
- 1.5. Apologies
- 1.6. Confirmation of Minutes
- 1.7. Declaration of Conflicts of Interest for Councillors
- 1.8. Declaration of Conflicts of Interest for Staff

### **2. COUNCIL REPORTS**

- 2.1. Strengthen Economic Growth & Prosperity
- 2.2. Build Strong Partnerships, Strengthen Arts & Culture & Deliver Equitable Outcomes
- 2.3. Improve South Gippsland's Built Assets and Value our Natural Environment
- 2.4. Enhance Organisational Development & Implement Governance Best Practice
- 2.5. Other Reports

**3. NOTICES OF MOTION AND/OR RESCISSION**

**4. PROCEDURAL REPORTS**

- 4.1. Assembly of Councillors Report
- 4.2. Performance Reports
- 4.3. Documents Sealed and Awarded, Varied or Extended by CEO

**5. COUNCILLOR REPORTS**

- 5.1. Requests for Leave of Absence
- 5.2. Councillor Updates
- 5.3. Committee Updates

**6. URGENT OR OTHER BUSINESS**

**7. PUBLIC QUESTIONS**

- 7.1. Petitions and Joint Letters
- 7.2. Answers to previous questions on notice
- 7.3. Submitted Public Questions

**8. CLOSED SESSION**

**9. MEETING CLOSED**

A review of the Policy C65 - 'Public Participation in Meetings with Council', has been considered concurrently. This policy review is to be dealt with as a separate report to Council. Some of the changes to the Order of Business are connected with the policy review.

**CONSULTATION**

Council considered the proposed revised Order of Business of the Council Agenda structure, at briefings on 22 February 2017 and 19 April 2017.

**RESOURCES**

Implementing changes to the Council Agenda structure can be undertaken with existing resources. Given the timeframes associated with preparing Council reports and agendas, it is anticipated that there may be a month or two delay before the revised Agenda can be fully implemented.

**RISKS**

It is important that Council meetings are managed in an orderly, structured manner to reduce the risk of unduly limiting the opportunity for diverse views to be shared and considered. Further, it is beneficial to allow the opportunity for

greater debate on matters that most affect the community, particularly for attendees who come to hear the debate on matters that specifically impact them.

The proposed Order of Business seeks to enhance both of these issues by allowing Council to focus on the strategic decisions that need to be immediately addressed in the earlier part of the meeting.

The Local Law allows the Chief Executive Officer and/or Council by resolution to change the order of business if required at any meeting. This provision can address exceptions where a report scheduled later in a meeting needs to be brought forward.

## **REFERENCE DOCUMENTS**

### **Council Policy**

Local Law No 3, 2010

Policy C65 - Public Participation in Meetings with Council

### **Legislative Provisions**

Local Government Act 1989

Victorian Ombudsman's 'Investigation into the Transparency of Local Government Decision Making' - December 2016

## **5.10. POLICY REVIEW: C24 INVESTMENT OF COUNCIL FUNDS**

{department}

### **EXECUTIVE SUMMARY**

The investment policy was last reviewed on October 2013.

The policy name has been changed from 'Investment Policy' to 'Investment of Council Funds Policy' so as to better reflect the intent of the policy.

Other than the name change, no further changes are required to be made to the policy. It is noted that the State Government is currently reviewing the Local Government Act 1989. When the review is finalised and the Local Government Act updated, this policy may require revision.

### **RECOMMENDATION**

**That Council adopt the Investment of Council Funds Policy contained in Attachment [5.10.1].**

### **REPORT**

The investment policy was last reviewed on May 2013 and included the following changes:

- Removal of requirement to structure investments so that they are guaranteed by the Federal Government of Australia (scheme created during global financial crises);
- Confirm that preferential investment arrangements remain with community banks (Bendigo bank);
- Quarterly investment report to be included in quarterly financial performance report.

The prior review (October 2009) took into consideration comments made by the Victorian Auditor General Office (VAGO) on managing investments as well as the Federal Government's guarantee arrangements for investments.

### **Background**

The investment policy was last reviewed on May 2013 and included the following changes:

- Removal of requirement to structure investments so that they are guaranteed by the Federal Government of Australia (scheme created during global financial crises);
- Confirm that preferential investment arrangements remain with community banks (Bendigo bank);
- Quarterly investment report to be included in quarterly financial performance report.

### **Discussion**

Other than the name change, no further changes are required to be made to the policy.

The current legislation empowers councils to invest money in certain securities, including Commonwealth and Victorian Government securities, and deposit taking institutions. The Review of the Local Government Act 1989 Directions Paper has raised as a potential concern that the existing legislation may unreasonably constrain councils' investment options. When the review is finalised and the Act updated the policy will be reviewed to take into account any legislative changes.

In the meantime it is considered that Council's current approved investments are adequate with an appropriate balance between risk and return.

The policy has permitted investment of up to 35 per cent of available cash with community banking facilities in acknowledgement of the role community banks provide to their local communities. This is on condition that the community bank interest rate is not more than 10 basis points below the best available interest rate from the commercial banks that Council deals with on a day to day basis. With this arrangement it is estimated that the worst case opportunity cost of interest revenue foregone would be less than \$6,000 per annum. This is considered to be a very reasonable interest rate cost/overall benefit to the community outcome.

### **RISKS**

Transparency and consistency in managing investments is a risk management control measure that allows the community and Council to have confidence in the related processes and procedures.

### **ATTACHMENTS**

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

1. Investment of Council Funds Policy - Review 2016/17 **[5.10.1]**

**REFERENCE DOCUMENTS**

**Legislative Provision**

Local Government Act 1989

## **5.11. POLICY REVIEW: C42 SPECIAL CHARGE SCHEME POLICY**

Sustainable Communities and Infrastructure Services Directorate

### **EXECUTIVE SUMMARY**

A review of the current C42 Special Charge Scheme Policy (adopted 16 April 2014) has been carried out. No revisions or updates were required to the policy content except for minor amendments to dates, grammar, position titles and the frequency of policy reviews which now aligns with the four year cycle for Council elections.

The adoption of C42 Special Charge Scheme Policy 2017 will provide a strategic framework to assist and guide Council to implement Special Charge Schemes for appropriate infrastructure by optimising its capacity to raise funds for undertaking works and services pursuant to s.163 of the Local Government Act 1989 in a fair, equitable, consultative, and consistent manner.

### **RECOMMENDATION**

**That Council:**

- 1. Adopts C42 Special Charge Scheme Policy 2017 (Attachment [5.11.2]).**
- 2. Publishes the Policy to Council's website.**

### **REPORT**

Council last adopted C42 Special Charge Scheme Policy (2014 Policy) on 16 April 2014. A copy of the Council minutes and the 2014 Policy is available in **Attachment [5.11.1]** – Council Minutes 16 April 2014 – C42 Special Charge Scheme Policy Adoption.

The Policy is due for review this financial year (2016/17) in accordance with corporate policy timetable. No further revisions/updates were required as the policy is still up to date, except for amendments to dates, grammar, position titles and the frequency of policy reviews which now aligns with the 4 year cycle for Council elections. The revised policy is available in **Attachment [5.11.2]** – C42 Special Charge Scheme Policy - Revised May 2017.

The objective of the Policy is to provide a strategic framework to assist and guide Council to implement Special Charge Schemes for appropriate infrastructure by optimising its capacity to raise funds for undertaking works and services pursuant to s.163 of the Local Government Act 1989 in a fair, equitable, consultative, and consistent manner.

The policy provides an opportunity for Council to obtain funding for infrastructure projects that would otherwise require Council to fully fund or find other funding sources.

The policy provides for and requires an open and transparent process to be undertaken in the implementation of Special Charge Schemes, taking into account adopted Community Plans. Transparency is achieved through appropriate community consultation with affected property owners and the general public.

### **CONSULTATION**

The review of the policy was carried out by the Engineering and Assets department. Councillors were provided an update in Councillor InfoSum edition 4 April 2017 which included a copy of the revised Policy.

### **ATTACHMENTS**

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

1. C42 Special Charge Policy Adoption **[5.11.1]**
2. C42 Special Charge Scheme Policy 2017 (For Adoption) **[5.11.2]**

### **REFERENCE DOCUMENTS**

#### **Council Policy**

[C42 Special Charge Scheme Policy](#)

#### **Legislative Provisions**

Local Government Act 1989



## **5.12. AUDIT COMMITTEE REPORT - 3 APRIL 2017**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

The Audit Committee met on 3 April 2017 and a copy of its report (**Attachment [5.12.1] – Audit Committee Minutes – 3 April 2017**) is provided for Council's consideration and endorsement.

### **RECOMMENDATION**

**That Council:**

- 1. Receives and endorses the report of the Audit Committee held on 3 April 2017 (Attachment [5.12.1] - Audit Committee Minutes – 3 April 2017); and**
- 2. Notes that any documents referred to in this Council Report or report of the Audit Committee held on 3 April 2017 (Attachment [5.12.1] – Audit Committee Minutes – 3 April 2017) remain confidential in accordance with the designation made by Chief Executive Officer in the 3 April 2017 Audit Committee Agenda, excluding the following:**
  - a. Report of Audit Committee 12 December 2016; which has already been made public in the 22 February 2017 Council Meeting minutes;**
  - b. Draft Procurement Policy and Procurement Briefing: which will be made public in the Council Meeting Agenda when it is presented to Council for adoption, which is anticipated 28 June 2017;**
  - c. Local Government Victoria: Local Government 2015 – 16 Audit Snapshot – LGV Response to issues; and**
  - d. Report on investigation into the transparency of local government decision making report (Ombudsman Victoria).**

### **REPORT**

The Audit Committee is an advisory committee whose role is to oversee and monitor Council's audit processes, including internal control activities. As of 3 April 2017, the Committee comprised of three independent community members, one of whom was the Committee Chair, and two Councillors (the Mayor, Cr Ray Argento and Cr Lorraine Brunt). The Committee is independent from management and does not have any executive powers, management function or delegated financial responsibility.

Some of the significant matters considered by the Audit Committee at the 3 April 2017 meeting (**Attachment [5.12.1]** – Audit Committee Minutes – 3 April 2017) included:

- Report of Audit Committee 12 December 2016.
- Local Government Performance Reporting Framework Report July – December 2016.
- Litigation Report: received report on significant litigation against Council.
- Draft Procurement Policy Review: which will be presented to the 28 June 2017 Council Meeting for adoption.
- Strategic Risk Committee Minutes (21 February 2017).
- People and Culture Risk Management Report: including key operational risks, Occupational Health and Safety and Return to Work performance reports.
- Insurance coverage report.
- Theft Report: committee noted this report outlining a minor theft from Council.
- Section 86 Committee Internal Audit Report: approved the outcomes of this audit.
- Asset Management and Road Maintenance/Inspections Audit: noted progress on this internal audit.
- Councillor Expenditure and Code of Conduct Compliance Draft Audit Scope: approved by the Committee.
- Draft External Audit Scope from Victorian Auditor General's Office (VAGO): approved by the Committee.
- VAGO Key Audit Themes 2015 – 16 Report: received this report outlining Council's performance against key recommendations.
- Letter from Local Government Victoria: responding to issues arising from VAGO's 2015-16 Audit Snapshot.
- Investigation into the transparency of local government decision making report: received this report outlining Council's response.

## **CONSULTATION**

The Audit Committee Report (**Attachment [5.12.1]** – Audit Committee Minutes – 3 April 2017) has been circulated to the Chair of the Audit Committee for endorsement.

## **RESOURCES**

Budget allowances for Council's three Independent Audit Committee Members attendance fees (including proposed fee increase) and an outsourced internal function are made within Council's current and forward budgets.

## **RISKS**

The Audit Committee undertakes an integral and active role in risk mitigation (including financial) and oversees organisational compliance with legislation.

## **ATTACHMENTS**

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

1. Audit Committee Minutes - 3 April 2017 **[5.12.1]**

## **REFERENCE DOCUMENTS**

### **Legislative Provisions**

Local Government Act 1989

### **5.13. MAV CONTRACT - ELECTRICITY FOR SMALL TARIFF SITES - CHIEF EXECUTIVE OFFICER DELEGATION**

Sustainable Communities and Infrastructure Services Directorate

#### **EXECUTIVE SUMMARY**

Council currently has a contract with ERM Business Energy for the supply of electricity to small tariff sites. The total value of this contract is approximately \$150,000 per year for three years from July 2014 – June 2017.

This contract was tendered through a collective tendering process initiated through MAV Procurement in 2014. The contract for small tariff sites ends on the 30 June 2017 and the MAV are facilitating bulk tendering on behalf of Victorian Council's for small tariff site contracts post 30 June 2017. Council has agreed to take part in the tendering process.

It is expected that the new contract value for small tariff sites will increase to at least \$200,000 per year due to increases in electricity tariff rates since 2014 when current contracts were set up. It is assumed that the new contract will also run for a period of three years making the total contract value approximately \$600,000.

Due to the timelines associated with the process (once tenders are received, contract prices can only be held for a period of 1 – 2 days) approval is sought from Council for the Chief Executive Officer to be delegated the Authority to sign the contracts for the supply of electricity for small tariff sites on behalf of Council.

#### **RECOMMENDATION**

**That Council:**

- 1. Authorise the Chief Executive Officer or his delegate to award the contract for the supply of small tariff electricity sites with the Municipal Association of Victoria Procurement recommended retailer(s) commencing 1 July 2017.**
- 2. Authorise the Chief Executive Officer or his delegate to sign, and if required, affix the common seal of the municipality to the contract documents.**
- 3. Make public the awarding of the contract in the Document Sealed and Contracts Awarded report to the next available Council meeting.**

#### **REPORT**

In March 2017, the Municipal Association of Victoria (MAV) initiated the process to act as an agent to carry out the tender process for the supply of electricity for small tariff sites on behalf of Victorian councils.

Group purchasing through the MAV Procurement department has provided cost savings to Council in the procurement of electricity supply in the past. Council has participated in the last three rounds of the MAV Procurement electricity tendering process and entered into successful contracts as a result.

Council's current contract for the supply of electricity for small tariff sites (ERM Energy) expires on 30 June 2017. Our current contract will run to the end of its expiry date. Licensed electricity retailer companies will be invited through the MAV Procurement process to submit prices for the supply of electricity once the existing contract expires. This process will secure the best value electricity rates into our next contract period and enable accurate forecasting of budgets.

The MAV has partnered with the Trans Tasman Energy Group (TTEG) who will invite relevant retailers to submit prices and will provide an assessment report to the MAV who will provide a recommendation to Council.

Once tenders have been received from electricity retailers, there is a 1 – 2 day turn around for contracts to be signed, as the retailers have limited capacity to hold prices.

Council has the right not to accept the recommendation provided by the MAV in partnership with TTEG. Group purchasing has achieved good outcomes in the past and the MAV Procurement team are well placed to act as agents on Council's behalf.

As the required contract turnaround is short (1 – 2 days), it is proposed that the Chief Executive Officer be given delegation to award the contract to the MAV Procurement recommended retailer.

## **CONSULTATION**

- MAV Procurement.
- Councils Risk and Procurement team.

A copy of the email invitation from the MAV is available in **Attachment [5.13.1]** – MAV Procurement Correspondence – 2017 Electricity Contract.

The participation agreement from the MAV is available in **Attachment [5.13.2]** – MAV Notification – Participation Agreement – Small Tariff Electricity.

## **RISKS**

Undertaking collective tendering through MAV procurement provides for a robust and fully compliant process, with a proven record of outstanding commercial results, demonstrated through significant cost savings for participating councils.

Purchasing through the scheme ensures fair and open competition and addresses risks associated with probity and compliance of the tender process.

Due to tight timelines involved with the procurement of electricity, with retailers holding prices for 1 – 2 days only, the need to act upon the MAV Procurement recommendation in a timely manner is paramount; hence the reason for delegation to the CEO to sign relevant documents as they become available.

Due to significant recent rises in electricity tariff rates due to a number of reasons, including the closure of the Hazelwood power station, there is a risk that our contract for electricity supply will increase outside of the Long Term Financial Plan budget projections. Necessary planning to address this risk will be undertaken once contract prices and terms are known. Refer to **Attachment [5.13.3]** – Current Status of the Electricity Market – 5 April 2017.

## **ATTACHMENTS**

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

1. MAV Procurement Correspondence - 2017 Electricity Contract **[5.13.1]**
2. MAV Notification - Participation Agreement - Small Tariff Electricity **[5.13.2]**
3. Current Status of the Electricity Market - 5 April 2017 **[5.13.3]**

## **REFERENCE DOCUMENTS**

### **Council Policy**

Long Term Financial Plan  
Procurement Policy, December  
2015

### **Legislative Provisions**

Local Government Act 1989

## 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.

## **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



## 7.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

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**Questions raised by Steve Findlay at Council Meeting 26 April 2017 were taken on notice and responses are now provided.**

- 1. The first question relates to the Financial Performance of the Council managed Caravan Parks, seeking detailed data relating to Financial Performance.**

### **Response**

Council has requested a review of its Caravan Park which will include its financial and operational activities on the Caravan Parks. A report on this will be presented to Council in the coming months. Council will make a decision on its future involvement of managing caravan parks including revenue, operational and capital expenditures at that time.

- 2. A further question was asked related to the impending Council Budget Submission closing date, he asked if the SGAG submission could be received after the submission closing date?**

### **Response**

As already mentioned in the minute, Council is unable to move a motion to receive late submissions. Further to this response Council resolved at its Council Meeting 22 March 2017 that submissions would close at 5pm on 26 April 2017 and that late submissions would not be considered (resolution 6c.).

The timeframe to hear, consider and decide submissions prior to the adoption of the Budget and Council Plan by the end of June 2017, is too tight to allow for extensions.

Various members of the South Gippsland Action Group have made submissions on behalf of the group, within the timeframe, covering a range of topics. These submissions will be considered by Council.

- 3. Another question was directed to Council regarding the level of pay of Local Government employees, he asked how many employees are paid more than \$290,000 per annum? He further asked if Council employees should be paid more than the Premier of the State?**

### **Response**

A more appropriate comparison would be politician to politician and bureaucrat to bureaucrat, not politician to bureaucrat as they are different functions.

The peak politician in South Gippsland Shire Council – the Mayor – receives an annual allowance of \$74,655.

If your group is in a position to ascertain the salary of the head of the Victorian Public Service then we would be happy for your group to resubmit this question using that data.

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## **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, 28 June 2017 commencing at 2pm in the Council Chambers, Leongatha.