

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Agenda

Ordinary Meeting of Council  
28 February 2018

**Ordinary Meeting No. 420**  
**Council Chambers, Leongatha**  
**Commencing at 2pm**



# agenda



*South Gippsland  
Shire Council*

*Come for the beauty, Stay for the lifestyle*



## MISSION

***South Gippsland Shire will be a place where our quality of life and sense of community are balanced by sustainable and sensitive development, population and economic growth.***

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## SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that Ordinary Meeting No. 420 of the  
South Gippsland Shire Council will be held on 28 February 2018  
in the Council Chambers, Leongatha commencing at 2pm

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

## **1. PRELIMINARY MATTERS**

### **1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER**

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.

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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

### **1.2. WELCOME**

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

### **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. APOLOGIES**

**1.6. CONFIRMATION OF MINUTES**

**RECOMMENDATION**

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 419 held on 20 December 2017 in the Council Chambers, Leongatha be confirmed.

## 1.7. DECLARATION OF CONFLICTS 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*.

## 1.8. DECLARATION OF CONFLICTS 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*.



## **2. OBJECTIVE 1 - STRENGTHEN ECONOMIC GROWTH AND PROSPERITY**

### **2.1. PLANNING SCHEME AMENDMENT - C109 VENUS BAY CARAVAN PARK REZONING - ADOPTION OF PANEL REPORT AND AMENDMENT**

Development Services Directorate

#### **EXECUTIVE SUMMARY**

Planning Scheme Amendment C109 proposes to rezone the Venus Bay caravan park, and adjoining undeveloped grazing land, from Farming Zone (FZ) to a combination of the Special Use Zone (SUZ), Low Density Residential Zone (LDRZ) and Township Zone (TZ) – refer **Attachment [2.1.1]** – Planning Scheme Amendment C109 - Adoption Documents.

The LDRZ will be applied to the undeveloped land west of the caravan park, where the combined planning permit application proposes to subdivide the land into six lots for residential development. The TZ will be applied to two additional lots, one located in the north-east corner of the land accessed from Centre Road and the other adjoining Ockenga Close. The SUZ will be applied to the balanced lot containing the existing development footprint of the caravan park and its immediate surrounds to facilitate its ongoing use.

Exhibition of the Amendment resulted in six submissions being received. The West Gippsland Catchment Management Authority (WGCMA) objected to the Amendment because the subdivision would increase the number of residential lots in Venus Bay potentially isolated if the road to the township were to be cut off by flood waters from the Tarwin River.

The submissions were referred to an Independent Planning Panel, which has recommended that the Amendment be adopted by Council with minor changes. Refer **Attachment [2.1.2]** – Planning Panel Report. It is recommended that South Gippsland Planning Scheme Amendment C109 be adopted by Council and submitted to the Minister for Planning for approval.

#### **RECOMMENDATION**

**That Council:**

- 1. Receive the Panel Report 'South Gippsland Planning Scheme Amendment C109 – Planning Permit Application 2016/180 – 29 December 2017' (Attachment [2.1.2]).**

- 2. Adopt South Gippsland Planning Scheme Amendment C109 (Attachment [2.1.1]) and recommend the Minister for Planning approve Planning Permit 2016/180 in accordance with the documents contained in Attachment [2.1.1] and submit the Amendment and Planning Permit to the Minister for Planning for approval.**

## **REPORT**

### **Background**

The reasons for preparing Amendment C109 were discussed in detail in the 24 August 2016 Ordinary Council Report which Council considered in its decision to seek authorisation and exhibit Amendment C109. The merits of the submissions received to the Amendment's exhibition were discussed in the 27 September 2017 Ordinary Council Report that recommended the Amendment be referred to an Independent Planning Panel. Both reports can be viewed on Council's webpage.

In brief summary, the purpose of applying the SUZ to the existing caravan park use is to seek to encourage its ongoing use as a caravan park in the long term. While Council cannot ensure that a privately owned business continues to operate, it can create through the SUZ provisions, a discouragement to the use of the land for permanent accommodation, which has been a trend occurring in the caravan park industry in recent years. Traditional caravan parks offer an affordable holiday option which, especially in coastal areas, is becoming increasingly rare. The Venus Bay caravan park is a significant asset to the township and planning scheme measures to assist its ongoing use should be supported. The subdivision of the LDRZ lots is proposed on land excess to the Caravan Park's long term requirements and is considered infill development.

### **Panel Report commentary on Venus Bay flood access**

The WGCMA's objection to the creation of additional residential lots in Venus Bay was the issue that occupied most the panel hearing time and is discussed in detail in the Panel Report. In summary, the WGCMA expressed concerns that the creation of additional lots in Venus Bay will increase the number of people potentially exposed to flood risk in the future. There is no history of Venus Bay having been fully isolated by access road flooding, however flood studies show that isolation could occur and is more likely to occur (without remedial road works) in the future due to rising sea levels and increased storm and flood activity resulting from climate change. Few urban areas within Venus Bay are likely to be directly affected by floodwaters, however the WGCMA is concerned that people may drive into floodwaters and that township isolation will increase the risk to emergency services personnel and

residents should, for example, a resident require emergency evacuation. However the use of emergency helicopters is already common for rural locations such as Venus Bay.

Expert witnesses at the panel hearing presented competing views on the extent and impact of flooding however there was general agreement that access to Venus Bay may be lost during a flood event and that the depth and velocity of the floodwaters across the main access road (Inverloch Venus Bay Road) do not meet the guidelines for safe access set-out in the provisions that catchment management authorities across the State assess such matters on. In this regard the WGCMA was obliged to object to the Amendment because its assessment guidelines provide no opportunity to set-aside or reduce the risk considerations. Furthermore, the various guidelines used to consider flood risk and access do not differentiate between (for example) the development of a new dwelling on a vacant lot in the Farming Zone and the development of a new dwelling in a proposed subdivision in the middle of an established township. A literal interpretation of the WGCMA's assessing guidelines is such that even the creation of a single new lot in a township where access is lost during a flood event must be objected to. Importantly however, the assessing guidelines respect the development rights of existing vacant residential zoned lots and the WGCMA does not object to urban dwelling where a flood overlay control does not directly affect a lot on which a dwelling is to be constructed.

In considering the evidence and arguments presented at the panel hearing the Panel Report concluded that:

*"The proposal will result in an incremental increase in risk because of the additional population that might be resident in Venus Bay during a flood event, but also believes that these risks are partly mitigated because:*

- *The Inverloch–Venus Bay Road will be flooded very infrequently (between the 1 and 2% AEP flood events).*
- *The existing flood warning systems will provide adequate time for people to evacuate Venus Bay.*
- *Venus Bay provides a legitimate opportunity for 'shelter in place' because it would not be flooded and has a range of community, commercial and emergency services.*
- *The risks associated with a settlement being isolated by flooding are different from and less immediate than the risks associated with a single or remote dwelling being isolated."*

While flood risk was the key matter presented to the Panel, it was not the only issue considered by the Panel in making its recommendation. The planning system requires the balancing of social, economic, environmental and risk issues and it is clear that in recommending adoption of the Amendment the Panel considered with some weight the community benefit to be gained from seeking to protect the caravan park use. The Panel Report (page 26) comments that:

*"...there would be a community benefit if the Caravan Park continues, but also notes that neither the Amendment nor the planning permit ensure its continuation. The Park could close tomorrow, regardless of what planning controls and approvals are in place.*

*Nevertheless, the Panel accepts that rationalising the extent of the Caravan Park site and applying a tailored zone will 'facilitate' its ongoing operation and further development. If this happens, the community benefit described by Council and Ms Sharp will eventuate.*

*On balance, the Panel is satisfied that the flooding of the Inverloch – Venus Bay Road does not preclude the proposal from proceeding. The Panel has reached this conclusion taking into account a broad range of factors, including the nature of the flood risk and the particular characteristics of the proposal and Venus Bay. The Panel expects that some of these factors might also have influenced the WGCMA's practice of not opposing applications for dwellings on existing lots in Venus Bay."*

It is likely that the SUZ caravan park element of the Amendment and its objective to provide a net community benefit was important in the Panel's recommendation to support the Amendment. This relationship is important to note as it highlights the unique circumstances of this Amendment and that the recommendation should not be viewed as blanket support for new subdivisions in areas susceptible to flood risk.

### **Update the Venus Bay Framework Plan map**

The Minister for Planning's authorisation for Council to prepare the Amendment included a requirement that the Venus Bay Framework plan map be updated to include the subject land inside the township boundary area. The exhibition documents did not reflect this requirement and the matter was brought to the attention of the panel. The Panel has recommended that changes be made to Clause 21.15-9 to update the township boundary and other consequential changes to the Clause that were exhibited.

## **Planning permit conditions**

The Panel Report recommends a small number of changes to the planning permit conditions for the subdivision of the land which are mostly procedural. The planning permit can be viewed in **Attachment [2.1.1]**. The main change is the removal of the condition requiring a Section 173 Agreement in relation to Coastal Climate Change. The Agreement is a standard Agreement created by this Council to inform landowners that road access to their coastal township might be compromised by flooding and climate change in the future.

Planning Panel Reports are often instrumental in setting or clarifying directions on how planning issues are managed across the State. Council's use of Coastal Climate Change Agreements is not standard practice across coastal councils and it is not surprising that the Panel has recommended the condition be removed. Planning permits approved as a component of a planning scheme amendment are approved by the Minister for Planning and not Council. The Minister's approval of this condition could be viewed as creating a precedent. The Planning Department retain the opinion that these Agreements are beneficial and intends to continue their use, however it is acknowledged that in relation to the subject planning permit, retention of the condition in the permit is unlikely to be supported by the Minister for Planning and should be removed.

It is expected that how climate change may affect land in the future will be more formally clarified in the planning system in the near future as a result of work being undertaken by the State Government.

## **CONSULTATION**

The community consultation process was discussed in detail in the 27 September 2017 Ordinary Council Meeting report. In brief summary a comprehensive exhibition process occurred for one month and six submissions were received.

## **RESOURCES**

Adoption and approval of the Amendment does not affect Council resources. The amendment proponent is required to pay the statutory adoption and approval fees.

## **RISKS**

There is no risk to Council in adopting the Amendment.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

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

1. Planning Scheme Amendment C109 - Adoption Documents **[2.1.1]**
2. Planning Scheme Amendment C109 - Planning Panel Report **[2.1.2]**

## **REFERENCE DOCUMENTS**

### **Legislative Provisions**

Planning and Environment Act 1987

## **2.2. STRATEGY REVIEW - ECONOMIC DEVELOPMENT AND TOURISM STRATEGY 2018-2022**

Development Services Directorate

### **EXECUTIVE SUMMARY**

A review has been undertaken of the Economic Development and Tourism Strategy (The Strategy) in the 2017/18 financial year.

In consultation with The Economic Development and Tourism Steering Committee (The Committee), an updated Strategy was developed to reflect the objectives and intended actions of Council for Economic Development and Tourism in South Gippsland in the 2018/19 financial year.

At the meeting on 6 December 2017, the Committee endorsed the Draft Economic Development and Tourism Strategy 2018-2020 - refer to **[Attachment [2.2.1]]**.

The Action Plan and Priority Projects and Annual Initiatives were updated and will be updated in accordance with Council's Annual Plan. They will continue to be presented for endorsement by the Committee in conjunction with Council's budget timelines on an annual basis.

This report seeks Council's support to adopt the 2018-2020 Economic Development and Tourism Strategy.

### **RECOMMENDATION**

**That Council adopts the 2018-2020 Economic Development and Tourism Strategy ([Attachment [2.2.1]]).**

### **REPORT**

The South Gippsland Shire Council Plan 2017-2021 outlines Council's commitment to "Strengthen Economic Growth & Prosperity". This is achieved in a number of ways including the implementation of the Strategy.

This update of the Strategy, originally adopted in 2014, refines the document and aligns it with the new Council Plan, Council's Priority Projects and the latest economic data. Council will ensure that the Strategy continues to provide direction for future business and employment growth in the shire. The Strategy will also continue to assist in attracting visitors and new residents to the region.

At the meeting on 1 November 2017, the Committee agreed that officers present an updated version of the current Strategy to Council for adoption.

Officers created an updated version that is consistent with Council's current corporate design.

The Strategy directs Council's economic development approach and it can be updated further during the timeframe of the document. The Strategy contains an Action Plan which sets out the priorities for the coming year. This will be updated annually in consultation with the Committee. Through this process the Strategy allows a flexible response to new Government initiatives, Council and community vision, and changing economic trends and needs.

In future, the Strategy will be further developed to align with Council's vision to allow for increased community and industry participation and collaboration.

### **CONSULTATION**

The updated Strategy was developed in consultation with the Economic Development and Tourism Steering Committee.

### **RESOURCES**

No additional resources are required for the implementation of the Strategy.

### **RISKS**

The review of The Economic Development and Tourism Strategy is a major initiative of Council for the 2017/18 financial year.

### **STAFF DISCLOSURE**

Nil

### **ATTACHMENTS**

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

1. 2018 - 2020 Economic Development and Tourism Strategy - Final **[2.2.1]**

### **REFERENCE DOCUMENTS**

#### **Council Policy**

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

Economic Development and Tourism Strategy 2015-2020

Council Plan 2017-2021

Annual Budget incorporating 15 Year Long Term Financial Plan and Annual Plan Initiatives



### **3. OBJECTIVE 2 - BUILD STRONG PARTNERSHIPS, STRENGTHEN ARTS & CULTURE AND DELIVER EQUITABLE OUTCOMES**

#### **3.1. INTERIM ACCOMMODATION FOR TENANTS (COMMUNITY) OF CURRENT KORUMBURRA LIBRARY SITE**

Corporate and Community Services Directorate

##### **EXECUTIVE SUMMARY**

Council is committed to proceeding with the sale of the former Korumburra Shire offices to facilitate a supermarket development and to establish a new Community Hub for Korumburra. Four community based organisations are directly impacted by this proposal and Council is working with the affected organisations to find suitable interim accommodation for the groups that will be housed in the new Hub and permanent accommodation for the others.

##### **RECOMMENDATION**

**That Council:**

- 1. Notes this report; and**
- 2. Allocates \$282,000 to refurbish the old Korumburra kindergarten into the interim library for Korumburra and relocation of the Historical Society and the Rotary Art Gallery.**
- 3. Notes the \$282,000 is to be made up from the following budgets:**
  - a. \$56,000 from the budget allocated for the demolition of the old Korumburra kindergarten in 2017/18.**
  - b. \$163,000 allocated in 2018/19 as part of the Korumburra Hub budget for the relocation and rent of an interim library.**
  - c. Bring forward \$63,000 from the 2019/20 budget allocated for rent of the interim library.**
- 4. Works with the individual groups to ensure they are accommodated during the transition phase.**

##### **REPORT**

Council at its Ordinary Meeting held 22 November 2017, resolved to sell 155-165 Commercial Street, Korumburra (former Korumburra Shire offices), 1 King Street, Korumburra, and all or part of 28 Victoria Street, Korumburra (former Birralelee Child Care) to facilitate a supermarket development.

Council at its Ordinary Meeting held 20 December 2017, resolved to endorse the Korumburra Railway Yards as the preferred location for a new Community Hub and to plan for the construction of this new facility for Korumburra.

The former Korumburra Shire offices currently house a number of community-based and community service organisations. These are the Korumburra branch of the West Gippsland Regional Library Corporation, Korumburra Rotary Art Gallery (Federation Gallery), the Korumburra and District Historical Society, and a storage facility for some of the Korumburra Lions Club equipment.

A number of community groups use the Korumburra Community Meeting Room (formerly the Korumburra Shire Council Chamber) for meetings, classes, and workshops.

The Library service, Rotary art collection, and Korumburra and District Historical Society can be accommodated in the proposed new Community Hub, and many of the community groups using the meeting room will be able to use meeting rooms to be included in the new Hub.

However, as the new Hub will not be constructed for at least three years, Council is committed to assist the groups that will be displaced to find suitable interim accommodation.

Council staff have held discussions with the permanent resident groups on this matter with the following arrangements in the process of being finalised.

1. The Library service will be relocated to the former Korumburra Kindergarten building. Some internal remodelling and car parking adjustments will be required to make this venue suitable as an interim Library.
2. The Rotary art collection will be relocated to Council's records facility in Michael Place, Leongatha for this purpose. These facilities will be transferred to the new Hub when appropriate to continue to provide appropriate storage for the Rotary collection. The Rotary Club is suspending its major annual art show, normally held in February, until a suitable location is established. The new Hub will have sufficient space for this annual event once completed.
3. The Korumburra and District Historical Society are considering relocating to the Korumburra Senior Citizens Club facility. There is a suitable annexe in this building that could be used by the Historical Society if suitable arrangements can be finalised, so that the ongoing activities of the Senior Citizens Club are not compromised.

4. The Korumburra Lions Club are making arrangements with the Korumburra Agricultural and Pastoral Society to house its two caravans at the Korumburra Showgrounds.
5. Council staff are assisting the casual users of the meeting room to identify suitable alternate venues within Korumburra for their activities. There are many under-utilised meeting rooms in Korumburra, both community owned and managed, and within commercial premises.

## **CONSULTATION**

Council staff have had direct meetings with the committees of the Rotary Club, Lions Club, Historical Society, and Senior Citizens Club. Staff have held direct discussions with the management of the West Gippsland Regional Library Corporation. Where necessary staff have held additional meetings with their representatives. The organisations affected by this process have been constructive and flexible, and recognise that the development of a Community Hub and the planned commercial developments at the former Shire offices are of long term benefit to the Korumburra community.

## **RESOURCES**

Establishing interim accommodation for the Hub's permanent tenants has additional financial implications for Council. Council's has allocated \$282,000 in the Long Term Financial Plan for the fit-out of the Kindergarten into a Library, and relocation of the Historical Society and Rotary art collection. .

Staff time is required to assist the Historical Society and the Rotary Club to relocate their collections to their interim locations.

## **RISKS**

Failure to address short and long term needs of tenanted community groups will detract from the benefits and goodwill of the Korumburra project.

## **STAFF DISCLOSURE**

Nil

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

## **4. OBJECTIVE 3 - IMPROVE SOUTH GIPPSLAND'S BUILT ASSETS AND VALUE OUR NATURAL ENVIRONMENT**

### **4.1. STRATEGY REVIEW - PATHS AND TRAILS STRATEGY 2017**

Infrastructure Directorate

#### **EXECUTIVE SUMMARY**

A desktop review of the *2010 Paths and Trails Strategy* (2010 Strategy) has been undertaken. Of the ninety-six (96) projects listed in the 2010 Strategy, seventeen (17) have been completed, and ten (10) are either nearly completed, designed, budgeted, or included in other projects. Funding for the Paths and Trails Program was suspended when rate capping was introduced by the State Government.

The review outlines the projects completed from the 2010 Strategy and describes a number of new projects for Council's future consideration. The revised project list focusses on the spine of the Great Southern Rail Trail (GSRT), and spurs linking to this spine.

The draft 2017 Paths and Trails Strategy (2017 Strategy) separates 'trails and shared path' projects from 'footpath extension' projects due to the Footpath Extension Program having a separate budget in the Capital Works Program. The review of the 2010 Strategy presents a revised priority list of all projects.

Consultation with the community and research over the past 20 years has indicated that walking, cycling, and horse riding constitute the largest recreational activity group undertaken by community members.

In response to the public submissions received, a number of amendments have been made to the draft 2017 Strategy. These amendments are:

- "Ewens Road" was changed to "Gassons Road" under section 6.7 Agnes River Road Walk.
- A possible trail was added to complete the "Korumburra Skip Track" between Coal Creek and Ritchies Reserve in Korumburra.
- The proposed "Waratah Way" trail has been removed from the 2017 Strategy due to significant impacts and difficult issues associated with both possible alignments. Option 1, which follows the previously cleared firebreak / weed management access track, is located on the northern side of the sand dunes, partly on Crown Land and partly on private land. The land tenure

issues need resolution. Bearing in mind strong opposition from several adjoining landowners, resolving tenure will be difficult. Option 2 is entirely located on Crown Land, however, it extends into the sand dunes by up to 45 metres and requires extensive vegetation removal and earthworks. This is not considered feasible due to the significant impacts this option would have on the fragile single crown dune system. Disruption of this extent to the dune system could result in sea inundation onto Gale Street.

## **RECOMMENDATION**

### **That Council:**

- 1. Adopts the 2017 Paths & Trails Strategy (Attachment [4.1.1]) and publish on Council's website.**
- 2. Provide all submitters with a copy of the adopted 2017 Paths & Trails Strategy and thank them for their contribution.**
- 3. Considers the allocation of funds towards the implementation of the recommendations in the 2017 Paths & Trails Strategy in future budget processes.**
- 4. Works with the Sandy Point/Waratah Bay community and stakeholders to explore and understand the issues around options for the Waratah Way trail, acknowledging that this project has demonstrated significant community support as identified in the February 2018 results of the Sandy Point Community Survey and updated Sandy Point Community Plan.**

## **REPORT**

### **Background**

The draft 2017 Strategy review builds on the previous 2010 Strategy which in turn was built from the 2001 Paths and Trails Strategy. The 2010 Strategy was prepared by consultant, Andrew Nixon – Land Use Management, who was also engaged to undertake this review and produce a revised 2017 Strategy.

The review has included new projects identified through desktop research, community feedback, and submissions. A review and update of the 2010 Project Priority Matrix (PPM) has also been undertaken. The PPM has excluded footpath extension projects as these projects are included in a separate criticality table that informs the funded Footpath Extension Program.

The review identifies some new projects linking townships, reconfirms previous projects, and briefly outlines some of the new projects.

Project types include:

- Creation of new off-road shared paths;
- Walking paths;
- Sealing road shoulders and line marking for safer cycling; and
- Improving bicycle signage of designated routes.

In accordance with Council's corporate timetable, the 2010 Strategy is scheduled for review and adoption this financial year, and Council has engaged Andrew Nixon to assist in this process. The review concluded in September 2017 and the draft 2017 Strategy was prepared in readiness for community consultation.

### **2017 Review Objectives**

The objectives of the 2017 Strategy review is to:

- Review the 2010 Strategy and examine how effective it was, i.e. what were the outcomes and how it can be improved.
- Determine what the community and user expectations are and what can realistically be achieved where stated.
- Establish a hierarchy of the most appropriate routes, trails, paths, linkages, and circuits, and develop a list of priority projects by three Project Classes consisting of (refer to Appendix 1 of the draft 2017 Strategy – refer to **Attachment [4.1.1]**):
  - Construction Projects.
  - On-road Line-marking & Signage Projects.
  - Projects on VicRoads Roads.
- Update and establish the cost of constructing bicycle, walking, riding paths, and trails, and to review and examine alternative methods and materials (using the rates in Appendix 2 of the draft 2017 Strategy – **Attachment [4.1.1]**);
- Determine ongoing management responsibilities, particularly maintenance being the highest cost, together with risk and liability.
- Provide a strategic approach to the provision of a comprehensive cycling and walking network.
- Present review outcomes for Council including a draft five plus year action plan.

- Provide some recommendations for improved processes relating to Council's paths and trails.

## CONSULTATION

Included in the brief for Andrew Nixon's 2017 Strategy review was to consider inputs from the community. Andrew Nixon has included inputs from community plans, town infrastructure blueprints, town infrastructure plans, community requests, meeting feedback notes with Council officers and relevant community representatives, outcomes from the *Our Say* internet community consultation, and the *Capital Works Program* budget submission process. It has also taken into account feedback to the consultant from proponents of some of the new projects.

An internal Working Group of relevant Council officers was convened to oversee the strategy review.

A draft 2017 Strategy was prepared and presented to Council in an open briefing to the public on 20 September 2017.

The draft 2017 Strategy was advertised requesting public feedback from 9 October 2017 to 6 November 2017. The draft 2017 Strategy was available on Council's website, was sent to all libraries in the Shire, and forwarded to eight identified interest groups.

Council received a total of 33 submissions to the draft 2017 Strategy and copies are included in **Confidential Attachment [15.1.1]**. These submission have been summarised in **Table 1** below.

A number of requests were received in anticipation of the review of the 2010 Strategy with one request supporting the "Hoddle Mountain Trail" and five addressed the "Waratah Way" trail proposal. These requests have been included in the review process in developing the revised 2017 Strategy.

## DISCUSSION

The public consultation process has resulted in several significant stand-out issues for the 2017 Strategy which are discussed below:

- Addition of a trail between Coal Creek and Ritchies Reserve in Korumburra along the creek reserve where there is currently a missing link in the "Korumburra Skip Track".
- The proposed "Waratah Way" trail has been removed from the 2017 Strategy due to significant impacts and difficult issues associated with both possible

alignments. Option 1, which follows the previously cleared firebreak / weed management access track, is located on the northern side of the sand dunes, partly on Crown Land and partly on private land. The land tenure issues need resolution. Bearing in mind strong opposition from several adjoining landowners, resolving tenure will be difficult. Option 2 is entirely located on Crown Land, however, it extends into the sand dunes by up to 45 metres and requires extensive vegetation removal and earthworks. This is not considered feasible due to the significant impacts this option would have on the fragile single crown dune system. Disruption of this extent to the dune system could result in sea inundation onto Gale Street.

- There were ten submitters in favour of the “Hoddle Mountain Trail”. By far the most support for any trail proposal. Notwithstanding, there are two processes in train to address some of the issues associated with the continuity of the “Loader Trail” and “Hoddle Mountain Trail”. These processes involve the quarry land lease and the land status issues surrounding road reserve along Fish Creek Quarry Road. These processes both involve a Section 223 (s.223) process under the Local Government Act 1989. Submissions on the quarry lease closed on 6 February 2018 and the road opening process for Fish Creek Quarry Road to public traffic closed on 13 February 2018. Separate reports will be presented to Council on these processes at a future Council meeting.
- There was significant support for the shared path proposal along Jumbunna Road between Guys Road and the Korumburra Secondary School. This project is programmed for detailed design this financial year with funding currently included in the forward budget for the 2018/19 financial year for construction of the shared pathway.

### Summary of Submissions

Table 1 | Summary of Submissions

NO.	TOWNSHIP / LOCALITY KEY POINTS RAISED	DRAFT STRATEGY REVISED
#1.	<p><b>Hoddle Mountain Trail, Fish Creek</b></p> <p>Supports the inclusion of the Hoddle Mountain Trail.</p> <p>Concerns with the Hoddle Mountain Trail information and other assumptions they claim are incorrect being:</p> <ul style="list-style-type: none"> <li>• This is not a new walking trail. It has been used by walkers for at least 29 years.</li> <li>• The Old Quarry Road is a public road. It has not been leased for grazing to the adjoining</li> </ul>	<p><b>No Change</b></p> <p>Already included in the 2017 Draft Strategy and subject to separate reports to Council.</p>



NO.	TOWNSHIP / LOCALITY KEY POINTS RAISED	DRAFT STRATEGY REVISED
	<p>landholders. Any grazing leases must be documented either with the Shire or DELWP and the consultant should have been able to access them. People on a public road are not trespassers.</p> <ul style="list-style-type: none"> <li>• The trail does not go close to the quarry's operating area, in fact is separated from it by a buffer of dense vegetation.</li> </ul>	
#2.	<p><b>New Path – Jumbunna Road, Korumburra</b></p> <p>Request the inclusion of a concrete path from Isabella Boulevard to Hannah Rise to benefit school students and the general public as this can get wet and boggy in places over winter.</p> <p>Request future subdivisions require an easement in the planning process to follow the path of the current track (or as close as possible) between Isabella Boulevard and Hannah Rise Crescent.</p>	<p><b>No Change</b></p> <p>Already included in the draft 2017 Strategy.</p>
#3.	<p><b>New Path – SG Hwy, Korumburra</b></p> <p>Request to include a walking path to connect the Korumburra Industrial Estate to Commercial Street as highlighted in the Korumburra Directions Statement completed in April 2017. People are seen on the highway as they make their way to and from the main street with no designated walkway until the Warragul Road intersection which is dangerous, particularly if pushing a pram.</p>	<p><b>Yes</b></p> <p>Priority project listed in the Korumburra Directions Statement - consider including in the Footpath Extension Program.</p>
#4.	<p><b>Hoddle Mountain Trail, Fish Creek</b></p> <p>Supports the inclusion of the Hoddle Mountain Trail as it creates a 17km return journey from Fish Creek out through spectacular scenery overlooking Wilsons Promontory and Corner Inlet.</p> <p>Concerns about perceived inaccuracies in the draft 2017 Strategy, and believes the trail traverses public land only.</p>	<p><b>No Change</b></p> <p>Already included in the draft 2017 Strategy and subject to separate reports to Council.</p>
#5.	<p><b>New Path – Korumburra Skip Track</b></p>	<p><b>Yes</b></p>

NO.	TOWNSHIP / LOCALITY KEY POINTS RAISED	DRAFT STRATEGY REVISED
	Requests the inclusion of the Korumburra Skip Track from Coal Creek to Ritchies Reserve.	Included in the draft 2017 Strategy.
#6.	<p><b>New Path – Korumburra Skip Track (and missing link)</b></p> <p>Requests the inclusion of the Korumburra Skip Track from Coal Creek to Ritchies Reserve and construction of the missing link in this track.</p>	<p><b>Yes</b></p> <p>Included in the draft 2017 Strategy.</p>
#7.	<p><b>New Path – Jumbunna Road, Korumburra</b></p> <p>Supports the inclusion of the Jumbunna Road walking track as highlighted in the Korumburra Directions Statement as a priority project.</p>	<p><b>No Change</b></p> <p>Included in 2018/19 Capital Works Program</p>
#8.	<p><b>Hoddle Mountain Trail, Fish Creek</b></p> <p>Supports the inclusion of the Hoddle Mountain Trail as it creates a 17km return journey from Fish Creek out through spectacular scenery overlooking Wilsons Promontory and Corner Inlet. Concerns about perceived inaccuracies in the draft 2017 Strategy, and believes the trail traverses public land only.</p>	<p><b>No Change</b></p> <p>Already included in the draft 2017 Strategy and subject to separate reports to Council.</p>
#9.	<p><b>Hoddle Mountain Trail, Fish Creek</b></p> <p>Support the inclusion of the Hoddle Mountain Trail as it creates a 17km return journey from Fish Creek out through spectacular scenery overlooking Wilsons Promontory and Corner Inlet.</p>	<p><b>No Change</b></p> <p>Already included in the draft 2017 Strategy and subject to separate reports to Council.</p>
#10.	<p><b>Hoddle Mountain Trail, Fish Creek</b></p> <p>Supports the inclusion of the Hoddle Mountain Trail.</p>	<p><b>No Change</b></p> <p>Already included in the draft 2017 Strategy and subject to separate reports to Council.</p>
#11.	<p><b>Hoddle Mountain Trail, Fish Creek</b></p> <p>Supports the inclusion of the Hoddle Mountain Trail.</p> <p>Concerns about perceived inaccuracies in the draft 2017 Strategy.</p>	<p><b>No Change</b></p> <p>Already included in the draft 2017 Strategy and subject to separate reports to Council.</p>
#12.	<b>New Path – Waratah Way</b>	<b>Removed</b>

NO.	TOWNSHIP / LOCALITY KEY POINTS RAISED	DRAFT STRATEGY REVISED
	<p>Concerns as landowners of the Sandy Point to Waratah Bay “Waratah Way” track as the proposal traverses extremely close to their existing farm infrastructure and believe it would adversely impact on current farming practices, farm biosecurity, and adversely impact on livestock, animal, and human welfare and amenity.</p>	<p>The environmental impacts of the options for this trail are considered unacceptable. Along the north side, the impacts significantly impact farming operations and along the south side, likely impacts on the single crown dune system.</p>
#13.	<p><b>Hoddle Mountain Trail, Fish Creek</b>            Supports the inclusion of the Hoddle Mountain Trail.            Concerns about perceived inaccuracies in the draft 2017 Strategy.</p>	<p><b>No Change</b>            Already included in the draft 2017 Strategy and subject to separate reports to Council.</p>
#14.	<p><b>New Path – Waratah Way, Sandy Point to Waratah Bay</b>            Supports the inclusion of the Waratah Way track.            Concerns with:</p> <ul style="list-style-type: none"> <li>• The emphasis on the GSRT as this may preclude the completion of many smaller tracks.</li> <li>• Does not capture the benefits of tracks in coastal areas.</li> <li>• Inaccuracies with Waratah Way trail detail.</li> <li>• Requests that the speed limit be reduced to 80km/h.</li> <li>• Does not support the PPM.</li> </ul>	<p><b>Removed</b>            The environmental impacts of the options for this trail are considered unacceptable. Along the north side, the impacts significantly impact farming operations and along the south side, likely impacts on the single crown dune system.</p>
#15.	<p><b>Horse Riding</b>            Concerns with the lack of mention of horse riding in the Guiding Principles and the majority of the draft 2017 Strategy.</p>	<p><b>No Change</b>            Horse riding is mentioned 11 times, pedestrian is mentioned 19 times, cyclist is mentioned 20 times and walker is mentioned 7 times. Horse riding has been addressed throughout the draft 2017</p>

NO.	TOWNSHIP / LOCALITY KEY POINTS RAISED	DRAFT STRATEGY REVISED
		Strategy in positive and supportive terms.
#16.	<p><b>New Path – Acacia Way, Walkerville</b>  <b>New Path – Walkerville Foreshore Shared Path</b>            Supports the seven Guiding Principles, key observations, and recommendations of the draft 2017 Strategy.</p> <p>Supports the inclusion of the proposed Acacia Way, Walkerville path and the Walkerville Foreshore Shared Path as both projects would bring much needed linkages to existing pathways and trails, pedestrian safety, and clearer circulation systems between pedestrians, cyclists, and drivers throughout the community.</p>	<p><b>No Change</b>            Already included in the draft 2017 Strategy</p>
#17.	<p><b>Hoddle Mountain Trail, Fish Creek</b>            Supports the inclusion of the Hoddle Mountain Trail.</p> <p>Concerns about perceived inaccuracies in the draft 2017 Strategy such as project being referred to 'new' as it was recognised in the 2010 Strategy and is currently used.</p> <p>Concerns with the lack of recognition for the Fish Creek Community Development Group and HMTMG for many years of commitment to the track.</p>	<p><b>No Change</b>            Already included in the draft 2017 Strategy and subject to separate reports to Council.</p>
#18.	<p><b>Hoddle Mountain Trail, Fish Creek</b>            Supports the inclusion of the Hoddle Mountain Trail.</p>	<p><b>No Change</b>            Already included in the draft 2017 Strategy and subject to separate reports to Council.</p>
#19.	<p><b>New Path – Link Foster to the GSRT</b>  <b>New Path – Cement Hill Mountain Bike Trail</b>            Supports the inclusion of a link from the Foster township to the GSRT which will then provide a link from the township to the cemetery.</p>	<p><b>No Change</b>            Already included in the draft 2017 Strategy.</p>

NO.	TOWNSHIP / LOCALITY KEY POINTS RAISED	DRAFT STRATEGY REVISED
	<p>Support the inclusion for the development of Cement Hill trail for mountain bikes.</p> <p>Supports the intent of the draft 2017 Strategy.</p> <p>Concerns with the lack of empirical data and appears to be a less than serious examination of the success of the previous plans, the emanating actions and the priorities looking forward to 2022. Wants paths to be 4 metres wide.</p>	
#20.	<p><b>Hoddle Mountain Trail, Fish Creek</b></p> <p><b>Tarwin Lower Road, Meeniyan to Tarwin Lower</b></p> <p>Supports the intention to put white lines on the sides of roads, signs and other safety matters.</p> <p>Supports the use of bicycles trails where it is safe and realistic to do so.</p> <p>Supports the Guiding Principles and Objectives of the draft 2017 Strategy and the majority of the Action Plan and Project Priorities.</p> <p>Concerns around the proposed Hoddle Mountain Trail.</p> <p>Concerns with Tarwin Lower Road path as it is quite narrow at times and has problems with its structure when there is a lot of rain (Note: VicRoads responsibility to investigate).</p>	<p><b>No Change</b></p> <p>Already included in the draft 2017 Strategy and subject to a separate reports to Council.</p>
#21.	<p><b>Venus Bay</b></p> <p>Concerns on the impact the increased traffic (vehicles &amp; pedestrian) will have on the wildlife and requests Council make plans for the future of Venus Bay in an attempt to maintain an environment that is conducive to the health of the wildlife, advocate on behalf of the wildlife, and educate others.</p>	<p><b>No Change</b></p> <p>Not relevant.</p>
#22.	<p><b>Hoddle Mountain Trail, Fish Creek</b></p> <p>Supports the inclusion of the Hoddle Mountain Trail.</p> <p>Concerns as a landowner of putting agriculture land and animals at unnecessary risk, of</p>	<p><b>No Change</b></p> <p>Already included in the draft 2017 Strategy and subject to separate reports to Council.</p>

NO.	TOWNSHIP / LOCALITY KEY POINTS RAISED	DRAFT STRATEGY REVISED
	affecting farming family's income and amenity and puts forward a number of alternative access points to the Hoddle Mountain Trail.	
#23.	<p><b>New Path – GSRT Nyora to Loch (5km)</b>  <b>New Path – Victoria Street, Loch (north side)</b>  <b>New Path – Smith Street, Loch (east side)</b></p> <p>Supports the draft 2017 Strategy, the Vision, and the GSRT - Nyora to Loch (5km), ideally to Hilda Falls (2.2km).</p> <p>Requests that Council provide a firm commitment of the Loch Streetscape, otherwise the construction of footpaths on the north side of Victoria Street and the east side of Smith Street needs to be prioritised.</p>	<p><b>No Change</b></p> <p>Already included in the draft 2017 Strategy.</p>
#24.	<p><b>New Path – Waratah Way, Sandy Point to Waratah Bay</b></p> <p>Concerns as landowners of any proposal to use our land for the track between Waratah Bay and Sandy Point because:</p> <ul style="list-style-type: none"> <li>• There is already a beautiful walk along the beach between these two small towns - duplicating this is an unnecessary expense in the Council budget, especially, as previously mentioned, the beautiful beach alternative already exists.</li> <li>• As of 1 October 2017, all farmers have new Biosecurity Rules to adhere to which involves the landowner to document every person who enters their land and to assess the risks they pose. These new laws cover humans and animals, whether feral or farm related, and include horses and dogs.</li> </ul>	<p><b>Removed</b></p> <p>The environmental impacts of the options for this trail are considered unacceptable. Along the north side, the impacts significantly impact farming operations and along the south side, likely impacts on the single crown dune system.</p>
#25.	<p><b>Hoddle Mountain Trail, Fish Creek</b></p> <p>Supports the inclusion of the Hoddle Mountain Trail.</p>	<p><b>No Change</b></p> <p>Already included in the draft 2017 Strategy and subject to separate reports to Council.</p>

NO.	TOWNSHIP / LOCALITY KEY POINTS RAISED	DRAFT STRATEGY REVISED
#26.	<b>New Path – Jumbunna Road, Korumburra</b> Request the inclusion for the upgrade of the existing footpath between Hannah Rise and Korumburra Secondary College for the safety of school children and families.	<b>No Change</b> Already included in the draft 2017 Strategy.
#27.	<b>Evans Road error</b> Ewans Road is incorrect in relation to the connection from the GSRT to Agnes Falls Road. It should be Gassons Road.	<b>Yes</b> Draft 2017 Strategy updated.
#28.	<b>New Path – Cement Hill Mountain Bike Facility</b> Supports the inclusion of the Cement Hill facility.	<b>No Change</b> Already included in the draft 2017 Strategy.
#29.	<b>Hoddle Mountain Trail, Fish Creek</b> Supports the inclusion of the Hoddle Mountain Trail.	<b>No Change</b> Already included in the draft 2017 Strategy and subject to separate reports to Council.
#30.	<b>Hoddle Mountain Trail, Fish Creek</b> Supports the inclusion of the Hoddle Mountain Trail.	<b>No Change</b> Already included in the draft 2017 Strategy and subject to separate reports to Council.
#31.	<b>Hoddle Mountain Trail, Fish Creek</b> Supports the inclusion of the Hoddle Mountain Trail.	<b>No Change</b> Already included in the draft 2017 Strategy and subject to separate reports to Council.
#32.	<b>Hoddle Mountain Trail, Fish Creek</b> Supports the inclusion of the Hoddle Mountain Trail.	<b>No Change</b> Already included in the draft 2017 Strategy and subject to separate reports to Council.

NO.	TOWNSHIP / LOCALITY KEY POINTS RAISED	DRAFT STRATEGY REVISED
#33.	<b>Hoddle Mountain Trail, Fish Creek</b> Supports the inclusion of the Hoddle Mountain Trail.	<b>No Change</b> Already included in the draft 2017 Strategy and subject to separate reports to Council.

## RESOURCES

The draft 2017 Strategy implementation plan will be reviewed annually as part of Council's budgeting process, and where budget allows, projects will be incorporated into the *15-year Capital Works Program*.

## RISKS

The community may be disappointed that there is currently no budget allocation for more paths and trails for recreational use.

## STAFF DISCLOSURE

Nil

## ATTACHMENTS

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

1. 2017 Paths and Trails Strategy [4.1.1]

## CONFIDENTIAL ATTACHMENTS

**Confidential Attachment [15.1.1]** – Submissions – has been provided in accordance with s.77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this item as confidential information on the grounds that it relates to s.89(2)(h) - any other matter which the Council or Special Committee considers would prejudice the Council or any persons.

This item is deemed confidential to protect the privacy of the submitters.

## REFERENCE DOCUMENTS

### Council Policy

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

Paths and Trails Strategy

Recreation Strategy

### Legislative Provisions

Local Government Act 1989



## **5. OBJECTIVE 4 - ENHANCE ORGANISATIONAL DEVELOPMENT AND IMPLEMENT GOVERNANCE BEST PRACTICE**

### **5.1. MAV VENDOR PANEL - FUEL CARDS CONTRACT**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

This report recommends South Gippsland Shire Council (Council) appoint BP Australia (BP) and Viva Energy (Shell Card) for the procurement of fuel card services from a National Procurement Network (NPN) and Municipal Association of Victoria (MAV) Preferred Supplier Arrangement (PSA) arising from the *NPN 1.17 - Bulk Fuel, Fuel Cards and Lubricants* public tender.

#### **RECOMMENDATION**

**That Council:**

- 1. Appoint BP Australia and Viva Energy (Shell Card) to provide fuel card services from the National Procurement Network / Municipal Association of Victoria Preferred Supplier Arrangement (PSA) arising from the *NPN 1.17 Bulk Fuels, Fuel Cards and Lubricants* public tender for an initial three year term commencing 1 February 2018; and**
- 2. Authorises the Chief Executive Officer to approve any extensions available under the contract (maximum period of two years) in accordance with Council's Procurement Policy and subject to the satisfactory performance of the Contractors.**

#### **REPORT**

Since 2012, Council has procured fuel card services from the following suppliers from MAV Contract C031-12 which concluded on 31 January 2018:

- BP Australia; and
- Viva Energy Australia (Shell Card).

As there were no further extensions available to this contract Council, the MAV and Council participated in a NPN Tender *NPN 1.17 Bulk Fuel, Fuel Card Services and Lubricants*. This tender was administered by the Western Australia Local Government Association (WALGA) as the lead agent, on behalf of the NPN of which MAV is a member.

A Request for Tender (RFT) was issued on 29 July 2017. In Victoria, the tender was advertised on Tenderlink and the Saturday Age. Tenders closed at 2:00pm

on 29 August 2017, with 26 tenders received (across the three categories advertised (Bulk Fuel, Fuel Card Services, and Lubricants).

An evaluation panel was formed with representatives from NPN members to evaluate the tender submissions received.

It should be noted the Council procures its fuel requirements using fuel cards from supplier sites and does not order bulk fuels to be stored on-site at Council premises. Further, Council's annual spend on lubricants is approximately \$5,000 per annum and a vendor selection for this product category will be made by the Coordinator Fleet and Plant who has the required financial delegation to approve this arrangement.

For the Fuel Card category the NPN tender evaluation panel recommended a Preferred Supplier Arrangement (PSA) to be entered into with the following nine successful respondents which supply the Victorian market. This PSA and contract commenced on 1 February 2018. Council was advised of the successful respondents on 3 January 2018.

- BP Australia;
- Caltex Australia Petroleum Pty Ltd;
- Liberty Oil Corporation;
- Lowes Petroleum Service;
- Puma Energy;
- Reliable Petroleum Pty Ltd;
- United Petroleum;
- Viva Energy Australia; and
- WEX Australia Pty Ltd.

Following this, Council Officers analysed the confidential tender evaluation report (**Confidential Attachment [15.2.1]** – Tender Evaluation Summary – MAV Vendor Panel - Fuel Cards) to determine which of the successful suppliers to recommend to be utilised by Council for these products and services.

This analysis recommends that Council continue to use its current suppliers, based on the competitive tender pricing submitted and the availability of supplier locations within the Shire in comparison to other suppliers on the panel.

Council's 2016/17 spend for Fuel Cards was approximately \$739,000 (ex. GST).

As such, the probable spend over the potential full term of the contract (five years) is likely to be approximately \$3.6M (ex GST), which exceeds the Chief Executive Officer's financial delegation of \$250,000 (incl. GST) and is presented to Council for approval.

### **CONSULTATION**

Tender submissions received from *NPN 1.17 Bulk Fuel, Fuel Card Services and Lubricants* have been assessed by a tender evaluation panel convened by the NPN. Council staff have analysed the confidential tender evaluation report to determine which of the successful suppliers to recommend to be utilised by Council.

### **RESOURCES**

Adequate budget allocation for fuel card services and lubricants is contained with the current and forward Fleet and Plant budgets.

### **RISKS**

Council's risk of non-compliance with s.186 of the Local Government Act 1989 has been managed by participating in the publically advertised NPN tender process.

Council's risks associated with the continuity of supply of fuel card services and lubricants is managed by selecting suppliers with adequate retail location availability across the Shire.

### **STAFF DISCLOSURE**

Nil

### **CONFIDENTIAL ATTACHMENTS**

**Confidential Attachment [15.2.1]** – MAV Vendor Panel - Fuel Cards Tender Evaluation Panel Summary - has been provided in accordance with s.77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this item as confidential information on the grounds that it relates to s.89(2)(d) - contractual matters.

This is deemed confidential to protect the confidential information of the submitters to NPN Tender 1.17 Bulk Fuels, Fuel Cards and Lubricants Tender.

### **REFERENCE DOCUMENTS**

#### **Council Policy**

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*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*  
Procurement Policy, June 2017

**Legislative Provisions**

Local Government Act 1989

## 6. OTHER COUNCIL REPORTS

### 6.1. CENTRALISED STATUTORY VALUATION - VALUATION OF LAND ACT - OPTIONS

Corporate and Community Services

#### EXECUTIVE SUMMARY

On 1 July 2018, the State Government will commence centralised and annualised statutory valuations. The Valuer-General Victoria is now nominated as the sole Victorian Valuation Authority after legislation amending the Valuation of Land Act 1960 was passed by the Victorian Government in December 2017.

Through consultation with stakeholders, the State Government noted the impact of these changes on councils, particularly those with existing in-house Valuation staff. As a result, Section 10(1) of the Valuation of Land Act 1960 (the Act) will now allow for individual Councils to 'opt-out' of Valuer-General centralisation until 30 June 2022. Annual valuations are now legislated.

A decision to opt-out will advantage Council both financially and in terms of service delivery. A council that has 'opted out' under this clause can choose to opt back in at each anniversary.

#### RECOMMENDATION

**That Council:**

- 1. Nominates and notifies in writing to the Valuer-General Victoria that South Gippsland Shire Council 'opt-out' of the Valuer-General centralisation until 30 June 2022 under section 10(1) of the Valuation of Land Act 1960, and continues in force until the earlier date of the following:**
  - a. The date on which it is revoked; or**
  - b. 30 June 2022.**
- 2. By resolution may revoke a nomination annually by giving notice in writing to the Valuer-General Victoria by 30 June as per (section 10(6)) of the Valuation of Land Act 1960.**

#### REPORT

The Valuation of Land Act 1960 was amended by the Victorian Government in December 2017.

Commencing 1 July 2018, the State Government will centralise statutory valuations to the Valuer-General. The amendments also introduce annual valuations for Land Tax, Fire Services Property Levy and Council Rate setting purposes from the 2019 revaluation year.

The changes recognise the Valuer-General as the sole valuation authority which will conduct valuations of all land in Victoria for rating and taxing purposes. These general valuations will now be conducted annually.

Municipal boundaries for the purpose of valuations have also been removed from the Act. As the Valuation authority, the Valuer-General Victoria proposes to contract out statutory valuations across Victoria, which would enable consolidation and amalgamation of existing contracts. Moving to annual valuations will change the redistribution of the rate burden on a yearly basis rather than every two years. This may translate into some unpredictability in ratepayers' bills from year to year.

South Gippsland Shire Council's in-house team currently conducts the statutory valuations of the South Gippsland Shire in addition to handling enquiries and objections raised to these valuations.

The Municipal Association of Victoria and the State Government Treasurer's office negotiated a set of principles to assist councils with the transition to the new system.

The Victorian Land Valuations Fact Sheet [**Attachment 6.1.1**] provided by the State Government outlines High Level principles and transitional arrangements which include:

- An overall commitment that councils will not be financially worse off as a consequence of the move to annual valuations and the centralisation of the valuation function to the Valuer-General;
- The State will pay for the full costs of revaluations each year with councils paying for supplementary valuations. Councils that exercise the Opt-out option will continue with the existing funding arrangements for Revaluation and Supplementary Valuations until they opt-in;
- The State will provide reasonable reimbursement, retraining, redundancy and redeployment costs for those councils with in-house and hybrid valuation staff (through to 30 June 2022);
- The Valuer-General will be responsible for the costs of any IT system changes for both valuations and any consequential changes for councils' systems (through to 30 June 2022);

- The State Government will provide for increased cost of in-house rates staff for any additional workload related to rates modelling and data input required for annual valuations for all councils, regardless of when they transition to the centralised valuation process;
- For those councils that can demonstrate they are financially worse off as a result of changes to valuations in the State Taxation Acts Amendment Bill 2017, the Government undertakes to provide additional compensation to ensure they are no worse off;
- Opt-in councils must request the Valuer-General to complete supplementary valuations and Council must provide the data in relation to supplementary valuations in the prescribed format;
- The Valuer-General will be required to give preferential consideration to competitive local suppliers, when awarding valuation contracts.
- Council will still be responsible for all other valuations that it requires including Asset valuations for Land, Building and Land under Roads, insurance valuations, Public Open Space valuations, valuations for acquisition and disposal and leasing of properties and valuations for project planning.

By exercising the option to initially Opt-out and remain the valuation authority until 2022, the advantages include;

- Continue to provide consistent and accurate valuations by local geographical experts during that period;
- The option to opt back into the centralised valuation authority at any time before June 2022 and retain the cost benefit offer for retraining, redundancy, redeployment etc.
- Continue to ensure high quality valuation standards and data are maintained over that period;
- Ability to control and manage changes to unforeseen issues arising with the change to annual valuations through the potential impact of 79 councils transferring to the Valuer-General at one time;
- Allow Council time to ensure appropriately planned transitional arrangements are in place by 2022;
- Ability to control and manage changes of unforeseen issues arising with the move to annual valuations;

- Enable ratepayers continued access to local valuers to discuss or query valuations;
- Provide local employment during that period;
- Continue close relations with other Council departments for budgeting, planning, complaints and other purposes;
- Avoid delays in the timely delivery of valuation services which may occur as the valuation industry comes to terms with the additional workload created by annual valuations;
- Retain control of the process in the short term and review Valuation Best Practice Specifications guidelines 2019 when they are released.

The following tables (**Table 1 and Table 2**) compare the cost of the opt-out and the Opt-in options are depicted below.

**Table 1 – Option 1 Associated Costs - Opt-out until Sunset Clause 30 June 2022**

**Associated Costs – Opt-Out until Sunset Clause 30 June 2022**

Year	2019	2020	2021	2022
<b>Cost Description</b>				
Labour including on-costs	\$303,293	\$309,357	\$315,543	\$321,854
Other Council Valuation Requirement	\$0.00	\$0.00	\$0.00	\$0.00
SRO* Grant	(\$142,000)	(\$144,480)	(\$147,737)	(\$150,692)
<b>Net Cost</b>	<b>\$161,293</b>	<b>\$164,517</b>	<b>\$167,806</b>	<b>\$171,162</b>

\*State Revenue Office

**Table 2 – Option 2 Associated Costs – Opt-in from 1 July 2018**

**Associated Costs – Opt-in from 1 July 2018**

Year	2019	2020	2021	2022
<b>Cost Description</b>				
Labour including on-costs	\$61,256	\$62,480	\$63,729	\$65,003
Other Council Valuation Requirement	\$104,000	\$106,080	\$108,202	\$110,366
SRO* Grant	\$0.00	\$0.00	\$0.00	\$0.00
<b>Net Cost</b>	<b>\$165,256</b>	<b>\$168,560</b>	<b>\$171,931</b>	<b>\$175,369</b>

\*State Revenue Office

Notes on the tables above:



- Net cost is inclusive of total valuation requirements including General Valuation, Supplementary Valuations and other Council valuation types including Assets, Insurance, Public Open Space, Purchases, Sales and Leasing.
- Labour cost includes labour for administration functions.
- In Opt-in model Valuer General only provides revaluation figure. Council still provides all administration and other valuations including payment to Valuer General for supplementary valuations.
- Model basis is the same as for current SRO valuation grant claim.

The opt-out model shows a saving over the opt-in model for each of the 4 years. This finding is in line with the findings of Mildura Rural City Council and Mornington Peninsula Shire Council, both of which have adopted the Opt-out option.

#### **RESOURCES**

The recommendation is currently budgeted for in Council's forward budget.

#### **STAFF DISCLOSURE**

Nil

#### **ATTACHMENTS**

1. Fact Sheet Victorian Land Valuations 21-12 2017 **[6.1.1]**

#### **REFERENCE DOCUMENTS**

##### **Legislative Provisions**

Valuation of Land Act 1960

## **6.2. BALD HILLS WIND FARM INVESTIGATION PLAN**

Executive Office

### **EXECUTIVE SUMMARY**

Between 15 April 2016 and 30 August 2016 Council received notifications under s.62 of the Public Health and Wellbeing Act 2008 regarding noise emanating from the Bald Hills Wind Farm.

Council officers investigated and determined that no nuisance existed. This was subsequently legally challenged and Council agreed without prejudice to reconsider the matter. Council is committed by court order to undertake an investigation.

The next step in the process is to have an independent investigation of the noise emanating from the Wind Farm undertaken to establish whether it constitutes a nuisance.

An investigation plan and quote have now been received, for which Council endorsement is sought.

### **RECOMMENDATION**

**That Council:**

- 1. Endorses the independent Bald Hills Wind Farm noise complaint investigation plan (Confidential Attachment [15.3.1]) to be undertaken by a highly experienced independent public health consultant.**
- 2. Authorises the Chief Executive Officer to accept the quote of \$33,600 to engage the services of James C. Smith and Associates to undertake the investigation as detailed in the plan.**

### **REPORT**

Between 15 April 2016 and 30 August 2016 Council received a number of notifications under s.62 of the Public Health and Wellbeing Act 2008 regarding noise emanating from the Bald Hills Wind Farm.

The notifications of an alleged nuisance were made pursuant to section 62(1) of the Public Health and Wellbeing Act 2008. Division 1 of the Act is limited to "nuisances which are, or are liable to be, dangerous to health or offensive."

Council officers conducted an investigation into this matter, undertaking a number of site visits between May and November 2016. Following that investigation, Council officers were satisfied that the noise emanating from

the land did not amount to a nuisance such as to invoke the provisions of the Public Health and Wellbeing Act 2008.

Bald Hills Wind Farm has developed a Community Noise Complaint Evaluation and Response Procedure (Complaint Procedure), which has been approved by the Minister for Planning and forms part of the South Gippsland Planning Scheme Planning Permit No. TRA/03/002 (Planning Permit). The Complaint Procedure provides for noise complaints to be made to Bald Hills Wind Farm and sets out Bald Hills Wind Farm's processes for evaluating and responding to such complaints. In February 2017, after Council officers had finalised their investigation and found no nuisance under the Act, it was suggested to the complainants that the matter be pursued through the established Complaint Procedure.

The Minister for Planning remains the responsible authority for determining compliance with the relevant noise conditions of the planning permit.

In April 2017 the complainants instigated legal proceedings, which were settled in August 2017 with Council paying the complainants' costs of \$20,000 (with no suggestion of legal liability) and agreeing to engage an independent investigator to undertake a new investigation. It was considered that settling the costs and engaging an investigator would be less costly than continuing through the court process.

On 14 September 2017 Council instructed its lawyers to identify a suitably qualified independent investigator to undertake the new investigation. On 2 November 2017 the investigator suggested by Council's lawyers was briefed and an investigation proposal and quote were requested. Unfortunately due to the investigator's prior commitments these were not forthcoming in time to be received by Council at its December 2017 Ordinary Meeting of Council, as was originally intended.

A draft plan was received in December 2017 and instructions were given to proceed to a full investigation plan with an articulation of costs to undertake the work detailed.

The proposal and quote have now been received and are presented to Council for endorsement. The recommendation before Council ensures a comprehensive investigation process that will be undertaken by a highly experienced independent public health consultant. The importance of an independent process cannot be understated. Ratepayers, the complainants, the wind farm operator and ultimately the Council have an interest in the outcome of the investigation.

## **RESOURCES**

Engaging James C. Smith and Associates to undertake this investigation will cost \$33,600.

### **RISKS**

Council must undertake this investigation or find itself in breach of the agreement reached in August 2017.

### **STAFF DISCLOSURE**

Nil

### **CONFIDENTIAL ATTACHMENTS**

**Confidential Attachment [15.3.1]** – Investigation Plan - Bald Hill Wind Farm - January 2018 – has been provided in accordance with s.77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this item as confidential information on the grounds that it relates to s.89(2)(f) - legal advice.

This is deemed confidential to protect the confidential information of the legal matter.

### **REFERENCE DOCUMENTS**

#### **State Government Policy**

Department of Environment, Land, Water and Planning 2017: Policy and planning guidelines for development of wind energy facilities in Victoria, revised November 2017

#### **Legislative Provisions**

Planning and Environment Act 1987

Public Health and Wellbeing Act 2008

## 7. NOTICES OF MOTION AND/OR RESCISSION

### 7.1. NOTICE OF MOTION 712 - SEEKING STATE GOVERNMENT FUNDING FOR SOUTH GIPPSLAND COMMUNITY HOUSES

#### PURPOSE

That Council supports the request by the South Gippsland Community Houses Cluster for increased funding by the State Government for neighbourhood houses and specifically for the neighbourhood houses in the South Gippsland Community Houses Cluster.

#### MOTION

We, Councillors Andrew McEwen and Jeremy Rich advise that we intend to submit the following motion to the Ordinary Meeting of Council scheduled to be held on 28 February 2018:

**The Council directs the Mayor to write to Minister Jenny Mikakos requesting increased funding support for neighbourhood houses and specifically for the neighbourhood houses in the South Gippsland Community Houses Cluster.**

#### BACKGROUND

The South Gippsland Community Houses Cluster (Manna Gum Community House, Venus Bay Community Centre, Leongatha Community House and Milpara Community House) is seeking our assistance to gain support from the South Gippsland Shire Council for the current NHVic State Government budget and election campaign.

Neighbourhood Houses have not received any increased funding since the Napthine government announced a small increase to 36 severely underfunded Neighbourhood Houses in 2014. The 2018 Budget is this government's last opportunity to honour its own commitment to the 400 Neighbourhood Houses in Victoria that welcomed the 2014 ALP Election Platform.

Our South Gippsland Community Houses Cluster welcomes approximately 8,000 people in its educational, social and health programs over a twelve month period. Around 27% of the community are directly involved in these programs. Community Houses, along with sporting and cultural clubs and associations, help to facilitate building active, healthy and resilient communities. Available research already provides evidence that 66% of Neighbourhood House participants report increased health and well-being benefits from visiting their Neighbourhood Houses.

The South Gippsland Community Houses Cluster is seeking support in the form of a Letter of Support from the South Gippsland Shire Council to Minister

Jenny Mikakos. This campaign is being supported by the peak body for Councils, MAV. Other local Councils in the Gippsland region (Wellington and Latrobe) have already moved similar motions and written to the Minister.

## REFERENCE DOCUMENTS

### *Council Policy*

Documents are available on Council's website:

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

### **Council Plan 2017 – 2020:**

**Objective 2. Communities are supported by appropriate and relevant services.**

2.1. Where appropriate, support community groups to achieve projects of which they have ownership and want to progress.

## **7.2. NOTICE OF MOTION 713 - VENUS BAY STRATEGIC STRUCTURE PLAN**

### **PURPOSE**

To create/update a Venus Bay strategic structure plan to give a structured and strategic approach to immediate issues that are facing Venus Bay that includes: land sales, skate park, car parking, walking paths and trails, commercial areas, traffic flows, required public open space and the location of the current initiative regarding a skate park. This is also seen as a priority component of the Coastal Strategy.

### **MOTION**

We, Councillors Alyson Skinner and Councillor Jeremy Rich, advise that we intend to submit the following motion to the Ordinary Meeting of Council scheduled to be held on 28 February 2018:

#### **That Council:**

- 1. Update and create a structure plan for Venus Bay that addresses the future needs of a growing resident and seasonal population.**
- 2. Receives a report outlining costs and timeframes to achieve the Venus Bay strategic structure plan at its April Ordinary Council Meeting.**
- 3. Use this information to support the development of the South Gippsland Shire Council Coastal Strategy.**

### **BACKGROUND**

Previous studies in Venus Bay are now out of date. Council needs a strategic approach to address issues of concern for community members in relation to safe pedestrian access in business precinct, to recreational areas and within the township as well as parking, seasonal population growth and future infrastructure projects. This will address the future social and commercial requirements for a growing population.

### **REFERENCE DOCUMENTS**

#### **Council Policy**

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

SG Economic Development and Tourism Strategy 2015 – 2020

Venus Bay CBD Transport Study 2009

South Gippsland Municipal Domestic Waste water management plan 2016 - 2020

#### **Council Plan – 2017-2021**

#### **Objective 1: Strengthening Economic Growth and Prosperity**

- 1.2 Develop a strategy to grow the Shire, attract investment and promote tourism consistent with the 'vision'.
- 1.3 Undertake a review of residential, commercial and industrial land supply to ensure that it is adequate to support growth.
- 1.4 Identify Priority Projects and advocate to the State and Federal Governments for funding and support.
- 1.5 Review and implement the Economic Development and Tourism Strategy to provide direction to support our businesses to grow, generate employment, pursue economic development and the attraction of visitors.
- 1.10 Undertake and investigation of caravan parks and camping grounds at Sandy Point.

**Objective 2: Building strong Partnerships Strengthen Arts & Culture & deliver Equitable Outcomes**

- 2.1 Where appropriate support community groups to achieve projects they have ownership of and want to progress.
- 2.2 Update and continue to implement the Blueprint for Social Community Infrastructure so that services and the associated supporting infrastructure are planned, ready for business and population growth.
- 2.3 Update and implement strategies for Community Strengthening and Engagement.
- 2.4 Implement the Arts and Culture Strategy and support growth of the sector.
- 2.5 Review the Recreation Strategy.
- 2.6 Review and update the Paths and Trails Strategy to determine where regional and local connections are required.
- 2.8 Investigate opportunities to consider a model for community self-determination to facilitate working in partnership with the community.

**Objective 3: Improve South Gippsland's Built Assets & Values our Natural Environment**

- 3.1 Improve management of roads and roadsides through enhanced operational practices, increased funding and continued advocacy to VicRoads.
- 3.2 Waste Management and Sustainability strategies implemented.
- 3.3 Promote a safe and healthy community through our municipal public health programs, Emergency Management Plans and regulatory activities that meet our statutory obligations.
- 3.4 Facilitate community and business renewable energy programs and sustainable practices to reduce the Shire's carbon footprint.
- 3.5 Undertake a review of the Council's Building Portfolio to ensure it meets community needs.
- 3.6 Advocate to Parks Victoria, DELWP and other relevant stakeholders to improve access, parking, safety and user-friendliness of beaches, State and National Parks, conservation areas and natural assets.
- 3.7 Review the Strategic Land Review Project in regard to public open spaces in Venus Bay.
- 3.9 Council to receive a report on the use of Design Panels for major projects and other development in the municipality.
- 3.11 Council to play an advocacy role for townships that demonstrate 70% or greater community support, for sewerage infrastructure.



### **Legislative Provisions**

Local Government Act 1989, section 3D(2)(d) - "Advocating the interests of the local community to other communities and governments."

The Coastal Management Act 1995 - **Requires the Victorian Coastal Strategy to provide for the long-term planning of the Victorian coast, in order to:**

- Ensure the protection of significant environmental features
- Provide clear direction for the future use of the coast, including the marine environment
- Identify suitable development areas and development opportunities
- Ensure the sustainable use of natural coastal resources.

**Victorian Coastal Strategy 2014** - The strategy was created as part of the Coastal management Act 1995.

## **8. PROCEDURAL REPORTS**

### **8.1. ORGANISATIONAL PERFORMANCE REPORT - OCTOBER TO DECEMBER 2017**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

The Organisational Performance Report for the period July to December 2017 (refer to **Attachment [8.1.1]**) provides detailed reporting on Council's performance against the 2017/18 Annual Initiatives, Performance Indicators, Capital Works Program and Department Highlights.

The covering report outlines the key achievements, updates and events that occurred during this reporting period and highlights the progress against the Council Plan 2017-2021 and Annual Initiatives.

This Organisational Performance Report (**Attachment [8.1.1]**) was presented to Council's Audit Committee on 5 February 2018.

#### **RECOMMENDATION**

**That Council:**

- 1. Receives and notes the Organisational Performance Report for the period July 2017 to December 2017 (Attachment [8.1.1]).**
- 2. Publishes the Organisational Performance Report (Attachment [8.1.1]) to Council's website and distributes it to local libraries.**

#### **REPORT**

##### **BACKGROUND**

The 2017/18 Annual Budget (inclusive of the Annual Initiatives) was adopted by Council on 28 June 2017. It sets the indicators and initiatives/activities which are reported in the Organisational Performance Report – July to December 2017.

The 2017-2021 Council Plan adopted in June 2017 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 2017/18 Performance Update. These indicators have been reviewed annually and are also reflected in the 2017/18 Annual Budget.

#### **DISCUSSION**

This report provides an overview of the major activities undertaken by Council for the previous six months. Where possible, comparisons of results have been made and reflected throughout the report.

Significant highlights during the period include:

- Eighty-five per cent of the 27 Annual Plan initiatives for 2017/18 are on track or have been completed by December 2017.
- One-hundred per cent of the nine Council Plan Performance Indicators for 2017/18 are on track or have been completed by December 2017.
- Sixty-nine per cent of the 65 Capital Works Program initiatives for 2017/18 are on track or have been completed by December 2017.

### **CONSULTATION**

Each Directorate has contributed to the report. The Organisational Performance Report – July to December 2017 (**Attachment [8.1.1]**) was presented to Council's Audit Committee on the 5 February 2018.

### **RESOURCES**

The 2017/18 Annual Initiatives and Capital Works Program are funded through the 2017/18 Budget.

### **RISKS**

The Organisational Performance Report – July 2017 to December 2017 (**Attachment [8.1.1]**) 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.

### **STAFF DISCLOSURE**

Nil

### **ATTACHMENTS**

*Attachments are available on Council's website:* [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)  
1. Organisational Performance Report - July to December 2017 **[8.1.1]**

### **REFERENCE DOCUMENTS**

#### **Council Policy**

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

Council Plan 2017-2021

Annual Budget Incorporating 15 Year Long Term Financial Plan and Annual Plan Initiatives

**Legislative Provisions**

Local Government Act 1989, ss.125, 127 and 223

Local Government Act 1989, Environmental Upgrade Agreement, s.138

Local Government Better Practice Guide 2016/17 – Performance Reporting  
Framework Indicator Workbook, Version 1, April 2017

## **8.2. COUNCILLOR EXPENDITURE REPORT - JULY TO DECEMBER 2017**

Corporate and Community Services

### **EXECUTIVE SUMMARY**

The Councillor Expenditure Report **Attachment [8.2.1]** - Councillor Expenditure – December 2017 provides Council with an update on Councillor Expenditure from 1 July 2017 to 31 December 2017.

### **RECOMMENDATION**

**That Council receive and note the Councillor Expenditure Report (Attachment [8.2.1]) for the period 1 July 2017 to 31 December 2017.**

### **REPORT**

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

Councillor expenditure of \$227,058 for the period ended 31 December 2017 is above budget by \$15,760. The variance is due to pre-payment of Councillor Allowances for January 2018 and will be in line with budget at the end of the financial year.

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

1. Councillor Expenditure Report - 31 December 2017 **[8.2.1]**

### **REFERENCE DOCUMENTS**

#### **Council Policy**

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

Councillor Support and Expenditure Policy 2016

### **LEGISLATIVE PROVISIONS**

Local Government Act 1989 - s.75 Reimbursement of Expenses of Councillors

### **8.3. ASSEMBLY OF COUNCILLORS - 22 NOVEMBER 2017 TO 21 JANUARY 2018**

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 22 November 2017 and 21 January 2018.

#### **RECOMMENDATION**

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

**REPORT**

Meeting Title	Details
<b>Wednesday 22 November 2017</b>	
<b>Council Agenda Item Discussion 22 November 2017</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brunt, Brown, Skinner, Argento, Kiel and Hill.</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 November 2017.</p>
<b>Public Presentations Open Session</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brunt, Brown, Skinner, Argento, Edwards, Kiel, Hill and Rich.</p> <p><b>Conflict of Interest:</b> Nil Disclosed.</p>
<p><b>A Presentation was made to Council by the following community member:</b> <b>Rosemary Trease</b>, joint property owner regarding Council Agenda Item 7.1. NOTICE OF RESCISSION 709 - COUNCIL AGENDA ITEM 7.2 - 25 OCTOBER 2017 - CALL-IN OF PLANNING APPLICATION 2017/78 SUBDIVISION OF THE LAND INTO TWO LOTS.</p>	
<b>Public Presentation in a Closed Session</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brunt, Brown, Skinner, Argento, Edwards, Kiel, Hill and Rich.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> <b>Community Member</b>, regarding Council Agenda Topic 2.1. KORUMBURRA COMMUNITY HUB - LOCATION RECOMMENDATION.</p>
<b>Destination Gippsland</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brunt, Brown, Skinner, Argento, Edwards, Kiel, Hill and Rich.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Destination Gippsland made a presentation to Councillors on the activities that have been conducted over the previous 12 months and highlighted the future activities and how they relate to South Gippsland Shire Council.</p>

Meeting Title	Details
<b>Wednesday 22 November 2017</b>	
<b>Executive Update</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brunt, Brown, Skinner, Argento, Edwards, Kiel, Hill 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>• Public Presentation (15 November) – Preserve our Forests</li> <li>• Council Plan</li> <li>• Leongatha Railway Land Revitalisation Project</li> </ul>
<b>Council Agenda Item Discussion 22 November 2017</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brunt, Brown, Skinner, Argento, Edwards, 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 22 November 2017.</p>
<b>Councillor Appointment to Committees 2017/18</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brunt, Brown, Skinner, Argento, Edwards, Kiel, Hill and Rich.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors discussed their forthcoming appointments to Committees for 2017/18.</p>
<b>Rating Strategy Steering Committee (Advisory)</b>	<p><b>Councillors Attending:</b> Councillors Skinner, Kiel 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>• Rating Strategy Framework</li> <li>• What is a Rating Strategy</li> <li>• Rating Principles</li> </ul>



Meeting Title	Details
<b>Thursday 23 November 2017</b>	
<b>South Gippsland Arts Network</b>	<p><b>Councillors Attending:</b> Councillors Skinner, Kiel, Hill 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 Arts, Culture and Creative Industry Strategy implementation</li> <li>• Business development skills opportunities available via Council</li> <li>• Cultural events planned for next 3 months by sector</li> </ul>
<b>Tuesday 28 November 2017</b>	
<b>Municipal Emergency Management Planning Committee (MEMPC)</b>	<p><b>Councillors Attending:</b> Councillors Kiel and Argento.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• New MEMPC appointments</li> <li>• Guest speakers</li> <li>• Timetable for the Review of Emergency Plans and Subplans</li> <li>• CERA Risk Review</li> <li>• Single incident notifications</li> <li>• Major events working group</li> <li>• Parks Vic and VicPol training exercise held in Nov 2017</li> <li>• VicRoads – consultation workshops with key emergency services personnel</li> <li>• Declaration of District 9– Fire Danger Period</li> <li>• State shark hazard plan</li> <li>• Victoria Against Violence – activism campaign</li> </ul>
<b>Municipal Fire Management Planning Committee (MFMP)</b>	<p><b>Councillors Attending:</b> Councillor Argento</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• Roadside vegetation Management – Waratah Bay and Mirboo North</li> <li>• Single incident notifications</li> <li>• Static Water Supplies – FARRS project</li> <li>• Yanakie Red Bluffs - huts and fire hazards</li> <li>• VicTrack Fire Prevention Plan 2017/18 summer season</li> <li>• Declaration of District 9 – Fire Danger Period</li> <li>• Draft Latrobe District Action Plan – Fire Forest Management</li> </ul>

Meeting Title	Details
<b>Wednesday 29 November 2017</b>	
<b>Korumburra Community Hub – Location Recommendation</b>	<p><b>Councillors Attending:</b> Councillors Brunt, Skinner, Argento, Edwards and Kiel.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors considered the discussion paper and submissions received relating to the three possible locations for the Hub.</p>
<b>Executive Update Session</b>	<p><b>Councillors Attending:</b> Councillors Brunt, Skinner, Argento, Edwards and Kiel.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• Kongwak Market Parking</li> <li>• Council Vehicle Usage Review</li> <li>• Coastal Agencies Liaison Meeting</li> <li>• Public Presentation (15 November) – Preserve our Forests</li> <li>• Long Jetty Port Welshpool</li> <li>• South Gippsland Pools – open for business</li> <li>• Councillor Timetable: Rating Strategy, Annual Plan and Budget 2018/19</li> <li>• Rating Strategy Steering Committee</li> <li>• Home and Community Care</li> <li>• Land Use Planning Training Workshop</li> <li>• Leongatha Railway Project</li> </ul>
<b>Council Fees and Charges 2018/19</b>	<p><b>Councillors Attending:</b> Councillors Brunt, Skinner, Argento, Edwards and Kiel.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors considered a list of draft Fees and Charges for 2018/19 as they form part of the 1<sup>st</sup> draft Budget proposed to be provided to Councillors on the 20 December 2017.</p>
<b>Rating Strategy Steering Committee (Advisory)</b>	<p><b>Councillors Attending:</b> Councillors Skinner, Kiel 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>• Future meeting dates</li> <li>• Rating principles</li> <li>• Position papers prepared by individual Committee members</li> </ul>

Meeting Title	Details
<b>Thursday 30 November 2017</b>	
<b>Access and Inclusion Advisory Committee</b>	<p><b>Councillors Attending:</b> Councillor Brunt</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• Achievement awards</li> <li>• Disability Action Plan</li> <li>• Good access is good business ambassadors</li> </ul>
<b>Tuesday 5 December 2017</b>	
<b>Town and District Association Network (TADAN)</b>	<p><b>Councillors Attending:</b> Councillors Brunt, Edwards 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>• Australian Bureau Statistics (ABS) Census data</li> <li>• Community Strengthening Strategy</li> </ul>
<b>Wednesday 14 December 2017</b>	
<b>Rating Strategy Steering Committee (Advisory)</b>	<p><b>Councillors Attending:</b> Councillors Skinner, Kiel 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>• Position papers for differential rating.</li> </ul>
<b>Wednesday 6 December 2017</b>	
<b>Economic Development &amp; Tourism Steering Briefing</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brown, Argento, Skinner, Brunt, Kiel 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>• Council were provided information on various Economic Development and Tourism projects in 2017 and a series of industry forums which will feature in 2018. The forums will focus on key issues and opportunities for business in South Gippsland.</li> <li>• The development of an advocacy strategy, with a focus that targeted advocacy aligns with the Council Plan 2017-2021 and priority projects.</li> </ul>

Meeting Title	Details
<b>Wednesday 6 December 2017</b>	
<b>Caravan and Camping Parks Steering Committee</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brown, Argento, Skinner, Brunt, Edwards, Kiel 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>• Council resolved, at its meeting on 27 September 2017, to establish a Caravan and Camping Park Steering Committee to provide strategic advice to Council on the future management and investment options for the Long Jetty and Yanakie Caravan Parks.</li> <li>• Council commenced discussions pertaining to future management and investment options.</li> </ul>
<b>Coal Creek Community Park and Museum Discussion Paper</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brown, Argento, Skinner, Brunt, Edwards, Kiel and Rich.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided a discussion paper relating to Coal Creek Community Park and Museum, which enabled consideration of:</p> <ul style="list-style-type: none"> <li>• History of Coal Creek</li> <li>• Planning Scheme as it relates to Coal Creek site</li> <li>• Past Council reports overview</li> <li>• Benchmarking with other similar Victorian heritage parks</li> <li>• Operational and financial overview</li> <li>• Purpose of Coal Creek</li> </ul>
<b>Dog and Cat Pound Service Contract</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brown, Argento, Skinner, Brunt, Edwards, Kiel and Rich.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided with notice that the current dog and cat pound service contract expires in June 2018 and that the service is proposed to go to public tender in February 2018.</p>

Meeting Title	Details
<b>Wednesday 6 December 2017</b>	
<b>Land Use Planning Training Workshop</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brown, Argento, Skinner, Brunt, Edwards, Hill, Kiel and Rich.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors attended a workshop to assist in their understanding of Victoria’s planning framework and role in administering planning scheme amendments and determining statutory planning applications.</p>
<b>Australian Citizenship Nominations 2018</b>	<p><b>Councillors Attending:</b> Councillors Kiel, Argento and Brown.</p> <p><b>Conflict of Interest:</b> Cr Brown left the meeting during discussions relating to a declared indirect conflict of interest relating to a community event with which he has a commercial relationship.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• Australia Day award nominations 2018</li> </ul>
<b>Wednesday 13 December 2017</b>	
<b>Executive Update / Discussion</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brown, Argento, Kiel and Skinner.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• Korumburra Community Hub</li> <li>• Local Government Act Review – exposure bill is out for review.</li> <li>• VicTrack expression of interest to purchase Rail Trail land at Korumburra</li> </ul>
<b>Ordinary Council Agenda Topics Discussion 20 December 2017</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brown, Argento, 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 20 December 2017.</p>

Meeting Title	Details
<b>Wednesday 13 December 2017</b>	
<b>Community Vision – Options</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brown, Argento, Kiel, Skinner, Edwards and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors continued to consider the development of a Community Vision to frame a broad 10 Year Vision for the Shire. Councillors were guided by IAP2 principles to assist in scoping and progressing the project.</p>
<b>Executive Update</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brown, Argento, Kiel, Skinner, Edwards and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> An idea of Silo Power (Smart Bins) were suggested for implementation in the Shire.</p>
<b>Prom Country Regional Tourism Overview</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brown, Argento, Kiel, Skinner, Edwards and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided an external presentation from Prom Country Regional Tourism which highlighted the achievements of 2016/17 and regional objectives.</p>

Meeting Title	Details
<b>Wednesday 13 December 2017</b>	
<p><b>Public Presentation</b></p> <p><b>Open Session</b></p>	<p><b>Councillors Attending:</b> Councillors McEwen, Brown, Argento, Kiel, Skinner, Edwards and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<p><b>A presentation was made to Council by the following community member: Peter Western</b>, immediate past president Leongatha Lyric Theatre and <b>Neil Warren</b>, Life member Leongatha Lyric Theatre regarding Mesley Hall Stage Redevelopment.</p>	
<p><b>Ordinary Council Agenda Topics Discussion</b></p> <p><b>20 December 2017</b></p>	<p><b>Councillors Attending:</b> Councillors McEwen, Brown, Argento, Kiel, Skinner, Edwards 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 20 December 2017.</p>
<b>Wednesday 20 December 2017</b>	
<p><b>Executive Update</b></p>	<p><b>Councillors Attending:</b> Councillors McEwen, Brown, Argento, Skinner, Brunt, Rich and Kiel.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided with documentation relating to 1<sup>st</sup> draft Budget, along with timelines for consideration in 2018.</p>

Meeting Title	Details
<b>Wednesday 20 December 2017</b>	
<p><b>Public Presentation</b></p> <p><b>Open Session</b></p>	<p><b>Councillors Attending:</b> Councillors McEwen, Brown, Argento, Kiel, Skinner, Edwards, Brunt, Rich and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<p><b>Presentations were made to Council by the following community members:</b>  <b>Lindsay Holland</b>, applicant regarding Council Agenda Item 2.4 - Planning Application 2017/1 – 55-57 Bradley Avenue Venus Bay Development of Four Dwellings.  <b>David Boltener and Jenny McCormack</b>, objectors to Council Agenda Item 2.4 - Planning Application 2017/1 – 55-57 Bradley Avenue Venus Bay Development of Four Dwellings.  <b>Tenielle Bentley</b>, SGSS Council representative, parent, Access &amp; Inclusion Advisory Committee member regarding Council Agenda Item 4.1 Leongatha Railway Site Transformation.  <b>Jim McNiven</b>, Leongatha Rotary Club regarding Council Agenda Item 4.1 Leongatha Railway Site Transformation.  <b>Meg Parkinson</b> regarding Agenda Item 4.4. Road Declaration Or Discontinuance - Part Fish Creek Quarry Road, Fish Creek and 4.5. Fish Creek Quarry - Lease Proposal.            June Ernst, Coordinator of Corporate Planning and Council Business read out letters on behalf of three community members regarding Agenda Item 2.4 - Planning Application 2017/1 – 55-57 Bradley Avenue Venus Bay Development of Four Dwellings.  <b>David Amor</b> regarding Council Agenda Item 4.2. 2017/18 Capital Works Program Amendments.</p>	
<p><b>Public Presentation in a Closed Session</b></p>	<p><b>Councillors Attending:</b> Councillors McEwen, Brown, Argento, Kiel, Skinner, Edwards, Brunt, Rich and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b>  <b>June Ramsay</b>, regarding Council Agenda Topic 2.1. KORUMBURRA COMMUNITY HUB - LOCATION RECOMMENDATION.</p>



Meeting Title	Details
<b>Wednesday 20 December 2017</b>	
<b>Ordinary Council Agenda Topics Discussion 20 December 2017</b>	<b>Councillors Attending:</b> Councillors McEwen, Brown, Argento, Skinner, Brunt, Kiel and Rich.  <b>Conflict of Interest:</b> Nil disclosed.  <b>Matters Discussed:</b> Councillors were provided information on Council Agenda items for the Ordinary Council Meeting 20 December 2017.
<b>Wednesday 17 January 2018</b>	
<b>WORKSHOP: 1st Draft Budget including Annual Initiatives &amp; Capital</b>	<b>Councillors Attending:</b> Councillors Argento, Kiel, Edwards and McEwen.  <b>Conflict of Interest:</b> Nil disclosed.  <b>Matters Discussed:</b> Councillors considered and asked questions relating to 1 <sup>st</sup> draft Budget and timelines that was distributed on the 20 December 2017.
<b>Rating Strategy Steering Committee (Advisory)</b>	<b>Councillors Attending:</b> Councillors Hill and Kiel.  <b>Conflict of Interest:</b> Nil disclosed.  <b>Matters Discussed:</b> Position papers prepared by individual Committee members.

**REFERENCE DOCUMENTS**

**Legislative Provisions**

Local Government Act 1989

#### **8.4. DOCUMENTS SEALED AWARDED OR EXTENDED BY CEO - 18 NOVEMBER 2017 TO 19 JANUARY 2018**

##### **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 18 November 2017 to 19 January 2018, as required by the Council's Instrument of Delegation to the Chief Executive Officer and Procurement Policy:

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

##### **RECOMMENDATION**

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

##### **REPORT**

##### **Documents Sealed**

Under the Local Government Act 1989 (the Act), each Council is a body corporate and a legal entity in its own right. Each Council must have a common seal that is an official sanction of that Council.

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

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

In accordance with the Local Law and Instrument of Delegation, the following are presented to Council as documents sealed during the period from 18 November 2017 to 19 January 2018:

1. Acknowledgement and Consent Deed between National Australia Trustees Ltd, NAB Trust Services Limited, National Australia Managers Limited and South Gippsland Shire Council to consent to a change in trustee of the Local Government Funding Vehicle (administered by the MAV) from National Australia Trustees Ltd to NAB Trust Services Limited – Seal Applied 28 November 2017;
2. Section 173 Agreement between South Gippsland Shire Council and the owner of 200 Buffalo North Road, Buffalo in relation to a three-lot subdivision – Seal Applied 21 November 2017.
3. S173 Agreement between South Gippsland Shire Council and the owner of 9310 South Gippsland Highway, Ruby in relation to subdivision of the land into two lots – Seal Applied 28 November 2017.
4. S173 Agreement between South Gippsland Shire Council and the owner of 4710 South Gippsland Highway, Toora in relation to subdivision of the land into two lots (re-subdivision of lots to excise existing dwelling) – Seal Applied 29 November 2017.
5. S173 Agreement between South Gippsland Shire Council and the owner of 343 Fish Creek Foster Road, Foster in relation to use and develop land for a dwelling, rural industry (cider manufacture), manufacturing sales (cellar door), licensed premises, access to a road zone and business identification signage – Seal Applied 7 December 2017.
6. S173 Agreement between South Gippsland Shire Council and the owner of 9 Power Street, Foster in relation to subdivision of the land into two lots – Seal Applied 7 December 2017.
7. S173 Agreement between South Gippsland Shire Council and the owner of 90 Coopers Road, Foster in relation to extension to existing dwelling and development of land with fence – Seal Applied 8 January 2018.
8. S173 Agreement between South Gippsland Shire Council and the owner of 4 Anthony Court, Korumburra in relation to three unit development and three lot subdivision – Seal Applied 8 January 2018.
9. S173 Agreement between South Gippsland Shire Council and the owner of 43 Pioneer Street, Foster in relation development of land for two dwellings comprising the retention of a double storey dwelling and the construction of a single storey dwelling and a two-lot subdivision – Seal Applied 8 January 2018.

10. S173 Agreement between South Gippsland Shire Council and the owner of Buffalo North Road, Buffalo in relation to a retrospective development of an agricultural building – Seal Applied 15 January 2018.
11. Contract CON/152-A between South Gippsland Shire Council and Altus Traffic Pty Ltd – Seal Applied 7 December 2017;
12. Contract CON/152-B between South Gippsland Shire Council and LJ & LJ Pty Ltd t/a A Plus Traffic Management – Seal Applied 4 December 2017;
13. Contract CON/152-C between South Gippsland Shire Council and Momentum Traffic Control Pty Ltd – Seal Applied 30 December 2017;
14. Contract CON/153-A between South Gippsland Shire Council and Roadside Services & Solutions Pty Ltd – Seal Applied 7 December 2017;
15. Contract CON/153-B between South Gippsland Shire Council and DeNeeffe Signs Pty Ltd – Seal Applied 7 December 2017;
16. Contract CON/153-C between South Gippsland Shire Council and Roadside Artcraft Pty Ltd – Seal Applied 7 December 2017;
17. Contract CON/153-D between South Gippsland Shire Council and Roadside Products Pty Ltd – Seal Applied 7 December 2017; and
18. Contract CON/153-E between South Gippsland Shire Council and Delnorth Pty Ltd – Seal Applied 7 December 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 in the Council Minutes all contracts over the statutory threshold set out in the Act (\$150,000 inclusive of GST for goods and services and \$200,000 inclusive of GST for works) for a public tender which shows the contract's purpose, the successful tenderer, contract length and the total contract price.

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

The following contracts were awarded during the period 18 November 2017 to 19 January 2018 under the CEO's financial delegation of \$250,000 (inclusive of GST) following a public tender that were not specified in the 28 June 2017 resolution (refer to the paragraph below).

1. CON/159 Provision of Design Services – Foster Basketball Stadium Refurbishment Foster – Awarded to Loft Architecture Pty Ltd on 13 December 2017 that was below the statutory threshold.

Council resolved on 28 June 2017 to delegate to the CEO the power to award contracts specified in the resolution, subject to the preferred tenders being within budget and that Council receive a report detailing the contracts awarded. The following contracts were awarded during the period 18 November 2017 to 19 January 2018 that were specified in the 28 June 2017 resolution and that were within budget:

1. Contract CON/157 Construction of Netball Courts, Lighting and Player's Shed, Leongatha Recreation Reserve – awarded to Considine & Johnston Pty Ltd for the revised lump sum amount of \$278,377 (excluding GST and including contingency and provisional items) on 11 December 2017.

Council resolved on 20 December 2017 to delegate to the CEO the power to award contracts specified in the resolution, subject to the preferred tenders being within budget and that Council receive a report detailing the contracts awarded. The following contracts were awarded during the period 18 November 2017 to 19 January 2018 that were specified in the 20 December 2017 resolution and that were within budget:

1. Contract CON/163 Road Pavement Rehabilitation Works – Various Locations – awarded to QR Construction (Gippsland) Pty Ltd for the lump sum amount of \$980,370 (excluding GST and including contingency amount of \$90,000).

### **Contracts awarded after a public tender process under the Statutory threshold by Staff other than the CEO**

The CEO has, within his Instrument of sub-delegation by the CEO to Staff delegated the power to enter into contracts (inclusive of GST), to specific staff as outlined within Council's Procurement Manual.

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

1. Contract CON/160 Consultancy Services to Conduct Road and Footpath Asset Condition Surveys – awarded to Infrastructure Management Group Pty Ltd on the 19 December 2017 by the Director Infrastructure; and
2. Contract CON/161 Design and Documentation of the Koonwarra Landfill Cell 3 Rehabilitation Cap – awarded to Senversa Pty Ltd on 22 December 2017 by the Manager Infrastructure Planning.

### **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.

The following variations to a contract which exceeds the CEO's delegation, approved by the CEO during the period 18 November 2017 to 19 January 2018:

1. Acknowledgement and Consent Deed between National Australia Trustees Ltd, NAB Trust Services Limited, National Australia Managers Limited and South Gippsland Shire Council to consent to a change in trustee of the Local Government Funding Vehicle (administered by the MAV) from National Australia Trustees Ltd to NAB Trust Services Limited – 28 November 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.

The following contract extensions approved by the CEO during the period 18 November 2017 to 19 January 2018:

Nil

### **STAFF DISCLOSURE**

Nil

### **REFERENCE DOCUMENTS**

#### **Council Policy**

Local Law No. 3 2010, Processes of Municipal Government (Meeting Procedures and Common Seal)  
Procurement Policy, 28 June 2017

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

**Legislative Provisions**

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

**9. COUNCILLOR REPORTS**

**9.1. REQUESTS FOR LEAVE OF ABSENCE**

**9.2. COUNCILLOR UPDATES**



### **9.3. COMMITTEE UPDATES**

#### **9.3.1. AUDIT COMMITTEE REPORT - 4 DECEMBER 2017**

Corporate and Community Services Directorate

##### **EXECUTIVE SUMMARY**

The Audit Committee met on 4 December 2017 and a copy of its report (**Attachment [9.3.1.1]** – Audit Committee Minutes – 4 December 2017) is provided for Council's information and noting.

##### **RECOMMENDATION**

**That Council notes the Audit Committee Minutes - 4 December 2017 (Attachment [9.3.1.1]).**

##### **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 4 December 2017, the Committee comprised of three independent community members, one of whom was the Committee Chair, and two Councillors (the Mayor, Councillor Lorraine Brunt and Councillor Ray Argento). The Committee is independent from management and does not have any executive powers, management function or delegated financial responsibility.

Some of the other significant matters considered by the Audit Committee at the 4 December 2017 meeting (**Attachment [9.3.1.1]** – Audit Committee Minutes – 4 December 2017) included:

- Section 86 Instrument of Delegations review;
- Financial performance;
- Capital works program;
- Internal Control System Report;
- Policy Review Schedule / Top Ten Policy;
- Draft Procurement Manual review;
- Risk Management Systems and Strategic Risk Register;
- Strategic Risk Committee Meeting minutes: 31 October 2017;
- Quarterly Risk Report from Director Development Services;

- Litigation Process;
- Land Sales Policy;
- Maternal and Child Health and Immunisation Audit Report;
- Tendering and Contracts Draft Audit Scope;
- Internal Audit Recommendation implementation Report;
- Council Expenditure and Code of Conduct Audit Report: Councillor Feedback;
- Internal Auditor performance review;
- Victorian Auditor General Office: Financial Management Letter 2016/17;
- Legislative Compliance and Ethics Program;
- Compliance report regarding Ararat and Central Goldfield's inquiries;
- Audit Committee Performance Report;
- Appointment of Audit Chair: recommendation to Council to appoint independent member Dr Purcell as the Committee Chair for 2018 in accordance with the Audit Committee's charter; and
- Approved the Audit Committee Plan 2018.

It should be noted that any documents referred to in this Council Report or report of the Audit Committee held on 4 December 2017 (**Attachment [9.3.1.1]** – Audit Committee Minutes – 4 December 2017) remain confidential in accordance with the designation made by Chief Executive Officer in the 4 December 2017 Audit Committee Agenda, excluding the following:

- Report of Audit Committee 11 September 2017; which has already been made public in the 20 December 2017 Council Meeting minutes;
- Capital Works Report 2017;
- Land sales Report 2017; and
- Editorial Great South Star and Sentinel Times, 21 November 2017.

## **CONSULTATION**

The Audit Committee Report (**Attachment [9.3.1.1]** – Audit Committee Minutes – 4 December 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 – 4 December 2017 **[9.3.1.1]**

## **REFERENCE DOCUMENTS**

### **Legislative Provisions**

Local Government Act 1989

### **Council Policy**

Council's Audit Committee Charter

## 10. 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.

## 11. PUBLIC QUESTIONS

### 11.1. PETITIONS AND JOINT LETTERS

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.

## 11.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

All community member questions for Ordinary Council Meetings are to be written and submitted to the Council Business Team by close of business on the Friday preceding the meeting to allow time for a response to be prepared, where possible, for the Council Meeting.

Public Question Time in Ordinary Council Meetings is to be used for matters that are generally political in nature or that cannot be addressed by other means. This session should not be used for questions on routine works or operational matters, planning (application) matters or for repeating previously answered questions.

Source: Public Participation in Meetings with Council Policy (C65) – adopted 23 May 2017.

**Nil**

### **11.3. SUBMITTED PUBLIC QUESTIONS**

All community member questions for Ordinary Council Meetings are to be written and submitted to the Council Business Team by close of business on the Friday preceding the meeting to allow time for a response to be prepared, where possible, for the Council Meeting.

Public Question Time in Ordinary Council Meetings is to be used for matters that are generally political in nature or that cannot be addressed by other means. This session should not be used for questions on routine works or operational matters, planning (application) matters or for repeating previously answered questions.

*Source: Public Participation in Meetings with Council Policy (C65) – adopted 23 May 2017.*

## **12. 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.

### **RECOMMENDATION**

**That Council close the meeting to the public to allow for consideration of closed ITEM 1 Audit Committee Chair 2018 and Independent Member Vacancy pursuant to Local Government Act 1989, section 89(2)(a) a personnel matter.**



## **13. MEETING CLOSED**

### **NEXT MEETING**

The next Ordinary Meeting of Council open to the public will be held on Wednesday, 28 March 2018 commencing at 2pm in the Council Chambers, Leongatha.