

SOUTH GIPPSLAND SHIRE COUNCIL

Special Meeting of Council

Hearing of submissions as prescribed under the Local Government Act 1989,
Section 223 in respect of Proposed 2018/19 Annual Budget and the
Revised 2017 – 2021 Council Plan

MINUTES

23 May 2018

Council Chambers, Leongatha

Commenced at 10.45am



minutes



*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.

Privacy

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

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

A copy of this policy is located on Council's website www.southgippsland.vic.gov.au.

PRESENT

COUNCILLORS:	Cr Lorraine Brunt, Mayor Cr Maxine Kiel Cr Andrew McEwen Cr Jeremy Rich Cr Alyson Skinner Cr Meg Edwards
COUNCILLORS NOT PRESENT:	Cr Aaron Brown, Deputy Mayor Cr Ray Argento Cr Don Hill
OFFICERS:	Tim Tamlin, Chief Executive Officer Faith Page, Director Corporate and Community Services Anthony Seabrook, Director Infrastructure Services Bryan Sword, Director Development Services June Ernst, Coordinator of Corporate Planning and Council Business Jodi Cumming, Corporate and Council Business Officer

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Tim Tamlin
Chief Executive Officer

1. PRELIMINARY MATTERS

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

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

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

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

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

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

Thank you

1.2. 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. REQUESTS FOR LEAVE OF ABSENCE

Nil

1.6. APOLOGIES

Councillors Aaron Brown, Ray Argento, Don Hill

1.7. DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS

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

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*.

Nil

1.8. DECLARATION OF CONFLICT OF INTEREST FOR STAFF

Sections 80B and 80C of the Local Government Act 1989 require members of Council staff who have delegated functions and/or provide advice to Council or a Special Committee to disclose conflicts of interest. If Council staff have written, provided information/advice or approved a Council Report and have a conflict of interest, it is the responsibility of that staff member to disclose the interest.

Guidance to identifying and disclosing a conflict of interest is contained in the Victorian State Government, Department of Transport, Planning and Local Infrastructure – *Conflict of Interest – A Guide for Council Staff – October 2011*.

Nil

2. COUNCIL REPORTS

2.1. S223 SUBMISSION - PROPOSED ANNUAL BUDGET 2018/19, REVISED COUNCIL PLAN 2017-2021 AND ANNUAL INITIATIVES 2018/19 - OPEN HEARING

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

At the Special Meeting of Council on 21 March 2018, Council endorsed the Proposed Annual Budget 2018/19 (Proposed Budget) and the Revised Council Plan 2017-2021 (Revised Council Plan), including the four year Strategic Resource Plan and 2018/19 Annual Initiatives, and invited submissions from the public under s.223 of the Local Government Act 1989.

Fourteen submissions were received, with nine submitters requesting to speak at this Open Hearing. The attachment contains the nine submissions that will be heard on 23 May 2018 at 10.45am (**Attachment [2.1.1]**).

This Special Meeting is a formal 'Hearing of Submissions'. The purpose of this Special Meeting is for Council to hear from speakers in support of their written submissions (**Attachment [2.1.1]**). Ten minutes has been allocated for each submission. This includes time for the presentation and clarifying questions from Councillors. Council has resolved to consider and determine all the submissions received at a Special Meeting of Council scheduled at 11.00am on Wednesday 30 May 2018.

RECOMMENDATION

That Council hear submissions as prescribed under the Local Government Act 1989, Section 223 in respect of the Proposed 2018/19 Annual Budget and the revised 2017 – 2021 Council Plan;

- a. Korumburra Revitalisation Project – Support, Pee Wee Lewis;
- b. Priority Project - Extension of Great Southern Rail Trail from Leongatha to Korumburra, Nigel Hutchinson-Brooks, John Kennedy, Peter Smith;
- c. Leongatha Mesley Hall - Stage Extension/Upgrade, Michelle Street;
- d. Koonwarra Recreation Reserve request for funding to complete project, Len Buckland;

- e. Clancy Road, Korumburra - Sealing and Gravel to Seal Roads Program, Sharon Turton, Roger Wittingslow, Bruce Mackin and Grant Sage;
- f. Henrys Road, Nyora Loch and proposed new sealing program for priority roads, Michael Lester;
- g. Request for Sewerage provision in Fish Creek, Michael Lester;
- h. Various Topics on Proposed Budget 2018/19, Meg Knight; and
- i. Various Topics on Proposed Budget 2018/19, Ralph Gallagher.

MOVED: Cr Kiel

SECONDED: Cr Edwards

THAT COUNCIL HEAR SUBMISSIONS AS PRESCRIBED UNDER THE LOCAL GOVERNMENT ACT 1989, SECTION 223 IN RESPECT OF THE PROPOSED 2018/19 ANNUAL BUDGET AND THE REVISED 2017 – 2021 COUNCIL PLAN;

- a. **KORUMBURRA REVITALISATION PROJECT – SUPPORT, PEE WEE LEWIS;**
- b. **PRIORITY PROJECT - EXTENSION OF GREAT SOUTHERN RAIL TRAIL FROM LEONGATHA TO KORUMBURRA, NIGEL HUTCHINSON-BROOKS, JOHN KENNEDY, PETER SMITH;**
- c. **LEONGATHA MESLEY HALL - STAGE EXTENSION/UPGRADE, MICHELLE STREET;**
- d. **KOONWARRA RECREATION RESERVE REQUEST FOR FUNDING TO COMPLETE PROJECT, LEN BUCKLAND;**
- e. **CLANCY ROAD, KORUMBURRA - SEALING AND GRAVEL TO SEAL ROADS PROGRAM, SHARON TURTON, ROGER WITTINGSLOW, BRUCE MACKIN AND GRANT SAGE;**
- f. **HENRYS ROAD, NYORA LOCH AND PROPOSED NEW SEALING PROGRAM FOR PRIORITY ROADS, MICHAEL LESTER;**
- g. **REQUEST FOR SEWERAGE PROVISION IN FISH CREEK, MICHAEL LESTER;**
- h. **VARIOUS TOPICS ON PROPOSED BUDGET 2018/19, MEG KNIGHT; AND**

- i. VARIOUS TOPICS ON PROPOSED BUDGET 2018/19, RALPH GALLAGHER.**

CARRIED UNANIMOUSLY

Cr Skinner arrived at the meeting 10.52am and was not present for the vote however, heard the Section 223 submissions.

REPORT

Background

The Revised Council Plan 2017-2021 and Proposed Annual Budget 2018/19 were endorsed by Council on 21 March 2018.

A formal s.223 Public Engagement process has been undertaken. Submissions to the Revised Council Plan and Proposed Budget closed at 5.00pm on 26 April 2018 with fourteen submissions received.

Nine submitters have indicated that they wish to speak to their submissions. These submitters are listed in the attached summary together with the time of their presentation and their submission (**Attachment [2.1.1]**). The presentations will provide Councillors with an opportunity to ask questions and seek further clarification from the submitters to inform their decisions.

Council will formalise its decision on the s.223 submissions at a Special Meeting of Council to be held on 30 May 2018 at 11.00am.

CONSULTATION

Community feedback informed the development of the Revised Council Plan and Proposed Budget. Part of this feedback was gathered through a series of community engagement activities undertaken in February 2018. Other feedback has been considered from a range of sources throughout the year. Councillors considered this feedback at a Strategic Briefing on 21 February 2018.

Council is required under s.125 and s.129 of the Local Government Act 1989, to undertake a formal s.223 Public Participation process to inform the Revised Council Plan and Proposed Budget prior to their adoption.

A formal consultation process commenced on Tuesday 27 March 2018 and concluded at 5.00pm on Thursday 26 April 2018. The community was invited to make formal submissions on the Revised Council Plan and the Proposed Budget. In their submissions they could indicate if they wished to speak to their submission. The Special Meeting is an Open Hearing provided for the nine submitters who indicated they wanted to speak to Council in support of their submission.

RESOURCES

Council is requested to consider the financial implications arising from the submissions as it formulates the final Annual Budget 2018/19 and Revised 2017-2021 Council Plan for adoption at the Ordinary Meeting of Council 27 June 2018.

RISKS

Hearing from submitters that have indicated a desire to speak to their submission, is a legal requirement associated with the s.223 public engagement process. Considering and determining the outcome of submissions is a further legislated requirement under s.223.

A Special Meeting of Council has been scheduled on 30 May 2018 to complete the formal consultation process. Adherence to these formal requirements has mitigated Council's risk of potentially making uninformed decisions, denying people natural justice to participate in decisions likely to affect them or breaching the Local Government Act 1989.

STAFF DISCLOSURE

Nil

ATTACHMENTS

Attachments are available on Council's website: www.southgippsland.vic.gov.au

1. Submissions - Open Hearing - S223 Proposed Annual Budget 2018/19 and Revised Council Plan 2017-2021 **[2.1.1]**

REFERENCE DOCUMENTS

Council Policy

Documents are available on Council's website: www.southgippsland.vic.gov.au
2017-2021 Council Plan

LEGISLATIVE PROVISIONS

Local Government Act 1989

3. MEETING CLOSED

NEXT MEETING

The next Ordinary Meeting of Council open to the public will be held on Wednesday, 30 May 2018 commencing at 2pm in the Council Chambers, Leongatha.

The Council Meeting closed at 12.22pm.

Confirmed this

27th day of June 2018.

.....
Mayor, Councillor Lorraine Brunt