

SOUTH GIPPSLAND SHIRE COUNCIL

# Special Meeting of Council

Hearing of submissions as prescribed under the Local Government Act 1989,  
Section 223 in respect of the Proposed 2018/19 Rating Strategy

MINUTES

**23 May 2018**

**Council Chambers, Leongatha**

**Commenced at 2.15pm**



# 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](http://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  
Cr Don Hill  
Cr Ray Argento

COUNCILLORS  
NOT PRESENT:

Cr Aaron Brown, Deputy Mayor

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

## SOUTH GIPPSLAND SHIRE COUNCIL

Special Meeting of Council  
Wednesday 23 May 2018  
Council Chambers, Leongatha  
Commenced at 10.45am

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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**

**Councillor Aaron Brown**

## 1.7. DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS

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

An interest may be by close association, financial, conflicting duties or receipt of gifts. If a Councillor or staff member discloses any interest in an item discussed at any Council Meeting (whether they attend or not) they must:

- Complete a disclosure of interest form prior to the Meeting (forms are available from Council Business Department at South Gippsland Shire Council).
- Advise the Chair of the interest immediately before the particular item is considered (if attending the Meeting).
- Leave the Council Chamber or Meeting room while the item is being discussed and during any vote taken (if attending the Meeting).

The Councillor or staff member will be advised to return to the Council Chamber or Meeting room immediately after the item has been considered and the vote is complete.

Councillors should check the Minutes of the Council Meeting to ensure their disclosure is recorded accurately. Councillors are not required to disclose conflict of interest in relation to matters only considered at Meetings they do not attend. Detailed information is available in *Conflict of Interest – A Guide for Councillors – October 2012*.

**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 RATING STRATEGY 2018/19 - OPEN HEARING**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

At the Special Meeting of Council 21 March 2018, Council endorsed the existing Rating Strategy as the Proposed Rating Strategy for 2018/19 and invited submissions from the public under s.223 of the Local Government Act 1989. Five submissions were received, with four submitters requesting to speak at Open Hearing. Refer to **Attachment [2.1.1]** for details on these submissions.

This Special Meeting is a formal 'Hearing of Submissions'. The purpose of this session is for Council to hear from speakers in support of their submissions. 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 of submissions as prescribed under the Local Government Act 1989, Section 223 in respect of the Proposed 2018/19 Rating Strategy;

- a. Reconsider the Draft Rating Strategy Committee Recommendation 2018-2022, Barry Gilbert;
- b. Reject the Rating Strategy and retain status quo, Paul Ahern on behalf of John Davies;
- c. Alternative Rating Strategy Model, Meg Knight; and
- d. Determine the Rating Strategy for the next four years now based on existing strategy with minor adjustment, Ralph Gallagher.

**MOVED:** Cr Skinner

**SECONDED:** Cr Kiel

**THAT COUNCIL HEAR OF SUBMISSIONS AS PRESCRIBED UNDER THE LOCAL GOVERNMENT ACT 1989, SECTION 223 IN RESPECT OF THE PROPOSED 2018/19 RATING STRATEGY;**

- a. **RECONSIDER THE DRAFT RATING STRATEGY COMMITTEE RECOMMENDATION 2018-2022, BARRY GILBERT;**
- b. **REJECT THE RATING STRATEGY AND RETAIN STATUS QUO, PAUL AHERN ON BEHALF OF JOHN DAVIES;**
- c. **ALTERNATIVE RATING STRATEGY MODEL, MEG KNIGHT; AND**
- d. **DETERMINE THE RATING STRATEGY FOR THE NEXT FOUR YEARS NOW BASED ON EXISTING STRATEGY WITH MINOR ADJUSTMENT, RALPH GALLAGHER.**

**CARRIED UNANIMOUSLY**

## **REPORT**

### **Background**

Submissions to the Proposed Rating Strategy 2018/19 closed at 5.00pm on 26 April 2018. Five submissions were received through the formal s.223 public exhibition process.

Four 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 a copy of their submission (**Attachment [2.1.1]**). The Special Meeting commences at 2.15pm. The presentations will provide Councillors with an opportunity to ask questions and seek further clarification from the submitters.

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**

Council has undertaken a formal s.223 Public Participation process to inform the Proposed Rating Strategy 2018/19 which was endorsed by Council on 21 March 2018.

The 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 Proposed Rating Strategy 2018/19 and to indicate if they wished to speak to their submission.

### **RESOURCES**

Council is requested to consider the financial implications arising from the submissions as it formulates the Rating Strategy 2018/19 for adoption at the Ordinary Meeting of Council on 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. Holding a Special Meeting of Council to consider and determine the outcome of submissions will complete the process on 30 May 2018.

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

1. Submissions - Open Hearing - S223 Proposed Rating Strategy **[2.1.1]**

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

Annual Budget incorporating 15 Year Long Term Financial Plan

Rating Strategy

### **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 3.06pm.**

**Confirmed this**

**27<sup>th</sup> day of June 2018.**

.....  
**Mayor, Councillor Lorraine Brunt**