

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Meeting Minutes

26 August 2020

**Council Meeting No. 448**  
**Virtual Meeting**  
**Commenced at 2:00 pm**



# minutes



*South Gippsland  
Shire Council*

*Come for the beauty, Stay for the lifestyle*



## OUR PURPOSE

***To serve in the best interests of the whole Shire, delivering quality services and advocating for community needs.***

### **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.

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

## PRESENT

ADMINISTRATORS:	Julie Eisenbise, Administrator Chair Christian Zahra, Administrator Deputy Chair Rick Brown, Administrator
NOT PRESENT:	-
OFFICERS:	Kerryn Ellis, Chief Executive Officer Natasha Berry, Corporate and Council Business Officer

## SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting No. 448  
Virtual Meeting held on 26 August 2020, commenced at 2:00 pm

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**Kerryn Ellis**  
**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*.

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.

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

Thank you

### **1.2. WELCOME AND OPEN VIRTUAL COUNCIL MEETING VIA LIVE STREAM**

Please ensure mobile phones are set to 'silent' during the Council Meeting.

Over the past months the Federal and State Governments have been increasingly clear in their directives about social gatherings. To that end Council has taken the unprecedented step of closing its doors to the public for this Council Meeting.

This Council Meeting will be conducted virtually (an on-line meeting) and does not include an open gallery. The virtual and livestreaming of an Open Council Meeting is made in accordance with the *Local Government Act 2020*, section 394 that prescribes Administrators are able to participate in the Meeting by electronic means of communication and section 395(1)(a) that 'Meetings may be closed to the public during the prescribed period.'

Access to the live stream through Council's Internet will be the 'open' component of this Meeting.

The safety of the community and staff and the continuation of vital services remain Council's highest priority.

## RECOMMENDATION

That Council:

1. Not allow members of the public to attend the 26 August 2020 Council Meeting in person;
2. Notes that this Council Meeting is being conducted as a virtual meeting, conducted by electronic means of communication pursuant to section 394 of the *Local Government Act 2020*. The 'Minister's Good Practice Guideline MGP-1: Virtual Meetings' have been used to ensure that local government decision making can continue in line with COVID19 requirements;
3. Notes that the 26 August 2020 Council Meeting remains 'open' via the livestream on the Internet, in keeping with section 395 of the *Local Government Act 2020*; and
4. Notes that this decision is made to protect the health and wellbeing of all people required to be in attendance.

**MOVED:** Administrator Eisenbise

**SECONDED:** Administrator Brown

## THAT COUNCIL:

1. **NOT ALLOW MEMBERS OF THE PUBLIC TO ATTEND THE 26 AUGUST 2020 COUNCIL MEETING IN PERSON;**
2. **NOTES THAT THIS COUNCIL MEETING IS BEING CONDUCTED AS A VIRTUAL MEETING, CONDUCTED BY ELECTRONIC MEANS OF COMMUNICATION PURSUANT TO SECTION 394 OF THE LOCAL GOVERNMENT ACT 2020. THE 'MINISTER'S GOOD PRACTICE GUIDELINE MGP-1: VIRTUAL MEETINGS' HAVE BEEN USED TO ENSURE THAT LOCAL GOVERNMENT DECISION MAKING CAN CONTINUE IN LINE WITH COVID19 REQUIREMENTS;**
3. **NOTES THAT THE 26 AUGUST 2020 COUNCIL MEETING REMAINS 'OPEN' VIA THE LIVESTREAM ON THE INTERNET, IN KEEPING WITH SECTION 395 OF THE LOCAL GOVERNMENT ACT 2020; AND**
4. **NOTES THAT THIS DECISION IS MADE TO PROTECT THE HEALTH AND WELLBEING OF ALL PEOPLE REQUIRED TO BE IN ATTENDANCE.**

**CARRIED UNANIMOUSLY**

### **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, present and emerging, their Spirits and Ancestors.

### **1.5. APOLOGIES**

Nil

### **1.6. CONFIRMATION OF MINUTES**

#### **RECOMMENDATION**

That the Minutes of the South Gippsland Shire Council:

1. Council Meeting No. 447, held on 22 July 2020 in the Council Chambers, Leongatha; and
2. Special Council Meeting (Governance Rules) conducted as a virtual meeting held on 19 August 2020 be confirmed.

**MOVED:** Administrator Zahra

**SECONDED:** Administrator Brown

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

1. **COUNCIL MEETING NO. 447, HELD ON 22 JULY 2020 IN THE COUNCIL CHAMBERS, LEONGATHA; AND**
2. **SPECIAL COUNCIL MEETING (GOVERNANCE RULES) CONDUCTED AS A VIRTUAL MEETING HELD ON 19 AUGUST 2020 BE CONFIRMED.**

**CARRIED UNANIMOUSLY**



## 1.7. DECLARATION OF CONFLICTS OF INTEREST FOR ADMINISTRATORS

Provisions under the *Local Government Act 2020* around Conflict of Interest are not operational until October 2020. Provisions under the *Local Government Act 1989* remain operational until this time.

Any interest that an Administrator 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 an Administrator 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 Administrator 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.

Administrators should check the Minutes of the Council Meeting to ensure their disclosure is recorded accurately. Administrators 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 – October 2012*.

**Nil**

## 1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF

Provisions under the *Local Government Act 2020* around Conflict of Interest are not operational until October 2020. Provisions under the *Local Government Act 1989* remain operational until this time.

The *Local Government Act 1989*, sections 80B and 80C requires 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*.

**Confidential Agenda Item 14.4: A staff member has declared a direct conflict of interest.**

## **2. OBJECTIVE 1 - UNITED SHIRE**

### **2.1. COMMUNITY SUPPORT PACKAGE PROJECT STATUS UPDATE REPORT**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

At the 22 April 2020 Council Meeting, Council endorsed the COVID-19 Community Support Package (CSP) of up to \$2M to support the South Gippsland Community and Businesses to remain Healthy, Connected and Innovative.

This Status Report is for information and provides a summary of the Program achievements and update on initiatives since the inception and establishment of the project.

#### **RECOMMENDATION**

That Council notes the status update for the COVID19 Community Support Package Program.

**MOVED:** Administrator Zahra

**SECONDED:** Administrator Brown

**THAT COUNCIL NOTES THE STATUS UPDATE FOR THE COVID19 COMMUNITY SUPPORT PACKAGE PROGRAM.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

### Program Description:

The Community Support Package (CSP) is a connected set of initiatives that represent South Gippsland Shire Council's response to the COVID-19 pandemic to assist impacted businesses, community groups and residents to remain healthy, connected and innovative.

Initiatives under this project are intended to:

- Provide targeted support and stimulus activities specific to the South Gippsland community and economy;
- Provide relief to businesses, community groups, families and individuals suffering financial or social distress; and
- Aid with recovery and work towards restoration of the community and South Gippsland economic life provide vital economic, social, cultural, health and wellbeing outcomes.

### Program Status:

#### Key achievements to date:

- *Established CSP Program Team, Reporting Structure and Governance – May 2020*

Key project management principles have been employed to ensure a robust and auditable process to develop initiatives, monitor status and perform reporting.

- *Phase One approved 27 May 2020 (subject to 2020/21 budget subsequently approved in June) as an immediate response to COVID 19 impacts. Grants Criteria and proposed additional support opportunities – endorsed at Council on 8 July 2020.*

Phase One project plan included costs, measures/outcomes, identification of key stakeholders, eligibility criteria and development of implementation plans.

The following programs have been implemented to date within Phase One:

- “Be Kind” campaign promoted, encouraging support for local businesses.
- Collaborated with DHHS to develop, print and distribute a Community Information Brochure detailing available support services to keep our community informed on how to access key services.

- Promoted, reviewed and updated Council's COVID-19 financial hardship policy to ensure ratepayers can access hardship provisions and develop payment plans for rates.
- Strengthened Council's local buy preference and fast-tracked payments to suppliers to improve supplier cash flows, with 76 per cent of supplier invoices paid within 14 days in June and increased to 93 per cent in July.
- Working directly with businesses, social enterprises and community groups to help them access State and Federal economic stimulus packages.
- Commercial /Community Flu Vaccine Program 2020 provided free of charge (*in progress*).
- Refunded 2020 and Reduced 2021 cost of food premises, health premises and footpath trading registrations /permits (*in progress*).
- Provided rental relief to tenants of Council-owned properties for six months (*from Mar to Sep 2020*).
- Waived the Victoria Government landfill levy fee increase for garbage charges for all ratepayers (*included in budget and reflected on 2021 Rates notices to be issued in August 2020*).
- Utilising available State and Federal government grants to fast track or bring forward Council community infrastructure works (subject to grant funding).
- Issued COVID-19 Quick Response Grants of \$1000 to small businesses experiencing hardship and decline in business.
- Extension of Community Grants program to offer support to Community Providers and Community Groups (*opened for applications from 1 August until funds are exhausted*).
- Packaged and delivered Restarter packs providing PPE and sanitiser stations to community organisations (*in progress*).
- Waived annual permit holders' fees at Council-owned caravan park for four months (April to August 2020) (*in progress*).
- *Communications Plans* were developed (multi-channel approach via radio, newspaper, online media and website) and implemented to keep our community informed of the support and services available.
- *Community survey* launched 29 July 2020 via Council website to gather feedback from the community to better understand their needs and issues

during these times and serve to further inform us on provision of community services and support in the recovery phase.

*CSP Phase 2 - Identified and defined* including a second wave of initiatives to further assist rebuilding connections, providing opportunities for creative engagement and other support measures - *subject to approval*.

A detailed breakdown of outcomes and metrics is attached (**Attachment [2.1.1]**).

## **CONSULTATION**

Through formal Stakeholder engagement process the CSP team has undertaken extensive consultation with internal business areas, with key external stakeholders such as the Municipal Emergency Management Planning Committee, the Business Emergency Leadership Group, Regional Development Victoria and the Service Provider Network (SPIN), and continues to do so through all stages of definition, implementation and post implementation of support initiatives.

Council is seeking feedback from customers wherever possible and Council officers have consulted business customers on a regular basis - through surveys and visits to gather feedback and identify impacts to the business community.

Consultations have occurred with other municipalities, including Latrobe City Council and Bass Coast Shire Council. Each municipality is experiencing similar issues and several opportunities for collaboration have been identified. An analysis of similar support packages across Australia has also been undertaken. This has shown that the approach taken in the CSP is comparable to those of similar sized municipalities elsewhere.

Follow up will be undertaken with organisations and businesses supported through the CSP, to evaluate the effectiveness of the initiatives and to inform the development of any further initiatives under the CSP program. This will include the views and experiences of those supported by the CSP regarding the grants process and the perceived benefit of the initiatives.

## **RESOURCES**

A budget amount of up to \$2M, to support the South Gippsland community response to the impact of the COVID-19 pandemic is included in Council's 20/21 budget.

Resources required for specific projects within the package thus far have been costed at a total of \$1,008,529 and allocated in accordance with approval of detailed Implementation Action Plans.

Approved Budget	Approved Initiatives funding	Actual spend YTD (Mid-August)	Variance explanation
\$2,000,000	\$1,008,529	\$184,755	Initiatives are in progress and expenses are incurred over a period of months accounted for at each End of Month (EOM)

For more information see (**Attachment [2.1.2]**) Community Support Package Program Plan View.

### RISKS

If Council did not develop a series of actions to support the community there was a continuing risk of further economic downturn and a negative effect on the health and wellbeing of residents within the Shire, particularly vulnerable members of the community. There is reputation risk to Council if it does not take a lead in providing support where it can.

Coordinating with the Municipal Emergency Management Planning Committee, State and Federal Government and other municipalities, has also ensured an approach which reduces duplication and maximises impact.

The package remains flexible enough to respond to emerging community needs and has been designed to also support a strong recovery for the community and business when COVID-19 restrictions are eased.

### STAFF DISCLOSURE

Nil

### ATTACHMENTS

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

1. Community Support Package Status Update - Report Initiative Detail [2.1.1 - 3 pages]
2. Community Support Package Program Plan View [2.1.2 - 1 page]

### REFERENCE DOCUMENTS

#### Council Policy

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

Annual Budget

#### Legislative Provisions

Local Government Act 2020

## **2.2. COMMUNITY SUPPORT PACKAGE - PHASE 2 INITIATIVES**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

At the 22 April 2020 Council Meeting, Council endorsed the COVID-19 pandemic (COVID-19) Community Support Package (CSP) of up to \$2M to support the South Gippsland Community and Businesses to remain healthy, connected and innovative. At the 24 June 2020 Council Meeting, Council adopted the Annual Budget 2020/21, including \$2M for the CSP. Phase One of the CSP, amounting to \$1,008,529, was approved at the Special Council Meeting on 8 July 2020.

This report outlines the proposed details of Phase Two of the CSP and seeks endorsement of the specific activities and associated costs. Following endorsement from Council, the Project Team will commence implementation of Phase Two of the CSP. Initiatives proposed within Phase Two will be staged based on restrictions applying to regional Victoria at the time and to enable Council the option of allocating funds for emerging emergency purposes if required.

The total cost of Phase Two is estimated at \$393,110, bringing total initiatives to \$1,401,639. This leaves \$598,361 available for further recovery initiatives should they be deemed necessary.

### **RECOMMENDATION**

That Council:

1. Endorses the Community Support Package Phase Two Initiatives;
2. Authorises the Chief Executive Officer to execute the Community Support Package Phase Two;
3. Notes that Phase Two initiatives will be staged based on restrictions applying to Regional Victoria at the time and to enable Council the option of allocating funds for emerging emergency purposes if required; and
4. Notes that \$598,361 remains in the budget for future phases of the Community Support Package and that reports will be provided to Council for endorsement of each phase.



**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL:**

1. **ENDORSES THE COMMUNITY SUPPORT PACKAGE PHASE TWO INITIATIVES;**
2. **AUTHORISES THE CHIEF EXECUTIVE OFFICER TO EXECUTE THE COMMUNITY SUPPORT PACKAGE PHASE TWO;**
3. **NOTES THAT PHASE TWO INITIATIVES WILL BE STAGED BASED ON RESTRICTIONS APPLYING TO REGIONAL VICTORIA AT THE TIME AND TO ENABLE COUNCIL THE OPTION OF ALLOCATING FUNDS FOR EMERGING EMERGENCY PURPOSES IF REQUIRED; AND**
4. **NOTES THAT \$598,361 REMAINS IN THE BUDGET FOR FUTURE PHASES OF THE COMMUNITY SUPPORT PACKAGE AND THAT REPORTS WILL BE PROVIDED TO COUNCIL FOR ENDORSEMENT OF EACH PHASE.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

The COVID-19 pandemic has had a profound impact on all areas of the South Gippsland community. It has isolated many people, increased risk and vulnerability for significant groups, and reduced business and economic activity across the Shire.

The \$2M budget allowance for a CSP aims to deliver initiatives that provide opportunity to focus investment in targeted community support and stimulus activities specific to South Gippsland community and economy, in particular those who are most in need.

The package is being managed and delivered by a dedicated project management team in consultation with key stakeholder groups including the Municipal Emergency Management Committee (MEMPC) and the Business Emergency Leadership Group (BELG) and Community Service Providers to ensure the actions are best placed to deliver real outcomes for South Gippsland.

The CSP program delivers support in three core areas: health, connection and innovation and addresses the needs of residents, businesses and the local community.

Whilst Phase One initiatives (currently being implemented) focussed on immediate relief to our businesses and community, Phase Two focusses on longer term actions to support recovery and reconnection from the impact of COVID-19 and includes:

- **Community Health Initiatives - \$91,110** - comprising Early Learning Support and facilitating training on Mental Health First Aid, to further support those sectors of the community at risk and to provide tools to enable community members/groups to respond to issues of mental health, as the impacts are likely to present for some time.
- **Program of Arts, Culture and Creative Industry (AC&CI) - \$252,000** - to assist in stimulating local economy through engaging local artists/technicians, cultural tourism, improving amenity, and supporting creative endeavour. The intent is to restore our creative programs, enhance our cultural offerings and ensure our communities have access to the arts that nourish and connect us all.

The impact of COVID-19 on South Gippsland's Arts, Culture & Creative Industries has seen the immediate loss of creative and financial opportunity with little hope for long term recovery and few Government funding opportunities.

The Australian Bureau of Statistics (ABS) in March 2020 showed that more than half of all arts and recreation businesses had already ceased trading with 73 per cent of businesses being adversely affected. This has been reinforced through our consultation with local arts community. We

know that deliberately focusing cultural and creative activities on social cohesion helps to build community belonging and trust, enhances empathy and inclusion and helps combat the growing issues of loneliness and isolation.

This program will be flexible and scalable subject to the state of play with COVID-19 restrictions and availability of resources to plan and deliver events within these constraints.

- **South Gippsland Tourism Promotion and Marketing - \$50,000** - campaign to support local tourism and increase visitation from key target markets as they open up and restrictions allow
- **Tourism Business Grants** - aiming to fill the gaps from Phase One Business Grants targeting the accommodation sector and tourism businesses such that have also been severely impacted by continued COVID-19 restrictions.  
This fund will be \$100,000, funded from the approved Phase 1 Business Grants provision which has been undersubscribed.

The total cost of Phase Two is currently estimated at \$393,110, bringing total initiatives to \$1,401,639.

Ongoing, monitoring, reporting and evaluation of both Phase One and Two actions will be undertaken and regularly reported to Council.

## **CONSULTATION**

The proposals identified in this report have been informed by internal consultation and collaboration across all disciplines of the organisation. Consultation between the CSP Team and the Municipal Emergency Management Planning Committee, Business Emergency Leadership Group, Service Provider Network, Community Organisations and business customers is ongoing throughout the planning, development and delivery of CSP Program.

There is a need to manage community expectation regarding the scope of and impact action available to council through clear communication and messaging. A communications plan to inform and consult with the community is currently being implemented to ensure that the CSP is understood by the community, and our community and customers are being consulted and informed to enable us to respond to emerging needs.

## **RESOURCES**

A Community Support Package of \$2M has been included in the adopted 2020/21 budget.

The Phase Two proposed new initiatives, with a total value \$393,110 is within the approved package budget and will be managed alongside other proposed initiative costs.

Phase One and Two initiatives total \$1,401,639 leaving \$598,361 for further initiatives, if required.

### **RISKS**

If Council does not develop a series of actions to support the community there is a risk of further economic downturn and a negative effect on the health and wellbeing of residents within the Shire, particularly vulnerable members of the community.

Initiatives by the State and Commonwealth Government may have a limited impact on some sectors of the community.

The package has been designed to minimise long-term financial risk to Council and is targeted to areas of greatest need. Continuing to coordinate with the Municipal Emergency Management Planning Committee, State and Federal Government and other municipalities, ensures an approach which reduces duplication and maximises impact.

The package will be flexible enough to respond to emerging community needs and has been designed to also support a strong recovery for the community and business when COVID-19 restrictions are eased.

### **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)*

Annual Budget

#### **Legislative Provisions**

Local Government Act 2020

## **2.3. COMMUNITY LEADERSHIP PROGRAM - APPLICANTS**

Executive Office

### **EXECUTIVE SUMMARY**

As part of the appointment of Administrators to South Gippsland Shire Council, one of the key objectives set for the period of administration by the Minister for Local Government was the delivery of an extensive community leadership development program. The purpose of this program is to encourage widespread participation in community and civic life in the municipality, support the development of community leadership skills, and support an improvement in the relationship between the Council and its community.

This report details the process followed to select preferred candidates for the South Gippsland Community Leadership Program 2020. The report requests that Council endorses the Selection Panel's preferred candidate list and subsequently invite those candidates to participate in the South Gippsland Community Leadership Program 2020 (CLP).

### **RECOMMENDATION**

That Council:

1. Endorses the South Gippsland Community Leadership Program Successful Candidate List – 2020 Intake listed in Confidential Attachment [15.1.1].
2. Invites the successful candidates to participate in the South Gippsland Community Leadership Program 2020/21.
3. Communicates the names of the successful candidates as required, once participation is confirmed.

**MOVED:** Administrator Eisenbise

**SECONDED:** Administrator Brown

### **THAT COUNCIL:**

1. **ENDORSES THE SOUTH GIPPSLAND COMMUNITY LEADERSHIP PROGRAM SUCCESSFUL CANDIDATE LIST – 2020 INTAKE LISTED IN CONFIDENTIAL ATTACHMENT [15.1.1].**
2. **INVITES THE SUCCESSFUL CANDIDATES TO PARTICIPATE IN THE SOUTH GIPPSLAND COMMUNITY LEADERSHIP PROGRAM 2020/21.**
3. **COMMUNICATES THE NAMES OF THE SUCCESSFUL CANDIDATES AS REQUIRED, ONCE PARTICIPATION IS CONFIRMED.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

Applications to the Community Leadership Program opened in April 2020 and closed at the end of June 2020. The program received 37 applications, with only one application being ineligible due to the applicant being outside the region. One further application was later withdrawn.

A breakdown of applications is as follows;

36 applications (1 ineligible as not a South Gippsland resident).

- 23 women
- 13 men

Applicants from:

• <b>Korumburra</b>	• <b>Mirboo North</b>	• <b>Welshpool</b>
• <b>Loch</b>	• <b>Toora</b>	• <b>Port Welshpool</b>
• <b>Turtons Creek</b>	• <b>Leongatha South</b>	• <b>Stony Creek</b>
• <b>Venus Bay</b>	• <b>Foster</b>	• <b>Meeniyah</b>
• <b>Koonwarra</b>	• <b>Leongatha</b>	• <b>Fish Creek</b>

An independent, external assessor with extensive experience with community leadership programs was invited to prepare a scored shortlist of candidates from the 36 applicants. Scoring was based on the selection criteria, with a weighted score for each category (maximum possible score of 20).

Shortlisted candidates were then invited to attend a phone/skype interview of 10 minutes to further discuss their application. These interviews were held on 5,6 and 7 August 2020, and were attended by Community Leadership Program Officer, Community Strengthening Coordinator and Administrator Chair, Julie Eisenbise.

Interviewees were asked to provide responses to three questions relating to collaboration, cooperation and conflict management. Responses were scored individually by panel members (combined maximum possible score of 30) and successful candidates were those that received a combined score (shortlist and interview) of 35 or above (70 per cent).

The selection process has resulted in 20 participants being eligible for selection to the Community Leadership Program 2020 Intake.

## CONSULTATION

Information on the Community Leadership Program, Selection Criteria, Guidelines and Application forms were distributed widely throughout the South Gippsland Community, this distribution included; Community Networks, In the Know, Council website and Facebook, other relevant social and local media outlets.

Communication with applicants informing of selection process, timelines and notifications is ongoing.

## **RESOURCES**

The Community Leadership Program is included in the South Gippsland Shire Council budget for 2020/21.

## **RISKS**

This program represents a significant investment of Council, and is also one of the key objectives set by the Minister for Local Government for Administrators to deliver during their term. It is important that candidates are selected to participate in the program on the basis of merit in line with program selection criteria, and offering the best chances of program success. A selection score of at least 70 per cent was the benchmark. No applicants with a score of less than 70 per cent have been selected to participate.

## **STAFF DISCLOSURE**

Nil

## **CONFIDENTIAL ATTACHMENTS**

The consideration of confidential information in a closed session of Council is in accordance with section 66(2)(a) and s.66(5)(a) and (b) of the *Local Government Act 2020*.

**Confidential Attachment [15.1.1] – Community Leadership Program Successful Candidate List – 2020 Intake** – is designated confidential information pursuant to the *Local Government Act 2020*, s.3(1)(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs. The grounds for designation have been made to protect the privacy of applicants.

## **REFERENCE DOCUMENTS**

### **Legislative Provisions**

Local Government Act 2020

### 3. OBJECTIVE 2 - ECONOMIC PROSPERITY

#### 3.1. ECONOMIC DEVELOPMENT AND VISITOR ECONOMY STRATEGIES ADVISORY GROUPS - APPOINTMENT OF INDEPENDENT MEMBERS

Development Services Directorate

##### EXECUTIVE SUMMARY

South Gippsland's economy has an annual economic output of \$3.7B and provides jobs for over 11,000 people. The local visitor economy is valued at \$114M per annum and is supported by an estimated 1.2M people who visit South Gippsland each year.

Economic Development is a core area of responsibility for Council and the 2020-24 Council Plan identifies 'Economic Prosperity' as one of four key areas of strategic focus. The vision is to establish the Shire as a thriving and diverse local economy that builds on our region's natural advantages.

To achieve this vision, Council has identified that the formulation of Economic Development and Tourism Strategies to be completed by 30 June 2021. These strategies will provide a framework for Council to support the development of the local economy.

At the Ordinary Council Meeting on 24 June 2020, Council resolved to establish the Economic Development Strategy Advisory Group (EDSAG) and the Visitor Economy Strategy Advisory Group (VESAG), each comprising seven independent members and one member of Council's executive.

This report recommends seven independent experts for each advisory group. **Confidential Attachment [15.2.1]** - Economic Development Strategy Advisory Group Shortlist, matrix and applications and **Confidential Attachment [15.2.2]** – Visitor Economy Strategy Advisory Group Shortlist, matrix and applications.

This report also recommends the adoption of a Terms of Reference to guide the governance of each advisory group **Attachments [3.1.1]** and **[3.1.2]**.

##### RECOMMENDATION

That Council:

1. Appoints the seven independent nominations (including appointing a Chair) of the Economic Development Strategy Advisory Group (Confidential Attachment [15.2.1]) as presented by the Chief Executive Officer and considered through the Expression of Interest process;
2. Appoints the seven independent nominations (including appointing a Chair) of the Visitor Economy Strategy Advisory Group (Confidential Attachment [15.2.2]) as presented by the Chief Executive Officer and considered through the Expression of interest process;



3. Adopts the Terms of Reference for the independent members of the Economic Development Strategy Advisory Group and Visitor Economy Strategy Advisory Group (Attachments [3.5.1] and [3.5.2]);
4. Authorises the Chief Executive Officer to inform the successful candidates of their selection by Council for the Economic Development Strategy Advisory Group and Visitor Economy Strategy Advisory Group; and
5. Following notification of the application outcomes to all Expression of Interest submitters, makes a public announcement about the establishment and membership of the Economic Development Strategy Advisory Group and Visitor Economy Strategy Advisory Group.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL:**

1. **APPOINTS THE SEVEN INDEPENDENT NOMINATIONS (INCLUDING APPOINTING A CHAIR) OF THE ECONOMIC DEVELOPMENT STRATEGY ADVISORY GROUP (CONFIDENTIAL ATTACHMENT [15.2.1]) AS PRESENTED BY THE CHIEF EXECUTIVE OFFICER AND CONSIDERED THROUGH THE EXPRESSION OF INTEREST PROCESS;**
2. **APPOINTS THE SEVEN INDEPENDENT NOMINATIONS (INCLUDING APPOINTING A CHAIR) OF THE VISITOR ECONOMY STRATEGY ADVISORY GROUP (CONFIDENTIAL ATTACHMENT [15.2.2]) AS PRESENTED BY THE CHIEF EXECUTIVE OFFICER AND CONSIDERED THROUGH THE EXPRESSION OF INTEREST PROCESS;**
3. **ADOPTS THE TERMS OF REFERENCE FOR THE INDEPENDENT MEMBERS OF THE ECONOMIC DEVELOPMENT STRATEGY ADVISORY GROUP AND VISITOR ECONOMY STRATEGY ADVISORY GROUP (ATTACHMENTS [3.1.1] AND [3.1.2]);**
4. **AUTHORISES THE CHIEF EXECUTIVE OFFICER TO INFORM THE SUCCESSFUL CANDIDATES OF THEIR SELECTION BY COUNCIL FOR THE ECONOMIC DEVELOPMENT STRATEGY ADVISORY GROUP AND VISITOR ECONOMY STRATEGY ADVISORY GROUP; AND**
5. **FOLLOWING NOTIFICATION OF THE APPLICATION OUTCOMES TO ALL EXPRESSION OF INTEREST SUBMITTERS, MAKES A PUBLIC ANNOUNCEMENT ABOUT THE ESTABLISHMENT AND MEMBERSHIP OF THE ECONOMIC DEVELOPMENT STRATEGY ADVISORY GROUP AND VISITOR ECONOMY STRATEGY ADVISORY GROUP.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

South Gippsland's economy has an annual economic output of \$3.7B and provides jobs for over 11,000 people. The local visitor economy is valued at \$114M per annum and is supported by an estimated 1.2M people who visit South Gippsland each year.

Economic Development is a core area of responsibility for Council and the 2020-24 Council Plan identifies 'Economic Prosperity' as one of four key areas of strategic focus. The vision is to establish the Shire as a thriving and diverse local economy that builds on our region's natural advantages.

At the Ordinary Council Meeting on 24 June 2020, Council resolved to establish the Economic Development Strategy Advisory Group (EDSAG) and the Visitor Economy Strategy Advisory Group (VESAG).

These strategies will be developed in alignment with the strategic objectives of 'Economic Prosperity' in the Council Plan 2020-24 being;

1. *Council seeks to build a sustainable and growing economy that:*
  - *Attracts and supports business to thrive and grow;*
  - *Broaden, builds and strengthens industry sectors;*
  - *Creates and sustains local employment opportunities; and*
  - *Establishes the Shire as the 'food hub' that feeds our state and beyond*
2. *Develop plans that will balance and utilise the natural values of the environment, improve the Shire's liveability and build on the benefits of our proximity to Melbourne.*
3. *Deliver services that support the growth of the local and regional economy.*
4. *Work with surrounding councils to support regional growth and prosperity.*

To inform the establishment and composition of the Advisory Groups, Council further resolved at the 24 June Council Meeting:

- *Endorses the composition of each advisory group to include eight members. Seven independent members and one member of Council's executive;*
- *Requests the Chief Executive Officer to prepare a Terms of Reference for each Advisory Group which is consistent with the strategic objectives of 'Economic Prosperity' in the 2020-24 Council Plan;*

- *Requests the Chief Executive Officer prepare and undertake an expression of interest (EOI) process to recruit seven independent members for each Advisory Group; and*
- *Receives a future report to adopt the terms of reference for each Advisory Group and appoint the Independent Members to each Advisory Group.*

A recruitment process for membership to the EDSAG and the VESAG has been completed.

Recruitment was undertaken by way of a public Expression of Interest (EOI) that was overseen by the Chief Executive Officer. The EOI received a strong response from a wide range of well credentialed candidates. A total of 29 applications were received. Applications were assessed by an internal panel using a selection-criteria which considered specialist skills, knowledge and experience.

The applications were of a high standard and the 14 individuals recommended to Council demonstrate an exceptional mix of skills, knowledge and experience in areas such as economic and regional development, agriculture, tourism, energy and education.

This report provides the panel's recommendations for Council's consideration. It recommends seven independent experts for each advisory group.

**Confidential Attachment [15.2.1]** - Economic Development Strategy Advisory Group Shortlist, matrix and applications and **Confidential Attachment [15.2.2]** – Visitor Economy Strategy Advisory Group Shortlist, matrix and applications.

This report also recommends the adoption of a Terms of Reference to guide the governance of each advisory group **Attachments [3.1.1]** and **[3.1.2]**.

## **CONSULTATION**

A public recruitment process for membership on the Advisory Groups was undertaken by way of an Expression of Interest (EOI).

Information about the establishment of each Advisory Group, the selection criteria, Terms of Reference and application forms were publicly advertised. This included Council's Facebook page and website and a number of other industry and local media channels including LinkedIn.

## **RESOURCES**

The Council budget includes an allocation of \$30,000 to develop the strategies. Administrative support to the Advisory Groups will be provided within existing resources.

It is proposed that independent members of the Advisory Groups are paid a sitting fee per meeting of \$500 per member and \$750 for the Chair.

## **RISKS**

South Gippsland's economic output is \$3.7 billion per annum. The health of the local economy has a direct impact on the Shire's current and future prosperity. Strategies which seek to identify and address economic opportunities and challenges support the development of the local economy and mitigate risk. A strategic approach informs future advocacy priorities and resource allocations.

The establishment of Advisory Groups supported by independent experts, ensures that the strategy development will be well informed and considered.

Any future conflict of interest matters relating to the function of the Advisory Groups will be managed in accordance with the requirements of the *Local Government Act 2020*.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

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

1. Draft Economic Development Strategy Advisory Group - Terms of Reference [3.1.1 - 4 pages]
2. Draft Visitor Economy Strategy Advisory Group - Terms of Reference [3.1.2 - 4 pages]

## **CONFIDENTIAL ATTACHMENTS**

The consideration of confidential information in a closed session of Council is in accordance with section 66(2)(a) and s.66(5)(a) and (b) of the *Local Government Act 2020*.

**Confidential Attachment [15.2.1] Economic Development Strategy Advisory Group Shortlist, matrix and applications and [15.2.2] – Visitor Economy Strategy Advisory Group Shortlist, matrix and applications** – is designated confidential information pursuant to the Local Government Act 2020, s.3(1)(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

The grounds for designation have been made to protect the privacy of the applicants to positions on the Advisory Groups.

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

Council Plan 2020-24

### **Legislative Provisions**

Local Government Act 2020

### **3.2. RESIDENTIAL GROWTH AREA DEVELOPMENT PLAN - 35 KORUMBURRA - WARRAGUL ROAD, KORUMBURRA**

Development Services Directorate

#### **EXECUTIVE SUMMARY**

This report considers an application for the approval of a Development Plan for the land known as 35 Warragul Road Korumburra. The land is covered by a Development Plan Overlay – Schedule 8 – Residential Growth Area (North West Korumburra) (**Attachment [3.2.1]**). It comprises of one title with a total area of approximately 3.83 hectares being covered by the DPO8. The land is zoned General Residential Zone (GRZ).

A planning permit application for subdivision will be considered after the Development Plan is approved. The DPO8 requires that any planning permit granted must be generally in accordance with the Development Plan, meaning the subdivision application must follow the Development Plan approval. An indicative subdivision layout plan has been submitted for information only (**Attachment [3.2.2]**).

The Development Plan was exhibited and three (3) submissions were received. The key concerns raised in the submissions included: increase of traffic; upgrades to the intersection preventing the option to turn left or right safely onto Warragul Road, loss of on-street parking, lack of pedestrian access connecting the subdivision to the town centre, traffic noise due to intersection upgrades, consideration of the proposed rail trail project and the subdivision, increase in flooding on road due to intersection upgrade, impact subdivision will have on giant earthworm colony, loss of privacy, decreasing the value of property.

It is considered that the Development Plan satisfies the requirements of the DPO8 and is generally in accordance with its provisions. This report recommends Council adopt the Development Plan following consideration of the Officers assessment, DPO8 requirements and the submissions made.

#### **RECOMMENDATION**

That Council adopts the Residential Growth Area (North West Korumburra) Approved Development Plan subject to annotations required by Council for the land at 35 Warragul Road Korumburra and as detailed in (**Attachment [3.2.2]**).

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL ADOPTS THE RESIDENTIAL GROWTH AREA (NORTH WEST KORUMBURRA) APPROVED DEVELOPMENT PLAN SUBJECT TO ANNOTATIONS REQUIRED BY COUNCIL FOR THE LAND AT 35 WARRAGUL ROAD KORUMBURRA AND AS DETAILED IN (ATTACHMENT [3.2.2]).**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

### Background

The subject land at 35 Warragul Road (**Attachment [3.2.3]**) is covered by the Development Plan Overlay - Schedule 8 - Residential Growth Area (North West Korumburra) (DPO8) provisions of the South Gippsland Planning Scheme (**Attachment [3.2.1]**). The DPO8 was applied at the same time that 3.83 ha of the land was rezoned to General Residential Zone (GRZ) by Amendment C96.

Amendment C96 received objections and was considered by a Planning Panel established by the Minister for Planning. The Panel supported the rezoning of the subject land from the Farming Zone (FZ) to the General Residential (GRZ) and the application of the DPO8. A number of the DPO8 provisions are relevant to matters raised in the submissions to the Development Plan.

The purpose of a DPO is to:

*To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.*

*To exempt an application from notice and review if it is generally in accordance with a development plan.*

The DPO8 does not contain any specific objectives. However, the general intent is to ensure that:

- The development of the land occurs in an orderly manner having regard to essential services, open space and roads;
- The interface between proposed and existing nearby developments;
- The timing and staging of the subdivision of the land and;
- Development has an overall appropriate subdivision design.

This point is highlighted to demonstrate that many of the issues addressed in the submissions were envisaged as potential concerns of local residents when the DPO8 was prepared for inclusion in the Planning Scheme in 2015.

### South Gippsland Planning Scheme

Clause 43.04-1 states:

*A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.*

Clause 43.04-4 states:

*The development plan may be amended to the satisfaction of the responsible authority.*

Please refer to **Attachment [3.2.4]** containing a table of assessment for the Development Plan against the DPO8 provisions. While some matters remain outstanding, these will be addressed at the subdivision permit stage. It is considered that the Development Plan satisfies the requirements of the DPO8 and is generally in accordance with its provisions.

The primary issues in assessing whether the Development Plan is satisfactory having regard to the DPO8 provisions are summarised below:

### ***Land use and Subdivision***

The North West Growth Area Development Plan and proposed subdivision provides for the sequential extension of the existing residential area in the north-west of the Korumburra township.

The development, as envisaged in Amendment C96, provides for the proper and orderly extension of physical services, roads and open space.

In relation to interfaces, the site predominantly interfaces with farming land. In the south east, the site adjoins existing residential development. The layout of the subdivision is designed to front dwellings away from the existing residential development along Warragul Road (except for Lot 3).

The subdivision layout provides a physical buffer from the rail corridor and South Gippsland Highway (further to the south). Noise attenuation measures in future housing on the lots will be the responsibility of individual owners.

### ***Open Space***

The Development Plan submitted has designated a public open space reserve with a total area of 495 square metres. The open space reserve is a corridor and will effectively function as a green space link and passive recreation area for future residents. The open space reserve will provide a shared pathway connection between the subdivision and to Warragul Road.

As a shared pathway is proposed by the applicant it would be appropriate for a shared pathway connection to be extended to provide a continuous footpath connection through the subject site, for a short distance along Warragul Road then to the footpath at the new intersection between Warragul Road and the subdivision entry. This requirement can be included as an annotation on the endorsed Development Plan and a condition required at the subdivision permit stage.

It is important to consider that the rezoning process that was considered at the Panel Hearing in 2015 was prior to Council's plan to complete a rail trail shared path connection from Leongatha through to Nyora.

As the rail trail is adjacent to the subject site providing a shared pedestrian pathway along the southern extent of the main access road with a connection ramp to the future rail trail. This will provide a link for residents into the town of Korumburra.

An annotation on the Development Plan is appropriate to ensure that this requirement is noted and will be addressed at the subdivision permit stage.

As part of the subdivision permit stage the applicant will be required to provide public open space (POS) contribution of 5 per cent per subdivision stage (where the land contribution does not achieve 5 per cent then a cash contribution must be provided to fulfil this requirement). This will be addressed via conditions on the subdivision planning permit.

### ***Infrastructure***

Warragul Road is a secondary arterial road (Regional Roads Victoria (VicRoads) controlled). Adjacent to the site frontage, Warragul Road is aligned in a northwest – southwest direction and accommodates one traffic lane in each direction within a variable width road reserve.

Within the vicinity of the site, Warragul Road has a posted speed limit that varies between 60km/h and 80km/h. It is proposed by the applicant and RRV/VicRoads requires that vehicle access to the development will be via a new unsignalised intersection on Warragul Road. The site access intersection proposes an ancillary left turn (AUL) and channelised right turn (CHT) treatment.

The internal roads within the subdivision development will be the primary section of the road network connecting the proposed development to Warragul Road will have a road reserve width of 20m which will accommodate the following:

- A 7.3 metre wide road carriageway;
- 6.0 metre wide verges on both sides of the carriageway; and
- 1.5 metre wide footpaths contained within the verges.

The secondary section of internal road network will have a road reserve width of 16 metres which will accommodate:

- A 7 metre wide carriageway;
- 4.5 metre wide verges on both sides of the road carriageway; and
- 1.5 metre wide footpaths contained with the verges.

All internal roads will include standard 1.5 metre wide footpaths along lot frontages within the road reserves. The internal road network is anticipated to



carry relatively low volumes of traffic. As such, it is anticipated that cyclists will be able to comfortably and safely travel on these streets.

Council has reviewed the traffic report and proposed road networks and is supportive subject to additional information and conditions required at the subdivision permit stage.

Existing traffic conditions in the vicinity of the subject site, the additional traffic generated by the proposed (and potential future) development could not be expected to compromise the function or safety of the surrounding road network.

### ***Drainage***

The Stormwater Management Strategy incorporates water sensitive urban design techniques and provides for the protection of natural systems, integration of stormwater treatment into the landscape, improved water quality, reduction/mitigation of run-off and peak flows including consideration of downstream impacts and how they may be affected by roadworks to neighbouring properties.

Council has confirmed that stormwater detention will be required for the development. Stormwater detention is required for the subdivision and oversized underground drainage pipes will detain the 1 in 5 year developed flows back to the 1 in 5 year pre-developed flows to a coefficient of 0.35.

The internal stormwater drainage has been designed to accord with the requirements of the Infrastructure Design Manual. Stormwater from the development will discharge to the existing property (part of the wider property) to the west of the site.

The outfall drainage is proposed to discharge to what has been identified as a future road reserve. The detailed design for the outfall drainage will need to ensure that no adverse effects occur on the land to the west (i.e. erosion) and has impact on surrounding properties. A gross pollutant trap will be installed to screen, filter and treat stormwater runoff on the subject site.

Council has identified sections within the Stormwater Management Strategy that require additional information regarding water quality requirements. as the Development Plan is a preliminary plan. Overall it has satisfied the DPO8 requirements and the additional information can be addressed at the subdivision permit stage.

### ***Flora and Fauna***

The applicant submitted a flora and fauna assessment and a giant earthworm report. The study area is highly degraded and supports limited biodiversity values. Given the extensive modifications to the study area as a result of historical agricultural practices, the site does not support any native vegetation and is dominated by exotic pasture grasses and weeds.

Habitat for native fauna is marginal and it is unlikely that threatened species are present. The study area does not support any threatened ecological communities.

Two creek-lines located 100 and 500 metres to the west of the study area are potential habitat for the nationally-significant Giant Gippsland Earthworm. Indirect impacts to the species are unlikely given that stormwater discharge into the creek is expected to maintain existing flows.

Overall the report submitted by the Applicant is considered to satisfy the requirements outlined in DPO8 Schedule.

### ***Land contamination***

The desktop investigation submitted by the applicant included a review of previous land uses and the potential for the introduction of contamination to soil through onsite sources.

The site has historically been used for farming/grazing and associated residential use. Records indicate that the site had two residential buildings in 1947 and may have been used for grazing or dairy farming activities since 1947. Immediately surrounding land also appears to have been used for grazing or farming activities.

The subject site is not listed on the Victorian Environment Protection Authority's Priority Sites Register nor are there any in the vicinity of the site.

The report considers that environmental sources related to on site conditions and activities have a low potential for contamination.

Based on the current and historical search carried out for the site, no potential sources of contamination were identified by Geoaquitarde Environmental. In summary, the site is considered suitable to approve the Development Plan and additional testing will be conducted at the subdivision permit stage.

### ***Slope of the land***

DP08 requires the development of the subject site to detail how the proposed design responds to the topography and contours of the land and whether significant earthworks are likely to be required for subdivision(s) to ensure good development design outcomes are achieved.

The topography in Korumburra's urban and greenfield development areas is an important part of the township landscape and visual character. Sloping sites offer unique amenity opportunities that benefit from elevated positions including views and outlook. The landform of the subject site is sloping, and this has been a key design consideration in the design and layout of the subdivision.

The applicant has prepared a Slope Stability Plan for the future subdivision and residential use of the subject site. The Slope Stability Plan denotes the existing

contours at an interval of 1 metre. The direction and percentage of fall is identified for each of the proposed lots.

The proposed depth and width proportions of each of the lots will ensure that the balancing between cut and fill can be readily accommodated within the individual lots without extensive earthworks and full width site benching.

The sloping nature of the site requires earthworks and land forming but the design and layout, by minimising the extent of earth works, reduces the potential for future drainage problems.

The slope stability plan submitted with the Development Plan shows that proposed subdivision lots are less than 15 per cent slope. Therefore, building envelopes and additional reports are not required. To satisfy Council that the DPO8 requirements have been met an annotation is required on the Development Plan to ensure that any future lots greater than 15 per cent slope will have nominated building envelopes at the subdivision permit stage.

## **CONSULTATION**

Exhibition and approval of the Development Plan is an important stage in the approvals process for the subdivision of the subject land. The DPO provisions state that where a planning permit application accords with the requirements of an approved Development Plan, the permit application is exempt from notice (advertising) and review (appeal) at VCAT. This means that once a Development Plan is approved, no further public consultation or engagement is permitted. Council's exhibition of the Development Plan clearly noted this point so that residents with potential concerns were aware that the Development Plan assessment process was the time to make a submission.

Exhibition and consultation also occurred in 2015 when part of the land was rezoned to GRZ and the DPO8 was applied to the land via Planning Scheme Amendment C96. The Planning Scheme Amendment received one submission and was considered at a Planning Panel hearing. The Panel supported the rezoning and introduction of the DPO8 to facilitate future development of this area.

## **Objections/submissions**

Submissions received during the exhibition of the Development Plan are located at (**Confidential Attachment [15.3.1]**). Issues raised during the exhibition process are summarised below with responses to each matter:

- Access and safety concerns with the increase in traffic and intersection upgrades as site is on the bend; and
- Traffic and road design were considered at the previous C96 rezoning process and part of the DPO9 Schedule required the applicant to submit a Traffic Impact Assessment identifying the intersection upgrades and safety measures.

*As part of the Development Plan application, a functional layout intersection layout plan was provided which demonstrates left and right turning lanes into the subdivision from Warragul Road. This plan has been reviewed by VicRoads and Council Officers which at the preliminary stage satisfies the DPO8 Schedule requirements.*

*At the subdivision permit application stage restrictive permit conditions will be required by VicRoads to ensure any intersection upgrades and change in traffic flow meet the relevant safety standards.*

- Inability to turn right towards Korumburra with new intersection upgrades and lack of information provided regarding the proposed intersection;

*The applicant has provided additional information stating that all existing properties on the southern side of Warragul Road will be able to turn right and travel into town. The concrete section of the splitter island will not extend further east beyond the property at 35 Warragul Road and appropriate gaps in chevron markings can be accommodated to ensure exiting vehicles from existing properties can turn right into the Korumburra Commercial Centre.*

*Verbal discussions between Council staff and VicRoads during the assessment of the Development Plan identified the required intersection upgrades are likely a CHR right turning lane and an AUL left turning lane. It is important to note that prior to any intersection upgrades VicRoads will notify all affected residents of the intersection upgrades and be involved in the process.*

- Whether on-street parking will still be available (currently parking on nature strip no official parking available);

*Currently there is no on street parking available along Warragul Road and the DPO8 Schedule does not require any on street parking to be available in the future.*

- Increase in traffic, noise etc. with additional residents;

*It is acknowledged that the current and future development will lead to increased traffic. The existing road network in the locality is considered sufficient to accommodate the increase in traffic.*

*The applicant has provided an indicative subdivision layout plan as part of the Development Plan application (Attachment [3.2.5]). This proposes 30 residential lots, which are quite large with an average lot size of approximately 800 square metres. Given the current location of the subject site and current zoning it is not unreasonable for this increase in a residential area.*

- Lack of pedestrian access connecting the subdivision to the town centre.

*The DPO8 Schedule required the pattern and location of the internal road system. This has been identified based on a safe and practical hierarchy that accounts for pedestrian and bicycle connections and crossing points. A Section 173 Agreement applies to the subject land in relation to developer contributions. A footpath that would aid pedestrian connectivity will be investigated by Council.*

- Consideration of the proposed rail trail project and the subdivision.

*As previously stated in this report a connection footpath along the main internal road is recommended to connect the subdivision with the rail trail project. As part of the subdivision permit application footpaths will be required within the subdivision itself, part of this requirement will consider a pathway connecting to the Rail Trail.*

- Impact subdivision will have on giant earthworm colony;

*The rezoning and DPO8 Schedule required a Flora and Fauna Assessment to be submitted. The applicant has provided a report addressing the giant earthworm including prevention measures to protect the species.*

*In relation to the flora and fauna assessment, it was noted that a previous assessment of the Giant Gippsland Earthworm was undertaken. More specifically, a targeted survey for the Giant Gippsland Earthworm was undertaken to identify any Giant Gippsland Earthworm populations.*

*The subject land has been extensively disturbed by historical agricultural and farming activities including extensive cropping. No evidence of Giant Gippsland Earthworm was found on the subject land.*

*At the subdivision permit stage restrictive permit conditions will be placed on any permit issued ensuring that there is no impact on the identified species.*

- Issues raised at the re-zoning panel hearing still have not been addressed.

*C96 rezoning amendment considered all of the submissions received and concerns. The planning panel determined that introducing the DPO8 Schedule requirements would address the issues and concerns raised. Council officers consider that the Development Plan application has satisfied the requirements of the DPO8 Schedule.*

### **Responses from Referral Authorities**

During the Development Plan process Council referred the application to the following authorities for comment (non-statutory). Some authorities did not respond and will provide a response as determining or recommending referral authorities during the subdivision application process:

**External:**

- CFA – no response;
- Department of Environment, Land, Water and Planning (DELWP) – no response;
- South Gippsland Water (SGW) – support (subject to conditions at the subdivision permit stage);
- VicTrack – support (subject to conditions at the subdivision permit stage); and
- VicRoads – support (subject to conditions and intersection upgrades at the subdivision permit stage).

**Internal:**

- Property & Open Space – consent subject to annotation on the DP stating the hard surface needs to be the full width of the reserve.
- Engineering – overall satisfied with the information will require further conditions on the subdivision permit.

**RESOURCES**

There are no financial implications for Council directly related to the assessment and approval of the development plan.

There are implications in relation to township growth.

**RISKS**

Careful consideration of the Development Plan reduces the risk posed to Council from ongoing maintenance and management of development infrastructure in the subdivision.

**STAFF DISCLOSURE**

Nil

**ATTACHMENTS**

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

1. Development Plan Overlay - Schedule 8 DPO 8 Clause 43.04 - Residential Growth Area (North West Korumburra) - 35 Warragul Road Korumburra [**3.2.1** - 3 pages]
2. Approved Development Plan - 35 Warragul Road Korumburra [**3.2.2** - 1 page]
3. Location Map and Planning Property Report - Development Plan - 35 Warragul Road Korumburra [**3.2.3** - 6 pages]
4. Development Plan Overlay DPO8 Requirements and Officer Assessment - 35 Warragul Road Korumburra [**3.2.4** - 6 pages]

5. Subdivision Layout Plan - 35 Warragul Road Korumburra [3.2.5 - 1 page]

### **CONFIDENTIAL ATTACHMENTS**

The consideration of confidential information in a closed session of Council is in accordance with section 66(2)(a) and 66(5)(a) and (b) of the *Local Government Act 2020*.

**Confidential Attachment [15.3.1] – Submissions - Development Plan - 35 Korumburra - Warragul Road, Korumburra** – is designated confidential information pursuant to the *Local Government Act 2020*, s.3(1)(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs. The grounds for designation have been made to protect the privacy of submitters.

### **REFERENCE DOCUMENTS**

#### **Council Policy**

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

Revised Council Plan 2017-2021

#### **Legislative Provisions**

Planning and Environment Act 1987

South Gippsland Planning Scheme

### **3.3. PLANNING PERMIT APPLICATION 2020/135 - USE AND DEVELOPMENT OF LAND WITH A PLACE OF ASSEMBLY (KORUMBURRA COMMUNITY HUB INCLUDING LIBRARY AND MEETING ROOM), WAIVER OF CAR PARKING REQUIREMENTS 15 LITTLE COMMERCIAL STREET, KORUMBURRA**

Development Services Directorate

#### **EXECUTIVE SUMMARY**

The planning permit application proposes to use and develop the land at 15 Little Commercial Street Korumburra (also known as 4 Victoria Street – former Kindergarten site) for a Place of Assembly (Community Hub) and associated works, and a waiver of car parking. As there were 12 objections, including one submission, the application is referred to Council for determination.

In determining this application Council should consider:

- The Net Community Benefit and compliance with Municipal Planning Strategy, in particular, the Korumburra local policy;
- The ability to address the residential amenity concerns of 2 Victoria Street to an acceptable level;
- The adequacy of car parking close to the public entrances to the Community Hub building having regard to the likely extent of multi-purpose trips in the Activity Centre; and
- The built form design response.

The application has been assessed against the *Planning and Environment Act 1987* and the South Gippsland Planning Scheme. The assessment finds that the application is consistent with relevant policy objectives and the proposal can be supported by issuing a Notice of Decision to Grant a Planning Permit subject to conditions.

#### **RECOMMENDATION**

That Council issue a Notice of Decision to Grant a Planning Permit for the use and development of the land for a Place of Assembly (Community Hub including Library and Meeting Room) and associated works and car parking waiver at 15 Little Commercial Street Korumburra, subject to the following conditions:

1. Before the building works commence amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application/other specified plans but modified to show:



- a. Individual room areas and total floor areas to plans;
  - b. Levels to each corner of the building on Ground Floor Plan;
  - c. Setback dimensions of Community Hub building to dwelling at 2 Victoria Street;
  - d. Dimensions showing depth of excavation added to Sections;
  - e. Details of screening and air conditioning or other mechanical equipment to protect 2 Victoria Street including windows of Community Hub facing habitable room windows;
  - f. Overlooking from windows of the Community Hub building facing 2 Victoria Street meeting Standard A15 of Clause 54.01-6;
  - g. Overshadowing of the Community Hub building facing 2 Victoria Street meeting Standard A14 of Clause 54.01-5;
  - h. Screening of waste storage areas; and
  - i. Bicycle facilities in accordance Clause 52.34.
2. The building, works and layout as shown on the endorsed plan(s) must not be altered or modified except with the written consent of the Responsible Authority;
  3. Once the development has started it must be continued and completed in a timely manner to the satisfaction of the Responsible Authority;
  4. Prior to the use commencing landscaping must be undertaken in accordance with the endorsed plans. The landscaping must be maintained for the life of the development and any dead or dying vegetation replaced to the satisfaction of the Responsible Authority;
  5. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
    - a. Transport of materials, goods or commodities to or from the land;
    - b. Appearance of any building, works or materials;
    - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and
    - d. Presence of vermin.
  6. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land or passing vehicles to the satisfaction of the Responsible Authority;

7. All waste material or other refuse must be obscured from the view of the public and must be disposed of in a manner to the satisfaction of the Responsible Authority;
8. Deliveries to and from the site (including waste collection) must only take place between:
  - a. 6:00 am and 6:00 pm Monday to Friday; and
  - b. 6:00 am and 1:00 pm Saturday.
9. The use, excluding the Library, may operate only between the hours of:
  - a. 7:00 am and 10:00 pm Monday to Friday; and
  - b. 8:00 am and 2:00 pm Saturday, Sunday and Public Holidays.
10. Prior to the commencement of use, bicycle spaces in accordance with Clause 52.34 of the planning scheme must be provided to the satisfaction of the Responsible Authority;
11. The property must be maintained in a neat and tidy condition to the satisfaction of the Responsible Authority;
12. Building construction must be carried out in accordance with Construction Techniques for Sediment Pollution Control (EPA May 1991) and Control of Erosion on Construction Sites (Soil Conservation Authority) to the satisfaction of the Responsible Authority.
13. Engineering conditions:
  - a. The Accessible Car Parking bays must:
    - i. Conform to Australian Standard AS/NZS 2890.6-2006.
    - ii. Be constructed of an impervious material, being concrete, bituminous asphalt or seal, or other material approved by the Responsible Authority.
    - iii. Be suitably line marked and signed.
  - b. Applicant is to install a stormwater detention system to restrict the stormwater discharge from the development within the Design Boundary to the equivalent of the pre-development discharge for that area. Calculations are to be based on a 10 % AEP Design Event.
  - c. Stormwater from the proposed development is to be discharged to Council's underground drainage network.
  - d. Prior to the issue of a Building Permit for the development, engineering plans and relevant computations for the proposed

stormwater network, detention system, Accessible Car Parking bays and associated kerb and channel works are to be submitted to, and approved by, the Council. Engineering plans and drainage computations are to be based on the Infrastructure Design Manual. Plans to also include cross sections demonstrating how the proposed development ties in with both Councils existing and proposed road and drainage infrastructure in Boston Place and Little Commercial Street.

- e. Before the commencement of any works on site, a Construction Traffic Management Plan (CTMP) must be prepared to Council's satisfaction. The CTMP must address traffic and pedestrian management, including access for adjoining businesses during construction.
  - f. Prior to works commencing a Construction Management Plan must be submitted to the Responsible Authority which specifically address maintaining amenity of the surrounding sensitive uses.
  - g. All works must be delivered to the satisfaction of the Responsible Authority.
14. This permit will expire if either of the following applies:
- a. The development is not started within two (2) years of the date of this permit; and
  - b. The development is not completed within four (4) years of the date of this permit.

The Responsible Authority may extend the periods referred to in accordance with Section 69 of the Planning and Environment Act 1987, if a request is made in writing.

**MOVED:** Administrator Zahra

**SECONDED:** Administrator Brown

**THAT COUNCIL ISSUE A NOTICE OF DECISION TO GRANT A PLANNING PERMIT FOR THE USE AND DEVELOPMENT OF THE LAND FOR A PLACE OF ASSEMBLY (COMMUNITY HUB INCLUDING LIBRARY AND MEETING ROOM) AND ASSOCIATED WORKS AND CAR PARKING WAIVER AT 15 LITTLE COMMERCIAL STREET KORUMBURRA, SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. BEFORE THE BUILDING WORKS COMMENCE AMENDED PLANS TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY MUST BE SUBMITTED TO AND APPROVED BY THE RESPONSIBLE AUTHORITY. WHEN APPROVED, THE PLANS WILL BE ENDORSED AND THEN FORM PART OF THE PERMIT. THE PLANS MUST BE DRAWN TO SCALE WITH DIMENSIONS AND THREE COPIES MUST BE PROVIDED. THE PLANS MUST BE GENERALLY IN ACCORDANCE WITH THE PLANS SUBMITTED WITH THE APPLICATION/OTHER SPECIFIED PLANS BUT MODIFIED TO SHOW:**
  - a. INDIVIDUAL ROOM AREAS AND TOTAL FLOOR AREAS TO PLANS;**
  - b. LEVELS TO EACH CORNER OF THE BUILDING ON GROUND FLOOR PLAN;**
  - c. SETBACK DIMENSIONS OF COMMUNITY HUB BUILDING TO DWELLING AT 2 VICTORIA STREET;**
  - d. DIMENSIONS SHOWING DEPTH OF EXCAVATION ADDED TO SECTIONS;**
  - e. DETAILS OF SCREENING AND AIR CONDITIONING OR OTHER MECHANICAL EQUIPMENT TO PROTECT 2 VICTORIA STREET INCLUDING WINDOWS OF COMMUNITY HUB FACING HABITABLE ROOM WINDOWS;**
  - f. OVERLOOKING FROM WINDOWS OF THE COMMUNITY HUB BUILDING FACING 2 VICTORIA STREET MEETING STANDARD A15 OF CLAUSE 54.01-6;**
  - g. OVERSHADOWING OF THE COMMUNITY HUB BUILDING FACING 2 VICTORIA STREET MEETING STANDARD A14 OF CLAUSE 54.01-5;**
  - h. SCREENING OF WASTE STORAGE AREAS; AND**
  - i. BICYCLE FACILITIES IN ACCORDANCE CLAUSE 52.34.**
- 2. THE BUILDING, WORKS AND LAYOUT AS SHOWN ON THE ENDORSED PLAN(S) MUST NOT BE ALTERED OR MODIFIED EXCEPT WITH THE WRITTEN CONSENT OF THE RESPONSIBLE AUTHORITY;**

- 3. ONCE THE DEVELOPMENT HAS STARTED IT MUST BE CONTINUED AND COMPLETED IN A TIMELY MANNER TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY;**
- 4. PRIOR TO THE USE COMMENCING LANDSCAPING MUST BE UNDERTAKEN IN ACCORDANCE WITH THE ENDORSED PLANS. THE LANDSCAPING MUST BE MAINTAINED FOR THE LIFE OF THE DEVELOPMENT AND ANY DEAD OR DYING VEGETATION REPLACED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY;**
- 5. THE USE AND DEVELOPMENT MUST BE MANAGED SO THAT THE AMENITY OF THE AREA IS NOT DETRIMENTALLY AFFECTED, THROUGH THE:**
  - a. TRANSPORT OF MATERIALS, GOODS OR COMMODITIES TO OR FROM THE LAND;**
  - b. APPEARANCE OF ANY BUILDING, WORKS OR MATERIALS;**
  - c. EMISSION OF NOISE, ARTIFICIAL LIGHT, VIBRATION, SMELL, FUMES, SMOKE, VAPOUR, STEAM, SOOT, ASH, DUST, WASTE WATER, WASTE PRODUCTS, GRIT OR OIL; AND**
  - d. PRESENCE OF VERMIN.**
- 6. EXTERNAL LIGHTING MUST BE DESIGNED, BAFFLED AND LOCATED SO AS TO PREVENT ANY ADVERSE EFFECT ON ADJOINING LAND OR PASSING VEHICLES TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY;**
- 7. ALL WASTE MATERIAL OR OTHER REFUSE MUST BE OBSCURED FROM THE VIEW OF THE PUBLIC AND MUST BE DISPOSED OF IN A MANNER TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY;**
- 8. DELIVERIES TO AND FROM THE SITE (INCLUDING WASTE COLLECTION) MUST ONLY TAKE PLACE BETWEEN:**
  - a. 6:00 AM AND 6:00 PM MONDAY TO FRIDAY; AND**
  - b. 6:00 AM AND 1:00 PM SATURDAY.**
- 9. THE USE, EXCLUDING THE LIBRARY, MAY OPERATE ONLY BETWEEN THE HOURS OF:**
  - a. 7:00 AM AND 10:00 PM MONDAY TO FRIDAY; AND**
  - b. 8:00 AM AND 2:00 PM SATURDAY, SUNDAY AND PUBLIC HOLIDAYS.**
- 10. PRIOR TO THE COMMENCEMENT OF USE, BICYCLE SPACES IN ACCORDANCE WITH CLAUSE 52.34 OF THE PLANNING SCHEME MUST**

**BE PROVIDED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY;**

**11. THE PROPERTY MUST BE MAINTAINED IN A NEAT AND TIDY CONDITION TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY;**

**12. BUILDING CONSTRUCTION MUST BE CARRIED OUT IN ACCORDANCE WITH CONSTRUCTION TECHNIQUES FOR SEDIMENT POLLUTION CONTROL (EPA MAY 1991) AND CONTROL OF EROSION ON CONSTRUCTION SITES (SOIL CONSERVATION AUTHORITY) TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**

**13. ENGINEERING CONDITIONS:**

**a. THE ACCESSIBLE CAR PARKING BAYS MUST:**

**I. CONFORM TO AUSTRALIAN STANDARD AS/NZS 2890.6-2006.**

**II. BE CONSTRUCTED OF AN IMPERVIOUS MATERIAL, BEING CONCRETE, BITUMINOUS ASPHALT OR SEAL, OR OTHER MATERIAL APPROVED BY THE RESPONSIBLE AUTHORITY.**

**III. BE SUITABLY LINE MARKED AND SIGNED.**

**b. APPLICANT IS TO INSTALL A STORMWATER DETENTION SYSTEM TO RESTRICT THE STORMWATER DISCHARGE FROM THE DEVELOPMENT WITHIN THE DESIGN BOUNDARY TO THE EQUIVALENT OF THE PRE-DEVELOPMENT DISCHARGE FOR THAT AREA. CALCULATIONS ARE TO BE BASED ON A 10 % AEP DESIGN EVENT.**

**c. STORMWATER FROM THE PROPOSED DEVELOPMENT IS TO BE DISCHARGED TO COUNCIL'S UNDERGROUND DRAINAGE NETWORK.**

**d. PRIOR TO THE ISSUE OF A BUILDING PERMIT FOR THE DEVELOPMENT, ENGINEERING PLANS AND RELEVANT COMPUTATIONS FOR THE PROPOSED STORMWATER NETWORK, DETENTION SYSTEM, ACCESSIBLE CAR PARKING BAYS AND ASSOCIATED KERB AND CHANNEL WORKS ARE TO BE SUBMITTED TO, AND APPROVED BY, THE COUNCIL. ENGINEERING PLANS AND DRAINAGE COMPUTATIONS ARE TO BE BASED ON THE INFRASTRUCTURE DESIGN MANUAL. PLANS TO ALSO INCLUDE CROSS SECTIONS DEMONSTRATING HOW THE PROPOSED DEVELOPMENT TIES IN WITH BOTH COUNCILS EXISTING AND PROPOSED ROAD AND DRAINAGE INFRASTRUCTURE IN BOSTON PLACE AND LITTLE COMMERCIAL STREET.**

**e. BEFORE THE COMMENCEMENT OF ANY WORKS ON SITE, A CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP) MUST BE PREPARED TO COUNCIL'S SATISFACTION. THE CTMP MUST**

**ADDRESS TRAFFIC AND PEDESTRIAN MANAGEMENT, INCLUDING ACCESS FOR ADJOINING BUSINESSES DURING CONSTRUCTION.**

- f. PRIOR TO WORKS COMMENCING A CONSTRUCTION MANAGEMENT PLAN MUST BE SUBMITTED TO THE RESPONSIBLE AUTHORITY WHICH SPECIFICALLY ADDRESS MAINTAINING AMENITY OF THE SURROUNDING SENSITIVE USES.**
  - g. ALL WORKS MUST BE DELIVERED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**
- 14. THIS PERMIT WILL EXPIRE IF EITHER OF THE FOLLOWING APPLIES:**
- a. THE DEVELOPMENT IS NOT STARTED WITHIN TWO (2) YEARS OF THE DATE OF THIS PERMIT; AND**
  - b. THE DEVELOPMENT IS NOT COMPLETED WITHIN FOUR (4) YEARS OF THE DATE OF THIS PERMIT.**

**THE RESPONSIBLE AUTHORITY MAY EXTEND THE PERIODS REFERRED TO IN ACCORDANCE WITH SECTION 69 OF THE PLANNING AND ENVIRONMENT ACT 1987, IF A REQUEST IS MADE IN WRITING.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

The subject land is 15 Little Commercial Street Korumburra (also known as 4 Victoria Street - former kindergarten). The site is a rectangular shape with an area of approximately 3390.9m<sup>2</sup>. There are frontages to Little Commercial Street and Victoria Street of 48.16m, and a depth to Boston Place and 2 Victoria Street of 70.41m. The site has a north-east to south-west alignment and a significant slope similar to Commercial Street / South Gippsland Highway to the north. The subject land is within the General Residential 1 Zone (GRZ1). No Overlays affect the land.

Permit triggers are:

- Use and development of Place of Assembly in the GRZ1; and
- Waiver of car parking.

In general terms, the subject site:

- Fronts Little Commercial Street, a road allows loading and unloading for properties particularly those fronting Commercial Street / South Gippsland Highway;
- Adjoins the Boston Place car park;
- Adjoins 11 Little Commercial Street / 2 Victoria Street, which includes a business fronting Little Commercial Street and a dwelling fronting Victoria Street. The site is within the Commercial 1 Zone; and
- Is at the transition to a residential area to the south.

Refer to:

**Attachment [3.3.1]** – Location map and Planning Property Report – 15 Little Commercial Street, Korumburra and **Attachment 3.3.2]** – Survey Plans 15 Little Commercial Street, Korumburra.

## The Proposal

The application seeks a planning permit for the Use and Development of a Place of Assembly (Community Hub) and waiver of car parking.

As a significant public building this is an opportunity for Council to demonstrate leadership and set an example in built form design, sustainability and Net Community Benefit in a focal location to complement the existing Activity Centre.

The proposal is for a double storey building with public access from Little Commercial Street at both levels. The building includes library, offices, meeting room and flexible / lunch area.



### **Ground floor (465m<sup>2</sup>)**

Includes flexible/lunch, foodbank, waiting, Government services, consulting, offices, circulation, lift, cleaner/laundry, electric/communications, server, bathrooms, kitchen, rotary store, furniture store, plant, airlock and entry.

### **First floor (817m<sup>2</sup>)**

Includes, library, historical society, circulation, tea point, meeting rooms, staff work room, computers, bathrooms, lift, airlock and entry.

The maximum building height is 9.895m, reducing to between 4.530m and 6.293m near the boundary with 2 Victoria Street. The maximum of depth of excavation is 1.979m.

Features of the design include windows in a curved building around several trees, large windows to public area and cantilever to the eastern elevation.

No car spaces are to be provided on site. Four disabled car spaces adjoin the site entry. An area for bicycles adjoins the north-west corner of the site.

Three trees are to be removed at the Victoria Street end of the site.

Please refer to **Attachment [3.3.3]** – 2020-13515 Little Commercial Street, Korumburra - Development Plans and Elevations **Attachment [3.3.4]** – 2020-13515 Little Commercial Street, Korumburra – Landscape Plans **Attachment [3.3.5]** - 2020-13515 Little Commercial Street, Korumburra – Planning Permit Application – Cover letter.

### **Assessment**

A detailed assessment of the application against relevant sections of the *Planning and Environment Act 1987* and the relevant matters in the South Gippsland Planning Scheme are discussed in **Attachment [3.3.6]** – 15 Little Commercial Street, Korumburra - Delegate report.

The Objectives of Clause 21.13 are to:

- *Maintain and promote Korumburra as a Large District Centre offering significant, industrial, retail, service, residential and tourism functions in the Shire.*
- *Ensure the use and development of land in accordance with the strategic directions in the Korumburra Framework Plan at Clause 21.13-4.*

The Korumburra Community Hub strategies include:

- *Provide active uses on the ground floor at public interfaces,*
- *Incorporate links to pedestrian connections between Commercial Street and Little Commercial Street frontage,*

- *Provide a generous public open space /landscape opportunity along the Little Commercial Street frontage*
- *Maintain and encourage active through access to Victoria Street and Boston Place to maximise frontage and accessibility.*

The relevant purposes of the General Residential 1 Zone are:

- *To implement the Municipal Planning Strategy and Planning Policy Framework*
- *To encourage development that respects the neighbour character of the area.*
- *To allow educational, recreational, religious, community and a limited range of non-residential uses to serve local community needs in appropriate locations.*

In determining this application Council should consider:

- The Net Community Benefit and compliance with Municipal Planning Strategy, in particular, the Korumburra local policy;
- The ability to address the residential amenity concerns of 2 Victoria Street to an acceptable level;
- The adequacy of car parking close to the public entrances to the community hub building having regard to the likely extent of multi-purpose trips in the Activity Centre; and.
- The built form design response.

A Traffic Engineering assessment report formed part of the application and assessed the car parking requirement of Community Hub independently and in the context of Korumburra Master Plan.

**Attachment [3.3.7]** – 2020/135 – 15 Little Commercial, Korumburra - Traffic report.

## **CONSULTATION**

The Korumburra Hub project has been subject to a range of public consultation activities dating back to the adoption of the Korumburra Town Centre Framework Plan.

Consultation relevant to the planning permit process included “Drop-In” Information sessions held on 16 December 2019 attended by the Architects and Council staff.

Public Notice of the planning application was given by:

- Mail to 96 owners and occupiers in the surrounding area and Regional Roads Victoria (formerly VicRoads);
- Placing three A1 size signs on the street frontages; and
- Publishing a Notice in The Sentinel newspaper.

Regional Roads Victoria was notified due to any potential impact of a major development on the management of South Gippsland Highway. Advice was received of no objection.

12 objections were received. This included duplicate objections. Please refer to **Confidential Attachment [15.4.1]** – Submissions – 15 Little Commercial, Korumburra (Korumburra Community Hub).

The objections primarily include:

- Residential amenity impacting 2 Victoria Street including overshadowing, overlooking, traffic and mechanical noise;
- Inadequate car parking available close by the Community Hub and for the Activity Centre;
- Other traffic, car parking, loading and unloading, and time limit car parking issues in and around Little Commercial Street;
- Absence of streetscape elevations;
- Inconsistent with the bequest of the site to the people of Korumburra;
- Absence of satisfactory walkways to Commercial Street; and
- Topography not suitable for the community Hub.

Objection	Comments
Residential amenity impacting 2 Victoria Street including lighting, increased traffic, air conditioning and other mechanical noise, overlooking and overshadowing.	<p>The impact from security and other lighting is controlled by standard permit condition so that lighting does not impact other land.</p> <p>Overlooking and overshadowing are concerns due to windows on both levels impacting private open space and habitable room windows at 2 Victoria Street. These are addressed in the ResCode standards for single dwellings on a lot. Plans indicate the extent of overshadowing created by the building and the existing fences throughout a day. Potential overlooking can be addressed, if the</p>

Objection	Comments
	<p>standard is not met, by options including screens and opaque glass.</p> <p>Air conditioning and other mechanical noise is addressed by standard permit conditions requiring screening. These elements have been relocated further from the objector's property to reduce any potential impact. The performance is to be reviewed 3 months after the use has commenced. Modern air conditioning should operate in manner that does not impact neighbouring residents inside their dwelling</p> <p>The car parking and traffic report indicates the surrounding streets have the environmental capacity to accommodate the additional traffic. The proposed uses are expected to coincide for relatively peak short peaks. The volumes of traffic are lower than a supermarket or hotel.</p> <p>A Construction Management Plan is required to address matters including noise, waste and dust during construction.</p> <p>The emergency access door facing 2 Victoria Street is required to comply with building regulations for fire access. It is not permissible for use for other purposes.</p>
<p>Inadequate car parking available in the immediate and surrounding areas</p>	<p>There are sufficient car parking spaces close to the entrances to Community Hub in public car parks and on-street. Persons using the Community Hub are expected to include high proportions of students, other pedestrians and cyclists, multi destination trips within the Activity Centre and vehicles occupied by two or more persons.</p> <p>Issues relating to surrounding areas are not part of this application, but are considered in the Korumburra Master Plan for the Activity Centre.</p>
<p>Other traffic, car parking, loading and time limits on car parking</p>	<p>These matters are not related to the Planning Application and are addressed in Korumburra Master Plan for the Activity Centre or separately.</p>

<b>Objection</b>	<b>Comments</b>
Impact on loading and unloading in Little Commercial Street	A purpose of Little Commercial Street is to function as service street for loading and unloading for properties in Commercial Street /South Gippsland Highway and other properties. This will be continued.
Absence of streetscape elevations	Updated plans have been received. These include Design Response streetscape elevations, which have been made available to the adjoining business and dwelling.
Inconsistent with the bequest of the site to people of Korumburra	This is crown land with a reservation status. The land owner has provided written consent.
Absence of satisfactory walkways to Commercial Street	Access to Commercial Street is currently available from both directions and through a private building during business hours. Walkways from rear car parks to main streets is desirable in Activity Centres. The appropriateness, availability and cost of obtaining additional walkways is a matter considered separately to this application and in conjunction with other priorities in Korumburra Activity Centre.
Topography not suitable for the use	<p>The topography of the land is a feature of significant parts of the Korumburra Activity Centre. This has resulted in a high standard of design in a double storey building with public entrances on both levels, a lift and a reduced footprint.</p> <p>Allotments with significant slopes are highly sought after in many localities and regularly result in high standard design outcomes.</p>

**Table 2. Likely Car Parking Demand extract from Traffic Engineering report Attachment [3.4.7]**

Area	Type	No.	% Occupied	Available
Victoria Street	Long Term	31 no.	15%	26 no.
Little Commercial Street	Short/Long Term	94 no.	65%	33 no.
Boston Place	Long Term	19 no.	100%	0 no.
Radovick Street	Short Term	32 no.	50%	16 no.
Bridge Street	Short/Long Term	39 no.	50%	19 no.
Little Commercial Street	Long Term	51 no.	35%	33 no.
Commercial Street	Short Term	67 no.	65%	23 no.
Bakery/Post Office	Short Term	11 no.	80%	2 no.
Service Road	Long Term	35 no.	100%	0 no.
James Street	Long Term	17 no.	85%	3 no.
<b>Total</b>				<b>155 no.</b>

The number of car parking spaces being waived is 32 as result of development there will be a loss of 29 spaces on Little Commercial Street and Boston Place. Please refer to **Attachment [3.3.7]** Traffic Report. A large majority of lost parking is in the Section 2 area depicted in the Figure 1 below, whereby the grades of the parking spaces exceed the desirable maximum grades for parking spaces. The traffic report demonstrates that there is, and will be sufficient parking available to support the increased generation of parking demand brought on by the proposed development. The loss of parking is required in order to provide the following:

- Public parking spaces compliant with the Victorian Planning Scheme and Australian Standards;
- *Disability Discrimination Act 1992 (DDA)* access to the Korumburra Community Centre; and
- Site entry to the Korumburra Community Centre that compliments the architecture of the building.

Waivers and reduction in the number of car parking are not uncommon as the Planning Scheme is the starting point in assessing the number of spaces close by. The Victorian requirements are also considered in a metropolitan context. Other examples of where car parking waivers have been applied to large developments include: Salvation Army at 2 Long Street, Leongatha and ALDI's Supermarket 8-10 Bruce Street, Leongatha.

**Figure 1. Parking Sections extract from Traffic Report Attachment [3.4.7]**



Figure 4.4: Parking Sections

The *Planning and Environment Act 1987* details the matters which are relevant when determining a planning permit application. Some of the matters raised by objectors are relevant considerations and are included within the assessment of the application. These matters are summarised and addressed in more detail in the Officer's delegate report.

## **OPTIONS**

Pursuant to Section 61 of the *Planning and Environment Act 1987*, Council may determine to:

1. Grant a permit;
2. Grant a permit subject to conditions; or
3. Refuse to grant a permit.

Should Council issue a Notice of Decision to Grant a Planning Permit for the proposal, any objector may elect to appeal to the Victorian Civil and Administrative Tribunal (VCAT) to review Council's decision. A permit applicant may also appeal any conditions of the permit.

Should Council determine to refuse to grant a permit for the proposal, the permit applicant may elect to appeal to the VCAT to review Council's decision.

## RESOURCES

The assessment of planning permit applications is managed within existing resource allocations.

## RISKS

Council's decision may be subject to appeal to Victorian Civil and Administrative Tribunal (VCAT).

## STAFF DISCLOSURE

Nil

## ATTACHMENTS

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

1. 2020-135 15 Little Commercial Street Korumburra Location Map and Planning Property Report [3.3.1 - 4 pages]
2. 2020-135 - 15 Little Commercial Street Korumburra - Survey Plans [3.3.2 - 1 page]
3. 2020-135 - 15 Little Commercial Street Korumburra - Development Plans and Elevations [3.3.3 - 15 pages]
4. 2020-135 - 15 Little Commercial Street Korumburra - Landscape Plans [3.3.4 - 7 pages]
5. 2020-135 15 Little Commercial Street Korumburra - Planning Permit Application - Cover Letter [3.3.5 - 3 pages]
6. 2020 - 135 15 Little Commercial Street Korumburra - Delegates Report and Conditions page [3.3.6 - 24 pages]
7. 2020-135 - 15 Little Commercial Street Korumburra - Traffic Engineering Report [3.3.7 - 30 pages]

## CONFIDENTIAL ATTACHMENTS

The consideration of confidential information in a closed session of Council is in accordance with section 66(2)(a) and s.66(5)(a) and (b) of the *Local Government Act 2020*.

**Confidential Attachment [15.4.1] – Submissions – Planning Permit Application – 2020/135 - Use and Development of land with a Place of Assembly (Community Hub including Library and Meeting Room), Waiver of Car parking Requirements – 15 Little Commercial Street, Korumburra** – is designated confidential information pursuant to the *Local Government Act 2020*, s.3(1)(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs. The grounds for designation have been made to protect the privacy of submitters.



## **REFERENCE DOCUMENTS**

### **Council Policy**

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

Korumburra Car parking Strategy 2013

Revised Council Plan 2017 – 2021

South Gippsland Heritage Study 2004

South Gippsland Planning Scheme

Town Centre Framework Plans

### **Legislative Provisions**

Disability Discrimination Act 1992

Land Act 1958

Local Government Act 1989

Local Government Act 2020

Planning and Environment Act 1987

### **3.4. PLANNING PERMIT APPLICATION 2019/272 - 2 LOT SUBDIVISION WITH NATIVE VEGETATION REMOVAL - 4 GILFEDDER TCE, MIRBOO NORTH**

Development Services Directorate

#### **EXECUTIVE SUMMARY**

The applicant is seeking approval for the subdivision of the subject land into two (2) lots and native vegetation removal at 4 Gilfedder Terrace, Mirboo North. The proposed subdivision would divide the existing 3.87ha land parcel into 2 lots of 2.1ha and 1.77ha, both with frontage to Gilfedder Terrace. The subject land is located within an existing rural living estate, approximately 4km to the north of the Mirboo North township.

This application has been referred to Council for determination as six (6) objections have been received to the proposal. The key issues raised by the objectors include consistency with neighbourhood character and streetscape integration, the extent and acceptability of native vegetation removal proposed and bushfire risk.

These issues reflect the key matters for consideration as part of this proposal. Based on an assessment of these issues being undertaken against the relevant provisions of the South Gippsland Planning Scheme, it is considered that the proposed subdivision appropriately addresses these concerns and is consistent with the objectives and decision guidelines of the Scheme.

The application is therefore recommended for approval, subject to conditions.

#### **RECOMMENDATION**

That Council issues a Notice of Decision to Grant a Planning Permit for the subdivision of the land into two (2) lots and removal of native vegetation at 4 Gilfedder Terrace, Mirboo North, in accordance with the endorsed plans and subject to the following conditions:

1. The plan of subdivision as shown on the endorsed plans must not be altered or modified except with the written consent of the Responsible Authority.
2. The driveway provided to Lot 1 and Lot 2 as shown on the endorsed bushfire management plan must be completed and constructed in an all-weather surface, prior to the issue of a Statement of Compliance.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
4. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of

subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

5. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.
6. The owner of the land must enter into an agreement with:
  - a. A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time;
  - b. A suitably qualified person for the provision of fibre ready telecommunications facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:

- a. A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - c. a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in area where the National Broadband Network will not be provided by optical fibre.
7. Prior to the issue of a Statement of Compliance, all native vegetation shown to be removed in the endorsed Native Vegetation Information Management (NVIM) assessment must be removed to the satisfaction of the Responsible Authority.
8. Before the statement of compliance is issued under the Subdivision Act 1988, the owner must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987*. The agreement must:
  - a. State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the South Gippsland Planning Scheme;

- b. Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit; and
- c. State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the Responsible Authority on a continuing basis.

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

#### Native Vegetation

- 9. Before works start, the permit holder must advise all persons undertaking the vegetation removal works on site of all permit conditions pertaining to native vegetation protection.
- 10. Before works start, a native vegetation protection fence must be erected around all native vegetation to be retained within 15 metres of the removal area. The fence must be constructed of star pickets and paraweb or similar, to the satisfaction of the Responsible Authority. The protection fence must remain in place until all permitted vegetation removal is completed to the satisfaction of the Responsible Authority.
- 11. Except with the written consent of the Responsible Authority, within the area/s of native vegetation to be retained, the following is prohibited:
  - a. Vehicular or pedestrian access;
  - b. Trenching or soil excavation;
  - c. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
  - d. Construction of entry and exit pits for underground services; or
  - e. Any other actions or activities that may result in adverse impacts to retained native vegetation.
- 12. To offset the removal of 0.342 hectares of native vegetation, the permit holder must secure a native vegetation offset/s that meets all of the following:
  - a. A general offset of 0.123 general habitat units:
    - i. Located within the West Gippsland Catchment Management Authority boundary or the South Gippsland Shire Council municipal district;
    - ii. With a minimum strategic biodiversity score of at least 0.112;

- iii. Provide protection for at least three (3) large trees; and
  - iv. Must be in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017).
13. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the Responsible Authority. This evidence must be:
- a. An established first party offset site. This must include:
    - i. A security agreement signed by both parties and recorded on the land title; and
    - ii. A management plan detailing the ten (10) year management actions and ongoing management of the site;

To the satisfaction of the Responsible Authority and the Department of Environment, Land, Water and Planning.

Every year, for ten (10) years after the Responsible Authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan to the Responsible Authority and the Department. An offset site condition statement, including photographs must be included in the notification; and/or
  - b. Credit extract/s allocated to meet the requirements of the permit from the Native Vegetation Credit Register.
- A copy of the offset evidence must be endorsed by the Responsible Authority and form part of the permit.

#### Country Fire Authority

14. Before Certification of the plan of subdivision is issued under the *Subdivision Act 1988*, a bushfire management plan which is generally in accordance with the proposal provided with the Bushfire Management Statement #2125 by Keystone Alliance, and BMP dated 27 August 2019 ref: 2457, must be amended as follows:
- a. To label the land within the proposed lots as WOODLAND vegetation North and South of the defensible space;
  - b. To extend the defensible space to the areas required to be co-operative on the proposed lots – being the area:
    - i. On Lot 2 in the SE direction from the building envelope and 26m from the building envelope of Lot 1 onto Lot 2; and

- ii. On Lot 1 in the NE direction from the building envelope and 26m from the building envelope of Lot 2 onto Lot 1;
15. Once submitted the Bushfire Management Plan is to be endorsed by the Responsible Authority and be part of the permit. When endorsed the plan must be included as an annexure to the Section 173 agreement prepared to give effect to Clause 44.06-5 of the South Gippsland Planning Scheme and the conditions of this permit.
16. In addition to the requirements of Clause 44.06-5 of the South Gippsland Planning Scheme the Section 173 Agreement prepared in accordance with that clause must also specify the following:
  - a. State that the Section 173 agreement has been prepared for the purpose to give effect to the conditions of this permit that require bushfire mitigation measures to be implemented on all Lots.
17. Before the Statement of Compliance is issued under the *Subdivision Act 1988*, defendable space on every lot in the subdivision must be implemented and maintained as specified on the endorsed Bushfire Management Plan, unless otherwise agreed in writing by the CFA and the Responsible Authority.

#### Permit Expiry

18. This permit will expire if one of the following circumstances applies:
  - a. The subdivision is not certified within two (2) years of the date of this permit; or
  - b. The subdivision is not completed within five (5) years of the date of certification.

The Responsible Authority may extend the periods referred to where a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.

**MOVED:** Administrator Zahra

**SECONDED:** Administrator Brown

**THAT COUNCIL ISSUES A NOTICE OF DECISION TO GRANT A PLANNING PERMIT FOR THE SUBDIVISION OF THE LAND INTO TWO (2) LOTS AND REMOVAL OF NATIVE VEGETATION AT 4 GILFEDDER TERRACE, MIRBOO NORTH, IN ACCORDANCE WITH THE ENDORSED PLANS AND SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. THE PLAN OF SUBDIVISION AS SHOWN ON THE ENDORSED PLANS MUST NOT BE ALTERED OR MODIFIED EXCEPT WITH THE WRITTEN CONSENT OF THE RESPONSIBLE AUTHORITY.**
- 2. THE DRIVEWAY PROVIDED TO LOT 1 AND LOT 2 AS SHOWN ON THE ENDORSED BUSHFIRE MANAGEMENT PLAN MUST BE COMPLETED AND CONSTRUCTED IN AN ALL-WEATHER SURFACE, PRIOR TO THE ISSUE OF A STATEMENT OF COMPLIANCE.**
- 3. THE OWNER OF THE LAND MUST ENTER INTO AGREEMENTS WITH THE RELEVANT AUTHORITIES FOR THE PROVISION OF WATER SUPPLY, DRAINAGE, SEWERAGE FACILITIES, ELECTRICITY AND GAS SERVICES TO EACH LOT SHOWN ON THE ENDORSED PLAN IN ACCORDANCE WITH THE AUTHORITY'S REQUIREMENTS AND RELEVANT LEGISLATION AT THE TIME.**
- 4. ALL EXISTING AND PROPOSED EASEMENTS AND SITES FOR EXISTING OR REQUIRED UTILITY SERVICES AND ROADS ON THE LAND MUST BE SET ASIDE IN THE PLAN OF SUBDIVISION SUBMITTED FOR CERTIFICATION IN FAVOUR OF THE RELEVANT AUTHORITY FOR WHICH THE EASEMENT OR SITE IS TO BE CREATED.**
- 5. THE PLAN OF SUBDIVISION SUBMITTED FOR CERTIFICATION UNDER THE *SUBDIVISION ACT 1988* MUST BE REFERRED TO THE RELEVANT AUTHORITY IN ACCORDANCE WITH SECTION 8 OF THAT ACT.**
- 6. THE OWNER OF THE LAND MUST ENTER INTO AN AGREEMENT WITH:**
  - a. A TELECOMMUNICATIONS NETWORK OR SERVICE PROVIDER FOR THE PROVISION OF TELECOMMUNICATION SERVICES TO EACH LOT SHOWN ON THE ENDORSED PLAN IN ACCORDANCE WITH THE PROVIDER'S REQUIREMENTS AND RELEVANT LEGISLATION AT THE TIME;**
  - b. A SUITABLY QUALIFIED PERSON FOR THE PROVISION OF FIBRE READY TELECOMMUNICATIONS FACILITIES TO EACH LOT SHOWN ON THE ENDORSED PLAN IN ACCORDANCE WITH ANY INDUSTRY SPECIFICATIONS OR ANY STANDARDS SET BY THE AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY, UNLESS THE APPLICANT CAN DEMONSTRATE THAT THE LAND IS IN AN AREA**

**WHERE THE NATIONAL BROADBAND NETWORK WILL NOT BE PROVIDED BY OPTICAL FIBRE.**

**BEFORE THE ISSUE OF A STATEMENT OF COMPLIANCE FOR ANY STAGE OF THE SUBDIVISION UNDER THE *SUBDIVISION ACT 1988*, THE OWNER OF THE LAND MUST PROVIDE WRITTEN CONFIRMATION FROM:**

- b. A TELECOMMUNICATIONS NETWORK OR SERVICE PROVIDER THAT ALL LOTS ARE CONNECTED TO OR ARE READY FOR CONNECTION TO TELECOMMUNICATIONS SERVICES IN ACCORDANCE WITH THE PROVIDER'S REQUIREMENTS AND RELEVANT LEGISLATION AT THE TIME; AND**
  - c. A SUITABLY QUALIFIED PERSON THAT FIBRE READY TELECOMMUNICATION FACILITIES HAVE BEEN PROVIDED IN ACCORDANCE WITH ANY INDUSTRY SPECIFICATIONS OR ANY STANDARDS SET BY THE AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY, UNLESS THE APPLICANT CAN DEMONSTRATE THAT THE LAND IS IN AREA WHERE THE NATIONAL BROADBAND NETWORK WILL NOT BE PROVIDED BY OPTICAL FIBRE.**
- 7. PRIOR TO THE ISSUE OF A STATEMENT OF COMPLIANCE, ALL NATIVE VEGETATION SHOWN TO BE REMOVED IN THE ENDORSED NATIVE VEGETATION INFORMATION MANAGEMENT (NVIM) ASSESSMENT MUST BE REMOVED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**
- 8. BEFORE THE STATEMENT OF COMPLIANCE IS ISSUED UNDER THE SUBDIVISION ACT 1988, THE OWNER MUST ENTER INTO AN AGREEMENT WITH THE RESPONSIBLE AUTHORITY UNDER SECTION 173 OF THE *PLANNING AND ENVIRONMENT ACT 1987*. THE AGREEMENT MUST:**
- a. STATE THAT IT HAS BEEN PREPARED FOR THE PURPOSE OF AN EXEMPTION FROM A PLANNING PERMIT UNDER CLAUSE 44.06-2 OF THE SOUTH GIPPSLAND PLANNING SCHEME;**
  - b. INCORPORATE THE PLAN PREPARED IN ACCORDANCE WITH CLAUSE 53.02-4.4 OF THIS PLANNING SCHEME AND APPROVED UNDER THIS PERMIT; AND**
  - c. STATE THAT IF A DWELLING IS CONSTRUCTED ON THE LAND WITHOUT A PLANNING PERMIT THAT THE BUSHFIRE PROTECTION MEASURES SET OUT IN THE PLAN INCORPORATED INTO THE AGREEMENT MUST BE IMPLEMENTED AND MAINTAINED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY ON A CONTINUING BASIS.**



**THE LAND OWNER MUST PAY THE REASONABLE COSTS OF THE PREPARATION, EXECUTION AND REGISTRATION OF THE SECTION 173 AGREEMENT.**

**NATIVE VEGETATION**

- 9. BEFORE WORKS START, THE PERMIT HOLDER MUST ADVISE ALL PERSONS UNDERTAKING THE VEGETATION REMOVAL WORKS ON SITE OF ALL PERMIT CONDITIONS PERTAINING TO NATIVE VEGETATION PROTECTION.**
- 10. BEFORE WORKS START, A NATIVE VEGETATION PROTECTION FENCE MUST BE ERECTED AROUND ALL NATIVE VEGETATION TO BE RETAINED WITHIN 15 METRES OF THE REMOVAL AREA. THE FENCE MUST BE CONSTRUCTED OF STAR PICKETS AND PARAWEB OR SIMILAR, TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY. THE PROTECTION FENCE MUST REMAIN IN PLACE UNTIL ALL PERMITTED VEGETATION REMOVAL IS COMPLETED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**
- 11. EXCEPT WITH THE WRITTEN CONSENT OF THE RESPONSIBLE AUTHORITY, WITHIN THE AREA/S OF NATIVE VEGETATION TO BE RETAINED, THE FOLLOWING IS PROHIBITED:**
  - a. VEHICULAR OR PEDESTRIAN ACCESS;**
  - b. TRENCHING OR SOIL EXCAVATION;**
  - c. STORAGE OR DUMPING OF ANY SOILS, MATERIALS, EQUIPMENT, VEHICLES, MACHINERY OR WASTE PRODUCTS;**
  - d. CONSTRUCTION OF ENTRY AND EXIT PITS FOR UNDERGROUND SERVICES; OR**
  - e. ANY OTHER ACTIONS OR ACTIVITIES THAT MAY RESULT IN ADVERSE IMPACTS TO RETAINED NATIVE VEGETATION.**
- 12. TO OFFSET THE REMOVAL OF 0.342 HECTARES OF NATIVE VEGETATION, THE PERMIT HOLDER MUST SECURE A NATIVE VEGETATION OFFSET/S THAT MEETS ALL OF THE FOLLOWING:**
  - a. A GENERAL OFFSET OF 0.123 GENERAL HABITAT UNITS:**
    - i. LOCATED WITHIN THE WEST GIPPSLAND CATCHMENT MANAGEMENT AUTHORITY BOUNDARY OR THE SOUTH GIPPSLAND SHIRE COUNCIL MUNICIPAL DISTRICT;**
    - ii. WITH A MINIMUM STRATEGIC BIODIVERSITY SCORE OF AT LEAST 0.112;**

- iii. **PROVIDE PROTECTION FOR AT LEAST THREE (3) LARGE TREES; AND**
  - iv. **MUST BE IN ACCORDANCE WITH THE GUIDELINES FOR THE REMOVAL, DESTRUCTION OR LOPPING OF NATIVE VEGETATION (DELWP, 2017).**
- 13. BEFORE ANY NATIVE VEGETATION IS REMOVED, EVIDENCE THAT THE REQUIRED OFFSET FOR THE PROJECT HAS BEEN SECURED MUST BE PROVIDED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY. THIS EVIDENCE MUST BE:**
- a. **AN ESTABLISHED FIRST PARTY OFFSET SITE. THIS MUST INCLUDE:**
    - i. **A SECURITY AGREEMENT SIGNED BY BOTH PARTIES AND RECORDED ON THE LAND TITLE; AND**
    - ii. **A MANAGEMENT PLAN DETAILING THE TEN (10) YEAR MANAGEMENT ACTIONS AND ONGOING MANAGEMENT OF THE SITE;**  
**TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY AND THE DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING.**  
**EVERY YEAR, FOR TEN (10) YEARS AFTER THE RESPONSIBLE AUTHORITY HAS APPROVED THE OFFSET MANAGEMENT PLAN, THE APPLICANT MUST PROVIDE NOTIFICATION OF THE MANAGEMENT ACTIONS UNDERTAKEN TOWARDS IMPLEMENTING THE OFFSET MANAGEMENT PLAN TO THE RESPONSIBLE AUTHORITY AND THE DEPARTMENT. AN OFFSET SITE CONDITION STATEMENT, INCLUDING PHOTOGRAPHS MUST BE INCLUDED IN THE NOTIFICATION; AND/OR**
  - b. **CREDIT EXTRACT/S ALLOCATED TO MEET THE REQUIREMENTS OF THE PERMIT FROM THE NATIVE VEGETATION CREDIT REGISTER.**  
**A COPY OF THE OFFSET EVIDENCE MUST BE ENDORSED BY THE RESPONSIBLE AUTHORITY AND FORM PART OF THE PERMIT.**

#### **COUNTRY FIRE AUTHORITY**

- 14. BEFORE CERTIFICATION OF THE PLAN OF SUBDIVISION IS ISSUED UNDER THE *SUBDIVISION ACT 1988*, A BUSHFIRE MANAGEMENT PLAN WHICH IS GENERALLY IN ACCORDANCE WITH THE PROPOSAL PROVIDED WITH THE BUSHFIRE MANAGEMENT STATEMENT #2125 BY KEYSTONE ALLIANCE, AND BMP DATED 27 AUGUST 2019 REF: 2457, MUST BE AMENDED AS FOLLOWS:**

- a. **TO LABEL THE LAND WITHIN THE PROPOSED LOTS AS WOODLAND VEGETATION NORTH AND SOUTH OF THE DEFENDABLE SPACE;**
  - b. **TO EXTEND THE DEFENDABLE SPACE TO THE AREAS REQUIRED TO BE CO-OPERATIVE ON THE PROPOSED LOTS – BEING THE AREA:**
    - i. **ON LOT 2 IN THE SE DIRECTION FROM THE BUILDING ENVELOPE AND 26M FROM THE BUILDING ENVELOPE OF LOT 1 ONTO LOT 2; AND**
    - ii. **ON LOT 1 IN THE NE DIRECTION FROM THE BUILDING ENVELOPE AND 26M FROM THE BUILDING ENVELOPE OF LOT 2 ONTO LOT 1;**
- 15. ONCE SUBMITTED THE BUSHFIRE MANAGEMENT PLAN IS TO BE ENDORSED BY THE RESPONSIBLE AUTHORITY AND BE PART OF THE PERMIT. WHEN ENDORSED THE PLAN MUST BE INCLUDED AS AN ANNEXURE TO THE SECTION 173 AGREEMENT PREPARED TO GIVE EFFECT TO CLAUSE 44.06-5 OF THE SOUTH GIPPSLAND PLANNING SCHEME AND THE CONDITIONS OF THIS PERMIT.**
- 16. IN ADDITION TO THE REQUIREMENTS OF CLAUSE 44.06-5 OF THE SOUTH GIPPSLAND PLANNING SCHEME THE SECTION 173 AGREEMENT PREPARED IN ACCORDANCE WITH THAT CLAUSE MUST ALSO SPECIFY THE FOLLOWING:**
- a. **STATE THAT THE SECTION 173 AGREEMENT HAS BEEN PREPARED FOR THE PURPOSE TO GIVE EFFECT TO THE CONDITIONS OF THIS PERMIT THAT REQUIRE BUSHFIRE MITIGATION MEASURES TO BE IMPLEMENTED ON ALL LOTS.**
- 17. BEFORE THE STATEMENT OF COMPLIANCE IS ISSUED UNDER THE *SUBDIVISION ACT 1988*, DEFENDABLE SPACE ON EVERY LOT IN THE SUBDIVISION MUST BE IMPLEMENTED AND MAINTAINED AS SPECIFIED ON THE ENDORSED BUSHFIRE MANAGEMENT PLAN, UNLESS OTHERWISE AGREED IN WRITING BY THE CFA AND THE RESPONSIBLE AUTHORITY.**

#### **PERMIT EXPIRY**

- 18. THIS PERMIT WILL EXPIRE IF ONE OF THE FOLLOWING CIRCUMSTANCES APPLIES:**
- a. **THE SUBDIVISION IS NOT CERTIFIED WITHIN TWO (2) YEARS OF THE DATE OF THIS PERMIT; OR**
  - b. **THE SUBDIVISION IS NOT COMPLETED WITHIN FIVE (5) YEARS OF THE DATE OF CERTIFICATION.**

**THE RESPONSIBLE AUTHORITY MAY EXTEND THE PERIODS REFERRED TO WHERE A REQUEST IS MADE IN WRITING IN ACCORDANCE WITH SECTION 69 OF THE *PLANNING AND ENVIRONMENT ACT 1987*.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

### Background

The subject land is identified as Lot 15 on Plan of Subdivision 302507G Parish of Mirboo, County of Buln Buln, more commonly referred to as 4 Gilfedder Terrace, Mirboo North. The subject land is generally rectangular in shape, with a total land area of 3.87ha. The site is located on the southern side of Gilfedder Terrace, approximately 4km from the Mirboo North town centre. The site is currently vacant with remnant native vegetation, with a small outbuilding comprising the only development on site to date.

The subject land is located within the Rural Living Zone and is covered by the Environmental Significance Overlay – Schedule 5 (Areas susceptible to erosion) and the Bushfire Management Overlay. A planning permit is required under the provisions of each control to subdivide land, with consideration of particular provisions relating to bushfire protection.

The surrounding area is characterised by various rural-residential properties forming part of an established rural living estate. Lot sizes in the estate vary from approximately 0.52ha to 8.4ha, with an average lot size across the estate of 2.45ha. The proposed lots would be smaller than the average, however would be consistent with a number of other lots in the estate.

Refer to **Attachment [3.4.1]** - Location Map and Planning property report – 2019/272 – 4 Gilfedder Terrace, Mirboo North.

### The Proposal

The application seeks approval for the subdivision of the subject land into two (2) lots of 2.1ha and 1.77ha respectively. This is to be achieved by dividing the subject land centrally along the existing frontage, with the new boundary line aligning with the boundary line along the eastern boundary. Due to the slightly irregular shape of the lot, a 3300m<sup>2</sup> variance is observed between proposed Lot 1 and Lot 2; however this is of no consequence to the proposal.

Each proposed lot would be able to be developed with a dwelling 'as of right', with potential for a permit to be triggered under the ESO5. Bushfire protection measures required for future development necessitates the removal of native vegetation from the site, which is considered as part of this proposal. Conditions relating to future residential development and associated performance standards for bushfire protection are included in the recommended conditions.

The proposal is shown in detail in **Attachment [3.4.2]** - Proposed subdivision plans – 2019/272 – 4 Gilfedder Terrace, Mirboo North.

A detailed assessment of the application against relevant sections of the *Planning and Environment Act (1987)* and the relevant matters of the South

Gippsland Planning Scheme are discussed in **Attachment [3.4.3]** - Delegates report – 2019/272 4 Gilfedder Terrace, Mirboo North).

The primary issues relating to this application are:

- Whether the proposal is consistent with the character of the area;
- Whether the proposed native vegetation removal is acceptable; and
- Whether bushfire risk to the site can be appropriately managed.

The proposal is consistent with the relevant Planning Policy Framework objectives and strategies, the objections and decision guidelines of the Rural Living Zone, Environmental Significance Overlay and Bushfire Management Overlay, and the decision guidelines of Clause 65, subject to the inclusion of appropriate conditions to ensure compliance with vegetation offsets and bushfire protection measures.

### **CONSULTATION**

The application was advertised pursuant to Sections 52(1)(a) and 52(1)(d) of the *Planning and Environment Act (1987)*, by direct mail notices to adjoining and adjacent owners and occupiers, and the erection of a sign on the subject land for fourteen (14) days. As a result, six (6) objections have been received to the application, as well as 1 letter of support for submissions received please refer to **Confidential Attachment [15.5.1]** – Submissions – 2019/272 4 Gilfedder Terrace, Mirboo North.

The objections primarily relate to matters of neighbourhood character, streetscape context, future dwelling development and native vegetation removal as a result of the subdivision; specifically relating to the extent of vegetation loss and impact of additional dwelling development proximate to Gilfedder Terrace. Other matters raised in objections include erosion and sedimentation issues, traffic generation, perceptions of precedent and reduction in property values. These matters are summarised and addressed in detail in **Attachment [3.4.3]** - Delegates report – 2019/272 4 Gilfedder Terrace, Mirboo North).

The application was referred to the Country Fire Authority (CFA) pursuant to Section 55 of the *Planning and Environment Act (1987)*. The CFA have requested conditions be placed on any permit that may issue, which are reflected in the recommendation. The application was referred under Section 52 of the *Planning and Environment Act (1987)* to the Department of Environment, Land, Water and Planning with respect to the proposed native vegetation removal, who had no objection and no conditions to add.

Referral responses are discussed in more detail in **Attachment [3.4.3]** - Delegates report – 2019/272 4 Gilfedder Terrace, Mirboo North).

## **Options**

Pursuant to Section 61 of the *Planning and Environment Act (1987)*, Council may determine to:

1. Grant a planning permit; or
2. Grant a planning permit subject to conditions; or
3. Refuse to grant a planning permit.

## **RESOURCES**

Should Council issue a Notice of Decision to Grant a Planning Permit for the proposal, any objector may elect to appeal to the Victorian Civil and Administrative Tribunal (VCAT) to review Council's decision.

Should Council determine to refuse to grant a permit for the proposal, the permit applicant may elect to appeal to the VCAT to review Council's decision.

## **RISKS**

Should Council fail to make a decision on this application at this meeting, there is a risk that the applicant may appeal to VCAT against Council's failure to determine the application. Such an appeal opens Council to a potential costs claim for its failure to determine.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

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

1. Location Map and Planning Property Report - 4 Gilfedder Terrace Mirboo North [3.4.1 - 4 pages]
2. Proposed subdivision plans - 4 Gilfedder Terrace Mirboo North [3.4.2 - 39 pages]
3. Delegates Report - 2019-272 4 Gilfedder Terrace Mirboo North [3.4.3 - 24 pages]

## CONFIDENTIAL ATTACHMENTS

The consideration of confidential information in a closed session of Council is in accordance with section 66(2)(a) and s.66(5)(a) and (b) of the *Local Government Act 2020*.

**Confidential Attachment [15.5.1] – Submissions – Planning Permit Application 2019/272 – 2 lot subdivision with native vegetation removal – 4 Gilfedder Terrace, Mirboo North** – is designated confidential information pursuant to the *Local Government Act 2020*, s.3(1)(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs. This grounds for designation have been made to protect the privacy of submitters.

## REFERENCE DOCUMENTS

### Council Policy

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

Revised Council Plan 2017 – 2021  
South Gippsland Housing and Settlement Strategy  
South Gippsland Planning Scheme  
Town Centre Framework Plans

### Legislative Provisions

Local Government Act 1989  
Local Government Act 2020  
Planning and Environment Act 1987  
Subdivision Act 1988



## 4. OBJECTIVE 4 - CUSTOMER FOCUSED ORGANISATION

### 4.1. GOOD GOVERNANCE FRAMEWORK - GOVERNANCE RULES (C82)

Corporate and Community Services Directorate

#### EXECUTIVE SUMMARY

The *Local Government Act 2020* (the Act) requires each council to develop and adopt a series of policies as part of the new principles-based reforms embodied within the Act. As per s.60 of the Act, Governance Rules need to be adopted by 1 September 2020. Council's *Governance Rules* will replace the majority of South Gippsland's *Local Law No. 2 2020 - Meeting Procedures and Common Seal* (Local Law No.2) adopted by Council on 27 May 2020.

The *Governance Rules (C82)*, including the *Election Period Policy C30* (Governance Rules) in **Attachment [4.1.1]**, required to be adopted by 1 September 2020, will exist as part of a suite of governance policies and procedures within Council's adopted Good Governance Framework under the pillars of 'Decision Making' and 'Structure, Systems and Policies'.

The Governance Rules outline the rules to conduct Council meetings for South Gippsland Shire and delegated and/or joint delegated committees of Council. The *Election Period Policy (C30)* (Election Period Policy) has also been reviewed, updated and is included as part of the Governance Rules. Together these are presented as the Governance Rules (C82) for Council's consideration in **Attachment [4.1.1]**.

A report to commence the process to repeal redundant sections of Local Law No.2 2020 will be brought to Council in coming months.

#### RECOMMENDATION

That Council:

1. Adopts the Governance Rules 2020 (C82), incorporating the Election Period Policy (C30), in Attachment [4.1.1]; and
2. Publishes the Governance Rules (C82) in Attachment [4.1.1] on Council's website.

**Administrator Christian Zahra moved a Motion different from the Recommendation.**

**MOVED:** Administrator Zahra

**SECONDED:** Administrator Brown

**THAT COUNCIL:**

- 1. ADOPTS THE GOVERNANCE RULES 2020 (C82), INCORPORATING THE ELECTION PERIOD POLICY (C30), IN ATTACHMENT [4.1.1] WITH MINOR ADMINISTRATIVE CORRECTIONS; AND**
- 2. PUBLISHES THE GOVERNANCE RULES 2020 (C82) IN ATTACHMENT [4.1.1] ON COUNCIL'S WEBSITE.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

**REPORT**

The Governance Rules 2020 (Governance Rules) will exist as part of a suite of strong governance policies and procedures within Council's adopted Good Governance Framework under the pillars of 'Decision Making' and 'Structure, Systems and Policies'. Further governance policies within this suite will strengthen Council's ability to responsibly and accountably manage the decision-making practices of Council. The suite of policies will include, but not be limited to, the:

1. Local Law No.2, 2020 – Adopted 27 May 2020;
2. Public Transparency Policy (C81) – adopted 22 July 2020;
3. Councillor Support and Expenditure Policy (C51) – adopted 22 July 2020;
4. Public Participation in Meetings with Council Policy (C65) – adopted 18 December 2019;
5. Councillor Code of Conduct (C14) – adopted 22 February 2017; and
6. Councillor Access to and Request for Information Policy (C66) – adopted April 2016.

Section 60 of the Act outlines the requirement for each council to develop, adopt and keep in force Governance Rules to be used for Council meetings and delegated and/or joint delegated committees of Council. The Governance Rules must be adopted by 1 September 2020 under s.60(7) of the Act.

Section 60(1) of the Local Government Act 2020, sets out the requirement for the Governance Rules:

*"A Council to:*

1. *develop, adopt and keep in force a set of Governance Rules for or with respect to the following:*
  - a. *the conduct of Council meetings;*
2. *the conduct of meetings of delegated committees;*
  - a. *the form and availability of meeting records;*
  - b. *the election of the Mayor and the Deputy Mayor and the appointment of an Acting Mayor;*
  - c. *an election period policy in accordance with section 69;*
  - d. *the procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee under section 130;*

- e. *the procedure for the disclosure of a conflict of interest by a Councillor under section 131;*
- f. *the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter within the meaning of section 126(1);*
- g. *any other matters prescribed by the regulations.”*

There is a requirement under s.60(4) of the Act for Council to seek the views of the community in the development of the Governance Rules. Council has undertaken this engagement by endorsing the proposed Governance Rules, including a revised Election Period Policy, on 8 July 2020 and undertaking a formal submission process in accordance with s.223 of the *Local Government Act 1989*.

The submission process was held between 14 July and 11 August 2020. One submission was received. A Special Meeting was held on 19 August at 12.45pm to consider and decide on the submission. A hearing was not required as the submitter did not elect to speak to the submission. Amendments to the Governance Rules arising from the Special Meeting have been incorporated in **Attachment [4.1.1]**.

The Governance Rules are required to include Council's Election Period Policy (C30) under s.69 of the Act. The revised Election Period Policy was modified extensively to align to the 2020 Act. This policy forms part of the Governance Rules and was included in the community consultation process.

For Council to meet the legislated requirement, the Governance Rules (**Attachment [4.1.1]**) has been prepared based on a template provided by Council's Lawyers - Maddocks. Council incorporated elements from Local Government Victoria's (LGV) draft Governance Rules document/guide and other components arising from sector discussions.

The Governance Rules have been tailored to suit this Council's requirements. They are presented to Council for consideration and adoption.

Once finally adopted the Governance Rules replace the meeting procedure requirements of *Local Law No. 2 2020 - Meeting Procedures and Common Seal* (Local Law) adopted by Council on 27 May 2020. Some sections of this Local Law may be retained for enforcement requirements over the Common Seal with the remaining sections to be repealed. The process to repeal the various redundant sections of the Local Law will be brought to Council to commence once the Governance Rules are adopted by Council.

## **CONSULTATION**

Council has considered the templates provided by its Lawyers Maddocks, Local Government Victoria templates and guidelines, the Act and current practices of Council Meetings and Delegated Committees of Council, when developing

these Governance Rules. Discussions with various Councils, including a working group of Officers from the Gippsland Local Government Network (GLGN), have also informed its development.

Administrators, Executive Leadership Team and Officer feedback have also been incorporated in the development of the Proposed Governance Rules.

The proposed Governance Rules and revised Election Period Policy were endorsed on 8 July 2020, with formal public submissions sought between 14 July and 5.00pm 11 August 2020. Council held a Special Meeting on 19 August to consider and decided on the one submission received. Amendments resolved at the Special Meeting have been incorporated into the final Governance Rules.

## **RESOURCES**

Maddocks law firm has prepared a template set of Governance Rules on a fee basis for the sector. These were prepared as a base with the expectation they would be tailored to each individual Council's requirements. Council purchased the Maddock's template and it forms the base of the Governance Rules.

The fee for this template was included in current budget requirements and no additional resourcing has been required to complete the review, development and implementation of the Governance Rules.

## **RISKS**

Council is required under the Act to adopt a set of Governance Rules to replace the meeting procedure Local Law by 1 September 2020. Failure to meet this timeline would place Council in breach of the Act. It is possible that the Governance Rules may require further refinement at a later stage, once new regulations for the Act are released.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

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

1. GOVERNANCE RULES 2020 C82 including ELECTION PERIOD POLICY C30  
[4.1.1 - 75 pages]

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

Election Period Policy (C30)

Local Law No. 2 2020

Public Transparency Policy (C75)

### **Legislative Provisions**

Local Government Act 2020

## **4.2. ESTABLISH AUDIT AND RISK COMMITTEE AND AUDIT AND RISK COMMITTEE CHARTER (C08)**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

The establishment and effective operation of an Audit and Risk Committee is a key good governance and transparency mechanism, that contributes to the continuous improvement of the performance and effectiveness of Council's operations. The purpose of this report is to enable Council to perform the following functions in accordance with section 53 and s.54 of the *Local Government Act 2020* (the Act) prior to the statutory timeframe of 1 September 2020:

- Adopt the Audit and Risk Committee Charter (C08) (refer to **Attachment [4.2.1]**); and
- Establish the Audit and Risk Committee and appoint the members of the former Audit Committee as members, noting the terms of each appointment remains unchanged.

This report also enables Council to:

- Note the resignation of current Committee Chair, Dr. John Purcell from the Committee and to acknowledge Dr. Purcell for his contributions to Council; and
- Appoint a new Committee Chair.

### **RECOMMENDATION**

That Council:

1. Adopts the Audit and Risk Committee Charter (C08) (Attachment [4.2.1]) in accordance with s.54 of the Local Government Act 2020 (the Act);
2. Establishes the Audit and Risk Committee in accordance with s.53 of the Act and appoint the following members of Council's former Audit Committee as members, noting that the term of each appointment remains unchanged as indicated below:
  - a. Mr. Homi Burjorjee (Independent Member – second and final consecutive three-year term concludes on 21 February 2023);
  - b. <Insert Name> (Independent Member – first consecutive three-year term concludes on 30 November 2021);
  - c. Mr. Rick Brown (Administrator Member – to the end of the Administrator Term October 2021);

3. Notes the resignation of Dr. John Purcell as Independent Member and Chair of the Audit Committee effective 29 July 2020 and formally acknowledges Dr. Purcell for the contribution he has made to the Council since his appointment in 2015;
4. Appoints Independent Member <Insert Name> as Chair of the Audit and Risk Committee for remainder of the 2020 Calendar year; and
5. Notes a recruitment process has commenced in accordance with the Audit and Risk Committee charter to fill the Independent Member vacancy on the Committee created by the resignation of Dr. Purcell.

**Administrator Rick Brown moved a Motion different from the Recommendation.**

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL:**

1. **ADOPTS THE AUDIT AND RISK COMMITTEE CHARTER (C08) (ATTACHMENT [4.2.1]) IN ACCORDANCE WITH S.54 OF THE LOCAL GOVERNMENT ACT 2020 (THE ACT);**
2. **AMENDS CLAUSE 1 UNDER THE COUNCILLOR MEMBERS HEADING TO SAY "APPOINT THE COUNCILLOR MEMBER FOR A TERM OF THREE YEARS, OR UNTIL THE NEXT COUNCIL ELECTION, WHICHEVER IS THE SHORTER TERM'.**
3. **ESTABLISHES THE AUDIT AND RISK COMMITTEE IN ACCORDANCE WITH S.53 OF THE ACT AND APPOINT THE FOLLOWING MEMBERS OF COUNCIL'S FORMER AUDIT COMMITTEE AS MEMBERS, NOTING THAT THE TERM OF EACH APPOINTMENT REMAINS UNCHANGED AS INDICATED BELOW:**
  - a. **MR. HOMI BURJORJEE (INDEPENDENT MEMBER – SECOND AND FINAL CONSECUTIVE THREE-YEAR TERM CONCLUDES ON 21 FEBRUARY 2023);**
  - b. **MR CHRIS BADGER (INDEPENDENT MEMBER – FIRST CONSECUTIVE THREE-YEAR TERM CONCLUDES ON 30 NOVEMBER 2021);**
  - c. **MR. RICK BROWN (ADMINISTRATOR MEMBER – TO THE END OF THE ADMINISTRATOR TERM OCTOBER 2021);**
4. **NOTES THE RESIGNATION OF DR. JOHN PURCELL AS INDEPENDENT MEMBER AND CHAIR OF THE AUDIT COMMITTEE EFFECTIVE 29 JULY 2020 AND FORMALLY ACKNOWLEDGES DR. PURCELL FOR THE CONTRIBUTION HE HAS MADE TO THE COUNCIL SINCE HIS APPOINTMENT IN 2015;**

5. **APPOINTS INDEPENDENT MEMBER MR CHRIS BADGER AS CHAIR OF THE AUDIT AND RISK COMMITTEE FOR REMAINDER OF THE 2020 CALENDAR YEAR; AND**
6. **NOTES A RECRUITMENT PROCESS HAS COMMENCED IN ACCORDANCE WITH THE AUDIT AND RISK COMMITTEE CHARTER TO FILL THE INDEPENDENT MEMBER VACANCY ON THE COMMITTEE CREATED BY THE RESIGNATION OF DR. PURCELL.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)



## REPORT

Section 53 of the *Local Government Act 2020* (Vic) (the Act) requires all Victorian councils to establish an Audit and Risk Committee and sets out the requirements for its members.

Section 54 of the Act requires councils to prepare and approve its first Audit and Risk Committee Charter and establish the first Audit and Risk Committee on or before 1 September 2020.

In order to provide support to councils to achieve the requirements due for implementation by 1 September 2020, Local Government Victoria provided a draft Audit and Risk Advisory Committee Charter as guidance.

The proposed Audit and Risk Committee Charter (refer to **Attachment [4.2.1]**) has been developed considering the following:

- Feedback received from Audit Committee Members/Administrators at the 9 June 2020 Audit Committee meeting - in particular, inclusion of the overarching Governance Principles as set out in the Act;
- Local Government Victoria Model Audit and Risk Committee Charter;
- Requirements of Council's current Audit Committee Charter (i.e. retention of relevant sections); and
- Legal requirements for Audit and Risk Committees as per the Act.

To establish Council's first Audit and Risk Committee it is proposed to appoint the members of the former Audit Committee as members, noting the terms of each appointment remain unchanged.

## CONSULTATION

Council Management and the Audit Committee were consulted on the recommended changes to the proposed Audit and Risk Committee Charter.

## RESOURCES

Nil

## RISKS

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

## STAFF DISCLOSURE

Nil

## ATTACHMENTS

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

1. Proposed Audit and Risk Committee Charter [4.2.1 - 11 pages]

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

Audit Committee Charter (C08) and Terms of Reference

### **Legislative Provisions**

Local Government Act 2020, ss.53, 54

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

Local Government Victoria Model Audit and Risk Committee Charter

### **4.3. COMMUNITY ASSET COMMITTEES - FORMERLY SECTION 86 COMMITTEES**

Infrastructure Directorate

#### **EXECUTIVE SUMMARY**

Council's community committees are formed to manage a range of community facilities and assets on the community's behalf, and make an important and valued contribution to community life in South Gippsland. The reformed *Local Government Act 2020* (2020 Act) received Royal Assent on 24 March 2020, and aims to improve Local Government democracy, accountability and service delivery for all Victorians.

This report responds to necessary changes to existing *Section 86 Committees* required by the new 2020 Act.

At the 22 July 2020 Council Meeting, Council resolved to re-form existing Section 86 Committees established under s.86 of the *Local Government Act 1989* as Community Asset Committees pursuant to s.65 of the *Local Government Act 2020*. Council further requested that the Chief Executive Officer bring a report to the 26 August 2020 Council Meeting to rescind the former Section 86 Committees and establish the memberships of the new Community Asset Committees in accordance with s. 65 of the 2020 Act.

#### **RECOMMENDATION**

That Council:

1. Revokes the appointments and delegations of each of the existing Section 86 Committees formed under s.86 of the Local Government Act 1989 being:
  - a. Allambee South Community Hall Special Committee
  - b. Dumbalk Hall Special Committee
  - c. Foster Showgrounds Special Committee
  - d. Stockyard Gallery Special Committee
  - e. Foster War Memorial Arts Centre Special Committee
  - f. John Terrill Memorial Park and Fish Creek Recreation Reserve Special Committee
  - g. Korumburra Recreation Reserve Special Committee
  - h. Leongatha Court House Special Committee
  - i. Mardan Hall Special Committee

- j. Meeniyan & District Sports Stadium Special Committee
  - k. Mirboo North Hall Special Committee
  - l. Port Welshpool and District Maritime Museum Special Committee
  - m. Sandy Point Community Centre and TP Taylor Reserve Special Committee
  - n. Walter J Tuck Recreation Reserve Special Committee
  - o. Korumburra Botanic Park Special Committee
2. In exercise of the power conferred by s.65 of the Local Government Act 2020, Council resolves that:
- a. From the date of this resolution, there be established as Community Asset Committees with the purpose, members and Chairperson of each Committee as set out in the Schedule in this resolution.
  - b. A quorum of the Committee is a whole number that is an absolute majority, which is greater than half the total number of members of the Committee.
  - c. All members of the Committee have voting rights on the Committee.

**Schedule  
Community Asset Committees**

Name of Community Asset Committee	Purpose	Members	Chairperson
Sandy Point Community Centre and T P Taylor Reserve Community Asset Committee	To manage the Sandy Point Community Centre and T P Taylor Reserve	<ul style="list-style-type: none"> <li>• Dianne Cooper</li> <li>• Tony Cornish</li> <li>• Dot Devine</li> <li>• Kim White</li> <li>• Rick Martin</li> <li>• Judy O'Sullivan</li> <li>• Judy Barnard</li> <li>• Cheryl Dabrera</li> <li>• Sally Gibson</li> </ul>	Dianne Cooper
Dumbalk Hall Community Asset Committee	To manage the Dumbalk Hall	<ul style="list-style-type: none"> <li>• Terry Murphy</li> <li>• Elaine Snell</li> <li>• Colin John Heppell</li> <li>• Jan Stirling</li> <li>• Kay Cook</li> <li>• Ian Inglis</li> <li>• Marg (Patricia Margaret) Cantwell</li> <li>• Karen Smith</li> </ul>	Terry Murphy

Name of Community Asset Committee	Purpose	Members	Chairperson
		<ul style="list-style-type: none"> <li>• Bev Hanley</li> <li>• Gloria Simpson</li> </ul>	
Leongatha Courthouse Community Asset Committee	To manage the Leongatha Courthouse	<ul style="list-style-type: none"> <li>• Nigel Hutchinson-Brooks</li> <li>• Natalie Stewart</li> <li>• Mesina Ahakova</li> <li>• Brad Lester</li> <li>• Tanielle Richards</li> <li>• Daryl Hunt</li> <li>• Bruce Jarrett</li> </ul>	Nigel Hutchinson-Brooks
Foster Stockyard Gallery Community Asset Committee	To manage the Foster Stockyard Gallery	<ul style="list-style-type: none"> <li>• Walter Birkenbeil</li> <li>• Kerry Strauss</li> <li>• Tess Deyl</li> <li>• Susan Gilford</li> <li>• Grant Flather</li> <li>• Anne Miller</li> <li>• Yianni Banikos</li> <li>• Sandra Abberton</li> <li>• Pamela Henry</li> </ul>	Walter Birkenbeil
Mirboo North Hall Community Asset Committee	To manage the Mirboo North Hall	<ul style="list-style-type: none"> <li>• Isobel Trease</li> <li>• Lisa Murray</li> <li>• Michael Quigley</li> <li>• Frank Krausz</li> <li>• Andy Plowman</li> <li>• Liz Sharpley</li> <li>• Kim Irving</li> </ul>	Isobel Trease
Korumburra Botanic Park Community Asset Committee	To manage the Korumburra Botanic Park	<ul style="list-style-type: none"> <li>• Warren Raabe</li> <li>• John Kurrle</li> <li>• Gerard John Grenville</li> <li>• Michael Bevedere</li> <li>• Robert Buchan</li> <li>• Andrew Fernleigh</li> <li>• Helen Pearce</li> <li>• Jan Hewitt</li> <li>• George Manis</li> <li>• Nikki Potter</li> </ul>	Warren Raabe
Meeniyah Sports Stadium Community Asset Committee	To manage the Meeniyah Sports Stadium	<ul style="list-style-type: none"> <li>• Shane Bright</li> <li>• Peter Harris</li> <li>• Fay Sinclair</li> <li>• Kim Byrnes</li> <li>• Tarnya Wilson</li> <li>• Lucas Byrnes</li> <li>• Terri Potter</li> <li>• Nicky Roffey</li> </ul>	Shane Bright

Name of Community Asset Committee	Purpose	Members	Chairperson
Allambee South Community Hall Community Asset Committee	To manage the Allambee South Community Hall	<ul style="list-style-type: none"> <li>• Diane Beyer</li> <li>• Diana Mueller</li> <li>• Kim Styles</li> <li>• Kaye Tiesler</li> <li>• Cliff Smith</li> <li>• Diane Smith</li> <li>• Jill Bilney</li> <li>• Michelle Anderson</li> <li>• David Addison</li> <li>• Kerry Briggs</li> <li>• Daryl Kerslake</li> <li>• Nancie Kemp</li> <li>• Greg Beyer</li> <li>• Craig Anderson</li> <li>• David Rickards</li> <li>• Sandra Rickards</li> <li>• Lyn Butcher</li> <li>• Tom Butcher</li> <li>• Mark Spence</li> <li>• Fiona Spence</li> <li>• Kris Good</li> <li>• Sharon Wrobel</li> <li>• Tony Wrobel</li> <li>• Rod Styles</li> <li>• Chris Leth</li> <li>• Garry Leth</li> <li>• Yve Bowen</li> <li>• Ken Bowen</li> </ul>	Diane Beyer
John Terrill Memorial Park and Fish Creek Recreation Reserve Community Asset Committee	To manage the John Terrill Memorial Park and Fish Creek Recreation Reserve	<ul style="list-style-type: none"> <li>• Keith Straw</li> <li>• Catherine McGlead</li> <li>• Colin Bell</li> <li>• Barry McGannon</li> <li>• Janice Pell</li> <li>• Brad Gale</li> <li>• Arthur Buckland</li> <li>• Neville Buckland</li> <li>• Alison Newman</li> <li>• Anne Terrell</li> <li>• Margaret Watson</li> <li>• Alan Pell</li> </ul>	Keith Straw
Foster War Memorial Arts Centre and Senior Citizens Centre	To manage the Foster War Memorial Arts Centre	<ul style="list-style-type: none"> <li>• Peter Clyne</li> <li>• Tania Pell</li> <li>• Leonie Clyne</li> <li>• Robert Paragreen</li> <li>• Joyce Simpson</li> </ul>	Peter Clyne

Name of Community Asset Committee	Purpose	Members	Chairperson
Community Asset Committee	and Senior Citizens Centre	<ul style="list-style-type: none"> <li>• John Taylor</li> <li>• Annette Coy</li> </ul>	
Korumburra Recreation Reserve Community Asset Committee	To manage the Korumburra Recreation Reserve	<ul style="list-style-type: none"> <li>• Belinda Nicholls</li> <li>• Allan Summerfield</li> <li>• Scott Checkley</li> <li>• Bill (William) Rodda</li> </ul>	Belinda Nicholls
Foster Showgrounds Community Asset Committee	To manage the Foster Showgrounds	<ul style="list-style-type: none"> <li>• Deb Allot</li> <li>• Kylie Collins</li> <li>• Janine Boag-West</li> <li>• Emmah Welsh</li> <li>• Emma Garrow</li> <li>• John Sagasser</li> <li>• Neville Williams</li> <li>• Ian Lyon</li> <li>• Joe Goossen</li> <li>• Noel Afflitto</li> <li>• Deb Eales</li> <li>• Malcolm Davies</li> </ul>	Deb Allot
Walter J Tuck Reserve Community Asset Committee	To manage the Walter J Tuck Reserve	<ul style="list-style-type: none"> <li>• Wayne Roberts</li> <li>• Rachael Vansittart</li> <li>• Bernice Snell</li> <li>• Janine Alexander</li> <li>• Kathy Lloyd</li> <li>• Sean Fraser</li> <li>• Steve Bickerton</li> <li>• Joe Piper</li> <li>• Paul Vanderydt</li> <li>• Doug Taylor</li> <li>• John Mercer</li> <li>• Bobby Porter</li> <li>• Jarrod Speed</li> </ul>	Wayne Roberts
Port Welshpool & District Maritime Museum Community Asset Committee	To manage the Port Welshpool & District Maritime Museum	<ul style="list-style-type: none"> <li>• Fran Grylls</li> <li>• Greg Gordon</li> <li>• Ellen Ellis</li> <li>• Janet Taylor</li> <li>• Rodney Grylls</li> <li>• Sandy Collett</li> <li>• Murray Rendell</li> <li>• Wendy Lipianin</li> <li>• Jane Roberts</li> <li>• Jeanie Causon</li> </ul>	Fran Grylls

3. Notes that delegations for the new Community Asset Committees will be established by the Chief Executive Officer in accordance with s.65 of the *Local Government Act 2020*.
4. Reviews the most appropriate long-term governance arrangement for each Community Asset Committee within 12 months, or by 30 August 2021, in consultation with each Committee.

**MOVED:** Administrator Zahra

**SECONDED:** Administrator Brown

**THAT COUNCIL:**

1. **REVOKES THE APPOINTMENTS AND DELEGATIONS OF EACH OF THE EXISTING SECTION 86 COMMITTEES FORMED UNDER S.86 OF THE LOCAL GOVERNMENT ACT 1989 BEING:**
  - a. **ALLAMBEE SOUTH COMMUNITY HALL SPECIAL COMMITTEE**
  - b. **DUMBALK HALL SPECIAL COMMITTEE**
  - c. **FOSTER SHOWGROUNDS SPECIAL COMMITTEE**
  - d. **STOCKYARD GALLERY SPECIAL COMMITTEE**
  - e. **FOSTER WAR MEMORIAL ARTS CENTRE SPECIAL COMMITTEE**
  - f. **JOHN TERRILL MEMORIAL PARK AND FISH CREEK RECREATION RESERVE SPECIAL COMMITTEE**
  - g. **KORUMBURRA RECREATION RESERVE SPECIAL COMMITTEE**
  - h. **LEONGATHA COURT HOUSE SPECIAL COMMITTEE**
  - i. **MARDAN HALL SPECIAL COMMITTEE**
  - j. **MEENIYAN & DISTRICT SPORTS STADIUM SPECIAL COMMITTEE**
  - k. **MIRBOO NORTH HALL SPECIAL COMMITTEE**
  - l. **PORT WELSHPOOL AND DISTRICT MARITIME MUSEUM SPECIAL COMMITTEE**
  - m. **SANDY POINT COMMUNITY CENTRE AND TP TAYLOR RESERVE SPECIAL COMMITTEE**
  - n. **WALTER J TUCK RECREATION RESERVE SPECIAL COMMITTEE**
  - o. **KORUMBURRA BOTANIC PARK SPECIAL COMMITTEE**



2. **IN EXERCISE OF THE POWER CONFERRED BY S.65 OF THE LOCAL GOVERNMENT ACT 2020, COUNCIL RESOLVES THAT:**
- a. **FROM THE DATE OF THIS RESOLUTION, THERE BE ESTABLISHED AS COMMUNITY ASSET COMMITTEES WITH THE PURPOSE, MEMBERS AND CHAIRPERSON OF EACH COMMITTEE AS SET OUT IN THE SCHEDULE 1 IN THIS RESOLUTION.**
  - b. **A QUORUM OF THE COMMITTEE IS A WHOLE NUMBER THAT IS AN ABSOLUTE MAJORITY, WHICH IS GREATER THAN HALF THE TOTAL NUMBER OF MEMBERS OF THE COMMITTEE.**
  - c. **ALL MEMBERS OF THE COMMITTEE HAVE VOTING RIGHTS ON THE COMMITTEE.**

**Schedule 1  
Community Asset Committees**

<b>Name of Community Asset Committee</b>	<b>Purpose</b>	<b>Members</b>	<b>Chairperson</b>
Sandy Point Community Centre and T P Taylor Reserve Community Asset Committee	To manage the Sandy Point Community Centre and T P Taylor Reserve	<ul style="list-style-type: none"> <li>• Dianne Cooper</li> <li>• Tony Cornish</li> <li>• Dot Devine</li> <li>• Kim White</li> <li>• Rick Martin</li> <li>• Judy O’Sullivan</li> <li>• Judy Barnard</li> <li>• Cheryl Dabrera</li> <li>• Sally Gibson</li> </ul>	Dianne Cooper
Dumbalk Hall Community Asset Committee	To manage the Dumbalk Hall	<ul style="list-style-type: none"> <li>• Terry Murphy</li> <li>• Elain Snell</li> <li>• Colin John Heppell</li> <li>• Jan Stirling</li> <li>• Kay Cook</li> <li>• Ian Inglis</li> <li>• Marg (Patricia Margaret) Cantwell</li> <li>• Karen Smith</li> <li>• Bev Hanley</li> <li>• Gloria Simpson</li> </ul>	Terry Murphy
Leongatha Courthouse Community Asset Committee	To manage the Leongatha Courthouse	<ul style="list-style-type: none"> <li>• Nigel Hutchinson-Brooks</li> <li>• Natalie Stewart</li> <li>• Mesina Ahakova</li> <li>• Brad Lester</li> <li>• Tanielle Richards</li> <li>• Daryl Hunt</li> <li>• Bruce Jarrett</li> </ul>	Nigel Hutchinson-Brooks

Name of Community Asset Committee	Purpose	Members	Chairperson
Foster Stockyard Gallery Community Asset Committee	To manage the Foster Stockyard Gallery	<ul style="list-style-type: none"> <li>• Walter Birkenbeil</li> <li>• Kerry Strauss</li> <li>• Tess Deyl</li> <li>• Susan Gilford</li> <li>• Grant Flather</li> <li>• Anne Miller</li> <li>• Yianni Banikos</li> <li>• Sandra Abberton</li> <li>• Pamela Henry</li> </ul>	Walter Birkenbeil
Mirboo North Hall Community Asset Committee	To manage the Mirboo North Hall	<ul style="list-style-type: none"> <li>• Isobel Trease</li> <li>• Lisa Murray</li> <li>• Michael Quigley</li> <li>• Frank Krausz</li> <li>• Andy Plowman</li> <li>• Liz Sharpley</li> <li>• Kim Irving</li> </ul>	Isobel Trease
Korumburra Botanic Park Community Asset Committee	To manage the Korumburra Botanic Park	<ul style="list-style-type: none"> <li>• Warren Raabe</li> <li>• John Kurrle</li> <li>• Gerard John Grenville</li> <li>• Michael Bevedere</li> <li>• Robert Buchan</li> <li>• Andrew Fernleigh</li> <li>• Helen Pearce</li> <li>• Jan Hewitt</li> <li>• George Manis</li> <li>• Nikki Potter</li> </ul>	Warren Raabe
Meeniyah Sports Stadium Community Asset Committee	To manage the Meeniyah Sports Stadium	<ul style="list-style-type: none"> <li>• Shane Bright</li> <li>• Peter Harris</li> <li>• Fay Sinclair</li> <li>• Kim Byrnes</li> <li>• Tarnya Wilson</li> <li>• Lucas Byrnes</li> <li>• Terri Potter</li> <li>• Nicky Roffey</li> </ul>	Shane Bright
Allambee South Community Hall Community Asset Committee	To manage the Allambee South Community Hall	<ul style="list-style-type: none"> <li>• Diane Beyer</li> <li>• Diana Mueller</li> <li>• Kim Styles</li> <li>• Kaye Tiesler</li> <li>• Cliff Smith</li> <li>• Diane Smith</li> <li>• Jill Bilney</li> <li>• Michelle Anderson</li> <li>• David Addison</li> <li>• Kerry Briggs</li> <li>• Daryl Kerlake</li> <li>• Nancie Kemp</li> <li>• Greg Beyer</li> <li>• Craig Anderson</li> </ul>	Diane Beyer

Name of Community Asset Committee	Purpose	Members	Chairperson
		<ul style="list-style-type: none"> <li>• David Rickards</li> <li>• Sandra Rickards</li> <li>• Lyn Butcher</li> <li>• Tom Butcher</li> <li>• Mark Spence</li> <li>• Fiona Spence</li> <li>• Kris Good</li> <li>• Sharon Wrobel</li> <li>• Tony Wrobel</li> <li>• Rod Styles</li> <li>• Chris Leth</li> <li>• Garry Leth</li> <li>• Yve Bowen</li> <li>• Ken Bowen</li> </ul>	
John Terrill Memorial Park and Fish Creek Recreation Reserve Community Asset Committee	To manage the John Terrill Memorial Park and Fish Creek Recreation Reserve	<ul style="list-style-type: none"> <li>• Keith Straw</li> <li>• Catherine McGlead</li> <li>• Colin Bell</li> <li>• Barry McGannon</li> <li>• Janice Pell</li> <li>• Brad Gale</li> <li>• Arthur Buckland</li> <li>• Neville Buckland</li> <li>• Alison Newman</li> <li>• Anne Terrell</li> <li>• Margaret Watson</li> <li>• Alan Pell</li> </ul>	Keith Straw
Foster War Memorial Arts Centre and Senior Citizens Centre Community Asset Committee	To manage the Foster War Memorial Arts Centre and Senior Citizens Centre	<ul style="list-style-type: none"> <li>• Peter Clyne</li> <li>• Tania Pell</li> <li>• Leonie Clyne</li> <li>• Robert Paragreen</li> <li>• Joyce Simpson</li> <li>• John Taylor</li> <li>• Annette Coy</li> </ul>	Peter Clyne
Korumburra Recreation Reserve Community Asset Committee	To manage the Korumburra Recreation Reserve	<ul style="list-style-type: none"> <li>• Belinda Nicholls</li> <li>• Allan Summerfield</li> <li>• Scott Checkley</li> <li>• Bill (William) Rodda</li> </ul>	Belinda Nicholls
Foster Showgrounds	To manage the Foster Showgrounds	<ul style="list-style-type: none"> <li>• Deb Allot</li> <li>• Kylie Collins</li> <li>• Janine Boag-West</li> <li>• Emmah Welsh</li> <li>• Emma Garrow</li> </ul>	Deb Allot

Name of Community Asset Committee	Purpose	Members	Chairperson
Community Asset Committee		<ul style="list-style-type: none"> <li>• John Sagasser</li> <li>• Neville Williams</li> <li>• Ian Lyon</li> <li>• Joe Goossen</li> <li>• Noel Afflitto</li> <li>• Deb Eales</li> <li>• Malcolm Davies</li> </ul>	
Walter J Tuck Reserve Community Asset Committee	To manage the Walter J Tuck Reserve	<ul style="list-style-type: none"> <li>• Wayne Roberts</li> <li>• Rachael Vansittart</li> <li>• Bernice Snell</li> <li>• Janine Alexander</li> <li>• Kathy Lloyd</li> <li>• Sean Fraser</li> <li>• Steve Bickerton</li> <li>• Joe Piper</li> <li>• Paul Vanderydt</li> <li>• Doug Taylor</li> <li>• John Mercer</li> <li>• Bobby Porter</li> <li>• Jarrod Speed</li> </ul>	Wayne Roberts
Port Welshpool & District Maritime Museum Community Asset Committee	To manage the Port Welshpool & District Maritime Museum	<ul style="list-style-type: none"> <li>• Fran Grylls</li> <li>• Greg Gordon</li> <li>• Ellen Ellis</li> <li>• Janet Taylor</li> <li>• Rodney Grylls</li> <li>• Sandy Collett</li> <li>• Murray Rendell</li> <li>• Wendy Lipianin</li> <li>• Jane Roberts</li> <li>• Jeanie Causon</li> </ul>	Fran Grylls

**3. NOTES THAT DELEGATIONS FOR THE NEW COMMUNITY ASSET COMMITTEES WILL BE ESTABLISHED BY THE CHIEF EXECUTIVE OFFICER IN ACCORDANCE WITH S.65 OF THE LOCAL GOVERNMENT ACT 2020.**

**4. REVIEWS THE MOST APPROPRIATE LONG-TERM GOVERNANCE ARRANGEMENT FOR EACH COMMUNITY ASSET COMMITTEE WITHIN 12 MONTHS, OR BY 30 AUGUST 2021, IN CONSULTATION WITH EACH COMMITTEE.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

There were many amendments made to the *Local Government Act 1989* over the years, to ensure committees formed by councils, for a range of purposes, were prescribed under this Act. However, the cumulated amendments created confusion and uncertainty, which was exacerbated by the different roles and processes imposed on different types of committees.

One outcome of the *Local Government Act 2020* is the removal of Section 86 Committees as currently recognised. The 2020 Act specifies only three types of committees, with powers and administrative arrangements related to those committees. It is silent, however, on any other type of committee a council may wish to establish.

The three committees as defined under the 2020 Act are as follows;

- Delegated Committee;
- Community Asset Committee; and
- Audit and Risk Committee.

Council can establish any other committee that meets its needs, provided it has no delegated powers of Council and does not manage a community asset on behalf of Council (i.e. Advisory Committee, Reference Committee, Steering Committee).

South Gippsland Shire Council had 15 Section 86 Committees (previously formed under the *Local Government Act 1989*) which are impacted by amendments to the 2020 Act. These committees were transitioned to Community Asset Committees at the Council Meeting held on 22 July 2020. In order to finalise this process, Council is required to rescind the former Section 86 Committees and establish the memberships of the new Community Asset Committees in accordance with s.65 of the *Local Government Act 2020*.

Council will continue to review the long-term governance arrangement for each Community Asset Committee within the following 12 months, in consultation with each Committee.

This intention will allow for Council and the Community Asset Committees to explore the possible alternatives, develop appropriate structures and governance requirements and move to appropriate alternate arrangements within a 12-month timeframe. Changes to the future structure of these Committees must be made with careful consideration to the future of volunteering and community engagement with Council.

## **CONSULTATION**

All functioning Section 86 Committees of Council have been advised of the coming changes to the Local Government Act 2020 by correspondence. Consultation with the Committees continues to take place.

Consultation with Committees relating to the Instrument of Delegation for initial Community Asset Committee has been undertaken to ensure Community Asset Committee memberships are able to be appointed at the 26 August 2020 Council Meeting and delegations made by the Chief Executive Officer before the Section 86 Committees delegations by Council are rescinded.

### ***Future Consultation***

A further 12-month period of consultation is proposed to be undertaken with the new Community Asset Committees, to establish long-term governance arrangements.

## **RESOURCES**

Consultation can be undertaken within current budget.

## **RISKS**

Delegations cease by 1 September 2020, and if alternative arrangements are not complete, Committees may be operating without appropriate insurance, delegations and indemnity.

It has been confirmed that the changes to the *Local Government Act* (relating to Section 86 Committees) will not impact on existing insurance, when transitioning from Section 86 Committee to Community Asset Committee. The wording in the policy covers all formal committees set up by Council and does not specifically name committees.

## **STAFF DISCLOSURE**

Nil

## **REFERENCE DOCUMENTS**

### **Legislative Provisions**

Local Government Act 1989

Local Government Act 2020

#### **4.4. LOCAL PROCUREMENT ACTION PLAN**

Corporate and Community Services Directorate

##### **EXECUTIVE SUMMARY**

Procurement of goods and services to deliver benefit to the community is one of the key activities of any local council. In addition to ensuring procurement is conducted in accordance with the highest standards of probity and integrity, Council also recognises the significant contribution that local procurement can make to the economy and community of South Gippsland.

Council reviews its Procurement Policy (C32) on an annual basis. The current policy was approved at 24 June 2020 Council Meeting. The Procurement Policy update included enhancements around strengthening Council intentions relating to local procurement. At the June Council Meeting, it was requested that a report be brought to Council by 31 August 2020 outlining the local procurement implementation action plan and detailing initiatives taken by Council to maximise local procurement. Council is also establishing local procurement as a key action within the Council Plan 2020-2024, and this action plan will ensure Council's goals for local procurement are addressed.

Emphasis on Local Procurement has been increasing over the last six months. The COVID-19 pandemic and its effect on local business has underscored the importance that Council do all it can to optimise local procurement to benefit the businesses, ratepayers and community of South Gippsland.

The Local Procurement Action Plan (**Attachment [4.4.1]**) steps out the activities that Council will undertake to raise the profile of local procurement throughout Council, increase the opportunities for local businesses, and assist those businesses where it can to compete favourably for Council business, ensuring that Council achieves its value for money principles.

##### **RECOMMENDATION**

That Council:

1. Notes the development of South Gippsland Shire Council's first Local Procurement Action Plan, as a key platform of delivering on the local procurement objectives set by this Council as part of Council Plan 2020-2024.
2. Approves the Local Procurement Action Plan (Attachment [4.4.1]) and its recommendations; and
3. Brings a future local procurement report to Council at the completion of each financial quarter.

**MOVED:** Administrator Zahra

**SECONDED:** Administrator Brown

**THAT COUNCIL:**

1. **NOTES THE DEVELOPMENT OF SOUTH GIPPSLAND SHIRE COUNCIL'S FIRST LOCAL PROCUREMENT ACTION PLAN, AS A KEY PLATFORM OF DELIVERING ON THE LOCAL PROCUREMENT OBJECTIVES SET BY THIS COUNCIL AS PART OF COUNCIL PLAN 2020-2024.**
2. **APPROVES THE LOCAL PROCUREMENT ACTION PLAN (ATTACHMENT [4.4.1]) AND ITS RECOMMENDATIONS; AND**
3. **BRINGS A FUTURE LOCAL PROCUREMENT REPORT TO COUNCIL AT THE COMPLETION OF EACH FINANCIAL QUARTER.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)



## **REPORT**

Council has, over time, supported the notion of local procurement through its engagement with GROW Gippsland and its predecessor program LEAN.

The revised plan defines local procurement more specifically so there is no contradiction in terms. It establishes the current local procurement expenditure as a baseline by which to commence progressive monitoring and reporting. The plan also sets in place changes that will have meaningful effect on procurement by recognising the value to the local economy brought about by local expenditure. This increased value recognition translates to justifiable selection of local goods and services for equally comparable offerings by non-local providers. Methods to regulate this selection process are established for different procurement cost ranges.

The plan also provides for external measures to be undertaken to communicate more broadly to local businesses about Council initiatives through social and other media communication, through the introduction of business support means such as helpful seminars and courses, and provide increased awareness of upcoming opportunities for businesses to engage with Council.

Importantly, the paper recognises that the increasing awareness of the benefits of local procurement throughout Council will drive the creativity to incorporate opportunities into more of what Council does for the increasing benefit to the region.

## **CONSULTATION**

The Local Procurement Plan is the result of consultation with the Procurement Team, the Executive Leadership Team and Council Administrators. Council also participates in GROW Gippsland and collaborates with other procurement teams in the Gippsland region.

## **RESOURCES**

The actions articulated in the Local Procurement Plan can be achieved with existing resources. The plan includes the acquisition and implementation of VendorPanel software, which can be accommodated within the IT budget.

## **RISKS**

There are no specific risks to Council operations mitigated by Local Procurement. However, failure to do as much as we can for local businesses would be a missed opportunity.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

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

1. Local Procurement for South Gippsland Shire Council [**4.4.1** - 5 pages]

**REFERENCE DOCUMENTS**

**Council Policy**

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

Procurement Policy (C32)

**Legislative Provisions**

Local Government Act 2020

#### **4.5. SUMMARY OF STRATEGIC BRIEFINGS TO ADMINISTRATORS: 22 JUNE - 21 JULY 2020**

Corporate and Community Services Directorate

##### **EXECUTIVE SUMMARY**

Council in its requirement to give effect to the overarching governance principles and supporting principles of the *Local Government Act 2020*, s.9(2)(i), s.9(3)(b) and s.58, aim to assist the transparency of Council decisions, actions and information through the provision of public summaries of information presented and considered at Council Strategic Briefing Sessions, Public Presentation Sessions and Advisory Committees. These summaries provide understandable, relevant, timely and accessible information to members of the public that are captured in the minutes of the next Council meeting.

Under the previous *Local Government Act 1989*, it was a requirement to report on matters considered at an 'assembly of Council'. This requirement has now been repealed. To align with the new *Local Government Act 2020* this report continues in its same form to give effect to principles of public transparency *Local Government Act 2020*, s.9(2)(i), s.9(3)(b) and s.58.

The matters listed in this report demonstrate information presented and considered at Council Strategic Briefing Sessions, Public Presentation Sessions and Advisory Committees between 22 June and 21 July 2020.

##### **RECOMMENDATION**

That Council receives and notes this report.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL RECEIVES AND NOTES THIS REPORT.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

Meeting Title	Details
<b>Wednesday 24 June 2020</b>	
<b>CEO / Administrators Weekly meeting</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Electoral review</li> <li>• Council Meeting preparation</li> <li>• Port Welshpool Coast Guard</li> </ul>
<b>Executive Update</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• COVID19 Update</li> <li>• Coast Guard advocacy</li> </ul>
<p><b>Public Presentation</b></p> <p><b>Open Session, by conference call into the meeting.</b></p>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered community presentations from:</p> <ul style="list-style-type: none"> <li>• Mr David Amor relating to various Agenda topics.</li> <li>• Mr Michael Rowland relating to Agenda Item 5.5. PLANNING PERMIT APPLICATION 2020/8 - DEVELOPMENT OF THE LAND FOR A DWELLING - 3 FREYCINET STREET WARATAH BAY.</li> <li>• Mr David Bassed relating to Agenda Item 5.7. SOUTH GIPPSLAND COASTAL STRATEGY – UPDATE.</li> </ul>
<b>New Policies – Governance Rules and Public Transparency Policy</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered new policy development of Governance Rules and Public Transparency Policy as required under the Local Government Act 2020.</p>

Meeting Title	Details
<b>Wednesday 24 June 2020</b>	
<b>Council Meeting Agenda Topic Discussion – 24 June 2020</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered and asked questions relating to Agenda items for the Council Meeting 24 June 2020.</p>
<b>Tuesday 30 June 2020</b>	
<b>CEO / Administrators Weekly meeting</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Councillor Support Policy</li> <li>• Mirboo North Pool Project</li> <li>• Petition – WiFi in Fish Creek</li> </ul>
<b>Wednesday 1 July 2020</b>	
<b>Executive Update</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Coast Guard advocacy</li> <li>• Poowong Netball Courts</li> <li>• Prom Country Regional Tourism</li> <li>• Planning matters in Nyora</li> <li>• Economic Development Advisory Committees</li> <li>• Economic impacts of COVID19 on local business</li> </ul>
<b>Local Government Act 1989, section 86 Committees</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> Administrators considered the future direction of Local Government Act 1989 - section 86 Committees, as the power under the old Act will be repealed 1 September 2020.</p>

Meeting Title	Details
<b>Wednesday 1 July 2020</b>	
<b>Community Support Package Grants Criteria</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> Administrators considered proposed criteria for Community Support Grants Program and fee relief offered ahead of Council Meeting 22 July 2020.</p>
<b>Planning Briefing</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Strategic Planning Project List</li> <li>• Planning Applications of Interest</li> <li>• Decisions from May 2020</li> <li>• VCAT Decisions</li> <li>• Applications received February 2020</li> <li>• Enforcement matter</li> </ul>
<b>Nyora Sand – Strategic Extractive Resource Areas (SERA) Council Submission</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> Administrators considered a draft submission to the Strategic Extractive Resource Areas pilot project ahead of Council Meeting 22 July 2020.</p>
<b>South Gippsland Heritage Study</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered an update on the progress of the South Gippsland Heritage Study.</p>
<b>Petition – Traffic Management &amp; Sealing of Atherton Drive and Spring Street, Venus Bay</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered an update on the progress of petition response relating to a request for traffic management and road sealing in Venus Bay.</p>

Meeting Title	Details
<b>Wednesday 1 July 2020</b>	
<b>Governance Rules</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered new policy development of Governance Rules as required under the <i>Local Government Act 2020</i>.</p>
<b>Wednesday 8 July 2020</b>	
<b>CEO / Administrators Weekly meeting</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Administrator Update report</li> </ul>
<b>Executive Update</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• COVID19 update</li> <li>• Better Boating Victoria</li> <li>• Coast Guard advocacy</li> </ul>
<b>West Gippsland Regional Libraries Corporation</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered a briefing from West Gippsland Regional Libraries Corporation.</p>
<b>Council Meeting Agenda Topic Discussion – 22 July 2020</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered and asked questions relating to Agenda items for the Council Meeting 22 July 2020.</p>

Meeting Title	Details
<b>Wednesday 8 July 2020</b>	
<b>Corporate Memberships</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered subscriptions to corporate memberships.</p>
<b>Caravan Parks Long Term Strategy</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered the Caravan Park Long Term Strategy update.</p>
<b>Tuesday 14 July 2020</b>	
<b>CEO / Administrators Weekly meeting</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• SEATS Annual General Meeting</li> <li>• Administrator Update report</li> </ul>
<b>Wednesday 15 July 2020</b>	
<b>Executive Update</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Public Participation in Council Meetings Policy</li> <li>• COVID19 update</li> <li>• Planning matter</li> </ul>
<b>Community Satisfaction Survey</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered the recently released Community Satisfaction Survey results.</p>



Meeting Title	Details
<b>Wednesday 15 July 2020</b>	
<b>Marinus Project</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered an external presentation from the Marinus Project, which is a proposed 1,500 megawatt capacity undersea electricity connection to link Tasmania and Victoria, as part of Australia's future electricity grid.</p>
<b>Petition - Public WiFi in Fish Creek</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered an update on the progress of petition response relating to a request for public WiFi in Fish Creek.</p>
<b>Community Leadership Program</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered applications to the South Gippsland Community Leadership Program 2020.</p>
<b>Land Use and potential Sale in Korumburra Precinct</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered an update regarding the proposed sale of Council land for future use in the Korumburra Precinct.</p>
<b>Electric Vehicles – Collaborative Councils Sustainability Fund</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered policy position in relation to electric vehicle charging stations.</p>

Meeting Title	Details
<b>Wednesday 15 July 2020</b>	
<b>Local Business presentation</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed <b>Matters Considered:</b> The Administrators considered a presentation from local farmers.

## REFERENCE DOCUMENTS

### Council Policy

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

Public Participation in Meetings with Council Policy (C65)

Public Transparency Policy (C75)

### Legislative Provisions

Local Government Act 1989

Local Government (South Gippsland Shire Council) Act 2019

Local Government Act 2020

#### **4.6. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 20 JUNE TO 17 JULY**

Corporate and Community Services Directorate

##### **EXECUTIVE SUMMARY**

This report documents the following actions undertaken by the Chief Executive Officer (CEO) which occurred during the period from 20 June to 17 July 2020. Council's *Procurement Policy* requires the CEO to report to Council any of the following actions undertaken to the next appropriate Meeting:

- 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.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL RECEIVES AND NOTES THIS REPORT.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

### Documents Sealed

Under the *Local Government Act 2020* (the Act), section 14 states that each Council is a body corporate with perpetual succession; and must have a common seal. Sealing a document makes it an official document of Council as a corporate body. Documents that require sealing June include agreements, leases or any other contractual or legally binding document that binds Council to another party.

Use of the Local Law No. 2 2020, Part 9, clause 107(f)(iv) – Common Seal of Council, states that if the Chief Executive uses the Common Seal in a manner prescribed by sub-clause (c), this means on the authority of a Council resolution, then Council must be advised of such use on a regular basis.

'Section 173 Agreements' are prepared in accordance with s.173 of the *Planning and Environment Act 1987*, allowing Council to enter into agreements relating to the use or development of land, conditions to which the land may be used or developed or any matter that relates to planning or planning schemes in Victoria. Section 174 of the *Planning and Environment Act 1987* requires that such an agreement be under seal and must bind the owner to the covenants specified in the agreement.

In accordance with the Local Law, Instrument of Delegation and *Planning and Environment Act 1987*, the following are presented to Council as documents sealed during the period from 20 June to 17 July 2020.

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 4 Webster Avenue Venus Bay in relation to develop land with a dwelling. Seal applied 1 July 2020.
2. Section 173 Agreement between South Gippsland Shire Council and the owner of 29 St Ives Crescent Venus Bay in relation to develop land with a dwelling. Seal applied 1 July 2020.
3. Section 173 Agreement between South Gippsland Shire Council and the owner of 3 Juno Road Venus Bay in relation to development of land for a dwelling. Seal applied 8 July 2020.
4. Section 173 Agreement between South Gippsland Shire Council and the owner of 165 Nippards Track and 758 Ameys Track Woorarra West in relation to two lot subdivision. Seal applied 8 July 2020.
5. Section 173 Agreement between South Gippsland Shire Council and the owner of 61 Condon Crescent Venus Bay in relation to develop land with a dwelling. Seal applied 8 July 2020.
6. Section 173 Agreement between South Gippsland Shire Council and the owner of 5 Carol Court Venus Bay in relation to development of land with

single dwelling and removal of native vegetation. Seal applied 17 July 2020.

7. Section 173 Agreement between South Gippsland Shire Council and the owner of 23 Powells Road Foster in relation to two lot subdivision and building envelope variation. Seal applied 17 July 2020.
8. Section 173 Agreement between South Gippsland Shire Council and the owner of 4 Fishermans Road Venus Bay in relation to develop land with a dwelling. Seal applied 17 July 2020.
9. Instrument of Delegation to Chief Executive Officer under s.11(1) of the *Local Government Act 2020* – Resolution of Ordinary Meeting of Council. 24 June 2020. Seal applied 24 June 2020.

### **Contracts Awarded, Varied or Extended**

In accordance with Council's Procurement Policy where contracts are awarded under delegation, varied or extended, they are required to be reported to the next practicable Council Meeting.

1. Contracts awarded after a public tender process within the CEO's delegation between 20 June to 17 July 2020:
  - a. CON/256-A for the Panel of Plant Hire, Civil Works, and Cartage Contractors was awarded to Ace Earthmoving Pty Ltd. Signed by the CEO 6 July 2020.
  - b. CON/256-B for the Panel of Plant Hire, Civil Works, and Cartage Contractors was awarded to Agrans Services. Signed by the CEO 6 July 2020.
  - c. CON/256-C for the Panel of Plant Hire, Civil Works, and Cartage Contractors was awarded to The Trustee for the Allen Family Trust T/A Allens Contracting. Signed by the CEO 17 July 2020.
  - d. CON/256-D for the Panel of Plant Hire, Civil Works, and Cartage Contractors was awarded to Birch Family Trust T/A Australia Wide Earthmovers. Signed by the CEO 9 July 2020.
  - e. CON/256-E for the Panel of Plant Hire, Civil Works, and Cartage Contractors was awarded to Beyer Contractors Pty Ltd. Signed by the CEO 7 July 2020.
  - f. CON/256-F for the Panel of Plant Hire, Civil Works, and Cartage Contractors was awarded to Hugh Patrick Pty Ltd T/A BJ's Earthmoving. Signed by the CEO 7 July 2020.
  - g. CON/256-H for the Panel of Plant Hire, Civil Works, and Cartage Contractors was awarded to C & D Earthworks Pty Ltd. Signed by the CEO 15 July 2020.
  - h. CON/256-I for the Panel of Plant Hire, Civil Works, and Cartage Contractors was awarded to David Harris Earthmoving Pty Ltd. Signed by the CEO 15 July 2020.

- i. CON/256-J for the Panel of Plant Hire, Civil Works, and Cartage Contractors was awarded to Envirogain Pty Ltd. Signed by the CEO 13 July 2020.
- j. CON/256-K for the Panel of Plant Hire, Civil Works, and Cartage Contractors was awarded to Environmental Services Group Pty Ltd. Signed by the CEO 13 July 2020.
- k. CON/256-L for the Panel of Plant Hire, Civil Works, and Cartage Contractors was awarded to EcoProjects Australia Pty Ltd. Signed by the CEO 13 July 2020.
- l. CON/256-M for the Panel of Plant Hire, Civil Works, and Cartage Contractors was awarded to Fowlers Asphaltting Pty Ltd. Signed by the CEO 13 July 2020.
- m. CON/256-N for the Panel of Plant Hire, Civil Works, and Cartage Contractors was awarded to The Dell Van Family Trust T/A Gippy Earthworks. Signed by the CEO 13 July 2020.
- n. CON/256-O for the Panel of Plant Hire, Civil Works, and Cartage Contractors was awarded to Forrester & Co Pty Ltd. Signed by the CEO 13 July 2020.
- o. CON/256-P for the Panel of Plant Hire, Civil Works, and Cartage Contractors was awarded to Goldsmith Civil & Environmental Pty Ltd. Signed by the CEO 13 July 2020.
- p. CON/256-Q for the Panel of Plant Hire, Civil Works, and Cartage Contractors was awarded to Hill Earthworks (Vic) Pty Ltd. Signed by the CEO 14 July 2020.
- q. CON/256-R for the Panel of Plant Hire, Civil Works, and Cartage Contractors was awarded to Hiway Stabilizers Australia Pty Ltd. Signed by the CEO 13 July 2020.
- r. CON/256-S for the Panel of Plant Hire, Civil Works, and Cartage Contractors was awarded to Ash (Vic) Pty Ltd T/A Hughes Plant. Signed by the CEO 13 July 2020.
- s. CON/256-T for the Panel of Plant Hire, Civil Works, and Cartage Contractors was awarded to Huitema Civil Projects. Signed by the CEO 14 July 2020.
- t. CON/256-U for the Panel of Plant Hire, Civil Works, and Cartage Contractors was awarded to JT Earthmoving Contractors Pty Ltd. Signed by the CEO 16 July 2020.
- u. CON/256-V for the Panel of Plant Hire, Civil Works, and Cartage Contractors was awarded to JTB Nominees Pty Ltd T/A Ross Chapman Cartage & Earthmoving Contractors. Signed by the CEO 20 July 2020.
- v. CON/256-W for the Panel of Plant Hire, Civil Works, and Cartage Contractors was awarded to Dakin Earthmoving Pty Ltd T/A Landshape. Signed by the CEO 15 July 2020.
- w. CON/256-X for the Panel of Plant Hire, Civil Works, and Cartage Contractors was awarded to M & M PAVING. Signed by the CEO 14 July 2020.

- x. CON/256-Y for the Panel of Plant Hire, Civil Works, and Cartage Contractors was awarded to Maffra Trenching & Boring Pty Ltd. Signed by the CEO 17 July 2020.
  - y. CON/256-Z for the Panel of Plant Hire, Civil Works, and Cartage Contractors was awarded to McInnes Earthmoving Pty Ltd. Signed by the CEO 13 July 2020.
  - z. CON/256-BB for the Panel of Plant Hire, Civil Works, and Cartage Contractors was awarded to Russell Hinds. Signed by the CEO 12 July 2020.
  - aa. CON/256-AA for the Panel of Plant Hire, Civil Works, and Cartage Contractors was awarded to Prosper Valley Excavations Pty Ltd. Signed by the CEO 8 July 2020.
  - bb. CON/256-CC for the Panel of Plant Hire, Civil Works, and Cartage Contractors was awarded to S&D Paterson. Signed by the CEO 6 July 2020.
  - cc. CON/256-DD for the Panel of Plant Hire, Civil Works, and Cartage Contractors was awarded to Scott Michael Donohue T/A SMD Builders. Signed by the CEO 17 July 2020.
  - dd. CON/256-FF for the Panel of Plant Hire, Civil Works, and Cartage Contractors was awarded to G&K NEWTON. Signed by the CEO 7 July 2020.
  - ee. CON/256-HH for the Panel of Plant Hire, Civil Works, and Cartage Contractors was awarded to Veolia Environmental Services (Australia) Pty Ltd. Signed by the CEO 16 July 2020.
2. Contracts awarded after a public tender process under the Statutory threshold by staff other than the CEO between 20 June to 17 July 2020:
- Nil
3. Contract variations approved by the CEO between 20 June to 17 July 2020:
- a. CON/243 for Relocation of Electrical Mains and Upgrade of Street Lighting in Bair Street Leongatha. During works contaminated soils were identified with additional costs for handling and appropriate disposal the basis of the variation. Variation approved 23 June 2020.
  - b. CON/230 for Mirboo North Swimming Pool Redevelopment. Supply and installation of a void former to be placed over the old existing floor structure, and supply and installation of a steel reinforced layer of binding concrete over the void former. The need for the void former was unforeseen, and the tender submission of the contractor specifically excludes additional supporting structures to the underside of the new pool. Variation approved 30 June 2020.
  - c. SGC15/08 for South Gippsland SPLASH Management and Operation. As a result of COVID-19, the Contractor is obliged to temporarily close the SPLASH facilities. As SPLASH is not bringing in any revenue, SGSC will pay the operating costs incurred by the facility

until it is fully operational again. It is unknown how long this arrangement will continue for.

4. Contract extensions approved by the 20 June to 17 July 2020:

Nil

### **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)*

Instrument of Delegation to the Chief Executive Officer, 25 March 2020

Local Law No. 2 2020, Processes of Municipal Government (Meeting Procedures and Common Seal)

Procurement Policy (C32)

#### **Legislative Provisions**

Local Government Act 1989

Local Government Act 2020

Planning and Environment Act 1987



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

**Nil**

## **6. ADMINISTRATOR REPORTS**

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

**Nil**

### **6.2. ADMINISTRATORS UPDATES**

**Administrator Chair, Julie Eisenbise addressed Administrators by reporting on:**

- **Virtual meetings being held by the Government attended by Mayors and Chief Executive Officers on matters that focus on required policy development as prescribed under the new *Local Government Act 2020*.**
- **Victorian Government's Rural Councils ICT Infrastructure Program that recently awarded Council grant funds to upgrade livestreaming equipment.**
- **Award of significant grant funding of \$2.2M for the Foster Basketball Stadium.**
- **Continuing phone conversations with residents and local businesses.**

### **6.3. COMMITTEE UPDATES**

**Nil**

## 7. 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 Administrators 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. 2 2020 (Clause 98) 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 Council Meeting or by Officers under delegation.

It is necessary for the Administrator 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 Administrator....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. 2 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 Administrators to raise items of general interest to the Council and the community. It may relate to an up and coming event or the outcomes of a recent meeting with a Minister etc.

**Nil**

## **8. PUBLIC QUESTIONS**

### **8.1. 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 an Administrator. A petition presented to the Council must lay on the table until the next Council Meeting 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 an Administrator at a Public Presentation session speak briefly to its contents. At the following Council Meeting, an Administrator would accept the petition and introduce it to Council for formal noting and actioning by Council.

The Administrator 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.

**Nil**

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

Answers to previous questions taken on notice at a former Council Meeting, are included in the Minutes of this Meeting.

Background material submitted with a question will not be recorded in the Council Meeting Minutes.

A submitter will receive a letter outlining the response to a question after the Minutes have been produced.

*Source: Public Participation in Meetings with Council Policy (C65) – adopted 18 December 2019.*

**Nil**

### 8.3. SUBMITTED PUBLIC QUESTIONS

All community member questions for Council Meetings are to be written and submitted to the Council Business Team by 9.00am on the Monday morning preceding the Council Meeting to allow time for a response to be prepared, where possible, for the Council Meeting. All reasonable attempts will be made to answer pre-submitted questions at the Meeting. When further time is required to prepare an answer, questions may be taken on notice and responses will be provided at the next Council Meeting.

Questions can also be submitted in hard copy format into the 'Public Question Box' during a Council Meeting on the prescribed form. These questions will be taken on notice, included in the Minutes and responses provided at the next Council Meeting.

Public Question Time in Council Meetings is to be used for matters that are relevant to the business or functions of Council and are clear and legible. Questions may not be allowed where the question(s) is deemed to be:

- Related to a matter beyond or outside the powers of Council;
- Trivial or frivolous;
- Defamatory, indecent, abusive or objectionable;
- Derogatory or designed to embarrass a Councillor, a member of Council staff or a member of the community;
- Related to subject matter previously received and responded to;
- Related to a matter already considered and resolved upon by Council;
- Breach Council's confidentiality obligations; and/or
- Illegible, vague or not make sense.

A person may submit a maximum of three (3) questions for any one Council Meeting, this includes a combined total of three (3) questions for related parties or groups. The total word count of all questions submitted is to be 100 words or fewer.

Background material submitted with a question will not be read out or recorded in the Council Meeting Minutes.

The CEO retains the discretion, in consultation with the Mayor, to not refer questions to Council meetings if there is a more effective or appropriate way to respond to the matters raised. Answers to questions from a member of the community who is present in the gallery will be read out at the Council Meeting by the CEO or Mayor.

*Source: Public Participation in Meetings with Council Policy (C65) – adopted 18 December 2019.*

**Ms Penny Hamlett submitted written questions and responses are provided in these Minutes.**

**Question 1**

**Did the Officer's report which lead to the Administrator's voting to close the reserve [Franklin River] mislead the Administrators by not including in the report that the Shire was eligible for 100% funding of grants up to \$200,000 from round 2 of the Victoria's Great Outdoors Camping and Caravan grants, applications for round 2 opened on 6 July 2020 and projects to address all of the risks identified in the report would have been eligible for a funding application?**

**Response**

Applying for the grant would not resolve the problems experienced at that Park, even if Council had been fortunate to be successful in obtaining the full \$200,000 grant. As outlined in the report, there is not a septic system that can cope with the over loading by campers emptying their portable toilets into it. There is no potable water on site, in addition to concerns with the trees. Even if Council had been successful in securing the full \$200,000 grant amount it would not be adequate to address these issues.

**Question 2**

**Will Council put on hold the request, to DWELP, to permanently change the reservation from "Camping" to "Public Purposes" only, until all avenues of funding to undertake mitigation works, including round 3 of the above mentioned grant have been exhausted?**

**Response**

No, the resolution will be implemented as resolved by Council.

## 9. CLOSED SESSION

The *Local Government Act 2020* (the Act), section 66 provides that if a Council or delegated committee determines that a meeting is to be closed to the public to consider confidential information, the Council or delegated committee must record in the minutes of the meeting that are available for public inspection—

- (a) the ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of *confidential information* in section 3(1); and
- (b) an explanation of why the specified ground or grounds applied.

The Act defines *confidential information* in s.3(1)(a)-(l), and includes information that may prejudice or impact; commercial negotiations, the security of council, land use planning, law enforcement, legal privilege, personal information, private commercial information, confidential meeting information, internal arbitration, Councillor conduct panel information and information specified under s.77 of the previous *Local Government Act 1989*.

Once confidential information has been considered and decided in a closed session of a Council Meeting, a further resolution to resume open Council is required.

### RECOMMENDATION

That Council pursuant to section 66(5)(a) and (b) of the *Local Government Act 2020* close the Council Meeting to the public to consider the following confidential information:

1. Per s.3(1)(g) Agenda items 14.1 – 14.6 PRIVATE COMMERCIAL INFORMATION, designated as private commercial information,
  - a. being information provided by a business, commercial or financial undertaking that –
    - i. Relates to trade secrets; or
    - ii. If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; and
  - b. the grounds for designation have been made as the information is deemed commercial-in-confidence to protect the privacy of the contractors, tender scores, and tendered amounts submitted for consideration.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL PURSUANT TO SECTION 66(5)(A) AND (B) OF THE LOCAL GOVERNMENT ACT 2020 CLOSE THE COUNCIL MEETING TO THE PUBLIC TO CONSIDER THE FOLLOWING CONFIDENTIAL INFORMATION:**

- 1. PER S.3(1)(G) AGENDA ITEMS 14.1 – 14.6 PRIVATE COMMERCIAL INFORMATION, DESIGNATED AS PRIVATE COMMERCIAL INFORMATION,**
  - a. BEING INFORMATION PROVIDED BY A BUSINESS, COMMERCIAL OR FINANCIAL UNDERTAKING THAT –**
    - i. RELATES TO TRADE SECRETS; OR**
    - ii. IF RELEASED, WOULD UNREASONABLY EXPOSE THE BUSINESS, COMMERCIAL OR FINANCIAL UNDERTAKING TO DISADVANTAGE; AND**
  - b. THE GROUNDS FOR DESIGNATION HAVE BEEN MADE AS THE INFORMATION IS DEEMED COMMERCIAL-IN-CONFIDENCE TO PROTECT THE PRIVACY OF THE CONTRACTORS, TENDER SCORES, AND TENDERED AMOUNTS SUBMITTED FOR CONSIDERATION.**

**CARRIED UNANIMOUSLY**



## **10. MEETING CLOSED**

### **NEXT MEETING**

The next Council Meeting open to the public will be conducted as a virtual Meeting held on Wednesday, 23 September 2020, commencing at 2pm.

**The Council Meeting closed at 3.03pm.**

**Confirmed this**

**23<sup>rd</sup> day of September 2020.**

**Administrator Chair, Julie Eisenbise**