

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting Minutes

15 June 2022

**Council Meeting No. 471
Council Chambers, Leongatha
Commenced at 2:00pm**



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.

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

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

PRESENT

COUNCILLORS:	Councillor Mohya Davies, Mayor Councillor Nathan Hersey, Deputy Mayor Councillor Jenni Keerie Councillor Michael Felton Councillor John Schelling Councillor Adrian Darakai Councillor Clare Williams Councillor Scott Rae Councillor Sarah Gilligan
MUNICIPAL MONITOR:	Prue Digby
NOT PRESENT:	-
OFFICERS:	Kerryn Ellis, Chief Executive Officer Allison Jones, Director Performance and Innovation Rena Littlejohn, Director Economy & Community Anthony Seabrook, Director Sustainable Infrastructure June Ernst, Acting Manager Governance Rhys Matulis, Coordinator Governance Natasha Berry, Corporate and Council Business Officer

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting No. 471 Wednesday 15 June 2022
Council Chambers, Leongatha commenced at 2.00pm

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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 TO THE COUNCIL MEETING

COVID Safe Plan

Council Meetings are conducted in line with Council's *COVID Safe Plan*.

Public Questions

In accordance with *Governance Rules (C82)*, clause 56.4(d) the placement of public questions has now closed. Questions must be received prior to the commencement of the Council Meeting and placed in the receptacle at Governance Officers table. Questions received after the commencement of the Meeting will be considered at the next Council Meeting.

1.3. OPENING PRAYER

We pray to God to guide us so that the thoughts we have and the decisions made this day, are in the best interests of the people of the South Gippsland Shire.

Amen

1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

We acknowledge the Bunurong and Gunaikurnai people as the Traditional Custodians of South Gippsland and pay respect to their Elders, past, present, and future, for they hold the memories, traditions, culture, and hopes of Aboriginal and Torres Strait Islander people of Australia.

1.5. APOLOGIES

Nil

1.6. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Meeting No. 470, held on 18 May 2022 in the Council Chambers, Leongatha be confirmed.

RESOLUTION

MOVED: Councillor Gilligan

SECONDED: Councillor Keerie

That the Minutes of the South Gippsland Shire Council Meeting No. 470, held on 18 May 2022 in the Council Chambers, Leongatha be confirmed.

CARRIED UNANIMOUSLY

1.7. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS

The *Local Government Act 2020* (the Act), Division 2 sets out the requirements relating to Conflict of Interest. Disclosure of a conflict of interest in respect of a matter to be considered at a Council Meeting is required under section 130(1)(a) and specifically applies to a relevant person being a Councillor, member of a delegated committee who is not a Councillor and a member of Council staff.

Council's Governance Rules (C82) (the Rules), clause 3.0 Disclosure of a Conflict of Interest at a Council Meeting sets out the prescribed manner required to disclose a conflict of interest at South Gippsland Shire Council.

The Rules require a Councillor and/ or staff member who has a conflict of interest in a matter being considered at a Council Meeting to announce before the matter is considered and disclose this in a written notice to the Chief Executive Officer. The details included in the disclosure, explain the nature conflict of interest, whether it is classified as general or material (s.127 and s.128), the name of the relevant person(s) and their relationship to them.

Failure to comply with disclosures of conflict of interest (s.130) may be subject to penalty points and/ or other disciplinary measures depending on the nature of the conflict.

The *Local Government Act 2020* can be accessed from the Victorian Legislation and Parliamentary documents website at www.legislation.vic.gov.au.

Council's Governance Rules (C82) can be accessed from [Council's Policies](#) webpage.

Councillor Jenni Keerie has declared a material conflict of interest in Confidential Agenda Item 11.1 PERSONAL INFORMATION - 2021/22 Community Grants - Round 2 as her employer submitted a grant application to the Community Grants Program Round 2, as the Manager she is responsible for the completion of the application.

Councillor Nathan Hersey has declared a general conflict of interest in Confidential Agenda Item 11.1 PERSONAL INFORMATION - 2021/22 Community Grants - Round 2 as a family member submitted a grant application on behalf of the Loch Arts Council.

Councillor Sarah Gilligan has declared a general conflict of interest in Confidential Agenda Item 11.1 PERSONAL INFORMATION - 2021/22 Community Grants - Round 2 as a family member assisted in the development of a grant application on behalf of the Tarwin Lower Mechanics Institute.

1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF

The *Local Government Act 2020* (the Act), Division 2 sets out the requirements relating to Conflict of Interest. Disclosure of a conflict of interest in respect of a matter to be considered at a Council Meeting is required under section 130(1)(a) and specifically applies to a relevant person being a Councillor, member of a delegated committee who is not a Councillor and a member of Council staff.

Council's *Governance Rules (C82) (the Rules)*, Chapter 5, clause 7, 8 and 9 sets the prescribed manner required for staff to disclose a conflict of interest when:

- *Preparing Reports for Meetings*
- *Exercise of Delegated Power*
- *Exercise of a Statutory Function*

Council staff must immediately upon becoming aware of a conflict of interest provide a written notice to the Chief Executive Officer disclosing the conflict of interest, explain the nature of the conflict and how it will be managed. Upon becoming aware and declaring a conflict of interest, a staff member may not exercise a power or perform a function in the matter. All prepared reports will record that staff member(s) have considered a conflict of interest and include if any, the details of a disclosure.

Failure to comply with disclosures of conflict of interest (s.130) may be subject to penalty points and/ or other disciplinary measures depending on the nature of the conflict.

The *Local Government Act 2020* can be accessed from the Victorian Legislation and Parliamentary documents website at www.legislation.vic.gov.au.

Council's *Governance Rules (C82)* can be accessed from [Council's Policies](#) webpage.

Nil

2. OBJECTIVE 1 - UNITED SHIRE

2.1. COMMUNITY LEADERSHIP PROGRAM - EVALUATION

Economy and Community

Council Plan

Objective 1 - United Shire - Strategy 1.2 Develop and support the leadership skills of existing and emerging community leaders, volunteers, community groups and networks

The evaluation report assists in the achievement of the Council Plan Strategy 1.2 by interrogating the effectiveness of the Community Leadership Program.

EXECUTIVE SUMMARY

The purpose of this report is to present the Evaluation Report for the *South Gippsland Shire Council Community Leadership Program 2020/21* and recommends that Council notes the findings contained within the report.

RECOMMENDATION

That Council notes the Community Leadership Program Evaluation Report in Attachment [2.1.1].

RESOLUTION

MOVED: Councillor Darakai

SECONDED: Councillor Keerie

That Council notes the Community Leadership Program Evaluation Report in Attachment [2.1.1].

CARRIED UNANIMOUSLY

REPORT

The Community Leadership Program (the Program) was undertaken as a directive from the Minister for Local Government and in accordance with Strategy 1.2 *Develop and support the leadership skills of existing and emerging leaders, volunteers, community groups and networks.*

In 2020/21 two rounds of the Program were implemented with a total of 36 participants (25 female, 11 male) completing the Program.

To measure the program impact, efficiency, effectiveness and value of the Program an external evaluation of the Program was undertaken by an external and independent consultant.

The Evaluation Report provides recommendations designed to assist Council in determining the future direction of the Program.

Findings on the Community Leadership Program from the Evaluation Report (**Attachment [2.1.1]**) form three key areas and include:

Program impact

- Participation in community and civic life has increased;
- There has been increased uptake of leadership opportunities;
- Leadership capability has increased; and
- Understanding of Council has improved.

Program efficiency and effectiveness

- Program design and delivery was improved in response to participant needs; and
- There are some opportunities for improvement, but wholesale change is not required.

Value of the program

- Participants found the project highly valuable;
- The full value of investment will be realised over time; and
- The high impact of the program in a short time demonstrates value for investment

The Evaluation Report is a positive one, and recommends that Council consider maintaining Program funding into the future. Should the Program be

continued, the report offers further recommendations for its improvement, including:

- Maintain focus on best practice, community focussed programs;
- Increase Program facilitation support;
- Maintain evaluation approach;
- Investigate data collection limitations; and
- Develop communication and recruitment plan.

CONSULTATION / COMMUNITY ENGAGEMENT

A variety of engagement methods were used to inform The Evaluation Report. These included online surveys, stakeholder interviews, a desktop review of the program's documentation, and benchmarking against other Community Leadership Programs.

RESOURCES / FINANCIAL VIABILITY

The Community Leadership Program is identified in the 2022/23 Annual Budget and Council Plan. The proposed annual funding allocated is \$127,000.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Attachments are available on Council's website at the following [LINK](#).

1. Community Leadership Program Evaluation May 2022 [2.1.1 - 40 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

Community Engagement Policy (C06)

Community Engagement Strategy

Community Strengthening Strategy

Council Plan 2020-2024

3. OBJECTIVE 2 - ECONOMIC PROSPERITY

3.1. PLANNING SCHEME AMENDMENT REQUEST – 108 & 110 PARR STREET LEONGATHA – RESIDENTIAL REZONING REQUEST

Economy and Community

Council Plan

Objective 2 - Economic Prosperity - Strategy 2.2 Develop plans that balance and utilise the natural values of the environment and improve liveability in the Shire

The rezoning and subdivision will contribute to economic development and assist in providing affordable housing options in a sustainable and planned manner.

EXECUTIVE SUMMARY

The purpose of this report is to seek authorisation from the Minister for Planning to prepare a planning scheme amendment to rezone the land at 108 & 110 Parr Street Leongatha (total 22ha – see **Attachment [3.1.1]**) from the Farming Zone (FZ) to the General Residential Zone 1 (GRZ1) in combination with a planning permit application to subdivide the land into approximately 160 residential lots – refer to **Attachment [3.1.2]**.

The subject land is located inside the South Gippsland Planning Scheme's Leongatha Township Boundary and is identified as an 'Urban residential expansion area'. The land adjoins an approved residential subdivision (yet to be developed) on its southern and western boundaries and will form an orderly contiguous expansion of the south-eastern growth area of Leongatha.

Rezoning the land in combination with a subdivision planning permit allows Council to appropriately integrate the new development into the existing and approved adjoining / surrounding subdivisions and will bring new residential lots onto the market in a timely manner that can assist in addressing the current residential land supply shortage in Leongatha.

RECOMMENDATION

That Council:

1. Request authorisation from the Minister for Planning to prepare a planning scheme amendment to:
 - a. Rezone the subject land from Farming Zone to General Residential Zone 1;
 - b. Delete the Environmental Significance Overlays Schedules 2 and 5 from the subject land; and

- c. Allow for the assessment of a combined planning permit application pursuant to s.96A of the *Planning and Environment Act 1987* (the Act), for the residential subdivision of the subject land, generally in accordance with the subdivision plan in Attachment [3.1.2].
2. Following approval of Ministerial Authorisation, exhibit the planning scheme amendment and combined planning permit application in accordance with the requirements of the *Planning & Environment Act*; and
3. Refer any submissions or objections to the amendment and combined planning permit that cannot be resolved to an Independent Planning Panel for consideration.

RESOLUTION

MOVED: Councillor Darakai

SECONDED: Councillor Hersey

That Council:

1. **Request authorisation from the Minister for Planning to prepare a planning scheme amendment to:**
 - a. **Rezone the subject land from Farming Zone to General Residential Zone 1;**
 - b. **Delete the Environmental Significance Overlays Schedules 2 and 5 from the subject land; and**
 - c. **Allow for the assessment of a combined planning permit application pursuant to s.96A of the *Planning and Environment Act 1987* (the Act), for the residential subdivision of the subject land, generally in accordance with the subdivision plan in Attachment [3.1.2].**
2. **Following approval of Ministerial Authorisation, exhibit the planning scheme amendment and combined planning permit application in accordance with the requirements of the *Planning & Environment Act*; and**
3. **Refer any submissions or objections to the amendment and combined planning permit that cannot be resolved to an Independent Planning Panel for consideration.**

CARRIED UNANIMOUSLY

REPORT

The subject land is formally known as Lot F on Plan of Subdivision 448885F (108 Parr Street) and Lot 1 on TP 615766W (110 Parr Street) Leongatha. The land at 108 Parr Street (5.75ha) is commonly known as Lucinda Estate and contains a vineyard / winery and has a collection of buildings located at the southern end of a long battlaxe driveway running along the western boundary. The land falls moderately to the east in a gradual manner and is a landform well suited for residential development. An existing approved subdivision adjoining to the west (yet to be developed – see **Attachment [3.1.2]**) will provide a road connection to the subject land and a Council open space recreation reserve has recently been developed adjoining the south-western corner of the subject land. The draft subdivision plan has been designed to integrate with these features.

The land at 110 Parr Street (16.45ha) is an irregular shaped lot with a dwelling situated adjoining the battlaxe entry to 108 Parr Street. The land is modified pasture and currently used for cropping. It contains dispersed stands of native vegetation which historic aerial photography indicates is mostly planted regrowth and not remnant native vegetation. The eastern most quarter of the land is lower laying and included within the Land Subject to Inundation Overlay (LSIO) due to flooding from Coalition Creek. The LSIO is the main impediment to development on the subject land and is displayed in **Attachment [3.1.2]** as '1 in 100 year flood extent'. A road is soon to be developed on the southern adjoining residential subdivision (known as the Springs Estate) that will provide a connection road through the subject land and up to Parr Street. Integration of the proposed subdivision with the surrounding developments will provide excellent vehicle and pedestrian permeability, and is a key outcome Council aims to achieve when approving new subdivisions.

Strategic Justification and Land Supply

Rezoning land from the Farming Zone to a residential zone is difficult to achieve without strategic justification provided by the planning scheme. The proposed rezoning and subdivision is considered to have a high level of strategic support, noting that the land is located inside the township boundary, and is clearly identified in the Leongatha Framework Plan as an 'Urban residential expansion area'. In addition to this, the proposal is broadly consistent with the objectives of the Southern Leongatha Outline Development Plan which guides how the southern areas of Leongatha should grow.

Settlement policy guidelines in the planning Scheme encourage the rezoning of areas inside of the Leongatha Framework Plan in order to maintain a 15-

year land supply At present, Leongatha has an estimated land supply of approximately 5-6 years. Accurately assessing land supply is difficult, however it is clear that regardless of yearly fluctuations and broader economic trends (including the impacts of COVID-19) that Leongatha is presently short of residential land. The combination of planning policy support and a shortage of residential land is considered to provide the proposed rezoning and subdivision a high level of local and State policy strategic planning support.

Strategic justification is further set out in the amendment proponent's planning report and supporting documents detailed in **Attachment [3.1.3]**. It is noted that some of the attachments referenced in the proponent's report are yet to be provided. All reports must be provided to Council before the drafting of the planning permit conditions can commence.

Planning Scheme Changes / Amendment provisions

The amendment proposes to rezone the subject land from the Farming Zone to the General Residential Zone 1 (GRZ1). The GRZ1 is the standard township residential zone applied across most residential suburban areas of the state. When rezoned, GRZ1 dwellings can be built on the subject land with only the requirement for a building permit. No planning permit will be required.

The amendment will include a combined planning permit application for the subdivision of the land. As noted above, this has benefits in terms of providing greater certainty of outcomes for Council, the community and the proponent.

The amendment will remove two planning scheme overlay controls from the subject land. The Environmental Significance Overlay Schedule 2 (ES02 - Special Water Supply Catchment Areas) is a potable water supply / water quality control, and will be removed because the proposed subdivision will be connected to the reticulated sewer system and consequently will not affect the water quality in the catchment. South Gippsland Water will be consulted in relation to the requirements to connect to reticulated sewer and the removal of the ES02.

The Environmental Significance Overlay Schedule 5 (ES05 -Areas susceptible to erosion) will be removed from the land because the landform is moderately sloping and unlikely to present soil erosion concerns, especially when development will not be allowed to occur in the LSIO. It is normal practice for Council to remove the ES05 when land is rezoned for residential development. Its removal has the added benefit of removing the need to obtain a planning permit for a new dwelling. This removes an administrative burden on both Council and the future landowners.

As noted above, the LSIO is to remain on the subject land because it represents an existing land development risk and must be closely considered.

The subject land is identified as a Bushfire Prone Area (BPA) pursuant to the building regulations, however it is not included in the Bushfire Management Overlay. The CFA has been consulted in the preparation of the draft subdivision plan, and will be further consulted in the preparation of the planning permit conditions.

A small Crown Land reserve adjoins the southern boundary of the proposed drainage reserve identified in **Attachment [3.1.2]**. The reserve is zoned Farming, which is considered an inappropriate zone for the land in the long term, given the Farming Zone is being removed from all other land in the locality. Consultation is required with Department of Environment, Land, Water & Planning's (DELWP) Crown Land Management Unit to determine what zone change may be required for this reserve. Changing the zoning on the reserve is considered procedural, and does not affect the merits of the amendment proposal.

The amendment does not require any changes to local planning policies in the South Gippsland Planning Scheme.

Proposed subdivision layout and design consideration

The draft subdivision plan responds appropriately to the requirements of Clause 56 (Residential Subdivision) of the Planning Scheme and will be a continuation of a similar style of residential development typical of the urban subdivisions that surround Parr Street. The average lot size is approximately 800 square metres which is typical of the surrounding area and Leongatha more generally, where lot sizes tend to be larger than in greenfield development in metropolitan Melbourne.

As noted above, a key development constraint on the subject land is the LSIO adjoining Coalition Creek. In response to potential flood inundation risk, eight large lots adjoining Coalition Creek are to be created; each lot would contain a building envelope registered on title, located above the LSIO maximum flood height – see **Attachment [3.1.2]**. The LSIO is mapped for a 1% Annual Exceedance Probability flood (commonly referred to as a 1 in 100 year flood). Five smaller lots are also partly within the LSIO, and will have similar requirements. Additional restrictions will be placed on the LSIO affected lots to ensure that they are not further subdivided. The West Gippsland Catchment Management Authority (the floodplain manager) will be consulted on the formulation of planning permit conditions, and will be formally referred the amendment proposal when exhibited. It is important that flood risk is

appropriately considered now, so that Council is not exposed to liability risk in the future.

An existing 66kva transmission power line (connected to the Bald Hill Wind Farm) is located over the subject land inside its north western boundary. Council has explored options to relocate the powerline to the proposed continuation of Tarwin Ridge Boulevard to the west, but has not been successful in achieving this outcome. Placing a public open space reserve under the powerline is generally not supported by Councils and were it to be done, it would require ongoing Council maintenance and upkeep. It is proposed to relocate the powerline to the rear of six lots on the western boundary of the subject land whereby sufficient land will remain available for dwellings to be constructed on the balance of the lots. No building in the easement will be allowed. The location of the easement is not an ideal urban design outcome however is a practical response to the existing constraints and is supported by the power company in initial discussions.

The draft subdivision plan has been designed to have road frontage to the new Council open space recreation reserve recently developed on Tarwin Ridge Boulevard – see **Attachment [3.1.2]**. This layout design provides an additional east / west pedestrian connection point between the development areas, and provides improved passive surveillance for users of the open space. The design integration with the open space reserve also removes the need for the new subdivision to provide its own designated area of recreational open space.

The proposed wetland / stormwater retention basin on the southern boundary of the subject land will not be recognised as open space, and will be designed to discourage its informal use due to the risk to life posed by stormwater retention basins. A stormwater retention basin is proposed immediately adjoining the subject land in the Springs Estate subdivision. The amendment proponent has submitted a stormwater management plan in support of the draft subdivision plan, however it requires further consideration by Council's development engineers before the amendment is exhibited. Stormwater problems are often identified near the end of the development approvals process however the combined rezoning and planning permit process requires these issues to be fully resolved before exhibition occurs.

Other matters

Cultural Heritage Management Plan

The land adjoining Coalition Creek is identified as a Cultural Heritage Sensitivity Area for First Nations peoples. Subdivision of a sensitive area requires the approval of a Cultural Heritage Management Plan (CHMP) before a subdivision can be approved by Council. The amendment proponent is

preparing a CHMP in consultation with the Bunurong Land Council. It is anticipated that this will be finalised before exhibition of the amendment occurs.

Historic land contamination

Agricultural use of land can result in land contamination that has the potential to present health risks to future occupiers of residential lots. Whilst the risk is considered low, the proponent is preparing a soil contamination report which will investigate if a contamination risk is present. When the report is received the Environmental Protection Agency (EPA) will be consulted on any planning permit conditions they recommend for the subject land. It must be demonstrated that the land is safe, or can be made safe for residential use, before Council will approve the subdivision of the land.

Flora and Fauna

Flora and fauna reports are typically required in support of land rezoning applications. Given the highly modified nature of the subject land and its extensive history of agricultural use it is unlikely that environmental value will restrict the subdivision of the land. Whilst the native vegetation on the land is regrowth, consultation with DELWP is required to determine what level of environmental offset planting will be required to compensate for the removal of the regrowth. If offset planting is required, the crown land reserve adjoining Coalition Creek can provide opportunities to achieve net environmental gains. Retention of mature eucalyptus trees in residential subdivisions is often difficult to achieve because of the safety risk presented by falling limbs or trees being blown over in storm events. A safer and more orderly development can be achieved by removing dangerous trees and approving a landscape plan for the subdivision that can provide more appropriate and safe native vegetation plantings.

Traffic Management and Development Contributions

The amendment is supported by a traffic management plan which demonstrates that the proposed subdivision will not adversely impact Parr Street and the surrounding existing and approved (but not yet constructed) road network. The additional traffic generated by the subdivision will not trigger the requirement to upgrade the intersection of Parr Street and the South Gippsland Highway.

A development contributions Section 173 Agreement must be approved (executed on title) before Council approves the Planning Scheme Amendment. The Agreement will require the payment of money or the provision of agreed infrastructure in the surrounding area before residential lots are legally created. Discussions with the amendment proponent are ongoing, and include

the option to provide new footpaths on Parr Street (west of the subject land) and / or contributions to improvements to stormwater treatment in the broader southern Leongatha area. Similar to other development contributions agreements, a payment per lot is to be sought. A future council resolution will be required to consent to and execute the Agreement.

CONSULTATION / COMMUNITY ENGAGEMENT

Should Ministerial Authorisation be provided to formally prepare the planning scheme amendment, Council can then exhibit the amendment in accordance with the requirements of the *Planning and Environment Act 1987*. This will include postal notification to adjoining and surrounding owners and occupiers, signs on site, public notice in the local newspaper and internet-based information. Exhibition will occur for one month. Importantly, exhibition of the amendment will include the draft planning permit (including all the planning permit conditions) for the subdivision of the land.

Any submission or objection to the amendment which cannot be fully resolved must be referred to an independent planning panel for consideration. The amendment proponent must pay the panel costs. The panel will provide a report on the submissions which Council must consider before approving the amendment.

The public will be informed of all stages of the amendment process via Council's webpage. Formal submitters to the amendment will be informed of all critical stages in the amendment process via email or postal correspondence.

RESOURCES / FINANCIAL VIABILITY

The amendment proponent is required to pay all the statutory fees and charges associated with the amendment including the costs of any independent planning panel required to consider unresolved submissions / objections.

The main impact on Council resources is the officer time required to process the amendment. Combined land rezoning and subdivision planning permit applications are complex and require a considerable time investment by Council's Planning and Engineering teams. This cannot be avoided however, to date, the amendment proponent has sought to work constructively with officers in the preparation of the amendment documentation which has assisted the process.

As noted above, a development contributions agreement must be executed between Council, the amendment proponent and the parties with a financial and legal interest in the land titles, before the amendment can be approved.

Council does not have a formal Development Contributions Plan Overlay in Leongatha, and a Section 173 Agreement (pursuant to the *Planning and Environment Act 1987*) must be approved as the mechanism to secure development contributions. A new Agreement template has recently been prepared which will provide greater clarity and certainty for Council in securing development contributions. The Agreement will assist in offsetting some of the public costs associated with the release of new residential land in Leongatha.

RISKS

The amendment proponent bears the main financial risk should the amendment proposal fail to be approved.

The LSI0 on the subject land presents a risk to new development, however with appropriate planning restrictions implemented on the subdivision, it is considered that this risk can be managed. Detailed consultation with the WGCMA will occur to ensure that the risk is appropriately considered and managed.

There is a risk to Council and Leongatha more broadly if more land is not released for residential development in the near future. Land development and dwelling construction is an important element of the local economy, and the current shortage of vacant residential land is distorting the real estate market and will impact the local economy as the opportunity to build new dwellings reduces over time.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Attachments are available on Council's website at the following [LINK](#).

1. Locality Maps - 108 & 110 Parr Street Leongatha - Rezoning Council Report - Authorisation [3.1.1 - 1 page]
2. Subdivision Plan - 108 & 110 Parr Street Leongatha - Rezoning Council Report - Authorisation [3.1.2 - 1 page]
3. Planning Report - 108 & 110 Parr Street Leongatha - Rezoning Council Report - Authorisation [3.1.3 - 261 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

South Gippsland's Planning Scheme

Legislative Provisions

Catchment and Land Protection Act 1994

Land Act 1958

Planning and Environment (Planning Schemes) Act 1996

Planning and Environment Act 1987

Regional, State and National Plan and Policies

Gippsland Regional Growth Plan, State Government Victoria

Gippsland Regional Plan 2020-2025

4. OBJECTIVE 4 - CUSTOMER FOCUSED ORGANISATION

4.1. SUMMARY OF STRATEGIC BRIEFINGS TO COUNCILLORS - 13 APRIL 2022 TO 12 MAY 2022

Performance and Innovation

Council Plan

Objective 4 - Customer Focused Organisation - Strategy 4.4 Build on leadership, governance, financial sustainability, shared values and cultural capabilities within the organisation

Council's transparency and governance is strengthened by regularly reporting on summaries of briefings held, that assist Council to make informed decisions in Council Meetings on behalf of the community.

EXECUTIVE SUMMARY

Council, in its requirement to give effect to the overarching governance principles and supporting principles of the *Local Government Act 2020, section 9(2)(i), s.9(3)(b) and s.58*, aims to assist the transparency of Council decisions, actions and information through the provision of public summaries of information. The types of information summarised are usually strategic briefing and public presentations to items that will subsequently come before Council for a future decision. The information is summarised so that it is accessible, understandable, relevant and timely.

The information provided in this report is recorded from sessions held between 13 April and 12 May 2022.

RECOMMENDATION

That Council receives and notes this report.

RESOLUTION

MOVED: Councillor Gilligan

SECONDED: Councillor Rae

That Council receives and notes this report.

CARRIED UNANIMOUSLY

REPORT

Meeting Title	Details
Wednesday 13 April 2022	
Agenda Topic Discussion for Council Meeting 20 April 2022	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai, Michael Felton</p> <p>Municipal Monitor: Prue Digby</p> <p>Conflict of Interest: Kerryn Ellis, Chief Executive Officer left the room with a declared material interest in Agenda Item 13.1. PERSONAL INFORMATION - Chief Executive Officer Interim Review 1 July – 30 December 2021, as the matter relates directly to her role.</p>
Draft Domestic Waste Water Management Plan	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai, Michael Felton</p> <p>Municipal Monitor: Prue Digby</p> <p>Conflict of Interest: Nil disclosed.</p>
Draft – Arts, Culture and Creative Industries Strategy	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai, Michael Felton</p> <p>Municipal Monitor: Prue Digby</p> <p>Conflict of Interest: Nil disclosed.</p>
Draft Great Southern Rail Trail – Visitation and Marketing Plan	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai, Michael Felton</p> <p>Municipal Monitor: Prue Digby</p> <p>Conflict of Interest: Nil disclosed.</p>
Integrated Planning Session	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai, Michael Felton</p> <p>Municipal Monitor: Prue Digby</p> <p>Conflict of Interest: Nil disclosed.</p>

Wednesday 20 April 2022	
Social and Affordable Housing Strategy	<p>Councillors Attending: Mohya Davies, Scott Rae, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai</p> <p>Municipal Monitor: Prue Digby</p> <p>Conflict of Interest: Nil disclosed.</p>
Agenda Topic Discussion for Council Meeting 20 April 2022	<p>Councillors Attending: Mohya Davies, Scott Rae, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai, Michael Felton</p> <p>Municipal Monitor: Prue Digby</p> <p>Conflict of Interest: Kerryn Ellis, Chief Executive Officer declared material interest in Agenda Item 13.1. PERSONAL INFORMATION - Chief Executive Officer Interim Review 1 July – 30 December 2021, as the matter relates directly to her role (item not discussed).</p>
Wednesday 27 April 2022	
Wellington Shire & South Gippsland Shire	<p>Councillors Attending: Mohya Davies, Scott Rae, John Schelling, Adrian Darakai</p> <p>Municipal Monitor: Apology</p> <p>Conflict of Interest: Nil disclosed.</p>
Wednesday 4 May 2022	
Early Years Service Strategy	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams, Michael Felton</p> <p>Municipal Monitor: Apology</p> <p>Conflict of Interest: The Mayor, Councillor Mohya Davies left the room with a declared general interest in a briefing to Council on the <i>Early Years Service Strategy</i>, as she is the Chair for the Prom Coast Centres for Children, which was one of the sites discussed.</p>
Financial Performance	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams, Michael Felton</p> <p>Municipal Monitor: Apology</p> <p>Conflict of Interest: Nil disclosed.</p>

Economic Development and Visitor Economy Strategies	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai, Michael Felton</p> <p>Municipal Monitor: Apology</p> <p>Conflict of Interest: Nil disclosed.</p>
Municipal Association Victoria State Council Meeting	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai, Michael Felton</p> <p>Municipal Monitor: Apology</p> <p>Conflict of Interest: Nil disclosed.</p>
Wednesday 11 May 2022	
Agenda Topic Discussion for Council Meeting 18 May 2022	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai, Michael Felton</p> <p>Municipal Monitor: Prue Digby</p> <p>Conflict of Interest: Nil disclosed.</p>
Gippswide Kerbside Project	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai, Michael Felton</p> <p>Municipal Monitor: Prue Digby</p> <p>Conflict of Interest: Nil disclosed.</p>
Submission Hearing - Proposed Sale of 630 Mardan Road Koorooman	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai, Michael Felton</p> <p>Municipal Monitor: Prue Digby</p> <p>Conflict of Interest: Nil disclosed.</p>

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 3. Decision Making

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

Governance Rules (C82)

Public Transparency Policy (C75)

Legislative Provisions

Local Government (South Gippsland Shire Council) Act 2019

Local Government Act 1989

Local Government Act 2020

4.2. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 21 APRIL 2022 TO 19 MAY 2022

Office of the Chief Executive

Council Plan

Objective 4 - Customer Focused Organisation - Strategy 4.4 Build on leadership, governance, financial sustainability, shared values and cultural capabilities within the organisation.

Council's transparency of financial decisions made and overall financial sustainability is strengthened by regularly reporting on documents sealed, contracts awarded, varied or extended under the CEO's delegation.

EXECUTIVE SUMMARY

This report documents the following actions undertaken by the Chief Executive Officer (CEO) which occurred during the period from 21 April 2022 to 19 May 2022. Council's *Procurement Policy (C32)* 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.

RESOLUTION

MOVED: Councillor Schelling

SECONDED: Councillor Williams

That Council receives and notes this report.

CARRIED UNANIMOUSLY

REPORT

Documents Sealed

Under the *Local Government Act 2020* (the Act), s.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 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 Officer (CEO) 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 21 April 2022 to 19 May 2022.

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 270 Tarwin Lower Road, Tarwin in relation to subdivision of land of two lots. Seal applied 3 May 2022.
2. Section 173 Agreement between South Gippsland Shire Council and the owner of 293 Whitelaw Road, Korumburra in relation to a proportional infrastructure development contribution allocation. Seal applied 10 May 2022.

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 by Council after a public tender process, signed by the CEO between 21 April 2022 to 19 May 2022.
 - a. Nil

2. Contracts awarded after a public tender process within the CEO's delegation between 21 April 2022 to 19 May 2022.
 - a. CON/319 for the Timms Road, Poowong North – Intersection Reconstruction project was awarded to Hugh Patrick Pty Ltd T/A BJ's Earthmoving. Signed by the CEO 4 May 2022.
 - b. CON/321 for the Supply & Installation of Guardrail – Various Locations was awarded to Safety Barrier Solutions Pty Ltd. Signed by the CEO 4 May 2022.
 - c. CON/317 for the New Foster Depot Building Refurbishment was awarded to Considine and Johnston Pty Ltd. Signed by the CEO 16 May 2022.
3. Contract variations approved by the CEO between 21 April 2022 to 19 May 2022.
 - a. Nil
4. Contract extensions approved by the CEO between 21 April 2022 to 19 May 2022.
 - a. CON/216 for the Provision of Linemarking Services was awarded to Laser line Marking Pty Ltd. The contract was for a three-year term commencing on 1 July 2019 with an option of two 1-year extensions. An extension of 1 year (first year extension option) has been approved, signed by the CEO 4 May 2022.
 - b. CON/217 for the Supply and Delivery of Cold Liquid Bituminous Products was awarded to Downer EDI Works Pty Ltd. The contract was for a three-year term commencing on 1 July 2019 with an option of two 1-year extensions. An extension of 1 year (first year extension option) has been approved, signed by the CEO 4 May 2022.
 - c. CON/226 for the Supply and Delivery of Premixed Concrete was awarded to Holcim (Aust) Pty Ltd. The contract was for a three-year term commencing on 1 July 2019 with an option of two 1-year extensions. An extension of 1 year (first year extension option) has been approved, signed by the CEO 4 May 2022.
 - d. CON/215 for the Building Maintenance & Essential Safety Services was awarded to Walker Electrical Contracting Pty Ltd. The contract

was for a three-year term commencing on 1 July 2019 with an option of two 1-year extensions. An extension of 1 year (first year extension option) has been approved, signed by the CEO 10 May 2022.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Nil

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 3. Decision Making

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

Governance Rules (C82)

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. COUNCILLOR REPORTS

6.1. REQUESTS FOR LEAVE OF ABSENCE

Nil

6.2. COUNCILLOR UPDATES

Deputy Mayor, Councillor Nathan Hersey, addressed Council by reporting on attendance at or made comments on:

- **Sport & Recreation Victoria Local Sports Infrastructure Fund awarded to the following projects within the Shire, including:**
 - **Female Friendly Facility Stream for developing the netball changerooms and refurbishing the existing AFL change rooms at Korumburra Showgrounds.**
 - **Community Sports Lighting Stream for the Meeniyen Recreation Reserve.**
 - **Community Facilities Stream for the Loch Lawn Bowls Club synthetic greens installation.**
- **Council's Community Grants drop in Information Sessions have opened and he encouraged community groups to get involved, information located on Council's website at - [LINK](#).**
- **Loch suspension bridge at the Loch Reserve, he attended a recent meeting with Council Officers.**
- **Loch Community Plan is currently being developed in conjunction with community members.**
- **Congratulations to all the events held over the long weekend, it was good to see our community getting out and about, spending money in our community and seeing what this region has to offer.**

Councillor Scott Rae addressed Council by reporting on attendance at or made comments on:

- **ANZAC day events, it was an honor and a privilege to represent Council at the Toora dawn service and Welshpool & Toora wreath laying ceremonies. He thanked the Welshpool & Toora communities for their warm welcome and the wonderful breakfast at the Toora RSL.**

- **Dumbalk Country Fire Authority (CFA) meeting.**
 - **Community conversations regarding roads, future of public access to forests around Mirboo North and the future of forestry in the timber industry in the Shire.**
 - **Landcare events and mentioned in particular Mt Best's project on feral deer as they pose a bio security risk to agriculture.**
 - **Recent community feedback and ideas have been plentiful and show how engaged and how much the community cares.**
-

Councillor Jenni Keerie addressed Council by reporting on attendance at or made comments on:

- **Continuing to listen to the comments and ideas from the community regarding the Council Vision and Council Plan.**
 - **Korumburra Rail Precinct development and is hopeful that the works have commenced.**
 - **Social and Affordable Housing Strategy, recent community engagement.**
 - **A highlight was attending a briefing at Council by Dr Arthur Shelley on 'Challenging Conversations'. Cr Keerie commented that her key take home was recognising and understanding that each of us have our own voice, and a representative voice, and there are times when there is a tension between the two. The challenge can be to recognise that in our role as Councillors that we each have our own opinions but when we are around the table we are a united voice and we work together with our representative voices.**
-

Councillor John Schelling addressed Council by reporting on attendance at or made comments on:

- **Community conversations regarding bus shelters, stop signs, roads and renewable energy.**
 - **Leongatha Business Association Annual General Meeting and commented how important this Association is to the community and thanked new members stepping into the Leadership role.**
 - **Gipps Sport Awards Ceremony held in Morwell, it was great to hear about young people coming together and sharing sport.**
-

Councillor Sarah Gilligan addressed Council by reporting on attendance at or made comments on:

- **Community conversations regarding social and affordable housing in the community and renewable energy projects.**
 - **Landcare event at Mt Best and supported the comments on the concerns around feral deer.**
 - **The final stages of Council's Vision and Council Plan prior to consideration by Council.**
-

- **Venus Bay was very busy on the long weekend despite the weather, it is great to see community out and about.**

Councillor Michael Felton addressed Council by encouraging the community to come along to a drop-in session at Nyora Hall on Thursday between 7-8.30pm, for a coffee and a chat.

Councillor Clare Williams addressed Council by reporting on attendance at or made comments on:

- **Leongatha Business Association meeting.**
- **Railway Station development that has commenced.**
- **Australian Local Government Women's Association State Conference in Shepperton.**
- **Encouraging community groups to attend Council's Community Grants drop in Information Sessions.**
- **Encouraged attendance at the Landcare, 'peddle and plant' event that commences this Saturday at the Jeetho Hall, 10am.**

Councillor Adrian Darakai addressed Council by commenting on:

- **Council's inaugural raising of the Rainbow Flag on IDAHOBIT Day (International Day against Homophobia, Biphobia, Intersexism and Transphobia) on Tuesday 17 May. He encouraged members of the community to attend the up and coming musical production of 'Kinky Boots' by Lyric Theatre, which is about diversity and inclusion.**

The Mayor, Councillor Mohya Davies, addressed Council by reporting on attendance at or made comments on:

- **COVID19 illness disruption on Councillors attendance at Council Meetings, and noted that Council prefer to meet face to face over a hybrid meeting attendance (part face to face and part virtual attendance).**
- **Councillors attendance at the Leongatha Depot, briefed on parks and gardens and roads within the Shire and gave a shout out to the officers there.**
- **Leongatha Business Association meeting.**
- **Rotary Meetings.**
- **Council Vision Panel members attendance at Council and provided details on the process on how the Council Vision was developed.**
- **Following extensive community engagement and work by Council the 'mosaic of planning', the Integrated Plans will be coming to Council for consideration on Wednesday 29 June 2022.**

6.3. COMMITTEE UPDATES

Councillor Sarah Gilligan addressed Council by reporting on attendance at Council's Audit and Risk Committee on Tuesday 14 June 2022 and mentioned some of the matters:

- **Council's Quarterly Performance Report.**
- **Review of Council's Insurances.**
- **Review of key strategic risks.**

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 Councillors unless the matter is already included as an item on the Agenda. However, in some circumstances it is possible to raise urgent motions.

Council's Governance Rules 2020 (clause 22 - Urgent Business) adopted on 26 August 2020, allows for where a situation has not been provided for under the Governance Rules, 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 Councillor wishing to raise a matter of urgent business to raise a motion similar to the following:

'That consideration of (the issue) be dealt with as a matter of urgent business and Councillor....be allowed a 'short period' to indicate the reason(s) why the matter should be considered as a matter of urgent business.' If the Chairperson accepts the motion as meeting the urgent business criteria, normal meeting procedures in Council's Governance Rules 2020 (clause 22) will apply.

If the motion to accept the item as a matter of urgent business is passed by Council, the motion relating to the specific issue can then be put and debated in the normal way.

2. Other Business

This provides an opportunity for Councillors to raise items of general interest to the Council and the community. It may relate to an up and coming event or the outcomes of a recent meeting with a Minister etc.

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 *Governance Rules (C82)*, clause 57, members of the community may submit a valid petition or joint letter to a Councillor or to Council addressed to the Chief Executive Officer.

At the Meeting a petition or joint letter is presented, Council will consider a motion to receive it, the matter itself will not be considered unless determined as urgent business.

The Councillor presenting the petition or joint letter is responsible for ensuring that they are familiar with the contents and purpose of the petition or joint letter and that it does not contain language disrespectful to Council.

The requirements of the lead petitioner are detailed in the *Governance Rules (C82)*, clause 57.

Source: [Governance Rules \(C82\)](#) – adopted August 2020.

A Petition was received at Council regarding *Footpath and Road concerns in Peters Street, Mirboo North*.

The Petition is being considered and treated as a submission to the Budget 2022/23 – 2025/26, this was supported by the Lead Petitioner, Rosemary Cousin.

Council will be considering the Budget at Council Meeting 29 June 2022.

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: [Governance Rules \(C82\)](#) – adopted August 2020.

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.

On the day of the Meeting, questions on the prescribed form must be received prior to the commencement of the Council Meeting by 2.00pm and placed in the receptacle at the Governance Officers table. 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: [Governance Rules \(C82\)](#) – adopted August 2020.

Ms Noelene Hoghton submitted written questions and a response is provided in these Minutes.

Question 1

For the past three years, what was the cost spent on court cost relating to taking Rate Payers to court for minor offences.

Response

The term 'minor offences' is a subjective description. Some property owners may view overhanging trees or vegetation from their property or restricting movement along a public footpath, as minor, while the impacted party may not. Many Council prosecutions within the court system are not instigated by Council, with the community member electing to have the matter heard before the court. Council works firstly to resolve the matter outside the court system. Given this, it is not possible to provide an accurate estimate of costs for matters deemed 'minor'.

Question 2

I am aware that Council will be engaging in further court cases in the coming months and would like to know the projected costs of these cases to the Rate Payers?

Response

Court proceedings in general can have differing costs due to a number of factors, including case complexity, length of proceedings, plea opportunity taken, level of contest. Council is not able to forecast the end cost of a proceeding. However, in all cases where Council has incurred costs and the prosecution is successful, a submission is put before the court to have those costs recouped.

Council minimises the costs of court proceedings to ratepayers by ensuring that any action we take is based on information obtained through detailed investigation, and is proportionate to the risks presented to our community and Council. As an example to illustrate this point, of all the local laws matters Council have prosecuted in the last three years, we have been successful on all occasions and frequently have costs awarded to Council.

Question 3

Who makes the decision to take residents to court and why isn't there any consultation (to ensure Council has all the facts) with all parties involved before this step is taken?

Response

Where possible, Council attempts to resolve matters without court proceedings and may refer matters to the Dispute Settlement Centre of Victoria. Council deals with many alleged offences by way of compliance advice and support. This is often the case with building and planning matters, environmental health matters

and domestic animal matters. Council also issues verbal warnings, official cautions, penalty infringements and issue notices for compliance. In choosing which enforcement option(s) to take, Council aims deter future non-compliance. The enforcement option(s) chosen will be proportionate to the nature of the non-compliance and appropriate to the individual or business which the action is taken against. Matters that proceed to court are authorised internally via consultation with relevant officers and senior management.

All matters initiated by Council that proceed to court are thoroughly investigated. At the completion of an investigation, the evidence is considered, making certain it meets the burden of proof. Further assessment seeks to ensure that the evidence is admissible, is reliable and is in the interests of the public.

Earlier this year a dog attacked a person. The person spent three days in hospital due to the attack. The dog had been involved in two previous attacks on people in the past, one of those victims receiving 14 stitches. In those two previous cases, the owner entered a plea of guilty to the court. In this latest attack, the dog was seized by Council due to community safety concerns and the dog's history. Unfortunately, there was considerable misinformation purported on social media and within the community. People formed the view that the dog was not at fault and that the matter was minor in nature. Many wrongly believed that a full investigation was not conducted. The matter has now finalised with the owner entering a plea of guilty. The magistrate thought the matter serious enough to record a conviction against the dog's owner. The owner was fined two thirds of the allowable maximum penalty and ordered to pay many thousands of dollars in costs back to Council. In addition to the owner's plea of guilty, the owner agreed to have Council declare the dog as dangerous.

Council has a number of statutory obligations that require Council to investigate and act where necessary. Depending on the issue there are times where court action is required to ensure further action can be taken; for example, the ability to declare a dog dangerous. Education, mediation and/or discussion is preferred with court proceeding generally being Councils last resort.

Mr Gus Blaauw submitted written questions and a response is provided in these Minutes.

Question 1

Why is an employee establishment detailing each job position description never published in the Adopted Budget and in the Annual Report? I specifically refer to each job position description.

Question 2

When will a specified employee establishment listing each individual job position description – as employed or planned to employ by council - be published?

Question 3

Will council make available, on request, a specified employee establishment referred to in questions no.1 and no.2?

Response

Local Government Victoria each year publish model planning and reporting guidelines and templates for all councils across Victoria. These templates and guidelines are reviewed each year by members of professional accounting organisations and industry experts to ensure they reflect best practice, comply with legislation and accounting standards. We are pleased and proud to state that South Gippsland Shire Council applies these best practice models each year for the Budget, Long Term Financial Plan, Revenue and Rating Plan, Asset Plan, Financial Report, Performance Statement and Report of Operations. Additionally, the Victorian Auditor General's Office audit Council's Financial Report and Performance Statement to ensure that the information disclosed is an accurate reflection of the activity of Council.

South Gippsland Shire Council complies with all disclosures related to budgeted and actual employee costs in all published documents. The model reports do not contain detailed employee position descriptions and as such these are not included. Should you be interested in advertised positions at South Gippsland Shire Council, Council publishes employee position descriptions during the recruitment process.

Ms Jennifer Blaauw-McLeod submitted written questions and a response is provided in these Minutes.

Question 1

In addition to the already high income, in particular the Rates, why is it necessary for Council to borrow extra money and put Ratepayers in debt by \$12,773,000?

Question 2

Do the inexperienced Councillors believe that it is in the interest of Residents to borrow \$12,777,000 and burden Ratepayers with a debt which must be paid back?

Response

As part of the State Government's Community Sports Infrastructure and Community Infrastructure Loans schemes, Council was able to borrow discounted funds through the Treasury Corporation of Victoria. Council was able not only to take advantage of record low interest rates, but also have 1.5% of the interest percentage funded by the State Government. These loans have been able to fund major capital works across the Shire including the pool at Mirboo North and the Korumburra Community Hub which will benefit generations to come.

South Gippsland Shire Council adopted its *Treasury Management Policy* and *Financial Management Policy* in August 2021, which outline Council's approach to best practice financial management to ensure long term sustainability and compliance with our legislated obligations. These policies include descriptors of the financial sustainability indicators produced by the Victorian Auditor General, and state Council's commitment to apply these indicators when making assessments regarding financial risks and forward planning, in particular relating to future borrowings. The policies also recognise the concept of inter-generational equity funding whereby the mechanisms to fund specific capital expenditure consider the residents who benefit from the expenditure and therefore, on a user pay basis, who should pay for the costs associated with such expenditure. As the borrowings in the proposed budget and Long Term Financial Plan are for major capital projects, they meet these prudent financial principles.

Council has remained within the required limits for these indicators when developing the Proposed 2022/23 – 2025/26 Budget and Long Term Financial Plan 2022/23 – 2031/32.

Question 3

What is the Income and Expenditure for the Yanakie and Long Jetty Caravan Parks for the years ending 30 June 30, 2020 and 2021 as supplied for 2014 to 2019?

Response

Council completes one set of consolidated annual financial statements for its entire operation. This is not replicated for every function or service that Council provides, nor is it required. With respect to the caravan park annual operational report, this is not a profit and loss statement. It is a separate report which is prepared to provide the community with an additional level of transparency about Council's caravan park operations.

Council prepared a Caravan Park Operation annual report for Year ending June 2020 – see page 26 onwards from the following [LINK](#).

Due to COVID impacting on caravan park operations for year ending 2021, there is no equivalent report; however, we refer you to the 2021 Council Annual Report and Financial Statements, including the Caravan Park Operations – Financial Updates 2020/21 on page 47 from the Council Meeting on 15 September 2021 – refer [LINK](#).

Mr Lindsay Love submitted written questions and responses are provided in these Minutes.

Question 1

Following Press comments after the last Council meeting there would seem to be a need for Council to provide further data on the funding of roadworks in the Shire. Hence, can Council please provide a tabulation for the expenditure for the past 5 years on Road Maintenance (Operational Costs) and tabulation of Expenditure on Road Construction (Capital Works)?

Response

The information you seek is available in Council's Annual Reports, for the previous 5 years and beyond they are located at – [LINK](#).

In terms of locating the information you seek in each document, go to the 'MAJOR CAPITAL WORKS PROGRAM' section in each document where you can see the breakdown of Council's capital works programs/ projects, there is a separate section for Roads.

Question 2

We note that in previous years, residents were able to present to Council during the draft Budget process on the needs of urgent works and for instance Clancy Rd was a last minute change to the Budget (2020?). Given the current processes of Council Engagement what are the options available for residents to seek to have roadworks added to the Budget (for example Poowong North Rd, Cochranes Rd, Savages Rd, Outtrim-Inverloch Rd) and what ranking system is employed to assist with needs assessment?

Response

Various opportunities to engage with Councillors and comment on the proposed Draft Budget were available and promoted during the April 21 – 15 May community engagement period. This included eleven face-to-face opportunities with Councillors, as well as an online event. These events all provided the opportunity for community members to speak to a specific project, such as advocating for urgent road works. Written submissions were also sought and welcomed.

The community engagement period has now closed and there are currently no opportunities for the community to request specific road works be included in the Draft Budget 2022/23.

However, road work requests can be lodged with Council at any time. Council undertakes a comprehensive condition assessment process of all sealed roads every three years which assists in developing the future road rehabilitation and reseal programs. The roads are prioritised in order of

condition when assessed against the intervention levels outlined in the Road Management Plan and available budget.

Question 3

We note that Council is proposing to borrow perhaps a further \$12 million dollars in a market where it is predicted interest rates will be 4% by the end of 2023 and people are already experiencing major cost of living expense increases. This borrowing will add upwards of \$700,000 per year to the Council financing needs which is around 1.5% of rate revenue. Will the Council review the draft budget and work to remove this proposed borrowing and work to reduce the expected rate rise?

Response

As part of the State Government initiatives, the Community Sports Infrastructure and Community Infrastructure Loans schemes, Council was able to borrow discounted funds through the Treasury Corporation of Victoria (TCV). Council was able not only to take advantage of record low interest rates, but also have 1.5% of the interest percentage funded by the State Government. These loan agreements also allow Council to fix interest rates at any time and Council officers are working with TCV to achieve the greatest savings for ratepayers as possible in anticipation of future interest rate rises.

Council has previously approved these loans for the Mirboo North Pool (which has been fully drawn down) and the Korumburra Community Hub and Streetscape projects. The only new loan funds (\$5 million) proposed in the Budget are for the Korumburra Pool in 2024/25.

It should be noted that the projected annual borrowing costs for these loans (interest costs) are detailed in the Comprehensive Income Statement of the draft Budget and Long Term Financial Plan (page 20) and range from \$72,000 in 2022/23 to \$53,000 in 2031/32. The highest annual interest cost is budgeted in 2025/26 at \$172,000.

The Proposed 2022/23 – 2025/26 Budget and Long Term Financial Plan 2022/23 – 2031/32 contain full statutory disclosures for the proposed borrowings over these time frames. These draft documents will be presented at the Council meeting on 29 June 2022 at which time they may approve, or choose not to approve, any future borrowings which are contained in these documents.

Mr Otto Ippel submitted written questions and responses are provided in these Minutes.

Question 1

GSRT [Great Southern Rail Trail] crossing at Roughead St. Given that almost 1000 residents signed a petition requesting Council consider the construction of an underpass at this location we are seeking advice on how Council would treat a further petition on this same issue in order to enable the concerned residents to decide on whether to conduct a further petition?

Response

Council always welcome community petitions and will review each on its merit.

Question 2

Much discussion has been undertaken on the GSRT crossing of Roughead St all in a vacuum devoid of plans and costings for an underpass. We also note the equine community have been seeking further facilities for the trail but they will not use the current trail arrangements for crossing Roughead St. In order to facilitate some informed discussion will Council undertake the necessary site investigations, discussions and plan preparation for a thrust excavated box culvert underpass for the site and provide the details to the community?

Response

Council will not pay for site investigations as Roughead Street is managed by Regional Roads Victoria and is not a Council-managed road. Council's preferred long term solution is to use a signalised crossing at the Roughead/Long/Hughes Street intersection when Stage 2 of the Leongatha Heavy Vehicle Alternate Route is developed.

Council's position on the matter has not changed at this time.

Question 3

We note Council is supposedly undertaking an Industrial Land supply study for Leongatha and we also note that MP Danny O'Brien is calling on funding for Stage 2 of the Highway Bypass at Leongatha. To facilitate decent transport upgrades for Leongatha, will Council facilitate the development of plans and discussions to enable a modified Bypass Stage 2 to be developed which would enable the Bypass to extend northward along Hughes St to service the Industrial zoned land north of the recreation Reserve?

Response

Stage 2 of the Leongatha Heavy Vehicle Alternate Route will be managed by the Department of Transport and is a priority project of Council's for advocacy. The alternate route has not yet been determined and will be

considered by the Department of Transport in the project planning study, when it proceeds. It is expected that current and future land-uses will be considered as part of the planning study and route selection.

Mr David Amor submitted written questions and responses are provided in these Minutes.

Question 1

Last year there was a lot of discussion on Footpaths, Drainage, works needed across the shire. Can council advise what process is in place for residents to request such works and how does the assessment and funding of these works take place?

Response

The community can make infrastructure requests at any time through multiple methods including calling, emailing or writing to Council, or for maintenance requests, using the "Snap Send Solve" App which can be downloaded for free on most mobile phones. If the request is for new infrastructure, they will need to be assessed against The Community And Economic Infrastructure Blueprint Principles and presented to the Community Infrastructure Advisory Committee for endorsement. These projects then get presented to Council prior to the budget period, and if adopted by Council will be programmed into a future Capital Works Programs when budget is available.

Question 2

During the period of the Administration, a Capital Works Committee was set up to advise council of Priorities for Capital Works. Is this committee [Capital Works Committee] still operational and if not what is the process for the Council consider future works?

Response

The Community Infrastructure Advisory Committee was formed during this period and are functioning extremely well, and have met with and briefed the new Councillor group. The Committee meets several times each year to consider new projects which meet the principles of *The Community and Economic Infrastructure Blueprint*.

Question 3

I understand Issues have been raised about parking in shires own town Leongatha and General lack of parking availability, hence A proposed Parking study. In Leongatha will council look at the possibility of constructing a multi level car park on council own land between Young St and Church St? This site could allow extra 200, 300 spaces if multi-level was done, your thoughts please?

Response

A parking study was undertaken for Leongatha in 2013 which found that there was sufficient parking at the time. Additional carparking will be completed on

the railway station site next financial year to accommodate increased parking needs for both the Leongatha CBD and the Great Southern Rail Trail users. As the town grows and develops there will be a need to undertake further parking studies which will inform and give direction as the location and type of parking required to best meet the needs of the community.

Mr John McCombe submitted written questions and responses are provided in these Minutes.

Question 1

Is it reasonable for South Gippsland constituents to conclude our elected Representative Councillors', and the bureaucracy advising them, have abandoned any commitment to uphold the Universal Declaration of Human Rights?

Response

Council has made no declaration to abandon its requirements to uphold its *Human Rights Policy*, this is personal opinion of the author and not a position of Council, therefore constituents can be assured human rights will remain a policy direction followed by Council.

Question 2

Is it reasonable for South Gippsland constituents to conclude our elected Representative Councillors', and the bureaucracy supporting them, are progressively abandoning long standing Representative Democratic processes and ideology?

Response

Again, this question is a personal opinion of the author. In November 2021 Council returned to representative democracy with the election of the new Council. Councillors represent the whole community that elected them and has recently undertaken the largest community engagement program that has ever been undertaken by the South Gippsland Shire Council. This demonstrates the Council supports the value of democracy. Council further maintains Council's Engagement Policy – [LINK](#), prescribes the manner in which Council approaches community engagement to assist with transparency, understanding and trust in Council's decision-making process.

Question 3

Do Councillor's understand they should promulgate opinions and present arguments thereto in the Council Chamber, before a Public Gallery, rather than 'Rubber Stamp' processing where meaningful debate occurred out of hearing?

Response

Councillors are well aware of their responsibilities. They undertake debate on matters in the Council chamber and all decisions are made in the Council Meetings, in accordance with the *Local Government Act 2020*. I invite you to attend a Council meeting or view the live stream of a Council meeting so that you can see Councillor fulfilling their roles.

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)(f) Agenda item 11.1 – PERSONAL INFORMATION - 2021/22 Community Grants - Round 2, designated as personal information,
 - a. being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;
 - b. The grounds for designation have been made to protect the privacy of an individual's personal information.

MOVED: Councillor Rae
SECONDED: Councillor Williams

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)(f) Agenda item 11.1 – PERSONAL INFORMATION - 2021/22 Community Grants - Round 2, designated as personal information,**
 - a. being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;**
 - b. The grounds for designation have been made to protect the privacy of an individual's personal information.**

CARRIED UNANIMOUSLY

The Mayor adjourned the Meeting at 3.02pm in order to clear the Council Chambers prior to the Closed Session of the Council Meeting.

10. MEETING CLOSED

NEXT MEETING

The next Council Meeting open to the public will be held on Wednesday, 29 June 2022 commencing at 2pm in the Council Chambers, Leongatha.

The Council Meeting closed at 3.18pm.

Confirmed this 29th day of June 2022

Councillor Mohya Davies, Mayor