

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting Minutes

13 December 2023

**Council Meeting No.490
Council Chambers, Leongatha
Commenced at 2:00PM**



minutes



*South Gippsland
Shire Council*

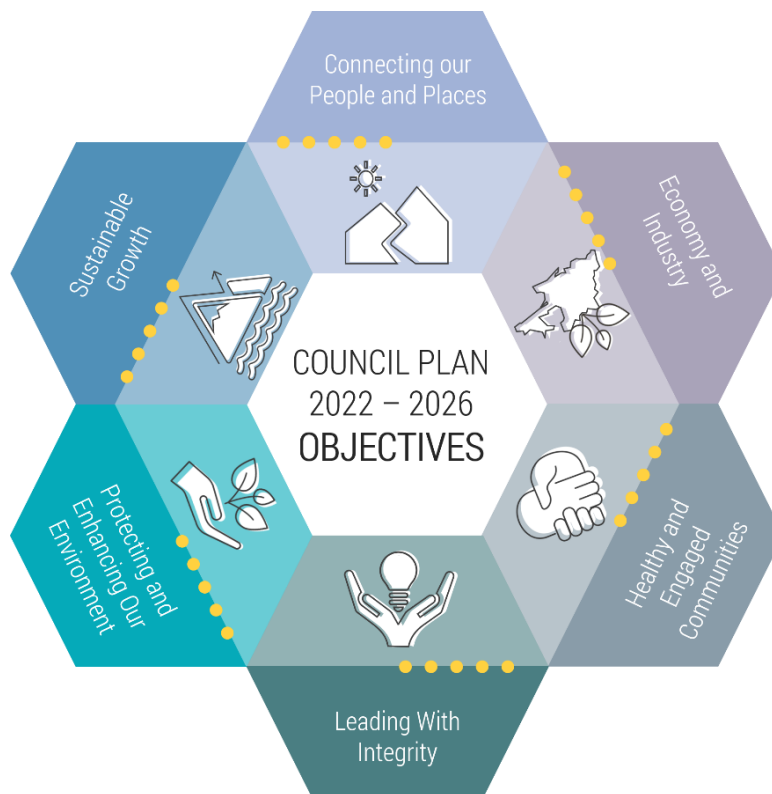
Come for the beauty, Stay for the lifestyle

OUR COUNCIL VISION

We care deeply about our people, the land and future of South Gippsland.

Our vision is to support the whole Shire in creating economic, environmental and social prosperity for this and future generations.

The Council Agenda relates to the Strategic Objectives of the *Council Plan 2022-2026* indicated in this diagram:



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.

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

Access to the live stream is available on Council's website – [Link](#).

A copy of the *Policy* is located on Council's website - [Link](#).

PRESENT

COUNCILLORS:	Councillor Clare Williams, Mayor Councillor Nathan Hersey, Deputy Mayor Councillor Mohya Davies Councillor Sarah Gilligan Councillor Scott Rae Councillor Jenni Keerie Councillor Michael Felton Councillor John Schelling Councillor Adrian Darakai
NOT PRESENT:	
OFFICERS:	Kerryn Ellis, Chief Executive Officer Allison Jones, Director Performance and Innovation Tony Peterson, Director Sustainable Infrastructure Renaë Littlejohn, Director Economy & Community Rhys Matulis, Coordinator Governance Natasha Berry, Corporate and Council Business Officer

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting No.490
Wednesday 13 December 2023
Council Chambers, Leongatha commenced at 2:00PM

TABLE OF CONTENTS

1. PRELIMINARY MATTERS	6
1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER	6
1.2. WELCOME TO THE COUNCIL MEETING	6
1.3. OPENING PRAYER	6
1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS	7
1.5. APOLOGIES.....	7
1.6. CONFIRMATION OF MINUTES.....	7
1.7. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS	8
1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF	10
3.5. GENERAL LOCAL LAWS REVIEW - 3RD ROUND CONSULTATION	12
2. OBJECTIVE - ECONOMY AND INDUSTRY.....	19
2.1. ARTS POLICIES	19
2.2. COAL CREEK COMMUNITY PARK AND MUSEUM - DRAFT DISCUSSION PAPER AND ENGAGEMENT STRATEGY	25
3. OBJECTIVE - HEALTHY AND ENGAGED COMMUNITIES.....	30
3.1. ACCESS AND INCLUSION ADVISORY COMMITTEE	30
3.2. MUNICIPAL PUBLIC HEALTH AND WELLBEING PLAN 2022-26	34
3.3. KORUMBURRA RECREATION RESERVE CRICKET NETS - GRANT OPPORTUNITY	39
3.4. BRIDGE RENEWAL PROGRAM - GRANT OPPORTUNITY	44
4. OBJECTIVE - LEADING WITH INTEGRITY	48
4.1. POLICY REVIEW: INFORMATION PRIVACY POLICY	48
4.2. COUNCIL MEETING TIMETABLE 2024	52
4.3. SUMMARY OF STRATEGIC BRIEFINGS - 13 OCTOBER 2023 TO 12 NOVEMBER 2023	57
4.4. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 13 OCTOBER 2023 TO 12 NOVEMBER 2023.....	62

5. OBJECTIVE - PROTECTING AND ENHANCING OUR ENVIRONMENT	66
5.1. ROADSIDE WEED AND VEGETATION SPRAYING POLICY.....	66
6. OBJECTIVE - SUSTAINABLE GROWTH	70
6.1. SOCIAL & AFFORDABLE HOUSING STRATEGY UPDATE 2023.....	70
6.2. PLANNING APPLICATION 2020/438 - 29-31 DAVIS STREET NYORA - DEVELOP LAND WITH A SUPERMARKET AND 6 ASSOCIATED SHOPS.....	74
6.3. PROPOSED SALE OF COUNCIL LAND	107
7. NOTICES OF MOTION AND/OR RESCISSION	114
7.1. NIL.....	114
8. COUNCILLOR REPORTS	114
8.1. REQUESTS FOR LEAVE OF ABSENCE.....	114
8.2. COUNCILLOR UPDATES.....	114
9. URGENT OR OTHER BUSINESS	117
10. PUBLIC QUESTIONS	118
10.1. PETITIONS AND JOINT LETTERS.....	118
10.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE.....	119
10.3. SUBMITTED PUBLIC QUESTIONS	120
11. CLOSED SESSION	123
12. MEETING CLOSED	126



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.

Access to the live stream through Council's Internet is an option to view the 'open' component of a Council Meeting. Link to the Live Stream on Council's website: [Live Streaming | Live Streaming | South Gippsland Shire Council](#)

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

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

As we gather here from diverse backgrounds and beliefs, may we hold privilege with good care and trust. As we deliberate and discuss, may we be wise in our discernment, fair in our decisions and visionary in our planning. May we be guided by our common goal of a strong and united South Gippsland.

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 be confirmed:

- 1. Meeting No.488, held on Wednesday 15 November 2023 in the Council Chambers, Leongatha; and**
- 2. Meeting No.489, held on Wednesday 22 November 2023 (Election of Mayor and Deputy Mayor) in the Council Chambers, Leongatha.**

RESOLUTION

MOVED: Councillor Keerie

SECONDED: Councillor Davies

That the Minutes of the South Gippsland Shire Council Meeting be confirmed:

- 1. Meeting No.488, held on Wednesday 15 November 2023 in the Council Chambers, Leongatha; and**
- 2. Meeting No.489, held on Wednesday 22 November 2023 (Election of Mayor and Deputy Mayor) in the Council Chambers, Leongatha.**

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 a declared material conflict of interest in Agenda Item 6.3 Proposed Sale of Council Land, as one of the land parcels presented relates to her place of employment.

Councillor John Schelling has declared a reasonable apprehension of bias or actual bias in Confidential Agenda Item 13.1 Australia Day Awards Recipients 2024, as he signed a letter in support of a nominee of the Awards.

Councillor Jenni Keerie has declared a material interest in Confidential Agenda Item 13.2 2023-2024 Community Grants - Round 1, as she is employed by an organisation that auspiced a community grant application on behalf of another organisation.

Councillor Adrian Darakai has declared a material interest in Confidential Agenda Item 13.2 2023-2024 Community Grants - Round 1, as a family member who is a member on a Committee has made an application to the Community Grants Program.

Councillor Clare Williams has declared a material conflict of interest in Confidential Agenda Item 13.3 Award Contract CON/388 - Simons Lane Stage 2, as a family member is a subcontractor to a company that has submitted a tender.

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.

Ms Renae Littlejohn, Director Economy & Community has declared a direct material interest in Agenda Item 6.2 Planning Application 2020/438 29-32 Davis Street Nyora - Develop land with a supermarket and six associated shops, as she owns property adjacent to the subject site.

MOVED: Councillor Schelling

SECONDED: Councillor Rae

**That Council consider as the first item of business Open Agenda Item 3.5.
GENERAL LOCAL LAWS REVIEW - 3RD ROUND CONSULTATION due to the high
level of community interest in the gallery for this item.**

CARRIED

3.5. GENERAL LOCAL LAWS REVIEW - 3RD ROUND CONSULTATION

Directorate:	Economy and Community
Department:	Community Health and Safety

Council Plan

Objective - Healthy and Engaged Communities

The General Local Law 2024 is designed to protect and enhance public health, safety and amenity of the municipality and its residents and visitors. The General Local Law will ensure Council is able to respond to issues and community needs protecting the environment and the health and safety of the community.

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider endorsing the next stage in the review of the General Local Law 2014 by releasing the draft General Local Law 2024 **Attachment [3.5.1]** for further community consultation on additional proposed amendments to the draft General Local Law 2024.

The draft General Local Law 2024 incorporates the feedback received as part of the second round of community consultation. A series of changes to language and structure have been made to simplify, modernise, and consolidate the General Local Law and ensures it aligns with state legislation. The changes reflect feedback provided by the community during the second round of community consultation, also a number of clarifications around instances where provisions do not apply to farming practices. The draft Camping on Private Property Code of Practice has also been significantly revised.

South Gippsland Shire Council's General Local Law 2014 is due to sunset on 15 April 2024 and a new General Local Law 2024 requires adoption and gazetting by Council prior to this date.

RECOMMENDATION

That Council:

1. **Endorses the next stage of community consultation in the review of the General Local Law 2014 [3.5.1]; and**
2. **Releases the Draft General Local Law 2024 for exhibition for the period 15 December 2023 until 15 January 2024 and considers any submissions made during the exhibition period.**

RESOLUTION

MOVED: Councillor Rae

SECONDED: Councillor Davies

That Council:

- 1. Endorses the next stage of community consultation in the review of the General Local Law 2014 [3.5.1]; and**
- 2. Releases the Draft General Local Law 2024 for exhibition for the period 15 December 2023 until 15 January 2024 and considers any submissions made during the exhibition period.**

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

Council sought submissions on the first draft General Local Law 2024 from 19 October to 9 November 2024 with late submissions accepted until 14 November 2024. In total 366 individuals provided written submissions. This feedback was provided to Councillors on 17 November 2023 and reviewed in details by Councillors at a briefing session on 6 December. As a result of the feedback received, changes have been made to the draft General Local Law 2024 with the aim to further improve clarity on the intent and/or application of a number of clauses.

Summary of the main changes made:

First Draft	Second Draft – revised wording
11. Tree Protection in a Municipal Place	
(1) Without a permit, a person must not, on a road or on or in a municipal place, destroy, damage or, remove, prune, lop, or otherwise interfere with any tree or allow any person to destroy, damage or, remove, lop, or otherwise interfere with any tree.	(1) Without a permit, a person must not, on a road or on or in a municipal place, destroy, damage or remove any tree or allow any person to destroy, damage or remove any tree. (2) Sub-clause (1) does not apply to urgent circumstances where action is required to remedy or rectify circumstances which threaten a person's or an animal's life or health, any property or the natural environment. or on or in a municipal place, destroy, damage or remove any tree or allow any person to destroy, damage or remove any tree.
27. Roadside Trading or Performing	
(2) Without a permit, a person must not sell or offer for sale any goods or services from any private property or municipal place adjacent to a road.	Part (2) of the clause has been removed
33. Unsightly and Dangerous Properties	
Without limiting sub-clause (1), private property or any structure on it may be unsightly or detrimental to the amenity of the surrounding area by reason of the presence of: (d) excessive vegetation, including grass exceeding 300mm in height.	Without limiting sub-clause (1), private property or any structure on it may be unsightly or detrimental to the amenity of the surrounding area by reason of the presence of: (d) excessive vegetation, including grass exceeding 300mm in height, except that which is grown for fodder on land greater than 1 acre; (e) noxious weeds.
34. Dilapidated Buildings	
(1) An owner or an occupier of private property which is unoccupied or unfit for occupation or use must: (a) not allow a building located on the private property to become dilapidated or further dilapidated; (b) take all reasonable steps to secure any building located on the private property from unauthorised access; and	(1) An owner or an occupier of private property which is dangerous to the extent that it threatens a person's or an animal's life or health, any property or the natural environment must: (a) not allow a building located on the private property to become dilapidated or further dilapidated; (b) take all reasonable steps to secure any building located on the private property from unauthorised access; and

(c) maintain any building located on the private property in a state of good repair and appearance, including undertaking temporary repairs as required to ensure on-site safety and security and to avoid the appearance of neglect that is out of character with neighbourhood amenity.

(c) maintain any building located on the private property in a state of good repair, including undertaking temporary repairs as required to ensure on-site safety and security

44. Livestock – grazing, droving and movement on a road or municipal place

(1) A person who causes, allows or undertakes the grazing or droving of livestock on a road or on in a municipal place must comply Sub-clause (1) does not apply when the person complies wholly with the Manual for Traffic at Control at Stock Crossings (VicRoads, June 2015), including obtaining all necessary permissions from the relevant road authority.

(2) Without a permit, a person must not A person who does not comply or is incapable of complying with sub-clause (1) must not, without a permit cause, allow or undertake the grazing or droving of livestock on a road or on or in a municipal place.

(3) Without a permit, a person must not install a permanent stock crossing or related sign or other permanent infrastructure on a road or on or in a municipal place.

(1) A person who causes, allows or undertakes the grazing or droving of livestock on a road or on in a municipal place must comply wholly with the Manual for Traffic Control at Stock Crossings (VicRoads, June 2015), including obtaining all necessary permissions from the relevant road authority.

(2) A person who does not comply or is incapable of complying with sub-clause (1) must not, without a permit cause, allow or undertake the grazing or droving of livestock on a road or on or in a municipal place.

(3) Without a permit, a person must not install a permanent stock crossing or related sign or other permanent infrastructure on a road or on or in a municipal place.

40. Keeping of Animals

(1) Without a permit, an owner or occupier of private property must not keep or allow to be kept on the private property any more of each species or group of animals than is stated in the following table.

Type of animal	Maximum number allowed	
	Residential, mixed use, commercial, township & industrial zones as defined in the Planning Scheme.	Rural conservation and rural living zones as defined in the Planning Scheme.
Dogs	2	2
Cats	2	2
Poultry • Hens, ducks, geese, and turkeys • Roosters	10 0	No limit 0
Domestic birds	60	No limit
Large birds	2	No limit
Domestic mice	10	No limit
Guinea pigs	2	No limit
Domestic rabbits	2	No limit
Horses/donkeys	0	No limit
Cattle	0	No limit
Sheep	0	No limit
Goats	0	No limit
Pigs	0	0
Other agricultural animals	0	0

(2) For the purpose of calculating the numbers of any animal kept under sub-clause (1), the progeny of any dog or cat lawfully kept will be counted from twelve (12) weeks after its birth.

(3) Without a permit, an owner or occupier of private property must not keep an animal of a species not listed in the table in sub-clause (1) on that private property.

(1) Without a permit, an owner or occupier of private property must not keep or allow to be kept on the private property any more of each species or group of animals than is stated in the following table.

Type of animal	Maximum number allowed	
	Residential, mixed use, commercial, township & industrial zones as defined in the Planning Scheme.	Rural conservation and rural living zones as defined in the Planning Scheme.
Dogs	2	2
Cats	2	2
Poultry • Hens, ducks, geese, and turkeys • Roosters	10 0	No limit 0
Domestic birds	60	No limit
Large birds	2	No limit
Domestic mice	10	No limit
Guinea pigs	2	No limit
Domestic rabbits	2	No limit
Horses/donkeys	0	No limit
Cattle	0	No limit
Sheep	0	No limit
Goats	0	No limit
Pigs	0	0
Other agricultural animals	0	0

(2) For the purpose of calculating the numbers of any animal kept under sub-clause (1), the progeny of any dog or cat lawfully kept will be counted from twelve (12) weeks after its birth.

(3) Sub-clause (1) does not apply to private property located in a Rural Conservation or Rural Living Zone (as defined in the Planning Scheme) if the private property is farm land.

41. Animal Housing	
<p>(1) An owner or occupier of private property must ensure that any part of the private property used for housing an animal is:</p> <p>(a) adequately fenced, and the fence and any gates maintained in a satisfactory condition, so that any animal kept on the private property cannot escape from the private property; and</p> <p>(b) maintained in a clean, inoffensive and sanitary condition and does not cause a nuisance to any other person, including by ensuring that:</p> <p>(i) the part of the private property surrounding the place where the animal is kept is free from rubbish or vegetation that could attract or harbour vermin;</p> <p>(ii) all animal food for consumption kept or stored on the private property is kept or stored in a vermin and fly-proof receptacle;</p> <p>(iii) animal waste is not offensive and does not cause a nuisance to any other person; and</p> <p>(iv) any animal odour emanated from the private property does not interfere with the immediate amenity of the area</p>	<p>(1) An owner or occupier of private property must ensure that any part of the private property used for housing an animal is:</p> <p>(a) adequately fenced, and the fence and any gates maintained in a satisfactory condition, so that any animal kept on the private property cannot escape from the private property; and</p> <p>(b) maintained in a clean, inoffensive and sanitary condition and does not cause a nuisance to any other person, including by ensuring that:</p> <p>(i) the part of the private property surrounding the place where the animal is kept is free from rubbish or vegetation that could attract or harbour vermin;</p> <p>(ii) all animal food for consumption kept or stored on the private property is kept or stored in a vermin and fly-proof receptacle;</p> <p>(iii) animal waste is not offensive and does not cause a nuisance to any other person; and</p> <p>(iv) any animal odour emanated from the private property does not interfere with the immediate amenity of the area</p> <p>(2) Sub-clause (1)(b)(ii), (iii) and (iv) does not apply to private property that is farm land.</p> <p>(3) Sub-clause (1)(b)(ii) does not apply to fodder.</p>
50. Collection and Storage of Domestic Bins	
<p>An occupier of premises may place the Domestic Bins issued to those premises out for collection on the nature strip or road reserve nearest the premises or in such other location as may be approved or permitted by Council or an Authorised Officer, and must:</p> <p>(c) not leave a Domestic Bin out for more than (1) day before or after the designated collection day.</p>	<p>Part (C) of the clause has been removed</p>

CONSULTATION / COMMUNITY ENGAGEMENT

The process of developing the draft General Local Law 2024 first commenced in late 2022. Through an initial round of community engagement in May and June 2023, 261 people provided input through online surveys, seven pop-up sessions, written submissions and attendance at community meetings. From this input and that of internal and external stakeholders, the draft General Local Law 2024 (draft Local Law) was developed and released for consultation. Council sought submissions on the draft General Local Law 2024 from 19 October to 9 November 2023 with late submissions accepted until 14 November 2023.

The creation of the General Local Law 2024 must comply with Council's Community Engagement Policy pursuant to Division 1 of Part 3 of the *Local Government Act 2020*.

Additionally, Section 73 of the *Local Government Act 2020* outlines community notice and consultation requirements including that:

(6) If (a) the Council proposes to alter a proposed local law in respect of which notice has been given under subsection (3) and (b) the alteration will affect the rights or responsibilities of any person – the Council must comply with subsections (2) to (5) and conduct a further community engagement process in respect of the proposed alteration.

Subject to Council approval, the draft General Local Law 2024 and supporting documents **[Attachment [3.5.2] Draft Footpath Trading Code 2024, Attachment [3.5.3] Draft Camping on Private Property Code of Practice 2024 and Attachment [3.5.4] Draft Building and Works Code of Practice 2024]** will be released again for community submissions from 15 December 2023 to 15 January 2024. This will be via Council's online engagement website 'Your Say', email and written submissions. Hard copies of the draft Local Law and the survey will also be available at Council's Leongatha office.

Community consultation will be supported with a detailed communications plan that includes an updated comparative analysis **Attachment [3.5.5]** and Community Impact Statement **Attachment [3.5.6]** that explains the key changes proposed.

Following consultation, if Council wishes to make any additional changes to the draft, those changes may require further consultation, in accordance with the *Local Government Act 2020*.

The results of all community consultation will inform the final General Local Law 2024, which will be presented to Council to consider for final adoption at Council's March 2024 meeting.

RESOURCES / FINANCIAL VIABILITY

The review of the General Local Law is being conducted within the current budget. All resource implication resulting from the development of the new draft General Local Law 2024 can be accommodated within existing resources and in some cases will result in delivering efficiencies.

RISKS

Risks from the consultation and subsequent development of a new General Local Law are around reputational risk to Council. There is also the risk that the

current General Local Laws will sunset if Council fails to develop and gazette the new General Local Laws prior to 15 April 2024.

Section 84 of the *Local Government Act 2020* provides that that the local law is revoked 10 years after its making, unless sooner revoked. South Gippsland's General Local Law 2014 will be revoked on 15 April 2024. If the General Local Law 2024 is not adopted prior to 15 April 2024 Council will not have any 'local laws' for the municipal district until the local law is adopted. Accordingly, there is a risk that there will be a period where there is no ability for Council to function in relation to activities regulated by the local law.

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. Draft - General Local Law 2024 [3.5.1 - 37 pages]
2. Draft - Footpath Trading Code 202 [3.5.2 - 14 pages]
3. Draft - Camping on Private Property Code of Practice 2024 [3.5.3 - 10 pages]
4. Draft - Building and Works Code of Practice 2024 [3.5.4 - 10 pages]
5. Comparative analysis - clauses in draft 1 versus draft 2 [3.5.5 - 9 pages]
6. Local Law Review - Community Impact Statement [3.5.6 - 6 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

Pillar 3. Decision Making

Council Policy / Strategy / Plans

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

Community Engagement Policy (C06)

General Local Law 2014

Annual Budget

Council Plan 2022-2026

Legislative Provisions

Country Fire Authority Act 1958

Crimes Act 1958

Domestic Animals Act 1994

Impounding of Livestock Act 1994

Infringements Act 2006

Local Government Act 2020

Public Health and Wellbeing Act 2008

2. OBJECTIVE - ECONOMY AND INDUSTRY

2.1. ARTS POLICIES

Directorate:	Economy and Community
Department:	Economy Community and Investment

Council Plan

Objective - Economy and Industry

This report relates to a Council Plan major initiative for 2023/2024, 'Implement the annual actions of the Arts, Culture and Creative Industries Strategy'

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's consideration on the following Policies relating to the Arts;

- Draft Arts and Artefacts Collection Policy (C69) – reviewed;
- Arts and Culture Policy (C03) – revoke; and
- Draft Public Arts Collection Policy – (C91) new.

RECOMMENDATION

That Council:

- 1. Adopts the Arts and Civic Memorabilia Collection Policy (C69) (Attachment [2.1.1]) formally known as the Arts and Artefacts Collection Policy;**
- 2. Revokes the Arts and Culture Policy (C03) (Attachment [2.1.2]); and**
- 3. Adopts the Public Arts Collection Policy (C91) (Attachment [2.1.3]).**

RESOLUTION

MOVED: Councillor Gilligan

SECONDED: Councillor Keerie

That Council:

- 1. Adopts the Arts and Civic Memorabilia Collection Policy (C69) (Attachment [2.1.1]) formally known as the Arts and Artefacts Collection Policy;**
- 2. Revokes the Arts and Culture Policy (C03) (Attachment [2.1.2]); and**
- 3. Adopts the Public Arts Collection Policy (C91) (Attachment [2.1.3]).**

MOVED: Councillor Gilligan

SECONDED: Councillor Rae

That Councillor Darakai speaking time be extended by 2 minutes.

CARRIED

The Motion before the Chair was LOST.

Councillor Darakai moved the following foreshadowed Motion.

MOVED: Councillor Darakai

SECONDED: Councillor Schelling

That Agenda Item 2.1 Arts Policies consideration be deferred until the proposed Council Meeting in February 2024.

CARRIED

[Link to the next Agenda Item.](#)

REPORT

Background

Council currently has several Council policies related to the arts.

The following policies have been reviewed by Council officers and Council's Arts Advisory Committee, with recommendations for consideration by Council:

Draft Arts and Artefacts Collection Policy (C69) – Amend

This Policy was previously adopted by Council on 27 June 2018, with a revision date of June 2022. The Policy identifies the process for managing Council's extensive art and artefacts collection.

Recommended amendments to the Arts and Artefacts Collection Policy:

- Re-formatted to Council's current policy template.
- Change of Policy title to Arts and Civic Memorabilia Collection Policy, which is more relevant to the items within the collection.
- Introduction of an Arts Assessment Panel which will be engaged by Council's Arts Advisory Committee, via an Expression of Interest process. The Arts Assessment Panel will be responsible for making recommendations on the commissioning and deaccessioning of arts and civic collection items. The Panel will comprise of external community members with relevant expertise or experience in the arts and will meet as required.
- Reference to commissioning of public art has been removed from the Policy with a separate new policy developed that specifically responds to management of public art.

Principles addressed in the Policy:

- The importance of the art and civic memorabilia collection;
- Acquisition selection criteria;
- Acquisition approval framework;
- Deaccession criteria;
- Contractual considerations;
- Deaccessioning approval framework;
- Method of disposal;
- Proceeds from sale;

- Personal acquisition of deaccessioned items;
- Access to the South Gippsland arts and civic memorabilia collection;
- Loans (incoming and outgoing);
- Maintenance and storage;
- Insurance;
- Winding up of operations; and
- Arts assessment.

Arts and Culture Policy (C03) – Revoke

This Policy was previously adopted by Council on 24 June 2020, with revision date of June 2024.

The objective of this Policy is to strengthen South Gippsland's position as a recognised arts region. The Policy scope also outlines a series of deliverables which is assessed as being adequately addressed with the recently adopted *Arts, Culture and Creative Industries Strategy (2022-2026)*.

An action plan for the duration of the Strategy has been developed, with priorities based on the Strategy themes. A status of these actions is reported to, and noted by, Council annually.

It is therefore recommended that the Arts and Culture Policy (C69) is revoked as it is no longer considered relevant and superseded by the Strategy.

Draft Public Arts Collection Policy – (C91) new

An action identified in the *Arts, Culture and Creative Industries Strategy (2022-2026)* is for the development of a Public Arts Collection Management Policy.

A new Policy has been drafted based on best practice principles for local government. The purpose of the draft Policy is to provide a framework to assist Council to make considered decisions on public art, its funding, commissioning, installation, maintenance and de-accessioning. It will also assist Council in response to requests, proposals and offers of donation of art works in public places.

The draft Policy has been developed based on other Victorian council's Public Art Policies, specifically Hepburn Shire Council.

The following principles are addressed in the Draft Policy:

- Importance of public art to South Gippsland;

- What will be included and considered in public art projects;
- Artwork materiality;
- Durability of the work;
- Safety and suitability;
- Determining potential sites for public art;
- How art works are accessioned by Council;
- Public art not owned by Council;
- Funding sources for public art;
- Public art assessment panel;
- Public art selection and management processes;
- Donations and bequests;
- Recording of public art works; and
- Deaccessioning of public art works.

Future opportunities

Public art can form an integral part of the public domain enhancing people's experiences of, and encouraging greater interaction with, public spaces.

The opportunity to implement public art across the Shire is determined on funding available through Council's annual budget. Whilst there is also an opportunity to seek external funding, having available funds for public art is currently limited.

A possible future opportunity may be to allocate a percentage of specific capital works projects budgets (streetscapes, upgraded or new buildings, etc.) towards public art. A similar process could be implemented to private development proposals.

CONSULTATION / COMMUNITY ENGAGEMENT

The review of the current Art's policies and development of a new Public Art Collection Policy is an identified action in the South Gippsland Arts, Culture and Creative Industries (ACCI) Strategy, which was adopted by Council in August 2022. The ACCI Strategy was developed through extensive community consultation.

The Draft Arts and Civic Memorabilia Collection Policy and Draft Public Arts Collection Policy has been reviewed by the South Gippsland Arts Advisory Committee and Council officers.

Councillors received an update on the draft policies through the Councillor Bulletin.

RESOURCES / FINANCIAL VIABILITY

There is no allocated budget to address the physical maintenance required to manage either the arts and civic memorabilia or public art collections; therefore, an ongoing operational budget will need to be considered to ensure that Council meets its obligations for caring for the collections.

Commissioning of items to the public arts or arts and civic memorabilia collections will be met through existing works budgets where appropriate or sought through external funding sources.

RISKS

There is a risk that if these policies are not implemented, Council may be in breach of meeting its obligations as custodian of collections items that are of significance to South Gippsland.

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. Proposed - Arts and Civic Memorabilia Collection Policy C69 [2.1.1 - 9 pages]
2. Current - Arts and Culture Policy C03 (Adopted 24 June 2020) [2.1.2 - 3 pages]
3. Proposed - Public Art Collection Management Policy C91 [2.1.3 - 9 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

Pillar 3. Decision Making

Council Policy / Strategy / Plans

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

Arts and Culture Policy (C03)

Arts, Culture and Creative Industry Strategy

Council Plan 2022-2026

2.2. COAL CREEK COMMUNITY PARK AND MUSEUM - DRAFT DISCUSSION PAPER AND ENGAGEMENT STRATEGY

Directorate:	Economy and Community
Department:	Economy Community and Investment

Council Plan

Objective - Economy and Industry

Commencing the development of the Coal Creek Strategic Plan is a Major Initiative in the Council Plan/Annual Budget for 2023/24.

EXECUTIVE SUMMARY

The purpose of this Report to Council is to consider the Coal Creek Strategic Plan Discussion Paper (**Attachment [2.2.1]**) for endorsement and commence a period of engagement with the community and stakeholders.

RECOMMENDATION

That Council endorses the Coal Creek Strategic Plan Discussion Paper (Attachment [2.2.1]) for community engagement from 22 January 2024 until 31 March 2024.

RESOLUTION

MOVED: Councillor Felton

SECONDED: Councillor Gilligan

That Council endorses the Coal Creek Strategic Plan Discussion Paper (Attachment [2.2.1]) for community engagement from 22 January 2024 until 31 March 2024.

MOVED: Councillor Darakai

SECONDED: Councillor Rae

That Councillor Darakai speaking time be extended by 2 minutes.

CARRIED

The Motion before the Chair was CARRIED.

[Link to next Agenda Item.](#)

REPORT

In the 1960's and 1970s, various cultural heritage sites were opened across Australia to stimulate regional economies, often in response to other declining industries. Some sites still exist today and continue to preserve their local history through interpretative displays, events, education programs, and sound and light shows.

Coal Creek was opened in March 1974 as a site where the community could preserve their mining history and provide a cultural experience for visitors to the region. The project was a collaboration of local and state governments, the landowner (now known as DEECA), and the Korumburra community.

It was intended that Coal Creek generate income through tourism visitation and support local businesses and envisaged that Coal Creek be a place for local community events to attract visitors to the region.

Other than recognised natural and environmental attractions, Coal Creek is the largest cultural tourism site in South Gippsland. It showcases a collection which interprets a tale of hardship, adventure, resilience, and culture within a coal mining village setting.

The Park was originally themed around the era of 1870-1920; however, the collection now also reflects other eras.

Recent History

Over the past ten years (pre-COVID), Council has continued to align Coal Creek's operations with the original intention of the site and the Crown Land Reservation which allows Temporary Reservation for the Promotion of Tourism.

In recent years, a series of reports with financial and operational recommendations for Coal Creek have guided Council decisions. These largely relate to infrastructure maintenance and revenue raising through the educational program and retail space.

Coal Creek is located on 27 hectares of Council managed land and has:

- Fifty-three (53) buildings
- Two kilometres of railway track.
- A full perimeter of boundary fencing.
- The site also includes a building currently occupied by Grow Lightly and toilet block/barbecue area at the main car park.

Coal Creek is an accredited museum with approximately 30,000 collection pieces which are displayed in the historic buildings, which give a themed interpretation and historical timeline.

Many of the collection pieces have been donated by the local community and are held in trust for the benefit of the community and visitors by Coal Creek.

Coal Creek's education program is aligned to the Victorian curriculum and staff deliver historical education to around 6,000 primary students each year.

Coal Creek's greatest asset and appeal has been the buildings and collection of historical pieces.

The related, yet required maintenance and management, is also the greatest risk and cost to Council with asset renewal and capital investment into maintaining 100-year-old historic buildings and grounds, being the main expenditure requirement.

Over the last 12-18 months, the operational focus has been to undertake significant vegetation clean up, ensure the safety of staff, volunteers and visitors to the Park, activate the Park for events and exhibitions, recruit and train volunteers and continue to deliver capital renewal works on buildings and assets within the annual budget.

Discussion Paper

Based on the strategic actions identified in the Arts, Culture and Creative Industries Strategy 2022-2026 and Visitor Economy Strategy 2021-2031, the development of a Strategic Plan aims to develop a realistic Plan with the community and stakeholders that Council can commit to that charts a clear direction for Coal Creek.

To support the development of a new Strategic Plan, a Discussion Paper has been developed that provides the community with the information they need to start having an informed discussion about the future of Coal Creek.

The Coal Creek Strategic Plan Discussion Paper has been co-designed with Councillors and project consultants, I.E Community.

The Discussion Paper includes:

- A brief history of Coal Creek
- Coal Creek today (snapshot) including current budget
- Strategic planning context - Council and State
- Summary of the key issues/ previous documents

- Purpose of the engagement
- Overview of what we know
- The options that are being considered
- Summary of the opportunities - key themes heritage, culture and arts, environment, technology.
- Timeline for the project
- Opportunities to provide input

CONSULTATION / COMMUNITY ENGAGEMENT

Community and Stakeholder Engagement will run from 22 January 2024 until 31 March 2024.

The Discussion Paper will be supported with an Engagement Plan that maps out the communication and engagement methods, and opportunities, for our community to be involved in the development of the Strategic Plan.

A successful engagement with the community and stakeholders will help provide Council with a clear vision for the future of Coal Creek. An engagement summary report will be developed at the conclusion along with a draft Coal Creek Strategic Plan.

The engagement will include:

- Key stakeholder engagement
- Online engagement and promotion
- Community and stakeholder dialogues
- Deliberative assembly

Coal Creek Dialogues

Several Community and Stakeholder Dialogues will be delivered to bring together interested community members, stakeholders and business and cultural tourism sector representatives from across the Shire to work through the issues and opportunities and start to develop a vision for the future. Captured will be what people value about Coal Creek, identify the needs of the South Gippsland community and start to develop a draft vision for the future of Coal Creek.

Coal Creek Assembly

Following the Dialogues, a draft vision and options will be developed.

The process will move to a Coal Creek Assembly - involving representatives who participated in the Dialogues.

The vision will be confirmed, and the participants will deliberate on the strategic directions that will inform the Strategic Plan, testing the ideas and actions produced by the Assembly to ensure they are realistic and develop short, medium and long-term priorities for inclusion in the Strategic Plan.

RESOURCES / FINANCIAL VIABILITY

Commencing the development of the Coal Creek Strategic Plan is a Major Initiative in the Council Plan/Annual Budget for 2023/24 with an allocated budget of \$40,000.

RISKS

There is a risk that Council will not be able to meet the actions identified in the Arts, Culture and Creative Industries Strategy and the Visitor Economy Strategy if there is not a clear strategic direction set for Coal Creek. This may also have a financial and reputational risk depending on the outcome of the final Strategic Plan.

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. Coal Creek Community Park and Museum Strategic Plan - Discussion Paper [2.2.1 - 24 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

Pillar 3. Decision Making

Council Policy / Strategy / Plans

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

Arts and Culture Policy (C03)

Arts, Culture and Creative Industry Strategy

Annual Budget

Coal Creek Community Park Museum and Collection Policy (C05)

Council Plan 2022-2026

3. OBJECTIVE - HEALTHY AND ENGAGED COMMUNITIES

3.1. ACCESS AND INCLUSION ADVISORY COMMITTEE

Directorate:	Economy and Community
Department:	Economy Community and Investment

Council Plan

Objective - Healthy and Engaged Communities

This report relates to a Council Plan major initiative for 2023/2024, 'Implement actions from the 2022–2026 Municipal Public Health and Wellbeing Plan.'

EXECUTIVE SUMMARY

The purpose of this Report is to present Council with the proposed Access and Inclusion Committee Terms of Reference for endorsement prior to commencing a public Expression of Interest process to re-establish an Access and Inclusion Advisory Committee in 2024.

RECOMMENDATION

That Council:

- 1. Endorses the Access and Inclusion Advisory Committee Terms of Reference (Attachment [3.1.1]);**
- 2. Approves the commencement of an Expression of Interest process to attract community members to the Access and Inclusion Advisory Committee; and**
- 3. Receives a future Council Report on the Expressions of Interest received for the Access and Inclusion Advisory Committee in 2024.**

RESOLUTION

MOVED: Councillor Keerie

SECONDED: Councillor Schelling

That Council:

- 1. Endorses the Access and Inclusion Advisory Committee Terms of Reference (Attachment [3.1.1]);**
- 2. Approves the commencement of an Expression of Interest process to attract community members to the Access and Inclusion Advisory Committee; and**
- 3. Receives a future Council Report on the Expressions of Interest received for the Access and Inclusion Advisory Committee in 2024.**

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

South Gippsland Shire Council supported an Access and Inclusion Advisory Committee (the Committee) alongside a State Government funded Rural Access Officer position prior to 2020.

The Rural Access Program funding ceased in 2019 with the planned transition to NDIA/NDIS services, and the existing Access and Inclusion Advisory Committee was paused during the pandemic as its members were of a particularly vulnerable cohort.

The South Gippsland *Municipal Public Health and Wellbeing Plan 2022-2025* contains an action to develop an Access and Inclusion Plan.

Appropriate development of an Access and Inclusion Plan must consider and include the voices of people with lived experience, and input from organisations that support people with lived experience of access and inclusion barriers. The co-design of such a Plan provides Council with the opportunity to include meaningful actions in matters relating to universal access to facilities and services.

The reformation of this Committee will provide Council with access to relevant advice on the needs of people living with access and inclusion barriers when designing plans, strategies, facilities and services.

To support the reformation of the Committee, a draft Terms of Reference (**Attachment [3.1.1]**) has been developed. These Terms of Reference set out the purpose, role, membership and operation of the proposed Committee. The current Councillor delegated to the Committee is Cr Clare Williams.

CONSULTATION / COMMUNITY ENGAGEMENT

A process of consultation and community engagement will commence when recruiting members and organisations to the Committee.

RESOURCES / FINANCIAL VIABILITY

Establishment of an Access and Inclusion Advisory Committee is included within the current operating budget.

RISKS

An Access and Inclusion Advisory Committee provides Council with relevant advice on the needs of people living with access and inclusion barriers. Without this Committee, Council may not receive the necessary advice to assist Council to take meaningful action in matters relating to universal access to facilities and services.

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. Draft Terms of Reference, Access & Inclusion Advisory Committee - December 2023 [3.1.1 - 6 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

Pillar 3. Decision Making

Council Policy / Strategy / Plans

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

Community Strengthening Strategy

Annual Budget

Council Plan 2022-2026

Disability Action Plan

Municipal Public Health and Wellbeing Plan

Legislative Provisions

Disability Discrimination Act 1992

Equal Opportunity Act 2020

Local Government Act 2020

3.2. MUNICIPAL PUBLIC HEALTH AND WELLBEING PLAN 2022-26

Directorate:	Economy and Community
Department:	Economy Community and Investment

Council Plan

Objective – Healthy and Engaged Communities

This report relates to a Council Plan major initiative for 2023/2024, 'Implement actions from the 2022–2026 Municipal Public Health and Wellbeing Plan.'

EXECUTIVE SUMMARY

This report provides Council with an update on actions achieved in the first 12 months of the *South Gippsland Municipal Public Health and Wellbeing Plan 2022-2025* (the Plan) and requests Council note the Report.

RECOMMENDATION

That Council receives the Municipal Public Health and Wellbeing Plan update and notes the actions and achievements contained within the Report Attachment [3.2.1]).

RESOLUTION

MOVED: Councillor Keerie

SECONDED: Councillor Davies

That Council receives the Municipal Public Health and Wellbeing Plan update and notes the actions and achievements contained within the Report Attachment [3.2.1]).

Councillor Felton left the Council Chambers at 3.06pm and returned at 3.07pm.

The Motion before the Chair was CARRIED UNANIMOUSLY.

[Link to next Agenda Item.](#)

REPORT

The *South Gippsland Municipal Public Health and Wellbeing Plan 2022-2025* was endorsed by Council at its October 2022 Meeting.

The Plan has been active for almost 12 months and an update on its implementation has been prepared. The update assists Council with setting priorities for the next 12 months and identifying opportunities for future programs.

The Plan delivers on legislative requirements of the *Victorian Public Health and Wellbeing Act 2008* and provides an overarching strategic framework for Council and public health sector organisations. The Plan guides work towards positive health and wellbeing outcomes for the broader population, whilst identifying specific areas for improvement for those groups in the community experiencing poorer health and wellbeing.

The Plan has been developed with regard to:

- *The Victorian Health and Wellbeing Plan 2019 – 2023*
- *Local Government Act 2020*
- *Gender Equality Act 2020*
- *Climate Change Act 2017*

The Plan's strategic priorities were developed in response to the Community Vision, Council Plan, consultations with organisations working to support health and wellbeing and consideration to local health and wellbeing data.

The following five strategic priorities were developed for the life of the Plan:

1. Equity
2. Improving Mental Wellbeing
3. Increasing Healthy and Active Living
4. Increasing Healthy Eating
5. Tackling Climate Change

The Report (**Attachment [3.2.1]**) provides an update on current activity against the strategies identified with the Plan. The actions in this update relate to initiatives supported or led by the South Gippsland Shire Council. The Plan also requires actions to be addressed by various health partners and agencies.

A future report will be provided in early 2024 with updates from partners and stakeholders identified in the Plan.

Some actions Council has achieved include:

- Partnering with Gippsland Women's Health to promote prevention of family violence and creating safer communities through awareness campaigns, training and community activities.
- Promoting community diversity and increasing gender equity in work through local promotion, education including mental health training and Wear it Purple Day.
- Increasing awareness of and knowledge of how to support mental wellbeing and reduce stigma of mental illness including promotion of RU OK Day, the delivery of Live 4 Life teen mental health first aid training and supporting Victoria Police's Coffee with a Cop initiative.
- Successfully advocating with Gippsland Southern Health Service to attract funding and resourcing to establish a mental health hub in Leongatha.
- Delivery of South Gippsland Shire Council's Community Leadership Program encouraging leaders to increase participation within the community.
- Establishing the South Gippsland Youth Council to provide opportunities for youth involvement in the community.
- Delivery of the Community Engagement Conference aimed at supporting volunteers.
- Supporting community participation in arts and culture through the Art Cubes programming, local community led events and Youth FReeZA Committee – providing activities for young people including volunteering opportunities.
- Delivery of the third edition of the South Gippsland and Bass Coast Community Supports Booklet.
- Supporting the Gippsland Region Public Health Unit's Breathe Easy campaign to prevent the harms from Tobacco, Vaping and Nicotine use.
- Supporting local Bike Education Program through funding provided by TAC to local schools to increase active travel and improve road safety.

- Providing Parliamentary submissions on Road Safety issues and Harm of Gambling and Alcohol.
- Supporting initiatives and promotion to prevent or respond to biosecurity threats, for example Foot and Mouth Disease and Lumpy Skin Disease.
- Development of Draft Coastal Strategy to build understanding of the risks of climate change and its impact on health.

CONSULTATION / COMMUNITY ENGAGEMENT

Engagement for this report was internally focused, with a number of teams participating in actions that meet goals outlined in the Municipal Public Health and Wellbeing Plan.

RESOURCES / FINANCIAL VIABILITY

Implementation of the Plan is contained within existing budgets. Future activities may require the investigation of funding opportunities and will be considered as part of the annual budget process.

RISKS

The provision of an update on actions assists with ensuring the Plan is meeting its aims.

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. South Gippsland Municipal Public Health Wellbeing Plan 2022-2025 - Implementation Update 2023 [3.2.1 - 9 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](#).

Annual Budget

Council Plan 2022-2026

Municipal Public Health and Wellbeing Plan

Legislative Provisions

Climate Change Act 2017

Gender Equality Act 2020

Local Government Act 2020

Public Health and Wellbeing Act 2008

Victorian Health and Wellbeing Plan 2019 – 2023

3.3. KORUMBURRA RECREATION RESERVE CRICKET NETS – GRANT OPPORTUNITY

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Delivery

Council Plan

Objective - Healthy and Engaged Communities

The Korumburra Recreation Reserve Cricket Nets Project will provide quality, modern facilities that will help promote sports participation in South Gippsland.

EXECUTIVE SUMMARY

The purpose of this report is to seek Council consideration of a funding application to the Victorian Government's Local Sports Infrastructure Fund for the Korumburra Recreation Reserve Cricket Nets Project.

The estimated total project cost for the Korumburra Recreation Reserve Cricket Nets Project is \$420,000. The Korumburra Cricket Club has generously committed \$50,000 towards the project, and the Korumburra City Soccer Club has generously committed \$20,000 towards the project. Therefore, if a grant application for \$300,000 is successful, Council will be required to contribute the remaining \$50,000.

This report seeks Council endorsement to submit the application by 5pm 13 December 2023.

RECOMMENDATION

That Council:

- 1. Endorses the application for \$300,000 under the Victorian Government's 2023-24 Local Sports Infrastructure Fund – Community Facilities Stream for the Korumburra Recreation Reserve Cricket Nets Project; and**
- 2. Allocates the \$50,000 contribution from the Aquatic/Recreational Leisure Renewal Program budget towards the Korumburra Recreation Reserve Cricket Nets Project if the grant application is successful.**

RESOLUTION

MOVED: Councillor Hersey

SECONDED: Councillor Rae

That Council:

- 1. Endorses the application for \$300,000 under the Victorian Government's 2023-24 Local Sports Infrastructure Fund – Community Facilities Stream for the Korumburra Recreation Reserve Cricket Nets Project; and**
- 2. Allocates the \$50,000 contribution from the Aquatic/Recreational Leisure Renewal Program budget towards the Korumburra Recreation Reserve Cricket Nets Project if the grant application is successful.**

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

On 4 October 2023, the Victorian Government opened applications for the 2023-24 Local Sports Infrastructure Fund (LSIF). The Fund supports projects across three funding streams including grants of up to \$300,000 for Community Facilities.

This is a state-wide, competitive Victorian Government investment program. It is underpinned by the Department of Jobs, Skills, Industry and Regions' (DJSIR) priorities driving a strong and resilient economy that benefits all Victorians – by creating more opportunities for people through jobs and skills, supporting businesses and industries to grow and prosper, and building vibrant communities and regions.

The LSIF is administered by Sport and Recreation Victoria (SRV) on behalf of DJSIR and reflects the Victorian Government's commitment to securing the many benefits of participating in sport and active recreation. This includes supporting Victorians, particularly those individuals and communities who participate less to achieve better health, wellbeing, social, and economic outcomes through.

The program has three streams with one being the Community Facilities Stream. Funding of up to \$300,000 is available through the stream with a funding ratio of \$3 : \$1 (SRV : Council). Applications to the Community Facilities Stream close at 5pm 13 December 2023.

Korumburra Recreation Reserve Cricket Nets Project

The Korumburra Recreation Reserve Cricket Nets Project has been assessed as eligible to the 2023-24 LSIF that opened on 4 October 2023. The project scope is to develop a fully enclosed outdoor community multipurpose facility at Korumburra Recreation Reserve.

The project scope is to develop five new cricket practice nets on a synthetic surface, with fully retractable netting. The roof will comprise of permanent netting with power supplied to the southern end for a bowling machine. There are significant site preparation works due to the existing old netball courts which will need to be removed from the site prior to commencement.

The benefits that this project will bring to the community are noted below:

- The new practice nets will allow the area to be used as a multipurpose training space with the inclusion of retractable netting.
- The cricket nets will comply with Cricket Australia guidelines.

- The new nets will be developed in a location that is currently underutilised and will provide better movement within the reserve.
- The retractable nets will allow the synthetic surface to be used as an all-weather training space for soccer.
- The design allows for a cricket net to always be available for public use, even when the rest of the facility is being used by the soccer or cricket club.

CONSULTATION / COMMUNITY ENGAGEMENT

The Korumburra Recreation Reserve Master Plan was developed by the Korumburra Recreation Reserve Committee of Management in consultation with various user groups, Council officers, and relevant state sporting associations. A list of actions were determined, which included the redevelopment of practice cricket nets to replace the current nets that do not meet the club requirements or Cricket Australia Guidelines.

After two unsuccessful grant funding applications the project has been reinvigorated and updated to respond to SRV feedback.

The project is strategically supported by Council's Social Community Infrastructure Blueprint and Sport and Recreation Infrastructure Strategy.

RESOURCES / FINANCIAL VIABILITY

If Council is successful in securing \$300,000 under the 2023-24 LSIF – Community Facilities Stream, a Council contribution of \$50,000 will be required. The Korumburra Cricket Club can contribute \$50,000 and Korumburra City Soccer Club is able to contribute \$20,000.

Below is a breakdown of the funding for the project based on the concept plans and cost estimate. The cost estimate was developed by seeking external advice from contractors who specialise in various elements of the project.

Estimated Total Project Cost (TBC)	\$420,000
2023-24 LSIF - Community Facilities	\$300,000
Council Contribution	\$50,000
Community Contribution (Korumburra Cricket Club)	\$50,000
Community Contribution (Korumburra City Soccer Club)	\$20,000

Funding of \$50,000 is available in 2023/24 Aquatic/Recreational Leisure Renewal program which is adequate to cover Council's contribution for the Korumburra Recreation Reserve Cricket Nets Project.

RISKS

The project estimate has been developed based on previous projects, as well as seeking external advice from experienced contractors, therefore the risk of cost overruns is considered low.

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 1. Direction & Leadership

Council Policy / Strategy / Plans

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

Community Infrastructure Project Management Policy (C09)

Social Community Infrastructure Blueprint

3.4. Bridge Renewal Program - Grant Opportunity

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Delivery

Council Plan

Objective - Healthy and Engaged Communities

The purpose of this report is to propose a grant application for the replacement of four Bass Valley Road Bridges with major culverts. Renewing ageing infrastructure to provide continued local transport access and aid freight movement in South Gippsland is a primary concern.

EXECUTIVE SUMMARY

Level 3 Bridge inspections indicate that the four Bass Valley Bridges need to be replaced with pre-cast high strength box culverts along the Bass Valley Road, Poowong. The project will include installation of safety guard railing, road approaches at all four bridges and associated signage.

The estimated total project cost is \$3,792,000 which has been based on construction industry rates and officer estimates and is inclusive of Council's project management costs. Therefore, if an application for 80% of the project cost (\$3,160,000) is successful, Council will be required to contribute 20% of the project cost, amounting to \$632,000. This amount will be included in the draft 2024/25 Budget for Council's consideration.

The grant application is proposed to be submitted on 22 December 2023 and this report seeks Council endorsement.

RECOMMENDATION

That Council:

- 1. Endorses the application for \$3,160,000 under the Australian Government's 2024-25 Bridge Renewal Program for the Bass Valley Bridges Renewal Project.**
- 2. Considers allocating \$632,000 as Council's contribution to these projects as part of 2024/25 budget deliberations if the grant is approved.**

RESOLUTION

MOVED: Councillor Hersey

SECONDED: Councillor Davies

That Council:

- 1. Endorses the application for \$3,160,000 under the Australian Government's 2024-25 Bridge Renewal Program for the Bass Valley Bridges Renewal Project.**
- 2. Considers allocating \$632,000 as Council's contribution to these projects as part of 2024/25 budget deliberations if the grant is approved.**

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

The Bridges Renewal Program (BRP) is a recurring Australian Government initiative, with up to \$85 million per year provided to support the upgrade and replacement of bridges to provide transport connections for local communities and facilitate higher productivity vehicle access.

The project scope is to replace four end of life bridges with major culverts more suited to service needs and the wet environment. The construction at four separate locations along the Bass River would be in an area where Giant Gippsland Earthworms are found and is in a sensitive river environment. Project planning has allowed for these considerations.

Rural and regional projects can apply for funding to cover up to 80 per cent of the total project cost.

Applications to the Bridges Renewal Program close at 5pm on 22 December 2023.

CONSULTATION / COMMUNITY ENGAGEMENT

Replacement will involve disruption and traffic diversion for the duration of the project.

Surrounding landowners are being consulted and support letters have been sought from freight networks, dairy processing and bus companies.

RESOURCES / FINANCIAL VIABILITY

If Council is successful in securing \$3,160,000 under the 2024-25 Bridges Renewal Program, a Council contribution of \$632,000 will be required if the grant is approved.

RISKS

There is a risk, if Council is not successful that construction money, will need to be found.

Construction in riverine environments always carries a risk due to unknown geotechnical difficulties, however, these risks will be largely mitigated due to adequate planning, design and having suitable project contingencies.

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 1. Direction & Leadership

4. OBJECTIVE - LEADING WITH INTEGRITY

4.1. POLICY REVIEW: INFORMATION PRIVACY POLICY

Directorate:	Performance and Innovation
Department:	Governance

Council Plan

Objective - Leading with Integrity

This Policy ensures that Council meets its obligations under the Privacy and Data Protection Act 2014 to protect all personally identifying information. This Policy outlines the ways in which Council must conduct their business to ensure collection, retaining, sharing and destruction of personal information is not mishandled.

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's consideration and endorsement of the revised *Information Privacy Policy (C22)*(the Policy). This Policy has been reviewed and revised to:

- Ensure all Councillors, Council employees, contractors, and volunteers understand their obligations to protect personal information.
- Mitigate risks regarding the collection, storage, use, sharing and destruction of data, ensuring all actions are completed legally and within the parameters of the *Privacy and Data Protection Act 2014* (the Act).
- Clarify the process in which members of the public and clarify, request access to, or complain about the handling of personal information.

A copy of the proposed Policy is in **Attachment [4.1.1]** and the current Policy is in **Attachment [4.1.2]**.

RECOMMENDATION

That Council endorses the revised *Information Privacy Policy (C22)* (Attachment [4.1.1]) to enable continuous improvement on its commitment to good governance, transparency, and protection of personal information.

RESOLUTION

MOVED: Councillor Gilligan

SECONDED: Councillor Darakai

That Council endorses the revised *Information Privacy Policy (C22)* (Attachment [4.1.1]) to enable continuous improvement on its commitment to good governance, transparency, and protection of personal information.

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

The Information Privacy Policy provides Council with direction on its obligations to protect and manage personal information (as defined in the Privacy and Data Protection Act 2014). This allows councillors, council officers, contractors, volunteers, and community members interacting with Council, confidence in how data is being handled. With privacy and data protection being such a vital component in allowing people to participate in society, Council has not only a legal responsibility to protect this data, but also a moral obligation, which will in turn help with Council's reputation and trustfulness with members of the public.

The current Policy (**Attachment [4.1.2]**) is currently out of date and requires a review to resolve some missing or unclear components including:

- Consistency with the *Privacy and Data Protection Act 2014*
- Council's appointed Privacy Officer
- How members of the public can make enquiries, complaints, and escalate complaints to the Office of the Victorian Information Commissioner (OVIC)

CONSULTATION / COMMUNITY ENGAGEMENT

This Policy has been extensively reviewed by the Staff Consultative Committee, Executive Leadership Team, Audit and Risk Committee, and has also been reviewed by Councillors in the November 15, 2023, Councillor Strategic Briefing.

RESOURCES / FINANCIAL VIABILITY

There are no resource or financial implications because of this report and Policy. However, an absence of a reviewed Policy could result in financial and reputational risks for Council because of noncompliance or breaches.

RISKS

If Council chooses not to endorse the revised *Information Privacy Policy*, then there is an increased risk of privacy or data breaches due to outdated and insufficient information in Council's current *Information Privacy Policy*.

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. Proposed - Information Privacy Policy C22 [4.1.1 - 9 pages]

2. Current - Information Privacy Policy C22 [4.1.2 - 6 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 4. Structure, Systems & Policies

Council Policy / Strategy / Plans

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

Information Privacy Policy (C22)

Legislative Provisions

Local Government Act 2020

Privacy and Data Protection Act 2014

4.2. COUNCIL MEETING TIMETABLE 2024

Directorate:	Performance and Innovation
Department:	Governance

Council Plan

Objective - Leading with Integrity

Council's transparency and governance is demonstrated at its Council Meetings where decisions are made on behalf of the community.

EXECUTIVE SUMMARY

The purpose of this report is to seek Council consideration of the 2024 Council meeting schedule.

The *Local Government Act 2020 (the Act), Part 3 Division 2* sets out the requirements relating to procedures and proceedings relating to council decision making. One of the ways in which Council decision making is undertaken is by resolution at a Council Meeting, and it is a requirement under *the Act* that the conduct of Council Meetings be set out in its *Governance Rules*.

Council adopted *Governance Rules (C82)(the Rules)* at Council Meeting 19 October 2022. Clause 11 of the Rules requires the dates and times of Meetings be fixed by Council, and specifically in clause 11.1 that:

At or before the last Meeting each calendar year, Council must fix the date, time and place of all Council meetings and any Delegated Committee Meetings for the following calendar year.

Council may by resolution call an Additional Council Meeting per clause 13.1 when meetings are required outside of the annual Meeting schedule.

RECOMMENDATION

That Council sets the Council Meeting Schedule for 2024 to be held in the Council Chambers, Leongatha on the following dates and times:

- 1. Wednesday 21 February 2024, 2.00pm (Meeting No.491)**
- 2. Wednesday 20 March 2024, 2.00pm (Meeting No.492)**
- 3. Wednesday 17 April 2024, 2.00pm (Meeting No.493)**

4. **Wednesday 15 May 2024, 2.00pm (Meeting No.494)**
5. **Wednesday 26 June 2024, 2.00pm (Meeting No.495)**
6. **Wednesday 17 July 2024, 2.00pm (Meeting No.496)**
7. **Wednesday 21 August 2024, 2.00pm (Meeting No.497)**
8. **Wednesday 18 September 2024, 2.00pm (Meeting No.498)**
9. **Wednesday 16 October 2024, 2.00pm (Meeting No.499)**
10. **Wednesday 20 November 2024, 2.00pm (Meeting No.500)**
11. **Wednesday 27 November 2024, 2,00pm (Meeting No.501)**
12. **Wednesday 11 December 2024, 2.00pm (Meeting No.502)**

RESOLUTION

MOVED: Councillor Schelling

SECONDED: Councillor Hersey

That Council sets the Council Meeting Schedule for 2024 to be held in the Council Chambers, Leongatha on the following dates and times:

1. **Wednesday 21 February 2024, 2.00pm (Meeting No.491)**
2. **Wednesday 20 March 2024, 2.00pm (Meeting No.492)**
3. **Wednesday 17 April 2024, 2.00pm (Meeting No.493)**
4. **Wednesday 15 May 2024, 2.00pm (Meeting No.494)**
5. **Wednesday 26 June 2024, 2.00pm (Meeting No.495)**
6. **Wednesday 17 July 2024, 2.00pm (Meeting No.496)**
7. **Wednesday 21 August 2024, 2.00pm (Meeting No.497)**
8. **Wednesday 18 September 2024, 2.00pm (Meeting No.498)**
9. **Wednesday 16 October 2024, 2.00pm (Meeting No.499)**
10. **Wednesday 20 November 2024, 2.00pm (Meeting No.500)**
11. **Wednesday 27 November 2024, 2,00pm (Meeting No.501)**
12. **Wednesday 11 December 2024, 2.00pm (Meeting No.502)**

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

Council Meeting Dates and Venues

The December Meeting of Council is the last meeting of the year and requires Council to fix the date, time and place of all Council meetings and any Delegated Committee Meetings for the following calendar year.

It is proposed to hold the first Council Meeting on 21 February 2024 and from then on, generally the third Wednesday of each month for the remainder of the calendar year with three exceptions. There will be one meeting held on the fourth Wednesday, 26 June 2024, 2.00pm (Meeting No.495) in order to expedite the business of Council, incorporating the council budget deliberation processes.

There are two meetings scheduled for November, the first to be used to elect a Mayor and Deputy Mayor on the Wednesday 20 November 2024, 2.00pm (Meeting No.500). The second meeting for November, held on the fourth Wednesday, 27 November 2024 is scheduled to conduct the ordinary business of Council.

There will be one meeting held on the second Wednesday, 11 December 2024, 2.00pm (Meeting No.502).

Council Meetings are to commence at 2.00pm and be held in the Council Chambers, Leongatha. The Chief Executive Officer may change a meeting location should that be warranted, due to the nature of business and availability of the Council Chambers, Leongatha. This may include changing the Meeting to a different town if the Agenda warrants it. Any changes arising are guided by the *Governance Rules (C82)*, clause 12.1:

12.1 Council by resolution, or the Chief Executive Officer, may change the date, time and place of, or cancel, any Council Meeting which has been fixed and must provide notice of the change to the public.

Council publishes notice of Council Meetings in Council's Noticeboard section of local newspapers and on its website.

CONSULTATION / COMMUNITY ENGAGEMENT

Consultation with Council's event coordination functions to ensure optimum conduct of Council Business.

RESOURCES / FINANCIAL VIABILITY

Nil

RISKS

The timely determination of Council Meeting dates ensures the smooth transaction of Council Business.

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: www.southgippsland.vic.gov.au

Governance Rules (C82)

Legislative Provisions

Local Government Act 2020

4.3. SUMMARY OF STRATEGIC BRIEFINGS - 13 OCTOBER 2023 TO 12 NOVEMBER 2023

Directorate:	Performance and Innovation
Department:	Governance

Council Plan

Objective - Leading with Integrity

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 October and 12 November 2023.

RECOMMENDATION

That Council receives and notes this report.

RESOLUTION

MOVED: Councillor Davies

SECONDED: Councillor Felton

That Council receives and notes this report.

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

Meeting Title	Details
Wednesday 18 October 2023	
Council Meeting Agenda Topic Discussion – 18 October 2023	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey, Michael Felton and Jenni Keerie. Conflict of Interest: Nil disclosed.
Access & Inclusion Advisory Committee	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey, Michael Felton and Jenni Keerie. Conflict of Interest: Nil disclosed.
Renewable Energy Readiness	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey, Michael Felton and Jenni Keerie. Conflict of Interest: Nil disclosed.
Food & Fibre Gippsland	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey, Michael Felton and Jenni Keerie. Conflict of Interest: Nil disclosed.
Municipal Health & Wellbeing Plan	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey, Michael Felton and Jenni Keerie. Conflict of Interest: Nil disclosed.
Wednesday 25 October 2023	
Capital Works Tour of Shire	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Nathan Hersey and Jenni Keerie. Conflict of Interest: Nil disclosed.
Wednesday 1 November 2023	
Social and Affordable Housing Strategy	Councillors Attending:

Meeting Title	Details
	Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey, Michael Felton and Jenni Keerie. Conflict of Interest: Nil disclosed.
Coal Creek Community Park and Museum Plan	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey, Michael Felton and Jenni Keerie. Conflict of Interest: Nil disclosed.
Planning Briefing	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey, Michael Felton and Jenni Keerie. Conflict of Interest: Nil disclosed.
Proposed Policy: Roadside Weed and Vegetation Spraying Policy	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey, Michael Felton and Jenni Keerie. Conflict of Interest: Nil disclosed.
Aquatic Strategy Engagement	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey, Michael Felton and Jenni Keerie. Conflict of Interest: Nil disclosed.
Community Recreation Projects and Grant Funding	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey, Michael Felton and Jenni Keerie. Conflict of Interest: Nil disclosed.
Leongatha Memorial Hall Update	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey, Michael Felton and Jenni Keerie. Conflict of Interest: Nil disclosed.
Wednesday 8 November 2023	
Council Meeting Agenda Topic	Councillors Attending:

Meeting Title	Details
Discussion – 15 November 2023	<p>Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Nathan Hersey and Jenni Keerie.</p> <p>Conflict of Interest: Ms Kerryn Ellis, Chief Executive Officer has a declared material conflict of interest in Agenda Item 4.2. CEO EMPLOYMENT & REMUNERATION POLICY, as the matter relates to her employment and remuneration in her current role as Chief Executive Officer.</p> <p>Ms Ellis left the meeting at 10.33am, when the matter was discussed and returned at 10.41 am.</p>
Organisational Performance Report – July – September 2023	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Nathan Hersey and Jenni Keerie.</p> <p>Conflict of Interest: Nil disclosed.</p>
Property Portfolio Review	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Nathan Hersey and Jenni Keerie.</p> <p>Conflict of Interest: Councillor Jenni Keerie has a declared material conflict of interest in Briefing – Property Portfolio Review, as one of the land parcels presented relates to her place of employment.</p> <p>Cr Jenni Keerie left the meeting at 11.20am, when the matter was discussed and returned at 11.24am.</p>
Gunya Yanakie Nanjet Brataualung	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Nathan Hersey and Jenni Keerie.</p> <p>Conflict of Interest: Nil disclosed.</p>
Rating Differentials	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Nathan Hersey and Jenni Keerie.</p> <p>Conflict of Interest: Nil disclosed.</p>
2023/24 Community Grants	<p>Councillors Attending:</p>

Meeting Title	Details
	<p>Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Nathan Hersey and Jenni Keerie.</p> <p>Conflict of Interest: Councillor Jenni Keerie has declared a material interest in Briefing – 2023/24 Community Grants, as she is employed by an organisation that auspiced a community grant application on behalf of another organisation.</p> <p>Cr Jenni Keerie left the meeting at 2.43pm, when the matter was discussed and did not returned to the meeting.</p>

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)

Public Transparency Policy (C75)

Legislative Provisions

Local Government Act 2020

4.4. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 13 OCTOBER 2023 TO 12 NOVEMBER 2023

Directorate:	Performance and Innovation
Department:	Financial Strategy

Council Plan

Objective - Leading with Integrity

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 13 October 2023 to 12 November 2023. 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 Darakai

SECONDED: Councillor Felton

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), 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(h)(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.

In accordance with the Local Law No. 2 2020, Part 9, clause 107(h)(iv), the following are presented to Council as documents sealed during the period from 13 October 2023 to 12 November 2023.

1. South Gippsland Shire Council Instrument of Delegation. S6 Instrument of Delegation to Members of Staff and dated 18 October 2023. Seal applied 24 October 2023.

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 13 October 2023 to 12 November 2023.

1. Deed of Amendment to a Section 173 Agreement between South Gippsland Shire Council and the owner of 105 Harmon Road, Foster. Seal applied 24 October 2023.
2. Section 173 Agreement between South Gippsland Shire Council and the owner of 1844 Drouin-Korumburra Road, Poowong and 1864 Drouin-Korumburra Road, Poowong for a two (2) lot subdivision. Seal applied 30 October 2023.
3. Section 173 Agreement between South Gippsland Shire Council and the owner of 7025 Bass Highway, Inverloch for the use and development of

land with a dwelling and outbuilding by consolidating and decommissioning the existing dwelling. Seal applied 2 November 2023.

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 13 October 2023 to 12 November 2023.
 - a. CON/365-A for the Management and Operation of Selected Aquatic Venues awarded to Victorian YMCA Community Programming Pty Ltd signed by the CEO 24 October 2023.
 - b. CON/373-B Design and Construct Repair of Landslips, Various Locations – Project 7 Sanders Road, Korumburra and Project 8 Main South Road, Poowong East, awarded to Fulton Hogan Industries Pty Ltd signed by the CEO 10 November 2023
2. Contracts awarded after a public tender process within the CEO's delegation between 13 October 2023 to 12 November 2023.
 - a. CON/380 for the Provision of Bituminous Surfacing and Associated Products awarded to Primal Surfacing Pty Ltd and signed by the CEO 16 October 2023.
 - b. CON/384 for the Minor Drainage Works Korumburra & Leongatha awarded to ACE Earthmoving (VIC) Pty Ltd signed by the CEO 31 October 2023.
3. Contract variations approved by the CEO between 13 October 2023 to 12 November 2023.
 - a. Nil
4. Contract extensions approved by the CEO between 13 October 2023 to 12 November 2023.
 - a. Nil

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. OBJECTIVE - PROTECTING AND ENHANCING OUR ENVIRONMENT

5.1. ROADSIDE WEED AND VEGETATION SPRAYING POLICY

Directorate:	Sustainable Infrastructure
Department:	Open Space and Environment

Council Plan

Objective - Connecting our People and Places

Objective - Protecting and Enhancing our Environment

This Policy supports Council to meet its Council Plan objectives of:

- *Maintaining and improving the conditions of our sealed and gravel road networks and connectivity for residents; and*
- *Building a legacy of a healthier, protected environment by prioritising environmental conservation activities, such as weed management and protecting native vegetation.*

EXECUTIVE SUMMARY

The purpose of this report is to seek Council endorsement of the proposed *Roadside Weed and Vegetation Spraying Policy (C95) (Attachment [5.1.1])*.

Council undertakes roadside weed and vegetation spraying as part of its duties under the *Road Management Act 2004 (RMA)* and the *Catchment and Land Protection Act 1994 (CaLP)*. Council, with input from key stakeholders, has developed a Policy for roadside weed and vegetation spraying: *The Roadside Weed and Vegetation Spraying Policy (the Policy)*.

This Policy will provide structured and transparent guidelines and principles to improve the way Council manages both requests from resident's wishing to opt out of our spraying program, and community concerns and complaints relating to roadside weed and vegetation management.

Through this Policy, residents wishing that the road reserve abutting their residence not be sprayed with chemicals, can apply to be listed on a No Spray Register. Properties on this register have enforceable obligations placed on them, transferring the responsibility of weed management and vegetation management to keep drains clear, onto the applicant.

This Policy mitigates Council's risk of not adequately maintaining the road shoulder drainage network and fulfilling its obligations under the RMA and CaLP on No Spray properties. It also reduces the risk of noxious weeds not being adequately controlled on No Spray properties.

RECOMMENDATION

That Council endorses the *Roadside Weed and Vegetation Spraying Policy (C95)* (Attachment [5.1.1]) to provide direction and clarity on why and where Council use chemicals to spray roadsides, and the management of a No Spray Register.

RESOLUTION

MOVED: Councillor Hersey

SECONDED: Councillor Rae

That Council endorses the *Roadside Weed and Vegetation Spraying Policy (C95)* (Attachment [5.1.1]) to provide direction and clarity on why and where Council use chemicals to spray roadsides, and the management of a No Spray Register.

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

There is often community concern regarding the use of chemical products to manage weeds and vegetation. Council currently has 130 properties listed on the No Spray Register. However, we do not have a formalised method or policy by which to manage this register. The result is that many people have requested to be on the register without any plans on how the roadside abutting these properties will be maintained.

Several of the roadsides associated with the No Spray Register are becoming weed infested and drainage networks are being compromised due to excessive vegetation. Heavily vegetated road shoulders and drainage networks have a negative impact on the condition of the road network, causing damage to the pavement, and creating safety hazards such as under pavement cavities and poor road surfaces.

Under the CaLP, Council has a responsibility to manage Regionally Controlled weeds as identified in the Act. Therefore, when a resident wishes to be on the register, Council needs to ensure that our obligations under CaLP are still being met.

The proposed Policy would put in place the obligations on the resident to maintain the roadside as per Council's standards and have a provision for how Council will manage non-conformance of the Policy.

CONSULTATION / COMMUNITY ENGAGEMENT

To assist in developing the draft Policy, and to gain an understanding of how other councils manage roadside spraying, a benchmarking process was undertaken with various local government councils. Responses were received from Bass Coast, Campaspe, Cardinia, Colac Otway, Devonport, Gympie Regional, Hobart City, Huon Valley, Moorabool, Mount Alexander, and Midcoast councils.

Further advice and guidance were sought from internal staff members (key stakeholders with expertise in this area), Councillors, and the Austroads literature review paper: 'Use of Recycled Materials and the Management of Roadside Vegetation on Low Trafficked Roads' (2000).

RESOURCES / FINANCIAL VIABILITY

The implementation of this Policy will require cross department collaboration and internal resources. Once established, the ongoing implementation can mostly be met within existing resources and budget.

The Policy also includes an application fee as nominated by Council, which would be set annually through Council's fees and charges budgeting process. This would be a new source of revenue which would assist with the additional materials such as signage and installation of signage.

RISKS

Council currently receives numerous complaints and issues relating to how we manage our No Spray Register. A business-as-usual approach would not seek to address these complaints and community concerns.

This Policy also helps Council to better meet its legislative obligations in weed and roadside management. Without this Policy, these opportunities for improvement would not be met.

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. Proposed - Roadside Weed Vegetation Spraying Policy C95 [5.1.1 - 7 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 3. Decision Making

Pillar 4. Structure, Systems & Policies

Legislative Provisions

Catchment and Land Protection Act 1994

6. OBJECTIVE - SUSTAINABLE GROWTH

6.1. SOCIAL & AFFORDABLE HOUSING STRATEGY UPDATE 2023

Directorate:	Economy and Community
Department:	Economy Community and Investment

Council Plan

Objective - Sustainable Growth

This report relates to a Council Plan major initiative for 2023/2024, 'Implement actions from the Social and Affordable Housing Strategy.'

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an update on activities undertaken during the first 12 months of the Social and Affordable Housing Strategy (the Strategy) and request Council note the report.

RECOMMENDATION

That Council receives the Social and Affordable Housing Strategy Update 2023 and note the actions and achievements contained within the Report (Attachment [6.1.1]).

RESOLUTION

MOVED: Councillor Keerie

SECONDED: Councillor Hersey

That Council receives the Social and Affordable Housing Strategy Update 2023 and note the actions and achievements contained within the Report (Attachment [6.1.1]).

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

The South Gippsland Social and Affordable Housing Strategy (the Strategy) was adopted by Council in August 2022 and has been active for over 12 months.

The Strategy was developed to support Council to facilitate affordable housing outcomes in South Gippsland. The Strategy sets out the role of Council and the principles that Council has adopted in delivering that role.

The Strategy focuses on affordable housing. The community is facing broader issues around housing supply, the cost of market housing, and environmentally sustainable design but those are addressed in other strategic Council, State or Federal government documents.

The Social and Affordable Housing Strategy is a whole of Council Strategy. A collaborative approach with input from a broad range of Council functions is required to ensure the Strategy can meet its aims.

The Social and Affordable Housing Strategy Update Report 2023 (**Attachment [6.1.1]**) provides information on implementation of the Strategy. The provision of an update report assists in ensuring the Strategy is meeting its aims and determining where future efforts should be directed.

Some actions Council has achieved include:

- Advocating to State and Federal governments towards greater provision of social and affordable housing in South Gippsland.
- Advocating to State departments and property managers of public housing to respond to local needs and provide local resident preferential allocation where appropriate.
- Submission of a Planning Scheme Amendment that incorporates the Affordable Housing Strategy, including supporting policy, in the South Gippsland Planning Scheme.
- Completed an assessment of Council land to measure its appropriateness for social and affordable housing.
- Drafted a Terms of Reference (TOR) for a new Social and Affordable Housing Reference Group. To be considered by Council in 2024.

CONSULTATION / COMMUNITY ENGAGEMENT

The updates on actions included with the Strategy were provided through engagement with various teams across Council including, Planning, Economic Development and Community Strengthening.

RESOURCES / FINANCIAL VIABILITY

Implementation of the Strategy is undertaken within existing budgets.

RISKS

Periodic updates on Strategy implementation assists with ensuring the Strategy is meeting its aims and help determine where future efforts may be required.

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. Social and Affordable Housing - Implementation Update October 2023 [6.1.1 - 9 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

Pillar 3. Decision Making

Council Policy / Strategy / Plans

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

Children and Families - A Plan for the Future in South Gippsland

Social Community Infrastructure Blueprint

South Gippsland Housing and Settlement Strategy

An Age-Friendly South Gippsland Plan

Children and Families Plan

Council Plan 2022-2026

Disability Action Plan

Good Governance Framework

Municipal Public Health and Wellbeing Plan

Town Centre Framework Plans

Legislative Provisions

Aged Care Legislation Amendment (increasing Consumer Choice) Act 2016

Charter of Human Rights and Responsibility Act 2006

Child Safe Standards 2016

Child Wellbeing and Safety Act 2005

Children, Youth and Families Act 2009

Children's Services Act 1996

Disability Act 2006
Disability Discrimination Act 1992
Emergency Management Act 1986
Family Violence Protection Act 2008
Local Government Act 2020
Public Health and Wellbeing Act 2008
Working with Children Act 2005
Children, Youth and Families Regulations 2017
Children's Services Regulations 2020
Public Health and Wellbeing Regulations 2019

Ms Renae Littlejohn, Director Economy & Community left the Council Chambers at 3.53pm with a declared direct material interest in Agenda Item 6.2 Planning Application 2020/438 29-32 Davis Street Nyora - Develop land with a supermarket and six associated shops, as she owns property adjacent to the subject site.

6.2. PLANNING APPLICATION 2020/438 - 29-31 DAVIS STREET NYORA - DEVELOP LAND WITH A SUPERMARKET AND 6 ASSOCIATED SHOPS

Directorate:	Economy and Community
Department:	Planning and Building Services

Council Plan

Objective - Sustainable Growth

This application meets the objectives of the Council Plan through the provision of a new commercial facility within an appropriately zoned area that will support the continued growth and diversification of Nyora, providing the community with access to goods and services, local employment opportunities, and supporting the local economy.

EXECUTIVE SUMMARY

Application Details	
Application No	2020/438
Proposal	Development of land for a supermarket, associated shops and to alter access to Transport Zone 2 with reduction of car parking provisions.
Applicant	Planning Central Pty Ltd
Application received	10 December 2020
Plan Details	The re-advertised documentation following an amendment to the plans are at Attachment [7.2.1]
Property Details	
Property Address	29-31 Davis Street Nyora VIC 3987
Land Description	CA 25 & 26 Section 6 Township of Nyora Parish of Lang Lang East
Land Area	5228.57m ² (combined)
Restrictions on title	Nil
Existing Use	Warehouse & Dwelling.
Planning Provisions	
Zone	Clause 34.01 – Commercial 1 Zone.

Overlays	Clause 43.02 – Design & Development Schedule 12 (Nyora Town Centre)
Particular Provisions	Clause 52.05 – Signs. Clause 52.06 – Car Parking. Clause 52.29 – Land Adjacent to the Principle Road Network. Clause 53.18 – Stormwater Management in Urban Development.
General Provisions	Clause 65 - Decision Guidelines
CHMP	Not required
Permit Triggers	
Clause 34.01 (Commercial 1 Zone)	A permit is required to construct a building or construct or carry out works.
Clause 43.02 (Design & development Overlay – Schedule 12)	A permit is required to construct a building or construct or carry out works.
Clause 52.06 (Car Parking)	A permit is required to reduce the number of car parking spaces required under Clause 52.06-5
Clause 52.29 (Land Adjacent to the Principle Road Network)	A permit is required to create or alter access to a road in a Transport Zone 2.
Notifications	
Advertising	Yes
Number Objections	A total of 17 submissions were lodged as part of the original application advertised and the amended application re-advertised. The break-down of submissions is noted as follows: <ul style="list-style-type: none"> • Original Application Advertised: 9 Submissions including: <ul style="list-style-type: none"> – 9 objections. – 0 submissions of support. • Amended Application Advertised: 8 submissions including: <ul style="list-style-type: none"> – 6 objections (all objectors were from properties who also objected to the originally advertised proposal). – 2 submissions of support.

RECOMMENDATION

- A. Issue a Notice of Decision to Grant Planning Permit 2020/438 for the development of land for a supermarket, associated shops and to alter access to Transport Zone 2 with reduction of car parking provisions at 29-31 Davis Street, Nyora in accordance with the following conditions:**
- 1. Prior to plans being endorsed, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The plans must include:**
 - a. Incorporate the changes identified in the conditions from Department of Transport and Planning contained within this permit.**
 - b. A revised swept path analysis for a 19 metre semi-trailer (or the largest delivery vehicle servicing the supermarket) with the swept paths to demonstrate to the satisfaction of Council that the vehicle can enter the site from Davis Street adjoining the southern boundary and exit the site via the adjoining unnamed road in a forward direction.**
 - c. Appropriately sized crossovers to fully accommodate the 19-metre vehicle entering the development from Davis Street including the crossover / footpath of the adjoining property to the south if the swept path analysis illustrates any part of the vehicle utilising this area.**
 - d. Widening and construction of the unnamed laneway to incorporate:**
 - i. accommodating a two-way traffic carriageway of minimum 6 metres in width between kerb invert to kerb invert to allow for two-way traffic to Council's satisfaction. Any additional land/works required to be undertaken to achieve this must occur within the subject site;**
 - ii. An appropriate sealed pavement in line with approved engineering plans;**
 - iii. A 1.5 metre wide footpath along the southern side of the laneway along the site's northern boundary.**

- iv. Any other requirement which are consequential to conditions 1.d.i – 1.d.iii and to the satisfaction of the Responsible Authority.**
- e. Required property splays and kerb returns of appropriate radii to accommodate the 19-metre vehicle to exit the laneway on to Davis Street.**
- f. A revised supermarket 'entrance' from Davis Street that incorporates an articulated and more visually prominent design outcome.**
- g. The floor area of individual shops, supermarket, back of house and first floor components clearly nominated on the plans.**
- h. The word 'liquor' removed from the southern-most proposed shop.**
- i. The internal layout of the medical centre illustrated with a notation stating the medical centre will have a maximum of three (3) practitioners at any one time.**
- j. Suitable line-marking with 'no parking' adjoining the curved landscape beds which have been designed to facilitate the 19-metre service vehicle swept paths.**
- k. Details and location of any Electric Vehicle Charging Stations.**
- l. A suitable trolley return location clearly illustrated within the car park area.**
- m. The provision of bicycle parking rails at both supermarket entrances with the ability to accommodate a minimum of 4 bicycle spaces.**
- n. All car parking bays and accessway widths (including any associated wheel stops) to be in accordance with Clause 52.06.**
- o. The building signs clearly dimensioned including area, materials and nominated as being non-illuminated.**
- p. Suitable signage that requires all service vehicles to enter via the southernmost access point of Davis Street and exit via a right turn only onto the unnamed laneway.**
- q. The southern and western boundary fences required to be re-constructed as minimum 2-metre high timber paling fences at the full cost of the developer.**

- r. The provision of a suitable screen provided along the southern side of the loading bay area to the extent possible whilst maintaining suitable swept paths for a 19-metre service vehicle.**
- s. Any proposed outdoor seating and furniture clearly identified on the plans.**
- t. A lighting plan showing how the car park and public entrances will be lit during hours of operation, and after hours lighting of the car park being reduced to avoid unreasonable amenity impacts on adjoining uses (but maintained to an adequate level to maintain surveillance and increase safety). The plan must include details of all external lighting, including sensor lighting as addressed in Condition 8 of this Permit.**
- u. Extent of excavation and any retaining walls clearly illustrated.**
- v. Location of air-conditioning and mechanical equipment on the roof, including the means by which any such plant and equipment is to be screened.**
- w. Details of any screening required to prevent overlooking from the first floor of the proposed development;**
- x. The construction of a footpath, kerb / channel along the development's abuttal with Davis Street, along with the associated widening of Davis Street with a bituminous seal and a suitable pavement in accordance with engineering plans approved by Council and Department of Planning and Transport.**
- y. The construction of a footpath from the north-east corner of the site along the west side of Davis Street, extending to the existing footpath and pedestrian crossing at the intersection of Davis Street and Mitchell Street / Grundy Avenue.**
- z. Any land forming widening of the laneway to be transferred to Council as "Road".**
- aa. Revised southern and western elevations with improved façade treatments which create an improved visual appearance to the satisfaction of Council.**
- bb. The provision of suitable pedestrian access doors to the northern façade of the proposed north facing shops.**

- cc. **The offset of any veranda posts shown to be in accordance with Council's Footpath Trading Code, and any outdoor furniture being in accordance with Council's Permanent Outdoor Furniture Style Guide.**
- dd. **Sustainability and energy efficiency practices and initiatives being implemented.**
- ee. **The development summary updated to reflect the abovementioned changes to the plans.**
- ff. **The provision of a separate roof plan, with any roof top plant and equipment clearly illustrated and suitably screened.**
- gg. **A detailed landscape plan, including a planting schedule of all proposed trees, shrubs and ground covers.**
- hh. **The following notation included on the plans:**
 - i. **Prior to commencement of any works on the subject site, Crown Allotments 25 & 26 Section 6 Township of Nyora Parish of Lang Lang East are to be consolidated into one parcel of land.**
 - ii. **Prior to occupation and operation of the supermarket / shops, the section of footpath required to be constructed adjoining the unnamed laneway is to be vested to Council at no cost to Council.**
 - iii. **Prior to occupation and operation of the supermarket / shops, Davis Street immediately adjoining the subject site is to be upgraded to the satisfaction of Council and Department of Planning and Transport with a suitable footpath, kerb/channel/nature strip and bitumen to connect to the existing bitumen along the site frontage.**
 - iv. **Prior to occupation and operation of the supermarket / shops, the unmade laneway immediately adjoining the northern boundary of the site is to be constructed to the satisfaction of Council in accordance with engineering plans approved by Council.**
 - v. **If required as part of the approved engineering plans for the proposed access arrangements from Davis Street, the applicant must at no cost to Council or adjoining property owner to the south of the subject site, construct a new crossover and footpath immediately adjoining the south-east corner of the subject site.**
- 1. **Before the development starts, a Waste Management Plan to the satisfaction of the responsible authority addressing waste disposal and**

collection must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and form part of the permit. The plan must include a scaled and fully dimensioned site plan and must be provided in a digital copy. The plan must be in accordance with the responsible authority's current Waste Management Guidelines and must include:

- a. That waste collection is to be undertaken by a private contractor:**
- b. An acknowledgement that South Gippsland Shire will not at any time provide garbage, recycling, green or hard waste collection to this site.**
- c. Consideration to access and all waste streams, including garbage, recycling, hard waste, green waste, electronic waste, etc.**
- d. Description of methods of waste collection and the equipment to be used for the handling of different waste streams.**
- e. Estimated garbage and recycling generation volumes of the use and development of the site.**
- f. Bin quantity, size, dimensions, colour and labelling.**
- g. Waste collection frequency and times, which must be outside the peak operation times.**
- h. Details on the site plan showing location and area allocated for bin storage of garbage and recycling bins, including hard waste. The bin storage area must have appropriate access.**
- i. Details on the site plan showing waste collection point(s) in relation to the bin storage area.**
- j. Details of appropriate signage on site and how tenancies will be informed of the waste management arrangements for the site.**
- k. Details on collection of any Clinical Waste expected to be generated from the development and use of the site (e.g. type of waste, estimate volumes, storage, collection, transporting, reuse, recycling and disposal practices).**
- l. A swept path diagram for waste collection vehicles including the manoeuvrability within the subject site to waste collection point(s) and the ability to enter and exit the subject site in a forward direction.**

- m. Designated turning areas that are clearly marked, including no standing signage and must be accessible to the waste collection vehicles on collection day between 6.00am – 6.00pm.**
- 2. Before the development starts, a Parking and Traffic Management Plan (PTMP) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the PTMP will be endorsed and form part of the permit. The plan must show:**

 - a. Arrangements and the location of all areas on- and/or off-site to be used for staff and patron parking with the relevant requirements of the *Australian Standard/NZS 2890.1-2004* or its successor (including ramp grades and dimensions, column location, headroom clearance, etc.).**
 - b. Vehicular details including type of vehicle, vehicle loads, total volume, and vehicle routes.**
 - c. The means by which the direction of traffic and pedestrian flows to and from car parking areas will be controlled both on and off-site, including proposed signage to direct occupants and visitors to their designated parking areas. This includes (but is not limited to) all service vehicles entering via the southernmost access point off Davis Street, and exiting via a right turn only onto the unnamed laneway**
 - d. Measures to manage vehicular and pedestrian safety with traffic calming measures for inclusion within the accessways and car parking areas on site, including rubber speed humps and speed restrictions as appropriate.**
 - e. Arrangements for the loading and unloading of goods and materials for the commercial use(s).**
 - f. Movements of trucks and other vehicles to the loading and unloading dock areas, demonstrating likely access routes and movements from adjacent roads.**
 - g. Entitlements to the use of the loading and unloading dock areas by all commercial use(s).**
 - h. The operation hours.**
 - i. Servicing of the drainage, lighting and maintenance of car parking areas, entries and exits.**

- 8. Prior to the commencement of the use, the southern and western boundary fences must be constructed with minimum 2-metre high timber paling fences in accordance with the endorsed plans, at the full cost of the developer and to the satisfaction of the Responsible Authority.**
- 9. Landscaping must be provided in accordance with the landscaping plan prior to the commencement of the use to the satisfaction of the Responsible Authority. The landscaping must be maintained for the life of the development and any dead or dying vegetation replaced.**
- 10. No more than (3) medical practitioners may operate from the subject site at any one time.**
- 11. Except with the prior written consent of the Responsible Authority deliveries to and from the site must only take place between:**
 - a. Monday to Friday: 6:00 am – 6:00pm**
 - b. Saturday and Sunday: 6:00 am and 1:00 pm.**
- 12. Engineering Conditions:**
- 13.1. Prior to the approval of the engineering plans, the applicant shall submit for approval by the Responsible Authority, a revised Traffic Layout Plan (TLP) for the approved development detailing, both during and post construction:**
 - a. Turning movements for a minimum 19-metre semi-trailer to be able to enter the development from Davis Street and exit the development in a forward direction via the unnamed laneway situated to the north of the proposed development, and existing the site via Davis Street.**
 - b. The internal and external turning movements for all other expected vehicles, entering and exiting in a forward direction.**
 - c. All required linemarking (both internal and external to the development).**

Upon approval of the TLP, these plans will be endorsed as part of this permit.

- 13.2. Prior to the approval of the engineering plans, the applicant shall submit for approval by the responsible Authority, a detailed Storm Water Management Plan (SWMP) for the approved development, detailing in concept how, both during and post construction:**

- a. **All stormwater runoff from the site will be captured and controlled via an appropriate stormwater detention system to ensure runoff is limited to pre-development flows to the equivalent of a 10% AEP event;**
- b. **Any polluted runoff from the site will be treated and directed to an approved sewer connection to ensure no impact on Council's drainage system;**
- c. **Adjacent properties will not be adversely impacted by runoff from the site;**
- d. **Stormwater will be discharged to Council's existing drainage network or a suitable existing overland flow path to be approved by the Responsible Authority.**

Upon approval of the SWMP these plans will be endorsed as part of this permit.

13.3. Prior to the commencement of any buildings and/or works, the following conditions must be complied with to the satisfaction of the Responsible Authority;

- a. **Drainage computations and engineering plans (based on Councils Infrastructure Design Manual (IDM)) of the proposed stormwater network, stormwater detention system, kerb and channel and any infrastructure works in Davis Street are to be submitted to and approved by the Responsible Authority. Plans are to show:**
 - i. **Civil engineering and stormwater drainage works generally in accordance with the approved TLP and SWMP.**
 - ii. **Construction of all driveways, accessways and parking areas with an impervious material, being concrete or bituminous asphalt, or other material approved by Council.**
 - iii. **Size of car parking bays and accessways in accordance with the South Gippsland Planning Scheme, or relevant Australian Standard.**
 - iv. **Signage to be provided to describe access/egress arrangements for delivery and private vehicles accessing the site.**
 - v. **Road and footpath works in Davis Street and the unnamed laneway as per the plan approved to satisfy Condition 1.**

- vi. **All infrastructure to become Council assets to generally be in accordance with Councils Infrastructure Design Manual.**
 - vii. **Any ramping or adjustments required to provide access to the new building from Davis Street or the laneway made within the building or onsite.**
- b. **Prior to approval of the engineering plans by Council, pay to Council a supervision fee equivalent to 2.5% of the estimated cost of construction of all the external works to be vested in Council, including footpath, pavements, kerb and channel, and longitudinal drainage. A certified cost estimate is to be provided by the applicant and approved by the Responsible Authority prior to payment of the fee.**
 - c. **Prior to approval of engineering plans by Council, pay to Council an amount equivalent to 0.75 % of the estimated cost of all the external works to be vested in Council for checking of engineering plans and computations.**
- 13.4. Prior to the use commencing, or the issue of any Occupancy Permits, all civil engineering and stormwater drainage works as shown on the approved engineering plans must be constructed to the satisfaction of the Responsible Authority.**
- 13.5. The corners of the property must be pegged by a licensed surveyor prior to the building or construction works commencing on-site, describing the property boundaries (as reduced) to accommodate the required widening of the laneway.**
- 13.6. Provision is to be made for the safe passage of pedestrians in Davis Street while the building and civil works are being carried out.**
- 13.7. Provision is to be made for the safe access of occupants to the rear of properties at 1-5 Mitchell Street via the unnamed laneway where existing legal access has been available prior to the commencement of any development works, while the building and civil works are being carried out.**
- 13.8. Any damage to Council infrastructure during construction works is to be reinstated at no cost to Council and to Council's satisfaction.**
- 13.9. Upon agreed practical completion of civil works, pay to Council an amount equivalent to 5 % of the actual cost of construction of infrastructure to be handed to Council, being for Guarantee of Works**

during Defects Liability Period. The amount to be refunded upon release from Defects Liability Period by Council.

- 13.10. The external works as required by this permit must be maintained in good condition and repair by the developer for a period of 12 months from the date of practical completion, to the satisfaction of the Responsible Authority.
- 13.11. Scaled "As Constructed" plans are to be forwarded to Council in "pdf" and AutoCAD compatible format, for any infrastructure to be handed over to Council to the satisfaction of the Responsible Authority.
- 13.12. Provide sediment control for construction work in accordance with EPA Publication No. 275, "Construction Techniques for Sediment Pollution Control.
- 13.13. Prior to the use commencing, all civil engineering and stormwater drainage works as shown on the approved engineering plans must be constructed to Council's satisfaction.
13. Prior to occupation or commencement of operations, the car parking spaces, access lanes, driveways and associated works and landscaping shown on the plan must be:
 - a. constructed and available for use in accordance with the plan approved by the responsible authority; and
 - b. formed to such levels and drained so that they can be used in accordance with the plan; and
 - c. treated with an all-weather seal or alternative to the satisfaction of Council; and
 - d. line-marked or provided with some other adequate means of showing the car parking spaces.
14. Prior to occupation / commencement of operation, all land required for road / laneway widening must be vested with the responsible authority at no cost to the responsible authority.
15. No plant, equipment, services or architectural features, above the roofline, other than those shown on the endorsed plans are permitted, unless with the prior written consent of the responsible authority.
16. Car spaces, vehicle access lanes and driveways must be kept available for these purposes at all times to the satisfaction of the responsible authority.

17. **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.**
 - d. **presence of vermin.**
18. **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.**
19. **The property must be maintained in a neat and tidy condition to the satisfaction of the Responsible Authority.**
20. **Before the use starts/the development is occupied, or by such later date as approved in writing by the responsible authority, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.**
21. **The loading and unloading of vehicles and delivery of goods must at all times be within the boundaries of the site.**
22. **All disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority.**
23. **Department of Transport and Planning**
- 24.1. **The Davis Street shoulder, adjacent to the site must be widened and sealed to the satisfaction of the Head Transport for Victoria prior to the use of the development.**
- 24.2. **The shoulder must be designed to include kerb and channel to the satisfaction of the Head Transport for Victoria.**
- 24.3. **The driveway/carpark access must be designed and constructed to the satisfaction of the Head Transport Victoria.**
- 24.4. **The access to the existing laneway must be re-designed and constructed to the satisfaction of the Head Transport for Victoria.**

24.5. Prior to the plans being endorsed they must be amended and approved by the Responsible Authority and the Head Transport for Victoria and include:

- a. Shoulder widening**
- b. Driveway crossover**
- c. Laneway intersection upgrade**
- d. Roadway lighting (to be determined)**

24.6. Prior to road works commencing at the site, design plans in accordance with Gippsland Regions Developer funded checklists must be submitted and approved by the Head, Transport for Victoria.

24.7. Prior to commencement of earthworks for the development a truck wheel-wash must be installed at the property boundary to enable all mud and other tyre borne debris from vehicles to be removed prior to exiting the land.

24.8. The truck wheel-wash must be maintained in good order during the construction phase of the development and may be removed at the end of the construction phase of the development with the prior approval of the Head, Transport for Victoria.

24.9 All roadworks on Davies Street must be completed at no cost and to the satisfaction of the Head Transport for Victoria prior to the commercial use of the development.

24. This permit will expire if either of the following applies:

- a. Development is not started within three (3) years of the date of this permit.**
- b. The development is not completed within five (5) years of the date of the 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.

Council Notes:

- 1. This permit allows the above land to be used or developed for the purpose specified. It is the permit holder's responsibility to ensure that any**

other relevant approvals are obtained prior to the commencement of the use or development.

2. A Consent to Work Within the Road Reserve Permit must be obtained from Council's Engineering Department for the construction and/or alteration of the driveway crossover.

Department of Transport & Planning Notes:

3. Prior to the designs for roadworks commencing, a pre-design meeting with the applicant's consultants and the Department of Transport and Planning (Gippsland Region) must be attended.

4. Prior to works commencing in the road reserve, separate consent must be obtained from the Head Transport for Victoria.

B. Notify the objectors of Council's decision and,

C. Notify Department of Transport and Planning of Council's decision.

RESOLUTION

MOVED: Councillor Felton

SECONDED: Councillor Davies

That Council:

- A. Issue a Notice of Decision to Grant Planning Permit 2020/438 for the development of land for a supermarket, associated shops and to alter access to Transport Zone 2 with reduction of car parking provisions at 29-31 Davis Street, Nyora in accordance with the following conditions:**
- 1. Prior to plans being endorsed, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The plans must include:**
 - a. Incorporate the changes identified in the conditions from Department of Transport and Planning contained within this permit.**
 - b. A revised swept path analysis for a 19 metre semi-trailer (or the largest delivery vehicle servicing the supermarket) with the swept paths to demonstrate to the satisfaction of Council that the vehicle can enter the site from Davis Street adjoining the southern boundary and exit the site via the adjoining unnamed road in a forward direction.**
 - c. Appropriately sized crossovers to fully accommodate the 19-metre vehicle entering the development from Davis Street including the crossover / footpath of the adjoining property to the south if the swept path analysis illustrates any part of the vehicle utilising this area.**
 - d. Widening and construction of the unnamed laneway to incorporate:**
 - i. accommodating a two-way traffic carriageway of minimum 6 metres in width between kerb invert to kerb invert to allow for two-way traffic to Council's satisfaction. Any additional land/works required to be undertaken to achieve this must occur within the subject site;**
 - ii. An appropriate sealed pavement in line with approved engineering plans;**

- iii. **A 1.5 metre wide footpath along the southern side of the laneway along the site's northern boundary.**
- iv. **Any other requirement which are consequential to conditions 1.d.i – 1.d.iii and to the satisfaction of the Responsible Authority.**
- e. **Required property splays and kerb returns of appropriate radii to accommodate the 19-metre vehicle to exit the laneway on to Davis Street.**
- f. **A revised supermarket 'entrance' from Davis Street that incorporates an articulated and more visually prominent design outcome.**
- g. **The floor area of individual shops, supermarket, back of house and first floor components clearly nominated on the plans.**
- h. **The word 'liquor' removed from the southern-most proposed shop.**
- i. **The internal layout of the medical centre illustrated with a notation stating the medical centre will have a maximum of three (3) practitioners at any one time.**
- j. **Suitable line-marking with 'no parking' adjoining the curved landscape beds which have been designed to facilitate the 19-metre service vehicle swept paths.**
- k. **Details and location of any Electric Vehicle Charging Stations.**
- l. **A suitable trolley return location clearly illustrated within the car park area.**
- m. **The provision of bicycle parking rails at both supermarket entrances with the ability to accommodate a minimum of 4 bicycle spaces.**
- n. **All car parking bays and accessway widths (including any associated wheel stops) to be in accordance with Clause 52.06.**
- o. **The building signs clearly dimensioned including area, materials and nominated as being non-illuminated.**
- p. **Suitable signage that requires all service vehicles to enter via the southernmost access point of Davis Street and exit via a right turn only onto the unnamed laneway.**

- q. The southern and western boundary fences required to be re-constructed as minimum 2-metre high timber paling fences at the full cost of the developer.**
- r. The provision of a suitable screen provided along the southern side of the loading bay area to the extent possible whilst maintaining suitable swept paths for a 19-metre service vehicle.**
- s. Any proposed outdoor seating and furniture clearly identified on the plans.**
- t. A lighting plan showing how the car park and public entrances will be lit during hours of operation, and after hours lighting of the car park being reduced to avoid unreasonable amenity impacts on adjoining uses (but maintained to an adequate level to maintain surveillance and increase safety). The plan must include details of all external lighting, including sensor lighting as addressed in Condition 8 of this Permit.**
- u. Extent of excavation and any retaining walls clearly illustrated.**
- v. Location of air-conditioning and mechanical equipment on the roof, including the means by which any such plant and equipment is to be screened.**
- w. Details of any screening required to prevent overlooking from the first floor of the proposed development;**
- x. The construction of a footpath, kerb / channel along the development's abuttal with Davis Street, along with the associated widening of Davis Street with a bituminous seal and a suitable pavement in accordance with engineering plans approved by Council and Department of Planning and Transport.**
- y. The construction of a footpath from the north-east corner of the site along the west side of Davis Street, extending to the existing footpath and pedestrian crossing at the intersection of Davis Street and Mitchell Street / Grundy Avenue.**
- z. Any land forming widening of the laneway to be transferred to Council as "Road".**
- aa. Revised southern and western elevations with improved façade treatments which create an improved visual appearance to the satisfaction of Council.**

- bb. The provision of suitable pedestrian access doors to the northern façade of the proposed north facing shops.**
- cc. The offset of any veranda posts shown to be in accordance with Council's Footpath Trading Code, and any outdoor furniture being in accordance with Council's Permanent Outdoor Furniture Style Guide.**
- dd. Sustainability and energy efficiency practices and initiatives being implemented.**
- ee. The development summary updated to reflect the abovementioned changes to the plans.**
- ff. The provision of a separate roof plan, with any roof top plant and equipment clearly illustrated and suitably screened.**
- gg. A detailed landscape plan, including a planting schedule of all proposed trees, shrubs and ground covers.**
- hh. The following notation included on the plans:**
 - vi. Prior to commencement of any works on the subject site, Crown Allotments 25 & 26 Section 6 Township of Nyora Parish of Lang Lang East are to be consolidated into one parcel of land.**
 - vii. Prior to occupation and operation of the supermarket / shops, the section of footpath required to be constructed adjoining the unnamed laneway is to be vested to Council at no cost to Council.**
 - viii. Prior to occupation and operation of the supermarket / shops, Davis Street immediately adjoining the subject site is to be upgraded to the satisfaction of Council and Department of Planning and Transport with a suitable footpath, kerb/channel/nature strip and bitumen to connect to the existing bitumen along the site frontage.**
 - ix. Prior to occupation and operation of the supermarket / shops, the unmade laneway immediately adjoining the northern boundary of the site is to be constructed to the satisfaction of Council in accordance with engineering plans approved by Council.**
 - x. If required as part of the approved engineering plans for the proposed access arrangements from Davis Street, the applicant must at no cost to Council or adjoining property owner to the south of the subject site, construct a new crossover and footpath immediately adjoining the south-east corner of the subject site.**

- 2. Before the development starts, a Waste Management Plan to the satisfaction of the responsible authority addressing waste disposal and collection must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and form part of the permit. The plan must include a scaled and fully dimensioned site plan and must be provided in a digital copy. The plan must be in accordance with the responsible authority's current Waste Management Guidelines and must include:**
- a. That waste collection is to be undertaken by a private contractor:**
 - b. An acknowledgement that South Gippsland Shire will not at any time provide garbage, recycling, green or hard waste collection to this site.**
 - c. Consideration to access and all waste streams, including garbage, recycling, hard waste, green waste, electronic waste, etc.**
 - d. Description of methods of waste collection and the equipment to be used for the handling of different waste streams.**
 - e. Estimated garbage and recycling generation volumes of the use and development of the site.**
 - f. Bin quantity, size, dimensions, colour and labelling.**
 - g. Waste collection frequency and times, which must be outside the peak operation times.**
 - h. Details on the site plan showing location and area allocated for bin storage of garbage and recycling bins, including hard waste. The bin storage area must have appropriate access.**
 - i. Details on the site plan showing waste collection point(s) in relation to the bin storage area.**
 - j. Details of appropriate signage on site and how tenancies will be informed of the waste management arrangements for the site.**
 - k. Details on collection of any Clinical Waste expected to be generated from the development and use of the site (e.g. type of waste, estimate volumes, storage, collection, transporting, reuse, recycling and disposal practices).**
 - l. A swept path diagram for waste collection vehicles including the manoeuvrability within the subject site to waste collection point(s) and the ability to enter and exit the subject site in a forward direction.**

- m. Designated turning areas that are clearly marked, including no standing signage and must be accessible to the waste collection vehicles on collection day between 6.00am – 6.00pm.**
- 3. Before the development starts, a Parking and Traffic Management Plan (PTMP) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the PTMP will be endorsed and form part of the permit. The plan must show:**

 - a. Arrangements and the location of all areas on- and/or off-site to be used for staff and patron parking with the relevant requirements of the *Australian Standard/NZS 2890.1-2004* or its successor (including ramp grades and dimensions, column location, headroom clearance, etc.).**
 - b. Vehicular details including type of vehicle, vehicle loads, total volume, and vehicle routes.**
 - c. The means by which the direction of traffic and pedestrian flows to and from car parking areas will be controlled both on and off-site, including proposed signage to direct occupants and visitors to their designated parking areas. This includes (but is not limited to) all service vehicles entering via the southernmost access point off Davis Street, and exiting via a right turn only onto the unnamed laneway**
 - d. Measures to manage vehicular and pedestrian safety with traffic calming measures for inclusion within the accessways and car parking areas on site, including rubber speed humps and speed restrictions as appropriate.**
 - e. Arrangements for the loading and unloading of goods and materials for the commercial use(s).**
 - f. Movements of trucks and other vehicles to the loading and unloading dock areas, demonstrating likely access routes and movements from adjacent roads.**
 - g. Entitlements to the use of the loading and unloading dock areas by all commercial use(s).**
 - h. The operation hours.**
 - i. Servicing of the drainage, lighting and maintenance of car parking areas, entries and exits.**

- j. **Provision for the safe passage of pedestrians in Davis Street and Mitchell Street while the building and civil works are being carried out.**
 - k. **Provision for continued access to the rear of properties at 1-5 Mitchell Street via the unnamed laneway where existing legal access has been available prior to the commencement of any development works, while the building and civil works are being carried out.**
 - l. **Any other requirements which are consequential to conditions 3 a – k.**
4. **The buildings, works and layout as shown on the endorsed plans must not be altered or modified, except with the further written consent of the Responsible Authority.**
5. **Prior to the commencement of works, the owner must enter into an agreement with the responsible authority under section 173 of the *Planning and Environment Act 1987*. The section 173 agreement must provide for the following:**
- a. **A cash contribution toward the future upgrade (to a two-way carriageway) of the unnamed laneway between the western boundary of the subject site and Hanley Street.**
- The agreement must be registered on the title to the land under section 181 of the Act. The owner must pay the responsible authority's costs of the preparation, negotiation, review, execution and registration of the section 173 agreement required by this condition before the agreement is registered at the Land Titles Office.**
6. **Once the development has started it must be continued and completed in a timely manner to the satisfaction of the Responsible Authority.**
7. **Prior to the commencement of any works, both lots must be consolidated into one (1) lot and single title issued (plan registered). The applicant must provide a copy of the new title and plan to the Responsible Authority prior to the commencement of any works.**
8. **External lighting must be designed, baffled and located in accordance with the lighting plan details shown on the endorsed plans, so as to prevent any adverse effect from lightspill on adjoining land or passing vehicles to the satisfaction of the Responsible Authority. The external lighting must be installed and operational before the use of the land starts.**

9. **Prior to the commencement of the use, the southern and western boundary fences must be constructed with minimum 2-metre high timber paling fences in accordance with the endorsed plans, at the full cost of the developer and to the satisfaction of the Responsible Authority.**
10. **Landscaping must be provided in accordance with the landscaping plan prior to the commencement of the use to the satisfaction of the Responsible Authority. The landscaping must be maintained for the life of the development and any dead or dying vegetation replaced.**
11. **No more than (3) medical practitioners may operate from the subject site at any one time.**
12. **Except with the prior written consent of the Responsible Authority deliveries to and from the site must only take place between:**
 - a. **Monday to Friday: 6:00 am – 6:00pm**
 - b. **Saturday and Sunday: 6:00 am and 1:00 pm.**
13. **Engineering Conditions:**
 - 13.1. **Prior to the approval of the engineering plans, the applicant shall submit for approval by the Responsible Authority, a revised Traffic Layout Plan (TLP) for the approved development detailing, both during and post construction:**
 - a. **Turning movements for a minimum 19-metre semi-trailer to be able to enter the development from Davis Street and exit the development in a forward direction via the unnamed laneway situated to the north of the proposed development, and existing the site via Davis Street.**
 - b. **The internal and external turning movements for all other expected vehicles, entering and exiting in a forward direction.**
 - c. **All required linemarking (both internal and external to the development).**

Upon approval of the TLP, these plans will be endorsed as part of this permit.

- 13.2. **Prior to the approval of the engineering plans, the applicant shall submit for approval by the responsible Authority, a detailed Storm Water Management Plan (SWMP) for the approved development, detailing in concept how, both during and post construction:**

- d. All stormwater runoff from the site will be captured and controlled via an appropriate stormwater detention system to ensure runoff is limited to pre-development flows to the equivalent of a 10% AEP event;**
- e. Any polluted runoff from the site will be treated and directed to an approved sewer connection to ensure no impact on Council's drainage system;**
- f. Adjacent properties will not be adversely impacted by runoff from the site;**
- g. Stormwater will be discharged to Council's existing drainage network or a suitable existing overland flow path to be approved by the Responsible Authority.**

Upon approval of the SWMP these plans will be endorsed as part of this permit.

13.3. Prior to the commencement of any buildings and/or works, the following conditions must be complied with to the satisfaction of the Responsible Authority;

- h. Drainage computations and engineering plans (based on Councils Infrastructure Design Manual (IDM)) of the proposed stormwater network, stormwater detention system, kerb and channel and any infrastructure works in Davis Street are to be submitted to and approved by the Responsible Authority. Plans are to show:**
 - viii. Civil engineering and stormwater drainage works generally in accordance with the approved TLP and SWMP.**
 - ix. Construction of all driveways, accessways and parking areas with an impervious material, being concrete or bituminous asphalt, or other material approved by Council.**
 - x. Size of car parking bays and accessways in accordance with the South Gippsland Planning Scheme, or relevant Australian Standard.**
 - xi. Signage to be provided to describe access/egress arrangements for delivery and private vehicles accessing the site.**
 - xii. Road and footpath works in Davis Street and the unnamed laneway as per the plan approved to satisfy Condition 1.**

- xiii. All infrastructure to become Council assets to generally be in accordance with Councils Infrastructure Design Manual.**
 - xiv. Any ramping or adjustments required to provide access to the new building from Davis Street or the laneway made within the building or onsite.**
 - i. Prior to approval of the engineering plans by Council, pay to Council a supervision fee equivalent to 2.5% of the estimated cost of construction of all the external works to be vested in Council, including footpath, pavements, kerb and channel, and longitudinal drainage. A certified cost estimate is to be provided by the applicant and approved by the Responsible Authority prior to payment of the fee.**
 - j. Prior to approval of engineering plans by Council, pay to Council an amount equivalent to 0.75 % of the estimated cost of all the external works to be vested in Council for checking of engineering plans and computations.**
- 13.4. Prior to the use commencing, or the issue of any Occupancy Permits, all civil engineering and stormwater drainage works as shown on the approved engineering plans must be constructed to the satisfaction of the Responsible Authority.**
- 13.5. The corners of the property must be pegged by a licensed surveyor prior to the building or construction works commencing on-site, describing the property boundaries (as reduced) to accommodate the required widening of the laneway.**
- 13.6. Provision is to be made for the safe passage of pedestrians in Davis Street while the building and civil works are being carried out.**
- 13.7. Provision is to be made for the safe access of occupants to the rear of properties at 1-5 Mitchell Street via the unnamed laneway where existing legal access has been available prior to the commencement of any development works, while the building and civil works are being carried out.**
- 13.8. Any damage to Council infrastructure during construction works is to be reinstated at no cost to Council and to Council's satisfaction.**
- 13.9. Upon agreed practical completion of civil works, pay to Council an amount equivalent to 5 % of the actual cost of construction of infrastructure to be handed to Council, being for Guarantee of Works**

during Defects Liability Period. The amount to be refunded upon release from Defects Liability Period by Council.

- 13.10. The external works as required by this permit must be maintained in good condition and repair by the developer for a period of 12 months from the date of practical completion, to the satisfaction of the Responsible Authority.
- 13.11. Scaled "As Constructed" plans are to be forwarded to Council in "pdf" and AutoCAD compatible format, for any infrastructure to be handed over to Council to the satisfaction of the Responsible Authority.
- 13.12. Provide sediment control for construction work in accordance with EPA Publication No. 275, "Construction Techniques for Sediment Pollution Control.
- 13.13. Prior to the use commencing, all civil engineering and stormwater drainage works as shown on the approved engineering plans must be constructed to Council's satisfaction.
14. Prior to occupation or commencement of operations, the car parking spaces, access lanes, driveways and associated works and landscaping shown on the plan must be:
 - a. constructed and available for use in accordance with the plan approved by the responsible authority; and
 - b. formed to such levels and drained so that they can be used in accordance with the plan; and
 - c. treated with an all-weather seal or alternative to the satisfaction of Council; and
 - d. line-marked or provided with some other adequate means of showing the car parking spaces.
15. Prior to occupation / commencement of operation, all land required for road / laneway widening must be vested with the responsible authority at no cost to the responsible authority.
16. No plant, equipment, services or architectural features, above the roofline, other than those shown on the endorsed plans are permitted, unless with the prior written consent of the responsible authority.
17. Car spaces, vehicle access lanes and driveways must be kept available for these purposes at all times to the satisfaction of the responsible authority.

18. **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.**
 - d. **presence of vermin.**
19. **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.**
20. **The property must be maintained in a neat and tidy condition to the satisfaction of the Responsible Authority.**
21. **Before the use starts/the development is occupied, or by such later date as approved in writing by the responsible authority, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.**
22. **The loading and unloading of vehicles and delivery of goods must at all times be within the boundaries of the site.**
23. **All disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority.**
24. **Department of Transport and Planning**
 - 24.1. **The Davis Street shoulder, adjacent to the site must be widened and sealed to the satisfaction of the Head Transport for Victoria prior to the use of the development.**
 - 24.2. **The shoulder must be designed to include kerb and channel to the satisfaction of the Head Transport for Victoria.**
 - 24.3. **The driveway/carpark access must be designed and constructed to the satisfaction of the Head Transport Victoria.**
 - 24.4. **The access to the existing laneway must be re-designed and constructed to the satisfaction of the Head Transport for Victoria.**

24.5. Prior to the plans being endorsed they must be amended and approved by the Responsible Authority and the Head Transport for Victoria and include:

- a. Shoulder widening**
- b. Driveway crossover**
- c. Laneway intersection upgrade**
- d. Roadway lighting (to be determined)**

24.6. Prior to road works commencing at the site, design plans in accordance with Gippsland Regions Developer funded checklists must be submitted and approved by the Head, Transport for Victoria.

24.7. Prior to commencement of earthworks for the development a truck wheel-wash must be installed at the property boundary to enable all mud and other tyre borne debris from vehicles to be removed prior to exiting the land.

24.8. The truck wheel-wash must be maintained in good order during the construction phase of the development and may be removed at the end of the construction phase of the development with the prior approval of the Head, Transport for Victoria.

24.9 All roadworks on Davies Street must be completed at no cost and to the satisfaction of the Head Transport for Victoria prior to the commercial use of the development.

25. This permit will expire if either of the following applies:

- a. Development is not started within three (3) years of the date of this permit.**
- b. The development is not completed within five (5) years of the date of the 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.

Council Notes:

- 1. This permit allows the above land to be used or developed for the purpose specified. It is the permit holder's responsibility to ensure that any other**

relevant approvals are obtained prior to the commencement of the use or development.

2. **A Consent to Work Within the Road Reserve Permit must be obtained from Council's Engineering Department for the construction and/or alteration of the driveway crossover.**

Department of Transport & Planning Notes:

3. **Prior to the designs for roadworks commencing, a pre-design meeting with the applicant's consultants and the Department of Transport and Planning (Gippsland Region) must be attended.**
 4. **Prior to works commencing in the road reserve, separate consent must be obtained from the Head Transport for Victoria.**
- B. Notify the objectors of Council's decision and,**
- C. Notify Department of Transport and Planning of Council's decision.**

Councillor Schelling left the Council Chambers at 3.54pm and returned at 3.55pm.

The Motion before the Chair was CARRIED UNANIMOUSLY.

[Link to next Agenda Item.](#)

REPORT

The purpose of this report is for Council to determine planning application number 2020/438, which seeks approval for the development of land for a supermarket, associated shops and to alter access to Transport Zone 2 with reduction of car parking provisions at 29-31 Davis Street, Nyora.

In summary, Council officers consider that subject to the provision of suitable conditions being imposed on the permit, including amendments to the plans required by condition 1, the proposed development of the land for a supermarket, associated shops, altering access to a Transport Zone and reduction in car parking is considered to be appropriate, as the proposal:

- Is consistent with the Municipal Planning Strategy and Planning Policy Framework;
- Is consistent with the purpose of the Commercial 1 Zone and the intent and provisions of the Design and Development Overlay (Schedule 12 - Nyora Town Centre);
- Will support Council's strategic growth vision for the Nyora Township and in particular the Town Centre – as reflected in the Nyora Development Strategy;
- Will assist the economic growth of the town and surrounding areas;
- Utilises and is responsive to nearby infrastructure services and integrates with neighbouring properties, and can readily address service authority requirements;
- Compliments the expected population growth of the township over time;
- Will deliver improved infrastructure and public works via the construction of public footpath, drainage infrastructure, the upgrade of Davis Street and the construction of the unnamed laneway; and
- Will (subject to conditions) ensure that the amenity of adjoining and surrounding properties will not be detrimentally impacted, having regard to the commercial nature of the site, and commensurate to the economic benefit that the proposal will provide for the town of Nyora.

Council has considered the matters under Section 60 of the *Planning & Environment Act 1987*. It is assessed that the proposed development is appropriate having regard to the relevant matters, and can be managed through appropriate conditions.

A copy of the Council officer's full Planning Assessment of the application is provided at **Attachment [6.2.2]** - Planning Application 2020/438 - 29-31 Davis Street Nyora - Officer Report.

CONSULTATION / COMMUNITY ENGAGEMENT

The application was advertised to adjoining and adjacent property owners and occupiers as well as a site notice displayed on the subject site. As a result, a total of seventeen (17) submissions have been received to the application (nine in the first round of advertising and eight in the second round including two submissions of support – refer to **Confidential Attachment [14.1.1]**). The key concerns raised in the submissions include:

- Suitability of the adjoining laneway to provide access to the car park whilst servicing adjoining properties;
- Second application for a supermarket in Nyora;
- Size of the proposed development is excessive;
- Stormwater drainage issues; and,
- Impact of lighting on surrounding properties

A response to the above concerns has been included in the Council Officer's Planning Assessment at **Attachment [6.2.2]**.

RESOURCES / FINANCIAL VIABILITY

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 VCAT to review Council's decision. There is a cost to Council to attend VCAT hearings.

RISKS

Should Council fail to decide 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 within statutory timeframes. Such an appeal affects Council's reputation and opens Council to a potential cost claim for its failure to determine.

STAFF DISCLOSURE

Ms Renae Littlejohn, Director Economy & Community has declared a direct material interest in Item Planning Application 2020/438 29-32 Davis Street

Nyora - Develop land with a supermarket and six associated shops, as she owns property adjacent to the subject site.

ATTACHMENTS

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

1. Planning Application 2020/438 - 29-31 Davis Street Nyora - Application Documentation [6.2.1 - 27 pages]
2. Planning Application 2020/438 - 29-31 Davis Street Nyora - Officer Report [6.2.2 - 28 pages]
3. Planning Application 2020/438 - 29-31 Davis Street Nyora - Conditions [6.2.3 - 11 pages]

CONFIDENTIAL ATTACHMENTS

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

Confidential Attachment [14.1.1] – Submissions – Planning Application 2020/438 - 29-31 Davis Street Nyora – Develop Land with a supermarket and 6 associated shops – 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 an individual's personal information.

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

Pillar 3. Decision Making

Council Policy / Strategy / Plans

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

South Gippsland's Planning Scheme

Legislative Provisions

Planning and Environment (Planning Schemes) Act 1996

Planning and Environment Act 1987

Renae Littlejohn, Director Economy & Community returned to the Council Chambers at 4.00pm.

Councillor Darakai left the Council Chambers at 4.00pm.

Councillor Jenni Keerie left the Council Chambers at 4:00pm with a declared material conflict of interest in Agenda Item 6.3 Proposed Sale of Council Land, as one of the land parcels presented relates to her place of employment.

6.3. PROPOSED SALE OF COUNCIL LAND

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Planning

Council Plan

Objective - Sustainable Growth

The sale of surplus Council land will generate income from the sale and attract rate revenue.

EXECUTIVE SUMMARY

This purpose of this report is to prepare the following properties for sale and commence the community engagement process:

- 270 Mount Best Tin Mine Road, Toora North
- 44 Pound Road, Foster
- 14 Radovick Street, Korumburra
- 21 Shellcot Road, Korumburra

It is proposed to commence the community engagement process in the week commencing 29 January 2024 by placing a public notice in local papers and on Council's Website, calling for public submissions for 28 days.

RECOMMENDATION

That Council:

1. **Commences statutory procedure in accordance with Section 114 of the *Local Government Act 2020* to sell the following properties:**
 - a. **270 Mount Best Tin Mine Road, Toora North – being the land described in Volume 11543 Folio 725 with an area of 6.219Ha**
 - b. **44 Pound Road, Foster – being the land described in Volume 12175 Folio 009 with an area of 2.846Ha**

- c. **14 Radovick Street, Korumburra – being the land described in Volume 07208 Folio 519 with an area of 1618.6m²**
- d. **21 Shellcot Road, Korumburra – being the land described in Volume 09436 Folio 778 with an area of 1135 m².**

It is proposed to sell the above properties by public sale for not less than a valuation obtained for the land which is made not more than six months prior to the sale

- 2. Gives public notice with respect to proposal on Council's website, and in local newspapers in the edition week commencing 29 January 2024 in accordance with CE84 Community Engagement for Property Proposals on the proposal (item 1) inviting written submissions to be received by 5pm Tuesday 27 February 2024;**
- 3. If submissions are made to the public notice:**
 - a. Authorise the Chief Executive Officer to fix the time, date and place of the meeting for the hearing for persons who wish to be heard in support of their submissions;**
 - b. Receives a further report to consider submissions and determine the outcome at the next available Council Meeting;**
- 4. If no submissions are received to the public notice, implement the proposal in Recommendations 1 to those properties that did not attract submissions.**

RESOLUTION

MOVED: Councillor Rae

SECONDED: Councillor Schelling

That Council:

1. **Commences statutory procedure in accordance with Section 114 of the *Local Government Act 2020* to sell the following properties:**
 - a. **270 Mount Best Tin Mine Road, Toora North – being the land described in Volume 11543 Folio 725 with an area of 6.219Ha**
 - b. **44 Pound Road, Foster – being the land described in Volume 12175 Folio 009 with an area of 2.846Ha**
 - c. **14 Radovick Street, Korumburra – being the land described in Volume 07208 Folio 519 with an area of 1618.6 m2.**
 - d. **21 Shellcot Road, Korumburra – being the land described in Volume 09436 Folio 778 with an area of 1135 m2.**

It is proposed to sell the above properties by public sale for not less than a valuation obtained for the land which is made not more than six months prior to the sale.

2. **Gives public notice with respect to proposal on Council's website, and in local newspapers in the edition week commencing 29 January 2024 in accordance with CE84 Community Engagement for Property Proposals on the proposal (item 1) inviting written submissions to be received by 5pm Tuesday 27 February 2024;**
3. **If submissions are made to the public notice:**
 - a. **Authorise the Chief Executive Officer to fix the time, date and place of the meeting for the hearing for persons who wish to be heard in support of their submissions;**
 - b. **Receives a further report to consider submissions and determine the outcome at the next available Council Meeting;**
4. **If no submissions are received to the public notice, implement the proposal in Recommendations 1 to those properties that did not attract submissions.**

Councillor Darakai returned to the Council Chambers at 4.05pm.

The Motion before the Chair was CARRIED UNANIMOUSLY.

REPORT

The following properties are presented to Council for proposed sale as they are not required for community use.

Figure 1 - 270 Mount Best Tin Mine Road, Toora North



This property is locally known as the “Mt Best Air Strip”. The land was used in the past for planes to help combat fire in the region but helicopters have replaced planes and don’t require a runway. The site also used to be used by agricultural spraying planes but there does not appear to have been used for this purpose in some time. The land is in a farm zone with an area of 6.219 Ha with approximately 50% vegetation. It is not proposed that Council apply for a planning permit for a dwelling.

Figure 2 - 44 Pound Road, Foster



This property is locally known as the “Foster Pound Paddock” as it was used by the former Shire of South Gippsland to impound stock. The land has been leased out for grazing cattle but is currently vacant. The land is in a farm zone

with an area of 2.846Ha. It is not proposed that Council apply for a planning permit for a dwelling.

Figure 3 - 14 Radovick Street, Korumburra



This property is locally known as the “Korumburra Senior Citizens Centre”. The use of the building has been occurring on a handful of days a month. During the development of the Korumburra Community Hub concept, an area was provided within the new Hub to accommodate the Korumburra Senior Citizens with priority use for the days required. The club have vacated 14 Radovick Street and have not taken up their place in the Hub.

The former lease over the premises that was signed by both parties included the clause:

“Hub development - The parties acknowledge that the Lessor is currently pursuing the development of a community hub facility in Korumburra and that the Lessee is a key stakeholder in discussions relating to such development. The parties agree that in the event that the hub development proceeds during the term of this Lease and the Lessor in its absolute discretion believes that such development makes adequate provision for the Lessee then the Lessor may, by 30 days' notice in writing, bring this Lease to an end.”

The land is in a Commercial zone and has an area of 1618.6m²

The Public Use zone will be required to be amended to a Commercial zone. The amendment of the zone may attract Windfall Gains Tax on the sale.

Figure 4 - 21 Shellcot Road, Korumburra



This property was locally known as “Milpara Community House”. The Korumburra Community Hub concept provided an area that was to accommodate the Milpara Community House’s activities and programs. The former lease over the premises that was signed by both parties included the clause:

The hub development - The parties acknowledges that the Lessor is pursuing the development of a community hub facility in the Korumburra township and that the Lessee is a key stakeholder in discussions relating to these proposals as noted in Recital C above. The Lessor may, at its absolute discretion, bring this Lease to an end should the hub development proceed and should the Lessor be of the view that the hub development will have adequate provision to accommodate the Lessee's permitted use herein.

The property is situated within a General Residential Zone and has an area of 1135m².

CONSULTATION / COMMUNITY ENGAGEMENT

A public notice will be placed on Council’s website and in local papers in the week commencing 29 January 2024 calling for submissions for 28 days to the proposed land sales. If submissions are received Council are required to consider, with submitters having the opportunity to be heard in support of their submission.

RESOURCES / FINANCIAL VIABILITY

The sale of the Korumburra properties was identified in the Long-Term Financial Plan to support the development of the Korumburra Hub.

The sale of surplus Council land will generate income from the sale and attract rate revenue.

RISKS

The sale of Council land must proceed in accordance with section 114 of the *Local Government Act 2020*. If Council doesn't proceed with the proposed sales, it may not realise its adopted budget.

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

Legislative Provisions

Local Government Act 2020

Councillor Keerie returned to the Council Chambers at 4.09pm.

7. NOTICES OF MOTION AND/OR RESCISSION

Nil

8. COUNCILLOR REPORTS

8.1. REQUESTS FOR LEAVE OF ABSENCE

MOVED: Councillor Hersey

SECONDED: Councillor Felton

That Councillor Hersey be granted leave of Council Meeting 21 February 2024.

CARRIED UNANIMOUSLY

8.2. COUNCILLOR UPDATES

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

- **Leongatha Recreation Reserve Meeting**
- **Emergency Management Meeting**
- **Community Plan Group Presentations**
- **Great Victorian Bike Ride**
- **Community Stakeholder Event**

Councillor Michael Felton, addressed Council by acknowledging and appreciating those in attendance in the gallery today, he extended an offer to contact him if there are any questions. He also acknowledged the attendance of police officers for the safety of community members at the Council Meeting as it was expected to reach high numbers.

Councillor Jenni Keerie, addressed Council by reporting on outcomes from the Arawata community on a local road survey, some of the issues have been remedied.

Councillor Scott Rae, addressed Council by reporting on attendance at or made comments on meetings with community members, cancellation of Welshpool lawn mower races, land care multi species pasture course and he looks forward to reading submissions to the General Local Law over summer.

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

- **Proposed Kongwak Development discussion meeting with Councillors and Officers.**
- **Community Plan Group Presentations**
- **Village Feast held in Inverloch in November that will be hosted by a town in South Gippsland in 2024.**
- **Planning Minister meeting**
- **Community Stakeholder Event**
- **Opening of the Southern Hills Church in Korumburra**
- **Korumburra Scouts Debutante Ball**
- **South East Australian Transport Strategy (SEATS) meeting**

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

- **Community Plan Group Presentations**

Councillor Felton left the Council Chambers at 4.23pm and returned at 4.24pm.

- **Vic Health Workshop**

Chief Executive Officer, Kerryn Ellis left the Council Chambers at 4.25pm.

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

- **Municipal Association of Victoria (MAV) Emergency Management Meeting**

Chief Executive Officer, Kerryn Ellis returned to the Council Chambers at 4.26pm.

- **Sandy Point and Venus Bay, 2 year supported pilot of community transport for use of 2 electric buses in time for summer.**
 - **Local Emergency Management**
 - **Audit and Risk Committee meeting**
 - **Angling Club meeting**
-

Councillor Adrian Darakai, addressed Council by reporting on attendance at or made comments on:

- **Community Plan Group Presentations**
 - **Community Stakeholder Event**
 - **MYLI Library meeting**
 - **Christmas in the Boo (Mirboo North)**
 - **Library Story Times participation**
-

The Mayor, Councillor Clare Williams, addressed Council and the community by expressing 'heartfelt wishes for a safe and joyous break, may you find happiness in the company of your loved ones, creating beautiful memories for you to treasure, take care of each other, if you can, check on your neighbours, an open door and an open heart, be safe and be merry'.

9. 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 19 October 2022, 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

10. PUBLIC QUESTIONS

10.1. 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 19 October 2022.

Nil

10.2. 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.

Source: [Governance Rules \(C82\)](#) – adopted 19 October 2022.

Nil

10.3. SUBMITTED PUBLIC QUESTIONS

All community member questions for Council Meetings are to be written and submitted to the Governance 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 19 October 2022.

Barbara Hill submitted a written question, a response is provided in these Minutes.

Question 1

How much does council anticipate to be in the budget for the proposed Leongatha Memorial Hall Precinct Feasibility Study currently out for tender?

Response

Council has already allocated funds in 2023/24 budget to the Leongatha Memorial Hall Feasibility Study (formerly Leongatha Precinct Project) refer to – [Link](#), page 68.

Don Hill submitted written questions, a response is provided in these Minutes.

Question 1

Can Council supply a list of all CIAC meeting dates since November 2022 and state whether any had agendas or minutes that would be available?

Response

The *Community Infrastructure Advisory Committee* (CIAC) has met as required since November 2022. As per the CIAC Terms of Reference - [Link](#) (refer Attachment 2.3.1 Terms of Reference), all materials and information provided in the course of committee meetings is confidential.

Question 2

Has the Community Infrastructure Advisory Committee reviewed the Leongatha Theatre (or performance art centre) and what was its recommendations regarding affordability and inclusion in the capital works program?

Response

While the Community Infrastructure Advisory Committee Terms of Reference stipulate that all materials and information provided in the course of committee meetings is confidential, I can confirm that the Committee has received a briefing on the Memorial Hall project.

Question 3

The terms of reference for the Community Infrastructure Advisory Committee states all projects must be submitted to the committee for consideration on a form. Have the projects reviewed by the committee since its inception had such forms completed for each reviewed project?

Response

The CIAC Terms of Reference doesn't mention a 'form'. The Terms of Reference state that one of the Committee responsibilities is to examine project proposals, evaluation, and priority lists.

Eric Hill submitted a written question, the question will be taken on notice and considered for Council Meeting 21 February 2024.

11. 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 13.1 Australia Day Awards Recipients 2024, 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 the applicants (personal information).**
2. **Per s.3(1)(f) Agenda item 13.2 2023-2024 Community Grants - Round 1, 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.**
- 3. Per s.3(1)(g) Agenda items 13.3 – Award Contract CON/388 - Simons Lane Stage 2, 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 information submitted for consideration.**

RESOLUTION

MOVED: Councillor Darakai

SECONDED: Councillor Hersey

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 13.1 Australia Day Awards Recipients 2024, 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 the applicants (personal information).**
- 2. Per s.3(1)(f) Agenda item 13.2 2023-2024 Community Grants - Round 1, 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.**
- 3. Per s.3(1)(g) Agenda items 13.3 – Award Contract CON/388 - Simons Lane Stage 2, 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 information submitted for consideration.**

CARRIED UNANIMOUSLY

12. MEETING CLOSED

NEXT MEETING

The next Council Meeting open to the public will be held on Wednesday, 21 February 2024 commencing at 2pm in the Council Chambers, Leongatha.

The Council Meeting closed at 4.47pm.

Confirmed this 21st day of February 2024

Councillor Clare Williams, Mayor