

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting Agenda

15 June 2022

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



agenda



*South Gippsland
Shire Council*

Come for the beauty, Stay for the lifestyle



OUR PURPOSE

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

Privacy

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

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

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

SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that Council Meeting No. 471 of the
South Gippsland Shire Council will be held on Wednesday 15 June 2022
in the Council Chambers, Leongatha commencing at 2.00pm

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Kerryn Ellis
Chief Executive Officer

1. PRELIMINARY MATTERS

1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER

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

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

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

Thank you

1.2. WELCOME TO THE COUNCIL MEETING

COVID Safe Plan

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

Public Questions

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

1.3. OPENING PRAYER

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

Amen

1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

1.5. APOLOGIES

1.6. CONFIRMATION OF MINUTES

RECOMMENDATION

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

1.7. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS

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

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

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

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

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

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

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

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

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

1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF

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

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

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

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

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

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

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

2. OBJECTIVE 1 - UNITED SHIRE

2.1. COMMUNITY LEADERSHIP PROGRAM - EVALUATION

Economy and Community

Council Plan

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

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

EXECUTIVE SUMMARY

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

RECOMMENDATION

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

REPORT

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

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

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

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

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

Program impact

- Participation in community and civic life has increased;

- There has been increased uptake of leadership opportunities;
- Leadership capability has increased; and
- Understanding of Council has improved.

Program efficiency and effectiveness

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

Value of the program

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

The Evaluation Report is a positive one, and recommends that Council consider maintaining Program funding into the future. Should the Program be continued, the report offers further recommendations for its improvement, including:

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

CONSULTATION / COMMUNITY ENGAGEMENT

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

RESOURCES / FINANCIAL VIABILITY

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

STAFF DISCLOSURE

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

ATTACHMENTS

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

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

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

Council Policy / Strategy / Plans

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

Community Engagement Policy (C06)

Community Engagement Strategy

Community Strengthening Strategy

Council Plan 2020-2024

3. OBJECTIVE 2 - ECONOMIC PROSPERITY

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

Economy and Community

Council Plan

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

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

EXECUTIVE SUMMARY

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

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

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

RECOMMENDATION

That Council:

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

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

REPORT

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

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

Strategic Justification and Land Supply

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

Settlement policy guidelines in the planning Scheme encourage the rezoning of areas inside of the Leongatha Framework Plan in order to maintain a 15-year land supply. At present, Leongatha has an estimated land supply of approximately 5-6 years. Accurately assessing land supply is difficult, however it is clear that regardless of yearly fluctuations and broader economic trends (including the impacts of COVID-19) that Leongatha is presently short of residential land. The combination of planning policy support and a shortage of residential land is considered to provide the proposed rezoning and subdivision a high level of local and State policy strategic planning support.

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

Planning Scheme Changes / Amendment provisions

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

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

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

the water quality in the catchment. South Gippsland Water will be consulted in relation to the requirements to connect to reticulated sewer and the removal of the ESO2.

The Environmental Significance Overlay Schedule 5 (ESO5 -Areas susceptible to erosion) will be removed from the land because the landform is moderately sloping and unlikely to present soil erosion concerns, especially when development will not be allowed to occur in the LSI0. It is normal practice for Council to remove the ESO5 when land is rezoned for residential development. Its removal has the added benefit of removing the need to obtain a planning permit for a new dwelling. This removes an administrative burden on both Council and the future landowners.

As noted above, the LSI0 is to remain on the subject land because it represents an existing land development risk and must be closely considered.

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

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

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

Proposed subdivision layout and design consideration

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

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

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

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

The proposed wetland / stormwater retention basin on the southern boundary of the subject land will not be recognised as open space, and will be designed to discourage its informal use due to the risk to life posed by stormwater retention basins. A stormwater retention basin is proposed immediately adjoining the subject land in the Springs Estate subdivision. The amendment proponent has submitted a stormwater management plan in support of the

draft subdivision plan, however it requires further consideration by Council's development engineers before the amendment is exhibited. Stormwater problems are often identified near the end of the development approvals process however the combined rezoning and planning permit process requires these issues to be fully resolved before exhibition occurs.

Other matters

Cultural Heritage Management Plan

The land adjoining Coalition Creek is identified as a Cultural Heritage Sensitivity Area for First Nations peoples. Subdivision of a sensitive area requires the approval of a Cultural Heritage Management Plan (CHMP) before a subdivision can be approved by Council. The amendment proponent is preparing a CHMP in consultation with the Bunurong Land Council. It is anticipated that this will be finalised before exhibition of the amendment occurs.

Historic land contamination

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

Flora and Fauna

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

Traffic Management and Development Contributions

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

A development contributions Section 173 Agreement must be approved (executed on title) before Council approves the Planning Scheme Amendment. The Agreement will require the payment of money or the provision of agreed infrastructure in the surrounding area before residential lots are legally created. Discussions with the amendment proponent are ongoing, and include the option to provide new footpaths on Parr Street (west of the subject land) and / or contributions to improvements to stormwater treatment in the broader southern Leongatha area. Similar to other development contributions agreements, a payment per lot is to be sought. A future council resolution will be required to consent to and execute the Agreement.

CONSULTATION / COMMUNITY ENGAGEMENT

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

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

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

RESOURCES / FINANCIAL VIABILITY

The amendment proponent is required to pay all the statutory fees and charges associated with the amendment including the costs of any

independent planning panel required to consider unresolved submissions / objections.

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

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

RISKS

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

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

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

STAFF DISCLOSURE

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

ATTACHMENTS

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

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

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

Council Policy / Strategy / Plans

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

South Gippsland's Planning Scheme

Legislative Provisions

Catchment and Land Protection Act 1994

Land Act 1958

Planning and Environment (Planning Schemes) Act 1996

Planning and Environment Act 1987

Regional, State and National Plan and Policies

Gippsland Regional Growth Plan, State Government Victoria

Gippsland Regional Plan 2020-2025

4. OBJECTIVE 4 - CUSTOMER FOCUSED ORGANISATION

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

Performance and Innovation

Council Plan

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

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

EXECUTIVE SUMMARY

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

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

RECOMMENDATION

That Council receives and notes this report.

REPORT

Meeting Title	Details
Wednesday 13 April 2022	
Agenda Topic Discussion for Council Meeting 20 April 2022	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai, Michael Felton</p> <p>Municipal Monitor: Prue Digby</p> <p>Conflict of Interest: Kerryn Ellis, Chief Executive Officer left the room with a declared material interest in Agenda Item 13.1. PERSONAL INFORMATION - Chief</p>

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

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

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

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 3. Decision Making

Council Policy / Strategy / Plans

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

Governance Rules (C82)

Public Transparency Policy (C75)

Legislative Provisions

Local Government (South Gippsland Shire Council) Act 2019

Local Government Act 1989

Local Government Act 2020

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

Office of the Chief Executive

Council Plan

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

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

EXECUTIVE SUMMARY

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

- Documents sealed;
- Contracts awarded after a public tender process within the CEO's delegation; and
- Contracts varied or extended by the CEO which exceeded the CEO's delegation.

RECOMMENDATION

That Council receives and notes this report.

REPORT

Documents Sealed

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

Use of the Local Law No. 2 2020, Part 9, clause 107(f)(iv) – Common Seal of Council, states that if the Chief Executive Officer (CEO) uses the Common Seal in a manner prescribed by sub-clause (c), this means on the authority of a

Council resolution, then Council must be advised of such use on a regular basis.

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

In accordance with the Local Law, Instrument of Delegation and *Planning and Environment Act 1987*, the following are presented to Council as documents sealed during the period from 21 April 2022 to 19 May 2022.

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

Contracts Awarded, Varied or Extended

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

1. Contracts awarded by Council after a public tender process, signed by the CEO between 21 April 2022 to 19 May 2022.
 - a. Nil
3. Contracts awarded after a public tender process within the CEO's delegation between 21 April 2022 to 19 May 2022.
 - a. CON/319 for the Timms Road, Poowong North – Intersection Reconstruction project was awarded to Hugh Patrick Pty Ltd T/A BJ's Earthmoving. Signed by the CEO 4 May 2022.
 - b. CON/321 for the Supply & Installation of Guardrail – Various Locations was awarded to Safety Barrier Solutions Pty Ltd. Signed by the CEO 4 May 2022.

- c. CON/317 for the New Foster Depot Building Refurbishment was awarded to Considine and Johnston Pty Ltd. Signed by the CEO 16 May 2022.
4. Contract variations approved by the CEO between 21 April 2022 to 19 May 2022.
 - a. Nil
5. Contract extensions approved by the CEO between 21 April 2022 to 19 May 2022.
 - a. CON/216 for the Provision of Linemarking Services was awarded to Laser line Marking Pty Ltd. The contract was for a three-year term commencing on 1 July 2019 with an option of two 1-year extensions. An extension of 1 year (first year extension option) has been approved, signed by the CEO 4 May 2022.
 - b. CON/217 for the Supply and Delivery of Cold Liquid Bituminous Products was awarded to Downer EDI Works Pty Ltd. The contract was for a three-year term commencing on 1 July 2019 with an option of two 1-year extensions. An extension of 1 year (first year extension option) has been approved, signed by the CEO 4 May 2022.
 - c. CON/226 for the Supply and Delivery of Premixed Concrete was awarded to Holcim (Aust) Pty Ltd. The contract was for a three-year term commencing on 1 July 2019 with an option of two 1-year extensions. An extension of 1 year (first year extension option) has been approved, signed by the CEO 4 May 2022.
 - d. CON/215 for the Building Maintenance & Essential Safety Services was awarded to Walker Electrical Contracting Pty Ltd. The contract was for a three-year term commencing on 1 July 2019 with an option of two 1-year extensions. An extension of 1 year (first year extension option) has been approved, signed by the CEO 10 May 2022.

STAFF DISCLOSURE

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

ATTACHMENTS

Nil

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 3. Decision Making

Council Policy / Strategy / Plans

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

Governance Rules (C82)

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

Procurement Policy (C32)

Legislative Provisions

Local Government Act 1989

Local Government Act 2020

Planning and Environment Act 1987

5. NOTICES OF MOTION AND/OR RESCISSION

Nil

6. COUNCILLOR REPORTS

6.1. REQUESTS FOR LEAVE OF ABSENCE

6.2. COUNCILLOR UPDATES

6.3. COMMITTEE UPDATES

7. URGENT OR OTHER BUSINESS

There are two basic parts to this section of the Agenda:

1. Urgent Business

Normally no motion should be debated by Councillors unless the matter is already included as an item on the Agenda. However, in some circumstances it is possible to raise urgent motions.

Council's Governance Rules 2020 (clause 22 - Urgent Business) adopted on 26 August 2020, allows for where a situation has not been provided for under the Governance Rules, the Council may determine the matter by resolution. Established practice has provided for urgent motions to be raised at Council provided the matter cannot be dealt with at the next Council Meeting or by Officers under delegation.

It is necessary for the Councillor wishing to raise a matter of urgent business to raise a motion similar to the following:

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

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

2. Other Business

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

8. PUBLIC QUESTIONS

8.1. PETITIONS AND JOINT LETTERS

Petitions and Joint Letters are written requests that have been signed by a number of community members. According to the *Governance Rules (C82)*, *clause 57*, members of the community may submit a valid petition or joint letter to a Councillor or to Council addressed to the Chief Executive Officer.

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

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

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

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

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

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

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

8.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

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

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

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

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

Nil

8.3. SUBMITTED PUBLIC QUESTIONS

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

On the day of the Meeting, questions on the prescribed form must be received prior to the commencement of the Council Meeting by 1.00pm and placed in the receptacle at the Governance Officers table. These questions will be taken on notice, included in the Minutes and responses provided at the next Council Meeting.

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

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

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

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

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

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

9. CLOSED SESSION

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

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

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

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

RECOMMENDATION

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

1. **Per s.3(1)(f) Agenda item 11.1 – PERSONAL INFORMATION - 2021/22 Community Grants - Round 2, designated as personal information,**
 - a. **being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;**
 - b. **The grounds for designation have been made to protect the privacy of an individual's personal information.**

10. MEETING CLOSED

NEXT MEETING

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