

SOUTH GIPPSLAND SHIRE COUNCIL

Council Minutes

Ordinary Meeting of Council

23 November 2016

Ordinary Meeting No. 407
Council Chambers, Leongatha
Commenced at 2pm



minutes



*South Gippsland
Shire Council*

Come for the beauty, Stay for the lifestyle



MISSION

To effectively plan and provide for the social, built, economic and natural environments that ensure the future wellbeing of South Gippsland Communities.

Privacy

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

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

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

PRESENT

Councillors:

Cr Maxine Kiel Cr Don Hill Cr Meg Edwards Cr Ray Argento Cr Alyson Skinner Cr Jeremy Rich Cr Andrew McEwen Cr Lorraine Brunt Cr Aaron Brown

APOLOGY:

Nil

OFFICERS:

Tim Tamlin, Chief Executive Officer Vanessa Adams, Acting Director Community and Corporate Services Bryan Sword, Director Development Services Anthony Seabrook, Director Sustainable Communities & Infrastructure June Ernst, Coordinator Corporate Planning and Council Business Rick Rutjens, Media and Communications Coordinator, Media and Communications Natasha Berry, Corporate and Council Business Officer Jodi Cumming, Corporate and Council Business Officer

SOUTH GIPPSLAND SHIRE COUNCIL

Ordinary Meeting No.407
 Wednesday 23 November 2016
 Council Chambers, Leongatha commenced at 2pm

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A handwritten signature in black ink, appearing to read 'T. Tamlin', written in a cursive style.

Tim Tamlin
Chief Executive Officer

1. PRELIMINARY MATTERS

1.1. WELCOME

Please ensure Mobile phones remain 'off' during the Council Meeting.

1.2. 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

1.3. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

The South Gippsland Shire Council respectfully acknowledges the Traditional Custodians of this Land, Elders past and present, their Spirits and Ancestors.

The Mayor, Cr Argento addressed Council by paying tribute to a local hero Dr Mario Croatto who passed away earlier this month. Cr Argento provided a short summary of Dr Croatto's contribution to our community and that we are all the richer for it. He will be sadly missed by his family and the community that he loved so dearly.

1.4. REQUESTS FOR LEAVE OF ABSENCE

Nil

1.5. APOLOGIES

Nil

1.6. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Special Meeting, held on 19 October 2016 in the Council Chambers, Leongatha be confirmed.

MOVED: Cr McEwen

SECONDED: Cr Hill

THAT THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL SPECIAL MEETING, HELD ON 19 OCTOBER 2016 IN THE COUNCIL CHAMBERS, LEONGATHA BE CONFIRMED.

CARRIED UNANIMOUSLY

1.7. DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS

Any interest that a Councillor or staff member has deemed to be significant and has disclosed as either a direct or an indirect interest is now considered to be a conflict of interest. Conflict of interest legislation is in sections 77A, 77B, 78, 78A-D and 79 of the Local Government Act 1989. This legislation can be obtained by contacting the Council's Corporate Services Directorate (Governance Services) or by accessing the Victorian Legislation and Parliamentary Documents website at www.legislation.vic.gov.au. An interest may be by close association, financial, conflicting duties or receipt of gifts. If a Councillor or staff member discloses any interest in an item discussed at any Council Meeting (whether they attend or not) they must:

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

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

Councillors should check the Minutes of the Council Meeting to ensure their disclosure is recorded accurately. Councillors are not required to disclose conflict of interest in relation to matters only considered at Meetings they do not attend. Detailed information is available in *Conflict of Interest - A Guide for Councillors June 2011*.

Councillor Maxine Kiel declared an indirect conflict of interest for Closed Session 2016 - 2017 COMMUNITY GRANTS ROUND 1 ASSESSMENT, having a conflicting duty in that she is an office bearer for one of the committees who submitted a grant application under consideration.

1.8. DECLARATION OF CONFLICT OF INTEREST FOR STAFF

Sections 80B and 80C of the Local Government Act 1989 require members of Council staff who have delegated functions and /or provide advice to Council or a Special Committee to disclose conflicts of interest. If Council staff have written, provided information/advice or approved a Council Report and have a conflict of interest it is the responsibility of that staff member to disclose the interest. Guidance to identifying and disclosing a conflict of interest is contained in Department of Planning and Community Development in 'Conflict of Interest A Guide for Council staff', October 2011.

Bryan Sword, Director Development Services declared an indirect conflict of interest for Closed Session 2016 - 2017 COMMUNITY GRANTS ROUND 1 ASSESSMENT, having a conflicting duty in that he is an office bearer for one of the committees who submitted a grant application under consideration.

1.9. PETITIONS

Petitions and Joint letters are written requests that have been signed by a number of community members. According to the Local Law No.3 2010 petitions may be presented to Council by a Councillor. A petition presented to the Council must lay on the table until the next Ordinary Meeting of Council and no motion, other than to receive the petition, may be accepted by the Chair unless the Council agrees to deal with it earlier.

The lead petitioner or person organising the petition may in presenting the petition to a Councillor at a Public Presentation session and speak briefly to its contents. At the following Ordinary Council Meeting a Councillor would accept the petition and introduce it to Council for formal noting and actioning by Council.

The Councillor presenting the petition is responsible for ensuring that they are familiar with the contents and purpose of the petition and that it is not derogatory or defamatory.

Nil

1.10. COUNCILLOR REPORTS

Cr Skinner addressed Council regarding attendance at Toora Memorial Hall for a community meeting and lunch that included attendance by Russell Broadbent MP.

Cr McEwen addressed Council by informing them of the recent attendance at the launch of the Korumburra Township 'app', the app includes information relating to businesses, groups and events held in Korumburra. Cr McEwen congratulated those who contributed towards the project and indicated that this technology could be replicated in other towns in the South Gippsland Shire.

Cr McEwen also informed Council that he attended a Waratah Hill Winery for the book launch of 'Sustainable Farms of South Gippsland' and noted that the book does much for promoting and branding South Gippsland as having prime agricultural land and good food. Cr McEwen mentioned that he would be attending another book launch on the History of Radio Plays.

Cr Brunt addressed Council by informing her attendance at:

- Launch of the Korumburra Township 'app'
 - Unveiling of a Plaque at Station Street, Korumburra that acknowledges the contribution of volunteers who planted the garden there. Cr Brunt highlighted the contribution of Shirley Cowling who put in a massive effort in driving the project forward.
-

Cr Rich addressed Council by informing his attendance at Waratah Hill Winery for the book launch of 'Sustainable Farms of South Gippsland'. Cr Rich congratulated the producers of the book for highlighting a change in agricultural communication with the community and commented that he hopes it continues.

Cr Edwards addressed Council by thanking the current past Councillors and staff for helping new Councillors to prepare for their role.

Cr Edwards attended the following events:

- Victorian Local Government Association (VLGA) Welcome Meeting in Melbourne with other newly elected Councillors from across the State.
 - Council Community Planning Forum in Meenyan and noted that it was well attended by about approximately 30 community members.
 - Manna Gum Community House Foster new kitchen and garden opening.
-

- SES Leongatha Open Night and noted that an invitation had been extended to Councillors to attend their employer night on 30 November 2016.
 - Regional Partnerships event in Moe and noted that it was well attended by approximately 170 people and noted that a significant number of those present were from Gippsland providing much input to planning for our region.
 - Lennie Gwyther fund raising function organised by the Leongatha Chambers of Commerce and commented that this event was a success and that they are well on their way to achieving the goal of getting the statue.
-

Cr Kiel addressed Council regarding attendance at the following events:

- Leongatha Community Garden open day
 - Leongatha Chambers of Commerce meeting
 - Stony Creek Race Course Cocktail evening to launch the race season
 - ViPlus in Toora and noted that Chinese delegates were in attendance
 - Coal Creek, Visitor Information Centre Information session
-

The Mayor, Cr Argento addressed Council regarding his attendance at the Lennie Gwyther fund raising function and confirmed that any contributions made by Council will be honoured.

2. NOTICES OF MOTION AND/OR RESCISSION

Nil

3. COMMITTEE REPORTS

Nil

4. PROCEDURAL REPORTS

4.1. QUARTERLY PERFORMANCE REPORT - JULY TO SEPTEMBER 2016

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

The organisational Quarterly Performance Report for the period July to September 2016 (refer to Attachment) provides detailed reporting on Council's performance against the 2016/17 Annual Initiatives, Capital Works Program and Department Highlights.

The covering report outlines the key achievements, issues, updates and events that occurred during this reporting period.

The Year to Date Income and Expenditure for 1 July to 30 September 2016 was unable to be included in the Quarterly Performance Report. The delay was due to implementing a new Cloud based financial system during September and October 2016.

Council's most up to date finances are accessible in the [Financial Performance Report covering 1 July to 31 August 2016](#) as part of the Council Meeting Agenda for 28 September 2016.

Income and Expenditure for 1 July to 31 December 2016 for each Directorate will be included in the next Quarterly Performance Report to be released at the Council Meeting Agenda in February 2017.

RECOMMENDATION/S

That Council:

1. Receives and notes the Quarterly Performance Report for the period July to September 2016.
2. Publishes the Quarterly Performance Report to Council's website and distributes it to local libraries.

MOVED: Cr Brunt

SECONDED: Cr Skinner

THAT COUNCIL:

1. **RECEIVES AND NOTES THE QUARTERLY PERFORMANCE REPORT FOR THE PERIOD JULY TO SEPTEMBER 2016.**
2. **PUBLISHES THE QUARTERLY PERFORMANCE REPORT TO COUNCIL'S WEBSITE AND DISTRIBUTES IT TO LOCAL LIBRARIES.**

CARRIED UNANIMOUSLY

REPORT

Background

The 2016/17 Annual Budget (inclusive of the Annual Initiatives) was adopted by Council on 22 June 2016. It sets the indicators and initiatives/activities which are reported in the Quarterly Performance Report - July to September 2016.

The 2013-2017 Council Plan adopted in June 2013 and reviewed annually, includes key strategic Outcomes, Objectives and Strategies. A series of indicators are allocated to the four Outcomes and progress against these indicators is included in the Annual Plan 2016/17 Performance Update. These indicators have been reviewed annually and are also reflected in the 2016/17 Annual Budget.

Discussion

This report provides Directorate overviews. Where possible, comparisons are made and reflected in graphs.

Significant highlights during the period include:

Executive Office

- 97% of the total 26 Annual Plan initiatives for 2016/17 are good, on track or have been completed by September 2016.
- Continued work on the Community Capital Works Allocation Project.
- Acquisition and roll-out of an on-line recruitment system to replace paper processes, automate and streamline recruitment processes and enhance the user's experience.
- Adoption and roll-out of a new staff performance reporting and development process and system.

Corporate and Community Services

- My Aged Care (MAC) referral process was implemented on 1 August 2016 for clients aged 65 and over seeking home care support services.
- Introduction of new technology to support assessment of clients in the field to achieve efficiencies including productivity gain and reduced printing.
- The 2016/17 Community Grants Round 1 Program received 41 applications, requesting a total of \$247,214 in funding. Council will consider recommendations in November 2016.
- 2015/16 Annual Report endorsed by Council and presented to the Minister for Local Government by 30 September 2016.
- Clear audit opinion given to 2015/16 Financial Statements by Victorian Auditor General's-Office.

- Community engagement conducted on-line to inform the Council Plan 2017-2021.
- Risk Management (Shared Services) Business Plan with Baw Baw Shire Council, developed and approved by each Council's CEO.

Sustainability & Infrastructure Services

- 97% of the total 125 Capital Works Program initiatives for 2016/17 are good, on track or have been completed by September 2016.
- Forward 15 year Capital Works Program planning commenced in readiness for the 2017/18 budget process.
- 2015/16 Capital Works Program outcome presented to Council in September 2016.

Development Services

- 90% of the total 19 Strategic Planning initiatives for 2016/17 are good, on track or have been completed by September 2016.
- Risk assessment tool for the Tarwin River Open Potable Water Supply Catchment completed in partnership with South Gippsland Water for implementation under the Domestic Wastewater Management Plan.
- South Gippsland Branding Review report finalised and presented to Council.
- Visitor Information Services review continuing with visitor survey complete and planning underway for business consultation during November 2016.

CONSULTATION

Each department has contributed to the report.

RESOURCES

The 2016/17 Annual Initiatives and Capital Works program are funded through the 2016/17 Budget.

RISKS

The Quarterly Performance Report mitigates the risk of Annual Initiatives and Capital Works activities not being managed, as every Department is required to monitor and report on the progress of their respective responsibilities on a regular basis.

ATTACHMENTS

1. Quarterly Performance Report - July to September 2016 [4.1.1]

REFERENCE DOCUMENTS

- Local Government Act 1989, sections 125, 127 and 223
- [Annual Budget 2016/17 incorporating 15 year Long Term Financial Plan and Annual Plan Initiatives](#)

4.2. COUNCILLOR EXPENDITURE REPORT - 30 SEPTEMBER 2016

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

The Councillor Expenditure Report provides Council with an update on Councillor Expenditure from 1 July to 30 September 2016.

RECOMMENDATION/S

That Council receives and notes the Councillor Expenditure Report for the period 1 July to 30 September 2016.

MOVED: Cr Brunt

SECONDED: Cr Hill

THAT COUNCIL RECEIVES AND NOTES THE COUNCILLOR EXPENDITURE REPORT FOR THE PERIOD 1 JULY TO 30 SEPTEMBER 2016.

CARRIED UNANIMOUSLY

REPORT

The Councillor Expenditure Report (refer to Attachment) provides Council with an update on Councillor Expenditure from 1 July 2016 to 30 September 2016.

RESOURCES

Councillor expenditure of \$102,201 for the period ended 30 September 2016 is over budget by \$9,887 to the forecast amount. It is anticipated that this will be corrected in the coming months due to an under expenditure during the Caretaker Period.

RISKS

Transparency in reporting is a risk management control measure that allows the community and Council to view the financial management and expenditure of Councillors.

ATTACHMENTS

1. Councillor Expenditure - September 2016 [4.2.1]

REFERENCE DOCUMENTS

- Local Government Act 1989
- [Councillor Support and Expenditure Policy](#)

4.3. ASSEMBLY OF COUNCILLORS: 22 AUGUST - 21 OCTOBER 2016

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

As part of Council's ongoing efforts to enhance community engagement in Council processes, matters discussed at Councillor Briefing Sessions (other than those matters designated to be of a confidential nature) are reported on at Ordinary Council Meetings.

The matters listed in this report were presented or considered, at either an Advisory Committee Meeting, Councillor Strategic Briefing Session or Public Presentation Session between 22 August and 21 October 2016.

RECOMMENDATION/S

That Council:

1. Receive and note this report; and
2. Make confidential pursuant to section 77(2)(b) of the Local Government Act 1989 (Act) all matters considered by the Planning Briefing at its meeting held on Wednesday 7 September 2016 on the basis that the meeting discussed:
 - a. Proposed developments (section 89(2)(e) of the Act); and
 - b. Matters which the Council considers would prejudice the Council or any person (section 89(2)(h) of the Act),

Until such time as the Council's Chief Executive Officer determines to include an individual matter on an Agenda for an Ordinary or Special Meeting of Council, or when required to undertake a statutory obligation, and this confidentiality then ceases to apply only to that individual matter.

MOVED: Cr Edwards

SECONDED: Cr McEwen

THAT COUNCIL:

1. **RECEIVE AND NOTE THIS REPORT; AND**
2. **MAKE CONFIDENTIAL PURSUANT TO SECTION 77(2)(B) OF THE LOCAL GOVERNMENT ACT 1989 (ACT) ALL MATTERS CONSIDERED BY THE PLANNING BRIEFING AT ITS MEETING HELD ON WEDNESDAY 7 SEPTEMBER 2016 ON THE BASIS THAT THE MEETING DISCUSSED:**
 - a. **PROPOSED DEVELOPMENTS (SECTION 89(2)(E) OF THE ACT); AND**
 - b. **MATTERS WHICH THE COUNCIL CONSIDERS WOULD PREJUDICE THE COUNCIL OR ANY PERSON (SECTION 89(2)(H) OF THE ACT),**

UNTIL SUCH TIME AS THE COUNCIL'S CHIEF EXECUTIVE OFFICER DETERMINES TO INCLUDE AN INDIVIDUAL MATTER ON AN AGENDA FOR AN ORDINARY OR SPECIAL MEETING OF COUNCIL, OR WHEN REQUIRED TO UNDERTAKE A STATUTORY OBLIGATION, AND THIS CONFIDENTIALITY THEN CEASES TO APPLY ONLY TO THAT INDIVIDUAL MATTER.

CARRIED UNANIMOUSLY

REPORT

Meeting Title	Details
Tuesday 23 August 2016	
Municipal Emergency Management Planning Committee	<p>Councillors Attending: Councillor Nigel Hutchinson-Brooks</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed:</p> <ul style="list-style-type: none"> • Public Events • Storm and Flood Emergency Subplan review • Single Incident Notifications • Emergency Management Planning Bill - submission update • Dairy Tactic Times Support - update • Working Group - for the Wilsons Prom Emergency • Impact on Economic and Tourism • Training Opportunities • New Family Initiatives for Communities recovering from emergencies • Storm Events - May and July • Agency Reports
Wednesday 24 August 2016	
Public Presentation Session Open Session	<p>Councillors Attending: Councillors Fawcett, McEwen, Brunt, Newton, Davies and Kennedy.</p> <p>Conflict of Interest: Nil disclosed.</p>
<p>Presentations were made to Council by the following community members:</p> <p>Jeremy Rich, regarding Council Agenda Item E.14 SOUTH GIPPSLAND BRANDING REVIEW REPORT.</p> <p>Bill Bray, President representing the Walkerville Foreshore Committee regarding Council Agenda Item E.7 PLANNING APPLICATION BAYSIDE DRIVE WALKERVILLE.</p>	

Meeting Title	Details
Wednesday 24 August 2016	
Ordinary Council Agenda Topics Discussion 24 August 2016	Councillors Attending: Councillors Fawcett, McEwen, Harding, Brunt, Newton, Davies, Kennedy and Hill. Conflict of Interest: Nil disclosed. Matters Discussed: Councillors were provided information on Council Agenda items for the Ordinary Council Meeting 24 August 2016.
Thursday 25 August 2016	
Korumburra Road Table	Councillors Attending: Councillors McEwen, Brunt and Newton. Conflict of Interest: Nil disclosed. Matters Discussed: <ul style="list-style-type: none"> • Council Reports • 'Our Say' Council Community Engagement On-Line tool • Community Plan Projects to be listed in the Burra Flyer, seeking community input • Korumburra and VicRoads signage • Korumburra Community Groups update • Korumburra Community 'App'

Meeting Title	Details
Wednesday 7 September 2016	
Planning Briefing	<p>Councillors Attending: Councillors Fawcett, Newton and Hutchinson-Brooks.</p> <p>Conflict of Interest: Cr Nigel Hutchinson-Brooks declared an indirect conflict of interest by conflict of duty under Section 78B of the LG Act 1989 in item 5 - C108 Koonwarra Agricultural Commercial Precinct Project as he is a Director of the Company that are consultants to the proponents, he left the room when the matter was discussed.</p> <p>Matters Discussed:</p> <ul style="list-style-type: none"> • Strategic Planning Projects • Agricultural Business and Lifestyle Property Owners • Proposed Bushfire Management Overlay - Ministerial Amendment • Gippsland Regional Floodplain Management Strategy - Project Update • Planning Applications of Significance • Planning decisions for July 2016 • VCAT Decisions
Wednesday 7 September 2016	
Southern Gippsland Food Futures - Economic Analysis	<p>Councillors Attending: Councillors Fawcett, Newton and Hutchinson-Brooks.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Southern Gippsland Food Futures - Economic Analysis report undertaken for South Gippsland and Bass Coast Shires.</p>
Wednesday 7 September 2016	
<p>2015/16 Annual Report of Operations - LGPRF and End of Year Update</p> <p>Open Session</p>	<p>Councillors Attending: Councillors Fawcett, Newton and Hutchinson-Brooks.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Council's 2015/16 Report of Operations and Performance Statement.</p>

Meeting Title	Details
Wednesday 7 September 2016	
Executive Update	<p>Councillors Attending: Councillors Fawcett, Newton and Hutchinson-Brooks.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed:</p> <ul style="list-style-type: none"> • Council Plan and OurSay community on-line survey • Caretaker Period details • September Council Agenda Topic discussion • Christmas Tree decorations • Australia Day Award Nominations
<p>Kerbside Green Waste Collection Service Review</p> <p>Open Session</p>	<p>Councillors Attending: Councillors Fawcett, Newton and Hutchinson-Brooks.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Kerbside Green Waste Collection service update which was introduced in July 2015, and investigation into full organics waste collection in the future.</p>
<p>2015/16 Capital Works Program Outcome</p> <p>Open Session</p>	<p>Councillors Attending: Councillors Fawcett, Newton and Hutchinson-Brooks.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: 2015/16 Capital Works Program annual update.</p>
Wednesday 28 September 2016	
<p>Ordinary Council Agenda Topics Discussion 28 September 2016</p>	<p>Councillors Attending: Councillors Fawcett, Harding, Brunt, Newton, Davies, and Hutchinson-Brooks.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors were provided information on Council Agenda items for the Ordinary Council Meeting 28 September 2016.</p>

Meeting Title	Details
Wednesday 28 September 2016	
Election Period (Caretaker) Update	<p>Councillors Attending: Councillors Fawcett, Harding, Brunt, Newton, Davies, and Hutchinson-Brooks.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors were asked to prepare for the end of Council term in respect of returning Council vehicles and equipment.</p>
Special Committee Meeting of Council - to hear submissions	<p>Councillors Attending: Councillors Fawcett, Harding, Brunt, Newton, Davies, and Hutchinson-Brooks.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Hearing of Submission(s) - closed session.</p>
Wednesday 19 October 2016	
End of Year Financials 2015/16	<p>Councillors Attending: Councillors Fawcett, McEwen, Newton, Davies, Hutchinson-Brooks and Kennedy.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: End of Year Financials 2015/16.</p>

REFERENCE DOCUMENTS

- Local Government Act 1989

4.4. DOCUMENTS SEALED/CONTRACTS AWARDED, VARIED OR EXTENDED BY CEO: 27 AUGUST - 21 OCTOBER 2016

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

This document reports to Council the following actions undertaken by the Chief Executive Officer (CEO) which occurred during the period from 27 August 2016 to 21 October 2016, as required by the Council's Instrument of Delegation to the Chief Executive Officer and Procurement Policy:

- 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/S

That Council receive and note this report.

MOVED: Cr Brunt
SECONDED: Cr Kiel

THAT COUNCIL RECEIVE AND NOTE THIS REPORT.

CARRIED UNANIMOUSLY

REPORT

Documents Sealed

Under the Act, each Council is a body corporate and a legal entity in its own right. Each Council must have a common seal that is an official sanction of that Council.

Sealing a document makes it an official document of Council as a corporate body. Documents that require sealing may include agreements, contracts, leases or any other contractual or legally binding document that binds Council to another party.

Local Law No. 3 2010, part 9, section 107(f)(iv) - the Common Seal of Council, states that 'If the Chief Executive uses the Common Seal in a manner prescribed by sub-clause (c) then he/she must advise Council of such use on a regular basis.' Council's Instrument of Delegation to the CEO also delegates to the CEO the power to 'use the Common Seal of Council subject to that use being reported to Council.

In accordance with the Local Law and Instrument of Delegation, the following are presented to Council as documents sealed during the period from 27 August 2016 to 21 October 2016.

1. section 45 Transfer of Land Act Execution between South Gippsland Shire Council and the Transferees of 372 Jeetho West Road, Jeetho - Seal Applied 31 August 2016;
2. section 173 Agreement between South Gippsland Shire Council and the owner of 14 Townsend Street, Port Welshpool in relation to extension to existing dwelling - Seal applied 5 September 2016;
3. section 173 Agreement between South Gippsland Shire Council and the owner of 30 Hydes Road, Koorooman in relation to change of use of existing building to group accommodation - Seal Applied 12 September 2016;
4. section 173 Planning and Environment Act 1987 Agreement between South Gippsland Shire Council and the owner of 13 Farmer Street, Mirboo North in relation to shed constructed over easement - Seal Applied 19 September 2016;
5. section 173 Planning and Environment Act 1987 Agreement between South Gippsland Shire Council and the owner of 65 Saturn Parade, Venus Bay in relation to development of land with dwelling - Seal Applied 19 September 2016;
6. section 45 Transfer of Land Act Execution between South Gippsland Shire Council and the Transferees of 141-143 Jupiter Boulevard, Venus Bay - Seal Applied 26 September 2016;
7. section 45 Transfer of Land Act Execution between South Gippsland Shire Council and the Transferees of 18 Main Street, Buffalo - Seal Applied 26 September 2016;

8. section 173 Agreement between South Gippsland Shire Council and the owner of 280 Soldiers Road, Leongatha in relation to the subdivision of the land into 2 lots - Seal Applied 27 September 2016;
9. section 173 agreement between South Gippsland Shire Council and the owner of 3610 Grand Ridge Road, Mirboo North in relation of 2 lot subdivision (boundary realignment) - Seal Applied 27 September 2016;
10. section 173 Planning and Environment Act 1987 Agreement between South Gippsland Shire Council and the owner of 16 Baromi Road, Mirboo North in relation to a 2 lot subdivision - Seal Applied 10 October 2016;
11. section 173 Planning and Environment Act 1987 Agreement between South Gippsland Shire Council and the owner of 43 Waratah Avenue, Waratah Bay in relation to develop land with dwelling - Seal Applied 10 October 2016;
12. section 173 Planning and Environment Act 1987 Agreement between South Gippsland Shire Council and the owner of 5479 South Gippsland Highway, Agnes and 28 Agnes River Road, Agnes in relation to a 2 lot subdivision (re-subdivision to create 2 lots) - Seal Applied 10 October 2016;
13. section 173 Planning and Environment Act 1987 Agreement between South Gippsland Shire Council and the owner of 305 Clancys Road, Korumburra in relation to a 2 lot subdivision - Seal Applied 20 October 2016;
14. section 173 Planning and Environment Act 1987 Agreement between South Gippsland Shire Council and the owner of 310 Wisdoms Road, Pound Creek in relation to development of land and replacement dwelling - Seal Applied 20 October 2016; and
15. section 173 Planning and Environment Act 1987 Agreement between South Gippsland Shire Council and the owner of 23 Ashford Crescent / 14 Grandview Rise and 101 Victoria Street, Korumburra in relation to a 7 lot subdivision - Seal Applied 20 October 2016.

Contracts awarded after a public tender process within the CEO's delegation

The CEO's delegation from Council allows the CEO to award contracts up to the value of \$250,000 (inclusive of GST), with the exception of:

- Annual WorkCover and Council insurance premiums; and
- Any other contract which complies with Council's Procurement Policy and falls within the allocation in the Council adopted Annual Budget which exceeds the value of \$250,000 (inclusive of GST).

Council's Procurement Policy requires recording the Council Minutes all contracts over the statutory threshold set out in the Act (\$150,000 inclusive of GST for goods and services and \$200,000 inclusive of GST for works) for a public tender which shows the contracts purpose, the successful tenderer, contract length and the total contract price.

Further, Council's Procurement Policy requires 'that Council will not disclose information about procurements below the statutory thresholds', however, to ensure compliance with Council's Procurement Policy, it will be noted in this report that a contract awarded below the statutory threshold has been entered into following a public tender.

The following contracts were awarded between 27 August 2016 and 21 October 2016 under the CEO's financial delegation of \$250,000 (inclusive of GST) following a public tender:

1. CON/113 Design and Construction of the Sandy Point Public Toilet awarded to Considine & Johnston Pty Ltd on 27 September 2016 for the amount of \$176,050 (excluding GST and including contingency).

In addition, Council resolved on 24 August 2016 to delegate to the CEO the power to award contracts specified in the resolution, subject to the preferred tenders being within budget and that Council receive a report detailing the contracts awarded. The following contracts were awarded between 27 August 2016 and 21 October 2016 that were specified in the 24 August 2016 resolution and that were within budget:

1. Contract CON/111-A Construction of Footpath and Kerb & Channel Renewals awarded to Michael Mileto and Belinda Whale t/a M & M Paving on 13 September 2016 for the amount of \$172,309.86 (excluding GST);
2. Contract CON/111-B Construction of Footpath and Kerb & Channel Renewals awarded to ADA Construction Services Pty Ltd on 13 September 2016 for the amount of \$93,602.46 (excluding GST);
3. Contract CON/112 Supply and installation of Guardrail-Variou Locations awarded to Safety Barrier Solutions Pty Ltd on 15 September 2016 for the amount of \$529,231.00 (excluding GST and including contingency);
4. Contract CON/115 Construction of Stockyard Creek Carpark Foster awarded to South Gippsland Quarries Pty Ltd on 15 September 2016 for the amount of \$296,501.40 (excluding GST and contingency); and
5. Contract CON/116 Supply and Installation of an Automated Irrigation System - Leongatha Golf Club awarded to Planned Irrigation Projects Pty Ltd t/a Think Water Melbourne on 17 October 2016 for the amount of \$217,961.10 (excluding GST and including contingency).

Contract Variations approved by the CEO

Council's Procurement Policy authorises the CEO to approve any necessary variations to a contract which exceeds the CEO's delegation, to allow the proper fulfilment of the contract and to ensure delays to key projects are avoided, following consultation with the Mayor and subject to this variation being reported to the next practicable Council Meeting.

The following variations were approved between 27 August 2016 and 21 October 2016:

1. Contract CON/73 Construction of Karmai Community Children's Centre Korumburra for Variation No. 7 (various items - supply materials and construct, removal and relocation work) totalling \$65,365.70 (excluding GST) - Approved by the Acting Chief Executive Officer on 31 August 2016;
2. Contract CON/73 Construction of Karmai Community Children's Centre Korumburra for Variation No. 8 (various items - supply materials, construct and install, rectification work and removal buildings) totalling \$20,440.20 (excluding GST) - Approved by the Chief Executive Officer on 21 September 2016; and
3. Contract CON/81 Construction of Cell 4 Koonwarra Landfill Koonwarra for Variation No. 9 (additional site works) totalling \$35,481.92 (excluding GST) - Approved by the Chief Executive Officer on 21 September 2016.

Contract extensions approved by the CEO

Council's Procurement Policy authorises the CEO to enter into any contract extensions subject to the satisfactory performance of the contractor and the extension being reported to Council for any contracts which in total exceeds the CEO's delegation.

There were no extensions approved by the CEO during the period 27 August 2016 to 21 October 2016.

REFERENCE DOCUMENTS

- Local Government Act 1989 - section 5 and 186 (the Act)
Local Law No. 3 2010, Processes of Municipal Government (Meeting Procedures and Common Seal)
- [South Gippsland Shire Council Procurement Policy](#)
- South Gippsland Shire Council Instrument of Delegation to the Chief Executive Officer - 17 December 2015

5. COUNCIL REPORTS

5.1. FORMALISE ROAD NAME CHANGE - SUMMERS ROAD, FISH CREEK TO 'KERRS ROAD'

Sustainable Communities and Infrastructure Services Directorate

EXECUTIVE SUMMARY

Summers Road and Kerrs Road in Fish Creek are located on one continuous stretch of road which is causing confusion for the general public, transport vehicles, and emergency services with respect to road names and property numbers.

In accordance with the statutory requirements of section 204 of the Local Government Act 1989, Council resolved to commence a submission process and published a notice of the proposed renaming of Summers Road to 'Kerr's Road'. In response to the public notice, Council received one submission from the community in favour of the proposal.

This report details the outcome of the submission process and recommends Council finalises the road name change from Summers Road to 'Kerr's Road', and forwards the proposal to the Registrar of Geographic Place Names for final consideration and approval.

RECOMMENDATION

That Council:

1. Formalise the renaming of Summers Road, Fish Creek (from Buffalo Waratah Road to the intersection of Stamp Road and Kerrs Road) as 'Kerr's Road' and renumber any affected properties accordingly.
2. Forward the proposed name change to the Registrar of Geographic Place Names for final consideration and approval.
3. Subject to Geographic Place Names approval of the proposed name change, place a notice in local newspapers and advise abutting land owners, local organisations, and local stakeholders of the new road name.

MOVED: Cr Hill

SECONDED: Cr McEwen

THAT THE RECOMMENDATIONS IN ITEMS 5.1 AND 5.2 BE ADOPTED.

CARRIED UNANIMOUSLY

REPORT

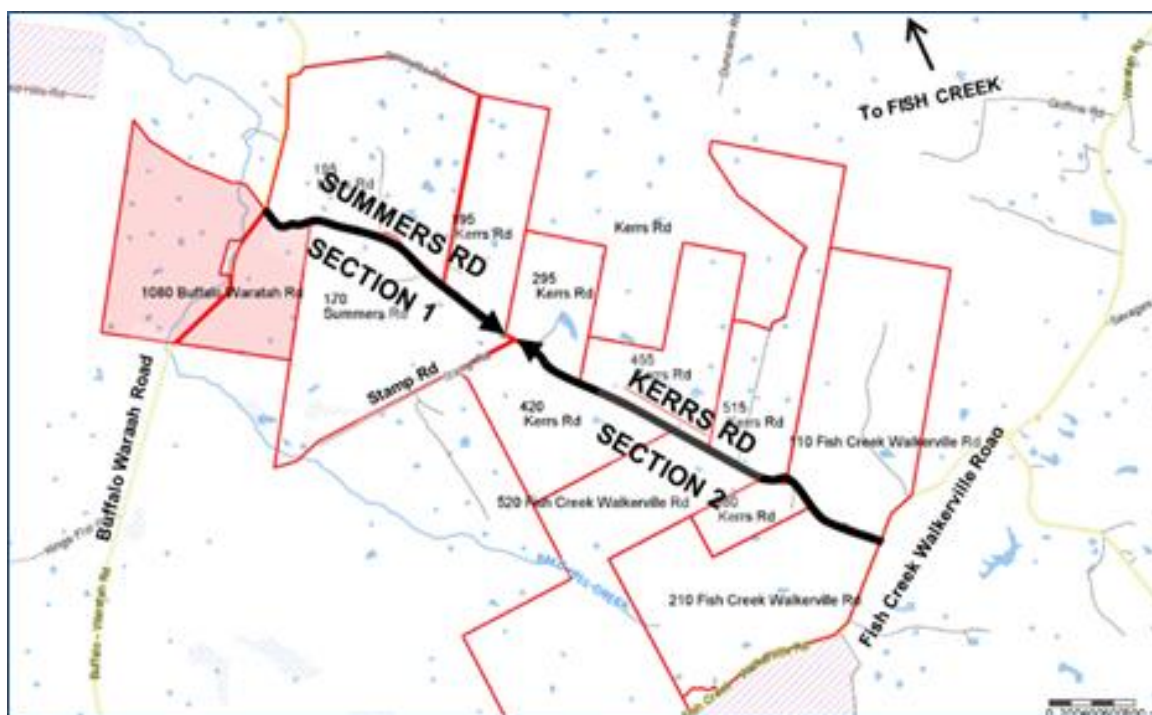
Council received a request to look into the possible road name change of ‘Summers Road’ to ‘Kerrs Road’ (from Buffalo Waratah Road to the intersection of Stamp Road and Kerrs Road).

The entire length of road would then be called ‘Kerrs Road’ with the overall extent of road being approximately 6,840 metres from Fish Creek Walkerville Road to Buffalo Waratah Road.

This will help avoid confusion for the general public, transport vehicles and emergency services with respect to road names and property numbers due to both roads being on one continuous stretch of road, and the fact that there is another road named Summers Road approximately seven kilometres away to the north east off Waratah Road, Fish Creek. Refer to Figure 1.

Current situation

Figure 1



Refer to **Attachment - “Locality Map - Summers Road and Kerrs Road, Fish Creek”** which details the current situation and the road naming proposal.

At its Ordinary Council Meeting on the 24 August 2016, Council unanimously resolved to commence a community consultation process (pursuant to section 10, clause 5 of the Local Government Act 1989), by calling for community comment on the proposed renaming of ‘Summers Road’ to ‘Kerrs Road’ (from Buffalo Waratah Road to the intersection of Stamp Road and Kerrs Road). A copy of the minutes is available in **Attachment - “Extract Minutes 24 August 2016 - Proposed Rename of Summer Road to Kerrs Road”**.

This proposal conforms to the 'Naming Rules for Places in Victoria 2016', and the general principles outlined in section 2 and the statutory requirements outlined in section 3, 7 and 8. Refer to **Attachment - 'Naming Rules for Places in Victoria 2016'**.

If the name change is adopted by Council the proposed name change will be forwarded to the Registrar of Geographic Place Names for final consideration and approval.

- If the name does not conform to the naming rules, the proposal will be sent back to the naming authority for reconsideration of a new name.
- If the name does conform to the naming rules, the Office of Geographic Place Names will Gazette the name and add to Vicnames Registrar and notify relevant stakeholders.

CONSULTATION

1. Letters to Landowners Including a Survey of the Proposal

In June 2016, letters were sent to abutting landowners of Summers Road and Kerrs Road, which included a survey to gauge public feedback on the proposed name change.

Survey Results - immediate community rate payer / Occupier

Population in immediate community:	16
Respondents who objected:	0
Respondents who expressed consent:	8
Non-responses (tacit consent):	8
Total tacit and responded consents:	16 (100% community content)

There is only one property addressed to 'Summers Road' and Council has consulted the property owner who strongly indicated 'in favour' of 'Summers Road' being changed to 'Kerrs Road'.

2. Council Report - 24 August 2016

Proposed Road Name Change for Summers Road, Fish Creek to 'Kerrs Road'.

Refer to **Attachment - "Extract Minutes 24 August 2016 - Proposed Rename of Summer Road to Kerrs Road"**.

3. Public Submission Process - 29 August to 27 September

A notice was published in the local newspapers, on Council's website, and letters sent to adjoining properties calling for community comment.

Submissions closed on 27 September 2016.

On conclusion of the public consultation period resulting from the Ordinary Council Meeting 24 August 2016, one submission was received in favour of the proposal.

RESOURCES

The cost to Council will be for the supply and installation of new signage for the affected road if approved by Council. The estimated cost to install new signage is approximately \$150 and can be accommodated in Council's approved signage budget.

RISKS

There is minimal risk to Council as the methodology for the naming of roads is contained in the 'Naming Rules for Places in Victoria 2016.' The recommendation conforms to the principles outlined in section 2 and the statutory requirements outlined in section 3, 7 and 8.

There is a risk to Council choosing not to apply the principles of the 'Naming Rules for Places in Victoria 2016' and AS/NZS4819: Rural and Urban Addressing, especially where properties will not have appropriate addresses applied and the associated likelihood of emergency and public services provision being impaired or delayed.

ATTACHMENTS

1. Extract Council Minutes 24 August 2016 - Proposed Road Name Change - Summers Road to Kerrs Road, Fis [5.1.1]
2. Locality Map - Summers Road and Kerrs Road Fish Creek [5.1.2]
3. Naming Rules for Places in Victoria [5.1.3]

REFERENCE DOCUMENTS

- Local Government Act 1989
- Road Management Act 2004
- Geographic Place Names Act 1998
- Naming Rules for Places in Victoria 2016
- Emergency Services Telecommunications Authority
- [Council Plan 2013-2017](#)

The proposed road renaming of Summers Road to 'Kerrs Road' road aligns with outcome 3.0 Integrated Services and Infrastructure, objective 3.1 by delivering affordable modern community services and facilities through an integrated approach to planning and infrastructure development.

5.2. PROPOSED ROAD OPENING - WEYMES ROAD, MOUNT ECCLES

Sustainable Communities and Infrastructure Directorate

EXECUTIVE SUMMARY

A parcel of Council owned land in Weymes Road, Mount Eccles is required to be declared as a 'Road' to allow legal access/abuttal to the adjoining property.

In accordance with sections 204(1) and 223 of the Local Government Act 1989 (the Act), Council is required to commence a section 223 submission process and publish a notice of its intentions to declare the land as a 'Road' inviting written submissions from the community (the Proposal).

Refer to Attachment - 'Locality Map - Weymes Road, Mount Eccles'.

RECOMMENDATION/S

That Council:

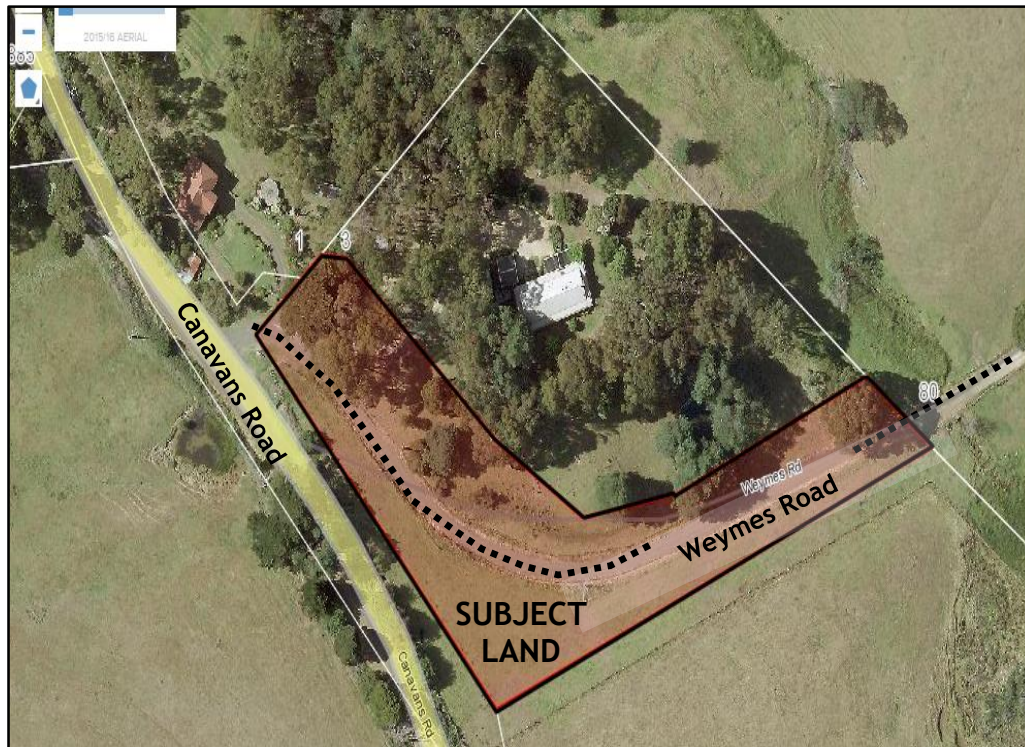
1. Commence the statutory procedures pursuant to sections 204(1) and 223 of the Local Government Act 1989 and declare the Land comprised in Certificate of Title Volume 08668 Folio 198 being Lot 1 on TP376295 (as shown in Attachment) as having a 'Road' status required to be a public highway (the Proposal).
2. Give public notice in it's Noticeboard section of the local newspapers in the week commencing 30 November 2016 on the Proposal (item 1 above) in accordance with section 223 of the Local Government Act 1989, to commence a public consultation process inviting written submissions from the community by close of business 5.00pm on Wednesday 4 January 2017.
3. Authorise the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under section 223 of the Local Government Act 1989 in respect of the Proposal.
4. If submissions are received to the public notice (item 2 above):
 - a. Authorise the Chief Executive Officer to set the time, date, and place to hear, consider, and determine submissions.
 - b. Hear, consider and determine submissions at the next available Ordinary Council meeting in open session.
5. If nil submissions are received by the closing date, publish the road declaration in the Victoria Government Gazette.

NOTE: The recommendation was **CARRIED UNANIMOUSLY** as part of a single motion, refer to page 30.

REPORT

Council is the owner of land in Weymes Road, Mount Eccles (the Land). Its legal description is Lot 1, TP376295 contained within Certificate of Title Volume 08668 Folio 980. The Land is bordered black in Figure 1 below:

Figure 1



The Land functions as a road reserve but this is not captured in the Land's legal description. This causes a legal abuttal issue to a property that adjoins the Land. Without a road status, the property does not have legal abuttal to Weymes Road.

This situation is an anomaly that should be rectified by Council using its powers under the Act.

Section 204(1) of the Act states:

"204 Council may declare a road to be a public highway or to be open to the public."

(1) A Council may, by notice published in the Government Gazette, declare a road in its municipal district to be a public highway for the purposes of this Act."

A declaration made under section 204 of the Act requires Council to follow a section 223 submission process and publish a notice of its declaration in the Victoria Government Gazette.

CONSULTATION

External Consultation

No external consultation has occurred to date. This will commence when Council publicly notifies its intention to declare a 'Road' status over the Land and calls for submissions in accordance with section 223 of the Act.

Correspondence will also be sent to affected parties detailing the Proposal and inform them of the public notification.

Internal Consultation

Discussions have been held with officers in the Engineering and Assets Department when investigating the need to declare a parcel of Council owned land as a formal 'Road'.

RESOURCES

Financial Considerations

There will be minor administration costs associated with declaring the Land as a formal 'Road' which is accommodated in the Sustainable Communities > Property budget.

RISKS

Leaving the Land in its current state poses a risk to the affected landholder as they do not have legal abuttal to a road rendering their property landlocked. Council is authorised to address this risk as the responsible road authority.

ATTACHMENTS

1. Locality Map - Weymes Road, Mount Eccles [5.2.1]

REFERENCE DOCUMENTS

- Local Government Act 1989 section 204(1) and 223
- Public Road Register
- [Road Management Plan 2013](#)
- Council Plan 2013-2017

The proposed opening/declaration of Weymes road aligns with outcome 3.0 Integrated Services and Infrastructure, objective 3.1 by delivering affordable modern community services and facilities through an integrated approach to planning and infrastructure development.

5.3. PROPOSED APPLICATION SPORT AND RECREATION VICTORIA - COUNTRY FOOTBALL PROGRAM

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

It is proposed to submit an application by the Leongatha Football Netball Club - for Outdoor Netball Courts Development to the next round of the 2016 Sport and Recreation Victoria (SRV) Country Football Netball Program.

A previous application was unsuccessful and the bid has been strengthened prior to resubmission.

The SRV funding programs provides Council and the community with an ideal opportunity to gain external funding to progress projects that have been identified through strategic plans for the improvement of sport and recreation in the Shire.

The Leongatha Football Netball Club - Outdoor Netball Court Development project is the only project considered eligible and 'shovel ready' for the 2016 Country Football Netball program.

RECOMMENDATION/S

That Council:

1. Applies for \$100,000 to the Sport and Recreation Victoria 2016 Country Football Netball Program Round Two for the Leongatha Football Netball Club - Outdoor Netball Court Development project;
2. Allocates \$100,000 from the Community Infrastructure Projects budgets towards the project if the application is approved by Sport and Recreation Victoria;
3. Advises the Leongatha Football Netball Club Committee that any project overruns are the responsibility of the committee to fund, in accordance with Council's Community Infrastructure Project Management Policy and Guidelines; and
4. Provides staff resources, with funding allocated in the total project costs, for management of the project if approved by Sport and Recreation Victoria.

MOVED: Cr Hill
SECONDED: Cr Skinner

THAT COUNCIL:

- 1. APPLIES FOR \$100,000 TO THE SPORT AND RECREATION VICTORIA 2016 COUNTRY FOOTBALL NETBALL PROGRAM ROUND TWO FOR THE LEONGATHA FOOTBALL NETBALL CLUB - OUTDOOR NETBALL COURT DEVELOPMENT PROJECT;**
- 2. ALLOCATES \$100,000 FROM THE COMMUNITY INFRASTRUCTURE PROJECTS BUDGETS TOWARDS THE PROJECT IF THE APPLICATION IS APPROVED BY SPORT AND RECREATION VICTORIA;**
- 3. ADVISES THE LEONGATHA FOOTBALL NETBALL CLUB COMMITTEE THAT ANY PROJECT OVERRUNS ARE THE RESPONSIBILITY OF THE COMMITTEE TO FUND, IN ACCORDANCE WITH COUNCIL'S COMMUNITY INFRASTRUCTURE PROJECT MANAGEMENT POLICY AND GUIDELINES; AND**
- 4. PROVIDES STAFF RESOURCES, WITH FUNDING ALLOCATED IN THE TOTAL PROJECT COSTS, FOR MANAGEMENT OF THE PROJECT IF APPROVED BY SPORT AND RECREATION VICTORIA.**

CARRIED UNANIMOUSLY

REPORT

On 22 September 2015, the SRV 2016 Country Football Netball Program (CFNP) was announced by Minister John Eren.

The CFNP provides funding to assist country football and netball clubs, associations and umpiring organisations to develop facilities in rural, regional and outer metropolitan locations including: change room facilities for players and umpires of both genders; development or upgrading of football playing fields; development or upgrading of netball facilities; and development or upgrading of lighting facilities.

- Funding ratio is SRV \$2: Local \$1
- Round One of the funding program closed 11 February 2016
- Round Two of the funding program closes 7 December 2016

Applications to CFNP must be submitted by Council. Councils may be successful in receiving the total maximum funding of \$100,000 consisting of up to three applications per financial year.

At the 16 December 2015 meeting, Council identified that the Leongatha Football Netball Club - Outdoor Netball Court Development project was the only project considered eligible and 'shovel ready' for Round One of the 2016 CFNP. The project and budget was as follows:

Project Scope (original)

- Development of 1 new asphalt netball match court with all essential items
- Lighting
- Shelter
- Modified fencing

Budget Income (Original)

- SRV CFNP Grant - \$100,000
- Club/Community contribution - \$60,000
- Council contribution - \$60,000

The Leongatha Outdoor Netball Court Feasibility Study identified an option for two courts. However due to limited funds available through the CFNP (max \$100,000) and the capacity for the club to raise the required funds, the two court option was not pursued at that point.

In April 2016, Council was advised that its application was unsuccessful. Feedback was sought from SRV regarding the project and advice obtained to strengthen the application so that it could be considered for resubmitting to Round Two.

As a result of the feedback provided the application has been revised. The additional developments include the completion of the Leongatha Recreation Reserve site survey which identifies the new courts within the overall site plan.

In addition, the Council's Engineering Unit has redesigned the layout of the courts which will provide a more cost effective way to develop the preferred option of two courts instead of one. This is a result of recent netball court developments that the Engineering Unit has successfully completed.

The revised project and budget is as follows:

Project Scope (revised)

- Development of 2 new asphalt netball match court with all essential items
- Lighting
- Shelter
- Modified fencing

Total Estimated Project Cost \$300,000

Budget Income (revised)

- SRV CFNP Grant - \$100,000
- Club/Community contribution - \$100,000
- Council contribution - \$100,000

Process of Project Selection

Councillors should note that a number of enquiries were made to Council staff; however these projects were not considered 'shovel ready' and enquirers have been advised of the process for developing their projects. Council staff will work with these committees during this process. For information these projects are:

Fish Creek Football Netball Club

- Match Court Redevelopment (discussions currently underway with SRV and the club regarding possible application to the next round)

Poowong Football Netball Club

- Netball Court Lighting Upgrade

Tarwin Lower Football Netball Club

- Females Toilet / Change room Development

Korumburra Bena Football Netball Club

- Court resurfacing - application to the Community Grants Program as ineligible through the CFNP

Toora Football Netball Club

- Social Club upgrade (not eligible through the CFNP)
- Lighting Upgrade

CONSULTATION

The Leongatha Football Netball Club - Outdoor Netball Court Development project was presented to Council on 21 October 2015 by the committee seeking support from Council for:

- An application to the CFNP
- A financial contribution to the project

Council was briefed on the revised project and proposed application for funding through the CFNP at a Strategic Briefing on 9 November 2016.

RESOURCES

Funding is currently available through Council's 'Community Infrastructure Projects' budget to cover our contribution to the project. The budget for 2016/17 was \$182,768. To date the following projects have been allocated funding through approved grant applications:

- Leongatha Golf Automated Irrigation Project - \$50,000
- South Gippsland Rural Cricket Facilities Upgrade (Nyora and Koonwarra) - \$29,000
- Fish Creek Primary School Crossing - \$60,000

An allocation of \$11,000 is set aside for the Poowong Cenotaph Restoration project however; Council is waiting to hear whether the bid is successful.

This leaves a balance of \$32,768 available (should the Poowong Cenotaph Restoration Project be approved) for the Leongatha Football Netball club court development project in 2016/17. If approved, the project would be delivered in 2017/18 therefore, the funds from 2016/17 would be carried forward.

The 2017/18 Community Infrastructure Project budget is \$186,424 (not including the 2016\17 carried forward). Bids have submitted for the following projects, and funding has been earmarked, pending the outcome of those bids:

- Nyora Recreation Reserve Oval Development - \$55,000
- Arthur Sutherland Recreation Reserve Stadium Floor Upgrade - \$50,000

- Leongatha knights Soccer Club Lighting and Oval Upgrade - \$45,000

Should all of the above applications be approved, a total of \$41,424 in the 2017/18 community Infrastructure Project budget will be available for the Leongatha Football Netball Club Court Development project.

The total combined funds available for the Leongatha Football Netball Club Court Development Project is \$74,192. This could require a potential increase of \$25,808 in the Community Infrastructure Project budget should all the stated applications be approved.

The Community Infrastructure Projects budget is designed to leverage external grant programs for community projects.

As applications have to be submitted by Council, we will be required to provide staff resources, funded within the total project cost.

The proposed courts are located within the Leongatha Recreation Reserve and therefore not a Council asset. In accordance with Council's Community Infrastructure Project Management Policy; ongoing maintenance of the new court will be responsibility of the Leongatha Football Netball Club.

RISKS

If Council doesn't support the project it will miss an opportunity to obtain external funds to assist in improving recreational facilities within the Shire, all of which have been deemed priorities, based on prior strategic planning.

To mitigate the risk of project cost overruns to Council, it is recommended that Leongatha Football Netball Club be advised that any project cost overruns are the responsibility of the committees to fund, in accordance with Council's Community Project Management Policy. This policy states that if funds are not available within the overall project budget, the applicant will be required to provide the additional funding.

ATTACHMENTS

1. Site Plan and Project Design Leongatha Netball Courts [5.3.1]
2. Cost Estimate - Proposed Application to the Sport and Recreation Victoria [5.3.2]
3. Leongatha Football Netball Club Presentation [5.3.3]

REFERENCE DOCUMENTS

- Leongatha Outdoor Netball Court Feasibility Study
- [Community Infrastructure Project Management Policy](#)

5.4. PROPOSED APPLICATION TOURISM DEMAND DRIVER INFRASTRUCTURE PROGRAM - AGNES FALLS SCENIC RESERVE

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

In February 2015, Council endorsed three priority projects for advocacy which included the Corner Inlet Tourism Development (CITDP) suite of projects. These include the Great Southern Rail Trail, restoration of Long Jetty; feasibility study/detailed design of the Port Welshpool Marina development; dredging of Toora Boat Ramp and Agnes Falls Scenic Reserve.

Council is asked to endorse the Agnes Falls Scenic Reserve Development Project application to the latest round of the Tourism Demand Driver Infrastructure Program (TDDIP) and the need to provide matched funding if the bid is successful.

The application was submitted on 11 November 2016.

RECOMMENDATION/S

That Council:

1. Endorses the Agnes Falls Scenic Reserve Development Project application which was submitted to the Tourism Demand Driver Infrastructure Program (TDDIP),
2. Allocates \$350,000 from its forward Long Term Financial Budget for the Agnes Falls Scenic Reserve Development Project if the application to the Tourism Demand Driver Infrastructure Program is approved;
3. Explore other funding opportunities to reduce Council's total potential contribution of the \$350,000 for the Agnes Falls Scenic Reserve Development Project in partnership with the Friends of Agnes Falls if the application is approved; and
4. Provides resources to deliver the Agnes Falls Scenic Reserve Development Project if the application to the Tourism Demand Driver Infrastructure Program is approved.

MOVED: Cr Rich
SECONDED: Cr McEwen

THAT COUNCIL:

- 1. ENDORSES THE AGNES FALLS SCENIC RESERVE DEVELOPMENT PROJECT APPLICATION WHICH WAS SUBMITTED TO THE TOURISM DEMAND DRIVER INFRASTRUCTURE PROGRAM (TDDIP),**
- 2. ALLOCATES \$350,000 FROM ITS FORWARD LONG TERM FINANCIAL BUDGET FOR THE AGNES FALLS SCENIC RESERVE DEVELOPMENT PROJECT IF THE APPLICATION TO THE TOURISM DEMAND DRIVER INFRASTRUCTURE PROGRAM IS APPROVED;**
- 3. EXPLORE OTHER FUNDING OPPORTUNITIES TO REDUCE COUNCIL'S TOTAL POTENTIAL CONTRIBUTION OF THE \$350,000 FOR THE AGNES FALLS SCENIC RESERVE DEVELOPMENT PROJECT IN PARTNERSHIP WITH THE FRIENDS OF AGNES FALLS IF THE APPLICATION IS APPROVED; AND**
- 4. PROVIDES RESOURCES TO DELIVER THE AGNES FALLS SCENIC RESERVE DEVELOPMENT PROJECT IF THE APPLICATION TO THE TOURISM DEMAND DRIVER INFRASTRUCTURE PROGRAM IS APPROVED.**

CARRIED UNANIMOUSLY

REPORT

The CITDP suite of projects has five components as outlined above.

In a report to Council on 24 February 2016 it was noted that significant progress had been made in respect to the CITDP with funding secured for GSRT Extension and Missing Link and the Port Welshpool Long Jetty Rehabilitation components.

It also noted that funding had been secured to develop the Port Welshpool Marine Precinct Master Plan which will assist Council in preparing a preliminary planning process for the proposed Port Welshpool Marina.

Funding applications have been made to deliver the Toora Boat Ramp Improvements component of the CITDP with \$350,000 being sought from the State and Federal Governments towards an overall project cost of \$600,000. Unfortunately only \$50,000 has been secured to date for the project. Council is actively pursuing the shortfall of funds as opportunities arise.

The report also noted that Council was pursuing \$300,000 of the total \$600,000 (note that this figure has been adjusted due to revised project cost estimates) needed to deliver the Agnes Falls Scenic Reserve project through State Government funding streams.

The next round of the Tourism Demand Driver Infrastructure Program opened in September 2016 providing an opportunity for Council to submit an application for the Agnes Falls Scenic Reserve Development project.

Tourism Demand Driver Infrastructure Program

Through the Tourism Demand Driver Infrastructure (TDDI) Program, the Commonwealth has allocated funding to each jurisdiction for the development of tourism infrastructure. The Department of Economic Development, Jobs, Transport and Resources (DEDJTR) is responsible for the administration of Victoria's allocation.

The TDDI Program provides funding for the development of tourism infrastructure or enabling work. The Program provides funding on a matched dollar-for-dollar basis, to support projects that contribute to achieving the Commonwealth's Tourism 2020 objectives. In-kind support is not considered as matching funds. Funding from the TDDI Program will generally be limited to \$250,000 to \$750,000, with at least equal funding from another source, excluding other Commonwealth Government funding. Projects of greater or lesser value will be considered subject to merit.

Successful projects must be completed by the end of the 2017-18 financial year. Funded projects should create and encourage visitation to a destination and assist the tourism industry in meeting the Commonwealth's Tourism 2020 objectives and the Victorian Visitor Economy Strategy targets. Projects that demonstrate a collaborative approach across a region or the State are strongly encouraged.

Corner Inlet Tourism Development Project - Economic Impact Study

In 2014, Council commissioned the development of the Corner Inlet Tourism Development Project (CITDP) - Economic Impact Study. This report seeks to quantify the regional (South Gippsland Shire) and state (Victoria) economic impacts that will accrue from the development of the CITDP and its five constituent projects, namely:

- Extension of the Great Southern Rail Trail from Foster to Welshpool;
- Restoration of the Port Welshpool Long Jetty;
- Development of the Port Welshpool Marina;
- Dredging of the Toora Channel for boating and recreational activities; and
- Agnes Falls Scenic Reserve Redevelopment.

The CITDP aims to deliver significant development of the tourism industry in the Shire, i.e. by diversifying and enhancing the provision of tourism attractions. In doing so, the project aims to encourage tourists year-round, enhance tourism yields and sustain lifestyle opportunities for residents.

As a collective, the CITDP will assist in acting as a catalyst for new investment in accommodation, food and retail type businesses. This will further assist with the maturing of the tourism market and provide an alternative attraction and activity to Wilsons Promontory National Park. The proximity of Corner Inlet to Wilsons Promontory, which is classed as a visitor attraction of 'state significance', means that CITDP projects have the potential to attract visitors and tourist dollars from people who are primarily travelling to 'The Prom'.

The results of the economic assessment for the CITDP are summarised below:

Direct Impacts		
	Construction Phase	Annual Operations
Output (Total)	\$35m	\$4m
Value-Added/GRP (total)	\$12m	\$2m
Employment (FTE job years)	124	30
Total Impacts (Direct & Flow-on)		
	Construction Phase	Annual Operations
Output (Total)	\$66m	\$6m
Value-Added/GRP (total)	\$27m	\$3m
Employment (FTE job years)	245	42

Importantly, when reporting on collective impacts of the CITDP, the Economic Impact study has aggregated the impacts of the five constituent individual projects. However, it is highly likely that the completion of these projects will act as a complementary asset to the other tourist attractions in the region and to each other. For instance, the Agnes Falls project and the GSRT are complementary in nature. Consequently, the collective visitation and economic impacts of these projects might well be greater than the estimated impacts of individual projects.

Agnes Falls Scenic Reserve Development Project

As Victoria's highest single-span waterfall (at 59 metres), Agnes Falls is a strategic asset for attracting tourists. Currently, Agnes Falls is the second-most visited attraction in South Gippsland during the winter months. It is estimated that visitation to the falls reached approximately 18,000 in 2013. Though popular with tourists, infrastructure at Agnes Falls presently suffers from poor signage, lack of an appropriate viewing deck, poor car parking and limited recreational opportunities at the falls, thereby restricting the potential for increased visitation.

Managed by Parks Victoria, Agnes Falls is classified as a Scenic Reserve, not a State or National Park. The reserve is also supported by a Friends of Agnes Falls group. Although not an identified priority for Parks Victoria they are fully supportive of the development and committed to the ongoing maintenance of the reserve, including any upgrades to infrastructure.

Funding was sought for the construction of a new viewing platform/ cantilevered lookout; being the largest component with maximum impact, through the previous State Government 'Putting Locals First' Program. However, due to funds being fully committed, the application did not progress.

The current State Government's focus and policy direction required Council to reconsider the priority projects seeking external funding. This change of direction meant that the Agnes Falls Scenic Reserve Development Project was not considered a priority project in 2016. It was noted that this did not prevent Council from continuing to pursue the funding required for the other remaining unfunded CITDP priorities, which included the Toora Boat Ramp project, Agnes Falls and Port Welshpool Marina development, through the usual channels.

To date, the Tourism Demand Driver Infrastructure Program (TDDIP) provides the best opportunity to seek the required external funding to deliver the Agnes Falls Scenic Reserve Development Project.

CONSULTATION

Consultation has occurred with a range of State Government Departments including Parks Victoria and the Friends of Agnes Falls.

Parks Victoria engaged Thompson Berrill Landscape Design to develop a concept design for a cantilevered lookout structure at Agnes Falls. The design objective is to provide a spectacular panoramic view of the Agnes Falls and dramatic gorge from the lookout. The design was presented to Council on 16 April 2014.

At the Strategic Briefing on 9 November 2016, Council reviewed the Agnes Falls Scenic Reserve Development Project and provided 'in principle' support for an application and allocation of funds to the next round of the Tourism Demand Driver Infrastructure Program (TDDIP) for the project which closed on 11 November 2016.

Council was advised at that the briefing that formal endorsement of the application and allocation of funds would be sought at the November Council Meeting.

RESOURCES

Funding from the TDDI Program is limited to between \$250,000 and \$750,000, with at least equal funding from another source.

The total project is estimated at \$700,000 which would require a contribution from Council of \$350,000 towards the project.

As the applicant, Council would also be required to provide resources to manage the project if the grant were successful.

RISKS

As the applicant, Council would be required to meet any cost overruns or escalations of the project. A cost estimate has been developed by Council's Engineering Unit in consultation with Thompson Berrill Landscape Design and Parks Victoria to mitigate this risk.

ATTACHMENTS

1. Agnes Falls Site Management Plan [5.4.1]

REFERENCE DOCUMENTS

- [Corner Inlet Tourism Development Project - Economic Impact Study](#)

5.5. PROPOSED AMENDMENT 2006/541/C - 15 KORUMBURRA SOUTH ROAD, KORUMBURRA SOUTH

Development Services Directorate

EXECUTIVE SUMMARY

The application is to amend an existing permit (2006/541/B) for use and development of the land at 15 Korumburra South Road, Korumburra South for a rural store. The proposed amendment includes allowing the use of the land for a 'contractor's depot', additional storage, increase in hours of operation and changing other conditions.

The subject site is in the Farming Zone (FZ) and is affected by the Environmental Significance Overlay - Schedule 2 - Special water supply catchment areas (ESO2) and Environmental Significance Overlay - Schedule 5 - Areas susceptible to erosion (ESO5).

Council received five objections to the application from nearby residents, also in the FZ. The objections primarily relate to amenity impacts of noise, vibration, dust, increase in traffic and resultant decrease in safety, previous issues relating to the procedure leading to approval of the original application and the last amendment by the Victorian Civil and Administrative Tribunal (VCAT).

The application was referred to Council's Engineering Department, to South Gippsland Water (SGW) and the Environment Protection Authority (EPA). The Engineering Department and SGW provided unconditional consent. The EPA provided consent and recommended some conditions.

Whilst it is acknowledged that the amendment application could have amenity impacts if not controlled or restricted appropriately, it is considered that on balance, the amendment can be supported subject to appropriate changes to the existing permit and conditions. The amendment application is therefore recommended for approval subject to conditions.

RECOMMENDATION/S

That Council:

That Council issues a Notice of Decision to grant an amendment to a permit for planning permit application 2006/541/C, subject to the following changes:

1. Amend the permit by deleting "(storage of grain and storage of crushed rock, gravel and sand for farm track construction)" after the words "rural store" and inserting the words "and contractor's depot".
2. Delete condition 1 (under section 71(1)(a) of the Act) that replicated the requirements of the original condition 9 (currently condition 10). The requirements of Condition 10 have been completed to the satisfaction of Council.

3. Add a new condition 1 requiring:

Amended plans generally in accordance with the proposed plans must be submitted to and approved by the Responsible Authority prior to any further works or use starting, showing:

- a) The dimensions (height, width and length) of the bucket elevator.
- b) The height of the additional silos being consistent with the existing silos shown on the endorsed plans
- c) Noise management plan for the site which ensures that all staff are aware of their potential amenity impacts and that they undertake any activities during the 'night time' period such as re-fuelling and weighbridge use by minimising noise.

4. Add a new condition 3 requiring:

The six additional silos must be of the same dimensions and capacity as the existing silos.

5. Amend current condition 8 (to become condition 9) under section 71(1)(a) of the Act by substituting the word "commencing" with "commences".

6. Amend current condition 10 (to become condition 11) under section 71(1)(a) of the Act by substituting the numbering "9.1, 9.2, 9.3 and 9.4" to be "11.1, 11.2, 11.3 and 11.4", respectively.

7. Delete current condition 12 (f) under section 71(1)(a) of the Act words "others as appropriate". This will become condition 13.

8. Amend current condition 13 (to become condition 14) and to state:

The uses may only operate between the hours of:

7am-7pm Monday to Friday; and

7am-4pm Saturday.

This includes the physical loading and unloading of goods or materials from the transport vehicles by way of bucket elevator, excavator, front end loader or any other machinery such as a forklift. Carrying out of incidental servicing or repairs of machinery is also limited to these times.

9. Insert new condition 15 to state:

The site may be accessed between 6:30am-7am Monday to Saturday by staff associated with the two uses to conduct any OH&S or procedural pre-checks of machinery, prior to commencing use at 7am.

10. Insert new condition 16 to state:

The site may be accessed between the hours of:

6am-Midnight Monday to Friday; and

7am-8pm Saturday; and

12noon-8pm Sunday.

for the carrying out of administrative office functions such as book keeping ancillary to the two uses of the land, use of the restroom, shower and kitchen facilities, refuelling and use of the weighbridge by vehicles associated with the two uses of the land.

11. Amend current condition 14 (to become condition 17) to state:

Any other deliveries to and from the site (including waste collection) must only take place between the hours of:

7am-7pm Monday to Friday; and

7am-4pm Saturday

12. Amend current condition 15 (to become condition 18) to state:

A cumulative total of no more than 3,000m³ of gravel, crushed rock, sand, pebbles, soft rock, soil, mulch or similar products may be stored in the areas marked as 'hard stand area' on the endorsed plans. The stockpiles of materials must not exceed the height of the existing silos on the land at any time.

13. Add condition 19 to state:

The overnight parking of vehicles associated with the permitted uses must take place within the areas marked 'overnight parking area' on the endorsed plans.

14. Amend current condition 16 (to become condition 20) to state:

The weighbridge may be used for commercial purposes unrelated to the permitted uses, by no more than six vehicles per day between 7am-7pm Monday to Friday.

15. Insert new condition 21 to state:

Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.

16. Insert new condition 22 to state:

Within one month of starting the use of the land for a contractor's depot and extended operating hours, the applicant/owner must engage an experienced and qualified acoustic/noise assessment professional, to conduct noise monitoring to the satisfaction of the Responsible Authority.

A copy of the noise monitoring assessment must be provided to the Responsible Authority within one month of the monitoring being completed. If the assessment finds any non-compliance with the recommended levels as set out in NIRV (or as amended), it must also recommend mitigation measures to bring the premises back into compliance. These mitigation measures must be implemented to the satisfaction of the Responsible Authority within a reasonable timeframe. Evidence of compliance with NIRV (or as amended) must be provided to the Responsible Authority after the implementation of the mitigation measures.

17. Amend current condition 22 (to become condition 28) by deleting the words “or office administration”.
18. Amend current condition 23 (to become condition 29) by adding the following:
 - (f) The additional works including silos and bucket elevator are not completed within two years of the date of the amendment.
 - (g) The use of the land for the contractor’s depot is not started within two years of the date of the amendment.
19. Re-number all other conditions accordingly
20. Note on permit to record the amendment

MOVED: Cr Brown
SECONDED: Cr Hill

THAT COUNCIL:

THAT COUNCIL ISSUES A NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT FOR PLANNING PERMIT APPLICATION 2006/541/C, SUBJECT TO THE FOLLOWING CHANGES:

1. **AMEND THE PERMIT BY DELETING “(STORAGE OF GRAIN AND STORAGE OF CRUSHED ROCK, GRAVEL AND SAND FOR FARM TRACK CONSTRUCTION)” AFTER THE WORDS “RURAL STORE” AND INSERTING THE WORDS “AND CONTRACTOR’S DEPOT”.**
2. **DELETE CONDITION 1 (UNDER SECTION 71(1)(A) OF THE ACT) THAT REPLICATED THE REQUIREMENTS OF THE ORIGINAL CONDITION 9 (CURRENTLY CONDITION 10). THE REQUIREMENTS OF CONDITION 10 HAVE BEEN COMPLETED TO THE SATISFACTION OF COUNCIL.**
3. **ADD A NEW CONDITION 1 REQUIRING:**

AMENDED PLANS GENERALLY IN ACCORDANCE WITH THE PROPOSED PLANS MUST BE SUBMITTED TO AND APPROVED BY THE RESPONSIBLE AUTHORITY PRIOR TO ANY FURTHER WORKS OR USE STARTING, SHOWING:

- A) THE DIMENSIONS (HEIGHT, WIDTH AND LENGTH) OF THE BUCKET ELEVATOR.
- B) THE HEIGHT OF THE ADDITIONAL SILOS BEING CONSISTENT WITH THE EXISTING SILOS SHOWN ON THE ENDORSED PLANS
- C) NOISE MANAGEMENT PLAN FOR THE SITE WHICH ENSURES THAT ALL STAFF ARE AWARE OF THEIR POTENTIAL AMENITY IMPACTS AND THAT THEY UNDERTAKE ANY ACTIVITIES DURING THE 'NIGHT TIME' PERIOD SUCH AS RE-FUELLING AND WEIGHBRIDGE USE BY MINIMISING NOISE.

4. ADD A NEW CONDITION 3 REQUIRING:

THE SIX ADDITIONAL SILOS MUST BE OF THE SAME DIMENSIONS AND CAPACITY AS THE EXISTING SILOS.

5. AMEND CURRENT CONDITION 8 (TO BECOME CONDITION 9) UNDER SECTION 71(1)(A) OF THE ACT BY SUBSTITUTING THE WORD "COMMENCING" WITH "COMMENCES".

6. AMEND CURRENT CONDITION 10 (TO BECOME CONDITION 11) UNDER SECTION 71(1)(A) OF THE ACT BY SUBSTITUTING THE NUMBERING "9.1, 9.2, 9.3 AND 9.4" TO BE "11.1, 11.2, 11.3 AND 11.4", RESPECTIVELY.

7. DELETE CURRENT CONDITION 12 (F) UNDER SECTION 71(1)(A) OF THE ACT WORDS "OTHERS AS APPROPRIATE". THIS WILL BECOME CONDITION 13.

8. AMEND CURRENT CONDITION 13 (TO BECOME CONDITION 14) AND TO STATE:

THE USES MAY ONLY OPERATE BETWEEN THE HOURS OF:

7AM-7PM MONDAY TO FRIDAY; AND

7AM-4PM SATURDAY.

THIS INCLUDES THE PHYSICAL LOADING AND UNLOADING OF GOODS OR MATERIALS FROM THE TRANSPORT VEHICLES BY WAY OF BUCKET ELEVATOR, EXCAVATOR, FRONT END LOADER OR ANY OTHER MACHINERY SUCH AS A FORKLIFT. CARRYING OUT OF INCIDENTAL SERVICING OR REPAIRS OF MACHINERY IS ALSO LIMITED TO THESE TIMES.

9. INSERT NEW CONDITION 15 TO STATE:

THE SITE MAY BE ACCESSED BETWEEN 6:30AM-7AM MONDAY TO SATURDAY BY STAFF ASSOCIATED WITH THE TWO USES TO CONDUCT ANY OH&S OR PROCEDURAL PRE-CHECKS OF MACHINERY, PRIOR TO COMMENCING USE AT 7AM.

10. INSERT NEW CONDITION 16 TO STATE:

THE SITE MAY BE ACCESSED BETWEEN THE HOURS OF:

6AM-MIDNIGHT MONDAY TO FRIDAY; AND

7AM-8PM SATURDAY; AND

12NOON-8PM SUNDAY.

FOR THE CARRYING OUT OF ADMINISTRATIVE OFFICE FUNCTIONS SUCH AS BOOK KEEPING ANCILLARY TO THE TWO USES OF THE LAND, USE OF THE RESTROOM, SHOWER AND KITCHEN FACILITIES, REFUELLING AND USE OF THE WEIGHBRIDGE BY VEHICLES ASSOCIATED WITH THE TWO USES OF THE LAND.

- 11. AMEND CURRENT CONDITION 14 (TO BECOME CONDITION 17) TO STATE:**

ANY OTHER DELIVERIES TO AND FROM THE SITE (INCLUDING WASTE COLLECTION) MUST ONLY TAKE PLACE BETWEEN THE HOURS OF:

7AM-7PM MONDAY TO FRIDAY; AND

7AM-4PM SATURDAY

- 12. AMEND CURRENT CONDITION 15 (TO BECOME CONDITION 18) TO STATE:**

A CUMULATIVE TOTAL OF NO MORE THAN 3,000M³ OF GRAVEL, CRUSHED ROCK, SAND, PEBBLES, SOFT ROCK, SOIL, MULCH OR SIMILAR PRODUCTS MAY BE STORED IN THE AREAS MARKED AS 'HARD STAND AREA' ON THE ENDORSED PLANS. THE STOCKPILES OF MATERIALS MUST NOT EXCEED THE HEIGHT OF THE EXISTING SILOS ON THE LAND AT ANY TIME.

- 13. ADD CONDITION 19 TO STATE:**

THE OVERNIGHT PARKING OF VEHICLES ASSOCIATED WITH THE PERMITTED USES MUST TAKE PLACE WITHIN THE AREAS MARKED 'OVERNIGHT PARKING AREA' ON THE ENDORSED PLANS.

- 14. AMEND CURRENT CONDITION 16 (TO BECOME CONDITION 20) TO STATE:**

THE WEIGHBRIDGE MAY BE USED FOR COMMERCIAL PURPOSES UNRELATED TO THE PERMITTED USES, BY NO MORE THAN SIX VEHICLES PER DAY BETWEEN 7AM-7PM MONDAY TO FRIDAY.

- 15. INSERT NEW CONDITION 21 TO STATE:**

NOISE EMITTED FROM THE PREMISES MUST NOT EXCEED THE RECOMMENDED LEVELS AS SET OUT IN NOISE FROM INDUSTRY IN REGIONAL VICTORIA (NIRV; EPA PUBLICATION 1411, 2011) OR AS AMENDED.

- 16. INSERT NEW CONDITION 22 TO STATE:**

WITHIN ONE MONTH OF STARTING THE USE OF THE LAND FOR A CONTRACTOR'S DEPOT AND EXTENDED OPERATING HOURS, THE

APPLICANT/OWNER MUST ENGAGE AN EXPERIENCED AND QUALIFIED ACOUSTIC/NOISE ASSESSMENT PROFESSIONAL, TO CONDUCT NOISE MONITORING TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.

A COPY OF THE NOISE MONITORING ASSESSMENT MUST BE PROVIDED TO THE RESPONSIBLE AUTHORITY WITHIN ONE MONTH OF THE MONITORING BEING COMPLETED. IF THE ASSESSMENT FINDS ANY NON-COMPLIANCE WITH THE RECOMMENDED LEVELS AS SET OUT IN NIRV (OR AS AMENDED), IT MUST ALSO RECOMMEND MITIGATION MEASURES TO BRING THE PREMISES BACK INTO COMPLIANCE. THESE MITIGATION MEASURES MUST BE IMPLEMENTED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY WITHIN A REASONABLE TIMEFRAME. EVIDENCE OF COMPLIANCE WITH NIRV (OR AS AMENDED) MUST BE PROVIDED TO THE RESPONSIBLE AUTHORITY AFTER THE IMPLEMENTATION OF THE MITIGATION MEASURES.

17. AMEND CURRENT CONDITION 22 (TO BECOME CONDITION 28) BY DELETING THE WORDS “OR OFFICE ADMINISTRATION”.

18. AMEND CURRENT CONDITION 23 (TO BECOME CONDITION 29) BY ADDING THE FOLLOWING:

(F) THE ADDITIONAL WORKS INCLUDING SILOS AND BUCKET ELEVATOR ARE NOT COMPLETED WITHIN TWO YEARS OF THE DATE OF THE AMENDMENT.

(G) THE USE OF THE LAND FOR THE CONTRACTOR’S DEPOT IS NOT STARTED WITHIN TWO YEARS OF THE DATE OF THE AMENDMENT.

19. RE-NUMBER ALL OTHER CONDITIONS ACCORDINGLY

20. NOTE ON PERMIT TO RECORD THE AMENDMENT

CARRIED

For: Councillors Brown, Skinner, McEwen, Brunt, Rich, Edwards, Hill and Kiel.

Against: Cr Argento

REPORT

Background

The subject site is 15 Korumburra South Road Korumburra South (Crown Allotment 1G section 9 Parish of Korumburra). It is an irregular shape lot on the east side of Korumburra South Road with a frontage of approximately 190m and one access point. It has an area of approximately 1.93 hectares. The vehicular access to the site is approximately 130m to the south of the South Gippsland Highway intersection. The site is in the Farming Zone and is affected by the Environmental Significance Overlay - Schedule 2 - Special water supply catchment areas (ESO2) and Environmental Significance Overlay - Schedule 5 - Areas susceptible to erosion (ESO5). Refer to Attachment - Aerial Photo of the Site shows the context of the existing site.

The site was previously used as a sawmill, established in July 1973. More recently, a permit was issued on 10 April 2007 to use and develop the land for a rural store, comprising six silos, a weighbridge, retaining wall, office/amenities buildings and stockpile areas. An application to amend the permit was subsequently lodged on 20 May 2008. An objection was received regarding the original application and the amendment. The amendment application was supported by Council and the objector lodged an appeal to VCAT. VCAT upheld Council's decision to grant the amendment.

The applicant now wishes to amend the application as described above.

Assessment

A detailed assessment of the application against the relevant sections of the Planning and Environment Act 1987 and the relevant matters in the South Gippsland Planning Scheme are discussed in Attachment - Amendment Delegation Report.

CONSULTATION

The amendment application was notified by post to all adjoining owners/occupiers and by placing a sign on site. The minimum 14 day notice period was extended following a meeting with two of the objectors. Council received five objections to the application from nearby residents, also in the FZ.

The objections primarily relate to amenity impacts of noise, vibration, dust, increase in traffic and resultant decrease in safety, previous issues relating to the procedure leading to approval of the original application and the last amendment by the VCAT. These matters are discussed in detail in Attachment - Amendment Delegation Report.

ATTACHMENTS

1. Aerial Photo of the Site [5.5.1]
2. Amendment Delegation Report [5.5.2]

Confidential Attachment - Copy of Objections has been provided in accordance with section 77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates as being confidential information on the grounds that it relates to section 89(2)(h) matter which the Council or special committee considers would prejudice the Council or any person. Planning Practice Note 74, advises that a copy of objections is relevant to Councillors exercising their function as the Responsible Authority under the Planning and Environment Act, but it is not considered to be information that should be published online without the consent of the author.

Items indicated as being 'Internal Use Only' are not confidential in respect of the Local Government Act 1989 but are provided for the information of Councillors and not the general public. The Councillor Code of Conduct references how confidential information is observed and not be publicly communicated.

REFERENCE DOCUMENTS

- Planning and Environment Act 1987, Planning Practice Note 74
- South Gippsland Planning Scheme

5.6. POLICY REVIEW: C01 ACCEPTANCE OF GIFTS AND DONATIONS POLICY

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

Council's Acceptance of Gifts and Donations Policy C01 (Policy) provided as an Attachment is due for review under the scheduled policy review program.

The review has been completed and an updated version reflecting improvements raised by the Audit Committee has been prepared for Council's consideration.

This Policy is in accordance with section 78C of the Local Government Act 1989 (Act). It guides Councillors and staff in declaring gifts and donations to avoid creating conflict of interest and/or compromising their ability to act independently.

RECOMMENDATION/S

That Council:

1. Adopts the revised Acceptance of Gifts and Donations Policy C01, contained in Attachment; and
2. Publish on Council's website.

MOVED: Cr Brunt
SECONDED: Cr McEwen

THAT COUNCIL:

1. **ADOPTS THE REVISED ACCEPTANCE OF GIFTS AND DONATIONS POLICY C01, CONTAINED IN ATTACHMENT; AND**
2. **PUBLISH ON COUNCIL'S WEBSITE.**

CARRIED UNANIMOUSLY

REPORT

Council last reviewed and adopted the Acceptance of Gifts and Donations Policy on 19 March 2014. The Policy Register required it be reviewed again in 2016.

The Audit Committee reviewed this policy in 2015. It recommended that when the Policy was next reviewed, a two week limit should be included for staff and Councillors to register a gift. In making this recommendation the Committee discussed whether there should be a \$0 limit on all gifts and donations. While members decided not to formally recommend a \$0 limit they wished to strongly encourage the promotion of a culture of not accepting gifts or donations of any value.

The revised Policy has included the two week limit for registering gifts. It also reflects the 'spirit' of the Committee's view that acceptance of gifts and donations should be avoided. Overall there are several new clauses that in summary include:

1. The definition of a 'gift' has been expanded;
2. The value of a gift has been raised to \$60 to reflect CPI increases over time to maintain the same 'value' in real terms.
3. Further details are included for the receipt of gifts including:
 - Cumulative value of gifts within one financial year;
 - Gift sharing amongst multiple recipients;
 - Undervaluing gifts;
 - Requiring CEO (for staff) and Mayoral (for Councillors) approval prior to accepting gifts valued over \$250;
 - Preference that no gifts be accepted;
 - Encouragement for disclosure of a gift received by a Councillor or staff member but not declared;
 - Reworded risk assessment; and
 - Audit Committee requirement for receipt of gifts to be registered within two weeks.
4. Contractor awareness of the policy to be increased.

In summary this policy will improve the accountability of Councillors and staff and increase community confidence in the transparency of Council activities.

RISKS

The Policy:

- reduces Council's risk of non-compliance with the Act by raising Councillor and staff awareness of requirements for the transparent declaration of gifts and donations;
- reduces Council's risk of creating unnecessary conflicts of interest and/or limitations on a Councillor or staff member's independent ability to perform their civic duties;
- aims to improve community confidence and public trust in Council's commitment to integrity, transparency and accountability for its actions; and
- aims to minimise fraudulent activities.

ATTACHMENTS

1. C 01 Acceptance of Gifts Donations Policy Draft 2016 [5.6.1]

REFERENCE DOCUMENTS

- Local Government Act 1989
- Crimes Act 1958
- Conflict of Interest - A Guide for Council Staff October 2011, Department of Planning and Community Development
- Conflict of Interest - Guide for staff involved in Recruitment and Tendering of Contracts May 2014, Local Government Victoria
- [Councillor Code of Conduct, 2016](#)
- [Election Period Policy, 2016](#)
- Staff Code of Conduct, 2015
- [Fraud Policy, 2014](#)
- [Guidelines for Making and Handling Protected Disclosures Welfare Management Policy, 2015](#)

6. URGENT OR OTHER BUSINESS

There are two basic parts to the 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.

The Meeting Procedure Local Law No. 3 (Clause 46) allows for where a situation has not been provided for under the Local Law, the Council may determine the matter by resolution. Established practice has provided for urgent motions to be raised at Council provided the matter cannot be dealt with at the next Ordinary Meeting of Council 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 Councillorbe allowed a ‘short period’ to indicate the reason(s) why they matter should be considered as a matter of urgent business.’ If the Chairperson accepts the motion as meeting the urgent business criteria, normal meeting procedures in Local Law No. 3 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.

RECOMMENDATION

That Item 6.1 - Councillor Appointments to Committees 2016/17 be dealt with as a matter of urgent business in order to confirm Councillors' appointment to Committees ahead of the next Ordinary Council Meeting 14 December 2016.

MOVED: Cr McEwen
SECONDED: Cr Edwards

THAT ITEM 6.1 - COUNCILLOR APPOINTMENTS TO COMMITTEES 2016/17 BE DEALT WITH AS A MATTER OF URGENT BUSINESS IN ORDER TO CONFIRM COUNCILLORS' APPOINTMENT TO COMMITTEES AHEAD OF THE NEXT ORDINARY COUNCIL MEETING 14 DECEMBER 2016.

CARRIED UNANIMOUSLY

6.1. COUNCILLOR APPOINTMENTS TO COMMITTEES 2016/17

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

Council has traditionally appointed Councillors to a range of internal and external Committees for the period of one year.

These appointments are reviewed annually at an open Meeting of Council to ensure appropriate representation and contribution by Councillors. This report provides a schedule of the recommended appointments of Councillors to Committees for the period commencing 23 November 2016 for a one year term.

Appointment to these Committees ensures Council is represented and involved in key discussion and planning both with the community, and at State and Federal levels.

The Committees include:

- Council internal Advisory and Steering Committee
- Council Special (section 86) Committees
- External Community Based Committees
- Peak Local Government Bodies
- Industry Bodies

RECOMMENDATION/S

That Council:

1. Appoints Councillors to Committees and External Bodies as per Attachment 6.1.1 for the term commencing 23 November 2016 until 6.00am on the day of an open Council Meeting to be scheduled, following the completion of the Mayoral term in accordance with section 71(3) and 72 of the Act; and
2. Considers new appointments to Committees and External Bodies as changes are required or new Committees are formed.

MOVED: Cr McEwen

SECONDED: Cr Skinner

THAT COUNCIL:

- 1. APPOINTS COUNCILLORS TO COMMITTEES AND EXTERNAL BODIES AS PER ATTACHMENT 6.1.1 FOR THE TERM COMMENCING 23 NOVEMBER 2016 UNTIL 6.00AM ON THE DAY OF AN OPEN COUNCIL MEETING TO BE SCHEDULED, FOLLOWING THE COMPLETION OF THE MAYORAL TERM IN ACCORDANCE WITH SECTION 71(3) AND 72 OF THE ACT; AND**
- 2. CONSIDERS NEW APPOINTMENTS TO COMMITTEES AND EXTERNAL BODIES AS CHANGES ARE REQUIRED OR NEW COMMITTEES ARE FORMED.**

MOVED: Cr McEwen

SECONDED: Cr Skinner

THAT STANDING ORDERS BE SUSPENDED.

CARRIED UNANIMOUSLY

Cr Rich left the Council Meeting at 2.47pm.

Discussion ensued.

MOVED: Cr Brunt

SECONDED: Cr McEwen

THAT STANDING ORDERS RESUME.

CARRIED UNANIMOUSLY

Cr Rich returned to the Council Meeting at 2.55pm.

The Motion before the Chair was CARRIED UNANIMOUSLY.

REPORT

Background

Council has traditionally appointed Councillors to Committees to provide leadership, advocacy, support and active engagement with the community and to support access to strategic advice and information.

During the year, Council may nominate to form internal Council Committees or receive additional requests for representation on external Committees.

Proposal

It is proposed that Council appoints Councillors to Committees for the term commencing 23 November 2016 until 6.00am on the day of an Open Council Meeting to be scheduled, following the completion of the Mayoral term in accordance with section 71(3) and 72 of the Act.

Councillors have considered the appointments to the Committees prior to this Ordinary Council Meeting as indicated in Attachment 6.1.1.

Councillors may consider additional requests for representation on Committees throughout the year; it is recommended that appointments be referred to Council for adoption.

A 'substitute' attendance role at a Committee is to provide back-up support should the first Councillor be unable to attend a Committee meeting.

CONSULTATION

Councillors have considered and discussed potential appointments to these Committees at Council Briefings on 9 and 16 November 2016. The Committees are those which were relevant at the time of discussion and can be reviewed as required throughout the year.

RESOURCES

Funds are allocated in current and forward annual budgets where appropriate for membership fees and any subscriptions required as part of the memberships.

RISKS

The investment of Councillors' time and resources returns positive outcomes and opportunities for Council and the community through access to strategic information, and supports Councillors in their community advocacy and leadership roles.

ATTACHMENTS

1. 2016-17 Councillor Appointment to Committees Information List - 23 November 2016 [6.1.1]

REFERENCE DOCUMENTS

- Local Government Act 1989, section 71(3) and 72

7. GENERAL QUESTION TIME

7.1. QUESTION TIME

This is an opportunity for the community members to ask questions, in accordance with clause 99 of the Local Law No. 3 2010. Members of the public addressing the Council must extend due courtesy and respect to the Council and must take direction from the Chair whenever called upon to do so.

Questions should be in writing and provided to the Council Business support staff. If a response cannot be provided at the Meeting a response will be provided and included in the minutes of the next appropriate Ordinary Council Meeting.

Ron Wangman addressed Council by asking a question about the urgent Agenda Item 6.1. COUNCILLOR APPOINTMENTS TO COMMITTEES 2016/17 specifically asking if there had been an appointment to a Waste Management committee.

Cr McEwen was appointed by Council today to the Gippsland Local Government Waste Forum. Cr McEwen has officially been appointed to the Gippsland Waste and Resource Recovery Group, this is not a Councillor appointed position.

7.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

Nil

8. CLOSED SESSION

Consideration of confidential matters under the Local Government Act 1989, section 89(2). According to section 89 of the Local Government Act 1989 (the Act), Council may consider items in closed session. There must be a resolution to move 'In Committee' stating the reasons why the matter(s) need to be considered in this way. The reasons provided for within the Act are matters concerning personnel, personal hardship industrial issues, contracts, proposed developments, legal advice of any other matter that Council considers would be prejudicial, to it or any other person. Once 'In Committee' discussions and debate have concluded, a further resolution to resume open Council is required.

RECOMMENDATION

That Council close the meeting to the public to allow for consideration of:

1. Closed Item 1 Community Grants - 2016/2017 Round 1 pursuant to section 89(2)(h) a matter which the Council or Special Committee considers would prejudice the Council or any person; and,
2. Closed Item 2 Audit Committee Meeting Report - 12 September 2016 pursuant to section 89(2)(h) a matter which the Council or Special Committee considers would prejudice the Council or any person.

MOVED: Cr Brunt

SECONDED: Cr Kiel

THAT COUNCIL CLOSE THE MEETING TO THE PUBLIC TO ALLOW FOR CONSIDERATION OF:

1. **CLOSED ITEM 1 COMMUNITY GRANTS - 2016/2017 ROUND 1 PURSUANT TO SECTION 89(2)(H) A MATTER WHICH THE COUNCIL OR SPECIAL COMMITTEE CONSIDERS WOULD PREJUDICE THE COUNCIL OR ANY PERSON; AND,**
2. **CLOSED ITEM 2 AUDIT COMMITTEE MEETING REPORT - 12 SEPTEMBER 2016 PURSUANT TO SECTION 89(2)(H) A MATTER WHICH THE COUNCIL OR SPECIAL COMMITTEE CONSIDERS WOULD PREJUDICE THE COUNCIL OR ANY PERSON.**

CARRIED UNANIMOUSLY

The information listed below has been made public by Council Resolution in the Closed Session of Council.

8.2 AUDIT COMMITTEE REPORT FOR 12 SEPTEMBER 2016

Corporate and Community Services Directorate

ATTACHMENT

1. Audit Committee Minutes - 12 September 2016 - FINAL [8.2.1]

MEETING CLOSED

NEXT MEETING

The next Ordinary Meeting of Council open to the public will be held on Wednesday, 14 December 2016 commencing at 2pm in the Council Chambers, Leongatha.

The Council Meeting closed at 5.20pm.

The Council Meeting closed at {time}.

Confirmed this day of 2016

.....
Mayor Cr Ray Argento
