

SOUTH GIPPSLAND SHIRE COUNCIL

Council Minutes

Ordinary Meeting of Council

14 December 2016

Ordinary Meeting No. 408
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 Chris Van Der Ark, Acting 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 Paul Stampton, Manager Planning

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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.

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:

1. Special (Statutory) Meeting, held on 16 November 2016 in the Council Chambers, Leongatha and;
2. Ordinary Meeting No.407, held on 23 November 2016 in the Council Chambers, Leongatha be confirmed.

MOVED: Cr Skinner

SECONDED: Cr Rich

THAT THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL:

1. **SPECIAL (STATUTORY) MEETING, HELD ON 16 NOVEMBER 2016 IN THE COUNCIL CHAMBERS, LEONGATHA AND;**
2. **ORDINARY MEETING NO.407, HELD ON 23 NOVEMBER 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*.

Cr Jeremey Rich declared a direct interest in Council Agenda Item 4.2 DOCUMENTS SEALED AND CONTRACTS AWARDED, VARIED OR EXTENDED BY CEO as he is a Director of the adjoining land which has water rights which relate to one of the documents sealed.

Cr Aaron Brown declared a direct interest in Council Agenda Item 5.8 2016/17 CAPITAL WORKS PROGRAM AMENDMENT - 'MEENIYAN COMMONS' CAR PARK CONSTRUCTION as he is an owner of adjoining property to the site.

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.

Ian Murphy, Recreation Officer declared an indirect conflict of interest for item 5.7 2016 SOCCER FACILITIES PLAN ADOPTION, having a conflicting duty in that he is a board member of the Gippsland Soccer League.

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 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 Rich addressed Council regarding his attendance at the South Eastern Australian Transport Strategy (SEATS) meeting held at Bega, NSW. Cr Rich thanked former Councillor Jeanette Harding on the great work undertaken whilst in the role and for providing background information to him about this meeting. Cr Rich commented how SEATS has helped South Gippsland, some examples include gaining funding for the Black Spur project Koonwarra, Leongatha Heavy Vehicle By Pass project and Korumburra Road realignment project. He further emphasised the importance of continued partnerships with SEATS.

Cr Brown addressed Council regarding his attendance at:

- Loch Community Development Association (LCDA) meeting and commented how it was a great opportunity to meet with this community and hear about the proactive response taken when challenged by the Loch Road bypass some years ago.
 - Kongwak Community Group meeting and commented it was another great opportunity to meet with this community group.
-

Cr Brunt addressed Council regarding her attendance at:

- Korumburra Secondary College student presentations held in the Council Chambers, Leongatha. Cr Brunt informed that the focus of the presentations provided students the opportunity to 'present their case on what they would like to achieve for their towns'. It was a positive process in that there were great ideas presented as well as the students gaining insight into some of the considerations that Council need to make when making decisions.
 - Opening of a new Bicycle Shop in Korumburra and commented that it was great to see a new business in town.
 - Council's Access and Inclusion Advisory Committee meeting and noted that ideas were shared with Bass Coast Shire Council who were in attendance.
-

Cr Skinner addressed Council regarding her attendance at:

- Arts Network meeting and commented on the enthusiasm and expertise that was in the room to progress and review the implementation strategy.
 - Foster Stockyard Gallery meeting.
-
-

Cr McEwen addressed Council regarding his attendance at:

- Street Walk Initiative in Korumburra and commented that he received positive feedback.
 - Climate Change Adaptation meeting in Inverloch and highlighted how the farming community might adapt to change and that there is a current shared project between South Gippsland and the Bass Coast Shire Councils on this matter.
-

Cr Edwards addressed Council regarding her attendance at:

- Relaunch/ opening of the Gippsland Southern Rail Trail at Fish Creek that included newly completed signage.
 - Launch of the 2006 Commonwealth Games Big Fish in Fish Creek.
 - Meeting with Lyric Theatre Leongatha.
 - West Gippsland Regional Library Corporation Board meeting and commented that one of the biggest items of business was addressed and that was to appoint a new Chief Executive Officer.
 - Carols at the Drome in Leongatha and thanked the community as it was most enjoyable.
-

Cr Hill addressed Council by providing feedback from community members that had been provided to him following the election, that there is an expectation of change to be made by the new Council.

Cr Kiel addressed Council regarding her attendance at:

- Mirboo North Idol event that was enjoyed by the community at the Mirboo North Pool.
 - Opening of Art Exhibition at the Fish Creek Hotel.
 - Carols at the Drome in Leongatha.
 - Mirboo North market and talked with many community members.
 - Prom Country Regional Tourism (PCRT) meeting held at Tidal River. Cr Kiel enjoyed a tour of new accommodation for 2017.
-

- Mirboo North Energy Hub meeting.
 - Opening of a Community Christmas Tree at Government House and explained that the decorative Christmas tree represented and celebrated each Council and Shire across Victoria.
-

Cr Argento addressed Council by thanking Councillors and the community for the support shown in the work undertaken with them.

2. NOTICES OF MOTION AND/OR RESCISSION

2.1. NOTICE OF MOTION NUMBER 701 - LIVE STREAMING AT COUNCIL

PURPOSE

Council needs to improve its transparency and I believe that the introduction of live streaming of Council meetings will take Council in the right direction. This will allow people who normally might be unable to attend a council meeting to follow the action from the comfort of an alternative location and to review past Council meetings as required.

MOTION

I, Councillor Don Hill, advise that I intend to submit the following motion to the Ordinary Meeting of Council scheduled to be held on 14 December 2016.

That Council:

1. Receive and note the report for consideration on the potential benefits, in introducing live streaming of Council meetings for implementation in 2017/18.
2. Receive a report from the officers in February 2017 detailing the introduction of live streaming of Council meetings.

MOVED: Cr Hill

SECONDED: Cr McEwen

THAT COUNCIL:

1. **RECEIVE AND NOTE THE REPORT FOR CONSIDERATION ON THE POTENTIAL BENEFITS, IN INTRODUCING LIVE STREAMING OF COUNCIL MEETINGS FOR IMPLEMENTATION IN 2017/18.**
2. **RECEIVE A REPORT FROM THE OFFICERS IN FEBRUARY 2017 DETAILING THE INTRODUCTION OF LIVE STREAMING OF COUNCIL MEETINGS.**

CARRIED

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

Against: Councillors Brunt and Brown.

BACKGROUND

The webcasting of council meetings is a component of the Local Government Online Services strategy developed by the Municipal Association of Victoria (MAV). It forms one element of the web and intranet sub-project. The webcast concept was developed through the pioneering efforts of Wellington Shire Council. Following the work undertaken at Wellington Shire a formal pilot project was initiated by the MAV.

Pilot implementations for webcasting of Council meetings were undertaken with objectives to:

- Enhance Council e-Democracy capabilities;
- Enable the public to:
 - view Council meetings irrespective of distance;
 - view past Council meetings;
 - gain a greater understanding of the decision making process within Council;
 - access more accurate, complete and current information;
 - submit questions to Council meetings irrespective of distance; and
- Enhance the public's ability to participate in the decision making processes of Local Government.

The participating pilot councils were Cardinia Shire Council and Melbourne City Council. The webcasting service is fully operational and now includes The City of Greater Dandenong, Darebin Council, the City of Newcastle, Wellington Shire Council, Warringah Council, Shellharbour Council, Launceston Council, the Municipal Association of Victoria (MAV) and others who are in the process of establishing the capability.

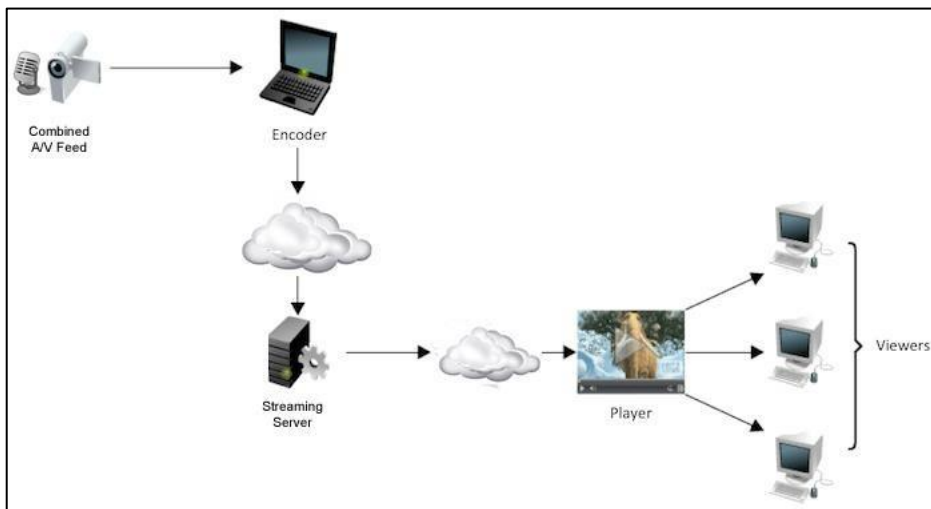
Outline of the Technology/Setup

The basic setup of the streaming facilities is based on a number of standard components which are outlined below. In many situations, councils would already possess some of the required items which would alleviate the capital costs involved in the setup.

- Camera - Can be from one to multiple (multiple cameras require video mixer)
- Audio system - (most councils would have this in place already)
- Encoding Machine (PC) - New PC dedicated to purpose
- A/V Capture cards for PC - Osprey preferred equipment

- Adequate outgoing internet capacity for outbound stream to apStream server

Streaming Overview



Once configured simple administration and control by Councils.

End User Formats



Targeting all the key user devices.

Presenting the Streams to the Public

1. Streaming

The webcast is only one part of the communication to the audience. Integration of other information such as meeting times, titles, branding are an important part of conveying the message. Using an integrated media player, clients can provide the user with extra information relating to the webcast. Items such as agendas and the ability to submit questions to the council, enhance the user experience and provide important feedback to the clients. Using the integrated player also allows the council to package all the streams together - Live and Archived stream.

The key aspect of the service is that members of the public may view, or listen to, live client meetings through the internet as they happen in real-time and they may also view archived meetings online at their convenience.

Once the facility is in place, it can be expanded to include planning meetings and any other council related meetings which are open to the local public. The scope and pace of this growth is entirely within the discretion of the council as the

service is self-managed and operated locally at clients offices or designated locations.

Integration into Media Player and Council Website

The media player and the webstreams are linked and accessed from the South Gippsland Shire Council's website. This reinforces the use of the council home page as the key point of reference for all council related information.

- Home Page - Links to live and archived streams
- Access to any support documentation - e.g. Meeting Agenda.
- Media Player - Branded to clients Livery (apStream will advise on how this is done)
- Links to pages that contain any other relevant data - Terms of use etc.
- Integration of chat components - if required

Controlling the Streams and the Content

Secure Administration Site

An administration site is provided to allow the clients to control and activate all content in the Media Player, set up for streams to be available on demand after the live events. Each meeting is set up separately and for the streaming option all relevant information is attached. After the live meeting the recorded archive of the meeting is generally uploaded to the site (if Council wishes such) to allow for access by your users as a streamed archive.

For streaming, reporting of each session is available in real time and broken down by each meeting and into Live and Archived viewing. All meetings can be tested before activating live, archived.

Activity Plan to Setup Meetings

Below is a list of the requirements for Council to conduct monthly webcast of their Council's meetings. apStream is available to provide ongoing assistance and develop the full potential of this project.

Steaming Requirement – incl. equipment	Comments
Live Streaming	
Set up of Streaming Facilities – including Streaming Servers	This is once off.
Facilitate Monthly Stream – Streaming cost.	Ongoing.
Set Up per month to activate stream.	Ongoing.

On Demand Streaming	
Set Up On Demand Servers.	This is once off.
Upload/Activate Archived streams.	Ongoing.
Combined cost for all archived streams.	Ongoing.
On Site Set Up	
Set Up of encoder and point to point connections, including testing Audio and Visual Equipment.	This is once off and could be done remotely by communication between apStream technical people and council technical staff.

Equipment – Computer Equipment	
PC – Used for encoding Stream on location. Usually supplied by council as part of their asset pool.	Detailed specification of PC to be discussed as part of project planning activity. Approximate Cost \$1,700. Plus any bespoke developments
Audio/Video (A/V) capture card. To enable input from camera and audio	High quality - this handles a large amount of the A/V processing. Preferably Osprey. Approximate Cost \$700.
A/V Equipment and Installation	
Camera – single/multiple. Audio equipment.	
Branded Media Player – streaming option only	
Design and Development of Branded Media Player.	A base level video player will be provided as part of standard setup and additional requirements will be quoted for individually, depending on the elements needed which could include Live, Archive, Agenda, Survey, Chat and other capabilities.

Fee Schedule

The apStream platform supports Live and Archived streaming to Apple IOS devices and Android 4.0 playback using H.264 encoding and playback. Also included will be a High Quality Web Player - utilising Flash, HTML 5 and H.264 technologies. Users are able view Events in far higher quality and on all the major mobile/tablet devices.

Live and archived streaming option

One off setup payment by Council to apStream

Item	Description	Amount	Cost Basis
Setup and Configuration and Branded Media Player	Setup Tasks - streaming facilities Multi Device – Web/ Mobile/Tablet - on demand service - setup/configuration and connections - 3 rd party licencing - Media player, Multi Device – Web/ Mobile/Tablet	\$1,700 + GST plus any bespoke development requested	Single payment

Ongoing payments by Council to apStream

Item	Description	Amount	Cost Basis	
Service Fee - Live Streaming – audio only	Multi Device – Web/ Mobile/Tablet Live Streaming	\$315 + GST	Per meeting	
Service Fee- Live Streaming	Streaming set up (no change)	\$75 + GST – for video services	Per meeting	
Service Fee- OnDemand Streaming	Storage and access of archive for video services	No. of active archives 1 – 5 + 6 – 10 + 11-15 + 16 – 20 + 21 +	Cost/ arch/mth \$65.00 + GST \$55.00 + GST \$45.00 + GST \$30.00 + GST \$20.00 + GST	Per meeting per month reducing as number of archives increases

A/V Equipment Options

Payment by Council to apStream or A/V Provider

Item	Description	Amount	Cost Basis
A/V Equipment and Installation	Entry level Option		
	Camera – per camera	\$3,000 - \$6,000	Allow
	Audio Equipment, - Microphone/PA	\$3,000 +	Allow
	Mixer	\$2,500 +	Allow
	Plus Installation	Dependent upon complexity of camera setup requirements. Can be substantial	

Estimated costs are exclusive of GST.

Although training will be provided during setup for appropriate council staff, extended training for council staff can be conducted according to specific council needs if requested and quoted separately.

Timing

Total Specification, Design, Development and Implementation time - 2-3 weeks approximately.

Audio Visual Equipment Delivery and Installation will depend on the specific final solution

The elapsed time is intended as a guide and may vary due to specific project requirements. The specific delivery schedule will be finalised in consultation with the client.

2.2. NOTICE OF MOTION NUMBER 702 - REMOVAL OF THE \$32 MILLION MUNICIPAL OFFICE COMPLEX FROM THE 15 YEAR BUDGET

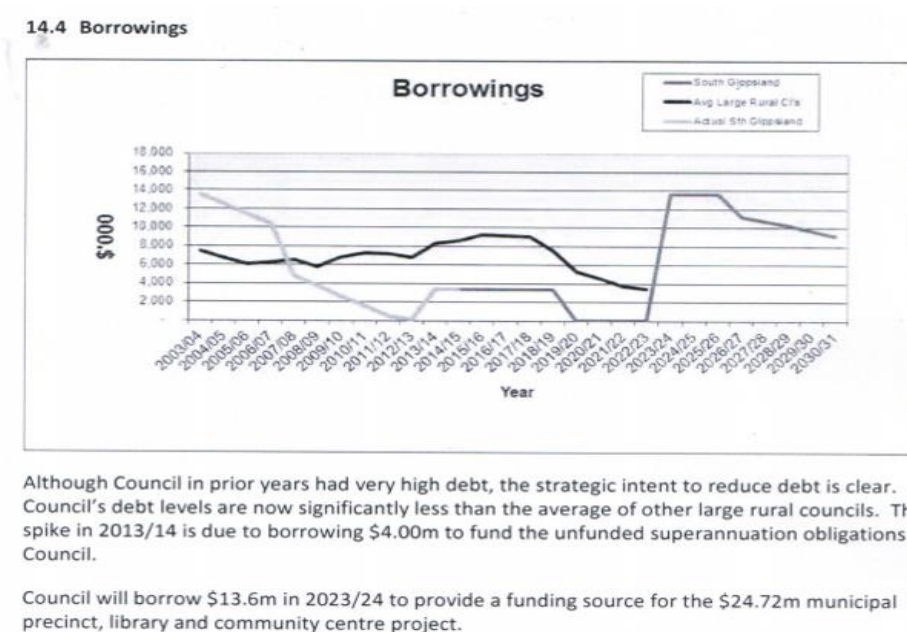
PURPOSE

To direct the Chief Executive Officer to remove the \$32 million Municipal Office Project and all associated costs/borrowings from the 15 year budget.

One of the best achievements of previous Councils between 2003 and 2012 was the reduction in the Council's high levels of debt from \$14 million in 2003 to zero in 2012.

The following chart in Figure 1 taken from the 2016/17 budget papers shows that this project will return the Council to those earlier times and Council would have a debt level of an amount similar to 2003.

Figure 1



Source: page 126 Budget 2016/17 (Approved in June 2016)

Council used high annual rate rises of 6% plus from 2003 to 2012 to reduce that debt to zero. Rate capping means Council does not have that option available in the future.

MOTION

I, Councillor Don Hill, advise that I intend to submit the following motion to the Ordinary Meeting of Council scheduled to be held on 14 December 2016.

That Council cancel the \$32 million Municipal Office Project and remove all costings etc. from the 15 year budget. Officers are to cease all work on progressing the Municipal Office Project as directed from the 25 November 2015 Council Meeting.

Cr Brunt raised a Point of Order under clause 48(b) on the grounds that the Notice of Motion is objectionable in language, nature or intent and therefore must not be accepted by the Chair.

The Mayor upheld the Point of Order and ruled that the Notice of Motion was objectionable in its nature and intent and therefore would not be accepted by the Chair.

3. COMMITTEE REPORTS

Nil

4. PROCEDURAL REPORTS

4.1. ASSEMBLY OF COUNCILLORS: 22 OCTOBER - 21 NOVEMBER 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 October and 21 November 2016.

RECOMMENDATIONS

That Council receive and note this report.

MOVED: Cr Brunt

SECONDED: Cr Skinner

THAT COUNCIL RECEIVE AND NOTE THIS REPORT.

CARRIED UNANIMOUSLY

REPORT

Meeting Title	Details
Wednesday 2 November 2016	
Councillor Transition Program	<p>Councillors-Elect Attending: Councillors-Elect Hill, Kiel, Edwards, McEwen, Brunt, Brown, Skinner, Rich and Argento.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed:</p> <ul style="list-style-type: none"> • Organisation structure overview • Councillor Transition Program • Councillor Toolkit - resources and support • Occupational Health and Safety for Councillors • Council Decision Making Framework • Councillor Appointment to Committees • Council Meeting and Briefing Times • Councillor equipment and software training • Councillors Elect Declaration of Oath of Office Ceremony preparation • Councillor Code of Conduct • Councillor-Elect/ Executive Update <ul style="list-style-type: none"> - Councillor Only session requirements - Councillor office location - Live streaming Council Meetings - Tour of Shire and Council Offices for Councillors
Tuesday 8 November 2016	
Councillor Transition Program	<p>Councillors-Elect Attending: Councillors-Elect Edwards, Brunt, Argento, Kiel, Brown, Rich, McEwen and Skinner.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed:</p> <ul style="list-style-type: none"> • Local Government Framework overview session • Local Government Act 1989 overview session • Local Law No.3 2010 - Processes of Municipal Government session • Mock Council Meeting interactive session • Conflicts of Interest • Primary and Ordinary Returns, including Gifts and Donations Policy and Election Campaign Returns • Policy overviews: <ul style="list-style-type: none"> - Councillor Support & Resource Allocation Policy - Councillor Access to and Requests for Council Information Policy - Public Participation in Meetings with Council Policy

Meeting Title	Details
Tuesday 8 November 2016	
Executive Update to Councillors-Elect	<p>Councillors-Elect Attending: Councillors-Elect Edwards, Brunt, Argento, Kiel, Brown, Rich, McEwen and Skinner.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed:</p> <ul style="list-style-type: none"> • Councillor vehicle allocation • General confidential items discussion • Invitations to external events • Councillor transition program
Wednesday 9 November 2016	
Councillor Transition Program	<p>Councillors-Elect Attending: Councillors-Elect Kiel, Edwards, McEwen, Brunt, Brown, Skinner, Rich and Argento.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed:</p> <ul style="list-style-type: none"> • Special Statutory Meeting Preparation • Meeting with Council's Management Team • Councillors-Elect Declaration of Oath of Office preparation
Public Wi-Fi Options	<p>Councillors-Elect Attending: Councillors-Elect Kiel, Edwards, McEwen, Brunt, Brown, Skinner, Rich, Hill and Argento.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors-Elect considered and discussed public Wi-Fi models and options.</p>

Meeting Title	Details
Wednesday 9 November 2016	
Councillor Declaration of Oath of Office Open Session	Councillors Attending: Councillors Kiel, Hill, Edwards, McEwen, Brunt, Brown, Skinner, Rich and Argento. Conflict of Interest: Nil disclosed. Matters Discussed: In a ceremony that was undertaken at the Leongatha RSL Councillors-Elect undertook their Oath of Office and signed the Councillor Code of Conduct.
2016/17 Community Grants Round 1 Assessment	Councillors Attending: Councillors Kiel, Hill, Edwards, McEwen, Brunt, Brown, Skinner, Rich and Argento. Conflict of Interest: 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. The matter was not discussed in the assembly. Matters Discussed: Councillors considered Community Grant Round 1 applications.
Proposed applications: 1. SRV Country Football Netball Program and 2. Tourism Demand Driver Infrastructure for Agnes Falls	Councillors Attending: Councillors Kiel, Hill, Edwards, McEwen, Brunt, Brown, Skinner, Rich and Argento. Conflict of Interest: Nil disclosed. Matters Discussed: Councillors were provided information and discussed proposed applications.
Environmental Update Agreements	Councillors Attending: Councillors Kiel, Hill, Edwards, McEwen, Brunt, Brown, Skinner, Rich and Argento. Conflict of Interest: Nil disclosed. Matters Discussed: Councillors were provided information and discussed the program.

Meeting Title	Details
Wednesday 9 November 2016	
Councillor/ CEO session	<p>Councillors Attending: Councillors Kiel, Hill, Edwards, McEwen, Brunt, Brown, Skinner, Rich and Argento.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed:</p> <ul style="list-style-type: none"> • Importance of working together as a team • CEO contract provision
Appointment of Councillors to Committees	<p>Councillors Attending: Councillors Kiel, Hill, Edwards, McEwen, Brunt, Brown, Skinner, Rich and Argento.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors were provided information and considered appointments to internal and external Committees.</p>
Councillor Code of Conduct	<p>Councillors Attending: Councillors Kiel, Hill, Edwards, McEwen, Brunt, Brown, Skinner, Rich and Argento.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors were provided information and commenced review of the Code prior to its legislated adoption by 22 February 2017.</p>
Councillor Vehicle Briefing	<p>Councillors Attending: Councillors Kiel, Hill, Edwards, McEwen, Brunt, Brown, Skinner, Rich and Argento.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors were provided information and considered the Councillor Vehicle Policy.</p>

Meeting Title	Details
Wednesday 16 November 2016	
Executive Update to Councillors	<p>Councillors Attending: Councillors Kiel, Hill, Edwards, McEwen, Brunt, Brown, Skinner, Rich and Argento.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed:</p> <ul style="list-style-type: none"> • Strategic Issues and Developments • Disclosures of Interest • Demonstration of 'Live Streaming' of Council Meetings
<p>Public Presentations</p> <p>Open Session</p>	<p>Councillors Attending: Councillors Kiel, Hill, Edwards, McEwen, Brunt, Brown, Skinner, Rich and Argento.</p> <p>Conflict of Interest: Nil disclosed.</p>
<p>Presentations were made to Council by the following community member: David Amor addressed Council regarding Lot 52 Shellcotts Road, Korumburra - removal of reserve status of land.</p>	
Agenda Topic Discussion - 23 November 2016	<p>Councillors Attending: Councillors Kiel, Hill, Edwards, McEwen, Brunt, Brown, Skinner, Rich and Argento.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors considered agenda topics from the Ordinary Council Meeting 23 November 2016.</p>
Executive Update to Councillors	<p>Councillors Attending: Councillors Kiel, Hill, Edwards, McEwen, Brunt, Brown, Skinner, Rich and Argento.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed:</p> <ul style="list-style-type: none"> • Mining • ViPlus update • Mirboo North Structure Plan • Visitor Information Centre Foster • Councillor appointment to committees • Councillor Code of Conduct review • Korumburra development proposal update • Councillors' office

Meeting Title	Details
Wednesday 16 November 2016	
Commercial Proposal	<p>Councillors Attending: Councillors Kiel, Hill, Edwards, McEwen, Brunt, Brown, Skinner, Rich and Argento.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors were provided an update on a proposed development.</p>
<p>Public Presentations</p> <p>Open Evening Session</p>	<p>Councillors Attending: Councillors Kiel, Hill, Edwards, Brunt, Brown, Rich and Argento.</p> <p>Conflict of Interest: Nil disclosed.</p>
<p>Presentations were made to Council by the following community member: Lynette Amor addressed Council regarding Council Agenda Item 5.5 Council Agenda Item Proposed Amendment 2006/541/C - 15 Korumburra South Road, Korumburra South.</p>	

REFERENCE DOCUMENTS

- Local Government Act 1989

Cr Jeremy Rich left the Council Meeting at 2.38pm with a declared direct interest in Council Agenda Item 4.2 DOCUMENTS SEALED AND CONTRACTS AWARDED, VARIED OR EXTENDED BY CEO as he is a Director of the adjoining land which has water rights which relate to one of the documents sealed.

4.2. DOCUMENTS SEALED AND CONTRACTS AWARDED, VARIED OR EXTENDED BY CEO

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

This document reports the following actions undertaken by the Chief Executive Officer (CEO) from 22 October to 11 November 2016, as required by 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.

RECOMMENDATIONS

That Council receives and notes this report.

MOVED: Cr Brown
SECONDED: Cr Skinner

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 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 documents were sealed between 22 October and 11 November 2016:

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 74 Inlet View Road, Venus Bay in relation to the development of land with a dwelling including removal of native vegetation - Seal Applied 24 October 2016.
2. Deed of Variation of Water Agreement between South Gippsland Shire Council and Ansevata Nominees Pty Ltd - Seal Applied 3 November 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 in 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 contract's 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.

There were no contracts awarded between 22 October and 11 November 2016 under the CEO's financial delegation of \$250,000 (inclusive of GST) following a public tender that were not specified in the 24 August 2016 resolution (refer to the paragraph below).

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 22 October and 11 November 2016 that were specified in the 24 August 2016 resolution and that were within budget:

1. CON/117 Painting Services - Interior and Exterior of the Leongatha Memorial Hall Complex awarded on 7 November 2016 for the Lump sum amount of \$110,330.00 (including GST).

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 avoid delays to key projects, following consultation with the Mayor and subject to this variation being reported to the next practicable Council Meeting.

There were no variations to a contract which exceeds the CEO's delegation, approved by the CEO between 22 October and 11 November 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 exceed the CEO's delegation.

There were no contract extensions which in total exceeded the CEO's delegation approved by the CEO during the period 22 October to 11 November 2016.

REFERENCE DOCUMENTS

- Local Government Act 1989, section 5 and 186
- 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

Councillor Rich returned to the Council Meeting at 2.39pm.

5. COUNCIL REPORTS

5.1. COMMUNITY CAPITAL WORKS ALLOCATION PROJECT - RESCISSION

Chief Executive Office

EXECUTIVE SUMMARY

In 2015, Council resolved to allocate \$400,000 each to Foster, Korumburra, Mirboo North and Venus Bay (\$1.6M in total) for capital works projects to be determined by the community through a participatory budgeting process.

This report is the culmination of that process and articulates why it is necessary to rescind previous a Council decision to finalise the project.

RECOMMENDATION

That Council rescind the requirement that the Community Capital Works Allocation projects for Foster, Korumburra, Mirboo North and Venus Bay be undertaken in the 2017/18 financial year.

MOVED: Cr Brunt

SECONDED: Cr Kiel

THAT COUNCIL RESCIND THE REQUIREMENT THAT THE COMMUNITY CAPITAL WORKS ALLOCATION PROJECTS FOR FOSTER, KORUMBURRA, MIRBOO NORTH AND VENUS BAY BE UNDERTAKEN IN THE 2017/18 FINANCIAL YEAR.

CARRIED UNANIMOUSLY

REPORT

This report has been prepared in response to two Council resolutions. The first was adopted on 28 October 2015:

That Council:

- 1. Proceed with the Community Budgeting process proposed in this report and adopt the terms of reference as detailed in Attachment 1.*
- 2. Commit to formally considering the recommendations of the community panels with regard to the allocation of \$400,000 (total \$1.6M) to capital works in each of the following areas: Korumburra, Foster, Venus Bay and Mirboo North.*
- 3. Note that expenditure of capital funds can only be associated with Council owned or controlled infrastructure and assets.*

The second was adopted on 22 June 2016:

That Council:

- 1. Re-shape and re-name the Community Budgeting project to the Community Capital Works Allocation project.*
- 2. Use online engagement tools and town meetings to determine the communities' priority projects*
- 3. Consider the priority projects identified by the Community Capital Works Allocation process for inclusion in the 2017/18 Capital Works program.*

The timelines for the original project were too tight to attract an adequate number of nominees to create representative panels. Council identified the need to re-shape the project and deemed online forums and town meetings to be more appropriate engagement methods.

Concerns raised by the original Community Budgeting nominees were addressed in the revised project as existing community plans were used to assist the community to prioritise projects and communication was more targeted with a wide advertising campaign being augmented by sending letters to every household in the four towns.

Engagement consultants OurSay were utilised to implement the online forums and to facilitate community workshops in the towns of Foster, Korumburra, Mirboo North and Venus Bay to determine the communities' priority projects for capital works in 2017/18. It was important to use consultants for this project to emphasise that the decisions were in the hands of the community, and that while Council officers were available to provide information and advice that they were removed from the decision-making process.

As the project progressed it became apparent that the 'hands-off' role for Council created a number of issues, particularly around the community suggestions for works that were not necessarily associated with Council owned or controlled infrastructure and assets and timeframes for completing the projects.

As each community made its recommendations it became clear that it would be all but impossible to deliver all of the projects within the 2017/18 financial year. To facilitate the outcomes desired by the four communities Council has the option to remove the constraint of the original timeline.

CONSULTATION

External consultation was held across two stages for the Community Capital Works Allocation project including an online forum held in September and community workshops held in October/November.

More detailed analysis of the external consultation relevant to each town is provided with each report detailing the community recommendations.

Internal consultation has been held with the Sustainable Communities and Infrastructure directorate to gather an understanding of necessary resources for implementation and any future risks associated with the project.

RESOURCES

Council has already allocated \$400,000 (total \$1.6M) to each of the towns of Foster, Korumburra, Mirboo North and Venus Bay to utilise for the 2017/18 Annual Budget. This money would need to be spread across future financial years as projects are delivered.

To date the Community Capital Works allocation project has cost approximately \$10,000 (excluding officer time).

RISKS

Reputational: If Council does not rescind the original Council decision and identifies projects that are able to be delivered in 2017/18 for the Community Capital Works Allocation project that do not reflect the community feedback.

5.2. COMMUNITY CAPITAL WORKS ALLOCATION PROJECT - KORUMBURRA

Chief Executive Office

EXECUTIVE SUMMARY

In 2015, Council resolved to allocate \$400,000 to each of Foster, Korumburra, Mirboo North and Venus Bay (\$1.6M in total) for capital works projects to be determined by the community through a participatory budgeting process.

This report is the culmination of the engagement process and articulates the Korumburra community's recommendations to Council.

RECOMMENDATION

That Council:

1. Allocate \$175,000 to upgrades (to be determined in consultation with relevant stakeholder groups) at the Korumburra Recreation Centre;
2. \$175,000 to upgrades (to be determined in consultation with relevant stakeholder groups) at the Korumburra Recreation Reserve;
3. \$25,000 to begin a skate park/youth hub; and
4. \$25,000 to picnic zones including a rotunda with BBQ facilities at the north-west entrance to Korumburra.

MOVED: Cr Brunt

SECONDED: Cr McEwen

THAT COUNCIL ALLOCATE:

1. **\$175,000 TO UPGRADES (TO BE DETERMINED IN CONSULTATION WITH RELEVANT STAKEHOLDER GROUPS) AT THE KORUMBURRA RECREATION CENTRE;**
2. **\$175,000 TO UPGRADES (TO BE DETERMINED IN CONSULTATION WITH RELEVANT STAKEHOLDER GROUPS) AT THE KORUMBURRA RECREATION RESERVE; AND**
3. **\$50,000 TO BEGIN A SKATE PARK/YOUTH HUB.**

CARRIED UNANIMOUSLY

REPORT

This report has been prepared in response to two Council resolutions. The first was adopted on 28 October 2015:

That Council:

- 1. Proceed with the Community Budgeting process proposed in this report and adopt the terms of reference as detailed in Attachment 1.*
- 2. Commit to formally considering the recommendations of the community panels with regard to the allocation of \$400,000 (total \$1.6M) to capital works in each of the following areas: Korumburra, Foster, Venus Bay and Mirboo North.*
- 3. Note that expenditure of capital funds can only be associated with Council owned or controlled infrastructure and assets.*

The second was adopted on 22 June 2016:

That Council:

- 1. Re-shape and re-name the Community Budgeting project to the Community Capital Works Allocation project.*
- 2. Use online engagement tools and town meetings to determine the communities' priority projects*
- 3. Consider the priority projects identified by the Community Capital Works Allocation process for inclusion in the 2017/18 Capital Works program.*

Council has the following options to finalise the recommendations for the Korumburra Community Capital Works Allocation project:

1. Adopt the recommendations provided by the community through the online forums and community workshops.
2. Determine other capital works projects it deems to be a higher priority for the project.
3. Abandon the project altogether.

CONSULTATION

External consultation was held across two stages for the Community Capital Works Allocation project in Korumburra including an online forum held in September and a community workshop held on the 3 November.

These opportunities for community engagement were advertised to Korumburra via the following methods:

- Extensive social media presence, not only on Council's own platform but also on those of local community groups
- Letters were sent to 1,822 households in Korumburra
- Media releases
- Email alerts to the registered OurSay users
- Advertising campaigns in the Burra Flyer and notifications in primary and secondary school newsletters
- Notifications on Council's website
- Through Council's extensive network of community organisations.

The Korumburra Community Capital Works online forum was open from 31 August to 20 September 2016.

The forum was populated with projects identified by the community and the Long Term Capital Works Program. Individuals were invited to vote on these projects and to suggest ideas of their own.

Engagement results for the forum included:

1. Korumburra: 226 people engaged, 47 ideas generated and 1204 votes cast.

The forum finished with the following projects in the top three according to votes received:

1. Korumburra:
 - i. Upgrade Korumburra Soccer/Cricket Grounds (291 votes)
 - ii. Upgrade Korumburra Tennis Club (227 votes)
 - iii. Upgrade Korumburra Indoor Recreation Centre (139 votes).

Following the online forum a community workshop was held with 24 people in attendance. These individuals were requested to think about which projects would provide the best overall community benefit when making their decisions.

The outcome of the community workshop was that the \$400,000 be split across four different projects. The community workshop recommended that \$175,000 be allocated to each of the Recreation Centre and the Recreation Reserve, with \$25,000 be allocated to each of the skate park and barbecue facilities at the north-western entrance to town.

Please refer to the Korumburra Community Report in Attachments to see the deliberation notes that the community used to finalise their recommendation. The report was produced using the verbatim notes taken by community members who volunteered as scribes at the session.

RESOURCES

Council has already allocated \$400,000 to Korumburra to utilise in the 2017/18 Annual Budget.

To date the Community Capital Works Allocation project has cost approximately \$10,000 (excluding officer time) in total.

If the recommendations are adopted there will be resource implications for the Sustainable Communities and Infrastructure Directorate to deliver the projects. Council will need to clarify if the considerable project management and design costs associated with delivery of most of the recommended projects is to be drawn from the initial \$400,000 allocated, or if new budget allocations are to be made for these costs.

RISKS

Reputational: If Council either identifies projects for the Community Capital Works Allocation project that do not reflect the community feedback or decides to abandon the project altogether.

Financial: If Council endorses all the recommended projects then extra budget allocations will be required for design and project management, or the amount available for construction of capital projects will considerably less than the community is anticipating. Some projects that have yet to be accurately costed may not be deliverable for the money allocated, or only if significant external grants are received, which could lead to a preferred project being delayed for some years.

Potential for ongoing impact on Council's long term financial budget due operational and capital replacement costs associated with the proposed new infrastructure.

Local partnerships: In some cases, projects have been recommended and endorsed by the local community but without detailed discussion with the community committees who manage the facilities. Liaison with these committees will be essential to ensure that the Council allocation complements any strategic plans that are in place for these facilities.

ATTACHMENTS

1. Korumburra Community Report [5.2.1]

5.3. COMMUNITY CAPITAL WORKS ALLOCATION PROJECT - FOSTER

Chief Executive Office

EXECUTIVE SUMMARY

In 2015, Council resolved to allocate \$400,000 to each of Foster, Korumburra, Mirboo North and Venus Bay (\$1.6M in total) for capital works projects to be determined by the community through a participatory budgeting process.

This report is the culmination of the engagement process and articulates the Foster community's recommendations to Council.

RECOMMENDATION

That Council allocate \$400,000 to implement recycled water infrastructure for the Foster Showgrounds.

MOVED: Cr Skinner

SECONDED: Cr Rich

THAT COUNCIL ALLOCATE \$400,000 TO IMPLEMENT RECYCLED WATER INFRASTRUCTURE FOR THE FOSTER SHOWGROUNDS.

CARRIED UNANIMOUSLY

REPORT

This report has been prepared in response to two Council resolutions. The first was adopted on 28 October 2015:

That Council:

1. *Proceed with the Community Budgeting process proposed in this report and adopt the terms of reference as detailed in Attachment 1.*
2. *Commit to formally considering the recommendations of the community panels with regard to the allocation of \$400,000 (total \$1.6M) to capital works in each of the following areas: Korumburra, Foster, Venus Bay and Mirboo North.*
3. *Note that expenditure of capital funds can only be associated with Council owned or controlled infrastructure and assets.*

The second was adopted on 22 June 2016:

That Council:

1. *Re-shape and re-name the Community Budgeting project to the Community Capital Works Allocation project.*
2. *Use online engagement tools and town meetings to determine the communities' priority projects*
3. *Consider the priority projects identified by the Community Capital Works Allocation process for inclusion in the 2017/18 Capital Works program.*

While the community-preferred Foster project - use of recycled water - will need to be delivered in partnership with South Gippsland Water and therefore may have some aspects that fall outside the guidelines, it would provide direct long-term benefit for Council owned and controlled assets.

If Council opts to exclude the first option the participants provided the following alternative recommendation:

1. Foster: That \$400,000 is allocated to the upgrade of the Foster Library.

Council has the following options to finalise the recommendations for the Foster Community Capital Works Allocation project:

1. Adopt one of the two recommendations provided by the community through the online forums and community workshops.
2. Determine other capital works projects Council deems to be a priority for the project.
3. Abandon the project altogether.

CONSULTATION

External consultation was held across two stages for the Community Capital Works Allocation project in Foster including an online forum held in September and community workshops held on the 27 October.

These opportunities for community engagement were advertised to Foster via the following methods:

- Extensive social media presence, not only on Council's own platform but also on those of local community groups
- Letters were sent to 955 households in Foster
- Media releases
- Email alerts to the registered OurSay users
- Advertising campaigns in The Mirror and notifications in primary school newsletters
- Notifications on Council's website
- Through Council's extensive network of community organisations.

The Foster Community Capital Works forum online forum was open from 31 August to 20 September 2016.

The forum was populated with projects identified in the community plan and the Long Term Capital Works Program. Individuals were invited to vote on these projects and to suggest ideas of their own.

Engagement results for these forums included:

1. Foster: 111 people engaged, 27 ideas generated and 556 votes cast.

The forum finished with the following projects in the top three according to votes received:

1. Foster:
 - i. Funding for recycled water infrastructure to Foster Showgrounds and Foster Golf Club (165 votes)
 - ii. Enlarge the Foster Library (88 votes)
 - iii. Install a kids' park and barbeque at the Devlin Street Reserve (59 votes).

Following the online forum a community workshop was held with 19 people in attendance. These individuals were requested to think about which projects would provide the best overall community benefit when making their decisions.

The outcome of the community workshop was that the preferred project was the implementation of recycled water infrastructure to service the Foster Showgrounds. As some of the infrastructure required for this project may not be Council owned or controlled, strictly speaking it falls outside the parameters of the project. Given this, the community recommended that the \$400,000 be allocated to the upgrade of the Foster Library if Council deemed the water recycling project unsuitable.

Please refer to the Foster Community Report in Attachments to see the deliberation notes that the community used to finalise their recommendation. The report was produced using the verbatim notes taken by community members who volunteered as scribes at each session.

RESOURCES

Council has already allocated \$400,000 to Foster to utilise in the 2017/18 Annual Budget.

To date the Community Capital Works Allocation project has cost approximately \$10,000 (excluding officer time).

If the recommendations are adopted there will be resource implications for the Sustainable Communities and Infrastructure Directorate to deliver the projects. Council will need to clarify if the considerable project management and design costs associated with delivery of most of the recommended projects is to be drawn from the initial \$400,000 allocated, or if new budget allocations are to be made for these costs.

RISKS

Reputational: If Council either identifies projects for the Community Capital Works Allocation project that do not reflect the community feedback or decides to abandon the project altogether.

Financial: If Council endorses all the recommended projects then extra budget allocations will be required for design and project management, or the amount available for construction of capital projects will considerably less than the community is anticipating. Some projects that have yet to be accurately costed may not be deliverable for the money allocated, or only if significant external grants are received, which could lead to a preferred project being delayed for some years.

Potential for ongoing impact on Council's long term financial budget due operational and capital replacement costs associated with the proposed new infrastructure.

Local partnerships: In some cases, projects have been recommended and endorsed by the local community but without detailed discussion with the community committees who manage the facilities. Liaison with these committees will be essential to ensure that the Council allocation complements any strategic plans that are in place for these facilities.

ATTACHMENTS

1. Foster Community Report [5.3.1]
-

5.4. COMMUNITY CAPITAL WORKS ALLOCATION PROJECT - VENUS BAY

Chief Executive Office

EXECUTIVE SUMMARY

In 2015, Council resolved to allocate \$400,000 to each of Foster, Korumburra, Mirboo North and Venus Bay (\$1.6M in total) for capital works projects to be determined by the community through a participatory budgeting process.

This report is the culmination of the engagement process and articulates the Venus Bay community's recommendations to Council.

RECOMMENDATION

That Council:

1. Allocate \$200,000 to wildlife and environment protection including the planning of Van Cleef Reserve; and
2. \$200,000 to a skate park facility.

MOVED: Cr Skinner

SECONDED: Cr Hill

THAT COUNCIL ALLOCATE:

1. **\$125,000 TO WILDLIFE AND ENVIRONMENT PROTECTION INCLUDING THE PLANNING OF VAN CLEEF RESERVE, VENUS BAY;**
2. **\$125,000 TO A SKATE PARK FACILITY, VENUS BAY; AND**
3. **\$150,000 TO THE VENUS BAY SURF LIFE SAVING CLUB FOR THE EXTENSION PROJECT DETAILED IN THE VENUS BAY SURF LIFE SAVING CLUB COMMUNITY BUDGETING SUBMISSION THAT INCLUDES PROVISION OF NEW TOILET FACILITIES SUBJECT TO:**
 - a. **THE VENUS BAY LIFE SAVING CLUB OBTAINING THE REQUIRED FUNDING TO PLAN AND COMPLETE THE PROJECT; AND**
 - b. **FUNDING BEING OBTAINED BY THE END OF THE 2018/19 FINANCIAL YEAR.**

CARRIED

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

Against: Councillors Brunt and Brown.

REPORT

This report has been prepared in response to two Council resolutions. The first was adopted on 28 October 2015:

That Council:

- 1. Proceed with the Community Budgeting process proposed in this report and adopt the terms of reference as detailed in Attachment 1.*
- 2. Commit to formally considering the recommendations of the community panels with regard to the allocation of \$400,000 (total \$1.6M) to capital works in each of the following areas: Korumburra, Foster, Venus Bay and Mirboo North.*
- 3. Note that expenditure of capital funds can only be associated with Council owned or controlled infrastructure and assets.*

The second was adopted on 22 June 2016:

That Council:

- 1. Re-shape and re-name the Community Budgeting project to the Community Capital Works Allocation project.*
- 2. Use online engagement tools and town meetings to determine the communities' priority projects*
- 3. Consider the priority projects identified by the Community Capital Works Allocation process for inclusion in the 2017/18 Capital Works program.*

The community-preferred Venus Bay project - upgrades to the Surf Life Saving Club - is outside the original project guidelines and is without any link to Council assets, direct or otherwise. Another community recommendation - to allocate \$50,000 to public waste facilities - would be providing a service rather than capital works.

Council has the following options to finalise the recommendations for the Venus Bay Community Capital Works Allocation project:

1. Adopt the recommendations provided by the community through the online forums and community workshops.
2. Determine other capital works projects it deems to be a higher priority for the project.
3. Abandon the project altogether.

CONSULTATION

External consultation was held across two stages for the Community Capital Works Allocation project in Venus Bay including an online forum held in September and a community workshop held on the 2 November.

These opportunities for community engagement were advertised to Venus Bay via the following methods:

- Extensive social media presence, not only on Council's own platform but also on those of local community groups
- Letters were sent to 226 households in Venus Bay
- Media releases
- Email alerts to the registered OurSay users
- Advertising campaigns in the Matter of Fact community newsletter
- Notifications on Council's website
- Through Council's extensive network of community organisations.

The Venus Bay Community Capital Works online forum was open from 31 August to 20 September 2016.

The forum was populated with projects identified in the community plan and the Long Term Capital Works Program. Individuals were invited to vote on these projects and to suggest ideas of their own.

Engagement results for the forum included:

1. Venus Bay: 58 people engaged, 35 ideas generated and 229 votes cast.

The forum finished with the following projects in the top three according to votes received:

1. Venus Bay:
 - i. Extend Venus Bay Lifesaving Club (50 votes)
 - ii. Recover from loss of open spaces (25 votes)
 - iii. Extend bike lane on Lees Road (23 votes).

Following the online forums a community workshop was held with 29 people in attendance. These individuals were requested to think about which projects would provide the best overall community benefit when making their decisions.

The outcome of the community workshop was that the preferred project was to use the money on the Venus Bay Surf Lifesaving Club. As this is not Council owned or controlled infrastructure it falls outside the parameters of the project. Given this, the community recommended three supplementary recommendations: \$200,000 for wildlife and environment protection including the planning of Van Cleef Reserve, \$150,000 for a skate park facility and \$50,000 to provide public skip bins. As the provision of waste facilities is a service and not capital works, the

recommendations that have come to Council are \$200,000 for environment protection and another \$200,000 for a skate park.

Please refer to the Venus Bay Community Report in Attachments to see the deliberation notes that the community used to finalise their recommendation. The reports were produced using the verbatim notes taken by community members who volunteered as scribes at the session.

RESOURCES

Council has already allocated \$400,000 to Venus Bay to utilise to the 2017/18 Annual Budget.

To date the Community Capital Works Allocation project has cost approximately \$10,000 (excluding officer time).

If the recommendations are adopted there will be resource implications for the Sustainable Communities and Infrastructure Directorate to deliver the projects. Council will need to clarify if the considerable project management and design costs associated with delivery of most of the recommended projects is to be drawn from the initial \$400,000 allocated, or if new budget allocations are to be made for these costs.

RISKS

Reputational: If Council either identifies projects for the Community Capital Works Allocation project that do not reflect the community feedback or decides to abandon the project altogether.

Financial: If Council endorses all the recommended projects then extra budget allocations will be required for design and project management, or the amount available for construction of capital projects will considerably less than the community is anticipating. Some projects that have yet to be accurately costed may not be deliverable for the money allocated, or only if significant external grants are received, which could lead to a preferred project being delayed for some years.

Potential for ongoing impact on Council's long term financial budget due operational and capital replacement costs associated with the proposed new infrastructure.

Local partnerships: In some cases, projects have been recommended and endorsed by the local community but without detailed discussion with the community committees who manage the facilities. Liaison with these committees will be essential to ensure that the Council allocation complements any strategic plans that are in place for these facilities.

ATTACHMENTS

1. Venus Bay Community Report [5.4.1]

5.5. COMMUNITY CAPITAL WORKS ALLOCATION PROJECT - MIRBOO NORTH

Chief Executive Office

EXECUTIVE SUMMARY

In 2015, Council resolved to allocate \$400,000 to each of Foster, Korumburra, Mirboo North and Venus Bay (\$1.6M in total) for capital works projects to be determined by the community through a participatory budgeting process.

This report is the culmination of the engagement process and articulates the Mirboo North community's recommendations to Council.

RECOMMENDATION

That Council:

1. Allocate \$300,000 for a master plan and to implement improvements at Baromi Park; and
2. \$100,000 to improve footpaths as per existing plans:
 - a. the full length of Couper Street on the north side; and
 - b. crossovers to assist with accessibility for those with mobility issues.

MOVED: Cr Hill

SECONDED: Cr Kiel

THAT COUNCIL:

1. **ALLOCATE \$300,000 FOR A MASTER PLAN AND TO IMPLEMENT IMPROVEMENTS AT BAROMI PARK, MIRBOO NORTH; AND**
2. **\$100,000 TO IMPROVE FOOTPATHS AS PER EXISTING PLANS:**
 - a. **THE FULL LENGTH OF COUPER STREET, MIRBOO NORTH ON THE NORTH SIDE; AND**
 - b. **CROSSOVERS TO ASSIST WITH ACCESSIBILITY FOR THOSE WITH MOBILITY ISSUES IN MIRBOO NORTH.**

Cr McEwen left the Council Meeting at 3.09pm.

CARRIED UNANIMOUSLY

Cr McEwen was not present for the vote.

REPORT

This report has been prepared in response to two Council resolutions. The first was adopted on 28 October 2015:

That Council:

- 1. Proceed with the Community Budgeting process proposed in this report and adopt the terms of reference as detailed in Attachment 1.*
- 2. Commit to formally considering the recommendations of the community panels with regard to the allocation of \$400,000 (total \$1.6M) to capital works in each of the following areas: Korumburra, Foster, Venus Bay and Mirboo North.*
- 3. Note that expenditure of capital funds can only be associated with Council owned or controlled infrastructure and assets.*

The second was adopted on 22 June 2016:

That Council:

- 1. Re-shape and re-name the Community Budgeting project to the Community Capital Works Allocation project.*
- 2. Use online engagement tools and town meetings to determine the communities' priority projects*
- 3. Consider the priority projects identified by the Community Capital Works Allocation process for inclusion in the 2017/18 Capital Works program.*

Council has the following options to finalise the recommendations for the Mirboo North Community Capital Works Allocation project:

1. Adopt the recommendations provided by the community through the online forums and community workshops.
2. Determine other capital works projects Council deems to be a priority for the project.
3. Abandon the project altogether.

CONSULTATION

External consultation was held across two stages for the Community Capital Works Allocation project in Mirboo North including an online forum held in September and community workshops held on the 26 October.

These opportunities for community engagement were advertised to Mirboo North via the following methods:

- Extensive social media presence, not only on Council's own platform but also on those of local community groups
- Letters were sent to 997 households in Mirboo North
- Media releases
- Email alerts to the registered OurSay users
- Advertising campaigns in the Mirboo North Times and notifications in primary and secondary school newsletters
- Notifications on Council's website
- Through Council's extensive network of community organisations.

The Mirboo North Community Capital Works forum was open from 31 August to 20 September 2016.

The forum was populated with projects identified in each town's community plan and the Long Term Capital Works Program. Individuals were invited to vote on these projects and to suggest ideas of their own.

Engagement results for the forum included:

1. Mirboo North: 61 people engaged, 33 ideas generated and 306 votes cast.

The forum finished with the following projects in the top three according to votes received:

1. Mirboo North:
 - i. Refurbish Mirboo North Pool (85 votes)
 - ii. Increase/improve footpath connections to the town centre (51 votes)
 - iii. Create long bay parking areas (22 votes).

Following the online forum a community workshop was held with 21 people in attendance. These individuals were requested to think about which projects would provide the best overall community benefit when making their decisions.

The outcome of the community workshop was that the \$400,000 be split between a master plan for and improvements in Baromi Park (\$300,000) and to improve footpaths as per existing plans (\$100,000). The Long Term Capital Works Program identifies the full length of Couper Street on the north side as the highest priority footpath, while remainder of the funding can be used for crossovers to assist with accessibility for those with mobility issues.

Please refer to the Mirboo North Community Report in Attachments to see the deliberation notes that the community used to finalise their recommendations.

The report was produced using the verbatim notes taken by community members who volunteered as scribes at the session.

RESOURCES

Council has already allocated \$400,000 to Mirboo North to utilise in the 2017/18 Annual Budget.

To date the Community Capital Works allocation project has cost approximately \$10,000 (excluding officer time).

If the recommendations are adopted there will be resource implications for the Sustainable Communities and Infrastructure Directorate to deliver the projects. Council will need to clarify if the considerable project management and design costs associated with delivery of most of the recommended projects is to be drawn from the initial \$400,000, or if new budget allocations are to be made for these costs.

RISKS

Reputational: If Council either identifies projects for the Community Capital Works Allocation project that do not reflect the community feedback or decides to abandon the project altogether.

Financial: If Council endorses all the recommended projects then extra budget allocations will be required for design and project management, or the amount available for construction of capital projects will considerably less than the community is anticipating. Some projects that have yet to be accurately costed may not be deliverable for the money allocated, or only if significant external grants are received, which could lead to a preferred project being delayed for some years.

Potential for ongoing impact on Council's long term financial budget due operational and capital replacement costs associated with the proposed new infrastructure.

Local partnerships: In some cases, projects have been recommended and endorsed by the local community but without detailed discussion with the community committees who manage the facilities. Liaison with these committees will be essential to ensure that the Council allocation complements any strategic plans that are in place for these facilities.

ATTACHMENTS

1. Mirboo North Community Report [5.5.1]

5.6. ENVIRONMENTAL UPGRADE AGREEMENTS FOR SOUTH GIPPSLAND

Sustainable Communities and Infrastructure Services Directorate

EXECUTIVE SUMMARY

An opportunity exists for Council to assist its local business community to reduce carbon emissions, reduce water use, increase productivity, and cut energy costs by introducing Environmental Upgrade Agreements (EUAs).

An EUA is an agreement between a property owner (non-residential), a financial institution, and local government to facilitate a building upgrade that improves energy, water or waste efficiency, or reduces emissions to the environment.

EUAs are set up specifically for environmental upgrade projects and are structured in such a way as to make the projects cash flow positive from day one.

It is recommended that Council agree to offer EUAs (the Service) as this would demonstrate Council's commitment to reducing greenhouse gas emissions (as recognised in our [Sustainability Strategy 2016-2020](#)) and assist Council to support economic development by providing a mechanism for businesses to reduce their operating costs.

RECOMMENDATION

That Council:

1. Support the introduction of a South Gippsland Environmental Upgrade Agreement service to non-residential property owners (the Service).
2. Appoint the Sustainable Melbourne Fund as the 'Third Party Administrator' to set up the Service.
3. Approve establishing an administration fee of \$700 per loan to be paid by participating property owners in order to cover the full cost of the Service to Council (Option 1 - Financial Considerations).
4. Authorise Council's Chief Executive Officer to sign all documentation in relation to the Service including affixing the Common Seal of Council to contract documents if necessary.

MOVED: Cr Brunt

SECONDED: Cr Hill

THAT COUNCIL:

- 1. SUPPORT THE INTRODUCTION OF A SOUTH GIPPSLAND ENVIRONMENTAL UPGRADE AGREEMENT SERVICE TO NON-RESIDENTIAL PROPERTY OWNERS (THE SERVICE).**
- 2. APPOINT THE SUSTAINABLE MELBOURNE FUND AS THE 'THIRD PARTY ADMINISTRATOR' TO SET UP THE SERVICE.**
- 3. APPROVE ESTABLISHING AN ADMINISTRATION FEE OF \$700 PER LOAN TO BE PAID BY PARTICIPATING PROPERTY OWNERS IN ORDER TO COVER THE FULL COST OF THE SERVICE TO COUNCIL (OPTION 1 - FINANCIAL CONSIDERATIONS).**
- 4. AUTHORISE COUNCIL'S CHIEF EXECUTIVE OFFICER TO SIGN ALL DOCUMENTATION IN RELATION TO THE SERVICE INCLUDING AFFIXING THE COMMON SEAL OF COUNCIL TO CONTRACT DOCUMENTS IF NECESSARY.**

Cr McEwen returned to the Council Meeting at 3.11pm.

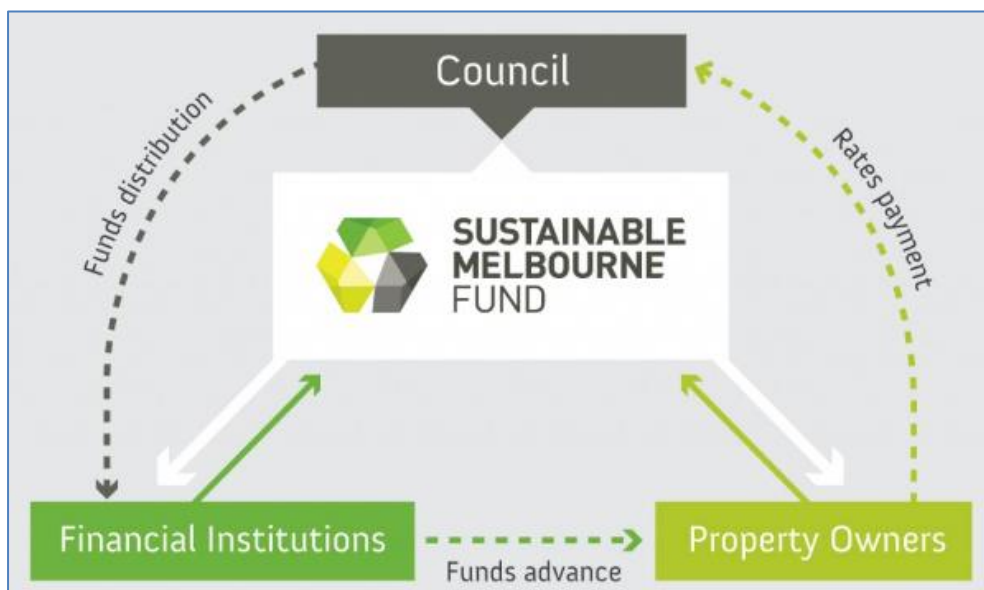
CARRIED UNANIMOUSLY

REPORT

Environmental Upgrade Agreements

On 9 September 2015, legislation was passed by the State Government that allows all Victorian councils to offer EUAs to their *business* community (non-residential properties). **Figure 1** below illustrates the relationship between all of the parties involved in an EUA.

Figure 1



Council collects the loan repayments from the property owner through the rates system and passes the payment on to the participating financial institution. Use of the Council rates system means that an EUA loan is prioritised over other debts attached to the property in the event of a loan default. This gives financial institutions more security, allowing them to offer long-term loans at competitive interest rates.

EUAs allow for the property owner and a tenant of the building to collaborate on energy, water, and waste projects that will reduce the impact to the environment and reduce operating costs. Unlike other alternative finance options, EUAs allow tenants to contribute financially to the project and help shape the project to best suit their needs. Importantly, EUA finance also offers 100% project finance, very competitive interest rates, and long term finance.

By agreeing to offer EUAs, Council will be taking an innovative step to pioneer a service that provides opportunities and benefits to its business ratepayers by allowing them to access attractive capital to improve their buildings. Upgrading buildings is a proven creator of local jobs and investment, increasing environmental performance, and hence asset value.

Refer to **Attachment - Environmental Upgrade Agreements - Frequently Asked Questions**.

The Sustainable Melbourne Fund (SMF)

The SMF designed and implemented the EUA program for the City of Melbourne, the first Australian municipality to offer the service. SMF is now the 'Third Party Administrator' for the EUA program. As the Third Party Administrator (TPA), the SMF will assist Council to implement the service. It will prepare all the EUA application documentation and templates, including process flowcharts and check sheets to best match our businesses' requirements.

Beyond the set-up, as part of the TPA service, the SMF will process the applications including help line support and liaising with our departments to obtain information required to enable the signing of EUAs in an efficient manner (the Chief Executive Officer will sign each contract on behalf of Council). It will also participate in stakeholder engagement activities (networking events, presentations, and information sessions) to promote the service.

Refer to **Attachment - Sustainable Melbourne Fund Proposal**.

Key Benefits of Introducing EUAs for South Gippsland Businesses

- **Low Cost Abatement:** Upgrading buildings delivers savings on utility bills, driving down the overall cost of energy for business, whilst also reducing the impacts of climate change.
- **Overcoming Structural and Market Barriers:** EUA finance can overcome the split-incentive barrier (between owners and tenants) by enabling the costs and benefits to be shared with the building occupiers. This means that building owners and tenants pay back the loan at the same time that they are benefiting from the lower costs of a more resource efficient building.
- **Ownership / Tenancy Changes:** If ownership or tenancy rights change, then the new owners take up the loan and pay it through their rates. Without this system businesses have a disincentive to invest in efficiency because they may move premises before paying off the loan.
- **Reduce Financial Risks:** EUAs unlock private investment in local communities. As a consequence, there is no financial risk to Council's budgets and the program does not require government handouts.
- **Complementarity:** EUAs can work with any grants / subsidies available for projects through local, state, or federal government departments to enhance the business case for a building retrofit. As such, EUAs are a means of attracting government money into local communities.

How EUAs Work - The Economics and Model

EUAs address an important cash flow consideration typical in commercial property ownership. **Table 1** on the following page analyses a building owner's decision making process when considering implementing a 30kW solar system.

Under a traditional loan structure, the capital borrowed and repayments made are the sole responsibility of the building owner.

In the example in **Table 1**, the building owner borrows \$40,740 over seven years requiring annual principle and interest repayment of \$7,940 as detailed in 'Scenario 1'.

The tenant pays all electricity costs meaning all savings attributable to this project will be to the benefit of the tenant, not the property owner. This results in an overall cash loss for the building owner of \$55,580.

Table 1 - Example using a loan amount of \$40,740.00 (building owner payments)

	SCENARIO 1	SCENARIO 2
Loan type	Traditional	EUA
Loan Amount	\$40,740 <i>(excl. GST - owner must cover GST themselves)</i>	\$44,814 <i>(incl. GST)</i>
Interest Rate	9.3%	7.1%
Years of loan	7	10
Payments Per Year	12	4
Annual Payment (Principle + Interest)	\$7,940	\$6,463
Annual Electricity Savings	\$0	\$6,463 <i>(tenant contribution to loan)</i>
Project Simple Payback (years)	N/A	7
Net Annual Cost	\$7,940	\$0
End of loan period	\$55,580 out of pocket to property owner	\$0 out of pocket to property owner as project paid off (from tenant contributions). Property owner benefits from improved infrastructure. Tenant makes full savings from solar electricity production.

However, under an EUA the tenants are included in the process of setting up the agreement and can contribute to the loan repayments to the point where they are still better-off. In this situation, as the tenant is essentially paying back the loan on behalf of the property owner, the project becomes cash flow positive for the building owner.

The contribution that the tenant makes is based on the electricity savings and is calculated on a case-by-case basis. This is demonstrated in 'Scenario 2' above with an annual electricity saving of \$6,463.

The ability for the tenant to make this contribution means that the costs and benefits align for the building owner, resulting in an overall positive outcome for the project. It should also be noted that if the annual electricity savings is greater than the annual loan repayment, the tenants operating cost is reduced and this is the most likely scenario in which a tenant would enter into a EUA.

CONSULTATION

External Consultation

- Promotional organisations: The SMF, Sustainability Victoria, Gippsland Solar, and Parmalat Australia Farm Services have all been consulted on the benefits of EUAs and have expressed an interest in promoting the service through their networks if approved by Council.
- Local businesses have expressed interest: A food processor and a commercial property owner have been consulted and have projects that are ready to implement via an EUA.

Internal Consultation

The EUA proposal was presented at a Confidential Briefing on 9 November 2016. Refer to **Confidential Attachment - Closed Briefing - EUAs for South Gippsland - 9 November 2016**.

Proposal

It is proposed that Council support this new service that will provide EUAs to its business community. The new service will be full cost recovery to Council by establishing the \$700 administration fee.

A copy of the formal proposal from the SMF (to be signed by the Chief Executive Officer upon Council approval) is detailed in **Attachment - Sustainable Melbourne Fund Proposal**.

RESOURCES

Financial Considerations

There is a \$5,000 per annum fee charged by the SMF for the first two years of the service which covers their administration and communication costs in setting up the service.

It is estimated that Council officer time spent administering the service will be \$200 per loan (per annum).

There are three options to cover these costs:

1. Full cost recovery - Council charge an administration fee of \$700 per loan (\$200 to cover Council officer time and \$500 to cover the fee to the SMF assuming that ten loans will be taken out per year).
2. Partial Cost Recovery - Council charges \$200 per loan to cover Council administration costs and pays the \$5,000 per year fee to the SMF by making a \$5,000 per annum budget allocation.
3. Nil Cost Recovery - Council absorbs all costs and makes a budget allocation to offset these costs of \$7,000 per annum.

A review of the service after the first year of provision will be undertaken to better understand the actual costs involved.

RISKS

	Strategy to Minimise
Administration Risk The amount of officer time needed to support the service is higher than expected.	A review after the first year of service provision will confirm officer time spent per EUA. Fees can be adjusted accordingly.
Reputational Risk There is low community interest in the service.	The outcome of consultation to date has demonstrated interest by our business community. It is estimated that ten EUAs will be processed per year. Promotions and networking will be used to communicate the benefit of the service.

ATTACHMENT

1. Environmental Upgrade Agreements - Frequently Asked Questions [5.6.1]
2. Sustainable Melbourne Fund Proposal [5.6.2]

CONFIDENTIAL ATTACHMENTS

Confidential Attachment - Closed Briefing - EUAs for South Gippsland - 9 November 2016 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) a matter which the Council or Special Committee considers would prejudice the Council or any person.

1. Confidential Attachment - Closed Briefing - EUAs for South Gippsland - 9 November 2016.

REFERENCE DOCUMENTS

- [Sustainability Strategy 2016-2020](#)

5.7. 2016 SOCCER FACILITIES PLAN ADOPTION

Sustainable Communities and Infrastructure Services Directorate

EXECUTIVE SUMMARY

The *2016 Soccer Facilities Plan* (the Plan) recognises the increased pressure and identifies opportunities to improve soccer facilities to support the sports continued growth. The Plan has been developed through consultation with local soccer clubs and relevant stakeholders.

At its Ordinary Meeting of Council on 22 June 2016, Council resolved to release the Draft Plan for community consultation inviting written submissions by 3 August 2016, prepare a media release for distribution, and to consider a report at the Ordinary Meeting of Council 14 December 2016 detailing the findings of the community consultation process.

A total of six submissions (Confidential Attachments) were received during this community consultation process and all suggestions from the submitters have been incorporated in the final version of the Plan.

A media release was published in the local newspapers and made available on Council's website in the week commencing 27 June 2016.

This report recommends that the final *2016 Soccer Facilities Plan* is endorsed by Council (**Attachment - 2016 Soccer Facilities Plan**).

RECOMMENDATION/S

That Council:

1. Adopts the *2016 Soccer Facilities Plan* (Attachment) and make available on Council's website.
2. Continue to work with clubs and relevant stakeholders to implement projects identified within the *2016 Soccer Facilities Plan*.
3. Thank those who made a submission to the 2016 Draft Soccer Facilities Plan.

MOVED: Cr Hill

SECONDED: Cr Skinner

THAT COUNCIL:

1. **ADOPTS THE '2016 SOCCER FACILITIES PLAN' (ATTACHMENT) AND MAKE AVAILABLE ON COUNCIL'S WEBSITE.**
2. **CONTINUE TO WORK WITH CLUBS AND RELEVANT STAKEHOLDERS TO IMPLEMENT PROJECTS IDENTIFIED WITHIN THE '2016 SOCCER FACILITIES PLAN'.**
3. **THANK THOSE WHO MADE A SUBMISSION TO THE '2016 DRAFT SOCCER FACILITIES PLAN'.**

CARRIED UNANIMOUSLY

REPORT

Background

Development of the Plan was an action driven by Council's *2007 Recreation Strategy* which says:

“Goal 3. Sports Development:

- *To encourage more people to continue to play a sport of their choice.*
- *Provide the appropriate quality and quantity of sports infrastructure to maintain current participation.”*

and also at Volume 4 (Implementation) it says:

“Increase participation in sport by marketing, upgrading facilities to accommodate a wider range of activities, and encourage clubs and providers to embrace a wider range of users.”

The focus of the Plan was to investigate the pressures being placed on sporting venues to accommodate the increased participation in soccer and to identify improvement opportunities to address these pressures. It was developed with extensive consultation with local soccer clubs, regional sporting associations (such as the Gippsland Soccer League, Gippsport, Football Federation Victoria), and relevant stakeholders.

South Gippsland Soccer Clubs

There are four soccer clubs in South Gippsland. They are listed below together with their home grounds:

- Mirboo North United - Walter Tuck Recreation Reserve, Mirboo North.
- Korumburra City - Korumburra Recreation Reserve, Korumburra.
- Leongatha Knights - Mary MacKillop Catholic Regional College, Leongatha.
- Prom Coast - Arthur Sutherland Reserve, Welshpool.

All of these venues were specifically designed for Australian Rules football and not soccer.

With the increased participation in soccer, the facilities at these venues have been adapted to accommodate soccer as best they can. However, as interest continues to increase, especially with female participation, the condition and suitability of the facilities are presenting more challenges.

The Plan identifies 'opportunities for improvements' at each of these venues as shown in the diagram below:

	Opportunities for improvements
Mirboo North	Change rooms, clubrooms, and social facilities.
Korumburra	Female change rooms, pitch upgrade, and lighting.
Leongatha	Training pitch, lighting, and goals.
Prom Coast	Second pitch, lighting, and car park.

CONSULTATION

Council Consultation

The Draft Plan was presented to Council at a Briefing on 1 June 2016 and at the Ordinary Meeting of Council on 22 June 2016. At the meeting on 22 June 2016, Council resolved to:

- “1. *Release the 2016 Draft Soccer Facilities Plan for community consultation with written submissions to be received until 5.00pm on 3 August 2016.*
2. *Distribute the 2016 Draft Soccer Facilities Plan to soccer clubs and key stakeholders involved in its development.*
3. *Prepare a media release for distribution and place information on Council’s website requesting feedback.*
4. *Consider a report at the 14 December 2016 Council meeting on the feedback received during the community consultation process.”*

Community Consultation Undertaken

During development of the Plan, the consultants met with all local soccer clubs, officers in Council’s Community Strengthening, Building, and Grants teams, conducted site inspections, and gathered data via online surveys.

The Gippsland Soccer League, Gippsport, and Football Federation Victoria were also asked to provide comment, information, and support during its development.

The Council resolution noted above was acted upon by distributing a draft version of the Plan to the soccer clubs and key stakeholders for comment, publishing a media release, and releasing the Plan on Council’s website requesting feedback from our broader community.

Outcome of Community Consultation

Following the release of the draft version of the Plan, six submissions were received from community members and key stakeholder groups. Table 1 below summarises all submissions and details whether feedback has been reflected in the final version of the Plan.

Table 1 - Submissions Received

No.	Summary of submission	Draft Plan amended?
1	<p>Suggests any regional facility development should be co-located with an existing educational site.</p> <p>Confidential Attachment - Submission No. 1 - 2016 Draft Soccer Facilities Plan.</p>	<p>✓ Yes (page 22)</p> <p>The development of any new facility would be a long term proposition.</p> <p>The identification of potential locations has been removed from the Plan.</p>
2	<p>Suggests any regional facility development should be co-located with an existing educational site.</p> <p>Highlights the benefits of using education land rather than public open space.</p> <p>Confidential Attachment - Submission No. 2 - 2016 Draft Soccer Facilities Plan.</p>	<p>✓ Yes (page 22)</p> <p>The development of any new facility would be a long term proposition.</p> <p>The identification of potential locations has been removed from the Plan.</p>
3	<p>Concerns regarding gaps in consultation.</p> <p>Concerns around a potential future facility in Leongatha residential development.</p> <p>Plan requires greater research, consultation, and consideration of alternatives.</p> <p>Confidential Attachment - Submission No. 3 - 2016 Draft Soccer Facilities Plan.</p>	<p>✓ Yes</p> <p>The development of any new facility would be a long term proposition.</p> <p>The identification of potential locations for a synthetic facility has been removed from the Plan.</p> <p>As Leongatha residential areas expand there will be further demand for active recreation space.</p> <p>The Leongatha South Outline Development Plan supports the provision of 4 hectare of public open space to provide additional active recreational space as the community grows. Securing adequate space for active recreation, whether it be for soccer, athletics, or some other emerging sport should remain a</p>

No.	Summary of submission	Draft Plan amended?
		priority in major residential development areas.
4	<p>Support for the initiative of planning for the improvement of facilities that aid the growth of the game.</p> <p>Confidential Attachment - Submission No. 4 - 2016 Draft Soccer Facilities Plan - Football Federation Victoria.</p>	<p>✓ Yes (page 16)</p> <p>Minor updates to facility standard information.</p>
5	<p>Minutes of Walter Tuck Reserve Committee meeting on the draft Plan.</p> <p>Committee do not endorse the proposed refurbishment and extension of existing change room building. Proposed construction of new building to accommodate soccer and AFL amenities at a location to be determined.</p> <p>Confidential Attachment - Submission No. 5 - 2016 Draft Soccer Facilities Plan - Walter J Tuck Committee.</p>	<p>✓ Yes</p> <p>Plan updated to reflect construction of new shared change facility at a location to be determined.</p>
6	<p><u>Short term priorities</u></p> <ol style="list-style-type: none"> 1. Minor changes to existing facilities to create women's change rooms as outlined above. 2. Fix existing lighting. <p><u>Long term priorities</u></p> <ol style="list-style-type: none"> 1. Major renovations to the existing building along lines of the draft recommendations. 2. Pitch. 3. Lighting. <p>Confidential Attachment - Submission No. 6 - 2016 Draft Soccer Facilities Plan Korumburra City Soccer Club.</p>	<p>✓ Yes</p> <p>Include short term redevelopment option to immediately address public toilet and female change facilities.</p>

RESOURCES

Financial Considerations

There are no additional resourcing requirements to implement the recommendations of the Plan.

No budget allocations have been made in Council's Long Term Financial Plan to implement the recommendations of the Plan. This is because it is anticipated that soccer clubs will fundraise and access Council's *Community Grants Program* for minor projects, and for larger projects the soccer clubs can seek Council support in securing external funding from programs such as the Sport and Recreation Victoria *Community Sports Infrastructure Fund*.

RISKS

The action of Council endorsing the Plan imposes a minor risk to Council in that there may be an expectation by sporting clubs and committees that Council will lead the implementation of identified projects. While Council will play a role in this regard, it is up to soccer clubs and reserve committees to drive the projects that deliver improvements to their facilities.

STAFF DISCLOSURE

Name	Ian Murphy
Title	Recreation Officer
Conflict of Interest Reason	Indirect Interest - Conflict duty A board member of the Gippsland Soccer League.

ATTACHMENTS

1. 2016 Soccer Facilities Plan

CONFIDENTIAL ATTACHMENTS

The **Confidential Attachments** have 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) a matter which the Council or Special Committee considers would prejudice the Council or any person.

The reason for closing the item is to protect the privacy interests of those who provided a submission to the 2016 Draft Soccer Facilities Plan.

1. Confidential Attachment - Submission No. 1 - 2016 Draft Soccer Facilities Plan
2. Confidential Attachment - Submission No. 2 - 2016 Draft Soccer Facilities Plan
3. Confidential Attachment - Submission No. 3 - 2016 Draft Soccer Facilities Plan

4. Confidential Attachment - Submission No. 4 - 2016 Draft Soccer Facilities Plan - Football Federation Victoria
5. Confidential Attachment - Submission No. 5 - 2016 Draft Soccer Facilities Plan - Walter J Tuck Committee
6. Confidential Attachment - Submission No. 6 - 2016 Draft Soccer Facilities Plan - Korumburra City Soccer Club

REFERENCE DOCUMENTS

- Recreation Strategy 2007
 - Goal 3. Sports Development:
 - To encourage more people to continue to play a sport of their choice.
 - Provide the appropriate quality and quantity of sports infrastructure to maintain current participation.

Cr Aaron Brown left the Council Meeting at 3.18pm with a declared direct interest in Council Agenda Item 5.8 2016/17 CAPITAL WORKS PROGRAM AMENDMENT - 'MEENIYAN COMMONS' CAR PARK CONSTRUCTION as he is an owner of adjoining property to the site.

5.8. 2016/17 CAPITAL WORKS PROGRAM AMENDMENT - 'MEENIYAN COMMONS' CAR PARK CONSTRUCTION

Sustainable Communities and Infrastructure Services Directorate

EXECUTIVE SUMMARY

An opportunity exists to construct the car park adjacent to the Great Southern Rail Trail (GSRT) at the rear of the shops in Meeniyana (frequently referred to as the 'Meeniyana Commons') for approximately \$400,000.

This can be funded by utilising the unspent grant funds from the recently completed GSRT Black Spur section which has resulted in significant savings of \$330,000.

Regional Development Victoria (RDV) has approved the revised project scope for the construction of the car park on the basis that this area will link with the GSRT and provide supporting infrastructure for trail users.

This report seeks Council approval to an additional budget of \$70,000 to supplement the \$330,000 (made up of RDV \$220k, Council \$110K) to construct the 'Meeniyana Commons' car park.

This report also seeks Council approval to delegate to the Chief Executive Officer the power to approve the awarding of this contract to facilitate the earliest possible commencement of the project and thereby assist in completing the works prior to the onset of the winter period.

RECOMMENDATION/S

That Council:

1. Approve an additional budget amount of \$70,000 to supplement savings from the Great Southern Rail Trail Black Spur section (\$330,000) for the construction of the Meeniyana Commons car park.
2. Amend the 2016/17 Capital Works Program to include the Meeniyana Commons - Car Park Construction.

MOVED: Cr McEwen

SECONDED: Cr Brunt

THAT COUNCIL:

- 1. APPROVE AN ADDITIONAL BUDGET AMOUNT OF \$70,000 TO SUPPLEMENT SAVINGS FROM THE GREAT SOUTHERN RAIL TRAIL BLACK SPUR SECTION (\$330,000) FOR THE CONSTRUCTION OF THE MEENIYAN COMMONS CAR PARK.**
- 2. AMEND THE 2016/17 CAPITAL WORKS PROGRAM TO INCLUDE THE MEENIYAN COMMONS - CAR PARK CONSTRUCTION.**
- 3. DELEGATE TO THE CHIEF EXECUTIVE OFFICER THE POWER TO AWARD THE CONTRACT FOR THESE WORKS ON THE BASIS THAT THE PREFERRED TENDER IS WITHIN THE BUDGET OF \$400,000.**

CARRIED UNANIMOUSLY

REPORT

The GSRT Black Spur section was completed and officially opened on 4 March 2016. Savings on this section totalling \$770,000 have resulted from extremely competitive tenders from local contractors.

With the approval of RDV, some of these savings have already been expended on upgrading the trail from Welshpool to Port Welshpool, which included the construction of a new asphalt path along the Port Welshpool foreshore at a cost of approximately \$240,000.

Notwithstanding this additional expenditure, there are still residual savings of \$330,000 (under the 2:1 funding agreement that is made up of \$220,000 from the State Government and \$110,000 of Council funds). It is proposed that these savings be utilised for the construction of a car park adjacent to the GSRT at the rear of the Meeniyan shops - the 'Meeniyan Commons'.

CONSULTATION

Meeniyan Progress Association

This request for the car park construction was initiated by the Meeniyan Progress Association. A concept design has been developed in consultation with the Meeniyan Progress Association and their input incorporated into the design. Refer to the layout plan showing the details of this design (**Attachment - Concept Design - 'Meeniyan Commons' Car Park Construction**).

Regional Development Victoria (RDV)

Approval was required from RDV for the construction of the car park as the works were outside the project scope of RDV's funding agreement. RDV have confirmed that Council can utilise the GSRT Black Spur section project savings for the 'Meeniyan Commons' car park construction on the following merits:

- Provision of parking access to the GSRT (area will cater for horse floats etc).
- Area will link, and is associated with, the GSRT;
- Provision of supporting infrastructure for the trail users and the Meeniyan community in general.
- Beautification of the old rail land.

RESOURCES

Financial Considerations

The estimate for this project is \$400,000. It is proposed to fund the project as follows:

• Savings from the GSRT Black Spur section <i>2:1 funding agreement made up of \$220k RDV and \$110k Council contribution</i>	\$330,000
• Capital Works Program Budget Request <i>Additional funds required from Council</i>	\$70,000
TOTAL	\$400,000

The additional \$70,000 to fund this project in 2016/17 can come from the Toora Dredging project which has an allocation of \$250,000. This project will not be delivered this financial year (2016/17) therefore, the 2017/18 budget process will allocate \$250,000 to the Toora Dredging project.

Project Delivery

Subject to Council approval to the additional funding, it is proposed to complete the detailed design and then competitively tender out the works. The project would be managed by the Engineering and Assets Department in consultation with the Meeniyah Progress Association throughout all stages of the project.

RISKS

If Council does not approve this additional budget of \$70,000, the \$220,000 residual State Government contribution for this project would be lost to Council.

ATTACHMENTS

1. Concept Design - 'Meeniyah Commons' Car Park Construction [5.8.1]

Cr Brown returned to the Council Meeting at 3.21pm.

5.9. PUBLIC WI-FI OPTIONS

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

In June 2016, Council asked for a report to be brought to its December meeting outlining the costs and feasibility of implementing free public Wi-Fi in the main and tourist towns in the Shire on the basis that free public Wi-Fi would be likely to:

- Support tourism; and
- Encourage people to stay longer in towns (and by extension boost the local economy).

There is limited evidence that the trial of free public Wi-Fi being run by a comparable rural Shire Council has delivered these outcomes.

A 2014 trial in Leongatha had very poor take-up. It will be prudent therefore to establish the level of community interest, and the model which would work for each town, prior to making a commitment to proceed, particularly given the imminent NBN rollout in key areas, which may encourage communities and businesses to set up their own free public networks.

The initial investment required to operate a network without a partner is likely to be up to \$110,000, depending on the number of nodes in each town, with around \$44,760 in ongoing operational costs.

RECOMMENDATION/S

That Council notes the report and that Council further consider public Wi-Fi as part of its overall strategy when developing the 4 year Council Plan.

MOVED: Cr Rich
SECONDED: Cr Edwards

THAT COUNCIL NOTES THE REPORT AND THAT COUNCIL FURTHER CONSIDER PUBLIC WI-FI AS PART OF ITS OVERALL STRATEGY WHEN DEVELOPING THE 4 YEAR COUNCIL PLAN.

CARRIED UNANIMOUSLY

REPORT

Background

In August 2014, Council trialled free public Wi-Fi in Leongatha town centre. The trial was well publicised, but take-up was low. The trial concluded after three months and the service was turned off.

A single Wi-Fi Access Point was deployed from the Memorial Hall and provided service down McCartin Street and the Bass Highway. A company managed this service including providing terms and conditions and content filtering, although the system ran on Council's network. The trial cost \$3,500.

The service received an average of seven connections per day and was most used by people in the 30 to 35 age bracket, demonstrating that take-up of free public Wi-Fi can be slow, even if the service is well publicised.

Public Wi-Fi will attract usage only if it provides a reliable service of acceptable speed. For example, although the community has set up its own service in Meeniyan, this only runs at 0.5Mbps which means pages are very slow to open. (This is the measured speed being delivered).

The real benefit that free public Wi-Fi provides for communities and businesses is yet to be understood. During the trial, Council believed that some businesses would do away with their internet service. In fact businesses stayed with their service provider and some set up a free Wi-Fi service of their own.

Discussion

Council has an existing network that could be leveraged to support free public Wi-Fi in Leongatha, Korumburra and Foster town centres and Mirboo North, although many more access points would need to be installed. Public Wi-Fi is also available through the libraries on a ticket basis and leveraging this network may also be possible subject to discussion with the library corporation.

Setting up free public Wi-Fi across the main and tourist towns is a significant commitment for Council both in terms of installation and managing the resulting network. A more sustainable option is likely to be to set up a partnership arrangement that would be able to accommodate the different needs of each town.

Opportunities for Partnership

A report produced by the Municipal Association of Victoria (MAV) Implementing Public Wi-Fi for Local Government envisages five options for Wi-Fi partnership:

1. Partnership with business development groups. A business development group may be willing to work with local businesses to make their unused bandwidth available to the public. A successful example operates in the Goulburn region.

2. Partnership with community groups. This depends on there being a community group willing and able to manage a Wi-Fi network.
3. Partnership with an Internet Service Provider (ISP). These companies are in business to deliver internet services. The viability of this option would depend on there being a suitable local company willing to work in partnership for community benefit. An example of this is the Cowes trial in Bass Coast Shire which is discussed further below.
4. Partnership with a telecommunications company. While companies such as Telstra and Optus would probably be willing to work with us to provide public Wi-Fi, this would be at a commercial cost to Council. The MAV report indicates that a telco's motivation for engaging is likely to be because offloading traffic to public Wi-Fi would be cheaper for them.
5. Partnership with State Government/Agency. Finally MAV considers that there may be opportunities to work with Departments and/or agencies working in the regions such as the Department of Health and Human Services, and Regional Development Victoria (RDV).

The benefits of partnership include:

- Shared responsibility between Council and its partner (e.g. Council buys and installs the Wi-Fi devices and the partner provides the network, supports it and is responsible for legal compliance).
- Risk mitigation in the case of illegal downloads/access.
- Council is not restricted to one partnership model, although a business partnership probably works best in town centres.

For it to be attractive to users a service must be reliable, fast and easy to use. For example, the public Wi-Fi networks in Bendigo and Ballarat provide:

- Around 700kbps bandwidth per user.
- Around 250Mb download limit per user per day.
- Ability to buy extra time if the limit is exceeded (for a low fee).

Comparable Rural Shire Council Trial

A comparable rural Shire Council has been running a trial since late December 2015. This area has a higher resident and visitor footfall than South Gippsland.

The trial is being run by a local ISP provider with Council supplied hardware retro-fitted to existing business infrastructure. There is no ongoing cost to Council, as the businesses which are hosting the devices pay for the power they use and the network is using the participating businesses' existing bandwidth.

This works because the bandwidth operates in a pool. For example if a business is paying for five units, on any given day it may not be using that full amount. The

unused portion is automatically made available to the pool. This means the pool flexes according to what the contributing businesses are using.

The trial town has nine Wi-Fi access points.

The availability of NBN is key to improved network coverage which in turn makes it more cost effective for communities, agencies and businesses to consider operating free Wi-Fi.

Existing NBN/Wi-Fi Coverage in South Gippsland

Leongatha	NBN town centre rollout Q1 2017
Korumburra	NBN town centre rollout Q1 2017 NBN and public Wi-Fi network at Coal Creek
Foster	NBN rollout Q1 2017
Mirboo North	NBN
Meeniyan	Community Wi-Fi, NBN coverage
Venus Bay	NBN rollout Q4 2016
Sandy Point	NBN rollout Q1 2017
Port Welshpool	NBN
Fish Creek	NBN

CONSULTATION

The Economic Development and Tourism team and another Shire Council have been consulted in preparing this report. Councillors received a briefing on 9 November 2016.

RESOURCES

For the purposes of costing, ten towns were included: Leongatha, Korumburra, Mirboo North and Foster plus the tourist towns/areas of Fish Creek, Loch, Meeniyan, Port Welshpool, Sandy Point and Venus Bay.

We estimate that the initial investment and upfront support required to operate a free public Wi-Fi service is likely to be around \$10,000 per town based on nine Wi-Fi Access Points (AP) covering the CBD or equivalent area of each town (total of 100 AP across South Gippsland). This is based on the cost of setting up the trial outlined above. Please note that not every town may need this many AP.

Customisation for detailed statistics reporting and a public voucher system is around \$1,000.

This is an initial investment of up to \$110,000 which is currently unbudgeted.

Thereafter, ongoing operational costs would include network maintenance, equipment maintenance (failure/damage and reinstall) and two-three servers in a cloud environment.

Network maintenance is around \$12 per month per AP. Maintenance for hardware failure, unforeseen issues and equipment damage plus replacement) is hard to

estimate, although the comparable Shire Council suggested a budget of around \$300 per year per AP. The cost of servers would be around \$150 per month.

In addition were Council to run a network itself, without a partnership, the organisation's primary internet connection would need to be increased from 100 to 150Mb to accommodate effective service with sufficient bandwidth. This would add approximately \$3,000 to the annual cost.

Estimated ongoing annual cost is \$44,760 plus staff resources.

RISKS

If Council were to take full responsibility for a Wi-Fi service (i.e. provision devices and manage the service, there could still be a question of who would pay for powering the devices. While unlikely to be excessive, it should be taken into account. It may well be that local businesses would be willing to absorb this cost but this has not been explored.

If content filtering or blocking is not put in place, nothing stops users accessing illegal material. Content filtering and blocking are highly recommended but do not guarantee that no illegal downloads will take place and both items come at an extra cost.

The Terms and Conditions must explicitly state that watching/downloading illegal material is not permitted in order to reduce the potential reputational damage implications of illegal downloads.

5.10. LONG TERM FINANCIAL STRATEGIES

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

Long Term Financial Strategies provide the framework or business rules that both the annual and longer term business plans are built on.

Council first developed a series of financial strategies prior to the development of the 2003/04 budget. Long Term Financial Strategies provide strategic guidance in developing Annual Budgets and Long Term Financial Plans. Since 2002/03 Council's overall financial performance has systematically and progressively improved over most years despite having to, at times, face considerable financial challenges including dealing with:

- Significant operating losses and high debt in 2003;
- Global financial crisis in 2008;
- Unfunded superannuation funding calls made in 2003, 2010 and 2013;
- Commonwealth Government freezing the level of financial assistance grant provided to local government for three years to 2016/17; and
- State Government introducing rate capping in 2016/17, which sets out the maximum amount councils may increase rates in a year.

The financial strategies are reviewed on an annual basis and are listed in Attachment - Long Term Financial Strategies 2017/18. There have been no changes made to any of the financial strategies.

RECOMMENDATION/S

That Council adopts the financial strategies as documented in the Long Term Financial Strategies 2017/18 (refer to Attachment).

MOVED: Cr Edwards

SECONDED: Cr Brunt

THAT COUNCIL ADOPTS THE FINANCIAL STRATEGIES AS DOCUMENTED IN THE LONG TERM FINANCIAL STRATEGIES 2017/18 (REFER TO ATTACHMENT).

CARRIED

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

Abstain: Councillor Rich

REPORT

Background

In his Annual Report to Parliament in the last few years the Auditor-General has recommended that all Victorian councils should develop strategic performance indicators to review past performances and set targets for following years.

South Gippsland Shire Council introduced a strategic planning and performance management framework in 2003. Since that date Council has maintained a series of financial strategies including financial performance measures and targets. This ensures that Council's immediate and long term financial viability is managed in a constructive and economically viable manner.

Council's Long Term Financial Strategies are reviewed and updated on an annual basis to ensure that its financial strategies continue to align with its financial objectives.

The strategies provide the strategic framework for developing the Long Term Financial Plan, the Council Plan (which includes the Strategic Resource Plan) and the Annual Budget.

Discussion

The Council Plan is a high level strategic planning document that includes objectives and strategies that cover the four year term of each Council.

The Long Term Financial Strategies complement and support both higher level 'strategic plans' such as the Council Plan, and 'operational plans' such as the Annual Budget. They ensure that Council's budgeted financial statements in the Long Term Financial Plan, are sustainable both in the short and longer term.

CONSULTATION

Council reviewed the draft Long Term Financial Strategies at a briefing held on 30 November 2016.

RESOURCES

The development and implementation of the Long Term Financial Strategies is managed within existing budgets.

RISKS

The strategies will provide guidance to Council in preparing the 2017/18 Annual Budget and the Long Term Financial Plan.

Continuation of the strategic planning and management process will help achieve long term business viability. This will ensure that Council has sufficient financial resources for both service provision and for infrastructure asset management now and in future years

ATTACHMENTS

1. Long Term Financial Strategies [5.10.1]

REFERENCE DOCUMENTS

- Local Government Act 1989

5.11. FUNDING FOR POWNEYS ROAD BRIDGE, TARWIN LOWER

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

Council endorsement is sought for the submission of an application to the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) Local Roads to Market Program for the reconstruction of the Powneys Road Bridge, Tarwin Lower.

The objective of the Local Roads to Market Program is to improve the efficiency and competitiveness of the agriculture sector. It will upgrade local roads, intersections and bridges for use by larger and heavier trucks. This will help reduce travel times, enhance business productivity and improve road safety. It will also seal strategically significant local roads identified by food processors or producers to reduce produce damage.

Funding under the program is available for rural, regional and outer suburban (or 'interface') councils across Victoria to better link farmers and industries with processing centres, receival sites, ports and markets.

For applications which contain a bridge upgrade, funding will be provided for bridge specific total costs up to \$600,000 (that is, a grant of up to \$300,000 for compliant bridge works). Applicants are expected to make a financial contribution or source third-party funding on a \$2:\$1 basis for rural councils.

The Powneys Road Bridge Reconstruction Project cost is \$320,000. Agreement is sought from Council to allocate \$107,000 towards the project and seek external funding through the Local Roads to Market Program of \$213,000.

RECOMMENDATION/S

That Council:

1. Applies for funding of \$213,000 for the Powneys Road Bridge Reconstruction Project through the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) Local Roads to Market Program;
2. Allocates \$107,000 from the 2017/18 Bridge Rehabilitation budget towards the Powneys Road Bridge Reconstruction Project if the application is approved by DEDJTR; and
3. Provides staff resources for management of the project, funded within the total project cost, if approved by DEDJTR.

MOVED: Cr Skinner
SECONDED: Cr Edwards

THAT COUNCIL:

- 1. APPLIES FOR FUNDING OF \$213,000 FOR THE POWNEYS ROAD BRIDGE RECONSTRUCTION PROJECT THROUGH THE DEPARTMENT OF ECONOMIC DEVELOPMENT, JOBS, TRANSPORT AND RESOURCES (DEDJTR) LOCAL ROADS TO MARKET PROGRAM;**
- 2. ALLOCATES \$107,000 FROM THE 2017/18 BRIDGE REHABILITATION BUDGET TOWARDS THE POWNEYS ROAD BRIDGE RECONSTRUCTION PROJECT IF THE APPLICATION IS APPROVED BY DEDJTR; AND**
- 3. PROVIDES STAFF RESOURCES FOR MANAGEMENT OF THE PROJECT, FUNDED WITHIN THE TOTAL PROJECT COST, IF APPROVED BY DEDJTR.**

CARRIED UNANIMOUSLY

REPORT

Local Roads to Market Program

The objective of the \$25M Local Roads to Market Program is to improve the efficiency and competitiveness of the agriculture sector by strategically upgrading local roads and bridges to enable access by larger and heavier higher productivity trucks and through the sealing of strategic local roads as identified by processors or producers to reduce produce damage. Timber harvesting roads are outside the scope of this program.

Upgrading these key local transport connections means more direct routes to markets and/or higher productivity freight vehicles being accommodated, reducing congestion, transport costs and travelling times as well as improving road safety. The capacity of existing local roads and bridges will be enhanced and result in improved connections for agriculture produce, particularly connections to arterial roads and national highway freight networks.

Funding will be available for rural, regional and interface councils and administrators of unincorporated areas across Victoria to better link farmers and industries with processing centres, receival sites, ports and markets.

Applications to Local Roads to Market Program close on 16 December 2016.

Powneys Road Bridge Reconsturction Project

Powneys Road in Tarwin Lower is a Council controlled Access Place and Powneys Bridge is an integral part of it. Powneys Road is a gravel road used by residents, cattle trucks, large dairy farmers, tourists, emergency vehicles and is essential for providing access to the abutting properties and delivery of goods and services. The existing timber bridge is 9.0m in length and 3.8m wide and was constructed in 1984 as a temporary structure.

Level 2 inspections undertaken in 2014/15 indicate that the bridge is in a deteriorating condition with an overall condition of 6.32/10. A recent Level 3 inspection found that environmental exposure of the structural steel members has caused severe corrosion and loss of approximately 5mm of sectional thickness. The impact of this is to impose a load limit on the bridge of 10 tonnes.

This will seriously impact upon the operation of the dairy and cattle farms which operate Higher Mass Limits (HML) and Performance-Based Standards (PBS) vehicles to improve their productivity and minimise operation costs.

The proposed works are:

- Replace the existing steel and timber bridge with a new 4.8m width precast concrete bridge.
- Provide new steel barrier railings.
- Provide approach guardrails.

- Rock beaching at both abutments.
- Raise both approaches by 500mm and prepare road pavement with crushed rock.
- Provide 35mm asphalt overlay to the bridge deck and road approaches.

CONSULTATION

Consultation has been undertaken between relevant stakeholders including the affected land owners and Harvey Dinelli, Transport Coordination Manager, Gippsland Region Intergovernmental Relations, DEDJTR.

A letter of support has been provided by Murray Goulburn Cooperative Limited noting that an imposed bridge load limit would significantly impact the company's transport efficiency by requiring it to operate a conventional single tanker to collect milk twice per day. The reconstruction of the Powneys Road Bridge will continue to allow for the more conventional B-double trucks to collect milk every second day.

RESOURCES

Powneys Road Bridge Reconstruction Project

- Estimated Total Project Cost - \$320,000
- DEDJTR Local Roads to Market Program \$213,000
- Proposed Council contribution - \$107,000

Council contribution of \$107,000 could be funded within the bridge element of the capital works program.

RISKS

If Council does not support the project, ultimately the costs of the bridge replacement will be wholly a Council expense.

**5.12. PROPOSED ROAD DISCONTINUANCE PART GARDNER LANE, POOWONG -
OUTCOME OF SECTION 223 SUBMISSIONS**

Sustainable Communities and Infrastructure Services Directorate

EXECUTIVE SUMMARY

At the Ordinary Meeting of Council held 22 June 2016, Council resolved to commence the statutory procedures for a proposed road discontinuance of part of Gardner Lane, Poowong (the Proposal).

A public notice calling for submissions was advertised in the local papers in the week of 5 July 2016 and correspondence was sent to land owners within the vicinity notifying them of the Proposal.

Council received two submissions to the Proposal, one for and one against. The submitter against the Proposal elected to speak to their submission and was heard by a Special Committee of Council on 28 September 2016.

This report is presented to Council so that it may consider and determine submissions to the Proposal.

RECOMMENDATION:

That Council:

1. Discontinue part Gardner Road, Poowong being approximately 274m² shown in Attachment - Locality Plan.
2. Publish a public notice of the proposed partial road discontinuance in the Victoria Government Gazette.
3. Sell the land from the discontinued road to the adjoining land owner.

Subject to the following conditions:

1. The applicant obtains the appropriate planning and building permit/s for the development of a loading race and associated works on the land; and
2. The applicant committing the necessary funds (or by way of grant funding) to complete the necessary road infrastructure works to complement the development.

MOVED: Cr Brunt
SECONDED: Cr McEwen

THAT COUNCIL:

1. **DISCONTINUE PART GARDNER ROAD, POOWONG BEING APPROXIMATELY 274M² SHOWN IN ATTACHMENT - LOCALITY PLAN.**
2. **PUBLISH A PUBLIC NOTICE OF THE PROPOSED PARTIAL ROAD DISCONTINUANCE IN THE VICTORIA GOVERNMENT GAZETTE.**
3. **SELL THE LAND FROM THE DISCONTINUED ROAD TO THE ADJOINING LAND OWNER.**

SUBJECT TO THE FOLLOWING CONDITIONS:

1. **THE APPLICANT OBTAINS THE APPROPRIATE PLANNING AND BUILDING PERMIT/S FOR THE DEVELOPMENT OF A LOADING RACE AND ASSOCIATED WORKS ON THE LAND; AND**
2. **THE APPLICANT COMMITTING THE NECESSARY FUNDS (OR BY WAY OF GRANT FUNDING) TO COMPLETE THE NECESSARY ROAD INFRASTRUCTURE WORKS TO COMPLEMENT THE DEVELOPMENT.**

Cr Hill left the Council Meeting at 3.28pm

CARRIED UNANIMOUSLY

Cr Hill was not present for the Vote.

Cr Hill returned to the Council Meeting at 3.30pm.

REPORT

Background

The Applicant operates the Poowong Abattoir at 60 Gardner Lane, Poowong (**Attachment - Locality Plan - Gardner Lane, Poowong**) and is interested in purchasing the land from the discontinued road to address a long-standing issue with the location for loading and unloading of cattle to the abattoir's kill room.

At the moment the loading and unloading of cattle partially occurs on public road reserve. This is due to the positioning of the abattoir's buildings, which have limited any opportunity to construct a loading/unloading space within the boundary of the land owned by the Applicant.

The only opportunity to rectify the issue is to discontinue a small strip of unused road and to sell the land from the discontinued road to the Applicant (being the adjoining land owner). Once discontinued, the land from the discontinued road will be consolidated into the adjoining land (**Attachment - Road Discontinuance Diagram - Part Gardner Lane, Poowong**).

The Applicant engaged engineers to design turning plates for heavy vehicle movement along Gardner Lane, Poowong (**Attachment - Turning Plates**). The design confirmed that the Proposal would not prevent the continuation of Gardner Lane if it was required to be open to public traffic in the future. The Proposal will allow B-Doubles to reverse and unload off the public road.

Discussion

A Special Committee of Council heard the submitter on 28 September 2016 (**Confidential Attachment - Closed Minutes - S223 Submission Hearing - Proposed Discontinuance Part Gardner Lane - 28 September 2016**) and resolved the following:

'That the Special Committee of Council heard the following in regard to the discontinuance of Gardner's Lane, Poowong:

- a. The proposal will still involve drivers illegally driving on the wrong side of the road;*
- b. The width of the road is insufficient;*
- c. Any members of the public using the roundabout will encroach on the proposed abattoir's land;*
- d. Who will be liable if an accident occurs following the proposed changes;*
- e. Would like council to specify what fencing/ barriers will be installed;*
- f. Queried responsibility for costs of construction of roads; and*
- g. Expressed preference for a separate road to be constructed.'*

If the construction of the full turning circle is completed members of the public will not encroach on the abattoir's land and would allow traffic to move legally. The only unknown is the full cost of the construction and if the applicant will progress a permit for the construction of the loading ramps, when associated road works would be included in the works permit.

Submissions Received

Council received two submissions to the Proposal, one for the proposal and one against.

1. Submission 1 - For the Proposal

The submitter:

- is not an adjoining landowner;
- believes the Proposal would present as a very realistic solution to what had been an ongoing matter of concern;
- hopes that Council works with and assists the adjoining land owner to construct the road infrastructure, signage and works to create the turning circle required; and
- hopes that common sense prevails regarding permission to remove obstructing trees and fencing on the road reserve.

A copy of the submission is available in **Confidential Attachment - Submission No. 1 - Proposed Discontinuance Part Gardner Lane - Heather Gregg.**

2. Submission 2 - Against the Proposal

The submitter was heard by a Special Committee of Council in a closed session on 28 September 2016.

The submitter believes:

- the Proposal will still involve drivers illegally driving on the wrong side of the road;
- the width of the road is insufficient; and
- any members of the public using the roundabout will encroach on the proposed abattoir's land.
- The submitter questions who would be liable if an accident occurs following the proposed changes and would like Council to specify what fencing / barriers will be installed.

A copy of the submission is available in **Confidential Attachment - Submission No. 2 - Proposed Discontinuance Part Gardner Lane - Noel and Barbara Tonkin.**

In response to the first three dot points, the Turning Plates diagram shows how the traffic movement will flow legally (**Attachment - Turning Plates**).

It is not possible to answer who is liable if an accident occurred as each scenario would be assessed separately.

Any fencing and barriers or other associated works required would be determined through planning permit conditions.

CONSULTATION

The Proposal was raised by the owner of the adjoining land - GBP Australia Pty Ltd (the Applicant). Discussions have been held with the Applicant regarding the statutory process to discontinue a road and they had confirmed that they wished to proceed.

A public notice calling for submissions was advertised in the local papers in the week commencing 4 July 2016 and correspondence was sent to land owners within the vicinity of the subject road notifying them of the Proposal.

Discussions have been held with the Engineering and Assets Department when investigating the need to discontinue part of the unused road and the Strategic Planning Department regarding any considerations to the South Gippsland Planning Scheme.

If Council proceeds with the Proposal then a notice will be published in the Victoria Government Gazette subject to the Applicant obtaining a planning permit for the development of a loading race and associated works on the land from the discontinued road.

RESOURCES

Financial Considerations

The applicant would be responsible for the costs associated with the Proposal.

RISKS

If Council does not proceed with the Proposal:

1. The Applicant will consider whether to continue operations with a diminished capacity or relocate.
2. The road is not constructed and both parties will continue to be aggrieved.

ATTACHMENTS

1. Locality Plan - Gardner Lane, Poowong [**5.12.1**]
2. Road Discontinuance Diagram - Part Gardner Lane, Poowong [**5.12.2**]
3. Turning Plates [**5.12.3**]

CONFIDENTIAL ATTACHMENTS

The **Confidential Attachments** have 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) a matter which the Council or special committee considers would prejudice the Council or any person.

The reason for closing the items is to protect the privacy interests of submitters, who spoke for or against the proposed road discontinuance.

1. Confidential Attachment - Closed Minutes - S223 Submission Hearing - Proposed Discontinuance Part Gardner Lane - 28 September 2016
2. Confidential Attachment - Submission No. 1 - Proposed Discontinuance Part Gardner Lane - Heather Gregg
3. Confidential Attachment - Submission No. 2 - Proposed Discontinuance Part Gardner Lane - Noel and Barbara Tonkin.

REFERENCE DOCUMENTS

- Local Government Act 1989, section 206, 207A, 223, and Schedule 10(3)

5.13. PROPOSED ROAD DEVIATION AND LAND EXCHANGE OF PART HOULIHANS LANE POOWONG

Sustainable Communities and Infrastructure Services Directorate

EXECUTIVE SUMMARY

A long-standing situation exists where a portion of Houlihans Lane, Poowong (the Road) was constructed outside of its intended alignment and instead encroaches on private property. An aerial plan of Houlihans Lane showing the 'actual' and 'intended' road alignments is available in **Attachment - Locality Plan - Houlihans Lane, Poowong**.

Situations like this are common throughout the Shire and rectification is not actively pursued by Council as usually there is no interest or risk. However, in this instance, the landowner has requested that Council (as the responsible road authority) rectify the road alignment to avoid complications with explaining the boundary of his property should he sell the property in the future. The landowner's property is on both sides of Houlihans Lane.

To rectify the road alignment, Council can use its powers under the Local Government Act 1989 and commence the statutory procedures to formalise the actual road alignment.

The process includes Council publishing a notice inviting written submissions from the public to:


1. Create a road status over the landholder's land actually used as a road;
2. Remove the road status from the road area that is not used as a road; and
3. Exchange the areas with the landholder.

Council will incur some administrative costs associated with the process which the landowner will be required to reimburse.

A plan of the road deviation is available in **Attachment - Road Deviation Plan - Houlihans Lane, Poowong**.

RECOMMENDATION

That Council:

1. Commence the statutory procedures in accordance with the Local Government Act 1989 (section 223, 204, 206, 207A, 207E, and schedule 10, clause 2) to:
 - a. Deviate part of Houlihans Lane, Poowong described as part Crown Allotment 17, Parish of Poowong with an area of 1,675m² (shown cross hatched  in Attachment - Road Deviation Plan - Houlihans Lane, Poowong) that was constructed through the adjoining landowner's property and declare this area of 1,675m² as a public highway.

REPORT

Houlihans Lane, Poowong (the Road) was created by the former Country Roads Board but now Council is the road authority. Over time, part of the Road was constructed outside of its 'intended' alignment and instead encroaches on private property. Refer to **Attachment - Locality Plan Houlihans Lane, Poowong** for a copy of the aerial map showing the 'intended' and 'actual' alignment.

This resulted in:



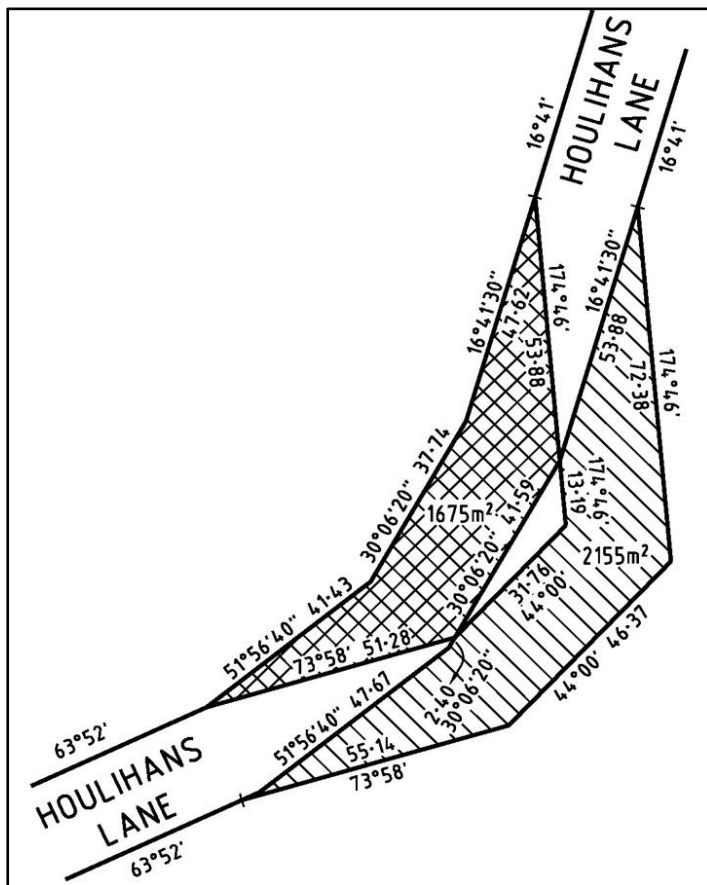
1. An area of 1,675m² of the Road being constructed on private property (shown crossed hatched  in **Figure 1**); and
2. An area of 2,155m² of the unconstructed Road being occupied by the adjoining landowner (shown hatched  in **Figure 1**).

Figure 1



To rectify the alignment, Council can use its powers under the Local Government Act 1989 to commence a Road Deviation and Exchange Procedure. This means Council will exchange the unconstructed portion of Road (2,155m²) for the constructed portion (1,675m²) with the landowner who is occupying the 2,155m² portion. This landowner owns the land on either side of Houlihans Lane.

The Proposal to commence the statutory procedures for this Road Deviation and Exchange Procedure has no detrimental impacts on Council, the public, or the adjoining landholder.

CONSULTATION

External Consultation

Council's Property Team has explained the statutory process to the adjoining landowner who is keen for the process to proceed.

If Council supports the recommendations in this report, further public consultation will occur including:

1. Writing to any other landowners in the vicinity of the Proposal to notify them of the statutory process; and
2. Publishing a public notice in accordance with section 223 of the Local Government Act 1989.

Internal Consultation

Property Team and the Engineering and Assets Department carried out investigations into the need for the road deviation and exchange.

RESOURCES

Financial Considerations

There will be some administrative costs associated with process for survey works and the preparation of title plans of approximately \$2,500. These plans are required for lodging with the Land Registry Office as a formal record, and will also be used in the public notice published Victoria Government Gazette. This can be accommodated in the existing Property Services budget and will be reimbursed by the landowner once completed.

The land to be declared a public highway and through which the Road is to be deviated was valued at \$3,000. The portion of the former Road was valued at \$3,000. This means the exchange of land is a nil cash transaction.

RISKS

There are no risks to Council as this process is formalising the actual alignment of Houlihans Lane.

ATTACHMENTS

1. Locality Plan - Houlihans Lane, Poowong [5.13.1]
2. Road Deviation Plan - Houlihans Lane, Poowong. [5.13.2]

REFERENCE DOCUMENTS

- Local Government Act 1989, section 189, 204, 206, 207(A), 207(E), 223 and schedule 10
- Road Deviation and Exchange Procedure

5.14. PROPOSED SALE OF COUNCIL RESERVE CORNER SANDERS STREET AND SOUTH GIPPSLAND HIGHWAY KORUMBURRA

Sustainable Communities and Infrastructure Services Directorate

EXECUTIVE SUMMARY

Council has received an application for a planning permit for the use and development of a service station at 8220 South Gippsland Highway, Korumburra. Council has also received a request from the permit applicant (and landowner) to purchase a portion of Council land that has been included in the planning permit application.

The portion of Council land proposed for sale is Reserve 2 on LP116539 (the Land) and it gives the appearance of being part of the development site. Its inclusion in the development footprint will contribute to improved traffic movement from the South Gippsland Highway.

As the Land is not required for any purposes, it has been assessed as suitable for inclusion in the development footprint.

In accordance with section 189 and section 223 of the Local Government Act 1989, Council is required to commence the statutory procedures to sell the Land to the adjoining landowner. For this to occur, Council will be required to publish a notice inviting written submissions from the public on the proposed sale of the Land.

RECOMMENDATION

That Council:

1. Commence the statutory procedures in accordance with the Local Government Act 1989 (section 189 and section 223) for the sale of Reserve 2 on LP116539 comprised in Certificate of Title Volume 10811 Folio 146 (the Land) to the adjoining landowner (the Proposal).
2. Give public notice of the Proposal to sell the Land in the Noticeboard section of the local newspapers in the week commencing 19 December 2016 and in accordance with section 223 of the Local Government Act 1989, inviting written submissions from the community by 5.00pm on Wednesday 18 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 to sell the Land.
4. If submissions are received to the public notice:
 - a. Hear, consider, and determine those submissions at the next available Ordinary Council Meeting in an open / closed session.
5. If no submissions are received to the public notice:

- a. Authorise officers to:
 - i. Prepare the Land for sale by removing its reservation status, and creating new easements if required in accordance with section 24A of the Subdivision Act 1988.
 - ii. Sell the Land to the adjoining landowner for no less than a valuation determined by Council's valuer which is not to be more than six months old at the date of sale of the Land.

MOVED: Cr McEwen


SECONDED: Cr Hill

THAT COUNCIL:

1. **COMMENCE THE STATUTORY PROCEDURES IN ACCORDANCE WITH THE LOCAL GOVERNMENT ACT 1989 (SECTION 189 AND SECTION 223) FOR THE SALE OF RESERVE 2 ON LP116539 COMPRISED IN CERTIFICATE OF TITLE VOLUME 10811 FOLIO 146 (THE LAND) TO THE ADJOINING LANDOWNER (THE PROPOSAL).**
2. **GIVE PUBLIC NOTICE OF THE PROPOSAL TO SELL THE LAND IN THE NOTICEBOARD SECTION OF THE LOCAL NEWSPAPERS IN THE WEEK COMMENCING 19 DECEMBER 2016 AND IN ACCORDANCE WITH SECTION 223 OF THE LOCAL GOVERNMENT ACT 1989, INVITING WRITTEN SUBMISSIONS FROM THE COMMUNITY BY 5.00PM ON WEDNESDAY 18 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 TO SELL THE LAND.**
4. **IF SUBMISSIONS ARE RECEIVED TO THE PUBLIC NOTICE:**
 - a. **HEAR, CONSIDER, AND DETERMINE THOSE SUBMISSIONS AT THE NEXT AVAILABLE ORDINARY COUNCIL MEETING IN AN OPEN / CLOSED SESSION.**
5. **IF NO SUBMISSIONS ARE RECEIVED TO THE PUBLIC NOTICE:**
 - a. **AUTHORISE OFFICERS TO:**
 - i. **PREPARE THE LAND FOR SALE BY REMOVING ITS RESERVATION STATUS, AND CREATING NEW EASEMENTS IF REQUIRED IN ACCORDANCE WITH SECTION 24A OF THE SUBDIVISION ACT 1988.**
 - ii. **SELL THE LAND TO THE ADJOINING LANDOWNER FOR NO LESS THAN A VALUATION DETERMINED BY COUNCIL'S VALUER WHICH IS NOT TO BE MORE THAN SIX MONTHS OLD AT THE DATE OF SALE OF THE LAND.**

CARRIED UNANIMOUSLY

REPORT

Council has received an application for a planning permit for the use and development of a service station at 8220 South Gippsland Highway, Korumburra (the Site) shown bordered  in Figure 1.


The application included a parcel of adjoining vacant land owned by Council to be included in the development footprint. The applicant (who is also the owner of the Site) has written to Council requesting to purchase the Land to improve traffic movement from the South Gippsland Highway through the proposed development. The Land is shown bordered  in Figure 1.

Figure 1



An aerial map is available in Attachment - Locality Map - Cnr Sanders Street and South Gippsland Highway, Korumburra.

If Council sells the Land, the reservation status (Tree Plantation Reserve) will be removed in accordance with section 24A of the Subdivision Act 1988 and easements created if required.

Council Land

Details of the Land proposed for sale are as follows:

- **Area:** 1,770m² (approximately).

- **Legal description:** Tree Plantation Reserve - Reserve 2 on LP116539 being Council land comprised in Certificate of Title Volume 10811 Folio 146.
- **Zone:** Industrial 1.
- **Use:** Vacant land set aside for tree reserve purposes but has never been planted and there are no plans do so. Instead it gives the appearance of being part of the Site and is sometimes used by truck drivers to park their trucks.

CONSULTATION

Council's Property Team, Engineering and Assets Department, Planning Department, and Parks and Gardens Team considered the proposal and determined that the Land is no longer required for the purposes of a tree reserve. The Land is therefore considered to be surplus to Council's needs.

The Planning Department has advised that Council can use planning controls to ensure the development proposal is appropriately landscaped to enhance a fuel station or in the event of a more industrial development, provide screening with vegetation.

Public consultation will include calling for public submissions by way of a public notice in the local papers, preparing a media release, and writing to any landowners who may be affected by the sale of the Land.

RESOURCES

Financial Considerations

The Property Team's budget can accommodate the costs of the statutory procedures to prepare the Land for sale.

The sale price of the Land will be determined by Council's valuer and will not be more than six months old at the time of sale.

RISKS

There are no apparent risks associated with the proposal to sell the Land. The section 223 submission process will allow members of the public to alert Council to any concerns with the proposal.

ATTACHMENTS

1. Locality Plan - Cnr Sanders Street and South Gippsland Highway, Korumburra [5.14.1]

REFERENCE DOCUMENTS

- Local Government Act 1989, section 189 and 223
- Subdivision Act 1988, section 24A

5.15. PLANNING APPLICATION 2016/115 - USE AND DEVELOPMENT OF THE LAND FOR SERVICE STATION AT 1 SHINGLER STREET LEONGATHA

Development Services Directorate

EXECUTIVE SUMMARY

The application is for the use and development of the land for a service station, development of advertising signage, create and alter access to a Road Zone Category 1 and vary the requirements for a service station and design and development overlay.

The land is at 1 Shingler Street and 52 Anderson Street (South Gippsland Highway) Leongatha and has an area of approximately 2193 m². The land is within the Commercial 1 Zone and affected by Design and Development Overlay 1 - Township approach. The proposed service station development contains a canopy and convenience-store building to service users of the site purchasing petrol and will be open 24 hours a day. The site is located in a Commercial 1 Zone and the Gippsland Highway is a Primary State Arterial Road (VicRoads). The proposed 24 hour operation of the service station is appropriate to the nature and location of the site. Noise generated by vehicles entering/exiting the site and refuelling is not considered to be greater than vehicles (including trucks) using the South Gippsland Highway.

The application has been referred to Council for a decision as there were seven objections, one petition and one submission received. The objections primarily relate to adverse amenity impacts from light intrusion, increased traffic, traffic safety, increased noise, air pollution from fumes/vapour, increased litter, hours of operation and the close proximity to adjacent residential uses.

The application was referred to Council's Engineering Department, VicRoads and South Gippsland Water (SGW). VicRoads provided unconditional consent. The Engineering Department and SGW provided conditional consent.

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

RECOMMENDATION/S

That Council issues a Notice of Decision to grant a permit for use and development of the land for a service station, development of advertising signage, create and alter access to a Road Zone Category 1 and allowing variations to the requirements for a service station and to the design and development overlay requirements, subject to the following conditions:

Use and development conditions

1. Before the use and/or development start(s), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved

by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a. Relocate the proposed air and water supply point from the southern boundary to the north western corner, adjacent to proposed car space 1. This includes any air compressor associated with the air supply.
 - b. Correct the labelling of the east and west elevations.
 - c. Updated site plan and landscaping plan in accordance with a. and b.
2. The building, works and layout as shown on the endorsed plan(s) must not be altered or modified except with the written consent of the Responsible Authority.
 3. Once the development has started it must be continued and completed in a timely manner to the satisfaction of the Responsible Authority.
 4. Prior to the commencement of the use hereby permitted, Lot 17 and 18 LP017801 Parish of Leongatha Township must be consolidated into one lot and a single title issued.
 5. The owner/applicant must comply with the following South Gippsland Water Authority conditions;
 - a. Prior to the commencement of the use, the owner shall enter into a formal agreement with the South Gippsland Water Corporation for the disposal of trade waste. Any damage caused to the Corporation's infrastructure during the construction of the development and ancillary works, shall be rectified and all costs borne by the owner.
 - b. Any damage caused to the Corporation's infrastructure during the construction of the development and ancillary works, shall be rectified and all costs borne by the owner.
 6. The owner/applicant must comply with the following South Gippsland Shire Engineering Department conditions:
 - a. The construction works for the approved development shall include, but is not limited to;
 - i. Construction of all driveways, accessways and parking with an impervious material, preferably concrete, or other material approved by Council.
 - ii. Underground drainage, including an onsite detention system, WSUD as appropriate and connection to the Council drain in South Gippsland Highway.
-

- iii. Removal and reinstatement of all redundant driveways and crossings.
 - iv. Removal of all old footpaths and construction of new footpaths for full abuttal of the site in South Gippsland Highway and Shingler Street.
 - v. Chevron line marking with double lines in South Gippsland Highway placed to prohibit right turning traffic from South Gippsland Highway into the site.
 - vi. Chevron line marking in South Gippsland Highway to direct left turning traffic from Shingler Street away from the parking lane.
 - vii. Relocation of the existing light pole away from the left turn in South Gippsland Highway access.
 - viii. Number of and timing of inspections of construction work to be as agreed with Council's Engineering Department. A minimum of 24 hours notice is required for inspections.
 - ix. All work to be carried out to the satisfaction of the South Gippsland Shire Council.
- b. Prior to the commencement of any buildings and/or works, the following conditions must be complied with to the satisfaction of the Responsible Authority;
- i. Drainage computations and engineering plans (based on Council's Infrastructure Design Manual (IDM)) of the proposed stormwater network, detention system and footpath works in South Gippsland Highway and Shingler Street are to be submitted to and approved by Council prior to their construction. Plans to also show;
 - How stormwater runoff to Council's drains from the approved development is to be limited to non-polluted runoff only.
 - Construction of all access and parking areas as a non-pervious pavement.
 - How polluted runoff is to be treated via a triple interceptor trap (or similar) and directed to existing sewer system.
 - ii. Upon approval of the construction plans by Council, pay to Council a supervision fee equivalent to 2.5 per cent of the estimated cost of construction of the external footpaths. A certified cost estimate to be provided by the applicant.
- c. Any damage done to Council infrastructure is to be reinstated at no cost to Council and to Council's satisfaction.
-

- d. All works required by this condition must be completed prior to use of the development commences.
 - e. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
7. The service station must incorporate vapour recovery systems to the satisfaction of the responsible authority.
 8. Landscaping must be provided according to the endorsed landscaping plan prior to the commencement of the use to the satisfaction of the Responsible Authority. The landscaping must be maintained for the life of the development and any dead or dying vegetation replaced.
 9. Deliveries to and from the site (including waste collection) must only take place between 7.00 am and 7.00 pm.
 10. External lighting must be designed, directed, baffled and located so as to prevent any adverse effect on adjoining land or passing vehicles to the satisfaction of the Responsible Authority.
 11. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a. Transport of materials, goods or commodities to or from the land
 - b. Appearance of any building, works or materials
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
 - d. Presence of vermin.
 12. Goods or materials must not be stored between the building and the street.
 13. All waste material or other refuse must be obscured from the view of the public within the approved service/utility area and must be disposed of in a manner to the satisfaction of the Responsible Authority.
 14. The property must be maintained in a neat and tidy condition to the satisfaction of the Responsible Authority.
 15. The loading and unloading of vehicles and delivery of goods must at all times be within the boundaries of the site.
 16. This permit will expire if either of the following applies:
 - a. The development is not started within two (2) years of the date of this permit.
-

- b. The development is not completed within four (4) years of the date of this permit.
- c. The use does not start within two (2) years after the completion of the development.

Signage conditions:

- 17. The location and details of the sign(s), including those of the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
- 18. Prior to the commencement of the development hereby permitted, the existing signage for Mountain View Retirement Village (Planning Permit no. 2011/394) must be removed.
- 19. This permit will expire if either of the following applies:
 - a. The sign is not started and completed (erected) within 12 months of the use commencing.
 - b. Fifteen (15) years from the date of this permit.

Notes:

- 1. Use and development expiry:

Pursuant to the provisions of section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the time to start development under part (a) of the expiry condition, if the request is made before the permit expires or within six months afterwards.

The Responsible Authority may extend the time to complete the development under part (b) of the expiry condition if:

- a. The request for an extension of time is made within 12 months after the permit expires; and
- b. The development or stage started lawfully before the permit expired.

The Responsible Authority may extend the time to start the use of the land under part (c) of the expiry condition if the request is made before the permit expires or within six months afterwards.

- 2. Signage expiry:

Pursuant to the provisions of section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the time to start erecting the sign under part (a) of the expiry condition, if the request is made before the permit expires or within six months afterwards.

The Responsible Authority may extend the time to complete (erect) the sign under part (a) of the expiry condition if:

- a. The request for an extension of time is made within 12 months after the permit expires; and
 - b. The erection of the signage started lawfully before the permit expired.
3. This permit allows the above land to be used or developed for the purpose specified. It is the permit holder's responsibility to ensure that any other relevant approvals are obtained prior to the commencement of the use or development.
 4. The owner/applicant is encouraged to check with the relevant service authorities before any excavation work is undertaken (e.g. Telstra, SP Ausnet and South Gippsland Water).
 5. A Consent to Work within the Road Reserve Permit must be obtained from Council's Engineering Department for the construction and/or alteration of the driveway crossover.

MOVED: Cr Hill

SECONDED: Cr Brown

THAT COUNCIL ISSUES A NOTICE OF DECISION TO GRANT A PERMIT FOR USE AND DEVELOPMENT OF THE LAND FOR A SERVICE STATION, DEVELOPMENT OF ADVERTISING SIGNAGE, CREATE AND ALTER ACCESS TO A ROAD ZONE CATEGORY 1 AND ALLOWING VARIATIONS TO THE REQUIREMENTS FOR A SERVICE STATION AND TO THE DESIGN AND DEVELOPMENT OVERLAY REQUIREMENTS, SUBJECT TO THE FOLLOWING CONDITIONS:

USE AND DEVELOPMENT CONDITIONS

1. **BEFORE THE USE AND/OR DEVELOPMENT START(S), AMENDED PLANS TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY MUST BE SUBMITTED TO AND APPROVED BY THE RESPONSIBLE AUTHORITY. WHEN APPROVED, THE PLANS WILL BE ENDORSED AND WILL THEN FORM PART OF THE PERMIT. THE PLANS MUST BE DRAWN TO SCALE WITH DIMENSIONS AND THREE COPIES MUST BE PROVIDED. THE PLANS MUST BE GENERALLY IN ACCORDANCE WITH THE PLANS SUBMITTED WITH THE APPLICATION BUT MODIFIED TO SHOW:**
 - a. **RELOCATE THE PROPOSED AIR AND WATER SUPPLY POINT FROM THE SOUTHERN BOUNDARY TO THE NORTH WESTERN CORNER, ADJACENT TO PROPOSED CAR SPACE 1. THIS INCLUDES ANY AIR COMPRESSOR ASSOCIATED WITH THE AIR SUPPLY.**
 - b. **CORRECT THE LABELLING OF THE EAST AND WEST ELEVATIONS.**

- c. **UPDATED SITE PLAN AND LANDSCAPING PLAN IN ACCORDANCE WITH A. AND B.**
2. **THE BUILDING, WORKS AND LAYOUT AS SHOWN ON THE ENDORSED PLAN(S) MUST NOT BE ALTERED OR MODIFIED EXCEPT WITH THE WRITTEN CONSENT OF THE RESPONSIBLE AUTHORITY.**
3. **ONCE THE DEVELOPMENT HAS STARTED IT MUST BE CONTINUED AND COMPLETED IN A TIMELY MANNER TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**
4. **PRIOR TO THE COMMENCEMENT OF THE USE HEREBY PERMITTED, LOT 17 AND 18 LP017801 PARISH OF LEONGATHA TOWNSHIP MUST BE CONSOLIDATED INTO ONE LOT AND A SINGLE TITLE ISSUED.**
5. **THE OWNER/APPLICANT MUST COMPLY WITH THE FOLLOWING SOUTH GIPPSLAND WATER AUTHORITY CONDITIONS;**
 - a. **PRIOR TO THE COMMENCEMENT OF THE USE, THE OWNER SHALL ENTER INTO A FORMAL AGREEMENT WITH THE SOUTH GIPPSLAND WATER CORPORATION FOR THE DISPOSAL OF TRADE WASTE. ANY DAMAGE CAUSED TO THE CORPORATION'S INFRASTRUCTURE DURING THE CONSTRUCTION OF THE DEVELOPMENT AND ANCILLARY WORKS, SHALL BE RECTIFIED AND ALL COSTS BORNE BY THE OWNER.**
 - b. **ANY DAMAGE CAUSED TO THE CORPORATION'S INFRASTRUCTURE DURING THE CONSTRUCTION OF THE DEVELOPMENT AND ANCILLARY WORKS, SHALL BE RECTIFIED AND ALL COSTS BORNE BY THE OWNER.**
6. **THE OWNER/APPLICANT MUST COMPLY WITH THE FOLLOWING SOUTH GIPPSLAND SHIRE ENGINEERING DEPARTMENT CONDITIONS:**
 - a. **THE CONSTRUCTION WORKS FOR THE APPROVED DEVELOPMENT SHALL INCLUDE, BUT IS NOT LIMITED TO;**
 - i. **CONSTRUCTION OF ALL DRIVEWAYS, ACCESSWAYS AND PARKING WITH AN IMPERVIOUS MATERIAL, PREFERABLY CONCRETE, OR OTHER MATERIAL APPROVED BY COUNCIL.**
 - ii. **UNDERGROUND DRAINAGE, INCLUDING AN ONSITE DETENTION SYSTEM, WSUD AS APPROPRIATE AND CONNECTION TO THE COUNCIL DRAIN IN SOUTH GIPPSLAND HIGHWAY.**
 - iii. **REMOVAL AND REINSTATEMENT OF ALL REDUNDANT DRIVEWAYS AND CROSSINGS.**
 - iv. **REMOVAL OF ALL OLD FOOTPATHS AND CONSTRUCTION OF NEW FOOTPATHS FOR FULL ABUTTAL OF THE SITE IN SOUTH GIPPSLAND HIGHWAY AND SHINGLER STREET.**

- v. **CHEVRON LINE MARKING WITH DOUBLE LINES IN SOUTH GIPPSLAND HIGHWAY PLACED TO PROHIBIT RIGHT TURNING TRAFFIC FROM SOUTH GIPPSLAND HIGHWAY INTO THE SITE.**
 - vi. **CHEVRON LINE MARKING IN SOUTH GIPPSLAND HIGHWAY TO DIRECT LEFT TURNING TRAFFIC FROM SHINGLER STREET AWAY FROM THE PARKING LANE.**
 - vii. **RELOCATION OF THE EXISTING LIGHT POLE AWAY FROM THE LEFT TURN IN SOUTH GIPPSLAND HIGHWAY ACCESS.**
 - viii. **NUMBER OF AND TIMING OF INSPECTIONS OF CONSTRUCTION WORK TO BE AS AGREED WITH COUNCIL'S ENGINEERING DEPARTMENT. A MINIMUM OF 24 HOURS NOTICE IS REQUIRED FOR INSPECTIONS.**
 - ix. **ALL WORK TO BE CARRIED OUT TO THE SATISFACTION OF THE SOUTH GIPPSLAND SHIRE COUNCIL.**
- b. PRIOR TO THE COMMENCEMENT OF ANY BUILDINGS AND/OR WORKS, THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY;**
- i. **DRAINAGE COMPUTATIONS AND ENGINEERING PLANS (BASED ON COUNCIL'S INFRASTRUCTURE DESIGN MANUAL (IDM)) OF THE PROPOSED STORMWATER NETWORK, DETENTION SYSTEM AND FOOTPATH WORKS IN SOUTH GIPPSLAND HIGHWAY AND SHINGLER STREET ARE TO BE SUBMITTED TO AND APPROVED BY COUNCIL PRIOR TO THEIR CONSTRUCTION. PLANS TO ALSO SHOW;**
 - **HOW STORMWATER RUNOFF TO COUNCIL'S DRAINS FROM THE APPROVED DEVELOPMENT IS TO BE LIMITED TO NON-POLLUTED RUNOFF ONLY.**
 - **CONSTRUCTION OF ALL ACCESS AND PARKING AREAS AS A NON-PERVIOUS PAVEMENT.**
 - **HOW POLLUTED RUNOFF IS TO BE TREATED VIA A TRIPLE INTERCEPTOR TRAP (OR SIMILAR) AND DIRECTED TO EXISTING SEWER SYSTEM.**
 - ii. **UPON APPROVAL OF THE CONSTRUCTION PLANS BY COUNCIL, PAY TO COUNCIL A SUPERVISION FEE EQUIVALENT TO 2.5 PER CENT OF THE ESTIMATED COST OF CONSTRUCTION OF THE EXTERNAL FOOTPATHS. A CERTIFIED COST ESTIMATE TO BE PROVIDED BY THE APPLICANT.**
- c. ANY DAMAGE DONE TO COUNCIL INFRASTRUCTURE IS TO BE REINSTATED AT NO COST TO COUNCIL AND TO COUNCIL'S SATISFACTION.**
-

- d. ALL WORKS REQUIRED BY THIS CONDITION MUST BE COMPLETED PRIOR TO USE OF THE DEVELOPMENT COMMENCES.
 - e. CAR SPACES, ACCESS LANES AND DRIVEWAYS MUST BE KEPT AVAILABLE FOR THESE PURPOSES AT ALL TIMES.
7. THE SERVICE STATION MUST INCORPORATE VAPOUR RECOVERY SYSTEMS TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.
 8. LANDSCAPING MUST BE PROVIDED ACCORDING TO THE ENDORSED LANDSCAPING PLAN PRIOR TO THE COMMENCEMENT OF THE USE TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY. THE LANDSCAPING MUST BE MAINTAINED FOR THE LIFE OF THE DEVELOPMENT AND ANY DEAD OR DYING VEGETATION REPLACED.
 9. DELIVERIES TO AND FROM THE SITE (INCLUDING WASTE COLLECTION) MUST ONLY TAKE PLACE BETWEEN 7.00 AM AND 7.00 PM.
 10. EXTERNAL LIGHTING MUST BE DESIGNED, DIRECTED, BAFFLED AND LOCATED SO AS TO PREVENT ANY ADVERSE EFFECT ON ADJOINING LAND OR PASSING VEHICLES TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.
 11. THE USE AND DEVELOPMENT MUST BE MANAGED SO THAT THE AMENITY OF THE AREA IS NOT DETRIMENTALLY AFFECTED, THROUGH THE:
 - a. TRANSPORT OF MATERIALS, GOODS OR COMMODITIES TO OR FROM THE LAND
 - b. APPEARANCE OF ANY BUILDING, WORKS OR MATERIALS
 - c. EMISSION OF NOISE, ARTIFICIAL LIGHT, VIBRATION, SMELL, FUMES, SMOKE, VAPOUR, STEAM, SOOT, ASH, DUST, WASTE WATER, WASTE PRODUCTS, GRIT OR OIL
 - d. PRESENCE OF VERMIN.
 12. GOODS OR MATERIALS MUST NOT BE STORED BETWEEN THE BUILDING AND THE STREET.
 13. ALL WASTE MATERIAL OR OTHER REFUSE MUST BE OBSCURED FROM THE VIEW OF THE PUBLIC WITHIN THE APPROVED SERVICE/UTILITY AREA AND MUST BE DISPOSED OF IN A MANNER TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.
 14. THE PROPERTY MUST BE MAINTAINED IN A NEAT AND TIDY CONDITION TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.
 15. THE LOADING AND UNLOADING OF VEHICLES AND DELIVERY OF GOODS MUST AT ALL TIMES BE WITHIN THE BOUNDARIES OF THE SITE.
 16. THIS PERMIT WILL EXPIRE IF EITHER OF THE FOLLOWING APPLIES:
-

- a. THE DEVELOPMENT IS NOT STARTED WITHIN TWO (2) YEARS OF THE DATE OF THIS PERMIT.
- b. THE DEVELOPMENT IS NOT COMPLETED WITHIN FOUR (4) YEARS OF THE DATE OF THIS PERMIT.
- c. THE USE DOES NOT START WITHIN TWO (2) YEARS AFTER THE COMPLETION OF THE DEVELOPMENT.

SIGNAGE CONDITIONS:

17. THE LOCATION AND DETAILS OF THE SIGN(S), INCLUDING THOSE OF THE SUPPORTING STRUCTURE, AS SHOWN ON THE ENDORSED PLANS, MUST NOT BE ALTERED WITHOUT THE WRITTEN CONSENT OF THE RESPONSIBLE AUTHORITY.
18. PRIOR TO THE COMMENCEMENT OF THE DEVELOPMENT HEREBY PERMITTED, THE EXISTING SIGNAGE FOR MOUNTAIN VIEW RETIREMENT VILLAGE (PLANNING PERMIT NO. 2011/394) MUST BE REMOVED.
19. THIS PERMIT WILL EXPIRE IF EITHER OF THE FOLLOWING APPLIES:
 - a. THE SIGN IS NOT STARTED AND COMPLETED (ERECTED) WITHIN 12 MONTHS OF THE USE COMMENCING.
 - b. FIFTEEN (15) YEARS FROM THE DATE OF THIS PERMIT.

NOTES:**1. USE AND DEVELOPMENT EXPIRY:**

PURSUANT TO THE PROVISIONS OF SECTION 69 OF THE PLANNING AND ENVIRONMENT ACT 1987 THE RESPONSIBLE AUTHORITY MAY EXTEND THE TIME TO START DEVELOPMENT UNDER PART (A) OF THE EXPIRY CONDITION, IF THE REQUEST IS MADE BEFORE THE PERMIT EXPIRES OR WITHIN SIX MONTHS AFTERWARDS.

THE RESPONSIBLE AUTHORITY MAY EXTEND THE TIME TO COMPLETE THE DEVELOPMENT UNDER PART (B) OF THE EXPIRY CONDITION IF:

- a. THE REQUEST FOR AN EXTENSION OF TIME IS MADE WITHIN 12 MONTHS AFTER THE PERMIT EXPIRES; AND
- b. THE DEVELOPMENT OR STAGE STARTED LAWFULLY BEFORE THE PERMIT EXPIRED.

THE RESPONSIBLE AUTHORITY MAY EXTEND THE TIME TO START THE USE OF THE LAND UNDER PART (C) OF THE EXPIRY CONDITION IF THE REQUEST IS MADE BEFORE THE PERMIT EXPIRES OR WITHIN SIX MONTHS AFTERWARDS.

2. SIGNAGE EXPIRY:

PURSUANT TO THE PROVISIONS OF SECTION 69 OF THE PLANNING AND ENVIRONMENT ACT 1987 THE RESPONSIBLE AUTHORITY MAY EXTEND THE TIME TO START ERECTING THE SIGN UNDER PART (A) OF THE EXPIRY CONDITION, IF THE REQUEST IS MADE BEFORE THE PERMIT EXPIRES OR WITHIN SIX MONTHS AFTERWARDS.

THE RESPONSIBLE AUTHORITY MAY EXTEND THE TIME TO COMPLETE (ERECT) THE SIGN UNDER PART (A) OF THE EXPIRY CONDITION IF:

- a. **THE REQUEST FOR AN EXTENSION OF TIME IS MADE WITHIN 12 MONTHS AFTER THE PERMIT EXPIRES; AND**
 - b. **THE ERECTION OF THE SIGNAGE STARTED LAWFULLY BEFORE THE PERMIT EXPIRED.**
3. **THIS PERMIT ALLOWS THE ABOVE LAND TO BE USED OR DEVELOPED FOR THE PURPOSE SPECIFIED. IT IS THE PERMIT HOLDER'S RESPONSIBILITY TO ENSURE THAT ANY OTHER RELEVANT APPROVALS ARE OBTAINED PRIOR TO THE COMMENCEMENT OF THE USE OR DEVELOPMENT.**
 4. **THE OWNER/APPLICANT IS ENCOURAGED TO CHECK WITH THE RELEVANT SERVICE AUTHORITIES BEFORE ANY EXCAVATION WORK IS UNDERTAKEN (E.G. TELSTRA, SP AUSNET AND SOUTH GIPPSLAND WATER).**
 5. **A CONSENT TO WORK WITHIN THE ROAD RESERVE PERMIT MUST BE OBTAINED FROM COUNCIL'S ENGINEERING DEPARTMENT FOR THE CONSTRUCTION AND/OR ALTERATION OF THE DRIVEWAY CROSSOVER.**

CARRIED

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

Against: Councillor Kiel

REPORT

Background

The subject site is an irregular, triangular shape comprised of two lots on the corner of 1 Shingler Street and 52 Anderson Street Leongatha. Their legal description is Lot 18 LP17801 and Lot 17 LP17801, respectively. Anderson Street (South Gippsland Highway) forms the northern and eastern boundary and has a frontage of approximately 77 metres. Shingler Street forms the southern boundary and has a frontage of approximately 68 metres. The land is within the Commercial 1 Zone and is affected by Design and Development Overlay 1 - Township approach. The adjoining land fronting the South Gippsland Highway is also in the Commercial 1 Zone. However, the land adjoins General Residential Zone to the west and partially to the south.

Refer to **Attachment - Aerial photo**.

Refer to **Attachment - Zone and Overlays**.

Lot 17 contains a vacant commercial building, previously used by the Salvation Army and Lot 18 contains a shed and movable building that is used for car sales. Lot 18 also contains a promotion sign that advertises the sale of land at the Mountain View Retirement Village. Lot 18 has two crossovers from Shingler Street. Lot 17 has a single crossover from Shingler Street and has an additional extended crossover to Anderson Street, which accommodates seven car parking spaces.

The application received seven objections, one petition and one submission. Objections predominantly relate to the potential adverse impact of the proposed development on adjacent residential use.

Proposal

The proposal seeks approval for use and development of the land for a service station, development of advertising signage, create and alter access to a Road Zone Category 1 and vary the requirements for a service station and design and development overlay.

The proposed service station development includes a canopy and convenience store building to service users of the site purchasing petrol. The convenience store building occupies the south-western corner of the site and has a total floor area of 200m². The canopy connects to the store and extends in a north-east direction away from the building. The store is separated from the western boundary of the site by a landscaped 3.5m setback, and from the southern boundary by a 6.9 m setback, which comprises a 3.16m landscape strip and a 3.77m wide loading bay and associated service yard.

Eight new car parking spaces are proposed, including one accessible car parking space. The proposal also includes one illuminated business identification sign (pricing board) with an area of 22.4m², two internally illuminated canopy signs and one fascia sign.

The proposed conditions require minor amendment to the plans to ensure that the proposal limits its potential impact on the surrounding residential amenity. Condition 1 will require the air and water supply point to be moved to the north western corner, which is furthest away from the residential interfaces.

Refer to **Attachment - Proposed Plans**.

CONSULTATION

The application was referred to Council's Engineering Department, VicRoads and South Gippsland Water (SGW). The Engineering Department and SGW provided conditional consent, whilst VicRoads provided unconditional consent. The referral responses are discussed in detail in **Attachment - Officer's Delegation Report**.

The 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 seven objections, one petition and one submission.

Refer to **Confidential Attachment - Copy of Objections**.

Of the seven objections, three were from nearby residents in the residential zone, two objections from a nearby service station, one from the architect of the nearby service station redevelopment site and one from a resident of an adjoining Shire. The objections primarily relate to light intrusion, increased traffic, traffic safety, increased noise, air pollution from fumes/vapour, increased litter, hours of operation and proximity to residential uses. These matters are discussed in detail in the officer's delegation report.

Refer to **Attachment - Officer's Delegation Report**.

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 - Officer's delegation report**.

ATTACHMENTS

1. Aerial photo [5.15.1]
2. Zone and Overlays [5.15.2]
3. Proposed plans [5.15.3]
4. Officer's Delegation Report [5.15.4]

CONFIDENTIAL ATTACHMENTS

Confidential Attachment - Copy of Objections have 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 is not to be publicly communicated.

1. Confidential Attachment - Copy of Objections

REFERENCE DOCUMENTS

- Planning & Environment Act 1987
- South Gippsland Planning Scheme

5.16. COUNCIL DELEGATION TO CHIEF EXECUTIVE OFFICER

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

This report recommends that Council approve a revised Instrument of Delegation (Instrument) to the Chief Executive Officer (CEO) (**Attachment - Instrument of Delegation Council to CEO - December 2016**) to provide greater clarity with respect to the CEO's financial delegation and to delegate to the CEO the power to declare that a contract (within the CEO's financial delegation) must be entered into because of an emergency, without first putting that contract to a public tender, to avoid delays in responding to an emergency.

RECOMMENDATION/S

In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached Instrument of Delegation to the Chief Executive Officer (CEO) (Attachment - Instrument of Delegation Council to CEO - December 2016), South Gippsland Shire Council (Council) resolves that:

1. There be delegated to the person holding the position, acting in or performing the duties of CEO the powers, duties and functions set out in the attached Instrument of Delegation to the CEO, subject to the conditions and limitations specified in that Instrument;
2. The Instrument comes into force immediately after the common seal of Council is affixed to the Instrument;
3. On the coming into force of the Instrument, all previous Instruments of Delegation to the CEO are revoked;
4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it has adopted or may from time-to-time adopt; and
5. It is noted that the Instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.

MOVED: Cr Edwards

SECONDED: Cr Skinner

IN THE EXERCISE OF THE POWERS CONFERRED BY SECTION 98(1) OF THE LOCAL GOVERNMENT ACT 1989 (THE ACT) AND THE OTHER LEGISLATION REFERRED TO IN THE ATTACHED INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER (CEO) (ATTACHMENT - INSTRUMENT OF DELEGATION COUNCIL TO CEO - DECEMBER 2016), SOUTH GIPPSLAND SHIRE COUNCIL (COUNCIL) RESOLVES THAT:

- 1. THERE BE DELEGATED TO THE PERSON HOLDING THE POSITION, ACTING IN OR PERFORMING THE DUTIES OF CEO THE POWERS, DUTIES AND FUNCTIONS SET OUT IN THE ATTACHED INSTRUMENT OF DELEGATION TO THE CEO, SUBJECT TO THE CONDITIONS AND LIMITATIONS SPECIFIED IN THAT INSTRUMENT;**
- 2. THE INSTRUMENT COMES INTO FORCE IMMEDIATELY AFTER THE COMMON SEAL OF COUNCIL IS AFFIXED TO THE INSTRUMENT;**
- 3. ON THE COMING INTO FORCE OF THE INSTRUMENT, ALL PREVIOUS INSTRUMENTS OF DELEGATION TO THE CEO ARE REVOKED;**
- 4. THE DUTIES AND FUNCTIONS SET OUT IN THE INSTRUMENT MUST BE PERFORMED, AND THE POWERS SET OUT IN THE INSTRUMENT MUST BE EXECUTED, IN ACCORDANCE WITH ANY GUIDELINES OR POLICIES OF COUNCIL THAT IT HAS ADOPTED OR MAY FROM TIME-TO-TIME ADOPT; AND**
- 5. IT IS NOTED THAT THE INSTRUMENT INCLUDES A POWER OF DELEGATION TO MEMBERS OF COUNCIL STAFF, IN ACCORDANCE WITH SECTION 98(3) OF THE ACT.**

CARRIED UNANIMOUSLY

Cr Brunt left the Council Meeting at 3.45pm.

Cr Brunt was not present for the vote.

REPORT

BACKGROUND

The effective functioning of local government would not be possible if all decisions were made by Council, hence many decision-making powers are allocated by formal delegations to the CEO.

The Local Government Act 1989 (the Act) provides for Council to delegate its powers by an Instrument of Delegation (the Instrument) to the CEO. Council last reviewed this Instrument on 16 December 2015.

On 26 August 2015, Council resolved (Item E8), to delegate to the CEO the power to award certain contracts subject to the preferred tenders being within budget, compliance with Council's procurement policy and subject to the contracts awarded being reported to Council to facilitate the more fluid approval of contracts and to expedite works. When the revised Instrument of Delegation was adopted by Council on 16 December 2015, it included the power for the CEO to enter into any contract that falls within the budget allocation in the Annual Budget that exceeds the CEO's financial delegation of \$250,000 (inclusive of GST).

The implementation of this power has become difficult to determine when proposed contracts span periods beyond the Annual Budget. Further, the original intention of this amendment was to expedite works contracts, which could be negatively constrained by budget / tender approval timelines and construction season / weather impacts, rather than "any contract" which was contained in the final wording of the 16 December 2015 Instrument.

DISCUSSION

To further clarify the CEO's financial delegation it is proposed to amend the wording of section 4.1 of the **Instrument of Delegation Council to CEO - December 2016 (Attachment)** to:

Remove the CEO's power to enter into 'any 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)'; and

Replace this with the power to only enter into 'any other contract which complies with Council's procurement policy and is delegated to the CEO to award by a resolution of Council'.

This proposal removes any ambiguity about which contracts the CEO could enter into exceeding \$250,000 (inclusive of GST), as it specifically restricts the CEO to only award those additional contracts which Council has resolved to delegate to the CEO.

To facilitate this, reports will be presented to Council, recommending the delegation of specific contracts exceeding the CEO's financial delegation to the CEO to award, subject to the contract being within the budgeted amount and the awarding of these contracts being reported to Council as required by Council's

procurement policy. Further the Procurement Manual will be updated to reflect this change to the Instrument.

It is further recommended to include in the revised Instrument the power for the CEO to declare that a contract (within the CEO's financial delegation) must be entered into because of an emergency, without first putting that contract to a public tender, to avoid delays in responding to an emergency.

Section 186(5)(a) of the Act enables Council to enter into a contract, the value of which reaches the threshold amounts required for a tender (\$150,000 incl. GST for goods / services and \$200,000 incl. GST for works), for the provision of goods, services or works without first putting that contract to public tender if the Council resolves that the contract must be entered into because of an emergency.

The Victorian Local Government Best Practice Procurement Guidelines 2013 (the Guidelines) recommends that in these circumstances that councils should set the scope, timeframe and value of works to be covered by a contract entered into because of an emergency and to report this publicly in the interest of transparency. The Guidelines also recommend that councils should consider delegating to the CEO the power to declare that a contract must be entered into because of an emergency and thus avoid delays in responding to an emergency. Whilst the Act does not define what constitutes an emergency situation the Guidelines provide direction on how to determine what constitutes an emergency and how these should be effectively managed.

As such, it is recommended to include the following delegation to the CEO in the revised Instrument, 'the power to declare that a contract must be entered into because of an emergency under section 186(5)(a) of the Act subject to that contract being within the Chief Executive Officer's financial delegation outlined in section 4.1 (of the Instrument) and this being reported to the next Council meeting'.

For any other contract that exceeds the CEO's financial delegation, for which it is proposed to be entered into because of an emergency under section 186(5)(a) of the Act without first putting that contract to a to public tender, this must be decided by a resolution of Council at a Special Meeting or Ordinary Meeting of Council.

CONSULTATION

Consultation on the revised Instrument (**Attachment - Instrument of Delegation Council to CEO - December 2016**) has occurred with Council's Procurement Working Group, Executive Leadership Team and Audit Committee.

RESOURCES

The Instrument provides a financial delegation to the CEO to enable the efficient and flexible functioning of Council, with reporting required to Council to advise of the exercising of this financial delegation in accordance with the requirements of the Procurement Policy.

RISKS

The proposed amendment to the Instrument (**Attachment - Instrument of Delegation Council to CEO - December 2016**) allows Council to clarify its financial delegation to the CEO, by enabling Council to specify which contracts (usually works contracts specified in the Annual Budget) exceeding the CEO's financial delegation are delegated to the CEO to award in order to expedite the approval of contracts and performance of works, subject to these contracts being within budget and reported to Council.

ATTACHMENTS

1. Instrument of Delegation Council to Chief Executive Officer - December 2016 [5.16.1]

REFERENCE DOCUMENTS

- Local Government Act 1989

5.17. COUNCIL MEETING TIMETABLE 2017

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

Council's monthly meeting structure supports its objectives to make informed, open and transparent decisions that provide opportunities for the community to participate.

Council conducts Ordinary Meetings of Council at which the general business of Council may be transacted. The dates and times of these meetings for the next calendar year are set by Council in December each year.

RECOMMENDATION/S

That Council:

1. Set the Ordinary Council Meetings in 2017 to be held in the Council Chambers on the following dates and times:
 - a. 22 February 2017, 2.00pm
 - b. 22 March 2017, 2.00pm
 - c. 26 April 2017, 2.00pm
 - d. 24 May 2017, 2.00pm
 - e. 28 June 2017, 2.00pm
 - f. 26 July 2017, 2.00pm
 - g. 23 August 2017. 2.00pm
 - h. 27 September 2017, 2.00pm
 - i. 25 October 2017, 2.00pm
 - j. 22 November 2017, 2.00pm
 - k. 20 December 2017, 2.00pm
2. Authorise the Chief Executive Officer to change a meeting location should that be warranted, due to the character of business and availability of the Council Chambers; and
3. Provide reasonable notice to the public via local newspapers and Council's website should a change in Meeting location be warranted.

MOVED: Cr Kiel
SECONDED: Cr Edwards

THAT COUNCIL:

1. **SET THE ORDINARY COUNCIL MEETINGS IN 2017 TO BE HELD IN THE COUNCIL CHAMBERS ON THE FOLLOWING DATES AND TIMES:**
 - a. 22 February 2017, 2.00pm
 - b. 22 March 2017, 2.00pm
 - c. 26 April 2017, 2.00pm
 - d. 24 May 2017, 2.00pm
 - e. 28 June 2017, 2.00pm
 - f. 26 July 2017, 2.00pm
 - g. 23 August 2017. 2.00pm
 - h. 27 September 2017, 2.00pm
 - i. 25 October 2017, 2.00pm
 - j. 22 November 2017, 2.00pm
 - k. 20 December 2017, 2.00pm
2. **AUTHORISE THE CHIEF EXECUTIVE OFFICER TO CHANGE A MEETING LOCATION SHOULD THAT BE WARRANTED, DUE TO THE CHARACTER OF BUSINESS AND AVAILABILITY OF THE COUNCIL CHAMBERS; AND**
3. **PROVIDE REASONABLE NOTICE TO THE PUBLIC VIA LOCAL NEWSPAPERS AND COUNCIL'S WEBSITE SHOULD A CHANGE IN MEETING LOCATION BE WARRANTED.**

Cr Brunt returned to the Council Meeting at 3.47pm.

CARRIED UNANIMOUSLY

REPORT

Council's Monthly Meeting Structure

The monthly meeting structure will continue with the previous practice of holding the following meetings each month, excluding January, where no meetings are held unless considered necessary. The timeframe for the December meeting can vary from year to year to avoid a clash with the Christmas and New Year public holidays.

- 1st Wednesday of each month: Strategic Briefing Day
- 3rd Wednesday of each month: Public Presentation and Strategic Briefing Day
- 4th Wednesday of each month: Council Meeting Day

The Public Presentation sessions are held on the 3rd Wednesday of each month at 2.00pm and 7.00pm (by appointment) and on Council Meeting Days on the 4th Wednesday of each month at 10.00am.

Ordinary Council Meeting Dates

Council is required by Local Law No.3 2010 (clause 8) to fix the time, date and place of all Council Meetings and provide reasonable notice to the public. Council publishes notice of Council Meetings (both Ordinary and Special) in Council's Noticeboard section of local newspapers and on its website.

It is proposed to hold the first Council Meeting for 2017 on Wednesday 22 February 2017 and from then on the 4th Wednesday of each month for the remainder of the year, except for December. The Ordinary Council Meetings are to commence at 2.00pm and be held in the Council Chambers, Leongatha, with the following exception:

- Council business will continue unimpeded throughout January 2017 given the extensive delegations provided to the Chief Executive Officer and the right of the Mayor or three Councillors to call a Meeting of Council should a situation emerge that warrants a Special Meeting.

CONSULTATION

Councillors are briefed each month on Council's monthly meeting schedule and provide comment regarding forthcoming strategic briefings and public presentations.

RISKS

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

REFERENCE DOCUMENTS

- Local Government Act 1989, sections 83, 84 and 89
- Local Law No.3 2010 Processes for Municipal Government (Meeting Procedure and Common Seal) - clause 8
- [Councillor Code of Conduct](#)

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.

Nil

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.

Gus Blaauw addressed Council by asking a question about why Councillors don't listen to the rate payers?

The Mayor responded by assuring Mr Blaauw that Councillors were listening.

Matt Sherry addressed Council by asking a question about changing the time and the venue of the Council Meeting?

The Mayor responded that Council would be considering different options.

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 Contractual Matter pursuant to section 89(2)(d) a contractual matter; and
2. Closed Item 1 Australia Day Awards 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 CONTRACTUAL MATTER PURSUANT TO SECTION 89(2)(d) A CONTRACTUAL MATTER; AND**
2. **CLOSED ITEM 1 AUSTRALIA DAY AWARDS PURSUANT TO SECTION 89(2)(h) A MATTER WHICH THE COUNCIL OR SPECIAL COMMITTEE CONSIDERS WOULD PREJUDICE THE COUNCIL OR ANY PERSON.**

CARRIED UNANIMOUSLY

9. MEETING CLOSED

NEXT MEETING

The next Ordinary Meeting of Council open to the public will be held on Wednesday, 22 February 2017 commencing at 2pm in the Council Chambers, Leongatha.

The Council Meeting closed at 4.14pm.

Confirmed this day of 2016

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Mayor, Councillor Ray Argento