

SOUTH GIPPSLAND SHIRE COUNCIL

Council Minutes

Ordinary Meeting of Council

22 February 2017

Ordinary Meeting No. 409
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 Ray Argento, Mayor
Cr Maxine Kiel, Deputy Mayor
Cr Meg Edwards
Cr Alyson Skinner
Cr Jeremy Rich
Cr Andrew McEwen
Cr Lorraine Brunt
Cr Aaron Brown
Cr Don Hill

APOLOGY:

Nil

OFFICERS:

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

SOUTH GIPPSLAND SHIRE COUNCIL

Ordinary Meeting No. 409
 Wednesday 22 February 2017
 Council Chambers, Leongatha commenced at 2pm

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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 Ordinary Meeting No. 408, held on 14 December 2016 in the Council Chambers, Leongatha be confirmed.

MOVED: Cr Edwards

SECONDED: Cr Skinner

RECOMMENDATION

THAT THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL ORDINARY MEETING NO. 408, HELD ON 14 DECEMBER 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 (the Act). This legislation can be obtained by contacting the Council's Corporate & Community Services Directorate (Council Business) 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 – October 2012*.

Cr Jeremy Rich declared a direct conflict of interest in Council Agenda Item 4.5 DOCUMENTS SEALED AND AWARDED VARIED OR EXTENDED BY THE CEO as he is a Director of a company that Council has a terms of settlement with that relates to one of the documents sealed.

Cr Don Hill declared a direct conflict of interest in Council Agenda Item 5.5 ROAD OPENING IN MIRBOO NORTH (OFF GILES STREET) as he is the applicant of the matter.

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 the Victorian State Government, Department of Transport, Planning and Local Infrastructure – *Conflict of Interest – A Guide for Council Staff – October 2011*.

Nil

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 Meeting of Council, 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

MOVED: Cr Kiel

SECONDED: Cr Rich

THAT THE ORDER OF BUSINESS BE CHANGED TO CONSIDER ITEM 2.1. NOTICE OF MOTION 703 - REMOVAL OF THE MUNICIPAL PRECINCT PROJECT FROM THE BUDGET AFTER SECTION 5 - COUNCIL REPORTS AND BEFORE SECTION 6 - URGENT OR OTHER BUSINESS SECTION.

CARRIED UNANIMOUSLY

1.10. COUNCILLOR REPORTS

Cr Rich addressed Council regarding his attendance at the South East Australian Inc. (SEATS) held in Lakes Entrance and his appointment as Director. Cr Rich highlighted a point raised by a Federal Minister that included tourism as a concept of freight, the movement of people from one area to another. In considering this new concept SEATS may expand its terms of reference to benefit funding applications for project support that include a tourism component.

Cr Brown addressed Council regarding his attendance at Rural Councils Victoria and his appointment to the Committee member to represent Gippsland. Cr Brown highlighted the importance of lobbying State Government for better outcomes for Gippsland. The Committee's *Stronger Councils Initiative Plan* is near completion and will provide strategic direction for the region.

Cr McEwen addressed Council regarding his attendance at:

- Garlic Festival held in Meenyan and noted that it was well attended with 60-70% attendees from outside of the Shire.
 - Schreurs Celery Farm in Middle Tarwin and commented that this promising new venture is expected to produce \$25M worth of produce and employment opportunities.
-

Cr Skinner addressed Council regarding her attendance at Coastal Ward Committee Meetings including the Foster Stockyard Gallery and Sandy Point Community Centre.

Cr Kiel addressed Council regarding her attendance at:

- Italian Festival held in Mirboo North and noted it was well attended despite the poor weather conditions, many attendees attended from outside of the Shire.
 - Schreurs Celery Farm in Middle Tarwin and commented positively on this significant investment.
-
-
-

3. COMMITTEE REPORTS

Nil

4. PROCEDURAL REPORTS

4.1. FINANCIAL PERFORMANCE REPORT - JULY 2016 TO NOVEMBER 2016

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

This report provides an overview of Council's financial performance for the period July to November 2016. It shows the following high level outcomes:

1. Operating Result: Operating result: \$1.58M surplus which is \$2.88M favourable compared to the year-to-date budget projection of a \$1.30M deficit.
2. Capital works: \$5.26M expenditure which is \$1.21M ahead against the year-to-date budget projection of \$4.05M.
3. Cash assets: projected to be \$7.16M at 30 June (original budget \$9.12M).
4. Underlying working capital ratio: projected to be 1.74 to 1 at 30 June (original budget 1.64 to 1).
5. The projected financial outcome for 2016/17 is a \$4.81M surplus. This is \$849,000 less favourable than the original \$5.66M budgeted surplus.
6. The Minister for Local Government has reduced the rate cap for 2017/18 to 2.00%. This situation will need to be strategically managed as part of the development of the forthcoming 2017/18 Annual Budget and Long Term Financial Plan.

As at 30 November 2016 the Long Term Financial Plan continued to be financially sustainable.

RECOMMENDATION

That Council receives and notes the Financial Performance Report (Attachment [4.1.1]) for the period July to November 2016.

MOVED: Cr Brunt

SECONDED: Cr Hill

THAT THE RECOMMENDATIONS IN AGENDA ITEMS 4.1 AND 4.2 BE ADOPTED.

CARRIED UNANIMOUSLY

REPORT

Background

Each year Council sets an Annual Budget within a 15 year Long Term Financial Plan framework guided by the Long Term Financial Strategies. The financial integrity of the budgeted financial statements in the annual and forward budgets can be assessed by reference to our financial performance indicators.

Throughout the course of the financial year the actual financial performance is managed by:

- Comparing year-to-date actual financial performance with the year-to-date budgets.
- Monitoring the financial impact of changes made to budget projections on the forecast financial results at year end; and
- Monitoring the longer term financial ramifications and comparing them to the adopted Long Term Financial Plan.

The financial performance indicators used to develop the annual and longer term budgets are used to monitor projected financial outcomes at year end and the longer term financial ramifications.

The Financial Performance Reports are purposefully prepared outside traditional quarterly cycles as this offers better alignment with strategic events that occur throughout the financial year. This enables important financial updates to be provided to Council and the community in a timely manner.

The reporting timelines are:

- August: Report identifies the financial implications of the previous year's financial results, as well the budget impact of funding projects carried forward that were not completed by 30 June.
- November: Report identifies financial implications of any changes made to operational or capital budgets prior to the development of the annual budget for the following financial year.
- February: Report aligns with annual budget process.
- May: Report provides Council with likely financial outcome for year end including identifying budgets being carried forward for projects that are not expected to be completed by 30 June.

At financial year-end comprehensive financial statements and performance statements are produced. These are subject to external audit and form part of the Annual Report.

Discussion

- **Attachment [4.1.1]:** Financial Performance Report – November 2016 contains detailed reporting as follows:
 - Section 1 – Year-to-date financial performance and projected financial results.
 - This section discusses variations in year-to-date performance and budget projections. The information is presented in the budgeted financial statements format.
 - Section 2 – Annual year-to-date financial analysis.
 - This section analyses the implications of the year-to-date performance and the projected outcome for the financial year end.
 - Section 3 – Long Term Financial Plan analysis.
 - This section benchmarks and strategically analyses the financial impact of the year's projected financial results against the adopted Annual Budget, Long Term Financial Plan and the Long Term Financial Strategies' key performance indicators.

RISKS

Transparency in reporting is a risk management control measure that allows the community and Council to view and assess the financial management of year-to-date results as well as the annual and longer term financial implications.

ATTACHMENTS

Attachments are available on Council's website –visit www.southgippsland.vic.gov.au.

1. Financial performance report - November 2016 **[4.1.1]**

REFERENCE DOCUMENTS

Local Government Act 1989
SGSC Long Term Financial Strategies 2016/17

4.2. QUARTERLY PERFORMANCE REPORT - OCTOBER TO DECEMBER 2016

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

The organisational Quarterly Performance Report for the period October to December 2016 (refer to **Attachment [4.2.1]**) provides detailed reporting on Council's performance against the 2016/17 Annual Initiatives, Capital Works Program and Department Highlights.

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

RECOMMENDATION

That Council:

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

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 12.

REPORT

Background

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

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

Discussion

This report provides Directorate overviews of the major activities undertaken for the quarter. Where possible, comparisons are made and reflected in graphs.

Significant highlights during the period include:

Executive Office

- Ninety-seven per cent of the total 26 Annual Plan initiatives for 2016/17 are good, on track or have been completed by December 2016.
- Council election completed and successful induction program delivered.
- Completed the consultation phase of the Community Capital Works Allocation project.
- On-line 'paperless' recruitment and candidate assessments in place.

Corporate and Community Services

- The Maternal and Child Health Service has moved to Karmai Community Children's Centre and commenced integrated service delivery at the new facility.
- A supported playgroup is now being offered at the Venus Bay Community Centre. Other playgroups operate at Toora, Fish Creek and Leongatha.
- Grants have been approved for
 - Nyora Recreation Reserve – oval development
 - Arthur Sutherland (Welshpool) Recreation Reserve – stadium floor upgrade; and

- Construction of supervised school crossing – Fish Creek Primary School.
- The Long Term Financial Strategies were reviewed and adopted by Council in December.

Sustainability and Infrastructure Services

- Ninety-seven per cent of the total 125 Capital Works Program initiatives for 2016/17 are good, on track or have been completed by December 2016.
- Planning continued on the 15 year Capital Works Program readiness for the 2017/18 budget process.

Development Services

- Ninety per cent of the total 19 Strategic Planning initiatives for 2016/17 are good, on track or have been completed by December 2016.
- Funding approved for several community events under the dairy industry response grants scheme.
- Completed first stage of Visitor Information Services review, which included consultation with community, visitors, business and industry groups.

CONSULTATION

Each Department has contributed to the report.

RESOURCES

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

RISKS

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

ATTACHMENTS

Attachments are available on Council's website – visit www.southgippsland.vic.gov.au.

1. Quarterly Performance Report - October to December 2016 [4.2.1]

REFERENCE DOCUMENTS

Local Government Act 1989, ss.125, 127 and 223

Local Government Act 1989, Environmental Upgrade Agreement, s.138

SGSC Annual Budget Incorporating 15 Year Long Term Financial Plan and Annual Plan Initiatives

4.3. COUNCILLOR EXPENDITURE REPORT - JULY 2016 TO DECEMBER 2016

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

The Councillor Expenditure Report (**Attachment [4.3.1]**) provides Council with an update on Councillor Expenditure from 1 July 2016 to 31 December 2016.

RECOMMENDATION

That Council receives and notes the Councillor Expenditure Report for the period 1 July 2016 to 31 December 2016 (refer Attachment [4.3.1]).

MOVED: Cr Skinner

SECONDED: Cr Hill

THAT COUNCIL RECEIVES AND NOTES THE COUNCILLOR EXPENDITURE REPORT FOR THE PERIOD 1 JULY 2016 TO 31 DECEMBER 2016 (REFER ATTACHMENT [4.3.1]).

CARRIED UNANIMOUSLY

REPORT

The Councillor Expenditure Report (**Attachment [4.3.1]**) provides Council with an update on Councillor Expenditure from 1 July 2016 to 31 December 2016.

Councillor expenditure of \$187,335 for the period ended 31 December 2016 is over budget by \$341. Councillor allowance budgets will be re-profiled and will then be in line with actuals.

RISKS

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

ATTACHMENTS

Attachments are available on Council's website –visit www.southgippsland.vic.gov.au.

1. Councillor Expenditure Report - 31 December 2016 **[4.3.1]**

REFERENCE DOCUMENTS

Local Government Act 1989, s.75, Reimbursement of Expenses of Councillors
SGSC Councillor Support and Expenditure Policy, July 2016

4.4. ASSEMBLY OF COUNCILLORS: 17 NOVEMBER 2016 - 22 JANUARY 2017

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 17 November 2016 and 21 January 2017.

RECOMMENDATION

That Council:

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

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

3. Makes confidential pursuant to s.77(2)(b) of the Act all matters considered by the Economic Development and Tourism Steering Committee at its meeting held on Wednesday 7 December 2016 on the basis that the meeting discussed:
 - a. Proposed developments (s.89(2)(e) of the Act); and
 - b. Matters which the Council considers would prejudice the Council or any person (s.89(2)(h) of the Act),

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

MOVED: Cr Skinner

SECONDED: Cr Edwards

THAT COUNCIL:

- 1. RECEIVES AND NOTES THIS REPORT; AND**
- 2. MAKES CONFIDENTIAL PURSUANT TO s.77(2)(b) OF THE LOCAL GOVERNMENT ACT 1989 (THE ACT) ALL MATTERS CONSIDERED BY THE PLANNING COMMITTEE AT ITS MEETING HELD ON WEDNESDAY 7 DECEMBER 2016 ON THE BASIS THAT THE MEETING DISCUSSED:**
 - a. PROPOSED DEVELOPMENTS (s.89(2)(e) OF THE ACT); AND**
 - b. MATTERS WHICH THE COUNCIL CONSIDERS WOULD PREJUDICE THE COUNCIL OR ANY PERSON (s.89(2)(h) OF THE ACT),**

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

- 3. MAKES CONFIDENTIAL PURSUANT TO s.77(2)(b) OF THE ACT ALL MATTERS CONSIDERED BY THE ECONOMIC DEVELOPMENT AND TOURISM STEERING COMMITTEE AT ITS MEETING HELD ON WEDNESDAY 7 DECEMBER 2016 ON THE BASIS THAT THE MEETING DISCUSSED:**
 - a. PROPOSED DEVELOPMENTS (s.89(2)(e) OF THE ACT); AND**
 - b. MATTERS WHICH THE COUNCIL CONSIDERS WOULD PREJUDICE THE COUNCIL OR ANY PERSON (s.89(2)(h) OF THE ACT),**

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

CARRIED

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

Against: Councillor Hill

REPORT

Tuesday 22 November 2016	
Meeting Title	Details
Municipal Emergency Management Planning Committee (MEMPC) and Municipal Fire Management Planning Committee (MFMP)	<p>Councillors Attending: Councillors Kiel and Argento.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed:</p> <p>MEMPC: appointments, review of terms of reference, public events, review of Emergency plans and sub-plans, training opportunities, presentation on Walking Forward Disaster Relief Team, National Equine Database, Severe Weather Emergency Plan, single incident notifications, outcomes for the training exercise for Unify event, New VicEmergency app, regional stakeholder communique, meeting schedule 2017.</p> <p>MFMP: review of MFM plan, audit outcomes of fire water tanks in South Gippsland, outcomes of the review of the Victorian Fire Risk Register, bushfire, single incident notifications, Essential Water Supply update, FARRS Project – replacement of fire water tank in Hedley, South Gippsland CFA Community Engagement session for Foster and Nyora and Summer Fire Campaign key messages.</p>
Visitor Information Service Review – Information Session	<p>Councillors Attending: Councillor Kiel</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Visitor Information Service Review – project overview including consultation process.</p>

Wednesday 23 November 2016	
Meeting Title	Details
Council Agenda Topics 23 November 2016	Councillors Attending: Councillors Brown, Skinner, McEwen, Rich, Argento and Edwards. Conflict of Interest: Nil disclosed. Matters Discussed: Councillors were provided information on Council Agenda items for the Ordinary Council Meeting 23 November 2016.
Public Presentation Session Open Session	Councillors Attending: Councillors Brown, Skinner, McEwen, Rich, Edwards and Argento. Conflict of Interest: Nil disclosed.
<p>Presentations were made to Council by the following community members:</p> <p>Kathy Whelan and Peter Lee, representing Friends of Agnes Falls addressed Council by supporting the application as detailed in the Council Agenda Item 5.4 - Proposed Application Tourism Demand Driver Infrastructure Program - Agnes Falls Scenic Reserve.</p> <p>Gus Blaauw addressed Council by speaking to his submission relating to Council transparency.</p> <p>Paul Norton addressed Council regarding governance matters.</p> <p>Lynette Amor addressed Council regarding Council Agenda Item Proposed Amendment 2006/541/C - 15 Korumburra South Road, Korumburra South.</p> <p>Cheryl Lamb and Tim Howard addressed Council regarding an Application 2016/17 Community Grants Round 1 – community garden project.</p>	
Planning Briefing Matter	Councillors Attending: Councillors Brown, Skinner, McEwen, Rich, Edwards, Hill and Argento. Conflict of Interest: Nil disclosed. Matters Discussed: Councillors were provided information on Council Agenda item for the Ordinary Council Meeting 23 November 2016 - Proposed Amendment 2006/541/C - 15 Korumburra South Road, Korumburra South.

Wednesday 23 November 2016	
Meeting Title	Details
Local Government Inspectorate Presentation	<p>Councillors Attending: Councillors Brown, Skinner, McEwen, Rich, Edwards, Hill and Argento.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: David Wolf, Chief Municipal Inspector, addressed Council regarding the role of the Local Government Inspectorate.</p>
Council Agenda Topics 23 November 2016	<p>Councillors Attending: Councillors Brown, Skinner, McEwen, Rich, Edwards, Hill and Argento.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors were provided information on Council Agenda items for the Ordinary Council Meeting 23 November 2016.</p>
Executive Update	<p>Councillors Attending: Councillors Brunt, Skinner, Kiel, Brown, Argento, Hill, Edwards and Rich.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed:</p> <ul style="list-style-type: none"> • Environmental upgrade • Nominations to Rural Councils Victoria • Mirboo North Structure Plan • MAV Training

Thursday 24 November 2016	
Meeting Title	Details
Access and Inclusion Advisory Committee	<p>Councillors Attending: Councillor Brunt</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed:</p> <ul style="list-style-type: none"> • Achievement Awards – Person with a Disability, Inclusive Community Contribution • AIAC function with Bass Coast Shire Council
Tuesday 29 November 2016	
Loch Community Development Association Meeting (LCDA)	<p>Councillors Attending: Councillors Brown, Brunt and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed:</p> <ul style="list-style-type: none"> • LCDA meeting presenting on their commitment to the future with transparency and inclusivity within the Community • Community group updates on current and future activities • Review and potential update on the community plan and the importance of funding • Presentation from Michelle Harris on Loch Bowling Club
Wednesday 30 November 2016	
Council Planning Framework	<p>Councillors Attending: Councillors Edwards, Skinner, Brunt, Brown, Rich, Argento, Kiel, McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors were provided information on the framework requirements for developing the Council Plan.</p>

Wednesday 30 November 2016	
Meeting Title	Details
Community Capital Works Allocation Project – Community Budgeting Framework	<p>Councillors Attending: Councillors Skinner, Brunt, Brown, Rich, Argento, Kiel, Edwards and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors were provided information on the process for determining how recommendations were made regarding the Capital Works Allocation project that is anticipated to be presented to Council at its Ordinary Meeting 14 December 2016.</p>
Council Budgeting Framework	<p>Councillors Attending: Councillors Skinner, Brunt, Brown, Rich, Argento, Kiel, Edwards and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors were provided information on Council's Budgeting Framework.</p>
Caravan Parks Strategic Briefing	<p>Councillors Attending: Councillors Skinner, Brunt, Brown, Rich, Argento, Kiel, Edwards and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors were provided information on the management and development of Council's four crown land caravan parks.</p>

Meeting Title	Details
Wednesday 30 November 2016	
Australia Day Awards Committee	<p>Councillors Attending: Councillors Brown, Argento and Kiel.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Australia Day Award Nominees</p>
Wednesday 7 December 2016	
Planning Briefing	<p>Councillors Attending: Councillors Skinner, Rich, McEwen, Brunt, Edwards, Brown, Argento and Kiel.</p> <p>Conflict of Interest: Cr Brown declared a direct conflict of interest in respect of a Planning Application due to part ownership in the subject site, there was nil discussion in the assembly on this matter.</p> <p>Matters Discussed: Strategic Planning Projects, Mirboo North Structure Plan, Planning Scheme Amendments C108 Agricultural Services Zone and C109 Venus Bay Caravan Park and C90 Housing and Settlement Strategy, Leongatha Railway site Master Plan, Open Space Strategy Review, Grip Road Restructure Plan Area Project, Planning applications of significance, Planning decisions August – October 2016 and VCAT decisions.</p>

Meeting Title	Details
Wednesday 7 December 2016	
Economic Development and Tourism Steering Committee	<p>Councillors Attending: Councillors Skinner, Rich, McEwen, Brunt, Edwards, Brown, Argento and Kiel.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Committee purpose and focus, Branding Review, Review of Economic Development & Tourism Strategy, Visitor Information Services Review Update, noted documents Southern Gippsland Food Futures Report and South Gippsland Main Street Reinvigoration Strategy.</p>
Hear submitters who elected to speak regarding the proposed road opening for the section of unused government road to the south off Giles Street – Mirboo North	<p>Councillors Attending: Councillors Kiel, Edwards, Argento, Skinner, Rich, McEwen, Brunt and Brown.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors heard submitters who elected to speak to the proposal.</p>

Wednesday 7 December 2016	
Meeting Title	Details
HACC Transition Options and Plan	<p>Councillors Attending: Councillors Kiel, Edwards, Argento, Skinner, Rich, McEwen, Brunt, Brown and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Public health and wellbeing, including issues relating to physical activity, healthy eating, community safety, community mental health, alcohol and drugs. Future development of a draft and final plan for Council approval and approximate dates for public consultation in 2017.</p>
Aquatic Facilities: Mirboo North and Korumburra Swimming Pool Master Plans and Splash Update	<p>Councillors Attending: Councillors Kiel, Edwards, Argento, Skinner, Rich, McEwen, Brunt, Brown and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors were provided an update on the progress of pool Master Plans including Mirboo North, Korumburra and Leongatha SPLASH. Councillors were also provided an update on the community consultation undertaken on the Mirboo North Master Plan.</p>

Wednesday 7 December 2016	
Meeting Title	Details
Public Presentation Session Open Session	Councillors Attending: Councillors Kiel, Edwards, Argento, Skinner, Rich, McEwen, Brunt, Brown and Hill. Conflict of Interest: Nil disclosed.
<p>Presentations were made to Council by the following community members:</p> <p>Tim Tetrot, representing Pro-Urban Consultants and Valita Allison, representative of United Petroleum addressed Council regarding Council Agenda Item Planning Application 2016/115 – Use and Development of the land for service station at 1 Shingler Street Leongatha.</p> <p>Craig Watson, representing the Venus Bay Lifesaving Club addressed Council regarding Council Agenda Item Community Capital Works Allocation Project - Venus Bay.</p> <p>Lynette Amor addressed Council regarding Council Agenda Item Proposed Amendment 2006/541/C - 15 Korumburra South Road, Korumburra South.</p> <p>David Amor addressed Council regarding election conduct of candidates, Council Agenda Item Community Capital Works Allocation Project – Korumburra and Council’s Economic Development and small business referrals.</p> <p>Cr Brunt addressed Council on behalf of Shirley Cowling by reading out a letter that Ms Cowling had written regarding Council Agenda Items relating to the Community Capital Works Allocation project.</p>	
Council Agenda Topics 14 December 2016	Councillors Attending: Councillors Kiel, Edwards, Argento, Skinner, Rich, McEwen, Brunt, Brown and Hill. Conflict of Interest: Nil disclosed. Matters Discussed: Councillors were provided information on Council Agenda items for the Ordinary Council Meeting 14 December 2016.

Meeting Title	Details
Wednesday 7 December 2016	
Executive Update	<p>Councillors Attending: Councillors Kiel, Edwards, Argento, Skinner, Rich, McEwen, Brunt, Brown and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed:</p> <ul style="list-style-type: none"> • Behaviour matters arising from community members at Public Presentations. • Planning Application
Public Presentation Session Open Evening Session	<p>Councillors Attending: Councillors Kiel, Edwards, Argento, Skinner, Rich, McEwen, Brunt, Brown and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p>
<p>Presentations were made to Council by the following community members: Fred Couper, Mary Baker and Jodie Pincini, representing Friends of Mirboo North Pool addressed Council regarding the Mirboo North Pool redevelopment proposal.</p>	
Thursday 8 December 2016	
Municipal Public Health and Wellbeing Planning Workshop	<p>Councillors Attending: Councillors Brown and Rich.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Public health and wellbeing, including issues relating to physical activity, healthy eating, community safety, community mental health, alcohol and drugs. Future development of a draft and final plan for Council approval and approximate dates for public consultation in 2017.</p>

Meeting Title	Details
Monday 12 December 2016	
Council's Audit Committee	<p>Councillors Attending: Councillors Argento and Brunt.</p> <p>Conflict of Interest: The three Independent Members, Dr Irene Irvine, Dr Craig Nisbet and Dr John Purcell declared a direct financial conflict of interest in respect of a proposal to increase independent audit committee member fees which will be presented to Council on 22 February 2017, there was nil discussion in the assembly on this matter as the matter was only noted by the Committee.</p> <p>Matters Discussed: Fraud and Corruption Policy Review, Risk Policy and Framework Review, Strategic Risk Register Review, Draft 3 Year Internal Audit Plan, Internal Audit Action Plan Report, Review Committee Performance and Fees, Determine Committee Chair for 2017, Audit Committee Membership, Charter and 2017 Plan.</p>
Thursday 15 December 2016	
Active Ageing Advisory Committee	<p>Councillors Attending: Councillor Rich</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Active Ageing Plan 2017 – 2022, Seniors Festival 2017, Volunteering, Pensioner Solar Project.</p>
Wednesday 14 December 2016	
Live Streaming Council Meetings Demonstration	<p>Councillors Attending: Councillors Brunt, Rich, Argento, Kiel and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors were provided a demonstration on how technology for live streaming Council meetings could work.</p>

Meeting Title	Details
Wednesday 14 December 2016	
Council Agenda Topics 14 December 2016	<p>Councillors Attending: Councillors Brunt, Rich, Argento, Kiel and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors were provided information on Council Agenda items for the Ordinary Council Meeting 14 December 2016.</p>
Public Presentation Session Open Session	<p>Councillors Attending: Councillors Kiel, Edwards, Argento, Skinner, Rich, McEwen, Brunt, Brown and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p>
<p>Presentations were made to Council by the following community members:</p> <p>David Rasmus, representing Korumburra Station Working Group addressed Council seeking support for the Group to submit a nomination to VicTrack to provide community use of Public Buildings, specifically the Korumburra Railway Station Building.</p> <p>Phil Dempster representing Korumburra Brewery as part of the Korumburra Station Working Group addressed Council by demonstrating their commitment to the application.</p> <p>Donald Olden, representing the Korumburra Recreation Centre Management Committee regarding Council Agenda Item Community Capital Works Allocation Project – Korumburra.</p> <p>Berenice Snell addressed Council regarding Council Agenda Item Community Capital Works Allocation Project – Mirboo North.</p> <p>Matt Sherry addressed Council regarding Council Agenda Item Community Capital Works Allocation Project – Foster.</p> <p>John Schelling, representing Evans Petroleum addressed Council regarding Council Agenda Item Planning Application 2016/115 – Use and Development of the land for service station at 1 Shingler Street Leongatha.</p> <p>Garry Iwanovski, addressed Council regarding Council Agenda Item Planning Application 2016/115 – Use and Development of the land for service station at 1 Shingler Street Leongatha.</p> <p>Tim Tetrot, representing Pro-Urban Consultants and Valita Allison, representative of United Petroleum addressed Council regarding Council Agenda Item Planning Application 2016/115 – Use and Development of the land for service station at 1 Shingler Street Leongatha.</p> <p>Ralph Gallagher, addressed Council regarding a submission he made regarding his concerns for Council’s Budget and Rating Strategy.</p>	

Meeting Title	Details
Wednesday 14 December 2016	
2015 / 2016 Audit Committee Chair Report to Council Open Session	<p>Councillors Attending: Councillors Kiel, Edwards, Argento, Skinner, Rich, McEwen, Brunt, Brown and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors were provided information from Council's Audit Committee Chair reporting on the 2015 – 2016 Financial Year.</p>
Council Agenda Topics 14 December 2016	<p>Councillors Attending: Councillors Kiel, Edwards, Argento, Skinner, Rich, McEwen, Brunt, Brown and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors were provided information on Council Agenda items for the Ordinary Council Meeting 14 December 2016.</p>
Wednesday 21 December 2016	
Councillor Code of Conduct Policy	<p>Councillors Attending: Councillors McEwen, Edwards, Hill, Skinner, Brunt, Brown, Rich and Argento.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors were provided the revised draft Councillor Code of Conduct Policy for consideration prior to its proposed adoption scheduled for Special Meeting of Council 15 February 2017.</p>

Meeting Title	Details
Wednesday 21 December 2016	
Council Budget 2017/18 - draft	<p>Councillors Attending: Councillors McEwen, Edwards, Hill, Skinner, Brunt, Brown, Rich and Argento.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors were provided information on Council Budget 2017/18 which included detail on inflation index, Enterprise Agreement, staff movements, reserve balances, fees and charges, capital works program, Directorate budgets and alternate budget scenarios.</p>
Proposed 2017/18 Capital Works Program	<p>Councillors Attending: Councillors McEwen, Edwards, Hill, Skinner, Brunt, Brown, Rich and Argento.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors were provided information on the proposed 2017/18 Capital Works Program.</p>
Tuesday 17 January 2017	
Councillor Workshop – Day 1: Council Plan	<p>Councillors Attending: Councillors Argento, Kiel, Edwards, Skinner, Rich, McEwen, Brunt, Hill and Brown.</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Discussed: Councillors developed themes for the Council Plan 2017-2021. Day 1 focused on identifying what 'Success' for the new Council would look like and defining how the new Council will work together (Values and Behaviours) to achieve that success.</p>

Wednesday 18 January 2017	
Meeting Title	Details
Councillor Workshop – Day 2: Council Plan	<p>Councillors Attending: Councillors Argento, Kiel, Edwards, Skinner, Rich, McEwen, Brunt, Hill and Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Discussed: Councillors continued the Council Plan Workshop with a focus on the current environmental context, understanding community requests/ concerns from OurSay forums and Community Satisfaction Surveys, development of emerging themes, determining what factors will help Council achieve successful outcomes to leave a positive legacy and identifying quick wins that will address some immediate community concerns.</p>

REFERENCE DOCUMENTS

Local Government Act 1989

Cr Jeremy Rich left the Council Meeting at 2.23pm with a declared direct conflict of interest in Council Agenda Item 4.5 DOCUMENTS SEALED AND AWARDED VARIED OR EXTENDED BY THE CEO as he is a Director of a company that Council has a terms of settlement with that relates to one of the documents sealed.

4.5. DOCUMENTS SEALED AND AWARDED VARIED OR EXTENDED BY THE CEO

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

This document reports to Council the following actions undertaken by the Chief Executive Officer (CEO) which occurred during the period from 12 November 2016 to 21 January 2017, as required by the Council's Instrument of Delegation to the Chief Executive Officer and Procurement Policy:

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

RECOMMENDATION

That Council receives and notes this report.

MOVED: Cr Brunt

SECONDED: Cr Kiel

THAT COUNCIL RECEIVES AND NOTES THIS REPORT.

CARRIED UNANIMOUSLY

REPORT

Documents Sealed

Under the Local Government Act 1989, 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, s.107(f)(iv) – the Common Seal of Council, states that 'If the Chief Executive uses the Common Seal in a manner prescribed by sub-clause (c) then he/she must advise Council of such use on a regular basis.' Council's Instrument of Delegation to the CEO also delegates to the CEO the power to 'use the Common Seal of Council subject to that use being reported to Council'.

In accordance with the Local Law and Instrument of Delegation, the following are presented to Council as documents sealed during the period from 12 November 2016 to 20 January 2017:

1. Section 45 Transfer of Land Act Execution between South Gippsland Shire Council and the Transferees of 166 Baromi Road, Baromi and 220 Boolarra-Mirboo North Road, Baromi – Seal Applied 17 November 2016;
2. Section 45 Transfer of Land Act Execution between South Gippsland Shire Council and the Transferees of 143A Inlet View Road, Venus Bay – Seal Applied 22 November 2016;
3. Section 173 Agreement between South Gippsland Shire Council and the owner of 39 St Ives Crescent Venus Bay in relation to the development of land with a dwelling and associated earthworks – Seal Applied 30 November 2016;
4. Deed of Variation of Water Agreement between South Gippsland Shire Council and Ansevata Nominees Pty Ltd – Seal Applied 6 December 2016
5. Terms of Settlement of Water Agreement between South Gippsland Shire Council and Ansevata Nominees Pty Ltd – Seal Applied 6 December 2016;
6. Section 45 Transfer of Land Act Execution between South Gippsland Shire Council and the Transferees of 912 Foster Mount Best Road, Mount Best – Seal Applied 8 December 2016;
7. Section 173 Agreement between South Gippsland Shire Council and the owner of 10 Constance Crescent, Venus Bay in relation to the development of land

- with a dwelling and remove native vegetation – Seal Applied 13 December 2016;
8. Section 173 Agreement between South Gippsland Shire Council and the owner of 60 Downings Hill Road, Toora in relation to the development of land with a dwelling and associated earthworks – Seal Applied 13 December 2016;
 9. Section 173 Agreement between South Gippsland Shire Council and the owner of 49 Waratah Avenue, Waratah Bay in relation to the development of land with a dwelling – Seal Applied 14 December 2016;
 10. S5 Instrument of Delegation to Chief Executive Officer South Gippsland Shire Council authorised by a Resolution of Council passed on 24 August 2016 – Seal Applied 14 December 2016;
 11. Section 45 Transfer of Land Act Execution between South Gippsland Shire Council and the Transferees of 143B Inlet View Road, Venus Bay – Seal Applied 19 December 2016;
 12. Contract CON/105-P Deed of Novation Execution between South Gippsland Shire Council, David Rounds Bobcat Hire (Transferor) and The Trustee for the Dell Van Loon Family Trust (David Rounds Earthworks) (Transferee) – Seal Applied 30 November 2016;
 13. CON/120-A Provision of Worksite Traffic Management Services between South Gippsland Shire Council and Global Traffic Australia Pty Ltd – Seal applied 4 January 2017;
 14. Deed of Novation between South Gippsland Shire Council, Global Traffic Australia Pty Ltd and Global Road Safety Pty Ltd – Seal applied 4 January 2017;
 15. CON/120-B Provision of Worksite Traffic Management Services between South Gippsland Shire Council and Momentum Traffic Control Pty Ltd – Seal applied 4 January 2017;
 16. Section 173 between South Gippsland Shire Council and the owner of 39 Lewis Street, Port Welshpool in relation to the development of land with dwelling and outbuilding and to alter access to road in a Road Zone, Category 1 – Seal Applied 12 January 2017;

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

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

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

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

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

There were no contracts awarded between 12 November 2016 to 20 January 2017 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 12 November 2016 to 20 January 2017 that were specified in the 24 August 2016 resolution and that were within budget:

1. Contract CON/123 Reconstruction of Foster Streetscape awarded to ADA Construction Services Pty Ltd on 21 December 2016 for the amount of \$1,085,790.79 (excluding GST and contingency amount of \$70,000) and including provisional items.

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

The following variations to a contract which exceeds the CEO's delegation, approved by the CEO between 12 November 2016 to 20 January 2017:

1. Contract CON/88 Environmental Auditing / GITA and Third Party CQA Services – Variation No. 3 Construction Auditing of Cell 4 Koonwarra Landfill;

Contract extensions approved by the CEO

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

There were no contract extensions approved by the CEO during the period 12 November 2016 to 20 January 2017:

REFERENCE DOCUMENTS

Local Government Act 1989 (the Act), ss. 5 and 186

SGSC Local Law No. 3 2010, Processes of Municipal Government (Meeting Procedures and Common Seal)

SGSC Procurement Policy, December 2015

SGSC Instrument of Delegation to the Chief Executive Officer, 17 December 2015

Cr Rich returned to the Council Meeting at 2.24pm.

5. COUNCIL REPORTS

5.1. MUNICIPAL PRECINCT STUDY

Sustainable Communities and Infrastructure Services Directorate

EXECUTIVE SUMMARY

A report to Council on 25 November 2015 (the Report) presented the final consultant's report prepared by Sweett (Australia) Pty Ltd for adoption by Council.

Council adopted the consultant's report as presented (the Study) and also resolved that it would refer the recommendations of the Study to the newly elected Council in 2017 for further consideration (resolution two of the Report).

This report provides background information on the drivers of the Municipal Precinct Study project (the Project) as well as information on recent events that Council needs to take into account when considering the recommendations in item 7.4 of the Study and making its decision on a way forward.

RECOMMENDATION

That Council:

- 1.** Agree to note the recommendations in Item 7.4 of the Municipal Precinct Study (August 2015) prepared by Sweett (Australia) Pty Ltd for reference purposes.
- 2.** Agree to progress development of a community hub in Leongatha to include a new library and further consider refurbishment of the existing Main Council Offices at 9 Smith Street, Leongatha.
- 3.** Remove Capital Expenditure and Borrowings associated with the funding for a municipal precinct, library and community centre project proposal in Council's 2017/18 draft Budget and Long Term Financial Plan.

MOVED: Cr Hill

SECONDED: Cr Brunt

THAT COUNCIL:

- 1. AGREE TO NOTE THE RECOMMENDATIONS IN ITEM 7.4 OF THE MUNICIPAL PRECINCT STUDY (AUGUST 2015) PREPARED BY SWEETT (AUSTRALIA) PTY LTD FOR REFERENCE PURPOSES.**
- 2. AGREE TO PROGRESS DEVELOPMENT OF A COMMUNITY HUB IN LEONGATHA TO INCLUDE A NEW LIBRARY AND FURTHER CONSIDER REFURBISHMENT OF THE EXISTING MAIN COUNCIL OFFICES AT 9 SMITH STREET, LEONGATHA.**
- 3. REMOVE CAPITAL EXPENDITURE AND BORROWINGS ASSOCIATED WITH THE FUNDING FOR A MUNICIPAL PRECINCT, LIBRARY AND COMMUNITY CENTRE PROJECT PROPOSAL IN COUNCIL'S 2017/18 DRAFT BUDGET AND LONG TERM FINANCIAL PLAN.**

CARRIED UNANIMOUSLY

REPORT

For some time, Council had been considering its options to address the issues it is facing with maintaining an aged building portfolio, providing improved community services and spaces, as well as looking into options for its own office accommodation.

During a community survey in 2011/12, the community asked Council to improve its infrastructure. Council acted by including strategies in its *Annual Plan for 2012/13* to address the community's interest in improved infrastructure. Council also approved a new initiative to commence investigative work into what buildings were used in the Shire to deliver community services. The result of this new initiative was the *Social Community Infrastructure Blueprint 2014-2029* (the Blueprint).

At the same time as the Blueprint, a desktop analysis of site options for the Leongatha Library and consideration to co-location of services in Foster had commenced. This is also important information for Council to consider as these projects were also addressing the problem with buildings used to deliver community services.

There were other reasons why Council commenced the Study and these are listed below.

DRIVER 1: Community Response

The response from Community Workshops in 2011/12 was:

"Infrastructure improvements – footpaths, community hubs, pool upgrades, recreation reserves".

As mentioned earlier, Council's response to this was to include strategic goals in its *Annual Plan 2012/13*¹ around the provision of appropriate community infrastructure and this included preparation of the Blueprint.

The Blueprint was adopted by Council at its Ordinary Meeting on 25 September 2014.

It investigated the amount of Council and other community managed / owned facilities in the Shire and how they were used, with the overall aim of providing recommendations to Council on how to provide support for socially, economically, and environmentally sustainable infrastructure into the future.

¹ Annual Plan 2012/13, items 4.1.1 to 4.2.2 are the main strategic goals that address the community responses. They relate to Appropriate Infrastructure and the outcomes were addressed by the then Department of Engineering. The Blueprint was prepared by the then Department of Community Services in consultation with users of community buildings.

DRIVER 2: Aged Building Portfolio

The Blueprint assisted in confirming what Council already knew – that it had a large portfolio of aged building assets that it maintains. It confirms there are 525 community facilities with another 380 managed by community groups². They have issues relating to under-utilisation, functionality, condition, and age.

The Blueprint made the following recommendation over a 5 - 10 year period (extract below).

Figure 1 – Medium Term Action Items

Medium Term (5-10 years)
9. Develop two strategically located community hubs in Leongatha and Korumburra
10. Initiate planning for the expansion or upgrade of multipurpose facilities in all towns.

To demonstrate, an example of buildings used by Council and for provision of community services in Leongatha and Korumburra are listed in **Table 1** below³.

Table 1 – Community Buildings in Leongatha and Korumburra

Leongatha	Korumburra
Council's Main Office	Korumburra Library / art gallery / meeting rooms / historical society
Leongatha Community House	Milpara Community House
Leongatha Court House	Korumburra Senior Citizens
Leongatha Mechanics Institute	

The allocation of maintenance expenses for the buildings from 2013 to Year to Date (YTD) is available as a graph and in table form in **Confidential Attachment [9.2.1] – Building Maintenance Costs 2013 to YTD**.

Planning to reduce our aged building assets and provide multi-purpose facilities makes sense. It not only recognises the high maintenance cost but moves towards adapting to the changing social needs of our community and the impact of technological advances.

Our buildings were designed to provide community services required by a previous generation and are not addressing the functional needs of services for our current and next generations. For example, age 60+ of today are more interested in learning, have more time, more disposable income and are more active. Our older

² The Blueprint, p.7

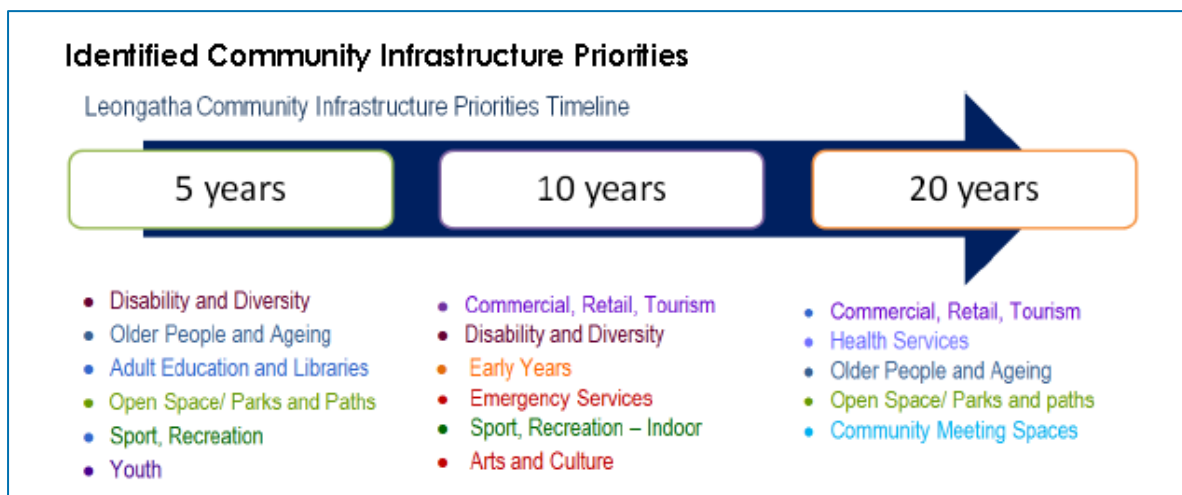
³ Examples of buildings in smaller towns with use issues include Dumbalk Hall, former Leongatha South Primary School, Allambie South Community Hall, and Poowong Library.

buildings are not designed to function for these needs. We also do not have any dedicated building space for youth.

A multi-purpose facility can resolve a number of issues - not only maintenance expenses. It will put Council in a strong position to attract State Government funding (ie: the community component of a multi-purpose facility could be supported by grants) and provide our current and next generation of building users with improved infrastructure and services.

The *Leongatha Community Infrastructure Plan 2014*⁴ is also a piece of work prepared in response to the recommendations of the Blueprint. It recognises the need to plan for new facilities over a period of time. **Figure 2** below is extracted from this document and lists the priorities that were identified (after consultation with the community) over a 20 year period.

Figure 2 – Priorities for Leongatha Community Infrastructure



DRIVER 3: Ongoing Cost of Rental – Leongatha Library

Particulars of the lease for the Leongatha Library Building at 2 Smith Street are as follows:

- Rental is currently \$8,266.06 per month (exclusive of GST) or \$99,192.72 per annum for a 433m² building.
- The term of the lease is 30 years made up of an initial 20 year term (which ends on 13 June 2017) and two further options of five years each.
- The lease ends in 2027 if Council takes up the final option.

⁴ The Leongatha Community Infrastructure Plan 2014 includes a detailed audit of current infrastructure, current and projected demographic information and guides prioritisation for infrastructure over the next 5, 10 and 20 years.

- The first option for a further term of 5 years to 12 June 2022 has been exercised.
- Council attends to all maintenance.
- West Gippsland Regional Library Corporation pay utilities costs.

The West Gippsland Library Corporation has expressed its interest in expanding its service delivery in Leongatha but is constrained due to the limited space available at the current location. This interest was again noted during consultation for the *Leongatha Community Infrastructure Plan 2014*.

A review completed by the State Government in 2013 into Victoria's Libraries notes that

"Libraries are moving from being largely transaction-oriented resource borrowing places towards being more activity-focused, engaging and vibrant community spaces. Ebooks and eresources are becoming more popular and people are increasingly using electronic media to access information and content." ⁵

A Confidential Council Briefing on 23 July 2014 provided a desktop analysis of the costs of relocating the Leongatha Library or continuing at its current location. A copy is available in **Confidential Attachment [9.2.2]** – Confidential Briefing – 23 July 2014 – Leongatha Library Options Paper.

DRIVER 4: Improved Delivery of Council Services

The impact of technological advances and how this was transforming the Local Government industry was recognised. Council wanted to be able to use the digital environment to demonstrate business leadership and an improved presence – especially in its smaller towns.

Council also recognised the interest of the Korumburra community in seeing a customer service presence in Korumburra – perhaps at the Library.

Occupational Health and Safety (OH&S) issues identified at the Council offices was another contributing factor. These related to p/m² work areas and equity of work areas, heating and cooling, and natural light.

From a business operational perspective, there is fragmentation of Council services in Leongatha with service delivery from three separate buildings (main office,

⁵ Review of Victorian Public Libraries – Stage 2 Report November 2013. This document and other information can be found at <http://www.dtpli.vic.gov.au/local-government/public-libraries/tomorrows-library-stage-1-and-2>

Carinos building, and the Depot office) and the impact this has on efficient customer service delivery and development of silos.

DRIVER 5: Leongatha Rail Yards

For many years, Council and the Leongatha business community have been advocating to VicTrack to generate retail activity at the Leongatha Rail Yards.

Suggestions by the business community have also included Council selling its existing offices and moving to the Leongatha Rail Yards with the library and an art gallery. This would be an opportunity to improve public open space and car parking.

Given this, Council included the rail yards and its current Council offices as candidate sites in the Study.

DRIVER 6: Foster Co-location of Services

Although not directly connected to the Study, the scope of this project was recognising the direction of the Blueprint by addressing co-location of services and/or a multi-purpose facility.

THE MUNICIPAL PRECINCT STUDY (THE STUDY)

The aim of the Study was to:

“Investigate the opportunity and potential locations to develop a Municipal Precinct to consolidate and upgrade Council’s accommodation, including community infrastructure, such as a Library and community meeting spaces.”

Council approved a consultancy budget of \$118,916 for the 2014/15 financial year to complete the Study. Sweett (Australia) Pty Ltd were the successful consultants who charged a fee of \$67,475.00 (excluding GST). This was significantly less than the budgeted amount. This was because Sweett (Australia) Pty Ltd have completed many projects of this nature and were able to quickly understand the issues being faced by Council.

Adoption of the Study

A public report to Council was tabled on 25 November 2015 which presented the final consultant’s report / the Study prepared by Sweett (Australia) Pty Ltd for adoption by Council. Council adopted the final consultant’s report as presented. Refer to:

- **Attachment [5.1.1]** – Council Minutes 25 November 2015 – Municipal Precinct Study – Adoption of Final Consultants Report

The Study is available in four sections and formed the Appendices to the Council Minutes.

- **Attachment [5.1.2]** – Municipal Precinct Study (Part A)
- **Attachment [5.1.3]** – Municipal Precinct Study (Part B)
- **Attachment [5.1.4]** – Municipal Precinct Study (Service Specification & Additional Information)
- **Attachment [5.1.5]** – Municipal Precinct Study (External Communication and Consultation)

Council also resolved that it would refer the recommendations of the Study to the newly elected Council in 2017 for further consideration. Refer to resolution two of the Council Minutes from 25 November 2015 (**Attachment [5.1.1]**) – extract provided below:

“Refer the recommendations in Item 7.4 (Implementation Strategy/Next Steps) of the report to the newly elected Council in 2017 for further consideration”.

Key Findings of the Study

The key findings of the Study can be found in the Executive Summary and in detail from p. 95 of the Study (**Attachment [5.1.2]**).

Clause 2 of the Executive Summary discusses an assessment that was undertaken of Council’s existing accommodation and community facilities and also Council’s future needs. The outcomes of the analysis was used to develop an evaluation framework to compare sites. After comparison, two preferred sites were recommended by the Study. These were Council’s main office site in Leongatha or the Carinos site in Leongatha. Both of these sites were chosen because:

1. They are already owned by Council and avoid a purchase cost.
2. They provide a central location for customer service delivery.
3. A customer service presence in smaller towns can be provided from community hubs / libraries.
4. There is no need for Council to free up its space for retail given the current level of vacant retail floor space in Leongatha.
5. The Leongatha Rail Yards site is irregular in shape and is likely to be difficult to secure security of tenure due to State Government ownership and future interest.

The consultant costed the Net Present Value of the two preferred options as shown in **Figure 3** below (extracted from the final report).

Figure 3 – Summary of Financial (Net Present Value) Evaluation

Municipal Precinct Options		Net Present Value outcome (100%)	Net Present Value outcome (75% Sensivity Analysis)
0	Base Case - Maintain Status Quo/ Do Nothing	(6,658,520)	na
1	Adaptive Reuse, Extension of 9-15 Smith Street (Main Administrative Office site)	(23,108,550)	(19,570,427)
2	Combined Smith Street Sites (Adaptive reuse of 9-15 Smith Street; New Building at 6-12 Smith Street, Carino's building)	(23,968,494)	(20,244,793)

The Study was completed in August 2015 and reported to Council at its Ordinary Council meeting on 25 November 2015. At that meeting, Council resolved as follows:

THAT COUNCIL:

- 1. ADOPT THE MUNICIPAL PRECINCT STUDY FINAL CONSULTANTS REPORT (SWEETT) - VERSION 3 - AUGUST 2015 (APPENDIX 1).**
- 2. REFER THE RECOMMENDATIONS IN ITEM 7.4 (IMPLEMENTATION STRATEGY / NEXT STEPS) OF THE REPORT TO THE NEWLY ELECTED COUNCIL IN 2017 FOR FURTHER CONSIDERATION.**
- 3. PROGRESS WORK ON SITES IDENTIFIED AS UNSUITABLE FOR DEVELOPMENT AS A MUNICIPAL PRECINCT.**
- 4. CONSIDER THE DEVELOPMENT OF A LANDSCAPE MASTERPLAN FOR THE LEONGATHA RAILYARDS SITE AS PART OF THE 2016/17 BUDGET.**

CARRIED

The resolutions have been acted upon as follows:

1. No further changes to be made to the report.
2. Briefing to Council on 1 February 2017 followed by this report to Council. A copy of the Confidential Briefing is available in **Confidential Attachment [9.2.3]** – Confidential Briefing – 1 February 2017 – Municipal Precinct Study in Leongatha.
3. No further action on sites identified as unsuitable for development as a Municipal Precinct except for progressing any land sale or development project. For example, the Korumburra Library site that is subject to a proposal

to construct a new supermarket and the Landscape Master Plan project for the Leongatha Rail Yards site.

4. Council approved a \$50,000 budget towards development of a Landscape Master Plan for the Leongatha Rail Yards site. This project has commenced and is in its early stages.

CONSULTATION

External

Community consultation on the Municipal Precinct Study included letters to key stakeholder groups, attending a meeting of the Towns and Districts Networking Group on 17 December 2014, a public information session on 1 April 2015, and media releases.

The adopted Study is available for the community from Council's website under : [Your Council → Municipal Precinct Study](#).

RESOURCES

Long Term Financial Plan Considerations

The following information is taken from Council's *2016/17 Adopted Annual Budget*:

Page 8, Capital Expenditure: 2022/23 and 2023/24 includes \$24.72 million funding for a municipal precinct, library and community centre project proposal.

Page 9 and 10, Borrowings: Council has modelled borrowing \$13.6 million in 2023/24 to provide a funding source for the proposed municipal precinct, library and community centre project.

The financial modelling for the \$24.72M Municipal Precinct, Library, and Community Centre Project is as follows:

	\$,000
Borrowings	\$13.6*
Reserves	\$5.5
Grant funding	\$1.95
Working capital capacity	\$3.67
TOTAL	\$24.72

*Borrowings \$13.6M (\$13.6M interest-only loan in 2023/24 is converted to an \$11.6M principal and interest 17 year loan in 2025/26).

RISKS

There is a reputational risk with progressing the recommendations of the Study given the community concern with cost of development and competing demands for community projects.

Contrary to this, failing to address the interests of the community regarding improved infrastructure and progressing recommendations of the Study, the Blueprint, and outcomes of other strategic work such as the township Social Infrastructure Plans could also be seen as Council not pro-actively planning to address the interests of its community.

Should Council proceed with the recommendations of the Study, it will need to put in place a sound community consultation program that clearly articulates the analysis undertaken and reasons for the consultant's recommendations.

ATTACHMENTS

Attachments are available on Council's website –visit www.southgippsland.vic.gov.au.

1. Council Minutes - 25 November 2014 - Adoption of Municipal Precinct Study - Consultants Report **[5.1.1]**
2. Municipal Precinct Study - PART A **[5.1.2]**
3. Municipal Precinct Study - PART B **[5.1.3]**
4. Municipal Precinct Study - Service Specs and Additional Information **[5.1.4]**
5. Municipal Precinct Study - External Communication Consultation **[5.1.5]**

CONFIDENTIAL ATTACHMENTS

Confidential Attachments have been provided in accordance with s.77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this Agenda Items as being confidential information on the grounds that it relates to s.89(2):

- (e) - proposed developments;
- (h) - any other matter which the Council or Special Committee considers would prejudice the Council or any persons; and
- (i) - a resolution to close the meeting to members of the public.

These items are confidential as they were conducted at a Confidential Briefing in closed session.

- **Confidential Attachment [9.2.1]** – Building Asset Maintenance Costs 2013 to YTD
- **Confidential Attachment [9.2.2]** – Confidential Briefing 23 July 2014 – Leongatha Library Options Paper.

- **Confidential Attachment [9.2.3]** – Confidential Briefing 1 February 2017 – Municipal Precinct in Leongatha.

REFERENCE DOCUMENTS

SGSC Long Term Financial Strategies 2016/17

SGSC Social and Community Infrastructure Blueprint 2014-2029

SGSC Leongatha Community Infrastructure Plan 2014

5.2. MEMORANDUM OF UNDERSTANDING BETWEEN SOUTH GIPPSLAND SHIRE AND RSL LEONGATHA

Sustainable Communities and Infrastructure Services Directorate

EXECUTIVE SUMMARY

Council has been approached by the Leongatha RSL Sub-Branch Inc. (RSL) to discuss a potential new property development project by the RSL on land that includes the existing Council offices at 6-12 Smith Street, Leongatha.

The RSL have asked that Council consider commencing investigations for a land swap to facilitate this new development project. This would involve Council selling to the RSL the existing Council offices at 6-12 Smith Street, Leongatha in exchange for the RSL selling to Council the current RSL premises at 5-7 Smith Street, Leongatha.

The RSL want to enter into the land swap in order to develop a new multi-level dining and accommodation complex which will address some concerns of the RSL regarding its long-term viability and provide its membership with new and improved facilities.

This report provides preliminary information on the new project and recommends that Council give consideration to commencing investigations into the new project with a view to developing and entering into a Memorandum of Understanding that would outline the timeframe and key decisions required should the new project proceed.

RECOMMENDATION

That Council:

1. Authorise its Chief Executive Officer to:
 - a. Commence investigations with the Leongatha RSL Sub-Branch Inc. for a land swap of the Council-owned land contained in certificate of title volume 10556 folio 231 and known as 6-12 Smith Street, Leongatha for land owned by the Leongatha RSL Sub-Branch Inc. contained in certificates of title volume 9128 folio 186, volume 6294 folio 692 and volume 8291 folio 507 and known as 5-7 Smith Street, Leongatha (the Proposal).
2. Develop and enter into a Memorandum of Understanding between South Gippsland Shire Council and the Leongatha RSL Sub-Branch Inc. to outline the key particulars of the land swap and provide a structure to the investigations.
3. Receives a further report on the Proposal following the conclusion of investigations as outlined in the Memorandum of Understanding between both parties.

MOVED: Cr Kiel

SECONDED: Cr Edwards

THAT COUNCIL AUTHORISE ITS CHIEF EXECUTIVE OFFICER TO:

- 1. COMMENCE INVESTIGATIONS WITH THE RETURNED & SERVICES LEAGUE OF AUSTRALIA (VICTORIAN BRANCH) INC AND THE LEONGATHA RSL SUB-BRANCH INC. FOR A LAND SWAP OF THE COUNCIL-OWNED LAND CONTAINED IN CERTIFICATE OF TITLE VOLUME 10556 FOLIO 231 AND KNOWN AS 6-12 SMITH STREET, LEONGATHA FOR LAND OWNED BY THE RETURNED & SERVICES LEAGUE OF AUSTRALIA (VICTORIAN BRANCH) INC CONTAINED IN CERTIFICATES OF TITLE VOLUME 9128 FOLIO 186, VOLUME 6294 FOLIO 692 AND VOLUME 8291 FOLIO 507 AND KNOWN AS 5-7 SMITH STREET, LEONGATHA (THE PROPOSAL).**
- 2. DEVELOP AND ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN SOUTH GIPPSLAND SHIRE COUNCIL AND THE RETURNED & SERVICES LEAGUE OF AUSTRALIA (VICTORIAN BRANCH) INC., AND THE LEONGATHA RSL SUB-BRANCH INC. TO OUTLINE THE KEY PARTICULARS OF THE LAND SWAP AND PROVIDE A STRUCTURE TO THE INVESTIGATIONS.**
- 3. RECEIVES A FURTHER REPORT ON THE PROPOSAL FOLLOWING THE CONCLUSION OF INVESTIGATIONS AS OUTLINED IN THE MEMORANDUM OF UNDERSTANDING BETWEEN THE PARTIES.**

CARRIED UNANIMOUSLY

REPORT

The Proposal

Representatives of the RSL recently briefed Council and the Executive to discuss their vision for a new multi-level RSL building complex in Leongatha (the RSL Project). The current RSL site is unable to accommodate a development which satisfies the RSL's long term vision.

The briefing discussed the need for the RSL to secure its long term sustainability and viability and its vision of providing elegant social facilities for the Leongatha RSL Sub-Branch membership and offer significant function facilities which will boost the local economy. This is not feasible at the current location of the RSL complex.

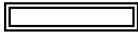
It was explained that over recent years the RSL has experienced increasing demand for large functions (in the range 250 – 350 people) for conferences, debutante balls, large weddings, musical entertainment, and shows. Therefore, a development site was proposed by the RSL that involves Council Land being 6-12 Smith Street.

Development Site

The development site proposed by the RSL for a new multi-level RSL building complex is shown bordered orange  on the aerial map in **Figure 1** below.

It is made up of 2 parcels of land being:

1. 6-12 Smith Street, Leongatha (Council Land)

This site is owned by South Gippsland Shire Council and comprises Council office space, storage (Curves building), and the now vacant former Darcy's Café. The site is shown bordered  in **Figure 1** below.

2. 4 Smith Street, Leongatha (RSL Land)


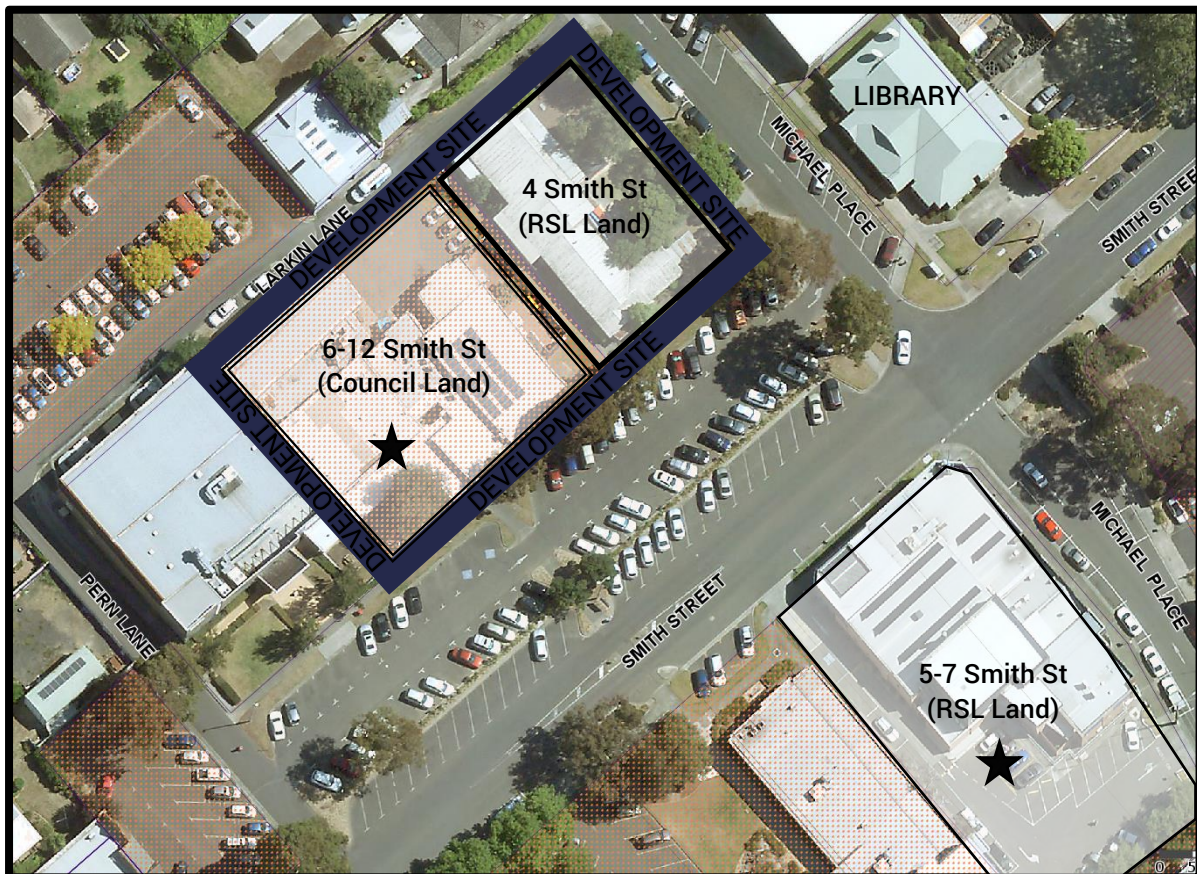
This site is owned by Leongatha RSL Sub-Branch Inc. and comprises the RSL veterans building and a building used for Children's Play Group. The site is shown bordered  in **Figure 1** below.

Figure 1 – Development Site for the RSL Project



The Land Exchange Proposal

The RSL Project is in its preliminary stages. At this point in time, the vision is for a multi-level building that incorporates cafes, bistro, gaming room, indoor and outdoor bars, and function rooms. To cater for this development, the RSL have asked Council if it would consider commencing investigations for a land swap of the Council Land at 6-12 Smith Street in exchange for the RSL Land at 5-7 Smith Street. Both sites are represented with a star ★ in **Figure 1** above.

Memorandum of Understanding

Investigations between Council and the RSL would commence by developing and entering into a Memorandum of Understanding. This document would detail the key particulars of the proposed land swap arrangement and provide a structure to the investigations by detailing the timeframe for investigations, resources, land valuations, statutory processes, public notice, communication methods, and key decisions required prior to parties entering into any negotiations and contract documentation to give effect to a land swap.

CONSULTATION

Representatives of the RSL recently met with Council and the Executive to discuss the RSL Project. No other consultation has occurred to date.

Before making a decision on whether to sell the Council Land, s.189 of the Local Government Act 1989 requires Council to:

1. Give at least 28 days public notice of its intention to sell the Council Land;
2. Obtain a valuation of the Land which is made not more than six months prior to the sale by an appropriately qualified person; and
3. Allow any person to make a submission to Council (either verbal or written) under s.223 of the Local Government Act 1989 in respect of the proposed sale. Council must consider any submissions prior to resolving whether to proceed with the sale of the Council Land.
4. Where a person has made a submission to Council requesting to be heard in support of that submission, Council must permit that person to be heard before Council, or a Committee of Council which has delegated authority to hear these submissions, giving reasonable notice of the date, time, and place of the meeting.

This statutory process will be detailed in the Memorandum of Understanding.

Local Government Best Practice Guidelines for the Sale and Exchange of Land

The [Local Government Best Practice Guidelines for the Sale and Exchange of Land](#) issued by the Department of Planning and Community Development in 2008 (Guidelines) contains a general principle that the sale of Council-owned land should be conducted through a public process (e.g. expression of interest or tender) unless circumstances exist that justify an alternative method of sale.

Selling public land by public process is regarded as representing good practice for councils as it provides the public with the opportunity to respond to the Proposal. If Council is going to relinquish these benefits in favour of private treaty negotiations for the sale of the Council Land to the RSL, Council needs to have compelling reasons for doing so.

Council has a sufficiently compelling case to forego the public process in favour of private treaty negotiations with the RSL for the following reasons:

1. The sale proposal involves a land exchange between Council and the RSL in respect of two strategic parcels of land in central Leongatha. The proposed land exchange will result in Council securing land adjoining its existing landholdings to facilitate a significant redevelopment project if such a project was required in the future.
2. The land exchange proposal will therefore create a distinct and special benefit to Council and the community which could not be achieved by acquiring land from anyone else in the market.

RESOURCES

Financial Implications

The Proposal will require a financial allocation for legal expenses and any survey works in defining title boundaries.

RISKS

At this early stage of the RSL Project, the level of risk is low and primarily would relate to reputational risk. Council is only considering commencing investigations at this point in time that includes developing and entering into a Memorandum of Understanding.

A Memorandum of Understanding is not legally binding.

REFERENCE DOCUMENTS

Local Government Act 1989

Council Land Ownership Policy

Valuation of Land Act 1960

[Local Government Best Practice Guidelines for the Sale and Exchange of Land](#)

5.3. LEONGATHA RAILWAY SITE TRANSFORMATION - PROJECT REFERENCE GROUP

Development Services Directorate

EXECUTIVE SUMMARY

A Project Reference Group is being established to inform the preparation of a master plan for the Leongatha railway land. The project is part of the broader Leongatha Revitalisation Project, which is a priority project of Council. Community nominations have recently closed. To complement the community representation it is recommended that Council appoint a Councillor or Councillors to the Project Reference Group.

The project aims to improve the railway yard and station areas, to make them a focal point of the centre of town, building on the revitalisation works of Bair and Anderson Streets. Based on previous feedback that Council has received from the community, the project will consider a new connection to town via the old footbridge pathway, car parking, new community spaces, rail trail access, coach stop and beautification works. The project involves Council working closely with VicTrack, which is the land manager on behalf of the Crown.

Following initial engagement with the Project Reference Group, it is anticipated that broader public consultation will occur in two phases. The first phase will raise awareness of the project and seek out new ideas. As the project advances the second phase will receive feedback on the draft master plan.

RECOMMENDATION

That Council:

1. Nominate Councillor/s <insert name/s> to represent Council on the Leongatha Railway Site Transformation Project Reference Group; and
2. Adopt the Leongatha Railway Site Transformation Project Reference Group Terms of Reference (Attachment [5.3.1]).

MOVED: Cr Hill

SECONDED: Cr Rich

THAT COUNCIL:

1. **NOMINATE TARWIN VALLEY WARD COUNCILLORS TO REPRESENT COUNCIL ON THE LEONGATHA RAILWAY SITE TRANSFORMATION PROJECT REFERENCE GROUP; AND**
2. **ADOPT THE LEONGATHA RAILWAY SITE TRANSFORMATION PROJECT REFERENCE GROUP TERMS OF REFERENCE (ATTACHMENT [5.3.1]).**

CARRIED UNANIMOUSLY

REPORT

The Leongatha Railway Site Transformation project seeks to improve the Leongatha railway yard and station area for the benefit of the community. While the railway corridor to Leongatha remains set aside for consideration of future transport services, the State Government currently has no plans for the return of rail to Leongatha. Council may pursue the opportunity to take over the lease of the railway land and become the land manager to improve the Leongatha railway site and its surrounds.

The project aims to make this large area into a focal point in the centre of town, building on the revitalisation works of Bair and Anderson Streets. Based on previous feedback that Council has received from the community, the project will consider a new connection to town via the old footbridge pathway, car parking, new community spaces, rail trail access, coach stop and beautification works. The project involves Council officers working closely with VicTrack, which is the land manager on behalf of the Crown.

CONSULTATION

Throughout January 2017 nominations were sought from interested community members and community groups to be part of a Project Reference Group. Broader community engagement is expected to be undertaken in early 2017 to identify ideas and options for the site before entering the design phase followed by more community engagement later in 2017.

A draft Terms of Reference for the Project Reference Group has been developed (refer to **Attachment [5.3.1]** – Draft Terms of Reference for Project Reference Group). Nominations were asked to consider the draft terms and respond. Of the 16 nominations received, fifteen nominees agreed to the Terms of Reference as presented.

The Terms of Reference will provide the agreed arrangement between Project Reference Group members (and any stakeholder groups they represent) and Council officers during the preparation of the master plan for the railway site.

The role of the Project Reference Group is to provide advice and assist with broad community engagement during the project. The aims of the group are to:

- Publicise and act as advocates for the project and for consultation opportunities to be provided during the process.
- Represent the Project Reference Group member's relevant stakeholder group where appropriate.
- Provide feedback on the project outputs and progress.

The group's input will be sought to:

- Assist with the organisation of the project's engagement process e.g. disseminating information about opportunities for engagement.
- Discuss the ideas received during the first round of consultation and Council officers' proposed response, which will inform the draft master plan.
- Discuss the feedback received on the draft master plan during the second round of consultation and Council officers' proposed response, which will inform the final master plan.

Councillors are sought to be part of the Project Reference Group.

RESOURCES

Internal staff resources will be used to facilitate the Project Reference Group.

RISKS

Council must ensure that appropriate public consultation occurs in the development and advancement of the project given the strong community interest in the railway site's future.

ATTACHMENTS

Attachments are available on Council's website: www.southgippsland.vic.gov.au.

1. Draft Terms of Reference for Project Reference Group **[5.3.1]**

REFERENCE DOCUMENTS

Local Government Act 1989

5.4. LIVE STREAMING OF COUNCIL MEETINGS

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

In November, Councillors asked for potential live streaming options to be investigated as a means of enhancing transparency and public decision making. Three options have been identified.

RECOMMENDATION

That Council selects Option 2 – Split Screen (tripod floor mounted cameras) for live streaming of Council Meetings to the internet.

MOVED: Cr Edwards

SECONDED: Cr McEwen

THAT COUNCIL:

- 1. SELECTS OPTION 2 – SPLIT SCREEN (TRIPOD FLOOR MOUNTED CAMERAS) FOR LIVE STREAMING OF COUNCIL MEETINGS TO THE INTERNET.**
- 2. RECEIVES A REPORT AFTER 12 MONTHS OF LIVE STREAMING BEING OPERATIONAL, THAT THE REPORT CONTAIN INFORMATION ON THE COSTS AND NUMBER OF USERS OF THE SERVICE.**

CARRIED UNANIMOUSLY

REPORT

Three possible options have been identified for live streaming in Council Meetings. The options and their relative costs, benefits and constraints are outlined below.

Option 1 – Single Screen

An entry-level 360-degree camera with a single tripod set-up. The most significant benefit of this option is that control rests with the viewer who is able to view any part of the Chamber at will.

There is a 60 second delay before recordings are available on the web via Council's existing YouTube channel at no extra cost. Recordings are available in date order.

While this is the most inexpensive option at \$500, it offers relatively low resolution and sound quality.

This was demonstrated to Council on 16 November 2016.

Time to implement: one week.

Option 2 – Split Screen (tripod floor mounted cameras)

A single tripod set-up providing a three or four tile split screen view. This shows various angles on the debate including what is being projected on to the AV screen. With the addition of an extra camera the view can be modified to show a person making a public presentation and/or the Councillor who is speaking.

This set-up is controlled by an operator in the Council Chamber and may require an extra officer in attendance as changing the views needs active management (via computer).

This solution enables the viewer to see the output of three cameras tiled into one screen with a fourth tile able to view Council Agenda or the optional remote controlled camera to focus on the speaker as required. The streaming will be high resolution with clear sound.

The feed has a built-in safety delay of 90 seconds, which can be adjusted and recordings are made available on the web via Council's existing YouTube channel at no extra cost. Recordings are available in date order.

Cost: up to \$2,500 depending on whether the feed is split into 3 or 4 tiles. This cost includes an optional: 260° pan/130° tilt and 10x Zoom remotely operated camera for the fourth tile at \$900.

Excluding the extra camera, the Option was demonstrated to Council on 14 December 2016.

Time to implement: 4-8 weeks.

Option 3 – Split Screen (ceiling mounted cameras and streaming service)

This version was outlined in the November Notice of Motion. It involves three-four cameras fixed on the ceiling to provide a split screen view. As per Option 2, this shows various angles on the debate including what is being projected on to the AV screen. With the addition of an optional extra camera, the view can be modified to show a person making a public presentation and/or the Councillor who is speaking.

This set-up is controlled by an operator in the Council Chamber and may require an extra officer in attendance. It can be managed via computer, tablet or a mobile phone app, and is therefore user-friendly for a non-technical officer to manage.

As per Option 2, the streaming would be high resolution with clear sound and the feed also has a built-in safety delay of 90 seconds, which can be adjusted.

This option is professionally installed and maintained which, while it would enable us to call on extra professional technical support if required, would incur extra cost per visit.

In addition, this option uses an external streaming service: apStream, via Council's website and there is a fee per stream (i.e. a cost per meeting) plus archiving. These costs and the installation costs are outlined below. Please note that they are an estimate and a confirmed quote can be provided on a site visit.

- One off

4 Cameras	\$3,000 - \$6,000 each
Camera setup	\$5,000 - \$10,000
apStream setup	\$1,700
Computer	\$1,700
A/V Capture card	\$700
Mixer	\$2,500
TOTAL	\$14,600 – \$22,600

- Ongoing: \$400 per stream plus archiving cost which is calculated below for 5 years based on 12 and 24 streams per year.

	12 streams per year	24 streams per year
Year 1	\$5,340	\$10,680
Year 2	\$5,280	\$10,560
Year 3	\$5,520	\$11,040
Year 4	\$5,760	\$11,520
Year 5	\$6,000	\$12,000
TOTAL	\$27,900	\$55,800

Time to implement: 4-8 weeks

CONSULTATION

Councillors, external contractor and IT staff.

RESOURCES

Options One and Two can be set up in-house with some use of IT resource. Option Three requires external contractors. Options Two and Three require active management during meetings which may require an additional officer to attend.

RISKS

It will be important to manage live streaming in a way that is respectful to all participants, as well as taking account of confidentiality requirements where appropriate.

To support the operation of live-streamed meetings small amendments to the Local Law will provide for recordings to be paused, stopped and re-started as required.

A Live Streaming policy will be prepared. This will include provision for speakers making public presentations at Council Meetings to consent or decline to be recorded should they prefer.

The attached MAV circular (**Attachment [5.4.1]**) also highlights a number of risks inherent in live streaming and is included so that Council may reach a fully informed decision.

In summary these are:

- Increased exposure increases the risk;
- Defamation;
- Infringement of Copyright;
- Breach of Privacy/Disclosure of Personal Information;
- Publishing of Offensive Material;
- Offensive behaviour on the basis of race, colour, or national or ethnic origin;
- Vilification or inciting hatred;
- Publishing material on the internet intentionally to disseminate material that results in a person being menaced or harassed;

The paper also suggests a number of mitigation strategies including:

- Conducting a Risk Assessment and action plan that mitigates all potential exposures;
- Removal of inappropriate statements before making public (although this is impractical with live or even delayed screening),
- Consider cost versus usage;
- Seek legal advice on an appropriate disclaimer.

ATTACHMENTS

Attachments are available on Council's website –visit www.southgippsland.vic.gov.au.

1. MAV Circular - Recording and Publishing Council Meetings - February 2015
[5.4.1]

REFERENCE DOCUMENTS

Local Government Act 1989

SGSC Local Law No. 3 2010, Processes of Municipal Government (Meeting Procedures and Common Seal)

Cr Don Hill left the Council Meeting at 2.59pm with a declared direct conflict of interest in Council Agenda Item 5.5 ROAD OPENING IN MIRBOO NORTH (OFF GILES STREET) as he is the applicant of the matter.

5.5. ROAD OPENING IN MIRBOO NORTH (OFF GILES STREET)

Sustainable Communities and Infrastructure Services Directorate

EXECUTIVE SUMMARY

Council received an application in January 2016 requesting the opening of approximately 211 metres of unused and unmade government road reserve to the south off Giles Street, Mirboo North to allow the applicant access to their property.


Under s. 223 of the Local Government Act 1989, Council published a notice of the proposed road opening inviting written submissions from the community. Three submissions were received all of which were heard at the Special Committee of Council on 7 December 2016. These submissions are included for Council's consideration and determination.

It is recommended that Council declare the unused government road to be opened to the public to allow the applicant access to their property, subject to engineering and drainage plans being submitted by the applicant and assessed by Council as being adequate. Once approved by Council, the applicant will be required to enter into a 'Section 173 Agreement' under the Planning and Environment Act (s.173) within a two year period from the date of the February 2017 Council meeting.

RECOMMENDATION

That Council:


1. Having heard and considered submissions, determines:
 - a. That the submitters were heard by the Special Committee of Council on 7 December 2016 in regards to the proposed road opening for the section of unused government road to the south off Giles Street, Mirboo North.
 - b. This Proposal shall only proceed, subject to the below requirements being met:
 - i. The applicant must submit engineering and drainage plans to be approved by Council;
 - ii. The standard of construction shall be that for a rural access road described in the [Infrastructure Design Manual](#) and in accordance with CFA requirements;

- iii. The intersection of the proposed road with Giles Street and Grand Ridge Road East will need to be adequately designed to ensure safe operation;
 - iv. The applicant is to obtain all relevant permits before commencing works to construct the property access (crossover / driveway); and
 - v. The applicant enters into a s.173 agreement under the Planning and Environment Act 1987 with Council within two years of the February 2017 Council meeting, subject to items 2i, 2ii and 2iii, and 2iv being met.
2. Subject to the applicant meeting the requirements in item 1b above declare that the unused government road, being an area of 4,263m² to the south of Giles Street, Mirboo North, Parish of Mirboo (shown cross hatched  on the Survey Plan (Attachment [5.5.2]) is required to be open to the public for traffic as of right.

MOVED: Cr Brunt

SECONDED: Cr Skinner

THAT COUNCIL:

1. **HAVING HEARD AND CONSIDERED SUBMISSIONS, DETERMINES:**
 - a. **THAT THE SUBMITTERS WERE HEARD BY THE SPECIAL COMMITTEE OF COUNCIL ON 7 DECEMBER 2016 IN REGARDS TO THE PROPOSED ROAD OPENING FOR THE SECTION OF UNUSED GOVERNMENT ROAD TO THE SOUTH OFF GILES STREET, MIRBOO NORTH.**
 - b. **THIS PROPOSAL SHALL ONLY PROCEED, SUBJECT TO THE BELOW REQUIREMENTS BEING MET:**
 - i. **THE APPLICANT MUST SUBMIT ENGINEERING AND DRAINAGE PLANS TO BE APPROVED BY COUNCIL;**
 - ii. **THE STANDARD OF CONSTRUCTION SHALL BE THAT FOR A RURAL ACCESS ROAD DESCRIBED IN THE [INFRASTRUCTURE DESIGN MANUAL](#) AND IN ACCORDANCE WITH CFA REQUIREMENTS;**
 - iii. **THE INTERSECTION OF THE PROPOSED ROAD WITH GILES STREET AND GRAND RIDGE ROAD EAST WILL NEED TO BE ADEQUATELY DESIGNED TO ENSURE SAFE OPERATION;**
 - iv. **THE APPLICANT IS TO OBTAIN ALL RELEVANT PERMITS BEFORE COMMENCING WORKS TO CONSTRUCT THE PROPERTY ACCESS (CROSSOVER / DRIVEWAY); AND**
 - v. **THE APPLICANT ENTERS INTO A S.173 AGREEMENT UNDER THE PLANNING AND ENVIRONMENT ACT 1987 WITH COUNCIL WITHIN TWO YEARS OF THE FEBRUARY 2017 COUNCIL MEETING, SUBJECT TO ITEMS 2I, 2II AND 2III, AND 2IV BEING MET.**
2. **SUBJECT TO THE APPLICANT MEETING THE REQUIREMENTS IN ITEM 1B ABOVE DECLARE THAT THE UNUSED GOVERNMENT ROAD, BEING AN AREA OF 4,263M² TO THE SOUTH OF GILES STREET, MIRBOO NORTH, PARISH OF MIRBOO (SHOWN CROSS HATCHED  ON THE SURVEY PLAN (ATTACHMENT [5.5.2]) IS REQUIRED TO BE OPEN TO THE PUBLIC FOR TRAFFIC AS OF RIGHT.**

Cr Brunt left the Council Meeting at 3.03pm and returned to the Meeting at 3.07pm.

CARRIED

For: Councillors Brunt, Brown, Rich, Skinner and McEwen.

Against: Councillors Edwards, Argento and Kiel.

REPORT

Background

Council received an application from an adjoining land owner requesting the opening of approximately 211 metres of licenced unused government road (area of 4,263m²) to the south off Giles Street, Mirboo North (the Proposal).

This will allow the applicant to establish access to their property L1 TP394262 parcel 127255090.

The property in question has recently been purchased by the applicant and access to the main area of the applicant's farm was previously gained through vacant land on Giles Street. This vacant land will not be available in the future for the applicant to access the main area of their farm.

The unused government road off Giles Street has an Agricultural Licence (1509282) with the Department of Environment, Land, Water, and Planning (DELWP) held by another abutting property owner.

Access from the western side to the eastern side of the property along the unused government road is also restricted by a major gully and swamp, and is a significantly longer route.

A locality map of the proposed road opening is available in **Attachment [5.5.1]** – Locality Plan – Road Opening off Giles St, Mirboo North.

A survey plan of the proposed section of road to be opened is available in **Attachment [5.5.2]** – Survey Plan – Road Opening off Giles St, Mirboo North.

Discussion

As a result of the Special Committee of Council held on 7 December 2016, the applicant will need to provide engineering design plans in accordance with the Infrastructure Design Manual and CFA requirements to the satisfaction and approval of Council.

Proposed Access Conditions

The proposed road opening of approximately 211 metres of unused government road (area 4,263m²) for the provision of a property access (crossover / driveway) shall only proceed, subject to the following conditions being satisfied by the applicant:

- The engineering plans provided by the applicant are to Council's satisfaction.

- The standard of construction shall conform to the CFA requirements for Rural Roads and in accordance with Council's [Infrastructure Design Manual](#). This requires:
 - The road to be constructed to facilitate the safe passage of a laden fire truck (3.02m wide x 7.7m long x 15 tonnes) in all seasons.
 - The width of the road shall be 4.0m wide with 1.5m shoulders in accordance with Council's [Infrastructure Design Manual](#) with drainage to suit subject to detailed design.
 - To comply with the CFA's requirements for road grades, the average road grade must not be more than 1 in 7 with a maximum grade no more than 1 in 5 for more than 50 metres.
 - A turning bowl of an 8 metre radius is to be provided at the southern end of the north-south road reserve at its intersection with the east-west road reserve to conform with CFA requirements.
 - It is required that the road is sealed on the basis that steep unsealed roads:
 - have a much higher likelihood of ravelling, corrugations, rutting caused by rainfall; and
 - are harder to maintain and can cause difficulties for large vehicles to negotiate.
- The intersection of the proposed road with Giles Street and Grand Ridge Road East will need to be adequately designed to ensure safe operation.
- The applicant is to obtain all relevant permits to construct the property access (crossover / driveway).

Section 173 Agreement Requirements

The applicant will be required to enter into an agreement with Council to establish the standard of construction for the proposed road and associated infrastructure (under s.173 of the Planning and Environment Act 1987) in accordance with proposed access conditions described above.

The applicant is to maintain the opened road in accordance with standards agreed and contained in the s.173 agreement entered into with the applicant for the specified defects liability period.

Planning Permit – Native Vegetation Removal

A planning permit will be required to remove the tree ferns and any other indigenous vegetation within the unused road reserve.

There is also native vegetation including trees on the adjacent properties. The canopy of a number of the trees extends out into the unused road reserve. Any earthworks impacting on more than 10 percent of a tree's root zone would require a planning permit for native vegetation removal.

Please refer to **Figure 1** below – a site photo of native vegetation taken in November 2016.

Figure 1 - Site Photo – Native Vegetation



Biodiversity Assessment Report (BAR)

A preliminary Biodiversity Assessment Report (BAR) was obtained for the removal of all vegetation along the waterway/drainage line in the unused road reserve. This BAR was based on the removal of approximately 1,000m² of native vegetation.

The Biodiversity Assessment Report is available in **Attachment [5.5.3]** – Biodiversity Assessment Report – November 2016.

The native vegetation offset is 0.020 General Biodiversity Equivalence Units (GBEUs) for the removal of 1,000m² of native vegetation. The cost to purchase the offset (0.02 GBEUs) from an accredited Native Vegetation Broker is estimated to be

approximately \$5,000-\$6,000 (including the brokerage fees). An accurate figure for the required native vegetation offset cannot be provided until the location and design of the proposed road works is known.

The applicant will be responsible for obtaining a formal Biodiversity Assessment Report based on the final approved design of the proposed works.

West Gippsland Catchment Management Authority – Works on Waterway Permit

To construct the crossing over the waterway, West Gippsland Catchment Management Authority (WGCMA) has advised that the applicant will need to demonstrate the following:

- That the crossing is appropriately sized so that it won't impact on upstream properties. As a minimum, WGCMA would need to see basic flow and culvert design calculations that show no heading up of the waterway.
- As waterway velocities are likely to be high, it will be important to rock beach the inlet and outlet of the culvert.
- The applicant will need to obtain a "Works on Waterway Permit" from the WGCMA.

CONSULTATION

External Consultation

Consultation with the applicant has been undertaken to establish reasonable single property access off Giles Street to the applicant's property, along the licenced unused government road reserve heading south, and then west along government road for approximately 40 metres.

DELWP has advised that to remove the current Agricultural Licence over the unused road, Council must declare that the road reserve is required for public use and be opened to public traffic. DELWP is to be advised accordingly once the road reserve is opened to public traffic by Council resolution.

WGCMA has conducted a site visit and advised that a "Works on Waterways Permit" will be required, and the applicant must meet all requirements before commencement of any work.

Internal Consultation

Discussions have been held within the Engineering and Assets department and the Sustainable Communities department when investigating the proposed road opening of this section of road.

Council Reports

1. Ordinary Council Meeting – 22 June 2016

Council resolved to defer commencing the statutory procedures under s.223 of the Local Government Act 1989 in order to (extract of resolution):

“consider any other options of providing access to the property which may include discontinuance of the road and sale to the applicant by no later than the 24 August 2016 Council Meeting.”

A copy of the Council minutes is available in **Attachment [5.6.4]** – Council Minutes - 22 June 2016 - Proposed Road Opening Off Giles St, Mirboo North.

2. Ordinary Council Meeting – 27 July 2016

Council resolved:

“to commence the statutory procedures under section 223 of the Local Government Act inviting written submissions from the public on the proposed road opening to the south off Giles Street, Mirboo North.”

A copy of the Council minutes is available in **Attachment [5.6.5]** – Council Minutes 27 July 2016 – Proposed Road Opening Off Giles St, Mirboo North.

3. Special Committee of Council – 7 December 2016

At the Special Committee of Council (s.223 Hearing) held 7 December 2016, Council resolved:

“That the Special Committee of Council:

Hear those submitters speak to their submission regarding the proposed road opening for the section of unused government road to the south of Giles Street, Mirboo North as shown in Attachment – Survey Plan - Proposed Road Opening off Giles Street, Mirboo North”

A copy of the minutes are available in **Confidential Attachment [9.1.1]** – Confidential Minutes 7 December 2016 – Submission Hearing.

Public Submission Process

In accordance with s.223 of the Local Government Act, a public notice calling for submissions was published in Council’s Noticeboard section of the local newspapers and placed on Council’s website. Correspondence was also sent to land owners abutting the unused government road notifying them of the Proposal (August 2016).

At the conclusion of the public consultation period resulting from the 27 July 2016 Ordinary Council Meeting, three submissions were received to the Proposal, all of which requested to be heard by Council. A copy of each submission is available in **Confidential Attachment [9.1.2]** – Submissions.

A Special Committee of Council heard the submitter's on Wednesday 7 December 2016 and resolved the following:

"That the Special Committee of Council heard the following in regard to the proposed road opening for the section of unused road to the south of Giles Street, Mirboo North..."

A summary of the submitter's concerns on the proposal is outlined below:

1. Submitter 1

- Disappointed about hearing the proposal by press releases.
- Holds the current Agricultural Licence over the unused road.
- Alternate access should be further explored.
- Concerns regarding farming noises, fencing and attractiveness.
- Environmental or erosion study for native vegetation removal.
- Concerns becoming a dangerous intersection.

2. Submitter 2:

- Concerns becoming a dangerous intersection.
- Drainage issues.
- Alternate access should be further explored.

3. Submitter 3:

- Safety risks to ratepayers and other road users.
- Concerns regarding becoming a dangerous intersection.
- Alternate access be further explored.
- Removal of power pole and signage.

RESOURCES

Financial Implications

All costs associated with the design and construction of the proposed road opening will be the responsibility of the applicant.

RISKS

If Council does not open the road reserve and make it available for property access, the applicant will need to consider alternative means of access to their property from a public road.

To ensure minimal public risk, the applicant needs to provide an appropriate design solution for the intersection, roadway, and waterway crossing.

ATTACHMENTS

Attachments are available on Council's website –visit www.southgippsland.vic.gov.au.

1. Locality Plan - Road Opening Off Giles St, Mirboo North **[5.5.1]**
2. Survey Plan - Road Opening Off Giles St, Mirboo North **[5.5.2]**
3. Biodiversity Assessment Report - November 2016 **[5.5.3]**
4. Council Minutes - 22 June 2016 - Proposed Road Opening Off Giles St, Mirboo North **[5.5.4]**
5. Council Minutes - 27 July 2016 - Proposed Road Opening Off Giles St, Mirboo North **[5.5.5]**

CONFIDENTIAL ATTACHMENTS

Confidential Attachments have been provided in accordance with s.77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this Agenda Items as being confidential information on the grounds that it relates to s.89(2)(h) - any other matter which the Council or Special Committee considers would prejudice the Council or any persons). These items are confidential as they were conducted at a Special Committee of Council closed session.

Confidential Attachment [9.1.1] – Confidential Minutes 7 December 2016 - Submission Hearing

Confidential Attachment [9.1.2] – Submissions

REFERENCE DOCUMENTS

Local Government Act 1989
Planning and Environment Act 1987
Road Management Act 2004
Road Safety Act 1986

Road Management Plan 2013
Road Opening Procedure
Infrastructure Design Manual
Register of Public Roads
Vision 2020

Cr Hill returned to the Council Meeting at 3.07pm.

5.6. ROAD DISCONTINUANCE IN FISH CREEK (PART WILLIAMSON STREET)

Sustainable Communities and Infrastructure Services Directorate

EXECUTIVE SUMMARY

Council has received a request from a landowner to purchase part of an unused road reserve being part Williamson Street, Fish Creek. A locality map is available in **Attachment [5.6.1]** – Locality Map – Williamson Street, Fish Creek.

For this to occur, Council will need to commence the statutory procedures in accordance with the Local Government Act 1989 to remove the road status from the road reserve (the Proposal).

This report discusses the reason for the landowner's request and recommends that Council commence the necessary statutory procedures to remove the road status from the road reserve and sell the land to the adjoining landowner.

The statutory procedures includes Council publishing a notice inviting written submissions from the public to the Proposal in order to remove the road status from the road reserve and sell the land to the adjoining landowner. Landowners within the immediate vicinity of the subject parcel of road reserve will receive a letter from Council informing them of the public notice.

RECOMMENDATION

That Council:

1. Commence the statutory procedures in accordance with s.206, s.207A and s.223 and schedule 10 clause 3(b) of the Local Government Act 1989:
 - a. To discontinue an area of road reserve as shown hatched in Attachment [5.7.2] – Road Discontinuance Plan – Part Williamson St, Fish Creek, being part of the land described in certificate of title volume 11565 folio 770, having an area of approximately 4,461m²; and
 - b. Sell the land to the adjoining land owner (the Proposal).
2. Give public notice in its Noticeboard section of the local newspapers in the week commencing 27 February 2017 on the proposal (item 1 above) in accordance with s.223 of the Local Government Act 1989 inviting written submissions from the community by close of business Tuesday 28 March 2017.
3. Authorise its Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under s.223 of the Local Government Act 1989 in respect of the proposal.

4. If submissions are received to the public notice:
 - a. Authorise the Chief Executive Officer to set the time, date, and place to hear submissions.
 - b. Hear submitters who have elected to speak to their submission at a Special Committee of Council in open session comprising of the Councillors present.
 - c. Consider submissions with a decision determined at the next available Council meeting in open session.

5. If no submissions are received to the public notice:
 - a. Publish the Road Discontinuance Notice in the Victorian Government Gazette.
 - b. Sell the land from the discontinued part of the road (shown hatched in [5.4.2]) to the adjoining land owner for not less than the valuation provided by Council's Valuer and obtained not more than six months prior to the sale of the land.

MOVED: Cr Skinner

SECONDED: Cr Edwards

THAT THE RECOMMENDATIONS IN ITEMS 5.6, 5.7 AND 5.8 BE ADOPTED.

CARRIED UNANIMOUSLY

REPORT

Planning Permit Application 2016/263

Council has received a request from a landowner to purchase part of an unused road reserve. The owner has lodged an application for a planning permit with Council to use and develop the land with a dwelling and develop land with an agricultural shed (the Application).

The Application included the acquisition of an unused part of Williamson Street Fish Creek (the Road]. A locality map is available in **Attachment [5.6.1]** - Locality Plan - Williamson Street, Fish Creek.

The Road

Discussions with Council's Engineering and Assets department confirmed that the Road is unused, unmade, not on Council's Public Road Register, and not considered to be required for its original purpose as a road in the future.

This being the case, Council can use its powers as a Road Authority to discontinue the Road and sell the land to the adjoining owner, therefore providing the adjoining owner with the outcome desired from the planning permit application.

The Statutory Process

Council's powers to discontinue a Road is provided by s.206 schedule 10 clause 3(b) of the Local Government Act.

The statutory process includes Council publishing a notice in accordance with s.223 of the Local Government Act that invites written submissions from the public to the proposal to remove the road status over the unused road and to sell the land to the adjoining land owner.

If submissions are received Council must hear those submitters who elected to speak to their submissions, consider all submissions, and determine the outcome to the Proposal.

CONSULTATION

Internal

The application has been discussed with officers in the Planning department, Engineering and Assets department, and the Property team. No concerns were raised with the request to remove the road status and sell the land to the adjoining landowner.

External

In accordance with s.223 of the Local Government Act 1989, Council is required to publish a notice inviting written submissions from the public regarding the Proposal to which Council must hear and consider the submissions before determining an outcome.

Over and above the legislative requirements, Officers will notify the land owners within the immediate vicinity of the road to be discontinued and sold.

RESOURCES

The applicant has paid for the cost of survey works to date and will be responsible for legal fees in the road discontinuance procedure. Council will incur administrative costs including publication of notices.

ATTACHMENTS

Attachments are available on Council's website –visit www.southgippsland.vic.gov.au.

1. Locality Plan - Williamson Street, Fish Creek **[5.6.1]**
2. Road Discontinuance Plan - Part Williamson St, Fish Creek **[5.6.2]**

REFERENCE DOCUMENTS

Local Government Act 1989
Public Road Register

5.7. NEW ROADS NAMES IN FOSTER (OFF ELPHICKS / DEVLIN)

Sustainable Communities and Infrastructure Services Directorate

EXECUTIVE SUMMARY

Council has identified two unnamed roads in the locality of Foster which need to be named in line with the 'Naming Rules for Naming Places in Victoria 2016'.

The Foster and District Historical Society (FDHS) and Foster Returned Soldiers League (RSL) were asked to provide names for the two unnamed roads in Foster. The names put forward to Council are as follows:

- Road 1 – off Elphicks Road, Foster – proposed name '**Stapleton Road**'.
- Road 2 – off Devlin Road, Foster – proposed name '**Hendras Lane**'.

This requires Council to commence a public consultation process to allow the community to comment on the proposed road names for both unnamed roads:

RECOMMENDATION

That Council:

1. Commence a public consultation process by calling for community comment on the proposed new road names in the locality of Foster as follows (the Proposal):
 - a. Road 1 – Support the naming of the road running off Elphicks Road, Foster as 'Stapleton Road'.
 - b. Road 2 – Support the naming of the road running off Devlin Road, Foster as 'Hendras Lane'.
2. Give public notice in its Noticeboard section of the local newspapers, on Council's website, and write to abutting landowners in the week commencing 27 February 2017 on the proposal (item 1 above) to commence a public consultation process inviting written submissions from the community by close of business on Thursday 30 March 2017 (30 day submission period).
3. If submissions are received to the public notice:
 - a. Authorise the Chief Executive Officer to set the time, date, and place to hear, consider, and determine submissions.
 - b. Hear submitters who have requested to speak to their submission at a Public Presentation Session.

REPORT

Road 1 off Elphicks Road has been created as part of a road opening to access properties along this road reserve and has been added to Council's Public Road Register. Naming the road will allow these properties to have an official address.

Road 2 off Devlin Street is identified on Council's Public Road Register as access to the Foster Bowling Club.

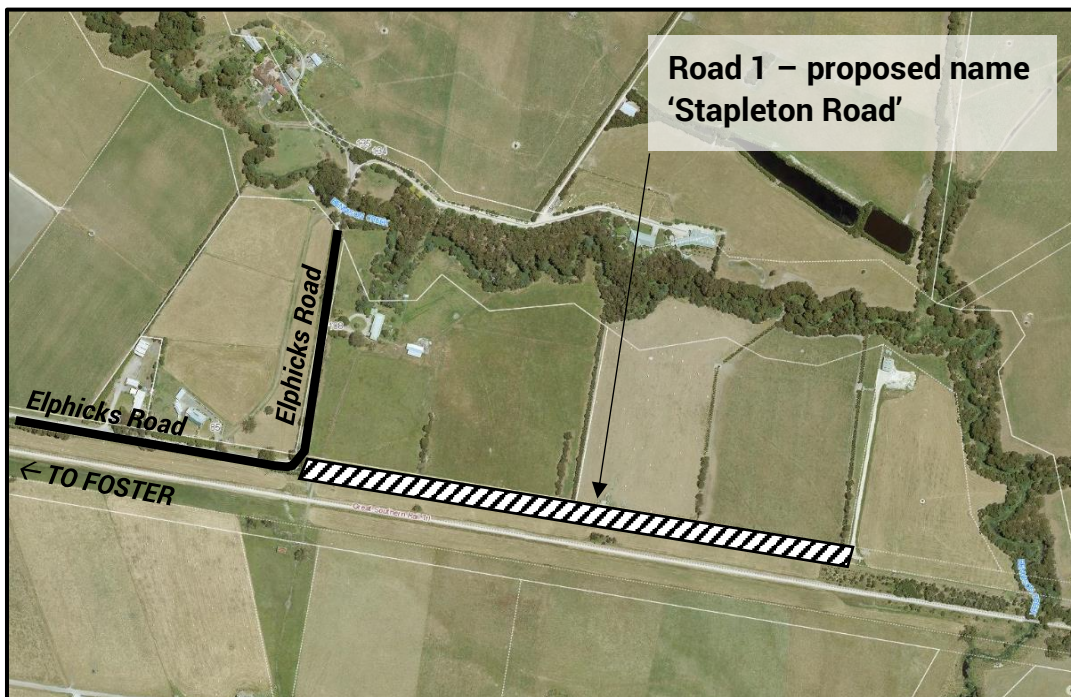
Appropriate naming of roads is essential to identify locations for emergency services, deliver goods and services, and the general public.

In line with Council's Road Naming Procedure, the FDHS and the RSL were asked to provide names for the two unnamed roads in Foster. The names put forward to Council are as follows:

ROAD 1 – 'Stapleton Road'

This unnamed road runs to the east off Elphicks Road, Foster for approximately 680 metres (shown hatched  in **Figure 1** below).

Figure 1 – Locality Map - Road 1



The proposed road name is in recognition of Private Stapleton who passed away in Gallipoli in 1916 and had been the Minister of the Methodist Church in Foster.

Refer to **Attachment [5.7.1]** – Correspondence from FDHS – Road 1 – Stapleton Road.

ROAD 2 – ‘Hendras Lane’

This unnamed road runs to the south off Devlin Street, Foster for approximately 85 metres (shown hatched  in **Figure 2** below).

Figure 2 – Locality Map – Road 2



The proposed road name is in recognition of the Hendra family who have been in Foster since the early 1900s, owning property from the highway through to the Lower Franklin Road.

Refer to **Attachment [5.7.2]** – Correspondence from FDHS – Road 2 – Hendras Lane.

CONSULTATION

Internal

Council's Engineering department has checked the VicNames website for road name compliance within a 15 kilometre and 30 kilometre radius for duplications or similar sounding names.

No duplications or similar sounding names were found for the proposed names.

External

If Council resolves to support the recommendations, a public notice will be placed in its Noticeboard section of the local newspapers and on Council's website the week commencing 27 February 2017, inviting submissions on the proposed road names.

Letters will also be sent to adjoining property owners inviting submissions.

The submission period is 30 days from publication and will close at 5.00pm on Thursday 30 March 2017.

If submissions are received to the public notice, a further report will be prepared for Council's consideration after the public consultation period, and a Public Presentation Session (submission hearing) will be held for those who wish to speak in support of their submission.

If no submissions are received to the public notice, and pending Council's support to the proposal, the new road names (items 1a and 1b of the recommendation) will be forwarded to the Registrar of Geographic Place Names for final consideration and approval.

RESOURCES

Financial Considerations

The only future cost to Council will be for the erection of new signage at approximately \$150 each, and this is accommodated in the Engineering and Assets department's budget.

RISKS

Council's risk is minimal as the methodology for the road naming has followed the Naming Rules for Naming Places in Victoria 2016. A copy is available in **Attachment [5.7.3]** – Naming Rules for Places in Victoria - Roads, Features, and Places.

ATTACHMENTS

Attachments are available on Council's website –visit www.southgippsland.vic.gov.au.

1. Correspondence from FDHS – Road 1 – Stapleton Road **[5.7.1]**
2. Correspondence from FDHS – Road 2 – Hendras Lane **[5.7.2]**
3. Naming Rules for Places in Victoria - Roads, Features, and Places **[5.7.3]**

REFERENCE DOCUMENTS

Local Government Act 1989
Road Management Act 2004

Geographic Place Names Act 1998

Guidelines for Geographic Names in Victoria 2010 Version 2

Naming Rules for Places in Victoria - Statutory Requirements for Naming Roads,
Features and Localities – 2016

AS/NZS4819: 2011 Rural and Urban Addressing

SGSC Road Naming Procedure 2013

5.8. ROAD OPENING / NAMING / CLOSURE IN LEONGATHA (MITCHELL RISE ESTATE)

Sustainable Communities and Infrastructure Services Directorate

EXECUTIVE SUMMARY

An existing section of government road reserve located in Mitchell Rise Estate – Stage 3 - off Nerrena Road, Leongatha is required to be open to public traffic to allow legal and reasonable access from Tilly Court to Rayson Drive.




This section of road will to be constructed by the developer and needs to be named in line with the 'Naming Rules for Places in Victoria 2016'.

The closure of the east/west leg of Tilly Court is considered appropriate to remove the through traffic function of Tilly Court from the new subdivision to McDonald Street, except for pedestrian and cycle access. This would be done by the placement of a barrier to close the road at a location approximately 110 metres east of the intersection of Louise Simon Court.

In accordance with the Local Government Act 1989 (ss.204 and 223) Council is required to commence a public submission process and publish a notice of its intentions for these proposals.

RECOMMENDATION

That Council:

- 1.** Commence the statutory procedures pursuant to s.204(2) and s.223 of the Local Government Act 1989 on the following (the Proposals);
 - a.** Declare a section of unused government road off Tilly Court, Leongatha (being an area of 2,485m² cross hatched  in Figure 1) to be a public highway and open for public traffic; and
 - b.** Name the unnamed road off Tilly Court, Leongatha as 'Sadies Way' (shown cross hatched  in Figure 2); and
 - c.** Close a section of road known as 'Tilly Court' from approximately 110m east of Louise Simon Court to the government road (Sadies Way) which is proposed to be opened shown cross hatched  in Figure 3.
- 2.** Give public notice in its Noticeboard section of the local newspapers and on Council's website in the week commencing 27 February 2017 on the proposals, in accordance with s.223 of the Local Government Act 1989, to

commence a public consultation process inviting written submissions from the community by 5.00pm on Tuesday 28 March 2017.

3. Write to land owners abutting Tilly Court advising of the proposals listed in item 1 and invite written submissions to be received by Council no later than 5.00pm on Tuesday 28 March 2017. Also request that they state in their submission if they wish to speak to their submission at a Public Presentation Session of Council.
4. Authorise the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under s.223 of the Local Government Act 1989 in respect of the proposal (items 1 and 2 above).
5. If submissions are received in response to the public notice (item 2 above):
 - a. Authorise the Chief Executive Officer to set the time, date, and place to hear submissions.
 - b. Hear submitters who have elected to speak to their submission at a Special Committee of Council in open session comprising of the Councillors present.
 - c. Consider submissions with a decision determined at the next available Ordinary Council Meeting in open session.
6. If no submissions are received to the public notice (item 2 above), publish the road declaration closure and opening in the Victorian Government Gazette (items 1 a and 1 c above).

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 81.

REPORT

Background

A Planning Permit has been issued for the subdivision of the land east of Tilly Court between Nerrena Road and Parr Street, Leongatha.

The Subdivision is known as 'Mitchells Rise Estate' and comprises seven stages. Stages 1 and 2 have been completed. Stage 1 involved the creation of a road reserve off Nerrena Road to service the proposed subdivision (to be known as 'Rayson Drive' after Jack Rayson) and Stage 2 created eight lots at the east end off Parr Street.

Stage 3 of the subdivision will involve the creation of a road off Tilly Court (to be known as 'Luxford Lane' after Percy Luxford). The second road that will link Tilly Court to Rayson Drive, is an unused Government Road which will need to be legally opened to public traffic and officially named by Council.

The traffic study for this subdivision indicated that additional traffic generated by the subdivision should not be directed through the existing Ogilvy Street service road to McDonald Street. This meant that a section of Tilly Court would need to be closed. All traffic servicing and generated by the development and existing properties on Tilly Court should access Nerrena Road via the road reserve created in the subdivision of Stage 1 known as Rayson Drive, and the opening of the unused government road between Tilly Court and Rayson Drive.

A Plan of Subdivision Stage 3 is available in **Attachment 5.8.1** - Plan of Subdivision – Mitchel Rise Estate.

A locality plan of the road opening, road naming, and road closure is available in **Attachment 5.8.2** – Locality Map – Mitchell Estate Rise - Road Naming - Opening – Closure.

PROPOSED ROAD OPENING


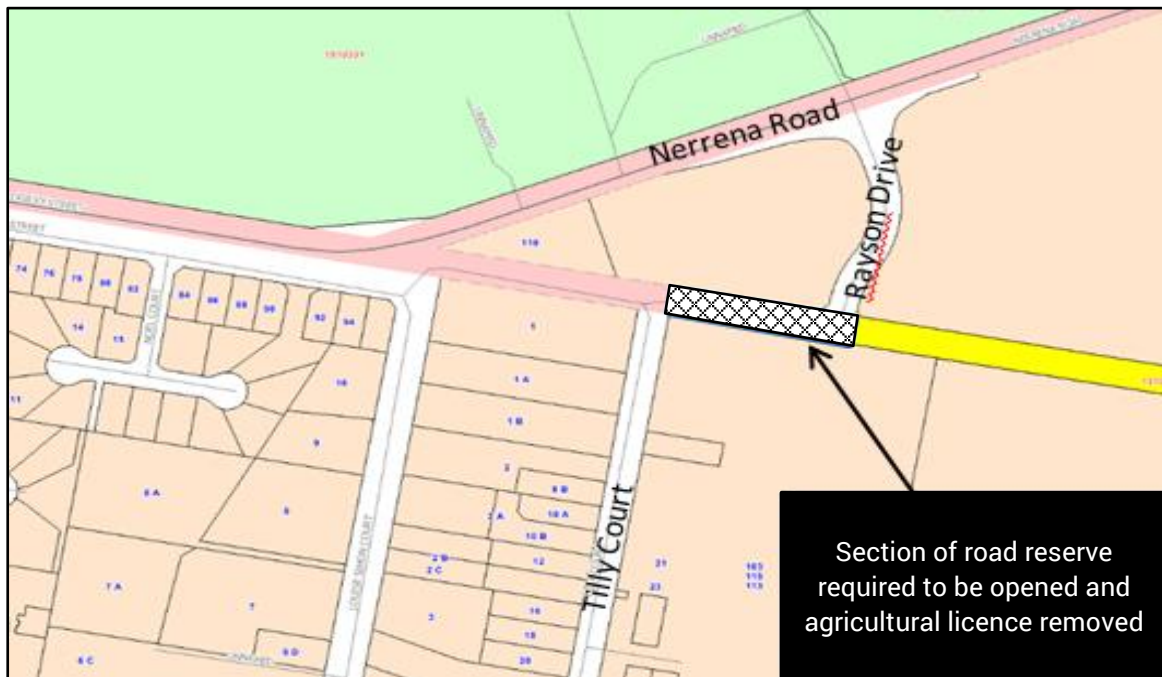
Mitchells Rise Estate Stage 3 is part of a staged subdivision off Nerrena Road, Leongatha. Within this plan of subdivision three new roads will be created. An existing section of unused government road running between Tilly Court and the future Rayson Drive needs to be opened to public traffic by Council to allow legal and reasonable access through from Tilly Court to Rayson Drive as shown cross hatched  in **Figure 1** below.

Figure 1 – Road to be opened

This section of unused government road has an Agricultural Licence (grazing licence) in place. If the proposed road opening is approved, Council will write to the Department of Environment, Land, Water, and Planning (DELWP) requesting that the existing grazing licence be revoked.

This unused section of government road will be constructed as part of the subdivision under the existing Planning Permit for Mitchell Rise Estate.

The creation of roads within plans of subdivision are usually the developer's responsibility, however, in this subdivision one of the roads is a unused government road and needs to be opened by Council.

Council has the power under the Local Government Act, s.204(2), to declare a road which is reasonably required for public use to be opened to public traffic (extract below):

"A Council may, by resolution, declare a road that is reasonably required for public use to be open to public traffic."


The declaration made under s.204(2) requires Council to follow a s.223 submission process in accordance with s.207A (c) of the Local Government Act. Both the Road Management Act and Local Government Act require Council to publish a notice of its declaration to open a road in the Government Gazette.

A Survey Plan of the proposed road to be opened is available in **Attachment 5.8.3 – Survey Plan of Road Opening**.

ROAD NAME - SADIES WAY

Road naming within plans of subdivision is usually the developer's role. Notwithstanding, the developer and road naming authority are encouraged to work collaboratively to develop compliant road names.

All road names submitted to Council need to be approved by the responsible road naming authority.

The proposed road naming is for a section of road to be constructed by the developers of Mitchell Rise Estate and runs between Tilly Court and Rayson Drive, Leongatha as shown cross hatched  in **Figure 2** on the following page.

The name put forward to Council by the developers is 'Sadies Way' after Sadie Foley, the daughter of Percy Luxford. This name is supported by the Leongatha Historical Society.

Information on the Foley and Luxford Family history is available in **Attachment [5.8.4]** – History of Sadie Foley and Percy Luxford.

Supporting document from Geographic Place Names for the name Sadie is available in **Attachment [5.8.5]** – Correspondence from Geographic Place Names – Proposed Road Names.


Overview of the Geographic Place Names (GPN) Guidelines is available in **Attachment [5.8.6]** – Naming Rules for Places in Victoria 2016.

Figure 2 - Road to be named



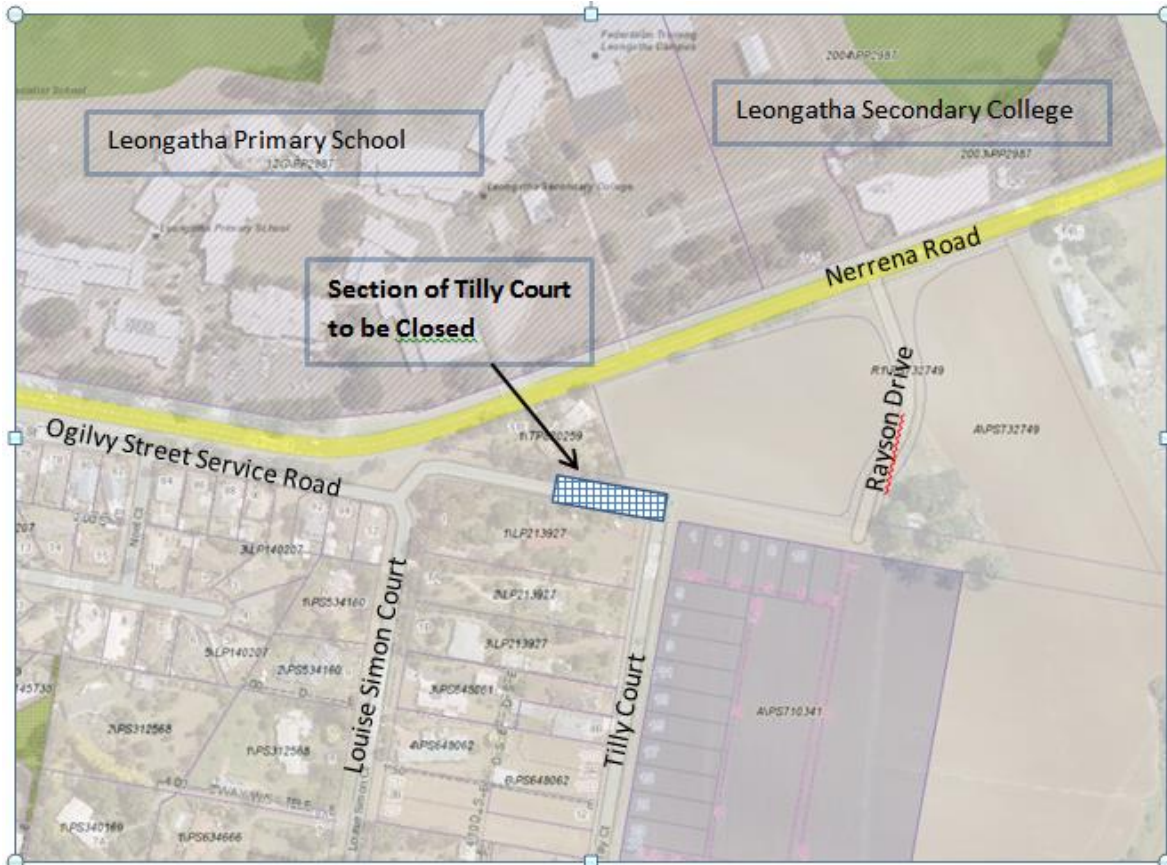
ROAD CLOSURE – PART OF TILLY COURT

The traffic study submitted with the Planning Permit application to Council indicated that additional traffic generated by the subdivision should not be directed through the existing Ogilvy Street service road to McDonald Street.

This requires closing a section of the east/west leg of Tilly Court. All the traffic servicing and generated by the development and existing properties on Tilly Court will access Nerrena Road via the road reserve created in the subdivision of Stage 1 (Rayson Drive) and the opening of the unused road reserve between Tilly Court and Rayson Drive. The section to be closed is shown cross hatched  in **Figure 3** below.

The closure of the east/west leg of Tilly Court is considered appropriate to remove the through traffic function of Tilly Court from the new subdivision to McDonald Street except for pedestrian and cycle access. This would be done by the placement of a barrier to close the road at a location approximately 110m east of the intersection of Louise Simon Court.

This road closure is being considered under section 207 (Powers of Council over traffic) and in particular Schedule 11, Clause 9 (1) (Power to place obstructions or barriers on a road permanently) of the Local Government Act.

Figure 3 - Section of Road to be Closed

CONSULTATION

Road Name – July 2016

Council's Engineering department has checked the VicNames website for road name compliance and the 15km radius duplications or similar sounding names check has been completed. No duplications or similar sounding names were found for the name 'Sadie'.

The surname of 'Foley' is already used by another road in the municipality (in Foster). The name Foley is therefore considered to be a duplication.

The proposed road name has been discussed with Geographic Place Names and is considered appropriate if Council wishes to commemorate Sadie Foley.

Road Opening

Internal consultation has occurred between the Engineering and Assets Department and the Planning Department regarding the road opening and closure.

The Road opening of this unused road formed part of the Planning Permit for the Subdivision. No objections were received regarding the opening of the unused road reserve between Tilly Court and Rayson Drive.

Road Closure – November 2016

Letters were sent to abutting land owners along Tilly Court in November 2016 in regards to the proposed closing of this section of Tilly Court, calling for community comment on the Proposal. Council has not received any correspondence on the closure.

Discussions were held with the abutting property owner affected by the closure location and it was agreed to locate the closure approximately 110 metres from Louise Simon Court.

External

Council will place a public notice of the proposed road naming, road opening, and road closure in its Noticeboard section of the local newspapers and on Council's website in the week commencing 27 February 2017, in accordance with s.223 of the Local Government Act, and send letters to adjoining property owners.

The submission period is 28 days from publication and will close on Tuesday 28 March 2017.

If submissions are received to the public notice, they will be heard, considered, and the decision determined at the next available Ordinary Council Meeting in open session.

If no submissions are received to the public notice for the:

- Road opening – agree to publish the declaration in the Victorian Government Gazette.
- Road naming and road closure – prepare a report for Council at the next available meeting to endorse the road name and closure of the road.

RESOURCES

Financial Considerations

There will be no cost to Council as all costs for the design and construction of the road will be borne by the developer if the road opening is approved by Council.

The future maintenance cost of this section of road, are estimated to be \$1,100 per annum. This will be included in Council's operating budget for road maintenance when required.

There will be no cost to Council for the supply and installation of new signage for the affected road if approved by Council. This will be covered by the developer of the subdivision.

RISKS

There are no risks to Council if this road opening proceeds as all legal risks fall under the Road Management Act 2004 and are subsequently addressed in Council's Road Management Plan 2013.

If Council does not open the road there will be no reasonable access in and out of Tilly Court.

There is minimal risk to Council as the methodology for the naming of roads is contained in 'The Naming Rules for Places in Victoria 2016'.

ATTACHMENTS

Attachments are available on Council's website –visit www.southgippsland.vic.gov.au.

1. Plan of Subdivision - Mitchells Rise Estate **[5.8.1]**
2. Locality Map - Mitchell Estate Rise - Road Naming - Opening - Closure **[5.8.2]**
3. Survey Plan of Road Opening **[5.8.3]**
4. History of Sadie Foley and Percy Luxford **[5.8.4]**
5. Correspondence from Geographic Place Names - Proposed Road Names **[5.8.5]**
6. Naming Rules for Places in Victoria 2016 **[5.8.6]**

REFERENCE DOCUMENTS

Local Government Act 1987
Planning and Environment Act 1987
Road Management Plan 2013
Road Management Act 2004
Land Act 1958
Infrastructure Design Manual
Geographic Place Names Act 1998
Naming Rules for Places in Victoria 2016
AS/NZS4819: 2011 Rural and Urban Addressing
SGSC Road Opening Procedure
SGSC Public Road Register

5.9. PLANNING SCHEME AMENDMENT C103 - 934 & 945 BERRYS CREEK ROAD MIRBOO NORTH - APPLICATION OF THE GENERAL RESIDENTIAL 1 ZONE

Development Services Directorate

EXECUTIVE SUMMARY

This report recommends Council adopt South Gippsland Planning Scheme Amendment C103. The amendment rezones land at 943 and 945 Berrys Creek Road, North Mirboo from Low Density Residential (LDRZ) to General Residential Zone 1 (GRZ). The Amendment also introduces a Development Plan Overlay (Schedule 11) to manage the future subdivision of the land. The Amendment has been exhibited and no objections received.

The Amendment meets the strategic objectives of the State and Local Planning Policy Framework and is consistent with the requirements of the current and draft review of the Mirboo North Structure Plan. The rezoning and development of the land will complement the existing pattern of housing development in Mirboo North and increase the lot yield gained from the land, which is important given the relative shortage of land suitable for GRZ subdivision (lots under 1,000sqm) in Mirboo North.

RECOMMENDATION

That Council:

1. Adopts the South Gippsland Planning Scheme Amendment C103 in accordance with the Amendment provisions in Attachment [5.9.2] - South Gippsland Planning Scheme Amendment C103 Adoption Provisions.
2. Submits the adopted South Gippsland Planning Scheme Amendment C103 to the Minister for Planning for approval.

MOVED: Cr Kiel

SECONDED: Cr Edwards

THAT COUNCIL:

1. **ADOPTS THE SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C103 IN ACCORDANCE WITH THE AMENDMENT PROVISIONS IN ATTACHMENT [5.9.2] - SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C103 ADOPTION PROVISIONS.**
2. **SUBMITS THE ADOPTED SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C103 TO THE MINISTER FOR PLANNING FOR APPROVAL.**

CARRIED UNANIMOUSLY

REPORT

Background

Amendment C103 will rezone approximately 4.2 Hectares from LDRZ to GRZ to permit the subdivision and development of the land at urban township densities below the 0.2ha lot size permissible in the LDRZ. The land adjoins an area on the eastern side of Berrys Creek Road already zoned GRZ and developed for detached houses (**Attachment [5.9.1]**). The Mirboo North Framework Plan (**Attachment [5.9.1]**) identifies the subject land as being suitable for rezoning for this purpose.

Indicatively a rezoning can, with appropriate road access, accommodate up to 35 new dwellings.

Discussion

The Mirboo North Framework Plan identifies the subject land for general residential development. The land forms the western boundary of the township as identified in the Mirboo North Framework Plan. The development of the land will define the south western edge of the township and will also complement the existing GRZ land east of Berrys Creek Road already developed for detached dwellings.

The proposed Development Plan Overlay (DPO) will manage the subdivision of the land. This overlay is similar to others already adopted by Council for developments of this type and contains specific requirements in relation to the subdivision of the land, the provision of infrastructure, access and traffic management. The DPO Schedule is shown in **Attachment [5.9.2]**.

The land can be serviced through an existing sewage treatment pump that has been designed with the capacity to service the proposed development. Reticulated water will be required and adequate arrangements for storm water can be achieved through discharge to a designated waterway conveniently located at the low point of the site's western boundary.

To ensure connection with the town, the proponent will be required to make suitable arrangements for the provision of footpaths connecting to existing footpaths in Berrys Creek Road. Footpath provision will form part of the landowner's 'development contribution', which is justified as a result of the increased subdivision development potential the landowner gains from the rezoning of the land. The footpath requirements have been incorporated into the DPO Schedule and a s.173 Agreement that has been registered on the title to the land with the landowner's consent.

Section 173 Agreement also secures for Council a development contributions payment that must be paid to Council before any lot is formally created. The

contribution figure is approximately half of Council's standard requirement. This is because the land is already zoned LDRZ and could be subdivided to create approximately half the number of lots achievable in the GRZ without the payment of a developer contribution. The reduced figure is an acknowledgement of the land's existing development potential. The Agreement identifies that Council's preference is to spend the contribution funds on the provision of a footpath on the southern side of Ridgeway, west of the Secondary College.

The Amendment will not compromise the future development of adjoining land on Grand Ridge West identified for general residential use. Nor will it impact on the consideration of areas identified for 'investigation for future residential expansion' identified in the Mirboo North Framework Plan adjoining the subject land to the South West.

The Amendment is considered to be strategically justified and is consistent with the State and Local Planning Policy Frameworks and the requirements of the Mirboo North Structure Plan.

CONSULTATION

Amendment C103 was on exhibition for four weeks from 21 July 2016 to 22 August 2016. During this time, a notice appeared in the Mirboo North Times, The Star, South Gippsland Sentinel Times and the Government Gazette. Display signs were also placed on the subject land and on community display boards in the town. Letters were sent to the owners and occupiers of adjoining and surrounding lands as well as to a range of agencies and authorities that might be affected by the rezoning of the land. Comprehensive details of the Amendment were also placed on Council's webpage.

No objections were received. Submissions were received from the West Gippsland Catchment Management Authority and the Department of Environment, Land, Water and Planning requesting minor changes to the wording of provisions in the DPO Schedule. These changes clarify future expectations regarding storm water management and vegetation planting and have been incorporated into the DPO Schedule with the consent of the landowner.

RESOURCES

The Amendment proponent is required to pay the statutory fees and charges associated with the adoption and approval of the amendment. Council does not incur any fees or charges in relation to the next steps in the approvals process including the future approval of a Development Plan for the land.

RISKS

There is no risk associated with Council's adoption of Amendment C103.

ATTACHMENTS

Attachments are available on Council's website –visit
www.southgippsland.vic.gov.au.

1. Locality Plan and Current Zoning - Mirboo North **[5.9.1]**
2. South Gippsland Planning Scheme Amendment C103 Adoption Provisions **[5.9.2]**

REFERENCE DOCUMENTS

Planning and Environmental Act 1987

5.10. PLANNING SCHEME AMENDMENT C108 - REZONING OF LAND TO SPECIAL USE ZONE (AGRICULTURAL SERVICES PRECINCT) - 590 SOUTH GIPPSLAND HIGHWAY KOONWARRA - ADOPTION

Development Services Directorate

EXECUTIVE SUMMARY

Amendment C108 seeks to rezone land at 590 South Gippsland Highway and 2 Hogans Road Koonwarra (immediately north of the Koonwarra Saleyards) from Farming Zone to Special Use Zone and undertake a two lot subdivision along the proposed zone boundary. The proposed Special Use Zone has been tailored to facilitate land uses associated with the agricultural services sector. Council exhibited the amendment from 10 November 2016 to 15 December 2016. No objections were received.

It is recommended that Council adopt Amendment C108 and submit it to the Minister for Planning for approval.

RECOMMENDATION

That Council:

1. Adopts South Gippsland Planning Scheme Amendment C108 in accordance with the documents contained in Attachments [5.10.1, 5.10.2, 5.10.3]; and
2. Submits the Amendment to the Minister for Planning for approval.

MOVED: Cr Edwards

SECONDED: Cr Skinner

THAT COUNCIL:

1. **ADOPTS SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C108 IN ACCORDANCE WITH THE DOCUMENTS CONTAINED IN ATTACHMENTS [5.10.1, 5.10.2, 5.10.3]; AND**
2. **SUBMITS THE AMENDMENT TO THE MINISTER FOR PLANNING FOR APPROVAL.**

CARRIED UNANIMOUSLY

REPORT

Site Context

The subject land is situated immediately north of the Koonwarra Saleyards on the western side of the South Gippsland Highway. The land comprises two lots, being 2 Hogans Road (3.7ha containing - Cervus Agricultural Equipment) and 590 South Gippsland Highway (40ha grazing land with a dwelling and sheds) (see Figure 1: Map 1 – Subject Site).

Figure 1: Map – Subject Site – 590 South Gippsland Highway and 2 Hogans Road Leongatha South



Background

At its 26 April 2016 Ordinary Council Meeting, Council resolved to prepare and exhibit Amendment C108. The strategic justification for the Amendment (why it should be supported) is set out in detail in the 26 April Council Report agenda (available on Council's webpage) and is not further discussed in this report other than to note that the proposal is consistent with the Council adopted 'Leongatha Industrial Land Supply Study 2013'.

On seeking authorisation from the Department of Environment, Land, Water and Planning (DELWP) to prepare the Amendment, concerns were raised that too much land was proposed to be removed from the Farming Zone and the impact this would have on agricultural production. In consultation with DELWP and the Amendment proponent (the owners of 590 South Gippsland Highway) the rezoning was reduced to the land at 2 Hogans Road (Cervus Agricultural Equipment) and 8 hectares of the land at 590 South Gippsland Highway (see **Attachment [5.10.1]**). This means that further rezonings will be required in the future if the precinct is successful and more land required for development. A full list of changes (known as the Instruction Sheet) to the South Gippsland Planning Scheme can be found at **Attachment [5.10.2]**.

The two lot subdivision that forms a part of Amendment C108 is required to create a lot boundary line along the alignment of the proposed SUZ on 590 South Gippsland Highway. The balance of this land will remain in the Farming Zone. DELWP will not support rezoning proposals that create two zones on the one lot. The planning permit conditions (Permit 2016/202) are provided in **Attachment [5.10.3]**.

Clause 37.01 - Special Use Zone Schedule 6 – Agricultural Services

The proposed Special Use Zone Schedule 6 (**Attachment [5.10.4]**) seeks to provide for land which will promote uses directly related to the agricultural services sector and strongly discourages the establishment of uses typically required to service urban communities.

The purpose of the SUZ is to provide for agricultural services and facilitate development visually sympathetic to the rural landscape. The SUZ will allow certain types of agriculture to continue on the site without the need for planning approval, however all other uses and development will either require planning approval or will be prohibited. This is to ensure that the land is used for the intended purpose which is to provide for agricultural services. Permit required uses include repair industries or trade supplies which are in conjunction with agricultural uses and which do not need to be located within urban industrial estates.

The SUZ also sets out detailed planning permit application requirements to ensure proposals are consistent with the purpose of the zone and sympathetic to the rural landscape and prominent location on the South Gippsland Highway.

Section 173 Agreement

The subject land is located in the Tarwin River Special Water Supply Catchment Area which means that South Gippsland Water (SGW) can refuse the use and

development of land if a proposal might affect the quality and quantity of potable (drinking) water in the Tarwin River.

It was initially proposed that waste water from the subject land would be treated and contained onsite, however SGW would not support any more on site containment other than that already occurring at Cervus Agricultural Equipment.

In response to these concerns the Amendment proponent has agreed that before the use and development of the land proceed, connection to the reticulated sewerage system must occur. This requirement has been captured in a Section 173 Agreement that has been registered on the title to 590 South Gippsland Highway. Connection to the Leongatha waste water treatment plant can occur via the Rail Trail reserve.

CONSULTATION

Amendment C108 and Permit 2016/202 was on exhibition for five weeks from 10 November 2016 to 15 December 2016. During this time, a notice appeared in the

Government Gazette on 10 November 2016, notices placed in both The Star and South Gippsland Sentinel Times on 8 and 22 November 2016 notifying the general public of the application. Letters were also sent to a range of agencies and landowners and occupiers within 1km of the subject site. Notice was also placed on Council's webpage.

A total of seven submissions were received (refer **Attachment [5.10.5]**). Five submissions were from referral authorities who did not object to the proposal. Two submissions were from individuals who support the proposal and believe it will boost the local economy.

RESOURCES

The proponent will meet any costs associated with seeking approval of the Amendment.

RISKS

There are no known risks associated with Council's adoption of Amendment C108.

ATTACHMENTS

Attachments are available on Council's website –visit www.southgippsland.vic.gov.au.

1. Zone Map for Amendment C108 - 590 South Gippsland Highway and 2 Hogans Road, Leongatha South **[5.10.1]**

2. Instruction Sheet (list of changes to the South Gippsland Planning Scheme - Amendment C108) **[5.10.2]**
3. Planning Permit Conditions from combined Planning Scheme Amendment C 108 and Planning Permit 2016202 **[5.10.3]**
4. Draft Special Use Zone Schedule 6 'Agricultural Services' - Amendment C 108 - 590 South Gippsland H **[5.10.4]**
5. Submissions received for Amendment C108 and Permit 2016/202 - 590 South Gippsland Highway and 2 Hogans Road Leongatha South **[5.10.5]**

REFERENCE DOCUMENTS

Planning and Environment Act 1987

Subdivision Act 1988

South Gippsland Planning Scheme 2006

**5.11. PLANNING SCHEME AMENDMENT C88 - REZONING OF 5 BOAGS ROAD
LEONGATHA - APPLICATION OF THE LOW DENSITY RESIDENTIAL ZONE -
WOORAYL LODGE**

Development Services Directorate

EXECUTIVE SUMMARY

This report recommends Council adopt South Gippsland Planning Scheme Amendment C88. The amendment rezones land at 5 Boags Road Leongatha from the Farming Zone to the Low Density Residential Zone and removes the Environmental Significance Overlay Schedule 5 (Areas Susceptible to Erosion) from the land. The Amendment has been made at the request of Woorayl Lodge (Aged care provider) who own the land and are considering options to develop the land for an aged care facility.

Council authorised the preparation and exhibition of the Amendment at its 19 March 2014 Ordinary Council Meeting. The Amendment has been exhibited and no objections received.

The Amendment meets the strategic objectives of the State and Local Planning Policy Framework and is consistent with the requirements of the Leongatha Structure Plan and the Southern Leongatha Outline Development Plan.

The Amendment also includes the adoption of two procedural changes to the planning permit application referral provisions (who notice of a planning permit application must be sent to) of the Planning Scheme. These are not related to the land at 5 Boags Road but are included for expediency so as not to require a separate amendment and related costs.

RECOMMENDATION

That Council:

1. Adopts South Gippsland Planning Scheme Amendment C88 in accordance with the Amendment provisions in Attachment [5.11.2]; and
2. Submits the adopted South Gippsland Planning Scheme Amendment C88 to the Minister for Planning for approval.

MOVED: Cr Edwards

SECONDED: Cr Brunt

THAT COUNCIL:

1. **ADOPTS SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C88 IN ACCORDANCE WITH THE AMENDMENT PROVISIONS IN ATTACHMENT [5.11.2]; AND**
2. **SUBMITS THE ADOPTED SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C88 TO THE MINISTER FOR PLANNING FOR APPROVAL.**

CARRIED UNANIMOUSLY

REPORT

Background

The land at 5 Boags Road (**Attachment [5.11.1]**) has been purchased by Woorayl Lodge Inc. as a prospective site to construct a Residential Aged Care Facility. The land is currently in the Farming Zone and included in the Environmental Significance Overlay Schedule 5 - Areas Susceptible to Erosion.

The site is 4.047 hectares and used for grazing. Located on the site is a farm shed and part of a farm dam that extends across the title boundary of two other lots. The land has a very gentle slope down to the east and no significant native vegetation.

Surrounding lots are Low Density Residential Zone to the east and west, Farming Zone to the north and Rural Living Zone to the South.

The strategic planning merits for rezoning the land were discussed in detail in the 19 March 2014 Ordinary Council Report recommending preparation and exhibition of the Amendment. The report can be viewed on Council's webpage.

Council's Municipal Health and Well Being Plan identifies a growing need for appropriate Residential Aged Care Facilities to cater for an ageing population.

Discussion

Woorayl Lodge Inc. has requested the rezoning to enable a future planning permit application to develop the land for a 'Residential Aged Care Facility', a use currently prohibited in the Farming Zone.

The existing Woorayl Lodge residential aged care facility (McCartin Street) is operating at maximum capacity and has limited space in which to expand. Additional demand for aged care services is anticipated to continue into the future and the Boags Road site is being considered as a development option to meet this demand. Woorayl Lodge has not yet prepared a development concept for the site. A planning permit is required for the use and development of land for an aged care facility in the Low Density Residential Zone.

The main planning concern with the proposed site is its location at the town boundary and its present lack of connectivity to the existing footpath network. Aged care facilities provide services for people with a range of mobility levels and the option should exist for residents to be able to walk or use mobility scooters to access township areas to the north. To address this issue, Woorayl Lodge has entered into a Development Contributions Agreement with Council (Section 173 Agreement) that they will make a payment to Council to facilitate the development of a footpath connecting the subject land to the existing footpath network. The Agreement also secures Development Contributions for Council in the event that

Woorayl Lodge does not develop the site for an aged care facility and it is subdivided for Low Density Residential Zone lots.

Servicing

There is an existing sewage pump station located approximately 175m east of the lot boundary, allowing connection to the reticulated sewer. Potable water (town water) is already provided to the locality. Vehicle access to the site is yet to be determined (this must be considered in a future planning permit application) however the Section 173 Agreement also reserves land adjoining the South Gippsland Highway so that space for a vehicle deceleration lanes and footpath reserves are provided for.

Removal of the Environmental Significance Overlay Schedule 5 – Areas Susceptible to Erosion (ESO5)

The ESO5 is a control applied to land to ensure that new development does not create excessive cutting or filling of land resulting in potential soil instability and/or erosion. The ESO5 has been applied broadly in the Planning Scheme and its application does not always closely align with the risk to land. The subject land has only a very moderate slope and there is little or no benefit in retaining the ESO5 or replacing it with some other similar form of control. It is common practice for Council to remove the ESO5 when flat land is rezoned for residential use and it is considered appropriate in this case.

Amendment to the Planning Permit Application Referral Provisions of the Planning Scheme

In addition to the Woorayl Lodge rezoning, included in Amendment C88 are two technical changes to the Planning Schemes referral provisions for planning permit applications (Clause 66.04). These provisions (not related to 5 Boags Road) stipulate who Council must notify of the submission of planning permit applications for certain forms of land use or development.

The first change is in relation to the Environmental Significance Overlay Schedule 2 (Special Water Supply Catchment Areas) and requires applications be referred to South Gippsland Water. This requirement already exists in another section of the Planning Scheme (Clause 66.02) however advice has been received that the referral provision should be repeated in both the State and Local Schedule provisions.

The second change relates to Environmental Significance Overlay Schedule 9 (Giant Gippsland Earthworms). The referral requirement is being changed from 'buildings and works' to 'all applications'. This change is required to ensure all planning permits triggered by the ESO9 (including subdivisions) are referred to the Department of Environment, Land, Water and Planning. The proposed change

replicates the same change recently made by Baw Baw Shire Council to their earthworm overlay to address the exact same issue.

CONSULTATION

Amendment C88 was on exhibition for four weeks from 10 April 2014 to 17 May 2014. During this time, a notice appeared in the Mirboo North Times, The Star, South Gippsland Sentinel Times and the Government Gazette. Display signs were also placed on the subject land. Letters were sent to the owners and occupiers of adjoining and surrounding lands as well as to a range of agencies and authorities that might be affected by the rezoning of the land. Comprehensive details of the Amendment were also placed on Council's webpage.

No objections were received.

CONSULTATION

No consultation was required in relation to the changes to the planning permit application referral provisions. The changes are technical and do not change the effect of the overlay controls on landowners.

RESOURCES

The Amendment proponent is required to pay the statutory fees and charges associated with the adoption and approval of the amendment. Council does not incur any fees or charges in relation to the next steps in the approvals process.

RISKS

There is no risk associated with Council's adoption of Amendment C88.

ATTACHMENTS

Attachments are available on Council's website –visit www.southgippsland.vic.gov.au.

1. C88 Council Report - Locality Plan **[5.11.1]**
2. C88 Council Report - C88 Adoption Documents **[5.11.2]**
3. Special Meeting of Council Meeting - 28 June 2010 **[5.11.3]**

REFERENCE DOCUMENTS

Planning and Environment Act 1987

5.12. GENERAL REVALUATION 2018

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

Council is required under the Valuation of Land Act 1960 (as amended) to revalue all rateable properties within the municipality on a two yearly cycle.

The General Valuation is the basis for the distribution of the rates, which are levied on each property within the municipality.

This report complies with the statutory process for Council to formally resolve to 'cause a general valuation of rateable land'.

RECOMMENDATION

That Council:

- 1.** In accordance with the provisions of ss.11 and 13H of the Valuation of Land Act 1960 (as amended) hereby resolves to cause a General Valuation of rateable and non-rateable leviable land to be made as at 1 January 2018.
- 2.** Requires the Revaluation be returned to Council after 1 January 2018 and before 30 April 2018.
- 3.** Advises pursuant to s.6(1) of the Valuation of Land Act 1960 (as amended), the Valuer General and Rating Authorities interested in such a resolution.
- 4.** Notes the Statutory Declaration of Council's Valuer included in Attachment [5.12.1] - Statutory Declaration – Authorised Signature to this report.

MOVED: Cr Hill

SECONDED: Cr Brunt

THAT COUNCIL:

- 1. IN ACCORDANCE WITH THE PROVISIONS OF ss.11 AND 13H OF THE VALUATION OF LAND ACT 1960 (AS AMENDED) HEREBY RESOLVES TO CAUSE A GENERAL VALUATION OF RATEABLE AND NON-RATEABLE LEVIABLE LAND TO BE MADE AS AT 1 JANUARY 2018.**
- 2. REQUIRES THE REVALUATION BE RETURNED TO COUNCIL AFTER 1 JANUARY 2018 AND BEFORE 30 APRIL 2018.**
- 3. ADVISES PURSUANT TO s.6(1) OF THE VALUATION OF LAND ACT 1960 (AS AMENDED), THE VALUER GENERAL AND RATING AUTHORITIES INTERESTED IN SUCH A RESOLUTION.**
- 4. NOTES THE STATUTORY DECLARATION OF COUNCIL'S VALUER INCLUDED IN ATTACHMENT [5.12.1] - STATUTORY DECLARATION – AUTHORISED SIGNATURE TO THIS REPORT.**

CARRIED UNANIMOUSLY

REPORT

Sections 11 and 13H of the Valuation of Land Act 1960 (as amended) require that for the purposes of the Local Government Act 1989 and the Fires Services Property Levy Act 2012, Council cause a General Valuation of rateable and non-rateable leviable land to be made as at 1 January in every even calendar year, and that the Revaluation be returned to Council after 1 January and before 30 April in that year.

Section 6 of the Valuation of Land Act requires a rating authority (Council) proposing to cause a General Valuation should give to the Valuer General, and to every other rating authority interested in the valuation of land within its area, notice of this resolution.

Declaration of Impartiality

The person appointed to make the valuation must make a statutory declaration that the valuation and return will be impartial and true, and to the best of that person's judgement, and will be made by that person or under that person's immediate personal supervision. Council's Valuer, has made the required statutory declaration, a copy of which is included in the **Attachment [5.12.1]** – Statutory Declaration – Authorised Signature.

CONSULTATION

This report complies with the statutory process pursuant to the Valuation of Land Act 1960 (as amended).

RESOURCES

Provision has been made in the 2016/17 and forward budgets to undertake the Revaluation.

The intent of the whole revaluation process is to distribute the rate burden as equitably as possible, using property valuation as the legal basis of determining ability to pay.

RISKS

This report complies with the statutory process pursuant to the Valuation of Land Act. Provision has been made in the 2016/17 and forward budgets to undertake the Revaluation.

ATTACHMENTS

Attachments are available on Council's website –visit www.southgippsland.vic.gov.au.

1. Statutory Declaration - Authorised Signature **[5.12.1]**

REFERENCE DOCUMENTS

Valuation of Land Act 1960

5.13. INSTRUMENT OF DELEGATION COUNCIL TO CHIEF EXECUTIVE OFFICER

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

This report recommends that Council approves a revised Instrument of Delegation (Instrument) to the Chief Executive Officer (CEO) (**Attachment [5.13.1]** – Instrument of Delegation Council to CEO – 22 February 2017) to rectify an administrative error with the current Instrument of Delegation adopted by Council on 14 December 2016.

RECOMMENDATION

In the exercise of the powers conferred by s.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 [5.13.1] – Instrument of Delegation Council to CEO – 22 February 2017), 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 s. 98(3) of the Act.

MOVED: Cr Skinner

SECONDED: Cr Kiel

IN THE EXERCISE OF THE POWERS CONFERRED BY s.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 [5.13.1] – INSTRUMENT OF DELEGATION COUNCIL TO CEO – 22 FEBRUARY 2017), 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 s. 98(3) OF THE ACT.**

CARRIED UNANIMOUSLY

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 provides for Council to delegate its powers by an Instrument of Delegation (the Instrument) to the CEO. Council last reviewed this Instrument on 14 December 2016.

Discussion

Council's current Instrument (dated 14 December 2016) contains an administrative error. On page 2 of the Instrument, it is stated that the Instrument was authorised by a resolution of Council passed on 24 August 2016, rather than 14 December 2016, when the Instrument was adopted.

Following the receipt of legal advice, the current Instrument was amended by hand – writing initialled by the CEO and Mayor, to reflect the correct date of the resolution (i.e. 14 December 2016). The legal advice further recommended, that whilst not absolutely necessary, to submit a fresh Instrument at the next Ordinary Council Meeting so that the minor administrative error that exists in the current Instrument can be formally corrected.

CONSULTATION

Consultation on the revised Instrument (**Attachment [5.13.1]** – Instrument of Delegation Council to CEO – 22 February 2017) has occurred with Council's legal advisors, Maddocks and the Executive Leadership Team.

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 [5.13.1]** – Instrument of Delegation Council to CEO – 22 February 2017) allows Council to formally correct a minor administrative error with its current Instrument.

ATTACHMENTS

Attachments are available on Council's website –visit
www.southgippsland.vic.gov.au.

1. Instrument of Delegation Council to Chief Executive Officer - Final **[5.13.1]**

REFERENCE DOCUMENTS

Local Government Act 1989
SGSC Procurement Policy, December 2015

5.14. INSTRUMENT OF DELEGATION COUNCIL TO STAFF

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

This report recommends that Council adopt an updated Instrument of Delegation (Instrument) to nominated staff positions (**Attachment [5.14.1]**– Instrument of Delegation Council to Staff) to reflect changes to legislation and where relevant changes in position titles or functions.

RECOMMENDATION

That Council in the exercise of the powers conferred by s.98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached Instrument of Delegation to members of Council staff (Attachment [5.14.1] – Instrument of Delegation Council to Staff), the South Gippsland Shire Council (Council) resolves that:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation (Attachment [5.14.1] - Instrument of Delegation Council to Staff), the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;
2. The Instrument of Delegation to staff comes into force immediately the common seal of Council is affixed to the instrument;
3. On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Instrument of Delegation to the Chief Executive Officer) are revoked; and
4. The duties and functions set out in the Instrument of Delegation to Staff must be performed, and the powers set out in the Instrument of Delegation must be executed, in accordance with any guidelines or policies that Council may adopt.

MOVED: Cr Hill

SECONDED: Cr Skinner

THAT COUNCIL IN THE EXERCISE OF THE POWERS CONFERRED BY s.98(1) OF THE LOCAL GOVERNMENT ACT 1989 (THE ACT) AND THE OTHER LEGISLATION REFERRED TO IN THE ATTACHED INSTRUMENT OF DELEGATION TO MEMBERS OF COUNCIL STAFF (ATTACHMENT [5.14.1] – INSTRUMENT OF DELEGATION COUNCIL TO STAFF), THE SOUTH GIPPSLAND SHIRE COUNCIL (COUNCIL) RESOLVES THAT:

- 1. THERE BE DELEGATED TO THE MEMBERS OF COUNCIL STAFF HOLDING, ACTING IN OR PERFORMING THE DUTIES OF THE OFFICES OR POSITIONS REFERRED TO IN THE ATTACHED INSTRUMENT OF DELEGATION (ATTACHMENT [5.14.1] - INSTRUMENT OF DELEGATION COUNCIL TO STAFF), THE POWERS, DUTIES AND FUNCTIONS SET OUT IN THAT INSTRUMENT, SUBJECT TO THE CONDITIONS AND LIMITATIONS SPECIFIED IN THAT INSTRUMENT;**
- 2. THE INSTRUMENT OF DELEGATION TO STAFF COMES INTO FORCE IMMEDIATELY THE COMMON SEAL OF COUNCIL IS AFFIXED TO THE INSTRUMENT;**
- 3. ON THE COMING INTO FORCE OF THE INSTRUMENT ALL PREVIOUS DELEGATIONS TO MEMBERS OF COUNCIL STAFF (OTHER THAN THE INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER) ARE REVOKED; AND**
- 4. THE DUTIES AND FUNCTIONS SET OUT IN THE INSTRUMENT OF DELEGATION TO STAFF MUST BE PERFORMED, AND THE POWERS SET OUT IN THE INSTRUMENT OF DELEGATION MUST BE EXECUTED, IN ACCORDANCE WITH ANY GUIDELINES OR POLICIES THAT COUNCIL MAY ADOPT.**

CARRIED UNANIMOUSLY

REPORT

Council's Instrument of Delegation to members of Council Staff was last reviewed by Council on 24 June 2015. Section 98(6) of the Act requires that a Council must review within the period of 12 months after a general election all delegations which are in force and have been made by the Council under s.98(1).

The effective functioning of local government is achieved by Council allocating formal delegations, either to the Chief Executive Officer or direct to members of Council Staff, which the Council is empowered to do by the Act.

The delegation power under the Local Government Act, applies to powers under any Act. However, some other Acts also include provisions dealing with delegations relating to particular issues, for example planning and development matters. The prudent approach is to comply with the more restrictive and specific delegation rules under the specific purpose legislation. This requires the delegation from Council directly to staff positions.

Over time powers in legislation change, as does Council's organisational structure or position titles. It is important to ensure that the Instrument of Delegation is reviewed periodically to reflect these changes so that delegations to staff are current and due decisions made are valid and under delegation.

The updated Instrument (**Attachment [5.14.1]**) includes amendments to reflect changes in the following legislation:

- Planning and Environment Act 1897: several new duties and powers have been inserted, including ss.46GF-46GI, s.46GL, s46GM and s.46QD and s.60(1B) and other minor amendments;
- Road Management Act 2004: minor wording changes and inclusion of Manager Operations as delegate for s63(2)(e) to authorise emergency works under of over a road and Schedule 7 Clause 12(3) regarding ensuring reinstatement works are completed;
- Planning and Environment (Fees) Regulations 2016: have replaced the Planning and Environment (Fees) Interim Regulations 2014 and 2015;
- Road Management (General) Regulations 2016: have replaced the Road Management (General) Regulations 2005, with minor amendments to council duties where it is the coordinating road authority; and
- Road Management (Works and Infrastructure) Regulations 2015.

There have been no significant, additional delegations to staff made beyond the current delegation dated 1 July 2015, beyond those required by legislative, position title or functional changes.

CONSULTATION

The revised Instrument has been updated following consultation with relevant Council staff, including Manager Regulatory Services, Manager Planning, Manager Engineering and Assets and the Executive Leadership Team.

RESOURCES

The budget to maintain Council's Instruments of Delegation is contained within the current and forward budgets.

RISKS

The decision of a delegate (staff member) is "deemed" to be a decision of Council, therefore correct delegations are necessary for decisions to be valid.

Without delegations, decision making is restricted in a manner that can potentially slow down the business of local government and local economic and social development.

ATTACHMENTS

Attachments are available on Council's website –visit www.southgippsland.vic.gov.au.

1. S6 Instrument of Delegation - Council to Staff - 22 February 2017 **[5.14.1]**

REFERENCE DOCUMENTS

Local Government Act 1989

2. NOTICES OF MOTION AND/OR RESCISSION

2.1. NOTICE OF MOTION 703 - REMOVAL OF THE MUNICIPAL PRECINCT PROJECT FROM THE BUDGET

PURPOSE

To direct the Chief Executive Officer (CEO) to remove the Municipal Precinct Project from the 15 year budget.

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 22 February 2017.

That Council cancel the municipal precinct project and remove all costings/borrowings from the 15 year budget associated with this project. Officers are to cease all work on progressing the municipal precinct project as directed from the November 2015 Council Meeting.

BACKGROUND

By not building the municipal precinct project (expected to cost around \$32 million), Council will be able to investigate a diversified model in coming years.

The CEO in a public presentation during 2015 stated the need for the municipal precinct project was no longer required in that form.

Cr Hill withdrew his Notice of Motion 703 - REMOVAL OF THE MUNICIPAL PRECINCT PROJECT FROM THE BUDGET.

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 Department at South Gippsland Shire Council. If a response cannot be provided at the Meeting a response will be provided and included in the minutes of the next appropriate Ordinary Meeting of Council.

Wilma Western addressed Council with question/s relating to:

Agenda item 5.2 MEMORANDUM OF UNDERSTANDING BETWEEN SOUTH GIPPSLAND SHIRE AND RSL LEONGATHA, what is going to be in the Memorandum of Understanding (MOU) and how public will the content of that MOU be?

How will Council be placed if the RSL proposal increases the number of Poker machines?

The Mayor indicated that the questions would be taken on notice and responded to at the next appropriate Council Meeting.

Gus Blaauw addressed Council with question/s relating to:

Agenda item 5.1 MUNICIPAL PRECINCT STUDY, what will happen to the funds accumulated from this Municipal Precinct Study?

What is Council's legal expenditure in the Council Budget 2015/16? Detail of this expenditure is requested.

The Mayor indicated that the questions would be taken on notice and responded to at the next appropriate Council Meeting.

David Lewis addressed Council with question/s relating to:

Agenda item 5.2 MEMORANDUM OF UNDERSTANDING BETWEEN SOUTH GIPPSLAND SHIRE AND RSL LEONGATHA, if the MOU is signed, is it legally binding? Can a clause be added to ensure that it is not legally binding?

When does Council plan to start the Rating Strategy Review?

**When does Council intend to review its Public Participation in Meetings Policy?
Will briefings to Council be made public?**

The Mayor indicated that the questions would be taken on notice and responded to at the next appropriate Council Meeting.

Cr Skinner left the Council Meeting at 3.41 pm.

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, 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 or 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 Audit Committee Report – 12 December 2016 pursuant to s.89(2)(a) personnel matters and (h) a matter which the Council or Special Committee considers would prejudice the Council or any person; and
2. Closed Item 2 Contractual Matter pursuant to s.89(2)(d) – contractual matter.

MOVED: Cr Kiel

SECONDED: Cr Rich

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

1. **CLOSED ITEM 1 AUDIT COMMITTEE REPORT – 12 DECEMBER 2016 PURSUANT TO S.89(2)(a) PERSONNEL MATTERS AND (h) A MATTER WHICH THE COUNCIL OR SPECIAL COMMITTEE CONSIDERS WOULD PREJUDICE THE COUNCIL OR ANY PERSON; AND**
2. **CLOSED ITEM 2 CONTRACTUAL MATTER PURSUANT TO S.89(2)(d) – CONTRACTUAL MATTER.**

Cr Skinner returned to the Council Meeting at 3.43pm.

CARRIED UNANIMOUSLY

8.1. AUDIT COMMITTEE REPORT - 12 DECEMBER 2016

THAT COUNCIL:

- 2. MAKES PUBLIC THE REPORT OF THE AUDIT COMMITTEE HELD ON 12 DECEMBER 2016 (CONFIDENTIAL ATTACHMENT [8.1.1] – AUDIT COMMITTEE MINUTES – 12 DECEMBER 2016), EXCLUDING ANY REPORTS REFERRED TO IN THE REPORT (EXCEPT THE AUDIT COMMITTEE CHARTER OR ANY OTHER REPORT / POLICY THAT IS INTENDED FOR FUTURE ADOPTION BY COUNCIL) OF THE AUDIT COMMITTEE WHICH REMAIN CONFIDENTIAL;**
- 3. APPOINTS INDEPENDENT AUDIT COMMITTEE MEMBER DR. IRENE IRVINE, AS AUDIT COMMITTEE MEMBER CHAIR FOR 2017 AND MAKES PUBLIC THIS APPOINTMENT.**
- 4. INCREASES THE FEES PAID TO INDEPENDENT AUDIT COMMITTEE MEMBERS TO \$1,000 (INCLUDING TRAVEL ALLOWANCE) PER MEETING FOR THE CHAIR AND \$800 (INCLUDING TRAVEL ALLOWANCE) PER MEETING FOR A MEMBER AND MAKES PUBLIC THIS INCREASE.**
- 5. APPOINTS HOMI BURJORJEE AS AN INDEPENDENT AUDIT COMMITTEE MEMBER FOR AN INITIAL THREE YEAR TERM CONCLUDING 21 FEBRUARY 2020, AND MAKES PUBLIC THIS APPOINTMENT.**
- 6. ADOPTS AN UPDATED SOUTH GIPPSLAND SHIRE COUNCIL AUDIT COMMITTEE CHARTER (CONFIDENTIAL ATTACHMENT [8.1.3] – AUDIT COMMITTEE CHARTER 22 FEBRUARY 2017) AND MAKES THIS PUBLIC IN THESE MINUTES AND ON COUNCIL’S WEBSITE.**

8.2. RFT/126 RECONSTRUCTION OF KING (PART) AND LITTLE COMMERCIAL (PART) STREETS, KORUMBURRA

THAT COUNCIL:

- 1. ACCEPTS THE TENDER (RFT/126 RECONSTRUCTION OF KING (PART) AND LITTLE COMMERCIAL (PART) STREETS, KORUMBURRA) FROM SOUTH GIPPSLAND QUARRIES PTY LTD, AND AWARDS THE CONTRACT FOR THE LUMP SUM AMOUNT OF \$355,116.52 (INCLUDING GST, PROVISIONAL ITEMS, AND A CONTINGENCY AMOUNT OF \$36,000).**

9. MEETING CLOSED

NEXT MEETING

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

The Ordinary Council Meeting closed at 3.53pm.

Confirmed this day of 2017.

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Mayor Cr Ray Argento