

SOUTH GIPPSLAND SHIRE COUNCIL

Council Agenda

Ordinary Meeting of Council

26 April 2017

Ordinary Meeting No. 411
Council Chambers, Leongatha
Commencing at 2pm



agenda



*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.

SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that Ordinary Meeting No. 411 of the
South Gippsland Shire Council will be held on 26 April 2017
in the Council Chambers, Leongatha commencing 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. LIVE STREAMING, RECORDING AND PUBLISHING OF MEETINGS

This Council Meeting is being recorded as a trial for the anticipated commencement of Live Streaming it's Council Meetings on 24 May 2017. The recording of this Meeting is in accordance with Council's Live Streaming in Council Meetings Policy.

To those present in the gallery today, by attending a public meeting of the Council you are consenting to your image, voice and comments being recorded.

Anyone who is invited to read out a question or a presentation will be recorded and their voice, image and comments will form part of the recording.

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

Attendees are advised that they may be subject to legal action if their actions results in inappropriate and/or unacceptable behaviour and/or comments.

Thank you.

1.3. OPENING PRAYER

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

Amen

1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

1.5. REQUESTS FOR LEAVE OF ABSENCE

1.6. APOLOGIES

1.7. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 410, held on 22 March 2017 in the Council Chambers, Leongatha be confirmed.

1.8. 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*.

1.9. 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

1.10. 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.

1.11. COUNCILLOR REPORTS

2. NOTICES OF MOTION AND/OR RESCISSION

Nil

3. COMMITTEE REPORTS

Nil

4. PROCEDURAL REPORTS

4.1. ASSEMBLY OF COUNCILLORS - 22 FEBRUARY - 21 MARCH 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 at Ordinary Council Meetings.

The matters listed in this report were presented or considered, at either an Advisory Committee Meeting, Councillor Strategic Briefing Session or Public Presentation Session between 22 February 2017 and 21 March 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 Briefing at its meeting held on Wednesday 1 March 2017 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.

REPORT

Wednesday 22 February 2017	
Meeting Title	Details
Council Agenda Topics Discussion 22 February 2017	<p>Councillors Attending: Councillors Hill, Brunt, Brown, Rich, Argento, Kiel, Skinner McEwen and Edwards.</p> <p>Conflict of Interest: Cr Hill left the meeting with a Conflict of Interest when Council Agenda item 5.5 ROAD OPENING IN MIRBOO NORTH (OFF GILES STREET) was discussed, as he has a direct interest being the applicant.</p> <p>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. The matter was not discussed in the assembly.</p> <p>Matters Discussed: Councillors were provided information on Council Agenda items for the Ordinary Council Meeting 22 February 2017.</p>

Wednesday 22 February 2017	
Meeting Title	Details
Public Presentation Session Open Session	Councillors Attending: Councillors Hill, Brunt, Brown, Rich, Argento, Kiel, Skinner McEwen and Edwards. Conflict of Interest: Nil disclosed.
<p>Presentations were made to Council by the following community members:</p> <p>The Mayor made a presentation to Darren Bone, award recipient of South Gippsland Shire Council for a person with a Disability. Darren was unable to receive his award at the ceremony in January, and this assembly provided an opportunity for the Mayor to acknowledge and congratulate his outstanding contribution to the South Gippsland community.</p> <p>David Amor addressed Council regarding the Council Budget and cost increases over the previous ten years, including the cost of staff vehicles.</p> <p>David Lewis addressed Council regarding Council Agenda item 5.1 MUNICIPAL PRECINCT STUDY.</p> <p>Robyn Powney and Lindsay Powney, addressed Council regarding Council Agenda item 5.10. PLANNING SCHEME AMENDMENT C108 - REZONING OF LAND TO SPECIAL USE ZONE (AGRICULTURAL SERVICES PRECINCT) - 590 SOUTH GIPPSLAND HIGHWAY KOONWARRA.</p>	
Council Agenda proposed changes to the order of business and public participation in meetings with Council	Councillors Attending: Councillors Hill, Brunt, Brown, Rich, Argento, Kiel, Skinner McEwen and Edwards. Conflict of Interest: Nil disclosed. Matters Discussed: Councillors considered proposed changes to the Council Meeting Agenda structure and Public Participation in Council Meetings Policy.
Council Agenda Topics Discussion 22 February 2017	Councillors Attending: Councillors Brunt, Brown, Rich, Argento, Kiel, Skinner and McEwen and Hill. Conflict of Interest: Nil disclosed. Matters Discussed: Councillors were provided information on Council Agenda items for the Ordinary Council Meeting 22 February 2017.

Wednesday 22 February 2017	
Meeting Title	Details
Executive Update	<p>Councillors Attending: Councillors Brunt, Brown, Rich, Argento, Kiel, Skinner and McEwen and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed:</p> <ul style="list-style-type: none"> • RACV event detail update • Leongatha Alternate Route
Thursday 23 February 2017	
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"> • Rural Access update • GippSport update • Meeting Details confirmed for 2017
Korumburra Round Table	<p>Councillors Attending: Councillors Brunt, McEwen and Brown.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed:</p> <ul style="list-style-type: none"> • Council report • Future of KRT secretariat • Footpath to Secondary College • Article for Burra Flyer • Refugee Support in South Gippsland • Community Directions Statement • Korumburra 'app' update

Tuesday 28 February 2017	
Meeting Title	Details
Leongatha Railway Site Transformation Project Reference Group	<p>Councillors Attending: Councillors Kiel and Edwards.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed:</p> <ul style="list-style-type: none"> • Project reference group role and interest • Project community consultation
Municipal Emergency Management Planning Committee (MEMPC)	<p>Councillors Attending: Councillors Kiel and Argento.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed:</p> <p>MEMPC: MEMPC appointments, review of terms of reference, public events, endorsement of severe weather warning plan, Endorsement of Animal Emergency Welfare Plan, Review of Emergency Plans and Sub plans timetable, training opportunities, CERA Risk Review, MEM Plan – review of data, Working group- severe weather emergency plan, single incident notifications, outcomes of Unify Music Festival, EM_COP registration and portal calendar, resilient recovery reform, councils and emergencies – Directions Paper, training exercise.</p>
Municipal Fire Management Planning Committee (MFMPC)	<p>Councillors Attending: Councillors Kiel and Argento.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed:</p> <p>MFMPC: review of MFM plan, single incident notifications, static water supplies, fire breaks, FARRS Project – Hedley fire water tank, fire water tanks – works program, Fire Prevention notifications.</p>

Tuesday 28 February 2017	
Meeting Title	Details
Mirboo North Pool Masterplan	<p>Councillors Attending: Councillors Kiel and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Mirboo North Pool Masterplan, site concept plan, timing of design works, promotion of planned works by Friends of the Mirboo North Pool Committee and working group established to liaise with Council's engineering projects team.</p>
Wednesday 1 March 2017	
Planning Briefing – Proposed Development	<p>Councillors Attending: Councillors Kiel, Edwards, Rich, Skinner, Hill, Brown, Brunt and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors were provided with information regarding a proposed development.</p>
Wednesday 1 March 2017	
Home and Community Care Transition Options	<p>Councillors Attending: Councillors Kiel, Edwards, Rich, Skinner, Hill, Brown, Brunt and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors considered options for future service provision.</p>

Wednesday 1 March 2017	
Meeting Title	Details
Strategic Review of Land Holdings	<p>Councillors Attending: Councillors Kiel, Edwards, Rich, Skinner, Hill, Brown, Brunt and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors considered an update about the project in order to make informed future directions.</p>
Draft Council Plan Workshop	<p>Councillors Attending: Councillors Kiel, Edwards, Rich, Skinner, Hill, Brown, Brunt and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors workshopped the development of the Council Plan draft, including prioritising objectives, strategies and initiatives.</p>
Tuesday 7 March 2017	
Korumburra Recreation Reserve Community Budgeting Meeting	<p>Councillors Attending: Councillor Brunt</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Overview of budget, proposed projects, process and timing, sub-committees and contacts.</p>
Wednesday 8 March 2017	
Councillor Workshop: Council Plan	<p>Councillors Attending: Councillors Argento, Kiel, Rich, Skinner, Edwards, Hill, Brown, Brunt and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors continued to work on the development of the Council Plan draft.</p>

Wednesday 15 March 2017	
Meeting Title	Details
Local Laws Services	<p>Councillors Attending: Councillors Argento, Kiel, Edwards, Hill, Brown, Brunt and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors were provided information on Local Law Services and proposed Domestic Animal Management Plan 2017-2021, General Local Law and pound services.</p>
Proposed Toora Area Restructure Plan	<p>Councillors Attending: Councillors Argento, Kiel, Edwards, Hill, Brown, Brunt and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors were provided with information on a proposed Toora Area Restructure.</p>
Age Friendly South Gippsland Plan 2017 - 2021	<p>Councillors Attending: Councillors Argento, Kiel, Edwards, Hill, Brown, Brunt and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors considered the draft Age Friendly South Gippsland Plan 2017 – 2021.</p>
Expansion of Great Southern Rail Trail	<p>Councillors Attending: Councillors Argento, Kiel, Edwards, Hill, Brown, Brunt and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors considered the expansion of the Great Southern Rail Trail.</p>

Wednesday 15 March 2017	
Meeting Title	Details
Walkerville Retarding Basin Briefing	<p>Councillors Attending: Councillors Argento, Kiel, Edwards, Hill, Brown, Brunt and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors were provided with information on the matter.</p>
<p>Revolving Sustainability Fund – Savings vs Investments</p> <p>Open Session</p>	<p>Councillors Attending: Councillors Argento, Kiel, Edwards, Hill, Brown, Brunt and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors were provided with information on Revolving Sustainability Fund projects, including:</p> <ul style="list-style-type: none"> • Green street lighting project • Depot energy efficiency works • Carino's energy efficiency work • Main office energy efficiency work • Coal Creek energy efficiency work • Yanakie and Long Jetty Caravan Park solar

Wednesday 15 March 2017	
Meeting Title	Details
Public Presentation Session	Councillors Attending: Councillors Argento, Kiel, Edwards, Hill, Brown, Brunt and McEwen.
Open Session	Conflict of Interest: Nil disclosed.
<p>Presentations were made to Council by the following community members:</p> <p>Jenny Keerie, representing Korumburra Round Table addressed Council regarding the Committee's Community Directions Statement document and a request for Council to consider the 'Korumburra Revitalisation Plan' as a Priority Project.</p> <p>Vanessa Holness along with Damian Midwinter, Justin Smith, Dale Olierook, representing Yooralla Leongatha made a presentation to Council regarding their attendance at the 'Have a Say' Disability Conference held in Geelong. They thanked Council for subsidising their participation.</p> <p>Sandra Richards, community member from Mirboo North addressed Council regarding Council support to make an application to the Restoring Community War Memorials and Avenues of Honour Grant Program. She is seeking funding for signage honouring WW1 soldiers from the Berrys Creek District.</p> <p>Alan Center, President of Local and District Bowling Club and Michelle Harris, from Hands on Community Solutions addressed Council regarding the Loch and District Bowling Club, seeking assistance for a synthetic green.</p> <p>Michelle Harris, from Hands on Community Solutions addressed Council regarding the Leongatha Gymnastics Club, seeking assistance to expand the current building in which they operate to have a ball pit.</p> <p>Walter Aich, representing Dumbalk & District Progress Association regarding the progress of the new Dumbalk Community Centre and thanked Council for the support in getting this project off the ground.</p> <p>Brian Hess, representing South West Integrated Transport Group highlighting that Council would benefit from a Shire specific transport plan.</p>	

Wednesday 15 March 2017	
Meeting Title	Details
Council Agenda Topics 22 March 2017	<p>Councillors Attending: Councillors Argento, Kiel, Edwards, Hill, Brown, Brunt 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 22 March 2017.</p>
Executive Update	<p>Councillors Attending: Councillors Argento, Kiel, Edwards, Hill, Brown, Brunt and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed:</p> <ul style="list-style-type: none"> • Road issue • Leongatha Railway Reference Group
CEO/ Councillor Only Session	<p>Councillors Attending: Councillors Argento, Kiel, Edwards, Hill, Brown, Brunt and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed:</p> <ul style="list-style-type: none"> • CEO contract of employment
Small Business Assistance	<p>Councillors Attending: Councillors Argento, Kiel, Edwards, Hill, Brown, Brunt and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Discussed: Councillors considered initiatives regarding how Small Business assistance could be offered.</p>

REFERENCE DOCUMENTS

Local Government Act 1989

4.2. DOCUMENTS SEALED AND AWARDED VARIED OR EXTENDED BY CEO - 17 FEBRUARY - 24 MARCH 2017

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 17 February to 24 March 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.

REPORT

Documents Sealed

Under the Local Government Act 1989 (the Act), each Council is a body corporate and a legal entity in its own right. Each Council must have a common seal that is an official sanction of that Council.

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

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

In accordance with the Local Law and Instrument of Delegation, the following are presented to Council as documents sealed during the period from 17 February to 24 March 2017:

1. South Gippsland Shire Council Instrument of Delegation to the Chief Executive Officer – Seal Applied 22 February 2017.
2. Section 173 Planning and Environment Act 1987 Agreement between South Gippsland Shire Council and the owner of 2 Echo Street, Venus Bay in relation to the development of land with a dwelling – Seal Applied 27 February 2017.
3. Contract CON/126 Reconstruction of King (Part) and Little Commercial (Part) Streets Korumburra was awarded to South Gippsland Quarries Pty Ltd for the lump sum amount of \$355,116.52 (which includes GST, Provisional Items and contingency amount) – Seal applied 2 March 2017.
4. Order for Delivery of Crown Grant, Crown Allotments 2018, 2019 and 2020 in the Township and Parish of Korumburra – Seal Applied 10 March 2017.
5. Section 173 Planning and Environment Act 1987 Agreement between South Gippsland Shire Council and the owner of 125-129 Beach Parade, Sandy Point in relation to develop land with replacement dwelling, habitable outbuilding and garage – Seal Applied 14 March 2017.
6. Section 173 Planning and Environment Act 1987 Agreement between South Gippsland Shire Council and the owner of 6 Redmond Court, Venus Bay in relation to development of land with dwelling and removal of native vegetation – Seal Applied 14 March 2017.
7. Section 173 Planning and Environment Act 1987 Agreement between South Gippsland Shire Council and the owner of 3 Cuthbertson Court, Mirboo North in relation to a two (2) lot subdivision – Seal Applied 23 March 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.

Council's Procurement Policy requires recording in 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 contract's purpose, the successful tenderer, contract length and the total contract price.

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

into following a public tender during the period from 17 February to 24 March 2017.

1. CON/132 Refurbishment of the Meeting Room Toilets Leongatha Memorial Hall Complex was awarded to Considine & Johnston Pty Ltd on 6 March 2017.
2. CON/133 (21717CT) Joint Tender for Aged & Disability Services – Client Management System Project (ADSCMSP) was awarded to Procura Software Pty Ltd on 20 February 2017.

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 received a report detailing the contracts awarded.

The following contracts were awarded between 17 February to 24 March 2017 that were specified in the 24 August 2016 resolution and that were within budget:

1. Contract CON/130 Reconstruction of Anderson Street (Part Only) Leongatha was awarded to ADA Construction Services Pty Ltd for the lump sum amount of \$865,445.37 (which includes GST and contingency amount) on 16 February 2017.

Contracts varied by the CEO

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

The following variations to a contract which exceeds the CEO's delegation, approved by the CEO from 17 February to 24 March 2017:

1. Nil

Contract extensions approved by the CEO

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

The following contract extensions approved by the CEO during the period 17 February to 24 March 2017:

1. Nil

REFERENCE DOCUMENTS

Local Government Act 1989 (the Act), section 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, 22 February 2017

5. COUNCIL REPORTS

5.1. PETITION - OLD WARATAH ROAD, FISH CREEK - ROAD CLOSURE

Sustainable Communities and Infrastructure Services Directorate

EXECUTIVE SUMMARY

A petition was presented at the 22 March 2017 Ordinary Council Meeting from the residents of Old Waratah Road, Fish Creek, requesting Council consider closing the road to through traffic at Meeniyan Promontory Road (the Proposal). Council resolved that, *"The petition lay on the table until the Council Meeting of 26 April 2017 to enable officers to prepare a report to Council."*

The residents believe that traffic numbers have increased over the past year on this road and one cause for this increase is a result of the number of vehicles with GPS units installed that direct vehicles down this road as the shortest route to Wilsons Promontory.

Preliminary investigations have been carried out by the Engineering and Assets department looking at possible options in response to the petition. These options will be presented to members of the Fish Creek community at a meeting scheduled for 6 April 2017. It is intended that a further report be presented to Council in the future detailing any proposed option.

RECOMMENDATION

That Council:

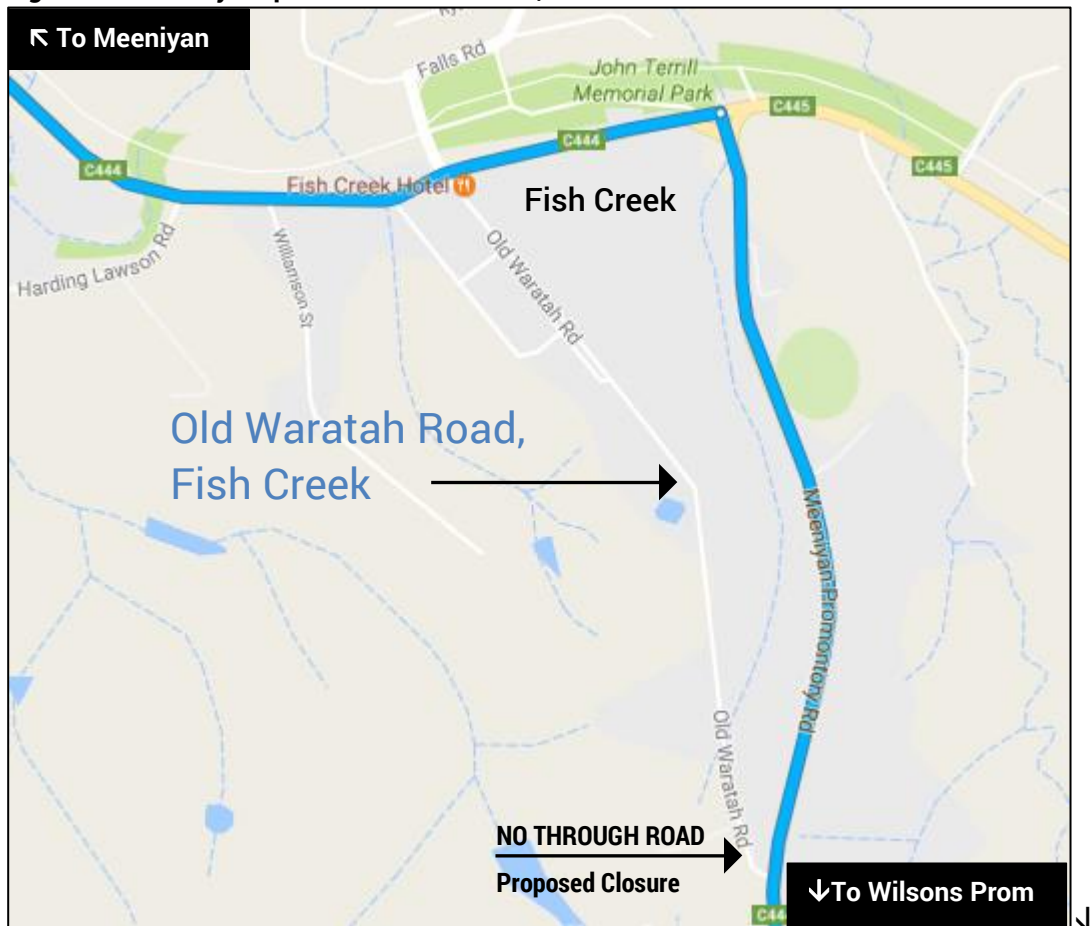
- 1. Note the proposal from the residents of Old Waratah Road, Fish Creek to close the road to through traffic at Meeniyan Promontory Road (southern end).**
- 2. Investigate the need for the proposed road closure at the southern end of Old Waratah Road, Fish Creek along with other potential options.**
- 3. Following community consultation, provide a further report to Council at the next appropriate Ordinary Council Meeting detailing the recommended option and associated costs.**
- 4. Notify the petition author of this decision.**

REPORT

Background

At the 22 March 2017 Ordinary Council Meeting, Councillor Edwards tabled a petition from residents of Old Waratah Road, Fish Creek, requesting Council consider closing the southern end at Meeniyán Promontory Road. A locality map is provided in **Figure 1** below.

Figure 1 – Locality Map – Old Waratah Road, Fish Creek



The petition was signed by approximately 53 residents stating the increase in traffic along this road over the past year and that a potential cause for this increase is a result of the number of vehicles with GPS units installed that direct vehicles down this road as the shortest route to Wilsons Promontory.

Petition Request

The residents have put forward to Council a solution to alleviate the problem – to close the road at the Meeniyán Promontory Road (southern end) of Old Waratah Road making the road a “No Through Road”. This will need to be investigated in consultation with the Fish Creek community and reported back to Council at the

next appropriate Ordinary Council Meeting detailing the recommended option and associated costs.

A full copy of the petition with all the signatories is available in **Confidential Attachment [9.1.1]** – Petition – Old Waratah Road, Fish Creek – Road Closure.

A copy of the petition prayer is provided in **Figure 2** below.

Figure 2 – Petition Prayer

We, the residents of Old Waratah Road Fish Creek, have noticed an increase in the number of vehicles using the road over the last year. We believe one cause of the increase is the use of GPS in vehicles that advise this road as the shortest direct route to Wilsons Promontory National Park. Although there is a sign advising local road only and a 50k sign, visitors take no notice of the restrictions. There are no footpaths on Old Waratah Road and a number of small children reside here, putting walkers and children at risk.

We suggest that a solution to the problem would be to make Old Waratah Road a No Through Road, closing the exit to the Meeniyan Promontory Road at the southern end and extending the speed limit to 50k to that end. This would fix the GPS problem and divert the traffic to the main road as intended by the present Local Road Only sign.

Traffic Situation

Old Waratah Road is the original entrance into Fish Creek from the south (Wilson's Promontory, Waratah Bay, and Sandy Point) and it is likely that some satellite navigation devices direct traffic along this road. It is also a slightly shorter distance compared to following the designated arterial route along Meeniyan-Promontory Road.

Entering Fish Creek from the south, Old Waratah Road is signed with a "Local Traffic Only" sign but this sign is potentially ignored by some through traffic. The most recent traffic volume counts along Old Waratah Road were in December 2010. The traffic volume from this count was an average of 321 vehicles per day. It is noted that in December 2015, speed monitoring showed average speeds of 45 kph and 85 percentile speeds of 54 kph suggesting reasonable compliance within a 50 kph zone. Further traffic counts are currently being collected and will be included in the next report to Council.

Options

Without having carried out the investigations, options which could be considered to address community concerns include):

1. Close Old Waratah Road at Meeniyan Promontory Road (as requested in the petition).

2. Narrow the road pavement by moving the kerb-line on the western side allowing enough width for parking on both sides and one through lane.
3. Traffic control devices such as speed humps or chicanes.

At a future meeting, a report detailing the recommended option will be presented with associated costs for Council's consideration.

CONSULTATION

External Consultation

A meeting has been scheduled with members of the Fish Creek community on 6 April 2017 to discuss the contents of this petition and potential options. The option to close the road would require specific consultation with emergency service organisations due to the potential impact on their services.

The option to close the road will require Council to commence a community consultation process under s223 Local Government Act.

Internal Consultation

Internal consultation has occurred with the relevant staff within the Sustainable Communities and Infrastructure directorate.

RESOURCES

Financial Implications

The cost of the final proposal will be detailed in a future report to Council together with details of the recommended option.

RISKS

The risks will be mitigated by carrying out a proper investigation into the merits of the petition.

CONFIDENTIAL ATTACHMENTS

The **Confidential Attachment [9.1.1]** – Petition – Old Waratah Road, Fish Creek – Road Closure have been provided in accordance with s.77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this Agenda Item 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.

This item has been deemed confidential to protect the personal details (names, addresses etc) of the petition.

Confidential Attachment – Petition – Old Waratah Road, Fish Creek – Road Closure **[9.1.1]**

REFERENCE DOCUMENTS

Local Government Act 1989
Road Management Act 2004

5.2. AGE-FRIENDLY SOUTH GIPPSLAND 2017-2021 PLAN

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

This report seeks Council endorsement of An Age-Friendly South Gippsland Plan 2017 – 2021 (Plan). The Plan is a strategic framework to support active ageing in the community for people aged 55 years and over.

The Plan uses the World Health Organisation's Age-Friendly Framework to prioritise outcomes and strategies that will support active ageing in our community and age-friendly environments.

RECOMMENDATION

That Council endorses 'An Age-Friendly South Gippsland 2017 – 2021' Plan (Attachment [5.2.1]) to support the development of an action plan that identifies the work of Council in partnership with external organisations and the community to achieve outcomes for An Age-Friendly South Gippsland.

REPORT

An Age-Friendly South Gippsland 2017 – 2021 Plan (**Attachment [5.2.1]**) sets out a framework to facilitate consideration of the aspirations and needs of our older residents in Council's strategic planning and decision making.

The Plan aims to promote active ageing by removing and preventing barriers that people encounter as they grow older. It ensures policies, services and structures related to the physical and social environment are designed to support and enable residents to age actively. The Plan will strengthen and build effective partnerships between local agencies, levels of government and the community to support our older residents. It will promote an integrated approach to addressing the needs of people aged 55 and over for Council, external stakeholders and the community.

CONSULTATION

Consultations with the community were undertaken via survey, community meetings and individual interviews. Workshops were conducted with service providers, community members and Council staff who have an interest or direct connection with people aged 55 and over. Overall, 330 people presented their views to help shape the outcomes and strategies included in the Plan.

Further consultation will occur to develop an implementation plan that identifies partnerships and actions to meet the outcomes of the Plan.

RESOURCES

Many outcomes are based on current budgeted actions of Council and its partners. If the implementation plan identifies programs or actions requiring funding, these will be analysed in line with Council budget planning and external funding opportunities.

RISKS

The Plan has not identified responsible organisations or sources of funding presenting the risk that some strategies may not be delivered in the timeframe provided if work to establish partnerships and seek grants is unsuccessful.

ATTACHMENTS

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

1. An Age Friendly South Gippsland 2017 - 2021 Plan **[5.2.1]**

REFERENCE DOCUMENTS

Public Health and Wellbeing Act 2008

Aged Care Act 2016

Home and Community Care (HACC) Act 1985

SGSC Open Space Strategy 2007

SGSC Asset Management Strategy 2013

5.3. PLANNING APPLICATION 2016/225 – USE AND DEVELOPMENT OF THE LAND FOR FOOD AND DRINK PREMISES AND LICENCED PREMISES AT 3 MILLAR RD YANAKIE

Development Services Directorate

EXECUTIVE SUMMARY

The applicant proposes to extend the Prom Café Bakery at Yanakie, including a beer garden, and to licence the whole of the building. Live music is proposed in the beer garden.

The application has been referred to Council for a decision as six objections were received. The objections primarily relate to adverse amenity impacts from live music and a liquor licence, and car parking concerns.

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

RECOMMENDATION

That Council issues a Notice of Decision for the development of an extension to an existing building (verandah, beer garden and toilets), use of the land for Food and Drink Premises and Licenced Premises, all in accordance with the endorsed plans. The following conditions are recommended:

- 1. Before the use and/or development start(s), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided.**

The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a. Amend the plans to remove reference to the café hours of operation and live music venue and performance hours; and**
- b. Facilities for a minimum of 2 visitors' bicycles (one as per permit 2012/307 and one for this permit), and for a minimum of 2 employees' bicycles (one as per permit 2012/307 and one for this permit), located and designed in accordance with Clause 52.34; and**

- c. Amended plans that show screening along the western elevation of the beer garden, which is a minimum 1.5m height from Finished Ground Level, and a minimum 50% transparency, to limit public views into the beer garden as it will be licenced. This might be in the form of opaque glazing or structural screening, or otherwise to the satisfaction of Council.**
 - 2. The building, works and layout as shown on the endorsed plan(s) must not be altered or modified except with the written consent of the Responsible Authority.**
 - 3. Once the development has started it must be continued and completed in a timely manner to the satisfaction of the Responsible Authority.**
 - 4. Prior to the use commencing, the owner/applicant must submit to Council a Security Management Plan showing how the premises will be managed to avoid nuisance impacts from patrons using or leaving the land.**
 - 5. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:**
 - a. transport of materials, goods or commodities to or from the land**
 - b. appearance of any building, works or materials**
 - c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil**
 - d. presence of vermin.**
 - 6. No more than 100 patrons may be accommodated at the Licensed Premises at any one time, and tables and chairs must be placed so as to be immediately available for at least 75% of the patrons attending the premises at any one time.**
 - 7. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land or passing vehicles to the satisfaction of the Responsible Authority.**
 - 8. All waste material or other refuse must be obscured from the view of the public and must be disposed of in a manner to the satisfaction of the Responsible Authority.**
 - 9. The property must be maintained in a neat and tidy condition to the satisfaction of the Responsible Authority.**
-

10. **The loading and unloading of vehicles and delivery of goods must at all times be within the boundaries of the site.**
11. **Landscaping must be provided in accordance with the landscaping plan prior to the commencement of the use, to the satisfaction of the Responsible Authority. The species must be chosen from the relevant Ecological Vegetation Class (EVC) for that bioregion from the Indigenous Plants of South Gippsland Shire publication. The landscaping must be maintained for the life of the development and any dead or dying vegetation replaced.**
12. **Before the use commences, the car parking spaces, access lanes, driveways and associated works and landscaping shown on the plan must be:**
 - a. **constructed and available for use in accordance with the plan approved by the responsible authority; and**
 - b. **formed to such levels and drained so that they can be used in accordance with the endorsed plans and in accordance with Engineering conditions on this permit; and**
 - c. **treated with an all-weather seal; and**
 - d. **line-marked.**
13. **Car spaces, access lanes and driveways must be kept available for these purposes at all times.**
14. **All stormwater discharging from the development and/or use on the land must be contained within the boundaries of the land to the satisfaction of the Responsible Authority.**

Hours and Noise Restrictions

15. **Public trading may operate only between the hours of 8am and 10pm each day, including public holidays.**
16. **Live music may only be played between the following hours:**
 - **Friday and Saturdays: 3pm until 10pm, and**
 - **Victorian Public Holidays: 3pm until 10pm.**
17. **During the days and times detailed in condition 19. above, noise levels must comply with the Environmental Protection Authority requirements in SEPP N-2 (as amended from time to time) for an outdoor venue, which is 65dB(A) or 55 dB(A) when measured indoors from nearby sensitive uses.**

- 18. Outside the days and times detailed in condition 19. above, the applicant/owner must not allow amplified music to be played on the land at higher than background music level at any time. For the purpose of this permit, Council defines "background music level" as a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voices to a substantial degree.**
- 19. Deliveries to and from the site (including waste collection) must only take place between:**
 - 7am and 10pm, 7 days per week including public holidays.**

Engineering Conditions

- 20. The owner/applicant must comply with the following South Gippsland Shire Engineering Department conditions:**
 - a. The applicant must construct the new concrete crossover and upgrade the existing gravel crossovers to concrete crossovers in accordance with standard drawing SD IDM 240.**
 - b. The applicant must construct the car parking areas and access aisles with an impervious surface (being concrete as shown), generally in accordance with the above plan.**
 - c. Size of the car parking bays and the access aisle must conform to the South Gippsland Planning Scheme.**
 - d. Stormwater from the car parking areas and traffic aisles is to be dispersed onto adjoining landscaped areas and lawns on the subject land, and onto road reserves, using Water Sensitive Urban Design principles.**
 - e. The car parking bays are to be suitably line marked and signed.**
 - f. Where appropriate, wheel stops are to be used as parking barriers to delineate parking bays whilst allowing stormwater to disperse as intended.**
 - g. Engineering plans of the proposed car parking areas are to be submitted to and approved by council prior to these works commencing on site. In addition to showing suitable detail for construction, plans must also show;**
 - h. The location and type of proposed wheel stops.**

- i. **Grades of parking areas, flow lines for stormwater and proposal for the dispersal of stormwater.**

Waste Water Conditions

21. **The building must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from the building must be treated and retained within the boundaries of the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.**

Vic Roads Conditions

22. **The owner/applicant must comply with the following VicRoads conditions:**
 - a. **Two points of access to the Meeniyah- Promontory Road service road will be permitted. Both crossovers must comply with Local Government Infrastructure Design Manual, drawing SD 240 with a minimum 6.0m wide driveway at the boundary line of the property. The crossovers to Meeniyah- Promontory Road service road must be generally located as per Lateral Building Design Site Plan, reference 16/70 TP dated Oct 2016.**
 - b. **A minimum 375mm diameter reinforced concrete pipe shall be placed under each crossover, laid on 100mm compacted bedding sand and fitted with drivable endwalls in accordance with VicRoads Standard Drawing SD 1991.**
 - c. **Prior to the endorsement of the plans by VicRoads, a design for the crossover must be submitted to and approved by VicRoads in writing.**
 - d. **Prior to the development of the building hereby approved, the crossover must be constructed and completed to the satisfaction and approval of VicRoads in writing.**
 - e. **All works associated with the construction of this access are to be completed at no cost to VicRoads, and the road reserve must be left in neat and tidy condition.**
 - f. **Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety.**

Expiry of Permit

23. **This permit will expire if either of the following applies:**
-

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

Proposed Notes:

1. **Pursuant to the provisions of Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the time to start development under part (a) of the expiry condition, if the request is made before the permit expires or within 6 months afterwards.**
2. **The Responsible Authority may extend the time to complete the development under part (b) of the expiry condition if:**
 - a. **the request for an extension of time is made within 12 months after the permit expires; and**
 - b. **the development or stage started lawfully before the permit expired.**
1. **The Responsible Authority may extend the time to start the use of the land under part (c) of the expiry condition if the request is made before the permit expires or within 6 months afterwards.**
2. **This permit allows the above land to be used or developed for the purpose specified. It is the permit holder's responsibility to ensure that any other relevant approvals are obtained prior to the commencement of the use or development.**
3. **A Consent to Work Within the Road Reserve Permit must be obtained from Council's Engineering Department for the construction and/or alteration of the driveway crossover.**
4. **The owner/applicant is encouraged to check with the relevant service authorities before any excavation work is undertaken (e.g. Telstra, SP Ausnet and South Gippsland Water).**
5. **A Permit to Alter (PTA) an onsite wastewater system - Major Works - will be required. The type, size and location will be based on information provided at the time of the PTA application. Since the issuing of the Certificate to Use a septic system, a fence has been built through your wastewater trench area. Please contact Council's Waste Water Department on 5662 9290 to discuss application requirements.**

REPORT

Background

The subject land is CA 48H Parish of Yanakie, more commonly known as 3 Millar Road Yanakie. The land contains the “Prom Café Bakery”, and is a relatively large block for this area at 2782.3m². The bakery building and carpark are located in the north-west corner of the site, near the intersection of the Meeniyah-Promontory Road service lane (northern lot boundary) and Millar Rd (western lot boundary), leaving a large vacant area to the south and east of the site.

Refer to **Attachment [5.3.1]** – Aerial Photo - Prom Café Bakery at Yanakie

Refer to **Attachment [5.3.2]** – Planning Property Report - Prom Café Bakery at Yanakie

The land is zoned Township (TZ) and the Environmental Significance Overlay Schedule 7 (ESO3) also applies to the land. The lots to the east and south contain dwellings. The Yanakie Hall and Recreation Reserve are located on the opposite corner of the intersection. Surrounding lots to the south and east are developed with dwellings. The nearest dwelling to the proposed building works is approximately 33m to the east.

The Proposal

The proposal is to extend the existing bakery to create a beer garden immediately to the south of the existing building, enlarge and enclose the verandah on the western and northern sides of the existing bakery, and licence these areas. The beer garden will contain male and female toilets, and will be enclosed on the eastern and southern sides by a 2.4m high, timber acoustic wall. Seating for 100 people will be provided across both areas, and the beer garden will be used for live music. The plans show a stage in the south east corner of the beer garden, with speakers oriented to direct sound to the north-west, away from nearby dwellings (i.e. towards the intersection).

Refer to **Attachment [5.3.3]** – Proposed Plans - Prom Café Bakery at Yanakie

The northern side of the beer garden abuts the southern wall of the existing bakery building. The proposal shows a low wall on the western side of the beer garden, opposite the carpark, to allow views out to the west and north-west. The applicant has also proposed (by email) to amend the plans to show a few scattered trees to be planted along this wall. Whilst it is understandable that the applicant wishes to protect the views of the countryside for patrons in the beer garden, in reality the view will be of cars in the carpark. If there are more than about 4 visitor cars on site, there will be cars parked in front of the beer garden.

As discussed above with regard to objectors concerns, Council considers it appropriate to require a screen of minimum 1.5m height from finished ground level (FGL), and a minimum 50% transparency, on the western wall of the beer garden to limit public views into the beer garden as it will be licenced.

Hours

The hours proposed for public trading are 8am to 10pm, every day. However, the existing permit (2012/307) allows for public trading from 7am to 10pm, and it is appropriate to continue to allow these hours to continue. Being a bakery, food preparation will extend outside these hours. This is considered appropriate in the zone, and for this type of use, and is consistent with opening hours for similar businesses in neighbouring towns.

The hours proposed for live music are:

- From Boxing Day until the 4th of January every day until 10pm.
- Easter Friday until Easter Monday
- AFL grand final weekend
- Melbourne Cup weekend
- For long weekends: Friday Saturday and Sundays
- Otherwise Friday and Saturday nights.

Car parking

The existing car park will be extended to the south with 10 new visitor car spaces, and additional 2 staff car parking spaces are proposed to be located to the rear of the bakery. Despite only four car parking spaces being required for the existing bakery, 11 spaces were provided. The current proposal requires 14 spaces under the planning scheme requirements. As there is an existing surplus of 7 car spaces, the applicant only needs to provide an additional 7 spaces to comply with the requirement. The applicant has proposed an addition 12 spaces, and therefore there will still be surplus of 5 car spaces provided on the site.

Live Music Noise

Live music venues make a significant contribution to the vibrancy and cultural fabric of communities, and provide opportunities for emerging and established musicians. The fact that music can be heard doesn't mean that it is necessarily excessive or detrimental to the amenity of an area. A planning permit will require noise levels to comply with EPA (SEPP N-2) requirements, which is 65dB(A), or 55 dB(A) when measured indoors from nearby sensitive uses. It is reasonable to

assume that for much of the year the outdoor seating areas would not be used to capacity due to the weather. Even when they are used however, noise is mitigated by 2.4m high acoustic walls, and to a lesser extent by boundary fences.

CONSULTATION

The application was notified to adjoining/adjacent owners and occupiers. The application was also notified by placing a sign on the land and by publishing a notice in newspapers generally circulating in the area. There were 6 objections/submissions received. Refer to **Confidential Attachment [9.2.1]** – Copy of all Objections - Prom Café Bakery at Yanakie.

The concerns raised mostly relate to live music noise, car parking/traffic, and liquor licencing, and are summarised and responded to in **Attachment [5.3.4]** – Officer's Delegation Report - Prom Café Bakery at Yanakie

The application was referred to Council's Engineering and Environmental Health departments, and VicRoads. Each authority or department has provided conditional consent. The referral responses are discussed in more detail in **Attachment [5.3.4]** – Officer's Delegation Report - Prom Café Bakery at Yanakie.

ASSESSMENT

A detailed assessment of the application against the relevant sections of the Planning and Environment Act 1987 and the relevant matters in the South Gippsland Planning Scheme are discussed in the attached Officer's delegation report.

ATTACHMENTS

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

1. Aerial Photo - Prom Cafe Bakery at Yanakie **[5.3.1]**
2. Planning Property Report - Prom Cafe Bakery at Yanakie **[5.3.2]**
3. Proposed Plans - Prom Cafe Bakery at Yanakie **[5.3.3]**
4. Officer's Delegation Report - Prom Café Bakery at Yanakie **[5.3.4]**

CONFIDENTIAL ATTACHMENTS

Confidential Attachment 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.

This item has been deemed confidential to protect the personal details (names, addresses etc) of the submitters.

Confidential Attachment – Copy of all Objections - Prom Cafe Bakery at Yanakie [9.2.1]

REFERENCE DOCUMENTS

Planning and Environment Act 1987

Environment Protection Act 1994

Liquor Control Reform Act 1998

South Gippsland Planning Scheme 2006

SGSC Economic Development and Tourism Strategy 2012 - 2017

SGSC Town Centre Framework Plans

5.4. APPOINTMENT TO ACTIVE RETIREES ADVISORY COMMITTEE

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

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

These appointments are reviewed annually at an open Meeting of Council to ensure there is appropriate representation and contribution by Councillors. These appointments occurred on 23 November 2016 for a one year term.

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

To date the Active Retirees Advisory Committee has had one delegated Councillor member and there is a desire for a substitute member to be appointed.

RECOMMENDATION

That Council appoints a Substitute Councillor <Councillor Name> to the Active Retirees Advisory Committee.

REPORT

It is proposed that Council amend the current structure of the Active Retirees Advisory Committee to appoint an additional Councillor as a substitute member.

CONSULTATION

Members of the Active Retirees Advisory Committee were consulted.

RISKS

The investment of Councillor time and resources returns positive outcomes and opportunities for Council and the community through access to strategic information, and through supporting Councillors to provide advocacy and leadership for the advantage of the community.

REFERENCE DOCUMENTS

SGSC Active Ageing Plan 2012-2016

5.5. SOUTH GIPPSLAND SHIRE COUNCIL 2016 ELECTION REPORT

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

The South Gippsland Shire Council General Election Report (Report) of the election held in October 2016 has been provided by the Victorian Electoral Commission (VEC) for Council's information. The Report can be found in **Attachment [5.5.1]** and it is provided in accordance with clause 14 of schedule 3 of the Local Government Act 1989 (the Act).

RECOMMENDATION

That Council notes the results of the South Gippsland Shire Council General Election Report relating to the Council election held on 22 October 2016, located in Attachment [5.5.1].

REPORT

The VEC conducted the 22 October 2016 Council Election (election) as the statutory election service provider, appointed by the State Government, in accordance with clause 1 of schedule 2 of the Act. The Report on the election, contained in **Attachment [5.5.1]**, outlines in greater detail the following summary points:

- South Gippsland Shire Council contains three wards comprising three-councillor wards.
- The election was conducted in accordance with the new Local Government (Electoral) Regulations 2016 (Regulations) that were established for the 2016 general election.
- The election was conducted by postal vote with an extended postal vote receipt period. This late change to the legislation changed the VEC's timeline for completing the counting of ballot papers and availability of results. The declaration of the election was delayed to 10.00am on Wednesday 2 November 2016.
- The new Regulations introduced a prescribed candidate questionnaire and removed the opportunity for candidates to lodge an indication of preferences in the ballot mail out pack.
- The certified roll for the election included 28,745 enrolled voters with four amendments made to the roll.

- An extensive marketing plan was implemented, including both State wide and local advertising. Voters with special needs were also assisted.
- Candidates were provided information, including an information session and handbook, to assist their nomination and requirements throughout the election period.
- The election involved 32 candidates; nine in Coastal-Promontory Ward, 10 in Strzelecki Ward and 13 in Tarwin Valley Ward.
- 28,745 ballot packs were mailed out between 4 October and 6 October 2016, with no more than 35% posted on any one day during this period. 282 replacement packs were also issued for various reasons.
- 25 unenrolled declaration votes were issued to persons that did not receive a ballot pack and whose name could not be found on the Voters Roll, yet who believed they were entitled to be enrolled for the election. 21 of the 25 were admitted to the count.
- The Returning Officer received 18,897 ballot paper envelopes by close of voting at 6.00pm on 21 October 2016 and a further 4,455 during the extended postal vote period. (Note the extended postal vote period was granted to accommodate changes to Australia Post's regular delivery service levels).
- In total 23,043 ballot paper envelopes were admitted to the extraction and counting process. Ballots not signed by the voter, or where an entitlement was not found, were set aside and not admitted.
- The informal vote was 4.27% compared to 6.06% for all postal votes across the State.
- The VEC received nine written complaints in regard to the election. Three were in relation to the administration of the election and the other six related to a possible breach of the Act.
- The VEC has commenced its compulsory voting enforcement whereby any person who was required to vote and failed to do so, will be issued with an apparent failure-to-vote notice. A person who does not respond to the notice or does not provide a satisfactory response to the notice, may be fined.
- Following the conclusion of the notices, the VEC will lodge a file of any remaining non-voters with the Infringement Court. A non-voter who is issued with a notice may also request for the matter to proceed directly to court.

CONSULTATION

The information contained in the Report in **Attachment [5.5.1]** has been provided by the VEC. It contains information of a statistical nature pertaining to the election. No further consultation was deemed relevant. It is provided for information purposes to Council and the community.

RESOURCES

There are no financial implications in regard to this report.

RISKS

There are minimal risks associated with the receipt and release of this report. The release of the detailed report provides Council and the community with information pertaining to the election that may be of interest to them.

The provision of the Report to Council addresses a statutory requirement to disclose the results pursuant to clause 14 of schedule 3 of the Act.

ATTACHMENTS

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

1. Local Government Elections 2016 - Election Report - Postal - South Gippsland **[5.5.1]**

REFERENCE DOCUMENTS

Local Government Act 1989, schedule 2 and 3
SGSC Election Period Policy, March 2016

5.6. ADOPTION OF THE MIRBOO NORTH AND KORUMBURRA SWIMMING POOL MASTERPLANS

Sustainable Communities and Infrastructure Services Directorate

EXECUTIVE SUMMARY

The Masterplans for the Mirboo North and Korumburra outdoor pools have been completed after consultation with the community. Council is now at a stage to progress to detailed designs.

Council has allocated significant funds in its future budgets to deliver the outcomes of these Masterplans. For this reason, it is prudent for Council to formally endorse the recommendations and outcomes of the Masterplans prior to releasing tender documents for the detailed design works.

Adopting the Masterplans for the Mirboo North and Korumburra outdoor pools will provide Council with the direction and the ability to continue planning for the identified capital works projects.

RECOMMENDATION

That Council:

- 1. Endorse the Mirboo North Outdoor Swimming Pool Masterplan - April 2017 prepared by Life Design Architecture (Attachment [5.6.1]); and**
- 2. Implement the outcomes of the Mirboo North Outdoor Swimming Pool Masterplan to progress the development of detailed designs in 2017.**
- 3. Endorse the Korumburra Outdoor Swimming Pool Masterplan - April 2017 prepared by Life Design Architecture (Attachment [5.6.2]); and**
- 4. Implement the outcomes of the Korumburra Outdoor Swimming Pool Masterplan to progress the development of detailed designs (subject to future budget allocations).**

REPORT

The Strategic Direction for Aquatic Facilities in South Gippsland 2015-2020 provides the foundation for Council and the community to move forward with planning future capital works at the pools.

The development of the Masterplans for the Mirboo North and Korumburra outdoor pools was the first step in planning for future capital works at these particular pools.

Life Design Architecture were engaged to consult with the local pool committees and review relevant documents and information to develop the Masterplans for the Mirboo North and Korumburra outdoor pools.

The final Masterplans are available in the following attachments:

- **Attachment [5.6.1]** – Mirboo North Outdoor Swimming Pool Masterplan - April 2017; and
- **Attachment [5.6.2]** – Korumburra Outdoor Swimming Pool Masterplan (April 2017).

CONSULTATION

There was extensive internal and external consultation during the development of the Masterplans for the pools. A summary is shown in **Table 1** below.

Table 1: Consultation

DATE	CONSULTATION TYPE
March 2016	Mirboo North Pool Masterplan – community survey results.
1 June 2016	Confidential Council Briefing Session to provide an update on the draft Masterplans for the Mirboo North and Korumburra outdoor pools.
15 June 2016	Presentation to Council by the FoMNPC to present the community survey results.
27 October 2016	Meeting with Friends of Mirboo North Pool Committee (FoMNPC), consultant, and Council officer to discuss the draft Masterplans.
2 November 2016	Meeting with Korumburra Swimming Club, consultant, and Council officer to discuss the draft Masterplans.
7 December 2016	Confidential Council Briefing Session to provide an update on the progress of the draft Masterplans and community consultation undertaken. Draft Masterplans distributed to the FoMNPC. Draft Masterplans distributed to the Korumburra Swimming Club. Draft Masterplans promoted through a media release and social media.

DATE	CONSULTATION TYPE
20 February 2017	Meeting with the FoMNPC, Ward Councillors, and Council officers to discuss the draft Mirboo North Pool Masterplan.
28 February 2017	Meeting with the FoMNPC, Ward Councillors, and Council officers to discuss the Mirboo North Masterplan.

The draft Masterplans were also made available on Council's website and in hard copy at each venue over the peak summer usage period.

As a result of the consultation, updates were made to the Mirboo North Masterplan. The changes included reconfiguring the layout of the amenity building and adding comments to highlight where community fundraising and support will be required for projects to progress.

Users of the Korumburra outdoor pool strongly supported the Masterplan developed for the site. They are hoping to see the project continue into the design phase and be allocated funding in a future Capital Works Program.

The next step in delivering the outcomes of the Masterplans is release a tender for the detailed design works and quantity surveyor costs. Subject to Council proceeding to adopt the attached Masterplans, a tender for the detailed design of the works and quantity surveyor costs at the Mirboo North pool will be released in April 2017 followed Korumburra outdoor pool in future years (refer **Table 2** below).

RESOURCES

Financial Considerations

Council has allocated funds in the Capital Works Program towards the various renewal and improvement projects at the pools. Whilst some funds from external sources are forecasted (Better Pools / Seasonal Pools Program), the majority of funding will come from Council.

The draft 2017/18 budget identifies the proposed expenditure in future years at the Mirboo North and Korumburra outdoor pools. These figures and the year allocated are listed in **Table 2** below.

Table 2: Draft 2017/18 Capital Works Program Budget – Pools Funding Allocation

Pool Project	Budget	Year
Mirboo North pool redevelopment	\$3,800,000	2018/19
Korumburra pool redevelopment	\$2,383,760	2021/22

RISKS

A major risk associated with the redevelopment of aquatic facilities would be delivering a project that does not meet the expectations of users or the community. The development of these Masterplans is intended to mitigate this risk through having a clear shared vision for the future of these pools.

The completion of these Masterplans allows for the commencement of the detailed design process. Completing the detailed design and quantity surveyor cost estimates reduces the risk of encountering unplanned works or unbudgeted expenditure during the delivery of the project.

ATTACHMENTS

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

1. Mirboo North Outdoor Swimming Pool Masterplan - April 2017 **[5.6.1]**
2. Korumburra Outdoor Swimming Pool Masterplan - April 2017 **[5.6.2]**

REFERENCE DOCUMENTS

SGSC Strategic Direction for Aquatic Facilities in South Gippsland 2015-2020

5.7. PROPOSED COMPULSORY ACQUISITION - MIRBOO NORTH POOL SITE

Sustainable Communities and Infrastructure Services Directorate

EXECUTIVE SUMMARY

The Mirboo North outdoor pool site is made up of Crown land for which Council is the Committee of Management (COM), and two freehold titles registered in the names of Charles Walter Shiels and Fitzjames Patrick Stuart Scott, both deceased.

The freehold titles are vacant land. The Crown land contains the Pool infrastructure. The Mirboo North Outdoor Swimming Pool Masterplan proposes a significant redevelopment of the site and shows the freehold land being required for car parking and an amenities block. As Council is not the proprietor of the freehold land, Council would not be able to progress the redevelopment of the site unless it owns the land.

In order to progress the redevelopment of the site, Council needs to address the ownership of the freehold land and become land owner.

RECOMMENDATION

That Council:

- 1. Resolves to acquire the land known as 17 Baths Road, Mirboo North for the purposes of a Municipal Reserve being:**
 - a. Crown Allotment 7 Section 9 Township of Mirboo North being the land described within Certificate of Title Volume 6593 Folio 561; and**
 - b. Crown Allotment 8 Section 9 Township of Mirboo North being the land described within Certificate of Title Volume 6593 Folio 562.**
- 2. Resolves to undertake the procedures set out under Part 2 of the Land Acquisition and Compensation Act 1986 to acquire the land referred to in item 1 by compulsory process.**
- 3. Submits an application to the Minister responsible for the Land Acquisition and Compensation Act 1986 for a certification by the Governor in Council in accordance with Section 5(3) of the Land Acquisition and Compensation Act 1986 that states that reserving the land under a planning instrument for a public purpose is unnecessary, undesirable, or contrary to the public interest.**
- 4. Submits an application to the Minister responsible for the Land Acquisition and Compensation Act 1986 in accordance with section 7(1)(c) of the Land**

Acquisition and Compensation Act 1986 the Minister's certification that to require the service of a notice of intention to acquire would be unnecessary, undesirable or contrary to the public interest.

- 5. Authorises the Chief Executive Officer to act on Council's behalf in respect of the execution of all relevant documents in relation to the acquisition of the land referred to in item 1.**
- 6. Seek authorisation from the Minister for Planning to prepare and exhibit an amendment to the South Gippsland Planning Scheme to apply a Public Acquisition Overlay to the land described within item 1 above.**
- 7. Agree that any amendment submission to the South Gippsland Planning Scheme that cannot be resolved, be referred to an Independent Planning Panel for consideration.**

REPORT

Background

The Mirboo North outdoor pool site (the site) is made up of various parcels of land being Crown land for which Council is the COM, and two freehold titles in the names of Charles Walter Shiels and Fitzjames Patrick Stuart Scott, both deceased.

Mr Shiels and Mr Scott have been joint proprietors of the freehold land since 1946. An aerial plan is available in **Figure 1** below.

Figure 1 – Aerial Map Mirboo North Outdoor Pool Site



Council initially sought to acquire the freehold land by agreement from the legal personal representatives of the deceased registered proprietors. Despite extensive searches, Council has been unable to locate the grant of probate or copy of the last will and testament for either of the deceased registered proprietors, to enable Council to identify their legal personal representative(s).

As a result of these searches, the descendant of Fitzjames Patrick Stuart Scott has recently contacted Council's legal representative to advise that the surviving relatives of Mr Scott are aware that the freehold land was purchased with community funds. They advised that they are desirous of Council becoming the owner of that land (through the compulsory process if required) so that it can continue to be used for municipal purposes associated with the site. Therefore, the descendants would not seek to make a claim for compensation against Council in respect of its acquisition of the freehold land.

Council was appointed the COM on 14 September 1965 over the Crown land that is reserved for *Public Baths* and contains the pool infrastructure.

The Freehold Land

Two Statutory Declarations have been obtained that state details regarding the history of the freehold land:

- **Attachment [5.7.1]** – Statutory Declaration No. 1 – Mirboo North Pool Site; and
- **Attachment [5.7.2]** – Statutory Declaration No. 2 – Mirboo North Pool Site.

The first Statutory Declaration was obtained from Leslie Arthur Shiels (Charles Walter Shiels's brother) and declares that:

- The freehold land was obtained for the purposes of the swimming pool and the joint proprietors were members of the swimming pool committee and trustees in respect of the pool.
- The funds to purchase the freehold land was raised through community donations and fund raising events.
- The Council is wholly responsible for the management, operation, and maintenance of the pool whether directly or as Committees of Management.

The second Statutory Declaration was obtained from William Henry Middleton, Rate Collector for the South Gippsland Shire Council, and declares that to the best of his knowledge, there are no records held by the South Gippsland Shire Council indicating that the properties were previously rated.

Caveat

Council lodged a caveat against the two freehold titles claiming possessory rights in 2003 to protect its interest and use of the site.

Zone

The freehold land is currently zoned Public Park and Recreation Zone

Mirboo North Swimming Pool Masterplan 2017

The Masterplan has been completed and agreed to by the Friends of Mirboo North Pool. The next step for Council is to commence detailed discussion and plan for the redevelopment project.

In order to progress the redevelopment, approval from the owner of the freehold land is required. As the owners are deceased, there was no success with obtaining a grant of probate or Will that discusses the freehold land, and the descendants of the owners have confirmed they are desirous of Council becoming the landowner.

OPTIONS

Compulsory Acquisition vs Supreme Court Declaration of Trust

The options available to Council include the following:

1. Option 1 – Compulsory Acquisition

This option gives Council certainty that it will secure ownership of the land within a definitive timeframe.

In accordance with s.5(1) Land Acquisition and Compensation Act 1986, Council must not commence to acquire any interest in the land unless the land has been first reserved by or under a planning instrument for public purposes. This requires a Public Acquisition Overlay (PAO) to be applied to the land, which could take up to 12 – 18 months. Section 5(3) states that a PAO is not required in respect of land which has been certified by the Governor in Council on the recommendation of the Minister, as land for which reservation is unnecessary, undesirable or contrary to the public interest.

If the Minister or the Governor in Council do not support Council's application under s.5(3) of the Act, a PAO will need to be applied to the freehold land before Council can commence the compulsory acquisition process.

Council's legal advice states that Council may make application to the Minister in accordance with s.5(3) but suggests that Council continue to pursue the PAO to the land at the same time as applying for the application so that Council does not lose any time in progressing its acquisition of the freehold land.

Council is required to pay compensation equivalent to the market value of the land to the owner(s). However, as Council has not been successful up to this point in locating the personal legal representatives of each registered proprietor, it is possible that no one will be forthcoming in this regard.

2. **Option 2 - Supreme Court Declaration of Trust**

The alternative is to seek a 'declaration of trust' from the Supreme Court enabling Council to transfer the title to the land into its name. This option involves engaging a barrister to provide an opinion as to the likelihood of success and to appear on behalf of Council in Supreme Court. It may take approximately 6 – 8 months for the matter to be heard by the Supreme Court once an application is lodged. The estimated costs of going to the Supreme Court are between \$30,000 and \$50,000. There is no guarantee as to the outcome of the application.

CONSULTATION

Extensive consultation has occurred with the Friends of Mirboo North Pool Committee Incorporated, stakeholders within the community, and Council's legal representatives.

Internal consultation has occurred with officers from Council's Rates and Valuations, Community Strengthening, Property, Planning, and Engineering departments.

RESOURCES

Financial

Council is required to pay compensation equivalent to the market value of the land to the owner(s). However, as Council's legal representatives have not been successful up to this point in locating the personal legal representatives of each deceased registered proprietor, it is considered possible that no one will be forthcoming in this regard.

A valuation has been obtained for acquisition purposes in accordance with the Land Acquisition and Compensation Act 1986 – refer to **Confidential Attachment [9.3.1]** – Valuation - Mirboo North Pool Site.

RISKS

If Council does not pursue the acquisition of the freehold land, the redevelopment of the Mirboo North outdoor pool site may not progress as currently designed and planned for via the Masterplan.

ATTACHMENTS

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

1. Statutory Declaration No. 1 - Mirboo North Pool Site **[5.7.1]**
2. Statutory Declaration No. 2 - Mirboo North Pool Site **[5.7.2]**

CONFIDENTIAL ATTACHMENT

Confidential Attachment [9.3.1] – Valuation – Mirboo North Pool Site has been provided in accordance with s.77(2)(c) Local Government Act 1989, the Chief Executive Officer designates this Agenda Items as being confidential information as it relates to s.89(2)(h) - any other matter which the Council or Special Committee considers would prejudice the Council or any persons).

A valuation is not required under the Land Acquisition and Compensation Act 1986 until the date of acquisition. The date of acquisition is not yet known and a considerable period of time may lapse between the date of the Council report and the date of acquisition (depending on whether the s.5(3) Application is successful or a planning scheme amendment is required). The attached valuation is indicative only at this stage and may not be a true reflection of the market value of the land at the date of acquisition.

Confidential Attachment - Valuation - Mirboo North Pool Site [9.3.1]

REFERENCE DOCUMENTS

Land Acquisition and Compensation Act 1986

5.8. PROPOSED SALE OF UNUSED ROAD IN MIRBOO NORTH (PART FORMER MUNROS RD)

Sustainable Communities and Infrastructure Services Directorate

EXECUTIVE SUMMARY

In 2006, Council removed the road status from the unused part of Munros Road, Mirboo North with the intention of selling the land to an adjoining landowner interested in purchasing the land. However, the land owner did not proceed with the purchase.

Another adjoining landowner has approached Council to purchase part of the former road for access purposes associated with a planning permit application for the use and development of their land. As the portion of unused road is now freehold land owned by Council, Council can proceed to sell it in accordance with ss.189 and 223 of the Local Government Act 1989 (the Act).

A risk exists that too much time has elapsed since the previous Council resolution regarding the sale process and in this regard, Council would be prudent to repeat the statutory procedures for a sale of land in accordance with ss.189 and 223 of the Act and call for public submissions.

RECOMMENDATION

That Council:

- 1. Commence the statutory procedures pursuant to ss.189 and 223 of the Local Government Act 1989 for the sale of part of the land described in certificate of title volume 5242 folio 373 and having an area of approximately 1,414.02m² to the adjoining landowner (the Proposal).**
- 2. Publish a public notice in its Noticeboard section of the local newspapers in the week commencing 1 May 2017 (in accordance with s.223 of the Local Government Act 1989) informing the public of the Proposal and inviting written submissions by 5.00pm, Tuesday 30 May 2017.**
- 3. Authorise the Chief Executive Officer, or his delegate, 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, or his delegate, to fix the time, date and place of a meeting for the s.223 Submission Hearing for persons who wish to be heard in support of their submission.**
 - b. **Appoint a Special Committee of Council comprising of all Councillors, but not less than three Councillors, present at the meeting to hear and consider all submissions.**
 - c. **Receive a further report from the Special Committee of Council at the next appropriate Council Meeting to determine the proposal.**

5. **If no submissions are received to the public notice (item 2 above), sell the land described within certificate of title volume 5242 folio 373 that has an area of approximately 1,414.02m² to the adjoining landowner in accordance with s.189 of the Local Government Act 1989 for not less than a valuation obtained and not more than six months prior to the day of sale.**

REPORT


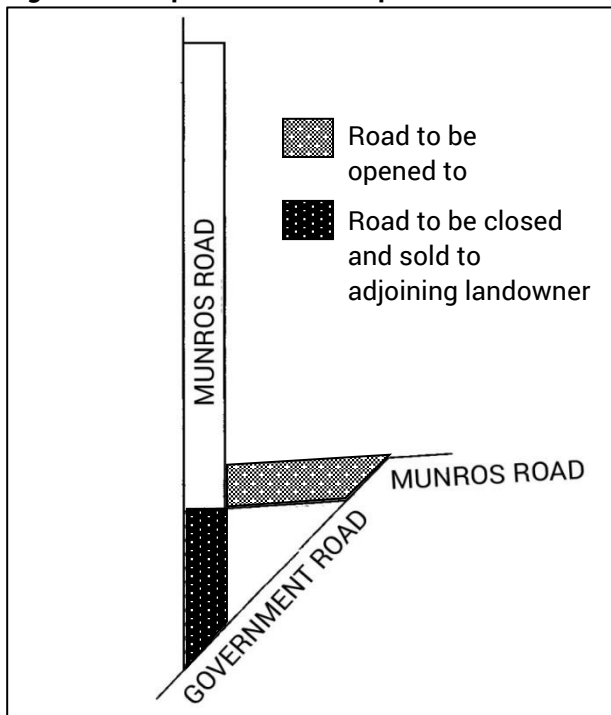
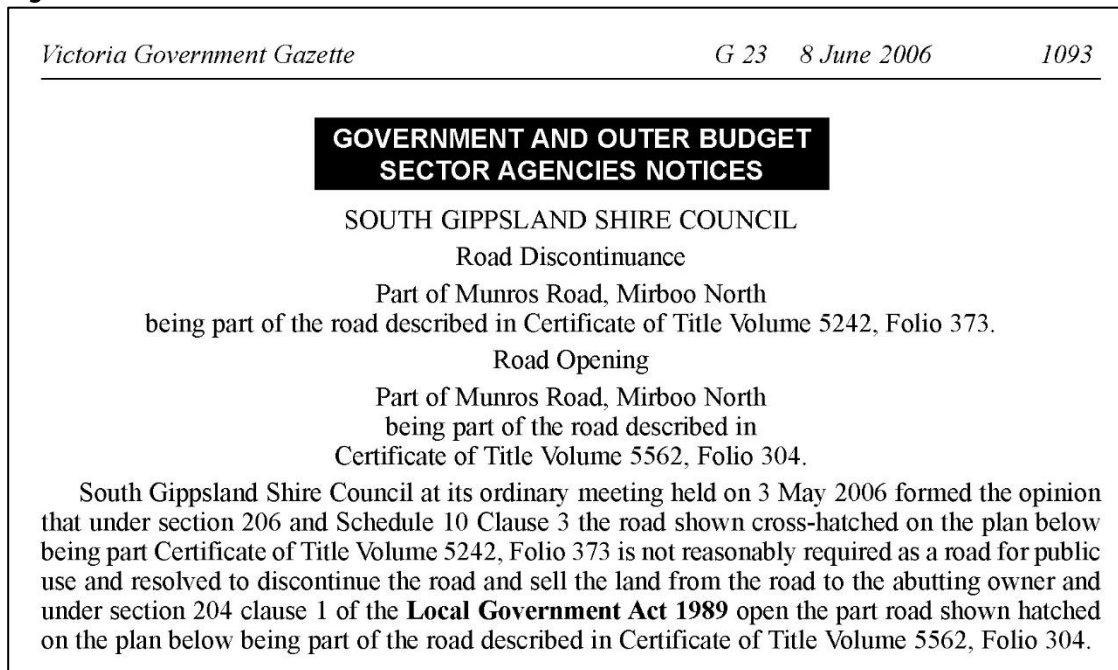
In 2006, Council resolved to commence a road discontinuance procedure to remove the road status from the unused part of Munros Road in Mirboo North with the intention of ultimately selling the land to the adjoining landowner at that time. This is shown hatched  in **Figure 1** and **Figure 3** below.

Figure 1 – Map of Road to be Opened and Closed




A notice was published in the 8 June 2008 edition of the Victorian Government Gazette. An extract of this notice is shown in **Figure 2** below.


Figure 2 – Extract Victorian Government Gazette



The road discontinuance process was completed but the sale of the land to the adjoining land owner did not proceed due to financial restraints.

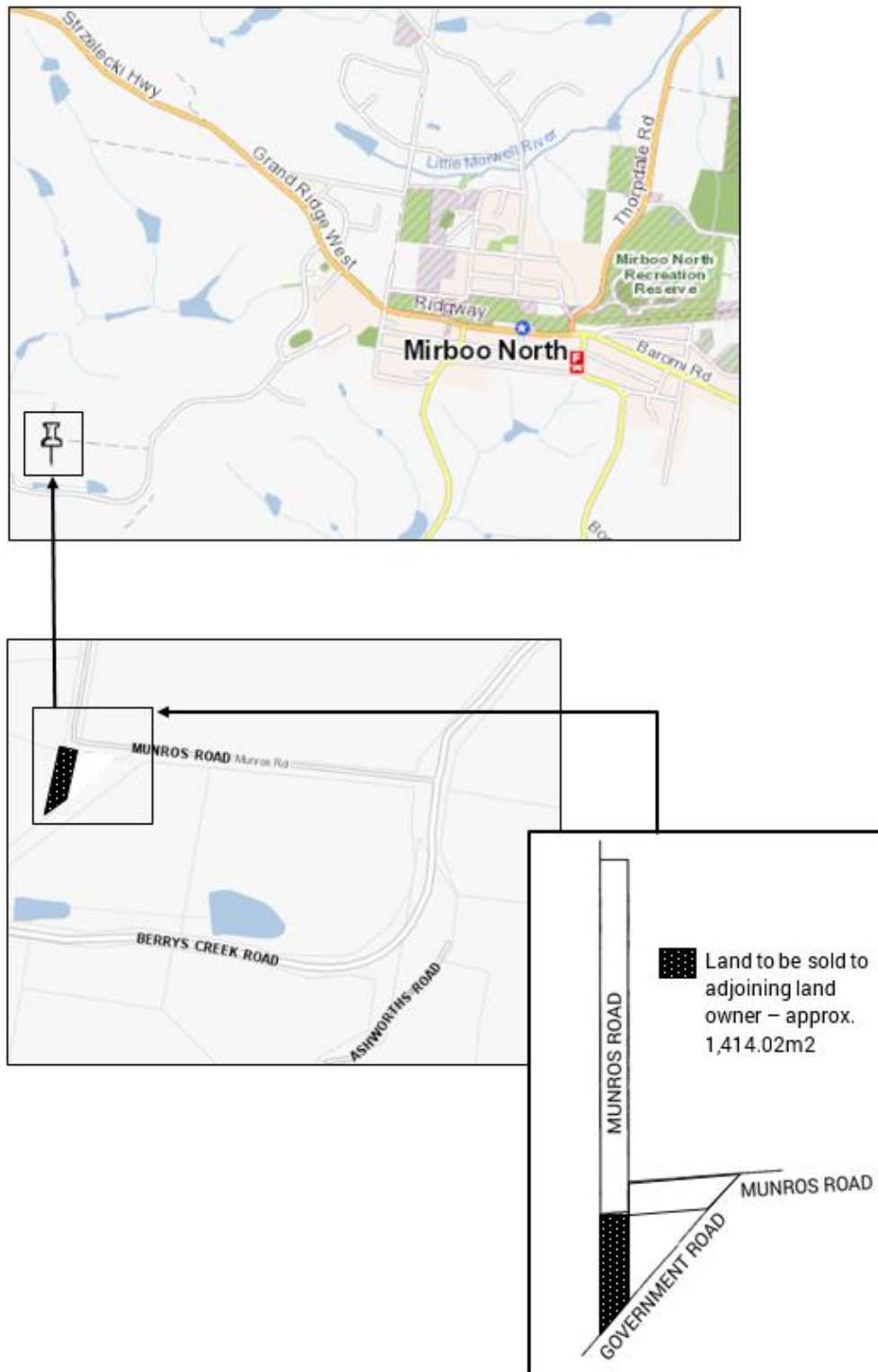
Another adjoining landowner has approached Council to purchase the former road for access purposes associated with a planning permit application for the use and development of their land. This is shown hatched  in **Figure 1** and **Figure 3**.

The former road

The former road shown as  has an area of 1,414.02m² and is part of the land described in certificate of title volume 5,242 folio 373 (the Land). A locality map is shown in **Figure 3**. It is now freehold Council Land with no road status that can be sold by Council.

The former road is not required for any community purposes and is surplus to Council's needs.

Figure 3 - Locality Plan – Road Opening and Closure – Munros Road, Mirboo North



CONSULTATION

External Consultation

Public consultation on the road discontinuance and proposed sale of land was undertaken in 2006. There has been no further public consultation since that time.

Given the time that has elapsed, it is recommended that Council repeat the statutory process for the sale of the Land and publish a public notice of its proposal to sell the Land to the adjoining land owner.

Internal Consultation

Internal communication has included discussions with Officers within the Planning and Engineering departments regarding any information or concerns they had on the need to retain the Land for Council purposes. No information or concerns were identified and the Land was still considered to be surplus to Council's needs and suitable for sale to the adjoining landowner.

RESOURCES

The adjoining landowner will be responsible for the costs of preparing a surveyed title plan of the Land, the purchase of the Land, and the cost of consolidating the Land with their adjoining property title if required.

RISKS

There are no risks to Council as this process is governed by the Local Government Act 1989.

REFERENCE DOCUMENTS

Local Government Act 1989

5.9. POOWONG PUBLIC PARK RESERVE - RELINQUISHMENT OF COUNCIL APPOINTMENT AS COMMITTEE OF MANAGEMENT

Sustainable Communities and Infrastructure Services Directorate

EXECUTIVE SUMMARY

The former Shire of Korumburra was appointed as the Committee of Management (COM) of a Crown land reserve in Poowong on 23 March 1977 known as the '*Poowong Public Park Reserve*' (the Reserve). For some time the Reserve was leased to the Scouts, however, in 2010 this lease ended and the Reserve has since been vacant.

The adjoining landowner has been using the Reserve for grazing purposes and to store personal belongings and materials. This use has caused concern to the local community and in particular, the surrounding landowners, as the storage of materials is unsightly and potentially detrimental to the environmental value of the land.

To address this problem, it is recommended that Council relinquish its appointment as COM of the Reserve to enable the Department of Environment, Land, Water and Planning (DELWP) to sell the Reserve on the open market.

RECOMMENDATION

That Council relinquish its appointment as Committee of Management of Crown allotment 7A, Section 3, Township of Poowong, Parish of Jeetho, 21-25 Nyora Road, Poowong, which is Crown land temporarily reserved as a site for Public Recreation (the Reserve) because:

- 1. Council has no requirement for the Reserve and that the Reserve is surplus to Council's needs;**
- 2. community consultation has been undertaken to satisfy that the Reserve is no longer required by the community and the Scouts Association of Victoria; and**
- 3. the Reserve has been left in good order and condition.**

REPORT

The Reserve is located at 21-25 Nyora Road, Poowong. The legal description is Crown Allotment 7A, Section 3, Township of Poowong, Parish of Jeetho. It is temporarily reserved as a site for '*Public Recreation*'. A locality map of the Reserve is available in **Figure 1** below.

Figure 1 – Locality Plan – The Reserve



As successors in law to the Shire of Korumburra, South Gippsland Shire Council is the COM of this Reserve and has the responsibility for activities on the Reserve.

The Reserve was formerly leased to Scouts Australia – Victorian Branch (Scouts). The lease expired on 30 June 2010 and the Scouts do not wish to renew the lease.

During the term of the lease, the local Scouts Committee constructed one large shed on the Reserve which it sold to the adjoining land owner to store hay and machinery. The adjoining land owner has, in the past, approached Council to purchase the Reserve but Council does not have the power to sell the Reserve as COM. A sale is the responsibility of DELWP. To progress a sale, Council would need to relinquish its COM status.

CONSULTATION

Internal Consultation

Internal consultation has included discussions with Council's Community Strengthening and Parks and Gardens officers who have advised that the Poowong community did not identify the Reserve as being required for community purposes when developing their community plan in 2010 (Poowong Community Plan 2010) and that there has been nothing to the contrary since.

During the community planning process in Poowong, many of the community thought Council owned the Reserve assuming the land could be sold as an unproductive asset to create capital for future projects.

Council's Parks and Gardens team has indicated that the Reserve would have little value for public open space due to its topography but does have some significant *Eucalyptus Strzeleckii* listed on Council's Tree Register. The Reserve is not listed as required for public open space by Council.

External Consultation

A field inspection of the Reserve was conducted by DELWP in September 2016 which identified it as surplus to government requirements. However prior to DELWP accepting the Reserve back from Council, Council is required to advise in writing that:

- It has no requirement for the Reserve and that it is surplus to Council's needs;
- Community consultation has been undertaken to satisfy that the Reserve is no longer required by the community and Scouts/Guides;
- The Reserve has been left in good order and condition which includes but is not limited to the improvements, the removal of stockpiles of earth and rubble, waste timber pallets and other debris and that the occupation of the current occupier grazing the land has been terminated; and
- It agrees to relinquish its appointment over the Reserve.

Council's Local Laws team has consulted the adjoining land owner using the Reserve to ensure the land is returned to good order and condition.

Once Council has notified of the above, DELWP will conduct a final field inspection, revoke Council's appointment, and then refer the case to the Department of Treasury and Finance to dispose of the Reserve via a public competition process.

A letter of support from the Poowong Community Consultative Committee state's that they see no reason for Council retaining the land. Refer to **Attachment [5.9.1]** – Poowong Community Consultative Committee Letter of support - Disposal of Poowong Public Park.

The Scouts were consulted about Council's intentions and confirmed that they no longer wish to lease the Reserve.

Through these consultations and negotiations it can be reasonably concluded that the requirements of DELWP have been met.

RESOURCES

If Council does not relinquish its COM status over the land, Council will continue to be responsible for the maintenance of the site for no benefit to the community.

RISKS

The main risk is that the adjoining landowner will continue to illegally use the land creating an unsightly situation and a hazard within the community. This poses a reputational risk to Council by not taking appropriate action to ensure the matter is appropriately dealt with.

ATTACHMENTS

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

1. PCCC letter of support - disposal of Poowong Public Park **[5.9.1]**

REFERENCE DOCUMENTS

Local Government Act 1989, s.190
Crown Land (Reserves) Act 1978, s.17D
SGSC Poowong Community Plan 2010
SGSC Tree Register

5.10. PLANNING SCHEME AMENDMENT C110 - NYORA TOWN CENTRE - ADOPTION

Development Services Directorate

EXECUTIVE SUMMARY

Amendment C110 seeks to implement the recommendations of the Nyora Development Strategy that affect the town centre area. It rezones properties to Commercial 1 Zone (C1Z) to provide for commercial expansion (specifically enough space in the future for a supermarket) and applies a Design and Development Overlay (DDO) to maintain the valued characteristics of the area as the commercial and civic centre develops.

Council exhibited the amendment from 19 January 2017 to Wednesday 1 March 2017. No objections were received. It is recommended that Council adopt C110 and submit it to the Minister for Planning for approval.

RECOMMENDATION

That Council:

- 1. Adopts South Gippsland Planning Scheme Amendment C110 in accordance with the documents contained in (Attachments [5.10.1 to 5.10.6] – Planning Scheme Amendment C110 Documents – Nyora Town Centre); and**
- 2. Submits the Amendment to the Minister for Planning for approval.**

REPORT

Background

Adopted at the 24 August 2016 Council meeting, the Nyora Development Strategy was prepared as the next step in Nyora's long-term future planning. It built on the key recommendations of the Nyora Structure Plan (2013) which determined the direction for town growth. The strategy proposes:

- Indicative development layouts for key precincts including a town centre master plan;
- Transport improvement including intersection upgrades, road sealing and new road / pedestrian connections;
- Stormwater management using pipes, retarding basins and water sensitive urban design;
- Improved facilities and landscaping;

- Implementation plan with preferred funding options.

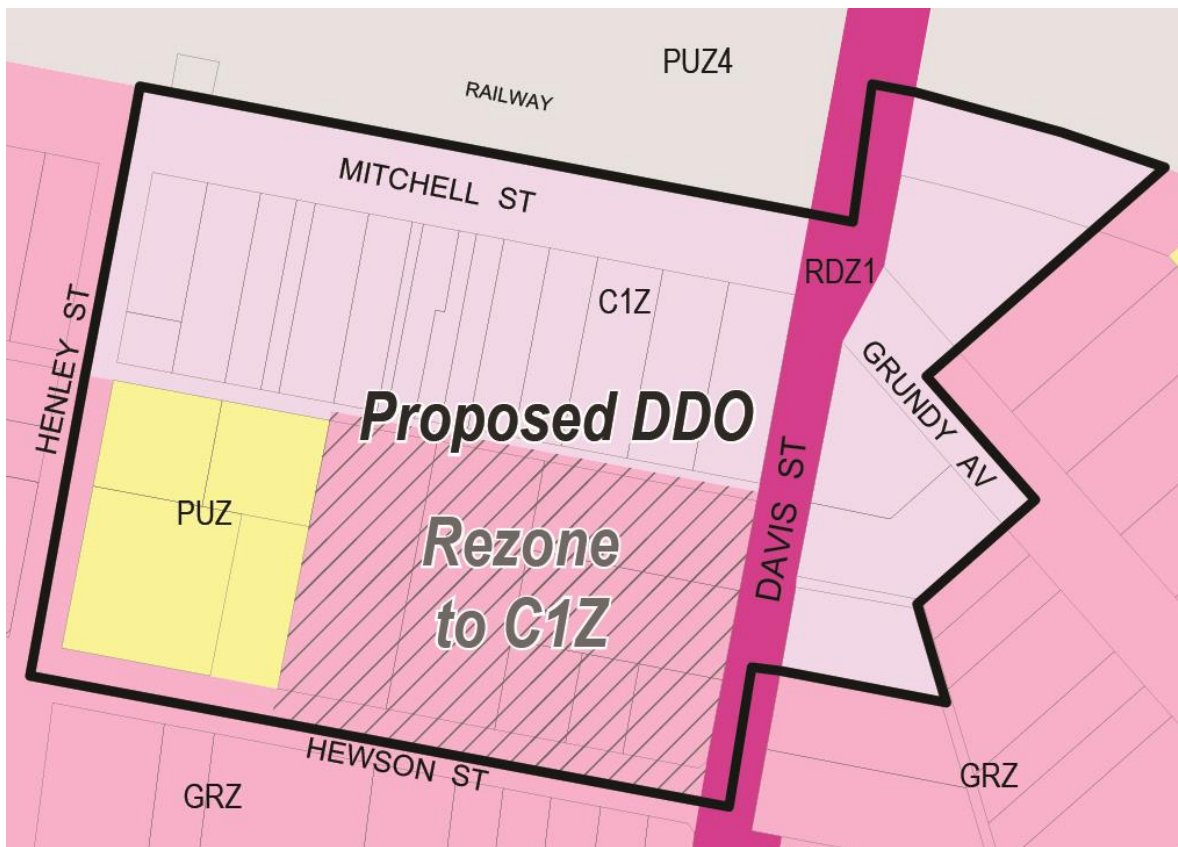
The strategy's planning recommendations for the town centre area are being implemented via Amendment C110. Other planning recommendations for the surrounding residential areas will be implemented through a future planning scheme amendment.

Proposal

The Amendment proposes to implement the Nyora Development Strategy's (2016) town centre recommendations by:

- Rezoning 2-12 Hewson Street and 29-31 Davis Street, Nyora from General Residential Zone Schedule 1 to Commercial 1 Zone (see following map);
- Introducing and applying Design and Development Overlay Schedule 12 to Commercial 1 Zone and Public Use Zone land in the town centre (see following map);
- Updating clause 21.15-5 Nyora to introduce new strategies for the town centre;
- Updating clause 21.16 Reference Documents to include the Nyora Development Strategy (2016) as a reference document in the scheme; and
- Updating clause 61.03 Schedule to list the new map being introduced into the scheme.

Land Affected by Rezoning to Commercial 1 Zone (C1Z) & Design and Development Overlay (DDO)



Submissions

Submitter	Summary of Submission
South Gippsland Water	No objection to the proposed changes
Department of Economic Development, Jobs, Transport & Resources – Transport Group (including Statutory Planning Group from PTV), VicTrack and VicRoads	No comments or objections to the proposed changes
Community member	<p>Supports efforts to provide extra land to facilitate a supermarket development but not sure the proposed site will address all the issues (several lots with houses on them, hidden behind the main street)</p> <p>Queried whether railway land could be included in the amendment so that supermarket has the option of locating there given the site would have more prominence and access to greater passing trade</p>

In response to the community member's submission, the submitter was informed that the existing zoning does not preclude a supermarket from locating on the VicTrack land. The rezoning of this land would be difficult to include in this amendment in any case and may not be supported by the State Government.

The State Government has identified the railway corridor as an open corridor where rail may return in the long-term future, although no commitment has been made. Any prospective supermarket would be best to deal directly with the State Government if it wanted to develop on VicTrack land along Mitchell Street. The State Government value land according to purpose so it is possible that the VicTrack land may cost more than the land proposed for rezoning. The VicTrack land's location would likely be supported by Council to secure a supermarket because it is opposite the main street, in the town centre.

The land along Davis Street and Hewson Street, while it does have some development, has been identified as the preferred location as part of a community consultation process (the Nyora Development Strategy). It was one of several sites considered. This site would provide for a supermarket to have frontage along Davis Street which already has commercial development (take away, pharmacy). In the end of course, Council can only guide large format retail into a specific location. It is our experience that this type of retail development will choose the site that best suits its needs and attempt to have planning provisions changed to allow the location to be used.

The submitter was also informed that the proposed policy changes could be altered to provide greater flexibility in the case that a supermarket would like to locate in Nyora. The submitter confirmed that this sufficiently addressed the concerns identified in the submission.

Proposed Changes to Exhibited Documents

In response to the single community member's submission, the following strategies are proposed to be changed in clause 21.15 from this:

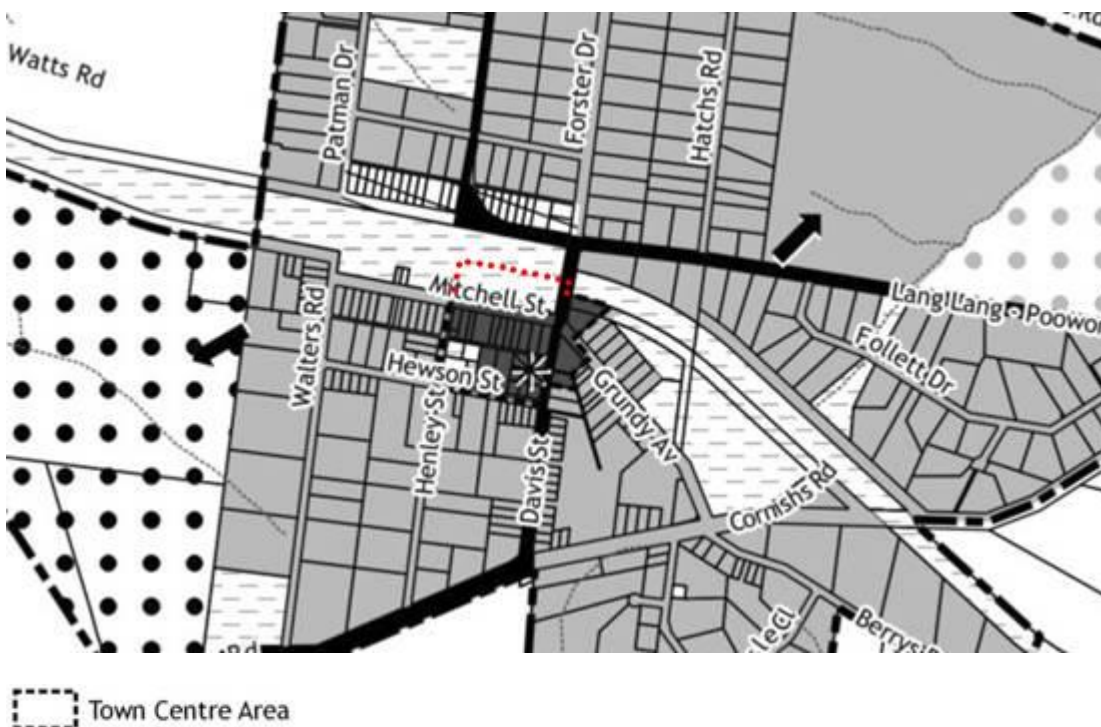
- Promote the use and development of land at 29-31 Davis Street and 8-12 Hewson Street (shown as preferred location for supermarket on Nyora Framework Plan) for a supermarket to service Nyora and surrounding area as the population grows.
- Investigate options for the future use of the VicTrack land with the view of improving public spaces and facilities.

To this (changes shown in *red italics*):

- Promote the use and development *of a supermarket at land in the Town Centre, preferably at the location shown on the Nyora Framework Plan*, to service Nyora and surrounding area as the population grows.
- Investigate options for the future use of the VicTrack land with the view of improving public spaces, facilities *and the town centre*.

The town framework plan in clause 21.15 is also proposed to be changed as follows (change shown in red):

Town Framework Plan



CONSULTATION

External Consultation

The amendment was publicly exhibited for a period of six weeks. A mail-out was sent to all affected property owners and occupiers and nearby property owners and occupiers. The exhibition period was advertised in the Government Gazette, local newspapers and on Council's website. Copies of the documents were available on Council's website, at the Nyora Post Office and Council's front counter at the Leongatha offices.

Prior to this, as part of the Nyora Development Strategy project, community members were informed and updated at key stages of the project via mail outs, community meetings at the Nyora Hall, project posters in town, email list, website,

online survey, project Facebook page and information at Council offices and the Nyora Post Office.

RESOURCES

As no submissions objected to the amendment or requested changes to be made, the amendment will not incur planning panel fees since it does not need to be considered before an independent planning panel.

RISKS

There is no risk to Council in adopting Amendment C110. The strategy seeks to address risks by providing:

- Space for a supermarket development given that adequate space does not exist in an appropriate location within the town.
- Design guidance to mitigate inappropriate development in the town centre as the town grows.

ATTACHMENTS

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

1. Planning Scheme Amendment C 110 Documents Part 1 - Planning Scheme Changes **[5.10.1]**
2. Planning Scheme Amendment C 110 Documents Part 2 - Nyora Development Strategy - July 2016 **[5.10.2]**
3. Planning Scheme Amendment C 110 Documents Part 3 - Nyora Development Strategy - Traffic Impact Assessment Report - July 2016 **[5.10.3]**
4. Planning Scheme Amendment C 110 Documents Part 4 - Nyora Stormwater Management Plan & Drainage Investigation Report - July 2016 **[5.10.4]**
5. Planning Scheme Amendment C 110 Documents Part 5 - NDS - Property and Economic Issues and Opportunities - April 2016 **[5.10.5]**
6. Planning Scheme Amendment C 110 Documents Part 6 - Urban Tree Management Guidelines - December 2011 **[5.10.6]**

REFERENCE DOCUMENTS

Planning and Environment Act 1987
South Gippsland Planning Scheme

5.11. LEONGATHA MEMORIAL HALL COMPLEX & KORUMBURRA COMMUNITY MEETING ROOM - TERMS AND CONDITIONS OF HIRE

Sustainable Communities and Infrastructure Services Directorate

EXECUTIVE SUMMARY

Leongatha Memorial Hall Conditions of Hire have been in place since 2004.

The Korumburra Community Meeting Room Conditions of Hire were last reviewed in 2011.

For consistency it is appropriate for Council to review the terms and conditions of hire for each of these facilities.

- **Attachment [5.11.1]** – Leongatha Memorial Hall Complex – 2017 Terms and Conditions of Hire - Proposed.
- **Attachment [5.11.2]** – Korumburra Community Meeting Room – 2017 Terms and Conditions of Hire - Proposed.

RECOMMENDATION

That Council:

1. **Adopt the Leongatha Memorial Hall Complex – 2017 Terms and Conditions of Hire as contained in Attachment [5.11.1]**
2. **Adopt the Korumburra Community Meeting Room – 2017 Terms and Conditions of Hire (Attachments [5.11.2]).**

REPORT

Leongatha Memorial Hall Complex

In March 2004, Council adopted the *2004 Hire Conditions* for the complex and exempted two user groups from the set fees and charges, being the RSL (Anzac Day activities) and Legacy (annual dinner/lunch) due to its history of being the War Memorial Hall.

A copy of the 2004 Hire Conditions and the Council Minutes are available in the following attachments:

- **Attachment [5.11.4]** – Council Minutes 17 March 2004 - Memorial Hall and Michael Place Complex Conditions of Hire.
- **Attachment [5.11.5]** – 2004 Memorial Hall and Michael Place Complex – Conditions of Hire.

These two groups will continue to use Memorial Hall as per the 2004 agreement.

Korumburra Community Meeting Room

When the Korumburra Community Meeting Room was made available for users to hire as a community meeting room, terms and conditions were developed and fees and charges to book the meeting room for events and functions were set as part of Council's Annual Budget.

The terms and conditions of hire will now be consistent with those of Leongatha Memorial Hall.

Fees and Charges

On 27 July 2016, Council adopted three categories for the 2016/17 fees and charges for the hire of Memorial Hall being commercial, non-commercial community groups, and private functions (**Attachment [5.11.3]**).

To help alleviate one of the concerns raised by users, payment conditions to hire the Complex have been amended to include a deposit of 20 per cent and allow up to 14 days for users to finalise payment after a function.

It is proposed to use the same structure for the booking of the Korumburra Community Meeting Room at the same rate as the adopted fees and charges for the Leongatha Memorial Hall Complex – Meeting Room 2. Refer to **Attachment [5.11.3]** – Council Minutes 27 July 2016 – Leongatha Memorial Hall Fees and Charges and **Attachment [5.11.7]** – 2016/17 Fees and Charges – Korumburra Community Meeting Room – Proposed.

CONSULTATION

External

The Leongatha Memorial Hall Manager has been consulted in the preparation of this report.

Internal

Officers have discussed the above issues between departments for both venues. Councillors were updated at a Confidential Briefing on 15 February 2017 on this matter.

RISKS

Enforcing the new terms and conditions for the Leongatha Memorial Hall Complex will reduce any confusion regarding which users are exempt from the fees and charges. To retain the 2004 Hire Conditions which requires payment in advance,

could potentially discourage clients from using the Complex and cause the facility to be underutilised.

ATTACHMENTS

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

1. Leongatha Memorial Hall Complex - 2017 Terms and Conditions of Hire - Proposed **[5.11.1]**
2. Korumburra Community Meeting Room - 2017 Terms and Conditions of Hire - Proposed **[5.11.2]**
3. Council Minutes 27 July 2016 - Leongatha Memorial Hall Fees and Charges **[5.11.3]**
4. Council Minutes 17 March 2004 - Memorial Hall and Michael Place Complex Conditions of Hire **[5.11.4]**
5. 2004 Memorial Hall and Michael Place Complex - Conditions of Hire **[5.11.5]**
6. 2011 Korumburra Meeting Room - Conditions of Hire **[5.11.6]**
7. 2016-17 Fees and Charges - Korumburra Community Meeting Room - Proposed **[5.11.7]**

CONFIDENTIAL ATTACHMENTS

Confidential Attachment [9.2.1] has been provided in accordance with section 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 section 89(2)(h) - any other matter which the Council or Special Committee considers would prejudice the Council or any persons.

The item is confidential for the privacy of the user groups listed.

Confidential Attachment [9.2.1] – Leongatha Memorial Hall Complex – Informal Agreements with User Groups

5.12. POLICY REVIEW: C19 FRAUD AND CORRUPT CONDUCT

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

This report recommends that Council approves a revised Fraud and Corrupt Conduct Policy.

RECOMMENDATION

That Council adopts the revised Fraud and Corrupt Conduct Policy (Attachment [5.12.1] – C19 Fraud Policy (Revised Version) April 2017 - Council Version - Draft).

REPORT

Council's current Fraud Policy was last reviewed and adopted by Council in April 2014 with the policy due for review in March 2016. This review was delayed to incorporate feedback provided by Council's Audit Committee and amendments to the Independent Broad-based Anti-corruption Commission (IBAC) Act 2011 (the IBAC Act) in July 2016.

The purpose of the policy is to promote and guide the conduct of all Councillors, employees, volunteers, contractors and external parties with a view to the avoidance of fraud and corrupt conduct, and the appropriate management of situations which may be regarded as fraud or corrupt conduct.

This policy demonstrates Council's commitment to fraud and corrupt conduct control. It will be managed by ensuring that fraudulent or corrupt activity is unacceptable, that conflicts of interests are avoided, and auditing and internal control systems are in place to deter and identify corrupt activities.

The revision of this policy has been significant with the following primary changes:

- **Corrupt Conduct:** has been added to the policy to reflect the requirements of the IBAC Act review and the mandatory reporting requirements for the CEO from 1 December 2016 onwards to notify IBAC of all potential incidences of suspected corrupt conduct, not just that involving Council.
- **Expanded definitions:** to include Corrupt Conduct and the requirements of the IBAC Act review.

- Updated responsibilities: for Councillors, staff, volunteers, contractors and Audit Committee using content from policies benchmarked from other councils.
- Reduced “Reporting and Managing Reports of suspected Fraud and Corrupt Conduct” section: to meet Audit Committee feedback and IBAC Act review requirements.
- Removed Fraud Control Framework detail from the current policy to reflect feedback from the Audit Committee. The Fraud and Corrupt Conduct Internal Control Framework and Action Plan will now be managed as a separate action plan monitored by Council’s Strategic Risk Committee and Audit Committee.

CONSULTATION

This revised policy has been benchmarked against the Fraud Policies of seven other councils and was developed following discussions with IBAC to clarify requirements of the amended IBAC Act.

The policy has been reviewed by and received feedback from Council’s Staff Consultative Committee, Executive Leadership Team, Audit Committee and Council.

RESOURCES

The resources required to manage Council’s approach to fraud and corrupt conduct including developing and maintaining a Fraud and Corrupt Conduct Internal Control Framework and Action Plan and Internal Audit Plan are contained within Council’s current and forward budgets.

RISKS

A comprehensive Fraud and Corrupt Conduct Policy, and associated Internal Control Framework and Action Plan, minimises the risk of activity that causes financial and reputational loss to Council and the consequent negative impact on the community.

ATTACHMENTS

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

1. C19 Fraud Policy (Revised Version) April 2017 - Council Version - Draft
[5.12.1]

REFERENCE DOCUMENTS

Local Government Act 1989
Independent Broad-based Anti-corruption Commission (IBAC) Act 2011
Charter of Human Rights and Responsibilities Act 2006
Crimes Act 1958
Information Privacy Act 2000 (Vic) and Commonwealth Privacy Act 1998
Protected Disclosures Act and Regulations 2012
Public Administration Act 2004
Acceptance of Gifts and Donations Policy
Asset Disposal Policy
Audit Committee Terms of Reference
Audit Policy
Councillor Code of Conduct
Councillor Support and Expenditure Policy
Information Technology Policies
Intellectual Property Policy
Procurement Policy and Manual
Protected Disclosures Guidelines
Risk Management Policy
Staff Code of Conduct
Audit Committees – A Guide to Good Practice for Local Government –
January 2011
Australian Standard: Fraud and Corruption Control AS 8001 – 2008
Australian / New Zealand Standard: Risk management – Principles and guidelines
AS/NZS 31000:2009

5.13. POLICY REVIEW: C57 MAYOR, DEPUTY MAYOR AND COUNCILLOR ATTENDANCE AT FUNCTIONS

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

The C57 Mayor, Deputy Mayor and Councillors' Attendance at Functions Policy (Policy), has been reviewed as part of Council's Policy Review Timetable.

The revised Policy in **Attachment [5.13.1]** - C57 Mayor, Deputy Mayor and Councillors' Attendance at Functions Policy has been reformatted and reviewed with only minor amendments made to the version adopted on 19 March 2014.

The revised Policy is presented for consideration and adoption by Council.

RECOMMENDATION

That Council:

- 1. Adopts the revised C57 Mayor, Deputy Mayor and Councillors' Attendance at Functions Policy, in Attachment [5.13.1], replacing the 19 March 2014 version.**
- 2. Publishes the revised C57 Mayor, Deputy Mayor and Councillors' Attendance at Functions Policy on Council's website.**

REPORT

The C57 Mayor, Deputy Mayor and Councillors' Attendance at Functions Policy provides guidance to Councillors and staff when attending and representing Council at official functions, events or community events.

Council policies are regularly reviewed to ensure they remain current and relevant.

Minor amendments have been made to reformat the layout and to provide greater clarity in helping Councillors prepare for the role when they have been requested to perform at events.

CONSULTATION

Consultation has been undertaken with various internal Departments seeking their feedback. Councillors' feedback was sought through an electronic briefing paper.

RESOURCES

The implementation of this Policy can be accomplished with existing resources.

RISKS

The Policy seeks to ensure that Council has representation at a level appropriate to the functions attended. The Policy supports the Mayor, Deputy Mayor and Councillors to be ready for the role they may be asked to take at an event.

Pre-event preparation, including the preparation of speeches and provision of background information supports Councillors to be confident in their role so that they can present a positive image of themselves and Council.

ATTACHMENTS

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

1. C57 Mayor, Deputy Mayor and Councillors Attendance at Functions Policy
[5.13.1]

REFERENCE DOCUMENTS

Local Government Act 1989
Policy Review Framework/Timetable

5.14. POLICY/STRATEGY REVIEW: C04 ASSET MANAGEMENT POLICY AND STRATEGY

Sustainable Communities and Infrastructure Services Directorate

EXECUTIVE SUMMARY

A review of the current C04 Asset Management Policy 2013 and Asset Management Strategy 2013 has been undertaken.

The broad framework and principles that are redefined in the revised C04 Asset Management Policy 2017 enables Council to continue delivery of sustainable lifecycle management of its road infrastructure, buildings, plant, and parks, gardens, and reserves assets to support the service needs of the local community. The revised Asset Management Strategy 2017 presents affordable asset management improvements.

The revised C04 Asset Management Policy 2017 and Asset Management Strategy 2017 provide the mechanism to continue building a strong knowledge base enabling informed decisions relating to the service delivery that these assets provide to the community.

The adoption of C04 Asset Management Policy 2017 and Asset Management Strategy 2017 will support sustainable infrastructure management both now and into the future.

RECOMMENDATION

That Council:

- 1. Adopt C04 Asset Management Policy 2017 (Attachment [5.14.3]).**
- 2. Adopt the 2017 Asset Management Strategy (Attachment [5.14.4]).**
- 3. Upload the documents to Council's website.**

REPORT

The current C04 Asset Management Policy (2013 Policy) and Asset Management Strategy (2013 Strategy) were adopted at the Ordinary Council Meeting held on 23 March 2013 for a four year term due for revision by 30 June 2017. Copies of these documents are available in the following attachments:

- **Attachment [5.14.1]** – C04 Asset Management Policy 2013 – Current Version
- **Attachment [5.14.2]** – Asset Management Strategy 2013 – Current Version

The policy outlines the broad framework, guiding principles, roles and responsibilities, and risks associated with asset management within the organisational context of Council's administration.

The 2013 Policy has been revised and incorporates an updated organisational context section and inclusion of the Engineering and Assets department (under Roles and Responsibilities), the role to "*Analyse asset data to develop and assess options for optimising 'whole of life' costs*" which reflects a future aspiration of the department. A copy of the revised documents are available in the following attachments:

- **Attachment [5.14.3]** – C04 Asset Management Policy 2017 – For Adoption
- **Attachment [5.14.4]** – Asset Management Strategy 2017 – For Adoption

The 2013 Strategy has been updated to reflect the current organisational context, asset quantities and replacement values, asset management plan relationships, asset management practices, including a comprehensive review of the Asset Management Service Model to better reflect current organisational responsibilities for service planning. The Asset Management Service Model is available in the 2017 Strategy as Appendix 1 (refer to **Attachment [5.14.4]**).

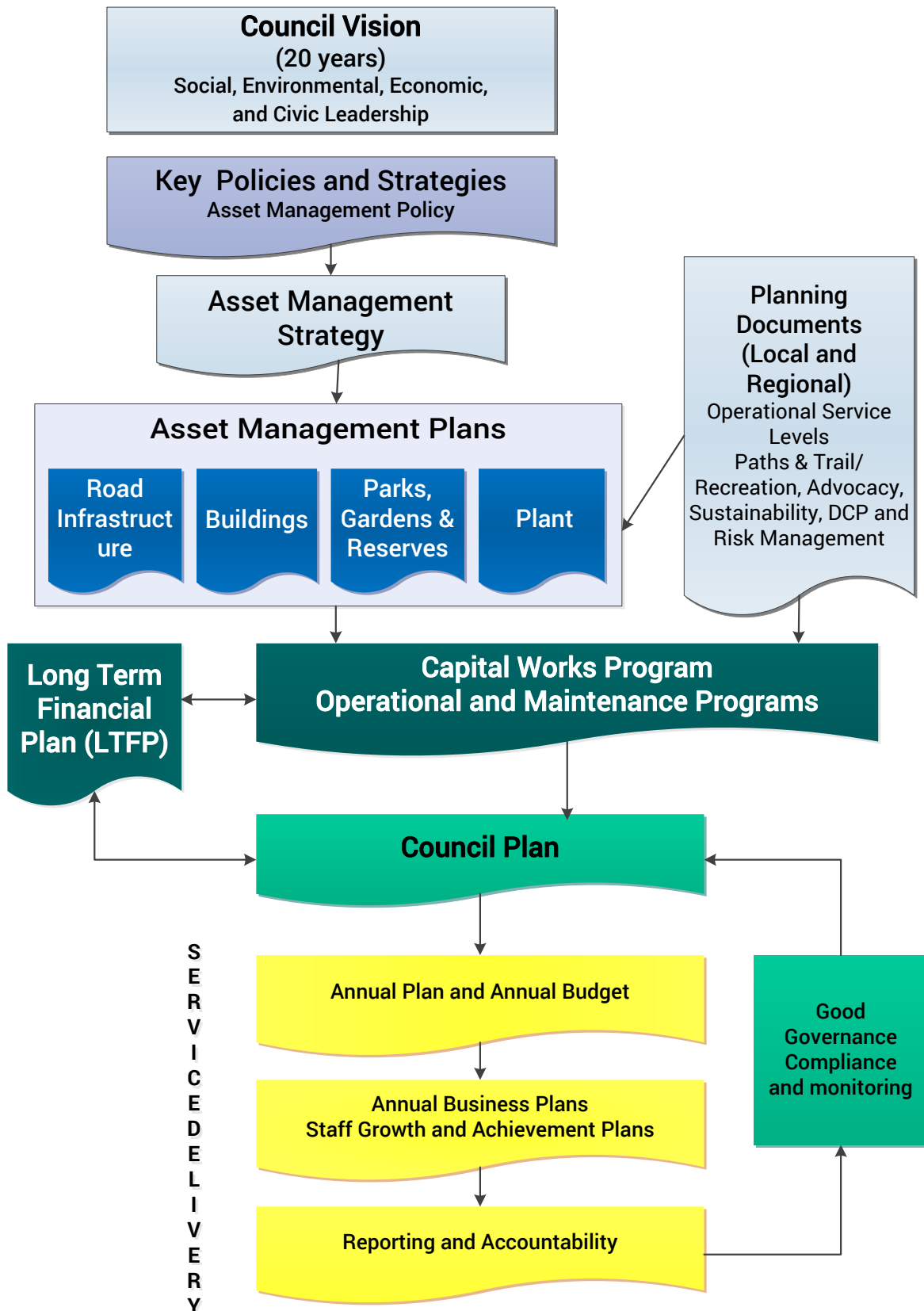
Current asset management issues have been annotated to provide some context affecting the delivery of asset services.

The 'Gap Analysis' of Council's current asset management status has been updated to reflect the latest National Asset Management Assessment Framework process undertaken by the Municipal Association of Victoria's STEP Program. Council has been participating in the MAV STEP program since its inception in 2002 as a nationally acceptable model for improving our asset management service delivery.

The revised 2017 Strategy also includes an updated Asset Management Improvement Plan which is reviewed on an on-going basis by Council's cross functional Asset Management Steering Committee, as outlined under the roles and responsibilities in both the current 2013 Policy and revised 2017 Policy.

Hierarchy of Asset Documents

The following diagram shows the relationship between Council's Vision, Asset Management Policy, Asset Management Strategy, Asset Management Plans, Council Plan, and the Long Term Financial Plan, together with operational and procedural mechanisms.



Asset Management Key Principles

The key Asset Management principles that Council needs to consider are summarised in **Figure 2** below.

Figure 2 – Summary of Asset Management Principles



The full details of the Asset Management principles and goals are available in the 2017 Policy (**Attachment [5.14.3]**) and the 2017 Strategy (**Attachment [5.14.4]**).

CONSULTATION

The revised 2017 Policy and 2017 Strategy was approved on 7 February 2017 by the Asset Management Steering Committee and then presented to Council at a Confidential Strategic Briefing on 5 April 2017 for comment. The briefing also included an overview of asset management and the evolution of asset management at South Gippsland Shire Council.

RESOURCES

There are no specific financial constraints in approving the 2017 Policy and 2017 Strategy.

RISKS

Council's risk will be minimised as specific asset management risks are addressed in the revised 2017 Policy and 2017 Strategy.

ATTACHMENTS

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

1. C04 Asset Management Policy 2013 - Current Version **[5.14.1]**
2. Asset Management Strategy 2013 - Current Version **[5.14.2]**
3. C04 Asset Management Policy 2017 - For Adoption **[5.14.3]**
4. Asset Management Strategy 2017 - For Adoption **[5.14.4]**

REFERENCE DOCUMENTS

SGSC Vision

SGSC Asset Management Plans

SGSC Council Plan

SGSC Long Term Financial Plan

Local Government Act 1989

Road Management Act 2004

Building Act 1993

International Infrastructure Management Manual 2015

6. URGENT OR OTHER BUSINESS

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

1. Urgent Business

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

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 Councillor...be allowed a 'short period' to indicate the reason(s) why the matter should be considered as a matter of urgent business.' If the Chairperson accepts the motion as meeting the urgent business criteria, normal meeting procedures in 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.

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.

7.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

A question raised by Clive Hope at Council Meeting 22 March 2017 was taken on notice and a response is now provided.

Question

What equipment does Council own by way of graders for gravel roads and drainage, and how many operators does Council have on staff to operate the equipment?

Response

Council owns five (5) graders, four are dedicated to gravel road and drain maintenance and 1 for capital works. We have eight (8) operators on staff with varying levels of skills. A number of others are in training but would not be considered competent operators yet. We also have annual supply contracts for wet and dry hire that we can draw on when required.

Two questions raised by Gus Blaauw at Council Meeting 22 March 2017 were taken on notice and a response is now provided.

Question 1

With respect of the Council Budget, will Council make expenditure details available in the 'Materials and Services' and 'Other Expenses' ?

Response

Council note that you have asked variations on this question numerous times. Council's answer remains unchanged. Council prepares its budget and accounts with reference to the Chartered Accountants Australia and New Zealand 'Victoria Council Model Budget 2017/18' which is a best practice guide for reporting local government budgets in Victoria.

Question 2

With respect of the Council Budget, will Council make improvements to the sections: 'Section 2 Services and Service Performance Indicators'?

Response

As the Mayor has already indicated to you and your SGAG colleagues, if you consider that improvements could be made in the draft Budget, please make a submission indicating what you would like to see included, as part of the current Budget consultation process.

Questions raised by Lindsay Love at Council Meeting 22 March 2017 were taken on notice and a response is now provided.

Question 1

Will Council review the OH&S policy and specifically to randomly test workers for recreational drug use?

Response

Council has a comprehensive risk management strategy which is overseen by an internal audit committee. This risk is managed in accordance with Council's risk management processes.

Question 2

Will Council reduce the CEO's wage bill after allowing for reductions due to cut from the operations?

Response

Council is obliged to manage the CEO's employment as set out in the terms and conditions of the CEO's employment contract.

Question 3

With respect of Caravan Parks, can Council release the financial reports that they have sent to the Government for the past 3 years of Council operating the Caravan Parks?

Response

Council has not sent any financial reports to the government which have not already been made public.

Question 4

With respect of Caravan Parks, will Council continue to manage Caravan Parks or will it lease out the management?

Response

As previously advised, Council is yet to determine its position regarding caravan parks.

Question 5

Can Council confirm that the proposed Municipal Precinct project has been deleted from the Budget? And if it has what is Council doing with the Capital Reserves for this project?

Response

Yes this has been deleted from the forward budget. The decision to remove the municipal precinct project from the forward budgets does not make more money available. As of today there is the same amount of money available as there was

prior to the decision as the project was not planned for several years into the future.

It will be up to Council how it allocates this money in future budgets and you are invited to make a submission on the draft 2017/18 budget which is currently out for consultation until 26 April.

Question 6

With respect of Home and Community Care Service, will Council be continuing the service and thus make expenditure savings?

Response

Council is yet to determine its position regarding its Home and Community Care Service.

Waste Management Strategy

The draft Waste Management Strategy 2016-2021 presents South Gippsland Shire Council's long term waste management strategy to be implemented by the Sustainability Team.

The strategy builds on the outcomes achieved through the implementation of Council's initial Waste Management Strategy, which was developed and adopted by Council in 2011. It will guide Council's waste management activities and service provision through a set of actions to be implemented over the next five years.

The draft strategy will be available for public comment from Wednesday 28 February 2017 until Friday 31 March 2017. Feedback can be provided online, in person, emailed or handed in to Council's Customer Service Centre.

A question was raised by Otto Ippel at Council Meeting 22 March 2017 were taken on notice and a response is now provided.

Question

Councillors asking the following question to members of the community; do they think they pay too much rates?

Response

Council by taking its Proposed Budget and Council Plan to a formal communication consultation process is in fact asking the community for their opinion on their rates.

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.

Nil

9. MEETING CLOSED

NEXT MEETING

The next Ordinary Meeting of Council open to the public will be held on Wednesday, 24 May 2017 commencing at 2pm in the Council Chambers, Leongatha.