

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Agenda

Ordinary Meeting of Council

23 August 2017

**Ordinary Meeting No. 415**  
**Council Chambers, Leongatha**  
**Commencing at 2pm**



# agenda



*South Gippsland  
Shire Council*

*Come for the beauty, Stay for the lifestyle*



## MISSION

***South Gippsland Shire will be a place where our quality of life and sense of community are balanced by sustainable and sensitive development, population and economic growth.***

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## SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that Ordinary Meeting No. 415 of the  
South Gippsland Shire Council will be held on 23 August 2017  
in the Council Chambers, Leongatha commencing at 2pm

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**Tim Tamlin**  
**Chief Executive Officer**

## **1. PRELIMINARY MATTERS**

### **1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER**

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

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 and published.

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 live stream and recording.

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

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

Thank you

### **1.2. WELCOME**

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

### **1.3. OPENING PRAYER**

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

Amen

### **1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS**

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

## **1.5. APOLOGIES**

## **1.6. CONFIRMATION OF MINUTES**

### **RECOMMENDATION**

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 414, held on 26 July 2017 in the Council Chambers, Leongatha be confirmed.

## 1.7. DECLARATION OF CONFLICTS 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](http://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*.

## 1.8. DECLARATION OF CONFLICTS 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**



## **2. OBJECTIVE 1 - STRENGTHEN ECONOMIC GROWTH AND PROSPERITY**

### **2.1. RATING STRATEGY REVIEW 2018-2022**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

The purpose of this Report is to seek endorsement for a process to implement a review of the Council's Rating Strategy.

On 25 June 2014 Council adopted a Rating Strategy 2014-2018 that included a key element;

*'That Council with the assistance of a Rating Strategy Steering Committee review the Rating Strategy on a four year cycle that aligns with the 2nd year term of a newly elected Council'.*

It is recommended that Council again consider implementing this better practice approach to developing a rating strategy similar to that which was undertaken four years ago.

#### **RECOMMENDATION**

**That Council:**

- 1. Adopt the Rating Strategy Steering Committee Terms of Reference;**
- 2. Call for nominations for the Steering Committee; and**
- 3. Nominate no more than three Councillors to the Committee, targeting to have at least twice the number of community members (but no more than nine) as Councillor members on the Steering Committee.**

#### **REPORT**

An objective for a council under the Local Government Act 1989 (s. 3C(2)(f)) is to ensure the equitable imposition of rates and charges.

Based on a 2014-2018 Rating Strategy Discussion paper prepared by a Rating Strategy Steering Committee (RSSC), comprising three councillors and seven community members, and submissions made by the general community to the discussion paper in the first instance, a draft Rating Strategy was developed. On 25 June 2014, Council adopted a Rating Strategy 2014-2018.

The strategy was established with consideration of a number of key elements, including:

- The basis of valuation that Council uses, Capital Improved Value (CIV) and type of rate providing for differential rates to be applied to different property categories
- Rating principles
- Rating categories and municipal charge
- Waste charges
- Rebates
- Debt recovery policies and payment options
- Rating Strategy review cycle

Building on the research Council officers conducted four years ago to adopt better practice processes conducted in Victoria for developing rating strategies and from experiences in Council undertaking the process themselves, feedback is provided below on:

- What processes worked well;
- What lessons were learnt from the Rating Strategy review process; and
- Other factors to be considered when undertaking this forthcoming strategy.

### **Key Findings**

Key findings included:

- The importance of continuing to retain a RSSC that has strong representation from a range of ratepayer categories.
- The Council officer involvements in the RSSC continue to be limited to administrative and technical support to ensure timely provision of information and support to the committee.
- The importance of establishing a RSSC as a priority to ensure that the resulting Rating Strategy can be utilised in the development of the 2018/19 Annual Budget. Refer to **Attachment [2.1.3]** - Timelines for Rating Strategy Review. The initial meetings of the RSSC should focus on establishing what rating principals are to be applied before reviewing differential rate categories and conducting any rate modelling exercises.
- The previous Rating Strategy development process included two opportunities for the general public to provide feedback. The first being on the 'Discussion paper' that the RSSC developed, and the second on the

'Proposed Rating Strategy' that the Council endorsed and put out for comments. The reality was that the 'Discussion paper' and the 'Proposed Rating Strategy' were very similar documents. The resulting feedback therefore did not vary.

### **Local Government Act Review**

The State Government is currently reviewing the Local Government Act. The Directions Paper 'Act for the Future' has among things put forward a number of Proposed Directions including:

- Requirement for councils to continue to prepare rating strategies;
- Making all land rateable with the following exemptions (Crown Land, land vested / used for charitable purposes, land vested in / used for religious purposes and land used by persons who performed services under the Veterans Act;
- Requiring councils to apply Capital Improved Values (CIV) as a single uniform valuation system for raising general rates;
- If councils choose to declare a municipal charge that the maximum be set at 10 per cent of total rates;
- Retaining differential rates in their current form and requiring councils to clearly specify how the use of differential rating contributes to the equitable and efficient conduct of council functions as well as retaining the requirement that the highest differential rate must be no more than four times the lowest differential rate;
- Retain service rates and charges;
- Retain special rates and charges;
- Allowing councils to offer the ability to pay by lump sum or more frequent instalments providing all ratepayers have the option to pay in four quarterly instalments.

It would be appropriate to defer the above considerations until the next review period that will take place in 2022, after the State Government has passed a 'new' Local Government Act.

### **Options**

- Council conduct a Council-only review of the Rating Strategy (not create a RSSC) and seek community feedback on the Proposed 2018-2022 Rating Strategy via the s.223 process.

- Council with the assistance of a RSSC committee undertake a comprehensive review of the Rating Strategy as was conducted four years ago.
- Council consider the merits of the alternative 'focused' proposal as detailed in this report.

### **Direction**

The proposal is to continue to implement the better practice approach to developing a rating strategy but noting the following:

- The Steering Committee to comprise a maximum of three Councillors and continue to target to have at least twice as many community members (but no more than nine) as Councillor members, and in addition, appoint an independent non-voting chairperson to facilitate the meetings;
- A focus on reviewing the rating principles and rating differentials with consideration of the current review of the Local Government Act;
- Have only one s.223 review process where the general public can make submissions on the Proposed 2018-2022 Rating Strategy.

A steering committee comprising a majority community members accords with the 2017 Local Government Community Satisfaction Survey Research Report that included a recommendation that Council make community involvement a priority in its decision making approach.

It is envisaged that the group will continue to include no more than three Councillors and representation from a range of rate paying stakeholders including residential home owners, commercial and industrial property owners, vacant land and rural land holders. Nominations should also be encouraged from various representative organisations such as the Chamber of Commerce and Industry, local trader associations, tourism groups, community-based service providers and environmental groups.

The proposal to appoint an independent non-voting chairperson to facilitate the meetings would enable all other voting members of the committee to focus on the issues being discussed.

The Chief Executive Officer of South Gippsland Shire Council should be an ex-officio, non-voting member of the reference group. The Chief Executive Officer may delegate this membership to another officer. Relevant Council staff would be required to attend to provide technical input and administrative support.

It is proposed that a review be commenced shortly within the following parameters:

1. Establish a Rating Strategy Steering Committee (RSSC) to include representation from a cross section of rate-paying stakeholders. The committee would be classified as an “advisory committee”.
2. The terms of reference to have as its main objective for the RSSC to provide input into a new rating strategy document with particular emphasis on advising on key principles Council should consider in developing its rating strategy and in applying the differential rating categories. It is envisaged that the group will meet three or four times over several months.
3. The RSSC will be provided with background material and financial modelling capability, with further financial modelling support being provided as needed.
4. The RSSC will issue a draft rating strategy to Council to consider in February 2018. The draft strategy may or may not have unanimous support from the RSSC. Where unanimous support has not been secured a summary of the issues/positions of the various stakeholders will be provided to the Council for consideration.
5. Council to establish a Proposed Rating Strategy 2018-2022 and include the new Rating Strategy outcomes in its Proposed 2018/19 Annual Budget. Both the Annual Budget and the rating strategy are to be considered at the March 2018 Ordinary Meeting of Council.
6. Council will consider public submissions for both the Proposed 2018-2022 Rating Strategy and 2018/19 Proposed Annual Budget in May 2018.
7. Council will adopt the 2018/19 Annual Budget, including the new 2018-2022 Rating Strategy in June 2018.

### **Terms of Reference**

Refer **Attachment [2.1.1]** – Rating Strategy Steering Committee - Terms of Reference and **Attachment [2.1.2]** – Rating Strategy Steering Committee - Information Kit. The recommended objectives of the group should include:

- Identifying and recommending principles that Council should consider when striking general rates, particularly with regard to the creation and maintenance of any differential rates.
- Providing input regarding the equitable sharing of the rates burden between various categories of ratepayers, including Residential, Rural/Farming, Commercial and Industrial.

- Making suggestions regarding changes to the structure of current charges and their relationship to general rates e.g. Municipal Charges.

Issues the group will not be asked to consider or comment on include:

- The amount of total rates and charges revenue to be collected;
- Identifying any other special rates, charges or levies it believes the Council should consider.
- Waste service charges cost reflectivity;
- Special Charge Scheme Policy, Unpaid Rates Policy, Rates & Charges Hardship Policy and payment options for rates and charges.
- Strategies and policies of the Council in general;
- Cost effectiveness and efficiency of providing Council services;
- The merit or otherwise of the range of services and facilities provided by the Council;
- The Council's Capital Works Program.

## **RESOURCES**

This proposal does not give rise to any financial implications for Council. The purpose of the review is to consider the fair allocation of the rates burden across the various groups or classes of ratepayers.

It is beyond the scope of the review to discuss the appropriateness of the quantum of the rate revenue to be collected.

The cost to perform the review will be absorbed within current operating budgets except for the cost of the proposal to engage an independent facilitator to chair a number of meetings that the RSSC will undertake. This is not expected to be a material amount.

There are however; competing resource pressures on staff who will be required to be engaged in other projects including the biennial general revaluation of all rateable and non-rateable properties that has to be finalised by mid-2018.

## **RISKS**

The Rating Strategy is included in the Council's budget and a well-planned budget will reduce the risk that Council will not be able to provide the services expected and required by the community. Council is required under s.130 of

the Local Government Act 1989 to adopt a budget each year by no later than 30 June.

### **ATTACHMENTS**

*Attachments are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. Rating Strategy Steering Committee - Terms of Reference **[2.1.1]**
2. Rating Strategy Steering Committee - Information Kit **[2.1.2]**
3. Timelines for Rating Strategy Review **[2.1.3]**

### **REFERENCE DOCUMENTS**

#### **Council Policy**

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

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

#### **Legislative Provisions**

Local Government Act 1989

## **2.2. PLANNING SCHEME AMENDMENT C100 - GENERAL AMENDMENT - ADOPTION**

Development Services Directorate

### **EXECUTIVE SUMMARY**

Planning Scheme Amendment C100 proposes to correct approximately 60 zone and overlay mapping anomalies in the South Gippsland Planning Scheme. Items included in the amendment (known as a General Amendment) are split zonings (land in two different zones), incorrect zonings where it is clearly an error, rezoning of Council lots previously identified for sale, changes to incorrect or redundant overlays and correcting various VicRoads related zone and overlay map applications. The General Amendment is also being used to include one additional dwelling in the Heritage Overlay at the request of the landowner.

The amendment was exhibited for one month and received 14 submissions. Nine of the submissions are objections to the rezoning of Council owned land in Fish Creek. This report recommends the removal of this item from the amendment. This will ensure that the objections to this item will not unduly delay consideration of the amendment and the particulars of the submissions can be further considered by a later amendment. The remaining five submissions support the amendment or request changes to the amendment that are considered appropriate.

### **RECOMMENDATION**

**That Council:**

- 1. Removes the proposed rezoning of 15 Old Waratah Road, Fish Creek to the Township Zone from Planning Scheme Amendment C100.**
- 2. Adopts South Gippsland Planning Scheme Amendment C100 in accordance with the Amendment provisions in Attachment [2.2.1] - South Gippsland Planning Scheme Amendment C100 Adoption Documents.**
- 3. Submits the adopted South Gippsland Planning Scheme Amendment C100 to the Minister for Planning for approval.**
- 4. Adopts the updated Heritage Citation (Statement of Significance) for H0111 'Woodlands' 280 Stony Creek – Dollar Road, Stony Creek in Attachment [2.2.2] and inform Heritage Victoria of the change.**

### **REPORT**

Council has a statutory obligation under the *Planning and Environment Act 1987* to efficiently administer and enforce the Planning Scheme. This includes



ensuring the Planning Scheme is kept up to date and free of basic errors or anomalies. General Amendment C100 combines the mapping anomalies which have been collated by Council officers, external agencies and land owners in recent years.

Correcting mapping anomalies is important to maintaining the Planning Scheme. Mapping anomalies can cause frustration for land owners as they may trigger planning permits for land uses and/or buildings and works where they would not have been required had the mapping been correct.

A more detailed discussion of the specific nature of the items included in the amendment can be found in the 27 July 2016 Ordinary Meeting of Council Minutes – item E.13.

## CONSULTATION

Amendment C100 was on exhibition for four weeks from 4 May 2017 to 8 June 2017. Letters were sent to the owners and occupiers of the subject lands as well as to a range of agencies and authorities that might be affected by the amendment. Public notices were placed in the local newspapers and the Government Gazette. Comprehensive details of the Amendment were also placed on Council’s webpage. A total of 14 submissions were received. Submissions have been provided to Councillors in the **Confidential Attachment [15.1.1] - Planning Scheme Amendment C100 – Submissions.**

### Submissions

#### 15 Old Waratah Road Fish Creek

Nine objections were received to the proposed rezoning of 15 Old Waratah Road Fish Creek (4,100 square metres) from the Public Park and Recreation Zone (PPRZ) to the Township Zone (TZ) – refer Figure 1.

**Figure 1. Proposed rezoning of 15 Old Waratah Road from PPRZ to TZ.**



The subject land is owned by Council and has been identified by Council's 'Strategic Review of Landholdings Project' as excess to Council's needs and appropriate for sale. Rezoning of the land from the PPRZ to the TZ is required before the land can be sold. Public notice of Council's intention to sell the land occurred in December 2015 and no objections were received.

The submissions object to the rezoning because it will facilitate the sale of the land and its loss as open space. The submissions note that the land is centrally located, close to the primary school and could be enhanced as open space for the benefit of the township.

This report does not seek to comment on the merits of the subject land as open space. Amendment C100 was prepared as a compilation of straightforward zone and overlay changes. It is clear from the submissions that the rezoning is not straightforward and that the matters raised are unlikely to be resolved to a point whereby the objections are resolved and the land rezoned TZ. When objections remain outstanding, the amendment must be referred to an Independent Planning Panel for consideration. This is a costly process and would delay the approval of Amendment C100.

It is recommended that the subject land be removed from Amendment C100. This will ensure that the objections will not unduly delay consideration of the amendment and the particulars of the submissions can be further considered by a later amendment.

### **Transport for Victoria (VicRoads)**

Transport for Victoria support Amendment C100 however they have identified a series of changes required to the proposed application of the Road Zone Category 1 (RDZ1 - VicRoads' asset) and the Public Acquisition Overlays (PAO) benefiting VicRoads. The requested changes include corrections to drafting anomalies in the amendment documentation (incorrect PAO numbering), the inclusion of additional land where the PAO is to be removed (land VicRoads has already acquired) and additional RDZ1 application to the existing alignment of the South Gippsland Highway. Importantly, the amendment and the requested changes do not apply the PAO to any new sites. The requested changes are supported and have been included in Amendment C100.

Some of the RDZ1 changes requested by VicRoads affect very small parcels of land that are difficult to accurately map in the Planning Scheme. The parcels are detailed in the survey plan attached to the VicRoads submission. Council officers are working with VicRoads and the Department of Environment, Land, Water and Planning (mapping unit) to accurately capture these changes in the Planning Scheme. This work will continue after Council adopts the amendment and explains why the adoption documents include a

survey plan identifying road zoning changes. The survey plan must be adopted to allow this mapping work to be finalised at a later stage.

### **280 Stony Creek – Dollar Road, Stony Creek - Heritage Overlay Correction**

The heritage dwelling (Woodlands) at 280 Stony Creek – Dollar Road, Stony Creek is already included in the Heritage Overlay (HO) in the Planning Scheme (identified as HO111). A recent re-subdivision of the land resulted in the mapping of the HO no longer matching the boundaries of the subject land. This resulted in the HO applying to land that has no heritage significance. The amendment corrects the HO so that only the land with heritage significance is mapped.

The HO111 map change is supported by the owners of the subject land. As part of their submission, they have provided an updated Heritage Citation (Statement of significance) for Woodlands. The citation has been prepared by a heritage consultant and provides extensive details of the history of Woodlands and the heritage elements that contribute to its significance. The new citation explains that the HO111 extends into the road reserve to identify and protect the original timber platform stand where cream cans were placed for collection by the local butter factory.

Heritage citations are official statements of heritage significance and should be adopted by Council in recognition of their importance as a planning permit assessment tool. It is recommended that Council adopt the HO111 Woodlands Citation provided in **Attachment [2.2.2]** and submit the citation to Heritage Victoria for inclusion in the State-wide heritage database (Hermes).

### **RESOURCES**

Adoption of Amendment C100 has a positive effect on future resourcing by eliminating the administrative burden associated with the incorrect permit triggers identified in the amendment.

### **RISKS**

Failure to address the various anomalies identified within the amendment may unnecessarily delay or prohibit otherwise appropriate development.

### **ATTACHMENTS**

*Attachments are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. South Gippsland Planning Scheme Amendment C100 Adoption Documents **[2.2.1]**
2. Heritage Citation for HO111 Woodlands 280 Stony Creek Dollar Road, Stony Creek **[2.2.2]**

**REFERENCE DOCUMENTS**

**Legislative Provisions**

Planning and Environment Act 1987

## **2.3. PLANNING SCHEME AMENDMENT C90 - HOUSING AND SETTLEMENT STRATEGY AND RESTRUCTURE OVERLAYS - AUTHORISATION**

Development Services Directorate

### **EXECUTIVE SUMMARY**

The purpose of this report is for Council to consider a request to be made to the Minister for Planning to authorise the preparation and exhibition of Planning Scheme Amendment C90. The Amendment was initially adopted by Council at its 24 August 2016 Ordinary Meeting of Council. It is now proposed to include additional Restructure Overlays to the previously adopted Amendment C90 so that Council can reduce the cost and complexity in processing two separate amendments addressing similar matters.

The new provisions to be included in the Amendment propose to apply the Restructure Overlay (a process to combine lots) and include Restructure Plans in the Planning Scheme for additional areas to those previously adopted by Council at the 24 August 2016 Ordinary Meeting of Council. A key benefit of the Restructure Plans is to allow development to occur on land that cannot be developed under existing planning controls. It will also advise prospective purchasers via Vendors Statements and landowners that the development of a dwelling on every existing lot in old subdivisions is not appropriate where environmental and planning scheme constraints apply. The locations affected by the new provisions to be included in the Amendment are Buffalo, Darlimurla, Dollar, Hedley, Port Welshpool, Stony Creek and Toora.

### **RECOMMENDATION**

**That Council:**

- 1. Adopts documents contained in Attachment [2.3.1] – Planning Scheme Amendment C90 - Restructure Overlay Maps, Attachment [2.3.2] – Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire August 2017 and Attachment [2.3.3] – Changed Planning Provisions and Explanatory Report for Revised Planning Scheme Amendment C90.**
- 2. Seek authorisation from the Minister for Planning to prepare a revised Planning Scheme Amendment C90 and to exhibit the Amendment.**

### **REPORT**

#### **Background**

Across the Shire there are numerous old and inappropriate subdivisions related to historic activity such as mining or transport (rail and boat) that in the late 1800s were anticipated to develop into towns or 'closer settlements' (a form of small lot farming that may have been viable at the time). Some of these areas were

developed but later dismantled (e.g. Outtrim), and others never developed to any extent (e.g. Hoddle near Fish Creek). Often the subdivision plans were prepared in Melbourne with no connection to conditions on the ground (e.g. the many road reservations in the shire that were mapped on very steep slopes). Some subdivisions were created as an element of employment agreements – workers would not be employed in a mine or mill unless they agreed to purchase a lot in the township the company created (e.g. Outtrim).

Many of these areas are stretches of farmland or bush, however the original subdivision lots and road reserves remain on titles. As the rural residential lifestyle becomes increasingly popular, a growing number of these lots are being transferred from owners who have many small lots in one land holding, to new owners with the expectation of being able to build a house on each individual lot.

The Planning Scheme's current policies discourage or prohibit the development of such areas. This has resulted in development becoming effectively frozen in these old subdivisions. Landowners are left frustrated or else sell on to a new, unsuspecting purchasers who repeat the cycle. Some land purchasers have expressed the view to Council officers that they would not have purchased the land if they knew of the issues and that Council should be seeking to make the development constraints in these areas clear. Applying the Restructure Overlay will address this issue.

When assessing a planning permit application for a dwelling Council is obliged to consider susceptibility to flood inundation and bushfire (both of which are likely to worsen with climate change), the need to protect the integrity of commercial agriculture, potable water catchments and significant landscapes, and the ability to maintain necessary infrastructure servicing. In the case of the areas proposed for restructuring by Amendment C90, the above issues are significant constraints to development.

### **Restructure Areas - Background**

(refer to **Attachment [2.3.1]** - Restructure Overlay Maps).

**Buffalo** - 24 densely vegetated lots (generally 0.1 ha) in public ownership and two pasture lots in private ownership. Located between the extension of McPhee Rd and Hall Rd, with undeveloped road reserves. Subdivision is associated with the former railway station. All land is in the Township Zone (TZ) with the Bushfire Management Overlay (BMO) applied. Recommended for restructure by the adopted Housing and Settlement Strategy (HSS) and shown as such in the Buffalo Framework Plan.

**Darlimurla** – 13 lots (most 0.18ha) in private ownership and used for rural residential purposes (a house on one lot and open space on the other lot/s). Located on the north side of Cornell Rd. Subdivision is associated with the former

railway station. All land is in the Rural Activity Zone (RAZ) with the BMO applied. The Country Fire Authority submission to the HSS requested that Council not encourage further development due to the high fire risk. The area was significantly impacted by the 2009 Delburn bushfire.

**Dollar** – Seven vacant lots (sizes 0.3ha to 3ha) in private ownership, two lots in public ownership (0.4ha and 0.8ha) plus an undeveloped road reserve located on the south west corner of Dollar Hall Rd and the Foster-Mirboo Rd. Subdivision associated with the former settlement. Both the public and private owned land is zoned Farming Zone (FZ). Overlays apply – BMO, Environmental Significance Overlay 2 (Water Catchment) [ESO2] and Environmental Significance Overlay 5 (Land Susceptible to Erosion) [ESO5]. The Heritage Overlay (HO) applies to the former Dollar School located on one of the public-owned lots. The private land (10ha approx.) is a mix of pasture and vegetated gullies, and is part of a farm exceeding 320ha. The Tarwin Catchment On-site Wastewater Management System tool assesses the seven private lots as being in the high and medium risk categories.

**Hedley** – Six densely vegetated lots (0.6 - 0.76ha range) and an undeveloped road reserve all in public ownership. Located on the south east corner of the South Gippsland Highway and Todds Rd. Subdivision is associated with the former railway station. All land is in the Public Conservation and Resource Zone (PCRZ) with the BMO and Significant Landscape Overlay 3 (Corner Inlet Amphitheatre) [SLO3] applied.

**Port Welshpool** – 85 lots (sizes from 0.1ha to 6ha generally) of which 47 are privately owned and 38 are in public ownership. There are extensive undeveloped Crown owned road reserves. The area is located between Telegraph Rd and the coast, and all but six lots are east of Port Welshpool Rd. Most of the private land is used for grazing or rural residential purposes. Almost all public owned land is densely vegetated and includes some tidal salt marsh. The subdivision was associated with the port. Land is zoned FZ or a mix of PCRZ and Public Park and Recreation Zone [PPRZ]). Some private land erroneously has a public zoning and vice-versa. The Land Subject to Inundation Overlay (LSIO) and the BMO affect approximately 90% of the restructure area. The SLO3 applies to the privately owned land and the Environmental Significance Overlay 3 (Coastal Settlements) [ESO3] affects the entire area.

**Stony Creek** – 24 densely vegetated lots (0.3-0.4ha range) plus two short road reserves, all in public ownership, on Jacks Rd. Subdivision is associated with the former railway station. All land is zoned FZ with BMO, ESO2 and ESO5 applied. Recommended for restructure by the adopted Housing and Settlement Strategy (HSS).

**Toora Coastal Area** – 175 lots (many in the 2-4ha range, several sized 4-20ha and a few larger). The majority are used for grazing (a mix of commercial farms, rural residential and vacant land). With one exception the lots are privately owned and there are extensive undeveloped road reserves. The subdivision was created by an (unsuccessful) government Village Settlement Scheme in the 1890s depression. All land is zoned FZ and has the SLO3 and ES03 applied. Approximately 80-90 per cent of the land is covered by the LSIO. A small number of lots in the north east are also affected by the Environmental Significance Overlay 4 (Sewage Treatment Plant and environs). Lot layouts have been organised so that restructure lot locations that are outside of the LSIO will have the ability to apply for dwelling permits.

### **Discussion**

The subdivisions proposed for restructuring have a common theme of historic origin, clustering of small lots, relative lack of development and public infrastructure, rural or isolated location, and environmental constraints. Although fragmentation of ownership has occurred, and is increasing over time, many lots are still held in pairs or larger groups of common ownership. The longer restructuring is delayed, the more fragmented the ownership is likely to become. The Restructure Plans have been prepared taking into account risk reduction (notably flood and fire risk), existing land uses, ownership patterns, and the planning scheme objectives and policies affecting the locations. Refer **Attachment [2.3.2]** - Incorporated document Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire August 2017.

Vacant Restructure Lots have been configured so that they have space where (conditionally) a dwelling could be located and accessed, and landscape impacts minimised. The Incorporated document provisions set aside the need to justify the use of a dwelling in support of agriculture on Restructure Lots sized between 4.1-40ha. This exemption is a significant advantage for these landowners.

Both the Toora Coastal Area and the Port Welshpool Restructure Plans bring together more than one private landowner's parcels within the one Restructure Lot. While this makes combining lots to create a Restructure Lot more difficult compared to those where all lots are held in common ownership, experience at the two Venus Bay Restructure Areas and in other municipalities proves that it can be successfully achieved where planning permits have issued and dwellings have been built. Vacant lots can of course continue to be used for non-residential farming purposes. Restructuring of public owned land at Buffalo, Dollar, Hedley, Port Welshpool, and Stony Creek discourages inappropriate development in the event the State Government decides to sell land. The densely vegetated Restructure Lots in public ownership are designated as 'no dwelling development' Restructure Lots due to bushfire risk.



Without knowledge of the history and constraints affecting these areas, restructuring might be seen as removing the ability of some landowners to develop a dwelling on their land. However in practice the Restructure Overlay is a pro-development tool which will realise more dwellings on vacant, private land in these areas than currently permissible. The C90 Restructure Plans conditionally allow for 50 more dwellings than is presently allowed by the Planning Scheme.

Where a Restructure Lot is vacant, the Restructure Plan gives reasonable expectation a dwelling will be approved, subject to the decisions of external referral authorities such as the West Gippsland Catchment Management Authority, the Country Fire Authority and South Gippsland Water. Further, the Restructure Overlay and Restructure Plan provides a strategic framework for consistent planning decisions and gives warning to prospective purchasers (through the vendor's statement) about development limitations.

In addition to applying the Restructure Overlay, Amendment C90 includes the Incorporated Document and some planning clause changes to the Planning Scheme to accommodate the restructuring. The draft Amendment documents can be viewed in **Attachments [2.3.1], [2.3.2] and [2.3.3]**. The colour / underlined text identifies the new planning scheme provisions. The formal Explanatory Report which must accompany amendment documentation can be viewed at **Attachment [2.3.3] - Changed Planning Provisions and Explanatory Report for Revised Planning Scheme Amendment C90**.

This Council Report does not discuss the merits of the planning scheme provisions adopted by Council for authorisation and exhibition at its 24 August 2016 Ordinary Meeting of Council. These provisions have been included in the updated provisions detailed in the Attachments to this report. The merits of these changes can be viewed in the minutes of the 24 August 2016 Ordinary Meeting of Council on Council's website.

## **CONSULTATION**

The formal four-week consultation period required by the *Planning and Environment Act 1987* will be extended to six weeks and all affected landowners will be invited by mail to an individual meeting (held in person or by telephone as desired) to discuss the potential effect of the proposed Restructure Plan on their property and for guidance in making a submission. Drop-in sessions will also be held at various locations around the Shire. These will be supported by a Council web page, newspaper articles and advertisements.

## **RESOURCES**

The costs associated with a planning scheme amendment are part of the operational budget for the Planning Department. Including all of the proposed

Restructure Overlays into the one Amendment reduces the costs of exhibition, any required Planning Panel Hearing, and the Ministerial approval fees.

### **RISKS**

Amendment C90 seeks to reduce risk to landowners, developers, prospective purchasers and statutory authorities by clarifying development certainty in the affected areas.

Amendment C90 will support Council's ability to clearly and transparently guide the future of the areas, having regard to constraints and land use risks.

### **ATTACHMENTS**

*Attachments are available on Council's website –visit [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au).*

1. Planning Scheme Amendment C90 - Restructure Overlay Maps **[2.3.1]**
2. Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire August 2017 **[2.3.2]**
3. Changed Planning Provisions and Explanatory Report for Revised Planning Scheme Amendment C90 **[2.3.3]**

### **REFERENCE DOCUMENTS**

#### **Council Policy**

South Gippsland Housing and Settlement Strategy 2013

#### **Legislative Provisions**

Planning and Environment Act 1987

**3. OBJECTIVE 2 - BUILD STRONG PARTNERSHIPS, STRENGTHEN  
ARTS & CULTURE AND DELIVER EQUITABLE OUTCOMES**

**3.1. NIL**

**Nil**

## **4. OBJECTIVE 3 - IMPROVE SOUTH GIPPSLAND'S BUILT ASSETS AND VALUE OUR NATURAL ENVIRONMENT**

### **4.1. 2017/18 MAJOR GRANT PROGRAM - CHILDREN'S FACILITIES CAPITAL PROGRAM**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

It is proposed to submit an application to the State Government Children's Facilities Capital Program – 2017/18 Major Grants to upgrade the Fish Creek Kindergarten Facility.

The Children's Facilities Capital Program (CFCP) provides funding support to local governments and other service providers to invest in early childhood infrastructure.

#### **RECOMMENDATION**

**That Council submits an application to the Children's Facilities Capital Program – 2017/18 Major Grants for the Fish Creek Kindergarten Facility Upgrade Project.**

#### **REPORT**

In 2011 a new integrated service was built in Foster for the families of Corner Inlet. Prom Coast Centres for Children (PCCC) was established, providing long day care, kindergarten and maternal and child health services at the Foster site and continued kindergarten programs at the satellite centres in Fish Creek, Toora and Welshpool.

In 2014, the sudden withdrawal of operator Uniting Care Gippsland led to a local campaign to save the Corner Inlet service from closure. A community-based committee of management was appointed to continue the provision of services, with a strong commitment by PCCC to retain services at all three satellite centres.

Currently the satellite kindergarten programs at Toora, Welshpool and Fish Creek operate in ageing infrastructure that will require major upgrades in the next 10-15 years.

While the existing facilities meet the functional space requirements of program delivery, the design and/or layout of the buildings make programming a challenge in order to meet the Commonwealth Government's National Quality Framework for education and care services.

In 2015, the current and future demands for Early Years services in Toora, Welshpool and Fish Creek were investigated in order to plan for the long term Early Years infrastructure needs in Corner Inlet. The Corner Inlet Kindergarten Infrastructure Review was presented to Council in October 2015 and resolved to support the reviews recommendations:

- Continue to maintain and improve the existing facilities at Fish Creek, Toora and Welshpool for a minimum of five years;
- Collaborate with PCCC to identify functionality requirements across the three satellite kindergartens (Toora, Welshpool and Fish Creek) and invest a previously allocated amount of \$168,195 according to agreed priorities over the next five years;
- Investigate, in consultation with the community, the development of one integrated community hub to meet the service requirements of a 22-place kindergarten and ancillary services servicing Toora and Welshpool in the next 5-10 years; and
- Plan for the upgrade of the Fish Creek kindergarten in the next 15-20 years.

As an outcome of the above and after consultation with the PCCC, it was agreed that the allocated funds should be utilised to upgrade the Fish Creek Kindergarten as a priority.

### **Project Scope**

The objective of the Fish Creek Kindergarten Upgrade Project is to bring the existing, structurally sound facility up to a standard that will continue to meet service requirements for the next 15 years. To date, the committee has driven the proposed concept designs. **Attachment [4.1.1] - Option B Plan - Fish Creek Kindergarten.**

In summary, the proposed works will:

- Provide access for all to the building through the construction of a compliant access ramp as well as a new entry/sign-in area;
- Upgrade and re-position the existing kitchen and office areas to improve operational functionality; and
- Extend the facility to provide a new DEECD compliant toilet area.

Final drawings are required to be developed and approved by DEECD.

The cost of the project at this early stage is estimated to be \$230,000.

**Attachment [4.1.2]** - Cost Estimate - Fish Creek Kindergarten.

### **Children's Facilities Capital Program**

The capital program has been established to provide families flexible, accessible and affordable early childhood education and care services, including kindergarten programs. It identifies that these programs should be delivered alongside other key services such as Maternal and Child Health, early childhood intervention services, playgroups and family services.

The State Government has committed \$70M between 2015-19 to support local governments and other service providers to invest in early childhood infrastructure. Of this \$70M, \$10M was committed to address demand for early years' services in high growth areas, and a further \$10M to collocate early years' infrastructure with schools. This investment through the CFCP will support the provision of high quality early years' programs for children and their families by:

- increasing infrastructure capacity to deliver a kindergarten program for children in the year before school;
- promoting integrated service delivery at one location where families can access early childhood education and care, health and development and family services;
- improving access for children from vulnerable and/or disadvantaged families to local and responsive early childhood services; and
- providing early childhood infrastructure on or near school sites.

Applications to the program opened on the 15 June 2017 with applications closing on 15 September 2017. The program has three streams of funding, namely:

- Integrated Children's Centre
- New Early Learning Facility
- Early Learning Facility Upgrade

It is recommended that Council considers applying to the Early Learning Facility Upgrade stream for the Fish Creek Kindergarten Facility Upgrade project.

The Early Learning Facility Upgrade Grants are for the renovation or refurbishment of existing, licensed early childhood education and care

facilities, including those not currently used for the delivery of a funded kindergarten program, to expand licensed capacity and/or improve the quality of the learning environment.

Eligible organisations can apply for up to 75 per cent of the total project cost, capped at \$350,000 per grant (GST exclusive).

### **CONSULTATION**

Extensive consultation occurred during the preparation of the Corner Inlet Kindergarten Infrastructure Review.

Council staff have continued to liaise with the PCCC in implementing the review recommendations.

### **RESOURCES**

Funding of \$160,106 for the project is identified in the forward Capital Works Program for 2018/19. Early cost estimates for the project indicate that \$230,000 is required to fund the upgrade of the facility to a standard that will meet the service requirements for the next 15 years.

Council has the opportunity to offset its financial contribution towards the project by applying for the maximum 75 per cent of the total project cost. Therefore, based on the initial cost estimates provided, Council's contribution would be approximately \$57,500, should an application to the CFCP be successful.

### **RISKS**

If Council does not support an application for the project it will miss an opportunity to obtain external funding to upgrade the Fish Creek Kindergarten and will be required to fully fund the project.

### **ATTACHMENTS**

*Attachments are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. Option B Plan - Fish Creek Kindergarten **[4.1.1]**
2. Cost Estimate - Fish Creek Kindergarten **[4.1.2]**

### **REFERENCE DOCUMENTS**

#### **Council Policy**

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

Blueprint for Social and Community Infrastructure 2014-2029

Children and Families Plan 2016-2021

**Legislative Provisions**

Children's Services Regulations 2009

Local Government Act 1989



## **4.2. PROPOSED SALE OF COUNCIL LAND IN KORUMBURRA**

Sustainable Communities and Infrastructure Services Directorate

### **EXECUTIVE SUMMARY**

Council has been approached by a supermarket development company that seeks to develop a full line supermarket at the corner of Commercial Street and King Street in Korumburra with a request to purchase Council land. The site for the development includes various parcels of land owned by Council including the Korumburra library site, the residential premises at 1 King Street, and the former Birralee Child Care Centre at 26 Victoria Street, which may be partly required for traffic purposes (the Site).

The proposal is a rare opportunity to locate a new larger, full-line supermarket in the main street as identified through the Korumburra Town Centre Framework Plan that was supported by Council and the community.

Council resolved at its Ordinary Meeting on 28 June 2017 to endorse the Korumburra Supermarket Development Engagement Plan. This includes commencing the statutory procedures for the sale of land to the supermarket development company.

### **RECOMMENDATION**

**The Council:**

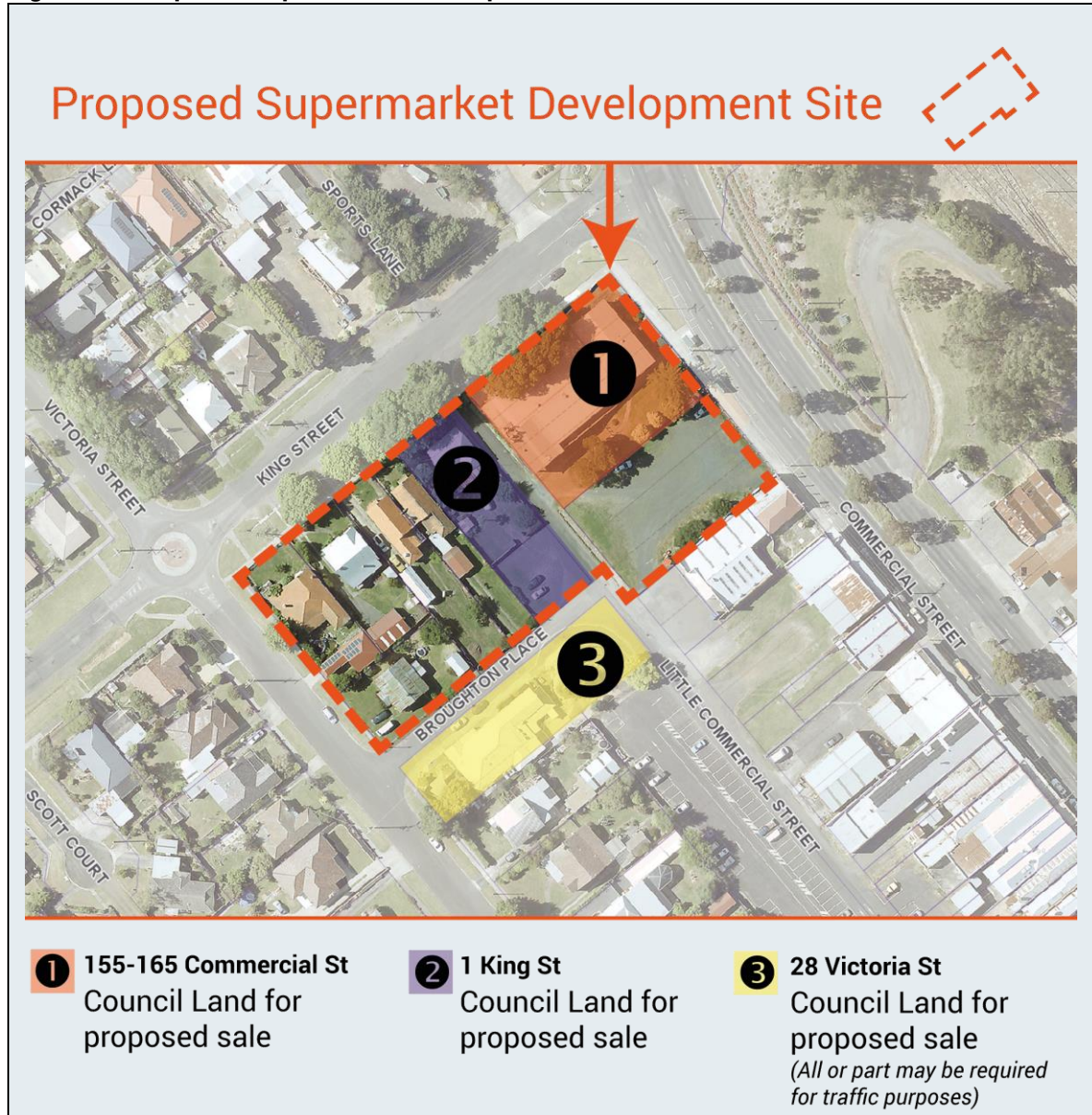
- 1. In accordance with ss.189 and 223 of the Local Government Act 1989, commence the statutory procedures of the following Proposal to:**
  - a. Sell the following land by private treaty:**
    - i. 155-165 Commercial Street, Korumburra being the land contained within certificates of title volume 3117 folio 283, volume 4989 folio 766, volume 3235 folio 873, volume 3111 folio 124, and volume 2973 folio 574 being approximately 2,023m<sup>2</sup>;**
    - ii. 1 King Street, Korumburra being the land contained within certificate of title volume 10077 folio 103 and volume 10077 folio 104 being approximately 1,056m<sup>2</sup>; and**
    - iii. 28 Victoria Street, Korumburra being the land described in certificate of title volume 6571 folio 160 being approximately 1,631m<sup>2</sup>.**

- b. For not less than a valuation obtained not more than six months prior to the sale.**
- 2. Give public notice in accordance with s.223 of the Local Government Act 1989 of the above Proposal in Council's Noticeboard section of the local newspapers in the week commencing 28 August 2017 and invite written submissions from the community by 5.00pm, Tuesday 26 September 2017.**
- 3. Authorise the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under s.223 of the Local Government Act 1989 in respect of the Proposal.**
- 4. If submissions are received to the public notice (item 2 above):**
  - a. Authorise the Chief Executive Officer to set the time, date, and place to hear submissions.**
  - b. Hear submitters who have elected to speak to their submission at a Special Meeting of Council in open session.**
  - c. Consider and determine submissions at the Ordinary Council Meeting to be held 22 November 2017 in open session.**
- 5. If no submissions are received to the public notice, continue with the Proposal.**

#### **REPORT**

Council has been approached by a supermarket development company that seeks to purchase various Council properties in order to assemble a development site large enough to cater for a full line supermarket and associated car parking (the Proposed Development). The site for the Proposed Development is shown bordered in orange in **Figure 1** below. The Council properties for proposed sale as part of the Proposed Development are shown shaded orange, purple, and yellow.

**Figure 1 – Proposed Supermarket Development Site**



**The Council Properties**

To accommodate the Proposed Development, Council will need to agree to sell the following parcels of land, or part, by private treaty to the supermarket development company and commence the statutory procedures for sale. The Council properties are shown in **Figure 1** above and are listed in **Table 1** below:

**Table 1 – Council Properties**

#	Address	Legal Description	Use
1	155-165 Commercial Street	Certificates of title: Volume 3117 folio 283 Volume 4989 folio 766 Volume 3235 folio 873 Volume 3111 folio 124 Volume 2973 folio 574	Library Historical Society Rotary Art Gallery Meeting Space Storage
2	1 King Street	Certificates of title: Volume 10077 folio 103 Volume 10077 folio 104	Residential
3	26 Victoria Street	Certificate of title: Volume 6571 folio 160	Vacant. Former Birralee Child Care Centre

The current Valuation of the above three sites is available in **Confidential Attachment [15.2.1]** – Valuation Certificate for Three Council Properties.

Council's [Land Ownership Policy](#) (clause 3) provides for Council to sell land by private treaty where circumstances exist that justify an alternative method of sale).

In this instance, the following circumstances exist to provide Council with justifiable reasons to its proposed sale of land by private treaty:

1. The supermarket development company owns the vacant land adjoining the Library.
2. The supermarket development company has entered into contracts for the purchase of all the privately owned parcels of land contained within the Proposed Development.
3. Given 1 and 2 above, it is unlikely that an expression of interest process would identify a developer able to deliver a supermarket development in this location.
4. The significance of the supermarket development to the township of Korumburra and its recognition in Council's strategic documents.

### The Site

The Site is currently occupied by:

1. West Gippsland Regional Library Corporation.
2. Korumburra Historical Society.

3. Community meeting rooms.
4. Rotary Art Gallery.
5. Lions Club (storage only).
6. Residential tenancy at 1 King Street.

Selling the Site will mean relocating the current occupiers. Discussions have been held with the current occupiers on relocation options. Interim Relocation Options for Existing Services requires further investigation and Council will receive a report to consider and determine options for the interim relocation of the current occupiers in the coming months.

### **CONSULTATION**

Council recently received a report at its Ordinary Meeting on 28 June 2017 that presented the Korumburra Supermarket Development Engagement Plan. Council resolved to endorse this Engagement Plan.

The Engagement Plan proposes that the statutory procedures for the sale of the parcels of land comprised in the Site runs concurrently with the timeframe for the developer's town planning permit application. The statutory process includes calling for public submissions in accordance with s.223 of the Local Government Act 1989.

Once the community engagement and statutory processes are complete, Council will have a clearer view from the community on the proposed development of the supermarket and options for a future site for a Library / Community Hub.

### **RESOURCES**

Initially, resources will include officers' time and the cost of public notices until the final outcome of the community engagement process is known.

Valuations within **Confidential Attachment [15.2.1]** may change due to easement / subdivision requirements through the planning permit process and timing.

### **RISKS**

There is a risk that the community will not support the development.

There is a risk that users of the Site may not support relocation options.

## CONFIDENTIAL ATTACHMENTS

**Confidential Attachment [15.2.1]** – Valuation Certificate for Three Council Properties is provided in accordance with s.77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this Agenda Item as confidential information on the grounds that it relates to s.89(2)(e) – proposed developments.

The Confidential Attachments is deemed confidential as the date of the proposed 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 (dependant on whether the s.5(3) application is successful, or a planning scheme amendment is required). A valuation is not required under the Land Acquisition and Compensation Act 1986 until the date of acquisition.

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.

## REFERENCE DOCUMENTS

### **Council Policy**

*Documents are available on Council's website:* [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)

Council Land Ownership Policy

Korumburra Town Centre Framework Plan

### **Legislative Provisions**

Local Government Act 1989

#### **4.3. PROPOSED ROAD DEVIATION AND EXCHANGE IN STONY CREEK (MOYES ROAD)**

Sustainable Communities and Infrastructure Services Directorate

##### **EXECUTIVE SUMMARY**

Moyes Road is a Government Road in Stony Creek (the Road). Part of the Road has had improvements erected on it by an adjoining land owner. Another part of the Road is on private land. This is a common occurrence throughout the Shire and can be rectified by a road deviation procedure. See **Figure 1** Road Deviation Plan and **Figure 2** Locality Plan located at the end of this report.

A road deviation procedure will exchange the section of the Road being used privately for the section of Road that is formed on the private land. The area of Road that has formed on private land is referred to as the “deviated road”.

As the area of the Road being used privately is a Government Road, the proposed road deviation procedure is subject to Ministerial consent that this area of the Road is not required for road purposes. This consent has been obtained.

Council has powers under ss. 204, 206, 207B, 207E, and schedule 10, clause 2 of the Local Government Act 1989 to deviate the road and exchange the land. Council is also required to follow the statutory public notification procedures as set out in s.223 of the Local Government Act 1989 regarding a proposal to deviate and exchange the land from the Road.

Following the public notification procedure and subject to submissions, the area of deviated road will be registered as a public road in the Public Roads Register.

##### **RECOMMENDATION**

**That Council:**

- 1. Commence the statutory procedures in accordance with the Local Government Act 1989 (ss. 223, 204, 206, 207B, 207E, and schedule 10, clause 2) to:**
  - a. Deviate part of Moyes Road, Stony Creek described as Crown Allotment 77A (Part) Parish of Doomburrim with an area of 310m<sup>2</sup> (shown as cross hatched in Attachment Plan of Road Deviation) and declare this area of 310m<sup>2</sup> as a public highway.**





## **REPORT**

The owner of Lot 2 PS714797V CA77A PP2537 Parish of Doomburrim (Wright) has erected private improvements on a portion of the Road giving the appearance of this portion of Road being private property. At the same time, part of the Road has formed on Wright's private property. This situation is shown in **Figure 1** - Locality Plan.

The areas for the road deviation and exchange are both 310m<sup>2</sup>. Refer Figure 2 - Plan of Road Deviation.

To remedy this situation it is proposed to deviate that part of the Road that has formed on Wright's property in exchange for that part of the Road that Wright has erected private improvement and is not required for road purposes.

Ministerial consent to this proposal was given on 22 June 2017.

Council staff under delegated power pursuant to s.17(2) and s.17(3) of the Road Management Act 2004 has agreed to the care and management of the road. Section 172 (2) imposes a duty on Council to register a public road in the public roads register and s.17(3) gives a power to Council to declare that a road is reasonably required for general public use.

Council can commence the statutory procedures to deviate and exchange the land from the road in accordance with ss. 206, 207B, 223 and clause 2 of Schedule 10 of the Local Government Act 1989.

## **CONSULTATION**

### **External Consultation**

Council's Property Department has met with and explained the statutory process to the adjoining landowner who is keen for the process to proceed.

Council has consulted with the Department of Environment, Land, Water and Planning to obtain the Minister's consent.

If Council supports the recommendation in this report, further public consultation will occur by way of:

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

### **Internal Consultation**

The Property Department and the Engineering and Assets Department carried out investigations into the need for the road deviation and exchange and see no problems with the proposal.

### **RESOURCES**

#### **Financial Considerations**

There should be no administrative costs associated with the process for survey works and preparation of title plans because the adjoining land owner has agreed to have these prepared and provided to Council. These plans are required for lodging with the Land Registry office as a formal record, and will also be used in the public notice published in the Victorian Government Gazette.

Council's Valuers have confirmed that the 310 m<sup>2</sup> coming of CA 77A and the 310 m<sup>2</sup> consolidating onto CA 77A have a similar or the same value because both pieces of land are the same size, still irregular in shape and have similar access and services.

### **RISKS**

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

### **REFERENCE DOCUMENTS**

#### **Council Policy**

Road Deviation Procedure

#### **Legislative Provisions**

Local Government Act 1989

Figure 1 Road Deviation Plan

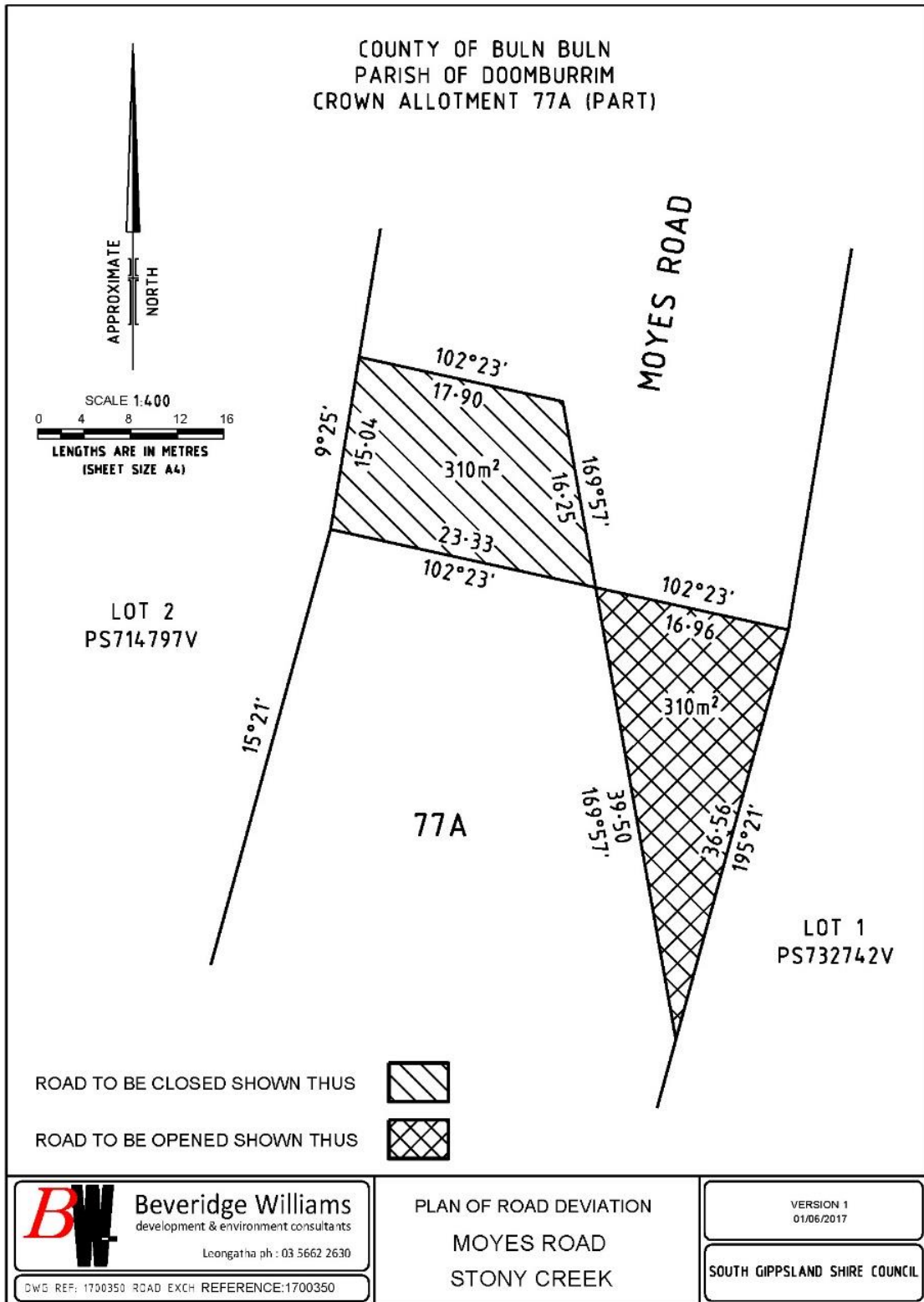
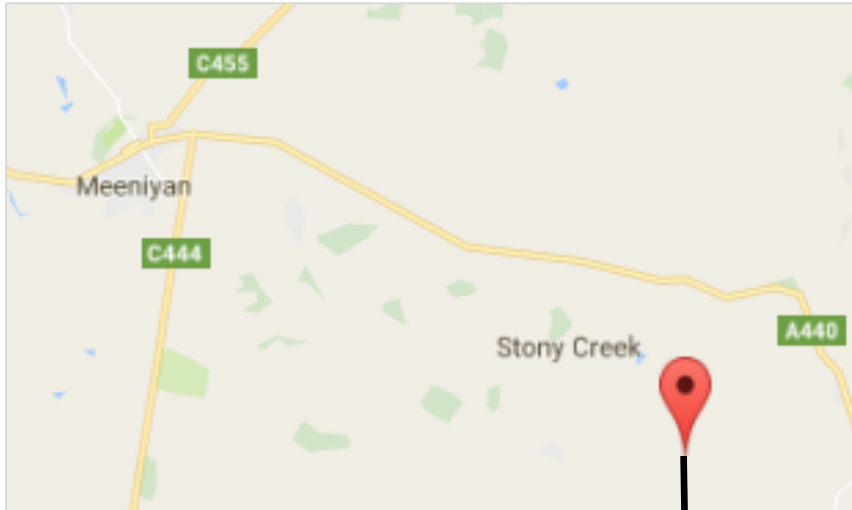




Figure 2 Locality Plan



-  ROAD TO BE CLOSED
-  ROAD TO BE OPENED

**5. OBJECTIVE 4 - ENHANCE ORGANISATIONAL DEVELOPMENT AND  
IMPLEMENT GOVERNANCE BEST PRACTICE**

**5.1. NIL**

**Nil**

## **6. OTHER COUNCIL REPORTS**

### **6.1. VCAT DETERMINATION - CR HILL V. COUNCILLOR CONDUCT PANEL**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

Under s.81M(5) of the Local Government Act 1989 (Act), a copy of the Victorian Civil and Administrative Tribunal (VCAT) decision of a Councillor Conduct Panel decision review must be tabled at the next Ordinary Meeting of Council and recorded in the Minutes for that meeting.

Council received the VCAT decision on 10 August 2017 in respect of Cr Hill's appeal regarding the Councillor Conduct Panel finding of 12 March 2016. The Councillor Conduct Panel was initiated by Cr Fawcett, Cr Davies and Cr Brunt, regarding Cr Hill, on 6 August 2015.

The VCAT decision tabled in **Attachment [6.1.1]**, is provided for Council to receive, note and include in the Minutes of this meeting.

#### **RECOMMENDATION**

**That Council:**

- 1. Receives and notes the VCAT Decision – Cr Hill v. Councillor Conduct Panel contained in Attachment [6.1.1].**
- 2. Includes the tabled VCAT Decision – Cr Hill v. Councillor Conduct Panel in the Minutes of this Council Meeting, as required by s.81M(5) of the Local Government Act 1989.**
- 3. Withdraw Council's reprimand to Cr Hill and no longer requires Cr Hill to attend the six month training period directed towards his understanding of Council procedures and practice, improving his communication skills with Councillors and Council Officers and monitoring him in his role as a Councillor with an appropriate mentor, as required by the 27 April 2016 Council resolution.**

#### **REPORT**

An appeal to VCAT was lodged by Cr Hill against the findings of the Councillor Conduct Panel Report presented and adopted by Council on 27 April 2016.

The VCAT Hearings were held in the Leongatha Council Chambers on 18 and 19 August and 14 and 15 November 2016.

The VCAT decision was received by Council and the parties to the matter, on 10 August 2017.

In accordance with s.81M(5) of the Act, a record of a VCAT decision made in respect of an application or review under Part 4 – Council Administration, Division 1B – Councillor Conduct Panels, of the Act in relation to a Councillor of a Council, must be tabled at the next Ordinary Meeting of the Council and recorded in the minutes of that meeting.

The VCAT Order contained in **Attachment [6.1.1]** states:

*“The decision of the Councillor Conduct Panel made on 12 March 2016 insofar as it applies to Councillor Hill is set aside and complaints 1 and 3 are dismissed.”*

The VCAT Order in **Attachment [6.1.1]** provides the reasons for the decision and includes information that complaint 2 was withdrawn earlier in the proceedings.

No conclusions are drawn in respect of this Report which has been provided to meet a legislative requirement.

It is considered that Council now withdraws the reprimand made to Cr Hill and no longer requires Cr Hill to attend the six month training period directed towards his understanding of Council procedures and practice, improving his communication skills with Councillors and Council Officers and monitoring him in his role as a Councillor with an appropriate mentor, as required by the 27 April 2016 Council resolution. These actions were suspended pending the outcome of the VCAT appeal.

## **CONSULTATION**

VCAT provided a copy of the decision to the parties involved. A copy of the decision was forwarded to Mrs Mohya Davies, as her copy from VCAT was sent to her former Council email address.

## **RESOURCES**

The VCAT appeal has incurred unplanned and unbudgeted expenditure and use of Council resources. These costs include the Councillor Conduct Panel Chair's attendance at the Directions Hearing, staff time in attendance at the VCAT Hearings and associated administration requirements in coordinating the four days of Hearings at the Leongatha Council Chambers. These costs are conservatively estimated as \$6,850.

Cr Hill organised his own legal counsel for the VCAT Appeal. Councillors Fawcett, Davies and Brunt chose not to obtain legal counsel.

## **RISKS**

Council's reputation can be negatively impacted when conflicts arise between Councillors that are not resolved at the earliest point of time. When a conflict escalates to a Conduct Panel and then to a VCAT appeal, reputational, emotional and financial impacts may be compounded for individuals involved and Council.

As this matter has taken two years to resolve it is important to note that earlier versions of the C14 Councillor Code of Conduct (July 2013 and May 2016) and C51 Councillor Support and Expenditure Policy (March 2015) have been applicable in regard to this matter.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

*Attachments are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. VCAT Decision 10 August 2017 regarding Z299 2016 Hill V Councillor Conduct Panel **[6.1.1]**

## **REFERENCE DOCUMENTS**

### **Council Policy**

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

Councillor Code of Conduct - February 2017

C51 Councillor Support and Expenditure Policy - July 2016

### **Legislative Provisions**

Local Government Act 1989



## **7. NOTICES OF MOTION AND/OR RESCISSION**

**Nil**

## **8. PROCEDURAL REPORTS**

### **8.1. COUNCILLOR EXPENDITURE REPORT JUNE 2017**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

The Councillor Expenditure Report [**Attachment 8.1.1**] provides Council with an update on councillor expenditure from 1 July 2016 to 30 June 2017.

#### **RECOMMENDATION**

**That Council receive and note the Councillor Expenditure Report [Attachment 8.1.1] for the period 1 July 2016 to 30 June 2017.**

#### **REPORT**

The Councillor Expenditure Report provides Council with an update on Councillor Expenditure from 1 July 2016 to 30 June 2017.

Councillor expenditure of \$361,649 for the period ended 30 June 2017 is below budget by \$27,220.

#### **RISKS**

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

#### **ATTACHMENTS**

*Attachments are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. Councillor Expenditure Report - 30 June 2017 [**8.1.1**]

#### **REFERENCE DOCUMENTS**

##### **Council Policy**

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

Councillor Support and Expenditure Policy, July 2016

##### **Legislative Provisions**

Local Government Act 1989 – Section 75 Reimbursement of expenses of Councillors

## **8.2. ASSEMBLY OF COUNCILLORS: 22 JUNE 2017 TO 21 JULY 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 June and 21 July 2017.

### **RECOMMENDATION**

**The Council receives and notes this report.**

## REPORT

Meeting Title	Details
<b>Tuesday 27 June 2017</b>	
<b>South Gippsland Mainstreet Meeniyan Workshop</b>	<p><b>Councillors Attending:</b> Councillors Kiel, Edwards, Rich, Skinner and McEwen.</p> <p><b>Conflict of Interest:</b> Nil Disclosed.</p> <p><b>Matters Discussed:</b> South Gippsland Shire Council is partnering with Mainstreet Australia to host a workshop to discuss ideas for our local retail strips. Topics discussed:</p> <ul style="list-style-type: none"> <li>• Mainstreet overview/ current analysis</li> <li>• Regional Case Studies</li> <li>• The future of main streets</li> <li>• Technology- Friend or Foe?</li> <li>• How to embrace the opportunities</li> <li>• Ideas and opportunities for your town</li> </ul>
<b>Wednesday 28 June 2017</b>	
<b>Council Agenda Topics Discussion 28 June 2017</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Skinner, Brunt, Argento, Brown, Rich and Kiel.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided information on Council Agenda items for the Ordinary Council Meeting 28 June 2017.</p>
<b>Public Presentations</b>  <b>Open Session</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Skinner, Brunt, Argento, Brown, Rich, Edwards and Kiel.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<p><b>Presentations were made to Council by the following community members:</b>  <b>David Amor</b>, addressed Council regarding Council Agenda Item 6.2 Visitor Information Centres.  <b>Noeleen Cosson</b>, representing the Korumburra Business Association regarding Council Agenda Item 6.2 Visitor Information Centres.  <b>Lyn Atkinson</b>, representing Foster Community Centre and Chamber of Commerce regarding Council Agenda Item 6.2 Visitor Information Centres.  <b>Shirley Cowling</b>, regarding Council Agenda Item 6.2 Visitor Information Centres.</p>	

Meeting Title	Details
<b>Wednesday 28 June 2017</b>	
<b>Council Agenda Topics Discussion 28 June 2017</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Skinner, Brunt, Argento, Brown, Rich, Edwards and Kiel.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided information on Council Agenda items for the Ordinary Council Meeting 28 June 2017.</p>
<b>Port Welshpool Marine Precinct Plan</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Skinner, Brunt, Argento, Brown, Rich, Edwards and Kiel.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided an update on the Port Welshpool Marine Precinct Plan.</p>
<b>Council Agenda Topics Discussion 28 June 2017</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Skinner, Brunt, Hill, Argento, Brown, Rich, Edwards and Kiel.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided information on Council Agenda items for the Ordinary Council Meeting 28 June 2017.</p>
<b>Wednesday 5 July 2017</b>	
<b>Funding Application to the 2017 Country Football Netball Program</b>	<p><b>Councillors Attending:</b> Councillors Brunt, Hill, Argento, Brown, Rich, Kiel and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided information on a proposed funding application to the 2017 Country Football Netball Program.</p>

Meeting Title	Details
<b>Wednesday 5 July 2017</b>	
<b>Executive Update</b>	<p><b>Councillors Attending:</b> Councillors Brunt, Hill, Argento, Brown, Rich, Kiel and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• Waratah Bay Caravan Park</li> </ul>
<b>Planning Briefing</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brunt, Hill, Argento, Brown, Rich, Kiel and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• Strategic Planning Project List</li> <li>• Planning Applications of Significance</li> <li>• Decisions for May 2017</li> <li>• VCAT Decisions</li> <li>• Historic Risk and Contaminated Land Project</li> </ul>
<b>VicRoads Briefing: Safety Improvements – Leongatha to Meeniyan</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brunt, Hill, Argento, Brown, Rich, Kiel and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided information on VicRoads project, 'Towards Zero – Safe System Road Infrastructure Program'.</p>
<b>Priority Projects</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brunt, Hill, Argento, Brown, Rich, Kiel and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors considered the list of priority projects that Council has identified to advocate for government funding and/or commitments needed to deliver priority projects of local significance.</p>

Meeting Title	Details
<b>Wednesday 19 July 2017</b>	
<p><b>2017-2018 Major Grant Program – Children’s Facilities Capital Program</b></p>	<p><b>Councillors Attending:</b> Councillors Brunt, Skinner, Argento, Edwards, Brown, McEwen and Kiel.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided information on a proposed funding application to the State Government Children’s Facilities Capital Program.</p>
<p><b>Councillor/ CEO Session</b></p>	<p><b>Councillors Attending:</b> Councillors Brunt, Skinner, Argento, Edwards, Brown, McEwen and Kiel.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• Council reports submitted by the end of Council Meeting on the form provided.</li> <li>• Progressing Councillor suggestions and ideas</li> <li>• HACC update</li> <li>• Rural Living Campaign update</li> </ul>
<p><b>Building Asset Management Plan</b></p> <p><b>Open Session</b></p>	<p><b>Councillors Attending:</b> Councillors Brunt, Skinner, Argento, Edwards, Brown, McEwen, Hill and Kiel.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided information on the review of the proposed Building Asset Management Plan 2017.</p>

Meeting Title	Details
<b>Wednesday 19 July 2017</b>	
<p><b>Aquatic Facilities – 2016/17 End of Season Report for Outdoor Pools</b></p> <p><b>Open Session</b></p>	<p><b>Councillors Attending:</b> Councillors Brunt, Skinner, Argento, Edwards, Brown, McEwen, Hill and Kiel.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided the annual summary of the activities and attendance at each outdoor pool venue for the season 2016/17. This information is reported to Council, friends of the pool groups and the public each year.</p>
<p><b>Public Presentation Session</b></p> <p><b>Open Session</b></p>	<p><b>Councillors Attending:</b> Councillors Brunt, Skinner, Argento, Edwards, Brown, McEwen, Hill and Kiel.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<p><b>Presentations were made to Council by the following community members: Dan Crozier and Tim Watson</b>, addressed Council regarding a recent planning application that Mr Crozier had submitted to Council.</p>	
<p><b>Legal Matter Update</b></p>	<p><b>Councillors Attending:</b> Councillors Brunt, Skinner, Argento, Edwards, Brown, McEwen, Hill and Kiel.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided an update on a current legal matter.</p>
<p><b>Rating Strategy Review</b></p> <p><b>Open Session</b></p>	<p><b>Councillors Attending:</b> Councillors Brunt, Skinner, Argento, Edwards, Brown, McEwen, Hill and Kiel.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided information on the proposed process to implement a review of Council's Rating Strategy.</p>



<b>Wednesday 19 July 2017</b>	
<b>Meeting Title</b>	<b>Details</b>
<b>Korumburra Round Table</b>	<p><b>Councillors Attending:</b> Councillors Brunt, Skinner, Argento, Edwards, Brown, McEwen, Hill and Kiel.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Council discussed the future role of the Korumburra Round Table (Committee).</p>
<b>Ordinary Agenda Topics Discussion 26 July 2017</b>	<p><b>Councillors Attending:</b> Councillors Brunt, Skinner, Argento, Edwards, Brown, McEwen, Hill and Kiel.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors discussed the Council Agenda items for the Ordinary Council Meeting 26 July 2017.</p>

**REFERENCE DOCUMENTS**

**Legislative Provisions**

Local Government Act 1989

### **8.3. DOCUMENT SEALED AWARDED OR EXTENDED BY CEO 22 JUNE TO 21 JULY 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 23 June 2017 to 21 July 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 receive and note this report.**

#### **REPORT**

##### **Documents Sealed**

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

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

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

In accordance with the Local Law and Instrument of Delegation, the following are presented to Council as documents sealed during the period from 23 June 2017 to 21 July 2017:

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 17 Heathlands Drive Port Welshpool in relation to the development of a single dwelling – Seal Applied 4 July 2017;
2. Section 173 Agreement between South Gippsland Shire Council and the owner of 669 Lees Road, Venus Bay in relation to the development of a single dwelling – Seal Applied 10 July 2017;
3. Section 173 Agreement between South Gippsland Shire Council and the owner of 8 Graham Avenue, Venus Bay in relation to develop land with dwelling – Seal Applied 12 July 2017;
4. Contract SGC16/04-A Provision of Temporary Labour - Deed of Novation between South Gippsland Shire Council and CMR Personnel and Australia Personnel Global– Seal applied 3 July 2017;
5. Contract CON/140-I Annual Supply – Plant Hire and Cartage Contractors between South Gippsland Shire Council and Dean Gow – Seal applied 10 July 2017;
6. Contract CON/140-CC Annual Supply – Plant Hire and Cartage Contractors between South Gippsland Shire Council and TG & DA Williams – Seal applied 10 July 2017;
7. Contract CON/140-A Annual Supply – Plant Hire and Cartage Contractors between South Gippsland Shire Council and The Trustee for the Allen Family Trust t/a Allens Contracting – Seal applied 10 July 2017;
8. Contract CON/140-L Annual Supply – Plant Hire and Cartage Contractors between South Gippsland Shire Council and the Trustee for the ASH Trust t/a Envirogain Pty Ltd – Seal applied 10 July 2017;
9. Contract CON/140-M Annual Supply – Plant Hire and Cartage Contractors between South Gippsland Shire Council and Forrester & Co Pty Ltd – Seal applied 10 July 2017;
10. Contract CON/140-U Annual Supply – Plant Hire and Cartage Contractors between South Gippsland Shire Council and Needs Earthmoving Pty Ltd – Seal applied 12 July 2017;
11. Contract CON/140-R Annual Supply – Plant Hire and Cartage Contractors between South Gippsland Shire Council and Hiway Stabilizers Australia Pty Ltd – Seal applied 12 July 2017;

12. Contract CON/140-Z Annual Supply – Plant Hire and Cartage Contractors between South Gippsland Shire Council and SR Excavations Pty Ltd – Seal applied 12 July 2017;
13. Contract CON/140-X Annual Supply – Plant Hire and Cartage Contractors between South Gippsland Shire Council and Russell Hinds – Seal applied 12 July 2017;
14. Contract CON/140-C Annual Supply – Plant Hire and Cartage Contractors between South Gippsland Shire Council and Brenton Williams – Seal applied 12 July 2017;
15. Contract CON/140-K Annual Supply – Plant Hire and Cartage Contractors between South Gippsland Shire Council and EcoProjects Australia Pty Ltd – Seal applied 12 July 2017;
16. Contract CON/140-O Annual Supply – Plant Hire and Cartage Contractors between South Gippsland Shire Council and G & K Newton – Seal applied 12 July 2017;
17. Contract CON/140-P Annual Supply – Plant Hire and Cartage Contractors between South Gippsland Shire Council and GLS Nominees Pty Ltd T/a Gippsland Land Services – Seal applied 12 July 2017;
18. Contract CON/140-B Annual Supply – Plant Hire and Cartage Contractors between South Gippsland Shire Council and Beyer Contractors Pty Ltd – Seal applied 12 July 2017;
19. Contract CON/140-Q Annual Supply – Plant Hire and Cartage Contractors between South Gippsland Shire Council and Goldsmith Civil & Environmental Pty Ltd – Seal applied 12 July 2017;
20. Contract CON/140-S Annual Supply – Plant Hire and Cartage Contractors between South Gippsland Shire Council and JT Earthmoving Contractors Pty Ltd – Seal applied 12 July 2017;
21. Contract CON/140-E Annual Supply – Plant Hire and Cartage Contractors between South Gippsland Shire Council and Cecil & Sons Pty Ltd – Seal applied 12 July 2017;
22. CON/140-T Annual Supply – Plant Hire and Cartage Contractors between South Gippsland Shire Council and KND Maintenance Pty Ltd – Seal applied 17 July 2017;

23. CON/140-W Annual Supply – Plant Hire and Cartage Contractors between South Gippsland Shire Council and Roger G Bailey & Assoc. – Seal applied 17 July 2017;
24. CON/140-V Annual Supply – Plant Hire and Cartage Contractors between South Gippsland Shire Council and Porter Excavations Pty Ltd T/a Porter Plant – Seal applied 17 July 2017;
25. CON/140-J Annual Supply – Plant Hire and Cartage Contractors between South Gippsland Shire Council and P & T M Eygenraam T/a DeMerlo Contractors – Seal applied 17 July 2017;
26. CON/140-DD Annual Supply – Plant Hire and Cartage Contractors between South Gippsland Shire Council and The Dell Van Loon Family Trust T/a David Rounds Earthworks – Seal applied 17 July 2017;
27. CON/140-G Annual Supply – Plant Hire and Cartage Contractors between South Gippsland Shire Council and Darren Harris Excavations and Cartage – 19 July 2017;
28. CON/140-Y Annual Supply – Plant Hire and Cartage Contractors between South Gippsland Shire Council and South Gippsland Quarries Pty Ltd – Seal applied 20 July 2017;
29. CON/140-D Annual Supply – Plant Hire and Cartage Contractors between South Gippsland Shire Council and Burra Garden Supplies Pty Ltd – Seal applied 20 July 2017;
30. Contract CON/141-A Annual Supply / Delivery – Quarry Products and Road Making Materials between South Gippsland Shire Council and The Trustee for the Allen Family Trust t/a Allens Contracting – Seal applied 10 July 2017;
31. Contract CON/141-H Annual Supply / Delivery – Quarry Products and Road Making Materials between South Gippsland Shire Council and F & T Concrete Pty Ltd – Seal applied 12 July 2017;
32. Contract CON/141-E Annual Supply / Delivery – Quarry Products and Road Making Materials between South Gippsland Shire Council and Casacir Pty Ltd t/a Neerim North Quarry– Seal applied 10 July 2017;
33. Contract CON/141-K Annual Supply / Delivery – Quarry Products and Road Making Materials between South Gippsland Shire Council and Brenton Williams– Seal applied 12 July 2017;

34. Contract CON/141-F Annual Supply / Delivery – Quarry Products and Road Making Materials between South Gippsland Shire Council and Goldsmith Civil & Environmental Pty Ltd – Seal applied 12 July 2017;
35. Contract CON/141-D Annual Supply / Delivery – Quarry Products and Road Making Materials between South Gippsland Shire Council and P & T M Eygenraam T/a DeMerlo Contractors – Seal applied 17 July 2017;
36. CON/141-C Annual Supply / Delivery – Quarry Products and Road Making Materials between South Gippsland Shire Council and Holcim (Australia) Pty Ltd – Seal applied 19 July 2017;
37. CON/141-B Annual Supply / Delivery – Quarry Products and Road Making Materials between South Gippsland Shire Council and South Gippsland Quarries Pty Ltd – Seal applied 20 July 2017;
38. Contract CON/142-D Annual Supply – Concreting Services between South Gippsland Shire Council and M & HM Whelan – Seal applied 10 July 2017;
39. Contract CON/142-C Annual Supply - Concreting Services between South Gippsland Shire Council and C & D Earthworks Pty Ltd – Seal applied 12 July 2017;
40. Contract CON/142-B Annual Supply - Concreting Services between South Gippsland Shire Council and M Mileto & B Whale t/a M & M Paving – Seal applied 10 July 2017;
41. Contract CON/142-A Annual Supply – Concreting Services between South Gippsland Shire Council and ADA Construction Services Pty Ltd – Seal applied 17 July 2017;
42. Contract CON/135 Provision of HVAC Maintenance Services between South Gippsland Shire Council and S & T Electro Air Pty Ltd – Seal applied 12 July 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 the Council Minutes all contracts over the statutory threshold set out in the Act (\$150,000 inclusive of GST for goods and services and \$200,000 inclusive of GST for works) for a public tender which shows the contracts purpose, the successful tenderer, contract length and the total contract price.

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

The following contracts awarded were awarded during the period 23 June 2017 to 21 July 2017 under the CEO's financial delegation of \$250,000 (inclusive of GST) following a public tender that were not specified in the 28 June 2017 resolution (refer to the paragraph below).

Nil

Council resolved on 28 June 2017 to delegate to the CEO the power to award contracts specified in the resolution, subject to the preferred tenders being within budget and that Council receive a report detailing the contracts awarded. The following contracts were awarded during the period 23 June 2017 to 21 July 2017 that were specified in the 28 June 2017 resolution and that were within budget:

Nil

Council also delegates to the CEO the power to pay annual WorkCover and Council Insurance Premiums subject to these payments being reported to the next Council Meeting immediately after the payment is made. To meet this requirement the Council is advised that from 23 June 2017 to 21 July 2017 the CEO authorised the following insurance coverage for 2017 / 18:

1. WorkCover Insurance Premium \$625,368.30 (GST inclusive) insured by CGU Workers Compensation (Vic) Limited;
2. Local Government Liability Insurance Premium of \$185,327.00 (GST exclusive) insured by MAV Insurance;
3. Public Liability – Coal Creek Tramway Insurance Premium of \$16,375.50 (GST exclusive) insured by XL Insurance Company SE;
4. Motor Vehicle Insurance Premium of \$146,789.33 (GST exclusive) insured by AAI Limited T/As Vero Insurance;
5. Councillors and Officers Liability Insurance Premium of \$8,494.00 (GST exclusive) insured by XL Insurance Company SE;
6. General Products Liability (Hire of Halls) Insurance Premium of \$4,556.00 (GST exclusive) insured by QBE Insurance (Australia) Ltd through Thistle Underwriting Services (QBE);

7. Municipal Assets Protection Plan Insurance Contribution of \$235,418.95 (GST exclusive) insured by Jardine Lloyd Thompson Pty Ltd Discretionary Trust;
8. Commercial Crime Insurance Premium of \$4,635.04 (GST exclusive) insured by MAV Insurance;
9. Personal Accident Insurance Premium of \$2,589.92 (GST exclusive) insured by QBE Insurance (Australia) Ltd;
10. Cyber Liability Premium of \$7,075.00 (GST exclusive) insured by Chubb Insurance Company of Australia Ltd.

### **Contract variations approved by the CEO**

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

The following variations to a contract which exceeds the CEO's delegation, approved by the CEO during the period 23 June 2017 to 21 July 2017:

1. Contract CON/125 Refurbishment of the Poowong Swimming Pool Amenities and Entrance Area – Variation to the contract contingency amount to the value of \$15,956.95 (excluding GST) to cater for other identified items and future latent conditions – Approved on 19 June 2017.

### **Contract extensions approved by the CEO**

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

The following contract extensions approved by the CEO during the period 23 June 2017 to 21 July 2017:

Nil

### **REFERENCE DOCUMENTS**

#### **Council Policy**

Local Law No. 3 2010, Processes of Municipal Government (Meeting Procedures and Common Seal)  
Procurement Policy, 28 June 2017



Instrument of Delegation to the Chief Executive Officer, 22 February 2017

**Legislative Provisions**

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

## **9. COUNCILLOR REPORTS**

### **9.1. REQUESTS FOR LEAVE OF ABSENCE**

### **9.2. COUNCILLOR UPDATES**

**9.3. COMMITTEE UPDATES**

## **10. URGENT OR OTHER BUSINESS**

## **11. PUBLIC QUESTIONS**

### **11.1. PETITIONS AND JOINT LETTERS**

Petitions and Joint letters are written requests that have been signed by a number of community members. According to the 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.

## **11.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE**

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.

**Nil**

### **11.3. SUBMITTED PUBLIC QUESTIONS**

All community member questions for Ordinary Council Meetings are to be written and submitted to the Council Business Team by close of business on the Friday preceding the meeting to allow time for a response to be prepared, where possible, for the Council Meeting.

Public Question Time in Ordinary Council Meetings is to be used for matters that are generally political in nature or that cannot be addressed by other means. This session should not be used for questions on routine works or operational matters, planning (application) matters or for repeating previously answered questions.

*Source: Public Participation in Meetings with Council Policy (C65) – adopted 23 May 2017.*

## **12. 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**

## **13. MEETING CLOSED**

### **NEXT MEETING**

The next Ordinary Meeting of Council open to the public will be held on Wednesday, 27 September 2017 commencing at 2pm in the Council Chambers, Leongatha.