

SOUTH GIPPSLAND SHIRE COUNCIL

Special Committee Meeting

of Council to hear submitters who have elected to speak to their submission regarding Proposed Road Opening Part Fish Creek Quarry Road, Fish Creek

MINUTES

28 March 2018

Council Chambers, Leongatha

Commenced at 9.30am



minutes



*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.

Privacy

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

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

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

PRESENT

COUNCILLORS:	Cr Lorraine Brunt, Mayor Cr Aaron Brown, Deputy Mayor Cr Ray Argento Cr Maxine Kiel Cr Andrew McEwen Cr Alyson Skinner Cr Jeremy Rich
COUNCILLORS NOT PRESENT:	Cr Meg Edwards Cr Don Hill
OFFICERS:	Tim Tamlin, Chief Executive Officer Faith Page, Director Corporate and Community Services Director Anthony Seabrook, Director Infrastructure Bryan Sword, Director Development Services Natasha Berry, Corporate and Council Business Officer June Ernst, Coordinator of Corporate Planning and Council Business, Innovation and Council Business Rick Rutjens, Manager Executive Support and Community Information, Media and Communications

SOUTH GIPPSLAND SHIRE COUNCIL

Special Committee Meeting of Council
Wednesday 28 March 2018
Council Chambers, Leongatha
Commenced at 9.30am

TABLE OF CONTENTS

1. PRELIMINARY MATTERS	5
1.1. WELCOME.....	5
1.2. OPENING PRAYER.....	5
1.3. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS	5
1.4. REQUESTS FOR LEAVE OF ABSENCE	5
1.5. APOLOGIES.....	5
1.6. DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS	6
1.7. DECLARATION OF CONFLICT OF INTEREST FOR STAFF.....	7
2. COUNCIL REPORTS.....	8
2.1. 223 SUBMISSION HEARING - PROPOSED ROAD OPENING PART FISH CREEK QUARRY ROAD, FISH CREEK.....	8
3. MEETING CLOSED.....	13



Tim Tamlin
Chief Executive Officer

1. PRELIMINARY MATTERS

1.1. WELCOME

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

1.2. OPENING PRAYER

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

Amen

1.3. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

1.4. REQUESTS FOR LEAVE OF ABSENCE

Nil

1.5. APOLOGIES

Councillor Don Hill

Councillor Meg Edwards

1.6. DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS

Any interest that a Councillor or staff member has deemed to be significant and has disclosed as either a direct or an indirect interest is now considered to be a conflict of interest. Conflict of interest legislation is in sections 77A, 77B, 78, 78A-D and 79 of the Local Government Act 1989 (the Act). This legislation can be obtained by contacting the Council's Corporate & Community Services Directorate (Council Business) or by accessing the Victorian Legislation and Parliamentary Documents website at

www.legislation.vic.gov.au<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*.

Nil

1.7. DECLARATION OF CONFLICT OF INTEREST FOR STAFF

Sections 80B and 80C of the Local Government Act 1989 require members of Council staff who have delegated functions and/or provide advice to Council or a Special Committee to disclose conflicts of interest. If Council staff have written, provided information/advice or approved a Council Report and have a conflict of interest, it is the responsibility of that staff member to disclose the interest.

Guidance to identifying and disclosing a conflict of interest is contained in the Victorian State Government, Department of Transport, Planning and Local Infrastructure – *Conflict of Interest – A Guide for Council Staff – October 2011*.

Nil

2. COUNCIL REPORTS

2.1. 223 SUBMISSION HEARING - PROPOSED ROAD OPENING PART FISH CREEK QUARRY ROAD, FISH CREEK

Infrastructure Directorate

EXECUTIVE SUMMARY

Council resolved at its Ordinary Meeting of Council 20 December 2017 to commence the statutory process to open part Fish Creek Quarry Road, Fish Creek for public traffic.

The public notice calling for submissions was published in the local papers week commencing 15 January 2018 and Council received 65 submissions. There were 27 submissions in support of the proposal and 38 against the proposal. Council received one late submission for the proposal.

Of the 65 submissions, three elected to speak to their submissions.

This report is presented to the Special Committee of Council to hear the three submitters speak to their submissions.

RECOMMENDATION

That the Special Committee of Council:

1. Hear those submitters speak to their submission regarding the proposed road opening of part Fish Creek Quarry Road, Fish Creek.
 - a. Submission 31 – Carl Talbot.
 - b. Submission 62 – Damien Murphy (Victorian Farmers Federation).
 - c. Submission 9 – Tony Walker and Richard Dargaville (Hoddle Mountain Trail Management Group).
2. Requires the following response to be included in the recommendation in the Council Report for the 26 April 2018 Ordinary Meeting of Council in open session on the proposed opening of part Fish Creek Quarry Road, Fish Creek – Consider and Determine Submissions as follows:

“That the Special Committee of Council heard the following submitters speak to their submission in regards to the proposed road opening of part Fish Creek Quarry Road, Fish Creek:

- a. Submission 31 – Carl Talbot.
- b. Submission 62 – Damien Murphy (Victorian Farmers Federation).
- c. Submission 9 – Tony Walker and Richard Dargaville (Hoddle Mountain Trail Management Group.”

The Mayor, Cr Brunt requested to vote on the Motion in separate parts.

MOVED: Cr Skinner

SECONDED: Cr Argento

THAT THE SPECIAL COMMITTEE OF COUNCIL:

- 1. HEAR THOSE SUBMITTERS SPEAK TO THEIR SUBMISSION REGARDING THE PROPOSED ROAD OPENING OF PART FISH CREEK QUARRY ROAD, FISH CREEK.**
 - a. SUBMISSION 62 – DAMIEN MURPHY (VICTORIAN FARMERS FEDERATION).**
 - b. SUBMISSION 9 – RICHARD DARGAVILLE (HODDLE MOUNTAIN TRAIL MANAGEMENT GROUP).**
 - c. SUBMISSION 31 – CARL TALBOT.**

CARRIED UNANIMOUSLY

MOVED: Cr Argento

SECONDED: Cr Kiel

- 2. REQUIRES THE FOLLOWING RESPONSE TO BE INCLUDED IN THE RECOMMENDATION IN THE COUNCIL REPORT FOR THE 26 APRIL 2018 ORDINARY MEETING OF COUNCIL IN OPEN SESSION ON THE PROPOSED OPENING OF PART FISH CREEK QUARRY ROAD, FISH CREEK – CONSIDER AND DETERMINE SUBMISSIONS AS FOLLOWS:**

“THAT THE SPECIAL COMMITTEE OF COUNCIL HEARD THE FOLLOWING SUBMITTERS SPEAK TO THEIR SUBMISSION IN REGARDS TO THE PROPOSED ROAD OPENING OF PART FISH CREEK QUARRY ROAD, FISH CREEK:

- a. SUBMISSION 62 – DAMIEN MURPHY (VICTORIAN FARMERS FEDERATION).**
- b. SUBMISSION 9 – RICHARD DARGAVILLE (HODDLE MOUNTAIN TRAIL MANAGEMENT GROUP).”**
- c. SUBMISSION 31 – CARL TALBOT.**

Cr Rich attended the Special Committee Meeting at 9.44am.

CARRIED UNANIMOUSLY

REPORT

Council resolved at its Ordinary Meeting of Council 20 December 2017 to commence the statutory process to open part Fish Creek Quarry Road, Fish Creek for public traffic.

The public notice calling for submissions was published in the local papers week commencing 15 January 2018 and Council received 65 submissions; 27 submissions were in support of the proposal and 38 submissions were against the proposal. Council received one late submission for the proposal.

Of the 65 submissions, three elected to speak to their submission. A summary of the submissions is provided in **Confidential Attachment [15.1.1]**.

The main points from the submissions against the proposal are:

- Financial impact of the farm.
- Biosecurity risks.
- Risk of fire, weeds, and stock out on roads.
- Animal welfare.
- Rubbish, trespass, and malicious damage.
- There are alternate routes for the Hoddle Mountain Trail.
- Waste of ratepayers' money.

The main points of submissions for the proposal are:

- The section of Fish Creek Quarry Road has been part of the Hoddle Mountain Trail for decades with no issues from previous adjoining land owners.
- That biosecurity risks are not an issue if there are properly maintained fences, signage, and appropriate gating systems.
- Safety concerns for walkers if they were to use alternate routes.
- The section of Fish Creek Quarry Road is a public community asset.
- The Hoddle Mountain Trail is recognised in Council's Paths and Trails Strategy.
- The Hoddle Mountain Trail provides enjoyment for locals and visitors and brings clear benefits to individuals and the community.

CONSULTATION

The public notice calling for submissions to the proposal was published in local newspapers week commencing 15 January 2018 and was published on Council's website.

Officers have met on site with adjoining landowners.

Council has received a presentation from the Hoddle Mountain Trail Management Group on 17 May 2017.

STAFF DISCLOSURE

Nil

ATTACHMENTS

Nil

CONFIDENTIAL ATTACHMENTS

Confidential Attachments [15.1.1] – Summary of Submissions – and **[15.1.2]** – Submissions (part Fish Creek Quarry Road, Fish Creek) – have been provided in accordance with s.77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this Agenda Item as confidential information on the grounds that it relates to s.89(2)(h) - any other matter which the Council or Special Committee considers would prejudice the Council or any persons.

These attachments are deemed confidential to protect the privacy of the submitters and personal information contained within the submissions. =

REFERENCE DOCUMENTS

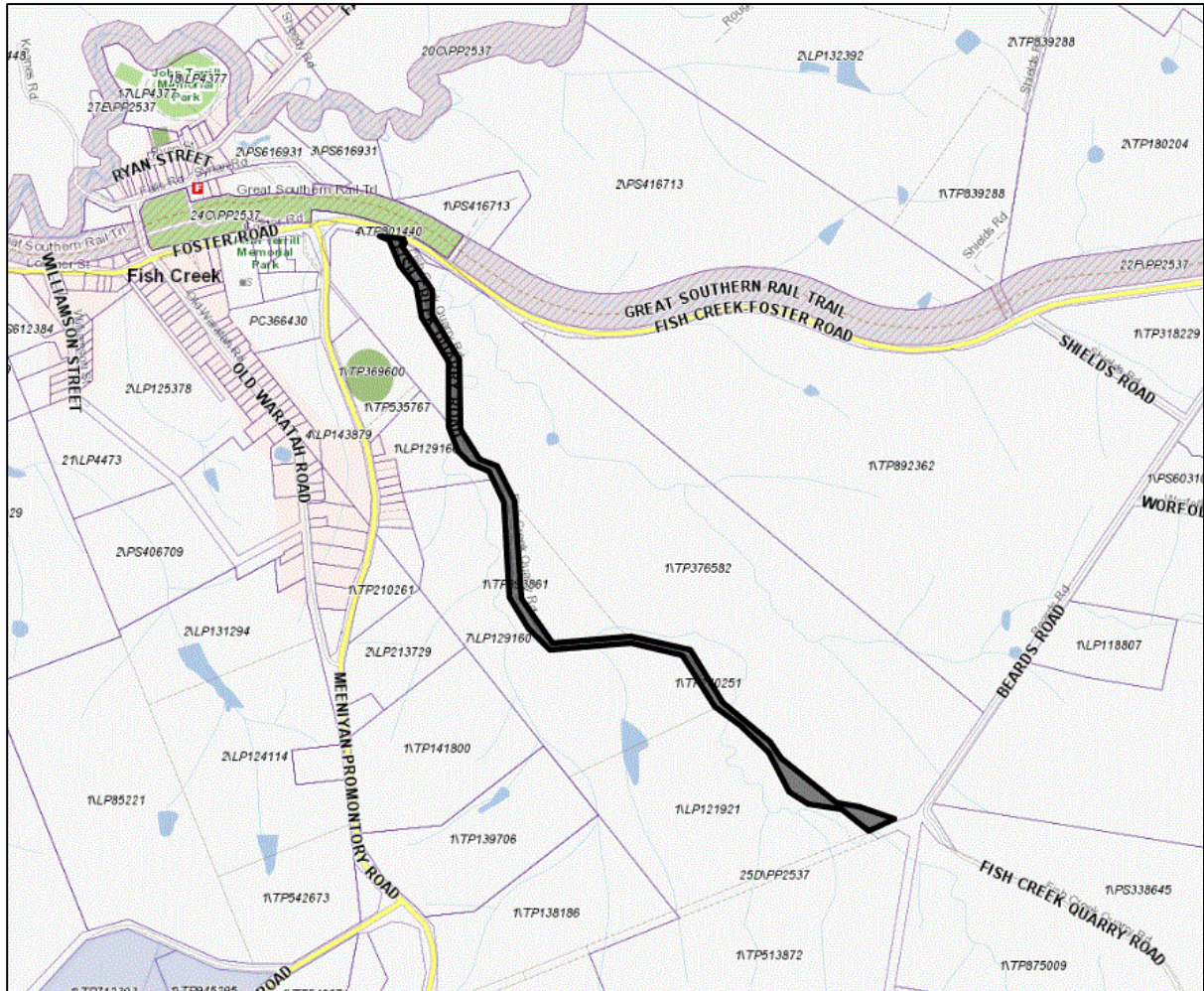
Council Policy

Nil

Legislative Provisions

Local Government Act 1989

Figure 1
Locality Map – Fish Creek Quarry Road, Fish Creek



3. MEETING CLOSED

NEXT MEETING

The next Ordinary Meeting of Council open to the public will be held on Wednesday, 28 March 2018 commencing at 2pm in the Council Chambers, Leongatha.

The Meeting closed at 10.02am.

Confirmed this 26th day of April 2018.

.....
Mayor, Councillor Lorraine Brunt