

SOUTH GIPPSLAND SHIRE COUNCIL

Council Minutes

Ordinary Meeting of Council

Thursday 26 April 2018

Ordinary Meeting No. 422
Council Chambers, Leongatha
Commenced at 2pm



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.

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

PRESENT

COUNCILLORS:	<p>Cr Lorraine Brunt, Mayor Cr Aaron Brown, Deputy Mayor Cr Ray Argento Cr Don Hill Cr Maxine Kiel Cr Andrew McEwen Cr Jeremy Rich Cr Alyson Skinner Cr Meg Edwards</p>
COUNCILLORS NOT PRESENT:	-
OFFICERS:	<p>Tim Tamlin, Chief Executive Officer Faith Page, Director Corporate and Community Services Anthony Seabrook, Director Infrastructure Services Bryan Sword, Director Development Services Rick Rutjens, Manager Executive Support and Community Information Natasha Berry, Corporate and Council Business Officer Jodi Cumming, Corporate and Council Business Officer</p>

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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.

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

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

Nil

1.6. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council:

1. Special Meeting of Council, held on 21 March 2018 at 12.30pm in the Council Chambers, Leongatha;
2. Special Urgent Meeting of Council, held on 21 March 2018 at 5.00pm in the Council Chambers, Leongatha;
3. Special Committee of Council, held on 28 March 2018 at 9.30am in the Council Chambers, Leongatha;
4. Ordinary Meeting No. 421, held on 28 March 2018 in the Council Chambers, Leongatha be confirmed; and
5. Special Urgent Meeting of Council, held on 11 April 2018 at 10.30am in the Council Chambers, Leongatha.

MOVED: Cr Argento

SECONDED: Cr Kiel

THAT THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL:

1. **SPECIAL MEETING OF COUNCIL, HELD ON 21 MARCH 2018 AT 12.30PM IN THE COUNCIL CHAMBERS, LEONGATHA;**
2. **SPECIAL URGENT MEETING OF COUNCIL, HELD ON 21 MARCH 2018 AT 5.00PM IN THE COUNCIL CHAMBERS, LEONGATHA;**
3. **SPECIAL COMMITTEE OF COUNCIL, HELD ON 28 MARCH 2018 AT 9.30AM IN THE COUNCIL CHAMBERS, LEONGATHA;**
4. **ORDINARY MEETING NO. 421, HELD ON 28 MARCH 2018 IN THE COUNCIL CHAMBERS, LEONGATHA BE CONFIRMED; AND**
5. **SPECIAL URGENT MEETING OF COUNCIL, HELD ON 11 APRIL 2018 AT 10.30AM IN THE COUNCIL CHAMBERS, LEONGATHA.**

CARRIED UNANIMOUSLY

MOVED: Cr Edwards

SECONDED: Cr Kiel

THAT THE ORDER OF BUSINESS BE CHANGED TO CONSIDER AGENDA ITEMS 7.1, 7.2, 7.3 PRIOR TO ITEM 2.1.

CARRIED

FOR: Councillor Edwards, Rich, Kiel, Brown, Brunt, McEwen, Argento and Skinner.

AGAINST: Councillor Hill

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.

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*.

Councillor Alyson Skinner declared an indirect interest in Agenda Item 4.4 POLICY REVISION - C45 WASTE DISPOSAL PRIVILEGES FOR FUNDRAISERS AND COMMUNITY GROUPS as she is employed by the Venus Bay Community Centre which is one of the organisations listed as a beneficiary of the policy (C45).

Councillor Meg Edwards declared an indirect interest in Agenda Item 4.1 PROPOSED OPENING PART FISH CREEK QUARRY ROAD FISH CREEK – PETITION RESPONSE / CONSIDER AND DETERMINE SUBMISSIONS as her partner owns the adjoining land.

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*.

Strategic Planning Officer declared an indirect conflict of interest on Agenda Item 2.1 Planning Scheme Amendment C90 - Housing and Settlement - Submissions Consideration and Planning Panel Referral as they have an indirect interest by friendship with a party that is affected by the matter.

Tim Tamlin, Chief Executive Officer declared a direct interest in Confidential item 14.1 PERSONNEL MATTER as he is subject to the matter.

7. NOTICES OF MOTION AND/OR RESCISSION

7.1. NOTICE OF MOTION/RESCISSION 718 - MOTION TRANSPORT FOR VICTORIA AND RESCIND RESOLUTION ORDINARY MEETING 28 MARCH 2018, ITEM 7.2 NOM 715

PURPOSE

This Notice of Motion and Rescission seeks to support the intent of ascertaining public transport needs in South Gippsland, however it also aims to ensure Council's resolution of Agenda item 7.2 at the 28 March 2018 Ordinary Meeting of Council regarding 'Consultation to Plan for Local Bus Services' does not contradict and interfere with Transport for Victoria's consultation activities currently being undertaken.

This Motion also seeks to offer Council's support to the current work being undertaken by Transport for Victoria to assess local transport needs and engage with South Gippsland and Bass Coast communities.

MOTION

I, Councillor Meg Edwards, advise that I intend to submit the following motion to the Ordinary Meeting of Council scheduled to be held on 26 April 2018.

That Council:

1. Rescind Council's resolutions for Item 7.2 at the 28 March Ordinary Meeting of Council regarding Consultation to Plan for Local Bus Services.
2. Contact Transport for Victoria to offer Council's willingness to work in partnership with them in supporting and promoting its community consultation program and audit on transport services, gaps and opportunities in the South Gippsland and Bass Coast regions, which is currently underway.
3. Promote the Transport for Victoria survey www.surveygizmo.com/s3/4225776/Current-transport-services-gaps-and-opportunities through Council's communication channels to encourage community participation into the survey by the extended closing date of Sunday 6 May 2018.
4. Invite Transport for Victoria to provide an Open Briefing to Council on the findings of its consultation program and audit.
5. Advocate the need for increased local transport services to political parties and local candidates in the upcoming State Government elections.
6. Work with the Transport for Victoria 'Place Based Working Group', already established for South Gippsland, and other interested stakeholders, to progress the development of local public transport strategic directions.

MOVED: Cr Edwards

SECONDED: Cr Brunt

THAT COUNCIL:

1. **RESCIND COUNCIL'S RESOLUTIONS FOR ITEM 7.2 AT THE 28 MARCH ORDINARY MEETING OF COUNCIL REGARDING CONSULTATION TO PLAN FOR LOCAL BUS SERVICES.**
2. **CONTACT TRANSPORT FOR VICTORIA TO OFFER COUNCIL'S WILLINGNESS TO WORK IN PARTNERSHIP WITH THEM IN SUPPORTING AND PROMOTING ITS COMMUNITY CONSULTATION PROGRAM AND AUDIT ON TRANSPORT SERVICES, GAPS AND OPPORTUNITIES IN THE SOUTH GIPPSLAND AND BASS COAST REGIONS, WHICH IS CURRENTLY UNDERWAY.**
3. **PROMOTE THE TRANSPORT FOR VICTORIA SURVEY WWW.SURVEYGIZMO.COM/S3/4225776/CURRENT-TRANSPORT-SERVICES-GAPS-AND-OPPORTUNITIES THROUGH COUNCIL'S COMMUNICATION CHANNELS TO ENCOURAGE COMMUNITY PARTICIPATION INTO THE SURVEY BY THE EXTENDED CLOSING DATE OF SUNDAY 6 MAY 2018.**
4. **INVITE TRANSPORT FOR VICTORIA TO PROVIDE AN OPEN BRIEFING TO COUNCIL ON THE FINDINGS OF ITS CONSULTATION PROGRAM AND AUDIT.**
5. **ADVOCATE THE NEED FOR INCREASED LOCAL TRANSPORT SERVICES TO POLITICAL PARTIES AND LOCAL CANDIDATES IN THE UPCOMING STATE GOVERNMENT ELECTIONS.**
6. **WORK WITH THE TRANSPORT FOR VICTORIA 'PLACE BASED WORKING GROUP', ALREADY ESTABLISHED FOR SOUTH GIPPSLAND, AND OTHER INTERESTED STAKEHOLDERS, TO PROGRESS THE DEVELOPMENT OF LOCAL PUBLIC TRANSPORT STRATEGIC DIRECTIONS.**

LOST

FOR: Councillors Kiel, Edwards and Brunt.

AGAINST: Councillors Rich, Argento, McEwen, Brown, Skinner and Hill.

BACKGROUND

Council's resolutions of Agenda item 7.2 at the 28 March 2018 Ordinary Meeting regarding 'Consultation to Plan for Local Bus Services', could, in effect, duplicate and potentially impede community engagement, audit and advocacy work currently being undertaken by Transport for Victoria to assess local transport needs in South Gippsland and Bass Coast.

Rather than convene a separate consultation program, this Motion proposes that Council rescind its decisions and replace it with a proactive approach to support the research into local transport needs currently being conducted by Transport for Victoria. This proposal aims to make a more efficient use of Council resources by collaborating with the work underway.

This research is looking at broader local transport needs, rather than prescribing one solution only (local bus services plan). It is seeking to identify gaps and new opportunities for the future.

The Motion further proposes to invite Transport for Victoria to present its findings at an Open Briefing to Council once the engagement and audit results are completed.

Armed with this research and results, Council will be in a better position to advocate the needs of local communities to political parties and local candidates in the forthcoming State Government elections.

Rather than commit additional Council Officers time and the costs associated to set up Council's own research and engagement program with a range of other groups and community members, it is recommended that Council get behind Transport for Victoria's program and its Place Based Working Group that is currently underway.

Transport for Victoria has agreed to extend the closing date of the community engagement survey until Sunday 6 May 2018, to allow more community members to participate.

REFERENCE DOCUMENTS

Council Policy

Documents are available on Council's website: www.southgippsland.vic.gov.au
Council Plan – 2017-2021: Objective 2

Legislative Provisions

30 Year Infrastructure Plan – Infrastructure Victoria 2016

7.2. NOTICE OF MOTION 719 - CHANGES TO COUNCIL PLANNING COMMITTEE PROCEDURES AND PURPOSE

PURPOSE

This motion is designed to assist Council in fulfilling its Council plans' objectives to grow the shire and diversify agriculture by improving the workings of the planning committee, and facilitating improved transparency and governance for applicants during the permit process.

MOTION

I, Councillor Don Hill, advise that I intend to submit the following motion to the Ordinary Meeting of Council scheduled to be held on 26 April 2018.

That Council:

1. Re-establish the Planning Committee with new terms of reference as listed below:
 - a. Committee is to comprise all councillors with support from officers.
 - b. Committee is to determine its own agenda but initially is to develop and implement a feedback and review policy for the planning application process.
2. The committee is to produce an information sheet to be given to all permit applicants detailing their rights and informing them of the proper process and how they can appeal to Council if they are unhappy with any aspect of the process.

This form is to have a section for feedback and will be used by Planning Committee in determining if improvements need to be made to the process to facilitate greater customer satisfaction and clearer understanding of the process.

MOVED: Cr Hill

SECONDED: Cr McEwen

THAT COUNCIL:

1. **RE-ESTABLISH THE PLANNING COMMITTEE WITH NEW TERMS OF REFERENCE AS LISTED BELOW:**
 - a. **COMMITTEE IS TO COMPRISE ALL COUNCILLORS WITH SUPPORT FROM OFFICERS.**
 - b. **COMMITTEE IS TO DETERMINE ITS OWN AGENDA BUT INITIALLY IS TO DEVELOP AND IMPLEMENT A FEEDBACK AND REVIEW POLICY FOR THE PLANNING APPLICATION PROCESS.**
2. **THE COMMITTEE IS TO PRODUCE AN INFORMATION SHEET TO BE GIVEN TO ALL PERMIT APPLICANTS DETAILING THEIR RIGHTS AND INFORMING THEM OF THE PROPER PROCESS AND HOW THEY CAN APPEAL TO COUNCIL IF THEY ARE UNHAPPY WITH ANY ASPECT OF THE PROCESS.**

THIS FORM IS TO HAVE A SECTION FOR FEEDBACK AND WILL BE USED BY PLANNING COMMITTEE IN DETERMINING IF IMPROVEMENTS NEED TO BE MADE TO THE PROCESS TO FACILITATE GREATER CUSTOMER SATISFACTION AND CLEARER UNDERSTANDING OF THE PROCESS.

LOST

FOR: Councillors Hill, Skinner, McEwen and Rich.

AGAINST: Councillors Brown, Argento, Brunt, Edwards and Kiel.

BACKGROUND

Council's current four year plan has a commitment to sustainable development of the shire, in growth and the diversification of agriculture. It is important that council committee structure support the implementation of these objectives within councils planning framework and its rural policy.

When an applicant feels that the process is not fair, they have little recourse to resolve issues. An information sheet given to all applicants at the start of the process in which their rights are identified and notified to them would assist in good governance.

There is no accountability for the administration of the current process since there is no-one to review the work of the officers in coming to their decisions on permit applications.

This motion ensures that any applicant is informed and has to sign off their briefing and that council can work with officer and planners to ensure that council's policy is implemented.

REFERENCE DOCUMENTS

Nil

7.3. RELIST NOTICE OF MOTION 714 - LEADERSHIP PLAN FOR LEONGATHA

EXECUTIVE SUMMARY

A Special Urgent Meeting was held on Wednesday 11 April 2018, 10.30am at this meeting Council resolved:

THAT COUNCIL RELIST AND INCLUDE NOTICE OF MOTION 714 - LEADERSHIP PLAN FOR LEONGATHA (ITEM 7.1 IN THE AGENDA OF COUNCIL'S ORDINARY MEETING NUMBER 421 OF 28 MARCH 2018) IN COUNCIL'S NEXT ORDINARY MEETING TO BE HELD AT 2:00PM ON 26 APRIL 2018.

PURPOSE

To identify ways of strengthening partnerships and collaboration with communities. To identify the potential for a series of such bodies as the pilot Korumburra Round Table to address Council's Plan recommendation "to Investigate opportunities to consider a model for community self-determination to facilitate working in partnership with the community" and strategy 2.3 Update and implement strategies for Community Strengthening and Engagement.

Establishment of a Leadership structures and process and Township Plan for Leongatha To identify ways of establishing a leadership structures and processes and a township community plan for strengthening community engagement and promoting the sustainable development of Leongatha .

MOTION

I, Councillor Cr Don Hill, advise that I intend to submit the following motion to the Ordinary Meeting of Council scheduled to be held on 28th March 2018 (*relisted by Council resolution into Council Agenda, 26 April 2018*).

That Council:

1. Receive a report by 30 May 2018 on how to conduct and convene with local organisations workshops/consultation on the desirability of collaboratively establishing an appropriate leadership structures and process for Leongatha and developing a Community plan and vision.
2. Identify any additional resource requirements for implementing such an approach.
3. Receive a report on a policy framework by July 2018 to potentially use such district coordinating bodies across the Shire to strengthen community engagement and partnerships and working collaboratively with communities, including potential terms of reference, resource requirement and suggested local districts.

MOVED: Cr Hill
SECONDED: Cr Rich

The Mayor ruled to vote on the Motion in separate parts (clause 61).

The Mayor adjourned the Council Meeting for 1 minute in order to discuss the report due date currently listed in the Motion.

THAT COUNCIL:

- 1. RECEIVE A REPORT BY 30 MAY 2018 ON HOW TO CONDUCT AND CONVENE WITH LOCAL ORGANISATIONS WORKSHOPS/CONSULTATION ON THE DESIRABILITY OF COLLABORATIVELY ESTABLISHING AN APPROPRIATE LEADERSHIP STRUCTURES AND PROCESS FOR LEONGATHA AND DEVELOPING A COMMUNITY PLAN AND VISION.**
- 2. IDENTIFY ANY ADDITIONAL RESOURCE REQUIREMENTS FOR IMPLEMENTING SUCH AN APPROACH.**

CARRIED

FOR: Councillors Argento, Rich, Skinner, Hill, McEwen, Brown, Brunt and Kiel.

AGAINST: Councillor Edwards

- 3. RECEIVE A REPORT ON A POLICY FRAMEWORK BY JULY 2018 TO POTENTIALLY USE SUCH DISTRICT COORDINATING BODIES ACROSS THE SHIRE TO STRENGTHEN COMMUNITY ENGAGEMENT AND PARTNERSHIPS AND WORKING COLLABORATIVELY WITH COMMUNITIES, INCLUDING POTENTIAL TERMS OF REFERENCE, RESOURCE REQUIREMENT AND SUGGESTED LOCAL DISTRICTS.**

CARRIED

FOR: Councillors Hill, Skinner, Argento, Rich and McEwen.

AGAINST: Councillors Brown, Brunt, Edwards and Kiel.

BACKGROUND

Leongatha Leadership structures and process

Successful towns characteristically have a strong shared vision of where they want to go and the leadership structure and processes that facilitate and support getting to the chosen direction.

Leongatha unlike other towns does not have a community or township plan for their future development. There are a range of strong and effective organisations in the towns, but there is not one coordinating structure that has the authority and is able to address overall development priorities and speak up for the town. Successful towns have the collaborative processes that allow good ideas to emerge, to be distilled and be collaboratively implemented. Council acting alone does not have the capacity or agency. It can be part of the process but not the leader.

There are serious challenges that the town needs to address. These include:

- The lack of a shared vision and community plan for future of Leongatha
- The high vacancy rates and rents for retail and commercial premises.
- The challenges that the Leongatha MG factory will face with increasing competition and an as yet unknown outcome of the proposed Saputo takeover and its likely flow on consequence.
- The lack of appropriate leadership structures and process that have been crucial in the revivals and development of other towns in the shire (Mirboo North, Meenyan, Fish Creek Korumburra).
- Its ongoing decline relative to Wonthaggi and the need for a strategic approach to attract more businesses
- Lack of a positive identity and brand

Council in its Council Plan is committed to working more closely in partnership with communities and in engaging people in setting priorities and directions. Council is committed to spend a significant amount of monies on the revitalisation of the Leongatha, including Blair St the proposed rail trail extension, Leongatha railway station, sports fields and clubrooms in South Leongatha and a new library. Council has between \$14-20m potentially committed, which make up a significant proportion of new initiatives in South Gippsland (40%+) fifteen year long term financial plan.

Part of the turnaround of our small towns and the beginning of revival for Korumburra is due to the presence of supportive structures and processes that have facilitated local collaboration, cooperation and joint action. The Korumburra Round Table has proven to be a successful force for bringing people together to develop a Town Plan and has operated in strong collaboration with the revitalised Business Association. The Mirboo Country has been vital in developing the future vision and Plan for Mirboo North and in implementing its chosen directions. Local traders and progress associations

in Loch, Meeniyah, Fish Creek, Welshpool and Foster have been instrumental in providing community engagement and leadership.

The shire successfully used a collaborative planning process for the railway station precinct redevelopment proposals. The process was however limited to just plans for the precinct. There is clearly scope for harnessing the creative talents of Leongatha to work collaboratively for a better future.

- Engage the community
- Develop a genuinely shared future vision and Town Plan of where it wants to and needs to go to progress in the future
- Establish priorities based on broad participation of the community.
- Mobilise available community, government and council resources to achieve desired direction

Council provides support for all communities to develop their Plans and significant support for Korumburra Roundtable. It has not provided such support to Leongatha. The proposal is that council in conjunction with key local organisations convene a workshops/consultation on the desirability of collaboratively developing potential Township plan and establish an appropriate leadership structures and process for Leongatha.

Despite its commitment to facilitating the development of Community Plans no such plan has been resourced or developed for Leongatha.

This approach is consistent with council's four year plan.

Council's Commitment to the Community Council's Commitment

- "Encourage our communities and support our community leaders"
- "Focus attention on the economic growth of our Shire, the sustainability of our businesses and the creation of jobs; our survival depends on it."

Objective Overview

A Council that listens and continues to involve its community in decision making and delivery of services and projects:

- 2.1 Where appropriate support community groups to achieve projects they have ownership of and want to progress.
- 2.8 Investigate opportunities to consider a model for community self-determination to facilitate working in partnership with the community.

Policy Framework for district coordinating bodies

Council plan identifies the need to work in partnership with communities, the desirability of strengthening community engagement and the potential to explore local decision making structures and processes. This motion allows council to explore options and possibilities to achieve these outcomes.

The Korumburra Roundtable Experience

The Korumburra Roundtable was established by the last Council from a NOM by Cr Andrew McEwen. It was started because when he door knocked the

whole of Korumburra he found an all embracing negativity, a sense of being dealt with unfairly, a tall poppy syndrome and divided community. There were good people and organisations, but no agree structure or process for joint deliberation and action.

The concept was that if the right organisation and people were represented the body could become a force for appropriate social, economic and cultural development of Korumburra. The body included representatives of some organisations, independent members and nonvoting ward councillors.

Like starting anything, it was a rocky road for a new venture, to understand its role, find its niche and flourish. There was considerable confusion over its role and whether it was a planner, an advocate or a doer. In practice this was resolved as often is the case through action learning.

A number of projects were initiated which started to define the role of the group. They included:

- A township signage project including a new logo and tag line.
- Two future visioning workshops
- Development of Township downloadable App
- Establishment of an Arts Group and arts events
- Development of a mural brochure
- A focus on design of Commercial street
- Development of a community plan for Korumburra
- Working with KBA re Christmas celebrations
- Gaining commitment or a revitalization project for Korumburra
- Gaining commitment for footpath to Korumburra secondary College

Council provides secretarial support and the meetings are attended by a Director to provide information on councils activities. The group is functioning well and has high calibre people. Through its representative structure it has excellent working relations with key organisations.

It was originally established as a pilot project to assess the utility of the model for South Gippsland generally. It is similar to the Mirboo Country in its interests although it has a different structure.

REFERENCE DOCUMENTS

Council Policy -

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

Council Plan 2017 – 2021: Objective 2. Communities are supported by appropriate and relevant services. 2.1. Where appropriate support community groups to achieve projects they have ownership of and want to progress.

2. OBJECTIVE 1 - STRENGTHEN ECONOMIC GROWTH AND PROSPERITY

2.1. PLANNING SCHEME AMENDMENT C90 - HOUSING AND SETTLEMENT - SUBMISSIONS CONSIDERATION AND PLANNING PANEL REFERRAL

Development Services Directorate

EXECUTIVE SUMMARY

Council has received 128 submissions in response to exhibition of Planning Scheme Amendment C90 – Housing and Settlement. The Amendment introduces into the South Gippsland Planning Scheme a series of new township frameworks plan maps, Restructure Overlay plans and related planning policy changes.

Recommendations have been made in response to the submissions. Some of the recommendations will require Council to request the Minister for Planning to appoint an Independent Planning Panel to consider objections that cannot be resolved.

RECOMMENDATION

That Council:

1. Adopt the revised version of Planning Scheme Amendment C90 - Housing and Settlement in accordance with the recommendations contained in Attachment [2.1.3]; and
2. Request the Minister for Planning to appoint an Independent Planning Panel to consider the updated Planning Scheme Amendment C90 - Housing and Settlement provisions and the submissions received.

MOVED: Cr Edwards

SECONDED: Cr Brunt

THAT COUNCIL:

1. **ADOPT THE REVISED VERSION OF PLANNING SCHEME AMENDMENT C90 - HOUSING AND SETTLEMENT IN ACCORDANCE WITH THE RECOMMENDATIONS CONTAINED IN ATTACHMENT [2.1.3]; AND**
2. **REQUEST THE MINISTER FOR PLANNING TO APPOINT AN INDEPENDENT PLANNING PANEL TO CONSIDER THE UPDATED PLANNING SCHEME AMENDMENT C90 - HOUSING AND SETTLEMENT PROVISIONS AND THE SUBMISSIONS RECEIVED.**

Cr McEwen left the Council Meeting at 3.11 pm and returned at 3.13pm.

The Mayor ruled not to accept the request from Cr McEwen to move a Motion of deferral (clause 57(f)).

MOVED: Cr Hill

SECONDED: Cr McEwen

CR HILL MOVED A MOTION OF DISSENT IN THE RULING OF THE MAYOR TO NOT ALLOW A MOTION OF DEFERRAL.

CARRIED

FOR: Councillors Hill, Skinner, McEwen, Argento and Rich.

AGAINST: Councillors Brown, Brunt, Kiel and Edwards.

Cr McEwen foreshadowed a deferral Motion.

MOVED: Cr McEwen

SECONDED: Cr Skinner

THAT AGENDA ITEM 2.1.PLANNING SCHEME AMENDMENT C90 - HOUSING AND SETTLEMENT - SUBMISSIONS CONSIDERATION AND PLANNING PANEL REFERRAL BE DEFERRED TO 25 JULY 2018 ORDINARY COUNCIL MEETING TO PROVIDE COUNCILLORS WITH FURTHER TIME TO CONSIDER SUBMISSIONS AND OTHER MATTERS RELATING TO THE MUNICIPAL STATEMENT.

CARRIED

FOR: Councillors Hill, Skinner, McEwen, Argento and Rich.

AGAINST: Councillors Brown, Brunt, Edwards and Kiel.

REPORT

A summary of the submissions, grouped by geographic location and topic, is located at **Attachment [2.1.1]**.

The original submissions are grouped by geographic location (**Attachment [2.1.2]**).

Recommendations and responses for each submission, grouped by geographic location, are located in **Attachment [2.1.3]**.

The following is an overview summary of the responses received.

Supporting Submissions

1. Two submissions support the Amendment generally for defining which settlements can accept growth and which should remain limited in size due to level of services provided, environmental risks, adverse impacts on the environment, landscape impacts and settlement character. Protection of agricultural land, efficient provision of infrastructure and certainty for developers was also supported.
2. South Gippsland Water supports reducing the number of developable lots within the Tarwin Water Catchment where compliance with the catchment protection guidelines cannot be achieved. It also advises that it does not have any plans or priorities to provide reticulated sewer to unsewered towns in the foreseeable future.
3. West Gippsland Catchment Management Authority supports restricting development (considered on a property-by-property basis) on land subject to flood hazard or where the sole access is affected by deep or fast moving flood waters.
4. The Country Fire Authority recommend that Council undertake further assessment of the Amendment in the context of recent changes to the State Planning Policy Framework, specifically Clause 13.05 Bushfire which was gazetted in December after C90 commenced exhibition. Where bushfire is a hazard, the CFA supports limiting development and notes that larger Restructure lots have more opportunity for implementing fire hazard reduction measures. However the CFA wants evidence provided by expert assessment to show that vacant Restructure Lots with the ability to be developed with dwellings are not created in locations where the fire hazard cannot be reduced to an acceptable level of risk. Council officers are working with the CFA to resolve how these matters will be addressed.

5. Forty-nine submissions (including two joint submissions) support the Walkerville Framework Plan settlement boundaries.
6. DELWP's submission supports the seven Restructure Plans affecting Crown land.
7. Eleven submissions support the exhibited Restructure Plans.
8. Six submissions request closure of unused road reserves.
9. Four submissions advised no objection without providing any further comment.
10. A handful of submissions ask for policy adjustments, inclusions and improvements, or for errors to be fixed.

Objections and Submissions Requesting Changes

1. Eighteen submissions object to application of a Restructure Plan.
2. Six submissions request additional Restructure Lots on their property.
3. Three submissions object to Restructure Plans on the grounds there would be too many dwellings.
4. Seven Fish Creek landowners request the settlement boundary be extended and/or their land rezoned to a higher density use.
5. One submission requests expansion of the 'Town Centre' designation in the Fish Creek Framework Plan.
6. One submission provided comment on the potential expansion of commercial opportunities at Walkerville, and objected to C90.
7. One submission wants the Rural Dwellings policy removed and requested that a Framework Plan be included for Mt Best.
8. Four submissions were considered irrelevant to the Amendment's content due to containing customer service requests, comments on neighbours, debate on Amendment C63 (Rural Land Use Strategy) approved in 2012, a road reserve closure not associated with a Framework Plan or Restructure Plan, or misunderstood the purpose and effect of the Framework Plan or Restructure Plan referred to.

CONSULTATION

Formal exhibition was undertaken in accordance with the requirements of the Planning and Environment Act 1987, with the exhibition period extended to six weeks.

Approximately 2,000 letters and emails were sent to landowners/occupiers, Government agencies, prescribed Ministers, service authorities, community groups and neighbouring councils. Local newspapers published advertisements and press releases. A C90 web page was set up at www.southgippsland.vic.gov.au/C90. Hard copies of the Amendment documentation were provided at Council reception. Ten well-attended public information sessions were held. Staff answered over 220 phone and counter enquiries.

RESOURCES

No additional resources are required to continue the amendment through the next steps.

RISKS

There is no risk associated with referring submissions to a Planning Panel.

STAFF DISCLOSURE

Name: Fiona Mottram, Strategic Planner
Title: Amendment C90 Housing and Settlement – Consideration of submissions
Conflict of Interest: Indirect conflict of Interest
Reason: Has an indirect interest by friendship with a party that is affected by the matter.

ATTACHMENTS

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

1. PSA C90 Summary of Submissions - C90 Housing and Settlement [2.1.1]
2. PSA C90 Original Submissions - with Redactions - C90 Housing and Settlement [2.1.2]
3. PSA C90 Submissions - Recommendations - C90 Housing and Settlement [2.1.3]

REFERENCE DOCUMENTS

Council Policy

Documents are available on Council's website: www.southgippsland.vic.gov.au
South Gippsland Housing and Settlement Strategy

Legislative Provisions

Planning and Environment Act 1987

2.2. PLANNING PERMIT APPLICATION 2017/246 - 2735 MEENIYAN-MIRBOO NORTH ROAD MIRBOO NORTH - TELECOMMUNICATIONS FACILITY

Development Services Directorate

EXECUTIVE SUMMARY

This report is to consider a planning permit application for a proposed Optus mobile phone telecommunications facility at 2735 Meeniyon-Mirboo North Road Mirboo North. The required facilities, including a 40m high monopole are proposed to be located approximately 300m to the south of the township of Mirboo North on a privately owned farming property.

The application is being referred to Council for determination as seven objections were received. Common objections included:

- Impacts on people's health from electromagnetic radiation generated by the facility;
- Loss of views from dwellings overlooking the tower;
- Negative impact of the tower on character and appearance of the entrance of the town

The application is considered to comply with the relevant decision guidelines of the Planning Scheme and to have reasonably minimised the visual impact on the locality. The application is therefore recommended for approval, subject to appropriate conditions.

RECOMMENDATION

That Council issue a Notice of Decision for use and development of the land at 2735 Meeniyon-Mirboo North Road Mirboo North for a Telecommunications Facility (40m high monopole, antenna array, ground level equipment shelter) and ancillary works and alteration of access to a Road Zone Category 1, in accordance with the endorsed plans and subject to the following conditions:

1. The building, works and layout as shown on the endorsed plan(s) must not be altered or modified except with the written consent of the Responsible Authority.
2. Once the development has started it must be continued and completed in a timely manner to the satisfaction of the Responsible Authority.
3. All works must be undertaken in accordance with the principles set out in "A Code of Practice for Telecommunications Facilities in Victoria", Department of Sustainability and Environment 2004.

4. The Telecommunications Facility must at all times operate in accordance with the "Radiation Protection Standards – Maximum Exposure Levels to Radiofrequency Fields -3kHz to 300GHz ARPANSA" May 2002.
5. The external finishes of Telecommunications Facility (including the monopole, antennas and ancillary equipment) must be colour treated and maintained in muted low-reflective tones to the satisfaction of the Responsible Authority.
6. Building construction must be carried out in accordance with *Construction Techniques for Sediment Pollution Control* (EPA May 1991) and *Control of Erosion on Construction Sites* (Soil Conservation Authority) to the satisfaction of the Responsible Authority.
7. All stormwater discharging from the development and/or use on the land must be contained within the boundaries of the land to the satisfaction of the Responsible Authority.
8. The property must be maintained in a neat and tidy condition to the satisfaction of the Responsible Authority.
9. This permit will expire if any of the following applies:
 - a. The development is not started within two (2) years of the date of this permit.
 - b. The development is not completed within four (4) years of the date of this permit.
 - c. The use does not start within two (2) years after the completion of the development.

MOVED: Cr Kiel

SECONDED: Cr Hill

THAT COUNCIL ISSUE A NOTICE OF DECISION FOR USE AND DEVELOPMENT OF THE LAND AT 2735 MEENIYAN-MIRBOO NORTH ROAD MIRBOO NORTH FOR A TELECOMMUNICATIONS FACILITY (40M HIGH MONOPOLE, ANTENNA ARRAY, GROUND LEVEL EQUIPMENT SHELTER) AND ANCILLARY WORKS AND ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1, IN ACCORDANCE WITH THE ENDORSED PLANS AND SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE BUILDING, WORKS AND LAYOUT AS SHOWN ON THE ENDORSED PLAN(S) MUST NOT BE ALTERED OR MODIFIED EXCEPT WITH THE WRITTEN CONSENT OF THE RESPONSIBLE AUTHORITY.**
- 2. ONCE THE DEVELOPMENT HAS STARTED IT MUST BE CONTINUED AND COMPLETED IN A TIMELY MANNER TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**
- 3. ALL WORKS MUST BE UNDERTAKEN IN ACCORDANCE WITH THE PRINCIPLES SET OUT IN "A CODE OF PRACTICE FOR TELECOMMUNICATIONS FACILITIES IN VICTORIA", DEPARTMENT OF SUSTAINABILITY AND ENVIRONMENT 2004.**
- 4. THE TELECOMMUNICATIONS FACILITY MUST AT ALL TIMES OPERATE IN ACCORDANCE WITH THE "RADIATION PROTECTION STANDARDS – MAXIMUM EXPOSURE LEVELS TO RADIOFREQUENCY FIELDS -3KHZ TO 300GHZ ARPANSA" MAY 2002.**
- 5. THE EXTERNAL FINISHES OF TELECOMMUNICATIONS FACILITY (INCLUDING THE MONOPOLE, ANTENNAS AND ANCILLARY EQUIPMENT) MUST BE COLOUR TREATED AND MAINTAINED IN MUTED LOW-REFLECTIVE TONES TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**
- 6. BUILDING CONSTRUCTION MUST BE CARRIED OUT IN ACCORDANCE WITH *CONSTRUCTION TECHNIQUES FOR SEDIMENT POLLUTION CONTROL* (EPA MAY 1991) AND *CONTROL OF EROSION ON CONSTRUCTION SITES* (SOIL CONSERVATION AUTHORITY) TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**
- 7. ALL STORMWATER DISCHARGING FROM THE DEVELOPMENT AND/OR USE ON THE LAND MUST BE CONTAINED WITHIN THE BOUNDARIES OF THE LAND TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**

- 8. THE PROPERTY MUST BE MAINTAINED IN A NEAT AND TIDY CONDITION TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**
- 9. THIS PERMIT WILL EXPIRE IF ANY OF THE FOLLOWING APPLIES:**
 - a. THE DEVELOPMENT IS NOT STARTED WITHIN TWO (2) YEARS OF THE DATE OF THIS PERMIT.**
 - b. THE DEVELOPMENT IS NOT COMPLETED WITHIN FOUR (4) YEARS OF THE DATE OF THIS PERMIT.**
 - c. THE USE DOES NOT START WITHIN TWO (2) YEARS AFTER THE COMPLETION OF THE DEVELOPMENT.**

Cr McEwen left the Council Meeting at 3.39pm and returned at 3.41pm.

CARRIED UNANIMOUSLY

REPORT

Proposal

The subject land is at 2735 Meeniyah-Mirboo North Road, being Lot 2 LP123578 Parish of Mardan. The land is privately owned as part of a larger farming tenement.

The land is in the Farming Zone and has two Overlays, being Environmental Significance Overlay Schedule 2 (Special water supply catchment areas) and Environmental Significance Overlay Schedule 5 (Areas susceptible to erosion). Meeniyah-Mirboo North Road is a Road Zone Category 1 and VicRoads is the responsible road authority.

The land is currently used and developed as grazing land for beef cattle. The majority of the site has been previously cleared of native vegetation, however there is native vegetation remaining along a waterway to the west of the proposed telecommunications facility.

It is proposed to use and develop part of the subject land for a mobile phone Telecommunications Facility comprising a 40m high monopole, antenna array, ground level equipment shelters and ancillary works, such as security fencing and cabling. It is also proposed to alter the use of the existing driveway crossover to Meeniyah-Mirboo North Road.

Refer to **Attachment [2.2.1]** – Planning Property Report - Planning Application 2017-246 – 2735 Meeniyah-Mirboo North Road Mirboo North; and **Attachment [2.2.2]** – Site Plans and Elevation - Planning Application 2017-246 – 2735 Meeniyah-Mirboo North Road Mirboo North.

Assessment

A detailed assessment of the application against the relevant sections of the Planning and Environment Act 1987 and the relevant matters of the South Gippsland Planning Scheme are discussed in **Attachment [2.2.3]** – Officer's Delegation Report - Planning Application 2017-246 – 2735 Meeniyah-Mirboo North Road Mirboo North.

The application is considered to be consistent with the relevant decision guidelines set out in the Planning Scheme.

Objectors' concerns in relation to electromagnetic radiation are not supported by the Environmental Electromagnetic Energy (EME) Report prepared by the permit application in accordance with the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) guidelines. The Environmental EME report demonstrates the proposal will emit less than 1 per cent of the safe public exposure limit for electromagnetic radiation.

Refer **Attachment [2.2.4]** Environmental Electromagnetic Energy (EME) Report - Planning Permit Application 2017/246 – 2735 Meeniyah-Mirboo North Road Mirboo North.

Views from private properties in Farmer Street and Meeniyah-Mirboo North Road will be minimally impacted due to extent of existing vegetation near facility that will screen the lower parts of the tower. The top half of the tower will be viewed at a distance of at least 300m and will impact only a small part of the extensive rural outlook currently enjoyed by properties at the edge of Mirboo North township.

Although the tower is proposed within a scenic farming area, the proposed tower is not expected to result in a loss of visual amenity in the landscape or significantly detract from the scenic character of the area at the entrance to the town, as the facility has been sited to reduce its visibility from major roads and viewpoints.

Views of the tower from Meeniyah-Mirboo North Road and Grand Ridge Road will be substantially screened by existing vegetation. Due to the winding nature of the road and surroundings, the tower will only be visible when the road direction aligns with the tower. Most views will be distant and the tower will not dominate or detract from enjoyment of the wider landscape.

Refer **Attachment [2.2.5]** – Landscape Photos - Planning Permit Application 2017/246 -2735 Meeniyah-Mirboo North Road Mirboo North.

CONSULTATION

The application is not exempt from notice and review as the facility is not being funded by the Victorian or Commonwealth Government as part of the Mobile Phone Blackspot Program.

The application was therefore referred and advertised in accordance with the Act. Notice of the application was sent to landowners and residents within 500m of the subject site, a noticeboard was provided on the subject land and public notice was provided in local newspapers. The application was also available for the public to view at Council offices.

The application was referred to South Gippsland Water Corporation as the responsible water authority for the Tarwin River Potable Water Supply Catchment. South Gippsland Water Corporation had no objections to the proposal.

The application was referred to VicRoads as the responsible road authority for Meeniyah-Mirboo North Road, a Road Zone Category 1. VicRoads had no objections to the proposal.

Seven (7) written submissions were received from local residents. The submissions are addressed in **Attachment [2.2.3]** – Officers Delegation Report - Planning Permit Application 2017/246 – 2735 Meeniyen-Mirboo North Road Mirboo North.

Copies of the submissions are contained in the **Confidential Attachment [15.1.1]** Copy of Submissions - 2017-246 - 2735 Meeniyen-Mirboo North Road Mirboo North.

ATTACHMENTS

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

1. Planning Property Report - 2017-246 - 2735 Meeniyen- Mirboo North Road Mirboo North **[2.2.1]**
2. Site Plan and Elevations - 2017-246 - 2735 Meeniyen- Mirboo North Road Mirboo North **[2.2.2]**
3. Officers Delegation Report - 2017-246 - 2735 Meeniyen- Mirboo North Road Mirboo North **[2.2.3]**
4. Environmental Electromagnetic Energy - 2017-246 - 2735 Meeniyen- Mirboo North Road Mirboo North **[2.2.4]**
5. Landscape Photos - 2017-246 - 2735 Meeniyen-Mirboo North Road Mirboo North **[2.2.5]**

CONFIDENTIAL ATTACHMENTS

Confidential Attachment [15.1.1] – Copy of Submissions - 2017-246 - 2735 Meeniyen-Mirboo North Road Mirboo North – has been provided in accordance with s.77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this 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.

This is deemed confidential to protect the privacy of the submitters.

REFERENCE DOCUMENTS

Council Policy

Documents are available on Council's website: www.southgippsland.vic.gov.au
South Gippsland Planning Scheme

Legislative Provisions

Planning and Environment Act 1987

2.3. MUNICIPAL ASSOCIATION OF VICTORIA (MAV) STATE COUNCIL MEETING - NOTICE OF MOTION - WIND FARM INVESTIGATION

Executive Office

EXECUTIVE SUMMARY

The Municipal Association of Victoria (MAV) will hold its State Council Meeting on Friday 18 May 2018. Each Council in Victoria has the opportunity to lodge Notices of Motion for the MAV to consider.

Inconsistencies between the *Public Health and Wellbeing Act 2008* and the *Planning and Environment Act 1987* create issues surrounding wind farm investigation and enforcement and is a matter worthy of consideration at the MAV State Council Meeting for further advocacy efforts.

The Mayor, Councillor Lorraine Brunt is Council's appointed MAV representative and can vote for or against motions at the Meeting on behalf of Council. If supported Council's response will be provided to the MAV by 5.00pm on Friday 27 April 2018 in order to meet its agenda deadline.

RECOMMENDATION

That Council endorse the Notice of Motion 'Advocate to the Minister for Planning and Minister for Health to address inconsistencies between the *Public Health and Wellbeing Act 2008* and the *Planning and Environment Act 1987* in relation to wind farm enforcement' (refer Attachment [2.3.2]) to the Municipal Association of Victoria's (MAV) State Council on Friday 18 May 2018.

MOVED: Cr Edwards

SECONDED: Cr Argento

THAT COUNCIL ENDORSE THE NOTICE OF MOTION 'ADVOCATE TO THE MINISTER FOR PLANNING AND MINISTER FOR HEALTH TO ADDRESS INCONSISTENCIES BETWEEN THE *PUBLIC HEALTH AND WELLBEING ACT 2008* AND THE *PLANNING AND ENVIRONMENT ACT 1987* IN RELATION TO WIND FARM ENFORCEMENT' (REFER ATTACHMENT [2.3.2]) TO THE MUNICIPAL ASSOCIATION OF VICTORIA'S (MAV) STATE COUNCIL ON FRIDAY 18 MAY 2018.

CARRIED UNANIMOUSLY

REPORT

Twice each year councils have the opportunity to put forward Notices of Motion relating to matters of strategic significance to local government for consideration at the MAV State Council meeting.

Should the Motion be carried at the State Council Meeting MAV will then make representations on behalf of Local Government to the State and Federal Governments as appropriate to advocate for these matters.

It is recommended that Council lodges the Notice of Motion as depicted in **Attachment [2.3.2]** - MAV State Council Motion – 18 May 2018 for the MAV State Council to consider if further advocacy opportunities to the State and Federal Government for clarity is appropriate.

Currently local governments across Victoria are receiving nuisance complaints in relation to wind farms under the *Public Health and Wellbeing Act 2008*. Councils are obliged to investigate regardless of whether the wind farms are operating in accordance with planning permits issued under the *Planning and Environment Act 1987*.

This is inefficient and impacts on residents, wind farm owners and is a large resource burden on local councils and their communities.

This burden and the call to action is further depicted in **Attachment [2.3.1]** - Wind Farm Advocacy Flyer.

CONSULTATION

Discussions have been made with representatives from other councils that are impacted by these legislative inconsistencies including Pyrenees Shire Council and Moyne Shire Council.

The topic has also been advocated to the Gippsland Local Government Network (GLGN).

RESOURCES

There are no resource implications to Council if this Notice of Motion is endorsed.

RISKS

If Council does not endorse this Motion the legislative inconsistencies in relation to wind farms will remain the same.

This maintains a significant reputational, financial and resource implication for Council and the wider Local Government sector.

STAFF DISCLOSURE

Nil

ATTACHMENTS

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

1. Wind Farm Advocacy Flyer **[2.3.1]**
2. MAV State Council Motion - 18 May 2018 **[2.3.2]**

REFERENCE DOCUMENTS

Legislative Provisions

Local Government Act 1989

Planning and Environment Act 1987

Public Health and Wellbeing Act 2008

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

3.1. NIL

Councillor Meg Edwards left the Council Meeting at 3.45pm with a declared indirect interest in Agenda Item 4.1 PROPOSED OPENING PART FISH CREEK QUARRY ROAD FISH CREEK – PETITION RESPONSE / CONSIDER AND DETERMINE SUBMISSIONS as her partner owns the adjoining land.

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

4.1. PROPOSED OPENING PART FISH CREEK QUARRY ROAD FISH CREEK – PETITION RESPONSE / CONSIDER AND DETERMINE SUBMISSIONS

Infrastructure Directorate

EXECUTIVE SUMMARY

At the Ordinary Meeting of Council 20 December 2017, Council resolved to commence the statutory process to open part of the Fish Creek Quarry Road, Fish Creek for public traffic. The public notice calling for submissions was published in the local papers during the 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 submission. Council heard the three submitters speak to their submissions at a Special Committee of Council held 28 March 2018.

At Council's Ordinary Meeting of Council 28 February 2018, a petition was tabled with approximately 274 signatures requesting that part of the Fish Creek Quarry Road, Fish Creek be retained for public use and incorporated into the Hoddle Mountain Trail. Council resolved to consider the petition at the Ordinary Meeting of Council 26 April 2018.

This report is presented to Council to consider the petition and the submissions, and to determine the outcome of the proposal.

RECOMMENDATION

That Council:

1. Having considered the petition and the submissions, determines that in accordance with s.204(2) of the Local Government Act 1989, that part of the Fish Creek Quarry Road, Fish Creek (shown in Figure 1) be opened for public traffic as it is reasonably required for public use.
2. Provide the following reasons for its decision to the submitters and the lead petitioner:

- a. The section of Fish Creek Quarry Road is currently a public road.
- b. The section of Fish Creek Quarry Road has been used as part of the Hoddle Mountain Trail and is still required.
- c. Fencing, gating, and signage will be erected to reduce any biosecurity risks.
- d. The cost to maintain the track will be minimal as it will be maintained as a Grade Three Walking Track (in accordance with the Australian Walking Track Grading System) in keeping with the Hoddle Mountain Trail that is a Grade Three Walking Track.

Cr Hill moved an alternate Motion to the Recommendation.

MOVED: Cr Hill

SECONDED: Cr Skinner

THAT COUNCIL:

1. **HAVING CONSIDERED THE PETITION AND THE SUBMISSIONS, DETERMINES THAT IN ACCORDANCE WITH S.204(2) OF THE LOCAL GOVERNMENT ACT 1989, THAT PART OF THE FISH CREEK QUARRY ROAD, FISH CREEK (SHOWN IN FIGURE 1) BE OPENED FOR PUBLIC TRAFFIC AS IT IS REASONABLY REQUIRED FOR PUBLIC USE.**
2. **PROVIDE THE FOLLOWING CONDITIONS AND REASONS FOR ITS DECISION TO THE SUBMITTERS AND THE LEAD PETITIONER:**
 - a. **THE SECTION OF FISH CREEK QUARRY ROAD IS CURRENTLY A PUBLIC ROAD WHICH HAS NEVER BEEN FORMALLY CLOSED.**
 - b. **THE SECTION OF FISH CREEK QUARRY ROAD HAS A HISTORY OF BEEN CONTINUALLY TRAVERSED AS A TRAIL.**
 - c. **COUNCIL COMMIT WORKS OF A COST OF \$4,000 AS WELL AS MAINTENANCE WEED SPRAYING AND SLASHING.**
 - d. **COUNCIL INSTALL A PEDESTRIAN COUNTER AND REVIEW THE ROADS USAGE IN TWO (2) YEARS.**
3. **DEVELOP A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE HODDLE MOUNTAIN TRAIL GROUP TO ESTABLISH MANAGEMENT ARRANGEMENTS.**

The Mayor adjourned the Council Meeting for 1 minute in order to read the Motion.

Cr Rich left the Council Meeting at 3.47pm and returned at 3.48pm.

The Council Meeting resumed at 3.48pm.

The Mayor, Cr Brunt left the Council Meeting at 4.11pm and Cr Brown, Deputy Mayor assumed the Chair.

MOVED: Cr Kiel

CR KIEL MOVED THAT THE MOTION BE NOW PUT.

Cr Brunt returned to the Council Meeting at 4.14pm.

CARRIED

FOR: Councillors Hill, Skinner, Argento, Kiel, Rich and McEwen.

AGAINST: Councillors Brown and Brunt.

The Mayor resumed the Chair.

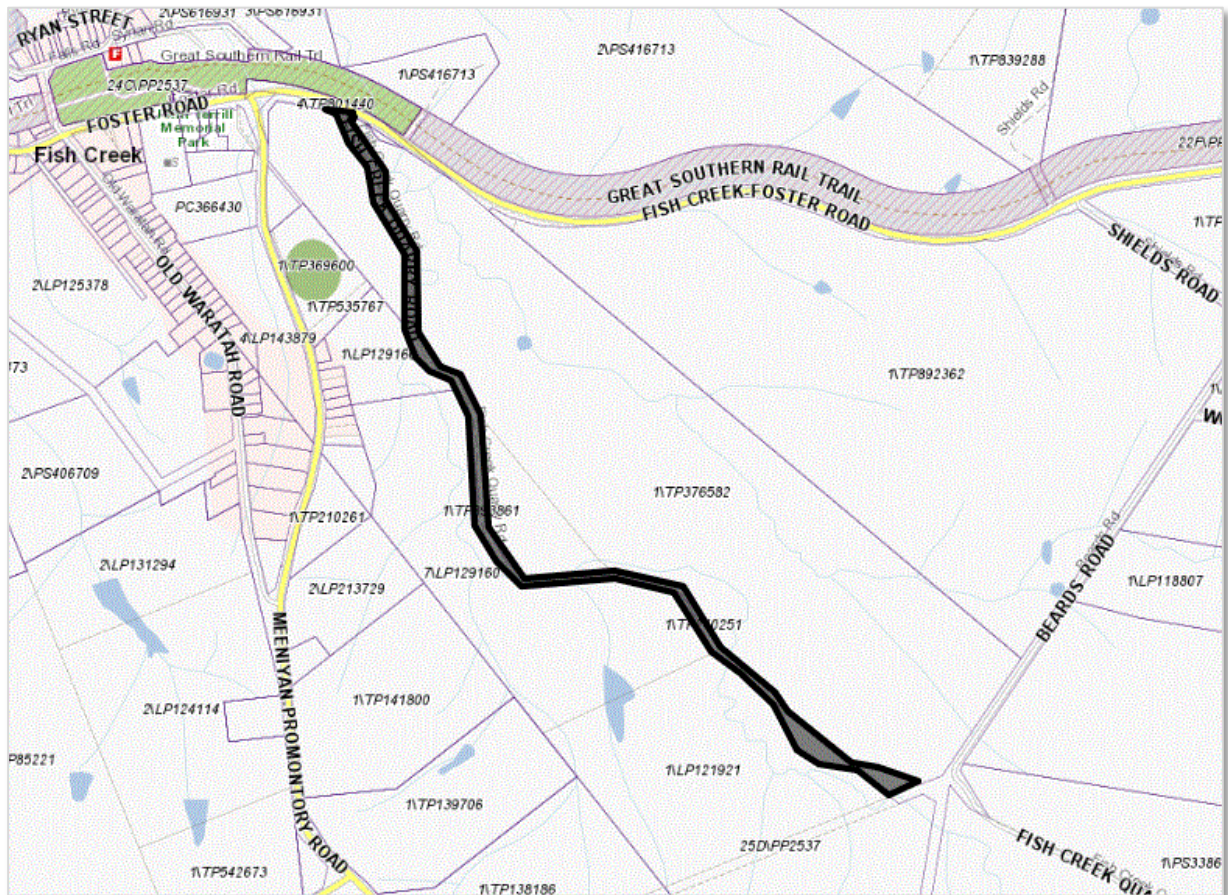
Councillor Edwards did not return for the remainder of the Council Meeting.

REPORT

Background

Council resolved to commence the statutory process to open part of Fish Creek Quarry Road, Fish Creek for public traffic at the Ordinary Meeting of Council 20 December 2017 (refer to **Figure 1**).

Figure 1 - Map of Fish Creek Quarry Road, Fish Creek



The public notice calling for submissions was published in the local papers during the 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 submission. Council heard the three submitters at a Special Committee of Council meeting held 28 March 2018 and resolved 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.*
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.”*

A summary of the submissions is included in **Confidential Attachment [15.2.1]** and a copy of all submissions is available in **Confidential Attachment [15.2.2]**.

At Council’s Ordinary Meeting of Council 28 February 2018, a petition was tabled with approximately 274 signatures requesting that part of the Fish Creek Quarry Road, Fish Creek be retained for public use and incorporated into the Hoddle Mountain Trail. A copy of the petition prayer is in **Figure 2** below and the full petition is included in **Confidential Attachment [15.2.3]**.

Figure 2 – Petition Prayer

RE: ROAD DECLARATION – THAT PART OF FISH CREEK QUARRY RD, FISH CREEK, BE RETAINED FOR PUBLIC USE & INCORPORATED INTO THE HODDLE MOUNTAIN TRAIL.

The resolution to the petition of Council 28 February 2018 was that Council:

- “1. Receive and note the petition;*
- 2. The petition lay on the table until the matter is considered and decided on at the Ordinary Council Meeting Thursday 26 April 2018.”*

Discussion

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.

Officer's summation / response to issues raised if the proposed section of Fish Creek Quarry Road, Fish Creek is opened:

1. The section of Fish Creek Quarry Road is currently a public road

2. The section of Fish Creek Quarry Road has been used as part of the Hoddle Mountain Trail and is still required.
3. Fencing, gating, and signage will be erected to reduce biosecurity risks and trespassers.
4. The cost to maintain the track will be minimal as it will be maintained as a Grade Three Walking Track (in accordance with the Australian Walking Track Grading System) in keeping with the Hoddle Mountain Trail that is a Grade Three Walking Track. A Grade Three Walking Track is recommended for people with some bushwalking experience.

It should be noted that Council only maintains and has responsibility for some sections of the Hoddle Mountain Trail that are on Council managed road reserves and on Council land.

CONSULTATION

The public notice calling for submissions to the proposal was published in local newspapers during the week commencing 15 January 2018 and was published on Council's website. Council received 65 submissions; 27 submissions in support of the proposal and 38 submissions against the proposal. Council received one late submission for the proposal.

Of the 65 submissions, three elected to speak to their submission. Council heard the three submitters at a Special Committee of Council 28 March 2018 and resolved to consider and determine all submissions at the Ordinary Meeting of Council 26 April 2018.

A summary of the submissions is included in **Confidential Attachment [15.2.1]** and a copy of all submissions is available in **Confidential Attachment [15.2.2]**.

Officers have met on site with adjoining landowners.

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

RESOURCES

The costs associated with maintaining the track will be minimal as it is proposed to remain a walking trail and not upgraded for vehicular access.

RISKS

If that part of Fish Creek Quarry Road, Fish Creek is not made available as part of the walking trail, safety concerns have been raised with respect to alternate routes along roads used by vehicular traffic.

Objectors believe that if the walking trail continues through that part of Fish Creek Quarry Road, Fish Creek then it will create biosecurity risks for the adjoining farms and that it would make their farming business not viable.

STAFF DISCLOSURE

Nil

CONFIDENTIAL ATTACHMENTS

Confidential Attachments [15.2.1] – Summary of Submissions, **[15.2.2]** – Submissions, and **[15.2.3]** – Petition has been provided in accordance with s.77(2)(c) of the Local Government Act 1989. The Chief Executive Officer designates this 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 and the petition.

REFERENCE DOCUMENTS

Council Policy

*Documents are available on Council's website: www.southgippsland.vic.gov.au
[Paths and Trails Strategy](#)*

Legislative Provisions

Local Government Act 1989

4.2. INFRASTRUCTURE DESIGN MANUAL - PLANNING SCHEME IMPLEMENTATION

Development Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of a proposal by the Department of Environment Land Water and Planning (DELWP) to introduce by Ministerial Amendment the Infrastructure Design Manual (IDM) into the planning schemes of the rural councils across the State which use the IDM.

The IDM has been developed by rural councils over the past ten years and provides a broad ranging set of standardised infrastructure design requirements (e.g. roads, drains, local utility features) and supplements the current Victorian Planning Provisions (VPPs). The VPPs do not appropriately respond to the infrastructure requirements of rural councils. The IDM is broadly supported by the development industry because its requirements are standardised and provide development certainty.

It is recommended that Council inform DELWP of its agreement to be part of the Ministerial Amendment and to formally implement the IDM into the South Gippsland Planning Scheme.

RECOMMENDATION

That Council participates in a s.20(4) of the Planning and Environment Act 1987 Ministerial Amendment coordinated by the Department of Environment Land Water and Planning which seeks to introduce revised Infrastructure Design Manual provisions into the South Gippsland Planning Scheme generally in accordance with the provisions in Attachment [4.2.1].

Councillors Rich, Hill, McEwen, Edwards, left the Council Meeting at 4.15pm.

MOVED: Cr Kiel

SECONDED: No seconder recorded.

THAT COUNCIL PARTICIPATES IN A S.20(4) OF THE PLANNING AND ENVIRONMENT ACT 1987 MINISTERIAL AMENDMENT COORDINATED BY THE DEPARTMENT OF ENVIRONMENT LAND WATER AND PLANNING WHICH SEEKS TO INTRODUCE REVISED INFRASTRUCTURE DESIGN MANUAL PROVISIONS INTO THE SOUTH GIPPSLAND PLANNING SCHEME GENERALLY IN ACCORDANCE WITH THE PROVISIONS IN ATTACHMENT [4.2.1].

CARRIED UNANIMOUSLY

Noting that Councillors Rich, Hill, McEwen and Edwards were not present for the vote.

REPORT

The IDM has evolved over the past ten years and is increasingly relied upon by rural councils in specifying infrastructure requirements. Implementation of the IDM into planning schemes has recently been supported by a Ministerial Advisory Committee and by Planning Panels Victoria.

The IDM was first developed by a small group of rural councils clustered around Shepparton more than 10 years ago. It was developed for a number of reasons, foremost of which was the need to reduce excessive variation in engineering design requirements (e.g. reducing the variation in kerb profiles from 20 to only 3 kerb profiles) and to more clearly focus on rural infrastructure planning issues (e.g. allowing wider roads reserves in smaller townships) which are not appropriately addressed in the VPPs. The IDM is a web based document and can be viewed at www.designmanual.com.au. Since its initial development other councils have joined the IDM group and it is now widely accepted across the State and is currently used by 44 rural councils. South Gippsland Shire Council is active in the committee responsible for the ongoing development and review of the IDM.

Incorporating the IDM into the planning scheme will enable a more consistent approach to development and provide certainty around the requirements for the provision of infrastructure. This will improve efficiency in planning processes, reduce costs and provide greater surety at the development stage.

Formal recognition of the IDM also has benefits in terms of strengthening the power of councils to defend planning permit conditions and Development Plan requirements before the Victorian Civil and Administrative Tribunal (VCAT) and Planning Panels Victoria (PPV). Presently VCAT and PPV are not required to give any formal consideration to the requirements of the IDM as it is not an official planning document. This will change if the IDM is incorporated into a planning scheme.

The wide scale use and acceptance of the IDM, and an increased understanding of the benefits it provides, has led DELWP to an appreciation of the benefits of the document such that they are now looking to assist councils to introduce key enabling provisions into their planning schemes by Ministerial Amendment (via the ministerial powers provisions of Section 20(4) of the *Planning and Environment Act 1987*). Draft proposed South Gippsland Planning Scheme provisions may be viewed in **Attachment [4.2.1]**. The provisions are drawn from a recently approved Greater Shepparton City Council planning scheme amendment and identify what is required to formally recognise the IDM and secure its decision making weight before VCAT and Planning Panel. It is recommended that Council support the introduction of similar provisions as those detailed in **Attachment [4.2.1]**. The exact form of

the implementation provisions will be finalised as part of further consultation with DELWP.

If Council accepts DELWP's offer to join the Ministerial Amendment, the IDM provisions will be introduced without cost to Council. DELWP will determine if any formal exhibition will occur and the form it will take. The IDM does not directly affect the general public and is broadly supported by the development industry.

CONSULTATION

The IDM has been widely used by rural councils and is broadly supported by the development community. DELWP will determine the form and scope of public consultation to be undertaken however, exhibition to the general public is unlikely to be considered or required.

RESOURCES

DELWP are responsible for all administrative fees and charges associated with a Ministerial Amendment.

RISKS

Failure to implement the IDM into the Planning Scheme could lead to inconsistent development and uncertainty re the provision of appropriate infrastructure.

STAFF DISCLOSURE

Nil

ATTACHMENTS

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

1. South Gippsland Planning Scheme - Draft Policy Provisions **[4.2.1]**

REFERENCE DOCUMENTS

Council Policy

Documents are available on Council's website: www.southgippsland.vic.gov.au
Infrastructure Design Manual

Legislative Provisions

Planning and Environmental Act 1987

4.3. KARMAI COMMUNITY CHILDREN'S CENTRE INC. PROPOSED LEASE - 22 PRINCES STREET, KORUMBURRA

Infrastructure Directorate

EXECUTIVE SUMMARY

The Karmai Community Children's Centre (the Centre) delivers integrated child care, kindergarten, maternal child health, out-of-school-hours care, child care education, and consulting services as well as related community activities.

The Centre is located on a site that comprised of Council-owned land and Crown land which meant that Council was only able to grant a licence to the Karmai Community Children's Centre Inc. (the Committee) to occupy the site. Since this licence was issued, the Crown land has been transferred to Council enabling Council to issue a lease to the Committee. This will provide greater long term security over the site that is considered necessary for the effective ongoing operation of these services.

This report proposes that Council lease Council-owned land in Princes Street, Korumburra to the Committee for the delivery of integrated child care, kindergarten, maternal child health, out-of-school-hours care, child care education and consulting services, and related community activities at the Centre.

The lease will replace a licence held by the Committee to occupy the land. An initial lease term of ten years with options of two further terms of five years each is proposed that will provide the Committee with greater security of tenure which is considered necessary for the effective delivery of their services.

RECOMMENDATION

That Council:

1. Commences the statutory procedures in accordance with ss.190 and 223 of the Local Government Act 1989 to lease the Korumburra Community Children's Centre, 22 Princes Street, Korumburra with an area of approximately 2,792m², being part crown allotments 11 and 17 Parish of Korumburra, and described within part certificate of title Volume 11914 Folio 243 and part Reserve 1 on LP 11536 described in part certificate of title volume 8988 Folio 188 (Attachment [4.3.1]) for an initial term of ten (10) years with options of two (2) further terms of five (5) years for a community rental of one hundred and four dollars (\$104.00) per annum plus GST (the Proposal).

2. Gives public notice in the local newspapers during the week commencing 30 April 2018 on the proposal in accordance with s.223 of the Local Government Act 1989 to conduct a public consultation process inviting written submissions to the proposal from the community by 5.00pm, Tuesday 29 May 2018.
3. Authorises 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:
 - a. Authorises the Chief Executive Officer to set the time, date, and place to hear submissions.
 - b. Hears submitters who elected to speak to their submission at a Special Committee of Council in open session comprising:
 - i. The Mayor who will chair the meeting;
 - ii. Not less than two other Councillors; and
 - iii. The Director Infrastructure for administrative purposes
 - c. Considers and determines submissions at the June 2018 Ordinary Meeting of Council in an open session
5. If nil submissions are received, enter into the lease.

MOVED: Cr Brown
SECONDED: Cr Skinner

THAT COUNCIL:

- 1. COMMENCES THE STATUTORY PROCEDURES IN ACCORDANCE WITH SS.190 AND 223 OF THE LOCAL GOVERNMENT ACT 1989 TO LEASE THE KORUMBURRA COMMUNITY CHILDREN'S CENTRE, 22 PRINCES STREET, KORUMBURRA WITH AN AREA OF APPROXIMATELY 2,792M², BEING PART CROWN ALLOTMENTS 11 AND 17 PARISH OF KORUMBURRA, AND DESCRIBED WITHIN PART CERTIFICATE OF TITLE VOLUME 11914 FOLIO 243 AND PART RESERVE 1 ON LP 11536 DESCRIBED IN PART CERTIFICATE OF TITLE VOLUME 8988 FOLIO 188 (ATTACHMENT [4.3.1]) FOR AN INITIAL TERM OF TEN (10) YEARS WITH OPTIONS OF TWO (2) FURTHER TERMS OF FIVE (5) YEARS FOR A COMMUNITY RENTAL OF ONE HUNDRED AND FOUR DOLLARS (\$104.00) PER ANNUM PLUS GST (THE PROPOSAL).**
- 2. GIVES PUBLIC NOTICE IN THE LOCAL NEWSPAPERS DURING THE WEEK COMMENCING 30 APRIL 2018 ON THE PROPOSAL IN ACCORDANCE WITH S.223 OF THE LOCAL GOVERNMENT ACT 1989 TO CONDUCT A PUBLIC CONSULTATION PROCESS INVITING WRITTEN SUBMISSIONS TO THE PROPOSAL FROM THE COMMUNITY BY 5.00PM, TUESDAY 29 MAY 2018.**
- 3. AUTHORISES 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:**
 - a. AUTHORISES THE CHIEF EXECUTIVE OFFICER TO SET THE TIME, DATE, AND PLACE TO HEAR SUBMISSIONS.**
 - b. HEARS SUBMITTERS WHO ELECTED TO SPEAK TO THEIR SUBMISSION AT A SPECIAL COMMITTEE OF COUNCIL IN OPEN SESSION COMPRISING:**
 - i. THE MAYOR WHO WILL CHAIR THE MEETING;**
 - ii. NOT LESS THAN TWO OTHER COUNCILLORS; AND**
 - iii. THE DIRECTOR INFRASTRUCTURE FOR ADMINISTRATIVE PURPOSES**

**c. CONSIDERS AND DETERMINES SUBMISSIONS AT THE JUNE 2018
ORDINARY MEETING OF COUNCIL IN AN OPEN SESSION**

5. IF NIL SUBMISSIONS ARE RECEIVED, ENTER INTO THE LEASE.

CARRIED UNANIMOUSLY

**Noting that Councillors Rich, Hill, McEwen and Edwards were not present for
the vote.**

REPORT

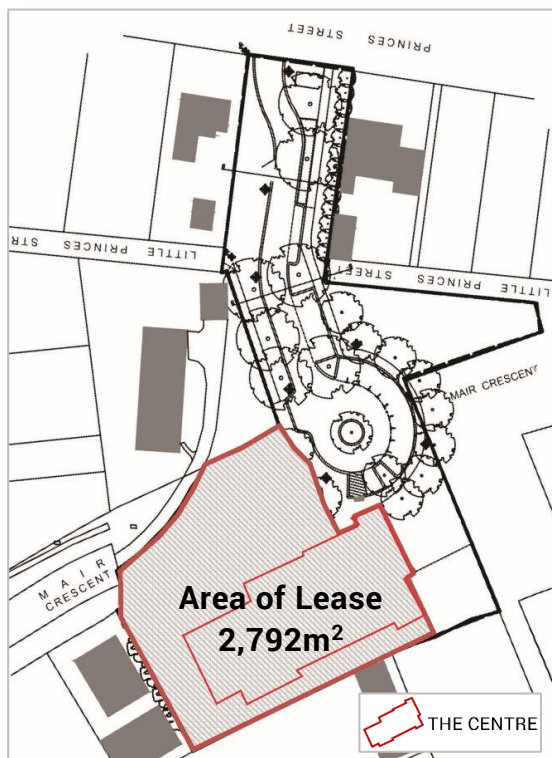
The Karmai Community Children's Centre (Centre) was developed as a collaborative project between Council, state government, local community, and the Karmai Community Children's Centre Inc. (Committee).

The Centre delivers integrated child care, maternal child health, out-of-school-hours care, child care education, and consulting services as well as related community activities.

The Centre is located on a site that comprised of Council-land and Crown land - refer to **Figure 1** below. An aerial image with the proposed leased area is available in **Attachment [4.3.1]** and is also contained in the draft lease (**Confidential Attachment [15.3.1]**). The Centre commenced operating on this site in November 2016.

As the site comprised of Council-owned land and Crown land, Council was only able to grant a licence to the Committee to occupy the site. Since the licence was issued, the Crown land has been transferred to Council enabling Council to issue a lease to the Committee. This will provide greater long term security over the site that is considered necessary for the effective ongoing operation of the childcare services.

Figure 1 – Area of Lease



Lease Particulars

Particulars of the proposed lease are set out in **Table 1** below.

Table 1: Lease Particulars

Tenant	Karmai Community Children's Centre Inc.
Land	22 Princes Street, Korumburra with an area of approximately 2,792m ² , being part crown allotments 11 and 17 Parish of Korumburra, and described within part certificate of title Volume 11914 Folio 243 and part Reserve 1 on LP 11536 described in part certificate of title volume 8988 Folio 188.
Purpose	Centre for the integrated delivery of child care, kindergarten, maternal child health, out-of-school-hours care, child care education, and consulting services and related community activities.
Term	Initial term of ten (10) years with options of two (2) terms of five (5) years.
Rent	\$104.00 plus GST per annum – community rental.

A copy of the draft lease is included in **Confidential Attachment [15.3.1]**.

Proposal

It is proposed that Council commence the statutory procedures in accordance with ss.190 and 223 of the Local Government Act 1989 to lease the Korumburra Community Children's Centre, 22 Princes Street Korumburra, with an area of approximately 2,792m², being part crown allotments 11 and 17 Parish of Korumburra, and described within part certificate of title Volume 11914 Folio 243 and part Reserve 1 on LP 11536 described in part certificate of title volume 8988 Folio 188 for an initial term of ten (10) years with options of two (2) terms of five (5) years for a community rental of one hundred and four dollars (\$104.00) per annum plus GST.

CONSULTATION

Consultation in respect of the proposed lease has occurred as follows:

- Karmai Community Children's Centre Inc. Committee of Management.
- Council's Community Services department and Infrastructure Delivery department.

An opportunity for further community consultation is provided for by way of the s.223 process.

RESOURCES

Rent has been assessed as a Community Rental of \$104 plus GST per annum as per Council's [C62 Leasing Policy 2014](#).

Maintenance responsibilities of both Council and the Committee in respect of the lease are set out in a Maintenance Schedule that forms part of the lease (**Confidential Attachment [15.3.1]**).

Council administration of the lease is already included in current and forward Council budgets.

RISKS

Risks to both the Committee and Council are mitigated by:

- A formal lease agreement that clearly sets out the responsibilities and obligations of both parties.
- The term of the lease is appropriate to the effective ongoing provision of the service.
- Council has long term leases with other community based organisations across the Shire delivering like services and these have functioned without incident and to the benefit of the community.

STAFF DISCLOSURE

Nil

ATTACHMENTS

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

1. Aerial Plan of Leased Area - Karmai Community Children's Centre **[4.3.1]**

CONFIDENTIAL ATTACHMENTS

Confidential Attachment [15.3.1] – Draft Lease – Karmai Community Children's Centre Inc. – has 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)(d) - contractual matters.

This item is deemed confidential as the content of the draft lease is being finalised.

REFERENCE DOCUMENTS

Council Policy

*Documents are available on Council's website: www.southgippsland.vic.gov.au
[C62 Leasing Policy 2014](#).*

Legislative Provisions

Local Government Act 1989, ss.190 and 223

Councillor Alyson Skinner left the Council Meeting at 4.19pm with a declared indirect interest in Agenda Item 4.4 POLICY REVISION - C45 WASTE DISPOSAL PRIVILEGES FOR FUNDRAISERS AND COMMUNITY GROUPS as she is employed by the Venus Bay Community Centre which is one of the organisations listed as a beneficiary of the policy (C45).

4.4. POLICY REVISION - C45 WASTE DISPOSAL PRIVILEGES FOR FUNDRAISERS AND COMMUNITY GROUPS

Infrastructure Directorate

EXECUTIVE SUMMARY

Council's *C45 Waste Disposal Privileges for Fundraisers and Community Groups Policy* (the Policy) allows for eligible fundraisers and community groups to dispose of waste free of charge at Council's waste transfer stations. The Policy was established in 2003 and last reviewed in 2014. A review of the Policy has occurred in accordance with Council's Corporate Policy Review Schedule.

RECOMMENDATION

That Council:

1. Adopts C45 Waste Disposal Privileges for Fundraisers and Community Groups Policy 2018 (Attachment [4.4.1]).
2. Publishes the adopted Waste Disposal Privileges for Fundraisers and Community Groups Policy 2018 (Attachment [4.4.1]) on Council's website.

Councillors Hill, Rich and McEwen returned to the Council Meeting at 4.18pm.

MOVED: Cr Argento

SECONDED: Cr Kiel

THAT COUNCIL:

1. **ADOPTS C45 WASTE DISPOSAL PRIVILEGES FOR FUNDRAISERS AND COMMUNITY GROUPS POLICY 2018 (ATTACHMENT [4.4.1]).**
2. **PUBLISHES THE ADOPTED WASTE DISPOSAL PRIVILEGES FOR FUNDRAISERS AND COMMUNITY GROUPS POLICY 2018 (ATTACHMENT [4.4.1]) ON COUNCIL'S WEBSITE.**

CARRIED UNANIMOUSLY

Noting that Cr Edwards was not present for the vote as she had left the Council Meeting, refer page 40.

Cr Skinner returned to the Council Meeting at 4.20pm.

REPORT

Council's *C45 Waste Disposal Privileges for Fundraisers and Community Groups Policy* allows for fundraising and community groups who meet eligibility criteria to receive limited free waste disposal at Council's waste transfer stations. Groups must apply for free disposal under the Policy.

Monthly waste disposal limits are placed on each beneficiary depending on the type and size of their operations. Monthly limits vary from 2 to 10 cubic metres of waste. Recyclable material that is separated from waste does not count towards a group's monthly limit.

Under Council's current waste transfer station contract, Council is required to reimburse the transfer station contractor for the waste disposal income they do not receive as a result of the Policy. The financial impact of the Policy is outlined under *Resources* in this report.

A list of organisations that have used the service since the last review in 2014 is provided in **Table 1**.

Since the last review of the Policy in 2014, the program has run well and offered assistance to eligible fundraisers and community groups to deliver valuable community programs and services that may not be viable without subsidised waste disposal.

The main users of the Policy are fundraisers and community groups that operate opportunity shops or community programs which can experience illegal dumping. **Table 1** lists the groups and organisations that have used the program during the last three years.

Table 1 – List of Participating Organisations

PARTICIPATING ORGANISATIONS (2014/15 TO PRESENT)	
1st Leongatha Scouts Group	Salvation Army - Korumburra
2nd Leongatha Scouts Group	Salvation Army - Leongatha
Corner Inlet Anglican Church	South Gippsland Animal Aid
Friends of Hillside Lodge	St Peters Anglican Church Op Shop
Friends of Venus Bay Peninsula	St Vincent De Paul - Korumburra
Korumburra Lions Club	St Vincent De Paul - Leongatha
Leongatha & District Veterans Welfare Centre	Tarwin Lower & District Mens Shed
Linton Court Op Shop	Toora Lions Club
Meeniyah Community Centre Op Shop	Uncle Bobs Fund Raising Club

Mirboo North Community Shed Co-op	Uniting Church Korumburra Op Shop
Mirboo North Grainstore	Venus Bay Community Centre
Mirboo North Lions Club	Venus Bay Surf Life Saving Club
Mirboo North Op Shop	Walkerville Wildlife Shelter
Nyora Play Group Op Shop	

CONSULTATION

When the Policy was last reviewed in 2014, significant consultation was undertaken with stakeholders and the Policy was amended as a result. As there are no proposed changes to the Policy, and feedback over the last three years has been positive from participating organisations, no formal consultation has been undertaken as part of this review.

RESOURCES

Under current contractual arrangements for the operation of Council's waste transfer stations, Council must reimburse the contractor for any loss of income incurred as a result of Council approved free waste disposal. Council's direct costs associated with the Policy dating back to the last revision are in **Table 2**.

The implementation of the Policy uses negligible staffing resources.

Table 2 – Direct Costs to Council

FINANCIAL YEAR	COST TO COUNCIL
2014/15	\$13,955
2015/16	\$21,164
2016/17	\$18,147
2017/18 (Jul-Dec)	\$8,223

RISKS

The major risk to Council through continuing to implement this Policy in its current state is the increased costs of the required reimbursements to Council's transfer station contractor. This is mitigated through maintaining the eligibility criteria for participating groups and through the enforcement of monthly limits on waste disposal quantities for each group.

If the Policy was discontinued, there is a risk that some dumped material may end up having to be managed by Council. There is also the risk that some groups providing community services may not be able to continue due to the

cost of waste disposal often caused by illegal dumping in the case of op-shops.

STAFF DISCLOSURE

Nil

ATTACHMENTS

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

1. C45 Waste Disposal Privileges for Fundraisers and Community Groups Policy 2018 **[4.4.1]**

REFERENCE DOCUMENTS

Council Policy

*Documents are available on Council's website: www.southgippsland.vic.gov.au
[Waste Management Strategy 2016-2021](#)*

Legislative Provisions

Nil

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

5.1. AUDIT COMMITTEE CHARTER REVIEW

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

The Audit Committee Charter (the Charter) has been reviewed by the Audit Committee at the 5 February 2018 meeting and a revised Charter is presented to Council for consideration and adoption (**Attachment [5.1.1]** – Audit Committee Charter – 26 April 2018).

RECOMMENDATION

That Council adopts an updated South Gippsland Shire Council Audit Committee Charter (Attachment [5.1.1]).

MOVED: Cr Argento

SECONDED: Cr Brunt

THAT COUNCIL ADOPTS AN UPDATED SOUTH GIPPSLAND SHIRE COUNCIL AUDIT COMMITTEE CHARTER (ATTACHMENT [5.1.1]).

CARRIED UNANIMOUSLY

Noting that Cr Edwards was not present for the vote as she had left the Council Meeting, refer page 40.

REPORT

The South Gippsland Shire Council Audit Committee is an advisory committee whose role is to oversee and monitor Council's audit processes, including internal control activities.

The activities of the Audit Committee are guided by a Charter, which was last reviewed and adopted by Council at the Ordinary Meeting of Council 22 February 2017, at which time the Council made minor amendments and increased the sitting fees paid to Independent Members.

Whilst the current Charter is scheduled for review by 22 February 2020, the Audit Committee, as a component of its annual plan conducts a brief review each year and if necessary can suggest improvements for Council.

At the 5 February 2018 Audit Committee Meeting the Committee conducted a review of the Charter and recommend the following amendments:

1. Various edits to improve the readability or clarity of the Charter;
2. To facilitate the Mayor's sign off of the Annual Report and Financial Statements it is recommended the Charter specify that of the two Councillors appointed annually to the Committee that one of these must be the Mayor;
3. To specify the Minutes are to be presented to Council for noting at the next appropriate open Council meeting;
4. Additional guidance to reflect the current practice of also meeting in closed session during the meeting if required, as well as immediately prior to the commencement of the scheduled Audit Committee meetings and to specify the Committee could request the internal auditor, external auditor or management to attend this closed session as deemed necessary;
5. To remove reference to position descriptions from guidance on the recruitment of Independent Members as this is not current practice and the role of Independent Members is outlined in this Charter;
6. Updated fees paid to Independent members, which have been adjusted in the manner outlined in the Charter;
7. In relation to the Internal Audit function, amendments are recommended that the Committee reviews and approves the Annual Audit Plan and all major changes to the plan. This has been included to reflect current practice and meet a recommendation from the August 2017 Minister for Local Government Inquiry into Ararat Rural City Council i.e. "that Council adopt best practice and restrict Councillor access only to the minutes of Audit

Committee meetings and that Councillors no longer approve recommendations of the Internal Auditor”;

8. That in relation to the performance of Independent Members’, that the Committee conducts a review of its performance at the discretion of / by the Mayor and Chief Executive Officer. An annual review of Independent Member’s performance is currently not undertaken. The proposed amendments provide for the possibility of undertaking a review if this is required; and
9. Updated information relating to the terms and appointments of members.

CONSULTATION

Council Management and the Audit Committee were consulted on and approved the recommended changes to the Audit Committee Charter (**Attachment [5.1.1]**). Further, Councillors were provided with an opportunity to provide feedback on the updated Charter via Councillor InfoSum dated 21 March 2018.

RESOURCES

Budget allowances for Council’s three Independent Audit Committee Members attendance fees and an outsourced internal function are made within Council’s current and forward budgets.

RISKS

The Audit Committee undertakes an integral and active role in risk mitigation (including financial) and oversees organisational compliance with legislation.

ATTACHMENTS

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

1. C08 - Audit Committee Charter - Draft April 2018 **[5.1.1]**

REFERENCE DOCUMENTS

Council Policy

Documents are available on Council’s website: www.southgippsland.vic.gov.au

Audit Policy

Legislative Provisions

Local Government Act 1989, s.139

5.2. INSTRUMENT OF DELEGATION COUNCIL TO STAFF

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

This report recommends that Council adopt an updated Instrument of Delegation (Instrument) to nominated staff positions (**Attachment [5.2.1]**– Instrument of Delegation Council to Staff) to reflect changes to legislation and where relevant changes in position titles or functions.

RECOMMENDATION

That Council:

- 1.** Resolves that in the exercise of the powers conferred by s.98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached Instrument of Delegation to members of Council staff (Attachment [5.2.1]):
 - a.** There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation (Attachment [5.2.1] - Instrument of Delegation Council to Staff), the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;
 - b.** The Instrument of Delegation to staff comes into force immediately the common seal of Council is affixed to the instrument;
 - c.** On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Instrument of Delegation to the Chief Executive Officer) are revoked; and
 - d.** The duties and functions set out in the Instrument of Delegation to Staff must be performed, and the powers set out in the Instrument of Delegation must be executed, in accordance with any guidelines or policies that Council may adopt.

MOVED: Cr Hill

SECONDED: Cr McEwen

THAT COUNCIL:

- 1. RESOLVES THAT IN THE EXERCISE OF THE POWERS CONFERRED BY S.98(1) OF THE LOCAL GOVERNMENT ACT 1989 (THE ACT) AND THE OTHER LEGISLATION REFERRED TO IN THE ATTACHED INSTRUMENT OF DELEGATION TO MEMBERS OF COUNCIL STAFF (ATTACHMENT [5.2.1]):**
 - a. THERE BE DELEGATED TO THE MEMBERS OF COUNCIL STAFF HOLDING, ACTING IN OR PERFORMING THE DUTIES OF THE OFFICES OR POSITIONS REFERRED TO IN THE ATTACHED INSTRUMENT OF DELEGATION (ATTACHMENT [5.2.1] - INSTRUMENT OF DELEGATION COUNCIL TO STAFF), THE POWERS, DUTIES AND FUNCTIONS SET OUT IN THAT INSTRUMENT, SUBJECT TO THE CONDITIONS AND LIMITATIONS SPECIFIED IN THAT INSTRUMENT;**
 - b. THE INSTRUMENT OF DELEGATION TO STAFF COMES INTO FORCE IMMEDIATELY THE COMMON SEAL OF COUNCIL IS AFFIXED TO THE INSTRUMENT;**
 - c. ON THE COMING INTO FORCE OF THE INSTRUMENT ALL PREVIOUS DELEGATIONS TO MEMBERS OF COUNCIL STAFF (OTHER THAN THE INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER) ARE REVOKED; AND**
 - d. THE DUTIES AND FUNCTIONS SET OUT IN THE INSTRUMENT OF DELEGATION TO STAFF MUST BE PERFORMED, AND THE POWERS SET OUT IN THE INSTRUMENT OF DELEGATION MUST BE EXECUTED, IN ACCORDANCE WITH ANY GUIDELINES OR POLICIES THAT COUNCIL MAY ADOPT.**

CARRIED UNANIMOUSLY

Noting that Cr Edwards was not present for the vote as she had left the Council Meeting, refer page 40.

REPORT

Council's Instrument of Delegation to members of Council Staff was last reviewed by Council on 25 October 2017 in accordance with s.98 of the Act.

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

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

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

Updates to Council's delegations are recommended by Maddocks Lawyers every six months based on changes to legislation or potential improvements to Council's delegations.

The updated Instrument (**Attachment [5.2.1]**) includes the following minor amendments:

- **Inclusion of Manager Regulatory Service's position:** to support existing delegations to Coordinators within the Regulatory Services department to ensure adequate staff coverage for decision making for legislation such as the Food Act 1984 and Residential Tenancies Act 1997.
- **Updates to position titles:** arising from a recent restructure in the Infrastructure Directorate, including the transferral of various delegations from the Civil Assets Coordinator (formerly Asset Management Coordinator) to the new Manager Infrastructure Planning position and additional delegations to the Manager Operations position under the various pieces Road Management legislation.
- **Planning and Environment Act 1987:**
 - **Adding all planning staff to reflect current practice to the following sections relating to permits:** s.61(2)(A), s.64(A), s.66(2), s.66(4), s.66(6) and s.96(K).

- **A new delegation recommended by Maddocks under s.173(1):** where it is proposed to delegate a new power to enter into an agreement with an owner of land for the development of provision of land in relation to affordable housing to the Chief Executive Officer (CEO).
- **Remove existing delegations under s178(G) to amend s.173 agreements:** leaving this delegation only with the CEO.
- **Inclusion of Director Development Services:** to sections 178 to 178E(1), 178F(4), 178H and 178I(3).
- **Inclusion of new Graduate Planning Officer position:** where existing delegations are in place for other Planning Officers.
- **Removal of Manager Regulatory Services, Building and Planning Enforcement Officer and Supervisor Planning Liaison and Administration positions from various sections relating to permit issuance:** which is not relevant to their roles.
- **Residential Tenancies Act 1997:**
 - **An inclusion of a delegation to the People and Culture Administration Officer:** the duty to issue identity cards to authorised officer under s.525(4) who currently performs this function.
 - **An inclusion of a delegation to the Director Development Services:** under s.522(1) and 527 relating to compliance notices and the institution of proceedings.
- **Road Management Act 2004:**
 - **An inclusion of Manager Operations:** from all delegations from 11(1) to 63(1).
 - **Removal of Asset Management Coordinator:** from all delegations under this act except 42(A)3 where this has been included.
 - **An inclusion of a delegation to the People and Culture Administration Officer:** the duty to issue identity cards to authorised officer under s.72 who currently performs this function.
- **Planning and Environment Regulations 2015:**
 - **Removal of Manager Regulatory Services and Building and Planning Enforcement Officer:** from all delegations as their role is not relevant to this legislation.

- **Inclusion of new Graduate Planning Officer position:** where existing delegations are in place for other Planning Officers.
- **Planning and Environment (Fees) Regulations 2016:** an inclusion of a delegation to the Director Development Services under r.21 relating to a duty to record matters which formed the basis of a decision to waive or rebate a fee under r.19 or r.20.

There have been no additional changes made to the existing delegation beyond these.

CONSULTATION

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

RESOURCES

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

RISKS

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

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

ATTACHMENTS

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

1. S6 Instrument of Delegation to Members of Council Staff - Draft **[5.2.1]**

REFERENCE DOCUMENTS

Legislative Provisions

Local Government Act 1989

5.3. POLICY AMENDMENT - C51 COUNCILLOR SUPPORT AND EXPENDITURE POLICY

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

At the 28 March 2018 Ordinary Meeting of Council, Agenda item 5.1 – Policy Review: C51 Councillor Support and Expenditure, Council set aside the revised C51 Councillor Support and Expenditure Policy – March 2018 (Revised Policy) prepared in response to an internal audit, and resolved to retain the current C51 Councillor Support and Expenditure Policy with two additions (Redrafted Policy).

Clauses clarifying Child Care support provided in the Revised Policy were to be included in the Redrafted Policy. A requirement for Councillors' expenditure claims to be published on Council's website was also to be included in the Redrafted Policy for increased transparency.

The Council resolution further required that the Redrafted Policy be brought back to the 26 April 2018 Ordinary Meeting of Council for adoption.

Accordingly the Redrafted Policy C51 Councillor Support and Expenditure Policy – April 2018 (**Attachment [5.3.1]**) is presented for consideration.

RECOMMENDATION

That Council:

1. Adopts C51 Councillor Support and Expenditure Policy – April 2018 as contained in Attachment [5.3.1];
2. Publishes the adopted C51 Councillor Support and Expenditure Policy – April 2018 (Attachment [5.3.1]) on Council's website.

MOVED: Cr Kiel

SECONDED: Cr Skinner

THAT COUNCIL:

1. **ADOPTS C51 COUNCILLOR SUPPORT AND EXPENDITURE POLICY – APRIL 2018 AS CONTAINED IN ATTACHMENT [5.3.1];**
2. **PUBLISHES THE ADOPTED C51 COUNCILLOR SUPPORT AND EXPENDITURE POLICY – APRIL 2018 (ATTACHMENT [5.3.1]) ON COUNCIL'S WEBSITE.**

CARRIED UNANIMOUSLY

Noting that Cr Edwards was not present for the vote as she had left the Council Meeting, refer page 40.

REPORT

In accordance with Council's resolutions for Agenda item 5.1 at the 28 March 2018 Ordinary Meeting of Council, an updated C51 Councillor Support and Expenditure Policy – April 2018 (Policy) is provided in **Attachment [5.3.1]** for Council's consideration and adoption.

The Policy outlines the level of support approved by Council to assist Councillors in the performance of their duties.

Updates to the Policy include greater guidance and clarity regarding child/family care reimbursements, and the requirement for Councillors' expenditure claims to be published on Council's website.

CONSULTATION

No consultation has been undertaken, as the report has been prepared to action Agenda Item 5.1 resolutions from the 28 March 2018 Ordinary Meeting of Council.

RESOURCES

Every Council must have a Councillor Reimbursement Policy that ensures appropriate financial governance and provides the required resources and facilities prescribed for the purposes of sections 75, 75B and 75C of the Local Government Act 1989 (Act).

Council provides resource support within annual and long term budgets to assist Councillors in fulfilling their civic duties.

The Councillor Support and Expenditure Policy C51 includes the minimum toolkit, as prescribed by the State Government, along with additional resources considered appropriate by Council, to support Councillors in their role.

RISKS

Internal audit recommendations relating to Councillor Expenditure and Code of Conduct, commissioned by the Audit Committee, recommended the Councillor Support and Expenditure Policy (C51) be reviewed to provide greater clarity and detail on:

1. Acceptable travel claims for Council business;
2. Child/family care;
3. Timing/frequency of submitting claims; and

4. Alignment with related policies, particularly allocation of Council vehicles.

The intent of the internal audit recommendations was to encourage increased transparency, openness and accountability in regard to resources utilised and reimbursements claimed.

By adopting the Redrafted Policy Council risks not fully addressing all the audit recommendations. At Council's direction the Redrafted Policy specifically addresses item 2 and as a general response to the other recommendations in the Internal Audit, the Policy includes a requirement to publish Councillors' expenditure claim forms on Council's website.

STAFF DISCLOSURE

Nil

ATTACHMENTS

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

1. C51 - Councillor Support and Expenditure Policy - Draft April 2018 **[5.3.1]**

REFERENCE DOCUMENTS

Confidential Report

South Gippsland Shire Council Internal Audit - Councillor Expenditure and Code of Conduct Review, July 2018

Council Policy

Documents are available on Council's website: www.southgippsland.vic.gov.au
Councillor Support and Expenditure Policy

Legislative Provisions

Local Government Act 1989

6. OTHER COUNCIL REPORTS

6.1. CIRCUMSTANCES REQUIRING SPECIAL URGENT MEETING HELD - 21 MARCH 2018

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

Clause 13(b) of Council's Meeting Procedures Local Law No3. 2010, requires the Chief Executive Officer (CEO) or Senior Officer to submit a written report of the circumstances requiring the call of a Special Urgent Meeting to be prepared for inclusion in the Agenda of the next Ordinary Meeting of Council.

The Minutes of the Special Urgent Meeting have been tabled in this 26 April 2018 Ordinary Meeting Agenda. This report provides information on the circumstances that required the Special Urgent Meeting (Urgent Meeting) of Council to be called and held at 5.00pm on 21 March 2018.

RECOMMENDATION

That Council notes the report Item 6 .1 CIRCUMSTANCES REQUIRING SPECIAL URGENT MEETING HELD - 21 MARCH 2018.

MOVED: Cr Kiel

SECONDED: Cr Brunt

THAT COUNCIL NOTES THE REPORT ITEM 6 .1 CIRCUMSTANCES REQUIRING SPECIAL URGENT MEETING HELD - 21 MARCH 2018.

CARRIED

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

AGAINST: Councillor Hill.

Noting that Cr Edwards was not present for the vote as she had left the Council Meeting, refer page 40.

REPORT

At the Special Meeting (Special Meeting) of Council held at 12.30pm on 21 March 2018, Council endorsed the Revised Council Plan 2017-2021 (Council Plan), Proposed Annual Budget 2018/19 including the Long Term Financial Plan (Annual Budget) and Proposed Rating Strategy 2018/19 (Rating Strategy).

The policy directions and financial components of the three strategic documents of Council are interconnected. All three plans were being released together to seek formal public submissions prior to final adoption. The interconnectedness of the plans was reflected and repeated in the resolutions of all three reports.

Immediately following the Special Meeting, Cr Hill provided a signed Notice of Rescission to the Chief Executive Officer to rescind the Council resolution on the Proposed Rating Strategy (Item 2.3 of the Special Meeting 21 March 2018).

The rescission motion placed in jeopardy the tight timelines associated with achieving legislated requirements for the adoption of the Council Plan, Annual Budget and Rating Strategy. Further, the Notice of Rescission compromised Council's ability to implement the resolutions for the Council Plan (Item 2.2) and the Annual Budget (Item 2.1) adopted by Council, due to the delay in proceedings for the Rating Strategy (Item 2.3).

The 21 March 2018 Special Meeting resolutions of Council in regard to all three reports make reference to publishing notice of public exhibition on 27 March 2018 as follows:

"Gives public notice on Tuesday 27 March 2018 and on Council's website of the Revised Council Plan 2017-2021, Proposed Annual Budget 2018/19 and Proposed Rating Strategy 2018/19 in accordance with ss.125, 127 and 129 of the Local Government Act 1989 and commences a s.223 public consultation process inviting written submissions from the community on the Revised Council Plan 2017-2021, Proposed Annual Budget 2018/19 and Proposed Rating Strategy 2018/19 by 5.00pm on Thursday 26 April 2018.

*In the public notice on Tuesday 27 March 2018, states that:
The Revised Council Plan 2017-2021 including the four year Strategic Resource Plan, the Proposed Annual Budget 2018/19 and Proposed Rating Strategy 2018/19 , including the 15 year Long Term Financial Plan, have been prepared."*

This public notice and follow on submission process would not have been possible for the Council Plan and Annual Budget without consideration and determination of the Notice of Rescission.

The Urgent Meeting needed to be held at 5.00pm on Wednesday 21 March 2018, as it was the only time a quorum of Councillors could be achieved, before the advertising deadline of 12 noon Friday 23 March 2018. This deadline had to be met to meet the Council resolutions for the public notice.

CONSULTATION

In the instance of a Special Urgent Meeting being called, the Local Government Act 1989 (Act) s.89(4A) requires that Council must give such public notice as is practicable and specifying the urgent or extraordinary circumstances which prevented the Council from complying with the required minimum seven days' notice for Ordinary and Special Meetings as per s89(4) of the Act. The following actions were taken to comply with s.89(4A) of the Act:

1. Discussions with Councillors present on the day identified that a quorum could not be achieved if the Urgent Meeting was held on either Thursday 22 March or the morning of Friday 23 March 2018 (before the advertising deadline). A quorum could be achieved in the afternoon of 21 March 2018.
2. The Mayor called the Urgent Meeting and steps were put into place to prepare the Agenda.
3. The Mayor and Councillors were all notified by email and text message that the Urgent Meeting was to be held at 5.00pm on 21 March 2018.
4. The seven Councillors present on the day being Cr Brunt, Cr Edwards, Cr Argento, Cr Hill, Cr McEwen, Cr Brown and Cr Kiel were all also advised verbally early in the afternoon while they were still in attendance, that the Special Urgent Meeting would be held at 5.00pm on 21 March 2018.
5. The local media were advised that an Urgent Special Meeting was to be held at 5.00pm.
6. A Notice was included on Council's website to advise of the meeting and a further Notice was also posted onto Council's Facebook page.

These notifications were undertaken to provide Councillors and the community with as much public notice as was practicable, given the urgent circumstances.

RISKS

Failure to consider and resolve the Notice of Rescission on the Proposed Rating Strategy as soon as possible after it was lodged, placed Council at risk of not achieving various statutory requirements, timelines and resolutions of Council.

Good governance practices immediately identified these risks and put into place urgent risk management actions to minimise the threats created by the Notice of Rescission. The risks were eliminated by calling and holding the Urgent Meeting of Council.

STAFF DISCLOSURE

Nil

REFERENCE DOCUMENTS

Council Policy

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

Local Law No. 3 2010, Processes of Municipal Government (Meeting Procedures and Common Seal) clause 13.

Legislative Provisions

Local Government Act 1989 s.84(1) and s.89(4A)

8. PROCEDURAL REPORTS

8.1. ASSEMBLY OF COUNCILLORS 22 FEBRUARY 2018 TO 21 MARCH 2018

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

As part of Council's ongoing efforts to enhance community engagement in Council processes, matters discussed at Councillor Briefing Sessions (other than those matters designated to be of a confidential nature) are reported at Ordinary Council Meetings.

The matters listed in this report were presented or considered, at either an Advisory Committee Meeting, Councillor Strategic Briefing Session or Public Presentation Session between 22 February and 21 March 2018.

RECOMMENDATION

That Council receives and notes this report.

MOVED: Cr Brown

SECONDED: Cr Hill

THAT THE RECOMMENDATIONS IN AGENDA ITEMS 8.1, AND 8.2 BE ADOPTED.

CARRIED UNANIMOUSLY

REPORT

Meeting Title	Details
Thursday 22 February 2018	
Access & Inclusion Advisory Committee	<p>Councillors Attending: Councillor Brunt</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Achievement Award – presentation to Leongatha Gymnastics Club (Inclusive Community Contribution – Blair Donaldson Award) • Draft Disability Action Plan
Wednesday 28 February 2018	
Public Presentations Open Session	<p>Councillors Attending: Councillors McEwen, Skinner, Argento, Brunt, Brown, Kiel and Rich.</p> <p>Conflict of Interest: Nil Disclosed.</p>
<p>Presentations were made to Council by the following community members: Linda Heywood, presenting on behalf of the Heywood family, regarding Council Agenda Item 4.1. STRATEGY REVIEW - PATHS AND TRAILS STRATEGY 2017 in particular 'Proposed Waratah Way'.</p> <p>Cathy Giles, Project Officer, Waratah Way Shared Trail on behalf of Sandy Point Community Group regarding Agenda Item Topic 4.1. STRATEGY REVIEW - PATHS AND TRAILS STRATEGY 2017 in particular 'Proposed Waratah Way'.</p> <p>An Award Presentation for South Gippsland Shire Council Inclusive Community Contribution was made by the Mayor, Cr Brunt to the Leongatha Gymnastics Club.</p>	
Visitor Information Services Resolution	<p>Councillors Attending: Councillors McEwen, Skinner, Argento, Brunt, Brown, Kiel, Rich and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors considered the final recommendation report for the Visitor Information Services Review 2016/17.</p>

Meeting Title	Details
Wednesday 28 February 2018	
Priority/Major Projects (5 year program)	<p>Councillors Attending: Councillors McEwen, Skinner, Argento, Brunt, Brown, Kiel, Rich and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Priority Projects to seek external funding • Lease/ purchase of the rail corridor between Leongatha and the Shire boundary past Nyora • Forward Capital Works Programs reliant on external funding
South Gippsland Coastal Strategy	<p>Councillors Attending: Councillors McEwen, Skinner, Argento, Brunt, Brown, Kiel, Rich and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors considered the key issues and influences on the preparation of a Coastal Strategy for the purpose of clarifying the potential scope of the Strategy and its likely cost and complexity.</p>
Wednesday 7 March 2018	
Child Safe Training	<p>Councillors Attending: Councillors Skinner, Argento, Brunt, Kiel and Brown.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: As part of Council's statutory obligation to the Child Wellbeing and Safety Act 2005 and Council's recently adopted Child Safe Policy Councillors are required and attended a one hour training session.</p>
Executive Update/ Discussion	<p>Councillors Attending: Councillors Skinner, Argento, Brunt, Kiel and Brown.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Coastal Strategy Workshop scheduled for 11 April 2018 • Special Meeting of Council on the 21 March 2018 reminder • Bald Hills Wind Farm progress

Meeting Title	Details
Wednesday 7 March 2018	
Aged and Disability Services Review	<p>Councillors Attending: Councillors Skinner, Argento, Brunt, Kiel, Brown, Rich and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors considered the future service provision of Aged and Disability Services.</p>
Economic Development & Tourism Steering Briefing	<p>Councillors Attending: Councillors Skinner, Argento, Brunt, Kiel, Brown, Rich and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • The ongoing business support provided to new and existing businesses in the Shire. • The development of Council's Advocacy Strategy • The Tourist Victoria Touring Route [road].
Planning Scheme Review	<p>Councillors Attending: Councillors Skinner, Argento, Brunt, Kiel, Brown, Rich and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: As part of Council's statutory obligation under the Planning and Environment Act 1987, Council commenced a Planning Scheme Review.</p>

Meeting Title	Details
Wednesday 7 March 2018	
Planning Briefing	<p>Councillors Attending: Councillors Skinner, Argento, Kiel, Brown, Rich and McEwen.</p> <p>Conflict of Interest: <i>Cr Argento</i> left the assembly when the item was considered with a direct Conflict of Interest (COI) for item Planning Briefing – 2.5.2 West Gippsland Catchment Authority, he owns a property that is subject to part of the site and the LSIO. <i>Cr Rich</i> left the assembly when the item was considered with a direct COI for item Planning Briefing – Planning Scheme Amendment C90 Housing Settlement Strategy, as he is a director of a company that made a submission to the matter. <i>Director Development Services</i> left the assembly when the item was considered with an indirect COI for Planning Briefing – 2017/280 Planning Application for two-day motor bike event as he has a conflicting duty as he is an ‘executive of the Leongatha Golf Club who has advertised the permit application and subsequently made a submission’.</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Planning Scheme Amendment C116 Land Subject to Inundation Overlay – authorisation • Strategic Planning Projects progress summary • Planning Applications of interest • Planning decisions for January 2018 • VCAT decisions
Planning Scheme Amendment C90 Housing and Settlement - Update on Exhibition and Submissions	<p>Councillors Attending: Councillors McEwen, Argento, Skinner, Kiel and Brown.</p> <p>Conflict of Interest: <i>Cr Rich</i> left the assembly with a direct COI item Planning Briefing – Planning Scheme Amendment C90 Housing Settlement Strategy, as he is a director of a company that made a submission to the matter.</p> <p>Matters Considered: Councillors considered the numerous submissions received in response to the exhibition of Planning Scheme Amendment C90 – Housing and Settlement.</p>

Meeting Title	Details
Tuesday 13 March 2018	
Residents Meeting – Clancys Road Korumburra	<p>Councillors Attending: Councillors McEwen and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • General Discussion between the residents of Clancys Road, Korumburra • Road condition and safety concerns • Proposed solutions
Thursday 15 March 2018	
Korumburra Round Table	<p>Councillors Attending: Councillor McEwen</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Council Update: <ul style="list-style-type: none"> ○ Special Meeting of Council to commence community consultation on the Budget, Council Plan and Rating Strategy ○ HACC Service Review ○ Land Supply Study • Community group activity update • Walkway to the High School update
Active Retirees Advisory Committee	<p>Councillors Attending: Councillors McEwen and Rich.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Aged Friendly South Gippsland Plan • Foster - End of Life Project • Future of Agenda and Disability Services, considered at Council Meeting 28 March 2018 • Seniors Week October 2018

Meeting Title	Details
Wednesday 21 March 2018	
Executive Update	<p>Councillors Attending: Councillors McEwen, Argento, Brunt, Brown and Kiel.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Bald Hills Wind Farm court proceedings • Waste Issues with respect of Council's waste contract
West Gippsland Regional Library Corporation (WGRLC) Mobile Library Review	<p>Councillors Attending: Councillors McEwen, Argento, Brunt, Brown, Kiel and Edwards.</p> <p>Conflict of Interest: Cr Brown left the assembly with a direct conflict of interest in this briefing item West Gippsland Regional Library Corporation (WGRLC) Mobile Library Review as a family member is part owner of the Wonthaggi library site.</p> <p>Matters Considered: The West Gippsland Regional Library Corporation shared the findings of the of the Mobile Library Service review and potential options for future service delivery.</p>
<p>DELWP - Role in forest management. AND VicForests Proposed Harvesting within South Gippsland Shire</p> <p>Open Session</p>	<p>Councillors Attending: Councillors McEwen, Argento, Brunt, Brown, Kiel, Edwards and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Role of Department of Environment, Land, Water and Planning (DELWP) in forest management. • VicForests - State Forest harvest coupes on the outskirts of Mirboo North.

Meeting Title	Details
Wednesday 21 March 2018	
Public Presentations Open Session	Councillors Attending: Councillors McEwen, Argento, Brunt, Brown, Kiel, Edwards and Hill. Conflict of Interest: Nil Disclosed.
Presentations were made to Council by the following community members: Viki Sinclair , Mirboo North resident and member of the Preserve our Forests Steering Committee, Heather Lemescam , Mirboo North Newsagent owner and Eric Walters , proprietor of Grand Ridge Brewery regarding business concerns about logging native forests in Mirboo North.	

REFERENCE DOCUMENTS

Legislative Provisions

Local Government Act 1989

8.2. DOCUMENT SEALED AWARDED OR EXTENDED BY CEO 24 FEBRUARY TO 24 MARCH 2018

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 24 February to 23 March 2018, 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.

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 77.

REPORT

Documents Sealed

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

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

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

In accordance with the Local Law and Instrument of Delegation, the following are presented to Council as documents sealed during the period from 24 February to 23 March 2018:

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 2 Fishermans Road, Venus Bay in relation to development of land with single dwelling, earth works & removal of native vegetation – Seal Applied 26 February 2018.
2. Section 173 Agreement between South Gippsland Shire Council and the owner of 710 Nicholls Road & 130 Old Nicholls Road, Mirboo North in relation to subdivision of the land into two lots – Seal Applied 2 March 2018.
3. Section 173 Agreement between South Gippsland Shire Council and the owner of 2 Smith Street, Port Welshpool in relation to the development of land with a dwelling and two (2) ancillary outbuildings – Seal Applied 14 March 2018.
4. Section 173 Agreement between South Gippsland Shire Council and the owner of 143B Inlet View Road and 113A Jupiter Boulevard, Venus Bay (Venus Bay Caravan Park) in relation to Amendment C109 Venus Bay Caravan Park – development of contributions agreements – Seal Applied 14 March 2018.

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

The CEO's delegation from Council allows the CEO to award contracts up to the value of \$250,000 (inclusive of GST), with the exception of Annual WorkCover and Council insurance premiums.

Council's Procurement Policy requires recording in the Council Minutes all contracts over the statutory threshold set out in the Act (\$150,000 inclusive of GST for goods and services and \$200,000 inclusive of GST for works) for a public tender which shows the 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 were awarded during the period 24 February to 23 March 2018 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).

1. Not applicable.

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 24 February to 23 March 2018 that were specified in the 28 June 2017 resolution and that were within budget:

1. Contract CON/168 Design and Construction of Public Toilets – Franklin River Reserve Toora awarded to Considine & Johnston Pty Ltd on 1 March 2018.

Contracts awarded after a public tender process under the Statutory threshold by Staff other than the CEO

The CEO has, within his Instrument of sub-delegation by the CEO to Staff delegated the power to enter into contracts (inclusive of GST), to specific staff as outlined within Council's Procurement Manual.

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.

1. Contract CON/167 Design, Supply and Construction of Lighting Poles and Lighting awarded to McDonald & Roberts Pty Ltd on 8 March 2018.

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 24 February to 23 March 2018:

1. Not applicable.

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 24 February to 23 March 2018:

1. Contract SGC15/05 Provision of Home Maintenance Services with Grey Army Pty Ltd has been extended for the final one year period to 30 June 2019. (Please note that under Section E clause 11 of this Contract, Council can terminate the contract three months after Council decides to discontinue this service.)

CONSULTATION

Nil

STAFF DISCLOSURE

Nil

REFERENCE DOCUMENTS

Council Policy

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

MOVED: Cr Brown
SECONDED: Cr Skinner

THAT CR AARON BROWN BE GRANTED LEAVE OF ABSENCE FOR COUNCIL MEETINGS CONDUCTED IN MAY 2018.

CARRIED UNANIMOUSLY

Noting that Cr Edwards was not present for the vote as she had left the Council Meeting, refer page 40.

9.2. COUNCILLOR UPDATES

Councillor Rich		
Cr Rich addressed Council by reporting on his attendance at a Walkerville Rate Payers Association meeting and ANZAC Day Foster service.		
Councillor Kiel		
Date	Event Name	Comments
9/4/18	Citizen Advice Bureau	Committee position
9/4/18	Leongatha Chamber of Commerce meeting	
9/4/18	Walter Tuck Meeting	
14/4/18	Country Women's Association (CWA) Exhibition	Opened Exhibition
16/4/18	Prom Country Regional Tourism (PCRT)	
16/4/18	Fish Creek Community Meeting	Hoddle Mountain Trail
18/4/18	Mirboo North Gambling/Alcohol Forum	Discussion
20/4/18	Parkinson's Group Meeting	Guest speaker
25/4/18	Anzac Day	Mirboo North
Councillor Hill		
Cr Hill addressed Council by reporting on his attendance at a Hoddle Mountain Trail meeting.		

Councillor Argento
Cr Argento addressed Council by reading out a letter that he had received in relation to outstanding Customer Service carried out by the Foster Depot Team, with respect of assistance provided when there was a flash flood.
Councillor Brown
Cr Brown addressed Council by reporting on his attendance at ANZAC day services for the dawn service in Korumburra and the morning service in Loch.
Councillor Skinner
Cr Skinner addressed Council by reporting on her attendance at: <ul style="list-style-type: none"> • Walkerville Rate Payers Association meeting, mentioning issues around cat curfews • Sandy Point Arts Show • Workshop attendance for the West Gippsland Regional Library Corporation • Coastal Agency Liaison meeting
Councillor McEwen
Cr McEwen addressed Council by reporting on his attendance at ANZAC day service in Meeniyah and South Gippsland Town Association meeting.
Councillor Brunt
Cr Brunt addressed Council by reporting on her attendance at: <ul style="list-style-type: none"> • Independent broad-based anti-corruption commission (IBAC) Conference held in Traralgon. • Rural Councils Victoria meeting • ANZAC day dawn service in Korumburra • ANZAC day morning service in Leongatha

9.3. COMMITTEE UPDATES

9.3.1. AUDIT COMMITTEE REPORT - 5 FEBRUARY 2018

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

The Audit Committee met on 5 February 2018 and a copy of its report (**Attachment [9.3.1.1]** – Audit Committee Minutes – 5 February 2018) is provided for Council's information and noting.

RECOMMENDATION

That Council notes the Audit Committee Minutes - 5 February 2018 (Attachment [9.3.1.1]).

MOVED: Cr Argento

SECONDED: Cr Skinner

THAT COUNCIL NOTES THE AUDIT COMMITTEE MINUTES - 5 FEBRUARY 2018 (ATTACHMENT [9.3.1.1]).

CARRIED UNANIMOUSLY

Noting that Cr Edwards was not present for the vote as she had left the Council Meeting, refer page 40.

REPORT

The Audit Committee is an advisory committee whose role is to oversee and monitor Council's audit processes, including internal control activities. As of 5 February 2018, the Committee comprised three independent community members, one of whom was the Committee Chair, and two Councillors (the Mayor, Cr Lorraine Brunt and Cr Ray Argento). The Committee is independent from management and does not have any executive powers, management function or delegated financial responsibility.

Some of the other significant matters considered by the Audit Committee at the 5 February 2018 meeting (**Attachment [9.3.1.1]** – Audit Committee Minutes – 5 February 2018) included:

1. Report of the Audit Committee meeting held on 4 December 2017;
2. Financial Performance Report (July – December 2017);
3. Draft Budget 2018/19
4. Performance Report (non-financial);
5. Local Government Performance Reporting Report;
6. Quarterly Risk Report from Director of Infrastructure;
7. Internal Audit Report;
8. Letter to Councillors: Councillor Expenditure and Code of Conduct Audit;
9. Statutory Planning, Building, Planning and Local Laws Compliance and Enforcement Audit Report;
10. Procurement Review (in2Project Management);
11. Draft Payroll and HR Audit Scope;
12. 3 Year Internal Audit Plan;
13. Proposed External Audit Scope/Strategy 2018/19;
14. Compliance Report: Local s.186 Tender Thresholds;
15. Local Government Act Review Exposure Draft Bill Report;
16. Regulatory Inquiry Gap Analysis Report;
17. Audit Committee Reports to Council: 11 Sept 17 Minutes and 4 December 17 Minutes;

18. Appointment of Audit Chair – Recommendation to Council;
19. Independent Committee membership; and
20. Audit Committee Charter.

It should be noted that any documents referred to in this Council Report or report of the Audit Committee held on 5 February 2018 (**Attachment [9.3.1.1]** – Audit Committee Minutes – 5 February 2018) remain confidential in accordance with the designation made by Chief Executive Officer in the 5 February 2018 Audit Committee Agenda, excluding the following:

- Report of Audit Committee 4 December 2017; which has already been made public in the 28 February 2018 Council Meeting minutes; and
- Performance (non-financial) report; which has already been made public in the 28 February 2018 Council Meeting minutes.

CONSULTATION

The Audit Committee Report (**Attachment [9.3.1.1]** – Audit Committee Minutes – 5 February 2018) has been circulated to the Chair of the Audit Committee for endorsement.

RESOURCES

Budget allowances for Council's three Independent Audit Committee Members' attendance fees (including proposed fee increase) and an outsourced internal function are made within Council's current and forward budgets.

RISKS

The Audit Committee undertakes an integral and active role in risk mitigation (including financial) and oversees organisational compliance with legislation.

ATTACHMENTS

Attachments are available on Council's website: www.southgippsland.vic.gov.au {attachment-list}

REFERENCE DOCUMENTS

Legislative Provisions

Local Government Act 1989

Council Policy

Council's Audit Committee Charter

10. URGENT OR OTHER BUSINESS

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

1. Urgent Business

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

The Meeting Procedure Local Law No. 3 (Clause 46) allows for where a situation has not been provided for under the Local Law, the Council may determine the matter by resolution. Established practice has provided for urgent motions to be raised at Council provided the matter cannot be dealt with at the next Ordinary Meeting of Council or by Officers under delegation.

It is necessary for the Councillor wishing to raise a matter of urgent business to raise a motion similar to the following:

'That consideration of (the issue) be dealt with as a matter of urgent business and Councillor....be allowed a 'short period' to indicate the reason(s) why the matter should be considered as a matter of urgent business.' If the Chairperson accepts the motion as meeting the urgent business criteria, normal meeting procedures in Local Law No. 3 will apply.

If the motion to accept the item as a matter of urgent business is passed by Council, the motion relating to the specific issue can then be put and debated in the normal way.

2. Other Business

This provides an opportunity for Councillors to raise items of general interest to the Council and the community. It may relate to an up and coming event or the outcomes of a recent meeting with a Minister etc.

10.1. HANILY STREET, MEENIYAN - KERB AND DRAINAGE WORKS (2017/18 CAPITAL WORKS PROGRAM AMENDMENT)

Infrastructure Directorate

RECOMMENDATION TO CONSIDER AS AN URGENT ITEM

That Council consider Item 10.1 Hanily Street, Meeniyan – Kerb and Drainage Works (2017/18 Capital Works Program Amendment) as urgent in order to ensure a positive outcome for Council is achieved by expending funds from the Black Spur section of the Great Southern Rail Trail prior to 30 June 2018, as per State Government grant requirements.

MOVED: Cr McEwen

SECONDED: Cr Brown

THAT COUNCIL CONSIDER ITEM 10.1 HANILY STREET, MEENIYAN – KERB AND DRAINAGE WORKS (2017/18 CAPITAL WORKS PROGRAM AMENDMENT) AS URGENT IN ORDER TO ENSURE A POSITIVE OUTCOME FOR COUNCIL IS ACHIEVED BY EXPENDING FUNDS FROM THE BLACK SPUR SECTION OF THE GREAT SOUTHERN RAIL TRAIL PRIOR TO 30 JUNE 2018, AS PER STATE GOVERNMENT GRANT REQUIREMENTS.

CARRIED UNANIMOUSLY

Noting that Cr Edwards was not present for the vote as she had left the Council Meeting, refer page 40.

10.1. HANILY STREET, MEENIYAN - KERB AND DRAINAGE WORKS (2017/18 CAPITAL WORKS PROGRAM AMENDMENT)

EXECUTIVE SUMMARY

Council adopts the Capital Works Program as part of the Annual Budget process, however, from time to time, program changes are required.

Savings from the Black Spur section of the Great Southern Rail Trail (GSRT) were used to construct the new carpark in Tompkins Road behind the shops in Meeniyana, adjacent the GSRT. There is approximately \$50,000 remaining in the GSRT budget.

This report proposes to use these funds to construct kerb and drainage works in Hanily Street, Meeniyana. An additional budget of \$30,000 to supplement the \$50,000 savings from the Black Spur section is required to complete these works.

RECOMMENDATION

That council:

1. Approve the following amendments to the 2017/18 capital works program as follows to assist with the completion of kerb and drainage works in Hanily Street, Meeniyana:
 2. Cost centre 82400 – roads – Tompkins Road, Meeniyana (black spur remaining funds): increase the budget by \$30,000 (2017/18 revised budget \$430,212).
 3. Cost centre 82210 – roads – sealed roads rehabilitation program: decrease the budget by \$30,000 (2017/18 revised Budget \$2,116,631).

MOVED: Cr McEwen

SECONDED: Cr Brown

THAT COUNCIL:

1. **APPROVE THE FOLLOWING AMENDMENTS TO THE 2017/18 CAPITAL WORKS PROGRAM AS FOLLOWS TO ASSIST WITH THE COMPLETION OF KERB AND DRAINAGE WORKS IN HANILY STREET, MEENIYAN:**
2. **COST CENTRE 82400 – ROADS – TOMKINS ROAD, MEENIYAN (BLACK SPUR REMAINING FUNDS): INCREASE THE BUDGET BY \$30,000 (2017/18 REVISED BUDGET \$430,212).**
3. **COST CENTRE 82210 – ROADS – SEALED ROADS REHABILITATION PROGRAM: DECREASE THE BUDGET BY \$30,000 (2017/18 REVISED BUDGET \$2,116,631).**

CARRIED UNANIMOUSLY

Noting that Cr Edwards was not present for the vote as she had left the Council Meeting, refer page 40.

REPORT

1. **Cost Centre 82400 – Roads – Tompkins Road, Meeniyam (Black Spur Remaining Funds): increase by \$30,000**

2017/18 Budget:	\$400,212	Revised:	\$430,212
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Savings from the Black Spur section of the GSRT were used to construct the new carpark in Tompkins Road behind the shops in Meeniyam adjacent the GSRT. These works were completed in December 2017. Due to the competitive pricing on that project, there is still in excess of \$50,000 remaining in the GSRT budget.

Budget actuals to date are \$349,329 which leaves an amount of \$50,883 unspent. It is proposed to use these funds to construct kerb and drainage works in Hanily Street, Meeniyam which is adjacent to and complements the completed works in Tompkins Road.

A design for these works has been completed and prices were sought from three tenderers. Quotes from two tenderers were received and based on the quote from the preferred tenderer, an additional budget of \$30,000 to supplement the \$50,000 savings from the Black Spur section is required to complete these works.

2. **82210 – Sealed Road Rehabilitation Program: decrease by \$30,000**

2017/18 Budget:	\$2,146,631	Revised:	\$2,116,631
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Savings have been identified within this program and therefore it is proposed to fund the additional \$30,000 to assist with the completion of kerb and drainage works in Hanily Street, Meeniyam.

CONSULTATION

The proposed design has been discussed and agreed with representatives of the Meeniyam Progress Association. The design includes kerb outstands to preserve two trees in Hanily Street.

RESOURCES

The additional \$30,000 budget for this project could be funded from savings from the sealed road rehabilitation program.

RISKS

If this additional budget is not approved by Council, the State Government contribution within the \$50,000 savings (minimum 50% or greater than \$25,000) will be lost to Council and returned to Regional Development Victoria (RDV). It is noted that these funds can only be spent on projects with a connection to or adjacent the GSRT.

STAFF DISCLOSURE

Nil

REFERENCE DOCUMENTS

Council Policy

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

Annual Budget 2017/18

Road Management Plan

Legislative Provisions

Local Government Act 1989

Road Management Act 2004

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.

Nil

11.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

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.

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.

Nil

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.

RECOMMENDATION

That Council close the meeting to the public to allow for consideration of closed ITEM 1 pursuant to Local Government Act 1989, section 89(2)(a) a personnel matter.

MOVED: Cr Kiel

SECONDED: Cr Brown

THAT COUNCIL CLOSE THE MEETING TO THE PUBLIC TO ALLOW FOR CONSIDERATION OF CLOSED ITEM 1 PURSUANT TO LOCAL GOVERNMENT ACT 1989, SECTION 89(2)(a) A PERSONNEL MATTER.

CARRIED UNANIMOUSLY

The Mayor adjourned the Meeting for 10 minutes in order to clear the Chambers in readiness for the confidential session.

13. MEETING CLOSED

NEXT MEETING

The next Special Meeting of Council open to the public will be held on Wednesday, 30 May 2018 commencing at 11.00am and the Ordinary Meeting of Council open to the public will commence at 2pm in the Council Chambers, Leongatha.

The Council Meeting closed at 5.21pm.

Confirmed this

30th day of May 2018.

.....
Mayor, Councillor Lorraine Brunt

