

SOUTH GIPPSLAND SHIRE COUNCIL

Special Committee Meeting

of Council hear submitters who have elected to speak to their submission regarding
Proposed Sale of 8 Varney Road, Foster

MINUTES

15 August 2018

Council Chambers, Leongatha

Commenced at 12.30pm



minutes



*South Gippsland
Shire Council*

Come for the beauty, Stay for the lifestyle



MISSION

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

Privacy

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

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

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

PRESENT

COUNCILLORS:

Cr Lorraine Brunt, Mayor
Cr Ray Argento
Cr Maxine Kiel
Cr Andrew McEwen
Cr Jeremy Rich
Cr Alyson Skinner
Cr Meg Edwards

COUNCILLORS
NOT PRESENT:

Cr Aaron Brown, Deputy Mayor with a Conflict of Interest.
Cr Don Hill

OFFICERS:

Tim Tamlin, Chief Executive Officer
Bryan Sword, Director Development Services
Tony Peterson, Acting Director Infrastructure Services
June Ernst, Coordinator Council Business
Natasha Berry, Corporate and Council Business Officer

SOUTH GIPPSLAND SHIRE COUNCIL

Special Committee Meeting of Council
Wednesday 15 August 2018
Council Chambers, Leongatha
commenced at 12.30pm

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Tim Tamlin
Chief Executive Officer

1. PRELIMINARY MATTERS

1.1. WELCOME

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

1.2. OPENING PRAYER

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

Amen

1.3. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

1.4. REQUESTS FOR LEAVE OF ABSENCE

Nil

1.5. APOLOGIES

Nil

1.6. DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS

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

An interest may be by close association, financial, conflicting duties or receipt of gifts. If a Councillor or staff member discloses any interest in an item discussed at any Council Meeting (whether they attend or not) they must:

- Complete a disclosure of interest form prior to the Meeting (forms are available from Council Business Department at South Gippsland Shire Council).
- Advise the Chair of the interest immediately before the particular item is considered (if attending the Meeting).
- Leave the Council Chamber or Meeting room while the item is being discussed and during any vote taken (if attending the Meeting).

The Councillor or staff member will be advised to return to the Council Chamber or Meeting room immediately after the item has been considered and the vote is complete.

Councillors should check the Minutes of the Council Meeting to ensure their disclosure is recorded accurately. Councillors are not required to disclose conflict of interest in relation to matters only considered at Meetings they do not attend. Detailed information is available in *Conflict of Interest – A Guide for Councillors – October 2012*.

Councillor Aaron Brown did not attend the Special Committee Meeting as has a declared indirect financial conflict of interest in the Agenda Item 2.1. SECTION 223 SUBMISSION HEARING - PROPOSED SALE OF 8 VARNEY ROAD, FOSTER as "I am a part owner of a property on O'Connell Road, Foster, where the proposed drain on 8 Varney Road also runs through this property".

1.7. DECLARATION OF CONFLICT OF INTEREST FOR STAFF

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

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

Nil

2. COUNCIL REPORTS

2.1. SECTION 223 SUBMISSION HEARING - PROPOSED SALE OF 8 VARNEY ROAD, FOSTER

Infrastructure Directorate

EXECUTIVE SUMMARY

At the Ordinary Meeting of Council 27 June 2018, Council resolved to commence the statutory procedures for the proposed sale of 8 Varney Road, Foster. The public notice calling for submissions was published in the local newspapers edition 2 July 2018. Council received one submission to the proposal; the submitter's main concerns are not against the sale of the land but details concerns with the drainage proposal – refer to **Confidential Attachment [15.1.1]**.

This report is presented to the Special Committee of Council to hear the submitter speak to their submission.

RECOMMENDATION

That the Special Committee of Council:

1. Hear the following submitter speak to their submission regarding the proposed sale of 8 Varney Road, Foster.
 - a. Submission – Deirdre Morgan.
2. Requires the following response to be included in the recommendation in the Council Report for the Ordinary Meeting of Council 26 September 2018 in open session to consider the submission and determine the proposal on the proposed sale of 8 Varney Road, Foster as follows:

“That the Special Committee of Council held 15 August 2018 heard the following submitter speak to their submission regarding the proposed sale of 8 Varney Road Foster.

- a. *Submission – Deirdre Morgan”*

The Mayor ruled to vote on the Motion in separate parts.

MOVED: Cr Skinner

SECONDED: Cr Argento

THAT THE SPECIAL COMMITTEE OF COUNCIL:

1. HEAR THE FOLLOWING SUBMITTER SPEAK TO THEIR SUBMISSION REGARDING THE PROPOSED SALE OF 8 VARNEY ROAD, FOSTER.

a. SUBMISSION – DEIRDRE MORGAN.

CARRIED UNANIMOUSLY

Deirdre Morgan made a verbal submission to Council.

MOVED: Cr Skinner

SECONDED: Cr Kiel

2. REQUIRES THE FOLLOWING RESPONSE TO BE INCLUDED IN THE RECOMMENDATION IN THE COUNCIL REPORT FOR THE ORDINARY MEETING OF COUNCIL 26 SEPTEMBER 2018 IN OPEN SESSION TO CONSIDER THE SUBMISSION AND DETERMINE THE PROPOSAL ON THE PROPOSED SALE OF 8 VARNEY ROAD, FOSTER AS FOLLOWS:

“THAT THE SPECIAL COMMITTEE OF COUNCIL HELD 15 AUGUST 2018 HEARD THE FOLLOWING SUBMITTER SPEAK TO THEIR SUBMISSION REGARDING THE PROPOSED SALE OF 8 VARNEY ROAD FOSTER.

a. SUBMISSION – DEIRDRE MORGAN”

CARRIED UNANIMOUSLY

REPORT

At the Ordinary Meeting of Council 27 June 2018, Council resolved to commence the statutory procedures for the proposed sale of 8 Varney Road, Foster.

The public notice calling for submissions was published in the local newspapers edition 2 July 2018 and Council received one submission to the proposal of which the submitter elected to speak to their submission.

The submitter's main concerns are not against the sale of the land but the drainage proposal:

- If the open drain is piped, it might directly impact on the submitter's property as it abuts the drain.
- What happens to existing drainage on submitter's block?
- Fencing materials may be exposed to water damage.
- Would like a guarantee that any change will not cause drainage problems and that any costs incurred would be covered.

The subject land is bordered red in **Figure 1** below.

Figure 1 – Locality Map



Response to concerns (Engineering)

As part of the construction works for the subdivision, the new lots created on the west side of Blackwood Drive (including no. 6) were raised to 0.6m–0.7m to ensure that property drainage was directed towards Blackwood Drive.

Accordingly, the submitter's land is elevated approximately 1m–1.5m above the open drain that is proposed to be piped.

Drainage calculations indicate that piping this drain can be achieved with 600mm–750mm diameter pipes, which would discharge into the remaining section of open drain, without adversely impacting on any of the properties abutting Blackwood Drive. This section of piped drain would also require an open surface drain above it to ensure adequate capture of overland storm water flow before entering the adjacent properties.

A planning permit will be required to enable the developer to subdivide the subject site (and adjacent land) and conditions will be placed on any approved planning permit which requires such drainage to be constructed without adversely impacting on the adjacent residential properties.

CONSULTATION

Public notice calling for submissions to the proposal was published in the local papers and Council's website during the week commencing 2 July 2018.

Letters were sent to adjoining land owners at 10 Varney Road, Foster and 4 Blackwood Drive, Foster.

Engineering officers were consulted to address engineering matters that came about from public submissions.

RISKS

The developer's proposal to acquire the land is, in part, to improve drainage. Any drainage works would be subject to planning permit conditions.

STAFF DISCLOSURE

Nil

CONFIDENTIAL ATTACHMENTS

Confidential Attachment [15.1.1] – Submission - Proposed Sale 8 Varney Road, Foster – 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)(h) - any other matter which the Council or Special Committee considers would prejudice the Council or any persons.

This item is deemed confidential to protect the privacy of the submitter.

REFERENCE DOCUMENTS

Council Policy

CE13 Right to make a Submission Policy

C42 Council Land Ownership Policy

Legislative Provisions

Local Government Act 1989

3. MEETING CLOSED

NEXT MEETING

The next Ordinary Meeting of Council open to the public will be held on Wednesday, 22 August 2018 commencing at 2pm in the Council Chambers, Leongatha.

The Special Committee Meeting closed at 12.43pm.

Confirmed this 26th September 2018

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Mayor, Councillor Lorraine Brunt