

SOUTH GIPPSLAND SHIRE COUNCIL

Council Minutes

Ordinary Meeting of Council

24 July 2019

Ordinary Meeting No. 436
Council Chambers, Leongatha
Commenced at 2.13pm
Adjourned 2.51pm

ADMINISTRATORS

Julie Eisenbise, Chair
Christian Zahra
Rick Brown



*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.

 Minutes - 24 July 2019

PRESENT

ADMINISTRATORS:	Julie Eisenbise, Chair Christian Zahra Frederick (Rick) Brown
NOT PRESENT:	-
OFFICERS:	Bryan Sword, Acting Chief Executive Officer Anthony Seabrook, Director Infrastructure Services Faith Page, Director Corporate and Community Services Paul Stampton, Acting Director Development Services Rick Rutjens, Manager Executive Support and Community Information June Ernst, Coordinator Council Business Natasha Berry, Corporate and Council Business Officer Jodi Cumming, Corporate and Council Business Officer

Minutes - 24 July 2019

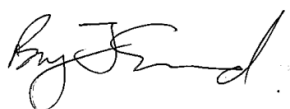
SOUTH GIPPSLAND SHIRE COUNCIL

Ordinary Meeting No. 436
Wednesday 24 July 2019
Council Chambers, Leongatha commenced at 2.13pm

TABLE OF CONTENTS

1. PRELIMINARY MATTERS	6
1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER.....	6
1.2. WELCOME.....	6
1.3. OPENING PRAYER.....	7
1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS	7
1.5. APOLOGIES	7
1.6. CONFIRMATION OF MINUTES.....	7
1.7. DECLARATION OF CONFLICTS OF INTEREST FOR ADMINISTRATORS....	9
1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF	10
2. OBJECTIVE 1 - STRENGTHEN ECONOMIC GROWTH AND PROSPERITY	11
2.1. LAND SUBJECT TO INUNDATION OVERLAY - SUBMISSIONS	11
2.2. PORT WELSHPOOL MARINE PRECINCT PLAN.....	17
2.3. VENUS BAY TOURISM PRECINCT PLAN - RECOMMENDATIONS.....	23
2.4. PLANNING APPLICATION 2019/53 - 205 DAWSONS ROAD WOOREEN - EXPANSION OF EXISTING SAND QUARRY	29
2.5. PLANNING APPLICATION 2018/325 - 85 COMMERCIAL STREET KORUMBURRA - PLACE OF WORSHIP AND CAR PARKING REDUCTION	41
2.6. ENDORSE THE SMALL BUSINESS FRIENDLY CHARTER	49
2.7. ENDORSE THE BETTER APPROVALS PROJECT.....	54
3. OBJECTIVE 2 - BUILD STRONG PARTNERSHIPS, STRENGTHEN ARTS & CULTURE AND DELIVER EQUITABLE OUTCOMES.....	57
3.1. NEW: YOUTH STRATEGY 2019 - 2023.....	57
4. OBJECTIVE 3 - IMPROVE SOUTH GIPPSLAND'S BUILT ASSETS AND VALUE OUR NATURAL ENVIRONMENT	63
4.1. POWER PURCHASING AGREEMENT FOR COUNCIL ELECTRICITY	63
4.2. AWARD CONTRACT CON/226 SUPPLY & DELIVERY OF PREMIXED CONCRETE.....	71
4.3. AWARD CONTRACTS UNDER CEO DELEGATION - 2019/20 CAPITAL WORKS PROGRAM.....	72
4.4. PETITION RESPONSE - PEART STREET, LEONGATHA TREE CONCERNS	78

5. OBJECTIVE 4 - ENHANCE ORGANISATIONAL DEVELOPMENT AND IMPLEMENT GOVERNANCE BEST PRACTICE.....	83
5.1. ADMINISTRATOR DECLARATION OF THE OATH OF OFFICE - 24 JUNE 2019 MINUTE.....	83
5.2. CHANGES TO ORDINARY MEETING COUNCIL 28 AUGUST 2019	87
5.3. RATING STRATEGY 2019 - 2022.....	137
5.4. ANNUAL BUDGET 2019/20	143
5.5. REVISED COUNCIL PLAN 2017-2021	156
6. OTHER COUNCIL REPORTS.....	91
6.1. AUDIT COMMITTEE MEETING - 11 JUNE 2019.....	91
7. NOTICES OF MOTION AND/OR RESCISSION.....	93
7.1. NIL	93
8. PROCEDURAL REPORTS	94
8.1. ASSEMBLY OF COUNCILLORS - 22 MAY TO 21 JUNE 2019	94
8.2. DOCUMENTS SEALED AWARDED OR EXTENDED BY CEO - 25 MAY TO 21 JUNE 2019	104
8.3. INSTRUMENTS OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987	107
9. ADMINISTRATOR REPORTS	110
9.1. REQUESTS FOR LEAVE OF ABSENCE	110
9.2. ADMINISTRATOR UPDATES	110
9.3. COMMITTEE UPDATES	110
10. URGENT OR OTHER BUSINESS	111
11. PUBLIC QUESTIONS.....	123
11.1. PETITIONS AND JOINT LETTERS	123
11.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE.....	124
11.3. SUBMITTED PUBLIC QUESTIONS.....	130
12. CLOSED SESSION	132
13. MEETING CLOSED	133



Bryan Sword
Acting Chief Executive Officer

2. OBJECTIVE 1 - STRENGTHEN ECONOMIC GROWTH AND PROSPERITY

2.1. LAND SUBJECT TO INUNDATION OVERLAY - SUBMISSIONS

Development Services Directorate

EXECUTIVE SUMMARY

South Gippsland Planning Scheme Amendment C116 (Amendment C116) proposes to update the existing Land Subject to Inundation Overlay (LSIO) controls in the South Gippsland Planning Scheme and correct zone mapping errors. The LSIO is proposed to be applied to the Lang Lang River, Little Lang Lang River and their tributaries and a section of Muddy Creek on the western urban edge of Toora.

The Amendment proposes to correct zone mapping errors on 80 parcels by rezoning private freehold land adjoining waterways from the Public Conservation and Resource Zone (PCRZ) and Public Park and Recreation Zone (PPRZ) to Farming Zone (FZ) or Township Zone (TZ).

Amendment C116 was exhibited for eight weeks, concluding on 8 February 2019. However, the deadline for submissions was extended at the request of residents to accommodate a town meeting held on 14 February 2019. A copy of the submissions received is in **Confidential Attachment [15.1.1]**.

A total of fifteen responses were received, of which twelve are objections from landowners about the Muddy Creek LSIO, two with regard to the Nyora LSIO and one regarding the zone mapping correction.

Where submissions cannot be resolved, an Amendment must be referred to an Independent Planning Panel (Panel) for consideration before Council can make its final decision on an Amendment. In consultation with the Melbourne Water and the West Gippsland Catchment Management Authority (WGCMA), Council officers have formed the view that it is not possible to negotiate the withdrawal of all submissions and that a Panel is required. This report recommends Amendment C116 be referred to a Panel, with a further recommendation to change elements of Amendment provisions in response to issues raised in some of the submissions as discussed in **Attachment [2.1.2]**.

Minutes - 24 July 2019

RECOMMENDATION

That Council:

1. Requests the Minister for Planning to appoint an Independent Planning Panel to consider South Gippsland Planning Scheme Amendment C116 as exhibited and submissions received to the Amendment that are not able to be resolved; and
2. Considers the recommendations of the Independent Planning Panel prior to making a decision on Amendment C116.

MOVED: Administrator Brown**SECONDED:** Administrator Zahra**THAT COUNCIL:**

1. **REQUESTS THE MINISTER FOR PLANNING TO APPOINT AN INDEPENDENT PLANNING PANEL TO CONSIDER SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C116 AS EXHIBITED AND SUBMISSIONS RECEIVED TO THE AMENDMENT THAT ARE NOT ABLE TO BE RESOLVED; AND**
2. **CONSIDERS THE RECOMMENDATIONS OF THE INDEPENDENT PLANNING PANEL PRIOR TO MAKING A DECISION ON AMENDMENT C116.**

CARRIED UNANIMOUSLY[Link to next Agenda Item.](#)

REPORT

Background

South Gippsland Planning Scheme Amendment C116 (Amendment C116) proposes to update the existing Land Subject to Inundation Overlay (LSIO) controls in the South Gippsland Planning Scheme and correct zone mapping errors. The LSIO is proposed to be applied to the Lang Lang River, Little Lang Lang River and their tributaries and a section of Muddy Creek on the western urban edge of Toora.

The Amendment also proposes to correct zone mapping errors on 80 parcels by rezoning private freehold land adjoining waterways from the Public Conservation and Resource Zone (PCRZ) and Public Park and Recreation Zone (PPRZ) to Farming Zone (FZ) or Township Zone (TZ).

The reasons for preparing Amendment C116 were discussed in detail in the 28 March 2018 Ordinary Council Report which Council considered in its decision to seek authorisation and exhibit Amendment C116 (**Attachment [2.1.1]**). This report makes no further comment on the justification for the Amendment other than to note that the Planning Scheme's overlay controls should seek to accurately display land use and development constraints and risks, including the potential for storm water inundation.

Issues

The main concerns that were raised in the submissions are detailed in **Confidential Attachment [15.1.1]**. Further discussion on these issues is in **Attachment [2.1.2]**.

- The impact on land values, land sales and insurance.
- The maintenance of Muddy Creek. Whose responsibility is it and if it was maintained better would an LSIO be necessary.
- The culverts and infrastructure on Victoria Street and on the South Gippsland Highway need to be increased.
- Council will be liable if the area floods.
- Council should provide compensation to landowners.
- The LSIO is not necessary, inappropriate and incorrectly assessed.
- One submission identified an error in the mapping of land proposed for rezoning in Kongwak.

Minutes - 24 July 2019

Where submissions cannot be resolved, an Amendment must be referred to an Independent Planning Panel (Panel) for consideration before Council can make its final decision on an Amendment. In consultation with the Melbourne Water and the West Gippsland Catchment Management Authority, Council officers have formed the view that it is not possible to negotiate the withdrawal of all submissions and that a Panel is required. As such, it is recommended that Amendment C116 be referred to a Panel, with a further recommendation to change elements of Amendment provisions in response to issues raised in some of the submissions.

In response to issues that may be able to resolved, it is recommended that Council:

- Seek West Gippsland Catchment Management Authority's (WGCMA) views on concerns regarding the flood modelling.
- Make corrections to the rezoning maps in Kongwak.

CONSULTATION

Exhibition of Amendment C116 occurred for eight weeks and concluded on 8 February 2019. The deadline for submissions, however, was extended at the request of residents to accommodate a town meeting held on 14 February 2019. Exhibition notification was provided by:

- Postal notification to the owners and occupiers of all land where the LSIO is proposed to be applied.
- Public notice, press release and newspaper articles in local newspapers.
- Public notices, display information, and Amendment technical documentation provided at across the area affected by the Amendment.
- Extensive Amendment information on Council's webpage and the Planning Ministry's webpage.
- Phone calls to mining companies affected by the Amendment.

A town meeting was also organised by Councillor Skinner and community members. Council officers and WGCMA provided representatives to speak at the meeting. Approximately 40 community members attended this meeting.

A total of 15 responses were received, of which 12 are objections from landowners about the Muddy Creek LSIO, two with regard to the Nyora LSIO and one regarding the zone mapping correction.

Minutes - 24 July 2019

RESOURCES

Financial considerations for Council directly related to the Report Recommendation are limited to payment of Panel costs.

RISKS

There are no risks to Council directly related to referring Amendment C116 to a Panel.

STAFF DISCLOSURE

Nil

ATTACHMENTS

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

1. South Gippsland Planning Scheme Amendment C116 - Council Report 28 March **[2.1.1 - 7 pages]**
2. Amendment C116 Land Subject to Inundation Overlay - Council Report 28 March 2018 **[2.1.1 - 7 pages]**
3. Amendment C116 Land Subject to Inundation Overlay - Summary of Submissions and Response **[2.1.2 - 3 pages]**

CONFIDENTIAL ATTACHMENTS

Confidential Attachment [15.1.1.] – Amendment C116 Land Subject to Inundation Overlay – Submissions – 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 deem confidential to protect the privacy of the submitters, submission and petition signatures.

Minutes - 24 July 2019

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