



# COUNCIL MINUTE

---

**ORDINARY MEETING NO. 399  
WEDNESDAY 24 FEBRUARY 2016  
COUNCIL CHAMBER, LEONGATHA  
COMMENCED AT 2PM**

---

**PRESENT:**

**Mayor:** Cr Robert Newton  
**Deputy Mayor:** Cr Mohya Davies  
**Councillors:** Nigel Hutchinson-Brooks, James Fawcett, Kieran Kennedy,  
 Lorraine Brunt, Andrew McEwen, Don Hill and Jeanette Harding.

**APOLOGY:** Nil

**OFFICERS:**

<b>Mr Tim Tamlin</b>	<b>Chief Executive Officer</b>
<b>Anthony Seabrook</b>	<b>Director Sustainability and Infrastructure Services</b>
<b>Bryan Sword</b>	<b>Director Development Services</b>
<b>Jan Martin</b>	<b>Director Community and Corporate Services</b>
<b>June Ernst</b>	<b>Coordinator Corporate Planning and Council Business</b>
<b>Natasha Berry</b>	<b>Corporate and Council Business Officer</b>
<b>Jodi Cumming</b>	<b>Corporate and Council Business Officer</b>
<b>Rick Rutjens</b>	<b>Coordinator Media &amp; Communications</b>
<b>Danny McDonald</b>	<b>Manager Economic Development, Tourism &amp; Customer Service</b>

**MISSION**

*To effectively plan and provide for the social, built, economic and  
 natural environments that ensure the future wellbeing of  
 South Gippsland Communities.*

## SOUTH GIPPSLAND SHIRE COUNCIL

### ORDINARY MEETING NO. 399 WEDNESDAY 24 FEBRUARY 2016 COUNCIL CHAMBER, LEONGATHA COMMENCED AT 2PM

#### INDEX

<b>SECTION A - PRELIMINARY MATTERS .....</b>	<b>1</b>
A.1 WELCOME.....	1
A.2 OPENING PRAYER.....	1
A.3 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS.....	1
A.4 REQUESTS FOR LEAVE OF ABSENCE .....	1
A.5 APOLOGIES .....	1
A.6 CONFIRMATION OF MINUTES .....	2
A.7 DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS.....	3
A.8 DECLARATION OF CONFLICT OF INTEREST FOR STAFF .....	5
A.9 PETITIONS .....	5
A.10 COUNCILLOR REPORTS .....	9
<b>SECTION B - NOTICES OF MOTION AND/OR RESCISSION.....</b>	<b>12</b>
<b>SECTION C - COMMITTEE REPORTS .....</b>	<b>13</b>
C.1 OUTCOME OF 9 FEBRUARY 2016 SPECIAL COMMITTEE OF COUNCIL - STRATEGIC LAND REVIEW 2015/2016 - HEAR, CONSIDER & DETERMINE 2015/16 PROPERTIES FOR SALES.....	13
<b>SECTION D – PROCEDURAL REPORTS.....</b>	<b>23</b>
D.1 QUARTERLY PERFORMANCE REPORT – OCTOBER TO DECEMBER 2015.....	23
D.2 COUNCILLOR EXPENDITURE REPORT - 31 DECEMBER 2015.....	27
D.3 REPORT ON ASSEMBLY OF COUNCILLORS: 22 NOVEMBER 2015 – 13 JANUARY 2016 .....	30
D.4 DOCUMENTS SEALED AND CONTRACTS AWARDED, VARIED OR EXTENDED BY THE CHIEF EXECUTIVE OFFICER - 25 NOVEMBER 2015 TO 22 JANUARY 2016 .....	45
<b>SECTION E - COUNCIL REPORTS.....</b>	<b>48</b>
E.1 RESPONSE TO PETITION - BAN ON COAL MINING IN THE MIRBOO NORTH REGION.....	48
E.2 RESPONSE TO PETITION - RETURN OF THE LEONGATHA TO MELBOURNE RAIL PASSENGER SERVICES.....	58

E.3	PRIORITY PROJECTS FOR ADVOCACY, FUNDING AND FOCUS 2016 .....	62
E.4	PARLIAMENTARY INQUIRY INTO UNCONVENTIONAL GAS IN VICTORIA – FINAL REPORT .....	71
E.5	PORT WELSHPOOL LONG JETTY REHABILITATION FUNDING UPDATE 2016 .....	82
E.6	COUNCIL SUPPORT TO REFUGEE CRISIS .....	88
E.7	KORUMBURRA ROUNDTABLE - PROGRESS REPORT .....	97
E.8	COUNCILLOR DISCRETIONARY FUND POLICY REVOCATION AND ALLOCATION REPORT .....	111
E.9	REVIEW OF POLICIES: C49 USE OF COUNCIL TERM 'MAYORAL'; C50 USE OF COUNCIL LOGO; AND C56 CIVIC AND MAYORAL RECEPTION POLICY.....	118
<b>SECTION F - URGENT OR OTHER BUSINESS .....</b>		<b>129</b>
<b>SECTION G – GENERAL QUESTION TIME .....</b>		<b>130</b>
G.1	QUESTION TIME .....	130
G.2	ANSWERS TO PREVIOUS QUESTIONS ON NOTICE .....	130
<b>CLOSED SESSION.....</b>		<b>131</b>
ITEM 2 STRATEGIC REVIEW OF LANDHOLDINGS 2015/16 - REFERRAL OF 3 PROPERTIES FOR COUNCIL DECISION FROM SPECIAL COMMITTEE HELD 9 FEBRUARY 2016.....		133
<b>SECTION H - MEETING CLOSED .....</b>		<b>135</b>

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

South Gippsland Shire Council  
Minute Excluding In-Committee

24 February 2016  
Council Chamber, Leongatha

## SECTION C - COMMITTEE REPORTS

### C.1 OUTCOME OF 9 FEBRUARY 2016 SPECIAL COMMITTEE OF COUNCIL - STRATEGIC LAND REVIEW 2015/2016 - HEAR, CONSIDER & DETERMINE 2015/16 PROPERTIES FOR SALES

Sustainable Communities & Infrastructure Directorate

#### EXECUTIVE SUMMARY

On 9 February 2016, a Special Committee of Council met in a closed session to hear, consider and determine the submissions received in respect to the advertised 2015/16 proposed land sales as part of the Strategic Review of Land Holdings project (the Project).

At this closed session, the Special Committee of Council resolved to make the resolution public at the next appropriate Council meeting. The resolution is shown below.

#### RESOLUTION 9 FEBRUARY 2016 - SPECIAL COMMITTEE OF COUNCIL

#### THAT THE SPECIAL COMMITTEE OF COUNCIL:

1. **DETERMINE TO SELL OR NOT TO SELL THE PROPERTIES LISTED IN THE TABLE BELOW:**

PROPERTY NO. <i>as per Att 1</i>	PROPERTY & LEGAL DESCRIPTION
2.	<p><b>Roberts Lane, Leongatha</b> (private car parking areas) being the land described in Certificates of Title Volume 8673 Folio 244 being Lot 1 TP412950L and Volume 8892 Folio 258 being Lot 1 &amp; 2 TP559639P to the adjoining land owners of 47, 51 and 51A McCartin Street Leongatha for the same consideration as Council acquired the land on the condition that the purchaser consolidates the certificate of title with its adjoining certificate of title.</p> <p><b>Moved: Cr McEwen, Seconded: Cr Davies</b></p> <p><b>That Council SELL this land.</b></p> <p><b>CARRIED UNANIMOUSLY</b></p>

South Gippsland Shire Council  
Minute Excluding In-Committee

24 February 2016  
Council Chamber, Leongatha

PROPERTY NO. <i>as per Att 1</i>	PROPERTY & LEGAL DESCRIPTION
3.	<p><b>21 Smith Street, Leongatha</b> being the land described in Certificate of Title Volume 10787 Folio 678 being Lot 1 PS519056E being approximately 746m2 by way of private treaty or by public sale.</p> <p><b>Moved: Cr McEwen, Seconded: Cr Hutchinson-Brooks</b></p> <p><b>That Council NOT SELL this land.</b></p> <p><b>For: Crs McEwen, Hutchinson-Brooks, Kennedy, Newton</b> <b>Against: Crs Fawcett, Harding, Davies, Brunt</b></p> <p><b>Moved: Cr McEwen, Seconded: Cr Hutchinson-Brooks</b></p> <p><b>That the Special Committee refer this matter to Council for decision.</b></p> <p><b>CARRIED UNANIMOUSLY</b></p>
6.	<p><b>2A St Andrews Drive (Sawyer Street Reserve), Leongatha</b> being the land described in Certificate of Title Volume 10838 Folio 813 being Reserve 1 PS431800M and Certificate of Title Volume 10200 Folio 413 being Reserve 4 PS330445T by way of private treaty or public sale subject to removal of the reservation status in accordance with section 24A of the Subdivision Act 1988.</p> <p><b>Conflict of interest:</b> Cr Hutchinson-Brooks declared a conflict of interest in this matter and left the room.</p> <p><b>Moved: Cr Fawcett, Seconded: Cr McEwen</b></p> <p><b>That Council SELL this land.</b></p> <p><b>CARRIED UNANIMOUSLY</b></p> <p>Cr Hutchinson-Brooks returned to the meeting.</p>

South Gippsland Shire Council  
Minute Excluding In-Committee

24 February 2016  
Council Chamber, Leongatha

PROPERTY NO. <i>as per Att 1</i>	PROPERTY & LEGAL DESCRIPTION
7.	<p><b>372 Jeetho West Road, Jeetho</b> being the land described in Certificate of Title Volume 5852 Folio 251 being Lot 1 TP900051C being approximately 1,011m<sup>2</sup> to an adjoining land owner.</p> <p><b>Moved: Cr Brunt, Seconded: Cr Newton</b></p> <p><b>That Council SELL this land</b></p> <p><b>CARRIED UNANIMOUSLY</b></p>
8.	<p><b>166 Baromi Road, Baromi</b> being the land described in Certificate of Title Volume 10284 Folio 481 being Lot 1 &amp; 2 TP211427X being approximately 2,024m<sup>2</sup> to the adjoining land owner. (Same submission for 220 Boolarra Mirboo North Road).</p> <p><b>Moved: Cr Hutchinson-Brooks, Seconded: Cr McEwen</b></p> <p><b>That Council SELL this land</b></p> <p><b>CARRIED UNANIMOUSLY</b></p>
9.	<p><b>60 &amp; 66 Lawsons Road, Koorooman</b> being the land described in Certificate of Title Volume 8491 Folio 017 being Lot 1 TP512978E (1,399m<sup>2</sup>) and the land described in Certificate of Title Volume 9568 Folio 379 being Lot 1 TP600497G (815m<sup>2</sup>) to an adjoining land owner.</p> <p><b>Moved: Cr Hutchinson-Brooks, Seconded: Cr McEwen</b></p> <p><b>That Council SELL this land.</b></p> <p><b>CARRIED UNANIMOUSLY</b></p>
10.	<p><b>220 Boolarra Mirboo North Road, Mirboo North</b> being the land described in Certificate of Title Volume 10298 Folio 096 being Lot 1 TP654403Q being approximately 1,383m<sup>2</sup> to an adjoining land owner. (Same submission for 166 Baromi Road).</p> <p><b>Moved: Cr Hutchinson-Brooks, Seconded: Cr McEwen</b></p> <p><b>That Council SELL this land.</b></p> <p><b>CARRIED UNANIMOUSLY</b></p>

South Gippsland Shire Council  
Minute Excluding In-Committee

24 February 2016  
Council Chamber, Leongatha

PROPERTY NO. <i>as per Att 1</i>	PROPERTY & LEGAL DESCRIPTION
11.	<p><b>11-17 Old Waratah Road, Fish Creek</b> being the land described in Certificate of Title Volume 10158 Folio 879 being Lots 1, 2, 3 &amp; 4 TP91540Q and Volume 9715 Folio 636 being Lot 1 TP134962C being total area approximately 4,107m2 once Council has rezoned the land, by way of private treaty or public sale.</p> <p><b>Moved: Cr Davies Seconded: Cr Fawcett</b></p> <p><b>That Council SELL this land.</b></p> <p><b>CARRIED</b></p> <p><b>For: Crs Davies, Brunt, Kennedy, Hutchinson-Brooks, Fawcett, Newton.</b> <b>Against: Crs McEwen, Harding.</b></p>
12.	<p><b>6A Concetta Court, Korumburra</b> being the land described within Certificate of Title Volume 9838 Folio 367 being Reserve 1 PS211337C approximately 443m2 to an adjoining land owner by private treaty subject to removal of the reservation status in accordance with section 24A of the Subdivision Act 1988.</p> <p><b>Moved: Cr Brunt, Seconded: Cr Davies</b></p> <p><b>That Council SELL this land.</b></p> <p><b>CARRIED UNANIMOUSLY</b></p>
14.	<p><b>2 Berry Street, Foster</b> being the land described in Certificate of Title Volume 8697 Folio 715 being Lot 1 TP379426K. approximately 1,124m2 by way of private treaty or public sale.</p> <p><b>Moved: Cr Davies, Seconded: Cr Harding</b></p> <p><b>That Council NOT SELL this land.</b></p> <p><b>CARRIED</b></p> <p><b>For: Crs Harding, Newton, Hutchinson-Brooks, McEwen, Davies.</b> <b>Against: Crs Fawcett, Brunt.</b></p>

South Gippsland Shire Council  
Minute Excluding In-Committee

24 February 2016  
Council Chamber, Leongatha

PROPERTY NO. <i>as per Att 1</i>	PROPERTY & LEGAL DESCRIPTION
15.	<p><b>26A-42A Juno Road, Venus Bay</b> being the land within the Restructure Overlay allotments described in Certificate of Title Volume 10134 Folio 107 being Lot 4 PS312565K (427m<sup>2</sup>) and Certificate of Title Volume 10134 Folio 108 being Lot 5 PS312565K (448m<sup>2</sup>) and Certificate of Title Volume 10134 Folio 109 being Lot 6 PS312565K (558m<sup>2</sup>) total approximate area 1,433m<sup>2</sup> to the adjoining land owners in accordance with the Restructure Overlay within the Planning Scheme.</p> <p><b>Moved: Cr Davies, Seconded: Cr Kennedy</b></p> <p><b>That Council SELL this land.</b></p> <p><b>CARRIED UNANIMOUSLY</b></p>
16.	<p><b>Sell or not sell 641A Lees Road, Venus Bay</b> being part of the land described within Certificate of Title Volume 9900 Folio 611 being Reserve 3 LP56446 approximately 839m<sup>2</sup> by way of private treaty or public sale subject to removal of the reservation status in accordance with section 24A of the Subdivision Act 1988.</p> <p><b>MOVED: Cr Kennedy, SECONDED: Cr McEwen</b></p> <p><b>THAT COUNCIL NOT SELL THIS LAND.</b></p> <p><b>LOST</b></p> <p><b>For: Crs Kennedy, McEwen</b> <b>Against: Crs Newton, Fawcett, Hutchinson-Brooks, Harding, Davies</b></p> <p><b>MOVED: Cr Fawcett, SECONDED: Cr Davies</b></p> <p><b>THAT COUNCIL SELL THIS LAND.</b></p> <p><b>CARRIED</b></p> <p><b>For: Crs Newton, Fawcett, Hutchinson-Brooks, Brunt, Davies.</b> <b>Against: Crs Kennedy, McEwen, Harding.</b></p>



South Gippsland Shire Council  
Minute Excluding In-Committee

24 February 2016  
Council Chamber, Leongatha

PROPERTY NO. <i>as per Att 1</i>	PROPERTY & LEGAL DESCRIPTION
18.	<p><b>4A Stockyard Court/Wood Court, Yanakie</b> being the land described within Certificate of Title Volume 9923 Folio 512 being Reserve 1 PS217463P (386m2) and Certificate of Title Volume 10051 Folio 306 being Reserve 2 PS305165S (406m2) total area approximately 792m2 by way of private treaty or public sale subject to removal of the reservation status in accordance with section 24A of the Subdivision Act 1988.</p> <p><b>Moved: Cr Fawcett, Seconded: Cr Brunt</b></p> <p><b>That Council SELL this land.</b></p> <p><b>CARRIED UNANIMOUSLY</b></p>
19.	<p><b>1A Canterbury Road, Venus Bay</b> being the land described within Certificate of Title Volume 9900 Folio 603 being Reserve 2 LP54172 approximately 1,270m2 by way of private treaty or public sale subject to removal of the reservation status in accordance with section 24A of the Subdivision Act 1988.</p> <p><b>Moved: Cr Kennedy, Seconded: Cr McEwen</b></p> <p><b>That Council NOT SELL this land.</b></p> <p><b>For: Crs Kennedy, McEwen, Hutchinson-Brooks, Harding.</b> <b>Against: Crs Brunt, Fawcett, Davies, Newton.</b></p> <p><b>Moved: Cr Kennedy, Seconded: Cr McEwen</b></p> <p><b>That the Special Committee refer this matter to Council for decision.</b></p> <p><b>CARRIED UNANIMOUSLY</b></p>

South Gippsland Shire Council  
Minute Excluding In-Committee

24 February 2016  
Council Chamber, Leongatha

PROPERTY NO. <i>as per Att 1</i>	PROPERTY & LEGAL DESCRIPTION
20.	<p><b>37A Centre Road, Venus Bay</b> being the land described within Certificate of Title Volume 9900 Folio 606 being Reserve 1 LP54880 approximately 3,602m2 by way of private treaty or public sale subject to removal of the reservation status in accordance with section 24A of the Subdivision Act 1988.</p> <p><b>Moved: Cr Fawcett, Seconded: Cr Newton</b></p> <p><b>That Council SELL this land.</b></p> <p><b>LOST</b></p> <p><b>For: Crs Fawcett, Davies, Brunt.</b> <b>Against: Crs McEwen, Kennedy, Harding, Hutchinson-Brooks, Newton.</b></p> <p><b>Moved: Cr Hutchinson-Brooks, Seconded Cr Kennedy</b></p> <p><b>That Council NOT SELL this land.</b></p> <p><b>CARRIED</b></p> <p><b>For: Crs McEwen, Kennedy, Harding, Hutchinson-Brooks, Newton.</b> <b>Against: Crs Davies, Brunt, Fawcett.</b></p>
21.	<p><b>1A Noble Street, Venus Bay</b> being the land described within Certificate of Title Volume 10542 Folio 031 being Lot 1 PS439059S approximately 640m2 by way of private treaty or public sale.</p> <p><b>Moved: Cr Kennedy, Seconded: Cr McEwen</b></p> <p><b>That Council NOT SELL this land.</b></p> <p><b>For: Crs Kennedy, McEwen, Hutchinson-Brooks, Harding.</b> <b>Against: Crs Fawcett, Brunt, Davies, Newton.</b></p> <p><b>Moved: Cr Kennedy, Seconded: Cr McEwen</b></p> <p><b>That the Special Committee refer this matter to Council for decision.</b></p> <p><b>CARRIED UNANIMOUSLY</b></p>

South Gippsland Shire Council  
Minute Excluding In-Committee

24 February 2016  
Council Chamber, Leongatha

PROPERTY NO. <i>as per Att 1</i>	PROPERTY & LEGAL DESCRIPTION
22.	<p><b>35A Callaway Crescent, Leongatha</b> being the land described within Certificate of Title Volume 9613 Folio 879 being Reserve 1 LP148282B approximately 607.7m2 by way of private treaty or public sale once Council has rezoned the land and the reservation has been removed in accordance with section 24A of the Subdivision Act 1988.</p> <p><b>Moved: Cr Fawcett, Seconded: Cr Hutchinson-Brooks</b></p> <p><b>That Council SELL this land.</b></p> <p><b>CARRIED UNANIMOUSLY</b></p>
23.	<p><b>143A Inlet View Road, Venus Bay</b> being the land described within Certificate of Title Volume 9900 Folio 605 being Reserve 1 LP54175 approximately 3,127m2 by way of private treaty or public sale subject to removal of the reservation status in accordance with section 24A of the Subdivision Act 1988.</p> <p><b>Moved: Cr Kennedy, Seconded: Cr McEwen</b></p> <p><b>That Council NOT SELL this land.</b></p> <p><b>LOST</b></p> <p><b>For: Crs Kennedy, McEwen.</b> <b>Against: Crs Hutchinson-Brooks, Fawcett, Newton, Davies, Harding.</b></p> <p><b>Moved: Cr Fawcett, Seconded: Cr Brunt</b></p> <p><b>That Council SELL this land.</b></p> <p><b>CARRIED</b></p> <p><b>For: Crs Fawcett, Hutchinson-Brooks, Newton, Davies, Harding, Brunt.</b> <b>Against: Crs Kennedy, McEwen.</b></p>

2. **AGREE THAT THE REASONS FOR THOSE PROPERTIES AS SO DETERMINED BY THE SPECIAL COMMITTEE ARE AS FOLLOWS:**
  - a. **THAT EACH PROPERTY HAS BEEN THOROUGHLY ASSESSED USING THE EVALUATION MATRIX THAT WAS ADOPTED BY COUNCIL ON 23 JULY 2014.**

South Gippsland Shire Council  
Minute Excluding In-Committee

24 February 2016  
Council Chamber, Leongatha

- 
- b. THE EVALUATION MATRIX WAS THE SUBJECT OF PUBLIC CONSULTATION AND THE FEEDBACK RECEIVED FROM THE COMMUNITY WAS USED TO INFORM THE EVALUATION CRITERIA.**
    - c. THE MATTERS RAISED IN EACH SUBMISSION WERE APPROPRIATELY ADDRESSED IN THE EVALUATION PHASE.**
    - d. THAT COUNCIL HAS FOLLOWED THE REQUIREMENTS OF THE LOCAL GOVERNMENT ACT 1989 (SECTIONS 189 AND 223).**
    - e. THE DETERMINATION MADE IS CONSISTENT WITH THE OBJECTIVES OF THE COUNCIL'S LAND OWNERSHIP POLICY.**
  - 3. AGREE TO NOTIFY EACH SUBMITTER OF THE DETERMINATION AND THE REASONS AS LISTED IN RECOMMENDATION 2(A)-(E) ABOVE.**
  - 4. PROVIDE A REPORT OF THE SPECIAL COMMITTEE'S RESOLUTION FOR NOTING AT THE NEXT APPROPRIATE COUNCIL MEETING.**
  - 5. AGREE TO COMMENCE THE SALE AND MARKETING PROCESS FOR THOSE PROPERTIES DETERMINED TO BE SOLD.**
  - 6. AGREE TO COMMENCE THE STATUTORY PROCEDURES TO REMOVE THE RESERVATION STATUS IN ACCORDANCE WITH SECTION 24A OF THE SUBDIVISION ACT 1988 AND REZONE AS APPROPRIATE FOR THE FOLLOWING PROPERTIES THAT DID NOT ATTRACT SUBMISSIONS:**
    - a. 52 SHELLCOT ROAD, KORUMBURRA BEING THE LAND DESCRIBED IN CERTIFICATE OF TITLE VOLUME 9340 FOLIO 984.**
    - b. 11 MACDONALD STREET, LEONGATHA BEING THE LAND DESCRIBED IN CERTIFICATE OF TITLE VOLUME 9583 FOLIO 577.**
    - c. 6A DAVIS COURT, LEONGATHA BEING THE LAND DESCRIBED IN CERTIFICATE OF TITLE VOLUME 10235 FOLIO 892 AND VOLUME 10077 FOLIO 279.**

**MOVED: Cr Kennedy, SECONDED: Cr McEwen**

**CARRIED UNANIMOUSLY**

South Gippsland Shire Council  
Minute Excluding In-Committee

24 February 2016  
Council Chamber, Leongatha

---

**MOVED: Cr Kennedy, SECONDED Cr McEwen**

**THAT THE SPECIAL COMMITTEE MEETING RESUME IN OPEN COUNCIL  
AND THE RESOLUTION OF THE SPECIAL COMMITTEE MEETING BE  
MADE PUBLIC.**

**CARRIED UNANIMOUSLY**

**RECOMMENDATION**

That Council note the outcome of the Special Committee Meeting of Tuesday  
9 February 2016.

**MOVED: Cr Davies**

**SECONDED: Cr Fawcett**

**THAT COUNCIL NOTE THE OUTCOME OF THE SPECIAL COMMITTEE  
MEETING OF TUESDAY 9 FEBRUARY 2016.**

**CARRIED UNANIMOUSLY**