

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting Agenda

Wednesday 16 July 2025



Council Chambers, Leongatha
Commencing at 2:00 PM



*South Gippsland
Shire Council*



OUR COUNCIL PLAN VISION STATEMENT

Our South Gippsland community is connected, resilient and empowered. We value our unique townships, our rural and coastal landscapes, while balancing growth.

A prosperous region, we draw strength from: visitor experience, emerging and creative industries, our agricultural sector and natural environment. We lead with purpose, are forward thinking, and deliver consolidated and sustainable services for our community.

The Council Agenda relates to the following Strategic Objectives of the Council Plan 2025-2029.



Leading with Integrity



Developing a Sustainable Future



Empowering Communities

SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that Council Meeting of the
South Gippsland Shire Council will be held on Wednesday 16 July 2025
in the Council Chambers, Leongatha, commencing at 2:00pm

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Allison Jones
Chief Executive Officer

Privacy Statement

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.

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*.

Access to the live stream through Council's Internet is an option to view the 'open' component of a Council Meeting. Link to the Live Stream on Council's website: [Live Streaming | Live Streaming | South Gippsland Shire Council](#)

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.

Today's Meeting is being streamed live as well as recorded and published on Council's website.

Thank you

1.2. WELCOME TO THE COUNCIL MEETING

Public Questions

In accordance with *Governance Rules (C82)*, clause 56.4(d) the placement of public questions has now closed. Questions must be received prior to the commencement of the Council Meeting and placed in the receptacle at Governance Officers table. Questions received after the commencement of the Meeting will be considered at the next Council Meeting.

1.3. OPENING PRAYER

As we gather here from diverse backgrounds and beliefs, may we hold privilege with good care and trust. As we deliberate and discuss, may we be wise in our discernment, fair in our decisions and visionary in our planning. May we be guided by our common goal of a strong and united South Gippsland.

1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

We acknowledge the Bunurong and Gunaikurnai people as the Traditional Custodians of South Gippsland and pay respect to their Elders, past, present, and future, for they hold the memories, traditions, culture, and hopes of Aboriginal and Torres Strait Islander people of Australia.

1.5. APOLOGIES

Councillor John Kennedy with leave of Council granted at Council Meeting
21 May 2025

1.6. CONFIRMATION OF MINUTES

RECOMMENDATION

**That the Minutes of the South Gippsland Shire Council Meeting held on
18 June 2025 in the Council Chambers, Leongatha be confirmed.**

1.7. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS

The *Local Government Act 2020* (the Act), Division 2 sets out the requirements relating to Conflict of Interest. Disclosure of a conflict of interest in respect of a matter to be considered at a Council Meeting is required under section 130(1)(a) and specifically applies to a relevant person being a Councillor, member of a delegated committee who is not a Councillor and a member of Council staff.

Council's *Governance Rules (C82)* (the Rules), clause 3.0 Disclosure of a Conflict of Interest at a Council Meeting sets out the prescribed manner required to disclose a conflict of interest at South Gippsland Shire Council.

The Rules require a Councillor and/ or staff member who has a conflict of interest in a matter being considered at a Council Meeting to announce before the matter is considered and disclose this in a written notice to the Chief Executive Officer. The details included in the disclosure, explain the nature conflict of interest, whether it is classified as general or material (s.127 and s.128), the name of the relevant person(s) and their relationship to them.

Failure to comply with disclosures of conflict of interest (s.130) may be subject to penalty points and/ or other disciplinary measures depending on the nature of the conflict.

The *Local Government Act 2020* can be accessed from the Victorian Legislation and Parliamentary documents website at www.legislation.vic.gov.au.

Council's *Governance Rules (C82)* can be accessed from [Council's Policies](#) webpage.

1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF

The *Local Government Act 2020* (the Act), Division 2 sets out the requirements relating to Conflict of Interest. Disclosure of a conflict of interest in respect of a matter to be considered at a Council Meeting is required under section 130(1)(a) and specifically applies to a relevant person being a Councillor, member of a delegated committee who is not a Councillor and a member of Council staff.

Council's *Governance Rules (C82) (the Rules)*, Chapter 5, clause 7, 8 and 9 sets the prescribed manner required for staff to disclose a conflict of interest when:

- Preparing Reports for Meetings
- Exercise of Delegated Power
- Exercise of a Statutory Function

Council staff must immediately upon becoming aware of a conflict of interest provide a written notice to the Chief Executive Officer disclosing the conflict of interest, explain the nature of the conflict and how it will be managed. Upon becoming aware and declaring a conflict of interest, a staff member may not exercise a power or perform a function in the matter. All prepared reports will record that staff member(s) have considered a conflict of interest and include if any, the details of a disclosure.

Failure to comply with disclosures of conflict of interest (s.130) may be subject to penalty points and/ or other disciplinary measures depending on the nature of the conflict.

The *Local Government Act 2020* can be accessed from the Victorian Legislation and Parliamentary documents website at www.legislation.vic.gov.au.

Council's *Governance Rules (C82)* can be accessed from [Council's Policies](#) webpage.

Allison Jones has declared a general conflict of interest for Confidential Agenda Item 9.1 - CEO Employment and Remuneration Committee Independent Chair, as the Committee oversee matters relating to the CEO position at Council.

2. COUNCIL REPORTS

2.1. EMERGENCY SERVICES VOLUNTEER FUND IMPACT PAPER

Directorate:	Performance and Innovation
Department:	Financial Strategy

Council Plan

Theme - Leading with Integrity

This report ensures transparency in governance, advocacy for fairness, support for community wellbeing and evidence-based decision making.

EXECUTIVE SUMMARY

The purpose of this report is to examine the implementation of the Emergency Services and Volunteers Fund (ESVF), its impact on South Gippsland ratepayers, and Council's legislative and administrative responsibilities. It outlines challenges, financial implications, options for policy revision and hardship support mechanisms.

RECOMMENDATION

That Council:

- 1. Receives and notes the report on the Emergency Services and Volunteers Fund (ESVF), and:**
 - a. Continues to advocate to the Victorian Government for legislative reform to allow local governments greater flexibility in the allocation of ratepayer payments, specifically to prioritise Council rates and charges before State-imposed levies;**
 - b. Continues to clearly distinguish between Council-imposed charges and State Government levies on all rate notices and communications to ensure transparency for ratepayers;**
 - c. Enhances communication and engagement with the community regarding the ESVF, including the purpose of the levy, its impact, and available hardship support options; and**
 - d. Monitors and reviews the financial and administrative impacts of the ESVF on Council operations and ratepayer hardship, and reports back to Council with any recommended Policy adjustments.**

REPORT

1. Purpose and Use of the Levy

The ESVF is intended to fund Victoria's emergency services, including:

- Fire Rescue Victoria
- Country Fire Authority (CFA)
- State Emergency Service (SES)

These funds support operational costs, equipment, training, and volunteer support. However, the levy is collected by local governments on behalf of the State, with no direct control over how funds are allocated or spent.

2. Revenue Expectations vs. Actual Impact

- **Projected Revenue:** Approximately \$1.3 million based on 2025 Valuations in additional collections from South Gippsland in 2025/26. This was initially to be \$5 million but is now reduced following no increase to Primary Production variable rate in 2025/26.
- **Discrepancy:** While the levy is intended to equitably fund emergency services, the actual financial burden on local ratepayers—especially in rural areas—raises concerns about fairness and transparency.
- **Volunteer Rebate:** Although a rebate for CFA and SES volunteers was proposed, the State Government will now administer this directly, reducing Council's administrative load but also limiting local influence.

3. Overview of Challenges for Council

The implementation of the Emergency Services and Volunteers Fund (ESVF), replacing the Fire Services Property Levy (FSPL), presents several administrative and community challenges for South Gippsland Shire Council:

- **Administrative Complexity:** Changes such as the reclassification of property categories and the introduction of new rate types (e.g., Principal Place of Residence vs. Non-PPR) may require software updates and staff training.
- **Customer Service Pressure:** Increased community confusion and dissatisfaction are already leading to higher call volumes and complaints, particularly around payment obligations and levy increases.
- **Legislative Constraints:** Under the *Fire Services Property Levy Act 2012*, Council is legally required to proportionally allocate payments between Council rates and the levy. This limits Council's ability to prioritise local charges over State-imposed levies.
- **\$4 million** has been made available to support all Councils to implement changes to the levy, though the quantum per Council is unknown (South Gippsland Shire currently receives approximately \$70 thousand to collect the Fire Services Levy).
- The Victorian Government helpline phone number is yet to be released.

- Updates to rates notices are yet to be finalised.

4. Impact on Ratepayers

- **Financial Burden:** An estimated \$1.3 million in additional charges will be collected from South Gippsland ratepayers in 2025–26 due to the ESVF (previously to be \$5 million but is now reduced following no increase to Primary Production variable rate in 2025/26).
- **Rate Increases:**
 - Residential and Commercial: Doubling of variable rates.
 - Industrial: Significant increases, affecting approximately 400 properties.
 - Primary Production: No increases to variable rates in 2025-26 on 3,200 properties. Coupled with the 2025 revaluation there is an estimated reduction in ESVF for 2025-26.
- **Equity Concerns:** Farmers and rural landowners may be disproportionately impacted in future years due to high Capital Improved Values (CIV), despite limited access to emergency services.

5. Options for Rates and Charges Policy

While Council is constrained by legislation, the following options are under consideration:

- **Policy Advocacy:** Lobby the State Government to amend legislation to allow Councils to apply payments to local Council rates before State levies.
- **Transparent Billing:** Continue to clearly separate Council and State charges on rate notices.
- **Payment Flexibility:** Increase promotion of payment plan options to help ratepayers manage increased costs.

6. Council Support for Financial Hardship

Council remains committed to supporting residents experiencing financial hardship:

- **Hardship Policy:** Existing provisions allow for payment plans, deferrals, and interest waivers in cases of genuine hardship.
- **Increased Demand:** A rise in hardship applications is anticipated, requiring additional resources and potentially impacting Council's cash flow.

- Community Engagement: Council will proactively communicate support options through customer service, digital platforms, and community outreach.

7. Communication, Advocacy and Transparency

Council remains actively engaged in opposing the Emergency Services Volunteer Fund Levy through its advocacy efforts with the Victorian Government.

Council is developing a comprehensive communication strategy to ensure ratepayers understand:

- What charges are local vs. State-imposed
- Why the ESVF is being collected
- What support is available for those in hardship

This will include updates via rate notices, the Council website, social media, newsletters, and community forums.

The rates notice is intended to clearly separate the Victorian Government taxes from Council rates and charges, such as:

AusPost Barcode (4 Payments)		AusPost Barcode (9 Payments)	
Council Rates and Charges		<u>Rate in \$ on CIV</u>	Subtotal of Council Charges

CONSULTATION / COMMUNITY ENGAGEMENT

Stakeholder engagement to the Victorian Government through ongoing advocacy and correspondence regarding legislative constraints and the financial burden on local communities.

RESOURCES / FINANCIAL VIABILITY

The implementation of the Emergency Services and Volunteers Fund (ESVF) will have several financial implications for South Gippsland Shire Council:

- Administrative Costs: While no major software upgrades are currently required, the reclassification of property categories and potential future changes (e.g. Principal Place of Residence vs. Non-PPR) may necessitate system updates and staff training.

- **Customer Service Resourcing:** Increased call volumes and community inquiries are already placing pressure on customer service teams. Additional staffing or extended service hours may be required, particularly during rate notice periods.
- **Cash Flow Monitoring:** With anticipated increases in payment plan requests and hardship applications, Council will need to closely monitor cash flow to ensure operational stability.
- Council is expected to collect revenue on behalf of the State Government in 2025–26. These funds are not retained by Council and must be remitted quarterly to the State Revenue Office, as per the *Fire Services Property Levy Act 2012*. Council bears the administrative burden of collection without direct financial benefit, which may impact internal resource allocation.
- Council's hardship policy may result in deferred or reduced revenue from ratepayers experiencing financial stress. Additional resources may be required to process and manage hardship applications, including staff time and system support.

RISKS

The implementation and administration of the Emergency Services and Volunteers Fund (ESVF) presents several risks to Council operations, community trust, and financial sustainability:

Financial Risks

- **Cash Flow Disruption:** Increased hardship applications and payment plans may delay revenue collection, impacting Council's ability to fund services.
- **Administrative Costs:** Unbudgeted resourcing needs (e.g. staffing, system updates) may place pressure on operational budgets.

Reputational Risks

- **Community Perception:** Confusion over the origin and purpose of the ESVF may lead to negative sentiment toward Council, despite the levy being a Victorian Government initiative.
- **Volunteer Rebate Expectations:** Misunderstandings about Council's role in administering the volunteer rebate could result in dissatisfaction among CFA and SES members.

Legislative and Compliance Risks

- **Non-Compliance:** Failure to proportionally allocate payments or remit levy funds on time could result in breaches of the *Fire Services Property Levy Act 2012*.

- **Policy Constraints:** Council's inability to prioritise local rates over State levies may limit its responsiveness to community needs.

Operational Risks

- **Customer Service Overload:** Sustained increases in inquiries and complaints may overwhelm frontline staff, affecting service quality and staff wellbeing.
- **System Limitations:** Potential software limitations in accommodating new property classifications (e.g. PPR vs. NPR) could delay implementation or require costly upgrades.

Strategic Risks

- **Policy Misalignment:** The ESVF may conflict with Council's strategic goals around equity, rural support, and financial sustainability, requiring careful advocacy and communication.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Attachments are available on Council's website at the following [LINK](#).

Nil

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 4. Structure, Systems & Policies

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

Rates and Charges Hardship Policy (C53)

Legislative Provisions

Local Government Act 2020

Regional, State and National Plan and Policies

Nil

2.2. ACCESS AND INCLUSION ADVISORY GROUP - NEW MEMBERS EXPRESSIONS OF INTEREST

Directorate:	Future Communities
Department:	Community, Customer and Visitor

Council Plan

Theme - Empowering Communities

An active Access and Inclusion Advisory Committee supports the positive representation of people experiencing barriers to access and/or inclusion, and implementation of the Municipal Public Health and Wellbeing Plan.

EXECUTIVE SUMMARY

The purpose of this report is to consider a community representative Expression of Interest submission for membership of the South Gippsland Shire Council Access and Inclusion Advisory Committee (the Committee).

RECOMMENDATION

That Council thank the community representative for their submission and endorse their membership in Confidential Attachment [10.1.1] to the South Gippsland Shire Council Access and Inclusion Advisory Committee.

REPORT

South Gippsland Shire Council is committed to supporting universal access and inclusion. To support this commitment, Council convenes an Access and Inclusion Advisory Committee (the Committee) to provide Council with advice on access and inclusion opportunities and barriers within South Gippsland.

The Access and Inclusion Advisory Committee Terms of Reference allow membership to comprise of a maximum of nine community members, and five organisations with an access and inclusion focus. The Committee currently has eight community representatives and four organisation representatives. An Expressions of interest process for community representatives and for representatives from organisations has been open to allow for filling of vacancies.

One expression of interest (community representative vacancy) (Confidential Attachment [10.1.1]) has been received in May and meets the required selection criteria of, lived experience in advocating for someone with access and/or inclusion barriers, and the ability to consider universal access and inclusion from many points of view.

This report recommends Council endorse the submission, thank the submitter and invite them to participate on the Committee.

CONSULTATION / COMMUNITY ENGAGEMENT

Expressions of Interest in participating in the Access and Inclusion Advisory Committee are open when there are vacancies. All expressions of interest are compared to selection criteria, and all eligible submitters are contacted for a conversation around expectation and requirements for participation before requesting endorsement from Council.

The open Expression of Interest process for community representatives will close following acceptance of the submission as all vacancies in this category can be considered filled.

RESOURCES / FINANCIAL VIABILITY

The Access and Inclusion Advisory Committee is supported by the Community Development Team and is included in the current operational budget.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Attachments are available on Council's website at the following [LINK](#).

Nil

CONFIDENTIAL ATTACHMENTS

The consideration of confidential information in a closed session of Council is in accordance with s.66(2)(a) and s.66(5)(a) and (b) of the *Local Government Act 2020*.

Confidential Attachment – Expressions of Interest – Access and Inclusion Advisory Committee New Member [10.1.1] is to be read in conjunction with the Council Report 2.2 listed in the open Council Meeting Agenda 16 July 2025, Access and Inclusion Advisory Committee – New Member.

The consideration of confidential information in a closed session of Council is in accordance with section 66(2)(a) and s.66(5)(a) and (b) of the Local Government Act 2020, s.3(1)(f) - personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

The grounds for designation have been made to protect the privacy of an individual's personal information.

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

Pillar 3. Decision Making

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

Community Strengthening Strategy

Legislative Provisions

Disability Act 2006

Disability Discrimination Act 1992

Equal Opportunity Act 2020

Gender Equity Act 2020

Regional, State and National Plan and Policies

Nil

2.3. GIPPSLAND ALLIANCE FOR CLIMATE ACTION (GACA)

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Planning

Council Plan

Theme - Developing a Sustainable Future

There are advantages in collaborating with other Council's to achieve a sustainable future.

EXECUTIVE SUMMARY

The purpose of this report is to seek endorsement for Council's continued involvement in the Gippsland Alliance for Climate Action for five years, through the signing of a Memorandum of Understanding (MOU).

RECOMMENDATION

That Council authorise the Chief Executive Officer to sign the Gippsland Alliance for Climate Action Memorandum of Understanding (MOU) for a period of five years.

REPORT

The Gippsland Alliance for Climate Action (GACA) is an alliance of five Gippsland councils (South Gippsland, Baw Baw, Wellington and East Gippsland Shire Councils, along with Latrobe City Council) formed in mid-2022.

South Gippsland Shire Council is a founding member of GACA, has been an active member of the Alliance for the past three years, and was instrumental in its formation.

GACA arose out of a Major Initiative of South Gippsland Shire Council's 2022/23 Council Plan:

"to establish a 'Gippsland Alliance for Greenhouse Action' with the Gippsland councils to create a shared vision, partner on the development and delivery of projects which will mitigate greenhouse gas emissions and adapt communities to changing climate".

Working with our partner councils, an MOU was signed with the Gippsland Climate Change Network to act as the auspicing body for the Alliance – a structure which has served all member councils and the Alliance well and is proposed to continue into the next five-year term.

Council has benefitted significantly from our membership of GACA over the past three years, through participation in a number of projects, including:

- Evaluation of online utility bill and emissions monitoring platforms, leading to the adoption of Trellis for Council's emissions monitoring and utility data management
- Electrification of council facilities study, providing a detailed study and cost-benefit analysis of the electrification of the Toora Pool
- Climate risk mapping of the Welshpool / Port Welshpool coastal area, highlighting areas of concern due to present and future climate hazards
- Commencement of electric vehicle transition planning for SGSC's vehicle fleet
- Neighbourhood battery business case development and a successful grant application to the 100 Neighbourhood Batteries program for a back-up battery at the Korumburra Indoor Recreation Centre.

Not only have these projects aided Council in terms of knowledge gained and services delivered, but membership of GACA has also brought significant financial benefit to Council.

Over the past three years, Council's involvement in GACA has resulted in the following financial benefit to Council:

- \$10,000 per annum bulk-buy discount on our Trellis subscription through bulk purchasing agreement
- \$125,000 seed funding for GACA obtained from DEECA (shared by member councils)
- \$32,000 from Emergency Management Victoria (EMV) for risk mapping project (\$8,000 benefit to SGSC)
- \$261,944 obtained from 100 Neighbourhood Batteries grant program for a back-up battery at the Korumburra Indoor Recreation Centre.

Further, Council is also in line for an additional \$36,900 in funds due to a pending grant application by GACA and other greenhouse alliances to the *Disaster Ready Fund* for the Reducing Climate Risk in the Regions project.

In addition, through GACA, Council has been able to contribute to a number of advocacy pieces collaboratively with the Victorian Greenhouse Alliances, such as the Electricity Distribution Price Review process, which saved Victorian councils \$33 million over the previous 5-year review period.

GACA's Strategic Review for its inaugural three-year period from 2022 - 2025 (refer to **Attachment [2.3.1]**) outlines some of the highlights in more detail, along with many other achievements and benefits to Council of our membership.

The updated MoU (refer to **Attachment [2.3.2]**) for the upcoming five-year period largely mirrors the existing MoU, with some minor changes around staffing

arrangements for the GACA Coordinator, to bring it in line with current workplace laws.

FINANCIAL IMPLICATIONS

The cost to Council of membership is \$63,000 over 5 years (\$12,600 per annum) and can be accommodated in operational budgets.

Membership fees are paid annually in advance.

As outlined in the Report above, the financial benefits of Council membership have been, and will continue to be, significant. In summary, Council's membership of GACA has resulted in around \$293,000 in grants funding – most of which would have been impossible without being a member of the alliance – as well as ongoing savings of \$10,000 per annum in subscription costs for services to Council.

In addition, membership of GACA allows Council to contribute to numerous advocacy pieces collaboratively with the other Victorian greenhouse/climate alliances; for example, the Electricity Distribution Price Review process through which Victorian councils saved \$33 million over the previous 5-year period.

Council's continuing involvement in GACA ensures these types of ongoing financial benefits to Council will continue into the future.

Membership of GACA is one of the lowest, if not the single lowest cost annual membership of all the Victorian greenhouse / climate alliances, and South Gippsland Shire's portion of the total operational cost of GACA is the lowest of the five members, due to our proportionally smaller size.

CONSULTATION / COMMUNITY ENGAGEMENT

Nil

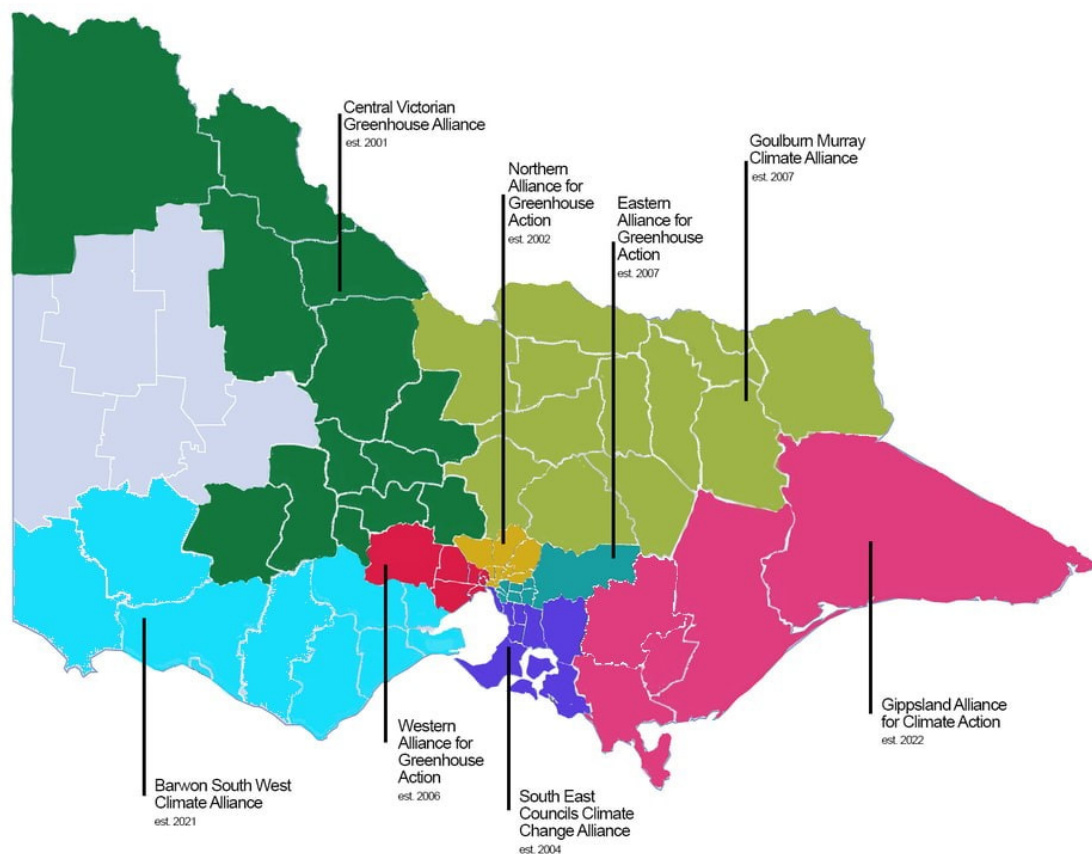
RESOURCES / FINANCIAL VIABILITY

The required resources will be funded from the operational budget of the Sustainability Department.

RISKS

There is a reputational risk to Council in not continuing membership of GACA, in that South Gippsland would be the sole council in a region of Victoria covered by an alliance to not be a member of an alliance. At present, 74 of the 79 Victorian LGAs are members of a council greenhouse / climate alliance, with only five councils in the far west of the state yet to form an alliance or join a neighbouring alliance.

Figure 1: Alliances across the State



Options

There are three main options available to Council:

1. Remain a member of GACA, contributing around \$12,000 annually and continuing to benefit from GACA projects and potential future grant funding.
2. Withdraw from GACA and no longer be a member of GACA or any other greenhouse alliance. This would result in the loss of benefits outlined above, including ease of access to grant opportunities, loss of information gained through joint projects, lost networking opportunities, and inability to influence advocacy priorities and work of both GACA and the broader Victorian greenhouse alliances.
3. Join an alternative greenhouse/climate alliance. Bass Coast Shire Council has been a member of the South East Council's Climate Change Alliance (SECCCA) for some time, joining prior to the formation of GACA. South Gippsland Shire Council could explore joining SECCCA; however, this would come at considerable extra cost, with annual membership of SECCCA costing between \$35,000 and \$75,000 depending on options. In comparison, GACA costs are less than \$13,000 per annum.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Attachments are available on Council's website at the following [LINK](#).

1. Gippsland Alliance for Climate Action - 3 Year Review Report - 2022-2025 [2.3.1 - 15 pages]
2. SGSC MOU Gippsland Alliance for Climate Action 2025-2030 [2.3.2 - 14 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

Sustainability Strategy

Legislative Provisions

Nil

Regional, State and National Plan and Policies

Nil

The background of the slide is an aerial photograph of a wind farm. Several white wind turbines are visible in a vast green field. In the foreground, there is a small, dark blue pond. A line of trees runs diagonally across the middle ground. The sky is clear and blue. The overall scene is bright and sunny.

GIPPSLAND ALLIANCE FOR CLIMATE ACTION

STRATEGIC REVIEW

2022-2025

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ACKNOWLEDGEMENT OF COUNTRY

Gippsland Alliance for Climate Action acknowledges the Gunaikurnai, Bunurong, Bidwell, and Ngarigo-Monero people as the Traditional Custodians of the lands across where we work, and that sovereignty has never been ceded. We pay respect to Elders past, present, and emerging.

We recognise the invaluable knowledge and role First Nations people have in caring for Country, and both mitigating and adapting to climate change.

Overview of GACA

Gippsland Alliance for Climate Action (GACA) is a formal collaboration of councils across Gippsland working the causes and impacts of climate change. GACA works with member councils to deliver regional climate mitigation and adaptation projects, and provides a critical platform for collaboration and information sharing.

GACA was established in 2022 due to the recognised benefits of being part of a Greenhouse Alliances, which has been an effective model of regional collaboration in Victoria since 2000. GACA is one of eight Greenhouse Alliances which work together as the Victorian Greenhouse Alliances on state-wide projects, initiatives and advocacy.

Member councils



Vision

Gippsland councils collaborating to create effective climate action and build capacity across the region.

Shared Goals



Governance and initial MOU period

GACA is auspiced by the [Gippsland Climate Change Network \(GCCN\)](#), a not-for-profit organisation working on climate change across Gippsland. GCCN is responsible for employing the GACA Coordinator and managing GACA finance. An initial three-year MOU was signed between Latrobe City, South Gippsland, East Gippsland and Wellington Shire Councils and GCCN in July 2022, with Baw Baw Shire Council joining GACA in July 2023.

Member councils determine the direction and priorities of GACA, and have equal contribution and voting rights. Strategic and Action Plans developed with members set the key projects and strategic priorities that GACA focuses on.

GACA undertakes its work under the guidance of:

- The Executive Committee, responsible for strategic and financial oversight
- The Steering Committee, which guides GACA operations
- Project Working Groups, delivering individual GACA projects
- The GACA Coordinator, responsible for management of GACA projects and operations, employed as 0.6EFT.

Funding

The majority of GACA's income is from annual membership fees paid by member councils. A grant of \$100,000 from the Department of Energy, Environment and Climate Action (DEECA) was awarded in 2022, which subsidised membership fees during the first three financial years (FY) of operation in order to support the initial set-up phase.

Operational costs for GACA include the 0.6EFT Coordinator role, staff on-costs, the auspicing fee, and other small expenses such as the website. Grants from DEECA and Emergency Management Victoria have supported the implementation of GACA projects during the initial three-year period.

The GACA Executive Committee reviewed the budget for the new MOU period starting in the 2025/2026 financial year, and agreed that going forward membership fees would be required to match operational costs. Project costs will be funded separately, either by member councils, or through grants and other sources of external funding.

Overview of the first three years of operation

Summary of achievements

Gippsland Alliance for Climate Action has had a successful first three years of getting established and delivering outcomes for our members.

A Strategic and Action Plan was created at the beginning of 2023, which set out GACA's strategic direction and identified six focus projects. The GACA Project Working Groups have been delivering on those projects, including acquiring a successful grant for the delivery of the climate risk mapping work; engaging with staff to support the EV Fleet Transition Plan and the ESD Policy for Council Buildings; leading electrification audits for council facilities; and securing cost savings to councils through group procurement of emissions monitoring and utilities management software.

GACA also continued working with other Victorian Greenhouse Alliances on state-wide projects including the Regional Greenhouse Alliances Neighbourhood Battery Initiative, with business cases developed for neighbourhood batteries; the Victorian Climate Resilient Councils program, which is supporting councils to build resilience and adaptive capacity to climate change impacts; the Business Renewables Buying Group, which is facilitating large energy consuming businesses to purchase renewable energy; and the Victorian Greenhouse Alliances Conference, the highest profile local government climate change conference in Australia.

GACA has been engaged in advocacy, working with the other Alliances on stakeholder engagement and submissions to new or reformed state and federal policy such as Victoria's Climate Strategy, the Infrastructure Strategy, the Plan for Victoria, Inquiry into Climate Resilience, VicGrid's community benefits model and study areas, and the Electricity Distribution Price Review.

GACA continued to provide a critical platform for networking and sharing of information amongst the councils, with regular council meetings held, as well as sharing of key opportunities and up to date information from across the local government sector.

Key milestones

- Development of a prospectus assessing the opportunity for establishing a Greenhouse Alliance in Gippsland - March 2022
- GACA formalised in August 2022, with MOUs created between councils and the auspicing body Gippsland Climate Change Network, detailing the Terms of Reference and governance arrangements

2023 Annual Review Report



- GACA Coordinator employed by late September 2022
- Strategic planning session identifying key goals and actions - November 2022
- Strategic and Action Plan created (outlining an 18-month plan for action), by March 2023
- Project plans developed for six key projects by June 2023, detailing project scope and assessing timelines for delivery
- Emissions and utilities monitoring project finalised by September 2023, with councils onboarding the software solution over the following year
- Engagement across member councils, including presentations to executive leadership teams, and surveys of council teams for the ESD and EV fleet projects
- Grant awarded in May 2024 from Emergency Management Victoria's Risk and Resilience grant program for the Gippsland Climate Risk Mapping project, and implementation of the project - to be completed by May 2025
- Completion of the electrification assessment project across ten council facilities
- EV Fleet Transition project underway, with a business case in development and engagement of fleet teams
- Successful annual Victorian Greenhouse Alliance's Conferences held, including GACA led sessions
- GACA presentations at the annual Gippsland New Energy Conferences
- Supporting the Central Victorian Greenhouse Alliance-led project to develop neighbourhood battery business cases for participating regional councils, including GACA members, followed by the delivery of batteries through the 100 Neighbourhood Batteries Program
- Presentation to the Parliamentary Inquiry into Climate Resilience
- Facilitation of member council participation in a Disaster Ready Fund grant application, for a Regional Climate Change Risk Assessment project, led by the Goulburn Murray Climate Alliance

How we have been achieving our strategic goals

Strategic goals	Actions towards goal
Taking action to mitigate climate change and transition to zero emissions across all sectors for councils and Gippsland communities	<ul style="list-style-type: none"> ➤ Implementation of the electrification project for small council facilities, to enable decarbonisation of council buildings ➤ Implementation of the emissions and utilities monitoring project ➤ Implementing the EV Fleet Transition project ➤ Scoping of the ESD Policy for council ➤ Supporting councils in the business case development and implementation of neighbourhood scale batteries ➤ Advocacy on critical state and national policy enabling emissions reduction and climate mitigation
Building understanding, preparedness, adaptive capacity and resilience to climate impacts for councils, communities and the natural environment across Gippsland	<ul style="list-style-type: none"> ➤ Implementing the Gippsland Climate Risk Mapping Project ➤ Facilitation of Gippsland Council participation in the Regional Climate Change Risk Assessment project ➤ Supporting member workshops sharing lessons from climate risk projects ➤ Contribution to the Victorian Climate Resilient Councils program ➤ Advocacy on critical state and national policy supporting climate risk and resilience
Enhancing climate knowledge, organisational capacity and best practice of councils, with climate outcomes embedded within governance practices and a whole of council approach	<ul style="list-style-type: none"> ➤ Regular monthly Steering Committee meetings, with knowledge sharing and problem solving a key feature ➤ Co-delivery of the annual Victorian Greenhouse Alliances Conference ➤ Sharing opportunities from state and regional stakeholders, including funding and training
Supporting communities across Gippsland to understand and build capacity to act on climate change, and actively participate in the transition to a low carbon economy	<ul style="list-style-type: none"> ➤ Engagement and advocacy in the renewable energy transition taking place in Gippsland, including the VicGrid consultations ➤ Supporting the development of the community focused section of the New Energy Portal
Forming partnerships and advocating to create greater impact and enact regional scale solutions to the common challenge of a changing climate	<ul style="list-style-type: none"> ➤ Engagement with other levels of Government, e.g. DEECA and DCCEWW through regular meetings ➤ Regional networking e.g. through contribution to the Gippsland New Energy Conference ➤ Regular collaboration and knowledge sharing with host Gippsland Climate Change Network

Benefits and value for member councils

Member councils have communicated through both structured evaluation and ongoing feedback that there is a high value in being a part of GACA.

Benefits identified by members include:

Regional information sharing

Regular networking and information sharing with other Gippsland councils, providing a platform to share solutions and discuss common problems.

Collaborative regional projects

Delivery of regional climate projects, with the benefits of working as a group including:

- reduced and shared project costs
- project efficiencies
- sharing learnings and knowledge
- elevating projects that the council may not have been undertaken otherwise.

State-wide connection and opportunities

Connection with state-wide projects, opportunities and best practice knowledge sharing through the other Greenhouse Alliances and other stakeholders.

Advocacy

Advocacy on a range of key state and federal climate policies, strategies and issues, providing a Gippsland regional perspective within a broader local government agenda.

Membership of GACA offers significant **financial value and return on investment**, through:

- The efficiencies of a shared Alliance coordinator, delivering climate outcomes for all member councils
- Reduced costs to councils through collaborative projects and group procurement
 - e.g. thousands saved each year for each council through the group procurement of emissions and utilities monitoring software
- Sourcing of external grant funding to enable councils to undertake shared projects;
- Advocacy resulting in financial savings for councils
 - e.g. cost savings to councils through the AusNet Electricity Distribution Price Review process.

Projects

Key GACA projects

GACA has been working with representatives from all councils on the Project Working Groups to initiate and deliver the key projects identified through strategic planning sessions, and outlined in our Strategic and Action Plan.

Emissions monitoring project

Project description: This project involved identifying and improving emissions and utilities monitoring systems for member councils, in order to improve efficiencies and reduce staff resourcing, and incorporate best practice emissions monitoring methodology.

Project process and outcomes: GACA member councils identified that the current emissions monitoring methodology and processes used by their council was typically manual and required a large amount of staff resourcing. It was identified that efficiencies and cost savings through reduced staff time could be gained by using emissions monitoring and utilities management software. These software options also provided councils additional benefits of being able to track utilities and identify any issues such as leaks or unusual patterns of use.

It was also identified that councils wanted to expand and improve on their emissions monitoring methodology in line with best practice, for example including landfill emissions and Scope 3 emissions.

Through a group procurement process to identify and evaluate providers of emissions and utilities monitoring software, a preferred supplier Trellis was appointed.

GACA negotiated a discount for councils, of ~17% per council, as well as the removal of annual CPI for contracts.

Status: The emissions monitoring project was completed in September 2023. All five councils signed up to the Trellis program throughout 2023 and 2024, and have been continuing to work to onboard the platform.

Climate risk mapping project

Project description: The Gippsland Climate Risk Mapping project is assessing place-based climate risk across Gippsland, in order to build a more accurate understanding of climate risks and their variance geographically. Climate risks are being mapped using a spatial tool, with assets such as roads and buildings identified, and the likely hazards and impacts to assets assessed. Pilot areas for participating councils are being done initially, with a potential to expand this work in the future.

Project process and outcomes: This project was initiated due to the need to identify and

understand the increasing climate risks that are facing both councils and communities across Gippsland. In order to plan for and increase resilience to climate hazards, councils identified that the first step needed was detailed climate risk assessments.

In April 2024, GACA was successfully awarded a grant from Emergency Management Victoria's Risk and Resilience program to support the implementation of the Gippsland Climate Risk Mapping Project. This funding was matched by council co-contributions, as well as GACA in-kind project management time.

Following the grant being awarded, GACA has been working with the four participating councils to implement the project. A workshop and further 1:1 engagement was undertaken with teams across the four councils including risk, planning and GIS teams, to gain broader council input into the project. A procurement process was undertaken to find a suitable consultant to develop the climate risk assessment and spatial analysis tool.

The chosen provider, Spatial Vision, has been working with GACA on the project. This has involved identifying the key hazards, vulnerabilities and priority assets for the study areas. Spatial Vision have also provided an additional output of a regional climate risk map for the whole of the council areas, which assesses climate hazards but does not incorporate vulnerability. Spatial Vision will complete the delivery of the detailed climate risk mapping component for the four study areas in April 2025, following by further workshops and internal engagement. The project will be finalised by the end of May 2025, with final reporting to Emergency Management Victoria.

Status: Near completion, to be finalised by May 2025.

Electrification of council buildings

Project description: The project aim is to assess the opportunities to electrify and remove gas from within council facilities. The project was scoped for two classes of council facilities: smaller facilities such as community centres or sporting facilities, and larger aquatic centres.

Project process and outcomes: In 2024, an electrification project was delivered for small council facilities. Two facilities per member council were chosen for this project, with a total of ten facilities. The facilities were currently using gas or oil for a mix of hot water, cooking and heating.

A consultant was engaged to assess the best opportunities for replacing these gas and oil appliances with an electric equivalent, and identifying the associated capital and operational costs. The council staff attended the on-site assessments with the consultant, offering an opportunity for learning, and a training session was conducted outlining the electrification assessment process and considerations.

For larger facilities such as aquatic centres, GACA will continue to look for collaborative grant opportunities, as external funding will be necessary for this large-scale investment. Grants such as the Community Energy Upgrade Fund or the AusNet Resilience grant may be appropriate for a group application.

Status: Project completed for small council facilities in 2024.

Electric Vehicle Fleet Transition Plan

Project description: Council specific EV Fleet Transition Plans will be developed for each participating council, focusing on light fleet. These plans will outline over a 10-year period the phased approach to adopting EVs within the council's light fleet, and incorporate a business case. This will include assessment of council's current fleet and usage, the types of EVs available on the market, the estimated transition costs, and the associated EV charging infrastructure and charging from home policy decisions needed. These plans will also assess regional scale opportunities and challenges, such as maintenance and servicing.

Project process and outcomes: It was identified that the development of the EV fleet transition plans needed to be informed by an EV consultant to assist with the analysis of the fleet transition opportunities and the development of a business case. GACA councils will be participating in a no-cost trial of a fleet analysis platform throughout 2025, working with EV fleet experts. This will assess the fleet data, analyse EV replacement options, compare total cost of ownership, and assess charging infrastructure requirements. Following that, a consultant will be sought to provide further detail on the business case if needed, or for other aspects of the project such as supporting the adoption of EVs within council.

Engagement with council fleet teams began in late 2023/early 2024 with a survey that was sent out, which sought to understand available fleet data, as well as opportunities and barriers for the adoption of EVs. Workshops with fleet teams in April 2025 focused on increasing involvement and understanding of the project and ensuring it is an ongoing collaboration between fleet and sustainability teams.

Status: Underway, to be completed in the 2025/2026 financial year.

Environmentally Sustainable Design Council Buildings Policy

Project description: An Environmentally Sustainable Design (ESD) Policy will be developed for council buildings and infrastructure, which will outline clear requirements for different project scales and types. The intention is that GACA councils can amend as needed and adopt this as formal policy. A more detailed checklist, or an ESD tool, will be developed to be used in conjunction with the policy, and will provide more detail on specific requirements such as energy efficient design elements and equipment.

Project process and outcomes: The project plan has been developed, with the scope, deliverables, and timeline for this work identified, but the majority of this project will take place in the 2025/2026 financial year. A survey was sent out in late 2023/early 2024 to council teams to identify current practices across councils, and interest in embedding ESD outcomes. GACA has also gathered ESD policies and templates from other councils and Greenhouse Alliances, which will be used as a best practice guide.

This project will be delivered by the GACA Coordinator in 2025, with support from the Project Working Group. An Environmentally Sustainable Design (ESD) Policy will be developed that will apply to council buildings and infrastructure, which will outline clear requirements that must be met for different project scales and types. Guidelines will be developed outlining appliances and materials. An ESD checklist will either be created, or a subscription to an existing ESD tool will be facilitated.

Status: To be implemented in 2025/2026 financial year.

Communications and engagement

Project description: This work area aims to support the internal capacity of councils through engagement programs or supporting communications collateral. It consists of two main areas: engagement workshops for staff and councillors on relevant climate topics or key GACA projects; and the development of externally facing communications and engagement material, which will support council efforts in community or business engagement and ensure consistent messaging across Gippsland.

Project process and outcomes: Internal engagement efforts have included presenting to the executive leadership team at councils; contributing to the development of councillor training from the Municipal Association of Victoria; and engaging council teams through workshops around GACA projects. Further engagement activities will support the other GACA projects, with workshops aimed at up-skilling teams in those areas, such as workshops about Environmentally Sustainable Design or climate risk.

The other component of this project will be to support community engagement on climate change, through providing communications materials that councils can use. For example, GACA can provide materials for councils around promoting current electrification opportunities to their communities, or to communicate climate risks during summer. In this way, communications about climate change can be consistent across the region.

A potential future project was identified around councils' scope 3 emissions and low emissions procurement. This project needs to be scoped, but could involve supporting councils to engage with their suppliers from across Gippsland on an emissions reduction pathway.

Status: Delivery will be ongoing, due to many different delivery components.

Additional state-wide projects

Victorian Greenhouse Alliances Conference

GACA has been working over the last few years with the other Greenhouse Alliances to deliver the annual [Victorian Greenhouse Alliances Conference](#) (VGAC). VGAC is the highest profile local government climate change conference in Australia, which brings together Victorian local government councillors, executive leaders and officers working on and interested in climate change projects and advocacy. VGAC is a highly successful event, with typically over 400 participants, and excellent feedback from attendees. Each year there is a broad program highlighting a variety of climate change mitigation and adaptation projects, including sessions developed and led by GACA.

Regional Greenhouse Alliances Neighbourhood Battery Initiative Project and 100 Neighbourhood Batteries implementation project

GACA has been working with the project lead the Central Victorian Greenhouse Alliance, and the Goulburn Murray Climate Alliance, on this regional project to deliver neighbourhood batteries for councils across regional Victoria. A successful grant from the Victorian Neighbourhood Battery Initiative funded the development of investment-ready business cases for neighbourhood batteries for 20 participating councils, including four GACA councils. The business cases were for batteries on critical community facilities, with a focus on emergency resilience. Following this, a successful grant from the 100 Neighbourhood Batteries program was awarded, and will support the implementation of batteries across regional councils, including three sites in Gippsland.

Business Renewables Buying Group

The [Business Renewables Buying Group](#) is a state-wide program involving councils from across Victoria, including Gippsland. It is supporting businesses that are medium to large electricity consumers to transition to renewable electricity, with the recent round successfully securing ~82 GWh of renewable electricity contracts. Participating councils are conducting outreach and support for those businesses in their municipalities to access this opportunity. GACA is a member of the Project Working Group, attending fortnightly meetings to guide the project, and facilitating Gippsland councils to join the program.

Victorian Climate Resilient Councils

The [Victorian Climate Resilient Councils](#) (VCRC) program aims to support councils across the state to build capacity to respond to climate risks, including clear guidance and a tool-kit of resources. It is led by the Western Alliance for Greenhouse Action (WAGA), and supported GACA and the other Alliances through the Project Steering Committee. GACA supports facilitated engagement between Gippsland councils and the VCRC program, including dedicated meetings, and inviting Gippsland councils to participate in VCRC program offerings. The two-year development phase in 2023-2024 is complete, and is now being followed by implementation and roll out of the program.

Advocacy and engagement

Advocacy

GACA supports improved climate outcomes for member councils through strategic advocacy on key state or national issues related to climate change, representing the unique role and challenges of local government, and the Gippsland region.

One of the main avenues for advocacy is in collaboration with the Victorian Greenhouse Alliances, who successfully and regularly work together on joint advocacy campaigns. VGA regularly make submissions on key policies and strategies, including:

- Victoria's Climate Strategy 2025-2030
- Victoria's Infrastructure Strategy
- The Parliamentary Inquiry into Climate Resilience
- Plan for Victoria
- VicGrid's Draft Victorian Transmission Plan Guidelines
- Minimum Standards for Renters
- Fuel Efficiency Standards
- The Future Gas Strategy
- Australia's Nationally Determined Contributions (NDC) and 2035 emission reductions target
- Parliamentary Inquiry into the 2022 Flood Event in Victoria
- National Health and Climate Strategy
- Transport and Infrastructure Net Zero Consultation Roadmap
- Inquiry into the implications of severe weather events on the national regional, rural, and remote road network
- Review of the Safeguard Mechanism.

GACA also advocates for member councils and improved climate outcomes through dedicated meetings and discussions with officials and federal and state agencies, including:

- Presenting to the Victorian Parliamentary Inquiry into Climate Resilience 2024
- Attending regional workshops on VicGrid's Community Benefits Plan
- Creating letters and attending meetings on ESD and climate opportunities for the Gippsland Regional Package
- Engagement with the National Net Zero Authority, discussing key issues and needs of

affected Gippsland communities and councils in the transition to a zero emissions economy

- Meetings between VGA, Department of Climate Change, Energy, the Environment and Water, and the Department of Energy, Environment and Climate Action, to discuss a pilot for multi-level governance and cooperation
- Regular meetings with the Department of Energy, Environment and Climate Action, including quarterly meetings with the central DEECA team through the VGA, and meetings with the Gippsland regional DEECA staff.

A more in-depth advocacy project currently being worked on across the Victorian Greenhouse Alliances is a technical analysis and evaluation of the Electricity Distribution Price Review (EDPR), where distributors set the energy pricing for the next five years. The aim is to save councils money from public lighting charges, with VGA having successfully negotiated millions of savings for councils through previous EDPR periods.

The Victorian Greenhouse Alliances and the Council Alliance for a Sustainable Built Environment (CASBE)'s advocacy campaign "Planning for a Safe Climate" had major wins in 2024, with a key ask of the campaign being implemented in the [March 2024 amendments Victoria's Planning and Environment Act](#). These amendments "require consideration of climate change when making planning decisions about the use and development of land under the act and for other purposes, which includes greenhouse gas emissions, reductions targets and increased climate resilience".

Communications and stakeholder engagement

GACA members have identified that supporting collaboration both across the region and more broadly across the state is a key benefit of being part of the Alliance. GACA facilitates regular meetings and sharing of information with the member councils. GACA has presented to council executive leadership teams to ensure knowledge and support of GACA projects, and also engaged across council teams on key projects.

Regionally, being auspiced by and attending regular staff meetings with the Gippsland Climate Change Network ensures we are connected with climate projects happening across Gippsland. This also enabled GACA to participate in the Gippsland New Energy Conference. GACA has also maintained the connection with the DEECA Gippsland team, sharing updates on projects and discussing collaboration opportunities.

From a state-wide perspective, through our networks in the Victorian Greenhouse Alliances and other stakeholders such as the Municipal Association of Victoria, GACA receives and shares with our members information and opportunities across many relevant areas, including funding, training and workshops.

GIPPSLAND ALLIANCE FOR CLIMATE ACTION**MEMORANDUM OF UNDERSTANDING****BETWEEN**

Gippsland Climate Change Network (host organisation)

and

South Gippsland Shire Council (member)

1. PARTIES

- 1.1 The Gippsland Alliance for Climate Action (GACA) is a formal alliance of councils working together on joint programs that reduce greenhouse gas emissions and facilitate climate change adaptation across the region.

The members of this group are:

- Baw Baw Shire Council
- East Gippsland Shire Council;
- Latrobe Shire Council;
- South Gippsland Shire Council;
- Wellington Shire Council.

2. PURPOSE AND SCOPE

- 2.1 The purpose of this Memorandum of Understanding (MOU) is to articulate the arrangements and expectations of member councils by:

- 2.1.1 providing a framework to guide collaborative work and meet the objectives of each council's environmental, sustainability or climate change strategies and plans
- 2.1.2 defining the roles and obligations of the host and member councils and GACA's governance structure
- 2.1.3 establishing an agreed membership funding commitment.

3. PERIOD

- 3.1 From 1 July 2025 to 30 June 2030.

4. DEFINITIONS

- 4.1 Host organisation means Gippsland Climate Change Network who will host the GACA Executive Officer and administer GACA's finances as described in Sections 9 and 10 of this MOU.
- 4.2 Member means each full fee-paying council as listed in Section 1 and defined in Section 8.

5. PRINCIPLES

5.1 In all matters arising under this MOU, the parties agree to the following principles:

- 5.1.1 openness, collaboration, sharing information and learning from each other
- 5.1.2 communicating regularly amongst member councils
- 5.1.3 pursuing a consensus approach to decision making
- 5.1.4 acting in good faith, foremost in the interests of the Gippsland region
- 5.1.5 transparency and fostering a culture of regular monitoring and review

6. GOVERNANCE ARRANGEMENTS

6.1 GACA members commit to maintaining a robust governance structure to ensure:

- 6.1.1 objective and effective decision-making
- 6.1.2 appropriate processes for accountability
- 6.1.3 effective communications and information exchange within GACA's networks

6.2 GACA undertakes its work under the guidance of:

- 6.2.1 an Executive Committee: overseeing and endorsing GACA's strategic directions
- 6.2.2 a Steering Committee: Providing direction for Alliance operations, consistent with GACA's strategic direction
- 6.2.3 Working Groups: project implementation and technical discussion (meeting as required)
- 6.2.4 an Executive Officer: to support and resource these governance structures and facilitate delivery of GACA's initiatives.

6.3 Representation on GACA's committees, their roles, responsibilities and operational processes are detailed in the attached Terms of Reference.

7. FUNDING COMMITMENT

7.1 Each GACA member will contribute an annual membership fee, determined by the size of its rates base, with the following rates for the first year (2025/26), increasing annually by CPI (using All groups Melbourne CPI, annual June Quarter to June Quarter).

Category	Annual rates income	Annual Fee + GST
Small - Medium Rural	< \$50	\$ 11,958 + GST
Large Rural	\$50M to \$80M	\$ 15,945 + GST
Regional City	> \$80M	\$ 19,930 + GST

7.2 The funding commitment includes the following payment schedule:

7.2.1 [Original amount from table above] (July 2025)

7.2.2 [Amount from 7.2.1 + CPI] (July 2026)

7.2.3 [Amount from 7.2.2 + CPI] (July 2027)

7.2.4 [Amount from 7.2.3 + CPI] (July 2028)

7.2.5 [Amount from 7.2.4 + CPI] (July 2029)

7.3 The parties recognise that GACA's contractual and operational obligations extend over multiple financial years. This includes the delivery and administration of significant externally funded initiatives and maintaining employment contracts with GACA's dedicated staff resources. The annual membership fee is therefore intended to provide investment certainty and ensure sufficient resources can be allocated to meet the Alliance's ongoing commitments.

7.4 Member councils are committed to providing for GACA annual membership fees in their annual budget process.

7.5 There will be an annual review of membership contributions to consider the appropriateness of existing contributions against any increasing cost impediments (e.g.: labour, projects etc).

8. HOSTING STAFF

8.1 The GACA Executive Officer will be hosted and employed by Gippsland Climate Change Network on behalf of all members.

8.2 The GACA Executive Officer will be on a permanent contract. In the event that GACA was to cease as an Alliance and/or the staff member was made redundant, or if the staff member voluntarily left, member councils will each contribute an equal amount towards compensating GCCN for the required redundancy payments and/or other entitlements. This responsibility includes

all members at the time signing the MOU, even if they leave GACA in subsequent years.

8.3 The GACA Executive Officer will be accountable to the GACA Executive Committee and GACA Steering Committee, and will report to Gippsland Climate Change Network regarding employment conditions and financial arrangements. GACA is committed to the very best fair work practices which includes incorporating Best Practice Principles as described in the Fair Work Ombudsman guide by the Australian Government. Annual work plan reviews will be undertaken by the Executive Committee and Steering Committee.

8.4 Additional GACA project staff may be employed at any time during the period of the MOU as required. This will be arranged and managed between the relevant councils participating in the particular project. The parties agree to reach a mutually satisfactory hosting arrangement that best meets the needs of all members and/or the initiative in question.

9. FINANCE ARRANGEMENTS

9.1 GCCN will be responsible for managing GACA's finances. Funding received from member councils will be used for the core operation of GACA which includes staff salary and on-costs (including, superannuation, WorkCover accrual, long service leave accrual, sick leave and leave loading, on-costs) and other operational costs, including reimbursement for personal vehicle use in line with GCCN's current approach and policy on private vehicle use.

9.2 GCCN will report to member councils on an annual basis regarding the GACA funds spent and the budget balance (the GACA Reserve). The GCCN accounts will be independently audited and made available on request.

9.3 GCCN will invoice each member council for their membership fees from July of each year and the membership will be valid for the remaining financial year. Organisations that join within the year will still be liable for the full fee.

9.4 Some projects may allow involvement by non-member organisations. The payment for this inclusion shall be determined by the GACA Executive Committee.

9.5 Any surplus in the GACA Reserve may be used for supporting project work and capacity building opportunities via agreement between GACA members. Additional funding to facilitate priority projects will be sought from member councils and via funding applications to state and federal government and other organisations as opportunities arise.

9.6 GCCN will charge 5% of the total membership fees for administration. GCCN will ensure all insurance and Workcover fees have been covered within this allocation.

10. SHARING OF INFORMATION AND RESOURCES

- 10.1 All council members will aim, where reasonably possible, to share information relevant to the Alliance with each other. In the normal course of events, the members will work on the assumption that information should be freely exchanged.
- 10.2 The members agree that it may be necessary to share confidential information to further the objectives of this MOU and that such information is to remain confidential.

11. DISPUTE RESOLUTION

- 11.1 If any dispute or difference arises between the parties in carrying out the principles of this MOU that cannot be resolved, then the parties will seek an agreed independent mediator to resolve the difference.

12. ADDITIONS TO MEMBERSHIP

- 12.1 Any additional council or organisation wishing to join GACA can express interest in writing to the GACA Executive Committee. The decision to accept new members will be made by a majority vote of the GACA Executive Committee.
- 12.2 Additional councils or organisations who join GACA as members in the future will need to sign an MOU, with adjustments made to Section 3 and Section 7.2.1 to reflect the start date.

13. TERMINATION OF MEMBERSHIP AND DISSOLUTION

- 13.1 Any party may cease being party to this MOU at any time by giving three month's advance notice to the host organisation. Any unspent fees will not be refunded to the exiting council member.
- 13.2 Any obligations and commitments agreed to before the date of exit are to be fulfilled by the exiting party. Exiting member councils are also to provide any information required to fulfil any contractual obligations beyond the time of exit.
- 13.3 The Alliance may be dissolved by a vote of the Executive Committee, through processes as described in the attended Terms of Reference.
- 13.4 The trigger for a vote dissolution is when membership declines to a point where the Alliance's ongoing operation is no longer financially viable.

14. MOU REVIEW PROCESS

- 14.1 All member councils commit to conducting regular and ongoing reviews of the aims and their respective participation and if at any time any party decides that the aims are not viable, they may withdraw their participation in accordance with Section 13 of this MOU.

15. EXECUTION

SIGNED for and on behalf of Gippsland Climate Change Network
(host organisation)

by: **Darren McCubbin**. CEO Gippsland Climate Change Network
(Name of signatory and authorised role)

(Signature)

Date:

SIGNED for and on behalf of South Gippsland Shire Council (as member)

by:

(Name of signatory and their authorised role)

(Signature)

Date:

TERMS OF REFERENCE

These Terms of Reference should be read in conjunction with GACA's 2025-30 Memorandum of Understanding (MOU)

These Terms of Reference have been developed in line with the MOU, as a means of delegating powers to GACA to ensure:

- Sound and effective decision-making
- Appropriate processes for accountability to GACA as an entity and to individual members
- Effective communications and information exchange within GACA's networks are maintained

GACA pursues its work agenda under the guidance of:

- An Executive Committee
- A Steering Committee
- An Executive Officer (and Project Officer, where required)
- Working Groups (informal)

I. EXECUTIVE COMMITTEE

A. Role of the Executive Committee:

- Inform and authorise GACA's annual implementation plans
- Authorise and endorse funding submissions and contractual agreements on behalf of their council
- Identify advocacy issues and authorise advocacy submissions
- Oversee GACA's finances and endorse financial reports
- Ensure high level engagement with GACA's stakeholders within each member Council
- Actively promote GACA's activities and effectively communicate the benefits of alliance membership to decision makers and other key stakeholders
- To recommend to the Steering Committee changes to the MOU and Terms of Reference
- To report periodically to the participating councils on the activities and resolutions of the GACA Executive Committee
- Advocate for initiatives that promote environmental sustainability, low carbon communities, and that are responsive to the impacts of climate change
- Ensure all GACA members have equitable access to resources and projects developed by and available to GACA

- Regularly meet and liaise with their respective Steering Committee representatives to ensure effective information exchange and facilitate efficient decision-making processes

B. Composition of GACA Executive Committee

- Each council will provide one primary representative (Senior Manager) to attend each meeting. Meetings may be held online.
- A proxy representative should be provided if the nominated representative is unable to attend
- Each nominated representative must attend no less than two Executive Committee meetings per calendar year. In instances when attendance is not possible, the council must nominate an alternative Executive Committee representative
- The Executive Committee will nominate and appoint a Chair Person (for one year, or longer by agreement) who will:
 - Chair meetings of the Executive Committee
 - Provide ongoing direction and active support to the Alliance Executive Officer
 - Ensure appropriate conduct and procedures are followed by the Executive Committee
 - Ensure all members of the Executive Committee are treated even-handedly and fairly irrespective of their role or formal position at the council they represent
 - Encourage all members of the Executive Committee to make a contribution to Executive deliberations
- A Deputy Chair Person will be nominated (for one year, or longer by agreement) to fill the primary Chair Person's role if absent
 - The GACA Executive Officer shall perform a secretarial function in taking notes and scheduling the meeting times but shall not be a voting member of the executive.

C. Meetings

Quarterly, including two meetings will be held in conjunction with the Steering Committee. Papers prepared / minutes will be taken by the GACA Alliance Executive Officer or the GCCN representative appointed.

II. STEERING COMMITTEE

A. Role of the Steering Committee

- To establish and manage GACA projects, consistent with the strategic direction and priorities endorsed by the GACA Executive Committee
- To develop advocacy submissions consistent with the issues and priorities endorsed by the GACA Executive Committee

- To review and manage GACA's budget in consultation with the Alliance Executive Officer
- To receive GACA Working Group's reports and recommendations
- Assist with developing the Annual Implementation Plans
- Assist with project development and delivery using Council processes and by identifying Council needs
- Assist with project reporting
- Provide input on communication and promotional material
- Share resources and knowledge
- Regularly liaise with their respective Executive Committee representatives to ensure effective information exchange and facilitate efficient decision-making processes

B. Composition of GACA Steering Committee

One or two Officers representing each of the GACA council members.

C. Meetings

Monthly. Minutes will be taken by the GACA Executive Officer as agreed. Meetings will be hosted online or at each council on a rolling basis and chaired by the GACA Executive Officer or a member of the steering committee. Papers will be prepared by the GACA Executive Officer.

III. GACA EXECUTIVE OFFICER

The below role should be read in conjunction with the Position Description for the GACA Executive Officer.

A. Roles

- Support the Executive and Steering Committees by coordinating committee meetings, and where appropriate, GACA working group meetings and workshops including preparing agendas, reports and minutes for these meetings
- Facilitate the development of GACA's, annual implementation plan, advocacy plan and monitor, evaluate and report on the Alliance's performance against these plans
- Manage governance, policy, procedures and finance to reduce the risk to Alliance operations and long-term viability
- Identify and secure funding, sponsorship and other external resources to assist the Alliance deliver initiatives

- Develop and coordinate communications with stakeholders, including promotional material relating to GACA projects, programs and initiatives, including material for media releases, websites and other engagement channels
- Attend the meetings of the broader network of Greenhouse Alliance and make their minutes and proceedings available to GACA members.

Furthermore, it is expected that the GACA Executive Officer will devote their time evenly amongst the member councils and regularly visit each of the Council sites to receive clarity as to the requirements of this member organisation.

IV. WORKING GROUPS

A. Role of the Working Groups

- Project development and technical discussion
- Project management
- Make recommendations to Steering Committee

V. COMMITTEE RULES

A. Meetings

- Times and places of committee meetings are to be determined by the Executive Officer in consultation with committee members and arranged by the Executive Officer. They may be delivered online where appropriate.
- Each year, meeting times should coincide (on one or two occasions) to bring the committees together

B. Order of business

- A formal agenda will be provided prior to each committee meeting by the Executive Officer (or an agreed chair)
- Reasonable notice of agenda papers for each committee meeting will be given, with papers distributed to the committee members a minimum of three working days prior to each meeting
- Agenda papers shall be provided in electronic format

C. Voting arrangements

- Where possible, member councils will work towards consensus
- To conduct a vote at either the Steering or Executive Committees, a quorum of three voting member councils must be present in order for a vote to be taken

- One vote will be allocated to each member council membership for each GACA committee
- A majority of voting councils in attendance must be obtained for a vote to be carried in a committee
- 'Moving' or 'seconding' a motion may be undertaken by any committee member
- Approved proxies will have the right to vote on behalf of their Executive Committee member
- Any other non-approved council representative can attend as an observer, on behalf of an Executive Committee member, but will not be granted voting rights
- The Chair cannot exercise a second or casting vote. The Chair votes as any other member council
- Voting will be by show of hand and be transparent. Voting online will be done by members clearly stating their vote
- The Executive Officer does not get a vote.

D. Recording of Minutes and adoption of Minutes of the last meeting

- Minutes of each meeting will be formally recorded by the Executive Officer and distributed electronically to committee members
- It will be assumed that committee members approve the minutes unless explicitly stated to the contrary, with a written response required within 5 working days from receipt of the minutes
- The minutes will be made available for public inspection at each GACA member council

E. Out of Committee' decision making

- Agenda items or other pertinent GACA issues requiring decisions may be electronically distributed and votes formally received (within 3 working days) between GACA committee meetings
- Where majority vote is not reached and there is insufficient support regarding an item distributed electronically, the agenda item will be formally listed for discussion and the issue addressed at the next meeting
- Any decision made between meetings on these agenda items must be ratified at the next meeting
- Sufficient votes must be obtained from member Councils to gain a majority decision

F. Authorisation of submissions

- Authorisation is delegated to the GACA Executive Officer and the GACA Executive Chair for all submissions that are consistent with GACA advocacy priorities
- For formal submissions, the authorisation process involves:
 - o The GACA Executive Officer drafts submissions with input from the Steering Committee (or nominated Working Group if required)
 - o Draft submissions to then circulated to GACA Executive members
 - o It will be assumed that Executive members approve unless explicitly stated to the contrary, with response required within 3 working days from receipt of draft
- Executive representatives will facilitate support and authorisation by individual GACA member organisations through active engagement and communications.

G. Confidential matters

- Meetings may be closed to discuss confidential matters
- A resolution to close and reopen a meeting and the reason must be taken and recorded in the minutes
- The members must keep confidentiality and not allow, make or cause any disclosure of or in relation to the confidential information without the prior written consent of the other members
- The members must not:
 - o Use or permit any person to use confidential information for any purposes other than for those agreed by the members.
 - o Disclose or in any way communicate to any other person any of the confidential information except as authorised by the party who has disclosed the confidential information.
 - o Permit unauthorised persons to have access to places where confidential information is displayed, reproduced or stored.
 - o Make or assist any person to make any unauthorised use of the confidential information.
 - o Confidential information means any information provided by one member to the other member, which that member specifies as being confidential, or if disclosed, would be contrary to the public interest or would damage the interests of the parties involved, which provided the information.

H. Declaration of interests

- Members of GACA Committees are required to declare at a meeting any interests or conflict of interests

- The Committee members will comply with all the provisions of the Act in regard to Interests and Conflicts of Interest as per the provisions of the Local Government Act 1989

I. Calling of special meetings of the Executive Committees

- Special meetings of Executive Committee may be called by any of the GACA Councils
- The elected representatives of a majority of four GACA Councils must consent in writing for a special meeting to be called
- Reasonable notice must be provided for any special meetings called

J. Requesting and receiving information for the GACA Committees

- Information relevant to meetings and decision-making processes will be provided to the GACA Committees by the GACA Executive Officer 3 business day before each meeting
- The Executive Officer will distribute information via email and electronic transfer
- Each Steering Committee member will actively engage and brief their Council's respective Executive Committee member ahead of each Committee meeting on any technical or contextual issues necessary to streamline decision making and build Committee capability

K. Presentations requested to the GACA Committee

- Both the Executive and Steering Committees can request presentations by guests, stakeholders or interested parties and will be coordinated through the Executive Officer.
- Requests for presentations shall be made through the Executive Officer.

VI. ASSOCIATES OF GACA

Where possible, GACA will seek to involve and partner with associates on specific projects and initiatives. Associates of GACA may include (but are not limited to):

- Observing, non-financial participant Councils
- Other non-GACA Councils
- Service providers or external experts
- Project delivery partners
- Other Alliance representatives

Associates will be invited to attend the meetings of the working groups, information sharing groups and where appropriate Steering Committee meetings. Where associates are essential to a nominated GACA project, associate representatives will not act as members of the GACA Committee or be entitled to vote, but can participate in discussion within the Steering Committee and working groups when invited to do so.

Non-paying councils who want to participate in GACA will not be voting members of the Executive and Steering Committees. They will not have a seat on the Executive Committee and therefore not contribute to setting the strategic direction of GACA. They will not be recognised as GACA members.

Councils who do not sign the MOU may have the opportunity to be involved in Working Group projects, at the discretion of GACA members and by contributing to project costs

2.4. PLANNING SCHEME AMENDMENT C131 - REZONING 108 & 110 PARR STREET LEONGATHA

Directorate:	Future Communities
Department:	Planning and Building

Council Plan

Theme - Developing a Sustainable Future

Amendment C131 will support sustainable growth within established township boundaries and provide much needed residential land release and promote economic growth.

EXECUTIVE SUMMARY

The purpose of this report is to present Planning Scheme Amendment C131 for Council's consideration for adoption and submission to the Minister for Planning for approval.

RECOMMENDATION

That Council adopts the exhibited South Gippsland Planning Scheme Amendment C131 sgp and Planning Permit CP/2024/49 as detailed in Attachment [2.4.2] and submit to the Minister for Planning for approval.

REPORT

Amendment C131 proposes to rezone land at 108 and 110 Parr Street, Leongatha (22.46 hectares) from Farming Zone to General Residential Zone – Schedule 1 to facilitate residential development. It includes a concurrent planning permit application (CP2024/49) for the subdivision of the land into 171 residential lots. The amendment also proposes to remove the Environmental Significance Overlay – Schedule 2 and the Erosion Management Overlay – Schedule 1, and to amend the extent of the Land Subject to Inundation Overlay affecting the site.

The amendment was publicly exhibited in November 2024, receiving 12 submissions. As some objections were not resolved, the matter was referred to an Independent Planning Panel. A Panel Hearing was held on 10 April 2025, with the Panel Report received on 5 May 2025. The Panel supports the amendment and recommends that it be adopted, subject to a minor modification to a permit condition. Refer to the Panel report (**Attachment [2.4.1]**).

The Independent Planning Panel found that the amendment is strategically justified. The Panel noted that the proposed General Residential Zone aligns with the surrounding development pattern, with residential lot sizes reflecting those in adjacent areas to the west and north. Larger lots are proposed along the Coalition Creek frontage to address potential flood risk and ensure any future dwellings can be located outside the Land Subject to Inundation Overlay (LSIO).

The Panel Report comments that the amendment is strategically justified and notes:

"The proposed zoning for the subject land will be consistent with the established pattern of development of the surrounding area. The residential densities proposed in the permit application are similar to the adjoining General Residential Zone land to the west and north. Larger lots are then proposed along the Coalition Creek interface to respond to the potential for this area of land to flood and require the location of dwellings outside the LSIO area.

Importantly, the subject land:

- is a large landholding within the settlement boundary of Leongatha*
- has direct access to Parr Street*
- does not possess any unmanageable development constraints, and each lot can be readily connected to all services.*
- is consistent with the surrounding pattern of subdivision and will integrate with the adjacent residential subdivision*
- will provide a unique opportunity to provide additional and diverse housing within the Leongatha Township."*

In addition to supporting the rezoning, the Panel endorsed Council's strategic rationale for removing the Environmental Significance Overlay Schedule 2 and the Erosion Management Overlay Schedule 1, and for amending the extent of the LSIO affecting the site.

Submitter Concerns

Two submissions raised concerns that the waterbody adjoining Coalition Creek may be an oxbow lake (a remnant alignment of the waterway), and that the proposed stormwater treatment system should not be located there to protect its environmental values. However, the West Gippsland Catchment Management Authority considers the feature to be a farm dam rather than an oxbow lake.

After reviewing the evidence presented, the Panel concluded:

"It is clear that the removal of the existing farm dam and its replacement with functioning sediment collection basins and wetland treatment to current standards will provide a far superior outcome in water quality and its impacts on Coalition Creek. The Panel relies on the position of the West Gippsland Catchment Management Authority that the dam is just that, a dam, and not an oxbow lake. The Panel concludes that the removal of the existing farm dam for stormwater management is acceptable."

Access and Movement Concerns

Several submissions expressed concern that the development of 171 residential lots would result in increased traffic on the surrounding road network and longer delays at key intersections, particularly at Parr Street and Koonwarra Road. Concerns were also raised about the distance of the site from the town centre

and its potential to discourage walking and cycling. Additionally, the adjoining bus depot raised concerns about potential conflicts between buses and increased car movements, as well as the loss of on-street parking for depot staff.

The Panel concluded:

"The Panel is satisfied that the traffic engineering implications of the proposed subdivision are acceptable. The design of the road network within the subdivision is well thought out and in accordance with the Clause 56 requirements and the Leongatha Framework Plan. The internal roads have been designed to ensure safe vehicle movements and safe access between roads and lots. There are appropriate sightlines for vehicles entering and exiting the subdivision from Parr Street, ensuring safe and efficient movement.

A safe and efficient pedestrian and cycling network will be provided throughout the subdivision. This network will connect to the adjoining subdivision and public park, and the pedestrian path will be appropriately extended along Parr Street to link with the existing footpath network.

It is clear from Mr Gnanakone's comprehensive assessment [expert evidence provided by the applicant] that the surrounding road network has sufficient capacity to accommodate traffic generated by the development in a safe and efficient manner."

Regarding impacts on the bus depot, the Panel found:

"The subdivision will not unduly affect the depot's operations, except for the need for staff to find off-street car parking, which appears to be abundant based on the Panel's own site inspection of the bus depot land. Buses entering and exiting the Westernport land will need to give way to through traffic, however, this is consistent with standard access arrangements for any land parcel."

Native Vegetation

Some submissions raised concern about the potential loss of native vegetation across the subject land and within the Parr Street road reserve. Apart from a few small stands of native vegetation, primarily around the dam, most vegetation on the site is planted and does not require a planning permit for removal.

The Panel's assessment was limited to vegetation requiring a planning permit under Clause 52.17, specifically 0.493 hectares of Swampy Riparian Woodland and four large trees.

The Panel noted that both Council and the Department of Energy, Environment and Climate Action support the removal of this vegetation and that appropriate offset arrangements have been made to compensate for its loss. The Panel concluded:

"The proposed native vegetation removal is acceptable and can be appropriately offset."

Bushfire

Although no submissions raised bushfire concerns, the Panel briefly considered bushfire risk. The subject land is not located within a Bushfire Management Overlay.

The CFA provided recommendations for conditions to be included in the planning permit, which have been incorporated into the draft permit with the agreement of both Council and the proponent.

The exhibited draft Bushfire Management Plan will require formal approval. Its requirements will be registered on titles for lots that interface with the fire risk associated with vegetation in the Coalition Creek waterway reserve and adjoining floodplain land.

Planning Permit Requirements

The Panel assessed the subdivision planning permit application against the requirements of the South Gippsland Planning Scheme. An issue raised in submissions, but not discussed above, was the absence of any dedicated open space reserve within the subject land, and whether this complies with the subdivision guidance provided under Clause 53.01 (Public Open Space Contribution and Subdivision) of the planning scheme.

This matter was considered in detail by Council during the preparation of the amendment, where it was determined that the adjoining floodplain land is unsuitable for formal open space due to safety risks and long-term maintenance costs. Council formed the view that the existing public open space reserve located directly adjacent to the subject land (fronting Tarwin Ridge Boulevard) is sufficiently accessible for future residents. In addition, the drainage reserve within the subdivision will provide opportunities for passive open space and offer an attractive outlook across the floodplain to the east. The developer will need to provide a 5% Public Open Space cash contribution in lieu of on-site provision.

The Panel was satisfied that the open space planning principles of Clause 53.01 have been met.

The Panel recommended one change to the draft planning permit conditions in response to a concern raised by the adjoining bus depot. This condition, which is agreed to by all parties, requires:

"Any driveway crossovers as required by the Responsible Authority, with all crossovers adjoining Parr Street and west of the internal access road designed as dual/shared crossovers."

The Panel concluded:

"On balance, the Panel considers that the Permit should be granted. It is consistent with the policy intent of the Planning Scheme. It will extend the development of the existing residential area to the {west} of the subject land and provide for increased housing opportunities."

CONSULTATION / COMMUNITY ENGAGEMENT

Extensive community consultation occurred during the official public exhibition of Amendment C131. No further consultation is required.

RESOURCES / FINANCIAL VIABILITY

The development of new subdivisions can create a resource burden for Council, particularly in relation to engineering plan approvals and oversight during construction. While some of these costs are recoverable from the developer, they are unavoidable if Council is to facilitate the release of additional residential land.

A development contributions agreement is to be placed on the two land titles that comprise the subject land. The agreement requires the developer to pay Council a levy of \$78,144.86 per net developable hectare, which equates to approximately \$1.65 million for the full development. This rate is recalculated annually in accordance with changes to the Construction Price Index published by the Australian Bureau of Statistics.

Planning Permit CP/2024/49 includes conditions requiring the implementation of both a Waterways Management Plan and a Bushfire Management Plan for the large lot adjoining Coalition Creek. These measures aim to protect the environmental qualities of the floodplain land and ensure it does not present a bushfire risk. Council will be responsible for monitoring compliance with these agreements on an ongoing basis.

These agreements are necessary because Council has determined not to accept ownership and management of the floodplain land as a public reserve, primarily due to the high ongoing maintenance costs. While this decision avoids direct maintenance responsibilities, it places a responsibility on Council to ensure private landowners comply with vegetation and fire risk management requirements, particularly the maintenance of grass to reduce bushfire risk adjacent to residential lots.

RISKS

There are no identified risks to Council in adopting and submitting Amendment C131 to the Minister for Planning for approval.

However, if Council chooses not to adopt the amendment, there is a clear strategic risk that Leongatha will continue to experience a significant shortfall in residential land supply, potentially impacting housing availability, affordability, and future growth of the township.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Attachments are available on Council's website at the following [LINK](#).

1. Planning Scheme Amendment C131 - Panel Report [2.4.1 - 25 pages]

2. Planning Scheme Amendment C131 - Council Adoption Documents [2.4.2 - 23 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

Pillar 3. Decision Making

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

Good Governance Framework

South Gippsland's Planning Scheme

Legislative Provisions

Planning and Environment Act 1987

Regional, State and National Plan and Policies

Nil

Planning Panels Victoria

South Gippsland Planning Scheme Amendment C131sgip Planning Permit Application CP/2024/49

Panel Report

Planning and Environment Act 1987

5 May 2025



How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority may also recommend to the Minister that a permit that applies to the adopted Amendment be granted. The Minister may grant or refuse the permit subject to certain restrictions. [sections 96G and 96I of the PE Act]

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

South Gippsland Planning Scheme Amendment C131sgip

Planning Permit Application CP/2024/49

5 May 2025



Sarah Raso, Chair

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Glossary and abbreviations

Council	South Gippsland Shire Council
DEECA	Department of Energy, Environment and Climate Action
EMO1	Erosion Management Overlay Schedule 1
ESO2	Environmental Significance Overlay Schedule 2
GRZ1	General Residential Zone Schedule 1
LSIO	Land Subject to Inundation Overlay
PE Act	<i>Planning and Environment Act 1987</i>
permit application	Planning permit application CP/2024/49
Proponent	108 Parr Street Pty Ltd and 110 Parr Street Pty Ltd
subject land	108 and 110 Parr Street, Leongatha

Overview

Summary	
Amendment	South Gippsland Planning Scheme Amendment C131sgip
Permit application	Planning Permit Application CP/2024/49
Brief description	<p>Amendment: rezone 108 and 110 Parr Street, Leongatha from Farming Zone to General Residential Zone, delete Environmental Significance Overlay Schedule 2 and Erosion Management Overlay Schedule 1 and amend the application of Land Subject to Inundation Overlay</p> <p>Permit application subdivision of 108 and 110 Parr Street, Leongatha into 171 lots, native vegetation removal and the creation and removal of easements</p>
Subject land	108 and 110 Parr Street, Leongatha
Proponent	108 Parr Street Pty Ltd and 110 Parr Street Pty Ltd
Planning Authority	South Gippsland Shire Council
Authorisation	18 September 2024, with conditions
Exhibition	7 November to 13 December 2024
Submissions	12

Panel process	
The Panel	Sarah Raso
Supported by	Sarah Vojinovic, Project Support Officer, Planning Panels Victoria
Directions Hearing	By video, 5 March 2025
Panel Hearing	By video, 10 April 2025
Site inspections	Unaccompanied, 6 April 2025
Parties to the Hearing	<p>South Gippsland Shire Council represented by Ken Griffiths, Strategic Planning Coordinator</p> <p>108 Parr Street Pty Ltd and 110 Parr Street Pty Ltd represented by Jason Kane of Counsel instructed by Spot Planning, calling expert evidence from:</p> <ul style="list-style-type: none"> - Valentine Gnanakone of One Mile Grid (Traffic) - Marc Noyce from Noyce Environmental Consulting (Stormwater and Drainage)
Citation	South Gippsland PSA C131sgip [2025] PPV
Date of this report	5 May 2025

Executive summary

This is a combined Planning Scheme Amendment and planning permit application process under section 96A of the *Planning and Environment Act 1987*.

South Gippsland Planning Scheme Amendment C131sgip (the Amendment) seeks to rezone land at 108 and 110 Parr Street, Leongatha (subject land) to facilitate future subdivision and residential development. The Amendment proposes to:

- rezone the land from Farming Zone to General Residential Zone
- delete the Environmental Significance Overlay Schedule 2 and Erosion Management Overlay Schedule 1
- amend the application of the Land Subject to Inundation Overlay.

Planning permit application CP2024/49 (permit application) seeks approval for the residential subdivision of the subject land into 171 lots, native vegetation removal and the creation and removal of easements.

From the public exhibition process, 12 submissions were received. Key issues raised included:

- traffic impacts
- lack of open space
- native vegetation removal
- flooding
- impact on the adjoining bus depot
- subdivision layout and design.

A one day Hearing was held to consider the Amendment, permit application and issues raised. The Panel heard from South Gippsland Shire Council and 108 Parr Street Pty Ltd and 110 Parr Street Pty Ltd.

The Panel considers the Amendment is well founded, strategically supportable and should be approved. On balance, a permit should be granted for the residential subdivision of the subject land. It is consistent with the policy intent of the Planning Scheme, will extend the development of the existing residential area to the east of the subject land and provide for much needed housing opportunities.

Based on the reasons set out in this Report, the Panel recommends:

1. **Adopt South Gippsland Planning Scheme Amendment C131sgip as exhibited.**
2. **Issue Planning Permit CP/2024/49 as exhibited, subject to an amended condition 10(k) as follows:**

Any driveway crossovers as required by the Responsible Authority with all crossovers adjoining Parr Street and west of the internal access road designed as dual/shared crossovers.

1 Introduction

1.1 The Amendment and permit application

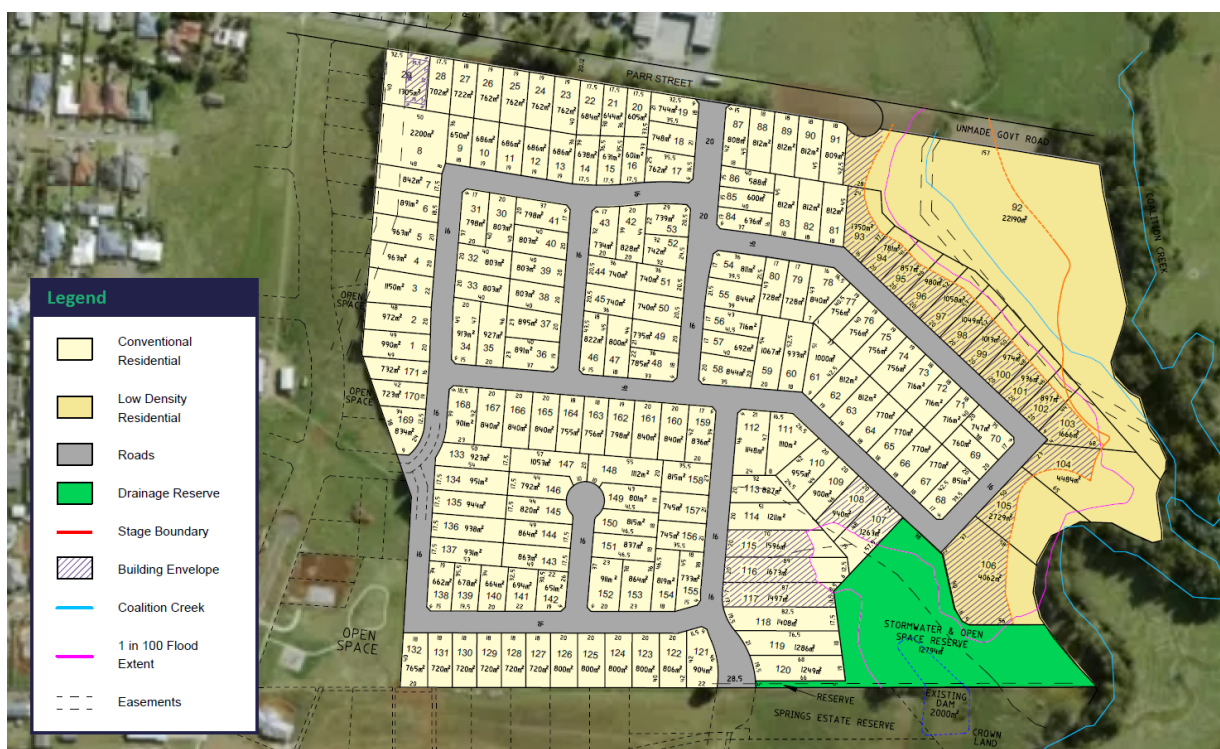
The Amendment seeks to rezone the subject land to facilitate future subdivision and residential development. Specifically, the Amendment proposes to:

- rezone the subject land from Farming Zone to General Residential Zone Schedule 1 (GRZ1)
- delete Environmental Significance Overlay Schedule 2 (ESO2) and Erosion Management Overlay Schedule 1 (EMO1)
- amend the application of Land Subject to Inundation Overlay (LSIO).

The permit application seeks approval for the subdivision of the subject land into 171 lots, native vegetation removal and the creation and removal of easements. See Figure 1.

South Gippsland Shire Council (Council) is the Planning Authority for the Amendment and responsible authority for the planning permit application. 108 Parr Street Pty Ltd and 110 Parr Street Pty Ltd is the Proponent.

Figure 1 Proposed Plan of Subdivision



Source: Permit application

1.2 The subject land

The Amendment applies to land shown in Figure 2. Historically, the subject land has been used for cropping, a vineyard and livestock grazing. It consists of two separate titles and has a combined area of 22.46 hectares.

108 Parr Street contains a vineyard use with some buildings and no dwelling.

110 Parr Street has been used for agriculture including cropping and animal grazing. This property contains a dwelling, outbuildings and a farm dam. The dam has been utilised by stock. Part of the dam is located on Crown Land.

There are some scatter trees (mostly gum trees that have been planted) and vegetation across the subject land. Most of the trees and vegetation are along the Coalition Creek reserve (the eastern boundary of the subject land), around the dam, adjacent to Parr Street or have been planted as windrows.

The subject land falls from west to east. The fall in the eastern half of the subject land has an eight per cent slope.

An unnamed waterway runs adjacent to Coalition Creek. The eastern areas of the subject land are low lying and subject to flooding. This area is not suitable for residential use or for the provision of open space due to flooding, potential safety risks to humans and usability issues.

The subject land also contains power transmission lines connecting the Bald Hills Wind Energy Facility to a substation at Horn Street, Leongatha. These cross both lots in the subject land's northwestern corner.

Figure 2 **Subject land**



Source: Explanatory Report

1.3 Background

Council provided a detailed background to the Amendment and permit application in its Part A submission, including a chronology of events which the Panel has summarised in Table 1.

Table 1 Chronology of events

Date	Event
January 2022	Proponent submitted a request to Council under Section 96A of the PE Act to: <ul style="list-style-type: none"> - rezone the subject land from Farming Zone to GRZ1 - delete ESO2 and EMO1 - amend the application of LSIO - subdivide the subject land, remove vegetation and create and remove easements
2022 to 2024	Council undertook agency and authority consultation and worked with the Proponent to resolve a final subdivision design
15 June 2022	Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit the Amendment and planning permit application and refer any submissions to a Panel
18 September 2024	Authorisation of the Amendment approved subject to conditions
7 November to 13 December 2024	Exhibition of the Amendment and permit application
22 January 2025	Council requested a Panel
3 March 2025	Directions Hearing
6 April 2025	Unaccompanied site inspection of the subject land, adjoining land and street network
10 April 2025	Panel Hearing

1.4 Procedural issues

Westernport Roadlines, who run an existing transport operation at 131 Parr Street, Leongatha, was a party to this proceeding however withdrew on 2 April 2025. Victoria Kalapac was a party to this proceeding and withdrew on 4 April 2025. The Panel still considered the issues raised by both submitters as outlined in their original submissions filed with Council.

1.5 The Panel's approach

Key issues raised in submissions were:

- traffic impacts
- lack of open space
- native vegetation removal
- drainage and flooding
- impact on the adjoining bus depot
- subdivision layout and design.

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the South Gippsland Planning Scheme (Planning Scheme).

The Panel considered all written submissions made in response to the exhibition of the Amendment and permit application, observations from its site visit, and submissions, evidence and other material presented to it during the Hearing. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Strategic issues
- Stormwater management
- Access and movement
- Other matters
- Resolution of the Amendment and permit.

2 Strategic issues

2.1 Planning context

This chapter identifies the planning context relevant to the Amendment.

Table 2 Planning context

	Relevant references
Victorian planning objectives	- section 4 of the PE Act
Municipal Planning Strategy	- Clause 02.03 (Strategic Directions)
Planning Policy Framework	<ul style="list-style-type: none"> - Clauses 11.01-1S (Settlement), 11.01-1L-01 (Leongatha), 11.01-1L-02 (Southern Leongatha Growth Area), 11.02-1S (Supply of urban land), 11.02-3S (Sequencing of Development), 11.03-5S (Distinctive Areas and Landscapes) - Clause 12.01-2S (Native Vegetation Management) - Clauses 13.02-1S (Bushfire Planning), 13.04-1S (Contaminated and Potentially Contaminated Land), 13.05-1S (Noise Management) - Clause 14.02-1S (Catchment Planning and Management) - Clauses 15.01-3S (Subdivision design), 15.03-2S (Aboriginal Cultural Heritage) - Clause 16.01-1L (Housing Supply in South Gippsland), 16.01-2S (Housing Affordability) - Clause 18.01-2R (Transport System – Gippsland) - Clause 19.03-1S (Development and Infrastructure Contributions Plans)
Other planning strategies and policies	<ul style="list-style-type: none"> - Plan Melbourne Direction 4, Policies 4.1, 4.2 - Leongatha Structure Plan - Leongatha South Outline Development Plan
Planning scheme provisions	<ul style="list-style-type: none"> - General Residential Zone - Land Subject to Inundation Overlay - Clause 52.02 (Easements, Restrictions and Reserves) - Clause 52.17 (Native Vegetation) - Clause 53.01 (Public Open Space Contribution) - Clause 56 Subdivision - Clause 65 Decision Guidelines
Ministerial directions	<ul style="list-style-type: none"> - Ministerial Direction No 1 (Potentially Contaminated Land) - Ministerial Direction 11 (Strategic Assessment of Amendments)
Planning practice notes	- Planning Practice Note 46: Strategic Assessment Guidelines, September 2022

2.2 Statutory considerations

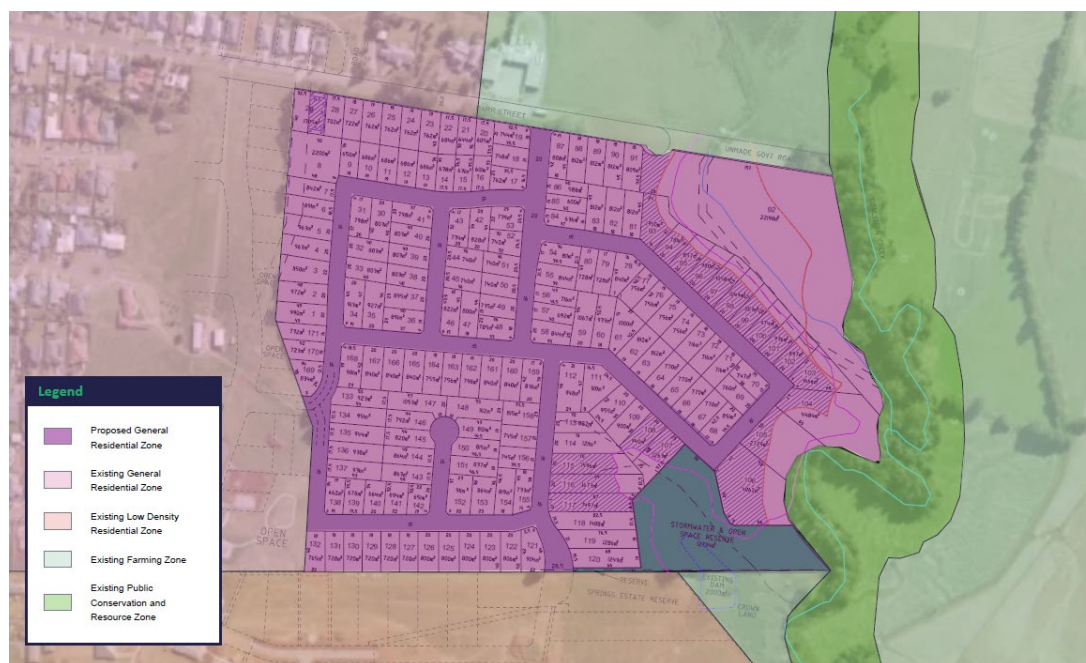
(i) Zones

The subject land is currently within the Farming Zone and is proposed to be rezoned to GRZ1, the relevant purposes of which are:

- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

Figure 3 highlights that the areas surrounding the subject land to the east are generally within the General Residential Zone, with land directly to the south generally within the Low Density Residential Zone. Land to the east remains within the Public Conservation and Resource Zone.

Figure 3 Zoning context



Source: Permit application

(ii) Overlays

The LSIO applies to the eastern and southern portion of the subject land, proximate to the Coalition Creek, the purposes of which are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To minimise the potential flood risk to life, health and safety associated with development.
- To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989. •To protect water quality and waterways as natural resources by managing urban stormwater,

protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and ground water.

- To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.

The 1 in 100 (one per cent Annual Exceedance Probability) year flood extent provided by the West Gippsland Catchment Management Authority differed slightly to the mapping of the LSIO. The Amendment seeks to correct this. The updated LSIO is shown in Figure 1 using a purple line.

Building envelopes are proposed for some of the lots which will be registered on the title as a restriction (see Figure 1). The building envelopes seek to ensure:

- any future dwelling will not be constructed within the 1 in 100 flood zone
- there will be adequate spacing between future dwellings and provide opportunities for landscaping and visual separation of built form
- adequate defensible space is provided between future dwellings and the Coalition Creek corridor and stormwater infrastructure.

The subject land is also affected by the ESO2 and the EMO1, both which are proposed to be deleted as they will be no longer required.

(iii) Particular and other provisions

Development of the permit land must have regard to the following particular and other provisions:

- Clause 52.02 – Easements, restrictions and reserves
- Clause 52.17 – Native vegetation
- Clause 53.01 – Public open space contribution and subdivision
- Clause 56 – Residential subdivision
- Clause 65.02 – Approval of an application to subdivide land.

2.3 Strategic justification

(i) Evidence and submissions

There was no dispute amongst the parties and submitters that the Amendment is strategically justified.

Council submitted the Amendment is supported by, and implements, the relevant sections of the Planning Policy Framework. Council indicated that while the proposed development generally reflects a development found within a Neighbourhood Residential Zone, the Neighbourhood Residential Zone is not currently used in the Planning Scheme.

Consideration was also given to whether a Development Plan Overlay is required. Council submitted some municipalities have begun to apply the Development Plan Overlay as a “*backstop*” to capture key site issues in the event that the permit issued through the section 96A process is not acted on. Council indicated that while the subject land does have some design challenges, it ultimately chose not to pursue a Development Plan Overlay.

In terms of land supply, Council submitted it has a “*chronic*” undersupply of residential land and the rezoning of the subject land would go some way to assisting in the provision of well needed housing stock.

Council submitted that the ESO2 is being removed with the support of South Gippsland Water who is responsible for management of the Tarwin Catchment. It submitted:

- all new dwellings on the subject land will be connected to reticulated sewer so there is no reason to retain the ESO2
- if the subdivision does not occur after the ESO2 is removed, the catchment values will still be protected by the *Catchment and Land Protection Act 1994* which triggers a referral to South Gippsland Water for planning permit applications in the Catchment pursuant to the referral provisions at Clause 66.02-5 of Planning Scheme.

Council submitted that removal of the EMO5 is typical when land is rezoned for urban development. It noted that the subject land is not steep and the building permit process will appropriately assess any site specific issues.

The Proponent submitted there is a clear and undisputed strategic vision for the subject land to be rezoned for residential purposes. It said the subject land will ultimately deliver:

- a high-quality residential community
- much *needed additional land supply* for Leongatha
- residential zoned land that is consistent with the vision for the subject land contained in the Leongatha Framework Plan (at Clause 11.01-1L-02) , local, regional and state policies
- a range of residential lot sizes
- housing diversity and additional housing opportunities within existing settlement boundaries
- a stormwater/drainage reserve
- the protection and enhancement of the Coalition Creek
- road/pathway connections to the surrounding subdivisions.

(ii) Discussion

Planning policy clearly supports residential development in this area of Leongatha. The rezoning of the subject land is supported by the strategic vision for the area as contained in local, regional and state policies. For example, at:

- Clause 11.01-1L-02: The Leongatha Framework Plan
- Clause 11.01-1L-03: Southern Leongatha Growth Area
- Clause 11.01-1S: Settlement which seeks *“sustainable development of the regional centres of Ararat, Bacchus Marsh, Bairnsdale, Benalla, Castlemaine, Colac, Echuca, Gisborne, Hamilton, Kyneton, Leongatha, Maryborough, Portland, Sale, Swan Hill, Warragul/Drouin and Wonthaggi”*
- Clause 11.01-1R: Settlement – Gippsland that supports *“urban growth in Latrobe City as Gippsland’s regional city, at Bairnsdale, Leongatha, Sale, Warragul/Drouin and Wonthaggi as regional centres, and in sub-regional networks of towns”*.

The proposed zoning for the subject land will be consistent with the established pattern of development of the surrounding area. The residential densities proposed in the permit application are similar to the adjoining General Residential Zone land to the east and north. Larger lots are then proposed along the Coalition Creek interface to respond to the potential for this area of land to flood and require the location of dwellings outside the LSIO area.

Importantly, the subject land:

- is a large landholding within the settlement boundary of Leongatha
- has direct access to Parr Street

- does not possess any unmanageable development constraints, and each lot can be readily connected to all services.

The proposed subdivision:

- is consistent with the surrounding pattern of subdivision and will integrate with the adjacent residential subdivision
- will provide a unique opportunity to provide additional and diverse housing within the Leongatha Township.

It is appropriate the ESO2 and EMO5 are removed from the subject land. South Gippsland Water support the removal of the ESO2 given all new dwellings will be connected to reticulated sewer. Equally, removal of the EMO5 is appropriate given the proposed urban rezoning of the land. The amended LSIO is appropriate to manage the future use and development of the low lying section of the subject land. Importantly, West Gippsland Catchment Management Authority supports the use of the amended LSIO in this area to correctly reflect the one per cent Annual Exceedance Probability flood extent.

Clause 71.02-3 (Integrated decision making) of the Planning Scheme requires the Amendment and permit application to be assessed against the principles of net community benefit and sustainable development. The Amendment and permit application are strategically justified and will result in a net community benefit and sustainable development outcome. They will:

- provide a residential community on land that is well located in terms of access to the Leongatha Town Centre, community facilities, schools and the broader road network
- provide a range of housing opportunities where housing is actively sought and needed
- provide connector roads and shared pathways that provide vehicle/pedestrian connections to the surrounding residential estates and open space
- manage stormwater through the construction of a retarding basin/wetland that will be a community asset
- protect an area of Swampy Riparian Woodland.

The Panel considers the Amendment and proposed subdivision will assist in implementing policy objectives set out in section 4 of the PE Act by providing for the rezoning and subdivision of land to achieve an orderly, well-planned outcome consistent with the strategic direction of Leongatha.

(iii) Conclusions

The Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 Stormwater management

3.1 The issue

The issue is whether the removal of the existing farm dam for stormwater management is acceptable.

3.2 Evidence and submissions

The Proponent relied on the stormwater and drainage evidence of Mr Noyce, as well as Mr Noyce's Stormwater Management Plan, which requires the removal of an existing farm dam from the south-east corner of the subject land.

The Proponent explained:

A natural low point exists where the existing farm dam is located towards the southeast corner of the subject land. Most of the stormwater currently flows to the farm dam. Any overflow flows into the Coalition Creek.

The existing farm dam was initially considered as the drainage reserve for the subdivision. However, Mr Noyce determined that the farm dam did not meet best practice standards for safety for use as passive open space, water quality treatment and impacts on Coalition Creek.

It is proposed to remove the existing dam from within the subject land and replace it with a best practice stormwater management and treatment reserve.

The reserve will contain stormwater storage, sediment basins and a wetland retarding basin. The reserve will be constructed so that future residents can enjoy passive open space opportunities. The proposed stormwater management treatment will greatly improve water quality. The revegetation along Coalition Creek will further improve the water quality that flows into this waterbody.

Some submitters, including the National Trust, opposed removal of the farm dam. The National Trust submitted:

- the dam may form part of an oxbow lake and therefore have higher environmental and heritage values for the site
- the stormwater treatment system should be relocated to Lot 106 and the dam retained.

Mr Noyce explained that the drainage strategy is dictated by the topography of the land and the requirement to provide drainage facilities that achieve Best Practice stormwater management objectives for water quality and retardation of peak flows back to pre-development levels. He said the removal of the existing dam and its replacement with functioning sediment collection basins and wetland treatment to current standards would provide a greater water quality outcome that could be maintained and enjoyed by the public in a safe manner.

The West Gippsland Catchment Management Authority supported the removal of the farm dam and did not consider it to be an oxbow lake. It supported Mr Noyce's Stormwater Management Plan. In its referral, the Authority noted that:

... the construction of the proposed stormwater sediment pond and wetland/retarding basin will result in the loss of two small tributary waterways and the existing dam. The Authority supports this loss provided that a significant improvement in waterway health is achieved through other aspects of the subdivision, such as enhanced revegetation or a significant over-treatment of water quality. sediment collection basins and wetland treatment to current standards will provide a greater water quality outcome that can be maintained and enjoyed by the public in a safe manner

The West Gippsland Catchment Management Authority recommended conditions to be included in the Permit. The Proponent and Council did not oppose any of these.

The Proponent submitted the Panel should endorse Mr Noyce's Stormwater Management Plan *"which is the result of extension discussions and negotiations with the West Gippsland Catchment Management Authority"*.

3.3 Discussion and conclusion

It is clear that the Proponent has worked alongside Council and the West Gippsland Catchment Management Authority to ensure appropriate measures will be provided to manage stormwater and flooding risks. It is clear that the removal of the existing farm dam and its replacement with functioning sediment collection basins and wetland treatment to current standards will provide a far superior outcome in water quality and its impacts on Coalition Creek. The Panel relies on the position of the West Gippsland Catchment Management Authority that the dam is just that, a dam, and not an oxbow lake.

The Panel concludes:

- The removal of the existing farm dam for stormwater management is acceptable.

4 Access and movement

4.1 The issue

The issue is whether the traffic engineering implications of the proposed subdivision are acceptable.

4.2 Evidence and submissions

Many submitters were concerned the development, which increases the number of dwellings in the area, would place a significant burden on the surrounding road network leading to:

- localised traffic congestion with the local road network being unable to accommodate additional traffic
- reduced amenity and safety.

Westernport Roadlines took issue with the location of the proposed intersection connecting the subdivision with Parr Street. Westernport Roadlines is a local bus service provider with a bus depot operating directly opposite the subject land at 131 Parr Street, Leongatha. The depot houses buses that run services throughout Leongatha, though primarily for the schools to the north. It was concerned the proposed access street, which sits opposite its site, could impact access to its land and the operation of its business, and impact use of Parr Street for staff car parking.

The Proponent relied on the traffic evidence of Mr Gnanakone who concluded:

The proposed development includes upgrading the eastern end of Parr Street, impacting only activities within the road reserve, not operations internal to the bus depot. In fact, this could be considered an improvement, as it will provide a properly constructed roadway for access to and from the depot.

Given these considerations, I believe the impacts on Westernport Roadlines are reasonable and does not represent a compromised position for the bus operator.

Mr Gnanakone said:

- once the Parr Street extension and the new access street are constructed, traffic to and from the bus depot will be required to give way to through traffic. This was consistent with standard access arrangements for any lot, and he did not anticipate significant delays at the bus depot exit
- he expected the peak traffic generation from the proposed development to occur outside the peak morning and afternoon periods when buses enter and exit the Westernport land
- the traffic generated by the development will have minimal impact on Westernport Roadlines' operations, given the limited overlap in movement patterns.

Mr Gnanakone said that while the proposed upgrades to Parr Street will remove the informal street parking opportunities that currently exist, parking could be accommodated on the bus depot land itself, specifically in the large gravel area at the rear of the buildings.

More generally, Mr Gnanakone said:

- the proposed subdivision design is generally in accordance with the development expected within the Leongatha Framework Plan

- the subdivision road network has been designed in accordance with Clause 56 requirements of the Planning Scheme and the rural and regional Infrastructure Design Manual guidelines
- the surrounding road network has sufficient capacity to accommodate the development generated traffic volumes, even allowing for significant growth along the South Gippsland Highway
- the traffic generation rates will not trigger a requirement to upgrade the intersection of Parr Street and the South Gippsland Highway.

Council submitted it was satisfied that the local traffic network can appropriately manage the demand. Council was also supportive of the proposed access to and from Parr Street, the roads that integrate with the surrounding subdivisions and the road/pedestrian network within the subdivision.

4.3 Discussion and conclusions

The Panel is satisfied that the traffic engineering implications of the proposed subdivision are acceptable. The design of the road network within the subdivision is well thought out and in accordance with the Clause 56 requirements and the Leongatha Framework Plan. The internal roads have been designed to ensure safe vehicle movements and safe vehicle access between roads and lots. There are appropriate sightlines when vehicles enter/exit the subdivision from Parr Street. This will ensure that vehicles will enter/exit in a safe and efficient manner.

A safe and efficient pedestrian and cycling network will be provided throughout the subdivision. The network will link to the adjoining subdivision and public park. The pedestrian path will appropriately be extended along Parr Street to connect to the existing footpath network.

It is clear from Mr Gnanakone's comprehensive assessment that the surrounding road network has sufficient capacity to accommodate the development generated traffic volumes in a safe and efficient manner.

In relation to the Westernport Roadlines position, it is worth noting that the bus depot land is located within the Farming Zone where the use is a prohibited use and no planning permit or section 97N Certificate of Compliance has been issued. The subdivision will not unduly affect the depot's operations, save for the need for staff to find off-street car parking which appears abundant from the Panel's own site inspection of the bus depot land. Buses entering and exiting the Westernport land will need to give way to through traffic, however this is consistent with standard access arrangements for any land parcel.

The Panel concludes:

- The design of the subdivision road network is in accordance with the Clause 56 requirements and the Infrastructure Design Manual guidelines.
- The surrounding road network can accommodate the increased traffic.
- The proposed development will not unreasonably impact the existing operations of Westernport Roadlines.

5 Other matters

5.1 Native vegetation

An ecological assessment accompanied the permit application.¹ The assessment was undertaken by a desktop analysis and field work. The assessment concluded the subject land:

- was highly modified which reduced and/or eliminated habitat values
- was largely devoid of native vegetation
- did not contain habitats for listed threatened flora or fauna species and no listed threatened flora or fauna species were found on the subject land
- contained a small, modified cover of Swampy Riparian Woodland along the eastern boundary
- a referral under the *Environment Protection Biodiversity Conservation Act 1999* was not required.

The Proponent submitted that while the subdivision layout has focused on avoiding the removal of native vegetation, some must be removed to facilitate the subdivision layout and drainage reserve. It highlighted that most native vegetation to be removed is exempt from a planning permit. This is supported by the Arborist Report² that found:

Practically all of the trees that were assessed were previous planted windrows, with an estimated variance in age between 5-60 years or more.

The removal of 0.493 hectares of Swampy Riparian Woodland and four large trees will require a planning permit under Clause 52.17. The vegetation removal will be required to be offset.

A number of scattered trees are what is considered 'assumed loss' due to being located within allotments less than 4,000 square metres. The general offset amount is 0.183 general habitat units and four large trees. The offset must have a minimum strategic biodiversity value score of 0.465 and be within the West Gippsland Catchment Management Authority area or South Gippsland Shire Council. The offset has been sourced as an allocated credit extract through an accredited offset broker.

There is an area of Swampy Riparian Woodland that intersects with the proposed lots along the eastern boundary. This area is currently fenced off and will be retained as part of the subdivision.

Both Council and the Department of Energy, Environment and Climate Action (DEECA) supported the proposed native vegetation removal. Council submitted:

Critically from Council's viewpoint, the retention of the Swampy Riparian Woodland adjoining the dam would necessitate retention of the dam and for the dam land to be placed under Council management. If the dam were to be included on private land (as a means to protect it) the vegetation would still be considered 'lost' and require offset.

...

There are no feasible opportunities to further avoid removal or minimise impacts to native vegetation without compromising the development design.

The Panel considers the proposed native vegetation removal is acceptable and can be appropriately offset.

¹ Ecological Assessment, Okologie Consulting, 27 October 2023

² Tree Assessment Report, Clean Cut Tree Services, 1 April 2022

5.2 Bushfire

The subject land is located within a Bushfire Prone Area but is not subject to a Bushfire Management Overlay.

A Bushfire Management Statement was prepared by the Proponent and concluded:

- the subject land has a low vulnerability to bushfire events
- the topography and extent of grassland vegetation near the development presents a low risk of bushfire
- there is no fire history in the area
- the bushfire mitigation measures can be easily dealt with for all lots by a planning permit condition and the Bushfire Management Plan (Appendix 3 to the Bushfire Management Statement)
- the Concept Waterway Management Plan (Appendix 2 to the Bushfire Management Statement) is vital for managing the future bushfire risk from the east
- the application of building envelopes and defensible space on the eastern lots reinforces the interface and are appropriate bushfire mitigation measures in the Bushfire Management Plan
- the lots in the subdivision have quick and convenient access to the external road network in the event of a bushfire.

The CFA supported the Amendment and permit application and did not seek any changes to the exhibited documents. The CFA has recommended that conditions are included in the Permit that require:

- the enforcement of the Bushfire Management Plan
- the implementation and maintenance of defensible space contained in the endorsed Bushfire Management Plan.

The Proponent confirmed it support such conditions.

6 Resolution of the Amendment and Permit

6.1 The Amendment

The Panel has reviewed the General Residential Zone and notes no party or submitter raised issues with its application to the subject land, nor its structure or format. The Panel agrees it is the appropriate zone for the land and will provide for the opportunity to deliver a new residential area that provides for greater housing offer.

The Panel considers it is appropriate the ESO2 and EMO1 are removed from the subject land.

6.2 The planning permit

(i) Relevant considerations

Clause 71.02-3 of the Planning Scheme requires a responsible authority considering a permit application to take an integrated approach, and to balance competing objectives in favour of net community benefit and sustainable development.

Clause 65 of the Planning Scheme states:

Because a permit can be granted does not imply that a permit should or will be granted. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

Clause 65.01 requires the Responsible Authority to consider, as appropriate

- the Planning Policy Framework
- the purpose of the zone, overlay or other provision
- the orderly planning of the area
- the effect on the amenity of the area
- factors likely to cause or contribute to land degradation, salinity or reduce water quality
- the extent and character of native vegetation, the likelihood of its destruction, and whether it can be protected, planted or allowed to regenerate
- the degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

Other matters to be considered include:

- submissions
- comments and decisions of referral authorities
- other matters a Responsible Authority must and may take into account under section 60 of the PE Act, including the Victorian planning objectives and the economic, social and environmental impacts of the proposed use and development
- adopted government policy.

(ii) Discussion and conclusions

Council's Part A submission provided a comprehensive summary of the relevant State and local planning policy permit triggers and the application and referral requirements for the permit application. This was also highlighted through the Proponent's submissions. The Panel was assisted by these submissions in its deliberations.

The key issues and impacts required to be considered in the decision guidelines have been discussed in this Report and in more detail in the Clause 56 assessment. The proposed subdivision:

- is site responsive
- provides a diversity of lot sizes
- protects the trees and vegetation along Coalition Creek
- ensures dwellings will not be constructed in a flood plain
- orientates lots in a manner to maximise solar access which will promote energy efficient homes
- creates lots large enough to provide future residents with ample secluded private open space
- provides an appropriate response to the existing and emerging pattern of subdivision to the north, south and west.

Council does not support public open space along Coalition Creek due to the safety and useability risks associated with flooding. A condition has been included in the Permit for financial contribution pursuant to Clause 53.01 of the Planning Scheme. Nonetheless, the local area is well served by public open space and future residents will have convenient access to local parks. There will also be passive open space opportunities around the stormwater drainage reserve.

A Landscape Master Plan for the subdivision is required to be prepared by a condition of the permit.

The subject land is impacted by an electrical transmission line easement and drainage easements. The electrical transmission lines are proposed to be re-aligned within the subject land, along the western boundary. The re-alignment would allow for a more regular and logical development outcome. AusNet Services did not express concern in relation to the re-alignment. The existing drainage easement along the declared waterway will be varied to be in accordance with the current waterway alignment. The remaining drainage easements will be removed as part of the subdivision, with the required drainage infrastructure to service the development to be delivered as part of the subdivision works.

Council and the Proponent indicated they were comfortable with the exhibited permit conditions. The Proponent provided an updated condition 10(k) in response to the evidence of Mr Gnanakone which the Panel supports. The amended condition requires that the lots with direct access to Parr Street are designed with combined crossovers to limit the interaction with Parr Street and the bus depot. Mr Gnanakone considered that whilst this not entirely necessary, noting the low levels of traffic generated, he was comfortable with the outcome and supported the inclusion of a condition requiring this. Council also indicated its support for this condition.

On balance, the Panel considers that the Permit should be granted. It is consistent with the policy intent of the Planning Scheme. It will extend the development of the existing residential area to the east of the subject land and provide for increased housing opportunities.

6.3 Recommendations

The Panel recommends:

1. **Adopt South Gippsland Planning Scheme Amendment C131sgip as exhibited.**

- 2. Issue Planning Permit CP2024/49 as exhibited, subject to an amended condition 10(k) as follows:**

Any driveway crossovers as required by the Responsible Authority with all crossovers adjoining Parr Street and west of the internal access road designed as dual/shared crossovers.

Appendix A Document list

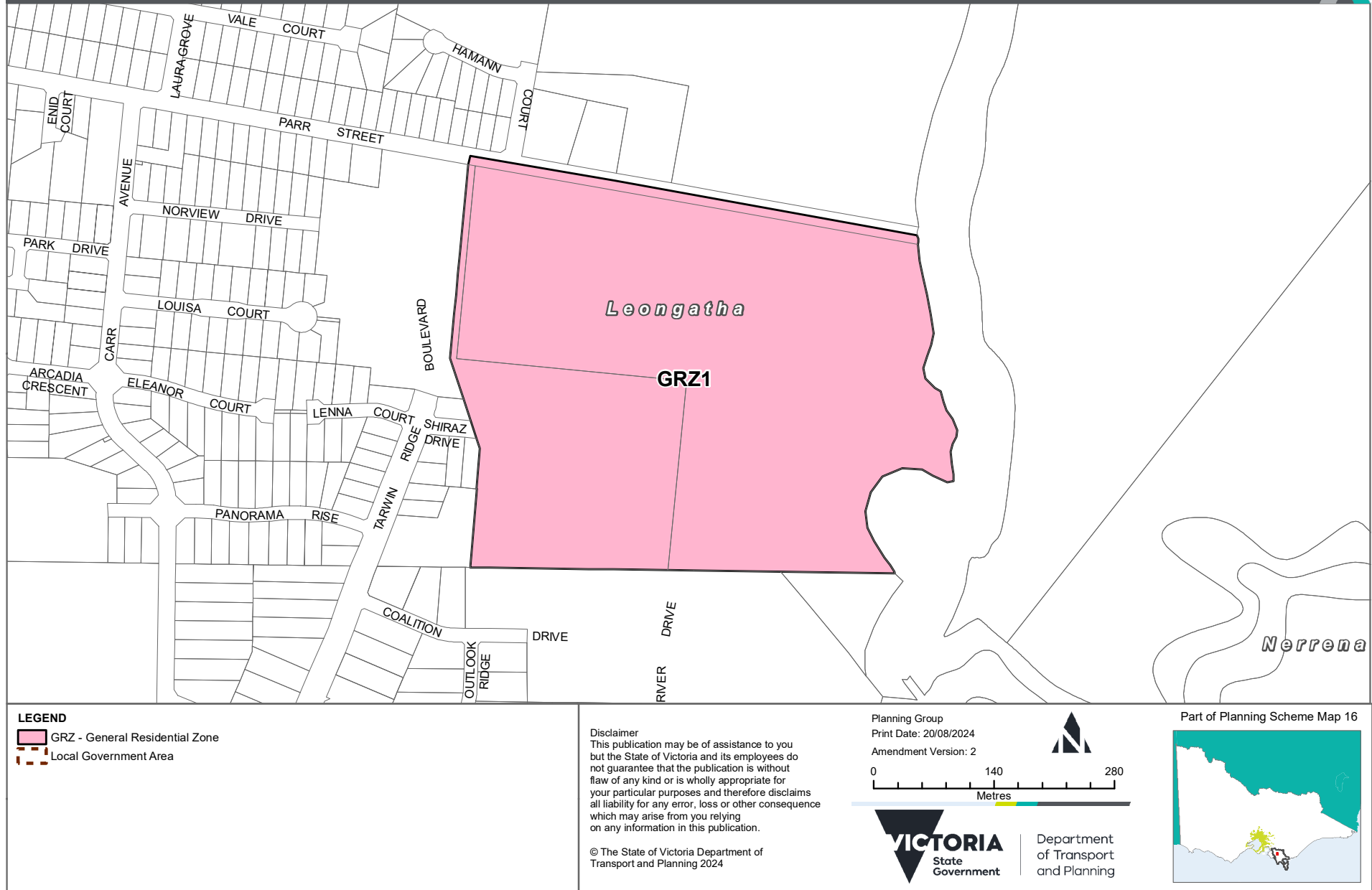
No	Date	Description	Provided by
1	30 Jan 2025	Directions Hearing notice letter	Planning Panels Victoria (PPV)
2	7 Mar 2025	Panel Directions and Hearing Timetable	PPV
3	12 Mar 2025	Submitter location map [CONFIDENTIAL]	South Gippsland Shire Council (Council)
4	21 Mar 2025	Hearing Timetable version 2	PPV
5	28 Mar 2025	Part A submission	Council
6	28 Mar 2025	Attachment to Part A submission	Council
7	2 Apr 2025	Expert witness statement of Marc Noyce	108 Parr Street Pty Ltd and 110 Parr Street Pty Ltd (Proponent)
8	2 Apr 2025	Expert witness statement of Valentine Gnanakone	Proponent
9	2 Apr 2025	Email - withdrawal from hearing process	Westernport Roadlines
10	3 Apr 2025	Late submission from DEECA: a) Covering email b) Letter from DEECA to Council (27 Nov 2024) c) Letter from DEECA to Council (6 Mar 2025) d) Letter from DEECA to Council (31 Mar 2025)	Council
11	4 Apr 2025	Email - withdrawal from hearing process	Victoria Kalapac
12	7 Apr 2025	Distribution list (version 2) and Hearing timetable (version 3)	PPV
13	7 Apr 2025	Submission	Proponent
14	10 Apr 2025	Draft permit with suggested modifications	Proponent
15	17 Apr 2025	Response to proposed permit conditions	Council



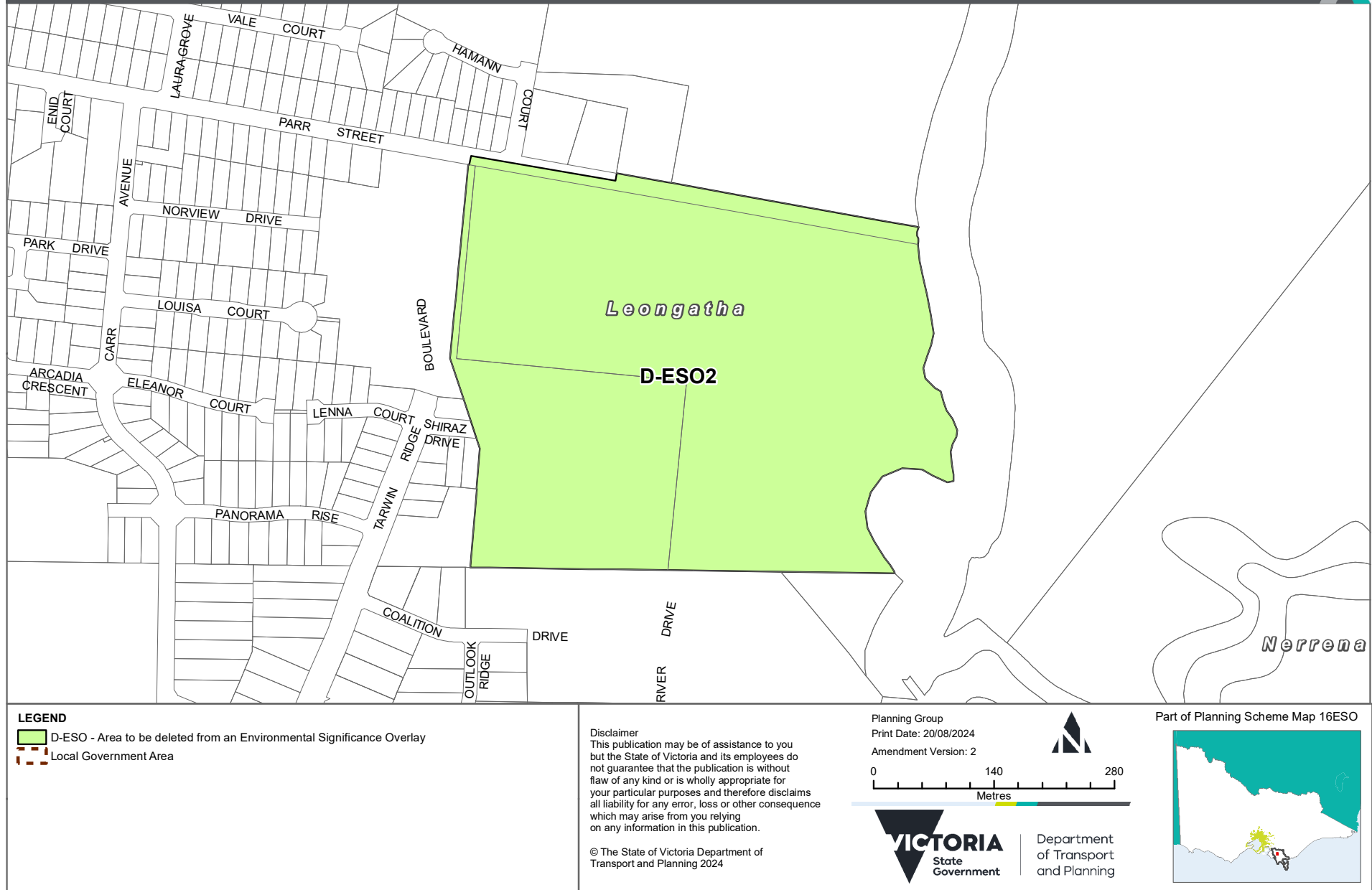
Planning Scheme Amendment C-131sgip Adoption Documents

108 & 110 Parr Street Leongatha

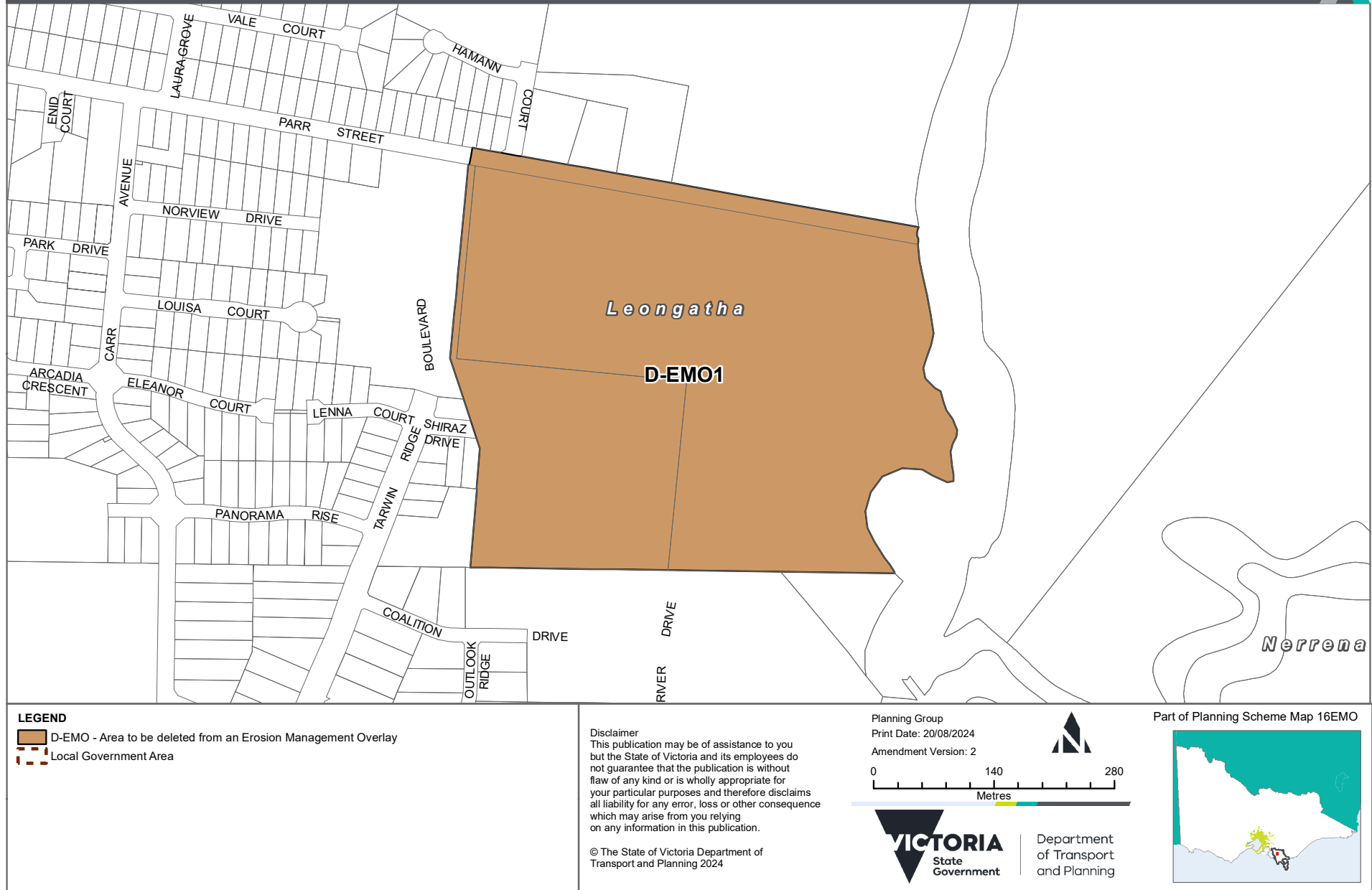
SOUTH GIPPSLAND PLANNING SCHEME - LOCAL PROVISION AMENDMENT C131sgip



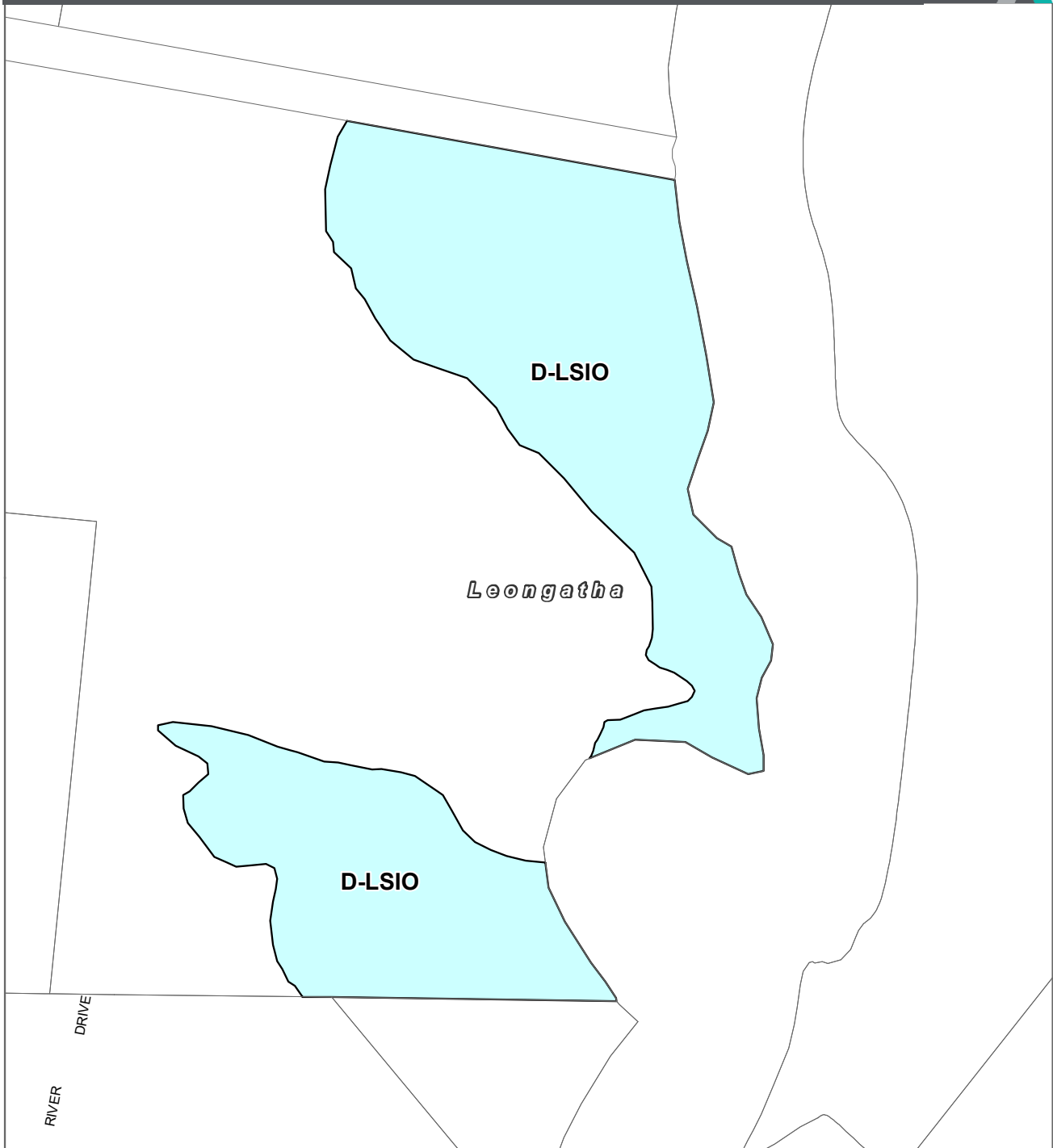
SOUTH GIPPSLAND PLANNING SCHEME - LOCAL PROVISION AMENDMENT C131sgip



SOUTH GIPPSLAND PLANNING SCHEME - LOCAL PROVISION AMENDMENT C131sgip



SOUTH GIPPSLAND PLANNING SCHEME - LOCAL PROVISION **AMENDMENT C131sgip**



LEGEND

- D-LSIO - Area to be deleted from a Land Subject to Inundation Overlay
- Local Government Area



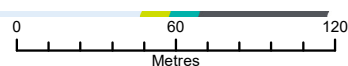
Part of Planning Scheme Map 16LSIO-FO

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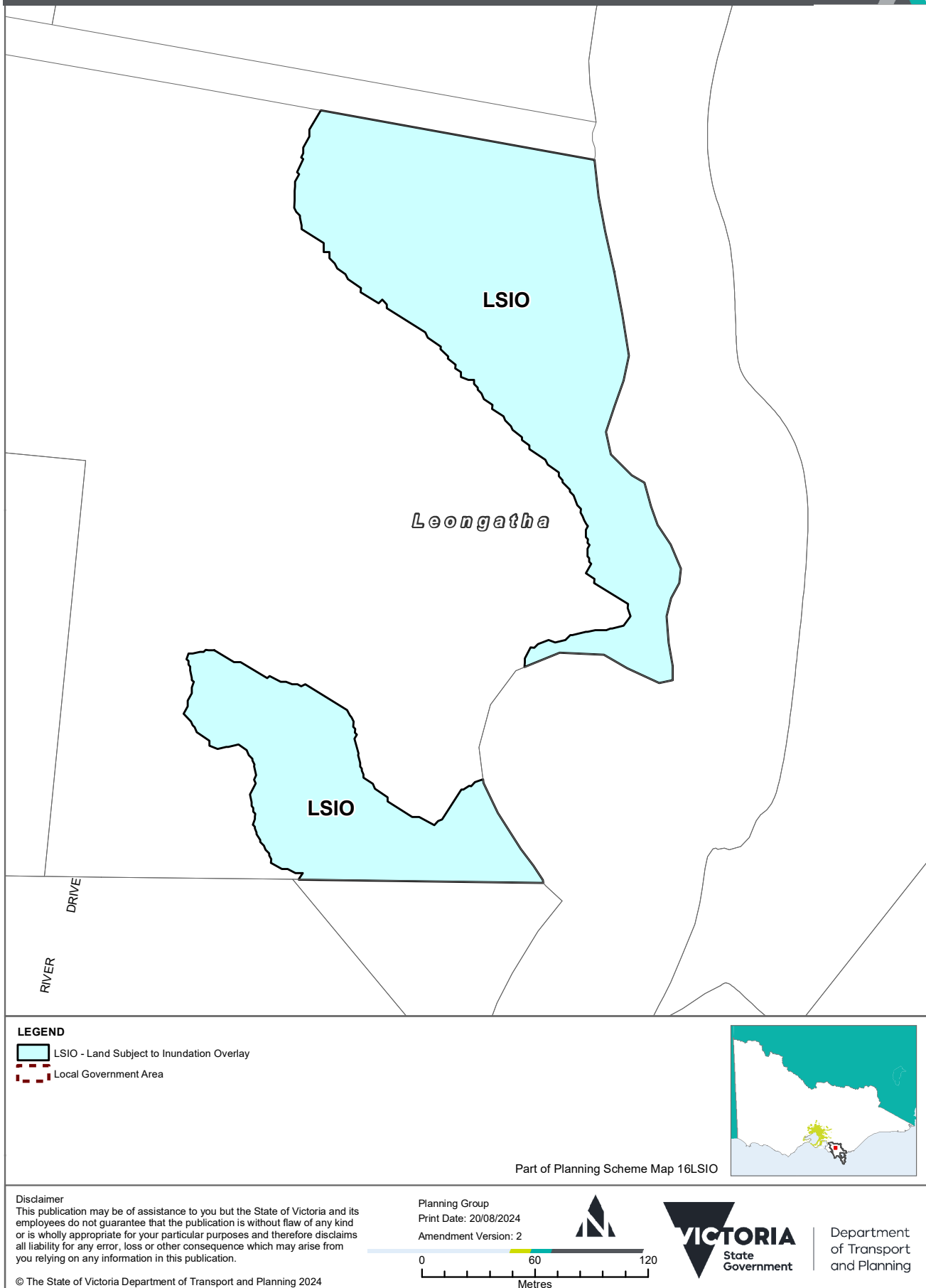
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Planning Group
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Department
 of Transport
 and Planning

SOUTH GIPPSLAND PLANNING SCHEME - LOCAL PROVISION **AMENDMENT C131sgip**



Planning and Environment Act 1987

South Gippsland Planning Scheme

Amendment C131sgip

Instruction sheet

The planning authority for this amendment is the South Gippsland Shire Council

The South Gippsland Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 5 attached map sheets.

Zoning Maps

1. Amend Planning Scheme Map No 16 in the manner shown on the 1 attached map marked "South Gippsland Planning Scheme, Amendment C131sgip".

Overlay Maps

2. Amend Planning Scheme Map No 16ESO in the manner shown on the 1 attached map marked "South Gippsland Planning Scheme, Amendment C131sgip".
3. Amend Planning Scheme Map No 16EMO in the manner shown on the 1 attached map marked "South Gippsland Planning Scheme, Amendment C131sgip".
4. Amend Planning Scheme Map No 16LSIO in the manner shown on the 2 attached maps marked "South Gippsland Planning Scheme, Amendment C131sgip".

End of document

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PLANNING PERMIT GRANTED UNDER SECTION 96J OF THE PLANNING AND ENVIRONMENT ACT 1987

Permit No.:	2024/49
Planning scheme:	South Gippsland Planning Scheme
Responsible authority:	South Gippsland Shire Council
ADDRESS OF THE LAND:	108 & 110 Parr Street Leongatha being Lot F PS448885 CT Vol 10635 Fol 158 & Lot 1 TP177904 CT Vol 8988 Fol 043

THE PERMIT ALLOWS:

Planning scheme clause No.	Description of what is allowed
	MULTI-LOT RESIDENTIAL SUBDIVISION IN STAGES AND CREATION/REMOVAL OF EASEMENTS AND RESTRICTIONS AND REMOVAL OF NATIVE VEGETATION
32.08-3 – General Residential Zone	A permit is required to subdivide land.
44.04-3 – Land Subject to Inundation Overlay	A permit is required to subdivide land.
Clause 52.02 – Easements, Restrictions and Reserves	A permit is required to create/remove easements.
Clause 52.17 – Removal of Native Vegetation	A permit is required to remove native vegetation

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Date issued: XX Month XXXX	Signature for the responsible authority:
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Amended Plans

1. Before the plan of subdivision is certified under the *Subdivision Act 1988*, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application modified to provide / show:
 - a) The provision of pedestrian access to Open Space Reserve 1 PS821563 (50 Tarwin Ridge Boulevard) in the earlier stages of the subdivision and no later than the creation of half of the total number of lots to be created by the permit.
 - b) The creation of the north eastern super lot adjoining Coalition Creek in any Stage of the subdivision except for the final Stage and the inclusion of other residential lots within that Stage.
 - c) Identification of all lots requiring specific Acoustic design measures as described in the Acoustic Report (version dated 01/11/2023).
 - d) Identification of all fencing on all lot affected by the Land Subject to Inundation Overlay (LSIO) noted as 'open style post and wire fencing' to allow free passage of floodwater. This applies only to any part of a lot affected by the LSIO.
 - e) Any subdivision layout changes necessary as a result of stormwater management plan requirements at Condition 7.
 - f) Amended Bushfire Management Plan to address the CFA requirements at Condition 29.

Endorsed Plans

2. The layout of the subdivision as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the Responsible Authority. All works required for each stage of the subdivision must be completed before the issue of Statement of Compliance for that stage.

Section 173 Agreement

4. Before the statement of compliance is issued for Stage 1 of the subdivision under the *Subdivision Act 1988*, the owner must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987* and make application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the *Planning and Environment Act 1987*. The agreement must set out the following matters:
 - a) Future development of each lot identified on the endorsed Subdivision Layout Plan with specific Acoustic Design measures must include the mitigation measures described in the Acoustic Report (version dated 01/11/2023) to ensure that the owner of each nominated lot carries out and maintains the acoustic measures nominated in that report, to the satisfaction of the Responsible Authority.
 - b) The Agreement must include a provision that the requirements of the Acoustic Report will have no force or effect if the bus depot at 131 Parr Street relocates or its existing use rights expire.

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- c) No buildings or works shall occur outside of the building envelopes identified on the endorsed plan pursuant to Planning Permit 2024/49. This plan is to be included as an annexure to the Agreement.
- d) Fencing on any part of a lot as identified on the endorsed Subdivision Layout Plan affected by the Land Subject to Inundation Overlay must be open style post and wire fencing suitable to allow for the free passage of flood water.
- e) That no further subdivision will occur to create an additional lot on Lot 92 - as identified on the endorsed Subdivision Layout Plan pursuant to Planning Permit 2024/49.
- f) That all dwellings built within the subdivision approved by Planning Permit 2024/49 are to include a minimum size 5,000 litre water tank. The tank water is to be used within the dwellings for toilets, washing and any other re-use. The tank and pipe connections are to be installed as per the recommendations of the approved drainage strategy.
- g) The owner must pay the Responsible Authority's reasonable costs of the preparation, review, execution and registration of the Section 173 Agreement.

Development Contributions

- 5. Prior to the issue of Statement of Compliance for each stage under the *Subdivision Act 1988* a Development Contribution must be paid to the Responsible Authority as stipulated in Clause (state clause number and Agreement number when executed) which applies to the land.

Open Space contribution

- 6. Unless otherwise agreed by the Responsible Authority, prior to the issue of a Statement of Compliance for the first subdivision stage, a 5% cash in lieu contribution for public open space, calculated for the entire subdivision approved by this planning permit, must be paid to the Responsible Authority in accordance with Clause 53.01 of the South Gippsland Planning Scheme and Section 18A of the *Subdivision Act 1988*.

Engineering Department ConditionsStormwater Management Plan

- 7. Before endorsement of the Subdivision Layout Plan, an updated Stormwater Management Plan must be submitted to and approved by the Responsible Authority. The SMP must address and detail the following requirements:
 - a) The SMP is to be based on the version of the Stormwater Management Plan prepared by Noyce Environmental Consulting (final version, dated 27/02/2023).
 - b) The SMP must be generally in accordance with the requirements of Council's Infrastructure Design Manual.
 - c) Provide updated modelling to reflect appropriate treatment and detention measures to reflect the relevant catchments and number/location of devices suited to the Subdivision Layout Plan, including the consideration of the effect of any uncontrolled catchments.
 - d) Stormwater detention system(s) to restrict the stormwater discharge to the equivalent discharge existing prior to the proposed development up to the 1% AEP Design Storm.
 - e) Demonstrate stormwater quality treatment to current best practice.

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- f) Provide appropriate litter control measures at suitable locations for maintenance and cleaning of the network.
- g) Address existing overland flows from adjacent properties and roads.
- h) Provide mapping of internal flow paths for the 1% AEP Design Storm including any geometry features that may be required to achieve the SMP intent.

Provide two-dimensional flow modelling of 1% AEP Design Storm to prove the performance of the overland flow paths on roads in the vicinity of Lots 117-118, 102-103 & the drainage reserve/Lot 106 as identified on the Subdivision Layout Plan.

Functional Layout Plan

8. Before the Certification of Stage 1 of the subdivision, a Functional Layout Plan which includes all Stages must be submitted to and approved by the Responsible Authority. When approved it will be endorsed and will then form part of the permit. The Functional Layout Plan must demonstrate at a minimum the following:
- a) That it is generally in accordance with Council's Infrastructure Design Manual.
 - b) Any changes to the layout and/or works, as required by the approved SMP.
 - c) A fully dimensioned subdivision layout, including proposed street names, approximate lot areas, lot numbers and widths of street reservations.
 - d) Topography and existing features, including contours for the subject land and any affected adjacent land.
 - e) Identification by survey of all trees (or group of trees) existing on the subject land, including dead trees and those that overhang the subject land from adjoining land.
 - f) Details of tree protection zones (TPZs) for all trees (or group of trees) to be retained on the subject land.
 - g) All trees, or group of trees proposed for removal from the subject land clearly designated.
 - h) Typical cross-section & profile ranges for each street, describing how hilly terrain is to be addressed, dimensioning individual elements, services offsets and any other spatial requirements.
 - i) The proposed road servicing Lots 142-152 to be "squared up" to the street at its intersection.
 - j) The proposed minor drainage network and any spatial features requiring access.
 - k) The major drainage system, including any watercourse, wetland, sediment pond, bio-infiltration system and/or piped elements showing preliminary sizing.
 - l) Overland flow paths (1% AEP) to indicate how excess runoff will safely be conveyed to its destination, against indicative cross sections, including flow paths entering the development from external catchments.
 - m) Indicative locations of legal points of discharge from each lot.
 - n) Preliminary location of reserves for electrical kiosks.
 - o) Traffic management plan showing traffic control devices and large vehicle turning overlays at intersections and at curves exceeding 60 degrees change in direction.
 - p) 1.5-metre-wide concrete footpaths along both sides of all internal road reserves.

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- q) A 2.5-metre-wide concrete shared path along the north side of Parr Street, between the existing shared path to the west and the northern entry point to the subdivision.
- r) Reserve access tracks and internal maintenance tracks.
- s) Parr Street constructed to the same width as the existing fully constructed Parr Street carriageway, between the northwest corner of the subject site and the northern entrance to the subject site.
- t) Clear notation describing the delineation of works to be provided through developer contributions as agreed with the Responsible Authority.
- u) The extension of Parr Street as depicted within the Subdivision Layout Plan beyond the northern entrance to the subject site constructed to an Access Street standard including court bowl, to be funded fully by the developer.
- v) Any proposed staging of the development.

Geotechnical Assessment

- 9. Before approval of detailed engineering plans and certification of a plan of subdivision under the *Subdivision Act 1988*, a geotechnical assessment must be completed to the satisfaction of the Responsible Authority, to determine if any construction methods and requirements need to be adopted as part of the subdivision to minimise the risk of erosion on the site during development. The geotechnical assessment must:
 - a) Identify and describe appropriate stormwater management practices to manage concentrated stormwater discharges occurring as a result of construction activities on site
 - b) Identify and describe any requirements for the appropriate timing for the implementation of stormwater management systems to minimise the risk of erosion on site, with particular regard to any proposed staging of the subdivision.

Civil Construction Plans

- 10. Before certification of the plan of subdivision for each stage, detailed civil construction plans and computations are to be submitted to and approved by the Responsible Authority. The detailed civil construction plans must address the following requirements:
 - a) Be based on Council's Infrastructure Design Manual and detail all features described by the approved Functional Layout Plan.
 - b) Stormwater treatment and detention in accordance with the updated Stormwater Management Plan as approved by the Responsible Authority.
 - c) All retarding basins to be designed and constructed in accordance with the "Melbourne Water's Retarding Basin and ANCOLD Guidelines – 2014".
 - d) Demonstrate requirements for remediation of existing dams & watercourses, which will include:
 - 1) That the Consulting engineer & Council supervising engineer are to be notified when the dam or watercourse is excavated to a firm base. No filling is to be placed prior to works being inspected & levels taken.
 - 2) All lots and reserves created over or adjoining current or former dams must be remediated so as to be capable of future development prior to the issue of a Statement of Compliance for the relevant stage. All works must be

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undertaken in accordance with Clause 15 – Earthworks and Lot filling of the Infrastructure Design Manual including but not limited to:

- i) All work should be undertaken in accordance with AS 3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
 - ii) Records to be kept of all areas filled and the information to be recorded on the 'as constructed' plans.
 - iii) Where the depth of fill exceeds 300mm, the fill is to be compacted in accordance with the requirements of Table 204.131 Compaction Requirements Scale C of VicRoads Specification and trimmed and shaped to match existing site levels, except in areas nominated for soft landscaping.
 - iv) Any certificates or filling reports to be submitted to Council's Engineering Department for approval.
- e) Geometric design of the proposed wetland stormwater treatment system, as described by the Melbourne Water Constructed Wetlands Design Manual.
 - i) Planting schedules and designated zone areas and depths within the proposed wetland stormwater treatment system, as described by the Melbourne Water Constructed Wetlands Design Manual.
 - j) All-weather maintenance access routes to all drainage reserve infrastructure.
 - k) Any driveway crossovers as required by the Responsible Authority with all crossovers adjoining Parr Street and west of the internal access road designed as dual/shared crossovers.
 - l) Location of Permanent Survey Marks.
 - m) Details of any cut and fill including proposed retaining walls.
 - n) Provision of temporary vehicle turning areas on roads which are intended to be continued at a future time that are sized so that a Council Waste Collection Vehicle can make a turn in one continuous forward motion. Temporary vehicle turning areas are to be constructed and maintained to the satisfaction of the Responsible Authority.
 - o) Pavement design using a recognised engineering methodology including consideration of the in-situ soil conditions and available road making materials. Pavement design must be accompanied by a recent geotechnical report.
 - p) Underground drainage, including property connection points, and overland flow paths for 1% AEP Design Storm.
 - q) Street lighting to be designed to Australian Standard 1158.1 to the satisfaction of the Responsible Authority.
 - r) Signage, including street names, hazard markers and regulatory signs
 - s) Any other hard landscaping features as described by the approved Landscape Plan for the relevant stage,
 - t) Council hold & witness points during construction. Council hold & witness points are to be in accordance with the Infrastructure Design Manual. A minimum of twenty-four (24) hours' notice is required for hold & witness points.
11. Upon approval of construction plans by Council for the relevant stage, an amount equivalent to 0.75 % of the estimated cost of construction for checking of engineering plans and computations must be paid to Council. A certified cost estimate is to be provided by the applicant.

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Engineering General Conditions

12. Before commencement of works for each stage, a Construction Management Plan (CMP) must be provided as an electronic copy (PDF) version and submitted to and approved by the Responsible Authority. The CMP must be drawn to scale with dimensions and provide for:
- Occupational health and safety, traffic management, environmental controls and cultural protection measures to the satisfaction of the Responsible Authority;
 - The proposed route for construction vehicle access to the site including a program for the upgrade and maintenance works required along this route while works are in progress;
 - Measures to reduce the impact of noise, dust and other emissions created during the construction process.
 - Measures to ensure that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the storm water drainage system.
 - The location and method of any Tree Protection Zones.
 - All machinery bought on the site must be weed and pathogen free.
 - A truck wheel-wash must be installed and used or a similar arrangement employed so vehicles leaving the site do not deposit mud or other materials on roadways. All machinery washdown, laydown and personnel rest areas must be clearly fenced and located in disturbed areas.
 - Construction Management Plan to form part of the site induction for contractors.
 - Best practice erosion and sediment control techniques must be used to protect any native flora and fauna.
 - Appropriate mechanisms for protecting any environmental and heritage assets during the construction phase of subdivision.
 - Landscaping and re-vegetation works carried out on the site must be supervised by a person with recognised environmental qualifications.
 - Hours of construction work. The CMP must provide that such hours are to be 7.00am to 6.00pm Monday to Friday and 7.00am to 1.00pm Saturday, with no construction on Sunday or public holidays. The CMP must provide that the hours of construction from Monday to Saturday (inclusive) may be extended with the consent of the Responsible Authority provided all adjoining residents are notified prior to the extended hours of construction. All deliveries, unloading and collection of materials associated with the construction phase of the development must occur within the hours of construction work, unless further permission is given in writing by the responsible authority.
 - The location of the construction worker's compound. The compound must be located a reasonable distance from any neighbouring residence to minimise amenity impacts. The compound must be used for the storage of building materials, parking for construction workers and as the location for the site offices and amenities.
 - Management of all building and construction waste, including any measures to recycle materials generated during construction.
 - Locations of cut and fill stockpiles.
 - The gravel and any other approved soil-derived material used in the construction of pedestrian links and paths must be guaranteed Phytophthora free.

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- q) A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced.
 - r) The CMP must detail conditions that will cause bulk earth works to be suspended (for example after significant and prolonged rain event) and the timing of bulk earth works; and
 - s) Reporting requirements to demonstrate compliance with the latest revision of the following documents:
 - 1) EPA guidelines for Major Construction Sites and Techniques for Sediment Pollution Control and other provisions of the approved CMP.
 - 2) Best Practice Environmental Management Guidelines for Urban Stormwater.
 - 3) Environmental Guidelines for Urban Stormwater (EPA Publication).
 - t) All works constructed or carried out must be in accordance with the approved Construction Management Plan. Once approved the Construction Management Plan must not be altered except with the written consent of the Responsible Authority.
13. Before the Statement of Compliance is issued for each stage of the subdivision under the *Subdivision Act 1988*:
- a) The works shown on the approved detailed civil construction plans for that stage must be completed to the satisfaction of the Responsible Authority or, by agreement with the Responsible Authority, bonded for completion at a later agreed date. The bond can either be a cash bond or a bank guarantee,
 - b) Lighting of streets and pedestrian/cycle paths must be provided in accordance with the approved detailed civil construction plans,
 - c) As constructed" asset details of all drainage & road components of the approved works in a format that conforms with the current version of A-Spec must be provided, including:
 - 1) An assets statement for each street.
 - 2) "As constructed" information for the works in each stage detailing information as listed in Council's IDM.
 - 3) A certified plan showing the extent and depth of fill in excess of 300 mm placed on any of the allotments.
 - d) Scaled "as constructed" plans for each stage in PDF and AutoCAD compatible format must be provided to the Responsible Authority.
 - e) Payment must be made to the Responsible Authority in accordance with the Subdivision Act 1988 for an amount equivalent to 2.5% of the actual cost of construction of infrastructure to be handed to the Responsible Authority (including hard landscaping), being for supervision of the construction works. A certified final cost of construction is to be provided to Responsible Authority for approval.
 - f) Payment must be made to the Responsible Authority of an amount equivalent to 5% of the actual cost of construction of infrastructure to be handed to the Responsible Authority (including hard landscaping), being for Guarantee of Works during Defects Liability Period. The amount to be refunded upon release from Defects Liability Period by Council. A bank guarantee, with no fixed expiry date, can be provided in lieu of a cash bond.
14. All infrastructure to be handed to the Responsible Authority (including hard landscaping) is subject to a twelve-month Defects Liability Period during which any defect in the design, workmanship, products or materials identified during this time must be repaired, replaced or made good to the satisfaction of the Responsible Authority.

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Open Space requirements

15. Before certification of the plan of subdivision for each stage, detailed Landscape Plans are to be submitted to and approved by the Responsible Authority. The detailed Landscape Plans must describe treatments within road, drainage and open space reserves, and must consider and address to the satisfaction of the Responsible Authority:
- Landscape features that provide amenity and enhance the overall aesthetics of the development and adjoining area.
 - Integration with the existing urban and rural landscape.
 - The promotion of passive visual surveillance in public spaces.
 - A native planting scheme to increase biodiversity and beautify open space/drainage areas.
 - The inclusion of native street trees (1 per Lot) that provide a canopy cover of approximately 6 metres.
 - A planting schedule of all proposed trees/plants (and locations), including botanical names, common names, pot sizes, sizes at maturity and quantities.
 - The location of all lawn areas, to be limited to 1 in 5 maximum grades to ensure ease of maintenance and operator safety.
 - Specifications, details and locations of all proposed hard landscape features including retaining walls, footpaths, furniture, lighting, drainage and any other infrastructure.
 - A survey of all existing vegetation to be retained and/or removed (including botanical names).
 - The ease of ongoing horticultural, drainage and asset maintenance requirements,
 - Maintenance vehicle and pedestrian access.
 - Limitation of unauthorised vehicle access.
 - The practicality of ongoing maintenance and minimisation of ongoing maintenance costs.
 - The type of management that must be applied within reserves to maintain a low fuel state
 - Street and reserve lighting, including lighting details and supporting lighting design that demonstrates compliance with relevant standards.
16. The Landscape Plans must describe features to be provided within the drainage reserve including:
- The provision of gradual slopes/transitions, installation of rock outcrops to improve accessibility for maintenance and reduce erosion
 - The installation of fences/safety devices where water hazards pose a risk to pedestrians and vehicles
 - The installation of jute/erosion control matting and mass-plantings with suitable indigenous vegetation throughout drainage reserve.
 - Ground covers/graminoids from EVC list must be used for east side of tree line at Coalition Creek.
 - Access for maintenance vehicle and mower operators with safe mowing areas. (less than 1 in 5 grades).

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- f) A pedestrian connection between Tarwin Ridge Boulevard to Storm Water & Open Space Reserve, and through to the drainage reserve street frontage.
 - g) The installation of a solid 3 metre wide (minimum), hard wearing, long lasting access path for maintenance vehicles and pedestrians located adjacent to southern boundary of Lot 120 in accordance with the endorsed subdivision plan.
 - h) The provision of a circuit track within drainage reserve to be suitable for maintenance vehicles access and constructed from a hard-wearing, long-lasting material.
 - i) The installation of two bench seats with armrests to be installed along the maintenance circuit.
17. The Landscape Plans must consider fire hazard and any commentary from CFA. The developer must provide commentary on the Landscape Plans addressing slope as a factor, such as vegetation setbacks increasing with the slope.
18. The Landscape Plans must be supported by an associated maintenance program to be provided by the developer and approved by the Responsible Authority, describing all required maintenance activities and frequencies.
19. All existing vegetation that is to remain must be assessed and pruned by a suitably qualified arborist and tree protection zones fence installed prior to the commencement of any works that may impact those zones.
20. Before the issue of Practical Completion for the civil works for each stage, the site is to be cleared of all contaminants, debris and weeds (including, but not limited to building rubble, rubbish, broadleaf weeds/unwanted vegetation).
21. Before the issue of Statement of Compliance for each stage, landscaping works must be completed to the satisfaction of the Responsible Authority.
22. The developer is to allow for and provide maintenance for the landscaping period of 24 months after completion, at no cost to Council.

Native Vegetation Removal

23. No native vegetation, other than that shown on the Ecological Assessment prepared by Okologie Consulting (Version 2, dated 27/10/2023) shall be destroyed, felled, lopped, ring barked or uprooted, without the consent of the Responsible Authority.
24. The native vegetation permitted to be removed, destroyed or lopped under this permit is 0.493 total hectares of native vegetation; which is comprised of 0.353ha of native vegetation patches and 0.141ha of scattered trees, inclusive of 2 Large Trees in patches and 2 Large Trees outside of patches, with a Strategic biodiversity value of 0.465.
25. To offset the removal of 0.493 hectares of native vegetation, inclusive of the 2 Large Trees within patches and 2 Large Scattered Trees, the permit holder must secure the following native vegetation offsets in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017)*:
- a. A general offset of 0.183 general habitat units:
 - i. Located within the West Gippsland CMA or South Gippsland Shire LGA;
 - ii. With a minimum strategic biodiversity value of at least 0.465.
 - iii. 4 Large Trees.

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26. Before any native vegetation is removed, evidence that the required offset by this permit has been secured must be provided to the satisfaction of the Responsible Authority. A copy of the offset evidence will be endorsed by the Responsible Authority and form part of this permit. This evidence must be one or both of the following:
- a) An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site
 - b) Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
27. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to the Manager, Planning Approvals at the Department of Environment, Energy and Climate Action Port Phillip regional office.
28. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the Responsible Authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

Referral authority conditions - Country Fire Authority

29. A Bushfire Management Plan must be prepared generally in accordance with the version prepared by Euca Planning (version dated August 2023), and amended to include the following requirements:
- a) A date and version number.
 - b) An area of defendable space for a distance of 19 metres for Lot 120 (as identified in the Subdivision Layout Plan) from the grassland vegetation.
 - c) To show the vegetation on the Council Stormwater Reserve will be maintained to a low threat level.
30. Before the Statement of Compliance is issued under the *Subdivision Act 1988* for Stage 1 of the subdivision, the Owner must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987*. The agreement must:
- a) Identify the implementation and maintenance of defendable space, as specified on the endorsed Bushfire Management Plan.
 - b) Identify the location of building envelopes, as specified on the endorsed Bushfire Management Plan.
 - c) Ensure the access tracks and vegetation management of Lot 92 is implemented and maintained, as specified on the endorsed Bushfire Management Plan.
31. Before the Statement of Compliance is issued under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the Country Fire Authority (CFA):
- a) Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.

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- b) The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the CFA.

Referral authority conditions - West Gippsland Catchment Management Authority

32. Before certification of Stage 1 of the subdivision a revised Waterway Management Plan (WMP) must be approved in writing by the West Gippsland Catchment Management Authority and the Country Fire Authority. The WMP must include:
- a) Details of existing environmental values.
 - b) Details of any initial stabilisation and vegetation works
 - c) A landscape plan for revegetation of land either side of the waterway, generally in accordance with the Concept Waterway Management Plan. Any area required to be cleared of vegetation to create defensible space must not encroach into the required revegetation within the waterway buffer.
 - d) A Weed Management Plan to be implemented prior to the commencement of revegetation works.
 - e) A maintenance plan detailing the sequencing and periods of short, medium, and long term actions, including inspections, and the parties responsible for each action.
33. Before certification of Stage 1 of the subdivision, a revised Stormwater Management Plan (SMP) must be developed to the satisfaction of the West Gippsland Catchment Management Authority. The SMP must demonstrate that all stormwater discharge from the subdivision will meet the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO, 1999), and must quantify the reduced loads of sediment, nutrient and gross pollutants in kg/year. The SMP must include a maintenance schedule to identify actions required to ensure that all water quality treatment assets (public and private) are maintained in perpetuity.
34. Before the issue of a Statement of Compliance for the applicable stages of the subdivision, the weed management and revegetation works detailed in the approved Waterway Management Plan must be undertaken to the satisfaction of the West Gippsland Catchment Management Authority.
35. Before the issue of a Statement of Compliance for each stage of the subdivision, the water quality treatment works outlined in the approved Stormwater Management Plan must be undertaken to the satisfaction of the West Gippsland Catchment Management Authority.

Referral authority conditions - South Gippsland Water

36. The Owner of the land must enter into a formal agreement with the South Gippsland Water Corporation (the Corporation) for the provision of a reticulated water and sewer supply to service each and every allotment to the design and satisfaction of the Corporation.
37. Prior to Certification easements are to be created no less than 3 metres wide, in favour of the Corporation, over any of the Corporation's existing or proposed infrastructure located within the proposed subdivisional lots.
38. Prior to Certification a reserve is to be created and shown in favour of the Corporation around any proposed sewage pump station.

Date issued: XX Month XXXX	Signature for the responsible authority:
Date permit comes into operation: XX Month XXXX (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	

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39. The plan of subdivision submitted for certification must be referred to the Corporation in accordance with Section 8 of the *Subdivision Act 1988*.
40. Prior to the issue of Statement of Compliance for each subdivision stage, the owner must pay to the Corporation "New Customer Contributions" for Sewer and Water for each new lot created, in accordance with the Corporation's approved tariffs.
41. The location of the Corporation's existing sewer infrastructure is to be proven on site prior to works commencing.
42. Any damage caused to the Corporation's sewer infrastructure during the construction of the proposed plant or ancillary works must be rectified and all costs borne by the owner. If the Corporation's assets are exposed at any time during construction, works must stop immediately, and the Corporation informed by calling 5682 0444.

Telecommunications Services and Facilities

43. Before the issue of a Statement of Compliance for each subdivision Stage, the Owner of the land must enter into an agreement with:
 - a) Telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
44. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
 - a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time and;
 - b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

AusNet Electricity Services

45. The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the *Subdivision Act 1988*. The applicant must meet the following requirements:
 - a) Enter in an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot under 16Ha on the endorsed plan.
 - b) Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.

Date issued: XX Month XXXX Date permit comes into operation: XX Month XXXX (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
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Planning and Environment Regulations 2015

Form 9

Section 96J

- c) Enter into an agreement with AusNet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty Ltd.
- d) Provide easements satisfactory to AusNet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "AusNet Electricity Services Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
- e) Obtain for the use of AusNet Electricity Services Pty Ltd any other easement required to service the lots.
- f) Adjust the position of any existing AusNet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
- g) Set aside on the plan of subdivision Reserves for the use of AusNet Electricity Services Pty Ltd for any electric substations or Isolating Transformers.
- h) Provide survey plans for any electric substations or Isolating Transformers required by AusNet Electricity Services Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AusNet Electricity Services Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
- i) Provide to AusNet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- j) Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AusNet Electricity Services Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- k) Ensure that all necessary auditing is completed to the satisfaction of AusNet Electricity Services Pty Ltd to allow the new network assets to be safely connected to the distribution network.

Transport for Victoria Conditions

- 46. Any roundabout constructed on roads designated a future public transport route within the subdivision, must be designed to accommodate ultra-low floor buses, to the satisfaction of the Head, Transport for Victoria.
- 47. Intersections, slow points, splitter islands and any other local area traffic management treatments must be designed and constructed in accordance with the Public Transport Guidelines for Land Use and Development. The use of speed humps, raised platforms, one-way road narrowing and 'weave points' must not be constructed on any portion of a road identified as a potential bus route.

Expiry of permit for subdivision

- 48. This permit will expire if one of the following circumstances apply:
 - a) The first stage is not certified within two years of the date of this permit; or

Date issued: XX Month XXXX Date permit comes into operation: XX Month XXXX (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
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Planning and Environment Regulations 2015

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- b) The subsequent stages are not certified within ten years of the date of this permit; or
- c) The registration of the subdivision is not completed within five years of the date of certification for each stage.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

USEFUL INFORMATION:

The following information does not form part of this permit.

1. The permitted use or development may need to comply with, or obtain the following further approvals:

EPA Note

2. The amended *Environment Protection Act 2017* came into effect on 1 July 2021. The amended *Environment Protection Act 2017* imposes new duties on individuals and/or businesses undertaking the activity permitted by this permit. If your business engages in activities that may give rise to a risk to human health or the environment from pollution or waste, you must understand those risks and take action to minimise them as far as reasonably practicable.

CFA

3. The CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA website (www.cfa.vic.gov.au).

Date issued: XX Month XXXX Date permit comes into operation: XX Month XXXX (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
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Planning and Environment Regulations 2015

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Section 96J

IMPORTANT INFORMATION ABOUT THIS PERMIT**WHAT HAS BEEN DECIDED?**

The responsible authority has issued a permit. This permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. [insert planning scheme number] to the [insert planning scheme].

WHEN DOES A PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if–
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation, within five years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if–
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if–
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision–
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Administrative Tribunal for a review of any condition in this permit.

Date issued: XX Month XXXX Date permit comes into operation: XX Month XXXX (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
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2.5. NAMING OF ROADS IN POOWONG - CONSIDERATION OF COMMUNITY FEEDBACK

Directorate:	Strategy & Partnerships
Department:	Governance and Integrity

COUNCIL PLAN

Theme - Leading with Integrity

Ensuring that Council meets its statutory obligations to consult with the community before making decisions as naming authority, is consistent with the objective of Leading with Integrity.

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider approving the commemorative naming of two new roads to be created as part of the approved plans for Planning Permit - 2021/321 for 14 Brisbane Street, Poowong.

The community consultation that was undertaken received a low number of submissions and it is recommended that Council approve the two commemorative names as part of the plans for the planning permit.

RECOMMENDATION

That Council:

- 1. Approves the two names of Beckett Street and Horsley Street to be included in the approved plans for Planning Permit -2021/321;**
- 2. Writes to all submitters advising them of Council's decision and notifies the objectors that they have an opportunity to appeal South Gippsland Shire Council's decision with Geographic Names Victoria; and**
- 3. Approves Council officers to submit the approved plans for Planning Permit - 2021/321 to the Titles Office.**

REPORT

Background

The naming of roads, assets or any other geographic feature in Victoria is governed by the *Geographic Place Names Act 1998* and associated Naming Rules issued by Geographic Names Victoria (GNV). Council has specific powers under s.206 of the Local Government Act 1989 in relation to the naming of roads.

Naming Proposals

In accordance with condition (d) under the Functional Layout Plan in Planning Permit 2021/321, a functional layout plan must be submitted and approved by the Responsible authority including proposed street names.

The Function Layout Plan submitted to Council proposes to name the two roads to be created as part of the new subdivision with commemorative names as defined by the Naming Rules.

Road 1 – Proposed Name – Beckett Street

This name is to commemorate Daniel Beckett. Daniel Beckett was a resident of Poowong when Poowong was first surveyed in 1878. David Beckett was the first selector of original crown allotment for the land in question at 14 Brisbane Street, Poowong.

References:

Poowong The First 30 Years The story of its Early History, Published by Joseph White. (Page 140)

History of the Shire of Korumburra, Published by Joseph White. (Page 53)

Road 2 - Proposed Name – Horsley Street

This name is to commemorate Susan Horsley, who's family operated Poowong's first Post Office in 1883, with Susan Horsley serving as postmistress until 1890.

To this day, descendants of the Horsley family still have a connection with the Poowong township.

References:

Poowong The First 30 Years The story of its Early History, Published by Joseph White. (Page 56)

Community Engagement Responses

During the community engagement period, 41 people viewed the item on Council's Your Say Platform and Council has received four submissions.

Beckett Street

Of the submissions received, one (25 per cent) supported the proposed name and three (75 per cent) did not support the proposed name.

In terms of if Beckett Street should be considered a duplicate name one (25 per cent) submission said it should be considered a duplicate, and three (75 per cent) submissions said it shouldn't be considered a duplicate.

Horsley Street

Of the submissions received, two (50 per cent) supported the name and two (50 per cent) did not support the name.

Submissions that did not support either proposed name, Beckett or Horsley, provided written feedback suggesting alternative naming such as indigenous, flora & fauna or commemoration of other people.

Because most of the submissions that opposed the proposed names did not cite issues with compliance under the GNV Naming Rules, but rather offered alternative suggestions—and given the low overall number of submissions—it is

recommended that Council approve the two commemorative names through the planning permit process.

Council officers will work with developers in the future to incorporate the alternative names that were suggested into future new street names.

CONSULTATION / COMMUNITY ENGAGEMENT

Council conducted a community consultation over a four-week period from 22 May 2025 to 23 June 2025 to gather feedback on the proposed naming of two roads. Engagement methods included:

- Your Say Platform: The consultation was hosted on Council's online engagement platform.
- Direct Notification: Hardcopy letters were sent to all property owners within 100 metres of the proposed roads (20 properties in total).
- Local Newspaper Advertisements: Notices were published in Council's regular advertisement section in the South Gippsland Sentinel Times on:
 - 27 May 2025
 - 11 June 2025
- Media Release: A public media release was issued on 4 June 2025 to further promote the consultation

RESOURCES / FINANCIAL VIABILITY

Nil

RISKS

Council as a Naming Authority must undertake its responsibilities in accordance with the Naming Rules and ensure that road users are able to use roads effectively.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Attachments are available on Council's website at the following [LINK](#).

Nil

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

Nil

Legislative Provisions

Geographic Place Names Act 1998

Local Government Act 1989

Local Government Act 2020

Planning and Environment Act 1987

Regional, State and National Plan and Policies

Nil

2.6. PROPOSED ROAD DISCONTINUANCE – UNUSED ROAD – ROONEY STREET FOSTER

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Planning

Council Plan

Theme - Empowering Communities

Council supports the provision of social and affordable housing.

EXECUTIVE SUMMARY

The purpose of this report to Council is to commence a statutory process to facilitate the sale of an unused government road, known as Rooney Street, Foster, to Linton Court Elderly People's Homes Society Inc. for further development.

To expedite the process Council has been asked to discontinue Rooney Street, Foster, so that the State Government can sell the land from the road to Linton Court Elderly People's Homes Society Inc.

RECOMMENDATION

That Council:

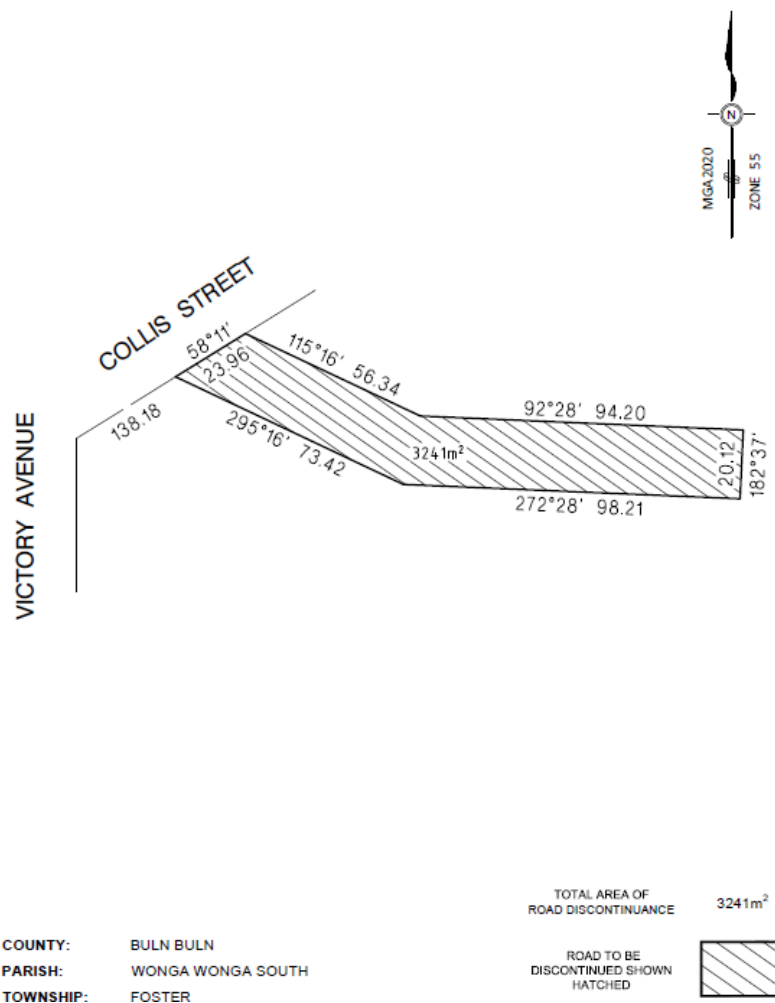
- 1. Commence the statutory process in accordance with section 206 schedule 10 clause 3(a) to discontinue the unused government road known as Rooney Street, Foster, being 3,241m² shown hatched in Figure 1;**
- 2. Gives public notice with respect to proposal on Council's website, and in local newspapers in the edition week commencing 21 July 2025 in accordance with Section 223 of the Local Government Act 1989 on the proposal (item 1), inviting written submissions to be received by 5pm Tuesday 19 August 2025;**
- 3. If submissions are made to the public notice:**
 - a. Authorise the Chief Executive Officer to fix the time, date and place of the meeting for the hearing for persons who wish to be heard in support of their submissions;**
 - b. Receives a further report to consider submissions and determine the outcome at the next available Council meeting;**
- 4. If no submissions are received, publish the road discontinuance notice of Rooney Street Foster in the Victorian Government Gazette.**

REPORT

Council has been requested to use its powers under the *Local Government Act 1989* to discontinue an unused road known as Rooney Street Foster shown in **Figure 1**. To facilitate the sale of the government road by the State Government to Linton Court Elderly People's Homes Society Inc. so that the area can be used as defensible space.

If Council uses its powers to remove the road status from the government road, the time frame for purchase from the State Government will be reduced from eight (8) years to approximately one to two (1 – 2) years.

Figure 1



Community consultation will occur by calling for public submissions in the local newspaper for 28 days in accordance with section 223 of the *Local Government Act 1989*.

RESOURCES / FINANCIAL VIABILITY

The surveyed Road Discontinuance plan was supplied by Linton Court Elderly People's Homes Inc.

If the statutory process fails and the road can't be discontinued, Linton Court Elderly People's Homes Society Inc. may not be able to purchase the site from the State Government.

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Attachments are available on Council's website at the following [LINK](#).

Nil

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 3. Decision Making

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

Social and Affordable Housing Strategy

Legislative Provisions

Local Government Act 2020

Regional, State and National Plan and Policies

Nil

2.7. PETITION RESPONSE – YANAKIE WEATHER STATION

Directorate:	Strategy & Partnerships
Department:	Regional Partnerships

Council Plan

Theme - Leading with Integrity

Theme - Developing a Sustainable Future

This report relates to Good Governance and Financial Sustainability - Partner with our community to advocate for our shared interests to the Victorian and Australian Governments.

EXECUTIVE SUMMARY

The purpose of this report is for Council to receive and note a petition to Council received on 14 May 2025 in relation to the Yanakie Automatic Weather Station (AWS) and continue its advocacy for external funding for the upgrade and continued operation of the AWS.

RECOMMENDATION

That Council:

- 1. Thank the Lead Petitioner for their submitted Petition;**
- 2. Continues its advocacy for external funding for the upgrade and continued operation of the Yanakie Automatic Weather Station; and**
- 3. Notifies the Lead Petitioner regarding the outcome of this report.**

REPORT

A petition was received by Council on 14 May 2025 from the Yanakie Progress Association.

The basis of the petition is set out below:

"We, the undersigned petition in support of the Yanakie Weather Station (AWS) ID 085307".

In 2012, Council was provided with funding from the Victorian Government's Advancing Country Towns Project (*Department of Planning and Community Development*) to install an AWS at Yanakie. Additional funding was provided by the Department of Transport, Department of Primary Industry and GippsDairy. The AWS was officially opened on 8 February 2013 and has continued in operation since.

A 10-year maintenance agreement for the AWS was agreed with BoM as well as a lease for the land where the AWS is sited, both of which have expired. To

continue the AWS a new maintenance agreement and lease are required. Annual costs of around \$30,000 are indicated. There may also be other unknown associated costs. There is no current or future Council budget allocated for this service.

Council acknowledges the importance to the community of the Yanakie AWS and the benefits it provides. Council has been seeking alternative funding arrangements that have included: discussions with the BoM, strong advocacy to the Australian and Victorian Governments, discussions with the Victorian Rural Services Commissioner and discussions with potential non-government funders such as philanthropic groups and businesses.

CONSULTATION / COMMUNITY ENGAGEMENT

Consultation has occurred with the BoM, Rural Services Commissioner, the property owner where the Weather Station is located and community members.

RESOURCES / FINANCIAL VIABILITY

As well as ongoing annual fees Council has been advised that the equipment will need to be upgraded, possibly in the next three years, which will cost between \$10,000 and \$20,000.

BoM advise that network-wide upgrades are planned to begin in 2024-25 and will take several years to complete. Ongoing maintenance cost are likely to be nearly \$30,000 per annum.

There is no current or future Council budget allocated for this service.

RISKS

Lack of the service will have potential risks to farming, fishing, maritime and tourism in the district.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Attachments are available on Council's website at the following [LINK](#).

Nil

CONFIDENTIAL ATTACHMENTS

The consideration of confidential information in a closed session of Council is in accordance with s.66(2)(a) and s.66(5)(a) and (b) of the *Local Government Act 2020*.

Confidential Attachment [10.2.1] – Petition – Yanakie Progress Association - Yanakie Weather Station is designated confidential information pursuant to the *Local Government Act 2020*, s.3(1) (f) - personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

The grounds for designation have been made to protect the privacy of an individual's personal information.

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 3. Decision Making

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

Nil

Legislative Provisions

Local Government Act 2020

Regional, State and National Plan and Policies

Nil

2.8. PETITION RESPONSE – VENUS BAY TRAFFIC CALMING MEASURES

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Delivery

Council Plan

Theme - Leading with Integrity

This report considers a petition regarding the safe connection of people and places in Venus Bay.

EXECUTIVE SUMMARY

The purpose of this report is to respond to the petition submitted by Mr Mark Radley of Venus Bay requesting Council design and construct traffic calming measures in Venus Bay.

RECOMMENDATION

That Council:

- 1. Thank the Lead Petitioner for their submitted Petition;**
- 2. Advise the Lead Petitioner that Council is currently developing designs for traffic calming measures at the locations described by the Petition;**
- 3. Advise the Lead Petitioner that Council is seeking external funding for the construction of the traffic calming measures; and**
- 4. Notifies the Lead Petitioner regarding the outcome of this report.**

REPORT

At the 21 May 2025 Council meeting, a petition containing 339 signatures was tabled from Mr Mark Radley of Venus Bay requesting that Council design and construct traffic calming measures at three key locations in Venus Bay.

At the meeting, Council resolved to 'Receive and note the petition and receive a report on the matter at its 16 July 2025 Meeting of Council'.

The petition prayer is available in the figure below and a full copy of the petition is available in **Confidential Attachment [10.3.1] - Petition – Venus Bay Traffic Calming Measures**.

What do you want the Council to do?:* _____

We would like council to design and construct traffic calming measures in key risk areas.

1. Lees Rd between the bend east of Merkani Ave and 30m east of Game St on the bend.

2. "The Mad Mile" (Lees Rd) entry to the second estate, on the bend just before Anita Crescent.

3. Drop the 80km an hour speed limit on Lees Rd in the third estate to 50km an hour so there is a consistant speedlimit across the peninsula or at least consider traffic calming measures.

Council is aware of speed issues having been raised in Venus Bay, particularly on Lees Road through the first estate.

To respond to these issues, Council has been developing concept designs for speed treatments on Lees Road, as well as on Canterbury Road, with a view to propose the treatments as a project for potential funding under a State or Federal program.

Council is currently advocating that treatments in Venus Bay may be funded by a grant available through the Victorian Government's Department of Transport and Transport Accident Commission's Safe Local Roads and Streets Program and have engaged with representatives from these organisations for approval to apply for grant funding. Should funding through the program be successful, treatments could be delivered in Venus Bay within the next two years.

CONSULTATION / COMMUNITY ENGAGEMENT

It is proposed to share draft designs for traffic calming features in Venus Bay with the lead Petitioner, as well as more broadly to the Venus Bay community via Council's 'Your Say' forum.

RESOURCES / FINANCIAL VIABILITY

The development of designs for traffic calming features in Venus Bay can be accommodated within current budgets.

The construction of traffic calming features in Venus Bay is not budgeted and Council is seeking external funding opportunities for the project.

RISKS

Council may not be successful in gaining external funding for the project. The ability of Council to deliver any traffic calming features in Venus Bay would be difficult without external funding due to budgeting constraints.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Attachments are available on Council's website at the following [LINK](#).

Nil

CONFIDENTIAL ATTACHMENTS

The consideration of confidential information in a closed session of Council is in accordance with s.66(2)(a) and s.66(5)(a) and (b) of the *Local Government Act 2020*.

Confidential Attachment [10.3.1] – Petition – Venus Bay Traffic Calming Measures is designated confidential information pursuant to the *Local Government Act 2020*, s.3(1) (f) - personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

The grounds for designation have been made to protect the privacy of an individual's personal information.

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 5. Communications & Community Engagement

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

Nil

Legislative Provisions

Road Management Act 2004

Road Safety Act 1986

Regional, State and National Plan and Policies

Nil

2.9. PETITION RESPONSE – FISH CREEK STREETScape PARKING AND PEDESTRIAN CROSSING

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Delivery

Council Plan

Theme - Leading with Integrity

This report considers a petition regarding the safe connection of people and places in Fish Creek.

EXECUTIVE SUMMARY

The purpose of this report is to respond to the petition submitted by Mr Brad Anderson of Fish Creek requesting Council alters the design of the Fish Creek Streetscape project currently under construction in Fish Creek, to relocate the pedestrian crossing to another location in Fish Creek.

RECOMMENDATION

That Council:

- 1. Thank the Lead Petitioner for their submitted Petition;**
- 2. Advise the Lead Petitioner that Council expects that the refreshed streetscape in its current design will provide a fair balance between the needs of various users of the town centre;**
- 3. Advise the Lead Petitioner that Council will not be making alterations to the design of the streetscape; and**
- 4. Notifies the Lead Petitioner regarding the outcome of this report.**

REPORT

At the 21 May 2025 Council meeting, a petition containing 267 signatures was tabled from Mr Brad Anderson of Fish Creek requesting that Council alters the design of the Fish Creek Streetscape project currently under construction in Fish Creek.

At the meeting, Council resolved to 'Receive and note the petition and receive a report on the matter at its 16 July 2025 Meeting of Council'.

The petition prayer is available in the figure below and a full copy of the petition is available in **Confidential Attachment [10.4.1] - Petition – Fish Creek Streetscape Parking and Pedestrian Crossing**.

PETITION TO SOUTH GIPPSLAND SHIRE COUNCIL

**Stop the changes to streetscape of Falls Road that removes
the existing parking bays directly outside the Hardware
and put the street crossing elsewhere and not in front of
the hardware store**

The Fish Creek Streetscape project has been developed primarily to address community concerns regarding the performance of the Fish Creek town centre particularly during events and peak periods. The town centre has also suffered from unusual and outdated road and parking arrangements which has caused difficulty for visitors as visitation has grown.

Council has responded to community feedback by engaging an expert consultant to provide an assessment of the traffic and parking in Fish Creek, and to provide advice on the most practical solutions to perceived parking issues in town. The key outcome of the report was that pedestrian connectivity around Fish Creek was the cause of perceived parking limitations, as visitors have minimal options to get to shops or activities from the locations where parking is generally available being the rail yard and off Foster Road.

The design of the streetscape seeks to address the connectivity issue and encourage walkability in town by:

- Simplifying the intersections of Falls Road with Keanes Road, Synan Road and Ryan Street;
- Providing new and improved paths including an accessible path of travel between the Falls Road shops and the footpath network on Foster Road; and
- Formalising legacy informal walking and parking arrangements to improve safety and usability of parking locations.

The walkability aspect of the Streetscape includes by necessity a new raised pedestrian crossing on Falls Road, for the dual purpose of giving pedestrians a safe priority crossing in the centre of town and forming a speed control treatment to ensure vehicles are travelling at a safe speed.

The location of the crossing point has been selected based on available sight distance, lighting availability and proximity to other intersections and points of vehicle access and has no practical alternative location. Access into the existing driveway at the hardware store has been considered in the design and will not be impeded.

Recognising that parking demand will likely continue to increase in Fish Creek into the future, Council has investigated the redevelopment of the existing tennis

courts in the town centre, which could be reconstructed into an appropriate and compliant parking area in a future project should it become warranted by demand. However, this is not part of the current streetscape project.

CONSULTATION / COMMUNITY ENGAGEMENT

Council attended a number of private and public meetings with the Fish Creek Community Development Group and other stakeholders through the development of the streetscape design between 2021-2024, who had endeavoured to keep the broader community informed of the state of the project as it developed.

Council will continue to consult with affected businesses and community members during the delivery of the project.

RESOURCES / FINANCIAL VIABILITY

The project is currently contracted and budgeted under Council's Sealed Roads Rehabilitation Program. Changes to the design would require significant officer time, as well as impacting the Program Budget through additional design costs and contract costs.

RISKS

Works on this project are already contracted and have commenced on site. Alterations to the design would likely result in costly project delays and substantial variations to the existing contract.

The current design has been developed to provide the greatest balance between safety, practicality and minimising adverse impacts. Altering the design will likely have an overall net negative outcome.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Attachments are available on Council's website at the following [LINK](#).

Nil

CONFIDENTIAL ATTACHMENTS

The consideration of confidential information in a closed session of Council is in accordance with s.66(2)(a) and s.66(5)(a) and (b) of the *Local Government Act 2020*.

Confidential Attachment [10.4.1] Petition – Fish Creek Streetscape Parking and Pedestrian Crossing – is designated confidential information pursuant to the *Local Government Act 2020*, s.3(1)(f) - personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

The grounds for designation have been made to protect the privacy of an individual's personal information.

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 5. Communications & Community Engagement

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

Asset Management Policy (C04)

Community Engagement Policy (C06)

Risk Management Policy (C35)

Asset Management Strategy

Road Safety Strategy

Road Management Plan

Legislative Provisions

Road Management Act 2004

Road Safety Act 1986

Regional, State and National Plan and Policies

Nil

2.10. PETITION RESPONSE – FISH CREEK STREETScape PARKING AROUND WAR MEMORIAL

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Delivery

Council Plan

Theme - Leading with Integrity

This report considers a petition regarding the safe connection of people and places in Fish Creek.

EXECUTIVE SUMMARY

The purpose of this report is to respond to the petition submitted by Mr Brad Anderson of Fish Creek requesting Council alters the design of the Fish Creek Streetscape project currently under construction in Fish Creek, to upgrade the existing parking around the Fish Creek War Memorial to meet the relevant Australian Standards.

RECOMMENDATION

That Council:

- 1. Thank the Lead Petitioner for their submitted Petition;**
- 2. Advise the Lead Petitioner that Council considered the upgrade of the parking area around the Fish Creek War Memorial in its design for the Fish Creek Streetscape, but it was found that there was insufficient space to make it compliant and will not be making alterations to the design of the streetscape; and**
- 3. Notifies the Lead Petitioner regarding the outcome of this report.**

REPORT

At the 21 May 2025 Council meeting, a petition containing 298 signatures was tabled from Mr Brad Anderson of Fish Creek requesting that Council alters the design of the Fish Creek Streetscape project currently under construction in Fish Creek to upgrade the existing parking around the Fish Creek War Memorial to meet the relevant Australian Standards.

At the meeting, Council resolved to 'Receive and note the petition and receive a report on the matter at its 16 July 2025 Meeting of Council'.

The petition prayer is available in the figure below and a full copy of the petition is available in **Confidential Attachment [10.5.1] - Petition Fish Creek Streetscape Parking Around War Memorial**.

PETITION TO SOUTH GIPPSLAND SHIRE COUNCIL

Stop the removal of the parking around and behind the war memorial and make designated parking bays there resurfaced to relevant Australian standards ie drainage, guttering and linemarking etc.

The Fish Creek Streetscape project has been developed primarily to address community concerns regarding the performance of the Fish Creek town centre particularly during events and peak periods. The town centre has also suffered from unusual and outdated road and parking arrangements which has caused difficulty for visitors as visitation has grown.

Council has responded to community feedback by engaging an expert consultant to provide an assessment of the traffic and parking in Fish Creek, and to provide advice on the most practical solutions to perceived parking issues in town. The key outcome of the report was that pedestrian connectivity around Fish Creek was the cause of perceived parking limitations, as visitors have minimal options to get to shops or activities from the locations where parking is generally available being the rail yard and off Foster Road.

The design of the streetscape seeks to address the connectivity issue and encourage walkability in town by:

- Simplifying the intersections of Falls Road with Keanes Road, Synan Road and Ryan Street;
- Providing new and improved paths including an accessible path of travel between the Falls Road shops and the footpath network on Foster Road; and
- Formalising legacy informal walking and parking arrangements to improve safety and usability of parking locations.

In developing the design, the currently paved area around the memorial was investigated for the potential to reach an appropriate standard for circulating and parking vehicles, but the findings were that sufficient space is simply not available to achieve any reasonable number of spaces in accordance with standards allowing for vehicle manoeuvre space.

Given that this area is in a prime location in the centre of town, and currently subject to significant pedestrian traffic and immediately adjacent to a playground and other recreation facilities, it was deemed inappropriate to retain the parking in this location with a view to improve walking connections to other parking areas that are available throughout Fish Creek being the rail yard circulation road and parking areas on Foster Road instead.

Recognising that parking demand will likely continue to increase in Fish Creek into the future, Council has investigated the redevelopment of the existing tennis courts in the town centre, which could be reconstructed into an appropriate and

compliant parking area in a future project should it become warranted by demand. However, this is not part of the current streetscape project.

CONSULTATION / COMMUNITY ENGAGEMENT

Council attended a number of private and public meetings with the Fish Creek Community Development Group and other stakeholders through the development of the streetscape design between 2021-2024, who had endeavoured to keep the broader community informed of the state of the project as it developed.

Council will continue to consult with affected businesses and community members during the delivery of the project.

RESOURCES / FINANCIAL VIABILITY

The project is currently contracted and budgeted under Council's Sealed Roads Rehabilitation Program. Changes to the design would require significant officer time, as well as impacting the Program Budget through additional design costs and contract costs.

RISKS

Works on this project are already contracted and have commenced on site. Alterations to the design would likely result in costly project delays and substantial variations to the existing contract.

The existing arrangement of this parking area operates on an uncontrolled basis, with no formalised bays or dedicated circulation lanes. At busy times, more vehicles access this space than can be appropriately accommodated, introducing difficulties in manoeuvring vehicles creating the potential for conflict between vehicles and pedestrians or children.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Attachments are available on Council's website at the following [LINK](#).

Nil

CONFIDENTIAL ATTACHMENTS

The consideration of confidential information in a closed session of Council is in accordance with s.66(2)(a) and s.66(5)(a) and (b) of the *Local Government Act 2020*.

Confidential Attachment [10.5.1] – Petition Fish Creek Streetscape Parking Around War Memorial is designated confidential information pursuant to the *Local Government Act 2020*, s.3(1)(f) - personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

The grounds for designation have been made to protect the privacy of an individual's personal information.

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 5. Communications & Community Engagement

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

Asset Management Policy (C04)

Community Engagement Policy (C06)

Procurement Policy (C32)

Risk Management Policy (C35)

Asset Management Strategy

Road Safety Strategy

Annual Budget

Asset Management Plan - Road Infrastructure (internal)

Road Management Plan

Legislative Provisions

Road Management Act 2004

Road Safety Act 1986

Regional, State and National Plan and Policies

Nil

2.11. JOINT LETTER RESPONSE – SEALING OF ELMORES ROAD KORUMBURRA

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Planning

Council Plan

Theme – Leading with Integrity

Council considers customer requests to increase service levels on roads.

EXECUTIVE SUMMARY

The purpose of this report is to respond to the joint letter submitted by Robert Paterson and Leanne Thomson regarding the sealing of Elmore's Road, Korumburra. The requestor asks that the proposal be included in capital works planning.

RECOMMENDATION

That Council:

- 1. Thank the Lead Requestor for their submitted Joint Letter;**
- 2. Not support the request to seal Elmore's Road, Korumburra, on the basis that Council does not have funding for this upgrade work; and**
- 3. Notifies the Lead Requestor of the outcome of this report, noting this project is on Council's Gravel to Seal request list.**

REPORT

A joint letter was tabled on behalf of Robert Paterson and Leanne Thomson at the 19 May 2025 Council Meeting. It consisted of twenty-five (25) statements detailing customer experiences on Elmore's Road in Korumburra. This is a request for a higher service level from Council's road network where the benefit would be derived by the property owners on Elmore's Road (a dead-end road). The unsealed section of Elmore's Road is 1.62 kms in length and approximately 5 metres in width. The project to seal the road would require extending the width to 7 - 8 metres and installing drainage and possibly, kerb and channel.

Council does not have an ability to fund these substantial works and there is no allocation in the long-term financial plan to accommodate this type of project. There is an opportunity for the requestor to make a budget submission next year.

Special Charge Scheme

Council can elect to undertake a special charge scheme.

CONSULTATION / COMMUNITY ENGAGEMENT

No engagement has occurred following the submission of the joint letter.

RESOURCES / FINANCIAL VIABILITY

This project is estimated at \$2.6 million.

RISKS

The requestors have listed perceived risks to them from the road remaining unsealed.

Council incurs financial risk when it chooses to upgrade an asset but does not have the capacity to finance it.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Attachments are available on Council's website at the following [LINK](#).

Nil

CONFIDENTIAL ATTACHMENTS

The consideration of confidential information in a closed session of Council is in accordance with s.66(2)(a) and s.66(5)(a) and (b) of the *Local Government Act 2020*.

Confidential Attachment [10.6.1] – Joint Letter Sealing of Elmores Road Korumburra is designated confidential information pursuant to the *Local Government Act 2020*, s.3(1) (f) - personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

The grounds for designation have been made to protect the privacy of an individual's personal information.

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 5. Communications & Community Engagement

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

Asset Management Policy (C04)

Special Charge Scheme Policy (C42)

Asset Management Strategy

Road Safety Strategy
Asset Management Plan - Road Infrastructure (internal)
Long Term Financial Plan
Road Management Plan

Legislative Provisions

Local Government Act 2020
Road Management Act 2004

Regional, State and National Plan and Policies

Nil

2.12. CULTURAL AND RECREATIONAL CHARGES POLICY (C104)

Directorate:	Performance and Innovation
Department:	Financial Strategy

Council Plan

Theme - Leading with Integrity

This report promotes transparency, accountability, and fairness in the application of charges to cultural and recreational lands. The development and implementation of the draft Cultural and Recreational Land Charges Policy ensures that Council decisions are made in accordance with legislative requirements, are clearly communicated to affected stakeholders, and reflect a consistent and equitable approach to rating.

EXECUTIVE SUMMARY

The purpose of this report is to present the updated *Cultural and Recreational Land Charges Policy (C104)* for endorsement. This Policy outlines the process for applying a charge in lieu of rates for eligible cultural and recreational lands under the *Cultural and Recreational Land Act 1963 (CRLA)*. The policy ensures accountability, transparency, and compliance with the CRLA and provides a structured framework for determining appropriate charges.

RECOMMENDATION

That Council:

- 1. Adopts the Cultural and Recreational Land Charges Policy (Attachment [2.12.1]); and**
- 2. Publishes the Cultural and Recreational Land Charges Policy (Attachment [2.12.1]) on Council's website.**

REPORT

Historically, cultural and recreational land charges have been applied through a rate differential. In the 2025/26 Budget and Revenue and Rating Plan 2025-2029, adopted by Council 18 June 2025, this differential was abolished in favour of applying a charge in lieu of rates in accordance with the CRLA.

The Cultural and Recreational Land Charges Policy introduces a consistent and equitable approach to setting these charges, ensuring they reflect the services provided by Council and the community benefit derived from such lands. The policy is aligned with the Revenue and Rating Plan 2025–2029 and 2025/26 Budget and is proposed for adoption following the endorsement of these documents.

The policy provides clarity on eligibility, assessment criteria, and the methodology for calculating charges in lieu of rates. It supports Council's broader objectives of financial sustainability and fairness in rating practices.

CONSULTATION / COMMUNITY ENGAGEMENT

Councillors have been consulted during the development of the 2025/26 Budget and Revenue and Rating Plan 2025–2029.

Community groups directly affected by the new charges, who have not previously been rated, have been contacted via direct email.

RESOURCES / FINANCIAL VIABILITY

These charges are outside the rate cap and contribute to a more equitable distribution of Council's rating burden.

RISKS

There is a risk of resistance from property owners who have not previously been subject to rates. This was mitigated through targeted communication and engagement with affected parties.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Attachments are available on Council's website at the following [LINK](#).

1. Cultural and Recreational Land Charges Policy (C104) - 16 July 2025 Council Meeting [2.12.1 - 4 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 4. Structure, Systems & Policies

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

Rates and Charges Hardship Policy (C53)

Legislative Provisions

Local Government Act 1989

Local Government Act 2020

Valuation of Land Act 1960

Regional, State and National Plan and Policies

Nil

SOUTH GIPPSLAND SHIRE COUNCIL

COUNCIL POLICY

CULTURAL AND RECREATIONAL LAND CHARGES POLICY

Policy No.	C104	Adoption Date:	Council Meeting {approval-date}
Directorate:	Performance and Innovation	Department:	Financial Strategy
Revision Date:	July 2025		
GOOD GOVERNANCE FRAMEWORK – OVERARCHING PRINCIPLES			
Supporting Pillar:	Pillar 4. Structure, Systems & Policies		
Link to Pillar:	The Cultural and Recreational Land Charges Policy strengthens Council's governance framework by establishing parameters to apply a charge in lieu of rates to recreational lands.		

1. PURPOSE

To provide the framework for applying a discount of the rating charge for cultural and recreational lands. The *Cultural and Recreational Land Act 1963* (the *Act*) requires Council to undertake a separate process for the purpose of setting an applicable charge in lieu of rates for eligible properties.

The Cultural and Recreational Land Charges Policy ensures accountability, transparency and compliance within the *Act* and sets parameters for setting the in lieu of rates charge to recreational lands.

2. SCOPE

This policy only applies to *recreational lands* within the meaning of the *Act* (explained further in section 3).

Section 4(1) of the *Act* provides that Council can determine a charge on cultural and recreational land in lieu of rates. The charge must be reasonable, giving consideration to:

- 1) the services provided by Council in relation to such lands; and
- 2) the benefit to the community derived from such cultural and recreational lands.

3. LEGISLATION

The *Cultural and Recreational Land Act 1963* (the *Act*) defines Cultural and Recreational Land as any land that has the characteristics of 'recreational lands' as defined by section 2 of the *Act*. This includes:

(a) *lands which are—*

- (i) *vested in or occupied by any body corporate or unincorporate which exists for the purpose of providing or promoting cultural or sporting recreational or similar facilities or objectives and which applies its profits in promoting its objectives and prohibits the payment of any dividend or amount to its members; and*
- (ii) *used for outdoor sporting recreational or cultural purposes or similar out-door activities; or*

(b) *lands which are used primarily as agricultural showgrounds.*

The Act refers to rates at Section 4:

(1) Notwithstanding the provisions of any Act or enactment relating to the making and levying of rates that would otherwise be payable to the municipal council in respect of recreational lands there shall be paid to the municipal council as rates in each year such amount as the municipal council thinks reasonable having regard to the services provided by the municipal council in relation to such lands and having regard to the benefit to the community derived from such lands.

The objective of cultural and recreational land is to encourage the out-door sporting, recreational and cultural pursuits.

4. POLICY PRINCIPLES

Council will consider a discount of the rating charge for recreational lands.

The proposed charge, plus any applicable discount, will be included in Council's Annual Budget document, and will be calculated on the basis that each property has been charged with the services provided to the land, having made suitable allowance for the community benefit each provides.

Element One: The amount of the Levy 'having regard to the services provided by the municipal council'

This refers to the services that Council provides to recreational land properties.

Council has determined that recreational land properties benefit from the full range of Council services, with the exception of those services that are levied separately—such as kerbside waste collection, which is charged via a separate service charge.

This means that when calculating the charge in lieu of rates for eligible recreational lands, the full scope of Council's general services is considered applicable. These services include, but are not limited to:

- Maintenance and development of local infrastructure (e.g., roads, footpaths, drainage)
- Community development and engagement programs
- Parks and open space management
- Environmental sustainability initiatives
- Strategic and statutory planning
- Emergency management and public safety
- Governance and advocacy
- Library and cultural services
- Economic development and tourism support

By attributing 100% of South Gippsland Shire Council's general expenditure (excluding separately levied services) to the calculation base of Capital Improved Value x General Rate in the Dollar, the policy ensures that recreational landowners contribute fairly to the cost of services from which they and the broader community benefit. This approach aligns with principles of equity and transparency, ensuring that all

landowners contribute proportionately to the cost of maintaining and delivering essential community services.

Element Two: The amount of 'benefit to the community derived from such lands'.

Community benefit provided by recreational land properties may include:

- Sporting programs
- Cultural promotion
- Social interaction
- Environmental benefits
- Community development
- Meeting places

The community benefit allowance for recreational lands is determined by Council on an annual basis during the budget process.

The recreational land charges are calculated by applying the above two elements on the basis that each recreational land property are charged for the services provided to the land, having made suitable allowance for the community benefit each provides and effectively levies a charge that provides a discount for these properties compared to the equivalent municipal rates they would otherwise pay.

5. SUBMISSIONS, INTERNAL REVIEW AND APPEALS

Property owners wishing to appeal Council's decision regarding the charge may make a written submission to Council as part of the annual budget process.

Under the CRLA, any body which is aggrieved by the amount determined by Council pursuant to subsection 4(1) of the Act may also appeal to the relevant Minister and seek a determination.

6. RISK ASSESSMENT

People

6.1. This policy aims to provide clear understanding of CRLA limitations and requirements.

Reputational

6.2. This policy supports the appropriate levy of rates and charge including 'in lieu of rates' pursuant to CRLA legislation.

6.3.

Financial

6.4. Income from rates and charges is the prime source of revenue for Council and is vital to maintain Council's ability to deliver services.

Governance

6.5. Information regarding Council's Policy on Cultural and Recreational Land Charges should be readily available for the community to ensure openness and transparency of operations.

7. IMPLEMENTATION STATEMENT

Human Rights Charter

7.1. This Policy has considered the Charter of Human Rights and Responsibilities Act 2006.

Gender Equality

7.2. This Policy has considered the *Gender Equality Act 2020* in its development.

Roles and Responsibilities

7.3. It is the responsibility of the *Manager Financial Strategy* in consultation with the relevant managers and executive to maintain the Policy and establish internal guidelines for the management of debt collection practices covered by this Policy

8. MONITORING, EVALUATION AND REVIEW

8.1. This Policy will be reviewed and adopted by Council on a four-year cycle.

9. REFERENCE DOCUMENTS

Legislative Provisions	Local Government Act 1989 Local Government Act 2020 Cultural and Recreational Lands Act 1963 Valuation of Land Act 1960
Council Supporting Documents	Council Policy C53 Rates and Charges Hardship Policy Council Policy C15 Revenue and Debt Recovery Policy

10. DEFINITIONS

Recreational lands	Cultural and Recreational Land is any land that has the characteristics of 'recreational lands' as defined by section 2 of the Act. This includes: (a) lands which are— (i) vested in or occupied by any body corporate or unincorporate which exists for the purpose of providing or promoting cultural or sporting recreational or similar facilities or objectives and which applies its profits in promoting its objectives and prohibits the payment of any dividend or amount to its members; and (ii) used for out-door sporting recreational or cultural purposes or similar out-door activities; or (b) lands which are used primarily as agricultural showgrounds but does not in the case of lands referred to in subparagraph (i) of paragraph (a) of this interpretation include lands which are not held for an estate in fee simple by any such body unless such lands are held under a lease or licence from the Crown or from a municipal council.
Council	South Gippsland Shire Council
Act	The <i>Cultural and Recreational Lands Act 1963</i> .

11. REVISION HISTORY

Approved By	Approval Date	Sections Modified	CM9 Ref#
Council Meeting	DATE	New Policy	

2.13. PROCUREMENT POLICY (C32)

Directorate:	Performance and Innovation
Department:	Financial Strategy

Council Plan

Objective - Leading with Integrity

The Procurement Policy ensures Council is meeting legislative requirements, promotes fair competition and provides value for money when undertaking procurement activities.

EXECUTIVE SUMMARY

The purpose of this report is to present the updated *Procurement Policy (C32)* for endorsement. A procurement policy serves as a formal framework that guides how councils acquire goods, services, and works. Its primary purpose is to ensure that public funds are spent ethically, transparently, and efficiently, while also supporting local economic development, environmental sustainability, and fair competition.

Under the *Local Government Act 2020*, a Council must review its Procurement Policy at least once during each four-year term of Council. The *Procurement Policy (C32)* was last reviewed mid-2022.

RECOMMENDATION

That Council:

- 1. Adopts the revised Procurement Policy (C32) (Attachment [2.13.1]); and**
- 2. Publishes the revised Procurement Policy (C32) (Attachment [2.13.1]) on Council's website.**

REPORT

Councils are required under the *Local Government Act 2020* to maintain a procurement policy that ensures transparency, accountability, and value for money in all purchasing activities. The current policy has been reviewed to align with updated legislative requirements and incorporate best practice recommendations.

In particular, the revised Procurement Policy reflects updates to procurement thresholds and clarity around the panel contract process. These changes ensure that thresholds are suited to Council in response to the increase in costs of goods and services, and provides clarity to the panel contracts process, taking a conservative approach while still creating efficiencies and testing the market to ensure competition for higher value purchases.

The current *Procurement Policy (C32)* is available on Council's website and was endorsed in July 2022.

CONSULTATION / COMMUNITY ENGAGEMENT

The Draft Procurement Policy was subject to internal consultation and the final draft was presented to the Audit and Risk Committee for feedback.

RESOURCES / FINANCIAL VIABILITY

The procurement process is included in Council's operating budget. Additionally, the intention of the document is to increase value for money and support the financial viability of Council.

RISKS

Council must maintain a suitable Procurement Policy in order to mitigate the following risks:

- Financial risk: ensure Council's funds are utilised using value for money principles.
- Governance risk: to ensure it is reviewed as per the Local Government Act 2020 (Vic) and that it is up to date with other legislative changes.
- Reputational risk: mismanagement through inadequate documents can result in reputational damage to Council.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter. OBJ

ATTACHMENTS

Attachments are available on Council's website at the following [LINK](#).

1. Procurement Policy Review 2025 (C32) - Draft 16 July 2025 Council Meeting
[2.13.1 - 18 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 4. Structure, Systems & Policies

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

Procurement Policy (C32)

Legislative Provisions

Local Government Act 2020

SOUTH GIPPSLAND SHIRE COUNCIL

COUNCIL POLICY

South Gippsland
Shire Council

PROCUREMENT POLICY

Policy No.	C32	Adoption Date:	Council Meeting Council Meeting **DATE**
Revision Date:	July 2029		
Directorate:	Performance & Innovation	Department:	Financial Strategy
GOOD GOVERNANCE FRAMEWORK – OVERARCHING PRINCIPLES			
Supporting Pillar:	Pillar 7 - Risk & Compliance		
Link to Pillar:	<p>Good Governance is accountable: obligation to report, explain and be answerable for the consequences of decisions made on behalf of the community.</p> <p>Good Governance follows the rule of law: this means decisions are consistent with relevant legislation or common law and are within the powers of council.</p>		

1. PURPOSE

- 1.1. The purpose of the *Procurement Policy (C32)* (the Policy) is to support purchasing practices that are fair and transparent, that comply with the law and deliver best value for money.
- 1.2. This Policy has been developed to comply with sections 108 and 109 of the *Local Government Act 2020* (the Act) which requires Council to:
 - 1.2.1. Prepare and adopt a procurement policy which sets out the principles, processes and procedures that apply for the purchase of goods, services and works carried out by Council.
 - 1.2.2. Review its Procurement Policy at least once during a four-year term of Council.

2. SCOPE

- 2.1. The scope of this Policy applies to the procurement of all Council goods, services and works unless specifically exempted by this Policy.
- 2.2. The scope of this Policy applies to the whole of Council; Councillors, Council staff and other persons undertaking procurement on Council's behalf.

Procurement Policy (C32)

Adoption Date: Council Meeting **DATE**

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3. POLICY PRINCIPLES

Guiding Principles

- 3.1. Council is committed to ensuring that its purchasing practices are fair and transparent, comply with the law and deliver best value for money. This Policy is consistent with the requirements of s108(2) of the Act and will:
 - 3.1.1. Achieve value for money for the community;
 - 3.1.2. Ensure open and fair competition;
 - 3.1.3. Ensure openness and transparency of the decision-making process;
 - 3.1.4. Achieve high standards of probity, accountability and risk management;
 - 3.1.5. Achieve compliance with legislation;
 - 3.1.6. Reduce the risk of fraudulent behaviour and financial misuse;
 - 3.1.7. Ensure all personnel involved in the procurement activity understand their obligations regarding probity;
 - 3.1.8. Promote Environmental Sustainability; and
 - 3.1.9. Seek to support local and social procurement.
- 3.2. It also defines key principles to ensure that they are understood by Council employees and suppliers. Other definitions, explanations and implementation information applicable to this Policy are contained in the supporting Procurement Manual.

Treatment of GST

- 3.3. All monetary values stated in this Policy exclude GST unless specifically stated otherwise.

Ethics and Probity

- 3.4. Councillors and Council employees must always conduct themselves ethically and with integrity and must:
 - 3.4.1. Treat potential and existing suppliers with equality and fairness;
 - 3.4.2. Ensure all general procurement takes into consideration all relevant ethical supply chain provisions identified within the *Modern Slavery Act 2018*;
 - 3.4.3. Not seek or receive personal gain;
 - 3.4.4. Maintain confidentiality of commercial in confidence information such as contract prices and other sensitive information;



- 3.4.5. Present the highest standards of professionalism and probity;
- 3.4.6. Deal with suppliers in an honest and impartial manner that does not allow conflicts of interest;
- 3.4.7. Provide all suppliers and tenderers with the same information and equal opportunity; and
- 3.4.8. Be able to account for all decisions and provide feedback on them.
- 3.5. Council may choose to engage probity services depending on the nature, complexity, risk and value of a procurement activity.
 - 3.5.1. Circumstances where a Probity Advisor and / or Probity Auditor must be engaged include procurement with an expected value of \$5 million or over.
 - 3.5.2. Other circumstances where a Probity Advisor and / or Probity Auditor must be engaged include procurement with an expected value of \$1 million, and are:
 - 3.5.2.1. deemed high risk; or
 - 3.5.2.2. deemed to be complex or sensitive in nature; or
 - 3.5.2.3. considered politically sensitive or subject to a high degree of public scrutiny and
 - 3.5.2.4. the Chief Executive Officer (CEO) advises that a Probity Advisor and / or Probity Auditor should be engaged.
- 3.6. In relation to conflict of interest, Councillors must comply with Division 2 of the Act, the *Governance Rules 2020 (C82)* and the *Councillor Code of Conduct (C14)*. Council employee expectations are outlined in the *Employee Code of Conduct Policy (CE20)*. Confidentiality of information provided by existing and prospective suppliers must be maintained at all times, particularly commercially sensitive material such as, but not limited to prices, discounts, rebates, profit, manufacturing and product information, limited only by the extent of law.

Commitment to Best Practice

- 3.7. Council's commitment to achieve best practice through continuous improvement and compliance with legislation will be demonstrated through:
 - 3.7.1. Requiring all responsible employees to have the necessary training and knowledge to ensure competencies in procurement are maintained;
 - 3.7.2. Maintaining system controls and efficiencies;
 - 3.7.3. Defining accountabilities and proactively managing any non-compliance swiftly and systematically;



- 3.7.4. Reviewing Procurement practices, policies and guidelines to reflect the *Best Practice Procurement Guidelines for Victorian Local Government* as issued by Municipal Association of Victoria (MAV); and
- 3.7.5. Considering and responding to reports and recommendations from various authorities and collaboration across the sector by involvement in various working groups.

Value for Money

- 3.8. Section 108(3)(b) of the Act requires that Council stipulates the criteria that helps measure the value for money concept. For South Gippsland Shire Council, obtaining value for money does not mean Council is obliged to seek the lowest price.
- 3.9. The concept of 'value for money' involves considering both financial and non-financial factors which may include (but not limited to):
 - 3.9.1. Quality
 - 3.9.2. Longevity
 - 3.9.3. Fitness for purpose
 - 3.9.4. Operational costs
 - 3.9.5. Experience and performance history
 - 3.9.6. Flexibility, innovation and adaptation
 - 3.9.7. Whole of life costs including acquisition, decommissioning and disposal costs
 - 3.9.8. Environmental impact including recyclability or reuse considerations.
 - 3.9.9. Economic and social sustainability
 - 3.9.10. Backup and support systems
 - 3.9.11. Licensing, registering and training costs
 - 3.9.12. Legal costs
 - 3.9.13. Risk, security and Occupational Health and Safety considerations

Collaboration

- 3.10. In accordance s108(3)(c) of the Act, Council will seek to collaborate with other Councils or public bodies (e.g. MAV Procurement, Procurement Australia or State Government) when procuring goods, services or works in order to take advantage of efficiencies or economies of scale.
- 3.11. In accordance with the Act, section 109(2), each report to Council recommending entering into a procurement agreement, will include information relating to the opportunities for collaboration.

**Environmental Sustainability**

- 3.12. Council is committed to reducing its environmental impacts and will encourage procurement activities which seek to consider whole-of-life sustainability of the Goods, Services or Works being procured.
- 3.13. Council demonstrates sustainable procurement by:
- 3.13.1. Considering impacts on society, the economy and the environment including the impacts of the organisation's supply chain;
 - 3.13.2. Examining anticipated organisational, project and/or community needs;
 - 3.13.3. Continually improving sustainability specifications, practices and outcomes;
 - 3.13.4. Maximising recycling opportunities and reducing waste during the procurement life cycle;
 - 3.13.5. Planning and undertaking sustainability evaluations as part of contracting activities; and
 - 3.13.6. Council encourages the design and use of products and services that have been produced to ethical standards, which minimise as far as practicable the impact on the environment and human health.

Local Suppliers

- 3.14. As Council recognises the contribution made through procurement to the economic prosperity of the Shire, local suppliers and providers are encouraged to compete for the provision of Council goods, services and works.
- 3.15. Three aspects are included in the measurement of Local Procurement. These are the procurement of goods or services with:
- 3.15.1. Businesses owned and operated in the South Gippsland Shire ('South Gippsland Businesses')
 - 3.15.2. Businesses owned and operated in the five other Gippsland municipalities: Baw Baw, Bass Coast, East Gippsland, Latrobe and Wellington. ('Gippsland Regional Businesses') or bordering municipalities: Cardinia.
 - 3.15.3. Businesses owned outside the region, but in all other aspects operate as a local business employing predominantly local staff and supporting their operation with local suppliers and resources (Significant South Gippsland Operators).



- 3.16. Regular reporting will be provided to the CEO and Council detailing the location of businesses that are awarded contracts following a tender to assist in the oversight of Local Procurement. .
- 3.17. Purchases are to be justified on best value grounds for South Gippsland Shire, which include local economic, environmental and social benefits.
- 3.18. Where there is a local supplier or supplier using local contractors, the weighting criteria applied will take account of this as described in the Procurement Manual.

Gender Equality and Diversity

- 3.19. Under the *Gender Equality Act 2020* Council is obliged to promote gender equality in its policies, programs and services. Council officers are encouraged to seek products, services and providers that also promote gender equality and diversity.

Child Safety

- 3.20. Council has a zero-tolerance approach to child abuse and is committed to creating and maintaining a child safe and child-friendly organisation where all children are valued and protected from abuse and/or harm.
- 3.21. As a Child Safe organisation, Council reviews all contractors who are undertaking work on its behalf that may involve direct or incidental contact with children and/or young people to ensure that all contractors are aware of child safe guarding practices which result in children and young people being kept safe from harm and/or abuse.
- 3.22. Appropriate child safety compliance requirements will be included in the relevant contract agreements with Council.

Internal Control Framework

- 3.23. Council will establish, document and maintain a framework of internal controls over procurement processes.
- 3.24. All procurement activities are required to be performed with integrity and in a manner able to be upheld under close audit scrutiny. This requires all relevant Councillors and staff to act impartially and with integrity, avoiding conflicts of interest. Further, the CEO may approve a formal probity plan for proposed high value, high risk or complex contracts which require a higher level of public confidence in accordance with the Procurement Manual.
- 3.25. The CEO will manage procurement activities on behalf of Council by establishing and maintaining:
 - 3.25.1. this *Procurement Policy (C32)*;
 - 3.25.2. a Procurement Manual including the procurement processes, procedures, methods; and



- 3.25.3. alignment with relevant Council Policies, Delegations and supporting internal corporate policies and procedures.
- 3.26. Internal processes are required to prevent undisclosed conflict of interest, fraudulent behaviour and misuse of Council funds and resources to the extent possible and proactively reduce these risks through the use of prevention and detection processes and controls.

Breaches

- 3.27. Where the *Procurement Policy (C32)* has been breached, appropriate corrective action will be taken immediately in accordance with the Employee Code of Conduct. Criminal and Civil penalties may be imposed if fraud, corruption, bribery or Australian Consumer Laws are breached in accordance with the *Fraud and Corruption Policy (C19)*.

Evaluation Criteria

- 3.28. Tender selection criteria and weighting for each criterion will be documented prior to the requesting of tenders.
- 3.29. An appropriately qualified and briefed evaluation panel will be established to evaluate each submission against the selection criteria.
- 3.30. The results of the tender evaluation and demonstration of the robustness of the process is to be documented with the final recommendation for tender award/contract approval.

Public Tenders

- 3.31. Section 108(3)(a) of the Act details that each Council will set the public tender threshold circumstances when tenders must be publicly invited. The purchase of goods or services (including works) to the value of \$250,000 or more, excluding GST, (or as otherwise prescribed by Order in Council) for the whole term of the contract will be undertaken by an open public tender process, unless one of the nominated and/or legislated exemptions apply.
- 3.32. Public tenders will be listed in the tenders section of Council's website as well as advertised in selected local newspapers, other newspapers considered relevant to the procurement, and should be considered for listing on business networking platforms.
- 3.33. The successful tenderer(s) of any tender over the public tender threshold of \$250,000 (exclusive of GST) will be listed on the publicly available Council website for a minimum of two (2) years.
- 3.34. Procedures for tenders, quotations and other procurement methods are set out in Attachment A, the supporting Procurement Manual and other relevant Council/Corporate policies.

**Expression of Interest**

- 3.35. An EOI is an invitation for suppliers to submit interest for the provision of the goods and/or services, generally set out in the overview of requirements contained in the EOI document. This invitation is not an offer or a contract.
- 3.36. An EOI should be publicly advertised. Council may, at its absolute discretion, invite shortlisted respondents to participate in a closed tender following a publicly advertised EOI.

Delegated Procurement Threshold (CEO)

- 3.37. An s5 Instrument of Delegation has been established and will be maintained from Council to the CEO, which includes procurement delegations and is published on Council's website. The s5 Instrument of Delegation to the CEO delegates to the CEO the power to approve and execute contracts up to the value of \$681,818.18 (exclusive of GST).
- 3.38. Exceptions under the s5 Instrument of Delegation can be found within the Instrument on Council's website.

Sole Source Procurement Exemptions

- 3.39. Council at times makes purchases at values above the single quote threshold, normally requiring a competitive process (multiple quotes or formal tender), but may find there is no competitive market for that particular product or service.
- 3.40. Officers seeking sole source procurements are to request exemption from the public tendering, closed tendering or multiple quote requirement from the CEO prior to the quoting or tendering process occurring. This approval is to be included in the recommendation to Council or relevant approver as a part of the purchase justification and is to be explained in the Justification field of the accompanying Purchase Order.

Panel Contracts

- 3.41. As part of a public tender process, a panel of tenderers may be appointed to promote security of supply and value for money. This is most likely to be the case where council requires a range of services to be performed. Typical examples include the appointment of a range of trade services to undertake maintenance works or a range of contractors prepared to undertake projects such as refurbishment of buildings or facilities.
- 3.42. Officers should ask for quotes on a job-by-job basis which further promotes competition and value for money and must at minimum follow the process outlined in Attachment B and any further requirements under the panel contract.
- 3.43. The market must be tested in a consistent manner without any bias, or perception of bias, so that potential suppliers and the public have confidence in the outcome.

**Late Tenders**

3.44. Council will only accept tenders via its electronic e-Tendering system. Council will not accept late tenders unless it can be clearly documented that:

- 3.44.1. There was a system failure / interruption with Council's electronic e-Tendering system that impacted on lodgment; and the CEO agrees to acceptance.

Negotiations

3.45. Council may engage in post tender negotiations subject to these being conducted in accordance with Council's Procurement Manual and the Victorian Local Government Best Practice Procurement Guidelines.

Disclosure of Information

- 3.46. A Contract Register that contains details of all contracts that have been awarded through a public tender process, above Council's threshold, will be publicly available, on the South Gippsland Shire website.
- 3.47. This register will show the contract purpose, the recommended / successful tenderer(s), a brief description of the goods, services or works that are being procured (including contract length) and contract amount. Council will not disclose information about procurements below the public tender threshold.
- 3.48. Commercial in Confidence information received by Council must not be disclosed and is to be stored in a secure location.
- 3.49. Councillors and officers must take all reasonable steps to maintain confidentiality of information disclosed by organisations in tenders, quotations or during tender negotiations and Commercial in confidence information.
- 3.50. If an external independent subject matter expert is used on a tender evaluation panels, they need to sign a Confidential Undertaking agreement and a Conflict of Interest form before commencing their duties on the panel.
- 3.51. Discussions with potential suppliers during tender evaluations should not go beyond the extent necessary to resolve doubt on what is being offered by the supplier.
- 3.52. At no stage should any discussion be entered into which could improperly influence the procurement process or negotiation of the contract prior to the finalisation of the contract approval process, other than pre-contract negotiations.

Community Asset Committees (section 65, the Act)

- 3.53. Approval to enter into contracts which exceed a Community Asset (Section 65) Committees financial delegation, as outlined in their Instrument of Delegation, must be approved by a Council Officer possessing the required financial delegation. The approving officer must confirm compliance with Council's



Procurement Policy / Manual and ensure necessary permits / safety arrangements are in place. This decision must be documented.

Contract Cost Variations

- 3.54. All proposed contract cost variations which exceed the total approved contract price require approval at the level of the total revised contract amount, rather than the variation itself, in line with Financial Delegations set by the CEO or any relevant Council resolution. Should the revised contract amount exceed the CEO's delegation, the CEO is authorised by Council to approve only essential and necessary variations to ensure delays and further increased costs are avoided to key projects and services following consultation with the Mayor and subject to this variation being reported to the next practicable Council Meeting. If the Mayor is unable to consult with the CEO for whatever reason, the deputy Mayor should be consulted. All non-urgent variations, above the CEO's delegation, should be reported to either a supplementary Council meeting or the next practicable Council meeting for consideration by Council.
- 3.55. Any anticipated contingency allocation is to be approved within the original contract approval to ensure the full expected expenditure is being considered. This amount is to be stipulated in contract approval recommendation reports. The contingency amount should be in accordance with the manual, but may vary for specific contracts.
- 3.56. Latent conditions are specific to construction contracts and are physical conditions that could not reasonably have been anticipated by a competent contractor at the time of tendering. These are a specific cost variation that typically requires rapid consideration and approval. Special clauses for approval communication are included in the Procurement Manual for those latent conditions which exceed contingency amounts for reporting in the next Document Sealed, Awarded or Extended report (of a Council Agenda).

Contract Extensions

- 3.57. Many contracts are awarded on the basis of an initial fixed term with pre-defined extensions to the contract period included subject to mutual agreement and satisfactory performance. The CEO is authorised to enter into each of the contract extensions that were contemplated and approved in the initial contract approval subject to the satisfactory performance of the contractor. The extension must be reported to Council for any contracts which in total exceeds the CEO's delegation.

Blanket and Period-based Purchase Orders

- 3.58. Typically, procurement utilising purchase orders requires one or more quotes to support the transparency and veracity of the purchase. Certain circumstances warrant that the most efficient and effective purchasing method is to establish a purchase order covering a period or aggregate quantity of supply. On occasions, a fixed price cannot be established prior to event.



- 3.59. This provision recognises that in these circumstances, obtaining a fixed price quote for supply is not feasible and therefore a purchase requisition can be raised and subsequent purchase order approved without a quote attached on the proviso that a sound explanation of the reason for the purchase is included in the Justification field of the purchase order and schedule of rates or charges included if available. The approval by an officer with suitable financial delegation confirms that the purchase is within the available budget for that goods or service provision.

Procurement with Vendor Provided Terms and Conditions

- 3.60. For the majority of purchases, SGSC set the terms and conditions of the contract through providing them for acceptance in the tender documentation, or providing them with each purchase order.
- 3.61. Where there are variations to Council's standard terms and conditions, they are to be reviewed by the Procurement team, with legal advice obtained as appropriate. Approval must be sought from the appropriate Council officer (depending on the value and nature of the contract) and supported by the procurement and risk team.
- 3.62. Correspondence between Council officer and the contractor/supplier is to be saved in Council's record management system evidencing the review and approval process.

Property Leases Licences

- 3.63. For a property lease or license to occupy where Council is the lessee:
- 3.63.1. The Financial Delegations apply to the approval to enter into the lease or license, for the full rental value of the lease or license including rental for any further terms.
 - 3.63.2. The entering into the lease or license is not viewed as the purchase of a service and is therefore not subject to section 108 and 109 of the Act. However, other relevant principles and guidance from the Procurement Policy and Manual must be applied where applicable.
 - 3.63.3. The approval of any further lease or license terms, requires the approval from an Officer with the appropriate Financial Delegation for the cost of the full lease terms plus any additional being considered. Where the full rental value of the lease or license exceeds the CEO's delegation, the matter should be referred to Council for a decision.

Exemptions

- 3.64. The following circumstances are exempt from the general tender, proposal, quotation, and expression of interest requirements. Use of any exemption must be endorsed in accordance with the delegated procurement authority thresholds.



Exemption Name	Explanation, Limitations, Responsibilities and Approvals
State of emergency or state of disaster	If there is a state of emergency declared under the <i>Public Health and Wellbeing Act 2008</i> or state of disaster under the <i>Emergency Management Act 1986</i> and the delegate forms the opinion that any meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum may the delegate (following consultation with the Mayor if available and subject to any decision made by the delegate being reported to the next available Council Meeting) award a contract equal to or exceeding the value of \$750,000 (inclusive of GST) to a maximum value of \$3,000,000 (inclusive of GST);
A contract made because of genuine emergency or hardship	Where the works and/or services are required in response to an emergency event as declared by the CEO and a contract does not exceed the value of \$3,000,000 (inclusive of GST)
A contract made with, or a purchase from, a contract made by another government entity, government-owned entity or other approved third- party	<p>This general exemption allows engagements with contractor(s) who is/are a member(s) of an approved supplier panel (including those formed by Council, MAV, Procurement Australia or a State Purchasing Contract) established in accordance with the Act, for a project that exceeds the threshold for a public tender either a Closed Tender process, the MAV Vendor Panel system should be used, without the need to publicly advertise.</p> <p>For procurement that would ordinarily require a closed tenders or quote process, Officers must follow the process outlined in Attachment B and any further requirements under the panel contract, unless the below applies.</p> <p>On occasion, other government entity, government-owned entity or other approved third- party panels may be used where further quote or closed tender process is not an option. In this instance, an exemption to the process outlined in Attachment B may be applied by an Officer with the appropriate financial delegation after they have reviewed the details of the contract.</p>
Lack of competition	<p>Where it can be sufficiently demonstrated there is an absence of competition (eg. software licences) or where the required number of quotes was sought but insufficient responses were received within the required timeframes. This includes low response through public advertising. Approval under this exemption is to be included in the recommendation to Council or relevant approver as a part of the purchase justification and is to be explained in the Justification field of the accompanying Purchase Order.</p> <p>Exemption approval is required by the CEO in the instance where it is a sole source supplier.</p>



Extension of contracts while Council is conducting a market tender	<p>Allows the CEO or Director (within delegation limits) to extend an existing contract where the procurement process to replace the contract has commenced, and where the tender process or negotiations will take or have taken longer than expected.</p> <p>This exemption may be used when the establishment of an interim short-term arrangement is considered not to be in the public interest, as it may be cost prohibitive and/or present a risk in the delivery of critical public services to the municipality.</p>
Professional services unsuitable for tendering	Including, but not limited to Legal Services, Insurance, purchase of land, electoral or valuation services, Professional membership payments and subscriptions.
Novated Contracts	Where the initial contract was entered into in compliance with the Act and due diligence has been undertaken in respect to the new party.
Information technology resellers and software developers	<p>Allows Council to renew and extend software licenses, maintenance and support to use or upgrade existing systems, where there is only one incumbent supplier of the software who holds the intellectual property rights to the software and/or it is not practical or cost effective to change or upgrade.</p> <p>It must be able to be shown that this is in the best interest of Council and exemption approval is required by the CEO in the instance where it is a sole source supplier.</p>
Utility Companies	When utility authorities are required to undertake work on their assets.
Regional Waste Management Groups	Situations where a Regional Waste Management Group constituted under Section 50F of the <i>Environment Protection Act 2017</i> had already conducted a public tender for and on behalf of its member councils.
Contracts for Regional and Public Libraries	This exemption allows Council to enter into agreements with, including the provision of funding to or procuring services from, regional libraries established under section 196 of the <i>Local Government Act 1989</i> and any entity or entities established to replace them to deliver public library services (as required under the <i>Local Government Act 2020</i> .)
Operating Leases	Where a lessor leases an asset (generally a vehicle or plant and equipment) to the Council and assumes the residual value risk of the asset.
Statutory Compulsory Monopoly Insurance Schemes	<ul style="list-style-type: none"> • Compulsory Third Party Motor Vehicle Insurance • Work Cover

Further guidance

- 3.65. Should a matter arise that is not covered by this Policy or the relevant Legislation, Standards, Guidelines, other Council Policies or Council's Procurement Manual, the matter must be referred to the CEO to determine the appropriate action.

4. RISK ASSESSMENT

This Policy mitigates Council's risks as described below:

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Governance

- 4.1. The effective management of financial resources and legislative compliance are strategic risks for Council. The establishment and adherence to a Procurement Policy, supporting Procurement Manual, expenditure thresholds and clear accountabilities for managing procurement, are put in place to effectively control these aspects of the broader financial management strategic risk.

5. IMPLEMENTATION STATEMENT

Human Rights Charter

- 5.1. This Policy has considered the *Charter of Human Rights and Responsibilities Act 2006* in its development.

Gender Equality

- 5.2. This Policy has considered the *Gender Equality Act 2020* in its development.

6. MONITORING, EVALUATION AND REVIEW

- 6.1. This Policy will be reviewed and adopted by Council on a four-year cycle.

7. REFERENCE DOCUMENTS

Legislative Provisions	Local Government Act 1989 (Vic) Local Government Act 2020 (Vic) Freedom of Information Act 1982 (Vic) Modern Slavery Act 2018 (Cth) Charter of Human Rights and Responsibilities Act 2006 (Vic) Competition and Consumer Act 2010 (Cth) Environment Protection Act 2017 (Vic) Gender Equality Act 2020 (Vic)
Council Supporting Documents	Code of Conduct for Councillors (C14)/ Employees (CE20) Community Infrastructure Project Management Policy (C05) and Guidelines s5 Instrument of Delegation from Council to Chief Executive Officer Fraud and Corrupt Conduct Policy (C19) Human Rights Policy (C52) Employee Gifts, Benefits and Hospitality Policy (CE86) Councillor Gifts, Benefits and Hospitality Policy (C01) National Competition Policy (CE29) Occupational Health and Safety Policy (CE78) Procurement Manual Public Interest Disclosure Guidelines (CE21) Risk Management Policy (C35)
Related External Documents (<i>optional</i>)	Department of Planning and Community Development (DPCD) Local Government Procurement Best Practice Guidelines 2024 Municipal Association Victoria (MAV) Contract Management Guidelines Victorian Competitive Neutrality Policy Victorian Government Purchasing Board Guidelines (VGBP) MAV Collaborative Procurement Guidance Note 2021 Child Safe Standards (1 July 2022)

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8. DEFINITIONS

Procurement	Procurement is the process of acquisition of external goods, services and works. This process spans the whole lifecycle from initial concept, through to the end of the useful life of an asset (including disposal) or the end of a service contract. Other definitions, explanations and implementation information applicable to this Policy are contained in the supporting Procurement Manual.
Probity	In the context of a procurement process probity is a defensible process which is able to withstand internal and external scrutiny – one which achieves both accountability and transparency, providing tenderers with fair and equitable treatment.

9. REVISION HISTORY

Version	Approved By	Approval Date	Sections Modified	CM9 Ref#
2.0	Council	21 July 2021	Annual Review, in line with new LG Act 2020, new template.	D6786521
2.1	Council	20 July 2022	Annual Review, in line with s5 Instrument of Delegation.	D4339722
2.2	Council	*Insert Date*	Full Review.	*****



10. ATTACHMENT SUMMARY

10.1. Attachment A: Procurement Thresholds

	Transaction Limited by Holders Purchasing Card	\$0 – \$19,999	\$20,000 – \$49,999	\$50,000 – \$149,999	\$150,000 – \$249,999 Goods / Services/ Works	\$250,000 + Goods / Services / Works
Procurement Process	Purchasing Card or Employee Expense Reimbursement	Single Quotation	Two Quotations	Three Quotations	Closed Tender, 3 Submissions*	Open Public Tender**
No quote required	✓	✗	✗	✗	✗	✗
Obtain one written quote	✗	✓	✗	✗	✗	✗
Obtain two written quotes	✗	✗	✓	✗	✗	✗
Obtain three written quotes	✗	✗	✗	✓	✗	✗
Seek a minimum of 3 written submissions	✗	✗	✗	✗	✓	✗
Public Tender	✗	✗	✗	✗	✗	✓
Approved by	In accordance with Financial Delegations	In accordance with Financial Delegations	In accordance with Financial Delegations	In accordance with Financial Delegations	In accordance with Financial Delegations	In accordance with Financial Delegations
Record keeping requirements	Receipts in Finance System - Expenses	Invoice, Receipt or Quote in Finance System - Purchase	CM9 & Finance System - Purchase Requisition	CM9 & Finance System - Purchase Requisition	CM9, CMS & Finance System - Purchase Requisition	CM9, CMS & Finance System - Purchase Requisition

- All figures are excluding GST.
- The Procurement Process selected must be approved by the Council Officer authorised under the Financial Delegations.
- * Officers are required to seek a minimum of three written submissions. It is recommended to maximise best value that a sufficient number of Request for Tenders (RFT) are sent to prospective suppliers to increase the likelihood that three written submissions are received.



- If doubt exists as to whether the likely value of an intended contract would exceed the threshold for a public tender, then a public tender process should be undertaken.
- When undertaking a joint procurement exercise with another council/s, advertising a public tender is required when the contract that South Gippsland Shire Council is anticipated to enter exceeds the threshold required for a public tender.
- **If a publicly advertised EOI has occurred, and the goods or services are likely to be over the public tender threshold, a closed tender process can be used.



10.2 Attachment B: Procurement Panel Thresholds

NOTE: the below process is for procurement under panel contracts only

	\$0 – \$19,999 – when using Approved Panels	\$20,000 – \$49,999 – when using Approved Panels	\$50,000 – \$149,999 – when using Approved Panels	\$150,000 – \$249,999 when using Approved Panels	\$250,000 + – when using Approved Panels
Procurement Process for Panel Contracts	Single Quotation	Single Quotation	Two Quotations	Three Quotations	Closed Tender
Obtain one written quote	✓	✓	✗	✗	✗
Obtain two written quotes	✗	✗	✓	✗	✗
Obtain three written quotes	✗	✗	✗	✓	
Seek a minimum of 3 written submissions	✗	✗	✗	✗	✓
Public Tender	✗	✗	✗	✗	✗
Approved by	In accordance with Financial Delegations	In accordance with Financial Delegations	In accordance with Financial Delegations	In accordance with Financial Delegations	In accordance with Financial Delegations
Record keeping requirements	Invoice, Receipt or Quote in Finance System - Purchase	Invoice, Receipt or Quote in Oracle - Purchase Requisition	CM9 & Finance System - Purchase Requisition	CM9 & Finance System - Purchase Requisition	CM9, CMS & Finance System- Purchase Requisition

- Panels are approved supplier panels, including those formed by Council, MAV, Procurement Australia or a State Purchasing Contract. Use of the above process for any other type of panel must first be approved by the CEO in writing.
- When using a quote process for Council Panels, consideration must be given to whether contracts are being fairly distributed across panel members. For the avoidance of doubt, this is not intended to be at the detriment of Value for Money procurement.
- Refer to the Procurement Manual for more guidance on Panel Contracts.

2.14. INSTRUMENT OF APPOINTMENT - S11A PLANNING AND ENVIRONMENT ACT 1987 - TEMPLATE CHANGES

Directorate:	Strategy & Partnerships
Department:	Governance and Integrity

Council Plan

Theme - Leading with Integrity

Council's governance is strengthened by maintaining currency in the delegations to Officers with the functions they are required to perform on behalf of Council.

EXECUTIVE SUMMARY

The purpose of this report recommends that Council adopts S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) as per Attachments related to this Council report, under the *Planning and Environment Act 1987*. Council is ensuring compliance to the minor legislation changes to the wording of the template for all delegated Officers.

RECOMMENDATION

That Council resolves, in the exercise of the powers conferred by s.147(4) of the *Planning and Environment Act 1987*, s.224 of the *Local Government Act 1989* and s.313 of the *Local Government Act 2020*:

- 1. The members of Council staff referred to in the Instrument of Appointment and Authorisations (Attachment 2.14.1 to Attachment 2.14.22) be appointed and authorised as set out in the instrument and detailed in this report; and**
- 2. The Instrument of Appointment and Authorisation come into force immediately when signed by Council's Chief Executive Officer. It will remain in force until such time as Council determines to vary it, or it is revoked by Council's Chief Executive Officer in the event:**
 - a. the officer resigns from Council; or**
 - b. is appointed to a position where this appointment and authorisation is not required or suitable.**

REPORT

Appointing appropriately qualified officers to make decisions in accordance with enabling legislation contributes to the effective functioning of Council.

Authorisations provide powers to officers to administer and enforce any Act, regulations or local laws which relate to the functions and powers of the Council. It is important to ensure that formal Instruments are arranged for new staff,

updated to reflect changes in personnel, or amended to reflect changes in the legislation.

A S11A Instrument has been prepared for the all staff members listed below and is presented for adoption. This authorisation continues to enable the officer to fulfil the required legislative compliance duties inherent in the role however, is updated under the legislative changes.

- **Sarah Male** - Coordinator Community Safety
- **Mitchell Fievez** - Senior Community Safety Officer
- **Rodney Banks** – Senior Community Safety Officer
- **Tahnae McCormack** – Statutory Planning Coordinator
- **Robyn Begg** – Senior Statutory Planning Officer
- **Amy Wagenaar** - Senior Statutory Planning Officer
- **Jacob Edmondson** - Senior Statutory Planning Officer
- **Tom Robb** – Planning Technical Officer
- **Vanessa Carson** – Subdivision Officer
- **Annelise Hughes** - Subdivision Officer
- **Ken Griffiths** – Planning Coordinator
- **Skye Radcliffe-Scott** – Strategic Planning Officer
- **Chantal Lenthall** - Senior Strategic Planning Officer
- **John Holland** - Strategic Planning Officer – Structure Plan Focus
- **Stephen Fowkes** – Building and Planning Compliance Coordinator
- **Roslyn Pearce** - Building and Planning Compliance Administrator Officer
- **Steve Hovanesian** - Building and Planning Enforcement Officer
- **Leanne Edwards** - Building and Planning Enforcement Officer
- **Jess Barnett** - Building and Technical Officer
- **Caitlin Goodwin** – Planning Liaison Officer
- **Carla Witherow** – Planning Administration Officer
- **Sebastian Lorenzo** – Principal Planner

The Instruments are contained in (**Attachment [2.14.1]**)

CONSULTATION / COMMUNITY ENGAGEMENT

Nil

RESOURCES / FINANCIAL VIABILITY

Nil

RISKS

Failure to adopt, update or revoke an Instrument of Appointment and Authorisation could result in a decision of an employee being invalidated or Council being held liable for the actions of former employees.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Attachments are available on Council's website at the following [LINK](#).

1. S11A - Instrument of Appointment (Planning and Environment Act 1987) - Sarah Male [**2.14.1** - 1 page]
2. S11A - Instrument of Appointment (Planning and Environment Act 1987) - Mitchell Fievez [**2.14.2** - 1 page]
3. S11A - Instrument of Appointment (Planning and Environment Act 1987) - Rodney Banks [**2.14.3** - 1 page]
4. S11A - Instrument of Appointment (Planning and Environment Act 1987) - Tahnae McCormack [**2.14.4** - 1 page]
5. S11A - Instrument of Appointment (Planning and Environment Act 1987) - Robyn Begg [**2.14.5** - 1 page]
6. S11A - Instrument of Appointment (Planning and Environment Act 1987) - Amy Wagenaar [**2.14.6** - 1 page]
7. S11A - Instrument of Appointment (Planning and Environment Act 1987) - Jacob Edmondson [**2.14.7** - 1 page]
8. S11A - Instrument of Appointment (Planning and Environment Act 1987) - Tom Robb [**2.14.8** - 1 page]
9. S11A - Instrument of Appointment (Planning and Environment Act 1987) - Vanessa Carson [**2.14.9** - 1 page]
10. S11A - Instrument of Appointment (Planning and Environment Act 1987) - Annelise Hughes [**2.14.10** - 1 page]
11. S11A - Instrument of Appointment (Planning and Environment Act 1987) - Ken Griffiths [**2.14.11** - 1 page]
12. S11A - Instrument of Appointment (Planning and Environment Act 1987) - Skye Radcliffe-Scott [**2.14.12** - 1 page]
13. S11A - Instrument of Appointment (Planning and Environment Act 1987) - Chantal Lenthall [**2.14.13** - 1 page]
14. S11A - Instrument of Appointment (Planning and Environment Act 1987) - John Holland [**2.14.14** - 1 page]

15. S11A - Instrument of Appointment (Planning and Environment Act 1987) - Stephen Fowkes [2.14.15 - 1 page]
16. S11A - Instrument of Appointment (Planning and Environment Act 1987) - Roslyn Pearce [2.14.16 - 1 page]
17. S11A - Instrument of Appointment (Planning and Environment Act 1987) - Steve Hovanesian [2.14.17 - 1 page]
18. S11A - Instrument of Appointment (Planning and Environment Act 1987) - Leanne Edwards [2.14.18 - 1 page]
19. S11A - Instrument of Appointment (Planning and Environment Act 1987) - Jess Barnett [2.14.19 - 1 page]
20. S11A - Instrument of Appointment (Planning and Environment Act 1987) - Caitlin Goodwin [2.14.20 - 1 page]
21. S11A - Instrument of Appointment (Planning and Environment Act 1987) - Carla Witherow [2.14.21 - 1 page]
22. S11A - Instrument of Appointment (Planning and Environment Act 1987) - Sebastian Lorenzo [2.14.22 - 1 page]

CONFIDENTIAL ATTACHMENTS

Nil

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 3. Decision Making

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

Nil

Legislative Provisions

Local Government Act 1989

Planning and Environment Act 1987

Regional, State and National Plan and Policies

Nil



S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

In this instrument "officer" means -

Sarah Male

By this instrument of appointment and authorisation South Gippsland Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* – authorises the officer to carry out the duties or functions and to exercise the powers of an authorised officer under the *Planning and Environment Act 1987*; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the South Gippsland Shire Council on 16 July 2025.

**Allison Jones
Chief Executive Officer
South Gippsland Shire Council**

Date:



S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

In this instrument "officer" means -

Mitchell Fievez

By this instrument of appointment and authorisation South Gippsland Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* – authorises the officer to carry out the duties or functions and to exercise the powers of an authorised officer under the *Planning and Environment Act 1987*; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

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- remains in force until varied or revoked.

This instrument is authorised by a resolution of the South Gippsland Shire Council on 16 July 2025.

**Allison Jones
Chief Executive Officer
South Gippsland Shire Council**

Date:



S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

In this instrument "**officer**" means -

Rodney Banks

By this instrument of appointment and authorisation South Gippsland Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* – authorises the officer to carry out the duties or functions and to exercise the powers of an authorised officer under the *Planning and Environment Act 1987*; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the South Gippsland Shire Council on 16 July 2025.

**Allison Jones
Chief Executive Officer
South Gippsland Shire Council**

Date:



S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

In this instrument "**officer**" means -

Tahnae McCormack

By this instrument of appointment and authorisation South Gippsland Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* – authorises the officer to carry out the duties or functions and to exercise the powers of an authorised officer under the *Planning and Environment Act 1987*; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the South Gippsland Shire Council on 16 July 2025.

**Allison Jones
Chief Executive Officer
South Gippsland Shire Council**

Date:



S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

In this instrument "**officer**" means -

Robyn Begg

By this instrument of appointment and authorisation South Gippsland Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* – authorises the officer to carry out the duties or functions and to exercise the powers of an authorised officer under the *Planning and Environment Act 1987*; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

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- remains in force until varied or revoked.

This instrument is authorised by a resolution of the South Gippsland Shire Council on 16 July 2025.

**Allison Jones
Chief Executive Officer
South Gippsland Shire Council**

Date:



S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

In this instrument "officer" means -

Amy Wagenaar

By this instrument of appointment and authorisation South Gippsland Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* – authorises the officer to carry out the duties or functions and to exercise the powers of an authorised officer under the *Planning and Environment Act 1987*; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

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- remains in force until varied or revoked.

This instrument is authorised by a resolution of the South Gippsland Shire Council on 16 July 2025.

**Allison Jones
Chief Executive Officer
South Gippsland Shire Council**

Date:



S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

In this instrument "officer" means -

Jacob Edmondson

By this instrument of appointment and authorisation South Gippsland Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* – authorises the officer to carry out the duties or functions and to exercise the powers of an authorised officer under the *Planning and Environment Act 1987*; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the South Gippsland Shire Council on 16 July 2025.

**Allison Jones
Chief Executive Officer
South Gippsland Shire Council**

Date:



S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

In this instrument "**officer**" means -

Tom Robb

By this instrument of appointment and authorisation South Gippsland Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* – authorises the officer to carry out the duties or functions and to exercise the powers of an authorised officer under the *Planning and Environment Act 1987*; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the South Gippsland Shire Council on 16 July 2025.

**Allison Jones
Chief Executive Officer
South Gippsland Shire Council**

Date:



S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

In this instrument "**officer**" means -

Vanessa Carson

By this instrument of appointment and authorisation South Gippsland Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* – authorises the officer to carry out the duties or functions and to exercise the powers of an authorised officer under the *Planning and Environment Act 1987*; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the South Gippsland Shire Council on 16 July 2025.

**Allison Jones
Chief Executive Officer
South Gippsland Shire Council**

Date:



S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

In this instrument "**officer**" means -

Annelise Hughes

By this instrument of appointment and authorisation South Gippsland Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* – authorises the officer to carry out the duties or functions and to exercise the powers of an authorised officer under the *Planning and Environment Act 1987*; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

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- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the South Gippsland Shire Council on 16 July 2025.

**Allison Jones
Chief Executive Officer
South Gippsland Shire Council**

Date:



S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

In this instrument "officer" means -

Ken Griffiths

By this instrument of appointment and authorisation South Gippsland Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* – authorises the officer to carry out the duties or functions and to exercise the powers of an authorised officer under the *Planning and Environment Act 1987*; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

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- remains in force until varied or revoked.

This instrument is authorised by a resolution of the South Gippsland Shire Council on 16 July 2025.

**Allison Jones
Chief Executive Officer
South Gippsland Shire Council**

Date:



S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

In this instrument "**officer**" means -

Skye Radcliffe-Scott

By this instrument of appointment and authorisation South Gippsland Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* – authorises the officer to carry out the duties or functions and to exercise the powers of an authorised officer under the *Planning and Environment Act 1987*; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

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- remains in force until varied or revoked.

This instrument is authorised by a resolution of the South Gippsland Shire Council on 16 July 2025.

**Allison Jones
Chief Executive Officer
South Gippsland Shire Council**

Date:



S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)

In this instrument "**officer**" means -

Chantal Lenthall

By this instrument of appointment and authorisation South Gippsland Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* – authorises the officer to carry out the duties or functions and to exercise the powers of an authorised officer under the *Planning and Environment Act 1987*; and
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This instrument is authorised by a resolution of the South Gippsland Shire Council on 16 July 2025.

**Allison Jones
Chief Executive Officer
South Gippsland Shire Council**

Date:



S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

In this instrument "**officer**" means -

John Holland

By this instrument of appointment and authorisation South Gippsland Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* – authorises the officer to carry out the duties or functions and to exercise the powers of an authorised officer under the *Planning and Environment Act 1987*; and
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This instrument is authorised by a resolution of the South Gippsland Shire Council on 16 July 2025.

**Allison Jones
Chief Executive Officer
South Gippsland Shire Council**

Date:



S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

In this instrument "**officer**" means -

Stephen Fowkes

By this instrument of appointment and authorisation South Gippsland Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* – authorises the officer to carry out the duties or functions and to exercise the powers of an authorised officer under the *Planning and Environment Act 1987*; and
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This instrument is authorised by a resolution of the South Gippsland Shire Council on 16 July 2025.

**Allison Jones
Chief Executive Officer
South Gippsland Shire Council**

Date:



S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

In this instrument "**officer**" means -

Roslyn Pearce

By this instrument of appointment and authorisation South Gippsland Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* – authorises the officer to carry out the duties or functions and to exercise the powers of an authorised officer under the *Planning and Environment Act 1987*; and
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This instrument is authorised by a resolution of the South Gippsland Shire Council on 16 July 2025.

**Allison Jones
Chief Executive Officer
South Gippsland Shire Council**

Date:



S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

In this instrument "**officer**" means -

Steve Hovanesian

By this instrument of appointment and authorisation South Gippsland Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* – authorises the officer to carry out the duties or functions and to exercise the powers of an authorised officer under the *Planning and Environment Act 1987*; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

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- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the South Gippsland Shire Council on 16 July 2025.

**Allison Jones
Chief Executive Officer
South Gippsland Shire Council**

Date:



S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

In this instrument "**officer**" means -

Leanne Edwards

By this instrument of appointment and authorisation South Gippsland Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* – authorises the officer to carry out the duties or functions and to exercise the powers of an authorised officer under the *Planning and Environment Act 1987*; and
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- remains in force until varied or revoked.

This instrument is authorised by a resolution of the South Gippsland Shire Council on 16 July 2025.

**Allison Jones
Chief Executive Officer
South Gippsland Shire Council**

Date:



S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

In this instrument "**officer**" means -

Jess Barnett

By this instrument of appointment and authorisation South Gippsland Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* – authorises the officer to carry out the duties or functions and to exercise the powers of an authorised officer under the *Planning and Environment Act 1987*; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

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- remains in force until varied or revoked.

This instrument is authorised by a resolution of the South Gippsland Shire Council on 16 July 2025.

**Allison Jones
Chief Executive Officer
South Gippsland Shire Council**

Date:



S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

In this instrument "**officer**" means -

Caitlin Goodwin

By this instrument of appointment and authorisation South Gippsland Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* – authorises the officer to carry out the duties or functions and to exercise the powers of an authorised officer under the *Planning and Environment Act 1987*; and
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- remains in force until varied or revoked.

This instrument is authorised by a resolution of the South Gippsland Shire Council on 16 July 2025.

**Allison Jones
Chief Executive Officer
South Gippsland Shire Council**

Date:



S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)

In this instrument "**officer**" means -

Carla Witherow

By this instrument of appointment and authorisation South Gippsland Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* – authorises the officer to carry out the duties or functions and to exercise the powers of an authorised officer under the *Planning and Environment Act 1987*; and
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This instrument is authorised by a resolution of the South Gippsland Shire Council on 16 July 2025.

Allison Jones
Chief Executive Officer
South Gippsland Shire Council

Date:



S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

In this instrument "**officer**" means -

Sebastian Lorenzo

By this instrument of appointment and authorisation South Gippsland Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* – authorises the officer to carry out the duties or functions and to exercise the powers of an authorised officer under the *Planning and Environment Act 1987*; and
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This instrument is authorised by a resolution of the South Gippsland Shire Council on 16 July 2025.

**Allison Jones
Chief Executive Officer
South Gippsland Shire Council**

Date:

2.15. SUMMARY OF STRATEGIC BRIEFINGS - 13 MAY 2025 - 12 JUNE 2025

Directorate:	Strategy & Partnerships
Department:	Governance and Integrity

Council Plan

Theme - Leading with Integrity

Council's transparency and governance is strengthened by regularly reporting on summaries of briefings held, that assist Council to make informed decisions in Council Meetings on behalf of the community.

EXECUTIVE SUMMARY

The purpose of this report is to provide a summary of the information presented to Councillors between 13 May 2025 and 12 June 2025.

This aligns with the principles of the *Local Government Act 2020* and supports transparency around Council decisions and actions.

RECOMMENDATION

That Council receives and notes this report Summary of Strategic Briefings - 13 May 2025 – 12 June 2025.

REPORT

Meeting Title	Details
Wednesday 14 May 2025	
Workshop - Reimagining Briefings and Council Meetings	Councillor Attending Clare Williams, John Schelling, Sarah Gilligan, Scott Rae, Nathan Hersey, Bron Beach, John Kennedy and Brad Snell Apologies: Steve Finlay Conflict of Interest: Nil
Former Mirboo North Railway Station Project	Councillor Attending Clare Williams, John Schelling, Sarah Gilligan, Scott Rae, Nathan Hersey, Bron Beach, John Kennedy and Brad Snell Apologies: Steve Finlay Conflict of Interest: Nil
Heritage Preservation	Councillor Attending

Meeting Title	Details
	<p>Clare Williams, John Schelling, Sarah Gilligan, Scott Rae, Nathan Hersey, Bron Beach, John Kennedy and Brad Snell</p> <p>Apologies: Steve Finlay</p> <p>Conflict of Interest: Nil</p>
Wednesday 21 May 2025	
Integrated Plans: Review Community Feedback	<p>Councillor Attending Clare Williams, John Schelling, Sarah Gilligan, Scott Rae, Nathan Hersey, Bron Beach, John Kennedy, Steve Finlay and Brad Snell</p> <p>Apologies: Nil</p> <p>Conflict of Interest: Nil</p>
2025 Annual Valuations	<p>Councillor Attending Clare Williams, John Schelling, Sarah Gilligan, Scott Rae, Nathan Hersey, Bron Beach, John Kennedy, Steve Finlay and Brad Snell</p> <p>Apologies: Nil</p> <p>Conflict of Interest: Nil</p>
Wednesday 28 May 2025	
Marinus Link Update	<p>Councillor Attending Clare Williams, John Schelling, Sarah Gilligan, Bron Beach, John Kennedy, Steve Finlay and Brad Snell</p> <p>Apologies: Nathan Hersey, Scott Rae</p> <p>Conflict of Interest: Nil</p>
Community Housing Industry Association Victoria	<p>Councillor Attending Clare Williams, John Schelling, Sarah Gilligan, Bron Beach, John Kennedy, Steve Finlay and Brad Snell</p> <p>Apologies: Nathan Hersey, Scott Rae</p> <p>Conflict of Interest: Nil</p>
Korumburra to Jumbunna Rail Trail Proposal (External EOI)	<p>Councillor Attending Clare Williams, John Schelling, Sarah Gilligan, Bron Beach, John Kennedy, Steve Finlay and Brad Snell</p> <p>Apologies: Nathan Hersey, Scott Rae</p>

Meeting Title	Details
	Conflict of Interest: Nil
Martin Carlson Foundation (External EOI)	Councillor Attending Clare Williams, John Schelling, Sarah Gilligan, Bron Beach, John Kennedy, Steve Finlay and Brad Snell Apologies: Nathan Hersey, Scott Rae Conflict of Interest: Nil
Esso/Exxonmobil Oil and Gas Decommissioning Project	Councillor Attending Clare Williams, John Schelling, Sarah Gilligan, Bron Beach, John Kennedy, Steve Finlay and Brad Snell Apologies: Nathan Hersey, Scott Rae Conflict of Interest: Nil
Workshop - Advocacy Priorities	Councillor Attending John Schelling, Sarah Gilligan, Bron Beach, John Kennedy, Steve Finlay and Brad Snell Apologies: Nathan Hersey, Scott Rae, Clare Williams Conflict of Interest: Nil
Wednesday 4 June 2025	
Planning - Monthly Briefing Update - June	Councillor Attending Clare Williams, John Schelling, Sarah Gilligan, Scott Rae, Bron Beach, John Kennedy, Steve Finlay and Brad Snell Apologies: Nathan Hersey Conflict of Interest: Nil
Integrated Planning - Final Adoption Review	Councillor Attending Clare Williams, John Schelling, Sarah Gilligan, Scott Rae, Bron Beach, John Kennedy, Steve Finlay and Brad Snell Apologies: Nathan Hersey Conflict of Interest: Nil

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Nil

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 3. Decision Making

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

Public Transparency Policy (C75)

Legislative Provisions

Local Government Act 2020

2.16. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 13 MAY 2025 -12 JUNE 2025

Directorate:	Performance and Innovation
Department:	Financial Strategy

Council Plan

Theme - Leading with Integrity

Council's transparency of financial decisions made and overall financial sustainability is strengthened by regularly reporting on documents sealed, contracts awarded, varied or extended under the CEO's delegation.

EXECUTIVE SUMMARY

The purpose of this report to Council is to document the following actions undertaken by the Chief Executive Officer (CEO) which occurred during the period 13 May 2025 to 12 June 2025. Council's *Procurement Policy (C32)* requires the CEO to report to Council any of the following actions undertaken to the next appropriate Meeting:

- 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 receives and notes this report Documents Sealed, Contracts Varied, Awarded or Extended by CEO - 13 May 2025 -12 June 2025.

REPORT

Under the *Local Government Act 2020* (the Act), s.14 states that each Council is a body corporate with perpetual succession; and must have a common seal. Sealing a document makes it an official document of Council as a corporate body. Documents that require sealing include agreements, leases or any other contractual or legally binding document that binds Council to another party.

Use of the *General Local Law 2024*, Part 5 - Administration, clause 65 – Common Seal of Council, states that if the Chief Executive Officer (CEO) uses the Common Seal in a manner described by sub-clause (5), this means on the authority of a Council resolution, then Council must be advised of such use on a regular basis.

In accordance with the *General Local Law 2024*, Part 5 - Administration, clause 65 (6), the following are presented to Council as documents sealed during the period from 13 May 2025 to 12 June 2025.

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 80 Restlee Drive, Nyora for use and development of accommodation and development of outbuildings. Seal applied 13 May 2025.

Section 173 Agreements are prepared in accordance with s.173 of the *Planning and Environment Act 1987*, allowing Council to enter into agreements relating to the use or development of land, conditions to which the land be used or developed or any matter that relates to planning or planning schemes in Victoria. Section 174 of the *Planning and Environment Act 1987* requires that such an agreement be under seal and must bind the owner to the covenants specified in the agreement.

In accordance with the *General Local Law 2024*, Instrument of Delegation and *Planning and Environment Act 1987*, the following are presented to Council as documents sealed during the period from 13 May 2025 to 12 June 2025.

Nil

Contracts Awarded, Varied or Extended

In accordance with Council's Procurement Policy where contracts are awarded under delegation, varied or extended, they are required to be reported to the next practicable Council Meeting.

1. Contracts awarded by Council after a public tender process, signed by the CEO between 13 May 2025 to 12 June 2025.
 - a. CON/439 for the Swimming Pools Maintenance was awarded to Mechanical Plumbing Services Pty Ltd for a Schedule of Rates basis, excluding GST and signed by CEO 10 June 2025.
2. Contracts awarded after a public tender process within the CEO's delegation between 13 May 2025 to 12 June 2025.
 - a. CON/409 for the Korumburra Rail Precinct Design and Construct Skate Park was awarded to Drover Projects Pty Ltd for the Lump Sum of \$298,880 excluding GST and signed by CEO 27 May 2025.
3. Contract variations approved by the CEO between 13 May 2025 to 12 June 2025.
 - a. CON/389 for the Nelson Street Foster Reconstruction was awarded to ACE Earthmoving (Vic) Pty Ltd 5 September 2024. Variations exceeding the contingency allowance were recommended for variations eight (8) and nine (9) in the amount of \$36,908.75. Signed by the CEO in consultation with the Mayor, 22 May 2025.
4. Contract extensions approved by the CEO 13 May 2025 to 12 June 2025.

- a. CON/284 for the Provision of HVAC Maintenance Services was awarded to Williams & Burns Contracting Pty Ltd in July 2021 for an initial three (3) year term with two (2) one (1) year extensions available. An extension of one (1) year (second and final extension option) has been approved, signed by the CEO 30 May 2025.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Nil

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 3. Decision Making

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

Governance Rules (C82)

General Local Law 2024

Procurement Policy (C32)

Legislative Provisions

Local Government Act 2020

Planning and Environment Act 1987

3. NOTICES OF MOTION AND/OR RESCISSION

3.1. NOTICE OF MOTION – CR SCOTT RAE - ACTIVE AND PROPOSED COUNCIL MEMORANDUM OF UNDERSTANDINGS (MOUS)

Councillor Scott Rae has submitted a Notice of Motion to the CEO for Consideration by Council.

MOTION

That Council receive a report that provides a summary of all the active Memorandum Of Understandings (MOUs) Council is currently engaged in, or proposing to enter in, within the next six months, with information to include:

- a) the terms of the MOU that details length of time, agreement timeframes and process to cease; and**
- b) details on Council's funding commitments and operational costs to support the MOU's.**

4. COUNCILLOR REPORTS

4.1. REQUESTS FOR LEAVE OF ABSENCE

4.2. COUNCILLOR UPDATES

5. 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.

Council's *Governance Rules 2020* (clause 22 - Urgent Business) adopted on 19 October 2022, allows for where a situation has not been provided for under the *Governance Rules*, 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 Council Meeting 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 Council's *Governance Rules 2020*, clause 22 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.

6. PUBLIC QUESTIONS

6.1. PETITIONS AND JOINT LETTERS

Petitions and Joint Letters are written requests that have been signed by a number of community members. According to the *Governance Rules (C82)*, *clause 57*, members of the community may submit a valid petition or joint letter to a Councillor or to Council addressed to the Chief Executive Officer.

At the Meeting a petition or joint letter is presented, Council will consider a motion to receive it, the matter itself will not be considered unless determined as urgent business.

The Councillor presenting the petition or joint letter is responsible for ensuring that they are familiar with the contents and purpose of the petition or joint letter and that it does not contain language disrespectful to Council.

The requirements of the lead petitioner are detailed in the *Governance Rules (C82)*, *clause 57*.

Source: [Governance Rules \(C82\)](#) – adopted 19 October 2022.

6.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

Answers to previous questions taken on notice at a former Council Meeting, are included in the Minutes of this Meeting.

Background material submitted with a question will not be recorded in the Council Meeting Minutes.

Source: [Governance Rules \(C82\)](#) – adopted 19 October 2022.

Council received one question that was taken on notice. A response to this question will be provided in the minutes of the Council Meeting.

6.3. SUBMITTED PUBLIC QUESTIONS

All community member questions for Council Meetings are to be written and submitted to the Governance Team by 9.00am on the Monday morning preceding the Council Meeting to allow time for a response to be prepared, where possible, for the Council Meeting. All reasonable attempts will be made to answer pre-submitted questions at the Meeting. When further time is required to prepare an answer, questions may be taken on notice and responses will be provided at the next Council Meeting.

On the day of the Meeting, questions on the prescribed form must be received prior to the commencement of the Council Meeting by 2.00pm and placed in the receptacle at the Governance Officers table. These questions will be taken on notice, included in the Minutes and responses provided at the next Council Meeting.

Public Question Time in Council Meetings is to be used for matters that are relevant to the business or functions of Council and are clear and legible. Questions may not be allowed where the question(s) is deemed to be:

- Related to a matter beyond or outside the powers of Council;
- Trivial or frivolous;
- Defamatory, indecent, abusive or objectionable;
- Derogatory or designed to embarrass a Councillor, a member of Council staff or a member of the community;
- Related to subject matter previously received and responded to;
- Related to a matter already considered and resolved upon by Council;
- Breach Council's confidentiality obligations; and/or
- Illegible, vague or not make sense.

A person may submit a maximum of three (3) questions for any one Council Meeting, this includes a combined total of three (3) questions for related parties or groups. The total word count of all questions submitted is to be 100 words or fewer.

Background material submitted with a question will not be read out or recorded in the Council Meeting Minutes.

The CEO retains the discretion, in consultation with the Mayor, to not refer questions to Council meetings if there is a more effective or appropriate way to respond to the matters raised. Answers to questions from a member of the community who is present in the gallery will be read out at the Council Meeting by the CEO or Mayor.

Source: [Governance Rules \(C82\)](#) – adopted 19 October 2022.

7. CLOSED SESSION

The *Local Government Act 2020* (the Act), section 66 provides that if a council or delegated committee determines that a meeting is to be closed to the public to consider confidential information, the Council or delegated committee must record in the minutes of the meeting that are available for public inspection –

- a) the ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of ***confidential information*** in section 3(1); and
- b) an explanation of why the specified ground or grounds applied.

The Act defines ***confidential information*** in s.3(1)(a)-(l), and includes information that may prejudice or impact; commercial negotiations, the security of Council, land use planning, law enforcement, legal privilege, personal information, private commercial information, confidential meeting information, internal arbitration, Councillor conduct panel information and information specified under s.77 of the previous *Local Government Act 1989*.

Once confidential information has been considered and decided in a closed session of a Council Meeting, a further resolution to resume open Council is required.

RECOMMENDATION

That Council pursuant to section 66(5)(a) and (b) of the *Local Government Act 2020* close the Council Meeting to the public to consider the following confidential information:

- 1. **Per s.3(1)(f) Agenda item 9.1 – CEO Employment and Remuneration Committee Independent Chair, designated as personal information,**
 - a. **being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.**

8. MEETING CLOSED

NEXT MEETING

The next Council Meeting open to the public will be held on Wednesday, 20 August 2025 commencing at 2:00pm in the Council Chambers, Leongatha.