

SOUTH GIPPSLAND SHIRE COUNCIL

Council Minutes

Ordinary Meeting of Council
19 December 2018

Ordinary Meeting No. 430
Council Chambers, Leongatha
Commenced at 2pm



minutes



*South Gippsland
Shire Council*

Come for the beauty, Stay for the lifestyle



MISSION

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

Privacy

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

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

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

PRESENT

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

SOUTH GIPPSLAND SHIRE COUNCIL

Ordinary Meeting No. 430
 Wednesday 19 December 2018
 Council Chambers, Leongatha commenced at 2pm

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Tim Tamlin
Chief Executive Officer

1. PRELIMINARY MATTERS

1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER

This Council Meeting is being streamed live, recorded and published in accordance with Council's *Live Streaming in Council Meetings Policy*.

To those present in the gallery today, by attending a public meeting of the Council you are consenting to your image, voice and comments being recorded and published.

Anyone who is invited to read out a question or a presentation will be recorded and their voice, image and comments will form part of the live stream and recording.

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

Attendees are advised that they may be subject to legal action if their actions results in inappropriate and/or unacceptable behaviour and/or comments.

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

Thank you

1.2. WELCOME

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

1.3. OPENING PRAYER

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

Amen

1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

1.5. APOLOGIES

Nil

1.6. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council:

1. Special Meeting of Council, held on 21 November 2018 in the Council Chambers, Leongatha be confirmed;
2. Ordinary Meeting No. 429, held on 28 November 2018 in the Council Chambers, Leongatha be confirmed; and
3. Special (Urgent) Meeting of Council, held on 5 December 2018 in the Council Chambers, Leongatha be confirmed.

MOVED: Cr Skinner

SECONDED: Cr Brunt

THAT THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL:

1. **SPECIAL MEETING OF COUNCIL, HELD ON 21 NOVEMBER 2018 IN THE COUNCIL CHAMBERS, LEONGATHA BE CONFIRMED;**
2. **ORDINARY MEETING NO. 429, HELD ON 28 NOVEMBER 2018 IN THE COUNCIL CHAMBERS, LEONGATHA BE CONFIRMED; AND**
3. **SPECIAL (URGENT) MEETING OF COUNCIL, HELD ON 5 DECEMBER 2018 IN THE COUNCIL CHAMBERS, LEONGATHA BE CONFIRMED.**

CARRIED UNANIMOUSLY

1.7. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS

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

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

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

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

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

Nil

Note: Cr Rich completed a Conflict of Interest form at the conclusion of the Closed Session of this Ordinary Council Meeting regarding Open Agenda Item 4.8. PROPOSED SALE OF COUNCIL LAND - KORUMBURRA SUPERMARKET DEVELOPMENT and Confidential Agenda Item 14.4 CONTRACTUAL MATTER based on a close association.

1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF

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

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

Chief Executive Officer, Tim Tamlin declared a direct conflict of interest in Confidential Agenda Item 14.2 PERSONNEL MATTER - CEO EMPLOYMENT AND REMUNERATION COMMITTEE as he is the subject of the matter.

2. OBJECTIVE 1 - STRENGTHEN ECONOMIC GROWTH AND PROSPERITY

2.1. TRANSPORT SOLUTIONS FOR SOUTH GIPPSLAND AND BASS COAST

Development Services Director

EXECUTIVE SUMMARY

The Apprenticeships Group Australia (AGA) in partnership with the South Gippsland Trade Skills Alliance (SGTSA) has obtained a \$36,000 grant from Transport for Victoria's Flexible Local Transport Solutions Program. The grant provides a second year of the pilot bus service that transports Bass Coast and South Gippsland secondary school students to trade training facilities in Korumburra and Leongatha.

The bus will run, at no cost to students, two mornings per week from Cowes and travel to training programs in Leongatha and Korumburra via Wonthaggi and Inverloch. The bus will pick up at 12 locations in total and will undertake the return journey in the afternoon.

The AGA and SGTSA are seeking local support for the project to bridge the gap between the funding obtained and the total service cost. This report recommends providing \$1,500 to support the local initiative. Contributions totalling \$10,000 have been committed by other local stakeholders.

RECOMMENDATION

That Council allocates a one-off payment of \$1,500 to support the "Transport Solutions for South Gippsland and Bass Coast VET Students" project.

MOVED: Cr McEwen

SECONDED: Cr Skinner

THAT COUNCIL ALLOCATES A ONE-OFF PAYMENT OF \$1,500 TO SUPPORT THE "TRANSPORT SOLUTIONS FOR SOUTH GIPPSLAND AND BASS COAST VET STUDENTS" PROJECT.

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

The “Transport Solutions for South Gippsland and Bass Coast VET Students” project is an extension of a pilot service that is currently transporting Wonthaggi Secondary College vocational students between Phillip Island and Korumburra via Wonthaggi. A second year pilot will allow a bus to run, at no cost to students, two days each week from Phillip Island to Leongatha via Wonthaggi, Inverloch and Korumburra.

This will allow access to trades such as carpentry, electrical and plumbing at Apprenticeships Group Australia (AGA) in Korumburra, and Community College Gippsland and Federation Training in Leongatha.

This initiative was largely driven by the closure of the Chisholm TAFE building and construction VET program in Wonthaggi at the end of 2017. This closure disadvantaged Bass Coast and South Gippsland students who had aspired to pursue a building and construction career path.

The free bus service will enable students, who do not have access to private and public transport options, direct and equal access to vocational education, and increase engagement of youth in Bass Coast and South Gippsland.

For more information, please refer to accompanying Ministerial letter **Attachment [2.1.1]** and media release **Attachment [2.1.2]**.

CONSULTATION

The successful funding submission to the State Government was held in consultation with local training organisations, Wonthaggi Secondary College, The South Gippsland Trade Skills Alliance, South Gippsland Bass Coast Local Learning and Employment Network (SGBCLLEN), South Gippsland Shire Council and Bass Coast Shire Council.

RESOURCES

If supported, Council’s commitment to this project would be \$1,500.

RISKS

By supporting this project, Council will enable student access to accredited industry training. In doing so, Council is also supporting the wider local industry who require qualified and skilled young people.

STAFF DISCLOSURE

Nil

ATTACHMENTS

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

1. Media Release - October 2018 - Transport Solutions for South Gippsland and Bass Coast **[2.1.1]**
2. Ministers Approval Notification Transport Solutions for South Gippsland and Bass Coast **[2.1.2]**

2.2. FARMING SHED BUILDING PERMIT EXEMPTIONS

Development Services Directorate

EXECUTIVE SUMMARY

Regulation 280 of the Building Regulations 2018 (*the regulations*) provide that a council may exempt a class 10 building on farm land from any or all requirements of the regulations. This includes the need for a building permit and certificate of final inspection. The regulation reads:

Exemption for Class 10 buildings on farm land

- (1) *The relevant council may exempt a Class 10 building that is to be constructed on farm land and used for farming purposes from all or any of the requirements of these Regulations.*
- (2) *If the relevant council grants an exemption from all of these Regulations under subregulation (1), a building permit and certificate of final inspection under the Act are not required for that building.*

RECOMMENDATION

That Council adopts a new fee of \$283.40 to assess an application for an exemption from a building permit for sheds (class 10 buildings) on farm land pursuant to Regulation 280 of the Building Regulations 2018.

MOVED: Cr Argento

SECONDED: Cr Rich

THAT COUNCIL ADOPTS A NEW FEE OF \$283.40 TO ASSESS AN APPLICATION FOR AN EXEMPTION FROM A BUILDING PERMIT FOR SHEDS (CLASS 10 BUILDINGS) ON FARM LAND PURSUANT TO REGULATION 280 OF THE BUILDING REGULATIONS 2018.

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

Many compliance issues have been discovered regarding existing farming sheds across our Shire that do not have the relevant permits. There are a number of factors which have influenced this low level of compliance, but most notable is the cost associated with getting the relevant permits. The current cost for building permits for farming sheds is approximately \$2,000 for private building surveyors to inspect and approve these relatively low risk structures. An additional factor is that it can often take months for private building surveyors to approve these structures, due to the current overwhelmed resources within the private sector. The proposed process, undertaken by Council's building team, would reduce this timeframe to ten business days.

By offering appropriate exemptions, the cost and burden can be reduced on the farming community while also increasing levels of self-compliance. This will also have the longer term benefit of reducing the level enforcement activities required on these type of low risk buildings and providing a simpler pathway to resolving non-compliances.

To enable these exemptions, a minimal level of information will need to be provided by the applicants and all applications will be assessed in accordance with the attached process, **Attachment [2.2.1]**.

CONSULTATION

The Victorian Municipal Building Surveyors Group and Council's insurer JLT were consulted on the possible risks of implementing exemptions for farming sheds. Both groups advised that a full exemption should not be granted, though another simplified assessment processes could be put in place.

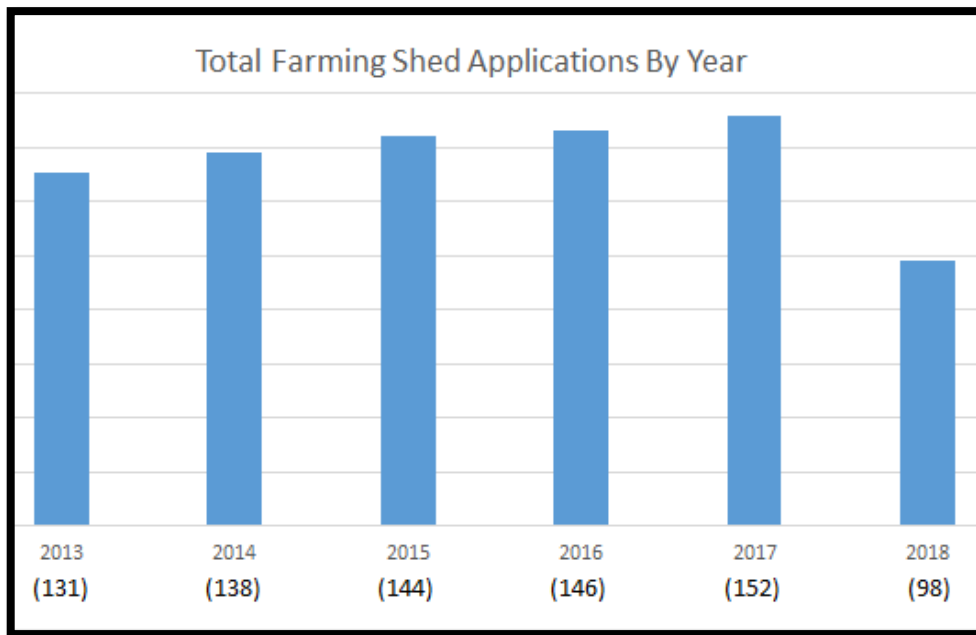
If adopted by Council, the proposed exemption will be promoted through Council's website and via Council's Facebook page.

RESOURCES

The exemption applications are expected to attract a positive fee return. It is expected that initial application numbers are approximately five requests per month and can be absorbed into the team's current workload. There is also a possible saving to enforcement officer's time with a higher level of self-compliance.

Figure 1 below shows the building permit numbers for sheds in the farming zone over the last five years. On average over the last five years, Council is receiving 12 building permits from the private building surveyors within our community to approve these relatively simple structures.

Figure 1



The time and assessment that needs to be undertaken prior to granting an exemption is comparable to those of a report and consent application and the fee should be aligned with a general report and consent application fee currently being \$283.40 and indexed annually in accordance with standard budget processes. Applying a fee of this value, compared to that of the private industry, will save an average of \$20,600 to our farming industry per month, based on the current average price of \$2,000.

As there is no statutory fee or fee limits allocated for this service in the regulations, Council is free to set its own fee for this service.

RISKS

Council's insurer JLT, has advised that exemptions should only be provided on application and should be specific to property and project. Each application should be assessed on its individual merits.

STAFF DISCLOSURE

Nil

ATTACHMENTS

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

1. Farming Shed Exemptions Assessment Process [2.2.1]

REFERENCE DOCUMENTS

Council Policy

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

Nil

Legislative Provisions

Building Act 1993

Building Regulations 2018

2.3. DRAFT SOUTH GIPPSLAND RECREATIONAL VEHICLE (RV) AND CAMPING POSITION PAPER 2019-2023

Development Services Directorate

EXECUTIVE SUMMARY

The Recreational Vehicle (RV) and camping industry is an important contributor to South Gippsland's visitor and local economy. In May 2014, Council adopted the Recreational Vehicle Strategy (RV Strategy) to promote South Gippsland as an attractive region to RV users. Council's RV Strategy focussed on the development of local infrastructure, long vehicle parking, and dump points to attract visitors to South Gippsland.

A recent review of the RV Strategy has resulted in an updated version titled the Draft South Gippsland Recreational Vehicle and Camping Position Paper (Draft Position Paper) **Attachment [2.3.1]**.

The Draft Position Paper is a document designed to enable Council and the community to support the growing RV and camping market in South Gippsland. It outlines a position to support the RV and camping industry, and highlights the value of recreational vehicle (RV) schemes and the local commercial industry, and the benefit of providing Council managed free/low cost RV and camping sites to visitors in the region.

The Draft Position Paper is aligned to current industry trends and consumer expectations, and is a pro-active and strategic approach to the growth of the RV and camping industry in South Gippsland.

RECOMMENDATION

That Council:

1. Receives the Draft South Gippsland Recreational Vehicle (RV) and Camping Position Paper (Attachment [2.3.1]);
2. Undertakes community consultation over a six week period commencing on 4 January 2019 and concluding at 5.00pm on 15 February 2019; and
3. Receives a future report outlining the results of feedback from the community consultation.

MOVED: Cr Skinner

SECONDED: Cr Cousin

THAT COUNCIL:

- 1. RECEIVES THE DRAFT SOUTH GIPPSLAND RECREATIONAL VEHICLE (RV) AND CAMPING POSITION PAPER (ATTACHMENT [2.3.1]);**
- 2. UNDERTAKES COMMUNITY CONSULTATION OVER A SIX WEEK PERIOD COMMENCING ON 4 JANUARY 2019 AND CONCLUDING AT 5.00PM ON 15 FEBRUARY 2019; AND**
- 3. RECEIVES A FUTURE REPORT OUTLINING THE RESULTS OF FEEDBACK FROM THE COMMUNITY CONSULTATION.**

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

The 2013 Prom Country Economic Impact and Visitor Profile Report identified that “44 per cent of summer and 23 per cent of autumn visitors” chose to stay in camping and caravan accommodation in South Gippsland throughout the year. These types of visitors often seek traditional caravan parks and camping grounds with facilities, however, there is an increase in independent and self-sufficient freedom campers who seek free/low cost sites with limited facilities.

Council’s Economic Development and Tourism Strategy 2018-2020 identifies a review of the RV Strategy. As a result Council has developed the Draft Position Paper for community consultation.

Since 2014, there have been a number of developments within the RV and camping industry that directly impact tourism in South Gippsland. New developments outlined in Council’s Draft Position Paper align with the evolving RV consumer demands, in particular, the focus on free/low cost camping and installation of public dump points. Targeted investigation of free/low cost camping throughout Gippsland and regional Victoria has been presented to Council to inform and identify varying types of support by other councils for the industry.

The Draft Position Paper outlines a position to maintain the operation of Bass Valley Camping Ground and Franklin River Reserve, and support for community groups to develop and manage additional free/low cost sites is identified. A site specific survey will continue to be available at Bass Valley Camping Ground and Franklin River Reserve to understand the needs of visitors to these sites and the broader region.

The Draft Position Paper also recognises the value and contribution of the commercial RV and camping industry in South Gippsland, and will continue to support these enterprises through business development and assistance programs, and continued participation in RV and camping industry marketing initiatives.

Council will continue to support the development of additional long vehicle parking near town precincts and install directional signage that meets Council and VicRoads signage guidelines. Council will continue its support of public dump point applications through the Community Grants program, and support the installation of appropriate interpretative signage at identified RV locations.

The Draft Position Paper will continue to guide future strategic planning for the industry and aim to drive growth across the broader tourism industry to support the visitor economy in South Gippsland.

CONSULTATION

It is recommended that Council undertake community consultation over a six week period commencing on Friday 4 January 2019 and concluding at 5.00pm on Friday 15 February 2019.

Consultation will be aligned with Council's Community Engagement Policy and Guidelines.

RESOURCES

Community consultation will be undertaken within existing resources.

RISKS

The Draft South Gippsland Recreational Vehicle and Camping Position Paper will enable Council to support the growth of the RV and camping industry, and whole tourism industry in South Gippsland.

STAFF DISCLOSURE

Nil

ATTACHMENTS

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

1. Draft South Gippsland Recreational Vehicle and Camping Position Paper 2019-2023 **[2.3.1]**

REFERENCE DOCUMENTS

Council Policy

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

Economic Development and Tourism Strategy 2018-2020

Recreational Vehicle (RV) Strategy 2014

2.4. PLANNING APPLICATION 2018-199 - 10 LANCE DRIVE, YANAKIE - DEVELOPMENT OF HORSE ARENA AND MACHINERY SHED

Development Services Directorate

EXECUTIVE SUMMARY

The applicant proposes to develop a horse arena and machinery shed for private use at 10 Lance Drive, Yanakie.

The application is referred to Council for a decision because five objections were received. The objections primarily include its size, siting and resultant visual impact, potential commercial or industrial use, no vegetation screening proposed, increased traffic and road use and no consultation with non-adjointing properties.

The application did not require any referrals to any other authority.

It is considered that the development of the land with a horse arena and machinery shed can be supported, subject to appropriate conditions. The application is therefore recommended for approval.

RECOMMENDATION

That Council issue a Notice of Decision for the development of land with a horse arena and machinery shed at 10 Lance Drive, Yanakie, subject to the following conditions:

1. Prior to plans being endorsed, a landscape plan and site plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale, with dimensions shown and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. A minimum 5m wide strip of planting along the southern boundary between 10 Lance Drive Yanakie and 288 Paterson Road Yanakie. The landscaping must extend from the Paterson Road frontage to 5m beyond the development as a minimum;
 - b. A minimum 5m wide strip of planting along the entire Paterson Road frontage between the southern boundary and the existing vegetation surrounding the dam in the northern corner of the property. This strip of landscaping may allow for a break for one proposed or existing vehicle crossover to Paterson Road. The break must not be more than 6m wide;

- c. A minimum 5m wide strip of planting along the Lance Drive frontage between the existing vegetation surrounding the dam in the northern corner of the property and the fence line adjoining the existing entry gate to the property;
 - d. A planting schedule of all proposed trees, shrubs and ground covers (including common names and botanical names), pot sizes, sizes at maturity, and quantities of each plant;
 - e. The incorporation of lower, middle and upper storey species. The planting must achieve an effective visual screen and the middle or upper storey species selected must be capable of reaching a minimum height of 7.5m; and
 - f. All species must be selected from the relevant Ecological Vegetation Class (EVC) for the bioregion that the land is located within, from the *Indigenous Plants of South Gippsland Shire* publication.
2. The building, works and layout as shown on the endorsed plan(s) must not be altered or modified except with the written consent of the Responsible Authority;
 3. Once the development has started it must be continued and completed in a timely manner to the satisfaction of the Responsible Authority;
 4. Prior to the use of the proposed building commencing or prior to issue of an Occupancy Permit or Certificate of Final Inspection, the permanent screen of indigenous vegetation endorsed in the landscape plan under Condition 1 must be planted (in accordance with the endorsed plans). The vegetation must be protected by way of tree guards or similar until fully established. The landscaping must be completed and then maintained, to the satisfaction of the Responsible Authority. Any dead or dying vegetation must be replaced;
 5. The agricultural shed must not be used for human habitation at any time;
 6. The use of the agricultural shed for any purpose other than agriculture may be subject to a further planning permit application;
 7. The external finishes of all buildings, including walls and roof materials, must be colour treated and maintained in muted non-reflective tones to the satisfaction of the Responsible Authority;

8. All works must be undertaken in a manner that minimises soil erosion, and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of the Responsible Authority;
9. Building construction must be carried out in accordance with Construction Techniques for Sediment Pollution Control (EPA May 1991) and Control of Erosion on Construction Sites (Soil Conservation Authority) to the satisfaction of the Responsible Authority;
10. Downpipe water from the horse arena and machinery shed must be suitably directed into water tank(s), soakwell(s), or otherwise discharged, so as not to cause erosion to the subject or surrounding land, to the satisfaction of the Responsible Authority. The external finishes and materials of water tank(s) (if required) must be colour treated in muted low-reflective tones; and
11. This permit will expire if either of the following applies:
 - a. The development is not started within two (2) years of the date of this permit.
 - b. The development is not completed within four (4) years of the date of this permit.
 - c. The Responsible Authority may extend the periods referred to in accordance with Section 69 of the Planning and Environment Act 1987, if a request is made in writing.

Proposed Notes:

1. This permit allows 10 Lance Drive, Yanakie land to be used or developed for the purpose specified. It is the permit holder's responsibility to ensure that any other relevant approvals are obtained prior to the commencement of the use or development.

MOVED: Cr Argento

SECONDED: Cr Rich

THAT COUNCIL ISSUE A NOTICE OF DECISION FOR THE DEVELOPMENT OF LAND WITH A HORSE ARENA AND MACHINERY SHED AT 10 LANCE DRIVE, YANAKIE, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. PRIOR TO PLANS BEING ENDORSED, A LANDSCAPE PLAN AND SITE PLAN TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY MUST BE SUBMITTED TO AND APPROVED BY THE RESPONSIBLE AUTHORITY. WHEN APPROVED, THE PLANS WILL BE ENDORSED AND WILL THEN FORM PART OF THE PERMIT. THE PLANS MUST BE DRAWN TO SCALE, WITH DIMENSIONS SHOWN AND THREE COPIES MUST BE PROVIDED. THE PLANS MUST BE GENERALLY IN ACCORDANCE WITH THE PLANS SUBMITTED WITH THE APPLICATION BUT MODIFIED TO SHOW:**
 - a. A MINIMUM 5M WIDE STRIP OF PLANTING ALONG THE SOUTHERN BOUNDARY BETWEEN 10 LANCE DRIVE YANAKIE AND 288 PATERSON ROAD YANAKIE. THE LANDSCAPING MUST EXTEND FROM THE PATERSON ROAD FRONTAGE TO 5M BEYOND THE DEVELOPMENT AS A MINIMUM;**
 - b. A MINIMUM 5M WIDE STRIP OF PLANTING ALONG THE ENTIRE PATERSON ROAD FRONTAGE BETWEEN THE SOUTHERN BOUNDARY AND THE EXISTING VEGETATION SURROUNDING THE DAM IN THE NORTHERN CORNER OF THE PROPERTY. THIS STRIP OF LANDSCAPING MAY ALLOW FOR A BREAK FOR ONE PROPOSED OR EXISTING VEHICLE CROSSOVER TO PATERSON ROAD. THE BREAK MUST NOT BE MORE THAN 6M WIDE;**
 - c. A MINIMUM 5M WIDE STRIP OF PLANTING ALONG THE LANCE DRIVE FRONTAGE BETWEEN THE EXISTING VEGETATION SURROUNDING THE DAM IN THE NORTHERN CORNER OF THE PROPERTY AND THE FENCE LINE ADJOINING THE EXISTING ENTRY GATE TO THE PROPERTY;**
 - d. A PLANTING SCHEDULE OF ALL PROPOSED TREES, SHRUBS AND GROUND COVERS (INCLUDING COMMON NAMES AND BOTANICAL NAMES), POT SIZES, SIZES AT MATURITY, AND QUANTITIES OF EACH PLANT;**
 - e. THE INCORPORATION OF LOWER, MIDDLE AND UPPER STOREY SPECIES. THE PLANTING MUST ACHIEVE AN EFFECTIVE VISUAL SCREEN AND THE MIDDLE OR UPPER STOREY SPECIES SELECTED MUST BE CAPABLE OF REACHING A MINIMUM HEIGHT OF 7.5M; AND**

- f. ALL SPECIES MUST BE SELECTED FROM THE RELEVANT ECOLOGICAL VEGETATION CLASS (EVC) FOR THE BIOREGION THAT THE LAND IS LOCATED WITHIN, FROM THE *INDIGENOUS PLANTS OF SOUTH GIPPSLAND SHIRE* PUBLICATION.**
- 2. THE BUILDING, WORKS AND LAYOUT AS SHOWN ON THE ENDORSED PLAN(S) MUST NOT BE ALTERED OR MODIFIED EXCEPT WITH THE WRITTEN CONSENT OF THE RESPONSIBLE AUTHORITY;**
- 3. ONCE THE DEVELOPMENT HAS STARTED IT MUST BE CONTINUED AND COMPLETED IN A TIMELY MANNER TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY;**
- 4. PRIOR TO THE USE OF THE PROPOSED BUILDING COMMENCING OR PRIOR TO ISSUE OF AN OCCUPANCY PERMIT OR CERTIFICATE OF FINAL INSPECTION, THE PERMANENT SCREEN OF INDIGENOUS VEGETATION ENDORSED IN THE LANDSCAPE PLAN UNDER CONDITION 1 MUST BE PLANTED (IN ACCORDANCE WITH THE ENDORSED PLANS). THE VEGETATION MUST BE PROTECTED BY WAY OF TREE GUARDS OR SIMILAR UNTIL FULLY ESTABLISHED. THE LANDSCAPING MUST BE COMPLETED AND THEN MAINTAINED, TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY. ANY DEAD OR DYING VEGETATION MUST BE REPLACED;**
- 5. THE AGRICULTURAL SHED MUST NOT BE USED FOR HUMAN HABITATION AT ANY TIME;**
- 6. THE USE OF THE AGRICULTURAL SHED FOR ANY PURPOSE OTHER THAN AGRICULTURE MAY BE SUBJECT TO A FURTHER PLANNING PERMIT APPLICATION;**
- 7. THE EXTERNAL FINISHES OF ALL BUILDINGS, INCLUDING WALLS AND ROOF MATERIALS, MUST BE COLOUR TREATED AND MAINTAINED IN MUTED NON-REFLECTIVE TONES TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY;**
- 8. ALL WORKS MUST BE UNDERTAKEN IN A MANNER THAT MINIMISES SOIL EROSION, AND ANY EXPOSED AREAS OF SOIL MUST BE STABILISED TO PREVENT SOIL EROSION, TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY;**
- 9. BUILDING CONSTRUCTION MUST BE CARRIED OUT IN ACCORDANCE WITH CONSTRUCTION TECHNIQUES FOR SEDIMENT POLLUTION CONTROL (EPA MAY 1991) AND CONTROL OF EROSION ON CONSTRUCTION SITES (SOIL CONSERVATION AUTHORITY) TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY;**

- 10. DOWNPIPE WATER FROM THE HORSE ARENA AND MACHINERY SHED MUST BE SUITABLY DIRECTED INTO WATER TANK(S), SOAKWELL(S), OR OTHERWISE DISCHARGED, SO AS NOT TO CAUSE EROSION TO THE SUBJECT OR SURROUNDING LAND, TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY. THE EXTERNAL FINISHES AND MATERIALS OF WATER TANK(S) (IF REQUIRED) MUST BE COLOUR TREATED IN MUTED LOW-REFLECTIVE TONES; AND**
- 11. THIS PERMIT WILL EXPIRE IF EITHER OF THE FOLLOWING APPLIES:**
- a. THE DEVELOPMENT IS NOT STARTED WITHIN TWO (2) YEARS OF THE DATE OF THIS PERMIT.**
 - b. THE DEVELOPMENT IS NOT COMPLETED WITHIN FOUR (4) YEARS OF THE DATE OF THIS PERMIT.**
 - c. THE RESPONSIBLE AUTHORITY MAY EXTEND THE PERIODS REFERRED TO IN ACCORDANCE WITH SECTION 69 OF THE PLANNING AND ENVIRONMENT ACT 1987, IF A REQUEST IS MADE IN WRITING.**

PROPOSED NOTES:

- 12. THIS PERMIT ALLOWS 10 LANCE DRIVE, YANAKIE LAND TO BE USED OR DEVELOPED FOR THE PURPOSE SPECIFIED. IT IS THE PERMIT HOLDER'S RESPONSIBILITY TO ENSURE THAT ANY OTHER RELEVANT APPROVALS ARE OBTAINED PRIOR TO THE COMMENCEMENT OF THE USE OR DEVELOPMENT.**

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

Background

The subject land is Lot 1 PS537376, more commonly known as 10 Lance Drive, Yanakie. The subject land is an irregular shape, with a total size of 8.499 ha. The site has a frontage of approximately 153m to Lance Drive and also abuts approximately 172m of Paterson Road. The subject land is generally flat and contains an existing dwelling, two outbuildings and minimal vegetation.

The subject land is within the Farming Zone (FZ) and is affected by the Significant Landscape Overlay – Schedule 3 (SLO3), Environmental Significance Overlay – Schedule 3 (ESO3) and partly by the Bushfire Management Overlay (the proposed development area is not affected by the BMO).

The use of the land for animal husbandry (a form of agriculture) does not require planning permission under the provisions of the FZ. The proposed development also does not require planning permission under the provisions of the FZ. The proposed development is not in an area affected by the BMO and only requires a planning permit under the SLO3 and ESO3.

The surrounding land and wider area is characterised by a mixture of smaller rural lifestyle properties and larger farming/agricultural properties. The closest dwelling is located approximately 170m from the proposed development (it is noted that the owners of the three closest dwellings did not object).

Refer to **Attachment [2.4.1]** – Aerial Photographs – 10 Lance Drive Yanakie and to **Attachment [2.4.2]** – Planning Property Report – 10 Lance Drive Yanakie.

The Proposal

The application seeks to develop the land with a horse arena and machinery shed. The horse arena and machinery shed will have dimensions of 72m long x 22m wide x 7.34m high. The horse arena will be completely open-sided and the machinery shed will only be semi-enclosed. The proposed development will be sited in the north-west corner of the property with a proposed setback of 20m from Paterson Road and 13m to the southern boundary.

The intended use of the proposed development is to provide an area (dressage area and surrounding track) in which to ride, exercise and enjoy the horses that will be kept on the property for personal use. Furthermore, the machinery shed portion of the proposed development will be used to store a tractor, horse float, hay and other equipment needed to maintain the horses and property.

As previously mentioned, the land use does not require planning permission. However, the applicant has confirmed that no commercial, business or public use is proposed as part of this application. Any future change in use could require further planning permission, however other forms of agricultural use also do not require planning permission and therefore a future change of use may not become subject of an application.

Refer to **Attachment [2.4.3]** – Plans – 10 Lance Drive Yanakie.

Assessment

A detailed assessment of the application against relevant sections of the Planning and Environment Act 1987 and the relevant matters in the South Gippsland Planning Scheme are discussed in **Attachment [2.4.4]** – Delegate's Report – 10 Lance Drive Yanakie.

The primary issues in the assessment of this application have been the size of the building, its siting and potential visual impact. The proposal is considered to be consistent with the relevant Planning Policy Framework objectives and strategies as well as the relevant decision guidelines of the SLO3 and ESO3.

CONSULTATION

The application was notified by mail to adjoining/adjacent owners and occupiers. The application was also notified by placing an advertisement on the Council website. As a result, Council has received five objections to the application.

The objections primarily include its size, siting and resultant visual impact, potential commercial or industrial use, no vegetation screening proposed, increased traffic and road use and no consultation with non-adjoining properties. Some of the matters raised by objectors are considered relevant and have been addressed while others such as the use of the building and traffic are not considered specifically relevant. This has been explained earlier in this report and also detailed in the Delegate's Report in **Attachment [2.4.4]**.

STAFF DISCLOSURE

Nil

ATTACHMENTS

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

1. Aerial Photographs - 10 Lance Drive Yanakie **[2.4.1]**
2. Planning Property Report - 10 Lance Drive Yanakie **[2.4.2]**
3. Plans - 10 Lance Drive Yanakie **[2.4.3]**
4. Delegate's Report – 10 Lance Drive Yanakie **[2.4.4]**

CONFIDENTIAL ATTACHMENTS

Confidential Attachment [15.1.1] – Objections – 10 Lance Drive Yanakie – has been provided in accordance with s.77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this item as confidential information on the grounds that it relates to s.89(2)(h) – any other matter which the Council or Special Committee considers would prejudice the Council or any persons.

This attachment is deemed confidential to protect the privacy of the objector.

REFERENCE DOCUMENTS

Council Policy

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

Legislative Provisions

Planning and Environment Act 1987
South Gippsland Planning Scheme

**2.5. PLANNING APPLICATION - 2017-253 - 40-47 STATION STREET
KORUMBURRA - DEVELOPMENT OF INDUSTRIAL BUILDING, REDUCTION
OF CAR PARKING AND ALTER ACCESS TO RDZ1**

Development Services Directorate

EXECUTIVE SUMMARY

The applicant proposes to develop an industrial building for the purpose of milk powder packaging and storage, a reduction in car parking and alter access to a Road Zone Category 1 at 40-47 Station Street, Korumburra.

The application is referred to Council for a decision because five objections were received. The objections primarily relate to adverse amenity impacts from increased noise, traffic, odour/air quality, lighting and overshadowing.

The application was referred to the Environment Protection Authority (EPA), South Gippsland Water Corporation (SGW), VicRoads and Ausnet Services as determining referral authorities under Section 55 of the Planning and Environment Act (the Act). The EPA and SGW provided conditional consent. VicRoads and Ausnet Services provided unconditional consent.

It is considered that the proposed development, reduction in car parking and alteration to access can be supported, subject to appropriate conditions to ensure that the amenity concerns of objectors are addressed. The application is recommended for approval.

RECOMMENDATION

That Council issue a Notice of Decision for Building and works for milk powder packaging and storage, reduction of car parking requirement and alter access to a Road Zone Category 1 at 40-47 Station Street Korumburra, subject to the following conditions:

1. Prior to plans being endorsed, a landscape plan and site plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale, with dimensions shown and three copies must be provided. The plans must be generally in accordance with drawing no. TP-06 Rev C job no. 1466 drawn by DS Architects, the section plan showing vegetation screening on drawing no. TP-03 Rev F job no. 1466 drawn by DS Architects and TP-01 Rev E job no. 1466 drawn by DS Architects but must show specific details for:

- a. Planting along the boundary between the proposed industrial building and the adjoining dwellings at numbers 2 – 8 Warragul Road Korumburra;
 - b. The proposed plantings must demonstrate how they will form an effective visual screen when viewed from the adjoining dwellings;
 - c. A list of all existing vegetation (including botanical names) to be retained and/or removed;
 - d. A planting schedule of all proposed trees, shrubs and ground covers (including common names and botanical names), pot sizes, sizes at maturity, and quantities of each plant;
 - e. The incorporation of lower, middle and upper storey species;
 - f. All species must be selected from the relevant Ecological Vegetation Class (EVC) for the bioregion that the land is located within, from the *Indigenous Plants of South Gippsland Shire* publication;
 - g. The plan must specify that at least 50 per cent of middle and upper storey plants to be at an advanced stage to ensure some immediate visual screening; and
 - h. A minimum of four bicycle parking spaces and facilities in accordance with Clause 52.34-6 and 52.34-7 of the Planning Scheme.
2. The building, works and layout as shown on the endorsed plan(s) must not be altered or modified except with the written consent of the Responsible Authority;
 3. Once the development has started it must be continued and completed in a timely manner to the satisfaction of the Responsible Authority;
 4. Prior to the use of the proposed building commencing or prior to issue of an Occupancy Permit or Certificate of Final Inspection, the permanent screen of indigenous vegetation endorsed in the landscape plan under Condition 1 must be planted (in accordance with the endorsed plans) to provide an effective visual screen. The vegetation must be protected by way of tree guards or similar until fully established. The landscaping must be completed and then maintained, to the satisfaction of the Responsible Authority. Any dead or dying vegetation must be replaced;

5. Prior to the commencement of the use of the powder packing and storage building approved by this permit, the owner/applicant must carry out:
- a. The works identified in Section 4.5.2 of the noise modelling report prepared by JTA Health, Safety and Noise Specialists, dated 7 September 2018; and
 - b. The works identified in Tables R.4 and 7.4 of the Environmental Noise Assessment prepared by JTA Health, Safety and Noise Specialists, dated June 2018.

Within three months of commencement of use, the owner/applicant must submit a report prepared by a suitably qualified and experienced consultant confirming that:

- a. The above works have been carried out in accordance with the recommendations above; and
- b. Confirming with onsite measurements that the implemented measures above have actually resulted in bringing the overall use and development into compliance with the criteria in Noise from Industry in Regional Victoria (NIRV).

If the report finds that there are still non-compliances with the NIRV criteria following implementation of the above works, the report must also recommend additional measures to bring the use and development into compliance and stipulate a reasonable timeframe for carrying out such works in consultation with and to the satisfaction of the Responsible Authority. Measures to bring the use and development into compliance may include amending operating times, manufacturing processes, replacement of faulty or outdated machinery or any other reasonable methods.

6. The use of the packaging and storage building may operate only between the hours of:
- a. 7.00am and 6.00pm Monday to Friday; and
 - b. 7.00am and 1.00pm Saturday.

For the avoidance of doubt these are the NIRV daytime operating hours and are based on the recommendations of the JTA Health, Safety and Noise Specialists report dated 7 September 2018. The Heating, Ventilation and Air Conditioning (HVAC) Plant may operate 24 hours, seven days per week.

7. Deliveries to and from the packaging and storage building may occur only between the hours of:

- a. 7.00am and 6.00pm Monday to Friday; and
- b. 7.00am and 1.00pm Saturday.

For the avoidance of doubt these are the NIRV daytime operating hours and are based on the recommendations of the JTA Health, Safety and Noise Specialists report dated 7 September 2018.

8. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land or passing vehicles to the satisfaction of the Responsible Authority;
9. All waste material or other refuse must be obscured from the view of the public and must be disposed of in a manner to the satisfaction of the Responsible Authority;
10. The property must be maintained in a neat and tidy condition to the satisfaction of the Responsible Authority;
11. The loading and unloading of vehicles and delivery of goods must at all times be within the boundaries of the site;
12. Before the use of the additional floor area commences the 23 car parking spaces, access lanes, driveways and associated works shown on the plan must be:
- a. constructed and available for use in accordance with the plan approved by the responsible authority; and
 - b. formed to such levels and drained so that they can be used in accordance with the plan; and
 - c. treated with an all-weather seal of either bitumen or concrete; and
 - d. line-marked,

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

13. Prior to the commencement of any works approved by this permit, the following conditions must be complied with to Council's satisfaction:

- a. The applicant/owner must submit a Stormwater Management Strategy (SMS) and associated computations detailing how the stormwater discharge from the proposed development can be appropriately catered for onsite to retain pre-development discharge. The SMS shall be submitted to and approved by Council. The SMS is to address the following:
 - i. Size, location and type of on-site detention required.
 - ii. Suitable outlet for storm water drainage.
 - iii. The impacts of a major storm event.
 - b. The applicant/owner must submit detailed engineering plans and drainage computations, in accordance with the approved SMS, to and for approval by Council. The plans are to address the following:
 - i. All drainage as per the approved SMS.
 - ii. Appropriate and safe vehicle access to and within the approved development, including all appropriate turning and reversing movements.
 - iii. Grades within the parking area are to comply with Australian Standard AS/NZS 2890.1 (2004) – Off-street car parking.
 - iv. The size of car parking bays and access way to conform to the South Gippsland Planning Scheme. The car parking area is to be suitably line marked and signed.
 - c. Prior to the commencement of the use of the building, the applicant is to construct and maintain all civil and drainage works in accordance with the approved engineering plans above and to the satisfaction of the Responsible Authority;
 - d. The applicant must provide sediment control for construction work in accordance with EPA Publication No. 275, "Construction Techniques for Sediment Pollution Control", 1991;
 - e. All works must be maintained to the satisfaction of the Responsible Authority;
14. South Gippsland Water Corporation - prior to the commencement of the building and works the owner / applicant shall:

- a. Enter into a formal agreement with the South Gippsland Water Corporation for the relocation of all existing sewer infrastructure, to the design and satisfaction of the Corporation;
- b. Construct new sewer infrastructure as set out in the above formal agreement; and
- c. The location of the Corporation's existing sewer infrastructure is to be proven on site prior to works commencing.

Any damage caused to the Corporation's sewer infrastructure during the construction of the proposed building or ancillary works, shall be rectified and all costs borne by the owner.

15. Environment Protection Authority - prior to the commencement of the use of the permitted building for the packaging of milk powder products the noise attenuation works outlined in Table R.4 and Table 7.4 of the Environmental Noise Assessment, Burra Foods Australia - Korumburra, prepared by JTA Health, Safety & Noise Specialists, June 2018 (N12309) R1 must be implemented to a standard that achieves the required attenuation specified in these tables, and to the satisfaction of the responsible authority;
16. This permit will expire if either of the following applies:
 - a. The development is not started within two (2) years of the date of this permit; and
 - b. The development is not completed within four (4) years of the date of this permit.

The Responsible Authority may extend the periods referred to in accordance with Section 69 of the Planning and Environment Act 1987, if a request is made in writing.

MOVED: Cr McEwen

SECONDED: Cr Brunt

THAT COUNCIL ISSUE A NOTICE OF DECISION FOR BUILDING AND WORKS FOR MILK POWDER PACKAGING AND STORAGE, REDUCTION OF CAR PARKING REQUIREMENT AND ALTER ACCESS TO A ROAD ZONE CATEGORY 1 AT 40-47 STATION STREET KORUMBURRA, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. PRIOR TO PLANS BEING ENDORSED, A LANDSCAPE PLAN AND SITE PLAN TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY MUST BE SUBMITTED TO AND APPROVED BY THE RESPONSIBLE AUTHORITY. WHEN APPROVED, THE PLANS WILL BE ENDORSED AND WILL THEN FORM PART OF THE PERMIT. THE PLANS MUST BE DRAWN TO SCALE, WITH DIMENSIONS SHOWN AND THREE COPIES MUST BE PROVIDED. THE PLANS MUST BE GENERALLY IN ACCORDANCE WITH DRAWING NO. TP-06 REV C JOB NO. 1466 DRAWN BY DS ARCHITECTS, THE SECTION PLAN SHOWING VEGETATION SCREENING ON DRAWING NO. TP-03 REV F JOB NO. 1466 DRAWN BY DS ARCHITECTS AND TP-01 REV E JOB NO. 1466 DRAWN BY DS ARCHITECTS BUT MUST SHOW SPECIFIC DETAILS FOR:**
 - a. PLANTING ALONG THE BOUNDARY BETWEEN THE PROPOSED INDUSTRIAL BUILDING AND THE ADJOINING DWELLINGS AT NUMBERS 2 – 8 WARRAGUL ROAD KORUMBURRA;**
 - b. THE PROPOSED PLANTINGS MUST DEMONSTRATE HOW THEY WILL FORM AN EFFECTIVE VISUAL SCREEN WHEN VIEWED FROM THE ADJOINING DWELLINGS;**
 - c. A LIST OF ALL EXISTING VEGETATION (INCLUDING BOTANICAL NAMES) TO BE RETAINED AND/OR REMOVED;**
 - d. A PLANTING SCHEDULE OF ALL PROPOSED TREES, SHRUBS AND GROUND COVERS (INCLUDING COMMON NAMES AND BOTANICAL NAMES), POT SIZES, SIZES AT MATURITY, AND QUANTITIES OF EACH PLANT;**
 - e. THE INCORPORATION OF LOWER, MIDDLE AND UPPER STOREY SPECIES;**
 - f. ALL SPECIES MUST BE SELECTED FROM THE RELEVANT ECOLOGICAL VEGETATION CLASS (EVC) FOR THE BIOREGION THAT THE LAND IS LOCATED WITHIN, FROM THE *INDIGENOUS PLANTS OF SOUTH GIPPSLAND SHIRE* PUBLICATION;**

- g. THE PLAN MUST SPECIFY THAT AT LEAST 50 PER CENT OF MIDDLE AND UPPER STOREY PLANTS TO BE AT AN ADVANCED STAGE TO ENSURE SOME IMMEDIATE VISUAL SCREENING; AND**
 - h. A MINIMUM OF FOUR BICYCLE PARKING SPACES AND FACILITIES IN ACCORDANCE WITH CLAUSE 52.34-6 AND 52.34-7 OF THE PLANNING SCHEME.**
- 2. THE BUILDING, WORKS AND LAYOUT AS SHOWN ON THE ENDORSED PLAN(S) MUST NOT BE ALTERED OR MODIFIED EXCEPT WITH THE WRITTEN CONSENT OF THE RESPONSIBLE AUTHORITY;**
- 3. ONCE THE DEVELOPMENT HAS STARTED IT MUST BE CONTINUED AND COMPLETED IN A TIMELY MANNER TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY;**
- 4. PRIOR TO THE USE OF THE PROPOSED BUILDING COMMENCING OR PRIOR TO ISSUE OF AN OCCUPANCY PERMIT OR CERTIFICATE OF FINAL INSPECTION, THE PERMANENT SCREEN OF INDIGENOUS VEGETATION ENDORSED IN THE LANDSCAPE PLAN UNDER CONDITION 1 MUST BE PLANTED (IN ACCORDANCE WITH THE ENDORSED PLANS) TO PROVIDE AN EFFECTIVE VISUAL SCREEN. THE VEGETATION MUST BE PROTECTED BY WAY OF TREE GUARDS OR SIMILAR UNTIL FULLY ESTABLISHED. THE LANDSCAPING MUST BE COMPLETED AND THEN MAINTAINED, TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY. ANY DEAD OR DYING VEGETATION MUST BE REPLACED;**
- 5. PRIOR TO THE COMMENCEMENT OF THE USE OF THE POWDER PACKING AND STORAGE BUILDING APPROVED BY THIS PERMIT, THE OWNER/APPLICANT MUST CARRY OUT:**
 - a. THE WORKS IDENTIFIED IN SECTION 4.5.2 OF THE NOISE MODELLING REPORT PREPARED BY JTA HEALTH, SAFETY AND NOISE SPECIALISTS, DATED 7 SEPTEMBER 2018; AND**
 - b. THE WORKS IDENTIFIED IN TABLES R.4 AND 7.4 OF THE ENVIRONMENTAL NOISE ASSESSMENT PREPARED BY JTA HEALTH, SAFETY AND NOISE SPECIALISTS, DATED JUNE 2018.**

WITHIN THREE MONTHS OF COMMENCEMENT OF USE, THE OWNER/APPLICANT MUST SUBMIT A REPORT PREPARED BY A SUITABLY QUALIFIED AND EXPERIENCED CONSULTANT CONFIRMING THAT:

- c. THE ABOVE WORKS HAVE BEEN CARRIED OUT IN ACCORDANCE WITH THE RECOMMENDATIONS ABOVE; AND**

- d. CONFIRMING WITH ONSITE MEASUREMENTS THAT THE IMPLEMENTED MEASURES ABOVE HAVE ACTUALLY RESULTED IN BRINGING THE OVERALL USE AND DEVELOPMENT INTO COMPLIANCE WITH THE CRITERIA IN NOISE FROM INDUSTRY IN REGIONAL VICTORIA (NIRV).**

IF THE REPORT FINDS THAT THERE ARE STILL NON-COMPLIANCES WITH THE NIRV CRITERIA FOLLOWING IMPLEMENTATION OF THE ABOVE WORKS, THE REPORT MUST ALSO RECOMMEND ADDITIONAL MEASURES TO BRING THE USE AND DEVELOPMENT INTO COMPLIANCE AND STIPULATE A REASONABLE TIMEFRAME FOR CARRYING OUT SUCH WORKS IN CONSULTATION WITH AND TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY. MEASURES TO BRING THE USE AND DEVELOPMENT INTO COMPLIANCE MAY INCLUDE AMENDING OPERATING TIMES, MANUFACTURING PROCESSES, REPLACEMENT OF FAULTY OR OUTDATED MACHINERY OR ANY OTHER REASONABLE METHODS.

- 6. THE USE OF THE PACKAGING AND STORAGE BUILDING MAY OPERATE ONLY BETWEEN THE HOURS OF:**
 - a. 7.00AM AND 6.00PM MONDAY TO FRIDAY; AND**
 - b. 7.00AM AND 1.00PM SATURDAY.**

FOR THE AVOIDANCE OF DOUBT THESE ARE THE NIRV DAYTIME OPERATING HOURS AND ARE BASED ON THE RECOMMENDATIONS OF THE JTA HEALTH, SAFETY AND NOISE SPECIALISTS REPORT DATED 7 SEPTEMBER 2018. THE HEATING, VENTILATION AND AIR CONDITIONING (HVAC) PLANT MAY OPERATE 24 HOURS, SEVEN DAYS PER WEEK.

- 7. DELIVERIES TO AND FROM THE PACKAGING AND STORAGE BUILDING MAY OCCUR ONLY BETWEEN THE HOURS OF:**
 - a. 7.00AM AND 6.00PM MONDAY TO FRIDAY; AND**
 - b. 7.00AM AND 1.00PM SATURDAY.**

FOR THE AVOIDANCE OF DOUBT THESE ARE THE NIRV DAYTIME OPERATING HOURS AND ARE BASED ON THE RECOMMENDATIONS OF THE JTA HEALTH, SAFETY AND NOISE SPECIALISTS REPORT DATED 7 SEPTEMBER 2018.

- 8. EXTERNAL LIGHTING MUST BE DESIGNED, BAFFLED AND LOCATED SO AS TO PREVENT ANY ADVERSE EFFECT ON ADJOINING LAND OR**

PASSING VEHICLES TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY;

- 9. ALL WASTE MATERIAL OR OTHER REFUSE MUST BE OBSCURED FROM THE VIEW OF THE PUBLIC AND MUST BE DISPOSED OF IN A MANNER TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY;**
- 10. THE PROPERTY MUST BE MAINTAINED IN A NEAT AND TIDY CONDITION TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY;**
- 11. THE LOADING AND UNLOADING OF VEHICLES AND DELIVERY OF GOODS MUST AT ALL TIMES BE WITHIN THE BOUNDARIES OF THE SITE;**
- 12. BEFORE THE USE OF THE ADDITIONAL FLOOR AREA COMMENCES THE 23 CAR PARKING SPACES, ACCESS LANES, DRIVEWAYS AND ASSOCIATED WORKS SHOWN ON THE PLAN MUST BE:**
 - a. CONSTRUCTED AND AVAILABLE FOR USE IN ACCORDANCE WITH THE PLAN APPROVED BY THE RESPONSIBLE AUTHORITY; AND**
 - b. FORMED TO SUCH LEVELS AND DRAINED SO THAT THEY CAN BE USED IN ACCORDANCE WITH THE PLAN; AND**
 - c. TREATED WITH AN ALL-WEATHER SEAL OF EITHER BITUMEN OR CONCRETE; AND**
 - d. LINE-MARKED,**

CAR SPACES, ACCESS LANES AND DRIVEWAYS MUST BE KEPT AVAILABLE FOR THESE PURPOSES AT ALL TIMES.
- 13. PRIOR TO THE COMMENCEMENT OF ANY WORKS APPROVED BY THIS PERMIT, THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH TO COUNCIL'S SATISFACTION:**
 - a. THE APPLICANT/OWNER MUST SUBMIT A STORMWATER MANAGEMENT STRATEGY (SMS) AND ASSOCIATED COMPUTATIONS DETAILING HOW THE STORMWATER DISCHARGE FROM THE PROPOSED DEVELOPMENT CAN BE APPROPRIATELY CATERED FOR ONSITE TO RETAIN PRE-DEVELOPMENT DISCHARGE. THE SMS SHALL BE SUBMITTED TO AND APPROVED BY COUNCIL. THE SMS IS TO ADDRESS THE FOLLOWING:**
 - i. SIZE, LOCATION AND TYPE OF ON-SITE DETENTION REQUIRED.**
 - ii. SUITABLE OUTLET FOR STORM WATER DRAINAGE.**

- b. CONSTRUCT NEW SEWER INFRASTRUCTURE AS SET OUT IN THE ABOVE FORMAL AGREEMENT; AND**
- c. THE LOCATION OF THE CORPORATION'S EXISTING SEWER INFRASTRUCTURE IS TO BE PROVEN ON SITE PRIOR TO WORKS COMMENCING.**

ANY DAMAGE CAUSED TO THE CORPORATION'S SEWER INFRASTRUCTURE DURING THE CONSTRUCTION OF THE PROPOSED BUILDING OR ANCILLARY WORKS, SHALL BE RECTIFIED AND ALL COSTS BORNE BY THE OWNER.

- 15. ENVIRONMENT PROTECTION AUTHORITY - PRIOR TO THE COMMENCEMENT OF THE USE OF THE PERMITTED BUILDING FOR THE PACKAGING OF MILK POWDER PRODUCTS THE NOISE ATTENUATION WORKS OUTLINED IN TABLE R.4 AND TABLE 7.4 OF THE ENVIRONMENTAL NOISE ASSESSMENT, BURRA FOODS AUSTRALIA - KORUMBURRA, PREPARED BY JTA HEALTH, SAFETY & NOISE SPECIALISTS, JUNE 2018 (N12309) R1 MUST BE IMPLEMENTED TO A STANDARD THAT ACHIEVES THE REQUIRED ATTENUATION SPECIFIED IN THESE TABLES, AND TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY;**
- 16. THIS PERMIT WILL EXPIRE IF EITHER OF THE FOLLOWING APPLIES:**
 - a. THE DEVELOPMENT IS NOT STARTED WITHIN TWO (2) YEARS OF THE DATE OF THIS PERMIT; AND**
 - b. THE DEVELOPMENT IS NOT COMPLETED WITHIN FOUR (4) YEARS OF THE DATE OF THIS PERMIT.**

THE RESPONSIBLE AUTHORITY MAY EXTEND THE PERIODS REFERRED TO IN ACCORDANCE WITH SECTION 69 OF THE PLANNING AND ENVIRONMENT ACT 1987, IF A REQUEST IS MADE IN WRITING.

CARRIED

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

AGAINST: Councillor Cousin

[Link to next Agenda Item.](#)

REPORT

Background

The subject land is L2 PS301973F Parish of Korumburra, PC164236F Parish of Korumburra and L8 LP142620 Parish of Korumburra, more commonly known as 40-47 Station Street Korumburra. The land is currently occupied by Burra Foods Pty Ltd and is used for an industrial use that processes milk products. There are numerous existing buildings on the land associated with the existing use. The combined site area of all Burra Foods lots is almost 4.5ha, however the three lots that are subject to this proposal have an area of approximately 2.75ha. The land has road frontages to Stuart Street to the north, Korumburra-Warragul Road to the west, Station Street to the South and Flinders Street to the east. The land slopes downhill from the Station Street and Korumburra-Warragul Road frontages toward the north east corner.

The land is primarily in the Industrial 1 Zone (IN1Z), partly Industrial 3 Zone (IN3Z) and then an even smaller portion of General Residential Zone (GRZ). The proposed development is largely in the IN1Z portion of the site with a small portion extending into the IN3Z. The Environmental Significance Overlay - Schedule 8 – Manufacture of Milk Products Amenity Buffer (ESO8) applies to the land. However, the ESO8 does not require a permit for buildings and works associated with industrial development on the land because its intent is to identify areas subject to pre-existing factory impacts that will continue, and could intensify, over time.

The surrounding land is developed with a mix of general residential, low density residential, farming and another industrial use.

Refer to **Attachment [2.5.1]** – 40-47 Station Street Korumburra – Aerial Photo and **Attachment [2.5.2]** – 40-47 Station Street Korumburra - Planning Property Report.

The Proposal

The proposal is to develop an industrial building for the purpose of milk powder packaging and storage, a reduction in car parking and alter access to a Road Zone Category 1. The proposed building will have a net floor area of approximately 3790m². It will be approximately 83m long, a maximum width of 56m and approximately 13.7m high at its highest point. The proponent has proposed 23 car parking spaces even though the planning scheme would require 109. The applicant does not propose to physically alter the access to the Road Zone Category 1, however, the application requires consent to do so based on VCAT's interpretation of what constitutes "alteration of an access".

Refer to **Attachment [2.5.3]** – 40-47 Station Street Korumburra – Proposed development plans.

Assessment

A detailed assessment of the application against the relevant sections of the Planning and Environment Act 1987 and relevant matters in the South Gippsland Planning Scheme are discussed in **Attachment [2.5.4]** – Delegate's Report. The proposal is considered to be consistent with the relevant Planning Policy Framework objectives and strategies as well as the relevant decision guidelines of the zones and particular provisions.

The primary issues in the assessment of this application have been noise, traffic and parking.

Council and the EPA were not satisfied with the first three versions of the noise report submitted by the applicant. The fourth revision of the report has been reviewed by both Council and the EPA and it is considered that the methodology, findings and recommendations now demonstrate that the site can comply with the relevant NIRV criteria. The report is clear in clarifying that the current operation does not comply with NIRV criteria at a number noise sensitive receivers (NSRs). The report also contains an Environmental Noise Assessment (ENA) which in turn contains a Noise Control Program (NCP). The ENA and NCP contain a number of recommendations to implement cost effective noise reductions in the existing operation. They would all need to be implemented in order to achieve compliance. The new development will also need to comply with certain noise attenuation parameters and hours of operation restrictions in order to comply. Council considers that conditions requiring such upgrades and noise attenuation measures would be reasonable and relate to the permission being sought by the applicant.

In relation to traffic and parking, Council was not satisfied with the information submitted by the applicant. It carried out its own investigations and has determined that the proposal will be acceptable having regard to the increase in traffic and parking requirements. The site is considered to be acceptable in relation to trucks of either a semi-trailer or B-Double size entering and leaving the site in a forward direction in accordance with an existing Traffic Management Plan endorsed for the site as part of planning application 2009/120. The increase in traffic as a result of the proposed building and works is considered negligible in relation to existing traffic counts on the surrounding road networks and will not have any impact on traffic safety. In relation to parking, the reduction of 86 car spaces is considered acceptable. Whilst the reduction may seem excessive, it is justifiable having regard to existing parking requirements, existing parking arrangements and the proposed parking arrangement.

The key concern of the objectors is the potential for the proposed development to exacerbate existing noise issues. In addition, the objections have raised concern regarding traffic, odour/air quality, lighting and overshadowing. The objections are summarised in the Delegate's Report in **Attachment [2.5.4]** and a detailed response to each issue is also contained therein.

CONSULTATION

The application was notified by mail to property owners and occupiers within 300m of the development (being the threshold distance specified in Clause 53.10 for industrial uses that involve milk processing). A sign was also erected on-site and a notice published in two local papers. Five objections were received.

A copy of the objections are in **Confidential Attachment [15.2.1]** – 40-47 Station Street Korumburra - Copy of Submissions.

The application was referred to the Environment Protection Authority (EPA), South Gippsland Water Corporation (SGW), VicRoads and Ausnet Services as determining referral authorities under Section 55 of the Planning and Environment Act (the Act). The EPA and SGW provided conditional consent. VicRoads and Ausnet Services provided unconditional consent.

Advice was sought from Council's Engineering Department. They have also provided conditional consent.

The referral responses are discussed in more detail in **Attachment [2.5.4]** – 40-47 Station Street Korumburra – Delegate's Report.

STAFF DISCLOSURE

Nil

ATTACHMENTS

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

1. 40-47 Station Street Korumburra - Aerial Photo **[2.5.1]**
2. 40-47 - Station Street Korumburra - Planning Property Report **[2.5.2]**
3. 40-47 Station Street Korumburra - Proposed development plans **[2.5.3]**
4. 40-47 Station Street Korumburra - Delegates report **[2.5.4]**

CONFIDENTIAL ATTACHMENTS

Confidential Attachment [15.2.1] – 40-47 Station Street Korumburra - Copy of Submissions has been provided in accordance with s.77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates these items as confidential information on the grounds that they relate to s.89(2)(h) - any other matter which the Council or Special Committee considers would prejudice the Council or any persons.

These are deemed confidential to protect the privacy of the submitters.

REFERENCE DOCUMENTS

Council Policy

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

Legislative Provisions

Planning and Environment Act 1987

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

3.1. POLICY FRAMEWORK CLUSTER COMMUNITY BODIES

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

Council is committed to supporting more direct community participation in planning and implementation of Council services. Council has recently investigated the level of interest in establishing District Coordinating Committees and received a positive response from the members of the community who participated in the consultation (**Attachment [3.1.1]** – Community Consultation Forum Summaries on District Networks and Clusters). Despite participation being low there was no negative response and as the invitation to contribute was broad, Council is in a position to continue with establishment of some district clusters on a trial basis and develop mechanisms to enable regular community input to Council in other districts.

RECOMMENDATION

That Council:

1. Notes the outcomes of community consultation on district networks and cluster operations;
2. Endorses the convening of an Eastern Districts cluster that includes: Port Franklin, Mt Best, Toora, Agnes, Welshpool, Hedley and Port Welshpool and initially meets four times per annum;
3. Endorses the trial of a new cluster that includes Fish Creek, Foster, Sandy Point and Yanakie districts and initially meets four times per year;
4. Endorses the commencement of two community forums per year in Poowong, Jumbunna, Mirboo North, Meeniyan and Tarwin Lower for the next two years;
5. Endorses the reduction of South Gippsland Towns and Districts Associations Network meetings to twice per year from (existing) four meetings per year; and
6. Advises participants of the consultation process the decisions of Council pertaining to district networks.

Councillor McEwen moved a Motion different from the Recommendation.

MOVED: Cr McEwen

SECONDED: Cr Skinner

THAT COUNCIL:

- 1. NOTES THE OUTCOMES OF COMMUNITY CONSULTATION ON DISTRICT NETWORKS AND CLUSTER OPERATIONS;**
- 2. ENDORSES THE CONVENING OF AN EASTERN DISTRICTS CLUSTER TO INCLUDE PORT FRANKLIN, MT BEST, TOORA, AGNES, WELSHPOOL, HEDLEY AND PORT WELSHPOOL AND INITIALLY MEETS FOUR TIMES PER ANNUM;**
- 3. ENDORSES THE TRIAL OF A NEW CENTRAL SOUTH DISTRICT CLUSTER TO INCLUDE FISH CREEK, FOSTER, SANDY POINT AND YANAKIE DISTRICTS AND INITIALLY MEETS FOUR TIMES PER YEAR;**
- 4. ENDORSES THE COMMENCEMENT OF UP TO TEN COMMUNITY FORUMS PER YEAR TO BE HELD ACROSS THE REMAINDER ON THE SOUTH GIPPSLAND SHIRE IN TOWNS NOT PARTICIPATING IN ANY OF THE ESTABLISHED CLUSTERS;**
- 5. ENDORSES THE REDUCTION OF SOUTH GIPPSLAND TOWNS AND DISTRICTS ASSOCIATIONS NETWORK MEETINGS FROM THE EXISTING FOUR MEETINGS PER YEAR TO TWO PER YEAR;**
- 6. ADVISES PARTICIPANTS OF THE CONSULTATION PROCESS, THE DECISIONS OF COUNCIL PERTAINING TO DISTRICT NETWORKS; AND**
- 7. NOTES THAT INDIVIDUAL COMMUNITIES / TOWNS MAY CHANGE OR WITHDRAW THEIR CLUSTER PARTICIPATION.**

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

The Council Plan 2017-2021 Strategy 2.1.2 directs Council to:

“Investigate opportunities to consider a model for community self determination to facilitate working in partnership with the community”.

Establishing networks of towns and communities in sub regions of South Gippsland has the potential to address this intention of Council. Local formalised clusters of communities could be of significant value to both local communities and Council.

Such Clusters could:

- Help small communities in particular to undertake larger and more complex initiatives than could be undertaken by their individual communities;
- Access a higher level of external and local grant funds and provide support across the locality in times of difficulty or crisis;
- Create effective avenues for communities to partner with and advise Council on local matters/priorities including resource allocation;
- Provide an avenue for other agencies with work that involves a number of communities e.g. water authorities, VicRoads - to readily easily access representatives a number of communities with a common interest; and
- Support a group of communities to collaborate on prioritising works that can be included in an external grant. For example, such local collaboration could be useful if Pick my Project initiative is continued.

A significant level of informal collaboration is already undertaken by towns and communities across South Gippsland. Further direct engagement with communities across South Gippsland is needed to establish the level of interest in creating more permanent and formal districts networks, and to establish the level of resourcing required by Council to support such bodies.

At the Ordinary Meeting of Council 25 July 2018, Council resolved:

“That Council:

1. *Notes the report on a policy framework to potentially establish district coordinating bodies across the shire to strengthen community engagement and partnerships and work collaboratively with communities;*

2. *Commits \$15,000 from the community grants budget to establish the level of community interest in creation of district networks including proposed district boundaries; and*
3. *Receive a report in December 2018 on the level of interest in establishing such groups."*

Key elements for consideration when establishing new district networks include:

1. Value of District Clusters

Response: Generally endorsed as worth trialling. No negative comments received to the general proposal, although all forums advised Council to be wary not to overburden existing volunteers. The number of people directly participating was low overall but the contributions made at most forums was valuable and constructive. A clear opportunity exists to use District Clusters and Council facilitated local community forums to:

- a. Aid with the review of individual local Community Directions Statements (Community Plans);
- b. Provide a new avenue for local areas to give advice to Council on key local issues;
- c. Create an opportunity for people who are not currently involved with existing community organisations to participate in discussions with Council by promoting any cluster meetings and community forums broadly; and
- d. Promote existing clubs / groups / projects and seek new volunteers.

2. Open discussion with all South Gippsland communities on the logical local connections.

Four clear clusters emerged from the discussion:

- a. Western communities: Nyora, Poowong, Loch and possibly Bena. However, local interest in the establishment of a formal cluster for this area is not strong at this time;
- b. North Eastern: Mirboo North and district including Hallston. However, local network seems to operating without a need for Council to take a lead role. However, there was clear interest in Council playing a role in convening some forums on specific issues from time to time and a strong desire for Councillors to take part in these forums;

- c. Eastern Districts-Port Franklin to Hedley including Mt Best. This area has had an informal District Cluster for many years that is facilitated by Council and which was the result of a Community Strengthening project run in that area during 2008-2012. This District has indicated a strong desire for Council to formalise this Cluster and convene meetings on a more regular basis; and
- d. Central South district: Fish Creek, Foster, Yanakie, Sandy Point. The participants in the forum, combined with other concurrent engagement with communities in this area, indicate that it would be worth trialling a formal cluster in this area.

Other areas will need Council leadership to establish workable and useful cluster networks. The role that Leongatha and Korumburra would play in any district clusters is very unclear at this stage.

3. Range of local organisations and individuals invited to join.

Not discussed in detail at all forums but there was clear indication that the invitation needs to be broad and include individuals, not just representatives of existing groups. Strong sentiment that elected Councillors should be participants / attendees at cluster meetings in their wards.

4. Level of obligation any member community has to support cluster projects.

This issue was not addressed in any detail. Most forums advised that this needs to be considered but after clusters are established.

5. Whether such committees would be expected to play a direct role in allocation of Council resources, for example Community Grants.

Almost no support for this suggestion including distribution of community grants. However, regular support for new clusters to be able to present to Council on priorities for local action that should be considered by Council when allocating resources.

6. Clarification of the relationship between local clusters.

Little discussion of this issue and seen as detail to work through with new clusters.

CONSULTATION

Council sought direct input from the community through a range of mechanisms. These included:

1. Seven forums spread across South Gippsland between 22 October and 1 November 2018.
2. Discussion at the September meeting of the South Gippsland Towns and Districts Associations Network.
3. Direct invitation to participate with background information sent to over 200 organisations by combination surface mail and email (**Attachment [3.1.1]** – Invitation District Cluster Coordinating Committees).
4. Placed advertisements in four local newspapers for two concurrent weeks inviting participation by direct contact or attending a forum.
5. Groups included in the mail-outs included community development groups, service clubs, recreation groups, churches, school councils, playgroup committees, seniors groups, business associations, community houses, men's sheds and community halls.
6. Forty three people participated across this suite of forums.
7. Nineteen separate communities were represented but informally. Ten formal Community Development / Progress associations sent representatives. Nine Community Halls sent representatives.
8. Nearly all the participants are current, active community volunteers with more than one community group.

RESOURCES

Ongoing support for two Clusters and facilitation of the additional ten community forums can be accommodated within current resources by incorporating this work into the implementation of the Community Strengthening Strategy 2018-2022.

RISKS

Consultation participants will expect that Council take action to establish clusters in some form. Council's reputation with those communities that contributed to the consultation will be at risk if Council decides to take no further action on this proposal without clearly articulated reasons.

STAFF DISCLOSURE

Nil

ATTACHMENTS

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

1. Community Consultation Forum Summaries on District and Network Clusters **[3.1.1]**
2. Invitation - District - Cluster Coordinating Committees **[3.1.2]**

REFERENCE DOCUMENTS

Council Policy

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

Revised Council Plan 2017-2021

Legislative Provisions

Local Government Act 1989

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

4.1. IMPLEMENTATION OF A CAT CURFEW AND DOG LEASH ORDER - SURVEY RESULTS

Development Services Directorate

EXECUTIVE SUMMARY

At the Ordinary Meeting of Council 27 June 2018, Council resolved to undertake a community survey on the implementation of a cat curfew and leash order and report the results to Council at the Ordinary Meeting of Council 19 December 2018.

This report provides the information collated from the survey and provides recommendations, based on the comments and statistics received.

RECOMMENDATION

That Council:

1. Notes the results of the community survey results conducted by Council on the implementation of a Cat Curfew and Leash Order;
2. Implements a 24 hours Cat Curfew, commencing on 1 April 2019; and
3. Implements a Leash Order for all township areas, commencing on 1 April 2019.

MOVED: Cr Skinner

SECONDED: Cr Brown

THAT COUNCIL:

1. **NOTES THE RESULTS OF THE COMMUNITY SURVEY RESULTS CONDUCTED BY COUNCIL ON THE IMPLEMENTATION OF A CAT CURFEW AND LEASH ORDER;**
2. **IMPLEMENTS A 24 HOURS CAT CURFEW, COMMENCING ON 1 APRIL 2019; AND**
3. **IMPLEMENTS A LEASH ORDER FOR ALL TOWNSHIP AREAS, COMMENCING ON 1 APRIL 2019.**

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

Background

At the Ordinary Meeting of Council 24 May 2018, Council endorsed the Domestic Animal Management Plan (DAMP) 2017-2021 for the purpose of public exhibition for a four-week community consultation period.

The four-week community consultation period ended on 28 June 2017. Council received six submissions on the draft DAMP. As a result of the submissions an additional action was added to the DAMP: for Council to investigate the introduction of a 'Cat Curfew and Leash Order' pursuant to ss.25 and 26 of the Domestic Animals Act 1994 (Act) by 30 June 2018.

Discussion

Following Council's resolution to consult the community, a number of briefing sessions were held with Council to clarify the survey objectives. It was agreed to keep the survey results anonymous and to focus on obtaining information on the community desire to implement a cat curfew or leash order. A copy of the survey questions is provided as **Attachment [2.1.1]** and **Attachment [2.1.2]** of this report for Council's reference.

The survey of the community was undertaken through the "OurSay" platform, which was linked to Council's website. Hard copies of the survey were distributed throughout a number of locations across the Shire being:

- **Leongatha** – Council Office, YMCA Splash Centre, Tarwin Veterinary Group, Library
- **Korumburra** – Korumburra Vets, Coal Creek
- **Mirboo North** – Tarwin Veterinary Group
- **Foster** – Tarwin Veterinary Group, Library
- **Toora** – Post Office
- **Welshpool** – Transaction Centre & OP Shop
- **Yanakie** – General Store & Service Station
- **Sandy Point** – General Store
- **Tarwin Lower** – IGA Supermarket
- **Venus Bay** – Community Centre

- **Loch** – Post Office
- **Nyora** – Store
- **Poowong** – Store

This report outlines the results of the survey in order to best inform Council of the possible next steps for a cat curfew or leash order.

Survey Results

The survey commenced on our website on 19 September 2018 and in hard copy in numerous locations the following week. The survey was active on our website and within the community until 31 October 2018, being a total of six weeks. During this consultation period, 959 surveys were returned, with over half (552) being from cat or dog owners. A complete copy of the responses from each survey accompany this report in **Attachment [2.1.3]** and **Attachment [2.1.4]**.

Cat Curfew

The cat curfew survey received 491 responses. **Table 1** below shows the number of persons voting for the cat curfew and the number that are cat owners.

Table 1 – Cat Curfew survey results

Question	Result
Voted Yes	80.1%
Voted No	19.9%
Yes Voters who support 24 hours	68.4%
Total Voters who support 24 hour curfew	56%
Yes Voter who support Night Time	30.7%
Curfew should apply to Residential Areas only	16.8%
Curfew should apply to All areas	67.8%
Cat Owners who voted yes to the Cat Curfew	63.7%

Table 1 indicates there is overwhelming support for the introduction of a cat curfew and our community is ready to take action to protect the lives of our native fauna and their domestic cats.

There is a clear majority for the curfew to be implemented 24 hours a day. Of the community whom support the implementation of the curfew (393), 269

(68.4 per cent) believe cats should be contained for 24 hours a day within the property boundary or by other means.

It is important to highlight that only 56 per cent of total responses supported a 24 hour curfew. However, this figure should be dismissed as those whom are opposed to the cat curfew, clearly do not support any option. As such, the focus should be placed on the 80.1 per cent of voters that support the curfew and how best they feel it should be implemented. Coupled with this result is the high approval rates (67.8 per cent) of the voters supporting the curfew to be implemented in all areas across the Shire.

An interesting observation of the survey results, reveals that of those supportive of a cat curfew, 63.7 per cent were actual cat owners.

With so much support for implementing a curfew, it is recommended that Council seek to introduce a 24-hour curfew across the entire Shire, following an active education campaign.

Leash Order

The leash order survey received 468 responses. **Table 2** below shows the results of community support to the various areas proposed for on-leash controls. From these results, it is clear that the community would like to see dogs on leash within our Townships at the very least.

Of the 468 surveys received, 353 people (75.5 per cent) voted “yes” to the implementation of a Leash Order. Interestingly, of the dog owners who took part in the survey, 71.3 per cent agreed to a Leash Order.

Table 2 – Leash Order survey results

Question	Result
Total Voted Yes	75.5%
Yes Voters for Townships	96.8%
Yes Voters for Parks and Reserves	67.7%
Yes Voters for Public Beaches	63.4%
Yes Voters for Rail Trails	62.6%
Dog Owners who voted Yes to Leash Order	71.3%

Again, it is not relevant to consider those people whom voted “no” for the Leash Order, when considering the locations that are considered for implementation. This is due to these voters being non-supportive of any restrictions to dogs within our community. As such, only the “yes” votes have

been considered in determining the appropriate locations to implement a Leash Order.

This said, an overwhelming result of 96.8 per cent of voters, support dogs being on-leash within our Townships areas. To clarify, our Township areas are those that contain our general residential, commercial and industrial areas. It does not include our parks, reserves or trails within our Townships.

By way of example, if a person was to walk their dog from their house, through town to a park within the town, the dog would need to be on a leash whilst being walked to and from the park. The other areas considered in the survey, still show a majority support from the community at over 62.6 per cent, and further consultation should be undertaken before implementing the Leash Order.

Dogs on beaches

It is important to briefly discuss the issue of dogs on beaches, as it has been raised in the past, in neighbouring Councils and came through in the results of the survey. Of the 468 surveys received on the leash order, 224 (48 per cent) believed dogs should be on a leash at the beach. This shows a division still exists within our community as to rights of dogs on beaches. Further work or consultation will need to be undertaken, should Council wish to actively seek to control dogs on beaches. This is similar for other areas suggested in the survey, such as Rail Trails & Reserves or Parks.

If Council is to support controls above those which extend beyond the recommendations of the report, then further consideration will need to be given to appropriate areas for dogs to be off-leash and how these are managed.

Based on this information and the survey responses, it is recommended that Council implement a Dog Leash order within our Township areas.

Proposal

Strategic Objective 3.3 of the Council Plan is to...

...Improve South Gippsland's Built Assets and Value our Natural Environment...

Out of this Objective, the Local Laws team work with the community to achieve Strategy 3.3 to...

'...Promote a safe and healthy community through our municipal public health programs, Emergency Management Plans and regulatory activities that meet our statutory obligations...'

Based on the overwhelming results of the survey in relation to a 24-hour cat curfew and leash order for Townships; it is proposed to implement both of these options following a community awareness campaign.

As a result of the implementation of the cat curfew and Leash Order, Council's Local Law will require an amendment

Education

Before implementing the 24-hour cat curfew, it is important to allow for a three-month education and awareness campaign to inform our community of the curfew, its impacts and consequences shall a cat be found wandering. It is also important to ensure the community understand that a "grace period" will be applicable for the first three months from the date the curfew commences. This will ensure a clear six-month period has passed, before introducing fines or detainment for wandering cats.

Similarly, the leash order for Townships should be promoted for three months and a three-month grace period from commencement date of the order.

If these options are adopted by Council, the curfew and order would be introduced on 1 April 2019.

CONSULTATION

The survey was distributed across 20 locations, on Council's website, Facebook page and all local newspapers.

RESOURCES

There are no additional cost implications to implement the Cat Curfew or Leash Order, as our Officers currently do not attend to dog or cat pick-ups after hours.

However, shall Council wish to implement "Off Leash" areas or "Dog Parks" within Townships across the Shire, signage and or fencing of areas may be required.

RISKS

Should Council not accept the recommendations of this report and the views of the community, potential risks to Council's reputation could be a negative outcome.

STAFF DISCLOSURE

Nil

ATTACHMENTS

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

1. Cat Curfew Survey [4.1.1]
2. Dog Leash Order Survey [4.1.2]
3. Cat Curfew - Survey Results - No Names [4.1.3]
4. Dog Leash Order - Survey Results - No Names [4.1.4]

REFERENCE DOCUMENTS

Council Policy

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

Domestic Animal Management Plan 2017-2021

Legislative Provisions

Domestic Animals Act 1994

4.2. GRAVEL ROADS SERVICE LEVEL REVIEW - 2018/19 ANNUAL PLAN MAJOR INITIATIVE

Infrastructure Directorate

EXECUTIVE SUMMARY

Included in the revised Council Plan 2017-2021 is a major initiative item in year two (2018/19) specifically for Council to undertake a service level review on gravel roads and roadside maintenance.

In addition to this major initiative, at the Ordinary Meeting of Council 26 September 2018, a petition was received containing 25 signatures regarding improving the standards to local gravel roads. Council resolved that the petition lay on the table until the matter was considered at the Ordinary Meeting of Council 24 October 2018.

At the Ordinary Meeting of Council 24 October 2018, it was resolved:

"That Council:

- 1. Receives a report at the Ordinary Meeting of Council 19 December 2018 on the proposed Gravel Roads Review Project Plan that addresses both the petition and the 2018/19 annual plan item (raised as part of the 2018/19 budget submissions) to undertake a service level review on gravel roads and roadside maintenance including:
 - a. Development of a program to seal the top priority rural gravel roads over the next ten to twenty years;*
 - b. Consult with the community and VicRoads on the potential to lower the speed limits on various gravel roads; and*
 - c. Investigate how levels of service can be improved on unsealed roads.**
- 2. Considers an additional allocation of funds in the 2019/20 Annual Budget in-line with the recommendations of the service level review on gravel roads.*
- 3. Writes to the Lead Petitioner with the outcome of this resolution."*

This report outlines the proposed Gravel Roads Review Project Plan to address the above Council directions and the 2018/19 Annual Plan major initiative for gravel roads.

The Gravel Roads Review Project Plan addresses current and proposed practices and methodologies, inspection cycles, project prioritisation, cost comparisons with seal roads, skills and resources, budgets, and process improvements.

RECOMMENDATION

That Council:

1. Endorses the proposed Gravel Roads Review Project Plan; and
2. Writes to the lead petitioner with the outcome of this Council resolution.

MOVED: Cr McEwen

SECONDED: Cr Brown

THAT COUNCIL:

1. **ENDORSES THE PROPOSED GRAVEL ROADS REVIEW PROJECT PLAN;
AND**
2. **WRITES TO THE LEAD PETITIONER WITH THE OUTCOME OF THIS
COUNCIL RESOLUTION.**

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

At the Ordinary Meeting of Council 24 October 2018, it was resolved:

"That Council:

1. *Receives a report at the Ordinary Meeting of Council 19 December 2018 on the proposed Gravel Roads Review Project Plan that addresses both the petition and the 2018/19 annual plan item (raised as part of the 2018/19 budget submissions) to undertake a service level review on gravel roads and roadside maintenance including:*
 - a. *Development of a program to seal the top priority rural gravel roads over the next ten to twenty years;*
 - b. *Consult with the community and VicRoads on the potential to lower the speed limits on various gravel roads; and*
 - c. *Investigate how levels of service can be improved on unsealed roads.*
2. *Considers an additional allocation of funds in the 2019/20 Annual Budget in-line with the recommendations of the service level review on gravel roads.*
3. *Writes to the Lead Petitioner with the outcome of this resolution."*

The revised Council Plan 2017-2021 includes the major initiative for delivery this year as follows:

"Complete a service level review of gravel roads and roadside maintenance, test assumptions and report the findings to Council with the review to include:

- a. *Current practices and techniques;*
- b. *Methodology for testing materials;*
- c. *Optimal inspection cycles and processes;*
- d. *Criticality methodology;*
- e. *Renewal and upgrade methodology;*
- f. *Gravel to seal program selection;*
- g. *Skill and resource review;*

- h. *Budget review;*
- i. *Service level review."*

A project plan has been developed to address the maintenance, renewal, and upgrade methodologies captured within the levels of services to be applied to rural gravel roads and roadsides.

Gravel Roads Review Project Plan

The key items of the plan are outlined below together with an explanation of the issues to be addressed with the view to establish acceptable levels of service and funding for the management and maintenance of the shires rural gravel road network.

Table 1 - Gravel Roads Review Project Plan

ITEM NO.	PROGRAM ITEM DESCRIPTION	TARGET TIMEFRAME
1	<p>Current Practices and Techniques</p> <p>To review all current practices for gravel road maintenance and management including levels of service for grading, resheeting, potholing, drainage, and roadside vegetation. This will cover reactive, routine, and periodic maintenance processes.</p>	28 Feb 2019
2	<p>Service Level Review</p> <p>To establish a community consultative mechanism to obtain input and agreement from community representatives for levels of service for rural gravel roads including:</p> <ul style="list-style-type: none"> • Criteria for sealing gravel roads. • How to improve performance of gravel roads and the challenges. • Potential of lower speed limit. 	28 Feb 2019
3	<p>Material Testing Methodology</p> <p>To review the specifications and processes for the selection of rural gravel resheet materials.</p> <p>Undertake geotechnical investigations to establish pavement strength and composition.</p>	29 Mar 2019

ITEM NO.	PROGRAM ITEM DESCRIPTION	TARGET TIMEFRAME
4	<p>Gravel to Seal Program Selection Including Criticality Methodology</p> <p>Review with Council the criticality methodology used to prioritise rural Gravel to Seal projects.</p> <p>Consider cost comparisons between gravel road and sealed road treatments including initial capital and ongoing renewal and maintenance costs.</p>	30 May 2019
5	<p>Optimal Inspection Cycles and Processes</p> <p>Review current intervention levels, availability of required plant, review maintenance and renewal planning practices enabling optimisation of gravel road management investment.</p>	30 Jun 2019
6	<p>Skill and Resource Review</p> <p>Review skills and resources required for data collection, management, analysis, and assessment.</p> <p>Operational skill requirements to deliver appropriate gravel road service level treatments according to road function, terrain, and utilisation.</p>	30 Jun 2019
7	<p>Budget Review</p> <p>Review budget and level of service.</p> <p>Establish optimal service level and cost and determine an acceptable level of service and cost.</p>	30 Jun 2019

CONSULTATION

A community consultative mechanism is being established to obtain input and agreement from community representatives for service levels for rural gravel roads. Community consultation will commence early in the new year.

During the period of February 2019 to June 2019, Council will be briefed on:

- Unsealed road service levels.
- Community and VicRoads feedback on the potential lowering of speed limits on unsealed roads.

- Development of the priority rural gravel to seal program.

RESOURCES

Council's current expenditure on gravel road maintenance is in the order of \$5.3 million per annum.

STAFF DISCLOSURE

Nil

REFERENCE DOCUMENTS

Council Policy

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

2018/19 Annual Budget

2018/19 Annual Plan

Asset Management Strategy

Council Plan 2017-2021 (revised)

Road Management Plan

Asset Management Plan - Road Infrastructure (*not available on Council's website*)

Legislative Provisions

Local Government Act 1989

Road Management Act 2004

Road Safety Act 1986

4.3. 2018/19 CAPITAL WORKS PROGRAM AMENDMENTS

Infrastructure Directorate

EXECUTIVE SUMMARY

Council adopts the Capital Works Program as part of the Annual Budget process, however, from time to time, program changes are required. This report proposes numerous project reductions and a number of increases to the 2018/19 Capital Works Program, including carry forward amounts to the 2019/20 financial year equating to a \$4,862,193 nett reduction in expenditure to the overall program for this financial year. The major contribution to this outcome is the delay with the Mirboo North pool redevelopment project due to tenders exceeding the allocated budget resulting in a \$3.3M reduction in expenditure this financial year. Income has increased by \$1,340,053 due to successful outcomes with a number of grant applications over the last six months.

RECOMMENDATION

That Council:

1. Approves the following amendments to the 2018/19 Capital Works Program:
 - a. Cost Centre 73510 – Buildings – Caravan Park Toilet Block – Port Welshpool: Increase the expenditure budget by \$49,121 (2018/19 revised expenditure budget \$425,540).
 - b. Cost Centre 73670 – Buildings – Caravan Park Capital Works Upgrade – Waratah Bay: Increase the expenditure budget by \$169,785 (2018/19 revised expenditure budget \$605,000).
 - c. Cost Centre 73660 – Buildings – Camp Kitchen and Communal Area – Yanakie: Reduce the expenditure budget by \$99,134 (2018/19 revised budget \$0).
 - d. Cost Centre 95030 – Waste – Leachate Evaporation System: Reduce the expenditure budget by \$351,556 (2018/19 revised budget \$0).
 - e. Cost Centre 95010 – Waste – Koonwarra Landfill Cells 1, 2 & 3 Cap: Increase the expenditure budget by \$116,923 (2018/19 revised expenditure budget \$894,775).
 - f. Cost Centre 93200 – Other Structures – Venus Bay Jetty: Increase the income budget by \$90,909 and increase the expenditure budget

- by \$200,000 (2018/19 revised income budget \$90,909 and expenditure budget \$200,000).
- g. Cost Centre 82140 – Roads – North Poowong Road, Poowong: Reduce the expenditure budget by \$24,130 (2018/19 revised expenditure budget \$870).
 - h. Cost Centre 93120 – Great Southern Rail Trail: Increase the income budget by \$42,000 and increase the expenditure budget by \$42,000 (2018/19 revised income budget \$42,000 and expenditure budget \$162,858).
 - i. Cost Centre 65350 – Bridge – Ruby Arawata Road: Reduce the income budget by \$150,000 and increase the expenditure budget by \$210,000 (2018/19 revised income budget \$150,000 and expenditure budget \$680,000).
 - j. Cost Centre 65350 – Agnes Falls Contribution: Reduce the expenditure budget by \$470,000 (2018/19 revised expenditure budget \$50,000).
 - k. Cost Centre 65150 – Stony Creek Equestrian Centre: Reduce the expenditure budget by \$60,000 (2018/19 revised expenditure budget \$30,000).
 - l. Cost Centre 82210 – Roads – Sealed Road Rehabilitation Program: Increase the income budget by \$540,000 (2018/19 revised income budget \$540,000).
 - m. Cost Centre 88090 – Footpath Extension – Jumbunna Road, Korumburra: Reduce the expenditure budget by \$500,000 (2018/19 revised expenditure budget \$422,500).
 - n. Cost Centre 93140 – Recreation – Venus Bay Skate Park: Reduce the expenditure budget by \$119,001 (2018/19 revised expenditure budget \$0).
 - o. Cost Centre 93180 – Recreation – Korumburra Skate Park: Reduce the income budget by \$100,000 and reduce the expenditure budget by \$240,000 (2018/19 revised income budget \$0 and revised expenditure budget \$10,000).
 - p. Cost Centre 99020 – Pools – Refurbishment Design – Mirboo North: Increase the income budget by \$300,000 and reduce the expenditure budget by \$3,300,000 (2018/19 revised income budget \$500,000 and revised expenditure budget \$500,000).

- q. Cost Centre 93170 – Korumburra Recreation Reserve – Change Room Refurbishment: Increase the income budget by \$250,000 and increase the expenditure budget by \$255,000 (2018/19 revised income budget \$250,000 and revised expenditure budget \$425,000).
- r. Cost Centre 73530 – Buildings – Early Years Renewal Program: Reduce income budget by \$87,856 and decrease the expenditure budget by \$308,200 (2018/19 revised income budget \$147,894 and revised expenditure budget \$0).
- s. Cost Centre 82110 – Roads – Reseals: Reduce the expenditure budget by \$200,000 (2018/19 revised expenditure budget \$1,721,573).
- t. Cost Centre 82200 – Roads – Hudsons Road, Korumburra South: Increase expenditure budget by \$46,000 (2018/19 revised expenditure budget \$46,000).
- u. Cost Centre 93150 – Recreation – Venus Bay Environmental Projects: Reduce expenditure budget by \$90,000 (2018/19 revised expenditure budget \$20,000).
- v. Cost Centre 93130 – Recreation – Baromi Park Masterplan & Associated Works: Increase the income budget by \$230,000 and reduce the expenditure budget by \$189,000 (2018/19 revised income budget \$230,000 and revised expenditure budget \$100,000).
- w. Cost Centre 93070 – Pools – Renewal Program: Increase the income budget by \$225,000 (2018/19 revised income budget \$225,000).

MOVED: Cr Brunt

SECONDED: Cr Argento

THAT COUNCIL:

- 1. APPROVES THE FOLLOWING AMENDMENTS TO THE 2018/19 CAPITAL WORKS PROGRAM:**
 - a. COST CENTRE 73510 – BUILDINGS – CARAVAN PARK TOILET BLOCK – PORT WELSHPOOL: INCREASE THE EXPENDITURE BUDGET BY \$49,121 (2018/19 REVISED EXPENDITURE BUDGET \$425,540).**
 - b. COST CENTRE 73670 – BUILDINGS – CARAVAN PARK CAPITAL WORKS UPGRADE – WARATAH BAY: INCREASE THE EXPENDITURE BUDGET BY \$169,785 (2018/19 REVISED EXPENDITURE BUDGET \$605,000).**
 - c. COST CENTRE 73660 – BUILDINGS – CAMP KITCHEN AND COMMUNAL AREA – YANAKIE: REDUCE THE EXPENDITURE BUDGET BY \$99,134 (2018/19 REVISED BUDGET \$0).**
 - d. COST CENTRE 95030 – WASTE – LEACHATE EVAPORATION SYSTEM: REDUCE THE EXPENDITURE BUDGET BY \$351,556 (2018/19 REVISED BUDGET \$0).**
 - e. COST CENTRE 95010 – WASTE – KOONWARRA LANDFILL CELLS 1, 2 & 3 CAP: INCREASE THE EXPENDITURE BUDGET BY \$116,923 (2018/19 REVISED EXPENDITURE BUDGET \$894,775).**
 - f. COST CENTRE 93200 – OTHER STRUCTURES – VENUS BAY JETTY: INCREASE THE INCOME BUDGET BY \$90,909 AND INCREASE THE EXPENDITURE BUDGET BY \$200,000 (2018/19 REVISED INCOME BUDGET \$90,909 AND EXPENDITURE BUDGET \$200,000).**
 - g. COST CENTRE 82140 – ROADS – NORTH POOWONG ROAD, POOWONG: REDUCE THE EXPENDITURE BUDGET BY \$24,130 (2018/19 REVISED EXPENDITURE BUDGET \$870).**
 - h. COST CENTRE 93120 – GREAT SOUTHERN RAIL TRAIL: INCREASE THE INCOME BUDGET BY \$42,000 AND INCREASE THE EXPENDITURE BUDGET BY \$42,000 (2018/19 REVISED INCOME BUDGET \$42,000 AND EXPENDITURE BUDGET \$162,858).**
 - i. COST CENTRE 65350 – BRIDGE – RUBY ARAWATA ROAD: REDUCE THE INCOME BUDGET BY \$150,000 AND INCREASE THE**

EXPENDITURE BUDGET BY \$210,000 (2018/19 REVISED INCOME BUDGET \$150,000 AND EXPENDITURE BUDGET \$680,000).

- j. COST CENTRE 65350 – AGNES FALLS CONTRIBUTION: REDUCE THE EXPENDITURE BUDGET BY \$470,000 (2018/19 REVISED EXPENDITURE BUDGET \$50,000).**
- k. COST CENTRE 65150 – STONY CREEK EQUESTRIAN CENTRE: REDUCE THE EXPENDITURE BUDGET BY \$60,000 (2018/19 REVISED EXPENDITURE BUDGET \$30,000).**
- l. COST CENTRE 82210 – ROADS – SEALED ROAD REHABILITATION PROGRAM: INCREASE THE INCOME BUDGET BY \$540,000 (2018/19 REVISED INCOME BUDGET \$540,000).**
- m. COST CENTRE 88090 – FOOTPATH EXTENSION – JUMBUNNA ROAD, KORUMBURRA: REDUCE THE EXPENDITURE BUDGET BY \$500,000 (2018/19 REVISED EXPENDITURE BUDGET \$422,500).**
- n. COST CENTRE 93140 – RECREATION – VENUS BAY SKATE PARK: REDUCE THE EXPENDITURE BUDGET BY \$119,001 (2018/19 REVISED EXPENDITURE BUDGET \$0).**
- o. COST CENTRE 93180 – RECREATION – KORUMBURRA SKATE PARK: REDUCE THE INCOME BUDGET BY \$100,000 AND REDUCE THE EXPENDITURE BUDGET BY \$240,000 (2018/19 REVISED INCOME BUDGET \$0 AND REVISED EXPENDITURE BUDGET \$10,000).**
- p. COST CENTRE 99020 – POOLS – REFURBISHMENT DESIGN – MIRBOO NORTH: INCREASE THE INCOME BUDGET BY \$300,000 AND REDUCE THE EXPENDITURE BUDGET BY \$3,300,000 (2018/19 REVISED INCOME BUDGET \$500,000 AND REVISED EXPENDITURE BUDGET \$500,000).**
- q. COST CENTRE 93170 – KORUMBURRA RECREATION RESERVE – CHANGE ROOM REFURBISHMENT: INCREASE THE INCOME BUDGET BY \$250,000 AND INCREASE THE EXPENDITURE BUDGET BY \$255,000 (2018/19 REVISED INCOME BUDGET \$250,000 AND REVISED EXPENDITURE BUDGET \$425,000).**
- r. COST CENTRE 73530 – BUILDINGS – EARLY YEARS RENEWAL PROGRAM: REDUCE INCOME BUDGET BY \$87,856 AND DECREASE THE EXPENDITURE BUDGET BY \$308,200 (2018/19 REVISED INCOME BUDGET \$147,894 AND REVISED EXPENDITURE BUDGET \$0).**

- s. **COST CENTRE 82110 – ROADS – RESEALS: REDUCE THE EXPENDITURE BUDGET BY \$200,000 (2018/19 REVISED EXPENDITURE BUDGET \$1,721,573).**
- t. **COST CENTRE 82200 – ROADS – HUDSONS ROAD, KORUMBURRA SOUTH: INCREASE EXPENDITURE BUDGET BY \$46,000 (2018/19 REVISED EXPENDITURE BUDGET \$46,000).**
- u. **COST CENTRE 93150 – RECREATION – VENUS BAY ENVIRONMENTAL PROJECTS: REDUCE EXPENDITURE BUDGET BY \$90,000 (2018/19 REVISED EXPENDITURE BUDGET \$20,000).**
- v. **COST CENTRE 93130 – RECREATION – BAROMI PARK MASTERPLAN & ASSOCIATED WORKS: INCREASE THE INCOME BUDGET BY \$230,000 AND REDUCE THE EXPENDITURE BUDGET BY \$189,000 (2018/19 REVISED INCOME BUDGET \$230,000 AND REVISED EXPENDITURE BUDGET \$100,000).**
- w. **COST CENTRE 93070 – POOLS – RENEWAL PROGRAM: INCREASE THE INCOME BUDGET BY \$225,000 (2018/19 REVISED INCOME BUDGET \$225,000).**

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT**1. Cost Centre 73510 – Buildings – Caravan Park Toilet Block – Port Welshpool: Increase expenditure budget by \$49,121**

2018/19 Adopted Expenditure Budget:	\$376,419	Revised:	\$425,540
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Tenders have recently closed for this project and the recommended tender is over budget. An increase of \$49,121 (revised budget of \$425,540) is required to complete these works. This revised budget amount includes a contingency allowance to cover any unforeseen variations. A separate report to the Ordinary Meeting of Council 19 December 2018 deals with the approval of this contract award.

2. Cost Centre 73670 – Buildings – Caravan Park Capital Works Upgrade – Waratah Bay: Increase expenditure budget by \$169,784

2018/19 Adopted Expenditure Budget:	\$435,216	Revised:	\$605,000
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New amenity block works were included in the same tender process as the Caravan Park Toilet Block works at Port Welshpool noted above. When the tender price for these works and a contingency is included, the required budget totals \$386,093. Other works are proposed at the Waratah Bay Caravan Park such as an upgrade of the fire service system which includes a replacement main from the supply dam plus two new tanks (\$190,000) and new power heads (\$15,000). An increase of \$169,785 to a revised budget figure of \$605,000 is required to complete all of these works. The same separate report to Council noted above deals with the approval of this contract award for the amenities block.

3. Cost Centre 73660 – Buildings – Camp Kitchen and Communal Area – Yanakie: Reduce expenditure budget by \$99,134

2018/19 Adopted Expenditure Budget:	\$99,134	Revised:	\$0
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These camp kitchen works were also priced as part of the tender process noted above. As detailed in the report to Council, it is intended that these works not proceed and the unused budget redirected to cover increased expenditure in other cost centers.

4. Cost Centre 95030 – Waste – Leachate Evaporation System: Reduce expenditure budget by \$351,556

2018/19 Adopted Expenditure Budget:	\$351,556	Revised:	\$0
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These works will now not proceed partly due to a reduction in the leachate generated compared to the volumes modelled in the original proposal. Another consideration in this decision is the fact that the EPA may not approve the system as there are no other examples of it being used for leachate treatment in Victoria.

5. Cost Centre 95010 – Waste – Koonwarra Landfill Cells 1, 2 and 3 Cap: Increase expenditure budget by \$116,923

2018/19 Adopted Expenditure Budget:	\$777,852	Revised:	\$894,775
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Tenders recently closed for the construction of the Cell 3 Cap works at the Koonwarra Landfill. The recommended tender value and the cost of the associated independent audit services are in excess of the allocated budget for these works. A budget increase of \$116,923 is required for these works. Approval of the contract for these works and the associated budget increase was the subject of a report to Council at the Ordinary Meeting of Council 28 November 2018.

6. Cost Centre 93200 – Other Structures – Venus Bay Jetty: Increase income budget by \$90,909 and increase expenditure budget by \$200,000

2018/19 Adopted Income Budget:	\$0	Revised:	\$90,909
2018/19 Adopted Expenditure Budget:	\$0	Revised:	\$200,000

A recent level 3 inspection of the Venus Bay Jetty found it to be in extremely poor condition. The jetty will be demolished and replaced with a piled pontoon structure. A budget of \$200,000 is required for these works and Council has been successful in obtaining a \$90,909 State Government grant from the Better Fishing Facilities Program.

7. Cost Centre 82140 – Roads – North Poowong Road, Poowong: Reduce expenditure budget by \$24,130

2018/19 Adopted Expenditure Budget:	\$25,000	Revised:	\$870
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The reconstruction and sealing of the unsealed section of North Poowong Road has been in Council budgets in recent years. A design for these works has been developed based on a reasonable increased width for a sealed road and the impact of these works in terms of vegetation removal and the Giant Gippsland Earthworm has now been fully assessed. The latest design for these works, which aims to mitigate the environmental impacts as much as possible, would result in native vegetation offsets potentially up to \$300,000 with the offsets for the Giant Gippsland Earthworms being in the order of \$800,000 to \$1 million. On this basis, it is recommended that these works be abandoned and this section of North Poowong Road remain as a gravel road. A budget request has already been made to allocate the \$24,130 surplus funds from this budget to Cost Centre 42220 – Service Management – Minor Works which is likely to be overspent this financial year.

8. Cost Centre 93120 – Great Southern Rail Trail: Increase income budget by \$42,000 and increase expenditure budget by \$42,000

2018/19 Adopted Income Budget:	\$0	Revised:	\$42,000
2018/19 Adopted Expenditure Budget:	\$120,858	Revised:	\$162,858

A Project Control Group involving representatives from South Gippsland, Cardinia, Casey, and Bass Coast Councils has been formed to guide the planning for the extension of the Great Southern Rail Trail (GSRT) from Leongatha to Nyora and beyond into neighbouring councils. To fund the Business Case and Infrastructure Reports required to scope this project and to be in a position to apply for grant funding, the neighbouring councils have agreed to contribute a total of \$42,000 for these works. This contribution impacts on both the revenue and expenditure budgets as noted above.

9. Cost Centre 65350 – Bridge – Ruby Arawata Road: Reduce income budget by \$150,000 and increase expenditure budget by \$210,000

2018/19 Adopted Income Budget:	\$300,000	Revised:	\$150,000
2018/19 Adopted Expenditure Budget:	\$470,000	Revised:	\$680,000

The Ruby Arawata Road bridge project was successful in attracting \$300,000 in grant funding from the State Government's Local Roads to Market Program earlier in 2018. The income was originally profiled to be received in 2018/19 but the amount of \$150,000 is unlikely to be received until 2019/20. Tenders have recently been received for the construction

of the bridge and both of the two tenders received were over budget. A budget increase of \$210,000 is required to complete this project. Approval of the contract for these works and the associated budget increase is the subject of a separate report to Council at the Ordinary Meeting of Council 19 December 2018.

10. Cost Centre 65350 – Agnes Falls Contribution: Reduce expenditure budget by \$470,000

2018/19 Adopted Expenditure Budget:	\$520,000	Revised:	\$50,000
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This project has been delayed due to Parks Victoria officers not being prepared to agree to the commencement of these works until its Senior Management approve the project. This “in principal” approval was received in August 2018 subject to a number of conditions. Before works commence on the ground, a number of activities are required to occur including seeking quotes for the detailed design, geotechnical assessments, aboriginal cultural heritage assessment, and statutory planning approvals. It is unlikely that there will be sufficient time to complete these preliminary works and then go out to tender, award a contract, and commence works on site this financial year. Therefore, all but \$50,000 of this year’s budget required for detailed design will be carried forward to 2019/20.

11. Cost Centre 65150 – Stony Creek Equestrian Park: Reduce expenditure budget by \$60,000

2018/19 Adopted Expenditure Budget:	\$90,000	Revised:	\$30,000
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For this project, the only activity that is likely to be completed in 2018/19 is the site investigation and feasibility study. The cost for this work is in the vicinity of \$30,000. It is therefore proposed to move the balance of the budget (\$60,000) to the 2019/20 financial year.

12. Cost Centre 88090 – Footpath Extension – Jumbunna Road, Korumburra: Reduce expenditure budget by \$500,000

2018/19 Adopted Expenditure Budget:	\$922,500	Revised:	\$422,500
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This project is currently being designed. Complexities have been encountered during the design process including impacts of the proposed works on private property and also impacts on the adjacent

Korumburra-Wonthaggi Road managed by VicRoads. This has delayed the design program resulting in all works not being delivered in 2018/19. It is proposed to carry forward \$500,000 of the project budget into 2019/20 financial year.

13. Cost Centre 93140 – Recreation – Venus Bay Skate Park: Reduce expenditure budget by \$119,001

2018/19 Revised Expenditure Budget:	\$119,001	Revised:	\$0
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The Venus Bay Skate Park is funded as part of the Community Capital Works Allocation Program. The balance of the \$125,000 original budget was carried forward to 2018/19 and actual costs amounts to \$119,001. These works are on hold until the Venus Bay Activity Centre Plan is completed. This activity plan will determine the best location for the skate park. It is expected that the activity plan will be completed by March/April 2019 hence all of the 2018/19 budget of \$119,001 is proposed to be carried forward to 2019/20.

14. Cost Centre 93180 – Recreation – Korumburra Skate Park: Reduce income budget by \$100,000 and reduce expenditure budget by \$240,000

2018/19 Adopted Income Budget:	\$100,000	Revised:	\$0
2018/19 Adopted Expenditure Budget:	\$250,000	Revised:	\$10,000

Similar to the Venus Bay Skate Park, the Korumburra Skate Park is partly funded by the Community Capital Works Allocation Program to the extent of \$50,000, but has also attracted \$100,000 in grant funding through Sport & Recreation Victoria (SRV). Council increased its contribution by an additional \$100,000 bringing the total budget to \$250,000. These works are on hold until the Korumburra Hub Masterplan process is completed. This Masterplan will determine the best location for the skate park. It is expected that the Masterplan will be completed by early 2019 hence the \$240,000 budget in the 2018/19 budget is proposed to be carried forward leaving \$10,000 this financial year for the design of the skate park. It is not expected that the \$100,000 in grant funding will be received in 2018/19 hence this income is being moved to 2019/20.

15. Cost Centre 99020 – Pools – Refurbishment Design – Mirboo North: Increase income budget by \$300,000 and reduce expenditure budget by \$3,300,000

2018/19 Adopted Income Budget:	\$200,000	Revised:	\$500,000
2018/19 Adopted Expenditure Budget:	\$3,8M	Revised:	\$500,000

Tenders closed for the refurbishment of the Mirboo North Pool in October 2018. All tenders were well above Council's allocated budget. It was originally planned that the pool be closed for the 2018/19 season to allow construction works to commence at the earliest possible date. It has subsequently been agreed that the pool will now open this season to enable Council enough time to assess scope change options to reduce the required budget. As a consequence, it is proposed that all of the construction budget with the exception of \$500,000 be carried forward to 2019/20 to reflect this delay. Income is being increased from \$200,000 to \$500,000 to reflect the anticipated contribution from the Mirboo North Foundation during 2018/19.

16. Cost Centre 93170 – Korumburra Recreation Reserve – Change Room Refurbishment: Increase income budget by \$250,000 and increase expenditure budget by \$255,000

2018/19 Adopted Income Budget:	\$0	Revised:	\$250,000
2018/19 Adopted Expenditure Budget:	\$170,000	Revised:	\$425,000

The Korumburra Recreation Reserve Change Room project is partly funded by the Community Capital Works Allocation Program to the extent of \$175,000 but has also attracted \$250,000 in grant funding bringing the total budget to \$425,000. This project is currently out to tender and is expected to be completed this financial year.

17. Cost Centre 73530 – Buildings – Early Years Renewal Program: Reduce income budget by \$87,856 and decrease expenditure budget by \$308,200

2018/19 Adopted Income Budget:	\$235,750	Revised:	\$147,894
2018/19 Adopted Expenditure Budget:	\$308,200	Revised:	\$0

This project had an assumed income of \$235,750 in the budget but the actual grant income that has been secured totals \$147,894 and is expected in 2018/19. The timing of construction works agreed with the

Fish Creek Kindergarten facility management is during the third term of 2019 hence the expenditure budget will be pushed out to 2019/20.

18. Cost Centre 82110 – Roads – Reseals: Reduce expenditure budget by \$200,000

2018/19 Adopted Expenditure Budget:	\$1,921,573	Revised:	\$1,721,573
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Tenders have been received and a contract has been awarded for the 2018/19 Reseal Program. Based on the tendered amount, \$200,000 can be redirected to cover increased expenditure in other cost centers.

19. Cost Centre 82200 – Roads – Hudsons Road, Korumburra South: Increase expenditure budget by \$46,000

2018/19 Adopted Expenditure Budget:	\$0	Revised:	\$46,000
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The Hudsons Road gravel to seal project was substantially completed in early 2018 with the budget fully expended in the 2017/18 financial year. However, some additional culvert works were required and expenditure on these works has incurred just under \$46,000 in costs. Additional budget is required to cover this expenditure.

20. Cost Centre 93150 - Recreation – Venus Bay Environmental Projects: Reduce expenditure budget by \$90,000

2018/19 Adopted Expenditure Budget:	\$110,000	Revised:	\$20,000
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The master planning works for this project are yet to be completed hence only \$20,000 is expected to be spent in 2018/19. The balance of the budget will be pushed out to 2019/20.

21. Cost Centre 93130 - Recreation – Baromi Park Masterplan & Associated Works: Increase income budget by \$230,000 and reduce expenditure budget by \$189,000

2018/19 Adopted Income Budget:	\$0	Revised:	\$230,000
2018/19 Adopted Expenditure Budget:	\$289,000	Revised:	\$100,000

The Baromi Park works are funded to the value of \$300,000 under the Community Capital Works Allocation Program. An additional \$250,000 in grant funding has been secured of which \$230,000 is expected to be

received in the 2018/19 financial year. The only works that are likely to be delivered during 2018/19 is the new public toilet which is estimated at \$100,000. The balance of the works will occur next financial year and a budget of \$189,000 will be carried forward to reflect the value of these works.

22. Cost Centre 93070 – Pools – Renewal Program: Increase income budget by \$225,000

2018/19 Adopted Income Budget:	\$0	Revised:	\$225,000
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The Toora Pool Stage 2 works, which will be commenced following the completion of the 2018/19 season, involves the re-construction of the existing carpark and installation of a new splash park. These works were successful in attracting grant funding totalling \$250,000 and \$225,000 of this income is expected in the 2018/19 financial year.

23. Cost Centre 82210 – Roads – Sealed Road Rehabilitation Program: Increase income budget by \$540,000 and reduce expenditure budget by \$540,000

2018/19 Adopted Income Budget:	\$0	Revised:	\$540,000
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The 2018/19 Sealed Road Rehabilitation Program comprises four urban projects. One of these projects, Court Street Foster, was submitted for funding under Round 1 of the State Government's Fixing Country Roads Program and a successful outcome has resulted in \$540,000 income for this budget.

CONSULTATION

Discussions with the relevant Council officers managing the various projects in this report have taken place to ascertain the status of each project and the likely expenditure for 2018/19.

RESOURCES

The proposed amendments have a significant change to the total budget for the 2018/19 Capital Works Program with expenditure reduced by \$4,862,193 and income increased by \$1,340,053 meaning a nett favourable position amounting to \$6,202,246. The significant carried forward amount into the 2019/20 financial year (increase of \$250,000 in income and \$5,276,201 in expenditure) will increase the workload in that year.

The breakdown of the proposed changes are provided in **Table 1** below:

**Table 1 – Proposed Changes
(Budget Impact)**

			2018/19 Original Budget	2018/19 Revised Budget	Favourable / (Unfavourable)	Carry Forward
INCOME						
6	93200	Venus Bay Jetty	0	90,909	90,909	
8	93120	GSRT	0	42,000	42,000	
9	85060	Ruby Arawata Bridge	300,000	150,000	(150,000)	150,000
14	93180	Korumburra Skate Park	100,000	0	(100,000)	100,000
15	99020	Mirboo North Pool	200,000	500,000	300,000	
16	93170	Korumburra Rec Reserve	0	250,000	250,000	
17	73530	Early Years Renewal	235,750	147,894	(87,856)	
21	93130	Baromi Park Master Plan	0	230,000	230,000	
22	93070	Pools Renewal Program	0	225,000	225,000	
23	82210	Sealed Road Rehab Program	0	540,000	540,000	
		Total Income	835,750	2,175,803	1,340,053	250,000

EXPENDITURE						
1	73510	Long Jetty Caravan Park	376,419	425,540	(49,121)	
2	73670	Waratah Bay Caravan Park	435,216	605,000	(169,784)	
3	73660	Yanakie Camp Kitchen	99,134	0	99,134	
4	95030	Leachate System	351,556	0	351,556	
5	95010	Koonwarra Cell 3 Cap	777,852	894,775	(116,923)	
6	93200	Venus Bay Jetty	0	200,000	(200,000)	
7	82140	North Poowong Road	25,000	870	24,130	
8	93120	GSRT	120,858	162,858	(42,000)	
9	85060	Ruby Arawata Bridge	470,000	680,000	(210,000)	
10	65350	Agnes Falls	520,000	50,000	470,000	(470,000)
11	65150	Stony Creek Equestrian	90,000	30,000	60,000	(60,000)
12	88090	Jumbunna Road	922,500	422,500	500,000	(500,000)
13	93140	Venus Bay Skate Park	119,001	0	119,001	(119,001)
14	93180	Korumburra Skate Park	250,000	10,000	240,000	(240,000)
15	99020	Mirboo North Pool	3,800,000	500,000	3,300,000	(3,300,000)
16	93170	Korumburra Rec Reserve	170,000	425,000	(255,000)	
17	73530	Early Years Renewal	308,200	0	308,200	(308,200)
18	82110	Road Reseals	1,921,573	1,721,573	200,000	

Table 1 – Proposed Changes (Budget Impact)			2018/19 Original Budget	2018/19 Revised Budget	Favourable / (Unfavourable)	Carry Forward
19	82200	Hudsons Road	0	46,000	(46,000)	
20	93150	Venus Bay Env Projects	110,000	20,000	90,000	(90,000)
21	93130	Baromi Park Master Plan	289,000	100,000	189,000	(189,000)
		Total Expenditure	11,156,309	6,294,116	4,862,193	(5,276,201)

NET 2018/19 (IMPACT ON BUDGET)						
		Total Income	835,750	2,175,803	1,340,053	250,000
		Total Expenditure	11,156,309	6,294,116	4,862,193	(5,276,201)
		NET Favourable / (Unfavourable)			6,202,246	(5,026,201)

RISKS

The budget adjustments recommended in this report will minimise the likelihood of budget variation explanations for the remainder of the financial year by better aligning budgets with expected outcomes.

STAFF DISCLOSURE

Nil

REFERENCE DOCUMENTS

Council Policy

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

2018/19 Capital Works Program

Asset Management Strategy

Long Term Financial Plan

Procurement Policy

Legislative Provisions

Local Government Act 1989

Road Management Act 2004

4.4. AWARD CONTRACT CON/195 - NEW CARAVAN PARK AMENITIES BLOCKS AT LONG JETTY AND WARATAH BAY / BUDGET INCREASE

Infrastructure Directorate

EXECUTIVE SUMMARY

The original Request for Tender RFT/195 was for the supply and installation of new caravan park amenities blocks at the Long Jetty Caravan Park in Port Welshpool and the Waratah Bay Caravan Park, and also included a new camp kitchen at the Yanakie Caravan Park.

Council allocated the following budgets for each component as follows:

- Long Jetty Caravan Park new amenity block - \$376,419
- Waratah Bay Caravan Park new amenity block - \$435,215
- Yanakie Caravan Park new camp kitchen - \$99,134

Council received two tender submissions in response to this Request for Tender RFT/195. As the new camp kitchen component came in at more than double the allocated project budget, it was decided to proceed only with the Long Jetty and Waratah Bay Caravan Park projects as part of this contract award.

The combined prices submitted by the preferred tenderer for the caravan park amenities blocks at Long Jetty and Waratah Bay were under budget by more than \$70,000, and it is proposed to split this equally as a contingency sum across the two projects.

It is therefore recommended that Council increase the budget for the Long Jetty amenities block by reducing the budget for the Waratah Bay amenities block and award the contract CON/195 for the supply and installation of new caravan park amenities blocks at Long Jetty and Waratah Bay Caravan Parks.

RECOMMENDATION

That Council:

1. Approves the following amendments to the 2018/19 Capital Works Program:
 - a. Cost centre 73510 – Buildings – Caravan Park Toilet Block – Port Welshpool (Long Jetty): increase the budget by \$49,121.65 (2018/19 revised budget \$425,540.65);

- b. Cost centre 73670 – Buildings – Caravan Park Capital Works Upgrade – Waratah Bay: decrease the budget by \$49,121.65 (2018/19 revised budget \$386,093.35);
2. Approves the award of contract CON/195 Supply / Install of New Caravan Park Amenities Blocks at Long Jetty and Waratah Bay.
3. Publishes on Council's website the successful contractor and lump sum amount within one week of Council's decision to approve the award of CON/195 to allow sufficient time for the formal award of the contract.
4. Delegates to the Manager Infrastructure Delivery the power to approve variations up to the contingency allowance within the contract.
5. Authorises the Chief Executive Officer to sign and affix the Common Seal of the Municipality to the contract documents.

MOVED: Cr Argento

SECONDED: Cr McEwen

THAT COUNCIL:

- 1. APPROVES THE FOLLOWING AMENDMENTS TO THE 2018/19 CAPITAL WORKS PROGRAM:**
 - a. COST CENTRE 73510 – BUILDINGS – CARAVAN PARK TOILET BLOCK – PORT WELSHPOOL (LONG JETTY): INCREASE THE BUDGET BY \$49,121.65 (2018/19 REVISED BUDGET \$425,540.65);**
 - b. COST CENTRE 73670 – BUILDINGS – CARAVAN PARK CAPITAL WORKS UPGRADE – WARATAH BAY: DECREASE THE BUDGET BY \$49,121.65 (2018/19 REVISED BUDGET \$386,093.35);**
- 2. APPROVES THE AWARD OF CONTRACT CON/195 SUPPLY / INSTALL OF NEW CARAVAN PARK AMENITIES BLOCKS AT LONG JETTY AND WARATAH BAY.**
- 3. PUBLISHES ON COUNCIL’S WEBSITE THE SUCCESSFUL CONTRACTOR AND LUMP SUM AMOUNT WITHIN ONE WEEK OF COUNCIL’S DECISION TO APPROVE THE AWARD OF CON/195 TO ALLOW SUFFICIENT TIME FOR THE FORMAL AWARD OF THE CONTRACT.**
- 4. DELEGATES TO THE MANAGER INFRASTRUCTURE DELIVERY THE POWER TO APPROVE VARIATIONS UP TO THE CONTINGENCY ALLOWANCE WITHIN THE CONTRACT.**
- 5. AUTHORISES THE CHIEF EXECUTIVE OFFICER TO SIGN AND AFFIX THE COMMON SEAL OF THE MUNICIPALITY TO THE CONTRACT DOCUMENTS.**

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

In response to Council's Request for Tender RFT/195 Supply / Install of New Caravan Park Amenities Blocks at Long Jetty and Waratah Bay Caravan Parks (RFT/195), Council received two tender submissions.

It should be noted that a new camp kitchen for Yanakie Caravan Park was also included in the initial tender package, which had a budget of \$99,134. However the prices received from the two tenderers for this element of the project came in at \$207,000 and \$223,000; over double the allocated project budget. Therefore, it has been decided to proceed only with the Long Jetty and Waratah Bay Caravan Park projects as part of this contract award.

By removing the camp kitchen at the Yanakie Caravan Park from the tender package, one tender was over budget and the other tender was under budget. The lump sum prices received for the projects are noted in *Resources* below.

An evaluation panel considered the tenders and identified a preferred tenderer based on the assessment of the submissions. The evaluation panel considered that the preferred price represents value for money in the current contracting environment. The prices were submitted in a competitive, open tender market.

CONSULTATION

Tender specifications were developed in consultation with all relevant officers involved in planning these projects.

RFT/195 was advertised on 6 October 2018 and closed on 1 November 2018.

The tenders were assessed in accordance with the criteria specified in the contract documentation by an evaluation panel on 20 November 2018. The evaluation panel consisted of the Acting Manager Infrastructure Delivery, Building Projects Officer, and Procurement Officer.

A summary of the tender evaluation has been included in **Confidential Attachment [15.3.1]**.

RESOURCES

The budget for this project is accommodated within Council's *15-year Capital Works Program* under cost codes 73510 and 73670, which currently have a combined budget of \$811,634.

The combined budget for the Long Jetty and Waratah Bay projects as submitted by the preferred tenderer is \$740,885.10, which means there is a total of \$70,748.90 in spare capacity for these projects. The spare \$70,748.90

is proposed to be used as an equally shared contingency sum (two separate amounts of \$35,374.45) applied to the two tender sums for the Long Jetty and Waratah projects. The revised project budgets including contingency are:

- Long Jetty – \$390,166.20 (+ \$35,374.45 contingency) = \$425,540.65
- Waratah Bay – \$350,718.90 (+ \$35,374.45 contingency) = \$386,093.35

A breakdown of the revised project costs are reflected in **Table 1** below:

Table 1 – Project Budgets

Description	Long Jetty Cost Centre 73510	Waratah Bay Cost Centre 73670	Total Budget (packaged works)
Original Budget	\$376,419.00	\$435,215.00	\$811,634.00
Tender Price	\$390,166.20	\$350,718.90	\$740,885.10
Difference	-\$13,747.20	\$84,496.10	\$70,748.90
Contingency \$70,748.90 (split over both projects)	\$35,374.45	\$35,374.45	
Tender Price	\$390,166.20	\$350,718.90	\$740,885.10
Revised Project Budget	\$425,540.65	\$386,093.35	\$811,634.00

Therefore the original budget and the revised project budgets for the two projects packaged together are the same, totalling \$811,634.00 as reflected in **Table 1** so there is no change to the bottom line. However, as the Long Jetty and the Waratah Bay projects are sitting in different cost centres, the budgets for these projects will need to be adjusted to reflect the revised project costs as reflected in **Table 2** below.

A breakdown of the budget adjustments required for these projects are reflected in **Table 2** below.

Table 2 – Project Budget Adjustments

Description	Long Jetty Cost Centre 73510	Waratah Bay Cost Centre 73670
Original Budget (current)	\$376,419.00	\$435,215.00
Revised Project Budget	\$425,540.65	\$386,093.35
Adjustments	-\$49,121.65	\$49,121.65

It is therefore recommended that Council approves adjusting the current budgets to reflect the revised project costs as noted in **Table 2** above and approves the award of contract CON/195 for the supply and installation of new caravan park amenities Blocks at the Long Jetty Caravan Park and the Waratah Bay Caravan Park.

STAFF DISCLOSURE

Nil

CONFIDENTIAL ATTACHMENTS

Confidential Attachment [15.3.1] – Tender Evaluation Summary - RFT/195 Caravan Park New Amenities – has been provided in accordance with s.77(2)(c) of the Local Government Act 1989. The Chief Executive Officer designates this item as confidential information on the grounds that it relates to s.89(2)(d) - contractual matters.

This item is deemed confidential to protect the privacy of the contractors, tender scores, and tendered amounts submitted for consideration.

REFERENCE DOCUMENTS

Council Policy

Documents are available on Council's website: www.southgippsland.vic.gov.au
2018/19 Capital Works Program
Long Term Financial Plan
Procurement Policy

Legislative Provisions

Local Government Act 1989

4.5. AWARD CONTRACT CON/196 - DESIGN AND CONSTRUCTION OF THE RUBY ARAWATA ROAD BRIDGE AND ASSOCIATED ROADWORKS / BUDGET INCREASE

Infrastructure Directorate

EXECUTIVE SUMMARY

The Ruby Arawata Road Bridge is deteriorating and requires replacement. This project was identified as a Strategic Road Project at the Ordinary Meeting of Council 22 March 2017 and is jointly funded by the State Government and Council.

In response to Council's Request for Tender RFT/196 – Design and Construction of the Ruby Arawata Road Bridge and Associated Roadworks (RFT/196), two tender submissions were received, which were both over budget by more than \$150,000. Council offices have considered that there are no suitable options to revise the scope of works to reduce costs.

Council's current contribution is \$170,000 and the State Government contribution is \$300,000. The revised project budget of \$680,000 necessitates an increase of \$210,000 in Council's contribution.

It is recommended that Council agrees to an increase in its contribution to the project of a further \$210,000 and approves the award of contract CON/196 for the design and construction of the Ruby Arawata Road Bridge and associated roadworks.

RECOMMENDATION

That Council:

1. Increases its current contribution of \$170,000 by a further \$210,000 to a total of \$380,000 for this project;
2. Approves the award of contract CON/196 Design and Construction of the Ruby Arawata Road Bridge and Associated Roadworks;
3. Publishes on Council's website the successful contractor and lump sum amount within one week of Council's decision to approve the award of CON/196 to allow sufficient time for the formal award of the contract;
4. Delegate to the Manager Infrastructure Delivery the power to approve variations up to the contingency allowance within the contract; and
5. Authorise the Chief Executive Officer to sign and affix the Common Seal of the Municipality to the contract documents.

MOVED: Cr Brown

SECONDED: Cr Brunt

THAT COUNCIL:

1. **INCREASES ITS CURRENT CONTRIBUTION OF \$170,000 BY A FURTHER \$210,000 TO A TOTAL OF \$380,000 FOR THIS PROJECT;**
2. **APPROVES THE AWARD OF CONTRACT CON/196 DESIGN AND CONSTRUCTION OF THE RUBY ARAWATA ROAD BRIDGE AND ASSOCIATED ROADWORKS;**
3. **PUBLISHES ON COUNCIL'S WEBSITE THE SUCCESSFUL CONTRACTOR AND LUMP SUM AMOUNT WITHIN ONE WEEK OF COUNCIL'S DECISION TO APPROVE THE AWARD OF CON/196 TO ALLOW SUFFICIENT TIME FOR THE FORMAL AWARD OF THE CONTRACT;**
4. **DELEGATE TO THE MANAGER INFRASTRUCTURE DELIVERY THE POWER TO APPROVE VARIATIONS UP TO THE CONTINGENCY ALLOWANCE WITHIN THE CONTRACT; AND**
5. **AUTHORISE THE CHIEF EXECUTIVE OFFICER TO SIGN AND AFFIX THE COMMON SEAL OF THE MUNICIPALITY TO THE CONTRACT DOCUMENTS.**

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

Background

Ruby Arawata Road Bridge (WB 330) is located on the Ruby Arawata Road and spans Coalition Creek in the locality of Ruby. This is a sealed through road, ranked as a “Connector Road” under Council’s Road Hierarchy. It is used by residents, cattle trucks, milk transport vehicles, farmers, and emergency vehicles, and is essential for providing access to abutting properties and for the delivery of goods and services to the region. It has a daily vehicle count of 300 AADT (annual average daily traffic) with eight per cent commercial vehicles.

The existing bridge is a two-span single lane configuration and was constructed 102 years ago. The bridge is deteriorating with age. Integrity testing undertaken on the bridge has determined that it is unsuitable for Higher Mass Limit (HML) and Performance Based Standard (PBS) vehicles with only General Mass Limit (GML) vehicles allowed to utilise the bridge. This may result in economic growth of the area being restricted.

Works on Ruby Arawata Road which included the replacement of the bridge was endorsed by Council on the 22 March 2017 as a Strategic Road Project.

In May 2018 the bridge replacement project received a grant from the Victorian Government under the Agriculture Infrastructure and Jobs Fund – *Local Roads to Market Program* and a grant agreement has subsequently been signed.

Discussion

In response to Council’s Request for Tender RFT/196 - Design and Construction of the Ruby Arawata Road Bridge and Associated Roadworks (RFT/196), Council received two tender submissions. The lump sum price received from both tenderers for these works exceeded Council’s budget of \$470,000 by over \$150,000 each.

An evaluation panel considered the tenders and identified a preferred tenderer based on the assessment of the submissions. The evaluation panel considered that, whilst the tenders received are over the original budget, the prices still represent value for money in the current contracting environment. The prices were submitted in a competitive, open tender market. Re-tendering this work would be unlikely to attract additional tenderers and would create a risk that submitted prices could be higher than those received through the current tender process.

It is considered that there is limited opportunity to reduce the project scope in order to decrease costs, whilst still achieving project outcomes.

It is therefore recommended that Council increase its budget allocation for this project and approves the award of contract CON/196 - Design and Construction of the Ruby Arawata Road Bridge and Associated Roadworks.

CONSULTATION

Tender specifications were developed in consultation with all relevant officers involved in planning this project.

RFT/196 was advertised on 13 October 2018 and closed on 13 November 2018.

The tenders were assessed in accordance with the criteria specified in the contract documentation by an evaluation panel on 20 November 2018. The evaluation panel consisted of the Acting Manager Infrastructure Delivery, Coordinator Projects, Civil Technical Officer and Procurement Officer.

A summary of the tender evaluation has been included in **Confidential Attachment [15.4.1]**.

RESOURCES

The budget for this project is accommodated within Council's *15-year Capital Works Program* under cost code 85060 which currently has a budget of \$470,000. As noted above, this budget will need to be increased by \$210,000 to successfully deliver the project.

A breakdown of the project budget and budget overrun is reflected in **Table 1**.

Table 1 – Project Budget & Overrun Summary (excludes GST)

State Government	\$	300,000
Council Contribution	\$	170,000
Original Project Budget	\$	470,000
Original Project Budget	\$	470,000
Revised Budget	\$	680,000
Budget Increase	\$	210,000

This necessitates an increase of \$210,000 in Council's contribution in order to deliver this project. The revised budget includes an allowance for Council's project management costs, service relocations, and contingency. Council Agenda Item 4.3 2018/19 CAPITAL WORKS PROGRAM AMENDMENTS contained within this Agenda details how this additional expenditure will be accommodated.

RISKS

If Council does not support this Strategic Road Project by not increasing its contribution and awarding the contract, it will miss an opportunity to utilise the approved external funding to replace the Ruby Arawata Road Bridge and address the deteriorating condition of the current bridge, which is a Council owned asset.

STAFF DISCLOSURE

Nil

CONFIDENTIAL ATTACHMENTS

Confidential Attachment [15.4.1] – Tender Evaluation Summary - RFT/196 – has been provided in accordance with s.77(2)(c) of the Local Government Act 1989. The Chief Executive Officer designates this item as confidential information on the grounds that it relates to s.89(2)(d) - contractual matters.

This item is deemed confidential to protect the privacy of the contractors, tender scores, and tendered amounts submitted for consideration.

REFERENCE DOCUMENTS

Council Policy

Documents are available on Council's website: www.southgippsland.vic.gov.au
2018/19 Capital Works Program
Long Term Financial Plan
Procurement Policy
Road Management Plan

Legislative Provisions

Local Government Act 1989
Road Management Act 2004

4.6. AWARD CONTRACT CON/201 - ANNUAL SUPPLY OF WORKSITE TRAFFIC MANAGEMENT SERVICES

Infrastructure Directorate

EXECUTIVE SUMMARY

Council has an obligation under the Road Management Plan to minimise the hazards to road users and to maintain the integrity of this network. Council also has an obligation to deliver the projects within the adopted maintenance and capital works programs on time and within budget. Procuring the annual supply of worksite traffic management services will ensure Council meets these obligations.

In response to Council's Request for Tender RTF/201 Annual Supply of Worksite Traffic Management Services (RTF/201), one non-conforming tender and six conforming tenders were received.

It is recommended that Council accepts four of the seven tenders submitted and award the contract CON/201 Annual Supply of Worksite Traffic Management Services to a panel of preferred suppliers. This approach allows Council to obtain the best value for money and greater versatility for Council's works programs.

The panel shall operate on a schedule of rates basis and will be for a one year term commencing from the 1 January 2019 with two one-year extension options subject to satisfactory contractor performance.

RECOMMENDATION

That Council:

1. Approves the award of contract CON/201 Annual Supply of Worksite Traffic Management Services to a panel of preferred suppliers for a one year contract period with two by one year extension options commencing on 1 January 2019 for the schedule of rates outlined in their submissions.
2. Publishes on Council's website the successful contractors within one week of Council's decision to approve the award of contract CON/201 to allow sufficient time for the formal award of the contract.
3. Authorises the Chief Executive Officer to sign and affix the Common Seal of the Municipality to the contract documents.
4. Authorise the Chief Executive Officer to approve any extensions subject to satisfactory contractor performance review.

MOVED: Cr Skinner
SECONDED: Cr McEwen

THAT COUNCIL:

- 1. APPROVES THE AWARD OF CONTRACT CON/201 ANNUAL SUPPLY OF WORKSITE TRAFFIC MANAGEMENT SERVICES TO A PANEL OF PREFERRED SUPPLIERS FOR A ONE YEAR CONTRACT PERIOD WITH TWO BY ONE YEAR EXTENSION OPTIONS COMMENCING ON 1 JANUARY 2019 FOR THE SCHEDULE OF RATES OUTLINED IN THEIR SUBMISSIONS.**
- 2. PUBLISHES ON COUNCIL'S WEBSITE THE SUCCESSFUL CONTRACTORS WITHIN ONE WEEK OF COUNCIL'S DECISION TO APPROVE THE AWARD OF CONTRACT CON/201 TO ALLOW SUFFICIENT TIME FOR THE FORMAL AWARD OF THE CONTRACT.**
- 3. AUTHORISES THE CHIEF EXECUTIVE OFFICER TO SIGN AND AFFIX THE COMMON SEAL OF THE MUNICIPALITY TO THE CONTRACT DOCUMENTS.**
- 4. AUTHORISE THE CHIEF EXECUTIVE OFFICER TO APPROVE ANY EXTENSIONS SUBJECT TO SATISFACTORY CONTRACTOR PERFORMANCE REVIEW.**

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

In response to Council's Request for Tender RTF/201 Annual Supply of Worksite Traffic Management Services, seven tender submissions were received with six conforming and one non-conforming.

Each of these contractors submitted schedule of rates prices for the provision of worksite traffic management services. The tenderers' price comparison was similar to each other.

So that Council may obtain best value for money and greater versatility for Council's works programs, the evaluation panel has recommended accepting the four highest ranking tenders received in response to RFT/201. Successful tenderers will be placed on a panel of preferred suppliers. The two conforming tenders from contractors that were not recommended do not provide the full service as they only hold one of two VicRoads Pre-qualifications for worksite traffic management and therefore would need to subcontract the preparation of traffic management plans out to another provider.

The suppliers are encouraged to propose innovative service delivery arrangements, technical expertise, and alternative products aimed at enhancing the achievement of Council's service objectives.

CONSULTATION

Tender specifications were developed in consultation with all relevant officers involved in worksite traffic management services. This tender was advertised on Council's website, The Age, and Latrobe Valley Express on 10 November 2018.

The tenders were assessed in accordance with the criteria specified in the contract documentation by an evaluation panel on 5 December 2018. The evaluation panel consisted of the Manager Operations, Coordinator Construction, Coordinator Sealed Roads Planning, and Procurement Officer.

A summary of the tender evaluation has been included in **Confidential Attachment [15.5.1]**.

RESOURCES

Worksite traffic management services contract costs are accommodated within Council's annual maintenance budget, capital works budget, and in Council's Long Term Financial Plan. For the past two years Council has spent approximately \$350,000 per year on worksite traffic management services.

RISKS

Council has an obligation under the Road Management Plan to minimise the hazards to users of the road network and to maintain the integrity of this network. Council also has an obligation to deliver the projects within the adopted maintenance and capital works programs on time and within budget.

Awarding this contract to a panel consisting of four contractors with a wide skill set and equipment in this field will assist Council in addressing these risks.

STAFF DISCLOSURE

Nil

CONFIDENTIAL ATTACHMENTS

Confidential Attachment [15.5.1] – Tender Evaluation Summary – RFT/201 Worksite Traffic Management Services – has been provided in accordance with s.77(2)(c) of the Local Government Act 1989. The Chief Executive Officer designates this item as confidential information on the grounds that it relates to s.89(2)(d) - contractual matters.

This item is deemed confidential to protect the names, tender scores, and tendered amounts submitted by the contractors.

REFERENCE DOCUMENTS

Council Policy

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

2018/19 Annual Budget

Long Term Financial Plan

Procurement Policy

Legislative Provisions

Local Government Act 1989

Road Management Plan

4.7. AWARD CONTRACT CON/203 - REFURBISHMENT OF CHANGE ROOM FACILITIES AT KORUMBURRA RECREATION RESERVE

Infrastructure Directorate

EXECUTIVE SUMMARY

The 2016 Soccer Facilities Plan identified the need to refurbish the existing player change rooms and amenities used by the Korumburra City Soccer Club at the Korumburra Recreation Reserve. This work is needed to bring these facilities up to existing standards and provide unisex amenities that cater for female players and umpires.

In response to Council's Request for Tender RFT/203 – Refurbishment of Change Room Facilities at Korumburra Recreation Reserve (RFT/203), two tender submissions were received and both tenders were within budget.

It is therefore recommended that Council approves the award of contract CON/203 for the refurbishment of change room facilities at the Korumburra Recreation Reserve.

RECOMMENDATION

That Council:

1. Approves the award of contract CON/203 Refurbishment of Change Room Facilities at Korumburra Recreation Reserve.
2. Publishes on Council's website the successful contractor and lump sum amount within one week of Council's decision to approve the award of CON/203 to allow sufficient time for the formal award of the contract.
3. Delegates to the Manager Infrastructure Delivery the power to approve variations up to the contingency allowance within the contract.
4. Authorises the Chief Executive Officer to sign and affix the Common Seal of the Municipality to the contract documents.

MOVED: Cr Brunt

SECONDED: Cr Brown

THAT COUNCIL:

- 1. APPROVES THE AWARD OF CONTRACT CON/203 REFURBISHMENT OF CHANGE ROOM FACILITIES AT KORUMBURRA RECREATION RESERVE.**
- 2. PUBLISHES ON COUNCIL'S WEBSITE THE SUCCESSFUL CONTRACTOR AND LUMP SUM AMOUNT WITHIN ONE WEEK OF COUNCIL'S DECISION TO APPROVE THE AWARD OF CON/203 TO ALLOW SUFFICIENT TIME FOR THE FORMAL AWARD OF THE CONTRACT.**
- 3. DELEGATES TO THE MANAGER INFRASTRUCTURE DELIVERY THE POWER TO APPROVE VARIATIONS UP TO THE CONTINGENCY ALLOWANCE WITHIN THE CONTRACT.**
- 4. AUTHORISES THE CHIEF EXECUTIVE OFFICER TO SIGN AND AFFIX THE COMMON SEAL OF THE MUNICIPALITY TO THE CONTRACT DOCUMENTS.**

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

In response to Council's Request for Tender RFT/203 Refurbishment of Change Room Facilities at Korumburra Recreation Reserve (RFT/203), Council received two tender submissions.

An evaluation panel considered the tenders and identified a preferred tenderer based on the assessment of the submissions. The evaluation panel considered that the preferred price represents value for money in the current contracting environment. The prices were submitted in a competitive open tender market.

CONSULTATION

Tender specifications were developed in consultation with all relevant officers involved in planning this project.

RFT/203 was advertised on 10 November 2018 and closed on 27 November 2018.

The tenders were assessed in accordance with the criteria specified in the contract documentation by an evaluation panel on 5 December 2018. The evaluation panel consisted of the Manager Infrastructure Delivery, Coordinator Building, Building Projects Officer, and Procurement Officer.

A summary of the tender evaluation has been included in **Confidential Attachment [15.6.1]**.

RESOURCES

The budget for this project is accommodated within Council's *15-year Capital Works Program* under cost code 93170, which currently has a budget of \$170,000 funded out of an allocation of \$175,000 from the Community Capital Works Allocation program. That budget is recommended to be increased to \$425,000 in a report to the December 2018 Council meeting to take into account the \$250,000 in grant funding recently secured from the State Government's World Games Facilities Fund.

The preferred tenderer's price is within the allocated budget and it is therefore recommended that Council approves the award of contract CON/203 for the refurbishment of the Korumburra Recreation Reserve change rooms at the Korumburra Recreation Reserve.

STAFF DISCLOSURE

Nil

CONFIDENTIAL ATTACHMENTS

Confidential Attachment [15.6.1] – Tender Evaluation Summary - RFT/203 Korumburra Recreation Reserve Changerooms – has been provided in accordance with s.77(2)(c) of the Local Government Act 1989. The Chief Executive Officer designates this item as confidential information on the grounds that it relates to s.89(2)(d) - contractual matters.

This item is deemed confidential to protect the privacy of the contractors, tender scores, and tendered amounts submitted for consideration.

REFERENCE DOCUMENTS

Council Policy

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

2018/19 Capital Works Program

Long Term Financial Plan

Procurement Policy

Legislative Provisions

Local Government Act 1989

4.8. PROPOSED SALE OF COUNCIL LAND - KORUMBURRA SUPERMARKET DEVELOPMENT

Infrastructure Directorate

EXECUTIVE SUMMARY

This report is presented to Council to provide an update on negotiations on the proposed sale of Council land by private treaty being 155-165 Commercial Street Korumburra, 1 King Street Korumburra, and 28 Victoria Street Korumburra for the development of a supermarket.

RECOMMENDATION

That Council:

1. Notes that the proposed Purchaser has withdrawn from the purchase of 155-165 Commercial Street Korumburra, 1 King Street Korumburra, and 28 Victoria Street Korumburra for the development of a supermarket because Purchaser is unwilling to meet Council's terms within the Contract that are required to protect the sale of a public asset by private treaty for the delivery of the supermarket in a timely manner.
2. Demolishes the surplus rundown structures situated on 1 King Street Korumburra, 28 Victoria Street Korumburra, and 4 Victoria Street Korumburra.

MOVED: Cr Skinner

SECONDED: Cr McEwen

THAT COUNCIL:

1. **NOTES THAT THE PROPOSED PURCHASER HAS WITHDRAWN FROM THE PURCHASE OF 155-165 COMMERCIAL STREET KORUMBURRA, 1 KING STREET KORUMBURRA, AND 28 VICTORIA STREET KORUMBURRA FOR THE DEVELOPMENT OF A SUPERMARKET BECAUSE PURCHASER IS UNWILLING TO MEET COUNCIL'S TERMS WITHIN THE CONTRACT THAT ARE REQUIRED TO PROTECT THE SALE OF A PUBLIC ASSET BY PRIVATE TREATY FOR THE DELIVERY OF THE SUPERMARKET IN A TIMELY MANNER.**
2. **DEMOLISHES THE SURPLUS RUNDOWN STRUCTURES SITUATED ON 1 KING STREET KORUMBURRA, 28 VICTORIA STREET KORUMBURRA, AND 4 VICTORIA STREET KORUMBURRA.**

Cr Rich left the Council Meeting at 3.28pm.

Cr Fawcett left the Council Meeting at 3.30pm and returned at 3.32pm.

CARRIED UNANMOUSLY

Noting that Cr Rich was not present for the vote.

Cr Rich returned to the Council Meeting at 3.34pm.

Note: Cr Rich submitted a Conflict of Interest form at the end of the Confidential Ordinary Council Meeting that relates to this matter.

[Link to next Agenda Item.](#)

REPORT

Council first resolved to sell 155-165 Commercial Street Korumburra, 1 King Street Korumburra, and 28 Victoria Street Korumburra by private treaty for the development of a supermarket at its Ordinary Meeting of Council 22 November 2017, titled 4.1. PROPOSED SALE OF COUNCIL LAND 155-165 COMMERCIAL STREET KORUMBURRA - CONSIDER SUBMISSIONS AND DETERMINE PROPOSAL. Since that date, legal representation was acquired to prepare appropriate Contracts of Sale to protect the public interest in the sale of a public asset for the development of a supermarket in a timely manner.

The draft terms of sale were first delivered to the proposed Purchaser's legal representatives on 20 February 2018 for their consideration. Since this date, negotiations have continued between the Purchaser, their legal representatives and Council to consider various counter offers in confidence because of the nature of the transaction.

Given the Local Government Act 1989 requires that Council obtain a valuation of the proposed land sale not more than six months prior to the sale of its land, the properties have been valued twice within the time frame, with the last valuation expiring midnight on 5 December 2018. The Purchaser's final offer was considered by Council in a closed Special Urgent Meeting of Council held 5 December 2018, but the offer fell short of Council's terms to protect the sale of a public asset by private treaty for the development of a supermarket in a timely manner.

It is proposed that Council continue with the development of the Korumburra Community Hub whilst the Library, Historical Society, Lions Club, and Rotary Club remain in the facility at 155-165 Commercial Street. This means that the former Kindergarten at 4 Victoria Street does not need to be refurbished to accommodate the relocation of the Library whilst the Korumburra Community Hub is being constructed. Therefore, it is proposed to continue with the demolition of the run down structures at 1 King Street Korumburra, 28 Victoria Street Korumburra, and 4 Victoria Street Korumburra that were all to be demolished.

CONSULTATION

Council has obtained legal advice with every offer received by the proposed Purchaser when considering its position.

Met with proposed purchaser on many occasions.

RESOURCES

Officers' time and legal advice.

RISKS

If Council does not demolish its rundown structures that are surplus to its requirements within this report, the sites could be broken into and become unsightly and unsafe.

Although the current proposed development may not proceed, a valuable asset to the community is still retained for future development.

STAFF DISCLOSURE

Nil

REFERENCE DOCUMENTS

Legislative Provisions

Local Government Act 1989

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

5.1. COUNCILLOR APPOINTMENTS TO COMMITTEES 2018/19

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

Council has traditionally appointed Councillors to a range of internal and external Committees for the period of one year.

These appointments are reviewed annually at an open Meeting of Council to ensure appropriate representation and contribution by Councillors. This report provides a schedule of the recommended appointments of Councillors to Committees for the period commencing 19 December 2018 for a one year term. Refer **Attachment [5.1.1]**.

Appointment to external Committees ensures Council is represented and involved in key discussion and planning both with the community, and at State and Federal levels.

Appointments to Section 86 Committees ensures each Committee has a specific Councillor(s) they can seek assistance from, to support the achievement of their delegated responsibilities.

The Committees include:

- Council internal Advisory and Steering Committee;
- Council Special (s.86) Committees;
- External Community Based Committees;
- Peak Local Government Bodies; and
- Industry Bodies.

As there is one vacancy for the Audit Committee requiring nominations prior to the vote, it is proposed the recommendations be split and the vote be by show of hands for each preferred candidate utilising the procedures established for electing the Mayor to determine primary and substitute appointees, where required.

RECOMMENDATIONS

That Council:

1. Appoints Mayor Cr Hill and one Councillor being Cr _____ to the Audit Committee, subject to a satisfactory Police check as per the Audit Committee Charter;
2. Appoints Councillors to Committees and External Bodies as per Attachment [5.1.1] and the Councillor included in the resolution above, for the term commencing 19 December 2018 until 6.00am on the day of an open Meeting of Council to be scheduled, following the completion of the Mayoral term in accordance with ss.71(3) and 72 of the Act; and
3. Considers new appointments to Committees and External Bodies as changes are required, or new Committees are formed.

MOVED: Cr Rich

SECONDED: Cr Skinner

THAT COUNCIL:

1. **APPOINTS MAYOR CR HILL AND ONE COUNCILLOR BEING CR ROSEMARY COUSIN TO THE AUDIT COMMITTEE, SUBJECT TO A SATISFACTORY POLICE CHECK AS PER THE AUDIT COMMITTEE CHARTER;**
2. **APPOINTS COUNCILLORS TO COMMITTEES AND EXTERNAL BODIES AS PER ATTACHMENT [5.1.1] AND THE COUNCILLOR INCLUDED IN THE RESOLUTION ABOVE, FOR THE TERM COMMENCING 19 DECEMBER 2018 UNTIL 6.00AM ON THE DAY OF AN OPEN MEETING OF COUNCIL TO BE SCHEDULED, FOLLOWING THE COMPLETION OF THE MAYORAL TERM IN ACCORDANCE WITH SS.71(3) AND 72 OF THE LOCAL GOVERNMENT ACT; AND**
3. **CONSIDERS NEW APPOINTMENTS TO COMMITTEES AND EXTERNAL BODIES AS CHANGES ARE REQUIRED, OR NEW COMMITTEES ARE FORMED.**

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

Background

Council has traditionally appointed Councillors to Committees to provide leadership, advocacy, support and active engagement with the community and to facilitate access to strategic advice and information.

During the year, Council may nominate to form internal Council Committees or give consideration to additional requests for representation on external Committees.

Proposal

It is proposed that Council appoints Councillors to Committees for the term commencing 19 December 2018 until 6.00am on the day of an Open Meeting of Council to be scheduled, following the completion of the Mayoral term in accordance with ss.71(3) and 72 of the Act.

Councillors have considered the appointments to the Committees prior to this Ordinary Meeting of Council as indicated in **Attachment [5.1.1]**.

Councillors may consider additional requests for representation on Committees throughout the year and it is recommended that appointments be referred to Council for adoption.

A 'substitute' attendance role at a Committee is to provide back-up support should the first Councillor be unable to attend a Committee meeting. The primary appointed Councillor is to advise the substitute Councillor in advance of the meeting if they are unable to attend.

As there is one vacancy for the Audit Committee requiring nominations prior to the vote, it is proposed the recommendations be split and the vote be by show of hands for each preferred candidate utilising the procedures established for electing the Mayor to determine primary and substitute appointees, where required. Cr McEwen and Cr Cousin have both indicated interest in the Councillor vacancy for the Audit Committee. Other Councillors may be interested in being nominated prior to the vote.

CONSULTATION

Councillors have considered and discussed potential appointments to these Committees at a Council Briefings on 21 November 2018. The Committees are those which were relevant at the time of discussion and can be reviewed as required throughout the year.

RESOURCES

Funds are allocated in current and forward annual budgets where appropriate for membership fees and any subscriptions required as part of the memberships.

RISKS

The investment of Councillors' time and resources returns positive outcomes and opportunities for Council and the community through access to strategic information, and supports Councillors in their community advocacy and leadership roles.

ATTACHMENTS

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

1. 2019 Councillor Appointments to Committees Informaiton List - 19 December **[5.1.1]**

REFERENCE DOCUMENTS

Legislative Provisions

Local Government Act 1989, s.71(3) and 72

5.2. COUNCIL MEETING TIMETABLE 2019

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

Council conducts Ordinary Meetings of Council at which the general business of Council may be transacted. The community is able to engage in Council decision making by participating in a range of public presentation sessions, submitting questions and viewing the Council Meetings that are streamed live.

This report sets the dates and times for Council's Ordinary Meetings for the next calendar year.

RECOMMENDATION

That Council:

1. Sets the Ordinary Council Meetings in 2019 to be held in the Council Chambers, Leongatha on the following dates and times:
 - a. Wednesday 27 February 2019, 2.00pm (Meeting No.431)
 - b. Wednesday 27 March 2019, 2.00pm (Meeting No.432)
 - c. Wednesday 24 April 2019, 2.00pm (Meeting No.433)
 - d. Wednesday 29 May 2019, 2.00pm (Meeting No.434)
 - e. Wednesday 26 June 2019, 2.00pm (Meeting No.435)
 - f. Wednesday 24 July 2019, 2.00pm (Meeting No.436)
 - g. Wednesday 28 August 2019, 2.00pm (Meeting No.437)
 - h. Wednesday 25 September 2019, 2.00pm (Meeting No.438)
 - i. Wednesday 23 October 2019, 2.00pm (Meeting No.439)
 - j. Wednesday 20 November 2019, 2.00pm (Meeting No.440)
 - k. Wednesday 18 December 2019, 2.00pm (Meeting No.441)
2. Authorises the Chief Executive Officer to change a meeting location should that be warranted, due to the nature of business and availability of the Council Chambers; and

3. Provides reasonable notice to the public via local newspapers and Council's website should a change in Meeting time or location be warranted.

MOVED: Cr Brunt

SECONDED: Cr McEwen

THAT COUNCIL:

1. **SETS THE ORDINARY COUNCIL MEETINGS IN 2019 TO BE HELD IN THE COUNCIL CHAMBERS, LEONGATHA ON THE FOLLOWING DATES AND TIMES:**
 - a. **WEDNESDAY 27 FEBRUARY 2019, 2.00PM (MEETING NO.431)**
 - b. **WEDNESDAY 27 MARCH 2019, 2.00PM (MEETING NO.432)**
 - c. **WEDNESDAY 24 APRIL 2019, 2.00PM (MEETING NO.433)**
 - d. **WEDNESDAY 29 MAY 2019, 2.00PM (MEETING NO.434)**
 - e. **WEDNESDAY 26 JUNE 2019, 2.00PM (MEETING NO.435)**
 - f. **WEDNESDAY 24 JULY 2019, 2.00PM (MEETING NO.436)**
 - g. **WEDNESDAY 28 AUGUST 2019, 2.00PM (MEETING NO.437)**
 - h. **WEDNESDAY 25 SEPTEMBER 2019, 2.00PM (MEETING NO.438)**
 - i. **WEDNESDAY 23 OCTOBER 2019, 2.00PM (MEETING NO.439)**
 - j. **WEDNESDAY 20 NOVEMBER 2019, 2.00PM (MEETING NO.440)**
 - k. **WEDNESDAY 18 DECEMBER 2019, 2.00PM (MEETING NO.441)**
2. **AUTHORISES THE CHIEF EXECUTIVE OFFICER TO CHANGE A MEETING LOCATION SHOULD THAT BE WARRANTED, DUE TO THE NATURE OF BUSINESS AND AVAILABILITY OF THE COUNCIL CHAMBERS; AND**
3. **PROVIDES REASONABLE NOTICE TO THE PUBLIC VIA LOCAL NEWSPAPERS AND COUNCIL'S WEBSITE SHOULD A CHANGE IN MEETING TIME OR LOCATION BE WARRANTED.**

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

Ordinary Council Meeting Dates

Council is required by Local Law No.3 2010 (clause 8) to fix the time, date and place of all Council Meetings and provide reasonable notice to the public. Council publishes notice of Council Meetings (both Ordinary and Special) in Council's Noticeboard section of local newspapers and on its website.

It is proposed to hold the first Ordinary Meeting of Council for 2019 on Wednesday 27 February 2019 and from then on the fourth Wednesday of each month for the remainder of the calendar year, with the following exceptions:

1. Council business will continue unimpeded throughout January 2019 given the extensive delegations provided to the Chief Executive Officer and the right of the Mayor or three Councillors to call a Meeting of Council should a situation emerge that warrants a Special Meeting.
2. The May Meeting has been moved to the fifth Wednesday, 29 May 2019. In May 2019, Council will be hearing and considering the Revised Council Plan review (if required), Budget, Annual Initiatives and Rating Strategy. All lead up meetings/hearings associated with these matters have been spread over all Wednesdays in May 2019 to make them administratively possible.
3. The November Meeting has been moved a week earlier to the third Wednesday, 20 November 2018. The Meeting has been moved a week earlier to smooth out the timings between Meetings on the lead up to the December Meeting. This change will ensure that the processing of the Agenda is made administratively possible.
4. The December 2019 Meeting is scheduled for the third Wednesday, 18 December 2019. Bringing the Meeting a week earlier will avoid clashes with the holiday season and public holidays.

Ordinary Council Meetings are to commence at 2.00pm and be held in the Council Chambers, Leongatha. The Chief Executive Officer may change a meeting location should that be warranted, due to the nature of business and availability of the Council Chambers, Leongatha.

Council's Monthly Meeting Structure

The monthly meeting structure will continue with the previous practice of holding the following meetings each month, excluding January, where no meetings are held unless considered necessary.

1st Wednesday of each month: Strategic Briefing Day

2nd Wednesday of each month: Council to utilise as required; for Strategic Briefings, Training and Workshops.

3rd Wednesday of each month: Public Presentation Session and Strategic Briefing Day.

4th Wednesday of each month: Council Meeting Day, incorporating a Public Presentation Session on Agenda matters.

5th Wednesday of each month: Council to utilise as required; for Strategic Briefings, Training and Workshops.

Public Participation in Council Decision Making

Council's Public Presentation sessions are one of the many options with which to engage with Council and are held usually on the third Wednesday of each month at 2.00pm, 5.00pm and 7.00pm (by *Expression of Interest*) and on Council Meeting Days on the fourth Wednesday of each month at 10.00am (Agenda matters only).

The Question Time section of an Ordinary Council Meeting is another avenue for the community to support informed decision making of Council. Questions can be submitted ahead of the Council Meeting as well as in the Council Meeting.

Information and how to register your [Expression of Interest to make a Public Presentations](#) or submit [Questions for Council Meetings](#) are accessible on Council's website.

Council's [Public Participation in Meetings with Council Policy](#) (C65) supports a welcoming, respectful and safe environment for members of the community to present directly to Councillors on views and issues that are important to them.

CONSULTATION

Consultation with Council's event coordination functions to ensure optimum conduct of Council Business.

Councillors are briefed each week on Council's monthly meeting schedule in the Executive Updates Briefings and via 'InfoSum', the Councillor newsletter.

RISKS

The timely determination of Council Meeting dates ensures the smooth transaction of Council Business.

REFERENCE DOCUMENTS

Council Policy

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

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

Councillor Code of Conduct

[Public Participation in Meetings with Council Policy \(November 2018\)](#)

Legislative Provisions

Local Government Act 1989

5.3. NEW POLICY: COUNCILLOR STANDING AS A STATE OR FEDERAL CANDIDATE POLICY (C74)

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

At the Ordinary Meeting of Council 24 October 2018, Council resolved to develop a new policy providing direction for Councillors standing as candidates in any State or Federal election

The 'C74 Councillor Standing as a State or Federal Candidate Policy' (Policy) (**Attachment [5.3.1]**) has been prepared and is presented to Council for consideration and adoption.

RECOMMENDATION

That Council:

1. Adopts 'C74 Councillor Standing as a State or Federal Candidate Policy' in Attachment [5.3.1] - C74 Councillor Standing as a State or Federal Candidate Policy); and
2. Publish the 'C74 Councillor Standing as a State or Federal Candidate Policy' on Council's website.

MOVED: Cr Skinner

SECONDED: Cr Rich

THAT COUNCIL:

1. **ADOPTS 'C74 COUNCILLOR STANDING AS A STATE OR FEDERAL CANDIDATE POLICY' IN ATTACHMENT [5.3.1] - C74 COUNCILLOR STANDING AS A STATE OR FEDERAL CANDIDATE POLICY); AND**
2. **PUBLISH THE 'C74 COUNCILLOR STANDING AS A STATE OR FEDERAL CANDIDATE POLICY' ON COUNCIL'S WEBSITE.**

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

At the Ordinary Meeting of Council 24 October 2018, Council resolved to develop a new policy providing direction for Councillors standing as candidates in any State or Federal election as follows:

"That Council:

- 1. Require a 'Councillor Standing as a State or Federal Candidate Policy' be prepared and brought to the December Ordinary Council Meeting, using the Municipal Association of Victoria Guidelines as a base; and*
- 2. Require all Councillors to abide by the Municipal Association of Victoria Guidelines for Councillors standing as a candidate in the upcoming State Government election."*

The Policy has been prepared using the Municipal Association of Victoria Guidelines (MAV Guidelines) as a base. The Policy also incorporates relevant components of Council's 'C30 Election Period Policy' for consistency and components of the Victorian Local Government Association's (VLGA) 'Councillor Development Series'.

CONSULTATION

Councillors considered the draft Policy at a briefing session on 21 November 2018.

RISKS

The Policy provides direction for Councillors seeking to stand as candidates in any State or Federal election.

The Policy aims to mitigate the risk of Councillors from not complying with legislative provisions, misusing their positions, or using Council resources inappropriately when standing as candidates. It allows them to manage any real or perceived conflicts of interest. These in turn reduce their risk, as a Councillor, of breaching the *Local Government Act 1989* and potentially incurring penalty points.

The reputation of Council will also be enhanced if the community perceives good governance practices are being addressed by candidates.

STAFF DISCLOSURE

Nil

ATTACHMENTS

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

1. C74 Councillor Standing as a State or Federal Candidate Policy **[5.3.1]**

REFERENCE DOCUMENTS

Council Policy

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

C30 Council Election Period Policy

Legislative Provisions

Local Government Act 1989

6. OTHER COUNCIL REPORTS

7. NOTICES OF MOTION AND/OR RESCISSION

7.1. NIL

8. PROCEDURAL REPORTS

8.1. FINANCIAL PERFORMANCE REPORT JULY TO NOVEMBER 2018

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

This Financial Performance report provides an overview of Council's financial performance for the period July to November 2018, in summary:

- Operating result: \$22.93M surplus which is \$1.17M favourable when compared with the year-to-date budget projection of a \$21.76M surplus;
- Capital works: \$3.42M expenditure which is \$3.70M behind a year-to-date budget of \$7.12M;
- Cash assets: Projected 30 June \$12.56M, against the Original budget of \$13.39M;
- Underlying working capital ratio: Projected 30 June 1.49 to 1.00 against the Original budget of budget 1.32 to 1.00; and
- The projected financial outcome for 2018/19 is a \$1.25M surplus. This is \$0.19M unfavourable compared to the originally budgeted surplus of \$1.44M.

Section 138 of the Local Government Act 1989 (Quarterly statements) states that:

“(1) At least every 3 months, the Chief Executive Officer must ensure that a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date is presented to the Council at a Council meeting which is open to the public.”

RECOMMENDATION

That Council receives and notes the Financial Performance Report July to November 2018 (Attachment [8.1.1]).

MOVED: Cr Argento

SECONDED: Cr Rich

THAT THE RECOMMENDATIONS IN AGENDA ITEMS 8.1, 8.2, AND 8.3 BE ADOPTED.

CARRIED UNANIMOUSLY

[Link to the next Agenda Item.](#)

REPORT

Council each year sets an Annual Budget within the framework of a 15 year Long Term Financial Plan. Guidance is provided by the Long Term Financial Strategies when developing annual and longer term budgets. The financial integrity of the budgeted financial statements in the annual and forward budgets can be assessed by reference to financial performance indicators.

Throughout the course of the financial year the actual financial performance is managed by:

- Comparing year-to-date actual financial performance with the year-to-date budgets;
- Monitoring the financial impact of changes made to budget projections on the forecast financial results at year end; and
- Monitoring the longer term financial ramifications against the originally adopted Long Term Financial Plan.

The financial performance indicators that were used to develop the annual and long term budgets are used to monitor projected financial outcomes at year-end as well as the longer term financial ramifications.

The Financial Performance Reports are intentionally prepared outside traditional quarterly cycles. The timelines better align with strategic events that occur throughout the financial year. This enables important financial updates to be provided to Council and the community in a timely manner.

The reporting timelines include:

- August Report - identifies financial implications of previous year's financial results as well the budget impact of funding projects carried forward that were not completed by 30 June;
- November Report - identifies financial implications of any changes made to operational or capital budgets prior to the commencement of the development of the annual budget for the following financial year;
- February Report - aligns with annual budget process; and
- May Report - provides Council with an anticipated financial outcome for year-end including identifying budgets being carried forward for projects that are not expected to be completed by 30 June.

At the end of the financial year, comprehensive financial statements and performance statements are produced, subject to external audit and included in the Annual Report.

Discussion

Financial Performance Report July to November 2018 (**Attachment [8.1.1]**) contains detailed reporting on:

- Executive Summary - This section provides a high level overview of Budget and Actual Operating performance and Capital Work expenditure;
- Financial Statements as at 30 November 2018 - This section lists the three major financial statements: Income Statement, Balance Sheet and Cash Flow Statement;
- Major Variation Explanations - Material variation comments between year-to-date actual results and year-to-date budgeted results. Major variations are selected based on being greater than \$20,000 and 5 per cent between the actual result and year-to-date budget at a Cost Centre level;
- Annual Year-to-Date Financial Analysis - This section analyses the implications of the year-to-date performance and the projected outcome for the financial year end; and
- Long Term Financial Plan analysis - This section benchmarks and strategically analyses the financial impact of the projected financial results for the year against the adopted Annual Budget, Long Term Financial Plan and the Long Term Financial Strategies key performance indicators.

RISKS

Transparency in reporting is a risk management control measure that allows the community and Council to view and assess the financial management of year to date results as well as the annual and longer term financial implications.

Council can not only assess year-to-date performance, but can also understand the annual and longer term financial implications.

STAFF DISCLOSURE

Nil

ATTACHMENTS

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

1. Financial Quarterly Report July - November 2018 **[8.1.1]**

REFERENCE DOCUMENTS

Council Policy

*Documents are available on Council's website: www.southgippsland.vic.gov.au
Annual Budget Incorporating 15 Year Long Term Financial Plan and Annual Plan
Initiatives*

Legislative Provisions

Local Government Act 1989

8.2. ASSEMBLY OF COUNCILLORS 22 OCTOBER TO 21 NOVEMBER 2018

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

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

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

RECOMMENDATION

That Council receives and notes this report.

NOTE: the recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 118.

REPORT

Meeting Title	Details
Wednesday 24 October 2018	
Ordinary Council Agenda Topics Discussion 24 October 2018	<p>Councillors Attending: Councillors Skinner, McEwen, Edwards, Brunt, Argento and Brown.</p> <p>Conflict of Interest: <i>Cr Argento</i> declared an indirect interest by close association in Agenda Confidential Item 14.1 a grant item discussed in the assembly. <i>Cr Edwards</i> left the Council Chamber with a declared direct interest in Agenda Item 7.1. NOTICE OF MOTION 722 - COUNCILLOR CODE OF CONDUCT - STATE AND FEDERAL GOVERNMENT CANDIDACY GUIDELINES as she is a Councillor and an endorsed candidate for the 2018 State election, which is the subject of this Notice of Motion.</p> <p>Matters Considered: Councillors considered and asked questions relating to Agenda items for the Ordinary Meeting 24 October 2018.</p>
Public Presentations Open Session	Nil Presentations booked by the community.
Annual Budget – End of Year Financials 2017/18 Open Session	<p>Councillors Attending: Councillors Skinner, McEwen, Edwards, Brunt, Argento and Brown.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors considered an overview of Annual Budget – End of Year Financials 2017/18.</p>

Meeting Title	Details
Wednesday 24 October 2018	
<p>Ordinary Council Agenda Topics Discussion 24 October 2018</p> <p><i>Continued...</i></p>	<p>Councillors Attending: Councillors Skinner, McEwen, Edwards, Brunt, Argento and Brown.</p> <p>Conflict of Interest: <i>Cr Edwards</i> left the Council Chamber with a declared direct interest in Agenda Item 7.1. NOTICE OF MOTION 722 - COUNCILLOR CODE OF CONDUCT - STATE AND FEDERAL GOVERNMENT CANDIDACY GUIDELINES as she is a Councillor and an endorsed candidate for the 2018 State election, which is the subject of this Notice of Motion.</p> <p>Matters Considered: Councillors considered and asked questions relating to Agenda items for the Ordinary Meeting 24 October 2018.</p>
<p>CEO Employment and Remuneration Committee</p>	<p>Councillors Attending: Councillors Skinner, Hill, McEwen, Edwards, Brunt, Argento, Brown and Rich.</p> <p>Conflict of Interest: Tim Tamlin, CEO left the Council Chambers with a direct interest as a meeting with the CEO Employment and Remuneration Committee relates to his employment and remuneration of the CEO employment contract.</p> <p>Matters Considered: Councillors considered the arrangements for the CEO Employment and Remuneration Committee.</p>
<p>Ordinary Council Agenda Topics Discussion 24 October 2018</p> <p><i>Continued...</i></p>	<p>Councillors Attending: Councillors Skinner, Hill, McEwen, Edwards, Brunt, Argento, Brown and Rich.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors considered and asked questions relating to Agenda items for the Ordinary Meeting 24 October 2018.</p>

Meeting Title	Details
Wednesday 31 October 2018	
Council Plan Review and Annual Initiatives	<p>Councillors Attending: Councillors Argento, Brown, Skinner, Rich, McEwen, and Hill. Councillor-elect Cousin also attended.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors continued the annual review of the 2017-21 Council Plan and development of 2019/20 Annual Initiatives.</p>
CEO Employment and Remuneration Committee	<p>Councillors Attending: Councillors Skinner, McEwen, Rich, Hill, Argento and Brown. Councillor-elect Cousin also attended.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors considered the CEO employment and remuneration performance and contractual arrangements.</p>
Rating Strategy 2019-2022	<p>Councillors Attending: Councillors Skinner, McEwen, Rich, Brunt, Hill, Argento and Brown. Councillor-elect Cousin also attended.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors continued the process of developing a Rating Strategy 2019-2022.</p>
Executive Update	<p>Councillors Attending: Councillors Skinner, McEwen, Rich, Brunt, Hill, Argento and Brown. Councillor-elect Cousin also attended.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Mirboo North Pool Redevelopment Project. • Transport Solutions for South Gippsland and Bass Coast.

Meeting Title	Details
Wednesday 31 October 2018	
District Cluster Forum held at Koonwarra	<p>Councillors Attending: Councillor McEwen</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: The Forum considered the question “Would District/ Cluster coordinating networks be a useful initiative for South Gippsland?”</p>
Wednesday 7 November 2018	
Executive Update	<p>Councillors Attending: Councillors Argento, Cousin, Rich, Skinner, McEwen, Brown and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Korumburra Supermarket Development update • VCAT matter • Mirboo North Quarry operations • West Gippsland Regional Library • Mirboo North Swimming Pool • Remembrance Day – Sunday 11 November 2018
Economic Development & Tourism Steering Briefing	<p>Councillors Attending: Councillors Argento, Cousin, Rich, Skinner, McEwen, Brown and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors considered the strategies and campaigns that make up South Gippsland Tourism Marketing.</p>

Meeting Title	Details
Wednesday 7 November 2018	
CEO Employment and Remuneration Committee Meeting	<p>Councillors Attending: Councillors Argento, Cousin, Rich, Hill, Skinner, McEwen, Brown and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors considered the CEO employment, remuneration, performance and contractual arrangements.</p>
Preparation for Statutory Special Meeting of Council on the 21 November 2018	<p>Councillors Attending: Councillors Argento, Cousin, Rich, Hill, Skinner, McEwen, Brown and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors considered sections of the Local Government Act 1989 and other supporting documentation with respect of the role, function and election of Mayor and Deputy.</p>
Planning Briefing	<p>Councillors Attending: Councillors Argento, Cousin, Rich, Hill, Skinner, McEwen, Brown and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Strategic Planning Projects • Planning applications of interest • Decisions for September 2018 • VCAT decisions • Planning Applications received 1 – 30 Sept 2018 • Farming Shed Building Permit exemptions

Meeting Title	Details
Wednesday 7 November 2018	
Investigation into the Impacts of Climate Change on Seawalls	<p>Councillors Attending: Councillors Argento, Cousin, Hill, Skinner, McEwen, Brown and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors considered a briefing from an external consultant grant-funded project to undertake a condition and risk assessment of existing seawalls and levees within the Municipality to determine the risk of failure and inundation as a result of an extreme event.</p>
Wednesday 7 November 2018	
Planning Briefing <i>Continued...</i>	<p>Councillors Attending: Councillors Argento, Cousin, Hill, Skinner, McEwen, Brown and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Refer above.
Leongatha Railway Station Site	<p>Councillors Attending: Councillors Argento, Cousin, Hill, Skinner, McEwen, Brown and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors considered an element of the Priority Project: Leongatha Railway Station site, being the appropriate infrastructure to allow for pedestrian 'connectivity' to the site from the Leongatha CBD.</p>
Grant Application – Leongatha Business Precinct Redevelopment Project	<p>Councillors Attending: Councillors Argento, Cousin, Hill, Skinner, McEwen, Brown and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors note the application for the Building Better Regions Fund – Infrastructure Projects Stream for the Leongatha Business Precinct Redevelopment project. This project as afore mentioned is a Council Priority Project 2018/19.</p>

Meeting Title	Details
Wednesday 14 November 2018	
Executive Update	<p>Councillors Attending: Councillors Argento, Cousin, Skinner, McEwen, Fawcett, Brown, Brunt and Rich.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Mirboo North Pool – project funding
Council Plan Review and Annual Initiatives	<p>Councillors Attending: Councillors Argento, Cousin, Skinner, McEwen, Fawcett, Brown, Brunt and Rich.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors continued the annual review of the 2017-21 Council Plan and development of 2019/20 Annual Initiatives.</p>
Rating Strategy 2019 - 2022	<p>Councillors Attending: Councillors Argento, Cousin, Skinner, McEwen, Fawcett, Brown, Brunt, Rich and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors continued the process of developing a Rating Strategy 2019-2022.</p>
Council Plan Review and Annual Initiatives <i>Continued...</i>	<p>Councillors Attending: Councillors Argento, Cousin, Skinner, McEwen, Fawcett, Brown, Brunt, Hill and Rich.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors continued the annual review of the 2017-21 Council Plan and development of 2019/20 Annual Initiatives.</p>
Wednesday 21 November 2018	
Implementation of Cat Curfew and Dog Leash Order – survey results	<p>Councillors Attending: Councillors Fawcett, Cousin, McEwen, Skinner, Brunt, Argento, Hill and Brown.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors considered the survey results and recommendations from the recent Cat Curfew and Dog Leash Order survey.</p>

Meeting Title	Details
Wednesday 21 November 2018	
Policy Framework Cluster Community Bodies	<p>Councillors Attending: Councillors Fawcett, Cousin, McEwen, Skinner, Brunt, Argento, Hill, Brown and Rich.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors considered the responses from members of the community who participated in a recent consultation to trial the establishment of clusters of small communities.</p>
CEO Employment and Remuneration Committee Meeting	<p>Councillors Attending: Councillors Fawcett, Cousin, McEwen, Skinner, Brunt, Argento, Hill, Brown and Rich.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors considered the CEO employment, remuneration, performance and contractual arrangements.</p>
Community Strengthening Activities – monthly update Open Session	<p>Councillors Attending: Councillors Fawcett, Cousin, McEwen, Skinner, Brunt, Argento, Hill, Brown and Rich.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Live Music in Small Halls program • Halls Network promotional and management support. This included a display of the Mirboo North Recreation Reserve website. This is an example of an initiative designed to support community hall viability.
Public Presentation Open Session	<p>Councillors Attending: Councillors Fawcett, Cousin, McEwen, Skinner, Brunt, Argento, Hill, Brown and Rich.</p> <p>Conflict of Interest: Nil disclosed.</p>
<p>A presentation was made to Council by the following community members: Joan Turner and Eunice Donovan, representing Council's Active Retirees Advisory Committee regarding recommendations for Council's consideration.</p> <p>John McCombe, local resident regarding Leongatha Railyard Yard Development Project and bringing back the rail.</p>	

Meeting Title	Details
Wednesday 21 November 2018	
Executive Update	<p>Councillors Attending: Councillors Fawcett, Cousin, McEwen, Skinner, Brunt, Argento, Hill, Brown and Rich.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Korumburra Supermarket Development
New Policy: Councillor Standing as a State or Federal Candidate	<p>Councillors Attending: Councillors Fawcett, Cousin, McEwen, Skinner, Brunt, Argento, Hill, Brown and Rich.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Council resolved to develop a new Policy that provides direction for Councillors standing in any State or Federal election. This Policy is proposed for adoption at Ordinary Meeting of Council 19 December 2018.</p>
Councillor Appointment to Committees 2018/19	<p>Councillors Attending: Councillors Fawcett, Cousin, McEwen, Skinner, Brunt, Argento, Hill, Brown and Rich.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors considered appointments to internal and external Committees for 2018/19, the appointments are proposed for adoption at Ordinary Meeting of Council 19 December 2018.</p>
Liaison dinner with South Gippsland Water Board	<p>Councillors Attending: Councillors Fawcett, Cousin, Skinner, Brunt, Argento, Hill, Brown and Rich.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors met for an annual liaison dinner held with the Board of South Gippsland Water.</p>

REFERENCE DOCUMENTS

Council Policy

Public Participation in Meetings with Council Policy (C65)

Legislative Provisions

Local Government Act 1989

8.3. DOCUMENTS SEALED AWARDED OR EXTENDED BY CEO 27 OCTOBER TO 16 NOVEMBER 2018

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

This document reports to Council the following actions undertaken by the Chief Executive Officer (CEO) which occurred during the period from 27 October to 16 November 2018, as required by the Council's Instrument of Delegation to the Chief Executive Officer and Procurement Policy:

- Documents sealed;
- Contracts awarded after a public tender process within the CEO's delegation and;
- Contracts varied or extended by the CEO which exceeded the CEO's delegation.

RECOMMENDATION

That Council receives and notes this report.

NOTE: the recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 118.

REPORT

Documents Sealed

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

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

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

In accordance with the Local Law and Instrument of Delegation, the following are presented to Council as documents sealed during the period from 27 October to 16 November 2018:

- 1 CON/188 – Supply and Install Guardrails – Various Locations.
- 2 CON/186 – Develop a Master Plan for the Korumburra Railway Station Site and the Design of the Community Hub

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

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

Council's Procurement Policy requires recording in the Council Minutes all contracts over the statutory threshold set out in the Act (\$150,000 inclusive of GST for goods and services and \$200,000 inclusive of GST for works) for a public tender which shows the contracts purpose, the successful tenderer, contract length and the total contract price.

Further, Council's Procurement Policy requires 'that Council will not disclose information about procurements below the statutory thresholds, however, to ensure compliance with Council's Procurement Policy, it will be noted in this report that a contract awarded below the statutory threshold has been entered into following a public tender.

The following contracts were awarded during the period 27 October to 16 November 2018 under the CEO's financial delegation of \$250,000 (inclusive of GST) following a public tender.

1. Nil

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

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

Further, Council's Procurement Policy requires 'that Council will not disclose information about procurements below the statutory thresholds, however, to ensure compliance with Council's Procurement Policy, it will be noted in this report that a contract awarded below the statutory threshold has been entered into following a public tender.

2. Nil

Contract variations approved by the CEO

Council's Procurement Policy authorises the CEO to approve any necessary variations to a contract which exceeds the CEO's delegation, to allow the proper fulfilment of the contract and to ensure delays to key projects are avoided, following consultation with the Mayor and subject to this variation being reported to the next practicable Council Meeting.

The following variations to a contract which exceeds the CEO's delegation, approved by the CEO during the period 27 October to 16 November 2018:

1. Nil

Contract extensions approved by the CEO

Council's Procurement Policy authorises the CEO to enter into any contract extensions subject to the satisfactory performance of the contractor and the extension being reported to Council for any contracts which in total exceeds the CEO's delegation.

The following contract extensions approved by the CEO during the period 27 October to 16 November 2018:

1. Nil

STAFF DISCLOSURE

Nil

REFERENCE DOCUMENTS

Council Policy

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

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

Procurement Policy, 28 June 2017

Instrument of Delegation to the Chief Executive Officer, 22 February 2017

Legislative Provisions

Local Government Act 1989, ss.5 and 186

8.4. INSTRUMENTS OF AUTHORISATION AND APPOINTMENT TO STAFF UNDER THE PLANNING AND ENVIRONMENT ACT 1987

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

This report recommends that Council adopts the attached Instrument of Appointment and Authorisation Council to Staff under the Planning and Environment Act 1987 (**Attachment [8.4.1]**).

RECOMMENDATION

That Council resolves that, in the exercise of the powers conferred by s.224 of the Local Government Act 1989 and the other legislation referred to in the attached Instrument of Appointment and Authorisation (Instrument of Appointment and Authorisation) Council to Staff under the Planning and Environment Act 1987 (Attachment [8.4.1]):

1. The member of Council staff referred to in the Instrument of Appointment and Authorisation be appointed and authorised as set out in the instrument;
2. The Instrument of Appointment and Authorisation comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it; and
3. The Instrument of Appointment and Authorisation be sealed.

Cr Argento moved a Motion that was different from the Recommendation.

MOVED: Cr Argento

SECONDED: Cr Brunt

THAT COUNCIL:

- 1. RESOLVES THAT, IN THE EXERCISE OF THE POWERS CONFERRED BY S.224 OF THE LOCAL GOVERNMENT ACT 1989 AND THE OTHER LEGISLATION REFERRED TO IN THE ATTACHED INSTRUMENT OF APPOINTMENT AND AUTHORISATION (INSTRUMENT OF APPOINTMENT AND AUTHORISATION) COUNCIL TO STAFF UNDER THE PLANNING AND ENVIRONMENT ACT 1987 (ATTACHMENT [8.4.1]):**
 - a. THE MEMBER OF COUNCIL STAFF REFERRED TO IN THE INSTRUMENT OF APPOINTMENT AND AUTHORISATION BE APPOINTED AND AUTHORISED AS SET OUT IN THE INSTRUMENT;**
 - b. THE INSTRUMENT OF APPOINTMENT AND AUTHORISATION COMES INTO FORCE IMMEDIATELY THE COMMON SEAL OF COUNCIL IS AFFIXED TO THE INSTRUMENT, AND REMAINS IN FORCE UNTIL COUNCIL DETERMINES TO VARY OR REVOKE IT; AND**
 - c. THE INSTRUMENT OF APPOINTMENT AND AUTHORISATION BE SEALED.**
- 2. REVOKES THE INSTRUMENTS OF APPOINTMENT AND AUTHORISATION UNDER THE PLANNING AND ENVIRONMENT ACT 1987 TO THE FOLLOWING STAFF:**
 - a. KRISTY CRAWFORD.**

CARRIED UNANIMOUSLY

REPORT

The effective functioning of local government is achieved by Council allocating formal delegations, authorisations and appointments, either to the Chief Executive Officer or direct to members of Council staff, which the Council is empowered to do by the Local Government Act 1989 and Planning and Environment Act 1987.

Over time powers in legislation change, as does Council's organisational structure and/or personnel. It is important to ensure that the Instruments of Appointment and Authorisation under the Planning and Environment Act 1989 are reviewed periodically to reflect these changes so that authorisations and appointments to staff are current. The staff nominated in the instruments all play an important role in the carrying out of the Planning and Environment Act 1987.

CONSULTATION

The attached Instrument of Appointment and Authorisation has been recommended following consultation with relevant Council staff, including Manager Planning.

RESOURCES

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

RISKS

The decision of a delegate (staff member) or appointed / authorised officer (staff member) is "deemed" to be a decision of Council, therefore correct delegations, appointments and authorisations are necessary.

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

STAFF DISCLOSURE

Nil

ATTACHMENTS

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

1. S11 A - Instrument of Appointment - Planning and Environment Act 1987
[8.4.1]

REFERENCE DOCUMENTS

Council Policy

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

Legislative Provisions

Local Government Act 1989

Planning and Environment Act 1987

9. COUNCILLOR REPORTS

9.1. REQUESTS FOR LEAVE OF ABSENCE

Cr McEwen addressed Council by informing them that he may be called up for jury service that may result in his absence from the February or March 2019 Ordinary Council Meeting.

9.2. COUNCILLOR UPDATES

Cr Fawcett

Cr Fawcett wished Councillors and the Community a merry Christmas.

Cr Brunt

Cr Brunt addressed Council by reporting on:

- Her delight with the Christmas decorations in Korumburra, it reflects a commitment to their town.
- Attendance at a bowls event opening.
- Wished Councillors and Community a happy Christmas and stay safe over the summer, there are many events to attend over the summer period.

Cr Cousin

Cr Cousin addressed Council by reporting on:

- Attendance at a Rates Meeting at Mirboo North, she relayed some comments around fairness and equity.
- Attendance at Leongatha Community House.
- Wished everyone a merry Christmas.

Cr Rich

Cr Rich addressed Council by wishing everyone a merry Christmas and other positive sentiments for the season.

Cr Rich highlighted that he thinks it will be a hot summer and cautioned the potential for fires.

Cr McEwen

Cr McEwen addressed Council by reporting on:

- Attendance at town community Christmas celebrations including: Arawata, Jumbunna, Meeniyana and Kongwak.
- Attendance at Heartland Opera Australia Concert in Meeniyana, it was a great success.
- Attendance at Meeniyana Art Gallery Soiree prior to the Heartland Opera Australia Concert.
- Comments around positive energies around the Shire.

Cr Skinner

Cr Skinner addressed Council by reporting on:

- Attendance at West Gippsland Regional Library Corporation meeting held at Coal Creek.
- Attendance at Coastal Agency Liaison Group meeting.
- Raising of the Flag Ceremony at Waratah Beach Life Saving Club.
- Importance of safety over the summer season.
- Mentioned the forth coming UNIFY gathering/event to be held at Tarwin Lower in January.
- Attendance at Municipal Association of Victoria (MAV) session for Mayors and their Deputy's.

Cr Brown

Cr Brown addressed Council by reporting on:

- Attendance at Rural Councils Victoria meeting and mentioned its advocacy plan for 2019.
- Wished everyone a merry Christmas and a happy new year.
- Wished the local business a good trading season.

Cr Argento

Cr Argento addressed Council by reporting on:

- Attendance at a mock council meeting with students of Welshpool and Toora Primary Schools. He was impressed with the matters debated and questions asked.
- Wished everyone a merry Christmas.
- Announced the opening of the Long Jetty this Friday 21 December 2018. There are still more works to be completed but it is open to the public to walk along.

Cr Hill

Cr Hill addressed Council by wishing everyone a happy Christmas and asked for that same sentiment to be extended to staff.

11. PUBLIC QUESTIONS

11.1. PETITIONS AND JOINT LETTERS

Petitions and Joint letters are written requests that have been signed by a number of community members. According to the Local Law No.3 2010 petitions may be presented to Council by a Councillor. A petition presented to the Council must lay on the table until the next Ordinary Meeting of Council and no motion, other than to receive the petition, may be accepted by the Chair unless the Council agrees to deal with it earlier.

The lead petitioner or person organising the petition may in presenting the petition to a Councillor at a Public Presentation session speak briefly to its contents. At the following Ordinary Meeting of Council, a Councillor would accept the petition and introduce it to Council for formal noting and actioning by Council.

The Councillor presenting the petition is responsible for ensuring that they are familiar with the contents and purpose of the petition and that it is not derogatory or defamatory.

Councillor Ray Argento presented a petition to Council (the prayer outlined below) on behalf of lead petitioner Tara Hollier, on behalf of the Toora Community Action Team. The petition contains approximately 128 signatures from residents across the East of South Gippsland Shire.

Toora Community Action Team together with Toora Lions Club are seeking your support-

Our goal is for Toora to officially become an RV friendly town and we need community assistance in petitioning South Gippsland Shire Council and South Gippsland Water Board to come to an agreement on permitting a public access location for a free town dump point.

This is the last requirement to being granted RV Friendly status and will go a long way to increasing tourism and economic sustainability for Toora and surrounding areas.

RECOMMENDATION

That Council:

1. Receive and note the petition; and
2. Consider the petition as a submission to the community consultation that Council endorsed in Agenda Item 2.3 DRAFT SOUTH GIPPSLAND RECREATIONAL VEHICLE (RV) AND CAMPING POSITION PAPER 2019-2023.

MOVED: Cr Argento

SECONDED: Cr Skinner

THAT COUNCIL:

- 1. RECEIVE AND NOTE THE PETITION; AND**
- 2. CONSIDER THE PETITION AS A SUBMISSION TO THE COMMUNITY CONSULTATION THAT COUNCIL ENDORSED IN AGENDA ITEM 2.3 DRAFT SOUTH GIPPSLAND RECREATIONAL VEHICLE (RV) AND CAMPING POSITION PAPER 2019-2023.**

CARRIED UNANIMOUSLY

9.3. COMMITTEE UPDATES

9.3.2. AUDIT COMMITTEE MEETING - 19 NOVEMBER 2018

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

The Audit Committee was held on 19 November 2018 and a copy of the Committee's report (**Attachment [9.3.2.1]** – Minutes – Audit Committee – 19 November 2018) is provided for Council's information and noting.

RECOMMENDATION

That Council notes the Audit Committee Minutes – 19 November 2018 (Attachment [3.2.1]).

MOVED: Cr Cousin

SECONDED: Cr Argento

THAT COUNCIL NOTES THE AUDIT COMMITTEE MINUTES – 19 NOVEMBER 2018 (ATTACHMENT [3.2.1]).

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

The Audit Committee is an advisory committee whose role is to oversee and monitor Council's audit processes, including internal control activities. As of 19 November 2018, the Committee comprised three independent community members, one of whom was the Committee Chair, and two Councillors (the Mayor, Councillor Lorraine Brunt and Councillor Ray Argento). The Committee is independent from management and does not have any executive powers, management function or delegated financial responsibility.

Some of the matters considered by the Audit Committee at the 19 November 2018 meeting (**Attachment [9.3.2.1]**) included:

- Internal Control System Report;
- Strategic Risk Committee Minutes dated 2 October 2018;
- Risk Management Framework and Policy Review;
- Quarterly Report from Director Development Services;
- Strategic Risk Register;
- Internal Audit Report;
- Events Management and Coal Creek Internal Audit Scope;
- 2019/20 Audit Projects;
- Regulatory Reports;
- Review of effectiveness of Secretariat Support;
- Recommendation of Committee Chair 2019; and
- Appointment of Independent Committee Membership – Mr Chis Badger from 1 December 2018.
- Audit Committee Plan 2018;
- Farewell and thanks to Independent Member, Dr Irvine at the conclusion of her second and final three year term on 30 November 2018; and
- Noted a report from the CEO on internal resourcing related to the Audit Committee function and assurance that the Council's Internal Control system remained effective.

The Committee also met in Committee to consider confidential matters.

CONSULTATION

The Audit Committee Report (**Attachment [3.2.1]**) has been reviewed by Coordinator Risk and Procurement, Manager Finance, Risk and Procurement, Director Corporate and Community Services and Audit Chair prior to distribution.

RESOURCES

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

RISKS

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

STAFF DISCLOSURE

Nil

ATTACHMENTS

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

1. Audit Committee Report (**Attachment [3.2.1]**)

REFERENCE DOCUMENTS

Council Policy

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

Council's Audit Committee Charter

Legislative Provisions

Local Government Act 1989

10. URGENT OR OTHER BUSINESS

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

1. Urgent Business

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

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

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

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

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

2. Other Business

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

Nil

11.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

All community member questions for Ordinary Council Meetings are to be written and submitted to the Council Business Team by close of business on the Friday preceding the meeting to allow time for a response to be prepared, where possible, for the Council Meeting.

Questions can also be submitted in hard copy format into the 'Public Question Box' within the first 15 minutes of an Ordinary Council Meeting.

Public Question Time in Ordinary Council Meetings is to be used for matters that are generally political in nature or that cannot be addressed by other means. This session should not be used for questions on routine works or operational matters, planning (application) matters or for repeating previously answered questions.

Source: Public Participation in Meetings with Council Policy (C65) – adopted 28 November 2018.

Nil

[Link to next Agenda Item.](#)

11.3. SUBMITTED PUBLIC QUESTIONS

All community member questions for Ordinary Council Meetings are to be written and submitted to the Council Business Team by close of business on the Friday preceding the meeting to allow time for a response to be prepared, where possible, for the Council Meeting.

Questions can also be submitted in hard copy format into the 'Public Question Box' within the first 15 minutes of an Ordinary Council Meeting.

Public Question Time in Ordinary Council Meetings is to be used for matters that are generally political in nature or that cannot be addressed by other means. This session should not be used for questions on routine works or operational matters, planning (application) matters or for repeating previously answered questions.

Source: Public Participation in Meetings with Council Policy (C65) – adopted 28 November 2018.

The Chief Executive Officer (CEO) addressed Council informing them that written questions had been received at Council from Gus Blaauw. Gus Blaauw read out his questions and the CEO provided responses.

Question 1

Why are the Categories that make up the total General Rates Income such as Residential, Commercial/Industrial, Farm, Rural Residential, Vacant Other, Cultural & Recreational not included in the 2017/18 Financial Report for the first time?

Response

South Gippsland Shire Council's financial report was prepared in accordance with the Local Government Model Financial Report (LGMFR). According to the Local Government Model Financial Report Better Practice Guide 2017-18, "consistent with the structure of financial statements at other levels of government, substantial changes have been made this year to the sequence and structure of the notes to the LGMFR ... These changes aim to streamline the LGMFR".

The disclosures relating to rates and charges in the Comprehensive Income Statement and Note 2.1 in the Financial Report are in accordance with the accounting standards and are consistent with those in the LGMFR, with the aim of streamlining and simplifying disclosures made. Further information, including the breakdown of rates into the rating categories, is provided in the Council Rating Strategy. Please refer to Page 11 of the Rating Strategy

2018/19 for a breakdown of General Rates. This information ties directly to the disclosures made within the Annual Financial Report.

Question 2

Who made this decision, Councillors or the CEO?

Response

The Annual Financial Report is formally reviewed and approved by Council, following extensive internal management review, Audit Committee review and external audit performed by the Victorian Auditor General's Office.

Question 3

Are all Councillors aware this important information is no longer provided as in previous years and is now excluded from the 2017/2018 Financial Report, Yes or No?

Response

Councillors have formally reviewed and approved the Annual Financial Report.

The Chief Executive Officer (CEO) addressed Council informing them that written questions had been received at Council from Paul Norton.

Question 1

Question 1 relates to a previously answered question. Mr Norton has asked the question again and has asked for hard copy. The questions relates to supplying details of his requirement to vacate the Council Chambers in 2016.

Response

A recent response to finalise this matter was provided to Mr Norton in October 2018, a copy of the letter is attached.

Question 2

How can Council claim that VACT [VCAT] is legally [legally] over Occupational Work and Safety for not only Council staff but also road user?

Response 2

It is unclear as to when "Council claim that VACT [VCAT] is legally [legally] over Occupational Work and Safety for not only Council staff but also road user" or what context this was allegedly provided in. VCAT has authority to rule on any matter set before it.

Question 3

"Why" use water from the Walkerville Basin [for road construction]?

Response 3

The response for question 2 and 3 is that the questions relate to a legal matter which is currently before Victorian Civil and Administrative Tribunal (VCAT) and therefore Council is not in a position to respond to these questions at this time.

Attachment - copy of letter

Our Ref: D8505618

31 October 2018

Mr Paul Norton
70 Norton Road
Leongatha South VIC 3953



Dear Mr Norton

RE: Letter to Mayor dated 24 October 2018

Thank you for your letter dated 24 October 2018 addressed to the Mayor, Cr Lorraine Brunt, she has asked me to respond on her behalf.

It is unfortunate that you believe that you wasted your time meeting with myself and Cr Argento on 4 October 2018. While you may have expected that the Mayor would attend the meeting she was in fact attending another Committee meeting at the same time. I appreciate that your time is precious; my time is precious too. If you think you wasted your time then the implication is that Ms Waddington, Cr Argento and I also wasted our time meeting with you. I find that thought very disappointing as I was – and remain – hopeful of a positive end to this impasse.

With regard to the remainder of your letter, I have queried the Mayor and she believes that the responses provided to your previous questions from minutes 26 September 2018 were adequate.

As requested, I enclose the combined notes to the meeting of 4 October 2018 that were taken by myself and Ms Waddington, including a copy of the minutes of 26 September 2018.

In reference to your questions to Council titled 'My Right as a Ratepayer' submitted to Council on 29 October 2018. You have submitted similar questions to Council previously, however, the Mayor has requested that I respond in this letter.

Mr Norton, you are referring to an incident that occurred nearly two years ago. Previous correspondence has advised you that I will no longer respond to you regarding this issue but after deliberating with the Mayor, we will make one final effort to acknowledge and address your concerns.

Question 1

Will or will not Council list the names of the Councillors who raised concerns?

To retain the privacy of those Councillors concerned, no the names will be provided to you.

9 Smith Street (Private Bag 4) Leongatha 3953 - DX 94026 Leongatha
Telephone: (03) 5662 9200 Facsimile: (03) 5662 3754
Email: council@southgippsland.vic.gov.au Website: www.southgippsland.vic.gov.au

Question 2

Will Mr Tamlin name the Police Officer he notified?

Stating again that this incident is almost two years old, I did not note the name of the officer to whom I hand delivered a copy of the letter dated 6 December 2016, addressed to you, prohibiting you from Council. I cannot explain why the officer you spoke with did not know about this letter.

I will consider this issue closed and will not respond any further to this query.

Question 3

Can and will council assure that Mr Tamlin did not breach my Human Rights, wellbeing and privacy?

On behalf of Council, I can assure you I took every action necessary in accordance with the *Occupational Health and Safety Act 2004* to protect my staff, the Councillors and yourself.

In reference to your comment you made regarding "to make a psyche assessment, a person has to have a degree as part of medical practice" I wish to bring to your attention at no time did I refer to your state of mind. I will remind you the reason you were prohibited from Council stated in my letter I sent you on 6 December 2016:

- *Council staff and Councillors have raised concerns about unacceptable behaviour on your part, including behaviour which has been intimidating and threatening towards them, particularly at a Public Presentation session on 30 November 2016.*

This is my final correspondence regarding all these points above. The matter is nearly two years old. I sincerely hope that we can put this incident behind us. You are a man with much knowledge and wisdom. Whilever you and I are stuck dealing with this issue from 2016 I feel that Council cannot fully benefit from what you could offer as an elder of this community.

On authority of the Mayor, the above questions will not be read at Council.

Yours sincerely



Tim Tamlin
Chief Executive Officer

cc: Cr Lorraine Brunt, Strzelecki Ward
Cr Aaron Brown, Strzelecki Ward
Cr Andrew McEwen, Strzelecki Ward
Cr Ray Argento, Coastal Promontory Ward

The Chief Executive Officer (CEO) addressed Council informing them that written questions had been received at Council from John McCombe. The CEO read out the question and provided a response.

Question 1

Which is the priority proposal, progressing the Rail Trail Extension, firstly to Korumburra and then to points West thereof – or is it to achieve the return of the Trains to Leongatha?

Response

Three of Council's priority projects – the rail trail west of Leongatha, the Leongatha revitalisation project and the Korumburra community hub – all rely on access to the Leongatha-to-Nyora railway corridor.

Council staff have been in regular contact with VicTrack and none of what Council is proposing will impede the return of trains if the Victorian Government decides to restore rail services to South Gippsland.

More information about Council's Great Southern Rail Trail Projects is available at:

http://www.southgippsland.vic.gov.au/homepage/223/great_southern_rail_trail_projects

12. CLOSED SESSION

Consideration of confidential matters under the Local Government Act 1989, section 89(2).

According to section 89 of the Local Government Act 1989, Council may consider items in closed session. There must be a resolution to move 'In-Committee' stating the reasons why the matter(s) need to be considered in this way. The reasons provided for within the Act are matters concerning personnel, personal hardship, industrial issues, contracts, proposed developments, legal advice or any other matter that Council considers would be prejudicial, to it or any other person.

Once 'In-Committee' discussions and debate have concluded, a further resolution to resume open Council is required.

RECOMMENDATION

That Council close the meeting to the public to allow for consideration of:

1. Closed ITEM 14.1 AUSTRALIA DAY AWARD RECIPIENTS a matter which the Council considers would prejudice the Council or others, pursuant to section 89(2)(h) of the Local Government Act 1989;
2. Closed ITEM 14.2 PERSONNEL MATTER - CEO EMPLOYMENT AND REMUNERATION COMMITTEE pursuant to section 89(2)(a) of the Local Government Act 1989;
3. Closed ITEM 14.3 PERSONNEL MATTER - APPOINTMENT CHAIRPERSON OF THE AUDIT COMMITTEE, pursuant to section 89(2)(a) of the Local Government Act 1989; and
4. Closed ITEM 14.4 CONTRACTUAL MATTER, pursuant to section 89(2)(d) of the Local Government Act 1989.

MOVED: Cr Argento

SECONDED: Cr Skinner

THAT COUNCIL CLOSE THE MEETING TO THE PUBLIC TO ALLOW FOR CONSIDERATION OF:

- 1. CLOSED ITEM 14.1 AUSTRALIA DAY AWARD RECIPIENTS A MATTER WHICH THE COUNCIL CONSIDERS WOULD PREJUDICE THE COUNCIL OR OTHERS, PURSUANT TO SECTION 89(2)(H) OF THE LOCAL GOVERNMENT ACT 1989;**
- 2. CLOSED ITEM 14.2 PERSONNEL MATTER - CEO EMPLOYMENT AND REMUNERATION COMMITTEE PURSUANT TO SECTION 89(2)(A) OF THE LOCAL GOVERNMENT ACT 1989;**
- 3. CLOSED ITEM 14.3 PERSONNEL MATTER - APPOINTMENT CHAIRPERSON OF THE AUDIT COMMITTEE, PURSUANT TO SECTION 89(2)(A) OF THE LOCAL GOVERNMENT ACT 1989; AND**
- 4. CLOSED ITEM 14.4 CONTRACTUAL MATTER, PURSUANT TO SECTION 89(2)(D) OF THE LOCAL GOVERNMENT ACT 1989.**

CARRIED UNANIMOUSLY

13. MEETING CLOSED

NEXT MEETING

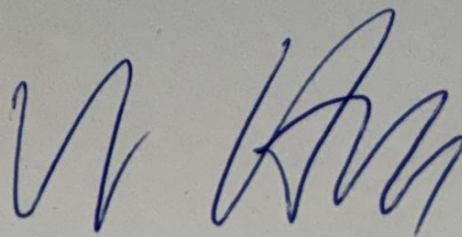
The next Ordinary Meeting of Council open to the public will be held on Wednesday, 27 February 2019 commencing at 2pm in the Council Chambers, Leongatha.

The Council Meeting closed at 4.37pm.

1. Closed ITEM 14.1 AUSTRALIA DAY AWARD RECIPIENT, pursuant to section 89(2)(b) of the Local Government Act 1989.
2. Closed ITEM 14.2 PERSONNEL MATTER - CEO EMPLOYMENT AND REMUNERATION COMMITTEE pursuant to section 89(2)(a) of the Local Government Act 1989.
3. Closed ITEM 14.3 PERSONNEL MATTER - APPOINTMENT CHAIRPERSON OF THE AUDIT COMMITTEE, pursuant to section 89(2)(a) of the Local Government Act 1989, and
4. Closed ITEM 14.4 CONTRACTUAL MATTER, pursuant to section 89(2)(b) of the Local Government Act 1989.

Confirmed this

27th day of February 2019.



Mayor, Councillor Don Hill