



South Gippsland
Shire Council

Come for the beauty, Stay for the lifestyle

COUNCIL AGENDA PAPERS

25 February 2015

**ORDINARY MEETING NO. 388
COUNCIL CHAMBER, LEONGATHA
COMMENCING AT 2PM**

MISSION

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

SOUTH GIPPSLAND SHIRE COUNCIL

**NOTICE IS HEREBY GIVEN THAT ORDINARY MEETING NO. 388
OF THE SOUTH GIPPSLAND SHIRE COUNCIL WILL BE HELD ON
25 FEBRUARY 2015 IN THE COUNCIL CHAMBER, LEONGATHA
COMMENCING AT 2PM**

INDEX

SECTION A - PRELIMINARY MATTERS	1
A.1 WELCOME	1
A.2 OPENING PRAYER.....	1
A.3 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS.....	1
A.4 APOLOGIES	1
A.5 CONFIRMATION OF MINUTES	1
A.6 REQUESTS FOR LEAVE OF ABSENCE	1
A.7 DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS..	2
A.8 DECLARATION OF CONFLICT OF INTEREST FOR STAFF	4
A.9 PETITIONS	5
A.10 COUNCILLOR REPORTS	6
SECTION B - NOTICES OF MOTION AND/OR RESCISSION	7
B.1 NOTICE OF MOTION NUMBER 675 – KORUMBURRA AGRICULTURAL AND PASTORAL SOCIETY INCORPORATED – FINANCIAL CONTRIBUTION TOWARDS OPERATING COSTS AND RESTORATION WORKS ON NEWLY ACQUIRED LAND	7
SECTION C - COMMITTEE REPORTS	11
SECTION D – PROCEDURAL REPORTS	12
D.1 QUARTERLY PERFORMANCE REPORT OCTOBER TO DECEMBER 2014.....	12
D.2 COUNCILLOR EXPENDITURE REPORT - 31 DECEMBER 2014.....	16
D.3 REPORT ON ASSEMBLY OF COUNCILLORS – NOVEMBER, DECEMBER 2014 AND JANUARY 2015.....	167
D.4 COUNCILLOR DISCRETIONARY FUND ALLOCATION REPORT.....	32
D.5 DOCUMENTS SEALED AND CONTRACTS AWARDED UNDER CHIEF EXECUTIVE OFFICER DELEGATION - DECEMBER 2014 AND JANUARY 2015	37

SECTION E - COUNCIL REPORTS.....	40
E.1 PRIORITY PROJECTS FOR ADVOCACY, FUNDING AND FOCUS 2015.....	40
E.2 PLANNING SCHEME AMENDMENT C99 BURRA FOODS BUFFER - ADOPTION OF AMENDMENT	47
E.3 COMPLIANCE AND ENFORCEMENT POLICY	83
E.4 2016 GENERAL VALUATION.....	93
E.5 INFORMATION PRIVACY POLICY	97
SECTION F - URGENT OR OTHER BUSINESS	105
SECTION G – GENERAL QUESTION TIME	106
G.1 QUESTION TIME.....	106
G.2 ANSWERS TO PREVIOUS QUESTIONS ON NOTICE.....	106
CLOSED SESSION	108
ITEM 1 AUDIT COMMITTEE DECEMBER 2014 MEETING AND APPOINTMENT OF INDEPENDENT AUDIT COMMITTEE MEMBER	108
ITEM 2 MATTER WHICH COUNCIL CONSIDERS WOULD PREJUDICE THE COUNCIL OR ANY PERSON.....	108
ITEM 3 2014/ 2015 COMMUNITY GRANTS ROUND 2 – EARLY ASSESSMENT OF APPLICATIONS.....	108
ITEM 4 CONTRACTUAL MATTER	108
ITEM 5 CONTRACTUAL MATTER	108
SECTION H - MEETING CLOSED.....	109

Tim Tamlin
Chief Executive Officer

SECTION A - PRELIMINARY MATTERS

A.1 WELCOME

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

A.2 OPENING PRAYER

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

Amen

A.3 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

A.4 APOLOGIES

A.5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 387, held on 17 December 2014 in the Council Chamber, Leongatha be confirmed.

A.6 REQUESTS FOR LEAVE OF ABSENCE

A.7 DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS

Any interest that a Councillor or staff member has deemed to be significant and has disclosed as either a direct or an indirect interest is now considered to be a conflict of interest. Conflict of interest legislation is in sections 77A, 77B, 78, 78A-D and 79 of the Local Government Act 1989. This legislation can be obtained by contacting the Council's Corporate Services Directorate (Governance Services) 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 the Organisational Development Department – Governance).
- 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 June 2011.

Type of Interest		Example of Circumstance
Direct Interest		Reasonably likely that your benefits, obligations, opportunities or circumstances will be directly altered. Reasonably likely to receive a direct benefit or loss measurable in money. Reasonably likely that your residential amenity will be directly affected.
Indirect Interest	Close Association	A member of your family has a direct interest or an indirect interest. A relative has a direct interest. A member of your household has a direct interest.
	Indirect financial Interest	Likely to receive a benefit or loss, measurable in money, resulting from a change to another person's interest. Holding shares in a company or body that has a direct interest (subject to threshold) When a person with a direct interest owes money to you.
	Conflict of Duty	Manager or member of the governing body of an organisation with a direct interest. Trustee for a person with a direct interest. Past dealings in relation to the matter as duty to another person or body.
	Applicable Gift	Gifts valued at \$500 in previous 5 years. Election donations valued at or above \$500 in previous 5 years. Gifts other than election campaign donations that were received more than 12 months before a person became a Councillor are exempt.
	Party to the Matter	Initiated or became party to civil proceedings in relation to the matter.

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. Further information or a copy of the policy or can be obtained by contacting Council's Organisational Development Department (Governance).

A.8 DECLARATION OF CONFLICT OF INTEREST FOR STAFF

Sections 80B and 80C of the Local Government Act 1989 require members of Council staff who have delegated functions and /or provide advice to Council or a Special Committee to disclose conflicts of interest. If Council staff have written, provided information/advice or approved a Council Report and have a conflict of interest it is the responsibility of that staff member to disclose the interest. Guidance to identifying and disclosing a conflict of interest is contained in Department of Planning and Community Development in '*Conflict of Interest A Guide for Council staff*', October 2011.

A.9 PETITIONS

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 the 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 the Council Meeting speak briefly to its contents. At the same meeting 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.

Council was notified of a forthcoming petition (the prayer is outlined below), from the residents and visitors to Sandy Point and Waratah Bay, the petition is anticipated to be tabled at the Council Meeting conducted on 25 February 2015.

“We, the Residents of and Visitors to Sandy Point and Waratah Bay, request the inclusion of the Waratah to Sandy Point (WASP) Off-road, Shared Trail in the South Gippsland Shire Council's Paths & Trails Strategy 2010 (or its updated version in 2015) and that the South Gippsland Shire Council works with the Sandy Point Community Group Inc. to help identify and secure funding opportunities from both within council's own Capital Works Budget and external funding sources including grants, to expedite this trail's construction at the earliest possible opportunity.”

RECOMMENDATION

That Council:

1. Receive and note the petition; and,
2. The petition lay on the table until the Council Meeting of March to enable officers to prepare a report to Council.

A.10 COUNCILLOR REPORTS

SECTION B - NOTICES OF MOTION AND/OR RESCISSION

B.1 NOTICE OF MOTION NUMBER 675 – KORUMBURRA AGRICULTURAL AND PASTORAL SOCIETY INCORPORATED – FINANCIAL CONTRIBUTION TOWARDS OPERATING COSTS AND RESTORATION WORKS ON NEWLY ACQUIRED LAND

PURPOSE

The purpose of this Notice of Motion is to recommend that Council contribute \$50,000 to the Korumburra Agricultural and Pastoral Society Incorporated (the A&P Society) to be used for the purposes of the A&P Society's ongoing operational costs and the restoration and development of 1.3 acres of newly acquired land adjoining the Korumburra Showgrounds. This land was acquired for the purposes of providing a secure place for cars, floats and horses in a manner which the A&P Society indicates is consistent with objectives of the Korumburra Showgrounds Master Plan (August 2011).

Since its inception 120 years ago, the A&P Society has managed the Korumburra Showgrounds, which is held in trust for the people of Korumburra and owned by the A&P Show Society. At the Showgrounds the A&P Society manage regular community activities including equestrian events, host the Korumburra Bena Netball / Football Club, swap meets, the Dairy Expo, the Korumburra Show, Sheep Dog Trials and Caravaners Forums.

In September 2014 the land encompassing the former Korumburra Saleyards site was advertised for public auction on 30 October 2014. On 15 October 2014, the A&P Society presented to Council at the Public Presentation session, requesting financial support for purchasing one of the blocks of land.

On 30 October 2014, the A&P Society successfully purchased the block of land at Auction for \$134,800 (including GST and Stamp Duty). The A&P Society has paid a \$12,000 non - refundable deposit, with a settlement date of 30 January 2015. The land was purchased for the purpose of providing a secure place for cars, floats and horses in a manner which the A&P Society indicates is consistent with objectives of the Korumburra Showgrounds Master Plan (August 2011).

On the 10 December 2014, the A&P Society again made a public presentation to Council and formally submitted in writing a proposal for Council to provide financial assistance to the A&P Society to enable the purchase of the block of land (**Attachment 1**). In this formal submission the background and justification for the purchase was outlined including the A&P Society's proposal for financing the purchase of the land. The proposal indicated that 75% of the purchase would be funded by the A&P Society (\$40,000) and pledges through debentures (\$60,000) leaving a funding shortfall of \$34,800 which the A&P Society had requested Council to contribute. The A&P Society indicated that the requested financial contribution is important to the longer term financial viability of the Society,

considering the interest payment payments on debentures and the repayment of debentures which would be required within a 5 - 10 year period.


Whilst Council did not provide a contribution towards the purchase of the land, it is deemed suitable that Council consider providing a contribution towards the A&P Society's ongoing operational costs and the restoration and development of the newly acquired land to ensure the longer term financial viability of the Society and that the land is restored and utilised as anticipated.

MOTION

I, Councillor Lorraine Brunt advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on 25 February 2015.

'That Council contribute \$50,000 to the Korumburra Agricultural and Pastoral Society Incorporated for the purposes of meeting ongoing operational costs and the restoration and development of 1.3 acres of newly acquired land.'

Attachment 1



*Korumburra Agricultural and
Pastoral Society Incorporated*
P.O. Box 22, Korumburra 3950 Show Office: 3655 2648 A.B.N. 89512589663

Councillors
South Gippsland Shire Council
9 Smith Street
LEONGATHA

Dear Councillors,

Proposal for financial assistance for the Korumburra and District A&P Show Society Inc.

[REDACTED]

Background of the Korumburra & District A&P Show Society

The A&P Show Society, since its inception 120 years ago, has provided countless hours of volunteering commitment to the health and wellbeing of the South Gippsland community and has added significant economic and tourism value to the Shire. Not only does the A&P Society manage regular equestrian events but it hosts the Korumburra Bena Netball/Football Club, the very well attended Swap Meets, the Dairy Expo, the Korumburra Show, Sheep Dog Trials and Caravaners' Forums, all of which generate economic benefit for Korumburra and the South Gippsland Shire.

In addition, The A&P Show Society has a history of partnering with Council in infrastructure projects, a specific example being the \$25,000 contribution the Show Society made to the building of the Korumburra public toilets in 2002 so that Council could leverage 3:1 grant funding for the capital works project

The Opportunity for a Strategic Land Purchase

The A&P Show Society has had a long standing strategic interest in acquiring land abutting its boundaries. The Showgrounds Master Plan, developed in 2011, clearly articulates (page 22) the need to secure a place for cars, floats and horses.

Prior to the sale of the Korumburra Saleyards site in early 2000 we had asked Council for the adjoining land to be secured for future expansion of the Showgrounds and Recreation Reserve. Regrettably our request was not accommodated at that time.

When the A&P Show Society executive became aware of the upcoming auction of the Rossi land we made a considered decision to put forward a formal pre-auction offer of \$80,000, which was rejected. [REDACTED] the A&P Show Society Committee also made a public presentation to the Council on 15 October 2014, (2 weeks before

the auction) highlighting the strategic opportunity that the land purchase provided and sought Council's support. On 30 October 2014, the day of the auction, a vendor bid forced the price to \$120,000. If the Show Society had walked away from the purchase we would have lost a "one-off" opportunity to future proof our grounds. If we had not been successful with our bid, the block of land would have been sold as part of a larger block that was auctioned later that day.

Financing the purchase price for the land.

The total cost for the block of land is \$134,800 comprising \$120,000 purchase price, \$12,000 GST and \$2,800 Stamp Duty. The A&P Show Society has paid a \$12,000 non-refundable deposit, with a settlement date of 30 January 2015.



Conclusion

The purchase of the land is a unique and strategic opportunity and will only add value to what is already a significant community asset in the South Gippsland Shire. The additional land will help the A&P Show Society meet its duty of care regarding traffic management for major events held at the Showgrounds. Its primary purpose will be for car parking which will eliminate the need for parking on the South Gippsland Highway. The land will also be used as an additional show jumping ring which will add value to events and reduce the negative impact that show jumping horses are having on the recreation oval.

This land purchase will not only meet the immediate needs of the Korumburra & District A&P Show Society but it will provide a legacy for future generations and increase Korumburra's capacity to hold regional events – all of which will provide tourism and economic benefit for the Shire.

Thank you for your consideration of our proposal.

Yours sincerely,

Bruce Holman
Treasurer

SECTION C - COMMITTEE REPORTS

Nil

SECTION D – PROCEDURAL REPORTS

D.1 QUARTERLY PERFORMANCE REPORT OCTOBER TO DECEMBER 2014

Corporate Services Directorate

EXECUTIVE SUMMARY

The organisational Quarterly Performance Report for the period October to December 2014 provides detailed reporting on Council's performance against the 2014-2015 Annual Plan and Department Budgets.

The report's Executive Overview provides a high level summary across the organisation, while the Directorate Overviews delve deeper into the key highlights, issues, updates and events that have occurred during this reporting period.

This report does not capture every achievement during the quarter. However, it focuses on key achievements that contribute to the delivery of the corporate priorities.

The organisational Quarterly Performance Report October to December 2014 is provided in **Appendix 1**.

Document/s pertaining to this Council Report

- **Appendix 1** - Quarterly Performance Report October to December 2014

A copy of **Appendix 1 - Quarterly Performance Report October to December 2014** is available on Council's website: www.southgippsland.vic.gov.au or by contacting 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989, Sections 125, 127 and 223

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

2014-2015 Annual Budget incorporating 15 year Long Term Financial Plan and Key Strategic Activities.

COUNCIL PLAN

Outcome:	4.0	A Leading Organisation
Objective:	4.2	Pursue best practice in organisational development and operation of the organisation.
Strategy:	4.2.4	We will create an environment for people to be their best, to optimise the performance of the organisation and to deliver quality outcomes for the community.

CONSULTATION

Each Department across the organisation has contributed to the report; providing highlights, outcomes and updates for the reporting period.

The community was consulted during the preparation of the 2014-2015 Annual Budget.

REPORT

Background

The 2014-2015 Annual Budget (inclusive of the Annual Plan) was adopted by Council on 25 June 2014. It sets the indicators and initiatives/activities which are reported within the Quarterly Performance Report to Council (**Appendix 1**).

Discussion

The report provides Directorate overviews outlining key highlights, issues, updates and events that have occurred during this reporting period. Where possible, comparisons are made and reflected in graphs.

A number of significant highlights during the October to December 2014 period include:

COMMUNITY SERVICES

- Council was successful with an application for a State Government grant for \$100,000 to establish a regional level skate park in Leongatha. Minister Peter Ryan announced this grant at the existing Skate bowl in Leongatha on 21 November, with 20 excited young skaters, who have been instrumental in developing this proposal also in attendance.
- A Smart, Safe, Summer Driver forum to encourage young people to think about risks when driving and create solutions was held at Mirboo North in November. Over 80 young people and their parents participated. Council partnered with the Mirboo North and District Community Foundation, Victoria Police and VicRoads to provide this innovative forum. A follow up session will be held in February 2015.
- Child Care Services in Mirboo North and the Corner Inlet have both operated as financially viable services in 2014 with strong community involvement and Council support.
- More than 1000 South Gippsland secondary students have been immunised against Chicken Pox, Diphtheria, Tetanus, Pertussis (Whooping Cough) and Human Papillomavirus (HPV).

- Implementation of public place recycling and an upgrade of litter bin infrastructure in Korumburra. 20 double litter/recycling bin enclosures installed in Korumburra CBD, Coal Creek car park and Coleman Park.
- Completed Roadside Weed Survey of 19 Shire Roadsides and commenced Roadside Weed Spraying using in-house team with dedicated spray unit and a contractor to spray some high infestation roadsides.

DEVELOPMENT SERVICES

- Marketing Plan and branding developed for Great Southern Rail Trail.
- Upgraded facilities at Agnes Falls Scenic Reserve officially opened including new rotunda and toilet block.
- Coal Creek Strategic Partnerships Program grant approved for \$55,000 over next three years to deliver Professional development for local historical and educational institutions and the continuation of the Young Ambassadors History project.
- Value of approved building work for the quarter was \$20.2 million, up 58% compared to the same quarter in 2013. Residential construction was \$16.3 million which is up 33% compared to the corresponding quarter in 2013. Significant projects included a \$1.8 million storage building and office in Leongatha.

ENGINEERING SERVICES

- Completed the Toora to Welshpool section of the Great Southern Rail Trail.
- Completed footpaths at Station St, Foster and Drouin Rd, Poowong.
- Tenders awarded for the Great Southern Rail Trail Black Spur Bridges and Trail construction; Allambee Estate bridge; Gray St, Leongatha reconstruction; Victory Ave, Foster; Footpath, Kerb & Channel and Sealed Road Condition Inspections and the Level 2 Bridge, Major Culvert and Cattle Underpass Condition Inspection.
- Finalised the transfer and variation of lease from the Korumburra Kindergarten Inc to Karmai Community Children's Centre Inc.

CORPORATE SERVICES

- OurSay Community Engagement for the Council Budget 2015-2016 commenced. Over 760 participants registered with 98 ideas submitted. Two community workshops were also held in November with 52 participants attending.
- Community Grants Round 1 2014 / 2015 awarded.
- Long Term Financial Strategies adopted by Council.

FINANCIAL CONSIDERATIONS

Activities within the Council 2014-2015 Annual Plan are funded through the 2014-2015 Annual Budget.

RISK FACTORS

The Quarterly Performance Report mitigates the risk of Annual Plan and Capital Works activities not being managed, as every Department is required to monitor and report on the progress of their respective responsibilities on a regular basis. It also provides Council and the community increased transparency in monitoring Council's performance in the achievement of its corporate objectives and adopted plans throughout the financial year.

CONCLUSION

It is recommended that Council receive and note the Organisational Quarterly Performance Report October to December 2014 in **Appendix 1**. The Report provides an overview of Council's performance against both Department Budgets and the Annual Plan for the period October to December 2014.

RECOMMENDATION

That Council receive and note the Organisational Quarterly Performance Report (Appendix 1) for the period October to December 2014.

STAFF DISCLOSURE OF INTEREST

Nil

D.2 COUNCILLOR EXPENDITURE REPORT - 31 DECEMBER 2014

Corporate Services Directorate

EXECUTIVE SUMMARY

The Councillor Expenditure Report (**Attachment 1**) provides Council with a quarterly update on Councillor Expenditure from 1 July 2014 to 31 December 2014, as resolved in 2003.

Document pertaining to this Council Report

- **Attachment 1** - Councillor Expenditure

LEGISLATIVE/ ACTION PLANS/ STRATEGIES/ POLICIES

- Local Government Act - Section 75 Reimbursement of expenses of Councillors
- Councillor Support and Expenditure Policy

COUNCIL PLAN

Outcome:	4.0	A Leading Organisation
Objective:	4.2	Pursue best practice in organisational development and operations of the organisation
Strategy:	4.2.3	We will make informed decisions and provide opportunities for the community to participate in the decision making process.

REPORT

Background

The Councillor Expenditure Report (**Attachment 1**) provides Council with an update on Councillor expenditure from 1 July 2014 to 31 December 2014.

Councillor expenditure is reported on a cash basis, and no adjustments are made for 'pre-paid expenditure' except at financial year end.

FINANCIAL CONSIDERATIONS

Overall expenditure is in line with budget.

RISK FACTORS

Transparency in reporting is a risk management control measure that allows the community and Council to view the financial management and expenditure of Councillors.

RECOMMENDATION

That Council receive and note the Councillor Expenditure Report for the period 1 July 2014 to 31 December 2014.

STAFF DISCLOSURE OF INTEREST

Nil

**Attachment 1
Councillor Expenditure report 1 July 2014 to 31 December 2014**

Councillor Expenditure From 1 July 2014 to 31 December 2014		Councillor Expenditure							Total
		Travel Expenditure	Other Expenditure						
Councillor	Car	Councillor Car Operating Cost *	Other travel reimbursements **	Mobile Phone	Phone/Fax/ Modem	Training & Professional Development ***	Councillor Allowance	Remoteness Allowance	Total
Cr. Robert Newton	Council	\$ 3,913	\$ -	\$ 174	\$ -	\$ 41	\$ 14,503	\$ -	\$ 18,631
Cr. Lorraine Brunt	Council	\$ 4,496	\$ -	\$ 535	\$ -	\$ 124	\$ 14,503	\$ -	\$ 19,658
Cr. Andrew McEwen	Personal	\$ -	\$ 3,610	\$ 354	\$ -	\$ 818	\$ 14,503	\$ -	\$ 19,285
Cr. Kieran Kennedy	Council	\$ 5,119	\$ -	\$ 366	\$ -	\$ 2,590	\$ 14,503	\$ -	\$ 22,578
Cr. Mohya Davies	Council	\$ 3,929	\$ -	\$ 369	\$ -	\$ 450	\$ 14,503	\$ -	\$ 19,251
Cr. Jeanette Harding	Council	\$ 3,929	\$ -	\$ 299	\$ -	\$ 1,977	\$ 26,632	\$ 440	\$ 33,277
Cr. Nigel Hutchinson Brooks	Council	\$ 4,276	\$ -	\$ 280	\$ -	\$ 230	\$ 14,503	\$ -	\$ 19,289
Cr. Don Hill	Personal	\$ -	\$ 2,401	\$ 200	\$ 482	\$ -	\$ 14,503	\$ -	\$ 17,586
Cr. James Fawcett	Personal	\$ -	\$ -	\$ 227	\$ -	\$ 527	\$ 32,746	\$ -	\$ 33,500
Total Actual (Year to date December 2014)		\$ 25,662	\$ 6,011	\$ 2,804	\$ 482	\$ 6,757	\$ 160,899	\$ 440	\$ 203,055
Total Budget (Year to date December 2014)		\$ 26,550	\$ 6,000	\$ 3,534	\$ 3,066	\$ 3,584	\$ 143,248	\$ 246	\$ 186,228
Variance		\$ 888	\$ 11	\$ 730	\$ 2,584	\$ 3,173	\$ 17,651	\$ 194	\$ 16,827
* Notes to Councillor Car Operating Costs:									
-Car operating costs are for the 6 months period ended 31 December 2014;									
-Car Depreciation is based on 2 years useful life;									
-Depreciation is net of estimated sale value of car at the end of two years;									
-Car Insurance cost is based on average unit cost premium; and									
-Notional interest is calculated @ 3.5% per annum on Capital cost of car.									
** Travelling expenditure for Councillors using private vehicles is at the prescribed rate of reimbursement . Reimbursements also include actual public transport costs.									
*** Training & professional development includes accommodation, conference and parking expenses.									

D.3 REPORT ON ASSEMBLY OF COUNCILLORS – NOVEMBER, DECEMBER 2014 AND JANUARY 2015

Corporate 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 on 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 in November 2014, December 2014 and January 2015.

Copies of responses to written questions presented and asked, that were not answered at the meetings, will be either provided as an attachment to this report or to a subsequent Council Meeting, as is practicable, to enable the development of a proper and informed response.

Document/s pertaining to this Council Report

Nil

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989, Section 3D and Section 80A

COUNCIL PLAN

Outcome:	4.0	A Leading Organisation
Objective:	4.2	Pursue best practice in organisational development and operations of the organisation.
Strategy:	4.2.2	We will monitor corporate governance processes, including risk management and skills development with the aim of ongoing improvement.

REPORT

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Thursday 20 November 2014		
Municipal Fire Management Planning Committee (MFMPC)	Councillors Attending: Cr Hutchinson-Brooks. Conflict of Interest: Nil disclosed.	Topics Discussed: <ul style="list-style-type: none">• Future FARSS Projects• Incident Controller Information for Evacuations update• MERI Framework (Monitoring Evaluations Reporting and Improvement Framework)• Fire Ready Victoria Meeting for absentee landholders– Bayswater 12 November 2014• Changed DEPI district arrangements / boundaries• Community Information Guide Mirboo North• EMV – Regional Workshops on EM – COP and Code Red Days

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Thursday 20 November 2014		
Municipal Emergency Management Planning Committee (MEMPC)	<p>Councillors Attending: Cr Hutchinson-Brooks.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Changes to EMV - Part 3: Emergency Management Team Arrangements for all emergencies October 2014 • Establishment of Working Group - Review Recovery Plan (to align with changes made to EMV • Training Exercise – Business Resilience • Update - Project - Emergency Response and Recovery Coordination Appointment of Project Manager • Fire Ready Victoria Meeting - 12 November in Bayswater – for absentee landholders • Review of MEMPC and Working Group Terms of Reference • Final Tarwin Valley Local Flood Guide
Tuesday 25 November 2014		
‘Our Say’ Community Workshops	<p>Councillors Attending: Crs Harding, Hutchinson - Brooks, McEwen, Hill, Brunt, Kennedy and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • ‘Our Say’ Online Engagement • Council Budget Priorities 2015/16

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 3 December 2014		
Financial Sustainability Steering Committee	<p>Councillors Attending: Crs Hill, Harding, Brunt, Davies, Fawcett, McEwen, Newton, Hutchinson - Brooks and Kennedy.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Presentation by Cr McEwen • First cut draft 2015-2016 Budget presented, including new initiatives and capital works • Top 10 community priorities identified through community engagement 'Our Say', on 25 November 2014 at Meeniyah Hall
Council Timetable for December 2014 – Jan/Feb 2015	<p>Councillors Attending: Crs Harding, Fawcett, Newton, Hutchinson - Brooks, Hill, McEwen, Davies, Brunt and Kennedy.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information on the Council Timetable for December 2014 – Jan/Feb 2015.</p>
Executive Update	<p>Councillors Attending: Crs Harding, Fawcett, Newton, Hutchinson-Brooks, Hill, McEwen, Davies, Brunt and Kennedy.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Korumburra A & P Society • 2015 Community Satisfaction Survey Requirements • Agenda Topic Discussion • WGCMA Board Morning Tea - Friday 19 December

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 3 December 2014		
Planning Committee	<p>Councillors Attending: Crs Fawcett, McEwen, Brunt, Newton, Harding, Hutchinson-Brooks, Davies, Hill and Kennedy.</p> <p>Conflict of Interest: Cr Nigel Hutchinson-Brooks left the room with a declared Conflict of Interest with respect to the Koonwarra Commercial Precinct. Cr James Fawcett left the room with a declared conflict of interest with respect of a South Gippsland Water matter that was discussed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • VCAT Decisions October 2014 • Statutory Planning Applications of Significance • Strategic Planning & Development Projects • Korumburra Town Centre Upgrade • Streetscape Masterplan • Planning Scheme Review
Economic Development and Tourism Steering Committee	<p>Councillors Attending: Crs Hutchinson - Brooks, Harding, Kennedy, Davies, Hill and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Economic Development & Tourism Strategy • Alternative Technology Strategies in the Tourism Sector

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 10 December 2014		
Financial Sustainability Steering Committee	<p>Councillors Attending: Crs Hill, Harding, Brunt, Davies, Kennedy, Fawcett, McEwen, Newton and Hutchinson - Brooks.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Aquatic Strategy review
Foster Pool Management	<p>Councillors Attending: Crs Davies, Hill, McEwen, Hutchinson - Brooks, Harding, Newton, Brunt, Kennedy and Fawcett.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information on the development of an options paper for the future management of the Foster Pool.</p>
Community Direction Statement	<p>Councillors Attending: Crs Davies, Hill, McEwen, Hutchinson - Brooks, Harding, Newton, Brunt, Kennedy and Fawcett.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information recommending support of community led projects identified through the Community directions process with funds from Council's Community Infrastructure fund and Community Grants allocations during the period 2015/16 and 2016/17.</p>
Seasonal Impacts on Coastal Towns	<p>Councillors Attending: Crs Davies, Hill, McEwen, Hutchinson - Brooks, Harding, Newton, Brunt, Kennedy and Fawcett.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information on details relating to a study and report on Seasonal Population Impacts on Coastal Towns in South Gippsland, including the aims of the study, the project outline and methodology including the</p>

communication plan.		
Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 10 December 2014		
Priority Projects 2015	<p>Councillors Attending: Crs Davies, Hill, McEwen, Hutchinson - Brooks, Harding, Newton, Brunt, Kennedy and Fawcett.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors commenced discussion on Priority Projects for the year ahead.</p>
Korumburra Agricultural and Pastoral Society	<p>Councillors Attending: Crs Davies, Hill, McEwen, Hutchinson - Brooks, Harding, Newton, Brunt, Kennedy and Fawcett.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information on the Committee's recent purchase of land at the Korumburra Show Grounds for use as a car park.</p>
Executive Update	<p>Councillors Attending: Crs Davies, Hill, McEwen, Hutchinson - Brooks, Harding, Newton, Brunt, Kennedy and Fawcett.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Council Catering Contract • Community Consultation and Council Budget

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 10 December 2014		
<p>Public Presentations</p> <p>OPEN DAY SESSION</p>	<p>Councillors Attending: Crs Harding, Fawcett, Newton, Hutchinson - Brooks, Hill, McEwen, Davies, Brunt and Kennedy.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Presentations were made to Council by the following community members: Mr Norm Geary regarding Rating Differentials.</p> <p>Mrs Vivienne Jones and Mr Don Boswrck, regarding Council Agenda Item E.2 PLANNING APPLICATION 2013/249 - USE AND DEVELOPMENT OF A DWELLING, USE OF THE LAND FOR A RURAL INDUSTRY AND DEVELOPMENT OF A SHED - 20 LYREBIRD LANE WOORARRA WEST.</p> <p>Mr Paul Norton regarding Leongatha Heavy Vehicle by-pass.</p>	
<p>Executive Update</p>	<p>Councillors Attending: Crs Fawcett, McEwen, Brunt, Harding, Hutchinson - Brooks, Davies, Hill and Kennedy.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • National Stronger Regions Fund • AusCamp
<p>Public Presentations</p> <p>OPEN EVENING SESSION</p>	<p>Councillors Attending: Crs Harding, Fawcett, Newton, Hutchinson-Brooks, Hill, McEwen, Davies, Brunt and Kennedy.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Presentations were made to Council by the following community members: Mr Jeff Clark, regarding Council Agenda Item E.3 PLANNING PERMIT APPLICATION 2014/188 - 390 FOLEY ROAD YANAKIE - VEGETATION REMOVAL.</p>	

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Friday 12 December 2014		
Access & Inclusion Advisory Committee	Councillors Attending: Cr Newton. Conflict of Interest: Nil disclosed.	Topics Discussed: <ul style="list-style-type: none">• Report on Social Inclusion Week & International Day of Person with Disability Events• Launch of Tradies and Renovators Guide to Good Access• Update on Tactile Surface Indicators, disability parking and pedestrian safety in Leongatha & Korumburra• Recommendation for Person with Disability Achievement Award
Wednesday 17 December 2014		
Ordinary Council Agenda Topics Discussion 17 December 2014	Councillors Attending: Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson - Brooks and McEwen. Conflict of Interest: Nil disclosed.	Topics Discussed: <ul style="list-style-type: none">• Ordinary Council Meeting Agenda Topics 17 December 2014

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 17 December 2014		
Public Presentation Session	Councillors Attending: Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson - Brooks, McEwen and Davies.	Presentations were made to Council by the following community members:
OPEN DAY SESSION	Conflict of Interest: Nil disclosed.	
Presentations were made to Council by the following community members:		
Mr Keith Tomkin representing the Loch Memorial Reserve Committee regarding the Loch Memorial Reserve Master Plan.		
Mr Clint Newcombe representing the Poowong Sports Centre Committee regarding the Poowong Sports Centre Feasibility Study.		
Ms Jannine Bullock and Bev Shandley representing the South Gippsland Equestrian Centre Working Party regarding an Equestrian Centre in the Shire.		
Mr Joe Price representing the Annual Site Holders Yanakie Caravan Park regarding Council Agenda Item E.3 PLANNING PERMIT APPLICATION 2014/188 - 390 FOLEY ROAD YANAKIE - VEGETATION REMOVAL.		
Mr Matthew Croome representing Bald Hills Wind Farm regarding Bald Hills Wind Farm Update.		
Mr Robert Jones representing Foster North Landcare Group regarding Council Agenda Item E.2 PLANNING APPLICATION 2013/249 - USE AND DEVELOPMENT OF A DWELLING, USE OF THE LAND FOR A RURAL INDUSTRY AND DEVELOPMENT OF A SHED - 20 LYREBIRD LANE WOORARRA WEST.		
Mrs Renata Romilla applicant regarding Council Agenda Item E.2 PLANNING APPLICATION 2013/249 - USE AND DEVELOPMENT OF A DWELLING, USE OF THE LAND FOR A RURAL INDUSTRY AND DEVELOPMENT OF A SHED - 20 LYREBIRD LANE WOORARRA WEST.		

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 17 December 2014		
Financial Sustainability Steering Committee	<p>Councillors Attending: Crs Hill, Harding, Brunt, Davies, Kennedy, Fawcett, Newton and Hutchinson - Brooks.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Second cut draft 2015-2016 Budget presented for consideration and discussion at 21 January 2015 Workshop
Ordinary Agenda Discussion 17 December 2014	<p>Councillors Attending: Crs Fawcett, Kennedy, Brunt, Newton, Harding and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Ordinary Council Meeting Agenda Topics for 17 December 2014
Tuesday 20 January 2015		
Financial Sustainability Steering Committee	<p>Councillors Attending: Crs Hill, Harding, Davies, Kennedy, Fawcett, McEwen and Hutchinson-Brooks.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Reflection of achievements • Council Plan 2013-2017 actions • Community priorities and how these may be addressed in the Annual Initiatives for 2015-2016 • Council direction over next two years with particular focus on outcomes for 2015-2016 • Pool contract • Responses for the Top 10 'OurSay' priorities

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 21 January 2015		
Financial Sustainability Steering Committee	<p>Councillors Attending: Crs Hill, Harding, Brunt, Davies, Kennedy, Fawcett, McEwen, Newton and Hutchinson-Brooks.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Annual Budget papers • Desired rate rise proposal • Draft Capital Works and Initiatives proposed • Long Term Financial Plan • Community requests arising from engagement activities and community plans
Thursday 22 January 2015		
Korumburra Round Table	<p>Councillors Attending: Cr McEwen</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Korumburra community update • Council update; pools, Aust Day awards, Burra Foods Buffer Zone • Round Table review, future and new membership • Terms of Reference • Korumburra Town Centre Framework mapping and March workshop • New recycling bins feedback • Signage liaison with VicRoads • Community Christmas planning 2015 • Request to Council to fund secretariat role

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 28 January 2015		
Financial Sustainability Steering Committee	Councillors Attending: Crs McEwen, Brunt, Newton, Harding, Hutchinson-Brooks, Davies, Hill and Kennedy. Conflict of Interest: Nil disclosed.	Topics Discussed: <ul style="list-style-type: none">• ‘Our Say’ discussion with representatives for the topics including:<ul style="list-style-type: none">- Free Green Waste- Equestrian Facility- Foster Swimming Pool

RECOMMENDATION

That Council receive and note this report.

STAFF DISCLOSURE OF INTEREST

Nil

D.4 COUNCILLOR DISCRETIONARY FUND ALLOCATION REPORT

Corporate Services Directorate

EXECUTIVE SUMMARY

Each Councillor, subject to an annual budget and in accordance with the Councillor Discretionary Fund Policy, has the discretion to nominate Council funds to community groups and / or individuals in accordance with the guidelines developed for this purpose.

This report details Councillors allocations for the period between 21 November 2014 and 19 January 2015.

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Councillor Discretionary Fund Policy 2014

COUNCIL PLAN

Outcome:	2.0	Closely Connected Communities
Objective:	2.1	Engage and work collaboratively with our community
Strategy:	2.1.3	We aim to minimise barriers and find ways to support our volunteers, community groups and committees to provide services beyond those that Council, by itself, can provide.

REPORT

The following applications have been allocated funding from the Councillor's 2014/2015 Discretionary Fund for the period between 21 November 2014 and 19 January 2015.

- Foster War Memorial Arts Centre: To cover costs of hall hire for the 2014 Community Carols.
Cr Mohya Davies - \$102
- TP Taylor Recreation Reserve: Sponsorship for the 2nd Sandy Point Community Centre Wedding Expo.
Cr Jeanette Harding - \$200
Cr Mohya Davies - \$200
- Manna Community Garden (Foster) & Fish Creek Community Garden: To assist with the costs of printing a book called Our Gardens with proceeds going to the two community gardens.
Cr Mohya Davies - \$250

Cr Andrew McEwen - \$250

Cr James Fawcett - \$250

- Grants Only Group: To assist with the cost of purchasing a printer/scanner and copier.

Cr Mohya Davies - \$50

Cr Jeanette Harding - \$100

Cr Kieran Kennedy - \$100

- Leongatha Community House: To assist with the operational costs of the South Gippsland House Network.

Cr Mohya Davies - \$150

Cr Jeanette Harding - \$150

Cr Andrew McEwen - \$100

Cr James Fawcett - \$200

Cr Don Hill - \$200

Cr Nigel Hutchinson-Brooks - \$200

- Foster Historical Society: For the purchase of an interpretive sign that will be located on the south-east corner of the old Young Farmers room at Foster Showgrounds.

Cr Mohya Davies - \$300

- Prom Coast Arts Council: To assist with the costs of facilitating the 10 Year Anniversary Retrospective Exhibition of the Great Southern Portrait Prize.

Cr Mohya Davies - \$100

Cr Nigel Hutchinson-Brooks - \$300

Mayoral (Cr Jeanette Harding) - \$100

- Gippsport: To assist costs associated with hosting an event to celebrate International Day of People with Disability and Social Inclusion Week.

Cr Jeanette Harding - \$250

Cr Lorraine Brunt - \$50

Cr Robert Newton - \$200

Cr Andrew McEwen - \$100

Cr Nigel Hutchinson-Brooks - \$200

Mayoral (Cr Jeanette Harding) - \$100

- Corner Inlet Pony Club: To assist with the costs of purchasing and installing a wall mounted urn for recently renovated kitchen.

Cr Jeanette Harding - \$300

- Tarwin River Canoe Club: To assist with costs of purchasing aluminium equipment box for its canoe trailer.

Cr Kieran Kennedy - \$150

Mayoral (Cr Jeanette Harding) - \$150

- Loch Community Development Association: To assist with costs of hosting a joint community commemoration of the ANZAC Centenary on ANZAC Eve 2015.

Cr Robert Newton - \$200

- Korumburra & District Agricultural & Pastoral Society: Sponsorship for prize money for Battle of the Bands Open Class at the 2015 Korumburra Show.

Cr Robert Newton - \$133

- Buffalo Community Centre Inc.: To assist with costs for minor repairs to the Tennis Courts.

Cr Robert Newton - \$150

Cr Andrew McEwen - \$150

Cr James Fawcett - \$150

Cr Don Hill - \$150

- Kongwak Community Group Inc.: To assist with costs of putting on the Community Christmas BBQ.

Cr Robert Newton - \$100

Cr Andrew McEwen - \$100

- Leongatha Town Cricket Club: To assist with the cost of purchasing a single Pitch Cover for the new turf wicket.

Cr James Fawcett - \$334

Cr Don Hill - \$332

Cr Nigel Hutchinson-Brooks - \$333

- Leongatha Lyric Theatre - To assist with the costs of showcasing the 50 years of costumes, photos and memorabilia celebrating the 150 plus shows put on by the Lyric Theatre.

Cr James Fawcett - \$267

Cr Don Hill - \$266

Cr Nigel Hutchinson-Brooks - \$267

Mayoral (Cr Jeanette Harding) - \$200

FINANCIAL CONSIDERATIONS

Each Councillor is allocated \$4,000 from the Councillor Discretionary Fund in the 2014/2015 Financial Budget. An additional \$2,000 has been allocated to the Mayor to cover a broader focus across the entire Municipality.

CONCLUSION

The unexpended Councillor Discretionary Funds for the 2014/2015 Financial Year as at 19 January 2015 is as follows:

- Cr Mohya Davies - \$1,868
- Cr Jeanette Harding - \$1,550
- Cr Kieran Kennedy - \$0
- Cr Lorraine Brunt - \$371
- Cr Robert Newton - \$568
- Cr Andrew McEwen - \$416
- Cr James Fawcett - \$1,499
- Cr Don Hill - \$1,571
- Cr Nigel Hutchinson-Brooks - \$2,220
- Mayoral Fund - \$1,250

RECOMMENDATION

That Council receive and note this report.

STAFF DISCLOSURE OF INTEREST

Nil

D.5 DOCUMENTS SEALED AND CONTRACTS AWARDED UNDER CHIEF EXECUTIVE OFFICER DELEGATION - DECEMBER 2014 AND JANUARY 2015

Corporate Services Directorate

EXECUTIVE SUMMARY

Under the Victorian Local Government Act, each Council is a body corporate and a legal entity in its own right. Each Council must have a common seal (like any corporate entity) 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 include agreements, contracts, leases or any other contractual or legally binding document that binds Council to another party.

Council's Procurement Policy requires that Council be advised of the award of contracts after a public tender process that fall within the Chief Executive Officer's delegation.

LEGISLATIVE/ ACTION PLANS/ STRATEGIES/ POLICIES

- Local Government Act 1989 - Section 5 and 186
- Local Law No. 3 2010
- South Gippsland Shire Council Procurement Policy
- **SOUTH GIPPSLAND SHIRE COUNCIL INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER**

COUNCIL PLAN

Outcome:	4.0	A Leading Organisation.
Objective:	4.2	Pursue best practice in organisational development and operations of the organisation.
Strategy:	4.2.2	We will monitor corporate governance processes, including risk management and skills development with the aim of ongoing improvement.

REPORT

Documents Sealed

The Local Government Act 1989 requires that every Council must have a common seal and all courts, judges and persons acting judicially must take judicial notice of the imprint of the common seal of a Council on any document.

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.’

In accordance with the Local Law, the following are presented to Council as documents sealed in the months of December 2014 and January 2015.

1. Section 173 Agreement between South Gippsland Shire Council and the Owners of 270 Leongatha South Outtrim Road, Leongatha South in relation to a 2 lot subdivision (boundary realignment) – Seal Applied 1 December 2014.
2. Section 173 Agreement between South Gippsland Shire Council and the Owners of 26-28 Stewart Street, Port Welshpool in relation to the development of a single dwelling and outbuilding – Seal Applied 5 December 2014.
3. Section 173 Agreement between South Gippsland Shire Council and the Owners of 49 McIndoe Avenue, Venus Bay in relation to the construction of a deck over an easement – Seal Applied 16 December 2014.
4. Section 173 Agreement between South Gippsland Shire Council and the Owners of 104 Beach Parade, Sandy Point in relation to a single dwelling, vegetation removal and earthworks – Seal Applied 19 December 2014.
5. Section 173 Agreement between South Gippsland Shire Council and the Owners of 80 Old Koonwarra Meeniyar Road, Koonwarra in relation to the use and development of a dwelling in association with agriculture – Seal Applied 15 January 2015.

Contracts

Contracts Awarded Under Chief Executive Officer Delegation

The Chief Executive Officer's delegation of power from the Council allows the Chief Executive Officer to award contracts up to the value of \$250,000 (inclusive of GST) after a public tender process, subject to the exercise of this power being reported to the Council meeting after the contract is awarded.

All of the legislative requirements of section 186 of the Local Government Act 1989 and the requirements of Council's Procurement Policy are met in respect of the tender/s.

Procurement Policy requires recording in the Council Minutes all contracts over the statutory threshold set out in the Local Government Act 1989 (\$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, a brief description of the goods, services and works that is being procured, the successful tenderer and the total contract price.

The following contracts have been awarded under the Chief Executive Officer's delegation this month.

- Tender SGC15/24 Provision for the Redevelopment of Council's Website. Signed 13 January 2015.
- Tender SGC15/23 Provision of Catering Services for Council Meeting and Civic Functions. Signed 23 December 2014.
- Tender SGC15/17 Supply and Implementation of a Contract Management System and E-Tendering. Signed 19 January 2015.

Contract variations approved by the Chief Executive

The following variations to contracts are reported to Council in accordance with a requirement of Council's Procurement Policy for variations which either exceed the total contract budget or involve significant changes to a contract scope or timelines in respect of contracts approved by Council.

There are no contract variations to report.

RECOMMENDATION

That Council receive and note this report.

STAFF DISCLOSURE OF INTEREST

Nil

SECTION E - COUNCIL REPORTS

E.1 PRIORITY PROJECTS FOR ADVOCACY, FUNDING AND FOCUS 2015

Executive Office

EXECUTIVE SUMMARY

A Priority Project is one that is significant to the immediate or longer term betterment of our community and for which Council is not always the only responsible authority nor has the financial resources to address.

Each year Council identifies its key projects and makes representations to other levels of government seeking support and assistance. A refined focus (3 projects) in 2014 allowed Council to deliver a more targeted message and be clear to the community and other levels of government as to its priorities for the year.

Through collaborative work with State and Federal Government departments and local community groups, exceptional progress was made on all of the 2014 projects with funding commitments made for each.

- Leongatha Heavy Vehicle Alternate Route received the required \$5.12m for construction.
- The Korumburra Community and Council worked in total partnership to secure a \$1.6m funding contribution for the Korumburra Integrated Children's Centre and remain hopefully of receiving the balance via Federal funding later this year.
- Several aspects of the Corner Inlet Tourism Development Project received State support, with visitor improvement works undertaken at Agnes Falls and planning commenced for a potential Marina at Port Welshpool. Of great significance was the \$5m pledged by the State for the restoration of the Port Welshpool Long Jetty and funding of more than \$1.2m dedicated to see the 2.6km Great Southern Rail Trail Black Spur Missing Link completed by years end (creating a 69.2km seamless trail from Leongatha to Port Welshpool and injecting an annual benefit of \$1.9m to the region).

It is important that Council make clear the projects it has identified as priority for the Shire (and wider region) for the year ahead and continue to strategically progress and prepare them in readiness to request funding from other levels of government.

It is proposed that Council continue to pursue the next stages of both the Korumburra Integrated Children's Centre and the Corner Inlet Tourism Development Project, while introducing the following new Project:

- Road Realignment – South Gippsland Highway Koonwarra Black Spur Bends

Document/s pertaining to this Council Report

N/A

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- South East Australian Transport Strategy Priority Projects

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Corner Inlet Tourism Development Project Economic Impact Study
- Municipal Early Years Plan 2012-2016
- Economic Development and Tourism Strategy November 2014
- Municipal Health & Wellbeing Plan 2013-2017

COUNCIL PLAN

Outcome	1	A Prosperous Shire
Objective	1.2	Raise the awareness of local and regional issues with state and Federal decision makers.
Strategy No:	1.2.2	We will advocate for priority projects that assist in stimulating economic growth, agricultural development, tourism infrastructure and community facilities.

CONSULTATION

External

These are large projects that require consultation with and support from various levels of government and the community.

During the lifetime of each project, the following groups have been consulted with to progress the projects to their current states:

- The Great Southern Rail Trail Committee of Management
- Regional Development Victoria (RDV)
- Parks Victoria
- Tourism Victoria
- VicRoads
- Gippsland Ports

- Department of Economic Development, Jobs, Transport and Resources
- Department Education and Early Childhood Development

Internal

Council undertook two workshops (in late 2014 and early 2015) to establish their Priority Projects. Many projects considered extremely important to the Council and community were raised and considered. In addition to those three identified as priorities, the following were also raised and debated:

- Streetscapes for Foster, Leongatha and Korumburra Town Centres
- SPLASH Development – Stages 2 & 3 (Gymnasium and Hydrotherapy Pool)
- Sealing Grand Ridge Road Tourist Route

Upon considered reflection, these projects still require significant internal focus before they reach a stage where they are investment ready.

Council will continue to progress these as follows and assess their suitability to become 'Priority Projects' once they become 'shovel ready'

- **Streetscape Main Street, Foster**

Detailed designs for improvements to both the divided and undivided sections of Main Street, Foster have commenced and are programmed for completion by mid-2015.

On completion of the preliminary design stage, a detailed engineering estimate will be completed to confirm budget requirements. This will enable Council to apply for suitable grants to assist in funding the works.

- **Bair Street, Leongatha**

In consultation with VicRoads, a Streetscape Master Plan (anticipated to be completed by mid-2015) will guide long-term usage, design, pedestrian access, connectivity, parking and landscape improvements to Bair Street (becoming possible when the Leongatha Heavy Vehicle Alternate Route is complete).

Grant funding from the State Government will be sought (when appropriate) to assist in fully implementing the recommendations of the Master Plan.

- **Korumburra Town Centre**

A Korumburra Town Centre Streetscape Master Plan (building on the recently completed Korumburra Town Centre Framework Plan) will be

used to guide long-term improvements to Commercial Street, Korumburra.

In consultation with VicRoads, the Plan will look to improve access, on-street parking arrangements and landscaping.

The completed Master Plan will provide a platform from which to make funding (grant) applications.

- **SPLASH Development – Stages 2 & 3 (Gymnasium and Hydrotherapy Pool)**

The existing SG SPLASH building was designed to allow for development of additional facilities at a later stage, including a hydrotherapy pool, outdoor water features, gymnasium, dry programs room and a crèche.

The inclusion of a hydrotherapy pool and gymnasium is expected to increase patronage and further encourage health and wellbeing options for the community. The provision of crèche facilities within the centre would remove a barrier that could prevent people from utilising the facilities.

In 2009 a feasibility study on the further expansion of facilities was completed. This Study indicated that there is potential to increase the overall use of SG SPLASH if new activity areas were added.

- **Sealing Grand Ridge Road Tourist Route**

The final 4km section of Grand Ridge Road at Trida remains unsealed and connects with a sealed road at the municipal boundary with Baw Baw Shire. The cost to seal this missing gap in the sealed road network is in the vicinity of \$1.8-2.0m.

REPORT

Reconfirming the Korumburra Integrated Children's Centre and Corner Inlet Tourism Development Projects will ensure that these remain in the spotlight until their ultimate achievement.

A great deal of progress has been made on each project to date.

Community Members, Councillors and Staff from South Gippsland Shire Council were thrilled to accept a \$1.6m contribution from the State's Department Education and Early Childhood Development Grant Program late last year towards the construction of the *Korumburra Integrated Children's Centre*. Comprehensive building and outdoor designs have been finalised and the project is now shovel ready pending the balance of funding from the Federal Government.

The suite of *Corner Inlet Projects* has also advanced with the Rail Trail Black Spur Missing Link fully funded in partnership with the State Government and expected to be completed by the years end.

Council has received additional funding to complete the Marina Present Master Plan and will wait for the outcome of our Federal Funding application for the restoration of the Long Jetty itself to commence the Master Plan process. This will allow a more holistic approach to be taken when investigating the Marina development and its positioning.

Improvement works at Agnes Falls have already been undertaken with further works planned and supported by the previous State Government. Council looks forward to the announcement of new State funding programs in March and positive result for our application.

Council continues to assemble the necessary approvals, agreements and designs to progress the Toora Channel dredging/Boat Ramp works and pursue available funding avenues.

The inclusion of the *Road Realignment – South Gippsland Highway Koonwarra Black Spur Bends Project* supports Council's partnership approach to working with VicRoads on large and vital road improvement projects.

Progressing the other projects internally will ensure they are shovel ready and that Council is strategically and thoroughly prepared to advocate for their construction at an appropriate time.

Background

A brief overview of the Projects is provided below. The advocacy and promotional efforts for each will be tailored based on the current progress and the funding streams that become available throughout the year.

- **Korumburra Integrated Children's Centre**

While Council's commitment to this project has not faulted and work to this point has been undertaken in partnership with the community and State Government, a Federal Funding commitment of \$1.6million is still required to realise this facility.

The Centre, to be known as the Karmai Community Children's Centre, will meet a critical need for children's services in Korumburra and will co-locate and integrate current services unable to meet increasing demand. Once constructed, the Centre will provide 120 new places for child care, kindergarten, out of school hours care, maternal & childhood services and specialist Children's services.

Comprehensive building and outdoor designs are complete and the Centre is tender ready for construction.

Federal funding application have been submitted, with outcomes of the Program expected in May 2015.

- **Corner Inlet Tourism Development Project**

Corner Inlet Tourism Development Project (encompassing the Great Southern Rail Trail extension from Foster to Welshpool (funded) the restoration of the Long Jetty, feasibility study/detailed design of the Port Welshpool Marina development, dredging of Toora Boat Ramp and upgrades to Agnes Falls Scenic Reserve);

The Corner Inlet Tourism Development Project would see a major economic development of the Corner Inlet area of the Shire.

Council previously committed to support the Project by allocating funds of \$1.5m - \$2.1m in the Long Term Financial Plan to assist in securing identified grant opportunities with the intention to progress the Project as a whole. The Rail Trail extension was funded with assistance from the State Government.

A State commitment has been made to the restoration of the Long Jetty and a Federal funding application has been submitted, with outcomes of the Program expected in May 2015.

- **Road Realignment – South Gippsland Highway Koonwarra Black Spur Bends**

A major South Gippsland priority for VicRoads is to source funding from the State for approx. \$40m road realignment works necessary to improve the safety of the Koonwarra Black Spur section of the South Gippsland Highway.

A VicRoads Business Case is currently underway with the completed project expected to see the removal of the current dangerous bends and the construction of bridges across Black Spur Creek and the Tarwin River. The new alignment will be located east of the new Rail Trail Bridges currently being developed.

This section of road has been subject to 13 accidents in the past 5 years. The Koonwarra bends are now the most hazardous section of the South Gippsland Highway and the upgrade will improve safety and greatly enhance freight, tourist and local traffic movements.

Proposal

It is proposed that Council adopt all listed projects as 'Priority Projects' for 2015 and seek government funding when appropriate.

It is further proposed that Council continue to progress the other raised projects internally to a stage where they are ready for advocacy efforts and government investment.

FINANCIAL CONSIDERATIONS

Council's financial commitment to the Korumburra Integrated Children's Centre and the Corner Inlet Tourism Development Project has already been established.

Any contribution that may be required for the other proposed projects will be considered and further explored by Council if/when required.

RISKS

The successful development of the Priority Projects is dependent on financial funding from other levels of government. There is a significant risk these important infrastructure projects may not proceed without clearly articulated plans and targeted advocacy efforts in place to demonstrate they are ready for funding consideration by government Ministers and funding bodies.

RECOMMENDATION

That Council adopt the following Projects as 'Priority Projects' for advocacy, support and funding from other levels of government over the coming year:

- 1. Korumburra Integrated Children's Centre**
- 2. Corner Inlet Tourism Development Project (encompassing the Great Southern Rail Trail (funded), the restoration of the Long Jetty, feasibility study/detailed design of the Port Welshpool Marina development, dredging of Toora Boat Ramp and Agnes Falls Scenic Reserve);**
- 3. Road Realignment – South Gippsland Highway Koonwarra Black Spur Bends**

STAFF DISCLOSURE OF INTEREST

Nil

E.2 PLANNING SCHEME AMENDMENT C99 BURRA FOODS BUFFER - ADOPTION OF AMENDMENT

Development Services Directorate

EXECUTIVE SUMMARY

Planning Scheme Amendment C99 proposes to introduce an Environmental Significance Overlay (ESO8 - Manufacture of Milk Products Amenity Buffer) to land surrounding Burra Foods' factory site at Station Street, Korumburra. The Amendment also proposes corresponding changes to the Clause 21.15-2 'Korumburra' provisions in the South Gippsland Planning Scheme and to the Korumburra Structure Plan July 2010. The objective of the ESO8 is to inform landowners and prospective purchasers that the Burra Foods factory is an ongoing operation, has the potential to affect the residential amenity of the surrounding area and to discourage some forms of sensitive land uses (e.g. child care) in the identified area. The Amendment was prepared at the request of Burra Foods.

Exhibition of Amendment C99 occurred across July 2014. A total of 93 submissions were received of which 76 were objections. Council resolved in September 2014 to refer the submissions to a Planning Panel for consideration. The Panel Hearing occurred on 3 and 4 December 2014 during which 11 objectors made presentations to the Panel.

The Panel Report was received on 18 December 2014 and recommends that Council adopt Amendment C99, however with a reduction of the ESO8 buffer to a radius of 227m - adjusted for the effects of the prevailing winds. The Panel Report states that 'Council has a responsibility to identify potential amenity impacts in the planning scheme in some way' and that the proposed planning controls 'are justified to manage the amenity impacts arising from plant mishaps and malfunctions at the Burra Foods plant.'

This report recommends that Council adopt Amendment C99 in accordance with the Panel's recommendations.

Document/s pertaining to this Council Report

- **Appendix 1** - Amendment C99 Panel Report
- **Appendix 2** - Korumburra Structure Plan - June 2014 (complete Structure Plan document incorporating changes displayed in **Attachment 4**)
- **Attachment 1** - Amendment C99 Subject land - buffer area
- **Attachment 2** - Wellington Shire Council Amendment C72 Heyfield Timber Mill buffer overlay control
- **Attachment 3** - Amendment C99 South Gippsland Planning Scheme provisions for adoption

- **Attachment 4** - Korumburra Structure Plan - June 2014 (extracts of Structure Plan changes in accordance with the Panning Panel's recommendation)

A copy of **Appendix 1 and 2** is available on Council's website: www.southgippsland.vic.gov.au or by contacting 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Planning and Environment Act 1987
- EPA Publication 1411 'Noise from Industry in Regional Victoria'

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Korumburra Structure Plan - July 2010
- Economic Development & Tourism Strategy 2014

COUNCIL PLAN

Outcome:	1.0	A Prosperous Shire
Objective:	1.1	Work with the business community to support existing businesses, diversify employment opportunities and to attract new businesses
Strategy:	1.3.1	We will actively engage businesses, farmers and industries and individuals in creating environmental sustainability.

CONSULTATION

Exhibition of Amendment C99 occurred for one month, concluding on 1 August 2014. As noted above, a total of 93 submissions were received of which 76 were objections and 17 in support. A Council report detailing the exhibition process and the issues raised in the submissions was presented at the 24 September 2014 Ordinary Council Meeting. The Council report, and the earlier 16 April 2014 Council report, may be viewed on Council's webpage.

All submitters to the Amendment were invited to make a presentation to the Planning Panel and all submitters have been notified of the receipt of the Panel Report and the proposed adoption of the Amendment at the 25 February 2015 Ordinary Council Meeting.

REPORT

Background

The background to this Amendment (history of the site land use and justification for the Amendment provisions) is discussed in detail in the abovementioned Council reports. In overview, the main objective of the

Amendment is to provide a planning framework that will allow Burra Foods to continue to operate and expand while also allowing the surrounding lands to be used for residential development (see **Attachment 1**). This will occur with acknowledgement that the potential exists for intermittent factory impacts and a requirement for new developments to respond to these impacts where appropriate and practicable. The Amendment provisions also discourage some forms of sensitive land uses (e.g. childcare, kinder, schools, nursing home) from establishing near the factory.

The 24 September 2014 Council Report and the Panel Report discuss a similar planning scheme amendment being processed by Warrnambool City Council (Amendment C90). The Warrnambool amendment introduces a Development Plan Overlay (DPO) to control greenfield residential development (new residential subdivisions) near the Dennington Fonterra dairy factory. The Amendment C90 Panel recommended a 300m factory buffer be incorporated into the provisions of the DPO and that the land within the buffer remain in the Farming Zone. The buffer size was determined by the loading on the factory's waste water treatment plant. The Panel's recommendations were adopted by Warrnambool City Council on 1 December 2014 and the Amendment is now awaiting approval by the Minister for Planning.

A second comparative example is an industrial amenity buffer for a timber milling operation in Heyfield that was approved by the Minister for Planning on 4 December 2014. The amendment (Wellington Shire Council - Planning Scheme Amendment C72) updates provisions of a Design and Development Overlay (DDO) over an established residential area adjoining the mill (see **Attachment 2**). The area is subjected to factory noise and the DDO restricts the development of more than one dwelling on a lot and requires noise attenuation (sound proofing) in new dwellings. Amendment C72 is notable as a recent decision supporting the application of an amenity buffer control to protect a township's key economic asset.

Discussion

The Panel Report explores four main themes in reaching its conclusion to support the Amendment. In addressing the themes (as detailed in the following sub-headings), the Panel considered most of the issues raised in the submissions to the Amendment.

Theme 1 - Is there a problem?

The Panel heard extensive evidence from adjoining landowners, the EPA and Burra Foods regarding the past performance of Burra Foods and its off-site impacts and how Burra Foods has and will continue to respond to these issues to improve its performance. The Panel comments that:

'There is clear agreement in the submissions of local residents and the record of complaints provided by Burra Foods, EPA and Council that there has been, and continues to be, regular mishaps at the Burra Foods plant causing odour and dust emissions. The Panel is impressed

by the genuine efforts of Burra Foods to invest in proper solutions to these problems. The recent investment in the WWTP to address odour and outfall problems is particularly impressive and, based on the information provided to the Panel, can be expected to ensure compliance with licence requirements under normal plant operations

The Panel cannot, however, be assured that future mishaps will not occur. As explained on the site visit of the plant, mishaps with off-site impact occur as a result of a combination of human error, mechanical failure or weather conditions. The Panel believes that it is highly likely that mishaps and malfunctions will continue to occur despite the best efforts to avoid them. Plant expansion will likely have teething problems resulting in a higher likelihood of mishap in the period after installation.'
(Panel Report p.20)

In relation to the issue of factory noise, the Panel was not convinced that the level of noise currently emitted by the factory, combined with the potential to reduce noise through technical improvements, justifies noise being considered a significantly important problem at the factory. This issue is discussed further below.

Having heard the evidence, the Panel formed the view that despite best practice operations at the factory, and ongoing technical improvements, 'mishaps and malfunctions involving off site dust and odour emissions are highly likely to occur in the future.' In drawing this conclusion the Panel formed the view that there is a problem that needs to be addressed.

Theme 2 - Is a planning control needed and if so what form should it take?

The Panel heard extensive evidence from Council, Burra Foods and the EPA supporting the need for the ESO8 and heard evidence from the objectors that the ESO8 is unnecessary because Burra Foods should be made to control its off-site impacts, thus removing the need for a buffer.

Having decided that 'there is a problem' (as detailed above) the Panel determined that the application of a planning scheme overlay is the most appropriate 'planning system' response to the problem. The Panel Report comments that '...there is considerable precedent for the use of ESOs where WWTPs (waste water treatment plants) are the main source of potential pollution' (Panel Report p. 25), which is the case at Burra Foods, where the WWTP is the main odour source.

Having determined that the ESO is the appropriate primary control to use, the Panel supports the use of the proposed ESO8 where it comments that:

'Council has a responsibility to identify potential amenity impacts in the planning scheme in some way. The Panel does not accept that potential new land or home buyers 'should know the plant is there', as suggested by some submitters. It is the role of planning provisions to a) protect sensitive land uses including residential from amenity impacts

and b) protect the viability of industry operating within an industrial zone.' (Panel Report p. 25)

It is important to note that in its support for the application of the ESO8 the Panel specifically noted that:

'...a policy statement alone is not sufficient to guide planning decisions and agrees with Council's submission that policy should be supported by the transparency of a planning control that is required to be disclosed in a Section 32 vendor's statement. At least two submitters indicated that had this control been in place at the time they purchased it may have affected their decision. The Panel believes future purchasers should have the benefit of a transparent control'

The Amendment C99 provisions involve a combination of planning scheme policy changes, Structure Plan changes and the application of the ESO8. The Panel's above comment is significant because it highlights that to effectively manage the long term planning issues, policy alone is insufficient and must be combined with the ESO8 to ensure an effective and transparent control is in the planning scheme.

Theme 3 - What are the impacts of an ESO on surrounding property owners?

Most of the objections to Amendment C99 include concerns regarding the impact of the ESO8 on land values, the ability to sell land, the perceived added cost of building, or the land use restrictions provided for in the schedule. These issues were explored in detail at the Panel Hearing.

The impact on land values is probably the most commonly stated grounds of objection in the Amendment submissions. The Panel agreed with Council's submission that an amendment's impact on land values is not a matter the planning system requires an amendment consider, and also agreed that in the absence of detailed information to the contrary, the application of the ESO8 is unlikely to have a significant impact on land values.

In relation to other impacts of the ESO8 on landowners the Panel considers that 'only a small number of properties will be required to seek a permit under the overlay, and for those the costs of additional works are not expected to be high.' The Panel comments further that 'the Panel considers that the costs of compliance are not so unreasonable as to outweigh the benefits of applying the overlay' (Panel Report p. 28).

Theme 4 - The most appropriate boundaries for an ESO

The originally exhibited version of the ESO8 buffer considered a combination of factors (odour, noise & default EPA and planning scheme requirements) to determine the outer boundary of the ESO8. This decision was supported by the GHD Report prepared in support of the amendment.

The Panel's main recommended change to the amendment provisions is that odour should be the key determinate of the ESO8 boundary and noise should not be factored into its formulation. The Panel's rationale regarding this matter is set-out in detail in the Panel Report, however the critical fact is that the Panel was not satisfied that noise impacts are sufficiently detrimental to justify expansion of the buffer boundary, or that the default state-wide dairy factory buffer provisions of the EPA / Planning Scheme should be used to define the boundary. The Panel notes that further improvements can be made to factory operations to reduce noise impacts and recommends that the EPA work proactively with Burra Foods to make the required improvements.

Having decided that odour is the key determinate of the ESO8 boundary, the Panel decided that the current and proposed future loading (volume of waste water) on the WWTP should be used to calculate the buffer, in combination with consideration of the impacts of prevailing winds. Much criticism was made by submitters that the odour modelling was flawed however the Panel has accepted the expert evidence of GHD Consulting (representing Burra Foods) as the best available information and sufficient to justify and delineate the ESO8 boundary. Accordingly, the Panel has recommended that the ESO8 buffer be reduced to a separation distance of 227m measured from the WWTP as detailed in Figure 8 of the Panel Report. In addition to this, the Panel further recommends that the buffer boundary be customised with consideration to the further subdivision potential of land. The instructions are provided in detail on page 37 of the Panel Report. The instructions have been followed in the preparation of the ESO8 map provided in **Attachment 3** (adoption documents). The Panel's instructions mean that some of the larger lots (e.g. those fronting Wills St and Grey St) will be partly affected by the ESO8. This is a preferable outcome to entirely including these lots in the ESO8 because it provides unencumbered areas where development can occur without regard to the ESO8.

In summary, the Panel's recommended reduced buffer is a good outcome as it almost halves the original size of the proposed buffer while retaining inclusion of the most affected lots.

Other Panel Recommendations

In addition to changing the size of the ESO8, the Panel has made recommendations regarding the contents of the ESO8 Schedule provisions, the referral provisions and the Korumburra Structure Plan. All of these recommendations are supported by the Planning Department and have been incorporated into the adoption documents detailed in **Attachments 3** (Amendment C99) and **Appendix 2** (Korumburra Structure Plan). The changes are briefly summarised as follows:

- The ESO8 Schedule is amended to allow building additions of up to 25% of existing floor area without triggering the need for a planning permit. This new provision will allow most minor dwelling additions to occur without the need for a planning permit, which reduces the burden of the ESO8 on both landowners and Council.

- The ESO8 Schedule requirement for subdivision applicants to enter into a Section 173 Agreement to acknowledge the potential factory amenity impacts on subdivided land has been removed. This requirement is excessive and provides few benefits beyond what is already provided for by application of the ESO8 in terms of notifying land purchasers that land may be affected by factory operations.
- The 'Application requirements' provisions of the ESO8 Schedule removes the need to gain the approval of referral agencies before Council decides to reduce or waiver the information that must be provided with an application. This change provides greater flexibility and ease in reducing information requirements where it is clear the additional information will not benefit Council's consideration of an application.
- The wordings of three of the 'Decision guidelines' in the ESO8 Schedule are amended to clarify the intent of what they are seeking to achieve.
- The 'Reference document' in the ESO8 Schedule is updated to reflect the changes made by GHD to their expert evidence presented to the Panel Hearing.
- The 'Referral of permit application provisions under local provisions' (Clause 66.04) is amended to remove Burra Foods as a referral authority. The EPA are to remain a 'Recommending referral authority' which means Council will retain the power to set-aside the EPA's views on a planning permit application if it chooses.
- The Local Planning Policy Framework changes are supported to make them consistent with the introduction of the ESO8. The Panel did not make a specific recommendation to change the buffer boundary in the Framework Plan map however this change is logical and has been made to the amendment regardless of it not being mentioned in the Panel Report.
- The Panel acknowledge that the Korumburra Structure Plan is not a formal component of the amendment however it has recommended that the Structure Plan map be amended to display the reduced buffer area and to make minor changes to the Structure Plan's words for Area K, which is the area immediately east of the factory. The Panel's recommendations are logical and clarify that only the area within the ESO8 requires consideration of factory impacts regarding the use, development and subdivision of land. The recommended changes are detailed in Attachment 3.

Options

Council has three main options in determining how it proceeds with Amendment C99. These are:

1. Adopt Amendment C99 in accordance with the Panel Report's recommendations (in accordance with the documents in **Attachment 3**)
2. Adopt Amendment C99 in a form that varies some of the requirements of the Panel Report's recommendations.
3. Abandon Amendment C99.

This report recommends that Council adopt Amendment C99 in accordance with the Panel Report's recommendations. This is normal Council practice. Regarding option two, Council has the ability to make a decision which varies a recommendation of a Panel however Council must provide to the Minister for Planning an explanation of the 'planning grounds' on which it has made its decision.

As Planning Authority for the South Gippsland Planning Scheme, Council also has the option (option 3) to abandon the Amendment however this would be an extraordinary action in a situation where a Panel has recommended an amendment be adopted. Where an amendment is abandoned by a council, the provisions of Section 28 of the Planning and Environment Act 1987 specifically require the Council abandoning the Amendment to inform the Minister in writing of the reasons for its decision. South Gippsland Shire Council has never abandoned an amendment in contradiction of a Panel Report.

Proposal

It is proposed that Council adopt Planning Scheme Amendment C99 in accordance with the recommendations of the Planning Panel and submit the Amendment to the Minister for Planning for approval.

FINANCIAL CONSIDERATIONS

Burra Foods are responsible for payment of the statutory fees and charges associated with the processing of Amendment C99. There are no ongoing financial considerations for Council resulting from the adoption and approval of Amendment C99.

RISKS

There are no risks to Council in adopting Amendment C99. If Council does not adopt the ESO8, or chooses to abandon the Amendment, there is a risk that incremental development over time will worsen the conflict between the factory and the surrounding residential area.

CONCLUSION

The provisions, impacts and Planning Scheme merits of Amendment C99 have been subjected to detailed investigation and consideration by Council, affected landowners, the broader community and media for almost one year. The pros and cons of the amendment have been thoroughly investigated by Council and all of the amendment submissions have undergone detailed consideration by Council and the Planning Panel.

The Amendment has raised issues requiring balanced decision-making and Council has formed the view through its previous two resolutions to proceed with the Amendment. These previous decisions are now supported by the Planning Panel's recommendation that Council adopt the Amendment with a reduced buffer.

Accordingly, it is recommended that Council adopt Amendment C99 and submit the amendment to the Minister for Planning for approval as the final step in the process.

RECOMMENDATION

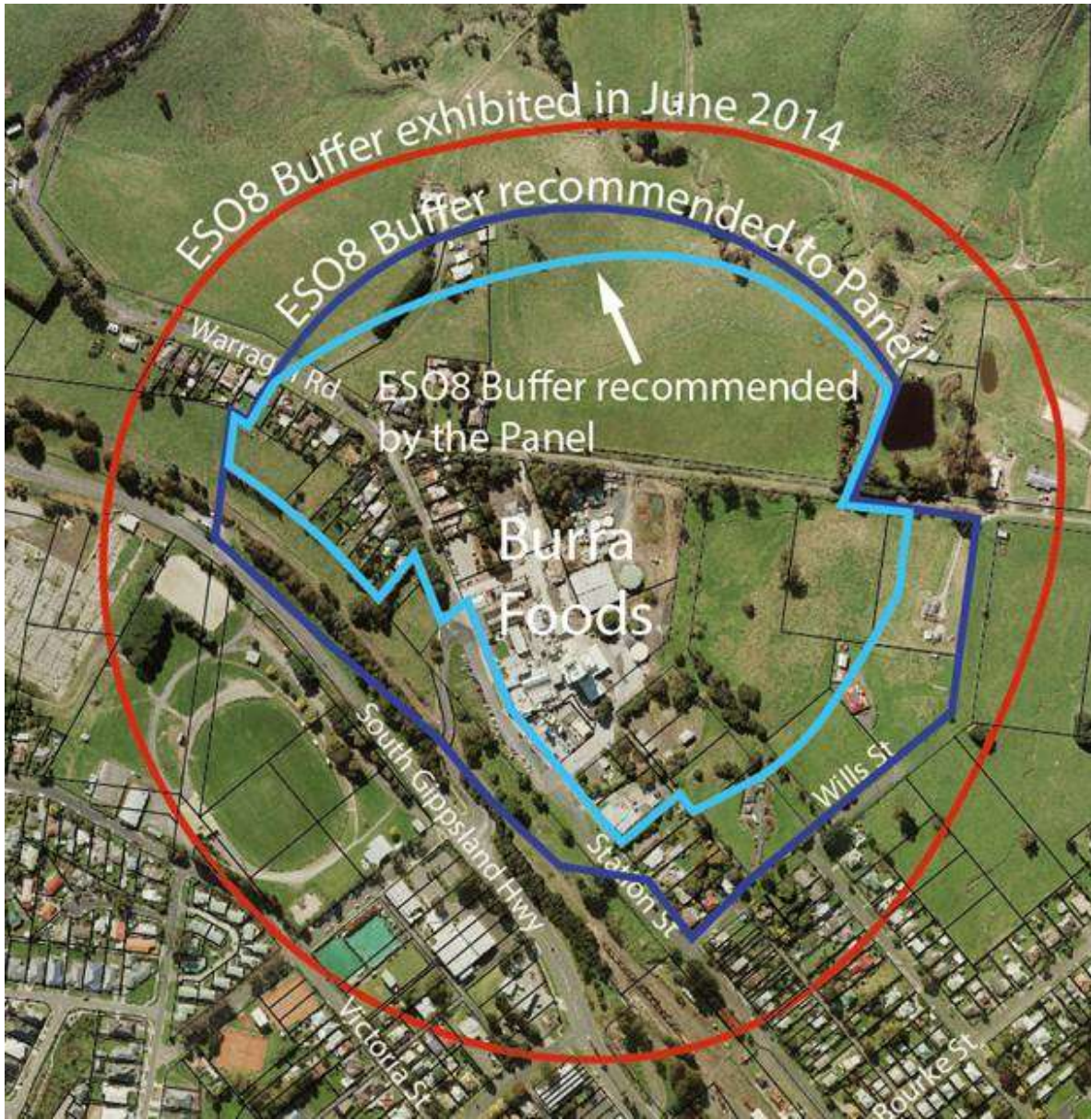
That Council:

- 1. Receive the Planning Panels Victoria 'Panel Report - South Gippsland Planning Scheme Amendment C99 - Environmental Significance Overlay - Milk Processing Plan, 18 December 2014.'**
- 2. Adopt South Gippsland Planning Scheme Amendment C99 in accordance with the amendment provisions provided in Attachment 3 of this Council Report.**
- 3. Submit South Gippsland Planning Scheme Amendment C99 to the Minister for Planning for approval.**
- 4. Adopt the 'Korumburra Structure Plan - June 2014' (as detailed in Appendix 2 of this Council Report) with changes made in accordance with the recommendations of the Panel Report.**

STAFF DISCLOSURE OF INTEREST

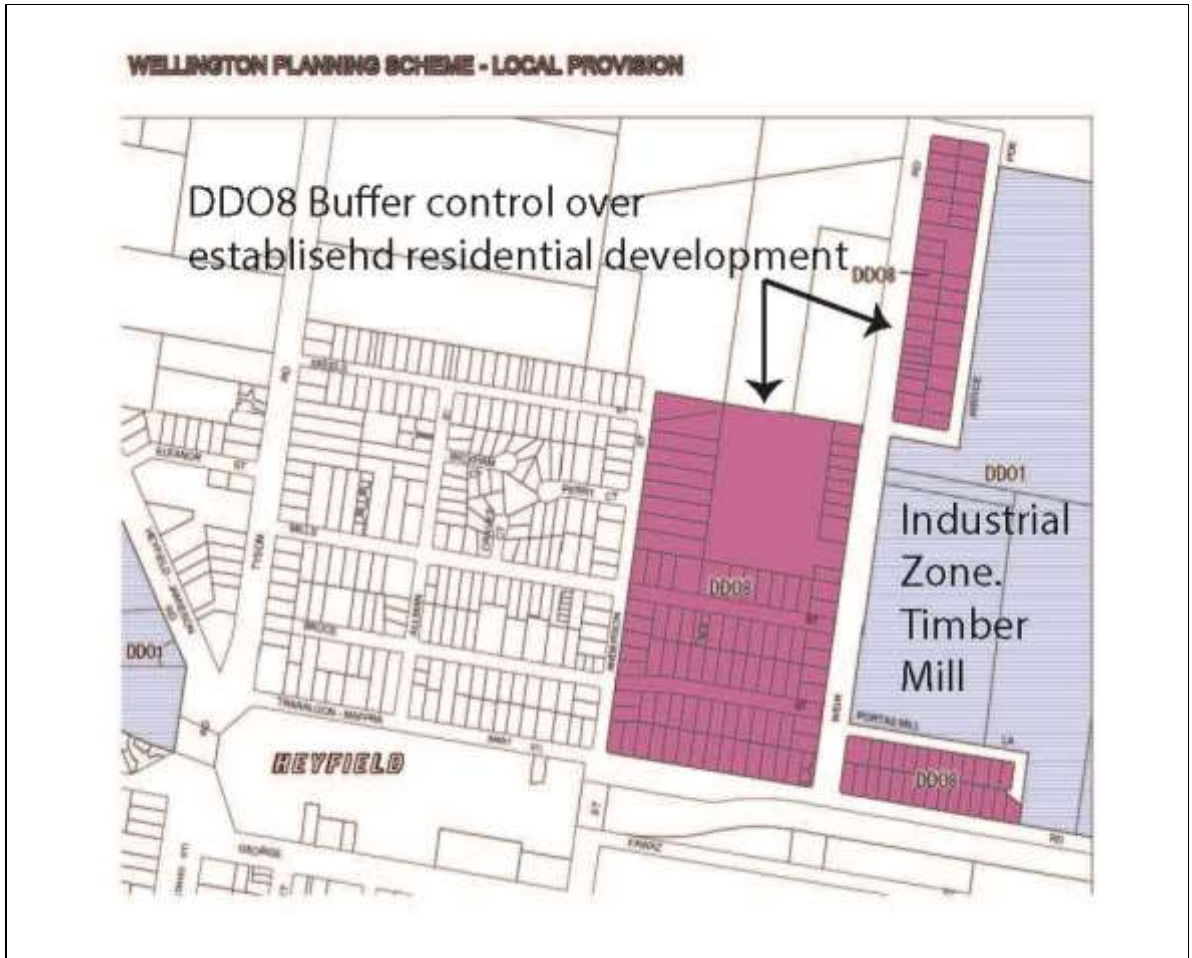
Nil

Attachment 1
Amendment C99 Subject land - Buffer Area



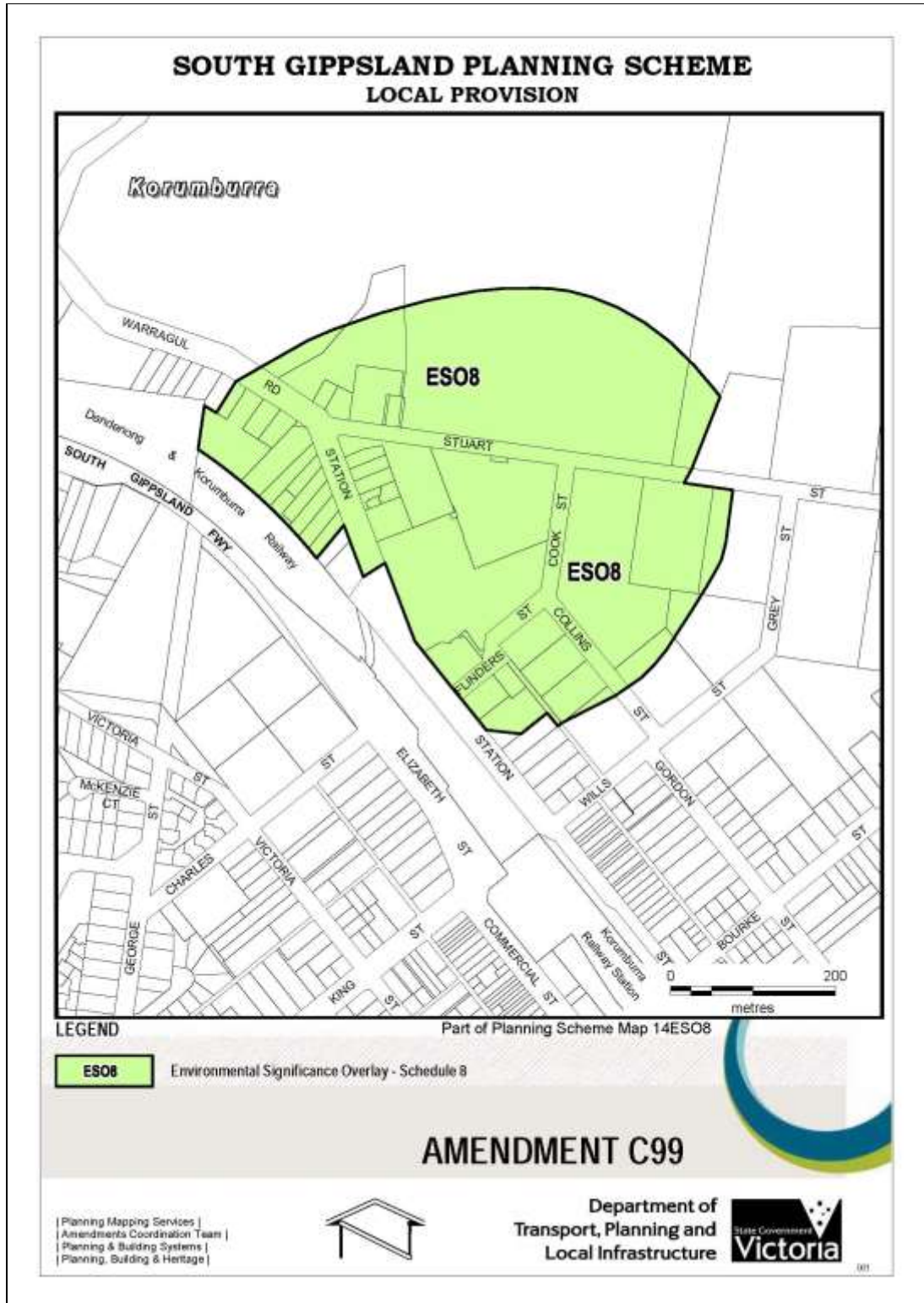
Attachment 2
Wellington Shire Council - Planning Scheme Amendment C72

The Design and Development Overlay Schedule 8 (DDO8) is applied to an established residential zoned area adjoining a Heyfield Timber Mill.



Attachment 3 Amendment C99 Adoption Provisions

Note: Coloured / underlined text displays changes to existing Planning Scheme provisions.



SOUTH GIPPSLAND PLANNING SCHEME

DDMM/YYYY
Proposed C99

SCHEDULE 8 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as **ES08**

MANUFACTURE OF MILK PRODUCTS AMENITY BUFFER

1.0 Statement of environmental significance

DDMM/YYYY
Proposed C99

South Gippsland Shire contains some of the most productive dairy farming land in the nation. Milk processed in the Shire is exported globally and is a major contributor to the Victorian economy. Global demand for milk protein means that demand for milk products is expected to grow, underpinning the viability and expansion of local 'manufacture of milk products' facilities (milk factories) into the future.

A legacy of past practice means that milk factories are typically located in close proximity to residential areas and other sensitive land uses. This can create amenity conflicts from factory generated noise, odour, dust (particulates) and light impacts on surrounding land.

The ESO amenity buffer identifies the area most likely to be affected by factory operations. The control ensures that planning permit applications for sensitive land uses are assessed with consideration to potential factory impacts on surrounding lands and potential impacts on the factory from encroachment / intensification of sensitive uses near the factory. The ESO identifies areas subject to pre-existing factory impacts that will continue, and could intensify, over time.

The ESO does not affect a landowner's right to apply to use and develop a single dwelling on an existing lot in a residential zone in the buffer. The presence of the buffer does not reduce the responsibility on a factory to comply with relevant environmental standards and licensing requirements.

2.0 Environmental objective to be achieved

DDMM/YYYY
Proposed C99

To inform landowners and land purchasers that the areas surrounding a manufacture of milk products facility may be exposed to amenity impacts resulting from existing and ongoing factory operations.

To protect a manufacture of milk products facility from the incremental encroachments of sensitive land uses that may endanger the commercial operations of the facility.

To discourage the subdivision of land for sensitive land uses that will result in an increase in the number of people likely to be exposed to amenity impacts from the operation of a manufacture of milk products facility.

To assist in shielding people from the impact of noise, odour, dust and light by requiring appropriate attenuation measures in new dwellings and other sensitive use buildings.

3.0 Permit requirement

DDMM/YYYY
Proposed C99

A permit is not required to construct a building or construct or carry out works except in relation to the use of land for accommodation¹, childcare, education, hospital, office, place of assembly and retail purpose. This does not apply (no permit required) to the following buildings and works in relation to these uses:

- Non-habitable outbuildings.
- External alterations to a building that do not increase in the internal floor area of a building by more than 25%.
- Fencing, advertising signage and domestic services normal to a dwelling.
- Earthworks, landscaping, gardening.

A permit is not required under this overlay to remove, destroy or lop vegetation.

SOUTH GIPPSLAND PLANNING SCHEME

Permit requirement explanatory note

Accommodation'. Accommodation is 'Land used to accommodate persons' and includes Camping and caravan park, Corrective institution, Dependent person's unit, **Dwelling**, Group accommodation, Host farm, Residential building, Residential village and Retirement village.

4.0 Application requirements

DDMM/YYYY
Proposed C29

An application must include building design, layout and landscaping details demonstrating how the building will minimise the impact of noise, dust, odour and light pollution on the proposed sensitive land use.

Applications to subdivide land must include noise measurements, at various times across the 24 hour period, and reported by a suitably qualified acoustic engineer.

The application requirements can be reduced or set-aside if in the opinion of the responsible authority the requirements are unnecessary to appropriately consider the application.

5.0 Referral of applications

DDMM/YYYY
Proposed C29

An application must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause unless in the opinion of the responsible authority the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the referral authority.

6.0 Decision guidelines

DDMM/YYYY
Proposed C29

Before deciding on an application, the responsible authority must consider:

- The objectives of the overlay.
- The views of the Environment Protection Authority of Victoria and the manufacture of milk products company.
- Whether the proposal is compatible with the current permitted operations, approved planning permit or an approved development plan for the manufacture of milk products facility.
- Whether the design of the building responds to identified or anticipated noise, odour, dust and light pollution amenity issues.
- The distance of the application site from the manufacture of milk products facility and corresponding impact of the facility on the sensitive land use.

7.0 Reference documents

DDMM/YYYY
Proposed C29

GHD Burra Foods Pty Ltd Buffer Assessment November 2014

SOUTH GIPPSLAND PLANNING SCHEME



21.15-2 Korumburra

23/10/2014
 CRR
 Proposed
 CRR

Situated on the South Gippsland Highway in a picturesque landscape of rolling hills, Korumburra is the second largest town in the municipality and a key service provider to the smaller towns and communities in the Shire's western region. Ongoing improvements to the highway and the development of the Pakenham Bypass make Korumburra increasingly

SOUTH GIPPSLAND PLANNING SCHEME

accessible to metropolitan Melbourne and help underpin population and economic growth that will contribute to securing the town's growth into the future.

Challenges for Korumburra include improving the retail offer, function and appearance of the Town Centre; responding to the existing highway traffic management problems; achieving appropriate redevelopment of the former Korumburra Saleyards site; planning new residential growth areas; and, continuing to define a role and character for Korumburra that distinguishes its place in the Shire's western region.

Local area implementation

- Maintain and promote Korumburra as a significant industrial, retail, service, residential and tourism centre in the Shire.
- Ensure the use and development of land in accordance with the strategic directions in the Korumburra Framework Plan and the Korumburra Town Centre Framework Plan.

Settlement

- Provide sufficient residential land, at a range of densities, available to accommodate future township growth.
- Plan for sequential and staged residential development that integrates with existing infrastructure networks.
- Monitor the availability and development of residential land and encourage the rezoning of appropriate areas identified in the Korumburra Framework Plan map to maintain an estimated 15-year residential land supply.
- Promote the development of new residential estates that establish appropriate integration with existing residential areas and infrastructure; provide pedestrian and cyclist connectivity to the Town Centre and key community features; and, protect the environmental values of the land, especially the waterways.
- Promote higher density residential development and retirement living on land within the inner township residential areas that can be provided with convenient pedestrian access to the Town Centre.
- Focus industrial development within the established industrial areas, and at the site of the former Korumburra Saleyards. Development of the former saleyards land must have close regard to the amenity interface with the adjoining showgrounds and residential areas.
- Consider the potential adverse amenity impacts of the ~~milk-manufacturing-operations~~ 'manufacture of milk products' operations in the Station Street Industrial Area on rezoning proposals and sensitive land uses, development & subdivision applications that allow, or intensify, the establishment of sensitive land uses in the ~~immediate~~ area surrounding the manufacturing operations.

Economy

- Support and encourage Korumburra's role as a retail and service centre with civic and community functions for its population and nearby small communities.
- Strongly discourage the development of new retail uses outside of the Korumburra Town Centre Retail Core where such uses may weaken the principal role of the Korumburra Town Centre.
- Support tourism developments that promote Korumburra as a tourist destination and plan for the provision of services and features that support highway tourism traffic.

SOUTH GIPPSLAND PLANNING SCHEME

Landscape and built form

- Promote site responsive residential subdivision design (supported by geotechnical reports on land exceeding 15% slope) that allow for the creation of appropriately sized and configured lots that minimise the impact of earthworks.
- Ensure a high standard of building design, layout and landscaping for all new development, and particularly at the entrances to the town.
- Support the conservation and enhancement of the town's heritage places and streetscapes in recognition of their central role in establishing Korumburra's 'rural township' character and 'sense of place'.

Infrastructure

- Improve highway traffic movement through the town.
- Provide strong pedestrian and cycling connectivity to the Korumburra Town Centre, key community assets and the schools.
- Discourage land uses that may compromise the proposed highway realignment at the south east entry to the town.
- Ensure new development and road traffic improvements do not compromise the longer-term potential return of rail services to Melbourne.

Further strategic work

- Investigate applying a Restructure Overlay over the old Crown Township to the south-east of the town.
- Review and implement the recommendations of the *South Gippsland Heritage Study 2004* in consultation with affected landowners and the community.
- In consultation with affected landowners and the community, prepare development plans and overlays for Korumburra's growth areas.
- ~~Investigate the implementation of a planning policy to assist long-term management of the amenity-interface issues between the Station Street milk manufacturing operations and surrounding residential areas.~~

Korumburra town centre

Korumburra Town Centre and the Korumburra Town Centre Retail Core are defined on the Framework Plan map. The Korumburra Town Centre Retail Core is centred on Commercial Street along the section from King Street in the north west to Bridge Street in the south east, and is bounded by the railway line to the north east and Victoria Street to the south west. The Korumburra Town Centre is a wider area which in addition to the Retail Core includes peripheral areas with commercial and civic services. It includes the block on Mine Road between John and Bridge Streets, the courthouse and police station in Bridge Street, the existing supermarket in South Railway Crescent and the service station on the north west corner of the highway and King Street.

Local area implementation

- Ensure the use and development of land occurs in accordance with the strategic directions in the Korumburra Town Centre Framework Plan.

SOUTH GIPPSLAND PLANNING SCHEME

Settlement

- Encourage the long term development of under-used and vacant land identified in the Korumburra Town Centre Framework Plan as 'potential future development'.
- Encourage quality office and high density residential development, in locations identified in the Korumburra Town Centre Framework Plan, to improve the local demand for goods and services and to extend the hours of activity in the Korumburra Town Centre.

Economy

- Maintain the primacy of the Korumburra Town Centre as the compact retail and service hub of the town.
- Actively support the establishment of new retail opportunities in the Korumburra Town Centre Retail Core.
- Actively encourage outdoor, street-based activity within the Korumburra Town Centre.
- Actively encourage major retail, office and community developments to concentrate in the Korumburra Town Centre Retail Core, comprising the blocks bounded by Commercial Street, King Street, Victoria Street and Bridge Street.
- Focus active retail uses on the Korumburra Town Centre's 'main streets', being Commercial Street, Radovick Street and Bridge Street.
- Encourage the consolidation of sites in the Korumburra Town Centre Retail Core to accommodate new, large floorspace developments.
- Consider the use of Council-owned sites and Council's potential power to acquire land in order to consolidate sites to facilitate large floorspace retail development.
- Actively encourage the development of a major retail use such as an additional supermarket on either of the preferred development sites nominated on the Korumburra Town Centre Framework Plan.
- Promote tourism, community and other associated uses and activities at the Korumburra Railway Station Precinct to improve diversity of activities on either side of Commercial Street.
- Encourage transition from light industrial to commercial, retail and tourism uses in the Korumburra Town Centre Retail Core.

Landscape and built form

- Ensure all new development within the Town Centre respects existing built form character by the application of the following guidelines (as appropriate):
 - Conserve and enhance heritage places in recognition of their contribution to the overall image of the Korumburra Town Centre.
 - Encourage the reuse, refurbishment, enhancement and conservation of heritage places as identified in the *South Gippsland Heritage Study 2004*.
 - Strongly discourage the demolition of heritage places.
 - Maintain the traditional built form scale of 2-3 storeys that respect identified view lines.
 - Ensure any infill development adjoining heritage places sensitively reflects the particular characteristics of the adjoining places and avoids visual dominance.
 - Ensure the fine-grain pattern of development is retained.

SOUTH GIPPSLAND PLANNING SCHEME

- Encourage reinstatement and continuation of traditional verandahs to provide weather protection.
- Encourage active and attractive shop frontages throughout the Korumburra Town Centre and the concealment of loading, car parking and service areas to the rear.
- Encourage the development of buildings that create a positive Korumburra Town Centre image and are reflective of its character.
- Improve and formalise pedestrian connections especially between Little Commercial Street and Commercial Street. As part of any future development proposals, investigate opportunities to provide additional mid-block pedestrian connections between Little Commercial Street parking areas and Commercial Street.
- Improve the layout and operation of car parking, pedestrian, cycling and mobility scooter facilities.
- Advertising signs to be designed and located to respect the sensitivity of heritage places, strategic views and the town's future desired character as identified in the Korumburra Town Centre Framework Plan.
- Encourage the redevelopment of the existing library site and adjoining sites (south east corner of Commercial and King Streets) for a major retail use such as an additional supermarket. Ensure any new development of the site respects and enhances the town character by application of the following guidelines:
 - Provide a skin of fine-grain speciality retail shops and active pedestrian interfaces to Commercial Street.
 - Provide a distinctive and attractively designed landmark statement with the building and landscape treatments in recognition of the site's gateway entrance into the Korumburra Town Centre.
 - Appropriately articulate, screen or treat any blank walls.
 - Consider inclusion of co-located community facilities and services, such as a library, meeting spaces, public toilets and the like.
- Promote coordinated directional and wayfinding signage in the Korumburra Town Centre and surrounds.
- Ensure infill development provides active interfaces to the street through maximising windows and entry points.
- Support redevelopment of the site on the north-west corner of Bridge and Commercial Streets to a retail use and form that is reflective of its main street corner address and consistent with the town's character.
- Encourage development of two-storey built form on the potential future development sites on the north-east side of Commercial Street, to address the significant change in ground level so as to allow pedestrian access between the Korumburra Railway Station Precinct and the Korumburra Town Centre.
- Maintain strategic views from key vantage points identified in the Korumburra Town Centre Framework Plan by the application of the following guidelines (as applicable):
 - Maintain a modest two storey traditional built form scale with appropriate roof form designs to ensure the maintenance of long views to landscape.
 - Frame views to attractive features such as the rolling hills beyond the town and to provide a visual link to surrounding rural land.
 - Retain and enhance existing streetscape vegetation.
- Maintain and extend streetscape plantings in the Korumburra Town Centre and surrounding area to enhance the town's existing 'boulevard' character.

SOUTH GIPPSLAND PLANNING SCHEME

- Encourage the provision of additional public open space in the Korumburra Town Centre, with spaces ranging in size from pocket parks to plazas suitable for accommodating festivals and community events.
- Encourage provision of artworks in the Korumburra Town Centre
- Encourage pedestrian and street activity by applying the principles identified in the Safer Design Guidelines for Victoria (*Department of Sustainability and Environment and Crime Prevention Victoria 2005*) (*as amended*) to new developments and redevelopments.

Infrastructure

- Implement traffic management and calming measures within the Korumburra Town Centre (in consultation with VicRoads) to reduce the impact of heavy vehicles, to increase pedestrian safety and to improve streetscape amenity.
- Improve location of pedestrian crossing points throughout the Korumburra Town Centre.
- Improve streetscape amenity and pedestrian safety throughout the Korumburra Town Centre by increasing public open spaces and defining pedestrian access areas, particularly in Commercial and Little Commercial Streets.
- Encourage the reconfiguration of Little Commercial Street as a pedestrian, cyclist and mobility-scooter friendly space, which provides safe and convenient linkages to existing and new community and retail facilities.
- Upgrade the pedestrian railway underpass and connections between Commercial Street and Station Street.
- Where appropriate and in reference to the *Korumburra Town Centre Car Parking Strategy June 2013* consider reduction or waiving of car parking provision to encourage commercial outcomes, heritage retention, alternative transport use and active frontages.

Korumburra community hub

- Strongly encourage the co-location of community services within the Korumburra Town Centre at the preferred Korumburra Community Hub site (existing kindergarten in Victoria St) nominated in the Korumburra Town Centre Framework Plan. Ensure the Korumburra Community Hub is designed, sited and located to:
 - Provide active uses on the ground floor at public interfaces.
 - Incorporate links to pedestrian connections between Commercial Street and Little Commercial Street.
 - Provide a generous public open space / landscape opportunity along the Little Commercial Street frontage.
 - Maintain and encourage active through-access to Victoria Street and Boston Place to maximise site frontage and accessibility.

Further strategic work

- Continue implementation of the recommendations of the *Korumburra Town Centre Framework Plan: Framework Report October 2013* as appropriate in consultation with landowners, stakeholders and the community.
- Investigate the most appropriate zone to be applied to 4 Victoria Street (existing kindergarten and preferred Korumburra Community Hub site) based on a consideration of the land ownership, management and range of land use and activities to be accommodated on the site.

SOUTH GIPPSLAND PLANNING SCHEME

- Prepare and implement a Design and Development Overlay for the Korumburra Town Centre, especially for the Korumburra Town Centre Retail Core, in order to protect and enhance the town's character.
- Review and implement recommendations of the *South Gippsland Heritage Study 2004* relevant to the Korumburra Town Centre in consultation with affected landowners and the community.
- Investigate applying a Public Acquisition Overlay to sites in Victoria Street, King Street, Radovick and Bridge Street to facilitate consolidation of and access to major development sites, improvement of access to Little Commercial Street car parking and/or to maintain view lines.
- Investigate appropriate zoning and layout of Council-owned car parking land.

Reference documents

Korumburra Structure Plan, ~~July 2010~~ June 2014 (as amended)

Korumburra Town Centre Car Parking Strategy June 2013

Korumburra Town Centre Framework Plan Economic Assessment March 2013

Korumburra Town Centre Framework Plan: Framework Report October 2013

South Gippsland Paths and Trails Strategy 2010 (as amended)

Infrastructure Design Manual (version 4, March 2013) (as amended)

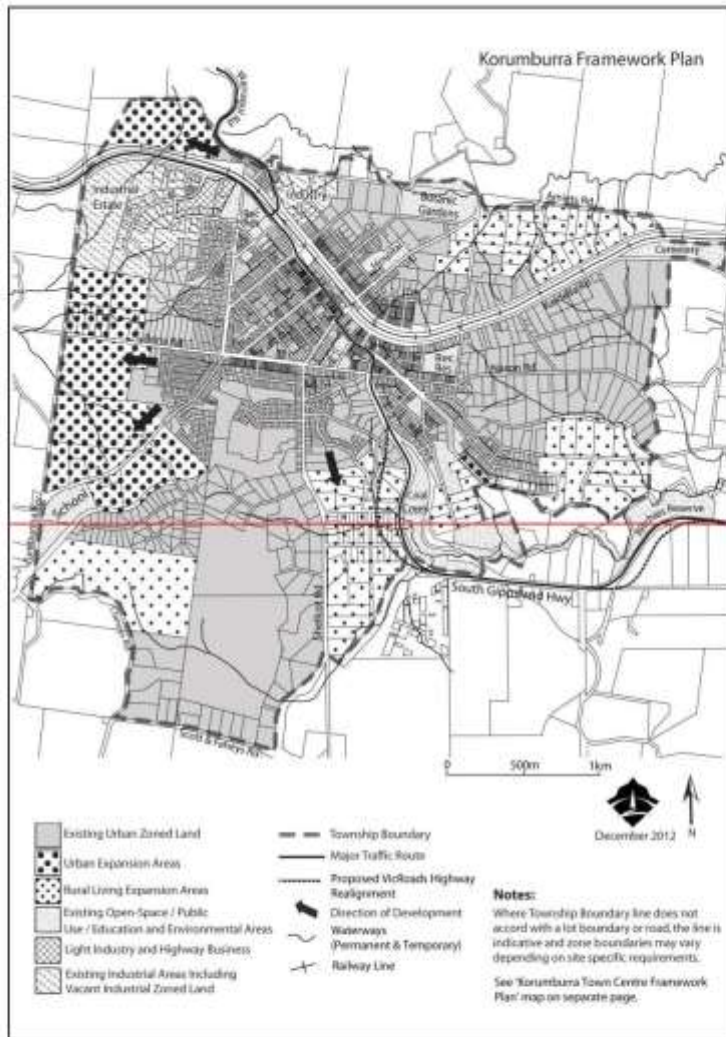
Healthy by Design 2012 (as amended)

South Gippsland Open Space Strategy 2007 (as amended)

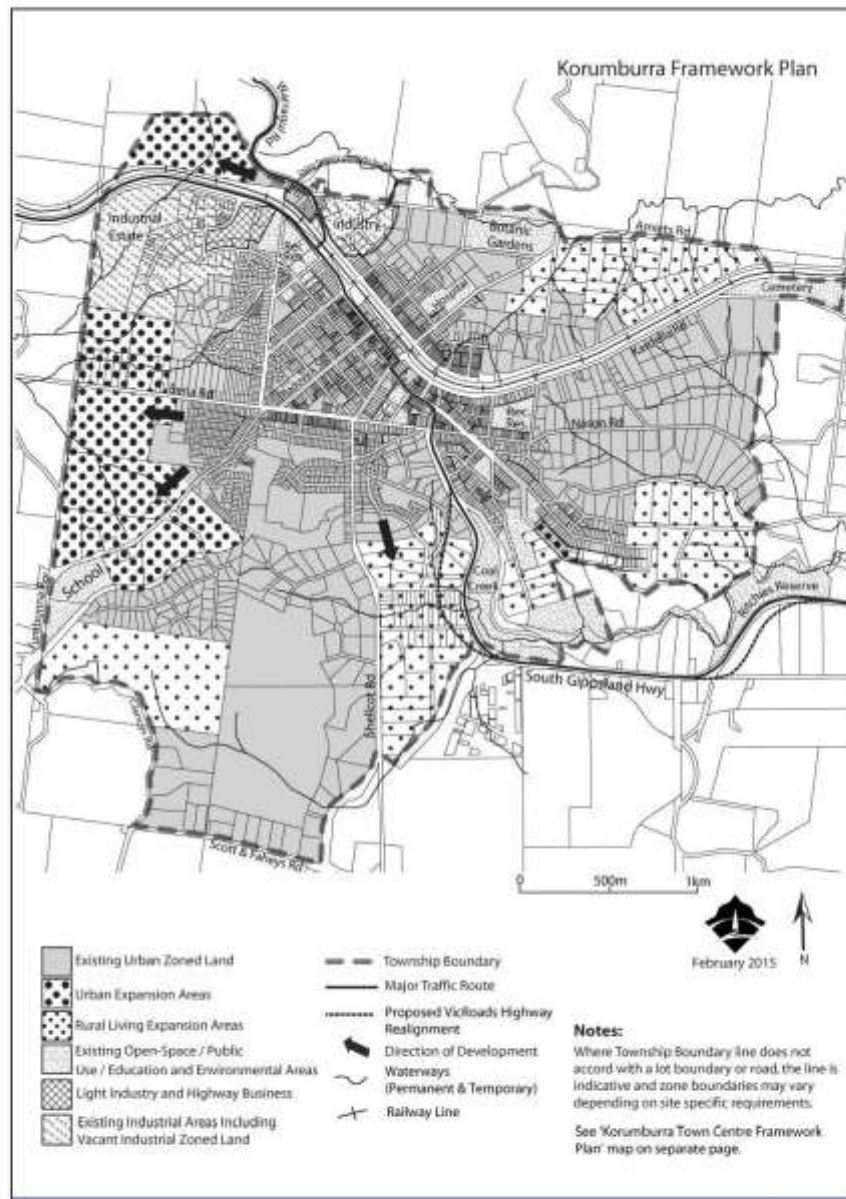
South Gippsland Recreation Plan 2007 (as amended)

The South Gippsland Housing and Settlement Strategy, 2013

SOUTH GIPPSLAND PLANNING SCHEME

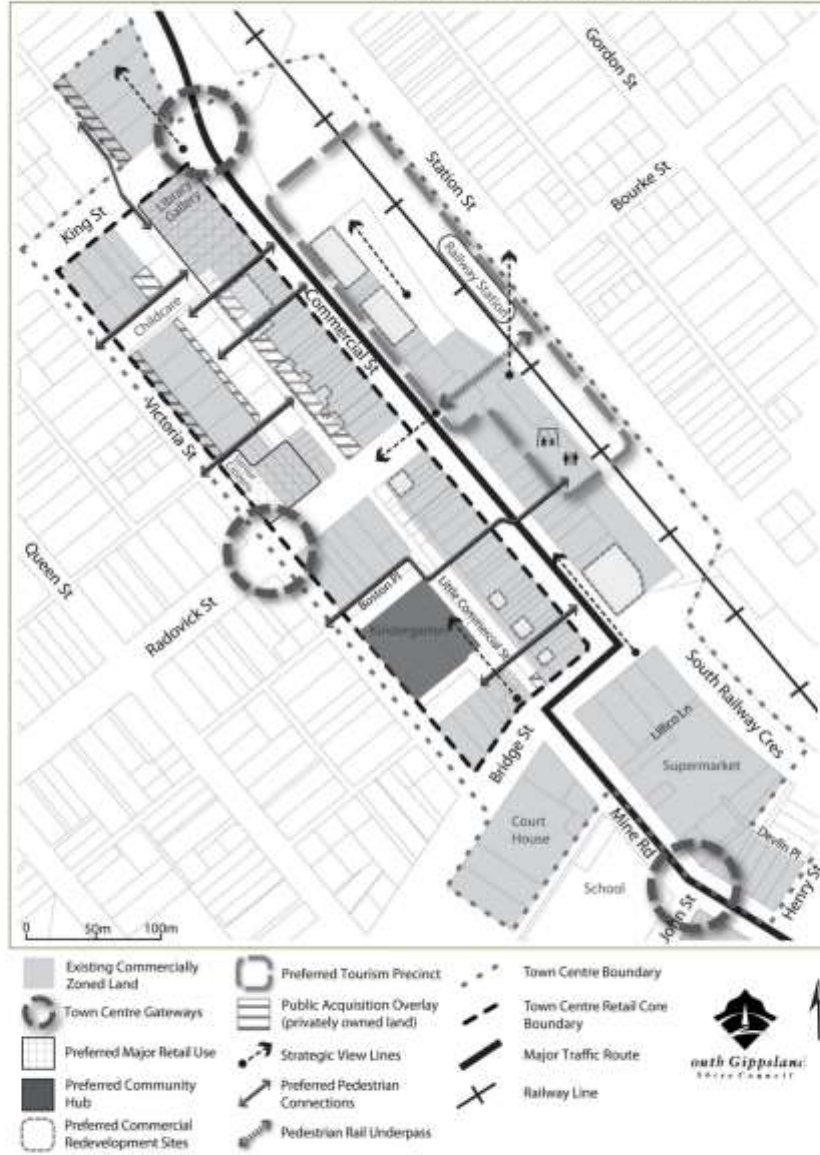


SOUTH GIPPSLAND PLANNING SCHEME



SOUTH GIPPSLAND PLANNING SCHEME

Korumburra Town Centre Framework Plan



SOUTH GIPPSLAND PLANNING SCHEME

21.16

20/15/2014
C92
Proposed C92

REFERENCE DOCUMENTS

The following strategic studies have informed the preparation of this planning scheme. All relevant material has been included in the Scheme. Decision-makers should use these for background research only. Material in these documents that potentially provides policy guidance on decision-making but which is not specifically referred to by the Scheme, should not be given any weight.

- *Coastal Spaces Landscape Assessment Study, South Gippsland Municipal Reference Document (2006)*
- *Coastal Spaces Landscape Assessment Study, State Overview Report (2006)*
- *Draft Guidelines for the Assessment of Heritage Planning Applications (Heritage Victoria, 2000)*
- *Foster Structure Plan, (2008)*
- *Gippsland Regional Waste Management Plan (Gippsland Regional Waste Management Group, 1999) (as amended)*
- *Healthy by Design ®, A guide to planning environments for active living in Victoria, Melbourne: National Heart Foundation of Australia, updated June 2012 (as amended), National Heart Foundation of Australia (Victoria Division)*
- *Infrastructure Design Manual (version 4, March 2013)(as amended)*
- *Korumburra Structure Plan (2014) (as amended)*
- *Korumburra Town Centre Car Parking Strategy, June 2013*
- *Korumburra Town Centre Framework Plan Economic Assessment, March 2013*
- *Korumburra Town Centre Framework Plan: Framework Report, October 2013*
- *Korumburra Milk Processing Plant Buffer Assessment (Burra Foods) November 2014*
- *Leongatha CBD Parking Strategy (2013) (as amended)*
- *Leongatha Industrial Land Supply Study (2013) (as amended)*
- *Leongatha Structure Plan, (2008)*
- *Loch Urban Design Framework (2005)*
- *Mirboo North Structure Plan, (2004)*
- *Nyora Structure Plan*
- *Regional Sand Extraction Strategy: Lang Lang to Grantville (1996, Department of Infrastructure)*
- *Rural Tourism Development Strategy (2009)*
- *Safer Design Guidelines for Victoria 2005*
- *Sandy Point Urban Design Framework: Settlement Background Paper (2006)*
- *South Gippsland Heritage Study (2004)*
- *South Gippsland Shire Heritage Study Amendment C92 Heritage Citations April 2014*
- *South Gippsland Housing and Settlement Strategy, 2013 (as amended)*
- *South Gippsland Municipal Public Health and Wellbeing Plan (as amended)*
- *South Gippsland Open Space Strategy 2007 (as amended)*
- *South Gippsland Rural Land Use Strategy, (2011)*
- *South Gippsland Shire Council Paths and Trails Strategy (2010) (as amended)*
- *South Gippsland Recreation Strategy, (2007, as amended)*
- *Tarwin Lower Urban Design Framework: Settlement Background Paper (2006)*
- *The Burra Charter: The Australia ICOMOS Charter for the Conservation of Places of Cultural Heritage Significance (1999)*
- *Tourist Signing Guidelines – Information for Tourism Businesses (VicRoads, 2009) (as amended)*

SOUTH GIPPSLAND PLANNING SCHEME

- *Venus Bay Urban Design Framework: Settlement Background Paper (2006)*
- *Waratah Bay Urban Design Framework: Settlement Background Paper (2006)*
- *Water Supply Catchment Development and Land Use Guidelines (South Gippsland Water, 2012)*

SOUTH GIPPSLAND PLANNING SCHEME

05/12/2013
CST
Proposed
C22

SCHEDULE TO CLAUSE 66.04

Referral of permit applications under local provisions

Clause	Kind of application	Referral authority	Type of referral authority
On land identified as the Gippsland Coalfields Policy Area in the Local Planning Policy Framework	To subdivide land, To use land or to construct a building or construct or carry out works for a cemetery, educational centre, exhibition centre, function centre, golf course, hospital, industry (other than rural industry), major sports and recreational facility, shop or office with a gross floor area exceeding 2000 square metres, or accommodation if the total number of people to be accommodated exceeds 100 or the proposed development results in an increase of greater than 25 percent to the gross floor area of an existing accommodation building.	The Secretary to the Department of Primary Industries The Secretary to the Department of Primary Industries	Determining referral authority Determining referral authority
Clause 3.0 of Schedule 3 to Clause 42.01 (ESO)	An application for development on Coastal Crown Land, as defined under the Coastal Management Act, 1995	The Secretary administering the Coastal Management Act, 1995	Determining referral authority
Schedule 2 to Clause 45.02 (AEO)	An application to use land under the schedule.	Airport owner	Determining referral authority
Clause 3.0 of Schedules 8, 9, 10 & 11 to Clause 43.02 (DDO)	An application for buildings or works specified in the schedules to the DDO's. This requirement can be set-aside subject to an application satisfying conditions or requirements previously agreed in writing between the responsible authority and the Secretary of the Department of Health.	Secretary to the Department of Health	Determining referral authority
<u>Schedule 8 to Clause 42.01 (ESO)</u>	<u>An application to construct a building, or construct or carry out works, or subdivide land.</u>	<u>Environment Protection Authority</u>	<u>Recommending referral authority</u>

SOUTH GIPPSLAND PLANNING SCHEME

30/10/2014
C62
Proposed
C62

SCHEDULE TO CLAUSE 61.03

Maps comprising part of this scheme:

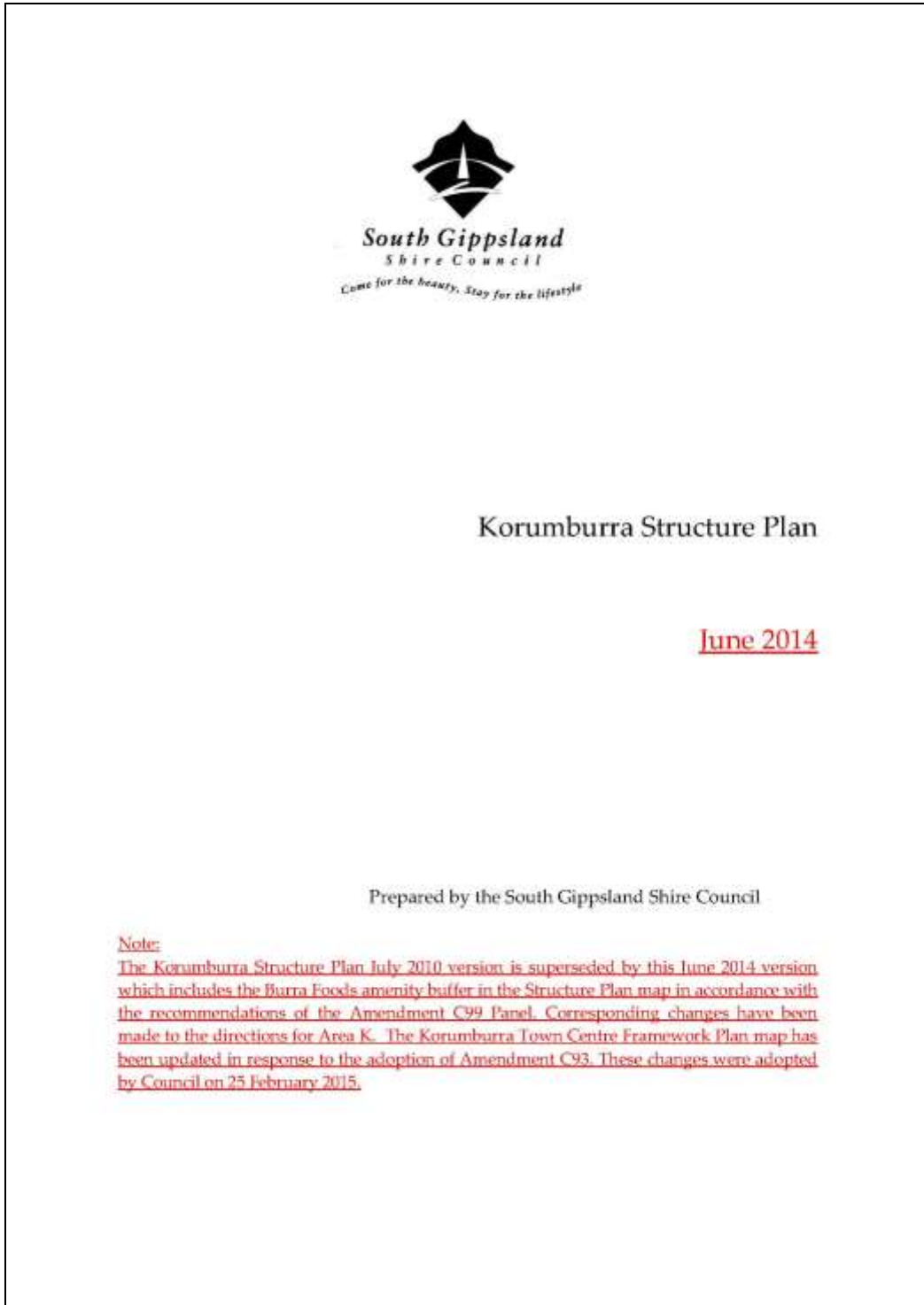
- 1, 1ESO5, 1HO, 1LSIO, 1WMO, 1PAO, 1RXO
- 2, 2HO, 2DPO, 2RXO
- 3, 3ESO5, 3HO, 3LSIO, 3EAO, 3RXO
- 4, 4ESO5, 4HO, 4LSIO, 4PAO
- 5, 5ESO5, 5HO, 5PAO
- 6, 6ESO2, 6ESO5, 6HO, 6LSIO, 6WMO
- 7, 7EMO, 7ESO1, 7ESO5, 7ESO6, 7HO, 7WMO, 7PAO
- 8, 8ESO1, 8ESO2, 8ESO4, 8ESO5, 8WMO
- 9, 9EMO, 9ESO1, 9ESO2, 9ESO4, 9ESO5, 9HO, 9DDO, 9WMO, 9PAO, 9EAO
- 10, 10DPO, 10ESO2, 10ESO4, 10ESO5, 10LSIO, 10WMO, 10PAO, 10RXO
- 11, 11ESO5, 11HO, 11RXO
- 12, 12ESO5, 12HO, 12WMO
- 13, 13AEO, 13ESO2, 13ESO5, 13ESO6, 13HO, 13LSIO, 13WMO, 13PAO, 13RXO
- 14, 14ESO2, 14ESO5, 14ESC8, 14HO, 14DDO, 14DPO, 14PAO, 14RXO
- 15, 15ESO5, 15HO
- 16, 16DDO, 16DPO, 16EAO, 16ESO4, 16ESO5, 16ESO6, 16HO, 16PAO, 16PO
- 17, 17ESO5, 17ESO6, 17PAO
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- 22, 22DDO, 22ESO3, 22ESO7, 22SLO, 22WMO
- 23, 23DDO, 23ESO3, 23ESO5, 23ESO6, 23ESO7, 23LSIO, 23SLO, 23WMO
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- 25, 25DDO, 25ESO6, 25ESO7, 25HO
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- 28, 28DDO, 28EMO, 28ESO1, 28ESO2, 28ESO3, 28ESO4, 28ESO5, 28ESO6, 28HO, 28LSIO, 28PAO, 28SLO, 28WMO
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- 36, 36ESO3, 36ESO5, 36SLO, 36WMO
- 37, 37DDO, 37DPO, 37ESO1, 37ESO3, 37ESO5, 37ESO7, 37LSIO, 37SLO, 37WMO
- 38, 38DDO, 38ESO3, 38ESO5, 38ESO7, 38LSIO, 38SLO, 38WMO

SOUTH GIPPSLAND PLANNING SCHEME

- 39, 39ESO3, 39HO, 39LSIO, 39SLO, 39WMO

Attachment 4 Korumburra Structure Plan

Note: The following are extracted pages from the Structure Plan displaying all of the changes to the Structure Plan - see red / underlined text. The complete Korumburra Structure Plan June 2014 can be viewed in **Appendix 2** of this Council Report.



Korumburra Structure Plan page 11 (excerpt) changes 'Residential' Strategy changes for Area K.

Plan ref	Description	Comments
D	Farming zoned land to the west of current Residential zoned area, north of Bena Road	Rezone to facilitate future urban residential development when required.
E	Farming zoned land to the west of current Residential zoned area, south of Bena Road	Rezone to facilitate future urban residential development when required.
F	Farming zoned land to the west of current Residential zoned area, south of Korumburra Wonthaggi Road	Rezone to facilitate future urban residential development when required.
G	Farming zoned land to the south of current Low Density Residential zoned area, north of Clancys Road.	Rezone to facilitate future rural residential development when required.
H	Farming zoned land south east of town.	Rezone to facilitate rural residential development when required, having close regard to the topographical constraints of the land.
K	Low Density Residential land to north of existing residential areas.	<u>Rezone to facilitate urban residential development on land outside the ESOS. For land within the ESOS, discourage the rezoning of land that could facilitate the establishment of more intensive forms of sensitive land use near the manufacture of milk products facility.</u>
M	Farming zoned land to the north of railway reservation, east of boundary Road.	Rezone to facilitate rural residential development when required.
N	Farming zoned land to south of town.	Rezone to facilitate rural residential development when required, having close regard to the topographical constraints of the land and its past mining activities.
P	Farming zoned land to the south of town containing old and inappropriate subdivision.	Pursue a restructuring of the area to facilitate more appropriate subdivision pattern.
Q	Farming zoned land south east of town.	Rezone to facilitate rural residential development when required, having close regard to the topographical constraints of the land.
R	Farming zoned land adjoining the northwest boundary of the town.	Rezone to facilitate future urban residential development when required, having close regard to issues of pedestrian connectivity to the existing Town Centre.

Korumburra Structure Plan page 16 (excerpt) changes 'Industrial'
Strategies. Delete Strategy 3

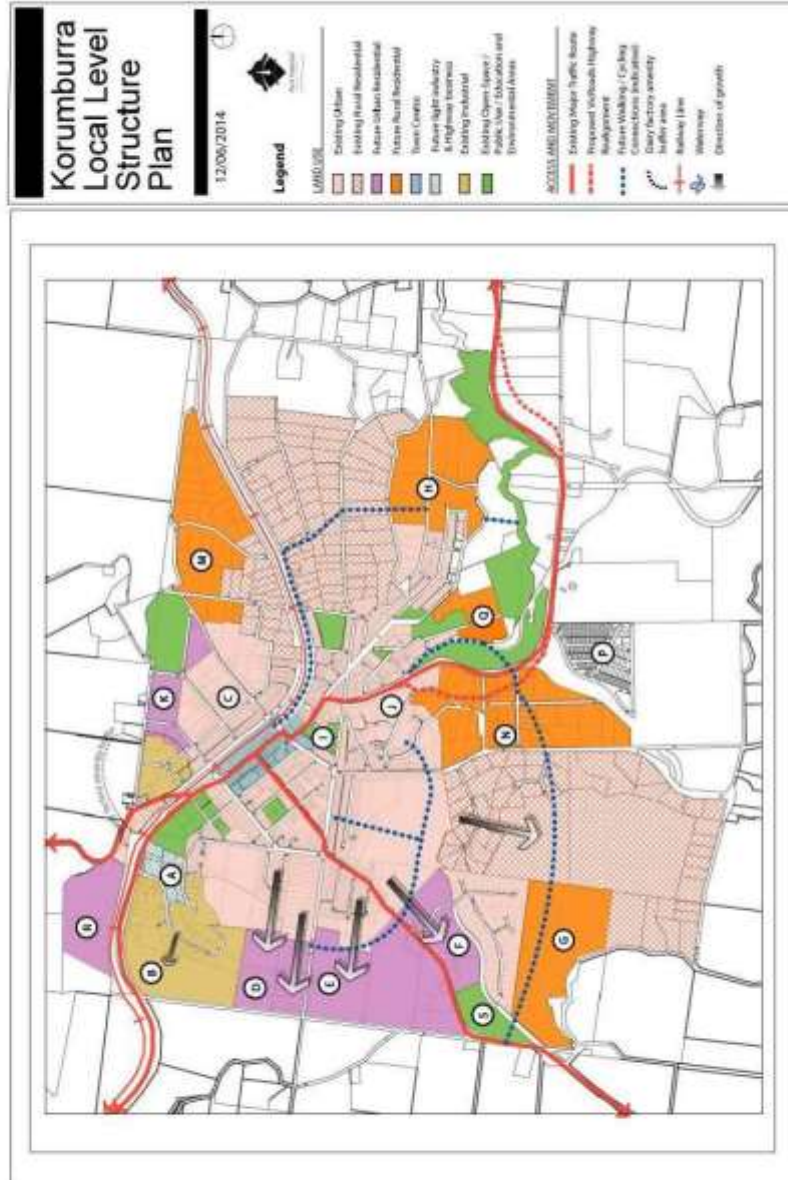
1. Facilitate and direct future industrial and allied development to the existing industrial precinct to the north of the town (south of the South Gippsland Highway) by completing the loop road and integrating future industrial developments on the vacant industrial land with the established industrial area.
2. Apply the Industrial 3 Zone to the entire area of the former Saleyards and apply a Design and Development Overlay to the Highway frontage to require high quality building development at the key township entry point.
- ~~3. Investigate the suitability of land currently zoned for industrial purposes to the east of the Burra Foods complex, north of the South Gippsland Highway.~~
4. Require outline development plans to be prepared for future industrial subdivisions to ensure their integration with existing industrial areas, that a range of appropriately sized industrial allotments are created and that efficient use is made of existing infrastructure.
4. Consider specific initiatives that accord with the strategies, in the following locations (see Structure Plan map):

Korumburra Structure Plan page 34 (excerpt) map changes

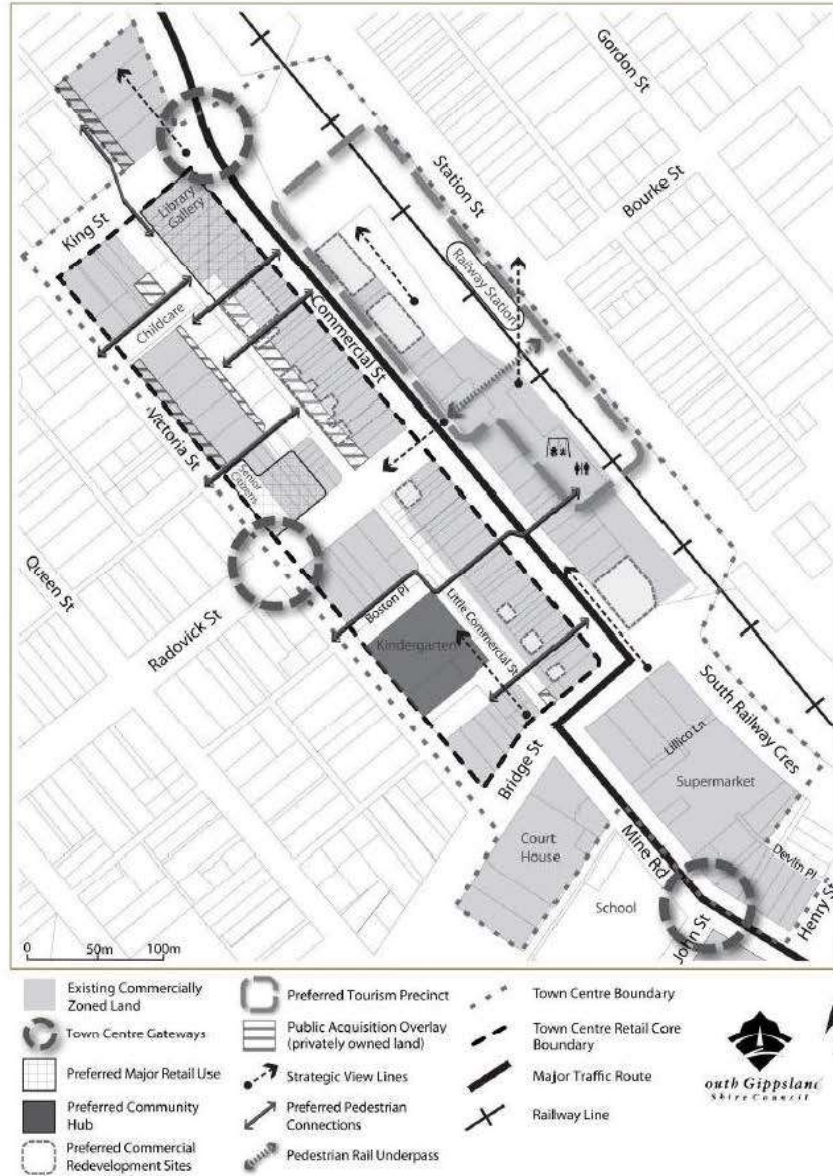
Structure Plan Attached Maps

1. Korumburra Local Level Structure Plan map [12/06/14](#)
2. Korumburra Town Centre Framework Plan map ([Amendment C93 Version](#))

Korumburra Structure Plan – New Maps. Note. The 'Korumburra Local Level Structure Plan' has been amended to include a dotted outline of the ESO8 Buffer. The Korumburra Town Centre Framework Plan map has been replaced by the map included in the Planning Scheme by Amendment C93 - approved 23 October 2014. The former KTCFP was made redundant with the approval of C93 and hence is replaced by this new map.



Korumburra Town Centre Framework Plan



E.3 COMPLIANCE AND ENFORCEMENT POLICY

Development Services Directorate

EXECUTIVE SUMMARY

Council is responsible for administering and enforcing a variety of Victoria's legislation. The purpose of the legislation is to provide the community with appropriate levels of health, safety and amenity. Council uses relevant Acts, Regulations, Codes of Practice and guidelines to inform its decision making to ensure compliance and enforcement matters are dealt with fairly, consistently and reasonably. These documents have been developed by State Government Departments and various professional associations.

It has been recognised there is a need for an overarching Council adopted Compliance and Enforcement policy. A proposed Compliance and Enforcement Policy has been developed. It is recommended that Council adopts the proposed Compliance and Enforcement Policy.

Document/s pertaining to this Council Report

- **Attachment 1** - Compliance and Enforcement Policy

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989
- Various Victorian Acts Council that is responsible for administering and enforcing

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Nil

COUNCIL PLAN

Outcome:	4	A Leading Organisation.
Objective:	4.2	Pursue best practice in organisational development and operations of the organisation.
Strategy:	4.2.3	We will make informed decisions and provide opportunities for the community to participate in the decision making process.

CONSULTATION

Council were briefed on the development of a compliance and enforcement Policy on 7 May 2014, 1 October 2014 and 26 November 2014. Internal consultation has also been undertaken with relevant departments during the development of the policy.

REPORT

Background

Council is responsible for administering and enforcing a number of Victorian Acts within the municipality. The purpose of the legislation is to provide the community with appropriate levels of health, safety and amenity. Legislation that Council has administration and/or enforcement responsibilities include:

- Building Act 1993
- Country Fire Authority Act 1958
- Domestic Animals Act 1994
- Environment Protection Act 1970
- Food Act 1984
- Impounding of Livestock Act 1994
- Local Government Act 1989
- Planning and Environment Act 1987
- Public Health and Wellbeing Act 2008
- Residential Tenancies Act 1997
- Road Safety Act 1986
- Road Management Act 2004
- South Gippsland Shire Council General Local Law 2014

The scope and stringency of legislation Council administers and/or enforces is generally increasing as regulators amend legislation to reflect changing community expectations.

Council uses a number of documents to guide its decision making to ensure compliance and enforcement matters are dealt with fairly, consistently and reasonably. These documents have been developed by State Government Departments and various professional associations.

Regardless of the above, it has been recognised that there is a need for an overarching Council compliance and enforcement policy.

Discussion

A Compliance and Enforcement Policy has been developed. The policy is based on the NSW Ombudsman Model Enforcement Policy for Councils.

The policy captures the main themes of Council's compliance and enforcement program which are:

1. Education: Council will use various means to increase the community's awareness of Council administered and enforced legislation they are required to conform to and discourage future breaches.
2. Compliance: Council will provide community members with appropriate time to rectify breaches. It is recognised consideration must be given to the level of risk to the community or any compliance time and actions mandated by the relevant legislation.
3. Enforcement: Council will take enforcement action where the required health, safety or amenity objectives of the relevant legislation are not being achieved and/or within an appropriate time.

The policy also aims to:

1. Ensure Council's compliance and enforcement functions are fair, consistent and without bias, in accordance with legislation;
2. Assist Council's officers to respond promptly, consistently and effectively to complaints of unlawful activity, and undertake proactive investigation of unlawful activity, in accordance with the relevant legislation;
3. Ensure the level of compliance and enforcement action undertaken is proportionate to the nature and seriousness of the offence;
4. Inform stakeholders about Council's position in relation to compliance and enforcement of legislation, including the circumstances which will be taken into account when assessing different compliance and enforcement options; and
5. Ensure that Council's officers exercise their discretion in relation to unlawful activity in an appropriate manner and that Council's resources to deal with unlawful activity are appropriately allocated and in a manner consistent with the public interest.

Adoption of the policy will provide Council with an overarching policy to guide Council's compliance and enforcement programs.

Proposal

It is proposed that Council adopts the Compliance and Enforcement Policy.

FINANCIAL CONSIDERATIONS

There are no financial considerations in relation to adopting the proposed Compliance and Enforcement Policy.

RISKS

Adopting the proposed Compliance and Enforcement Policy provides for better governance of Council's compliance and enforcement program as it:

1. Will minimise both reputational and financial risks;
2. Enhance openness and transparency; and
3. Assist in avoiding possible breaches of the Local Government Act 1989, Staff Code of Conduct and other Council policies.

CONCLUSION

A proposed Compliance and Enforcement Policy has been developed. The policy is based on the NSW Ombudsman's Model Enforcement Policy for Councils. The purpose of the policy is to ensure Council has an overarching policy to guide compliance and enforcement programs.

It's proposed that Council adopt the proposed Compliance and Enforcement Policy.

RECOMMENDATION

That Council adopt the Compliance and Enforcement Policy C64 contained in Attachment 1.

STAFF DISCLOSURE OF INTEREST

Nil

Attachment 1 Compliance and Enforcement Policy



South Gippsland Shire Council

COMPLIANCE AND ENFORCEMENT POLICY

Policy Number	C64	Directorate	Development Services
Adoption Date	February 2015	Department	Regulatory Services
Revision Date	February 2018	Primary Author	Manager Regulatory Services

POLICY OBJECTIVE

Council is responsible for administering a wide range of legislation providing for the safety, health and amenity of the community. The community has a responsibility to understand and conform to the legislation. Council has a responsibility to assist the community understanding and conforming to the legislation along with encouraging greater rates of compliance.

The main themes of Council's compliance and enforcement program are:

- **Education**
Council will use various means to increase the community's awareness of Council administered and enforced legislation they are required to conform to and discourage future breaches.
- **Compliance**
Council will provide community members with appropriate time to rectify breaches. It is recognised consideration must be given to the level of risk to the community or any compliance time and actions mandated by the relevant legislation.
- **Enforcement**
Council will take enforcement action where the required health, safety or amenity objectives of the relevant legislation are not being achieved and/or within an appropriate time.

This policy aims to:

- Ensure that Council's compliance and enforcement functions are fair, consistent and without bias, in accordance with legislation;
- Assist Council's officers to respond promptly, consistently and effectively to complaints of unlawful activity, and undertake proactive investigation of unlawful activity, in accordance with the relevant legislation;
- Ensure that the level of compliance and enforcement action undertaken is proportionate to the nature and seriousness of the offence;
- Provide information for all stakeholders about Council's position in relation to compliance and enforcement of legislation, including the circumstances which will be taken into account when assessing different compliance and enforcement options; and
- Ensure that Council's officers exercise their discretion in relation to unlawful activity in an appropriate manner and that Council's resources to deal with unlawful activity are appropriately allocated and in a manner consistent with the public interest.



LEGISLATIVE PROVISIONS

- Building Act 1993
- Country Fire Authority Act 1958
- Domestic Animals Act 1994
- Environment Protection Act 1970
- Food Act 1984
- Impounding of Livestock Act 1994
- Infringements Act 2006
- Local Government Act 1989
- Planning and Environment Act 1987
- Public Health and Wellbeing Act 2008
- Residential Tenancies Act 1997
- Road Safety Act 1986
- Road Management Act 2004
- Summary Offences Act 1966
- South Gippsland Shire Council General Local Law 2014

DEFINITIONS

Unlawful activity is any activity, action or work that has been or is being carried out contrary to a legislative provision regulating that particular matter.

POLICY STATEMENT

Application

This policy applies to the management of unlawful activity, within the Shire of South Gippsland, regarding:

- Building Control
- Conduct of Elections
- Control of Animals
- Fire Prevention
- Food Safety
- Litter Management
- Local Laws
- Parking Control
- Planning
- Public and Environmental Health

Responsibilities

Council staff who deal with unlawful activity are responsible for implementing this Policy. Relevant Council officers are to be given appropriate delegations in relation to unlawful activity.

All complaints alleging unlawful activity shall be logged in Council's electronic records system as soon as practicable upon receipt and directed to the responsible officer within Council.



Council officers responsible for the investigation of a matter shall keep a full and complete record of their actions, including reasons for decisions made in relation to an investigation.

Council or its officers generally have discretion whether or not to investigate or take action and, if so, how to do so.

Investigating Complaints

All complaints to Council regarding unlawful activity will be reviewed to determine whether the matter requires investigation. Council may also undertake proactive investigation of unlawful activity.

Priority will be given to matters where there is an imminent threat to health, life or property.

Further enquiries or investigations may not be appropriate where:

- The matter has already been investigated and resolved or it has been determined that no further action will be taken in the absence of new information;
- Council has no power in relation to the matter or is otherwise not the appropriate authority to investigate the matter. In relation to such matters it may be appropriate for Council to bring the matter to the attention of the appropriate regulatory authority or the relevant private building surveyor where appropriate;
- The activity is identified as being lawful without the need for an investigation; or
- Such enquiries or investigations would be contrary to the public interest or policy considerations.

When considering whether a complaint or issue warrants investigation Council officers may consider a range of factors including:

- Is the activity having a significant detrimental effect on the environment or a risk to public safety?
- Is the complaint premature?
- Is the complaint trivial, vexatious or frivolous?
- On the basis of the information available, is the activity permissible without consent or approval?
- If the activity is permissible with consent/approval, is there a consent/approval in place and have conditions of consent/approval been complied with? Or has an application been lodged to regularise the matter?
- Have there been previous complaints about the subject matter, person or organisation?
- Does the complaint have special significance in relation to existing compliance enforcement priorities?
- Given the particular circumstances of the complaint, are there significant resource implications in relation to any investigation and any subsequent compliance and enforcement action?
- What is the severity of the impact on the amenity of the community?
- Overall, is it in the public interest to investigate the complaint?



Where a decision is made to not investigate a complaint, this decision should be recorded by the responsible officer together with reasons for the decision. The complainant should be advised of the decision.

Taking Compliance and Enforcement Action

After conducting an investigation and determining that there is sufficient evidence to determine that an offence has occurred beyond reasonable doubt, officers should consider all relevant circumstances of the individual case to determine whether to take compliance and enforcement action and the level of action that is appropriate.

The circumstances for consideration to determine whether and, if so, what compliance and enforcement action (including prosecution) is appropriate and in the public interest include:

- The seriousness of the breach, including whether the breach is merely a technical breach of low impact level;
- When the unlawful activity was carried out and for how long, including whether the breach is continuing;
- The harm or potential harm to the environment or public health, safety or amenity caused by the unlawful activity;
- The need for general and specific deterrence;
- Whether the breach can be easily remedied;
- Any particular circumstances of hardship affecting the person who is the subject of the complaint;
- Any mitigating or aggravating circumstances;
- Any prior warnings that have been issued to the person or previous action taken against the person;
- Whether any requisite consent/approval would have been granted if it was sought;
- Whether the person in breach shows or has shown contrition;
- The degree of culpability of the alleged offender;
- Whether an educative approach would be more appropriate than a coercive approach;
- The costs and benefits of taking formal compliance and enforcement action as opposed to taking informal or no action;
- The prospects of success if the proposed action were challenged in court;
- What action would be proportionate and reasonable;
- Any precedent which may be set by not taking compliance and enforcement action;
- The availability and efficacy of any alternatives to prosecution;
- Whether the offender had been dealt with previously by non-prosecutorial means;
- Whether the breach is a continuing or second offence.

Compliance and enforcement action (including prosecution) will not be undertaken for an improper purpose and will not be influenced by:

- a) Any matter that would constitute unlawful discrimination against a person;
- b) Personal empathy or antipathy towards a person; and
- c) Political affiliations or any other association.

COUNCIL POLICY

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Options for dealing with confirmed cases of unlawful activity

Council will endeavour to use the most appropriate action based on the individual circumstances of each case.

Where an investigation has been undertaken and it is considered that there is sufficient evidence to determine that an offence has occurred beyond reasonable doubt, a number of approaches may be considered for dealing with the incident. These may be subject to, among other things, the powers provided under the governing legislation. The approaches which Council may consider when considering what action to take include, but are not limited to:

- No action
- Referral to an appropriate external compliance and enforcement body
- Verbal warning
- Written warning, including formal caution
- Seek voluntary compliance in order to regularise the matter (e.g. through undertakings)
- Issuing of Notices and Orders
- Infringement Notices
- Criminal proceedings in the Magistrates Court
- Application for Orders in the Magistrates Court
- Application for Orders in Victorian Civil and Administrative Tribunal
- Council undertaking the requisite work and recovering the cost of doing so.

Where appropriate, some offences may require more than one of the above actions to be undertaken.

All decisions to take compliance and enforcement action (including all decisions to commence civil proceedings or prosecution) shall be made in accordance with the relevant delegations and appointments. Despite an officer's recommendation that action be taken, prosecutions or other proceedings (i.e. VCAT) must not be commenced by Council unless the Council Director responsible for enforcing the legislation is of the opinion that it is appropriate to do so having regard to the matters above. This requirement does not apply to a procedural prosecution such as failing to comply with a Council direction, notice or order or failing to pay an infringement notice. In this instance the decision to prosecute is to be approved by the Manager responsible for enforcing the legislation.

Privacy

The disclosure of information revealed by an investigation, action/enforcement proceedings taken, is regulated by the *Information Privacy Act 2000*. It is an offence to disclose such information to a third party unless exempted under the Act.

Human Rights Consideration

The Compliance and Enforcement Policy has been assessed as compliant with the obligations and objectives of the Victorian Charter of the *Human Rights Responsibilities Act 2006*.

COUNCIL POLICY

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RISK ASSESSMENT

This policy:

- Will minimise both reputational and financial risks;
- Enhance openness and transparency; and
- Assist in avoiding possible breaches of the Local Government Act 1989, Staff Code of Conduct and other Council policies.

IMPLEMENTATION STATEMENT

The management positions below are responsible for implementation and compliance monitoring of the policy in their work areas:

Position	Roles and Responsibilities
Directors	To oversee the implementation of this Policy and supporting Procedures
Managers	To ensure awareness of and adherence of staff to this Policy and relevant supporting Procedures

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E.4 2016 GENERAL VALUATION

Corporate Services Directorate

EXECUTIVE SUMMARY

Council is required under the Valuation of Land Act 1960 (as amended) to revalue all rateable properties within the municipality on a two yearly cycle.

The General Valuation is the basis for the distribution of the rates, which are levied on each property within the municipality.

This report complies with the statutory process for Council to formally resolve to 'cause a general valuation of rateable and non rateable leviable land'. The report will also ask Council to note a required Statutory Declaration made by its Shire Valuer as to his impartiality and diligence in producing the best possible valuation.

Document/s pertaining to this Council Report

- **Attachment 1** - Statutory Declaration of Valuer

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Valuation of Land Act 1960 (as amended) Section 11
- Valuation of Land Act 1960 (as amended) Section 13DH
- Valuation of Land Act 1960 (as amended) Section 6(1)
- Valuation of Land Act 1960 (as amended) Section 13H

COUNCIL PLAN

Outcome:	4.0	A Leading Organisation.
Objective:	4.1	Improve the Financial Sustainability of Council, including diversifying revenue streams.
Strategy:	4.2.2	We will monitor corporate governance processes, including risk management and skills development with the aim of ongoing improvement

CONSULTATION

This report complies with the statutory process pursuant to the Valuation of Land Act 1960 (as amended).

REPORT

Background

Section 11 of the Valuation of Land Act 1960 (as amended) and Section 13H of the Valuation of Land Act 1960 (as amended) requires that for the purposes of the Local Government Act 1989 and the Fire Services Property Levy Act 2012, Council cause a General Valuation of rateable and non rateable leviable land to be made as at 1 January in every even calendar year, and that the Revaluation be returned to Council after 1 January and before 30 June in that year. Section 6 of the Valuation of Land Act requires a rating authority (Council) proposing to cause a General Valuation should give to the Valuer General, and to every other rating authority interested in the valuation of land within its area, notice of this resolution.

Declaration of Impartiality.

The person appointed to make the valuation must make a statutory declaration that the valuation and return will be impartial and true, and to the best of that person's judgement, and will be made by that person or under that person's immediate personal supervision. Council's Valuer, has made the required statutory declaration, a copy of which is included as **Attachment 1**.

FINANCIAL CONSIDERATIONS

Provision has been made in the 2015/16 and forward budgets to undertake the Revaluation.

The intent of the whole revaluation process is to distribute the rate burden as equitably as possible, using property valuation as the legal basis of determining ability to pay.

RISKS

This report complies with the statutory process pursuant to the Valuation of Land Act 1960 (as amended).

Provision has been made in the 2015/16 and forward budgets to undertake the Revaluation.

CONCLUSION

This report complies with the statutory process pursuant to the Valuation of Land Act 1960 (as amended).

RECOMMENDATION

That Council:

- 1. In accordance with the provisions of Section 11 and Section 13H of the Valuation of Land Act 1960 (as amended) hereby resolves to cause a General Valuation of rateable and non rateable leviable land to be made as at 1 January 2016.**
- 2. Require the Revaluation be returned to Council after 1 January 2016 and before 30 June 2016.**
- 3. Advise pursuant to Section 6(1) of the Valuation of Land Act 1960 (as amended), The Valuer General and Rating Authorities interested in such a resolution.**
- 4. Note the Statutory Declaration of Council's Valuer included in Attachment 1 to this report.**

STAFF DISCLOSURE OF INTEREST

Nil

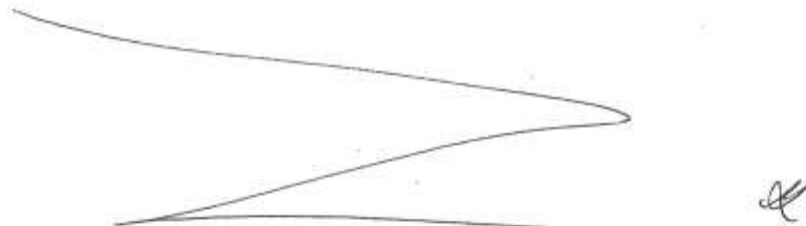
Attachment 1
Statutory Declaration of Valuer

State of Victoria

Statutory Declaration


I, Andrew Graeme Begg
[full name]
of [REDACTED]
[address]
Valuer, do solemnly and sincerely declare that:-
[occupation]

The valuation and return of the General Valuation of all rateable and non rateable leviable properties in the Shire of South Gippsland to be made as at 1 January 2016, will be made by me or under my immediate personal supervision, and will be impartial and true to the best of my judgement.



I acknowledge that this declaration is true and correct, and I make it with the understanding and belief that a person who makes a false declaration is liable to the penalties of perjury.

Declared at LEONGATHA VICTORIA
this 8 day of JANUARY 2015


Signature of person making this declaration
[to be signed in front of an authorised witness]

Before me,


Signature of Authorised Witness

LORELLE LOGAN JP
88 BRIDGE STREET,
KORUMBURRA 3950
JUSTICE OF THE PEACE FOR VICTORIA
REG. NO 19495

The authorised witness must print or stamp his or her name, address and title under section 107A of the *Evidence (Miscellaneous Provisions) Act 1958* (as of 1 January 2010), (previously *Evidence Act 1958*), (eg. Justice of the Peace, Pharmacist, Police Officer, Court Registrar, Bank Manager, Medical Practitioner, Dentist)

E.5 INFORMATION PRIVACY POLICY

Corporate Services Directorate

EXECUTIVE SUMMARY

This report provides the opportunity for Council to review, consider and adopt an updated Information Privacy (including Website Privacy Statement) Policy (**Attachment 1**) as a consequence of the new Privacy and Data Protection Act 2014 (Vic).

Document/s pertaining to this Council Report

- **Attachment 1** - Information Privacy (Including Website Privacy Statement) Policy

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Privacy and Data Protection Act 2014 (Vic)
- Health Records Act 2001 (Vic)
- Freedom of Information Act 1982
- Public Records Act 1973
- Charter of Human Rights & Responsibilities Act 2006 (the Charter)

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

COUNCIL PLAN

Outcome:	4.0	A Leading Organisation
Objective:	4.2	Pursue Best Practice in Organisational Development and Operations of the Organisation
Strategy:	4.2.2	We will monitor corporate governance processes, including risk management and skills development with the aim of ongoing improvement

CONSULTATION

In updating this policy Council has consulted with Information Privacy Victoria, Council's Executive Leadership Team and Councillors via InfoSum.

REPORT

Background

The Privacy and Data Protection Act 2014 (Vic) came into effect on 17 September 2014 that:

- Repeals the Information Privacy Act 2000 (Vic);
- Maintains the information privacy provisions in the former Information Privacy Act, including the Information Privacy Principles (IPPs); and
- Provides for agencies to have in place a privacy compliance program however local government is exempt from this provision.

The Information Privacy Policy (**Attachment 1**) while not due for review until May 2016 has been brought forward for review to reflect the repeal of the Information Privacy Act 2000 (Vic) and replacement by the Privacy and Data Protection Act 2014 (Vic).

Discussion

Council in undertaking its role, responsibilities and functions needs to collect, store and use personal information on a daily basis. Individuals from whom this personal information is collected are entitled to have this information protected and used in accordance with the law. As such, Council is required to comply with the new Privacy and Data Protection Act 2014 (Vic). Council's Information Privacy Policy (**Attachment 1**) enables Council to articulate and disseminate to Councillors, staff and the community how it will meet the objectives of the Privacy and Data Protection Act 2014 (Vic).

The objectives of the Privacy and Data Protection Act 2014 (Vic) are to:

- balance the public interest in the free flow of information with the public interest in protecting the privacy of personal information in the public sector;
- balance the public interest in promoting open access to public sector information with the public interest in protecting its security;
- promote awareness of responsible personal information handling practices in the public sector;
- promote the responsible and transparent handling of personal information in the public sector; and
- promote responsible data security practices in the public sector.

Further given the operational nature of this policy it is recommended that Council declare this policy a Chief Executive Policy rather than a Council Policy.

Proposal

To adopt the revised policy as presented to Council in this report.

FINANCIAL CONSIDERATIONS

Not applicable

RISKS

The Information Privacy Policy will minimise the risk of Council, individual Councillors, staff, contractors and volunteers from:

- Breaching privacy laws;
- Mishandling personal information;
- Council being perceived as untrustworthy and not valuing and protecting privacy; and
- Breaching a basic human right - the protection of privacy.

CONCLUSION

The continual review and adoption of Council Policies allows the legislative amendments and practical risk management requirements to be considered and factored into the direction set through these policies.

Council is encouraged to adopt the updated Information Privacy Policy (**Attachment 1**). This policy assists Council in managing private and sensitive matters for individuals in an empathetic and transparent manner.

RECOMMENDATION

That Council:

- 1. Revoke the Information Privacy (including Website Privacy Statement) Policy C22 dated 22 May 2013,**
- 2. Adopt the proposed updated Information Privacy Policy (including Website Privacy Statement) C22 (Attachment 1),**
- 3. Further declare this policy to be a Chief Executive policy; and**
- 4. Publish this Policy on Council's website.**

STAFF DISCLOSURE OF INTEREST

Nil

Attachment 1 Information Privacy Policy



South Gippsland Shire Council

INFORMATION PRIVACY (INCLUDING WEBSITE PRIVACY STATEMENT) POLICY

Policy Number	C22	Directorate	Corporate Services
Council Item No.		Department	Governance
Council Adoption Date	25 February 2015	Primary Author	David Roche
Revision Date	25 February 2018	Secondary Author	Luke Anthony

POLICY OBJECTIVE

The objectives of this policy are to:

- Ensure compliance with the Privacy and Data Protection Act 2014 (Vic);
- Explain how the Council collects, holds, uses and discloses personal and health information of individuals, how individuals can gain access to their information, and correct inaccuracies, and how an individual may complain about possible breaches of privacy;
- Protect the personal information of people collected by the Council; and
- Replace Council's Information Privacy Policy C22 dated 22 May 2013.

LEGISLATIVE PROVISIONS

Privacy and Data Protection Act 2014 (Vic)
Health Records Act 2001(Vic)
Freedom of Information Act 1982
Public Records Act 1973
Charter of Human Rights & Responsibilities Act 2006 (The Charter)

DEFINITIONS

Personal Information is information or an opinion (including information or an opinion forming part of a database), that is recorded in any form whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include information of a kind to which the Health Records Act 2001 (Vic) applies.

This includes any information about an identifiable individual. For example, a name and home address or mobile telephone number of the named person is personal information about that individual. Sometimes, a person does not have to be named for the personal information to identify them. The information itself might clearly identify who the person is. This is especially likely in a small community.

Sensitive information means information or opinion about an individual's ethnic origins, religious beliefs, political opinions or association, philosophical beliefs, membership of professional association or trade union, sexual preferences or practices and criminal record.

Health information means information or opinion about the physical, mental, psychological health of an individual, disability of an individual or a health service provided or to be provided to an individual, but does not include information about an



individual who has been deceased for more than 30 years.

POLICY STATEMENT

Council acknowledges that

- It collects and holds enormous amounts of personal information about individuals. This includes information about ratepayers / residents, council staff, councillors and contractors;
- Councillors are subject to this policy both as members of Council and as individual public officials. Consequently Councillors need to deal with personal information in compliance with the Information Privacy Principles; and
- Councillors do not have unrestricted access to personal information held by Council, nor do they have an unfettered right to use and disclose such information.

Councillors, staff, contractors and volunteers will adhere to the following Information Privacy Principles prescribed by the Privacy and Data Protection Act 2014 (Vic):

Collection – Council will only collect personal information that is necessary for the performance of its functions. Likewise, Councillors should only collect personal information that is necessary for them to carry out their functions as Councillors. When collecting personal information individuals will be told why the information is being collected, who the information will be disclosed to and how the information can be accessed.

Use and disclosure – Council will only use and disclose personal information in accordance with the primary purpose it was collected for, or a secondary purpose that a person would reasonably expect, or where required by law to disclose. Access to information will always be on a "need to know" basis.

Data quality – Council will take reasonable steps to make sure individuals' personal information is accurate, complete and up to date.

Data security – Council will take reasonable steps to protect individuals' personal information from misuse, loss, unauthorised access, modification or disclosures. When working on Council business at home or outside Council premises care will be taken to keep personal information secure. Council will endeavour to destroy or permanently de-identify information when it is no longer required. Council notes that information held as records by the Council is subject to the Public Records Office Victoria (PROV) standards for recordkeeping and is required to be disposed in accordance with PROV disposal authorities.

Openness – Council will make this policy, which sets out Council's approach to the management of personal information, available to anyone who asks for it.

Access and Correction – Council will usually handle requests to access to private information under the Freedom of Information Act 1982 in acknowledgement of an individual's right to seek access to their personal information and make corrections. This may be subject to some limited exceptions, such as where access would pose a threat to the life or health of an individual.

Unique identifiers – Council will not adopt or share unique identifiers (i.e. a number or other code associated with an individual's name, such as a driver's licence number) except in certain circumstances, such as where the adoption of a unique identifier is necessary for Council to carry out its functions.



COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

Anonymity – Council will, if it is lawful and feasible, give individuals the option of not identifying themselves (i.e. by remaining anonymous) when they engage with the Council.

Transborder data flows – Council will not transfer personal information outside Victoria unless the recipient of the information is subject to privacy standards that are similar to the Information Privacy Act 2000 (Vic), with consent, or in limited circumstances where the privacy protections travel with the information.

Sensitive information – Council will only collect sensitive information in restricted circumstances, primarily with consent. "Sensitive information" is defined in Schedule 1 of the Privacy and Data Protection Act 2014 (Vic) and is defined in this policy. It includes information about an individual's racial or ethnic origin, political views, religious beliefs, sexual preferences, membership of groups or criminal record.

Privacy notification

Council will, on all forms and documents (including in electronic form) which collects personal information, will include a privacy statement in the following or like form -

The personal information requested is being collected for the specific and legitimate functions carried out by the Council. The personal information will be used by the Council solely for that primary purpose or directly related secondary purposes. Council may disclose this information, without your consent, where required to do so by law. Individuals can contact Council telephone 56629200 for guidance or to seek access to and/or amendment of the information provided.

Council will also automatically include in all e-mails that are sent to non-Council e-mail addresses external to Council the following disclaimer for the purposes of protecting personal information and Council's intellectual property:

This email and any attachments may contain information that is personal, confidential, copyright and/or subject to legal and other professional privilege. No part of it should be reproduced, adapted or communicated without the prior written consent of the copyright owner. You must not use, disclose or act on the email in any way if you are not the intended recipient of the information. The confidentiality and privilege are not waived or lost by reason of any mistaken transmission. South Gippsland Shire Council collects, uses and discloses your personal information in accordance with the Council's Information Privacy Policy at www.southgippsland.vic.gov.au.

The Privacy and Data Protection Act and other laws

Council understands that section 6 of the Privacy and Data Protection Act (Vic) 2014 provides that if a provision of the Privacy and Data Protection Act 2014 (Vic) is inconsistent with another Act, including the Local Government Act 1989, the other Act prevails. This may lead to the legitimate disclosure of personal information outside of the Privacy and Data Protection Act 2014 (Vic).

RISK ASSESSMENT

Without policy guidance Council may be at risk of:

- Breaching privacy laws;
- Mishandling personal information;
- Reduction of trust and being perceived as an organisation that does not value and



protect privacy; and

- Breaching a basic human right – the protection of privacy.

IMPLEMENTATION STATEMENT

- Placement of this Policy on Council's intranet and website.
- Privacy induction for all new staff and Councillors.
- Maintaining membership of and participation in activities of the Privacy Victoria Network.
- The Chief Executive Officer appoints the Governance & Statutory Compliance Coordinator as Council's Privacy Officer to manage information matters contained in this policy, privacy complaints and to deal with information privacy enquiries.
- Providing a link to Privacy Victoria on the Council website.
- Update forms, where required, with the privacy disclaimer.
- Automatically include the e-mail disclaimer for all e-mails created and sent external to Council using Council's e-mail system.
- Council is not required to implement a Privacy Compliance Program however Council does support the protection of privacy by:
 - Preparation and review of this policy that includes website privacy;
 - Adherence to the Information Privacy Principles;
 - Privacy training for new employees and Privacy Officer; and
 - Annual reporting to Council's Audit Committee and in Council's Annual Report.

WEBSITE PRIVACY STATEMENT

This policy applies to the South Gippsland Shire Council's (Council) website.

Links

While the website privacy statement does not apply to externally linked web sites, Council does not link knowingly to non-council, external sites that are privacy-invasive. When you navigate to another site, Council recommends you read the privacy statement of that site to familiarise yourself with its privacy policy.

Anonymous access to our site

You can access the Council home page and browse Council's website anonymously, without disclosing your personal information.

Collection and use of personal data

The Council site does not collect or record personal information, other than information you choose to provide through our council@southgippsland.vic.gov.au email address. On-line surveys may collect personal information as and when they occur (note on-line surveys are in the form of a secure transaction).

Council staff use personal information collected from email and on-line survey sources to respond to individuals and discuss their particular enquiries.

Email addresses and any other contact details you provide will not be added to a mailing list or database without your consent.

Access and correction



Requests for access to documents containing personal information and held by Council will be handled under the Freedom of Information (FOI) Act 1982 and should be requested by filling out the FOI application form located at http://www.southgippsland.vic.gov.au/files/FOIRequestForm2012_10712V2.pdf and addressed to the FOI Officer, South Gippsland Shire Council, Private Bag 4, Leongatha 3953.

Disclosure

Council will not disclose your personal information to a third party without your consent, unless Council are required or authorised to do so by law or other regulation. In the event of an investigation into suspected unlawful or improper activity, a law enforcement agency or government agency may exercise its legal authority to inspect Council's web server records (e.g. in relation to hacking or abusive messages).

Collection and use of site visit data

Council does not use cookies on its website. A cookie is a block of data that is shared between a web server and a user's browser. Cookies can give the server information about a user's identity and website visiting patterns and preferences.

The following non-personal information (i.e. clickstream data) is automatically recorded by Council's webserver for statistical and system administration purposes only:

- Your server address;
- Your top level domain name;
- The date and time of your visit to the site;
- The pages you accessed and downloaded;
- The address of the last site you visited;
- Your operating system; and
- The type of browser you are using.

To the extent that this data could make you identifiable, Council will not attempt to identify individuals from the records the server automatically generates unless that is necessary to investigate a breach of law or regulation.

Security of your personal data

The Council and all employees of the Council have a statutory duty to deal with your personal information confidentially.

Council's website uses secure transmission facilities when appropriate (e.g. survey transaction). Individuals should be aware that there are risks in transmitting information across the internet. If you are concerned about conveying sensitive material to Council over the internet, individuals may prefer to contact Council by telephone, mail or in person to Customer Service.

COUNCIL POLICY

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SECTION F - 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 Councillorbe 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 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 coming event or the outcomes of a recent meeting with a Minister etc.

SECTION G – GENERAL QUESTION TIME

G.1 QUESTION TIME

G.2 ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

At the Ordinary Council Meeting 17 December 2014 written questions were taken on notice from Mr Paul Norton and responses are now provided.

Question 1

Has Council Rural Access Committee at any stage formally viewed and perhaps also made a submission to VicRoads Leongatha Heavy Vehicle alternate route. Attachment 1 Highlight part page 106 minutes 22 October 2014.

Response:

The Access and Inclusion Advisory Committee has not been asked by Council to provide feedback on the Leongatha Heavy Vehicle Alternate Route; nor has this matter been drawn to the attention of Council by the committee. Now that the matter has been raised, Council officers will table it at the next meeting for the consideration of the committee.

Question 2

Will all heavy vehicles including all cattle trucks be able to transverse to or from Bass Highway and Anderson Street (South Gippy Highway) via Bair Street to or from Koonwarra Road (South Gippy Highway).

Response:

Yes. Heavy vehicles will be able to use Bair Street as some will require entry to this part of town in order to make deliveries to businesses within the CBD, for example, Safeway, IGA and Aldi produce trucks, catering trucks etc.

After extensive consultation and research, over half of the heavy vehicles travel between Anderson Street, along Bair Street and through to Koonwarra Road, therefore the dedicated bypass will remove the majority of these heavy vehicles from Bair Street making the street safe for the benefit of our community.

Heavy vehicles, drivers and truck companies will be encouraged to use the dedicated alternate route.

Question 3

Will all heavy vehicles including cattle trucks travelling by way of Strzelecki Highway either to or from South Gippy Highway Koonwarra Road be able to travel though school zones along Horn Street and Ogilvy Street (Nerrena Road).

Response:

It is outside of Council's control if heavy vehicles do utilise these streets. Some heavy vehicles travelling on the Strzelecki Highway into Leongatha will require access to the Industrial Estate for deliveries etc and may also enter Horn Street and Ogilvy Street when travelling to Dumbalk eg cattle trucks.

Heavy vehicles, drivers and truck companies will be encouraged to use the dedicated alternate route, but this may not be the case for certain heavy vehicles as mentioned in the previous paragraph.

Question 4

If in fact Heavy Vehicles are in fact unable to travel as of Question 2 and 3 will or will not the Long Street alternate route be not in fact be a gazetted designated truck routes where fines would be applicable if Long Street wasn't used.

Response:

Fines would not be applicable because heavy vehicles are able to use these routes as noted above. Heavy vehicles will be encouraged to use the dedicated alternate route.

Question 5

As at attachment 2 page 165 – 17 December 2014 Council Agenda Council will in 2016 – 2017 a proposed footpath Turner Street to Ogilvy Street along Hassett Street. As of Attachment part been highlighted the pathway wouldn't be compliant and also in reality the Council would have to upgrade the Western end of A'Beckett Street pathway.

How can Council and also VicRoads justify the cost therefore of the proposed pathway on highlighted as of attachment 4 pathway between A'Beckett and Jeffrey Streets. Both as 'We' are aware are spending monies raised by Tax and Rates of the Community.

Response:

As per our response to your question received on 19 March 2014, the Disability Discrimination Act does not specifically mention the design standards etc for the construction of footpaths / walkways or any other facilities for that matter. Council does it's best to ensure that the construction of footpaths are DDA compliant, however this can sometimes be difficult due to the topography of our townships.
Extract from the "Disability Discrimination Act 2006"

- (4) If a restriction on the rights or opportunities of a person with a disability is necessary, the option chosen should be the option which is the least restrictive of the person as is possible in the circumstances.

The proposed missing link footpath on the eastern side of Hassett Street, from Turner Street to Ogilvy Street, does have a hill, therefore Council will be designing and constructing this footpath to have the least restriction with regards to accessibility.

With regards to designing / constructing assets for our community, Council complies with the following documents:

1. The Infrastructure Design Manual (adopted by Council on 17 March 2010; and
2. Australian Standards

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 (the Act), 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.

- ITEM 1 AUDIT COMMITTEE DECEMBER 2014 MEETING AND APPOINTMENT OF INDEPENDENT AUDIT COMMITTEE MEMBER**
- ITEM 2 MATTER WHICH COUNCIL CONSIDERS WOULD PREJUDICE THE COUNCIL OR ANY PERSON**
- ITEM 3 2014/ 2015 COMMUNITY GRANTS ROUND 2 – EARLY ASSESSMENT OF APPLICATIONS**
- ITEM 4 CONTRACTUAL MATTER**
- ITEM 5 CONTRACTUAL MATTER**

SECTION H - MEETING CLOSED

NEXT MEETING

The next Ordinary Council Meeting open to the public will be held on Wednesday, 25 March 2015 commencing at 2pm in the Council Chamber, Leongatha.