



*South Gippsland*  
Shire Council

*Come for the beauty, Stay for the lifestyle*

# **COUNCIL AGENDA PAPERS**

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**24 April 2013**

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**ORDINARY MEETING NO. 368  
COUNCIL CHAMBERS, 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. 368  
OF THE SOUTH GIPPSLAND SHIRE COUNCIL WILL BE HELD ON  
24 APRIL 2013 IN THE COUNCIL CHAMBERS, LEONGATHA  
COMMENCING AT 2PM**

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**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 we make 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. 367, held on 27 March 2013 in the Council Chambers, 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 Organisational Development Department (Governance) or by accessing the Victorian Legislation and Parliamentary Documents website at [www.legislation.vic.gov.au](http://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 in Local Government – A Provisional Guide with amendments to 1 October 2010.

Type of Interest		Example of Circumstance
<b>Direct Interest</b>		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.
<b>Indirect Interest</b>	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](http://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.

## A.9 Councillor Reports



## **SECTION B - NOTICES OF MOTION AND/OR RESCISSION**

### **B.1 NOTICE OF MOTION NUMBER 653 – DIFFERENTIAL RATES 2014/ 2015**

#### **PURPOSE**

The purpose of this motion is to provide direction to the Council Budget 2014-2015 so that Council can establish the framework for differential rates for 2014-2015 and beyond.

South Gippsland Shire Council utilizes the Capital Improved Value (CIV) system of valuing land. As a result, Council has for many years applied the differential rates to various classes of land under Section 161 of the Local Government Act 1989.

The existing rating differentials are:

1. Residential base rates =100%
2. Commercial 100% of Residential Rate
3. Cultural or Recreational Land 40% of Residential Rate
4. Industrial 100% of Residential Rate
5. Vacant Land 150% of Residential Rate
6. Vacant Land Restricted Use 100% of Residential Rate
7. Farm Land 90% of Residential Rate

As allowed under the Local Government Act Council applies a Municipal charge of 20% of the total rates and Waste services charges.

An increased focus is being required by the Government for greater clarity and transparency in specifying the objectives of differential rates, the suitable uses of differential rating powers and the type and classes of land appropriate for differential rating.

In the absence of effective modeling tools, reflective of Council's past practice and the new guidelines, it is recommended that Council adopt this motion to establish direction and to further develop a differential rating strategy model that reflects the new requirements for justifications of particular models.

## **MOTION**

I, Councillor Don Hill, advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on 24 April 2013.

### **“That Council:**

- 1. Set up a Committee in July 2013 comprising of 4 members of representative groups in the community (i.e. Commercial, Industrial, Farming and Residential sectors), the Mayor and three Councillors to investigate and propose a workable Model for differential rates based upon the Victorian government guidelines.**
- 2. During July - December 2013 develop a workable Model for differential rates considering the Victorian government guidelines and feedback from the Committee. The Model is expected to fully detail and justify the various differential rates set for the categories proposed using the comparative principle, capacity to pay principle and equity principles as detailed in the government paper on differential rates guidelines.**
- 3. The Committee to present its findings and recommendations to Council for consideration in the development of the Council’s Budget 2014-2015 process.”**

## **B.2 NOTICE OF MOTION NUMBER 654 - POTABLE WATER SUPPLY ISSUES**

### **BACKGROUND**

In the last 7 years, this shire has experienced significant change to planning rules, particularly in agricultural areas. This has resulted in ratepayers (and potentially future ratepayers) being unable to make informed decisions regarding purchase of land, use of, or development of land within the shire with any degree of confidence for the future.

In particular, concerns have been raised about the impacts the introduction and interpretation of the 2012 revised guidelines for 'Planning permit applications in open, potable water supply catchment areas' has on property values and future development opportunities within the Shire's open potable water supply catchments.

The requirement to consider (where applicable) 'Guidelines for open potable water supply catchments' is not a recent introduction to planning schemes. However recent 'red dot' decisions at the Victorian Civil Administration Tribunal in the matters of *Rozen v Macedon Ranges SC* and *Simpson v Ballarat CC* have caused water authorities to re-evaluate the way they respond to development in Open Potable Catchments. Also, a new guide for assessing development within open potable catchments has been published by Vic Water.

In my opinion, these rules have no basis in scientific evidence or research and are being applied as a blanket approach to possible (but not evident) issues relating to groundwater contamination. Further to this, those areas least likely to be a cause of groundwater contamination (rural zones) appears to be a disadvantaged more than the urban and peri-urban areas which have been identified as most likely sources of contamination.

### **PURPOSE**

The purpose of this Notice of Motion is to request a Council Report be prepared to update Council on the progress of discussions with South Gippsland water on the interpretation and implementation of the 2012 guidelines and review the economic and development effects of the potable water supply guidelines.

## **MOTION**

I, Councillor Don Hill, advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on 24 April 2013.

**“That Council prepare a report that:**

- 1. Identifies the issues facing landowners within the shire caused by planning application referrals to South Gippsland Water for dwelling and subdivision applications within open, potable water supply catchment areas.**
- 2. Updates Council on the progress of discussions with South Gippsland Water with regard to interpretation of category 3 and 4 exemptions of the planning permit applications in open, potable water supply catchment areas guidelines 2012.**
- 3. Provides options to Council, and estimated costs, to address the impact to South Gippsland of the open potable water supply guidelines.**
- 4. Includes a fact sheet explaining the implications of potable water supply with regard to permit applicants as it now stands and distributes this document to all real estate agents and makes this available on Council’s website in the appropriate sections including a link from the front page.**
- 5. Is included in the Council Agenda 22 May 2013.”**

## **SECTION C - COMMITTEE REPORTS**

### **C.1 AUDIT COMMITTEE REPORT FEBRUARY 2013**

Corporate Services Directorate

#### **EXECUTIVE SUMMARY**

The Audit Committee met on 25 February 2013 and a copy of their report is attached (**Attachment 1**).

*Document pertaining to this Council Report*

- **Attachment 1** - Report of Audit Committee Meeting 25 February 2013

#### **LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES**

Local Government Act 1989, Section 139

#### **INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

Audit Committee Charter and Terms of Reference adopted by Council  
24 August 2011

'Audit Committees A Guide to Good Practice for Local Government' January  
2011

#### **COUNCIL PLAN**

Strategic Goal:	5.0	A Leading Organisation
Outcome:	5.2	Systems and Processes
Strategy No:	5.2.5	Risk Management

#### **CONSULTATION**

The Audit Committee Report has been circulated to the Chair of the Audit Committee and the Chief Executive Officer for their endorsement.

#### **REPORT**

##### **Background**

The Audit Committee is an advisory committee, whose role is to oversee and monitor Council's audit processes, including internal control activities. The committee comprises of three independent community members, one of which is the Committee Chair, and two Councillors (Councillors Kennedy and Fawcett). The Committee is independent from management but does not have any executive powers, management function or delegated financial responsibility. Some of the significant matters considered by the Audit Committee at the February 2013 meeting included:

- Worksafe Integrated Approach Action Plan;
- Private Sealing Works;
- Human Resources/Payroll Review;
- A recommendation to appoint the current Audit Committee Chair, Mr Craig Nisbet, as Chair for a further period of 12 months; and
- Confidentiality and police checks in respect of independent members of the Audit Committee.

For the remainder of 2013 the Committee is scheduled to meet on 20 May, 26 August and 25 November.

### **FINANCIAL CONSIDERATIONS**

Funds for the internal audit function are allocated in the current and forward budgets.

Independent members are paid a meeting fee and travel expenses are reimbursed, both payable by Council. These are provided for in the Council Budget.

### **RISK FACTORS**

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

### **RECOMMENDATION**

#### **That Council**

1. **Receive and note the report of the Audit Committee held on 25 February 2013; and**
2. **Appoint Mr Craig Nisbet as the Chair of the Audit Committee for a period of 12 months.**

### **STAFF DISCLOSURE OF INTEREST**

Nil

**Attachment 1**



**Attachment 1**

Meeting Objective	Report of Audit Committee Meeting (Minutes)			
Date	Monday 25 February 2013	Time 9.00am start (Committee to meet in committee at 8.30am) The Committee did not meet with the internal auditor at this time.	Duration: 2 hour meeting concluding 11.00am	Location: Meeting Room 2, Council Chambers, Michael Place, Leongatha
Attendees	<p>Mr Craig Nisbet (Chair) Ms Theresa Glab Dr Irene Irvine Councillor Kennedy Ms Shami Kamunga HLB Mann Judd Support Staff: Tim Tamlin: CEO; June Ernst: Director Corporate Services, Luke Anthony: Manager Governance Services, David Roche: Governance Coordinator</p>			
Welcome to new member.	<p><b>Action:</b> Dr Irene Irvine was welcomed as a new member of the Audit Committee by the Chair and members.</p>			
Election of Chair	<p><b>Actions:</b></p> <ol style="list-style-type: none"> <li>1. That the Committee recommend to the Council that Mr Craig Nisbet be appointed as Chair of the Audit Committee for a period of 12 months; and</li> <li>2. That the term of the Audit Committee members be considered in the next review of the Audit Committee Charter with a suggestion that a term be 3 years by a maximum of 2 terms.</li> </ol>			
Apologies	Councillor Fawcett			
Distribution List	As per attendees			
Disclosures of Interest	Dr Irvine as a member of South Gippsland Water and a ratepayer of the Shire of South Gippsland. Theresa Glab as a member of the Audit Committee of the Shire of East Bay, Shire of Yarra Ranges and City of Melbourne, and a ratepayer of the Shire of South Gippsland.			



## Attachment 1

Confirmation of report of previous meeting	<p>Craig Nisbet as an employee of Citywide and ratepayer of the Shire of South Gippsland.</p> <p>Report of Meeting held on 19 November 2012.</p> <p>Moved: Member Glab                  Seconded: Member Kennedy</p> <p>That the report is confirmed.                  Carried</p>
Advise of possible breaches of legislation / compliance	<p>An update was provided on the finalised Worksafe Integrated Approach Program Action plan and outstanding Improvement Notices.</p> <p>Action: Management consider the aspects of mutual obligation including that of contractors and action for repeat offences in OH&amp;S planning.</p> <p>An update was provided on Private Sealing Works/In-house Quotation, including a Probity Observer report.</p> <p>Actions: Provide a copy of Contractor Management Review to the Audit Committee.</p> <p>Accident Involving a Council Vehicle: staff provided the Audit Committee with a verbal report about this incident.</p>





## Attachment 1

### Agenda Items

MEETING ITEM IS SCHEDULED FOR	Qtr 1 Feb 2013	Qtr 2 May 2013	Qtr 3 Aug 2013	Qtr 4 Nov 2013	Who	Report Next Due	Action / Comment / Report
<p><b>1. Quarterly Performance Report</b> Periodically compare actual outcomes, achievement of milestones and other KPIs as compared with the Council Plan, Annual Report and Budget – strategic indicators for monitoring the achievement of the strategic objectives.</p> <p>Quarterly Performance Report October - December 2012</p>					Director Corporate Services	Feb 2013	<p><b>Action:</b> That staff consider when preparing the Quarterly Performance Report:</p> <ol style="list-style-type: none"> <li>1. Use of terminology, trend data, benchmarks and output measures;</li> <li>2. Removing activities that cannot be measured, and</li> <li>3. Providing information about the process of managing forecasts in light of the financial position to enable the Audit Committee to exercise oversight.</li> </ol> <p><b>Action:</b> In respect of the introduction of the Fire Services Levy:</p> <ol style="list-style-type: none"> <li>1. Management provide to the Committee an update report about steps taken and possible impact; and</li> <li>2. Consider including in the Internal Audit Schedule for 2013/14 a review of the Fire Services Levy.</li> </ol>
<p><b>2. Internal Control System</b> Consider the effectiveness of Council's internal control system (including financial reporting). Policy Review Timetable</p>					Director Corporate Services	May 2013	No report due until May 2013.



## Attachment 1

MEETING ITEM IS SCHEDULED FOR	Qtr 1 Feb 2013	Qtr 2 May 2013	Qtr 3 Aug 2013	Qtr 4 Nov 2013	Who	Report Next Due	Action / Comment / Report
<b>3. Risk Management</b>							
Monitor the systems and processes for risk management including status and content of corporate risk register.					Manager Governance Services	Aug 2013	No report due until August 2013. <b>Action:</b> CH&S is added to the Register and a briefing provided to Council about the Register.
Review Council's risk profile, including adequacy of mitigation actions.					Manager Governance Services	Aug 2013	No report due until August 2013.
Details of Council Insurance Cover required under section 76A Local Government Act 1989					Manager Governance Services	May 2013	<b>Action:</b> That a paper be prepared for the consideration of the Committee relating insurance cover to risks and a year by year comparison of premiums to be provided to the May 2013 meeting.
Monitor effectiveness of business continuity planning including disaster recovery plan.					Director Corporate Services	Aug 2013	<b>Action:</b> Noted at Nov 2012 meeting that the Business Continuity Plan is currently under review and will be presented to the Audit Committee in August 2013 following review by Council's Strategic Risk Committee.
Review any reports concerning evidence of material violation or breaches of fiduciary duty.					Director Corporate Services	As required	<b>Action:</b> Officers to report in May 2013 following an internal review of registers trust accounts, agreements and contracts.
Review any instance of fraud or possible illegal acts.					Directors and Managers	As required	



## Attachment 1

<p><b>4. Internal Audit</b> Review internal audits and management action plans for implementation of recommendations.</p> <ul style="list-style-type: none"> <li>Human Resources/Payroll.</li> </ul>					<p>Feb 2013</p> <p>Manager Governance Services</p>	<p><b>Note:</b> The Committee reviewed the final report with management comments.</p> <p><b>Action:</b> In future audits the Auditor be asked to consider a control rating summary along the line of effective, not effective, satisfactory, requires improvement, unsatisfactory.</p> <p><b>Note:</b> The Committee reviewed and approved the scope.</p> <p><b>Note:</b> The Committee agreed that the Events Management Review be brought forward as the next Review and include in this the approval of occupational health and safety plans.</p>
<ul style="list-style-type: none"> <li>Building and Planning Permit Enforcement Audit Scope.</li> </ul> <p><b>Note:</b> The next audit scheduled is Business Continuity. As this review is behind schedule it is proposed to postpone this audit and bring forward one of the following audits currently scheduled for 2013/14:</p> <ul style="list-style-type: none"> <li>Legislative Compliance – Local Government Act 1989; or</li> <li>Events Management including Coal Creek, Moss vale Park, facilities managed by Special Committees and Leongatha Memorial Hall.</li> </ul>					<p>Feb 2013</p> <p>Manager Governance Services</p>	<p><b>Note:</b> The Committee considered the status of implementation of recommendations and noted that some Audit Actions are currently overdue.</p> <p><b>Action:</b> Council officers to continue reviewing scheduled dates as a part of business planning and a revised schedule will be submitted to the Audit Committee in May 2013 and in this review consider:</p>



## Attachment 1

						<ol style="list-style-type: none"> <li>1. A summary of overdue actions and reason for delay.</li> <li>2. Reporting by exception.</li> <li>3. A process for auditing management actions completed and evidence to validate progress; and</li> <li>4. Possibility of the Internal Auditors providing an annual overview of progress.</li> </ol>
Review the internal audit function (internal auditor services/performance), monitor satisfaction with internal audit service.					Manager Governance Services	Report not due. Sept 2013
Internal Auditor Annual Performance Report. Review / recommend the annual audit plan and ensure it is linked to Council's risk profile.					Manager Governance Services	Report not due. May 2013
Monitor processes and practices to ensure the independence of the internal audit function.					Manager Governance Services	<b>Note:</b> The Committee considered and noted the HLB Mann Judd letter confirming independence. Nov 2012
HLB Mann Judd letter of independence Provide an opportunity for the audit committee to meet with the internal auditor without management.					Manager Governance Services	<b>Note:</b> The Internal Auditor was available to meet with Audit Committee during closed session but was not required. As required
<b>5. External Audit</b> Note external auditor's proposed audit scope and approach.					Manager Finance, Director Corporate Services	Report not due. May 2013 <b>Action:</b> The External Audit Strategy is to be presented by VAGO at the May Audit Committee meeting and in future years at the February meeting.
Consider external auditors' view on the control environment and management letters.					Manager Finance Director Corporate	Report not due. Aug 2013



## Attachment 1

	Services	Nov 2013	Report not due. <b>Note:</b> that VAGO has provided a response to Council clarifying audit letter comments. <b>Note:</b> no disagreement noted.
VAGO Financial Management letter for final audit for financial year 2011/12.			
Resolve any disagreement between management and the external auditors in financial reporting.	<b>As required</b>		
<b>6. Compliance</b>			
Obtain regular updates on compliance matters.			
Freedom of Information and Privacy Report	Manager Governance Services	Feb 2013	<b>Note:</b> these three reports were considered with the following actions. <b>Action:</b> Management to consider providing context for the Gifts and Donations report and in the report identifying any issues of conflict of interest and relationships with gift givers.
Gifts and Donations Report.			<b>Action:</b> develop a register of Procurement Policy non-compliance. The matter of "Scope creep" as a possible issue was commented on.
Ordinary Returns, Procurement and Special Committees.			
Review the systems and processes for monitoring compliance with legislation and regulations.	Manager Governance Services	Feb 13	<b>Note:</b> a report outlining legislative compliance was considered with the following actions. <b>Action:</b> A copy of the report underpinning the summary report is to be provided to the Committee.
Be informed on how management monitors the effectiveness of its compliance and ethics program.	Manager Governance Services	May 2013	Report not due.
Keep informed of the findings of any examinations by regulatory agencies including Ombudsman and Local Government Inspectorate.	Manager Governance Services	Feb 2013	
Risk Liability MAV Insurance Audit 4 December 2012.			<b>Note:</b> that final report Risk Liability MAV



## Attachment 1

VAGO report – Better practice results for financial report preparation for 30 June 2012. Review whistleblower arrangements and reports.					CEO	Nov 2012	Report not due.	Insurance Audit conducted 4 December 2012 will not be available until March 2013 therefore will be provided to 27 May 2013 Audit Committee meeting.
<b>7. Reporting responsibilities</b>								
Audit Committee reports regularly to Council.					Manager Governance Services	Feb 2013	<b>Note:</b> that the February 2013 Audit Committee Report will be reported to Council on 24 April 2013.	
Monitor that open communication between the internal auditor, the external auditor and Council occurs.					CEO	As required	Nil report.	
Report annually to stakeholders via Audit Committee Chair's report to Council. Audit Committee Chair Report.					Chair	Nov 2013	<b>Note:</b> that the Chair provided an annual report on the Audit Committee activities to Council on 19 December 2012.	
<b>8. Assessment of financial information</b>								
Review significant accounting and reporting issues.	<b>As required</b>				Manager Finance	Feb 2013		
Review the annual financial report.					Manager Finance, Director Corporate Services	Aug 2013	Review not due until August 2013.	
Review results of the annual external audit. Note: see item above.					Manager Finance, Director Corporate Services	Aug 2013	Review not due until August 2013.	
Review communication required under Australian Auditing Standards.					Manager Finance, Director Corporate	Aug 2013	Review not due until August 2013.	



## Attachment 1

Review attestations required (include Best Value statement). Review compliance with National Competition Policy and Best Value Statement.				Services Manager Governance Services	Aug 2013	Review not due until August 2013.
<b>9. General</b>						
Establish number of meetings for forthcoming year.				Manager Governance Services	Nov 2013	Report not due.
Review effectiveness of Secretariat support performance.				Manager Governance Services	Feb 2013	<b>Action:</b> CEO to report on feedback from Audit Committee members provided to CEO on the secretariat support provided.
Perform an assessment of the Committee's performance (and fees for budget consideration).				Manager Governance Services	May 2013	<b>Action:</b> To conduct an assessment of the Audit Committee's performance it is proposed for officers to review sample contained in Audit Committees: A Guide to Good Practice for Local Government and return a report to the Audit Committee for consideration in May 2013. Report not due.
Review and assess the adequacy of the Audit Committee Charter annually and confirm all charter responsibilities have been carried out. Audit Committee Charter				Manager Governance Services	May 2013	Report not due.
<b>10. General Business:</b>						
<b>May Audit Committee Meeting Proposed Rescheduled:</b> It was proposed, due to a significant internal schedule clash to reschedule the May Committee meeting from 27 <sup>th</sup> May to the 20 <sup>th</sup> May 2013. <b>Action:</b> That the next Committee meeting be scheduled for 20 May 2013 unless Committee members advise otherwise.						
<b>Confidentiality and Police Checks:</b> It was agreed that Confidentiality Agreements were not required as this was covered by sections 76D and 79 of the Local Government Act 1989, however it was agreed that Police Checks were required. <b>Action:</b> Police Checks be arranged for new and existing members of the Committee and that from 1 July 2013, Independent Audit Committee members be required to submit Primary and Secondary Returns.						
<b>11. Close / Next meetings for next year (place in calendars)</b>						
20 May 2013, 26 August 2013 and 25 November 2013.						

## **SECTION D – PROCEDURAL REPORTS**

### **D.1 REPORT ON ASSEMBLY OF COUNCILLORS - MARCH 2013**

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 March 2013.

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**

- **Attachment 1** – response to questions taken on notice.

#### **LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES**

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

#### **COUNCIL PLAN**

Strategic Goal:	5.0	A Leading Organisation
Outcome:	5.1	Good Governance
Strategy No:	5.1.3	Community Engagement



**REPORT**

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 6 March 2013</b>		
<b>Community Services Directorate Briefings</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Davies, Fawcett, Hutchinson-Brooks, Brunt, McEwen and Newton.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Neighbourhood Safer Places Site Investigation for Venus Bay, Walkerville and Waratah Bay</li> <li>• Draft Strategy – Municipal Public Health and Wellbeing Plan 2013-2017.</li> </ul>
<b>Engineering Services Directorate Briefings</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Davies, Fawcett, Hutchinson-Brooks, Brunt, McEwen and Newton.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Parks, Gardens and Reserves Asset Management Plan.</li> <li>• Korumburra Community Hub</li> </ul>
<b>Planning Committee</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Davies, Fawcett, Hutchinson-Brooks, Brunt, McEwen and Newton.</p> <p><b>Conflict of Interest:</b> Crs Hutchinson-Brooks and Brunt left the room with a declared conflict of interest.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• VCAT Decisions</li> <li>• Planning applications of significance</li> <li>• Strategic planning briefings</li> <li>• Amendment C72 Panel Report</li> <li>• Amendment C59 District Sewage Scheme</li> <li>• NBN towers</li> </ul>
<b>Executive Update</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Davies, Fawcett, Hutchinson-Brooks, Brunt, McEwen and Newton.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• New EPA requirements for closed landfills</li> <li>• Korumburra Business Association</li> <li>• Council Briefing Sessions</li> <li>• Council Budget timetable</li> <li>• Citizenship Ceremony</li> <li>• Strategic Thinking Time</li> </ul>

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 6 March 2013</b>		
<b>Corporate Services Directorate Briefings</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Davies, Fawcett, Hutchinson-Brooks, Brunt, McEwen and Newton.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Councillors were provided information updating on the progress of the Anderson Street, Leongatha entrance design.</li> </ul>
<b>Collaborative Partnership with Korumburra</b>	<p><b>Councillors Attending:</b> Crs McEwen, Brunt and Newton.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Establishment of Korumburra Community Roundtable</li> </ul>
<b>Thursday 7 March 2013</b>		
<b>Korumburra Community Projects Update</b>	<p><b>Councillors Attending:</b> Crs Davies, McEwen, Brunt, Kennedy, Hill and Newton.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Commencement of Community Directions Process.</li> </ul>
<b>Tuesday 12 March 2013</b>		
<b>South Gippsland Municipal Fire Management Planning Committee</b>	<p><b>Councillors Attending:</b> Cr McEwen</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Community led engagement involving Walkerville, Venus Bay and Koonwarra</li> <li>• Fire Management Plan Committee Sustainability</li> <li>• Municipal Fire Management Plan</li> <li>• Caravan Parks Emergency Plans</li> <li>• VicRoads</li> </ul>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 13 March 2013</b>		
<b>Korumburra Business Association and Economic Development Meeting</b>	<p><b>Councillors Attending:</b> Cr Brunt</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Regional Victorian Living Expo</li> <li>• Business skills program</li> <li>• Dining and shopping guide</li> <li>• Succession Planning Workshop</li> <li>• Gippsland Business awards</li> <li>• Tourism survey</li> <li>• Korumburra Business Association news</li> </ul>
<b>Whelan Model</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Newton, Davies, Fawcett, Hutchinson-Brooks, Brunt and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Council were provided with information pertaining to 'Whelan Model' of Local Government financial sustainability and the findings of this model.</li> </ul>
<b>Councillor Functions and Powers of Local Government</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Davies, McEwen, Hill, Newton, Kennedy, Brunt and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Information relating to Councillor Functions and Powers to enable the proper exercise in role of Councillor.</li> </ul>
<b>Development Services Directorate Briefings</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Davies, McEwen, Hill, Newton, Kennedy, Brunt and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Housing and Settlement Strategy</li> <li>• Leongatha Industrial Land Strategy</li> </ul>
<b>Engineering Services Directorate Briefings</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Davies, McEwen, Hill, Newton, Kennedy, Brunt and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Road Infrastructure Asset Management Plan</li> <li>• Underground Stormwater Drainage Asset Management Plan</li> </ul>

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 13 March 2013</b>		
<b>Corporate Services Directorate Briefings</b>	<p><b>Councillors Attending:</b> Crs Hill, Fawcett, Davies, McEwen, Newton, Kennedy, Brunt and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Council Budget 2013/14</li> </ul>
<b>Poowong Pool Working Group</b>	<p><b>Councillors Attending:</b> Cr Brunt</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Review of 2012/13 Swimming Season</li> <li>• Working group 2013/14 discussions</li> </ul>
<b>Wednesday 20 March 2013</b>		
<b>Ordinary Council Agenda Topics – 27 March 2013</b>	<p><b>Councillors Attending:</b> Crs Hill, Harding, Fawcett, Davies, McEwen, Newton, Kennedy, Brunt and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Cr Fawcett left the room with a declared conflict of interest for a particular item on the Council Agenda.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Ordinary Council Agenda – 27 March 2013</li> </ul>
<b>Draft Council Budget 2013/14</b>	<p><b>Councillors Attending:</b> Crs Hill, Harding, Fawcett, Davies, McEwen, Newton, Kennedy, Brunt and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Council Budget 2013/2014</li> </ul>
<b>Annual Library Update  OPEN SESSION</b>	<p><b>Councillors Attending:</b> Crs Hill, Harding, Fawcett, Davies, McEwen, Newton, Kennedy and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Council were provided with an update on the key activities and outcomes of the library service in South Gippsland in the 2011/2012 financial year.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 20 March 2013</b>		
<p><b>Public Presentation Session</b></p>	<p><b>Councillors Attending:</b> Crs Hill, Newton, Brunt, Kennedy, Davies, McEwen and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Ms Alyson Skinner, Venus Bay Community Centre, Sandra Webster, Milpara Community House</b> addressed Council regarding Community Houses Network Update.</p> <p><b>Ms Iznaya Kennedy and Ms Margaret Lynn</b> representing the Bass Coast/ South Gippsland Reconciliation Group regarding their role in encouraging reconciliation in the region.</p> <p><b>Mr Geoff Williamson and Ms Margaret Lynn</b> regarding the Mirboo North Community Directions Statement.</p> <p><b>Mr Chris Pippo, Taylors Consulting representing clients Mr Murray Holderhead, Mr Gary Williams, Mr Shaun and Mr Neville Haw</b> regarding realignment of Rural Land Boundaries on the Western side of the Bass Highway.</p> <p><b>Mrs Fay Sinclair representing Meeniyah Recreation Reserve Committee of Management</b> regarding presentation of the Meeniyah Recreation Precinct.</p> <p><b>Ms Andrea Tieman</b> regarding a planning and enforcement matter in relation to her property and governance matters, questions were submitted and taken on notice. Responses to questions are included in <b>Attachment 1</b>.</p>	<p>Presentations were made to Council by the following community members.</p>
<p><b>Open Potable Water Supply Catchments and Municipal Domestic Waste Water Management Plans</b></p>	<p><b>Councillors Attending:</b> Crs Hill, Harding, Davies, McEwen, Newton, Kennedy, Brunt and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Cr Fawcett left the room with a declared conflict of interest for this item.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Planning permit applications in open potable water supply catchments</li> <li>• Status of Council's Municipal Domestic Wastewater Management Plan</li> </ul>
<p><b>Executive Update</b></p>	<p><b>Councillors Attending:</b> Crs Hill, Newton, Brunt, Kennedy, Davies, McEwen and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Councillor Transition Program</li> <li>• Infringement Notices – compulsory voting enforcement</li> </ul>

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 20 March 2013</b>		
<b>Councillor / CEO Session</b>	<p><b>Councillors Attending:</b> Crs Hill, Newton, Harding Brunt, Kennedy, Davies, McEwen and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Council Briefing Sessions</li> <li>• Councillor Workshop</li> </ul>
<b>Draft Council Budget 2013/14</b>	<p><b>Councillors Attending:</b> Crs Hill, Harding, Fawcett, Davies, McEwen, Newton, Kennedy, Brunt and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Council Budget 2013/2014</li> </ul>
<b>Wednesday 27 March 2013</b>		
<b>Ordinary Council Agenda Topics – 27 March 2013</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Davies, McEwen, Kennedy, Brunt and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Cr Fawcett left the room with a declared conflict of interest.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Ordinary Council Agenda – 27 March 2013.</li> </ul>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 27 March 2013</b>		
<p><b>Public Presentation Session</b></p>	<p><b>Councillors Attending:</b> Crs Fawcett, Davies, McEwen, Kennedy, Harding, Brunt and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Cr Fawcett left the room with a declared conflict of interest.</p> <p><b>Ms Blyth Meechan</b> regarding Council Agenda Item B.1 - <u>NOTICE OF MOTION NUMBER 646 – PROGRESSION OF THE STATE GOVERNMENT SUBSIDISED RETICULATED SEWERAGE SCHEME FOR TOWNS OF NYORA, POOWONG AND LOCH.</u></p> <p><b>Mr Denis Casey</b> regarding Council Agenda Item B.1 - <u>NOTICE OF MOTION NUMBER 646 – PROGRESSION OF THE STATE GOVERNMENT SUBSIDISED RETICULATED SEWERAGE SCHEME FOR TOWNS OF NYORA, POOWONG AND LOCH.</u></p> <p><b>Ms Marie Goodwin and Ursula Camburn</b> regarding issues they have for Coal Seam Gas and other community issues.</p> <p><b>Ms Andrea Tieman</b> regarding a planning and enforcement matter in relation to her property and governance matters.</p> <p><b>Mr David Amor</b> representing the Korumburra Business Association regarding future planning of Korumburra.</p>	<p>Presentations were made to Council by the following community members:</p>
<p><b>Council Budget 2013/2014</b></p>	<p><b>Councillors Attending:</b> Crs Fawcett, Davies, McEwen, Kennedy, Harding, Brunt and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Council Budget 2013/2014</li> </ul>

**RECOMMENDATION**

**That Council receive and note this report.**

**STAFF DISCLOSURE OF INTEREST**

**Nil**

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## Attachment 1

9 April 2013

Ms Andrea Tieman



Dear Ms Tieman

### Request for Information

I refer to your letter dated 20 March 2013, your public presentations to Council on 20 and 27 March 2013 and our conversations on Monday 8 April 2013 in which you raised questions and requests for information from Council. I will respond to each of these in this letter.

In regards to your request for information as to whether a writ was issued, pertaining to the Local Government Election held on 27 October 2012.

In response, a writ is not required for a Local Government Election as the timings of General Elections are specified in the Local Government Act (the Act) 1989. The Act also does not provide for writs to be issued and Council has no legal authority to do so. I can advise that Council, in conducting the 2012 General Election, through the Victorian Electoral Commission, has complied with the legislative requirements of the Act. Writs only apply to elections associated with state and federal parliamentary elections.

In regards to your enquiries relating to the constitutional legitimacy of laws passed by the Parliament.

In response, I refer you to an enclosed Fact Sheet published by Local Government Victoria, which addresses the legitimacy of Local Government in Victoria.

Councils are created as a statutory body corporate under the Act. Such bodies can perform any function and exercise any power conferred on them by the Act which creates them or any other Act which applies to them. The Act provides councils with a range of powers, including the power to administer and enforce the Planning and Environment Act 1987 and levy rates.

The matters relating to constitutional legitimacy to which you refer are ultimately not ones that Council can determine. Only the Supreme Court of Victoria or High Court



of Australia can decide the constitutional legitimacy of laws passed by the Parliament. In the absence of any such determination, Councils must comply with the laws of the State.

In regards to the other documentation you provided to Council at your public presentation, asserting Council, Councillors and various Council staff have knowledge of various revealed facts and have concealed various facts and offences and as such have committed an offence.

In response, I note the information that you have provided and can advise that Council will continue to operate and provide services in accordance with relevant State and Commonwealth legislation despite the allegations contained within your documentation.

In relation to your request to receive other information including the names of all Council staff members. I advise that in order for Council to consider such a request, a Freedom of Information Request is required to be received from you. To assist I have enclosed a Freedom of Information Application Form and Fact Sheet.

I also confirm your booking to present to Council on Wednesday 17 April 2013 at the Public Presentation session, which will commence at 7pm in the Council Chambers, Michael Place, Leongatha. I will be pleased to confirm the exact timing of your presentation with you directly upon your arrival at this session. Should you wish to display an electronic presentation or provide questions in advance please e-mail these Attention: Governance to [council@southgippsland.vic.gov.au](mailto:council@southgippsland.vic.gov.au) by Tuesday 16 April 2013.

In summary, Council has been given authority to exist and to act through the Local Government Act 1989. The 2012 Local Government election was conducted in accordance with the Act, without the requirement for a Writ. Until such time as the State Government instructs otherwise, South Gippsland Shire Council, will continue to fulfill the duties delegated to councils by the State Government.

If you wish to contest the legitimacy of the Constitution Act 1975, the Local Government Act 1989, any other laws or the validity of Council's operations, you are advised to seek advice from a suitably qualified lawyer or to pursue your concerns through proper judicial processes.

Yours sincerely

Tim Tamlin  
**Chief Executive Officer**

## **D.2 COUNCILLOR DISCRETIONARY 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 February 2013 and 20 March 2013.

### **INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

Councillor Discretionary Fund Policy 2009

### **COUNCIL PLAN**

Strategic Goal:	1.0	A Vibrant, Engaged Community
Outcome:	1.2	Active, Resilient Community
Strategy No:	1.2.1	Community Partnerships

### **REPORT**

#### **Background**

The following applications have been allocated funding from the stated Councillor's 2012/2013 Discretionary Fund:

- Fish Creek Kindergarten: Sponsorship toward the Environmental Education program being implemented at the Kindergarten.  
  
Cr Mohya Davies - \$200  
  
Cr Jeanette Harding - \$150  
  
Cr Kieran Kennedy - \$150  
  
Cr James Fawcett - \$100  
  
C Nigel Hutchinson -Brooks - \$200  
  
Cr Don Hill - \$200
- T.P Taylor Reserve Committee of Management: To assist with costs associated with running the annual Easter Art Show at Sandy Point.  
  
Cr Mohya Davies - \$200  
  
Cr Jeanette Harding - \$200

Cr Kieran Kennedy - \$200

- Korumburra and District Historical Society Inc: Reimbursement costs for plaque installed at 'Ivy O'Neill Park'.

Cr Robert Newton - \$475

- Mirboo North Bowling Club: To purchase new set of bowls for a talented young player.

Cr James Fawcett - \$580

- Leongatha Chamber of Commerce: To assist with costs of purchasing a Laptop for administration purposes of the organisation.

Cr James Fawcett - \$1,000

- Mirboo North Scouts Group: To assist with costs of replacing a fridge.

Cr Don Hill - \$250

Cr Nigel Hutchinson -Brooks - \$250

- Foster & District Community House & Learning Centres: To assist with the maintenance costs of the grounds at the Foster Station Park for the next year.

Cr Mohya Davies - \$450

Cr Jeanette Harding - \$150

Cr Kieran Kennedy - \$200

Mayoral Fund (Cr Kieran Kennedy) - \$100

The following application has not been approved for funding through the stated 2012/2013 Councillor Discretionary Fund:

- Leongatha Cycling Club: Assist with costs of purchasing an elevator to load heavy goods for storage in Melbourne. Amount requested - \$1,000.

## **FINANCIAL CONSIDERATIONS**

Each Councillor is allocated \$4,000 from the Councillor Discretionary Fund in the 2012 / 2013 Financial Budget. An additional \$2,000 has been allocated to the Mayor to cover a broader focus across the entire Municipality.

The previous Council had a pro-rata allocation of \$1,300 per Councillor from the 2012 / 2013 Financial Budget for their remaining term within Council. The Mayor had an additional pro-rata allocation of \$650 for his remaining term from the 2012 / 2013 Financial Budget. The remaining pro-rata funds have been distributed to the newly appointed Council in accordance with the Guidelines. This has equated to \$2,818 per Councillor and \$1,800 for the Mayor for the remainder of the financial year.

## **CONCLUSION**

The remaining balances of Councillor Discretionary Funds for the 2012 / 2013 Financial Year as of 20 March 2013 are as follows:

- Cr Mohya Davies - \$358
- Cr Jeanette Harding - \$1,208
- Cr Kieran Kennedy - \$616
- Cr Lorraine Brunt - \$1,908
- Cr Robert Newton - \$383
- Cr Andrew McEwen - \$2,008
- Cr James Fawcett - \$251
- Cr Don Hill - \$2,258
- Cr Hutchinson-Brooks - \$2,218
- Mayoral Fund - \$880

## **RECOMMENDATION**

**That Council receive and note this report.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

### **D.3 DOCUMENTS SEALED - MARCH 2013**

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.

#### **LEGISLATIVE/ ACTION PLANS/ STRATEGIES/ POLICIES**

Local Government Act 1989, Section 5

Local Law No. 3 2010

#### **COUNCIL PLAN**

Strategic Goal:	5.0	A Leading Organisation
Outcome:	5.2	Active, Resilient Community
Strategy No:	5.2.5	Risk Management

#### **REPORT**

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 month of March 2013.

Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of 135 Reilly & Allans Road Nerrena in relation to constructing a cattle underpass – Seal Applied 4 March 2013.

Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of 178 Berrys Creek Road, Berrys Creek in relation to constructing a cattle underpass – Seal Applied 4 March 2013.

Contract SGC13/08 between South Gippsland Shire Council and Transpacific Cleanaway Pty Ltd in relation to Provision of Kerbside Garbage and Recycling Collection Services - Seal Applied 5 March 2013

Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of 446 Powneys Road, Pound Creek & 120 Tarwin Lower Road, Middle Tarwin a in relation to Re-subdivision - 2 lots – Seal Applied 7 March 2013.

Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of 4 Anderson Avenue, Sandy Point in relation to Construction of a single dwelling – Seal Applied 14 March 2013.

Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of 250 Buchanans Road, Moyarra in relation to 2 Lot Subdivision (boundary realignment) – Seal Applied 14 March 2013.

Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of 29 Louis road, Venus Bay in relation to Single dwelling and removal of native vegetation – Seal Applied 26 March 2013.

#### **RECOMMENDATION**

**That Council note that the listed documents have been signed and sealed.**

#### **STAFF DISCLOSURE OF INTEREST**

Nil

## **SECTION E - COUNCIL REPORTS**

### **E.1 PETITION RESPONSE TO RETICULATED SEWERAGE AND BASIC SERVICES FOR NYORA, LOCH AND POOWONG**

Development Services Directorate

#### **EXECUTIVE SUMMARY**

This report in response to March 2013 Council meeting resolution in regards to the receipt of a petition signed by 387 people from Nyora, Loch and Poowong requesting "our town to be healthy and clean with a reticulated sewerage system and have all basic services that you would expect in a small town."

#### **Document/s pertaining to this Council Report**

Nil

#### **LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES**

- South Gippsland Water - Poowong, Loch, Nyora Sewerage Scheme
- Victorian Country Towns Water Supply and Sewerage Program

#### **INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

- Planning Scheme Amendment C59 - Western District Sewerage Scheme (Nyora Treatment Plant, reticulated scheme for Nyora, Loch and Poowong)
- Planning Scheme Amendment C72 - Western District Towns - Structure Plan Implementation (Nyora, Loch, Poowong and Meeniyan)
- South Gippsland Planning Scheme

#### **COUNCIL PLAN**

Strategic Goal:	3.0	A strong economy
Outcome:	3.3	Infrastructure
Strategy No:	3.3.4	Land Use Planning

#### **REPORT**

##### **Background**

The petition tendered at the 27 March 2013 Council meeting by lead petitioner Mr Denis Casey was resolved to be received, noted and laid on the table "until the Council meeting of 24 April 2013 to enable officers to prepare

a report to Council." The petition was signed by 387 people from Nyora, Loch and Poowong, who petitioned, "I would like our town to be healthy and clean with a reticulated sewerage system and have all the basic services that you would expect in a small town."

The petition was tendered at the same meeting at which Council resolved unanimously in regards to Notice of Motion (NoM) 646 to:

- Reiterate strongly and urgently its commitment to and implementation of reticulated sewerage provision in the towns of Loch, Nyora and Poowong on the grounds of public and environmental health.

Write letters affirming Council's position and request meetings with:

- a. Minister for Water, Hon. Peter Walsh
- b. Member for Gippsland South, Hon. Peter Ryan
- c. Minister for Planning Hon. Matthew Guy
- d. Board of South Gippsland Water
- e. Melbourne Water
- f. Cardinia Shire Council

Communicate this message to the communities of Loch, Nyora and Poowong.

### **Discussion**

Since recent articles in local newspapers about delays in the wastewater scheme's progress, a perceived community resignation that "it will happen" appears to have changed to community agitation for progressing the scheme. This agitation aligns with Council's position as resolved in NoM 646.

When the community was first consulted about the proposed Loch, Nyora, Poowong Sewerage scheme, South Gippsland Water (SGW) indicated that it would be constructed by 2012.

Recently, SGW has applied for Amendment C59 and Council resolved to seek permission from the Minister to establish an Advisory Committee to consider both the Planning and Environmental Protection Agency permits.

Prior to Christmas 2012, SGW put a hold on work finalising details for exhibition of Amendment C59 and the Advisory Committee pending investigation of several alternative treatment options. The alternative options are being considered by SGW in cooperation with South East Water and are a response to pre-exhibition lobbying opposed to the proposed wastewater treatment facility site at 65 Hills Road Nyora. Depending on the outcome of the investigations, operational reticulated sewerage to the three towns could be delayed for some time longer than the current revised construction completion time of 2017-18.



The actions flowing from Council's resolution on NoM 646, which are already underway, are a valid response to the petition's request for "our town to be healthy and clean with a reticulated sewerage system".

In response to the second part of the petition's request that "our town... have all the basic services that you would expect in a small town", Council is progressively working on many projects for all of its towns according to priority need. Over time, these projects support development/construction of infrastructure, facilities and services. For example Loch, Nyora and Poowong, have adopted Structure Plans which identify areas for preferred types of land use and future development. These are close to implementation into the planning scheme. Community Plans for the three towns were released in 2010 (Nyora and Poowong) and 2011 (Loch). Strategic and feasibility plans have been completed respectively for Nyora's recreation reserve and for shared paths. Additionally, Council's Social Planner is developing a series of town specific Social and Community Infrastructure Plans and the Economic Development Team is preparing individual town "Live, Work and Invest" prospectuses, however to date these have not been undertaken for Loch, Nyora and Poowong. At a higher level, Council plans such as the Paths and Trails Strategy and the economic and tourism strategies, will also have positive effect on these communities.

### **Proposal**

It is proposed that Council engage with these communities now and in the future regarding action being taken and progress updates about provision of reticulated sewerage to the three towns.

It is also proposed that Council engage with the communities of the three towns about other community infrastructure, facilities and services as relevant projects are commenced.

### **FINANCIAL CONSIDERATIONS**

Undertaking the actions for the NoM resolution is part of normal Council operations as well as continuation of work on Amendment C59.

Undertaking the work involved in developing "all the basic services that you would expect in a small town" will involve significant financial outlay over a period of years by Council, other levels of government and private developers and investors.

### **RISK FACTORS**

Council budget constraints on new project initiatives could delay commencement and/or completion of studies, planning scheme amendments, economic development activities, community strengthening projects, engineering and architectural designs and on-ground works for community infrastructure, facilities and services for all towns.

Council can encourage and seek financial input from other levels of government and the private sector but cannot control or direct matters beyond its own sphere of responsibilities.

## **CONCLUSION**

In relation to the sewerage scheme issue, it is recommended for Council to advise the lead petitioner Mr Denis Casey, relevant community development organisations and the wider Nyora, Loch and Poowong communities of its resolution in regards to NoM 646, the outcomes which result as they occur, and about significant developments with Amendment C59 as they occur.

It is also recommended that Council advise these communities when future community infrastructure, facility and service projects are funded, delayed or postponed, including information about reasons and timelines.

## **RECOMMENDATION**

**That Council:**

- 1. Raise the petition by lead petitioner Mr Denis Casey from the table.**
- 2. Advise the lead petitioner Mr Denis Casey in writing of its resolution in regards to Notice of Motion 646 and the outcomes which result as they occur.**
- 3. Advise the communities of Loch, Nyora and Poowong by press releases and by letters to relevant community development organisations, of its resolution in regards to Notice of Motion 646 and the outcomes which result as they occur.**
- 4. Progress projects relating to planning, development and implementation of community infrastructure, facilities and services for Nyora, Loch and Poowong as future budgets allow.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

## **E.2 GREEN WASTE FEES**

Community Services Directorate

### **EXECUTIVE SUMMARY**

South Gippsland Shire Council does not currently charge a fee for the disposal of green waste at transfer stations. The approximate annual cost of managing green waste at transfer stations is \$296,000. No income is received to offset this cost. Since 2006/07 volumes of green waste and associated costs have increased significantly.

The introduction of a disposal fee will lead to the recovery of most of the costs associated with the management of green waste at transfer stations and provide for a more financially sustainable method of service delivery.

This report recommends that Council

1. Introduce fees for the disposal of green waste at transfer stations based on \$10 per cubic metre from 1 July 2013, increasing annually in line with Council's Fees Policy;
2. Negotiate a variation to the green waste management component of Contract Number SGC 12/06 - Provision of Transfer Station Management and Booked Hard Waste Collection Service;
3. Delegate to the Chief Executive Officer the power to approve the proposed variations to the contract if their value exceeds the Chief Executive Officer's current delegation;
4. introduce an annual amnesty period, to run from the Saturday prior to the Melbourne Cup through until the end of December, where residents can dispose of green waste free of charge; and.
5. Provide free mulch to the public at transfer stations with a maximum load size of 3 cubic metres.

#### *Document/s pertaining to this Council Report*

- **Attachment 1** – Gippsland Council Benchmarking Information
- **Confidential Appendix 1** - Green Waste Financial Calculations

A copy of **Confidential Appendix 1** has been distributed separately to Councillors and the Executive Leadership Team.

## **INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

Sustainability Strategy - Action number 1.3.4 Set waste management fees and charges at a level that recovers costs and encourages recycling.

Waste Management Strategy – Action 26 Consider a gate fee for the acceptance of green waste at transfer stations. The fee could be waived during an amnesty period prior to the fire season each year.

## **COUNCIL PLAN**

Strategic Goal:	2.0	A Sustainable Environment
Outcome:	2.3	Natural Resource Management
	2.5	Resource Efficiency
Strategy No:	2.3.1, 2.5.1, 2.5.2, 2.5.4	Environmental action and awareness, Capacity building, Greenhouse gas emissions and waste management

## **CONSULTATION**

Council Briefing – 6 February 2013

Local Laws Department – Upcoming review of Council's Local Laws

## **REPORT**

### **BACKGROUND**

South Gippsland Shire Council does not currently charge a fee for the disposal of green waste at transfer stations.

Acceptance of green waste, management of stockpiles and mulching of material at transfer stations is undertaken by Dasma Environmental Pty Ltd who operate the sites on behalf of Council. The costs of green waste management are incorporated into the transfer station management contract annual lump sum.

The annual amount of green waste being deposited at transfer stations has increased from approximately 20,000 cubic metres in 2006/07 to more than 33,000 cubic metres in 2011/12. The cost of managing this material has risen significantly as a result of the increased volumes and the commencement of a new contract in January 2012.

Neighbouring Shires charge for the disposal of green waste at their transfer stations which has led to an increasing amount of green waste being brought into South Gippsland Shire transfer stations to avoid paying disposal fees.

### **DISCUSSION**

The current arrangement with green waste being accepted at transfer stations free of charge is not financially sustainable and is at odds with the objectives

of Council's Sustainability and Waste Management Strategies both of which have been adopted by Council.

Apart from East Gippsland Shire Council, all other Gippsland Councils charge residents for the disposal of green waste at transfer stations in order to recover costs associated with the management and processing of the material.

With the exception of Baw Baw Shire Council, all Gippsland Councils that charge fees for the disposal of green waste offer residents an amnesty period to encourage them to clean up their properties and reduce fire hazards prior to the fire season each year. Details of the other Gippsland Shire's green waste disposal fees and their amnesty arrangements are provided in **Attachment 1**.

The cost associated with managing green waste is considerable and is currently being borne by all ratepayers whether they use the service or not. Ratepayers are also subsidising commercial contractors who currently do not pay for green waste disposal.

The perception that green waste should be free of charge due to the income received from mulch sales is a common misconception amongst the public. In order to provide financially sustainable services, the generators of this waste should contribute to the cost of providing the service. The message that green waste is waste and is the responsibility of the waste generator is a key message that Council will need to communicate to residents if fees are introduced.

The introduction of green waste disposal fees is also an important factor in the viability of future potential services such as a kerbside green waste collection.

## **OPTIONS**

Council has two options. Either introduce green waste fees or maintain the current arrangement where green waste is accepted free of charge.

### **Option 1 - Introduce Green Waste Disposal Fees**

This option recommends the introduction of green waste disposal fees at Council transfer stations. If disposal fees are introduced it is proposed that Council also introduce an amnesty period where no fees are charged, which will assist residents to clean up vegetation to reduce fire hazards in the lead up to fire season.

Under this option all mulch produced would be owned by Council. To avoid excessive stockpiles it is proposed that the mulch be made free of charge for the public. Remaining mulch would be utilised during rehabilitation works at the Koonwarra landfill.

The introduction of green waste fees and variation of the contract would achieve savings to Council estimated to be between \$200,000 and \$250,000 per annum. The actual savings each year would be dependent on the volume of green waste received. Estimated costs, income and budget savings for varying volumes of green waste are included in **Confidential Appendix 1** of this report.

### **Option 2 - No Green Waste Disposal Fees (Current Arrangement)**

Council may choose to not introduce green waste disposal fees. Based on historical data, if this option is adopted, quantities of green waste received are likely to continue to increase, including the amount of green waste brought in from other Shires. This option would not provide any cost savings for Council. Dasma would maintain ownership of the mulch and Council would continue to incur significant costs for the disposal of excess mulch.

### **PROPOSAL**

It is proposed that Council introduce a green waste disposal fee at transfer stations based on \$10 per cubic metre (Inc GST) with an amnesty period during November and December where residents can dispose of green waste free of charge.

A variation to the green waste component of Council's transfer station management contract would be negotiated so that Council would be paying a schedule of rates for the ongoing management of green waste instead of the current lump sum. It is recommended that the Chief Executive Officer be delegated the power to sign off on the proposed variation. Fees charged would offset most of the costs associated with managing green waste at transfer stations.

Mulch would be made available to the public free of charge. It is proposed that a limit of 3 cubic metres per load be placed on free mulch to reduce the risk of commercial operators benefiting at the expense of residents. Excess mulch would be utilised during rehabilitation works at the Koonwarra Landfill.

### **FINANCIAL CONSIDERATIONS**

#### **Option 1**

If a fee for the disposal of green waste is introduced, the green waste management component would be amended in the transfer station management contract. The current costs are provided in **Confidential Appendix 1**.

The ongoing costs associated with managing green waste would be mostly offset through charging disposal fees which would be retained by Council.

Ongoing costs payable to the contractor instead of the current lump sum would include a fee for stockpile management (i.e. pushing up stockpiles and additional administrative costs) and a rate for mulching (per cubic metre of

mulch produced). Rates have been obtained from Dasma Environmental Pty Ltd for these works and are provided in **Confidential Appendix 1**. There are components of Dasma's rates that may be able to be reduced over time as a better understanding of green waste quantities is known. This could lead to further budget savings.

If fees are introduced it is expected that the volume of green waste received at transfer stations would reduce due to a reluctance by some residents to pay a disposal fee and also a reduction of green waste coming in from residents and commercial operators from outside of the Shire. It is not possible to accurately calculate how much the volume will reduce, so a range of estimates have been prepared to illustrate the anticipated effects on income and costs.

**Confidential Appendix 1** contains approximate income (based on a proposed fee of \$10.00 per cubic metre Inc. GST) and costs for managing volumes of green waste that may be received at the sites. It has been estimated that approximately 30% of annual green waste volumes would be received at the sites during the amnesty period during which time no income from fees would be generated. This has been factored into the calculations in the table. All figures in the table are exclusive of GST.

No allowance has been made for the transport and disposal of excess mulch to a commercial composting facility due to the following factors:

- Decreased quantities of mulch produced due to decreased green waste disposal;
- Making mulch available free of charge will mean more mulch will be taken by the public;
- Excess mulch will be utilised in the rehabilitation of the Koonwarra Landfill (ongoing staged rehabilitation); and
- South Gippsland Water have expressed interest in obtaining transfer station mulch for their own processes.

By introducing green waste fees and making the necessary changes to the contract, Council will incur lower costs due to expected decreased quantities and will receive income to offset the costs that are incurred. The overall cost to Council would increase if the percentage of green waste received during the amnesty period increased above the estimated amount. This is due to not receiving income on the material during the amnesty period, while processing costs remain the same.

## **Option 2**

If a fee is not introduced for the disposal of green waste at transfer stations, Council would continue to incur costs for the management of green waste with none of the costs offset by income. In theory, these costs within the contract are not directly linked to volumes, but under the current contract arrangements Dasma tendered for the management of an estimated 31,000

cubic metres of green waste at the transfer stations. If the volume continues to significantly rise above this figure, it is likely that Dasma will seek to claim additional management costs above their tendered rates. If fees are not introduced, it is expected that green waste volumes from outside of the Shire in particular, will increase as disposal fees rise in neighbouring municipalities.

## RISK FACTORS

Table 1 summarises potential issues that may arise following the introduction of a green waste disposal fee, along with proposed treatment options.

**Table 1 - Risk Identification & Mitigation Measures if Green Waste Fees Are Introduced**

Potential Risks (If fee introduced)	Treatment Options
<ul style="list-style-type: none"> <li>• <b>Public reaction</b></li> </ul>	<ul style="list-style-type: none"> <li>• Communication strategy explaining why fees are required.</li> <li>• Make mulch available to the public free of charge.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Local media coverage.</b></li> </ul>	<ul style="list-style-type: none"> <li>• Proactively issue information to the media.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Increased burning of material in urban back yards.</b></li> </ul>	<ul style="list-style-type: none"> <li>• Review Council's Local Law of "burning off" in urban environments. Banning would bring South Gippsland's Local Law in line with most other Councils.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Increased illegal dumping of green waste at transfer station gates and on road sides.</b></li> </ul>	<ul style="list-style-type: none"> <li>• Develop an education program to inform residents on why a fee has become necessary.</li> <li>• Utilise Council's existing surveillance cameras to catch offenders.</li> <li>• Prosecute offenders</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Residents may be less inclined to clear fire hazards from their blocks.</b></li> </ul>	<ul style="list-style-type: none"> <li>• An amnesty period prior to the fire season would provide an opportunity for residents to undertake fuel reduction works with no cost impact.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Council is left with excess mulch at transfer station sites</b></li> </ul>	<ul style="list-style-type: none"> <li>• Provide mulch to the public free of charge.</li> <li>• Utilise excess mulch for landfill rehabilitation.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Increased disposal of green waste in kerbside garbage and recycling bins</b></li> </ul>	<ul style="list-style-type: none"> <li>• Education Program.</li> <li>• Enforcement of existing Local Law that prohibits disposal of green waste in kerbside bins.</li> </ul>

Table 2 summarises existing and potential issues that may arise if a green waste disposal fee is not introduced.



**Table 2 - Risk Identification & Mitigation Measures if Fees Are Not Introduced**

<b>Potential Risks (If fees are not introduced)</b>	<b>Treatment Options</b>
<ul style="list-style-type: none"><li>• <b>Quantities of green waste deposited at transfer stations will continue to rise as long as other Councils charge fees.</b></li></ul>	<ul style="list-style-type: none"><li>• Introduce requirement to prove proof of residency within South Gippsland at time of disposal.</li></ul>
<ul style="list-style-type: none"><li>• <b>If proof of residency requirements are introduced, volumes may reduce meaning we will be paying the contractor for managing more material than they are receiving</b></li></ul>	<ul style="list-style-type: none"><li>• Negotiate removal of lump sum component of contract and introduce schedule of rates.</li></ul>
<ul style="list-style-type: none"><li>• <b>Kerbside green waste collection service less viable due to lower participation rates</b></li></ul>	<ul style="list-style-type: none"><li>• Provide the service with lower participation but higher costs for participants.</li></ul>

## **CONCLUSION**

The cost of managing green waste at transfer stations is not sustainable. By continuing to accept material for free we are encouraging residents and businesses from neighbouring Shires where fees are charged, to utilise the services that we provide at no cost to the customers.

If the potential issues are effectively managed, the benefits of introducing a green waste disposal fee include:

- the recovery of most of the cost of managing green waste; and
- increased viability of new initiatives such as a kerbside green waste collection service.

## **RECOMMENDATION**

### **That Council:**

- 1. Introduce fees for the disposal of green waste at transfer stations based on \$10 per cubic metre from 1 July 2013, increasing annually in line with Council's Fees Policy;**
- 2. Negotiate a variation to the green waste management component of Contract Number SGC 12/06 - Provision of Transfer Station Management and Booked Hard Waste Collection Service;**
- 3. Delegate to the Chief Executive Officer the power to approve the proposed variations to the contract if their value exceeds the Chief Executive Officer's current delegation;**
- 4. Introduce an annual amnesty period, to run from the Saturday prior to the Melbourne Cup through until the end of December, where residents can dispose of green waste free of charge; and.**
- 5. Provide free mulch to the public at transfer stations with a maximum load size of 3 cubic metres.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

**Attachment 1  
Gippsland Council Benchmarking Information**

<b>Green Waste Charges 2012/13</b>	<b>Bass Coast</b>	<b>Baw Baw</b>	<b>Latrobe City</b>	<b>Wellington</b>	<b>South Gippsland (Proposed Fees)</b>	<b>East Gippsland</b>
120 litre bin	\$2.00	n/a	n/a	n/a	\$2.00	No Fees Apply
240 litre bin	\$3.50	\$6.00	n/a	\$3.00	\$4.00	n/a
Car boot / station wagon	\$5.00	\$6.00	\$10.00	n/a	\$5.00	n/a
Standard 6 x 4 trailer (level load)	\$12.00	\$9.75	\$10.00	\$9.00	\$10.00	n/a
Standard 6 x 4 trailer (heaped load)	\$21.00	\$19.50	\$16.00	\$18.00	\$18.00	n/a
6x4 trailer with cage	\$32.00	\$39.00	\$24.00	\$36.00	\$36.00	n/a
Large single axle trailer (level load)	\$15.00	\$13.00	n/a	\$12.00	\$12.00	n/a
Large single axle trailer (heaped load)	\$28.00	\$26.00	n/a	\$24.00	\$24.00	n/a
Large single axle trailer with cage	\$45.00	\$52.00	n/a	\$48.00	\$36.00	n/a
Tandem Trailer (level load)	\$23.00	\$19.50	\$16.00	\$18.00	\$20.00	n/a
Tandem Trailer (heaped load)	\$45.00	\$39.00	\$24.00	\$36.00	\$36.00	n/a
Tandem trailer with cage	\$85.00	\$78.00	n/a	\$72.00	\$72.00	n/a
Ute (level load)	\$12.00	\$13.00	n/a	\$12.00	\$10.00	n/a
Ute (heaped load)	\$23.00	\$26.00	n/a	\$24.00	\$18.00	n/a
<b>Amnesty Period Details (No fees charged)</b>	1 November to mid December each year	No amnesty period	2 x no charge drop off weekends each year in February and November	Melbourne Cup Weekend	1 November to 31 December each year	n/a

### **E.3 MIRBOO NORTH AND KORUMBURRA POOL MASTER PLANS**

Community Services Directorate

#### **EXECUTIVE SUMMARY**

This report presents the Draft Mirboo North and Korumburra Outdoor Pools Master Plans and recommends the documents be released for public exhibition.

#### **Document/s pertaining to this Council Report**

- **Appendix 1** - Draft Mirboo North and Korumburra Pools Master Plans

A copy of **Appendix 1** is available on Council's website:  
[www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) or by contacting 5662 9200.

#### **INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

Strategic Direction for Aquatic Facilities in South Gippsland 2012 - 2016

Future capital investment in outdoor pools will be informed through the development of Master Plans (including Asset Management Plans) for each facility.

#### **COUNCIL PLAN**

Strategic Goal:	1.0	A vibrant and engaged community
Outcome:	1.2	Health and Wellbeing
Strategy No:	1.1.1	Active Lifestyles

#### **CONSULTATION**

The consultants appointed to complete the master plans have met with the Key Stakeholder Group from each facility on three occasions in November 2012, December 2012 and February 2013. The Key Stakeholder Groups include swim club and pool committee representatives, The Mirboo North Community Foundation and the Bendigo Community Bank in Mirboo North.

Further one on one consultation has been undertaken with relevant community groups and schools who are major users of these facilities.

The consultants have also met with relevant Council staff during the investigations and in preparing the draft Master Plans.

## **REPORT**

### **Background**

At the 22 February 2012 Council Meeting the Strategic Direction for Aquatic Facilities in South Gippsland 2012 - 2016 was adopted.

The resolution included the following action;

*"Develop Master Plans, in consultation with the committee and community, for Mirboo North and Korumburra in 2013/14, Poowong, Foster and Toora in 2013/14 to guide the future capital investment in these facilities."*

In September 2012, consultants HM Leisure Planning were appointed to develop the master plans.

### **Discussion**

#### **Korumburra Pool**

The Korumburra Swimming Pool is the only 50 metre pool in the Shire. It was built to a high standard and has been well maintained. There is potential for improving the site and pool plant and for diversification of programming.

Infrastructure at Korumburra requires modernisation but is basically sound.

The main recommendations for Korumburra include:

- Undertake pool and plant repairs and maintenance works as identified by the technical review to ensure the effective continued operation of the venue. Proposed works have been identified as immediate, medium term and long term;
- Redevelop the interior of the change facilities in the two storey building and install high quality, compact, heated facilities with hot showers and secure spaces to meet the needs of the whole venue. Provide pool deck showers as part of this; and
- Integrate the indoor heated pool fully with the facilities and services for the outdoor pool.

The Plan also recommends integration and diversification of operations and programming to maximise the benefits of any investment in redevelopment

#### **Mirboo North Pool**

While the Mirboo North Swimming Pool occupies an attractive site it is the site itself that creates a range of significant and costly problems for any future redevelopment. The Plan recommends that the pool be relocated and integrated with other community facilities.

Current infrastructure at Mirboo North Pool is beyond feasible repair and the existing site is deemed unsuitable for the development of new infrastructure due to significant ground water issues and existing soil conditions.

Consultants have identified that developing new infrastructure at the existing site would require over \$3 million of site and drainage works prior to the development of any aquatic infrastructure. The existing contours of the site would also present significant accessibility challenges in designing new infrastructure.

Investing further capital funding into the existing site is unlikely to either improve the amenity or extend the lifespan of the facility. Therefore it is recommended that future investment should be directed towards the development of a new facility.

There are limited options for a new pool site within Mirboo North.

The potential sites considered in the draft master plans include:

- Baromi Park;
- Walter Tuck Recreation Reserve;
- Primary/Secondary School; and
- Site adjacent to existing pool, up the hill closer to Baths Road.

Development of a new modern replacement facility is estimated at approximately \$4million.

### **Proposal**

Release the Draft Master Plans document publicly for public exhibition and consider public comment on the Master Plans when determining the strategic direction and future investment in the Korumburra and Mirboo North Swimming Pools.

### **FINANCIAL CONSIDERATIONS**

The development of the Master Plans for Mirboo North and Korumburra Outdoor Pools is fully funded within the 2012/13 budget.

Due to the value and condition of these assets the financial implications of the Master Plan recommendations are significant.

The draft forward budget contains the following allocation towards implementing the actions identified in the draft Master Plans.

#### **Mirboo North**

\$198,000 design 2014 and \$1.95m 2016/17. This allocation falls well short of the estimated costs of \$4.024m (plus an additional \$3m for site works if the

existing site was to be used) identified in the Master Plan. It should be noted that the costs in the Master Plans are in “today’s” dollars and does not take into account annual construction cost increases.

### **Korumburra**

\$239,000 design 2016/17 and \$3.22m 2019/20. This allocation covers the estimated costs of \$2.88m identified in the Master Plan but timing of works is a number of years out. The \$2.88m estimate is in “today’s” dollars. If the work was not carried out until 2019/20 the cost would have to be increased by annual construction cost increases. This would mean that current budget provision is inadequate.

### **RISK FACTORS**

The release of the Draft Master Plans may generate strong opinions and debate within the community. However, this debate and discussion is critical in assisting Council to establish the future direction for the Korumburra and Mirboo North Swimming Pools.

Releasing the Draft Master Plans demonstrates transparency to the community and supports the collaborative approach taken the development of the Master Plans.

### **CONCLUSION**

The Draft Mirboo North and Korumburra Pools Master Plans provide a comprehensive analysis of leisure trends, community views and aspirations, a technical assessment of the pool assets and recommended actions for improvement including design and cost estimates.

Releasing the draft plans for public exhibition will provide the community with an opportunity to understand the complexities and costs associated with bringing the pools up to an appropriate standard for the future. Community feedback on the Master Plans will assist Council in its deliberations regarding the future strategic direction and investment in the Korumburra and Mirboo North Swimming Pools.

## **RECOMMENDATION**

### **That Council:**

- 1. Exhibit the draft Mirboo North and Korumburra Pool Master Plans for a period of 28 days;**
- 2. Invite written submissions from the community until the closing date of 24 May 2013; and**
- 3. Review all written submissions and provide a report to Council detailing the community submissions at the 26 June 2013 Ordinary Council Meeting.**

## **STAFF DISCLOSURE OF INTEREST**

Nil



#### **E.4 NEIGHBOURHOOD SAFER PLACES SITE INVESTIGATION FOR WALKERVILLE, WARATAH BAY AND VENUS BAY**

Community Services Directorate

##### **EXECUTIVE SUMMARY**

Council has investigated a number of potential sites for the establishment of a Neighbourhood Safer Place – Place of Last Resort in the towns of Walkerville, Waratah Bay and Venus Bay. None of the sites were found to be compliant with the CFA Fire Rating Criteria.

It is recommended that no further sites be investigated in Walkerville, Waratah Bay and Venus Bay and that Council's efforts continue to be invested in community education.

##### **Document/s pertaining to this Council Report**

- **Attachment 1** – Desktop Assessment
- **Attachment 2** – CFA Assessment Guidelines
- **Attachment 3** – CFA Assessments in Walkerville, Waratah Bay and Venus Bay

##### **LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES**

Emergency Management Act 1986

Country Fire Authority Act 1958

Emergency Management Manual Victoria

The Bushfire Safety Policy Framework

Municipal Emergency Management Plan 2012

Municipal Fire Management Plan 2012

##### **COUNCIL PLAN**

Strategic Goal:	1.0	A Vibrant Engaged Community
Outcome:	1.2	Health and Wellbeing
Strategy No:	1.2.3	Community Safety

##### **CONSULTATION**

Significant community consultation has been conducted in conjunction with the CFA.

## **REPORT**

### **Background**

In its Interim Report, the 2009 Victorian Bushfires Royal Commission recommended that Neighbourhood Safer Places, or 'NSPs', be identified and established to provide persons in bushfire affected areas with a place of last resort during a bushfire.

NSPs are places of last resort during the passage of a bushfire, and are intended to be used by persons whose primary bushfire plans have failed. Furthermore, there may be serious risks to safety encountered in travelling, and seeking access, to NSPs during bushfire events. Depending on the direction of a particular fire, it may not be a safer place to assemble than other places within the district. NSPs should provide protection to people from lethal levels of radiant heat through an appropriate separation distance between fire hazards, particularly vegetation, and the site of the NSP. The Fire Services Commissioner has suggested that NSP's need to be places where the community would naturally congregate at times of emergency.

State Legislation requires Victoria's councils to identify, designate, establish and maintain suitable places as NSPs in their municipal districts and the Country Fire Authority to certify NSPs against the CFA's Fire Rating Criteria.

### **Discussion**

Across the State 52 high risk bushfire areas were identified with 4 of those areas falling within the South Gippsland Shire's boundaries. They were Sandy Point, Walkerville, Waratah Bay and Venus Bay. The Sandy Point Community Centre was identified as a suitable location in the township and required a number of specific modifications for which funding of \$566,701 has been received from the Fire Services Commissioner. A number of potential sites for an NSP in Walkerville, Waratah Bay and Venus Bay were identified and assessed. All 9 sites were assessed by the CFA as non-compliant.

### **Shared Responsibility**

The Bushfire Safety Policy Framework states that:

*"bushfire safety is a shared responsibility between individuals, the community, agencies, government, the private sector and non-government organisations and requires a partnership approach where the various stakeholders undertake appropriate action to address the risk."*

While it is proposed that no further sites be investigated within the 3 identified townships, Council's commitment to working with the community through education and awareness to plan for and implement bush fire survival plans remains the focus.

Reducing the impact of bushfires is a shared responsibility between Government, emergency service organisations and the community. The community has an integral role to take the necessary steps to prepare their property and to implement their bushfire survival plan. Community resilience is developed by ensuring people in that community are fully engaged in the

resilience building process and that the process is led from within the community.

The CFA has asked South Gippsland Shire Council to participate in their Community Led Planning Demonstration Project and the first meetings have recently been held in the Venus Bay and Walkerville areas. This essentially takes emergency management planning out into the relevant individual communities. The concept has been mooted in the Government White Paper through the establishment of "Community Resilience Committees." This type of planning will to some degree offset the lack of opportunity to source a location for a NSP.

In addition there have been ongoing opportunities to create educative processes for local residents. The CFA has published Community Information Guides for the high risk towns. The Shire completed a project which saw the implementation of televisions into the Visitor Information Centres that can be used to update locals and tourists at the time of an emergency. Five emergency management notice boards have also been issued into the three communities as an additional way to provide emergency information at the time of an event.

### **Options**

There are no appropriate sites for a NSP-PLR in Walkerville, Waratah Bay or Venus Bay. Improving education and awareness for local communities in relation to fire readiness and bushfire survival will assist residents in these areas to remain safe.

### **FINANCIAL CONSIDERATIONS**

The cost of establishing an NSP-PLR would be met through a request for funding from the Fire Services Commissioner.

Ongoing maintenance of an NSP-PLR would be the responsibility of Council.

There are no allowances within the Council's current budget or ten year financial plan to support the establishment or ongoing maintenance of an additional NSP.

### **RISK FACTORS**

NSPs are places of relative safety only. They do not guarantee the survival of those who assemble there.

The preparation of a Bushfire Survival Plan by every member of the community is strongly promoted as an effective means of saving lives in the event of a bushfire.

## **CONCLUSION**

All reasonable steps have been taken to identify suitable locations for an NSP-PLR in Walkerville, Waratah Bay or Venus Bay. No CFA compliant sites have been identified.

## **RECOMMENDATION**

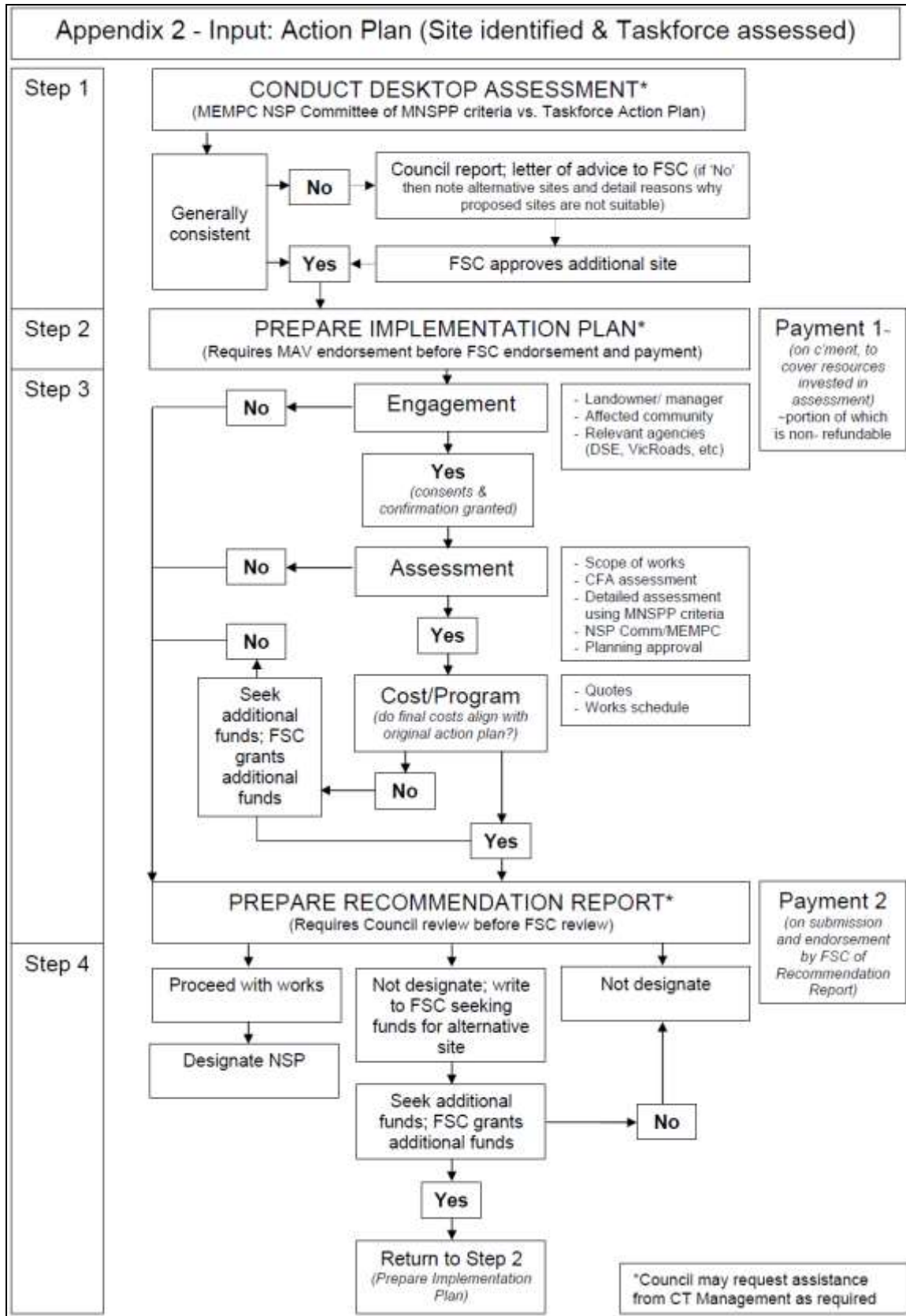
**That Council:**

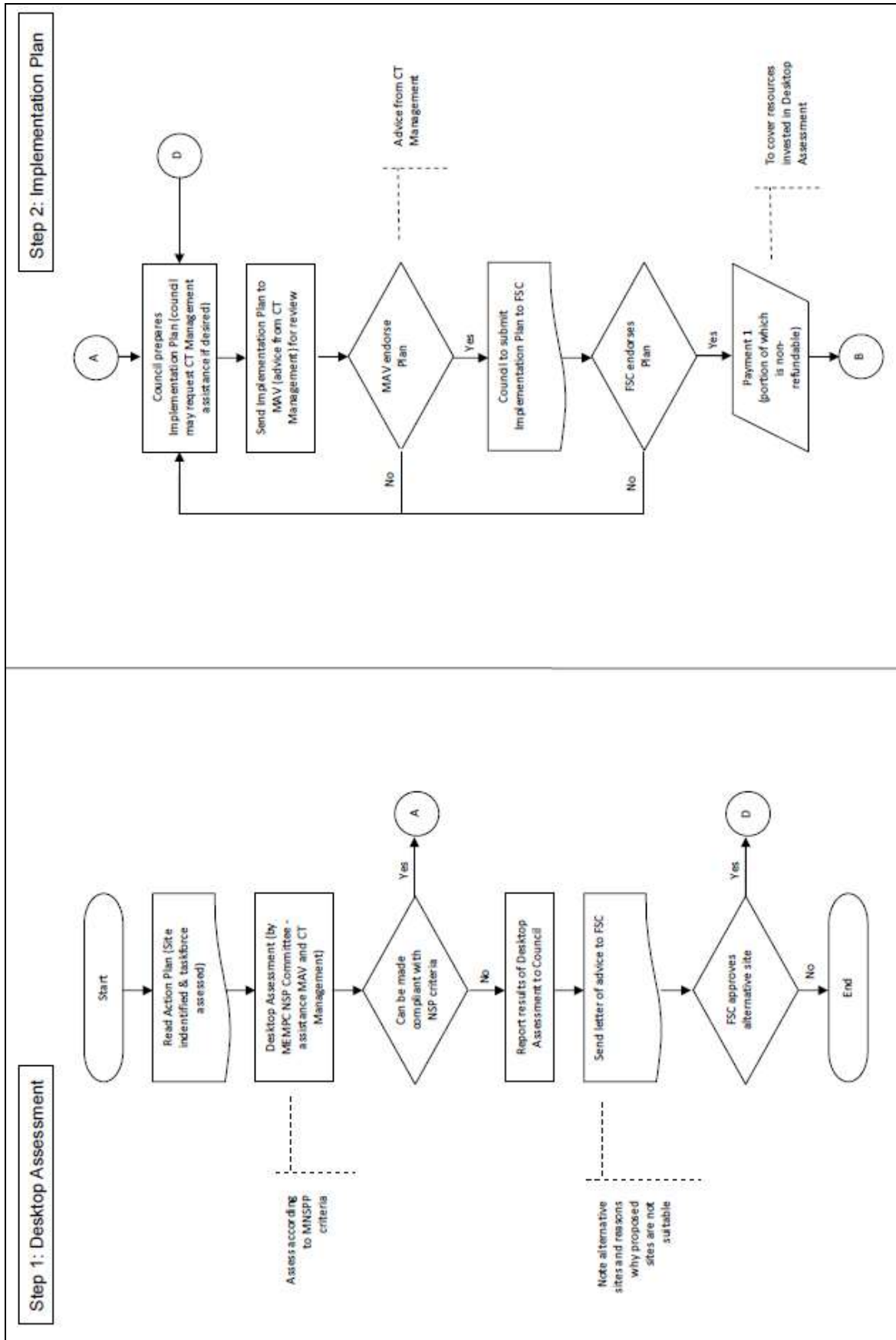
- 1. Advise the Fire Services Commissioner that a CFA compliant site was not located for a Neighbourhood Safer Place in Walkerville, Waratah Bay and Venus Bay;**
- 2. Confirm that no further sites be investigated for a Neighbourhood Safer Place in Walkerville, Waratah Bay and Venus Bay;**
- 3. Remain committed to improving education and awareness for local communities in relation to fire readiness and bushfire survival; and**
- 4. Advise the community of Council's decision.**

## **STAFF DISCLOSURE OF INTEREST**

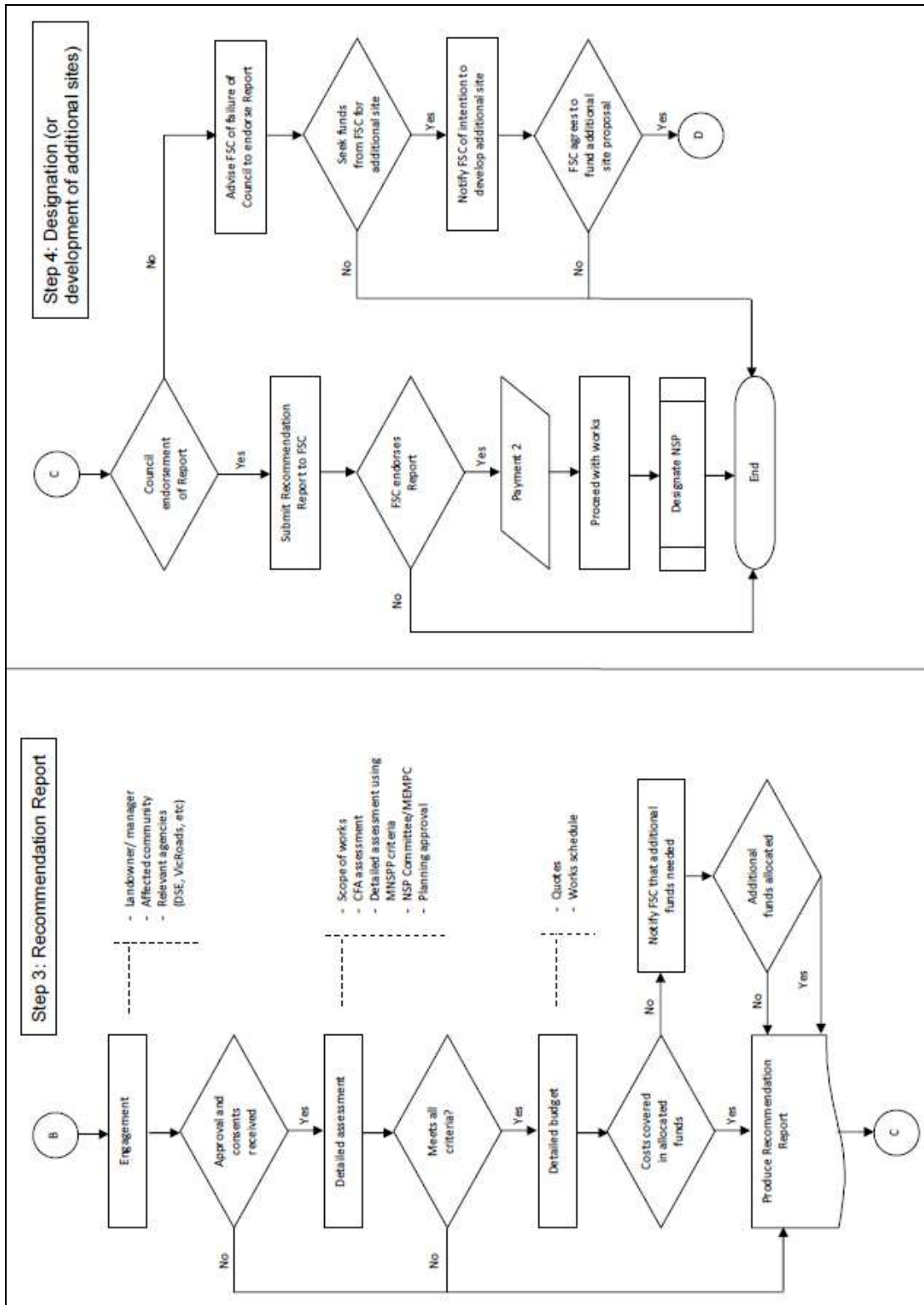
Nil

**Attachment 1**





Attachment 1



## Attachment 2

Bushfire Neighbourhood Safer Places - Places of Last Resort - CFA Assessment Guideline



# Bushfire Neighbourhood Safer Places

## CFA Assessment Guideline

June 2012

June 2012



Neighbourhood Safer Places - Places of Last Resort - CFA Assessment Guideline

## **NEIGHBOURHOOD SAFER PLACES PLACES OF LAST RESORT**

### ***INTRODUCTION***

*Neighbourhood Safer Place* means a place that may, as a last resort, provide shelter for people from the immediate life threatening effects of a bushfire.

They are an area or premises that may provide some sanctuary from direct flame contact and radiant heat. It is envisioned it would be an existing space or structure, such as an oval or a building that may protect a person against fire.

This assessment guideline articulates the process by which qualified/experienced CFA Officers assess the suitability of Neighbourhood Safer Places and is not intended for use by the general public.

### ***BACKGROUND***

Reducing the impact of bushfires is a shared responsibility between government, emergency service organisations and the community. The community has an integral role to take the necessary steps to prepare their property and to implement their bushfire survival plan.

This document sets out criteria for CFA's assessment of Neighbourhood Safer Places. The criteria provide a framework to assist Municipal Councils to identify Neighbourhood Safer Places to provide a place of last resort for people to gather during the passage of a bushfire front. The primary purpose of a Neighbourhood Safer Place is the protection of human life from a bushfire.

The 2009 Victorian Bushfires Royal Commission (VBRC) Final Report stated that the people who left their homes sheltered in a variety of locations for example, other houses or buildings; bunkers, reserves and ovals; pubs; in-ground swimming pools, cars and dams. Some people reported that these were pre-planned alternatives and in some cases, helped people survive. However, the VBRC also heard examples of people dying in very similar locations, which serve to highlight that, these locations do not guarantee safety (VBRC Final Report Vol 2: pg 19).

The VBRC also stated that "many people did not have a well-thought-out plan and were left to make their own decisions without the benefit of assistance from the authorities [and] for these people, the lack of alternatives, the provision of shelters, refuges or evacuation, became critical as a fallback option (VBRC Final Report Summary: pg 5). They also "considered that a revised bushfire safety policy should provide information about places in which to shelter and support for individuals in identifying such places" (VBRC Final Report Vol 2: pg 21). Neighbourhood Safer Places continue to be a part of the shelter options for community members.

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June 2012

## Attachment 2

Neighbourhood Safer Places - Places of Last Resort - CFA Assessment Guideline

### **CONCEPT**

A Neighbourhood Safer Place is a space that:

- is a place of last resort for individuals to access and shelter in during the passage of fire through their neighbourhood - without the need to take a high risk journey beyond their neighbourhood;
- provides a level of protection from the immediate life threatening effects of a bushfire (direct flame contact and radiant heat); and
- is intended to provide relative safety;
- does not guarantee the survival of those who assemble there; and
- should only be accessed when personal bushfire survival plans cannot be implemented or have failed.

Neighbourhood Safer Places should be recorded in Township Protection Plans. However, not all townships will have Neighbourhood Safer Places identified in these Plans as they may not meet specific criteria identified in this document and within a council's Municipal Neighbourhood Safer Places Plan. Some towns may not have the fire risk profile to indicate a need for a Neighbourhood Safer Place.

Neighbourhood Safer Places are not to be confused with Fire Refuges<sup>1</sup>, Relief Centres, Recovery Centres, Assembly Areas, or Informal Places of Shelter, each of which have a different and specific purpose.

### **LIMITATIONS**

Neighbourhood Safer Places have a number of limitations, being:

- limited capacity;
- no guarantee of safety;
- they do not cater for animals;
- emergency services will not necessarily be present;
- they do not provide meals or amenities;
- they may not cater for particular special needs (e.g. infants, elderly, ill or disabled);
- they may not provide shelter from the elements, particularly flying embers; and
- there are risks to people during access, shelter during passage of the fire front and egress from Neighbourhood Safer Places.

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<sup>1</sup> Fire refuges have been described in the OESC Fire Refuges in Victoria – Policy and Practice (2005). However, these guidelines are currently undergoing a review with the FSC and because the issues associated with fire refuges are being considered separately, they will not be considered further in this document.

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June 2012

## ***CFA Neighbourhood Safer Places Assessment Criteria***

Neighbourhood Safer Places should provide protection to people from lethal levels of radiant heat through an appropriate separation distance between fire hazards, particularly vegetation, and the site of the Neighbourhood Safer Place. Isolated flammable elements may occur within the separation space so long as such elements do not add to a fire's rate of spread nor significantly contribute to the radiant heat impacting on the Neighbourhood Safer Place.

Fire industry collaboration established criteria to determine the suitability of any site as a Neighbourhood Safer Place. The critical criteria decided upon was radiant heat load with maximum allowable radiant heat loads agreed upon for sites that are open spaces and those that are buildings. It was further agreed that each Neighbourhood Safer Place needs to be assessed on its merits, with radiant heat load calculated using the NSW Rural Fire Service Site Bush Fire Attack Assessment Methodology (Douglas and Tan, 2005) as the assessment tool in these guidelines.

### ***Radiant Heat and Setback Measurements***

To provide initial direction to CFA staff and others in assessing the suitability of potential Neighbourhood Safer Places, the following guidance is provided:

Neighbourhood Safer Places must meet the following criteria for radiant heat load:

- 1 If a Neighbourhood Safer Place is an open space the maximum potential radiant heat impacting on the site must be no more than 2kw/m<sup>2</sup>.
- 2 If a Neighbourhood Safer Place is a building, the maximum potential radiant heat impacting on the building must be no more than 10kw/m<sup>2</sup>.

By way of example, Neighbourhood Safer Places adjoining extreme fuel hazards, this equates to a separation distance from the fire hazard of:

- greater than 310 metres from the outer edge of the NSP for an open space; and
- greater than 140 metres from the outer edge of a building to the fire hazard.

It is acknowledged that for NSPs abutting less than extreme fuel hazards this separation distance may be reduced so long as the criteria for maximum radiant heat impact are met.

### ***Additional Management for Neighbourhood Safer Places in Grassland Areas***

Grasslands have a distinct place in the Neighbourhood Safer Places framework, due to:

- the potential for rapid growth in conditions of adequate warmth and moisture; and
- the requirement under section 50J of the CFA Act for councils to review their NSPs by 31 August each year.

Councils may identify a suitable Neighbourhood Safer Place site in a grassland area that can only meet the assessment criteria with active management of the site over the fire danger period, with treatments including slashing, mowing or grazing.

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## Attachment 2

Neighbourhood Safer Places - Places of Last Resort - CFA Assessment Guideline

In these circumstances CFA may certify the site as meeting the assessment criteria provided that appropriate, specified and prescribed treatments are in place throughout the fire danger period. This must include prescriptions for management of the grassland secured by agreed terms entered into by the landholder. The landholder may be the council, a public authority, an agency or a private person.

The identified treatment of the grassland must be included within the MFPP or MFMP (whichever is relevant). Council has the role of facilitation and, if required, enforcement of the treatment(s) during the fire danger period. Fire Prevention Notices would not ordinarily be an appropriate method for achievement of management prescriptions in NSPs. Their use would only be an option of last resort that councils may use where a private landholder has reneged on their agreed conditions and the grassland condition constitutes or may constitute a danger to life or property from the threat of fire.

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June 2012

**Attachment 3**

**CFA Assessments in Walkerville, Waratah Bay and Venus Bay**

Attachment #	Assessment Date	Assessment Number	Town Location	Location type	Description	Address	CFA Rating Met Criteria Y/N
1	18/10/2009	1000009375	Venus Bay	Structure	Surf Club accessed off Surf Drive	Surf Drive Venus Bay 3956	N
2	18/10/2009	1000009378	Venus Bay	Open Space	Foreshore accessed off Surf Drive	Surf Drive Venus Bay 3956	N
3	18/10/2009	1000009423	Venus Bay	Open Space	Fishermans Rd Jetty Carpark	Fishermans Road Venus Bay 3956	N
4	18/10/2009	1000009424	Venus Bay	Open Space	Jupiter Boulevard Shops	Jupiter Boulevard Venus Bay 3956	N
5	18/10/2009	1000009426	Venus Bay	Structure	Venus Bay Paddocks	Lees Road Venus Bay 3956	N
6	19/10/2009	1000009428	Walkerville	Open Space	Farmland behind Prom Views Estate Mr Rich	6 - 8 Panoramic Drive Walkerville 3956	N
7	19/10/2009	1000009429	Walkerville	Open Space	Walkerville Foreshore	Walkerville South Road (opposite Walkerville North Hall) Walkerville 3956	N
8	19/10/2009	1000009432	Walkerville	Open Space	Walkerville South Rd Farmland	Cnr Walkerville Sth and Bear Gully Rd Walkerville 3956	N
9	5/08/2010	1000009505	Waratah Bay	Open Space	Pump Shed	Gale Street Waratah Bay 3959	N

Assessment 1 -

1000009375 Venus Bay Structure Surf Club accessed off Surf Drive Surf Drive Venus Bay 3956



**CFA Neighbourhood Safer Places Assessment Summary Report**

NSP ID: 1000009378 Municipality: South Gippsland Shire  
 Location: Foreshore accessed off Surf Drive  
 Address: Drive Surf Venus Bay 3956  
 Location Type: Open Space CFA Region: Gippsland  
 Assessment Date: 10.10.2009 Assessed By: Deanne Smith  
 Result: Non-Compliant

Assessment Factors		North Aspect	East Aspect	South Aspect	West Aspect
Vegetation Type		WMO Shrub & Heath / BAA Tall Heath	WMO Shrub & Heath / BAA Tall Heath	WMO Cultivated Garden / BAA N/A	WMO Cultivated Garden / BAA N/A
Separation Distance to Vegetation (m)	Actual	20	20	water	water
	Prescribed (Grassland areas only)				
Separation Height (m)		3	3	water	water
Effective Slope (°)		0	0	0	0
Site Slope (°)		0	0	0	0
Prescribed or Deemed to Satisfy Requirements for distance achieved - (Distance equal to or greater than 140M structure 310M open space)		N	N	Y	Y
Deemed to Satisfy Requirements for slope achieved - (Effective Slope less than 20 degrees)		Y	Y	Y	Y
Deemed to Satisfy (DTS) Requirements Achieved		N	N	Y	Y
(If DTS not achieved) Calculated Heat Flux (kW/m <sup>2</sup> ) (To be no greater than 2kw for open space or 10kw for a building)	Actual	25.67	25.67	0	0
	Prescribed (Grassland areas only)				
Treatments & Prescriptions (For Grassland areas ONLY)					
Overall NSP Criteria Achieved		N	N	Y	Y
Result		<p><b>Compliant</b></p> <ul style="list-style-type: none"> <li>    Meeting the CFA assessment criteria on the day of assessment.</li> <li>    Meeting the assessment criteria provided that prescriptions of management of grassland over the fire danger period are secured by agreed terms entered into by the landholder.</li> </ul> <p><b>Non Compliant</b></p> <ul style="list-style-type: none"> <li>\ Not meeting the CFA assessment criteria on the day of assessment.</li> </ul>			

**Assessment 2 -**

1000009378 Venus Bay Open Space Foreshore accessed off Surf Drive Surf Drive Venus Bay 3956



**CFA Neighbourhood Safer Places - Places of Last Resort  
 NSP Status Report**

NSP ID: 1000009378  
 Municipality: South Gippsland Shire  
 Location: Foreshore accessed off Surf Drive  
 Address: Drive Surf Venus Bay 3956

Location Type: Open Space  
 CFA Region: Gippsland  
 Assessment Date: 18.10.2009  
 Accessed By: Deanne Smith  
 NSP Status: Non Compliant

NSP Stage	Status	Date
Compliance	N	
Council Designation		
MAV Endorsed		
GIS Checked		
Released To Web		
Under Review		
Decommissioned		

Council Comments relating to this NSP are as follows:-

Assessment 3 -

1000009423 Venus Bay Open Space Fishermans Rd Jetty Carpark Fishermans Road Venus Bay 3956



**CFA Neighbourhood Safer Places Assessment Summary Report**

NSP ID: 1000009423 Municipality: South Gippsland Shire  
 Location: Fishermans Rd Jetty Carpark  
 Address: Fishermans Road Venus Bay 3956  
 Location Type: Open Space CFA Region: Gippsland  
 Assessed By:  
 Result: Non-Compliant

Assessment Factors		North Aspect	East Aspect	South Aspect	West Aspect
Vegetation Type		WMO Cultivated Garden / BAA N/A	WMO Cultivated Garden / BAA N/A	WMO Grassland with Minimal Trees / BAA	WMO Grassland with Minimal Trees / BAA
Separation Distance to Vegetation (m)	Actual	0	0	5	5
	Prescribed (grassland areas only)				
Separation Height (m)		0	0	0	0
Effective Slope (°)		0	0	0	0
Site Slope (°)		0	0	0	0
Prescribed or Deemed to Satisfy Requirements for distance achieved - (Distance equal to or greater than 140M structure 310M open space)		Y	Y	N	N
Deemed to Satisfy Requirements for slope achieved - (Effective Slope less than 20 degrees)		Y	Y	Y	Y
Deemed to Satisfy (DtS) Requirements Achieved		Y	Y	N	N
(if DtS not achieved) Calculated Heat Flux (kW/m <sup>2</sup> ) (To be no greater than 2kw for open space or 10kw for a building)	Actual	0	0	67.32	67.32
	Prescribed (Grassland areas only)				
Treatments & Prescriptions (For Grassland areas ONLY)					
Overall NSP Criteria Achieved		Y	Y	N	N
Result		<p><b>Compliant</b></p> <ul style="list-style-type: none"> <li>   Meeting the CFA assessment criteria on the day of assessment.</li> <li>   Meeting the assessment criteria provided that prescriptions of management of grassland over the fire danger period are secured by agreed terms entered into by the landholder.</li> </ul> <p><b>Non Compliant</b></p> <ul style="list-style-type: none"> <li>∴ Not meeting the CFA assessment criteria on the day of assessment.</li> </ul>			



Assessment 4 -

1000009424 Venus Bay Open Space Jupiter Boulevard Shops Jupiter Boulevard Venus Bay 3956



**CFA Neighbourhood Safer Places Assessment Summary Report**

NSP ID: 1000009424 Municipality: South Gippsland Shire  
 Location: Jupiter Boulevard Shops  
 Address: Jupiter Boulevard Venus Bay 3956  
 Location Type: Open Space CFA Region: Gippsland  
 Assessment Date: 10.10.2009 Assessed By: Deanne Smith  
 Result: Non-Compliant

Assessment Factors		North Aspect	East Aspect	South Aspect	West Aspect
Vegetation Type		WMO Low Forest / BAA Open Woodland	WMO Low Forest / BAA Open Woodland	WMO Low Forest / BAA Open Woodland	WMO Low Forest / BAA Open Woodland
Separation Distance to Vegetation (m)	Actual	30	30	30	30
	Prescribed (grassland areas only)				
Separation Height (m)		3	3	3	3
Effective Slope (°)		0	0	0	0
Site Slope (°)		0	0	0	0
Prescribed or Deemed to Satisfy Requirements for distance achieved - (Distance equal to or greater than 140M structure 310M open space)		N	N	N	N
Deemed to Satisfy Requirements for slope achieved - (Effective Slope less than 20 degrees)		Y	Y	Y	Y
Deemed to Satisfy (DtS) Requirements Achieved		N	N	N	N
(If DtS not achieved) Calculated Heat Flux (kW/m <sup>2</sup> ) (To be no greater than 2kw for open space or 10kw for a building)	Actual	5.28	5.28	5.28	5.28
	Prescribed (Grassland areas only)				
Treatments & Prescriptions (For Grassland areas ONLY)					
Overall NSP Criteria Achieved		N	N	N	N
Result		<p><b>Compliant</b></p> <ul style="list-style-type: none"> <li>    Meeting the CFA assessment criteria on the day of assessment.</li> <li>    Meeting the assessment criteria provided that prescriptions of management of grassland over the fire danger period are secured by agreed terms entered into by the landholder.</li> </ul> <p><b>Non Compliant</b></p> <ul style="list-style-type: none"> <li>\ Not meeting the CFA assessment criteria on the day of assessment.</li> </ul>			

Assessment 5 -

1000009426 Venus Bay Structure Venus Bay Paddocks

Lees Road Venus Bay 3956



**CFA Neighbourhood Safer Places Assessment Summary Report**

NSP ID: 1000009426 Municipality: South Gippsland Shire  
 Location: Venus Bay Paddocks  
 Address: Lees Road Venus Bay 3956  
 Location Type: Structure CFA Region: Gippsland  
 Assessment Date: 10.10.2009 Assessed By: Deanne Smith  
 Result: Non-Compliant

Assessment Factors		North Aspect	East Aspect	South Aspect	West Aspect
Vegetation Type		<b>WMO Grassland with Minimal Trees / BAA</b>	<b>WMO Grassland with Minimal Trees / BAA</b>	<b>WMO Grassland with Minimal Trees / BAA</b>	<b>WMO Grassland with Minimal Trees / BAA</b>
Separation Distance to Vegetation (m)	Actual	1	1	1	1
	Prescribed (Grassland areas only)				
Separation Height (m)		0	0	0	0
Effective Slope (°)		0	0	0	0
Site Slope (°)		0	0	0	0
Prescribed or Deemed to Satisfy Requirements for distance achieved - (Distance equal to or greater than 140M structure 310M open space)		N	N	N	N
Deemed to Satisfy Requirements for slope achieved - (Effective Slope less than 20 degrees)		Y	Y	Y	Y
Deemed to Satisfy (DtS) Requirements Achieved		N	N	N	N
(if DtS not achieved) Calculated Heat Flux (kW/m2) (To be no greater than 2kw for open space or 10kw for a building)	Actual	111.69	111.69	111.69	111.69
	Prescribed (Grassland areas only)				
Treatments & Prescriptions (For Grassland areas ONLY)					
Overall NSP Criteria Achieved		N	N	N	N
Result		<b>Compliant</b>    Meeting the CFA assessment criteria on the day of assessment.    Meeting the assessment criteria provided that prescriptions of management of grassland over the fire danger period are secured by agreed terms entered into by the landholder. <b>Non Compliant</b> \ Not meeting the CFA assessment criteria on the day of assessment.			

Assessment 6 -

1000009428 Walkerville Open Space Farmland behind Prom Views Estate Mr Rich

6 - 8 Panoramic Drive Walkerville 3956



**CFA Neighbourhood Safer Places Assessment Summary Report**

NSP ID: 1000009428 Municipality: South Gippsland Shire  
 Location: Farmland behind Prom Views Estate Mr Rich  
 Address: 6 - 8 Panoramic Drive Walkerville 3956  
 Location Type: Open Space CFA Region: Gippsland  
 Assessment Date: 19.10.2009 Assessed By: Rachel Allen  
 Result: Non-Compliant

Assessment Factors		North Aspect	East Aspect	South Aspect	West Aspect
Vegetation Type		WMO Medium Forest / BAA Dry Sclerophyll	WMO Shrub & Heath / BAA Tall Heath	WMO Grassland with Minimal Trees / BAA	WMO Grassland with Minimal Trees / BAA
Separation Distance to Vegetation (m)	Actual	150	45	0	0
	Prescribed (Grassland areas only)				
Separation Height (m)		5	4	0.4	0.4
Effective Slope (°)		-2	0	0	0
Site Slope (°)		0	0	0	0
Prescribed or Deemed to Satisfy Requirements for distance achieved - (Distance equal to or greater than 140M structure 310M open space)		N	N	N	N
Deemed to Satisfy Requirements for slope achieved - (Effective Slope less than 20 degrees)		Y	Y	Y	Y
Deemed to Satisfy (DtS) Requirements Achieved		N	N	N	N
(If DtS not achieved) Calculated Heat Flux (kW/m <sup>2</sup> ) (To be no greater than 2kw for open space or 10kw for a building)	Actual	111.69	111.69	111.69	111.69
	Prescribed (Grassland areas only)				
Treatments & Prescriptions (For Grassland areas ONLY)					
Overall NSP Criteria Achieved		N	N	N	N
Result		<p><b>Compliant</b></p> <ul style="list-style-type: none"> <li>    Meeting the CFA assessment criteria on the day of assessment.</li> <li>    Meeting the assessment criteria provided that prescriptions of management of grassland over the fire danger period are secured by agreed terms entered into by the landholder.</li> </ul> <p><b>Non Compliant</b></p> <ul style="list-style-type: none"> <li>⋄ Not meeting the CFA assessment criteria on the day of assessment.</li> </ul>			

**Assessment 7 -**

100009429 Walkerville Open Space Walkerville Foreshore

Walkerville South Road (opposite Walkerville North Hall) Walkerville 3956



**CFA Neighbourhood Safer Places Assessment Summary Report**

NSP ID: 100009429 Municipality: South Gippsland Shire  
 Location: Walkerville Foreshore  
 Address: Walkerville South Road (opposite Walkerville North Hall) Walkerville 3956  
 Location Type: Open Space CFA Region: Gippsland  
 Assessment Date: 19.10.2009 Assessed By: Deanne Smith  
 Result: Non-Compliant

Assessment Factors		North Aspect	East Aspect	South Aspect	West Aspect
Vegetation Type:		<b>WMO Cultivated Garden / BAA N/A</b>	<b>WMO Cultivated Garden / BAA N/A</b>	<b>WMO Cultivated Garden / BAA N/A</b>	<b>WMO Shrub &amp; Heath / BAA Tall Heath</b>
Separation Distance to Vegetation (m)	Actual	310	310	310	0
	Prescribed (grassland areas only)				
Separation Height (m)		0	0	0	5
Effective Slope (°)		0	0	0	0
Site Slope (°)		0	0	0	0
Prescribed or Deemed to Satisfy Requirements for distance achieved - (Distance equal to or greater than 140M structure 310M open space)		Y	Y	Y	N
Deemed to Satisfy Requirements for slope achieved - (Effective Slope less than 20 degrees)		Y	Y	Y	Y
Deemed to Satisfy (DTS) Requirements Achieved		Y	Y	Y	N
(If DTS not achieved) Calculated Heat Flux (kW/m <sup>2</sup> ) (To be no greater than 2kw for open space or 10kw for a building)	Actual	0	0	0	25.67
	Prescribed (Grassland areas only)				
Treatments & Prescriptions (For Grassland areas ONLY)					
Overall NSP Criteria Achieved		Y	Y	Y	N
Result		<p><b>Compliant</b></p> <ul style="list-style-type: none"> <li>    Meeting the CFA assessment criteria on the day of assessment.</li> <li>    Meeting the assessment criteria provided that prescriptions of management of grassland over the fire danger period are secured by agreed terms entered into by the landholder.</li> </ul> <p><b>Non Compliant</b></p> <ul style="list-style-type: none"> <li>~ Not meeting the CFA assessment criteria on the day of assessment.</li> </ul>			

**Assessment 8 -**

1000009432 Walkerville Open Space Walkerville South Rd Farmland Cnr Walkerville Sth and Bear Gully Rd Walkerville 3956



**CFA Neighbourhood Safer Places Assessment Summary Report**

NSP ID: 1000009432 Municipality: South Gippsland Shire  
 Location: Walkerville South Rd Farmland  
 Address: Cnr Walkerville Sth and Bear Gully Rd Walkerville 3956  
 Location Type: Open Space CFA Region: Gippsland  
 Assessment Date: 19.10.2009 Assessed By: Deanne Smith  
 Result: Non-Compliant

Assessment Factors		North Aspect	East Aspect	South Aspect	West Aspect
Vegetation Type		WMO Grassland with Minimal Trees / BAA	WMO Grassland with Minimal Trees / BAA	WMO Grassland with Minimal Trees / BAA	WMO Grassland with Minimal Trees / BAA
Separation Distance to Vegetation (m)	Actual	0	0	0	0
	Prescribed (Grassland areas only)				
Separation Height (m)		0.3	0.3	0.3	0.3
Effective Slope (°)		0	0	0	0
Site Slope (°)		0	0	0	0
Prescribed or Deemed to Satisfy Requirements for distance achieved - (Distance equal to or greater than 140M structure 310M open space)		N	N	N	N
Deemed to Satisfy Requirements for slope achieved - (Effective Slope less than 20 degrees)		Y	Y	Y	Y
Deemed to Satisfy (DTS) Requirements Achieved		N	N	N	N
(If DTS not achieved) Calculated Heat Flux (kW/m <sup>2</sup> ) (To be no greater than 2kw for open space or 10kw for a building)	Actual	111.69	111.69	111.69	111.69
	Prescribed (Grassland areas only)				
Treatments & Prescriptions (For Grassland areas ONLY)					
Overall NSP Criteria Achieved		N	N	N	N
Result		<p><b>Compliant</b></p> <ul style="list-style-type: none"> <li>   Meeting the CFA assessment criteria on the day of assessment.</li> <li>   Meeting the assessment criteria provided that prescriptions of management of grassland over the fire danger period are secured by agreed terms entered into by the landholder.</li> </ul> <p><b>Non Compliant</b></p> <ul style="list-style-type: none"> <li>○ Not meeting the CFA assessment criteria on the day of assessment.</li> </ul>			

**Assessment 9 -**

1000009505 Waratah Open Pump Shed  
Bay Space

Gale Street Waratah Bay 3959



**CFA Neighbourhood Safer Places Assessment Summary Report**

NSP ID: 1000009505 Municipality: South Gippsland Shire  
 Location: Pump Shed Open Space  
 Address: Gale Street Waratah Bay 3959  
 Location Type: Open Space CFA Region: Gippsland  
 Assessment Date: 05.06.2010 Assessed By: Rachel Allen  
 Result: Non-Compliant

Assessment Factors		North Aspect	East Aspect	South Aspect	West Aspect
Vegetation Type		<b>WMO Grassland with Minimal Trees / BAA</b>	<b>WMO Grassland with Minimal Trees / BAA</b>	<b>WMO Grassland with Minimal Trees / BAA</b>	<b>WMO Grassland with Minimal Trees / BAA</b>
Separation Distance to Vegetation (m)	Actual	0	0	0	0
	Prescribed (Grassland areas only)				
Separation Height (m)		0	0	0	0
Effective Slope (°)		0	0	0	0
Site Slope (°)		0	0	0	0
Prescribed or Deemed to Satisfy Requirements for distance achieved - (Distance equal to or greater than 140M structure 310M open space)		N	N	N	N
Deemed to Satisfy Requirements for slope achieved - (Effective Slope less than 20 degrees)		Y	Y	Y	Y
Deemed to Satisfy (DtS) Requirements Achieved		N	N	N	N
(If DtS not achieved) Calculated Heat Flux (kW/m <sup>2</sup> ) (To be no greater than 20kw for open space or 10kw for a building)	Actual	111.69	111.69	111.69	111.69
	Prescribed (Grassland areas only)				
Treatments & Prescriptions (For Grassland areas ONLY)					
Overall NSP Criteria Achieved		N	N	N	N
Result		<p><b>Compliant</b></p> <ul style="list-style-type: none"> <li>    Meeting the CFA assessment criteria on the day of assessment.</li> <li>    Meeting the assessment criteria provided that prescriptions of management of grassland over the fire danger period are secured by agreed terms entered into by the landholder.</li> </ul> <p><b>Non Compliant</b></p> <ul style="list-style-type: none"> <li>~ Not meeting the CFA assessment criteria on the day of assessment.</li> </ul>			

## **E.5 LAND REALISATION PROJECT - COMMUNICATION PLAN AND LIST OF PROPERTIES FOR SALE**

Engineering Services Directorate

### **EXECUTIVE SUMMARY**

A Council report was tabled on 19 December 2012 to discuss the Land Realisation Project (the Project) and commencement of a rolling land sales / project development program. At that meeting, Council resolved to defer consideration of the Project until resource implications were understood. This primarily related to a Communication Plan.

Accordingly, the purpose of this report is to present a Communication Plan for the Project and also propose a list of properties for sale. A recommendation is put to Council to agree on commencement of the Communication Plan in parallel with the statutory procedures pursuant to Sections 189 and 223 of the Local Government Act, 1989 for the sale of the identified properties.

#### **Document/s pertaining to this Council Report**

- **Attachment 1** - Communication Plan.
- **Attachment 2** - Refined list of properties for sale.
- **Attachment 3** - Locality plans of properties for sale.

### **LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES**

- Local Government Act 1989, Sections 189 and 223
- Subdivision Act 1988, Section 24A

### **INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

- Land Ownership Policy 2011
- Communication and Consultation Policy - November 2012 (operational policy proposed for internal use)
- Asset Management Policy 2013
- Individual township plans and strategies

### **COUNCIL PLAN**

Strategic Goal:	5.	A Leading Organisation
Outcome:	5.2	Systems and Processes
Strategy No:	5.2.2	Asset Management Planning

## **CONSULTATION**

### Previous Council Meetings

Consultation has included various briefings and reports to Council. The latest reports and resolutions of Council are as follows:

- At its meeting on 19 December 2012, Council resolved as follows:

*“The Land Realisation Project be deferred to the Ordinary Council Meeting on 27 February 2013 in order to compose a new motion that has considered resource implications”.*

- At its meeting on 27 February 2013, Council resolved as follows:

*“That Council defer consideration of resource implications for the Land Realisation Project (Project) until the 24 April 2013 Council Meeting”.*

The community have been made aware of this Project through the report to Council on 19 December 2012 and also as part of community planning exercises.

The outcome of this report will determine future external consultation for the Project.

## **REPORT**

### **Background**

#### The Land Realisation Project

The Land Realisation Project provided a framework to satisfy strategic goal 5.2.2 of the Council's Annual Plan 2010-2014 (Asset Management Planning).

The following 6 objectives were identified:

- To align Council land sales and development with Council's policy direction, strategic initiatives and inter-departmental plans.

To plan for the sale and development of Council's properties by assessing Council's land and preparing a list of land sales / development projects to be rolled out over a dedicated period.

Identifying opportunities for State and Federal Government grants and/or other funding opportunities.

Draw upon the resources and active involvement of the private sector for those Council properties suitable for inclusion in private land development projects that are strategically significant to the Shire.

Improve public amenity and facilities.



Provide a financial return to Council and the community.

Objectives 1, 2 and 5 are particularly important as they will contribute towards delivering projects that are currently underway or have been identified by the community during community planning exercises.

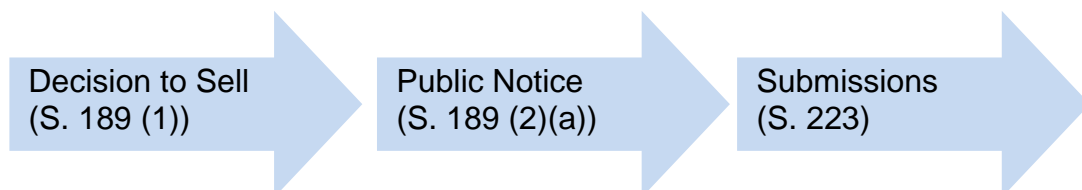
The Project's framework resulted in identification of a list of properties considered suitable for sale and/or project development. These properties have been included on a rolling land sales/project development program. The first list of 21 properties was presented to Council for consideration at its meeting on 19 December 2012. Nineteen of these properties were vacant land. A refined list of 17 properties has been prepared and is discussed further in this report.

## **Discussion**

### *The Formal Communication Process*

When selling Council Land, the Local Government Act 1989 provides the legislative framework for Council decision making, public notification and for community participation in the process. This is provided at Sections 189 and 223. Diagram 1 below shows the process:

*Diagram 1: Legislative Framework when selling Council Land*



The legislative framework provides for a submission period of 28 days from the date of the public notice being advertised for the community to lodge a submission. It is a systematic process that incorporates Council briefings and reports. The community have an opportunity to engage with Council and be heard during the submission period. Submissions are considered by Council in the context of the particular project. It is a well tried process that is democratic and thorough.

### *The Communication Process (Informal)*

As per Council's Communication and Engagement Policy.

Due to the sensitivity of the project, it is recommended to undertake additional consultation over and above the legislative framework. This consultation will be guided by Council's internal Communication and Engagement Policy. The Policy includes the use of communication tools such as:

- Personalised letters.
- Email.

- On-line forums and surveys.
- Council, town and association websites.
- Fact sheets.
- Council newsletters.
- Community meetings (integrate with other projects such as Community Directions).
- Public presentations.

#### Consultation Timeframe

An important matter to consider when planning for community engagement is the timeframe. There needs to be a dedicated period within which to consult, otherwise Council runs the risk of consultation being exhaustive, repetitive and its purpose not being realised.

The formal process has a regulated timeframe of 28 days from the date the public notice is advertised, plus time allowed for hearing of submissions and a further report to Council. This is generally a period of 2-3 months.

The informal process does not have a regulated timeframe. Therefore, it would be good practice to run an informal process parallel to the formal process.

#### Communication Tools

Table 1 below shows the formal and informal communication process and tools proposed for the Project. It also confirms that existing resources are able to absorb the work level of the project with some casual assistance on occasion.

**Table 1: Proposed Communication Tools**

Project level	Communication Process and Tools			Budgeted
	Formal Process	Informal Process	Resources	
17 properties for sale	<p>Council resolution</p> <p>Public notice (including placing on Council's website)</p> <p>Submission period</p>	<p>Personalised letters and email (determined on a case by case basis).</p> <p>Community meetings (as deemed necessary - add land sale as an agenda item to Community Directions meetings.</p> <p>Fact sheets and key messages.</p> <p>Media release.</p>	<p>Property Manager</p> <p>Property Co-ordinator</p> <p>Manager Community Strengthening</p> <p>Community Strengthening Officer</p> <p>Manager Communications</p> <p>Casual employee as / if required</p>	All staff are existing and budgeted for.

A Communication Plan has been prepared, refer to **Attachment 1**. It includes a matrix to show the timeframe, combination of processes, activities and targeted recipients.

List of Properties for Sale

The list in **Attachment 2** is a refinement of the list of 21 properties attached to the Council report of 19 December 2012. The following 4 properties have been removed from the list pending the outcome of discussions with users of the buildings and further information relating to ability to develop the sites within the farming zone:

- Leongatha Outtrim Road, Leongatha South (farming zone and former school site).

River Drive, Tarwin Lower (retail premises - art and craft shop).

Baromi Road, Baromi (farming zone).

Sandy Point Road, Sandy Point (farming zone).

The properties on the refined list are vacant land and contained within an appropriate zone for sale. Locality plans for these properties are provided in **Attachment 3**. Some of the properties will require removal of the reservation status from title. This is achieved via a Plan of Subdivision pursuant to Section 24A of the Subdivision Act 1988.

## Options

The options available to Council are to:

- Follow the formal process only. There is a risk of criticism to Council for not adequately engaging with the community.
- Follow the formal and the informal process in accordance with the Communication Plan in **Attachment 1** for the refined list of properties identified in **Attachment 2**. The combination of both formal and informal processes will provide a reasonable timeframe within which the community will have an opportunity to have a say.

## Proposal

It is proposed that Council undertake the formal and informal process in accordance with the Communication Plan in **Attachment 1** for the refined list of properties identified in **Attachment 2**.

## FINANCIAL CONSIDERATIONS

### Expenses

Costs to deliver the Communication Plan and sale of the identified properties relate to advertising, surveying, legal and real estate agents. These costs will be absorbed from remaining funds in the Land Realisation Project budget and the balance allocated against expected income.

### Income

The properties identified for sale have an approximate combined value of \$1,370,000. The proportion to be placed into Council's Public Open Space reserve for reinvestment into public open space is approximately \$840,000. Actual income will be known once the properties have sold.

## RISK FACTORS

### Legal

There is minimal legal risk to Council as it is conducting its activities within the legislative framework provided by Sections 189 and 223 of the Local Government Act 1989.

### Reputational

There is potential reputational risk to Council regarding its decision making on land sales. This can be mitigated with communication tools such as a fact sheet, key messages and attending community meetings.

## CONCLUSION

Council land sales are difficult projects requiring Council to make decisions that can be considered controversial by part of the community. This is generally when members of the community do not understand Council's intent and reasons behind a decision. However, it is important that these decisions are made to facilitate improved opportunities for the community in general.

The preparation of a Communication Plan that combines Council's legislative requirements and internal policies will demonstrate transparency of this Project and allow the community to have a say within an appropriate time period.

## RECOMMENDATION

That Council:

1. **Approve the Project Communication Plan as proposed in Attachment 1.**
2. **Commence the statutory procedures pursuant to Section 189 and Section 223 of the Local Government Act 1989 (Act) for the sale of the Council owned properties listed in Table 1 below:**

Table 1: List of properties for sale

	Address	Legal Description
1	Gilfedder Tce, Mirboo North	Reserve No. 2 on Plan of Subdivision 3025076 Certificate of title volume 10105 folio 897
2	Juno Road, Venus Bay	Lot 4 on Plan of Subdivision 312565K. Certificate of title volume 10134 folio 107
3	Attenborough Court, Poowong	Recreation and drainage reserve on Plan of Subdivision 136812 Certificate of Title volume 9485 folio 549
4	Smith St, Loch	Lot 7 on Plan of Subdivision 1887. Certificate of Title Volume 4523 Folio 503
5	Noble St, Venus Bay	Lot 1 on Plan of Subdivision PS439059S Certificate of Title Volume 439059S
6	Inglis Ave, Mirboo North	Crown allotment 44, Section 3 Certificate of Title Volume 10040 Folio 484

	<b>Address</b>	<b>Legal Description</b>
<b>7</b>	<b>Main St, Buffalo</b>	<b>Lot 2 on Plan of Subdivision 305603U Certificate of Title Volume 10697 Folio 806</b>
<b>8</b>	<b>Pioneer St, Foster</b>	<b>Lot 1 on Plan of Subdivision 87250 Certificate of Title Volume 8842 Folio 986</b>
<b>9</b>	<b>Fishermans Road, Venus Bay</b>	<b>Reserve on Plan of Subdivision 56447 Certificate of Title Volume 9900/612</b>
<b>10</b>	<b>McDonald St, Meeniyan</b>	<b>Crown Allotment 9, Section 2 Certificate of Title volume 6334 Folio 789</b>
<b>11</b>	<b>Gary Court, Venus Bay</b>	<b>Reserve on Plan of Subdivision 56451 Certificate of Title Volume 9900 Folio 617</b>
<b>12</b>	<b>June Court, Venus Bay</b>	<b>Reserve on Plan of Subdivision 56447 Certificate of Title Volume 9900 Folio 612</b>
<b>13</b>	<b>Whitelaw Street, Meeniyan</b>	<b>Lot 1 on Plan of Subdivision 71040 Certificate of Title Volume 8623 Folio 481</b>
<b>14</b>	<b>Margaret Ave, Venus Bay</b>	<b>Reserve on Plan of Subdivision 56450 Certificate of Title Volume 9900 Folio 616</b>
<b>15</b>	<b>McMillan Avenue, Venus Bay</b>	<b>Reserve on Plan of Subdivision 56449 Certificate of Title Volume 9900 Folio 615</b>
<b>16</b>	<b>Neil St, Venus Bay</b>	<b>Reserve on Plan of Subdivision 56448 Certificate of Title Volume 9900 Folio 613</b>
<b>17</b>	<b>Bent St, Leongatha</b>	<b>Reserve on Lodged Plan 96024 Certificate of Title Volume 8723 Folio 795</b>

- 3. Gives public notice in the local newspapers and on Council's website week commencing 6 May 2013 in accordance with Sections 189 and 223 of the Act of its intention to sell the properties listed in Table 1 above.**
- 4. Authorise that the properties listed in Table 1 above shall:**
  - a. Be sold by public auction or by private treaty if the land is only suitable to be sold to adjoining landowners.**
  - b. If passed in at auction, by private treaty.**

- c. **Set a reserve price on advice from Council’s valuer, which advice is not to be more than 6 months old at the time of signing of contracts of sale.**
5. **Authorise the Chief Executive Officer or his delegate to negotiate the sale within 10% of the reserve price in the event that the reserve price is not achieved.**
6. **In the public notices referred to in item 2 above and in respect of the those properties listed in Table 2 below to state Council’s intention to sell the land is subject to Council obtaining a planning permit authorising the removal of the reserve status from each property and procuring the registration of such plan at the Land Registry.**

**Table 2: List of properties requiring removal of reservation status**

	<b>Address</b>	<b>Legal Description</b>
<b>1</b>	<b>Gilfedder Tce, Mirboo North</b>	<b>Reserve No. 2 on Plan of Subdivision 3025076 Certificate of title volume 10105 folio 897</b>
<b>3</b>	<b>Attenborough Court, Poowong</b>	<b>Recreation and drainage reserve on Plan of Subdivision 136812 Certificate of Title volume 9485 folio 549</b>
<b>9</b>	<b>Fishermans Road, Venus Bay</b>	<b>Reserve on Plan of Subdivision 56447 Certificate of Title Volume 9900/612</b>
<b>11</b>	<b>Gary Court, Venus Bay</b>	<b>Reserve on Plan of Subdivision 56451 Certificate of Title Volume 9900 Folio 617</b>
<b>12</b>	<b>June Court, Venus Bay</b>	<b>Reserve on Plan of Subdivision 56447 Certificate of Title Volume 9900 Folio 612</b>
<b>14</b>	<b>Margaret Ave, Venus Bay</b>	<b>Reserve on Plan of Subdivision 56450 Certificate of Title Volume 9900 Folio 616</b>
<b>15</b>	<b>McMillan Avenue, Venus Bay</b>	<b>Reserve on Plan of Subdivision 56449 Certificate of Title Volume 9900 Folio 615</b>
<b>16</b>	<b>Neil St, Venus Bay</b>	<b>Reserve on Plan of Subdivision 56448 Certificate of Title Volume 9900 Folio 613</b>
<b>17</b>	<b>Bent St, Leongatha</b>	<b>Reserve on Lodged Plan 96024 Certificate of Title Volume 8723 Folio 795</b>

7. **In the public notice clearly state:**
  - a. **A person may make a submission to the proposal no later than Wednesday 12 June 2013 addressed to the Chief Executive Officer, South Gippsland Shire Council, Private Bag 4, Leongatha 3953 or delivered to the Council Office, 9 Smith Street, Leongatha.**
  - b. **Any person making a written submission is entitled to state in their submission that he or she wishes to appear in person, or be represented by a person specified in the submission, at a meeting to be heard in support of their submission.**
  - c. **Copies of submissions (including submitters' names and addresses) will be made available at the Council or Special Committee meeting at which the proposals are considered and Council is required to make submissions available for public inspection for a period of twelve months.**
  - d. **The time, date and place for hearing submissions.**
8. **Fix the time, date and place for hearing persons who wish to be heard in support of their submission at the Section 223 Hearing Session on Wednesday 17 July 2013 at 9.30am in the Council Chamber, Leongatha and include these details in the public notice.**
9. **Advise those persons who wish to be heard in support of their submission of the date, time and place of the hearing of submissions as soon as possible.**
10. **Appoint a committee comprising of Councillors present at the Section 223 Hearing Session on Wednesday 17 July 2013 at 9.30am to hear the submissions and prepare a report containing all submissions received for the purpose of the submission hearing.**
11. **Authorise the Chief Executive Officer to undertake the administrative procedures necessary to enable Council to carry out its functions under Section 223 of the Act in relation to this matter.**
12. **Receive a further report at the next appropriate Council meeting to discuss the outcome of the Section 223 process and Project Communication Plan generally.**
13. **Should no submissions be received in response to a public notice:**
  - a. **Authorises its Chief Executive Officer or his delegate to commence the statutory procedures to apply for a planning permit and take all necessary steps to remove the reservation status from the properties listed in Table 2 above pursuant to Section 24A of the Subdivision Act, 1988, and/or;**

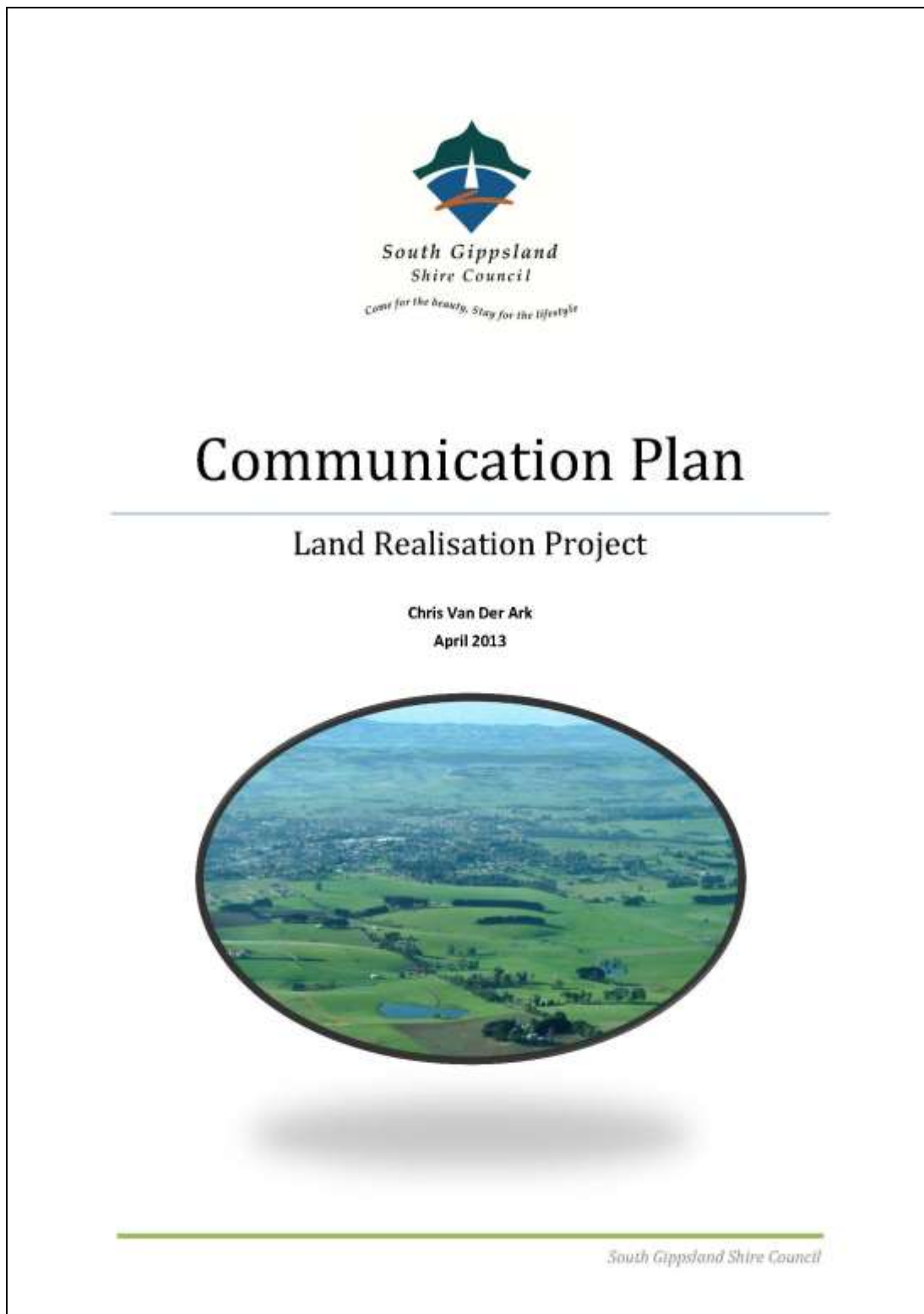


- b. Authorises the Chief Executive Officer or his delegate to sign all documents in connection with the sale of the Properties and affix Council's common seal to the Transfers of Land and to any other documents requiring execution under the common seal of Council.**

#### **STAFF DISCLOSURE OF INTEREST**

Nil

**Attachment 1**  
**Project Communication Plan**



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## Attachment 1 Project Communication Plan

### Contents

1. Introduction .....	3
2. Background .....	3
3. Aim of the Communication Plan .....	4
4. Target Audiences .....	4
5. Key Messages.....	5
6. Communication Tools .....	5
7. Timeframe.....	7
8. Communication Matrix.....	7

## Attachment 1 Project Communication Plan

### 1. Introduction

Recognising that Council needed to improve its asset management and asset performance, Council chose to review its property portfolio, related policy and procedures. The Land Realisation Project (the Project) was developed to address this.

The Project aims to compliment Council's internal policies and strategies relating to land use planning, economic development and asset management with development of a rolling land sales/project development register.

The Project will result in a number of land sales and project development opportunities.

It is recognised that projects involving the sale of Council land are difficult to deliver requiring Council to make decisions that can be considered controversial by part of its community. Accordingly, a communication plan is a vital ingredient to ensure project success.

### 2. Background

The Project developed a framework for assessing Council's landholdings in order to realise opportunities for Council land that, after assessment was considered either surplus to Council's needs or had potential for project development.

The methodology of the framework comprised of four phases. This is shown in diagram 1 below:

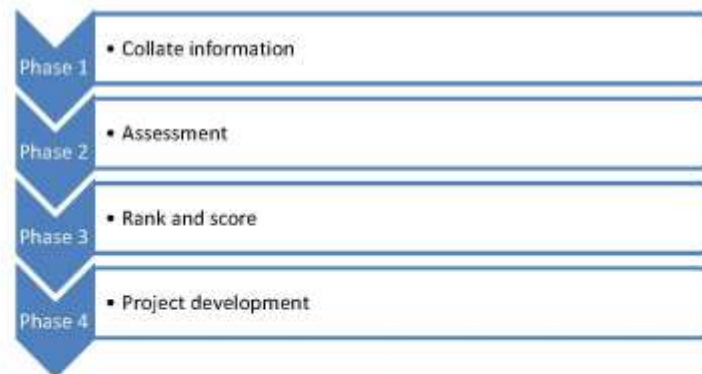


Diagram 1: The Framework

## Attachment 1 Project Communication Plan

The outcome of the review has been presented to Council. It has been proposed that a Rolling land sales / project development program commence including development of this Communication Plan.

### 3. Aim of the Communication Plan

The overall aim of this Communication Plan (the Plan) is to create a method of communicating the Land Realisation Project to the community that is effective and timely.

To do this, the Plan must:

- a) provide an opportunity for the community to have a say.
- b) demonstrate transparency.
- c) include communication tools that are a combination of Council's legislative requirements provided by Sections 189 and 223 of the Local Government Act 1989 and Council's internal Communication and Engagement policy.

The Plan will also need to include tools to capture information on any contributing factors to the Project such as any changes to Council's strategic direction, State Government policy initiatives, current community activity, economic changes and market demand. This is mainly handled by including conversations at a higher level within senior officers of Council and government agencies.

### 4. Target Audiences

Target audiences are:

1. Those residents who have a property that adjoins a Council property proposed for sale, live within close proximity to the Council property or who may be affected by the sale of the Council property.
2. Community members in the towns and localities of the South Gippsland Shire.
3. Key organisational stakeholders.
4. Local Government (Council's Executive Leadership Team, Councillors and Council officers).
5. Project Working Groups of other internal Council projects.
6. Senior officers at government agencies such as (but not limited to) Department of Sustainability and Environment, Department of Planning and Community Development and Regional Development Victoria.

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*South Gippsland Shire Council*

## Attachment 1 Project Communication Plan

7. Local, State and Federal Members of Parliament.

### 5. Key Messages

The following key messages will form a basis for communication:

1. Council is committed to improving its asset management and performance practices.
2. The Project will compliment Council's key priorities for improved service delivery, new and improved facilities and maintenance planning for a growing population.
3. For reasons of improved funding opportunities, financial efficiency and practicality, Council will promote opportunities for multi-use of existing services and facilities currently available in South Gippsland.
4. Council wishes to identify opportunities for new projects on Council land that contribute to the social and economic welfare of its community.

### 6. Communication Tools

The following communication tools will be used:

1. Personalised letters and e.mail
2. 1:1 discussions
3. Fact sheets
4. Attendance at community meetings
5. Council briefings
6. Council reports
7. Council suggestion box
8. Councillor Info Sum
9. ELT presentations
10. Group mail out
11. Project meetings
12. Website updates (during formal process – S189 and 223 of Local Government Act).
13. Public Notices (legislative requirement)

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*South Gippsland Shire Council*

## Attachment 1 Project Communication Plan

### 14. Real estate agents for marketing of land sales

The following Table shows the audience, tools and considerations on when to communicate.

*Table 1: Audience and Communication Tools*

<b>Audience</b>	<b>Tool</b>	<b>Considerations</b>
Residents	Personalised letters and e.mail. 1:1 discussions Fact sheet Council suggestion box Public Notices Website updates Real estate agent	An adjoining landowner or landowner within close proximity to the Council property. May use the Council property for some purpose not recognised by Council.
Community members in the towns and localities of South Gippsland Shire	Group mail out e.mail. 1:1 discussions Fact sheet Community Group meeting Council suggestion box Public Notices Website updates	Property has a sentimental value to the Community. Use of Property for a community use not recognised by Council.
Key organisational stakeholders	Personalised letters and e.mail 1:1 discussions Fact sheet Council suggestion box Public Notices Website updates Real estate agent	Council property may be used for an organisational use not recognised by Council. Opportunity for Property to be sold to organisation.
Local Government	Council briefings Council reports Attendance at ELT Discussions with Council officers and Project Working Groups.	Information gathering. Updating Council and ELT with outcome of communications. Seeking Council resolutions. Ensure consistency of information when communicating projects at Council.
Other government agencies, Local, State and Federal Members of Parliament.	Personalised letters and e.mail 1:1 discussions Fact sheet	Information gathering. Opportunity for inclusion of Crown land (joint project).

*South Gippsland Shire Council*

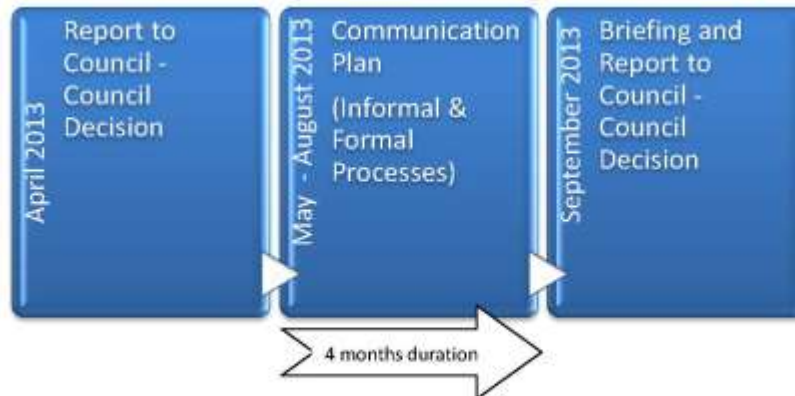
## Attachment 1 Project Communication Plan

Audience	Tool	Considerations
	Council suggestion box Public Notices Website updates Real estate agent	Funding opportunities for identified projects.

### 7. Timeframe

To ensure project delivery, the Plan needs a timeframe for delivery. Diagram 1 below shows a timeframe for using a combination of informal and formal communication processes say.

*Diagram 1: Communications Timeframe*



### 8. Communication Matrix

The Matrix attached at Attachment 1 shows the activities and resources during the above timeframe.



## Attachment 1 Project Communication Plan

Attachment 1 – Communication Plan Matrix

TIMEFRAMES	ACTIVITIES	A		F		I																					
		Project working group meetings	Cross department meetings	Council report	Public Notice	Media Release	MAY & SEP	MAY & AUG	ONGOING	Echo / Intranet	Website updates	1:1 discussions	AS REQUIRED	Councillor Info Sum	Council suggestion box	ONGOING	Council Briefing - 223	SEP									
Internal Process																											
External Process																											

**Attachment 2  
List of properties for sale**

	Address	Legal Description	Area	Zone	Comments	Public Open Space	Value (approx.)
1	Gilfedder Tce, Mirboo North	Reserve No. 2 on Plan of Subdivision 3025076. Certificate of title volume 10105 folio 897.	5,208m <sup>2</sup>	Rural Living Zone	Vacant land	Yes	\$100,000
2	Juno Road, Venus Bay	Lot 4 on Plan of Subdivision 312565K. Certificate of title volume 10134 folio 107.	1,513m <sup>2</sup>	Township zone	Vacant land – land locked. Negotiate with adjoining landowners.	No	\$30,000
3	Attenborough Court, Poowong	Recreation and drainage reserve on Plan of Subdivision 136812. Certificate of Title volume 9485 folio 549.	1,150m <sup>2</sup>	Township Zone	Vacant land	Yes	\$75,000
4	Smith St, Loch	Lot 7 on Plan of Subdivision 1887. Certificate of Title Volume 4523 Folio 503.	905.80	Township Zone	Vacant land	No	\$80,000
5	Noble St, Venus Bay	Lot 1 on Plan of Subdivision PS439059S. Certificate of Title Volume 439059S.	640m <sup>2</sup>	Township Zone	Vacant land	No	\$90,000
6	Inglis Ave, Mirboo North	Crown allotment 44, Section 3. Certificate of Title Volume 10040 Folio 484.	676m <sup>2</sup>	Residential 1 Zone	Vacant land - triangular shape.	No	\$75,000
7	Main St, Buffalo	Lot 2 on Plan of Subdivision 305603U.. Certificate of Title Volume 10697 Folio 806	1,578m <sup>2</sup>	Township zone	Vacant land.	No	\$55,000
8	Pioneer St, Foster	Lot 1 on Plan of Subdivision 87250. Certificate of Title Volume 8842 Folio 986.	532m <sup>3</sup>	Residential 1 Zone	Vacant land.	No	\$100,000
9	Fishermans Road, Venus Bay	Reserve on Plan of Subdivision 56447. Certificate of Title Volume 9900 Folio 612.	1,153m <sup>2</sup>	Township zone	Vacant land.	Yes	\$125,000

**Attachment 2  
List of properties for sale**

	Address	Legal Description	Area	Zone	Comments	Public Open Space	Value (approx.)
10	McDonald St, Meeniyah	Crown Allotment 9, Section 2, Certificate of Title volume 6334 Folio 789.	508.69	Township Zone	Vacant land and part road – offer to adjoin landowner.	No	\$70,000
11	Gary Court, Venus Bay	Reserve on Plan of Subdivision 56451, Certificate of Title Volume 9900 Folio 617.	846m2	Township Zone	Vacant land.	Yes	\$95,000
12	June Court, Venus Bay	Reserve on Plan of Subdivision 56447, Certificate of Title Volume 9900 Folio 612.	820m2	Township Zone	Vacant land	Yes	\$90,000
13	Whitelaw St, Meeniyah	Lot 1 on Plan of Subdivision 70140, Certificate of Title Volume 8623 Folio 481.	264.10m2	Township Zone	Vacant land	No	\$30,000
14	Margaret Ave, Venus Bay	Reserve on Plan of Subdivision 56450, Certificate of Title Volume 9900 Folio 616.	659.6	Township Zone	Vacant land	Yes	\$80,000
15	McMillan Avenue, Venus Bay	Reserve on Plan of Subdivision 56449, Certificate of Title Volume 9900 Folio 615.	613m2	Township Zone	Vacant land	Yes	\$85,000
16	Neil St, Venus Bay	Reserve on Plan of Subdivision 56448, Certificate of Title Volume 9900 Folio 613.	877.60	Township Zone	Vacant land	Yes	\$90,000
17	Bent St, Leongatha	Reserve on Lodged Plan 96024, Certificate of Title Volume 8723 Folio 795.	880m2	Residential 1 Zone	Vacant land	Yes	\$100,000
						<b>TOTAL</b>	<b>\$1,370,000</b>

### Attachment 3 Locality Plans

193483: Gilfedder Terrace, Mirboo North  
Use: Nil  
Area: 5,208m<sup>2</sup>  
Zone: Rural Living zone.



199738: Juno Road, Venus Bay  
Use: Nil  
Area: 1,513m<sup>2</sup>  
Zone: Township Zone



### Attachment 3 Locality Plans

183083: Attenborough Court, Poowong  
Use: Nil  
Area: 1,150m<sup>2</sup>  
Zone: Township Zone



Smith St, Loch  
Use: Nil  
Area: 905.80  
Zone: Township Zone



### Attachment 3 Locality Plans

178487: Noble St, Venus Bay  
Use: Nil  
Area: 640m<sup>2</sup>  
Zone: Township Zone



194180: Inglis Avenue, Mirboo North  
Use: Nil  
Area: 676m<sup>2</sup>  
Zone: R1Z  
**Proposed strategy: Relocate any playground equipment to rec reserve. Sell by public auction.**



### Attachment 3 Locality Plans

188896: Main St, Buffalo  
Use: Nil.  
Area: 1478m<sup>2</sup>  
Zoned: Township zone

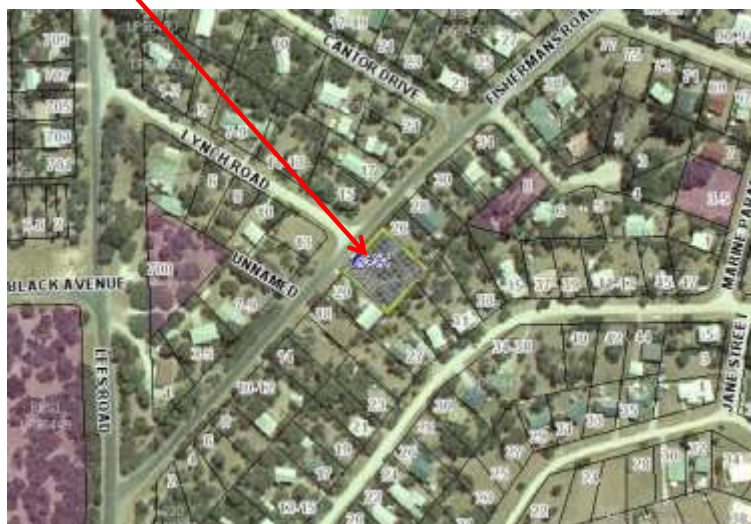


190151: Pioneer Street, Foster  
Use: Nil  
Area: 532m<sup>2</sup>  
Zone: R1



### Attachment 3 Locality Plans

195317: Fishermans Road, Venus Bay  
Use: Nil  
Area: 1,153m<sup>2</sup>  
Zone: Township Zone



174784: McDonald St, Meeniyah  
Use: Nil  
Area: 508.69  
Zone: Township Zone





### Attachment 3 Locality Plans

195314: Gary Court, Venus Bay  
Use: Nil  
Area: 846m2  
Zone: Township Zone



193486: June Court, Venus Bay  
Use: Nil  
Area: 820m2  
Zone: Township Zone



### Attachment 3 Locality Plans

195571: Whitelaw St, Meeniyah  
Use: Nil  
Area: 264m<sup>2</sup>  
Zone: Township Zone.

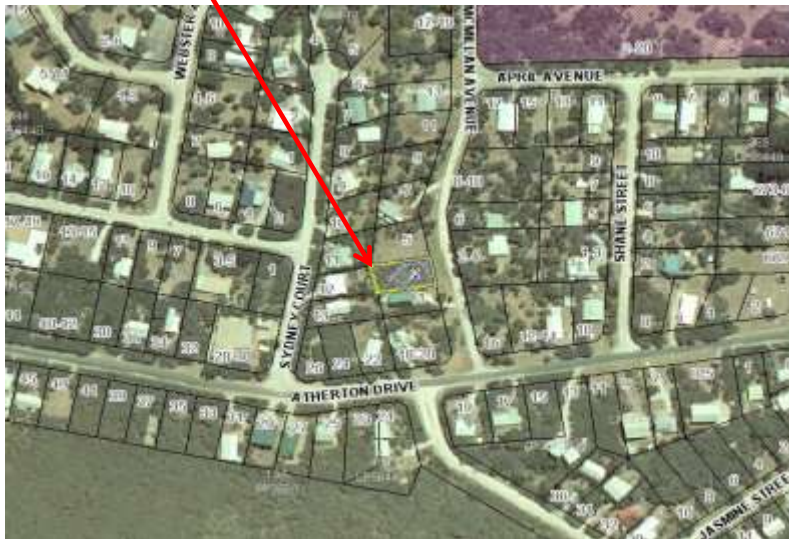


195315: Margaret Avenue, Venus Bay  
Use: Nil  
Area: 659.6  
Zone: Township Zone

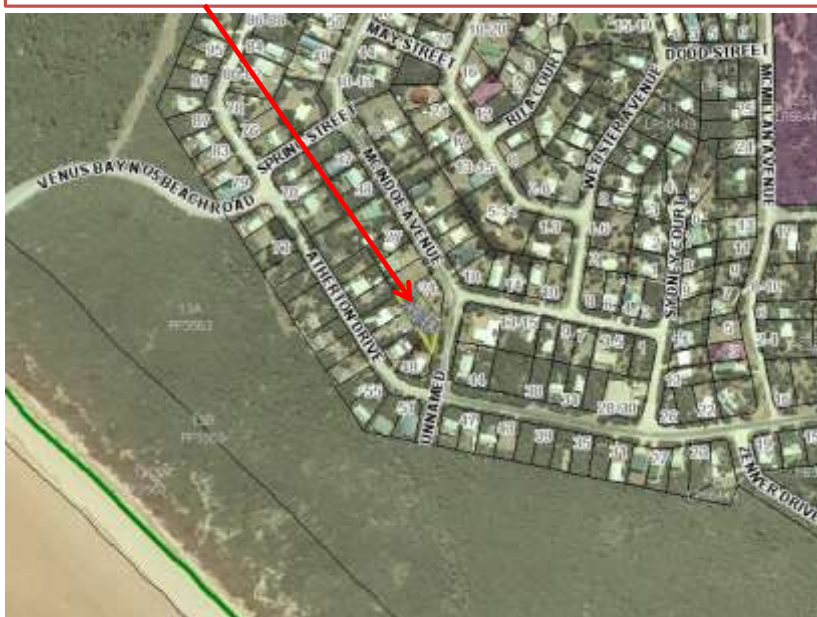


### Attachment 3 Locality Plans

193488: McMillan Ave, Venus Bay  
Use: Nil  
Area: 613m<sup>2</sup>  
Zone: Township Zone



179460: Neil St, Venus Bay  
Use: Nil  
Area: 877.60m<sup>2</sup>  
Zone: Township Zone



### Attachment 3 Locality Plans

175707: Bent St, Leongatha  
Use: Nil.  
Area: 880m<sup>2</sup>  
Zone: R1Z



## **E.6 DRAFT DOMESTIC ANIMAL MANAGEMENT PLAN - 2013-2017**

Development Services Directorate

### **EXECUTIVE SUMMARY**

Council is required to prepare a Domestic Animal Management Plan (DAM plan) under section 68A of the Domestic Animals Act 1994 (the Act). The DAM plan outlines the services, programs and policies Council has established to address the administration of the Act and the management of dog and cat issues in its community.

The current DAM plan is scheduled for renewal in 2013. Therefore a new DAM plan is required to be adopted by Council prior to 30 June 2013. A draft DAM plan has been prepared using a template recommended by the Department of Primary Industries (refer **Appendix 1**). It's proposed that the draft DAM plan is placed on public exhibition for a four week period for community consultation. Once the DAM plan is finalised a future Council report will be tabled recommending its adoption, with amendments as necessary.

#### *Document/s pertaining to this Council Report*

- **Appendix 1** - Draft Domestic Animal Management Plan 2013-2017

A copy of **Appendix 1** is available on Council's website:  
[www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) or by contacting 5662 9200.

### **LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES**

Domestic Animals Act 1994, Section 68A

### **INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

Domestic Animal Management Plan 2008

### **COUNCIL PLAN**

Strategic Goal:	1.0	A Vibrant, Engaged Community
Outcome:	1.2	Health and Well Being
Strategy No:	1.1.3	Community Health

### **CONSULTATION**

Council Officers have attended seminars provided by the Bureau of Animal Welfare to be informed of the DAM plan template and content requirements.

It's proposed that the draft DAM plan is placed on public exhibition for a four week period for community consultation.

## **REPORT**

### **Background**

Council is required to prepare a DAM plan under section 68A of the Act. The DAM plan outlines the services, programs and policies Council has established to address the administration of the Act and the management of dog and cat issues in their community. Section 68A requires a plan to be prepared every 4 years.

The current DAM plan was adopted in 2008 and therefore scheduled for renewal in 2012 however the due to the 2012 local government elections, the Department of Primary Industries provided Councils a 12 month extension for the completion of their new plans. Therefore the new DAM plan is required to be adopted by Council prior to 30 June 2013.

### **Discussion**

A template recommended by the Department of Primary Industries prescribes the specific contents of the DAM Plan. This template is widely used by other Councils. A draft DAM plan has been prepared using this template. The draft DAM plan is for the 2013-2017 period. The recommended DAM plan contents are listed below.

- Training of Authorised Officers

Registration and Identification

Nuisance

Dog Attacks

Dangerous, Menacing and Restricted Breed Dogs

Overpopulation and High Euthanasia

Domestic Animal Businesses

Other Matters

- a. Pound Provision & Management

It's proposed that the draft DAM plan is placed on public exhibition for a four week period for community consultation. The comments received during the community consultation would be considered during the finalisation of the DAM plan. Once the DAM plan is finalised a future Council report will be tabled recommending its adoption.

Any actions arising from the final plan will be consider in line with Council's Annual Planning process.

## **Proposal**

It is proposed that Council adopt the draft DAM plan to be placed on public exhibition for a four week community consultation period.

## **FINANCIAL CONSIDERATIONS**

The majority of the draft DAM plan has been prepared based on current service levels. Areas identified within the plan that may require financial considerations in the future, are clearly identified within the four year action plan and will be referred to Council for specific decisions.

## **RISK FACTORS**

A new DAM plan is required to be adopted by Council prior to 30 June 2013. Therefore if Council do not adopt the draft DAM plan for public exhibition it is likely that Council will not be able to adopt a new DAM plan by 30 June 2013.

## **CONCLUSION**

The draft DAM plan outlines the services, programs and policies Council has established to address the administration of the Act and the management of dog and cat issues in their community. Therefore obtaining community feedback is a key step in the development of the DAM plan. Placing the draft DAM plan on public exhibition for a 4 week period will fulfil this objective.

## **RECOMMENDATION**

**That Council:**

- 1. Endorse the South Gippsland Shire Council Draft Domestic Animal Management Plan for the purpose of public exhibition for a four week community consultation period.**
- 2. Receive a final report on the outcome of the public consultation process including copies of any submissions received.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

## **E.7 LEONGATHA INDUSTRIAL LAND SUPPLY STUDY DRAFT - ENDORSEMENT FOR EXHIBITION**

Development Services Directorate

### **EXECUTIVE SUMMARY**

The draft Leongatha Industrial Land Supply Study (LILSS) has been prepared and is recommended for Public exhibition for 4 weeks, from Tue 30 April to Friday 31 May 2013.

The key results of the draft study identify and prioritise the different industrial land options around Leongatha to direct and promote industrial growth.

#### **Document/s pertaining to this Council Report**

- **Appendix 1** - The Draft Leongatha Industrial Land Supply Study

A copy of **Appendix 1** is available on Council's website:  
[www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) or by contacting 5662 9200.

### **LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES**

Gippsland Regional Plan: sub-part, 'The Draft Gippsland Freight Action Plan', references the importance of initiating planning work on town bypasses and alternate truck routes for key towns on the South Gippsland Highway.

Department of Planning and Community Development (DPCD) 2010-2014 Corporate Plan: recognizes that enhancing the amenity of neighbourhoods and communities as well as improving employment and economic growth are important steps to creating liveable communities that are sustainable, connected and inclusive.

This project considers the industrial land supply / demand and identifies suitable sites for expansion.

### **INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

Leongatha Structure Plan

### **COUNCIL PLAN**

Strategic Goal:	3.0	A Strong Economy
Outcome:	3.1	Economic Development
Strategy No:	3.1.3	Economic Investment

### **CONSULTATION**

In October 2012, general and targeted public consultation sessions were held to inform the study. Field visits, interviews as well as community and business consultation sessions have been completed. Discussions with relevant



infrastructure providers such as Multinet (gas) and VicRoads have identified relevant cost and provision issues.

## **REPORT**

### **Background**

To inform the final study, three supporting reports were prepared, the 'Background Report', 'Economic and Strategic Planning Analysis' and 'Service and Traffic Infrastructure Assessment'. The results of these inform the content of the draft study. Final conclusions will be determined based on feedback to the draft study.

### **Discussion**

The draft study is the culmination of considerable strategic research regarding the viability of industrial land in Leongatha. This study relates to proposed Leongatha industrial land comparatively to the main competitive centres of Yarram, Traralgon, Warragul, Cranbourne, Wonthaggi and Pakenham. Through a comparison between these areas it is intended that opportunities can be identified for Council to address any weaknesses in the location, quantity and structure of Leongatha's industrial sector.

As a result of this enquiry it has been determined that an additional 25ha of land is required for anticipated industrial growth until 2031.

Comparisons of site suitability have been formed through analysis of service availability, proximity to labour and markets and other influences that may affect uptake by new/existing industries. Leongatha's potential industrial areas have high level infrastructure requirements costed for comparison between sites and areas.

Recommended apportionment of infrastructure costs will need to be determined outside of the scope of this study on the basis of negotiations between Council and developers. This will be determined at Planning Application stage. High level desktop costs have been determined for sewer/water, drainage, gas, electricity and telecommunications infrastructure.

The adoption of the final study will direct industrial rezoning and development decisions in Leongatha over the next 20 years.

Opportunities and constraints of identified sites are discussed in detail in the attached report (including map). In summary,

- The existing sites of the Main Industrial Estate, Hughes Street and Young/Holt Streets should continue supplying the current demand for the next 3-5 years. There is limited additional growth potential but topography and inundation constraints prevent the current Industrial Zoned area from being fully developed.

- Land immediately West and North of Woorayl Golf Course (Precinct G) is the preferred site for industrial expansion due to its proximity to the existing urban area. This proximity enables lower cost transport connections and service infrastructure connections to support industrial use. The area is large enough to accommodate 20 years of industrial growth in a single cluster that is well separated from sensitive uses. The main constraints to site development are access, sensitive neighbouring sites and drainage. A detailed master plan would assist in addressing these issues. The precinct has been identified for this future industrial use since 2008 via the Leongatha Structure Plan.
- Land at the aerodrome can provide for air logistics and servicing related use.
- The Council land currently housing the Equestrian Club is constrained by slope and sensitive neighbouring uses but may be able to be utilised to add to the existing Cusack Road Industrial Estate with suitable buffer arrangements to the abutting Residential and Mixed Use Zones.
- North Koonwarra (proximate to Saleyards) requires more detailed investigation but is ideally located for a rural activity services centre

Other areas offer little ability for industrial expansion due to topography, interfaces and limited land availability. These sites have varying values for industrial sector growth more suited for specific uses. More detailed descriptions of the various land characteristics are addressed in the "Opportunities / Constraints Matrix" (refer Report, **Appendix 1**).

### **Proposal**

It is proposed that Council endorses the publication for exhibition for a period of four weeks.

### **FINANCIAL CONSIDERATIONS**

This project represents a major component of Council's strategic work in Leongatha.

### **RISK FACTORS**

That land that may support business currently located in industrial land is requested for rezoning beyond what has been considered by this project. This may trigger the need for further work on areas outside of this study's parameters.

### **CONCLUSION**

Extensive background work has occurred which informs this study and it is recommended that Council endorse the study and commence exhibition of the draft study for four weeks before presenting a finalised study to Council for adoption in August/September 2013.

## **RECOMMENDATION**

### **That Council:**

- 1. Endorse the Draft Leongatha Industrial Study for the purpose of public consultation for a period of four weeks.**
- 2. Receive a final report on the outcome of the public consultation process including copies of any submissions received.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

## **E.8 PROPOSED NEW ROAD NAMES IN THE TOWNSHIP OF VENUS BAY**

Engineering Services Directorate

### **EXECUTIVE SUMMARY**

The purpose of this report is to commence the process to name two roads in the Township of Venus Bay and Parish of Tarwin by calling for community comment. Refer to **Attachment 1 and 2** for road locations.

It is proposed to name the roads as follows:

- Road 1 off Canterbury Road, traversing in a southerly direction for 166 metres known as 'No. 3 Beach Road' be re-named as 'Magnat Drive'.
- Road 2 between Louis Road and Paul Street, traversing in an east/west direction for 150 metres be named as 'Munro Lane'.

### **Document/s pertaining to this Council Report**

- **Attachment 1** - Map of Road Location - Road 1.
- **Attachment 2** - Map of Road Location - Road 2.
- **Attachment 3** - Letter from the Leongatha Historical Society.
- **Attachment 4** - Guidelines for Geographic Names 2010.

### **LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES**

- Local Government Act 1989
- Road Management Act 2004
- Geographic Place Names Act 1998
- AS/NZS4819:2011 Rural and urban addressing

### **INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

Road Naming Policy 2009

### **COUNCIL PLAN**

Strategic Goal:	4.0	Appropriate Infrastructure
Outcome:	4.1	Roads, streets, bridges, drainage & other associated infrastructure

### **CONSULTATION**

- The Leongatha and District Historical Society.

- The Guidelines for Geographic Place Names 2010.
- Council will place a public notice of the proposed road names in local newspapers and on Council's website, week commencing 6 May 2013, and send letters to adjoining properties.
- The submission period is 30 days from publication and will close on 5 June 2013.

## REPORT

### Background

In line with Council policy, the Leongatha and District Historical Society were asked to provide a name for the 2 roads in the Township of Venus Bay.

The Historical Society's proposed name recommendations put forward to Council are 'Magnat' and 'Munro'. Refer to **Attachment 3** for a copy of the letter from the Leongatha Historical Society.

#### 1. Road 1 - No 3 Beach Road - 1st Estate

Road 1, known as No 3 Beach Road, is an access road to the surf beach and the Venus Bay Transfer Station. The first length of 166 metres is currently maintained by Council and the remainder 345 metres (approximately) is maintained by Parks Victoria.

#### 2. Road 2 - Unnamed Lane - 1st Estate

There are 8 properties along this unnamed road. These properties front the unnamed road and are currently addressed to Lees Road. But due to the terrain off Lees Road being quite steep, access is difficult, making their primary access off the unnamed lane. If this road is not named these properties will be at risk by not having appropriate addresses and may hamper the operational safety for emergency response or cause confusion for transport, communication and mail services.

One of the most famous shipwrecks along the coast between Point Smythe and Cape Liptrap was the 'Magnat' which came aground on 9 March 1900. The location of the wreck is highlighted on the map on the side wall of the Venus Bay General Store. Not much of the ship remains today, though at low tide it is still possible to see the shape of the hull close to shore. There is no 'marker' to indicate the location of the 'Magnat', however it is about a 45 minute walk from Surf Drive, Venus Bay, towards Cape Liptrap.

As a result of storms early in January 2002, a metre of sand had been washed from the beach and the wreck was uncovered.

On 9 March 2002, an excursion involving the Inverloch Historical Group, Mirboo North Historical Society and two residents from Tarwin Lower walked to the wreck of the 'Magnat'. The base steel of the three masts were clearly

visible. The diameter of the central mast matches that of the recovered mast at Tarwin Lower. On the beach side of the wreck was what appeared to be a mast or spar protruding from the water.

Also present on the excursion were Geoff and Mavis Hogan. Geoff's grandfather, Mr Munro, was the Tarwin Lower publican at the time of the wreck. A story is told that, in return for food and lodging for the crew, Mr Munro accepted goods from the shipwrecked 'Magnat'.

A sepia print of the ship had once hung in the hotel. There was also a medicine chest from the ship and a scrimshaw tusk carved by one of the crew, which have been passed down through descendants of the Munro family.

They also visited the grave of part owner and Captain, Friedrich Ostermann, of the 'Magnat', who died at Tarwin Lower three months after his ship ran aground.

### **Discussion**

The naming of roads and streets is a local government responsibility under the Local Government Act 1989 and is processed in accordance with the Guidelines for Geographic Place Names 2010.

#### *Name Duplications Search*

A Vicnames 30km duplicate name search has been carried out for the name 'Magnat' and 'Munro'.

The name 'Magnat' has resulted in 4 duplications or similar sounding names. One is 'McIndoe' which is in the 2nd Estate, Venus Bay, one road name is located in the township of Inverloch, Bass Coast Shire (approximately 26kms away), and the other two road names are in Meeniyan and Nerrena, which are 5 localities away. These duplications should not impact on Emergency Services.

The name 'Munro' has resulted in two duplications or similar sounding names in the township of Inverloch, Bass Coast Shire, and the township of Korumburra. These duplications should not impact on Emergency Services.

Under the Geographic Place name Guidelines 2010 - "Section 4.1 - Principle 4(E) Unacceptable Road Names", the use of numerals is not acceptable for a road name, either in full alphabetised or numeric format (i.e. neither Four, Fourth, 4 nor 4th are acceptable). This is because of the possible confusion between the road name and the address number. This is the reason for the proposed road name change of No. 3 Beach Road.

The proposed road names are believed to be in keeping with community expectations and conform to the principles outlined in Sections 1.8 and 4.1 of the Guidelines for Geographic Names 2010 (refer to **Attachment 4**).

## Proposal

It is proposed that Council:

- Proceed to support to name the two roads by calling for community comment as follows:
  - a. Road 1 off Canterbury Road, in the Township of Venus Bay and Parish of Tarwin, traversing in a southerly direction for 511 metres known as 'No. 3 Beach Road' be re-named as 'Magnat Drive'.
  - b. Road 2 between Louis Road and Paul Street, in the Township of Venus Bay and Parish of Tarwin, traversing in an east/west direction for 150 metres be named as 'Munro Lane'.

Give public notice of the proposal and write to all land owners with a property abutting the road proposed to be named.

Receive a final report on the outcome of the public consultation process including copies of any submissions received.

## FINANCIAL CONSIDERATIONS

The cost to Council will be for the supply and installation of 3 new signs for the roads if approved by Council. Council's signage budget will cover the costs which are estimated at \$750.

Road 1 known as 'No. 3 Beach Road' is currently maintained by Council for 166 metres and the remainder 345 metres approximately is maintained by Parks Victoria.

Road 2 is currently maintained by Council.

## RISK FACTORS

There is maximum risk in Council choosing to not apply the principles of the Guidelines and AS/NZS4819: Rural and Urban Addressing, especially where properties will not have appropriate addresses applied and the associated likelihood of emergency and public service provision being impaired or delayed.

If Road 2 is not named the current properties will be at risk by not having appropriate addresses. Currently, these properties are addressed to Lees Road, whilst primary access is off this unnamed road.

There is minimal risk to Council as the methodology for the naming of roads is contained in the Guidelines for Geographic Names 2010, (version 2 January 2013) and this proposal conforms to the principles outlined in Sections 1.8 and 4.1 (**Attachment 4**).

## **RECOMMENDATION**

### **That Council:**

- 1. Commence the process to name the two roads by calling for community comment:**
  - a. Road 1 off Canterbury Road, in the Township of Venus Bay and Parish of Tarwin, traversing in a southerly direction for 511 metres known as 'No. 3 Beach Road' be re-named as 'Magnat Drive'.**
  - b. Road 2 between Louis Road and Paul Street, in the Township of Venus Bay and Parish of Tarwin, traversing in an east/west direction for 150 metres be named as 'Munro Lane'.**
- 2. Give public notice in the local newspapers and on Council's website week commencing 6 May 2013 of the proposal and write to all affected land owners with a property abutting the roads proposed to be named.**
- 3. In the public notice clearly state:**
  - a. A person may make a submission to the proposal no later than Wednesday 5 June 2013 addressed to the Assets Technical Officer, South Gippsland Shire Council, Private Bag 4, Leongatha 3953 or delivered to the Council Office, 9 Smith Street, Leongatha.**
  - b. Copies of submissions (including submitters' names and addresses) will be made available at the Council meeting at which the proposals are considered.**
- 4. Receive a final report on the outcome of the public consultation process including copies of any submissions received.**

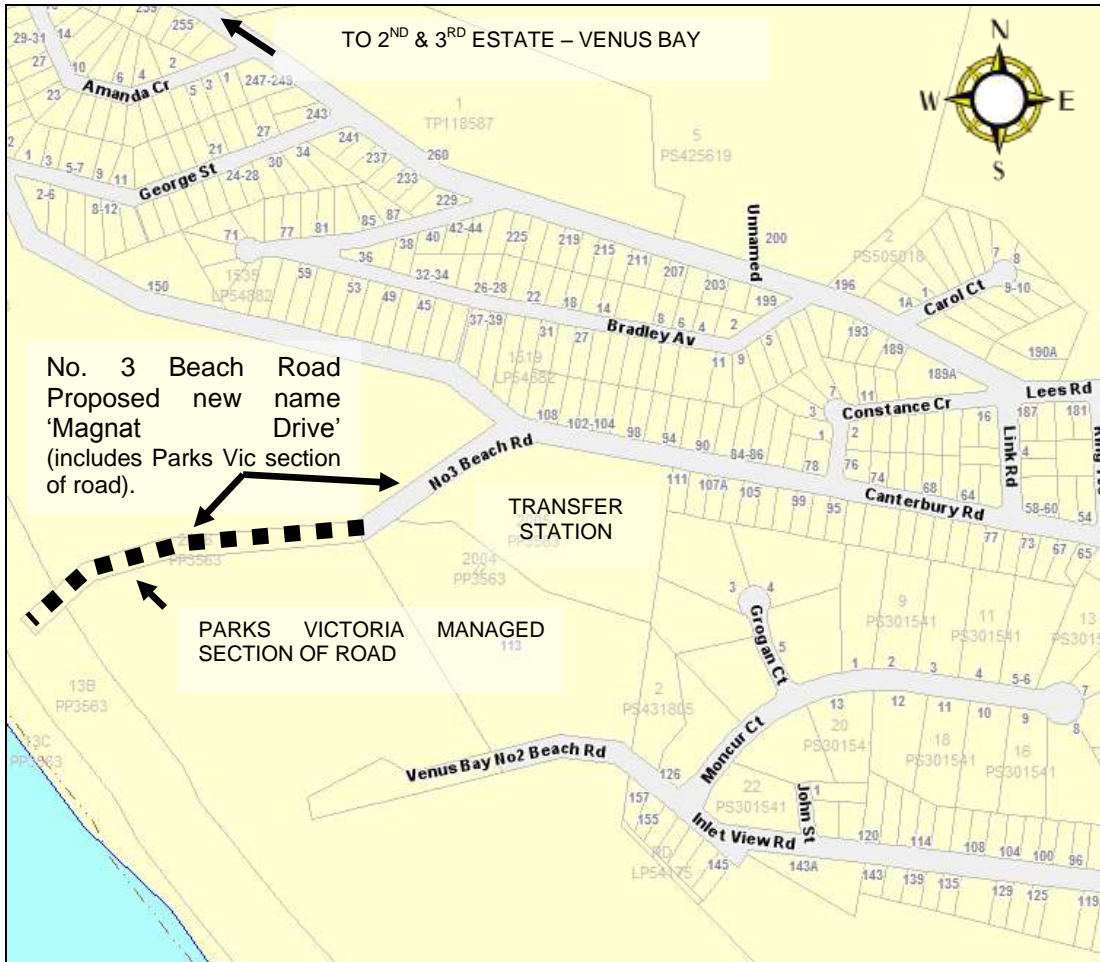
## **STAFF DISCLOSURE OF INTEREST**

Nil



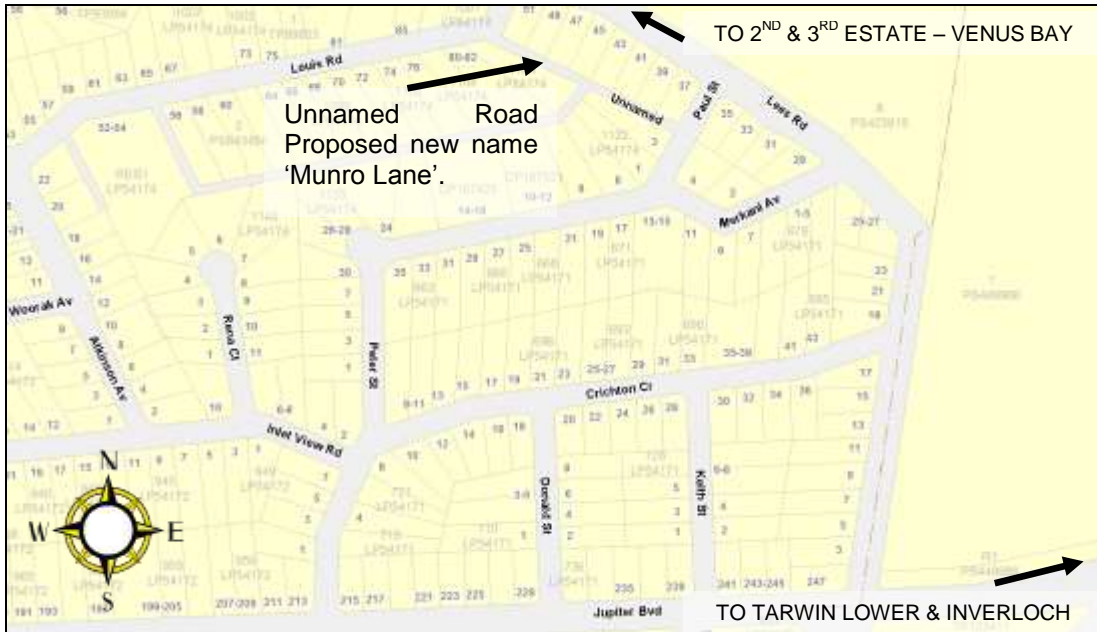
**Attachment 1  
Road 1 - Location Map**

**VENUS BAY 1<sup>ST</sup> ESTATE**



**Attachment 2  
Road 2 - Location Map**

**VENUS BAY 1<sup>ST</sup> ESTATE**



**Attachment 3**  
**Letter from Leongatha Historical Society**



**Leongatha & District  
HISTORICAL SOCIETY**  
Mechanics' Institute, McCartin St., Leongatha

PO Box 431 Leongatha 3953  
Email : [leongathahistsoc@yahoo.com.au](mailto:leongathahistsoc@yahoo.com.au)

Tel : 56622492 (Thurs & Friday pm)  
Website : [www.leongathahistory.org.au](http://www.leongathahistory.org.au)

**Road names**

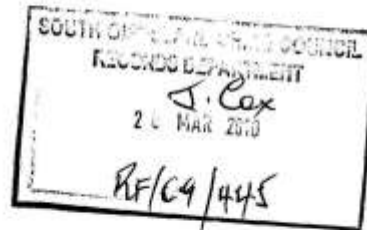
We have considered the issue of lane names at Venus Bay and have two suggestions

Magnet and Munro

Mr Munro was an early publican at the 'Riverside Hotel' Tarwin Lower at the time of the famous grounding of the ship "The Magnet" and the magnet of course is the ship that ran aground at Venus Bay in 1900.

We believe no other roads in Venus bay use these names

*Ryn Skilleen*  
secretary.



## **Attachment 4 Guidelines for Geographic Names 2010**

Council is governed by the Geographic Place Name Guidelines 2010 (GPN) and duplicate road names are a problem from a public safety and risk management perspective, as they create confusion for emergency and communication services, particularly if an address is duplicated. The Emergency Services Telecommunications Authority (ESTA) who are responsible for 000 call taking and dispatch often deal with incidents where callers need to clarify the location of their road. This can cause unnecessary delays for the dispatch of an emergency vehicle.

### “Section 1.8 - Principle 1(A) Language

- Geographic names, except when they are proper nouns, must be written in standard Australian English or a recognised format of an Australian Indigenous language local to the area of the feature, locality or road.
- Hyphens can be used within place names that indicate the extent of the feature (Mellick-Munjie Parish or Hattah-Kulkyne National Park) or incorporate a hyphenated surname (Baden-Powell Waterhole).
- A generic term is a part of a place name that signifies the type of feature. For example, ‘Inlet’ in Shallow Inlet, ‘Desert’ in Little Desert and ‘Point’ in ‘Sandy Point’ (where ‘Inlet’, ‘Little’ and ‘Sandy’ are, in contrast, specific terms). The appropriate generic term should usually form part of the name of a geographical feature; although, not all names have a generic, for example The Grampians. Names taken from languages that represent geographical features generally use such generic terms and will be allowed, unless the combination of the specific produces a duplication of sense.
- Geographic names should be easy to pronounce, spell and write, and preferably not exceed three words (including feature or road type) and/or 25 characters.
- An exception to this is in the use of Australian Indigenous languages when it is accepted that traditional names appearing at first to be complex will, over time, become familiar and easy to use within the community.
- The term ‘The’ is not a suitable prefix in naming of any feature, locality or road.
- Diacritical marks (symbols such as ´, ¸ or ¯) will be omitted from names drawn from languages that use such marks. For example, Cape Reamur (not Cape Réamur).

## **Attachment 4 Guidelines for Geographic Names 2010**

- An apostrophe must be deleted from geographic names written with a final 's, and the possessive 's should not be included in the first instance. For example, Wilsons Promontory (not Wilson's Promontory).
- Abbreviations are not allowed. An exception applies to the use of the honorific Saint. For example, Mount must be registered or recorded in full, but Saint can be recorded as St if requested by the naming authority.
- For the purposes of consistency, names starting with Mc or Mac must not have a space included between the Mc or Mac and the rest of the name."

### "Section 1.8 - Principle 1(C) Ensuring public safety

Geographic names and boundaries must not risk public and operational safety for emergency response, or cause confusion for transport, communication and mail services. Many emergency response and other public services (such as mail) are determined by locality boundaries or road extents, and proposals must ensure that operations will not be adversely affected.

For example, the boundary of a locality must be applied in a way that makes sense not only for the local community, but also for visitors. Similarly, the extent of a road name should ensure easy navigation for pedestrians and vehicles along the entire route from one end to the other."

### "Section 1.8 - Principle 1(D) Ensuring names are not duplicated

Place names must not be duplicated. Duplicates are considered to be two (or more) names within close proximity, and those which are identical or have similar spelling or pronunciation. Examples of names which are similar and considered to be duplicates are White, Whyte, Wite and Wiet."

Duplication is not allowed within the one locality or within the following distances:

- metropolitan urban area, within 5 kilometres;
- regional urban area, within 15 kilometres; and
- rural or remote area within 30 kilometres
  - (a rural or remote area is an area located outside of cities and towns, for example Nhill in West Wimmera Shire Council, Youanmite in Moira Shire Council and Harrietteville in Alpine Shire Council).

## **Attachment 4 Guidelines for Geographic Names 2010**

### *“Section 1.8 - Principle 1(E) Directional names to be avoided*

Cardinal directions (north, south, east and west) must be avoided. A proposed name that uses a cardinal direction to distinguish itself from another similar name is considered to be a duplicate name. In these instances a different name should be chosen to allow for a clear distinction between the two or more features, localities or roads.

An example of an unacceptable name is Smith Street being renamed Smith Street West and Smith Street East – either one or both ends of the street must be renamed."

### *“Section 1.8 - Principle 1(H) Using commemorative names*

Naming often commemorates an event, person or place.

The names of people who are still alive should be avoided because community attitudes and opinions can change over time.

A commemorative name applied to a locality or road should use only the surname of a person, not a first or given names. A commemorative name applied to a feature can use the first name and surname of a person; although, it is preferred that only the surname is used.

The initials of a given name are not to be used in any instances.

This approach is to ensure that emergency and postal services are not delayed through inconsistent application of the name. For example, a feature named Smith Park is easier to identify than one named John Edward Smith Park if the possibility of John Park, Edward Park, John Smith Park etc. could be used by the public."

### *“Section 1.8 - Principle 1(M) Consulting with the public*

Naming authorities must consult with the public on any naming proposal. The level and form of consultation can vary depending on the naming proposal. Refer to the procedure information below for details."

### *“Section 4.1 - Principle 4(A) AS/NZS 4819:2011 Rural and urban addressing*

Except where provisions are already made in these guidelines, the naming of a road must conform to the provisions of AS/NZS 4819:2011 Rural and urban addressing.

### *“Section 4.1 - Principle 4(B) Extent: road course, start and end points*

Any proposal to name or rename a road needs to clearly indicate the extent to which the name will apply. The extent of a road is considered to be its start

## **Attachment 4 Guidelines for Geographic Names 2010**

and end points, and the course (including bends, divided carriageway sections and curves) of the road between these two points.

A road name must not be applied in a way that is ambiguous or could cause confusion for road users. For example, the road name should be applied to a single, unobscured and unobstructed roadway that leads from point a to point b, in a clear and logical manner. The road name should not be applied in a 'looping' or 'disjointed' way.

For example, in some cases a renaming will be proposed for only one section of a road. In these instances, the coordinating road authority must clearly indicate which section of the road will be renamed and which will remain the same.

### "Section 4.1 - Principle 4(E) Unacceptable road names

Use of the definite article 'the' is not acceptable for sole use as a road name (e.g. it is not acceptable to name a road The Avenue).

Road types are not to be used in the formation of a road name, for example Back Street Road or Boulevard Street.

The use of numerals is not acceptable for a road name, either in full alphabetised or numeric format (i.e. neither Four, Fourth, 4 nor 4th are acceptable). This is because of the possible confusion between the road name and the address number.

Upper, lower, little, old or new and the cardinal directions north, south, east and west are not to be used as part of a road name. The only exceptions are:

- when the name is derived from a local feature such as 'little hut' or 'old gum'; and
- when the name is derived from a locality name that uses a cardinal direction, e.g. Geelong West Road is an acceptable name because Geelong West is a locality name; however, Smith South Road, South Smith Road and Lower Smith Road are not acceptable because they do not reflect a locality name.

Destination-to-destination names, e.g. Melbourne–Geelong Road, are not acceptable. This is because there are too many possible aliases available (i.e. Melbourne Road, Geelong Road, Geelong–Melbourne Road and perhaps even a local name such as High Street where the road runs through a township); therefore, a single name is preferred.

Hyphens and the word 'and' are not to be used.

## **E.9 DRAFT COUNCIL PLAN 2013-2017 AND ANNUAL PLAN 2013-2014**

Corporate Services Directorate

### **EXECUTIVE SUMMARY**

The draft Council Plan 2013-2017 (Council Plan), contained in **Appendix 1**, has been prepared to guide the outcomes, objectives and strategies for the four year term of Council. It is supported by the draft Annual Plan 2013-2014 (Annual Plan), contained in **Appendix 2**, which sets out the first year actions and targets towards achieving the Council Plan. The Annual Budget 2013-2014, contained in a separate report, provides the resources to achieve the Council Plan and Annual Plan.

The Council Plan has been developed in accordance with requirements of Section 125 of the Local Government Act 1989 (Act). The final Council Plan, following a formal Section 223 public consultation process, is to be presented to Council for adoption and then provided to the Minister for Local Government by 30 June 2013.

It is recommended that Council endorse the Council Plan and Annual Plan and commence a Section 223 public consultation process in conjunction with the draft Budget 2013-2014 and Mayoral and Councillor Allowances, seeking written submissions from the community on the endorsed plans, with a closing date of 29 May 2013.

Public submissions will be heard, considered and determined at a Special Meeting of Council on Wednesday 19 June 2013 commencing at 12 noon at the Council Chambers Leongatha.

#### *Document/s pertaining to this Council Report*

- **Attachment 1** - New Initiatives funded for 2013-2014
- **Appendix 1** - Draft Council Plan 2013-2017
- **Appendix 2** - Draft Annual Plan 2013-2014

A copy of the **Appendix 1** - Draft Council Plan 2013-2017 and **Appendix 2** - Draft Annual Plan 2013-2014 are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) or by contacting 5662 9200.

### **LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES**

Local Government Act 1989, sections 125, 129 and 223.

Local Government Planning and Reporting Better Practice Guide, February 2013



## **INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

Communication and Consultation Policy

Councillor Code of Conduct

Strategy and Plan Management Policy

Public Submission Process (Section 223)

## **COUNCIL PLAN**

Strategic Goal: 5.0 A Leading Organisation

Outcome: 5.1 Good Governance

Strategy No: 5.1.1 Direction Setting

## **CONSULTATION**

Extensive discussions and briefings have been held during the period of December 2012 to April 2013. These have included:

- 4 and 5 December 2012 - workshop to discuss future direction of Council;
- 24 and 25 January 2013 - workshop to continue discussions on the future direction of Council and priorities for the next four years;
- Council Meeting 27 February 2013 - Council established the themes to inform the development of the draft Council Plan and corresponding Annual Plan and committed resources to develop a Community Vision 2050 and Community Engagement Charter;
- 6 March 2013 - Department Budgets and Service Summaries, Capital Works Program, New Initiatives, planning schedule and overall staff EFT (effective full time) summary;
- 13 March 2013 - Draft Council Plan, Draft Annual Plan and Council services for review,
- 20 March 2013 - Council services review continued and employee data update;
- 27 March 2013 - Legislative Requirements for the Council Plan and Budget, Organisational Structure, Interactive Modelling of the Draft Budget, Capital Works Program, New Initiatives and Fees and Charges;
- 3 April 2013 - Draft Council Plan, Draft Annual Plan and Draft Revised Budget; and
- 10 April 2013 - Special Council Meeting to finalise components of the Council Plan, Annual Plan, Capital Works Program and New Initiatives.

- Feedback and consultation from previous consultation activities with the community have been used to inform the Council Plan and Annual Plan. These have included the 2012 Community Satisfaction Survey, Municipal Public Health Plan, Community Directions Statements and other plans developed by Council over the past two years.
- Council has not been able to undertake the extent of public consultation it desired during the preparation of the plans, due to the tight timeframes required to meet the legislated requirements. Over the coming year Council will engage with the community in the development of a Community Vision 2050. The information gained through this project will be used to inform future Annual Plans and Budgets.
- Once these plans are endorsed by Council, external consultation for the Council Plan, Annual Plan, Budget and Mayoral and Councillor Allowances will be conducted. This will be undertaken using a formal Section 223 public consultation period scheduled for a minimum of 28 days during May 2013. These plans will then be finalised and presented to Council for final adoption and presented to the Minister for Local Government by 30 June 2013.

## **REPORT**

### **Background**

The role of Council is to provide leadership for the good governance of the Shire. This is achieved by establishing strategic directions articulated in the Council Plan and for services provided by Council. To this end the Council, elected in October 2012, has been considering the priority outcomes, objectives, strategies and services to be achieved/provided over the coming four years.

Council is required under Section 125 of the Local Government Act 1989 (the Act) to prepare and approve a Council Plan by 30 June 2013. The Council Plan must include a four year Strategic Resource Plan. The Budget forms the first year of the Strategic Resource Plan (SRP).

The Council Plan cannot be approved until a public consultation process, requiring 28 days from the date of publication, has been completed under Section 223 of the Act. It is considered good practice to also seek public feedback on the Annual Plan.

### **Discussion**

At the Special Council Meeting 10 April 2013, Council reviewed and refined the Outcomes, Objectives and Strategies that now form the Council Plan (**Appendix 1**) and Annual Plan (**Appendix 2**). These are as follows:

## **OUTCOME 1. A Prosperous Shire**

Objective 1.1: Work with the business community to support existing businesses, diversify employment opportunities and to attract new businesses.

Strategy 1.1.1: We will actively plan for growth and economic development.

Strategy 1.1.2: We will protect and retain the unique identity of town, villages and farming districts.

Strategy 1.1.3: We will actively encourage sustainable development and growth of agriculture, industry and commercial business.

Strategy 1.1.4: We will promote and encourage tourism through development support and promotion

Objective 1.2: Raise the awareness of local and regional issues with State and Federal decision makers.

Strategy 1.2.1: We will advocate for effective integrated transport connectivity for people and freight.

Strategy 1.2.2: We will advocate for priority projects that assist in stimulating economic growth, agricultural development, tourism infrastructure and community facilities.

Objective 1.3: Improve the sustainability of the local and regional environment

Strategy 1.3.1: We will actively engage businesses, farmers, industries and individuals in creating a clean, green Shire, where environmental sustainability is embraced and practiced.

Strategy 1.3.2: We will promote sustainable waste management practices, energy efficiency and management of our natural resources.

## **OUTCOME 2. Closely Connected Communities**

Objective 2.1: Engage and work collaboratively with our community.

Strategy 2.1.1: We will develop a Community Vision 2050 and a Community Engagement Charter in partnership with our communities.

Strategy 2.1.2: We will develop an integrated approach to planning with the community incorporating budgeting/funding strategies and project development.

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.

### **OUTCOME 3. Integrated Services and Infrastructure**

Objective 3.1: Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development.

Strategy 3.1.1: We will deliver Council and community projects and leverage project funds to attract investment from external sources.

Strategy 3.1.2: We will collaborate with other agencies and service providers to focus attention on growth areas and avoid duplication of services.

Strategy 3.1.3: We will develop an integrated planning approach for our townships and villages, so that facilities are located in areas where they are most appropriate

Strategy 3.1.4: We will plan for the service needs of the Shire's changing demographic.

Strategy 3.1.5: We will encourage sustainable development that promotes the health, well-being and unique character of the community.

Strategy 3.1.6: We will refine the provision of Council services through reviews focused on evolving community needs, realistic and affordable service standards and efficient management of resources.

### **OUTCOME 4. A Leading Organisation**

Objective 4.1: Improve the financial sustainability of Council, including diversifying revenue streams.

Strategy 4.1.1: We will explore innovative ways of increasing revenue and reducing expenditure.

Objective 4.2: Pursue best practice in organisational development and operations of the organisation

Strategy 4.2.1: We will establish portfolio core leadership groups to draft policy and shape specific projects.

Strategy 4.2.2: We will monitor corporate governance processes, including risk management and skills development with the aim of ongoing improvement.

Strategy 4.2.3: We will make informed decisions and provide opportunities for the community to participate in the decision making process.

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.

The Strategic Resource Plan is a requirement of the Act that must be included in the Council Plan. The Strategic Resource Plan sets out the resources required to deliver the Council Plan and Council services over the coming four years. The draft Budget forms the first year of the Strategic Resource Plan. A draft Strategic Resource Plan has been incorporated into the Council Plan from the draft Budget 2013-2014. Any adjustments to the Budget will require an adjustment to the Strategic Resource Plan.

The Key Strategic Activities (KSA's) for 2013-2014 form part of the Annual Plan and are included in the Budget in accordance with the legislative requirements. The KSA's are set out in the last section of the Annual Plan (Appendix 2). These KSA's are audited for completion at the end of the financial year by the external auditor. Progress against all the Annual Plan items, including the KSA's will be monitored and reported to Council through the Quarterly Performance Report.

Council has also identified a number of New Initiatives which are detailed in **Attachment 1**. The financial resources for these initiatives have been provided for in the proposed budget which includes a 1% reduction in staff costs through efficiency gains. These efficiency gains will be identified and achieved by the CEO over the 2013-14 financial year.

### **Options**

Council may endorse the Council Plan and Annual Plan as presented or consider any final amendments prior to the commencement of the public consultation program.

### **Proposal**

The draft Council Plan 2013-2017 and draft Annual Plan 2013-2014 are presented to Council for consideration and endorsement. Once endorsed, the documents will be made available for public feedback in accordance with Council's Communication and Consultation Policy.

Community members are able to provide written submissions addressed to the Chief Executive Officer and received at Council's main office, 9 Smith Street, Leongatha, or mailed to Private Bag 4, Leongatha 3953, or by email to [council@southgippsland.vic.gov.au](mailto:council@southgippsland.vic.gov.au). Submissions are to be received by close of business Wednesday 29 May 2013.

Any person lodging a submission may request to be heard in support of their submission, or be represented by a person specified in the submission, at a Special Meeting of Council on 19 June 2013 at 12 noon in the Council Chamber, Leongatha. Council will hear, consider and determine the submissions at this meeting.

Copies of the submissions, including submitters' names and addresses, will be made available at the Special Council Meeting. The submissions are required to be available for public inspection for a 12 month period.

## **FINANCIAL CONSIDERATIONS**

Council is required under the Act to establish an Annual Budget and a rolling four year Strategic Resource Plan that sets out the revenue, expenditure and assets required to achieve the strategic objectives specified in the Council Plan, together with a summary of the financial results forecast over a minimum of four years.

The financial resources to fund the Council Plan and Annual Plan have been established by Council. These are set out in the draft Budget 2013-2014 being considered as a separate report by Council.

## **RISK FACTORS**

Council has legislated time constraints and specific responsibilities set out in the Act for establishing a Council Plan. Failure to meet these timelines and obligations would result in Council's failure being published in the Annual Report of the Office of Local Government. Endorsing the Council Plan and Annual Plan and commencing the formal public consultation process will work towards ensuring the required legislative timelines and requirements can be met.

## **CONCLUSION**

The Council has dedicated an extensive amount of time over the past six months to set a strategic direction in place and fund it responsibly.

This report seeks Council's endorsement of the directions developed and to commence a formal public consultation period seeking community feedback on the draft Council Plan and Annual Plan.

At the completion of the consultation process Council will be presented with a final Council Plan 2013-2017 and Annual Plan 2013-2014 for adoption, after which it will be presented to the Minister of Local Government by 30 June 2013.

## **RECOMMENDATION**

### **That Council:**

- 1. Endorse the draft Council Plan 2013-2017 contained in Appendix 1;**
- 2. Endorse the draft Annual Plan 2013-2014 contained in Appendix 2;**
- 3. Give public notice of the draft Council Plan 2013-2017 and draft Annual Plan 2013-2014 in accordance with Section 129 of the Local Government Act 1989 and commence a Section 223 public consultation process in conjunction with the draft Budget 2013-2014, seeking written submissions from the community on the plans by close of business on Wednesday 29 May 2013;**
- 4. Fix the time, date and place for a Special Meeting of Council to hear persons wishing to speak in support of their submissions, and consider and determine the submissions on 19 June 2013 commencing at 12 noon, in the Council Chambers Leongatha, as a co-joined Special Meeting with the Annual Budget 2013-2014 Budget and the Mayoral and Councillor allowances; and**
- 5. Require the final Council Plan 2013-2017 including the four year Strategic Resource Plan and Annual Plan 2013-2014 highlighting the Key Strategic Activities, to be presented to Council on 26 June 2013.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

**Attachment 1  
New Initiatives funded for 2013-2014**

New Initiatives To Be Funded	Resources to Undertake This Task
Gifted Assets Road, Kerbs and footpaths	\$30,395
Public Place Recycling – Venus Bay & Tarwin Lower	\$2,600
Revolving Sustainability Fund	\$20,000
IPA@2 Community Engagement training	Funding covered in the Corporate Training budget
Staff cultural alignment survey	Funding covered in the Chief Executive Officers Budget
Community Vision 2050	Project funds to be carried forward from 2012-2013 Corporate Services Directorate Budget
Community Satisfaction Survey (in addition to State Government allocation to be completed in-house)	\$20,000 in addition to the existing budget
Leongatha Rail Yard Redevelopment Master Plan	\$50,000
SGSC Branding Strategy Review	\$80,000
Tarwin Catchment Dwelling Study	To be undertaken using internal resources
Korumburra Community Roundtable - partnership project trial	\$5,000
Public Toilets Review	\$20,000
Safe, Healthy and Active Communities - Panel costs	\$20,000
Investigation of bio-composting and other waste management options	\$30,000
Development of a 2014-2017 Economic Development Strategy for the sustainable prosperity of the Shire in partnership with the Economic Development Committee	\$50,000
Investigate and recommendation on the development of a Community Sponsorship Fund and/or Community Trusts Program for the Shire	\$25,000



New Initiatives To Be Funded	Resources to Undertake This Task
Initiate a zero based budgeting review of service progressively over the next four years	To be completed utilising existing staff
Advocate for a feasibility study for the return of the passenger and freight service to Leongatha	To be completed utilising existing staff
Commence the development of a strategy for community facilities including the potential development of Community Hubs	To be completed utilising existing staff
Establish a committee to review staff structure costs	To be completed utilising existing staff
Identify potential for shared services and to initiate business cases for development of shared services	To be completed utilising existing staff
To develop business cases for investment in Council service areas to reduce costs and increase revenue - Caravan Parks	\$30,000
To develop business cases for investment in Council service areas to reduce costs and increase revenue - Coal Creek	To be considered in the IT Governance Framework for funding
Develop a Social Media Strategy	To be considered in the IT Governance Framework for funding
Additional Funds to support Recreation Reserves	\$122,000 + 28,000 to be transferred from Community Grants to = \$150,000
<b>TOTAL</b>	<b>\$504,995</b>

## **E.10 PROPOSED 2012-13 BUDGET INCORPORATING THE LONG TERM FINANCIAL PLAN**

Corporate Services Directorate

### **EXECUTIVE SUMMARY**

This report addresses the South Gippsland Shire Council Annual Budget (Budget) for the 2013/14 financial year that has been prepared by Council and tabled, refer **Appendix 1**.

Council, in the previous financial year, faced challenging financial circumstances that have impacted on the preparation of the 2013/14 and long term financial plan. This included higher than anticipated unfunded superannuation call, reduced Victoria Grants Commission allocation and other cost pressures.

As a result Council will borrow funds in 2013/14 to help fund the capital works program and maintain service levels whilst ensuring that the financial integrity of the budget and the longer term financial plan is not compromised.

There are no asset renewal primary funding gaps for all major classes of assets. There are also adequate fund requirements for all major asset classes for the current defined service levels as documented in Asset Management Plans.

All Victorian councils have been encumbered by having to collect the newly introduced Fire Services Levy on behalf of the State Government.

For the 2013/14 financial year the proposed:

1. Operating expenditure (including depreciation) will be \$50.98 million;
2. Capital expenditure will be \$13.10 million;
3. New borrowings will be \$4.00 million
4. Total debt redemption will be \$0.62 million;
5. Total cash outflows will be \$55.24 million;
6. Total cash inflows will be \$60.43 million;
7. Cash at end of financial year will be \$5.68 million;
8. Increase in rates & charges will be 7.18%; (7.50 general rates, 2.50% waste services)
9. Rate and charges income will be \$34.15 million.

The budgeted financial statements are both financially responsible and sustainable. They are validated by a series of key financial performance indicators.

It is recommended that Council endorse the proposed 2013-2014 Annual Budget and commence a Section 223 public consultation process in conjunction with the draft 2013-2017 Council Plan, 2013-2014 Annual Plan and the Mayoral and Councillors Allowances, seeking written submissions from the community on the endorsed plans, with a closing date of 29 May 2013.

Public submissions will be heard, considered and determined at a Special Meeting of Council on Wednesday 19 June 2013 commencing at 12 noon at the Council Chambers Leongatha.

*Document pertaining to this Council Report*

- **Appendix 1** - Proposed 2013-2014 Budget.

A copy of the proposed 2013-2014 Annual Budget in **Appendix 1** is available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) or by contacting 5662 9200.

**LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES**

Local Government Act 1989, Sections 127,129, 223

**INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

Financial Strategy

**COUNCIL PLAN**

Strategic Goal:	5.0	A Leading Organisation
Outcome:	5.2	Systems and Processes
Strategy No:	5.2.3	Financial management

**CONSULTATION**

Extensive discussions and briefings have been held with Council during the period November 2012 to April 2013. These have included:

- 21 November 2012 - Financial overview;
- 19 December 2012 - Strategic Financial Issues;
- 20 February 2013 - Financial Strategies;
- 6 and 20 February 2013 - Differential Rates - Ministerial Draft Guidelines and discussion paper;

- 6 March 2013 - Differential Rates, Department Budgets and Service Summaries, subscriptions and memberships for review, Capital Works Program, New Initiatives, planning schedule and overall staff numbers summary;
- 13 March 2013 - Mayoral and Councillors Allowances, Differential Ratings Discussion Paper, Financial Modelling, Differential Rating Models, Council Services for review, Council Overview First Draft Budget;
- 20 March 2013 - Council Services review continued, employee data update, additional Rating Models for 2013/14, Fees and Charges Schedule and additional Differential Rating Models;
- 27 March 2013 - Legislative requirements for the Council Plan and Budget, Organisational Structure, interactive modelling of the Draft Budget, Capital Works Program, New Initiatives and Fees and Charges;
- 3 April 2013 - Draft Revised Budget; and
- 10 April 2013 - Special Council Meeting to finalise components of the Council Plan, Annual Plan, Capital Works Program and New Initiatives.

Once the Budget is endorsed by Council external consultation for the Council Plan, Annual Plan, Budget and Mayoral and Councillor Allowances is to be conducted through a formal Section 223 public consultation period scheduled for a minimum of 28 days during May 2013. These plans will then be finalised and presented to Council for final adoption and presented to the Minister for Local Government by 30 June 2013.

## **REPORT**

### **Background**

Council at its meeting on 26 September 2012 considered a report that discussed strategic financial management issues. The report discussed financial challenges as a result of the higher than anticipated unfunded superannuation call, reduced Victoria Grants Commission allocation and other cost pressures.

A briefing session was held with Council on 21 November 2012 that provided an overview of existing financial methodology, discussed unavoidable cost events, net saving offsets and other strategic cost pressures. The net 10 year cost impact projected a significant \$9 million deterioration in the underlying cash position when compared with the original 2012/13 Long Term Financial Plan.

Discussion at the 21 November 2012 briefing session concluded that the preferred approach was to address the immediate financial sustainability challenge and other strategic challenges as part of the forthcoming Council Plan and Budget preparation process.

A further report 'Strategic Financial Issues' was considered by Council at its meeting on 19 December 2012. Council resolved that it commence a comprehensive planning process involving detailed consideration of financial models, utilising the existing adopted financial performance indicators, in the development of the Budget.

The following cost events occurred after the adoption of the previous financial year's 2012-13 Budget:

1. In August 2012 Council was informed that its share of the unfunded superannuation liability was \$4.6 million. Prior to this, Council had been advised that the likely funding call would be in the vicinity of the previous funding call of \$873,000.
2. Workcover premium for 2012-13 increased by \$55,000 due to obligation to calculate the premium on employee costs that must include a portion of the unfunded superannuation, which is required to be accounted for as an employee expense.
3. Council received one quarter less Victoria Grants Commission (VGC) allocations in 2012-13 which has a one off \$2.02 million impact. Council was also advised that the Commonwealth Government made an over payment of VGC funds in 2011-12 to all Victorian Councils due to an over estimation of inflation and population growth forecasts. As a result Council received \$325,000 less income in 2012-13. This has a compounding \$165,000 per annum negative impact on forward budgets in the Long Term Financial Plan.
4. Legislative changes to the way councils have to calculate and charge interest on overdue rates and charges means that Council will receive substantially less revenue;
5. Flow on negative impacts from Reserve Bank reducing official interest rates on several occasions last year. This results in a reduction in income being generated on investments;
6. Costs for Sandy Point Hall exceeding budget projections by \$175,000

This has placed considerable funding pressures not only for the forthcoming budget process but for all forward budgets.

Council discussed service level and capital works program requirements at briefing sessions held on 6 March 2013, 20 March 2013, 27 March 2013 and 3 April 2013. A special budget meeting was also held on 10 April 2013.

There are no asset renewal primary funding gaps for all major classes of assets. There are also adequate fund requirements for all major asset classes for the current defined service levels as documented in Asset Management Plans.

A new fire levy will apply to all private property owners – including persons and organisations who do not currently pay council rates, such as churches, charities, private schools and RSL's – from 1 July 2013. A number of Council properties will also be subject to the fire levy. Under new legislation, the Fire Services Property Levy Act 2012, introduced as a result of recommendations by the Victorian Bushfires Royal Commission, the new Fire Services Property Levy will be collected by Council on behalf of the State government, to fund the operations of the Metropolitan Fire Brigade and Country Fire Authority.

Ministerial Guidelines for Differential Rating (Guidelines) have been released in April for consideration by Council in the development of the Budget. Council considered the draft Guidelines at several Briefing sessions when differential rates were discussed. One of the requirements in the Guidelines requires that where a Council has a Farm differential it must give consideration to reducing the rate burden through use of a reduced differential rate. A 90% differential for Farm land is recommended in the Budget.

The final Guidelines are similar to the draft. Council has an action proposed in the 2013-2014 Annual Plan to review its Rating Strategy to ensure it aligns with the Ministerial Guidelines.

## **IMPLEMENTATION**

Council is legislatively required to prepare and then adopt an Annual Budget.

The tabled budget document is the 'proposed Budget' for the purposes of preparing a budget under Section 127 of the Local Government Act 1989.

The Budget follows the Best Practice Guidelines prepared by a working party consisting of Chartered Accountants, LG Pro, LG Financial Professionals and the Municipal Association of Victoria (MAV).

Council will be required to give 28 days notice of its intention to adopt the proposed Budget (**Appendix 1**) and make the Budget available for inspection at its offices. A person has the right to make a written submission on any proposal contained in the Budget and any written submission must be considered before the adoption of the Budget.

Submitters wishing to be heard in regard of their submission must indicate this request within their submission. The closing date for submissions will be 29 May 2013.

The final step is for Council to adopt the 2013-2014 Annual Budget after receiving and considering any submissions from interested parties. It is proposed to consider and determine submissions at a Special Meeting of Council to be held on 19 June 2013 commencing at 12 noon in the Council Chambers Leongatha, and adopt the 2013-14 Annual Budget at the Ordinary Council Meeting to be held on 26 June 2012.

## **OPTIONS**

Council may endorse the Budget (**Appendix 1**) as presented or consider any final amendments prior to the commencement of the public consultation program.

## **FINANCIAL CONSIDERATIONS**

Council has a legislative requirement to comply with the following principles of sound financial management:

1. Prudently manage financial risks relating to debt, assets and liabilities;
2. Provide reasonable stability in the level of rate burden;
3. Consider the financial effects of Council decisions on future generations;  
and
4. Provide full, accurate and timely disclosure of financial information.

A key component of sound financial management is the preparation of an Annual Budget within a longer-term business framework. An Annual Budget that considers the longer-term financial ramifications is a good business management practice.

For the 2013-14 financial year, the proposed:

1. Operating expenditure (including depreciation) will be \$50.98 million;
2. Capital expenditure will be \$13.10 million;
3. New borrowings will be \$4.00 million
4. Total debt redemption will be \$0.62 million;
5. Total cash outflows will be \$55.24 million;
6. Total cash inflows will be \$60.43 million;
7. Cash at end of financial year will be \$5.68 million;
8. Increase in rates & charges will be 7.18%; (7.50 general rates, 2.50% waste services)
9. Rate and charges income will be \$34.15 million.

The financial integrity of the 2013-14 Budget and Long Term Financial Plan has been validated by a series of financial performance indicators.

## **RISK FACTORS**

Council has legislated time constraints and specific responsibilities set out in the Act for preparing an Annual Budget. The Council must adopt the budget by 31 August. Failure to meet these timelines and obligations would result in Council's failure being published in the Annual Report of the Office of Local Government. Endorsing the Annual Budget and commencing the formal public consultation process will work towards ensuring the required legislative timelines and requirements can be met.

Further, under Section 136 of the Act Council is required to manage financial risks prudently, having regard to economic circumstances and ensure that decisions are made and actions are taken having regard to their financial effects on future generations.

## **CONCLUSION**

The 2013-14 budgeted financial statements are financially responsible and sustainable.

The Budget (**Appendix 1**) is presented to Council for endorsement prior to commencing a formal public consultation review that will close on 29 May 2013. It is recommended submissions be heard, considered and decided at a Special Meeting on 19 June 2013 commencing at 12 noon in the Council Chambers Leongatha.

## **RECOMMENDATION**

**That Council:**

- 1. Endorse the proposed 2013-2014 Budget incorporating the Long Term Financial Plan, contained in Appendix 1, under Section 127 of the Local Government Act 1989;**
- 2. Give public notice of the proposed 2013-2014 Budget in accordance with Section 129 of the Local Government Act 1989 and commence a Section 223 Public Consultation process seeking written submissions from the community on the proposed 2013-2014 Budget by close of business on Wednesday 29 May 2013;**
- 3. Fix the time, date and place for hearing persons who wish to be heard in support of their submissions, and consider and determine the submissions for inclusion in the final 2013-2014 Budget on 19 June 2013 commencing at 12noon in the Council Chambers, Leongatha, as a co-joined Special Meeting of Council with the 2013-2017 Council Plan, 2013-2014 Annual Plan and the Mayoral and Councillor allowances; and**
- 4. Require the final 2013-2014 Budget to be presented to Council for adoption at a Council Meeting on 26 June 2013.**



## **STAFF DISCLOSURE OF INTEREST**

Nil

## **E.11 FINANCE PERFORMANCE REPORT – JULY 2012 TO MARCH 2013**

Corporate Services Directorate

### **EXECUTIVE SUMMARY**

Council's financial performance from July 2012 to March 2013 shows the following high level outcomes:

- Operating result: \$3.540 million deficit which is \$97,000 favourable compared the year to date budget projection of 3.637 million deficit.
- Underlying result: \$5.972 million deficit which is \$524,000 favourable compared with year to date budget projection of a \$6.496 million underlying deficit.
- Capital works: \$7.165 million expenditure which is \$1.902 million behind year to date budget of \$9.068 million.
- Cash assets: \$8.46 million (original budget \$9.42 million).
- Underlying working capital ratio 1.07 to 1 (original budget 1.52 to 1).
- Year-end projections show the 'financial' Key Strategic Activity (KSA) being 81.94% which is below the 98% target.
- The longer term financial performance indicators show that the financial plan (based on 3rd draft budget figures as presented to Council on 3 April 2013) is financially sustainable.

### **Document/s pertaining to this Council Report**

- **Appendix 1** - Financial Performance Report to 31 March 2013

A copy of **Appendix 1** - Financial Performance Report to 31 March 2013 is available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) or by contacting 5662 9200.

### **LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES**

Local Government Act 1989, Part 7 Financial Management

## **INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

Financial Strategies 2013/14

### **COUNCIL PLAN**

Strategic Goal: 5.0 A Leading Organisation  
Outcome: 5.2 Systems and Processes  
Strategy No: 5.2.3 Financial Management

### **CONSULTATION**

Not Applicable

### **REPORT**

#### **Background**

Council must abide by the principles of sound financial management and must ensure that periodically a statement comparing budgeted revenue and expenditure for the financial year with the actual revenue and expenditure is presented to Council.

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

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

- Comparing year to date actual financial performance with the year to date budgets.
- Monitoring the financial impact of changes made to budget projections on the forecast financial results at year end; and
- Monitoring the longer term financial ramifications and comparing to the originally adopted long term financial plan's budgeted financial statements.

The financial performance indicators that were used to develop the annual and longer term budgets are used to monitor projected financial outcomes at year end (financial KSA) and on the longer term financial ramifications.

## **Discussion**

**Appendix 1** - Financial Performance Report contains detailed reporting on:

Section 1 - Year to date financial performance and projected financial results.

This section discusses variations in year to date performance and budget projections. The information is presented in the budgeted financial statements format.

Section 2 – Annual year to date financial analysis.

This section analyses the implications of the year to date performance, the projected outcome for the financial year end as well as commentary on the financial Key Strategic Activities (KSA).

Section 3 – Long Term Financial Plan analysis.

This section benchmarks and strategically analyses the financial impact of the year's financial results against the adopted Annual Budget, Long Term Financial Plan and the Financial Strategy's key performance indicators.

## **FINANCIAL CONSIDERATIONS**

Activities within the Council 2012/13 Annual Plan are funded through the 2012/13 Budget.

The Financial Performance Report provides a high level analysis of Council's financial performance for the nine month period from July to March 2013.

Projected year-end financial projections shows the weighted average of 5 key financial ratios (including indebtedness, underlying working capital ratio, self-financing, investment gap and underlying result for the 2012/13 Budget) being 81.94%. This is below the target of 98%.

The longer term financial performance indicators show that the financial plan (based on 3rd draft budget figures as presented to Council on 3 April 2013) is financially sustainable.

## **RISK FACTORS**

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

## **CONCLUSION**

It is recommended that Council receive and note the Financial Performance Report. The Report provides an overview of Council's financial performance for the period July to March 2013.

**RECOMMENDATION**

**That Council receive and note the Financial Performance Report (Appendix 1) for the period July to March 2013.**

**STAFF DISCLOSURE OF INTEREST**

Nil

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**E.12 APPLICATIONS TO SPORT AND RECREATION VICTORIA 2013/2014**  
**COUNTRY FOOTBALL NETBALL PROGRAM**

Corporate Services Directorate

**EXECUTIVE SUMMARY**

The Meeniyian Dumbalk United Football Netball Club (Meeniyian Dumbalk) and Mirboo North Football Netball Club (Mirboo North) are seeking Council endorsement and an allocation of Council funding to support applications submitted to the Sport and Recreation (SRV) Country Football Netball Program (CFNP) to upgrade their netball facilities.

The total cost of the Meeniyian Dumbalk project is \$170,000. The total project cost of the Mirboo North project is \$55,000.

To meet the total project cost, Council has already submitted grant applications, on behalf of the clubs, to the SRV CFNP in January 2013 to meet the program submission deadline. Council has requested \$60,000 for the Meeniyian Dumbalk project and \$35,000 for the Mirboo North project from the SRV CFNP.

The breakdown for funding required to meet the project costs is as follows:

<b>Project</b>	<b>Total Project Cost</b>	<b>Council Contribution</b>	<b>Club Contribution</b>	<b>Grant Sought</b>
Meeniyian Dumbalk United Football Netball Club – Netball Facilities Redevelopment	\$170,000	\$55,000	\$55,000	\$60,000
Mirboo North Football Netball Club Court Redevelopment	\$55,000	\$10,000	\$10,000	\$35,000

**LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES**

**INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

South Gippsland Recreation Plan 2007

Walter J Tuck Reserve Master Plan (Mirboo North) 2011

Meeniyian Recreation Reserve Master Plan 2012

Community Project Management Policy

## **COUNCIL PLAN**

Strategic Goal:	1.0	A Vibrant Engaged Community
Outcome:	1.1	Health and Well Being
Strategy No:	1.1.1	Active Lifestyles

## **CONSULTATION**

In June 2010, through the Victorian Government's Ready for Tomorrow initiative, \$9 million of funding was announced for the Country Football Program (CFNP) over five years. Country Football Netball Clubs were invited to contact their local Council to discuss their project proposals in order to apply for funds.

Council received two formal requests for applications to the SRV 2013 / 2014 CFNP from the following organisations:

- Meeniyen Dumbalk United (MDU) Football Netball Club – Netball Facilities Redevelopment Project; and

Mirboo North Football Netball Club – Court Redevelopment Project

## **REPORT**

### **Background**

The Country Football and Netball Program provides funding to assist country football and netball clubs, associations and umpiring organisations to develop facilities in rural, regional and outer metropolitan locations including: change room facilities for players and umpires of both genders; development or upgrading of football playing fields; development or upgrading of netball facilities; and development or upgrading of lighting facilities.

The program allows for a maximum of three applications per local government authority, for a combined grant request of \$100,000 per year. The maximum amount available to a single project is \$100,000. The funding ratio is SRV \$2:\$1 local (Community and Council).

Only local government authorities are eligible to apply directly to Sport and Recreation Victoria for this program.

### **Discussion**

The Meeniyen Dumbalk United Football Netball Club (Meeniyen Dumbalk) is seeking Council endorsement and an allocation of Council funding to support a grant submitted to upgrade the netball facilities at the Meeniyen Recreation Reserve. The total project cost is \$170,000 (includes court reconstruction, lighting, building works and fencing).

The current playing court is non-compliant with Victorian Netball Association (VNA) standard.

The project is identified in the Meeniyah Community Direction Statement and Meeniyah Recreation Reserve Master Plan as a priority.

The club is able to commit \$55,000 towards the project.

As the funding ratio is SRV \$2:\$1 through the CFNP, it is recommended that a grant of \$60,000 be sought from the Grant Program.

Council would therefore need to allocate \$55,000 from the 2013 / 2014 Financial Budget (matching the Club's contribution) to support the application, if successful.

The Mirboo North Football Netball Club (Mirboo North) is seeking Council endorsement and an allocation of Council funding to support a grant submitted to upgrade the netball facilities at the Walter J Tuck Recreation Reserve. The total project cost is \$55,000 (court resurfacing).

The current playing court is non-compliant with Victorian Netball Association (VNA) standard.

The project is identified in the Walter J Tuck Recreation Reserve master plan as a priority. The club is able to commit \$10,000 towards the project.

As the funding ratio is SRV \$2:\$1 through the CFNP, it is recommended that a grant of \$35,000 be sought from the Grant Program.

Council would therefore need to allocate \$10,000 from the 2013 / 2014 Financial Budget (matching the Club's contribution) to support the application, if successful.

Funding is available through Council's 10 year adopted Financial Budget as 'Recreation – Future Unplanned Works (SRV)' to cover Council's contribution in 2013 / 2014. Total funding currently allocated to this budget is \$184,670 with currently \$167,670 remaining unallocated. If the applications are supported by Council and successful the remaining balance would be \$102,670.

### **Options**

Council has four options:

- Endorse the application submitted to the Grant Program for the Meeniyah Dumbalk United Football Netball Club Netball Facilities Redevelopment Project and allocate the required funds and resources to deliver the project in 2013/2014 if the application is successful.

Not endorse the Meeniyah Dumbalk United Football Netball Club Netball Facilities Redevelopment Project and withdraw the application to the Grant Program.



Endorse the application submitted to the Grant Program for the Mirboo North Football Netball Club Court Redevelopment Project and allocate the required funds and resources to deliver the project in 2013 / 2014 if the application is successful.

Not support the Mirboo North Football Netball Club Court Redevelopment Project and withdraw the application to the Grant Program.

### **Proposal**

Options 1 and 3 recommended, that Council endorses both applications to this Grant Program and allocate a total of \$65,000 from the 2013 / 2014 Council budget for 'Recreation - Future Unplanned Works (SRV)' to cover Council's contribution and match the contributions of both Clubs. This option also maximizes the total potential funding available to Council through this program.

Option 2 and 4 are not recommended as both projects are viewed as important priorities worthy of Council support.

### **FINANCIAL CONSIDERATIONS**

Funding is available through Council's 10 year adopted Financial Budget as 'Recreation – Future Unplanned Works (SRV)' to cover Council's contribution in 2013/2014. Total funding currently allocated to this budget is \$184,670 with currently \$167,670 remaining unallocated, as an allocation of \$17,000 has already been approved by Council towards the Korumburra Recreation Reserve Turf and Synthetic Wicket Development Project. If the applications are supported by Council and successful, the remaining balance would be \$102,670 as outlined in the table below.

<b>Projects</b>	<b>Council Contribution</b>	<b>Balance</b>
Opening Budget Balance		\$184,670
Korumburra Recreation Reserve Turf and Synthetic Wicket Development Project	\$17,000	\$167,670
Meeniyan Dumbalk United Football Netball Club Netball Facilities Redevelopment Project	\$55,000	\$112,670
Mirboo North Football Netball Club Court Redevelopment Project	\$10,000	\$102,670

As applications are to be submitted by Council, Council will be required to provide staff resources, funded within the total project cost, to fully deliver the projects as a capital works project, if successful.

### **RISK FACTORS**

If Council doesn't support both projects the Netball facilities at the Meeniyan Recreation Reserve and Walter J Tuck Recreation Reserve will be non-compliant as per the Victorian Netball Planning Guide. The Netball Court Planning Guide was developed by the Victorian Government, in partnership with Netball Victoria, to assist Councils and Netballing organisations to successfully plan and build compliant netball courts.

### **RECOMMENDATION**

**That Council:**

- 1. Endorse the grant application submitted for \$60,000 for the Meeniyan Dumbalk United Football Netball Club Netball Facilities Redevelopment Project to the Sport and Recreation Victoria 2013 / 2014 Country Football Netball Program;**
- 2. Endorse the grant application submitted for \$35,000 for the Mirboo North Football Netball Court Redevelopment Project to the Sport and Recreation Victoria 2013 / 2014 Country Football Netball Program;**
- 3. Note that there is a current budget allocation of \$184,670 in the 2013 / 2014 Financial Budget line item Recreation Future Unplanned Works (SRV) which has been created to support grant applications of this nature;**
- 4. Make an allocation of \$55,000 from the 2013 / 2014 Financial Budget for Recreation Future Unplanned Works to match the Meeniyan Dumbalk United Football Netball Club's contribution towards the project if the application is approved by Sport and Recreation Victoria;**
- 5. Make an allocation of \$10,000 from the 2013 / 2014 Financial Budget for Recreation Future Unplanned Works to match the Mirboo North Football Netball Club's contribution towards the project if the application is approved by Sport and Recreation Victoria; and**
- 6. Provide staff resources, with funding allocated in the total project costs, for management of the projects if approved by SRV in the 2013 / 2014 financial year.**

### **STAFF DISCLOSURE OF INTEREST**

Nil

## **E.13 MAYORAL AND COUNCILLOR ALLOWANCES REVIEW**

Corporate Services Directorate

### **EXECUTIVE SUMMARY**

This report outlines and commences the process for Council to review and determine the level of Mayoral and Councillors allowances in accordance with the Local Government Act (the Act) 1989.

#### **Document/s pertaining to this Council Report**

- **Attachment 1** – Local Government Victoria Letter related to Mayoral and Councillor Allowances Review – 26 October 2012
- **Attachment 2** – Local Government Victoria Letter related to Mayoral and Councillor Allowance – Superannuation Guarantee – 14 March 2013

### **LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES**

Local Government Act 1989, Section 74(1)

### **COUNCIL PLAN**

Strategic Goal:	5.0	A Leading Organisation
Outcome:	5.1	Good Governance
Strategy No:	5.1.2	Leadership

### **CONSULTATION**

Council received a briefing on the proposed process to review Mayoral and Councillor allowances on 20 March 2013.

This review will also call for submissions from the community as required under section 74 (1) and section 223 of the Act. The process is outlined below.

### **REPORT**

#### **Background**

All Mayors and Councillors are entitled to an allowance. The range of amounts for each category of Council are set by the State Government and reviewed annually by the Minister for Local Government.

In October 2012, Council was advised in writing (**Attachment 1**) that the Minister for Local Government had reviewed the limits and ranges of Mayoral and Councillor allowances and determined, under section 73B of the Act, that the allowance range limits be increased by 2.5% from 27 October 2012 to the values outlined below:

Category 1: Councillors: \$7,542-\$17,969 per annum; Mayors: up to \$53,684 per annum

Category 2: Councillors \$9,317-\$22,405 per annum; Mayors: up to \$69,325 per annum

Category 3: Councillors: \$11,204-\$26,843 per annum; Mayors: up to \$85,741 per annum

Council sits in Category 2 and currently pays the upper limit of the range to the Mayor and Councillors, which includes the 2.5% increase applicable from 27 October 2012.

Council must review and determine the level of Mayoral and Councillor Allowances within a period of six months after a general election or by 30 June 2013, whichever is later.

A person has a right to make a submission under section 223 of the Act to this review. Council therefore needs to allocate sufficient time to ensure all steps in the process are undertaken so a final determination on allowances is made by the legislated deadline.

Until this review is complete and any decision subsequently made to vary existing amounts, Councils must continue to pay the current allowances to the Mayor and Councillors.

Councillors are also entitled to reimbursement of expenses and provision of resources and facilities support outlined in Council's Councillor Support and Expenditure Policy.

Council was also notified by Local Government Victoria in writing on 14 March 2013 (**Attachment 2**), that as part of allowances payable to Mayors and Councillors, that Council must pay the equivalent of the Superannuation Guarantee contribution (currently 9% of current allowance amounts payable).

Under amended Commonwealth legislation, Council is required to increase the Superannuation Guarantee, annually from 1 July 2013, in accordance with the following table.

<b><i>Year Commencing</i></b>	<b><i>Percentage</i></b>
1 July 2013	9.25
1 July 2014	9.5
1 July 2015	10
1 July 2016	10.5
1 July 2017	11
1 July 2018	11.5
1 July 2019	12

### **Discussion**

The Mayor and Councillors commit extensive hours each year to fulfil their civic role. They support community groups and events in the evenings, on weekends and public holidays. They also undertake background reading and research matters coming before Council. Furthermore they fulfil their decision making role, attend briefings, public presentations and Council meetings. It is for these reasons it is considered the full allowance provides some recompense for the time and resources they provide to the Shire.

### **Options**

Option 1: Maintain Mayoral and Councillor Allowances at the upper limit of the Category 2 range.

Option 2: Adjusting the current level of Mayoral and Councillor allowances within the range specified by the Minister for Category 2 Councils.

### **Proposal**

It is proposed that Council maintains Mayoral and Councillor Allowances at the upper limit of the Category 2 range, being the Mayoral allowance at the upper level of Category 2 - \$69,325 per annum and the Councillor Allowance at the upper level of Category 2 - \$22,405 per annum.

It is also proposed to incorporate the Section 223 process as part of the public submission process for the approval of Council's 2013 / 2014 Budget and 2013 / 2017 Council Plan.

## **FINANCIAL CONSIDERATIONS**

Forward budgets have included provision to continue payment of the current level of allowances adjusted by CPI and including the increases required to the Superannuation Guarantee as required under amended Commonwealth legislation as outlined in the table above.

## **RISK FACTORS**

It is important for Council to consult with the community to gain an understanding of community views on the appropriateness of the use of public funds and to be compliant with the Act. Council, in making a decision, must balance community views and ensure consistency with industry standards that support the attraction and retention of Councillors from a wide cross section of people.

## **CONCLUSION**

Council must determine the level of the Mayor and Councillor allowances and conduct a section 223 submission process before adopting the level of each.

## **RECOMMENDATION**

**That Council:**

- 1. Propose, in accordance with section 74(1) of the Local Government Act 1989, to determine to set the Mayoral allowance at the upper level of Category 2 - \$69,325 per annum and the Councillor allowance at the upper level of Category 2 - \$22,405 per annum; and**
- 2. Determine the level of Mayoral and Councillor allowance in accordance with sections 74 (1) and 223 of the Act which provides the opportunity for community consultation and submissions as part of the proposed 2013 / 2017 Council Plan under section 125 (1) of the Act and proposed 2013 / 2014 Council Budget under section 127 (1) of the Act.**

## **STAFF DISCLOSURE OF INTEREST**

**Nil**

## Attachment 1

### Circular 39 / 2012

To all Chief Executive Officers  
(as addressed)

Dear CEO

### MAYORAL AND COUNCILLORS AND ELECTION OF MAYOR

#### Annual adjustment of allowances

The Minister for Local Government, the Hon Jeanette Powell MP, has reviewed the limits and ranges of the current Mayoral and Councillor allowances, and has determined under section 73B of the *Local Government Act 1989* ('the Act') that these allowances be increased by **2.5%** from 27 October 2012. The Minister has had regard to the equivalent movement in executive remuneration announced by the Premier and recently published on the website of the State Services Authority.

Therefore, for Councils (other than Melbourne City Council), the following adjusted range limits apply under section 73B(4) of the Act, from **27 October 2012**:

- Category 1: Councillors: \$7,542 - \$17,969 per annum; Mayors: up to \$53,684 per annum
- Category 2: Councillors: \$9,317 - \$22,405 per annum; Mayors: up to \$69,325 per annum
- Category 3: Councillors: \$11,204 - \$26,843 per annum; Mayors: up to \$85,741 per annum

These adjustments were published by notice in the *Victoria Government Gazette* S360 today (available online at: [www.gazette.vic.gov.au](http://www.gazette.vic.gov.au)).

Under section 73B(5) of the Act, Councils must increase their current Councillor and Mayoral allowances in accordance with this notice. The amount equivalent to the superannuation guarantee under Commonwealth taxation legislation (currently 9%) is payable in addition to these amounts.

From 27 October 2012, the payment of allowances cannot exceed more than **one month** in advance.

#### Review of allowances after the election

Section 74(1) of the Act requires that Councils must review and determine the level of Mayoral and Councillor allowances within the period of six months after a general election or by next 30 June, whichever is later.

Under section 74(4) of the Act a person has a right to make a submission under section 223 to this review. Councils therefore need to allocate sufficient time to ensure all steps in this process are undertaken so a final determination on allowances is made by the legislated deadline.

Until this review is complete and any decision subsequently made to vary existing amounts, Councils must continue to pay the current allowances as adjusted above to their Mayors and Councillors. A Council **cannot** resolve to vary any allowances payable before then.

**Election of Mayor**

Please be aware that under section 71(3)(a) of the Act, the Councillors must elect the Mayor by no later than **30 November 2012**. Before the process for election of Mayor is undertaken, the Council may resolve to elect the Mayor for a term of two years.

Tim Presnell, Senior Governance Analyst can assist you with enquiries on these matters by phoning (03) 9208 3672 or emailing [tim.presnell@dpcd.vic.gov.au](mailto:tim.presnell@dpcd.vic.gov.au).

Yours sincerely



**Kendrea Pope**  
**Acting Executive Director**  
**Local Government Victoria**

26 / 10 / 2012



## Attachment 2



### Department of Planning and Community Development

Circular No. 09/2013

To the Chief Executive Officer  
(as addressed)

1 Spring Street  
Melbourne  
Victoria 3001  
GPO Box 2392  
Telephone: (03) 9208 3333  
Facsimile: (03) 9208 3680

Dear Sir or Madam

#### MAYORAL & COUNCILLOR ALLOWANCES – SUPERANNUATION GUARANTEE

As part of allowances payable to Mayors and Councillors, those Councils whose Councillors are not subject to tax withholding arrangements must pay the equivalent of the Superannuation Guarantee contribution (currently 9% of current allowance amounts payable).

Under Commonwealth legislation<sup>1</sup>, the Superannuation Guarantee is to increase annually from 1 July 2013 in accordance with the following table:

<i>Year commencing</i>	<i>Percentage</i>
1 July 2013	9.25
1 July 2014	9.5
1 July 2015	10
1 July 2016	10.5
1 July 2017	11
1 July 2018	11.5
1 July 2019	12

Councils must therefore automatically increase the payment of the equivalent of the Superannuation Guarantee from 9 to 9.25% of their applicable Mayoral and Councillor allowances from 1 July 2013 and implement further increases thereafter in line with the above table, under the current arrangements.

If you require clarification or assistance with this matter, please contact Tim Presnell, Senior Advisor, Governance and Legislation, telephone 03 9208 3672 or email: [tim.presnell@dpcd.vic.gov.au](mailto:tim.presnell@dpcd.vic.gov.au).

Yours sincerely

**Kendrea Pope**  
Acting Executive Director  
Local Government Victoria

14 / 3 / 2013

<sup>1</sup> Superannuation Guarantee (Administration) Amendment Act 2012



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## **E.14 COAL CREEK COMMUNITY PARK AND MUSEUM FEASIBILITY STUDY**

Development Services Directorate

### **EXECUTIVE SUMMARY**

As a response to Council's adoption of a cost neutral strategy for Coal Creek Community Park and Museum, this report submits the Coal Creek Feasibility Study Report (Feasibility Study) and Stakeholder Feedback on Coal Creek Feasibility Study (Feedback Report) for Council's consideration.

The Feasibility Study recommends a site rationalisation of Coal Creek, development of a core route with interactive technology to enhance patron experience, Education Camp precinct and a restaurant with sound and light show. The Feasibility Study shows a total investment of \$6-\$8 million will provide a return to council of \$542k - \$860k per annum.

This report recommends that Council implements the site rationalisation project at a cost of \$186,000 utilising current and future budgets and agrees to investigate grant opportunities to implement the core route with interactive technology project to compliment the site rationalisation. This report also recommends that Council notes that the Coal Creek Business Development project will undertake a development strategy.

#### **Document/s pertaining to this Council Report**

- **Appendix 1** - Coal Creek Feasibility Study dated 14 December 2012
- **Attachment 1** - Stakeholder Feedback on Coal Creek Feasibility Study report dated 11 February 2013

A copy of **Appendix 1** is available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) or by contacting 5662 9200. Please note that the diagrams contained within this Appendix may be difficult to read. Should you require assistance please do not hesitate to contact Council.

### **LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES**

- Local Government Act 1989

### **INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

- Draft Economic Development and Tourism Strategy 2012-2017

### **COUNCIL PLAN**

Strategic Goal	1.0	A Vibrant, Engaged Community
Outcome:	1.4	Heritage and History
Strategy:	1.4.2	Heritage protection

Strategic Goal:	3.0	A strong economy
Outcome:	3.1	Economic development
Strategies:	3.1.3	Economic investment
	3.1.4	Tourism
Outcome:	3.2	Employment
Strategy:	3.2.1	Employment creation

## **CONSULTATION**

There has been extensive community participation throughout the Coal Creek Feasibility Study and Business Plan project, including workshops, interviews, information newsletters and visitor surveys. The draft feasibility report was exhibited for comment between 22 December 2012 and 18 January 2013 and feedback was sought on the report's recommendations. Following a review of the received submissions, Council was briefed on 20 February 2012, and the Feedback Report forms part of this report.

## **REPORT**

### **Background**

On 22 June 2011, Council resolved 'in committee' to pursue a strategy for Coal Creek Community Park and Museum to become "cost neutral" within the next five to seven years and to create a Coal Creek Business Development Project committee consisting of two Councillors and selected staff to pursue the strategy.

Following this decision, the Coal Creek Business Development Project committee sought fixed price quotations from experienced consultants to undertake the project. Council subsequently awarded the contract to Mawland Pty Ltd in August 2012.

### **Discussion**

The Coal Creek Business Development Project has approached the project using three stages:

- Ideas Gathering (completed)
- Develop Feasibility Study (completed)
- Develop Business Plan (not yet commenced)

The first stage of the project involved investigation through site visits, consultation and interviews with community members and stakeholders, an "ideas" competition and visitor surveys. The potential ideas were analysed and scored based on competitive strength, indicative capital cost and

potential financial result. This data was presented to the steering committee and a short list of ideas was selected for further consideration.

The shortlisted ideas were then market tested for levels of interest, acceptable price ranges, and potential improvements to make the ideas more attractive to purchase.

Once the options had been market tested and subsequently refined, a competitor analysis was undertaken to identify the key strengths and limitations of similar profit generating products to those being considered for Coal Creek.

## **Options**

In the draft Feasibility Study report, four recommendations were proposed for community consultation:

### **1. Site rationalisation, involving:**

- Creating three Precincts within the site delivering distinct uses, moving some uses and buildings to consolidate the purpose of each zone, and establishing relevant new uses for empty buildings
- Removing surplus buildings and infrastructure that do not have heritage significance or high value to the interpretive experience, to reduce long term maintenance costs and risk
- Reducing vegetation, to reduce long term maintenance and risk

### **2. The development of a core route through the historic precinct involving:**

- Core set of volunteer delivered demonstrations within Historic Precinct and Stabilisation and reopening of the Black Diamond mine for guided tours
- Paid driver to reliably operate the historic diesel and steam locomotive
- Establishment of the 'Coal Creek Conspiracy' (interactive technology)

### **3. Restaurant, function facility and son et lumiere (sound and light show), built in one of three locations:**

- Option 1: Restaurant in Visitor Centre
- Option 2 Mezzanine restaurant outside Visitor Centre
- Option 3 New building opposite Mine Poppet Head (recommended)

### **4. Overnight education facility, built to one of two scales:**

- Option 1: 240 students
- Option 2: 480 students (recommended up front or as a later stage)

## Feedback Report

People providing feedback to the Feasibility Study comprised the following:

- Visitors to Coal Creek - 67%
- Staff / volunteers - 11%

There was minimal difference between the responses of visitors compared to those of local residents. Most respondents (78%) reviewed the Feasibility Report as their main source of information, suggesting that the views provided are well informed. A summary of the feedback on the ideas presented in the Feasibility Study is shown in Figure 1.

**Figure 1: Indexed positive versus negative feedback results**

Funding strategies	Support	Rejection	Indifferent
No charge for anyone (ratepayers would need to fund any deficit)	185	137	38
No charge for anyone, but charge for experiences as per the Feasibility Report (ratepayers would need to fund any smaller deficit than 4a)	101	208	34
Charge visitors but not locals, so visitors pay more than normal to make it up	225	91	28
Close it down (even if it costs \$2M to do so,) then there will be not more funding issues	33	364	34

Cost saving and profit generating strategies	Support	Rejection	Indifferent
Site rationalisation overall	255	4	29
▪ Site rationalisation: Creating three Precincts within the site delivering distinct uses, moving some uses and buildings to consolidate the purpose of each zone, and establishing relevant new uses for empty buildings	285	33	40
▪ Site rationalisation: Removing surplus buildings and infrastructure that do not have heritage significance or high value to the interpretive experience, to reduce long term maintenance and risk	221	77	48
▪ Site rationalisation: Reducing vegetation, to reduce long term maintenance and risk	175	101	59
The development of a core route through the historic precinct overall	165	17	22
▪ Core route: Core set of volunteer delivered demonstrations within Historic Precinct	330	25	23
▪ Core route: Stabilisation and reopening of the Diamond Head Mine for guided tours	394	24	17
▪ Core route: Paid driver to reliably operate the historic train	352	24	27
▪ Core route: Establishment of the Coal Creek Conspiracy (interactive technology)	256	28	54
Restaurant overall	237	29	53
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Sound and light show overall	260	38	32
▪ Restaurant and sound and light show in Visitor Centre	60	171	43
▪ Mezzanine restaurant and sound and light show outside Visitor Centre	216	66	50
▪ New restaurant building and sound and light show opposite Mine Poppet Head	289	33	33
Overnight education camp overall	286	22	28
▪ Overnight education for 240 students	296	33	34
▪ Overnight education for 480 students	228	76	34

## **Proposal**

Whilst the Feedback Report suggests an implementation strategy on page 16, Council's financial position has led to the conclusion that a smaller interim step would be more appropriate.

It is proposed that Council utilises the remainder of the Coal Creek Feasibility and Business Plan project budget to undertake a development strategy to provide further detail on the key investments of the School Camp Precinct and the Restaurant and Son et Lumiere. The development strategy would provide:

- a. Strategies for investment,
- b. Financial forecasts for each investment item and its impact on the Coal Creek long term budget,
- c. Options for staging and implementation,
- d. Options for Governance of Coal Creek into the future.

The Development Strategy would provide further detailed costs and investment strategies, including approaches to engage the private and public sector in investment and operation. The Development Strategy would also provide a basis for Council to secure public and/or private sector investment. Once additional public and private sector funding is secured, the private sector proponent(s) - if appropriate - and Coal Creek would prepare a business plan for Council review.

Concurrently, it is also proposed to utilise existing budgets to commence implementation of the site rationalisation project and seek grants for implementation of the core route with interactive technology project.

This approach would allow Council to work within existing budgets to secure ROI as soon as practical to reduce Coal Creek's net operational expenditure and add value to the visitor experience in the short term. At the same time, the more strategic considerations can be modelled and planned for accordingly. Council can then decide separately whether the larger investments can proceed into the future.

## **FINANCIAL CONSIDERATIONS**

The Feasibility Study states that implementing all of the recommendations will cost between \$6 million and \$8 million. As a consequence of this investment, Coal Creek could reduce its required Capital Works Program by \$1 million over ten years, and reduce its annual deficit by between \$520,000 and \$860,000. A minimum investment of \$6 million will generate a Return on Investment (ROI) of 9.1% while the more substantial investment of \$8 million will generate an ROI of 10.7%.

The Feasibility Study indicates that it would cost approximately \$186,000 to implement the Site Rationalisation project. This cost can be funded in Coal Creek's current (12/13) and forward (13/14) capital budgets. It would also provide an opportunity to reduce the future years' capital works program in light of a changed site plan.

Leveraging this investment, the core route with interactive technology can then be implemented at a cost of \$309,000 allowing generation of approximately \$225,000 per annum in gross profit. Therefore, the capital cost for this combined initiative (total \$495,000) is likely to be recovered in approximately two years and thereafter reduce the operating deficit by \$225,000 per annum. There is no budgeted capital funding for the core route so therefore it is proposed that a contribution towards a potential grant from the state government be referred to the 2013/14 budget process.

**Figure 2: Summary of Capital Costs for Site Rationalisation and Capital Costs for Core Route**

<b>Capital costs for Asset Improvement Program and Site Rationalisation</b>		
<b>Cost item</b>	<b>Subtotal</b>	<b>Cost</b>
<b>Building / infrastructure transfer (5 buildings)</b>		
4 Timber buildings (22, 27, 28, 62 and Westerns Cottage) @ \$3,000 / building	-\$15,000	
<input type="checkbox"/> Waterwheel conserved and operational	-\$5,000	
<b>Total building / infrastructure transfer costs</b>		<b>-\$20,000</b>
<b>Building / infrastructure removal</b>		
<input type="checkbox"/> 8 Buildings (24, 25, 34, 35, 36, 37, 61, 62) @ \$1,500 per building	-\$12,000	
<input type="checkbox"/> Two walking bridges	-\$2,000	
<input type="checkbox"/> Middle and Silkstone Stations	-\$1,000	
<input type="checkbox"/> Second Coal Mine	-\$10,000	
<b>Total building / infrastructure removal</b>		<b>-\$25,000</b>
<b>Vegetation reduction</b>		
<input type="checkbox"/> Historic Precinct	-\$2,000	
<input type="checkbox"/> Multi Purpose Precinct	-\$18,000	
<input type="checkbox"/> Overnight Education Precinct	-\$2,000	
<input type="checkbox"/> Overnight Education Precinct	-\$5,000	
<b>Total vegetation reduction</b>		<b>-\$27,000</b>
<b>Use transfer</b>		
<input type="checkbox"/> Destination Gippsland departure	-\$5,000	
<input type="checkbox"/> Destination Gippsland departure	\$0	
<input type="checkbox"/> Staffed Visitor Information Counter departure10	\$0	
<input type="checkbox"/> Sustainability Centre to timber building in front of playground11	-\$2,000	
<input type="checkbox"/> Fitout for new uses in Building 48 and buildings 22	-\$5,000	
<input type="checkbox"/> Blooms Play Group into timber building in front of playground13	-\$2,000	-\$14,000
<b>Total use transfer costs</b>		
<b>Upgrade Visitor Centre displays and retail area \$75,000</b>		<b>-\$75,000</b>
<b>New branded retail product</b>		<b>-\$25,000</b>
<b>Total capital costs for asset improvement program and site rationalisation</b>		<b>-\$186,000</b>
<b>Capital costs for core route</b>		
<b>Cost item</b>	<b>Subtotal</b>	<b>Cost</b>
Route marking (pictogram posts / fences)	-\$500	
Stabilisation and reopening of the Black Diamond mine for guided tours	-\$140,000	
Research and training for volunteers delivering mine tour	-\$2,000	
Production of recorded commentary and audio equipment for train	-\$5,000	
<b>Total core route preparation costs</b>		<b>-\$147,500</b>
<b>Coal Creek Conspiracy</b>		
<input type="checkbox"/> Script writing and production	-\$40,000	
<input type="checkbox"/> Filming, props, actors, lighting, music, sound effects	-\$40,000	
<input type="checkbox"/> Programming, IT development, data projector for audio visual	-\$69,500	
<input type="checkbox"/> 60 tablets & cases @\$200 each14	-\$12,000	
<b>Total Coal Creek Conspiracy</b>		<b>-\$161,500</b>
<b>Total capital costs for core route</b>		<b>-\$309,000</b>
<b>Total costs for South Gippsland Budget 2013-14</b>		<b>-\$495,000</b>

**Figure 3: Summary of Financial Analysis**

Strategy	Capital Investment (one off)	Operational Impact to Coal Creek (per annum)	Capital Program Impact (over 10 years)
Site Rationalisation	-\$186,000	\$0	0
Capital Works Program	\$0	\$0	\$1,050,000
Core Route with core demonstrations and mobile interactive technology	-\$309,000	\$225,000	0
Restaurant, Function centre and son et lumiere	-\$2,431,000	\$414,700	0
Overnight Accommodation - 440 student capacity	-\$3,784,000	\$221,500	0
<b>Total</b>	<b>-\$6,710,000</b>	<b>\$861,200</b>	<b>\$1,050,000</b>

## RISK FACTORS

There is a risk that the high level estimated costs in the Feasibility Study are inaccurate for the works required for the Site Rationalisation and core route projects. However, the proposal includes developing more specific costs for the project within a project plan which will be managed by the Coal Creek Development Project steering committee before works are undertaken. If there are material variations to the high level estimates, the Coal Creek Development Project steering committee will take necessary steps to address or provide recommendations to council if necessary.

## CONCLUSION

It is evident from the Feasibility Study report that there is considerable potential in advancing the recommendations of the Coal Creek Feasibility Study to achieve Council's strategy of cost neutrality. While finding sufficient funds for investment will be a challenging objective, it appears logical to deliver as much of the feasibility as can be afforded in the short term whilst concurrently developing a strategy for the larger investments.



## **RECOMMENDATION**

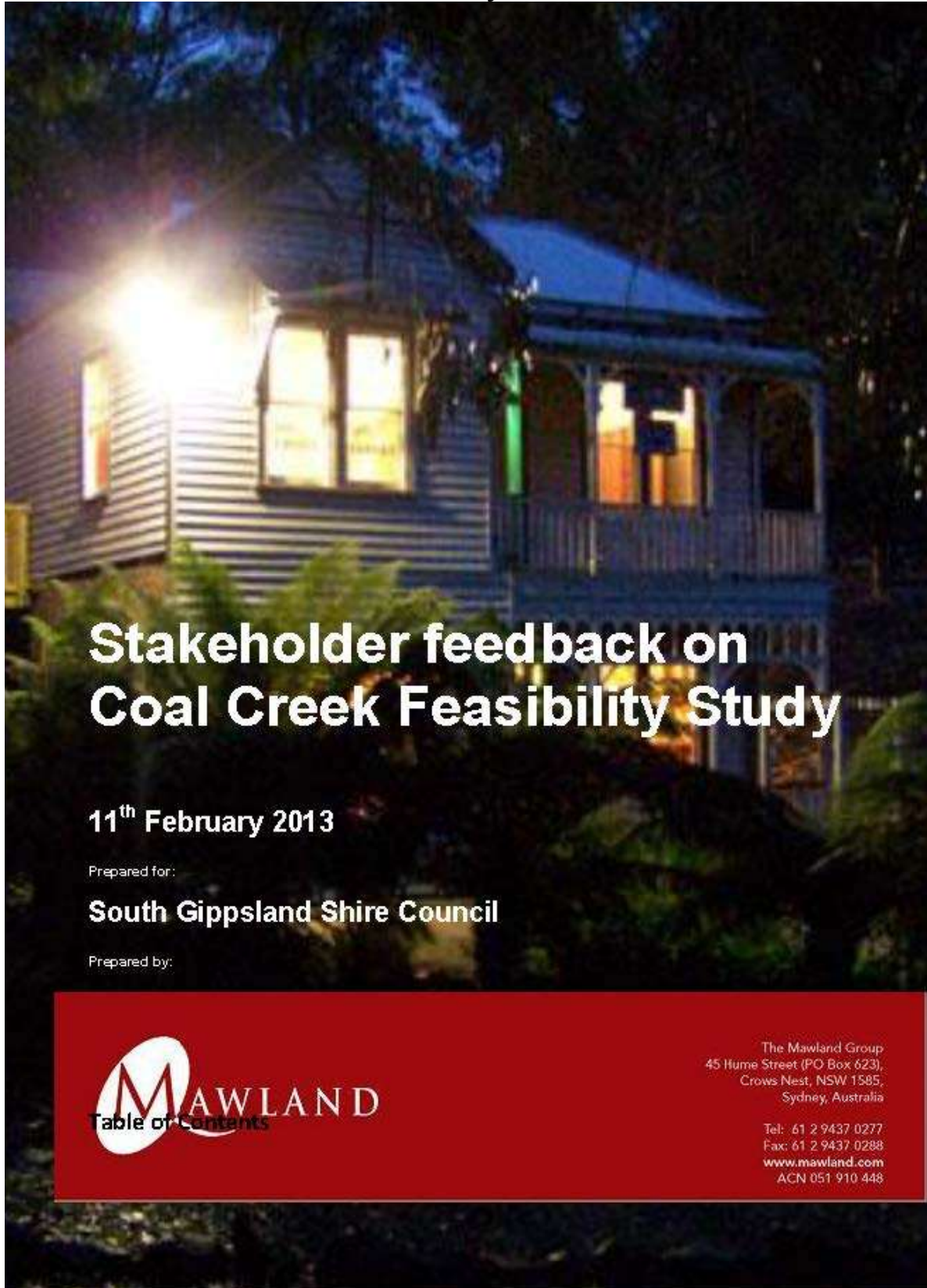
### **That Council:**

- 1. Endorse the Coal Creek Feasibility Study dated 14 December 2012 and note the Stakeholder Feedback on Coal Creek Feasibility Study report dated 11 February 2013.**
- 2. Note the commencement of a Coal Creek Development Strategy that will provide further detail on the key investments of the School Camp Precinct and the Restaurant and Son et Lumiere, including:**
  - a. Strategies for investment,**
  - b. Financial forecasts for each investment item and its impact on the Coal Creek long term budget,**
  - c. Options for staging and implementation,**
  - d. Options for Governance of Coal Creek into the future,**
- 3. Implement the Coal Creek Site Rationalisation project as outlined in the Feasibility Study as soon as practical, utilising the remaining unallocated 2012/13 Coal Creek capital works budget of \$80,000, and refer the balance of the estimated Coal Creek Site Rationalisation project expenditure to the 2013/14 Budget Process; proposing to utilise the anticipated Coal Creek Capital Works program of \$100,000 for 2013/14.**
- 4. Consider the allocation of \$309,000 for the "Core Route with Interactive Technology" project in line with the 2013/14 Budget.**

### **STAFF DISCLOSURE OF INTEREST**

Nil

**Attachment 1  
Stakeholder feedback on Coal Creek Feasibility  
Study**



**Stakeholder feedback on  
Coal Creek Feasibility Study**

**11<sup>th</sup> February 2013**

Prepared for:

**South Gippsland Shire Council**

Prepared by:



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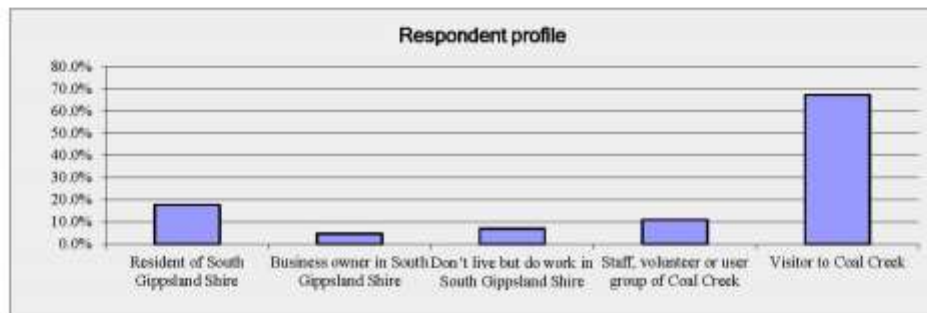
<b>1. INTRODUCTION</b>	<b>3</b>
<b>2. RESPONDENT PROFILE</b>	<b>3</b>
<b>3. RESPONDENT VIEW ON ONGOING FUNDING</b>	<b>4</b>
<b>4. RESPONDENT SUPPORT FOR SITE RATIONALISATION</b>	<b>4</b>
<b>5. RESPONDENT SUPPORT FOR CORE ROUTE</b>	<b>7</b>
<b>6. RESPONDENT SUPPORT FOR RESTAURANT AND FUNCTION CENTRE</b>	<b>9</b>
<b>7. RESPONDENT SUPPORT FOR SOUND AND LIGHT SHOW</b>	<b>9</b>
<b>8. RESPONDENT SUPPORT FOR EDUCATION CAMP</b>	<b>12</b>
<b>10. OTHER COMMENTS</b>	<b>14</b>
<b>11. SUBSEQUENT RECOMMENDATIONS</b>	<b>15</b>

## 1. Introduction

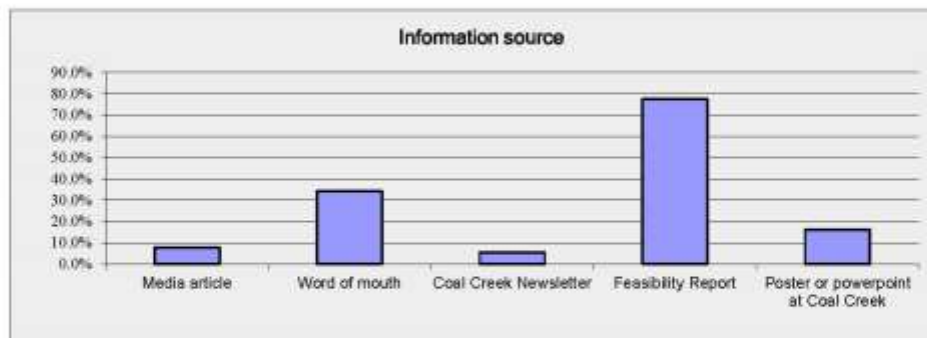
The Coal Creek Feasibility Report was locally exhibited between late December 2012 and January 2013. Approximately 190 submissions were received. All but one person used the feedback form provided. The one individual that did not chose to write three consecutive letters. Five submissions were only provided in part or too illegible to analyse. The following analysis therefore covers 182 form-based submissions.

## 2. Respondent profile

The main views expressed about the Feasibility Study were from visitors to Coal Creek (67%) – a surprisingly high proportion, suggesting staff and volunteers worked hard to get visitors to respond. Some 19 staff / volunteers (11%) provided responses. An analysis of visitor responses to the questions confirmed there was minimal difference in the responses to those of local residents. Respondents could elect multiple answers, so some chose being a resident and business owner / worker / staff / volunteer.



Most respondents (78%) reviewed the Feasibility Report as their main source of information, so it is reasonable to assume the views provided are relatively well informed. Word of mouth was more effective than media at triggering feedback.



### 3. Respondent view on ongoing funding

The survey technique failed to draw logical and clear conclusions from the challenge of how to financially support the site through some kind of user pays system. The complex topic is better addressed through a series of focus groups. The only reliable result is that the respondents do not want the site closed.

The second strongest opinion across the entire survey was that the site should not be closed down. The responses supporting closure were 10 visitors and one resident. However, respondents really struggled to come to grips with choosing a user pays to generate more revenue for the site – probably caused by the current situation of free entry distorting a normal starting position of paying for a value proposition (experiencing Coal Creek). There was no strong direction on whether to avoid charging anyone (ratepayers would need to fund any deficit). As many people supported this as did rejected it.

The overall results suggest a rejection of the idea to avoid charging anyone for entry, but instead charge for experiences as per the Feasibility Report (ratepayers would need to fund any smaller deficit). However, further analysis of the data in the table below indicates that visitors drove this rejection more than locals.

#### Funding - no change but charge for experiences

	Overall	Residents	Business	Workers	Staff / Vols	Visitors
Great idea	11.0%	17	1	0	1	14
Support	16.2%	25	5	0	0	18
Neutral, could take or leave it	22.1%	34	7	1	3	18
Unhappy	16.9%	26	3	2	2	18
Very unhappy	33.8%	52	11	5	3	34
Skipped		23	4	0	3	16

The only direction that generated some support was to charge visitors but not locals, so visitors pay more than normal to make up the lost income from residents. The table below suggests that this position was supported more by locals than visitors.

	Overall	Residents	Business	Workers	Staff / Vols	Visitors
Great idea	36.1%	57	14	6	6	31
Support	26.8%	42	8	1	3	27
Neutral, could take or leave it	15.2%	24	1	0	1	17
Unhappy	8.9%	14	2	9	0	12
Very unhappy	13.3%	21	5	1	1	14
Skipped		19	1	0	1	17

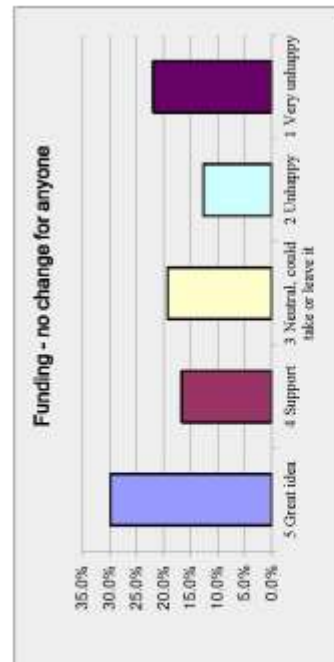
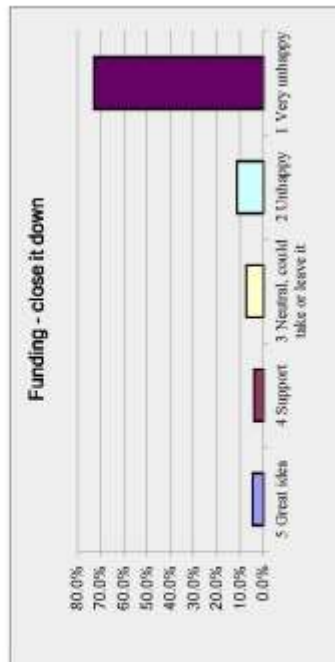
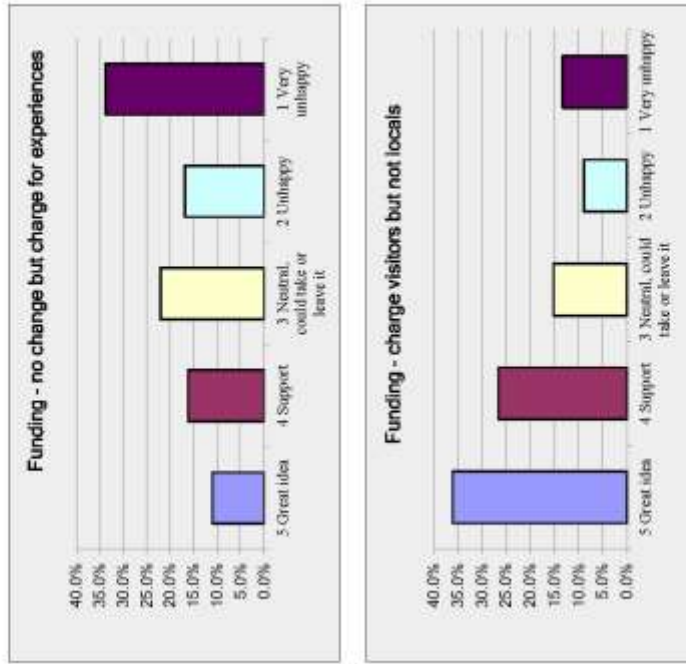
The four figures on the next page illustrate the differences in the results.

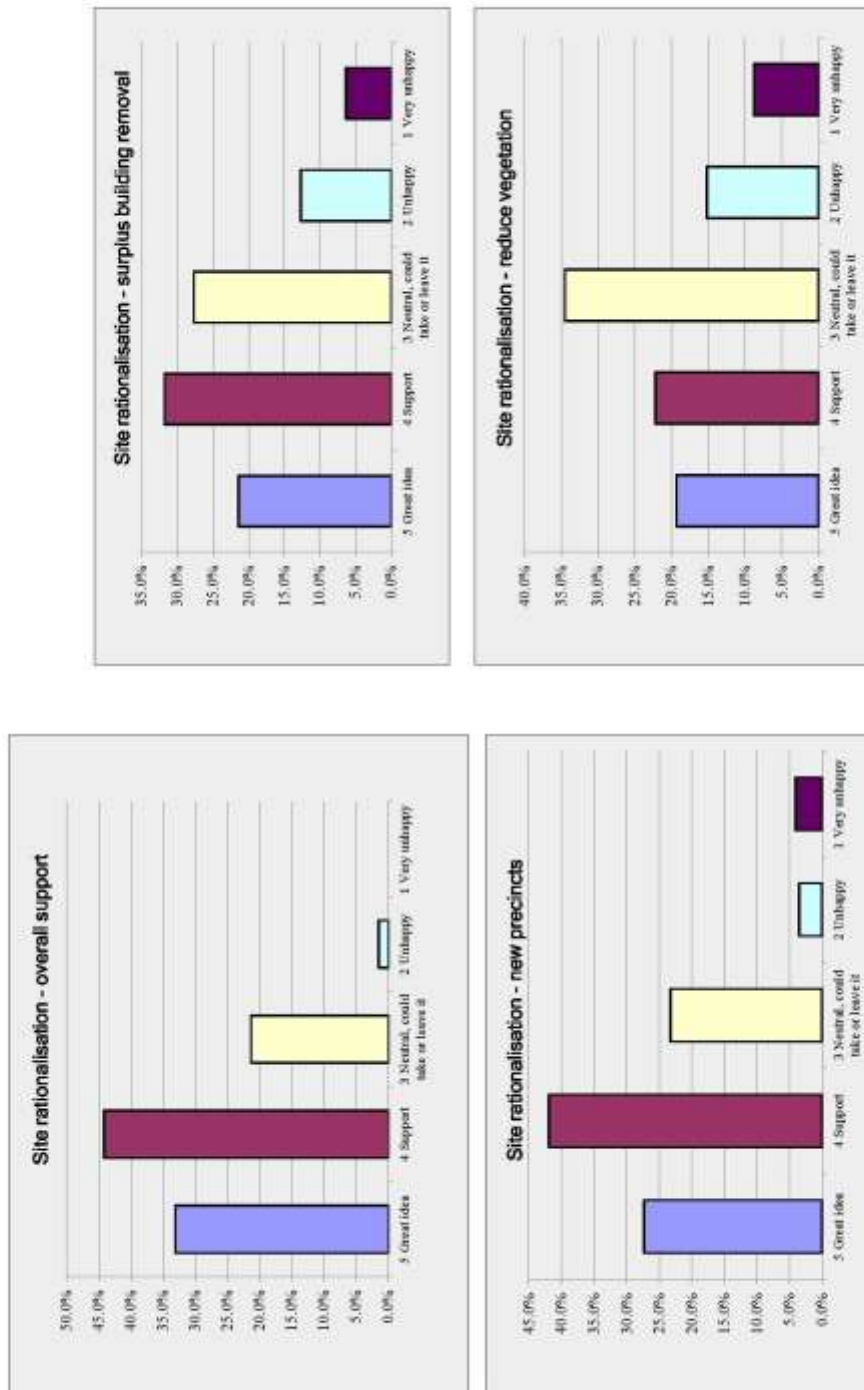
### 4. Respondent support for site rationalisation

There was overall solid support for site rationalisation, though fewer respondents ranked the overall strategy compared to the specific examples. Specific site rationalisation strategies received the following responses:

- **strong support for creating three Precincts** within the site delivering distinct uses, moving some uses and buildings to consolidate the purpose of each zone, and establishing relevant new uses for empty buildings;
- **strong support for removing surplus buildings and infrastructure** that do not have heritage significance or high value to the interpretive experience, to reduce long-term maintenance and risk. Support was marginally but not significantly lower than the precinct strategy; and
- **support for reducing vegetation**, to reduce long term maintenance and risk, though this was lower than other forms of site rationalisation.

The four figures on the next page illustrate the differences in the results.





Page 6

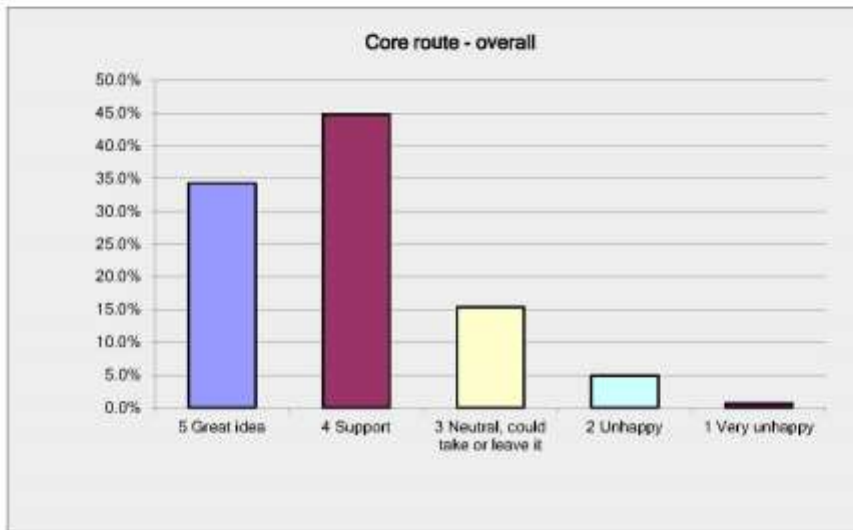
Stakeholder feedback on the Feasibility Study for Coal Creek Community Park and Museum

## 5. Respondent support for core route

The support for the development of a core route through the historic precinct was the strongest of all the strategies.

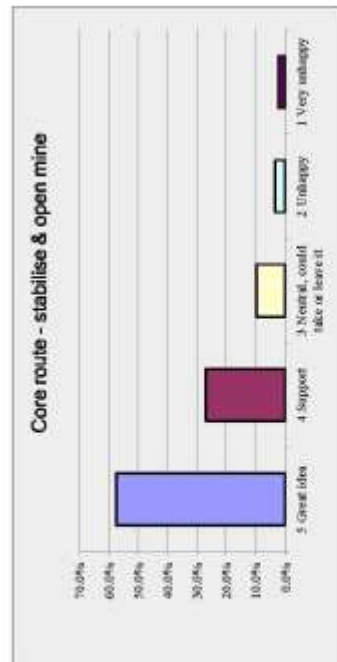
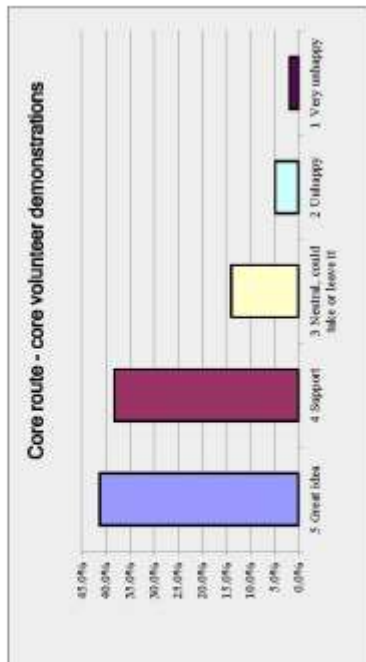
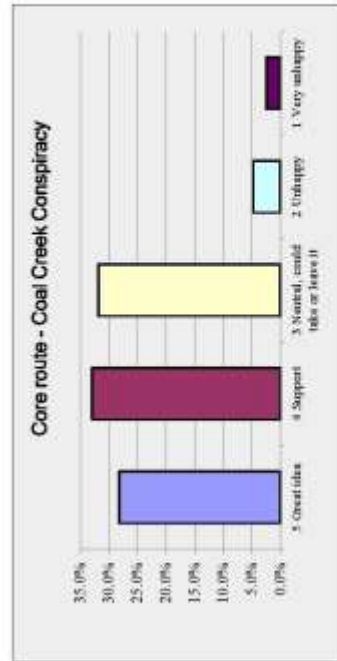
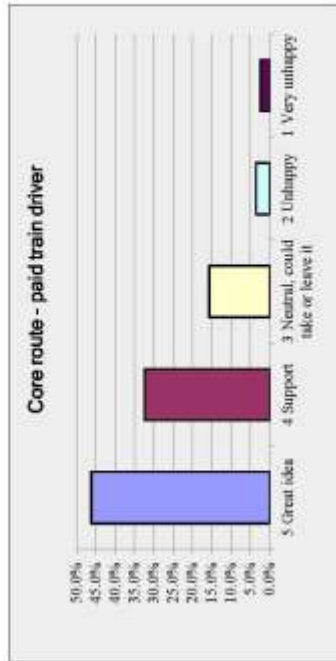
The specific strategies generated higher support than the overall concept (again probably because it is probably too academic a term to illicit as much of a response:

- Extremely high support was given for the stabilisation and reopening of the Diamond Head Mine for guided tours – this was the strongest support for any initiative tested;
- there was very strong support for a paid driver to reliably operate the historic train – the second strongest action within this strategy;
- there was very strong support for a core set of volunteer delivered demonstrations within Historic Precinct; and
- there was strong support for the establishment of the Coal Creek Conspiracy (interactive technology)



The four figures on the next page illustrate the differences in the results for the four elements of the core route.





Page 8

Stakeholder feedback on the Feasibility Study for Coal Creek Community Park and Museum

## **6. Respondent support for restaurant and function centre**

There was sound support for the establishment of a new, larger restaurant serving higher quality food more efficiently. Support for a function centre was much lower than the restaurant – partly because many respondents skipped the question and / or probably because few visitors perceived direct value to themselves. Nonetheless, there was very little rejection of the proposition.

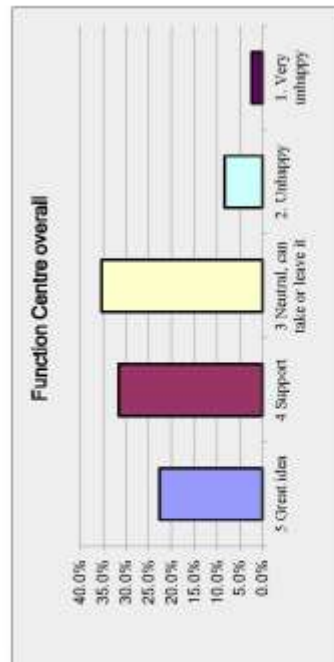
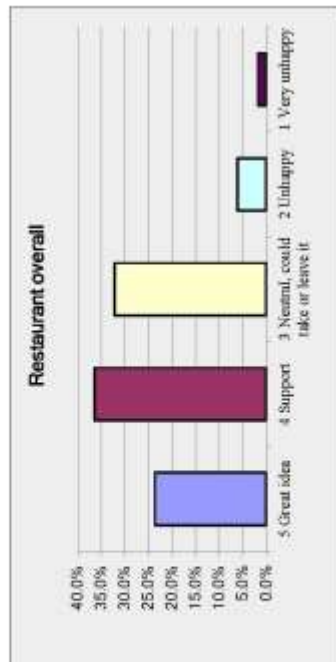
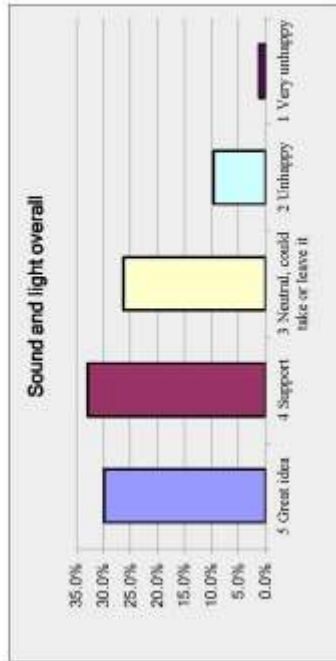
The two figures on the next page illustrate the support for the restaurant versus the function centre.

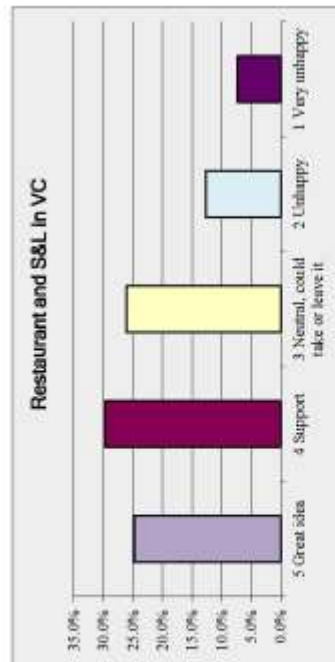
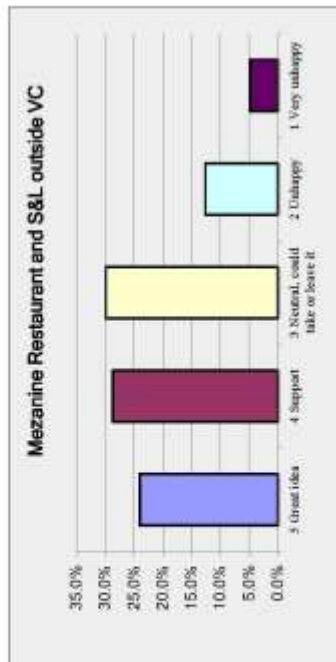
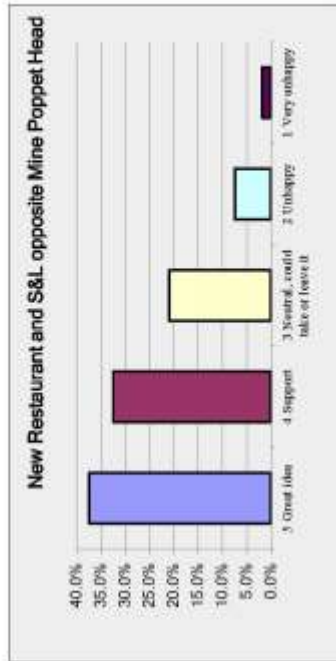
## **7. Respondent support for sound and light show**

There was strong support for a sound and light show – stronger than for a restaurant. The preferred site for a combined restaurant and sound and light show was opposite the Mine Poppet Head. This location was particularly supported by staff, volunteers and residents. Locating the facility within the existing visitor centre building was the least popular site. There was support for locating the facility outside the Visitor Centre on a mezzanine level – but it wasn't as strong as opposite the mine.

The figure on the next page illustrates the support for the sound and light show.

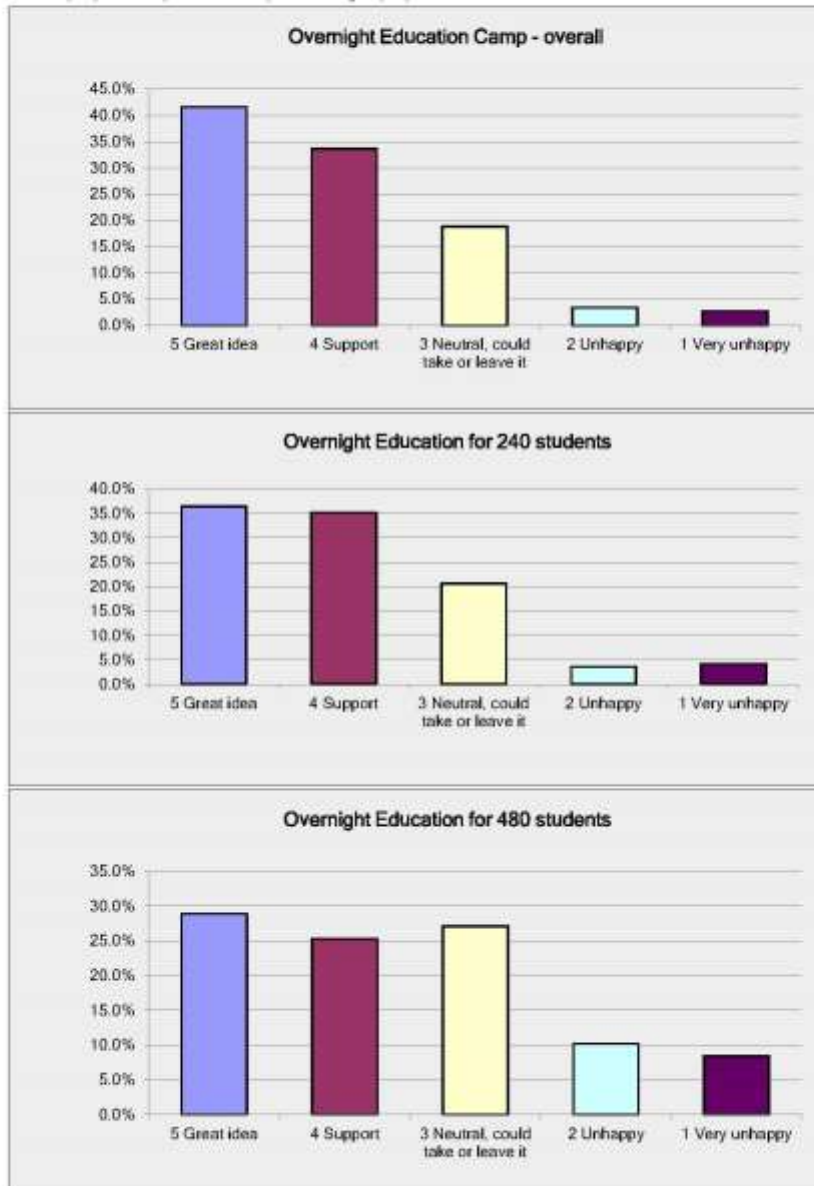
The three figures on the following page again, illustrate the relative support for the three potential locations of the restaurant and sound and light show.





### 8. Respondent support for education camp

There was strong support to introduce an overnight education camp overall, with respondents preferring a smaller proposition (240 students) to the larger proposition of 480 students.



## 9. Indexed positive versus negative results

Positive and negative responses were indexed to generate an overall weight (multiplying the extreme values by 3 (great idea and very unhappy) and the moderate perspectives by 2 (support and unhappy)

Funding strategies	Support	Rejection	Indifferent
No charge for anyone (ratepayers would need to fund any deficit)	185	137	38
No charge for anyone, but charge for experiences as per the Feasibility Report (ratepayers would need to fund any smaller deficit than 4a)	101	208	34
Charge visitors but not locals, so visitors pay more than normal to make it up	225	91	28
Close it down (even if it costs \$2M to do so,) then there will be not more funding issues	33	364	34

Cost saving and profit generating strategies	Support	Rejection	Indifferent
Site rationalisation overall	255	4	29
▪ Site rationalisation: Creating three Precincts within the site delivering distinct uses, moving some uses and buildings to consolidate the purpose of each zone, and establishing relevant new uses for empty buildings	285	33	40
▪ Site rationalisation: Removing surplus buildings and infrastructure that do not have heritage significance or high value to the interpretive experience, to reduce long term maintenance and risk	221	77	48
▪ Site rationalisation: Reducing vegetation, to reduce long term maintenance and risk	175	101	59
The development of a core route through the historic precinct overall	165	17	22
▪ Core route: Core set of volunteer delivered demonstrations within Historic Precinct	330	25	23
▪ Core route: Stabilisation and reopening of the Diamond Head Mine for guided tours	394	24	17
▪ Core route: Paid driver to reliably operate the historic train	352	24	27
▪ Core route: Establishment of the Coal Creek Conspiracy (interactive technology)	258	28	54
Restaurant overall	237	29	53
Function Centre overall	174	31	47
Sound and light show overall	260	38	32
▪ Restaurant and sound and light show in Visitor Centre	60	179	43
▪ Mezzanine restaurant and sound and light show outside Visitor Centre	216	66	50
▪ New restaurant building and sound and light show opposite Mine Poppet Head	289	33	33
Overnight education camp overall	288	22	28
▪ Overnight education for 240 students	296	33	34
▪ Overnight education for 480 students	228	76	34

## **10. Other comments**

### **Who commented**

Almost a third of all respondents (80) provided further comments at the end of the feedback form. The majority of comments were received from visitors (45), followed by staff / volunteers (7), residents (5), Business owners (3) and a working non-resident (1).

### **Dominant themes**

The theme receiving the greatest amount of feedback was charging. Some 20 responses proposed greater charging (13) for an entry fee of approximately \$5 per person), eight for greater charging for demonstrations / tours and four for a gold coin donation.

The theme receiving the second largest amount of feedback (12) was to increase the scale and range of historically themed retail opportunities. People entering and not being charged said they subsequently had approximately \$50 cash they were quite happy to spend on retail, but wanted more choice.

### **Specific comments on the Report**

Specific suggestions to enhance the existing Feasibility Report were: whatever happens, consolidate and unify the experience and don't let it become all things to all people(4); seek Commonwealth and State funding (4); add another accommodation business that matches the market being targeted for the night time experiences (4); ensure any restaurant offers improved food (2); and differentiate the education programs offered between day and overnight (1).

Several people commented on the professionalism of the report and two resented that their ideas from the workshops had not been pursued (even though they were voted off the priority list at the time by the group).

### **Non-commercial value adding**

Beyond this was a range of suggestions on how to add value to the experience – but with no connection to gaining any commercial return for the site. Ideas included: more displays and signs; horse and cart rides; audio-visual productions; train commentary; gardens and local food production.

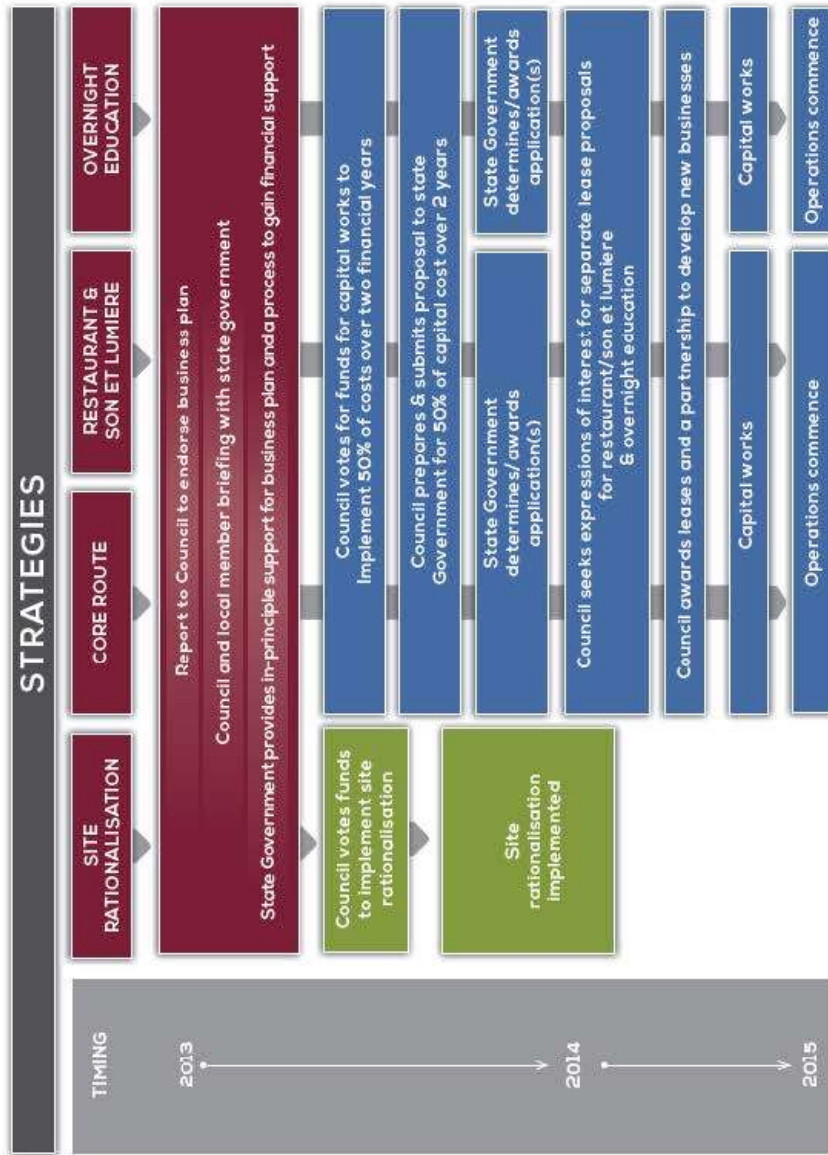
## 11. Subsequent recommendations

1. Council needs to determine how much capital it is prepared to invest in the site, in principle, subject to below steps (ie \$3M-\$4M if it seeks and achieved \$ for \$ funding with State government)
2. Proceed to develop a Business Plan designed to document capital costs, forecasts (and their assumptions) and implementation plan
  - All of the site rationalisation strategies
  - All of the core route strategies
  - A restaurant and son et lumiere opposite the Mine Poppet Head
  - An overnight Education Camp for 240 students
3. Council proceed with Site Rationalisation as a vote into the 2013/14 budget.
4. Brief the State government on the project and determine:
  - Their in-principle support to become a financial partner implementing the capital works
  - What process and submission is required for government to fully consider the proposal
5. Council determine what ongoing involvement it wants in the site:
  - Sub-lessee to an overnight education operator
  - Sub lessee to a restaurant and son et lumiere and ongoing Council service delivery of property management, visitor centre and volunteers
  - Sub lessee to property management and all visitor service operations excluding overnight education
  - Council and the State government determine whether to concurrently fund and implement all works, or stage the works (if the latter, we recommend introducing the overnight education first)

**And full  
financial  
analysis**

A Draft implementation plan is provided on the next page. Variations of this plan can be drawn up to reflect the alternatives presented above.





## **E.15 GIPPSLAND FREIGHT STRATEGY**

Development Services Directorate

### **EXECUTIVE SUMMARY**

This report presents the Gippsland Freight Strategy for endorsement by Council prior to adoption by the Gippsland Local Government Network (GLGN).

*Document/s pertaining to this Council Report*

### **Appendix 1 - Gippsland Freight Strategy**

A copy of **Appendix 1** is available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) or by contacting 5662 9200.

### **LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES**

Victorian State Freight and logistics Plan, Gippsland Regional Plan 2010

### **INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

Nil

### **COUNCIL PLAN**

Strategic Goal:	2.0	A Sustainable Environment
Outcome:	2.2	Land Management
Strategy No:	2.2.1	Land Use Planning
Strategic Goal:	3.0	A Strong Economy
Outcome:	3.3	Infrastructure
Strategy No.:	3.3.4	Land Use Planning

### **CONSULTATION**

The Gippsland Freight Strategy has been developed in consultation with local Councils, State Government agencies, and industry.

### **REPORT**

#### **Background**

The Gippsland Local Government Network (GLGN) in consultation with the Department of Transport and industry representatives has developed the Gippsland Freight Strategy to prioritise and inform both State and Federal Governments on the freight tasks in Gippsland and support priority projects.

The development of the Strategy has been guided by the objectives and policy settings of the Victorian State Freight and Logistics Plan and the

strategic vision of the Gippsland Regional Plan 2010. It also aligns with the Gippsland Integrated Land Use plan currently being developed.

### **Discussion**

The Gippsland Freight Strategy sets out the actions necessary to enable the efficient movement of a growing freight task. It identifies the scale and diversity of the existing freight task and the task required to accommodate new and emerging industries. This includes identifying investments in critical infrastructure, regulatory reforms to facilitate heavy vehicle access between Gippsland and other regions (including southern New South Wales), improved access to skills training and job opportunities and planning to ensure that the communities in Gippsland can accommodate the future freight task while minimising amenity impacts.

The key actions of the Gippsland Freight Strategy are:

- Infrastructure planning to support the coal industry - planning for improved transport connections to facilitate the development of new clean coal industries.

Connections to the National Network - transport options for improving road and rail connections from the Gippsland corridor to other parts of the National Network.

Princes Highway upgrades - enhance the capacity and alignment of the Princes Highway to Sale and between Sale and the NSW border. This action also proposes to commence planning work on town bypasses and alternate routes for Sale and Bairnsdale and add the Princes Highway (from Sale to the Port of Eden) to the National Network.

South Gippsland Highway - enhance the capacity and alignment of the South Gippsland Highway in line with the South Gippsland Highway Corridor Strategy.

Bass Highway - enhance the capacity and alignment in line with the Bass Highway and Phillip Island Road Corridor Strategy.

'B' and 'C' class roads - Upgrade selected Victorian arterial roads that support the movement of freight across the Strzelecki and Great Dividing Ranges.

Local Roads - Improve key local roads to meet the needs of the mining, agriculture and forestry industries.

Productivity - Improve industry productivity in Gippsland by maintaining road conditions to appropriate performance standards

Melbourne-Bairnsdale rail line - Maintain and enhance the capacity of the Bairnsdale-Melbourne rail line to assist bulk and containerised commodities movement. This action also recommends that the Melbourne-Bairnsdale rail line be added to the declared National Network.

South Gippsland rail line - Maintain State ownership of the South Gippsland Corridor.

Intermodal Facilities - promote the development of rail-road intermodal facilities at Morwell, West Sale and Bairnsdale where there is a valid business case.

Development of the Port of Hastings - The proposed Port of Hastings development will consider the opportunity for the future export of large scale bulk trades from Gippsland.

Local port facilities in Gippsland - Work with the Department of Transport, Gippsland Ports and the private sector to maintain and enhance local port facilities to support the oil, gas and fishing industries.

Gippsland air freight - Promote the development of an air freight service out of Gippsland.

Improving B-Double access - Consider opportunities to increase B-Doubles access across the Great Dividing Range (e.g. along the Great Alpine Road).

Cross-border harmonisation of regulations - Engage with the Governments of New South Wales and Australian Capital Territory to harmonise cross-border regulations for heavy vehicles.

High Productivity Freight Vehicles - Consider an extension of the HPFV network to Sale, subject to satisfactory outcomes of the current HPFV trial, completion of the Traralgon to Sale duplication, and resolution of issues within metropolitan Melbourne.

Over dimensional vehicles - identify appropriate routes for the import of over dimensional plant and equipment.

Access to training and learning opportunities - Work with education and training providers and local industry to improve access to training and learning opportunities.

Employment opportunities in transport and logistics - identify opportunities to increase the diversity of the transport and logistics workforce, including opportunities for part-time workers.

Socio-economic and community development - develop and implement the Gippsland Integrated Land Use Plan to accommodate future urban expansion within Gippsland towns, without compromising the potential development of the region's natural resources.

## **FINANCIAL CONSIDERATIONS**

Nil

## **RISK FACTORS**

Nil

## **CONCLUSION**

The Gippsland Freight Strategy will benefit the South Gippsland Shire Council in planning and funding for the future growth and enhancement of freight tasks in the region. It provides a plan to manage existing and new infrastructure as the region grows. The benefit of a region wide plan is so that there are clear links with each council area providing efficient and cost effective movements from, to and within the region.

## **RECOMMENDATION**

**That Council endorse the Gippsland Freight Strategy for adoption by the Gippsland Local Government Network.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

## **E.16 PLANNING SCHEME AMENDMENT C68 - MUNICIPAL STRATEGIC STATEMENT POLICY-NEUTRAL REVIEW**

Development Services Directorate

### **EXECUTIVE SUMMARY**

Since the issue of a Practice Note in 2010, the Department of Planning and Community Development (DPCD) has required the Municipal Strategic Statement (MSS) in planning schemes to conform to a prescribed role, format, structure and style. The reasons for this guidance are to obtain clarity, relevance and consistency across all planning schemes throughout the state.

South Gippsland Planning Scheme is one of the last in the State to revise its MSS to the required style. The revision by Amendment C68 is policy-neutral (i.e. the underlying policy direction is unchanged); this is an administrative process and does not require public notification. Consequently Council can request the Minister for Planning to approve C68 under Clause 20(4) of the Planning and Environment Act 1987.

#### **Document/s pertaining to this Council Report**

- **Attachment 1** - Amendment documentation Explanatory Report
- **Appendix 1** - Current planning scheme 'Contents' and 'MSS' sections
- **Appendix 2** - Revised 'Contents' and 'MSS' sections
- **Appendix 3** - Table of Changes - attachment to Explanatory Report

**Appendix 1, 2 and 3** are available on Council's website:  
[www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) or by contacting 5662 9200.

### **LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES**

Planning and Environment Act 1987

Practice Note 04 September 2010 - Writing a Municipal Strategic Statement

### **INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

#### **COUNCIL PLAN**

Strategic Goal:	3.0	A strong economy
Outcome:	3.3	Infrastructure
Strategy No:	3.3.1	Land-use planning

## **CONSULTATION**

Extensive officer-level consultation has been undertaken with DPCD Gippsland regional office. As this review is a 'policy neutral' one, public consultation is not required.

Internal consultation has been undertaken with Council's strategic and statutory planning teams.

## **REPORT**

### **Background**

This has been a project that has progressed slowly since 2010 for a combination of reasons including staff changes at Council and DPCD, the complexity and detail of the amendment, and changes associated with the development of the Rural Land Use Strategy and its implementation into the planning scheme.

The regional office of DPCD and Council are keen for this amendment to be completed to align South Gippsland's Planning Scheme with other municipalities. DPCD region has assisted considerably with the Amendment.

### **Discussion**

C68 revises the MSS so that in accordance with Ministerial Direction 11:

- Contents are written in plain English, brief, clear and presented in a logical order.
- Language is active and positive.
- Material that is unnecessary, irrelevant, incorrect, outdated, conflicting or repetitive is removed and omissions are fixed.
- Logical relationships are made between Visions, Objectives and Strategies, and the controls on land use and development.
- The State Government requirement to review and conform to a format is fulfilled and the MSS supports implementation of the State Planning Policy Framework.

The MSS is part of a working document guiding development and land use planning in the municipality. The MSS provides strategic policy direction for future strategic planning actions and provides context for consideration of planning permit applications. Scenic descriptions, excess detail and visions for non-planning matters are irrelevant.

The revision provides clarity to the MSS. The existing MSS (**Appendix 1**) is unclear due to state and local amendments that have occurred since Amendment C1 was approved in July 2001. Consistency, simplicity and

logical flow make interpretation easier for all users, from locals wanting a one-off development, to professionals investing in land use and development throughout Victoria.

The revision's structural changes have resulted in many clauses being re-numbered. Content has been dispersed to new locations, reordered and re-phrased. As the MSS is lengthy and constructed from a series of sub-clauses, a 'track changes' version comparing the existing MSS with the revised MSS is impracticable. The unity of the MSS achieved by the complex inter-relationships between its components, means that a comprehensive rewrite is required.

The planning scheme's revised Contents list and MSS is provided in **Appendix 2. Attachment 1** contains the Explanatory Report required as part of the Amendment's documentation. That report's appendix, a detailed 'Table of Changes,' is located at **Appendix 3**. For comparison, the existing MSS can be viewed in hard copy or online at <http://planningschemes.dpcd.vic.gov.au/southgippsland/home.html> . Other clauses affected by the revision (for example the planning scheme contents and some particular provisions) can be viewed on the same web page.

### **Options**

Council has the options of adopting or deferring the revised MSS. After extensive consultation and negotiation, verbal advice from DPCD regional office supports the revised version and a Ministerial amendment. Deferral would be contrary to State Government direction and risks alienating the considerable support provided from the DPCD regional office.

### **Proposal**

That Council adopts C68 and requests the Minister for Planning to approve the amendment under cl. 20(4) of the Planning and Environment Act.

### **FINANCIAL CONSIDERATIONS**

Adopting the amendment has no financial expenditure implications for Council but will provide clarity and consistency to Planning Permit applications and Planning Scheme Amendments with corresponding time and cost savings.

### **RISK FACTORS**

South Gippsland Planning Scheme is a legal document and Council is obliged to follow State Government requirements for planning schemes.

Adopting C68 aligns South Gippsland with other municipalities and removes a barrier to land use and development investment.



## **CONCLUSION**

Without making any policy changes, Council is required to revise its planning scheme's MSS to meet State requirements for its structure, role and content. A revised version developed with DPCD assistance is ready for adoption and Ministerial approval.

## **RECOMMENDATION**

**That Council:**

- 1. Adopt Planning Scheme Amendment C68 (Municipal Strategic Statement - Policy-neutral review); and**
- 2. Request the Minister for Planning to approve C68 under clause 20(4) of the Planning and Environment Act 1987.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

## **Attachment 1 Amendment C68 Explanatory Report**

### **Planning and Environment Act 1987 SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C68 EXPLANATORY REPORT**

#### **Who is the planning authority?**

This amendment has been prepared by the Minister for Planning, who is the planning authority for this amendment.

The amendment has been made at the request of South Gippsland Shire Council.

#### **Land affected by the amendment**

The amendment applies to all land within the municipality.

#### **What the amendment does**

The amendment revises the South Gippsland Planning Scheme to implement a policy neutral redrafting of local planning policy (LPP) including the Municipal Strategic Statement and local policies.

The revised LPP provides a structure which aligns with State planning policy. It is a structure which can accommodate future changes and revisions of policy statements. It provides clear linkages between strategic objectives and the policies. Factual information in the municipal profile is updated. Redundant content is taken out and editorial redrafting removes ambiguity in language.

The table at appendix A, provides a full description of all the changes in this amendment.

#### **STRATEGIC ASSESSMENT OF THE AMENDMENT**

The amendment implements a plain English translation of existing provisions where the effect of the scheme remains unchanged in a manner consistent with Ministerial Direction 11. The alterations are a policy neutral translation of existing planning scheme provisions in accordance with the practice notes *Writing a Local Planning Policy* (2010) and *Writing a Municipal Strategic Statement* (2010) both of which seek to promote the need to simplify policy directives in planning schemes.

- **Why is the amendment required?**

The amendment is required to develop a more focused LPP that removes superfluous content, puts in place a simplified structure that can accommodate Council's ongoing strategic objectives as well as being consistent with the State Planning Policy Framework (SPPF).

- **How does the amendment implement the objectives of planning in Victoria?**

The amendment meets the following objectives of planning:

- To ensure sound strategic planning and co-ordinated action at State, regional and municipal levels;
- To enable land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;
- To encourage the achievement of planning objectives through positive actions by responsible and planning authorities.

The amendment will facilitate development which achieves the objectives of planning in Victoria and the planning objectives of the South Gippsland Planning Scheme by providing clear articulation of planning policy as well as the linkages between State and local policy.

- **How does the amendment address the environmental effects and any relevant social and economic effects?**

The amendment does not change the intent of any of the current statements within policies or objectives. However, providing clear linkages between State and local planning policy by aligning them through formatting and common themes will provide for a better application of the existing statements when making land use planning decisions.

- **Does the amendment address relevant bushfire risk?**

The amendment does not change the intent of any of the current provisions being a neutral restructure of policy statements. Therefore, it will not result in any increase to the risk to life, property and community infrastructure.

- **Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment is consistent with the Ministerial Direction on the *Form and Content of Planning Schemes* under section 7(5) of the *Planning & Environment Act 1987*.

- **How does the amendment support or implement the State Planning Policy Framework?**

The amendment aligns the LPP format, layout and themes with the SPPF. The LPP has been revised to ensure it does not duplicate State policy. The LPP has been redrafted to highlight those areas where it augments or provides local clarity to the implementation of State policy.

- **How does the amendment support or implement the Local Planning Policy Framework?**

The amendment improves the application and useability of the LPP.

- **Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment is consistent with the Victoria Planning Provisions. No zones or overlays are affected by the amendment.

- **How does the amendment address the views of any relevant agency?**

As a policy neutral amendment it does not impact on or alter the current requirements of other agencies.

- **Does the amendment address relevant requirements of the Transport Integration Act 2010?**

As a policy neutral amendment it is not likely to impact on any transport requirements.

There are no statements of policy principles under section 22 of the *Transport Integration Act 2010* which apply to the amendment.

#### **RESOURCE AND ADMINISTRATIVE COSTS**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment will not provide any additional permit triggers and therefore it is not anticipated that there will be any additional resource or administrative costs to South Gippsland Shire Council.

#### **Where you may inspect this Amendment**

The amendment is available for public inspection, free of charge, during office hours at the following places:

South Gippsland Shire Council, 9 Smith Street, Leongatha.

The amendment can also be inspected free of charge at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection).

## **E.17 PLANNING SCHEME AMENDMENT C79 GENERAL AMENDMENT**

Development Services Directorate

### **EXECUTIVE SUMMARY**

The purpose of this report is for Council to consider the approval of Planning Scheme Amendment C79. Amendment C79 is a general (composite item) amendment which affects 47 separate sites across the municipality. The items are administrative in nature and seek to correct various zone and overlay anomalies, the majority of which have occurred as a result of the history, use and subdivision of land.

Details of the amendments items are listed in **Attachment 1**.

#### Document/s pertaining to this Council Report

- **Attachment 1** - Amendment Items
- **Appendix 1** - Rezoning Maps
- **Confidential Appendix 1** - Consent Forms and Letters

A copy of **Appendix 1** is available on Council's website:  
[www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) or by contacting 5662 9200.

### **LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES**

Planning and Environment Act 1987

### **INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

Nil

### **COUNCIL PLAN**

Strategic Goal:	3.0	A strong economy
Outcome:	3.3	Infrastructure
Strategy No:	3.3.4	Land Use Planning

### **CONSULTATION**

Letters were sent to all property owners with a copy of a rezoning map and Consent to Rezone Form attached. Owners were requested to sign the Form consenting to the rezoning and return it to Council. All property owners have returned the form consenting to the rezoning's. Where the properties were Crown Land a letter was sent to the Department of Sustainability and Environment who have approved the amendments. In regards to affected major roads (Road Zone 1) a letter was sent to Vic Roads and they have approved the amendments.

Internal consultation has been undertaken with Council's Engineering and Assets/Property Departments.

## **REPORT**

### **Background**

Council typically prepares a general amendment (composite amendment) every two years to correct zone and overlay anomalies in the Planning Scheme. Documentation showing errors has been submitted by various Council departments and by the landowners during the past twelve months. These anomalies have been reviewed and assessed for strategic merit and included for this amendment.

### **Discussion**

Planning Scheme Amendment C79 is considered a policy neutral administrative amendment and proposes to change zone and overlay controls only where the zone or overlay change will have a neutral impact on how land is currently used or developed, or how it may be used or developed in the future having regard to the correct application of planning controls. Where the amendment affects private land, items are only included where landowners support the proposed change.

The Ministerial Direction 'Form and Content of Planning Schemes' requires that planning controls be appropriately applied to land and specifically that public land zonings must not be applied to private land. Amendment C79 fulfils the requirement of the Ministerial Direction by removing numerous privately owned lots from public land zones and applying the most appropriate land zoning, which is normally typified by the existing (surrounding) zoning pattern.

The benefit in conducting these specific amendments is that errors in zoning, or the existence of redundant overlay provisions, often become evident only when private land is offered for sale and a planning certificate or information request is made. Many public land zonings effectively prohibit private development and this creates an anomaly which can affect the potential land value and development of a lot. By correcting zoning errors when they become evident to the landowner or Council, these corrections can be processed as part of a general amendment with no cost to the subject landowners. Inappropriate planning controls can also trigger the requirement for a planning permit where permits would otherwise not be required. This is a burden on landowners and Council and supports the correction of these anomalies when they become evident.

A number of items in the amendment (**Attachment 1**, Item 2, 3, 7, 22 and 24) propose to rezone public land from a private land zoning to the most appropriate public land zonings. While zoning anomalies on public land/Crown land tend not to generate too many concerns in respect of unnecessary planning permit triggers, it is a good procedural practice to rezone these sites when they become apparent. There are numerous

corrections in relation to the application of Road Zone Category 1. The amendment applies the Road Zone (a public land zoning) to existing VicRoads roads and removes the Road Zone from adjoining land (former roads) and applies the Farming Zone.

Item 1 proposes to rezone land (2 lots) that is currently zoned Public Use Zone 1 (Service and Utility) and Road Zone Category 1 to Public Use Zone 3 (Health and Community) as this site is currently used for the Korumburra Ambulance Station.

There are also a number of sites (**Attachment 1**, Item 13, 19, 21, 23 and 28) where portions of the VicRoads roads has been incorrectly zoned Farming Zone (private land zoning) and need to be rezoned to Road Zone Category 1 (public land zoning).

Items 10, 12 and 26 are to remove a Public Acquisition Overlay and Environmental Significance Overlay 5 (Areas Susceptible to Erosion) that are no longer required for these sites.

Items 4, 5, 6, are sites that are being rezoned to Public Park and Recreation Zone and Public Conservation Resource Zone, as appropriate for these areas.

Items 8, 11, 15, 27 are privately owned sites that have incorrect zonings (public land zonings) and overlays on them and they are being rezoned correctly with private land zonings.

Items 9, 17, 18 are privately owned sites and the owners have requested rezonings to make the sites consistent with the underlying (surrounding) zones. This is supported on the basis that the rezoning will tidy up the boundaries of the lots with other properties within the Township Zone.

Item 14 is a site that has been on Council's property register for several decades but has no owner. It is marshland and Council's Valuation Department advise that is unusable and unrateable. It is proposed to rezone this site to Public Conservation Resource Zone.

Items 16, 20 are to correct anomalies with road zonings and Item 29 (Wilson's Promontory Road) has been requested to be rezoned by VicRoads.

Item 25 proposes to rezone a portion of the land at the Foster Hospital consistent with the recommendations of the C54 Panel Report (Helipads).

### **Options**

Council has the option of either adopting, deferring or abandoning the C79 Amendment. Deferral or abandonment of the amendment will result in these anomalies and restrictions remaining on land contrary to the logical zone.

## **Proposal**

The proposal is that Council request the Minister for Planning to apply the 'Protocols for Fast Tracking Planning Scheme Amendments - March 2007' and approve Amendment C79 pursuant to the Minister's powers at 20(4) of the Planning and Environment Act 1987.

## **FINANCIAL CONSIDERATIONS**

The amendment has no financial implications for Council other than officer time involved in the preparation of the documentation. The 'Fast Tracking Protocol' is financially beneficial to Council because the statutory approval fee is waived.

## **RISK FACTORS**

The South Gippsland Planning Scheme is a legal document and Council should amend Planning Scheme errors and anomalies when they become evident. If the Planning Scheme is not appropriately maintained it potentially exposes Council to risk if the error or anomaly restricts or prohibits development that would otherwise be allowed to proceed unhindered.

## **CONCLUSION**

Council is required to amend Planning Scheme Map zoning and overlay anomalies on a regular basis and adopting the C79 Amendment would allow the anomalies on the indicated sites to be corrected.

## **RECOMMENDATION**

**That Council:**

- 1. Adopt Planning Scheme Amendment C79; and**
- 2. Seek authorisation from the Minister for Planning to prepare a planning scheme amendment to approve Amendment C79 pursuant to section 20(4) of the Planning and Environment Act 1987 and in accordance with 'A Protocol for Fast Tracking Amendments - March 2007'.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

**Attachment 1  
Amendment Items**

<b>Item No.</b>	<b>Address</b>	<b>Title Details</b>	<b>Proposed change</b>	<b>Comment</b>
1	45 Princes Street, Korumburra	Lot 1/TP759495 Lot 1/TP760513	Rezone both lots to Public Use Zone 3	These lots are owned by Ambulance Victoria and the site houses the local Ambulance Station. Currently Lot 1/TP759495 is zoned Public Use Zone 1 and Lot 1/TP760513 is zoned Road Zone 1.
2	261 Boolarra South Mirboo North Road, Mirboo North	Lot 1/TP875143 (2 parcels)	Rezone from Road Zone 1 to Farming Zone	Parcel of land is privately owned and the underlying zone for the area is Farming Zone.
3	15 McCartins Lane, Mirboo North	Lot 1/TP170891 Lot 1/TP859708	Rezone from Road Zone 1 to Farming Zone	Parcel of land is privately owned and the underlying zone for the area is Farming Zone.
4	Crown Land – (Station Road, Foster)	CA 3A4 Sec B Parish of Wonga Wonga South	Rezone from Industrial 3 Zone to Public Park and Recreation Zone	Land is part of the South Gippsland Rail Trail and the underlying zone for the area is Public Park and Recreation Zone
5	Crown Land between Snake Island and Welshpool/Port Welshpool	Allotment 22D, 34A and 35H	Zone Public Conservation and Resource Zone	Land is with the boundary of South Gippsland Shire but has no zoning.
6	Crown Land at Tarwin Lower	CA15 Sec 2, CA14 Sec 2, CA13 Sec 2, Allotment 68C and C3A Sec 2	Zone Public Park and Recreation Zone	Lots are currently zoned Township Zone and Farming Zone but are owned by Department of Sustainability and Environment and should be rezoned to Public Park and Recreation Zone.
7	2615 Meeniyon Promontory Road, Fish Creek	Lot 1/TP844797	Rezone from Road Zone 1 to Farming Zone	Parcel of land is privately owned and the underlying zone for the area is Farming Zone.
8	18 Panoramic Drive, Walkerville	Lot 5/LP206523	Rezone part of land that is Public Use Zone 6 to Farming Zone	Parcel of land is privately owned and the underlying zone for the area is Farming Zone.



Item No.	Address	Title Details	Proposed change	Comment
9	40 Kongwak Inverloch Road, Kongwak	CA 16 E, Parish of Kongwak	Rezone part of land from Farming Zone to Township Zone	Owner of property has requested that the portion of land that is behind the dwelling is rezoned Township Zone so that land zoning is consistent across the parcel.
10	27 Johnson Street 21 Ritchie Street 1 Haw Street 45-53 Young Street 9-23 Johnson Street, Leongatha	Lot 2/LP218466 C Lot 3/LP78626 Lot 1/PS330324 CA 8 S7, CA 9 S7 Reserve 1 & 2	Remove Public Acquisition Overlay	Council has advised that this Overlay is no longer required.
11	565 Korumburra South Road, Leongatha South	Lot 2/PS646212	Rezone Public Use 4 to Farming Zone	Parcel of land is privately owned and the underlying zone for the area is Farming Zone.
12	200-210 Bena Road, Korumburra	CA 1A, CA 2B & Lot 1/PS301948	Remove Environmental Significance Overlay – Schedule 5 and Public Acquisition Overlay	Public Acquisition Overlay is no longer required by South Gippsland Water and Environmental Significance Overlay – Schedule 5 has no planning merit on this land.
13	Meeniyan Mirboo North Road/Dumbalk Stony Creek Road intersection	None	Portion of land to be rezoned to Road Zone 1	Small portion of intersection that is currently zoned Farming needs to be rezoned to Road Zone 1.
14	South Street (Mattsons Road), Port Franklin	CA 18E, Parish of Toora	Rezone land from Farming Zone to Public Conservation and Resource Zone	This property has no owner but has been on Council's property database for over 100 years. It is marshland and Council's Valuation Department advise that it unusable and unrateable. The underlying zone is Public Conservation and Resource Zone.
15	6610 South Gippsland Highway, Hedley	CA 7B S6, Parish of Welshpool	Rezone from Public Use Zone 6 to Farming Zone	Parcel of land is privately owned and the underlying zone for the area is Farming Zone.

<b>Item No.</b>	<b>Address</b>	<b>Title Details</b>	<b>Proposed change</b>	<b>Comment</b>
16	Barry Road, Barry Beach	Road	Section of Road from 550 to 605 rezoned to Road Zone 1	Section of road is currently zoned Industrial 1 Zone but appropriate zoning is Road Zone 1.
17	1487 Korumburra Wonthaggi Road, Kongwak	Lot 12/LP4610	Change portion of Farming Zone and portion of Public Conservation and Resource Zone to Township Zone	These portions of land are within an area that has the underlying zone of Township Zone and the owner has requested them to be rezoned.
18	1515 Korumburra Wonthaggi Road, Kongwak	Lot1/TP99896	Change portion of Farming Zone and portion of Public Conservation and Resource Zone to Township Zone	These portions of land are within an area that has the underlying zone of Township Zone and the owner has requested them to be rezoned.
19	Nerrena Road, Nerrena	Lot 1/TP1116N	Rezone from Farming Zone to Road Zone 1	This portion of land is part of the road (Vic Roads).
20	Charles Street and Sports Lane, Korumburra	None	Rezone from Residential 1 Zone to Public Park and Recreation Zone	These roads are within an area that has an underlying zone of Public Park and Recreation.
21	South Gippsland Highway, Agnes	None	Change portion of Farming Zone to Road Zone 1	This portion of land is part of the road (Vic Roads).
22	6470 South Gippsland Highway, Hedley	Lot 1/TP860745	Rezone from Road Zone 1 to Farming Zone	Parcel of land is privately owned and the underlying zone for the area is Farming Zone.
23	South Gippsland Highway, Toora	None	Change portion of land from Farming Zone to Road Zone 1	This portion of land is part of the road (Vic Roads).
24	5775 South Gippsland Highway, Welshpool	Lot 1/TP815372 Lot 2/TP815372	Rezone land from Road Zone 1 to Farming Zone	Parcel of land is privately owned and the underlying zone for the area is Farming Zone.

<b>Item No.</b>	<b>Address</b>	<b>Title Details</b>	<b>Proposed change</b>	<b>Comment</b>
25	83 – 93 Station Road, Foster	Lot 2/PS534173 Lot 1/TP531635	Change portion of Lot 2/PS534173 that is Residential 1 Zone to Public Use Zone 3	This portion of land is part of the South Gippsland Hospital and the C54 Panel (Helipads) recommended that this portion of land be rezoned.
26	Little Commercial Street, Korumburra	Lot 1/PS321369	Remove Public Acquisition Overlay	Council has advised that this Public Acquisition Overlay is no longer required.
27	2-4 Koonwarra Road, Leongatha	CA37A S5, Township of Leongatha	Remove Public Park and Recreation Overlay	This property is privately owned and the Overlay was incorrectly placed on a portion of this land that has an underlying zone of Business 1 Zone.
28	Korumburra Wonthaggi Road, Kongwak	None	Change portion of this road from Farming Zone to Road Zone 1	A portion of this road is South Gippsland Shire Council and needs to be rezoned to Road Zone 1 (Vic Roads).
29	Wilsons Promontory Road, Wilsons Promontory	Allot 1, Parish of Beek Beek	Rezone from Public Conservation and Resource Zone to Road Zone 1	This road runs through the Wilsons Promontory National Park and Vic Roads have requested the rezoning.

## **E.18 TELECOMMUNICATIONS FACILITY (NBN TOWER) 35 SHELLCOTT ROAD YANAKIE PLANNING APPLICATION 2012/394**

Development Services Directorate

### **EXECUTIVE SUMMARY**

This report is to consider a planning permit application for a proposed telecommunications facility required for the delivery of the National Broadband Network (NBN) to the township of Yanakie. The required facilities, including a 30m high monopole, are proposed to be located at 35 Shellcott Road, Yanakie. The proposed infrastructure will be located approximately 100m from the nearest house. This application is being referred to Council for determination as 6 objections were received. Common objections to the planning permit application included;

- Impacts of the proposal on amenity, in particular impacts on the quality of views to the rural landscape;

Concerns of the health impacts of electromagnetic energy; and

The proximity of the facility to adjoining residence.

Notice of the application was provided to adjoining and nearby land owners in accordance with the Planning and Environment Act 1987 ("the Act").

Following the assessment of this application against the Act and the South Gippsland Planning Scheme the proposal is recommended for approval subject to appropriate conditions.

#### **Document/s pertaining to this Council Report**

- **Attachment 1** - Locality Plan
- **Attachment 2** - Aerial Photo and Zoning Plan
- **Attachment 3** - Site Plan
- **Attachment 4** - Elevations
- **Attachment 5** - Summary of submissions
- **Appendix 1** - Code of Practice for Telecommunications Facilities in Victoria
- **Confidential Appendix 1** - Copies of Submissions

A copy of **Confidential Appendix 1** has been distributed separately to Councillors and the Executive Leadership Team.

A copy of **Appendix 1** is available on Council's website:  
[www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) or by contacting 5662 9200.

## **LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES**

Planning and Environment Act 1987

## **INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

Nil

## **COUNCIL PLAN**

Strategic Goal:	2.0	A Sustainable Environment
Outcome:	2.2	Land Management
Strategy No:	2.2.1	Land Use Planning
Strategic Goal:	3.0	A Strong Economy
Outcome:	3.3	Infrastructure
Strategy No.:	3.3.4	Land Use Planning

## **CONSULTATION**

The application was advertised in accordance with the Act. Notice of the application was sent to landowners and residents within 500m of the subject site, a noticeboard was provided on the subject site and public notice was provided in local newspapers. Following enquiry, the application was available for the public to view at Council offices.

Six (6) written submissions have been received from local residents, whose concerns are discussed later in this report.

The application was not required to be referred to any external agencies under the Planning and Environment Act 1987.

NBN Co briefed Council on details of the rollout of the National Broadband Network in South Gippsland at open Council briefing sessions on 21 November 2012 and 13 February 2013 and at Councils' Ordinary Meeting on 19 December 2012.

## **REPORT**

### **Background**

The National Broadband Network (NBN) is a Federal Government initiative to provide high speed broadband access to all Australian homes and businesses. The network will utilise three technologies;

- Underground fibre-optic cable to homes in larger towns,

Wireless transmission via antennas mounted on towers in smaller townships; and

Satellite via installation of satellite dishes on houses in less populated areas.

To enable the provision of these services, NBN Co undertook an investigation of the Yanakie area to consider a preferred site. The investigation considered coverage and technical objectives, surrounding landscapes and potential community impacts.

NBN Co submits that the land at 35 Shellcott Road Yanakie is the most suitable location to provide high speed wireless broadband coverage to Yanakie.

## **DISCUSSION**

### **Proposal**

The proposed Telecommunications facility at 35 Shellcott Road includes a 30m high steel monopole incorporating 3 panel antennas and 1 parabolic antenna with 2 outdoor cabinets located at ground level. Ancillary works and equipment will include remote radio units, canister, cable trays, cabling, safe access methods, bird proofing, earthing, electrical works and air-conditioning equipment.

The subject land is at Lot 2 PS145282, situated at 35 Shellcott Road Yanakie. The site is part of a grazing property and is approximately 930m east from the township of Yanakie. The land is in the Farming Zone under the provisions of the South Gippsland Planning Scheme.

The part of the lot proposed for the Telecommunications facility is setback from Shellcott Road approximately 120m. The subject site is level and cleared of native vegetation. There are a number of farm sheds and infrastructure near the proposed tower site.

Access to the facility will be from an existing crossover and driveway from Shellcott Road. The facility will be powered by underground cabling from an existing high voltage power pole.

(Refer **Attachment 1** - Locality Plan)

(Refer **Attachment 2** - Aerial Photo and Zoning Plan)

(Refer **Attachment 3** - Site Plan)

(Refer **Attachment 4** - Elevations)

## **PLANNING SCHEME REQUIREMENTS AND POLICIES**

Before deciding a planning permit application the following considerations under the South Gippsland Planning Scheme must be addressed:

- State and Local Planning Policies;
- Zone and Overlays;

- Particular Provisions (Clause 52.19, Clause 62.01 and Clause 65.01); and
- Incorporated Document "A Code of Practice for Telecommunications Facilities in Victoria".

### State Planning Policy Framework

The State Planning Policy Framework (SPPF) provides Council's broad direction when deciding planning applications. The following SPPFs are considered the most relevant to the application.

Policy Objectives	Policy Objectives
<p>11.05-1 Regional settlement networks</p> <p>To promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan.</p>	<p>15.01-2 Urban design principles</p> <p>To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.</p>
<p>11.05-3 Rural productivity</p> <p>To manage land use change and development in rural areas to promote agriculture and rural production.</p>	<p>17.01-1 Business</p> <p>To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.</p>
<p>11.05-4 Regional planning strategies and principles</p> <p>To develop regions and settlements which have a strong identity, are prosperous and are environmental sustainable.</p> <p>12.04-2 Landscapes</p> <p>To protect landscapes and significant open spaces that contribute to character, identity and sustainable environments.</p>	<p>19.02-4 Distribution of social and cultural infrastructure</p> <p>To provide fairer distribution of and access to social and cultural infrastructure.</p>

<b>Policy Objectives</b>	<b>Policy Objectives</b>
<p>14.01-1 Protection of agricultural land</p> <p>To protect productive farmland which is of strategic significance in the local or regional context.</p>	<p>19.03-4 Telecommunications</p> <p>To facilitate the orderly development, extension and maintenance of telecommunication infrastructure.</p>
<p>15.01-1 Urban design</p> <p>To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.</p>	

The State Planning Policies encourage development that is compatible with agricultural activity, community development and which protects the environmental and landscape qualities of coastal areas.

It is considered that this application does not contradict the relevant State policy provisions and can be supported.

#### **Local Planning Policy Framework**

<b>Local Policy Objectives</b>	<b>Local Policy Objectives</b>
<p>21.04 -1 Signage and Infrastructure</p> <p>Minimise the visual impact of signage and infrastructure, and avoid further visual clutter across the landscape.</p> <p>Site infrastructure away from highly scenic locations, key views and near-coastal locations, or underground wherever possible in the case of power lines and other utility services;</p> <p>Locate power lines, access tracks and other infrastructure in areas of low visibility, preferably in previously cleared locations, and avoid the use of materials that contrast with the landscape;</p> <p>Use vegetation to screen</p>	<p>21.04-14 Small towns</p> <p>To maintain a network of small towns with a range of roles and services designed to cater for the needs of residents and visitors to the Shire.</p> <p>To provide an attractive and safe residential environment and strengthen the economic future of the small towns within the Shire.</p>



Local Policy Objectives	Local Policy Objectives
infrastructure from key viewing corridors and public use areas.	
<p>21.04-1 Element 1 - Coastal landscape character and significance - Key Views and Vistas:</p> <p>Protect locally significant views and vistas that contribute to the character of coastal and coastal hinterland areas.</p> <p>Protect views of Mt Hoddle, the Welshpool Hills and the Corner Inlet Amphitheatre and other hinterland areas by avoiding development in these areas that is visually intrusive, particularly when viewed from the South Gippsland Highway, as well as from other key touring routes, lookouts and residences.</p>	<p>21.04-17 Rural areas Element 1 – Primary production</p> <p>Ensure that the resource of agricultural land is protected and retained in primary production.</p> <p>Support existing and emerging agricultural activities and associated rural industries that will maintain and build on this element of the economic base of the Shire.</p>

Relevant Local Planning Policies recognise the importance of the landscape surrounding Corner Inlet and aim to ensure development does not detract from the scenic qualities of the area. The Local Policies also aim to improve service provision to small towns and to maintain the agricultural productivity of the region.

The proposed Telecommunications facility will improve the services to the local community and will not impact on agricultural use of the land.

The facility has been sited to minimise its impact on significant landscape features such as Wilsons Promontory, Mt Hoddle and the Welshpool Hills.

The proposal does not contradict the relevant local policy provisions and can be supported.

### **Farming Zone**

The land is within the Farming zone. The purpose of the Farming zone is to:

- To provide for the use of land for agriculture;
- To encourage the retention of productive agricultural land;

- To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture;
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision; and
- To protect and enhance natural resources and the biodiversity of the area.

The proposed Telecommunications facility will not affect the agricultural productivity of the land for cattle grazing or surrounding agricultural uses. The farming lot on which the facility will be sited has an area of nearly 62 hectares. The total area lost to production will be approximately 60 square metres and is not considered detrimental to the farm.

### **Environmental Significance Overlay Schedule 3 (ESO3)**

The proposed Telecommunications facility is within Environmental Significance Overlay Schedule 3 – Coastal Settlements. The purpose of the Overlay is to:

- protect and enhance the natural beauty of the coastal area;
- protect and enhance the environmental quality of the coastal area;
- minimise the risk of erosion, pollution and destruction of the environment through poorly managed development; and
- ensure that development adjacent to coastal areas is compatible with the environment and does not result in adverse impacts on coastal processes.

The relevant decision guidelines of the Schedule to the Overlay are discussed below:

Decision Guideline	Response
The maintenance and improvement of the stability of the coastal dunes and coastlines and any relevant coastal study adopted by the Shire of South Gippsland.	The land is not within a coastal dune system. The site is approximately 1.2km from the coast and the Telecommunications facility will not affect any natural coastal processes. There are no relevant coastal studies adopted by the Shire of South Gippsland.
The preservation of any existing natural vegetation.	No vegetation is required to be removed to construct the Telecommunications facility.
The conservation of any areas of environmental importance or significance and whether the development of the land will be detrimental to the natural environment.	There are no features of environmental importance or significance on the land. The proposed development is not considered to be detrimental to the natural environment.
The intensity of human activity which the landscapes and the environment the area can sustain and the existing use and possible development of the land and nearby land.	The surrounding land is currently developed for farming and rural residential purposes. The proposed Telecommunications facility will not limit the use or intensity of development of the surrounding land for these purposes.
The effect of development on the use and development of other land which has a common means of drainage.	The proposed development will not affect land which has a common means of drainage.
The availability of water, sewerage, drainage, electricity and other services. Whether or not the site is large enough to enable the adequate disposal and treatment of effluent through a septic tank system.	The proposed development will be able to be connected to all required services. No effluent disposal facilities are required.
The siting, colour and design of buildings and works.	The siting, colour and design have been selected to minimise its impact on the environment.

Decision Guideline	Response
	<p>The monopole design has been chosen as it is less visually intrusive than other forms of antenna and its' position near other vertical elements such as trees reduces its' overall impact on the landscape.</p> <p>The tower has been sited away from major roads and close to established vegetation.</p> <p>The proposed tower and ancillary equipment will be constructed of steel in varying shades of grey that will blend with the blues, greens and greys of the landscape.</p>
The protection of the area for its recreational value.	The land has no known recreational values, being private land zoned for farming purposes
The risk of fire.	The proposed development is not expected to increase the risk of fire on the land provided all equipment is designed and constructed in accordance with appropriate standards as required by the Code of Practice for Telecommunications Facilities in Victoria.
The views of the Department of Sustainability and Environment.	The proposed development was not required to be referred to the Department of Sustainability and Environment.

### Significant Landscape Overlay Schedule 3 (SLO3)

The subject site is within the area known as the Corner Inlet Amphitheatre that is identified as a significant landscape in the South Gippsland Planning Scheme. The relevant decision guidelines for Corner Inlet Amphitheatre are discussed below:

Decision Guideline	Response
Whether buildings are sited and designed to maximise retention of existing vegetation throughout the landscape, and whether the proposal provides for the planting of new indigenous coastal vegetation wherever possible.	The Telecommunications facility has been sited in an existing clearing to maximise the retention of existing vegetation. No vegetation is required to be removed.
Whether the proposed development is kept below the dominant tree canopy height	The landscape around the township of Yanakie is extensively cleared of trees and is developed for grazing pasture. The dominant trees in the area are coastal scrub (4-5m) planted windbreaks and domestic gardens (up to 5m) and remnant gum trees (up to 25m). Unlike other works within the SLO3 it is not technically feasible to construct the tower below the dominant tree canopy height and deliver the required level of service.
Whether the proposed development reduces visual intrusion by utilising low scale building forms, tucked into the landscape, with the use of materials and colours that occur in the local area.	The proposed facility has been designed and sited to reduce its visual intrusion by the use of a monopole structure sited away from roads and utilising steel that will blend with existing buildings and structure in the local area.
In coastal locations, whether the proposed development utilises materials and colours that minimise contrast with the surrounding landscape and whether the visibility of buildings and structures is minimised when viewed from a distance, including from offshore.	The proposed development utilises colours and materials that will blend with the landscape. The visibility of the structure when viewed from a distance will be minimised by the narrow shape of the tower.

Decision Guideline	Response
Whether the proposal includes the use of permeable surfacing for all unbuilt areas to minimise surface run-off and to support vegetation.	The proposal includes permeable surfacing to minimise stormwater run-off. It is not proposed to support vegetation within the facility which needs to be kept clear for operational and safety reasons.
Whether the proposal includes the use of vegetation for screening and to delineate property boundaries, instead of fencing. If fencing is necessary, the proposal should include open style fencing of a type traditionally used in rural areas i.e. post and wire.	The proposed fencing is open chain mesh fencing and is required for security purposes. The fence and compound will be visible from Shellcott Road, however is not expected to change the rural character of the area, due to the relatively small extent of fencing proposed.
Whether the proposal contributes to the retention of the character of large open rural areas offering scenic views by siting developments back from roads, amongst vegetation and low in the topography.	The tower needs to be positioned in an elevated position in the landscape in order to minimise the overall height of the tower. However, the proposed tower will be setback from the main tourist route to Wilsons Promontory, Meeniyan Promontory Road, and from Shellcott Road. The location of the facility will utilise existing vegetation to partially screen the tower and ancillary structures.

### Telecommunications Code of Practice in Victoria

The Code of Practice for Telecommunications Facilities in Victoria is an incorporated document in all Planning Schemes in Victoria pursuant to Clause 52.19. When deciding a planning permit application for a Telecommunications facility the Responsible Authority must consider the following principles;

*Principle 1 - A Telecommunications Facility should be sited to minimise visual impact*

The proposed Telecommunications facility has been sited to minimise visual impact. The facility is not within the vicinity of a heritage place or landmark. The tower will not significantly interfere with panoramic views of Corner Inlet, Wilson's Promontory, Mt Hoddle or the Welshpool Hills which are identified as significant landscapes in the South Gippsland Planning Scheme.

*Principle 2 - A Telecommunications Facility should be co-located wherever possible*

The applicant has advised are no facilities suitable for co-location within proximity of Yanakie.

*Principle 3 - Health standards for exposure to radio emissions will be met*

The applicant has submitted information indicating the proposed electromagnetic radiation generated by the facility will be less than 1 per cent of the Australian public exposure limit recommended by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). It is recommended it be a condition of any planning permit that the facility operates at all times within the ARPANSA standard.

*Principle 4 - Disturbance and risk relating to siting and construction should be minimised. Construction activity and site location should comply with State environmental protection policies and best practice environmental management guidelines.*

The applicant has advised all construction will be carried out in accordance with all relevant standards and guidelines set out in the Code of Practice for Telecommunications Facilities in Victoria and it is recommended compliance with the Code be included as a condition on any planning permit issued.

## **Objections**

Six (6) written submissions were received from local residents.

The primary concerns are impact of the tower on views towards Corner Inlet, loss of property values and impacts of electromagnetic radiation.

Property values are affected by many factors and are not a relevant matter for consideration under the Planning Scheme.

The applicant has submitted information confirming the electromagnetic radiation from the facility will be well below accepted health standards.

Views towards Wilsons Promontory are acknowledged as important in the South Gippsland Planning Scheme however it is considered the proposed location and design of the tower are such that the impact of the tower on these views will be minimised. The tower will not obscure these views nor dominate or detract from the scenic qualities of the area.

(refer **Attachment 5** - Summary of Submissions)

## **FINANCIAL CONSIDERATIONS**

Nil

## **RISK FACTORS**

The decision of this application could be subject to VCAT appeal by either the applicant or interested parties (objectors).

Refusal of may result in a loss of services provided to the Yanakie township.

## **CONCLUSION**

The proposed tower is consistent with State and Local Planning Policies to improve service provision to communities while protecting environmental values.

The proposed tower is permitted by the relevant zone and overlays in the South Gippsland Planning Scheme. This proposal is not considered to limit or affect the future development of adjoining and nearby land. The proposed tower is consistent with the Code of Practice for Telecommunications Facilities in Victoria.

Although the tower is proposed within a significant landscape, the proposed tower is not expected to result in a loss of visual amenity in the landscape or significantly detract from the scenic character of the area. The tower has been sited to reduce its' visibility from major roads and viewpoints.

Significant views identified in the Overlay are views to Corner Inlet, Wilsons Promontory, Mt Hoddle and the Welshpool Hills. It is considered the proposed tower will be visible in some views of Wilsons Promontory and the Welshpool Hills depending on the position of the viewer.

However, the tower will not obscure such views and depending on the viewer's distance from the tower, views towards these features will not be dominated by the tower. Key viewing points are considered to be from Meeniyan Promontory Road, and from within public land in townships near the coast. It is considered that from these locations, the tower will be substantially screened from view by existing vegetation and buildings and be viewed as a distant feature.



## **RECOMMENDATION**

**That Council grant a Notice of Decision for a Telecommunications facility (30m high monopole, 3 panel antennas, 1 parabolic antenna, 2 outdoor cabinets at ground level and ancillary works) at 35 Shellcott Road Yanakie (being Lot 2 PS145282 Parish of Yanakie), subject to the following conditions:**

- 1. The building, works and layout as shown on the endorsed plan(s) must not be altered or modified except with the written consent of the Responsible Authority.**
- 2. Once the development has started it must be continued and completed in a timely manner to the satisfaction of the Responsible Authority.**
- 3. All works must be undertaken in accordance with the principles set out in “A Code of Practice for Telecommunications Facilities in Victoria”, Department of Sustainability and Environment 2004.**
- 4. The Telecommunications Facility must at all times operate in accordance with the “Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300GHz ARPANSA” May 2002.**
- 5. The owner/applicant must comply with the following South Gippsland Shire Engineering Department conditions:**
  - a. Access and layout of the driveway must be constructed in accordance with Council’s standard drawing SD 255.**
  - b. The driveway must have a minimum consolidated pavement depth of 100 mm thick crushed rock or 2nd grade gravel on a suitably prepared and firm subgrade between the road and the property boundary.**
  - c. The remainder of the driveway must be constructed, and thereafter maintained, to an all-weather standard (gravel, crushed rock or equivalent).**
  - d. All work must be to the satisfaction of the Responsible Authority.**
- 6. The property must be maintained in a neat and tidy condition to the satisfaction of the Responsible Authority.**
- 7. The external finishes of the Telecommunications Facility, including the monopole and outdoor cabinets, must be colour treated and maintained in muted low-reflective tones**

**to the satisfaction of the Responsible Authority.**

- 8. All stormwater discharging from the development and/or use on the land must be contained within the boundaries of the land to the satisfaction of the Responsible Authority.**
- 9. All areas of the development must be drained to the legal point of discharge via an underground drainage system or other approved method of stormwater drainage to the satisfaction of the Responsible Authority.**
- 10. Appropriate measures must be taken to ensure that the construction of the Telecommunications Facility and ancillary works, and their ongoing use, does not cause erosion or degradation to the subject or surrounding land to the satisfaction of the Responsible Authority.**
- 11. This permit will expire if one of the following applies:**
  - a. The development is not started within two (2) years of the date of this permit.**
  - b. The development is not completed within four (4) years of the date of this permit.**

**The Responsible Authority may extend the above periods if a request is made in writing before the permit expires or within the following three months.**

**Foot Notes included on Permit:**

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

**The owner/applicant is encouraged to check with the relevant service authorities before any excavation work is undertaken (e.g. Telstra, SP Ausnet and South Gippsland Water)**

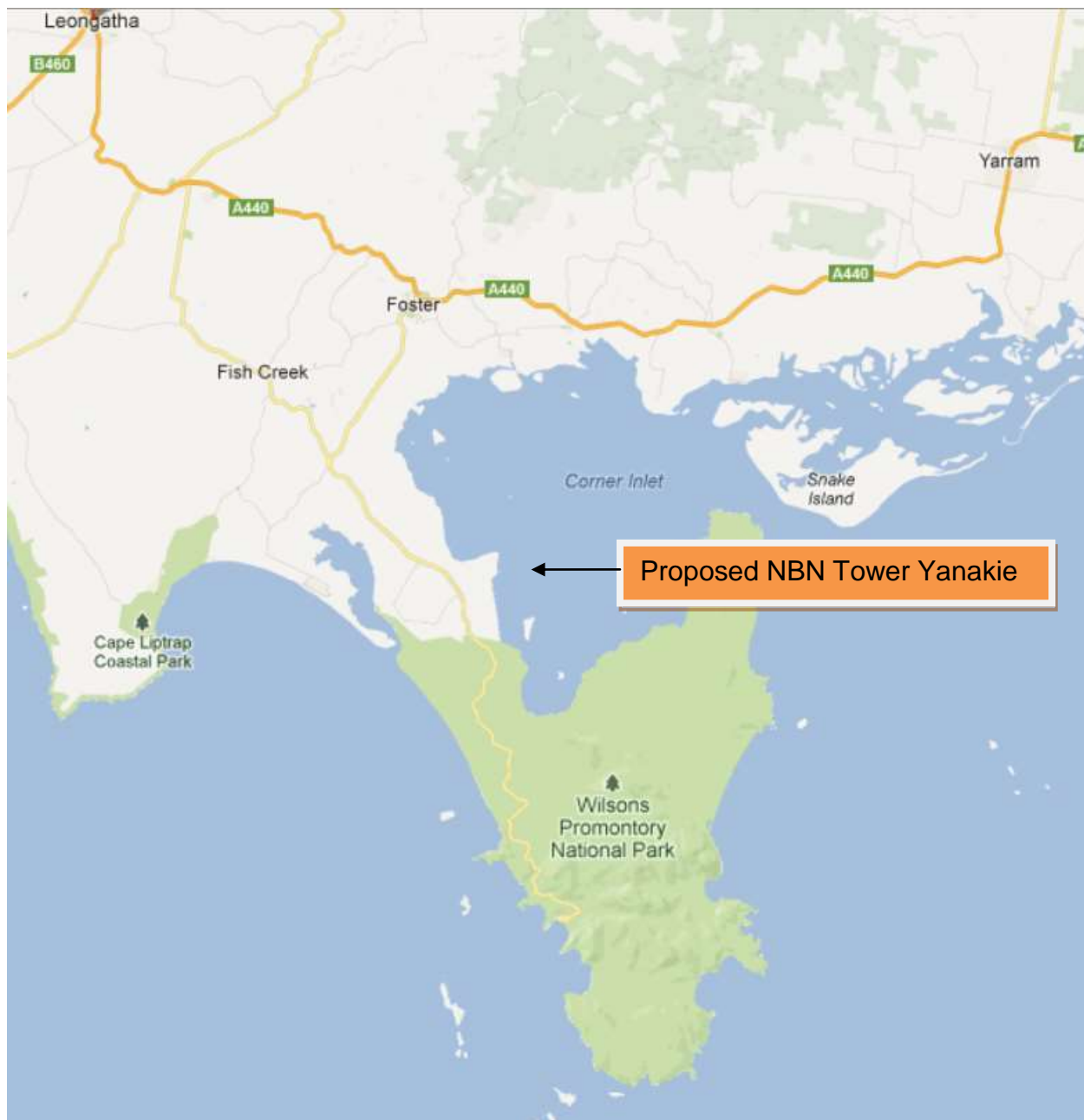
**A Consent to Work Within the Road Reserve Permit must be obtained from Council's Engineering Department for the construction and/or alteration of the driveway.**

**STAFF DISCLOSURE OF INTEREST**

**Nil**



## Attachment 1

### Locality Plan



**Attachment 2 - Aerial Photo**

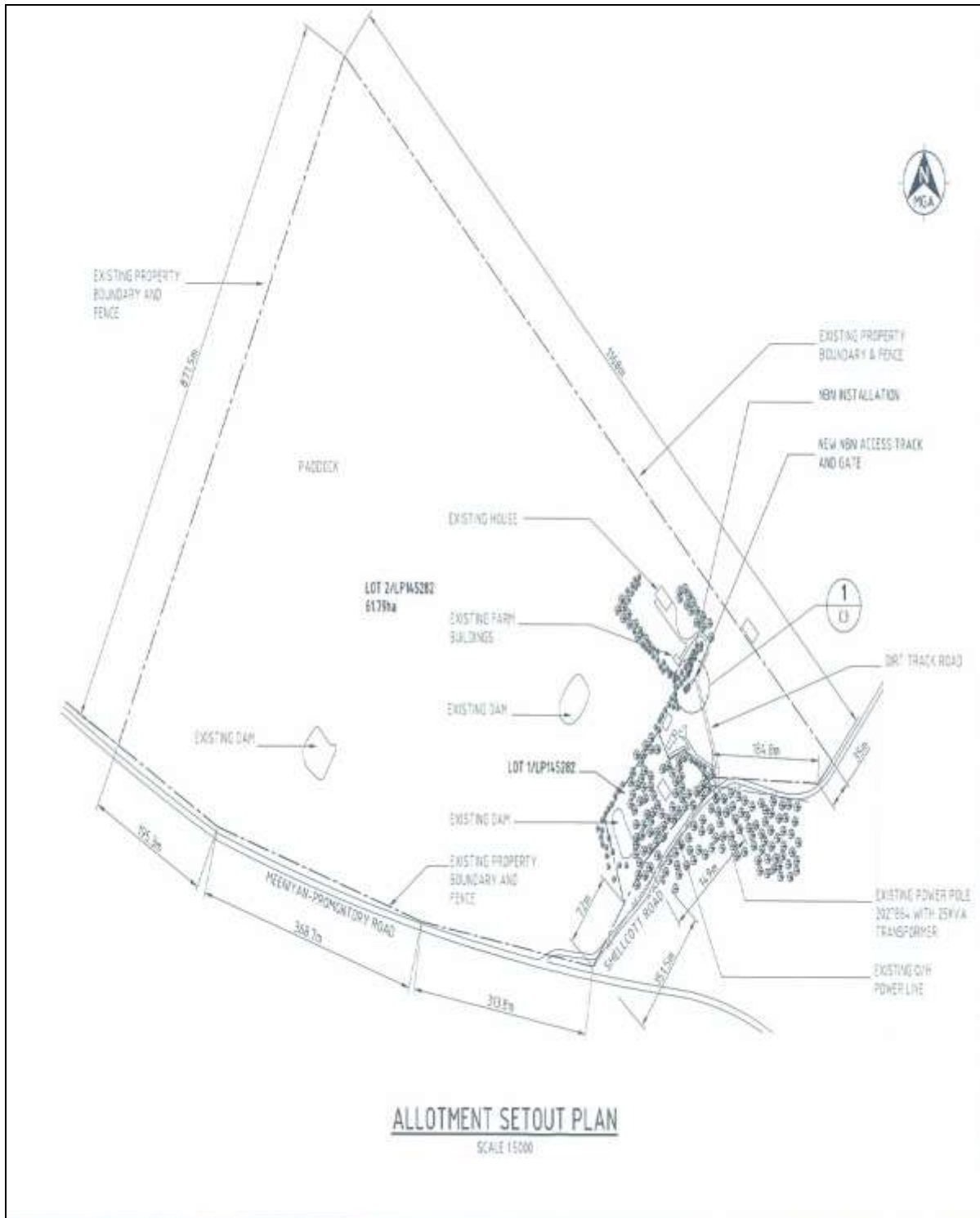


	<b>2012/394 - Proposed NBN Tower 35 Shellcott Road Yanakie</b>		 <small>Map Zoom: 488.7%</small>
	<b>About this document</b> This map has been created for the purpose of showing basic locality information over South Gippsland Shire Council. Property boundary line network data is supplied by State Government. Any error should be reported to the GIS section of the South Gippsland Shire Council. Aerial Photography is dated 2008.	<b>Disclaimer</b> This map is a representation of the information currently held by the South Gippsland Shire Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. ©	

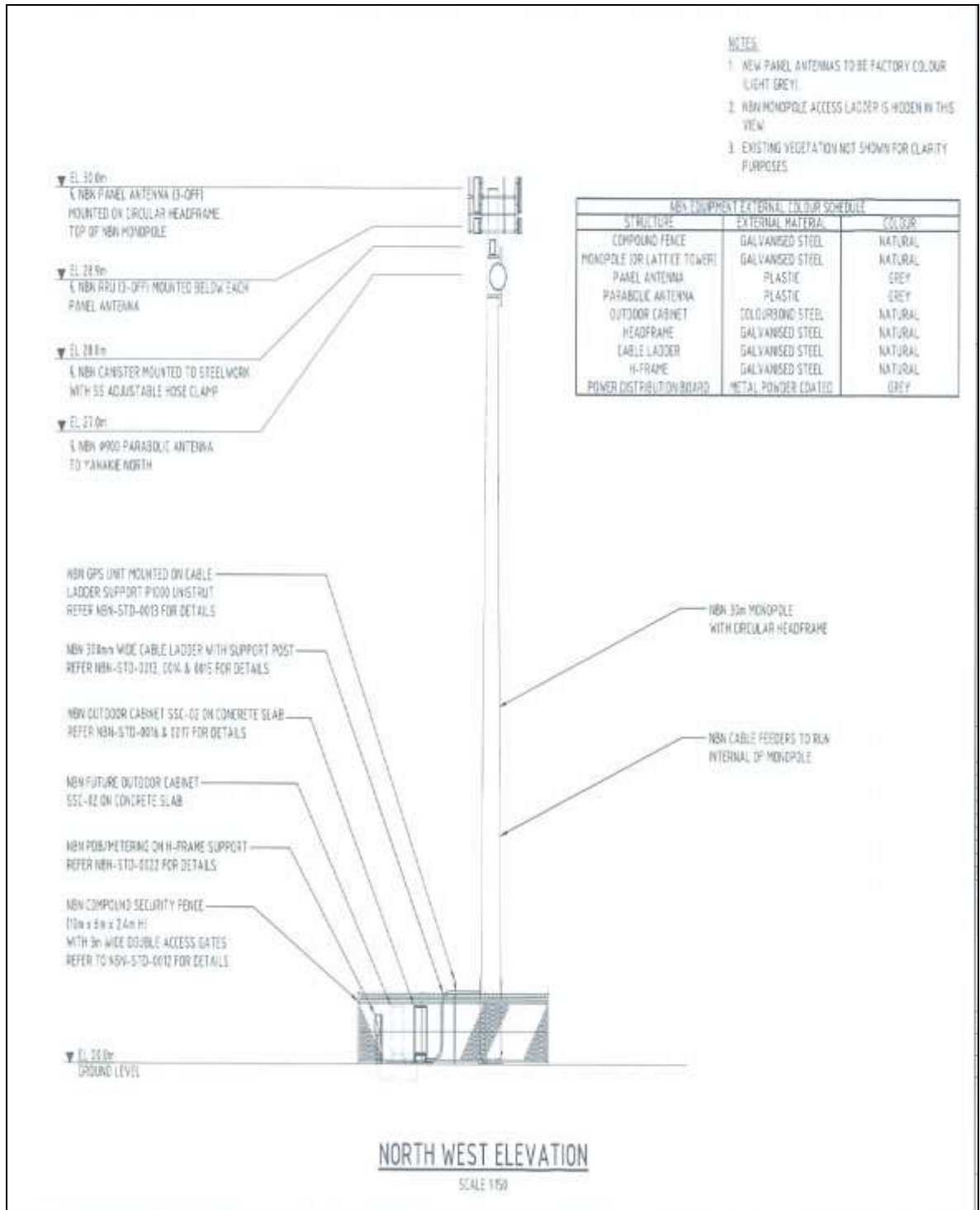
### Zoning Plan



### Attachment 3 - Site Plan



**Attachment 4 - Elevations**



**Attachment 5 - Written Submissions**

<b>Submission</b>	<b>Planning Response</b>
<p>Concerned about the impacts of electromagnetic energy and microwave radiation on the health of residents</p>	<p>The ARPANSA Standard is based on scientific research that shows the levels at which harmful effects occur and it sets limits, based on international guidelines, well below these harmful levels. It is the assessment of ARPANSA and other national and international health authorities, including the World Health Organization (WHO), that there are no established adverse health effects below current exposure limits. The standard is intended to protect people of all ages and health status.</p> <p>The applicant has submitted the proposed tower complies with the recommended electromagnetic radiation exposure limits set by ARPANSA. It is recommended it be a condition of any permit that the tower operate in accordance with ARPANSA standards at all times.</p>
<p>Visual impact of the height and size of the proposed tower on currently unobstructed rural views and skyline</p>	<p>Visual impact of the tower is a valid consideration under the provisions of the South Gippsland Planning Scheme and the Telecommunications Code of Practice. The Code sets out a number of key considerations in how to limit visual impact, which it is considered the proposed tower satisfies.</p> <p>The design and location of the facility aim to minimise its impact on the rural views and skyline.</p> <p>The tower has been setback from Meeniyan Promontory Road and Shellcott Road and low level views of the facility will be partially screened by existing vegetation and</p>



Submission	Planning Response
	<p>farm buildings.</p> <p>The tower will be visible in the skyline above the trees however it is considered its' simple shape and its distance from key viewpoints will not detract from the quality of the landscape.</p>
<p>Proximity to the existing house at 15 Shellcott Road Yanakie and the visibility of the tower from within the dwelling.</p>	<p>The proposed tower will be situated approximately 100m from the existing single storey dwelling at 15 Shellcott Road.</p> <p>The existing dwelling is currently surrounded by densely planted trees and shrubs, both within the lot and along the property boundary. It is considered the vegetation will significantly screen the proposed tower from view of residents within the dwelling.</p> <p>The tower will be visible to residents looking up at the sky within their backyard. However, as the tower is offset from the house the loss of amenity associated with its' impact is not expected to be significant.</p>
<p>Concerned there will be a loss of property values in Shellcott Road resulting from the proposed development</p>	<p>Property values are affected by many factors and are not a relevant matter for consideration under the Planning Scheme.</p>
<p>Preference for an alternative site that is less intrusive, such as the hill on Foley Road.</p>	<p>NBN Co has determined the subject site is the preferred site for the delivery of the NBN service to Yanakie. Alternatives sites are not proposed as part of this application.</p>

## **E.19 TELECOMMUNICATIONS FACILITY (NBN TOWER) MATTSONS ROAD PORT FRANKLIN PLANNING APPLICATION 2012/396**

Development Services Directorate

### **EXECUTIVE SUMMARY**

This report is to consider a planning permit application for a proposed telecommunications facility required for the delivery of the National Broadband Network (NBN) to the township of Port Franklin. The required facilities, including a 40m high monopole, are proposed to be located at Mattsons Road Port Franklin. The proposed infrastructure will be located approximately 480m from the nearest house. This application is being referred to Council for determination as five objections to the application were received. Common objections to the planning permit application included;

- Impacts of the proposal on amenity, in particular impacts on the quality of views to Wilsons Promontory;

Concerns of the health impacts of electromagnetic energy; and

The proposal does not comply with the requirements of the South Gippsland Planning Scheme.

Notice of the application was provided to adjoining and nearby land owners in accordance with the Planning and Environment Act 1987 ("the Act").

Following the assessment of this application against the Act and the South Gippsland Planning Scheme the proposal is recommended for approval subject to appropriate conditions.

### **Document/s pertaining to this Council Report**

- **Attachment 1** - Locality Plan
- **Attachment 2** - Aerial Photo and Zoning Plan
- **Attachment 3** - Site Plan
- **Attachment 4** - Elevation
- **Attachment 5** - Summary of Submissions
- **Appendix 1** - Code of Practice for Telecommunication Facilities in Victoria
- **Confidential Appendix 1** - Copies of Submissions

A copy of **Confidential Appendix 1** has been distributed separately to Councillors and the Executive Leadership Team.

A copy of **Appendix 1** is available on Council's website:  
[www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) or by contacting 5662 9200.

## **LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES**

Planning and Environment Act 1987

## **INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

Nil

## **COUNCIL PLAN**

Strategic Goal:	2.0	A Sustainable Environment
Outcome:	2.2	Land Management
Strategy No:	2.2.1	Land Use Planning
Strategic Goal:	3.0	A Strong Economy
Outcome:	3.3	Infrastructure
Strategy No.:	3.3.4	Land Use Planning

## **CONSULTATION**

The application was referred and advertised in accordance with the Act. Notice of the application was sent to landowners and residents within 500m of the subject site, a noticeboard was provided on the subject site and public notice was provided in local newspapers. Following enquiry, the application was available for the public to view at Council offices.

Five (5) written submissions have been received from local residents, whose concerns are discussed later in this report.

The application was referred to the West Gippsland Catchment Management Authority (WGCMA) as the responsible authority for land affected by the Land Subject to Inundation Overlay (LSIO). WGCMA had no objections to the proposal, subject to the inclusion of a condition on any planning permit issued.

NBN Co briefed Council on details of the rollout of the National Broadband Network in South Gippsland at open Council briefing sessions on 21 November 2012 and 13 February 2013 and at Councils' Ordinary Meeting on 19 December 2012.

## **REPORT**

### **Background**

The National Broadband Network (NBN) is a Federal Government initiative to provide high speed broadband access to all Australian homes and businesses. The network will utilise three technologies;

- Underground fibre-optic cable to homes in larger towns,

Wireless transmission via antennas mounted on towers in smaller townships; and

Satellite via installation of satellite dishes on houses in less populated areas.

To enable the provision of these services, NBN Co undertook an investigation of the Port Franklin area to consider a preferred site. The investigation considered coverage and technical objectives, surrounding landscapes and potential community impacts.

NBN Co submits that the land at Mattsons Road, Port Franklin is the most suitable location to provide high speed fixed wireless broadband coverage to Port Franklin. The provision of the NBN to the townships of Toora, Welshpool and Port Welshpool is dependent upon infrastructure being provided at Port Franklin. Port Franklin will act as a feeder tower to the proposed Foster North East 'fibre hub' site.

### **Discussion**

#### **Proposal**

The proposed Telecommunications facility at Mattsons Road Port Franklin includes a 40m high steel monopole incorporating 3 panel antennas and 3 parabolic antennas with 2 outdoor cabinets located at ground level. Ancillary works will include remote radio units, canister, cable trays, cabling, safe access methods, bird proofing, earthing, electrical works and air-conditioning equipment.

The subject land, located within the Farming Zone, is Crown Allotment 5 Section E Parish of Toora, situated at Mattsons Road Port Franklin. The subject site is located approximately 800m to the south west of the Port Franklin town centre. The location of the Telecommunications facility is proposed to be setback from Mattsons Road by approximately 80 metres. The subject site is level and cleared of native vegetation. There is a row of trees and shrubs approximately 3-4 metres high that forms a windbreak along both the eastern and western property boundaries.

Access to the facility will be via an existing crossover from Mattsons Road. The facility will be powered by underground cabling from an existing high voltage power pole.

(refer **Attachment 1** - Locality Plan)

(refer **Attachment 2** - Aerial Photo and Zoning Plan)

(refer **Attachment 3** - Site Plan)

(refer **Attachment 4** - Elevations)

### **PLANNING SCHEME REQUIREMENTS AND POLICIES**

Before deciding a planning permit application the following considerations under the South Gippsland Planning Scheme must be addressed:

- State and Local Planning Policies;
- Zone and Overlays;
- Particular Provisions (Clause 52.19, Clause 62.01 and Clause 65.01); and
- Incorporated Document "Code of Practice for Telecommunications Facilities in Victoria".

#### **State Planning Policy Framework**

The State Planning Policy Framework (SPPF) provides Council's broad direction when deciding planning applications. The following SPPFs are considered the most relevant to the application.

<b>Policy Objectives</b>	
11.05-1 Regional settlement networks  To promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan.	15.01-1 Urban design  To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.
11.05-3 Rural productivity  To manage land use change and development in rural areas to promote agriculture and rural production.	15.01-2 Urban design principles  To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

<b>Policy Objectives</b>	
<p>11.05-4 Regional planning strategies and principles</p> <p>To develop regions and settlements which have a strong identity, are prosperous and are environmental sustainable.</p>	<p>17.01-1 Business</p> <p>To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.</p>
<p>12.04-2 Landscapes</p> <p>To protect landscapes and significant open spaces that contribute to character, identity and sustainable environments.</p>	<p>19.02-4 Distribution of social and cultural infrastructure</p> <p>To provide fairer distribution of and access to social and cultural infrastructure.</p>
<p>14.01-1 Protection of agricultural land</p> <p>To protect productive farmland which is of strategic significance in the local or regional context.</p>	<p>19.03-4 Telecommunications</p> <p>To facilitate the orderly development, extension and maintenance of telecommunication infrastructure.</p>

The State Planning Policies encourage development that is compatible with agricultural activity, community development and which protects the environmental and landscape qualities of coastal areas.

It is considered that this application does not contradict the relevant State policy provisions and can be supported.

**Local Planning Policy Framework**

Policy Objectives	
<p>21.04 -1 Signage and Infrastructure</p> <p>Minimise the visual impact of signage and infrastructure, and avoid further visual clutter across the landscape.</p> <p>Site infrastructure away from highly scenic locations, key views and near-coastal locations, or underground wherever possible in the case of power lines and other utility services;</p> <p>Locate power lines, access tracks and other infrastructure in areas of low visibility, preferably in previously cleared locations, and avoid the use of materials that contrast with the landscape;</p> <p>Use vegetation to screen infrastructure from key viewing corridors and public use areas.</p>	<p>21.04-14 Small towns</p> <p>To maintain a network of small towns with a range of roles and services designed to cater for the needs of residents and visitors to the Shire.</p> <p>To provide an attractive and safe residential environment and strengthen the economic future of the small towns within the Shire.</p>
<p>21.04-1 Element 1 - Coastal landscape character and significance - Key Views and Vistas:</p> <p>Protect locally significant views and vistas that contribute to the character of coastal and coastal hinterland areas.</p> <p>Protect views of Mt Hoddle, the Welshpool Hills and the Corner Inlet Amphitheatre and other hinterland areas by avoiding development in these areas that is visually intrusive, particularly when viewed from the South Gippsland Highway, as well as from other key touring routes, lookouts and residences.</p>	<p>21.04-17 Rural areas Element 1 – Primary production</p> <p>Ensure that the resource of agricultural land is protected and retained in primary production.</p> <p>Support existing and emerging agricultural activities and associated rural industries that will maintain and build on this element of the economic base of the Shire.</p>

Relevant Local Planning Policies recognise the importance of the landscape surrounding Corner Inlet and aim to ensure development does not detract from the scenic qualities of the area. The Local Policies also aim to improve service provision to small towns and to maintain the agricultural productivity of the region.

It is considered the proposed Telecommunications facility will improve the services to the local community and will not impact on agricultural use of the land.

The telecommunications facility has been sited to minimise its impact on significant landscape features such as Wilsons Promontory, Mt Hoddle and the Welshpool Hills.

It is considered the proposal does not contradict the relevant local policy provisions and can be supported.

### **Farming Zone**

The land is within the Farming zone. The purpose of the Farming zone is to:

- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To protect and enhance natural resources and the biodiversity of the area.

The proposed Telecommunications facility will not affect the agricultural productivity of the land for cattle grazing or surrounding agricultural uses. The farming lot on which the facility will be sited has an area of 7.6 hectares and the total area lost to production will be approximately 60 square metres, which is not considered detrimental to the farm.

### **Land Subject to Inundation Overlay (LSIO)**

West Gippsland Catchment Management Authority (WGCMA) are the relevant authority for referrals with respect to the LSIO. WGCMA did not object to the proposal, subject to the inclusion of a planning permit condition requiring the electrical equipment to be mounted above the Nominal Flood Protection Level, which for this site is 2.98m AHD (Australian Height Datum).



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### Environmental Significance Overlay Schedule 3 (ESO3)

The proposed Telecommunications facility is within Environmental Significance Overlay Schedule 3 – Coastal Settlements. The purpose of the Overlay is to:

- protect and enhance the natural beauty of the coastal area;
- protect and enhance the environmental quality of the coastal area;
- minimise the risk of erosion, pollution and destruction of the environment through poorly managed development; and
- ensure that development adjacent to coastal areas is compatible with the environment and does not result in adverse impacts on coastal processes.

The relevant decision guidelines of the Schedule to the Overlay are discussed below:

Decision Guideline	Response
The maintenance and improvement of the stability of the coastal dunes and coastlines and any relevant coastal study adopted by the Shire of South Gippsland.	The land is not within a coastal dune system. The telecommunications facility will not affect any natural coastal processes. There are no relevant coastal studies adopted by the Shire of South Gippsland.
The preservation of any existing natural vegetation.	No vegetation is required to be removed to construct the Telecommunications facility.
The conservation of any areas of environmental importance or significance and whether the development of the land will be detrimental to the natural environment.	There are no features of environmental importance or significance on the land. The proposed development is not considered to be detrimental to the natural environment.
The intensity of human activity which the landscapes and the environment the area can sustain and the existing use and possible development of the land and nearby land.	The surrounding land is currently developed for farming and residential purposes. The proposed telecommunications facility will not limit the use or intensity of development of the surrounding land for these purposes.

Decision Guideline	Response
The effect of development on the use and development of other land which has a common means of drainage.	The proposed development will not affect land which has a common means of drainage.
The availability of water, sewerage, drainage, electricity and other services. Whether or not the site is large enough to enable the adequate disposal and treatment of effluent through a septic tank system.	The proposed development will be able to be connected to all required services. No effluent disposal facilities are required.
The siting, colour and design of buildings and works.	<p>The siting, colour and design have been selected to minimise its visual impact on the environment.</p> <p>The facility will be setback from Mattsons Road and the existing large gum trees within the road reserve and the established windbreaks will assist in minimising its visual impact from within the township of Port Franklin.</p> <p>The monopole design has been chosen as it is less visually intrusive than other forms of antenna and its' position near other vertical elements such as trees reduces its' overall impact on the landscape.</p> <p>The proposed tower and ancillary equipment will be constructed of steel in varying shades of grey that will blend with the blues, greens and greys of the landscape.</p>
The protection of the area for its recreational value.	The land has no known recreational values, being private land zoned for farming purposes
The risk of fire.	The proposed development is not expected to increase the risk of fire on the land provided all equipment is designed and constructed in accordance with appropriate standards as required by the Code of Practice for Telecommunications Facilities in

Decision Guideline	Response
	Victoria.
The views of the Department of Sustainability and Environment.	The proposed development was not required to be referred to the Department of Sustainability and Environment.

### Significant Landscape Overlay Schedule 3 (SLO3)

The subject site is within the area known as the Corner Inlet Amphitheatre that is identified as a significant landscape in the South Gippsland Planning Scheme. The relevant decision guidelines for Corner Inlet Amphitheatre are discussed below:

Decision Guideline	Response
Whether buildings are sited and designed to maximise retention of existing vegetation throughout the landscape, and whether the proposal provides for the planting of new indigenous coastal vegetation wherever possible.	The Telecommunications facility has been sited in an existing clearing to maximise the retention of vegetation. No vegetation is required to be removed.
Whether the proposed development is kept below the dominant tree canopy height	The landscape around the township of Port Franklin is extensively cleared of trees and is developed for grazing pasture. The dominant trees in the area are coastal and estuarine mangroves (up to 4m) planted windbreaks and domestic gardens (up to 5m) and remnant gum trees (up to 25m). Unlike other works within the SLO3 it is not technically feasible to construct the tower below the dominant tree canopy height and deliver the required level of service.
Whether the proposed development reduces visual intrusion by utilising low scale building forms, tucked into the landscape, with the use of materials and colours that occur in the local area.	The proposed facility has been designed and sited to reduce its visual intrusion by the use of a monopole structure sited away from roads and utilising steel that will blend with existing buildings and structure in the local area.

Decision Guideline	Response
<p>In coastal locations, whether the proposed development utilises materials and colours that minimise contrast with the surrounding landscape and whether the visibility of buildings and structures is minimised when viewed from a distance, including from offshore.</p>	<p>The proposed development utilises colours and materials that will blend with the landscape. The visibility of the structure when viewed from a distance will be minimised by the narrow shape of the tower.</p>
<p>In flatter locations (e.g. adjoining Shallow Inlet) whether the proposed development is substantially set back to minimise visual intrusion and to retain a dominant natural character within 500 metres of the edge of the coast.</p>	<p>The proposed facility will be setback approximately 300m from the edge of Corner Inlet however the natural character of the site has previously been modified by clearing for agriculture.</p>
<p>Whether the proposal includes the use of permeable surfacing for all unbuilt areas to minimise surface run-off and to support vegetation.</p>	<p>The proposal includes permeable surfacing to minimise stormwater run-off. It is not proposed to support vegetation within the facility which needs to be kept clear for operational and safety reasons.</p>
<p>Whether the proposal includes the use of vegetation for screening and to delineate property boundaries, instead of fencing. If fencing is necessary, the proposal should include open style fencing of a type traditionally used in rural areas i.e. post and wire.</p>	<p>The proposed fencing is open chain mesh fencing and is required for security purposes. The fence and compound will be visible from Mattsons Road, however is not expected to change the rural character of the area, due to the relatively small extent of fencing proposed.</p>
<p>Whether the proposal contributes to the retention of the character of large open rural areas offering scenic views by siting developments back from roads, amongst vegetation and low in the topography.</p>	<p>The tower needs to be positioned in an elevated position in the landscape in order to minimise the overall height of the tower. However, the proposed tower will be setback from Mattsons Road and the ground level works will be screened from view by the existing windbreak along the eastern property boundary.</p>

## **Telecommunications Code of Practice in Victoria**

The Code of Practice for Telecommunications Facilities in Victoria is an incorporated document in all Planning Schemes in Victoria pursuant to Clause 52.19. When deciding a planning permit application for a telecommunications facility the Responsible Authority must consider the following principles;

*Principle 1 - A Telecommunications Facility should be sited to minimise visual impact*

The proposed Telecommunications facility has been sited to minimise its' visual impact. The facility is not within the vicinity of a heritage place or landmark. The tower will not significantly interfere with panoramic views of Corner Inlet, Wilson's Promontory, Mt Hoddle or the Welshpool Hills which are identified as significant landscapes in the South Gippsland Planning Scheme.

*Principle 2 - A Telecommunications Facility should be co-located wherever possible*

The applicant has advised there are no facilities suitable for co-location within proximity of Port Franklin.

*Principle 3 - Health standards for exposure to radio emissions will be met*

The applicant has submitted information indicating the proposed electromagnetic radiation generated by the facility will be less than 1 per cent of the Australian public exposure limit recommended by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

It is recommended it be a condition of any planning permit that the facility operates at all times within the ARPANSA standard.

*Principle 4 - Disturbance and risk relating to siting and construction should be minimised. Construction activity and site location should comply with State environmental protection policies and best practice environmental management guidelines.*

The applicant has advised all construction will be carried out in accordance with all relevant standards and guidelines set out in the Code of Practice for Telecommunications Facilities in Victoria and it is recommended compliance with the Code be included as a condition on any planning permit issued.

## **Objections**

Five (5) written submissions were received from local residents.

The primary concern is the impact of the Telecommunications facility on views towards Corner Inlet and Wilsons Promontory and the impacts of electromagnetic radiation on the health of residents.

Concern is also raised that the proposal is contrary to the provisions of the Planning Scheme by not protecting and enhancing views.

Views of Wilsons Promontory and Corner Inlet are acknowledged as important in the South Gippsland Planning Scheme however it is considered the location and design of the tower are such that the impact of the towers on these views will be minimised. The tower will not obscure these views and that the tower will not dominate or detract from the scenic qualities of the area.

(refer **Attachment 5** – Summary of Submissions)

## **FINANCIAL CONSIDERATIONS**

Nil

## **RISK FACTORS**

The decision of this application could be subject to VCAT appeal by either the applicant or interested parties (objectors).

The Port Franklin tower provides a link to the proposed Foster North East location. Refusal of this application may result in a loss of NBN service to the townships of Toora, Welshpool and/or Port Welshpool. Planning permits have been issued for Toora and Welshpool.

## **CONCLUSION**

The proposed tower is consistent with State and Local Planning Policies to improve service provision to communities while protecting environmental values.

The proposed tower is permitted by the relevant zone and overlays in the South Gippsland Planning Scheme. This proposal is not considered to limit or affect the future development of adjoining and nearby land. The proposed tower meets the requirements of the Code of Practice for Telecommunications Facilities in Victoria.

Although the tower is proposed within a significant landscape, the proposed tower is not expected to result in a loss of visual amenity in the landscape or significantly detract from the scenic character of the area, as it has been sited to reduce its' visibility from major roads and viewpoints.

Key viewing points are considered to be from within Corner Inlet, from the South Gippsland Highway and from within public land in townships near the coast. It is considered that from these locations, the tower will be substantially screened from view by existing vegetation and development.

While the tower will be visible in views towards Wilsons Promontory, Corner Inlet and the Welshpool Hills (depending on the position of the viewer) it is

considered that these views will not be obscured or dominated by the proposed tower.

### **RECOMMENDATION**

**That Council grant a Notice for Decision for the Telecommunications facility (40m high monopole, 3 panel antennas, 3 parabolic antennas, 2 outdoor cabinets at ground level and ancillary works) at Mattsons Road Port Franklin (being Crown Allotment 5 Section E Parish of Toora), subject to the following conditions:**

- 1. The building, works and layout as shown on the endorsed plan(s) must not be altered or modified except with the written consent of the Responsible Authority.**
- 2. Once the development has started it must be continued and completed in a timely manner to the satisfaction of the Responsible Authority.**
- 3. All works must be undertaken in accordance with the principles set out in “A Code of Practice of Telecommunications Facilities in Victoria”, Department of Sustainability and Environment 2004.**
- 4. The Telecommunications Facility must at all times operate in accordance with the “Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300GHz ARPANSA” May 2002.**
- 5. The owner/applicant must comply with the following South Gippsland Shire Engineering Department conditions:**
  - a. Access and layout of the driveway must be constructed in accordance with Council’s standard drawing SD 255.**
  - b. The driveway must have a minimum consolidated pavement depth of 100 mm thick crushed rock or 2nd grade gravel on a suitably prepared and firm subgrade between the road and the property boundary.**
  - c. The remainder of the driveway must be constructed, and thereafter maintained, to an all-weather standard (gravel, crushed rock or equivalent).**
  - d. All work must be to the satisfaction of the Responsible Authority.**
- 6. The property must be maintained in a neat and tidy condition to the satisfaction of the Responsible Authority.**

- 7. The external finishes of the Telecommunications Facility, including the monopole and outdoor cabinets, must be colour treated and maintained in muted low-reflective tones to the satisfaction of the Responsible Authority.**
- 8. All stormwater discharging from the development and/or use on the land must be contained within the boundaries of the land to the satisfaction of the Responsible Authority.**
- 9. All areas of the development must be drained to the legal point of discharge via an underground drainage system or other approved method of stormwater drainage to the satisfaction of the Responsible Authority.**
- 10. Appropriate measures must be taken to ensure that the construction of the Telecommunications Facility and ancillary works, and their ongoing use, does not cause erosion or degradation to the subject or surrounding land to the satisfaction of the Responsible Authority.**
- 11. This permit will expire if one of the following applies:**
  - a. The development is not started within two (2) years of the date of this permit.**
  - b. The development is not completed within four (4) years of the date of this permit.**

**The Responsible Authority may extend the above periods if a request is made in writing before the permit expires or within the following three months.**

**Foot Notes included on Permit:**

- 1. This permit allows the above land to be used or developed for the purpose specified. It is the permit holder's responsibility to ensure that any other relevant approvals are obtained prior to the commencement of the use or development.**
- 2. The owner/applicant is encouraged to check with the relevant service authorities before any excavation work is undertaken (eg Telstra, SP Ausnet and South Gippsland Water)**
- 3. A Consent to Work Within the Road Reserve Permit must be obtained from Council's Engineering Department for the construction and/or alteration of the driveway.**

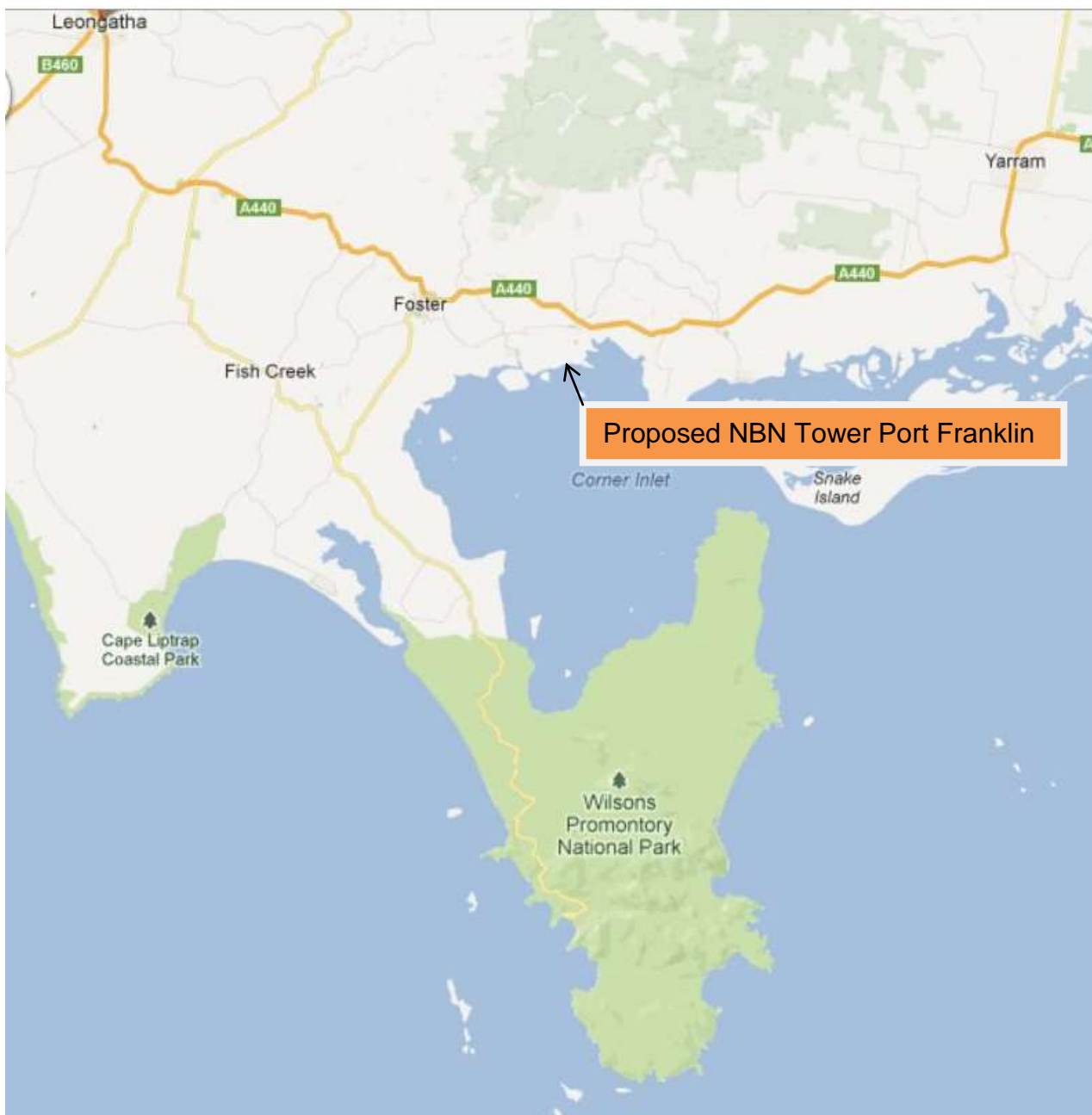


## **STAFF DISCLOSURE OF INTEREST**

Nil

## Attachment 1

### Locality Plan



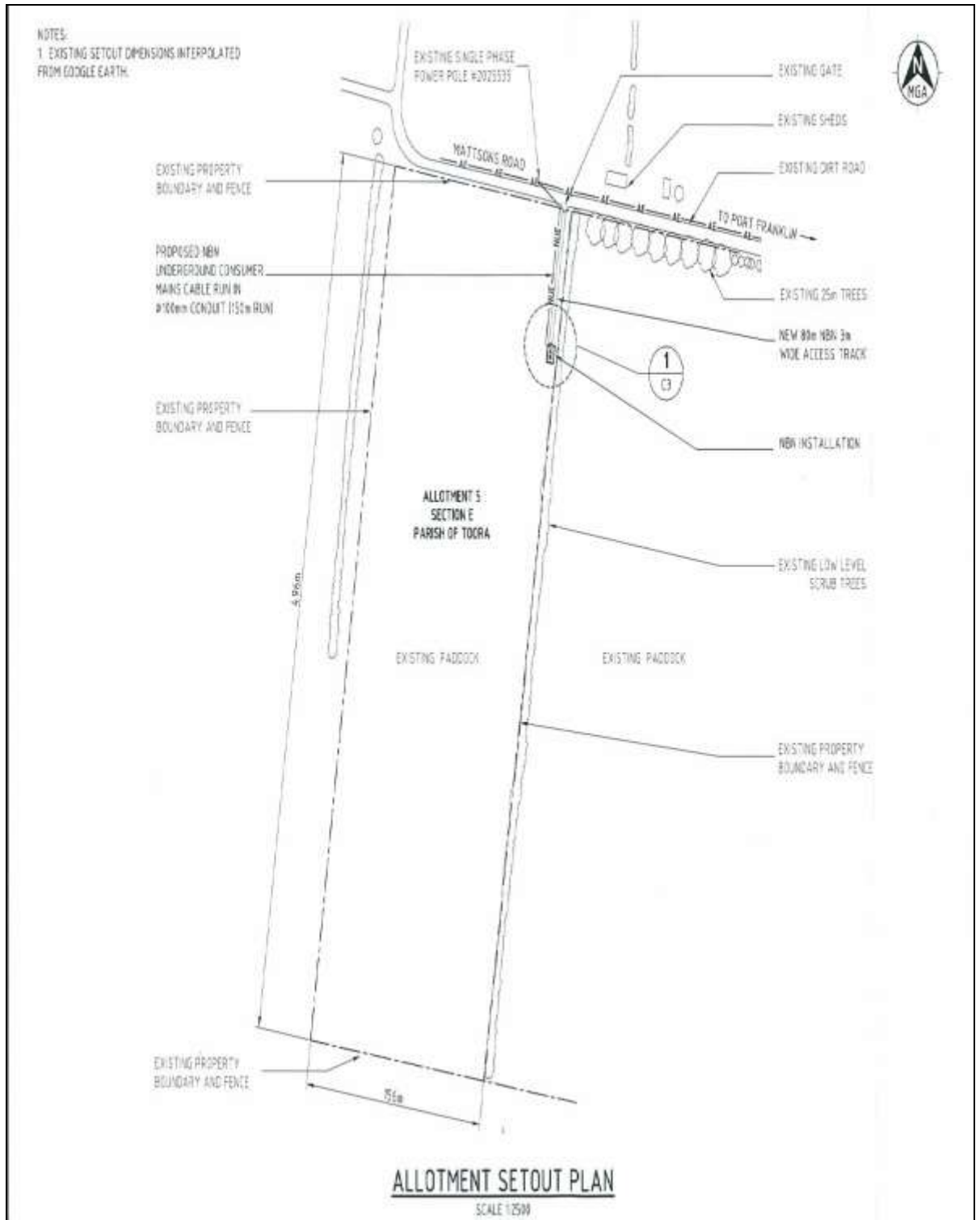
### Attachment 2 - Aerial Photo and Zoning Plan



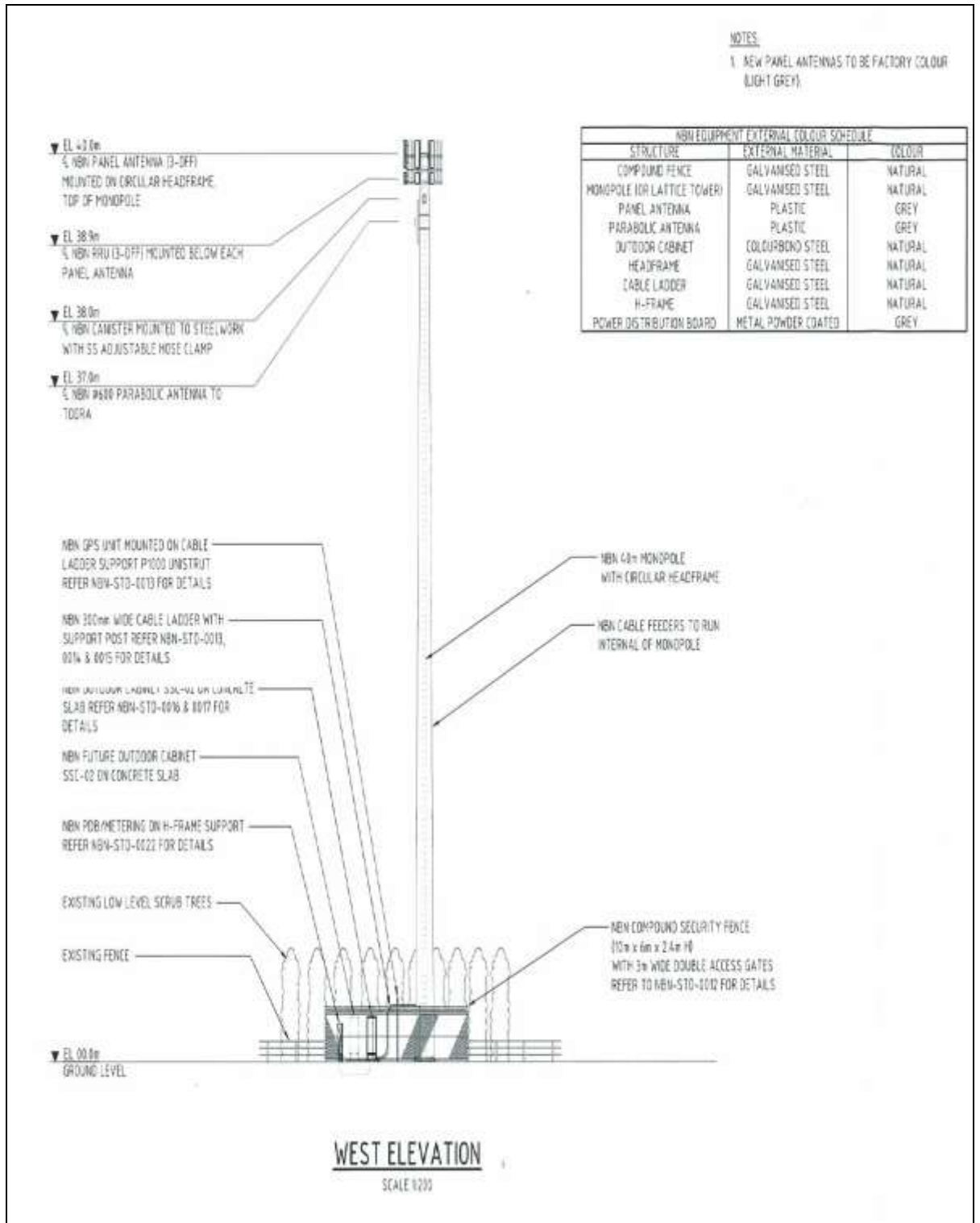
### Zoning Plan



**Attachment 3 - Site Plan**



**Attachment 4 - Elevation**



**Attachment 5 - Summary of Objections**

<b>Submission</b>	<b>Planning Response</b>
<p>That the proposed tower will be visible from every south facing room of the dwelling at 36 Tramway Street Port Franklin.</p>	<p>The tower will be approximately 480m to the south west of the dwelling at 36 Tramway Street Port Franklin.</p> <p>The tower will be visible above the existing buildings and trees that also form part of the southerly view from the house.</p> <p>While the tower will be visible in the landscape it is not considered there will be any detrimental impact on the amenity of residents of the dwelling.</p> <p>The distance of the proposal from the house will ensure views of the landscape are not dominated by the tower.</p>
<p>That the alternative sites considered by the NBN Co and identified as Site 2 and Site 3 are preferable to the proposed site. In particular, the alternative site in Mattsons Road is considered most suitable.</p>	<p>Following consultation with the applicant, it has been confirmed that NBN Co has determined the subject site is the preferred site for the delivery of the NBN service to Port Franklin. Council must decide the application before it.</p>
<p>Additional power poles may be required to service the facility, resulting in further loss of amenity of the area and request power connection to be underground.</p>	<p>The applicant has advised power will be connected to the tower via an underground cable connection from the nearest high voltage power pole, approximately 150m from the north of the site. No additional power poles are proposed.</p>
<p>Suggest that it be a condition of any planning permit that the Telecommunications facility be removed if it remains unused for a period of six (6) months.</p>	<p>This is not considered a suitable condition as the proposal does not require planning consent in relation to the 'use' of the land and Council has limited ability to monitor use of the facility.</p> <p>It is considered unlikely a telecommunications provider will</p>

Submission	Planning Response
	<p>continue to lease land that is not needed to provide a service and that if the facility is no longer required in future it will be removed.</p>
<p>Concerned about the cumulative impacts of electromagnetic energy (EME) on the health of local residents.</p>	<p>The ARPANSA Standard is based on scientific research that shows the levels at which harmful effects occur and it sets limits, based on international guidelines, well below these harmful levels. It is the assessment of ARPANSA and other national and international health authorities, including the World Health Organization (WHO), that there are no established adverse health effects below current exposure limits. The standard is intended to protect people of all ages and health status.</p> <p>The applicant has submitted the proposed tower complies with the recommended electromagnetic radiation exposure limits set by ARPANSA. It is recommended it be a condition of any permit that the tower operate in accordance with ARPANSA standards at all times.</p>
<p>The proposed facility does not comply with the Significant Landscape Overlay as the proposal does not protect and enhance the natural beauty of the coastal area.</p>	<p>The siting and design of the Telecommunications facility have been chosen to minimise its' impact on views in order to protect the natural beauty of the coastal area.</p> <p>Although the facility may not enhance the landscape it is considered the facility does not conflict with the decision guidelines of the Significant Landscape Overlay as discussed within this report.</p>
<p>The proposed development does not</p>	<p>It is considered the proposed tower</p>

Submission	Planning Response
<p>comply with the provisions of the Planning Scheme at Clause 52.19-6 as the planned colour and design of the works will not blend into the natural beauty of the coastal area</p>	<p>colour (natural steel) is mutable and will blend with greys, blues, and greens of the environment.</p> <p>The tower design is a single vertical pole in order to minimise its' impact on the landscape.</p>
<p>The proposal does not comply with the provisions of the Farming Zone at Clause 35.07-6 which requires the impact of the siting, design, height, bulk, colours and materials to be used on the vistas in the area to be considered.</p>	<p>The impact of the tower on vistas in the area has been considered by the choice of a slim line pole and siting of the facility where it will be setback from the road and partially screened by large gum trees and an established windbreak.</p>
<p>That the provisions of the Land Subject to Inundation Overlay may not have been considered.</p>	<p>The application was referred to the relevant authority (WGCMA) and no objection to the proposal has been raised.</p>
<p>That the planning policy at Clause 13.04-1, which aims to ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area, will not be achieved due to noise emissions.</p>	<p>The applicant has advised that noise during the construction phase will be of short duration and in accordance with the Environmental Protection Regulation 1998 and Environment Protection (Noise) Policy 1997. Construction works will only occur between the hours of 7am and 6pm.</p> <p>The air-conditioning equipment within the shelter will generate a similar level of noise as a domestic air-conditioner and will not exceed the background noise levels set out in Australian Standard AS1055. The tower has been placed 300m from the nearest dwelling to minimise impacts on amenity.</p>
<p>That a number of adjacent properties will be affected by the installation of the facility in that important views to Wilsons Promontory will be interrupted</p>	<p>Visual impact of the tower is a valid consideration under the provisions of the South Gippsland Planning Scheme and the Telecommunications Code of Practice. The Code sets out a</p>



<b>Submission</b>	<b>Planning Response</b>
	<p>number of key considerations in how to limit visual impact, which it is considered the proposed tower satisfies as discussed within this report.</p> <p>While the tower will be clearly visible from a number of properties in the vicinity, it is considered the proposed facility will not obscure the views towards Wilsons Promontory enjoyed by residents.</p> <p>The tower will be an additional visual element within the view corridor that also includes existing power poles and buildings.</p> <p>The facility has been sited to minimise interruption of views to Wilsons Promontory from within the majority of the homes within the township of Port Franklin.</p>
<p>Concern about the lack of consultation with local residents about alternative sites.</p>	<p>The planning permit process does not enable consideration of alternative sites.</p> <p>In selecting the proposed site, NBN Co undertook the investigations and consultations necessary to select their preferred site.</p>

## 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 Councillor ....be allowed a 'short period' to indicate the reason(s) why the matter should be considered as a matter of urgent business". If the Chairperson accepts the motion as meeting the urgent business criteria, normal meeting procedures in Local law 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**

## **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    PROPOSED DEVELOPMENT**

#### **ITEM 2    OUTCOME OF EXPRESSION OF INTEREST FOR LONG JETTY CARAVAN PARK AND YANAKIE CARAVAN PARK**

### **RECOMMENDATION**

**That Council close the Meeting to the Public to allow for consideration of:**

- 1. Proposed Development pursuant to Section 89(2)(e) as provided for by the Local Government Act 1989; and**
- 2. Information that may prejudice council or persons pursuant to Section 89(2)(h) as provided for by the Local Government Act 1989.**

## **SECTION H - MEETING CLOSED**

### **NEXT MEETING**

The next Ordinary Council Meeting open to the public will be held on Wednesday, 22 May 2013 commencing at 2pm in the Council Chambers, Leongatha.