



*South Gippsland*  
Shire Council

*Come for the beauty, Stay for the lifestyle*

# **COUNCIL AGENDA PAPERS**

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**22 May 2013**

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**ORDINARY MEETING NO. 369  
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. 369  
OF THE SOUTH GIPPSLAND SHIRE COUNCIL WILL BE HELD ON  
22 MAY 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. 369, held on 24 April 2013 and Special Meeting of Council held on Wednesday 10 April 2013 in the Council Chambers, Leongatha be confirmed.

### **A.6 REQUESTS FOR LEAVE OF ABSENCE**

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## 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.10 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 22 May 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.”**

## **SECTION C - COMMITTEE REPORTS**

### **C.1 REQUEST FOR COUNCIL REPRESENTATION ON NEW EXTERNAL COMMITTEE**

Community Services Directorate

#### **EXECUTIVE SUMMARY**

A formal request has been received from the Tarwin Valley Development Group Inc seeking a Councillor representative and a relevant officer representative to join their committee.

The Group was established to develop a branding and marketing project for the Tarwin Valley District and was funded through the Advancing Country Towns project.

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

- **Attachment 1** - Correspondence – Tarwin Valley Development Group Inc Request for Council to Join Committee

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

Local Government Act 1989, Section 3D, Section 139

#### **COUNCIL PLAN**

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

#### **REPORT**

##### **Background**

The Tarwin Valley Branding and Marketing Project is one of seven initiatives endorsed by the Advancing Country Towns Steering Group and funded through the Advancing Country Towns Lower Tarwin District project.

A formal request has been received from the President of the Tarwin Valley Development Group for Council to nominate one Councillor and one staff member to join the newly established committee for the Tarwin Valley Development Group.

At the Special Statutory Meeting of 7 November 2012, Councillors were appointed to represent Council on Committees and External Bodies.

Council Resolved:

**THAT COUNCIL:**

1. **APPOINT COUNCILLORS TO COMMITTEES AND EXTERNAL BODIES FOR THE TERM COMMENCING 7 NOVEMBER 2012 UNTIL THE SCHEDULED SPECIAL (STATUTORY) MEETING OF 2013 AS PER THE FINALISED SCHEDULE FOUND AT ATTACHMENT 1; AND**
2. **CONSIDER NEW APPOINTMENTS TO COMMITTEES AND EXTERNAL BODIES AS CHANGES ARE REQUIRED OR NEW COMMITTEES ARE FORMED.**

Director Community Services, Jan Martin and Director Development Services, Phil Stone, will share the Council staff representation role.

Consideration is sought regarding the appointment of a Councillor representative on the Tarwin Valley Development Group.

**FINANCIAL CONSIDERATIONS**

No details relating to the location or frequency of the Committee Meetings has been provided. The Tarwin Valley Branding and Marketing project is funded through the Advancing Country Towns Lower Tarwin Valley District Program.

**RISK FACTORS**

The investment of Councillor time and resources returns positive outcomes and opportunities for Council and the community through access to strategic information and Councillor's providing advocacy and leadership for the benefit of the community. Insufficient representation on relevant committees would limit the achievement of these benefits.

**CONCLUSION**

Should Council wish to be involved, nominations are sought and a formal resolution will appoint one Councillor as representative on the Tarwin Valley Development Group Committee until the scheduled Statutory Meeting of 2014 at which time membership will be reviewed.

Should Council not wish to be involved a letter of response will be provided to the Committee advising of this decision.

## **RECOMMENDATION**

### **That Council:**

- 1. Appoint Cr \_\_\_\_\_ as Councils representative on the Tarwin Valley Development Group Committee;**
- 2. Note that the Director of Development Services and Director Community Services to share the Council staff representation role; and**
- 3. Write to the Committee advising of this appointment.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

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**Attachment 1**  
**Correspondence – Tarwin Valley Development Group Inc Request for Council  
to Join Committee**

**Tarwin Valley Development Group Inc**

Chairperson  
Neil Travers  
PO Box 87  
Meeniyan  
VIC3056

Mr Tim Tamlin  
CEO  
South Gippsland Shire Council  
9 Smith St- private Bag 4  
Leongatha Vic 3953

Dear Mr Tamlin

As you would be aware the Tarwin Valley Development Group Inc has been formed and recently funded by the Advancing Towns Project to develop a Branding project for the Tarwin Valley and South Gippsland.

The Group is made up of representatives of business and community groups. It has a goal of promoting the district by developing a recognised brand that promotes tourism, business investment, produce of the Tarwin Valley and attract new residents.

Our incorporation has the following Statement of Purposes:

1. To promote the broad economic, social, cultural, education and sustainable development of the Tarwin Valley and district
2. To develop and promote the identity and brand attributes of the Tarwin Valley and District
3. To promote business development and to attract investment into the Tarwin Valley and district
4. To attract potential new residents to experience the Tarwin Valley and district and settle in it
5. To establish a not for profit community foundation to promote the purposes of the association.
6. To receive grants and funding monies from governments, philanthropic trusts and other funding bodies to promote the purposes of the association.
7. To set fees and charges for projects and activities associated with the purposes of the association


We believe that the branding project is of obvious significance in the sustainable development of the Shire. Council's financial sustainability is depended on growing to a population of around 40-50000 as soon as possible. The project has the potential to assist in attracting new investments, tourist and new residents.

We want to work in partnership with Council in developing a brand that puts South Gippsland on the map.

In order to facilitate cooperation we are formally requesting two representatives from Council to become members of the committee of the group. We would request a councillor and a relevant officer to join our committee.

Together we have the opportunity to promote the shire in a way that is compelling and attractive. I look forward to your reply

Yours faithfully



Neil Travers  
Chairperson

## **C.2 NOMINATION OF COUNCILLOR TO THE MAV TRANSPORT AND INFRASTRUCTURE COMMITTEE**

Corporate Services Directorate

### **EXECUTIVE SUMMARY**

Following a recent MAV Gippsland Region Meeting, it was recommended that Council nominate a Councillor to participate on the Municipal Association of Victoria (MAV) Transport and Infrastructure Committee.

The Committee aims to inform and help progress MAV work on the transport and infrastructure priorities identified by the sector in the MAV Strategic Plan, State Council resolutions and as nominated by the Board.

Membership is determined by the Board through an Expression Of Interest process and seeks to include Council representatives from both metropolitan and regional Victoria.

### **COUNCIL PLAN**

Strategic Goal:	3.0	A Strong Economy
Outcome:	3.3	Infrastructure
Strategy No:	3.3.2	Transport

### **REPORT**

#### **Background**

The role of members of the Committee is to inform the MAV's work on transport and infrastructure priority issues and to advise the Group of the transport and infrastructure issues and challenges currently at play within their municipality and/or region.

In addition, members are asked to participate in the formulation of MAV state-wide policy positions and campaigns.

Membership on the Committee is reviewed in November 2014.

At the Special Statutory Meeting of 7 November 2012, Councillors were appointed to represent Council on Committees and External Bodies.



Council Resolved:

**THAT COUNCIL:**

- 1. APPOINT COUNCILLORS TO COMMITTEES AND EXTERNAL BODIES FOR THE TERM COMMENCING 7 NOVEMBER 2012 UNTIL THE SCHEDULED SPECIAL (STATUTORY) MEETING OF 2013 AS PER THE FINALISED SCHEDULE FOUND AT ATTACHMENT 1; AND**
- 2. CONSIDER NEW APPOINTMENTS TO COMMITTEES AND EXTERNAL BODIES AS CHANGES ARE REQUIRED OR NEW COMMITTEES ARE FORMED.**

Consideration is sought regarding the nomination of a Councillor to participate on the MAV Transport and Infrastructure Committee.

**FINANCIAL CONSIDERATIONS**

The Committee meets on a quarterly basis in Melbourne. Costs would be limited to travel related expenses. The MAV provides secretariat functions to the Committee.

**RISK FACTORS**

The involvement of a South Gippsland Councillor on this Committee would increase regional representation and align strongly with aims of the Gippsland Transport Strategy and Council's own transport advocacy efforts. Insufficient representation would limit the advocacy opportunities and sharing of important information among Gippsland Councils.

**CONCLUSION**

Should Council wish to be involved, late nominations are sought by way of an Expression of Interest and a formal resolution will appoint one Councillor until the scheduled Statutory Meeting of 2014 at which time membership will be reviewed.

Should Council not wish to be involved no Expression of Interest will be put forward.

**RECOMMENDATION**

**That Council nominate Cr \_\_\_\_\_ by way of an Expression of Interest, to participate on the MAV Transport and Infrastructure Committee.**

**STAFF DISCLOSURE OF INTEREST**

Nil

## **SECTION D – PROCEDURAL REPORTS**

### **D.1 ORGANISATIONAL QUARTERLY PERFORMANCE REPORT - JANUARY TO MARCH 2013**

Corporate Services Directorate

#### **EXECUTIVE SUMMARY**

The organisational Quarterly Performance Report for the period January to March 2013 provides detailed reporting on Council's year to date performance against the 2012/13 Annual Plan and Department Budgets.

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

This report does not capture every achievement during the quarter, however it focuses on key achievements that contribute to delivery of the corporate priorities. The contents summarise the performance for the quarter and the status of the Annual Plan and Key Strategic Activities as at 31 March 2013.

The organisational Quarterly Performance Report January to March 2013 is provided in Appendix 1.

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

- **Appendix 1** - Quarterly Performance Report January to March 2013

A copy of the Quarterly Performance Report January to 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, Sections 125,127 and 223

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

2012/13 Annual Plan

2012/13 Annual Budget incorporating 15 year Long Term Financial Plan and Key Strategic Activities.

#### **COUNCIL PLAN**

Strategic Goal:	5.0	A Leading Organisation
Outcome:	5.2	Systems and Processes
Strategy No:	5.2.6	Business Excellence

## **CONSULTATION**

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

The community was consulted during the preparation of the Annual Plan 2012/13.

### **Background**

The 2012/13 Annual Plan, adopted by Council on 27 June 2012 set the indicators and activities, including the Key Strategic Activities, which would be reported within the Quarterly Performance Report to Council (Appendix 1).

### **Discussion**

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

Of the 66 Annual Plan commitments 82% are on-track, 18% have been completed and none of the commitments have been delayed.

Eight of the 11 KSA's are on track with two activities complete and one activity below the set target. The completed KSA's include:

- Development of a Corporate Service Charter and Dispute Resolution Policy, and
- Review, and adoption by Council, of the Asset Management Policy and Strategy.

The KSA that is below target relates to the current budget challenges with the weighted average of 5 key financial ratios (including indebtedness, underlying working capital ratio, self-financing, investment gap and underlying result for the 2012/2013 Budget) being below the target of 98%. This issue is being addressed by Council as part of the 2013/14 budget setting process.

A number of significant highlights during the January to March 2013 period include:

- The quality of Statutory Planning service delivered to our customers continues to improve. Applications completed within statutory time frames during the quarter averaged 81%. The comparative regional average for all Victorian Rural Councils during this period was 70%.
- During the second quarter South Gippsland Shire Council assessed and decided planning applications, on average, 14 days faster than the average of all rural councils in the state

- A planning permit was issued on 23 January 2013 for the proposed Toora Milk Plant. When completed, this development will provide significant social and economic benefits to the township of Toora and the greater Gippsland area.
- An information package was developed to assist Community Groups' understand registration and notification requirements for food activities. Community information sessions have commenced with the first presentation being held in Poowong on 27 March.
- Korumburra Town Centre Framework Plan consultation has commenced with over 130 submissions for the first stage.
- Visitation to Coal Creek increased by 3.42% in comparison to last year. In total Coal Creek received 17,254 Visitors between January and March 2013.
- One person was prosecuted at the Magistrates Court for offences against the Planning and Environment Act 1987 (illegal native vegetation removal). Defendant pleaded guilty and fines and costs of approximately \$16,000 were imposed.
- The Dollar Road, Dumbalk road widening project has been completed.
- The reconstruction of Stony Creek Road, Stony Creek has been completed.
- It was a smooth start and finish to the 2012/13 Outdoor Pool season, all outdoor pools showed an increase in attendance which can be attributed to the great work done by the community volunteers in partnership with Council.
- The Music for the People annual concert was held on 24 February with over 900 people attending the event, a 25% increase from last year.
- The Improving Liveability for Older People Program, Tech Tasters, has been successful in both Foster and Leongatha and will be rolled out in Korumburra. A fresh food cooking and dining program 'Garden to Plate' has commenced in Korumburra in partnership with Gippsland Southern Health Service.
- The Automated Weather Station in Yanakie was officially opened on 8 February 2013 by Peter Hall MC. Weather forecasting is being captured on the Bureau of Meteorology website. This will benefit farming, commercial and recreational fishing, emergency management and tourist operators.
- Australia Day Awards Celebration was held in the Leongatha Memorial Hall attracting 240 people and another large field of nominees with 22 received.

- Council recruited an additional independent member for the Audit Committee to provide further expertise in the oversight of Council functions and responsibilities.
- Round 2 of the South Gippsland Community Grants program has commenced. This Program provides funds for community, cultural and sporting organisations.

### **FINANCIAL CONSIDERATIONS**

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

The weighted average of 5 key financial ratios (including indebtedness, underlying working capital ratio, self-financing, investment gap and underlying result for the 2012/2013 Budget) is below the target of 98%. This issue is being addressed by Council as part of the 2013/14 budget setting process.

### **RISK FACTORS**

Council has been encumbered by a significant unfunded superannuation funding call, received reduced Victorian Grants Commission funding and incurred other unavoidable costs that require Council to be cautious in its financial management as it considers ways to address these unexpected impacts.

### **CONCLUSION**

It is recommended that Council receive and note the organisational Quarterly Performance Report. The Report provides an overview of Council's performance against both Department Budgets and the Annual Plan for the period January to March 2013.

### **RECOMMENDATION**

**That Council receive and note the organisational Quarterly Performance Report (Appendix 1) for the period January to March 2013.**

### **STAFF DISCLOSURE OF INTEREST**

Nil

## **D.2 COUNCILLOR EXPENDITURE REPORT - 31 MARCH 2013**

Corporate Services Directorate

### **EXECUTIVE SUMMARY**

The Councillor Expenditure Report (**Attachment 1**) provides Council with a quarterly update on Councillor Expenditure from 1 July 2012 to 31 March 2013, as resolved in 2003.

#### Document pertaining to this Council Report

- **Attachment 1** - Councillor Expenditure

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

Local Government Act 1989, Section 75 Reimbursement of expenses of Councillors

Councillor Support and Expenditure Policy

### **COUNCIL PLAN**

Strategic Goal:	5.0	A Leading Organisation
Outcome:	5.1	Good Governance
Strategy No:	5.2.3	Financial Management

### **REPORT**

#### **Background**

The Councillor Expenditure Report (**Attachment 1**) provides Council with an update on Councillor expenditure from 1 July 2012 to 31 March 2013.

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

### **FINANCIAL CONSIDERATIONS**

Overall Expenditure is in line with budget.

### **RISK FACTORS**

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

**RECOMMENDATION**

**That Council receive and note the Councillor Expenditure Report for the period 1 July 2012 to 31 March 2013.**

**STAFF DISCLOSURE OF INTEREST**

Nil

Attachment 1

Councillor Expenditure												
From 1 July 2012 to 31 March 2013												
Councillor	Car	Travel Expenditure					Other Expenditure					Total
		Travel Reimbursement*	Fuel Cost **	Mobile Phone	Phone/Fax/ Modem	Accommodation/Parking	Councillor Allowance	Remoteness Allowance	City Link	Internet Account***		
Cr. Robert Newton	Council	\$ 509	\$ -	\$ 258	\$ -	\$ -	\$ 19,763	\$ -	\$ -	\$ 79	\$ 20,609	
Cr. Lorraine Brunt	Personal	\$ 543	\$ -	\$ 268	\$ -	\$ 184	\$ 12,211	\$ -	\$ -	\$ -	\$ 13,206	
Ex. Cr. Jennie Deane		\$ 77	\$ 117	\$ 280	\$ -	\$ -	\$ 7,553	\$ -	\$ -	\$ 105	\$ 8,132	
Cr. Andrew McEwen	Personal	\$ -	\$ 1,994	\$ 116	\$ -	\$ -	\$ 12,211	\$ -	\$ -	\$ -	\$ 14,321	
Ex. Cr. Warren Raabe		\$ -	\$ -	\$ 48	\$ -	\$ -	\$ 22,609	\$ -	\$ -	\$ 211	\$ 22,868	
Cr. Kieran Kennedy	Council	\$ 1,590	\$ -	\$ 582	\$ -	\$ 175	\$ 43,759	\$ -	\$ 29	\$ 201	\$ 46,336	
Cr. Mohya Davies	Council	\$ 799	\$ -	\$ 508	\$ -	\$ 326	\$ 19,763	\$ -	\$ 45	\$ 706	\$ 22,147	
Cr. Jeanette Harding	Council	\$ 67	\$ 600	\$ 250	\$ -	\$ 265	\$ 19,763	\$ 120	\$ 6	\$ 79	\$ 21,150	
Cr. Nigel Hutchinson Brooks	Council	\$ 307	\$ 831	\$ 117	\$ -	\$ -	\$ 12,211	\$ -	\$ -	\$ -	\$ 13,466	
Ex. Cr. David Lewis		\$ 179	\$ 302	\$ 189	\$ -	\$ 159	\$ 7,553	\$ -	\$ 9	\$ 264	\$ 8,655	
Cr. Don Hill	Personal	\$ -	\$ 1,048	\$ 164	\$ 333	\$ -	\$ 12,211	\$ -	\$ -	\$ -	\$ 13,756	
Ex. Cr. Mimmie Jackson		\$ -	\$ 79	\$ 26	\$ -	\$ -	\$ 7,553	\$ -	\$ -	\$ 79	\$ 7,737	
Cr. James Fawcett	Personal	\$ -	\$ -	\$ 1,127	\$ -	\$ -	\$ 19,763	\$ -	\$ -	\$ 52	\$ 20,942	
<b>Total Actual</b>		<b>\$ 4,071</b>	<b>\$ 4,971</b>	<b>\$ 3,933</b>	<b>\$ 333</b>	<b>\$ 1,109</b>	<b>\$ 216,923</b>	<b>\$ 120</b>	<b>\$ 89</b>	<b>\$ 1,776</b>	<b>\$ 233,325</b>	
<b>Total Budget</b>		<b>\$ 9,450</b>	<b>\$ 1,917</b>	<b>\$ 6,750</b>	<b>\$ 378</b>	<b>\$ 270</b>	<b>\$ 220,604</b>	<b>\$ 360</b>	<b>\$ 225</b>	<b>\$ 6,372</b>	<b>\$ 246,326</b>	

\* Travelling expenditure for Councillors with council vehicles represents cost of fuel purchases from 1 July 2012 to 31 March 2013.

\*\* Travelling expenditure for Councillors using private vehicles is at the prescribed rate of reimbursement.

\*\*\* Cr Davies Internet Expenditure includes : standard internet expenditure , trial wireless mobility connect modem and service.



### **D.3 REPORT ON ASSEMBLY OF COUNCILLORS - APRIL 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 April 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**

Nil

#### **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 3 April 2013</b>		
<b>Council Budget 2013-2014 Planning Day</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Harding, Newton, Davies, Kennedy, Hutchinson-Brooks, Hill and Brunt.</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>• Council Plan</li> <li>• Annual Plan 2013/14</li> <li>• Council Budget 2013/14</li> <li>• Rate Differentials</li> <li>• Land Realisation Project</li> </ul>
<b>Wednesday 10 April 2013</b>		
<b>Executive Update</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Harding, Newton, Davies, Kennedy, Hutchinson-Brooks and Hill</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Enforcement matter</li> <li>• Planning application</li> <li>• Development contribution</li> <li>• National General Assembly</li> </ul>
<b>Thursday 11 April 2013</b>		
<b>Mossvale Park Advisory Committee</b>	<p><b>Councillors Attending:</b> Cr Hill</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Historical Society enquiry</li> <li>• Million tree site maintenance</li> <li>• Road Signage</li> <li>• Memorial plaque</li> <li>• Forester's plant area</li> <li>• Exotic tree replacement</li> <li>• Friends working day</li> </ul>

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 17 April 2013</b>		
<b>Ordinary Council Agenda Topics – 24 April 2013</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Newton, Harding, Kennedy, Hutchinson-Brooks, Davies and Brunt.</p> <p><b>Conflict of Interest:</b> Cr Fawcett with a declared conflict of interest for items on the Council Agenda.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Ordinary Council Agenda – 24 April 2013</li> </ul>
<b>Executive Update</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Newton, Harding, Kennedy, Hutchinson-Brooks, Davies and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Developer contributions</li> <li>• Confirmation of Council's Priority Projects</li> <li>• NBN tower update</li> </ul>
<b>Early Years Facilities Renewal Program Service Levels</b>	<p><b>Councillors Attending:</b> Crs Fawcett, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Davies and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Councillors were provided with information relating to the Draft Early Childhood Services Building Asset Policy Framework.</p>
<b>Council Policy Review: Policy Schedule, Councillor Code of Conduct</b>	<p><b>Councillors Attending:</b> Crs McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Davies and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Councillors were provided with information relating to the Policy Schedule and Councillor Code of Conduct.</p>
<b>Council Budget 2013-2014</b>	<p><b>Councillors Attending:</b> Crs McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Davies and Brunt.</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>CEO Review Committee</b>	<p><b>Councillors Attending:</b> Crs Hill, Fawcett, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Davies and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• CEO review</li> </ul>

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 17 April 2013</b>		
<p><b>Gardiner Foundation Strengthening Small Dairy Communities Program</b></p>	<p><b>Councillors Attending:</b> Crs Hill, Fawcett, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Davies and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Councillors were provided with information relating to progress of the Strengthening Small Dairy Communities – Lower Tarwin Valley Project over the last 12 months and to highlight outcomes achieved by the community through the facilitation of the project.</p>
<p><b>Fish Creek Tea Cosy Committee</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> Councillors were provided with a presentation and a lovely cup of tea.</p>
<p><b>Public Presentation Session</b></p> <p><b>DAY 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> Cr Fawcett left the room with a declared conflict of interest for one of the items.</p>	<p>Presentations were made to Council by the following community members.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 17 April 2013</b>		
<p><b>Ms Rebecca Marriott</b> addressed Council regarding her attendance at the National Rural Women’s Conference.</p> <p><b>Mr Bill Bray, Mr Rob Liley and Mr Robin Crocker</b> addressed Council regarding the Walkerville Foreshore Committee of Management Plan.</p> <p><b>Ms Alyson Skinner, representing the Venus Bay Community Centre,</b> addressed Council regarding the Pilot Evaluation of the Venus Bay Summer Beach Bus.</p> <p><b>Mr David Martin and Mr Mark Uren, representing the South Gippsland Landcare Network</b> addressed Council regarding the Bass Coast Shire Councils Land Management Rebate Scheme.</p> <p><b>Mr Neil Traveres, representing the Tarwin Valley Development Group</b> addressed Council regarding the Tarwin Valley brand proposal.</p> <p><b>Mr Paul Norton</b> addressed Council regarding NBN Telecommunication Towers.</p> <p><b>Mr Glen Wright and Michelle Harris, representing the Leongatha Recreation Reserve</b> addressed Council regarding the Master Plan for the Leongatha Recreation Reserve.</p> <p><b>Mr Grant Flather</b> addressed Council regarding Council Agenda Item <u>E.18 - TELECOMMUNICATIONS FACILITY (NBN TOWER) 35 SHELLCOTT ROAD YANAKIE PLANNING APPLICATION 2012/394.</u></p>		
<p><b>Tarwin River water supply catchment</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>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 17 April 2013</b>		
<b>Mirboo North and Korumburra Pool Master Plans</b>	<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>• Review of draft Mirboo North and Korumburra Pool Master Plans and recommendations.</li> </ul>
<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>
<p><b>Public Presentation Session</b></p> <p><b>EVENING SESSION</b></p> <p><b>Mr and Mrs Ailsa Richter</b> addressed Council regarding Council Agenda Item <u>E.19 - TELECOMMUNICATIONS FACILITY (NBN TOWER) MATTSONS ROAD PORT FRANKLIN PLANNING APPLICATION 2012/396.</u></p> <p><b>Ms Andrea Tieman</b> addressed Council regarding Governance and Constitutional matters.</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>Presentations were made to Council by the following community members.</p>
<b>Wednesday 17 April 2013</b>		
<b>South Gippsland Road Safety Partnership Group</b>	<p><b>Councillors Attending:</b> Cr Newton</p> <p><b>Conflict of Interest:</b> Nil</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Road safety initiatives</li> </ul>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Monday 22 April 2013</b>		
<b>Nyora Loch Poowong Sewerage Scheme Meeting</b>	<p><b>Councillors Attending:</b> Crs McEwen, Brunt, Kennedy 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>• Essential Services Commissions Decision with regard to the funding of the Nyora Loch Poowong sewerage scheme.</li> </ul>
<b>Wednesday 24 April 2013</b>		
<b>Ordinary Council Agenda Topics – 24 April 2013</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Newton, McEwen, Harding, Kennedy, Hutchinson-Brooks, Davies and Brunt.</p> <p><b>Conflict of Interest:</b> Cr Fawcett with a declared conflict of interest for items on the Council Agenda.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Ordinary Council Agenda – 24 April 2013</li> </ul>
<b>Public Presentation Session</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Newton, McEwen, Harding, Kennedy, Hutchinson-Brooks, Davies and Brunt.</p> <p><b>Conflict of Interest:</b> Nil</p>	<p>Presentations were made to Council by the following community members:</p>
<p><b>Mr and Mrs Gil and Meredith Freeman</b> addressed Council regarding the 'Grow Lightly' program.</p>		
<p><b>Mr Graeme Nicoll</b> addressed Council regarding the Housing and Settlement Strategy.</p>		
<p><b>Mr David Amor</b> addressed Council regarding concerns he has for the Korumburra township.</p>		
<p><b>Mr Grant Flather</b> addressed Council regarding Council Agenda Item <u>E.18 - TELECOMMUNICATIONS FACILITY (NBN TOWER) 35 SHELLCOTT ROAD YANAKIE.</u></p>		
<p><b>Ms Meg Parkinson</b>, representing the Victorian Farmers Federation addressed Council regarding Council Agenda Item <u>B.1 - NOTICE OF MOTION NUMBER 653 – DIFFERENTIAL RATES 2014/ 2015.</u></p>		
<p><b>Mr Matt Evans and Ms Katie Hill</b>, representing the NBN Telecommunication Towers addressed Council regarding Council Agenda Items <u>E.18 - TELECOMMUNICATIONS FACILITY 35 SHELLCOTT ROAD YANAKIE</u> and <u>E.19 - TELECOMMUNICATIONS FACILITY MATTSONS ROAD PORT FRANKLIN.</u></p>		

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 24 April 2013</b>		
<b>Council's Priority Projects</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Newton, McEwen, Harding, Kennedy, Hutchinson-Brooks, Hill, Davies and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Priority Projects for the Shire</li> </ul>
<b>Ordinary Council Agenda Topics – 24 April 2013</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Newton, McEwen, Harding, Kennedy, Hutchinson-Brooks, Hill, Davies and Brunt.</p> <p><b>Conflict of Interest:</b> Cr Fawcett with a declared conflict of interest for items on the Council Agenda.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Ordinary Council Agenda – 24 April 2013.</li> </ul>
<b>Friday 26 April 2013</b>		
<b>Access and Inclusion Advisory Committee</b>	<p><b>Councillors Attending:</b> Cr Kennedy</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Employment Innovations</li> <li>• Leongatha Street discussions – footpath trading laws</li> <li>• Access and Inclusion Plan</li> <li>• Training</li> <li>• Municipal Public Health and Wellbeing Plan</li> </ul>
<b>Monday 29 April 2013</b>		
<b>Pools Advisory Committee</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>• Pool Season review</li> <li>• Pool Outdoor Master Plans</li> </ul>
<b>Tuesday 30 April 2013</b>		
<b>South Gippsland Youth Council Advisory Committee</b>	<p><b>Councillors Attending:</b> Cr Kennedy</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Youth Council purpose</li> <li>• Upcoming events</li> </ul>



**RECOMMENDATION**

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

**STAFF DISCLOSURE OF INTEREST**

**Nil**

## **D.4 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 20 March 2013 and 17 April 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:

- Prom Country Bushfoods Association: To assist with costs of producing a book outlining the different Australian native bush food plants that grows well in South Gippsland.

Cr Kieran Kennedy - \$100

Cr Robert Newton - \$100

Cr Andrew McEwen - \$100

Cr Don Hill - \$100

Cr Nigel Hutchinson -Brooks - \$100

- Venus Bay, Tarwin Lower & District Men's Shed Inc: Sponsorship for Community Luncheons for the elderly residents of Venus Bay and Tarwin Lower.

Cr Kieran Kennedy - \$80

- Grants Only Group Inc: To assist with costs of installing a weatherproof Community Noticeboard.  
  
Cr Kieran Kennedy - \$36  
  
Mayoral Fund (Cr Kieran Kennedy) - \$680
- Meeniyah Art Gallery Inc: Sponsorship for a Community Garden Party to be hosted by Meeniyah Art Gallery and the Rotary Club of Leongatha.  
  
Cr Robert Newton - \$150  
  
Mayoral Fund (Cr Kieran Kennedy) - \$200
- Korumburra & District Darts Association: Purchasing of six dart boards for season 2013/2014.  
  
Cr Lorraine Brunt - \$300  
  
Cr Andrew McEwen - \$100
- Jeetho Hall Inc: To cover costs of developing a website for the newly restored Jeetho Hall.  
  
Cr Lorraine Brunt - \$250  
  
Cr Andrew McEwen - \$250
- Loch Community Development Association: Contribution towards the Childrens Activities that will be held during the 2013 Loch Food and Wine Festival.  
  
Cr Lorraine Brunt - \$500  
  
Cr Andrew McEwen - \$250
- Korumburra Secondary College: Assistance with costs to run a drama group at the college.  
  
Cr Robert Newton - \$133  
  
Cr Andrew McEwen - \$100

## **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 17 April 2013 are as follows:

- Cr Mohya Davies - \$358
- Cr Jeanette Harding - \$1,208
- Cr Kieran Kennedy - Nil
- Cr Lorraine Brunt - \$708
- Cr Robert Newton - Nil
- Cr Andrew McEwen - \$1,208
- Cr James Fawcett - \$251
- Cr Don Hill - \$2,158
- Cr Hutchinson-Brooks - \$2,118
- Mayoral Fund - Nil

## **RECOMMENDATION**

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

## **STAFF DISCLOSURE OF INTEREST**

Nil

**D.5 DOCUMENTS SEALED AND CONTRACTS AWARDED UNDER CHIEF EXECUTIVE OFFICER DELEGATION - APRIL 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.

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

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

Local Government Act 1989, Section 5 and 186

Local Law No. 3 2010

South Gippsland Shire Council Procurement Policy

**SOUTH GIPPSLAND SHIRE COUNCIL INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER**

**COUNCIL PLAN**

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

## **REPORT**

### **DOCUMENTS SEALED**

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

Local Law No. 3 2010, Part 9, Section 107 (f) (iv) – The Common Seal of Council, states that ‘If the Chief Executive uses the Common Seal in a manner prescribed by sub-clause (c) then he/she must advise Council of such use on a regular basis.’

In accordance with the Local Law, the following are presented to Council as documents sealed in the month of April 2013.

1. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of 1 McIndoe Avenue, Venus Bay in relation to a single dwelling and removal of native vegetation – Seal Applied 8 April 2013.
2. 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 April 2013
3. Contract SGC12/11 between South Gippsland Shire Council and Mr Barry Winkler in relation to Provision of Plant Hire and Civil Works Contractors - Seal Applied 15 April 2013
4. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of 6 Mine Road, Foster in relation to 2 Lot Subdivision and Construction of 2 dwellings – Seal Applied 16 April 2013.
5. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of 4 Cambridge Court, Leongatha in relation to 3 Lot Subdivision – Seal Applied 16 April 2013.
6. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of 30 Beach Parade, Sandy Point in relation to Demolition of Existing and Construction of New Dwelling – Seal Applied 16 April 2013.
7. Contract SGC12/11 between South Gippsland Shire Council and Tree Works Australia Pty Ltd in relation to Provision of Plant Hire and Civil Works Contractors - Seal Applied 16 April 2013.

8. Contract SGC12/11 between South Gippsland Shire Council and Gippsland Southern Health Service in relation to Provision of Meals For The "Meals On Wheels" Service - Seal Applied 17 April 2013.
9. Contract SGC13/02 between South Gippsland Shire Council and Innovative Animal Health T/A Korumburra-Koo Wee Rup Veterinary Clinic in relation to Provision of Dog and Cat Pound Services - Seal Applied 18 April 2013.
10. Contract SGC12/11 between South Gippsland Shire Council and South Eastern Weed Control Pty Ltd in relation to Provision of Plant Hire and Civil Works Contractors - Seal Applied 22 April 2013.
11. Creation of Easement, Section 45(1) - Transfer of Land Act 1958 between South Gippsland Shire Council and South Gippsland Region Water Corporation in relation to Meeniyah Sewerage Scheme - Seal Applied 22 April 2013.
12. Contract SGC12/11 between South Gippsland Shire Council and Roger Bailey & Associates in relation to Provision of Plant Hire and Civil Works Contractors - Seal Applied 22 April 2013.

#### **CONTRACTS AWARDED UNDER CHIEF EXECUTIVE OFFICER DELEGATION**

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

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

Procurement Policy requires recording in the Council minutes all contracts over the statutory threshold set out in the Local Government Act 1989 (\$150,000 inclusive of GST for goods and services and \$200,000 inclusive of GST for works) for a public tender which shows the contracts purpose, a brief description of the goods, services and works that is being procured, the successful tenderer and the total contract price.

Details of the contracts awarded are set out in the table below:

<b>Contract Reference No.</b>	<b>Contractor</b>	<b>Description of goods /services/works</b>	<b>Total contract price including GST</b>
SGC13/22	Haskell Architects Pty Ltd	Design of Korumburra Integrated Children's Centre	\$196,900

### **RECOMMENDATION**

**That Council note the:**

- 1. Listed documents have been signed and sealed, and**
- 2. Contract awarded.**

### **STAFF DISCLOSURE OF INTEREST**

Nil



## **SECTION E - COUNCIL REPORTS**

### **E.1 EARLY YEARS FACILITIES RENEWAL PROGRAM SERVICE LEVELS**

Community Services Directorate

#### **EXECUTIVE SUMMARY**

A review of Council's early year's policy, service provision and existing facilities has provided a framework for how and where new early year's facilities are to be provided and existing facilities upgraded in the Shire. It has also provided recommendations to inform:

- The Building Asset Management Plan;
- The annual business planning and budgeting process; and
- Strategic partnerships with early year's services providers.

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

- **Appendix 1** - Early Childhood Services Building Assets Policy Framework

A copy of Early Childhood Services Building Assets Policy Framework 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**

Education and Care Services National Law Act 2010

National Construction Code 2012

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

Asset Management Policy

Building Asset Management Plan

Municipal Early Years Plan 2012 -2016

Communication and Consultation Policy

#### **COUNCIL PLAN**

Strategic Goal:	4.0	Appropriate Infrastructure
Outcome:	4.2	Council Building/Facilities
Strategy No:	4.2.2	Building and Facilities Funding

## **CONSULTATION**

Representatives from all early years' service providers across the Shire and the Department of Education and Early Childhood Development have been consulted.

Support from the Property Management and Strategic Planning departments was integral in the development of the Early Childhood Services Building Assets Policy Framework (Appendix 1).

## **REPORT**

### **Background**

Prior to the introduction of Compulsory Competitive Tendering Council was responsible for the majority of the early year's services available. Currently, Council owns and maintains the majority of early years building assets within the Shire and issues leases and licenses to YMCA, UnitingCare Gippsland and independently managed committees of management for the operation of childcare and kindergarten services.

Changes to early childhood policy, standards and operational requirements demand a shift in the planning and provision of facilities, as does the need to address the needs of growing communities with limited or no services.

### **Discussion**

The existing SGSC asset management plan and provision of an annual maintenance grant of \$3,000 to service providers using council facilities is maintaining early year's facilities to a standard that meets the functional needs of services, except for the Birralelee Childcare Centre in Korumburra. This building is too small to meet demands for service. The Korumburra Integrated Children's Centre Project will address this issue.

The Fish Creek, Loch, Meeniyan, Mirboo North, Poowong and Toora kindergartens have had extensions and/or upgrades within the last 10 years. Feedback to date indicates Mirboo North is the only kindergarten seeking improvements to facilities.

Birth notifications in Nyora and Tarwin Lower indicate an investigation is required into the possibility of the provision of early education and care services to these locations. Conversely, birth notifications in Toora and Welshpool indicate insufficient demand to retain the ongoing maintenance of two separate facilities.

Early childhood policy and service delivery needs require:

- Integrated, inclusive and collaborative early year's services;

Improved access to services for children of vulnerable and/or disadvantaged backgrounds:

- Capacity to provide 15 hours of high quality kindergarten to all eligible children; and
- Establishment of more services on or near school sites.

While Council is not directly responsible for the management of child care or kindergarten services in the Shire, it has a key role in planning for and providing appropriate children's services infrastructure.

Timely strategic planning and collaboration between Council and service providers is required to ensure optimal use of existing facilities and future investment allocation on need rather than historical practice. It will also provide an important opportunity for Council to influence early years' service providers in the Shire on best practice and collaborative service provision.

### **Proposal**

It is proposed that the Early Childhood Services Building Assets Policy Framework be used to inform:

- The Building Asset Management Plan;
- The annual business planning and budgeting process; and
- Strategic partnerships with early year's services providers.

### **FINANCIAL CONSIDERATIONS**

Council should actively investigate Commonwealth and State Funding sources and developer contributions to assist in the provision of future upgraded, extended or new facilities.

Council is currently exploring avenues for external funding to assist with the Korumburra Integrated Children's Centre Project.

Strategic planning with early years' service providers will be undertaken by Children & Family Services staff as part of their existing roles.

### **RISK FACTORS**

There is a risk that early year's service providers will not have the capacity to support the proposed strategic planning or be willing to support the recommendations. The proposed criteria for the provision of early years facilities may engender a fear that services to towns with small populations will cease.

Using staff skilled in community engagement, taking time to discuss and test the planning criteria and reinforcing Council's commitment to early year's services and the need to address the current legislation and policy will mitigate these risks.

## **CONCLUSION**

Council's contribution to child care and kindergarten is recognised through its provision of early years' buildings across the Shire. The Early Childhood Services Building Assets Policy Framework demonstrates Council's continued commitment to the provision of buildings and facilities which meet contemporary community needs and provide a sustainable cost/benefit.

There is great opportunity for Council to work with early years providers across the Shire to plan for integration of services when new and improved infrastructure is being considered. There is also an important opportunity to challenge early years' service providers in the Shire to deliver best practice service and demonstrate greater collaboration which will result in optimising use of facilities and provide best outcomes for children and families.

## **RECOMMENDATION**

**That Council adopt the recommendations of the Early Childhood Services Building Assets Policy Framework Management Plan as detailed below:**

- 1. The Framework informs Council's Building Asset Management Plan;**
- 2. Any new or significantly upgraded early year's facility is multi-purpose;**
- 3. The recommended criteria for the provision of early year's services be used as a service planning tool;**
- 4. Investigate all Commonwealth and State Capital Funding sources to assist in the provision of upgraded, extended or new facilities;**
- 5. An annual information meeting with lessees be held to maintain awareness of their lease and responsibilities;**
- 6. Implement procedures to audit the spending of the maintenance grant;**
- 7. Invite service providers to participate in an annual planning and co-ordination session to ensure:**
  - a. A review of service delivery;**
  - b. Compliance with national standards;**
  - c. Ongoing service viability;**
  - d. Optimal use of buildings;**
  - e. The identification of renovations, extensions and/or new facilities necessary;**
- 8. Work with the Leongatha Children's Centre, Allora and Hassett Street kindergartens to undertake collaborative service planning and delivery to ensure these facilities are used to their fullest potential; and**
- 9. Facilitate discussion with early years' service providers to explore the establishment of an integrated web-based enrolment system.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

## **E.2 VOLUNTEER POLICY**

Community Services Directorate

### **EXECUTIVE SUMMARY**

Council engages many volunteers to assist with the provision of a range of services to the community. At this time Council does not have a formal Policy to guide the management of volunteers.

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

- **Attachment 1** – Draft Volunteer Policy

A copy of the **Draft Volunteer Policy** 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**

Federal Privacy Act 1988

Victorian Information Privacy Act 2000

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

South Gippsland Shire Council Volunteer Expression of Interest Kit

South Gippsland Shire Council Volunteer Fact Sheets

South Gippsland Shire Council Volunteer Induction Kit

South Gippsland Shire Council Volunteer Managers' Kit

Community Strengthening Strategy 2008

### **COUNCIL PLAN**

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

## **CONSULTATION**

The following Council departments and teams have been involved in developing this policy.

- Aged and Disability Services
- Governance
- Community Strengthening
- Coal Creek Community Park
- Economic Development and Tourism
- Asset Management
- Executive Leadership Team
- Councillors

Input has also been provided by current Council volunteers, Volunteering Victoria, other councils that have an existing policy or are developing a volunteer policy.

## **REPORT**

Council engages over 800 volunteers annually to assist with delivery of a wide range of Council services. Volunteers are currently involved in delivery of Meals on Wheels, Community Transport, Coal Creek, Visitor Information Centres, L2P learner driver project, biodiversity projects, Section 86 Special Committees, and Council Advisory Committees. Individual departments who engage volunteers have guidelines and procedures in place to manage volunteers, but these individual processes are not currently guided by an overall policy. A number of these services could not be provided without involvement by volunteers.

The Volunteer Coordinator, with significant input from the range of staff who supervise and manage the specific work of Council's volunteers, has developed a draft Council Volunteer Policy to provide direction on the management of Council volunteers.

A number of other key documents have been developed to assist with good management of Council's volunteers, including a guide to volunteering with South Gippsland Shire Council, fact sheets about specific roles and an Expression of Interest form.

## **Background**

In 2011 Council recognised the need to develop a consistent approach to recruitment, management and support of its volunteers. Council established the Volunteer Coordinator position to develop a range of procedures to support Council volunteers and staff who manage volunteers, and one aspect of this role has been to develop an overall Council Volunteer Policy.

## **Proposal**

That Council adopt and implement the Volunteer Policy.

## **FINANCIAL CONSIDERATIONS**

There are no new financial costs associated with adopting a Volunteer Policy. Council has allowed for ongoing support for Council volunteers and staff managing volunteers in the Long Term Financial Plan.

## **RISK FACTORS**

There are no risks associated with adopting a Council Policy on Volunteers.

There are risks in not adopting an overall policy, as the outcome is likely to be inconsistency within Council in management and support of volunteers. This may lead to fewer community members offering to assist their community through volunteering to help Council deliver services, and may make it harder for Council to retain existing volunteers.

## **CONCLUSION**

Council is assisted with delivering a range of important services by community volunteers. Attraction and retention of volunteers, and supporting staff who manage volunteers, is vital to maintaining some of these services. Adoption of a Volunteer Policy to guide the management and support of volunteers is an important step in encouraging community members to continue to assist Council in this manner.

## **RECOMMENDATION**


**That Council adopt the proposed Council Volunteer Policy.**

## **STAFF DISCLOSURE OF INTEREST**

Nil



**Attachment 1**  
**Draft South Gippsland Shire Council Volunteer Policy**



*South Gippsland Shire Council*

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## **VOLUNTEER POLICY**

Policy Number:	Director:	Community Services
Council Item No.:	Department:	Community Strengthening
Council Adoption Date:	Primary Author:	Neil Dennis
Revision Date: April 2013	Secondary Author:	

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### **POLICY OBJECTIVE**

South Gippsland Shire Council acknowledges the vital role volunteers play in the delivery of services to the community supporting the management of Council resources and contributing to the health and well being of the South Gippsland community.

Volunteer participation can extend and enhance the management and delivery of programs. It encourages people to engage with Council and can generate a greater sense of community spirit, responsibility and belonging.

Participation through volunteering helps to build the capability of the community through improved relationships, skills development, networks and sharing of resources and gives some volunteers skills development to improve employability.

### **Policy Rationale**

This policy demonstrates South Gippsland Shire Council's commitment to encouraging volunteer and community participation in the delivery of services to the community. It has been developed to comply with Volunteering Australia's National Standards for Involving Volunteers in Not for Profit Organisations, 2001.

### **LEGISLATIVE PROVISIONS**

- Federal Privacy Act 1988
- Victorian Information Privacy Act 2000
- Charter of Human Rights and Responsibilities Act 2006

### **DEFINITIONS**

#### **1. Volunteers**

Volunteering is an activity, which takes place through not-for-profit organisations or projects and is undertaken:

- To be of benefit to the community and the volunteer;
- Of the volunteer's own free will and without coercion;
- For no financial payment; and
- In designated volunteer positions

#### **2. Community Participation**

Volunteers involved in South Gippsland Shire Council programs include:

- Aged & Disability Services – Meals on Wheels and Community Transport
- Community Strengthening – Arts, Youth, Culture
- Coal Creek Community Park and Museum

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- Environment / Biodiversity
- Operations - Parks & Gardens
- Tourist Information Centre
- L2P Learner Driver Mentor Program
- Advisory Committee or Section B6 Committee

### 3. Volunteer Management Code of Practice

- Volunteer programs are a core part of South Gippsland Shire Council's business.
- Volunteer activities and projects should be collaboratively planned to align South Gippsland Shire Council's priorities and capacity, with the interests, skills and aspirations of volunteers.
- Volunteer activities must meet South Gippsland Shire's and external standards regarding quality and safety and be subject to the normal South Gippsland Shire approval, monitoring and evaluation processes.
- South Gippsland Shire Council will provide adequate and appropriate insurance cover for volunteers undertaking approved activities.
- South Gippsland Shire Council will provide clear definitions of volunteer roles which differentiate between paid and unpaid work.
- Normal principles of personnel management apply to working with volunteers including induction, competency assessment, privacy, anti-discrimination, OH&S and EO legislation, reward and recognition, access to appropriate information and policies, grievance procedures and opportunities for personal development.
- Volunteers need a level of supervision appropriate to the activity.
- Managers and volunteer supervisors need to ensure that adequate staff time is available to support volunteer activity and that this is documented in individual staff workplans.

### 4. Volunteer Rights

Unlike paid staff, volunteers are not covered by award conditions or workplace agreements. Volunteers however do have rights, some of which are enshrined in legislation and some of which are the moral obligations of an organisation involving volunteers. These include:

- To work in a healthy and safe environment in accordance with OH&S, equal opportunity and antidiscrimination legislation;
- To be adequately covered by insurance for public liability and personal injury;
- To be given accurate information about the organisation in which they volunteer;
- To be given a copy of the organisation's volunteering policy and other policies that effect their work;
- Not to be engaged in work which displaces employees;
- To be given clear instructions about work requirements and have agreed work hours;
- To be provided with orientation to the organisation;
- To have confidential and personal information dealt with in accordance with the principles of the Federal Privacy Act 1988 and the Victorian Information Privacy Act 2000; and
- To be provided with sufficient training to do their allocated tasks.

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**5. Advisory Committees**

- Access and Inclusion
- Leongatha Memorial Hall
- Mossvale Park
- SPLASH
- Toora Railway Reserve Park
- Youth

**6. Section 86 Committees**

- Allambee South Community Centre
- Dumbalk Hall & Ladies Auxiliary
- Foster Showgrounds
- Foster Stockyard Gallery
- Foster Swimming Pool
- Foster War Memorial Arts Centre & Senior Citizens
- John Terrill Memorial Park & Fish Creek Recreation Reserve
- Korumburra Access Centre
- Korumburra Botanic Park
- Korumburra Recreation Reserve
- Korumburra Swimming Pool
- Leongatha Court House
- Mardan Hall
- Meeniyah Sports Stadium
- Mirboo North Hall
- Mirboo North Swimming Pool
- Port Welshpool & District Maritime Museum
- Toora & District Swimming Pool
- Toora Tennis Reserve
- TP Taylor Reserve
- Walter Tuck Reserve

**POLICY STATEMENT**

**1. Principles of Volunteering**

- Volunteering benefits the community and the volunteer.
- Volunteer work is unpaid.
- Volunteering is always a matter of choice.
- Volunteering is a legitimate way in which citizens can participate in the activities of their community.
- Volunteering is a vehicle for individuals or groups to address human, environmental and social needs.
- Volunteering is an activity performed in the not for profit sector only.
- Volunteering is not a substitute for paid work.
- Volunteers do not replace paid workers nor constitute a threat to the job security of paid workers.
- Volunteering respects the rights, dignity and culture of others.
- Volunteering promotes human rights and equality.

**2. Volunteer Participation Core Values**

South Gippsland Shire Council is committed to encouraging and supporting opportunities for volunteering and community participation which

- Provides safe, meaningful and sustainable participation opportunities;
- Complement Council's management plan;
- Are appropriate to the interests, skills and aspirations of all parties;
- Value and encourage diverse participation and reflects community demographics;
- Establishes effective dialogue and trust between South Gippsland Shire and the community;

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- Encourage the development of community capability including skills, leadership and effective decision making; and
- Recognise and promote volunteers as part of the South Gippsland Shire Council's team.

### 3. Accountabilities and Responsibilities

- The policy will be reviewed annually.
- All Managers are responsible for ensuring their staff understand and comply with this Policy.
- The nominated Council Volunteer Coordinator is responsible for ensuring effective relationships with Council managed volunteers.
- All staff are responsible for implementing the Volunteer Policy when working with volunteers.
- All staff should ensure their volunteers are aware of this policy and provide access to the policy at their request.
- Council will formally and publicly acknowledge the contribution of volunteers at every opportunity and by participating celebrations such as National Volunteers Week.

### IMPLEMENTATION STATEMENT

Council will implement this policy by:

- Providing a safe, sustainable and rewarding experience through participation in South Gippsland Shire Council volunteering opportunities;
- Cooperative development of new and innovative programs which add value to the South Gippsland community; and
- Coordinated and targeted contribution by volunteers in the delivery of Council managed services and programs, enjoyment of natural and cultural environments and visitor experience.

### LINKAGES AND PARTNERSHIPS

- South Gippsland Shire Council Volunteer Expression of Interest Kit
- South Gippsland Shire Council Volunteer Fact sheets
- South Gippsland Shire Council Volunteer Induction Kit
- South Gippsland Shire Council Department Induction booklets
- South Gippsland Shire Council Volunteer Manager's Kit
- South Gippsland Community
- Community Groups
- Federal Government
- State Government
- Community Health Providers
- Business community
- Regional Networks of community organisations and volunteers
- Services Organisations
- Volunteering Australia
- Volunteering Victoria
- Sport and Recreation agencies including Gippsport

### **E.3 POLICY REVIEWS**

Corporate Services Directorate

#### **EXECUTIVE SUMMARY**

This report provides the opportunity for Council to consider and adopt the five following Council Policies as part of Council's agreed Policy Review schedule:

- Updated Information Privacy Policy (**Attachment 1**): including website privacy statement;
- A new Human Rights Policy (**Attachment 2**);
- A new Rates and Charges Hardship Policy (**Attachment 3**);
- Updated Debt Recovery on Unpaid Rates and Charges Policy (**Attachment 4**); and
- Updated Investment Policy (**Attachment 5**).

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

- **Attachment 1** - Information Privacy Policy
- **Attachment 2** - Human Rights Policy
- **Attachment 3** - Rates and Charges Hardship Policy
- **Attachment 4** - Debt Recovery on Unpaid Rates and Charges Policy
- **Attachment 5** - Investment Policy

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

Information Privacy Act 2000 (Vic)

Health Records Act 2001 (Vic)

Freedom of Information Act 1982

Public Records Act 1973

Charter of Human Rights and Responsibilities Act 2006 (The Charter)

Sections 143 and Part 8 Division 2 Payment of Rates & Charges of the Local Government Act 1989

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

### **COUNCIL PLAN**

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

### **CONSULTATION**

In developing these policies Council has consulted with Information Privacy Victoria, Council's Executive Leadership Team, Victorian Equal Opportunity and Human Rights Commission (VEO&HRC) and Councillors via InfoSum and a Briefing Session on 17 April 2013.

### **REPORT**

#### **Background**

The following policies are due for review / development and adoption by Council as a part of Council's policy review schedule by 30 June 2013:

- Updated Information Privacy Policy (**Attachment 1**): including website privacy statement;
- A new Human Rights Policy (**Attachment 2**);
- A new Rates and Charges Hardship Policy (**Attachment 3**);
- Updated Debt Recovery on Unpaid Rates and Charges Policy (**Attachment 4**); and
- Updated Investment Policy (**Attachment 5**).

#### **Discussion**

##### *Information Privacy Policy (Attachment 1):*

Council in undertaking its role, responsibilities and functions needs to collect, store and use personal information on a daily basis. Individuals from whom this personal information is collected are entitled to have this information protected and used in accordance with the law. As such, Council is required to comply with the Information Privacy Act 2000 (Vic). Council's Information Privacy Policy enables Council to articulate and disseminate to Councillors, staff and the community how it will meet the objectives of the Information Privacy Act 2000 (Vic).

The objectives of the Information Privacy Act 2000 (Vic) are:

- To balance the public interest in the free flow of information with the public interest in protecting the privacy of personal information in the public sector;
- To promote awareness of responsible personal information handling practices in the public sector; and
- To promote the responsible and transparent handling of personal information in the public sector.

**Human Rights Policy (Attachment 2):**

The objective of this newly developed policy is to ensure Council and Council staff are aware of and compliant with the Charter of Human Rights and Responsibilities Act 2006.

**Rates and Hardship Policy (Attachment 3):**

This newly developed policy was developed to formalise processes for providing rate relief to individual rate payers who are suffering from financial hardship and need assistance.

**Debt Recovery on Unpaid Rates and Charges Policy (Attachment 4):**

This existing policy has had minimal revisions other than to cross reference to the newly proposed Rates and Charges Hardship Policy. This policy position has not been challenged in Court and actual recovery of rates and charges has been in excess of 95% as is deemed fit for purpose.

**Investment Policy (Attachment 5):**

Changes to the policy include:

- Removal of the requirement to structure investments so that they are guaranteed by the Federal Government of Australia. (Scheme created during the global financial crisis);
- Confirmation that preferential investment arrangements remain with community banks as defined in the policy; and
- A requirement that a quarterly investment report is to be included in quarterly financial performance report.

The review of the Investment Policy took into consideration comments made by the Victorian Auditor General Office on managing investments as well as the Federal Government's guarantee arrangements for investments.

## Options

Information Privacy Policy, Debt Recovery on Unpaid Rates and Charges Policy and Investment Policy: Council may decide to either:

- Not adopt any of the proposed updates to these three existing policies and either retain any of the existing policies or revoke any of the existing policies and refer to any relevant legislation in making decision regarding compliance. This option is not recommended as it is impractical for Councillors and staff to frequently refer directly to relevant legislation and in many cases this legislation does not provide sufficient guidance in the practical application of the legislation or provide the benefits of the updated policy content which has been enhanced to provide further guidance and direction.
- Adopt all or some of the updated policies. It is recommended that all proposed policies are adopted as these set out further specific guidance to Councillors and staff in addressing legislation. Further, these provide clarity to the community in regard to Information Privacy, Debt Recovery and Council Investment when using Council's website.

Human Rights Policy and Rates and Charges Hardship Policy: Council may decide to either:

- Not adopt either or both of the two proposed, new policies and use the relevant legislation when making decisions regarding compliance. This option is not recommended as it is impractical for Councillors and staff to frequently refer directly to relevant legislation and in many cases this legislation does not provide sufficient guidance in the practical application of legislation.
- Adopt either or both of the new, proposed policies. It is recommended to adopt both new policies as these set out specific guidance to Councillors and staff in addressing the legislation. Further, it provides clarity to the community in regard to Council's approach to Human Rights and Rates and Charges Hardship.

## Proposal

To adopt all the revised and new policies as presented to Council in this report.



## **RISK FACTORS**

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

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

The Human Rights Policy will minimise the risk of Council breaching the human rights of people with which it deals.

The Rates and Charges Hardship Policy and Debt Recovery on Unpaid Rates and Charges Policy together will manage risk by ensuring transparency and consistency in managing debt hardship applications and debt recovery processes. These are control measures allow the community and Council to have confidence with related processes and procedures. They provide empathy to assist people in financial hardship, while also meeting the compliance requirements of Council.

The Investment Policy will manage risk by ensuring transparency and consistency in managing investments. It allows the community and Council to have confidence with related processes and procedures.

## **CONCLUSION**

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

Council is encouraged to adopt the updated Information Privacy Policy, Debt Recovery on Unpaid Rates and Charges Policy and Investment and Policy as well as adopting the newly developed Human Rights Policy and Rates and Charges Hardship Policy. These policies assist Council in managing private and sensitive matters for individuals in an empathetic and transparent manner.

## **RECOMMENDATION**

### **That Council:**

- 1. Revoke the Information Privacy Policy C22 dated 16 August 2006 and adopt the proposed, updated Information Privacy Policy 2013, including Website Privacy Statement (Attachment 1) and publish both documents on Council's website;**
- 2. Adopt the proposed, new Human Rights Policy C52 (Attachment 2) and publish this policy on Council's website;**
- 3. Adopt the proposed Rates and Charges Hardship Policy C53 (Attachment 3) and publish this policy on Council's website;**
- 4. Revoke the Debt Recovery on Unpaid Rates and Charges Policy C15 dated 19 November 2008 and adopt the proposed, updated Debt Recovery on Unpaid Rates and Charges Policy (Attachment 4) and publish this policy on Council's website; and**
- 5. Revoke the Investment Policy C24 dated 7 October 2009 and adopt the proposed, updated Investment Policy (Attachment 5) and publish this policy on Council's website.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

## Attachment 1



South Gippsland Shire Council

### INFORMATION PRIVACY (INCLUDING WEBSITE PRIVACY STATEMENT)

Policy Number	C22	Directorate	Corporate Services
Council Item No.	TBA	Department	Governance
Council Adoption Date	22 May 2013	Primary Author	David Roche
Revision Date	22 May 2016	Secondary Author	Luke Anthony

#### POLICY OBJECTIVE

The objectives of this policy are to:

- Ensure compliance with the Information Privacy Act 2000 (Vic);
- Explain how the Council collects, holds, uses and discloses personal and health information of individuals, how individuals can gain access to their information, and correct inaccuracies, and how an individual may complain about possible breaches of privacy;
- Protect the personal information of people collected by the Council; and
- Replace Council's Information Privacy Policy C22 dated 16 August 2006.

#### LEGISLATIVE PROVISIONS

Information Privacy Act 2000 (Vic)  
Health Records Act 2001(Vic)  
Freedom of Information Act 1982  
Public Records Act 1973  
Charter of Human Rights & Responsibilities Act 2006 (The Charter)

#### DEFINITIONS

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

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

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

Health information means information or opinion about the physical, mental, psychological health of an individual, disability of an individual or a health service provided or to be provided to an individual, but does not include information about an individual who has been deceased for more than 30 years.

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## POLICY STATEMENT

Council acknowledges that

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

Councillors, staff, contractors and volunteers will adhere to the following Information Privacy Principles prescribed by the Information Privacy Act 2000 (Vic):

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

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

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

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

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

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

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

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## Attachment 1



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

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

**Sensitive information** – Council will only collect sensitive information in restricted circumstances, primarily with consent. "Sensitive information" is defined in Schedule 1 of the Information Privacy Act 2000 (Vic) and is defined in this policy. It includes information about an individual's racial or ethnic origin, political views, religious beliefs, sexual preferences, membership of groups or criminal record.

### Privacy notification

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

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

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

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

### The Information Privacy Act and other laws

Council understands that section 6 of the Information Privacy Act (Vic) 2000 provides that if a provision of the Information Privacy Act 2000 (Vic) is inconsistent with another Act, including the Local Government Act 1989, the other Act prevails. This may lead to the legitimate disclosure of personal information outside of the Information Privacy Act 2000 (Vic).

### RISK ASSESSMENT

Without policy guidance Council may be at risk of:

- Breaching privacy laws;
- Mishandling personal information;



- Reduction of trust and being perceived as an organisation that does not value and protect privacy; and
- Breaching a basic human right – the protection of privacy.

#### IMPLEMENTATION STATEMENT

- Placement of this Policy on Council's intranet and website.
- Privacy induction for all new staff and Councillors.
- Maintaining membership of and participation in activities of the Privacy Victoria Network.
- The Chief Executive Officer will appoint the Governance Coordinator as Council's Privacy Officer to manage information matters contained in this policy, privacy complaints and to deal with information privacy enquiries.
- Providing a link to Privacy Victoria on the Council website.
- Update forms, where required, with the privacy disclaimer.
- Automatically include the e-mail disclaimer for all e-mails created and sent external to Council using Council's e-mail system.

#### WEBSITE PRIVACY STATEMENT

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

##### Links

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

##### Anonymous access to our site

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

##### Collection and use of personal data

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

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

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

##### Access and correction

Requests for access to documents containing personal information and held by Council will be handled under the Freedom of Information (FOI) Act 1982 and should be requested by filling out the FOI application form located at [http://www.southgippsland.vic.gov.au/files/FOIRequestForm2012\\_10712V2.pdf](http://www.southgippsland.vic.gov.au/files/FOIRequestForm2012_10712V2.pdf) and

## Attachment 1



addressed to the FOI Officer, South Gippsland Shire Council, Private Bag 4, Leongatha 3953.

### Disclosure

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

### Collection and use of site visit data

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

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

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

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

### Security of your personal data

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

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

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## Attachment 2



South Gippsland Shire Council

### HUMAN RIGHTS POLICY

Policy Number	C52	Directorate	Corporate Services
Council Item No.	TBA	Department	Governance
Council Adoption Date	22 May 2013	Primary Author	David Roche
Revision Date	22 May 2016	Secondary Author	Luke Anthony

COUNCIL POLICY

#### POLICY OBJECTIVE

The objective of this policy is to confirm Council's commitment to considering and respecting human rights when making decisions that impact people and community.

#### LEGISLATIVE PROVISIONS

Charter of Human Rights and Responsibilities Act 2006 (the Charter)  
Local Government Act 1989

#### DEFINITIONS

VEO&HRC – Victorian Human Rights & Equal Opportunity Commission

#### POLICY STATEMENT

Council will act in ways that are compatible with human rights and when developing and implementing local laws, policies, procedures, decisions and services will take into account human rights.

This policy applies to how all Councillors, staff, volunteers and contractors interacts with each person.

The twenty human rights outlined in the Charter, that the Council will take into consideration, fall under the four key principles of freedom, respect, equality and dignity. The human rights are:

- Right to recognition and equality before the law.
- Right to life.
- Right to protection from torture and cruel, inhuman or degrading treatment.
- Right to freedom from forced work.
- Right to freedom of movement.
- Right to privacy and reputation.
- Right to freedom of thought, conscience, religion and belief.
- Right to freedom of expression.
- Right to peaceful assembly and freedom of association.
- Right to protection of families and children.
- Right to take part in public life.
- Cultural rights: including recognition that human rights have a special importance for Aboriginal people in Victoria.
- Property rights.
- Right to liberty and security of person.
- Right to humane treatment when deprived of liberty.
- Rights of children in the criminal process.
- Right to a fair hearing.
- Rights of persons charged with a criminal offence.

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- Right not to be tried or punished more than once.
- Protection from retrospective criminal laws and criminal penalties.

The fact that a decision or action impacts on a human right does not mean that the decision or action will be incompatible with the Charter. The Charter allows for rights to be reasonably limited. A reasonable limitation involves balancing the rights of the individual with the rights of the community and other relevant considerations. Limits on rights must be reasonable, justified, proportionate, rational and balanced.

Council's approach to human rights will be from the viewpoint of encouraging participation, access, development and opportunity for its community whilst acknowledging that it has an obligation to comply with the Charter.

This policy will contribute to the reaching of the aspirations of Council set out in the Council Plan, in particular the vision of a caring community where people feel safe and secure, whilst articulating Council's values of community engagement, openness and integrity.

Members of the community who wish to make a complaint in relation Council's approach to upholding the human rights can do so by contacting Council's Human Rights contact person on 0356629200. The contact person will investigate the complaint and provide a response in accordance with Council's Dispute Resolution Guidelines.

#### **RISK ASSESSMENT**

Council, as a public authority must act in ways that are compatible with human rights. This policy manages the risk of Council not upholding human rights by:

- Providing a mechanism outside of the courts for individuals to raise human rights concerns with the Council that relates to Council operations.
- Being accountable for decisions made that affect an individual's human rights.
- Considering human rights in its decision making processes.

#### **IMPLEMENTATION STATEMENT**

Council will consider human rights, as follows, when developing policies and making decisions that affect the community, suppliers and staff:

- When developing and reviewing Council policies and strategic plans.
- When making Local Laws, by following the Guidelines for Local Laws Manual 2010 and utilising the Local Law Community Impact Statement.
- By including a simple statement of Council's commitment to human rights in its Council Plan.
- By including a statement about Human Rights in its proposed Community Engagement Policy.
- By utilising the Human Rights Impact Assessment template to develop policies, plans and laws where that document deals significantly with the protected rights under the Charter.
- By including in future Council Annual Reports a brief section commenting on Council's activity in respect of human rights.
- By including information about human rights in information packs provided to advisory and special committees and to new employees upon induction.
- By the CEO appointing a Human Rights contact person in Council (Governance Co-ordinator) to provide advice and manage any complaints.
- By utilising the VEO&HRC recruitment guidelines when reviewing Human Resources policies.

### Attachment 3



South Gippsland Shire Council

## RATES AND CHARGES HARDSHIP POLICY

Policy Number	C53	Directorate	Corporate Services
Council Item No.	TBA	Department	Finance
Council Adoption Date	22 May 2013	Primary Author	Tom Lovass
Revision Date	22 May 2016	Secondary Author	Bill Middleton

COUNCIL POLICY

### POLICY OBJECTIVE

To provide rate relief to individual rate and special charge scheme payers who are suffering from financial hardship and need assistance.

### LEGISLATIVE PROVISIONS

Sections 170, 171 and 171A of the Local Government Act 1989.

### DEFINITIONS

A “**deferral**” of payment can be provided in whole or in part and be for a specified period and subject to any conditions determined by Council. When rates are deferred, payment is not required until the Council sends the person a request requiring payment.

A “**waiver**” removes the liability to pay and may be offered to include the whole or part of any interest.

The “**penalty interest rate**” is the interest that is fixed under Section 2 of the Penalties Interest Rates Act 1983 and applied on unpaid rates and charges.

### POLICY STATEMENT

Whilst Council must consider its overall revenue requirements from a strategic perspective taking into account the needs of the community as a whole, it is important that Council has a further mechanism to consider the needs of individuals and businesses who are suffering financial hardship. The purpose of this Rates and Charges Hardship Policy is to provide Council with a policy framework to provide rate relief to individuals who need assistance.

Under the Local Government Act 1989, Council may defer a whole or part of any rate or charge or interest if a person is suffering financial hardship.

The Act goes on to say Council may waive, in whole or part, any payment due on the grounds of hardship.

The difference between a deferral and a waiver is that a deferral suspends payment for a period of time whereas a waiver permanently exempts payment of the fee or charge under discussion.

Applications for waiver and deferral will be individually assessed against the criteria stated in this policy.

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This policy defines the process for considering applications for deferment or waiver of rates and charges including special rates and charges.

### **RISK ASSESSMENT**

What are the risks to Council if this policy does not exist?

- Inconsistent and non transparent decisions made outside of a determined framework.
- Non compliance with legislation and poor governance practices.

### **BACKGROUND**

Council currently uses a Debt Recovery on Unpaid Rates and Charges Policy which also provides options for financial hardship. This Rates and Charges Hardship Policy provides specific guidelines for rates and charges deferment and waiver requests made pursuant to Sections 170, 171 and 171A of the Local Government Act 1989. Its purpose is to provide financial relief to ratepayers who can demonstrate that they are suffering severe financial hardship.

### **IMPLEMENTATION STATEMENT**

#### **1 Deferring Rates and Charges - Residential Properties**

Ratepayers may have rates and charges, or part thereof, deferred although rates and charges will continue to be levied subject to compliance with the following conditions:

1. The ratepayer is able to evidence severe financial hardship as certified by an assessment carried out by a qualified financial counsellor; and
2. An application is submitted to the Council by the ratepayer's representative providing evidence of such circumstances referred to in 1 above.

The application must address the following matters:-

1. Confirm the applicant is eligible to make application to defer rates and charges
2. Validate whether the applicant is suffering short term hardship, that is, hardship likely to be for a period of less than 12 months; or
3. Whether the applicant is suffering chronic hardship, that is, financial hardship for an indefinite period; and
4. Recommend a repayment schedule and / or interest waiver

In all applications for rate deferrals, the applicant will be encouraged to continue to pay the portion of rates that is affordable given their individual circumstances. This will be mutually agreed on a case by case basis.

Interest on deferred rates will be levied at the penalty interest rate unless an interest waiver is granted.

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#### **2 Deferring Rates and Charges– Industrial, Commercial and Farm Properties**

The Shire of South Gippsland acknowledges that a significant proportion of its rate revenue is derived from rateable properties categorised as 'Commercial', 'Industrial' and 'Farm'.

### Attachment 3



As a consequence, this Policy makes provision for Commercial, Industrial and Farm ratepayers to make application for a rate deferral agreement. Each application will be considered on an individual basis with Council taking the following criteria into account in considering whether to accept the application:

1. The ratepayer is able to evidence severe financial hardship as certified by an assessment carried out by a qualified public accountant (either ACA or CPA) or qualified financial planner; and
2. Evidence that a deferral of rates will assist in keeping employment at South Gippsland; and
3. A commitment from the applicant to an agreed timeframe in which the deferred rates will be paid.
4. An application is submitted to the Council by the ratepayer's representative providing evidence of such circumstances referred to in 1, 2 and 3 above.

The application must address the following matters:-

1. Confirm the applicant is eligible to make application to defer rates and charges
2. Provide evidence that a deferral of rates will assist in keeping employment at South Gippsland
3. Validate whether the applicant is suffering short term hardship, that is, hardship likely to be for a period of less than 12 months; or
4. Whether the applicant is suffering chronic hardship, that is, financial hardship for an indefinite period; and
5. Recommend a repayment schedule and / or interest waiver

Rate deferral agreements will be for a maximum of two financial years, with applicants having a maximum of three further financial years in which to fully repay all rates deferred. Rates that accrue during this interim period must also be paid by the extended payment date.

It is acknowledged that industrial/commercial businesses may have tenants who are not directly paying Council rates. Council will consider applications from landlords on behalf of tenants.

As any unpaid rates will ultimately be a charge on the property, no rate deferral agreement will be entered into without the express consent of the property owner.

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#### 3 Waiving Rates and Charges

Council will not waive rates, municipal charges or service charges as the value of each property provides the owner with a potential source of funds if liquidated. It is considered inequitable for the majority of ratepayers to subsidise the property assets of hardship applicants. A more equitable solution for the community is to defer payment of rates and charges.

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#### 4 Waiving Interest and Legal Costs

Interest and legal cost waivers fall under two categories which are:

- Administrative waivers



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- Waiver on compassionate grounds

1. Waiver for Administrative Reason/Error - Ratepayers may have interest and / or legal costs waived in the event of an administrative issue, error or omissions which caused or significantly contributed to the failure to pay rates in a timely manner.
2. Waiver on Compassionate Grounds - Ratepayers may have interest and / or legal costs waived where they have demonstrated compassionate grounds for a payment being late.

The Rate Collector, Finance Manager, Director Corporate Services and the Chief Executive Officer shall have discretionary power to waive interest and / or legal costs for Administrative Reason / Error. The financial limits being:-

	Interest	Legal Costs
Rate Collector	\$250	\$1,000
Finance Manager	\$500	\$5,000
Corporate Director	\$1,000	\$10,000
Chief Executive Officer	>\$1,000	>\$10,000

Requests for interest rate waivers on compassionate grounds will be considered under the parameters of Sections 1 and 2 above 'Deferring Rates and Charges'.

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#### 5 Consideration of applications for deferrals and or waiver

The Rate Collector will prepare a report for the Finance Manager on each application for deferring rates and / or waiving Interest and / or waiving legal costs (administrative waivers excepted).

The report will take into consideration and make recommendations to the Finance Manager as follows:-

- a) Whether the applicant is eligible
- b) Whether the applicant is suffering short term hardship, that is, hardship is likely to be a period of less than 12 months; or
- c) Whether the applicant is suffering chronic hardship, that is, financial hardship for an indefinite period; and
- d) A recommended repayment schedule and / or interest waiver

The Finance Manager will advise the applicant of the decision.

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#### 6 Rate Deferral Agreements (Change of Ownership)

Where a property ownership changes on any assessment with a rate deferral agreement in place, all rates and charges must be fully paid at the point of this change. Rate deferral agreements are not transferable.

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#### 7 Rate Payment Arrangements

Any ratepayer who does not qualify for either a rate deferral and / or interest waiver arrangement may still apply to pay outstanding rates by way of a payment arrangement. This is detailed in Council's Debt Recovery on Unpaid Rates and

### Attachment 3



Charges Policy. Payment arrangements will attract penalty interest rates on outstanding balances but allow ratepayers the required time to make payments without any legal action being taken by Council to recover rates and charges.

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#### 8 Confidentiality

Any information provided in accordance with this Policy will be treated as strictly confidential.

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## Attachment 4



South Gippsland Shire Council

### DEBT RECOVERY ON UNPAID RATES AND CHARGES

Policy Number	C15	Directorate	Corporate Services
Council Item No.	TBA	Department	Finance
Council Adoption Date	22 May 2013	Primary Author	Tom Lovass
Revision Date	22 May 2017	Secondary Author	Bill Middleton

COUNCIL POLICY

#### POLICY OBJECTIVE

Council will ensure rate and other overdue property debts are recovered in a timely and fair manner.

#### LEGISLATION

Part 8 Division 2 Payment of Rates and Charges of the Local Government Act 1989

#### DEFINITIONS

“Default accounts” are deemed to be unpaid, with no arrangement made to pay off or no other valid reason provided for non payment.

The “penalty interest rate” is the interest that is fixed under Section 2 of the Penalties Interest Rates Act 1983 and applied on unpaid rates and charges

#### POLICY STATEMENT

The policy is required to provide quantitative guidelines to the general statutory obligations of the Local Government Act 1989 in relation to property debt recovery.

#### GUIDELINES

Within 1 month after the due date of the principal charge issue Reminder Notices or Final Notices for default accounts. The Reminder Notices or Final Notices will advise the ratepayer of the Rates and Charges Hardship Policy.

If a ratepayer wishes to make application for rate relief under the Rates and Charges Hardship Policy, they must advise Council in writing within 10 days of receiving the Reminder Notice or Final Notice that they will be submitting an application to defer payment of rates. Ratepayers will be advised in writing that an application for rate relief must be submitted to Council within a month otherwise the default accounts will be referred to Council’s debt collection agency for issuing of Demand Letters.

Within 1 month after the due date of the Reminder Notice or the Final Notice, refer default accounts to Council’s debt collection agency for issuing of Demand Letters.

Within 1 month after the due date of the Demand Letter, Council’s debt collection agency will refer Default Accounts to Council’s Rate Office for authorisation to proceed with legal action.

Within 1 month after receiving Default Accounts from the debt collection agency the Rate Office will review unpaid accounts, and those still deemed to be Default Accounts will be referred back to the debt collection agency for legal action.

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Within 1 month after receiving Default Accounts from the debt collection agency the Rate Office will review unpaid accounts, and those still deemed to be Default Accounts will be referred back to the debt collection agency for legal action.

Default Accounts 3 years in arrears will be referred to Council's debt collection agency for a rate recovery sale of the property in accordance with the provisions of the Local Government Act 1989.

Any letter of demand sent by Council or its agents must provide at least 10 days notice for payment from the date of issue .

Ratepayers experiencing financial hardship who are unable to pay in full or by quarterly instalments may enter into an arrangement to pay rates off at regular intervals or on an agreed date. Such arrangements are subject to late payment interest penalties. As a guideline for determining the minimum repayment arrangement the debt should be divided by 52, 26 or 12 for determining weekly, fortnightly or monthly repayments. Delayed payment in full should be made within the current financial year.

Alternatively ratepayers may make application under the Rates and Charges Hardship Policy to defer rates and charges for a period of time.

Council Delegated officers shall have discretionary power to waive interest in cases of financial hardship in accordance with the Rates and Charges Hardship Policy.

#### **RISK ASSESSMENT**

What are the risks to Council if this policy does not exist?

- Inconsistent and non transparent decisions made outside of a determined framework.
- Non compliance with legislation and poor governance practices.



## Attachment 5



South Gippsland Shire Council

### INVESTMENT POLICY

Policy Number	C24	Directorate	Corporate Services
Council Item No.	TBA	Department	Finance
Council Adoption Date	22 May 2013	Primary Author	Tom Lovass
Revision Date	22 May 2017	Secondary Author	Matthew Ooman

#### POLICY OBJECTIVE

To invest South Gippsland Shire Council surplus funds, with consideration of risk and at the most favourable rate of interest available to it at the time, for that investment type, while ensuring that its liquidity requirements are being met.

It is also to ensure that communities with a community bank facility benefit from Council investing up to a target of 35% of available cash with them which indicates a level of corporate support and acknowledgement of the role community banks provide to their local communities.

#### LEGISLATIVE PROVISIONS

- Local Government Act 1989– Section 143
- The Trustees Act 1962 – Part III Investments
- Australian Accounting Standards

#### DEFINITIONS

'Community Bank' – A bank that is set up by the community under the auspices of a major bank.

'Credit Risk' – Credit risk is the risk of loss to an investor due to counterparty's failure to pay and / or repay principal of an investment.

'Counter party' – Is both a legal and financial term that refers to the other individual or institution to an agreement or contract.

'Financial Instrument' – Is any contract that gives rise to a financial asset of one entity, and a financial liability or equity instrument of another entity.

'Interest Rate Risk' – Interest rate risk is the risk that the fair value or future cash flows of an investment will fluctuate because of changes in market interest rates.

'Investment Portfolio' – A collection of investments.

'Market Risk' – is the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices.

'Maturity Risk' – Is the risk relating to the length of term to the maturity of the investment. The larger the term, the greater the length of exposure.

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'Preservation of Capital' – Refers to an investment strategy with the primary goal of preventing losses in an investment portfolio's total value.

'Risk Aversion' – Is the reluctance of an individual to invest in a product with a higher risk compared to a product with lower risk, but possibly lower returns.

'Speculative' A speculative deal involves deliberately taking a higher risk, in the hope of making an extraordinary gain.

'Surplus cash' – Funds that are deemed surplus to operations for periods greater than 7 days.

'Yield'- The annual rate of return on an investment.

### **POLICY STATEMENT**

While exercising the power to invest, consideration is to be given in preservation of capital, liquidity, and the return on investment.

- Preservation of capital is the principal objective of the investment portfolio. Investments are to be performed in a manner that seeks to ensure security and safeguards the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.
- The investment portfolio will ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.
- The investment (net of funds invested with community banks) is expected to achieve a predetermined market average rate of return that takes into account the Council's risk tolerance.

### **DELEGATION OF AUTHORITY**

Authority for implementation of the Investment Policy is delegated by Council to the Chief Executive Officer in accordance with the *Local Government Act 1989*. The Chief Executive Officer may in turn delegate the day to day management of Council's Investment to Principal Accounting Officer or senior officers in accordance with Section 224 of the Local Government Act 1989.

### **PRUDENT PERSON STANDARD**

The investment will be managed with the care, diligence and skill that a prudent person would exercise. Officers are to manage the investment portfolios to safeguard the portfolios in accordance within the spirit of this Investment Policy, and not for speculative purposes.

### **ETHICS AND CONFLICTS OF INTEREST**

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the Chief Executive Officer.

### **APPROVED INVESTMENTS**

**Attachment 5**



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Investments are limited to:

- State/Commonwealth Government Bonds;
- Interest bearing deposits;
- Bank accepted/endorsed bank bills;
- Commercial paper; and
- Bank Negotiable Certificate of Deposits; and

**PROHIBITED INVESTMENTS**

This investment policy prohibits any investment carried out for speculative purposes including:

- Derivative based instruments;
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Stand alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.
- Prohibits the use of leveraging (borrowing to invest) of an investment.

**RISK MANAGEMENT GUIDELINES**

When Council holds more funds than is deemed necessary to fund its operations over the ensuing 7 days or more (as in when rates are paid in full or grants are received in advance) then these surplus funds be invested at the best possible rate for the period the funds are not required to fund outgoings.

Surplus funds should firstly be invested with the community bank to a target of 35% of available cash, providing that the community bank rate is not more than 10 basis points below the best available interest rate from the traditional commercial banks that Council deals with on a day-to-day basis. The balance will then be invested at the best available interest rate.

To control the credit quality of the entire portfolio, surplus funds will only be invested in Approved Deposit taking Institutions (ADIs) approved by the Australian Prudential Regulation Authority (APRA) with a credit rating of at least A2 (short term) and AA (long term) as assessed by Standard and Poor's independent credit rating.

**BENCHMARKING**

Performance benchmarks established are

Investment	Performance Benchmark
Cash	Cash rate
Enhanced / Direct Investments	CBA bank Bill

**REPORTING AND REVIEW**

A report will be included in Infosum on a quarterly basis. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio and maturity date.

This Investment Policy will be reviewed at least once every 4 years or as required in the event of legislative changes.

Documentary evidence must be held for each investment and details thereof maintained in an Investment Register.



Certificates must be obtained from the financial institutions confirming the amounts of investments held on the Council's behalf as at 30 June each year and reconciled to the Investment Register.

#### **IMPLEMENTATION STATEMENT**

1. Executive Leadership Team approves draft policy.
2. List on Council agenda and seek approval for draft policy.
3. Financial accountant and finance staff to be advised of policy provisions for their information and implementation.
4. The policy will be posted on Council's internet site.

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#### **E.4 AMENDMENT TO THE HOURS OF OPERATION FOR AN EXISTING HEALTH CLUB 2010/49/A**

Development Services Directorate

##### **EXECUTIVE SUMMARY**

This report is to consider a planning permit application to extend the operating hours of an existing Health Club (Voyage Fitness) located at 51 McCartin Street, Leongatha. Under the current planning permit, the business operates from 6am to 9pm Monday to Friday and 9am to 1pm Saturday and Sunday. The applicant is seeking to extend the operating hours to 24 hours a day, 7 days a week.

Notice of the application was provided to adjoining and nearby land owners in accordance with the Planning and Environment Act 1987 ("the Act"). This application is being referred to Council for determination as five objections were received in response to advertisement of the application. Common objections to the application included;

1. Impact of noise from vehicles arriving and leaving the premises;
2. Impact of noise emanating from the use of the premises during noise sensitive hours; and
3. Impact on accessibility of on-street car parking for adjacent businesses.

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** - Current planning permit
- **Attachment 2** - Locality plan and aerial photo
- **Attachment 3** - Summary of submissions
- **Confidential Appendix 1** - Copies of submissions

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

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

Planning and Environment Act 1987

##### **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 nearby landowners and occupiers. Notice was also provided on the subject site. Following enquiry, the application was available for the public to view at Council offices.

Five written submissions were received, whose concerns are discussed later in this report.

The application was not required to be referred to any external agencies.

## **REPORT**

### **Background**

A planning permit was issued on the 12 April 2010 to use the land for the purpose of a Health Club. Condition three (3) of the current planning permit restricts the operation between the hours of:

- 6.00am and 9.00pm Monday to Friday; and
- 9.00am and 1.00pm Saturday and Sunday.

(Refer **Attachment 1** - Current planning permit)

## **DISCUSSION**

### **Proposal**

The application before Council is a request to amend a planning permit to allow 'Voyage Fitness' to operate 24 hours a day, 7 days a week. The proposal is not to offer organised classes or instruction during the extended hours, but to allow access for members to complete their own private fitness sessions.

The subject land is Lot 1 TP164441N, situated at 51 McCartin Street Leongatha. The site is approximately 480sqm in area and is located on the fringe of Leongatha's central business district.

The land is zoned Business 1 under the provisions of the South Gippsland Planning Scheme. Approximately 35 metres to the west the zoning changes to Residential 1.

The adjacent property to the east is vacant and abutting the property to the west is an office. Across the road, north of the subject site, are the Sentinel Times offices and three residential dwellings. All of these properties are located within the Business 1 zone.

Gym members primarily park on McCartin Street, either directly adjacent to the premises or in the public car park adjacent to Target. There are three car parking spaces at the rear of the property, which are predominantly used for staff parking.

This application does not propose to alter the building in use or form. This application only seeks to amend operating hours.

(Refer **Attachment 2** - Locality plan and aerial photo)

**PLANNING SCHEME REQUIREMENTS AND POLICIES**

Before deciding an application to amend a planning permit the following considerations under the South Gippsland Planning Scheme must be addressed:

- State and Local Planning Policies;
- Zone and Overlays; and
- Particular Provisions (Clause 52.06 Car parking and Clause 65.01 Decision guidelines)

**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> <ul style="list-style-type: none"> <li>• To promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan.</li> </ul>	<p>17.01-1 Business</p> <ul style="list-style-type: none"> <li>• 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.</li> </ul>

The SPPF encourage planning to provide for a strong and innovative economy, where all sectors of the economy are critical to economic prosperity.

It is considered that this application does not contradict the relevant SPPF and can be supported.

**Local Planning Policy Framework**

Local Policy Objectives	Local Policy Objectives
<p>21.02 -2 Economy</p> <p>Consideration is given to;</p> <ul style="list-style-type: none"> <li>• Commercial pressures that may result in the fragmentation of the core commercial areas of the main towns</li> <li>• The changing roles and functions of some of the small towns and villages and the need to encourage each town to develop its own identity to facilitate economic development</li> </ul>	<p>21.03-2 Vision</p> <p>The vision for South Gippsland is to:</p> <ul style="list-style-type: none"> <li>• Encourage ingenuity and innovation in both private and public sector development</li> </ul>
<p>21.04-2 Economy - Element 7 - Office and retail</p> <ul style="list-style-type: none"> <li>• To encourage businesses which generate employment opportunities and provide goods and services to meet the needs of the community.</li> <li>• To strengthen existing town centres by encouraging commercial development within identified precincts.</li> <li>• To support commercial development that enhances the amenity of the towns, and is safe and functional in its layout.</li> </ul>	<p>21.04-4 Leongatha</p> <ul style="list-style-type: none"> <li>• To retain Leongatha as the major regional service centre in the Shire</li> <li>• To ensure that sufficient areas of residential land, at a range of densities, is available to accommodate future township growth.</li> <li>• To achieve sequential and staged residential development that integrates with existing infrastructure networks.</li> <li>• To maintain the primacy of the Town Centre as the retail and service hub of the township.</li> <li>• To provide adequate areas of commercial and industrial land.</li> </ul>



The relevant Local Planning Policies recognise that vibrant and functional town centres are integral to local economic development as well as servicing the needs of the business sector and the community. New commercial and industrial developments should be located within appropriate areas of the town centres to ensure that town viability is retained. The proposal does not contradict the relevant local policy provisions and can be supported.

**Business 1 Zone**

The property is located in the Business 1 zone. The purpose of the zone is to encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses.

The use of the land is a Section 2 use, requiring a planning permit to carry out the activities. As the use is permitted by a current planning permit, only the proposed amendment to the hours of operation is relevant to this report.

Decision Guideline	Response
<p>The effect that existing uses may have on the proposed use.</p>	<p>The interface between business and residential zones often creates conflict between expectations of ‘permitted use’ versus ‘protecting residential amenity’.</p> <p>Businesses that interface with residential zones should be considerate of residential amenity and conversely residents that live in or abut business zones should have different amenity expectations.</p> <p>Considering the small scale of this activity it is deemed that the proposal does not contravene the decision guideline.</p>
<p>The effect of traffic to be generated on roads.</p>	<p>The proposal is unlikely to generate significant increases to traffic numbers particularly given the small membership of fitness clubs.</p> <p>A greater spread of operating hours is likely to decrease traffic demands during peak periods.</p> <p>It is considered that the proposal does not contravene the decision guideline.</p>

## **Objections**

In response to advertisement of the application, five written objections were received.

The primary concerns identified were impacts from vehicle noise, noise emanating from the premises and a reduction of available on-street car parking. Individual objections are considered in **Attachment 3** – Summary of submissions.

Concerns of adverse amenity impacts relate to the use of the premises during noise sensitive hours. It is anticipated that the number of patrons using the premises during noise sensitive hours would be limited. However, any planning permit amendment should require the operator to take necessary steps to ensure that the residential amenity is not adversely affected by members accessing, using or leaving the premises.

The applicant has confirmed that no organised fitness classes will occur outside the operating hours of the current planning permit. The proposed extension to operating hours is to allow members to conduct their own private fitness sessions. A condition is proposed to restrict the times organised classes could occur to prevent future noise related issues.

The premises are proposed to be accessed via swipe card. Only members who commit to abide by the terms of the extended trading hours will be permitted to access the premises during noise sensitive hours. Members not abiding by the conditions of membership could have their access to the premises during noise sensitive hours modified or revoked.

The majority of businesses in the vicinity of Voyage Fitness will be closed during the proposed extended hours of operation. It is reasonable to conclude that the number of available car parking spaces for businesses to share at this time will increase. A permit condition is proposed for the business to instruct its members where to park during noise sensitive hours, minimising any adverse impacts on adjacent businesses or residents.

(Refer **Attachment 3** - Summary of Submissions)

## **RISK FACTORS**

The decision of this application could be subject to VCAT appeal by either the applicant or interested parties (objectors).

## **CONCLUSION**

An application to extend operating hours to 24 hours, 7 days per week has understandably generated some concern within the local community. If approved, the increased operating hours will require responsible management by the business to prevent any adverse impacts on the local areas amenity. Council will be required to investigate any causes of complaint.

This application does not contradict the relevant State and Local Planning Policies nor the Business 1 zone, which encourages proposals that meet the communities' needs and provide businesses the opportunity to deliver innovative ways to improve services.

An amended planning permit that is appropriately conditioned to protect local amenity can provide the business an opportunity to respond to its customers needs and safeguard the local community, ensuring there are measures in place to protect local amenity.

### **RECOMMENDATION**

**That Council grant a Notice of Decision to amend conditions on planning permit 2010/49 for an extension of hours allowed to operate under the planning permit for the purpose of a Health Club at 51 McCartin Street Leongatha (being Lot 1 TP164441N Parish of Leongatha), 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. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:**
  - a. appearance of any building, works or materials**
  - b. emission of noise, artificial light, vibration and/or waste products**
  - c. The use may operate 24 hours per day, 7 days a week.**
- 3. Without written planning approval, no instruction or pre-arranged classes may occur between the hours of:**
  - a. 9pm and 6am Monday to Friday; and**
  - b. 1pm to 9am Saturday and Sunday**
- 4. Deliveries to and from the site (including waste collection) must only take place between:**
  - a. 6.00 am and 9.00 pm Monday to Friday**
  - b. 9.00 am and 1.00 pm Saturday and Sunday**
- 5. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land or passing vehicles to the satisfaction of the Responsible Authority.**
- 6. The property must be maintained in a neat and tidy condition to the satisfaction of the Responsible Authority.**

7. **The permit holder is required to provide a minimum of two bicycle parking spaces for the potential use of staff and/or clients.**
8. **The Health Club operator shall, to the best of their ability, ensure that members arrive and leave in an orderly, quiet and prompt manner so as to reduce the noise heard on the nearby residential properties, to the satisfaction of the Responsible Authority.**
9. **The Health Club operator shall instruct all members that use the facility between the hours of 9pm and 6am to park in front of the gymnasium premises where at all possible and not in front of residential dwellings or businesses located to the east of the premises so to reduce noise and on street parking congestion. The operator must provide evidence that this instruction is occurring to members to the satisfaction of the Responsible Authority.**
10. **This permit will expire if one of the following applies:**
  - a. **The development or use is not started within two (2) years of the date of this permit.**
  - b. **The development is not completed within two (2) years of the date of commencement.**
11. **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.**

#### **NOTES**

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. **Evidence as required in condition nine (9) must be provided prior to the use operating for the 24 hour period and further evidence may be called upon from time to time by the Responsible Authority and must be provided upon request.**

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

Nil

**Attachment 1  
Original Planning Permit – Page 1 of 2**



**South Gippsland Shire Council**

<b>PLANNING PERMIT</b>	<b>Permit No:</b>	2010/49
	<b>Planning Scheme:</b>	South Gippsland
	<b>Responsible Authority:</b>	South Gippsland Shire Council

**ADDRESS OF THE LAND:**

**Land Title:** L1 TP164441N Parish of Leongatha

**Land Address:** 51 McCartin Street Leongatha VIC 3953

**THE PERMIT ALLOWS:**

The permit allows for the use of the land for the purpose of a Health Club and associated works in accordance with the endorsed plans.

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

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. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - a) appearance of any building, works or materials
  - b) emission of noise, artificial light, vibration and/or waste products.
3. The use may operate only between the hours of:

6.00\_ am and 9.00\_ pm Monday to Friday  
9.00\_ am and 1.00\_ pm Saturday and Sunday.
4. Deliveries to and from the site (including waste collection) must only take place between:

6.00 am and 9.00 pm Monday to Friday  
9.00 am and 1.00 pm Saturday and Sunday.
5. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land or passing vehicles to the

Signature for Responsible Authority

12 April 2010

Date of Issue

**Attachment 1 - Original Planning Permit – Page 2 of 2**



**South Gippsland Shire Council**

<b>PLANNING PERMIT</b>	<b>Permit No:</b>	2010/49
	<b>Planning Scheme:</b>	South Gippsland
	<b>Responsible Authority:</b>	South Gippsland Shire Council

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 permit holder is required to provide a minimum of two bicycle parking spaces for the potential use of staff and/or clients.
8. This permit will expire if one of the following applies:
  - a) The development or use is not started within two (2) years of the date of this permit.
  - b) The development is not completed within two (2) years of the date of commencement.

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.

**NOTES:**

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.

  
\_\_\_\_\_  
Signature for Responsible Authority

12 April 2010  
Date of Issue

### Attachment 2 Locality Plan and Aerial photo



**Attachment 3  
Summary of Submissions**

<b>Submission</b>	<b>Planning Response</b>
<p>Currently the premise is open until 9pm, with cars parking outside home residence. Noise generating from people coming and going such as motors, car radios, doors opening/shutting is excessive, this would be worst if happening during the night/mornings</p> <p>Noise pollution during hours when most people sleep</p>	<p>The interface between business and residential zones often creates conflict between competing expectations of what is reasonable.</p> <p>Residents living near commercial centres should have some expectation that their residential amenity may be adversely affected through business activities. Equally businesses need to appreciate their environment and operate with respect to their environment.</p> <p>It is recognised that the residents are currently experiencing some amenity concerns with the activity. The activities proposed during the night are weight and machine use only (not classes). These activities will not generate large participation at any one time.</p> <p>It is considered that the gymnasium is of a small scale and size and that the proposed conditions will offer some protection ensuring the residential amenity is not be adversely affected.</p>
<p>The current clientele has a tendency to be loud in attendance in the gymnasium and when entering/leaving</p>	<p>The premises will be fitted with live video surveillance and entry to the gymnasium will be through a swipe card mechanism. Each member must apply separately for a 24 hour membership and must complete appropriate behaviour agreement forms.</p> <p>The addition of a condition requiring the operator to take responsibility for member's behaviour when leaving the premises and the small scale of the business can provide some ease in response to this concern.</p>
<p>Limited shared car parking available</p>	<p>The applicant has indicated that being a 24 hour gymnasium does not necessary</p>



<b>Submission</b>	<b>Planning Response</b>
<p>for business</p> <p>Street is always full during gymnasiums busier hours of operation with no street parking available.</p> <p>Concern with impact on highway safety and the convenience of road users</p>	<p>mean more members. Allowing the club to be open 24 hours will allow existing members to use the gymnasium at during off-peak times.</p> <p>It is feasible that increasing the spread of operating hours may result in a reduction of parking congestion during peak times.</p> <p>A new requirement on the planning permit will ensure that where at all possible, members using the gymnasium at night/early morning park out the front of the premises and not abutting residents or shops to the east.</p>
<p>Classes operating from rear of the building which is extremely loud</p>	<p>There will be no classes operating at the rear of the building during the extended hours proposed. Music will not be heard from outside the premises during noise sensitive hours.</p>
<p>Concern on appropriate notification to land owners by Council</p>	<p>Concerns were raised about whether a particular business was appropriately notified of the planning permit application. These concerns were investigated and it was confirmed that all of the interested parties were contacted as required.</p> <p>Whilst advertising was the responsibility of the applicant, Council followed up with each interested party directly to ensure notification of the application was received.</p>

## **E.5 PLANNING PERMITS APPLICATIONS WITHIN OPEN, POTABLE WATER SUPPLY CATCHMENT AREAS**

Development Services Directorate

### **EXECUTIVE SUMMARY**

This Report is provided in response to a Resolution of Council from the Ordinary Meeting of 24 April 2013 being:

#### **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.**

The resolution requests that the report identifies issues faced by landowners for planning applications for dwelling and subdivision applications within open, potable water supply catchment areas and provides options and costs for Council.

The resolution is particularly concerned with the Guidelines "Planning permit applications in open, potable water supply catchment areas" (the guidelines) published in November 2012 by the Minister for Water.

This report provides a complete response to resolution items one, two, four and five, in that it:

- Identifies issues facing landowners;
- Updates council on the progress of discussions with South Gippsland Water with regard to category 3 and 4 exemptions of the guidelines; and
- Tables a fact sheet that has been produced to communicate with landowners.

Options available to Council to address the impact of the guidelines and currently being discussed with SGW include:

1. Introduction of an Environmental Significance Overlay (ESO2) into the South Gippsland Planning Scheme that cover the Tarwin Catchment;
2. Development of a Catchment Strategy; and
3. Development and implementation of a Municipal Domestic Waste Water Management Plan.

As discussions with South Gippsland Water (SGW) are ongoing, this report recommends that a later report be presented to Council identifying the options available to Council and estimated costs, to address the impact to South Gippsland of the guidelines.

*Document/s pertaining to this Council Report*

- **Attachment 1** - Tarwin River Water Supply Catchment Proclaimed Area.
- **Attachment 2** - SGSC Fact Sheet on Planning Permit Applications In Open Potable Water Supply Catchments.
- **Appendix 1** - 'Planning Permit Applications In Open, Potable Water Supply Catchment Areas' - DSE Publication November 2012.
- **Appendix 2** - 'Guidance Note For Determining Dwelling Density When Assessing Planning Permit Applications' - Victorian Water Industry publication December 2012.

A copy of **Appendix 1 and 2** 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

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

Municipal Domestic Waste Water Management Plan 2013 (draft)

### **COUNCIL PLAN**

Strategic Goal:	2.0	A Sustainable Environment
Outcome:	2.2	Land Management
Strategy No:	2.2.1	Land Use Planning

### **CONSULTATION**

During the review of the guidelines in 2012, a number of Victorian Council's including South Gippsland, lobbied the Minister for Planning and Minister for Water through a working group formed by the Municipal Association of Victoria (MAV). It is South Gippsland's view that the dwelling density guideline does not have the adequate scientific research to support the prescriptive dwelling density restrictions.

Since the introduction of the revised guidelines in November 2012, Council has held discussions with SGW. These discussions have focused on potential options for permitting a higher density of development than would otherwise be permitted by the guideline. Discussions have been positive but it is not yet clear what the future costs and impacts will be associated with the development of catchment policies or implementation of compliance programs.

### **REPORT**

#### **Background**

##### Tarwin River Water Supply Catchment (Tarwin Catchment)

Water supply catchments are geographic areas (watersheds) where water is drawn from a waterway or reservoir for the purpose of domestic use, including human consumption. An 'open catchment' is where part or all of the catchment area is in private ownership and access to the catchment is unrestricted.

The largest declared catchment within South Gippsland Shire is the Tarwin Catchment. Under the Act, Council is required to refer planning permit applications for dwellings located within the Tarwin Catchment to SGW. Council is required by the Act to include permit conditions, or refuse permit applications, as directed by SGW.

The Tarwin Catchment was proclaimed on 2 May 1990 and has an area of 107,200 hectares and extends into Baw Baw Shire at its northern extent and Latrobe City at its eastern extent. It covers approximately one third of the Shire's total area.

The Tarwin Catchment includes the townships of Leongatha, Korumburra, Koonwarra, Meeniyan, Dumbalk, Mirboo and the southern extent of Mirboo North. The purpose of the Tarwin Catchment is to protect the potable water supply of Meeniyan and Dumbalk. Both townships draw water from the Tarwin River.

(Please refer to **Attachment 1** - Tarwin River Water Supply Catchment proclaimed area).

#### Planning Permit Applications In Open, Potable Water Supply Catchment Areas Guidelines

Council is required to refer all new planning permit applications for dwellings within declared open, potable water supply catchment areas for comment to the responsible water authority under s.55 of the Planning and Environment Act 1987 ("the Act").

Council refers planning permit applications for new dwellings within the Tarwin Catchment to South Gippsland Water (SGW). The Act requires Council to include permit conditions, or refuse permit applications, as directed by SGW.

Subject to adequately addressing other applicable planning controls of the South Gippsland Planning Scheme, Council's recently adopted Rural Land Use Strategy (RLUS) supports the development of dwellings on lots less than 4.1 ha in area. A refusal may result in a direct conflict with Council's RLUS.

Water Authorities assess planning permit applications for new dwellings using the Department of Sustainability and Environment (DSE) guidelines for 'planning permit applications in open, potable water supply catchments areas'. In the absence of satisfying a category exemption, these guidelines limit the development of new dwellings within water catchment areas to 1 in 40 hectares (ha) or more explicitly 8 dwellings within a 1km radius i.e. 8:314 ha.

The Minister for Water reviewed these guidelines in November 2012 following concerns raised by Councils through the MAV that the guidelines didn't have the appropriate scientific merit and resulted in undesirable development restrictions.

The review of these guidelines resulted in the retention of the 1 in 40 ha dwelling density guideline. However, four exemptions were included and if satisfied, the water corporation will consider allowing a higher density of development than would otherwise be permitted by the guideline.

Council is currently in discussion with SGW to identify options to satisfy the various category exemptions listed in the dwelling density guideline. Options include developing a Catchment Policy, implementing a Municipal Domestic Waste Water Management Plan (MDWMP) or placing an Environmental Significant Overlay (ESO2) over the Tarwin Catchment which schedules out certain development proposals. Developing strategies to SGW satisfaction

will allow a higher density of development than would otherwise be permitted by the dwelling density guideline.

(Please refer to Appendix 1 - 'Planning Permit Applications In Open, Potable Water Supply Catchment Areas' - DSE Publication November 2012)

### VCAT and Victorian Supreme Court Decisions

The significance of water supply catchments for land use planning was reinforced in February 2012 when VCAT determined (Simpson V Ballarat CC. Ref No.P2179/2011) that a dwelling in a water supply catchment area should be refused because of the potential cumulative impact dwelling approvals may have in a catchment. VCAT determined that protecting potable water supply quality and human health are of paramount importance and justified the refusal of a single dwelling on a vacant Farming Zone lot. Subsequent VCAT decisions have affirmed this decision with further developments which do not meet the guidelines being refused in water supply catchment areas.

VCAT in its decision often refers to a Supreme Court decision of 2010 which found that when considering development in open potable water supply catchment areas, risk to human health is highly relevant, and, because of its serious nature, must be given priority over other planning objectives.

Until the significant ('red dot') decision by VCAT in February 2012 and subsequent review of the guidelines in November 2012 application and interpretation of these guidelines varied significantly between the States Water Authorities.

### Current Status

Following the review of the guidelines SGW has indicated that it will refuse all planning permit applications within the Tarwin Catchment that result in a dwelling density of greater than 1:40 ha until appropriate provision is made to address the relevant guideline exemptions.

The criteria SGW and other water authorities use for determining dwelling density when assessing planning permit applications is provided in a guidance note produced by Vic Water in February 2013. This guidance note assesses dwelling density using a 1km radial method. This method results in water authorities not supporting planning permit applications for new dwellings where there are currently 8 or more dwellings within a 1km radius of the subject site, i.e. 8:314 ha, regardless of property size.

There are four category exemptions to the dwelling density guidelines, however other than the provision of sewer, the other three category exemptions are not currently developed and implemented to SGW satisfaction. The different category exemptions are discussed later in this report. Council is currently in discussion with SGW about the criteria required to satisfy the three other category exemptions.

Some recent referral responses from SGW have required Council to refuse dwelling applications on vacant Farming Zone lots in the Tarwin Catchment. This includes lots that otherwise fulfil the new dwelling requirements of the Rural Land Use Strategy. The only avenue for appeal available to the applicant is an application for review to VCAT. Given recent VCAT decisions it is unlikely that these appeals would be successful.

(Please refer to Appendix 2 - 'Guidance Note For Determining Dwelling Density When Assessing Planning Permit Applications' - Victorian Water Industry Publication December 2012)

#### Potential Impacts on future development opportunities

It is estimated that there is currently 881 vacant lots less than 4.1 ha and a further 922 vacant lots between 4.1 and 40 ha affected by this planning control within the Tarwin Catchment.

The full extent of the future impacts of the 1:40 ha dwelling density guideline are not yet known. Calculating the impact is difficult as it is not known which current or future land owners intend on developing their land. Many lots are currently used for active agricultural purposes.

The requirement to assess the number of existing dwellings within a 1km radius further complicates the assessment of overall impacts. In many cases approval will be subject to property sizes and where future dwellings may be located.

It is anticipated that without the development of the required strategies to meet the category exemptions under the guidelines many planning permit applications will be refused that would be otherwise supported by the South Gippsland Shire Planning Scheme.

### **Discussion**

#### What are the guidelines?

There are five guidelines to consider when assessing planning permit applications in open, potable water supply catchment areas. Guideline 1 is the most relevant to the discussions of this report.

#### Guideline 1 - Density of dwellings

Where a planning permit is required to use land for a dwelling or to subdivide land or where a planning permit to develop land is required pursuant to a schedule to the Environmental Significance Overlay that has catchment or water quality protection as an objective:

- the density of dwellings should be no greater than one dwelling per 40 hectares (1:40 ha); and

- each lot created in the subdivision should be at least 40 hectares in area.

What exemptions exist to guideline 1?

There are four categories of exemption to guideline 1.

Category 1

A planning permit is not required to use land for a dwelling, to subdivide land or to develop land pursuant to a schedule to the Environmental Significance Overlay that has catchment or water quality protection as an objective.

Category 1 Exemption Response

Currently there is no Environmental Significance Overlay (ESO2) covering the Tarwin Catchment in the South Gippsland Planning Scheme. The absence of this overlay means that current and prospective property owners may not be informed that a planning control exists over a property. Prospective property owners identify planning controls when requesting a section 32 vendor statement. A section 32 is a statement of matters affecting land being sold.

Whilst it is common practice for prospective buyers to purchase subject to a planning permit where 'as of right' does not exist, those that do not and perhaps rely upon Council's RLUS may be purchasing on the misinformation that no planning controls exist.

Discussions with South Gippsland Water (SGW) and other affected municipalities have commenced and a future Council report is being prepared to consider the introduction of an ESO2 which would cover the Tarwin Catchment. Whilst the introduction of an ESO2 is unlikely to resolve this issue, it will at least ensure that prospective land purchasers can make informed decisions.

Category 2

A permit is required to use land for a dwelling, to subdivide land or to develop land pursuant to a schedule to the Environmental Significance Overlay that has catchment and water quality protection as an objective but the proposed development will be connected to reticulated sewerage.

Category 2 Exemption Response

This exemption simply requires that a development is connected to reticulated sewer. However, this is not practicable for the majority of towns or development proposals within the Tarwin Catchment.

Category 3

A Catchment Policy has been prepared for the catchment and endorsed by the relevant water corporation following consultation with relevant local



governments, government agencies and affected persons. The proposed development must be consistent with the Catchment Policy.

#### Category 3 Exemption Response

There is currently no applicable catchment policy relevant to the Tarwin Catchment that can be used to consider exemption under category 3. Discussions have commenced with SGW to consider what is required within the policy for it to be endorsed by SGW. Depending on the required complexity, a catchment policy could cost up to \$100k to develop. A range of funding options are being investigated to reduce Council's costs associated with its development.

#### Category 4

The water corporation will consider allowing a higher density of development than would otherwise be permitted by Guideline 1 where:

All of the following conditions are met:

- the minimum lot size area specified in the zone for subdivision is met in respect of each lot;
- the water corporation is satisfied that the relevant Council has prepared, adopted and is implementing a Domestic Wastewater Management Plan (DWMP) in accordance with the DWMP Requirements; and
- the proposal does not present an unacceptable risk to the catchment having regard to:
  - the proximity and connectivity of the proposal site to a waterway or a potable water supply source (including reservoir);
  - the existing condition of the catchment and evidence of unacceptable water quality impacts
  - the quality of the soil;
  - the slope of the land;
  - the link between the proposal and the use of the land for a productive agricultural purpose;
  - the existing lot and dwelling pattern in the vicinity of site;
  - any site remediation and/or improvement works that form part of the application; and
  - the intensity or size of the development or use proposed and the amount of run-off that is likely to be generated.

### Category 4 Exemption Response

Councils draft MDWMP has been prepared prior to the recent matters coming to light and cannot be used in its current form to justify a reduction in the development density requirements. Council is currently in discussion with SGW about what amendments are required for this plan to be completed to their satisfaction. It is clear that Council would have to fund a waste water compliance program that would ensure systems located within the catchment are operating in accordance with EPA guidelines and issued septic tank permit conditions. Implementing a compliance program within the Tarwin Catchment will be a considerable cost to Council. It is estimated that there are over 2000 waste water systems currently located within the catchment.

Whilst a MDWMP which incorporates a compliance program to SGW satisfaction is a viable option, a catchment policy is presently the most effective way to address the current uncertainties faced by Council regarding approval of new developments within the catchment.

### **Options**

As discussed above, Council has four options to address the matters raised in the report. The options are to:

1. Accept that development will not exceed more than 8:314 ha within the Tarwin Catchment.
2. Develop a Catchment Policy to the satisfaction of SGW.
3. Develop a MDWMP, incorporating a waste water (septic tank) compliance program to the satisfaction of SGW.
4. Prepare a planning scheme amendment for the introduction of an ESO2 for the Tarwin Catchment which schedules out certain development proposals within the catchment.

Option 1 is not considered a satisfactory result considering the work and aims of Council's RLUS.

Option 2 is considered the most practicable method for identifying and encouraging development within areas of the Tarwin Catchment which does not present a risk to the potable water supply of Meeniyan and Dumbalk.

Option 3 is likely to be required to increase development in areas of higher risk identified in the development of a catchment policy.

The introduction of an ESO2 presented in option 4 should be considered a priority for Council. An ESO2 will ensure that prospective land buyers are aware of planning controls and can make informed decisions. It is unlikely that the development of a schedule to ESO2 will resolve Council's development concerns.

Reducing the geographic size or changing the boundaries of the Tarwin Catchment is not an option. SGW have informed Council that the boundary of the Tarwin Catchment is based on the watershed of the Tarwin River system and cannot be changed. SGW will not support a request by Council to modify the area of the declared Tarwin Catchment.

### **FINANCIAL CONSIDERATIONS**

Enforcement of the 'planning permit applications in open potable water supply catchment areas' guidelines by SGW detrimentally affects the development potential of land within the Tarwin Catchment. To mitigate this risk Council must negotiate suitable exemptions to the guidelines listed above.

### **RISK FACTORS**

The primary reason for recommending the introduction of an ESO2 into the Planning Scheme is the recognition that a substantial risk is presented to landowners, Council and SGW resulting from the absence of the overlay control from the Planning Scheme.

Council is the Planning Authority responsible under the Planning and Environment Act 1987 for the administration of the South Gippsland Planning Scheme. Failure to take appropriate action to inform landowners of the statutory requirements affecting land (by the application of appropriate overlay controls) may open Council to criticism that it has not fulfilled its role to responsibly administer the Planning Scheme.

### **CONCLUSION**

Until the significant ('red dot') decision by VCAT in February 2012 and the subsequent review of the 'planning permit applications in open potable water supply catchment areas' guidelines in November 2012 application and interpretation of the guidelines has varied significantly between the States Water Authorities.

Following the review of the guidelines SGW has indicated that it will refuse all planning permit applications within the Tarwin Catchment that result in a dwelling density of greater than 1:40 ha until appropriate provision is made to address the relevant guideline exemptions.

Council must continue to work with SGW to identify and implement the required policy to ensure that development can occur within the Tarwin Catchment in accordance with Council's recently adopted RLUS.

The absence of the ESO2 from the Planning Scheme must be rectified as a matter of urgency. Until this is achieved land will continue to be sold and proposals developed without knowledge of the existence or implications of the Tarwin Catchment.

## **RECOMMENDATION**

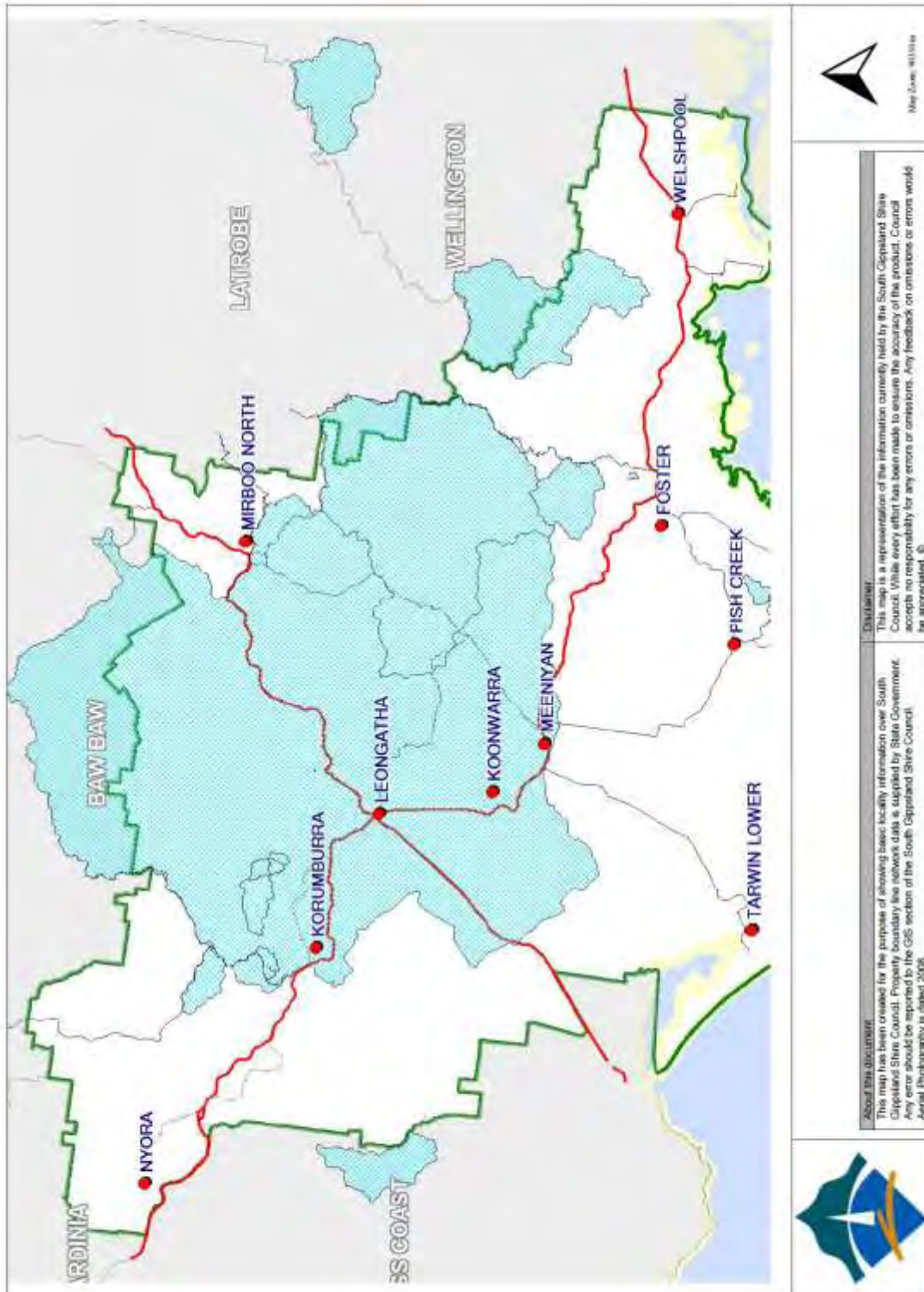
### **That Council:**

- 1. Continue to negotiate with SGW and agreed understanding of the necessary requirements for the development of a Catchment Strategy and Municipal Domestic Waste Water Management Plan (MDWMP) to satisfy category 3 and 4 exemptions of the planning permit applications in open potable water supply catchment areas guidelines.**
- 2. Following negotiations with SGW, receive a report on the various options and costs associated with implementing the required controls required to satisfy category 3 and 4 guideline exemptions.**
- 3. Receive a report to consider the impacts of undertaking a scheme amendment to introduce an ESO2 into the South Gippsland Planning scheme covering the Tarwin catchment.**
- 4. Adopt the attached fact sheet on planning permit applications in open, potable water supply catchment areas as a method of informing current and future landowners on this issue.**

## **STAFF DISCLOSURE OF INTEREST**

**Nil**

### Attachment 1 Tarwin River Water Supply Catchment Proclaimed Area



## Attachment 2 SGSC Fact Sheet on Planning Permit Applications in Open Potable Water Supply Catchments



*Come for the beauty... Stay for the lifestyle*

### Planning Permits & Potable Water Supply Catchments

**L**ooking to use or develop land within an open potable\* water supply catchment area?

If your property is within one of these areas, then new guidelines may affect you!  
(\*drinkable)

#### BACKGROUND

A potable water supply catchment provides water resources to a reservoir (or water storage) used for domestic water supply purposes. An 'open', potable water supply catchment is a catchment where all or part of it is in private ownership and access to the catchment is unrestricted.

Open, potable water supply catchments are declared to be special water supply catchments under the *Catchment and Land Protection Act 1994*. There are currently nine such catchments (in full or in part) in South Gippsland Shire. Most of these are covered by a specific overlay within the Planning Scheme, known as the ESO2 (Environmental Significance Overlay – Schedule 2).

However, the Tarwin River (Meenyan) Water Supply Catchment, which has an area of approximately 1053 km<sup>2</sup>, is the largest in the Shire and is not currently covered by such an Overlay.

The State Government has developed guidelines to protect the quality of potable water supplies, using a risk based approach. One of the mechanisms used to protect the quality of water in these catchments is to control the density of dwellings and their on-site waste water (effluent) systems.

Council and the relevant water authority must consider these new guidelines, *Planning permit applications in open, potable water supply catchment areas* (DSE, November 2012) when assessing Planning Permit applications for:

- using land for a dwelling,
- subdividing land, or
- situations where a planning permit to develop land is required due to the Environmental Significance Overlay.



#### DWELLING DENSITY

Guideline 1 refers to the density of dwellings and it requires dwelling density to be no greater than one dwelling per 40 hectares (1.40 ha) within the catchment.

The Victorian Civil and Administrative Tribunal (VCAT) and the Victorian Supreme Court have both stated that when considering applications in open, potable water supply Catchment areas, risk to human health is highly relevant, and, because of its serious nature, must be given priority over other planning objectives.

There are currently four categories of exemptions from Guideline 1, although these are not currently available in this Shire for the Tarwin River (Meenyan) Catchment.

The Victorian Water Association (VicWater) has also released a guideline (February 2013) which assists in calculating dwelling density using a 1km radius method. This method has been generally acknowledged by VCAT and adopted by some water authorities.

#### PTO for frequently asked questions

9 Smith St., Leongatha 3953 ( Private Bag 4) Ph: 5662 9200 Fax: 5662 3754  
council@southgippsland.vic.gov.au www.southgippsland.vic.gov.au

Last updated 22/05/2013

## FREQUENTLY ASKED QUESTIONS

### What does this mean if my property is in the catchment?

If you already use, or have developed your property the guidelines should not affect you or your property in any significant way. However, if you require a planning permit for any of the matters listed previously, then this may affect you.

Currently, the most common applications that are affected by the guidelines are for the use of dwellings in the Farming Zone on lots of less than 40 hectares; however, you may also be affected in other circumstances.

If you are unsure if your proposal will be affected, you can call Council's Statutory Planning Department on (03) 5662 9200 to find out.

### If I require a permit, what does this mean?

If you require a planning permit then the guidelines will need to be addressed in your application. The application will be referred to the relevant water authority (South Gippsland Water Corporation and/or Gippsland Water in this Shire) under Section 55 of the *Planning and Environment Act 1987* and it will be assessed according to the guideline.

### If my application does not comply with the guideline what does this mean?

If your application does not comply with the guideline (particularly Guideline 1) then Council or the relevant water authority may refuse to issue a permit. If the water authority refuses consent to issue the permit, the Council has no power to issue it.

### What are my options?

If your application does not comply with the guideline and Council or the water authority is likely to refuse the permit on that basis, then you have two options:

- Council can issue a notice of refusal for the application, stating its reasons and those of any other authority. You have the right to appeal this decision to VCAT; or
- You may wish to withdraw or withhold your application until Council and the relevant water authority are able to explore viable options.

### What are Council and the relevant water authority doing?

Council and the relevant water authority have commenced exploring viable options under the four categories of exemptions to Guideline 1. Each of the options is potentially costly and would require significant resources to implement.

Council will release further updates on the matter when progress is made.

### Where can I get a copy of the DSE and VicWater guidelines?

Council's website contains a link to both guidelines on its front page [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) and under the Statutory Planning section.

If you have any queries in the meantime please contact the Statutory Planning Department on (03) 5662 9200.



Figure 1: Map of Catchment Area

9 Smith St., Leongatha 3953 ( Private Bag 4) Ph: 5662 9200 Fax: 5662 3754  
council@southgippsland.vic.gov.au www.southgippsland.vic.gov.au

Last updated 22/05/2013

## **E.6 C73 BENA REZONING**

Development Services Directorate

### **EXECUTIVE SUMMARY**

This report is to seek Council's authorisation to prepare amendment C73 to the South Gippsland Planning Scheme to rezone VicTrack rail reserve land within Bena from Public Use Zone 4 (PUZ4) to Township Zone (TZ) , remove Environmental Significance Overlay Schedule 5 (ESO5) and correct a zoning anomaly within an adjoining privately owned TZ property where part of the land is incorrectly zoned PUZ.

The amendment is a combined process for rezoning and subdivision, under Section 96 of the Planning and Environment Act. It includes a 4 lot subdivision of the land to create 2 lots for the existing dwellings and a new residential lot with a balance PUZ4 lot.

The rezoning is to facilitate the sale of the land to the two existing tenants.

Document/s pertaining to this Council Report

- **Attachment 1** - Area subject to Amendment C73
- **Attachment 2** - Proposed plan of subdivision
- **Appendix 1** - Draft explanatory report for C73

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**

The land is owned by VicTrack and contains two existing dwellings. The rezoning is at the request of the tenants via VicTrack who wish to purchase the land off VicTrack following rezoning and subdivision. One of the tenants has also revealed their support for this amendment.

The amendment and subdivision permit will be notified directly to affected and adjacent landowners along with a public notice and to external agencies.

A draft permit is being prepared in conjunction with the internal departments and agencies below. In addition formal notification will take place during the exhibition process.

1. Council's Wastewater team
2. Council's Engineering department
3. Environmental Protection Authority (Victoria)
4. VicRoads
5. Telstra
6. SP Ausnet
7. VicTrack

## **REPORT**

### **Background**

Owned by VicTrack, the entire rail reserve is in PUZ and known as Lot 2 on LP83315 in Bena, with an approximate area of 8.5 hectares. The area to be rezoned is the southern part of the land. It has an approximate area of 2,957m<sup>2</sup>, with a frontage to Main Road for a distance of 137 metres, and is currently subject to a VicTrack's lease agreements. According to information submitted by VicTrack and their consultant Parsons Brinckerhoff, a large part of the land has been leased for residential and grazing purpose by tenants associated with the former rail line.

VicTrack's rezoning application has come about as VicTrack was approached by the lessees of proposed lots 1 and 2 on PS701021E, requesting to purchase the land on which their houses sit.

The current situation where the lessees own the houses but not the land is a result of previous railway commission employees and/or their families purchasing the departmental houses, generally in the early 1970's or 80's. Historically the commission provided a certain number of houses at a subsidised rent for its employees to live in. When this policy ended, the employees were given the option to purchase the houses, although at the time the commission did not sell the land on which the houses sat.

As part of VicTrack's sales program, VicTrack has been working towards amending this situation by offering the lessees the option to purchase the land. This will allow the lessees freehold title over their properties and the freedom to hold or dispose of the properties as they wish. This necessitates a rezoning and subdivision, as the land is legally within the same lot.

Due to the existing private use of the land, PUZ is not appropriate for the land, a request for a combined application for Amendment and Permit to be lodged by VicTrack. The information was received in June 2012 for a five lot subdivision, with four lots proposed to be created on land with frontage to the Main Road and generally aligned with existing fence line.

Council had concerns with the capacity of the lots to contain effluent disposal under current EPA standards. The potential contamination of the land from past rail related activities led to a further assessment on soil capability and contamination by VicTrack. Information supplied since, and subsequent changes to the application to a 4 lots subdivision, have addressed those concerns and the proposal is now ready for public exhibition.

During the preparation of this amendment, Council discovered that a narrow strip of land within 44 Main St, an adjoining privately owned property to the West of the VicTrack land, is incorrectly zoned PUZ with a ESO5 while the balance of the property is in TZ without the overlay. This amendment is an opportunity to rectify this anomaly.

### **Discussion**

The Amendment to the South Gippsland Planning Scheme will involve:

1. Rezoning part of the land from Public Use Zone 4 to Township Zone
2. Removal of the Environmental Significance Overlay Schedule 5 on the rezoned area of land
3. Rectifying an anomaly on 44 Main Street an adjoining privately owned property to the West, where the zone boundary does not align with the title boundaries and uses. Rezoning the narrow portion of privately owned land on 44 Main Road from Public Use Zone to Township Zone, which is the same zone used for the balance of the property

The proposed combined rezoning and subdivision largely reflects the existing residential use, with potential for development of one additional dwelling. The location of the land is ideal for township development and is consistent with the general directions in the Planning Scheme, as detailed in the draft Explanatory Report (Appendix 2).

### **Options**

Council can resolve to seek authorization from the Minister for Planning to formally prepare the combined Planning Scheme Amendment and permit application, or reject the application from VicTrack.

## **Proposal**

Council seeks authorization from the Minister for Planning to prepare a combined Planning Scheme Amendment and Permit application to rezone the proposed area in Bena to Township Zone (TZ) from PUZ4 and remove the Environmental Significance Overlay Schedule 5 (ESO5) on the proposed TZ area, correct the zoning and overlay anomaly, and formally exhibit the amendment and draft permit documentation.

## **FINANCIAL CONSIDERATIONS**

VicTrack is required to meet the statutory fees and any associated Panel costs. Any unresolved objections from the exhibition process are likely to result in the appointment of a Planning Panel and VicTrack would be required to pay the Panel Report costs. There are no other financial considerations directly related to the recommendations of this report.

## **RISK FACTORS**

With appropriate permit conditions, the subdivision will trigger an upgrade to the two existing aged wastewater disposal systems on the land, reducing the environmental risk to the areas groundwater.

In addition to an initial environmental assessment and permit conditions to reduce known environmental risk, the preparation and exhibition of C73 will provide further opportunities for EPA, community members and other stakeholders to formally comment on and help address any environmental and economic risk associated with this combined application.

Amendment C73 will facilitate land rationalisation for the benefit of existing residents, increase social cohesion and reduce social risk. By rectifying the zoning anomaly, the amendment will also provide a more consistent planning control to the affected block in Bena.

## **CONCLUSION**

The Rezoning of the subject land from PUZ to TZ and the associated 4 lot subdivision by Amendment C73 will provide an opportunity for the two lessees of VicTrack to own the land where they live and the opportunity to see an additional development along the main street of Bena. The preparation and exhibition of C73 will be a step towards this outcome.

## **RECOMMENDATION**

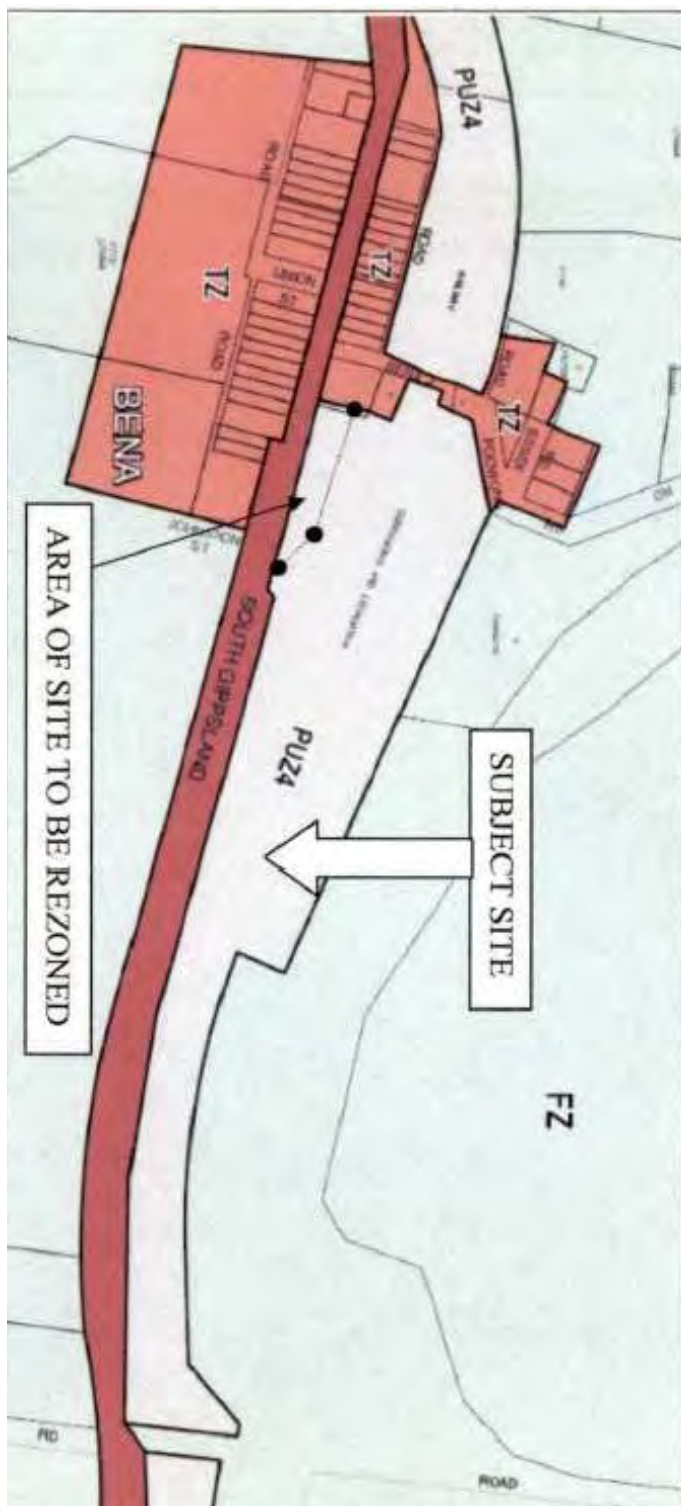
### **That Council:**

- 1. Seeks authorisation from the Minister for Planning to prepare and publicly exhibit a combined Planning Scheme Amendment and Permit process to:**
  - a. Rezone part of Lot 2 on LP83315 in Bena from Public Use Zone to Township Zone and remove the Environmental Significance Overlay Schedule 5 on this part of the land;**
  - b. Subdivide the land in (a) to 4 lots.**
  - c. Rezone the Public Use Zone land within 44 Main Street, Bena to Township Zone.**
- 2. Requests the Minister for Planning to convene a Planning Panel to hear any objections to Amendment C73 that cannot be mediated.**

### **STAFF DISCLOSURE OF INTEREST**

Nil

**Attachment 1:  
Area subject to Amendment C73**



**Attachment 2  
 Proposed plan of subdivision**



## **E.7 HOUSING AND SETTLEMENT STRATEGY - DRAFT STRATEGY FOR EXHIBITION**

Development Services Directorate

### **EXECUTIVE SUMMARY**

The aim of this report is to exhibit the draft Housing and Settlement Strategy ("the Strategy") and undertake associated community consultation. The consultation is expected to result in specific comments from the community to refine the Strategy.

The four components of the Strategy are:

1. Housing and Settlement Strategy
2. Urban Design Frameworks ("the UDFs") for 17 settlements
3. Shire wide review of the Rural Living Zone (RLZ)
4. Restructure of 11 old crown townships.

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

- **Attachment 1** - Summary of submissions from consultation to the Issues Paper
- **Appendix 1** - Draft Housing and Settlement Strategy (Feb 2013)
- **Appendix 2** - Notes from community meetings (10 & 12 November 2012)
- **Confidential Appendix 1** - all submissions excluding online survey submissions

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

A copy of **Confidential Appendix 1** and online survey submissions have been distributed separately to Councillors and the Executive Leadership Team.

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

- Planning and Environment Act 1987

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

Nil

## **COUNCIL PLAN**

Strategic Goal: 2		A Sustainable Environment
Outcome: 2.1		Planning for a sustainable future
Strategy: 2.1.1		Sustainable Environmental Planning
Strategic Goal: 2		A Sustainable Environment
Outcome: 2.2		Land Management
Strategic Goal: 3		A Strong Economy
Outcome: 3.3		Infrastructure
Strategy: 3.3.4		Land Use Planning

## **CONSULTATION**

A series of workshops with key stakeholders on specialist housing and accommodation such as aged care were undertaken in September 2012 to inform the Strategy.

The Issues, Opportunities, and Constraints Paper ("the Issues Paper"), which informed the development of the strategy, underwent 4 weeks of consultation in the community during November 2012,

This consultation involved:

- A project bulletin circulated to communities, publications on Council website and local newspapers
- Five community workshops held on 10th and 12th November
- A separate workshop with government agencies
- Four targeted workshops with land owners from Sandy Point Rural Living Zone precinct and the Hoddle, Jumbunna and Outtrim Restructure areas
- An online survey set up to encourage additional input from the community
- Separate meetings with landowners and interested parties also occurred where requested, in order to further inform the Strategy.

By the end of the exhibition period of the issue paper on 3 December 2012, 91 submissions had been received. Where requested separate meetings with landowners and interested parties has occurred.



During the exhibition of the draft Strategy, further engagement with the community will occur through exhibition of the document in public places and on Council's website, workshops and meetings, an online questionnaire, local newsletters, and discussion with individuals for a period of five weeks.

During the exhibition period, community members are encouraged to make formal submissions to Council.

## **REPORT**

### **Background**

Planning consultants, Planisphere were appointed in August 2012 and guided by the directions of the Project Control Group comprised of members of SGSC staff and Councillors. Completed tasks include:

- Literature review
- Economic study
- UDF town walks accompanied by community members; and
- Meetings with SGSC staff

This background exercise informed the development of the Issues Paper which was placed on exhibition in November. Councillors were briefed 6 February 2013.

### **Discussion**

The four components of the Strategy are:

- Housing and Settlement Strategy
- Urban Design Frameworks ("the UDFs") for 17 settlements
- Shire wide review of Rural Living Zone (RLZ)
- Restructure of 11 old crown townships

#### **The Housing and Settlement Strategy:**

The HSS provides a current development snapshot of the Shire, the drivers of change, a growth framework, and a settlement hierarchy based on the characteristics, constraints and opportunities of each settlement. The key challenge of this component is to set the framework for future growth.

The strategy recognizes that the approximately 2000 rural dwelling opportunities created by Rural Land Use Strategy (RLUS) in the Farming Zone (FZ) provides sufficient rural dwelling opportunities and as a result resolves to promote growth in larger and better serviced settlements.

The HSS articulates the roles of the settlements in the community by identifying opportunities and infrastructure issues. The HSS needs to balance the prosperity and viability of the settlements with the servicing difficulties and financial liability to Council. Some of the key findings from consultation for the Issues Paper include:

- Groundwater management in the Tarwin Potable Water Catchment area and Bushfire risk will be the long term development constraints to many small rural and coastal communities
- Reticulated sewerage will continue to be instrumental in guiding future review of Structure Plans and the HSS
- Community infrastructure such as aged care facilities in major settlements (i.e. Leongatha, Korumburra, Foster and Mirboo North) will be increasingly important to support the smaller satellite settlements

#### Urban Design Frameworks:

The UDFs provide a settlement boundary, design objectives and land use actions for each of the 17 settlements currently without a township framework plan in the Planning Scheme in order to facilitate developments in these settlements within identified settlement boundaries.

#### Shire wide review of Rural Living Zone

The review of the Rural Living Zone has examined precincts in Sandy Point, Nyora, Kongwak, and southern Leongatha and made recommendations in regard to any future rezoning. The key issue of this component is to identify supply and demand for rural living opportunities and identify the issues associated with this form of development. A key outcome is to provide rural living opportunities within RLZ where this zone does not compromise agricultural productivity of farming land or introduce servicing issues i.e. road improvements or rubbish services. Henry Road in Nyora has been recommended for further investigation.

#### Restructure of 11 old crown townships

Following the development of RLUS which directed the Housing and Settlement Strategy to implement the Restructure Overlay ("RO") for the 11 old crown townships and direction from the Planning Scheme within the Municipal Strategic Statement (MSS), the Strategy provides 11 restructure plans for townships generally subdivided in the 1800's. These plans will facilitate consolidation of land parcels while providing limited opportunities for single dwelling development on vacant land which is currently prohibited under the RLUS. In order to facilitate the consolidation and limit developments in these areas, the proposed consolidated lots are developed where possible in accordance with existing land ownership.

## **Proposal**

That Council exhibits the draft Housing and Settlement Strategy for a period of 5 weeks, and undertakes associated consultation activities with the public.

## **FINANCIAL CONSIDERATIONS**

Expenditure associated with the exhibition and consultation of this draft Strategy has been included in Council's budget.

## **RISK FACTORS**

The exhibition of this draft Strategy provides the opportunity for Council to identify and resolve community concern over issues discussed within the four components of the strategy.

## **CONCLUSION**

The draft HSS provides guidance for Council in planning for the growth and direction of its settlements. Restructure plans for old Crown townships will give certainty to the owners about the future use of their land. The UDFs will provide a statutory framework for Council to consider planning decisions related to the affected settlements.

The draft Strategy is now ready for exhibition. Through the public exhibition and consultation process Council will gain further community input to inform the final version of the Strategy.

## **RECOMMENDATION**

**That Council:**

- 1. Exhibit the draft Housing and Settlement Strategy for a minimum period of 5 weeks;**
- 2. Invite written submissions from the community until the closing date of 28 June 2013;**
- 3. Review all written submissions received for consideration for incorporation into the draft Housing and Settlement Strategy; and**
- 4. Present the revised plan to Council for adoption as soon as practicable after the closing of submissions.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

**Attachment 1**

**Summary of submissions from consultation to the Issues Paper**

<b>Submitter (Reference no. in Confidential Appendix 1)</b>	<b>Issues</b>	<b>Response</b>
<b>HOUSING AND SETTLEMENT STRATEGY</b>		
Department of Sustainability and Environment (16)	Recommend that HSS discuss climate change and biodiversity (e.g. mapping of giant Gippsland earthworms). DSE also recommend against implementation of Restructure Overlay on the land in Stony Creek UDF since the crown land is revegetated under a carbon offset program 10 years ago.	The issues raised by DSE are covered in the draft Strategy.  Subsequent correspondence sees their change of position to support the Restructure Overlay
Councillors (1,2,4)	Concern about accuracy of vacant lots, other figures and version of strategy to be updated. There are a lot of useful background discussions about population.	Submissions were acknowledged by email. The submitters are informed that issues will be rectified in review. Many changes to the Issues Paper have since been updated and taken into account in the draft Strategy. Other issues such as population capacity and scope of the projects are currently restricted by the scope of the project. However, those aspects will continue to be discussed in the community and among the officers to influence the discussion about the HSS.
Department of Transport (8)	Have no issues with the principles contained in the Issues Paper	Acknowledge submission by email

<b>Submitter (Reference no. in Confidential Appendix 1)</b>	<b>Issues</b>	<b>Response</b>
Department of Planning and Community Development (41)	Suggest changes to various sections (e.g. Gippsland Integrated Land Use Plan, Infrastructure, State Planning Policy Framework, Bushfire Management Overlay, Rural Living Zone section)	Further analysis and discussion about strategic justification of RLZ, economics and infrastructure capacity is considered in the draft HSS. Other inputs have been covered in the draft Strategy.
Resident of Agnes (26)	General comments about details for Toora in the table; disagree with coastal impact discussed in the Paper	Inputs have been covered into the draft Strategy
<b>RURAL LIVING ZONE REVIEW</b>		
Sandy Point RLZ (5)	Another submitter is concerned about the amenity impact by upzoning and question about how council considers application for re-zoning	Officer acknowledged the submission and provided info about criteria used by Council in considering application for rezoning
Resident in Kongwak (10)	Submitter proposed for his land to be rezoned from FZ to TZ & RLZ lots for a 7 lot subdivision on the eastern end of the township, south of the main road	Acknowledgement sent by email. The draft strategy has considered that, subject to further investigation in a separate process, the rezoning may be appropriate given the limited development opportunities available in Kongwak, the potential to diversify housing options, and, particularly, the potential to resolve a long-standing effluent disposal issue associated with the former butter factory. The resolution of the effluent disposal issue has the potential to diversify retail and tourism opportunities in Kongwak and support the successful weekend market.

<b>Submitter (Reference no. in Confidential Appendix 1)</b>	<b>Issues</b>	<b>Response</b>
West Gippsland Catchment Management Authority (12)	Note the importance of no dwelling development within 30m buffer for all RLZ, RO, UDF areas. No immediate concern about the RLZ precincts as presented in the Issues Paper.	acknowledge submission by email
Six Kongwak Residents (13)	Concern about the approach of HSS: Identification of potential RLZ sites prior to determination over the need for RLZ supported by figures of demand/supply; Kongwak is a small village and the subject rlz land is a viable farming land. Submission also suggested that the rezoning would be against the directions of Rural Land Use Strategy (RLUS).	<p>Concern about investigation areas being all developer led: Council responds to developers request by investigating if the relevant areas are appropriate to cater for growth. Any candidate sites adopted by the Strategy would still be subject to the requirements for detailed work in future rezoning process.</p> <p>Strategic justification of RLZ: Previously requested RLZ sites are included to seek community input. Strategic justification would still be required to be provided y the applicants and Council will not undertake the rezoning in the HSS process.</p> <p>Infrastructure: It's agreed that infrastructure is a key issue and will guide the discussion of RLZ and the township hierarchy in the Strategy.</p> <p>RLUS: The RLUS adopted and implemented into the Planning Scheme requires consideration of old crown townships and review of RLZ areas in light of the amendment approving dwellings on lots under 4.1 ha in the Farming Zone.</p> <p>Viability of land for farming: Any rezoning will result in a change of land use and it's a factor in considering whether land should be rezoned.</p> <p>Former butter factory: The sewerage component for the former butter</p>

		factory will be considered independently from the HSS, and subject to the normal planning and EPA process where required.
Land owner in Kongwak (15)	Support for the RLZ rezoning of his land (west of Kongwak township) which would result in possibly a 7 lot subdivision. He believes that the rezoning and the resulting subdivision will revitalize the town, provide opportunity for the redevelopment of the butter factory, and is a long term solution for the sewer issue (no sewer no growth mantra).	The draft Strategy has considered this submission and responded to the submission.
Tract consultant on behalf of a land owner in Nyora (18)	Support the proposed Nyora RLZ precinct as Identified in the Issues Paper. (the North Eastern parcel among the proposed)	Acknowledge submission by email.
Tract consultant on behalf of another Land owner in Nyora (19)	Support the proposed Nyora RLZ precinct as Identified in Issues Paper, and request the RLZ boundary to be realigned to include the remaining of the land holding to the east.	The draft Strategy has considered this submission and responded to the submission in the Investigation section.
Beveridge Williams on behalf of land owner of Venus Bay (22)	Advocate for rezoning of western part of vacant land west of existing caravan park, providing constraints of the site.	The land has been identified for future urban purpose in the Planning Scheme and the draft Strategy
Beveridge Williams on behalf of land owner in Nyora (72)	Asking for the Yannathan Road precinct to be included in the Issues Paper	No change is proposed given clear direction from Council to abandon the further investigation of the site for Rural Living Zone investigation.
Sandy Point Rural Living Zone landowners (29, 30, 31, 39)	Felt the consultation meeting was negative and there are too many guidelines, limitations and requirements to fulfil just to subdivide their property.	Further meeting involving the mayor, the landowners and the officers have clarified the requirements that both the proponents and Council would need to meet and that upzoning from RLZ is beyond the scope of the project.
Taylor's consultant on behalf of two land owners in Southern Leongatha (45)	Support the intent of the Structure Plan and request the existing Rural Living Expansion Area in the Planning Scheme to be extended to the entire properties of his clients.	Recognize rezoning up to the ridgeline can be supported, but that LDRZ is a better option than RLZ due to proximity to infrastructure and other reasons outlined in the Strategy.

<b>Submitter (Reference no. in Confidential Appendix 1)</b>	<b>Issues</b>	<b>Response</b>
<b>URBAN DESIGN FRAMEWORKS</b>		
VicTrack (6)	VicTrack requested council to consider settlement boundary for Bena, either for it to be extended to cover the C73 lots or be Identified as land that could form part of the settlement boundary in the future.	UDF map for Bena in the draft Strategy has responded to the submission by indicating the affected land to be included to within the settlement boundary subject to rezoning.
Secretary of Nerrena Hall (9)	Concern about ageing facilities in the Hall and request for improvement	Acknowledgement sent by email and input incorporated into the discussion about Nerrena in the draft Strategy.
Ruby resident (14)	Concern about pedestrian walkway, existing facilities like tennis court/hall site, and maintenance of road and car park	Inputs have been covered into the draft Strategy
Jumbunna resident (20)	Contends that the boundary of the inner core of the settlement should not be extended; General discussion about character and vision of Jumbunna as a heritage town that makes use of solar, apply concepts of permaculture and other technologies. No specific details changes suggested	The issues raised by DSE are covered in the draft Strategy or other planning documents or projects
President of Bena Community Group (24)	Concern that his input from the roadside meeting was not taken into account, especially in relation to development outside the core township area. Other issues raised include fading participation rates in local groups and activities due to ageing population and the "imports" (weekend residents from Melbourne); These new residents lack of agricultural knowledge leading to degradation of larger blocks; He also discussed the conflict between new and old residents	Inputs have been covered into the draft Strategy



	in the subdivision; Advocates for the need to preserve streetscape, ambiance, and more public investment in Bena.	
Dumbulk resident (25)	Submitted in person Community needs and priority as identified by the community group	Relevant principles have been covered into the draft Strategy. Some issues are to be discussed in the future Community Plan.
Buffalo resident (42)	The submission points out existing buildings within Buffalo that are not noted in the Issues Paper. The submission included a previous township map which covers a larger area than the proposed settlement boundary. It also advocates for provision for rural living in the finalised plan. No specific RLZ proposal is made.	The submission was acknowledged. The township plan in the draft HSS emphasis the developments and how they relate to the function of the core township area. No changes are considered required at this stage but we welcome more input from the community in the upcoming consultation to further inform the HSS. Relevant RLZ principles were applied in considering general rural living.
CFA (44)	The submission suggests the HSS takes into account the publication "Regional Bushfire Planning Assessment Gippsland Region". It also discusses the 17 UDFs in relation to their fire risk.(Late submission in April 2013)	The draft HSS has given a preliminary assessment on the fire risk of individual settlements subject to bushfire risk. Initial assessment in accordance with the Bushfire Management Overlay mapping methodology Practice Note has identified areas subject to the RLZ investigation that will require detailed assessment before rezoning should be considered.
<b>RESTRUCTURE AREAS</b>		
Jumbunna resident (3)	Enquiries about what can be done under the proposal;	Acknowledged submission by email and asked her to contact us so we can understand her situation better (due to inadequate information provided by her). Further info received indicates her concern about inconsistent controls over the years. We expect further discussion with the submitter in the upcoming consultation.
A Jumbunna resident (28, 33, 38, 40, 43)	Two submitters welcome the strategy and are supportive of the proposed Restructure Plan for Jumbunna.  One submitter feels she was being informed, not consulted in the community workshop.	Input noted. At the time of writing this Council report, officers are reviewing the consultation and aim to improve communication with residents at the consultation for the draft Strategy.  The principle of Restructure Overlay

	<p>Another submitter wants to include other land (already consolidated) into the plan and subdivide the land into blocks of 11-12 acres.</p> <p>One submitter has concern that the proposal would leave the ratepayers to finance the road to give access to road not currently accessible. The submitter is also concerned about not having enough details given at the meeting and the Issues Paper.</p>	<p>is further examined in the draft Strategy. Restructure Overlay should not extend to non-crown township area or area already consolidated, as this doesn't warrant reduction of the overall number of lots, and is beyond the scope of the project.</p> <p>Council will have more detailed discussion with the land owners during the consultation period about further specific changes and their merits.</p>
Outtrim residents (34, 35, 36)	All three submissions from two couples are supportive of the restructure plan.	Acknowledge submission by email
Outtrim residents (17)	Written submission followed by phone conversation revealed that the submitter's key concern was the flexibility to increase the number of consolidated lots designated for her land in the proposed restructure plan.	We suggest that Council could introduce flexibility in the restructure plans but we would seek justification from landowners for the changes. The submitter indicated that she would comment further in the draft HSS stage.
Outtrim residents (21)	Concern about subdivision of farmland, as they moved from Melbourne for lifestyle here.	Affirm in response email that Council does not encourage further subdivision in Outtrim in the Strategy. This is consistent with the principles expressed in the draft Strategy.
Outtrim resident (37)	Has received a dwelling permit with condition to consolidate his land, but is disappointed with an issue associated with road closure.	Council officers are assisting the resident in overcoming the hurdle in the planning permit about road closure.
Hoddle land owners(7)	In support of the proposed RO for Hoddle	Acknowledge submission by letter or email.
Hoddle Land owners (23, 32)	Both submissions asked for more than 1 restructured block on their properties so they can build more than 1 house. One suggests that the RO introduce limitations on the future of their land; permit allowance not equitable due to difference in size of land holdings between owners; If however a small number of house blocks were allowed on this site (which has road	<p>Council officers had an on-site meeting arranged by one of the submitters to discuss their alternative proposal. A revised plan has been developed and incorporated in the Strategy.</p> <p>The general principle of restructure by ownership is addressed in the draft Strategy.</p>

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	access), the remaining larger portion could remain in farming hands. The burden on them to consolidate their lots while surrounding farming land (outside crown township) are being developed is discouraging to them.	
<b>OTHER ISSUES</b>		
Others (11)	query about definition of settlement, and other queries	Acknowledge submission by email

**E.8 FORMALISE THE NEW ROAD NAME FOR THE UNNAMED ROAD OFF UNION STREET, BENA AS HENNESSY COURT**

Engineering Services Directorate

**EXECUTIVE SUMMARY**

This report is presented to Council to formalise the name of the 140 metre long unnamed road, traversing in a westerly direction off Union Street, in the Township of Bena and Parish of Jeetho as 'Hennessy Court' (refer to **Attachment 1**).

Document/s pertaining to this Council Report

- **Attachment 1** - Map of Road Location.
- **Attachment 2** - Guidelines for Geographic Names 2010.

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

- Geographic Place Names Act 1998.
- Emergency Services Telecommunications.
- Local Government Act 1989.

**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**

Consultation process

- The Korumburra and District Historical Society.
- The Guidelines for Geographic Place Names 2010.

Council Report

27 February 2013

Proposed New Road Name for the Unnamed Road off Union Street, Bena as Hennessy Court.

Public submission process

- |               |   |
|---------------|---|
| 11 March 2013 | Public notice in Council Noticeboard and Council Website. |
| 18 March 2013 | Letters sent to adjoining properties.                     |
| 19 April 2013 | Submissions close.  |

On conclusion of the public consultation period resulting from the 27 February 2013 Council Meeting for the proposed new road name of 'Hennessy Court', no submissions were received from landowners or the general public.

**REPORT**

**Background**

At its Ordinary Council Meeting held on 27 February 2013, Council resolved unanimously the following:

*"That Council:*

1. *Commence the process to consider the naming of the 140 metre long unnamed road, traversing in a westerly direction off Union Street, in the Township of Bena and Parish of Jeetho as 'Hennessy Court'.*
2. *Give public notice week commencing 11 March 2013 of the proposal and write to all land owners with a property abutting the road proposed to be named.*
3. *In the public notice clearly state:*
  - a. *A person may make a submission to the proposal no later than Friday 5 April 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 and Council is required to make submissions available for public inspection for a period of twelve months.*
4. *Receive a final report at the next appropriate Council meeting on the outcome of the public consultation process including copies of any submissions received."*

## Discussion

As a result of a recent subdivision to the south of Union Street, Bena, this unnamed lane requires naming due to the fact that new lots will be created fronting the road. The new lots will require formal addresses. A court bowl has been constructed at the end of the road as part of the subdivisional works.

In line with Council Policy, the Korumburra and District Historical Society was requested to provide a name for this unnamed road off Union Street, Bena. The Historical Society's proposed recommendation to Council is 'Hennessy' after Hugh Hennessy Sr.

The Hennessy family, consisting of three sons and a daughter, originally came from Daylesford in the early 1900's, buying land on the outskirts of the Bena Township which adjoins the area of the unnamed laneway. The original homestead they built still stands today.

The sons of Hugh Hennessy Sr, Hugh Jr, David and Jim, all continued to live in the district. Hugh Jr took over the family farm, while David and Jim bought nearby land. The home farm stayed in the family for over sixty years until sold in 1957. The Hennessy's were well known as 'top farmers' in the district.

In later years, Hugh Jr became a Councillor for the Shire of Korumburra and presided over the opening ceremony of the new Bena Hall when it was rebuilt in 1939.

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 15km duplicate name search has been carried out for the name 'Hennessy', resulting in no duplications or similar sounding names.

The proposed road name is in keeping with community expectations and conforms to the principles outlined in Sections 1.8 and 4.1 of the Guidelines for Geographic Names 2010 (refer to **Attachment 2**).

## Proposal

It is proposed that Council formalise the new road name for the 140 metre long unnamed road, traversing in a westerly direction off Union Street, in the Township of Bena and Parish of Jeetho as 'Hennessy Court'.

## **FINANCIAL CONSIDERATIONS**

There will be no cost to Council for the supply and installation of a new sign for the road. This will be provided by the developer of the new subdivision.

## **RISK FACTORS**

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

## **CONCLUSION**

It is Council's responsibility to ensure all properties have a formal address from a public safety and risk management perspective, as unnamed roads potentially create confusion for emergency services, communication services and the general public.

## **RECOMMENDATION**

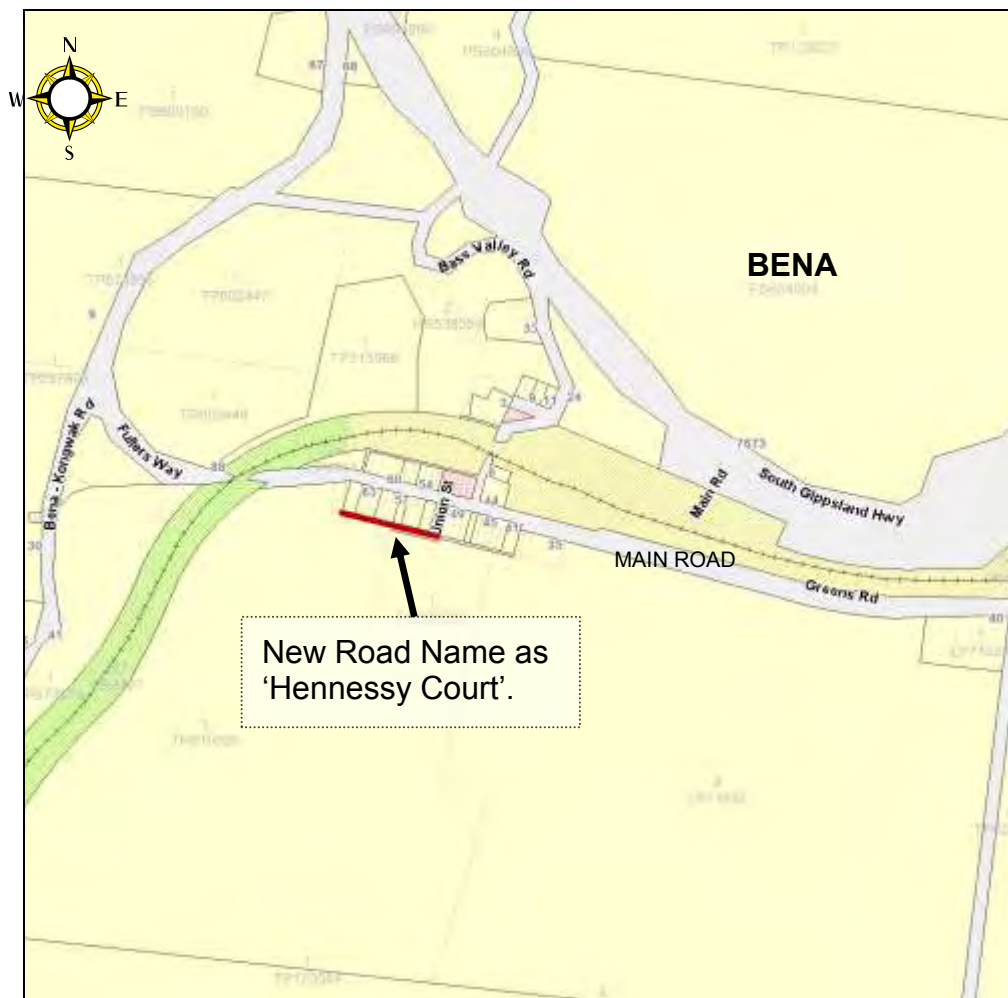
**That Council:**

- 1. Pursuant to Schedule 10 Clause 5 (1)(a) of the Local Government Act 1989, formalise the new road name for the 140 metre long unnamed road, traversing in a westerly direction off Union Street, in the Township of Bena and Parish of Jeetho as 'Hennessy Court'.**
- 2. Forward the proposed new road name to the Registrar of Geographic Place Names for final consideration and approval.**
- 3. Subject to Geographic Place Names approval of the proposed new road name, place a notice in local newspapers and advise abutting land owners and Emergency Service Providers of the new road name.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

**Attachment 1**  
**Map of Road Location**





## **Attachment 2 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(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 Harrietville in Alpine Shire Council).

“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.”

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

## **Attachment 2 Guidelines for Geographic Names 2010**

extents, and proposals must ensure that operations will not be adversely affected.

“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.

“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.

## **E.9 PRIORITY PROJECTS FOR ADVOCACY, FUNDING AND FOCUS 2013/14**

Executive Office

### **EXECUTIVE SUMMARY**

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

Each year Council identifies its key projects and makes representations to other levels of government seeking support and assistance. Through collaborative work with State and Federal Government departments and local community groups, exceptional progress was made on many of our 2012 projects.

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

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

- Gippsland Regional Plan
- VicRoads Arrive Alive Program
- South East Australian Transport Strategy Priority Project
- COAG (Council of Australian Government) Road Reform Plan - To Help Shape A More Productive Road Network For Heavy Vehicles

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

- South Gippsland Shire Council Economic Development and Tourism Strategy
- South Gippsland Paths and Trails Strategy
- Corner Inlet Tourism Development Project Economic Impact Study
- Municipal Early Years Plan 2012-2016

## **COUNCIL PLAN**

Strategic Goal:	5.0	Leading Organisation
Outcome:	5.1	Good Governance
Strategy No:	5.1.4	Advocacy – Ensure the best interests of the Council are advanced through representation and partnering with other government bodies and key stakeholders.

## **CONSULTATION**

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

Many of the projects put forward can be considered 'next steps' of the 2012 projects previously endorsed. During the lifetime of each project, the following groups have been consulted with to progress the projects to their current states:

- The Great Southern Rail Trail Committee of Management
- Regional Development Victoria (RDV)
- Department of Sustainability & Environment (Department of Environment and Primary Industries)
- Parks Victoria
- Tourism Victoria
- Department of Planning and Community Development
- VicRoads
- Gippsland Ports
- Department of Transport
- Children' Service Providers and Parent Committees in Korumburra.
- Department Education and Early Childhood Development

## **REPORT**

### **Background**

Council advocated for several large priority projects during 2012 with progress made on each. State funding was secured for the South Gippsland Rail Trail Extension (Foster to Welshpool) and the Korumburra Integrated Children's Centre was progressed to application stage of the Regional Development Australian Fund - Round Four.

During April 2013, Council came together to rank their top priority projects for the year ahead. Some projects closely align with Council and Community Plans; others are more broad and will take a great deal of ground work and planning to progress. All are for the benefit of the community through provision of safety upgrades, services, transport, tourism and growth.

### **Discussion**

The following projects are put forward for endorsement as Council's Priority Projects for the coming year.

1. Leongatha Heavy Vehicle Alternate Route – Finalising Design and Funding the Construction of the Leongatha Heavy Vehicle Alternate Route

The Leongatha Heavy Vehicle Alternate Route Project seeks the construction of a Heavy Vehicle Alternate Route for the Leongatha Town Centre using Hughes and Long Streets. This will remove heavy vehicles from Bair Street, improving the amenity and safety of the town centre and increasing the accessibility of heavy vehicles to the industrial estate and other key destinations.

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

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

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

3. Korumburra Integrated Children's Centre

The Municipal Early Years Plan identifies the development of a Children's Centre in Korumburra to address the unmet need for childcare services and predicted growth in demand for Kindergarten.

The Korumburra Integrated Children's Centre will see the construction of a children's centre incorporating long day care, kindergarten, maternal and child health, outside school hours care, immunisation, supported playgroups, and early childhood intervention services.

The facility will support an integrated approach to early years services, providing a central point of access for families in Korumburra, Poowong, Nyora, Loch, Bena and district.

Architectural designs of the facility are due for completion by December 2013.

4. Development at Coal Creek – Support for Investment In Education Camp and Restaurant Development at Coal Creek

A recent feasibility study working to progress Coal Creek toward a cost neutral strategy, recommended options for the redevelopment of the park to improve financial viability through increased visitation, branding and revenue, with particular focus on the provision of an education precinct for school camps and a restaurant development.

5. Sewerage Scheme for Nyora Loch and Poowong and advocate to Solve Development Barriers in the Tarwin Potable Water Catchment.

Advocate for the Loch, Nyora and Poowong Sewerage Scheme to support its early construction and implementation.

6. Development of Leongatha Rail Yard VicTrack Land as a Commercial, Retail Residential and/or Civic Precinct

There has been much community speculation regarding unused VicTrack land close to the Railway Station in Leongatha. It is seen by the community as a strategically important land parcel and there is a desire to see it put to its best use, of which Council will take a lead role in facilitating.

7. Linking the Black Spur Section of the Great Southern Rail Trail

Completing the missing link on the Rail Trail between Koonwarra and Meeniyan where currently trail users are required to leave the track and continue along the roadside. This section includes large trestle bridges and a grant has recently been approved to test the integrity and future use of the trestles and move the project forward.

8. Return of Rail

Council does not accept a permanent loss of rail service to the Shire. The return of rail will build new sustainable freight opportunities and improve public transport to meet the needs of a growing population. The Gippsland Freight Strategy supports this project by maintaining rail corridor in state ownership.

### **Proposal**

It is proposed that Council endorse the commitment of time, resources and funds where necessary, to the following projects and adopt them as Priority Projects for 2013 and seek funding and support where appropriate from other levels of government.

### **FINANCIAL CONSIDERATIONS**

Council may need to commit a proportion of funds to secure grant opportunities for these projects and where necessary, ensure infrastructure projects are investment ready.

In doing this it is important that the strategic integrity of the Long Term Financial Plan is not compromised. This may necessitate reviewing Council's current projects that are currently funded in the Plan.

Any financial impacts related to Priority Projects will be detailed and presented to Council for consideration.

### **RISK FACTORS**

Pursuing these projects should be done in addition to achieving the goals of the Council Plan and Annual Plan and in line with other key regional plans including the Gippsland Regional Plan and priorities of Committee for Gippsland and One Gippsland bodies.

### **CONCLUSION**

It is proposed that Council formally endorse these priority projects to be internally resourced to ensure external funding and advocacy can be pursued over the coming year.

It should be noted that while this proposal will direct Council's focus to specific projects, it will not ignore other project opportunities that arise over this time. Council will continue to work with established groups and organisations to push forward with key prospects surrounding other planning developments and road safety projects throughout the Shire in line with the Council Plan.

## **RECOMMENDATION**

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

- 1. Leongatha Heavy Vehicle Alternate Route - Finalising Design and Funding the Construction of the Leongatha Heavy Vehicle Alternate Route**
- 2. Corner Inlet Tourism Development Project (encompassing the Great Southern Rail Trail extension from Foster to Welshpool (funded), the restoration of the Long Jetty, feasibility study/detailed design of the Port Welshpool Marina development, dredging of Toora Boat Ramp and Agnes Falls Scenic Reserve);**
- 3. Sewerage Scheme for Nyora Loch and Poowong and advocate to Solve Development Barriers in the Tarwin Potable Water Catchment**
- 4. Korumburra Integrated Children's Centre**
- 5. Development at Coal Creek – Support for Investment In Education Camp and Restaurant Development at Coal Creek**
- 6. Development of Leongatha Rail Yard VicTack Land as a Commercial, Retail Residential and/or Civic Precinct**
- 7. Linking the Black Spur Section of the Great Southern Rail Trail**
- 8. Return of Rail**

## **STAFF DISCLOSURE OF INTEREST**

Nil



## 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**

**Nil**

## **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 CONTRACTUAL MATTER**

#### **RECOMMENDATION**

**That Council close the Meeting to the Public to allow for consideration of a Contractual Matter pursuant to Section 89(2)(d) as provided for by the Local Government Act 1989.**

## **SECTION H - MEETING CLOSED**

### **NEXT MEETING**

The next Special Meeting of Council open to the public will be held on Wednesday 19 June 2013 commencing at 12noon in the Council Chambers, Leongatha.

The next Ordinary Council Meeting open to the public will be held on Wednesday, 26 June 2013 commencing at 2pm in the Council Chambers, Leongatha.