



South Gippsland
Shire Council

Come for the beauty, Stay for the lifestyle

COUNCIL AGENDA PAPERS

26 June 2013

**ORDINARY MEETING NO. 370
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. 370
OF THE SOUTH GIPPSLAND SHIRE COUNCIL WILL BE HELD ON
26 JUNE 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 22 May 2013 in the Council Chambers, Leongatha be confirmed.

A.6 Requests for Leave of Absence

A.7 Declaration of Conflict of Interest for Councillors

Any interest that a Councillor or staff member has deemed to be significant and has disclosed as either a direct or an indirect interest is now considered to be a conflict of interest. Conflict of interest legislation is in sections 77A, 77B, 78, 78A-D and 79 of the Local Government Act 1989. This legislation can be obtained by contacting the Council's Organisational Development Department (Governance) or by accessing the Victorian Legislation and Parliamentary Documents website at www.legislation.vic.gov.au. 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
Direct Interest		Reasonably likely that your benefits, obligations, opportunities or circumstances will be directly altered. Reasonably likely to receive a direct benefit or loss measurable in money. Reasonably likely that your residential amenity will be directly affected.
Indirect Interest	Close Association	A member of your family has a direct interest or an indirect interest. A relative has a direct interest. A member of your household has a direct interest.
	Indirect financial Interest	Likely to receive a benefit or loss, measurable in money, resulting from a change to another person's interest. Holding shares in a company or body that has a direct interest (subject to threshold) When a person with a direct interest owes money to you.
	Conflict of Duty	Manager or member of the governing body of an organisation with a direct interest. Trustee for a person with a direct interest. Past dealings in relation to the matter as duty to another person or body.
	Applicable Gift	Gifts valued at \$500 in previous 5 years. Election donations valued at or above \$500 in previous 5 years. Gifts other than election campaign donations that were received more than 12 months before a person became a Councillor are exempt.
	Party to the Matter	Initiated or became party to civil proceedings in relation to the matter.

Privacy

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

Council undertakes audio recordings of Council Meetings as a contribution to good governance and accuracy of minutes. An audio recording of this meeting is being made for the purpose of verifying the accuracy of minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, and subpoena or by any other law such as the Freedom of Information Act 1982. It should be noted that other people present at the meeting may be recording the meeting and Council has limited power to regulate this. Council has developed a policy to regulate recordings, "Sound Recording of Council Meetings". A copy of this policy is located on Council's website www.southgippsland.vic.gov.au. Further information or a copy of the policy or can be obtained by contacting Council's Organisational Development Department (Governance).

A.8 Declaration of Conflict of Interest for Staff

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

A.9 Petitions

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

The lead petitioner or person organising the petition may in presenting the petition to a Councillor at the Council Meeting speak briefly to its contents. At the same meeting a Councillor would accept the petition and introduce it to Council for formal noting and actioning by Council.

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

A.10 Councillor Reports

SECTION B - NOTICES OF MOTION AND/OR RESCISSION

B.1 NOTICE OF RESCISSION NO. 656 – DIFFERENTIAL RATES 2014/2015

PURPOSE/INTRODUCTION

The justification of Differential Rates is a statutory requirement set out in the *Local Government Act (1989)* for all Councils using the Capital Improved Valuation system for the valuing of land.

I am of the opinion that not all Councillors understood the intent or potential ramifications of the Not of Motion B.1 Differential Rates 2014/2015 – passed by Council on 22 May 2013. The Ministerial Guidelines must be addressed by Council to address the objectives of equity, fairness and capacity to pay.

The proposed Steering Committee that would consist of representatives from key stakeholder groups, whom as individuals may benefit or be disadvantaged by the Committee's recommendations to Council, does not allow for independent review, analysis of the available data and objectivity in the recommendations that will inform the decision to be made.

This approach creates a major risk for Council if the resulting recommendations are perceived by the broader community to be a failure of good governance due to a lack of independence and objectivity within the review. The risk is that Council's image may be tarnished due to a flawed process.

Council has to review its Differential Rates to align with the Ministerial guidelines. To achieve this requirement Council has established an action in the Draft 2013-2014 Annual Plan to review the Rating Strategy, which includes the Differential Rates. As the justification of Differential Rates is a statutory requirement of section 161 of the Local Government Act, Council needs to get the process correct to achieve the right outcome for Council and all ratepayers.

MOTION

I, Councillor Lorraine Brunt, advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on 26 June 2013.

“That the following motion in respect of Item B1 carried at the Ordinary Meeting of Council held on 22 May 2013 be rescinded -

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 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 principles and equity principles as detailed in the government paper on differential rate guidelines.***

- 3 *The Committee to present its findings and recommendations to Council for consideration in the development of the Council's Budget 2014-2015 process."***

B.2 NOTICE OF MOTION NO. 657 – RESPONDING TO THE MINISTERIAL GUIDELINES ON DIFFERENTIAL RATES

PURPOSE

Council is required to review its Differential Rates to align with the Ministerial guidelines. To achieve this Council has established an action in the Draft 2013-2014 Annual Plan to review the Rating Strategy, which includes the Differential Rates. As the justification of Differential Rates is a statutory requirement of Government it is imperative that Council develop a process that achieves the right outcome for all land use categories.

A good governance framework needs to be established for this project to ensure that the review is conducted in an objective, fair, unbiased and transparent manner. If this is not achieved, Council risks a tarnished reputation and image.

MOTION

I, Councillor Lorraine Brunt, advise that I intend to submit the following motion to the Ordinary Council meeting scheduled to be held on 26 June 2013.

“That Council:

- 1. Instruct the Chief Executive Officer to prepare a report for presentation at the 28 August Council Meeting that examines the intent and requirements of the Ministerial Guidelines for Differential Rates and sets out the following:**
 - a. An appropriate good governance framework for the Rating Strategy project.**
 - b. Terms of reference for a Steering Committee made up of interested Councillors, relevant Council Officers and up to 4 community members to oversee the project.**
 - c. Identify information sources and relevant data that can inform the review in regard to capacity to pay, equity and fairness and how the various objectives for the differentials can be justified.**
 - d. Outline an engagement process that allows various stakeholders to participate by providing submission into the review.**

SECTION C - COMMITTEE REPORTS

Nil

SECTION D – PROCEDURAL REPORTS

D.1 REPORT ON ASSEMBLY OF COUNCILLORS - MAY 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 May 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

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 1 May 2013		
Special Committees of Council – review of delegation	<p>Councillors Attending: Crs Newton, Kennedy, Hutchinson-Brooks, Davies and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Special Committee Instrument of Delegation Schedule • Primary and Ordinary Returns
Building Asset Management Plan	<p>Councillors Attending: Crs Newton, Kennedy, Hutchinson-Brooks, Davies and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Council were provided information on the Building Asset Management Plan (BAMP).</p>
Executive Update	<p>Councillors Attending: Crs Newton, Kennedy, Hutchinson-Brooks, Davies and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Priority projects
Planning Application – Aldi Leongatha Store	<p>Councillors Attending: Crs Newton, Kennedy, Hutchinson-Brooks, Davies and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information on the planning application submitted by Aldi Stores to develop a new store in Leongatha’s town centre.</p>
Gippsland Integrated Land Use	<p>Councillors Attending: Crs Newton, Kennedy, Hutchinson-Brooks, Davies and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information on Gippsland Regional Growth Plan.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 8 May 2013		
South Gippsland VicRoads Update	<p>Councillors Attending: Crs Fawcett, Harding, Newton, Kennedy, Hutchinson-Brooks, McEwen and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • VicRoads operations update
Executive Update	<p>Councillors Attending: Crs Fawcett, Harding, Newton, Kennedy, Hutchinson-Brooks, McEwen and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Constitutional Recognition • Draft Briefing Timetable
Planning Committee	<p>Councillors Attending: Crs Kennedy, Hutchinson-Brooks, Brunt, Newton, McEwen, Harding and Fawcett.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • VCAT Decisions • Statutory Planning Applications • Strategic Planning Update • Housing Settlement Strategy • Planning Enforcement Strategy
Monday 13 May 2013		
Volunteer Week Celebration	<p>Councillors Attending: Crs Kennedy, Newton, Brunt and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Launch of South Gippsland Shire Volunteer DVD • Thank you extended for Volunteer contribution
Tuesday 14 May 2013		
Mirboo North Pool Community Consultation	<p>Councillors Attending: Crs Hill and Hutchinson-Brooks.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Draft Pool Master Plans

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 15 May 2013		
Risk Register Review	<p>Councillors Attending: Crs Fawcett, Harding, Newton, Kennedy, Hutchinson-Brooks, Brunt and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided with information relating to the implementation of Council's Risk Management Framework (RMF) and Policy.</p>
Community Grants – Round 2	<p>Councillors Attending: Crs Fawcett, Harding, Newton, Kennedy, Hutchinson-Brooks, Brunt and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided with information regarding the recommended outcomes for the community grants round 2.</p>
<p>Policy Review: Arts and Culture Policy</p>	<p>Councillors Attending: Crs Fawcett, Harding, Newton, Kennedy, Hutchinson-Brooks, Brunt and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • The policy was reviewed.
Bald Hills Wind Farm - Update	<p>Councillors Attending: Crs Fawcett, Harding, Newton, Kennedy, Hutchinson-Brooks, Brunt and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Bald Hills Wind Farm situation update

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 15 May 2013		
Public Presentation Session	Councillors Attending: Crs Fawcett, Harding, Newton, Kennedy, Hutchinson-Brooks, Brunt and Davies.	Presentations were made to Council by the following community member.
DAY SESSION	Conflict of Interest: Nil disclosed.	
Mr Ron Brown addressed Council regarding the Turton's Creek Strategic Plan.		
Council Agenda Topics 22 May 2013	Councillors Attending: Crs Fawcett, Harding, Newton, Kennedy, Hutchinson-Brooks, Brunt, Hill and Davies. Conflict of Interest: Cr Fawcett left the room with a declared conflict of interest for two items.	Topics Discussed: • Ordinary Council Agenda – 22 May 2013
Executive Update	Councillors Attending: Crs Fawcett, Harding, Newton, Kennedy, Hutchinson-Brooks, Brunt, Hill and Davies. Conflict of Interest: Nil disclosed.	Topics Discussed: • Priority Projects – updates on Federal Advocacy • Councillor Workshop • Resolution of Council – Essential Services Commission • Leongatha Rotary Masquerade Ball • Special Meeting of Council • Constitutional Recognition Referendum • Nerrena Road Traffic Management
Coal Creek Steering Committee	Councillors Attending: Cr Hutchinson-Brooks. Conflict of Interest: Nil disclosed.	Topics Discussed: • Draft Coal Creek Development Strategy • Financial impacts – site rationalisation
Thursday 16 May 2013		
Korumburra Pool Community Consultation	Councillors Attending: Crs Newton and Brunt Conflict of Interest: Nil disclosed.	Topics Discussed: • Draft Pool Master Plans

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Tuesday 21 May 2013		
Youth Council Advisory Committee	<p>Councillors Attending: Cr McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Young people and gambling • Change it up program • 'The Push' event management training
Wednesday 22 May 2013		
<p>Ordinary Council Agenda Topics – 22 May 2013</p>	<p>Councillors Attending: Crs Fawcett, McEwen, Harding, Newton, Kennedy, Hutchinson-Brooks, Davies and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Ordinary Council Agenda – 22 May 2013
<p>Public Presentation Session</p>	<p>Councillors Attending: Crs Fawcett, McEwen, Harding, Kennedy, Hutchinson-Brooks, Davies and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Presentations were made to Council by the following community members:</p> <p>Mr Chris Pippo, representing Taylors Consulting addressed Council regarding Council Agenda item E.7 - HOUSING AND SETTLEMENT - DRAFT STRATEGY FOR EXHIBITION.</p> <p>Ms Melinda Meade addressed Council regarding Council Agenda Item E.4 - AMENDMENT TO THE HOURS OF OPERATION FOR AN EXISTING HEALTH CLUB 2010/49/A.</p> <p>Mr David Amor addressed Council regarding a petition that he intendeds to submit to Council regarding the future of the Korumburra community hub.</p>
<p>Ordinary Council Agenda Topics – 22 May 2013</p>	<p>Councillors Attending: Crs Fawcett, McEwen, Harding, Newton, Kennedy, Hutchinson-Brooks, Davies, Hill and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Ordinary Council Agenda – 22 May 2013

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Friday 31 May 2013		
Access and Inclusion Advisory Committee	Councillors Attending: Cr Newton. Conflict of Interest: Nil disclosed.	Topics Discussed: <ul style="list-style-type: none">• Municipal Health and Wellbeing Plan• Promoting HACC services• GippsSport update• Korumburra Town Centre Framework Plan• Housing Settlement Strategy• Access and Inclusion Plan• Councillor professional development

RECOMMENDATION

That Council receive and note this report.

STAFF DISCLOSURE OF INTEREST

Nil

D.2 COUNCILLOR DISCRETIONARY ALLOCATION REPORT

Corporate Services Directorate

EXECUTIVE SUMMARY

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

This report details Councillors allocations for the period between 17 April 2013 and 22 May 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:

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

Cr Mohya Davies - \$100

Cr Jeanette Harding - \$100

Cr Lorraine Brunt - \$100

Cr James Fawcett - \$100

Cr Andrew McEwen - \$200

Cr Don Hill - \$100

Cr Hutchinson-Brooks - \$100
- Welshpool and District Advisory Group: to assist with costs of purchasing and installing a hot water system at Welshpool Opportunity Shop and Nursery.

Cr Jeanette Harding - \$600

- Meeniyon Golf Club Inc: to assist with costs of purchasing a new Defibrillator.

Cr Andrew McEwen - \$200

- Poowong Amateur Swimming and Lifesaving Club Inc: to assist with costs of purchasing netting and tie down ropes which will be used to cover the outdoor pool during the winter months preventing ducks from accessing the pool.

Cr Andrew McEwen - \$200

Cr Lorraine Brunt - \$608

- Bena Community Group Inc: to assist with costs for an event to launch a history book titled 'Stories of Bena - The People and the Country'.

Cr Andrew McEwen - \$100

Cr Nigel Hutchinson-Brooks - \$250

- Poowong Recreation Reserve Committee Inc: to assist with the costs of purchasing a 15 Litre back pack sprayer.

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 22 May 2013 are as follows:

- Cr Mohya Davies - \$258
- Cr Jeanette Harding - \$608
- Cr Kieran Kennedy - Nil

- Cr Lorraine Brunt - Nil
- Cr Robert Newton - Nil
- Cr Andrew McEwen - \$408
- Cr James Fawcett - \$151
- Cr Don Hill - \$2,058
- Cr Hutchinson-Brooks - \$1,768
- Mayoral Fund - Nil

RECOMMENDATION

That Council receive and note this report.

STAFF DISCLOSURE OF INTEREST

Nil

D.3 DOCUMENTS SEALED AND CONTRACTS AWARDED UNDER CHIEF EXECUTIVE OFFICER DELEGATION - MAY 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	Active, Resilient Community, 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 May 2013.

1. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of 12 Ross street, Port Welshpool in relation to Single Dwelling – Seal Applied 6 May 2013.
2. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of 300 Yarragon Road, Wooreen in relation to Subdivision (Boundary Realignment) into 3 lots – Seal Applied 10 May 2013.
3. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of 495 Whitelaws Track, Stony Creek & 32 Moyes Road Stony Creek in relation to 2 lot Subdivision (Boundary Realignment)– Seal Applied 29 May 2013.
4. Contract SGC13/20 between South Gippsland Shire Council and LifeWorks Relationship Counselling and Education Services in relation to Delivery of Learning and Development Programs - Seal Applied 31 May 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 \$250,000.00 (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 (\$150,000.00 inclusive of GST for goods and services and \$200,000.00 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.

There were no Contracts Awarded Under Chief Executive Office Delegation for the month of May 2013

RECOMMENDATION

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

STAFF DISCLOSURE OF INTEREST

Nil

SECTION E - COUNCIL REPORTS

E.1 MIRBOO NORTH AND KORUMBURRA POOL MASTER PLANS

Community Services Directorate

EXECUTIVE SUMMARY

The exhibition period for the draft Mirboo North and Korumburra Pool Master Plans closed on 24 May 2013 with 23 written submissions received. All relate to the Mirboo North pool.

Submissions indicate strong support for a pool in Mirboo North with a preference for it to remain on the existing site. There are a range of views regarding alternate sites and ideas for a new facility.

Council's Strategic Directions for Aquatic Facilities 2012-16 identified that the provision for renovation of the outdoor pools in the Shire would require a partnership approach with the community and was dependent on community fundraising, external grants and/or commercial sponsorship.

The master plans and this early consultation phase provide an opportunity for collaborative planning with both the Mirboo North and Korumburra community to determine an affordable and sustainable investment in aquatic facilities in the two towns.

Document/s pertaining to this Council Report

- **Confidential Appendix 1** - Mirboo North and Korumburra Pool Master Plan Community Submissions and Summary

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

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Strategic Direction for Aquatic Facilities in South Gippsland 2012 - 2016

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

COUNCIL PLAN

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

CONSULTATION

The draft plans were available on the Council website and promoted through media release which generated ongoing comment in the local media.

Public information / drop in sessions were offered in Mirboo North and Korumburra. Councillors and staff provided the opportunity for interested community members to discuss the draft master plans, ask questions and seek further information.

At Mirboo North approximately 30 people attended the drop in information sessions and an extended meeting was held with the Mirboo North pool committee, including members of the extended Swimming Pool Master Plan Steering Committee.

At Korumburra a long term pool employee attended the information session to provide views on the draft master plan.

Twenty three (23) written submissions have been received in response to the draft master plans. All submissions relate to the Mirboo North Pool.

REPORT

Background

In February 2012 the Council adopted a Strategic Direction for Aquatic Facilities in South Gippsland 2012-2016. The strategy states that future capital investment will be informed through the development of master plans commencing with Mirboo North and Korumburra in 2012/13. In addition the Council determined that there was inadequate provision in the Long Term Financial Plan for renovation of all of the outdoor pools and that any funding shortfall would need to be met through community fundraising, external grants or commercial sponsorship before works commenced.

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

That Council:

- 1. Adopt the Strategic Direction for Aquatic Facilities in South Gippsland, February 2012 which is consistent with Option 3 – Renovate all outdoor pools;**
- 2. Consider the allocation of \$40,000 in the 2012/13 budget and \$60,000 in 2013/14 budget to prepare Master Plans (including Asset Management Plans) in consultation with the local pool committee and community, for Korumburra and Mirboo North in 2012/13, Poowong, Foster and Toora in 2013/14 to guide the future capital investment in these facilities; and,**

- 3. Acknowledge that Option 3 – Renovate all outdoor pools requires an average \$103,000 per annum above the Long Term Financial Plan projections and anticipates this to be met through community fundraising, external grants or commercial sponsorship.**

In September 2012, consultants HM Leisure Planning were appointed to develop the master plans. With over thirty years' experience in recreation and leisure planning, HM Leisure has completed similar projects at over 100 councils across Australia over the past decade. The draft plans were developed through a process of community consultation, using the technical expertise of aquatic leisure planners, engineers and aquatic facility architects.

At the 24 April 2013 Council Meeting the Draft Mirboo North and Korumburra Outdoor Pools Master Plans were released for public comment:

That Council:

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

Discussion

The draft master plans provided recommendations on the future provision of aquatic facilities for both the Mirboo North and Korumburra communities. The following section contains a summary of the directions for each of the facilities and the responses received from the community.

Korumburra Pool Master Plan Summary

Infrastructure at Korumburra requires modernisation but is basically sound.

The main recommendations for Korumburra include:

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

- Integrate the indoor heated pool fully with the facilities and services for the outdoor pool.

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

Korumburra Pool Master Plan Submissions Summary

No written submissions have been received.

Mirboo North Pool Master Plan Summary

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

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

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

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

A copy of the Mirboo North and Korumburra Pool Master Plan Community Submissions and Summary can be found in Confidential Appendix 1.

The Mirboo North submissions indicate there is not a consensus view on the best aquatic provision model and location for the town but there is strong support for the pool to remain at the existing site.

The condition of the existing pool and the cost of necessary improvements to the site were challenged during consultation with the committee and community. The consultants formed the opinion that the current infrastructure is at the end of its useful life based on inspection of the site and various reports into the condition of the assets previously completed.

These reports included:

- Soil tests
- Pressure testing of filtered and soiled water lines
- Concrete core tests

- Infrastructure audits
- Previous capital expenditure

A Facility Upgrade and Refurbishment Study completed by SGL Group in 2009 confirms the need for substantial works to renovate the pool on its existing site. The report identified issues around drainage of the site and ground water filtering and stated “if leakage to the pool shell and ground water problems continue to give further problems, consideration should be given to constructing a new facility to another more appropriate and flatter site”.

At the end of the 2012/13 season over 30,000 litres of water per day was leaking from the pool system. Without the system that captures and returns this water to the pool, this leakage would cause the pool system to cease filtering water within 24 hours. Collecting and returning this water to the system allows the facility to continue to operate. In the longer term the damage caused through these leaks increases the risk of the pool shells failing.

Due to the contours of the site, the adjoining bush reserve and local subdivisions, a large area of land drains through the existing pool site. The existing drainage network is not effectively diverting this water around the pool shells. With the weight of over 1 million litres of water (1000 tonnes) in the pools, the stability of the shells, concourse and pipework is being compromised. The combination of excessive amounts of water in the ground, both from outside the site and from the pools and a soil profile showing fill to a depth of 4m create major issues with the future development of this picturesque site.

Establishing new facilities at the site would require the following works:

- Demolish existing pool concrete and surrounds
- Excavate fill from site up to depth of 4m
- Establish solid base with rock
- Install new pipework to control water through the site
- Earthworks to ensure compliant access

Without a detailed design the aquatic engineers identified the cost to address the drainage, accessibility and soil conditions at the site would be in excess of \$3 million. The recommendation of the consultants was that rather than invest additional money into developing detailed designs and cost estimates to address site constraints that the community should be considering alternative sites and aquatic provision models.

The consultants have estimated a replacement outdoor pool at \$4 million. This is well in excess of the \$2 million identified towards Mirboo North Pool in

the future Capital Works Program. However, it was always the Council's expectation that renovation of the outdoor pools in the Shire required a partnership approach with the community and was dependent on community fundraising, external grants and/or commercial sponsorship.

Opportunities to access State Government funds for an outdoor pool appear limited. Under existing funding programs development of an outdoor pool would only be eligible for funding up to \$200,000.

With the community expecting an increase in service level and range of facilities there is an opportunity for open dialogue between the Council and the community about the financial challenges facing Council and the importance of collaborative planning and funding to achieve an affordable and sustainable aquatic facility in Mirboo North. Meeting the expectation of the community cannot be achieved by Council alone. Major funding partners from other levels of government and the community itself will be required to develop the range of facilities identified in the submissions.

A number of the submissions commented on the need for the pool to be 8 lanes to accommodate school and swim club carnivals. While desirable to have an 8 lane pool it is not essential to enable carnivals to operate. The Korumburra pool currently hosts a far greater number of carnivals with a 6 lane 50m pool.

Some schools or clubs may choose to attend other venues if an eight lane pool is not available in Mirboo North. The community will need to determine whether an 8 lane pool is a priority for the allocation of finite resources for a new or renovated pool in Mirboo North.

Potential sites for a relocated pool also drew varying responses from the community. Of the sites considered, Baromi Park, Baths Road, Recreation Reserve or co located with education facilities, only the recreation reserve, due to poor access was considered an unsuitable site. Of the remaining sites some considered Baromi Park an ideal location, while others were strongly opposed to more facilities taking away from the town's central open space. The Baths Road site was considered a viable option if the challenges of the existing site could not be overcome. The opportunity to collocate with education facilities is seen as having potential benefits.

Proposal

The master plans and this early consultation phase provide an opportunity for collaborative planning with both the Mirboo North and Korumburra community to determine an affordable and sustainable investment in aquatic facilities in the two towns.

Further consultation will be required with the Mirboo North community to determine an appropriate location and any additional facilities provided.

FINANCIAL CONSIDERATIONS

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

The draft forward budget contains over \$5.5 million within the next 10 years towards the redevelopment of aquatic facilities at Korumburra and Mirboo North. Based on the estimated costs this allocation appears inadequate. However the Council's Strategic Directions for Aquatic Facilities 2012-16 expected that any upgrade or renovation was dependent on community fundraising, external grants and/or commercial sponsorship.

RISK FACTORS

There is a strong level of community interest, particularly within Mirboo North over the future direction of aquatic facilities. The conflict between the desired improvements from the community and what is financially affordable remains the biggest challenge and risk.

The continued operation of the facilities creates no different risk to Council than previous seasons. However the likelihood of significant failure of infrastructure at the sites continues to increase each year that capital investment is delayed.

CONCLUSION

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

These recommendations need to be considered in the broader context of Council's entire asset base and what is an affordable and sustainable level of resources that can be provided to the ongoing operation and improvement of aquatic venues.

The Master Plans provide Council with an opportunity to work collaboratively with the community to plan and fund aquatic facilities in Mirboo North and Korumburra.

RECOMMENDATION

That Council:

- 1. Note the information contained within the Mirboo North and Korumburra Pool Master Plans and the feedback received through submissions;**
- 2. Thank submitters for their feedback on the draft plans and provide written notification of Council's decision; and**
- 3. Facilitate a collaborative community engagement process with the Korumburra and Mirboo North community to plan for and share the funding of an affordable and sustainable future aquatic facility in each town in accord with Council's Strategic Direction for Aquatic Facilities 2012-2016.**

STAFF DISCLOSURE OF INTEREST

Nil

E.2 MUNICIPAL PUBLIC HEALTH AND WELLBEING PLAN 2013-2017

Community Services Directorate

EXECUTIVE SUMMARY

The Public Health and Wellbeing Act 2008 requires Council to prepare a Municipal Public Health and Wellbeing Plan (MPHWBP) within 12 months of each Council election.

The draft South Gippsland Shire Council Municipal Public Health and Wellbeing Plan 2013-2017 was endorsed for public exhibition at the Ordinary Council Meeting on 27 March 2013.

During the public exhibition period one formal submission was received. This has resulted in two amendments being made to the final MPHWBP, both of which have been endorsed by the Public Health and Wellbeing Reference Group.

The purpose of this report is to present Council with the final version of the MPHWBP 2013-2017 for formal adoption together with the Council's Implementation Plan for 2013-14.

Document/s pertaining to this Council Report

- **Attachment 1** - Submission from West Gippsland Regional Library Corporation
- **Attachment 1** - Letter of Support from Department of Health
- **Appendix 1** - South Gippsland Shire Council Municipal Public Health & Wellbeing Plan 2013-2017
- **Appendix 2** - South Gippsland Shire Council MPHWP Implementation Plan 2013-2014

A copy of South Gippsland Shire Council Municipal Public Health & Wellbeing Plan 2013-2017 (**Appendix 1**) and South Gippsland Shire Council MPHWP Implementation Plan 2013-2014 (**Appendix 2**) is available on Council's website: www.southgippsland.vic.gov.au or by contacting 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Victorian Public Health and Wellbeing Plan 2011-2015
- Public Health and Wellbeing Act 2008
- South Coast Primary Care Partnership Health Promotion Catchment Plan 2010-2012

- South Coast Primary Care Partnership Community Wellbeing Profile 2009

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Council Plan 2010 - 2014
- Annual Plan 2012 - 2013
- Municipal Public Health and Wellbeing Plan 2010 - 2012
- Access and Inclusion Plan 2009 - 2012
- Municipal Early Years Plan 2012 - 2016
- Sustainability Strategy 2011
- Active Ageing Plan 2012 -2016
- Community Transport Review 2013
- Improving Liveability for Older People 2011 -2013

COUNCIL PLAN

Strategic Goal:	1.0	A Vibrant Engaged Community
Outcome:	1.2	Health and Wellbeing
Strategy No:	1.2.2	Community Health

CONSULTATION

Community consultation was undertaken via online and print survey, focus groups, meetings with key community groups and service provider forums. Over 400 people from the South Gippsland community have been engaged through the consultation process. Appendix 3 of the MPHWPB provides an overview of the survey and consultation results.

A Reference Group has been actively involved throughout the development of the draft MPHWPB. The Reference Group has endorsed the draft MPHWPB and the amendments to the draft document following the exhibition period.

The Reference Group includes representation from:

- Department of Health
- Gippsland Southern Health Service
- Salvation Army GippsCare
- South Coast Primary Care Partnership

- South Gippsland Hospital Service
- Uniting Care Gippsland
- South Gippsland Shire Council

The draft MPHWPB was placed on public exhibition until 29 April 2013.

A briefing document was provided to Council in May 2013 through InfoSum which included the one submission received from the West Gippsland Regional Library Corporation and Council's response.

The Public Health and Wellbeing Reference Group endorsed two amendments suggested by the West Gippsland Regional Library Corporation at their meeting on 21 May 2013. They also decided to add key success indicators in the final version of the MPHWPB and to strengthen the commentary around partnerships between Council and the health and community sector.

REPORT

Background

Under Section 27 of the Public Health and Wellbeing Act 2008, a Council must prepare a MPHWPB within the period of 12 months after each general election of the Council.

Through this Act, Local Government seeks to protect, improve and promote public health and wellbeing by creating an environment which supports the health of community members and strengthens their capacity. It achieves this through the development of a MPHWPB that provides a strategic direction and identifies local priorities for local public health planning, policy development and service delivery.

The MPHWPB has been developed through the collection and analysis of data, benchmarking against regional, state and national health priorities, consultation with a broad range of the community and a range of health and community service organisations. It sets out a strategic direction for the next four years for Council and other health and community service providers working in the Shire.

Discussion

This plan sets out the broad strategic direction and priorities for planning for improved health and wellbeing for the South Gippsland community. The MPHWPB has 4 key areas of priority - Health Protection, Community Wellbeing, Lifestyle and the Built and Natural Environment.

Under each of these four priority areas are specific strategies providing a focus for local action. The MPHWPB will provide guidance for Council

operational plans and consistency of health and wellbeing planning for a broad range of organisations in South Gippsland.

A Council implementation plan has been developed in consultation with the relevant Council departments and will be embedded in business plans for the 4 year life of the MPHWP with progress reported to Council through the Quarterly Performance Report. It is expected that other agencies and organisations will use the strategic document to inform their respective business plans. An annual evaluation on the effectiveness of the MPHWP will be managed by the Reference Group and reported to Council.

Public Exhibition

At the conclusion of public exhibition on 29 April 2013, one submission was received from West Gippsland Regional Library Corporation (WGRLC) (Attachment 1).

Points raised in this submission include the following:

Issue Raised	Response
A lack of recognition in the Plan that WGRLC had contributed through the consultation process	This was an oversight and WGRLC's contribution through the consultation process is now acknowledged in Appendix 1 on Page 27.
That the library provides social connection through a range of programs, activities and public access to internet services.	No agency is specifically singled out in the MPHWP for its contribution to social connection. The third dot point of the Strategies on page 19 has been amended to read "including digital infrastructure" which acknowledges the important social connection achieved through the internet, not only through services provided by WGRLC but more broadly. The implementation plan has a number of specific actions linked to the WGRLC four year strategic direction
That the library provides literature based promotion of positive mental health and availability of literature in various mediums.	No agency is specifically singled out in the MPHWP for the resources it holds on mental health.

The submission has been addressed through two amendments to the Plan, which have been endorsed by the Reference Group and through the specific actions in the Council's Implementation Plan.

A letter of support for the MPHWPB was received from the Department of Health after the Public Exhibition period (**Attachment 2**).

Amendments by the Reference Group

At its meeting on 21 May the Public Health and Wellbeing Reference Group decided to include success indicators in the heading of each of the 4 key priority areas in the MPHWPB (page 17, 19, 23 and 25). Inclusion of success indicators, with a baseline established, will provide an opportunity for Council to measure the positive impact of the strategic plan and its implementation over the next four years in relation to improved health and wellbeing of the South Gippsland community. The benefit of longer term success indicators has been highlighted under the heading of How Will We Know We've Made a Difference on page 13.

The Reference Group also agreed on the need to strengthen wording in the MPHWPB around the partnerships between Council and health and community organisations with additional sentence added on page 10 of the MPHWPB.

FINANCIAL CONSIDERATIONS

The cost of the development of the MPHWPB was funded in the 2012-13 budget, \$26,000 for the consultant plus staff time. The Implementation Plan will be incorporated into relevant department business plans without incurring additional costs to Council. Should a new initiative be identified that has not been budgeted, that initiative will be presented to Council for consideration through the annual budgetary process.

External organisations will implement strategies within their own planning and budget guidelines.

RISK FACTORS

There is a risk that there will be no measurable improvement in the health and wellbeing of the community over the next 4 years. To mitigate this risk a Council implementation plan has been developed and progress will be reported quarterly, an annual evaluation process has been established and the Victorian Health Indicators survey will be conducted again in 2015.

CONCLUSION

The MPHWPB demonstrates Council's commitment to the health and wellbeing of the South Gippsland community and sets the strategic direction and priorities over the next four years. It aims 'To provide safe, supportive environments for our communities to be the healthiest they can be and to flourish'.

RECOMMENDATION

That Council:

- 1. Acknowledge the submission and advise the submitter of Council's response; and**
- 2. Adopt the South Gippsland Shire Council Municipal Public Health and Wellbeing Plan 2013-2017 and endorse the South Gippsland Shire's Implementation Plan for 2013-14.**

STAFF DISCLOSURE OF INTEREST

Nil

Attachment 1

Submission from West Gippsland Regional Library Corporation

West Gippsland Regional Library Corporation
65 Victoria Street,
Warragul, Victoria 3820
P: 03 5622 2849
F: 03 5622 3089
ABN 90 793 610 666

24th April, 2013

Ms Jan Martin
Director Community Services
South Gippsland Council

Draft Municipal Public Health & Wellbeing Plan 2013-2017

Dear Ms Martin,

The Corporation would like to take the opportunity to provide feedback on the **Draft Municipal Public Health & Wellbeing Plan 2013-2017**, currently being exhibited for public comment in our libraries.

The development of a **Public Health and Wellbeing Plan** by Council is welcomed and supported by the Corporation. We are keen to ensure that when Council is forming partnerships with "key health and community service organisations and community members" that the role of the Corporation and public libraries is not overlooked.

In 2012 the Corporation responded to the Council's data gathering and consultation as part of the development of this plan. We noted that despite their well-recognised role in promoting Health & Wellbeing the public libraries had not been mentioned.

We now note that the draft plan, while including a priority of **Community Wellbeing** and strategies for *Social Connection, Mental Wellbeing, Access & Inclusion and Community Safety*, makes no explicit mention of the role of libraries in achieving these strategies.

The Corporation is a significant provider of direct services to the members of the South Gippsland community on behalf of Council, however, it is easy for the complementary role between that of libraries and council to be lost, particularly if public libraries are seen in a solely "cultural" context.

In general our libraries are highly relevant in delivering the strategies of *Social Connection and Access and Inclusion* through our range of programs, activities, public access internet and more traditional library resources and services. The **little book of public libraries** published by the Australian Library and Information Association in 2009 provides a concise summary of this role. Public libraries:

- Are taking the place in communities of a new "village green" meeting place or third space outside the home and work

 www.wgrlc.vic.gov.au
wgrlc@wgrlc.vic.gov.au

West Gippsland Regional Library Corporation

65 Victoria Street,
Warragul, Victoria 3820

P: 03 5622 2849

F: 03 5622 3089

ABN 90 793 610 846

- Improve the quality of life
- Build safer, stronger, sustainable communities.
- Make citizens healthier
- Support formal and informal learning and literacy development for all ages
- Expand the digital economy by providing an essential portal for e-government services as well as bridging the digital divide for those without home access to the internet and edevices
- Freely provide digital infrastructure (including devices, computers and broadband access) for community use.
- Freely provide workshops and initial support to enable people to use their digital devices, particularly as government service provision moves into the model of digital delivery.

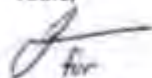
The recent *Internet and PC Usage in Victorian Public Libraries* report found that "in 2010-11, users of public libraries in Victoria spent around 3.5 million hours using their libraries' public access computers and fixed or wireless internet services. Without this, they would have been less connected with society and their families, would have had less access to education and employment opportunities, and would have had poorer and less enjoyable lives." As the Draft Strategy recognises, *Social Connection and Access and Inclusion* are key drivers of a healthy community and will assume increasing importance as digital models for business, entertainment and information become more firmly entrenched. The public libraries, both static and mobile, are a key player in delivering accessible internet services for both residents and visitors.

The strategy of *Mental Wellbeing* can be directly approached through a literature based program known as Bookwell, where the trained facilitator uses a range of books and literary forms to promote positive mental health. The Corporation has experience delivering this program, and is currently conducting one based in Warragul.

While the traditional picture of a library is based on bricks and mortar, the Corporation provides a mobile library service that covers communities from Nyora to the coastal district in the south. We have the capacity to extend mobile library services to new communities as they grow – a flexibility that is not possible when requiring fixed sites for service delivery.

We look forward to working closely with Council over the next four years in supporting the implementation of this important plan.

Yours,



John Murrell
Chief Executive Officer

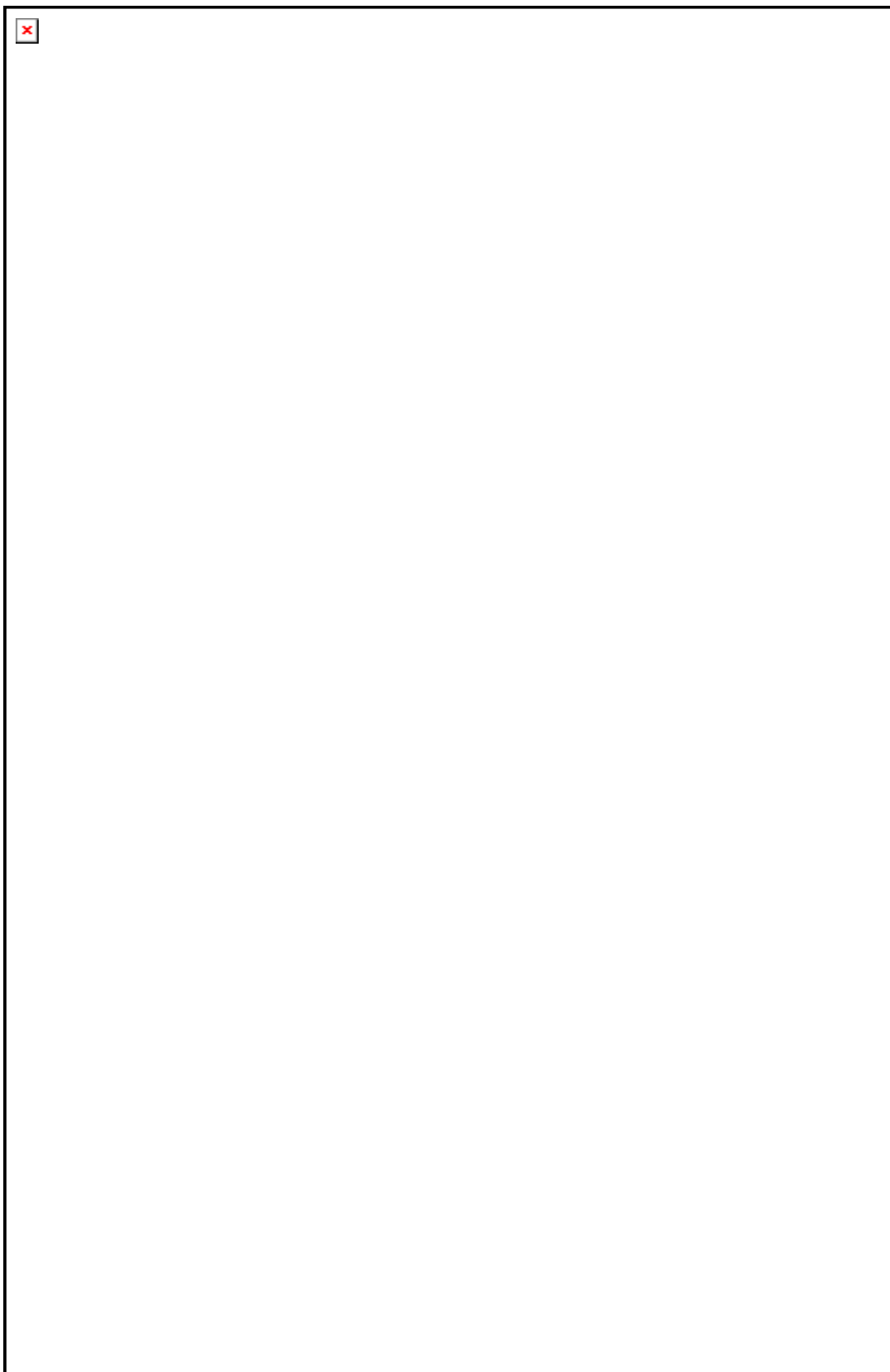


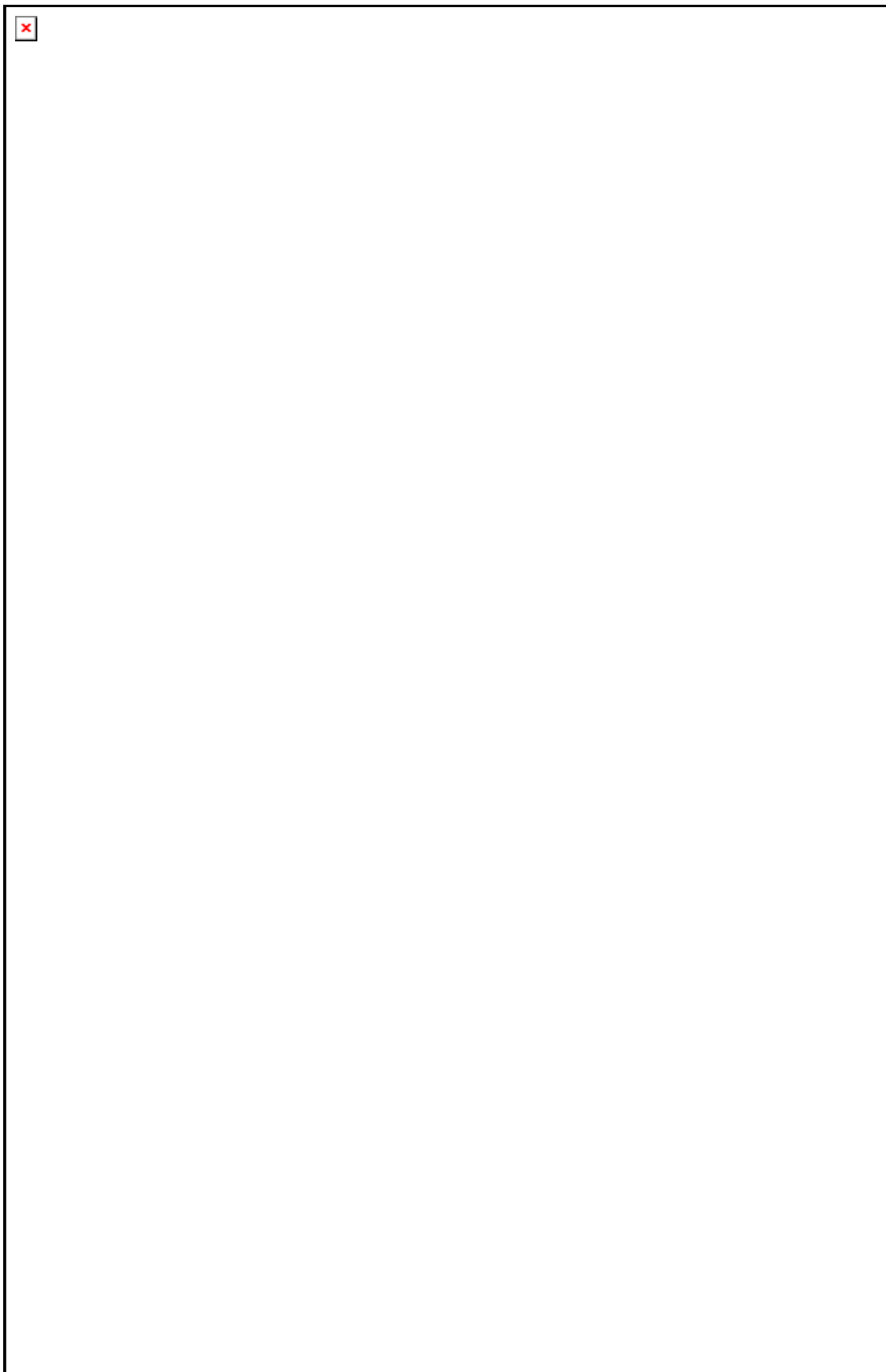
www.wgrlc.vic.gov.au

wgrlc@wgrlc.vic.gov.au

Attachment 2

Submission from Department of Health





E.3 2013-2017 COUNCIL PLAN AND 2013-2014 ANNUAL PLAN

Corporate Services Directorate

EXECUTIVE SUMMARY

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

The Council Plan has been developed in accordance with requirements of Sections 125 and 223 of the Local Government Act 1989 (Act) and is presented to Council for its consideration. It is recommended Council adopt the Council Plan and Annual Plan. The adopted Council Plan and Annual Plan will then be provided to the Minister for Local Government by the legislated timeline of 30 June 2013.

Document/s pertaining to this Council Report

- **Appendix 1** - Council Plan 2013-2017
- **Appendix 2** - Annual Plan 2013-2014
- **Appendix 3** - Council Plan Proposed Amendments
- **Appendix 4** - Annual Plan Proposed Amendments

A copy of **Appendix 1**, **Appendix 2**, **Appendix 3** and **Appendix 4** are available on Council's website: www.southgippsland.vic.gov.au or by contacting 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989, sections 125, 129 and 223

Local Government Planning and Reporting Better Practice Guide, February 2013

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Communication and Consultation Policy
- Councillor Code of Conduct
- Strategy and Plan Management Policy
- Public Submission Process (Section 223)

COUNCIL PLAN

Strategic Goal:	5.0	A Leading Organisation
Outcome:	5.1	Good Governance
Strategy No:	5.1.1	Direction Setting

CONSULTATION

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

- 4 and 5 December 2012 - workshop to discuss future direction of Council;
- 24 and 25 January 2013 - workshop to continue discussions on the future direction of Council and priorities for the next four years;
- Council Meeting 27 February 2013 - Council established the themes to inform the development of the draft Council Plan and corresponding Annual Plan and committed resources to develop a Community Vision 2050 and Community Engagement Charter;
- 6 March 2013 - Department Budgets and Service Summaries, Capital Works Program, New Initiatives, planning schedule and overall staff EFT (effective full time) summary;
- 13 March 2013 - Draft Council Plan, Draft Annual Plan and Council services for review,
- 20 March 2013 - Council services review continued and employee data update;
- 27 March 2013 - Legislative Requirements for the Council Plan and Budget, Organisational Structure, Interactive Modelling of the Draft Budget, Capital Works Program, New Initiatives and Fees and Charges;
- 3 April 2013 - Draft Council Plan, Draft Annual Plan and Draft Revised Budget; and
- 10 April 2013 - Special Council Meeting to finalise components of the Council Plan, Annual Plan, Capital Works Program and New Initiatives.
- 5 June 2013 - Council briefing to preview submissions received from the section 223 consultation process.
- 12 June 2013 - Special Council Meeting to hear and consider draft Council Plan, Annual Plan and Budget submissions that may impact these plans. 25 Submissions were received. Nine submitters spoke to their submissions

- 12 June 2013 - Public Presentation Session - several speakers provided specific feedback to Council on the Council Plan, Annual Plan and Budget.
- 12 June 2013 - Council briefing to discuss amendments required to the draft Council Plan, draft Annual Plan and draft Budget in response to the public submissions received, to allow final documents to be prepared for Council's consideration at the 26 June Ordinary Council Meeting.

Council has conducted a formal Section 223 Public Submission process from 29 April to 28 May 2013, calling for public comment on the endorsed draft Council Plan, draft Annual Plan and draft Budget. The submissions received and previous consultation activities with the community have been used to inform the final Council Plan 2013-2017 in **Appendix 1** and Annual Plan 2013-2014 in **Appendix 2**. The two plans and the Annual Budget 2013-2014 (set out in a separate report) have been amended in response to community requests and concerns outlined in the public submissions.

The development of the Council Plan and Annual Plan has also taken into consideration has also been given to the previous planning and community feedback activities including, but not limited to:

- 2012 Community Satisfaction Survey
- Municipal Public Health Plan
- Community Directions Statements
- Housing and Development Strategy
- Aquatic Strategy

REPORT

Background

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

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

A formal Section 223 Public Submission is required prior to adoption of the Council Plan. This requirement has been completed and submissions were

heard and considered by Council at a Special Meeting of Council on 12 June 2013.

Discussion and Proposals

Council has listened to the concerns raised by the community, particularly in relation to the impact a 7.5% rate rise would have to struggling community members, farmers and local businesses. A number of submissions outlined various ways by which Council could reduce the rates. A reduction in rates would result in reduced funds available to undertake Council services and new initiatives.

Any significant change to services requires community involvement, as many people would be affected by such changes. Council has committed to reviewing all its services in 2013-2014 using a zero based budgeting review. It is deemed appropriate that this review process provides the best means of identifying potential changes to services for the future.

While it is difficult to change services without further extensive public consultation, Council has indicated that changes to both previous decisions of Council and new initiatives proposed for implementation in 2013-2104, could be amended to reduce the proposed rate burden initially endorsed by Council. To this end the following proposed amendments are presented for Council's consideration.

Amendments Proposed to the Council Plan

Very few amendments have been required to the Council Plan in response to the public consultation submissions. There have been no changes made to the Outcomes or Objectives. A few minor wording changes have been incorporated in a couple of the strategies. The proposed amendments from the endorsed Council Plan to the final Council Plan are outlined in **Appendix 3**. The main change proposed to the Council Plan relates to Strategy 2.1.1, encompassing the development of a Community Vision 2050 and a Community Engagement Charter in partnership with the community.

Complete removal, deferral or a scaled back approach to the Community Vision 2050, were raised in numerous public submissions. Informal community sentiment along the same lines was also provided to various Councillors throughout the submission period. In response to the submissions, Council resolved at the Special Meeting on 12 June 2013 to continue the Community Vision 2050 project but undertake it in a more efficient manner.

Council also needs to be mindful of its resolution on 24 February 2013 which stated:

That Council:

1. ESTABLISH A COMMUNITY VISION 2050 COMMITTEE TO COMMENCE WORK ON A COMMUNITY ENGAGEMENT PROCESS FOR THE DEVELOPMENT OF A COMMUNITY VISION 2050 AND A COMMUNITY ENGAGEMENT CHARTER.
2. APPOINT THREE COUNCILLORS, ONE COUNCILLOR FROM EACH WARD, TO THE STEERING COMMITTEE TO DEVELOP THE COMMUNITY VISION AND CHARTER AND OTHER COUNCILLORS ARE ABLE TO ATTEND AS DESIRED OR REQUIRED. COUNCILLOR DAVIES, COUNCILLOR MCEWAN AND COUNCILLOR HUTCHINSON-BROOKS BE APPOINTED.
3. AUTHORISE THE THREE APPOINTED COUNCILLORS TO THE COMMITTEE, THE DIRECTOR CORPORATE SERVICES AND COMMUNITY SERVICES TO ESTABLISH THE REMAINDER OF THE COMMITTEE WITH RELEVANT KEY STAFF AND UP TO 10 COMMUNITY MEMBERS WHO ARE REPRESENTATIVES OF VARIOUS SECTORS, WARDS AND BROADER COMMUNITY INTERESTS.
4. ALLOCATE A BUDGET OF \$60,000 FROM SALARY VACANCIES YEAR TO DATE TO COMMENCE THE PROJECT IMMEDIATELY AND APPROVE THE APPOINTMENT OF A PROJECT OFFICER OF 1 EFT TO THE COMMITTEE TO AN INITIAL PERIOD OF 10 MONTHS.
5. AUTHORISE THE CHIEF EXECUTIVE OFFICER TO ESTABLISH AND INCLUDE A BUDGET ALLOCATION IN THE 2013-2014 BUDGET WITH THE AIM TO COMPLETE THE PROJECT BY DECEMBER 2013.
6. UTILISE THE THEMES OUTLINED IN THIS REPORT AS A COMMENCEMENT POINT TO INFORM THE DEVELOPMENT OF THE COUNCIL PLAN 2013-2017 AND THE COMMUNITY VISION 2050.

THESE THEMES INCLUDE:

- a. WORK TOWARDS IMPROVING SUSTAINABILITY OF FINANCES FOR THE SHIRE, INCLUDING THE DIVERSIFICATION OF REVENUE STREAMS;
- b. PURSUE BEST PRACTICE IN ORGANISATIONAL DEVELOPMENT AND OPERATIONS OF THE ORGANISATION;
- c. BETTER ENGAGE AND COMMUNICATE WITH THE COMMUNITY AND WORK COLLABORATIVELY WITH THEM;

- d. UPDATE AND DEVELOP MODERN COMMUNITY FACILITIES AND SERVICES, AS COUNCIL CAN AFFORD THEM;
- e. WORK WITH THE BUSINESS COMMUNITY TO ATTRACT NEW BUSINESSES AND TO DIVERSIFY BUSINESS AND EMPLOYMENT OPPORTUNITIES;
- f. RAISE THE POLITICAL AWARENESS OF STATE AND FEDERAL DECISION MAKERS OF LOCAL AND REGIONAL ISSUES.

CARRIED UNANIMOUSLY

In responding to the community's concerns, it is proposed that Council move a motion to abandon and take no further action on the Council decision made on 24 February 2013 to develop a Community Vision 2050 and Community Engagement Charter. In its place, it is proposed that Council adopt a new motion that states:

That Council:

1. Develop new approaches to engage community participation in creating a continually evolving Vision for the Shire, with a report presented to Council outlining approaches to be introduced in 2013-2014 by 30 September 2013;
2. Reallocate funds set aside in the 2013-2014 Budget, originally set aside for the Community Vision 2050 project, to commence implementation of these revised approaches, with the intent of achieving end of year savings from this budget allocation.

This new motion still enables Council to engage with its communities to evolve the Shire's vision by building on what has gone before, is currently in place and determine where it wants to go in the future. This will be achieved in a more efficient and effective manner through community participation in a wide range of Council planning and operational activities. Rather than create a stand-alone Vision document that is in place for the next decade or so, the Vision for the Shire will evolve over time as the community's needs and desires change and as the financial capacity of the Shire and its people allows.

This changed direction has a flow on effect to wording in the Council Plan and the Annual Plan, where amendments to the endorsed plans need to be made. To this end, the following changes are provided for Council's consideration.

Proposed changes to the Council Plan wording of Strategy 2.1.1 and the corresponding action in the Annual Plan are:

Strategy 2.1.1: We will develop a continually evolving Vision for the Shire that encourages community participation in defining what it wants, needs and can afford to guide rationalisation, consolidation and achievement of desired community outcomes.

2013-2014 Action: Develop and commence implementation of new approaches to engage community participation in creating a continually evolving Vision for the Shire.

2013-2104 Target: A report presented to Council outlining approaches to be introduced in 2013-2014 by 30 September 2013.

In addition, the draft Council Plan indicator relating to the Community Vision 2050 needs to be removed. **Appendix 1** and **Appendix 2** contain all of these amendments.

Further Amendments Proposed to the Annual Plan

The draft Annual Plan contained quite a number of new initiatives with funding allocated to achieve them. In light of community concerns relating to the large rate increase, it is recommended that many of these projects either be removed from the Annual Plan or scaled back, so that funds originally allocated to many of these actions can be used to reduce the rate burden on the community. A marked up version of the proposed amendments to the Annual Plan are outlined in **Appendix 4** - Annual Plan Proposed Amendments.

A number of the amendments relate to the Key Strategic Activities (KSA's). The KSA Annual Plan actions have an increased scrutiny associated to them as they are assessed by the Auditor General as part of Council's performance review at the end of each financial year. Corresponding amendments have been made to these KSA's. As a couple of the KSA's have been removed completely, several additional actions from the Annual Plan have been included in the KSA's. These include advocacy for Council's priority projects and the weighted financial ratios. Proposed amendments to the KSA's are shown in **Appendix 4** and the final inclusions shown in **Appendix 2**. The Annual Budget 2013-2104 has been updated to include the amended KSA's.

It is proposed that all amendments be adopted to release the necessary funds to accommodate a reduced rate rise from the Budget.

Options

Council is asked to determine if the proposed changes to the Council Plan strategies will or will not be adopted. The main proposed change relating to Strategy 2.1.1 has been proposed as a result of community concerns that the project should be cancelled, deferred or scaled back significantly. If the new proposal with its associated motion is supported, it will require Council's previous decisions of 24 February and 12 June 2013 relating to the development of a Community Vision and Community Engagement Charter to be abandoned, as outlined above.

Council is asked to determine if the proposed changes to the Annual Plan will or will not be adopted. The changes have been made to scale back the number of new initiatives and their associated budgets that were to be introduced in 2013-2014. These cut backs have been made as a response to

the community's concerns that the endorsed 7.5% rate rise was too high and that a lower rate increase would be preferred by the community. Some projects have been removed completely, while others have been scaled back. Any of the actions that were further set aside as Key Strategic Activities have been amended in line with the proposed changes in both the Annual Plan and the Budget.

If Council would prefer to reverse any of the amendments, then corresponding changes would be required to provide the funds to complete them. Any increases/changes to the Annual Plan actions could result in changes to the Budget.

FINANCIAL CONSIDERATIONS

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

The financial resources to fund the Council Plan and Annual Plan have been established by Council. These are set out in the Annual Budget 2013-2014 being considered as a separate report by Council. Changes have been made to these plans to enable Council's consideration of a reduced rate rise to the community in response to the community's concerns.

RISK FACTORS

Council has legislated time constraints and specific responsibilities set out in the Act for establishing a Council Plan. Failure to meet these timelines and obligations would result in Council's failure being published in the Annual Report of the Office of Local Government. Adoption of the Council Plan today will allow the required timelines and requirements to be met.

CONCLUSION

A number of amendments and inclusions to the endorsed Council Plan and Annual Plan are recommended for Council's consideration. These amendments are in response to Council's consideration of feedback received through the formal Public Submission process.

A revised Council Plan is set out in **Appendix 1** and a revised Annual Plan is set out in **Appendix 2** incorporating all the recommended amendments.

The Strategic Resource Plan is a requirement of the Act that must be included in the Council Plan. The Strategic Resource Plan sets out the resources required to deliver the Council Plan and Council services over the coming four years. The draft Budget forms the first year of the Strategic Resource Plan. A revised Strategic Resource Plan has been incorporated into the Council Plan (**Appendix 1**) from the revised 2013-2014 Budget being

presented in a separate report to Council. Any adjustments to the Budget will require an adjustment to the Strategic Resource Plan.

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

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

This report seeks Council's adoption of the Council Plan 2013-2017 in **Appendix 1** that sets out the strategic directions of Council for the four year term of this Council.

The report further seeks Council's adoption of the Annual Plan 2013-2014 in **Appendix 2** that sets out the first year actions required to progress the achievement of Council's strategic directions.

The two plans have been provided to the community for comment and 25 submissions have helped to influence the final plans presented to Council for adoption in this report.

To ensure Council meets its legislated requirements, once adopted the Council Plan will be provided to the Minister of Local Government by 30 June 2013.

RECOMMENDATION

That Council:

- 1. Abandon and take no further action on the Council decision made on 24 February 2013 to develop a Community Vision 2050 and Community Engagement Charter. In its place:**
 - a. Develop new approaches to engage community participation in creating a continually evolving Vision for the Shire, with a report presented to Council outlining approaches to be introduced in 2013-2014 by 30 September 2013.**
 - b. Reallocate funds set aside in the 2013-2014 Budget, originally for the Community Vision 2050 project, to commence implementation of these revised approaches, with the intent of achieving end of year savings from this budget allocation.**
- 2. Adopt the Council Plan 2013-2017 as set out in Appendix 1.**

- 3. Adopt the Annual Plan 2013-2104, highlighting the Key Strategic Activities as set out in Appendix 2.**
- 4. Provide a copy of the adopted Council Plan 2013-2017 and Annual Plan 2013-2014 to the Minister for Local Government by or on 30 June 2013.**
- 5. Publish and make available the Council Plan 2013-2017 and Annual Plan 2013-2014 on www.southgippsland.vic.gov.au, at the Council Offices Leongatha, upon request and as an announcement in the next available Council Newsletter.**

STAFF DISCLOSURE OF INTEREST

Nil

E.4 ADOPTION OF 2013/14 ANNUAL BUDGET AND DECLARATION OF RATES AND CHARGES

Corporate Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is to adopt Council's budget for the 2013/14 financial year and to declare the rates and charges for that year. This report references **Appendix 1** South Gippsland Shire Council 2013/14 Annual Budget (Annual Budget) incorporating the 15 year Long Term Financial Plan. This is the Annual Budget for the 2013/14 financial year that has been prepared pursuant to Section 127 of the Local Government Act 1989.

There have been a number of changes made to the 'prepared budget' presented to the 24 April 2013 Council Meeting. These are summarised below:

Income Statement	Prepared Budget (April) \$'000	Annual Budget (June) \$'000	Variation Projected to Current budget \$'000	
Recurrent income	51,215	49,005	(2,210)	(Decrease)
Recurrent expenditure	50,975	53,757	2,782	Increase
Underlying result	240	(4,752)	(4,992)	(Unfav)
Capital Income	5,963	5,963	0	(Nil)
Operating result	6,203	1,211	(4,992)	(Unfav)
Expenditure	13,102	15,247	2,145	Increase

The major changes to income and expenditure budgets include:

Recurrent Income

1. \$223,000 less 'rates & charges' income – rate increase reduced from 7.75% to 6.75%;
2. \$1.98m less 'operating grants' income- \$4m less Victoria Grants Commission allocation (funds received in June 2013) and \$1.9m Storm damage / Severe rain event funds originally expected in 2012/13 now will be received in 2013/14.

Recurrent Expenditure

1. \$2.56m additional 'material & consumable' expenditure - predominantly grant funded expenditure being carried forward from 2012/13 for uncompleted projects. These projects are described within this report;
2. \$307,000 less 'Other' expenditure – reduced Councillor project and initiative funds.

Capital Expenditure

1. \$2.15 million additional 'capital expenditure' - funds being carried forward from 2012/13 for uncompleted capital projects. These projects are described within this report.

Financial impact

The budget adjustments have not compromised the integrity of both the 2013/14 Annual Budget and the budgeted financial statements in the Long Term Financial Plan.

Document/s pertaining to this Council Report

- **Appendix 1** - 2013/14 Annual Budget incorporating the 15 year Long Term Financial Plan.

A copy of **Appendix 1** - 2013/14 Annual Budget incorporating the 15 year Long Term Financial Plan is available on Council's website: www.southgippsland.vic.gov.au or by contacting 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989, Section 127

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Long Term Financial Strategy

COUNCIL PLAN

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

CONSULTATION

Council has actioned the resolutions required from the 26 April Council Meeting for Item 'E10 - Proposed 2013/14 Budget incorporating the 15 year Long Term Financial Plan'. Council was required to seek and consider written

submissions from the public on the proposed Budget and Councillor Allowances.

25 written submissions were received by the due date. Nine submitters asked to be heard in regard to their submissions. These were heard in the Public Submission Hearing at the Special Meeting of Council held on 12 June 2013. The Council then formally considered all submissions. Two late submissions were received. These submitters were provided with an opportunity to present their concerns to Council at a Public Presentation Session.

Council resolutions from that meeting that had a direct impact on the 2013/14 budget included:

- a. Amending the proposed increase to Food Act registration fees to 7.5% to be consistent with other increases to Council's fees and charges; and
- b. Increasing the fees and charges for septic tank permits by 7.5%, which are no longer regulated by legislation.

These resolutions have been updated into the Annual Budget.

REPORT

Background

At the Special Council Meeting held on 24 April 2013 Council considered and prepared an 'Annual Budget' for the purposes of Section 127 of the Local Government Act 1989.

Council resolved in part that the Annual Budget be referred to the Ordinary Council Meeting to be held on 26 June 2013 for adoption.

As required under the provisions of Section 129 of the Local Government Act 1989 the necessary public notices have been given. The information required to be made available under Regulation 8 of the Local Government Regulations 2004 has been complied with.

Council had also determined that any submissions on the Annual Budget made in accordance with Section 129 (2) and Section 223 of the Local Government Act 1989 be considered and heard at a Hearing of Submissions Meeting on 12 June 2013.

Discussion

The 2013/14 Budget has been developed with service levels for services generally remaining the same as 2012-13. A summary of the main changes or cost events that have been accommodated in the 2013/14 Budget include:

- Increased funding received for Home and Community Care support to allow the service to be provided to an increased number of clients,

however this does not cover the full cost of an hour of service, particularly in rural communities where travel is a high cost;

- Introduction of the Active Service Model of delivery for HACCC which has resulted in increased costs for assessment, co-ordination and administration;
- Increased State legislation changes in Waste Management in relation to landfill compliance costs and the significant increase in the landfill levy;
- The landfill operations have been reviewed and as result have reverted from a contracted service to an in-house provided service by Council staff, with budget savings in the order of \$1m anticipated over ten years as a result;
- Introduction of a green waste service with associated fees and charges, including a free amnesty period prior to the fire season;
- The Fire Services Levy has become a Council responsibility to be collected on behalf of the State Government. System upgrades, valuations of non-rateable properties and customer service requests are being accommodated. The State Government has provided some funds to assist the initial set up arrangements of this cost shifting requirement, however it does not cover additional changes to Council's system upgrades to a point that allows the data to be adequately managed. It is unknown at this stage if funds will be on-going to cover the costs associated with collecting the levy in future years;
- Council received one quarter less Victoria Grants Commission (VGC) allocations in 2012/13 which has a one off \$2.02 m impact. Council was also advised that the Commonwealth Government made an over payment of VGC funds in 2011/12 to all Victorian Councils due to an over estimation of inflation and population growth forecasts. As a result Council received \$325,000 less income in 2012/13. This has a compounding \$165,000 per annum negative impact on forward budgets in the Long Term Financial Plan;
- In August 2012 Council was informed that its share of the unfunded superannuation liability was \$4.6m. Prior to this, Council had been advised that the likely funding call would be in the vicinity of the previous funding call of \$873,000;
- Workcover premium for 2012/13 increased by \$55,000 due to obligations to calculate the premium on employee costs that must include a portion of the unfunded superannuation, which is required to be accounted for as an employee expense;
- Legislative changes to the way councils have to calculate and charge interest on overdue rates and charges means that Council will receive less revenue;

- Flow on negative impacts from Reserve Bank reducing official interest rates on several occasions last year. This results in a reduction in income being generated on investments;
- An expected reduction of \$223k for private sealing works;
- The required increase in superannuation contributions from 9.00% to 9.25%;
- A 4.01 increase in Effective Full Time (EFT) across all four directorates from 2012/13. The additional positions include two additional engineering staff which are funded from capital funding and are only for the duration of the respective projects. Two other positions are associated with delivering home care services and are part grant funded;
- An increased allocation of \$150k has been provided to support the recreation reserves;
- An allocation of \$50k has been provided to undertake remaining new initiatives for Community Budgeting, Economic Development – Business Attraction, Korumburra Roundtable Pilot Project and Safe, Health and Active Communities;
- An increased allocation to maintain gifted infrastructure assets arising from new developments;
- Increased depreciation costs (non-cash) for periodic revaluation of infrastructure asset classes and completion of capital works program;
- Increased finance costs due to borrowing \$4m;
- Increase of \$2.4m capital funding for several Engineering services projects, and \$560k for capital works associated with storm response / recovery events;
- Utility cost increases by up to 10% (partly a result of the carbon tax) and increased safety regulations increasing the cost of pool management;
- Vaccination against the Human Papilloma Virus for teenagers (vaccine cost met but not staff costs);
- Requirement for Emergency Management Co-ordination – a position that was the result of the Royal Commission into Black Saturday and the incremental increase in scope and responsibility of the role to facilitate the development of a number of key shire-wide, inter-agency plans such as the Flood Plan, the Pandemic Plan, the Fire Management Plan in addition to the Municipal Emergency Management Plan. All with no State Government funding;

- The new Local Government Performance indicators will have a one off impact when Council updates systems to provide the 'financial' indicators. They are also likely to impact through increasing incremental resource requirements to report against all the new indicators. Further indicators are still to be developed and introduced;
- WorkSafe Integrated Approach Program has required additional compliance activities and a higher level of staff experience and knowledge;
- Internal Audits and improvement to Council's Audit Committee have required a significant program of work to be developed around compliance activities;
- Risk Management Framework, administration of the Risk Register and the administration of internal committees to manage strategic, operation and occupational health and safety risks. The increased focus on Occupational Health and Safety has resulted in some savings to Work-safe premiums as a result of reduced claims;
- Compliance requirements for Procurement will require significant effort in 2013/14 to update Council's procedures and systems and to conduct training to ensure contracts are administered appropriately and procurement attains best value for money;
- Amendments to the DEPI Code of Practice for the Operation of Shelters and Pounds which are estimated to have increased the Dog and Cat Pound Contract by approximately \$20,000 per year from 1 July 2013;
- Amendments to the Domestic Animals Act require the maintenance of a Dangerous Dog Registry and tighter requirements around restricted breeds;
- Amendments to the Infringements Act and Road Safety Act require increased reporting each year;
- Amendments to Impounding of Livestock Act has increased the amount of time and effort for the administration activities of unclaimed livestock;
- Changes to the Bushfire Management Overlay has increased the number of planning permits assessed by Council;
- Changes to the Tobacco Act 1987 have required Council to undertake greater compliance inspections e.g. signage, pubs/clubs and beaches; and
- Changes to Food Act 1984 legislation allows mobile traders to register in a central state database, however inspections are conducted but no fees collected.

Budget adjustments

The forecast projections for 2012/13 and the 2013/14 Annual Budget have been updated. The changes are summarised below.

Victoria Grants Commission Allocation – Advance Payment:

Council has received an advanced payment of \$4M of the 2013/14 Victoria Grants Commission allocation. The forecast income for 2012-13 from grants has therefore been increased by \$4M and the 2013/14 budgeted income decreased by the same amount. This does not present as a strategic concern.

Fire Services Levy - Implementation

Council has been advised that it will receive \$104k funds to offset customer service costs associated with implementing the Fire Services Levy. \$35k has been paid in advance. Customer Services Department have increased labour hire budget by \$25k in 2013/14. The budget projections for both 2012/13 and 2013/14 have been amended accordingly.

Fire Inspection infringement – Fees adjustment

The estimate on fine revenue for Fire Inspection infringements have been lowered due a higher compliance rate as a result of significantly increased fines. This has a \$14k budget impact for 2013/14 and a 15 year \$258k adverse cost impact.

Food Act and Septic tank fees – Fees adjustment

The Section 223 Council resolution amending the proposed Food Act registration fees and increasing the fees and charges for septic tank permits has a \$9k budget impact for 2013/14 and a 15 year \$195k unfavourable cost impact.

Insurance cost - increases:

The Municipal Association of Victoria (MAV) in early June advised that public liability insurance premiums were likely to increase by 20-25% which has a \$34k budget impact for 2013/14.

Additional funding for Recreation reserves:

Additional \$150k funding for recreation reserves in 2013/14 and \$125k additional funds each year thereafter (assigning \$125k portion of Council initiative funding in 2013/14 budgets and \$25k reallocated from the Community Vision project budget in 2013/14).

Reduction of Council project and initiative budget:

\$400k reduced by \$225k – The balance of \$175k has been flagged for Community budgeting (\$5k), Economic Development Committee (\$20k),

Korumburra Community Roundtable (\$5k), Safe Health and Active Communities (\$20k) and \$125k reallocated to recreation reserves (refer above).

Rate income – reduced rate rise

Rate increase reduced from 7.75% to 6.75% resulting in \$223,000 less 'rates & charges' income.

Final Budget Projections for 2012/13 and Budgeted 'Carry Forwards':

Departments have reviewed their final budget projections for 2012/13, with the aim being that at financial year end (30 June) actual costs incurred correlate closely to cost projected.

As part of this process there are a number of capital and grant funded projects identified that will not be completed by financial year end. The budget projections for these projects have been reduced in 2012/13 and corresponding increases have been made to budgets in 2013/14.

This will distort the financial KPI's between the two financial years but does not present as a strategic concern. The funding implications of 'budgeted carry forwards' between the two years are net neutral.

Grant funded projects that have had funds carried forward from 2012/13 to 2013/14 include:

Cost Centre	Cost Centre Name	Activity Name	Account Name	\$
3365	Early Years Services	Universal Access to Early Childhood Education	Consultancies	10,000
3290	Aged and Disability Services Management	Minor Capital	Minor Furniture and Equipment	25,000
3105	Corporate Services Management	Community Vision Project	Contractors	30,000
2452	Storm Damage 25/05/2012	Milford Road	Contractors	90,000
2452	Storm Damage 25/05/2012	Mirboo Road	Contractors	81,000
2452	Storm Damage 25/05/2012	General	Non Recurrent Grant - State Gov	(100,121)
2453	Storm Damage 03/06/2012	Toora Gunyah Road, Mt Best	Materials	257,000
2453	Storm Damage 03/06/2012	Ross and Witherdons Rd	Materials	120,000

Cost Centre	Cost Centre Name	Activity Name	Account Name	\$
2453	Storm Damage 03/06/2012	Dollar Woorarra West Road	Materials	102,000
2453	Storm Damage 03/06/2012	General	Non Recurrent Grant - State Gov	(819,079)
2454	Severe Rain Event 21 June 2012	LOCH WONTHAGGI ROAD	Materials	90,000
2454	Severe Rain Event 21 June 2012	Pines Rd (Mirboo Nth)	Materials	20,000
2454	Severe Rain Event 21 June 2012	Grandridge Road - Trida	Materials	63,453
2454	Severe Rain Event 21 June 2012	Bena Kongwak Road	External Plant Hire	96,538
2454	Severe Rain Event 21 June 2012	General	Non Recurrent Grant - State Gov	(990,499)
8885	Corner Inlet Tourism - Great Southern Rail Trail	General	Contractors	395,545
8271	Dredging Toora Channel	General	Contractors	56,918
8097	Community Hall Projects	Mt Best Hall	Contractors	158,000
8097	Community Hall Projects	Hedley Hall	Contractors	84,271
2430	Municipal Building	Bushfire Planning Permit Project	Contractors	20,000
2510	Tourism Development and Promotion	Yanakie Information Bay	Consultancies	5,000
3115	Community Services Management	Health and Wellbeing Project	Consultancies	2,000
2455	Environment	Green Street Lighting Project	Contractors	23,607
2425	Biodiversity	Jim Harvey Biodiversity Fund	Contractors	20,000
2425	Biodiversity	Fire Management Planning	Contractors	22,540
2115	Sustainability Services	Sustainability Wiki	Contractors	5,000
2115	Sustainability Services	Sustainability Wiki	Materials	1,747
2410	Strategic Planning	Housing and Settlement Strategy	Consultancies	69,478

Cost Centre	Cost Centre Name	Activity Name	Account Name	\$
2410	Strategic Planning	MSS Review	Consultancies	4,768
2410	Strategic Planning	Eastern Districts Structure Planning	Consultancies	12,286
2410	Strategic Planning	Korumburra Town Centre Framework Plan	Contractors	34,762
2410	Strategic Planning	Port Welshpool Master Plan	Materials	45,185
2410	Strategic Planning	Industrial Land Study - Leongatha	Contractors	22,386
2410	Strategic Planning	Leongatha Traffic Study	Consultancies	140,978
2410	Strategic Planning	Korumburra Traffic Study	Consultancies	110,000
2410	Strategic Planning	Drainage - Functional Design Nyora Sth.	Consultancies	40,000
3375	Community Building	Gippsland Car Pool and Ride Share	Non Recurrent Grant - State Gov	(42,500)
3105	Corporate Services Management	Community Vision Project	Ordinary Labour - Payroll Use Only	18,740
3105	Corporate Services Management	Community Vision Project	Oncost - Payroll Use Only	4,540
8097	Community Hall Projects	Toora Hall	Contractors	27,229
3290	Aged and Disability Services Management	Projects	Contractors	5,000
3290	Aged and Disability Services Management	Improving Liveability for Older People	Materials	16,495
2454	Severe Rain Event 21 June 2012	Buchanans Road	Materials	56,000
2454	Severe Rain Event 21 June 2012	Canavans Rd	Materials	82,000
2454	Severe Rain Event 21 June 2012	Foster Boolarra Road	Materials	203,000

Cost Centre	Cost Centre Name	Activity Name	Account Name	\$
2454	Severe Rain Event 21 June 2012	Leongatha Yarragon Road	Materials	147,000
2454	Severe Rain Event 21 June 2012	MAIN SOUTH ROAD	Materials	108,000
2454	Severe Rain Event 21 June 2012	Old Canavans	Materials	110,000

Capital projects that have had funds carried forward from 2012/13 to 2013/14 include:

Cost Centre	Cost Centre Name	Activity Name	Account Name	\$
8004	Office Accommodation	General	Contractors	440,855
9425	Buildings - Korumburra Child Care Hub	General	Contractors	215,756
8314	Civil - Foster Streetscape (Main and Station Street)	General	Contractors	9,625
9510	Recreation - Port Welshpool - Public Jetty Upgrade	General	Contractors	120,864
9515	RECREATION - Leongatha McIndoe Park Rotunda Extension	General	Contractors	42,900
9739	Roads - Anderson St , Leongatha - Entrance (LGIP)	General	Contractors	16,294
9815	Roads - Stony Creek Dollar Road Improvements	General	Contractors	180,000
8050	Plant / Fleet - Plant Purchases	Hino 500 series flocon	Plant Purchases	307,631
8050	Plant / Fleet - Plant Purchases	Jetpatcher - SUY064	Plant Sales - Major Items	(40,000)
1670	Other - CCHV - Capital Projects	General	Contractors	87,179
8568	Waste - Landfill ET Cap	General	Consultancies	24,002
9748	Roads - Kongwak Inverloch Rd, Kongwak (R2R)	General	Contractors	260,000

Cost Centre	Cost Centre Name	Activity Name	Account Name	\$
9790	Roads - 239-Bridge Street, Korumburra (LGIP)	General	Contractors	64,720
9816	Buildings - Sandy Point Neighbourhood Safer Place	Car Park Construction	Contractors	172,155
9816	Buildings - Sandy Point Neighbourhood Safer Place	Vegetation Works	Contractors	18,508
9816	Buildings - Sandy Point Neighbourhood Safer Place	Land Acquisition	Land Purchases	7,326
9816	Buildings - Sandy Point Neighbourhood Safer Place	Building Modifications	Materials	22,500
9816	Buildings - Sandy Point Neighbourhood Safer Place	New Stove	Materials	10,000
8567	Waste - Koonwarra Cell Construction	Design Cell 3 Stage 2	Contractors	20,400
8567	Waste - Koonwarra Cell Construction	Design Rehab Cells 1 and 2	Contractors	4,420
8567	Waste - Koonwarra Cell Construction	Design of Cell 4	Contractors	30,000
8567	Waste - Koonwarra Cell Construction	Road Earthworks	Materials	24,226
8567	Waste - Koonwarra Cell Construction	Survey / Design	Contractors	8,927
9570	Recreation - Venus Bay Footpath - Existing to CBD	General	Contractors	80,000
9814	Roads - Deviation of Koonwarra-Pound Creek Road, Leongatha	Land Acquisition	Contractors	21,000

Both the financial data and commentary as appropriate has been updated in the Annual Budget

FINANCIAL CONSIDERATIONS

The projected financial results for 2012/13 and budgeted financial statements for 2013/14 are distorted by the need to recognise income in one financial

year and corresponding expenditure in the following year. This mismatching of income and expenditure between two financial years impacts the financial KPI's (favourably for 2012/13 and unfavourably for 2013/14) but does not present as a long term strategic concern.

Importantly, the budget adjustments have not compromised the integrity of both the Annual Budget and the budgeted financial statements in the Long Term Financial Plan.

Due to a combination of favourable budget projections for 2012/13 and bringing forward \$1m funding for Country Roads and Bridges program from 2014/15 to 2012/13 the overall expected financial position for 2013/14 and forward budgets is marginally stronger than what was presented to Council on 24 April 2013.

The table below shows a series of key performance indicators to assess the financial integrity of the budgeted financial statements in the Long Term Financial Plan.

2013/2014 ADOPTED BUDGET

	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28
Financial performance															
Underlying result	-9.70%	4.37%	4.95%	6.93%	7.47%	8.01%	8.16%	8.94%	9.34%	22.87%	10.30%	10.67%	11.46%	12.10%	12.88%
Underlying Working Capital	1.44	1.31	1.33	1.46	1.76	1.78	2.18	1.70	1.48	2.16	1.78	1.92	2.35	2.50	2.38
Funding capacity															
Self-financing	16.99%	29.49%	26.94%	30.19%	29.08%	30.12%	30.47%	32.16%	32.86%	33.32%	34.81%	35.17%	35.91%	36.45%	37.10%
Sustainability Index	133%	159%	138%	115%	103%	107%	123%	161%	106%	175%	165%	95%	129%	149%	167%
Borrowing capacity															
Indebtedness	8.27%	6.58%	5.14%	3.74%	2.41%	1.19%	1.26%	1.33%	1.40%	1.23%	1.54%	1.60%	1.67%	1.73%	1.78%
Total Debt as a % of Rate revenue	10.35%	8.17%	6.35%	4.60%	2.96%	1.44%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Debt servicing costs as a % of Total revenue	0.37%	0.28%	0.24%	0.18%	0.13%	0.08%	0.03%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%

Note: Ratios coloured red indicate either short term / immediate sustainability concerns, yellow denotes medium risk and green low risk.

The underlying result in 2013/14 is impacted by a combination of being prepaid half of its Victoria Grants Commission allocation in the preceding 2012/13 financial year and budgets being carried forward for grant funded projects that will not be completed by 30 June.

The underlying working capital ratio still falls below the strategic target of 1.50 to 1 from 2013/14 through to 2016/17 and once again in 2021/22. Although it does not present as an immediate financial concern it does indicate that Council has less financial capacity to accommodate unforeseen strategic opportunities or unavoidable cost events that may arise in that period of time.

Council will have net cash outflows for both 2013/14 and 2014/15. During this time there is a likelihood that Council may have further cash outflow pressures from a potential funding call for unfunded liabilities of the defined benefit superannuation scheme. There may also be additional cash outflows required for taking over operational control of caravan parks. Longer term it

would be expected that the caravan parks would provide positive net cash inflows.

For the 2013/14 financial year the:

- Operating expenditure (including depreciation) will be \$53.76m;
- Capital expenditure will be \$15.25m;
- Total debt redemption will be \$0.62m;
- Total cash outflows will be \$60.23m;
- Total cash inflows will be \$58.22m;
- Cash at end of financial year will be \$7.64m;
- Increase in rates & charges will be 6.48% (6.75% increase in rates, 2.5% increase in Waste Services Charges).

RISK FACTORS

Annual Budgets are 'best estimates' of cost requirements to deliver a defined level of services and strategic projects and initiatives. Throughout the financial year there is reasonable likelihood that:

- some costs incurred may vary materially to what was budgeted;
- unavoidable cost events or increases may occur; and / or
- strategic opportunities may arise that require funding.

As mentioned previously it is probable that Council will have to bring to account and manage the financial implications of additional costs for unfunded defined benefits superannuation obligations as well as for caravan parks.

Adjustments made may not only have a financial impact for the current financial year, but future years as well.

Council will strategically manage these events by utilising 'rolling budget' management processes. On a monthly basis, management will review 'actual' financial performance to 'year to date' budgets. An exception based summary for material variations and changes to annual and longer term budget projections, will be circulated to Councillors.

Budget projections for annual and forward budgets will be updated when it is known that the year end result will vary materially with original budgets. This process ensures that management and Council are at all times aware of likely year end results and longer term financial impact. This provides opportunity

for Council to demonstrate sound financial management by strategically managing financial risks faced by Council throughout the year.

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

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

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

CONCLUSION

A number of key financial performance indicators are used to assess the financial integrity of the annual and forward budgets. The budgeted financial statements of the 2013/14 Annual Budget and Long Term Financial Plan referenced in Appendix -1 are financially viable and sustainable.

RECOMMENDATION

That Council:

- 1. Adopt the 2013/14 Annual Budget annexed to this resolution.**
- 2. Authorise the Chief Executive Officer to give public notice of this decision to adopt the Annual Budget 2013/14 budget in accordance with Section 130(2) of the Local Government Act 1989.**
- 3. Determine that it intends to raise the following amounts by way of general rates, municipal charges and service charges:**

General Rate	\$25,082,131
Municipal Charge	\$6,270,533
Service Charges	\$2,077,770
Total	\$33,430,434

General Rates

- 4.1 Determine that the rates set out below shall be levied on rateable land within the municipal district for the twelve months commencing on 1 July 2013 and ending on 30 June 2014:**
 - a. Land located within the municipality that is residential, meaning rateable land upon which is erected a private dwelling which is used primarily for residential purposes, and land located within the municipality that is rural living, meaning land which is generally outside the established townships and which is primarily used and developed for residential purposes in a rural location, 0.379739% of the Capital Improved Value of the rateable land.**
 - a. Land located within the municipality that is commercial, meaning rateable land, which is used primarily for business or commercial purposes, including structures, which are used in conjunction with or for purposes ancillary to business or commercial purposes, 0.379739% of the Capital Improved Value of the rateable land.**
 - b. Land located within the municipality that is cultural or recreational land, as defined in Section 2 of the Cultural and Recreational Land Act 1960, 0.151896% of the Capital Improved Value of the rateable land.**
 - c. Land located within the municipality that is industrial, meaning land upon which is erected a factory or workshop which is primarily used for industrial purposes and includes**

any land which is used in conjunction with or for purposes ancillary to industrial purposes for which the factory or workshop is being used, industry including but not being limited to the operations included in the definition of industry in the South Gippsland Shire Council Planning Scheme, 0.379739% of the Capital Improved Value of the rateable land.

- d. Land located within the municipality that is vacant, meaning land upon which no improvements have been made, improvements being work actually done or material use on and for the benefit of the land, so far as the work done or material used increases the value of the land which is capable of being developed for residential, commercial, rural living or industrial purposes, as defined in Clauses (a), (b) and (d) of this resolution, 0.569609% of the Capital Improved Value of the rateable land.**
- e. Land located within the municipality that is vacant restricted use properties, meaning land upon which no improvements have been made, and where residential development has been disallowed due to planning restrictions, 0.379739%**
- f. Land located within the municipality that is farm land as defined in Section 2 of the Valuation of Land Act 1960, 0.341765% of the Capital Improved Value of the rateable land.**

4.2 Determine, in relation to residential / rural residential, commercial, cultural / recreational, industrial, vacant and farm land:

- a. That the characteristics of the land that is subject to differential rates in paragraphs 4.1 (a), (b), (c), (d), (e), (f) and (g) of this resolution shall be that such respective rateable land is land that is residential / rural residential, commercial, cultural/recreational, industrial, vacant, vacant land restricted use and farm land as defined in the paragraphs 4.1 (a), (b), (c), (d), (e), (f) and (g) of this resolution and the criteria contained in paragraphs 4.1 (a), (b), (c), (d), (e), (f) and (g) in respect of the definitions of each such type of rateable land shall define the characteristics and the criteria for declaring the aforesaid differential rates.**
- g. That the definitions of the classes of land which are subject to the differential rates are those definitions contained in paragraphs 4.1 (a), (b), (c), (d), (e), (f) and (g) of this resolution.**
- h. That the reasons for the use and level of each differential rate in relation to each class of land are in respect of residential / rural residential, commercial, cultural / recreational, industrial, vacant, vacant land restricted use and farm land, is to ensure that the burden of the payment of general rate is fairly apportioned across all rateable land and is appropriately and**

fairly rated having regard to the use to which such land is put, fairness being assessed on the characteristics of the property and equity being between the classes created, not between the members of each class.

- i. The reasons for the use and level of the differential general rate in respect of residential / rural residential, commercial, cultural / recreation, industrial, vacant, vacant land restricted use and farm land are these categories of property have been adopted as all rateable land can be divided into these categories according to the nature and use of the land and such categories are well understood and easily identified by ratepayers.**
- j. The level of the differential general rates were determined after Council decided that it was fair to adopt a municipal charge so that all ratepayers contributed equally to a portion of Council's administrative costs.**
- k. That the balances of rates were to be apportioned among the seven classes on the basis of land use.**

Municipal Charge

- 5. That a municipal charge be levied on all rateable land within the municipal district for the twelve months commencing on 1 July 2013 and ending on 30 June 2014 for the purposes of recovering some of the administrative costs of the Council.**
- 6. That the municipal charge be levied in respect to all rateable land, other than rateable land that is exempt from a municipal charge by reason of Section 159(3) of the Local Government Act 1989.**
- 7. That the municipal charge be \$343.65.**
- 8. That new applications for municipal charge waiver will be accepted within the rating year only on the form determined by Council in accordance with Section 159(5) of the Local Government Act 1989.**

Service Charge for Garbage and Recycling Services

- 9.1 That the annual service charges (that applies for properties in the Shire where the service is provided) pursuant to Section 162 of the Local Government Act 1989, be levied for the services to be provided as set out in the table below on rateable land within the municipal district for the twelve months commencing on 1 July 2013 and ending on 30 June 2014.**

Service Charge	Service
\$213.20	Waste Services Charge A - Kerbside garbage & recycling collection service charge – Residential (120 litre weekly garbage/240 litre fortnightly recycling), street sweeping and litter bins
\$213.20	Waste Services Charge B - Kerbside recycling only collection service charge - Commercial (2 x 240 litre fortnightly recycling service only), street sweeping and litter bins.
\$309.10	Waste Services Charge C - Kerbside garbage & recycling collection service – Commercial premises only (240 litre weekly garbage / 240 litre fortnightly recycling), street sweeping and litter bins.
\$221.20	Waste Services Charge D – Kerbside garbage & recycling collection service - Sandy Point (120 litre weekly garbage/240 litre fortnightly recycling, plus 3 additional recycling collections during Summer) , street sweeping and litter bins.
\$265.70	Waste Services Charge E – Kerbside garbage & recycling collection service - Waratah Bay (120 litre weekly garbage/240 litre fortnightly recycling, plus 3 additional recycling collections during Summer) , street sweeping and litter bins.
\$130.55	Waste Services Charge G – Kerbside garbage & recycling collection service – Venus Bay (120 litre weekly garbage / 240 litre fortnightly recycling) for 6 months from November to April.
\$232.95	Waste Services Charge H – Kerbside garbage & recycling collection service – Venus Bay (120 litre weekly garbage / 240 litre fortnightly recycling) for 12 months.
\$151.85	Waste Services Charge J – Kerbside garbage & recycling collection service – Walkerville (120 litre weekly garbage / 240 litre fortnightly recycling) for 6 months from November to April.
\$268.65	Waste Services Charge K – Kerbside garbage & recycling collection service Walkerville (120 litre weekly garbage / 240 litre fortnightly recycling) for 12 months

9.2 That an annual service charge (that applies for properties in the Shire where the service is provided) be levied in respect to the services set out in the table below for the twelve months period commencing on 1 July 2013 and ending on 30 June 2014 in respect of all land that is not rateable land but which is liable for the payment of an annual service charge under Section 221 of the Local Government Act 1989.

Service Charge	Service
\$213.20	Waste Services Charge A - Kerbside garbage & recycling collection service charge – Residential (120 litre weekly garbage/240 litre fortnightly recycling), street sweeping and litter bins
\$213.20	Waste Services Charge B - Kerbside recycling only collection service charge - Commercial (2 x 240 litre fortnightly recycling service only), street sweeping and litter bins.
\$309.10	Waste Services Charge C - Kerbside garbage & recycling collection service – Commercial premises only (240 litre weekly garbage / 240 litre fortnightly recycling), street sweeping and litter bins.
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\$151.85	Waste Services Charge J – Kerbside garbage & recycling collection service – Walkerville (120 litre weekly garbage / 240 litre fortnightly recycling) for 6 months from November to April.
\$268.65	Waste Services Charge K – Kerbside garbage & recycling collection service Walkerville (120 litre weekly garbage / 240 litre fortnightly recycling) for 12 months.

- 10. That the criteria specified for each of the service charges is the recovery by Council of the cost of providing each of the services referred to for land within the municipal district.**

General

- 11.1 That the general rates, municipal charge and service charge be declared and levied for a period of twelve months commencing on 1 July 2013 and ending on 30 June 2014.**
- 11.2 That the general rates, municipal charge and service charge referred to in these resolutions shall be levied by the service of a notice on each person liable to pay such rate or charge in accordance with Section 158 of the Local Government Act 1989.**
- 11.3 That in accordance with Section 167 of the Local Government Act 1989, the rates and charges declared by the Council for the 2013/14 Financial Year must be paid as follows;**

by four instalments made on or before the following dates:

- Instalment 1 - 30 September 2013**
- Instalment 2 - 2 December 2013**
- Instalment 3 - 28 February 2014**
- Instalment 4 - 2 June 2014**

or;

by a lump sum payment made on or before 17 February 2014.

- 11.4 That the Rate Collector be directed and authorised to demand payment of and recover the general rates and charges referred to in these resolutions in accordance with the Local Government Act 1989.**

11.5 That under the provisions of Section 172 (2) of the Local Government Act 1989 interest is due on instalments or lump sum not paid by the due date from the date that each instalment or lump sum is due.

Council allowances

12. Set in accordance with section 74(1) of the Local Government Act 1989, the Mayoral allowance at the upper level of Category 2 - \$69,325 per annum and the Councillor allowance at the upper level of Category 2 - \$22,405 per annum.

STAFF DISCLOSURE OF INTEREST

Nil

E.5 FINANCE PERFORMANCE REPORT

Corporate Services Directorate

EXECUTIVE SUMMARY

The financial performance to May 2013 shows the following high level outcomes:

- Operating result: \$2.509 million deficit which is \$1.299 million unfavourable compared the year to date budget projection of \$1.210 million deficit.
- Underlying result: \$6.028 million deficit which is \$831,000 unfavourable compared with year to date budget projection of a \$5.197 million underlying deficit.
- Capital works: \$9.718 million expenditure which is \$2.074 million behind year to date budget of \$11.792 million.
- Cash assets: Projected 30 June \$13.46 million (original budget \$9.42 million)
- Underlying working capital ratio: Projected 30 June 1.62 to 1 (original budget 1.52 to 1)
- Year end projections show the financial Key Strategic Activity (KSA) being 99.51% which is above the 98% target.
- \$2.18 million of capital projects and \$1.47 million of projects in the Income Statement are being carried forward from 2012/13 to 2013/14.
- The advance payment of 1/2 of the 2013/14 Victoria Grants Commission allocation (\$4.00 million) has a positive impact on the projected operating result for 2012/13.
- The longer term financial performance indicators show that the financial plan (based on prepared budget presented to Council on 24 April 2013 adjusted for budget carry forward and other budget adjustments) is financially sustainable.

Document/s pertaining to this Council Report

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

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989, Part 7 Financial management:

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Financial Strategy 2013/14

COUNCIL PLAN

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

CONSULTATION

Not Applicable

REPORT

Background

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

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

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

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

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

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

- August: Report covers financial implications of previous year's financial results as well the budgets impact of funding projects carried forward that were not completed by 30 June
- November: Report picks up financial implications of any changes made to operational or capital budgets during the mid year financial review process
- February: Report aligns with annual budget process
- May: Report provides Council with likely financial outcome for year end including budgets being carried forward for projects that are not expected to be completed by 30 June

At financial year end comprehensive financial statements, standard statements, and performance statements are produced, subject to external audit and these form part of the Annual Report.

Discussion

Appendix 1 - Financial Performance Report contains detailed reporting on:

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

This section discusses variations in year to date performance and budget projections. The information is presented in the budgeted financial statements format. It also details the 'budget carry forwards'.

Section 2 – Annual year to date financial analysis.

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

Section 3 – Long Term Financial Plan analysis.

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

Options

Not Applicable

Proposal

Not Applicable

FINANCIAL CONSIDERATIONS

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

The Financial Performance Report provides a high level analysis of Council's financial performance for the eleven month period from June to May 2013.

Projected year end financial projections shows the weighted average of 5 key financial ratios (including indebtedness, underlying working capital ratio, self-financing, investment gap and underlying result for the 2012/13 Budget) is 99.51% which is above the target of 98%.

The longer term financial performance indicators show that the Financial Plan (based on the 'prepared budget' as presented to Council on 24 April 2013) is financially sustainable.

RISK FACTORS

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

Council can not only assess year to date performance and the annual and longer term financial implications as well.

CONCLUSION

It is recommended that Council receive and note the Financial Performance Report. The Report provides an overview of Council's financial performance for the period July 2012 to May 2013.

RECOMMENDATION

That Council receive and note the Financial Performance Report (Appendix 1) for the period July 2012 to May 2013.

STAFF DISCLOSURE OF INTEREST

Nil

E.6 2013/2014 COMMUNITY GRANTS PROGRAM

Corporate Services Directorate

EXECUTIVE SUMMARY

Council strives to facilitate, plan and provide programs, services and opportunities that strengthen its communities. One of the most immediate ways Council seeks to do this is through its annual Community Grants Program; making funds available for a broad range of community initiatives across the municipality.

Each year Council reviews the current Community Grants Policy and Guidelines. The outcome of this year's review recommends that the current program remain unchanged.

The proposed draft Community Grants Guidelines (Attachment 1), is provided for adoption which proposes to open the 2013/2014 Community Grants Program on 1 July 2013.

Document pertaining to this Council Report

- **Attachment 1** - 2013/2014 Community Grants Guidelines

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989, Sections 3C, 3D and 3E

The Australian Institute of Grants Management (AIGM) – Best Practice network for government and local government grants managers and grant makers.

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Council Policy - Community Grants Policy – 2012
- South Gippsland Community Grants Policy and Guidelines
- Open Space Strategy
- Recreation Plan
- Bike, Paths and Trails Strategy
- Community Strengthening Strategy
- Sustainability Strategy
- Risk Management Framework
- Asset Management Strategy

- Access and Inclusion Plan
- Public Health and Wellbeing Plan

COUNCIL PLAN

Strategic Goal:	1.0	A Vibrant, Engaged Community
Outcome:	1.1	Active, Resilient Community
Strategy No:	1.1.1	Community Partnerships

CONSULTATION

Consultation was provided through the following activities:

- An opportunity was provided for previous applicants to provide feedback;
- An internal review was completed by relevant officers; and
- A Council Briefing was conducted on 15 May 2013.

REPORT

Background

The Community Grants Program provides the opportunity for organisations across the Shire to access funding support for a wide range of projects and purposes.

As Council continues to support the development of Community Directions Statements it is important that the Community Grants Program encourages projects that can be supported in response to these directions.

Discussion

A review of the program has identified that the program has gone through significant changes over the past five years with the introduction of the two funding rounds, Major Projects Category and the Small Equipment Program. It is therefore proposed that no significant changes be made to the 2013/2014 Community Grants Program.

Options

Council has two options following the review of the Community Grants Program review:

Option one: that the 2013/2014 Community Grants Program remains unchanged.

Option two: that changes be made to the 2013/2014 Community Grants Program.

Proposal

Option one is recommended as the current Community Grants Program is an efficient program that meets the objective of the Community Grants Policy.

FINANCIAL CONSIDERATIONS

The budget allocated to the 2013/2014 Community Grants program will be adopted at the 26 June 2013 Council Meeting.

The funding to for Community Grants Program has been reduced for 2013/2014 and transferred to the Recreation Reserve Maintenance Grant budget.

RISK FACTORS

Reviewing the Policy and Guidelines provides for better governance of the Community Grants Program as it strengthens legislative compliance, ensures the appropriate and effective use of Council funds, assists to avoid potential conflicts of interest and facilitates openness, transparency and accountability.

CONCLUSION

Consultation has taken place in reviewing the Community Grants Policy and Guidelines with the objective of ensuring that funds allocated through the Community Grants Program is aligned with the needs and direction of the Community and Council.

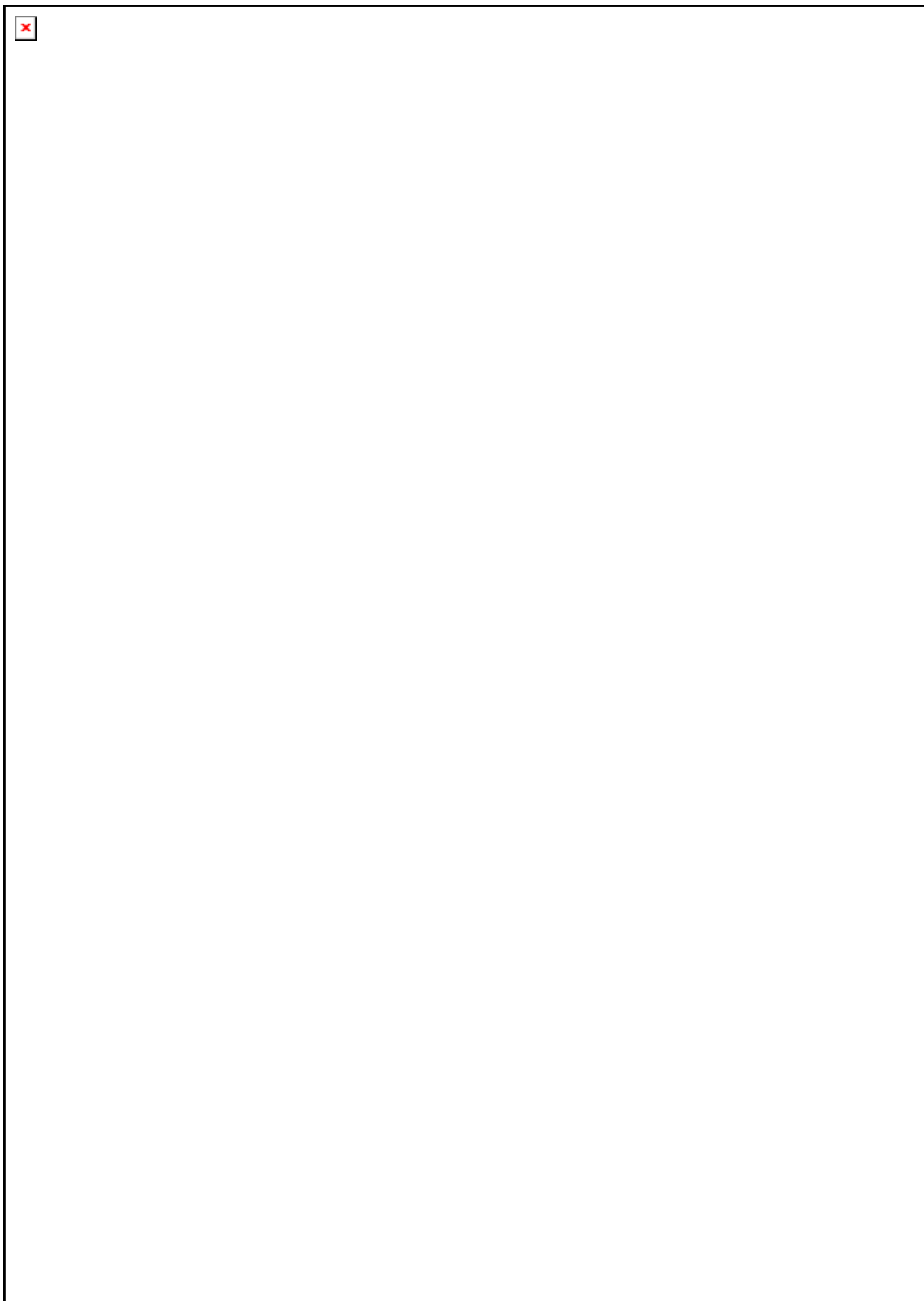
RECOMMENDATION

That Council:

- 1. Adopt the 2013/2014 Community Grants Guidelines; and**
- 2. Open the 2013/2014 Community Grants Program on 1 July 2013.**

Attachment 1

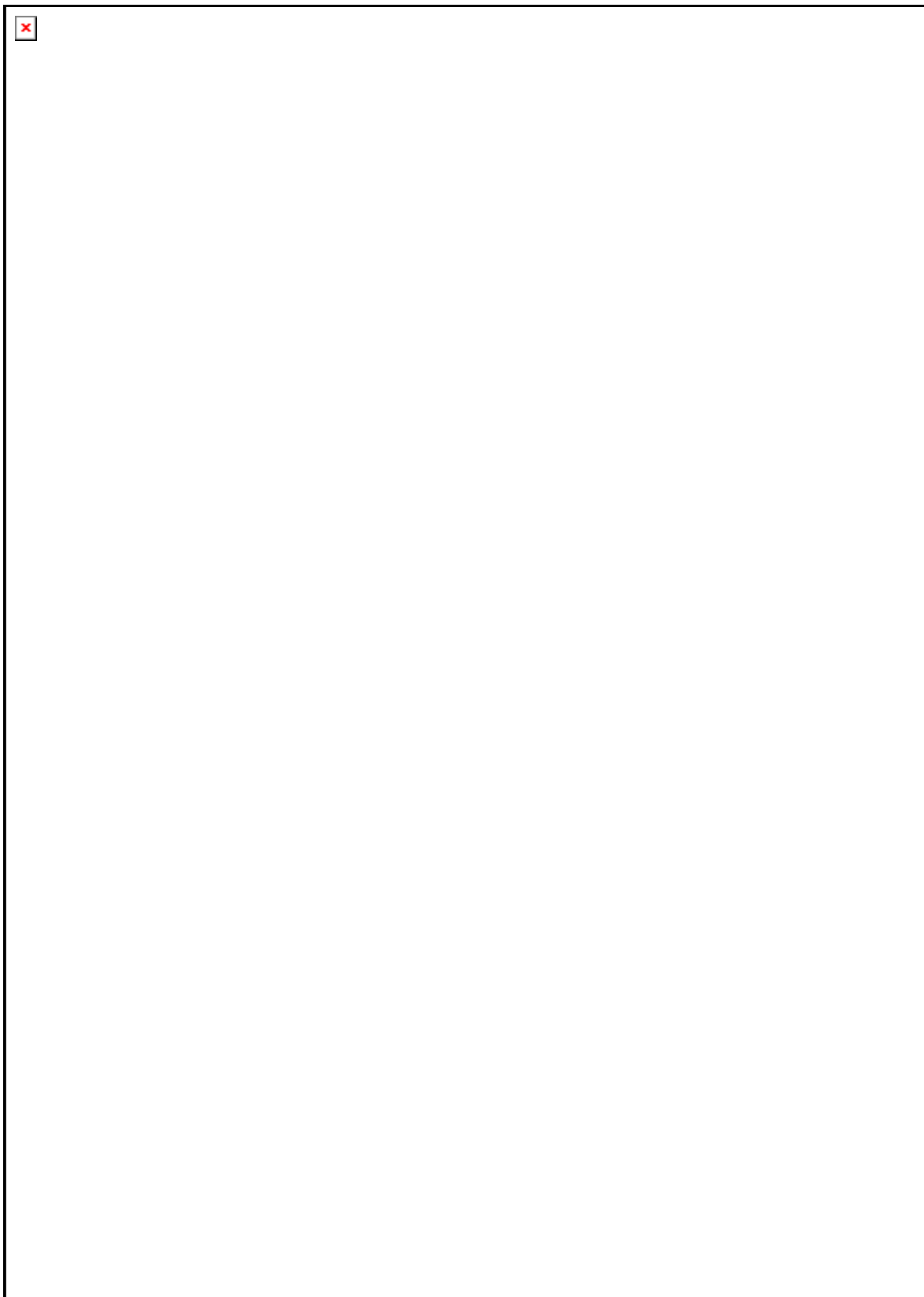


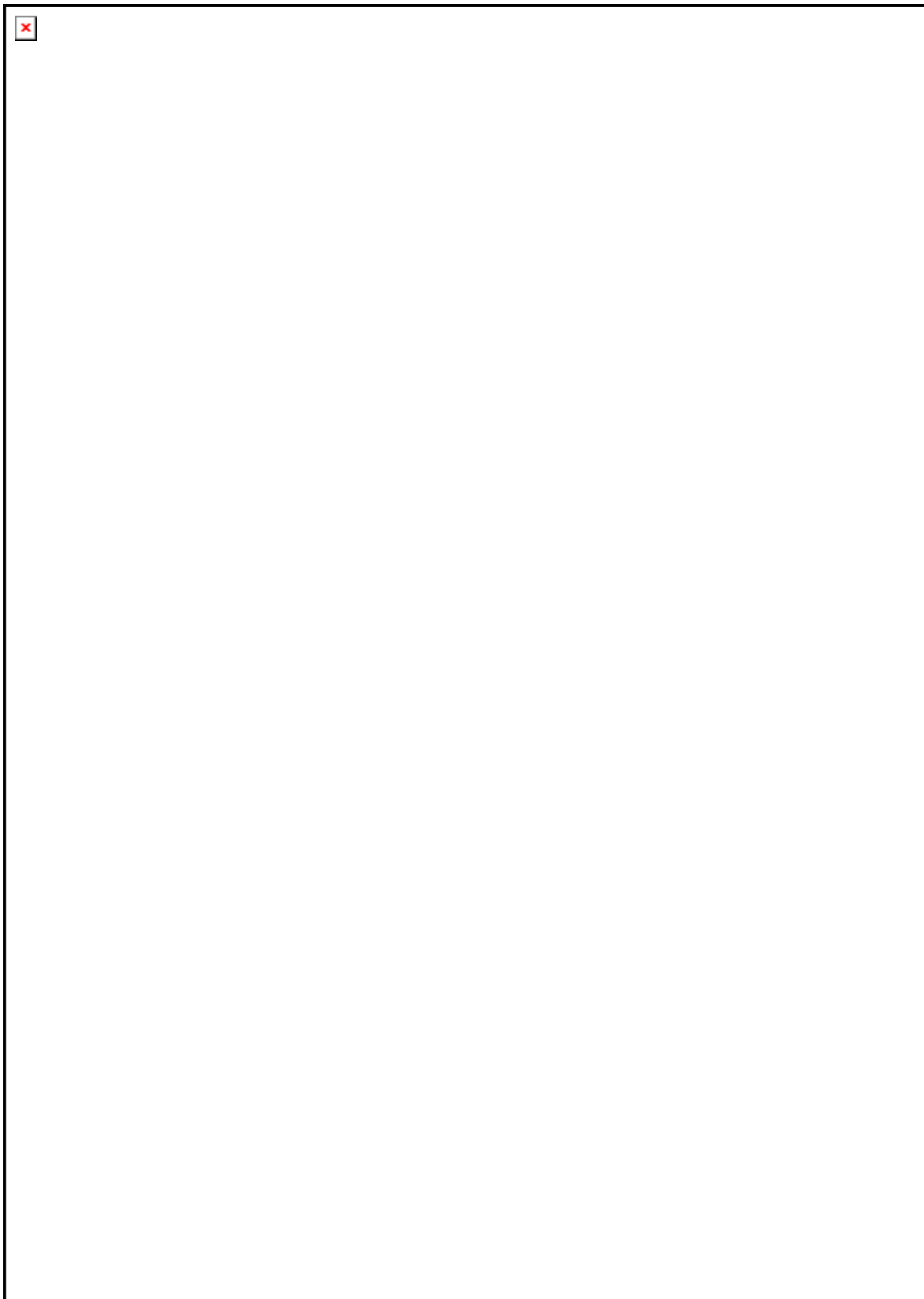




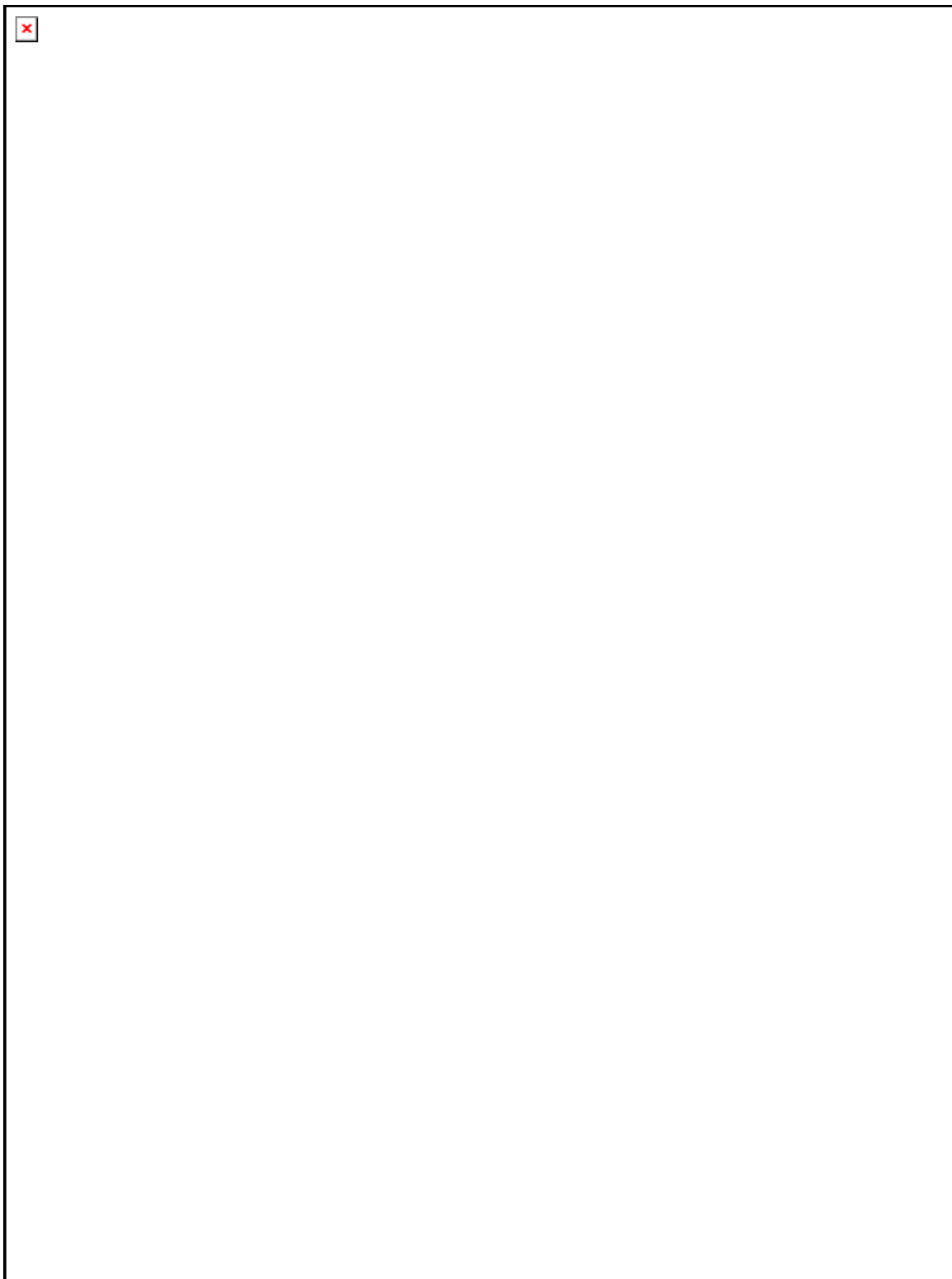




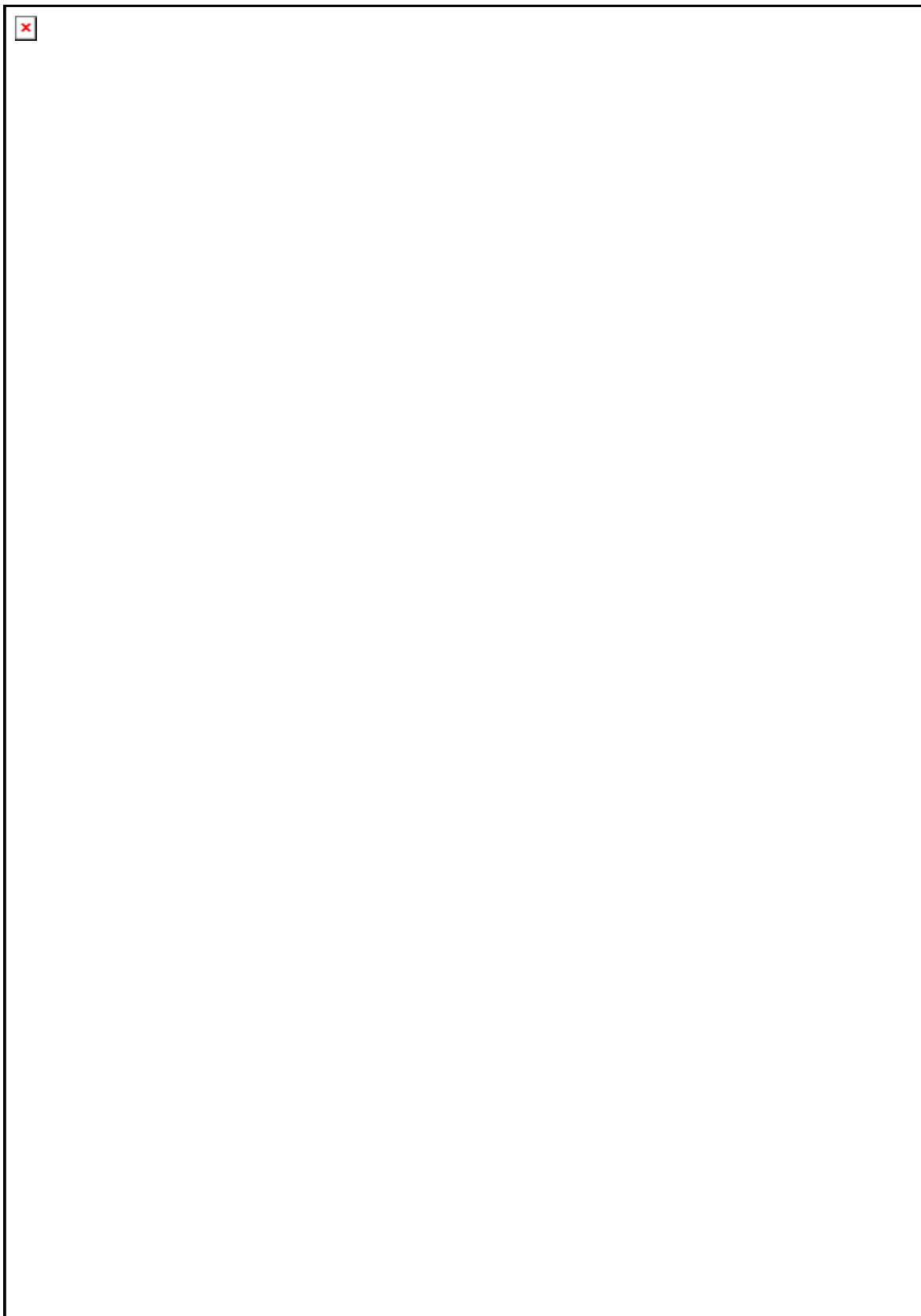




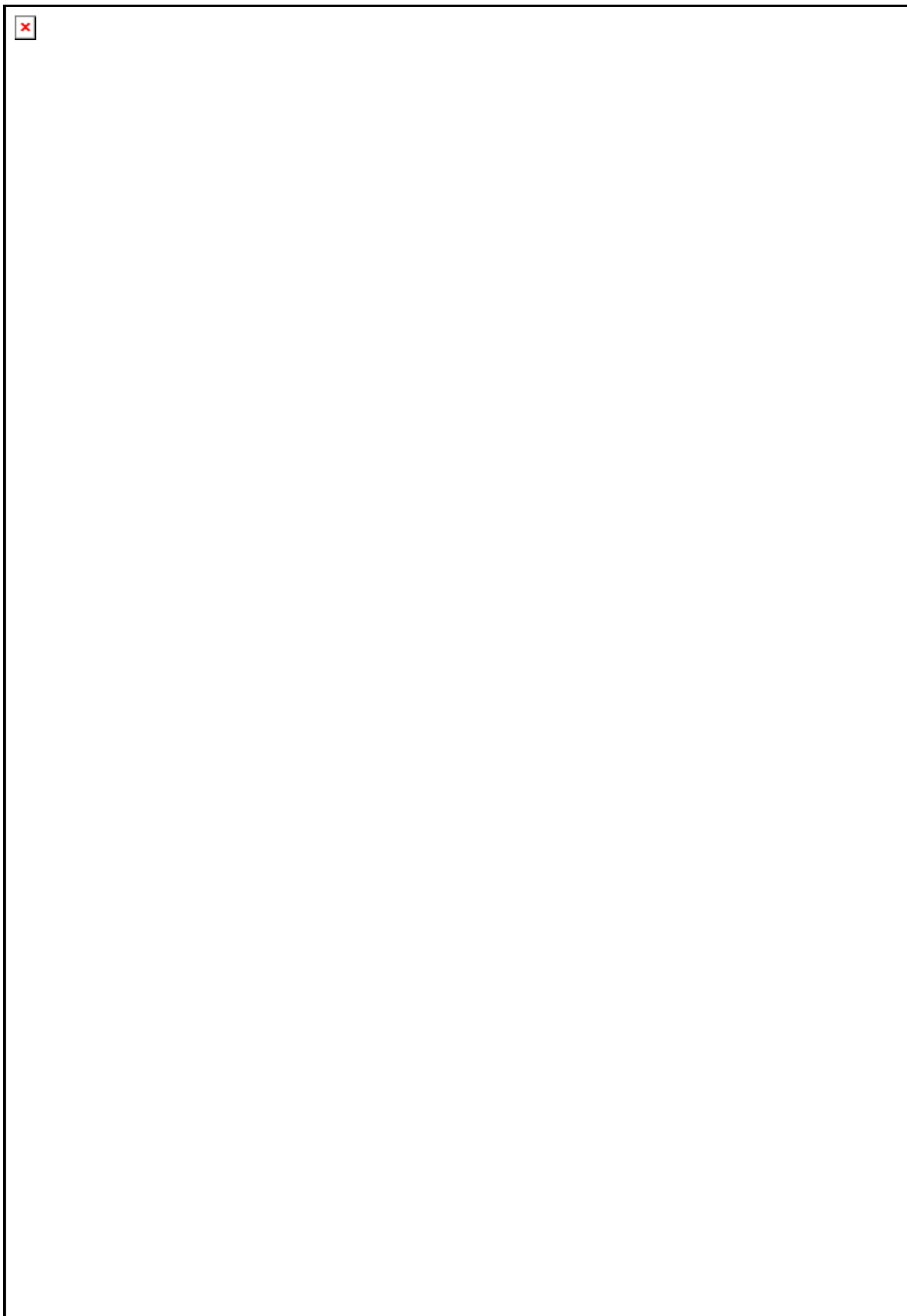




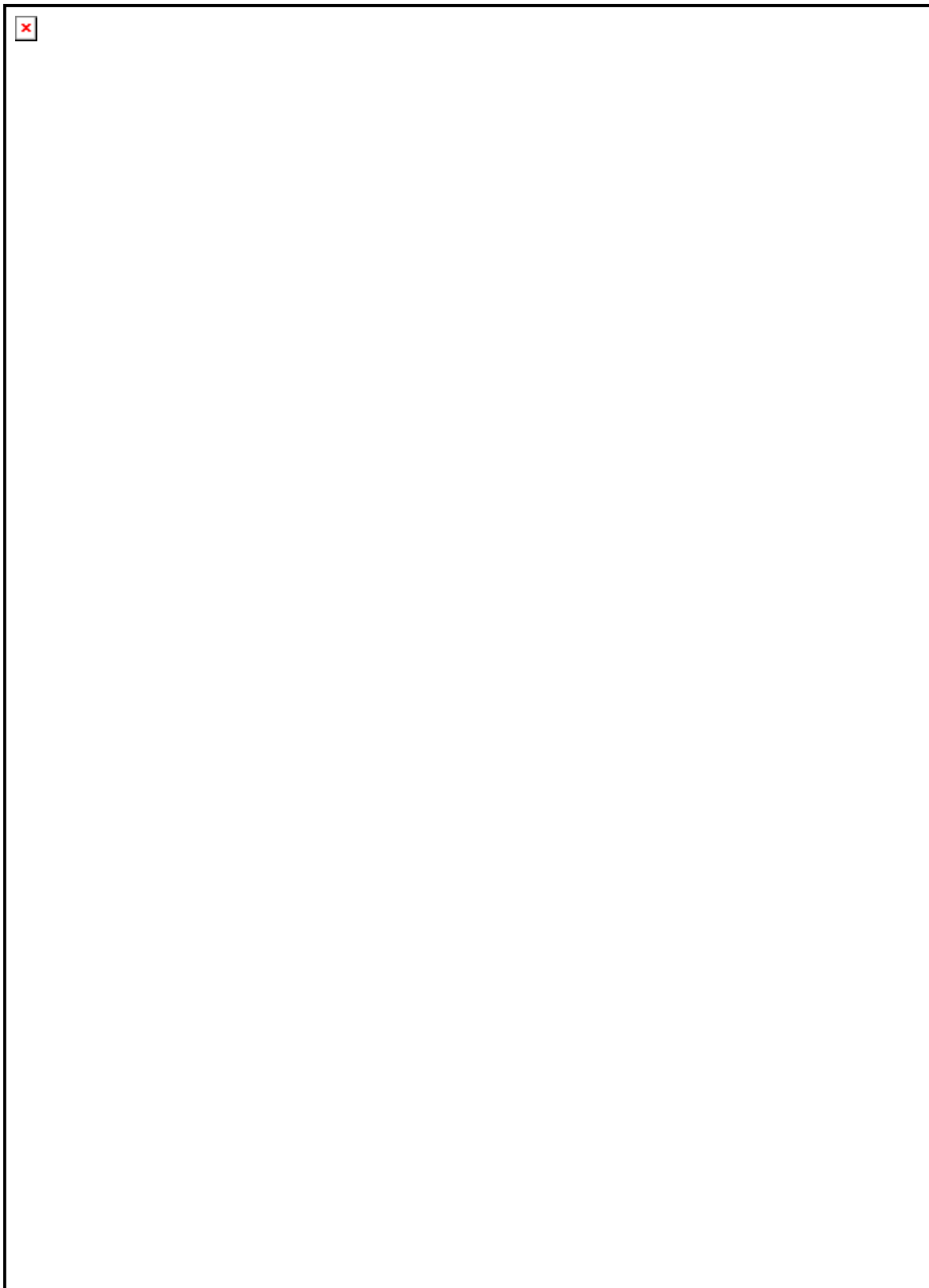


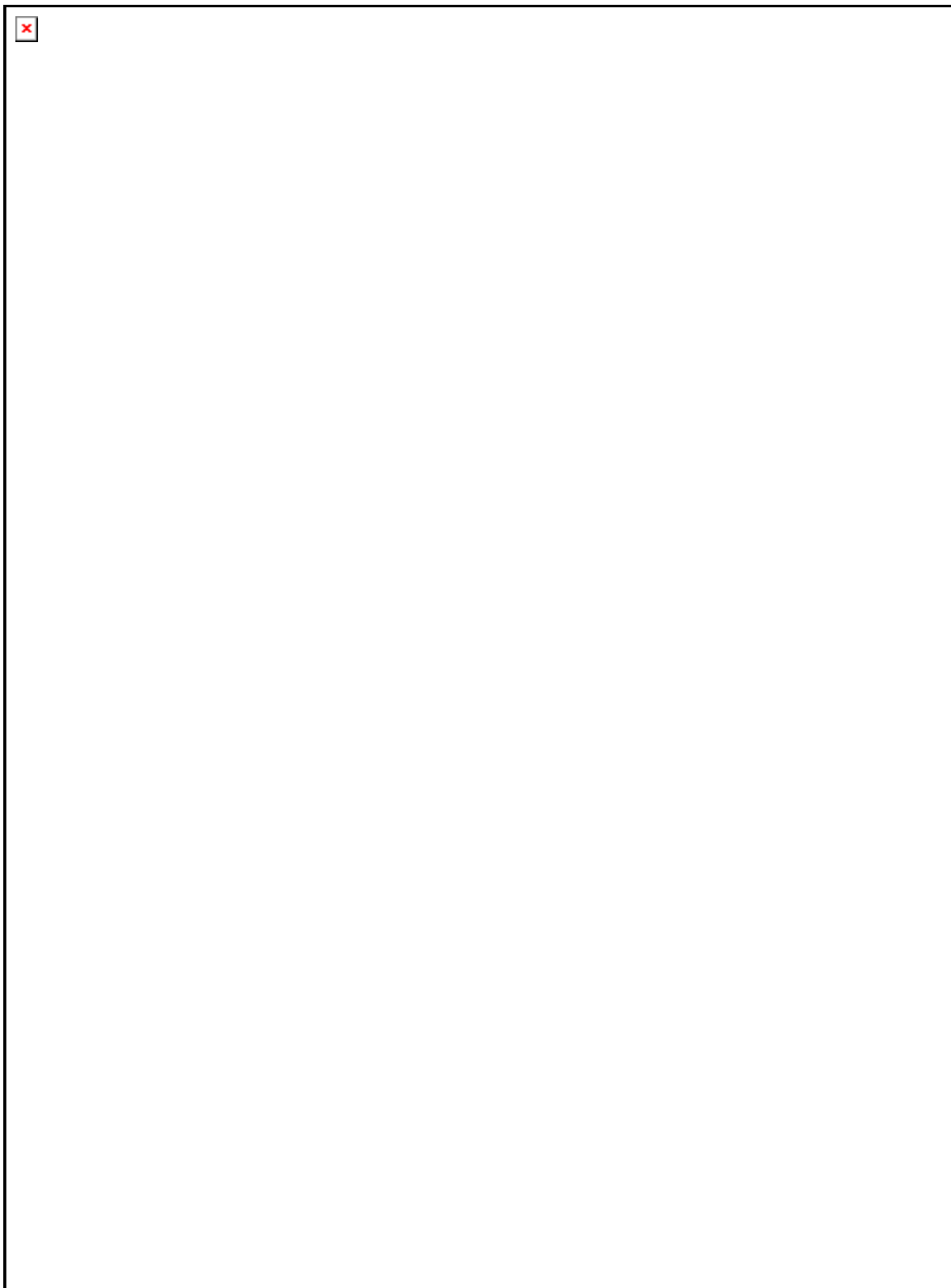












**E.7 APPLICATION TO THE PUTTING LOCALS FIRST PROGRAM -
TP TAYLOR RESERVE OPEN SPACE ENHANCEMENT PROJECT**

Corporate Services Directorate

EXECUTIVE SUMMARY

The TP Taylor Reserve Section 86 Committee is seeking Council endorsement and an allocation of Council funding to support an application to the Regional Development Victoria (RDV) Putting Locals First Program (PLFP) - Improved Local Infrastructure to enhance the open space at the reserve.

The total project cost is \$177,000. The breakdown for funding required to meet the project costs is as follows:

Project	Total Project Cost	Grant Sought	Community Contribution	Council Contribution
TP Taylor Reserve Open Space Enhancement Project	\$177,000	\$132,750	\$10,000	\$34,250

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

N/A

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

South Gippsland Recreation Plan 2007

Recreational Study for Sandy Point 2012

COUNCIL PLAN

Strategic Goal: 1.0 A Vibrant Engaged Community

Outcome: 1.1 Health and Well Being

Strategy No: 1.1.1 Active Lifestyles

CONSULTATION

At the Council meeting on 22 August 2012, a resolution was made to develop a Project Proposal with the community to enhance the amenity of the TP Taylor Reserve to complement the new community centre. Once developed, to report back to Council project details for approval including grant opportunities available.

This project has been developed in consultation with Council officers, TP Taylor Reserve Section 86 Committee and the Sandy Point Community Group. Preliminary discussions have also taken place with Regional Development Victoria in relation to funding opportunities.

REPORT

Background

The Putting Locals First Program (PLFP) component of the Regional Growth Fund (RGF) is a \$100 million initiative designed to enable regional communities to devise and deliver service and infrastructure responses which reflect local priorities.

The PLFP supports stronger and more sustainable regional communities by building their capacity to drive development in their region. The program is administered by Regional Development Victoria (RDV) regional offices to achieve the following primary outcomes:

- Improved infrastructure, facilities and services;
- Increased business and employment opportunities;
- Improved community connections; and
- Communities taking action on their own behalf.

TP Taylor Reserve Open Space Enhancement Project is aligned to the first outcome of the PLFP for improved infrastructure, facilities and services. The program invests in priority infrastructure that meets local needs and strengthens the regional community and economy during both its construction and operation. Quality local facilities are important in providing services, encouraging tourism and private investment, improving quality of life and the sustainability of many towns.

Discussion

The TP Taylor Reserve Section 86 Committee is seeking Council endorsement and an allocation of Council funding to support a grant to enhance the open space within the TP Taylor Reserve. The total project is \$177,000 which has been internally costed by the Engineering Department and includes:

- Installation of playground shade sails;
- Basketball half court;
- New external fencing around tennis courts and part of the basketball court;
- Pathway linking the Community Centre to playground;

- BBQ rotunda;
- Carparking and curb and channelling in front of the playground; and
- Landscaping and seating.

The upgrade to the reserve is supported by the 2012 Recreational Master Plan for Sandy Point, which was funded through Council's Community Grants Program.

A funding opportunity is possible through the PLFP. The TP Taylor Reserve Section 86 Committee is able to commit \$10,000 towards the project. Council would be required to allocate \$34,250 from the 2012/2013 Financial Budget to support the application, if successful. Through committing \$34,250, Council will potentially leverage grant funding of \$132,750 through the PLFP, providing a significant injection of funds for this project.

Funding is available through the current Financial Budget as 'Recreation – Future Unplanned Works (SRV)' to cover Council's contribution. Total funding currently unallocated in this 2012/2013 budget is \$39,943. If the application is supported by Council and if successful the remaining balance would be \$5,693.

As the TP Taylor Reserve is a Council owned facility, Council resources will be required to deliver the project if successful.

Options

Council has two options:

1. Endorse an application be submitted to the Grant Program for the TP Taylor Reserve Open Space Enhancement Project and allocate the required funds and resources to deliver the project if the application is successful.
5. Not endorse the TP Taylor Reserve Open Space Enhancement Project.

Proposal

Option 1 is recommended, that Council endorses the application to the PLFP and allocate a total of \$34,250 from the current 2012/2013 Council budget for 'Recreation - Future Unplanned Works (SRV) to cover Council's contribution and provide the resources to deliver the project if the grant is successful.

Option 2 is not recommended as the project is viewed as an important priority for the Sandy Point community worthy of Council support.

FINANCIAL CONSIDERATIONS

Funding is available through Council's current 2012/2013 Financial Budget as 'Recreation – Future Unplanned Works (SRV)' to cover Council's contribution

of \$34,250, which will be carried forward to the 2013/2014 financial budget. This budget line item has been created to support grant applications such as the TP Taylor Reserve Open Space Enhancement Project. Funding of \$39,943 is currently remaining unallocated in this financial year. If this application is supported by Council and successful, the remaining balance will be \$5,693.

As the TP Taylor Reserve is owned by Council, Council will be required to provide staff resources, funded within the total project cost, to fully deliver the projects as a capital works project, if successful.

RISK FACTORS

If Council doesn't support the project for the TP Taylor Reserve, Council will pass over an opportunity to obtain external funds for the enhancement of the reserve and may be required to meet the whole project cost in Council's future Financial Budget.

To mitigate the risk of project cost overruns to Council, it is recommended to advise the TP Taylor Reserve Section 86 Committee of Management through this resolution, that any project cost overruns are the responsibility of the committee to fund, in accordance with Council's Community Project Management Policy. This policy states that if no funds are available within the overall project budget, the applicant will be required to provide the additional funding.

RECOMMENDATION

That Council:

- 1. Endorse project and seek funding for \$132,750 for the TP Taylor Reserve Open Space Enhancement Project from Regional Development Victoria's Putting Locals First Program;**
- 2. Make an allocation of \$34,250 from the 2012/2013 Financial Budget for Recreation Future Unplanned Works (SRV) and carry it forward to the 2013/2014 Financial Budget as contribution towards the project if the application is approved by Regional Development Victoria;**
- 3. Provide staff resources, with funding allocated in the total project costs, for management of the projects if approved by Regional Development Victoria in the 2012/2013 financial year; and**
- 4. Advise the TP Taylor Reserve Section 86 Committee of Management that any project overruns are the responsibility of the committee to fund, in accordance with Council's Community Project Management Policy.**

STAFF DISCLOSURE OF INTEREST

Nil

E.8 SPECIAL (SECTION 86) COMMITTEES REVIEW

Corporate Services

EXECUTIVE SUMMARY

This report provides the opportunity for the Council to:

1. Consider progress made with a review of Special Committee Instruments of Delegation made by Council;
6. Agree on a timeline for ongoing review; and
7. Review an exemption from the requirement for members of Special Committees to lodge primary and ordinary returns of interests.

Document/s pertaining to this Council Report

- **Attachment 1** - Instrument of Delegation Review Schedule

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989 - Sections 81 and 86

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Section 86 Committee Kit 2009

COUNCIL PLAN

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

CONSULTATION

During the course of the current and ongoing review of Council Special Committees, Council staff from the Governance and Community Strengthening teams have consulted with, and provided assistance to, several Special Committees.

Councillors were provided with a briefing about this matter on 1 May 2013.

REPORT

Background

Council commenced a review of the operation of all its Special (Section 86) Committees (Committees) in 2010.

As part of this review the Community Strengthening Team, including the Volunteer Coordinator, has worked collaboratively with the Governance Team

in facilitating meetings and engaging with the Committees. This has provided additional support to the Committees and raised the awareness of the Committees' responsibilities under their delegations and improved their capacity to undertake these duties including reporting requirements. Committees are regularly provided with information that is needed for the effective operation of the Committees e.g. relating to conflict of interest and meeting notices. Relationships between the Committees and Council has been enhanced.

In the recent MAV Insurance Public Liability and Professional Liability Audit Report, Council scored 100% which is the maximum points in respect of the risk management of Special Committees. This indicates a high level of due diligence on the part of Council and an improvement on previous audit results.

As part of this review, Council has revoked the delegation of one Section 86 Committee (Poowong Sports Centre and Swimming Pool) and confirmed the continued operation of another until a specified time (Corner Inlet Seawalls). Council has also confirmed that the CEO has power to approve the appointment of persons to the Committees.

To comply with section 86(6) of the Local Government Act 1989 (the Act), Council must review any delegations to a Section 86 Committee within 12 months after a general election by 26 October 2013. Council's Annual Plan requires that this review occur by 30 June 2013.

Delegation review

Council has conducted a review of Council's Section 86 Committees, including their operations and Instruments of Delegation. Recommendations have been provided to Council and documented in an Instrument of Delegation Review Schedule (**Attachment 1**). This schedule has been divided into 4 phases, based on an assessment related to the operation of all Section 86 Committees, to prioritise the timings of any delegation reviews that may be required. Committees in the medium category have been divided into like facilities e.g. pools and parks / reserves, to smooth the process, so that similar groups may have the same or similar delegations applying to them.

The high level assessments for each Committee was undertaken by taking into consideration whether the Committee was experiencing operational difficulties. Timing considerations also related to key Council strategies or developments such as the Aquatic Strategy, T.P Taylor Reserve development or Corner Inlet Seawalls deliberations.

Lodging of Primary and Ordinary returns

To comply with section 81(2B) of the Act, Council must review any exemptions from lodging Primary and Ordinary returns by members of Special Committees within 12 months after a general election – 26 October 2013. All committee members have been exempted in the past.

It is recommended to continue this exemption as sufficient controls are in place to monitor the activities of the Special Committees, including the monitoring of Committee Reports, including minutes and financial reports, improved Committee education on their financial and governance obligations and a formalised process of the CEO confirming the appointment of persons to the Committee. It is also proposed to continue the exemption as it is considered a significant impost on volunteers and a considerable administrative effort in order to manage a lower level risk for Council, when substantial controls are in place.

Options

Council has an option in determining if Special Committee members should be required to lodge primary or ordinary returns or not. Council can either decide to:

- Exempt Special Committee members from the requirement to lodge primary and ordinary returns: this option is recommended for the reasons outlined in the background above; or
- Require Special Committee members to lodge primary and ordinary returns.

Proposal

Council is required by the Act to review its Section 86 Committees. To this end it is proposed that the Council:

- Adopt the proposed Special (Section 86) Committee Instrument of Delegation review schedule (**Attachment 1**);
- Confirm that it has conducted its review of Special (Section 86) Committee Instruments of Delegation under section 86(6) of the Local Government Act (the Act) 1989 by way of the review schedule; and
- Exempt members of all Special (Section 86) Committees from the requirement under section 81(2B) of the Local Government Act 1989 to submit primary and ordinary returns.

FINANCIAL CONSIDERATIONS

Ongoing support, reviews, monitoring and development of Section 86 Committees is included in Council's budget. Assistance is provided by the Community Strengthening, Governance and Property Management departments.

RISK FACTORS

By conducting this review of delegations and considering the requirement for members of Special Committees to lodge primary and ordinary returns Council will be provided with a level of assurance that the Committees and

the Council will act within the limits of their respective powers and in conformance with the Local Government Act 1989.

CONCLUSION

Special Committees are integral to the proper management of Council owned or controlled properties and facilities that are essential for community activities and engagement. The process of review as proposed in this report provides for the continuation of community engagement in a way that minimises risk to both community members who make up the Special Committees without over burdening these members.

RECOMMENDATION

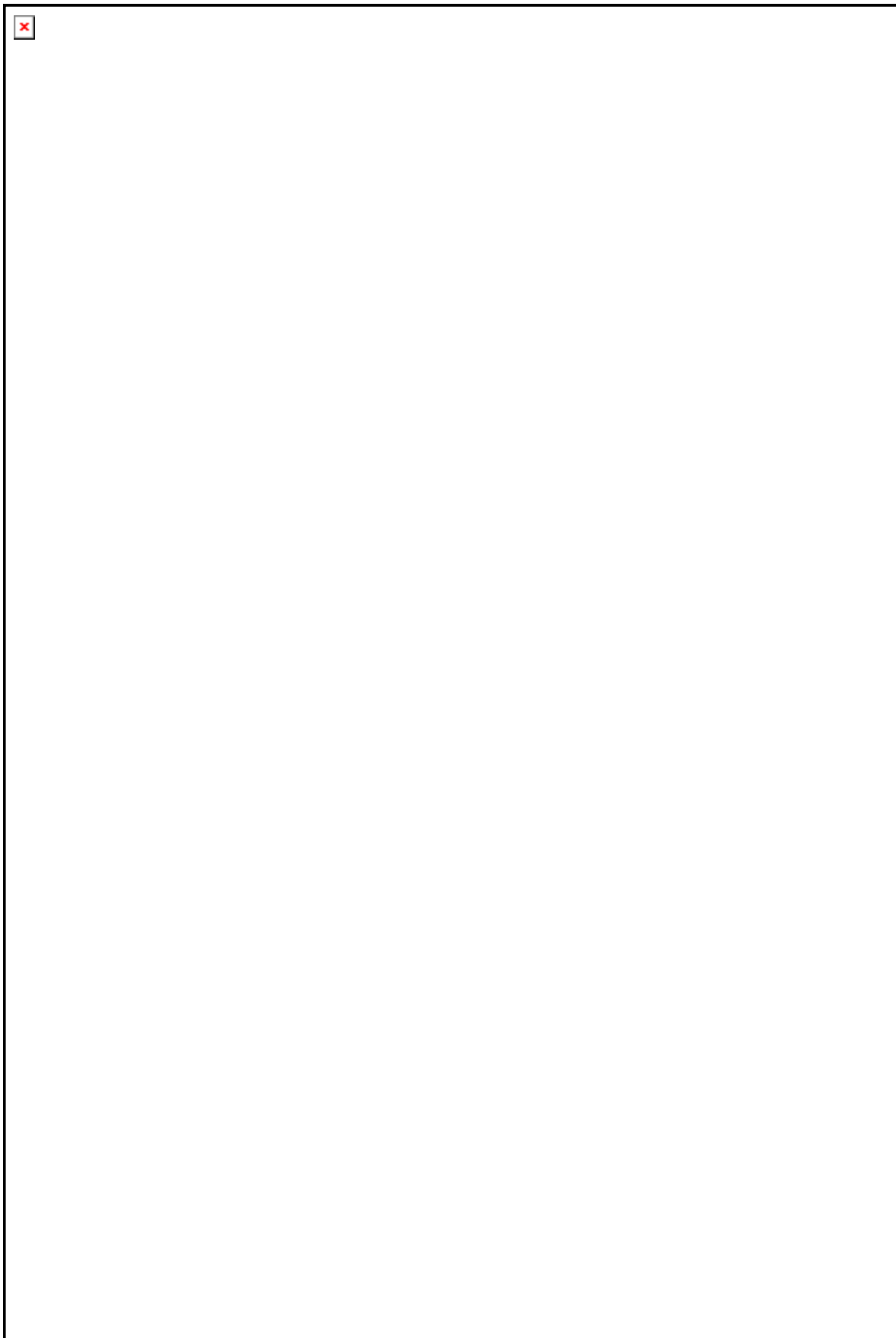
That Council

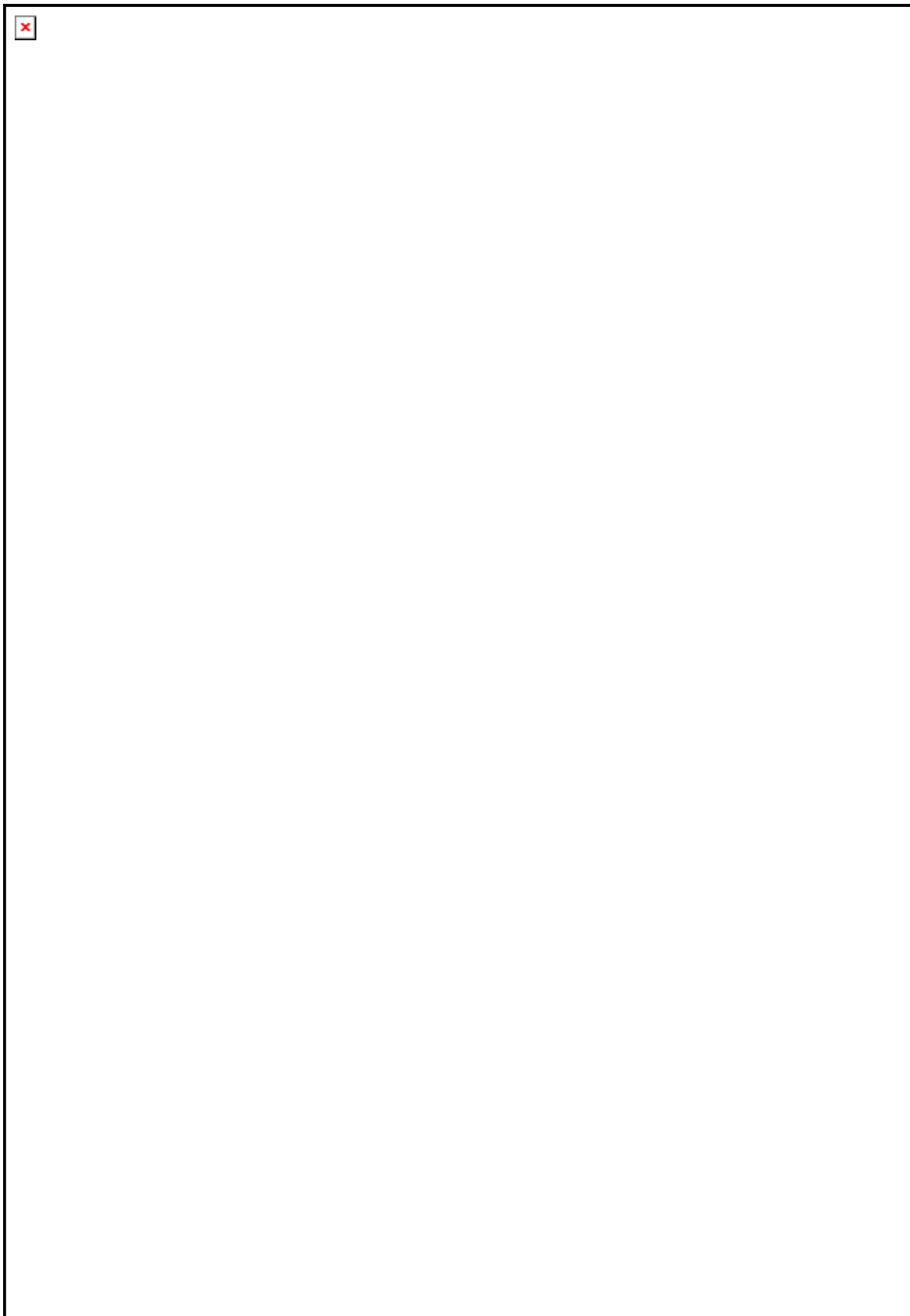
- 1. Adopt the proposed Special (Section 86) Committee Instrument of Delegation review schedule (Attachment 1);**
- 2. Confirm that it has conducted its review of Special (Section 86) Committee Instruments of Delegation under section 86(6) of the Local Government Act (the Act) 1989 by way of the review schedule;**
- 3. Exempt members of all Council Special (Section 86) Committees from the requirement under section 81(2B) of the Local Government Act 1989 to submit primary and ordinary returns;**
- 4. Thank all members of the Special (Section 86) Committees for the valuable contribution they make to the continuing management of Council facilities for which they have been provided the power to manage; and**
- 5. Continue, where practicable, to provide support to the Special (Section 86) Committees through assistance from Council's Community Strengthening, Governance and Property teams.**

Staff disclosure of interest

Nil

Attachment 1





E.9 STRATEGIC RISK REGISTER AND RISK MANAGEMENT FRAMEWORK

Corporate Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with:

- An update on the implementation of Council's Risk Management Framework (RMF) and Policy, which was adopted by Council at the May 2012 Council meeting; and
- An annual review of Council's Strategic Risk Register (**Confidential Appendix 1**) as required by Council's RMF.

Document pertaining to this Council Report

- **Attachment 1** – Risk Management Framework Diagram
- **Confidential Appendix 1** – South Gippsland Shire Council Strategic Risk Register (May 2013).

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Risk Management Standard AS/NZ ISO 31000 (2009)

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Council's Risk Management Framework and Policy May 2012

COUNCIL PLAN

Strategic Goal: 5.0 A leading organisation
Outcome: 5.2 Systems and Processes
Strategy No: 5.2.5 Risk Management

CONSULTATION

The development of Council's RMF occurred in accordance with the International Standard for Risk Management (ISO 31000) and in consultation with the former Council, Council Audit Committee, Council staff and the Executive Leadership Team during the 2011 / 2012 Financial Year.

Since July 2012 the assessment of the risks on Council's Strategic Risk Register have been completed by the Manager assigned as being responsible for each risk with feedback and sign off from Council's Strategic Risk Committee.

On 15 May 2013, Council conducted an annual review of Council's Strategic Risk Register as required by Council's RMF and received an update on the implementation of Council's RMF.

REPORT

Background

Council's RMF and Policy was adopted by Council in May 2012, as a key initiative in the 2011 / 2012 Annual Plan. Council's Risk Management Policy is located on Council's website at http://www.southgippsland.vic.gov.au/files/Corporate_Services/RiskManagementPolicyMay2012.pdf.

Discussion

Risk Management Framework, Policy and Process

During the 2012 / 2013 Financial Year, Council commenced the implementation of the recently adopted RMF, including an updated Risk Management Policy and a Strategic Risk Register. The key components of Council's RMF are illustrated graphically in **Attachment 1**. The central element of the RMF was the establishment of Council's Strategic Risk Committee in July 2012. The Strategic Risk Committee met, on average, every 6 weeks to monitor the following risk activities:

- Strategic Risk Register and Strategic Risk Assessments;
- Occupational Health and Safety (OHS);
- Council's OHS Committee;
- Operational Risk Committee, which commenced operation on 9 April 2013, to provide direct management support to the OHS Committee;
- Council's WorkSafe Integrated Approach Action Plan and Improvement Notices;
- Council's Internal Audit Program;
- Business Continuity Plan;
- External Audit Program;
- Insurance;
- Emergency Management;
- Policy Review Schedule;
- Risk Management Staff Training, including the training of all Managers (August 2011), Councillors (April 2012) and Strategic Risk Committee members (September 2012). Further training for other Managers, Coordinators and Staff is planned in 2013 / 2014;

- Contract Management;
- Section 86 and Advisory Committees; and
- Annual reviews of Council's RMF.

Strategic Risk Register

In August 2011, prior to the establishment of Council's RMF, Council's management team received risk management training. At that session they identified risks to be included on an initial Strategic Risk Register. These risks received an initial risk rating in November 2011 and a schedule was established to conduct more detailed Risk Assessments for each of the risks on the register by 30 June 2013.

Since the Strategic Risk Committee was established in July 2012, it has received each Strategic Risk Assessment from the Responsible Manager assigned to the risk, provided feedback and approved each risk scheduled for review to date. The Strategic Risk Register (**Confidential Attachment 1**), is presented to Council for information and has been updated following the Strategic Risk Committee meeting held in May 2013 and Council's annual review at a briefing session on 15 May 2013.

Options

Nil

Proposal

It is proposed that Council note the progress made to achieve Council's RMF and Council's annual Strategic Risk Register review.

FINANCIAL CONSIDERATIONS

Nil

RISK FACTORS

Council's ability to effectively manage its operational and strategic risks is a central component towards achieving its Council Plan, Annual Plan and service objectives.

Council's RMF, including Risk Management Policy, Risk Committees, Audit Committee and Strategic Risk Register is a core foundation of this capability.

Providing opportunities for effective, regular Council oversight of its RMF and Strategic Risk Register ensures Council involvement and monitoring of Council's risk profile and increases the likelihood of Council achieving its objectives.

CONCLUSION

That Council note the progress made to achieve Council's RMF and Council's annual Strategic Risk Register review.

RECOMMENDATION

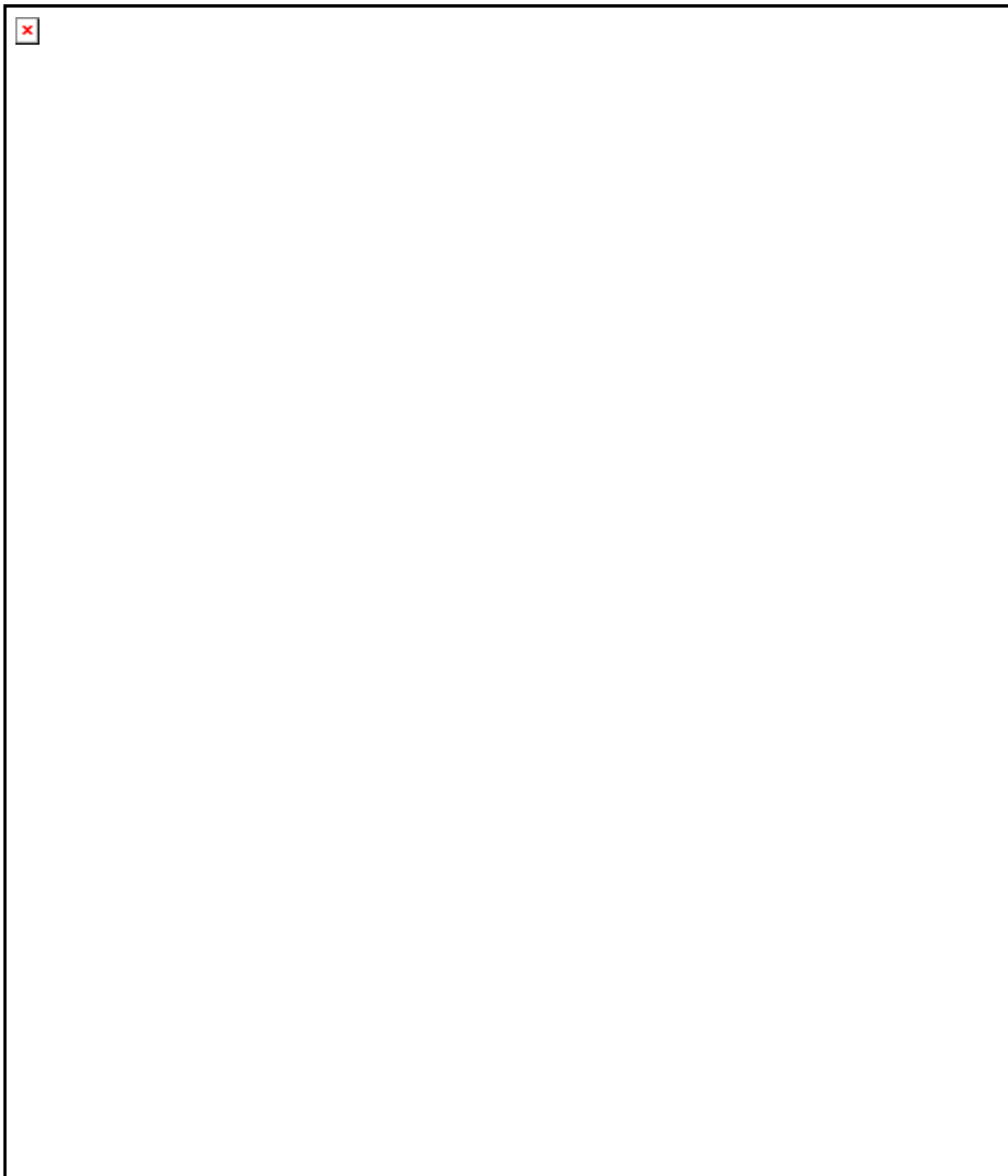
That Council:

- 1. Note the progress towards the implementation of Council's Risk Management Framework; and**
- 2. Note the Strategic Risk Register (Confidential Appendix 1), following Council's annual Strategic Risk Register review.**

STAFF DISCLOSURE OF INTEREST

Nil

Attachment 1



E.10 POLICY REVIEWS

Corporate Services Directorate

EXECUTIVE SUMMARY

This report provides the opportunity for Council to consider and adopt the following four Council Policies which as a part of Council's agreed Policy Review schedule require adoption by Council by 30 June 2013:

- A new Audit Policy (**Attachment 1**);
- Updated Procurement Policy (**Attachment 2**);
- Updated Councillor Code of Conduct (**Attachment 3**); and
- Updated Occupational Health and Safety (OHS) Policy (**Attachment 4**).

Document/s pertaining to this Council Report

- **Attachment 1** - Audit Policy
- **Attachment 2** - Procurement Policy
- **Attachment 3** - Councillor Code of Conduct
- **Attachment 4** - Occupational Health and Safety Policy

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989

Occupational Health & Safety Act 2004

Occupational Health & Safety Regulations 2007

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

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

South Gippsland Shire Council Audit Committee Charter June 2012

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 as follows.

Audit Policy (**Attachment 1**):

This new policy was reviewed by Council's Executive Leadership Team on 14 March 2013, initially reviewed by Council via InfoSum on 20 March 2013 and received Audit Committee feedback at the meeting held on 20 May 2013. This policy received feedback from Council at a briefing session on 5 June 2013. This policy was also developed utilising the "Audit Committees: A Guide to Good Practice for Local Government" from Local Government Victoria published in January 2011, as a guide.

Procurement Policy (**Attachment 2**):

This existing policy was initially updated by the Governance Department utilising internal feedback on the existing policy and the newly updated DPCD Local Government Procurement Best Practice Guidelines (2013). Following feedback from Council's Executive Leadership Team the policy was further developed by a Working Party of key procurement staff from across Council. This policy also received feedback from Council's Audit Committee at the 20 May 2013 meeting and from Council at a briefing session on 5 June 2013.

Councillor Code of Conduct (**Attachment 3**):

This existing policy was reviewed internally prior to receiving Council feedback on 17 April 2013.

Occupational Health and Safety Policy (**Attachment 4**):

This existing policy has received feedback from Council's Executive Leadership Team, Occupational Health and Safety Committee, Operational Risk Committee, Strategic Risk Committee, Staff Consultative Committee and Council at a briefing on 5 June 2013. The development of this policy has been closely guided by the Occupational Health and Safety Act 2004.

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:

- Audit Policy (**Attachment 1**);
- Procurement Policy (**Attachment 2**);
- Councillor Code of Conduct (**Attachment 3**); and
- Occupational Health and Safety Policy (**Attachment 4**).

Discussion

Audit Policy (Attachment 1):

This is a new policy. The objective of the policy is to provide a framework for and to articulate Council's approach to audit and review processes, that enables Council to meet its compliance obligations. Council's Audit Committee has provided advice during preparation of the policy and reviewed the policy.

Procurement Policy (Attachment 2):

Council must prepare and approve a procurement policy, and review the policy at least once every financial year.

Key improvements or changes to the policy include:

- An index to assist readers to find relevant content (pages 1 and 2);
- A new definition of "Local Businesses" to be defined as "suppliers within the South Gippsland Shire and the immediate neighbouring municipalities" (page 5);
- Further clarifying that "where practicable, purchasing from local business where purchases are justified on best value grounds for South Gippsland Shire, which include local economic, environmental and social benefits" through the addition of the words "for South Gippsland Shire" (pages 8 and 16);
- Clarifying the number of quotations that staff must seek and obtain through quotation processes (pages 9 and 22);
- Defining all procurement thresholds to exclude GST (instead of including GST), to minimise the likelihood of staff confusion, when managing budgets which exclude GST, to avoid the potential of legislative non-compliance (pages 9, 21 and 22);
- Specifying the requirements to form evaluation panels (pages 9 and 22);
- Clarifying Conflict of Interest guidance for staff (pages 11 and 12);
- Reducing the thresholds to require a Public Tender (to \$110,000 excluding GST for Goods / Services and \$150,000 excluding GST for Works) below those thresholds required by the Act (\$130,000 excluding GST for Goods / Services and \$180,000 excluding GST for Works). This aims to reduce the likelihood of a quotation process exceeding the values required for a tender, which adds extra time to the process and reduces the risk of legislative non-compliance (pages 9, 21, 22 and 23);
- Defining the circumstances under which Council will accept a late tender (page 24);

- Specifying how tenders or quotes which involve an in-house services are to be evaluated to reduce the likelihood of a conflict arising e.g. from Council's Sealing Crew (page 24);
- Defining how community stakeholders can be involved and engaged in procurement projects which affect them and to which they are making a significant financial contribution (page 24);
- Further clarifying how financial contract variations should be approved (page 27);
- Specifying contract documentation requirements to meet an audit recommendation (page 28).

Councillor Code of Conduct (Attachment 3):

Council is required to review its Councillor Code of Conduct within 12 months after a general election in accordance with Section 76C of the Local Government Act 1989.

The main proposed changes to the Councillor Code of Conduct are:

- Inclusion of guidelines about Councillor attendance at events and functions; and
- Inclusion of reference to the Independent Broad-based Anti-corruption Commission (IBAC).

Occupational Health and Safety Policy (Attachment 4):

Council's current policy was last revised on 8 April 2010 following approval by the Chief Executive Officer and has been significantly re-written and transposed into Council's new Policy template. The revised policy has been re-written to provide greater guidance and alignment with the OHS Act 2004 and is designed to reflect current Council practice, whilst:

- Recommending improvements that are included in Council's WorkSafe Integrated Approach Action Plan relating to Council's Safety Management System and the need to develop a Council OHS Management Plan; and
- Clarifying the roles and responsibilities of various Council staff to align closely with the OHS Act.

Options

In respect of the Audit Policy Council may decide to either:

- Not adopt the proposed new policy and use the relevant legislation and guidelines when making decisions regarding audits. 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 the new proposed policy. This is the recommended option as the new policy sets out specific guidance to Councillors, Independent Audit Committee members, Internal Auditors and staff in addressing its responsibilities in respect of the audit function. Furthermore the policy will provide an additional level of assurance to the community that Council places great emphasis on transparency, compliance and accountability by having in place a rigorous audit program.

In respect of the Procurement Policy and Occupational Health and Safety Policy Council may decide to either:

- Not adopt the proposed updates to these two existing policies and either retain the existing policies or propose additional changes to these policies. This is not recommended.
- Adopt the updates to both 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 the purchase of goods and services (Procurement Policy) and the management of risk (Occupational Health and Safety and Audit Policy).

In respect of the Councillor Code of Conduct, Council may decide to either:

- Adopt the recommended updates to the Councillor Code of Conduct; or
- Propose amendments to the Councillor Code of Conduct for adoption within a year of the 27 October 2012 Council Election to meet legislated timeframes.

Proposal

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

FINANCIAL CONSIDERATIONS

Not applicable.

RISK FACTORS

The Audit Policy is to ensure Council minimises the risk of Council operating an ineffective Audit Committee and Internal Audit Strategic Plan by specifying how these functions are to operate.

An effective Audit Committee and Internal Audit Strategic Plan, in turn, will enable Council to adequately manage its key strategic risks, which are primarily related to:

- Issues relevant to the integrity of Council's financial reporting and health; and
- Legislative compliance with the many Acts, Council is required to comply with, monitored by an effective internal control and risk framework.

A clear Procurement Policy will assist Council to:

- Ensure resources are used efficiently and effectively to improve the overall quality of life of people in the local community;
- Achieve compliance with relevant legislative requirements; and
- Achieve high standards of fairness, openness, probity, transparency, risk management and accountability.

The Council, through adopting a Councillor Code of Conduct is:

- Complying with the Local Government Act 1989;
- Reducing the risk of legislative non-compliance of the Local Government Act 1989 more broadly by Councillors, by clearly outlining the expectations and legislative requirements of Councillors; and
- Providing a clear means of managing allegations of breaches of the Code by Councillors or complaints against Councillors.

The Occupational Health and Safety Policy will assist in minimising organisational risk by:

- Improving Council's OHS performance, which can optimise the safety of Council work environments and lead to a reduction in the severity and frequency of injuries and incidents;
- Improving Councillor, Council staff, engaged Contractors, registered Volunteer and Special Committees knowledge of and compliance with their OHS obligations;
- Improving the monitoring of Council's OHS legislative compliance and performance, reducing the risk of non-compliance and prosecution;
- Improving Council's Insurance and Return to Work costs; and
- Limiting disruption to Council's operations and services.

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 directions set through these policies.

RECOMMENDATION

That Council:

- 1. Adopt the proposed, new Audit Policy No. C53 (Attachment 1) and publish this policy on Council's website;**
- 2. Revoke the Procurement Policy No. C32 dated 27 June 2012 and adopt the proposed, updated Procurement Policy No. C32 Information Privacy Policy 2013 (Attachment 2) and publish on Council's website;**
- 3. Revoke the Councillor Code of Conduct adopted by Council on 24 November 2010 and adopt the proposed, updated Councillor Code of Conduct (Attachment 3) and publish this policy on Council's website; and**
- 4. Revoke the Occupational Health and Safety Policy approved by the Chief Executive Officer on 8 April 2010 and adopt the proposed, updated Occupational Health and Safety Policy (Attachment 4) and publish this policy on Council's website.**

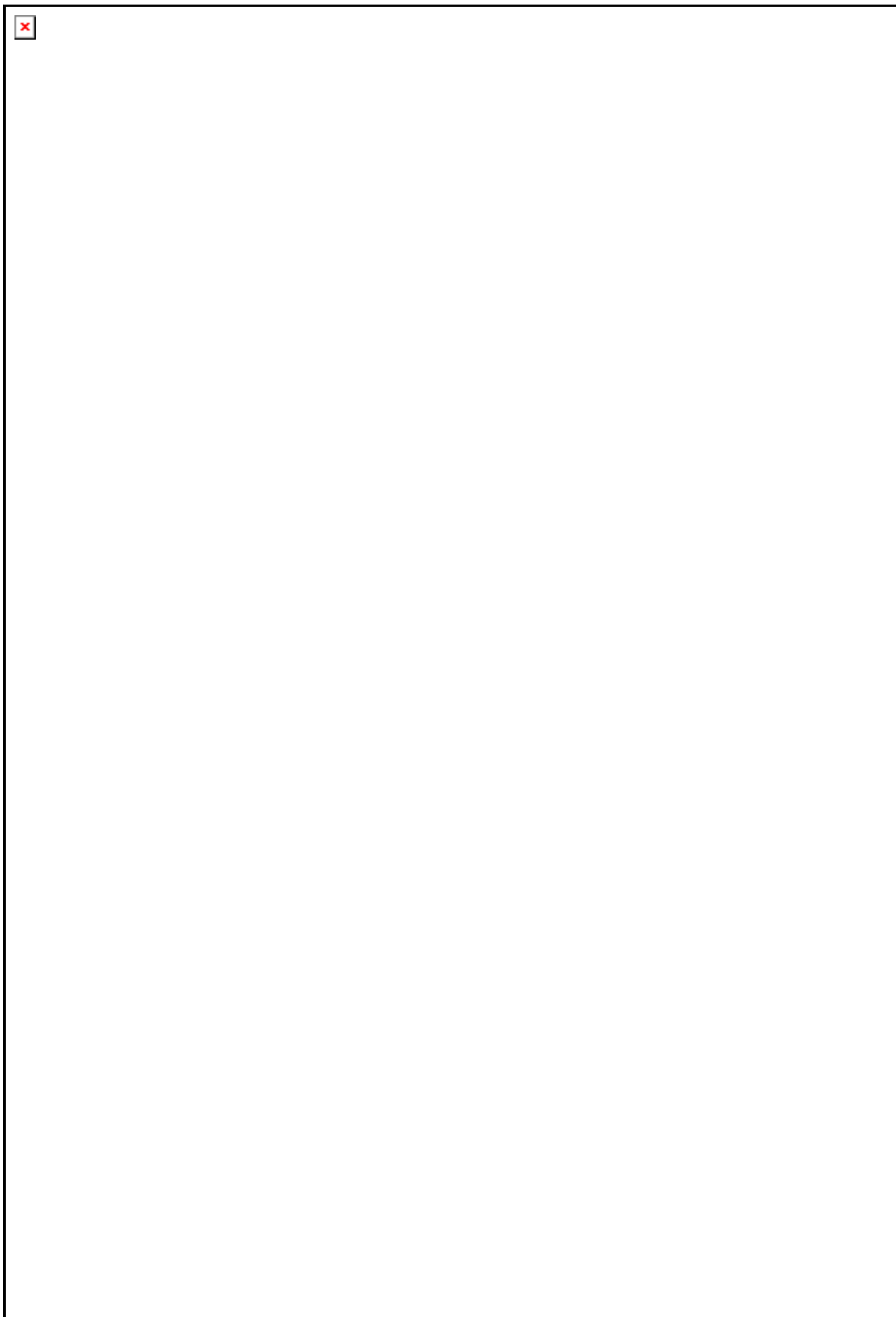
STAFF DISCLOSURE OF INTEREST

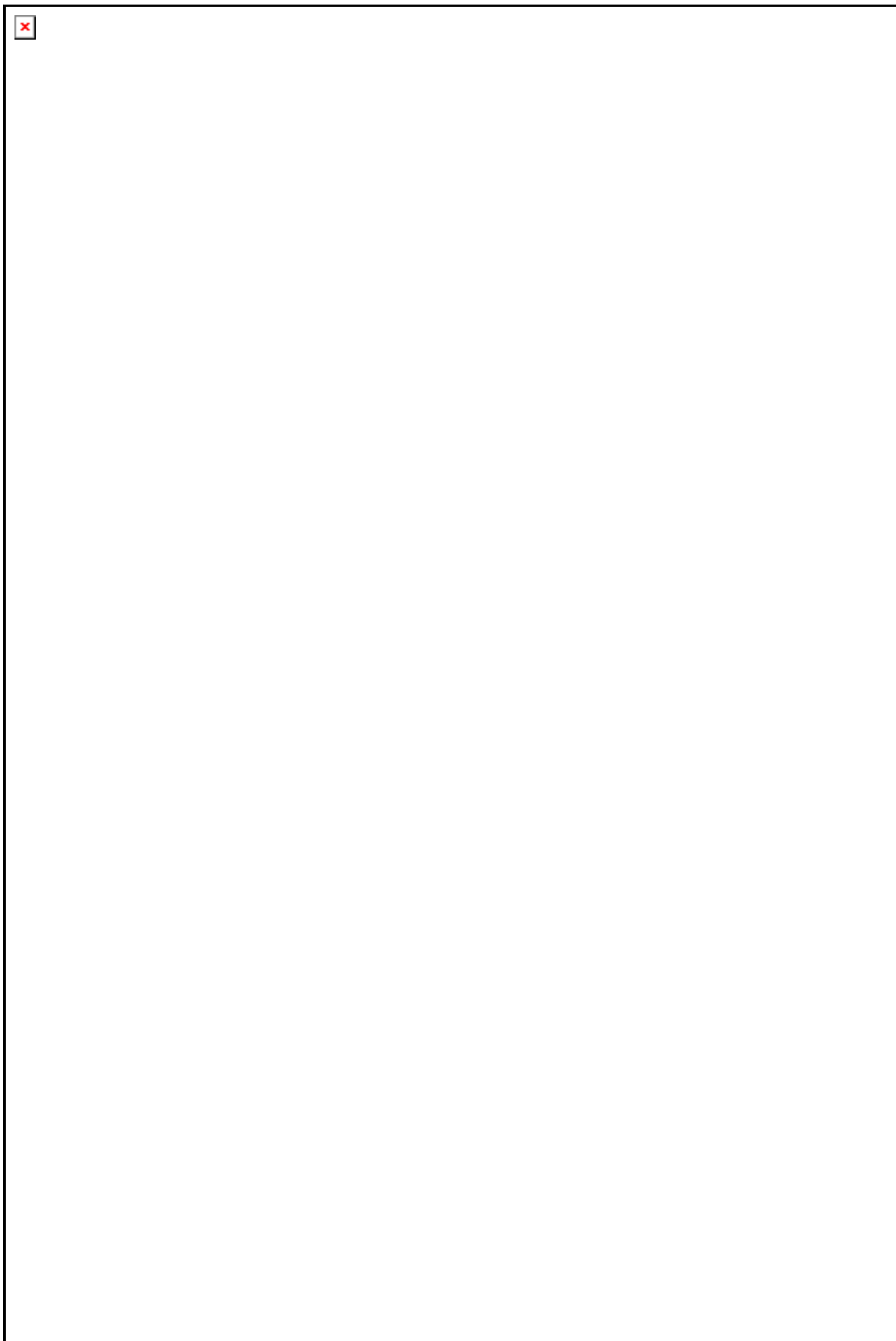
Nil

Attachment 1



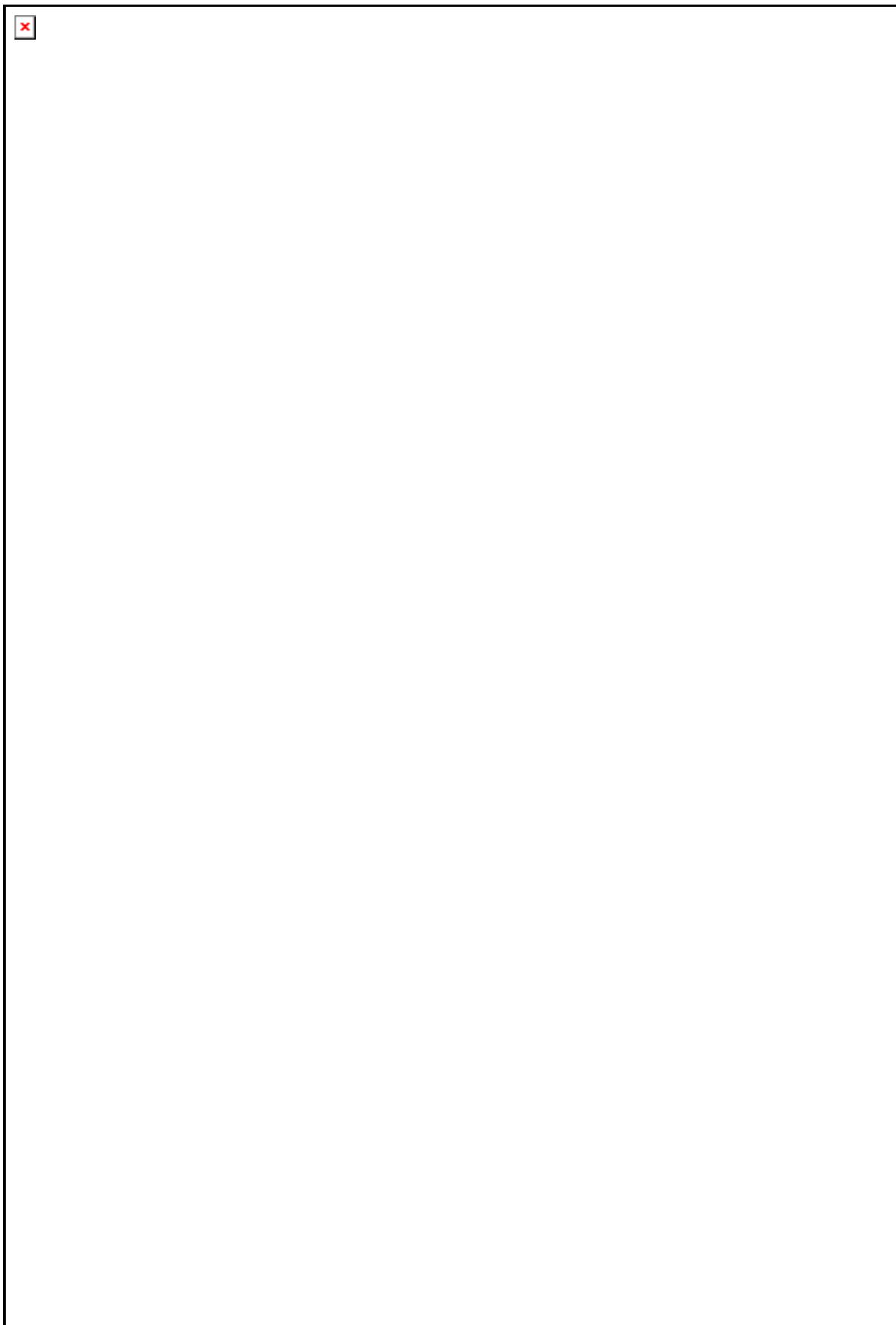


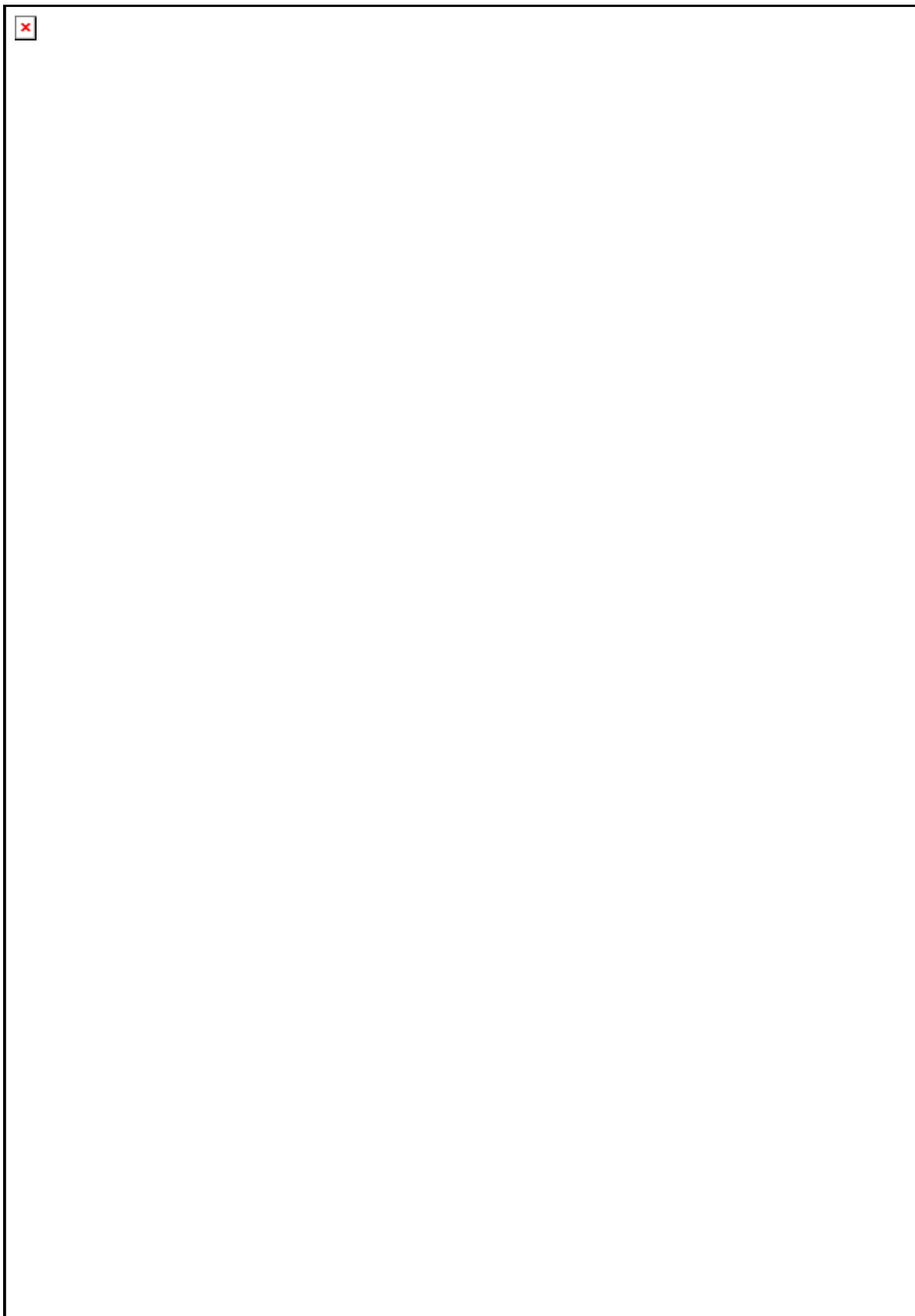


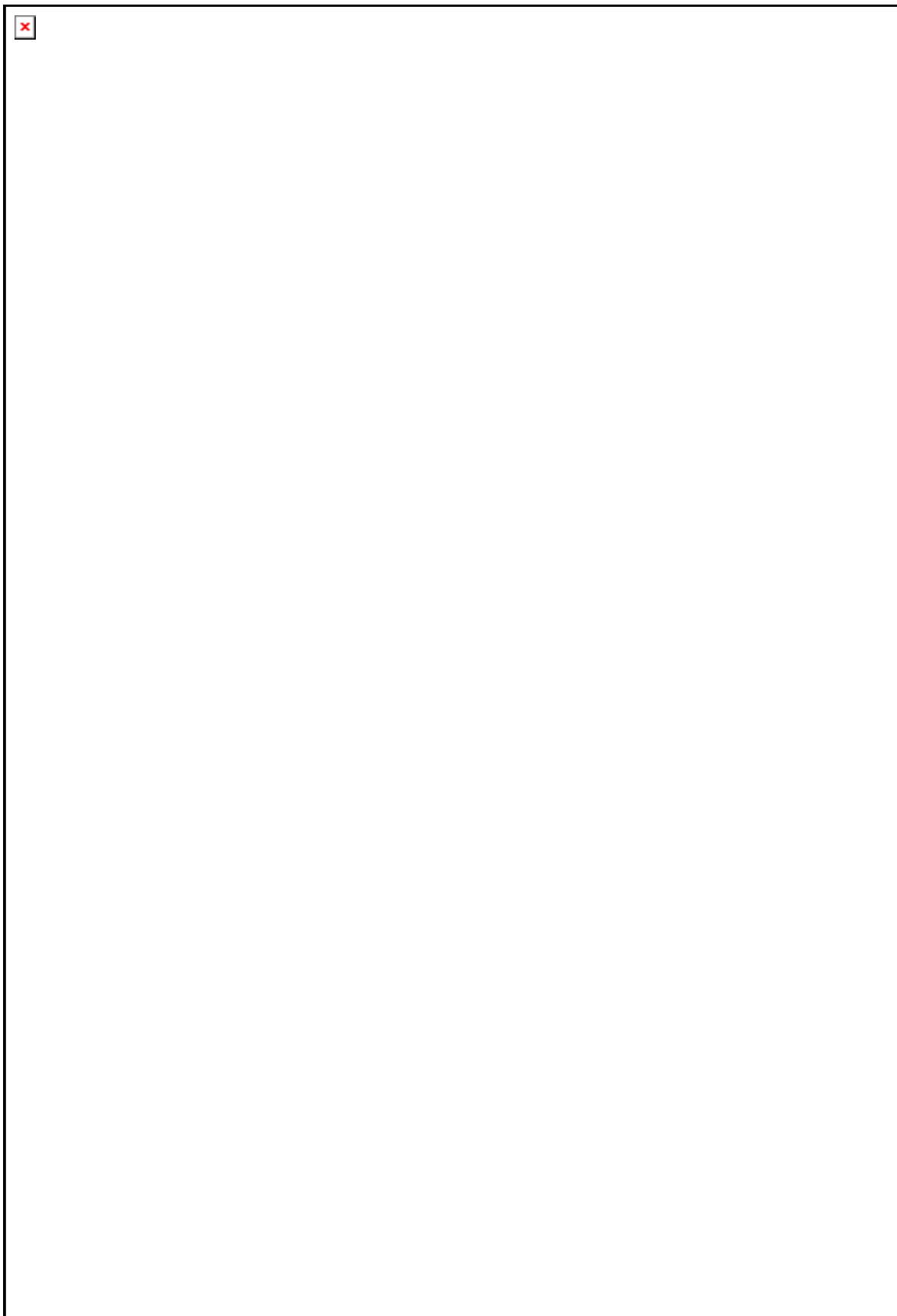


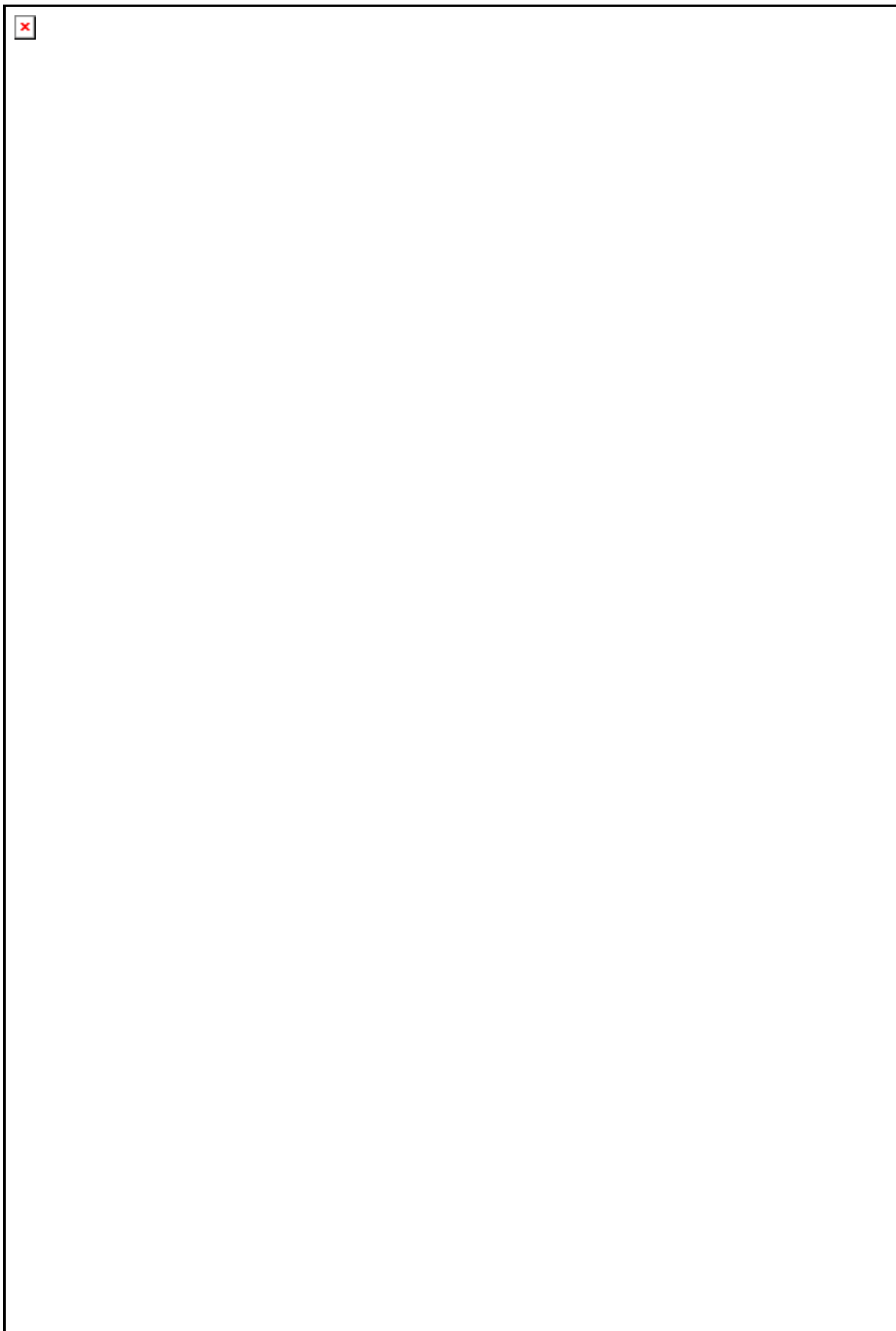
Attachment 2

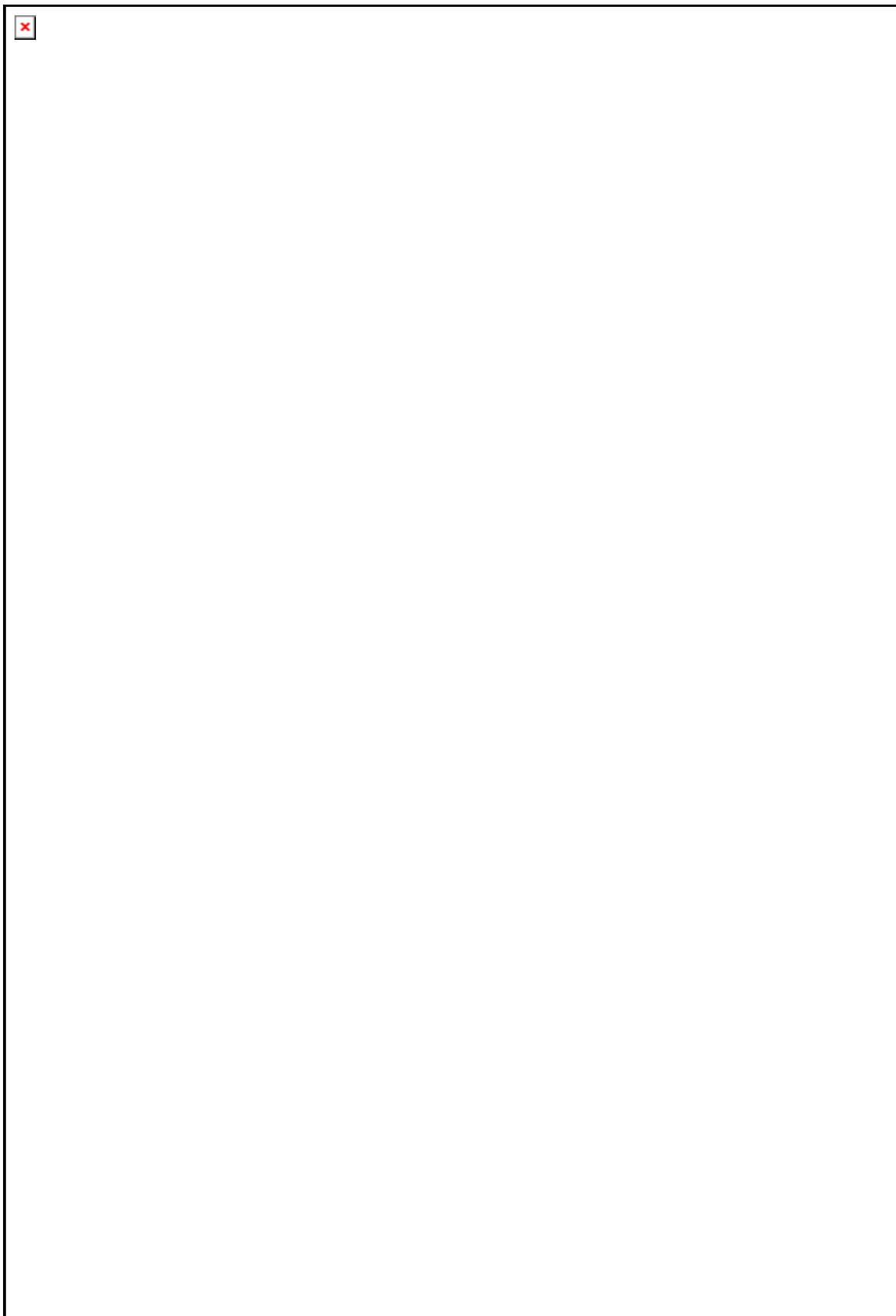


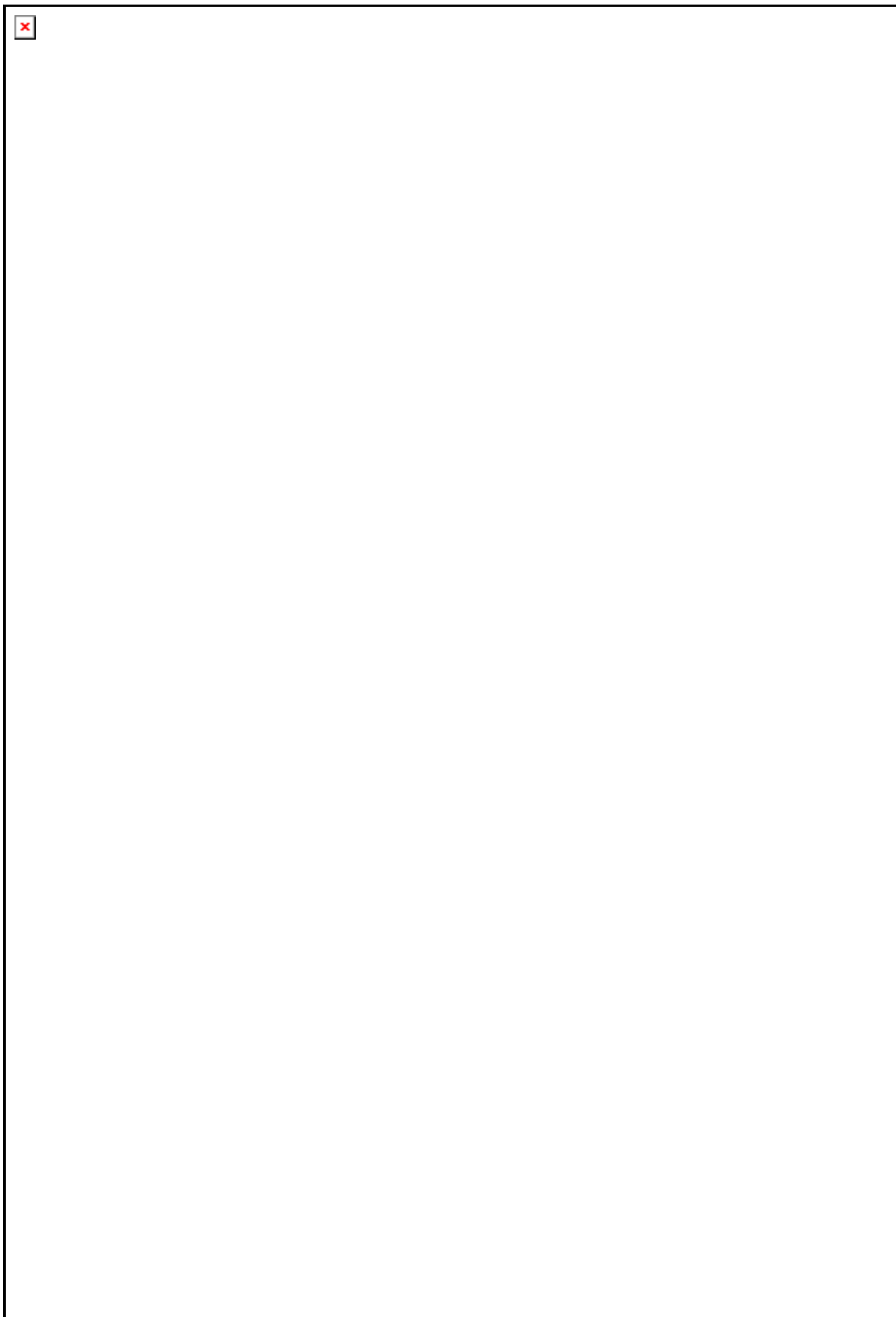


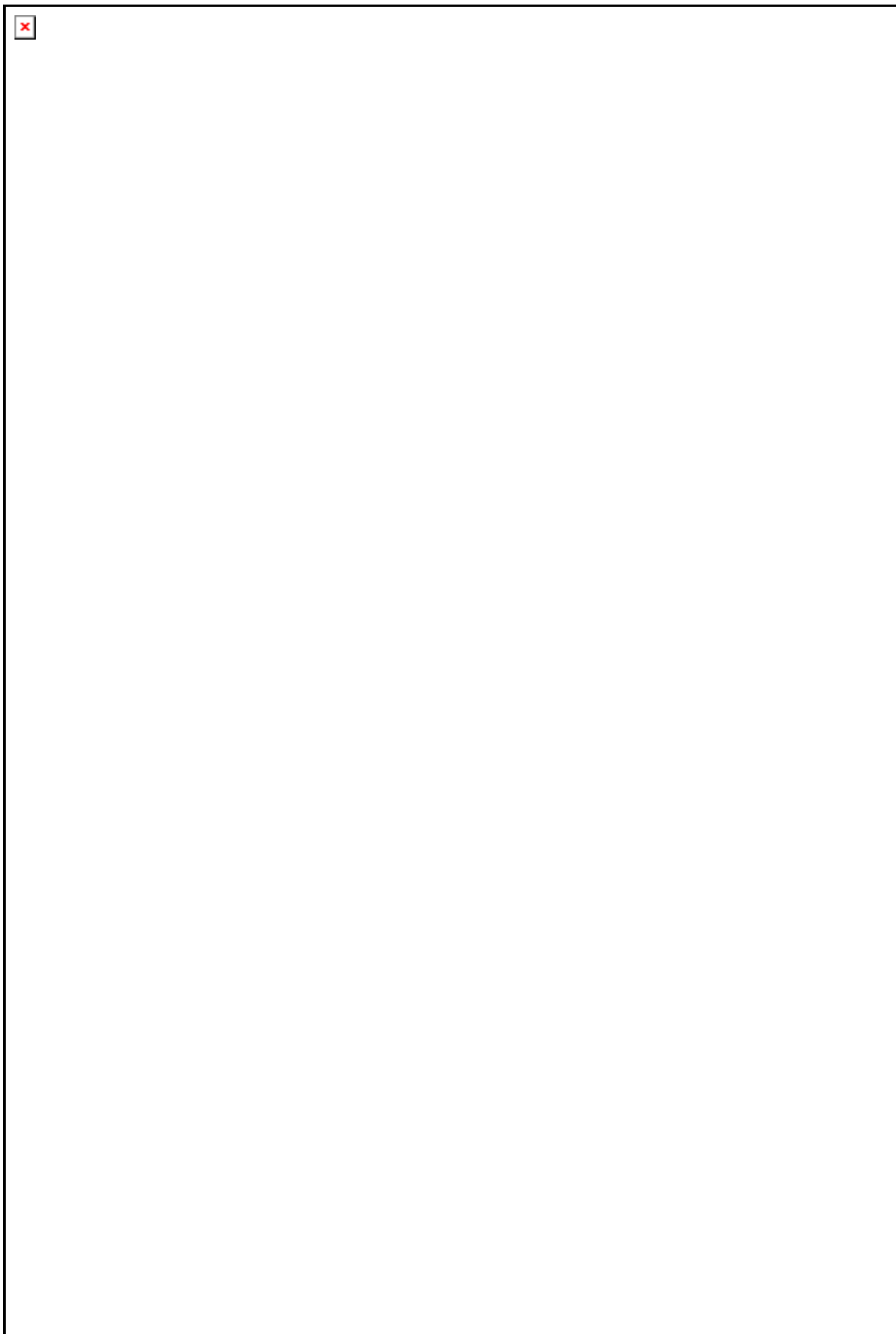


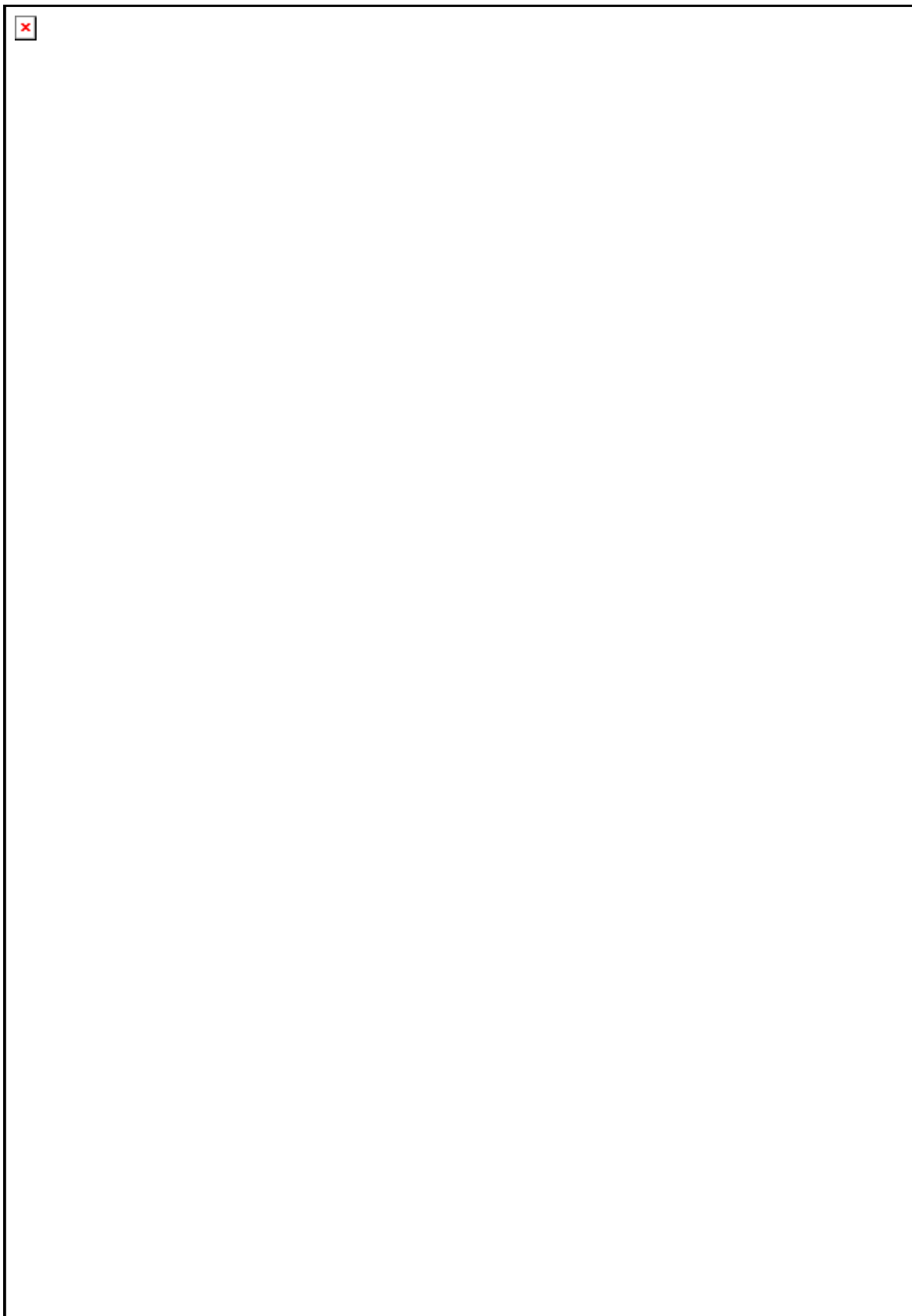


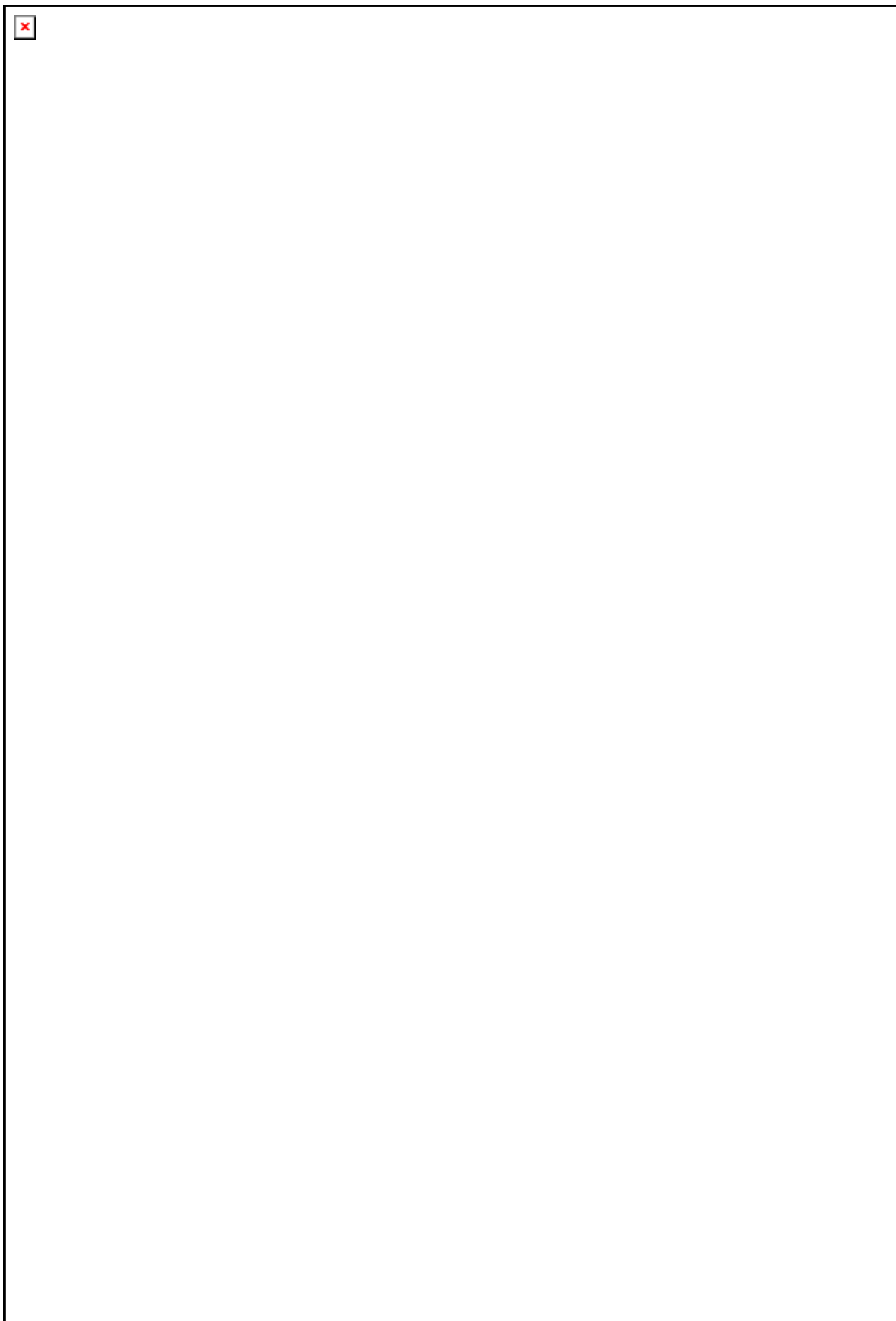


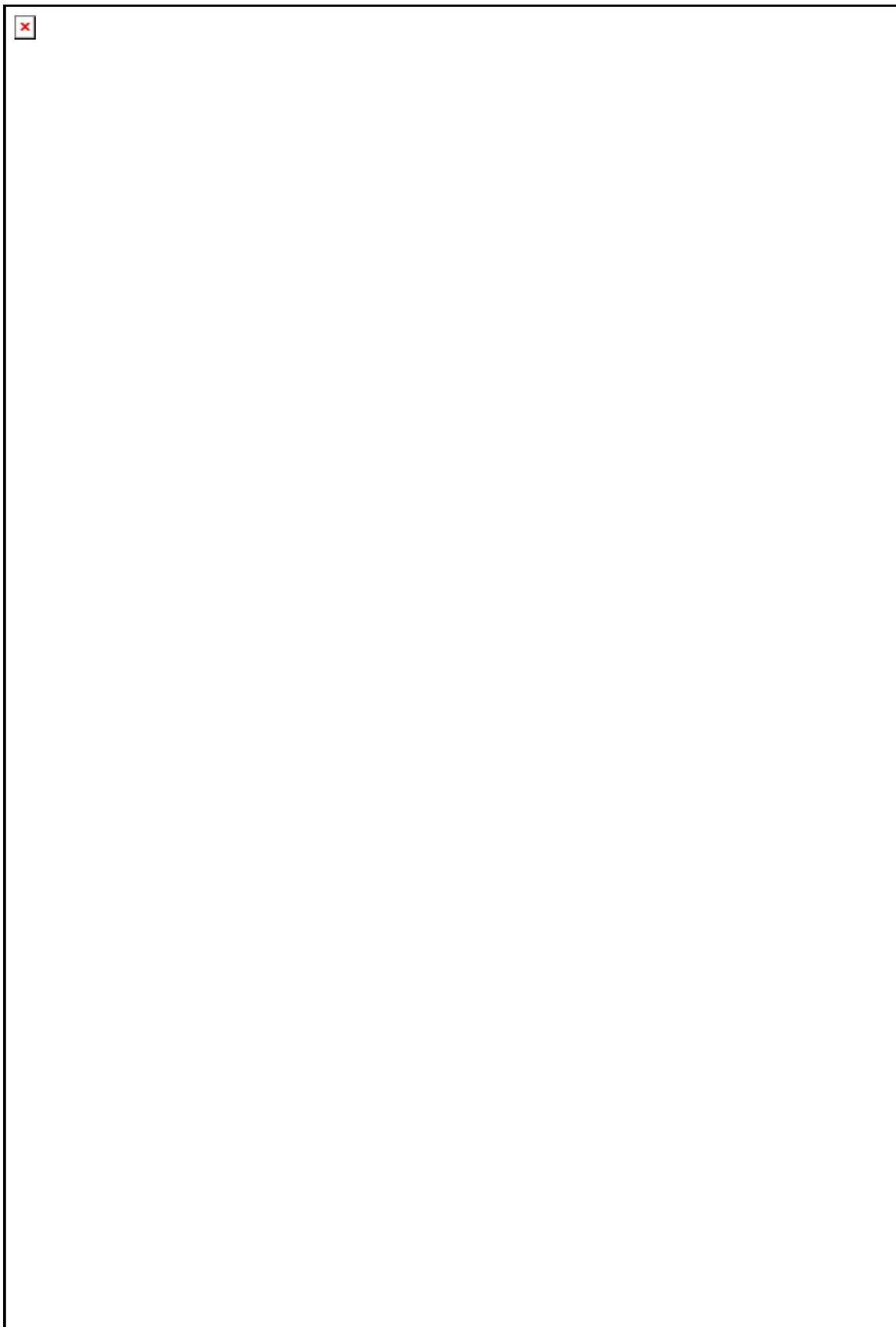


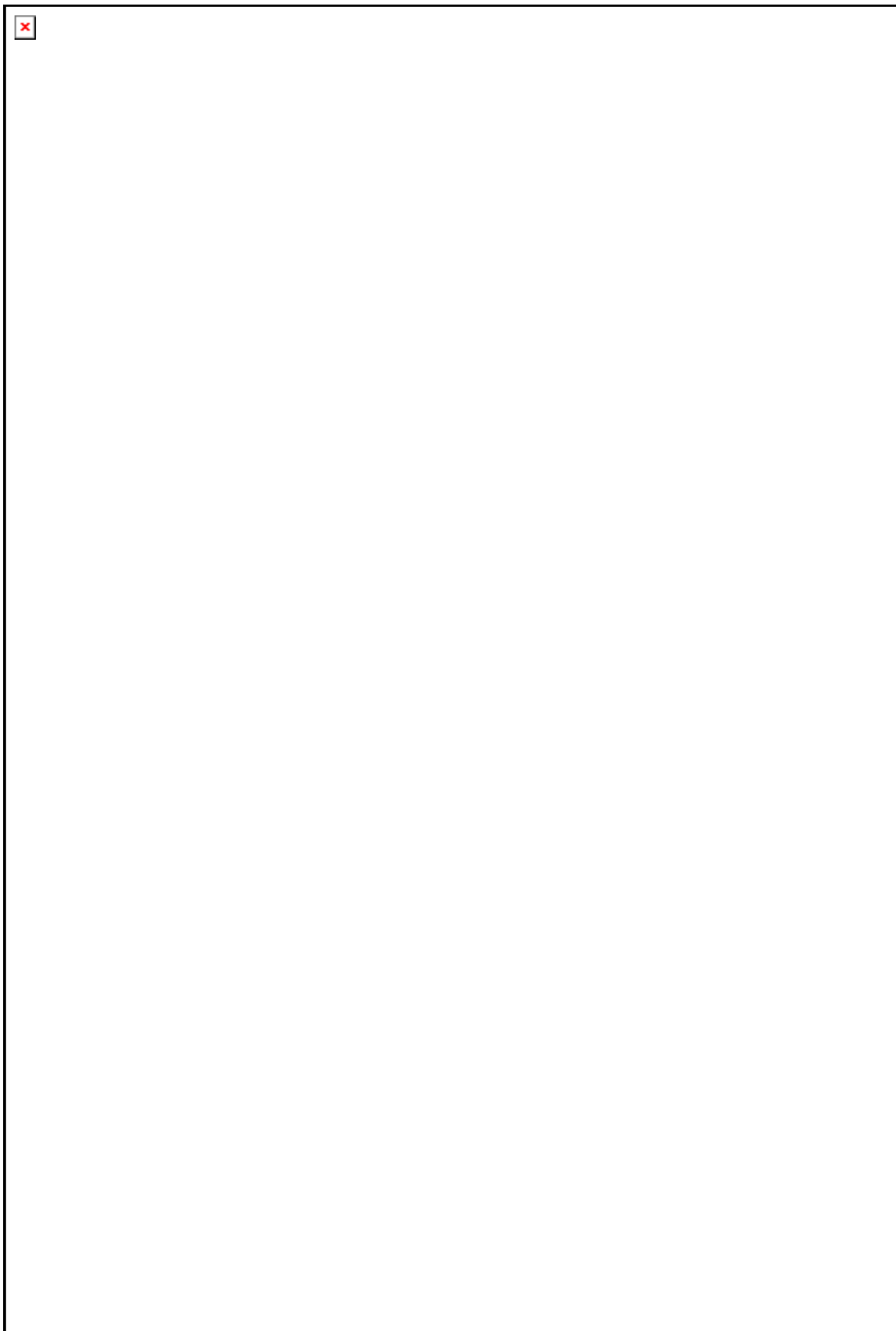




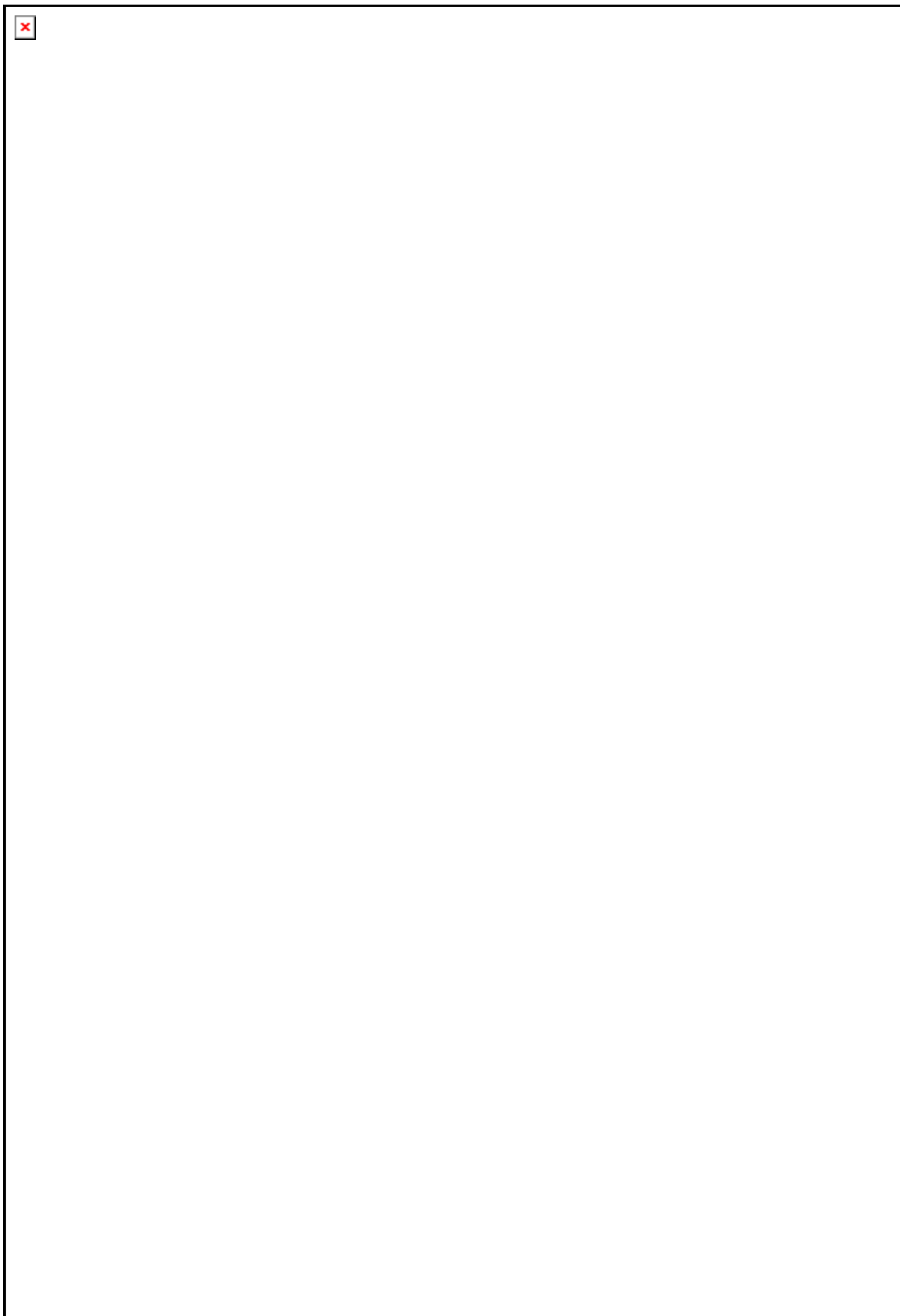




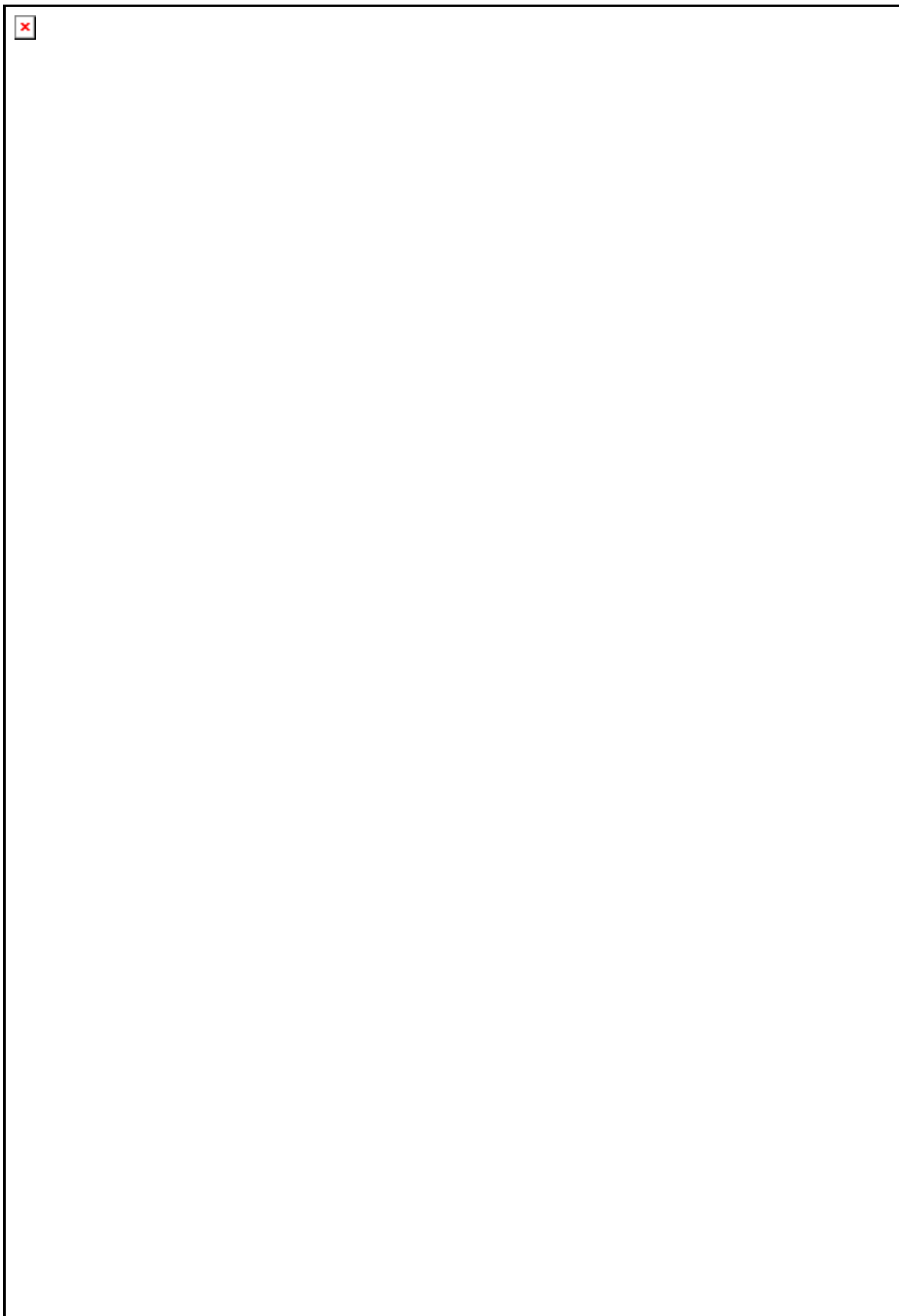




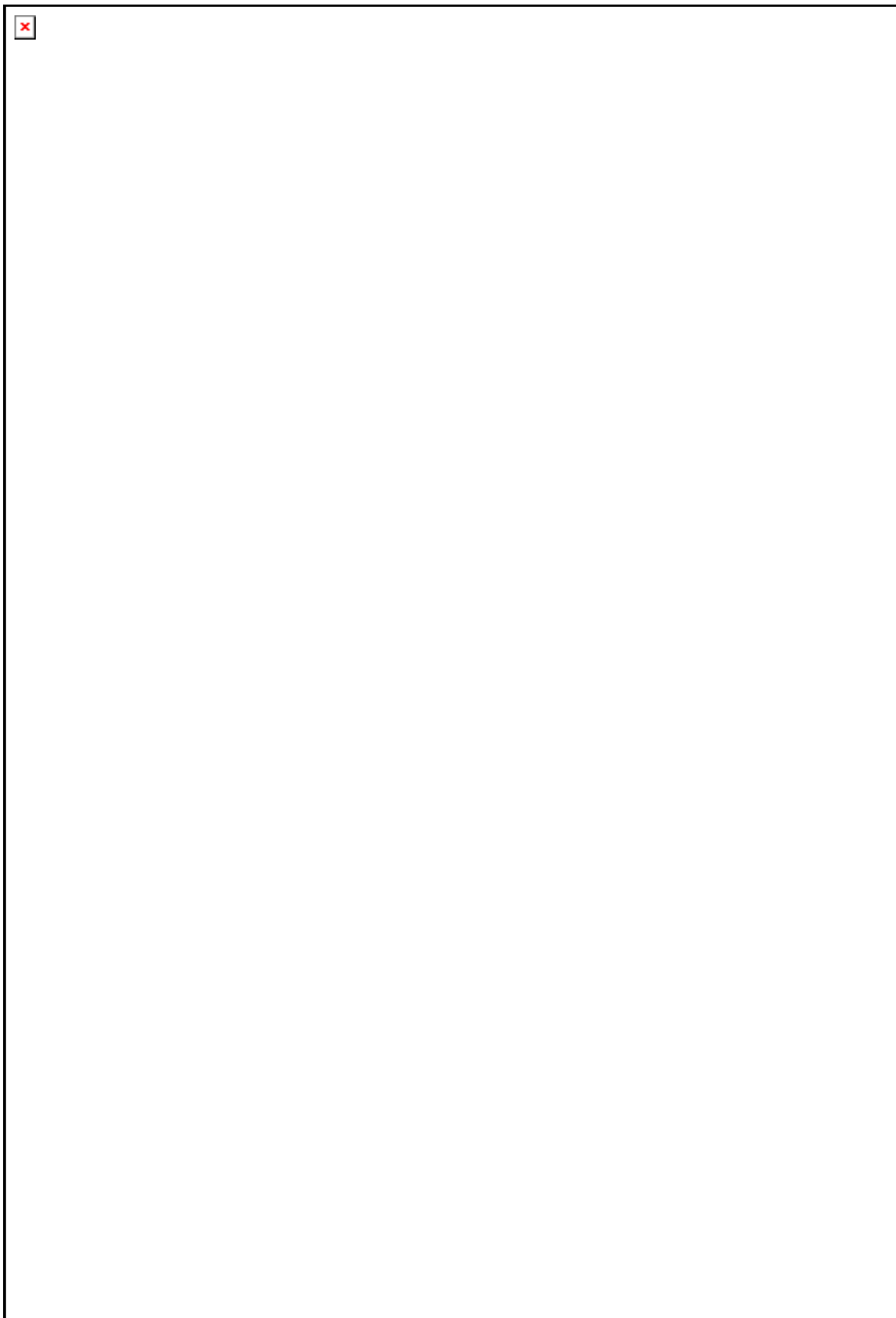


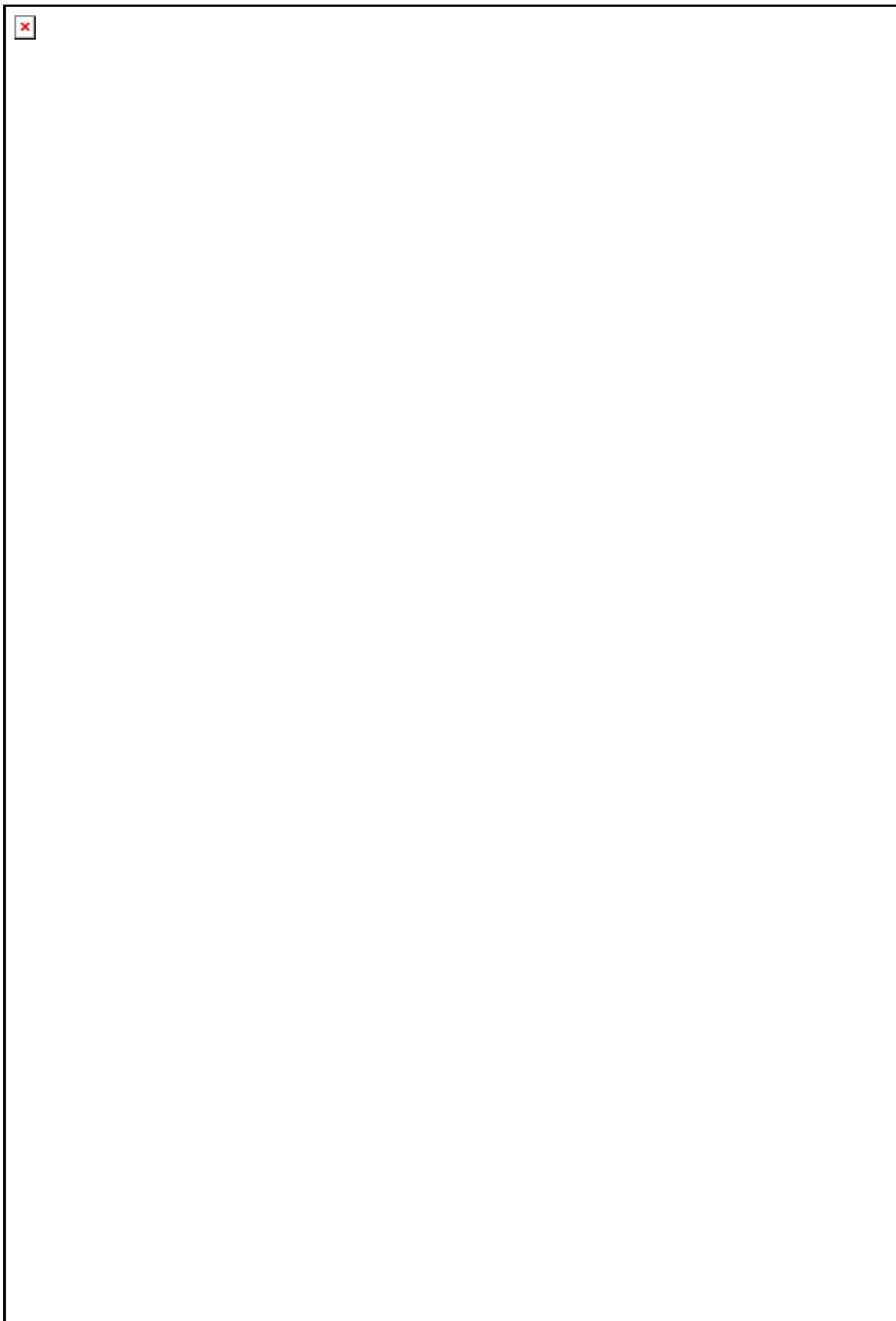


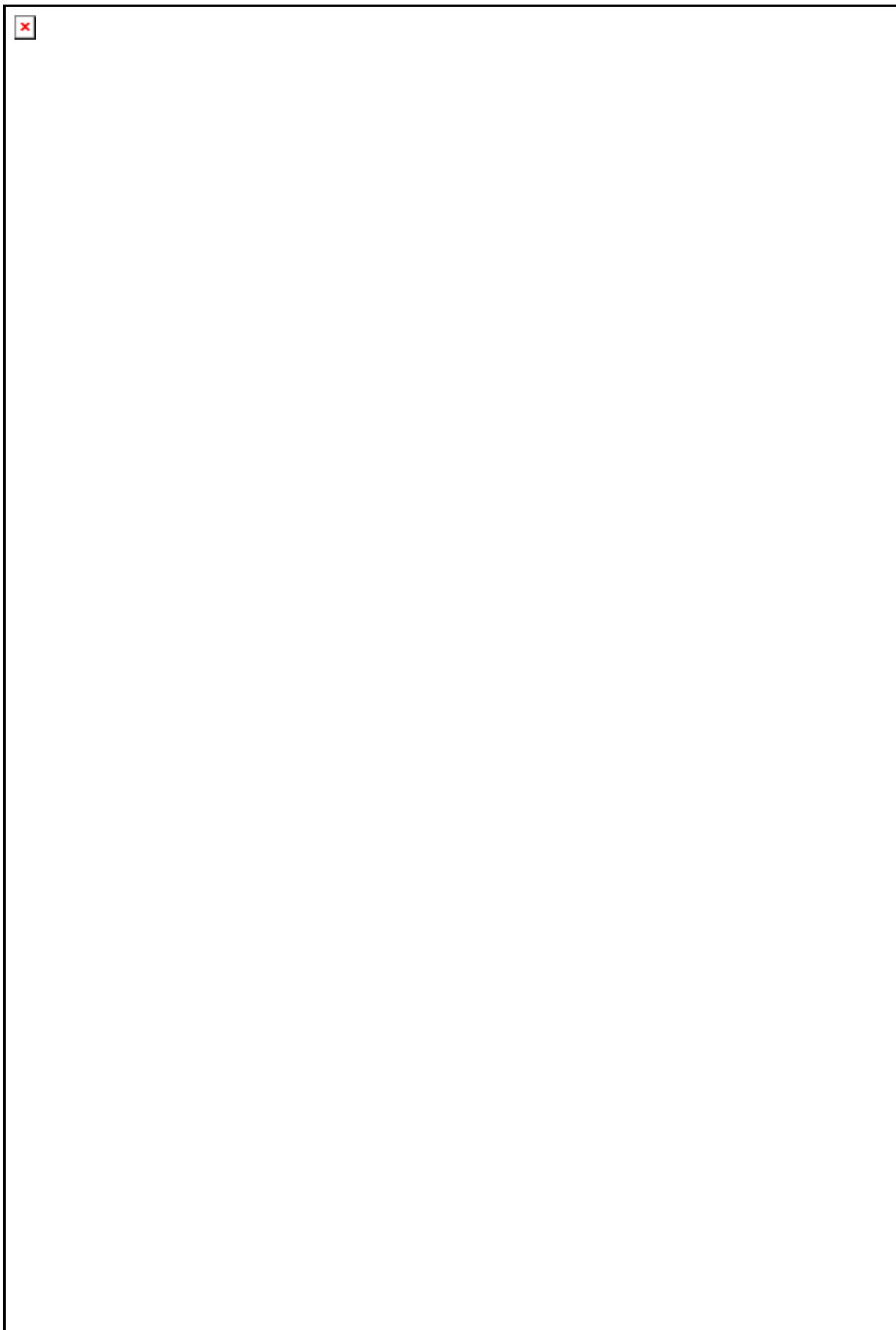


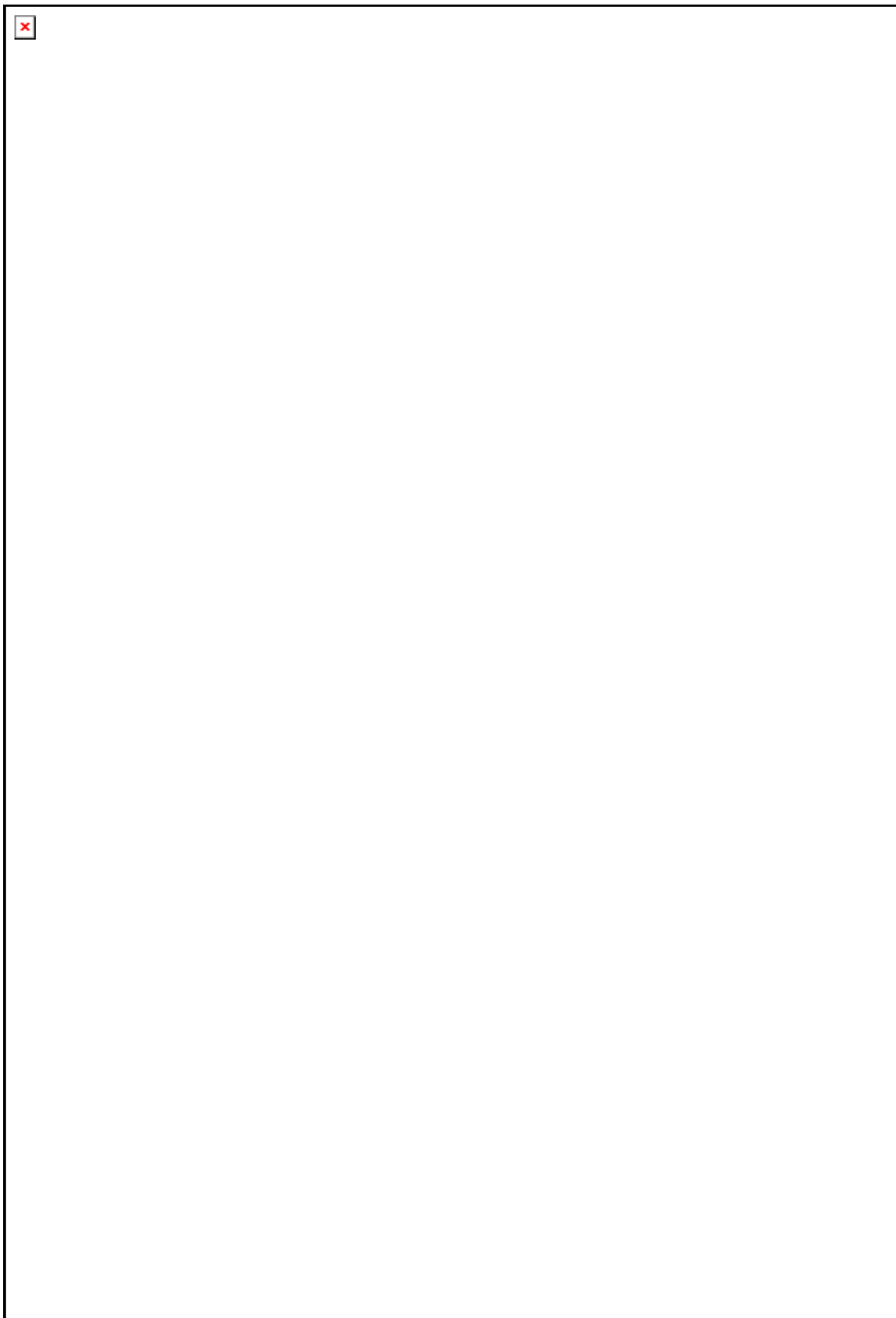


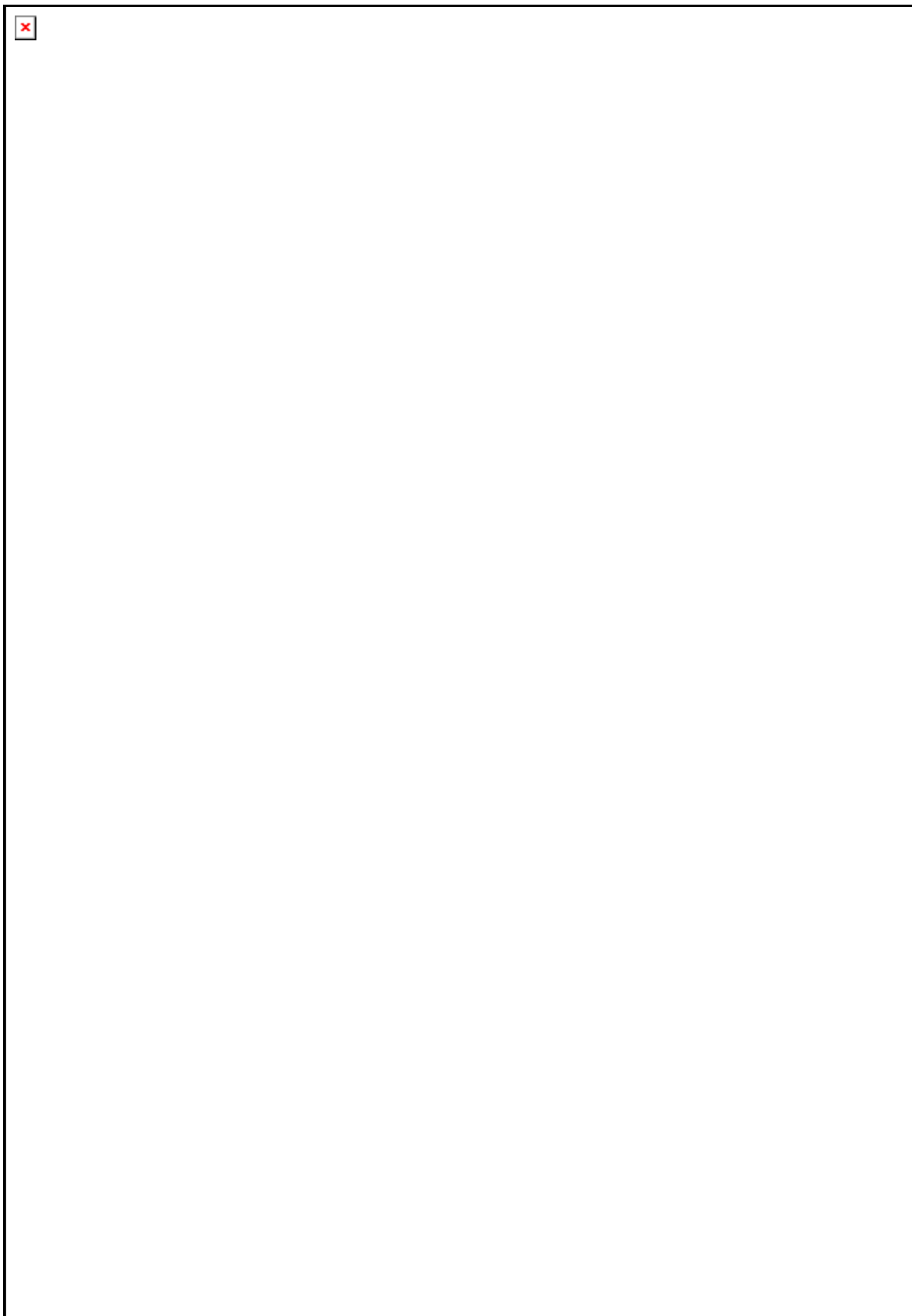


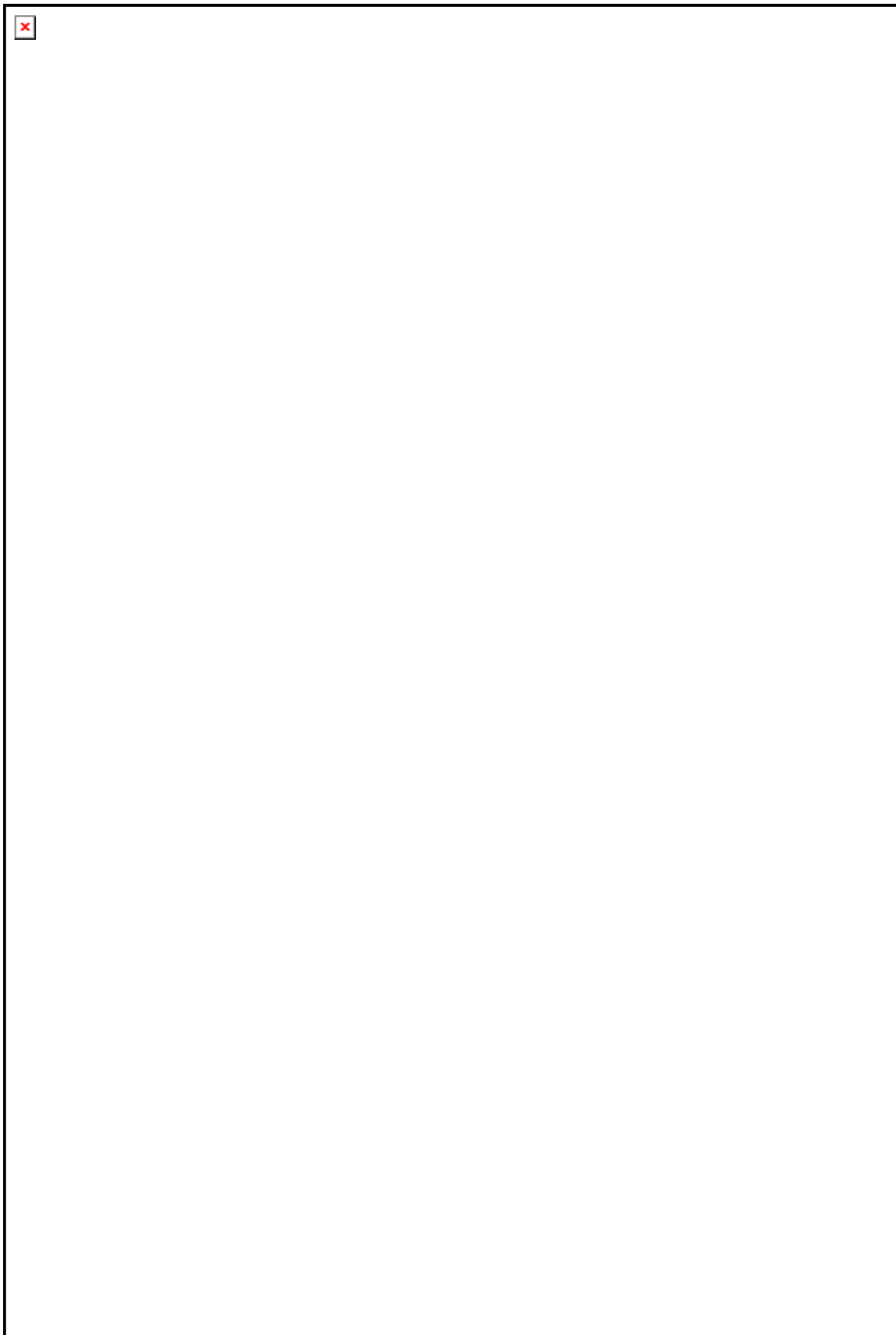


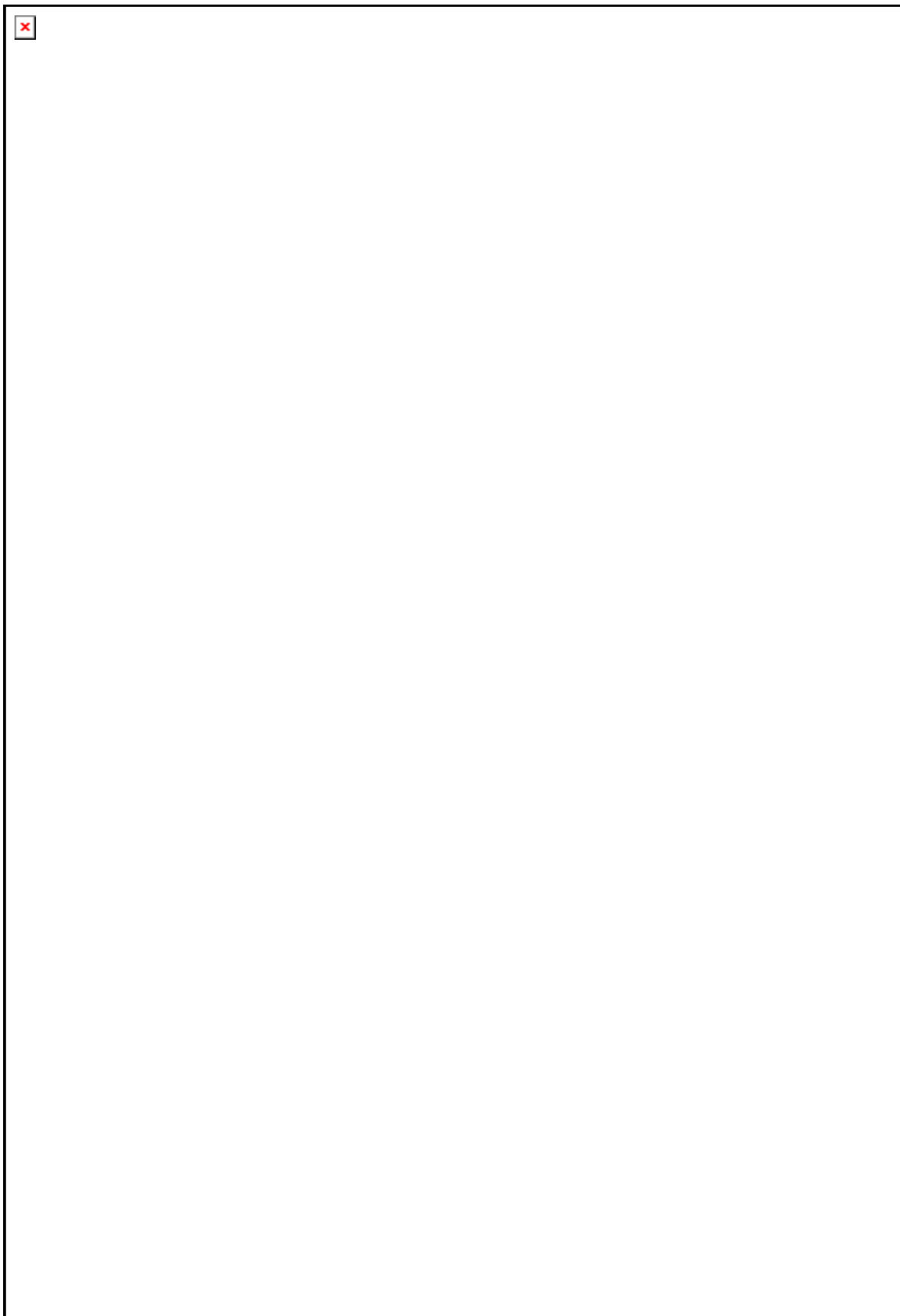


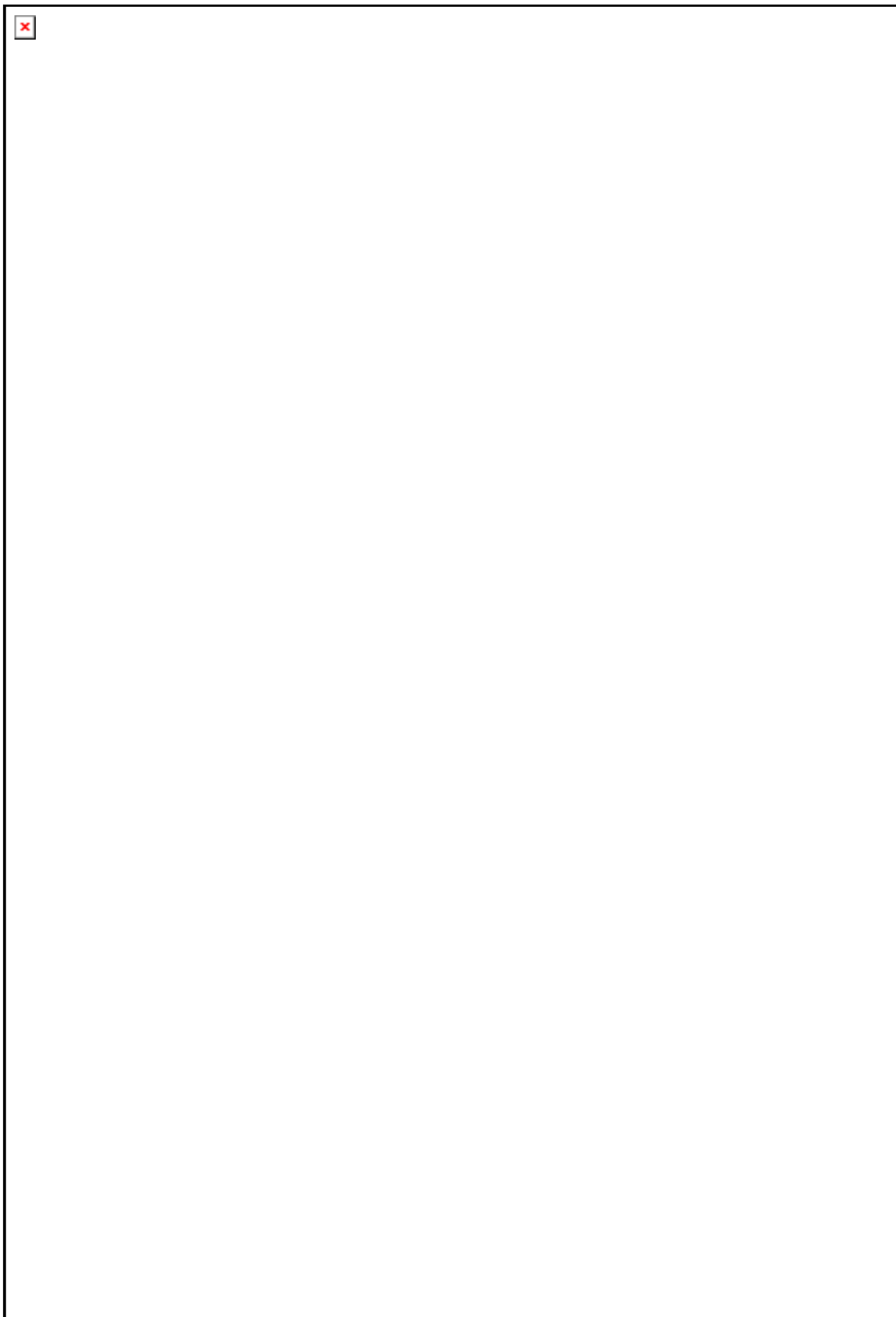


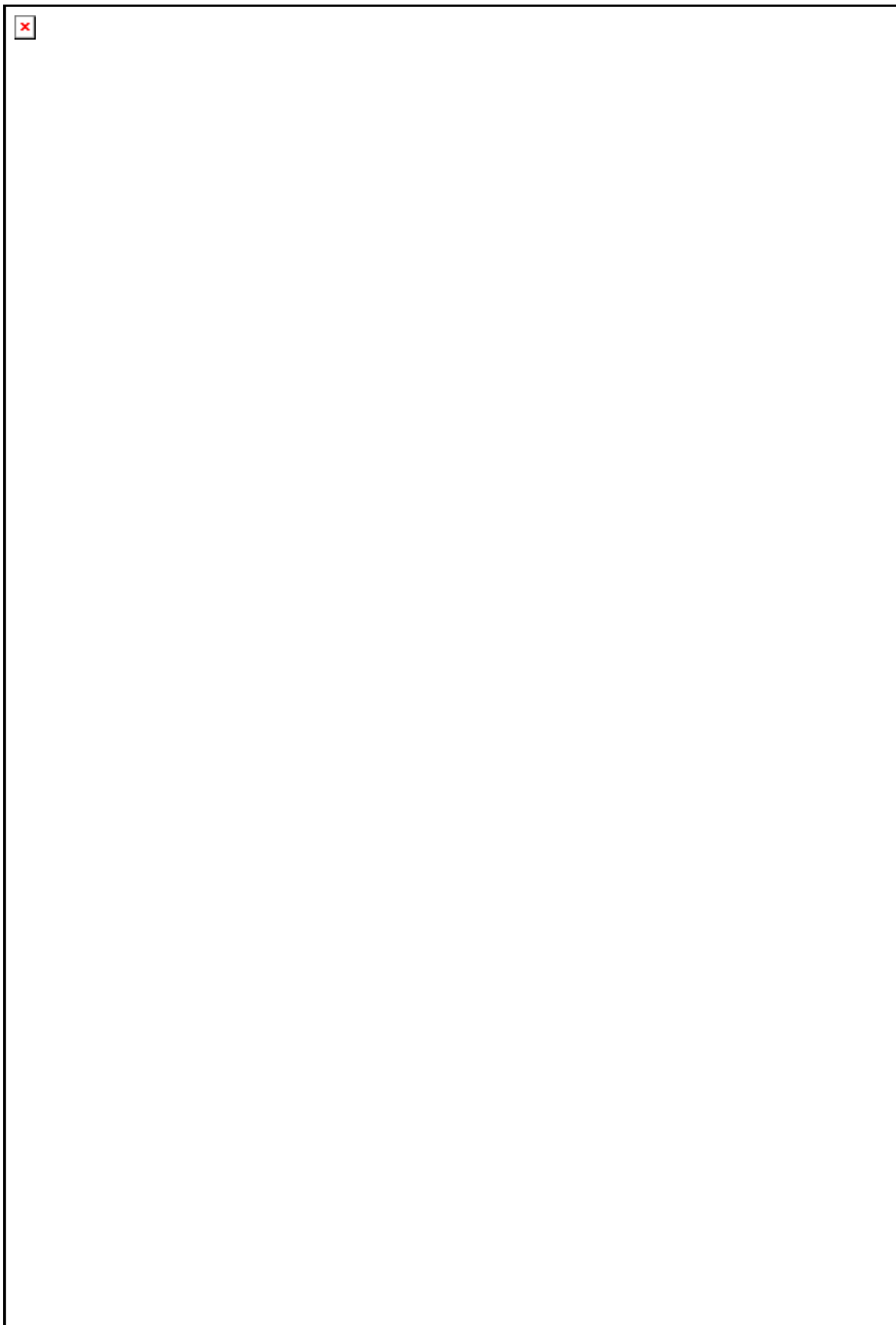




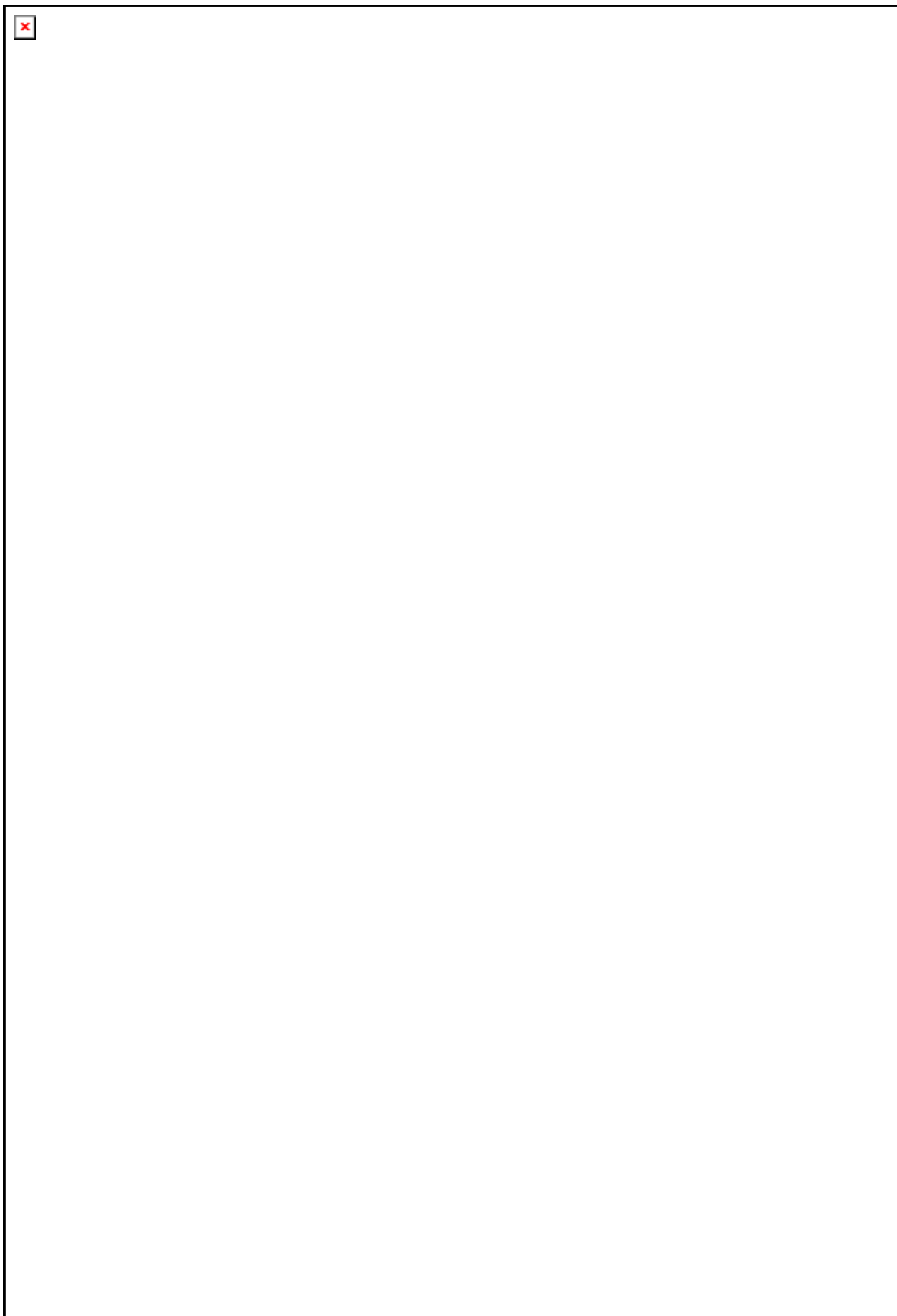




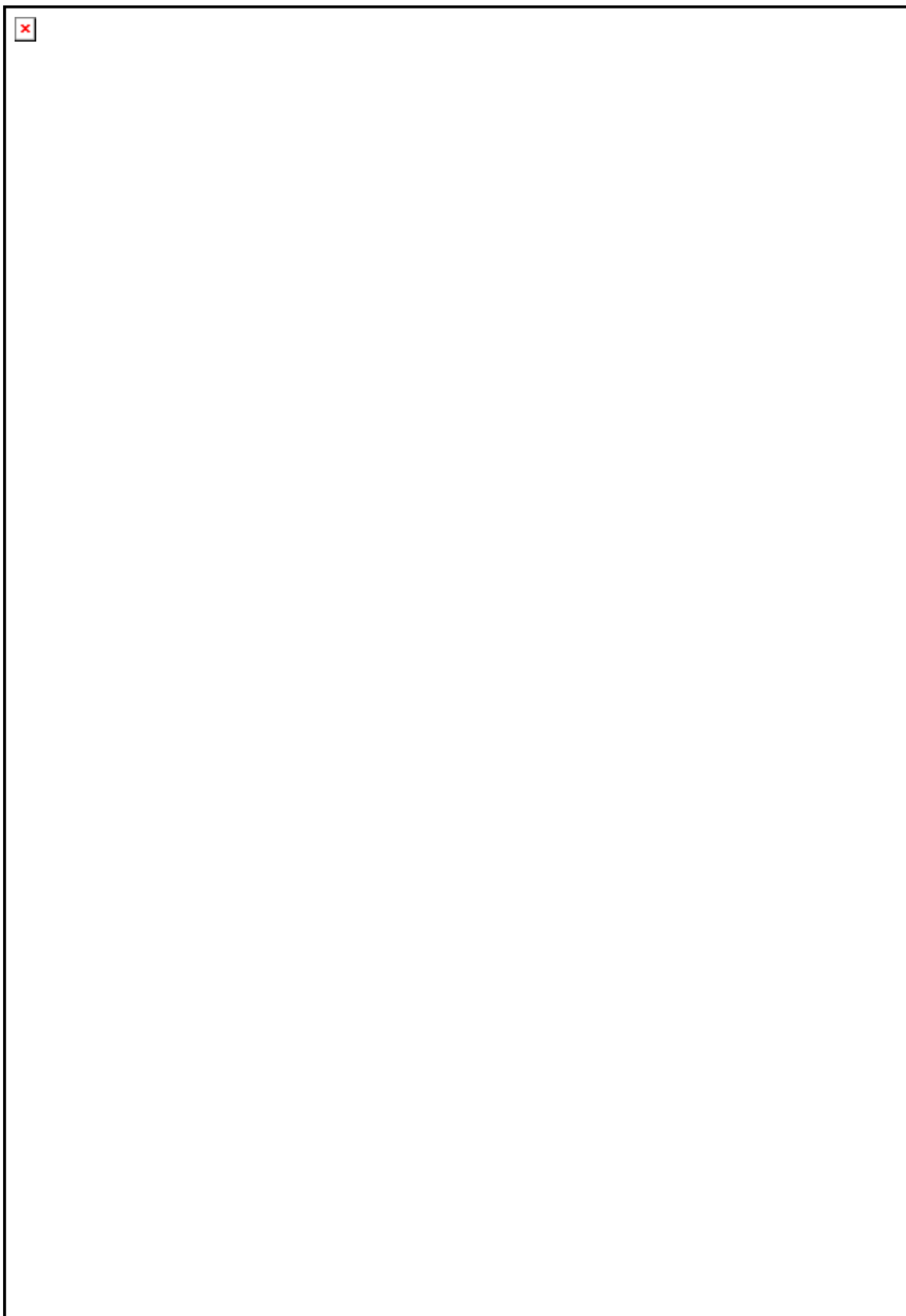


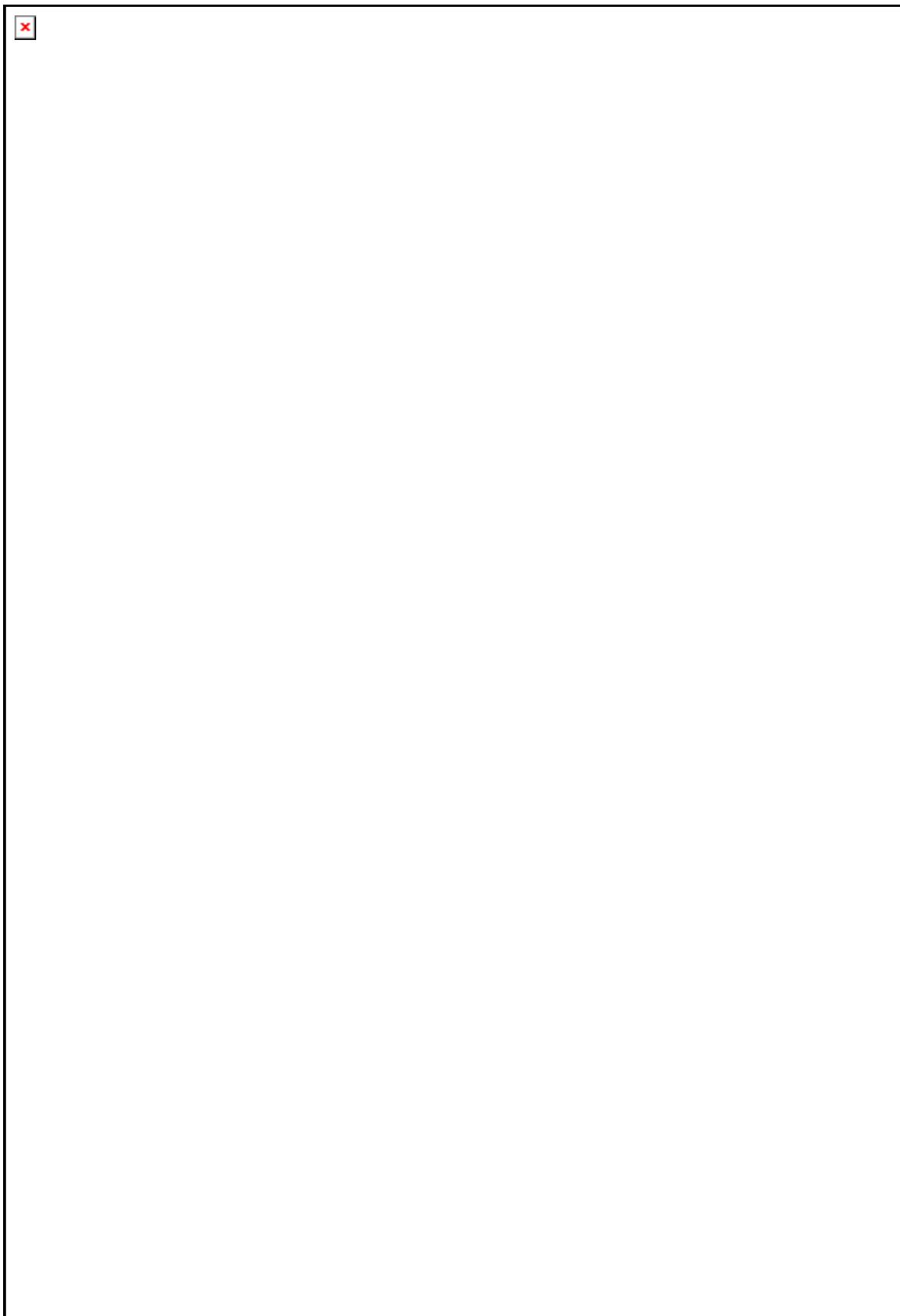


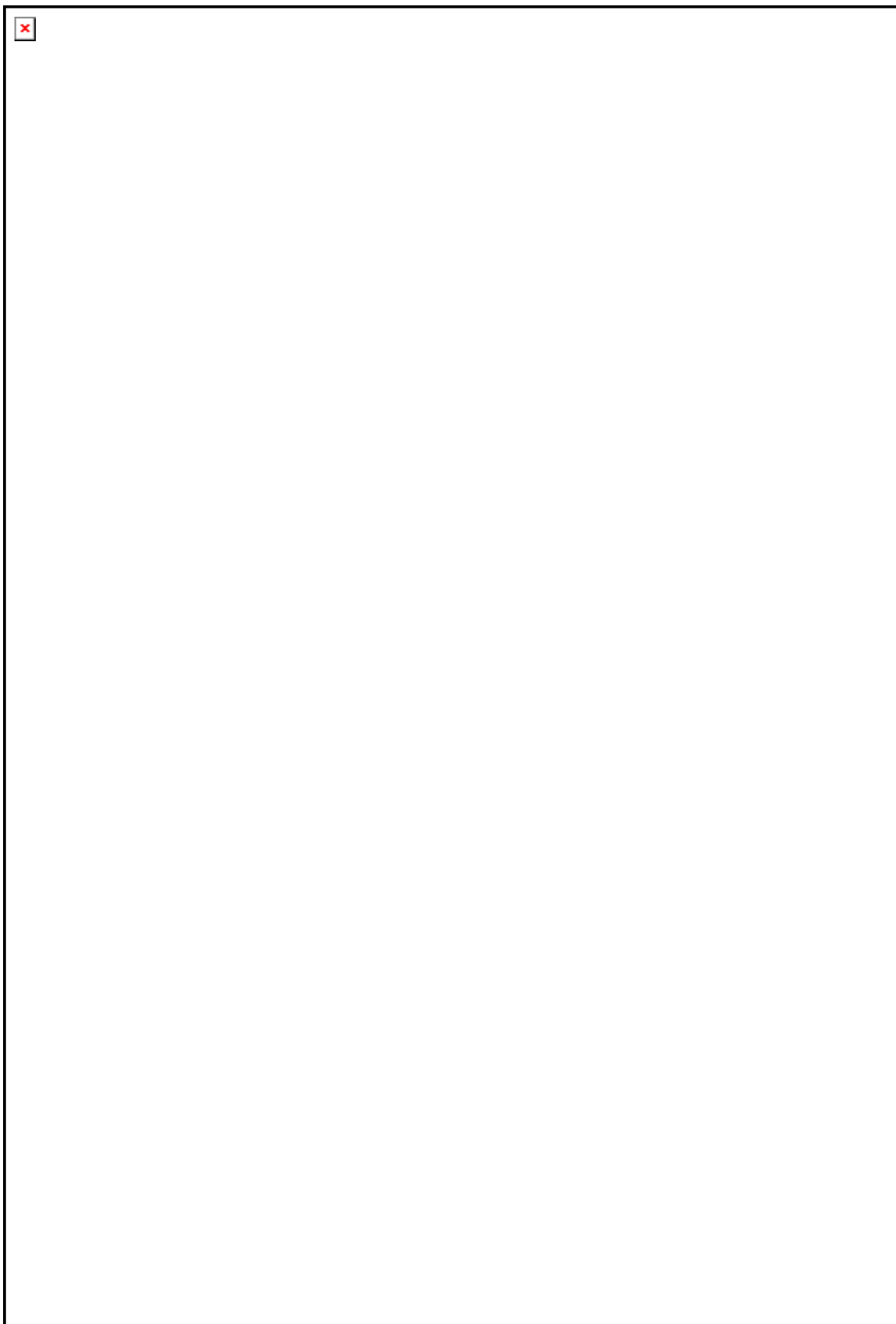




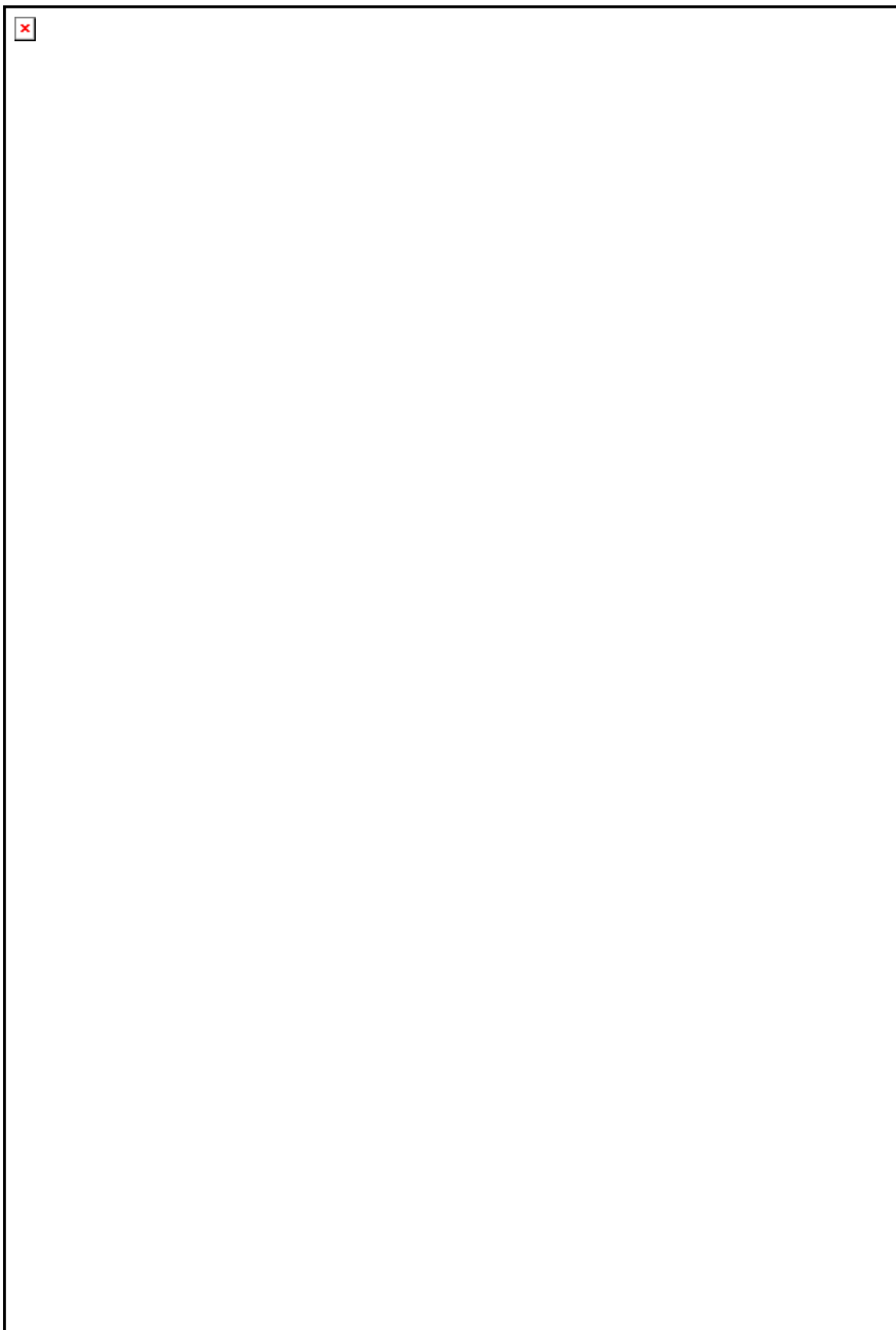
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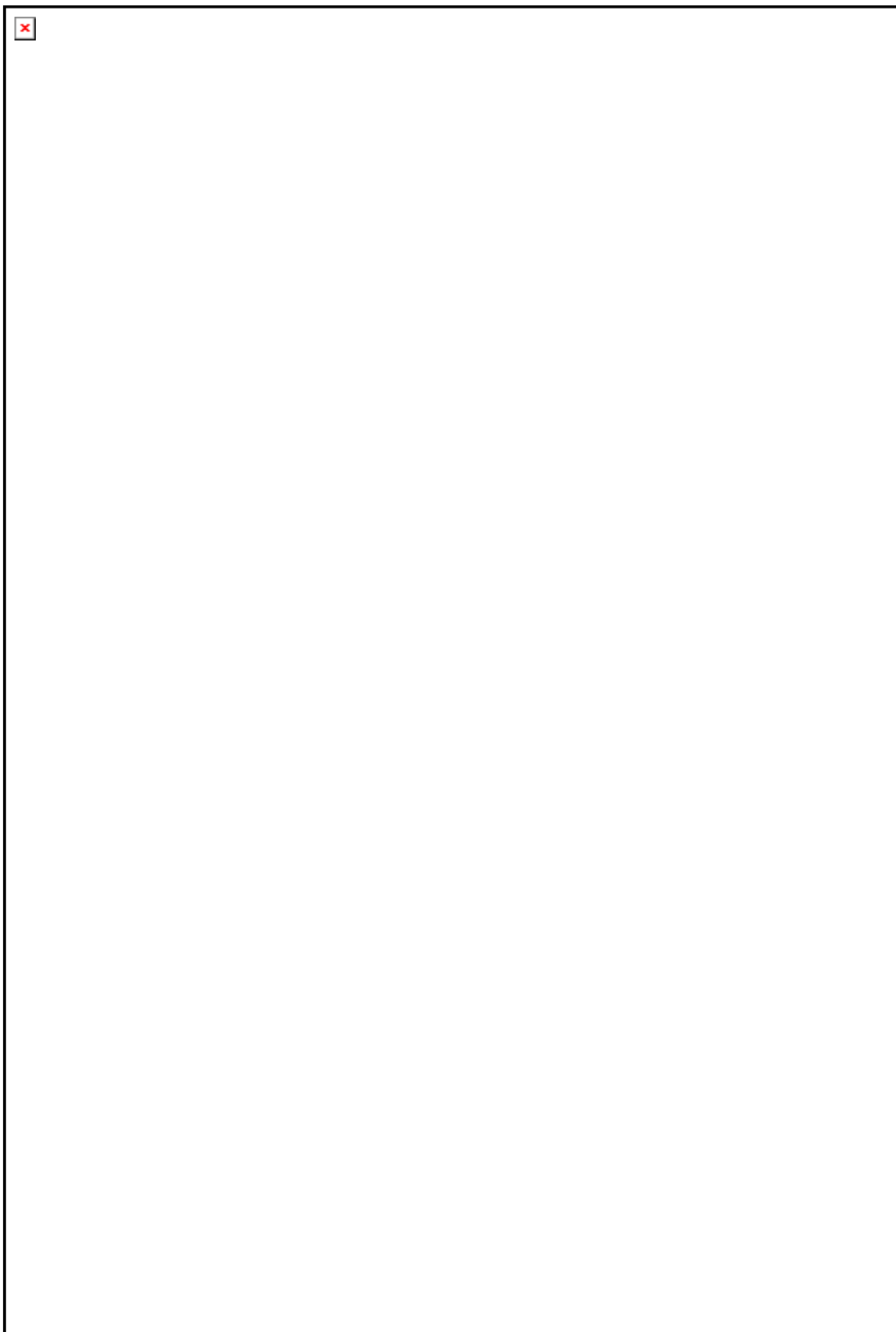


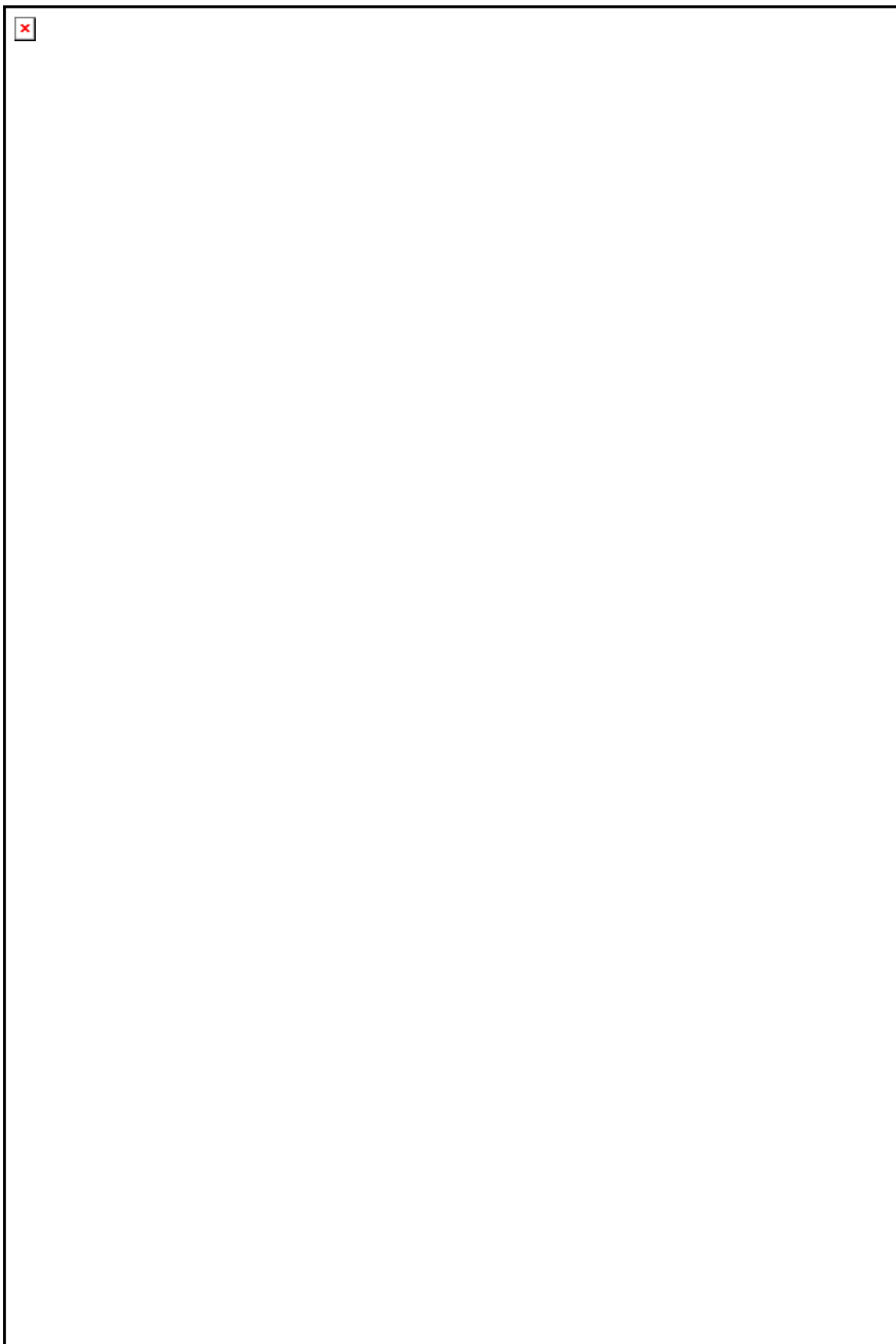




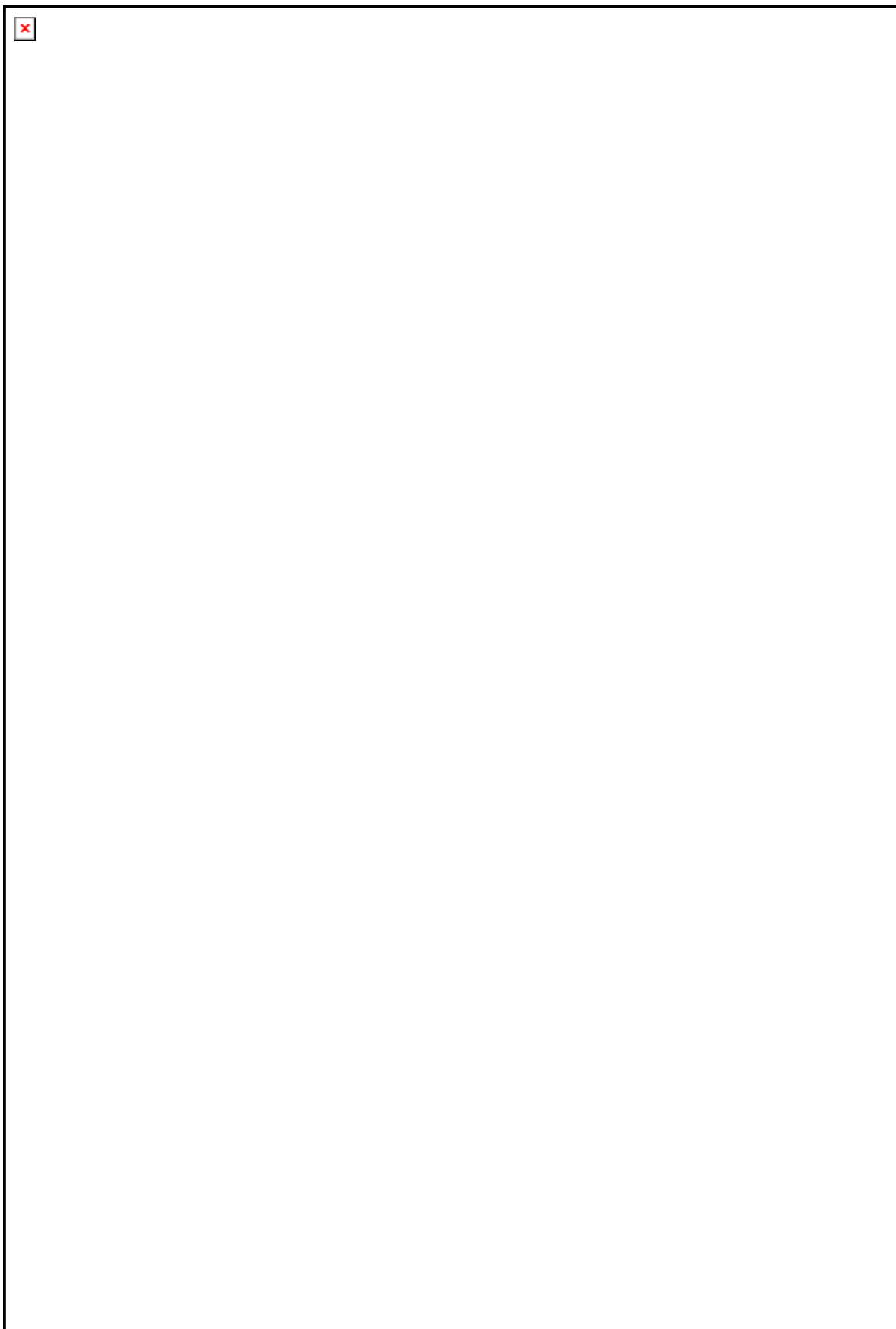




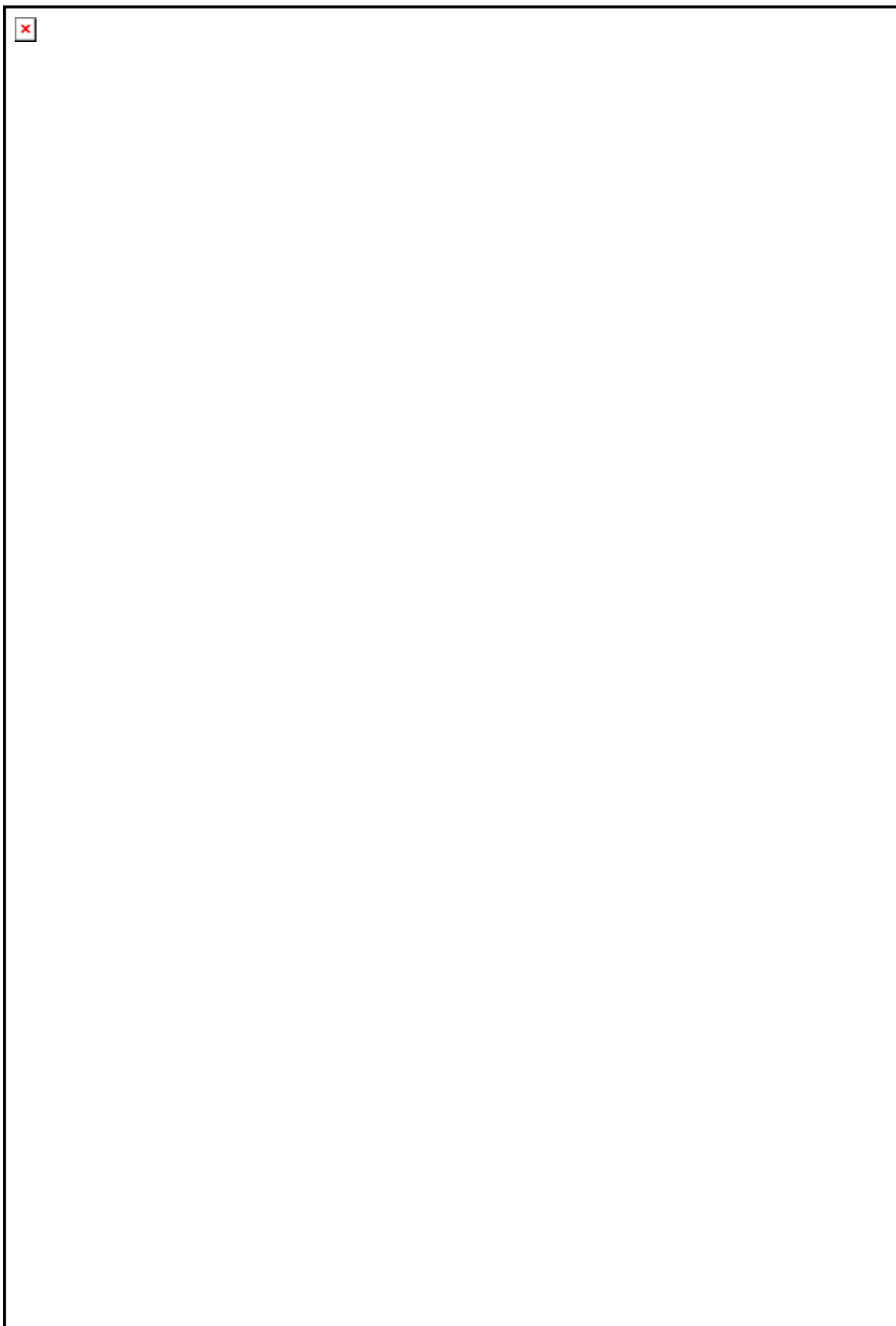








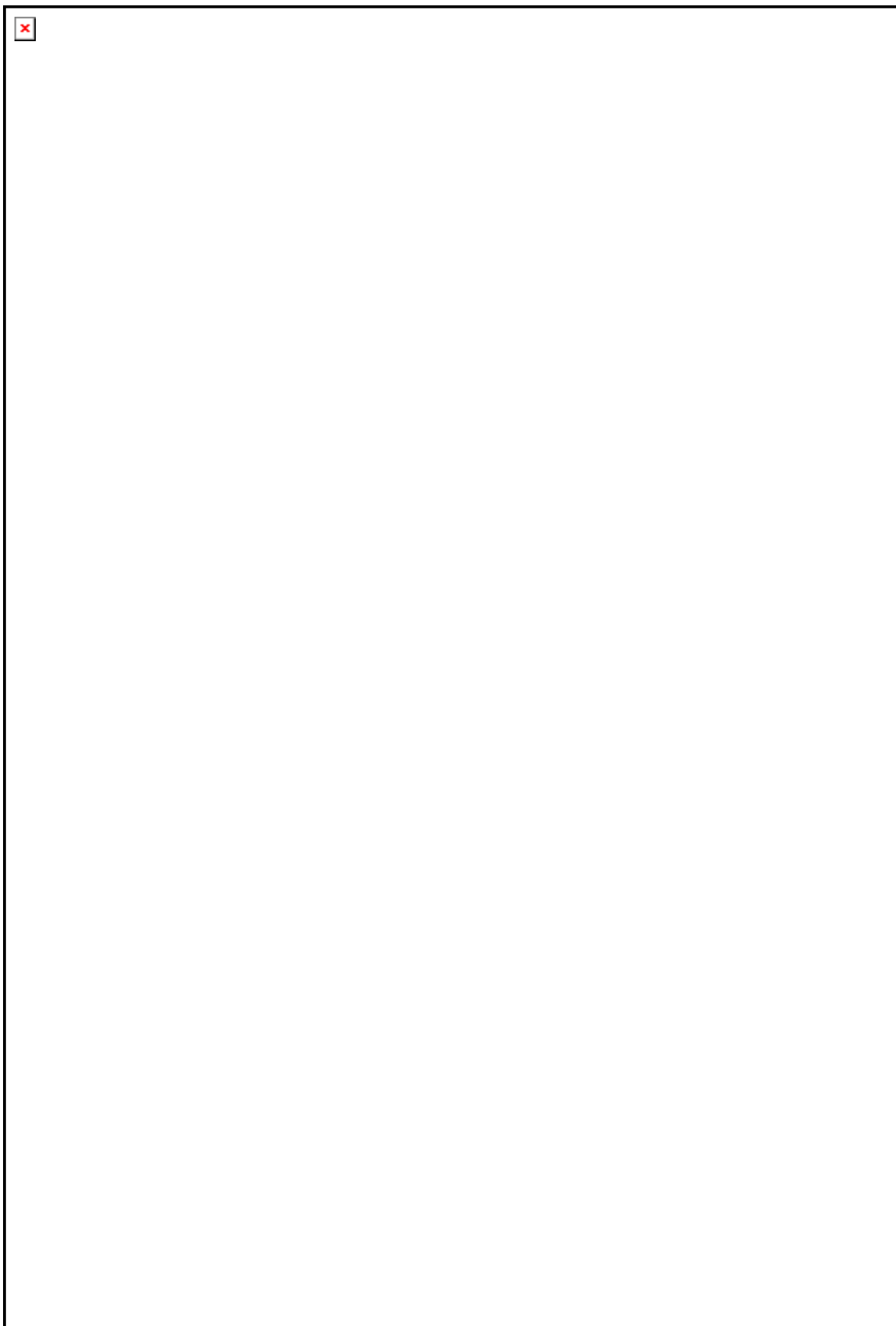
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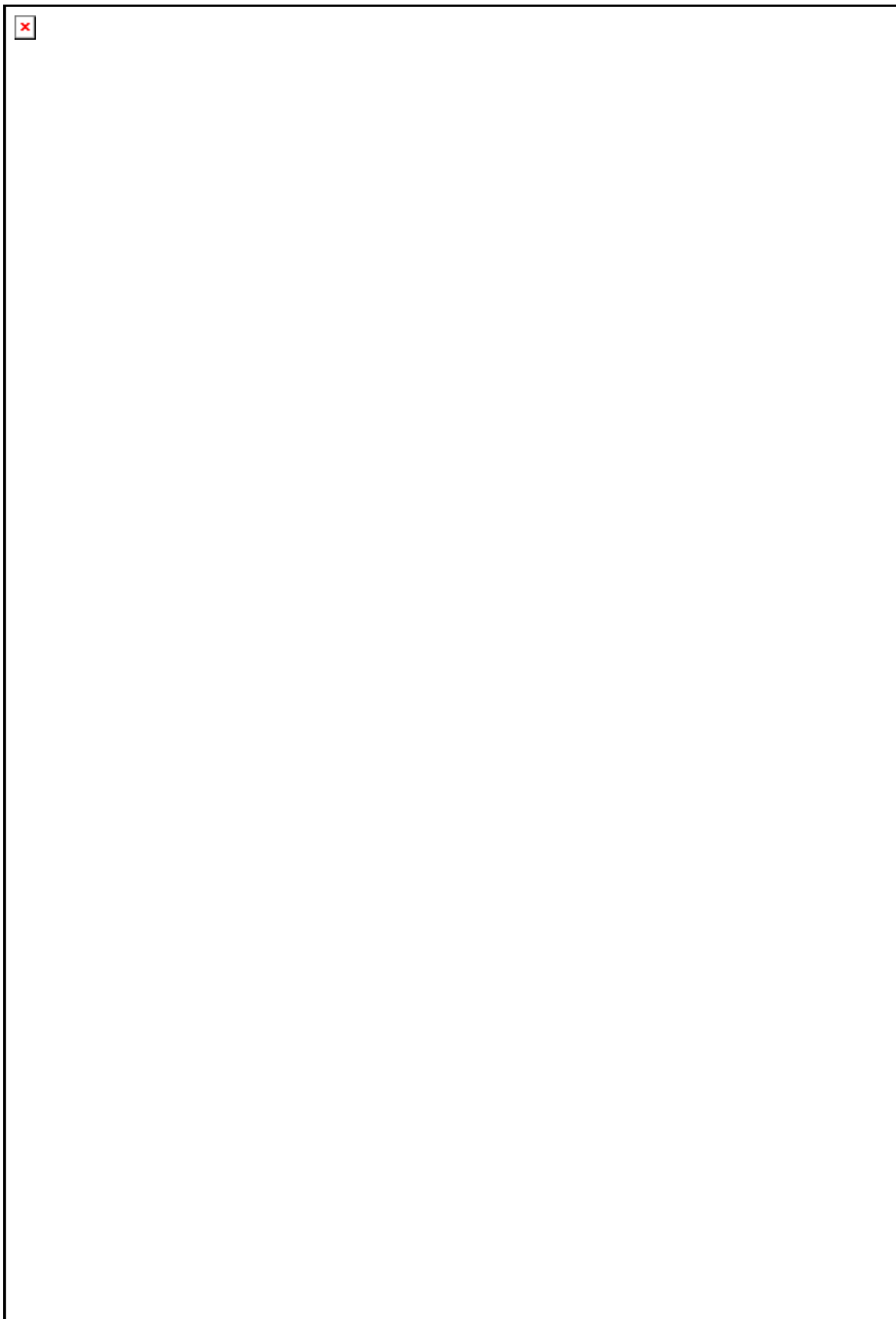


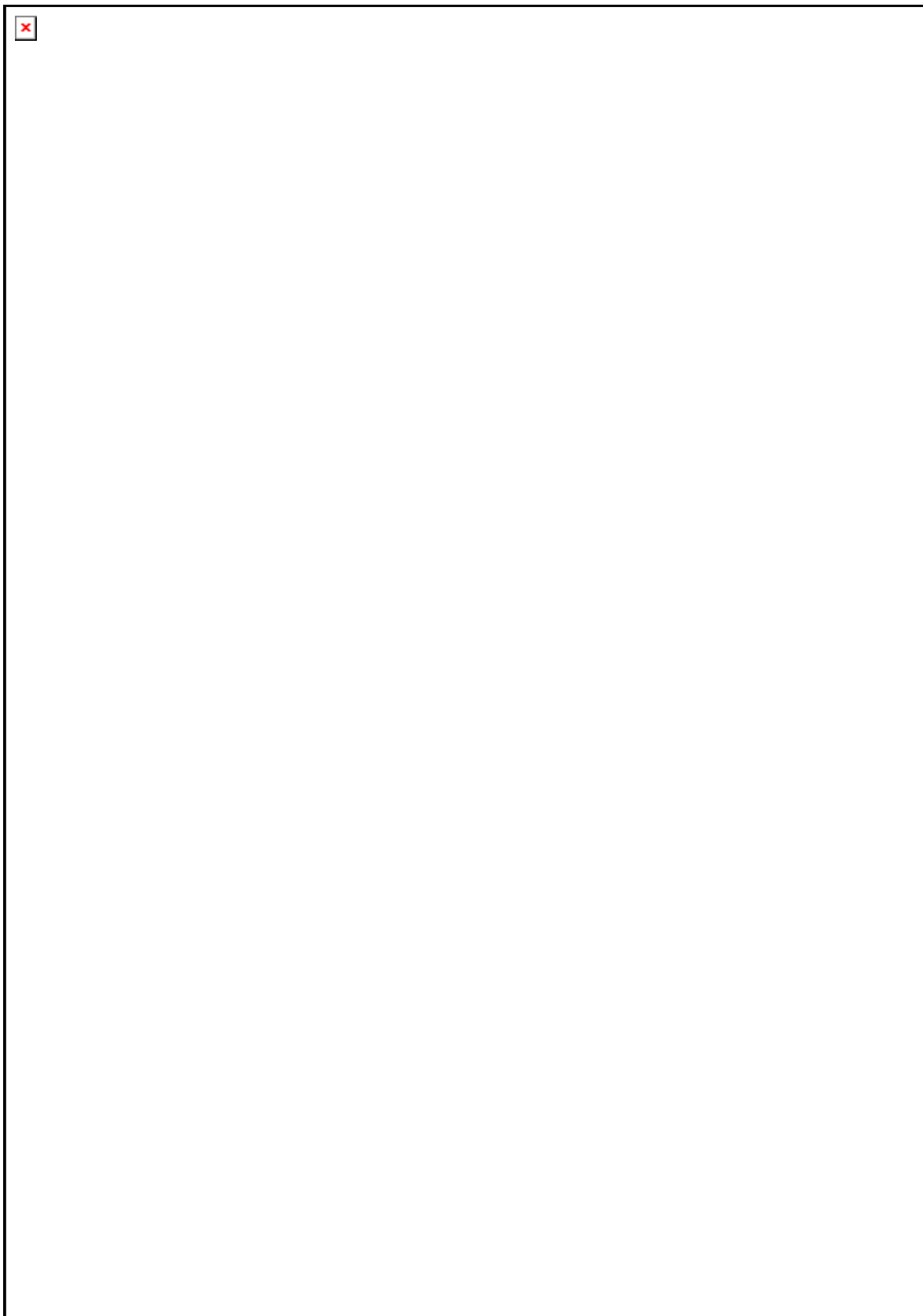












E.11 PUBLIC PRESENTATION SESSION SCHEDULE

Corporate Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is to meet the requirements of a Council resolution, made at the Council Meeting held on 27 March 2013, to prepare a report for the Council Meeting of 26 June 2013 to:

1. Consider the extent of community utilisation rates of the current schedule of Public Presentation Sessions; and
2. Recommend improvements to Council's current Public Presentation Schedule.

Following the consideration of community utilisation rates of Public Presentation Sessions from February 2012 to May 2013 it is recommended:

- That Council hold additional Public Presentation Sessions as required (in addition to those scheduled for the third and fourth Wednesday of each Month, excluding January) on another Wednesday of each month (excluding January) on particular matters that have raised a high level of community interest. The requirement to initiate an additional Public Presentation Session could be determined and scheduled by the Chief Executive Officer (CEO), in consultation with the Mayor;
- That there is no other change to Council's current Public Presentation schedule; and
- That further clarity and guidance to the community and to Council for Public Presentation Sessions and other Assemblies of Council be prepared and presented to Council as soon as practicable.

Document pertaining to this Council Report

Nil

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

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

Councillor Code of Conduct

Communication and Consultation Policy

COUNCIL PLAN

Strategic Goal:	5.0 A	Leading Organisation
Outcome:	5.1	Good Governance
Strategy No:	5.1.1	Direction Setting
	5.1.3	Community Engagement

CONSULTATION

To develop recommendations to improve Council's Public Presentation Schedule, Council has:

- Considered the extent of community utilisation rates of Council's current Public Presentation Schedule;
- Considered the intent of the original notice of motion and debate which gave rise to the Council resolution made at the Council meeting held on 27 March 2013;
- Received input from Council's Executive Leadership Team (ELT) and Governance Department;
- Analysed anecdotal feedback received from members of the community who have previously booked Public Presentations; and
- Conducted further consultation with Council regarding the recommendations contained in this report.

REPORT

Background

At the 27 March 2013 Council Meeting, Council resolved to prepare a report for the Ordinary Council Meeting of 26 June 2013 to:

1. Consider the extent of community utilisation rates of the current schedule of Public Presentation Sessions; and
2. Recommend improvements to Council's current Public Presentation Schedule.

This Council Report was requested to recommend improvements to the Public Presentation Session Schedule's efficiency in terms of cost and the effective use of Councillor's and Council officer's time. Some improvement suggestions to the Public Presentation Session Schedule were included in the original Notice of Motion which gave rise to the Council Resolution. These suggestions were considered with this review and are discussed below.

Council's current Public Presentation Schedule consists of the following options, which are provided each month for members of the community to

present to Council (except January when Council has historically resolved for no Council Meeting or Assemblies of Council to be held):

- **Public Presentation Sessions:** held on the third Wednesday of the month commencing at 2pm and, upon request at 7pm. Requests for a 7pm booking need to be received by the Governance Officer by 12 noon of the third Tuesday of the month so they can be scheduled in advance of the day.
- **Public Agenda Presentation Session:** held on the fourth Wednesday of each month commencing at 10am. These presentations are generally to discuss current Council Agenda items for the Council meeting to be held on that day.

During this review, a previously developed 'Draft Code of Practice: Council Meeting Procedure Requirements to Support Public Participation in Council Meetings ('Draft Code of Practice')' was also considered. This 'Draft Code of Practice' was originally developed and presented to Council for adoption on 28 March 2012, following a Council resolution on 23 February 2011. This resolution required a policy position to be developed on the structure and composition of Council meetings to improve community participation in Council decision making.

This 'Draft Code of Practice', however, was not adopted on 28 March 2012, primarily because it was viewed as being too prescriptive and difficult for community members to use. This Council Report, however, will recommend that Council reconsider adopting a revision of the 'Draft Code of Practice', for the reasons outlined in the Discussion below.

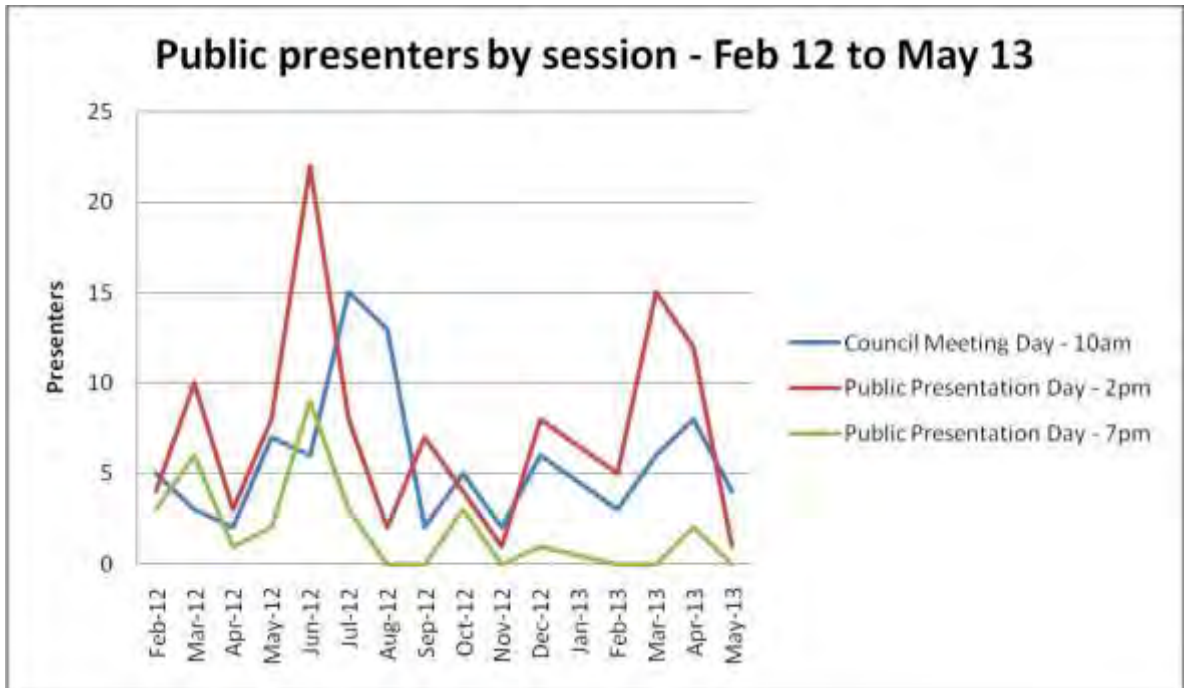
Discussion

Good governance requires that Public Presentation Sessions be run effectively and are accessible to the community to ensure openness and transparency in decision making. Community satisfaction outcomes depend on, and are influenced by, good governance systems and procedures. Community engagement in decision making is fundamental to achieving good governance, so Councillors can gain the information they require from people likely to be affected by Council's decisions.

1. Community utilisation rates of the current Public Presentation Schedule

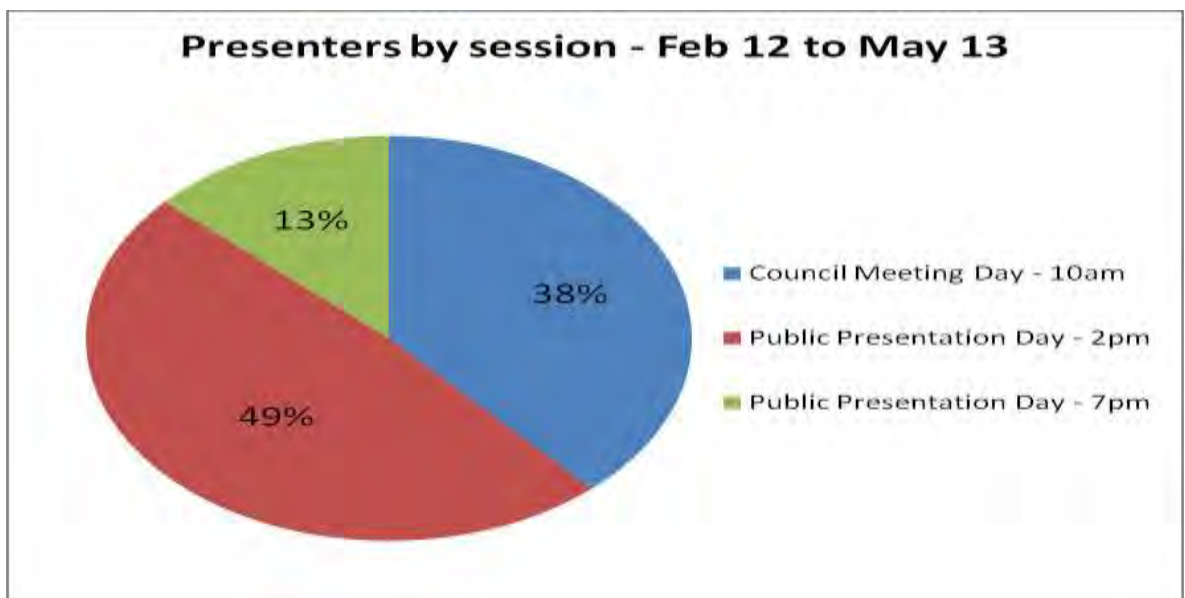
The Council Resolution of 27 March 2013 required consideration to the extent of utilisation of the current schedule of Public Presentation Sessions. Outlined below are the utilisation rates of the number of community members who presented to Council from February 2012 to May 2013.

Figure 1: Public presenters by session (Feb 2012 to May 2013)



Public Presenters	Feb-12	Mar-12	Apr-12	May-12	Jun-12	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Feb-13	Mar-13	Apr-13	May-13	Total	% Total
Council Meeting Day - 10am	5	3	2	7	6	15	13	2	5	2	6	3	6	8	4	87	38%
Public Presentation Day - 2pm	4	10	3	8	22	8	2	7	4	1	8	5	15	12	1	110	48%
Public Presentation Day - 7pm	3	6	1	2	9	3	0	0	3	0	1	0	0	2	0	30	13%
Total	12	19	6	17	37	26	15	9	12	3	15	8	21	22	5	227	100%

Figure 2: Percentage public presentation by session (Feb 2012 to May 2013)



227 people have taken advantage of the Public Presentation Sessions during this period. Presenters regularly thank Council for the opportunity to raise their issues directly with Council. A number of people regularly use these opportunities to present on a variety of matters that are important to them.

2. Public Presentation Sessions held during business hours:

The data indicates strong utilisation of Public Presentation sessions with 87% of presenters attending during business hours: 49% selecting a 2pm session on Public Presentation Day (third Wednesday of the month) and 38% selecting a 10am session on Council Meeting Day (fourth Wednesday of the month).

A suggestion raised in the original notice of motion, which gave rise to the Council Resolution, was to move the Council Meeting Day (fourth Wednesday of the month) Public Presentation Session commencement time from 10am to 12 noon. The benefits of this include:

- Enabling a greater number of Councillors to attend, who are unable to attend from 10am;
- Potentially increasing the number of presenters, as they may be able to present during the lunch period; and
- Presenters may remain to attend the Council Meeting to hear Council's decision.

The disadvantages of this, is that there is not adequate time between the conclusion of the Public Presentation Session and the commencement of the Council meeting at 2pm for Councillors to conduct the following, especially if a full 2 hours of public presentations occur:

- Consider, discuss and seek further information on the presentations before the meeting;
- Have lunch and a break; and
- Review final and discuss final information on the Council Meeting Agenda prior to the Council Meeting when all Councillors are present.

3. Public Presentation Day Sessions held outside business hours:

Public Presentation Sessions are offered by Council at 7pm, the Wednesday of the week before a Council Meeting, to ensure that those who cannot attend during business hours, due to work or other commitments, are provided an opportunity to present to Council.

The data for the period February 2012 to May 2013 indicates:

- That 30 presenters (13% of total presenters) presented at a 7pm Public Presentation Day Session;

- The usage of the 7pm session was much higher from February 2012 to July 2012, with 24 presenters (21% of total presenters during this period) and with all 7pm Presentation Sessions in all available months utilised; and
- A significant reduction in presenters choosing to present at a 7pm Public Presentation Day Session since August 2012, with only six presenters (5% of total presenters during this period) selecting this option. Presentations occurred in only three of the nine months available in this period.

If the current utilisation rates for the 7pm Public Presentation Day Session, were to continue, it is estimated that there would be approximately four to five evening sessions held per year to accommodate approximately seven or eight presenters. At this point, however, it is difficult to determine if this trend will continue or whether rates will rise again due to an increase in demand.

Anecdotal feedback provided to the Governance Officer, when booking a 7pm Public Presentation Session, is that the reason this option is selected, is due to a presenter not being able to present during business hours and that the opportunity to present after hours is appreciated.

A suggestion raised in the original notice of motion, which gave rise to the Council Resolution was to consider ceasing the scheduling of 7pm Public Presentation Evening Sessions, on the third Wednesday of each month, due to low utilisation rates. The benefits of ceasing these sessions include:

- Improved flexibility for Councillors and relevant staff time, due to there being no requirement to leave these times available for public presentations, freeing time to plan other work or make other appointments.
- There are no other additional costs to Council of conducting a 7pm Public Presentation Day Session, as Councillors, Council officers and relevant Contractors are not paid additional wages / costs for attending.
- Reduced catering costs: additional meals would need to be catered to facilitate a 7pm Public Presentation Session. Catering costs for each 7pm Public Presentation Session is estimated to be \$700.

The disadvantages of ceasing the 7pm Public Presentation Sessions are:

- Reduced options for community members to present to Council;
- Some community members will be prevented from presenting to Council due to work or other business hours commitments;
- Some presenters will be inconvenienced by having to take time off work or not attend to other activities to present during business hours; and

- This removes Council's flexibility to manage any future increase in demand for public presentations after business hours.

4. Require bookings for all Public Presentation Sessions

Bookings are currently only required for 7pm Public Presentation Day Sessions (held on the third Wednesday of the month) by 12 noon of the day prior (the third Tuesday of the month) so the Session can be confirmed in advance of the day and catering arrangements made.

Whilst bookings are taken for the 10am Public Agenda Presentation Session (held on the fourth Wednesday of each month) and 2pm Public Presentation Sessions (held on the third Wednesday of each month), any community member who wishes to present to Council at these sessions, is provided the opportunity to present if time permits, regardless of whether they have made a booking. A number of community members present each month without making a booking.

An option recommended for consideration in the original motion which gave rise to the Council Resolution from 27 March 2013, was to require bookings for all Public Presentation Sessions to be made by 12 noon of the day prior, with no public presentations being permitted without a booking.

The benefits of this option are that this allows for more effective scheduling of Public Presentation and Council Meeting days and allows for less non productive Council and staff time, especially if no or a small number of bookings are made for a business hours Public Presentation Session.

The disadvantages of this option is that it restricts and provides reduced flexibility for community members who are either unfamiliar with Council's Public Presentation booking requirements or are not aware of their need to present to Council until after the booking deadline has expired. This is often the case for people who present at Public Presentations on Council Meeting days.

5. Flexibility to schedule other Public Presentation Sessions

Also recommended for consideration in the original motion which gave rise to the Council Resolution from 27 March 2013, was the option to hold other Public Presentation Sessions (in addition to the third and fourth Wednesday of each Month) on another Wednesday of each month (excluding January) on particular matters that have raised a high level of community interest. The requirement for this additional Public Presentation Session could be determined and scheduled by the CEO in consultation with the Mayor. The time and location could be left flexible to accommodate each unique circumstance.

6. Draft Code of Practice: Council Meeting Procedure Requirements to Support Public Participation in Council Meetings

As outlined in the Background above, the 'Draft Code of Practice' was developed for, but not adopted by the former Council, at the 28 March 2012 Council meeting.

The 'Draft Code of Practice' was developed to provide practical support and guidelines to complement the implementation of Council's Local Law No.3 2010: Processes of Municipal Government (Meeting Procedures and Common Seal). A Code of Practice differs from a policy in that it provides guidelines on the implementation of the overarching policy position of Council.

The Local Law No.3 2010 provides the legal position of Council in regard to the regulation of Council meetings and formal decision making requirements by Council. Council Ordinary or Special Meetings are the only meetings at which Council is able to make formal decisions on behalf of the Shire.

A range of meetings are held every month, including presentations from the public, to provide Councillors with background information that enables them to make informed decisions at Council Meetings. The 'Draft Code of Practice' was developed to assist presenters to understand the purpose, cycle and expectation of participants within each meeting and assist the Chair, normally the Mayor, to regulate proceedings and assist participants to understand what is expected of them and what they can expect from Council.

Whilst undertaking this review of the Public Presentations Sessions Schedule, it was deemed appropriate to re-consider the relevance of the 'Draft Code of Practice' and propose its revision and consideration by Council in coming months as it:

- Is closely linked to and supports the recommendations relating to Council's Public Presentation Session Schedule made in this report;
- Provides assistance and guidance to presenters attending meetings;
- Supports the Chair to manage the timeliness of agenda items, the orderly manner in which meetings need to be regulated and to reduce the range of circumstances for which no or little guidance is available;
- Compliments the practical implementation of Council's Local Law No.3 2010: Processes of Municipal Government; and
- Is proposed to be supported by the development of a flyer to simplify the information and guidance given to community members who request to present to Council.

Wherever applicable the Local Law No.3 2010 takes precedence in the processes of municipal government. A revised 'Code of Practice' would support the practical implementation of Local Law No. 3 2010, particularly in regard to Assemblies of Councillors leading up to Council Meetings to ensure

that Council's decision making processes and meetings remain transparent and accountable to the community.

Options

Following the consideration of the extent of community utilisation rates of the current schedule of Public Presentation Sessions, there are a number of options for improvement presented to Council for consideration and decision as outlined below.

Option 1: to reschedule the commencement of Council Meeting Day Public Presentation Sessions (fourth Wednesday of each month) from 10am to 12 noon.

The benefits and disadvantages of this option are outlined in item 2 above in the Discussion. It is recommended not to adopt this option, as this does not provide adequate time between the conclusion of the Public Presentation Session and the commencement of the Council Meeting at 2pm, to allow Councillors to consider, discuss and seek further information on presentations or have lunch, especially if a full 2 hours of public presentations occur.

Even commencing the session at 11am would limit the time available to hear and consider presentations and allow Councillors time to review the Council Meeting Agenda prior to the commencement of the Council meeting at 2pm.

It is also not known, to what extent the uptake of public presentations would increase, through the movement of the Public Presentation Session to commence at either 11am or 12 noon.

Option 2: to consider ceasing 7pm Public Presentation Day Sessions, on the third Wednesday of each month, due to low utilisation rates.

The benefits and disadvantages of this option are outlined in item 3 above in the Discussion. Overall, it is recommended to continue the 7pm Public Presentation Day Sessions, as this is the only option for community members who cannot attend during business hours. It is argued that the disadvantages of reducing or eliminating some community member's options to present to Council outweigh the benefits of the catering cost savings (approximately \$3,000 per annum) and the efficiencies gained by Councillors and Council officers.

It is also recommended to continue with 7pm Public Presentation Day Sessions as it is likely, based on current utilisation, that they will only be required about four or five sessions per annum, which is not a significant cost or resource impost on Council. Retaining it does maintain the flexibility for people to meet with Council outside of business hours.

Option 3: to require bookings for all Public Presentation Sessions to be made by 12 noon the day prior, with no public presentations permitted without a booking.

This option is discussed along with its benefits and disadvantages in item 4 above in the Discussion. This option is not recommended as it restricts and provides reduced flexibility for community members to present to Council, especially for those unfamiliar with Council's Public Presentation booking requirements.

It is proposed to continue to allow the current practice of providing the opportunity for any community member who wishes to present to Council at the 10am Public Agenda Presentation Session (held on the fourth Wednesday of each month) and 2pm Public Presentation Session (held on the third Wednesday of each month) to present, regardless of whether they have made a booking.

It is also proposed to continue the requirement for bookings for the 7pm Public Presentation Session (held on the third Wednesday of the month) to be made by 12 noon of the day prior (the third Tuesday of the month) so the Session can be confirmed in advance of the day, including catering requirements.

However, this does not preclude any other person who has not made a booking from presenting to Council, following the scheduled presentations, at the 7pm Public Presentation Day Session, if time permits. A booking is required purely to determine if the session is to go ahead.

Option 4: to consider whether to hold other Public Presentation Sessions (in addition to the third and fourth Wednesday of each Month) on another Wednesday of each month (excluding January) as required, determined and scheduled by the CEO in consultation with the Mayor, with a time and location to remain flexible to suit the unique circumstances of each situation.

These are proposed to be held on particular matters that have raised a high level of community interest which either cannot be catered for by the existing Public Presentation Session Schedule and / or are more easily catered for by a specific, additional Public Presentation Session.

This option is recommended to Council as a means of flexibly meeting the specific requirements of a particular matter or circumstance requiring public consultation. However, it is proposed to not restrict these sessions to a specific time to allow the CEO to schedule the session to commence at a time, which maximises the attendance of Councillors and is suitable for the relevant community members.

Option 5: to propose a revision of the 'Draft Code of Practice: Council Meeting Procedure Requirements to Support Public Participation in Council Meetings ('Draft Code of Practice')' for consideration for adoption by Council.

Council can consider whether to require the revision of the 'Draft Code of Practice' for feedback and consideration from Council for adoption. It is recommended that Council decide to consider the revision of the 'Draft Code of Practice' for the reasons outlined in item 6 above in the Discussion.

Proposal

It is proposed that Council:

- Note the extent of community utilisation rates of the current schedule of Public Presentation Sessions from February 2012 to May 2013;
- Adopt the following recommendations:
 - Continue the commencement of Council Meeting Day Public Presentation Sessions (fourth Wednesday of each month) at 10am;
 - Continue Public Presentation Sessions, on the third Wednesday of each month, commencing at 2pm, and 7pm (by appointment);
 - Continue the requirement for bookings to only be required by 12 noon the day prior for the 7pm Public Presentation Sessions, on the third Wednesday of each month, for the purpose of confirming the need for the Public Presentation Session and to arrange catering;
 - To hold other Public Presentation Sessions (in addition to the third and fourth Wednesday of each Month, excluding January) on another Wednesday of each month as determined and scheduled by the CEO, in consultation with the Mayor; and
 - To receive a briefing on a proposed, revised 'Draft Code of Practice' for consideration by Council.

FINANCIAL CONSIDERATIONS

The primary financial consideration relates to potential catering savings. If the 7pm Public Presentation Session was ceased, a saving of approximately \$3,000 per annum is possible based on current utilisation rates. If the 7pm Public Presentation Session was continued, there is adequate budget in the Draft 2013 / 2014 Budget and forward budgets to accommodate this.

Apart from this, there are no other financial considerations regarding these recommendations. The resources required to organise the proposed Public Presentation Session schedule are covered within the Draft 2013 / 2014 Budget and forward budget allocations. Reducing, removing or changing the

times of business hour Public Presentation Sessions will have a minimal impact on Council's budget.

RISK FACTORS

The Local Government Act 1989 sets out the context, purpose and overarching controls required for Victorian Councils. Council is responsible for ensuring it performs its duties and functions in line with this legislation. Particularly in regard to ensuring community involvement in decision making, adequate consideration is given to matters coming before Council and transparency in the deliberation processes leading up to, and including, the Council Meeting.

By continuing to offer at least the current range of options for community members to present to Council, especially an after business hours option, ensures that all community members have an opportunity to present to Council on issues that affect them.

Council's reputation and image may be tarnished if Public meetings are not managed in an orderly, structured and timely manner or if the current opportunities that are available to the community are reduced or removed.

CONCLUSION

Following consideration of the extent of community utilisation rates of the current schedule of Public Presentation Sessions and potential improvements to the schedule, it is proposed to maintain the current schedule, with the addition of an option to hold other Public Presentation Sessions (in addition to the third and fourth Wednesday of each Month, excluding January) on another Wednesday of each month as determined and scheduled by the CEO, in consultation with the Mayor.

It is also proposed that further clarity and guidance to the community and to Council for Public Presentation Sessions and other Assemblies of Council be presented to Council as soon as practicable, through the revision of the 'Draft Code of Practice: Council Meeting Procedure Requirements to Support Public Participation in Council Meetings '.

RECOMMENDATION

That Council:

- 1. Note the extent of community utilisation rates of the current schedule of Public Presentation Sessions from February 2012 to May 2013;**
- 2. Resolve to continue the commencement of Council Meeting Day Public Presentation Sessions, held on the fourth Wednesday of each month (excluding January), at 10am;**
- 3. Resolve to continue the commencement of Public Presentation Sessions, held on the third Wednesday of each month (excluding January) at 2pm, and 7pm;**
- 4. Resolve to continue the requirement for bookings to only be required for the 7pm Public Presentation Sessions, on the third Wednesday of each month (excluding January), for the purpose of confirming the need for the Session and catering purposes;**
- 5. Resolve to hold other Public Presentation Sessions (in addition to those scheduled for the third and fourth Wednesday of each Month, excluding January) on another Wednesday (excluding January) as determined and scheduled by Council's Chief Executive Officer, in consultation with the Mayor;**
- 6. Request a briefing on the proposed, revised 'Draft Code of Practice, Council Meeting Procedure Requirements to Support Public Participation in Council Meetings' for consideration by Council; and**
- 7. Advise the community of this Council decision through a press release and make information relating to this decision available to the community on Council's website.**

STAFF DISCLOSURE OF INTEREST

Nil

E.12 ARTS AND CULTURE POLICY

Community Services Directorate

EXECUTIVE SUMMARY

The Council Arts and Culture Policy (Policy) has been reviewed as part of Council's agreed Policy Review schedule.

Consultation has been undertaken with the arts community, on the role Council should take in supporting the development of arts and cultural activity. The highest priority indicated is that Council to continue to focus on helping arts organisations and practitioners with partnerships, skills development and accessing external resources.

Document/s pertaining to this Council Report

- **Attachment 1** – Draft Arts and Culture Policy

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

South Gippsland 2020 Vision

Council Plan 2010-2014

South Gippsland Community Strengthening Strategy 2008

COUNCIL PLAN

Strategic Goal:	1.0	A Vibrant and Engaged Community
Outcome:	1.1	Active, Resilient Community
Strategy No:	1.1.5	Cultural Development

CONSULTATION

Consultation has been undertaken with the South Gippsland arts community during 2012 and 2013. This consultation has focused on the South Gippsland Arts Network, which has over 120 organisations and individuals with an interest in arts and cultural activity. This network has been asked to provide advice on two questions:

1. Does Council need to have an Arts Policy?
3. What are the key roles Council should play to support arts and cultural activity in South Gippsland?

The outcome of this consultation indicates that this section of the community believes that Council should have a specific Arts and Culture Policy, and this policy should focus on:

- supporting the arts community with joint marketing;

- training;
- advocacy;
- partnerships within and external to South Gippsland;
- assisting with accessing external grants;
- development and maintenance of public art, and
- encouragement of arts through prizes and awards.

REPORT

Background

The current (2002) Policy was developed and endorsed when Council had a full time Arts Officer, and a program budget for Arts and Cultural Development of over \$70,000 per annum. Council now contributes approximately \$24,000 per annum in specific arts development funding, and allocates some staff time from the Manager Community Strengthening and Community Strengthening Support Officer positions to support arts and cultural projects and partnerships.

The current resources are used to:

- support skills workshops for arts practitioners and volunteers;
- undertake some combined promotion and marketing activities to support local arts practitioners and arts organisations;
- develop and print an annual South Gippsland Arts and Culture brochure;
- maintain the South Gippsland Arts Network;
- sponsor some arts aspects of broader community events;
- contribute to costs of promoting local arts and cultural tourism in partnership with the other Gippsland LGA's via the Creative Gippsland network;
- provide the annual Music for the People concert; and
- purchase and maintain some equipment for use by community organisations, primarily for cultural activities and festivals.

It is not possible to adequately implement all aspects of the current (2002) Policy with the current level of resourcing.

Council provides to community groups five facilities whose primary purpose is for arts - Stockyard Creek Gallery (Foster), The Leongatha Courthouse(for

the use by the South Gippsland Brass Band), The Korumburra Federation Gallery (Rotary Gallery), Leongatha Arts and Crafts Gallery (Michael Place), and the Tarwin Lower Arts and Crafts Shop. Council allocates an annual maintenance and renewal allocation of approximately \$20,000 to these buildings. Council also supports a gallery at Coal Creek Community Park and Museum that is made available for a range of organisations and individuals for art exhibitions throughout the year.

Discussion

Arts and culture is an essential component of South Gippsland's growing tourism industry. The artist community, comprising artists with a national and international reputation, is a major tourism attractor through public and private galleries and collections

The fastest growing national and international tourism sector is cultural tourism. Council's support for arts and culture will contribute to creating an environment that stimulates creative expression and innovation. Council's support of cultural tourism will facilitate the attraction of new residents and entrepreneurs who want to live in an area that is rich in art, culture, heritage and food and will stimulate a more diverse and growing economy for the district.

South Gippsland has a good reputation for provision of support to community arts organisations. Council's Annual Community Grants budget, which can be accessed by the Arts community, is proportionately greater than any other Council in Gippsland. However, not many applications are currently made for arts and cultural activities or equipment. 16% (\$25,000) of the funds allocated in the first round of 2012/13 Community Grants was allocated to arts/cultural activities. Only 6% of the applications for Round 2 Community Grants have been lodged to support arts activities or groups.

The only allocation of Community Grants Major Project funds for an arts related activity has been made to the Meeniyan Gallery to support the development of a Digital Arts Trail. This project has been developed through the Advancing Country Towns project for the Lower Tarwin Valley District. The Digital Arts Trail has potential to provide significant economic value to the South Gippsland region, local community arts groups and individual artists and galleries through promotion of high profile local artists and arts events and activities. This project is a very good example of the opportunities Council can help develop through the adoption of an Arts and Culture Policy that focuses on partnership with the arts community.

Arts organisations and businesses have contributed enthusiastically to the development of an annual Prom Country Arts and Cultural guide, and this level of interest in collaborative marketing is reflected in the sectors strong response which seeks Council to continue to play a role in supporting arts and cultural partnerships.

Options

Council can choose to:

- adopt the proposed Policy;
- amend the proposed policy; or
- decide to no longer have an arts and Culture policy.

Proposal

To adopt the revised Arts and Culture Policy.

FINANCIAL CONSIDERATIONS

The revised Policy is not aspirational but reflects the current level of service and Council's current budget and long term financial plan. It does not propose Council funding for specific arts facilities or new arts programs. However, the policy is framed to allow such initiatives to be developed in partnership with the arts community and potential funding agencies.

RISK FACTORS

The proposed Arts and Culture Policy presents no financial risk to Council as it is in line with Council's current budget and long term financial plan and does not commit Council to increased resources.

CONCLUSION

Arts and cultural activity plays an important role in community resilience and vibrancy. It is a key component of South Gippsland's growing tourism industry and economic diversification. Council can make a valuable contribution to the community by assisting the arts and cultural organisations and individual practitioners with developing partnerships and collaborative projects. The adoption of an Arts and Culture policy will help guide Council's efforts in this field.


RECOMMENDATION

That Council revoke the Arts and Culture Policy 2002 and adopt the revised Arts and Culture Policy 2013.

STAFF DISCLOSURE OF INTEREST

Nil

Attachment 1 Draft Arts and Culture Policy



South Gippsland Shire Council

ARTS AND CULTURE POLICY

Chair: Murray Council Director Council Adoption Date: Revision: none	May 2011	Director: Deputy: Primary Author: Secondary Author:	Community Services Community Spreading Business
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POLICY OBJECTIVE

Council strives to promote and support participation by the community of South Gippsland Shire in a broad range of civic activity, recreation, arts and cultural pursuits, community service and planning for their own communities' future. This Policy is devised to direct Council's role in supporting the development of and participation in arts and cultural activity across South Gippsland Shire.

LEGISLATIVE PROVISIONS

NIL

DEFINITIONS

Arts and Culture activity includes production, presentation and appreciation of a wide range of activities including but not limited to: theatre, literature, film/video, music including community singing and choral groups, visual arts including painting, printmaking, sculpture, photography and ceramics.

POLICY STATEMENT

Council acknowledges that the health, wellbeing and vitality of the community is improved by broad participation in cultural and arts related activity. Council also acknowledges that arts and cultural activity makes an important contribution to the economy of South Gippsland through business, tourism and education. Council's 2020 Vision states that the South Gippsland community will be encouraged to participate in arts and cultural activity, and that this activity will be promoted. The Council's 2010/2014 Plan states that Council plans for a vibrant and engaged community with Cultural Development listed as a key strategy to support this intention. The 2012-13 Council Annual Plan indicates that the key platform to be used to support such developments will be by collaboration and partnership with the arts community, particularly community based arts organisations.

RISK ASSESSMENT

This Policy will provide guidance to Council when allocating resources to support arts and cultural activities, and when seeking to partner with other organisations to develop or provide resources for such activities. This policy will also provide the South Gippsland community and potential funding partners with a clear statement on the role of Council in encouraging further arts and cultural activity.

IMPLEMENTATION STATEMENT

Council will implement this policy by

- supporting the operation of a South Gippsland Arts Network;

Arts and Culture Policy

115.000.001



COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

- creating and distributing an annual South Gippsland Arts and Cultural Opportunities brochure;
- advocating to external bodies on behalf of South Gippsland based arts organisations;
- providing access to Council Community Grants for community arts organisations and for other community organisations planning to provide arts and cultural activities;
- promoting arts and cultural activities broadly within South Gippsland;
- participating as an active member of Creative Gippsland - the association of Gippsland LGA's directed at promoting cultural tourism and promotion of Gippsland's arts and cultural activity;
- organising skills development opportunities for arts organisations and individual arts practitioners based in South Gippsland;
- collaborating with external arts focused organisations such as Regional Arts Victoria (RAV) and Arts Victoria to support increased arts and cultural opportunities in South Gippsland;
- assisting South Gippsland arts and cultural groups to plan for new projects and/or facilities;
- creating opportunities for young people to participate in planning and delivery of arts activities including cultural events;
- encouraging individual communities to include arts and cultural development in local community planning and visioning;
- working with individual or networks of community arts organisations in the development, promotion and maintenance of public art;
- promotion of arts in the Shire through a range of mediums such as digital and print;
- assisting arts organisations to partner with other community organisations in South Gippsland e.g. recreation groups and community development organisations, to encourage participation in arts and cultural activity; and
- supporting the provision of the annual "Music for the People" concert at Mossvale Park in late February.

LINKAGES AND PARTNERSHIPS

South Gippsland Arts Network
Community based arts councils
Community theatre companies
Community managed galleries and studios
Music organisations
Commercial and private galleries and studios
Individual artists
Literature groups
Community arts festival committees/organisers
Regional Arts Victoria
Arts Victoria
Creative Gippsland network
South East Cultural Officers Network
Advancing Country Towns (DPCD)

E.13 YOUTH POLICY

Community Services Directorate

EXECUTIVE SUMMARY

The Council Youth Policy (Policy) has been reviewed and a revised policy is presented to Council for adoption. It is similar to the existing policy, with an emphasis on Council encouraging and supporting youth engagement and participation across the community.

Document/s pertaining to this Council Report

- **Attachment 1** - Revised Youth Policy

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

South Gippsland 2020 Vision

Community Strengthening Strategy 2008

South Gippsland Shire Council Youth Engagement Toolkit (2013)

COUNCIL PLAN

Strategic Goal:	1.0	A Vibrant Engaged Community
Outcome:	1.1	Active, Resilient Community
Strategy No:	1.1.1	Community Partnerships

CONSULTATION

Consultation has been undertaken with members of the South Gippsland Youth Council, Council staff who contributed to the development of the Council's Youth Engagement Toolkit, South Gippsland Shire Councillors, and other youth service agencies.

REPORT

Background

Council has had a formal Youth Policy since 2001. It was last reviewed in 2006.

The South Gippsland 2020 Vision notes that South Gippsland will value young people to be active participants in their community.

Discussion

The revised Policy focuses on partnership with the community, agencies and young people to:

- foster opportunities for young people to be active within their communities;
- provide information on services provided by other agencies and groups;
- create opportunities for young people to take a leadership role with their peers; and
- champion the role of young people in the community.

The revised Policy does not advocate for Council to play a major role in specific youth service delivery. However, the Policy does allow for limited direct service provision for young people where no other existing agency is well placed to deliver the service, or where no other existing agency is willing to do so but Council believes that the service is important. The current example of Council providing a specific youth service is the L2P learner driver program.

This revised Policy provides more detail on possible implementation activities than the 2006 version. These changes increase opportunities for staff to develop external partnerships and access more external funds to support youth engagement and participation.

Adoption of a formal policy to encourage participation in community activity plays an important role in encouraging young people to feel engaged in their community, and encourages adults to look for opportunities to collaborate with the younger members of the Shire.

Options

Council can choose to:

- adopt the revised policy;
- retain the current policy unamended; or
- no longer having a specific Youth Policy.

Proposal

It is proposed Council adopt the revised Youth Policy 2013.

FINANCIAL CONSIDERATIONS

This revised Policy does not require an increased Council budget, as the actions suggested will be supported by existing Community Strengthening staff and fits within the Department's business plan and Council's Long Term Financial Plan.

RISK FACTORS

There are no risks associated with supporting this revised Youth Policy.

The Policy allows the opportunity for Council staff to hear the voice of young people.

CONCLUSION

South Gippsland Shire Council has played an active role in supporting young people to be directly involved with their local communities. Adoption of this revised Youth Policy will continue this work and will provide guidance to young people, the broader community and Council on further opportunities for youth participation in community activity.


RECOMMENDATION

That Council revoke the Youth Policy 2006 and adopt the revised Youth Policy 2013.

STAFF DISCLOSURE OF INTEREST

Nil

Attachment 1 Revised Youth Policy



South Gippsland Shire Council

YOUTH POLICY

Policy Number: Council Item No: Council Meeting Date: Revision Date: April 2013	Community Services Department Primary Author: Secondary Author:	Community Services Community Strengthening Ned Dennis
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POLICY OBJECTIVE

Young people of all abilities have an important contribution to make to the civic, social, economic, recreational and cultural life of South Gippsland. The future wellbeing of the community is assisted by attracting and retaining young people to the district, and by encouraging young people to feel valued as community members. This Policy is designed to support the provision of opportunities for engagement, participation and inclusion in the wider community by young people.

LEGISLATIVE PROVISIONS

Victorian Government Youth Policy (Engage Involve Create, Youth Statement)

DEFINITIONS

Young people are defined as aged between 12 and 25 years old.

POLICY STATEMENT

South Gippsland Shire Council provides a key role in youth engagement, participation and inclusion through:

- Provision of a supported Youth Council;
- Advocating for provision of quality services for young people including education, training, social and cultural services and employment opportunities;
- Promotion of young people as active members of the community through providing opportunities to participate in community programs, initiatives and decision making processes;
- Providing a leadership role in developing strong partnerships between all stakeholders to provide a sustainable future for young people in South Gippsland Shire; and
- Providing leadership and community engagement skills development opportunities for young people

RISK ASSESSMENT

This Policy will provide guidance to Council when allocating resources to youth engagement activities, and when seeking to partner with other organisations to develop or provide resources for such activities. This policy will also provide South Gippsland's young people, wider community and potential funding partners with a clear statement on the role of Council in supporting youth engagement and participation.

Youth Policy Policy Page 1 of 2



IMPLEMENTATION STATEMENT

- Council will endeavour to engage young people in all aspects of planning that affect young people's lives and provide opportunities to contribute to decision making and the development of policy, programs and initiatives that affect them and their community through the support of an active Youth Council.
- Council will consult with and listen to the needs, opinions and ideas of young people and provide opportunities for them to participate in their communities.
- Council will promote and facilitate strong partnerships between young people, and key stakeholders, which provide opportunities for young people to be valued, respected and involved in social, civic and economic opportunities, and live a safe and healthy life in South Gippsland.
- Council will consult with and acknowledge the diversity of young people and their needs when making decisions that affect young people.
- Council will support funding submissions and fundraising activities that benefit young people.
- Council will actively seek programs and services which enhance the engagement, participation and inclusion of young people in the community dependant on availability of funding and budget constraints.
- Council will work with service providers, youth agencies and community organisations to improve access by young people to relevant information that supports their participation in education, training, health, cultural, recreation and civic activity.

LINKAGES AND PARTNERSHIPS

Young people
Community groups
Local Government
State Government
Federal Government
Regional youth networks
Youth services organisations
Education
Business
Sport and recreation
Arts and culture
Community safety
Municipal Health and Wellbeing plan
Community health providers

REFERENCE DOCUMENTS

South Gippsland Shire Council – Youth Engagement Toolkit
Engage Involve Create – Victorian State Government Youth Statement

E.14 REVOKE POLICIES - ROAD NAMING, ROAD OPENING AND EUROPEAN WASP AND HONEYBEE CONTROL ON COUNCIL PROPERTY

Engineering Services Directorate

EXECUTIVE SUMMARY

This report is presented to Council to revoke three Council Policies which have been identified as being no longer required:

1. Road Naming Policy 2009.
4. Road Opening Policy 2007.
5. European Wasp & Honeybee Control on Council Property Policy 2004.

Document/s pertaining to this Council Report

- **Attachment 1** - Road Naming Policy 2009.
- **Attachment 2** - Road Naming Procedure 2013.
- **Attachment 3** - Road Opening Policy 2007.
- **Attachment 4** - Road Opening Procedure 2013.
- **Attachment 5** - European Wasp and Honeybee Control on Council Property Policy 2004.
- **Attachment 6** - European Wasp and Honeybee Control on Council Property Procedure 2013.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Road Naming

- Local Government Act 1989
- Road Management Act 2004
- Planning and Environment Act 1987
- Geographic Place Names Act 1998
- Guidelines for Geographic Names 2010
- Aboriginal Heritage Act 2006
- Aboriginal Heritage Regulations 2007
- AS/NZS4819 Geographic Information – Rural and Urban Addressing

Road Opening

- Local Government Act 1989 (Sections 204(2), 207A(c) and 223)
- Road Management Act 2004
- Road Management Plan 2009

European Wasp & Honeybee control within SGSC Shire Council

- Victorian Health Act 1958, Section 108(C) (1)
- South Gippsland Shire Council Local Law 12 Community
- Department of Human Services Health Protection Regulations “Guidelines for Pest Control Licensing” (95/0111), Requirements for Pest Control Vehicles
- Equipment and Records (95/0112)
- “Guidelines for Pest Control Business Registration” (950110)
- “Pest Control Approved Courses” (95/0113)

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Road Naming

- Road Naming Policy 2009

Road Opening

- Road Opening Policy 2007
- South Gippsland Planning Scheme

European Wasp & Honeybee control within SGSC Shire Council

- South Gippsland Shire Council Local Law 12 Community
- Guidelines for Pest Control Licensing (95/0111)

COUNCIL PLAN

Strategic Goal:	5.0	A Leading Organisation
Outcome:	5.1	Good Governance
Strategy No:	5.1.1	Direction Setting

CONSULTATION

Consultation has been undertaken with:

- The Engineering Department and Assets Department.
- The Executive Leadership Team.
- Councillor Briefing Session - 5 June 2013.
- Super 11 Benchmarking - Moorabool Shire Council and Surf Coast Shire Council's were the only two responding Council's with a Road Naming Policy.

REPORT

Background

Road Naming Policy 2009

The current Road Naming Policy (**Attachment 1**) was adopted by Council on 17 June 2009. The process for road naming is clearly defined in the Guidelines for Geographic Names 2010, which has been developed by the Department of Environment and Primary Industries (DEPI), to comply with current legislations, including Geographic Place Name Act 1998, Road Management Act 2004, Local Government Act 1989 and Planning and Environment Act 1987.

The Road Naming Policy should be revoked as the process can be easily managed through the proposed 2013 Road Naming Procedure (**Attachment 2**).

Road Opening Policy 2007

The current Road Opening Policy (**Attachment 3**) was adopted by Council on 21 February 2007. As the process for road openings is governed by the Local Government Act 1989 and the Road Management Act 2004, the current Road Opening Policy is not required and therefore should be revoked.

According to current records, Council receives less than five requests per year for the opening of unused road reserves for public traffic within the Shire. These requests can be dealt with by following the 2013 Road Opening Procedure (**Attachment 4**).

European Wasp & Honeybee Control on Council Property Policy 2004

The current European Wasp & Honeybee Control on Council Property Policy (**Attachment 5**) was adopted by Council on 18 February 2004. Council has a responsibility to protect the public from European wasps and bees that appear to nest on Council owned or managed property. All requests are entered into Council's Request Handling System.

In 2010 Council commissioned an independent review of its Council and Operating Policies. This review was assisted by the Policy Review and Development Committee comprising of Councillors.

During this review the relevance of existing policies was considered and the European Wasp & Honeybee Control on Council Property Policy was considered no longer required.

The European Wasp & Honeybee Control on Council Property Policy should to be revoked as the process for dealing with this issue can be easily managed through the proposed 2013 Procedure (**Attachment 6**) and complies with current guidelines and legislations.

Discussion

A policy is required only if there are grey areas in the legislation, specifically applicable for the South Gippsland Shire Council, which are not addressed in the legislation. These policies are fully covered in respective legislations, as indicated, and have been incorporated into procedures with accompanying process maps for easy implementation.

The Executive Leadership Team and Councillors at a Briefing Session held on 5 June 2013 were presented with the 2013 Road Naming Procedure and 2013 Road Opening Procedure to replace the relevant policies.

Proposal

It is proposed that Council revoke the following policies as the process can be dealt with by procedures:

1. Road Naming Policy 2009.
6. Road Opening Policy 2007.
7. European Wasp and Honeybee Control on Council Property Policy.

FINANCIAL CONSIDERATIONS

Nil

RISK FACTORS

There are no associated adverse risks as the procedures for road openings, road naming and European wasp and honeybee control on Council property as they all comply with the current prevailing regulations and guidelines.

CONCLUSION

Road Naming, Road Opening and European Wasp & Honeybee Control Policies are fully covered in respective legislations as indicated above and have been incorporated into procedures with accompanying process maps for easy implementation. Therefore the associated policies should be revoked as

the respective procedures will ensure a consistent implementation of these processes.

RECOMMENDATION


That Council revoke:

- 1. Road Naming Policy 2009.**
- 2. Road Opening Policy 2007.**
- 3. European Wasp and Honeybee Control on Council Property Policy 2004.**

STAFF DISCLOSURE OF INTEREST

Nil

Attachment 1 Current Road Naming Policy 2009



South Gippsland Shire Council

COUNCIL POLICY

ROAD NAMING

Group/Initiative	C40	Department	Infrastructure
Strategic Initiative	C9	Element/Unit	Assets
Current Approval/Date	17 June 2009	Priority Referral	Alan Landers
Review Date	17 June 2012	Secondary Referral	Joanne Loh

POLICY OBJECTIVE

The Policy is required to clearly define practices and procedures relating to the naming of new roads, unnamed existing roads or private roads and the renaming of existing named roads.

The objective is to provide a consistent and defined procedure for Council staff, property developers and other interested parties when investigating and considering name proposals for roads within South Gippsland Shire.

The objectives of this Policy are to:

- Formalise detailed procedures for the proposal and approval / refusal of new road names, changes to existing road names or the naming of unnamed roads;
- Ensure a consistent approach for the naming of roads;
- Ensure all road names are appropriate and in keeping with both Councils and the community's requirements and expectations.

Consultation:

- Historical Societies of the municipality will be consulted in the naming/renaming of roads/streets throughout the Shire.
- Consultation with the community on naming proposals will be guided by Council's Communication Strategy. Naming proposals will be advertised for public comment for a period no less than 28 days.
- Council will undertake referral of naming proposals to Emergency Services Telecommunications Authority and provide notification of naming to relevant naming authorities especially Emergency Services Telecommunications Authority..

DEFINITIONS

- GPN Act 1998 – Geographic Place Names Act 1998
- ESTA – Emergency Services Telecommunications Authority
- LGA 1989 – Local Government Act 1989


LEGISLATIVE PROVISIONS

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

Road Naming Policy

17098 00/13

Attachment 1 Current Road Naming Policy 2009



COUNCIL POLICY

The Policy has been developed in line with the Geographic Place Names Act 1998 and associated guidelines. Under the Act, Council is the Responsible Authority for the naming of local roads and streets as well as other road features. Naming Authorities are required, when considering the naming of a place or feature (including roads), to comply with policy guidelines approved by the Governor in Council on the recommendation of the Minister.

The naming of roads and streets and provision of street numbering systems is a local government responsibility under the Local Government Act 1989. Local Government Authorities and any administering bodies naming streets, roads, tracks etc., are required to notify the Registrar of new or altered street/road names for inclusion in the Geographic Names Register. This does not preclude a naming authority having more detailed policy and procedure outlines for their own use.

POLICY STATEMENT

The GPN Act 1998 provides a number of guidelines and principles to assist the community and Council in the selection of names and these will be followed by the South Gippsland Shire Council.

RISK ASSESSMENT


There is minimal risk to Council if this Policy does not exist as the methodology for naming of roads is contained in the guidelines for *VICTORIAN GEOGRAPHIC PLACE NAMES* as required by the Act.

IMPLEMENTATION STATEMENT

To ensure a consistent implementation process for this Policy the relevant administrative guidelines shall be followed (copy attached as Appendix 1).

Local Name(s): *Title of I*

Attachment 1 Current Road Naming Policy 2009



APPENDIX 1


Road Naming Guidelines

The following is a summary of the guidelines set by the Registrar of Geographic Names (Victoria) - (Extracted from Geographic Place Names Guidelines):

- Names should be written in plain Australian English, easy to pronounce, spell and write, and not be derogatory or offensive when judged against community standards, including those of culturally diverse communities.
- Names should be relevant to the area having regard to the historical and cultural significance of the area.
- Names should be as short and simple as possible with no apostrophe used. Road names should preferably consist of only one word plus the road type.
- Road names must be unique within any given locality and preferably within the Municipality. Road names should not be duplicated, even if the road type is different. Similarity in road names is also to be discouraged. (eg. WHITE STREET and WHYTE STREET).
- Road name prefixes should not be used. A directional or similar device (eg. north, south, upper, lower) may only be used once at the front of a name where it is part of a locality name used in the road name (eg. NORTH MELBOURNE ROAD).
- Where road segments are unconnected, such as where a segment of road is unconstructed or where they are separated by a bridge and are likely to remain unconnected for the foreseeable future, consideration should be given to renaming one of the disjointed segments.
- Where a directional or similar convention is used to uniquely define road extremities, it should be used as a suffix to the road type (eg. PALMERSTON ROAD WEST). Exceptions are where the directional is a formal locality name used as the road name (eg. KILMORE EAST ROAD).
- Numbers included as all or part of a road name should be written in full (eg. FIFTH AVENUE, TEN MILE ROAD). However, where the name reflects association with an entity known by its numerals and spelling out in full would disassociate the road name from that entity (eg. 3CV LANE, 3LK ROAD), numerals may be used.
- Road types are grouped into categories; 'Culs-de-sac', 'Open ended' and 'Either Culs-desac or open ended'. The assignment of a road type should realistically reflect the road type and situation. Refer to attached acceptable 'Road Types'.
- Names of Aboriginal/Koori origin must be appropriate to the locality and their use is subject to the agreement of the relevant Aboriginal/Koori community.
- The use of personal names should not be used, unless this can be demonstrated to be clearly in the public interest. Ownership of the land, or public service, should not in itself be grounds for the application of the owner's name to a geographic.

Road Naming Policy 17 June 2009

Attachment 1 Current Road Naming Policy 2009



APPENDIX 1

ROAD NAMING GUIDELINES

COUNCIL POLICY

- Where the names of deceased persons are being considered for road naming, the person being commemorated should have had a direct and long-term association with the feature or have made a significant contribution to the area or region. Examples include:
 - Early or long time settler (20+ years);
 - Developer or restorer of the feature or place;
 - Donor of the land to the community;
 - Advocate and active protector of the land or feature for public benefit.
- A road should NOT be named after or relate to:
 - an institution, organization, or a registered commercial enterprises;
 - any living person;
 - the developer or his family;
 - any long or difficult name.
- The definite article should NOT be used as a prefix (eg. THE AVENUE).

COUNCIL POLICY

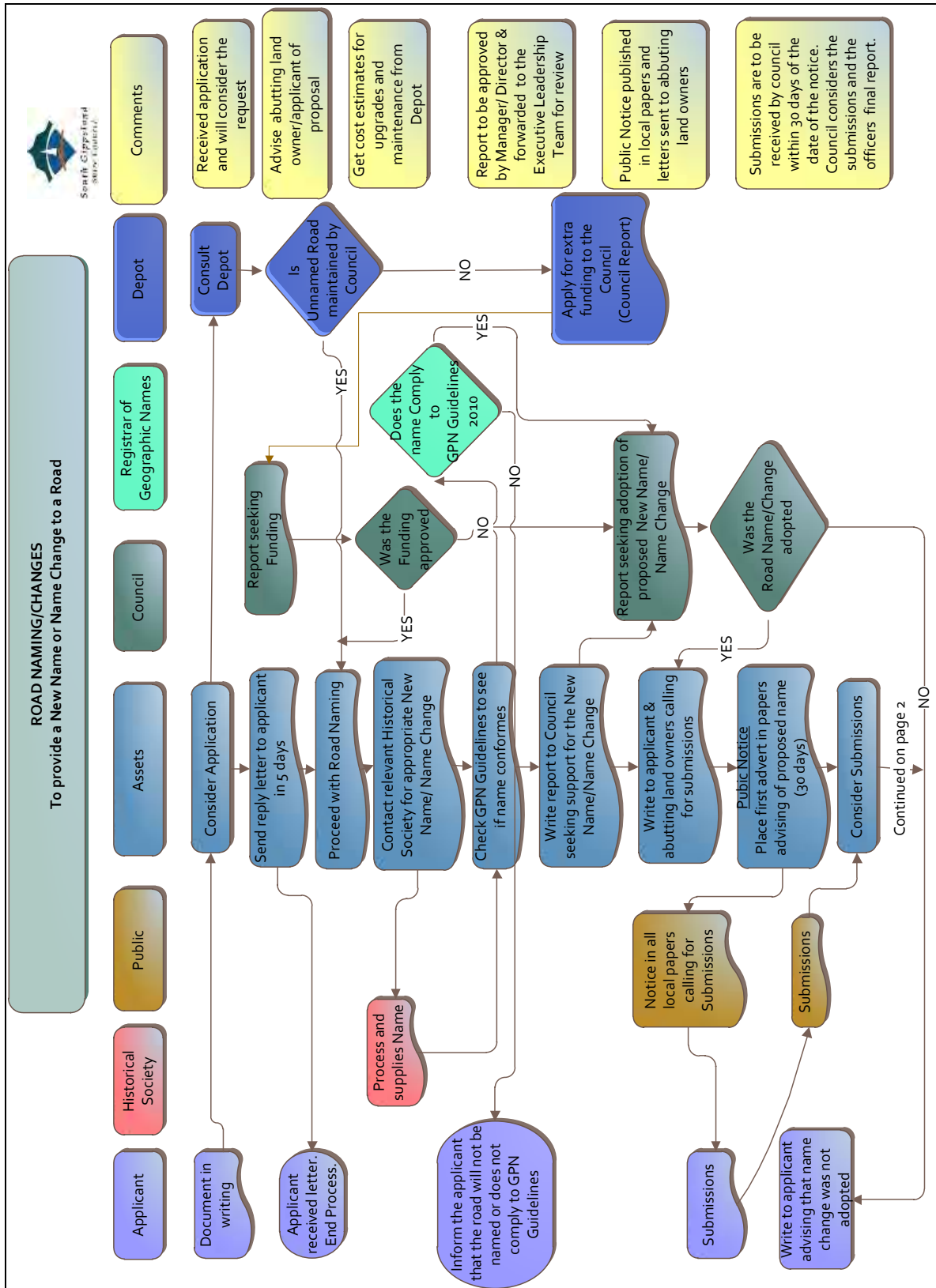
COUNCIL POLICY

COUNCIL POLICY

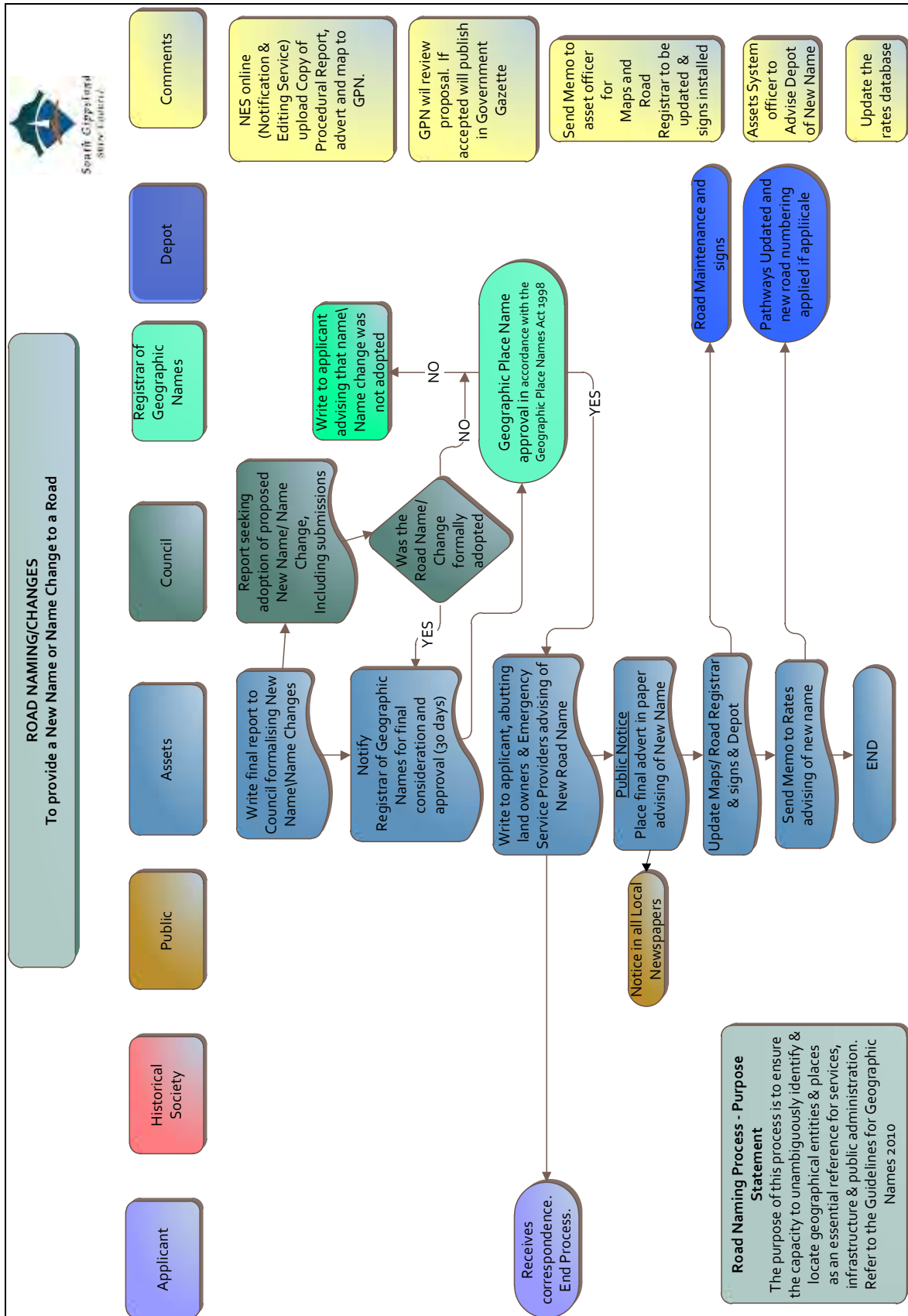
COUNCIL POLICY

South Gippsland Shire Council *Page 197*

Attachment 2 2013 Road Naming Procedure



Attachment 2 2013 Road Naming Procedure



Attachment 3 Current Road Opening Policy 2007

South Gippsland Shire Council

COUNCIL POLICY

Department:	Engineering and Public Works
Sub-Section:	Assets
Title:	ROAD OPENING

Policy Statement

Council will exercise powers for opening and closure of roads in a considered and responsible manner having regard to Councils overall responsibility for good governance inclusive of related policies and public interest and in accordance with the guidelines outlined herein.

Policy Rationale

Council is obliged to manage road reserves and the opening of road reserves in the best interest of the Municipality and its residents, but subject to statutory requirements both now and in the future. The circumstances of a road opening will vary significantly depending upon the particular road, the purpose of the request and the impact of the request on Councils management responsibilities and available resources. Each application must be considered on its merits, but considered expeditiously, subject to the application supplying all information reasonably required for the processing of the application.

Guidelines

1. Request for Initial information

In the initial steps of the process, a formal application must be made by the applicant, for Council to fully assess the request and to determine whether to initiate further steps.

The following minimum information is generally required:

- A full site plan (prepared to survey standards, to scale and with dimensions) showing:
- The land concerned and the exact area in respect of which the opening is sought.
- The particulars of all adjacent titles and roads.
- Extents of existing roads and other infrastructure.
- Details of the person or persons known by the applicant to hold the grazing licenses issued under the Land Act 1958.

Attachment 3 Current Road Opening Policy 2007

- Full particulars of the reasons for the request for road opening, noting that in circumstances such as these, Council would need to be satisfied that it is in the interests of the public that the road be duly opened.
- An undertaking to meet Council's reasonable costs of and incidental to any enquiry that may be carried out by Council.

2. Consultation Process

Once receiving the initial information, if the Council resolves to continue its enquiry then Council is empowered under section 204(2) of the Local Government Act 1989, by resolution, to declare a road that is reasonably required for public use to be open to public traffic.

Clause 204A of the Local Government Act 1989 (LG Act) then requires Council to call for submissions under section 223 of the LG Act, where it proposes to exercise the power under section 204(2) of the LG Act.

In accordance with section 223 of the Local Government Act a public notice will be placed in the local papers calling for submissions from interested parties in relation to the proposed opening of the particular unused road. Following the receipt of submissions (if any) before Council can make a decision, or before it will support an application for the cancellation of any Grazing Licenses over the land, Council considers those submissions (including the hearing of persons who have made a submission and requested to be heard in support of those submissions) in the manner required under the Local Government Act 1989. If Council is satisfied that there exists a justification for the opening of the road in the circumstances then further statutory steps may follow.

3. Reporting

Council's officers will prepare a report to be presented to Council detailing:

- The specific nature of the request.
- A summary of submissions received.
- A schedule of those persons wishing to be heard in support of their submission.
- A recommendation from the Council officers.
- Any other information deemed relevant to the application.

The applicant and all interested parties shall be notified in writing of the determination.

Attachment 3 Current Road Opening Policy 2007

The following is the Section 223 process as contained in the Local Government Act 1989.

1. *'The following provisions apply if a person is given a right to make a submission under this section (whether under this or any other Act) to the Council—*
 - (a) *the Council must publish a public notice stating that submissions in respect of the matter specified in the public notice will be considered in accordance with this section;*
 - (b) *the Council or where the Council so determines a committee of the Council must consider any written submission which is received by the Council within 14 days after the publication of the public notice stating that submissions will be considered in accordance with this section;*
 - (c) *any person who has made a written submission to the Council and requested that he or she be heard in support of the written submission is entitled to appear in person or by a person acting on his or her behalf before a meeting of the Council or the committee;*
 - (d) *the Council must—*
 - (i) *fix the day, time and place of the meeting referred to in paragraph (c); and*
 - (ii) *give reasonable notice of the day, time and place of that meeting to every person who has lodged a separate submission and in the case of a submission lodged on behalf of a number of persons, to the person specified in the submission as the person to whom notice is to be given;*
 - (e) *the Council must take into consideration all the submissions made under this section and after it has made a decision must notify in writing every person who has lodged a separate submission and in the case of a submission lodged on behalf of a number of persons, notify in writing 1 of those persons, of the decision and the reasons for the decision.*
2. *If a proposal by the Council involves the exercise of powers at the same time under more than one section giving a right to make a submission and written submissions are received under more than 1 of those sections the submission procedure may be carried out in respect of all the written submissions at the same time.*
3. *Despite section 98, a Council may authorise the appropriate members of Council staff to carry out administrative procedures necessary to enable the Council to carry out its functions under this section.'*

Attachment 3 Current Road Opening Policy 2007

4. Costs

Council's enquiry in matters such as these involves significant application of Council resources, and applicants will be required to pay a fee as set down in Council's Fees and Charges Schedule, which is subject to annual budget review.

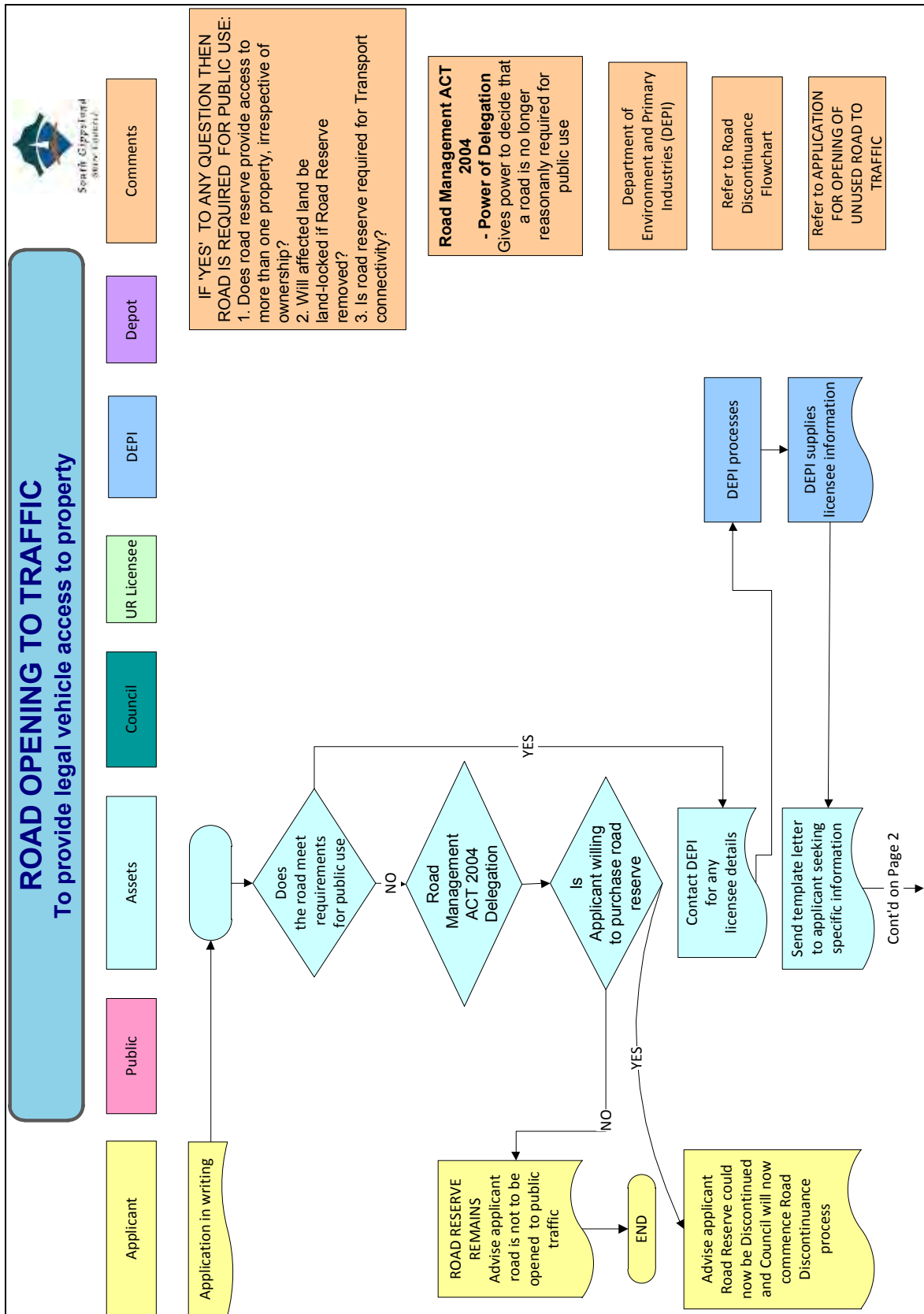
Applicants will also be required to bear the full cost of construction of the road to a standard to be set by Council having regard to the allocated road hierarchy and function, and in this regard applicants will be required to provide written undertaking as to meeting Council's costs as a result of the road construction.

Related Legislation, Guidelines, Specifications and Codes of Practice

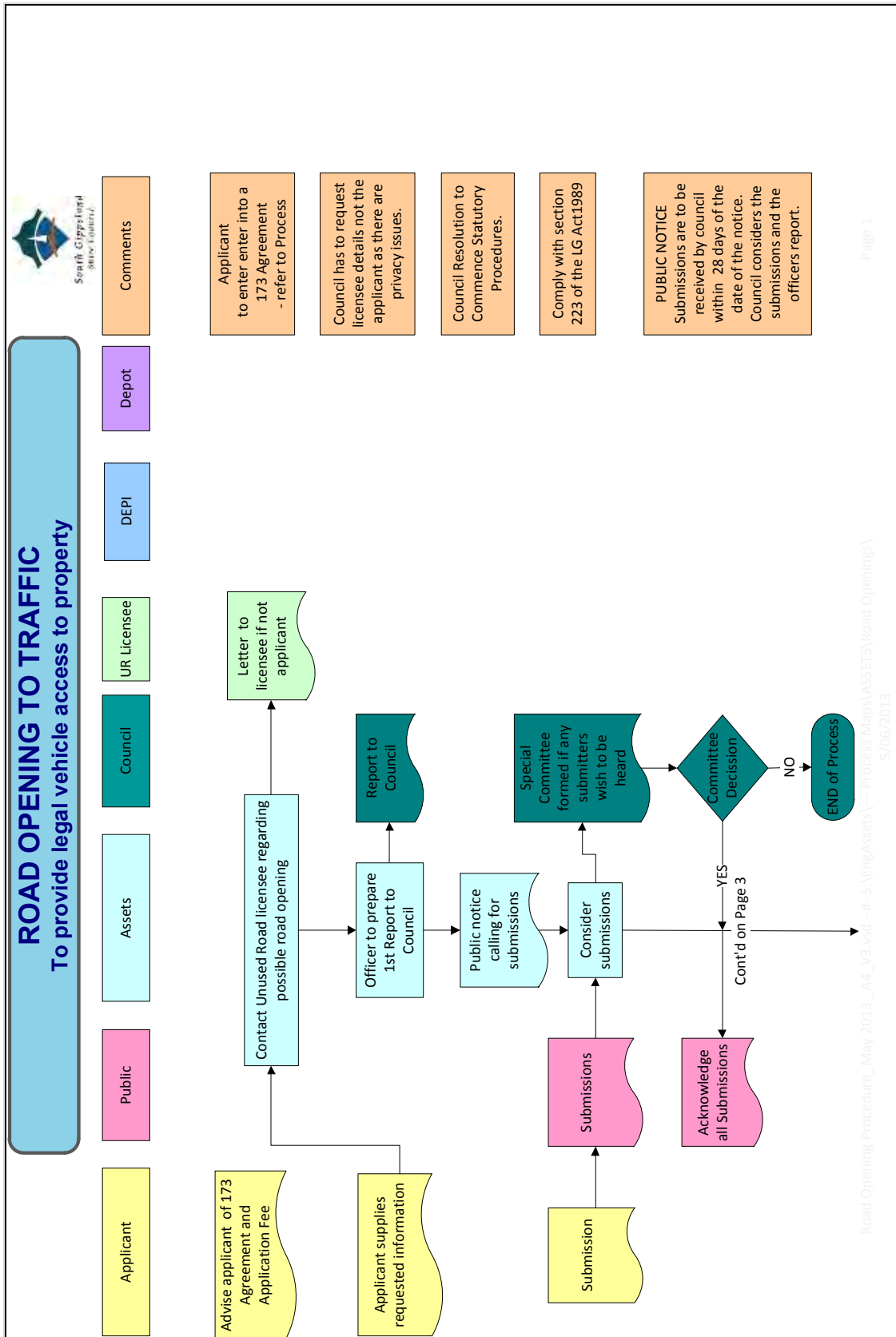
- Process Map 'Road Opening to Traffic'
- Local Government Act 1989
- Road Management Act 2004
- Land Act 1958
- Planning and Environment Act 1987

Approval Date:	21 February 2007	Approved by:	Council
Amendment 1:		Approved by:	
Amendment 2:		Approved by:	
Amendment 3:		Approved by:	

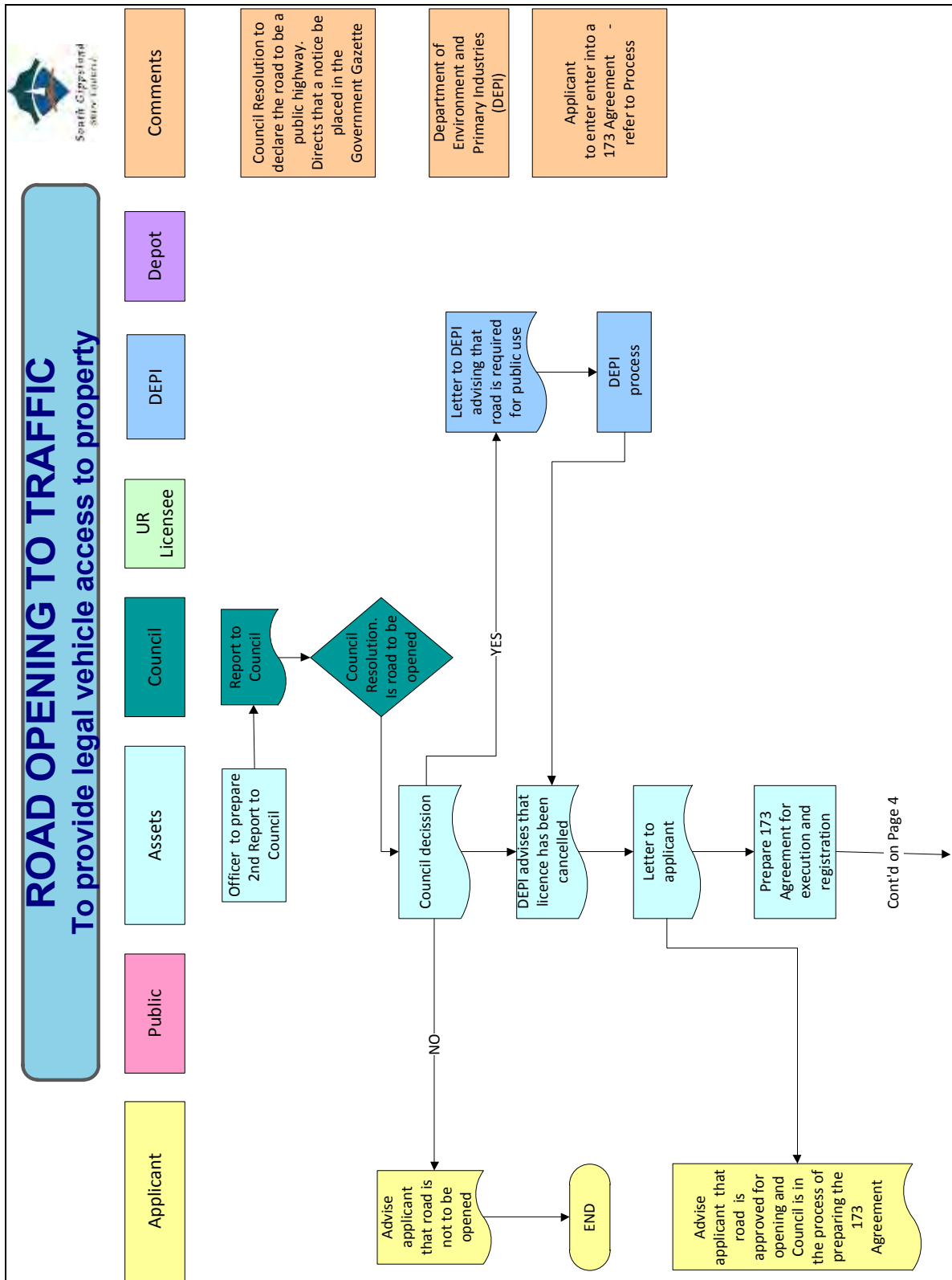
Attachment 4 2013 Road Opening Procedure



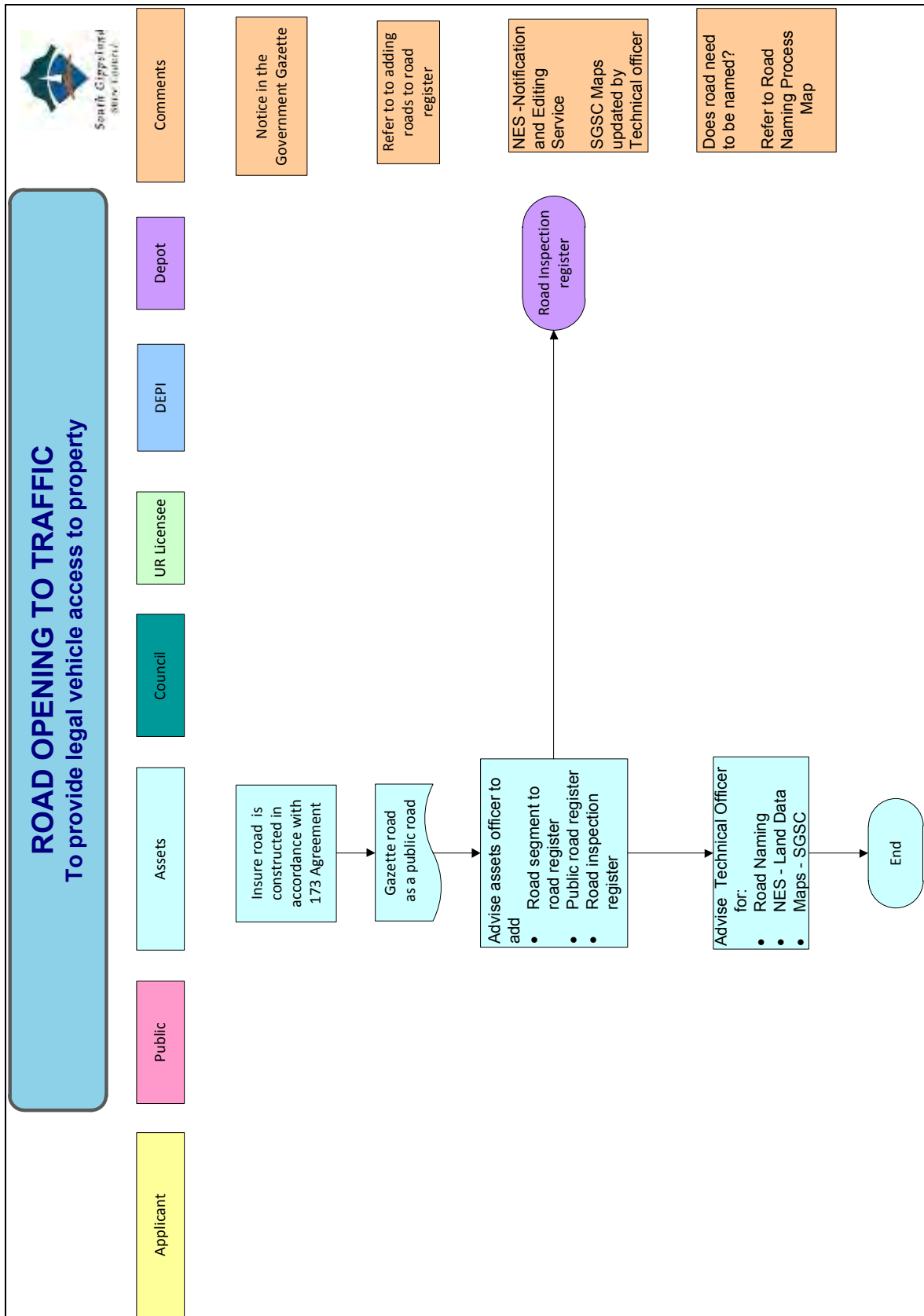
Attachment 4 2013 Road Opening Procedure



Attachment 4 2013 Road Opening Procedure



Attachment 4 2013 Road Opening Procedure



Attachment 5 Current European Wasp and Honeybee Control on Council Property Policy 2004

South Gippsland Shire Council

COUNCIL POLICY

Department:	Engineering
Sub-Section:	Property Management
Title:	EUROPEAN WASP AND EUROPEAN HONEYBEE CONTROL ON COUNCIL PROPERTY

Statement of Policy

Council will destroy the nests of European Wasps and relocate the swarms of European Honeybees (where appropriate*) on Council owned or managed land and road reserves.

Policy Rationale

Council recognises its duty to destroy the nests of European Wasps and to relocate (where appropriate*) hives/swarms of European Honeybees so that the public is not hindered in its use of Council land or affected by the presence of a nest, swarm or hive on Council land.

Definition

A **wasp or bee**, for the purposes of this policy, includes the most common wasps or bees in this municipality, being the European Wasp and the European Honeybee. Other wasp or bee problems will be assessed by the Council's Environmental Health Unit as they arise and this policy may be revised.

An **approved pest controller** is a pest control operator who holds a valid licence as an authorised user of the pesticide needed to eradicate/relocate the aforementioned insects.

Council Land is property that Council holds Certificate of Title to, has vested in its authority, has tenancy or licence of or has been delegated as the Committee of Management under the Crown Land (Reserves) Act (1978).

A **road reserve** is all land and improvements located between either property fence line adjoining the road. This will include nature strips and footpaths.

Guidelines

Pest Controller

An approved pest controller will be used by Council, to destroy the nests of European Wasps and destroy/relocate the swarms/hives of European Honeybees. The pest controller must comply with "Guidelines for Pest Control Licensing" "Requirements for Pest Control Vehicles, Equipment and Records"

Attachment 5 Current European Wasp and Honeybee Control on Council Property Policy 2004

and "Guidelines for Pest Control Business Registration", produced by the Department of Human Services or subsequent authority.

"The qualification of "where appropriate" is used to indicate that although every effort will be made to relocate a European Honeybee swarm/hive, it may be necessary to destroy a hive

Responsibility

Council Road Reserves

Council will destroy any European Wasp nest or relocate a European Honeybee hive (where appropriate*), which is located on a road reserve.

Contact – Request Handling Officer

Council Owned or Managed Property

Council will destroy/relocate any nest or hive of a European Wasp or a European Honeybee (where appropriate*), which is located on a land that is owned or managed by Council.

Contact – Request Handling Officer

VicRoads Roads

VicRoads are responsible for wasps nests and bee hives located on VicRoads designated roads and road reserves. Where a VicRoads road passes through a town, VicRoads is responsible only for the traffic through lanes between the restriction or derestriction signs. In this case, Council is responsible for European Wasp nest or European Honeybee hive and swarm relocation/destruction on a road reserve, nature strip, median strip or footpath in the township other than on the through lanes.

Contact – VicRoads Traralgon

A list of VicRoads roads is available from the Request Handling Officer.

Crown Land

Council is not responsible for wasp/bee nest removal upon Crown land, other than Crown land that is directly managed by Council, under licence or reserve.

Contact – Department of Natural Resources and Environment Traralgon

Freehold Land

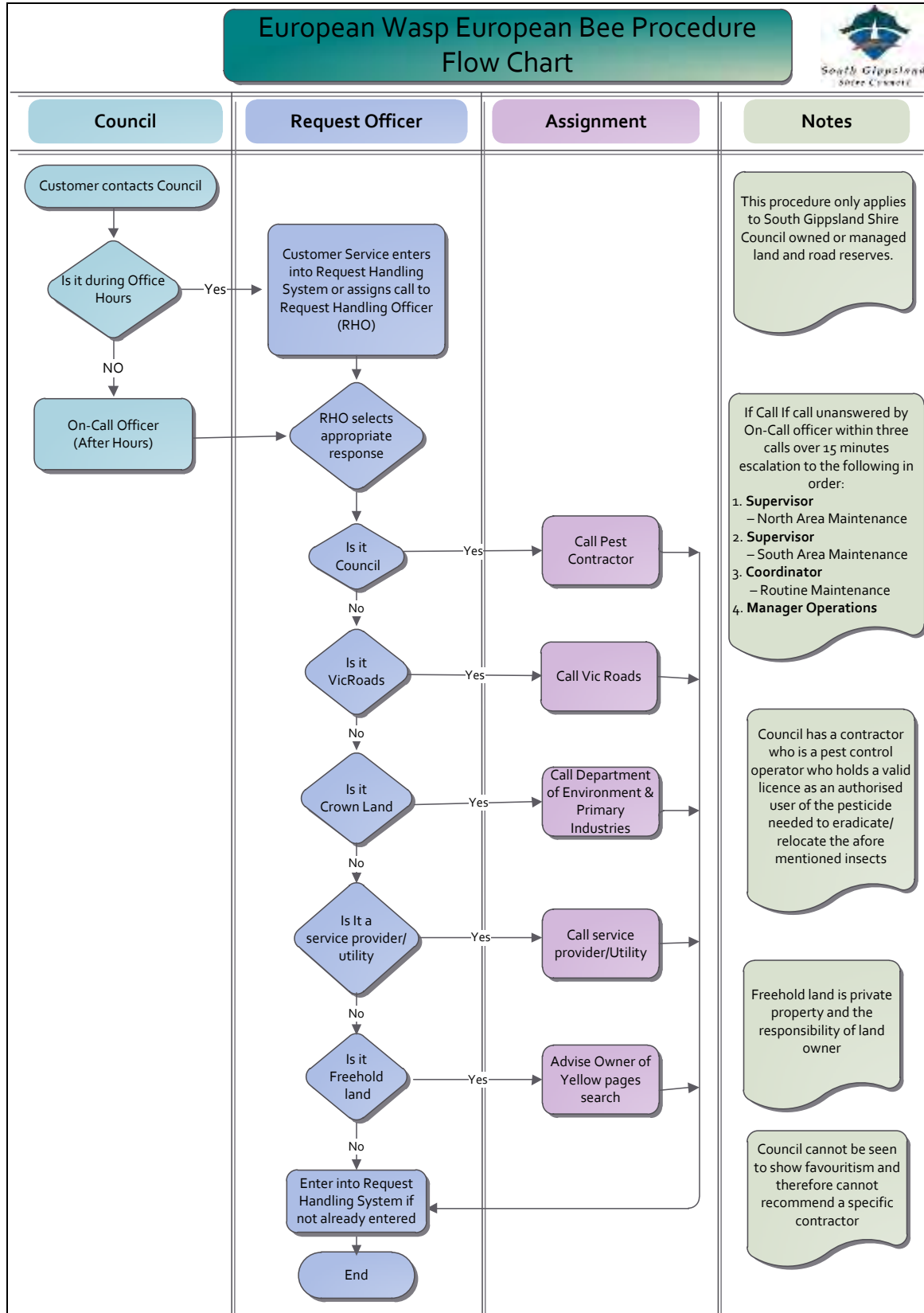
Property owners and neighbours are advised that property owners are responsible for the removal of wasps nests or bee swarms/hives on their property. Failure to remedy a nuisance nest, hive or swarm will be investigated by Council's Environmental Health Unit, under the provision of the Health Act 1958

Initial Contact – Property Owner

Further Information

Further information about wasps and bees is available from the Department of Natural Resources and Environment. A European Wasp Hotline is available on 1800 060 864.

Attachment 6 2013 European Wasp and Honeybee Control on Council Property Procedure



E.15 ADOPTION OF THE ROAD MANAGEMENT PLAN 2013

Engineering Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is to adopt the Road Management Plan 2013 (RMP) pursuant to Sections 54 and 55 of the Road Management Act 2004.

It is a regulatory requirement to complete the review of the RMP before 30 June 2013.

Document/s pertaining to this Council Report

- **Appendix 1** - Road Management Plan 2013

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

Alternatively, please visit the Road Management Plan 2013 webpage under [A - Z / Road Management Plan 2013](#).

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Road Management Act 2004, Sections 54 and 55
- Road Management Regulations 2005, Section 301 and 304
- Local Government Act 1989, Section 125 (1)(b)
- Code of Practice for Making Road Management Plans

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Asset Management Policy 2013
- Asset Management Strategy 2013
- Road Infrastructure Asset Management Plan 2013

COUNCIL PLAN

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

CONSULTATION

External Consultation

It is a requirement under the Road Management Act 2004 and Road Management Regulations 2005 to publish notices in the Government Gazette requesting submissions from the public before reviewing the RMP.

Council advertised the intention to review the existing RMP in the Government Gazette on 8 November 2012 requesting submissions within 28 days. This advertisement appeared in the local papers also. Council did not receive any submissions at the end of the closing period.

Upon formal adoption of the Road Management Plan 2013, the general public will again be notified, in accordance with the Road Management Act 2004, of Council's decision via publishing an appropriate notice in the Government Gazette, all local newspapers and on Council's website.

Internal Consultation

Discussions and review sessions were held with the Operations Department before finalising this review of the RMP.

The Draft RMP was circulated within the Assets Department and comments were included in the final draft.

REPORT

Background

The existing RMP was adopted by Council on 3 June 2009.

According to Section 301 of the Road Management Regulations and Section 125 (1)(b) of the Local Government Act 1989, Council is required to review the RMP every 4 years in line with the Council election.

This draft RMP has been reviewed as per the guidelines given in the Code of Practice for Making Road Management Plans and the Road Management Regulations, and contains the following:

- Details of the road assets covered in the Plan.
- Inspection regime.
- Target standard to be achieved in the maintenance and repairs based on the risk imposed on the road users.
- Details of the road management system.

Discussion

A summary of the changes made in this revision are listed below.

- Included clauses in the Local Laws in relation to Road Management.
- Removed the sections on Asset Management as these are included in the Road Infrastructure Asset Management Plan.
- Improved inspection regime. All roads in road classes 1 to 3 are inspected every two months as opposed to 4 to 6 month intervals for road classes 2 to 3 (Higher standard).
- Target service level improved for Access Tracks for defects with extreme risks from priority 2 to priority 1. This means these defects will be attended to within 24 hours. Previously these defects were attended to within 7 days (Higher standard).
- Included a new auditing system using Conquest Asset Management System.
- Updated Road Register.
- A footpath register included.
- A statement pursuant to Section 304 of the Road Management Regulations 2005, to the effect that the standard of the revised RMP is higher than the relevant standard previously determined under Section 41 of the Road Management Act 2004.

Options

The options available to Council are to:

1. Adopt the Road Management Plan 2013; or
2. Amend and adopt the Road Management Plan 2013.

Proposal

It is proposed that Council adopts the Road Management Plan 2013.

FINANCIAL CONSIDERATIONS

The extra funding required for improved service levels can be offset through the savings on operational and repair costs as the implementation of the new inspection regime and the Conquest Asset Management System help to attend to the repairs in a timely manner.

The adoption of this revised RMP does not have any implications on the Long Term Financial Plan or annual budgets.

RISK FACTORS

This RMP has addressed all the risks involved in the operation and maintenance of roads and associated infrastructure. This will help to reduce the potential for claims against Council.

CONCLUSION

The adoption of the Road Management Plan 2013 will enable the administration to arrange publishing of a notice in the Government Gazette and all local newspapers within the Shire, in accordance with the Road Management Act 2004, of Council's amended Road Management Plan and its subsequent availability to the general public via Council's website.

RECOMMENDATION

That Council:

- 1. Pursuant to Sections 54 and 55 of the Road Management Act 2004, adopt the amended Road Management Plan 2013.**
- 2. Place a notice of this decision in the Government Gazette and all local newspapers.**

STAFF DISCLOSURE OF INTEREST

Nil

E.16 STRATEGIC LAND REVIEW - UPDATE ON COMMUNICATION PLAN AND AMENDMENT TO LIST OF PROPERTIES

Engineering Services Directorate

EXECUTIVE SUMMARY

At its ordinary meeting held on 24 April 2013, Council considered the Strategic Land Review Project. It discussed a communication plan and proposed a list of properties for sale. Council's resolution included commencing the communication plan and the sale process for those properties listed in the Table in Attachment 1.

Proceeding with the communication plan and sale process meant further investigation into the properties proposed for sale. Accordingly, this report:

1. Discusses information found for three of the listed properties and the need for a slight amendment to the resolution of 24 April 2013 to progress the sale process.
8. Provides an update on the communication plan and the reason for advertising public notices pursuant to Sections 189 and 223 of the Local Government Act, 1989 over the following weeks:

Advertisement date	Properties
4 June 2013 -	6 Attenborough Court, Poowong 48 Bent Street, Leongatha 6A Gilfedder Terrace, Mirboo North 2A Inglis Avenue, Mirboo North
18 June 2013 -	91A Whitelaw Street, Meeniyah 18 Main Street, Buffalo 1 Pioneer Street, Foster
25 June 2013 -	1 Neil Street, Venus Bay 1A Noble Street, Venus Bay 3 McMillan Street, Venus Bay 8 June Court, Venus Bay 8 Gary Court, Venus Bay 8A Margaret Avenue, Venus Bay 22-24 Fishermans Road, Venus Bay

9. Recommends that Council set the dates, times and place for the hearing of any submissions that may be received to the above public notices.

Document/s pertaining to this Council Report

- **Attachment 1** - List of properties from 24 April 2013 Council meeting.
- **Attachment 2** - Juno Road, Venus Bay.

- **Attachment 3** - 11 Smith Street, Loch
- **Attachment 4** - 8 McDonald Street, Meeniyan

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Subdivision Act 1988, Section 24A
- Local Government Act 1989, Sections 189 and 223
- Planning Restructure Overlay
- Council land ownership policy

COUNCIL PLAN

Strategic Goal:	5.0	A Leading Organisation
Outcome:	5.2	Systems and Processes
Strategy No:	5.2.2	Asset Management Planning

CONSULTATION

Internal consultation has occurred with relevant Departments.

External consultation has occurred in accordance with the communication plan and is discussed further in this report.

REPORT

Information on three properties

In progressing the properties for sale, detailed investigations into the history of land use and legal status was conducted. Further information was brought to light with three of the properties identified on the list in Attachment 1 as numbers 2, 4 and 10. This information is discussed below:

2. Juno Road, Venus Bay – (listed property number 2)

- c. This property is actually comprised in 3 certificates of title, known as lots 4, 5 and 6 on Plan of Subdivision 312565. They are shown bordered in red on the plan at Attachment 2. The lots are also included in a Planning Restructure Overlay which is shown bordered in black (also shown on the second plan in Attachment 2).
- d. The Planning Restructure Overlay is restrictive on a sale process. It means that the lots can only be sold to the owner of the property that sits in the middle of these lots.
- e. Council had previously resolved to sell the property as described in (a) above at its meeting on 23 January 2008.

3. 11 Smith Street, Loch (listed property number 4)

It is believed that the Loch Public Hall has a septic pit that is piped under Smith Street and released onto this Property. As there is no physical or legal evidence to confirm this, this was not picked up. Whilst further investigations into this septic pit is conducted, it is recommended that the sale of this property be put on hold.

4. 8 McDonald Street, Meeniyah (listed property number 10)

- a. A road traverses part of this property (see Attachment 4).
- f. A survey plan is required to separate the road. The remaining land can be offered for sale. The adjoining landowner has expressed interest in its purchase.

Communication Plan

Council has written to property owners within the vicinity of the listed properties. We have also had numerous telephone conversations with adjoining land owners and representatives of community groups who have enquired about the project and submission process.

An information paper was prepared for the Venus Bay "Matter of Fact" – June edition.

Information will be provided at the next meeting of the South Gippsland Town Associations/District Associations network on 6 June 2013.

The community will continue to be updated on the progress of the project.

The public notification process pursuant to Sections 189 and 223 of the Local Government Act, 1989 has commenced. The public notices have been advertised over a period of weeks to adequately manage the administrative work that results from the notices.

The advertisement dates, closing dates including the properties proposed for sale are as follows:

Advertisement date	Closing date	223 Hearing Session	Properties
4 June 2013	2 July 2013	21 August 2013	6 Attenborough Court, Poowong 48 Bent Street, Leongatha 6A Gilfedder Terrace, Mirboo North 2A Inglis Avenue, Mirboo North
18 June 2013	16 July 2013	21 August 2013	91A Whitelaw Street, Meeniyah 18 Main Street, Buffalo 1 Pioneer Street, Foster
25 June 2013	25 July 2013	18 September	1 Neil Street, Venus Bay 1A Noble Street, Venus Bay

Advertisement date	Closing date	223 Hearing Session	Properties
		2013	3 McMillan Street, Venus Bay 8 June Court, Venus Bay 8 Gary Court, Venus Bay 8A Margaret Avenue, Venus Bay 22-24 Fishermans Road, Venus Bay

Proposal

With the information to hand for the properties at Juno Road, Venus Bay, 11 Smith St, Loch and 8 McDonald Street, Meeniyan, it is proposed to proceed as follows:

1. Proceed with the sale of Juno Road, Venus Bay knowing that it is comprised in multiple lots affected by the Planning Restructure Overlay and can only be sold to owners of the lots within the planning restructure overlay.
10. Delay the sale of 11 Smith Street, Loch until the effluent issues are investigated and/or resolved.
11. Proceed with the sale of 8 McDonald St, Meeniyan by preparing a survey plan to excise the road and then advertise the balance of the land for sale.

With regards to the communication plan and the advertisement dates for the public notices, it is proposed that Council:

1. Set the times, dates and place to hear and consider any submissions received to the public notices in accordance with Section 223 of the Local Government Act, 1989.

FINANCIAL CONSIDERATIONS

There are minimal financial costs to Council in proceeding with the above proposal. The expenses incurred in preparing the listed properties for sale will be allocated from the costs of sale.

RISK FACTORS

There is minimal risk to Council in proceeding with the sale of land as the process is in accordance with Sections 189 and 223 of the Local Government Act 1989.

RECOMMENDATION

That Council:

- 1. Agree to proceed with the sale of Juno Road, Venus Bay being the land described as:**
 - a. Lot 4 PS312565 comprised in certificate of title volume 10134 folio 107;**
 - b. Lot 5 PS312565 comprised in certificate of title volume 10134 folio 108; and**
 - c. Lot 6 PS312565 comprised in certificate of title volume 10134 Folio 109,**

by private treaty to adjoining landowners and as recognised in the Planning Restructure Overlay.
- 2. Delay the proposed sale of 11 Smith Street, Loch being the land contained in certificate of title Volume 4523 Folio 503 until the effluent issues are investigated and/or resolved.**
- 3. Agree to the following process for the sale of 8 McDonald Street, Meeniyan:**
 - a. Prepare a plan of subdivision pursuant to Section 24A of the Subdivision Act 1988 to excise the road from certificate of title volume 6334 folio 789.**
 - b. Upon completion of the plan of subdivision, commence the public notification for the sale of the balance of the land remaining in certificate of title volume 6334 folio 789 pursuant to Section 189 and 223 of the Local Government Act, 1989.**
- 4. Hear and consider any submissions received to the public notices advertising various properties for sale and in accordance with Section 223 of the Local Government Act, 1989 within the Townships of:**
 - a. Poowong, Leongatha, Mirboo North, Meeniyan, Buffalo and Foster at a Special Meeting of Council on 21 August 2013 at the Council Chambers, Michael Place, Leongatha commencing at 12.45pm for the land known as:**
 - i. 6 Attenborough Court, Poowong**
 - ii. 48 Bent Street, Leongatha**
 - iii. 6A Gilfedder Terrace, Mirboo North**
 - iv. 2A Inglis Avenue, Mirboo North**
 - v. 91A Whitelaw Street, Meeniyan**
 - vi. 18 Main Street, Buffalo**

- vii. 1 Pioneer Street, Foster**

- b. Venus Bay at a Special Meeting of Council on 18 September 2013 at the Council Chambers, Michael Place, Leongatha commencing at 12.45pm for the land known as:**
 - i. 1 Neil Street, Venus Bay**
 - ii. 1A Noble Street, Venus Bay**
 - iii. 3 McMillan Street, Venus Bay**
 - iv. 8 June Court, Venus Bay**
 - v. 8 Gary Court, Venus Bay**
 - vi. 8A Margaret Avenue, Venus Bay**
 - vii. 22-24 Fishermans Road, Venus Bay**

STAFF DISCLOSURE OF INTEREST

Nil

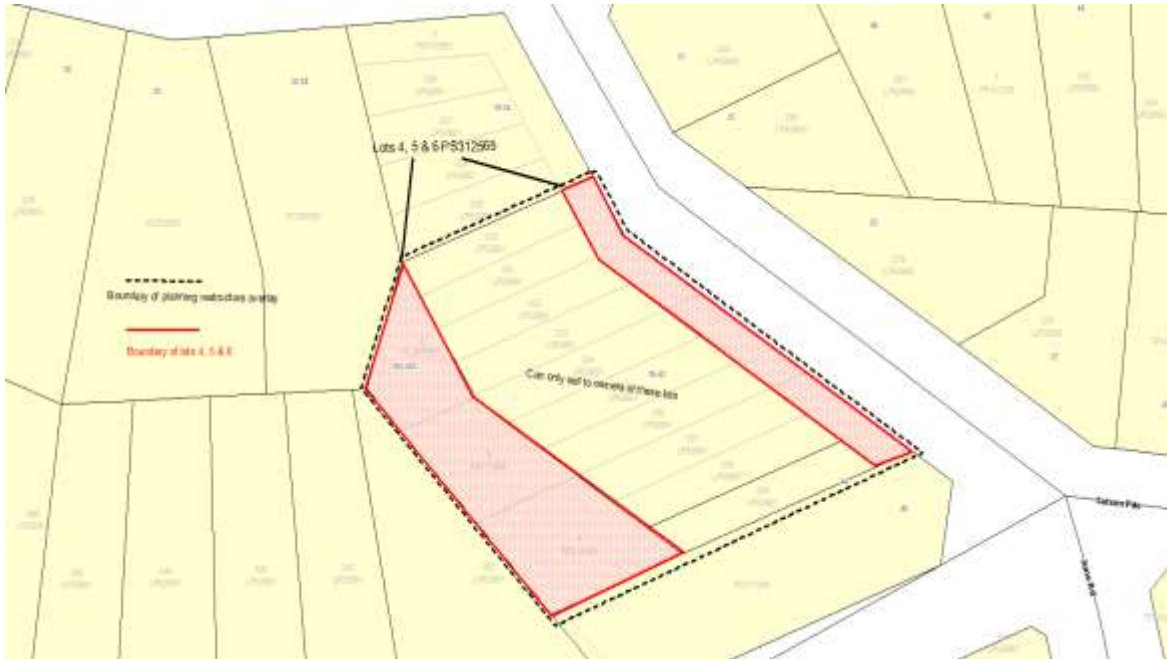
Attachment 1
Listed Properties (from Council Report of 24 April 2013)

	Address	Legal Description
1	Gilfedder Tce, Mirboo North	Reserve No. 2 on Plan of Subdivision 3025076 Certificate of title volume 10105 folio 897
2	Juno Road, Venus Bay	Lot 4 on Plan of Subdivision 312565K. Certificate of title volume 10134 folio 107
3	Attenborough Court, Poowong	Recreation and drainage reserve on Plan of Subdivision 136812 Certificate of Title volume 9485 folio 549
4	Smith St, Loch	Lot 7 on Plan of Subdivision 1887. Certificate of Title Volume 4523 Folio 503
5	Noble St, Venus Bay	Lot 1 on Plan of Subdivision PS439059S Certificate of Title Volume 439059S
6	Inglis Ave, Mirboo North	Crown allotment 44, Section 3 Certificate of Title Volume 10040 Folio 484
7	Main St, Buffalo	Lot 2 on Plan of Subdivision 305603U Certificate of Title Volume 10697 Folio 806
8	Pioneer St, Foster	Lot 1 on Plan of Subdivision 87250 Certificate of Title Volume 8842 Folio 986
9	Fishermans Road, Venus Bay	Reserve on Plan of Subdivision 56447 Certificate of Title Volume 9900/612
10	McDonald St, Meeniyan	Crown Allotment 9, Section 2 Certificate of Title volume 6334 Folio 789
11	Gary Court, Venus Bay	Reserve on Plan of Subdivision 56451 Certificate of Title Volume 9900 Folio 617
12	June Court, Venus Bay	Reserve on Plan of Subdivision 56447 Certificate of Title Volume 9900 Folio 612
13	Whitelaw Street, Meeniyan	Lot 1 on Plan of Subdivision 71040 Certificate of Title Volume 8623 Folio 481

Attachment 1
Listed Properties (from Council Report of 24 April 2013)

	Address	Legal Description
14	Margaret Ave, Venus Bay	Reserve on Plan of Subdivision 56450 Certificate of Title Volume 9900 Folio 616
15	McMillan Avenue, Venus Bay	Reserve on Plan of Subdivision 56449 Certificate of Title Volume 9900 Folio 615
16	Neil St, Venus Bay	Reserve on Plan of Subdivision 56448 Certificate of Title Volume 9900 Folio 613
17	Bent St, Leongatha	Reserve on Lodged Plan 96024 Certificate of Title Volume 8723 Folio 795

Attachment 2
Juno Road, Venus Bay – Locality Plan and Planning Restructure Overlay



SOUTH GIPPSLAND PLANNING SCHEME

SCHEDULE TO THE RESTRUCTURE OVERLAY

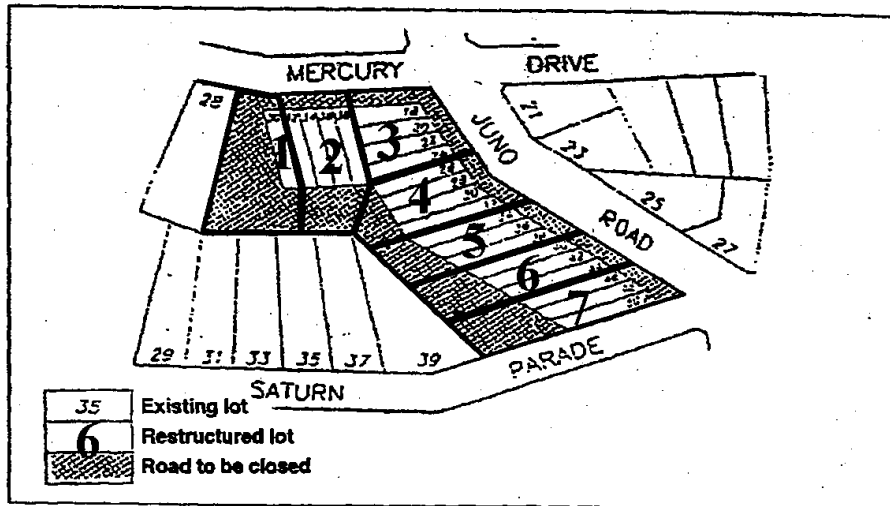


Figure 1
Juno Road Restructure Plan

Attachment 3
8 McDonald Street, Meeniyan



Attachment 3
11 Smith Street, Loch

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



E.17 FORMALISE THE ROAD OPENING OFF ELPHICKS ROAD, FOSTER

Engineering Services Directorate

EXECUTIVE SUMMARY

This report is presented to Council so that it may declare a 354 metre section of unused government road to the east of Elphicks Road, Foster, Parish of Wonga Wonga South, open to public traffic to provide legal abuttal to Crown Allotment 9A - Section A.

Document/s pertaining to this Council Report

- **Attachment 1** - Aerial Plan of proposed road opening
- **Attachment 2** - Powers of Council

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989 (Sections 204(2), 207A(c) and 223)
- Road Management Act 2004
- Planning and Environment Act 1987

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Road Opening Policy 2007
- Road Management Plan 2009
- South Gippsland Planning Scheme
- Infrastructure Design Manual

COUNCIL PLAN

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

CONSULTATION

27 March 2013 - Report to Council

- Council report to commence statutory procedures to consider a 354 metre section of unused government road to the east of Elphicks Road, Foster, Parish of Wonga Wonga South, open to public traffic to provide legal abuttal to the applicant's property.

8 April 2013 - Public Consultation Session

- A Public Notice was placed in the local newspapers, placed on Council's website and letters were sent to adjoining properties under Section 223 of the Local Government Act 1989.

8 May 2013 - Submission Session Closed

- No submissions were received upon conclusion of the public consultation session.

REPORT

Background

At its Ordinary Council Meeting held on 27 March 2013, it was resolved unanimously that Council:

“Commence statutory procedures pursuant to Section 204(2), Section 207A(c) and Section 223 of the Local Government Act 1989, to propose to declare the 354 metre section of unused government road to the east of Elphicks Road, Foster, Parish of Wonga Wonga South, open to public traffic to provide legal abuttal to Crown Allotment 9A Section A (shown cross hatched on the plan below), as a road that is required to be open to public traffic.”

Council received a request from a land owner to open a 354 metre section of unused government road reserve east of Elphicks Road, Foster. Planning Permit Application Number 2013/12 has recently been submitted to Council for the construction of a dwelling on Crown Allotment 9A - Section A. If this permit is approved, it would allow construction of a dwelling on a parcel of land without legal road abuttal.

The unused road reserve abutting Crown Allotment 9A – Section A has a grazing licence in place. This licence will be removed prior to the road being open to public traffic.

The 354 metre section of unused government road needs to be open to public traffic to provide legal abuttal to Crown Allotment 9A - Section A.

The road to be opened is currently unconstructed and will need to be constructed, along with the adjoining 330 metre section of unconstructed open government road reserve from Elphicks Road. Construction will be to the following standards for a 'Rural Access Place' in accordance with Council's Road Hierarchy Plan.

'Rural Access Road' means a 4.0 metre wide carriageway, 1.5 metre shoulders and table drains to suit. This is a 'formed & gravelled' no through road with traffic volumes below 50 vehicles per day.

An aerial plan of the proposed road to be opened is included in **Attachment 1**.

Discussion

The proposal to open the 354 metre portion of unused government road shall only proceed to gazettal, subject to the following conditions:

- The applicant enters into a Section 173 Agreement under the Planning and Environment Act 1987, to construct the road and bears all costs associated with the opening and construction of the road.
- The construction of the road should be completed prior to any building or construction works occurring on the land.
- To maintain the road during the twelve month Defects Liability Period agreed to by Council, following which Council will be responsible for the maintenance of the road in accordance with its Road Management Plan 2009.
- To obtain all relevant Permits before commencing works to construct the road.
- Upon satisfactory completion of works to construct the road, Council will issue a Certificate of Practical Completion.
- Provided that the owner shall be entitled to undertake maintenance works on the road exempt from obtaining a specific work authority under the Road Management Act 2004 and provided further that nothing herein vests any exclusivity of occupancy or use in the owner in respect of the road.

This Agreement shall end upon the expiry of the Defects Liability Period agreed to by the Council in regards to the works provided and to the satisfactory completion of works and rectifications required during such Defect Liability Period. As soon as is reasonably practical after the ending of the Agreement and subject to the owner making an application in writing to Council, Council shall, at the expense of the owner, make application to the Registrar of Titles to cancel the recording of this agreement pursuant to Section 183(2) of the Act to all or the relevant part of the land as the case may be.

Proposal

It is proposed that Council declare the road as described and as shown on the plan in the recommendation, be open to public traffic and that a notice be placed in the Government Gazette.

FINANCIAL CONSIDERATIONS

All costs associated with the design and construction of the road shall be the responsibility of the applicant.

The future maintenance costs of this section of road are estimated to be \$560 per annum. This can be accommodated in Council's operating budget for road maintenance when required.

RISK FACTORS

There are no risks to Council if this road opening proceeds as all legal risks fall under the Road Management Act 2004 and are subsequently addressed in Council's Road Management Plan 2009.

If Council does not open the road the applicant will not have legal access to Crown Allotment 9A - Section A.

CONCLUSION

It is considered appropriate that Council declare that the section of unused government road, to the east of Elphicks Road, Foster, Parish of Wonga Wonga South, open to public traffic to allow the applicant legal access.

RECOMMENDATION

That Council:

1. Pursuant to Section 204(2), of the Local Government Act 1989, declare the 354 metre section of unused government road to the east of Elphicks Road, Foster, Parish of Wonga Wonga South, (shown cross hatched on the plan below), is required to be open to the public for traffic as a right and declares the road to be a public highway for the purposes of the Act from the publication of this declaration in the Government Gazette.

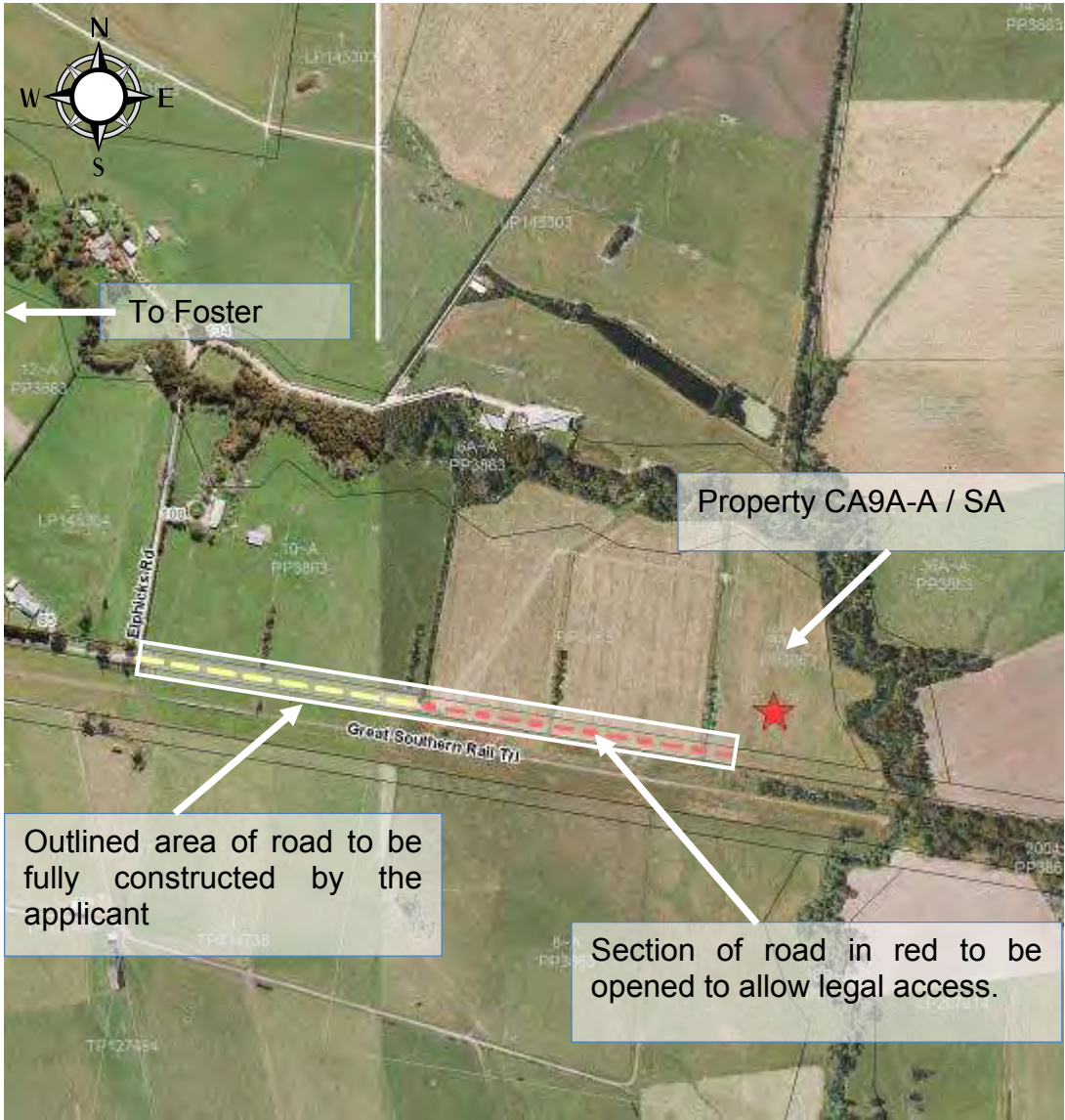


2. Prepare a Section 173 agreement for the applicant to enter into under the Planning and Environment Act 1987, and that the applicant bears all costs associated with the opening and construction of the road.
3. Direct that a notice be published in the Government Gazette.

STAFF DISCLOSURE OF INTEREST

Nil

**Attachment 1
Aerial Plan of Road Opening**



Attachment 2 Powers of Council

Council has the power under Section 204 of the Local Government Act 1989 (the Act) to open roads. The Act states:

204. COUNCIL MAY DECLARE A ROAD TO BE A PUBLIC HIGHWAY OR TO BE OPEN TO THE PUBLIC

1. A Council may, by notice published in the Government Gazette, declare a road in its municipal district to be a public highway for the purposes of this Act.
12. A Council may, by resolution, declare a road that is reasonably required for public use to be open to public traffic.
13. A road does not become a public highway by virtue of a Council resolution made under sub-section (2).

E.18 FORMALISE THE NEW ROAD NAME IN THE TOWNSHIP OF VENUS BAY AS OCKENGA CLOSE

Engineering Services Directorate

EXECUTIVE SUMMARY

This report is presented to Council to formalise the name of the 55 metre long unnamed road off Inlet View Road in the Township of Venus Bay and Parish of Tarwin as 'Ockenga Close'. Refer to **Attachment 1** for a map of the road location.

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

Council Report

- 27 March 2013 Proposed New Road Name for the Unnamed Road off Inlet View Road, in the Township of Venus Bay and Parish of Tarwin as 'Ockenga Close'.

Public submission process

- 1 April 2013 Public notice in Council Noticeboard and on Council Website.
- 8 April 2013 Letters sent to adjoining properties.
- 2 May 2013 Submissions close.

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

REPORT

Background

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

"That Council:

1. *Commence the process to consider the naming of the 55 metre long unnamed road, traversing in a southerly direction off Inlet View Road, in the Township of Venus Bay and Parish of Tarwin as 'Ockenga Close'.*
2. *Give public notice in the local newspapers and on Council's website week commencing 1 April 2013 of the proposal and write to all affected 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 Thursday 2 May 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."*

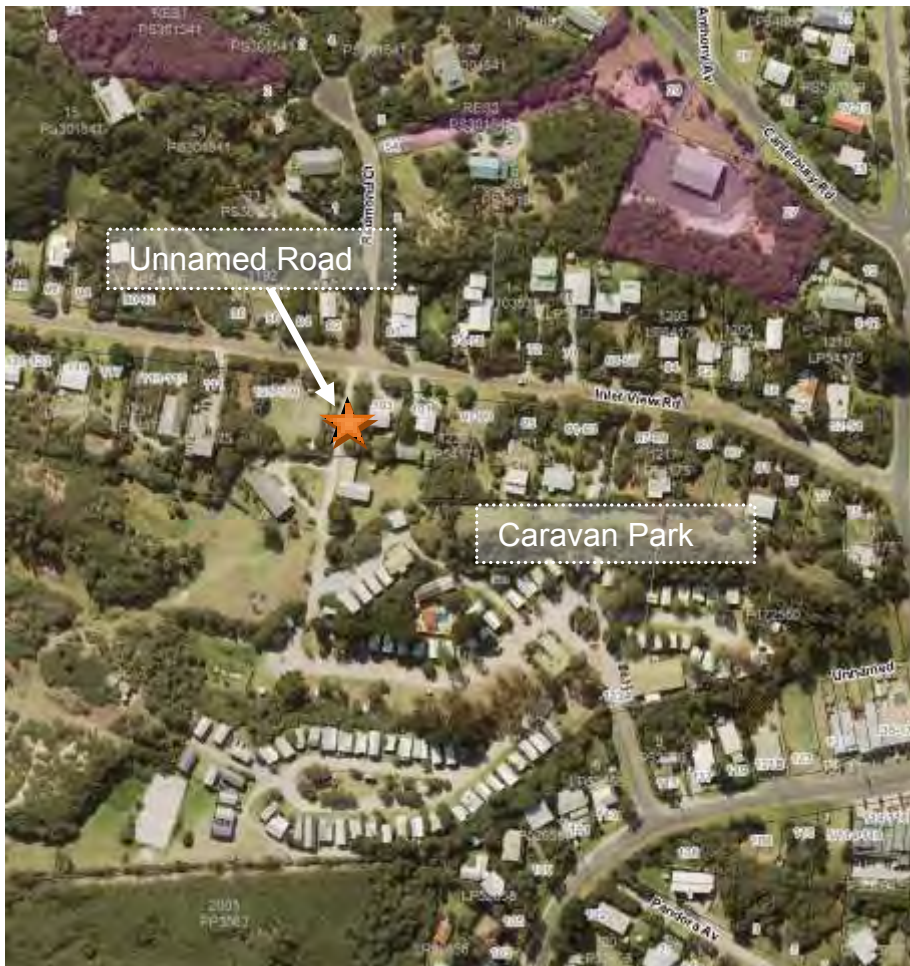
Discussion

As a result of a recent subdivision for a house lot excision off this unnamed road off Inlet View Road, this road requires naming due to the fact that a house lot will be utilising this road as their primary access. The road is also secondary access to the Venus Bay Caravan Park.

The applicants of the subdivision have requested the unnamed road be named 'Ockenga Close' in memory of John Ockenga who established the Venus Bay Caravan Park in the early 1970's.

In line with Council Policy, the Leongatha and District Historical Society was asked if the name 'Ockenga' would be a fitting suggestion for this unnamed road off Inlet View Road, Venus Bay. The Historical Society has agreed with the proposal.

Aerial Plan of the Road to be Named



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 'Ockenga', resulting in one duplication or similar sounding name of 'Oceanic Drive'. 'Oceanic Drive' is in the township of Inverloch (Bass Coast Shire) and is approximately 26kms away. This duplication should not impact on Emergency Services.

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 name for the 55 metre long unnamed road, traversing in a southerly direction off Inlet View Road, in the Township of Venus Bay and Parish of Tarwin as 'Ockenga Close'.

FINANCIAL CONSIDERATIONS

The only cost to Council will be for the supply and installation of a new sign for the road. This can be accommodated in the 2012/13 signage budget and will be approximately \$250.

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

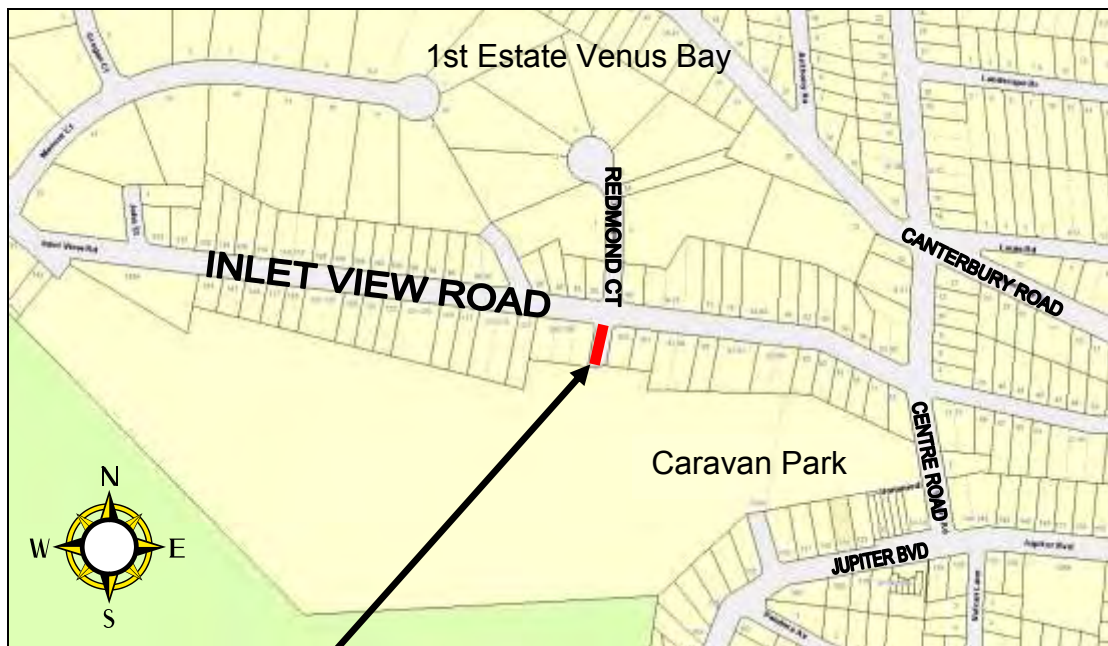
That Council:

- 1. Pursuant to Schedule 10 Clause 5 (1)(a) of the Local Government Act 1989, formalise the new road name for the 55 metre long unnamed road, traversing in a southerly direction off Inlet View Road, in the Township of Venus Bay and Parish of Tarwin as 'Ockenga Close'.**
- 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**



New Road Name as 'Ockenga Close'.

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.”

“Section 1.8 - Principle 1(C) Ensuring public safety

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

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

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

Any proposal to name or rename a road needs to clearly indicate the extent to which the name will apply. The extent of a road is considered to be its start and end points, and the course (including bends, divided carriageway sections and curves) of the road between these two points.

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

E.19 PROPOSED NEW ROAD NAME FOR ROAD OFF RIFLEBUTTS ROAD TOWNSHIP AND PARISH OF KORUMBURRA

Engineering Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is to gain Council support to name the 65 metre unnamed road off Riflebutts Road in the Township and Parish of Korumburra by calling for community comment. Refer to **Attachment 1** for a map of the road location. It is proposed to name the road 'Anthony Court'.

Document/s pertaining to this Council Report

- **Attachment 1** - Map of Road Location
- **Attachment 2** - Guidelines for Geographic Names 2010
- **Attachment 3** - Letter from Applicant (developer of subdivision)
- **Attachment 4** - Letter of support from Korumburra & District Historical Society

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Geographic Place Names Act 1998
- Guidelines for Geographic Names 2010
- Local Government Act 1989
- AS/NZS4819:2011 Rural and Urban Addressing

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Road Naming Policy 2009

COUNCIL PLAN

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

CONSULTATION

- The Korumburra and District Historical Society.
- The Guidelines for Geographic Place Names 2010 (**Attachment 2**).
- Council will place a public notice of the proposed road name in local newspapers and on Council's website, week commencing 1 July 2013, and send letters to adjoining properties.
- The submission period is 30 days from publication and will close on 30 July 2013.

REPORT

Background

As a result of a recent subdivision off Riflebutts Road, Korumburra, a road has been created that requires naming as the new lots fronting the road will require formal addresses. A court bowl has been constructed at the end of the road as part of the subdivisional works. The developer of this land has submitted a request to Council to name this road 'Anthony Court' after his grandparents (refer to **Attachment 3**).

In line with Council Policy, the Korumburra and District Historical Society has been consulted regarding the proposed name for this unnamed road off Riflebutts Road, Korumburra. The Historical Society has indicated their support for the recommendation put forward to Council to name the road 'Anthony Court' (refer to **Attachment 4**).

History

The names of Thomas Anthony, H A Anthony, Don Anthony and R L Anthony are remembered among the contracting companies / contracting culture that were so much a part of the history of the former Korumburra Shire. To name the road after this family would be a tribute to the memories of this family who lived in close proximity to the road.

Discussion

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

A Vicnames 15km duplicate name search has been carried out for the name 'Anthony', 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:

1. Commence the process to name the 65 metre long unnamed road, in the Township and Parish of Korumburra as 'Anthony Court'.
2. Give public notice of the proposal and write to all land owners with a property abutting the road proposed to be named.
3. Receive a final report on the outcome of the public consultation process including copies of any submissions received.

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

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

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. Commence the process to name the 65 metre long unnamed road, traversing in a southerly direction off Riflebutts Road, in the Township and Parish of Korumburra as 'Anthony Court'.**
- 2. Give public notice in the local newspapers and on Council's website week commencing 1 July 2013 of the proposal and write to all affected 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 30 July 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.**

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(C) Ensuring public safety

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

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

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

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

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

- metropolitan urban area, within 5 kilometres;
- regional urban area, within 15 kilometres; and
- rural or remote area within 30 kilometres

– (a rural or remote area is an area located outside of cities and towns, for example Nhill in West Wimmera Shire Council, Youanmite in Moira Shire Council and Harrietville in Alpine Shire Council).

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

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

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

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

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

Any proposal to name or rename a road needs to clearly indicate the extent to which the name will apply. The extent of a road is considered to be its start and end points, and the course (including bends, divided carriageway sections and curves) of the road between these two points.

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

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

**Attachment 3
Request from Subdivider**

17/04/13

Dear Joanne

Further to our phone conversation Mon 15th April regarding the name of the court central to the Riflebutts Road subdivision.

The Anthony family were involved in construction in the Gippsland region dating back to the 1950's. Many roads, dams, school ovals and sports ovals, reservoirs and clearing for farms were results of their endeavours.

Principle contractors were Thomas Anthony, H.A. Anthony, Don Anthony, and R.L. Anthony. Also my grandparents spent their last years living in Riflebutts Road.

As a tribute to these pioneers I believe the court should be named Anthony Court.

Regards


Attachment 4
Response from Korumburra & District historical Society



*Korumburra and District
Historical Society* Inc. No. A0034717Y

P.O. Box 329 Korumburra Victoria 3950

PRESIDENT: Shirley Holland
1 Carphay Court
Korumburra 3950
Ph. (03) 56 551180

SECRETARY: Janet Wilson
165 Bena Kongwak Road
Bena 3946
Ph (03) 56 572267

TREASURER: Alwyn Michie
100 George Street.
Korumburra 3950
Ph. (03) 56 552210

3rd. May 2013.



Ms. Joanne Cox,
Technical Assets Officer,
South Gippsland Shire,
Private Bag 4,
LEONGATHA. VIC. 3953.

Dear Joanne,

At the meeting of Korumburra Historical Society held on 2nd. May, a decision was taken to support the naming of the court off Riflebutt's Road as "Anthony Court".

The names of Thomas Anthony, H.A. Anthony, Don Anthony and R.L. Anthony are remembered among the contracting companies/contracting culture that were/was so much a part of the history of the former Korumburra Shire. The naming of the court would be a tribute to the memories of these and Trevor Anthony's grandparents who lived in close proximity to the court to be given their name.

Thankyou for the opportunity to be involved in the process of naming the court.

Yours sincerely,

Janet Wilson,
Secretary.
Telephone: 5657 2267

E.20 DOMESTIC ANIMAL MANAGEMENT PLAN - 2013-2017

Development Services Directorate

EXECUTIVE SUMMARY

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

Council agreed at its April 2013 meeting to endorse the South Gippsland Shire Council Draft DAM Plan 2013 - 2017 for the purpose of public exhibition for a four week community consultation period. The four week community consultation period ended on 24 May 2013. Council did not receive any submissions on the draft DAM plan. Therefore it is proposed that Council endorse the adoption of the South Gippsland Shire Council DAM Plan 2013 - 2017 (refer **Appendix 1**).

Document/s pertaining to this Council Report

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

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Domestic Animals Act 1994, Section 68A

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Domestic Animal Management Plan 2008

COUNCIL PLAN

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

CONSULTATION

Council agreed at its April 2013 meeting to endorse the South Gippsland Shire Council Draft DAM Plan 2013-2017 for the purpose of public exhibition for a four week community consultation period. The four week community consultation period ended on 24 May 2013. Council did not receive any submissions on the draft DAM plan.

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

REPORT

Background

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

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

Discussion

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

1. Training of Authorised Officers
4. Registration and Identification
5. Nuisance
6. Dog Attacks
7. Dangerous, Menacing and Restricted Breed Dogs
8. Overpopulation and High Euthanasia
9. Domestic Animal Businesses
10. Other Matters
 - g. Pound Provision & Management

Council agreed at its April 2013 meeting to endorse the South Gippsland Shire Council Draft DAM Plan 2013 - 2017 for the purpose of public exhibition for a four week community consultation period. The four week community consultation period ended on 24 May 2013. Council did not receive any submissions on the draft DAM plan.

Proposal

It's proposed that Council endorse the adoption of the South Gippsland Shire Council DAM Plan 2013-2017.

FINANCIAL CONSIDERATIONS

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

RISK FACTORS

A new DAM plan is required to be adopted by Council by 30 June 2013. Therefore if Council does not adopt the DAM plan, Council will not be complying with section 68A of the Act after 30 June 2013.

CONCLUSION

The DAM plan outlines the services, programs and policies Council has established to address the administration of the Act and the management of dog and cat issues in their community. The DAM plan has been placed on public exhibition and no submissions were received. A new DAM plan is required to be adopted by Council prior to 30 June 2013. Endorsing the adoption of the South Gippsland Shire Council DAM Plan 2013-2017 will fulfil this requirement.

RECOMMENDATION

That Council adopt the South Gippsland Shire Council Domestic Animal Management Plan 2013-2017.

STAFF DISCLOSURE OF INTEREST

Nil

E.21 ADOPTION OF AMENDMENT C72 - LOCH, NYORA, POOWONG AND MEENIYAN STRUCTURE PLAN IMPLEMENTATION

Development Services Development

EXECUTIVE SUMMARY

Planning Scheme Amendment C72 implements the key recommendations of the Loch, Nyora, Poowong and Meeniyan Structure Plans into the South Gippsland Planning Scheme. Exhibition of the Amendment received 76 submissions. The submissions were referred to an Independent Planning Panel for consideration. The Panel Hearing occurred in mid-December 2012 with the Panel Report being received in February 2013.

The Panel found that "...in general the Panel concludes that the Structure Plan process and its implementation through Amendment C72 will assist in the sound planning of these settlements in the future". The Panel recommends the Amendment be adopted subject to a series of changes. The changes improve the Amendment and have been incorporated into updated versions of the Structure Plans and Amendment C72 provisions.

Document/s pertaining to this Council Report

- **Attachment 1** - Recommendations of the Independent Planning Panel.
- **Attachment 2** - Individual sites discussed in the Council Report.
- **Appendix 1** - Amendment C72 provisions for Council adoption - detailing new Clause 21.04 Local Policy Provisions, Nyora DPO Schedule, amended Zone and Overlay maps.
- **Appendix 2** - Updated Loch, Nyora, Poowong and Meeniyan Structure Plans - for readoption.
- **Appendix 3** - Independent Planning Panel Report - February 2013.

A copy of the **Appendix 1, 2 and 3** is available on Council's website: www.southgippsland.vic.gov.au or by contacting 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Planning and Environment Act 1987
- Loch, Nyora, Poowong and Meeniyan Structure Plans

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 four township structure plans were extensively exhibited prior to their adoption in August 2011. Amendment C72 was exhibited in accordance with the normal requirements of the Planning and Environment Act 1987. This involved:

- Letters to the owners and occupiers of lands affected by the Amendment. This involved notification to all townships residents.
- Public notice in the local newspapers and on community noticeboards in the townships.
- Amendment information on Council's web page and at display points in the townships.

In response to the submissions, a number of changes were made to the Amendment after the close of the exhibition period. Where required, additional notification to affected landowners was conducted.

REPORT

Background

Planning Scheme Amendment C72 implements the key recommendations of the Loch, Nyora, Poowong and Meeniyan Structure Plans into the South Gippsland Planning Scheme. Meeniyan has recently been provided with reticulated sewerage and planning for reticulated sewerage is advanced for Loch, Nyora and Poowong. The Structure Plans (and resulting Planning Scheme implementation provisions) were prepared to respond to the additional township growth pressure that is anticipated to occur as a result of the provision of sewerage. This is particularly the case for Nyora which is expected to benefit from its close proximity to metropolitan Melbourne, and relatively flat land with associated low development costs. Council is aware of detailed development proposals for both Poowong (80 lots) and Nyora (700 lots).

Discussion

The Panel Report (see Appendix 3) provides a detailed summary and discussion of the issues raised in the submissions to the Amendment. The individual submissions were also considered by Council at the July 2012 Ordinary Council Meeting. For these reason, this report does not comment on the individual submissions but focuses on the main changes to the

Amendment provisions recommended by the Panel. The Panel has recommended a large number of changes however it is to be noted that the majority of changes address matters that Council initiated and recommended to the Panel.

In addition to updating the C72 Amendment provisions, the Panel has recommended the Structure Plans be updated to reflect the changes to the Amendment. This is necessary to ensure that contradictions do not exist between the adopted Structure Plans (to become Planning Scheme 'Reference documents') and the provisions implemented into the Planning Scheme. For example, the Panel has recommended the removal of the Rural Living Zone investigation areas from the Nyora Planning Scheme provisions, and accordingly, removal of the same provisions from the Structure Plan. This report presents updated Structure Plans to Council for re adoption to address this issue (see Appendix 2). A 'Track changes' version of the updated Structure Plans and Amendment C72 documents can be viewed on the Amendment C72 web page at www.southgippsland.vic.gov.au.

Nyora changes

- Residential growth options

The Panel agrees with Council that growth will occur with the provision of sewerage. However the Panel has expressed concern that the Nyora Structure Plan identifies an excess of land for urban residential development and that the main growth area on the township's north east boundary (the Wallis Watson land) has no particular characteristics which identify it as the primary growth site above and beyond other potentially suitable areas adjoining the town. However, Council has been attracted to this site as it is one ownership and is undulating easily developed land adjacent to the township.

Similar to Council, the Panel has concluded that it is not possible to accurately determine the likely future demand for residential land in Nyora, and consequently, exactly how much land should be identified for expansion in the Planning Scheme. The Panel's view is that greenfield land release (rezoning for residential development) should be guided by the proximity of land to the Town Centre. The Panel recommends that a 1km radius from the Town Centre be used to differentiate between the 'short term' and 'longer term' residential growth areas. The 1km radius line is displayed in the 'Land Use Framework Plan' map in the Nyora Structure Plan.

The Panel's recommendation raises two key issues. The first issue is that the area west of Patman Drive (north western township boundary) and west of Anna Close (southern township boundary) were not identified as residential expansion areas in either the Nyora Structure Plan or the exhibited C72 Amendment provisions. Consequently, it is reasonable to assume that landowners adjoining these areas are unaware of the Panel's recommendation and (were they to be made aware of the change) they would have no opportunity at this stage in the process to object. This is an

important issue because residents of Hatchs Road objected to the Wallis Watson proposal because of concerns regarding the interface of new urban residential development adjoining established Low Density Residential Zone (LDRZ) land. This issue has been addressed by Wallis Watson who have concept designs that work with the LDRZ interface. The same concerns would likely be expressed by residents of Patman Drive and Anna Close regarding new development adjoining their land.

It is not practical at this stage in the Amendment process to undertake further public consultation regarding the Panel's recommendation and the Panel cannot be reconvened to hear any new submissions that may be received as a result of further consultation. While stating this, it is also acknowledged that the reasons underlying the Panel's recommendation do have veracity and should be explored. To address this impasse it is proposed to set-aside the Panel's recommended map change and to respond to the issue with a new 'Action for implementation' stating:

"In consultation with the Nyora community, investigate longer term residential development options for the Farming Zone land adjoining the township boundary in the area west of Patman Drive and south of Lang Lang Poowong Road.

In addition to the above change, the mapping of the 1km boundary delineating the 'Residential Investigation Area' from the 'Longer Term Residential Investigation Area' has been changed to better reflect the development potential of the affected lands. The central point for measuring has been moved from the corner of Mitchell Street and Henley Street to near the corner of Mitchell Street and Davis Street (the site of the disused hotel building) - see Attachment 2 - Map 1.

This change is beneficial to the Wallis Watson land in that it provides a development land parcel which is practical for development and allows for contiguous development around the eastern and northern boundaries of the established Low Density Residential Zone. A strict adherence to the 1km rule would have potentially created isolated development pockets (unconnected with each other) on either boundaries of the established Low Density Residential area. This map change is considered minor and in keeping with the intent of the Panel.

The Panel made a further series of recommendations regarding changes to the Nyora Planning Scheme provisions to better respond to the staging of land development. These changes are supported and have been integrated into the Amendment.

- Town Centre Planning

If Nyora is to grow, its growth should occur in combination with a corresponding growth in the retail and services offer of the township. Achieving this will be a challenge given the fragmented ownership and development pattern in the Town Centre. The Amendment sought to respond

to this challenge by including an 'Action for implementation' requiring the preparation of a Master Plan for the Town Centre.

The Panel supports this outcome and recommends a new 'Action for implementation' requiring the preparation of a Town Centre Strategy and an 'Objective' requiring a clear commitment to the Town Centre for "...business, community and tourist services and facilities". This strengthening of the commitment to the Town Centre is welcomed and will lay the groundwork for future additional work to plan how the Town Centre should grow.

The additional work can investigate a future for the existing Industrial 3 zoned land adjoining the northern side of the railway station land as well as a future for the land on the northern side of Lang Lang Poowong Road between Forster Drive and Hatches Road (see **Attachment 2** - Map 2). This second area is zoned Low Density however it contains commercial uses. The proposal to apply the Industrial 3 Zone to this area was strongly resisted by adjoining landowners and has been removed from the Amendment.

The Panel has made a general recommendation that Council should (separate to this current Amendment) review the need for Industrial 3 zoned land in Nyora.

- Rural Living Zone Investigation Areas

Two 'Rural Living Zone Investigation Areas' were identified in the exhibited Amendment provisions (see **Attachment 2**- Map 3). The larger area (approximately 90ha) was situated on the eastern side of Yannathan Road (adjoining existing Rural Living zoned land). A smaller precinct of approximately 60ha was identified straddling both sides of Henrys Road, situated between existing pockets of Rural Living Zone. Council resolved on 25 July 2012 to:

"Advise the Panel that Council intends to refer all Rural Living Zone Investigation Areas in the Nyora Structure Plan to its imminent Housing and Settlement Strategy, with the exception of the land at Yannathan Road which Council does not support for development."

The Panel supports Council's July 2012 recommendation to remove both sites from the Amendment and the Structure Plan.

In summary, the Panel cited a number of grounds for not supporting the identification of additional Rural Living Zone opportunities around Nyora. These included the loss of productive agricultural land, the availability of alternative rural living opportunities presented in the South Gippsland Rural Land Use Strategy, distance from the Town Centre (especially in relation to the Yannathan Road proposal) and infrastructure servicing requirements. The Panel also queries how the Yannathan Road land was identified and the lack of strategic planning merit involved in the selection of this site as opposed to other adjoining sites that might also be considered. These are similar reasons addressed in the public submissions.

The Panel was more lenient in relation to the Henrys Road investigation area (given its "infill characteristic") however the Panel nonetheless recommended its removal from the Amendment - confirming Council's previously resolved position. The Panel has however, noted the option to consider the merits of this area further as part of the Housing and Settlement Strategy currently in development.

The C72 Amendment provisions and the Nyora Structure Plan have been changed to reflect all of the Panel's recommendations in relation to the Rural Living Zone.

- Nyora Development Plan Overlay

The existing Township Zone areas of Nyora are proposed to be rezoned Residential 1 in anticipation of reticulated sewerage being provided. The combination of land rezoning and reticulated sewerage significantly increase the development potential of the existing urban areas of Nyora. If not managed correctly this could result in ad hoc and disjointed development as the larger lots are developed without regard to connectivity to the surrounding area.

To address this possibility, a Development Plan Overlay (DPO) has been prepared for the area (see **Appendix 1**). The Panel supports the DPO however, they have recommended it be removed from one small lot (18 Walters Road - a small lot with limited redevelopment potential - see Attachment 2 - Map 4) and that the DPO schedule words be changed regarding how development contributions are to be arranged.

Loch Changes

The Panel has recommended approval of the Loch Amendment provisions with only minor changes required. Most of the changes reflect recommendations made to the Panel by Council, including application of the Mixed Use Zone to the land on the northern side of Victoria Street and west of the commercial area (see **Attachment 2** - Map 5). This change was made in response to the submissions from residents who were concerned that application of the Residential 1 Zone to their land would be too restrictive. The Panel's support for the Mixed Use Zone is a good outcome and will provide greater land use flexibility in the township's main thoroughfare, especially for the establishment of tourism related uses.

The Panel's recommendation regarding the zoning of the land at 11 Roy Street (see **Attachment 2** - Map 6) requires discussion because it recommends that the land remain in the Township Zone (TZ). The TZ is being removed from Loch and replaced with a suite of new zones better suited to guide the growth of the township.

11 Roy Street has subdivision development potential however the land is quite steep. The Loch Structure Plan recommended that the land be rezoned Low Density Residential with a future potential for rezoning to the Residential 1 Zone subject to detailed site analysis demonstrating that higher density can

be achieved which responds to the land constraints. The Panel agrees that the land has locational and site specific characteristics suitable for urban residential development, however has formed the view that it is better to retain the land in its current zoning (TZ) and rezone it in the future in combination with the application of a Design and Development Overlay (DDO) to control the development of the land. The Structure Plan already supports the future application of a DDO over Loch as part of a separate planning project. The Panel's recommendation adds weight to this recommendation.

The Panel's Roy Street recommendation effectively achieves the same outcome that Council supports, only by an alternative means. The Minister for Planning's 'Reformed Zones for Victoria' program will require Council to consider the character and density issues in the application of the new residential zones. This process could provide a time in which the future of 11 Roy Street can be further investigated.

All other site specific recommendations made by the Panel regarding zone changes in Loch are supported.

Poowong Changes

The main issue for Poowong is the future of the former dairy factory site opposite the primary school (see **Attachment 2** - Map 7). The land is currently in a mix of the Industrial 1 Zone (IN1Z) and the Farming Zone (FZ) - see **Attachment 2**.

The Panel has recommended that the IN1Z land be rezoned Business 1 (soon to become Commercial 1) and that the FZ remain on the eastern half of the land with the identification in the Framework Plan map as 'Short term commercial rezoning opportunity'. The Panel supports the future application of the Business 1 Zone along the road frontage and the potential for residential development in the southern half of the land however this should be achieved by a separate Amendment. The Panel supports application of a Development Plan Overlay to the land to guide its development, especially in relation to managing the land's interface with adjoining residential land. An Environmental Audit Overlay is to be applied to the entire site as part of Amendment C72 in recognition that the historic use of the site may have resulted in land contamination.

The Panel's recommendation will require a separate planning scheme amendment to achieve the discussed outcome however the approach outlined by the Panel is supported and should be explored with the landowner at a future date and after the new 'Reformed Zones for Victoria' have been introduced.

Meeniyah Changes

The Panel's Meeniyah recommendations are limited to site specific zone changes required in response to public submissions and mapping errors identified during exhibition of the Amendment. All of the Panel's

recommendations have been accepted and the zone mapping and Structure Plan mapping updated accordingly.

Options

Council has three options when considering a Panel Report and the adoption of an Amendment. It can:

- Accept the Panel's recommendations and adopt the Amendment in accordance with the Panel's recommendations.
- Modify or set-aside the Panel's recommendations and adopt the Amendment in the form it chooses.
- Abandon the Amendment.

The Panel's recommendations are broadly supported and corresponding changes have been made to the C72 Amendment provisions and the Structure Plans. The Panel's recommendations have only been varied in relation to elements of the Nyora provisions, however where these recommendations have been varied, these changes are consistent with the intent of the Panel. For these reasons it is recommended that the 'Option' for Council is that the Amendment is adopted, generally in accordance with the Panel's recommendations except where otherwise detailed in this Council Report.

Proposal

It is proposed that Council receive the Panel Report, accept the recommendations with minor modifications (as discussed in this Council Report), adopt Amendment C72 and the updated Structure Plans, and then submit Amendment C72 to the Minister for Planning for approval.

FINANCIAL CONSIDERATIONS

There are no financial considerations directly resulting from the adoption of Amendment C72.

Rezoning and development of land in accordance with the directions provided in Amendment C72 do have the potential for financial impacts on Council, particularly in terms of the demand for development and community infrastructure resulting from population growth. The Amendment provisions have requirements for development contributions to be paid to Council before larger developments, like greenfield land rezonings, will be supported. The exact nature of development contributions (financial contribution or infrastructure provision) must be considered prior to future amendments being supported.

RISK FACTORS

There are no risk factors directly associated with the receipt of the Panel Report and the adoption of the updated Structure Plans and Amendment C72 provisions.

CONCLUSION

Amendment C72 introduces new Planning Scheme policy provisions and land zonings to guide the future growth of Loch, Nyora, Poowong and Meeniyan. The Structure Plans and their implementing provisions (Amendment C72) have been prepared in consultation with the community and have achieved a high degree of community acceptance. The Independent Planning Panel has undertaken a detailed review of the submissions and made recommendations which strengthen the Amendment.

It is recommended that Council receive the Panel Report and adopt Amendment C72 and the updated Structure Plans generally in accordance with the Panel's recommendations with minor variations as detailed in this Council Report.

RECOMMENDATION

That Council:

- 1. Receive the 'Panel Report - South Gippsland Planning Scheme Amendment C72 - Township Structure Plans Loch, Nyora, Meeniyan, Poowong - 15 February 2013'.**
- 2. Adopt June 2013 Structure Plans for the townships of Loch, Nyora, Poowong and Meeniyan, generally in accordance with the recommendations of the C72 Panel Report, as detailed in Appendix 2 to this Council Report.**
- 3. Adopt Planning Scheme Amendment C72 in accordance with the provisions detailed in Attachment 1 and submit the Amendment to the Minister for Planning for approval.**

STAFF DISCLOSURE OF INTEREST

Nil

Attachment 1 Recommendations of the Independent Planning Panel

7 Summary of Recommendations

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

1. General recommendations
 - a. Adopt Amendment C72 to the South Gippsland Planning Scheme as exhibited subject to the further recommendations set out in this report.
 - b. Amend the Structure Plans (reference documents) in accordance with the recommendations in this report.
2. Loch recommendations
 - a. Amend the Loch Framework Plan in Clause 21.04-9 to identify 11 Roy Street, Loch as 'Potential Residential 1 Zone Expansion Area – subject to further investigation.'
 - b. Retain 11 Roy Street, Loch within the Township Zone.
 - c. Prepare a Design and Development Overlay to determine appropriate built form outcomes, particularly in the south-west corner of the Loch township.
 - d. Amend the Loch Structure Plan March 2011 to identify 11 Roy Street, Loch as 'Potential Residential 1 Zone Expansion Area – subject to further investigation.'
 - e. Amend the Loch Framework Plan at Clause 21.04-9 to identify the land at 3-23 Victoria Road, Loch to be 'Commercial expansion - Mixed Use Zone.'
 - f. Amend Map 4 to include land at 3-23 Victoria Road, Loch in the Mixed Use Zone.
 - g. Retain land at 12 – 24 Victoria Road, Loch within the proposed Residential 1 Zone as exhibited.
 - h. Amend Map 4 to include the former Church building on the western corner of Clarence and Victoria Roads, Loch, in the Business 1 Zone.
 - i. Amend the Loch Structure Plan March 2011 to identify the land at 3-23 Victoria Road, Loch to be 'Commercial expansion - Mixed Use Zone.'
 - j. Retain the property on the south-eastern corner of Mary Street and Victoria Road, Loch within the Residential 1 Zone as exhibited.
 - k. Amend the Loch Framework Plan to identify the six allotments at the southern end of Smith Street Loch as 'Low Density Residential Development.'
 - l. Retain the six allotments at the southern end of Smith Street, Loch within the Low Density Residential Zone as exhibited.

- m. Amend the Loch Structure Plan 2011 to identify the six allotments at the southern end of Smith Street Loch as 'Low Density Residential Development.'
 - n. Amend Map 4 to include the existing Country Fire Authority site on Victoria Road, Loch, within the Residential 1 Zone.
 - o. Retain the Loch Police Station within the Public Use Zone 1 – Service and Utility as exhibited.
 - p. Retain 9 Smith Street, Loch within the proposed Business 1 Zone as exhibited.
 - q. Retain Lot 1 TP405466 Rawlings Lane and Lot 1 TP584314 Catholic Church rear lot Loch within the Farming Zone as exhibited.
 - r. Retain Lot 6 Victoria Road, Loch in the Farming Zone.
 - s. Amend the Loch Framework Plan in Clause 21.04-9 to continue the township boundary along the eastern boundary of sites fronting Mary Street, removing Lot 6 Victoria Road, Loch from the township.
 - t. Amend the Loch Structure Plan March 2011 to continue the township boundary along the eastern boundary of sites fronting Mary Street, removing Lot 6 Victoria Road, Loch from the township.
3. Nyora recommendations
- a. Amend the Nyora Framework Plan contained in Clause 21.04-8 to:
 - identify preferred short to medium (0 – 1000m) and long term (beyond 1000m) residential investigation areas within the exhibited township boundary. These should be based on distance from the town centre and should generally reflect the concentric rings as indicated on the 'Land Use Framework Plan' contained within the NPS;
 - amend the legend in the Nyora Framework Plan to alter 'Residential 1 Zone Expansion Area' to read 'Residential 1 Zone – Investigation Area'. Include land identified as 'Residential 1 Expansion Area' and located outside the short to medium term investigation area (as discussed above) within a new classification 'Longer term Potential Residential 1– Investigation Area'; and
 - retain the township boundary as exhibited with the exception of including all land in the Farming Zone within the short to medium term residential investigation area (as discussed above) within the township boundary and identifying it as 'Residential 1 Zone – Investigation Area'.
 - b. Amend Objective (dot point 2) of Clause 21.04-8 to read 'To support staged residential growth commensurate to the need for additional residential land and the improvement of development and community infrastructure in the township.'

- c. Amend Objective (dot point 4) of Clause 21.04-8 to delete reference to 'support' and to replace it with 'encourage'.
- d. Amend Strategy (dot point 2) of Clause 21.08-4 to read 'Ensure that any subdivision in the Residential 1 Zone – Investigation Areas and the Long term potential Residential 1 Zone – Investigation Areas identified in the Nyora Framework Plan does not occur until the following prerequisites have been met:....'
- e. Include an additional prerequisite (a new first secondary dot point) to Strategy (dot point 2) of Clause 21.04-8 which reads 'There is an identified need for additional residential land within the township.'
- f. Amend the Nyora Structure Plan March 2011 to reflect the changes described above.
- g. Add the following to Clause 21.04-8 in 'Actions for implementation' after the 'Prepare a Master Plan.....' dot point: 'Prepare a town centre strategy to provide greater direction for commercial development in the Mitchell Street area and to determine whether the Business 1 Zoned land is adequate in location and extent to provide for future commercial growth in Nyora.'
- h. Add an additional objective in Clause 21.04-8 which reads 'To develop the town centre in the vicinity of Mitchell and Davis Streets which is the focus for all business, community and tourist services and facilities.'
- i. Amend the Nyora Structure Plan Land Use Framework on Page 18 to remove the Industrial 3 Zone Expansion Area and remove reference in the text to this area on Page 12 of the Structure Plan.
- j. Amend the Nyora Framework Plan in Clause 21.04-8 to remove the Industrial 3 Expansion Area from the plan.
- k. Investigate the need for additional Industrial 3 Zoned land in Nyora or on a regional basis to ensure there is adequate supply.
- l. Delete the seventh major dot point in the exhibited Clause 21.04-8 under 'Strategies' which commences with 'Support development of the Rural Living Zone Expansion Areas....'.
- m. Remove the reference to 'See Nyora Map 3 – Proposed Rural Living Area' and the associated arrow on the exhibited Nyora Framework Plan (Map 1 in clause 21.04-8).
- n. Delete the Nyora Framework Plan (Map 3) from exhibited clause 21.04-8.
- o. Remove the text and plan referring to 675 Yannathan Road as an investigation area for rural living from page 14 of the exhibited Nyora Structure Plan.

- p. Add an additional Objective in Clause 21.04-8 Nyora to read 'To ensure development contributes to provision of community services and facilities.'
 - q. Delete the seventh major dot point in the exhibited clause 21.04-8 under 'Strategies' which commences with 'Support development of the Rural Living Zone Expansion Areas....'.
 - r. Remove the reference to 'See Nyora Map 2 – Proposed Rural Living Area' and the associated arrow on the exhibited Nyora Framework Plan (Map 1 in clause 21.04-8).
 - s. Delete the Nyora Framework Plan (Map 2) from exhibited clause 21.04-8.
 - t. Remove the text and plan that refer to Henrys Road as an investigation area for rural living from page 14 of the exhibited Nyora Structure Plan.
 - u. Remove the Development Plan Overlay from 18 Walters Road, Nyora.
 - v. Rezone 34 Mitchell Street to the Residential 1 Zone as part of Amendment C72.
 - w. Delete the title of 'Agreement' and the following paragraph from clause 1.0 of the exhibited Development Plan Overlay Schedule 8.
4. Poowong recommendations
- a. Amend the exhibited Poowong Framework Plan at Clause 21.04-10 to identify the balance of the Ranceby Road frontage (not already exhibited for Business 1 Zoning) at 40 – 70 Ranceby Road as 'Short term commercial rezoning opportunity'.
 - a. Amend the exhibited Poowong Framework Plan at Clause 21.04-10 to identify the southern half of 40 – 70 Ranceby Road (as shown on Figure 6 in this report) as 'Longer term residential development opportunity'.
 - b. Consider rezoning the southern half of the exhibited Business 1 Zone area at 40 – 70 Ranceby Road from the Industrial 1 Zone to the Farming Zone to recognise its longer term residential, rather than industrial, future as part of this Amendment.
 - c. Apply the Environment Audit Overlay to 40 – 70 Ranceby Road in recognition of its past industrial use.
 - d. Consider a separate short term rezoning proposal to:
 - Rezone the balance of the Ranceby Road frontage at 40 – 70 Ranceby Road to the Business 1 Zone;
 - Apply the Development Plan Overlay generally in accordance with that shown in Appendix B of this report; and
 - Remove the Environmental Significance Overlay Schedule 5 from that part of the land to be rezoned Business 1 Zone.

- e. Rezone the former CFA site at 9 Ranceby Road from the Township Zone to Business 1 Zone.
 - f. Correct the zone boundary between the proposed Residential 1 Zone and existing Low Density Residential Zone on the land at 28A Nyora Road, Poowong (lot 101 PS314647) in accordance with the Submitter's map dated 30 June 2012.
 - g. Rezone the road way entry (Crown land) to the Poowong Recreation Reserve from the Township Zone to the Public Park and Recreation Zone.
 - h. Amend the Poowong Framework Plan at Clause 21.04-10 to relocate the Township Boundary to the outside boundary of the 'Residential 1 Zone Expansion Area' east of Brisbane Street consistent with the Poowong Land Use Framework plan in the Structure Plan.
 - i. Where relevant make consequential changes to the Poowong Structure Plan to accord with the above recommendations.
5. Meeniyan recommendations
- a. Rezone the land at 81 – 87 Whitelaw Street, Meeniyan to Business 1 Zone as per the exhibited Amendment.
 - b. Rezone 144 Whitelaw Street, Meeniyan (CFA site) from the Township Zone to the Public Park and Recreation Zone as opposed to the exhibited Public Use 1 Zone.
 - c. Rezone 1 and 3 Geale Street, Meeniyan from the Township Zone to the Residential 1 Zone as opposed to the exhibited Business 1 Zone.
 - d. Rezone the unreserved Crown land at 1-15 Whitelaw Street, Meeniyan (6 lots) from the Township Zone to the Public Conservation and Resource Zone as opposed to the exhibited Residential 1 Zone.
 - e. Rezone 139 Whitelaw Street, Meeniyan (police station) from the Township Zone to the Public Use Zone 7 (Other Public Uses).
 - f. Rezone 4 Scholers Street, Meeniyan (CA10 Sec1) from the Township Zone to the Public Park and Recreation Zone as opposed to the exhibited Residential 1 Zone.
 - g. Rezone 96 Whitelaw Street, Meeniyan (CA14 Sec1) from the Township Zone to the Public Park and Recreation Zone as opposed to the exhibited Business 1 Zone.

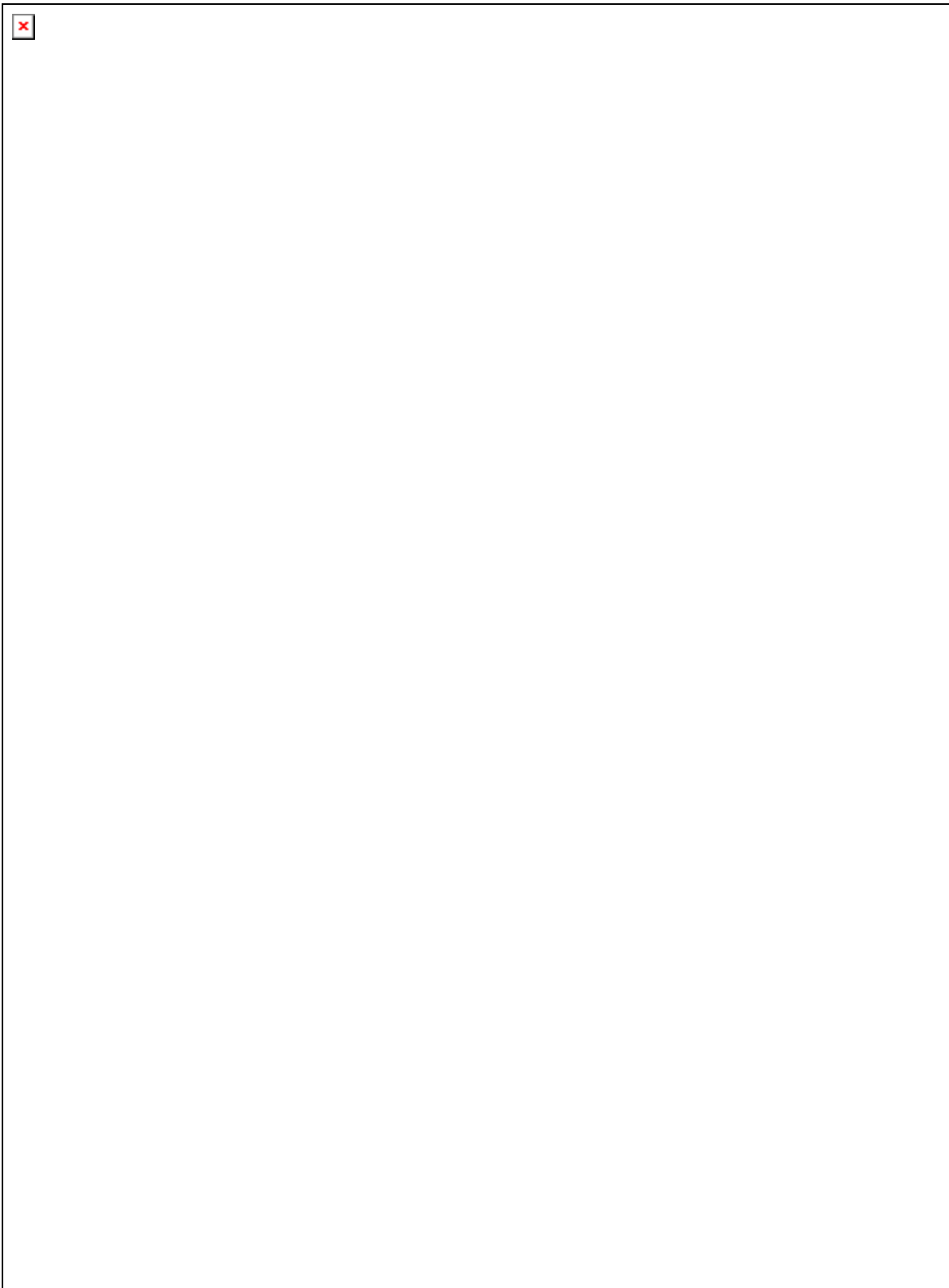
Attachment 2 Individual sites discussed in the Council Report

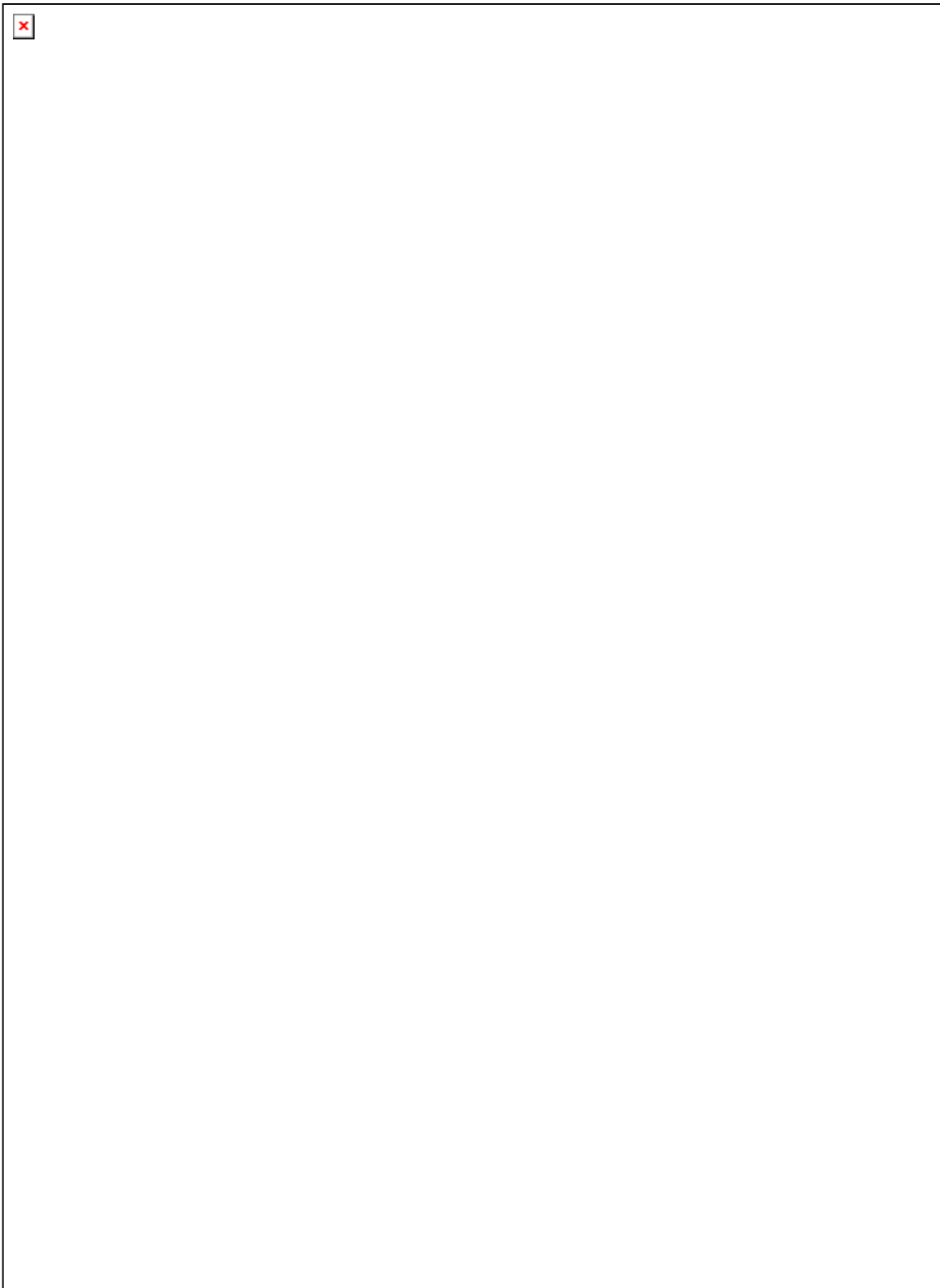
Nyora

Map 1 - Nyora Town Centre.



The 'Nyora Land Use Frameworks Plan' map (Nyora Structure Plan - Page 17) identifies residential growth areas based on their distance from the Town Centre. The updated Nyora Structure Plan moves the central point from which the measurements are drawn from the Post Office (corner Mitchell Street & Henley Street) to the corner of Mitchell and Davis Street. Should Nyora grow as planned, this area will likely become the focus of the Town Centre.







Poowong Changes

Map 7 Former Dairy Factory site



Note: Environmental Audit Overlay to be applied to the entire site (as a part of C72) in recognition that the factory use may have contaminated the land.

E.22 KORUMBURRA PLANNING SCHEME AMENDMENT C66

Development Services Directorate

EXECUTIVE SUMMARY

This report updates Council on the progress of Planning Scheme Amendment C66 which Rezones a large area of Farm Zoned land North of Jumbunna Road in Korumburra to Residential 1 Zone, applies a Development Plan Overlay Schedule 6 and deletes the Environmental Significance Overlay 5 (Areas susceptible to erosion);

This report also requests Council adopt the Amendment and authorise the Chief Executive Officer to sign the attached Section 173 Agreements approving Development Contributions.

Document/s pertaining to this Council Report

- **Attachment 1** - Development Plan Overlay Schedule 6 Jumbunna Road
- **Attachment 2** - General Residential Zone Provisions and Schedule
- **Appendix 1** - December 2012 Council Report
- **Appendix 2** - Panel Report - South Gippsland Planning Scheme Amendments C52, C66, C70 and C71.
- **Confidential Attachment 1** - Section 173 Agreements and locations

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

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Planning and Environment Act 1987

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Nil

COUNCIL PLAN

Strategic Goal:	3.0	A Strong economy
Outcome:	3.3	Infrastructure
Strategy No:	3.3.2	Transport
Strategic No:	3.3.4	Land-use planning

CONSULTATION

The amendment has been subject to consultation and notice in accordance with the Planning and Environment Act (1987) and submissions are detailed in **Appendix 1**.

REPORT

Background

Council exhibited Amendment C66 in conjunction with Amendments C70 (Korumburra Township Planning Provisions), C71 (Rezoned Korumburra Library from Public Use Zone 7 to Business 1 Zone) and C52 (Rezoned Farm Zone Land to Residential 1 Zone with a Development Plan Overlay) with full details available in **Appendix 1**. Amendment C70 was implemented into the Planning Scheme on 28 February 2013 and Amendment C71 will be further considered with the completion of the Korumburra Town Centre Framework Plan.

The key issue that led to the resolution below was the Independent Planning Panel (Panel) Directions that Council not impose Developer Contributions or Character Controls through the Development Plan Overlay process.

Following the December 2012 meeting Council resolved to:

Resolution 5: Request the Minister for Planning for a 12 Month extension of time to the period allowed for Council to adopt Amendments C52 and C66 to enable completion of Strategic Work on Development Contributions and Neighbourhood Character as recommended by the Panel to serve the public interest and to ensure a just and fair process.

Resolution 6: Consider a future report on a proposed project to undertake further strategic work on character assessment of Korumburra and to prepare amenity controls for future residential development in Korumburra

Discussion

Development Contributions

Subsequent to the Panel Report, agreement has been sought with landowners in the C66 areas. These owners' locations and details are returned in Confidential **Attachment 1** along with a copy of the Section 173 (S173) Contribution Agreement. This S173 Agreement provides for a financial contribution from developers to be made to Council at Statement of Compliance. The Statement of Compliance is the final stage of a subdivision before the release of new titles. This contribution will be spent on works external to the development area of C66 (outside Area A) which will be required to support the amendment. Such works include but are not limited to Jumbunna and Bena Road upgrades and intersections, community and social infrastructure and a shared path along Jumbunna Road.

With this key condition of the December 2012 Council Resolution met it is recommended that rezoning of C66 be continued.

Council will have a role within Area A in determining infrastructure requirements and staging of development through the Development Plan approval process. It may also be required to assist with mediation between landowners in terms of infrastructure requirements and cost sharing within the highlighted area shown below and called Area A in the Section 173 Agreements.



Plan 1 - Area A where C66 (and nearby PSA C52) Developers are responsible for all development costs.

Amenity Controls

The version of C66 DPO Schedule 6 taken to Panel proposed a number of amenity controls under Section 3.0 of the DPO. These were:

For lots with a primary frontage to Jumbunna Road, Bena Road Whitelaws Track and new internal 'Collector Connector Street - Level 1' roads (see below definition) (as per SGSC IDM), provide:

Minimum lot frontage of 18m

Maximum building site coverage of 40%

Minimum building front setback of 7m

Minimum side setback of 2m

Minimum 6m verges consistent with the IDM 'Collector Street' standard

The Panel did not support these character controls and stated that:

"ResCode provides sufficient guidance on these design parameters".

The original controls proposed are based on an assessment of Residential Character in the immediate vicinity of the C66 area, in particular along Jumbunna Road. This was to provide direction to the landowners and the community of the expected form of future development.

Subsequent to this amendment commencing the State Government has released its review of the Residential Zones. As a result of this State Government study councils are required to review their residential zones in the transitional period from 1 July 2013 to 1 July 2014. This review should recommend the appropriate new replacement Residential Zones consisting of either the Residential Growth Zone (RGZ), the General Residential Zone (GRZ) or the Neighbourhood Residential Zone (NRZ). If no recommendation is made by Council all existing Residential 1 Zones (R1Z) will transition to the GRZ.

It is likely that the General Residential Zone (Attachment 2) will apply to the majority of South Gippsland Shire's Residential 1 Zone (including the C66 area) as this zone is aimed at 'respecting and preserving neighbourhood character while allowing modest housing growth and diversity consistent with existing neighbourhood character'. This GRZ allows for individual schedules to address minimum residential character requirements.

Council is required to review all of its Residential Zones and this Shire wide response is considered the appropriate format to undertake character studies that will address development in the C66 area

Options

When considering the recommendations of a Panel Report, Council is not bound to accept the recommendations. However, the usual practice is to accept the expert independent advice and adopt the recommendations unless strong grounds exist for not doing so. The Minister for Planning must also consider the Panel's recommendation when determining whether to approve the Amendment and it is unusual for the Minister to set-aside Panel recommendations.

The options for Council are:

1. Accept and adopt all amendments now in the form recommended by the Panel and seek approval from the Minister for Planning;
2. Set aside some of the recommendations of the Panel and proceed with the amendments as Council determines

3. Where Council agrees fully with the Panel recommendations it can proceed to adoption;
4. Where Council does not agree fully with the Panel recommendations, it can request further time for adoption and negotiate with amendment proponents to obtain agreement over the matters that Council does not support; and undertake further strategic work including further Planning Scheme Amendments to address Panel concerns; or
5. Split off areas of the amendment in C66 into Part 2 where agreement is not reached.
6. Abandon all or some of the Amendments.

It is recommended that Council accept all Panel recommendations for C66 on the basis that the S173 Agreements address the developer contribution requirements and the new zones transition process will allow time to address these amenity issues.

FINANCIAL CONSIDERATIONS

The applicants are required to pay their share of Panel Report costs. There are no other financial considerations directly related to the recommendations of this report. The S173 Agreements provide the means appropriate development contributions when the land is rezoned in the C66 area. If development proceeds without appropriate development contributions it is likely to have an adverse financial implications for Council.

RISK FACTORS

As there is a formal agreement with the significant landowners of C66 land it is considered there are minimal financial liabilities if Council approves this amendment now. The amendment proponents for C66 are private development interests. The risks associated with the amendment are borne by the developer.

Council are awaiting two signed Section 173 Agreements from significant landowners in the C66 area. Rezoning these two areas without a signed agreement would leave Council and adjoining landowners without a fair and equitable contribution to development costs. It is recommended that rezoning these areas be deferred by splitting the amendment into Part 1 and Part 2 until a signed Section 173 agreement is negotiated.

CONCLUSION

The issues that previously lead to Amendment C66's extension of time, being Development Contributions and Amenity Controls, are addressed by the respective S173 Agreement and the review of the Residential Zones. Based on this assessment Planning Scheme Amendment C66 should be approved with outstanding signed S173 areas split off.

RECOMMENDATION

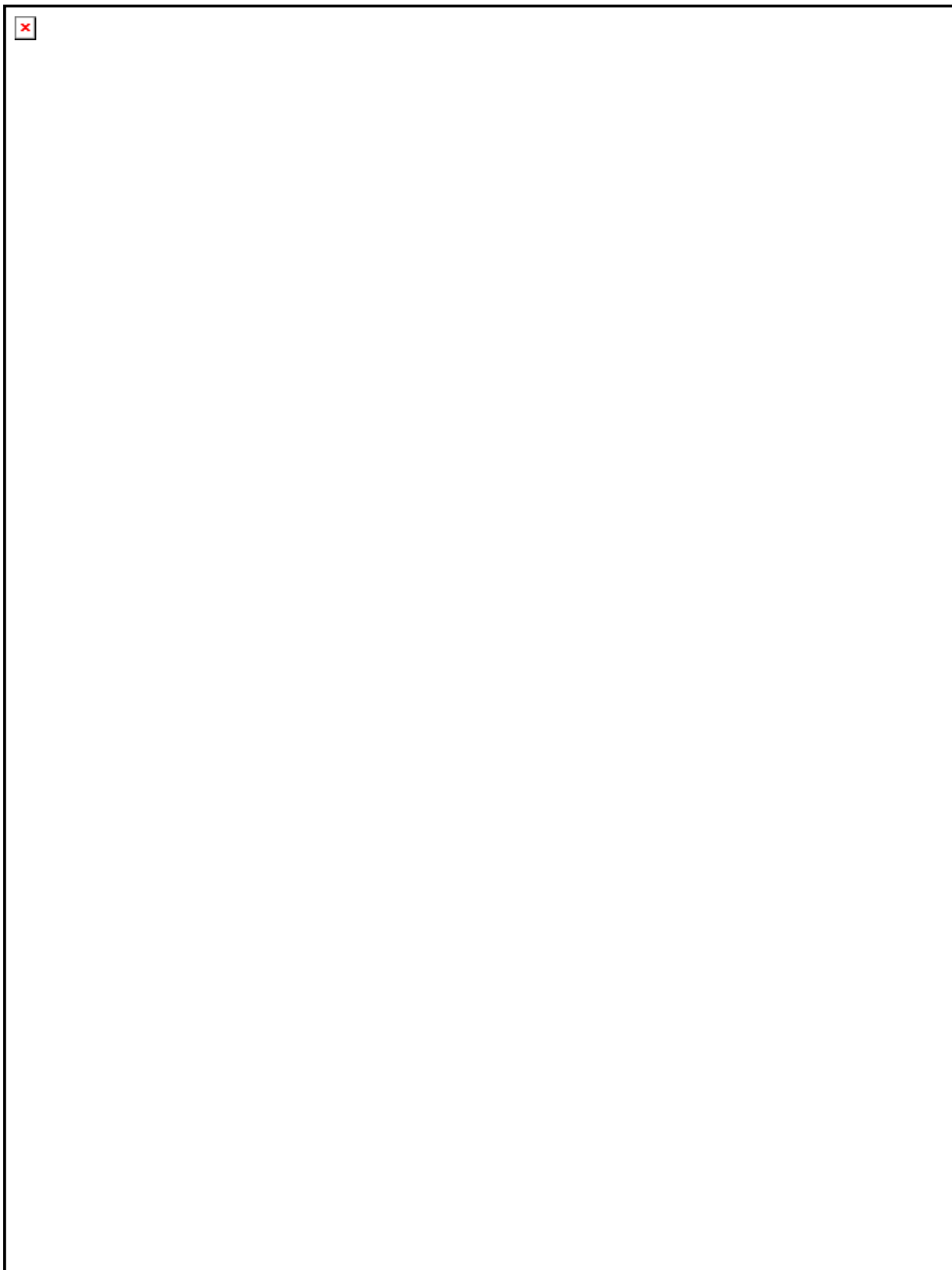
That Council:

- 1. Authorise the Chief Executive Officer to sign the Section 173 Agreements.**
- 2. Split Amendment C66 into Part 1 and Part 2 based on Signed Section 173 Agreement in Part 1 and significant unsigned areas into Part 2.**
- 3. Adopt Planning Scheme Amendment C66 Part 1 to the South Gippsland Planning Scheme as recommended by the C66 Panel Report;**
- 4. Defer making a decision on C66 Part 2 until signed agreement is reached.**
- 5. Request the Minister for Planning to approve Amendment C66 Part 1.**

STAFF DISCLOSURE OF INTEREST

Nil

Attachment 1
Development Plan Overlay Schedule 6 Jumbunna Road



SOUTH GIPPSLAND PLANNING SCHEME

contributions to be made by the owners towards the provision of development and community infrastructure on public land (including the provision of land and/or the payment of financial levies) required as a consequence of the subdivision of the land.

Fencing Requirement

Fencing on sensitive interfaces (existing residential zoned land bordering DPO6) is to be a minimum 1.8m high solid fence to be provided at the developer's expense prior to the issue of Statement of Compliance on the subdivision of the land. The location and type of fencing may be varied subject to the approval of the Responsible Authority.

3.0

3.0
3.0
3.0

Requirements for development plan

The development plan must be prepared to the satisfaction of the Responsible Authority.

The development plan may be approved in stages. Each development plan stage must represent a logical land development unit bounded by roads, natural features or the boundaries of the Development Plan Overlay map area.

The development plan must show / provide:

Land use and subdivision layout

- The proposed boundaries of the development area, and provide the strategic justification for those boundaries.
- The overall subdivision of the area, including where possible, the proposed size and density of allotments which provide opportunities for a diverse range of housing types.
- The provision of a sensitive residential interface with adjoining residential land. Lots directly adjoining the Low Density Residential Zone (LDRZ) must include a rear setback of a minimum of 7 metres from the zone boundary to any new structure, with a minimum of a 3 metre wide landscape buffer along the zone boundary, or alternative, determined to the satisfaction of the Responsible Authority.
- Street network that:
 - Limits the creation of new road access points onto Jumbuna Road and support building frontages with two way surveillance.
- The overall pattern of development of the area, including any proposed re-zoning of land and proposed land uses.
- A staging plan that demonstrates an efficient and orderly provision of infrastructure and services.
- An accessible and integrated network of walking and cycling routes for safe and convenient travel to adjoining communities (including existing and future areas included in the DPO), local destinations or points of local interest, activity centres, community hubs, open spaces and public transport.
- The provision of any commercial facilities and the extent to which these can be co-located with community and public transport facilities to provide centres with a mix of land uses and develop vibrant, active, clustered and more walkable neighbourhood destinations.

Industrial Zone interface

For subdivision and development north of Foster Creek an interface management plan is to be provided which specifies a design response and specific building and lot controls including, where required, controls to address amenity concerns related to noise, odour, vibration and lighting arising from legally occurring industrial activities within the Industrial 1 and Industrial 3 Zones. This may be executed via a Section 173 Agreement.

SOUTH GIPPSLAND PLANNING SCHEME

Earthworks and Land Form

- Where steeply sloping land exists on the site, the development plan shall detail how the proposed design responds to the topography and contours of the land, and whether significant earthworks are likely to be required for subdivisions to ensure good development design outcomes are achieved. Where land exceeds a slope of 15% a geotechnical report must be prepared by an appropriately qualified person demonstrating the suitability of the land for development.

The report must provide sufficient detail to ensure environmental, access and amenity issues are appropriately addressed. The report should detail whether building envelopes or other controls are likely to be required at the subdivision stage.

Infrastructure Services

- An integrated stormwater and flood management plan that incorporates water sensitive urban design techniques which provides for the protection of natural systems, integration of stormwater treatment into the landscape, improved water quality, and reduction and mitigation of run-off and peak flows, including consideration of downstream impacts.
- A comprehensive Traffic Impact Assessment prepared to the satisfaction of the Responsible Authority in consultation with the Roads Corporation that identifies existing and post development traffic generation, distribution and associated analysis and the pattern and location of the major arterial road network of the area including existing roads and the location and details of any required:
 - road widening
 - signalised/unsignalised intersections
 - access points
 - pedestrian crossings or safe refuges
 - cycle lanes
 - bus lanes and stops
- The pattern and location of any internal road system based on a safe and practical hierarchy of roads including safe pedestrian and bicycle connections and crossing points in accordance with South Gippsland Paths and Trails Strategy 2010 (as amended) and South Gippsland Open Space Strategy 2007 (as amended). The internal road network must specifically provide for the potential for internal road connectivity to the existing dwelling lots that have potential for further subdivision.
- In consultation with relevant agencies and authorities, provision of public transport stops where appropriate within easy walking distance to residential dwellings and key destinations. Stops should also be located near active areas where possible.
- Identification of costs for infrastructure provision both onsite and offsite

Open Space and Landscaping

- The location and size of the proposed open spaces that cater for a range of user groups and provide a variety of functions that perform both an active and passive role for recreation, as appropriate.
- Public open spaces designed to provide:
 - The inclusion of pedestrian and cycle paths and play equipment, that encourage active recreational opportunities.

SOUTH GIPPSLAND PLANNING SCHEME

- Opportunities for visual surveillance to promote safety of users, through encouraging active frontages, using buildings to frame public spaces and locating open spaces within or adjacent to activity centres where possible.
- A landscaping plan, prepared by a suitably qualified person, identifying all proposed landscaping with particular regard to the interface with surrounding residential and industrial developments, open space and roads. The landscape plan must include canopy tree plantings within both the internal and external road network to soften the visual impact of new development when viewed from within and outside the development area. The landscape plan must provide a high level of detail where new development is adjoining Jumbunna Road, Bena Road and new Connector Street – Level 1 roads, especially in areas where new development is inward facing and not addressing the road.

Community Infrastructure and Meeting Places

- Provision for access and social interaction, particularly where this encourages physical activity. For example:
 - Consider the need for public amenities, including toilets and bicycle parking at key destinations in accordance with Path and Trails Strategy 2010 (as amended).
 - The pattern and location of pedestrian and bicycle paths should provide safe and practical access to and from community facilities and meeting places.
 - Spaces should be designed to accommodate community events.
 - Consider the need for onsite community facilities or where required, upgrades and contribution to offsite community infrastructure.

Flora and Fauna

- In consultation with the Department of Sustainability and Environment, a flora and fauna survey, prepared by a suitably qualified expert, which includes but is not limited to species surveys for Gippsland Giant Earthworm, and measures required to protect the identified species.
- An assessment of any native vegetation to be removed having regard to Victoria's Native Vegetation Management: A Framework for Action, including how it is proposed to protect and manage any appropriate native vegetation, including the provision of any offsets if required.
- Regard must be had to the West Gippsland Native Vegetation Plan 2003, (as amended)

Cultural Heritage

- A cultural heritage assessment including how cultural heritage values will be managed.

Land Contamination

An investigation by an appropriately qualified person of the potential location and forms of land contamination resulting from previous land uses, as well as measures to address contamination in areas where sensitive land uses are proposed. The investigation must consider, but not be limited to, agricultural chemical use, informal land dumping, industrial & mining activities.

Process and Outcomes

The development plan should be prepared with an appropriate level of community participation as determined by the Responsible Authority.

SOUTH GIPPSLAND PLANNING SCHEME

An implementation plan must be submitted as part of the development plan, indicating the proposed staging of the development and timing of infrastructure provision.

The approved development plan may be amended to the satisfaction of the Responsible Authority.

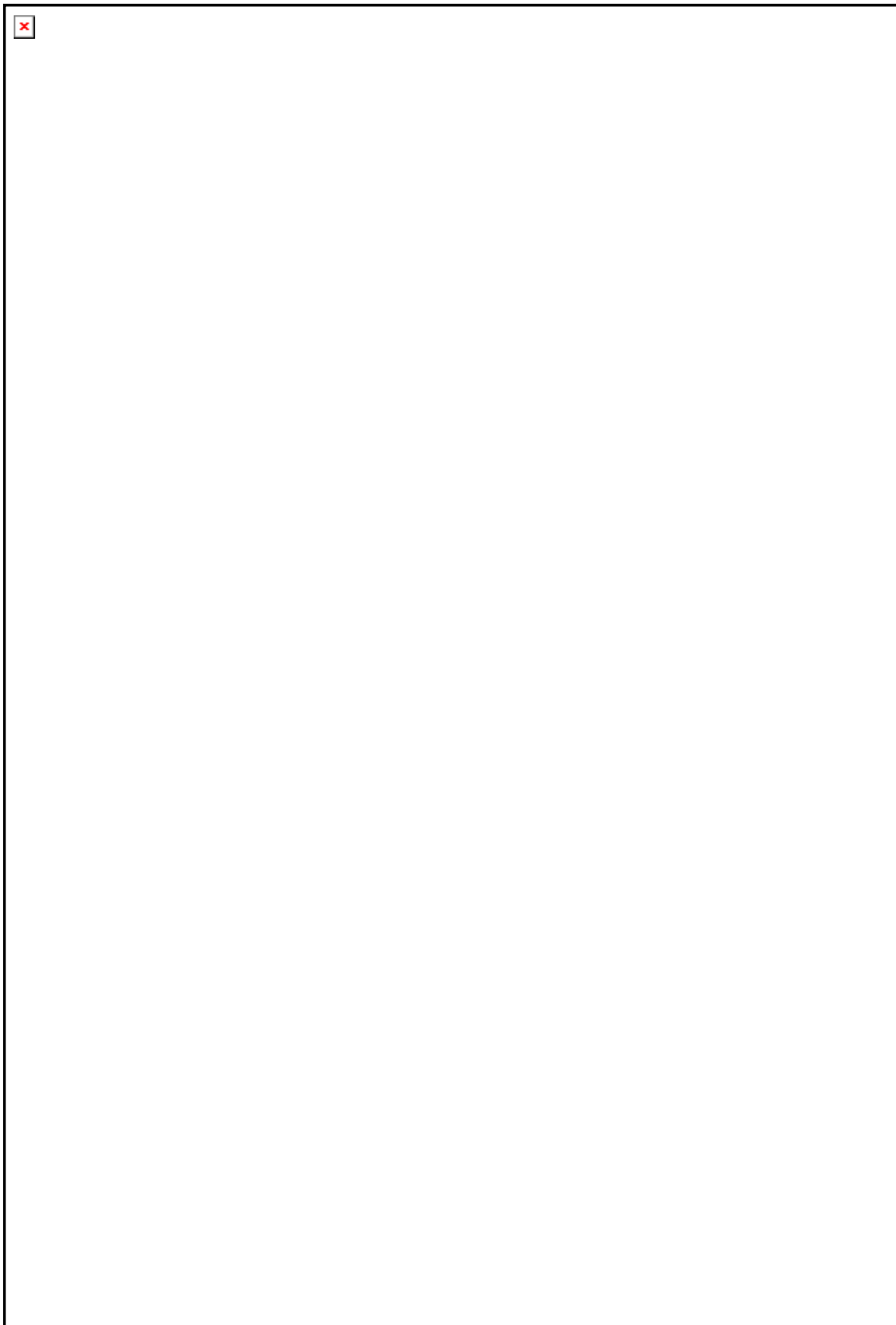


Decision guidelines for development plan

Before deciding on a development plan, the Responsible Authority must be satisfied that the plan has regard to the following information:

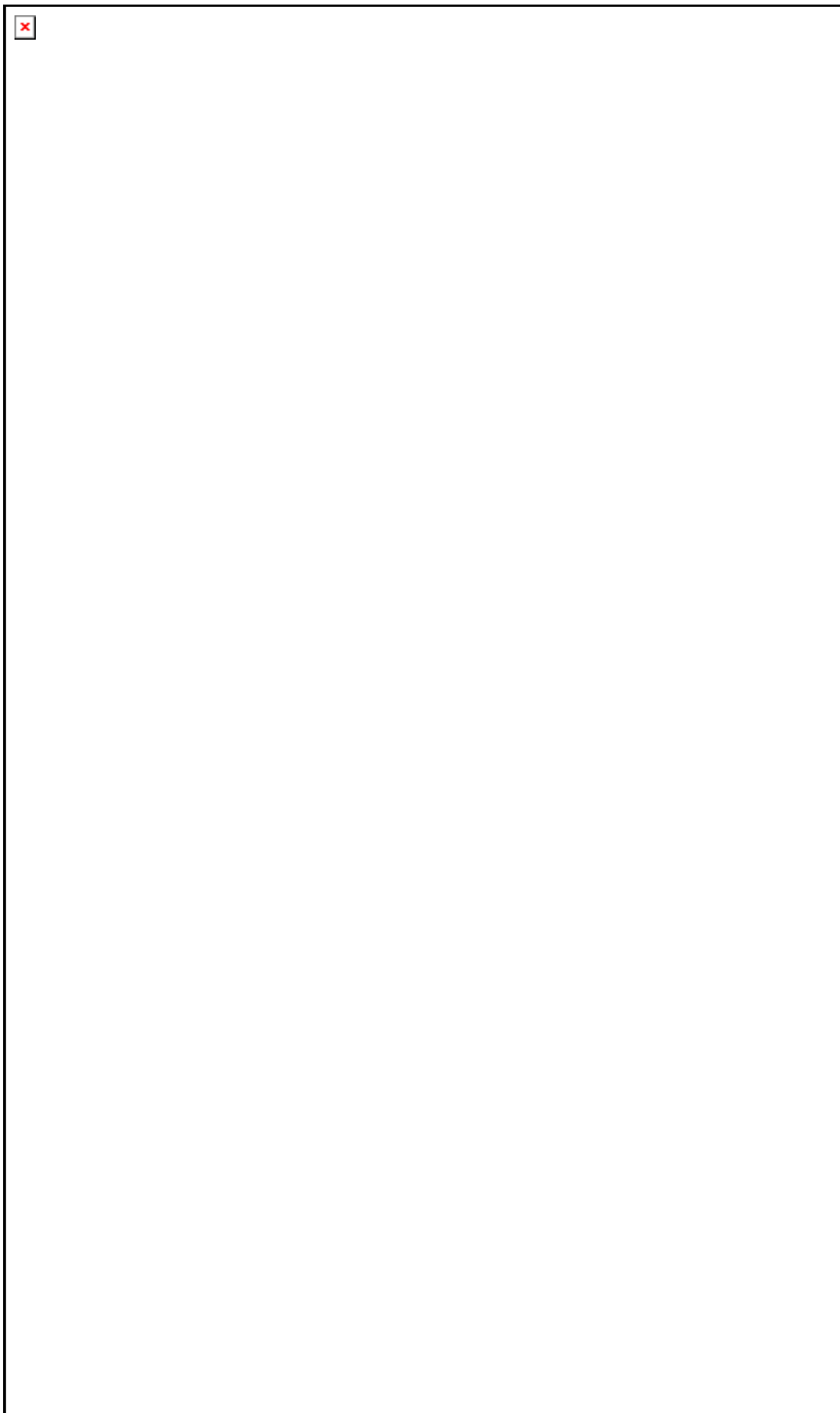
- Victoria's Native Vegetation Management: A Framework for Action 2002
- National Heart Foundation of Australia (Victorian Division) 2004, Healthy by Design: a planners' guide to environments for active living⁸, National Heart Foundation of Australia (Victorian Division) or as amended;
- South Gippsland Path and Trails Strategy 2010 (as amended)
- South Gippsland Open Space Strategy 2007 (as amended).
- Kerumburra Structure Plan 2010 (as amended)

Attachment 2
General Residential Zone Provisions and Schedule

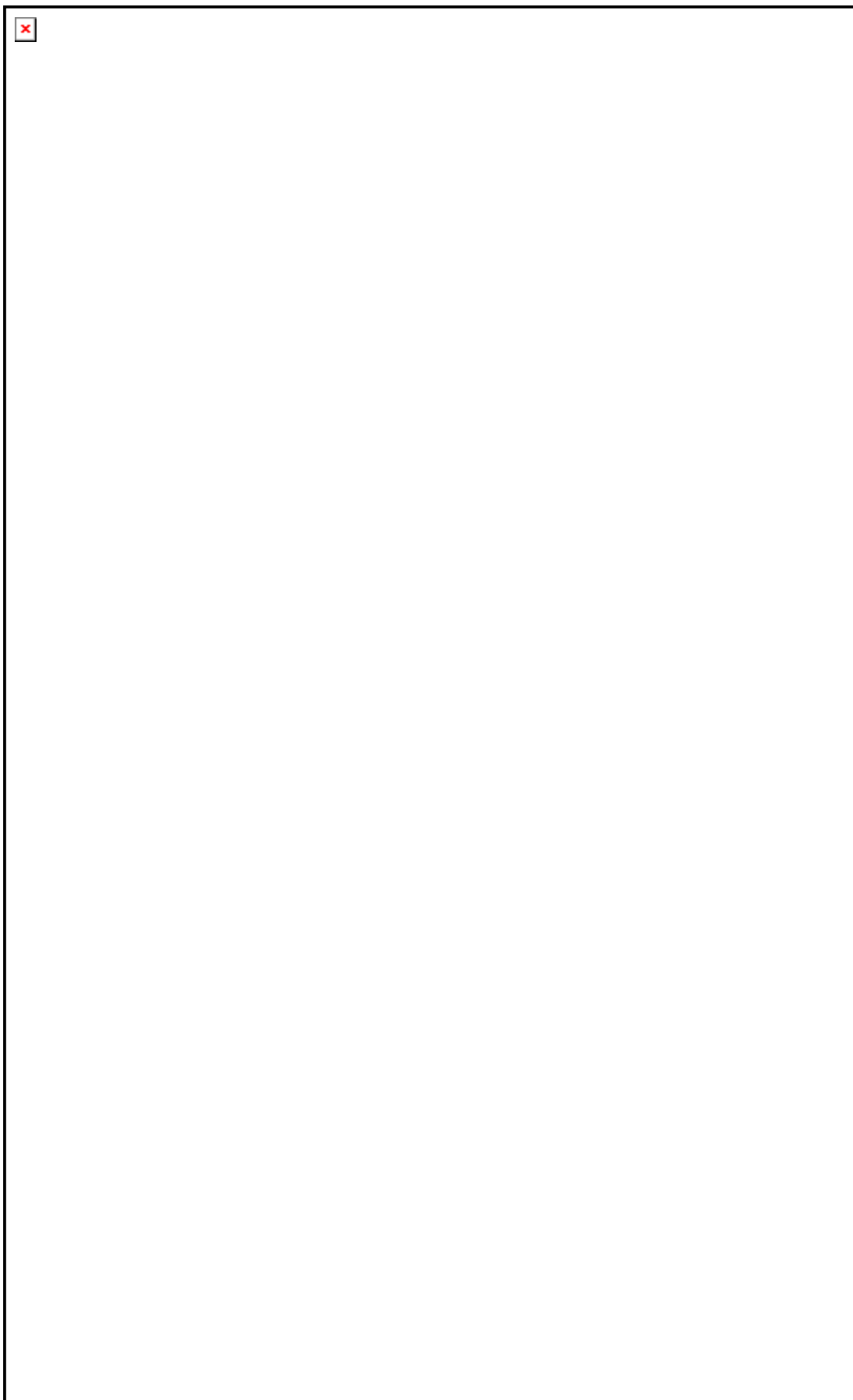














E.23 LEONGATHA AND FOSTER HOSPITAL HELIPAD PROTECTION AMENDMENT C87

Development Services Directorate

EXECUTIVE SUMMARY

Planning Scheme Amendment C87 proposes to apply Design and Development Overlays (DDO's) around the Leongatha and Foster helicopter landing sites. The purpose of the DDO's is to trigger a planning permit for any buildings or works having a height that may intersect with a flight path to the landing sites, potentially presenting safety concerns for helicopter operations. The DDO maps displaying the affected areas are provided in **Attachment 1**. Amendment C87 supersedes a similar Amendment (C54) which was abandoned by Council in March 2013.

Amendment C87 was exhibited for one month (ending 13 May 2013) and received one objection. The objection is from Telstra (see **Attachment 2**). Telstra also objected to Amendment C54, resulting in that Amendment being referred to an Independent Planning Panel.

The Telstra submission is largely supportive of the Amendment however it requests changes to the provisions which the Department of Health (DoH - proponent for the Amendment) believe are unnecessary and potentially confusing. Discussions between the DoH and Telstra are soon to commence with the aim of achieving an outcome acceptable to all parties, including Council. The recommendation of this Council Report is to seek to negotiate an agreed outcome and, should negotiations fail to achieve an agreed outcome, refer the submission to an Independent Planning Panel for consideration.

Document/s pertaining to this Council Report

- **Attachment 1** - Amendment C87 provisions
- **Attachment 2** - Telstra submission
- **Attachment 3** - Amendment C54 Panel Report recommendations

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

Exhibition of Amendment C87 occurred in accordance with the normal requirements of the Planning and Environment Act 1987. This involved:

- Letters to the owners and occupiers of lands affected by the proposed DDO's.
- Public notice in the local newspapers and on community noticeboards in both townships.
- Amendment information on Council's web page and at the Foster Library.

REPORT

Background

Amendment C87 has been prepared at the request of the State Government Department of Health (who are the official amendment proponent) and is part of a state-wide program to protect hospital helicopter landing sites. As noted above, Amendment C87 supersedes Amendment C54 which sought to introduce similar controls into the Planning Scheme. Telstra objected to Amendment C54 and it was referred to an Independent Planning Panel. The Panel made a series of recommendations requiring changes to the amendment provisions, most notably, the identification of flight paths to the landing sites and the application of the DDO's to only those areas within the nominated flight paths. The Panel also recommended the DDO's include a gradient height control which would follow the minimum safe helicopter height for approaches and departures to the landing sites. No other planning scheme in the State has a gradient control for a helicopter landing site or airfield/airport.

The Amendment C87 provisions seek to address the recommendations of the C54 Panel where practical. This has resulted in a significant reduction in the burden of the DDO controls on affected landowners and a corresponding reduction in the number of planning permit applications Council would have to assess.

The C54 Panel's recommendations have improved Amendment C87 however the recommendations in regards to introducing gradient controls have not been incorporated into the new controls.

Gradient controls could not be achieved without introducing a high level of complexity to the DDO controls that would result in an increased burden on landowners in terms of ease of ability to understand the controls. The currently drafted C87 provisions clearly set out the height above ground level at which a planning permit is required. A gradient control would change the permit trigger height in relation to a ratio of distance from the helipad - e.g. further from the helipad the higher you can go. This would greatly complicate the DDO's for an outcome that DoH believes would provide little practical benefit above and beyond the currently drafted C87 controls.

Discussion

Planning Scheme Amendment C87 is necessary to ensure the long term protection of the Leongatha and Foster hospital helicopter landing sites from the encroachment of development that may impact safe helicopter operations. Similar amendments have been successfully introduced to hospital landing sites across the State, including amendments that have been considered by Independent Planning Panels. Similar amendments have been approved by the Minister for Planning after the release of the C54 Panel Report and these amendments have not required DDO gradient controls.

The Amendment provisions have been widely exhibited on two occasions and have been accepted by the property owners on which the DDO controls are to be placed. The necessity for the new controls and the planning merits of the Amendment are not in dispute except for the very specific issues raised in the Telstra submission regarding which 'industry standard' should be referred to as a 'Reference document' in the DDO schedules.

The design and performance requirements for helicopter landing sites are guided by the 'International Civil Aviation Organisation (ICAO) 'Standards and Recommended Practices' (SARP's) Annex 14 Volume II 'Helicopters'. Where a planning permit is triggered by the new DDO controls, the DoH will assess the proposal against their publication 'Guidelines for helicopter landing sites'. This publication incorporates the key requirements of the abovementioned ICAO SARP's.

Both Telstra and the DoH have aeronautical consultants guiding their response to the Amendment. The consultants have formed different views on which elements of the SARP's should be referenced in the DDO's and if it is appropriate or not to reference the DoH guidelines. Telstra do not support the use of the DoH guidelines as they do not consider these guidelines to be public documents. The DoH guidelines are publically available however the ICAO SARPS are a copyrighted document and have to be purchased to be viewed. State planning guidelines require reference documents to be readily publically available. On this evidence it appears the DoH position has more validity.

Council is not technically proficient to make recommendations to the consultants on which elements of the ICAO SARP's should be referred in the DDO provisions or if it is sufficient to refer to the DoH guidelines in order to

consider the requirements of the ICAO SARP's. To address these issues, Council officers are (at the time of writing this report) seeking to organise a meeting between the parties to discuss their concerns, clarify the technical matters with the aim of reaching an agreed outcome. If this can be achieved it will not be necessary to refer the Amendment to a Panel.

Ministerial Direction No. 15 requires Council to pre-set Panel hearing dates prior to the exhibition of an Amendment. The Panel 'Directions Meeting' is scheduled for 12 July and the 'Panel Hearing' on 23 July 2013. In order to meet these timelines a Council Resolution is required at the June Council Meeting to refer submissions to the Panel. It is for this reason that this matter is being brought to Council prior to discussions between the two parties taking place.

Options

Council has three options.

Option 1 is to abandon the Amendment. This is not an appropriate response given the importance of the proposed controls.

Option 2 is to refer the submission to the Panel without entering into negotiations. This is not recommended because it is considered that a negotiated outcome may be achieved.

Option 3 is to seek to mediate the matters in dispute and avoid the requirement for a Panel. This is the preferred option for both time and financial reasons. If negotiations are successful, the outcomes of the negotiation will be presented to Council and the Amendment adopted.

Proposal

Amendment C87 proposes to apply Design and Development Overlays to the flight paths of the Leongatha and Foster hospital helicopter landing sites. The recommendation of this Council Report is to continue to facilitate discussions between Telstra and the Department of Health to resolve their differences regarding the DDO provisions. If the discussions fail to achieve a negotiated outcome it is proposed to refer the submission to an Independent Planning Panel for consideration.

FINANCIAL CONSIDERATIONS

The Department of Health is the Amendment proponent. If the Amendment is referred to a Panel, the Panel costs will be borne by the DoH. Financial considerations for Council are limited to Council Officer time.

RISK FACTORS

There is no risk to Council in referring the Amendment to an Independent Planning Panel.

CONCLUSION

Amendment C87 is necessary to protect the Leongatha and Foster hospital helicopter landing sites from buildings and works that may affect safe helicopter operations. The Amendment provisions have been constructed to minimise their impact on adjoining landowners and will have very little impact on Council in terms of additional planning permit workload.

The submission from Telstra supports the Amendment and seeks changes to the Amendment provisions only in relation to technical matters regarding how a planning permit application will be assessed. It is considered likely that negotiations between the parties will resolve the issues of concern and that the requirement for an Independent Planning Panel can be avoided. Should negotiations fail, this Council Report recommends that the Telstra submission, along with any late submissions, be referred to an Independent Planning Panel for consideration.

RECOMMENDATION

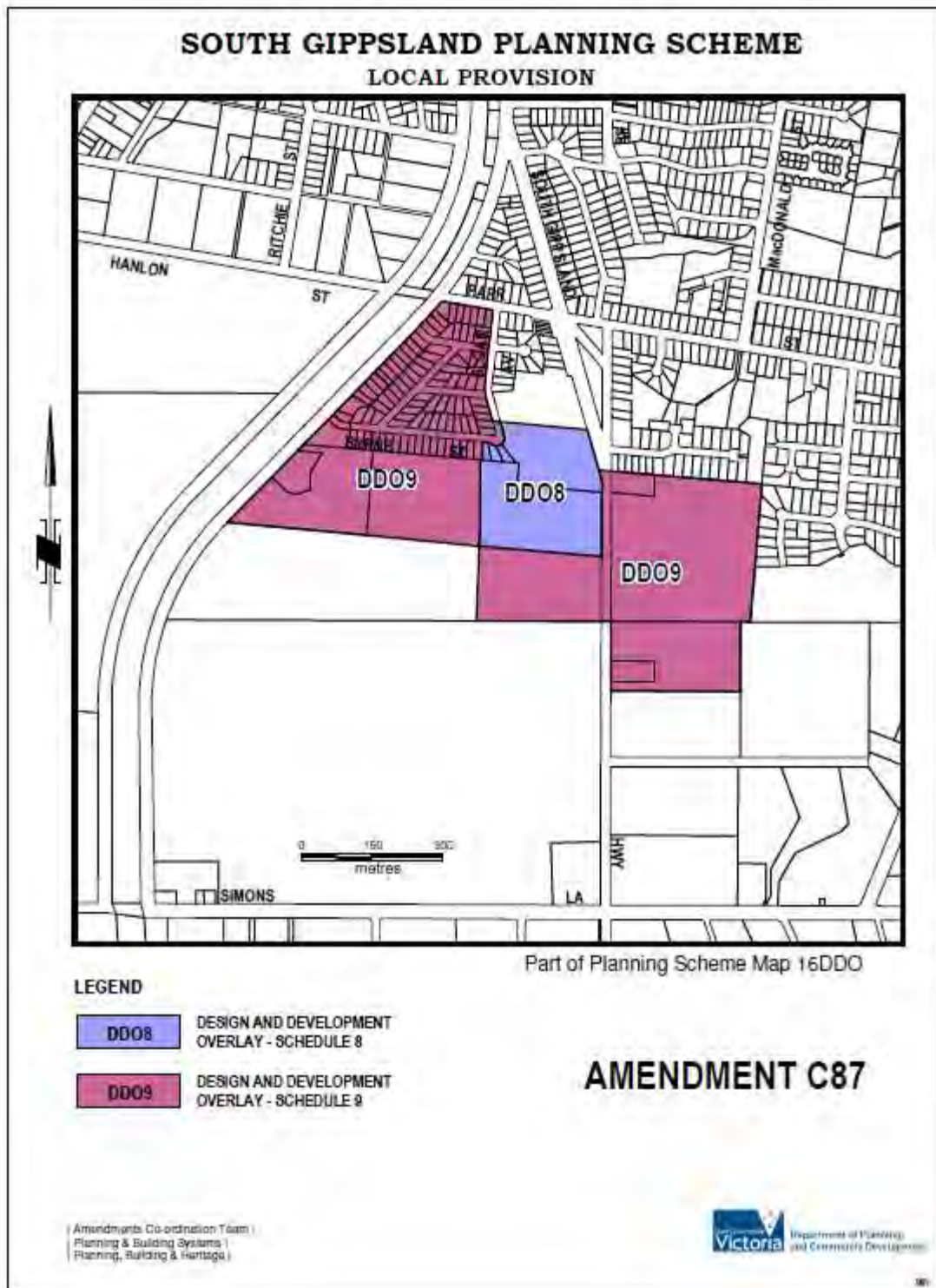
That Council:

- 1. Facilitate discussions between the Department of Health (Amendment Proponent) and Telstra (Amendment submitter) to mediate Telstra's concerns regarding Amendment C87 with the intention of Council adopting the Amendment without the requirement for the appointment of an Independent Planning Panel.**
- 2. Should mediation fail to resolve the concerns expressed in the Telstra submission, refer the submission to Planning Panels Victoria for consideration in accordance with the previously approved Panel Hearing dates (Panel Hearing on 19 August 2013).**
- 3. Accept late submissions to Amendment C87 up to 15 July 2013 (one week prior to the scheduled Panel Directions Hearing).**

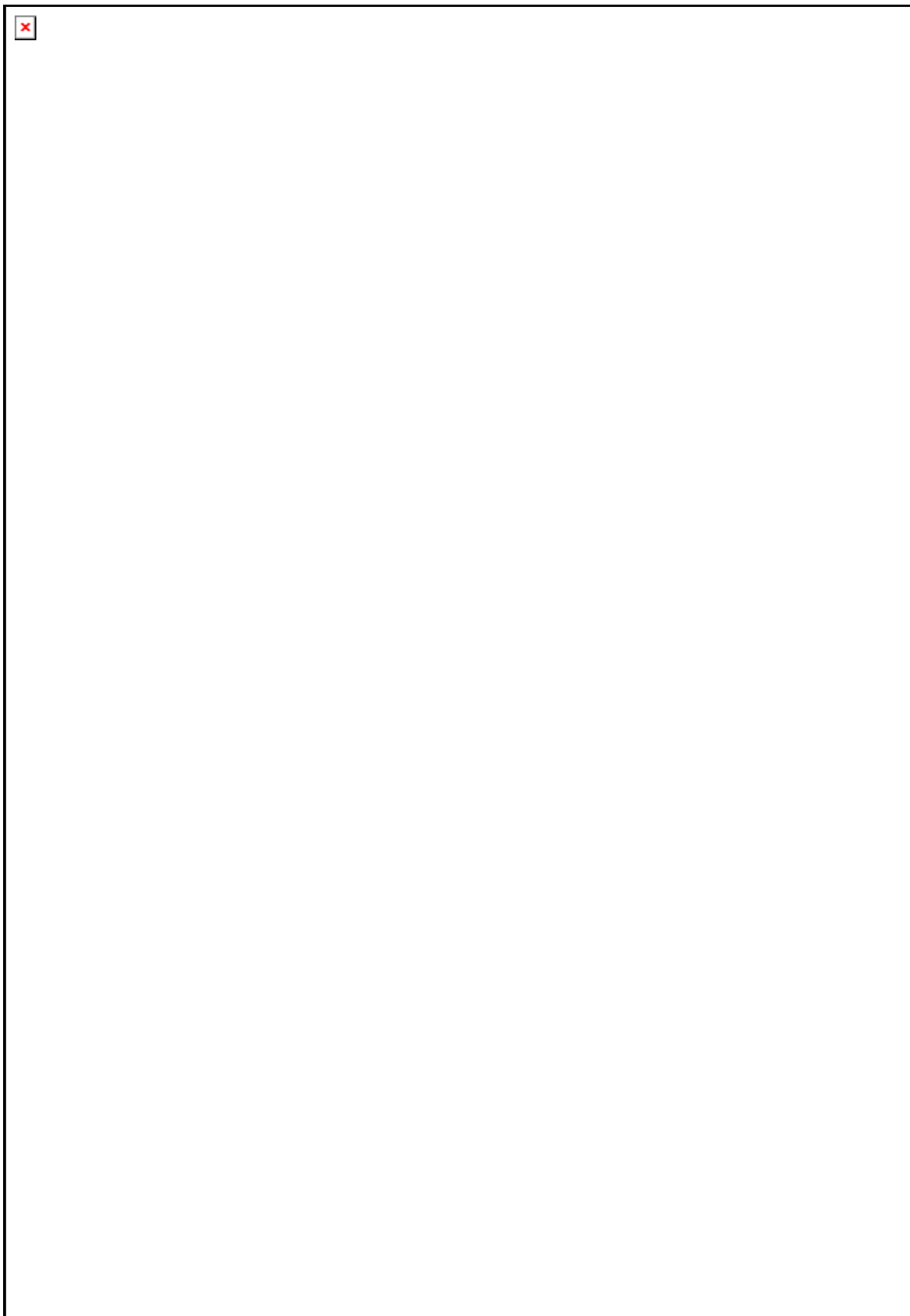
STAFF DISCLOSURE OF INTEREST

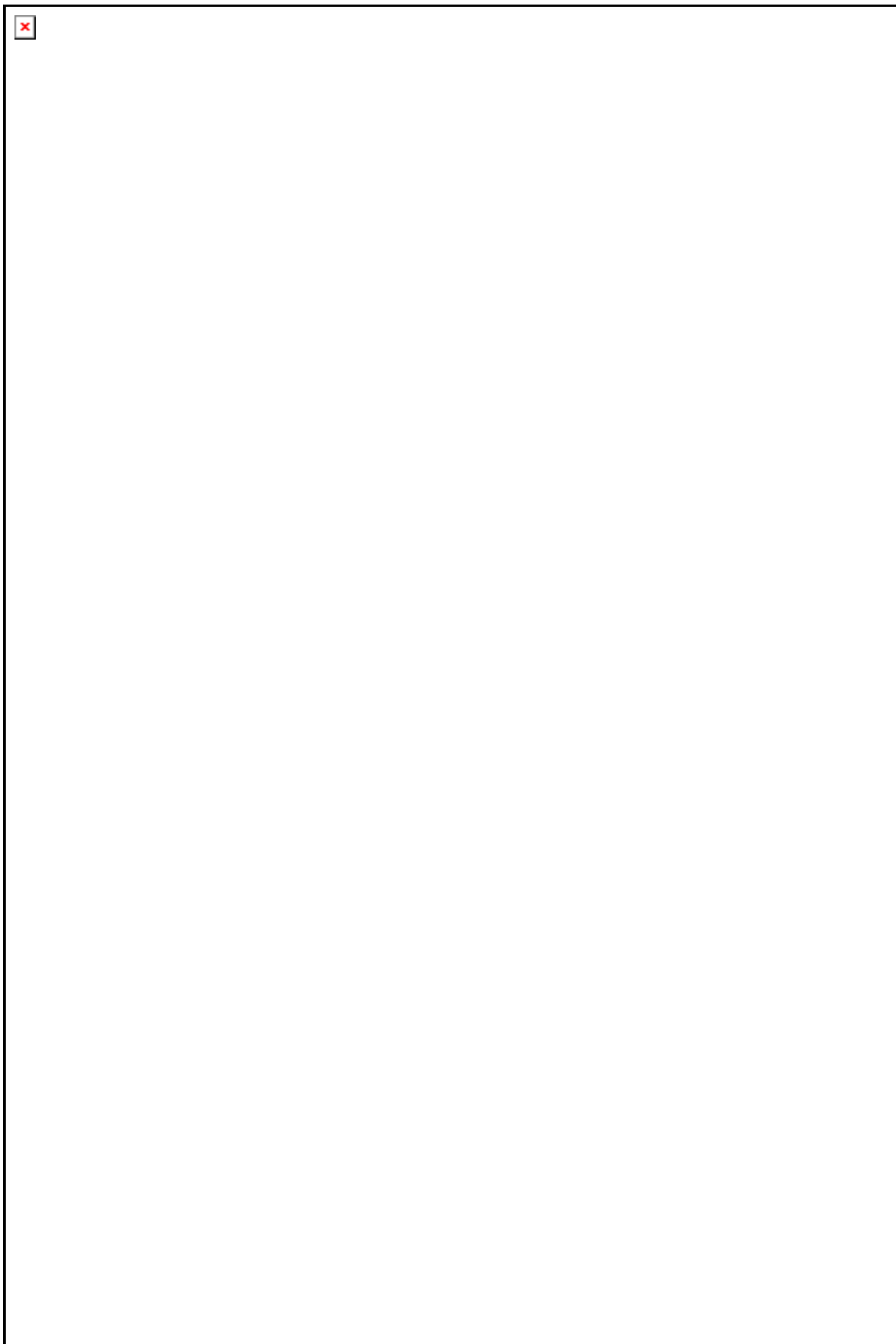
Nil

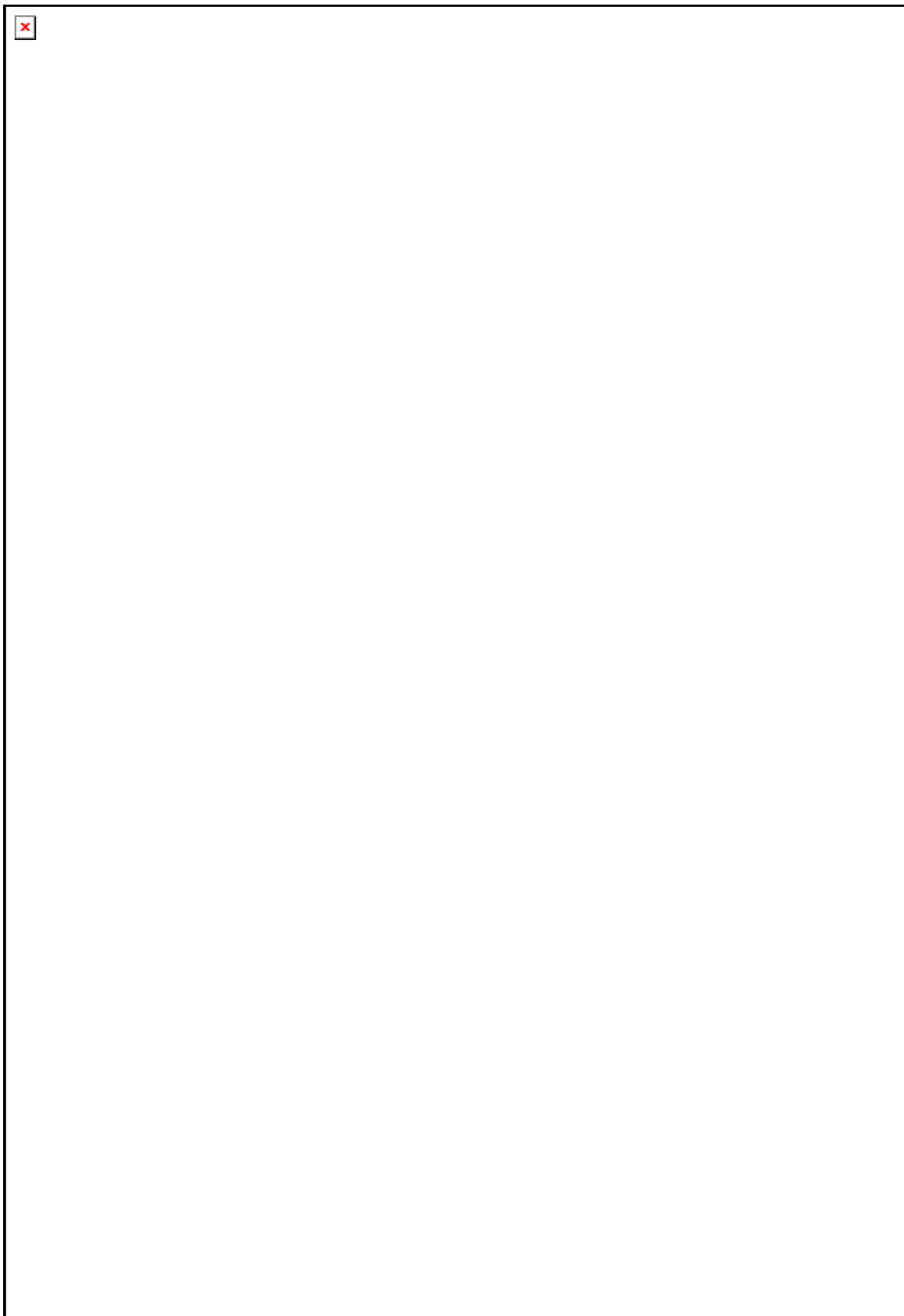
Attachment 1
Amendment C87 - Proposed Planning Scheme Amendment Provisions

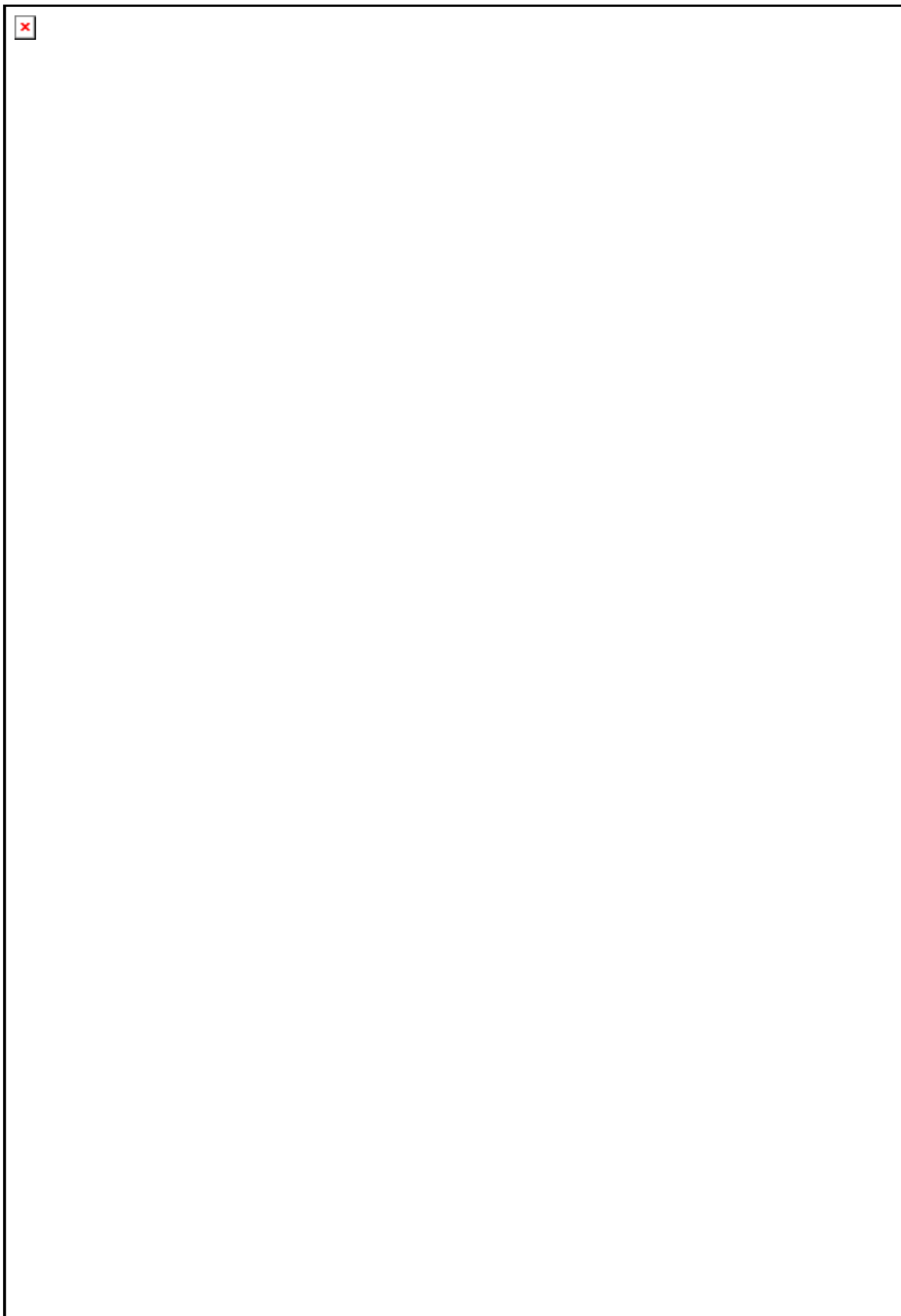


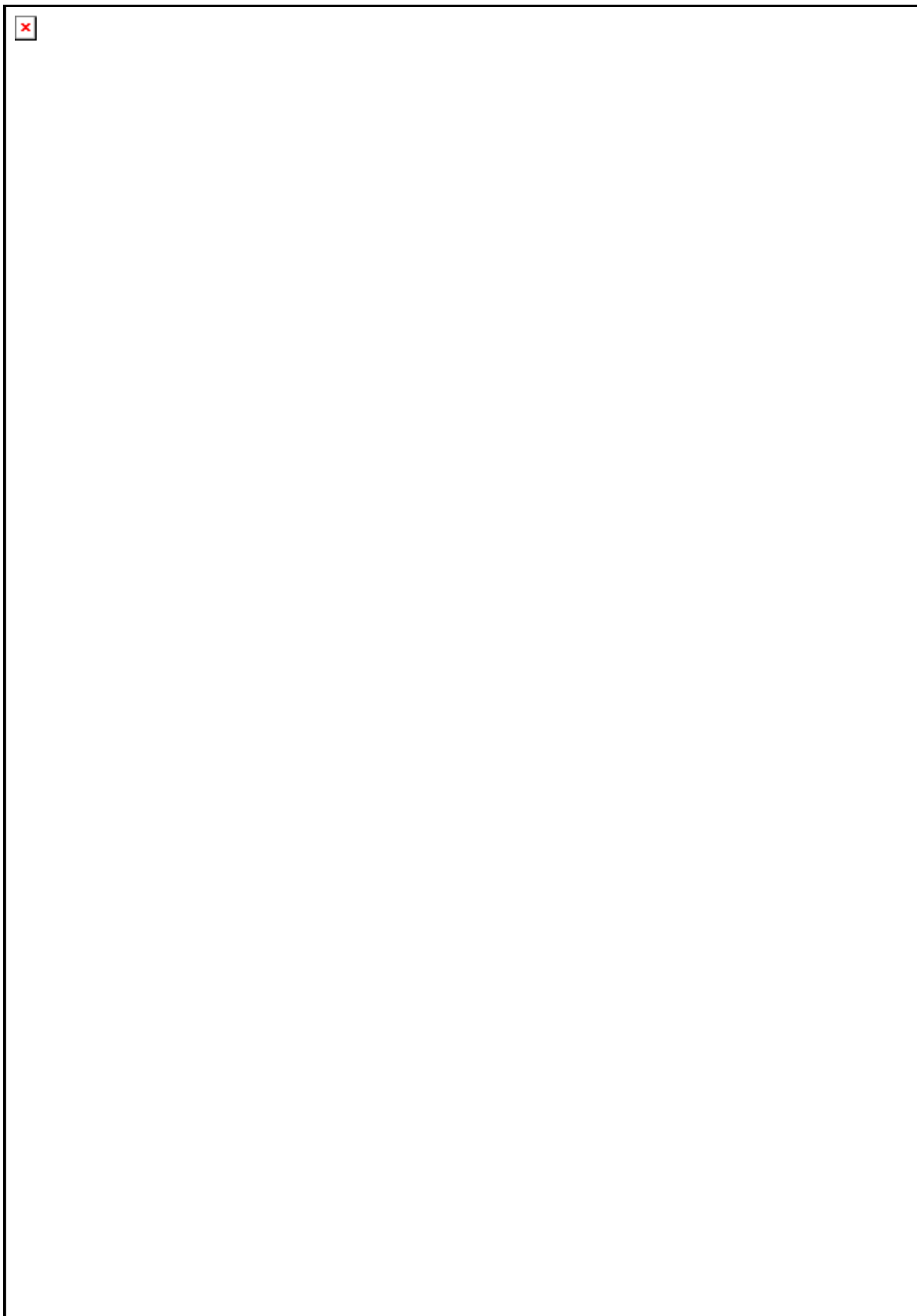


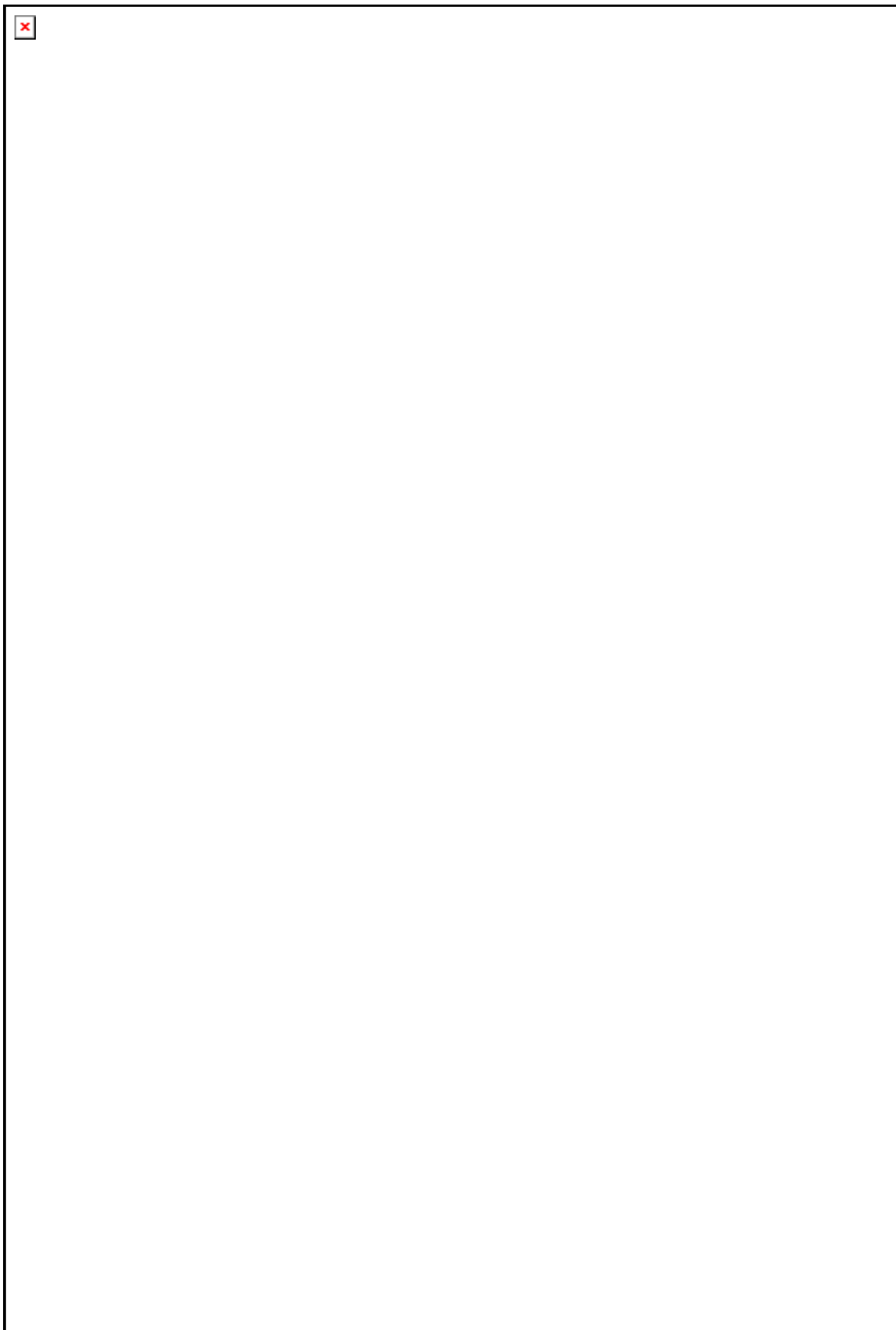


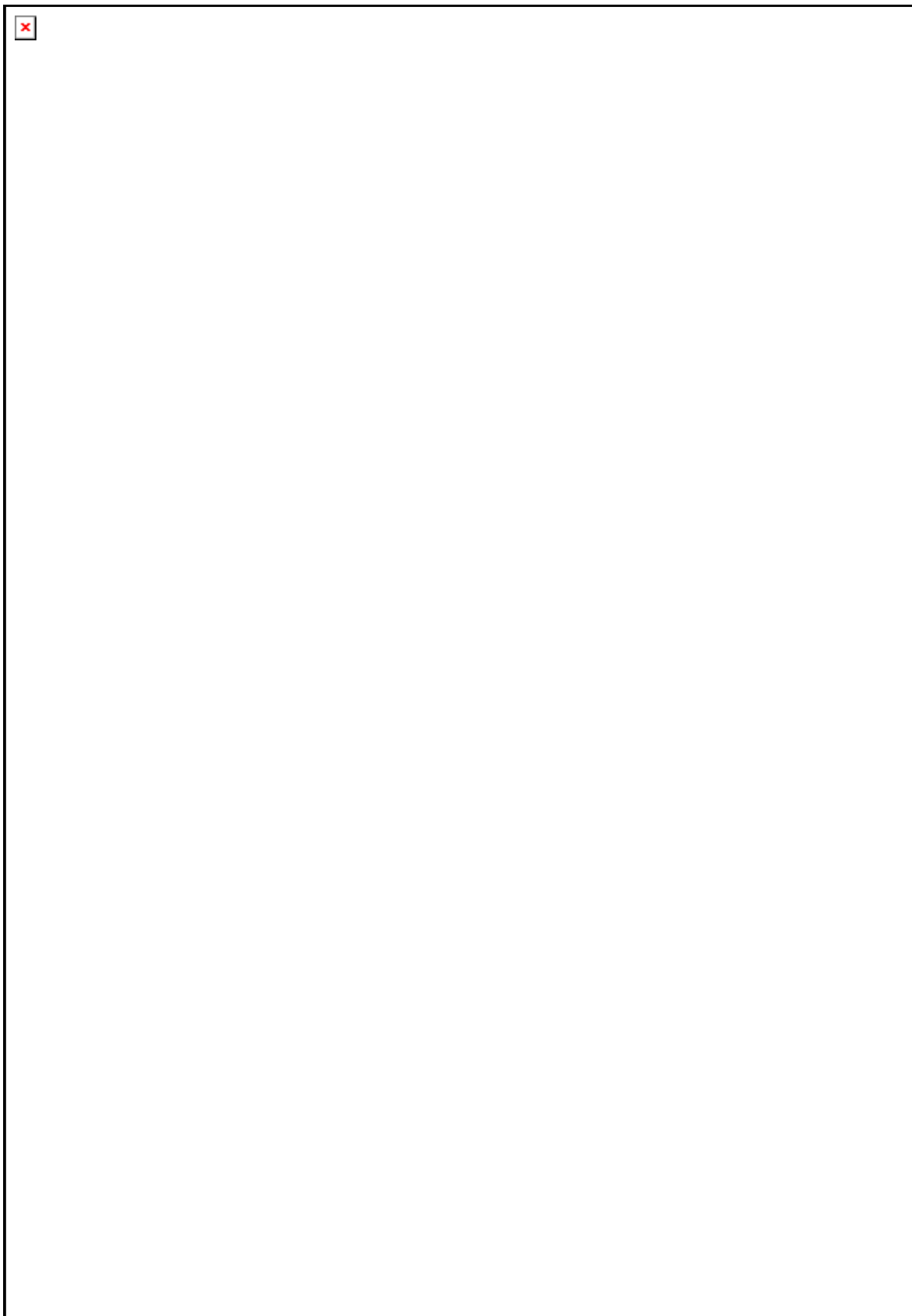


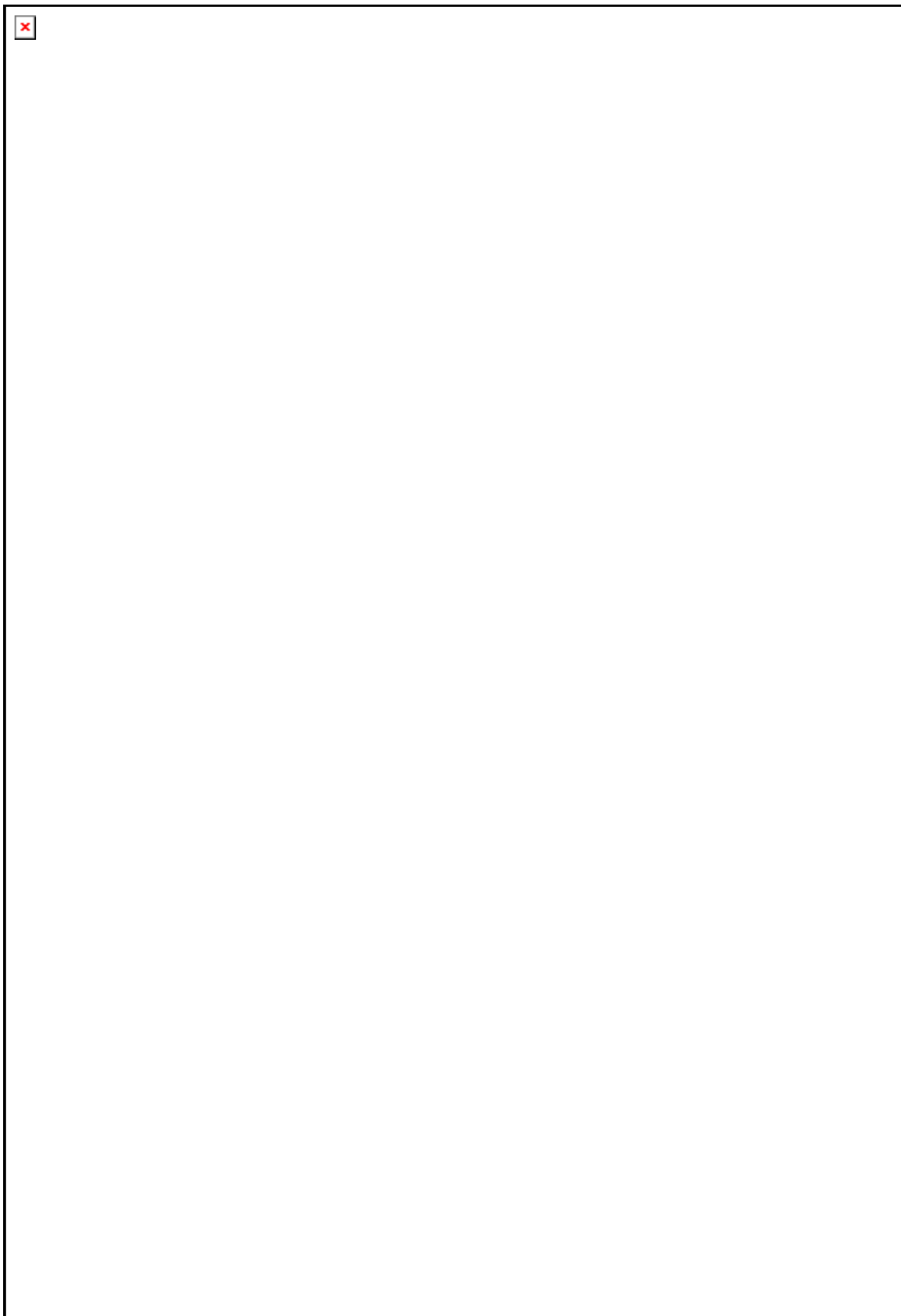












**Attachment 2
Telstra Submission**

Telstra

Network Infrastructure Management

Level 6, Telstra House
231 Elizabeth Street
Sydney NSW 2000
Australia

Telephone: 02 85763131
Facsimile: 02 92618132
Mobile: 0439 988 926

bob.j.oice@team.telstra.com

**SOUTH GIPPSLAND
SHIRE COUNCIL**
10 MAY 2013

RECEIVED
MAY 2013
PLANNING

Tuesday, 7 May 2013

[Redacted]

[Redacted]

[Redacted]

South Gippsland Planning Scheme Amendment C87

We refer to your letter dated 5 April 2013.

We write with reference to the above Amendment which seeks to introduce Planning Scheme Overlay controls to the land surrounding both the Leongatha and Foster Hospital helipad sites and thank you for the opportunity to review and comment on the Amendment.

We understand that Amendment C87 supersedes Amendment C54 and similarly proposes to introduce four (4) Design and Development Overlay (DDO) controls to the immediate and broader surrounds of the two hospital helipad sites. The proposed DDO Schedules trigger the requirement for a planning permit for buildings and works which exceed the heights specified within the DDO Schedules. The permit triggers allow the Department of Human Services (DHS) through the referral provisions to determine if an application might affect helipad operations.

Telstra Corporation Limited (Telstra) recognises the need to safeguard the Emergency Medical Services (EMS) helicopter operations to and from helipad facilities and considers the use of the Design and Development Overlay (DDO) is the appropriate planning tool for this purpose.

We note that the controls proposed under Amendment C87 have been appropriately customised to respond to land form, development pattern and helicopter performance and only restrict building heights within existing helicopter approach and departure paths. The revised controls also provide more assistance to

applicants in confirming the information required to be submitted with applications, and how the application will be assessed. We are supportive of these changes.

However, the DDO Schedules advise that applications will be assessed against the *'Department of Health (Vic) guidelines for helicopter landing sites which incorporates the relevant requirements of the International Civil Aviation Organisation (ICAO) 'Standards and Recommended Practices' Annex 14 Volume II Helicopters (as amended).'*

Whilst this is in line with the Panel's recommendations for Amendment C54, we have been advised by our consultant aeronautical expert, Mr Stephen Ormerod, that it is not appropriate to reference the Department of Health document which is an internal document and is not available to the general public. Further, ICAO's *Standards and Recommended Practices' Annex 14 Volume II Heliports: (not Helicopters as stated in the DDO Schedule)* is very general in nature and does not provide detailed requirements. The document does not provide any guidance regarding the minimum obstacle free gradient for a helicopter landing and takeoff path (which would be required in the consideration of whether a proposal would impact upon the helicopter operations to and from the hospitals).

Mr Ormerod has advised that the only document in Australian Civil Aviation publications that provides any guidance is the *Civil Aviation Advisory Publication (CAAP) 92.2(1) Guidelines for the establishment and use of helicopter landing sites (HLS)*. This document should be referenced under 'Referral of Applications'.

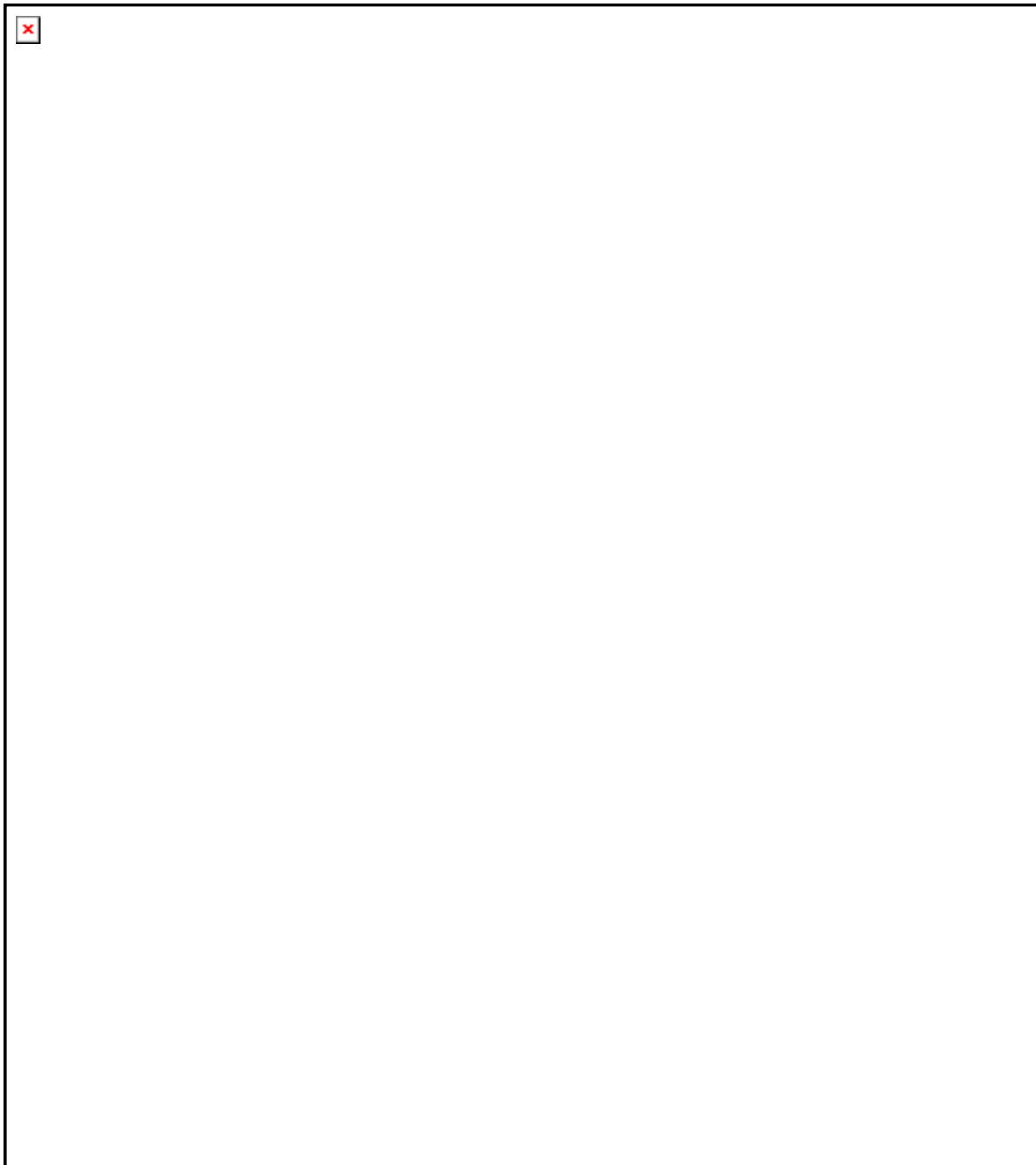
We trust this submission is of assistance however please do not hesitate to contact the undersigned should you require further information.

Yours sincerely,



Bob Joice
General Manager, Site Acquisition
Wireless Operations
Tel: 02 8576 3131
Mob: 0439 988926
Email: bob.j.joice@team.telstra.com

**Attachment 3
C54 Panel
Recommendations**



Page 23

9. Where a DDO requires landowners to have regard to AHD, the Planning Authority and/or the proponent should, as a prior condition, ensure that suitable reference points are established generally within the affected area as may reasonably be required to determine such AHD information.

E.24 PLANNING SCHEME AMENDMENT C84 SP AUSNET REZONING TO SPECIAL USE ZONE 5 WITH ASSOCIATED INCORPORATED DOCUMENT

Development Services Directorate

EXECUTIVE SUMMARY

Planning Scheme Amendment (PSA) C84:

1. Will rezone land from the Mixed Use and Residential 1 Zones to the Special Use Zone Schedule 5 (SUZ5).
2. Inserts Schedule 5 to the Special Use Zone at Clause 37.01.
3. Introduces a new Incorporated Document to the Schedule at Clause 81.01 titled 'SPI Electricity Pty Ltd Leongatha Depot 2013', to allow for the ongoing safe and efficient operation of the site.
4. Corrects zoning and overlay anomalies by rezoning land from the Public Park and Recreation Zone (PPRZ) to the SUZ5, rezoning land from the Mixed Use Zone (MUZ) to the PPRZ and deleting the Environmental Audit Overlay (EAO) from land to be rezoned PPRZ.

Following comprehensive community consultation one submission was received in support. This report recommends that Council adopt Amendment C84 and submit the Amendment to the Minister for Planning for approval.

Document/s pertaining to this Council Report

- **Attachment 1** - Special Use Zone Schedule 5 "SPI Electricity Pty Ltd" Leongatha Depot
- **Attachment 2** - Map showing the area to apply the Special Use Zone Schedule 5 provisions
- **Attachment 3** - Map showing the areas to remove the Environmental Audit Overlay to correct a mapping anomaly
- **Attachment 4** - The submission received from Mr Ken Prain
- **Appendix 1** - Explanatory Report for Planning Scheme Amendment C84
- **Appendix 2** - Incorporated document; 'SPI Electricity Pty Ltd Leongatha Depot 2013'

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Planning and Environment Act 1987

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

COUNCIL PLAN

Strategic Goal:	3.0	A Strong Economy
Outcome:	3.3	Utilities
Strategy No:	3.3.3	Advocate for and facilitate the provision of all modern infrastructure required to support the development of business and industry.

CONSULTATION

A collaborative consultation process was undertaken with SP AusNet which included the prescribed Planning Scheme Amendment process. It was focused on neighbouring landowners and involved:

- SPI Electricity Pty Ltd (trading as SP AusNet) conducted an extensive 'door knocking' and information program for affected neighbours in January this year.
- A public information 'drop-in' session with Council staff and SP AusNet was held at the SP AusNet, Horn Street Depot on 13 May 2013.
- Approximately 60 letters were sent to potentially affected landowners on week starting 22 April 2013.
- Newspaper advertisements appeared in the same week.
- Media releases were acted upon in the papers week starting Monday April 29.
- Exhibition of the Amendment closed 27 May 2013.

DSE and the Ministers for Environment and Climate Change, Agriculture and Food Security, Water and Energy and Resources were consulted as part of the process.

REPORT

Background

The SPI Electricity Pty Ltd (trading as SP AusNet) depot and substation located in Horn Street, Leongatha, is a critical site in the South West Gippsland regional power network, servicing approximately 49,000 customers. Currently 42 employees operate from the depot.

The proposal is to relocate storage and operational areas into the recently purchased residential property to the north and west of the current depot site to improve the safety and efficiency of SP Ausnet operations. The substation will not change and is managed separately by a different business unit of SP Ausnet.

The Amendment also provides an opportunity to address historical mapping anomalies related to the site and the adjoining Council property, where zone and overlay boundaries do not match lot boundaries. These changes are shown in the attached maps.

Discussion

The discussion outlines the proposed Planning Controls and rationale:

This PSA proposes Mixed Use Zone (MUZ), Public Park and Recreation (PPRZ) and Residential 1 Zone (RZ1) be rezoned to Special Use Zone Schedule 5 (SUZ5)

SP AusNet have purchased land at 60 Horn St which is currently zoned R1Z, to accommodate a safer, more efficient depot layout. The existing SP Ausnet site is currently zoned MUZ which imposes planning permit requirements, existing zone conditions, overlays and local policies do not efficiently address the objectives and use of this site which is considered inappropriate for its intended use. Pursuant to the VPP Practice Note 3 Applying the Special Use Zone a more appropriate planning control is the SUZ

The Ministerial Direction on the 'Form and Content of Planning Schemes' requires provision of a schedule when applying the Special Use Zone. New Schedule 5, SPI Electricity Pty Ltd, Leongatha (**Attachment 1**) details the process required for development on the site. This schedule allows the use and development of the land as a depot without repeated applications for planning permits for the same site if development is in accordance with the Incorporated Document.

The Incorporated Document (**Appendix 2**)

This PSA introduces a new Incorporated Document to the South Gippsland Planning Scheme, at Clause 81.01 titled 'SPI Electricity Pty Ltd Leongatha Depot 2013', allowing for the ongoing safe and efficient operation of the site.

The Incorporated Document will clearly determine the development on site. and provides flexibility on timing for construction.

Zoning Anomalies

The amendment corrects zoning and overlay anomalies by rezoning land from the PPRZ to the SUZ5, rezoning land from the MUZ to the PPRZ and deleting the Environmental Audit Overlay (EAO) from land to be rezoned to PPRZ.

North of the current depot site 62-64 Horn Street and between the Council owned PPRZ land is Lot 1 TP164495. This lot contains an access way and storage area. Currently zoned MUZ, the boundaries extend into the neighbouring public recreation area containing a BMX track.

The misalignment of the zone and overlay boundaries to the lot is a historical mapping anomaly. The proposed alignments match current use.

Environmental Audit Overlay

The Environmental Audit Overlay (EAO) will continue to apply to the existing areas of the SP AusNet site and will be removed from the proposed PPRZ land, north of 62-64 Horn Street as it is a planning anomaly. The EAO is not to be applied to the extended SP Ausnet site as no activities in this area are considered to increase the risk of any possible contamination.

Options

Options for Council are to either endorse the proposal as presented which allows safer and more efficient activities by SP Ausnet, or to abandon the amendment, which would risk the loss of a key employer and utility provider to the Shire.

Proposal

That the Council submits the amendment C84 to the South Gippsland Planning Scheme as presented to the Minister for Planning for approval.

FINANCIAL CONSIDERATIONS

SP Ausnet is meeting all costs associated with this amendment.

RISK FACTORS

Nil

CONCLUSION

Implementation into the South Gippsland Planning Scheme by Amendment C84 of this Special Use Zone 5 and its associated Incorporated Document provides certainty and reduces unnecessary planning permit triggers for SP Ausnet.

Development on the site is guided by a new schedule to the Special Use Zone and via an associated Incorporated Document. Any works beyond those addressed in these documents require planning permits.

The successful public engagement by SP Ausnet and Council has fully informed the affected local community and no objections to the proposal have been received.

RECOMMENDATION

That Council:

- 1. Adopt Amendment C84 SP Ausnet Rezoning and Expansion of Depot Operational Area.**
- 2. Submit Amendment C84 to the Minister for Planning for approval in accordance with the Planning and Environment Act 1987.**

STAFF DISCLOSURE OF INTEREST

Nil

Attachment 1 Special Use Zone Schedule 5

SOUTH GIPPSLAND PLANNING SCHEME

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C84

SCHEDULE 5 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ5**.

SPI ELECTRICITY PTY LTD LEONGATHA DEPOT

Purpose

To promote the use and development of the the land consistent with the *SPI Electricity Pty Ltd Leongatha Depot 2013 Incorporated Document*.

To provide for the continued used and development of the Leongatha Depot in a manner which minimises the impact on the amenity of the surrounding area.

1.0

Table of uses

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Section 1 - Permit not required

Use	Condition
Industry	Must be in accordance with the <i>SPI Electricity Pty Ltd Leongatha Depot 2013 Incorporated Document</i>
Minor Utility Installation	
Office	Must be in accordance with the <i>SPI Electricity Pty Ltd Leongatha Depot 2013 Incorporated Document</i>
Store	Must be in accordance with the <i>SPI Electricity Pty Ltd Leongatha Depot 2013 Incorporated Document</i>
Any use listed in Clause 62.01	

Section 2 - Permit required

Use	Condition
Any other use not in Section 1 or 3	Must be in conjunction with a Section 1 use

Section 3 - Prohibited

Use
All other uses

2.0

Use of land

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Use of land should comply with the Australian Radiation Protection & Nuclear Safety Agency (ARPANSA) standards (or any subsequent update by these agencies).

Application requirements

An application to use land must be accompanied by the following, as appropriate:

- The purpose of the use and the types of activities which will be carried out.
- The likely effects, if any, on adjoining land, including noise levels, air-borne emissions, emissions to land and water, traffic, light spill and glare.

SOUTH GIPPSLAND PLANNING SCHEME

3.0 Buildings and works

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A permit is not required to construct a building or carry out works if undertaken in accordance with the *SPI Electricity Pty Ltd Leongatha Depot 2013 Incorporated Document*.

4.0 Exemption from notice and review

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C84

An application under any provision of this scheme which is generally in accordance with the *SPI Electricity Pty Ltd Leongatha Depot 2013 Incorporated Document* is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

5.0 Decision Guidelines

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Before deciding on an application to use or subdivide land, construct a building or construct or carry out works or the approval of a plan prepared in accordance with the requirements of Clause 3.0 of this schedule, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The *SPI Electricity Pty Ltd Leongatha Depot 2013 Incorporated Document*.
- The views of South Gippsland Water
- The interface with adjoining areas, especially the relationship with residential and recreation areas.
- The interface with the streetscape, including the location of access points at the property boundaries and the landscaping of land adjoining a road.
- The design and elevation treatment of buildings and their appurtenances.
- The illumination of buildings and their immediate spaces.
- The drainage of the land.
- The effect of traffic to be generated on roads.
- Provision for vehicles providing for supplies, waste removal and emergency services.

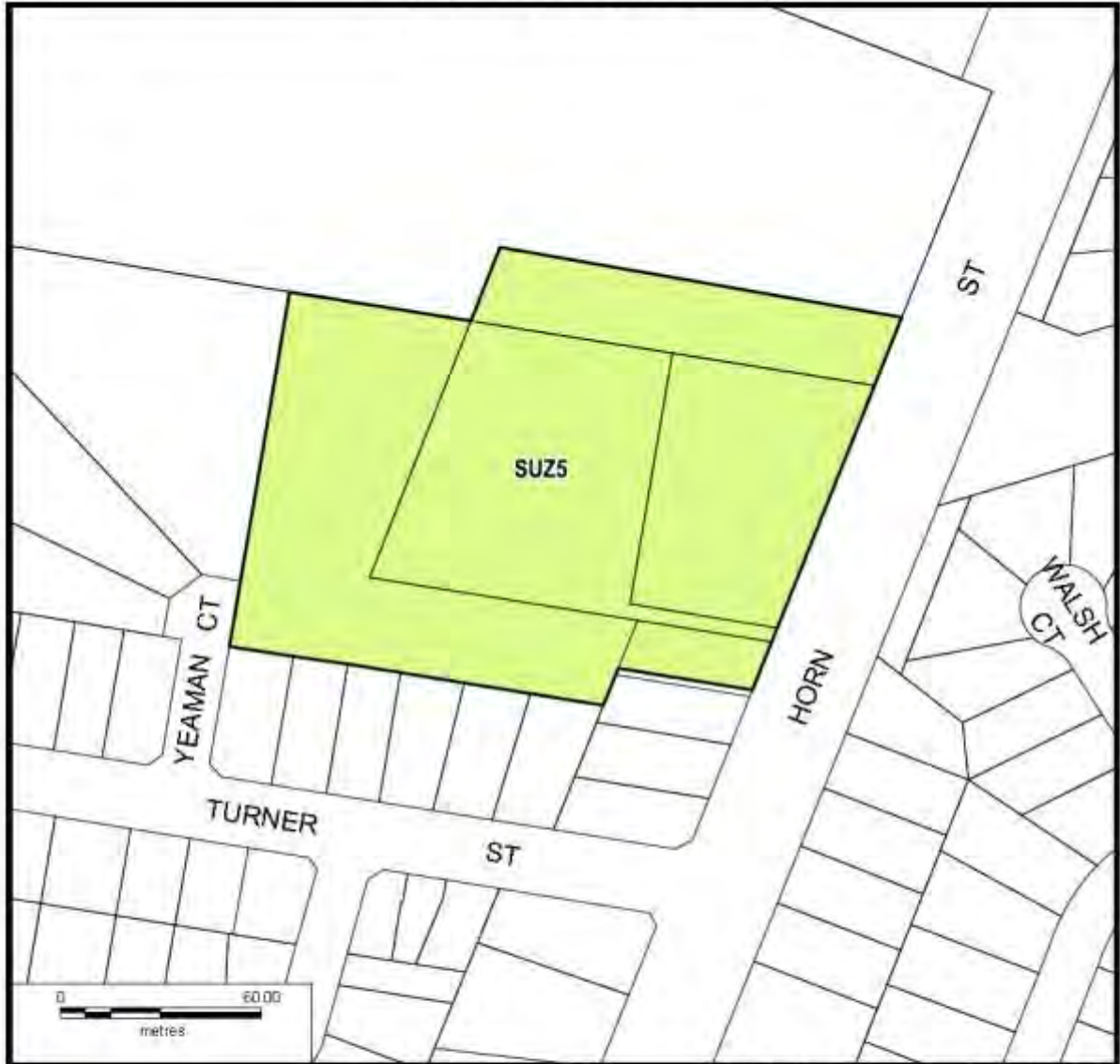
6.0 Advertising signs

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Advertising sign requirements are at Clause 52.05. This zone is in Category 2.

**Attachment 2
Special Use Zone Rezoning**

**SOUTH GIPPSLAND PLANNING SCHEME
LOCAL PROVISION**



LEGEND

SUZ5 SPECIAL USE ZONE
- SCHEDULE 5

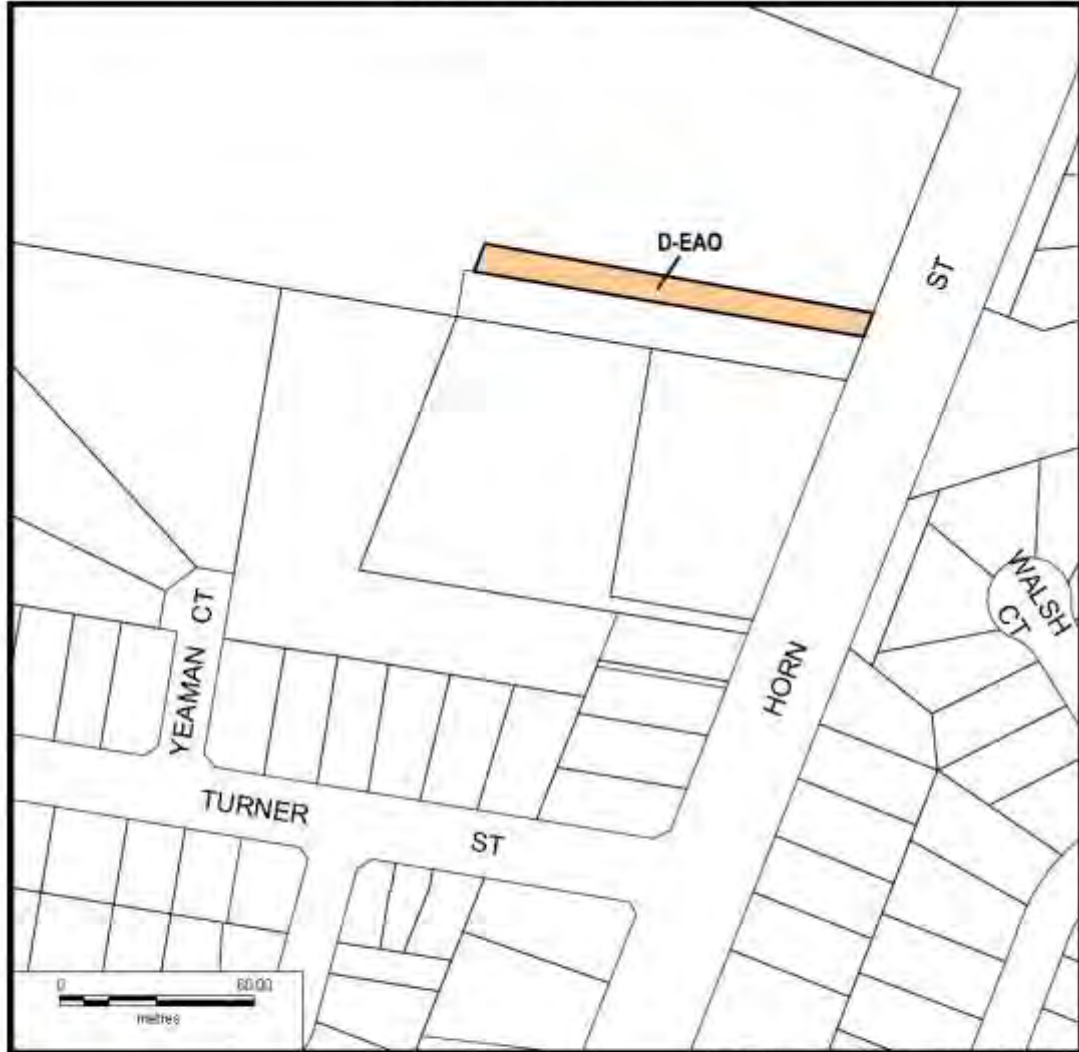
AMENDMENT C84

(Amendments Co-ordination Team)
(Planning & Building Systems)
(Planning, Building & Heritage)



Attachment 3
Deletion of Environmental Audit Overlay

SOUTH GIPPSLAND PLANNING SCHEME
LOCAL PROVISION



Part of Planning Scheme Map 16EAO

LEGEND

D-EAO DELETE ENVIRONMENTAL AUDIT OVERLAY

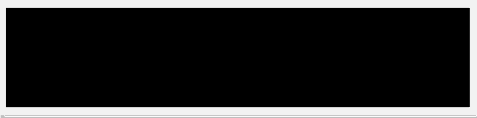
AMENDMENT C84

(Amendments Co-ordination Team)
(Planning & Building Systems)
(Planning, Building & Heritage)



**Attachment 4
Submission from Mr Ken Prain**

Wednesday 22nd May 2013



RECEIVED
24 MAY 2013
PLANNING

Ken Prain
69 Turner St
Leongatha

Re : Meeting with SP AusNet

Dear 

Regarding the meeting held at SP AusNet on the 13th of May at their office in Horn Street Leongatha .

We would like to confirm with you that the back wall of the warehouse shed is to be of a concrete structure and the maximum height of the building is not to be any higher than 3.0 meters above a 1.8 meter boundary fence . We would prefer if the roof was to be of a pitch form and would be in our favour for it to run in a north / south direction .

The tree selection at the back of the warehouse shed is to be of trees which would not impede on the fence or the trees in our yard.

SP AusNet have said that the Air conditioners will be fitted at the north side of the buildings which would be fine as the noise factor would be kept to a minimum .

We are satisfied with the out come of this meeting with Amanda Shackleton and Ian Glasscock . We feel our concerns have been addressed and appreciate SP AusNet's offer to discuss any other questions in the future .

Yours sincerely

Ken Prain

SECTION F - URGENT OR OTHER BUSINESS

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

1. Urgent Business

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

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

It is necessary for the Councillor wishing to raise a matter of urgent business to raise a motion similar to the following: 'That consideration of (*the issue*) be dealt with as a matter of urgent business and Councillorbe allowed a 'short period' to indicate the reason(s) why the matter should be considered as a matter of urgent business". If the Chairperson accepts the motion as meeting the urgent business criteria, normal meeting procedures in Local law 3 will apply.

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

2. Other Business

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

SECTION G – GENERAL QUESTION TIME

G.1 QUESTION TIME

G.2 ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

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 2012/2013 COMMUNITY GRANTS ROUND 2 ALLOCATION

ITEM 2 MATTER WHICH THE COUNCIL CONSIDERS WOULD PREJUDICE COUNCIL OR ANY PERSONS

SECTION H - MEETING CLOSED

NEXT MEETING

The next Ordinary Council Meeting open to the public will be held on Wednesday, 24 July 2013 commencing at 2pm in the Council Chambers, Leongatha.