



South Gippsland
Shire Council

Come for the beauty, Stay for the lifestyle

COUNCIL MINUTES

**ORDINARY MEETING NO. 372
WEDNESDAY 28 AUGUST 2013
LEONGATHA RSL, LEONGATHA
COMMENCED AT 2PM**

PRESENT:

Mayor: Cr Kieran Kennedy
Deputy Mayor: Cr Nigel Hutchinson-Brooks
Councillors: Mohya Davies, James Fawcett, Jeanette Harding, Robert Newton, Lorraine Brunt, Andrew McEwen and Don Hill.

OFFICERS:

Tim Tamlin	Chief Executive Officer
Anthony Seabrook	Director Engineering Services
Jan Martin	Director Community Services
Phil Stone	Director Development Services
June Ernst	Director Corporate Services
Luke Anthony	Manager Governance Services
David Roche	Governance Coordinator
Natasha Berry	Governance Officer
Bryan Sword	Manager Planning and Environmental Health
Paul Stampton	Manager Strategic Planning and Development

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

ORDINARY MEETING NO. 372 WEDNESDAY 28 AUGUST 2013 LEONGATHA RSL, LEONGATHA COMMENCED AT 2PM

INDEX

SECTION A - PRELIMINARY MATTERS	1
SECTION B - NOTICES OF MOTION AND/OR RESCISSION	7
SECTION C - COMMITTEE REPORTS	8
C.1 AUDIT COMMITTEE REPORT MAY 2013	8
SECTION D – PROCEDURAL REPORTS	21
D.1 ORGANISATIONAL QUARTERLY PERFORMANCE REPORT APRIL TO JUNE 2013	21
D.2 COUNCILLOR EXPENDITURE REPORT - 30 JUNE 2013.....	25
D.3 REPORT ON ASSEMBLY OF COUNCILLORS - JULY 2013.....	28
D.4 COUNCILLOR DISCRETIONARY FUND ALLOCATION REPORT.....	36
D.5 DOCUMENTS SEALED AND CONTRACTS AWARDED UNDER CHIEF EXECUTIVE OFFICER DELEGATION - JULY 2013	38
SECTION E - COUNCIL REPORTS	42
E.1 PETITION - OBJECTION TO THE CLOSURE OF SIMONS LANE, LEONGATHA SOUTH AT ITS WESTERN ENTRANCE OFF THE BASS HIGHWAY.....	42
E.2 CARAVAN PARK UPDATE: DIRECT MANAGEMENT OF LONG JETTY CARAVAN PARK AND YANAKIE CARAVAN PARK.....	49
E.3 TELECOMMUNICATIONS FACILITY (NBN TOWER) AT 2746 MEENIYAN PROMONTORY ROAD YANAKIE - PLANNING APPLICATION 2012/407.....	61
E.4 REQUEST BY DUMBALK AND DISTRICT PROGRESS ASSOCIATION INCORPORATED FOR A NEW LEASE OF THE FORMER DUMBALK KINDERGARTEN, 20 MILLER STREET, DUMBALK	83

E.5	SANDY POINT NEIGHBOURHOOD SAFER PLACE DESIGNATION	87
E.6	KORUMBURRA TOWN CENTRE FRAMEWORK PLAN - DRAFT FOR PUBLIC DISPLAY	101
E.7	TARWIN RIVER WATER SUPPLY CATCHMENT - INCLUSION OF THE OPEN POTABLE WATER SUPPLY CATCHMENT IN THE ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 2	104
E.8	RATING STRATEGY REVIEW	130
E.9	COMMUNITY SATISFACTION SURVEY 2013	148
E.10	APPLICATIONS TO SPORT AND RECREATION VICTORIA 2014 / 2015 COMMUNITY FACILITY FUNDING PROGRAM	161
E.11	NOMINATION OF COUNCILLOR AS SUBSITUTE REPRESENTATIVE ON THE GIPPSLAND REGIONAL WASTE MANAGEMENT GROUP	169
E.12	EXTENSION OF CONTRACT SGC11/05 PROVISION OF SWIMMING POOL MAINTENANCE SERVICES AND SWIMMING POOL TECHNICAL REPORTS	171
E.13	FORMALISE THE NEW ROAD NAME IN THE TOWNSHIP OF VENUS BAY AS 'MUNRO LANE'	174
E.14	COUNCIL DELEGATION TO CHIEF EXECUTIVE OFFICER.....	182
E.15	COUNCIL DELEGATION TO STAFF	186
E.16	COUNCIL ELECTION 2012 - COMPULSORY VOTING ENFORCEMENT	190
E.17	CONTRACT SGC13-14 RECONSTRUCTION OF KONGWAK INVERLOCH ROAD, KONGWAK - APPROVAL FOR CURRENT AND FUTURE VARIATIONS OVER AND ABOVE	195
SECTION F - URGENT OR OTHER BUSINESS		202
SECTION G – GENERAL QUESTION TIME.....		203
G.1	QUESTION TIME.....	203
G.2	ANSWERS TO PREVIOUS QUESTIONS ON NOTICE	204

CLOSED SESSION205

ITEM 1 AWARD OF TENDER SGC14-02 - CONSTRUCTION OF FOOTPATH
RENEWALS AND EXTENSIONS - VARIOUS LOCATIONS.....206

SECTION H - MEETING CLOSED207

**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 – MR ANTHONY SEABROOK

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 – MR ANTHONY SEABROOK

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

A.4 APOLOGIES

Nil

A.5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 371, held on 24 July 2013 in the Council Chambers, Leongatha be confirmed.

MOVED: Cr Newton

SECONDED: Cr Fawcett

**THAT THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL
ORDINARY MEETING NO. 371, HELD ON 24 JULY 2013 IN THE COUNCIL
CHAMBERS, LEONGATHA BE CONFIRMED.**

CARRIED UNANIMOUSLY

A.6 REQUESTS FOR LEAVE OF ABSENCE

Nil

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).

Councillor Fawcett declared an indirect conflict of interest in Council Reports Item E.3 – TELECOMMUNICATIONS FACILITY (NBN TOWER) AT 2746 MEENIYAN PROMONTORY ROAD YANAKIE - PLANNING APPLICATION 2012/407 as he has a conflicting duty in that objectors are clients of his accounting firm.

Councillor Fawcett declared an indirect conflict of interest in Council Reports Item E.7 – TARWIN RIVER WATER SUPPLY CATCHMENT - INCLUSION OF THE OPEN POTABLE WATER SUPPLY CATCHMENT IN THE ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 2 as he has a conflicting duty in that he is a Director of South Gippsland Water.

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.

Nil

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.

Nil

A.10 COUNCILLOR REPORTS

Cr Hutchinson-Brooks addressed Council regarding attendance at:

- **Meeting with Lyric Theatre regarding the potential of a performing arts centre in the Shire. Discussion ensued regarding the potential of Leongatha Education Precinct's 'Mesley Hall Leongatha'.**
- **Dairy Leaders dinner in Traralgon hosted by Murray Goulburn and discussions included the rain season, dairy export and new positive dairy advertisement.**
- **District Conference of the Red Cross and noted the incredible amount of work undertaken by this group in our community.**
- **AGM Citizen Advice Bureau and noted the extensive volunteer work undertaken.**
- **Federal Electorate of McMillan ANZAC Centenary Committee meeting and encouraged the community to apply for funding to celebrate the centenary of ANZAC.**

Cr Harding addressed Council regarding attendance at:

- **Various community Annual General Meetings.**
- **South East Australian Transport Strategy (SEATS) meeting and noted some of the highlights of the meeting including; the progress towards forming Federation University Australia, heavy vehicle by-pass at Leongatha, VLine improvements east of Traralgon, the Victorian Freight Logistics Plan, future presentation to the Shire by Mr John McNaught from GHD about transport futures in South Gippsland and attendance by special guest the Victorian Minister for Transport.**
- **Launch of supermarket in Toora and noted that the Hon. Peter Ryan opened the supermarket and welcomed new families to the town.**

Cr Harding noted the stand still in the repair of Long Jetty as disappointing.

Cr Newton addressed Council regarding attendance at Kongwak Community Meeting and noted a problem regarding the existence of trustees of the Kongwak Tennis courts.

Cr Newton made a comment about ANZAC naming signs and that he is collating the history of some parts of the Shire and encouraged anyone in the community to undertake this work and in doing so recognising our ANZACS.

Cr McEwen addressed Council regarding attendance at:

- **Tarwin Valley Development Group and noted that the Group is finalising the branding strategy.**
- **Municipal Emergency Management Planning Committee**
- **Youth Council Advisory Committee meeting and noted how members are taking the initiative by writing letters to relevant authorities to increase the opening hours of the Youth Clinic.**
- **Gippsland Waste Management meeting and noted changes to the structure.**
- **Municipal Association Victoria (MAV) Transport Committee meeting and noted Port of Hastings Rail corridor and options to link the rail line.**
- **Handed petitions regarding Coal Seam Gas (approximately 1,100 signatures) to the Victorian Government that represented 10% of voting population in Gippsland.**

Cr Davies addressed Council regarding attendance at:

- **Opening of the Great Southern Rail Trail and noted it was well attended by the community. Cr Davies noted that 150 people walked, rode and ran along the trail thanked Council for their support and great way for our communities to connect. Cr Davies made a general comment about how good Toora looks particularly with the new concrete paths in Toora Main Street.**
- **Eastern District meeting at Port Welshpool and noted the Five Halls Project; Mt Best, Toora and Hedley Halls benefited from the funding from this project.**
- **Various AGM meetings and thanked Council's committees but also all the volunteers in our community.**

Cr Brunt addressed Council regarding attendance at:

- **Access and Inclusion Advisory Committee and noted how much she is enjoying attendance at this meeting and that it has benefited her.**
 - **Korumburra Integrated Children's Centre AGM meeting and noted the good work of Council particularly from Ms Jan Martin, Director of Community Services.**
-

SECTION B - NOTICES OF MOTION AND/OR RESCISSION

Nil

SECTION C - COMMITTEE REPORTS

C.1 AUDIT COMMITTEE REPORT MAY 2013

Corporate Services Directorate

EXECUTIVE SUMMARY

The Audit Committee met on 20 February 2013 and a copy of their report is attached (**Attachment 1**).

Document pertaining to this Council Report

- **Attachment 1** - Report of Audit Committee Meeting 20 May 2013

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989, Section 139

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

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

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

COUNCIL PLAN

Strategic Goal:	4.0	A Leading Organisation
Outcome:	4.2	Pursue Best Practice In Organisational Development and Operations of the Organisation
Strategy No:	4.2.2	We will monitor corporate governance processes, including risk management and skills development with the aim of ongoing improvement

CONSULTATION

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

REPORT

Background

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

responsibility. Some of the significant matters considered by the Audit Committee at the May 2013 meeting included:

- Draft Investment and Procurement policies;
- Building and Planning Permit Enforcement Review;
- 2013/2014 Audit Plan;
- Audit Committee Charter; and
- External Auditor's approach to 2012/2013 financial audit, in collaboration with the external auditor.

FINANCIAL CONSIDERATIONS

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

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

RISK FACTORS

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

RECOMMENDATION

That Council receive and note the report of the Audit Committee held on 20 May 2013.

STAFF DISCLOSURE OF INTEREST

Nil


MOVED: Cr Fawcett

SECONDED: Cr Hutchinson-Brooks


THAT COUNCIL RECEIVE AND NOTE THE REPORT OF THE AUDIT COMMITTEE HELD ON 20 MAY 2013.

CARRIED UNANIMOUSLY

Attachment 1



Meeting Objective	Report of Audit Committee Meeting (Minutes)			
Date	Monday 20 May 2013	Time 9.00am start (Committee met in committee at 8.30am) Committee did not wish to meet Internal auditor at this time.	Duration 2 hour meeting concluding 11.00am	Location Meeting Room 2, Council Chambers, Michael Place, Leongatha
Attendees	Mr Craig Nisbet (Chair) Ms Theresa Glab Dr Irene Irvine Councillor Fawcett Mark Holloway HLB Mann Judd for item 4 Appendices 8, 9 and 11 Rochelle Wigglesworth WHK (Audit) via by telephone for item 5 Support Staff: Tim Tamlin; CEO, June Ernst; Director Corporate Services, Luke Anthony; Manager Governance Services, David Roche; Governance Coordinator.			
Apologies	Councillor Kennedy Ms Shami Kamunga HLB Mann Judd			
Distribution List	As per attendees			
Disclosures of Interest	Dr Irvine as a member of South Gippsland Water. Theresa Glab as a member of the Audit Committee of the Shire of Baw Baw, Shire of Yarra Ranges and City of Melbourne. Craig Nisbet has currently no disclosures of interest.			
Confirmation of report of previous meeting	Report of Meeting held on 25 February 2013 Moved: Member Irvine Seconded: Member Glab That the report is confirmed. Carried.			




Advise of possible breaches of legislation / compliance	None advised.

Page 2




Agenda Items

MEETING ITEM IS SCHEDULED FOR	Qtr 1 Feb 2013	Qtr 2 May 2013	Qtr 3 Aug 2013	Qtr 4 Nov 2013	Who	Report Next Due	Action / Comment / Report
<p>1. Quarterly Performance Report Periodically compare actual outcomes, achievement of milestones and other KPIs as compared with the Council Plan, Annual Report and Budget – strategic indicators for monitoring the achievement of the strategic objectives. Quarterly Financial Performance Report - January 2013 – March 2013. Draft Quarterly Performance Report - January 2013 – March 2013.</p>					Director Corporate Services	May 2013	<p>Noted that the Quarterly Financial Report and Quarterly Performance reports have been separated and streamlined.</p> <p>Action: Tim Tamlin to confirm status of the sale of land to South Gippsland Water which is scheduled for prior to 30 June 2013.</p> <p>Action: Consideration be given to including output measures in the report.</p>
<p>2. Internal Control System Consider the effectiveness of Council's internal control system (including financial reporting) Policy Review Timetable</p> <p>Draft Investment Policy</p> <p>Draft Procurement Policy</p>					Director Corporate Services	May 2014	<p>Action: Staff to reconsider review dates for older policies, prepare a briefing paper providing more content in respect of the review timetable for the Committee and format the report to highlight policies that the Audit Committee is to review.</p> <p>Action: Update draft Investment Policy to include strategies to spread investments and preserve capital, and consider risk tolerance/appetite for investments</p> <p>Action: Update draft Procurement Policy to include</p> <p>1. Objectives of value for money, open and fair competition, risk management and probity and</p>




MEETING ITEM IS SCHEDULED FOR	Qtr 1 Feb 2013	Qtr 2 May 2013	Qtr 3 Aug 2013	Qtr 4 Nov 2013	Who	Report Next Due	Action / Comment / Report
Draft Audit Policy							<p>2. Including criteria for service contracts in the requirement for achieving best value; and</p> <p>3. Including as part of risk assessment the need to seek probity advice in respect of projects / contracts that are of high value, complex or of a sensitive nature.</p> <p>Action: Council consider development of a compliance checklist and or attestation of compliance by the Executive Leadership Team</p> <p>Action: Update draft Audit Policy to include monitoring of risk management strategies</p>
3. Risk Management							
Monitor the systems and processes for risk management (including status and content of corporate risk register)					Manager Governance Services	Aug 2013	No report due until August 2013.
Review Council's risk profile (including adequacy of mitigation actions)					Manager Governance Services	Aug 2013	No report due until August 2013.
Details of Council Insurance Cover required under section 76A Local Government Act 1983 insurance Coverage report including a year by year comparison of premiums.					Manager Governance Services	Aug 2013	Rescheduled to Aug 2013 to coincide with annual renewal of insurances.
Monitor effectiveness of business continuity planning including disaster recovery plan.					Director Corporate Services	Aug 2013	Noted at Nov 2012 meeting that that the Business Continuity Plan is currently under review and will be presented to the Audit Committee in August 2013 following.




MEETING ITEM IS SCHEDULED FOR	Qtr 1 Feb 2013	Qtr 2 May 2013	Qtr 3 Aug 2013	Qtr 4 Nov 2013	Who	Report Next Due	Action / Comment / Report
Review any reports concerning evidence of material violation or breaches of fiduciary duty	As required				Director Corporate Services	As required	review by Council's Strategic Risk Committee. Action: Officers to report in May 2013 following an internal review of registers trust accounts, agreements and contracts. Note: a verbal report was scheduled for the May meeting although this was not discussed and will now occur at the September meeting on progress towards establishing appropriate registers No review required
Review any instance of fraud or possible illegal acts	As required				Directors and Managers	As required	
4. Internal Audit Review internal audits and management action plans for implementation of recommendations Building and Planning Permit Enforcement Final report and Management Actions					Manager Governance Services	Aug 2013	Action: In respect of the Building and Planning Permit Enforcement report consideration be given to the preparation of a management report that 1. Provides specific dates for the achievement of management actions 2. Amending procedures/policies or revising current practice and then incorporating this into procedure 3. Possible legal risk by taking a reactive approach) and 4. Provides additional information and context to enable a focus on issues. Action: H.B. Mann Judd in collaboration with Council staff up-date the draft scope
Events Management Audit Scope:							



MEETING ITEM IS SCHEDULED FOR	Qtr 1 Feb 2013	Qtr 2 May 2013	Qtr 3 Aug 2013	Qtr 4 Nov 2013	Who	Report Next Due	Action / Comment / Report
Consider status of implementation of internal audit recommendations and agreed management action plans					Manager Governance Services	Aug 2013	to take into consideration OHS, fraud, traffic management and conflict of interest.
Audit Actions Monitoring Plan. Review the internal audit function (internal auditor services/performance), monitor satisfaction with internal audit service.					Manager Governance Services	Aug 2013	Action: Staff to update recommendation number 10. Noted: that other Audits will be captured in the Monitoring Plan Report not due.
Internal Auditor Annual Performance Report. Review / recommend the annual audit plan and ensure it is linked to Council's risk profile. Proposed 2013/2014 Audit Plan Risk Register (to accompany considerations for the 2013/2014 Audit Plan)					Manager Governance Services	May 2013	Action: 1. Agreed that the next internal audit be on IT General Compliance followed by Local Government Legislative Compliance, and 2. HLB Mann Judd in collaboration with Council Staff review the remainder of the draft proposed plan Noted: the plan was received and noted Report not due.
Monitor processes and practices to ensure the independence of the internal audit function					Manager Governance Services	Nov 2012	Report not due.
Provide an opportunity for the audit committee to meet with the internal auditor without management.					Manager Governance Services	As required	The Internal Auditor is available to meet with Audit Committee during closed session as required.
5. External Audit							




MEETING ITEM IS SCHEDULED FOR	Qtr 1 Feb 2013	Qtr 2 May 2013	Qtr 3 Aug 2013	Qtr 4 Nov 2013	Who	Report Next Due	Action / Comment / Report
Note external auditor's proposed audit scope and approach					Manager Finance Director Corporate Services	May 2014	Actions: 1. That a list of Internal Audits be included in the Audit Strategy, and 2. The Audit Committee meeting scheduled for 26 August 2013 be rescheduled to 12 September 2013 to enable the Audit Committee to consider the 2012/13 Audit report with WHK Audit (Vic) present
Consider external auditors' view on the control environment and management letters.					Manager Finance Director Corporate Services	Aug 2013	Report not due.
VAGO Financial Management letter for final audit for financial year 2011/12						Nov 2013	Report not due.
External Accreditations e.g. HACCC					CEO	Aug 2013	
Resolve any disagreement between management and the external auditors in financial reporting					Director Corporate Services	As required	No disagreements
6. Compliance							
Obtain regular updates on compliance matters.					Manager Governance Services	Aug 2013	Report not due
Freedom of Information and Privacy Report							
Gifts and Donations Register							
Ordinary Returns, Procurement and Special Committees.							
Staff and Councillor Code of Conduct							




MEETING ITEM IS SCHEDULED FOR	Qtr 1 Feb 2013	Qtr 2 May 2013	Qtr 3 Aug 2013	Qtr 4 Nov 2013	Who	Report Next Due	Action / Comment / Report
Review the systems and processes for monitoring compliance with legislation and regulations.					Manager Governance Services	Feb 2014	Report not due.
Be informed on how management monitors the effectiveness of its compliance and ethics program.					Manager Governance Services	Nov 2013	Action: This item remain on the agenda and a report be prepared for the Audit Committee that considers attestations as part of the framework and benchmarking against other Councils. Report not due.
Keep informed of the findings of any examinations by regulatory agencies including Ombudsman and Local Government Inspectorate.					Manager Governance Services	Aug 2013	Report not due.
Review whistleblower arrangements and reports.					CEO	Nov 2013	Report not due.
7. Reporting responsibilities							
Audit Committee reports regularly to Council.					Manager Governance Services	Aug 2013	Note: the May 2013 Audit Committee Report will be reported to Council on 28 August 2013.
Monitor that open communication between the internal auditor, the external auditor and Council occurs.					CEO	As required	Nil report.
Report annually to stakeholders via Chair's report to Council.					Chair	Nov 2013	Report not due.
B. Assessment of financial information							
Review significant accounting and reporting issues					Manager Finance	As required	
Review the annual financial report.					Manager Finance Director Corporate Services	Aug 2013	Review will occur at rescheduled meeting planned for 12 September 2013
Review results of the annual external audit.					Manager Finance	Aug 2013	Review not due
Review communication required under Australian					Manager	Aug	Review not due



MEETING ITEM IS SCHEDULED FOR	Qtr 1 Feb 2013	Qtr 2 May 2013	Qtr 3 Aug 2013	Qtr 4 Nov 2013	Who	Report Next Due	Action / Comment / Report
Auditing Standards					Finance	2013	
Review attestations required (include Best Value statement)					Manager Governance Services	Aug 2013	Review not due
Review compliance with National Competition Policy and Best Value Statement.							
Fire Service Levy Fire Services Levy update report					Director Corporate Services	May 2013	Note: Report received and mailed.
9. General							
Establish number of meetings for forthcoming year.					Manager Governance Services	Nov 2013	Report not due.
Review effectiveness of Secretariat support					Manager Governance Services	Nov 2013	Report not due
Perform an assessment of the Committee's Performance (and fees for budget consideration) Audit Committee Performance Self-Assessment Report					Manager Governance Services	May 2013	Action: Committee members to complete an assessment of the Audit Committee's performance using the Audit Committee's Self-Assessment form contained in Audit Committees: A Guide to Good Practice for Local Government and return to staff to prepare a report to the Audit Committee for consideration in August 2013.
Consideration and recommendation of Committee Chair for appointment by Council by April of each year.					Manager Governance Services	Feb 2014	
Confirmation of Independent Members and Terms of Office		As required.			Manager Governance Services	Nov 2013	Noted that composition of the terms of the current Committee is: Craig Nisbet – appointed by Council in March 2010 for an initial term ending 31 December 2010 and reappointed in December 2010 for a further 3 year term



MEETING ITEM IS SCHEDULED FOR	Qtr 1 Feb 2013	Qtr 2 May 2013	Qtr 3 Aug 2013	Qtr 4 Nov 2013	Who	Report Next Due	Action / Comment / Report
Review and assess the adequacy of the Audit Committee Charter annually and confirm all charter responsibilities have been carried out Audit Committee Charter					Manager Governance Services	May 2013	<p>concluding in December 2013.</p> <p>Theresa Glab – appointed by Council in December 2011 for an initial 3 year term concluding on 30 November 2014</p> <p>Irene Irvine – appointed by Council in December 2012 for an initial 3 year term concluding on 30 November 2015.</p> <p>Action: arrange Police Checks for new and existing members of the Committee and that from 1 July 2013, independent Audit Committee members be required to submit Primary and Ordinary Returns.</p> <p>Action: Revise Charter to include:</p> <ol style="list-style-type: none"> 1. Requirement to lodge Primary and Ordinary Returns of Interest; 2. Recruitment process; 3. Induction process; 4. Term of Chair to be reviewed annually; 5. Providing the opportunity for the Audit Committee to meet with the Internal Auditors at each meeting; 6. Provision of staff/secretarial support; 7. Committee member removal process; 8. Attendance requirements and observer status of those who may attend meetings; and 9. Expanding the financial literacy requirement of one member to at least possess CPA status



MEETING ITEM IS SCHEDULED FOR	Qtr 1 Feb 2013	Qtr 2 May 2013	Qtr 3 Aug 2013	Qtr 4 Nov 2013	Who	Report Next Due	Action / Comment / Report
<p>10. General Business:</p> <p>Action: provide the Committee with an overview of the Caravan Parks project and including this in the Audit Committee agenda</p>							
<p>11. Close / Next meetings for next year (place in calendars) 12 September 2013 and 23 November 2013</p>							

SECTION D – PROCEDURAL REPORTS

D.1 ORGANISATIONAL QUARTERLY PERFORMANCE REPORT APRIL TO JUNE 2013

Corporate Services Directorate

EXECUTIVE SUMMARY

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

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

This report does not capture every achievement during the quarter, however it focuses on key achievements that contribute to delivery of the corporate priorities. The contents summarise the performance for the quarter and the status of the Annual Plan and Key Strategic Activities as at 30 June 2013.

The organisational Quarterly Performance Report April to June 2013 is provided in **Appendix 1**.

Document/s pertaining to this Council Report

- **Appendix 1** - Quarterly Performance Report April to June 2013

A copy of **Appendix 1 - Quarterly Performance Report April to June 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, Sections 125,127 and 223

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

2012/13 Annual Plan

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

COUNCIL PLAN

Strategic Goal:	4.0	A Leading Organisation
Outcome:	4.2	Pursue best practice in organisational development and operation of the organisation
Strategy No:	4.2.4	We will create an environment for people to be their best, to optimise the performance of the organisation and to deliver quality outcomes for the community

CONSULTATION

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

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

Background

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

Discussion

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

Of the 64 Annual Plan commitments 92% were achieved, 6% were partially achieved, and 2% were not achieved.

There are 11 KSA's of which 7 are complete and 4 activities commenced but were not finalised on target.

The KSA's that were not achieved relate to the Housing and Settlement Strategy which is in the first stage of public consultation, Leongatha Industrial Land Use Study due to be finalised in July 2013, Council's General Local Law No 1 2005 currently being reviewed and the Weighted Average of the 5 Financial Ratio's falling below the target due to unavoidable expenditure for Superannuation and reduced income from storm damage response recovery not recovered by 30 June.

A number of significant highlights during the April to June 2013 period include:

- 2013/17 Council Plan, 2013/14 Annual Plan and 15 Year Long Term Financial Plan were adopted by Council on 26 June 2013.
- The Sustainability Festival held on 7 April and was a resounding success with increased numbers of stall holders and visitors. Bass Coast Shire Council hosted a stall with information on Sustainability matters relevant to the Bass Coast area and discussion commenced on the potential to host a joint Sustainability Festival, held in each shire on a rotating annual basis.
- Landslip repairs finalised at Boolarra-Foster Road, Foster North; Turttons Creek Road, Turttons Creek; Wild Dog Valley Road, Wild Dog Valley; Bena Kongwak Road, Bena.
- Public exhibition was held for the Draft Municipal Public Health and Wellbeing Plan 2013-17 and the Final Plan was adopted by Council at the Meeting held 26 June 2013, the first Gippsland Council to complete the Plan.
- Visitation to Coal Creek increased by 10% for the financial year. In total Coal Creek received 17,250 visitors for the quarter.
- Community Grants Round 2: was successfully completed with Round 2 adopted at the 26 June 2013 Council Meeting, with approximately \$137,000 funding allocated to community groups.
- Completed footpath extensions at Welshpool Road, Toora and Toora Road, Foster.
- The Community Engagement Conference was held on 26 June. The event was well attended with 35 participants at the workshop sessions to learn about grant writing, online engagement, budgets, work plans and incorporation law.
- 43 Building Programmed Maintenance Projects were completed on time and within budget.
- All Council policies scheduled for review by 30 June 2013 were adopted by Council including the Procurement, Information Privacy, Councillor Code Of Conduct, Human Rights, Audit, Occupational Health and Safety (OHS), First Aid and Public Submission policies.
- South Gippsland Shire Council Domestic Animal Management Plan 2013-2017 prepared and adopted by Council as required under the Domestic Animals Act 1994.

FINANCIAL CONSIDERATIONS

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

The weighted average of 5 key financial ratios (including indebtedness, underlying working capital ratio, self-financing, investment gap and underlying result for the 2012/2013 Budget) is 86.54% at 30 June 2013. The result improved due to a combination of receiving \$4M Victorian Grants Commission Allocation for 2013/14 in advance and \$3.6M expenditure for grants and capital works carried forward, however storm damage response recovery funding of \$2.4M was not received by 30 June 2013.

RISK FACTORS

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

CONCLUSION

It is recommended that Council receive and note the organisational Quarterly Performance Report. The Report provides an overview of Council's performance against both Department Budgets and the Annual Plan for the period April to June 2013. The Key Strategic Activities are subject to audit. A final result on all Annual Plan actions and Key Strategic Activities will be presented to Council in the 2012/13 Annual Report.

RECOMMENDATION

That Council receive and note the organisational Quarterly Performance Report (Appendix 1) for the period April to June 2013.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Newton

SECONDED: Cr Davies

THAT THE RECOMMENDATIONS IN ITEMS D.1, D.2, D.3, D.4 AND D.5 BE ADOPTED.

CARRIED UNANIMOUSLY

D.2 COUNCILLOR EXPENDITURE REPORT - 30 JUNE 2013

Corporate Services Directorate

EXECUTIVE SUMMARY

The Councillor Expenditure Report (**Attachment 1**) provides Council with a quarterly update on Councillor Expenditure from 1 July 2012 to 30 June 2013, as resolved in 2003.

Document pertaining to this Council Report

- **Attachment 1** - Councillor Expenditure

LEGISLATIVE/ ACTION PLANS/ STRATEGIES/ POLICIES

Local Government Act, Section 75 Reimbursement of expenses of Councillors

Councillor Support and Expenditure Policy

COUNCIL PLAN

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

REPORT

Background

The Councillor Expenditure Report (**Attachment 1**) provides Council with an update on Councillor expenditure from 1 July 2012 to 30 June 2013.

Councillor expenditure is reported on an accrual basis being financial year end. Pre-paid expenses are not included in this report.

FINANCIAL CONSIDERATIONS

Overall expenditure is in line with budget.

RISK FACTORS

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

RECOMMENDATION

That Council receive and note the Councillor Expenditure Report for the period 1 July 2012 to 30 June 2013.

STAFF DISCLOSURE OF INTEREST

Nil

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 24.

Attachment 1

Councillor		Councillor Expenditure										Total
		Travel Expenditure					Other Expenditure					
		From 1 July 2012 to 30 June 2013										
		Fuel Cost *	Other travel **	Mobile Phone	Phone/Fax/Modem	Accommodation/Parking	Councillor Allowance	Remoteness Allowance	City Link	Internet Account***		
Car												
Cr. Robert Newton	Council	\$ 796	\$ -	\$ 607	\$ -	\$ -	\$ 24,106	\$ -	\$ -	\$ -	\$ 79	\$ 25,688
Cr. Lorraine Brunt	Council	\$ 1,075	\$ -	\$ 1,105	\$ -	\$ 184	\$ 16,553	\$ -	\$ -	\$ -	\$ 130	\$ 19,047
Ex. Cr. Jennie Deane	Personal	\$ 77	\$ 117	\$ 280	\$ -	\$ -	\$ 7,553	\$ -	\$ -	\$ -	\$ 105	\$ 8,132
Cr. Andrew McEwen	Personal	\$ -	\$ 3,851	\$ 392	\$ -	\$ 44	\$ 16,553	\$ -	\$ -	\$ -	\$ 162	\$ 21,002
Ex. Cr. Warren Raabe	Personal	\$ -	\$ -	\$ 48	\$ -	\$ -	\$ 22,609	\$ -	\$ -	\$ -	\$ 211	\$ 22,868
Cr. Kieran Kennedy	Council	\$ 2,493	\$ 117	\$ 582	\$ -	\$ 175	\$ 57,195	\$ -	\$ 29	\$ -	\$ 201	\$ 60,792
Cr. Mohya Davies	Council	\$ 1,341	\$ -	\$ 921	\$ -	\$ 328	\$ 24,106	\$ -	\$ 45	\$ -	\$ 706	\$ 27,445
Cr. Jeanette Harding	Council	\$ 257	\$ 800	\$ 378	\$ -	\$ 265	\$ 24,106	\$ 280	\$ 6	\$ -	\$ 79	\$ 25,971
Cr. Nigel Hutchinson Brooks	Council	\$ 843	\$ 831	\$ 357	\$ -	\$ -	\$ 16,553	\$ -	\$ -	\$ -	\$ 132	\$ 18,716
Ex. Cr. David Lewis	Personal	\$ 179	\$ 302	\$ 189	\$ -	\$ 159	\$ 7,553	\$ -	\$ 9	\$ -	\$ 264	\$ 8,655
Cr. Don Hill	Personal	\$ -	\$ 2,762	\$ 601	\$ 613	\$ -	\$ 16,553	\$ -	\$ -	\$ -	\$ 489	\$ 21,018
Ex. Cr. Mimmie Jackson	Personal	\$ -	\$ 79	\$ 26	\$ -	\$ -	\$ 7,553	\$ -	\$ -	\$ -	\$ 79	\$ 7,737
Cr. James Fawcett	Personal	\$ -	\$ -	\$ 1,559	\$ -	\$ -	\$ 24,106	\$ -	\$ -	\$ -	\$ 52	\$ 25,717
Total Actual		\$ 7,061	\$ 8,659	\$ 7,045	\$ 613	\$ 1,153	\$ 265,099	\$ 280	\$ 89	\$ 2,689	\$ 2,689	\$ 292,688
Total Budget		\$ 12,600	\$ 2,563	\$ 9,000	\$ 500	\$ 360	\$ 269,626	\$ 480	\$ 302	\$ 8,500	\$ 8,500	\$ 303,931

* Fuel Costs for Councillors with council vehicles represents cost of fuel from 1 July 2012 to 30 June 2013.

** Travelling expenditure for Councillors using private vehicles is at the prescribed rate of reimbursement. Reimbursements also include actual public transport costs.

*** Cr. Davies Internet Expenditure includes: standard internet expenditure, trial wireless mobility connect modem and service. Travel reimbursements for Councillors with council vehicles are for the period of the year when they did not have a council vehicle or for actual cost of fuel or transport paid of their private vehicles.

Travel and accommodation for training and professional development of Councillors are not included in this report.

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

D.3 REPORT ON ASSEMBLY OF COUNCILLORS - JULY 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 July 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

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

REPORT

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 3 July 2013		
Gray Street Special Charge Scheme	<p>Councillors Attending: Crs Harding, Newton, Kennedy, Fawcett, Hill, Davies and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Special Charge scheme
Government Regulations – New performance indicators	<p>Councillors Attending: Crs Davies, McEwen, Harding, Newton, Kennedy, Fawcett, Hill and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided with information on the draft Local Government Performance Reporting Framework (LGPRF).</p>
Community Satisfaction Survey – South Gippsland Shire Council	<p>Councillors Attending: Crs Davies, McEwen, Harding, Newton, Kennedy, Fawcett, Hill and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided with the summary results relating to Community Satisfaction Survey 2013.</p>
Korumburra Town Centre Framework Plan	<p>Councillors Attending: Crs Davies, McEwen, Harding, Newton, Kennedy, Fawcett, Hill and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided with information relating to draft Korumburra Town Centre Framework Plan.</p>
Smart Meters and Energy Affordability	<p>Councillors Attending: Crs Davies, Harding, Newton, Kennedy and Fawcett.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided with information relating to the rollout of Victoria’s Smart Meters.</p>
Executive Updates	<p>Councillors Attending: Crs Davies, McEwen, Harding, Newton, Kennedy, Fawcett, Hill and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Environment and Natural Resources Committee Rural Drainage in Victoria Inquiry recommendations • Korumburra Integrated Children’s Centre

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 3 July 2013		
Council Plan Actions and Briefing Timetable for July 2013	<p>Councillors Attending: Crs Davies, McEwen, Harding, Newton, Kennedy, Fawcett, Hill and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Council Plan Actions • Council Briefing timetable July / August 2013
Planning Committee	<p>Councillors Attending: Crs Kennedy, Newton, Fawcett, McEwen, Davies, Brunt, Harding and Hill.</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 Project update
Tarwin Potable Water Catchment	<p>Councillors Attending: Crs Davies, McEwen, Harding, Newton, Kennedy, Hutchinson-Brooks, Hill and Brunt.</p> <p>Conflict of Interest: Cr Fawcett left the room with a conflict of interest.</p>	<p>Topics Discussed: Councillors were provided with an update on the Tarwin Water Catchment by Mr Philippe du Plessis, CEO of South Gippsland Water Authority.</p>
Wednesday 10 July 2013		
Council Annual Plan Implementation	<p>Councillors Attending: Crs Newton, Kennedy, Harding, Hutchinson-Brooks, Brunt, Fawcett and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Annual Plan • Actions to determine projects for steering committees
Wednesday 17 July 2013		
Gippsland Tourism Master Plan	<p>Councillors Attending: Crs Newton, Kennedy, Brunt, McEwen, Harding and Fawcett.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided a briefing on the Gippsland Tourism Master Plan.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 17 July 2013		
Gippsland Regional Growth Plan	Councillors Attending: Crs Newton, Kennedy, Brunt, McEwen, Harding, Fawcett and Hutchinson-Brooks. Conflict of Interest: Nil disclosed.	Topics Discussed: Councillors were provided a briefing on the Gippsland Regional Growth Plan, formerly Gippsland Integrated Land Use Plan.
Council Agenda Topics 24 July 2013	Councillors Attending: Crs Newton, Kennedy, Brunt, McEwen, Harding, Fawcett, Hill and Hutchinson-Brooks. Conflict of Interest: Nil disclosed.	Topics Discussed: <ul style="list-style-type: none"> • Ordinary Council Agenda – 24 July 2013
Presentation of Volunteer DVD OPEN DAY SESSION	Councillors Attending: Crs Newton, Kennedy, Brunt, McEwen, Harding, Fawcett, Hill and Hutchinson-Brooks. Conflict of Interest: Nil disclosed.	Topics Discussed: Councillors were provided information on the newly released Volunteer DVD and information highlighting the value of volunteering and the broad range of programs that Council volunteers can be involved in.
Public Presentation Session OPEN DAY SESSION	Councillors Attending: Crs Newton, Kennedy, Brunt, McEwen, Harding, Fawcett, Hill and Hutchinson-Brooks. Conflict of Interest: Nil disclosed.	Presentations were made to Council by the following community members:
Mr Rohan White regarding the closure of Simons Lane, Leongatha South the western entrance and presented a petition on behalf of residents.		
Ms Thelma Arnup and Mr Chris Heazlewood regarding concerns for Council Agenda Item <u>E.2 - PLANNING PERMIT APPLICATION FOR THE BUILDING AND WORKS ASSOCIATED WITH THE DEVELOPMENT OF A SUPERMARKET (ALDI STORE) AND ASSOCIATED SIGNAGE.</u>		
Mr Jarrah Lukjanov, representing Aldi regarding Council Agenda Item <u>E.2 - PLANNING PERMIT APPLICATION FOR THE BUILDING AND WORKS ASSOCIATED WITH THE DEVELOPMENT OF A SUPERMARKET (ALDI STORE) AND ASSOCIATED SIGNAGE.</u>		
Ms Sue Guilford regarding Council Agenda Item <u>E.4 - PLANNING SCHEME AMENDMENT C77 - EASTERN DISTRICT URBAN DESIGN FRAMEWORKS - FINAL CONSIDERATION.</u>		

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 17 July 2013		
Executive Update	<p>Councillors Attending: Crs Newton, Kennedy, Brunt, McEwen, Harding, Fawcett, Hill and Hutchinson-Brooks.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Bass Coast benchmarking project update • Arawata School site zoning enquiry
Councillor / CEO session	<p>Councillors Attending: Crs Newton, Kennedy, Brunt, McEwen, Harding, Fawcett, Hill and Hutchinson-Brooks.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Community Infrastructure Standards • Community budgeting
<p>Public Presentation Session</p> <p>OPEN EVENING SESSION</p>	<p>Councillors Attending: Crs Newton, Kennedy, Brunt, Harding, Fawcett, Hutchinson-Brooks and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topic Discussed:</p> <p>A presentation was made to Council by Miss Nikita Rainey regarding Off-the-leash dog area for the townships of Venus Bay and Tarwin Lower.</p>
Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 24 July 2013		
Ordinary Council Agenda Topics – 24 July 2013	<p>Councillors Attending: Crs Brunt, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks and Fawcett.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Ordinary Council Agenda – 24 July 2013

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 24 July 2013		
Public Presentation Session	<p>Councillors Attending: Crs Brunt, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks and Fawcett.</p> <p>Conflict of Interest:</p>	<p>Presentations were made to Council by the following community members:</p>
OPEN DAY SESSION	<p>Nil disclosed.</p>	
<p>Mr Ian Edney on behalf of Mr Jack and Mrs Joy Edney regarding Council Agenda Item <u>E.2 - PLANNING PERMIT APPLICATION FOR THE BUILDING AND WORKS ASSOCIATED WITH THE DEVELOPMENT OF A SUPERMARKET (ALDI STORE) AND ASSOCIATED SIGNAGE.</u></p>		
<p>Mr Jarrah Lukjanov, representing Aldi regarding Council Agenda Item <u>E.2 - PLANNING PERMIT APPLICATION FOR THE BUILDING AND WORKS ASSOCIATED WITH THE DEVELOPMENT OF A SUPERMARKET (ALDI STORE) AND ASSOCIATED SIGNAGE.</u></p>		
<p>Mr Neil Travers regarding Tarwin Valley Branding Project.</p>		
Executive Update	<p>Councillors Attending: Crs Brunt, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks and Fawcett.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Rural Councils Summit • Local Government Focus article
CEO Review	<p>Councillors Attending: Crs Brunt, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Hill and Fawcett.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Annual Review

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 24 July 2013		
Ordinary Council Agenda Topics – 24 July 2013	<p>Councillors Attending: Crs Brunt, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Hill and Fawcett.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Ordinary Council Agenda – 24 July 2013
Friday 26 July 2013		
Access and Inclusion Advisory Committee	<p>Councillor Attending: Cr Brunt</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • HACC services promotion • Draft Disability Action Plan
Tuesday 30 July 2013		
South Gippsland Youth Council	<p>Councillor Attending: Cr McEwen</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Immunisation • Korumburra Saleyards • Aldi Planning Application • Attendance at Ordinary Council Meetings • Grant Funding opportunities
Wednesday 31 July 2013		
Priority Projects	<p>Councillor Attending: Crs Brunt, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Hill, Davies and Fawcett.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Priority projects list.

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 31 July 2013		
CEO Review	Councillor Attending: Crs Brunt, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Hill, Davies and Fawcett. Conflict of Interest: Nil disclosed.	Topics Discussed: <ul style="list-style-type: none">• Annual Review
Local Law No.3 – Meeting Procedures and the Common Seal	Councillor Attending: Crs Brunt, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Hill and Davies. Conflict of Interest: Nil disclosed.	Topics Discussed: <ul style="list-style-type: none">• Meeting procedure

RECOMMENDATION

That Council receive and note this report.

STAFF DISCLOSURE OF INTEREST

Nil

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 24.

D.4 COUNCILLOR DISCRETIONARY FUND ALLOCATION REPORT

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 01 July 2013 and 18 July 2013.

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Councillor Discretionary Fund Policy 2009

COUNCIL PLAN

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

REPORT

The following applications have been allocated funding from the Councillor's 2013 / 2014 Discretionary Fund:

- Port Franklin Tennis & Sports Club: sponsorship towards the 7th Annual Alf Wilder Junior Memorial Fishing Experience.

Cr Mohya Davies - \$200

Cr Jeanette Harding - \$200

Cr Kieran Kennedy - \$100
- Korumburra Showgrounds Amenities Complex: purchase of new crockery of the Showgrounds complex kitchen.

Cr Robert Newton - \$200
- Tarwin Lower & District Bowls Club Inc.: to assist with the cost of purchasing a Chiao Stagepro amplifier.

Cr Kieran Kennedy - \$1,000

FINANCIAL CONSIDERATIONS

Each Councillor is allocated \$4,000 from the Councillor Discretionary Fund in the 2013 / 2014 Financial Budget. An additional \$2,000 has been allocated to the Mayor to cover a broader focus across the entire Municipality.

CONCLUSION

The remaining balances of Councillor Discretionary Funds for the 2013 / 2014 Financial Year as at the 18 July 2013 are as follows:

- Cr Mohya Davies - \$3,800
- Cr Jeanette Harding - \$3,800
- Cr Kieran Kennedy - \$2,900
- Cr Lorraine Brunt - \$4,000
- Cr Robert Newton - \$3,800
- Cr Andrew McEwen - \$4,000
- Cr James Fawcett - \$4,000
- Cr Don Hill - \$4,000
- Cr Hutchinson-Brooks - \$4,000
- Mayoral Fund - \$2,000

RECOMMENDATION

That Council receive and note this report.

STAFF DISCLOSURE OF INTEREST

Nil

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 24.

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

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

REPORT

Documents Sealed

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

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

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

1. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 15 Roberts Road Pound Creek and 185 Wisdoms Road Pound Creek relating to a 3 Lot Subdivision - Seal Applied 1 July 2013.
2. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 83 Inlet View Road Venus Bay relating to a single dwelling - Seal Applied 4 July 2013.
3. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 270 Sheens Road Mirboo North and 825 Boolarra-Mirboo North Road Boolarra relating to a re-subdivision of the land into 2 lots - Seal Applied 4 July 2013.
4. Financial loan agreement between South Gippsland Shire Council and the Commonwealth Bank of Australia for the loan of \$4 Million as outlined in the 2013/14 Annual Budget which was adopted at the 26 June 2013 Council Meeting - Seal Applied on 4 July 2013.
5. Contract SGC14/01 between South Gippsland Shire Council and Safety Barrier Solutions Pty Ltd in relation to Supply and Installation of Guardrails – Various Locations - Seal Applied 5 July 2013.
6. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 12 Dorothy Street Venus Bay relating to a single dwelling - Seal Applied 9 July 2013.
7. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 400 Soldiers Road Leongatha South and 290 Soldiers Road Leongatha South relating to a 2 Lot Subdivision (House Excision) – SPEAR - Seal Applied 9 July 2013.

8. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 9 Ash Avenue Sandy Point relating to a single dwelling - Seal Applied 9 July 2013.
9. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 2595 Strzelecki Hwy Mirboo North relating to a six lot subdivision - Seal Applied 17 July 2013.
10. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 3 Vulcan Lane Venus Bay relating to a single dwelling and native vegetation removal - Seal Applied 17 July 2013.
11. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 3 Sun Court Venus Bay relating to additions to an existing dwelling - Seal Applied 26 July 2013.
12. Deed of Assignment of Lease between South Gippsland Shire Council and Stadium Cinemas Pty Ltd and Leongatha Stadium Cinemas Pty Ltd for the lease of Lot 2A, 6-12 Smith Street Leongatha (30m² area adjoining Darcy's Café and Wine Bar) – Seal Applied 30 July 2013.

Contracts Awarded Under Chief Executive Officer Delegation

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

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

Procurement Policy requires recording in the Council minutes all contracts over the statutory threshold set out in the Local Government Act 1989 (\$150,000 inclusive of GST for goods and services and \$200,000.00 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.

The following contracts have been awarded under the Chief Executive Officer's delegation for the month of July 2013:

Contract Reference No.	Contractor	Description of goods /services/works	Total price including GST
MAV Procurement Contract - SL9311 and 13012	SP AusNet	Supply and Installation of Energy Efficient Street Lighting – Locations Various	\$ 451,200.00
SGC11/19	Holcim(Australia) Pty Ltd	Supply and delivery of quarry products and road making materials	Non financial variation to deliver from Pakenham and Jeeralang Quarries instead of Leongatha Quarry

RECOMMENDATION

That Council note the:

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

STAFF DISCLOSURE OF INTEREST

Nil

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 24.

SECTION E - COUNCIL REPORTS

E.1 PETITION - OBJECTION TO THE CLOSURE OF SIMONS LANE, LEONGATHA SOUTH AT ITS WESTERN ENTRANCE OFF THE BASS HIGHWAY

Engineering Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is for Council to note the petition received at its Ordinary Meeting held on 24 July 2013 objecting to the closure of Simons Lane, Leongatha South, at its western entrance off the Bass Highway.

Document/s pertaining to this Council Report

- **Attachment 1** - Petition Prayer.
- **Confidential Appendix 1** - Petition with signatories (approximately 735).

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Southern Leongatha Outline Development Plan 2013
- Asset Management Policy 2013

COUNCIL PLAN

Outcome:	2.0	Closely Connected Communities.
Objective:	2.1	Engage and work collaboratively with our community.
Strategy:	2.1.2	We will develop an integrated approach to planning with the community incorporating budgeting/funding strategies and project development.

CONSULTATION

- Council Report 24 August 2011 – Southern Leongatha Outline Development Plan (resolved to adopt the Southern Leongatha Outline Development Plan and commence the preparation of the statutory processes to close Simons Lane).

- Council Report 26 October 2011 - Simons Lane, Leongatha – Road Closure (resolved to commence the statutory processes under Section 223).
- Mail out to affected property owners in October 2011 advising of the Section 223 process.
- Public notice calling for Section 223 Submissions on 2 November 2011.
- Council Report 22 February 2012 – Simons Lane, Leongatha – Temporary Road Closure - Submissions (resolved to temporarily close the road).

REPORT

Background

At its Ordinary Meeting held on 24 July 2013, a petition was tabled with approximately 735 signatures objecting to the closure of Simons Lane, Leongatha South at its western entrance off the Bass Highway.

Refer to **Attachment 1** for a copy of the petition prayer. The full copy of the petition including signatories is available in **Confidential Appendix 1**.

Discussion

In the petition the signatories object to the closure of Simons Lane, Leongatha South at its western entrance off the Bass Highway, for the following reasons:

1. Simons Lane is the shortest, vital route linking the Bass Highway and South Gippsland Highway, which is used by countless locals and business people.
2. Closure of Simons Lane at its western end will cause the redirection of heavy vehicles, which currently use Simons Lane as a thoroughfare to be redirected through the Leongatha township, adding to an already over congested McCartin Street.
3. Emergency Services, including Country Fire Authority, Ambulance and Police, rely on accessibility at both ends of Simons Lane to ensure prompt response times. Closure of the western entrance will critically disadvantage residents at this western end of Simons Lane in the event of an emergency.
4. The School Bus route/drop off point at the western end of Simons Lane is a far safer option for families than the eastern end of Simons Lane. Currently, children do not have to cross a 3-lane rural highway to catch the bus and it must stay that way.

The above issues are not new to Council. They have been captured during the consultation for the Southern Leongatha Outline Development Plan and the road closure process for the closure of Simons Lane at the Bass Highway.

Southern Leongatha Outline Development Plan

- A specific traffic study was commissioned by Council to address the Southern Leongatha Outline Development Plan area. This study was undertaken by SMEC Australia Pty Ltd. The SMEC report, titled "Transport and Traffic Impact Assessment Report, 11 January 2011, included a recommendation for the upgrading of the current Simons Lane / Bass Highway intersection, however they also comment that "It is also strongly recommended that the new intersection arrangements be redesigned to improve the safe intersection sight distance to achieve compliance with Austroads guidelines" (SMEC report page 49). This can only be achieved by the relocation of the intersection further to the north. This option is displayed in the ODP Infrastructure Plan. Intersection relocation will necessitate the acquisition of private land and will require the support of VicRoads.
- In response to the consultative process associated with the Southern Leongatha Outline Development Plan, there were eight submissions which raised objections to the issue of the closure of Simons Lane at the Bass Highway. In response to these concerns, Council acknowledged the need to upgrade the intersection of Simons Lane with the Bass Highway, while at the same time considering Council's financial position with regard to the estimated cost of approximately \$2 million to upgrade the intersection.
- VicRoads response to the Southern Leongatha Outline Development Plan with respect to the Simons Lane / Bass Highway intersection was outlined in correspondence dated 29 July 2011, that it supported development in the Southern Leongatha area outlined in the Southern Leongatha Outline Development Plan (ODP), however, any development of the land contained within the ODP will trigger the need to upgrade the intersection of Simons Lane and the Bass Highway; however, if Council sees fit to close this intersection, VicRoads would have no objection.

Closure of Simons Lane

At its meeting held on 22 February 2012 Council considered a report regarding the temporary closure of Simons Lane, Leongatha. Council's decision with respect to this matter was:

"That Council, having received and considered submissions under Section 223 of the Local Government Act, 1989, now:

- *Approve the future closure of Simons Lane, Leongatha, approximately 30 metres east of the Bass Highway on a temporary*

basis until Simons Lane is realigned and a new Simons Lane / Bass Highway intersection is constructed at a suitable location north of the existing intersection.

- *Authorise the Chief Executive Officer to close Simons Lane after issuing a planning permit for any development in the Southern Leongatha Outline Development Plan area, once construction of the subdivision has commenced.”*
- *Advise submitters of the reasons for this decision as outlined in the report, affected property owners and service providers accordingly.”*

Upgrading of the Intersection of Simons Lane at the Bass Highway

At its meeting held on 24 August 2011, Council adopted the Southern Leongatha Outline Development Plan, including a review of the forward capital works program as soon as practicable to identify funding streams for the Bass Highway / Simons Lane upgrade.

In this regard, Council has commenced the investigative, design and preliminary costing for the relocation of Simons Lane to the north, to ameliorate the sight distance safety issues identified by both Council and VicRoads officers, in conjunction with the provision of an appropriate intersection with the Bass Highway. It is anticipated that funding for the relocation of Simons Lane and its new intersection with the Bass Highway will be considered for inclusion in the 2014/15 Capital Works Budget process.

The possible inclusion of the works to relocate Simons Lane together with the construction of a new Simons Lane / Bass Highway intersection in the 2014/15 budget process will minimise any disruption from the temporary closure of Simons Lane if development has commenced within the Southern Leongatha ODP area.

Proposal

It is proposed that Council:

1. Note the petition.
2. Inform the petition author that Council has commenced the process of investigation, design and costing for the relocation of Simons Lane further to the north together with provision of a new intersection of Simons Lane at the Bass Highway for consideration for inclusion in the 2014/15 Capital Works Program budget process.

FINANCIAL CONSIDERATIONS

Consideration for inclusion of the relocation of Simons Lane together with the construction of a new Simons Lane / Bass Highway intersection is to be

included in the 2014/15 budget process. Preparation of designs and cost estimates are currently being undertaken.

RISK FACTORS

The costs of the intersection realignment is not yet determined therefore the risks associated to Council will be the potential of insufficient funds for the proposed capital works for the relocation of Simons Lane together with construction of the new Simons Lane / Bass Highway intersection.

CONCLUSION

The closure of Simons Lane is only a temporary measure to allow the sub-division of land in the Southern Leongatha Outline Development Plan area with the relocation of Simons Lane and creation of a new Simons Lane intersection with the Bass Highway being ultimately achieved.

Consideration of the Simons Lane relocation and new intersection with the Bass Highway will be considered for inclusion in the 2014/15 Capital Works Program during the 2014/15 budget process.

RECOMMENDATION

That Council:

1. Note receipt of the petition and the desire of the petitioners not to have Simons Lane closed at the Bass Highway.
2. Inform the petition author that the petition has been considered by Council and that:
 - a. Simons Lane will be temporarily closed to facilitate sub-division of the land being the subject of the said land described in the Southern Leongatha Outline Development Plan.
 - b. Simons Lane shall be reopened to traffic at the Bass Highway following works to relocate Simons Lane further to the north and construction of a new Simons Lane / Bass Highway intersection.
 - c. The works to relocate Simons Lane and create the new Simons Lane / Bass Highway intersection shall be considered for inclusion in the 2014/15 Capital Works Program during the 2014/15 budget process.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Fawcett

SECONDED: Cr McEwen

THAT COUNCIL:

- 1. NOTE RECEIPT OF THE PETITION AND THE DESIRE OF THE PETITIONERS NOT TO HAVE SIMONS LANE CLOSED AT THE BASS HIGHWAY.**
- 2. INFORM THE PETITION AUTHOR THAT THE PETITION HAS BEEN CONSIDERED BY COUNCIL AND THAT:**
 - a. SIMONS LANE WILL BE TEMPORARILY CLOSED TO FACILITATE SUB-DIVISION OF THE LAND BEING THE SUBJECT OF THE SAID LAND DESCRIBED IN THE SOUTHERN LEONGATHA OUTLINE DEVELOPMENT PLAN.**
 - b. SIMONS LANE SHALL BE REOPENED TO TRAFFIC AT THE BASS HIGHWAY FOLLOWING WORKS TO RELOCATE SIMONS LANE FURTHER TO THE NORTH AND CONSTRUCTION OF A NEW SIMONS LANE / BASS HIGHWAY INTERSECTION.**
 - c. THE WORKS TO RELOCATE SIMONS LANE AND CREATE THE NEW SIMONS LANE / BASS HIGHWAY INTERSECTION SHALL BE CONSIDERED FOR INCLUSION IN THE 2014/15 CAPITAL WORKS PROGRAM DURING THE 2014/15 BUDGET PROCESS.**

CARRIED UNANIMOUSLY

Attachment 1 Petition Prayer

PETITION

We the undersigned strongly object to the closure of Simons Lane, Leongatha South, at its western entrance off the Bass Highway for the following reasons:

1. Simons Lane is the shortest, vital route linking the Bass Highway and South Gippsland Highway which is utilised by countless locals and business people.
2. Closure of Simons Lane at its western end will cause the redirection of heavy vehicles, which currently use Simons Lane as a thoroughfare (ie livestock transport, milk tankers, agricultural machinery, gravel trucks) to be redirected through the Leongatha township, adding to an already over congested McCartin Street.
3. Emergency services including CFA, Ambulance and Police, rely on accessibility at both ends Simons Lane to ensure prompt response times. Closure of the western entrance will critically disadvantage residents at this western end of Simons Lane in the event of an emergency.
4. The School Bus route/drop off point at the western end of Simons Lane is a far safer option for families than the eastern end of Simons Lane. Currently, children do not have to cross a 3-lane rural highway to catch the bus and it must stay that way.

E.2 CARAVAN PARK UPDATE: DIRECT MANAGEMENT OF LONG JETTY CARAVAN PARK AND YANAKIE CARAVAN PARK

Engineering Services Directorate

EXECUTIVE SUMMARY

This report discusses the Long Jetty Caravan Park and Yanakie Caravan Park budgeting purposes and forward planning. It also provides a general discussion on the status of the transition program towards Council directly managing these Parks and attaches the draft business plan.

A budget is proposed and contained within **Attachment 1 and 2**.

Document/s pertaining to this Council Report

- **Attachment 1** - Yanakie Caravan Park Budget.
- **Attachment 2** - Long Jetty Caravan Park Budget.
- **Attachment 3** - Status of Transition Phase.
- **Confidential Appendix 1** - Yanakie Caravan Park - List of assets to be acquired by Council.
- **Confidential Appendix 2** - Long Jetty Caravan Park - List of assets to be acquired by Council.
- **Appendix 1** - Draft Business Plan.

A copy of **Confidential Appendix 1 and 2** has been distributed separately to Councillors and the Executive Leadership Team.

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Crown Land (Reserves) Act 1978, Sections 14
- Local Government Act 1989, Sections 3E & 136
- Residential Tenancies Act 1997, Part 4 Caravan Parks and Moveable Dwellings - Residency Rights and Duties
- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Building Asset Management Plan 2013

- Parks, Gardens & Reserves Asset Management Plan 2013
- Asset Management Policy 2013
- Economic Development and Tourism Strategy 2012-2017

COUNCIL PLAN

Strategic Goal:	3.0	Integrated Services and Infrastructure.
Outcome:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development.
Strategy:	3.1.4	We will plan for the service needs of the Shire's changing demographic.
Strategic Goal:	4.0	A Leading Organisation.
Outcome:	4.1	Improve the financial sustainability of Council, including diversifying revenue streams.
Strategy:	4.1.1	We will explore innovative ways of increasing revenue and reducing expenditure where appropriate.

CONSULTATION

The following consultation has occurred since the Council Report of 26 June 2013:

Internal

Ongoing Project Working Group meetings.

External

- Meetings with the existing lessees at both Parks.
- Attendance at a community information session at the Rural Transaction Centre in Welshpool on 6 June 2013.
- Addressing regular telephone enquiries from annual site holders.

REPORT

Background

Council is aware of the background to this project. The main focus of this report is to present the budget proposals for the Parks (**Attachments 1 and 2**). Secondary to this is a discussion on the status of the transition phase (**Attachment 3**) and the Business Plan (**Appendix 1**). Council has established a steering committee to oversee the implementation of the Business Plan actions.

Discussion

CASH FLOW MODELS

To understand the incomes and expenditures in running a caravan park, conversations were held with the existing tenants, contract services (ie. waste management) and East Gippsland Shire Council. The tenants at Yanakie Caravan Park provided copies of invoices for services at the Park and East Gippsland Shire Council provided benchmarking with salaries, wages and utility costs.

With the information at hand, the cash flow models were prepared and presented at the Councillor Briefing session held on 21 August 2013. The model projects estimated cash flows over 5 years.

As Council has not had access to actual trading figures, the estimated projected cash flows will be reviewed and refined after the peak period in order to refine income and expenditure streams.

In addition, the future cash flows and budgets will be refined once the risks of the Parks have been analysed and prioritised by the steering committee.

Estimated Incomes and Expenditures

A summary of the total income and expenses for each Park for the next 5 financial years is as follow:

YANAKIE

Item	2013/2014 9 months trading	2014/2015	2015/2016	2016/2017	2017/2018
Income	435,054.38	579,572.50	721,390.55	743,016.97	765,291.87
Expenses	715,197.59	435,390.43	426,663.42	444,357.65	458,953.32
Net Income	-280,143.22	144,182.07	294,727.13	298,659.32	306,338.55

Comments:

- The estimated 2013/14 net income generated from the Yanakie Caravan Park shows a net loss of -\$280,143.22 due to costs of business setup of \$348,404.50.
- The estimated 2014/15 net income is \$144,182.07 showing recovery from the previous year's loss.
- The estimated 2015/16 net income is \$294,727.13 is a close realisation of the annual profit to be expected.

LONG JETTY

Item	2013/2014 7 months trading	2014/2015	2015/2016	2016/2017	2017/2018
Income	254,128.75	433,775.00	484,816.50	510,858.50	526,184.25
Expenses	372,110.96	247,159.98	255,803.75	266,387.39	274,744.00
Net Income	-117,982.21	186,615.02	229,012.75	244,471.10	251,440.25

Comments:

- The estimated 2013/14 net income generated from the Long Jetty Caravan Park shows a net loss of -\$117,982.21 due to costs of business setup of \$220,521.04.
- The estimated 2014/15 net income is \$186,615.02 showing recovery from the previous years' loss.
- The estimated 2015/16 net income is \$229,012.75 is a close realisation of the annual profit to be expected

Further discussion on finances is provided under Financial Considerations below.

STATUS OF TRANSITION PHASE

The transition phase has worked through the items shown in **Attachment 3**. The major active items are:

- Preparation of an Emergency Management Plan and achieving registration of the Parks.
- Hiring of new employees.
- Establishing systems and procedures.
- Negotiations with the existing tenants for the purchase of cabins and other items.

The list of items being negotiated is contained in **Confidential Appendices 1 and 2** and have been considered in the "set-up costs". The set-up costs have been included in the estimated expenditure.

- The negotiations for the purchase of assets at Yanakie Caravan Park are nearing completion with a Deed of Settlement being finalised.

- An offer has been made to the existing tenant at Long Jetty Caravan Park and Council is waiting for a response.

DRAFT BUSINESS PLAN

A draft Business Plan is contained in **Appendix 1**. This is to be reviewed by the Steering Committee in the first instance and an action plan put in place to assist prioritising the way forward in the short, medium and longer terms.

The Business Plan has been developed to cover the overall business and operational matters, as well as a SWOT, marketing and financial analysis.

FINANCIAL CONSIDERATIONS

Set-up Costs

The set-up costs for Council to directly manage the Parks has not been allowed for in Council's adopted 2013/2014 budget. This means that a budget adjustment is required to reallocate funds to cover these costs. It is proposed that this be achieved by substituting a proposed project in the Capital Works Program which is being funded from the Caravan Parks Reserve Fund and also rely on the anticipated yearly profit from the Parks' operations to cover the upfront capital costs.

The funding required for set-up costs including capital purchases at the Parks is estimated at:

Yanakie Caravan Park	=	\$348,404.50
Long Jetty Caravan Park	=	\$220,521.04
TOTAL	=	\$568,925.54

After recognising income at the Parks, the net cost is estimated at:

Yanakie Caravan Park	=	\$-280,143.22
Long Jetty Caravan Park	=	\$-117,982.21
TOTAL	=	\$-398,125.43

Therefore, a budget adjustment will need to be made to reallocate funds in Council's adopted 2013/14 budget to cover the set-up costs at the Parks.

Proposal

Set-up costs

The 2013/2014 budget has allowance for two caravan park projects to be undertaken. These projects are a toilet block and rotunda with camp kitchen at the Waratah Bay Caravan Park. Both of these projects were being funded

out of the Caravan Park Reserve Fund. It is proposed to redirect the funds for the toilet block (\$397,477) to cover the set-up costs.

The proposed new toilet block at the Waratah Bay Caravan Park will be reviewed as part of the 2014/2015 Capital Works Program and prioritised accordingly.

Ongoing costs

The proposed operating position will see the Parks profitable from the first year with the budgeted profits likely to have covered the initial upfront costs in the 2015/2016 financial year.

With Council's zero based budgeting model, the budget will be assessed each year. Therefore, the request for the 2014/2015 budget will be better informed by results of actual trading figures.

It is proposed that Council proceed with its transition plan towards direct management of the Parks and finalise negotiations for the purchase of assets from existing tenants with the set-up costs to be funded by adjusting Council's adopted 2013/14 budget.

RISK FACTORS

A risk register is being developed for the business risks and operational risks at the Parks. This register will be prioritised by the Steering Committee and budgets and timelines established to implement actions as approved by Council.

Risk factors include:

- **Reputational**

To ensure minimal exposure to Council during the initial management period, it is proposed to run the Parks as currently managed. As the Business Plan is further developed and approved by both the Steering Committee and Council, any improvements or management changes will be communicated to both site holders and the local community.

- **Occupational Health and Safety**

The Parks will operate under Council's existing policies and procedures relating to Occupational Health and Safety.

CONCLUSION

The cash flow models demonstrate that after initial set-up, the Parks will be financially sustainable businesses.

As a Council business, the business of the Parks will have the benefit of being guided by Council's policies and procedures as well as the State Government Best Practice Management Guidelines for Committees of Management who manage Caravan and Camping Parks on Crown Land.

The Business Plan and action items to be completed by the steering committee will deliver sound business improvements and increased revenue to the Parks. This benefit will be realised by the broader community and visitors to the Shire.

RECOMMENDATION

That Council:

1. Defer the construction of the new toilet block at Waratah Bay Caravan Park from 2013/14 and review as part of the 2014/15 budget.
2. Reallocate the Caravan Park Reserve Fund (currently assigned to the construction of a new toilet block at the Waratah Bay Caravan Park) for the amount of \$397,477.00 to assist in funding the set up costs of the Caravan Parks including capital purchases.
3. Establish budgets as estimated in Attachments 1 and 2.
4. Note the draft Business Plan and refer this to the steering committee for further development.
5. Receive a future Report detailing:
 - a. A status update on the Caravan Parks following the completion of the transition phase; and
 - b. An update on the implementation of the actions from the Business Plan.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Hutchinson-Brooks

SECONDED: Cr Fawcett

THAT COUNCIL:

- 1. DEFER THE CONSTRUCTION OF THE NEW TOILET BLOCK AT WARATAH BAY CARAVAN PARK FROM 2013/14 AND REVIEW AS PART OF THE 2014/15 BUDGET.**
- 2. REALLOCATE THE CARAVAN PARK RESERVE FUND (CURRENTLY ASSIGNED TO THE CONSTRUCTION OF A NEW TOILET BLOCK AT THE WARATAH BAY CARAVAN PARK) FOR THE AMOUNT OF \$397,477.00 TO ASSIST IN FUNDING THE SET UP COSTS OF THE CARAVAN PARKS INCLUDING CAPITAL PURCHASES.**
- 3. ESTABLISH BUDGETS AS ESTIMATED IN ATTACHMENTS 1 AND 2.**
- 4. NOTE THE DRAFT BUSINESS PLAN AND REFER THIS TO THE STEERING COMMITTEE FOR FURTHER DEVELOPMENT.**
- 5. RECEIVE A FUTURE REPORT DETAILING:**
 - a. A STATUS UPDATE ON THE CARAVAN PARKS FOLLOWING THE COMPLETION OF THE TRANSITION PHASE; AND**
 - b. AN UPDATE ON THE IMPLEMENTATION OF THE ACTIONS FROM THE BUSINESS PLAN.**

Cr Fawcett left the Meeting at 2.54pm.

Cr Fawcett returned to the Meeting at 2.55pm.

CARRIED UNANIMOUSLY

Attachment 1 Yanakie Caravan Park Budget

BUDGET AREA: <i>Engineering > Property > Caravan Parks > Yanakie Caravan Park</i>						
			13/14			14/15
			to Sept	9 months	TOTAL	12 months
INCOME						
Activity Code						
<i>Site Income</i>						
	Rental from Park Supervisor	4270		1,170.00	1,170.00	1,560.00
	SITE INCOME - Annuals	4295		186,900.00	186,900.00	249,200.00
	SITE INCOME - Cabins	4295		150,015.00	150,015.00	200,020.00
	SITE INCOME - Tourist	4295		58,719.38	58,719.38	78,292.50
	Kiosk Sales	4515		18,750.00	18,750.00	25,000.00
	Laundry	4255		19,500.00	19,500.00	25,500.00
	TOTAL		0.00	435,054.38	435,054.38	579,572.50
EXPENSES						
Activity Code						
O	Water	5205	2,000.00		2,000.00	2,000.00
O	Electricity & Gas	5210		33,750.00	33,750.00	50,000.00
O	Telephones and communications	5305		4,250.00	4,250.00	6,000.00
O	Mobile Telephone	5310		2,500.00	2,500.00	2,500.00
O	Registration	5910		1,800.00	1,800.00	
O	Maintenance	6240		1,500.00	1,500.00	2,000.00
O	Marketing Advertising & Promotion	8050		4,000.00	4,000.00	4,000.00
O	Printing & Stationery	8061		2,000.00	2,000.00	2,500.00
O	Subscriptions and memberships	8080				400.00
O	Uniforms & Protective Clothing	8105		1,000.00	1,000.00	1,000.00
O	Labour Hire	8143	8,925.72	181,345.59	190,271.30	245,127.45
O	Contractors	8145	3,000	95,222.51	98,222.51	73,962.98
O	Materials	8155		10,000.00	10,000.00	15,000.00
O	Allowances	8165	8,000.00	300.00	8,300.00	400.00
O	Consultancies	8180		10,000.00	10,000.00	5,000.00
O	Software, annual support and licenses	8365	10,000.00	1,875.00	11,875.00	2,500.00
O	Program Maintenance	8372		17,250.00	17,250.00	23,000.00
O	Minor Furniture, Plant &	8395	80,478.78		80,478.78	
C	Capital Plant Purchases	9012	236,000.00		236,000.00	
	TOTAL		348,404.50	366,793.10	715,197.59	435,390.43
O = Operating		Profit/Loss		-280,143.22	144,182.07	
C = Capital		EXPENSES		13/14	14/15	
		TOTAL OPERATING		479,197.59	435,390.43	
		ESTIMATED CAPITAL		236,000.00	0.00	

**Attachment 2
Long Jetty Caravan Park Budget**

BUDGET AREA: Engineering > Property > Caravan Parks > Long Jetty Caravan Park						
			13/14			14/15
			to Nov	7 months	TOTAL	12 months
INCOME		Account Code				
Site Income						
4270	Rental from Park Supervisor	New		1,170.00	1,170	1,560.00
4295	SITE INCOME - Annuals	New		133,991.67	133,991.67	229700
4295	SITE INCOME - Cabins	New		68,559.17	68,559.17	117530
4295	SITE INCOME - Tourist	New		40,241.25	40,241.25	68985
4515	Kiosk sales	New		4,000.00	4,000.00	6,000
4255	Laundry	New		6,166.67	6,166.67	10,000
		TOTAL	0.00	254,128.75	254,128.75	433,775.00
EXPENSES						
O	Electricity & Gas	5210		19,250.00	19,250.00	33,000.00
O	Telephones and communications	5305		4,000.00	4,000.00	6,000.00
O	Registration	5910		1,250.00	1,250.00	
O	Maintenance	6240		10,050.00	10,050.00	17,500.00
O	Marketing advertising & Promotion	8050		2,000.00	2,000.00	4,000.00
O	Printing & stationery	8061		2,000.00	2,000.00	2,500.00
O	Subscriptions and memberships	8080				1,000.00
O	Uniforms	8105		1,000.00	1,000.00	1,000.00
O	Labour Hire	8143	5,136.04	65,856.58	70,992.62	112,897.00
O	Contractors	8145		23,216.67	23,216.67	43,462.98
O	Allowances	8165		300.00	300.00	400.00
O	Consultancies	8180		10,000.00	10,000.00	5,000.00
O	Software, annual support and licenses	8365		1,000.00	1,000.00	1,000.00
O	Program maintenance	8372		11,666.67	11,666.67	20,000.00
O	Hardware	8380	6,000.00		6,000.00	
C	Capital Plant Purchases	9012	209,385.00	0.00	209,385.00	0.00
		TOTAL	220,521.04	151,589.92	372,110.96	247,759.98
O = Operating		Profit/Loss			-117,982.21	186,015.02
C = Capital		EXPENSES			13/14	14/15
		TOTAL OPERATING			162,725.96	247,759.98
		TOTAL CAPITAL			209,385.00	0.00

**Attachment 3
Status of Transition Phase**

PROJECT:	Direct Management of Caravan Parks
DATE:	June-13
VERSION:	2

TRANSITION PROGRAM – PHASE 1 –Business set up requirements (May – August)

ITEM	TASK	COMPLETED
1	Council resolution	24 April 2013 COMPLETED
2	Collate documents into one central area	COMPLETED
3	Arrange regular meetings of project control group	COMPLETED
4	Write to existing tenants	COMPLETED
5	Prepare media release	COMPLETED
6	Discuss with DSE	COMPLETED
7	Begin preparation of business plan	IN PROGRESS
8	Write brief to consultant for EMP	COMPLETED
9	Seek quotes from consultants for EMP	COMPLETED
10	Appoint consultant to prepare EMP	COMPLETED
11	Registration of Park – assistance with consultant preparing EMP	IN PROGRESS
12	Check water quality at Park (Yanakie) – Concern with quality of water filters	COMPLETED
12A	Check water quality in Tanks at Yanakie.	IN PROGRESS
13	Arrange building inspection of Park (Cabins inspected)	COMPLETED
14	Cost the assets to be purchased (Cabins)	COMPLETED
15	Review building maintenance requirements and program accordingly. Building Asset Management Plan, Programmed Maintenance. Reactive Maintenance to be responsibility of Park Supervisor and Park budget.	COMPLETED
16	Arrange grounds inspection of Park	COMPLETED
17	Cost a grounds maintenance program (vegetation, play areas, internal roads, drainage)	COMPLETED
18	Prepare grounds maintenance plan	COMPLETED
19	Review Long Term Capital Works and program into LTFP	IN PROGRESS
20	Report to Council – assets to be purchased. Set CEO delegation amounts.	COMPLETED
21	Prepare notice/letters to annual tenants (KIT BEING PREPARED)	IN PROGRESS
22	Finalise negotiations to purchase assets	IN PROGRESS
23	Prepare marketing material (Economic Development to assist)	NOT STARTED

**Attachment 3
Status of Transition Phase**

PROJECT:	Direct Management of Caravan Parks
DATE:	June-13
VERSION:	2

TRANSITION PROGRAM – PHASE 1 –Business set up requirements (May – August)

ITEM	TASK	COMPLETED
24	Register business names. Re-branding exercise.	IN PROGRESS
25	Establish finance cost centres	COMPLETED
26	IT determinations (hardware and software)	IN PROGRESS
27	Inform Visitor Information Centre/Tourism Information Centres	COMPLETED
28	Update Councillors via infosum	ONGOING
29	Prepare Job descriptions	COMPLETED
30	Advertise positions	IN PROGRESS
31	Prepare park documentation (permits, etc)	IN PROGRESS
32	Seek advice on National Competition Policy	IN PROGRESS
33	Review Waste Management situation and arrange contractors	COMPLETED
34	Review miscellaneous grounds maintenance assets and decide on purchase	COMPLETED
35	Contact suppliers (ie. Coco-Cola Amatil, Streets, Phillip Morris, etc)	IN PROGRESS
36	Contact service providers (gas, electricity, Telstra)	IN PROGRESS
37	Negotiations with existing tenant for assets/cabins	IN PROGRESS
37	Finalise Deed of Settlement	IN PROGRESS
38	Update Information on Web	NOT STARTED
39	Complete folders for each park (Forms, Plans, Fees & Charges, Procedures, Legislation)	IN PROGRESS

Councillor Fawcett left the Meeting at 3.06pm with a declared indirect conflict of interest in Council Reports Item E.3 – TELECOMMUNICATIONS FACILITY (NBN TOWER) AT 2746 MEENIYAN PROMONTORY ROAD YANAKIE - PLANNING APPLICATION 2012/407 as he has a conflicting duty in that objectors are clients of his accounting firm.

E.3 TELECOMMUNICATIONS FACILITY (NBN TOWER) AT 2746 MEENIYAN PROMONTORY ROAD YANAKIE - PLANNING APPLICATION 2012/407

Development Services Directorate

EXECUTIVE SUMMARY

This report is to consider a planning permit application for a proposed telecommunications facility required for the delivery of the National Broadband Network (NBN). The facility, including a 35m high monopole, is proposed to be located on Council owned land at 2746 Meeniyana Promontory Road Yanakie. The proposed infrastructure will be located approximately 300m from the nearest house. This application is being referred to Council for determination as 5 objections were received. Common objections to the planning permit application included:

1. The visual impact of the tower having a negative effect on the local tourism industry and loss of amenity for residents in the area;
2. The proposal does not comply with the requirements of the South Gippsland Planning Scheme; and
3. Potential for a conflict of interest arising if the planning application is approved, due the fact the land is owned by Council and Council will benefit from a leasing arrangement with the applicant.

Notice of the application was provided to adjoining and nearby landowners in accordance with the Planning and Environment Act 1987 ("the Act").

Following the assessment of this application against the Act and the South Gippsland Planning Scheme ("the Scheme") the proposal is recommended for approval subject to appropriate conditions.

Document/s pertaining to this Council Report

- **Attachment 1** - Locality Plan
- **Attachment 2** - Aerial Photo and Zoning Plan
- **Attachment 3** - Site Plan
- **Attachment 4** - Elevations

- **Attachment 5** - Summary of Submissions
- **Confidential Appendix** - Copies of Submissions
- **Appendix 1** - Code of Practice for Telecommunications Facilities in Victoria

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

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Planning and Environment Act 1987

COUNCIL PLAN

Outcome:	1.0	A Prosperous Shire
Objective:	1.1	Work with the business community to support existing businesses, diversify employment opportunities and to attract new businesses
Strategy:	1.1.2	We will protect and retain the unique identity of towns, villages and farming districts
Outcome	3.0	Integrated Services and Infrastructure
	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development
	3.1.4	We will plan for the service needs of the Shire's changing demographic

CONSULTATION

The application was referred and advertised in accordance with the Act. Notice of the application was sent to landowners and residents within 500m of the subject site, a notice was provided on the subject site and public notice was published in local newspapers. The application was available for the public to view at Council offices.

Five (5) written submissions have been received from local residents, whose concerns are discussed later in this report.

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

NBN Co briefed Council on details of the rollout of the National Broadband Network in South Gippsland at open Council briefing sessions on 21

November 2012 and 13 February 2013 and at Council's Ordinary Meeting on 19 December 2012.

REPORT

Background

The National Broadband Network (NBN) is a Federal Government initiative to provide high speed broadband access to all Australian homes and businesses. The network will utilise three technologies:

1. Underground fibre-optic cable to homes in larger towns;
2. Wireless transmission via antennas mounted on towers in smaller townships; and
3. Satellite via installation of satellite dishes on houses in less populated areas.

To enable the provision of these services, NBN Co undertook an investigation of the Yanakie North area to consider a preferred site for a wireless tower. The investigation considered coverage and technical objectives, surrounding landscapes and potential community impacts.

NBN Co submits that the land at 2746 Meeniyan Promontory Road Yanakie is the most suitable location to provide high speed wireless broadband coverage to the Yanakie North area.

The land is owned by South Gippsland Shire Council and through a separate process in accordance with Section 190 and Section 223 of the Local Government Act 1989; approval was given by Council at its Ordinary Meeting on 27 March 2013 for Council to enter a lease agreement in relation to the land.

Proposal

The proposed Telecommunications Facility includes a 35 metre high monopole, 3 panel antennas, 3 parabolic antennas and 2 outdoor cabinets at ground level. Ancillary works will include remote radio units, canister, cable trays, cabling, safe access methods, bird proofing, earthing, electrical works and air-conditioning equipment.

The subject land is at 2746 Meeniyan Promontory Road Yanakie, being Lot 1 TP887244 Parish of Waratah North. The land is owned by the South Gippsland Shire Council and is within the Public Park and Recreation Zone (PPRZ) under the provisions of the Scheme.

The site of the proposed Telecommunications Facility is within a larger lot that has an area of 14.9 hectares. The southern portion of the lot is currently used and developed for a motor cross track. The northern portion of the lot is undeveloped and substantially covered in native vegetation. The part of the

lot that is proposed to be developed for the Telecommunications Facility has been previously cleared of vegetation and is a near level site. The site of the facility is setback approximately 60m from Meeniyah Promontory Road.

Access to the land is from an existing driveway from Meeniyah Promontory Road and it is proposed to use the existing driveway to provide access to the Telecommunications Facility. Meeniyah Promontory Road is a sealed VicRoads road and is within Road Zone Category 1 (RDZ1).

(refer **Attachment 1** - Locality Plan)

(refer **Attachment 2** - Aerial Photo and Zoning Plan)

(refer **Attachment 3** - Site Plan)

(refer **Attachment 4** - Elevations)

PLANNING SCHEME REQUIREMENTS AND POLICIES

Before deciding a planning permit application the following considerations under the Scheme must be addressed:

- State and Local Planning Policy Framework;
- Zone and Overlays;
- Particular Provisions (Clause 52.19, Clause 62.01 and Clause 65.01); and
- Incorporated Document "A Code of Practice for Telecommunications Facilities in Victoria".

State Planning Policy Framework

Policy Objectives	
<p><u>11.03-1 Open space planning</u></p> <ul style="list-style-type: none"> • To assist creation of a diverse and integrated network of public open space commensurate with the needs of the community. 	<p><u>12.02-1 Protection of coastal areas</u></p> <ul style="list-style-type: none"> • To recognise and enhance the value of the coastal areas to the community and ensure sustainable use of natural coastal resources.
<p><u>11.03-2 Open space management</u></p> <ul style="list-style-type: none"> • To provide for the long term management of public open space. 	<p><u>12.02-2 Appropriate development of coastal areas</u></p> <ul style="list-style-type: none"> • To ensure development conserves, protects and seeks to enhance coastal biodiversity and ecological values.

Policy Objectives	
<p><u>11.05-1 Regional settlement networks</u></p> <ul style="list-style-type: none"> To promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan. 	<p><u>12.04-2 Landscapes</u></p> <ul style="list-style-type: none"> To protect landscapes and significant open spaces that contribute to character, identity and sustainable environments.
<p><u>12.01-1 Protection of habitat</u></p> <ul style="list-style-type: none"> To assist the protection and conservation of biodiversity, including native vegetation retention and provision of habitats for native plants and animals and control of pest plants and animals. 	<p><u>19.03-4 Telecommunications</u></p> <ul style="list-style-type: none"> To facilitate the orderly development, extension and maintenance of telecommunication infrastructure.

The State Planning Policies encourages community development while protecting the environmental and landscape qualities of coastal areas.

It is considered that this application is consistent with the relevant objectives of the State Planning Policy Framework and can be supported.

Local Planning Policy Framework

Policy Objectives	
<p><u>21.04-1 Element 1 - Coastal landscape character and significance- Signage and Infrastructure:</u></p> <ul style="list-style-type: none"> Minimise the visual impact of signage and infrastructure, and avoid further visual clutter across the landscape, such as large, visually intrusive or brightly coloured signage and advertising signage at settlement entrances and exits. Site infrastructure away from highly scenic locations, key views and near-coastal locations, or 	<p><u>21.04-1 -Element 1 - Coastal landscape character and significance - Between settlements – Hinterland Locations:</u></p> <ul style="list-style-type: none"> Ensure building design strongly responds to the natural setting in relation to siting, materials and colours to minimise visibility, particularly in prominent and highly visible locations and when viewed from main road corridors and key public use areas. In open rural areas, set buildings back long distances from roads

Policy Objectives	
<p>underground wherever possible in the case of power lines and other utility services.</p> <ul style="list-style-type: none"> • Locate power lines, access tracks and other infrastructure in areas of low visibility, preferably in previously cleared locations, and avoid the use of materials that contrast with the landscape. • Use vegetation to screen infrastructure from key viewing corridors and public use areas. 	<p>and/or group buildings in the landscape among substantial landscaping of indigenous or non-invasive exotic /native feature planting (including existing shelterbelts).</p> <ul style="list-style-type: none"> • Maximise the undeveloped area of a lot and utilise permeable surfacing to support vegetation and minimise surface run-off. • Retain trees that form part of a continuous canopy beyond the property, and plant new trees in a position where they will add to such a continuous canopy.
<p><u>Clause 21.04-16 Element 3 - Recreation and Leisure Objectives</u></p> <ul style="list-style-type: none"> • To facilitate the provision of a wide range of recreation opportunities to meet the needs of the community. 	<p><u>Clause 21.04-1 Element 1- Coastal landscape character and significance - Waratah Bay/Corner Inlet (Character Area 1.5) Objectives</u></p> <ul style="list-style-type: none"> • To protect the rural character and views that create a scenic 'gateway' to Wilsons Promontory (especially along Foster – Promontory Road). • To ensure that long stretches of the coastal strip remain free of development of any kind. • To reduce the visibility of buildings or structures, within the coastal strip, outside settlements. • To protect the rural character and views that create a scenic 'gateway to Wilsons Promontory (especially along Foster – Promontory Road).

Relevant local planning policies recognise the importance of the landscape between settlements in coastal areas and aim to ensure development does not detract from the scenic qualities of the area. The telecommunications facility has been sited to minimise its impact on the land available for public recreation and on the broader locality.

It is considered the proposal is consistent with the relevant objectives and strategies of the Local Planning Policy Framework and can be supported.

Public Park and Recreation Zone

The land is within the Public Park and Recreation zone. The purpose of this zone is to:

- Recognise areas for public recreation and open space;
- Protect and conserve areas of significance where appropriate; and
- Provide for commercial uses where appropriate.

The proposed telecommunications facility will not affect the use of the land for public recreation purposes as it will occupy only a small area (approximately 60 square metres) of the larger site. The facility is within an area that has been previously cleared and will not affect any native vegetation or areas of conservation significance. The Public Park and Recreation Zone allows for commercial use of the land.

It is considered the development of the land for the proposed telecommunications facility is consistent with the purpose of the zone and the relevant Decision Guidelines.

Environmental Significance Overlay Schedule 3 - Coastal Settlements

The proposed telecommunications facility is within the Environmental Significance Overlay Schedule 3 - Coastal Settlements. The environmental objectives of the overlay are to:

- Protect and enhance the natural beauty of the coastal area;
- Protect and enhance the environmental quality of the coastal area;
- Minimise the risk of erosion, pollution and destruction of the environment through poorly managed development; and
- Ensure that development adjacent to coastal areas is compatible with the environment and does not result in adverse impacts on coastal processes.

The relevant decision guidelines of the Schedule to the Overlay are discussed below:

Decision Guideline	Response
Whether buildings are sited and designed to maximise retention of existing vegetation throughout the landscape and whether the proposal provides for the planting of new indigenous coastal vegetation wherever	No native vegetation needs to be removed to construct or maintain the proposed facility.

Decision Guideline	Response
possible.	
Whether the proposed development is kept below the dominant tree canopy height.	<p>The majority of the adjoining landscape has been cleared of trees and developed for grazing pasture, with patches of remnant coastal vegetation at scattered locations and along roads and fence lines.</p> <p>The subject site retains a comparatively large patch of coastal heath vegetation with heights of up to 10-15m.</p> <p>It is not feasible to construct the tower below the dominant tree canopy height and deliver the required level of service. Even though the proposed telecommunications facility will be approximately 20m higher than the surrounding tree canopy, it is sited so that it will be unnoticeable from most public roads in the near vicinity. It is accepted that it would be visible from areas such as Soldiers Road or Meikle Road to the west and Meeniyan Promontory Road to the north, but it is not considered to dominate the skyline or any vistas given that it would be viewed from more than 1km away and that it would be at a lower elevation than most of those points.</p>
Whether the proposed development reduces visual intrusion by utilising low scale building forms, tucked into the landscape, with the use of materials and colours that occur in the local area.	<p>The proposed facility has been designed and sited to minimise its visual intrusion by the use of a monopole structure that is setback from roads and partially screened by existing vegetation. The structure will use steel that will blend with existing materials and colours in the local area.</p>
In coastal locations, whether the proposed development utilises materials and colours that minimise contrast with the surrounding landscape and whether the visibility of buildings and structures is minimised when viewed from a distance, including from offshore.	<p>The telecommunications facility proposes colours and materials that will blend with the landscape. The tower will be setback approximately 3km from the coast. The visibility of the structure when viewed from the coast will be minimised by the narrow shape of the tower and distance at which it is being viewed. From the coast it will appear as a distant, simple</p>

Decision Guideline	Response
	shape against the sky and background of the hills.
Whether the proposal includes the use of permeable surfacing for all unbuilt areas to minimise surface run-off and to support vegetation.	The proposal includes permeable surfacing to minimise stormwater run-off. It is not proposed to support vegetation within the facility which needs to be kept clear for operational and safety reasons.
Whether the proposal includes the use of vegetation for screening and to delineate property boundaries, instead of fencing. If fencing is necessary, the proposal should include open style fencing of a type traditionally used in rural areas i.e. post and wire.	The proposed fencing is open chain mesh fencing and is required for security purposes. The fence and compound will be screened from view of Meeniyah Promontory Road and adjoining land by existing vegetation within the lot.
Whether the proposal contributes to the retention of the character of large open rural areas offering scenic views by siting developments back from roads, amongst vegetation and low in the topography.	The telecommunication facility needs to be in an elevated position in the landscape in order to minimise the overall height of the tower. However, the proposed facility will be setback from Meeniyah Promontory Road and the ground level works will be screened from view by the existing vegetation within the lot in order to retain the open space character of the area.

Farming Zone and Significant Landscape Overlay Schedule 3 - Corner Inlet Amphitheatre

A portion of the north-west corner of the lot is in the Farming Zone and affected by the Significant Landscape Overlay Schedule 3 - Corner Inlet Amphitheatre (SLO3). However, this appears to be an anomaly as the zone and overlay boundaries do not align correctly with the cadastral boundaries of the lot. Publically owned land was deliberately excluded from the provisions of the Significance Landscape Overlays. The part of the site where the Telecommunications Facility is proposed is not within the part of the lot affected by the Farming Zone and SLO3 and therefore their provisions do not apply.

Telecommunications Code of Practice in Victoria

The Code of Practice for Telecommunications Facilities in Victoria is an incorporated document in all Planning Schemes in Victoria pursuant to Clause 52.19. When deciding a planning permit application for a

telecommunications facility the Responsible Authority must consider the following principles:

Principle 1 - A Telecommunications Facility should be sited to minimise visual impact

The proposed telecommunications facility has been sited to minimise its visual impact. The facility is not within the vicinity of a heritage place or landmarks. The tower will not block or obscure panoramic views of Corner Inlet, Wilsons Promontory, Mt Hoddle or the Welshpool Hills which are identified as significant landscapes in the South Gippsland Planning Scheme.

Principle 2 - A Telecommunications Facility should be co-located wherever possible

The applicant has advised there are no facilities suitable for co-location within proximity of the site.

Principle 3 - Health standards for exposure to radio emissions will be met

The applicant has submitted information predicting the proposed electromagnetic radiation generated by the facility will be less than 1 per cent of the Australian public exposure limit for radiation recommended by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

Principle 4 - Disturbance and risk relating to siting and construction should be minimised. Construction activity and site location should comply with State environmental protection policies and best practice environmental management guidelines.

The applicant has advised construction will be carried out in accordance with all relevant standards and guidelines set out in the Code of Practice for Telecommunications Facilities in Victoria. It is recommended that compliance with the Code be included as a condition on any planning permit issued.

Objections

Five (5) written submissions were received from local residents.

A key concern raised by the objector's is that the visual impact of the tower will have a negative effect on the tourist industry and will result in a loss of visual amenity for local residents.

It is considered the location of the telecommunications facility does not block or obscure any significant views of residents and visitors travelling on the main tourist routes of Meeniyah Promontory Road and Soldiers Road. While the tower will be visible in the landscape, the setback of the tower from the road and the slim-line design of the tower will minimise any impacts on views. It is considered unlikely that the facility will have a significant impact on the local tourism industry or on the amenity of residents. The proposed facility will

provide greater convenience to tourists and local residents by providing access to broadband internet services.

The potential for a conflict of interest arising if the planning application is approved and the availability of alternative sites on nearby private land were also raised as concerns.

A conflict of interest is not considered to exist as the two matters relate to separate functions of the Council and are dealt with under the requirements of separate legislation.

The lease of the land has been dealt with separately under the provisions of sections 190 and 223 of the Local Government Act 1989. No submissions were received during advertisement. Please refer to **Attachment 5** - Summary of submissions, and **Confidential Appendix 1** - Copy of submissions.

NBN Co has determined the subject site is their preferred site for the delivery of the NBN service to the region. The availability or suitability of alternative sites is not a relevant matter for consideration under the provisions of the Planning and Environment Act and Council must decide the application before it.

RISK FACTORS

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

The Yanakie North tower provides a link to the proposed Yanakie tower location. Refusal of this application may result in a loss of NBN service to the township of Yanakie. A planning permit has been issued for the facility at Yanakie.

CONCLUSION

The proposed telecommunications facility is consistent with State and Local Planning Policy Framework to improve service provision to communities while protecting environmental values.

The proposed tower is permitted by the relevant zone and overlay in the South Gippsland Planning Scheme. This proposal is not considered to limit or affect the future development of adjoining and nearby land. The proposed facility meets the requirements of the Code of Practice for Telecommunication Facilities in Victoria.

The facility is not expected to result in a loss of visual amenity or detract from the scenic character of the area.

RECOMMENDATION

That Council grant a Notice of Decision for the Telecommunications Facility (35m high monopole, 3 panel antennas, 3 parabolic antennas, 2 outdoor cabinets at ground level and ancillary works) at 2746 Meeniyon Promontory Road Yanakie (being Lot 1 TP887244 Parish of Waratah North), subject to the following conditions:

1. The building, works and layout as shown on the endorsed plan(s) must not be altered or modified except with the written consent of the Responsible Authority.
2. Once the development has started it must be continued and completed in a timely manner to the satisfaction of the Responsible Authority.
3. All works must be undertaken in accordance with the principles set out in "A Code of Practice for Telecommunications Facilities in Victoria", Department of Sustainability and Environment 2004.
4. The Telecommunications Facility must at all times operate in accordance with the "Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300GHz(?)" ARPANSA May 2002.
5. The property must be maintained in a neat and tidy condition to the satisfaction of the Responsible Authority.
6. The external finishes of the Telecommunication Facility (including the monopole, antennas and ancillary equipment) must be colour treated and maintained in muted low-reflective tones to the satisfaction of the Responsible Authority.
7. All stormwater discharging from the development on the land must be contained within the boundaries of the land to the satisfaction of the Responsible Authority.
8. All areas of the development must be drained to the legal point of discharge via an underground drainage system or other approved method of stormwater drainage to the satisfaction of the Responsible Authority.
9. Care must be taken to ensure that the construction of the Telecommunications Facility and ancillary works, and their ongoing use, does not cause erosion or degradation to the subject or surrounding land to the satisfaction of the Responsible Authority.
10. This permit will expire if one of the following applies:
 - a. The development is not started within two (2) years of the date of this permit.

- b.** The development is not completed within four (4) years of the date of this permit.
- 11.** Pursuant to the provisions of Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the time to start development under part (a) of the expiry condition, if the request is made before the permit expires or within 6 months afterwards.

The Responsible Authority may extend the time to complete the development under part (b) of the expiry condition if:

- a.** The request for an extension of time is made within 12 months after the permit expires; and
- b.** The development or stage started lawfully before the permit expired.

Footnotes included on Permit:

- 1.** This permit allows the above land to be used or developed for the purpose specified. It is the permit holder's responsibility to ensure that any other relevant approvals are obtained prior to the commencement of the use or development.
- 2.** The owner/applicant is encouraged to check with the relevant service authorities before any excavation work is undertaken (e.g. Telstra, SP Ausnet and South Gippsland Water).

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Davies

SECONDED: Cr Brunt

THAT COUNCIL:

- 1. DEFER ITEM E.3 – TELECOMMUNICATIONS FACILITY (NBN TOWER) AT 2746 MEENIYAN PROMONTORY ROAD YANAKIE – PLANNING APPLICATION 2012/407 INDEFINITELY TO ALLOW THE APPLICANT OPPORTUNITY TO AMEND THE PLANNING APPLICATION.**
- 2. CONSIDER A FUTURE REPORT FOLLOWING APPROPRIATE REFERRAL AND NOTIFICATION IN ACCORDANCE WITH THE PLANNING AND ENVIRONMENT ACT 1987.**

CARRIED UNANIMOUSLY

Attachment 1 - Locality Plan

LOCALITY PLAN



Attachment 2 - Aerial Photo and Zoning Plan

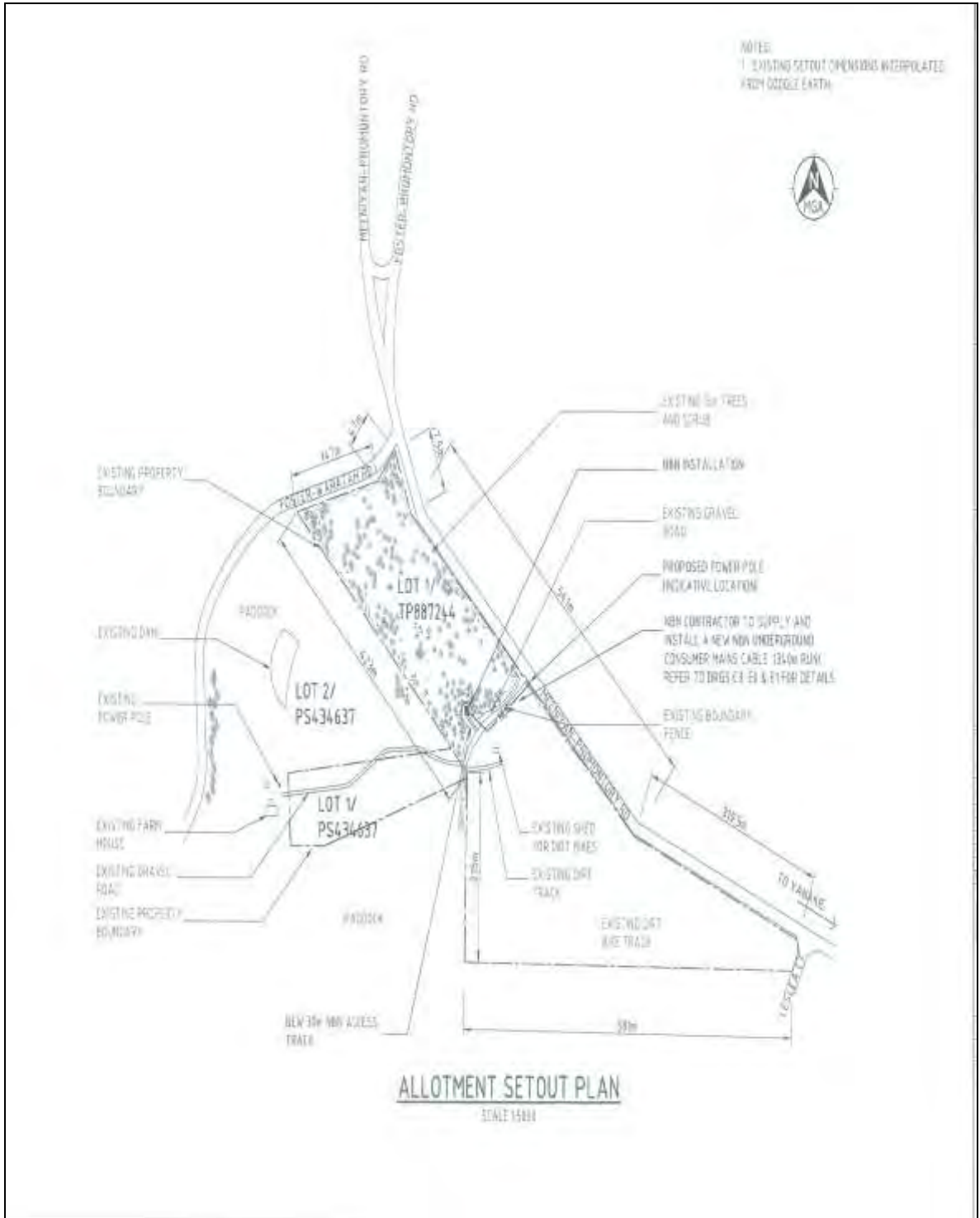
AERIAL PHOTO



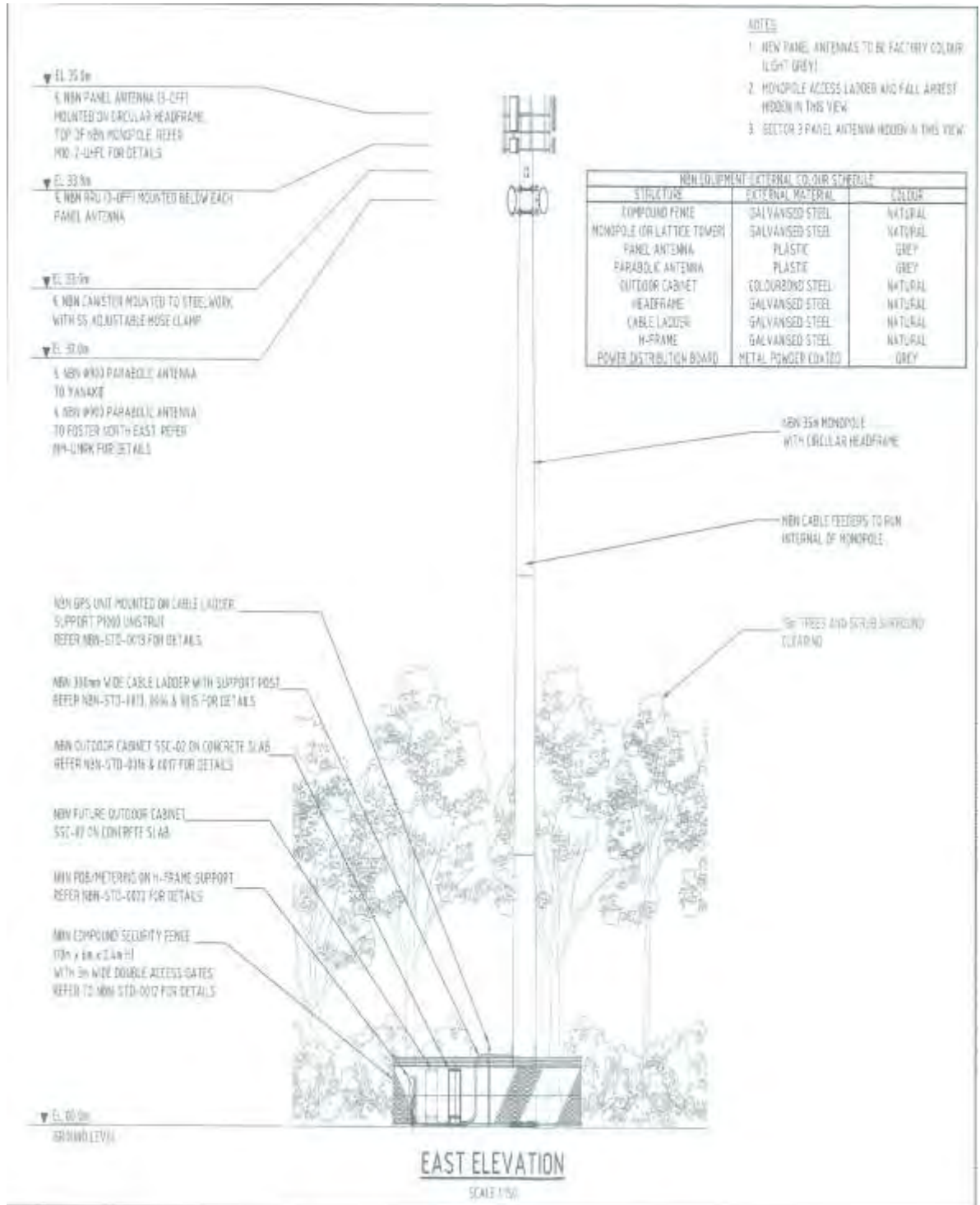
ZONING PLAN



Attachment 3 - Site Plan



Attachment 4 - Elevation



Attachment 5 - Summary of Objections

Submission	Response
<p>The proposed tower will detract from the visual amenity of the area for local residents and tourists.</p> <p>The proposed tower will be highly visible to traffic travelling along Meeniyan Promontory Road which will negatively affect tourists' outlook on the region and in turn reduce demand for accommodation and local business.</p>	<p>The proposed facility will be setback from Meeniyan Promontory Road approximately 60m.</p> <p>The ground level structures of the facility will not be significantly visible beyond the boundary of the lot due to screening from existing vegetation.</p> <p>Approximately 20m of the tower will protrude above the tree canopy. However, it is considered its visibility will not necessarily detract from the scenic qualities of the local area to the detriment of residents and tourists.</p> <p>The tower will be seen from a distance as a simple element. The tower does not include any flashing lights or moving parts that may draw attention. The tower will be constructed and maintained in steel which will blend with the colours in the landscape. The tower will not block or obscure any views of the coast or foothills.</p> <p>The tower is not expected to deter tourists from visiting the region given that once it is constructed there will be no ongoing environmental impacts other than its visual presence. Telecommunications towers are an increasingly common and accepted element in a wide range of landscapes and the majority of tourists would pass a number of similar towers, without detriment, on their journey towards Wilsons Promontory and Sandy Point.</p>
<p>The tower will detract from the beauty and potential uses of surrounding land, including that of Council owned</p>	<p>The proposed tower will not affect the use of Council land as a motor cross track. The tower will be sited</p>

Submission	Response
property.	<p>on a part of the land that is not currently used.</p> <p>The tower will not limit the use of surrounding land for agricultural or rural living purposes.</p>
<p>The siting of the telecommunications facility will not minimise its visual impact as it will be visible by traffic along Soldiers road, Foster Promontory Road, Sandy Point Road and Meeniyen Promontory Road and to residents in Meikle Road, Savages Road and Sammans Road.</p>	<p>The facility has been designed as a monopole to minimise its visual impact on the surroundings. The location of the tower on a vegetated part of the land provides some screening of the ground level structures and reduces its appearance in the landscape.</p> <p>While the tower will be visible from some parts of the surrounding roads and houses it does not follow that it will have a negative impact on the amenity of residents and tourists using the roads.</p>
<p>The site is unique, being one of the few areas of coastal heath land that includes the states' floral emblem (Pink Heath) and the endangered eucalypt species, the Gippsland Mallee.</p>	<p>No native vegetation needs to be removed to construct the facility. The site of the tower has been previously cleared of native vegetation.</p>
<p>Approval of an industrial tower in a rural locality is inappropriate.</p>	<p>The tower is not associated with an industrial use. The tower is for telecommunications purposes. South Gippsland Planning Scheme and the Telecommunications Code of Practice for Victoria do not prohibit the establishment of telecommunications facilities in rural areas. In fact, the State Planning Policy Framework specifically states that it does not want to prohibit telecommunications facilities in any zone.</p>
<p>False statements within the application are misleading and the</p>	<p>It is agreed the applicant's written submission contains a number of</p>

Submission	Response
<p>application should be rejected.</p>	<p>incorrect statements. It appears information relating to other proposed NBN facilities (at Port Welshpool and Yanakie) was copied into the written submission for this application.</p> <p>The plan showing the location of the dwelling and shed on the neighbouring land shows the house outside the lot boundary and this is incorrect. The plan shows the house setback 350m from the proposed tower however Council's aerial photo mapping shows the house is setback 300m from the tower.</p> <p>The application describes the vegetation surrounding the site as including trees up to 15m in height however the majority of the vegetation would be less than 15m.</p> <p>Notwithstanding these errors it is considered the application provides sufficient information for assessment in accordance with the relevant provisions of the Planning Scheme.</p>
<p>Dwelling is a sensitive land use and the tower should be sited away from dwellings.</p>	<p>There is no minimum setback distances to dwellings specified in the Planning Scheme or the Victorian Code of Practice.</p> <p>The proposed facility will be 300m from the nearest dwelling and is not expected to impact on the amenity of residents.</p> <p>The facility will be screened at ground level from view of existing dwellings by existing vegetation within the site.</p> <p>The tower will be visible above the tree line however the visibility of the tower does not necessarily result in a</p>

Submission	Response
	loss of residential amenity. The tower does not significantly overshadow the dwellings or generate noise or emissions that will result in a reduced quality of life for residents. Electromagnetic radiation generated by the facility will not exceed 1% of the recommended exposure level established by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).
Power will not be made available from the objectors land.	The applicant has subsequently submitted a revised proposal that proposes the power will be connected from a new power pole within the Meeniyah Promontory Road reserve. Power will be extended to the tower from that pole via a new underground cable within the subject site.
The need to remove native vegetation to provide underground power has not been assessed in the application.	No native vegetation needs to be removed to extend underground power along the existing driveway to the site of the tower.
The need for toilet facilities for staff using the facility one day a year has not been addressed.	There is no requirement in the Planning Scheme or the Code of Practice for Telecommunication Facilities in Victoria for the provision of toilet facilities. It would seem unreasonable to require facilities for such an infrequent potential use.
A 35m high tower is contrary to the objectives of the Significant Landscape Overlay Schedule 3 by being sited on a prominent hill above the dominant tree canopy within 500m of the Foster Promontory Road, visible from the coast, in a rural landscape and surrounded by a 2.4m high security fence.	The site of the proposed telecommunications facility is not within the Significant Landscape Overlay Schedule 3 - Corner Inlet Amphitheatre even though the site is surrounded by the Overlay.

Submission	Response
<p>A 35m high tower is contrary to the objectives of the Environmental Significance Overlay Schedule 3 as it will impact on the visual amenity of the area.</p>	<p>The proposed development is considered consistent with the objectives of the Environmental Significance Overlay Schedule 3 - Coastal Settlements.</p> <p>Although the tower will not necessarily enhance the natural beauty of the area, it is considered that the tower will not have a detrimental impact on the landscape. The tower is approximately 3 kilometres from the coast and when viewed from the coast will appear as a distant, single element.</p>
<p>An alternative option is available on freehold land which avoids the conflict of interest Council has in approving the application given Council will receive lease monies if they approve the planning application.</p>	<p>Council must decide the application before it under the relevant provisions of the Planning and Environment Act 1987. NBN Co has determined the subject site is the preferred site for the delivery of the NBN service to the region.</p> <p>It is not considered that a conflict of interest exists in relation to the planning permit application. The availability or suitability of alternative sites is not a relevant matter for consideration under the provisions of the Planning and Environment Act and Council must decide the application before it.</p> <p>The matter of the lease has been dealt with separately under the relevant provisions of section 190 and 223 of the Local Government Act 1989 as part of Council's other relevant functions. No submissions were received through that process.</p>

E.4 REQUEST BY DUMBALK AND DISTRICT PROGRESS ASSOCIATION INCORPORATED FOR A NEW LEASE OF THE FORMER DUMBALK KINDERGARTEN, 20 MILLER STREET, DUMBALK

Engineering Services Directorate

EXECUTIVE SUMMARY

At its Ordinary meeting held on 27 March 2013 Council agreed to negotiate the terms of the lease for the former Dumbalk Kindergarten at 20 Miller Street, Dumbalk and contained in Certificate of Title Volume 10299 Folio 003 with the Dumbalk and District Progress Association Inc (DDPA).

The purpose of this report is to provide Council with an update on the outcome of negotiations with the DDPA and agreed lease terms.

Document/s pertaining to this Council Report

- **Confidential Appendix 1** - Draft Lease to the DDPA.

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989, sections 190 and 223

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Building Asset Management Plan (Appendix 5 - Building Level of Service).

COUNCIL PLAN

Outcome: 2.0 Closely Connected Communities.
Objectives: 2.1 Engage and work collaboratively with our community.

CONSULTATION

Since the Council meeting held on 27 March 2013 the following consultation has taken place.

Internal Consultation:

- Meetings with the Community Strengthening Department to discuss service levels that would be required to be provided by the DDPA to the community.

- Meeting with the Property Department's Building Team to discuss maintenance responsibilities of Council as landlord and the DDPA as the tenant.

External Consultation:

- Meetings with the DDPA to discuss the terms and conditions of the lease.

REPORT

Background

The report to Council on 27 March 2013 resolved:

"That Council:

- 1. Agree to proceed to negotiate the terms of a lease of the former Dumbalk Kindergarten at 20 Miller Street, Dumbalk and comprised in Certificate of Title Volume 10299 folio 003 with the Dumbalk and District Progress Association Inc.*
- 2. Inform the Dumbalk and District Progress Association (DDPA) and the community of its decision.*
- 3. Receive a further report on the outcome of negotiations and agreed lease terms."*

Discussion

A copy of the draft Lease is contained within **Confidential Appendix 1**. A summary of the key terms of the lease are provided below:

- **Permitted use:** Non for profit community house activities, meeting rooms and community programs.
- **Term:** Three (3) years, with no further options for further terms.
- **Rental:** \$104.00 per annum + GST.
- **Maintenance Schedule:** Outlining Landlord's and Tenant's responsibilities.

Proposal

It is proposed that Council enter into a three year lease with the DDPA for the premises of the former Dumbalk Kindergarten at 20 Miller Street, Dumbalk for community purposes.

FINANCIAL CONSIDERATIONS

Income

Rental will be approximately \$104.00 per annum + GST.

Expenditure

Expenditure initially will include Council attending to essential safety maintenance estimated to cost approximately \$1,000 + GST annually. This can be accommodated in the Property Department's essential safety maintenance annual budget.

The new lease has been negotiated to require the DDPA to undertake the majority of maintenance and some capital works items. This will reduce the financial liability and risk to Council in the interim, until such a time as Council has evidence of the viability of the services offered by the DDPA.

The cost of negotiating and preparing the lease has been sourced from the Property Department's budget.

CONCLUSION

Entering into the lease with the DDPA gives the community group an opportunity to deliver community services to the area.

RECOMMENDATION

That Council:

1. Agree to enter into a three (3) year lease with the Dumbalk and District Progress Association Inc. for the premises of the former Dumbalk Kindergarten, 20 Miller Street, Dumbalk, and contained in Certificate of Title Volume 10299 Folio 003 for community purposes.
2. Set the rental at \$104.00 per annum + GST.
3. Authorise the Chief Executive Officer to sign the Lease and affix the Common Seal of Council to the Lease.

STAFF DISCLOSURE OF INTEREST

Nil

Cr Fawcett returned to the Meeting at 3.08pm.

MOVED: Cr Hutchinson-Brooks SECONDED: Cr Hill

THAT COUNCIL:

- 1. AGREE TO ENTER INTO A THREE (3) YEAR LEASE WITH THE DUMBALK AND DISTRICT PROGRESS ASSOCIATION INC. FOR THE PREMISES OF THE FORMER DUMBALK KINDERGARTEN, 20 MILLER STREET, DUMBALK, AND CONTAINED IN CERTIFICATE OF TITLE VOLUME 10299 FOLIO 003 FOR COMMUNITY PURPOSES.**
- 2. SET THE RENTAL AT \$104.00 PER ANNUM + GST.**
- 3. AUTHORISE THE CHIEF EXECUTIVE OFFICER TO SIGN THE LEASE AND AFFIX THE COMMON SEAL OF COUNCIL TO THE LEASE.**

Cr Brunt left the Meeting at 3.08pm.

Cr Brunt returned to the Meeting at 3.11pm.

CARRIED UNANIMOUSLY

E.5 SANDY POINT NEIGHBOURHOOD SAFER PLACE DESIGNATION

Community Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is for Council to designate the Sandy Point Community Centre at 7 Church Parade, Sandy Point, as a Neighbourhood Safer Place - Place of Last Resort (NSP-PLR). An NSP-PLR may only be designated by a resolution of the Council.

This will allow the NSP-PLR to be operational for the 2013/2014 fire season commencing 1 October 2013.

Document/s pertaining to this Council Report

- **Attachment 1** - CFA compliancy documentation
- **Attachment 2** - Memorandum from Risk Management Coordinator regarding NSP-PLR insurance arrangements.
- **Appendix 1** - Updated Municipal Neighbourhood Safer Places Plan.

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Emergency Management Act 1986

Country Fire Authority Act 1958

Emergency Management Manual Victoria

The Bushfire Safety Policy Framework

Municipal Emergency Management Plan 2012

Municipal Fire Management Plan V 2 2013

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Business Continuity Plan

Code Red, Severe and Extreme Fire Danger Day Policy

COUNCIL PLAN

Outcome:	2.0	Closely Connected Communities
Objective:	2.1	Engage and work collaboratively with our community
Strategy:	2.1.2	We will develop an integrated approach to planning with the community incorporating budgeting/funding strategies and project development.

CONSULTATION

The community was the original driver for the establishment of the Community Centre as a NSP-PLR.

Significant consultation has been conducted by Council in conjunction with the CFA, representatives of the Sandy Point Community Group and the T.P. Taylor Reserve Special Committee.

Consultation has been conducted with members of the Municipal Emergency Management Planning Committee and the Municipal Fire Management Planning Committee.

The project has been managed internally by a project control group consisting of members from the Community Services and Engineering Services Directorates.

REPORT

Background

Following the Black Saturday fires in 2009 the Government identified a list of the 52 towns most at risk of bushfire in Victoria. Sandy Point was one of the towns listed.

Neighbourhood Safer Places or Places of Last Resort (NSP-PLR) are designated community areas that may provide some protection from radiant heat, the biggest killer during a bushfire. NSP's are established by Local Government in conjunction with the CFA. A NSP-PLR must meet a number of CFA criteria which are based on radiant heat calculations taking significant vegetation into account.

In addition, the Bushfire Safety Policy Framework provides guidance and direction to Government and agencies on the improvement of community bushfire safety of all Victorians. It aims to provide direction and guidance on establishing a range of bushfire safety options that are appropriate to local circumstances and maximise survival in a bushfire. The provision of a NSP-PLR fits within current Government policy.

In 2009 under the Country Fire Authority Act 1958 - SECT 50F councils were required to endorse a Municipal Neighbourhood Safer Places Plan and display this plan on their website. At the Council meeting held on 16

December 2009 Council adopted the Municipal Neighbourhood Safer Places Plan which showed that South Gippsland Shire had no NSP-PLR's. At the Council Meeting held 22 August 2012 Council agreed to accept funding of \$566,701 from the Fires Services Commissioner to establish a NSP-PLR at Sandy Point. The Sandy Point Community Centre was identified as a suitable location in the township. In order to meet CFA Fire Rating Criteria for a NSP, surrounding vegetation had to be removed. A privately owned block of land was acquired and permission was given by **Department of Sustainability and Environment** to clear the adjoining block of land to accommodate a car park. After the necessary permits were advertised vegetation removal took place in May 2013.

Construction of the car park will take place through August and September 2013 but does not prevent the NSP-PLR being designated now. Additionally a number of modifications were applied to the Community Centre to enhance ember proofing.

Discussion

The establishment of a NSP-PLR in Sandy Point has taken 4 years to be realised. Significant community and political interest has ensured the progression of the project to the current point. The site of the Sandy Point Community Centre is owned by South Gippsland Shire Council and the facility is managed by the T.P. Taylor Reserve Special Committee which is a section 86 Committee of Council.

A set of standard operating procedures for activating the NSP-PLR is being developed in consultation with the T.P. Taylor Reserve Special Committee, Council's Emergency Management department and the Municipal Emergency Response Coordinator from Victoria Police. The Standard Operating Procedures must be in place for the commencement of the 2013 fire season, 1 October 2013.

It is proposed that the current Instrument of Delegation to the Special Committee be varied to:

1. Expand the purpose to include management of a Neighbourhood Safer Place; and
2. Incorporate the Standard Operating Procedures into the Guidelines.

The building has been assessed as meeting the BAL 12.5 level. The surrounding vegetation has been assessed by the CFA to meet the compliancy criteria for its fire rating assessment (**Attachment 1**).

The Country Fire Authority Act 1958, S50 states that:

“A municipal council is responsible for maintaining all designated neighbourhood safer places in its municipal district.”

The annual maintenance would include:

- Annual inspection of the site as per the NSP-PLR audit requirements;
- Management of native vegetation regrowth in surrounding streets;
- Repair and maintenance of building items to ensure continued compliance to a BAL of 12.5; and
- Possible repair or replacement of signage.

It is envisaged that ongoing maintenance will be generally of a minor nature.

Section 3 of the Municipal Neighbourhood Safer Places Plan has now been updated and contains the relevant information about the Sandy Point Community Centre in relation to the NSP criteria. No other section of the Plan has been changed. It is recommended that Council endorse the updated Plan in accordance with good governance practice.

FINANCIAL CONSIDERATIONS

The full cost of building modifications, neighbouring land purchase and vegetation clearance has been met from funding from the Fire Services Commissioner.

Maintenance of the building will be carried out by the T.P. Taylor Committee. Routine maintenance of vegetation in the surrounding vicinity will be undertaken by parks and gardens depot staff within the current budget.

RISK FACTORS

Amendments to legislation post the Black Saturday fire saw Victorian councils become responsible for identifying, designating, establishing and maintaining suitable NSP's in their municipal district. Section 50G of the CFA Act requires councils to identify potential NSP locations.

The Bushfire Safety Policy Framework states that:

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

The designation of any NSP-PLR meets the above requirement and expectation of Council.

It should be noted that A Place of Last Resort is an option when other bushfire plans have failed. It does not guarantee that the place will be safe or that CFA or emergency services will be able to defend a NSP-PLR. While NSPs should provide protection to people from lethal levels of radiant heat

through an appropriate separation distance between fire hazards, particularly vegetation and the NSP, the safety of a person travelling to or sheltering at a Place of Last Resort cannot be guaranteed.

Councils are required to assume liability for this shelter option as stated in the CFA Act 50-N (2):

"any liability for the death of or injury to a person arising from the use of the designated neighbourhood safer place that would attach to the owner or occupier of the land or a person with control of the land attaches instead to the municipal council in the municipal district of which the land is situated"

The Municipal Association of Victoria Insurance Counsel has advised that so long as the council is acting in accordance with its Municipal Council Neighbourhood Safer Places Plan it can rely on the Defence under Section 50-O of the Act in the case of injury or death. (Refer to **Attachment 2**).

To date this has not been tested in court.

CONCLUSION

The Sandy Point Community Centre meets the CFA fire rating criteria for a Neighbourhood Safer Place. Standard Operating Procedures for an NSP are being developed and the car park will be constructed over the next few months.

In order for the NSP PLR to be operational for the 2013 fire season which commences on 1 October 2013 it must be officially designated by the Council as a Neighbourhood Safer Place – Place of Last Resort.

RECOMMENDATION

That Council:

1. Designate the Sandy Point Community Centre, at 7 Church Parade, Sandy Point, as a Neighbourhood Safer Place - Place of Last Resort;
2. Endorse the revised Municipal Council Neighbourhood Safer Places Plan August 2013; and
3. Incorporate the Standard Operating Procedures for the Neighbourhood Safer Place - Place of Last Resort, once developed and as amended from time to time, into the T.P. Taylor Reserve Special Committee Instrument of Delegation.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Davies

SECONDED: Cr Harding

THAT COUNCIL:

- 1. DESIGNATE THE SANDY POINT COMMUNITY CENTRE, AT 7 CHURCH PARADE, SANDY POINT, AS A NEIGHBOURHOOD SAFER PLACE - PLACE OF LAST RESORT;**
- 2. ENDORSE THE REVISED MUNICIPAL COUNCIL NEIGHBOURHOOD SAFER PLACES PLAN AUGUST 2013; AND**
- 3. INCORPORATE THE STANDARD OPERATING PROCEDURES FOR THE NEIGHBOURHOOD SAFER PLACE - PLACE OF LAST RESORT, ONCE DEVELOPED AND AS AMENDED FROM TIME TO TIME, INTO THE T.P. TAYLOR RESERVE SPECIAL COMMITTEE INSTRUMENT OF DELEGATION.**

Cr Hutchinson-Brooks left the Meeting at 3.16pm.

Cr Hutchinson-Brooks returned to the Meeting 3.17pm.

Cr Newton left the Meeting at 3.18pm.

Cr Newton returned to the Meeting at 3.20pm.

CARRIED UNANIMOUSLY

Attachment 1 CFA Compliancy Documentation



CFA Region: Gippsland
Telephone: 5149 1000
Fax: 5149 1082

07 JUN 2013

South Gippsland Shire
9 Smith Street
Leongatha 3953

Dear Linda Jamieson

Neighbourhood Safer Places - Places of Last Resort Assessment for
1000011975 Sandy Point Community Centre
24-26 Ocean View Parade Sandy Point 3959

The CFA ACT 1958, Sect 50G (5 a and b), sets out obligations for CFA as follows:

- (5) On receiving a request (for assessment from Municipal Council), the Authority must-
- (a) assess the place; and
 - (b) if the place meets the criteria set out in the CFA Assessment Guidelines, certify in writing that the place meets those criteria.

This letter and the attached report are designed to meet these obligations and provide assistance to Council in its further decision-making for potential Neighbourhood Safer Places - Places of Last Resort.

CFA developed criteria to assist Council in determining the suitability of potential sites for Neighbourhood Safer Places - Places of Last Resort. These criteria have been developed as part of a consultative process, involving other fire agencies, emergency services and stakeholders.

This site assessment has been based on the quantity of vegetation determined at the time of this inspection and under section 50I of the CFA ACT 1958, it is council responsibility to maintain all Neighbourhood Safer Places.

The **1000011975 Sandy Point Community Centre 24-26 Ocean View Parade Sandy Point 3959** has been determined as **Compliant** with the CFA Guidelines.

CFA understands that it is Council's responsibility to designate this site as a Neighbourhood Safer Place - Place of Last Resort and that Council may wish to engage with other Agencies and stakeholders, including CFA as part of any final approval process before a final decision is made.

CFA hopes you find this information of benefit in the final designation process. If you require further assistance on this matter, please contact Rachel Allen at 0400 696 382.

Yours faithfully

(Refer to attached file for authorisation signature)

Operations Manager
Gippsland



**NEIGHBOURHOOD SAFER PLACES -
Places of Last Resort
CFA ASSESSMENT CRITERIA REPORT**

Neighbourhood Safer Place Site Name and Address:

**1000011975 Sandy Point Community Centre
24-26 Ocean View Parade Sandy Point 3959**

The site is assessed as:

- a) Meeting the CFA assessment criteria on the day of assessment; or
- b) Not meeting the CFA assessment criteria on the day of assessment; or
- c) Meeting the assessment criteria provided that prescriptions of management of the grassland over the fire danger period are secured by agreed terms entered into by the landholder (see below)

Criteria

1) Setback Distances and Radiant Heat Measures

Neighbourhood Safer Places should provide protection to people from lethal levels of radiant heat by providing an appropriate separation distance between fire hazards, particularly vegetation and the site of the Neighbourhood Safer Place.				
If a Neighbourhood Safer Place is an open space, the appropriate separation distance should be greater than 310 metres from the outer edge of the NSP to the fire hazard, or should be prescribed to ensure a maximum potential heat impacting on the site of no more than 2kw/m ² .				
If a Neighbourhood Safer Place is a building, the appropriate separation distance greater than 140 metres from the outer edge of the building to the fire hazard or should be prescribed to ensure that the maximum potential heat impacting on the building is no more than 10kw/m ² .				
	North Aspect	East Aspect	South Aspect	West Aspect
Setback distance (m)	0	0	60	0
Radiant Heat (Kw/ m ²)	-	-	6.71	-

2) The following is only to be completed if grassland areas require further and specified management over the fire danger period

Recommendation	Y/N
There must be prescriptions for management of the grassland over the fire danger period, secured by agreed terms entered into by the landholder.	N
The identified treatment of the grassland be included within the MFPP or MFMP (whichever is relevant) and is the responsibility of Council to facilitate and if required enforce the treatment during the fire danger period.	N
Treatments and Prescriptions:	

PRINT CFA OFFICER NAME: Rachel Allen

DATE: 30.05.2013



Neighbourhood Safer Places – Places of Last Resort

Preliminary Site Assessment Form

Signature Page



Location Details:

(Obtain location details from the CRM)

CRM ID Number 1000011975
Municipality South Gippsland Shire
Main Location Sandy Point Community Centre
Sub Location _____
Address 24-26 Ocean View Parade
Sandy Point Postcode 3958

GPS Coordinates (optional) Latitude _____ Longitude _____

Location Type (Open Space or Building) Building

Best Access to Site Beach Parade, Church Parade or Ocean View Parade

Best Description of Use Community Centre / Hall

High Risk Bushfire Township Yes

Preliminary Site Assessment Officer Details:

Name Rachel Allen

Contact Number 0400 696 382

Date 30 / 5 / 2013

Signature *[Handwritten Signature]*

Assessment Result:

COMPLIANT **NON-COMPLIANT**

PRESCRIPTIONS OF MANAGEMENT TO BE SECURED FOR COMPLIANCY
(Option for Grassland areas only)

Endorsement Details:

Acting Manager Community Safety

Operations Manager

Name John Crane

Name Mark Jones

Date 6/6/13

Date 6/6/13

Signature *[Handwritten Signature]*

Signature *[Handwritten Signature]*



Neighbourhood Safer Places – Places of Last Resort
Preliminary Site Assessment Form



Site Plan



Sandy Point Community Centre



Best access



outline depicts
location of
community centre

X depicts
best access

|||| vegetation that
has been
recently
cleared
by Council

Complete Google Earth map or similar, displaying precisely the location point and extent of the NSP and best entry point. (CFA GIS requirement)



BUSHFIRE ATTACK ASSESSMENT REPORT

For Site Located at: Sandy Point Community Centre - South

1. User's Input

Vegetation: Tall heath(scrub)
Slope (degree): 0
Distance(m): 60
Flame Angle (degree): 81
Elevation of Radiation Receiver (m): 2
Site Slope (degree): 0

2. Program's Settings

Flame Width (m): 100
Flame Temperature (K): 1200
Flame Emissivity: .95
Surface Available Fuel Load (t/ha): 25
Overall Fuel Load (t/ha): 25
Vegetation Height (m): 4
Fire Danger Index: 120
Wind Speed (km/h): 45
Heat of Combustion (kJ/kg): 18600
Rate of Fire Spread Calculated by: Heath and Shrub Model
Flame Length Calculated by: Byram Equation
Modelling Atmosphere Attenuation: Yes

3. Output

Rate of Fire Spread (km/h): 4.87
Fire Intensity (kW/m): 62860
Transmissivity: .767
Flame Length (m): 12.49
Radiant Heat Flux (kW/m²): 6.71
Category of Attack: Low
Level of Construction Required: No Requirement

Date Assessed: Wednesday, 5 June 2013 Assessed By: R.Allen



CFA Neighbourhood Safer Places Assessment Summary Report

NSP ID: 1000011975 Municipality: South Gippsland Shire
 Location: Sandy Point Community Centre
 Address: 24-26 Ocean View Parade Sandy Point 3959
 Location Type: Structure CFA Region: Gippsland
 Assessment Date: 30.05.2013 Assessed By: Rachel Allen
 Result: Compliant

Assessment Factors		North Aspect	East Aspect	South Aspect	West Aspect
Vegetation Type		No Classified Vegetation Type / BAA N/A	No Classified Vegetation Type / BAA N/A	AS3959 Scrub / BAA Tall Heath (scrub)	No Classified Vegetation Type / BAA N/A
Separation Distance to Vegetation (m)	Actual	0	0	60	0
	Prescribed (Grassland areas only)				
Vegetation Height (m)		-	-	4	-
Effective Slope (°)		-3	0	0	0
Site Slope (°)		0	0	0	0
Prescribed or Deemed to Satisfy Requirements for distance achieved - (Distance equal to or greater than 14M or more 910M open space)		Y	Y	N	Y
Deemed to Satisfy Requirements for slope achieved - (Effective Slope less than 20 degrees)		Y	Y	Y	Y
Deemed to Satisfy (D/S) Requirements Achieved		Y	Y	N	Y
JWS indicated) Calculated Heat Flux (kW/m2) (Note to consider 10m for open space or 10m for a building)	Actual	-	-	6.71	-
	Prescribed (Grassland areas only)				
Treatments & Prescriptions (For Grassland areas ONLY)					
Overall NSP Criteria Achieved		Y	Y	Y	Y
Result		<p>Compliant</p> <p><input checked="" type="checkbox"/> Meeting the CFA assessment criteria on the day of assessment.</p> <p><input type="checkbox"/> Meeting the assessment criteria provided that prescriptions of management of grassland over the fire danger period are secured by agreed terms entered into by the landholder.</p> <p>Non Compliant</p> <p><input type="checkbox"/> Not meeting the CFA assessment criteria on the day of assessment.</p>			

Attachment 2

Memorandum from Risk Management Coordinator regarding NSP-PLR insurance arrangements

MEMORANDUM

To: Linda Jamieson
From: Bret McLean, Risk Management Coordinator
Date: 03 July 2013
Subject: Neighbourhood Safer Places - Insurance Arrangements

The following summary has been adapted from letters provided to Councils, from Civic Mutual Plus (CMP) in 2009 and 2010. CMP is now known as MAV Insurance.

Background

In December 2009 an email was sent out by Mr Rob Spence, CEO of the MAV, advising Councils that cover for these NSP's is provided under their CMP liability policy within their normal business activities as a Council. Please refer information provided below.

Business as usual

Where Council has chosen to have NSP's on Council owned land, this of course means that it is "business as usual"

Councils liability policy i.e. public liability and professional indemnity, will provide indemnity to Councils for their NSP activities in the same way it responds to other business activities of Council.

However, as per the definition of council land, this would include land/premises occupied or controlled by the Council, and would include property over which your Council is the Committee of Management appointed under the Crown Lands (Reserves) Act. Therefore, in these instances, CMP would be providing the indemnity in respect to NSP's and not DSE/VMIA. This is noted for future designated places if Council decides in the future to adopt other NSP's.

Council can rely on the Defence under section 50 of the CFA Act 1958 (or as amended), for the death of or injury to a person provided Council complies with its Municipal Neighbourhood Safer Places Plan (MNSPP), as adopted by Council.

The MAV had sent out to all Councils separate guidance information to follow in the establishment of your Plan. This template has been used in the creation of our MNSPP.

Further to this, Councils will also have available to them the usual defences with respect to the Tort Reforms/ Wrongs Act 1958 in connection with NSP's on Council's own land, including Crown Land where your Council is the designated Committee of Management.

However, where a NSP is on "non-council land" there are some additional exposures to the Council, whereby the defences will not be available to you. This would include Private land or Crown land, where the Crown land is not occupied/controlled/managed by Council.

Council responsibilities

Council has responsibilities for:

- Signage at such designated NSP's.
- Maintaining all designated NSP's
- Conducting annual reviews of each NSP, to determine whether it is still suitable.
- Council's (municipal fire prevention officer) must provide a list of all designated NSP's within the district to the MAV.

Disclaimer

Councils cover is only as per the normal terms, conditions and exclusions of the Policy. (this information provides a partial summary of the policy cover and is not intended to amend, extend, replace or override the policy terms and conditions contained in the actual policy document).

Regards

Bret McLean
Risk Management Coordinator

E.6 KORUMBURRA TOWN CENTRE FRAMEWORK PLAN - DRAFT FOR PUBLIC DISPLAY

Development Services Directorate

EXECUTIVE SUMMARY

After extensive consultation, a draft Korumburra Town Centre Framework Plan (KTCFP) has been prepared (Appendix 1) to provide directions and recommendations for enhancement of the town centre.

It is recommended that Council support the draft KTCFP for public display so that feedback can be used to refine the document into a final version for adoption by Council.

Document/s pertaining to this Council Report

- **Appendix 1** - Draft Korumburra Town Centre Framework Plan

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Priority Development Panel Report - Korumburra Town Centre and Structure Plan (May 2010)

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

South Gippsland Planning Scheme - Clause 21.04-5 Korumburra

COUNCIL PLAN

Outcome:	3	Integrated services and infrastructure
Objective:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development.
Strategy:	3.1.1	We will deliver Council and community projects and leverage project funds to attract investment from external sources.

CONSULTATION

External consultation to develop the Draft KTCFP has been undertaken by means of:

- 'Town Forum' sessions held in March and April 2013 including a Business Breakfast in April 2013.

- Draft Context Report made available on Council's web site and in hardcopy in Korumburra and Leongatha.
- Emails and letters sent and received in relation to the forum presentations and the draft Context Report.
- Surveys of town users and businesses (approximately 120 responses) plus more than 40 consultant discussions with business owners; and
- Discussion sessions held with Council's Access and Inclusion Advisory Committee, and with Korumburra Secondary College students.

In total, comments have been received from approximately 300 people drawn from numerous Government departments, the development community, local businesses, a wide range of community organisations, other organisations including the library corporation and schools; and the public, including visitors to Korumburra.

Internal consultation was conducted with team members from Engineering and Assets, Economic Development, Social Planning, Community Strengthening, Strategic Planning, Statutory Planning, and Parks and Gardens. The KTCFP Project Reference Group, which comprises a mix of Councillors, Council staff and external representatives, met on 2 July to provide feedback on the draft KTCFP (June 2013 version). An open Council briefing on the in-progress Draft KTCFP was held on 3 July.

Background

Development of a KTCFP was a major recommendation of the May 2010 Priority Development Panel (PDP) report. The PDP was established by the Minister for Planning at Council's request. The purpose of the Panel was to assist Council to develop a Structure Plan and to rejuvenate Korumburra's commercial centre in a context of pressures for retail development at the former saleyards site, a high level of retail expenditure escaping from the town and divided community views on the best way to approach these issues.

Discussion

The KTCFP is an integral part of a suite of projects to improve Korumburra and to plan for its growth to benefit the current and expanded future population. The topics covered by the draft KTCFP address all of the issues required by the planning scheme at clause 21.04-5 'Korumburra'.

The final document will be used as the basis for a planning scheme amendment, for guiding scheduled works, for future budget recommendations, in support of grant applications and as a call to action by other stakeholders.

Proposal

That Council proceed by placing the draft KTCFP on public display for four weeks for public consideration and comment.

FINANCIAL CONSIDERATIONS

The 'Implementation' section of the draft KTCFP foreshadows 'ballpark' estimates for items for inclusion in the forward budgets of Council and other organisations. This is for the purpose of informed discussion with the community and does not commit Council to budget expenditure.

RISK FACTORS

Display of the Draft KTCFP for public comment is not expected involve any unusual risk to Council.

CONCLUSION

Four weeks of display both online and in hard copy at several locations around the town, backed by a 'drop in' public display session should provide ample opportunity for robust public feedback on this statement of the way forward for Korumburra.

RECOMMENDATION

That Council place the draft Korumburra Town Centre Framework Plan (July 2013) on four weeks public display for the purpose of obtaining feedback to be used in the development of a final version to be considered for Council adoption.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr McEwen

SECONDED: Cr Brunt

THAT COUNCIL PLACE THE DRAFT KORUMBURRA TOWN CENTRE FRAMEWORK PLAN (JULY 2013) ON FOUR WEEKS PUBLIC DISPLAY FOR THE PURPOSE OF OBTAINING FEEDBACK TO BE USED IN THE DEVELOPMENT OF A FINAL VERSION TO BE CONSIDERED FOR COUNCIL ADOPTION.

CARRIED

For: Crs Davies, Kennedy, Harding, Hutchinson-Brooks, Fawcett, McEwen, Brunt and Hill.

Against: Cr Newton

Councillor Fawcett left the Meeting at 3.35pm with a declared indirect conflict of interest in Council Reports Item E.7 – TARWIN RIVER WATER SUPPLY CATCHMENT - INCLUSION OF THE OPEN POTABLE WATER SUPPLY CATCHMENT IN THE ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 2 as he has a conflicting duty in that he is a Director of South Gippsland Water.

E.7 TARWIN RIVER WATER SUPPLY CATCHMENT - INCLUSION OF THE OPEN POTABLE WATER SUPPLY CATCHMENT IN THE ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 2

Development Services Directorate

EXECUTIVE SUMMARY

Open potable water supply catchments are geographic areas (watersheds) where water is drawn from a waterway for the purpose of domestic use, including human consumption. An open catchment is a catchment that includes both public and private land.

Water supply catchments are proclaimed (approved) by the State Government. The South Gippsland Planning Scheme has eight catchments already protected by the Environmental Significance Overlay Schedule 2 (ESO2) however the largest proclaimed catchment, the Tarwin River (Meeniyan) Water Supply Catchment (Tarwin Catchment), is not in the ESO2.

The Tarwin Catchment protects the potable water supply of Meeniyan and Dumbalk. A map of the Tarwin Catchment is provided in **Attachment 1**.

Recent VCAT decisions have refused planning permit applications in water supply catchments where approval may compromise water quality. In response, the State Government has released new guidelines for the assessment of planning permit applications in water supply catchments. The new guidelines are being used by South Gippsland Water (SGW) in their consideration of planning permit application referrals. Council is bound by SGW's decision on applications in water supply catchments.

The absence of the Tarwin Catchment from the ESO2 must be urgently rectified to ensure landowners and purchasers are aware of the requirements affecting the catchment. The significance of this matter necessitates the recommendation that the Tarwin Catchment be included in the ESO2 by the Minister for Planning using his Ministerial powers.

Document/s pertaining to this Council Report

- **Attachment 1** - Tarwin River Water Supply Catchment proclaimed area map.
- **Attachment 2** - Department of Sustainability and Environment publication 'Planning permit applications in open, potable water supply catchment areas - November 2012'.

- **Attachment 3** - Proposed Tarwin Catchment ESO2 maps and ordinance provisions.
- **Appendix 1** - Council Report ' Planning permit applications within Open, Potable Water Supply Catchment Areas 22 May 2013.

A copy of **Appendix 1** 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
- Safe Drinking Water Act 2003
- Water Act 1999

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Municipal Domestic Waste Water Management Plan 2013

COUNCIL PLAN

Outcome:	1.0	A Prosperous Shire
Objective:	1.1	Work with the business community to support existing businesses, diversify employment opportunities and to attract new businesses.
Strategy:	1.1.3	We will actively encourage sustainable development and growth of agriculture, industry and commercial business.

CONSULTATION

This report recommends the ESO2 be introduced into the South Gippsland Planning Scheme by the Minister for Planning pursuant to the Minister's powers under section 20(4) of the Planning and Environment Act 1987. The Minister has the power to introduce the ESO2 with, or without, undertaking public consultation.

The Tarwin Catchment is already a proclaimed catchment and the existing provisions of the Planning Scheme already require planning permit applications in the catchment to be referred to SGW for consideration. The extent of existing planning permit triggers in the catchment mean that very few additional planning permits will be triggered by the introduction of the ESO2. On this basis the Minister may choose to introduce the ESO2 without notification to affected landowners.

The presence and impact of the Tarwin Catchment have been extensively discussed in the local media over the past year, informing the public of the changes in the assessment and consideration process and the impact it has on the development potential of land.

Officer level consultation has occurred with SGW, Gippsland Water, Baw Baw and Latrobe Councils, the West Gippsland Catchment Management Authority and the Department of Primary Industry and Environment. These organisations have provided 'in principle' support for the amendment request.

REPORT

Background

The origin, history and impact of the Tarwin Catchment and the consequences of the recent VCAT decisions were considered in detail in the Council Report of 22 May 2013 - see **Appendix 1**.

To summarise the key facts, the Tarwin Catchment was declared by the State Government on 2 May 1990. The catchment has an area of 107,200 hectares and extends into Baw Baw Shire at its northern extent and Latrobe City at its eastern extent - See **Attachment 1** 'Tarwin Catchment map'.

Similar to the South Gippsland Planning Scheme the catchment is not identified by an ESO in either of the adjoining planning schemes. The catchment includes the entire township area of Leongatha and the eastern half of the urban area of Korumburra. The catchment is applied to land regardless of it being serviced by reticulated sewerage.

The existence of the catchment was largely neutral in its impact on the use and development of land until early 2012 when a VCAT decision determined that protecting the quality of potable water in catchments may justify the refusal of new developments in catchments, including single dwellings in rural areas. Subsequent VCAT decisions have affirmed this position.

In response to the VCAT decisions the State Government has prepared the guideline 'Planning permit applications in open, potable water supply catchment areas - November 2012' - see **Appendix 1**. These guidelines set out four categories of development assessment and provide instruction on further work that must be undertaken in order to vary or lessen the requirements of the guidelines. These matters were addressed in detail in the May Council Report however their impacts can be briefly summarised as restricting development in unsewered areas of the catchment to a density of no more than one dwelling per 40 hectares (or 8 dwellings per 1 kilometre radius) unless a Catchment Policy and / or a Domestic Wastewater Management Plan has been adopted and implemented to the satisfaction of the catchment authority.

In recent months discussions have been held with SGW to investigate how new development may continue in the Shire's catchments while protecting the quality of potable water supplies. These negotiations have included Council Briefings. It is anticipated that an agreement will shortly be reached which will allow new dwellings to be approved on unsewered blocks in urban zoned areas (including the Rural Living Zone), and on some rural lots, subject to strict conditions.

SGW is also undertaking a Catchment Study with Council which can be used to underpin a Catchment Policy that may support a potential lessening of the one dwelling per 40 hectare development restriction. These matters are not the subject of this Council Report, however are noted to demonstrate that significant work is occurring to address the impact of the Tarwin Catchment.

Discussion

The absence of the Tarwin Catchment from the ESO2, combined with the more restrictive requirements of the new guidelines for development in water catchments, means that land is presently being bought and sold, and development proposals prepared potentially without knowledge of the existence of the Tarwin Catchment and its restrictions. This presents a risk to landowners as well as to Council acting in its capacity as planning authority responsible for the administration of the Planning Scheme. Council is required by Section 14 of the Planning and Environment Act to efficiently administer its planning scheme having regard to the Objectives of planning in Victoria. The Objectives include the requirement to protect the natural resources for present and future generations.

Ministerial Amendment Request

The significance of this matter warrants the prompt introduction of the ESO2 over the Tarwin Catchment. The most effective way of achieving this outcome is by a Ministerial Amendment, whereby the Minister for Planning uses his powers to introduce the ESO2 into the Planning Scheme(s) on behalf of Council. Typically Ministerial Amendments can be undertaken quickly and occur without (or limited) public exhibition or the requirement for an independent planning panel which costs time and money.

Ministerial amendment requests must meet a criteria set out by the Department of Transport, Planning & Local Infrastructure before they will be supported by the Minister. One of the criteria is the regional significance of the amendment. As noted above, the Tarwin Catchment extends into Baw Baw Shire and Latrobe City. Introduction of the catchment should include the entire catchment and take in the affected areas in the adjoining planning schemes. These councils share the same issues now confronting South Gippsland, albeit on a smaller geographic scale.

Council has discussed inclusion of the Tarwin Catchment in the ESO2 with officers from Baw Baw Shire Council and Latrobe City. The officers have noted the potential for issues regarding the absence of the catchment from their ESO2's and the benefits of introducing the overlay.

It is the recommendation of this report that Council write to Baw Baw Shire Council and Latrobe City and request they resolve at Council to support a Ministerial Amendment request to introduce the Tarwin Catchment into the ESO2 in their respective planning schemes. Having three council resolutions will assist in demonstrating the importance of this matter to the Minister for Planning. The Minister can prepare a 'GC Amendment' (a new form of

amendment used to make changes to more than one planning scheme) to process the changes to the three planning schemes at the same time.

In addition to officer support from Baw Baw and Latrobe City, South Gippsland Water, Gippsland Water and the West Gippsland Catchment Management Authority have offered 'officer level' support for the amendment request. Gippsland Water also has a water supply catchment north of Mirboo North (Mirboo North Catchment) which straddles South Gippsland Shire and Baw Baw Shire. The Baw Baw extent of the catchment is not in the ESO2. It is proposed to include the entire extent of the catchment in the ESO2 as part of the Amendment request.

If the adjoining councils or statutory authorities do not support the amendment request the issues of concern should be negotiated. However, inclusion of the Tarwin Catchment in the ESO2 is sufficiently important to warrant South Gippsland Shire Council proceeding with the amendment request without unanimous support of the other organisations.

What impact will inclusion of the ESO2 have and how can it be minimised?

Critical to the likely success of the Ministerial Amendment request is the fact that inclusion of the ESO2 in the planning schemes simply recognises land use controls that already exist in the planning system. The recent VCAT decisions and the new guidelines now used to assess proposals in water supply catchments already affect the Tarwin Catchment and are currently being used by SGW in their consideration of planning permit referrals. Introduction of the ESO2 simply recognises and alerts people to the existence of the restrictions and is otherwise policy neutral.

The ESO2 schedule does have planning permit triggers however the Farming Zone areas over which most of the overlay is proposed to be applied, already provide an extensive range of planning permit triggers (bushfire, flooding, landslip overlay controls) for buildings and works. This means that the burden of the ESO2 in terms of additional planning permit applications will be very low.

The potential impact of the ESO2 can be further reduced by changes to the schedule provisions to specifically exclude the requirement for a planning permit for buildings and works that comply with the new guidelines. For example, the draft ESO2 (see **Attachment 3**) specifically excludes the requirement for a planning permit for a single dwelling or dwelling additions on a lot 40ha or larger. A series of other exemptions have been added to the schedule to reduce the burden of the overlay while still complying with the requirements of the new guidelines.

As noted above, it is the state-wide mandatory referral provisions (Clause 66.02-5) which are the source of the current concerns and not the ESO2. The referral provisions provide the opportunity for Council to enter into an agreement with SGW to avoid the requirement for a referral where SGW (or Gippsland Water) are satisfied that a form of use or buildings and works will not adversely affect the catchment.

Presently all applications that require a planning permit for buildings and works in Leongatha trigger a referral to SGW. Most of these referrals provide no meaningful benefit and are an administrative burden. The ability to have an agreement with SGW extends only to setting aside referral requirements and cannot be used as an additional measure to avoid planning permit triggers in the catchment.

It is recommended that regardless of the issues surrounding the application of the ESO2, that Council commence discussions with SGW to prepare an agreement to set-out classes of planning permit application that will not require a referral.

Impact of the ESO2 on Leongatha and Korumburra

The Tarwin Catchment has been declared on a 'whole of catchment' basis and does not exclude township areas regardless of whether they are serviced by reticulated sewerage or not. This means that to apply the ESO2 to the entire catchment will result in the control being placed over all of Leongatha, the eastern half of Korumburra, Mirboo North (south of Ridgeway) and most of Meeniyah - See **Attachment 3**. The Tarwin Catchment ESO2 will also include the unsewered townships of Dumbalk, Koonwarra, Kardella and Arawata.

SGW have advised that its preference is that the ESO2 be applied to the entire catchment and to not specifically exclude township areas that are serviced by reticulated sewerage. This view is not supported as the key rationale for applying the overlay is to control water contamination and if development is connected to a reticulated sewerage system the potential for contamination does not readily exist.

The inclusion of an exclusionary provision for land with reticulated sewerage with an ESO that includes the whole catchment is supported by SGW. Although this provision will remove the permit burden from land in townships with sewer, it still means that the ESO is applied to the land.

If the ESO has no practical benefit it should not be applied to land, especially when almost all of the land in Leongatha and Korumburra currently has no other overlay control affecting it.

For this reason it is proposed to request the Minister for Planning prepare the Amendment with ESO2 maps that specifically exclude township areas serviced by reticulated sewerage - in accordance with the maps provided in **Attachment 3**. Should the Minister for Planning form the view that the ESO2 should be applied to the entire catchment, the ESO2 schedule includes a provision exempting buildings, works, subdivisions and vegetation removal on lots serviced by reticulated sewerage.

The Tarwin Catchment does not affect any township areas in Baw Baw Shire or Latrobe City.

Options

The main options are whether to include the Tarwin Catchment in the ESO2 or to maintain its current exclusion from the Planning Scheme.

As noted in this Council Report, failure to place the ESO2 over the Tarwin Catchment means that land will continue to be bought and sold without knowledge of the restrictions already affecting the catchment. This is not orderly planning and opens Council to criticism that it is not appropriately maintaining its Planning Scheme.

If Council chooses to apply the ESO2 over the catchment, the options are to seek a Ministerial Amendment request, or for Council to process the planning scheme amendment itself following the normal amendment process.

The Tarwin Catchment affects three planning schemes giving the matter a regional status which supports the Ministerial Amendment request. Combined with this is the need to expeditiously include the ESO2 in the Planning Scheme to inform landowners of the development requirements in the catchment. A Council initiated amendment, involving public exhibition, would likely take a year to complete and would involve an expensive Panel process. This is not an acceptable outcome given that the practical impacts of the catchment are already effective in the Planning Scheme and the application of the ESO2 seeks only to recognise this fact.

Proposal

The proposal is to request written support from Baw Baw and Latrobe Councils, SGW, Gippsland Water and the West Gippsland Catchment Management Authority for the inclusion of the Tarwin Catchment in the ESO2 by a Ministerial Amendment.

Following receipt of correspondence from the abovementioned organisations, the proposal is to request the Minister for Planning prepare a Ministerial Amendment to include the ESO2 over the Tarwin Catchment (with the exception of the areas serviced by reticulated sewerage) and introduce a new ESO2 Schedule into the South Gippsland Planning Scheme as part of the same amendment.

Also proposed is to enter into negotiations with SGW to prepare an agreement to identify planning permit applications in all of the Shire's declared water supply catchments which do not require referral to SGW.

FINANCIAL CONSIDERATIONS

The financial implications of the Ministerial amendment request are limited to the statutory fees for the request and processing time.

Broader financial implications resulting from the implementation of the ESO2 into the Planning Scheme are anticipated to be limited. Some additional planning permit applications will be triggered by the ESO2 however most

permit triggers will occur in circumstances where a planning permit is already required by another control - either a zone control or an existing overlay control. The ESO2 schedule has been specifically worded to minimise the number of permit triggers, especially for building additions and alterations in the Township Zone where reticulated sewer is not available.

RISK FACTORS

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

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

CONCLUSION

The recent VCAT decisions, and the new State Government guidelines for the assessment of planning permit applications in water supply catchments, has introduced into the planning system a restrictive development control not previously exercised in many planning schemes across the state. South Gippsland Shire has been particularly affected by the changes because the Shire has one of the largest water supply catchments in the state not already included in an ESO or the Rural Conservation Zone. Combined with this is the fact that most of the Tarwin Catchment is an open catchment, mostly comprised of privately owned land, the majority of which is in the Farming Zone and some of which includes vacant lots which the Rural Land Use Strategy supports dwelling development upon.

The existing planning permit application referral requirements set-out at Clause 66 of the Planning Scheme (State-wide provisions) already require almost all planning permit applications in water supply catchments to be referred to the relevant water authority for a determination which is binding on Council. This means that the full force and effect of the new planning permit assessment regime in water supply catchments is already effective in the South Gippsland Planning Scheme, regardless of the ESO2 not being applied to the Tarwin Catchment. Because the impact of the controls are already effective (and detrimentally affecting some landowners), it is essential that Council include the Tarwin Catchment in the Planning Scheme as a priority to ensure that landowners and land purchasers are aware of the Tarwin Catchment and the restrictions it brings. The most effective way of achieving this outcome is via a Ministerial Amendment to introduce the Tarwin Catchment into the three affected Planning Scheme.

RECOMMENDATION

That Council:

1. Write to Baw Baw Shire Council, Latrobe City Council, South Gippsland Water, Gippsland Water and the West Gippsland Catchment Management Authority requesting written support for South Gippsland Shire Council's request for the Minister for Planning to introduce the Environmental Significance Overlay Schedule 2 (Water catchments) over the entire area of the Tarwin River (Meeniyah) Water Supply Catchment with the exception of areas already serviced by reticulated sewerage.
2. Request Baw Baw Shire Council and Gippsland Water's support to extend the Mirboo North Catchment into the Baw Baw Planning Scheme.
3. Following receipt of correspondence from the above organisations, write to the Minister for Planning requesting the introduction of the Environmental Significance Overlay Schedule 2 over the unsewered areas of the Tarwin Catchment and Mirboo North Catchment (where supported by the affected councils) pursuant to Section 20(4) of the Planning and Environment Act 1987.
 - a. With respect to the South Gippsland Planning Scheme, request the Minister introduce as part of the amendment a new ESO Schedule 2 ordinance provision generally in accordance with the Schedule provided in Attachment 3.
4. Commence discussions with South Gippsland Water and Gippsland Water to prepare an agreement between the water authorities and Council to identify planning permit applications in declared water supply catchment areas that do not require referral to the water authorities.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Hutchinson-Brooks

SECONDED: Cr Hill

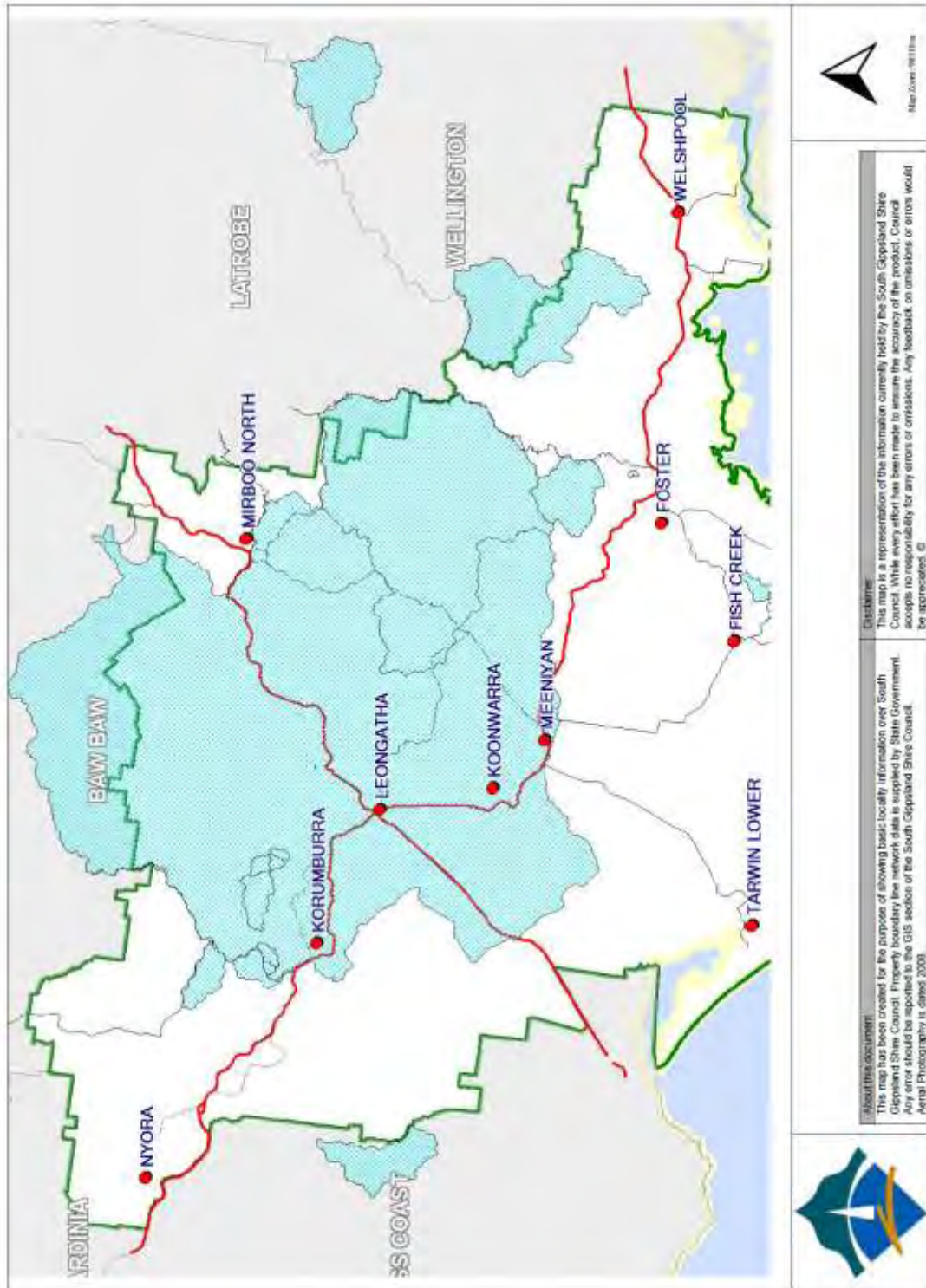
THAT COUNCIL:

- 1. WRITE TO BAW BAW SHIRE COUNCIL, LATROBE CITY COUNCIL, SOUTH GIPPSLAND WATER, GIPPSLAND WATER AND THE WEST GIPPSLAND CATCHMENT MANAGEMENT AUTHORITY REQUESTING WRITTEN SUPPORT FOR SOUTH GIPPSLAND SHIRE COUNCIL'S REQUEST FOR THE MINISTER FOR PLANNING TO INTRODUCE THE ENVIRONMENTAL SIGNIFICANCE OVERLAY SCHEDULE 2 (WATER CATCHMENTS) OVER THE ENTIRE AREA OF THE TARWIN RIVER (MEENIYAN) WATER SUPPLY CATCHMENT WITH THE EXCEPTION OF AREAS ALREADY SERVICED BY RETICULATED SEWERAGE.**
- 2. REQUEST BAW BAW SHIRE COUNCIL AND GIPPSLAND WATER'S SUPPORT TO EXTEND THE MIRBOO NORTH CATCHMENT INTO THE BAW BAW PLANNING SCHEME.**
- 3. FOLLOWING RECEIPT OF CORRESPONDENCE FROM THE ABOVE ORGANISATIONS, WRITE TO THE MINISTER FOR PLANNING REQUESTING THE INTRODUCTION OF THE ENVIRONMENTAL SIGNIFICANCE OVERLAY SCHEDULE 2 OVER THE UNSEWERED AREAS OF THE TARWIN CATCHMENT AND MIRBOO NORTH CATCHMENT (WHERE SUPPORTED BY THE AFFECTED COUNCILS) PURSUANT TO SECTION 20(4) OF THE PLANNING AND ENVIRONMENT ACT 1987.**
 - a. WITH RESPECT TO THE SOUTH GIPPSLAND PLANNING SCHEME, REQUEST THE MINISTER INTRODUCE AS PART OF THE AMENDMENT A NEW ESO SCHEDULE 2 ORDINANCE PROVISION GENERALLY IN ACCORDANCE WITH THE SCHEDULE PROVIDED IN ATTACHMENT 3.**
- 4. COMMENCE DISCUSSIONS WITH SOUTH GIPPSLAND WATER AND GIPPSLAND WATER TO PREPARE AN AGREEMENT BETWEEN THE WATER AUTHORITIES AND COUNCIL TO IDENTIFY PLANNING PERMIT APPLICATIONS IN DECLARED WATER SUPPLY CATCHMENT AREAS THAT DO NOT REQUIRE REFERRAL TO THE WATER AUTHORITIES.**

CARRIEN UNANIMOUSLY

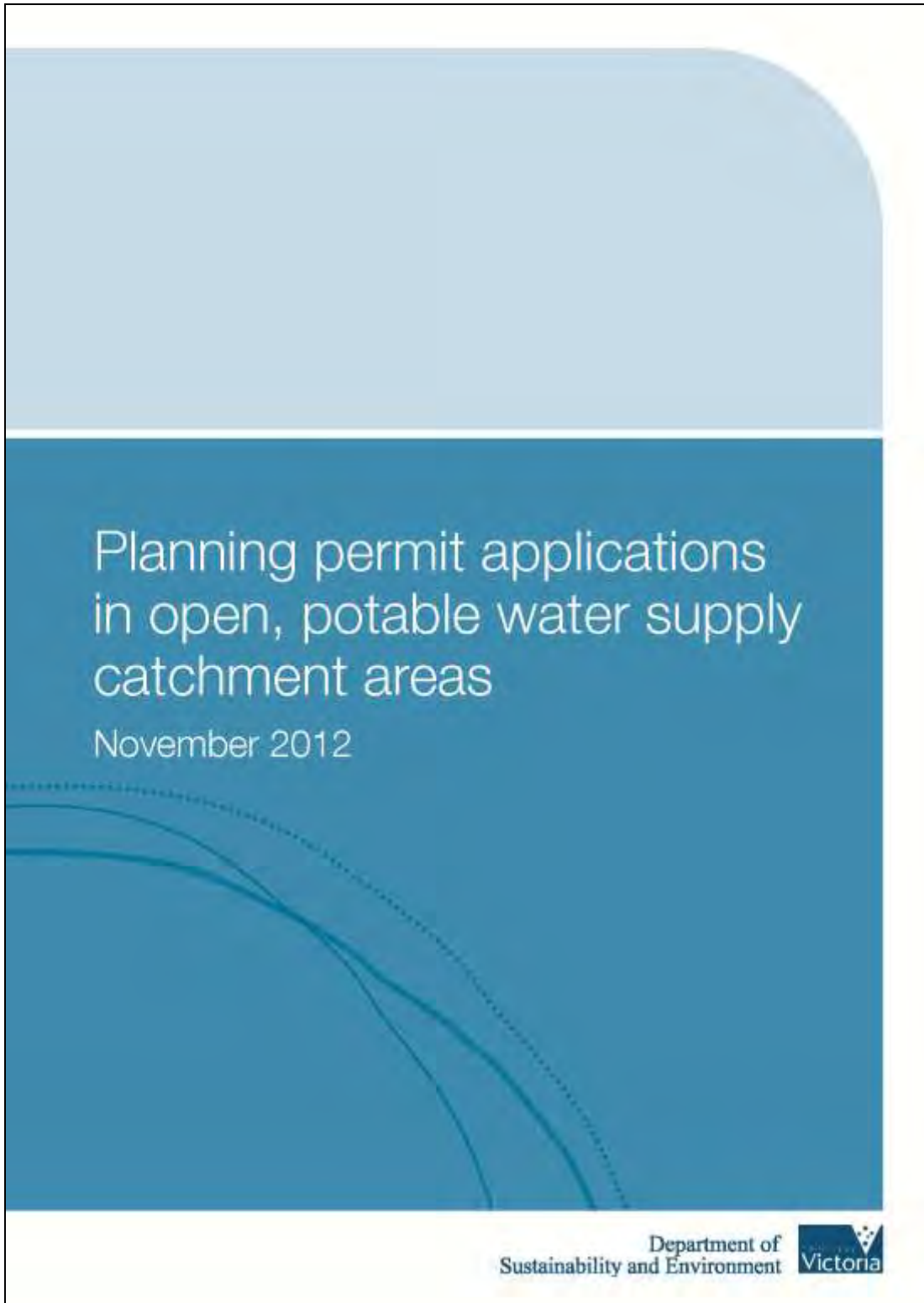
Cr Fawcett returned to the Meeting at 3.44pm.

Attachment 1 Tarwin River Water Supply Catchment proclaimed area



Attachment 2

Department of Sustainability and Environment publication 'Planning permit applications in open, potable water supply catchment areas - November 2012'



Published by the Victorian Government
Department of Sustainability and Environment Melbourne
November 2012

© The State of Victoria Department of Sustainability and Environment 2012

This publication is copyright. No part may be reproduced by any process
except in accordance with the provisions of the Copyright Act 1968

Authorised by the Victorian Government, 8 Nicholson Street, East
Melbourne.

Print managed by Finnbury Green. Printed on recycled paper.

ISBN 978-1-74287-724-2 (print)
ISBN 978-1-74287-725-9 (online)

For more information contact the DSE Customer Service Centre
136 186.

This document is also available in PDF format on the internet at

www.dse.vic.gov.au

Disclaimer

This publication may be of assistance to you but the State of Victoria and its
employees do not guarantee that the publication is without flaw of any kind
or is wholly appropriate for your particular purposes and therefore disclaim
all liability for any error, loss or other consequence which may arise from you
relying on any information in this publication.

Accessibility

If you would like to receive this publication in an accessible format,
such as large print or audio, please telephone 136 186,
or email customer.service@dse.vic.gov.au

Deaf, Hearing Impaired or Speech Impaired? Call Us via the National
Relay Service on 132 677 or visit www.relay.vic.gov.au

Planning permit applications in open, potable water supply catchment areas

As Minister administering the *Water Act 1989*, I issue the following Guidelines to assist water corporations and other referral and responsible authorities in their assessment of planning permit applications for use and development of land within all open, potable water supply catchments in Victoria. These Guidelines have been adopted for the purposes of s.60(1A)(g) of the *Planning and Environment Act 1987*.



Peter Walsh MLA

Minister for Water

Purpose of the Guidelines

The purpose of the Guidelines is to protect the quality of potable water supplies, using a risk based approach, whilst facilitating appropriate development within these catchments.

Where do these guidelines apply?

These guidelines apply to all open potable water supply catchments declared to be special water supply catchment areas under Division 2 of Part 4 of the *Catchment and Land Protection Act 1994*. Schedule 5 of the Act lists the special water supply catchment areas declared as at 1994. To find out all current declarations and which special water supply catchment areas are open potable water supply catchments and their location, contact the relevant local water corporation.

What is an open, potable water supply catchment?

A potable water supply catchment provides water resources to a reservoir (or water storage) used for domestic water supply purposes¹. There are two types of potable water supply catchments. An 'open' catchment is where part or all of the catchment area is in private ownership and access to the catchment is unrestricted. A 'closed' catchment means that the whole of the catchment area is publicly owned and public access is prohibited.

Water corporations may influence development and land use through the strategic and statutory planning process, as they do not have direct control over land in open, potable water supply catchments. However, because of the risks to public health, all use and development should be sited and managed to protect the quality of water collected from the catchment.

Most water supply catchment areas have a long history of regulation aimed to protect public health by maintaining acceptable levels of water quality flowing into, and stored in, the water storage. This has protected communities from waterborne diseases and the need for excessive chemical treatment.

All land users within catchments need to be aware of the potential effect of their activities on water quality. Residential development and agriculture particularly have the potential to impact adversely on water quality through the discharge of contaminated run-off and wastes, nutrient contributions or sediment to waterways. These key sources of pollutants present different levels of risk to catchments and are the focus of these guidelines.

¹ This definition is derived from the *Water Act 1989* and may differ from the English language definition.



White Swan Reservoir and the surrounding potable water supply catchment area, taken near Ballarat.
Source: Central Highlands Water

What State planning and environmental policy applies to open, potable water supply catchment areas?

The importance of water quality and water catchments is specifically addressed in Clause 14.02 in the State Planning Policy Framework in all planning schemes. In this clause it is State planning policy to:

- Protect reservoirs, water mains and local storage facilities from potential contamination.
- Ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.
- Discourage incompatible land use activities in areas subject to flooding, severe soil degradation, groundwater salinity or geotechnical hazards where the land cannot be sustainably managed to ensure minimum impact on downstream water quality or flow volumes.

Clause 19.03 of the State Planning Policy Framework adopts the strategy

- Ensure water quality in water supply catchments is protected from possible contamination by urban, industrial and agricultural land uses.

Section 53M of the *Environment Protection Act 1970* provides that a municipal council must refuse a permit if a proposed onsite waste water/septic tank system is contrary to any State environment protection policy or waste management policy. The State Environment Protection Policy (Waters of Victoria) (**SEPP**) adopts the precautionary principle as a principle that should guide decisions about the protection and management of Victoria's surface waters when considering a permit for a septic tank system. Clause 32 of the SEPP specifies EPA's expectations in relation to on-site domestic wastewater management, and the EPA provides further guidance in relation to onsite treatment systems (EPA Publication 891, Code of Practice – Onsite Waste Water Management, as updated or replaced).

The proper application of the precautionary principle requires consideration of the cumulative risk of the adverse impact of onsite waste water/septic tank systems on water quality, in open potable water supply catchments, resulting from increased dwelling density.

The importance of water catchments is also reflected in the special area plans prepared by Catchment Management Authorities, under Division 2 of Part 4 of the *Catchment and Land Protection Act 1994*. These plans assess the land and water resources of catchments in a region and identify objectives and strategies for improving the quality of those resources; they are also able to direct land use activities in a catchment. It is State Planning Policy (Clause 14.02-1) that planning authorities must have regard to relevant aspects of:

- any regional catchment strategies approved under the *Catchment and Land Protection Act 1994* and any associated implementation plan or strategy, including any regional river health and wetland strategies;
- any special area plans prepared under the *Heritage Rivers Act 1992* and approved under the *Catchment and Land Protection Act 1994*; and
- these Guidelines.

For information about any special area or catchment management plans that have been prepared for catchments in your region, contact the regional office of the relevant catchment management authority.

Water corporations, in consultation with other stakeholders, may also prepare a water Catchment Policy, water catchment risk assessment or similar project to address land use planning issues and the cumulative impact of onsite waste water/septic tank systems in a catchment area (Catchment Policy).

ii Planning permit application in open, potable water supply catchment areas November 2012

These policies can assist in:

- guiding appropriate land use and development within a catchment area, including the location of and conditions on particular land use and development; and
- Determining the areas where Domestic Wastewater Management of existing systems requires additional focus due to the existence of onsite wastewater systems.

Through strategic land use planning and with reference to special area plans and Catchment Policies, areas and causes of greatest risk can be identified and risk based management responses determined.

The guidelines

Each of these guidelines must be addressed where a planning permit is required to use land for a dwelling or to subdivide land.

Guideline 1) Density of dwellings

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

- the density of dwellings should be no greater than one dwelling per 40 hectares (1:40 ha); and
- each lot created in the subdivision should be at least 40 hectares in area.

This does not apply where:

Category 1

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

Category 2

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

Category 3

A Catchment Policy has been prepared for the catchment and endorsed by the relevant water corporation following consultation with relevant local governments, government agencies and affected persons. The proposed development must be consistent with the Catchment Policy Or,

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

Category 4

All of the following conditions are met:

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

Note: this requires analysis in addition to a land capability assessment required pursuant to Guideline 2.

Domestic Wastewater Management Plan Requirements

A DWMP will be considered an acceptable basis for a relaxation of Guideline 1 (as set out above) where the following requirements in relation to the DWMP are satisfied:

These requirements incorporate and build upon (but do not displace) Council responsibilities for developing DWMPs as set out in clause 32(2)(e) of the SEPP.

The DWMP must be prepared or reviewed in consultation with all relevant stakeholders including:

- other local governments with which catchment/s are shared;
- EPA; and
- local water corporation/s.

The DWMP must comprise a strategy, including timelines and priorities, to:

- prevent discharge of wastewater beyond property boundaries; and
- prevent individual and cumulative impacts on groundwater and surface water beneficial uses.

The DWMP must provide for:

- the effective monitoring of the condition and management of onsite treatment systems, including but not limited to compliance by permit holders with permit conditions and the Code;
- the results of monitoring being provided to stakeholders as agreed by the relevant stakeholders;
- enforcement action where non-compliance is identified;
- a process of review and updating (if necessary) of the DWMP every 5 years;
- independent audit by an accredited auditor (water corporation approved) of implementation of the DWMP, including monitoring and enforcement, every 3 years;
- the results of audit being provided to stakeholders as soon as possible after the relevant assessment; and
- councils are required to demonstrate that suitable resourcing for implementation, including monitoring, enforcement, review and audit, is in place.

Guideline 2: Effluent disposal and septic tank system maintenance

The *Environment Protection Act 1970*, the SEPP, EPA Publication 881, *Code of Practice – Onsite Waste Water Management* (as updated or replaced), and other EPA publications and Australian standards regulate and guide the accreditation, installation and management of onsite treatment systems for the collection, treatment and disposal or reuse of wastewater.

Any application for a planning permit must demonstrate that a proposed use, development or subdivision of land to which these Guidelines apply will comply with all applicable laws and guidelines, including the need to obtain a Council permit under the *Environment Protection Act 1970* for the installation of an onsite wastewater management system and associated systems.

Guideline 3: Vegetated corridors and buffer zones along waterways

Planning and responsible authorities should encourage the retention of natural drainage corridors with vegetated buffer zones at least 30 metres wide along waterways. This will maintain the natural drainage function, minimise erosion of stream banks and verges, and reduce polluted surface run-off from adjacent land uses.

Guideline 4: Buildings and works

Buildings and works (including such things as land forming and levee bank construction) should not be permitted to be located on effluent disposal areas, to retain full soil absorption and evaporation capabilities, and should be setback at least 30 metres from waterways to minimise erosion and sediment, nutrient and salinity related impacts.

Appropriate measures should be used to restrict sediment discharges from construction sites in accordance with *Construction Techniques for Sediment Pollution Control*, Environment Protection Authority, 1991 and *Environmental Guidelines for Major Construction Sites*, Environment Protection Authority, 1995.

Guideline 5: Agricultural activities

To prevent the pollution of waterways and damage to streamside vegetation (which contributes to bed and bank stability and filters overland flows entering the stream), stock access to waterways should be minimised.

Stocking rates should take into account the capabilities of the land to sustain grazing and the potential impact of overstocking on the catchment.

Reductions in agricultural and veterinary chemicals run-off should be encouraged by improved management of rates and frequencies of application.

The inappropriate disposal of fuel and fuel containers, the disposal of dead animals, the treatment and disposal of effluent from intensive agricultural industries, and the delivery and storage of chemicals are some of the other agricultural activities which can pose a risk to water quality. Intensive animal industry is a scheduled (regulated) activity under the Environment Protection (Scheduled Premises and Exemptions) Regulations 2007.

If a property owner proposes to build a farm dam for commercial or irrigation purposes in an open, potable water catchment, an application for a licence must be made under Section 51 of the *Water Act 1989*. The application for a licence must be made to the relevant Rural Water Corporation.

4 Planning permit applications in open, potable water supply catchment areas (November 2011)

Kind of application	Referral authority
To use or develop land for a cattle feedlot.	<p>Minister for Agriculture.</p> <p>If the site is located within a special water supply catchment area under the <i>Catchment and Land Protection Act 1994</i>, the relevant water corporation under the <i>Water Act 1989</i> and the Secretary to the Department administering the <i>Catchment and Land Protection Act 1994</i>.</p> <p>If the number of cattle is 5,000 or more, the Environment Protection Authority.</p>
<p>To use, subdivide or consolidate land, to construct a building or to construct or carry out works, or to demolish a buildings or works that are within a Special Water Supply Catchment Area listed in Schedule 5 of the <i>Catchment and Land Protection Act 1994</i> and which provides water to a domestic water supply.</p> <p>This does not apply to an application for a sign, fence, roadworks or unenclosed building or works ancillary to a dwelling.</p>	<p>The relevant water board or water supply Authority (referred to as "water corporation" throughout these Guidelines).</p>
To use or develop land for extractive industry in Special Areas declared under s.27 of the <i>Catchment and Land Protection Act 1994</i> .	Secretary to the Department administering the <i>Catchment and Land Protection Act 1994</i> .

Other provisions of the planning scheme may also require referrals for other reasons.



Attachment 3

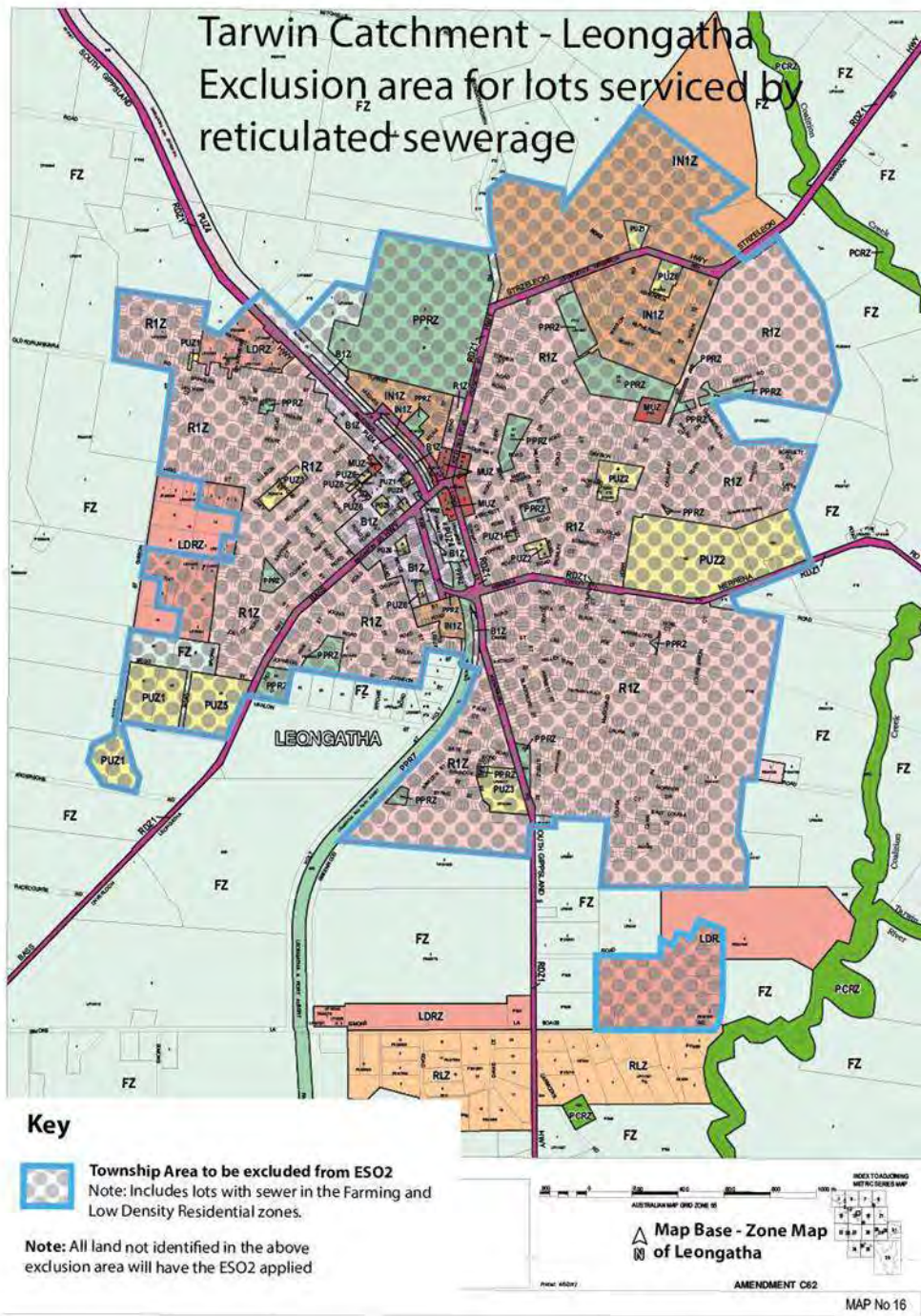
Proposed Tarwin Catchment ESO2 maps and ordinance provisions

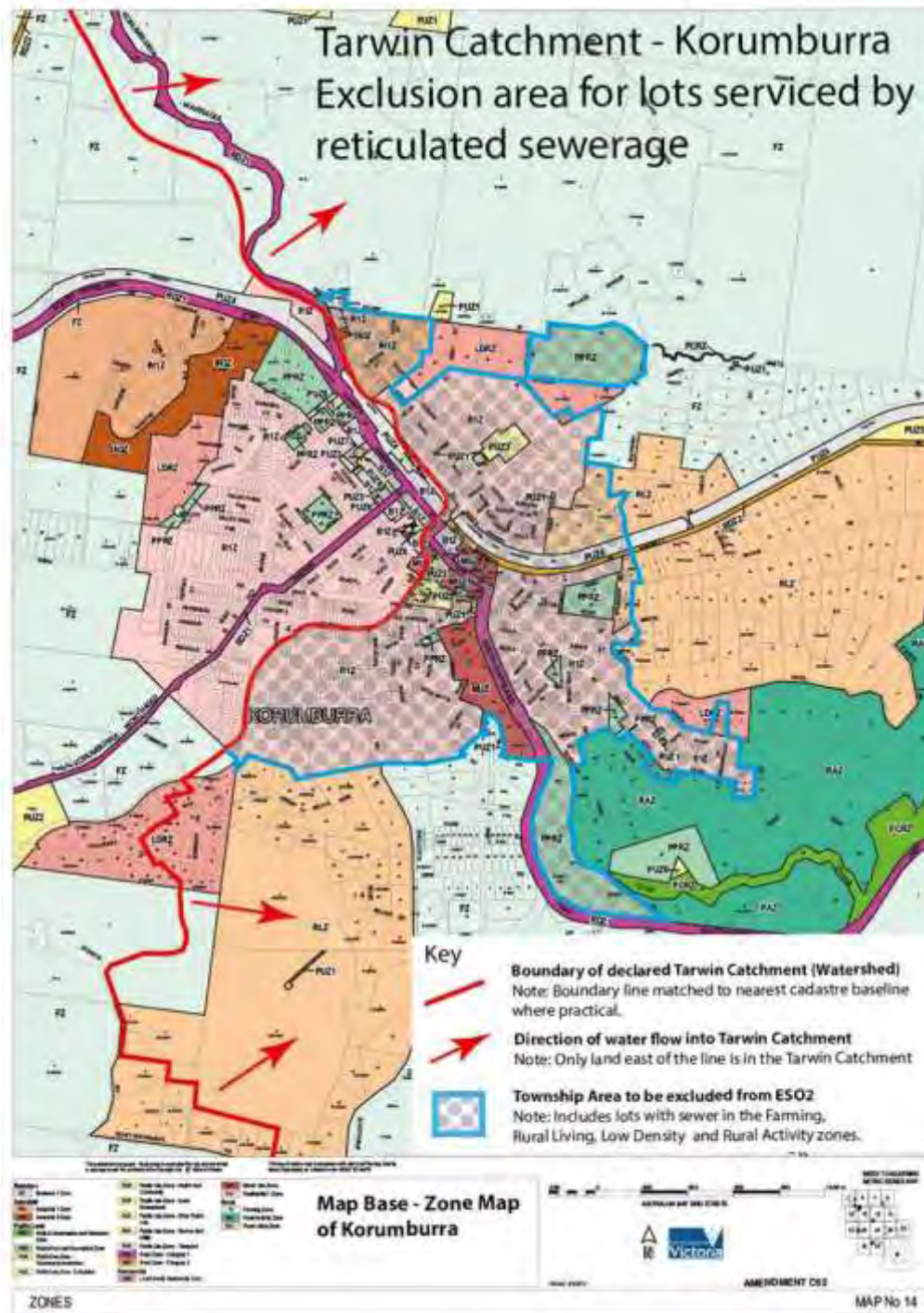
**Tarwin Catchment - Mirboo North
Exclusion area for lots serviced by
reticulated sewerage**



**Tarwin Catchment - Meeniyan
Exclusion area for lots serviced by
reticulated sewerage**







SOUTH GIPPSLAND PLANNING SCHEME

--20--
C--

SCHEDULE 2 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as **ESO2**.

SPECIAL WATER SUPPLY CATCHMENT AREAS

1.0 Statement of environmental significance

--20--
C--

Substantial areas of land in South Gippsland Shire are located in catchments that are used to provide water for urban, domestic, and irrigation water supply. These catchments are in a Special Water Supply Catchment Area as declared in the Catchment & Land Protection Act 1994.

The supply of quality water for a range of uses including human consumption (potable) and domestic use, agriculture, and industry depends on sound long-term management of water supply catchments.

In managing water supplies, water authorities are concerned to ensure that land and water management practices do not incrementally decrease the quality of water and increase risk to human health. In particular, such practices must not lead to increased nutrient and sediment loads (or other pollutants) in waterways and water storages, or result in a reduction of inflows into waterways.

Cumulative developments in catchments over extended time periods have the potential to gradually diminish water quality and increase risk to human health. Combined with an anticipated reduction in rainfall as a result of climate change, managing development in catchments must focus on the long term protection of the natural asset and strongly encourage development to implement measures that reduce or entirely avoid detrimental impacts on water quality and quantity.

2.0 Environmental objective to be achieved

--20--
C--

- To protect and maintain water quality and quantity in Special Water Supply Catchment areas used for human consumption, domestic, industrial and rural water supply.
- To ensure that development activity and land management practices are consistent with the long term conservation of potable water supply resources.
- To minimise the impact of residential development and intensive farming activity in Special Water Supply Catchment areas, particularly near water supply take-off points and storage reservoirs.
- To encourage retention of native vegetation and the establishment of new vegetation cover, particularly within 30 metres of a waterway.
- To consider the cumulative impact of development on Special Water Supply Catchments over an extended time period having regard to climate variability and anticipated reduced inflows in catchments.
- To minimise the impact of development in townships without reticulated sewerage, particularly having regard to small lot sizes, existing water contamination levels and the long term expectation that small towns will remain unsewered.
- To ensure new development proposals meet best practice guidelines for agricultural, domestic, commercial and industrial wastewater treatment which result in reduced nutrient flows.

SOUTH GIPPSLAND PLANNING SCHEME

3.0 Permit requirement

~~3.20~~
c.

A permit is not required for the following:

- Construct a building, carrying out works, subdivision of land or remove, destroy or lop any vegetation where reticulated sewerage is provided to the lot.
- Construct a single dwelling on a lot, dwelling additions / alterations, dwelling related outbuildings and associated works provided all of the following requirements are met:
 - The lot is 40 hectares or greater.
 - The buildings and works (including waste water treatment works) are located 100 metres or more from a waterway, wetland, flood plain¹ and/or 300 metres or more from a water supply reservoir².
- Construct building additions, alterations and outbuildings on a lot less than 40 hectares provided all of the following requirements are met:
 - The number of bedrooms in a dwelling is not increased (where studies or studios that are separate rooms are counted as bedrooms).
 - The additions, alterations and outbuildings do not provide additional sanitary, laundry, kitchen or other water fixtures that generate waste water or effluent.
 - The additions, alterations and outbuildings are more than 100 metres from a waterway, wetland, flood plain¹ and/or 300 metres or more from a water supply reservoir².
- The construction of buildings and works associated to the use of the land for Agriculture provided all of the following requirements are met:
 - The buildings and works are more than 100m from a waterway, wetland, flood plain¹ and/or 300 metres or more from a water supply reservoir².
 - The building(s) do not include sanitary, laundry, kitchen or other water fixtures that generate waste water or effluent.
 - The buildings and works are not associated to the use of the land for Intensive animal husbandry.
- Buildings and works specifically identified in a whole farm plan approved by the responsible authority and water supply authority.
- Buildings and works in relation to 'Informal outdoor recreation ' provided it does not require permanent onsite waste water treatment.
- Minor buildings and works (excluding vegetation removal) in association with landscaping and garden maintenance in a domestic garden associated with a dwelling.
- Buildings and works in relation to a 'Telecommunication facility' provided the facility does not include any treatment of effluent.
- The removal, destruction or lopping of vegetation which is non-native to Victoria except where the vegetation is within 30 metres of a waterway, wetland, flood plain¹ or water reservoir².
 - The requirement for a permit to remove non-native vegetation within 30 metres of a waterway, wetland, flood plain¹ or water supply reservoir² does not apply to declared noxious weed recognised by the Department of Environment and Primary Industries.
- Buildings and works (including vegetation removal, destruction or lopping) undertaken by, or on behalf of, the Department of Environment and Primary Industries, Parks Victoria, South Gippsland Region Water Corporation, Central Gippsland Region Water Corporation, West Gippsland Catchment Management Authority, South Gippsland Shire Council and the Road Corporation under relevant legislation.

SOUTH GIPPSLAND PLANNING SCHEME

- Earthworks associated with timber production that meets all the relevant requirements of the *Code of Practice for Timber Production 2007* or any superseding document.
- A subdivision by a public authority, or a utility provider, provided the subdivision does not create a new lot within 100 metres of a waterway, wetland, flood plain¹ and/or within 300 metres from a water reservoir².
- An outdoor advertising sign / structure.

A permit is required for:

- A dependent person's unit on a lot less than 40 hectares or on any land within 100m of a waterway, wetland, flood plain¹ and/or 300 metres or less from a water supply reservoir².
- A swimming pool within 100 metres from a waterway, wetland or flood plain¹.
- An effluent storage dam or settlement ponds in association with the agricultural use of land.

Permit requirement explanatory note:

Flood plain¹. For the purpose of this schedule a flood plain is land included in a planning scheme overlay flood control and land affected by the 100 year Average Recurrence Interval flood level (1 in 100 year flood level) recognised and mapped by the relevant floodplain management authority.

Water reservoir². The requirement for a planning permit in relation to buildings and works within 300 metres of a water reservoir does not apply to proposals on land outside of the water reservoir capture slope (downhill of the water reservoir) or any circumstance where the water reservoir is an above ground structure.

4.0 Application requirements

4.0
-1-20-
C-

An application to construct buildings or to carry out or construct works must be accompanied by a report which demonstrates / includes the following:

- A Land Capability Assessment (in accordance with EPA Publication 746.1 Land Capability Assessment for Onsite Domestic Wastewater Management - or any superseding document(s)) demonstrating the land is capable of absorbing sewage and sullage effluent generated on the lot in accordance with the EPA Code of Practice - Onsite Wastewater Management (Publication 891.3) or any superseding document(s).
- That the design of any wastewater treatment system will ensure that nutrients, pathogens or other pollutants from wastewater will not enter any waterway, wetland, flood plain or water supply reservoir or otherwise detrimentally affect the designated beneficial uses of groundwater or surface water.
- That any activities will be carried out and maintained to prevent erosion and the siltation of any waterway or wetland in accordance with EPA Victoria publication - Construction Techniques for Sediment Pollution Control 1991 or any superseding document(s).
- That any removal, destruction or lopping of native vegetation will not compromise the quality of water within proclaimed catchment areas.
- That the siting of buildings and wastewater treatment systems will not compromise the quality of water within declared catchment areas.
- Details of slope (including contours at an appropriate scale), soil type, extent of excavation and vegetation including details of new plantings to occur.

These requirements can be reduced or set-aside if in the opinion of the responsible authority compliance is unnecessary for the application to demonstrate compliance with the Objectives and Decision guidelines of the schedule.

SOUTH GIPPSLAND PLANNING SCHEME

5.0 Decision guidelines

--/20--
C--

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

- The likely impacts of the proposed development on water quality and quantity in the water supply catchment.
- The potential cumulative impact of development on the quality and quantity of water in the water supply catchment over extended periods of time.
- Whether new development proposals will lead to an increase in the amount of nutrients reaching streams, surface water bodies and groundwater.
- Whether subdivision and intensive farming activities in water supply catchments, especially in the lower areas of water supply catchments near take-off points are appropriate.
- Any relevant catchment management plan, policy, strategy or Ministerial Direction, including the Ministerial Guideline for Planning Permit Applications in Open Potable Water Supply Catchment Areas or any superseding document(s).

6.0 Referral of applications

--/20--
C--

An application must be referred to the relevant water board or water supply authority under Section 55 of the Act, unless in the opinion of the responsible authority the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the water board or water supply authority.

E.8 RATING STRATEGY REVIEW

Corporate Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is to seek endorsement for a process to implement a review of the Council's Rating Strategy.

It is recommended that Council consider implementing the best practice approach to developing a rating strategy. This approach builds on the resolutions of Council at the 26 June 2013 Council Meeting.

Document/s pertaining to this Council Report

- **Attachment 1** – Rating Strategy Review – Terms of Reference
- **Attachment 2** - Rating Strategy Review Timetable
- **Attachment 3** - Draft Information Kit

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989, Section 3C (2)(f)

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Financial Strategy 2013/14
- Annual Plan 2013 – 2014

COUNCIL PLAN

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

CONSULTATION

FinPro Local Government Finance Professionals

City of Greater Shepparton

REPORT

Background

An objective for a council under the Local Government Act 1989 (section 3C(2)(f)) is to ensure the equitable imposition of rates and charges.

At its meeting held on 26 June 2013 Council resolved that:

1. Instruct the Chief Executive Officer to prepare a report for presentation at the 28 August 2013 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.

Council staff conducted research to establish best practice processes being conducted in Victoria in relation to developing Rating Strategy. The City of Greater Shepparton was identified as a leading Council. Council officers visited Shepparton to see what process they undertook, what worked well and what lessons were learnt undertaking this process.

Discussion

Key findings and approach for discussion include:

1. The importance of establishing a Rating Strategy Steering Committee (RSSC) that has a strong representation from a cross reference of rate paying stakeholders. (Shepparton had two councillor representatives and nine community members). This accords with South Gippsland Council Plan strategy for the community to be provided opportunity to engage in the decision making process.
2. A strong community representation on the RSSC also dramatically lessens the perception that the group is a 'councillor committee' with a token community representation.
3. The Council officer involvement in the RSSC be limited to administrative and technical support. An extensive amount of work has to be

completed and understood in a timely manner: - Refer **Attachment 1** 'Terms of Reference'.

4. Important that the RSSC be established as a priority to ensure that the resulting Rating Strategy can be utilised in the development of the 2014/15 Annual Budget: - Refer **Attachment 2** 'Timelines'.
5. That the RSSC advisory group be provided with a comprehensive Information Kit'- Refer **Attachment 3** ' Information Kit'.
6. Important that the focus in the initial meetings of the RSSC is that they focus attention on establishing what rating principals are to be applied before conducting any rate modelling exercises.
7. The resulting Rating Strategy Discussion Paper be issued for public comment by the RSSC utilising a process similar to the 223 public consultation process. The recommendations of the RSSC may not necessarily be representative of the views and opinions of Council.
8. Council consider the RSSC Rating Strategy Discussion Paper, the public submissions and the RSSC's recommendations.
9. Council considers and adopt a Rating Strategy that in turn informs the 2014/15 budget.
10. The general community are provided further opportunity to make submissions in relation to differential rates during the formal budget preparation S223 process.

Options

Options include:

1. Council continue to establish a Steering Committee made up of interested Councillors, relevant Council officers, and up to 4 community members to oversee the project as per Council resolution dated 26 June 2013.
2. Council consider the merits of the alternative proposal as detailed in this report which increases community involvement in the project.

Proposal

The proposal is to implement the best practice approach to developing a rating strategy by creating and empowering a Rating Strategy Steering Committee consisting predominantly of community members with relevant skills and experience to develop, consult and recommend an approach for Council's decision.

It is envisaged that the group will include no more than three Councillors with one Councillor acting as chairperson, and representation from a range of rate

paying stakeholders including, but not limited to, representation from the different rating categories currently in existence. These include residential home owners, commercial and industrial property owners and rural land holders. Nominations are also encouraged from various representative organisations such as the Chamber of Commerce and Industry, local trader associations, tourism groups, community-based service providers and environmental groups.

The Chief Executive Officer of South Gippsland Council shall be an ex-officio, non-voting member of the Steering Committee. The Chief Executive Officer may delegate this membership to other officers. Council staff will also attend to provide technical input and administrative support.

It is proposed that a review be commenced shortly within the following parameters:

1. Establish a Rating Strategy Steering Committee (RSSC) which will include representation from a cross section of rate-paying stakeholders. The committee would be classified as an “advisory committee”.
2. Develop a terms of reference with its main objective being to provide input into a new rating strategy document with particular emphasis on advising on key principles the Council should consider in developing its Rating Strategy.
3. Seek and appoint nominees through a public consultation process. The Council may also seek to appoint additional members. This should ensure an adequate balance of skills and representation of a range of stakeholders. It is also proposed the RSSC include no more than three Councillors (including one as Chairperson), and staff members as required (for administrative and technical input).
4. The RSSC will be provided with background material and various financial modelling, with further financial modelling support being provided as needed.
5. The RSSC will be asked to provide input into a draft Rating Strategy for the Council to consider. It is envisaged that the group will meet 3 or 4 times over several months between October 2013 and April 2014.
6. The draft strategy may or may not have unanimous support from the Steering Committee. Where unanimous support has not been secured a summary of the issues/positions of the various stakeholders will be provided to the Council for consideration.
7. The RSSC issues a draft Rating Strategy for public comment seeking written submissions.
8. The Council receives and considers public comment, determines a final position, includes the new Rating Strategy in its draft 2014/2015 Budget

to be considered at its April 2014 meeting, which in turn is submitted for public comment in May-June 2014.

9. The Council adopts 2014/2015 Budget, including the new Rating Strategy in June 2014.

TERMS OF REFERENCE

It is proposed that Council adopt **Attachment 1** – Rating Strategy Review – Terms of Reference, **Attachment 2** - Rating Strategy Review Timetable and note the Draft Information Kit to be provided to applicants (refer **Attachment 3**).

These documents will provide the foundation to achieve the desired outcomes detailed in this report.

FINANCIAL CONSIDERATIONS

No specific financial implications arise directly out of this proposal for the Council. The purpose of the review is to look at how the rates burden should be fairly distributed between the various groups or classes of ratepayers.

It is beyond the scope of the review to discuss the appropriateness of the quantum of the rate revenue to be collected.

The cost to perform the review will be absorbed within current operating budgets. There will however be competing resource pressures on staff and Councillors engaged in other priority steering committees running concurrently including, but not limited to, the Zero Based Budget review.

RISK FACTORS

The Rating Strategy is included in the Council's budget. A well planned budget will reduce the risk that the Council will not be able to provide the services expected and required by the community. The Council is required under section 130 of the Local Government Act 1989, to adopt a budget each year. Utilising a larger Steering Committee representative of various rate payer categories will minimise special interest dominance and provide transparency to the community that their peers have acted in good faith.

CONCLUSION

It is recommended that Council consider implementing the best practice approach to developing a rating strategy.

RECOMMENDATION

That Council:

1. Amend its decision of 26 June 2013 to allow an increased number of greater than four (4) community members to participate in the Steering Committee;
2. Adopt the Rating Strategy Steering Committee Terms of Reference (Attachment 1);
3. Adopt the Rating Strategy Review Timetable (Attachment 2) as a guide to ensure the work is undertaken in a timely and efficient manner;
4. Note the Draft Information Kit (Attachment 3);
5. Confirm that Cr Kennedy, Cr Hill and Cr Brunt be nominated to the Committee, with the Mayor to be Chair of the Rating Strategy Review Steering Committee;
6. Call for nominations for the Rating Strategy Review Steering Committee via Noticeboard and targeted invitations;
7. Instruct the Chief Executive Officer (CEO), Director Corporate Services and the nominated Councillors to review the nominations and appoint suitable applicants representing the various rate payer categories; and
8. Endorse the internal provision of technical and administration support to the Rating Strategy Review Steering Committee.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Hill

SECONDED: Cr Brunt

THAT COUNCIL:

- 1. AMEND ITS DECISION OF 26 JUNE 2013 TO ALLOW AN INCREASED NUMBER OF GREATER THAN FOUR (4) COMMUNITY MEMBERS TO PARTICIPATE IN THE STEERING COMMITTEE;**
- 2. ADOPT THE RATING STRATEGY STEERING COMMITTEE TERMS OF REFERENCE (ATTACHMENT 1);**
- 3. ADOPT THE RATING STRATEGY REVIEW TIMETABLE (ATTACHMENT 2) AS A GUIDE TO ENSURE THE WORK IS UNDERTAKEN IN A TIMELY AND EFFICIENT MANNER;**
- 4. NOTE THE DRAFT INFORMATION KIT (ATTACHMENT 3);**
- 5. CONFIRM THAT CR KENNEDY, CR HILL AND CR BRUNT BE NOMINATED TO THE COMMITTEE, WITH THE MAYOR TO BE CHAIR OF THE RATING STRATEGY REVIEW STEERING COMMITTEE;**
- 6. CALL FOR NOMINATIONS FOR THE RATING STRATEGY REVIEW STEERING COMMITTEE VIA NOTICEBOARD AND TARGETED INVITATIONS;**
- 7. INSTRUCT THE CHIEF EXECUTIVE OFFICER (CEO), DIRECTOR CORPORATE SERVICES AND THE NOMINATED COUNCILLORS TO REVIEW THE NOMINATIONS AND APPOINT SUITABLE APPLICANTS REPRESENTING THE VARIOUS RATE PAYER CATEGORIES; AND**
- 8. ENDORSE THE INTERNAL PROVISION OF TECHNICAL AND ADMINISTRATION SUPPORT TO THE RATING STRATEGY REVIEW STEERING COMMITTEE.**

CARRIED UNANIMOUSLY

Attachment 1
Rating Strategy Review – Terms of Reference

South Gippsland Shire Council
RATING STRATEGY STEERING COMMITTEE
TERMS OF REFERENCE

SCHEDULE

1. Definitions

In this Schedule, unless contrary intention appears: **Rating Strategy Steering Committee** (Steering Committee). The Steering Committee, because of its membership role is an Advisory Committee' as defined in section 3 of the Local Government Act 1989, and its meetings will be an 'Assembly of Councillors'.

The Role of the Steering Committee is to provide advice to Council for the development of a new Rating Strategy.

Steering Committee means the persons who are appointed to the Steering Committee in the manner hereafter provided.

2. Objectives of the Steering Committee

The objectives of the Rating Strategy Steering Committee are:

- 2.1. To provide advice to the Council for the development of a new Rating Strategy;
- 2.2. Identify and recommend to the Council the principles that the Council should consider when striking general rates, particularly with regard to the creation and maintenance of any differential rates.
- 2.3. Make recommendations to the Council regarding the equitable sharing of the rates burden between various categories of ratepayers – e.g. Residential, Rural, Commercial and Industrial.
- 2.4. Recommend to the Council any changes to the structure of current charges and their relationship to general rates, e.g. Waste service charges and Municipal Charges.
- 2.5. Identify any other special rates, charges, levies or other rating options available under legislation it believes the Council should consider in its Rating Strategy.

3. Items outside the scope of this review

Issues the Rating Strategy Steering Committee **will not** be asked to consider or comment upon:

- 3.1. The amount of total rates and charges revenue to be collected;
- 3.2. Strategies and policies of the Council in general, except to the extent

they relate directly to rating strategies;

- 3.3. Cost effectiveness and efficiency of providing Council services;
- 3.4. The merit or otherwise of the range of services and facilities provided by the Council; and
- 3.5. The Council's Capital Works Program.

4. Council's responsibility to the Steering Committee

- 4.1. The Council will provide the Steering Committee with the necessary expert advice to enable it to reach its recommendations. This may include;
 - a. Ministerial Guidelines for setting of Differential rates
 - b. MAV/LGV publications:
 - i. "Developing a Rating Strategy – A Guide for Councils"
 - ii. "A Rating Strategy – An example"
 - c. Reference to relevant legislation – mainly the Local Government Act 1989
 - d. Rating models and information from other Large Rural Councils and neighbouring Councils (and other municipalities as requested)
 - e. Financial modelling generated by Council staff

The Council will support participation of officers as required to inform the meeting, support meeting processes and other meeting requirements, however the Steering Committee does not have the power to direct staff.

- 4.2. The Council may use the information provided from the Steering Committee and consult further with the wider South Gippsland community.
- 4.3. The Council will use information that has been obtained from the Steering Committee and the wider South Gippsland community as part of its decision making process.
- 4.4. The Council may amend the recommendations of the Steering Committee based on information obtained during any subsequent consultations.
- 4.5. The Chief Executive Officer of South Gippsland Council shall be an ex-officio, non-voting member of the Steering Committee. The Chief Executive Officer may delegate this membership to other officers.
- 4.6. The Council does not have to accept recommendations of the Steering Committee.

5. Composition and proceedings of the Steering Committee

- 5.1 The Steering Committee shall comprise of members appointed by resolution of the Council as follows:

1. No more than three Councillors

2. Target to have at least twice the number of community members as Councillor members:-
representing a cross section of ratepayer categories including: Residential, Farm/rural, Commercial and Industrial, along with groups such as the Victorian Farmers Federation, Chamber of Commerce and Industry, not-for-profit organisations, tourism association and environmental groups.

3. Council staff will also attend to provide technical input and administrative support. The Chief Executive Officer will determine the staff required to support the group which may vary from time to time.

- 5.2 All persons nominated to serve on the Steering Committee shall be subject to the initial and continued approval of the Council for the term set out in clause 5.3.

- 5.3 Subject to clause 5.4, all Steering Committee members remain in office until the completion of the review, or 30 June 2014, whichever is the earlier.

- 5.4 On the resignation of, or in the case of a representative being incapable of acting as a representative body, the Council may, on the advice of the Steering Committee, advertise for a replacement Steering Committee person. The term of office of persons appointed to fill such a vacancy shall expire on the date at which the previous member would have gone out of office. Council may also consider leaving such position vacant if it deems the remaining tenure of the Steering Committee insufficient to warrant a replacement being appointed.

- 5.5 The Council is empowered to declare a Steering Committee member's office vacant if he/she fails to attend two consecutive meetings without leave of the Steering Committee by resolution duly passed or on the recommendation of the Steering Committee.

- 5.6 A Councillor shall be appointed as Chairperson.

- 5.7 If a member of the Steering Committee has a conflict of interest in any matter in which the Steering Committee is concerned, the member must disclose the nature of that interest at the meeting at which the matter is discussed. Members with a conflict of interest must abstain from the proceedings, including removing themselves from the meeting while the item is under discussion.

- 5.8 For the purpose of clause 5.7, it is accepted that all members of the Steering Committee are likely to be ratepayers and may potentially benefit from any changes recommended by the group. It is also accepted that such potential benefit, or dis-benefit, may vary

disproportionately in its financial effect between members of the Steering Committee. This is in itself would not be deemed to be a conflict of interest.

6. Meetings of the Steering Committee

- 6.1. Meetings of the Steering Committee shall be held as determined by the Steering Committee. The Steering Committee will meet at least four times, however it may meet as often as deemed necessary to achieve its objectives by the completion of the review, in time to inform the Budget requirements.
- 6.2. Meetings of the Steering Committee must be held at a time and place determined by the Steering Committee.
- 6.3. A motion before a meeting of the Steering Committee is to be determined by consensus on the following basis:
 - a. Each member of the Steering Committee who is entitled to vote is entitled to one vote;
 - b. Unless the procedures of the Steering Committee otherwise provide, voting must be by a show of hands;
 - c. If there is an equality of votes, the motion is lost.
- 6.4. The Steering Committee shall keep a record of each of its meetings and the Chairperson shall ensure that the minutes of the meeting are submitted to the next meeting for confirmation.
- 6.5. When the minutes are confirmed the Chairperson at the meeting must sign the minutes and certify that they have been confirmed.
- 6.6. The quorum at any meeting of the Steering Committee shall be a majority of members appointed to the Steering Committee. Motions cannot be adopted if a quorum does not exist.
- 6.7. The Steering Committee may form Sub-Steering Committees from amongst its members for the purpose of advising on matters directly relating to the role and objectives of the Steering Committee, provided that no advice may be acted upon until supported by the full Steering Committee.
- 6.8. The Chairperson shall be an ex-officio member of all Sub-Steering Committees.
- 6.9. Such Sub-Steering Committees shall only be established by resolution of the Steering Committee and shall only carry out those functions stated in such resolution, as determined by the Steering Committee. The Council is to be advised of the role and objectives of each Sub-Steering Committee.

7. Indemnity

- 7.1. The Council will indemnify members of the Steering Committee and

Sub-Steering Committees against any action liability claim or demand on account of any matter or thing done by them on behalf of the Steering Committee when they are acting in accordance with this Terms of Reference by that member of the Steering Committee in the honest and reasonable belief or under a mistake of law that the member was properly exercising any function or power of the Steering Committee.

- 7.2. All materials, information and references provided in the course of Steering Committee meetings will be deemed confidential unless approved by the Council as not being confidential.

8. Term of Appointment

- 8.1. This Steering Committee shall cease on 30 June 2014, unless otherwise extended in writing by the Council.

9. Revocation

- 9.1. These terms of reference may be revoked at any time by the Council, if in the view of the Council, the Steering Committee is not functioning in the best interest of the community and the Council. The Council shall not exercise this power of revocation unless all reasonable attempts at negotiation have been exhausted between the Council and the Steering Committee.

10. Steering Committee Representation

- 10.1 It will be the responsibility of the Steering Committee to notify the Council of the resignation and/or appointment of members from the Steering Committee

11. Reporting

- 11.1. The Chair of the Steering Committee to provide for regular updates to Council on the progress of the Steering Committee including Minutes and Actions Arising.
- 11.2. Council staff providing administrative support to the Steering Committee will complete and provide a summary of the Assembly of Councillors to the Governance Unit for inclusion in Council's report on Assemblies of Councillors.
- 11.3. Council staff will assist the Steering Committee in the preparation of reports and briefing papers to Council on behalf of the Steering Committee, including its recommendations and how these have been determined.

Attachment 2

Rating Strategy Review Timetable

The following table sets out the timetable of tasks to be undertaken by the Rating Strategy Steering Committee:

Timelines: (Note: dates for Rating Strategy Steering Committee meetings may be subject to change)		
Step	Details	Due Date
Develop Draft Terms of Reference for the Rating Strategy Steering Committee (RSSC).	Main objective of RSSC being to provide input into a new Rating Strategy document with particular emphasis on advising on key principles the Council should consider in developing its Rating Strategy.	For August Ordinary Council Meeting 28 August 2013
Council endorses process to implement a review of the Council's Rating Strategy, including adoption of Terms of Reference.	Recommendation presented at August Ordinary Council Meeting	28 August 2013
Nominations sought from a cross-section of rate-paying stakeholders for RSSC.	Promotion of nominations being sought for the group via: <ul style="list-style-type: none"> Public notices Council's information page in the Local papers Targeted stakeholders – invitations to submit a nomination Council website – Information kit, including nomination form, available for download online 	Nominations close 30 September 2013
Nominations reviewed and group appointed.	Seek and appoint nominees through a public consultation process.	For October Ordinary Council Meeting 23 October 2013
Endorsed members contacted by telephone.	Corporate Services to make contact and also check availability for meeting days / times.	24 October 2013
MEETING ONE The RSSC meets and develops draft Rating Strategy.	Topics: <ul style="list-style-type: none"> Welcome / introduce members Discuss Terms of Reference Objectives of RSSC Items outside scope of the review Council's responsibilities to the RSSC Composition and proceedings of the RSSC, including RSSC representation Meetings of the RSSC Indemnity / Conflict of Interest Term of Appointment Revocation of Terms of Reference Present information kits including <ul style="list-style-type: none"> Terms of reference MAV publication – "Developing a Rating Strategy – A guide for Councils" MAV publication – "A Rating Strategy – An Example" Excerpts from relevant legislation Local Government Act 1989 (LGA) Valuation of Land Act 1960 (VLA) Cultural and Recreational Land Act Current SGSC Rating Strategy Rate model used for 2013/2014 Benchmarking details from other regional Councils and neighbouring Councils Member discussion regarding rating issues for review 	During week of 4 to 8 November 2013 (1.5 - 2 hrs)
MEETING TWO The RSSC meets and develops draft Rating Strategy.	Topics: <ul style="list-style-type: none"> Rating Framework under the LGA, including valuations and other revenue raising options What is a Rating Strategy Develop draft rating principles 	During 18-22 November 2013 (2 hrs)

<p>MEETING THREE The RSSC meets and develops draft Rating Strategy.</p>	<p>Topics:</p> <ul style="list-style-type: none"> • Consider modelling results based on rating principle proposals identified at last meeting • Discuss any other issues raised by the group (such as heritage, environmental issues) • Endorse accepted position for: • Rate setting principals • Proposals for Council and community to consider • Development of Draft Rating Strategy for RSSC to review before presented to Council 	<p>During 9-13 December 2013 (2 hrs)</p>
<p>MEETING FOUR The RSSC meets and develops draft Rating Strategy.</p>	<p>Topics:</p> <ul style="list-style-type: none"> • Draft Rating Strategy reviewed and any amendments noted for change before presented to Council <p>The draft strategy may or may not have unanimous support from the reference group. Where unanimous support has not been secured a summary of the issues/positions of the various stakeholders will be provided to the Council for consideration.</p>	<p>During 20 -24 January 2014 (2 hrs)</p>
<p>Council officers to brief Executive on Draft Rating Strategy</p>		<p>30 January 2014 (1/2 hrs) (Executive briefing)</p>
<p>MEETING FIVE The RSSC submits draft Rating Strategy to the Council for consideration.</p>		<p>5 February 2014 (1 hrs) (Councillor briefing)</p>
<p>The RSSC issues draft rating strategy for public comment. (28 days for comments) Public notice regarding submissions to the 2013/2014 Draft Rating Strategy</p>		<p>11 February – 13 March 2014</p>
<p>The Council receives and considers public comment on the Draft Rating Strategy</p>		<p>26 March Council meeting</p>
<p>MEETING SIX Council brief RSSC outcome of their S223 deliberations</p>		<p>17 April 2014</p>
<p>The Council determines a final position, includes the new Rating Strategy in its 2013/2014 Draft Budget.</p>		<p>23 April 2014 Ordinary Council Meeting (when Draft Budget also being presented to Council meeting)</p>
<p>The Council authorises the CEO to advertise the 2014/2015 Draft Budget.</p>	<p>The 2014/2015 Draft Budget, which includes the Rating Strategy, is submitted for public comment in April / May- 2014.</p>	<p>23 April 2014 Ordinary Council Meeting (when Draft Budget being presented to Council meeting)</p>
<p>Public notice regarding submissions to the 2013/2014 Draft Budget</p>		<p>29 April 2014 – 28 May 2014</p>
<p>Submission period</p>		<p>28 days from Public Notice</p>
<p>The Council receives and considers public comment on the 2014/2015 Draft Budget</p>		<p>11 June 2014 – Special Council Meeting</p>
<p>The Council adopts 2014/2015 Budget, including the new Rating Strategy.</p>		<p>25 June 2014 – Council Meeting</p>

Attachment 3

Rating Strategy Review Timetable

South Gippsland Shire Council

**RATING STRATEGY STEERING
COMMITTEE**

INFORMATION KIT

Table of Contents

What will the Steering Committee Do?	3
How will the Steering Committee be appointed?	4
Who will be in the Steering Committee?	4
How can I apply?	4
Nomination Form	5
Attachment 1 – TO INCLUDE Terms of Reference	6

What will the Steering Committee do?

The group will review Council's current rating strategy and suggest ways to improve it.

It will be an advisory group which will assist in developing a new rating strategy for consideration and adoption in 2014/15. Anyone interest in joining the group should read the full terms of reference (see Attachment 1). However, in summary, the role of group members will be:

- Identify and recommend to Council the principles that Council should consider when striking general rates, particularly with regard to the creation and maintenance of any differential rates;
- Make recommendations to Council regarding the equitable sharing of the rates burden between various categories of ratepayers – e.g. Residential, Rural, Commercial and Industrial;
- Recommend to Council any changes to the structure of current charges and their relationship to general rates, e.g. Waste service charges and Municipal Charges;
- Identify any other special rates, charges or levies it believes Council should consider.

The group will not be asked to consider or have input upon:

- The amount of total rates and charges revenue to be collected;
- Strategies and policies of Council in general, except to the extent they relate directly to rating strategies;
- Cost effectiveness and efficiency of providing Council services;
- The merit or otherwise of the range of services and facilities provided by Council; and
- Council's Capital Works Program.

How will the Steering Committee be appointed?

Council will review the applications based on the experience and skills the applicants will bring to the group.
The successful applicants will then be contacted by telephone.

Who will be in the Steering Committee?

The Steering Committee shall comprise of up to 11 members appointed by resolution of the Council as follows:

- No more than three Councillors
- Target to have at least twice the number of community members as Councillor members:-
representing a cross section of ratepayer categories including: Residential, Farm/rural, Commercial and Industrial, along with groups such as the Victorian Farmers Federation, Chamber of Commerce and Industry, not-for-profit organisations, tourism association and environmental groups.

Council staff will also attend to provide technical input and administrative support. The Chief Executive Officer will determine the staff required to support the group which may vary from time to time.

Council staff will also attend to provide technical input and administrative support. The Chief Executive Officer will determine the staff required to support the group which may vary from time to time.

All persons nominated to serve on the Steering Committee shall be subject to the initial and continued approval of Council. All Steering Committee members will remain in office until completion of the review or 30 June 2014, whichever is the earlier.

Applicants must live in, or be ratepayers of, the South Gippsland municipality.

How can I apply?

At the Ordinary Council meeting held on 28 August 2013, Council approved a process for the review of Council's Rating Strategy. Following the Council meeting, advertising was conducted for a four week period seeking nominations from the community to participate in the review by joining the Steering Committee.

The closing date for applications is 30 September 2013.

To nominate to participate in the review, please fill in the application form following and ensure that it is received at the Council offices, marked "South Gippsland Council Rating Strategy Steering Committee", by 5pm, Friday 30 September 2013. To obtain more information, please contact June Ernst, Director Corporate Services on 5662 9810. Nomination forms can also be emailed to council@southgippsland.vic.gov.au.

Nomination Form

1. Please provide your name, mailing address and contact details below.			
Name			
Mailing Address			
Contact Telephone Number	BH:	AH:	Mobile:
Email (if available)			

2. What interest group would you be representing?	
<input type="checkbox"/> Farming	<input type="checkbox"/> Fixed Income Retiree
<input type="checkbox"/> Commercial	<input type="checkbox"/> Chamber of Commerce
<input type="checkbox"/> Industrial	<input type="checkbox"/> Victorian Farmers Federation
<input type="checkbox"/> Residential	
<input type="checkbox"/> Welfare organisation	Name of organisation: _____
<input type="checkbox"/> Tourism association	Name of organisation: _____
<input type="checkbox"/> Environmental group	Name of group: _____

3. Please outline below any skills and experience that you could contribute to the Rating Strategy Steering Committee.

4. Please outline what has prompted you to apply for a position on the Rating Strategy Steering Committee.

Please return to the South Gippsland Shire Council marked "Rating Strategy Steering Committee"
In person: 9 Smith Street, Leongatha
By mail: 31 Ivone Bag, Leongatha, VIC 3952
By email: board@southgippsland.vic.gov.au
By FAX: 0526 842000

Privacy Statement
The personal information contained in this form is collected to provide information pertaining to the appointment of community positions to the Rating Strategy Steering Committee. This information may be disclosed to other areas of the Council, third parties and the general public for the purposes of the group in accordance with the Information Privacy Act 2000.

E.9 COMMUNITY SATISFACTION SURVEY 2013

Corporate Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is to formally present to Council the results of the Community Satisfaction Survey 2013 (the 2013 survey) (**Appendix 1**) conducted in February and March 2013, by the Department of Community Planning and Development (DPCD) on behalf of Victorian councils.

This report provides high level survey results, indicative verbatim responses from respondents and an updated Action Plan to address the improvement opportunities identified in the report.

Document/s pertaining to this Council Report

- **Appendix 1** – Community Satisfaction Survey South Gippsland Shire Council Research Report – 2013

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

COUNCIL PLAN

Outcome:	2.0	Closely Connected Communities.
Objective:	2.1	Engage and work collaboratively with our community.
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.

CONSULTATION

The 2013 survey was undertaken by an independent market research consultancy, JWS Research commissioned by the DPCD using new survey methodology and content, which was first used for the 2012 survey, following consultation with councils. The 2013 survey was conducted between 1 February 2013 and 24 March 2013 by telephone interview with 400 residents aged 18+ years residing in the South Gippsland Shire.

Council has been provided with an initial brief of the results of the 2013 survey on 3 July 2013.

REPORT

Background

2013 was the sixteenth year in which the Local Government Community Satisfaction Survey has been conducted. South Gippsland Shire Council has participated since its inception. However, in 2012 new survey methodology and content was used following consultation with councils. As a consequence Community Satisfaction Survey results comparisons can only be made with the 2012 results and cannot be made with results from 2011 and prior. Some of the changes included:

- The survey is now conducted as a representative random sample survey of residents aged 18 years or over in local Councils, whereas previously it was conducted as a 'head of household' survey.
- Results are now weighted post survey to the known population distribution of South Gippsland according to the most recently available Australian Bureau of Statistics population estimates.
- The service responsibility area performance measures have significantly changed and the rating scale used to assess performance has also changed.

Discussion

1. Summary results for key core performance measures:

Outlined in the table below is a summary of results for the 2013 survey comparing Council's performance against the results it received in 2012 and against the Large Rural Shires Average and State-wide Average for 2013.

Performance Measures	SGSC 2012	SGSC 2013	Large Rural Shires Average 2013	State-wide Average 2013
Overall Performance	50	48	57	60
Community Consultation and Engagement	53	54	55	57
Advocacy (lobbying on behalf of the community)	51	51	53	55
Customer Service	65	68	69	71
Overall Council Direction	43	42	51	53

- a. Overall performance: at an Index Score (IS) of 48 for 2013 South Gippsland Shire (SGSC), saw a drop of 2 points from 2012, and

was rated well below the State-wide average of 60 and below the average Large Rural Shires group of 57 for 2013. Please also note the average ratings from the following age and gender groups.

- i. Highest: amongst residents aged 65+ (51) and residents aged 18-34 (51).
 - ii. Lowest: amongst residents aged 50-64 (44) and residents aged 35-49 (45).
- b. Community consultation and engagement: at an IS of 54 SGSC saw an improvement from a 2012 IS of 53, however, was still rated below the State Average of 57 and marginally below the average Large Rural Shires group of 55. Please also note the average ratings from the following age, gender and Ward groups.
- i. Highest: residents aged 18-34 (60), women aged 18 - 49 (59) and Strezlecki Ward residents (58).
 - ii. Lowest: Tarwin Valley residents (50).
- c. Advocacy: at an IS of 51 SGSC, rated the same as in 2012 and was rated below the State Average of 55 and a little below the average Large Rural Shires group of 53. Please also note the average ratings from the following age, gender and Ward groups.
- i. Highest: amongst residents aged 18-34 (55) and men aged 50+ (54).
 - ii. Lowest: amongst women aged 50+ and Tarwin Valley Ward residents (both 47).
 - iii. Since 2012, the largest increase in rated performance was among 18-34 year olds and men 50+ (both up 4 points, while the largest decrease was among 35 - 49 year olds (down 5%).
- d. Customer service: at an IS of 68, SGSC improved 3 points from a 2012 score of 65, however was still rated below the State Average of 71 and slightly lower than the Large Rural Shires group average of 69. Please also note the average ratings from the following age, gender and Ward groups.
- i. Highest: amongst Strezlecki Ward residents (73) and women aged 18-49 (71).
 - ii. Lowest: amongst Coastal Promontory Ward Residents (62).
 - iii. Since 2012, the largest increase in rated performance on this measure was among 18-34 year olds (up 8 points) and there were no decreases relative to 2012.

- e. Overall Council Direction: at an IS of 42, SGSC, declined 1 point from a 2012 score of 43, and was rated below the State Average of 53 and Large Rural Shires group average of 51.

Benchmarking of these Performance Indicators against other Gippsland Council's will be provided separately to Council when other Council's publish their results in their respective Annual Reports in October 2013.

2. Analysis of verbatim results related to performance strengths and improvement opportunities.

When asked whether Council's performance had improved over the last 12 months, 70% of respondents indicated that Council's performance had either remained the same as last year (60%) or improved (10%). 26% had indicated there had been deterioration in performance.

Respondents were then asked two questions to determine Council's performance strengths and identify improvement opportunities for which verbatim responses were captured for analysis and summarised below.

2.1 Performance strengths.

When asked to describe the best thing about the Council, 28% of respondents said 'nothing' (31% said 'nothing in 2012). The other top responses failed to reach double figures, including:

- a. Councillors: 8% (8% in 2012);
- b. Customer service: 7% (9% in 2012);
- c. Parks and gardens: 6% (4% in 2012);
- d. Road/Street maintenance: 5% (5% in 2012); and
- e. Community support services: 5% (6% in 2012).

Following a detailed analysis by Council officers of the verbatim responses collected when asking residents to describe the best thing about Council, the comments can be classified as follows:

Category	Number of verbatim comments	% of total verbatim comments	Example verbatim comments
Services e.g. Sport, Health, Parks, Pools, Aged, Youth, Australia Day, Arts and Festivals.	98	48%	<ul style="list-style-type: none"> • The pools are still open, they were threatening to close it but they kept it open. • Gardens and playgrounds. McIndoe in particular, maintained well. • Some of their community activities that they've organised. • How they treat the elderly, how they help people. • The way they helped with our sporting community has been great. • They have a good connection with the art field/art exhibitions, flower shows are done very well.
Community Engagement e.g. Communication, Active Listening and Media.	34	16%	<ul style="list-style-type: none"> • The council is prepared to meet people within their community. I believe that they probably have good relationships and understanding with people. • Trying to connect with the citizens is very good. • Keeping the community informed about what they are doing, like through the local paper. • Very approachable. Take time to listen. I spoke to them about home help and I got it.
Customer Service	22	11%	<ul style="list-style-type: none"> • My experience with dealing with them has been pleasant. • When getting in touch with them they are helpful and courteous. • For me the front desk/office – Leongatha. Friendly manner.

Category	Number of verbatim comments	% of total verbatim comments	Example verbatim comments
Roads	11	6%	<ul style="list-style-type: none"> Fixing back and country roads. At the moment they are doing a great job fixing some of the roads, because our roads at the moment are just shocking.
Finance / Policy	6	3%	<ul style="list-style-type: none"> They did reasonably well with limited resources. I don't expect them to fix everything but they manage as best they can with the money they have. They try hard with the limited amount of money they get. Endeavour to do the best they can with resources. I think they have a good fiscal policy. They come out with a new policy Community Engagement.
Tourism	6	3%	<ul style="list-style-type: none"> Finally waking up and realising the area relies on tourism not just farming. I think they are doing a good job for tourism to attract visitors. Tourism improved over the summer break.
Environment	5	2%	<ul style="list-style-type: none"> Proactive in coal seam gas, they listened and did something.
Planning / Permits	4	2%	<ul style="list-style-type: none"> Planning team is more proactive. They are good at planning, they have streamlined the process.
Emergency	3	2%	<ul style="list-style-type: none"> Response to emergency / fire.
Employment	3	2%	<ul style="list-style-type: none"> Employ in-house / local people.
Other	11	5%	<ul style="list-style-type: none"> Tackle projects with honesty. Immunisation staff are fantastic.
Total comments	203	100%	

2.2 Improvement opportunities.

When asked what the Council most needs to do to improve its performance, sealed road maintenance (mentioned by 49% of respondents in 2013 and by 41% of respondents in 2012) was the stand out issue, with all other issues rating only single figure mentions, including:

- a. Community consultation: 7% (10% in 2012);
- b. Rural / Regional communities: 6%;
- c. Rates expense: 6% (7% in 2012);
- d. Median strips/Nature strips: 6% (4% in 2012); and
- e. Business development: 6% (7% in 2012).

Following a detailed analysis by Council officers of the verbatim responses collected when asking residents what the Council most needs to do to improve its performance the comments can be classified as follows:

Category	Number of verbatim comments	% of total verbatim comments	Example verbatim comments
Roads e.g. potholes, weeds, signage, slashing, drainages and branches.	199	39%	<ul style="list-style-type: none"> • Bad condition potholes. Constant roadwork but only patching up. • FIX ALL THE POTHOLES. • They gotta fix the roads, after travelling around Australia, South Gippsland has the worst roads. • Side roads infested with weeds which are now in flower....farmers have to pay additional costs. • They should maintain low branches on roads. • They haven't slashed the road sides which is a bad fire hazard.
Services e.g. parks, playgrounds, tip / rubbish, street lights, street cleaning, aged, events and disability.	63	12%	<ul style="list-style-type: none"> • Putting in a decent play park. • Lower charges to dump at the tip. • There is nothing in town for the young. • No handrails for elderly people. • More home help. • Limited people checking the beaches.

Category	Number of verbatim comments	% of total verbatim comments	Example verbatim comments
Community engagement e.g. consultation, media, social media, internet and accessibility.	50	10%	<ul style="list-style-type: none"> • Talking more on social media. • They probably need to communicate what they doing are more widely. Do more in local media and utilise social media more effectively. • Listen to the residents. • More media coverage on TV rather than newspaper. A lot of people use internet than newspapers.
Rural areas	32	6%	<ul style="list-style-type: none"> • They gotta get outa the towns and start looking after country areas. • I live in Foster...we used to be able to go and see them and now they appear to ignore us. • They only care about 2 towns, Leongatha and Inverloch. They don't care about other little towns.
Economic development e.g. industrial, retail, parking and primary produce.	25	5%	<ul style="list-style-type: none"> • Work at raising commercial profile • Need to look at putting in shops and jobs for younger people. They don't seem to attract people to this area that are going to work here which is not a good thing.
Rates	20	4%	<ul style="list-style-type: none"> • Farmers rates are too expensive. • I think they could put rates down. • Review their rate structure. The way they charge their rates are really bad and inappropriate.
Performance / staffing	20	4%	<ul style="list-style-type: none"> • Too many staff and not enough work being done. • Improve their budget by reducing staff. • Get rid of people who have let the power get to their heads.

Category	Number of verbatim comments	% of total verbatim comments	Example verbatim comments
Spending / budget	18	3%	<ul style="list-style-type: none"> • They need to think and plan a little better regarding spending money. • Need to put money into facilities instead of rely on community to raise money to maintain council facilities.
Town planning	16	3%	<ul style="list-style-type: none"> • It's planning processes are poor. They're not timely. • Listing of building permits, making it easier in the rural areas.
Customer service	13	3%	<ul style="list-style-type: none"> • They need to improve customer service and stop trying to get backpackers to solve their issues.
Integrity and transparency	9	2%	<ul style="list-style-type: none"> • It needs to be accountable / listen.
Infrastructure	8	2%	<ul style="list-style-type: none"> • There's cheap rent but no services and infrastructure. • Need to look after infrastructure.
Environment	8	2%	<ul style="list-style-type: none"> • Coal gas should be discontinued. • Develop a low carbon economy.
Policy / vision	7	1%	<ul style="list-style-type: none"> • They need to have a vision of how some of the towns progress. • Get a new future policy / plan.
Development	7	1%	<ul style="list-style-type: none"> • I didn't like their policy on development and land sizes. • There's a lot of housing buildings but not much planning for the facilities of the town like shopping.
Disaster / fire management	5	1%	<ul style="list-style-type: none"> • Buffalo Road needs boom gates to stop people driving in floods. • Fire hazard/tall grass on road side
Other	16	3%	<ul style="list-style-type: none"> • Sale yards are just sitting there. • NBN to rural properties.
Total comments	516	100%	

Many of the comments regarding roads maintenance related to confusion over which roads were VicRoads or Council responsibility, and indicate that further communications are required to clarify this for the Community.

How Council communicates with residents:

Council also commissioned the following tailored, additional question with relation to how we communicate with our residents.

- Question 13a: 'If South Gippsland Shire Council was going to communicate with you, what is the BEST method to engage you?'

A snapshot of the most preferred methods of communication were:

- Council newsletter 37%
- Newspapers media stories 30%
- Newspapers Council section (noticeboard) 25%
- Social media 12%
- Radio 9%
- Website 9%

48% of respondents selected 'Other', which were the verbatim responses to the question. A summary of the verbatim responses is listed as follows:

Category	Number of verbatim comments	% of total verbatim comments
Telephone	65	51%
Letter/Mail in the post	24	19%
Email	19	15%
Face to face / In person	13	10%
Social Media	1	1%
Local newspaper	1	1%
On-line/Web	1	1%
Community Meeting	1	1%
Newsletters	1	1%
Total comments	126	100%

Question 13b: And what would be the NEXT BEST method of communication for the Council to engage with you?

Below is a summary of the verbatim comments:

Category	Number of verbatim comments	% of total verbatim comments
Telephone	37	30%
Email	36	29%
Letter/Mail in the post	26	20%
Face to face / In person	6	5%
TV	6	5%
Fliers/Brochures	4	3%
Local newspaper	3	2%
On-line/Web	2	2%
Community Meeting	2	2%
Information Stand	1	1%
Radio	1	1%
Total comments	124	100

This summary indicates that respondents prefer traditional methods of communication relying on Council newsletters and noticeboard advertising, along with media reporting of Council business.

When asked to provide other methods of communication they would prefer, respondents said communicating via telephone, email, letters via the post and face to face contact were their preference. Social media, website, community meeting, fliers / brochures and TV performed much lower than expected.

Proposal

Following the presentation to Council of the 2012 Community Satisfaction Survey results at the 27 March 2013 Council Meeting, an Action Plan was presented to address the key improvement opportunities identified from the 2012 results. This Action Plan has been updated based on the 2013 results and to reflect previous and upcoming planned actions.

It is clear from the verbatim comments some respondents have low awareness, or were unaware, of the range of Council services and the plans / initiatives to improve these. As such, a strong element of the Action Plan focuses on expanding communications to improve community awareness.

Improvement	Planned Actions
Sealed roads and street maintenance.	<ul style="list-style-type: none"> • Continue to promote the “Report A Defect” website link: which accurately directs enquiries to VicRoads or Council. • Liaise with VicRoads: to advocate for the community to improve VicRoads maintenance and responsiveness and increase awareness of VicRoads and Council roadways.
Community consultation / engagement / vision.	<ul style="list-style-type: none"> • Establish 'Community Engagement and Evolving Vision Steering Committee' to review / finalise the 'Communication Strategy and Engagement Toolkit', review Draft Social Media Strategy and drive planning and service delivery.
Customer Service and Communication.	<ul style="list-style-type: none"> • Continue to communicate our Customer Service Charter. • Quarterly performance report: continue to promote Council's performance metrics and improvement initiatives. • Develop new Council Website: to improve information provided to the community by 30 June 2014 (in progress). • South Gippsland Matters Newsletter: effectively utilise to improve community understanding of Council's services. • Additional 2013 survey question: to seek feedback on best methods of Council communications (complete).
Rates.	<ul style="list-style-type: none"> • Establish Differential Rating Steering Committee to review / revise our Rating Strategy to align with State Government requirements and ensure equity as far as practicable.
Town planning.	<ul style="list-style-type: none"> • South Gippsland Housing and Settlement Strategy: to provide direction for growth in the Shire and present each of the challenges and opportunities for growing and maintaining smaller settlements by 31 December 2013 (in progress). • Planning permit issuance improvements: implemented in 2012 has reduced decision timeframe significantly with performance well above State averages, a quarter of permits are finalised in under 4 weeks and performance reported to the Community quarterly (complete and ongoing).
Financial and services management.	<ul style="list-style-type: none"> • Establish Financial Sustainability Steering Committee covering Zero Based Budgeting of services, potential for shared services and a review of the Capital Works Program.

FINANCIAL CONSIDERATIONS

Provision for Council's participation in the 2014 Community Satisfaction Survey and to undertake the proposed action plan above is included in current and forward budgets. Further consideration is planned to determine potential improvements to how Council conducts surveys.

RISK FACTORS

It is important for Council to fully understand the needs and views of the community to deliver improved services. The 2012 and 2013 survey results are an excellent source of feedback outlining areas where Council can improve to better meet its service objectives and manage its risks.

Ongoing below average levels of community satisfaction with Council performance or understanding of Council's improvement initiatives will hamper Council and community efforts to work effectively together to achieve common objectives. These need to be addressed by the proposed action plan amongst other Council Plan and Annual Plan initiatives.

CONCLUSION

The results from the 2013 survey indicate the community's satisfaction with Council's performance against the survey's core performance measures continues to be just below the average of the Large Rural Shires group.

RECOMMENDATION

That Council:

1. Note the results of the South Gippsland Shire Council in the 2013 Community Satisfaction Survey, including verbatim analysis.
2. Endorse the proposed planned actions to address areas for improvement.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Newton

SECONDED: Cr Fawcett

THAT THE RECOMMENDATIONS IN ITEMS E.9, E.10, E.11, E.12, E.13, E.14, E.15 AND E.16 BE ADOPTED.

CARRIED UNANIMOUSLY

**E.10 APPLICATIONS TO SPORT AND RECREATION VICTORIA 2014 / 2015
COMMUNITY FACILITY FUNDING PROGRAM**

Corporate Services Directorate

EXECUTIVE SUMMARY

The Meeniyan Recreation Reserve (Community Play Space Project), Mirboo North Soccer Club (Lighting Project) and Korumburra Recreation Centre Committee of Management (Training Centre of Excellence Project) are seeking Council endorsement and an allocation of Council funding to support applications submitted to the Sport and Recreation (SRV) Community Facility Funding Program (CFFP) to upgrade their facilities.

Council endorsement and an allocation of Council funding is also sought to support an application for the South Gippsland Tennis Facilities Master Plan.

Council was required to submit Project Proposals for the four projects to the 2014 / 2015 SRV CFFP prior to 5 June 2013. This process enabled SRV to provide guidance on the development of the proposals that had merit, that align with the programs objectives and that are ready to proceed.

On 3 July 2013, Council was formally invited to submit full applications for all four projects to the SRV CFFP by 21 August 2013. Therefore, applications have already been submitted to ensure that the program deadline was met.

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

Project	Total Project Cost	Grant Sought	Club/Community Contribution	Council Contribution
Meeniyan Recreation Reserve Community Play Space Project	\$140,000	\$93,000	\$23,500	\$23,500
Mirboo North Soccer Club Lighting Project	\$257,000	\$100,000	\$78,500	\$78,500
Korumburra Recreation Centre Training Centre of Excellence Project	\$111,000	\$74,000	\$18,500	\$18,500
South Gippsland Tennis Facilities Master Plan	\$30,000	\$15,000	N/A	\$15,000

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

South Gippsland Recreation Plan 2007

Walter J Tuck Reserve Master Plan (Mirboo North) 2011

Meeniyan Recreation Precinct Master Plan 2012

Korumburra Indoor Recreation Centre Strategic Plan 2013 - 2018

Community Project Management Policy

COUNCIL PLAN

Strategic Goal:	3.0	Integrated Services and Infrastructure
Outcome:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development
Strategy No:	3.1.1	We will deliver Council and community projects and leverage project funds to attract investment from external sources

CONSULTATION

On Friday 8 June 2013, Council was advised that the Hon. Hugh Delahunty, Minister for Sport and Recreation had formally launched the 2014 / 2015 Sport and Recreation Victoria (SRV) Community Facility Funding Program (CFFP). The process for applying to the program was improved to include two stages:

Step One - Project Proposals

Step Two - Full Applications

The Project Proposal stage closed on 5 June 2013. After consultation with the respective organisations, it was identified the following four projects that could meet the programs objectives:

1. Meeniyan Recreation Reserve Community Play Space Project;
2. Mirboo North Soccer Club Lighting Project;
3. Korumburra Recreation Centre - Training Centre of Excellence Project;
and
4. South Gippsland Tennis Facilities Master Plan.

Council has been provided updates on the progress of these projects through InfoSum on 6 February 2013 and 17 July 2013.

REPORT

Background

The Community Facility Funding Program (CFFP) is a Victorian Government funding program that helps provide high-quality, accessible community sport and recreation facilities across Victoria by encouraging;

- Increased sport and recreation participation;
- Increased access to sport and recreation opportunities;
- Better planning of sport and recreation facilities;
- Innovative sport and recreation facilities;
- Environmentally sustainable facilities; and
- Universally designed facilities.

The CFFP provides grants for planning, building new, and improving existing facilities where communities meet, interact and participate in sport and recreation. Funding is available under the following categories:

- **Better Pools** – Grants of up to \$3 million are available to provide high-quality aquatic leisure facilities through new or redeveloped aquatic leisure centres.
- **Major Facilities** – Grants of up to \$650,000 (where the total project cost is more than \$500,000 excluding GST) are available to develop or upgrade major sport and recreation facilities.
- **Seasonal Pools** – Grants of up to \$200,000 are available to rejuvenate seasonal swimming pools in rural, regional and outer metropolitan municipalities that are significantly isolated from a year-round aquatic centre.
- **Minor Facilities** – Grants of up to \$100,000 for any one project (where the total project cost is up to \$500,000, excluding GST) are available for community groups, working in partnership with local government, to develop or upgrade community sport and recreation facilities.
- **Soccer Facilities** – Grants of up to \$100,000 for up to two projects are available for local soccer clubs working with local government, to upgrade existing or develop new facilities to maximise participation opportunities in soccer.
- **Planning** – Funding is available for planning initiatives that address the future sport and recreation needs of communities through better information gathering, consultation and strategic planning, including:

- Grants of up to \$30,000 for projects focusing on recreation planning or facility feasibility in one municipality.
- Grants of up to \$50,000 for regional planning initiatives that demonstrate inter-municipal needs and financial support from multiple local government authorities.

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

Discussion

Meeniyah Recreation Reserve Committee of Management: Community Play Space Project

The Meeniyah Recreation Reserve Committee of Management is seeking Council endorsement and an allocation of Council funding to support a grant submitted to develop a Community Play Space at the reserve. The total project cost is \$140,000 (includes entry level skate park, play equipment, park furniture and pathways).

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

The community is able to commit \$23,500 towards the project.

As the funding ratio is SRV \$2:\$1 through the CFFP - Minor Facilities, it is recommended that a grant of \$93,000 be sought from the Grant Program.

Council would therefore need to allocate \$23,500 from the 2014 / 2015 Financial Budget (matching the community's contribution) to support the application, if successful.

Mirboo North Soccer Club: Lighting Project

The Mirboo North Soccer Club is seeking Council endorsement and an allocation of Council funding to support a grant submitted to install lighting at Walter J Tuck Reserve. The total project cost is \$257,000.

The project is identified in the Walter J Tuck Recreation Reserve Master Plan as a priority.

The community is able to commit \$78,500 towards the project.

The maximum funding available through the CFFP - Soccer Facilities is \$100,000.

Council would therefore need to allocate \$78,500 from the 2014 / 2015 Financial Budget (matching the community's contribution) to support the application, if successful.

Korumburra Recreation Centre Committee of Management: Training Centre of Excellence Project

The Korumburra Recreation Centre Committee of Management is seeking Council endorsement and an allocation of Council funding to support a grant submitted for the Training Centre of Excellence project. The total project cost is \$111,000.

The project is identified in the Korumburra Indoor Recreation Centre Strategic Plan as a priority.

The community is able to commit \$18,500 towards the project.

As the funding ratio is SRV \$2:\$1 through the CFFP - Minor Facilities, it is recommended that a grant of \$74,000 be sought from the Grant Program.

Council would therefore need to allocate \$18,500 from the 2014 / 2015 Financial Budget (matching the community's contribution) to support the application, if successful.

South Gippsland Tennis Facilities Master Plan

An opportunity has been identified to seek funding for a South Gippsland Tennis Facilities Master Plan. Council endorsement and an allocation of Council funding is sought to support a grant submitted for the application. The total project cost is \$30,000.

The project is identified in the South Gippsland Recreation Plan.

Although funding ratio is SRV \$2:\$1 through the CFFP - Planning, it is recommended that a grant of \$15,000 be sought from the Grant Program to maximise the opportunity of the application being approved.

Council would therefore need to allocate \$15,000 from the 2014 / 2015 Financial Budget to support the application, if successful.

Funding is available through Council's 10 year adopted Financial Budget as 'Recreation – Future Unplanned Works (SRV)' to cover Council's contribution in 2014 / 2015. Total funding currently allocated to this budget is \$150,000. If all four applications are supported by Council and successful the remaining balance would be \$14,500.

Options

Council has the following options related to the four projects:

1. Endorse the application submitted to the Grant Program for the Meeniyan Recreation Reserve Community Play Space Project and allocate the required funds and resources to deliver the project in 2014 / 2015 if the application is successful.

2. Not endorse the Meeniyen Recreation Reserve Community Play Space Project and withdraw the application to the Grant Program.
3. Endorse the application submitted to the Grant Program for the Mirboo North Soccer Club Lighting Project and allocate the required funds and resources to deliver the project in 2014 / 2015 if the application is successful.
4. Not support the Mirboo North Soccer Club Lighting Project and withdraw the application to the Grant Program.
5. Endorse the application submitted to the Grant Program for the Korumburra Recreation Centre Training Centre of Excellence Project and allocate the required funds and resources to deliver the project in 2014 / 2015 if the application is successful.
6. Not support the Korumburra Recreation Centre Training Centre of Excellence Project and withdraw the application to the Grant Program.
7. Endorse the application submitted to the Grant Program for the South Gippsland Tennis Facilities Master Plan and allocate the required funds and resources to deliver the project in 2014 / 2015 if the application is successful.
8. Not support the South Gippsland Tennis Facilities Master Plan and withdraw the application to the Grant Program.

Proposal

It is recommended that Council endorses all four applications (Options 1, 3, 5 and 7) to the Grant Program and allocates a total of \$135,500 from the 2014 / 2015 Council budget for 'Recreation - Future Unplanned Works (SRV)' to cover Council's contribution and match the contributions from the community. This option also maximizes the total potential funding available to Council through this program.

Not supporting the applications is not recommended as all projects are viewed as important priorities worthy of Council support.

FINANCIAL CONSIDERATIONS

Funding is available through Council's 10 year adopted Financial Budget as 'Recreation – Future Unplanned Works (SRV)' to cover Council's contribution in 2014 / 2015. Total funding currently allocated to this budget is \$150,000. If the applications are supported by Council and successful, the remaining balance would be \$14,500 as outlined in the table below.

Projects	Funds Allocated	Balance
Opening Budget Balance		\$150,000
Meeniyen Recreation Reserve - Community Play Space Project	\$23,500	\$126,500
Mirboo North Soccer Club - Lighting Project	\$78,500	\$48,000
Korumburra Recreation Centre - Training Centre of Excellence Project	\$18,500	\$29,500
South Gippsland Tennis Facilities Master Plan	\$15,000	\$14,500

As applications are to be submitted by Council, Council will be required to provide staff resources, funded within the total project cost, if successful.

RISK FACTORS

If Council doesn't support all four projects Council will pass over an opportunity to obtain external funds to assist in improving recreational facilities within the Shire.

To mitigate the risk of project cost overruns to Council, it is recommended to advise the Meeniyen Recreation Reserve Committee, Mirboo North Soccer Club and Korumburra Recreation Centre Committee of Management through this resolution, that any project cost overruns are the responsibility of the committees 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 the grant application submitted for \$93,000 for the Meeniyen Recreation Reserve Community Play Space Project to the Sport and Recreation Victoria 2014 / 2015 Community Facility Funding Program - Minor Facilities;
2. Endorse the grant application submitted for \$100,000 for the Mirboo North Soccer Club Lighting Project to the Sport and Recreation Victoria 2014 / 2015 Community Facility Funding Program - Soccer Facilities;

3. Endorse the grant application submitted for \$74,000 for the Korumburra Recreation Centre Training Centre of Excellence Project to the Sport and Recreation Victoria 2014 / 2015 Community Facility Funding Program - Minor Facilities;
4. Endorse the grant application submitted for \$15,000 for the South Gippsland Tennis Facilities Master Plan to the Sport and Recreation Victoria 2014 / 2015 Community Facility Funding Program - Planning;
5. Note that there is a current budget allocation of \$150,000 in the 2014 / 2015 Financial Budget line item Recreation Future Unplanned Works (SRV) which has been created to support grant applications of this nature;
6. Make an allocation of \$23,500 from the 2014 / 2015 Financial Budget for Recreation Future Unplanned Works to match the Meeniyen Recreation Committee's contribution towards the project if the application is approved by Sport and Recreation Victoria;
7. Make an allocation of \$78,500 from the 2014 / 2015 Financial Budget for Recreation Future Unplanned Works to match the Mirboo North Soccer Club's contribution towards the project if the application is approved by Sport and Recreation Victoria;
8. Make an allocation of \$18,500 from the 2014 / 2015 Financial Budget for Recreation Future Unplanned Works to match the Korumburra Recreation Centre Committee of Management's contribution towards the project if the application is approved by Sport and Recreation Victoria;
9. Make an allocation of \$15,000 from the 2014 / 2015 Financial Budget for Recreation Future Unplanned Works towards the South Gippsland Tennis Facilities Master Plan project if the application is approved by Sport and Recreation Victoria;
10. Advise the Meeniyen Recreation Reserve Committee, Mirboo North Soccer Club and Korumburra Recreation Centre Committee of Management that any project overruns are the responsibility of the committee's to fund, in accordance with Council's Community Project Management Policy; and
11. Provide staff resources, with funding allocated in the total project costs, for management of the projects if approved by Sport and Recreation Victoria in the 2014 / 2015 financial year.

STAFF DISCLOSURE OF INTEREST

Nil

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 160.

E.11 NOMINATION OF COUNCILLOR AS SUBSTITUTE REPRESENTATIVE ON THE GIPPSLAND REGIONAL WASTE MANAGEMENT GROUP

Corporate Services Directorate

EXECUTIVE SUMMARY

This report recommends that Councillor Harding be appointed as substitute representative on the Gippsland Regional Waste Management Group (GRWMG) to represent Council on occasions when Council's appointed representative Councillor McEwen is unable to represent Council.

COUNCIL PLAN

Outcome:	1.0	A Prosperous Shire
Objective	1.3	Improve the sustainability of the local and regional environment
Strategy No:	1.3.2	We will promote sustainable waste management practices, energy efficiency and management of our natural resources

REPORT

Background

The GRWMG encompasses the municipalities of Bass Coast, Baw Baw, East Gippsland, Latrobe, South Gippsland and Wellington. The GRWMG provides a forum for the exchange of ideas, views and information and a vehicle to assist Government in the development of policies and practices in waste management and sustainability in Victoria.

Discussion

At the Special Statutory Meeting of 7 November 2012, Councillors were appointed to represent Council on Committees and External Bodies, including the GRWMG, however no substitute was listed for Cr McEwen for the GRWMG. The resolution from the Special Statutory Meeting of 7 November 2012, required that the Council consider new appointments to Committees and External Bodies as changes are required or new Committees are formed.

Proposal

This report proposes that Councillor Harding be appointed as substitute representative on the GRWMG to represent Council on occasions when Council's appointed representative, Councillor McEwen is unable to represent Council.

FINANCIAL CONSIDERATIONS

Not applicable

RISK FACTORS

The appointment of Councillor Harding as a substitute representative on the GRWVG, manages the risk that Council is not represented at GRWVG meetings, when Council's appointed representative, Councillor McEwen is unable to represent Council.

CONCLUSION

It is recommended to appoint Councillor Harding, as a substitute representative on the GRWVG, to represent Council, on occasions when Council's appointed representative Councillor McEwen is unable to represent Council.

RECOMMENDATION

That Council appoint Councillor Harding as substitute representative on the Gippsland Regional Waste Management Group (GRWVG).

STAFF DISCLOSURE OF INTEREST

Nil

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 160.

E.12 EXTENSION OF CONTRACT SGC11/05 PROVISION OF SWIMMING POOL MAINTENANCE SERVICES AND SWIMMING POOL TECHNICAL REPORTS

Engineering Service Directorate

EXECUTIVE SUMMARY

This report is presented to Council to approve the first of 2 x 1 year optional extensions to Mechanical Plumbing Services Pty Ltd for Contract SGC11/05 Provision of Swimming Pool Maintenance Services and Swimming Pool Technical Reports effective from 1 January 2014.

It also recommends that the Chief Executive Officer or his delegate approve the final one year option to extend the Contract on the basis of satisfactory performance of the Contractors.

The Contract covers reactive maintenance and program maintenance for the Leongatha, Foster, Mirboo North, Toora, Poowong and Korumburra swimming pool's plant, equipment and infrastructure. It also provides technical reports of the above mentioned plant, equipment and infrastructure.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989, Section 186 and Section 208A-J
- Local Government Procurement Best Practice Guidelines 2008

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Procurement Policy 2013
- Long Term Financial Plan (LTFP)

COUNCIL PLAN

Outcome:	3.0	Integrated Services and Infrastructure.
Objective:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development.
Strategy:	3.1.6	We will refine the provision of Council services through reviews focused on evolving community needs, realistic and affordable service standards and efficient management of resources.

CONSULTATION

Mechanical Plumbing Services Pty Ltd has been consulted in relation to the proposed Contract extension and has indicated that they would be willing to continue providing the services in accordance with the Contract requirements.

REPORT

Background

At its Ordinary Council Meeting on the 24 November 2010, Council approved the following recommendation:

“That Council:

4. *Award Contract SGC11/05 Provision of Swimming Pool Maintenance Services and Technical Reports to Mechanical Plumbing Services Pty Ltd as per their tender submission from 1 January 2011 to 31 December 2013.*
5. *Authorise for the Chief Executive Officer to sign the Contract and affix the Common Seal of the Council to the Contract documents.”*

Discussion

Mechanical Plumbing Service Pty Ltd have met all the objectives of the Contract to date and in doing so have provided a reliable and an efficient service to Council.

Council have shared a good working relationship with Mechanical Plumbing Services Pty Ltd over a long period and believe this will continue.

Proposal

It is proposed to:

1. Extend Contract SGC11/05 Provision of Swimming Pool Maintenance Service and Swimming Pool Technical Reports (first of 2 x 1 year extension).
2. Authorise the Chief Executive Officer or his delegate to approve the final one year option to extend the Contract on the basis of satisfactory performance of the Contractors.

FINANCIAL CONSIDERATIONS

The Contract is accommodated within the Property Department's Building Operational budgets and is funded in the LTFP.

RISK FACTORS

With the Contract in place Council mitigates the risk of:

- Ongoing service disruptions/closures to swimming pool service.
- Lengthy delays in engaging qualified and experienced tradespeople / consultants.

- Incurring substantial budget overruns to rectify faults or deliver programmed works.

Potentially there is a risk that this Contract may identify works that require attention. This will impact budget forecasts. In particular priority works that affect the operation and safety of the facilities.

CONCLUSION

Mechanical Plumbing Service Pty Ltd has provided reliable and efficient Services to Council over the term of their Contract to date. Extending the Contract for the first of 2 x 1 year optional extensions will provide an excellent outcome in terms of service to the community and best value to Council.

RECOMMENDATION

That Council:

- 1. Authorise the first of 2 x 1 year optional extensions of Contract SGC11/05 Provision of Swimming Pool Maintenance Service and Swimming Pool Technical Reports, effective from 1 January 2014.**
- 2. Authorise the Chief Executive Officer or his delegate to approve the final one year option to extend the Contract on the basis of satisfactory performance of the Contractors.**

STAFF DISCLOSURE OF INTEREST

Nil

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 160.

E.13 FORMALISE THE NEW ROAD NAME IN THE TOWNSHIP OF VENUS BAY AS 'MUNRO LANE'

Engineering Services Directorate

EXECUTIVE SUMMARY

This report is presented to Council to formalise the name of the unnamed road between Louis Road and Paul Street in the township of Venus Bay, traversing in an east/west direction for 150 metres be named as 'Munro Lane'. Refer to **Attachment 1** for a copy of the road location.

Document/s pertaining to this Council Report

- **Attachment 1** - Map of Unnamed Road.
- **Attachment 2** - Letter of Support from the Leongatha Historical Society.
- **Attachment 3** - Letter of Objection from Resident.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989
- Road Management Act 2004
- Guidelines for Geographic Names 2010 (Version 2 January 2013)
- AS/NZS4819:2011 Rural and urban addressing

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Road Naming Procedure 2013

COUNCIL PLAN

Outcome:	3.0	Integrated Services and Infrastructure
Objectives:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development

CONSULTATION

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

Council Report

- 24 April 2013 Proposed New Road Name for the Unnamed Road in the township of Venus Bay.

Public submission process

- 6 May 2013 Public notice in Council's Noticeboard and Council Website.
- 20 May 2013 Letters sent to adjoining properties.
- 5 & 18 June 2013 Submissions close.

REPORT

Background

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

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

Discussion

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

The Historical Society's proposed name recommendation put forward to Council is 'Munro'. Refer to **Attachment 2** for a copy of the letter from the Leongatha Historical Society.

There are 11 properties along this unnamed road. These properties front the unnamed road and are currently addressed to Lees Road, Louis Road and Paul Street. Due to the terrain off Lees Road being quite steep, access is difficult, making the properties addressed to Lees Road vehicle access off the unnamed lane. The remaining properties vehicle access is also off this unnamed lane. If this road is not named these properties will be at risk by not having appropriate addresses and may hamper the operational safety for emergency response or cause confusion for transport, communication and mail services.

The numbering and the determination of the road should be relative to the access point from which the property, dwelling, structure or feature is accessed. The road name used in an address should be the named road nearest the main vehicular access to the front door or entrance of the property / building / dwelling / structure / feature.

Public submission

On conclusion of the public consultation period resulting from the 24 April 2013 Council Meeting for the proposed new road name of 'Munro Lane', the following submissions were received from abutting land owners:

- 1 phone call was received in support of the proposed name.
- 1 letter was received in support of the proposed name, but objects to the changing of the residents address (refer **Attachment 3**).

In response to the letter of objection regarding changing of the residents property address at 47 Lees Road, Venus Bay, it will be noted in this instance that if the resident wish's to keep their existing address, then an alternate address will be placed on the system for the new road name, as well as their existing address. It is at the residents own risk if they choose not to adopt the addressing system that Council has allocated them as this may potentially create confusion for emergency services, communication services and the general public by giving their old address.

Council road naming and addressing is governed by the Geographic Place Name Guidelines 2010 and AS/NZS 4819:2011 Rural and Urban Addressing. 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.

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, especially 'Principle 4(C) Addresses and numbering'.

Name Duplications Search

A Vicnames 15km duplicate name search has been carried out for the name 'Munro' in the township of Venus Bay, with no duplications.

The proposed road name is believed to be in keeping with community expectations and conforms to the principles outlined in Sections 1.8, Principle 1(D) and 4.1 of the Guidelines for Geographic Names 2010.

Proposal

It is proposed that Council formalise the new name of the unnamed lane between Louis Road and Paul Street, in the Township of Venus Bay and Parish of Tarwin, traversing in an east/west direction for 150 metres as 'Munro Lane'.

FINANCIAL CONSIDERATIONS

The cost to Council will be for the supply and installation of 2 new signs for the road. This can be accommodated in Council's 2013/14 signage budget for approximately \$500.

RISK FACTORS

There is minimal risk to Council 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.

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 unnamed lane between Louis Road and Paul Street, in the Township of Venus Bay and Parish of Tarwin, traversing in an east/west direction for 150 metres be named as 'Munro Lane'.**
- 2. 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

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 160.

**Attachment 1
Map of Unnamed Road**

VENUS BAY 1ST ESTATE



Attachment 2
Letter of Support from the Leongatha Historical Society



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

PO Box 431 Leongatha 3953
Email : leongathahistsoc@yahoo.com.au

Tel : 56622492 (Thurs & Friday pm)
Website : www.leongathahistory.org.au

Road names

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

Magnet and Munro

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

We believe no other roads in Venus bay use these names

Ryn Skilleen
Secretary.



Attachment 3
Letter of Objection from Resident

WITHOUT PREJUDICE

GEMINI CONSTRUCTIONS BUILDERS & DESIGNERS	
SHIRE COUNCIL - 7 JUN 2013	47 LEES RD VENUS BAY 3956 28/5/13

SOUTH GIPPSLAND SHIRE COUNCIL
ATT JOANNE COX

IF AM WRITING TO YOU IN RESPONSE TO YOUR LETTER TO ME, REGARDING NAMING OF ACCESS ROAD AT THE BACK OF MY PROPERTY AT THE ABOVE ADDRESS.

WHILE I DONT OBJECT TO THE NAMING OF THE ACCESS ROAD, I AM TOTALLY OPPOSED TO THE CHANGE OF ADDRESS OF MY PROPERTY FOR THE FOLLOWING REASONS IT IS THE ADDRESS NOTED ON MY TITLE, IT IS THE REGISTERED ADDRESS OF MY BUSINESS, BANK LOANS, VEHICLES, BANK ACCOUNTS, PLUS MANY OTHER ITEMS OF A BUSINESS AND PERSONAL NATURE. A CHANGE OF ADDRESS COULD ALSO AFFECT THE VALUE OF MY PROPERTY.

IN REGARD TO ACCESS FOR EMERGENCY VEHICLES IVE BEEN TOLD THE C.F.A. WONT COME UP THE ACCESS ROAD ANYWAY, IN REGARD TO OTHER VEHICLES THEY HAVE G.P.S. SYSTEMS FITTED TO LOCATE

Attachment 3
Letter of Objection from Resident

WITHOUT PREJUDICE

GEMINI CONSTRUCTIONS
BUILDERS & DESIGNERS

PO Box 37
Tarwin Lower, VIC, 3956


Mobile: 0412 952 863

ABN: 79 641 921 964
HIA: 511695

28/5/13

THE REQUIRED ADDRESS OF A PROPERTY.
IF YOU AND THE COUNCIL FORCE THIS
ADDRESS CHANGE ON ME THEN I WILL
HAVE NO OTHER OPTION THAN TO PLACE
THIS IN THE HANDS OF MY LEGAL ADVISORS.
I WILL ALSO PURSUE THE COUNCIL
FOR LOSSES AND OTHER COSTS INCURRED
BY ME, IF THIS CHANGE GOES AHEAD.
IN CLOSING I WILL NOT ACCEPT THIS
CHANGE OF ADDRESS ON ANY TERMS.

REGARDS



E.14 COUNCIL DELEGATION TO CHIEF EXECUTIVE OFFICER

Corporate Services Directorate

EXECUTIVE SUMMARY

This report recommends that Council approve a new Instrument of Delegation (Instrument) to the Chief Executive Officer (CEO) (Attachment 1) as part of Council's continuing review of delegations. The new Instrument would include powers relating to insurance premiums, entering into contracts during emergencies and to reflect a change in the Valuation of Land Act.

Council is required to review all its delegations in force within 12 months after the election, which is 27 October 2013.

Document/s pertaining to this Council Report

- **Attachment 1** - South Gippsland Shire Council Instrument of Delegation to the Chief Executive Officer

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989, Section 98(1)

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

South Gippsland Shire Council Instrument of Delegation to the Chief Executive Officer

COUNCIL PLAN

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

CONSULTATION

This matter was considered at a Councillors Briefing on 7 August 2013. The process for review of Council delegations was considered by Council at a Council meeting on 22 August 2012.

REPORT

Background

The Local Government Act 1989 provides for Council to delegate its powers by an Instrument of Delegation to the CEO. Council is required to review all

its delegations in force within 12 months after the election, which is 27 October 2013.

Council's Instrument of Delegation to the CEO was last reviewed in August 2012.

Discussion

The effective functioning of local government would not be possible if all decisions were made by Council, hence many decision-making powers are allocated by formal delegations to the CEO.

The updated Instrument includes:

- Power for the CEO to pay the annual WorkCover and Council Insurance premiums subject to payments being reported to the next Council meeting immediately after payment is made. It is proposed to delegate these powers to the CEO as:
 - The timeframes required to approve / process premium payments or receive discounts for early, lump sum premium payments, do not effectively allow for Council approval;
 - Council has already resolved to authorise the CEO to approve the annual Insurance premium payments on 27 July 2011 and the annual WorkCover premium payments on 24 July 2013. This update to the Instrument formalises these previous Council resolutions; and
 - Council has a legislative requirement to have relevant and current insurance and workers compensation insurance coverage.
- Power for the CEO to declare that a contract must be entered into because of an emergency. Council has the power to enter into a contract in the case of an emergency without going through a competitive process (tender), however this may be impracticable due to time delays as Council would need to hold a Council meeting to make this decision. Delegating this power to the CEO would avoid any delay in responding. This measure is also recommended by Local Government Victoria's Best Practice Procurement Guidelines 2013.
- Removal of reference to declarations of impartiality by Valuers, that is no longer required or relevant due to changes to the Valuation of Land Act.

Options

Council agree to all or some of these changes as updates to the Instrument.

Proposal

It is proposed to update the Instrument to include:

- Power for the CEO to pay the annual WorkCover and Council Insurance premiums subject to payments being reported to the next Council meeting immediately after payment is made.
- Power for the CEO to declare that a contract must be entered into because of an emergency subject to this being reported to the next Council meeting.
- Removal of reference to declarations of impartiality by Valuers that is no longer relevant and required due to changes to the Valuation of Land Act.

FINANCIAL CONSIDERATIONS

Early payment of WorkCover Premium insurance can save an estimated 3% discount on the current Premium for that financial year. The CEO would determine the most appropriate payment approach once the opportunity cost of an early payment is determined.

RISK FACTORS

Updating the Instrument does reduce Council's level of decision making, however this is offset by:

- Confidence that Council insurances are arranged and premiums paid in a timely manner and that Council does have ongoing insurance cover;
- Avoiding delays in responding to an emergency that may cause additional cost and harm to the community generally; and
- Adequate provisions are provided to ensure that decisions made by the CEO under these changes are reported to Council in a timely manner.

CONCLUSION

Updating the Instrument allows the delegation of additional powers at an appropriate level to minimise risk to Council and provides for more effective functioning of the organisation in the interests of the community.

RECOMMENDATION

That in the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached Instrument of Delegation to the Chief Executive Officer (CEO) (Attachment 1), South Gippsland Shire Council (Council) resolves that:

- 1. There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer (CEO) the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the recommended amended conditions and limitations specified in that Instrument;**
- 2. The Instrument of Delegation to the Chief Executive Officer comes into force immediately after the common seal of Council is affixed to the Instrument;**
- 3. On the coming into force of the Instrument of Delegation to the Chief Executive Officer, all previous Instruments of Delegation to the Chief Executive Officer are revoked;**
- 4. The duties and functions set out in the Instrument of Delegation to the Chief Executive Officer must be performed, and the powers set out in the Instrument of Delegation to the Chief Executive Officer must be executed, in accordance with any guidelines or policies of Council that it has adopted or may from time to time adopt;**
- 5. The Instrument of Delegation to the Chief Executive Officer includes a power of delegation to members of Council staff, in accordance with Section 98(3) of the Act.**

STAFF DISCLOSURE OF INTEREST

Nil

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 160.

E.15 COUNCIL DELEGATION TO STAFF

Corporate Services Directorate

EXECUTIVE SUMMARY

This report recommends that Council approve a new Instrument of Delegation (Instrument) to nominated staff positions (**Appendix 1**) as part of Council's continuing review of delegations. The new Instrument incorporates changes as a consequence of amendments to the Planning & Environment Act and Regulations, Rail Safety Act 2006, Residential Tenancies Act and Regulations and changes to Council's organisational structure.

Council is required to review all its delegations in force within 12 months after the Council election, which is 27 October 2013.

Document/s pertaining to this Council Report

- **Appendix 1** - South Gippsland Shire Council Instrument of Delegation to the Staff

A copy of **Appendix 1** 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 98(1)

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

South Gippsland Shire Council Instrument of Delegation to Staff

COUNCIL PLAN

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

CONSULTATION

This matter was considered at a Councillors Briefing on 7 August 2013. The process for review of Council delegations was considered by Council at a Council meeting on 22 August 2012.

REPORT

Background

The Local Government Act 1989 provides for Council to delegate its powers by an Instrument of Delegation to members of Council staff. Council is required to review all its delegations in force within 12 months after the election, which is 27 October 2013.

Council's Instrument of Delegation to members of Council Staff was last reviewed in January 2009.

Discussion

The effective functioning of local government would not be possible if all decisions were made by Council, hence most decision-making power is, or should be, allocated by formal delegations which the Council is empowered to do by the Local Government Act 1989.

The delegation power under the Local Government Act 1989 applies to powers under any Act. However, some other Acts also include provisions dealing with delegations relating to particular issues for example planning and development matters. The prudent approach is to comply with the more restrictive and specific delegation rules under the specific purpose legislation. This requires the delegation from Council to staff positions.

Over time powers in legislation change, as does the organisational structure. It is important to ensure that the Instrument of Delegation is reviewed to reflect these changes so that delegations to staff are current and due decisions made are valid and under delegation.

The updated Instrument includes:

- Extensive changes to the Planning and Environment Act 1987, which come into force on 28 October 2013, if not proclaimed earlier;
- Updated references from "relevant road manager" to relevant "relevant road authority" in respect of the Rail Safety Act 2006;
- Replacing the Planning and Environment (Fees) Interim Regulations 2012 with the Planning and Environment (Fees) Interim Regulations 2013;
- Changes to the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010; and
- Changes to positions/titles in Council's organisational structure

Options

Council agree to all or some of these changes as updates to the Instrument.

Proposal

The proposal is to update the Instrument to include those changes outlined in Discussion above.

FINANCIAL CONSIDERATIONS

Not applicable.

RISK FACTORS

The decision of a delegate (staff member) is "deemed" to be a decision of Council, therefore correct delegations are necessary for decisions to be valid.

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

CONCLUSION

Updating of the Instrument allows delegation of powers to members of staff at an appropriate level. This allows for effective and timely decision making necessary to meet community expectations in the provision of specific service areas and for development approvals.

RECOMMENDATION

That in the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached Instrument of Delegation to members of Council staff (Appendix 1), the South Gippsland Shire Council (Council) resolves that:

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;**
- 2. The instrument of Delegation to staff comes into force immediately the common seal of Council is affixed to the instrument;**
- 3. On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Instrument of Delegation to the Chief Executive Officer) are revoked; and**
- 4. The duties and functions set out in the Instrument of Delegation to Staff must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

STAFF DISCLOSURE OF INTEREST

Nil

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 160.

E.16 COUNCIL ELECTION 2012 - COMPULSORY VOTING ENFORCEMENT

Corporate Services Directorate

EXECUTIVE SUMMARY

The Victorian Electoral Commission (VEC) has completed its component of the compulsory voting enforcement of persons who failed to vote at the 2012 Council Election and collected penalties.

Council is required to determine whether to continue enforcement procedures through the Infringements Court, against non-voters who have failed to pay penalties for non-voting. This list of non-voters must be lodged with the Infringements Court by 19 September 2013. The recommendation is that Council continues enforcement procedures through the Infringements Court.

This report also provides Council with a report from the VEC Returning Officer on the conduct of the 2012 Council Election (**Appendix 1**), which must be submitted to the Council at a Council meeting.

Document pertaining to this Council Report

- **Appendix 1** - South Gippsland Shire Council Election Report 2012 VEC

A copy of **Appendix 1** 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 3

Local Government Act - (Election) Regulations 1995

Infringements Act 2006

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Nil

COUNCIL PLAN

Outcome:	4.0	A Leading Organisation.
Objective:	4.2	Pursue best practice in organisational development and operations of the organisation.
Strategy No:	4.2.2	We will monitor corporate governance processes, including risk management and skills development with the aim of ongoing improvement.

CONSULTATION

A recent survey was undertaken of councils to ascertain the intention of councils to continue enforcement procedures of non-voters who have yet to pay penalties applied.

Of the 21 councils that responded, 10 advised they would not continue enforcement procedures, 7 advised they probably would continue enforcement procedures and 4 were undecided.

Council was provided a summary of the South Gippsland Shire Council Election Report 2012 from the VEC (**Appendix 1**) in InfoSum on 3 July 2013.

REPORT

Background

The VEC is contracted by Council to follow up compulsory voting procedures in respect of those voters who failed to vote at the 2012 Council Election.

Statistics provided by the VEC following the 2012 Council Election (with 2008 comparisons) are:

	2012 Election	2008 Election
Number of Apparent Failure to Vote Notices issued	1,342	1,603
Number excused at first notice	486	536
Number of Infringements withdrawn	80	121
Number of penalties paid	407	511
Issued warning	10	0
Records on Final Court File	359	435

There are now 359 individuals who have been referred to Council for any final action. Of the 359 individuals on the Final Court File, 91 were from the Coastal-Promontory Ward and 268 were from the Strzelecki Ward.

In respect of the 2008 Council Election, Council determined to refer non-voters to the Infringements Court. Follow up by the Court was smooth and without incident.

The VEC as Returning Officer is required to provide the Chief Executive Officer with a report on the conduct of the 2012 election (Appendix 1) and that this report is required to be submitted to the Council at a Council meeting.

Discussion

The VEC has completed its component of the compulsory voting enforcement of persons who failed to vote at the 2012 Council Election, collected penalties and forwarded these to Council. Council through the VEC enforcement has already received \$19,810.00 in infringements paid and is expected to receive approximately \$10,000 in the near future.

Council can continue enforcement procedures for 359 non-voters, who have failed to pay their infringement, through the Infringements Court or through Council itself prosecuting individual non-voters by contracting a legal firm. Council may also decide to not continue any further enforcement procedures. In respect of the 2008 Council Election, Council engaged the Infringements Court to conduct the follow up.

If Council opts to continue enforcement procedures non - voters will be provided with a notice requesting them to pay a likely infringement of \$165.80 (consisting of the \$70.00 infringement, plus \$50.10 Court Filing Fee, \$23.10 Courtesy Letter and \$22.60 in prescribed costs). If this infringement is not paid the non - voter will be taken to Court, where a suitable penalty, if any, will be imposed.

If Council decides to continue enforcement procedures for non-voters, who have failed to pay their infringement, a decision on the most appropriate method of how to do this would need to be determined. The 2 methods available are discussed further below.

Also provided for the Council's information is the VEC Returning Officer, report on the conduct of the 2012 election (**Appendix 1**). This report is required to be submitted to the Council at a Council meeting.

Options

Council has the following three options available with regards to whether it continues enforcement procedures for the 359 non-voters.

1. Refer the non - voters to the Infringements Court for enforcement at a cost to Council of \$50.10 Court Filing fee per non - voter.
2. Seek enforcement by a local process, for example Council itself prosecuting individual non-voters using a legal firm and at a cost to Council.
3. Not continue enforcement procedures.

Proposal

It is proposed to adopt Option 1 to refer the 359 non - voters on the Final Court File from the VEC to the Infringements Court for enforcement at a cost of \$50.10 Court Filing fee per non - voter to Council. This option is recommended as it provides fair treatment of all Electors, particularly in

relation to those who have already paid penalties, voted or had a valid excuse accepted by the VEC. Whilst it is not known what income could be expected from any final infringements paid, it is expected that undertaking this option will be cost neutral over time, as was the case in the 2008 election (refer to Financial Considerations below).

Option 2 is not recommended as this option requires greater effort and is likely to come at a greater cost to Council than Option 1. It is anticipated that the expenditure would exceed the income. This is not considered a financially responsible option.

Option 3 is not recommended, as it does not provide fair treatment of all Electors as required by law. However, if Council deems that the cost and the risk associated with this is not worth pursuing, it may decide to take no further action, as allowed for under the Local Government Regulations.

FINANCIAL CONSIDERATIONS

In respect of the 2008 Council election, the actual cost to Council for Infringements Court action was \$19,608 with \$23,949 collected on behalf of Council.

Capacity to cover the total cost of \$17,985.90 (359 Court Filing Fees of \$50.10 per non-voter) to follow up non-voters is available in the 2013/14 budget. Potential income from this process has not been budgeted and is difficult to forecast, although it is expected that the overall financial position will be cost neutral over time, as was the case with the follow up from the 2008 election. This process is not expected to have a material impact on Council's 2013/14 budget.

The maximum cost to Council of referral to the Infringements Court would be \$17,985.90 (359 x Court Filing Fee of \$50.10) in the unlikely occurrence that no revenue is recouped from this process.

RISK FACTORS

Actual success in recovery of costs and penalties is uncertain given the Court process may end with recovery by Sherriff's Office or by other means e.g. community based order and hardship provisions. This may result in Council incurring the costs of pursuing the infringement but not receiving the income associated to cover the cost.

Another risk factor associated with not following up non - voters, is the negative impact on Council's reputation for not pursuing non-voters, particularly in relation to those who have already paid penalties, voted or had a valid excuse accepted by the VEC.

CONCLUSION

It is proposed to refer the 359 non - voters on the Final Court File from the Victorian Electoral Commission to the Infringements Court for enforcement.

RECOMMENDATION

That Council:

- 1. Receive and note the report provided by the VEC Returning Officer on the conduct of the 2012 election (Appendix 1); and**
- 2. Refer non-voters at the 2012 Council Election to the Infringements court.**

STAFF DISCLOSURE OF INTEREST

Nil

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 160.

E.17 CONTRACT SGC13-14 RECONSTRUCTION OF KONGWAK INVERLOCH ROAD, KONGWAK - APPROVAL FOR CURRENT AND FUTURE VARIATIONS OVER AND ABOVE

Engineering Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is to:

1. Recommend approval for current and future variations over and above the contracted amount within SGC13-14 Reconstruction of Kongwak Inverloch Road, Kongwak.
2. Remove Agnes River Road, Agnes Bridge from the 2013/14 Capital Works Program and use the budget to cover the variations for Kongwak Inverloch Road.

Document pertaining to this Council Report

- **Attachment 1** – Variation Register.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Procurement Best Practice Guidelines
- Local Government Act 1989
- Road Management Act 2004

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Procurement Policy 2013
- Road Management Plan 2013

COUNCIL PLAN

Outcome: 3.0 Integrated Services and Infrastructure.
Objective: 3.1 Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development.

CONSULTATION

Variations were discussed between the Director Engineering Services, Manager Engineering & Projects, Engineering Coordinator, Project Manager, Clerk of Works and the contractor onsite.

REPORT

Background

Tender SGC13-14 Reconstruction of Kongwak Inverloch Road, Kongwak was awarded to Sure Constructions (VIC) in November 2012 with a contract value of \$667,378.76 excluding GST. This included \$69,850 of provisional items / contingency with works commencing in January 2013.

Discussion

During the early stages of construction, a number of issues were discovered in regards to additional works that needed to be addressed which weren't included in the contract design drawings. This included significant additional drainage items.

In addition to the extra drainage works required, significant pavement subgrade problems have been experienced in the urban section (Stage 1) which has recently been completed, resulting in the contractor having to remove and replace unsuitable material and associated stabilisation due to extremely wet subgrade conditions.

Core sample testing of the sub-grade material was undertaken prior to the works commencing, with the results showing that the sub-grade materials were suitable for road construction. However, those tests were undertaken when conditions were dry at the end of the drought period. The following wet season between the testing period and commencement of works resulted in the pavement sub-grade materials becoming saturated due to the rise in the water table.

Consequently, variations to date total \$117,723.25 which exceeds the provisional item / contingency allocation by \$16,345.85. This takes into account cost savings which have been found within two line items in the contract for scope items that are no longer required. This will result in a saving to the contract sum of \$31,527.00.

It is expected that similar pavement subgrade problems will be experienced in the rural section (Stage 2) of the contract which has not commenced. It is estimated that variations totalling \$180,000 may be required to remedy these subgrade problems based on the conditions encountered in the urban section.

Therefore, the net increase in the contractor's lump sum is **\$196,345.85** as detailed in the table below.

Break Down of Variations

Item	Amount
Approved Variations to date to the end of Stage 1	\$117,723.25
Estimated Variations for Stage 2	\$180,000
Less available contingency / provisional sum within contract	(\$69,850)
Less savings identified to date	(\$31,527.40)
Total Variation (over and above contingency)	\$196,345.85

A copy of the Variations Register has been included in **Attachment 1**.

To minimise the likelihood of further subgrade problems in the rural area, the contract has been suspended until after the winter period and will re-commence again in late Spring or Summer depending on the weather.

Options

N/A

Proposal

It is proposed that Council approve the current and estimated future variations which total \$196,345.85 for Contract SGC13-14 Reconstruction of Kongwak Inverloch Road, Kongwak.

FINANCIAL CONSIDERATIONS

It is recommended that funding of this variation be accommodated by not proceeding with the Agnes River Road Bridge (Cost Centre 9709). It is recommended that this project not proceed as a recent inspection of the bridge suggests that another 10 years life can be achieved by the current structure. The amount that was allocated for this project for the 2013/14 financial year is \$210,503.

Separate advice will be provided to Council on what is proposed for the 2014/15 budget for Agnes River Road Bridge.

RISK FACTORS

If the additional funding is approved for the Reconstruction of Kongwak Inverloch Road, Council mitigates the risk of:

- Modification to the adopted program of works creating a substandard outcome.
- Potential deterioration of the road pavement.

- Road user safety.
- Higher maintenance costs.
- Future higher construction costs.

CONCLUSION

Approval of the variations and additional funding will enable Council to successfully complete the reconstruction of Kongwak Inverloch Road as identified and adopted in Council's 2012/13 Capital Works Program.

RECOMMENDATION

That Council:

1. Remove Agnes River Road Bridge from the 2013/14 Capital Works Program as a recent inspection of the bridge suggests that another 10 years life can be achieved by the current structure.
2. Approve the variations to Contract SGC13-14 Reconstruction of Kongwak Inverloch Road, Kongwak.
3. Reallocate \$196,345.85 from Cost Centre 9709 Agnes River Road Bridge to Cost Centre 9748 Kongwak Inverloch Road to cover the estimated variations.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Harding


SECONDED: Cr Hutchinson-Brooks

THAT COUNCIL:

1. **REMOVE AGNES RIVER ROAD BRIDGE FROM THE 2013/14 CAPITAL WORKS PROGRAM AS A RECENT INSPECTION OF THE BRIDGE SUGGESTS THAT ANOTHER 10 YEARS LIFE CAN BE ACHIEVED BY THE CURRENT STRUCTURE.**
2. **APPROVE THE VARIATIONS TO CONTRACT SGC13-14 RECONSTRUCTION OF KONGWAK INVERLOCH ROAD, KONGWAK.**
3. **REALLOCATE \$196,345.85 FROM COST CENTRE 9709 AGNES RIVER ROAD BRIDGE TO COST CENTRE 9748 KONGWAK INVERLOCH ROAD TO COVER THE ESTIMATED VARIATIONS.**

CARRIED UNANIMOUSLY

**Attachment 1
Variation Register**



Variation Register


Contract Administration System: Document Version 1/7/2011

Variation Register Contractor: Sure Constructions

Project Name: Reconstruction of Kongwak Inverloch Road, Kongwak Contract No: SGC-13/14

Var No	Description	Date	Amount Claimed (\$)	Status	Amount Approved (\$)	Accumulative Amount Approved (\$)	Superintendent's Documents Updates (Date)
1	Drainage backfill with crushed rock instead of select backfill at Williams Street intersection and in front of school bus turnaround driveway	7/03/2013	\$3,520.00	Reviewed	\$3,520.00	\$3,520.00	7/03/2013
2	A new driveway was constructed after the designs had been finalised	7/03/2013	\$700.00	Reviewed	\$700.00	\$4,220.00	7/03/2013
3	Because a new driveway was constructed after the designs had been finalised. It was cheaper to construct a new pit 4m from the design location rather than place a gatic and a grate within the driveway	7/03/2013	\$1,250.00	Reviewed	\$1,250.00	\$5,470.00	7/03/2013
4	Design open drainage was becoming close to a power pole so it was decided to pipe an extra 12 m to overcome this situation	7/03/2013	\$1,464.00	Reviewed	\$1,464.00	\$6,934.00	7/03/2013
5	Design open drainage was becoming close to a power pole so it was decided to pipe an extra 36 m to overcome the situation	7/03/2013	\$3,111.00	Reviewed	\$3,111.00	\$10,045.00	7/03/2013
6	A driveway need to be added as trimming of trees revealed an access to a property	7/03/2013	\$575.00	Reviewed	\$575.00	\$10,620.00	7/03/2013
7	As this road crossing was abutting a driveway on either side it left a 1m drop from the edge of pavement, also water coming down the open drain would hit the embankment eroding the driveway. To fix this issue it was decided to place 2 junction pits in with stubs to pick up the open drains	7/03/2013	\$6,275.80	Reviewed	\$6,275.80	\$16,895.80	7/03/2013
8	An asphalt finish behind the kerb and channel would be better than a spray seal	7/03/2013	\$1,050.00	Reviewed	\$1,050.00	\$17,945.80	7/03/2013


**Attachment 1
Variation Register**



Variation Register

Contract Administration System		Variation Register		Document Version 1/7/2011			
Project Name: Reconstruction of Kongwak Inverloch Road, Kongwak		Contract No: SGC 13/14	Contractor: Sure Constructions				
Var No	Description	Date	Amount Claimed (\$)	Status	Amount Approved (\$)	Accumulative Amount Approved (\$)	Superintendent's Documents Updates (Date)
9	Found that culverts under a driveway crossover weren't needed.	7/03/2013	(5512.40)	Reviewed	(5512.40)	\$17,945.80	7/03/2013
10	Clean out outlet within property No 105 Kongwak Inverloch Road to drain the roadside drains better	7/03/2013	\$600.00	Reviewed	\$600.00	\$18,445.80	7/03/2013
11	Removal of line items A4 Bituminous Seal item (b 1, B14 School Carpark Reconstruction item (c)) from the contract and place the dollar value into contingency	7/03/2013	(331,915.00)	Reviewed	(331,915.00)	\$18,445.80	7/03/2013
12	Removal of Trees outside of the contract site	26/03/2013	\$3,800.00	Reviewed	\$3,800.00	\$22,245.80	26/03/2013
13	Placed approximately 60 tonnes of extra rock in front of property No 21, Kongwak Inverloch Road	29/03/2013	\$2,400.00	Reviewed	\$2,400.00	\$24,645.80	29/03/2013
14	Placed 1 junction pit, 2 grated pits and a side entry pit to cater for stormwater run off from property No 3, Kongwak Inverloch Road	9/04/2013	\$5,000.00	Reviewed	\$5,000.00	\$29,645.80	9/04/2013
15	Dig out and break into underground drainage to construct a new pit outside of No 3 Kongwak Inverloch Road.	9/04/2013	\$450.00	Reviewed	\$450.00	\$30,095.80	9/04/2013
16	Dig out and break into underground drainage to construct a new pit outside of School Boundary.	9/04/2013	\$400.00	Reviewed	\$400.00	\$30,495.80	9/04/2013
17	Place a new 300mm endwall near the temporary access to property No 3, Kongwak Inverloch Road	9/04/2013	\$450.00	Reviewed	\$450.00	\$30,945.80	9/04/2013
18	Placement of 45 lineal meters of 300mm dia RCP to connect the new pits around No 3 Kongwak Inverloch Road	9/04/2013	\$3,663.45	Reviewed	\$3,663.45	\$34,609.25	9/04/2013

**Attachment 1
Variation Register**

		Variation Register						
		Contract Administration System			Document Version 1/7/2013			
Project Name: Reconstruction of Kongwak Inverloch Road, Kongwak		Contract No: SGC-13/14		Contractor: Sure Constructions				
Var No	Description	Date	Amount Claimed (\$)	Status	Amount Approved (\$)	Accumulative Amount Approved (\$)	Superintendent's Documents Updates (Date)	
19	Dig out 112m ³ of unsuitable material from open drains where new kerb and channel will be constructed and replace with 75mm rock to create a base	24/04/2013	\$11,312.00	Reviewed	\$11,312.00	\$45,921.25	24/04/2013	
20	Dig out 170m ³ under existing kerb and channel as material was unsuitable to construct new kerb and channel on and replace material with 20mm Class 3	24/04/2013	\$17,680.00	Reviewed	\$17,680.00	\$63,601.25	24/04/2013	
21	Removal of old underground drainage and replace with 20mm Class 3	24/04/2013	\$7,250.00	Reviewed	\$7,250.00	\$70,851.25	24/04/2013	
22	Lime stabilise 300mm at 14kg per m ² of the pavement of Stage 2 approx 2600m ²	2/05/2013	\$14,300.00	Reviewed	\$14,300.00	\$85,151.25	2/05/2013	
23	Dig out and replace approximately 7m ³ of failed subgrade within the slip lane at the intersection of Keumbajara Woorhaggi Road and fill with 40mm with fines as well as geo textile grid	2/05/2013	\$7,272.00	Reviewed	\$7,272.00	\$92,423.25	2/05/2013	
24	Dig out and replace failed subgrade within the urban section of Kongwak Inverloch Road	15/05/2013	\$19,800.00	Reviewed	\$19,800.00	\$112,223.25	15/05/2013	
25	Demobilisation of plant	15/05/2013	\$5,500.00	Reviewed	\$5,500.00	\$117,723.25	15/05/2013	

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.

Nil

SECTION G – GENERAL QUESTION TIME

G.1 QUESTION TIME

Ms Danika Dent representing The Sentinel Times asked questions relating to Council Agenda Item E.5 - SANDY POINT NEIGHBOURHOOD SAFER PLACE DESIGNATION and the cost of the block adjacent to the Neighbourhood Safer Place (NSP) and can it accommodate numbers in the summer season?

The Chief Executive Officer, Mr Tim Tamlin responded by indicating that the Fire Commissioner funded the costs of various upgrades and the cost of the adjacent block. Mr Tamlin further noted that the NSP is a place of last resort and that the community are to undertake their own fire plans on a code red day and leave the area early.

Cr Fawcett left the Meeting at 4.00pm as discussion regarding his conflict of interest in Item E.7 - TARWIN RIVER WATER SUPPLY CATCHMENT - INCLUSION OF THE OPEN POTABLE WATER SUPPLY CATCHMENT IN THE ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 2 was raised.

Ms Wendy Williamson representing The Foster Mirror asked a question regarding Council Agenda Item E.7 - TARWIN RIVER WATER SUPPLY CATCHMENT - INCLUSION OF THE OPEN POTABLE WATER SUPPLY CATCHMENT IN THE ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 2 and does this apply to land owners in retrospect.

Cr Hill responded by indicating that interim guidelines are being developed in partnership with South Gippsland Water to allow consideration of permit applications in the catchment while a catchment strategy is developed over a 12 month period. The Catchment Strategy will provide longer term guidance to development within the catchment.

Mr Phil Stone, Director Development Services also added that the Environmental Significance Overlay Schedule 2 will identify the catchment within the planning scheme. The purpose of this is to ensure that prospective landowners are informed via Section 32 vendor statements of existing planning controls over land within the catchment.

Cr Fawcett returned to the Meeting at 4.09pm.

G.2 ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

Noted.

The following question was taken on notice at the previous Council Meeting of 24 July 2013 and a response is now provided.

Mr Richard Lester addressed Council by making statements about concerns he has for landscaping issues in relation to item E.2 - PLANNING PERMIT APPLICATION FOR THE BUILDING AND WORKS ASSOCIATED WITH THE DEVELOPMENT OF A SUPERMARKET (ALDI STORE) AND ASSOCIATED SIGNAGE and asked a question about when Council will implement a heritage landscape study.

An answer to the question has been provided.

In 2001, Council adopted the significant tree register developed in partnership with the South Gippsland Conservation Society. Applying a Vegetation Protection Overlay (VPO) requires a planning scheme amendment including public exhibition. The introduction of a VPO is not in the current strategic works program for 2013/14 and will be considered as a project as part of next year's Annual Plan.

CLOSED SESSION

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

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

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

ITEM 1 CONTRACTUAL MATTER

ITEM 2 PERSONNEL MATTER

RECOMMENDATION

That Council close the Meeting to the Public to allow for consideration of:

1. Contractual Matter pursuant to Section 89(2)(d) as provided for by the Local Government Act 1989; and
2. Personnel Matter pursuant to Section 89(2)(a) as provided for by the Local Government Act 1989.

MOVED: Cr Newton

SECONDED: Cr Brunt

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

1. **CONTRACTUAL MATTER PURSUANT TO SECTION 89(2)(D) AS PROVIDED FOR BY THE LOCAL GOVERNMENT ACT 1989; AND**
2. **PERSONNEL MATTER PURSUANT TO SECTION 89(2)(A) AS PROVIDED FOR BY THE LOCAL GOVERNMENT ACT 1989.**

CARRIED UNANIMOUSLY

ITEM 1 AWARD OF TENDER SGC14-02 - CONSTRUCTION OF FOOTPATH RENEWALS AND EXTENSIONS - VARIOUS LOCATIONS

THAT COUNCIL:

- 1. AWARD TENDER SGC14-02 CONSTRUCTION OF FOOTPATH RENEWALS AND EXTENSIONS - VARIOUS LOCATIONS TO:**
 - a. M MILETO & B WHALE TRADING AS M & M PAVING FOR THE LUMP SUM AMOUNT OF \$176,037.12 (INCLUDING GST) FOR:**
 - i. QUEEN STREET, KORUMBURRA (\$97,480.04).**
 - ii. PRINCES STREET, KORUMBURRA (\$44,504.02).**
 - iii. SHINGLER STREET, LEONGATHA (\$34,053.06).**
 - b. ADA CONSTRUCTION SERVICES PTY LTD FOR THE LUMP SUM AMOUNT OF \$99,827.84 (INCLUDING GST) FOR:**
 - i. TURNER STREET, LEONGATHA (\$47,124.53).**
 - ii. FARMERS ROAD, DUMBALK (\$52,703.31).**

- 3. MAKE PUBLIC THE CONTRACTS PURPOSE, DESCRIPTION, CONTRACT PRICE AND THE SUCCESSFUL PREFERRED CONTRACTORS.**

SECTION H - MEETING CLOSED

NEXT MEETING

Two (2) Special Meetings of Council open to the public will be held on Wednesday, 18 September 2013 commencing at 11.45am and 12.45pm in the Council Chambers, Leongatha.

The next Ordinary Council Meeting open to the public will be held on Wednesday, 25 September 2013 commencing at 2pm in the Council Chambers, Leongatha.

Meeting closed at 4.30pm.

CONFIRMED:.....

CR KIERAN KENNEDY – MAYOR

Date:.....