



South Gippsland
Shire Council
Come for the beauty, Stay for the lifestyle

COUNCIL MINUTES

**ORDINARY MEETING NO. 375
WEDNESDAY 27 NOVEMBER 2013
COUNCIL CHAMBERS, LEONGATHA
COMMENCED AT 2PM**

PRESENT:

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

APOLOGY: Councillor Lorraine Brunt

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

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. 375 WEDNESDAY 27 NOVEMBER 2013 COUNCIL CHAMBERS, LEONGATHA COMMENCED AT 2PM

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Tim Tamlin
Chief Executive Officer

SECTION A - PRELIMINARY MATTERS

A.1 WELCOME

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

A.2 OPENING PRAYER

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

Amen

A.3 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

A.4 APOLOGIES

Councillor Lorraine Brunt

A.5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 374, held on 23 October 2013 in the Council Chambers, Leongatha and the Minutes of the Special (Statutory) Meeting of Council held on 6 November 2013 in the Council Chambers, Leongatha be confirmed.

MOVED: Cr Hutchinson–Brooks

SECONDED: Cr Harding

THAT THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL ORDINARY MEETING NO. 374, HELD ON 23 OCTOBER 2013 IN THE COUNCIL CHAMBERS, LEONGATHA AND THE MINUTES OF THE SPECIAL (STATUTORY) MEETING OF COUNCIL HELD ON 6 NOVEMBER 2013 IN THE COUNCIL CHAMBERS, LEONGATHA BE CONFIRMED.

CARRIED UNANIMOUSLY

A.6 REQUESTS FOR LEAVE OF ABSENCE

MOVED: Cr Fawcett

SECONDED: Cr Davies

THAT CR BRUNT BE GRANTED LEAVE OF ABSENCE FOR THE ORDINARY COUNCIL MEETING TO BE HELD ON 18 DECEMBER 2013.

CARRIED UNANIMOUSLY

A.7 DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS

Any interest that a Councillor or staff member has deemed to be significant and has disclosed as either a direct or an indirect interest is now considered to be a conflict of interest. Conflict of interest legislation is in sections 77A, 77B, 78, 78A-D and 79 of the Local Government Act 1989. This legislation can be obtained by contacting the Council's Corporate Services Directorate (Governance Services) or by accessing the Victorian Legislation and Parliamentary Documents website at www.legislation.vic.gov.au. An interest may be by close association, financial, conflicting duties or receipt of gifts.

If a Councillor or staff member discloses any interest in an item discussed at any Council Meeting (whether they attend or not) they must:

- Complete a disclosure of interest form prior to the Meeting (forms are available from the Organisational Development Department – Governance).
- Advise the Chair of the interest immediately before the particular item is considered (if attending the Meeting).
- Leave the Council Chamber or Meeting room while the item is being discussed and during any vote taken (if attending the Meeting).

The Councillor or staff member will be advised to return to the Council Chamber or Meeting room immediately after the item has been considered and the vote is complete.

Councillors should check the Minutes of the Council Meeting to ensure their disclosure is recorded accurately.

Councillors are not required to disclose conflict of interest in relation to matters only considered at Meetings they do not attend.

Detailed information is available in Conflict of Interest – A Guide for Councillors June 2011.

Councillor Hutchinson-Brooks declared a direct conflict of interest in Council Reports Item E.11 – REGIONAL REPRESENTATION ON THE 'PLAN MELBOURNE' BOARD as he is the subject of this Council Report.

Councillor Davies declared a conflict of interest in Closed Council Item 1 - 2013-2014 COMMUNITY GRANTS ROUND 1 as she has a conflicting duty in that she is a member of an applicant organisation.

Councillor Davies declared a conflict of interest in Closed Council Item 1 - 2013-2014 COMMUNITY GRANTS ROUND 1 as she is the owner of a business in Foster and a member of an applicant organisation.

Councillor Fawcett declared an indirect conflict of interest in Council Reports Item E.10 – PLANNING SCHEME AMENDMENT C91 - REZONING OF SOUTH GIPPSLAND WATER OFFICE, 16-24 PIONEER ST, FOSTER as he has a conflicting duty in that he is a Director of South Gippsland Water.

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

Privacy

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

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

A.8 DECLARATION OF CONFLICT OF INTEREST FOR STAFF

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

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.

Cr Hill tabled a petition to Council (the prayer is outlined below), containing approximately 559 signatures from the Mirboo North in relation to the recent withdrawal of UnitingCare Gippsland provision of childcare services throughout the Shire including Mirboo North.

“Even if you no longer have young children, this will affect you. If families are forced to either leave town, or access child care elsewhere, that will mean businesses in town will be affected. Even the one you are standing in! Please show your support to keep accessible child care in Mirboo North by signing this petition – Save St Andrews Childcare Mirboo North”

RECOMMENDATION

That Council:

1. Receive and note the petition; and,
2. The petition lay on the table until the Council Meeting of 18 December 2013 to enable officers to prepare a report to Council.

MOVED: Cr Hill

SECONDED: Cr Kennedy

THAT COUNCIL:

1. **RECEIVE AND NOTE THE PETITION; AND,**
2. **THE PETITION LAY ON THE TABLE UNTIL THE COUNCIL MEETING OF 18 DECEMBER 2013 TO ENABLE OFFICERS TO PREPARE A REPORT TO COUNCIL.**

CARRIED UNANIMOUSLY

Cr McEwen tabled a Petition to Council (prayer outlined below), containing approximately 109 signatures from the Tarwin Lower and Walkerville areas in relation to Bald Hills South Gippsland Wind Farm.

**PETITION TO SOUTH GIPPSLAND SHIRE COUNCIL
TO PROTECT RESIDENTS FROM NUISANCE CAUSED BY OPERATIONAL NOISE
FROM THE BALD HILLS, SOUTH GIPPSLAND WIND FARM**

As landholders, residents and ratepayers who may suffer and be adversely impacted by the unacceptable nuisance of excessive noise, resulting in loss of amenity, we hereby petition the South Gippsland Shire Council thus:

1. To instruct the Victorian Minister for Planning to show Council and resident representatives the details of how the Bald Hills Wind Farm will be made to comply with noise related conditions as detailed in conditions 18-25 of the conditionally approved planning permit TRA/03/002 including any and all Victorian government processes established to ensure compliance with these conditions;
2. In the event of non-compliance by the Bald Hills Wind farm and resultant nuisance experienced by local residents and ratepayers, to request the Minister to make a formal determination of noise compliance within 30 days as per item 22 of conditional planning permit TRA/03/002;
3. If the Minister fails to enforce compliance as per condition 22 of planning permit TRA/03/002, to apply to the Victorian Civil and Administrative Tribunal (VCAT) for an enforcement order to compel the operator of the Bald Hills Wind Farm to comply with noise requirements as specified in the power station's conditional planning permit TRA/03/002;
4. Should it be evident that noise compliance cannot be demonstrated for the Bald Hills Wind Farm as per the conditions detailed in planning permit TRA/03/002, to request VCAT to cancel the said planning permit and instruct the operator to cease all operations at Bald Hills Wind Farm as a result of the operator's failure to demonstrate that the facility complies with the noise conditions that form part of the permit TRA/03/002, and to ask VCAT to notify the Commonwealth's Clean Energy Regulator of a breach; and
5. To formally notify the Commonwealth's Clean Energy Regulator, in writing, that Bald Hills Wind Farm has failed to comply with the noise conditions of planning permit TRA/03/002, specify details of its breach and request that accreditation be suspended until such time as compliance can be achieved and proven.

MOVED: Cr McEwen

SECONDED: Cr Hill

THAT COUNCIL:

1. **RECEIVE AND NOTE THE PETITION; AND,**
2. **THE PETITION LAY ON THE TABLE UNTIL THE COUNCIL MEETING OF 18 DECEMBER 2013 TO ENABLE OFFICERS TO PREPARE A REPORT TO COUNCIL.**

CARRIED

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

Against: Crs Newton and Kennedy.

A.10 COUNCILLOR REPORTS

Cr McEwen addressed Council regarding attendance at a Coal Seam Gas (CSG) meeting at Koonwarra to consult with the community on attitudes towards CSG free and to extend this conversation to Meeniyan and Dumbalk. Cr McEwen commended this initiative from local shop owners and the farming community.

Cr Kennedy addressed Council:

- 1. Regarding attendance at two luncheons at Parliament House regarding a meeting with a Chinese Delegation and South East Asia forum and was presented with a pen and gift from the delegation which he then presented to the Mayor, Cr Fawcett.**
 - 2. Regarding attendance at Sandy Point Hall opening last Saturday and acknowledged former Councillor Casbolt's contribution towards getting this project off the ground.**
 - 3. Congratulating Director of Community Services, Ms Jan Martin and Manager Sustainability, Mr Geoff McKinnon for receiving funding from a grant scheme.**
 - 4. On his receiving a fire prevention notice.**
 - 5. By echoing the comments of Cr McEwen on Coal Seam Gas.**
 - 6. Complimenting ABC774 regarding a compliment relating to the gardens in Foster.**
-

Cr Davies addressed Council regarding the recent major storms and the subsequent clean-up and thanked those who are cleaning up their properties and preparing for the summer fire season ahead. Cr Davies noted the impact of storms on drains.

Cr Davies addressed Council on attendance at:

- Youth Council Advisory Committee and discussed the increasing the participation from Corner Inlet.**
 - Foster Amateur Music and Drama Association (FAMDA) opening of the 60 Year Anniversary Exhibition and reflected on the levels of volunteering which supports this organisation and congratulated FAMDA for the performances they have staged.**
 - Smoking ceremony at Coal Creek, Korumburra that saw a number of children and adults to create a special place in Coal Creek to recognise our proud history.**
 - Remembrance Day services in Foster.**
 - Prom Coast Aged Care Facility currently under construction.**
 - Fire preparedness meeting in Nunawading, which was a great initiative of Council to reach out to its non – resident rate payers in conjunction with Bass Coast with over 100 people in attendance.**
-

Cr Hill addressed Council regarding:

- **A number of enquiries relating to the state of the roads and has been advising rate payers to log requests on line with Council.**
- **Maintenance undertaken by the Shire Depot members on table drains which has been beneficial.**

Cr Hutchinson-Brooks addressed Council on attendance at:

- **Remembrance Day ceremony at Leongatha and played the last post at the ceremony.**
- **Mirboo North Community Foundation who are quite an impressive organisation.**
- **Round Table hosted by City of Latrobe regarding establishing an aviation training (avionics and maintenance) hub in Gippsland. A study is being conducted to assess the feasibility of this which is in its early stages and could involve South Gippsland with benefits for broader Gippsland.**

Cr Harding addressed Council regarding:

- **An article in the Yarram Standard for a licence renewal relating to Coal to which Cr Harding received inquiries and made inquiries with Minister Ryan.**
- **Launch of Sustainability Gippsland website which was created with support from the Victorian Government and is a web-based tool to support individuals and organisations to support sustainability in the region.**

Cr Fawcett addressed Council regarding:

- **Attendance at the launch of the Neighbour Safer Place and funding announcement for TP Taylor Reserve. Noted the community pride and joy in achieving their objectives. It meets three primary community needs, a meeting place, a Neighbourhood Safer Place and Children's Play / Adult Sporting Facilities.**
 - **Publication of the 'Settling of Gippsland', Author Patrick Morgon which has been reprinted and will be placed in Council's Library and is available for sale from Council Reception for \$35.**
-

SECTION B - NOTICES OF MOTION AND/OR RESCISSION

Nil

SECTION C - COMMITTEE REPORTS

C.1 AUDIT COMMITTEE REPORT SEPTEMBER 2013

Corporate Services Directorate

EXECUTIVE SUMMARY

The Audit Committee met on 12 September 2013 and a copy of their report is attached (**Attachment 1**). An updated Audit Committee Charter (**Attachment 2**) is provided for Council's consideration and adoption.

It is also recommended that Council appoint current Independent Audit Committee Member, Mr Craig Nisbet, for a second and final three year term which will conclude in December 2016.

Document/s pertaining to this Council Report

- **Attachment 1** - Report of Audit Committee Meeting 12 September 2013
- **Attachment 2** – Audit Committee Charter and Terms of Reference (revised)

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 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 September 2013 meeting included:

- Events Management Review Report. The Audit Committee recommends that this Review is important and should be actioned;
- Review and acceptance of the 2012/13 Annual Financial Report, Unaudited Financial Statement 2012/13 and interim VAGO management letter before presentation to Council. This review included meeting with and discussions with the external Auditor;
- Review of the internal audit function;
- Review of Audit Committee Charter (**Attachment 2**) and recommendations for updating (refer to marked up changes); and
- Noting that Independent member and current Committee Chair, Mr Craig Nisbet's first three year term expires in December 2013. Mr Nisbet has indicated he is willing to be re-appointed as an Independent member for a second and final three year term. If this appointment is confirmed by Council, as required by Council's Audit Committee Charter, this second and final term would conclude in December 2016.

FINANCIAL CONSIDERATIONS

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

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

RISK FACTORS

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

RECOMMENDATION

That Council:

1. Receive and endorse the report of the Audit Committee (Attachment 1) held on 12 September 2013;
2. Adopt the updated Audit Committee Charter (Attachment 2); and
3. Appoint Mr Craig Nisbet as an Independent Member of the Audit Committee for a second and final 3 year term to conclude in December 2016, in accordance with Council's Audit Committee Charter.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Davies

SECONDED: Cr McEwen

THAT COUNCIL:

1. **RECEIVE AND ENDORSE THE REPORT OF THE AUDIT COMMITTEE (ATTACHMENT 1) HELD ON 12 SEPTEMBER 2013;**
2. **ADOPT THE UPDATED AUDIT COMMITTEE CHARTER (ATTACHMENT 2); AND**
3. **APPOINT MR CRAIG NISBET AS AN INDEPENDENT MEMBER OF THE AUDIT COMMITTEE FOR A SECOND AND FINAL 3 YEAR TERM TO CONCLUDE IN DECEMBER 2016, IN ACCORDANCE WITH COUNCIL'S AUDIT COMMITTEE CHARTER.**

CARRIED UNANIMOUSLY

Attachment 1
Report of Audit Committee Meeting 12 September 2013

Attachment 1			
Report of Audit Committee Meeting			
Meeting Objective	Date	Time	Location
	Thursday 12 September 2013	9.00am start (Committee to meet in committee at 8.30am with internal auditor if required).	Meeting Room 2, Council Chambers, Michael Place, Leongatha
		Duration: 2 hour meeting concluding 11.00am	
Attendees	Mr Craig Nisbet (Chair) Councillor Fawcett Rochelle Wigglesworth WHK (Audit) and Tom Lovass: Finance Manager – for item 14 SGSC Annual Financial Report for the year ended 30 June 2013	Ms Theresa Glab Mark Holloway HLB Mann Judd	Dr Irene Irvine Councillor Kennedy
Apologies	Support Staff: Tim Tamin: CEO, June Ernst: Director Corporate Services, Luke Anthony: Manager Governance Services, David Roche: Governance Coordinator		
Distribution List	Nil		
Disclosures of interest	As per attendees		
Confirmation of report of previous meeting	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.		
Advise of possible breaches of legislation / compliance	Appendix 1: Report of Meeting held on 20 May 2013 Moved: Member Glab Seconded: Member Irvine That the report is confirmed. Agreed Nil advised.		



Attachment 1

Agenda Items

MEETING ITEM IS SCHEDULED FOR	Qtr. 1 Feb 2013	Qtr. 2 May 2013	Qtr. 3 Aug 2013	Qtr. 4 Nov 2013	Who	Report Next Due	Action / Comment / Report
<p>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.</p> <p>Quarterly Financial Performance Report April 2013 – June 2013.</p>					Director Corporate Services	Sept 2013	<p>Noted: The contract for the sale of land to South Gippsland Water was finalized prior to 30 June 2013. The only outstanding actions relate to settlement pending registration of the plan of subdivision at the Land Registry. The proceeds of sale are currently in Council's lawyers trust account and will be released to Council once the Land Registry confirms that the plan of subdivision has registered.</p> <p>Noted: High level reporting will be considered in the draft Council Plan for 2014/2015.</p>
<p>2. Internal Control System Consider the effectiveness of Council's internal control system (including financial reporting). Policy Review Timetable</p>					Director Corporate Services	May 2014	<p>Noted: Staff will 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>3. Risk Management Monitor the systems and processes for risk management including status and content of corporate risk register and review Council's risk profile, including adequacy of mitigation actions. Strategic Risk Register.</p>					Manager Governance Services	Sept 2013	<p>Noted: Strategic Risk Committee (SRC) recently separated the Strategic Risk Register to only include Risks that have been fully assessed. New risks will be added to the Strategic Risk Register once they have been fully assessed and</p>



Attachment 1

MEETING ITEM IS SCHEDULED FOR	Qtr. 1 Feb 2013	Qtr. 2 May 2013	Qtr. 3 Aug 2013	Qtr. 4 Nov 2013	Who	Report Next Due	Action / Comment / Report
<p>Details of Council Insurance Cover required under section 76A Local Government Act 1989</p> <p>Insurance Coverage report including a year by year comparison of premiums.</p> <p>Insurance Premium Report including year by year comparison of premiums.</p>					Manager Governance Services	Sept 2013	<p>approved by the SRC.</p> <p>Action: Consideration in future reporting be given to:</p> <ol style="list-style-type: none"> 1. Providing a focus on high risks and changes thereto; 2. Concentrating on the 5 highest risks and medium risks that escalate; 3. Risk/business owners making presentations about the risks in their portfolios, to the Committee over time; 4. Including strategic risks of financial, strategic planning and asset management that are not currently included in the Strategic Risk Register; and 5. Councillors conducting a risk management workshop to determine what Councillors see as risks to Council. <p>Action: Consideration in future reporting be given to:</p> <ol style="list-style-type: none"> 1. Including Workover details; 2. Including motor vehicles claims history such as accident rate per 100,000ks and at fault accidents; 3. An independent review of insurances; 4. An overview of the process used for determining insurance cover; and 5. Confirmation of coverage for Council appointed Committees, including the Audit Committee.
<p>Monitor effectiveness of business continuity planning including disaster recovery plan.</p> <p>Business Continuity Plan Project Plan.</p>					Director Corporate Services	Sept 2013	<p>Noted: At November 2012 meeting that the Business Continuity Plan is currently under review and will be presented to the</p>

Attachment 1

MEETING ITEM IS SCHEDULED FOR	Qtr. 1 Feb 2013	Qtr. 2 May 2013	Qtr. 3 Aug 2013	Qtr. 4 Nov 2013	Who	Report Next Due	Action / Comment / Report
							<p>Audit Committee in August 2013 following review by Council's Strategic Risk Committee. The CEO provided an assurance that Council could continue its business if a disaster occurred but the process would be clunky. The CEO further indicated that a recent incident tested part of the BCP and the BCP was found to be adequate.</p> <p>Action: Consideration be given to:</p> <ol style="list-style-type: none"> 1. Escalating the data recovery part of the BCP; and 2. Given the resource intensiveness of developing and reviewing the BCP parts or components of the BCP be tested and reported to the Audit Committee.
<p>Review any reports concerning evidence of material violation or breaches of fiduciary duty.</p> <p>Internal Review of Registers.</p>			As required		Director Corporate Services	Sept 2013 or as required	<p>Action: Officers to report in May 2013 following an internal review of registers trust accounts, agreements and contracts.</p> <p>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.</p> <p>Action: Report noted.</p> <p>Action: Officers consider re-ordering/re-prioritising the Committee agenda to reflect the status of items such as "for information", "for discussion", "for recommendation by Committee".</p> <p>Noted: Organisation wide Fraud</p>
Review any instance of fraud or possible illegal acts.		As required	As required		Directors and	As	



Attachment 1

MEETING ITEM IS SCHEDULED FOR	Qtr. 1 Feb 2013	Qtr. 2 May 2013	Qtr. 3 Aug 2013	Qtr. 4 Nov 2013	Who	Report Next Due	Action / Comment / Report
					Managers	required	Awareness sessions occurred in July / August 2013 and continues.
3. Internal Audit Review internal audits and management action plans for implementation of recommendations. Q4 12/13: Events Management Review Report including Management Comments.					Manager Governance Services	Sept 2013	Actions: <ol style="list-style-type: none"> 1. A briefing be provided to the Committee at its next meeting which takes a high level approach with the opportunity for "quick hits". 2. Recommend to Council that this review is important and should be actioned. 3. Consider centralizing responsibility for events management rather than decentralizing responsibility. 4. Action plans and milestones should be monitored by the Audit Committee, and 5. Escalate all key findings risk rating to high. Action: Change focus of the review to IT controls.
Q1 13/14: IT Governance Scope Draft Review Scope for sign off. Consider status of implementation of internal audit recommendations and agreed management action plans. Audit actions and compliance update.					Manager Governance Services	Sept 2013	Action: Staff discuss with Internal Auditor with the

Attachment 1

MEETING ITEM IS SCHEDULED FOR	Qtr. 1 Feb 2013	Qtr. 2 May 2013	Qtr. 3 Aug 2013	Qtr. 4 Nov 2013	Who	Report Next Due	Action / Comment / Report
Review the internal audit function (internal auditor services/performance), monitor satisfaction with internal audit service. Draft Internal Auditor Annual Performance Report for 2012/2013; for feedback from the Committee.					Manager Governance Services	Sept 2013	view of refining or accepting risks given the resource intensiveness of completing the actions of prior audits and in doing this consider degree of risk (high), legal obligations and efficiency. Noted: A review of the Internal Audit performance for the initial of three year term of HLB Mann Judd's contract which concludes on 30 June 2014, will be presented to the Audit Committee at the February 2014 meeting to assist in determining whether the first (of two potential) one year extensions will be granted by Council or whether the service will need to be tendered.
HLB Mann Judd Letter of Independence. Review / recommend the annual audit plan and ensure it is linked to Council's risk profile. Proposed 2013/14 Audit Plan: which includes recommendations for Q3 2013/14 for a Rates Revenue Audit following discussions with HLB Mann Judd. It was originally planned for a Q4 Audit 2013/2014 on the BCP however, as per Appendix 5 Council is not in a position for this to occur at this time and the Audit Committee is requested to recommend a replacement audit subject to the outcome of the discussion relating to Appendix 9. Monitor processes and practices to ensure the independence of the internal audit function. Provide an opportunity for the audit committee to meet with the internal auditor without management.					Manager Governance Services	Sept 2013	Action: 1. Note change from IT Governance to IT General Control in Q1 2013-14. 2. In formulating the Audit Plan for the future consider include high risks, Directorate coverage, review of Councillors expenditure before the end of their term or in Q4 of 2013-14 and include reviews by external agencies
					Manager Governance Services	Nov 2013	Report not due.
					Manager Governance Services	As required	The Internal Auditor is available to meet with Audit Committee during closed session as required.



Attachment 1

MEETING ITEM IS SCHEDULED FOR	Qtr. 1 Feb 2013	Qtr. 2 May 2013	Qtr. 3 Aug 2013	Qtr. 4 Nov 2013	Who	Report Next Due	Action / Comment / Report
4. External Audit					Manager Finance	May 2014	Action: That a list of Internal Audits be included in the Audit Strategy.
Note external auditor's proposed audit scope and approach.							
Review the annual financial report including external auditors' view on the control environment, results of annual external audit, communication required under Australian Auditing Standards & management letters. VAGO Interim Management letter – Interim financial audit 2012/13					Manager Finance	Sept 2013	Noted.
Unaudited Financial Statement for 2012/13							Unaudited Annual Financial Report for the year ended 30 June 2013 accepted subject to no major changes being made by VAGO.
VAGO Financial Management letter for final audit for financial year 2012/13.						Nov 2013	Report not due.
External Accreditations e.g. HIACC HIACC Accreditation report.		As required			CEO	Sept 2013	Successful accreditation noted.
Resolve any disagreement between management and the external auditors in financial reporting.		As required			Director Corporate Services	As required	No disagreements.
5. Compliance							
Obtain regular updates on compliance matters.					Manager Governance Services	Sept 2013	Noted.
Freedom of Information, Privacy Report and Returns of Interest.							Noted.
Procurement compliance report.							Noted.
Gifts and Donations Register.							Noted.

Attachment 1




MEETING ITEM IS SCHEDULED FOR	Qtr. 1 Feb 2013	Qtr. 2 May 2013	Qtr. 3 Aug 2013	Qtr. 4 Nov 2013	Who	Report Next Due	Action / Comment / Report
Review the systems and processes for monitoring compliance with legislation and regulations.					Manager Governance	Feb 2014	Report not due.
Be informed on how management monitors the effectiveness of its compliance and ethics program. Compliance and Ethics Program					Manager Governance Services	Nov 2013	Noted.
Keep informed of the findings of any examinations by regulatory agencies including Ombudsman and Local Government Inspectorate.					Manager Governance Services	Sept 2013	Noted.
Local Government Investigation and Compliance Inspectorate – Councillor Discretionary Funds Correspondence – 3 June 2013.					CEO	Nov 2013	Noted: That Council has prepared and published new guidelines to meet the requirements of the new Protected Disclosure Act 2012 in August 2013.
6. Reporting responsibilities							
Audit Committee reports regularly to Council.					Manager Governance Services	Sept 2013	Noted: May 2013 Audit Committee Report was 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.
7. Assessment of financial information							
Review significant accounting and reporting issues.	As required				Manager Finance	As required	
Review attestations required (include Best Value statement). National Competition Policy and Best Value Statement.					Manager Governance Services	Sept 2013	Noted.
Fire Service Levy update.					Director	May	Report not due


Attachment 1



				Corporate Services	2014	
Caravan Park Project Update Caravan Park Update Council report - 28 August 2013				CEO	Sept 2013	Noted.
8. General						
Establish number of meetings for forthcoming year.				Manager Governance Services	Nov 2013	Report not due.
Review effectiveness of Secretariat support performance.				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: using feedback from the Audit Committee.				Manager Governance Services	May 2013	Action: In the future the two Councillor members of the Committee and the CEO conduct this review.
Consideration and recommendation of Committee Chair for appointment by Council by April of each year.				Manager Governance Services	Nov 2013	
Confirmation of Independent Members and Terms of Office Action: The current Chair's first 3 year term concludes in December 2013. The Committee may wish to make a recommendation to Council regarding filling the vacancy or reappointing Craig for a further 3 year term as provided by the Committee Charter.			As required.	Manager Governance Services	Sept 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 3 year term concluding in December 2013. Craig Nisbet indicated his willingness to be re-appointed for a second and final 3 year term as Independent Member which would conclude in December 2016. This will be presented to Council for a decision and confirmation at the 27 November 2013 Council Meeting. Theresa Glab – appointed by Council in

Attachment 1

	<p>December 2011 for an initial 3 year term concluding on 30 November 2014. Irene Irvine – appointed by Council in December 2012 for an initial 3 year term concluding on 30 November 2015. 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 Secondary Returns.</p>	<p>Action: Update the Charter to include: 1. Annual review of the effectiveness by the Council members of the Committee and CEO; 2. remove 'Fellow' from qualifications. 3. undertake an 'Assurance Map' to ensure oversight of key risks to ensure these are covered; 4. preparation of an annual report saying whether the Committee has achieved its objectives; 5. Annual review of Independent members performance and the review of the Committee in accordance with the Audit Committee Charter; and 6. Monitoring implementation of agreed actions arising from Internal Audits.</p>	<p>Action: Provide the updated Charter to Council for adoption.</p>
	<p>May 2014</p>		
	<p>Manager Governance Services</p>		
<p>Review and assess the adequacy of the Audit Committee Charter annually and confirm all charter responsibilities have been carried out. Audit Committee Charter: updated to include feedback from May 2013 meeting.</p>			
			<p>9. General Business:</p>



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11. Close / Next meetings for next year (place in calendars)
25 November 2013.

Attachment 2 Audit Committee Charter and Terms of Reference (revised)

Attachment 2			
SOUTH GIPPSLAND AUDIT COMMITTEE CHARTER REVISED 27 NOVEMBER 2013			
Policy Number	C08	Directorate	Corporate Services
Council Item No.	TBA	Department	Governance Services
Council Adoption Date	27 November 2013	Primary Author	David Roche
Revision Date	27 November 2015	Secondary Author	
<hr/>			
Goal			
<p>The main goal of the Audit Committee is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk including Council's exposure to fraud, maintaining a reliable system of internal control and facilitating the Council's ethical development.</p>			
Role			
<p>The Audit Committee does not have any management functions. The Audit Committee is independent of management and capable of a high degree of objectivity and independence in carrying out its duties. In undertaking this role the Audit Committee can provide oversight of the following:</p>			
<ul style="list-style-type: none">• Corporate governance• Information and communications (ICT) technology• Management and governance of the use of data, information and knowledge• Internal and external reporting – financial and performance• Risk management including fraud prevention, business continuity planning and disaster recovery• Internal and external audit• Internal control framework• Compliance with the Local Government Act 1989 and other applicable legislation and regulations including national competition policy			
Authority			
<p>The audit committee has the responsibility for advising the South Gippsland Shire Council (Council) on:</p>			
<ol style="list-style-type: none">1. seeking resolution on any disagreements between management and the external auditors on financial reporting reviewing all auditing, planning and outcomes.2. seeking any information it requires from Councillors, and Council staff via the Chief Executive Officer and external parties.3. formally meeting with Council staff, internal and external auditors as necessary.			
Composition			

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The Audit Committee will consist of up to five members, comprising of two Councillors and a minimum of two and up to three members who must be independent. Independent members may serve a maximum of two terms of three years. A quorum is to consist of three members, one of whom must be an independent member.

The Council will appoint Audit Committee members, the Audit Committee Chair and confirm the reappointment of an independent member for a second and final three year term.

The Chair of the Audit Committee must be independent. The Chair of the Audit Committee must be appointed by Council for each calendar year, however, the Audit Committee shall make a recommendation to the Council regarding who the chair should be and the Term of Office of the chair. The term of the Chair is to be reviewed on an annual basis. It is recommended that the Term of Office of the Chair should be 2 years, with a maximum of two terms. The Committee should consider the appointment of the Chair each February and if required a recommendation made to Council in April of that year.

One Audit Committee member ~~must be~~ financially literate and evidenced by CPA status or membership of the Institute of Chartered Accountants.

Meetings

The Audit Committee will meet at least four times a year, with authority to convene additional meetings, as circumstances require.

All Audit Committee members are expected to attend each meeting, in person or through teleconference or video conference.

The Chief Executive Officer will facilitate the meetings of the Audit Committee and invite members of management, auditors or others to attend meetings to provide pertinent information, as necessary.

Meeting agendas will be prepared and provided at least one week in advance to members, along with appropriate briefing materials.

Minutes will be prepared.

The Audit Committee may meet in closed session immediately prior to the commencement of the scheduled Audit Committee meetings.

Observer and Council Staff support and attendance at meetings

All Councillors will have the opportunity to attend Audit Committee meetings as observers.

The Audit Committee may invite other persons to attend the Audit Committee meetings if it is determined by the Audit Committee that this is necessary for the Audit Committee to properly carry out their functions. However, determination to issue invitations will be considered in consultation with the Chief Executive Officer.

The Chief Executive Officer or his/her nominee will attend all meetings of the Audit Committee except that part of the meeting when the Audit Committee meets in closed session immediately prior to the meeting.

The Chief Executive Officer will arrange for:

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- The provision of secretarial/administrative support to enable the proper functioning of the Audit Committee; and
- The attendance of staff as is necessary to properly advise the Audit Committee, in particular in the consideration of Internal Audit Reports and External Audit.

Meetings with Internal Auditor

There is an opportunity for the Audit Committee to meet with the Internal Auditor at each meeting, without the presence of management. It is usual for the Internal Auditor to attend Audit Committee meetings to present the report of Internal Audits to the Audit Committee.

Recruitment and Selection of Independent Members to the Audit Committee

The recruitment of Independent Members of the Audit Committee will generally follow the process for the recruitment of staff, and will provide for the following as a minimum:

- Preparation of a position description and person specification;
- Advertising of the position in the metropolitan press, local press, Council notice board and Council website;
- Making available to potential applicants an information package containing position description, required skills and qualifications, Audit Committee Charter, Audit Policy, most recent annual report, forthcoming Audit program, three recent Audit Committee meeting reports, term of office, details of remuneration and Council contact person; and
- Appointment of the Mayor, Chief Executive Officer and Audit Committee Chair to assess applications, interview shortlisted candidates and recommend a preferred candidate to the Council for appointment. Members of the Audit Committee can only be appointed by Council.

Fees and Expenses

Council may pay a fee to a member of an audit committee who is not a Councillor or member of Council staff.

The fee paid to members at the date of this Charter are:

Chair - \$425.00 per meeting attended

Member - \$375.00 per meeting attended

The above fees are adjusted by the annual percentage increases made to Mayoral and Councillor Allowances as determined by the Minister for Local Government under section 73B of the Local Government Act 1989.

Travel expenses are reimbursed at Australian Taxation Office rates

Induction

Immediately after appointment, new members of the Audit Committee will be provided the opportunity to participate in induction. This induction will be arranged by the Chief Executive Officer.

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Attachment 2

Conflict of Interest and Police Checks

Council members and independent members of the Audit Committee are required to comply with the Disclosure of Conflict provisions contained in section 79 of the Local Government Act 1989 and to lodge Primary and Ordinary returns prescribed in section 81 of the Local Government Act 1989.

All members of the Audit Committee are required to undergo Police Checks prior to participating on the Audit Committee.

Removal of members of the Audit Committee

Council has the power to remove members from the Audit Committee.

Support

To facilitate the operation of the Audit Committee, the Chief Executive Officer has responsibility to provide secretariat services and officer advice in respect of matters before the Audit Committee.

Responsibilities

The Audit Committee will carry out the following responsibilities:

1. Financial Report

Review significant accounting and reporting issues, including complex or unusual transactions and highly judgemental areas, and recent accounting, professional and regulatory pronouncements and legislative changes, and understand their effect on the financial report.

Review with management and the external auditors the results of the audit, including any difficulties encountered.

Review the annual financial report, and consider whether it is complete, consistent with information known to audit committee members, and reflects appropriate accounting principles.

Review with management and the external auditors all matters required to be communicated to the audit committee under the Australian Auditing Standards.

2. Internal control

Understand the scope of internal and external auditors' review of internal controls over financial reporting, and obtain reports on significant findings and recommendations, together with management's responses.

3. Risk management

Monitor the systems and process via the Council's risk profile to ensure that material operational risks to the Council are dealt with appropriately.

Monitor the process of review of the Council's risk profile.

Consider the adequacy of actions taken to ensure that the material business risks have been dealt with in a timely manner to mitigate exposures to the Council.

Attachment 2

Undertake an "Assurance Map" annually to ensure oversight of key risks to the Council.

4. Business continuity

Monitor processes and practices of the Council to ensure for effective business continuity.

5. Internal audit

Review with management and the internal auditor the charter, activities, staffing, and organisational structure of the internal audit function.

Review and recommend the annual audit plan for approval by the Council and all major changes to the plan.

Monitor processes and practices to ensure that the independence of audit function is maintained.

As part of the audit committee's annual assessment of performance, determine level of satisfaction with internal audit function having consideration of the Institute of Internal Auditors' International Standards for the Professional Practice of Internal Auditing.

Monitor that the internal auditor's annual plan is linked with and covers the material business risks.

Provide an opportunity for the Audit Committee to meet with the internal auditor to discuss any matters that the audit committee or internal auditor believes should be discussed privately.

6. External audit

Note the external auditor's proposed audit scope and approach, including any reliance on internal auditor activity.

Provide an opportunity for the Audit Committee to meet with the external auditors, to discuss any matters that the Audit Committee or the external auditors believe should be discussed privately.

7. Compliance

Review the systems and processes to monitor effectiveness of the system for monitoring compliance with legislation and regulations and the results of management's investigation and follow-up (including disciplinary action) of any instances of non-compliance.

Keep informed of the findings of any examinations by regulatory agencies and any auditor (internal or external) observations and monitor management's response to these findings. Obtain regular updates from management about compliance matters.

Reporting responsibilities

Report regularly to the Council about Audit Committee activities, issues, and related recommendations through circulation of minutes and annual report. Additional updates may be appropriate should issues of concern arise.

Monitor that open communication between the internal auditor, the external auditors, and the Council occurs.

Prepare an Annual Report. Report annually to stakeholders, describing the audit committee's composition, responsibilities, how they were discharged, achievement against Committee objectives and any other information required by regulation, including approval of non-audit services.

Consider the findings and recommendations of relevant Performance Audits undertaken by

Attachment 2

the Victorian Auditor-General and to ensure the Council implements relevant recommendations.

Other responsibilities

Perform other activities related to this charter as requested by the Council.

Review and assess the adequacy of the Audit Committee charter annually, requesting Council approval for proposed changes, and ensure appropriate disclosure as might be required by legislation or regulation.

Confirm annually that all responsibilities outlined in this charter have been carried out.

Evaluate the Audit Committee's performance annually.

[Conduct an annual review of Independent member's performance.](#)

[Participate in an annual review of the effectiveness of the Audit Committee by Council and the Chief Executive Officer.](#)

SECTION D – PROCEDURAL REPORTS

D.1 COUNCILLOR EXPENDITURE REPORT - 30 SEPTEMBER 2013

Corporate Services Directorate

EXECUTIVE SUMMARY

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

Document pertaining to this Council Report

- **Attachment 1** - Councillor Expenditure

LEGISLATIVE/ ACTION PLANS/ STRATEGIES/ POLICIES

- Local Government Act 1989 - Section 75 Reimbursement of expenses of Councillors
- Councillor Support and Expenditure Policy

COUNCIL PLAN

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 2013 to 30 September 2013.

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

FINANCIAL CONSIDERATIONS

Overall Expenditure is in line with budget.

RISK FACTORS

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

RECOMMENDATION

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

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Davies

SECONDED: Cr Hill

THAT COUNCIL RECEIVE AND NOTE THE COUNCILLOR EXPENDITURE REPORT FOR THE PERIOD 1 JULY 2013 TO 30 SEPTEMBER 2013.

CARRIED UNANIMOUSLY

Attachment 1

Councillor Expenditure												
From 1 July 2013 to 30 September 2013												
Councillor	Car	Travel Expenditure					Other Expenditure					Total
		Fuel Cost *	Other travel **	Mobile Phone	Phone/Fax/ Modem	Accommodation/Parking	Councillor Allowance	Remoteness Allowance				
Cr. Robert Newton	Council	\$ 233	\$ -	\$ 114	\$ -	\$ -	\$ 7,887	\$ -	\$ 8,234			
Cr. Lorraine Brunt	Council	\$ 298	\$ -	\$ 280	\$ -	\$ 30	\$ 7,887	\$ -	\$ 8,495			
Cr. Andrew McEwen	Personal	\$ -	\$ 1,820	\$ 86	\$ -	\$ 44	\$ 7,887	\$ -	\$ 9,837			
Cr. Kieran Kennedy	Council	\$ 485	\$ -	\$ 145	\$ -	\$ 86	\$ 24,404	\$ -	\$ 25,120			
Cr. Mohya Davies	Council	\$ 290	\$ -	\$ 192	\$ 32	\$ 104	\$ 7,887	\$ -	\$ 8,505			
Cr. Jeanette Harding	Council	\$ 280	\$ -	\$ 119	\$ -	\$ 185	\$ 7,887	\$ 200	\$ 8,671			
Cr. Nigel Hutchinson Brooks	Council	\$ 219	\$ -	\$ 112	\$ -	\$ -	\$ 7,887	\$ -	\$ 8,218			
Cr. Don Hill	Personal	\$ -	\$ 732	\$ 260	\$ 112	\$ 351	\$ 7,887	\$ -	\$ 9,342			
Cr. James Fawcett	Personal	\$ -	\$ -	\$ 132	\$ -	\$ -	\$ 7,887	\$ -	\$ 8,019			
Total Actual (Year to date September 2013)		\$ 1,805	\$ 2,552	\$ 1,440	\$ 144	\$ 800	\$ 87,500	\$ 200	\$ 94,441			
Total Budget (Year to date September 2013)		\$ 2,850	\$ 3,150	\$ 1,755	\$ 2,307	\$ 10,105	\$ 92,786	\$ 123	\$ 113,076			
Variance		\$ 1,045	\$ 598	\$ 315	\$ 2,163	\$ 9,305	\$ 5,286	\$ 77	\$ 18,635			

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

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

D.2 JULY TO SEPTEMBER 2013 QUARTERLY PERFORMANCE REPORT

Corporate Services Directorate

EXECUTIVE SUMMARY

The organisational Quarterly Performance Report for the period July to September 2013 provides detailed reporting on Council's year to date performance against the 2013/14 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 September 2013.

The organisational Quarterly Performance Report July to September 2013 is provided in **Appendix 1**.

Document/s pertaining to this Council Report

- **Appendix 1** - Quarterly Performance Report July to September 2013

A copy of **Appendix 1 - Quarterly Performance Report July to September 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

- 2013/14 Annual Plan
- 2013/14 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 2013/14 Annual Plan.

Background

The 2013/14 Annual Plan, adopted by Council on 26 June 2013 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 79 Annual Plan commitments seven were achieved, 69 are currently progressing on track and one was delayed. (Two are scheduled to commence in 2014.)

There are eight KSA's of which one is complete and seven activities commenced and on target.

A number of significant highlights during the July to September 2013 period include:

- Stage 1 of the Great Southern Rail Trail extension project was officially opened in August by the Deputy Premier. Over 200 participants attended the event.
- Home and Community Care (HACC) accreditation achieved a high score ranking of 17 out of 18 for the high quality, person-centred care provided. An annual satisfaction survey of clients demonstrated over 98% satisfaction.
- A partnership was formed with the Gippsland Regional Waste Management Group to implement the State Government's Resource Smart Aussivic program in local schools.
- Coal Creek Community Park and Museum was a finalist in Keep Australia Beautiful Victoria Tidy Towns - Sustainable Communities Awards 2013.
- Sandy Point Community Centre was designated as a Neighbourhood Safer Place – Place of Last Resort at the August Council Meeting.

- Severe weather conditions in August and September prompted numerous landslip repairs. Customer Service received an overwhelming call-centre response in September due to storm events and the team responded well to the added pressure.
- Awarded Tender SGC14-02 Footpath Extensions and Renewals.
- The Leongatha Traffic and Drainage Study was completed in August and the Korumburra Traffic and Drainage Study is progressing well.
- Commenced the direct management of the Yanakie Caravan Park in September, while the transition phase is progressing well towards direct management of the Long Jetty Caravan Park.
- Council's 2013/2014 WorkCover Premium reduced by \$224,213; the lowest premium in 10 years.
- Council adopted a proposal to undertake the Rating Strategy review utilising an Advisory Steering Committee consisting of a greater number of Community members than Councillors.
- Completed the procurement for replacement printer and multifunction devices with the project delivering improved functionality with an estimated saving of \$120,000 per annum in the cost of producing print media.
- Council adopted the 2012/13 Annual Report and presented this to the Minister for Local Government by 30 September 2013.

FINANCIAL CONSIDERATIONS

Activities within the Council 2013/14 Annual Plan are funded through the 2013/14 Budget.

The weighted average of 5 key financial ratios (including indebtedness, underlying working capital ratio, self-financing, investment gap and underlying result for the 2013/2014 Budget) is 112% at 30 September 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 in **Appendix 1**. The Report provides an overview of Council's performance against both Department Budgets and the Annual Plan for the period July to September 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 2013/14 Annual Report.

RECOMMENDATION

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

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Davies

SECONDED: Cr Fawcett

**THAT COUNCIL RECEIVE AND NOTE THE ORGANISATIONAL
QUARTERLY PERFORMANCE REPORT (APPENDIX 1) FOR THE PERIOD
JULY TO SEPTEMBER 2013.**

CARRIED UNANIMOUSLY

D.3 REPORT ON ASSEMBLY OF COUNCILLORS - OCTOBER 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 October 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 2 October 2013		
General Local Law 1 and 2	<p>Councillors Attending: Crs Davies, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Fawcett, Hill and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided an update on the progress of the review of the General Local Law.</p>
Future of Foster Swimming Pool	<p>Councillors Attending: Crs Davies, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Fawcett, Hill and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information on the proposed review of Foster Swimming Pool.</p>
GHD Port and Coal Export Research	<p>Councillors Attending: Crs Davies, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Fawcett, Hill and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information on the strategic issues surrounding a major new port in Gippsland or Westernport related to the export of coal.</p>
Special Committee Review – Swimming Pool Delegations	<p>Councillors Attending: Crs Davies, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Fawcett, Hill and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided an update on the progress of the review of the Instruments of Delegation for the Swimming Pool Special Committees of Council.</p>
Poowong Loch Nyora Sewerage Scheme	<p>Councillors Attending: Crs Davies, McEwen, Newton, Harding, 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 an update by South Gippsland Water on the next steps and final recommendations of the Poowong Loch Nyora Sewerage Scheme.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 2 October 2013		
Financial Results Large Councils and Financial Strategies	<p>Councillors Attending: Crs Davies, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Fawcett, 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 a high level overview of:</p> <ul style="list-style-type: none"> • 2012/13 financial results • Impact of results on 2013/14 and forward budgets • Benchmarking of financial plan against other large rural councils; and • Future strategic considerations.
Council Plan Actions and Council Timetable for September / October 2013	<p>Councillors Attending: Crs Davies, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Fawcett, Hill and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information on Council Plan Actions and the Council Timetable for September / October 2013.</p>
Executive Update	<p>Councillors Attending: Crs Davies, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Fawcett, Hill and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Rail Freight Development • Victorian Local Government Association (VLGA) • Local Government Focus • Regional Growth Plan • Notice of Motion
Monday 7 October 2013		
Rating Strategy Steering Committee	<p>Councillors Attending: Crs Kennedy and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Review of nominations to the committee
Social Community Infrastructure	<p>Councillors Attending: Crs Fawcett, Davies, McEwen, Brunt, Hill and Kennedy.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: The purpose of the committee was discussed including: develop integrated planning approach, view other community examples, gathering data from towns and clusters.</p>
Economic Development and Tourism Steering Committee	<p>Councillors Attending: Crs Hutchinson-Brooks, McEwen, Harding, Davies and Kennedy.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Economic Development Strategy development

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 9 October 2013		
Community Engagement and Evolving Vision Steering Committee	<p>Councillors Attending: Crs Brunt, Fawcett, Hutchinson-Brooks, Kennedy, Harding, McEwen, Davies and Newton.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Community engagement discussion: policy / strategy and engagement plan • Council Market Research
Financial Sustainability Steering Committee	<p>Councillors Attending: Crs Davies, Newton, Kennedy, Fawcett, Brunt, McEwen, Harding, Hutchinson-Brooks and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Overview of Council Services • Detailed Service Review, identification of the first services to review
Wednesday 16 October 2013		
Coal Creak site rationalisation - relocation of VIC and Destination Gippsland	<p>Councillors Attending: Crs Davies, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Fawcett and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided a briefing on proposed new sites for Korumburra Information Centre, Destination Gippsland and the local non-profit enterprise Grow-lightly.</p>
Recreational Vehicle (RV) Strategy	<p>Councillors Attending: Crs Davies, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Fawcett and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided a briefing on the Recreational Vehicle (RV) Strategy which aims to promote South Gippsland Shire as an attractive region for Recreational Vehicle users.</p>
General Local Law 1 and 2	<p>Councillors Attending: Crs Davies, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Fawcett and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided a briefing on the progress of the development of General Local Law 1 and 2 and notified that it is proposed that it be placed on public exhibition from 27 November 2013.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 16 October 2013		
2013/14 Community Grants - Round 1 Assessment	<p>Councillors Attending: Crs Davies, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Hill, Fawcett and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided a briefing on the proposed recommendations for the 2013-14 Round 1 Community Grants.</p>
Recreation Reserve Funding	<p>Councillors Attending: Crs Davies, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Hill, Fawcett and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided a briefing on the proposed distribution of the increased recreation reserve maintenance grants and local knowledge considered.</p>
Neighbourhood Safer Place/ Place of Last Resort Update OPEN SESSION	<p>Councillors Attending: Crs Davies, Newton, Harding, Kennedy, Hutchinson-Brooks, Hill, Fawcett and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information on the distribution of a brochure to ratepayers of Sandy Point about the function of the newly designated Neighbourhood Safer Place – Place of Last Resort (NSP-PLR) at the Sandy Point Community Centre, the importance of residents leaving early and having their own fire plan in place was emphasised.</p>
Learner Driver Program (L2P) OPEN SESSION	<p>Councillors Attending: Crs Davies, Newton, Harding, Kennedy, Hutchinson-Brooks, Hill, Fawcett and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided an update on the progress of the L2P Learner Driver program which included a presentation from one of the mentors Ms Kate Jackson and two mentees who have completed the comprehensive driving program.</p>
Reformed Rural Planning Zones OPEN SESSION	<p>Councillors Attending: Crs Davies, Newton, Harding, Kennedy, Hutchinson-Brooks, Hill, Fawcett and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided an update on the State Governments 'Reformed Zones Project' and changes to the Rural suite of zones recently placed in the Government Gazette.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 16 October 2013		
<p>Public Presentation Session</p> <p>OPEN DAY SESSION</p> <p>Ms Lisa Barham-Lomax, President of Council's Special Committee of Management Foster Swimming Pool regarding the future of the Foster Swimming Pool.</p> <p>Mr Murray Holderhead, regarding Council's Housing Settlement Strategy.</p>	<p>Councillors Attending: Crs Davies, Newton, Harding, Kennedy, Hutchinson-Brooks, Hill, Fawcett and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Presentations were made to Council by the following community members:</p>
<p>Councillor appointment to Committees: preparation for Statutory Meeting</p>	<p>Councillors Attending: Crs Davies, Newton, Harding, Kennedy, Hutchinson-Brooks, Hill, Fawcett and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information to review and consider information in relation to internal and external Committees that require Councillor appointment for 2013-2014.</p>
<p>Council Agenda Topics – 23 October 2013</p>	<p>Councillors Attending: Crs Davies, Newton, Harding, Kennedy, Hutchinson-Brooks, Hill, Fawcett and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Council Agenda Topics – 23 October 2013.</p>
<p>Executive Updates</p>	<p>Councillors Attending: Crs Davies, Newton, Harding, Kennedy, Hutchinson-Brooks, Hill, Fawcett and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Proposed Council bus tour • Statutory Meeting Update • Financial Sustainability Committee • Community Consultation • Foster Swimming Pool • Local Government Investigations and Compliance Inspectorate Audit

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 16 October 2013		
Councillor / CEO session	<p>Councillors Attending: Crs Davies, Newton, Harding, Kennedy, Hutchinson-Brooks, Hill, Fawcett and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Information provision • Notice of Motion guidelines • Victorian Grants Commission Reporting requirements
<p>Public Presentation Session</p> <p>OPEN EVENING SESSION</p>	<p>Councillors Attending: Crs Davies, Newton, Harding, Kennedy, Hutchinson-Brooks, Hill, Fawcett and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Presentations were made to Council by the following community members:</p>
Ms Shirley Cowling regarding the Housing Strategy Plan for Jumbunna.		
Thursday 17 October 2013		
Korumburra Round Table Steering Committee	<p>Councillors Attending: Crs McEwen and Newton</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Review of Project Scope, terms of reference • Appointment of chair • Call for nominations
Wednesday 23 October 2013		
Executive Update	<p>Councillors Attending: Crs Brunt, McEwen, Harding, Newton, Kennedy, Hutchinson-Brooks, Fawcett and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topic Discussed:</p> <ul style="list-style-type: none"> • Uniting Care withdrawal of childcare services.
<p>Public Presentation Session</p> <p>OPEN DAY SESSION</p>	<p>Councillors Attending: Crs McEwen, Harding, Newton, Kennedy, Hutchinson-Brooks, Fawcett and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Presentations were made to Council by the following community members:</p>
Mr Phil Piper regarding Council coal seam gas.		
Mr David Amor regarding the need for development in Korumburra.		

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 23 October 2013		
Ordinary Meeting of Council Agenda Topics Discussion – 23 October 2013	<p>Councillors Attending: Crs Brunt, McEwen, Harding, Newton, Kennedy, Hutchinson-Brooks, Fawcett and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Council Agenda topics 23 October 2013</p>
Executive Update	<p>Councillors Attending: Crs Hill, Brunt, McEwen, Harding, Newton, Kennedy, Hutchinson-Brooks, Fawcett and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topic Discussed:</p> <ul style="list-style-type: none"> • Development of the western end of the Shire.
Councillor appointment to Committees: Preparation for Statutory Meeting	<p>Councillors Attending: Crs Davies, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Hill, Fawcett and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information to review and consider information in relation to internal and external Committees that require Councillor appointment for 2013-2014.</p>
Wednesday 30 October 2013		
South Gippsland Youth Council Advisory Committee	<p>Councillors Attending: Crs Davies and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Youth Mental Health/ FREEZA • Science Expo • Leongatha Heavy Vehicle Bypass • Community Cinema Korumburra

RECOMMENDATION

That Council receive and note this report.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Newton

SECONDED: Cr Harding

THAT THE RECOMMENDATIONS IN ITEMS D.3 AND D.4 BE ADOPTED.

CARRIED UNANIMOUSLY

D.4 DOCUMENTS SEALED AND CONTRACTS AWARDED UNDER CHIEF EXECUTIVE OFFICER DELEGATION - OCTOBER 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 October 2013.

1. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 18 Ross Street Port Welshpool relating to construction of a carport over an easement - Seal Applied 3 October 2013.
2. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 28 Harbour View Sandy Point relating to a single dwelling extension within a prescribed setback (carport and overhead deck addition) - Seal Applied 4 October 2013.
3. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 6 Anita Crescent Venus Bay relating to single dwelling, outbuilding (shed) and vegetation removal - Seal Applied 8 October 2013.
4. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 11 Victory Avenue Foster relating to development for three units and three lot subdivision - Seal Applied 17 October 2013.
5. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 40 Stevens Road Buffalo and 70 Stevens Road Buffalo relating to a two lot subdivision (realign boundaries) - Seal Applied 18 October 2013.
6. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 102 McIndoe Avenue Venus Bay relating to a new dwelling and removal of vegetation - Seal Applied 29 October 2013.
7. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 181 Jupiter Boulevard Venus Bay relating to a single dwelling, vegetation removal

and earthworks (exceeding 1 metre in depth) - Seal Applied 29 October 2013.

8. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 151 McCartin Street Leongatha relating to construction of a shed - Seal Applied 31 October 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 October 2013:

Contract Reference No.	Contractor	Description of goods /services/works	Total contract price including GST
SGC12/09	Country Cart Pty Ltd	Provision of Litter Bin Collection Services	Deed of Novation to transfer company ownership. No change to contract price or conditions.
SGC14/06	DAS Constructions Pty Ltd	Demolition of the Existing Rotunda and Construction of a New Rotunda – Waratah Bay Caravan Park	\$146,198.74

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 44.

SECTION E - COUNCIL REPORTS

E.1 FUTURE OF FOSTER POOL

Community Services Directorate

EXECUTIVE SUMMARY

The Council's "Strategic Direction for Aquatic Facilities in South Gippsland February 2012" identified trigger points that would initiate a review of the operations of a pool. Following activation of 2 trigger points it is recommended that a detailed review of the Foster Pool commence.

It is proposed that the Foster Pool continue to operate for the 2013/14 pool season and that the review be undertaken in consultation with the Committee of Management and the broader Foster community. It is also proposed that the development of a Master Plan for the Foster Pool be postponed pending the outcome of the review.

A report considering the outcomes of the review will be presented to Council in April 2014.

Document/s pertaining to this Council Report

- **Appendix 1** - Letter to Foster Pool Committee

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

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Strategic Direction for Aquatic Facilities in South Gippsland in February 2012

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

Discussions were held with the YMCA following the season to review attendance, income, expenditure and general performance of the contract. The YMCA have put forward a number of potential marketing and cost saving options to address some of the areas of concern.

The Foster Pool Committee has met with Councillor Mohya Davies and Council staff and made a presentation to Council on 16 October following notification of the activation of the trigger points.

The Foster Swimming Pool committee have indicated a concern with the suitability of the average attendance figure used as a baseline and also a concern that using attendance and expenditure in isolation from actual cost of the service and level of per capita participation is too narrow.

REPORT

Background

At the 2 October 2002 meeting Council resolved to take over as Committee of Management of the Foster Outdoor Pool as requested by the Department of Natural Resources and Environment. Council then appointed the existing pool subcommittee members to a Council Section 86 Committee and became financially committed to the ongoing upkeep of the pool.

With the adoption of the Strategic Direction for Aquatic Facilities in South Gippsland in February 2012 Council endorsed a series of trigger points as indicators of when the continued operation of an outdoor pool needs to be reconsidered.

Activating any of the following trigger points will identify the need to consider the future operation of a facility.

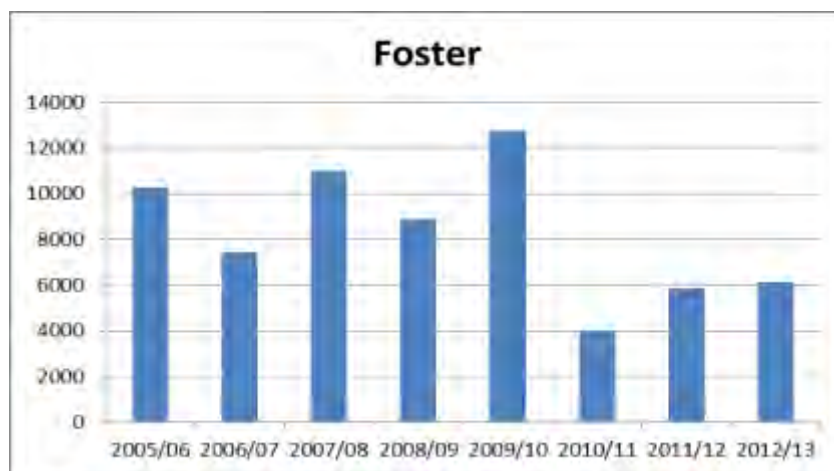
- *The facility operator is not able to achieve compliance with public safety; water quality or OH&S requirements within the proposed maintenance and capital works budget allocations;*
- *Legislative changes which require additional investment beyond current projections;*
- *Breakdown of pool filtration, pool shell or critical infrastructure;*
- *Failure to operate within the identified annual operations budget; and/or,*
- *Drop in attendances by 20% for two consecutive seasons based on average attendances from 2005/06 through to 2010/11.*

Once a facility activates one or more of these trigger points Council will allocate resources towards a detailed review of the facility (in consultation with the community and Committee of Management) and make a recommendation to the Council with regard to its future viability, which may include closure of the facility.

Following the 2012/13 season the Foster Pool has activated two of these triggers.

The average attendance from 2005/06 through to 2010/11 at Foster Pool is 9,062. To remain above the trigger point level the attendance target was 7250.

2011/12 attendance was 5,870 and 2012/13 attendance was 6,147.



The 2012/13 budget for the Foster Pool was \$75,000. At the completion of the financial year the operating cost to Council for the pool was over budget by \$8,500. Income was significantly down on tender projections as attendance targets were not met while expenditure was only slightly down on projections as regardless of numbers the cost of staffing and operating the pool remains relatively constant.

Discussion

The review will assess;

The reasons why attendance at Foster Swimming Pool remained below the target.

The reasons for the Foster Pool services exceeding the established budget for 2012/13 season.

Potential for the attendance to improve significantly in coming years, and what actions would need to be undertaken by the Foster community and Council to assist with sustaining improved attendance at the facility.

The Foster Swimming Pool committee have provided Council with a number of factors that should be considered during the review including:

- 2012/13 was a hot summer which was ideal for beach attendance, and this factor traditionally reduces the attendance at the Foster Pool;
- Pool committee opinion that the marketing of the Foster Pool by Council and the YMCA was inadequate; and
- The average attendance figure used as a baseline is skewed against Foster as it includes the year where attendance was exceptionally high due to the Great Victorian Bike Ride having an overnight stay in Foster.

The Foster Pool Committee also indicated to Council that they do not believe a review is justified based on participation alone, but a greater range of factors should be taken into account such as proportion of the catchment population utilising the facility and the actual costs per ratepayer of maintaining the facility, which the Foster Pool Committee contends is lower than the actual cost to Council of some other outdoor pools that are not being reviewed at this time. The Pool Committee have indicated confidence in their local community to make better use of the facility in 2013/14 and have provided a list of many organisations who have expressed support for the Foster Pool.

An experienced and suitably qualified consultant will be required to support Council and the community during the process. The consultant will provide a range of knowledge, expertise and objectivity to ensure the outcomes of the review effectively inform Council to make a decision on the future of the Foster Pool.

In line with the recommendations of the Strategic Direction for Aquatic Facilities in South Gippsland February 2012, Master Plans were scheduled to be developed in 2013/14 for Poowong, Foster and Toora Outdoor Pools. Activation of the trigger points at Foster Pool indicates that an immediate review the facility is a higher priority than the development of a Master Plan.

Proposal

That the Foster Pool continues to operate for the 2013/14 pool season and a review of the pool is undertaken over the next 3-4 months in consultation with the Committee of Management and the broader Foster community.

The Master Plan for the Foster Pool is to be postponed and the budget allocation for the Master Plan be used to undertake the review.

As a result the 2013-2014 Council Annual Plan and Key Strategic Activity, Strategy 3.1.6, will be amended to reflect that Master Plans will only be developed for the Poowong and Toora Outdoor Pools and a review completed of the Foster Swimming Pool by 30 June 2014.

FINANCIAL CONSIDERATIONS

The 15 year budgeted cost for operation of Foster Pool is \$1,413,019 excluding maintenance.

The 2013/14 capital works program identifies a \$308,000 plant room upgrade in 2015/16.

\$20,000 is allocated within the 2013/14 Recreation budget to complete Foster Pool Master Plan.

RISK FACTORS

The Foster community will passionately argue the benefits of the pool to residents and visitors to the town.

Continuing to support a facility or service that falls below the required performance levels will increase Council's contribution to the operation of the pool.

CONCLUSION

The Strategic Direction for Aquatic Facilities in South Gippsland February 2012 provided clear guidance on when the operation of a facility should be reviewed. Two trigger points have been activated at the Foster Pool. Consistent with the adopted strategic direction, the operation of Foster Pool needs to be reviewed so that Council can consider the future of the pool.

RECOMMENDATION

That Council:

1. Undertake a review of the Foster Pool, in consultation with the Committee of Management and the broader Foster community;
2. Defer the Foster Pool Master Plan until the outcome of the review is considered;
3. Reallocate funding towards the completion of the Master Plan to engage a suitably qualified and experienced consultant to assist with the review; an
4. Receive a report in April 2014 detailing the outcomes of the review in order to make an informed decision on the future of the Foster Pool.
5. Amend the 2013-2014 Council Annual Plan and Key Strategic Activity, Strategy 3.1.6, to reflect that Master Plans will only be developed for the Poowong and Toora Outdoor Pools and a review completed of the Foster Swimming Pool by 30 June 2014.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Davies

SECONDED: Cr Harding

THAT COUNCIL:

- 1. UNDERTAKE A REVIEW OF THE FOSTER POOL, IN CONSULTATION WITH THE COMMITTEE OF MANAGEMENT AND THE BROADER FOSTER COMMUNITY;**
- 2. DEFER THE FOSTER POOL MASTER PLAN UNTIL THE OUTCOME OF THE REVIEW IS CONSIDERED;**
- 3. REALLOCATE SOME OF THE FUNDS ORIGINALLY COMMITTED TO DEVELOPING A MASTER PLAN FOR FOSTER POOL TO THE ENGAGEMENT OF A SUITABLY QUALIFIED CONSULTANT TO ASSIST WITH THE REVIEW;**
- 4. RECEIVE A REPORT IN APRIL 2014 DETAILING THE OUTCOMES OF THE REVIEW IN ORDER TO MAKE AN INFORMED DECISION ON THE FUTURE OF THE FOSTER POOL; AND**
- 5. AMEND THE 2013-2014 COUNCIL ANNUAL PLAN AND KEY STRATEGIC ACTIVITY, STRATEGY 3.1.6, TO REFLECT THAT MASTER PLANS WILL ONLY BE DEVELOPED FOR THE POOWONG AND TOORA OUTDOOR POOLS AND A REVIEW COMPLETED OF THE FOSTER SWIMMING POOL BY 30 JUNE 2014.**

CARRIED UNANIMOUSLY

**Attachment 1
Letter to Foster Pool Committee**

Our Ref: D3705313



19 September 2013

Ms Lisa Barham-Lomax
President
Foster Pool Committee of Management



Dear Ms Barham-Lomax

Foster Swimming Pool

I am writing to confirm that due to the level of attendance over the last two pool seasons, two trigger points have been activated at the Foster Swimming Pool.

They relate to:

1. A drop in attendance by 20% over two consecutive seasons, based on average attendances from 2005/06 to 2010/11.
2. Non-compliance with the identified annual operations budget.

In accordance with the Strategic Direction for Aquatic Facilities in South Gippsland, a detailed review of the facility will occur. This will be completed in consultation with the Foster Pool Committee of Management and the broader Foster community. Following the review a report will be prepared for Council with regard to the Foster Swimming Pool's future viability.

The review will not impact on the 2013/14 seasons which will proceed as planned.

Please do not hesitate to contact myself on 5662 9251 or Ian Murphy, Recreation Coordinator, on 5662 9231 if you have any questions regarding this matter.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Jan Martin".

Jan Martin
Director Community Services

E.2 RECREATION RESERVE FUNDING

Community Services Directorate

EXECUTIVE SUMMARY

Public recreation reserves provide an important role in supporting health, wellbeing and social connection in South Gippsland. The Recreation Reserve Committees of Management provide an invaluable voluntary role in managing and maintaining the reserves.

Council has agreed to increase the level of its support to Recreation Reserves by a total of \$150,000 in 2013/14 and \$125,000 ongoing. A revised schedule for allocation of the increased funding has been developed, taking into account a range of factors including level of competition, range of activities supported and size of the community served.

The balance of \$49,672 this year and approximately \$25,000 per annum ongoing will be the subject of a community budgeting process with the Recreation Reserve Committees.

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- 2007 Recreation Strategy
- 2013 Housing and Settlement Strategy
- Municipal Public Health and Well Being Plan 2013-17
- 2008 Community Strengthening Strategy

COUNCIL PLAN

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

CONSULTATION

Consultation on factors to include in the criteria for allocating the Council's recreation reserve maintenance grants has included Council staff, advice from neighbouring municipalities, Councillors through a briefing on 16 October 2013 and Recreation Reserve Committees.

The Recreation Reserve Committees Network has provided advice through the network meetings, surveys and via submissions on the use of

maintenance funds and the value of increasing the annual maintenance grants.

REPORT

Background

Public recreation reserves in South Gippsland are vital community facilities that support the health and wellbeing of the community by providing accessible facilities for organised sports, personal physical activity and social connection and engagement. The reserves also support important elements of the local economy through organised sport. All the South Gippsland reserves are managed and operated by volunteer committees of management. These Committees raise funds from user groups and a range of fundraising activities to contribute towards maintenance and some development costs, and increase these funds with external grants from time to time for reserve improvements.

Council has been providing an annual grant to the reserve committees for many years. The Committees have been seeking an increase in the level of contribution for many years as the cost of maintaining the reserves escalates.

Council proposed a new initiative to increase recreation reserve funding by \$150,000 on 24 April 2013. Five submissions were received from the Recreation Reserve Committees endorsing this proposal during the Section 223 process with recommendations supported by Council at a Special Meeting held 12 June 2013.

At the Ordinary Council Meeting held 26 June 2013, Council adopted a budget adjustment for the 2013/14 Annual Budget to increase funding by \$150,000 for the 2013/14 financial year and \$125,000 for each year thereafter.

Discussion

This funding is allocated specifically for recreation reserves which include an oval capable of supporting Australian rules football and cricket, and which generally include a range of other facilities. This fund does not contribute to all recreation facilities such as stand-alone tennis courts, bowls clubs, golf courses, indoor sports stadiums, walking tracks, skate parks etc.

Funds provided by Council are primarily used for essential items such as grass mowing, turf management, road maintenance and building maintenance.

Reserve committees have advised Council that an increase in annual maintenance grants will enable them to plan ahead more effectively, support their ability retain volunteers and raise extra funds from other local and external sources.

The additional recurrent funding for Recreation Reserves has provided an opportunity for a review of the criteria on which each of the reserves have been historically funded.

A funding allocation model has been developed that takes into consideration the size of the town, the level of competition played at the reserve, the activities played and the diversity of facilities at each site.

Proposal

It is recommended that \$198,260 be allocated to the 20 recreation reserves in the form of increased annual maintenance grants. This would be on a recurrent basis and that the balance of \$49,672 allocated for 2013/14 be managed and allocated through a community budgeting process with the Recreation Reserve Committees. In the following years the amount for allocation through a community budgeting process would reduce to approximately \$25,000 per annum.

The proposed distribution of funds, as set out in the table below, results in some level of increase in maintenance grant funding for every Recreation Reserve but the percentage range of increase varies considerably. The proposed grants take into consideration inequities identified in the past and the criteria provides objectivity to the allocation process.

	Grant 12/13	Proposed	Percentage Increase
Leongatha	\$ 11,725	\$ 27,900	137
Walter J Tuck Reserve, Mirboo North	\$ 11,725	\$ 20,460	74
Korumburra Showgrounds	\$ 8,037	\$ 18,400	128
Foster Showgrounds	\$ 8,300	\$ 18,400	121
Meeniyan	\$ 4,917	\$ 11,040	124
Poowong	\$ 4,917	\$ 11,040	124
Tarwin Lower	\$ 4,024	\$ 11,040	174
Nyora	\$ 5,033	\$ 11,040	119
Terrill and Buckley Park, Fish Creek	\$ 4,979	\$ 11,040	121
Toora	\$ 4,024	\$ 10,120	151
Outtrim	\$ 4,917	\$ 6,440	30
Arthur Sutherland Reserve, Welshpool	\$ 4,920	\$ 6,440	30
Korumburra	\$ 3,824	\$ 6,440	68
Stony Creek	\$ 2,858	\$ 6,440	125

Loch	\$ 2,932	\$ 4,600	56
Foster Recreation Reserve	\$ 3,100	\$ 4,600	48
Dumbalk	\$ 2,000	\$ 4,140	107
Koonwarra	\$ 2,932	\$ 4,140	41
Nerrena	\$ 2,858	\$ 3,680	28
Mirboo	\$ 980	\$ 1,380	40
Total	\$ 98,022	\$ 198,260	
Increase		\$ 100,238	

It is proposed that the remaining \$49,672 will be distributed as soon as the Recreation Reserves Network has established an agreed allocation.

FINANCIAL CONSIDERATIONS

Provision has been made in the budget for an increase of \$150,000 for Recreation Reserves in 2013/14 and \$125,000 per year thereafter. The actual distribution formula chosen does not affect Council's long term budget.

RISK FACTORS

Expectations of significant increases in annual grants has been raised through the allocation of the extra \$150,000 for 2013/14. The proposed distribution does double the direct annual allocations overall but not evenly as it is not based on the historical model of Recreation Reserve maintenance grant allocation.

CONCLUSION

Public recreation reserves play a vital role for the South Gippsland community. The South Gippsland reserves are managed by volunteers and the workload on current volunteers is increasing. An increased annual and predictable allocation from Council will ease the burden on the volunteer committees, as well as support the better maintenance of these community facilities

RECOMMENDATION

That Council:

1. Provide increased annual maintenance grants for 2013/14 and 2014/15;

	Proposed
Leongatha	\$ 27,900
Walter J Tuck Reserve, Mirboo North	\$ 20,460
Korumburra Showgrounds	\$ 18,400
Foster Showgrounds	\$ 18,400
Meeniyan	\$ 11,040
Poowong	\$ 11,040
Tarwin Lower	\$ 11,040
Nyora	\$ 11,040
Terrill and Buckley Park, Fish Creek	\$ 11,040
Toora	\$ 10,120
Outtrim	\$ 6,440
Arthur Sutherland Reserve, Welshpool	\$ 6,440
Korumburra	\$ 6,440
Stony Creek	\$ 6,440
Loch	\$ 4,600
Foster Recreation Reserve	\$ 4,600
Dumbalk	\$ 4,140
Koonwarra	\$ 4,140
Nerrena	\$ 3,680
Mirboo	\$ 1,380
Total	\$ 198,260
Increase	\$ 100,238

2. Authorise the Chief Executive Officer to disburse the remaining 2013/14 allocation in accordance with the distribution agreed by the Recreation Reserves Committees network through a community budgeting process; and
3. Review the criteria used for calculating allocations during 2014 with a report to Council refining the allocations for 2015/16.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr McEwen

SECONDED: Cr Kennedy

THAT COUNCIL:

- 1. PROVIDE INCREASED ANNUAL MAINTENANCE GRANTS FOR 2013/14 AND 2014/15;**

	PROPOSED
LEONGATHA	\$ 27,900
WALTER J TUCK RESERVE, MIRBOO NORTH	\$ 20,460
KORUMBURRA SHOWGROUNDS	\$ 18,400
FOSTER SHOWGROUNDS	\$ 18,400
MEENIYAN	\$ 11,040
POOWONG	\$ 11,040
TARWIN LOWER	\$ 11,040
NYORA	\$ 11,040
TERRILL AND BUCKLEY PARK, FISH CREEK	\$ 11,040
TOORA	\$ 10,120
OUTTRIM	\$ 6,440
ARTHUR SUTHERLAND RESERVE, WELSHPOOL	\$ 6,440
KORUMBURRA	\$ 6,440
STONY CREEK	\$ 6,440
LOCH	\$ 4,600
FOSTER RECREATION RESERVE	\$ 4,600
DUMBALK	\$ 4,140
KOONWARRA	\$ 4,140
NERRENA	\$ 3,680
MIRBOO	\$ 1,380
TOTAL	\$ 198,260
INCREASE	\$ 100,238

- 2. AUTHORISE THE CHIEF EXECUTIVE OFFICER TO DISBURSE THE REMAINING 2013/14 ALLOCATION IN ACCORDANCE WITH THE DISTRIBUTION AGREED BY THE RECREATION RESERVES COMMITTEES NETWORK THROUGH A COMMUNITY BUDGETING PROCESS; AND**
- 3. REVIEW THE CRITERIA USED FOR CALCULATING ALLOCATIONS DURING 2014 WITH A REPORT TO COUNCIL REFINING THE ALLOCATIONS FOR 2015/16.**

CARRIED UNANIMOUSLY

E.3 EQUESTRIAN FACILITY ECONOMIC IMPACT STUDY

Community Services Directorate

EXECUTIVE SUMMARY

In 2010 Council allocated funding towards investigations and concept designs for the development of a regional level equestrian facility at Stony Creek. This work has been completed with further investigation required into the viability and economic benefit of the proposed facility.

Local supporters of the project have requested funding to further develop the proposal. The allocation of additional resources will prepare the project to the stage where Council can pursue external funding opportunities for the development of the facility.

This report seeks a contribution of \$10,000 from Council to support an application for \$30,000 from the Putting Locals First program to develop an economic impact statement, business plan and refine the concept plan.

Document/s pertaining to this Council Report

- **Attachment 1** - Stony Creek Racing Club Letter
- **Attachment 2** - South Gippsland Equestrian Centre Working Party

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Recreation Strategy 2007

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

CONSULTATION

The concept plans for the proposed regional facility were developed in consultation with:

- Leongatha & District Equestrian Club
- Berry's Creek Pony Club
- Meeniyah Pony & Equestrian Club

- Stony Creek Racing Club
- Stony Creek Recreation Reserve Committee of Management

Since the development of the draft concept plans, a working group drawn from local equestrian organisations have been meeting to progress the development of the facility. The group has discussed how to gain community, Council and external support that will be required to successfully develop the facility. They have taken a lead role in the development and distribution of a survey within the equestrian network across Gippsland.

REPORT

Background

At the 24 November 2010 Ordinary Council Meeting it was resolved:

That Council:

1. *Support further consultation and investigations into the development of regional level equestrian facility at Stony Creek Racecourse;*
2. *Utilise funding allocated within the 2010/11 recreation budget to develop concept plans, detailed costings, draft management plan and investigate funding opportunities for the proposed facility; and,*
3. *Prepare a report on the outcome of this investigation for further consideration.*

Luke Jones, from C4 Architects, was appointed to complete the consultation and investigation. Luke has significant experience as an equestrian competitor and in the design of major equestrian venues, including University of Ballarat Equine Centre, Werribee Park National Equestrian Centre Master Plan, Geelong Grammar Equestrian Master Plan and Boneo Park Equestrian Centre.

Discussion

The local and broader Gippsland equestrian clubs strongly support the need for and potential benefits of a regional level equestrian centre.

The survey distributed amongst Gippsland equestrian participants drew over 70 responses from across south east Melbourne and throughout Gippsland.

The survey responses were 100% in support of the developing a regional facility in South Gippsland.

Other key highlights from the survey responses include;

- More than 85% indicated they would use the facility

- Clubs are running large events (100 – 400 riders) outside Gippsland due the lack of a facility.
- Clubs are hiring facilities at Werribee and Mornington Peninsula to conduct these events.
- There is a vast range of different equestrian pursuits that would utilise the proposed facility.
- The proximity of the Rail Trail is seen as a real bonus.

The proposed facilities would provide for regional equestrian users and also potentially for a diverse range of events. Other similar venues in Victoria have found that their facilities also attract other users seeking protection from the elements including car shows, cattle sales and shows, rodeos, camp drafting and dog shows. In South Gippsland the potential opportunities and benefits of a large, well serviced, undercover area for events is significant.

Development of a regional facility will require Council and industry partners to secure external funding and support towards the project. An economic impact assessment and sound business plan would be essential to support external funding applications. Life cycle costs for the facility would need to be costed.

If the anticipated economic benefit of the facility can be effectively demonstrated there are a number of external funding programs available. The election of a new Federal Government and an upcoming State election present a prime opportunity to potentially to secure significant funds required.

Options

Options available to Council include:

1. Decline to provide funding towards further investigations into the proposal.
2. Consider allocation of funding during 2014/15 budget process.
3. Allocate the total amount of \$40,000 in the current financial year towards further investigations.
4. Allocate \$10,000 towards the investigation and seek funding from Putting Locals First for the balance of \$30,000.

Proposal

Council allocates \$10,000 from Council to support an application for \$30,000 from the Putting Locals First program to develop an economic impact statement, business plan and refine the concept plan.

FINANCIAL CONSIDERATIONS

The Council has already contributed \$26,000 towards concept with costings.

The Quantity Surveyors report on the concept designs identified a project cost of \$4.8 million.

There is currently no capital works budget provision for this project. Council would need to consider selling some existing property to fund this new facility.

Based on similar plans completed on other South Gippsland major projects the total cost to complete the economic study, business plan and concept plan refinement would be approximately \$40,000.

There is currently no budget provision for this project.

An allocation of \$10,000 by Council would provide leverage funding to apply through the Putting Locals First program for an additional \$30,000. The program provides funding on a 3:1 basis for approved projects.

RISK FACTORS

Allocating funds for leveraging Putting Locals First funding does not guarantee a funding application will be successful. However, preliminary indications have been favourable.

Allocating funds to the further investigations does not guarantee the project will progress to construction. External funding and a major commitment from Council are required towards the development of the proposed facility.

Completing an economic impact statement, business plan and refining the concept plan will reduce the risk of either passing up a worthwhile opportunity, or developing a facility that does not deliver the intended benefits and creates a further ongoing burden on Council and the South Gippsland ratepayers.

CONCLUSION

The development of a regional level equestrian centre at Stony Creek provides a unique opportunity to develop infrastructure that will generate economic activity within the municipality.

RECOMMENDATION

That Council:

1. Allocate \$10,000 funding during the 2013/14 year towards developing an economic impact assessment, business plan and concept plan refinement for the development of a regional equestrian facility at Stony Creek;
2. Investigate funding opportunities for the capital development of a regional equestrian facility at Stony Creek; and
3. Consider a further report on the potential development of a regional equestrian facility at Stony Creek following the completion of the economic impact statement.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Harding

SECONDED: Cr McEwen

THAT COUNCIL:

1. **ALLOCATE \$10,000 FUNDING DURING THE 2013/14 YEAR TOWARDS DEVELOPING AN ECONOMIC IMPACT ASSESSMENT, BUSINESS PLAN AND CONCEPT PLAN REFINEMENT FOR THE DEVELOPMENT OF A REGIONAL EQUESTRIAN FACILITY AT STONY CREEK;**
2. **INVESTIGATE FUNDING OPPORTUNITIES FOR THE CAPITAL DEVELOPMENT OF A REGIONAL EQUESTRIAN FACILITY AT STONY CREEK; AND**
3. **CONSIDER A FURTHER REPORT ON THE POTENTIAL DEVELOPMENT OF A REGIONAL EQUESTRIAN FACILITY AT STONY CREEK FOLLOWING THE COMPLETION OF THE ECONOMIC IMPACT STATEMENT.**

CARRIED UNANIMOUSLY

Attachment 1 - Race Club Letter



STONY CREEK RACING CLUB INC.
1000-1001 RACECOURSE ROAD
LEONGATHA VIC 3953
Tel: 03 5252 1111
www.stonycreek.com.au

Mr Ian Murphy
Recreation Co-ordinator
South Gippsland Shire Council
9 Smith St (Private Bag 4)
Leongatha Vic 3953

Dear Ian,

Re: Stony Creek equestrian centre

On behalf of the Stony Creek Racing Club I am writing to confirm the Club's support for the proposed equestrian centre. There are a number of benefits that could flow from such a project for the local community, and some direct positive outcomes for the Racing Club through improved shared amenities for horses and staff.

As has been made clear to the Working Group, the current site plans for the proposed centre have a number of flaws which will need amending before any final plans are acceptable. The Club looks forward to working with the site planner to ensure the final plans provide maximum benefit for all parties, without disadvantaging any Recreation Reserve user group.

The economic analysis or business case study will be an excellent exercise for determining the way ahead for this project. The Club looks forward to having direct input into this study to ensure all the contributions and benefits that flow from and to the Club can be fully identified and appreciated.

Yours sincerely



President

cc. Secretary, Stony Creek Racecourse and Recreation Committee of Management

Stony Creek Racing Club Inc. is a not-for-profit organisation.
Email: admin@stonycreek.com.au
All forms of discrimination are prohibited under the Victorian Equal Opportunity Act 2010.

Attachment 2 - South Gippsland Equestrian Centre Working Party

21 September 2013

Tim Tamlin
CEO
South Gippsland Shire Council
9 Smith St
Leongatha VIC 3953

Dear Tim,

RE: Follow up from our presentation to Council

We would like to thank Council for the opportunity to present progress on the regional equestrian facility.

Funding was available to develop a concept plan for the integration of an equestrian centre that can be used as a multipurpose style facility on the Stony Creek Racecourse & Recreation Reserve. These plans, while requiring minor amendments, have been completed and considered by various stakeholders. There are no such facilities in the Gippsland region. Where they have been developed in Victoria, they have become a major generator of broader economic and employment development opportunities for various events (dairy Shows etc) and activities.

Our Working Group currently has representation from:

Council
Ward Councillor
Stony Creek Recreation Reserve Management Committee
Meeniyah Pony Club
Tarwin Lower Pony Club
West Gippsland Zone of Pony Clubs
Stony Creek Riding Club

As part of preparing the precinct plan, the committee surveyed and consulted some 85 horse associated groups in SW Gippsland. There was 100% support for the proposed facility and 99% support for the proposed location. We have had informal discussions with the Deputy Premier who has indicated a serious interest in the potential proposal. We are confident that it could become a significant state asset for both the equestrian industry and the shire and make a significant contribution to the ongoing viability of the racecourse. Similar facilities are major contributors to the tourist industry and local employment in the accommodation, tourist and other associated businesses.

We have requested Council to support and lead, in partnership with working party, the development of an economic case and business plan for the proposed centre. This, you would be aware is essential to take the project to the next stage, where council can consider its support for the project and if agree jointly seek funding.

We understand that three issues were raised in relation to the project. The first issues are confirming formally the support of the racecourse for the project. This has been confirmed and a letter in writing will be sent subsequently to confirm this.

We understand the second issue is ensuring that there is an appropriate and effective governance structure. There are potential a range of options including, Stony Creek Recreation Reserve Management Committee, or a new organisation or indeed possibility of it being a council owned facility. We do not as yet have set ideas on this. We propose that the governance arrangement be part of the consideration of the development of the business case. We are open. The crucial question for all of us is to ensure the proper government arrangements are in place and agreed to by major stakeholders to ensure its success.

Finally to show the sincerity and commitment of the working party and associated equestrian clubs, we believe it is appropriate that there be a community investment in the proposed facility if it proceeds. A number of options have been canvassed including a community investment fund like Yackandandah community fund or indeed the Meeniyah Indoor recreation Centre, taxation exemption for donations, formation of a not for profit company with shares sold to raise capital, Crowd sourcing funds, social capital investments funds and or seeking donations from associated clubs. There are obviously advantages and disadvantages with each of these options and indeed we may pursue a combination of these. The commitment is however that we see the importance of having an appropriate community investment to prove our credentials.

Should Council agree to find the proposed economic case and business plan, we believe that the governance arrangements and review of how to secure community investment should be part of the project.

This is both an exciting project and indeed an innovative partnership between Council and the equestrian industry and community. This collaborative approach is most welcome and has been recognised and appreciated by over a thousand people in the Shire directly and indirectly involved in the equestrian community.

On behalf of the working party,

South Gippsland Equestrian Centre Working Party
Secretary 

E.4 COAL CREEK SUSTAINABILITY - RELOCATION OF GROW LIGHTLY CONNECT AND DESTINATION GIPPSLAND

Development Services Directorate

EXECUTIVE SUMMARY

This report recommends the re-location of 'Grow Lightly Connect' and the Sustainability Centre from the ex-cordial factory building at Coal Creek to the timber building, known as the former Visitor Information Centre, in front of Coal Creek. Subsequently, it also recommends the relocation of Destination Gippsland (DGL) from the timber building in front of Coal Creek to the Mirboo North former shire offices. The Coal Creek Feasibility Study recommends these re-locations in order to preserve the heritage theme of Coal Creek and to free up a building to be used for revenue generating activities.

Document/s pertaining to this Council Report

- Coal Creek Community Park and Museum Feasibility Study December 2012 - can be accessed via the Coal Creek website - http://www.southgippsland.vic.gov.au/files/App_E14CoalCreekFeasibStudy.pdf

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Crown Lands (Reserve Act 1978) Section 17B
- Leasing Policy for Crown Lands in Victoria 2010

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Sustainability Strategy

COUNCIL PLAN

Outcome:	4.0	Integrated Services & Infrastructure
Objective:	4.1	Improve the financial sustainability of Council, Including diversifying revenue streams
Strategy:	4.1.1	We will explore innovative ways of increasing revenue and reducing expenditure

CONSULTATION

Discussions have been held with Council, Grow Lightly Connect, The Mirboo North Times and Destination Gippsland on the relocation. All parties are in verbal agreement to the relocations.

As Council has been appointed Committee of Management for both sites, it is subject to the Crown Land Leasing Policy of 2010. This policy outlines the framework for leasing and licencing of crown land. This policy supports the issuing of licences: formalised by a license agreement between Grow Lightly

Connect and Council; and a renewed license agreement between DGL and Council.

Discussion

Destination Gippsland Limited (DGL) currently occupies the timber building near Coal Creek. The Coal Creek Feasibility Study recommends re-locating of Grow Lightly Connect, a local non-profit enterprise, and Council's Sustainability Centre from the Coal Creek grounds to this building in order to preserve the heritage theme of Coal Creek and to free up a building to be used for revenue generating activities. To achieve this, alternative accommodation will need to be provided for DGL.

Council currently hosts accommodation for DGL to support the development of tourism in South and greater Gippsland. The license agreement in the former Korumburra Visitor Information Centre between DGL and Council has been suitable to date, however it has expired. In accordance with the recommendations in the Coal Creek Feasibility Study, a potential new office premises within the shire has been sought for DGL. After discussions with DGL staff, the former Mirboo North shire office has been identified as a suitable site as it is able to cater for the needs of DGL's office and storage requirements.

The potential re-location of local enterprise Grow Lightly Connect from the ex-cordial Factory building to a new Sustainability Centre in the timber building near Coal Creek, will allow Grow Lightly Connect to determine their own hours of business whilst continuing to support local growers and develop new projects in conjunction with Council's Sustainability Team. Initial indications from Grow Lightly Connect, in response to the Coal Creek Feasibility Study support of this move. The Sustainability Centre and the food hub will provide opportunities for Council and Grow Lightly Connect, to work together to achieve a shared vision of sustainable South Gippsland.

Strengths and Weaknesses

Strengths for Council:

- Maintaining DGL within the shire demonstrates Council's continuing support for regional tourism.
- Providing fit for purpose premises for Grow Lightly Connect demonstrates Council's continuing support for sustainability and the local food network.
- Relocating DGL at Mirboo North would provide a high visibility site on a tourist route that is currently in good physical condition and supports co-location of Council buildings.

Strengths for DGL:

- The Mirboo North location provides a high visibility site on a tourist route in a well maintained building with a business-like appearance.
- DGL currently owns all office equipment for re-location to the new proposed premises.
- With a more public face, DGL can grow their presence in Gippsland.
- A new licence agreement can be prepared for DGL to provide certainty of tenure with a community rental for a period of 3 years with two further options of 3 years available.

Weaknesses for DGL:

- Inconvenience of moving
- DGL may have to pay for minor alterations to new site.

Strengths for Grow Lightly Connect:

- By re-locating to a stand-alone building, Grow Lightly Connect will continue to grow local partnerships with new and existing suppliers.
- Grow Lightly Connect can support and showcase sustainable practises and solutions to the community.

Weaknesses for Grow Lightly Connect:

- Grow Lightly Connect will be required to build additional cooling storage and make the necessary internal changes to cater for the business' needs.

Proposal

Site 1

Grow Lightly Connect to relocate to the Visitor's Information Centre, Korumburra Part Crown Allotment 28B, Section R, Township and Parish of Korumburra

Proposed Terms:

- Specified Purposes : Sustainability Centre and Food Hub
- Commencement Date: 1 February 2014
- Term: a period of 3 Years with options for 2 further terms of 3 years
- Licence Fee: \$104.00 per annum + GST

- Licensee is responsible for electricity and water usage (if not separately metered the Licensee will pay the Licensor a dollar amount per Calender Month as agreed by both parties)
- Licensee is responsible for the usage of their own telephone and internet usage.

Site 2

DGL to relocate to Mirboo North ex-Shire Offices, Mirboo North, Crown Allotment 11A, Section 1

Proposed Terms:

- Specified Purposes : Promotion of Tourism
- Commencement Date: 1 February 2014
- Term: a period of 3 Years with options for 2 further terms of 3 years
- Licence Fee: \$104.00 per annum + GST
- Licensee is responsible for electricity and water usage (if not separately metered the Licensee will pay the Licensor a dollar amount per Calender Month as agreed by both parties)
- Licensee is responsible for the usage of their own telephone and internet usage.
- The Licensee is responsible for minor maintenance of the licenced area

FINANCIAL CONSIDERATIONS

There has been no capital outlay and no funding is required to conduct this agreement. DGL and Grow Lightly will pay a community rent and will be responsible for utility expenses.

RISK FACTORS

Nil

CONCLUSION

The adopted Coal Creek Feasibility Study proposes to free up buildings within Coal Creek to develop new revenue opportunities and appropriately recommends moving Grow Lightly Connect and the Sustainability Centre to the timber building near Coal Creek on the same land. To accomplish this, DGL has indicated that it is willing to move to a new location and to enter into a new licence agreement on similar terms. The former shire offices at Mirboo North are an appropriate and under-utilised location with which DGL is satisfied to be relocated.

RECOMMENDATION

That Council:

1. Approve the relocation of Grow Lightly Connect and Council's Sustainability Centre from the ex-Cordial factory in Coal Creek to the timber building (Old visitor Centre) currently occupied by Destination Gippsland Ltd.
2. Approve the granting of a 17B Licence Agreement under the Crown Land Leasing Policy of 2010 with Grow Lightly Connect for tenancy of the Old Visitor Centre in Korumburra, near Coal Creek.
3. Approve the relocation Destination Gippsland Limited from Korumburra to the former shire offices in Mirboo North.
4. Approve the granting of a 17B Licence Agreement under the Crown Land Leasing Policy of 2010 with Destination Gippsland Limited for the shared tenancy of the former Shire Offices in Mirboo North.
5. Inform the Board of Directors of Destination Gippsland Limited and the owners of Grow Lightly Connect of its intentions with respect to the license agreements.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Hutchinson-Brooks

SECONDED: Cr Kennedy

THAT COUNCIL DEFER ITEM E.4 - COAL CREEK SUSTAINABILITY - RELOCATION OF GROW LIGHTLY CONNECT AND DESTINATION GIPPSLAND UNTIL THE 18 DECEMBER 2013 ORDINARY COUNCIL MEETING TO ALLOW FOR FURTHER DISCUSSIONS WITH STAKEHOLDERS.

CARRIED UNANIMOUSLY

E.5 KORUMBURRA TOWN CENTRE FRAMEWORK PLAN - ADOPTION

Development Services Directorate

EXECUTIVE SUMMARY

The Korumburra Town Centre Framework Plan (October 2013) (**Appendix 1**) and its supporting documents, the Korumburra Town Centre Car Parking Strategy (June 2013) (**Appendix 2**) and the Korumburra Economic Assessment (March 2013) (**Appendix 3**) are presented to Council for adoption following consideration of submissions by the Project Reference Group. The project involved seven months of extensive community consultation with 300 respondents and a four-week public display period of the draft (July 2013 version) Plan. Actions recommended include adoption of Amendment C71 (Korumburra library rezoning), continuing with the Korumburra Central project, and operational works and actions needing specific budget referrals over the next few years.

Document/s pertaining to this Council Report

- **Attachment 1** - Extract of Minutes from 28 August 2013 'Korumburra Town Centre Framework Plan - draft for public display'
- **Attachment 2** - Summary of submissions
- **Appendix 1** - Korumburra Town Centre Framework Plan (October 2013)
- **Appendix 2** - Korumburra Town Centre Car Parking Strategy (June 2013)
- **Appendix 3** - Korumburra Town Centre Framework Plan Economic Assessment (March 2013)
- **Appendix 4** - Extract of Minutes of 19 December 2012 'Planning Panel Report - Planning Scheme Amendments C70, C71, C52 and C66'
- **Confidential Appendix 1** - Copy of submissions

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

A copy of **Appendix 1 - 4** 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
- Korumburra Town Centre and Structure Plan - Priority Development Panel Final Report May 2010

- South Gippsland Planning Scheme

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Council's 'Priority Projects for Support 2013'
- Planning Scheme Amendment C70 (Korumburra Structure Plan)
- Korumburra Community Plan
- Planning Scheme Amendment C71 (Korumburra Library)
- Korumburra Community Infrastructure Assessment
- Korumburra Central - Site Assembly Plan January 2012 (MGS)
- Korumburra Traffic and Drainage Study (currently in process)

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

Council report of 28 August 2013 (**Attachment 1**) described the consultation undertaken up to the point of development of the Draft Korumburra Town Centre Framework Plan (KTCFP) for public display which resulted in 275 individual and organisational submissions.

25 further submissions (**Attachment 2** - Summary of submissions and **Confidential Appendix 1** - Copy of submissions) were received as a result of the four-week display period. Some submissions were received verbally at afternoon and evening drop-in sessions held in Korumburra on 19 September. Submitters comprise business owners, property owners, residents and government agencies.

REPORT

Background

In January 2013, Council engaged Hansen Partnership to commence the KTCFP to enhance and stimulate Korumburra following the recommendations of the Korumburra Town Centre and Structure Plan Priority Development Panel Report May 2010, and 'Actions for Implementation' in the South Gippsland Planning Scheme at clause 21.04-5 'Korumburra'. The KTCFP is

part of a number of Council projects investigating and planning for Korumburra as follows:

Korumburra Central:

The 'Korumburra Central' project encourages development of retail business in the town, notably redevelopment at two potential sites in the Town Centre, one of which includes 165 Commercial St, on the corner of King St (library site). This project has been put on hold pending the Korumburra Town Centre Framework Plan.

Planning Scheme Amendment C71:

This amendment proposes to rezone the library site from Public Use Zone 1 to Commercial 1 Zone to help facilitate the Korumburra Central Project outlined above and to send a clear signal to potential developers that the library site is part of a parcel of commercially-zoned properties in the Town Centre retail core.

Korumburra Community Infrastructure Assessment:

This project identifies and prioritises the future provision of social and community infrastructure in Korumburra so that Council can allocate developer contributions and proceeds from the sale of land to support community infrastructure. This assessment supports the provision of new facilities within the KTCFP area, many of which coincide with recommendations in the KTCFP. These range from footpath connections, pocket parks and community gardens through to a community hub, second supermarket and youth facilities.

Korumburra Traffic and Drainage Study

This project is underway and investigates in detail the costs and designs for intersections and drainage throughout Korumburra, including the Bridge Street/Highway intersection.

Two other projects that would significantly stimulate activity in Korumburra, and consequently have an impact on the Town Centre are the proposed Korumburra Integrated Children's Centre and potential developments in the Coal Creek Feasibility Study. Both projects are on Council's Priority Project List for 2013. Two others on the Priority List - a 'Sewerage scheme for Loch, Nyora, Poowong' (communities in Korumburra's retail catchment) & 'Return of rail services' would also have a significant stimulating impact on Korumburra if realised.

It makes economic sense to enhance Korumburra's attraction by pursuing a mix of the actions recommended by the KTCFP so the town is best positioned to take advantage of the suite of projects.

Discussion

The KTCFP has been informed by its supporting Parking Strategy (June 2013 - GTA Consultants) and Economic Assessment (March 2013 - Tim Nott). The Plan is also based on information presented in Hansen Partnership's Context Report and by the community consultation process.

The Plan provides strategic direction over the next 20 years for the Korumburra Town Centre.

The extensive community consultation process included;

- land owners,
- land managers and property occupiers in the Town Centre study area and its immediate surrounds,
- community organisations (e.g. service clubs, church groups, interest groups, business and community development groups),
- community service organisations (e.g. schools, library, Gippsland Southern Health Service),
- government agencies/departments (e.g. VicRoads, Public Transport Victoria, Department of Justice) and
- residents (Korumburra and surrounding towns) and visitors (including employees and tourists).

While the consultation process was organised prior to the development of the Korumburra Round Table (KRT), the people and leadership of groups likely to be involved in the KRT have been consulted throughout the development of the KTCFP.

The KRT will be able to make good use of the KTCFP priority project list and its background documents as tools for decision-making purposes. Once adopted the KTCFP projects will be able to be considered by the KRT.

The KTCFP proposes more than 60 actions to support objectives to enhance Korumburra under the four themes of: Investment and Tourism; Access and Movement; Image and Identity; and Culture, Creativity and Activity. Council can potentially drive approximately 40 of these actions, while the balance would require impetus by the community or other organisations.

A number of the potential actions for Council could be undertaken as part of normal operations as part of existing projects or as part of current Long Term Financial Plan budget allocations (e.g. Commercial St streetscape works \$55,500 in 2015/16, roads - highway and Radovick St \$1.5 million in 2020/21, proposed community hub \$6 million in 2020/21). There is also potential for budget allocations to be used for seed funding to enable Council and/or

community organisations to secure external grants or co-investment for some actions.

The future need for a community hub, a new library, public open space/meeting places, shared trails and other infrastructure addressed by the KTCFP were formally recognised by Council with its adoption of the Korumburra Community Infrastructure Assessment (KCIA) in July 2013.

The KCIA and the KTCFP can be used to prioritise funding obtained from developer contributions. Agreement for developer contributions has recently been obtained in regards to a large residential rezoning (C66) south of Korumburra.

Submissions

Main Submission Themes

The main themes raised in the submissions were for:

1. Safety and amenity improvements for traffic, pedestrians, parking and cyclists along the South Gippsland Highway, especially Commercial St and Bridge St sections, and in Little Commercial St;
2. Development of a supermarket on the corner of Commercial St and King St with inclusion of library in this redevelopment rather than at the proposed Community Hub. (Also some support for the secondary major retail opportunity on the corner of Radovick and Victoria Streets);
5. Increased 'greening' - extra landscaping and open spaces including avenues, median strips and pavements, pocket parks and larger gathering place concepts;
6. Protection, enhancement and promotion of the town's heritage character with heritage advisor actions, design and siting guidelines, and history trail;
7. Enhancement of and increased activity at the railway station plus improvements to the railway underpass;
8. Varied business/investment items including a business plan for the town, establishment of a local produce store, moving light industrial uses out of Commercial St, marketing/branding and promotion of food service offering;
9. Improved and coordinated signage for parking and wayfinding, including reduce clutter; and
10. Development of a master plan to improve tourism, picnic/playground and parking and vehicle access (including coaches and recreational vehicles) in the area south of the railway line near the public toilets and post office.

Submissions also advised that action was urgently desired, further consultation was considered unnecessary, and some concerns were raised about the affordability of implementing actions and/or impact on Council rates.

Out of Scope Submissions

There were a number of submissions that requested the KTCFP to include items outside the scope of the study area. These were:

1. Consideration of the former saleyards site as part of the Town Centre. This site was not included in the KTCFP due to its distance from the Town Centre, relative inaccessibility, Industrial 3 Zoning and potential to weaken the primacy of the Town Centre as Korumburra's retail/service core. Two submissions, including one from the site's owner, requested a major retail development on the former saleyards. This use is prohibited outside the Melbourne metropolitan area under the zone reforms introduced by the State Government in July 2013. A third submission asked for Council to move its offices to the site.
2. A highway by-pass of the town to remove heavy vehicles from Commercial St. This option does not fit the KTCFP's timeframe of practical planning and recommendations for the next 20 years, affordability or Department of Transport's requirements.

Changes to Draft KTCFP

Very few changes were required to finalise the KTCFP, with most involving minor wording alterations to change emphasis or clarify meaning. Some aspects raised were:

- Already included in the Plan but not realised by submitters (for example a trail from the Town Centre to the showgrounds using rear access for pedestrian safety)
- Misunderstood (e.g. proposals about the existing pedestrian lights)
- Funding misunderstandings (e.g. submitters thought road works would be funded by 'taxing Korumburra businesses').

The notable changes in the final version are:

- Added action - Promotion/marketing of the town's range of food services
- Added action - Liaison with Burra Foods and South Gippsland Water to investigate potential for recycled and stormwater use for landscaping and community garden purposes
- Added action - Finalise Smart Roads Plan for Korumburra in liaison with VicRoads

- Moving the option for realigning the highway at the Bridge St dog-leg to an appendix and noting that the option is not supported by the majority of the community, the Project Reference Group or VicRoads on grounds of cost, timeframe, negative impact on traffic calming and level of safety benefit gained
- Reference made to Public Transport Guidelines for Land Use and Development 2008 (Department of Transport) at text in section 9.3 and in initiative 9.1

Action on priorities

There is appropriate alignment between the submissions' priorities, and the 'Priority Actions' and 'Quick Fix Actions' listed in the KTCFP on pages 44-47 (note some overlap). Five of the Plan's seven 'Priority Actions' (P-1, P4-P7) would be Council-driven projects that are achievable in the immediate, short or medium term and are categorised in the very low, low and medium cost ranges. A sixth Priority Action (P-3, community web site and more) is already progressing via the Korumburra Community Development and Action group with support from Council's Community Strengthening team.

Of the 18 'Quick Fix Actions', 12 (Q-1 to Q-6, Q-8, Q-10-13 and Q-18) would be driven by Council. The remainder would need community championing to implement. However if Council was able to successfully obtain a grant for a Place-making Manager, these actions could be appropriately organised within that role. Except for Q-10 (pop-up park at 31 Bridge St), 11 of the Council-driven actions are very low to low cost due to inclusion in operations or grants availability. All 12 actions are feasible to be undertaken in either part or in full with Council's support in the period to the end of the 2015/16 financial year.

Many more actions in the 'Implementation Plan' (pp48-57) could also be undertaken by Council. Those with major costs, possible to undertake in stages, would require budget commitment by Council. If budget commitment was able to be made over the next three to five years, it would position Korumburra to benefit from a mix of population growth and development opportunities. Some actions, for example traffic lights at the Commercial St/Radovick St intersection, are longer term actions that relate to future changes, including development of subdivisions currently proposed south-west of the town.

VicRoads has indicated both general support for the 'access and movement' sections of the KTCFP and a willingness to work with Council over relevant concepts, detail and funding discussions once the KTCFP has been adopted.

Major retail development

Hansen Partnership, the planning and urban design consulting firm which developed the KTCFP on Council's behalf, supports the Korumburra library site and adjoining titles (155 Commercial St) as the preferred location for a major retail redevelopment. If such a development proceeded, it would recapture significant escape expenditure from the town, and draw activity

further along the retail strip by acting as an 'anchor' tenant. The library could be housed either in this potential redevelopment or in a future community hub.

The KTCFP recommendation for a major retail redevelopment/multi-use development at 155-165 Commercial St supports recommendations of the Priority Development Panel in 2010, the Korumburra Central - Site Assembly Plan by consultancy MGS and the Planning Panel for Amendment C71 (Library site rezoning).

If Council adopts KTCFP, it therefore follows that it should adopt Planning Scheme Amendment C71 - Korumburra library site rezoning from Public Use Zone to Commercial 1 Zone (formerly Business 1 Zone) to provide development flexibility to commence proceedings for the 'Korumburra Central' Project.

Amendment C71 was exhibited and recommended to be rezoned by the Planning Panel which simultaneously considered Amendments C70 (Korumburra Structure Plan), and C52 and C66 (Korumburra subdivisions south-west of the town). At its December 2012 meeting, Council considered recommendations on all four amendments and made resolutions about C52, C66 and C70, and postponed a determination on C71. Under officer delegation, Council sought and received a 12-month extension to consider C71 from the Minister for Planning.

Proposal

It is proposed that Council adopt the KTCFP, and the two background documents which informed it; the Korumburra Town Centre Car Parking Strategy and the Korumburra Economic Assessment. It is further proposed that Council implement the recommendations of the KTCFP which are possible through normal operations and existing budget allocations, including adopting Amendment C71 and restarting work on Korumburra Central project.

It is also recommended that Council refers allocations to future budget considerations over time to implement actions that are pivotal in enhancing Korumburra's safety, amenity, character and useability.

FINANCIAL CONSIDERATIONS

Council can pursue many actions (or parts of actions) through normal operational works. These include planning scheme amendments, liaison with investors, consideration of matters when planning applications are received, liaison with VicRoads for highway changes, applying for grants to support specific actions, and planning for the proposed community hub.

Council could also budget additional amounts to implement some of the Plan's priority projects. This could either provide funding for preparation work, such as planning and design or provide seed funding for grants to implement on-ground works with visible impact; for example streetscaping, pedestrian

and parking improvements works in Commercial Street, Bridge St and Little Commercial St.

While budget allocations involve cost for Council, the economic assessment underpinning the KTCFP highlights significant economic benefits for Korumburra commensurate with its ability to recapture leaking catchment expenditure.

In implementing this framework plan, Council has a high chance of moving Korumburra from a town with weak (35%) capture of its catchment's retail expenditure to a town with normal (50%) capture. As overall retail expenditure increases with population growth, the difference this 15% expenditure 'recapture' represents ranges from \$15.5 million per year in 2012 to an estimated \$29 million in 2031.

RISK FACTORS

The Korumburra Town Centre Framework Plan provides Council with a strategic basis for delivering a range of actions that cumulatively can make Korumburra a more attractive place to live, visit and do business.

By implementing 'quick and easy' actions and signalling its longer term strategic view for the town, Council can encourage community and private investment confidence towards taking action to benefit the Town Centre.

CONCLUSION

The Korumburra Town Centre Framework Plan has been prepared in close consultation with the Korumburra community and other stakeholders involved in achieving the outcomes of the Plan.

The KTCFP provides a series of recommendations that are realistic and provide practical measures to improve the overall operation of the Town Centre. Many of the outcomes can be achieved with minimal cost to Council and without adverse impact on adjoining landowners.

The KTCFP will guide the development of the Korumburra Town Centre over the next 20 years and beyond. It is recommended that the Plan be adopted by Council and work commence towards implementing the Plan's recommendations, including the preparation of a planning scheme amendment to incorporate its key elements into the South Gippsland Planning Scheme.

RECOMMENDATION

That Council:

1. Adopt the Korumburra Town Centre Framework Plan October 2013 and the background documents, the Korumburra Town Centre Car Parking Strategy (June 2013 - GTA Consultants) and the Korumburra Town Centre Framework Plan Economic Assessment (March 2013 - Tim Nott).
2. Adopt Amendment C71 (Korumburra Library site rezoning to Commercial 1 Zone) and seeks approval of the Minister for Planning to implement into the South Gippsland Shire Planning Scheme.
3. Commence preparation of a planning scheme amendment to implement the key recommendations of the Korumburra Town Centre Framework Plan into the South Gippsland Planning Scheme.
4. Recommence the 'Korumburra Central Project'.
5. Commit to continuing the library service and community uses (currently located at 165 Commercial St) in Korumburra. The permanent location will be directed by the Korumburra Central Project.
6. Encourage stakeholder and community organisations including the Korumburra Round Table (Advisory Committee of Council) that are potential action drivers and participants to consider implementation of relevant projects.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Hutchinson-Brooks SECONDED: Cr Davies

THAT COUNCIL:

- 1. ADOPT THE KORUMBURRA TOWN CENTRE FRAMEWORK PLAN OCTOBER 2013 AND THE BACKGROUND DOCUMENTS, THE KORUMBURRA TOWN CENTRE CAR PARKING STRATEGY (JUNE 2013 - GTA CONSULTANTS) AND THE KORUMBURRA TOWN CENTRE FRAMEWORK PLAN ECONOMIC ASSESSMENT (MARCH 2013 - TIM NOTT).**
- 2. ADOPT AMENDMENT C71 (KORUMBURRA LIBRARY SITE REZONING TO COMMERCIAL 1 ZONE) AND SEEKS APPROVAL OF THE MINISTER FOR PLANNING TO IMPLEMENT INTO THE SOUTH GIPPSLAND SHIRE PLANNING SCHEME.**
- 3. COMMENCE PREPARATION OF A PLANNING SCHEME AMENDMENT TO IMPLEMENT THE KEY RECOMMENDATIONS OF THE KORUMBURRA TOWN CENTRE FRAMEWORK PLAN INTO THE SOUTH GIPPSLAND PLANNING SCHEME.**
- 4. RECOMMENCE THE 'KORUMBURRA CENTRAL PROJECT'.**
- 5. COMMIT TO CONTINUING THE LIBRARY SERVICE AND COMMUNITY USES (CURRENTLY LOCATED AT 165 COMMERCIAL ST) IN KORUMBURRA. THE PERMANENT LOCATION WILL BE DIRECTED BY THE KORUMBURRA CENTRAL PROJECT.**
- 6. ENCOURAGE STAKEHOLDER AND COMMUNITY ORGANISATIONS INCLUDING THE KORUMBURRA ROUND TABLE (ADVISORY COMMITTEE OF COUNCIL) THAT ARE POTENTIAL ACTION DRIVERS AND PARTICIPANTS TO CONSIDER IMPLEMENTATION OF RELEVANT PROJECTS.**

CARRIED

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

Against: Crs Newton, Kennedy and McEwen.

Attachment 1
Extract of Council Minutes 28 August 2013

South Gippsland Shire Council
Minutes

28 August 2013
Leongatha RSL, Leongatha

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.

South Gippsland Shire Council
Minutes

28 August 2013
Leongatha RSL, Leongatha

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

**Attachment 2
Summary of submissions**

Submitter no.	Topic	Officer comments	Change suggested
1, 9, 10, 19, 20, 21, 22, 23 8	Specifically mentioned broad support for KTCFP/ things moving forward Support the low cost implementation actions & community actions	Concerned at costs to businesses or rates	-
Supports – 1, 4, 7, 11, 12, 1316,19, 24 Partly 5 17 2	Investment & Tourism Direction Some issues with Lt Commercial St exclude stand-alone public toilet wants supermarket at former saleyards	See comments for Lt Commercial St & supermarket below	-
Supports – 2, 4, 7, 16, 17, 24 Supports but 1 13	Image and Identity Direction Concerned about tree safety Concerned about cost of landscape maintenance		-

Submitter no.	Topic	Officer comments	Change suggested
Supports – 1, 4, 7, 13, 17, 19, 24 Supports but 2, 16 8 2, 11	Access & Movement Direction wants bypass Wants improvements for traffic flow & parking but group disagrees on how to achieve Disagrees with reduced speed limit		-
Supports – 1, 2, 4, 13, 17, 19 Unsure - 16	Culture, Creativity & Activity Direction Described as 'wishy- washy'	Too non-specific to determine intent	-
2, 4, 14, 21, 23	Expand range of uses at railway station/station is an important activity node	Mix of Council & community drivers & actions	-
1, 4, 6, 13, 16	Improve railway underpass amenity/safety	Easy for SGTR to action as received grants from RDV & Councils	-
Agrees – 11 Difficult & costly - 4	Move railway storage shelter	Longer term option Related to improving views from public toilet/picnic area	-
2, 11, 13	Prepare masterplan for tourism/recreation facilities/parking area south of railway line (near toilets)	Short term some on ground improvements possible Masterplan is medium – longer term to prepare/implement	-

Submitter no.	Topic	Officer comments	Change suggested
Wants – 4, 11, 15, 19, 21, 24 Unsure - 9 (need design & siting in character with town)	Second supermarket wanted On cnr Commercial & King Sts		-
2, 3	Second supermarket wanted On former saleyards	Prohibited by planning scheme Would weaken Town Centre primacy & co-location benefits	-
1	Second supermarket not wanted	Economic assessment strongly supports town need for 2nd supermarket on several grounds	-
13, 17, 21	Alternative large retail wanted/ site supported on Radovick/Victoria Sts		-
6, 7, 11, 19	Improve signage (new where required & reduce clutter)		-
2,4, 12, 22,	Wants Heritage Advisor to undertake heritage actions/retain heritage character/design & siting guidelines		
4, 9, 11	Wants heritage trail/interpretive signs series		
4, 9	Wants trail to Coal Creek		
12	Wants continuous verandah protection		
6, 7, 11, 12, 14, 15, 24	Streetscape improvements (street furniture & paths, pedestrian access & safety including connections between Commercial & Lt Commercial Sts))		

Submitter no.	Topic	Officer comments	Change suggested
Agrees – 11 Disagrees - 2	Outdoor dining		
9, 11, 23 (x 2), 24	Wants more landscaping/greening/community gardens/open space		
Wants – 5 Does not want - 1	Trees in Commercial St median strip		
Yes – 13, 16, 19, 23 25 No - 11 6 – only west of Bridge St	Reduce traffic speed to 40kph/traffic calming Supports liaison – consider in relation to new draft speed zoning guidelines		-
14	Request reference made in KTCFP Public Transport Guidelines for Land Use and Development 2008 (DoT)	Guideline support pedestrian & cycling safety & amenity, public transport use & safe road conditions	Added to text at Direction 9 Added to action &.3 & 9.1
2, 17, 18, 22	Wants town or heavy vehicle by-pass/heavy traffic off Commercial St	Alternative options too costly for the benefit Option not in KTCFP time frame Not supported by VicRoads	-

Submitter no.	Topic	Officer comments	Change suggested
<p>1, 14, 19, 22, 24,</p> <p>25</p> <p>Agrees except for 1-through lane each direction</p>	<p>Approves Commercial St concept</p> <p>Vegetation not to impede traffic lanes or cause sight/infrastructure issues</p> <p>Concerned trucks held up too much</p>	<p>Species selection designed as such</p> <p>Actual through time little affected but greater safety</p>	
<p>Agree – 7, 9, 11, 12, 16, 19, 24</p> <p>Agree partly</p> <p>15</p> <p>17</p> <p>6, 11, 13</p> <p>5</p>	<p>Improve Little Commercial St (shop frontages, parking, road definition, pedestrian access & landscaping)</p> <p>Except with active shop fronts for some sites</p> <p>Except for stand-alone public toilet</p> <p>Widen lane turns into Little Commercial St though purchase of 31 Bridge St for the purpose not included</p> <p>Queries loss of privacy to Victoria St homes; selection of landscaping so as not to impede caravan & delivery trucks</p>	<p>Only where suitable & sought by landowner</p> <p>Cost preference is for toilet provided within library site redevelopment and/or community hub proposal</p> <p>Included in design action</p> <p>Issues can be overcome with right design & selection</p>	

Submitter no.	Topic	Officer comments	Change suggested
<p>Supports – 1, 5, 16, 17, 19</p> <p>Partly 12</p> <p>15</p>	<p>Bridge St dog-leg concept</p> <p>Especially support improved informal pedestrian crossing but retain ability to turn right from Bridge St south to head towards Leongatha</p> <p>Except for removal of parking by bank</p>	<p>Concept would undergo detailed refinements & VicRoads approval. Turns allowed would depend on traffic numbers & benefit. Submitter lives in Bridge St.</p> <p>Submitter states loss of parking affects owned asset value (the bank) but parking is in public realm & plentiful alternative parking in short walking distance</p>	<p>-</p>
<p>Wanted – 7</p>	<p>Bridge St dog-leg realignment (through hotel property etc</p>	<p>Contradicts submitter 7's desire for more pedestrian friendly town</p> <p>Not supported by VicRoads or PRG</p> <p>Outside KTCFP time frame</p>	
<p>Agree -1, 16, 13,17, 19, 24</p> <p>Agree but 5</p>	<p>Improve Radovick St concept</p> <p>Not the gathering space</p>		
<p>Agrees –</p> <p>Disagrees – 4, 11, 12</p>	<p>Traffic lights at Commercial/Radovick intersection</p>		

Submitter no.	Topic	Officer comments	Change suggested
25	Include Smart Roads hierarchy plan as an action	Council & VicRoads part way through this process, KTCFP impetus to finalise Inclusion of completed Smart Plan for Korumburra enhances VicRoads view of the document's strength	Included in Direction 9 text and as Action 9.8
5 12 5 7, 18 6, 11	Improve/increase recreational long vehicle parking Sign & enforce short term parking near key activity nodes Increase loading zone parking Increase disabled parking Larger parking spaces		
18, 19 (In part)	Do not remove parking spaces Only disagrees with removal outside bank property in Bridge St	Parking study indicates overall excess capacity now & for future	-
6	Improve parking/access area between post office & bakery & south of railway line		
5, 6	Improve street lighting	Council's 'green light' project may assist with lighting improvement for pedestrians – globe changeover due by end of December.	
9, 24	Wants community hub – co-location		
2	Wants trail to showgrounds	Is included in KTCFP	-

Submitter no.	Topic	Officer comments	Change suggested
<p>Agree – 1, 2, 4, 14</p> <p>Disagree - 12</p>	<p>Bike lanes & bicycle parking</p>	<p>Evidence elsewhere shows provision of bicycle facilities increases cycling participation</p> <p>Cycling offers an alternative to some people lacking car access (e.g. children, unemployed)</p> <p>Submitter is a cyclist & believes town too hilly</p>	
<p>8, 11</p>	<p>Town needs sprucing up/maintenance (includes private properties)</p>		
<p>23</p>	<p>Develop a town business plan</p>		
<p>23</p>	<p>Unclear on Town Centre's main role</p>	<p>Needs clarification for readers. Retail/service is prime function and income but KTCFP number & wording of tourism aspects gives impression that this is main role.</p> <p>Role is service centre for catchment. Tourism is secondary role.</p>	<p>Clarified by rewording.</p>
<p>7, 15</p> <p>7</p>	<p>Encourage light industry move from Commercial St to industrial estate</p> <p>Query on 2-storey redevelopments on north side of Commercial St block view of railway?</p>	<p>Two-storey designed to give view of railway to those occupants, not from the street generally</p>	<p>-</p>
<p>19</p>	<p>Promote/market town's extensive food services as an attraction</p>	<p>KTCFP did not include this though had local produce and specialty food retailing as actions.</p>	<p>Added as Action 1.5</p>

Submitter no.	Topic	Officer comments	Change suggested
19	Want Korumburra web site & app for marketing & community events	Web site already in progress	-
9, 13	Wants local produce store		
4, 16	Wants pop-up shops/displays in vacant premises		-
2	Extend business trading hours		
9	Move service station off key site on corner Commercial & Bridge Sts		
16	Wants town branding/theme		
4	Create & market a calendar of events		
	Art works in town centre		-
4	Wants them to be in style with heritage	Too restrictive on creativity	
24	Underground power lines in Town Centre/Commercial St	Included in KTCFP as action to consider though high cost/long term; some grant possibility	
11	Improve town gateways		
24	Council services presence in town (Preferably saleyards site – all of Council)	Included as potential action at railway station Also some potential via Coal Creek redevelopment	
13	Build viewing spots		
24	Develop an education precinct	Good idea but not sufficient space within Town Centre /not part of KTCFP project	
2, 11, 19	Action urgently required		
2, 3, 7, 13, 18	Concerned at costs, especially ongoing maintenance or high cost actions		

E.6 LEONGATHA COMMUNITY INFRASTRUCTURE PLAN 2013 - DRAFT

Development Services Directorate

EXECUTIVE SUMMARY

The Leongatha Community Infrastructure Plan includes a detailed audit of current infrastructure, current and projected demographic information and guides prioritisation for infrastructure over the next 5, 10 and 20 years. It provides detailed recommendations to assist in negotiation for developer contributions, funding submissions and asset management to support the provision of community infrastructure for growing populations.

Using existing strategic plans and current best practice examples, recommendations and priorities for the future are discussed in 12 topics. An additional level of detail complements the broader approach of the Social and Community Infrastructure Committee.

This report recommends that the Draft Leongatha Community Infrastructure Plan be placed on public exhibition and that community consultations take place in order to ensure the plan is appropriate and responsive to community needs, priorities and values.

Document/s pertaining to this Council Report

- **Attachment 1** - Leongatha Community Infrastructure Plan Priority Timeline
- **Appendix 1** - Draft Leongatha Community Infrastructure 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

- Charter of Human Rights and Responsibilities Act 2006
- Disability Act 2006
- Equal Opportunity Act 2010
- Planning and Environment Act 1987

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Council Plan 2013 - 2017
- Annual Plan 2013 - 2014
- Access and Inclusion Plan 2009 - 2012
- Active Ageing Plan 2012 - 2016

- Aquatic Strategy 2009
- Early Childhood Services Building Assets Policy Framework 2013
- Economic Development and Tourism Strategy 2012 - 2017
- Emergency Management Plan (revised July 2012)
- Leongatha Land Supply - Social Impact Assessment 2012
- Leongatha Structure Plan 2008
- Municipal Early Years Plan 2011 - 2016
- Municipal Public Health and Wellbeing Plan - Annual Plan 2012/2013
- Open Space Strategy 2007
- Recreation Plan 2007
- Southern Leongatha Outline Development Plan 2011
- South Gippsland Planning Scheme
- South Gippsland Youth Policy

COUNCIL PLAN

Outcome:	3.0	Integrated Services and Infrastructure
Objective:	3.1	Affordable community services and facilities
Strategy:	3.1.4	Plan for needs of the changing demographic
	3.1.5	Sustainable development that promotes health, wellbeing and unique character of the community.

CONSULTATION

1. Internal Consultation

- Individual chapters of the plan were reviewed by Managers and Program Coordinators of Council.

2. External Consultation

- This report proposes community consultations are held in November. A public meeting, workshops and focus group discussions are proposed and written submissions will be invited.
- Meetings with external organisations in the areas of education and recreation will be held to ensure accuracy of information.

- The document will be available to all residents and visitors to Leongatha and nearby rural areas.

REPORT

Background

Leongatha is the largest urban settlement in the South Gippsland Shire comprising an area of 4,135 hectares. In 2011 the total population of Leongatha was 5,334. By 2031 the population will have grown to over 8,000 people and will comprise 22% of the total population of South Gippsland.

This is the second of a series of community infrastructure plans to prioritise allocation of funds to facilities for South Gippsland towns experiencing population growth over the next 20 years. The attached draft plan includes a detailed audit of current infrastructure; current and projected demographic information and guides prioritisation for infrastructure spending over the next 5, 10 and 20 years.

Current and future needs for services and facilities are discussed under 12 topics using existing strategic plans and guides and current best practice examples to make recommendations and priorities for the future. Its use by Council, outside organisations and the community will assist in supporting a coordinated approach to the needs of the Leongatha community.

Discussion

Infrastructure priorities for Leongatha require the allocation of adequate and appropriate land for open space and recreation. The provision of paths in all residential areas for the high proportion of people in Leongatha who walk, cycle and use mobility aids to navigate the town is also important.

Within the town improved accessibility will allow negotiation of shops, road crossings and services by people with mobility aids. A centrally located outdoor public meeting space providing a focus for Leongatha that is large enough to host events and offer casual meeting areas is not currently available.

Connecting the community with paths and trails and providing places to meet for social, sport and service provision is essential to support a growing population of over 8,000 people by 2031.

Proposal

It is proposed that the Leongatha Community Infrastructure Plan be used as a guiding reference document to priorities planning for Council, external organisations and the broader community for the next 5, 10 and 20 years. See **Attachment 1** Leongatha Community Infrastructure Priorities Timeline.

FINANCIAL CONSIDERATIONS

The community infrastructure plan will inform financial decision making by Council to:

- Negotiate developer contributions;
- Provide information for planning new community facilities or refurbishment of existing community facilities;
- Inform strategic planning for the town;
- Inform provision of services by Council and other non-Council organisations in Leongatha.

RISK FACTORS

1. Raising community expectations for facilities and services.
2. Minimising risk: Clear explanations that proposed facilities or services are recommendations only requiring further investigation for funding and budget allocation.

The advantage of strengthened relationships between Council and the community and potential for greater community acceptance of future decisions and plans is enhanced through community consultations.

1. Relevance of the document in the future leading to irrelevance or incorrect data may mislead planning.
2. Minimising risk: Regular review and updating of the document.

CONCLUSION

Significant population growth fuels demand for accessible, coordinated and well-designed community infrastructure. Integrated community facilities and services are a vital component for creating healthy communities that support social inclusion and enhance the wellbeing of residents. Linking new residential developments with existing areas and the town centre will ensure a socially vibrant town centre that provides equitable, accessible facilities and services for everyone in the community.

RECOMMENDATION

That Council note the Draft Leongatha Community Infrastructure Plan for public exhibition and community consultation.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Hutchinson-Brooks

SECONDED: Cr Kennedy

**THAT COUNCIL NOTE THE DRAFT LEONGATHA COMMUNITY
INFRASTRUCTURE PLAN FOR PUBLIC EXHIBITION AND COMMUNITY
CONSULTATION.**

Cr Fawcett left the Meeting at 3.22pm.

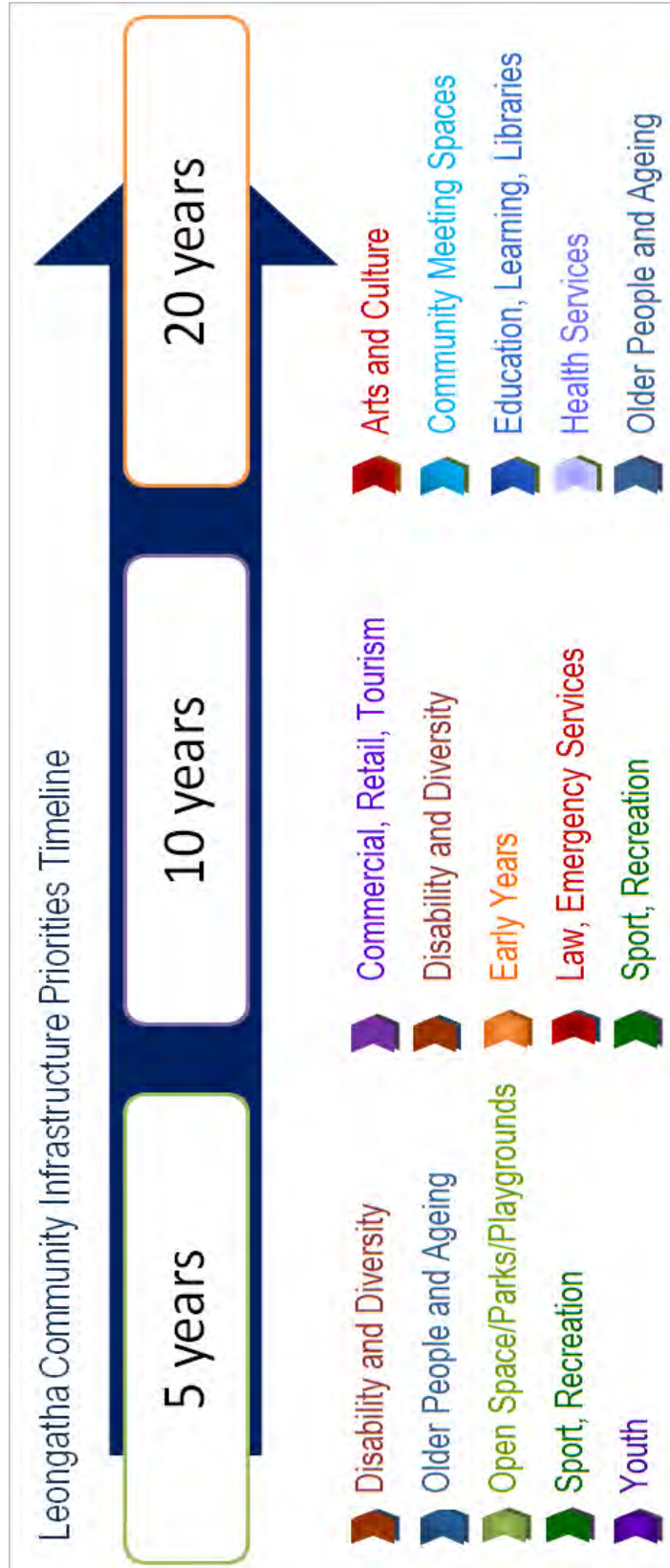
Cr Fawcett returned to the Meeting at 3.24pm.

CARRIED

**For: Crs Davies, Hill, Hutchinson-Brooks, Harding, Fawcett,
Newton and McEwen.**

Against: Cr Kennedy

**Attachment 1
Leongatha Community Infrastructure Priorities Timeline**



E.7 ACTIVE RETIREES ADVISORY COMMITTEE

Community Services Directorate

EXECUTIVE SUMMARY

The development of an Active Retirees Advisory Committee has been initiated and driven by members of University of the Third Age (U3A). Its terms of reference has been developed collaboratively. The committee will advocate for and express the needs and aspirations of retirees within the South Gippsland community.

This report seeks Council's support for the establishment of an Active Retirees Advisory Committee and endorsement of its Terms of Reference. A Councillor representative is invited onto the Committee.

Document/s pertaining to this Council Report

- **Attachment 1** - Terms of Reference
- **Attachment 2** - Community Engagement Plan

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Active Ageing Plan 2012-2016

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 development of an advisory committee has been initiated and driven by members of U3A. They are pursuing the formation of a Council Advisory Committee to advocate for and express the needs and aspirations of retirees within the South Gippsland community.

Preliminary discussions have been held to develop Terms of Reference (**Attachment 1**) and a Community Engagement Plan (**Attachment 2**) and discuss the initial establishment of the committee.

REPORT

Background

Population projections for South Gippsland indicate a growing older population (above the State average) and a representative group of active retirees will strengthen advocacy on issues, policies and strategic planning for this cohort.

There are a number of other Council Advisory Committees in the Shire that represent specific age groups but there is no Shire wide advisory committee or umbrella group representing active retirees or seniors.

Representatives of U3A initiated the proposal for the Committee and have collaboratively worked with staff from the Aged and Disability team to develop a Terms of Reference, a Community Engagement Plan and a project plan for the initial establishment of the Committee.

The committee would comprise a minimum of 10 active retirees drawn from not-for-profit groups across the shire and covering all 3 wards. A Councillor and Council staff member will be a member of the committee.

Where a councillor appointment is sought for an Advisory Committee, Council's policy is to formalise the appointment through a Council resolution with a substitute nominated.

Discussion

There are many diverse community groups that contribute to the physical and mental wellbeing of retirees. The proposed Active Retirees Advisory Committee (ARAC) would provide a representative group with whom Council could engage and consult on a range of issues including planning, strategy, policy and programs.

It will provide Council with a clear point of reference for engagement and information dissemination and sits well within Council's direction of collaborative partnerships with the community.

As an advisory committee to Council the role of the ARAC would be to make recommendations to the Council on specific issues relating to active retirees and would be a conduit for information both from and to the Council. The ARAC will maintain a strong commitment to the following:

- To increase opportunities for active retirees' to have input into South Gippsland Shire Council planning, strategies, policy and program decisions and provide an opportunity for Council representatives to liaise with active retirees;
- Provide advice and support in the planning and delivery of Council activities for active retirees;

- Facilitate information sharing, both to and from Council, with community groups catering for active retirees and the broader community;
- Explore possible opportunities to share community group resources;
- Explore possible relevant funding opportunities and disseminate this information with community groups;
- Advocate for the needs of active retiree residents within South Gippsland;
- Develop a strong positive image and profile of older people within the community and increase older people's participation within the community;
- Encourage ARAC members to represent other older people in their attendance of Regional, State and National Forums; and
- From time to time issues and opportunities outside these Terms of Reference that may arise.

Proposal

To work collaboratively with the initiators of the proposal to support the establishment of an Active Retirees Advisory Committee in South Gippsland.

FINANCIAL CONSIDERATIONS

There are no financial implications in establishing the ARAC. The Committee may strengthen external funding applications for activities for retirees in the Shire.

RISK FACTORS

RISK	RESPONSE
Some groups and individuals may not want to be represented by the ARAC.	They can continue to operate autonomously.
Some older people may not identify with the definition of active retiree and therefore not associate themselves with the views of ARAC.	The name of the Committee is deliberate and aims to avoid age stereotyping and ageism. Active retiree includes older people who are mentally and/or physically active.
Stronger representation from some areas of the Shire than for others.	The Terms of Reference require membership across the Shire, covering all 3 Wards.

CONCLUSION

There are a number of Council advisory committees to support Council business however there is no shire wide advisory committee representing active retirees. Considering that population projections for South Gippsland indicate a growing older population the committee will provide an avenue to engage and consult with active retirees on a range of issues including planning, strategy, policy and programs.

RECOMMENDATION

That Council:

1. Support the establishment of an Active Retirees Advisory Committee;
2. Endorse the Terms of Reference for the Active Retirees Advisory Committee;
3. Appoint Cr _____ as Council's representative on the Active Retirees Advisory Committee and Cr _____ as a substitute; and
4. Advise the Committee of the councillor appointment when the Active Retirees Advisory Committee is established.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Davies

SECONDED: Cr McEwen

THAT COUNCIL:

1. **SUPPORT THE ESTABLISHMENT OF AN ACTIVE RETIREES ADVISORY COMMITTEE;**
2. **ENDORSE THE TERMS OF REFERENCE FOR THE ACTIVE RETIREES ADVISORY COMMITTEE;**
3. **APPOINT CR DAVIES AS COUNCIL'S REPRESENTATIVE ON THE ACTIVE RETIREES ADVISORY COMMITTEE AND CR MCEWEN AS A SUBSTITUTE; AND**
4. **ADVISE THE COMMITTEE OF THE COUNCILLOR APPOINTMENT WHEN THE ACTIVE RETIREES ADVISORY COMMITTEE IS ESTABLISHED.**

CARRIED UNANIMOUSLY

Attachment 1 Terms of Reference



South Gippsland Shire Council

South Gippsland Active Retirees' Advisory Committee Terms of Reference

1. Goal

To advocate for and express the needs and aspirations of older people within South Gippsland to the South Gippsland Shire Council

1.1 Mission Statement

To provide a collective voice representative of community groups that serves the needs of active retirees' across the South Gippsland community.

To advise Council staff and Councillors in the planning and implementation of community events and activities to ensure the suitability and relevance to active retiree community members.

2. Role of Committee

Active Retirees' Advisory Committee is an advisory committee of the South Gippsland Shire Council.

The Active Retirees' Advisory Committee will be a conduit of information between Council and active retiree residents of South Gippsland Shire

The Active Retirees' Advisory Committee will maintain a strong commitment to the following:

- To increase opportunities for active retirees' to have input into South Gippsland Shire Council planning, strategies, policy and program decisions and provide an opportunity for Council representatives to liaise with active retirees'.
- Provide advice and support in the planning and delivery of Council activities for active retirees'.
- Facilitate information sharing, both to and from Council, with community groups for active retirees' and the broader community;
- Explore possible opportunities to share community group resources;
- Explore possible relevant funding opportunities and disseminate this information with community groups;
- Advocate for the needs of active retiree residents within South Gippsland;
- Develop a strong positive image and profile of older people within the community and increase older people's participation within the community;
- Encourage Active Retirees' Advisory Committee members to represent other older people in their attendance of Regional, State and National Forums; and

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- From time to time issues and opportunities outside these Terms of Reference may arise.

3. Role of Council

South Gippsland Shire Council will:

- a) Provide resources allowing Active Retirees' Advisory Committee to carry out their role;
- b) Actively engage with the Active Retirees' Advisory Committee when seeking community input to planning, strategies, policy and program decisions;
- c) Provide Active Retirees' Advisory Committee with the information required to fulfil its role;
- d) Work collaboratively with Active Retirees' Advisory Committee to pursue relevant grant funding opportunities through its Grants Officer; and
- e) Acknowledge and respond to formal recommendations made by the Active Retirees' Advisory Committee

4. Membership

- a) Active Retirees' Advisory Committee will have a minimum of 10 and a maximum of 12 people including:
 - i. 10 Community Representatives drawn from not-for-profit community groups, across the shire covering all 3 wards, whose primary focus is active retirees.
 - ii. 1 Councillor
 - iii. 1 Council OfficerAdditional Council Officers may be invited to the Advisory committee as required, as a guest, to provide their expertise in a specialist area.
- b) Application for Membership by a community representative (as defined in point 4a i) is made by self-nomination. Nominees will require endorsement from two other members of the South Gippsland community;
- c) Council may call for a review of the membership of the Active Retirees' Advisory Committee where it does not appear to equitably represent the overall needs or interests of active retirees' in the South Gippsland Shire;
- d) Community members can serve for a term of 2 years; after which they will need to reapply;
- e) In the case of the Community Representatives, at a particular time, being less than the minimum number of 10; a new member or members shall be sought by the existing Community Representatives. If the number of Community Representatives remains less than 10 after a 30 day period, the Chief Executive Officer will appoint new members for a term not exceeding



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the date set down for the expiry of the term of office of the retiring member or members

- f) Where the number of applicants at a particular time is greater than the number of vacancies then the Chief Executive Officer together with the Councillor and Council Officer will determine the most suitable applicants for appointment.
- g) Councillor Representatives will be appointed or reappointed as soon as practicable after Council elections and on an biannual basis at the Special (Statutory) Council Meeting;
- h) Members may be granted Leave of Absence and replaced by secondment for the period of absence with the agreement of the Chairperson;
- i) If an appointed member of the Active Retirees' Advisory Committee is absent for 4 consecutive meetings without leave (apology) of the committee given prior to the meeting, that member may forfeit his/her membership;
- j) A member may have his or her term of office revoked by Council upon request by the Active Retirees' Advisory Committee following a resolution carried by a two thirds majority vote of members of the committee;
- k) Council may at its discretion, revoke the membership of any member or the entire Active Retirees' Advisory Committee at any time;
- l) Council has the power to terminate the services of the Active Retirees' Advisory Committee at any time; and
- m) Copies of resignations are to be submitted to the Governance Services Department at the Council.

5. Committee Operations

- a) The Active Retirees' Advisory Committee will appoint a Chairperson and Secretary at the first meeting on an annual basis; and
- b) The Active Retirees' Advisory Committee does not have the power to direct any Council Officer to undertake any work but may make recommendations to Council, which may be the body of Councillors or the Chief Executive Officer as delegate.

6. Proceedings

6.1 Meetings

- a) The Active Retirees' Advisory Committee will meet bimonthly. The Active Ageing Advisory Committee may meet more frequently as the need arises. From time to time issues may arise in between meetings that require attention by Active Retirees' Advisory Committee in such instances an extraordinary meeting may be called.
- b) Active Retirees' Retirees' Committee meetings will normally be held during working hours;



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- c) Council offices in Leongatha will be available for meetings, meetings can be held in other areas of the Shire if more appropriate;
- d) Meetings will follow standard meeting procedures. Council's Meeting Procedure Local Law will be used as a basis for determining these standards;
- e) The Secretary will prepare and distribute an Agenda at least 5 days prior to the meeting. All members will have the opportunity to contribute matters for consideration through the Secretary;
- f) Minutes from each meeting will be recorded by the Secretary or if he or she is unavailable for a meeting then the Chairperson shall arrange for the minutes to be recorded by another member. Minutes will be distributed to all members and appropriate staff within the following fortnight and will be stored in a minute folder maintained by the Secretary. A copy of all minutes should be formally provided to Council via its Governance Services Department.

6.2 Quorum

- a) A majority (is a half of the formal members plus one) of members constitutes a quorum; and
- b) If at any meeting a quorum is not present within 30 minutes after the time appointed for the meeting, the meeting will not be able to make any binding decisions. The notes from this meeting can be ratified at the next meeting, provided of course a quorum is present at that meeting.

6.3 Voting

- a) The Active Retirees' Advisory Committee will make every effort to arrive at its decisions by consensus; and
- b) If consensus is not possible matters can be resolved by a majority of the votes of members present. The Chairperson shall have the casting vote if the votes are equal.

7. Reporting

- a) In reporting to Council, recommendations should, where possible, reflect a consensus view. Where a consensus cannot be reached, reports will clearly outline differing points of view;
- b) Technical reports to Council will be co-ordinated through the relevant Council Officer;
- c) Meeting minutes of Active Retirees' Advisory Committee will be sent to Governance Service Department for distribution to Councillors on a bimonthly basis;

Continued



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- d) The Active Retirees' Advisory Committee will disseminate information about its activities to the broader community on a regular basis, and
- e) The Active Retirees' Advisory Committee can expect a response from Council to recommendations they make.

8. Communication

Effective communication via a number of means including: meetings, forums, written, verbal and active use of social media.

9. Evaluation

In order to monitor and evaluate the effectiveness of the Active Retirees' Advisory Committee there will be an annual evaluation process undertaken by the Active Retirees' Advisory Committee members with assistance from Council Officers. The results of the evaluation will be submitted to the committee for comment before being reported to Council via Governance Services Department.

10. Council Review

Council will undertake a review of the operations and Terms of Reference of the Active Retirees' Advisory Committee every two years.

11. Conflicts of Interest

Active Retirees' Advisory Committee members are to disclose any conflict of interest to the nominated Council Officer. The conflict of interest may be of a direct or indirect nature. Any committee member can seek the advice of the nominated Council Officer on any perceived conflict of interest.

The disclosure must be made at the beginning of the meeting and the member should leave the meeting when the matter is being considered. The member may return to the meeting immediately after the matter is decided.

Active Retirees' Advisory Committee members should be guided by the Conflict of Interest legislation and guidelines as they apply to Councillors. A copy of this legislation and guidelines can be obtained from Council's Governance Officer.

12. Confidentiality

On some occasions the Active Retirees' Advisory Committee may deal with items of a confidential nature. Members are to deal with all such items and issues with confidentiality, discretion and sensitivity. If there are members of the public in attendance (that are not official members of the Active Retirees' Advisory Committee), they should be asked to leave during such discussions.



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13. Misconduct

Council retains the right to withdraw the membership of any person found to be acting outside the interests of the South Gippsland Shire Council.

14. Dispute Resolution

Should a dispute or grievance arise in the operation of the Active Retirees' Advisory Committee the Committee in the first instance should attempt to resolve the matter. If unable to resolve the matter it should refer the matter to Council's Director Community Services who will arrange guidance and an appropriate dispute resolution process if necessary.

15. Assembly of Councillors


If one Councillor or more is present at the meeting the meeting is deemed an Assembly of Councillors. Council will provide the Committee with a template for and advice about reporting back to Council that will enable the Chief Executive Officer to keep a written record of the meeting if it is an Assembly of Councillors.

Membership for 2013:

TBC

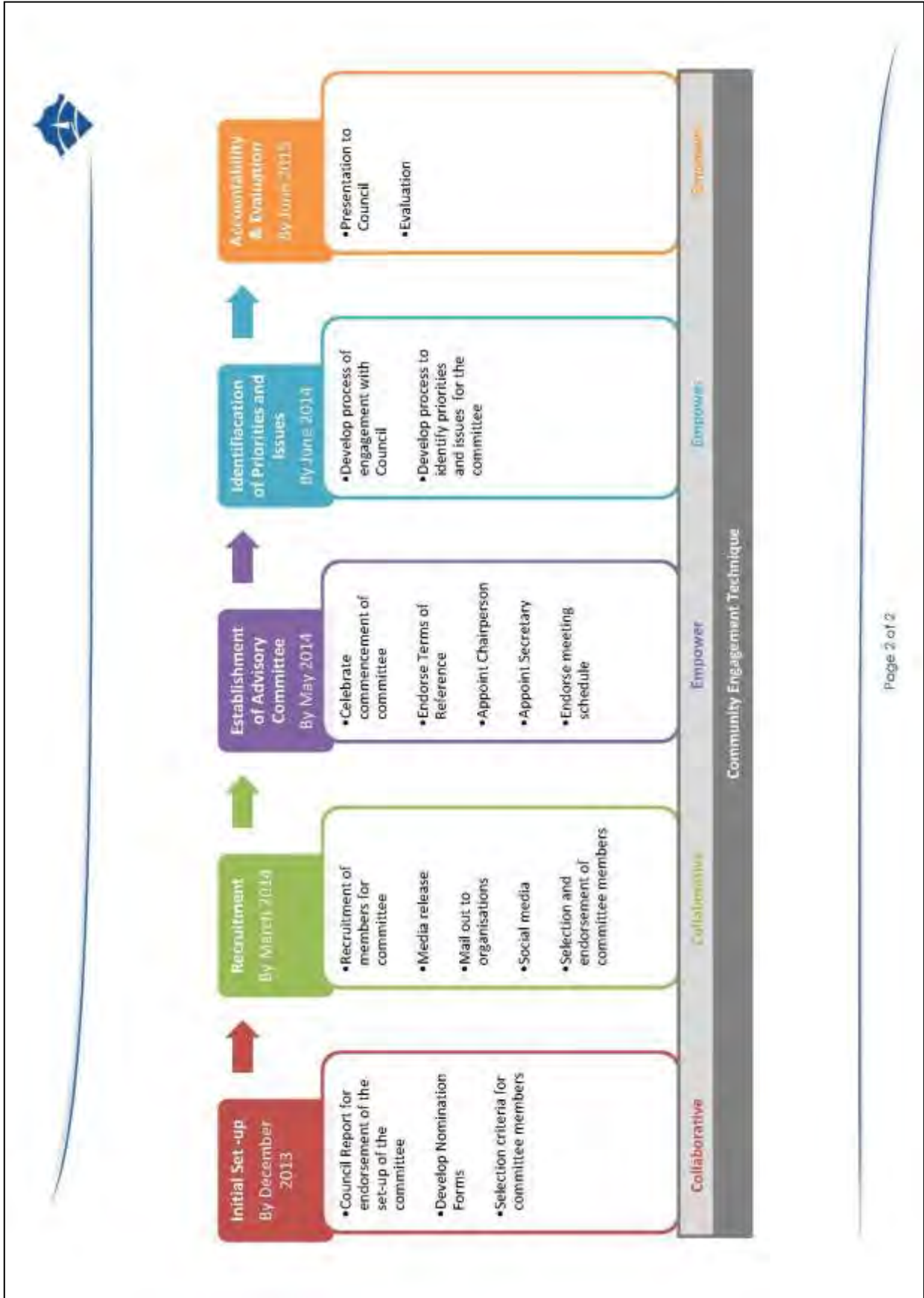
(Continued on p. 4)

Attachment 2 Community Engagement Plan



Project Name: South Gippsland Active Retirees Advisory Committee

<p>Decision Statement</p> <p>Establish a Council advisory committee for retirees in the Shire with broad representation.</p> <p>Utilise the experience and expertise of the advisory committee to the advantage of active retirees in the Shire.</p>	<p>Decision Maker</p> <p>Council (as it is a Council endorsed committee).</p> <p>Committee can make recommendations to Council.</p>	<p>Key Stakeholders</p> <ul style="list-style-type: none"> • Council • Councillors (1 councillor rep) • Not for profit community based groups representing active retirees • State and Federal government • Council staff from Aged & Disability Services • Other Council departments
<p>Community Engagement Goal</p> <p>To partner with active retirees in each aspect of decisions, including the development of alternatives and the identification of preferred solutions.</p>	<p>Level on Spectrum</p> <p>Collaborate</p>	<p>Range of views/level of controversy</p> <ul style="list-style-type: none"> • The committees view and advice may be in conflict with Council's and Government's direction. • Not being embraced as a representative voice for active retirees. • Groups with their own agendas. • Strong lead personalities dominating the views of the group.
<p>Not Negotiable</p> <p>Terms of Reference.</p> <p>All 3 ward represented by not-for-profit groups.</p> <p>Administrative support to be resourced from within the committee.</p>	<p>Community Engagement Promise</p> <p>Collaborate at all stages of the project.</p>	<p>Opportunities</p> <ul style="list-style-type: none"> • Raise the profile of active retirees and the older population in the Shire. • Grant funding. • Advocacy. • Bringing together a collective and powerful view.
<p>Negotiable</p> <p>Level of authority in relation to consultation on specific issues.</p> <p>Venue for meetings are held.</p>		



E.8 TELECOMMUNICATIONS FACILITY (NBN TOWER) AT 2746 MEENIYAN PROMONTORY ROAD YANAKIE - PLANNING APPLICATION 2012/407

Development Services Directorate

EXECUTIVE SUMMARY

This report follows from Council's decision at its Ordinary Meeting on 28 August 2012 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.

This application was deferred at the request of the applicant to consider whether any native vegetation was required to be removed to construct power lines in Meeniyan Promontory Road to provide power to the telecommunications facility. An amendment to the planning permit application would have been required if native vegetation was proposed to be removed to support the development. The applicant advises that underground power can be provided to the site without needing to remove any native vegetation. The development plans have been revised to confirm this. No further notification or referral was required as there has been no substantive change to the application.

The facility, including a 35m high monopole, is proposed to be located on Council owned land at 2746 Meeniyan 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 1**- 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:

- a. Underground fibre-optic cable to homes in larger towns;
- b. Wireless transmission via antennas mounted on towers in smaller townships; and
- c. 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 Meeniyah 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.
<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 underground wherever possible in the case of power lines and other utility services. • 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><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 and/or group buildings in the landscape among substantial landscaping of indigenous or non-invasive exotic /native feature planting (including existing shelterbelts). • 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

Policy Objectives	
	<p>or structures, within the coastal strip, outside settlements.</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).

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 possible.	No native vegetation needs to be removed to construct or maintain the proposed facility.
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 Meeniyah Promontory Road to the north, but it is not considered to dominate the skyline or any vistas</p>

Decision Guideline	Response
	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.
Whether the proposed development reduces visual intrusion by utilising low scale building forms, tucked into the landscape, with the use of materials and colours that occur in the local area.	The proposed facility has been designed and sited to 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.
In coastal locations, whether the proposed development utilises materials and colours that minimise contrast with the surrounding landscape and whether the visibility of buildings and structures is minimised when viewed from a distance, including from offshore.	The 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 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.

Decision Guideline	Response
<p>Whether the proposal contributes to the retention of the character of large open rural areas offering scenic views by siting developments back from roads, amongst vegetation and low in the topography.</p>	<p>The 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.</p>

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 concern raised by the objectors 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 Meeniyah 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:

- a.** 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.
- b.** 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 Kennedy

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 MEENIYAN 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:

- c. **THE REQUEST FOR AN EXTENSION OF TIME IS MADE WITHIN 12 MONTHS AFTER THE PERMIT EXPIRES; AND**
- d. **THE DEVELOPMENT OR STAGE STARTED LAWFULLY BEFORE THE PERMIT EXPIRED.**

FOOTNOTES INCLUDED ON PERMIT:

- a. **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.**
- b. **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).**

CARRIED UNANIMOUSLY

Attachment 1 - Locality Plan

LOCALITY PLAN



Attachment 2 - Aerial Photo and Zoning Plan

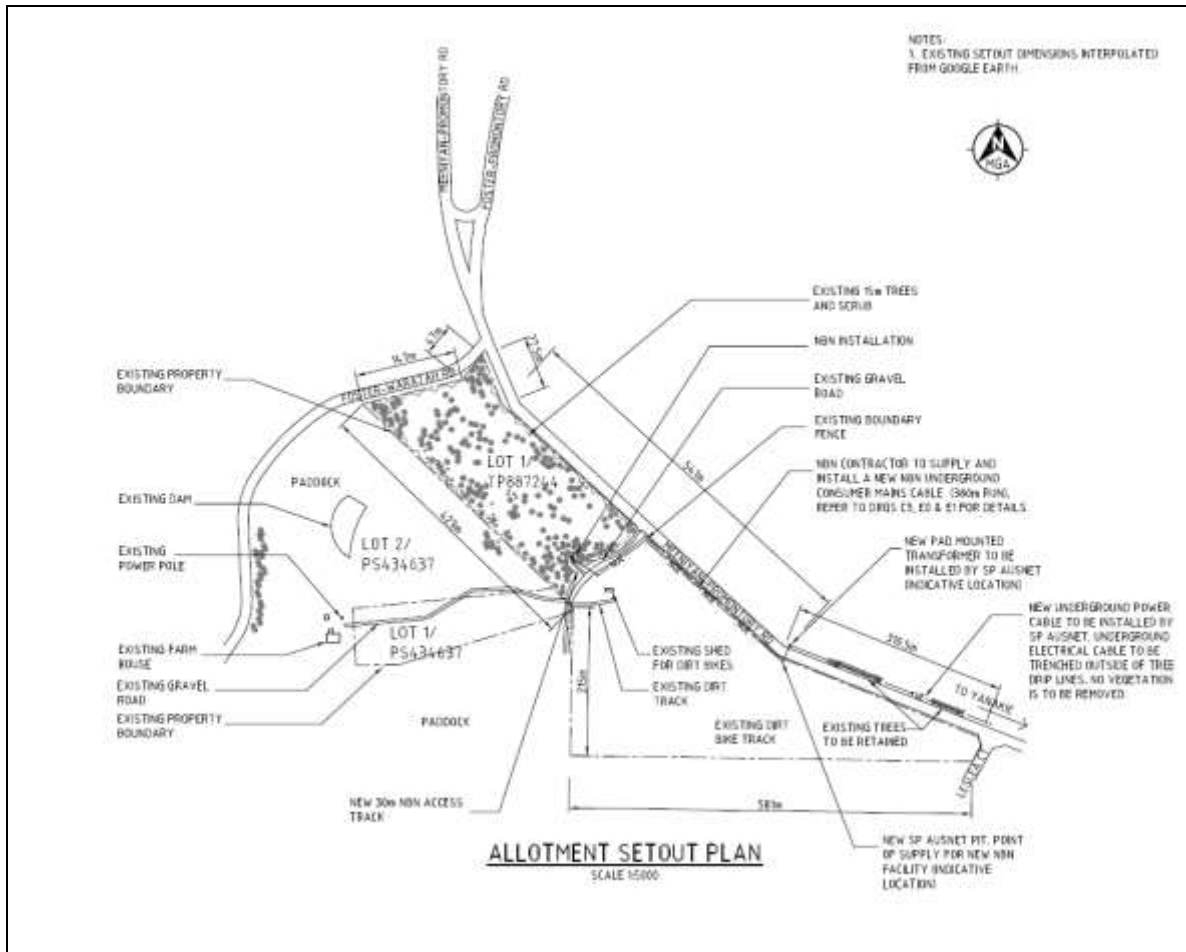
AERIAL PHOTO



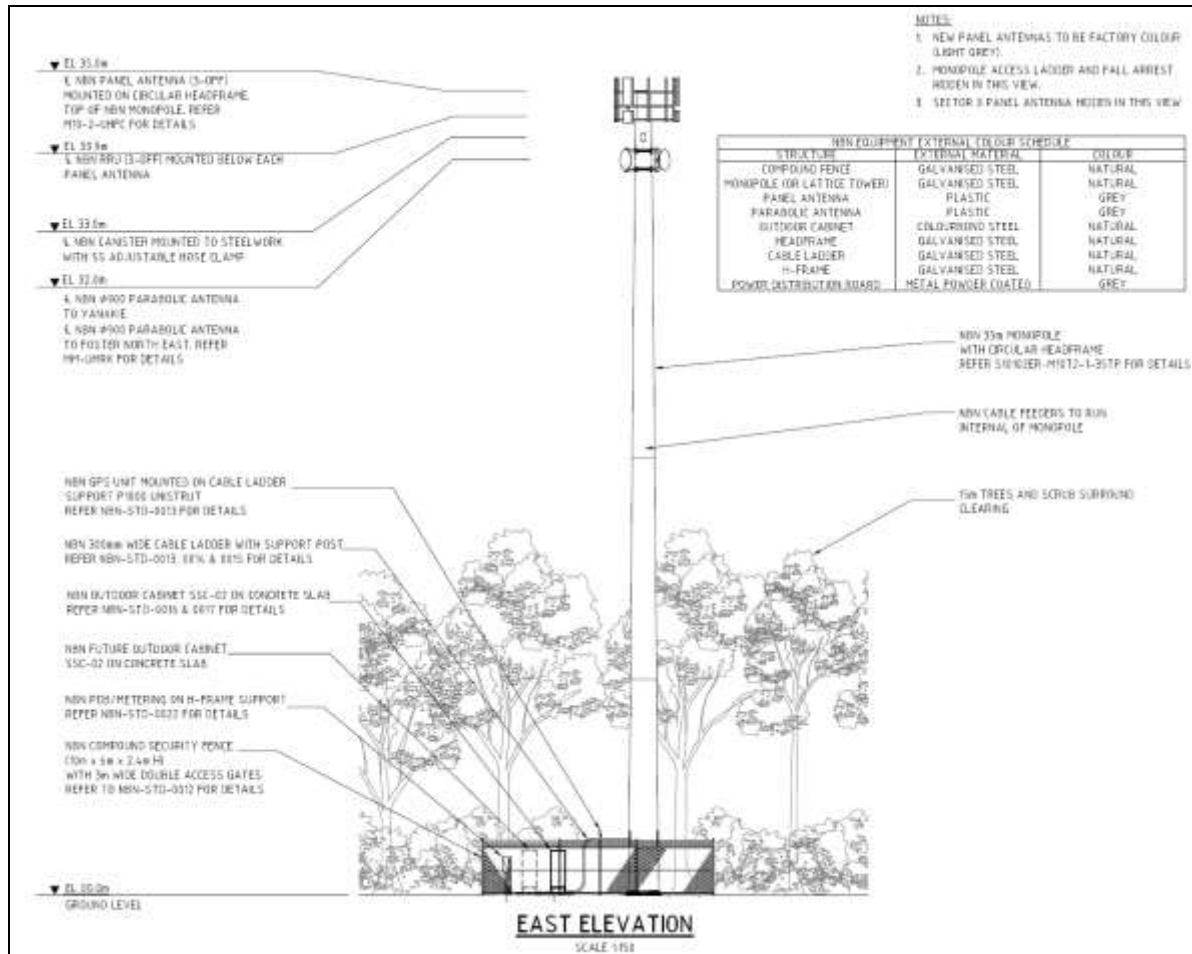
ZONING PLAN



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 Meeniyon 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 Meeniyon 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 Meeniyah 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>

Submission	Response
<p>False statements within the application are misleading and the application should be rejected.</p>	<p>It is agreed the applicant's written submission contains a number of 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</p>

Submission	Response
	tree line however the visibility of the tower does not necessarily result in a 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 from the nearest connection point near Leslea Court to the proposed telecommunications facility.
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	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>landscape and surrounded by a 2.4m high security fence.</p>	
<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.9 REVIEW OF GENERAL LOCAL LAW NO. 1 AND NO. 2

Development Services Directorate

EXECUTIVE SUMMARY

Council is reviewing General Local Law No. 1 (Local Law 1) and Local Law No. 2, Payment of Fees (Local Law 2). Local Law 1 regulates livestock, streets and roads, community activities and activities in municipal places. Local Law 2 relates to enforcing the recovery of fees and alleviation of fees. The review is being undertaken as these laws sunset in 2015.

A draft General Local Law 2014 (draft Local Law) has been developed for public consultation and is attached in **Appendix 1** along with a Community Impact Statement for the draft Local Law contained in **Attachment 1**. The content of the draft Local Law has been significantly reduced compared to the overall content of Local Law 1 and Local Law 2. It is proposed that the draft Local Law is placed on public exhibition. Once the community has commented on the draft Local Law, a future Council report will be tabled recommending its adoption, with amendments as necessary.

Document/s pertaining to this Council Report

- **Attachment 1** - Local Law Community Impact Statement
- **Attachment 2** - Draft Waste Collection Services Procedures
- **Appendix 1** - Draft General Local Law 2014

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
- Domestic Animals Act 1994

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

General Local Law No. 1 and Local Law No. 2 - Payment of Fees

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

Council was briefed on the review of the General Local Law No. 1 2005 and General Local Law No. 2 Payment of Fees 2005 on 5 June 2013, 2 October 2013 and 16 October 2013. Consultation has been also undertaken with internal staff and management that provide services around Council's local laws.

REPORT

Background

Council appointed Macquarie Local Government Lawyers to undertake a review of General Local Law No. 1 (Local Law 1) and Local Law No. 2 Payment of Fees (Local Law 2). The review is being undertaken as these local laws sunset in 2015. As part of the review these local laws will be consolidated into a single local law. Local Law 1 regulates livestock, streets and roads, community activities and activities in municipal places. Local Law 2 relates to enforcing the recovery of fees and alleviation of fees.

A public consultation process is required in accordance with section 223 of the Local Government Act 1989 prior to the draft Local Law being adopted. Under the Local Government Act 1989, Council must provide interested parties with a minimum of 28 days to make a submission. Interested parties that provide a submission, also have the right to present their submission to Council.

A draft General Local Law 2014 (draft Local Law) has been developed for public consultation along with a Community Impact Statement for the draft Local Law.

Discussion

The draft Local Law has been developed in accordance with Part 5 of the Local Government Act 1989 (the Act) and the Victorian Government's "Guidelines for Local Laws Manual 2010" (the Guidelines). A Community Impact Statement has also been developed in accordance with the Guidelines. Consideration has been given to the following principles during the development of the draft Local Law:

- 1.1 Remove items that duplicate or overlap with State legislation;
- 1.2 Remove redundant items that no longer need to be regulated;
- 1.3 Remove administrative matters;
- 1.4 Combine local laws where possible; and
- 1.5 Strengthen local laws when necessary.

As a result the content of the draft Local Law has been significantly reduced from 93 pages (combined length of local law 1 and 2) to 24 pages. It is proposed that Local Law 2 is deleted as it overlaps/duplicates requirements from the Local Government Act 1989 and is therefore unnecessary.

Proposed amendments that extend the scope of the Local Law are:

- 2.1 Provide powers to Council to direct property owners to maintain septic systems and, for systems that do not have a permit under the Environment Protection Act 1970, provide council with powers to direct property owners to have the septic tank cleaned and/or have the system inspected by a licensed plumber;
- 2.2. Extend the scope of the recreation vehicle (i.e. motorbikes, All Terrain Vehicles etc.) local law so that it is also an offence for an owner/occupier to permit a person to use recreational vehicles on their property in residential or rural living zone areas. Currently the requirement only applies to a person using the vehicle making the requirements difficult to enforce when a person under the age of 18 is committing the offence; and
- 2.3 Extend the scope of the offensive burning local law so that open air burning is prohibited without a permit in residential areas. The requirements would not apply to barbecues or manufactured fireplaces used for the purpose of outdoor heating.

Local Law No.1 currently has a number of specific clauses in relation to domestic waste collection and the treatment of commercial waste. It's proposed that these requirements are moved from the local law and located in a document referenced by the Local Law (refer **Attachment 2**). This proposal is consistent with the way a number of councils deal with the requirements for waste collection and treatment.

Under the Local Government Act 1989, Council must provide interested parties with a minimum of 28 days to make a submission. As the public exhibition period for the draft Local Law will commence during the first week of December and extend over the Christmas/New Year period, it is proposed that the public exhibition period is extended to 66 days so that public submissions can be received up until 7 February 2014.

Proposal

It's proposed that Council adopt the draft Local Law for the purposes of public exhibition until 7 February 2014.

FINANCIAL CONSIDERATIONS

There are no financial considerations in relation to placing the draft local Law on public exhibition. The project is being delivered within the approved budget.

RISK FACTORS

Council's 2013/2014 Annual Plan requires a new local law to be adopted by 30 June 2014. Therefore if Council do not adopt the draft Local Law for public exhibition there is an increased risk that that Council will not be able to adopt a new local law by 30 June 2014.

CONCLUSION

A draft Local Law has been developed that proposes to significantly reduce the content of the Local Law from 93 pages (combined length of local law 1 and 2) to 24 pages. Prior to the Local Law being adopted, public consultation must be undertaken in accordance with section 223 of the Local Government Act 1989. Placing the draft Local Law on public exhibition until 7 February 2014 will fulfil this objective.

RECOMMENDATION

That Council:

1. Give notice in the Government Gazette on 5 December 2013 and give public notice on 3 December 2013 stating –
 - a. the purpose and general purport of the proposed General Local Law No.1;
 - b. a copy of the proposed General Local Law No. 1 can be obtained from Council Office; and
 - c. that any person may make a submission under Section 223 of the Local Government Act 1989 on or before 7 February 2014;
2. Appoint Wednesday 19 February 2014 as the date to hear submissions at 12:15 pm in the Council Chamber, Leongatha; and
3. Appoint those Councillors present at the Councillors Briefing held on 19 February 2014 as the committee to hear any submissions made under Section 223 of the Local Government Act 1989 and report back to Council after hearing the submissions.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Hill

SECONDED: Cr Davies

THAT COUNCIL:

- 1. GIVE NOTICE IN THE GOVERNMENT GAZETTE ON 5 DECEMBER 2013 AND GIVE PUBLIC NOTICE ON 3 DECEMBER 2013 STATING –**
 - a. THE PURPOSE AND GENERAL PURPORT OF THE PROPOSED GENERAL LOCAL LAW NO.1;**
 - b. A COPY OF THE PROPOSED GENERAL LOCAL LAW NO. 1 CAN BE OBTAINED FROM COUNCIL OFFICE; AND**
 - c. THAT ANY PERSON MAY MAKE A SUBMISSION UNDER SECTION 223 OF THE LOCAL GOVERNMENT ACT 1989 ON OR BEFORE 7 FEBRUARY 2014;**
- 2. APPOINT WEDNESDAY 19 FEBRUARY 2014 AS THE DATE TO HEAR SUBMISSIONS AT 12:15 PM IN THE COUNCIL CHAMBER, LEONGATHA; AND**
- 3. APPOINT THOSE COUNCILLORS PRESENT AT THE COUNCILLORS BRIEFING HELD ON 19 FEBRUARY 2014 AS THE COMMITTEE TO HEAR ANY SUBMISSIONS MADE UNDER SECTION 223 OF THE LOCAL GOVERNMENT ACT 1989 AND REPORT BACK TO COUNCIL AFTER HEARING THE SUBMISSIONS.**

CARRIED UNANIMOUSLY

Attachment 1

Local Law Community Impact Statement

[TO BE PLACED ON COUNCIL'S LETTERHEAD]

LOCAL LAW COMMUNITY IMPACT STATEMENT

DECEMBER 2013

Proposed General Local Law 2014

PART A – GENERAL COMMENTS

General Local Law No. 1 came into effect on 27 September 2005. Since that time, Council has successfully relied upon the Local Law to regulate activities within the municipality and enforce breaches of the Local Law where necessary.

The objectives of the proposed replacement Local Law are to –

- (a) provide a safe and healthy environment in which the residents of the municipal district enjoy a quality of life that meets the general expectations of the community;
- (b) regulate and control activities which may be dangerous or unsafe or detrimental to the quality of life in the environment of the municipal district;
- (c) facilitate the provision of general public services, health and other community services, property services, recreational and cultural services, and other services in a way which enhances the environment and quality of life in the municipal district;
- (d) provide for the peace order and good government of the municipal district;
- (e) provide for the administration of the Council's powers and functions; and
- (f) prescribe penalties for contravention of any provisions of this Local Law.

PART B – COMMENTS ON PROPOSED LOCAL LAW

Measuring Success	Council will measure the success of the Local Law by - (a) monitoring the level of compliance; (b) comparing the level of compliance with the previous year's monitoring; and (c) assessing the resources required to administer and enforce the local law. Council will report annually to the community on the operation of the Local Law.
Existing Legislation	The local law will supplement existing state legislation administered and enforced by Council.
State Legislation	In circumstances where Council has considered State legislation is more appropriate to deal with particular issues, such clauses of the current local law

[TO BE PLACED ON COUNCIL'S LETTERHEAD]

	have been removed in favour of relying on State legislation.
Overlap of existing legislation	Existing State legislation deals with the following issue which is also dealt with by the proposed Local Law: <ul style="list-style-type: none"> Noise (Recreation vehicles): Public Health and Wellbeing Act 2008 Council believes the provisions of the proposed Local Law supplement the State legislation without duplicating, overlapping or creating any inconsistency.
Overlap of Planning Scheme	Council does not consider any provision of the proposed Local Law overlaps, duplicates or creates an inconsistency with Council's Planning Scheme.
Risk Assessment	Council has adopted a risk management approach to the review and development of the proposed Local Law.
Legislative approach adopted	Council believes in minimum imposition on the community with Local Laws. The proposed Local Law reflects this approach by providing for: <ul style="list-style-type: none"> reasonable penalties; minimum possible number of provisions which create offences; where possible, provision for permits rather than prohibition of activities; reasonable and appropriate permit conditions which will be relied on if a decision is made to issue a permit under the local law; and reasonable enforcement procedures including provision for the giving of warnings where appropriate, provision of an internal review process for infringement notices and refusal of permit applications.
Restriction of Competition	Council has conducted a review of the proposed Local Law in accordance with National Competition Principles. Competition will be restricted in some instances because – <ul style="list-style-type: none"> The benefits of the restriction to the community as a whole outweigh the costs; and The objectives of the proposed local law can only be achieved by restricting competition.
Penalties	The amount of the fixed penalty to be specified in an Infringement Notice will be \$200 unless the offence involves – <ul style="list-style-type: none"> Unlawful disposal of waste and/or recyclable materials - \$500 Unlawful use of Council litter bins - \$500 Unauthorised roadside trading - \$1000 Unauthorised burning off - \$1000 The maximum penalty to be imposed by a court is \$1000 for a first offence.

[TO BE PLACED ON COUNCIL'S LETTERHEAD]

	and \$2000 for a second or subsequent offence.
Permits	A number of provisions in the proposed Local Law require permits for various activities to be obtained.
Fees	The proposed Local Law allows Council to set fees annually and this will be done as part of the budget process.
Performance standards or prescription	Where appropriate and possible, Council has adopted a performance-based approach to Local Law provisions. For example, detailed prescriptive requirements regarding the housing of poultry and livestock have been replaced with requirements designed to ensure clean, healthy and secure environments. These have been supplemented by 'deemed to comply' provisions to give the community some guidance.
Comparison with neighbouring Councils	In drafting the proposed Local Law, Council has examined the local laws of several neighbouring Councils including Cardinia Shire, Baw Baw Shire, Latrobe City, Bass Coast Shire and Wellington Shire Councils. One of the primary purposes for conducting this comparison was to see how regional Councils address the regulation of various activities across both rural and township areas.
Charter of Human Rights & Responsibilities	Council regards the Victorian Charter of Human Rights and Responsibilities as an important reference in the development of local laws to ensure that such laws do not encroach upon a person's basic human rights, freedoms and responsibilities. As a public authority, Council appreciates its obligation to ensure that local laws are interpreted and applied consistently with human rights. Council has assessed the proposed local law for compatibility with the Charter and has found no inconsistencies.
Submissions	A submission process will be conducted in accordance with the legislative requirements prescribed under section 223 of the Local Government Act 1989. In summary, that process requires Council to publish a public notice calling for written submissions in relation to the proposed local law. Those submissions are then considered by the Council as part of the consultation process.

[TO BE PLACED ON COUNCIL'S LETTERHEAD]

Typical provisions	<p>Septic systems (clause 12): Council is proposing to make land owners responsible for maintaining a septic system on their land.</p> <p>Open air burning (clause 14): Council is proposing to ban open air burning without a permit on land zoned Residential, Township, Low Density Residential, Commercial 1 or Mixed Use under the South Gippsland Planning Scheme. The ban would not apply to barbecuing food or using a manufactured fireplace for outdoor heating.</p> <p>Recreation vehicles (clause 15): Council is proposing to extend the existing restrictions on the use of recreation vehicles on certain land to the occupiers (currently confined to users) of the land.</p> <p>Camping (clause 16): Council is proposing to retain the existing camping provisions contained in the current local law.</p>
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Attachment 2

Draft Waste Collection Services Procedures

Waste Collection Services Procedures

1. Introduction

The Waste Collection Services Procedures (Procedures) are incorporated by reference into Council's General Local Law 2013.

2. Purpose

The purpose of the Procedures is to regulate the manner in which domestic and commercial waste is to be collected by Council from properties in the municipality.

3. Definitions

In these Procedures –

Waste Collection Service	means a service by which waste or recyclable materials are removed by way of a scheduled collection service and may include a periodic service or event to remove green waste or hard waste.
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4. Domestic Waste

(1) This clause applies to the occupier of every dwelling or other property where the Council provides a domestic waste collection service.

(2) All domestic waste must be placed in bins ready for collection in accordance with Council requirements and on the days from time to time specified by the Council.

This sub-clause does not apply to material that is recycled on the property in a manner which causes no nuisance to neighbours or kept on the property for recycling in accordance with a Council sponsored recycling program.

(3) The loaded weight of any bin placed for collection must not exceed 50 kilograms.

(4) Where the Council supplies or arranges the supply of bins, any domestic waste left for collection must be stored in the bin supplied unless it is recyclable material left for collection in the manner and at the times determined by the Council.

(5) Non-recyclable material must not be deposited in to a recycling bin or bin provided for the purposes of collecting recyclable material.

(6) Recyclable material must be deposited into a recycling bin.

(7) Bins must be placed on the verge of the vehicle crossing or Road abutting the property the night before the waste is to be collected.

- (8) The following material must not be placed in bins that are to be collected by the Council:
 - (a) slops, liquid waste or offensive material; and
 - (b) dirt, dust, or other matter from any vacuum cleaner, ashes, hair or other similar matter or moist refuse, unless it has been securely wrapped in paper or some other impermeable cover or container to prevent its escape; and
 - (c) ashes or other like matter, unless they have been mixed with water to form a consistency of a stiff paste before being wrapped and placed in the bin; and
 - (d) glass or other sharp objects, unless they are properly contained or wrapped in such a way as to render them harmless and inoffensive; and
 - (e) oil, paint, solvents or similar substance or any other substance which may damage the bin or reduce its strength or effectiveness; and
 - (f) disposable napkins, unless they have been cleaned of solids and securely wrapped in impervious material prior to being placed in the bin; and
 - (g) trade wastes of any kind; and
 - (h) green waste; and
 - (i) syringes; and
 - (j) asbestos or other hazardous material.
 - (9) If the Council has notified occupiers of a recycling or hard garbage collection, any material to be recycled and the hard garbage to be collected must be left for collection in accordance with the Council's instructions.
 - (10) Once the waste has been collected by the Council, the empty bins must be returned to the property as soon as practicable, and any waste spilled onto the Road during collection must be immediately reported to the Council.
 - (11) Bins must be maintained in a clean and tidy manner so as not to cause any nuisance to any person.
- 5. Trade Waste and Waste Hoppers (including recycling bins)**
- (1) An occupier of property who arranges for the collection of trade waste or for the placement of a waste hopper or recycling bin must comply with this clause.

- (2) Waste hoppers or bins used for the collection and storage of trade waste must:
 - (a) be constructed of approved impervious material to prevent leakage, absorption or accumulation of any refuse or rubbish that may be deposited in it; and
 - (b) be water-tight, fly and vermin proof; and
 - (c) contain a removable drainage plug for the purpose of cleaning; and
 - (d) be fitted with a fly and vermin proof lid with overlapping flanges which must be kept continuously closed when not in use.
- (3) Waste hoppers or bins must be emptied at least weekly or more regularly if the contents become offensive
- (4) The occupier must ensure that:
 - (a) the bin is stored and maintained in a clean, sanitary and inoffensive condition and must be kept clean at all times, including any footway, pavement or ground adjoining the storage area, in accordance with any requirements determined by the Council; and
 - (b) the surface upon which the bin is stored, is impervious, graded and drained to the sewer or an approved outlet with such silt traps or other treatment devices as required and determined by the Council; and
 - (c) the storage site is supplied with a tap connection and hose of a size approved and determined by the Council;
 - (d) the bin is screened in such a way and with such material as approved and determined by the Council; and
 - (e) the bin is adequately fenced or constructed in such a way so as to deny access to the public; and
 - (f) the bin is cleaned thoroughly after each emptying.
- (5) Every waste hopper or recycling bin used for the collection of waste or recyclable material must display a notice indicating the type of waste or material which is permitted and stating that it is an offence to deposit any material contrary to the notice.
- (6) A person must not place any waste or material in a trade waste bin, waste hopper or recycling bin, contrary to the notice on it.

6. Compliance

It is an offence under the Local Law for a person to refuse or fail to comply with the Procedures.

Councillor Fawcett left the room with a declared indirect conflict of interest in Council Reports Item E.10 – PLANNING SCHEME AMENDMENT C91 - REZONING OF SOUTH GIPPSLAND WATER OFFICE, 16-24 PIONEER ST, FOSTER as he has a conflicting duty in that he is a Director of South Gippsland Water.

E.10 PLANNING SCHEME AMENDMENT C91 - REZONING OF SOUTH GIPPSLAND WATER OFFICE, 16-24 PIONEER ST, FOSTER

Development Services Directorate

EXECUTIVE SUMMARY

South Gippsland Water (SGW) purchased from Council on 10 September 2013 a 2,011m² parcel of land in Foster that contains the former Infant Welfare Centre and the former Preschool / Kindergarten ("the subject land"). The purpose of the purchase is to facilitate increased office accommodation for SGW staff in Foster. As part of the Contract of Sale with Council and to ensure consistency of planning control across the site, SGW has applied to Council to rezone the subject land from Public Use Zone 6 (PUZ6 - Local Government) to Public Use Zone 1 (PUZ1 - Service & Utility).

It is recommended that Council seek authorisation to prepare Planning Scheme Amendment C91, exhibit Amendment C91 and request the Minister to convene a Planning Panel to hear any objections that cannot be mediated.

Document/s pertaining to this Council Report

- **Attachment 1** - Approved subdivision plan
- **Attachment 2** - Rezoning map
- **Attachment 3** - Draft explanatory report

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Planning and Environment Act 1987, "The Act"
- South Gippsland Planning Scheme, "the Planning Scheme"
- Planning Practice Note 2 - Public Land Zones (October 2013)

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Nil

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:	3.1.3	We will develop an integrated planning approach for our townships and villages, so that facilities are located in areas where they are most appropriate.
Outcome:	4	A Leading Organisation
Objective:	4.2	Pursue best practice in organisational development and operations of the organisation
Strategy:	4.2.3	We will make informed decisions and provide opportunities for the community to participate in the decision making process.

CONSULTATION

The public will be notified by a Public Notice in the local newspapers and letters to adjacent landowners as per the statutory requirements of the Planning and Environment Act.

A public notice pursuant to Sections 189 and 223 of the Local Government Act, 1989 was published in local papers the week commencing 6 August 2012. The notice informed the community of Council's proposed sale of the subject land to SGW by private treaty. There were no submissions received by Council to this notice.

Two previous planning permit applications for changing the use of the buildings on the subject land to "office" for SGW were also advertised and Council received no objections.

REPORT

Background

The main office of SGW was established at 16-18 Pioneer Street, Foster when the former Shire office was transferred to South Gippsland Water in 1995. The land at 16-18 Pioneer Street is designated PUZ1 for land associated with a public authority.

The adjacent land to the south, the subject land, was owned by Council until settlement on 10 September 2013. It is a 2,011m² parcel of land that contains the former Infant Welfare Centre, the former Preschool / Kindergarten, and part of the car park at the rear of the buildings. While the former Infant Welfare Centre has been leased to SGW since 2005 when Planning Permit 2005/212 was issued for the use of the building as an office, the former Preschool / Kindergarten has been leased by SGW, as an office, following obtaining a Planning Permit 2011/280 for change of use in 2011.

Figure 1: Site and subject land. Pioneer St, Foster



Negotiation between Council and SGW for the transfer of the subject land commenced in late 2010, following SGW's request to purchase the land to increase the office size.

The title boundaries were realigned in accordance with the attached Plan of Subdivision to fully contain SGW land in Lot 2 and this was completed on 10 September 2013.

The subject land, now part of Lot 2 in Plan of Subdivision 648040Y, is zoned Public Use Zone 6 (PUZ6) which is reserved for Local Government use. To recognise the change in ownership, the Section 173 agreement between SGW and Council stipulates that SGW:

1. Makes an application to Council to rezone the subject land to PUZ1 immediately upon acquiring the land from Council (at its own expense); and
2. Take all steps necessary, at its own expense, to facilitate the rezoning of the subject land to PUZ1 by the earlier of:
 - a. the date which is 24 months after the date of this Agreement; and
 - b. the date which is 12 months after the date on which the Owner acquires the Adjoining Land from Council.

SGW formally requested the rezoning in a letter to Council on 1 October 2013.

Discussion

The key purpose of Amendment C91 is to recognise the use of the land for service & utility by South Gippsland Water in its role as a Public Authority under the Water Act.

The rezoning recognises the changed ownership of the land and ensures this is consistent with the Planning Scheme Zone provisions and purpose and with Practice Note 2 - Public Land Zones October 2013.

With the zone changed to PUZ1, SGW will not need to apply for future permits for either a change of the use from an 'office' or for any building alterations or additions as these are allowed for under the PUZ1 zoning. If the zone remains PUZ6 then they will need to apply to Council for either a new permit or amend existing permits.

The sale agreement included a lease agreement for a 560m² area owned by Council to the south to maintain SGW access to the site. (Shown in Figure1)

SGW is a major service provider and employer, providing significant stimulus to the South Gippsland Shire economy. Amendment C91 ensures the long term public use of the subject land by SGW.

The sale of the land provided increased employment and commercial activities within Foster through adaptive reuse of the former Infant Welfare Centre and the former Foster Preschool / Kindergarten by SGW. This use of the land is a good planning outcome which provides improved vibrancy and passive surveillance in this transitional area between the commercial and residential precincts.

Proposal

It is proposed to seek authorisation from the Minister for Planning to prepare Planning Scheme Amendment C91 to rezone Lot 2 on PS648040Y in Foster from Public Use Zone 6 to Public Use Zone 1. Once authorised, C91 will be put on public exhibition as per the requirements of the Act. If any objections are received, that cannot be mediated; the Minister for Planning will be requested to convene a Planning Panel to hear the objections.

FINANCIAL CONSIDERATIONS

The recommendations have no financial impact to Council. Under the Section 173 agreement on the land title, the costs associated with Amendment C91 are borne by SGW.

RISK FACTORS

Amendment C91 will recognize the use of the land for the purpose of 'service and utility' and finalise the steps to secure the long term presence of SGW in Foster. It reduces the economic risk to Foster by providing certainty to the local employment sector.

CONCLUSION

Amendment C91 will assist in securing the long term future of SGW as a key employer in Foster and continue to provide its services to the local community. The rezoning is consistent with the Planning Scheme and the relevant practice note.

RECOMMENDATION

That Council:

1. Seek authorisation from the Minister for Planning to prepare Planning Scheme Amendment C91 to rezone Lot 2 on PS648040Y in Foster from Public Use Zone 6 to Public Use Zone 1.
2. Publicly exhibit Planning Scheme Amendment C91 as per the requirements of the Planning and Environment Act 1987.
3. Request the Minister for Planning to convene a Planning Panel to hear any objections to Amendment C91 that cannot be mediated.

STAFF DISCLOSURE OF INTEREST

Nil

Cr Fawcett left the room with a declare conflict of interest (conflict of duty) at 15:42.

MOVED: Cr Davies SECONDED: Cr Kennedy

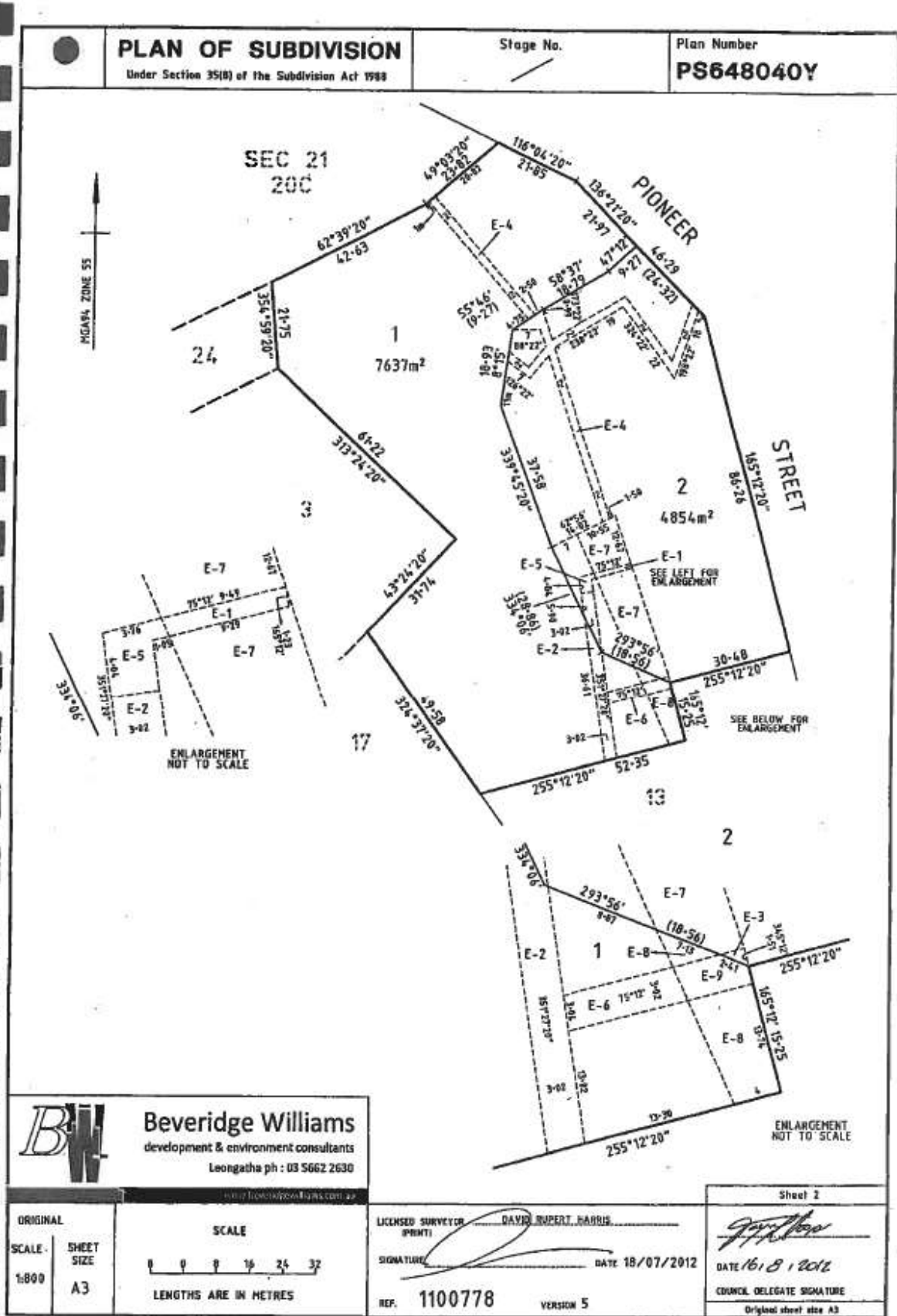
THAT COUNCIL:

1. **SEEK AUTHORISATION FROM THE MINISTER FOR PLANNING TO PREPARE PLANNING SCHEME AMENDMENT C91 TO REZONE LOT 2 ON PS648040Y IN FOSTER FROM PUBLIC USE ZONE 6 TO PUBLIC USE ZONE 1.**
2. **PUBLICLY EXHIBIT PLANNING SCHEME AMENDMENT C91 AS PER THE REQUIREMENTS OF THE PLANNING AND ENVIRONMENT ACT 1987.**
3. **REQUEST THE MINISTER FOR PLANNING TO CONVENE A PLANNING PANEL TO HEAR ANY OBJECTIONS TO AMENDMENT C91 THAT CANNOT BE MEDIATED.**

CARRIED UNANIMOUSLY

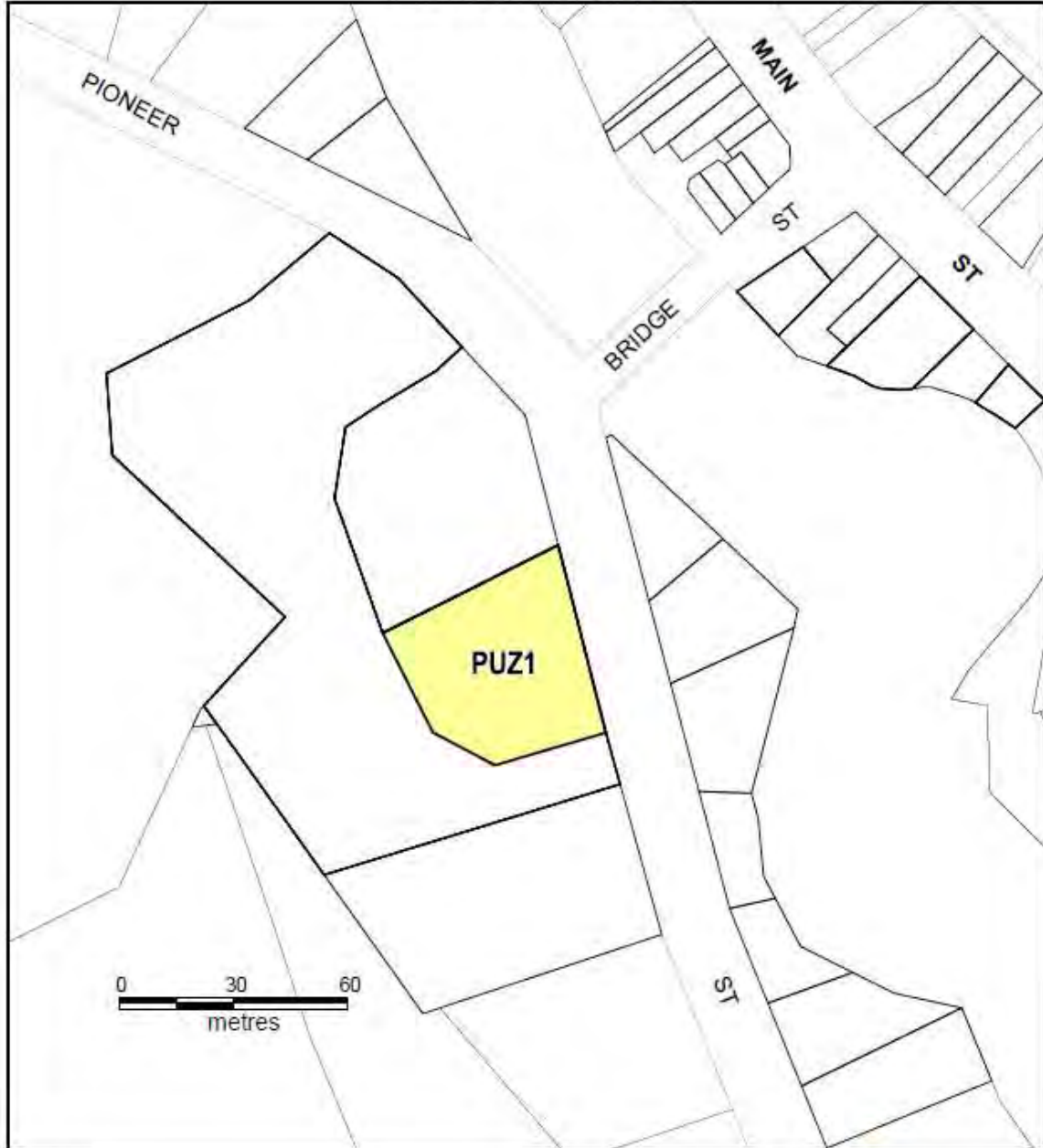
Cr Fawcett returned to the Meeting at 3.44pm.

Attachment 1
Approved subdivision plan



**Attachment 2
Rezoning map**

**SOUTH GIPPSLAND PLANNING SCHEME
LOCAL PROVISION**



LEGEND

Part of Planning Scheme Map 29

PUZ1 PUBLIC USE ZONE - SERVICE & UTILITY

AMENDMENT C91

| Planning Mapping Services |
| Amendments Coordination Team |
| Planning & Building Systems |
| Planning, Building & Heritage |



Department of
Transport, Planning and
Local Infrastructure



021

Attachment 3 Draft explanatory report

Planning and Environment Act 1987

SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C91 EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the South Gippsland Shire Council, which is the planning authority for this amendment.

The amendment has been made at the request of South Gippsland Water (SGW)

Land affected by the amendment

The amendment applies to part of Lot 2 in Plan of Subdivision 648040Y, known as part of 16-24 Pioneer St, Foster, illustrated in the map below.



What the amendment does

The amendment proposes to rezone the land from PUZ6 to PUZ1 to provide for the long term use of the land by SGW, the owner of the land.

The amendment:

- Rezones all Public Use Zone 6 land in Lot 2 in PS648040Y to Public Use Zone 1.

Strategic assessment of the amendment

Why is the amendment required?

The key purpose of this amendment is to recognise use of the land by SGW for its purposes as a Service and Utility Public Authority. SGW develops and manages the key water and sewer infrastructure and services in South Gippsland Shire and the rezoning is consistent with the Practice Note 2 on Public Land Zones, October 2013 and the objectives of the PUZ provisions in the VPP.

Though the rezoning is not necessary for the existing use of the land by SGW as an office, as the use is permitted by planning permits, the amendment will result in a good planning outcome by applying a public land zone that ensures consistency of planning control across the site.

How does the amendment implement the objectives of planning in Victoria?

The amendment implement the objectives of planning in Victoria, contained at Section 4 of the *Planning and Environment Act 1987* in the following way:

The amendment provides for the orderly and economic use of the land, by facilitating the logical expansion of the office of South Gippsland Water from the adjoining area and securing long term commercial activities for the local community.

The amendment enables the effective and efficient provision of public utilities for the benefit of the community by providing the appropriate zone for the facilities of South Gippsland Water who develops and manages much of the water and sewerage infrastructure and services within the municipality.

How does the amendment address the environmental effects and any relevant social and economic effects?

The amendment has considered the relevant environmental, social and economic effects. It's considered that the amendment facilitates the long term employment and commercial activities within the activity centre in Foster through adaptive reuse of the former Infant Welfare Centre and the former Foster kindergarten as an office.

It is considered by Council that there are no negative environmental implications as a result of this amendment as it recognises the existing use of the site.

Does the amendment address relevant bushfire risk?

The amendment is to rezone land in an established urban area to reflect its public ownership and use. The amendment will have no increase to bushfire risk.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act, Ministerial Direction Number 11 Strategic Assessment of Amendments and the provisions of the South Gippsland Planning Scheme.

How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?

The amendment is consistent and implements the State Planning Policy Framework through the following clauses:

11.01-1 Activity centre network

- "Develop a network of activity centres that maximises choices in services, employment and social interaction."

11.02-2 Planning for growth areas

- "Provide for significant amounts of local employment opportunities and in some areas, provide large scale industrial or other more regional employment generators."

11.05-2 Melbourne's hinterland areas

- *“Manage the growth of settlements to ensure development is linked to the timely and viable provision of physical and social infrastructure and employment.”*

11.05-4 Regional planning strategies and principles

- *“Strengthening settlements by ensuring that retail, office-based employment, community facilities and services are concentrated in central locations.”*

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment and associated office use of the land are compatible with the objectives and strategies of the South Gippsland Shire Council Municipal Strategy Statement and supporting local policies. Specially, it implements the following strategy in Clause 21.15 Settlement:

- *“Promote economic development that complements the social and high quality environmental values of the township”*
- *“Encourage new commercial opportunities and community functions in the town centre that support the needs of the local community”*

The amendment is consistent with the strategic recommendations of the Housing and Settlement Strategy 2013 which was adopted by council on 25 September 2013 and is proposed to be included in the Planning Scheme as a reference document as part of proposed Amendment C80. There are no local planning policies that directly affect the implementation of the amendment.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of Victoria planning provisions. The proposal to apply PUZ1 to the land is considered to be the most appropriate method for the intended use of the land as guided by the Practice Note 2 on Public Land Zones and the PUZ objectives in the VPP.

How does the amendment address the views of any relevant agency?

Similar planning scheme amendments have been implemented across the State. The amendment is at the request of the relevant agency SGW.

Stakeholders and the public will be consulted as part of the statutory process in this amendment.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment will have no impact on the transport network as it only rezones land consistent with its ownership and use, and is not considered to be contrary to requirements of the Transport Integration Act 2010.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment will remove the need for planning permit in the future for any buildings and works by South Gippsland Water that correspond to service & utility purpose. This reduces the administrative costs of the responsible authority.

Where you may inspect this Amendment

The amendment is available for public inspection, free of charge, during office hours at the following places:

- South Gippsland Shire Council, 9 Smith Street Leongatha, and Council's web page www.southgippsland.vic.gov.au
- Foster Post Office, 22 Main St Foster
- Foster Library, Main Street Foster

The amendment can also be inspected free of charge at the Department of Transport, Planning, and Local Infrastructure website at <http://www.dpcd.vic.gov.au/planning/publicinspection>.

Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by **[insert submissions due date]**.

A submission must be sent to: Private Bag 4, Leongatha Vic 3953.

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: **[insert directions hearing date]**
- panel hearing: **[insert panel hearing date]]**

Councillor Hutchinson-Brooks left the room at 3.45pm with a declared direct conflict of interest in Council Reports Item E.11 – REGIONAL REPRESENTATION ON THE 'PLAN MELBOURNE' BOARD as he is the subject of this Council Report.

E.11 REGIONAL REPRESENTATION ON THE 'PLAN MELBOURNE' BOARD

Development Service Directorate

EXECUTIVE SUMMARY

Plan Melbourne is the draft Metropolitan Planning Strategy for Melbourne into 2050, recently released for public consultation by the Victorian State Government. Plan Melbourne sets out the Government's vision guiding Melbourne's development, including land use, infrastructure and transport. Plan Melbourne will also impact heavily on Melbourne's fringe regional areas - known as the Peri-Urban region, one of which is South Gippsland Shire Council. As such, an opportunity exists for suitably skilled Councillors to be members of Plan Melbourne's Board of Directors as regional representatives.

It is proposed that Cr Hutchinson-Brooks is suitably skilled and qualified to be nominated by Council as a regional and Gippsland representative on the board. This report recommends that Cr Hutchinson-Brooks be nominated by Council to be a regional representative on the Plan Melbourne board and that support for this nomination is sought from the Gippsland Region.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Plan Melbourne Metropolitan Planning Strategy

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- South Gippsland Shire Council Planning Scheme

COUNCIL PLAN

Outcome:	1.0	A Prosperous Shire
Objective:	1.1	Raise the awareness of local and regional issues with State and Federal decision makers
Strategy:	1.1.1	We will advocate for priority projects that assist in stimulating economic growth, agricultural development, tourism infrastructure and community facilities.
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:	3.1.2	We will collaborate with other agencies and

service providers to focus attention on growth areas and avoid duplication of services.

REPORT

Plan Melbourne is the Victorian Government's metropolitan planning strategy that will guide the city's growth to 2050. It is anticipated that by 2050 Melbourne will need to accommodate more than 6.5 million people, and provide an additional 1.2 million jobs.

South Gippsland Shire Council is located partly in Melbourne's Peri-Urban region - west from Korumburra. The Peri-Urban region of Melbourne forms a "ring" of shires surrounding Melbourne abutting the metropolitan councils on Melbourne's growth boundary. The Peri-Urban region is particularly unique in that it provides significant growth and development demand with conflicting pressure on preserving agriculture and the rural character of the community.

Both of South Gippsland's peri-urban neighbours, Bass Coast and Baw Baw are experiencing unprecedented growth - conservatively anticipated to be more than 40% increase in population by 2031. These councils are particular examples of the challenge faced by all Peri-Urban councils - how to manage growth and reap its benefit while preserving the rural nature and character of the communities and economy therein.

Until now, South Gippsland Shire has not had to respond to these issues; predominantly due to the lack of sewerage infrastructure within the westernmost towns. However encouraging growth in the west of the shire is now a clear focus of Council due to the anticipated Loch, Nyora and Poowong Sewerage Scheme, and with this focus, tensions will emerge. The Plan Melbourne Strategy provides a unique opportunity for Council to be involved in the shaping of Melbourne's impact on the Gippsland Region, and more locally South Gippsland.

This chosen representative(s) would advocate for projects and developments that would enhance the connection between Melbourne and the regions within the plan.

It is considered that Councillor Hutchinson-Brooks would be an ideal candidate to be a member of 'Plan Melbourne's' Board of Directors.

Cr Nigel Hutchinson-Brooks is qualified as a chartered surveyor, planner, valuer and land economist. In the 1970s he was Assistant Director, Town and Country Planning Board and the Executive directly in charge of the strategic and urban planning for the Melton and Sunbury Satellite Town project, with significant involvement with the then Shires of Melton and Bulla over many years. He also served six years as a Councillor with the City of Waverley in the 1980s, and is now serving a second term as Councillor with the South Gippsland Shire Council.

Cr Hutchinson-Brooks has significant professional and local government experience in metropolitan, peri urban, regional planning and development. This experience also includes the social and economic complexities that arise from projects of this magnitude.

Proposal

It is proposed that Councillor Nigel Hutchinson-Brooks is an appropriately skilled Councillor to nominate as Gippsland representative on the Plan Melbourne Board. Cr Hutchinson-Brooks is a qualified Urban Planner and has worked in this industry for many years. Cr Hutchinson Brooks has also represented Council on the Municipal Association of Victoria Planning Committee and therefore it follows that his nomination to Plan Melbourne would be well placed.

It is also proposed that Council request the support of the Gippsland Local Government Network for this nomination; due to the opportunities that a Councillor with appropriate skills represents for the region as a whole.

RECOMMENDATION

That Council:

1. Nominate Councillor Hutchinson-Brooks as Gippsland Representative on the Plan Melbourne Board.
2. Seek the support of the Gippsland Local Government Network (GLGN) for nomination.
3. Write to Deputy Premier, Mr Peter Ryan MLA to request consideration by the Plan Melbourne Board of this nomination and where appropriate as Gippsland Representative or Regional Representative.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Davies

SECONDED: Cr Harding

THAT COUNCIL:

- 1. SUPPORT THE NOMINATION OF COUNCILLOR HUTCHINSON-BROOKS AS A RURAL REPRESENTATIVE ON THE 'PLAN MELBOURNE' BOARD.**
- 2. WRITE TO DEPUTY PREMIER, MR PETER RYAN, MLA TO REQUEST CONSIDERATION BY THE 'PLAN MELBOURNE' BOARD OF THIS NOMINATION AS A REGIONAL REPRESENTATIVE BOARD MEMBER.**

CARRIED

For: Crs Davies, Hill, Harding, Fawcett, Newton and McEwen.

Against: Cr Kennedy

Cr Hutchinson-Brooks returned to the Meeting at 3.50pm.

E.12 GIPPSLAND REGIONAL WASTE MANAGEMENT GROUP - PROPOSED CHANGES TO STRUCTURE

Community Services Directorate

EXECUTIVE SUMMARY

The purpose of the Gippsland Regional Waste Management Group (GRWWMG) is:

- to plan for the management of municipal waste;
- to coordinate the activities of member councils in the region to give effect to relevant State policies, strategies and programs; and
- to facilitate and foster best practice in waste management.

During a recent review of the structure of Regional Waste Management Groups across the state by a special Ministerial Advisory Committee a revised structure for the GRWWMG has been proposed which has the potential to reduce the effectiveness of the group and could result in member Council's interests not being adequately represented on the GRWWMG Board.

This report provides information pertaining to the review and recommends that Council write to the Minister for Environment, the Deputy Premier and local members of State Parliament seeking an amendment to the proposed structure.

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Waste Management Strategy 2011-2021

COUNCIL PLAN

Outcome:	1.0	A Prosperous Shire
Objective:	1.3	Improve the sustainability of the local and regional environment
Strategy:	1.3.2	We will promote sustainable waste management practices, energy efficiency and management of our natural resources

CONSULTATION

The proposed changes to the structure of the GRWWMG have been discussed at GRWWMG Board Meetings, Technical Advisory Committee Meetings and at a recent meeting of the Gippsland Local Government Network (GLGN).

Representatives from the Department of Environment & Primary Industry delivered a presentation at the GRWWMG October Board Meeting, outlining the proposed changes to RWWMG's across the state.

The general consensus at those meetings was that the current structure of the group works well and should not be altered. A common concern of those present was that the role of the group could significantly change and the ability of member Councils to deliver Best Practice waste management services could be adversely affected, particularly if they were not represented on the Board.

The recommendations of this report are consistent with the views of the GRWMG and its member Councils.

REPORT

Background

The current structure of the GRWMG Board consists of 6 Directors, made up of one Councillor representative from each of the 6 member Councils of Bass Coast, Baw Baw, East Gippsland, Latrobe, South Gippsland and Wellington.

This structure has been in place for more than 15 years. It has worked quite well with the model of equal representation ensuring a balanced view of waste management matters and strengthens collaboration across the region.

Discussion

In March 2013 the Minister for Climate Change and Environment appointed an independent and expert Waste and Resource Recovery Ministerial Advisory Committee (MAC) to consider the best model to implement the Victorian Government's new Waste and Resource Recovery Policy "Getting Full Value". The Committee undertook consultation with key stakeholders across the state and considered a variety of options for change.

The MAC provided a report to the Minister on 31 May 2013, with the Government accepting most of the recommendations. In short, the MAC concluded that the effective implementation of Getting Full Value would require new institutional and governance arrangements.

Although the report contains a number of recommendations, the one with the greatest potential to significantly impact on the effectiveness of the GRWMG is the proposed change to the structure of the Board.

The recommendation is that the structure be changed from the current arrangement of 6 Directors where all Councils are represented, to a structure comprised of 8 Directors, 4 being from Councillors from member Councils and 4 being skill based Directors from industry. It is unclear at this point what process will be used to elect members to the Board.

This proposed structure will prevent at least 2 Gippsland Councils from having representation on the GRWMG Board.

Proposal

It is proposed that Council write to the Minister for Environment, the Deputy Premier and local members of State Parliament expressing concerns with the proposed structure and suggest that an alternative structure consisting of a representative from each of the member Councils plus 2 skill based directors from industry be established.

FINANCIAL CONSIDERATIONS

Nil

RISK FACTORS

If the structure as proposed is adopted, there is a risk that Council may not be represented on the GRWVG Board and could therefore be disadvantaged in decision making processes which could impact on its ability to effectively and/or efficiently manage waste in the Shire.

Further, if Councils are not members of the regional group, regional initiatives will be hampered and the collaborative partnerships which have developed within the group, over many years, diminished. This will detract from achieving a region with the objective of pursuing shared services contracts.

CONCLUSION

The proposed changes to the structure of the GRWVG Board have the potential to diminish the cooperative and supportive relationships established between Gippsland Councils.

The recommendations of this report are consistent with the views of the GRWVG Board and member councils.

RECOMMENDATION

That Council:

1. Write to the Minister for Environment, the Deputy Premier and local members of State Parliament stating that the proposed changes to the make-up of the Gippsland Regional Waste Management Group will considerably diminish the role and input of Gippsland Local Government into Waste Management Planning;
2. Request the Minister to alter his current direction to the Gippsland Regional Waste Management Group (four Councillor representatives and four industry representatives) to that of consisting of six Council Directors and two skills based Directors; and
3. Request the Minister to consider the matter with urgency on implementing an amendment to his earlier direction that reflects the Gippsland Regional Waste Management Group's recommendation.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr McEwen

SECONDED: Cr Kennedy

THAT COUNCIL:

1. **WRITE TO THE MINISTER FOR ENVIRONMENT, THE DEPUTY PREMIER AND LOCAL MEMBERS OF STATE PARLIAMENT STATING THAT THE PROPOSED CHANGES TO THE MAKE-UP OF THE GIPPSLAND REGIONAL WASTE MANAGEMENT GROUP WILL CONSIDERABLY DIMINISH THE ROLE AND INPUT OF GIPPSLAND LOCAL GOVERNMENT INTO WASTE MANAGEMENT PLANNING;**
2. **REQUEST THE MINISTER TO ALTER HIS CURRENT DIRECTION TO THE GIPPSLAND REGIONAL WASTE MANAGEMENT GROUP (FOUR COUNCILLOR REPRESENTATIVES AND FOUR INDUSTRY REPRESENTATIVES) TO THAT OF CONSISTING OF SIX COUNCIL DIRECTORS AND TWO SKILLS BASED DIRECTORS; AND**
3. **REQUEST THE MINISTER TO CONSIDER THE MATTER WITH URGENCY ON IMPLEMENTING AN AMENDMENT TO HIS EARLIER DIRECTION THAT REFLECTS THE GIPPSLAND REGIONAL WASTE MANAGEMENT GROUP'S RECOMMENDATION.**

CARRIED UNANIMOUSLY

SECTION F - URGENT OR OTHER BUSINESS

There are two basic parts to this section of the Agenda:

1. Urgent Business

Normally no motion should be debated by Councillors unless the matter is already included as an item on the Agenda. However in some circumstances it is possible to raise urgent motions.

The Meeting Procedure Local Law No.3 (Clause 46) allows for where a situation has not been provided for under the Local law, the Council may determine the matter by resolution. Established practice has provided for urgent motions to be raised at Council provided the matter cannot be dealt with at the next ordinary meeting of Council or by officers under delegation.

It is necessary for the Councillor wishing to raise a matter of urgent business to raise a motion similar to the following: 'That consideration of (*the issue*) be dealt with as a matter of urgent business and Councillorbe allowed a 'short period' to indicate the reason(s) why the matter should be considered as a matter of urgent business". If the Chairperson accepts the motion as meeting the urgent business criteria, normal meeting procedures in Local law 3 will apply.

If the motion to accept the item as a matter of urgent business is passed by Council, the motion relating to the specific issue can then be put and debated in the normal way.

2. Other Business

This provides an opportunity for Councillors to raise items of general interest to the Council and the community. It may relate to an up coming event or the outcomes of a recent meeting with a Minister etc.

SECTION G – GENERAL QUESTION TIME

G.1 QUESTION TIME

Ms Danika Dent representing The Sentinel Times asked the following questions:

How many signatures were on the Bald Hills Windfarm petition. An answer was provided 109.

What process is used to value the land with the sale of 10 McDonald St, Meeniyah. An answer was provided that it would be auctioned with a reserve set by a valuer.

G.2 ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

The following question was taken on notice at the previous Council Meeting 23 October 2013 and a response is now provided.

At Ordinary Council Meeting 23 October 2013, Mr Paul Norton asked a question about the Strategic Land Review with respect of the Leongatha South school site.

At Ordinary Council Meeting of 24 April 2013 The Leongatha Outtrim Road, Leongatha South (farming zone and former school site) was removed from the list of potential Land Holdings pending further discussion. Since this time a resolution of Council from Ordinary Council Meeting on 23 October 2013, Item B.3 NOTICE OF MOTION NUMBER 662 – STRATEGIC REVIEW OF LAND HOLDINGS sets out Council's most recent position in respect of Council Land Holdings including the Leongatha South school site:

THAT COUNCIL:

- 1. RECEIVE TWO REPORTS PRIOR TO OR FOR THE FEBRUARY 2014 ORDINARY COUNCIL MEETING THAT SET OUT:**
 - a. REPORT ONE: THE PRESENT PURPOSE, SCOPE, RESOURCES REQUIRED AND TIMELINES TO COMPLETE THE SOCIAL COMMUNITY INFRASTRUCTURE PROJECT AS A MATTER OF PRIORITY; WHICH WILL ASSIST IN THE DETERMINATION OF SURPLUS COUNCIL OWNED LAND WITH INFRASTRUCTURE ASSETS; AND**
 - b. REPORT TWO:**
 - i. A RIGOROUS EVALUATION OF COUNCIL'S OWNED VACANT LAND (EXCLUDING ROAD RESERVES) THAT HAVE NOT BEEN PREVIOUSLY RESOLVED FOR SALE BY COUNCIL, THAT HAS REGARD TO SPECIFIC ATTRIBUTES FOR INDIVIDUAL LAND HOLDINGS SUCH AS: PUBLIC USE AND ACCESS, COMMUNITY LINKAGES, ENVIRONMENTAL, HISTORICAL, CULTURAL & OTHER MATTERS AND DETAILS THE RISKS AND COSTS OF OWNERSHIP REFERRING TO CURRENT COUNCIL PLANS, POLICIES, STRATEGIES, PLANNING FRAMEWORKS AND LEGISLATIVE REQUIREMENTS;**
 - ii. AN APPROPRIATE PROCESS FOR ENGAGEMENT AND CONSULTATION ON THE EVALUATION CRITERIA AND THE STRATEGIC REVIEW OF LAND HOLDINGS.**
- 2. DEFER CONSIDERATION OF FURTHER LAND SALES OTHER THAN, PREVIOUSLY RESOLVED COUNCIL LAND FOR SALE AND 8 MCDONALD STREET, MEENIYAN THAT HAS BEEN ADVERTISED IN ACCORDANCE WITH SECTION 223 OF THE ACT UNTIL THE TWO REPORTS HAVE BEEN RECEIVED AND CONSIDERED WITH A RECOMMENDATION TO MOVE FORWARD.**

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 2013-2014 COMMUNITY GRANTS ROUND 1

ITEM 2 CONTRACTUAL MATTER

ITEM 3 PERSONNEL MATTER

RECOMMENDATION

That Council close the Meeting to the Public to allow for consideration of:

1. 2013-2014 Community Grants Round 1 pursuant to Section 89(2)(h);
2. A contractual matter pursuant to Section 89(2)(d); and
3. A personnel matter pursuant to Section 89(2)(a)

as provided for by the Local Government Act 1989.

MOVED: Cr Newton

SECONDED: Cr Kennedy

THAT COUNCIL CLOSE THE MEETING TO THE PUBLIC TO ALLOW FOR CONSIDERATION OF:

1. **2013-2014 COMMUNITY GRANTS ROUND 1 PURSUANT TO SECTION 89(2)(H);**
2. **A CONTRACTUAL MATTER PURSUANT TO SECTION 89(2)(D); AND**
3. **A PERSONNEL MATTER PURSUANT TO SECTION 89(2)(A)**

AS PROVIDED FOR BY THE LOCAL GOVERNMENT ACT 1989.

CARRIED UNANIMOUSLY

**ITEM 2 AWARD OF TENDER SGC14/07 - DESIGN & CONSTRUCTION OF
GOADS ROAD BRIDGE AND ROADWORKS, DUMBALK NORTH**

Engineering Services Directorate

THAT COUNCIL:

- 1. AWARD TENDER SGC14/07 DESIGN AND CONSTRUCTION OF
GOADS ROAD BRIDGE AND ROADWORKS, DUMBALK NORTH TO
HOURIGAN & WALSH PTY LTD FOR THE LUMP SUM AMOUNT OF
\$547,840.70 (INCLUDING GST).**

SECTION H - MEETING CLOSED

NEXT MEETING

The next Ordinary Council Meeting open to the public will be held on Wednesday, 18 December 2013 commencing at 2pm in the Council Chambers, Leongatha.

The Meeting closed at 5.20pm.

CONFIRMED:.....

CR JAMES FAWCETT – MAYOR

Date:.....