



**South Gippsland**  
Shire Council

*Come for the beauty, Stay for the lifestyle*

# COUNCIL MINUTES

---

**ORDINARY MEETING NO. 376  
WEDNESDAY 18 DECEMBER 2013  
COUNCIL CHAMBERS, LEONGATHA  
COMMENCED AT 2PM**

---

**PRESENT:**

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

**APOLOGY:** Councillor Brunt with Leave of Council granted on 27 November 2013.

**OFFICERS:**

<b>Tim Tamlin</b>	<b>Chief Executive Officer</b>
<b>Anthony Seabrook</b>	<b>Director Engineering Services</b>
<b>Jan Martin</b>	<b>Director Community Services</b>
<b>Phil Stone</b>	<b>Director Development Services</b>
<b>June Ernst</b>	<b>Director Corporate Services</b>
<b>David Roche</b>	<b>Governance Coordinator</b>
<b>Natasha Berry</b>	<b>Governance Officer</b>
<b>Ned Dennis</b>	<b>Manager Community Strengthening</b>

***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. 376  
WEDNESDAY 18 DECEMBER 2013  
COUNCIL CHAMBERS, LEONGATHA  
COMMENCED AT 2PM**

## **INDEX**

<b>SECTION A - PRELIMINARY MATTERS .....</b>	<b>1</b>
A.1    WELCOME	
A.2    OPENING PRAYER	
A.3    ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS	
A.4    APOLOGIES	
A.5    CONFIRMATION OF MINUTES	
A.6    REQUESTS FOR LEAVE OF ABSENCE	
A.7    DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS	
A.8    DECLARATION OF CONFLICT OF INTEREST FOR STAFF	
A.9    PETITIONS	
A.10   COUNCILLOR REPORTS	
<b>SECTION B - NOTICES OF MOTION AND/OR RESCISSION .....</b>	<b>7</b>
<b>SECTION C - COMMITTEE REPORTS .....</b>	<b>8</b>
C.1    AUDIT COMMITTEE REPORT NOVEMBER 2013 .....	8

**SECTION D – PROCEDURAL REPORTS ..... 19**

D.1 FINANCE PERFORMANCE REPORT JULY - NOVEMBER 2013 ..... 19

D.2 REPORT ON ASSEMBLY OF COUNCILLORS - NOVEMBER 2013.....23

D.3 COUNCILLOR DISCRETIONARY FUND ALLOCATION REPORT .....31

D.4 DOCUMENTS SEALED AND CONTRACTS AWARDED UNDER CHIEF EXECUTIVE OFFICER DELEGATION - NOVEMBER 2013 .....34

**SECTION E - COUNCIL REPORTS.....37**

E.1 PETITION - TO PROTECT RESIDENTS FROM NUISANCE CAUSED BY OPERATIONAL NOISE FROM BALD HILLS, SOUTH GIPPSLAND WIND FARM..... 37

E.2 PETITION - CHILDCARE IN MIRBOO NORTH..... 61

E.3 COUNCIL MEETING TIMETABLE 2014..... 64

E.4 PLANNING SCHEME AMENDMENT C52 REZONE FARM ZONE TO RESIDENTIAL 1 ZONE KORUMBURRA - SPLIT AMENDMENT INTO 2 PARTS AND ADOPT PART 1 ..... 68

E.5 PLANNING SCHEME AMENDMENT C96 - REZONING AND DEVELOPMENT PLAN OVERLAY AT 35-65 KORUMBURRA - WARRAGUL ROAD, KORUMBURRA..... 78

E.6 LEONGATHA HEAVY VEHICLE ALTERNATE ROUTE..... 97

E.7 PROPOSAL FOR SOUTH-WEST GIPPSLAND INTEGRATED TRANSPORT STRATEGY ..... 102

E.8 DRAFT RECREATIONAL VEHICLE (RV) STRATEGY ..... 113

E.9 TARWIN VALLEY BRANDING PROPOSAL..... 119

E.10 SECTION 223 SUBMISSION CONSIDERATION - PROPOSED SALE OF 8 MCDONALD STREET, MEENIYAN ..... 124

E.11 FORMALISE THE ROAD OPENING OFF DEVLIN ROAD, FOSTER. 134

E.12 NYORA HALL UPGRADE ..... 143

E.13 RESOURCE FOR SOCIAL COMMUNITY INFRASTRUCTURE PROJECT..... 149

E.14 CIVIC AND MAYORAL RECEPTION POLICY ..... 157

**SECTION F - URGENT OR OTHER BUSINESS ..... 161**

**SECTION G – GENERAL QUESTION TIME ..... 162**

G.1 QUESTION TIME ..... 162

G.2 ANSWERS TO PREVIOUS QUESTIONS ON NOTICE ..... 162

**CLOSED SESSION ..... 163**

ITEM 2 AWARD OF TENDER SGC14/05 - CONSTRUCTION OF THE GREAT SOUTHERN RAIL TRAIL STAGES 2 & 3 - TOORA TO WELSHPOOL..... 164

ITEM 3 AWARD OF TENDER SGC14/08 - DESIGN AND CONSTRUCTION OF THREE BRIDGES FOR THE GREAT SOUTHERN RAIL TRAIL TOORA TO WELSHPOOL..... 164

ITEM 4 AWARD TENDER SGC14/10 - PROVISION OF ASPHALT WORKS - VARIOUS LOCATIONS ..... 164

**SECTION H - MEETING CLOSED ..... 165**

**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 with Leave of Council granted on 27 November 2013.

### **A.5 CONFIRMATION OF MINUTES**

#### **RECOMMENDATION**

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 375, held on 27 November 2013 in the Council Chambers, Leongatha be confirmed.

**MOVED: Cr Kennedy**

**SECONDED: Cr Davies**

**THAT THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL  
ORDINARY MEETING NO. 375, HELD ON 27 NOVEMBER 2013 IN THE  
COUNCIL CHAMBERS, LEONGATHA BE CONFIRMED.**

**CARRIED UNANIMOUSLY**

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

**MOVED: Cr Kennedy**

**SECONDED: Cr Hutchinson-Brooks**

**THAT CR KENNEDY BE GRANTED LEAVE OF ABSENCE FOR THE  
ORDINARY COUNCIL MEETING TO BE HELD ON 26 FEBRUARY 2014.**

**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](http://www.legislation.vic.gov.au). An interest may be by close association, financial, conflicting duties or receipt of gifts.

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

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

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

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

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

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

**Councillor Kennedy declared an indirect conflict of interest in Council Reports Item E.1 PETITION - TO PROTECT RESIDENTS FROM NUISANCE CAUSED BY OPERATIONAL NOISE FROM BALD HILLS, SOUTH GIPPSLAND WIND FARM as he has a conflicting duty in that he is a member of the Tarwin Lower Recreation Reserve Committee.**

**Councillor Hutchinson-Brooks declared a direct conflict of interest in Closed Council Reports Item 1 2014 AUSTRALIA DAY AWARDS SELECTION as he is a member of one of the candidate groups.**

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

## Privacy

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

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

---

## A.8 DECLARATION OF CONFLICT OF INTEREST FOR STAFF

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

**Nil**

## A.9 PETITIONS

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

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

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

**Nil**



## **A.10 COUNCILLOR REPORTS**

-----  
**Cr Newton addressed Council regarding attendance at new library opening at Bass Coast and noted that that it is a wonderful establishment.**

-----  
**Cr McEwen addressed Council on his attendance at the Rail Freight Alliance meeting in Melbourne and noted that the purpose of the meeting is to increase freight from roads onto railway lines. Cr McEwen noted from this meeting that Victoria needs a funded integrated Transport Plan.**

-----  
**Cr Davies addressed Council on attendance at:**

- **South Gippsland Secondary College presentation evening.**
- **Opening of a rotunda used as a bus shelter in Foster and noted that the project was completed in conjunction with the Foster Community Association, South Gippsland Secondary College and the South Gippsland Shire Council. Cr Davies noted the great sense of community pride felt at the well-attended opening ceremony.**
- **Sandy Point and noted a safe pathway from the Community Centre and that it was being well used. Cr Davies congratulated the Council Officers for this great work.**

-----  
**Cr Hutchinson-Brooks addressed Council on attendance at:**

- **White Ribbon Breakfast event and noted that the well-attended event supported zero tolerance of violence against women.**
  - **Council Christmas end of year break-up and noted that it was an inexpensive function and a great celebration of what has been undertaken throughout the year in our community.**
  - **Annual Carols in the 'Drome' in Leongatha and noted that the new format under the trees created an intimate atmosphere and that it was a wonderful community event.**
-

-----  
**Cr Harding addressed Council on attendance at:**

- **Carols in the ‘Drome’ on behalf of the Mayor and addressed the gathering with a Mayor’s message.**
- **Poowong Pool 50 year Celebrations and noted how well-attended this event was with approximately 400 community members in attendance.**
- **Lower Tarwin Valley Project celebrations and congratulated the communities, Shire Officers and the Gardiner Foundation. Cr Harding noted the wonderful projects achieved by this vibrant group.**

**Cr Harding highlighted the recent developments regarding Port Anthony Barrys Beach new port facilities. Cr Harding noted that Mr John Anthony has been working on this project for 17 years, and it has been a long journey. It is the beginning of a significant development and could result in the escalation of jobs.**

-----  
**Cr Fawcett addressed Council on the recognition of service to the community of Councillors and thanked and made a number of presentations to Councillors including:**

- **Cr Kennedy for his former role as Mayor and a 10 year service award at South Gippsland Shire Council for the Coastal Promontory Ward.**
  - **Cr Harding for 10 years of service to the South Gippsland Shire area.**
  - **Cr Hutchinson-Brooks for his 10 year service in Local Government including the Metropolitan Melbourne and the South Gippsland Shire communities as a Councillor.**
  - **Cr Newton for his many years’ service to the community as a Councillor, over 20 years. Cr Fawcett noted how his wealth of experience has benefited Council and thanked him for his service on behalf of the community.**
-

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

**Nil**

## **SECTION C - COMMITTEE REPORTS**

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

Corporate Services Directorate

#### **EXECUTIVE SUMMARY**

The Audit Committee met on 25 November 2013 and a copy of their report (**Attachment 1**) is provided for Council's consideration and endorsement.

It is also recommended that Council appoint an independent member of the Committee as the Committee Chair for 2014.

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

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

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

Local Government Act 1989, Section 139

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

- Audit Committee Charter and Terms of Reference adopted by Council 25 November 2013.
- '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 Davies 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 25 November 2013 meeting included:

- IT General Controls Review report. The Committee recommends to Council that the development of the Disaster Recovery Plan be brought forward to the first quarter of 2014 and the development of the Business Continuity Plan be brought forward to the second quarter of 2014 and that adequate resources be allocated to ensure this is a priority;
- Approving an Internal Audit scope for a Rates Revenue (ACL data interrogation) audit;
- 5 Year Strategic Internal Audit Plan; and
- Recommending the appointment of an independent member of the Audit Committee, Ms Theresa Glab, to the position of Committee Chair for 2014.

#### **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 25 November 2013; and
2. Appoint Ms Theresa Glab as the Chair of the Audit Committee for 2014.
3. Request the Chief Executive Officer to consider the most appropriate means of resourcing as a priority the timely development and updating of Council's Disaster Recovery Plan and Business Continuity Plan.

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

Nil

**MOVED: Cr Davies**

**SECONDED: Cr Hutchinson-Brooks**

**THAT COUNCIL:**

- 1. RECEIVE AND ENDORSE THE REPORT OF THE AUDIT COMMITTEE (ATTACHMENT 1) HELD ON 25 NOVEMBER 2013;  
AND**
- 2. APPOINT MS THERESA GLAB AS THE CHAIR OF THE AUDIT COMMITTEE FOR 2014.**
- 3. REQUEST THE CHIEF EXECUTIVE OFFICER TO CONSIDER THE MOST APPROPRIATE MEANS OF RESOURCING AS A PRIORITY THE TIMELY DEVELOPMENT AND UPDATING OF COUNCIL'S DISASTER RECOVERY PLAN AND BUSINESS CONTINUITY PLAN.**

**CARRIED UNANIMOUSLY**



## Attachment 1

Report of Audit Committee Meeting			
Meeting Objective			
Date	<b>Monday 25 November 2013</b>	<b>9.00am start (Committee to meet in committee at 8.30am with internal auditor if required).</b>	<b>Duration: 2 hour meeting concluding 11.00am</b>
Attendees	Mr Craig Nisbet (Chair) Ms Theresa Glab Dr Irene Irvine Councillor Davies Councillor Fawcett Gary Benbow, HLB Mann Judd		<b>Location: Meeting Room 2, Council Chambers, Michael Place, Leongatha</b>
Apologies	Tim Tamlin: CEO, Mark Holloway HLB Mann Judd		
Distribution List	As per attendees.		
Disclosures of Interest	Dr Irvine as a member of South Gippsland Water and Walkerville Foreshore Committee. Theresa Glab as a member of the Audit Committee of the Shire of Baw Baw, Shire of Yarra Ranges, Shire of Mitchell and City of Melbourne. Craig Nisbet has currently no disclosures of interest.		
Confirmation of report of previous meeting	Report of Meeting held on 12 September 2013. Agreed that the report is confirmed.		
Advise of possible breaches of legislation / compliance	Nil advised.		



## Attachment 1

### Agenda Items

MEETING ITEM IS SCHEDULED FOR	Qtr. 1 Feb 2014	Qtr. 2 May 2014	Qtr. 3 Aug 2014	Qtr. 4 Nov 2013	Who	Report Next Due	Action / Comment / Report
<p><b>1. Quarterly Performance Report</b> Periodically compare actual outcomes, achievement of milestones and other KPIs as compared with the Council Plan, Annual Report and Budget – strategic indicators for monitoring the achievement of the strategic objectives.</p> <p>Quarterly Financial Performance Report July 2013 – September 2013</p>					Director Corporate Services	Nov 2013	<p><b>Note:</b> Council in Feb 14 will participate in second trial for the Local Government Performance Reporting Framework (LGPRF).</p> <p><b>Action:</b></p> <ol style="list-style-type: none"> <li>1. Provide LGPRF presentation to Committee.</li> <li>2. Suggested to provide a financial reporting and key operational performance challenges summary to be Audit Committee at each meeting.</li> </ol>
<p><b>2. Internal Control System</b> Consider the effectiveness of Council's internal control system (including financial reporting). Policy Review Timetable.</p>					Director Corporate Services	May 2014	Report not due.
<p><b>3. Risk Management</b> <b>3.1 Risk Management Systems</b> 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	Aug 2014	<p><b>Action:</b></p> <ol style="list-style-type: none"> <li>1. It is suggested for each Director to be invited to provide a short briefing on risks relevant to their Directorate at quarterly Audit Committee meetings.</li> <li>2. It is suggested for reports of the Strategic Risk Committee to be reported to the Audit Committee.</li> </ol>





## Attachment 1

MEETING ITEM IS SCHEDULED FOR	Qtr. 1 Feb 2014	Qtr. 2 May 2014	Qtr. 3 Aug 2014	Qtr. 4 Nov 2013	Who	Report Next Due	Action / Comment / Report
<b>3.2 Insurance Coverage</b> Details of Council Insurance Cover required under section 76A Local Government Act 1989 Insurance Coverage report including a year by year comparison of premiums. Insurance Premium Report including year by year comparison of premiums.					Manager Governance Services	Aug 2014	Report not due.
<b>3.3 Business Continuity</b> Monitor effectiveness of business continuity planning including disaster recovery plan.					Director Corporate Services	Aug 2014	Report not due.
<b>3.4 Fiduciary duty</b> Review any reports concerning evidence of material violation or breaches of fiduciary duty.	As required				Director Corporate Services	Nov 14 or as required	Nil reported.
<b>3.5 Fraud or possible illegal acts</b> Review any instance of fraud or possible illegal acts.	As required				Directors and Managers	As required	Nil reported.
<b>4. Internal Audit</b>							
<b>4.1 Planned Internal Audits</b> Review internal audits and management action plans for implementation of recommendations.					Manager Governance Services	Nov 2013	<b>Note:</b> accountability and resourcing for Events Management will be defined in the current organisational structure review.  <b>Formal recommendation:</b> Council prioritise adequate resourcing so that delivery of the Disaster Recovery Plan can be brought forward to Q1 2014 and Business Continuity Plan can be brought forward to Q2 2014. <b>Action:</b> HLB Marn Judd to update the report to include an evaluation of relevant Council Strategic Risks.
<b>Q4 12/13: Events Management Review</b>						Nov 2013	
<b>Q1 13/14 IT General Controls</b>						Nov 2013	



### Attachment 1

MEETING ITEM IS SCHEDULED FOR	Qtr. 1 Feb 2014	Qtr. 2 May 2014	Qtr. 3 Aug 2014	Qtr. 4 Nov 2013	Who	Report Next Due	Action / Comment / Report
<b>Q2 13/14: Local Government Act Compliance</b>						Nov 2013	<b>Note:</b> the Local Government Inspectorate Review will commence on 2/12/13 with recommendations reported to the Audit Committee when published.  <b>Action:</b> scope was approved with the inclusion of Fraud Control awareness and reference to relevant Strategic Risks.
<b>Q2 13/14: Rates Revenue (ACL data in interrogation) Audit Scope</b>						Nov 2013	<b>Note:</b> the 5 Year Plan be confirmed, including a Q3 Depot Operations Audit. It will be determined following the action in 4.2 below, at the February meeting if Q4 will include an Audit Action Review or be replaced by another audit. <b>Action:</b> it is suggested that future versions of the Audit Plan to include reference to high and extreme risks, linkages to Council's Strategic Plan, reference to other audits / reviews and service coverage (cross directorates) to be added to the Plan.
<b>Q3 and Q4: 5 Year Strategic Internal Audit Plan 2010-2015</b>						Nov 2013	<b>Action:</b> A summary of progress in completing actions be provided to the next Committee meeting with recommendation action reprioritization where relevant.
<b>4.2 Audit recommendation implementation</b> Consider status of implementation of internal audit recommendations and agreed management action plans.					Manager Governance Services	Nov 2013	<b>Noted:</b> a review of the Internal Audit performance for the initial three year term of HLB Mann Judd's contract which concludes on 30 June 2014, will be presented to the Committee at the Feb 14 meeting to assist to determine whether the first (of two potential) one year extensions will be granted by Council or whether the service will be tendered.
<b>4.3 Internal audit function review</b> Review the internal audit function (internal auditor services/performance), monitor satisfaction with internal audit service.					Manager Governance Services	Feb 2014	



### Attachment 1

MEETING ITEM IS SCHEDULED FOR	Qtr. 1 Feb 2014	Qtr. 2 May 2014	Qtr. 3 Aug 2014	Qtr. 4 Nov 2013	Who	Report Next Due	Action / Comment / Report
<b>4.4 Internal Audit Plan</b> Review / recommend the annual audit plan and ensure it is linked to Council's risk profile.							Report not due.
<b>4.5 Internal audit function independence</b> Monitor processes and practices to ensure the independence of the internal audit function.					Manager Governance	Sept 2014	Report not due.
<b>4.6 Opportunity to meet with internal auditor</b> Provide an opportunity for the audit committee to meet with the internal auditor without management.		As required			Manager Governance Services	As required	The Internal Auditor is available to meet with Audit Committee during closed session as required.
<b>5. External Audit</b>							
<b>5.1 External auditor proposed audit scope</b> Note external auditor's proposed audit scope and approach.					Manager Finance	May 2014	Report not due.
<b>5.2 Annual financial report review</b> Review the annual financial report including external auditor's view on the control environment, results of annual external audit, communication required under Australian Auditing Standards & management letters.					Manager Finance	Sept 2014	Report not due.
<b>5.3 VAGO Financial Management Letter</b> VAGO Financial Management letter for final audit for financial year 2012/13. VAGO Final Management Letter – Financial Audit 2012 – 2013.					Director Corporate Services	Nov 2013	<b>Note:</b> assurance provided by staff that matters were being attended to. A suggestion was made that a debrief be conducted at the Strategic Risk Committee to assist planning for the next year.
<b>5.4 External Accreditations e.g. HACCC</b>		As required			CEO	As required	Nil to report.
<b>5.5 External audit discrepancies</b> Resolve any disagreement between management and the external auditors in financial reporting.		As required			Director Corporate Services	As required	Nil to report.
<b>6. Compliance</b>							
<b>6.1 Compliance reports</b> Obtain updates on compliance matters including Freedom of Information, Privacy, Returns of Interest,					Manager Governance Services	Feb 2014	Report not due.





## Attachment 1

MEETING ITEM IS SCHEDULED FOR	Qtr. 1 Feb 2014	Qtr. 2 May 2014	Qtr. 3 Aug 2014	Qtr. 4 Nov 2013	Who	Report Next Due	Action / Comment / Report
Procurement and Gifts and Donations.							
<b>6.2 Compliance systems and processes</b> Review the systems and processes for monitoring compliance with legislation and regulations.					Manager Governance	Feb 2014	Report not due.
<b>6.3 Regulatory updates</b> Keep informed of the findings of any examinations by regulatory agencies including Ombudsman, IBAC and Local Government Inspectorate.					Manager Governance Services	As required	Nil to report.
<b>6.4 Protected disclosure</b> Review protected disclosure arrangements and reports.					CEO	Nov 2013	<b>Note:</b> Council's revoked its Whistleblower Policy and established Protected Disclosure Guidelines on 25 July 2013 to meet the requirements of the Protected Disclosure Act 2012.
<b>7. Reporting responsibilities</b>							
<b>7.1 Audit Committee reports regularly to Council.</b>					Manager Governance Services	Nov 2013	<b>Note:</b> the 12 September 2013 Audit Committee Report (minutes) will be reported to Council on 27 November 13.
<b>7.2 Audit Communications</b> Monitor that open communication between the internal auditor, the external auditor and Council occurs.		As required			CEO	As required	Nil reported.
<b>7.3 Audit Chair Annual Report</b> Report annually to stakeholders via Chair's report to Council.					Chair	Nov 2013	<b>Note:</b> The Chair's report is scheduled to be presented to Council at an Open Council Briefing on 11 December 2013. A draft was circulated for Committee feedback.
<b>8. Assessment of financial information</b>							
<b>8.1 Significant accounting and reporting issues.</b>	As required				Manager Finance	As required	Nil reported.
<b>8.2 Review attestations</b> Including Best Value and National Competition Policy.					Manager Governance	Aug 2014	Report not due.



## Attachment 1

MEETING ITEM IS SCHEDULED FOR	Qtr. 1 Feb 2014	Qtr. 2 May 2014	Qtr. 3 Aug 2014	Qtr. 4 Nov 2013	Who	Report Next Due	Action / Comment / Report
8.3 Fire Service Levy update					Services Director Corporate Services	May 2014	Report not due.
<b>9. General</b>							
9.1 Establish number of meetings for forthcoming year.					Manager Governance Services	Nov 2013	<p><b>Action:</b> Schedule the following meetings in 2014 each quarter between 8:30am and 11am:</p> <ul style="list-style-type: none"> <li>• 17 February 2014</li> <li>• 19 May 2014</li> <li>• 15 September 2014 (TBC to meet external audit timelines)</li> <li>• 1 December 2014</li> </ul>
9.2 Review effectiveness of Secretariat support performance					Manager Governance Services	Nov 2013	<p><b>Note:</b> the Committee advised it had previously provided feedback and ideas and would do so on an ongoing basis.</p> <p><b>Action:</b> In the future the two Councillor members of the Committee and the CEO are to conduct this review.</p>
9.3 Committee performance and fees 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	Aug 2014	
9.4 Committee Chair Consideration and recommendation of Committee Chair for appointment by Council for the next calendar year.					Manager Governance Services	Nov 2013	<p><b>Note:</b> the Committee recommends to Council that Therese Glab be appointed Committee Chair (Independent) for 2014. Council will consider this recommendation and make an appointment at the 18/12/13 Council Meeting.</p>
9.5 Independent Committee Membership Confirmation of Independent Members and Terms of Office		As required.			Manager Governance Services	Nov 2013	<p>The terms of the Independent Committee Members are:</p> <p><b>Craig Nisbet</b> – appointed by Council in March 2010 for an initial term ending 31 December 2010 and reappointed in</p>



**Attachment 1**

MEETING ITEM IS SCHEDULED FOR	Qtr. 1 Feb 2014	Qtr. 2 May 2014	Qtr. 3 Aug 2014	Qtr. 4 Nov 2013	Who	Report Next Due	Action / Comment / Report
							<p>December 2010 for a first 3 year term concluding in December 2013.  <b>Note:</b> Craig Nisbet has indicated his willingness to be re-appointed Independent Member for a second and final three year term, which if confirmed by Council at the 27 November 2013 Council Meeting, will conclude in December 2016.</p> <p><b>Theresa Glab</b> – appointed by Council in December 2011 for an initial 3 year term concluding on 30 November 2014.</p> <p><b>Irene Irvine</b> – appointed by Council in December 2012 for an initial 3 year term concluding on 30 November 2015.</p> <p><b>Action:</b> 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><b>Note:</b> an updated Committee Charter will be presented to Council at the 27 November 2013 Council meeting for consideration and adoption.</p>
<b>9.6 Audit Committee Charter</b> Review and assess the adequacy of the Audit Committee Charter annually and confirm all charter responsibilities have been carried out.					Manager Governance Services	May 2014	
<b>10. General Business</b>							
<b>10.1 Proposed Organisational Structure review:</b> the Committee noted the need for the organization to maintain clear responsibilities for controls and compliance in any change.							
<b>11. Close / Next meetings for next year (place in calendars)</b> 17 February 2014, 19 May 2014, 15 September 2014 and 1 December 2014.							



## SECTION D – PROCEDURAL REPORTS

### D.1 FINANCE PERFORMANCE REPORT JULY - NOVEMBER 2013

Corporate Services Directorate

#### EXECUTIVE SUMMARY

An update on Council's current financial performance from July to November is provided in this report.

The Financial Performance Reports are purposefully prepared outside traditional quarterly cycles to better align with strategic events that occur throughout the financial year.

Year end financial projections show 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 110%, which is above the target of 98%.

The capital works program was also reviewed in the mid year review process. The overall expenditure requirements are less than the original plan.

The longer term financial performance indicators show that the financial plan is financially sustainable.

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

- **Appendix 1** - Financial Performance Report to 30 November 2013

A copy of **Appendix 1** - Financial Performance Report to 30 November 2013 is available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) or by contacting 5662 9200.

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

Part 7 Financial management: - Local Government Act 1989

#### INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Financial Strategy 2013/14

#### COUNCIL PLAN

Outcome:	4.0	A Leading Organisation
Objective:	4.1	Improve the financial sustainability of Council, including diversifying revenue streams. We will explore innovative ways of increasing revenue and reducing expenditure
Strategy No:	4.1.1	

## **CONSULTATION**

Not Applicable

## **REPORT**

### **Background**

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

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

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

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

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

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

- August: Report picks up financial implications of previous year's financial results as well the budgets impact of funding projects carried forward that were not completed by 30 June 2014.
- November: Report picks up financial implications of any changes made to operational or capital budgets during the mid-year financial review process
- February: Report aligns with annual budget process



- May: Report provides Council with likely financial outcome for year end including picking up budgets being carried forward for projects that are not expected to be completed by 30 June

At financial year end comprehensive financial statements, standard statements and performance statements are produced, subject to external audit and form part of the Annual Report. The Annual Report is presented to Council in September.

## **Discussion**

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

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

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

Section 2 – Annual year to date financial analysis.

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

Section 3 – Long Term Financial Plan analysis.

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

## **FINANCIAL CONSIDERATIONS**

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

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

Projected year-end financial projections show 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 110% which is above the target of 98%.

The longer term financial performance indicators show that the Long Term Financial Plan is financially sustainable.

## **RISK FACTORS**

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

Council can assess year to date performance and assess the annual and longer term financial implications as well.

## **CONCLUSION**

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

## **RECOMMENDATION**

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

## **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Kennedy**

**SECONDED: Cr Newton**

**THAT THE RECOMMENDATION IN ITEMS D.1, D.2, D.3 AND D.4 BE ADOPTED.**

**CARRIED UNANIMOUSLY**

## **D.2 REPORT ON ASSEMBLY OF COUNCILLORS - NOVEMBER 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 November 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**

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 6 November 2013</b>		
<b>Uniting Care Withdrawal Childcare Services Update</b>	<p><b>Councillors Attending:</b> Crs Davies, McEwen, Newton, Kennedy, Hutchinson-Brooks, Fawcett and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Councillors were provided an update on the recent withdrawal of childcare services in Gippsland.</p>
<b>Korumburra Town Centre Framework Plan</b>	<p><b>Councillors Attending:</b> Crs Brunt, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Fawcett and Davies.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Councillors were provided information on the proposed Korumburra Town Centre Framework Plan.</p>
<b>Planning Committee</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Hutchinson-Brooks, Brunt, Newton, McEwen, Harding, Fawcett and Davies.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Enforcement Activity</li> <li>• VCAT Decisions</li> <li>• Statutory Planning Applications</li> <li>• Strategic Planning and Development Projects</li> <li>• Wind Energy Facilities</li> </ul>
<b>Council Plan Actions and Council Timetable for November/ December 2013</b>	<p><b>Councillors Attending:</b> Crs Brunt, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Fawcett and Davies.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Draft Annual Plan Schedule</li> <li>• Councillor Timetable November/ December 2013</li> </ul>

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 6 November 2013</b>		
<b>Executive Update</b>	<p><b>Councillors Attending:</b> Crs Brunt, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Fawcett and Davies.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Waratah Bay Caravan Park Update</li> <li>• Koonwarra Landfill</li> <li>• Traffic Signal Request – Heavy Vehicle Alternate Route</li> </ul>
<b>CEO / Councillor Session</b>	<p><b>Councillors Attending:</b> Crs Brunt, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Fawcett and Davies.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• 360 Review Process</li> <li>• Proposed Structural Changes 2014</li> <li>• Notice of Motion – operating guidelines</li> </ul>
<b>Rating Strategy Pre Meeting</b>	<p><b>Councillors Attending:</b> Crs Brunt, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Fawcett and Davies.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Rating Strategy Steering Committee preparation</li> </ul>
<b>Rating Strategy Review Steering Committee</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Hill and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Terms of Reference</li> </ul>
<b>Wednesday 13 November 2013</b>		
<b>Review of Caravan Parks Steering Committee</b>	<p><b>Councillors Attending:</b> Crs Fawcett, McEwen, Hutchinson-Brooks, Davies and Harding.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Tour of Yanakie Caravan Park</li> <li>• Management of Park</li> </ul>
<b>Economic Development and Tourism Steering Committee</b>	<p><b>Councillors Attending:</b> Crs Hutchinson-Brooks, Harding, Davies, McEwen, Kennedy and Newton.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Revisions and inclusions to the Economic Development and Tourism Strategy</li> <li>• Strategy completion timelines</li> <li>• Community Consultation</li> <li>• Recent Business Developments</li> <li>• Business Investment and Attraction Policy</li> </ul>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 13 November 2013</b>		
<b>Community Engagement and Evolving Vision Steering Committee</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Davies, Newton, McEwen, Kennedy, Hutchinson-Brooks and Harding.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Community Engagement Policy</li> <li>• Council Market Research</li> </ul>
<b>Financial Sustainability Steering Committee</b>	<p><b>Councillors Attending:</b> Crs Fawcett, davies, Newton, McEwen, Kennedy, Hutchinson-Brooks and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Council Service Review</li> </ul>
<b>Social Community Infrastructure</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Davies, McEwen, Hill and Kennedy.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Community Engagement Plan</li> <li>• Mirboo North to trial survey</li> <li>• Population statistics</li> <li>• Catchment areas defined</li> <li>• Consultant Resourcing</li> </ul>
<b>Thursday 14 November 2013</b>		
<b>Municipal Emergency Management Planning Committee</b>	<p><b>Councillors Attending:</b> Cr Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Review Terms of Reference</li> <li>• Election of Chair</li> <li>• Sandy Point Update</li> <li>• Fire Season 2013 – 2014</li> <li>• Municipal Emergency Animal Welfare Plans</li> <li>• CERA Risk Review</li> <li>• Caravan Park Emergency Plans</li> <li>• MEMEG Relief and Recovery Reports</li> <li>• Agency Reports</li> </ul>
<b>Tuesday 19 November 2013</b>		
<b>Gray Street Special Charge Scheme – Resident and Ward Councillor Meeting</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Hutchinson-Brooks and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Gray Street Special Charge Scheme proposal</li> </ul>

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Tuesday 19 November 2013</b>		
<b>South Gippsland Youth Council Advisory Committee</b>	<p><b>Councillors Attending:</b> Crs McEwen and Davies.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Community Film night Korumburra</li> <li>• YMCA Skate Competition</li> <li>• Youth CAFÉ</li> <li>• Korumburra Round Table</li> <li>• School Sponsorship</li> </ul>
<b>Wednesday 20 November 2013</b>		
<b>Nyora Hall Update</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Fawcett, Harding, Hutchinson-Brooks and Davies.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Councillors were provided a briefing on proposed support of Nyora Hall upgrade.</p>
<b>Council Meetings at Secondary School</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Fawcett, Harding, Hutchinson-Brooks, McEwen and Davies.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Councillors were provided a briefing on the progress of discussions with local Secondary Schools regarding hosting Council Meetings in 2014.</p>
<b>Corner Inlet Motorcycle Club Lease</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Fawcett, Harding, Hutchinson-Brooks, McEwen and Davies.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Environmental Management Plan August 2011</li> </ul>
<b>Bio-composting and Modern Waste Management</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Fawcett, Harding, Hutchinson-Brooks, McEwen and Davies.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Councillors were provided a briefing on composting options and outcomes of the full organic collection and composting.</p>
<b>Advisory Committees Review</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Fawcett, Harding, Hutchinson-Brooks, McEwen and Davies.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Councillors were provided a briefing on recommendations from a procedural review of external Advisory Committees appointed by Council.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 20 November 2013</b>		
<b>Inspectorate review of Councillor Discretionary Fund program</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Fawcett, Harding, Hutchinson-Brooks, McEwen and Davies.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Councillors were provided a briefing to consider a revised Councillor Discretionary Fund (CDF) Policy.</p>
<b>Executive Updates</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Fawcett, Harding, Hutchinson-Brooks, McEwen and Davies.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Child Care Services in South Gippsland – update</li> <li>• Recreation Reserve Maintenance Grants</li> <li>• Korumburra Round Table Nominations and Committee</li> <li>• Loch Poowong Nyora - update</li> </ul>
<p><b>Public Presentation Session</b></p> <p><b>OPEN DAY SESSION</b></p> <p><b>Mr John Davies, representing Korumburra Round Table</b> regarding the Council Agenda Item E.5 – Korumburra Town Centre Framework Plan – adoption.</p> <p><b>Mr Brett Hume, representing Nyora Recreation Reserve</b> regarding Recreation Reserve Maintenance Grants.</p> <p><b>Mr Paul Norton</b> regarding Strategic Land Review – Leongatha South School site.</p> <p><b>Mr David Amor, representing Korumburra Business Association</b> regarding Governance matters, Council Agenda Item E.5 – Korumburra Town Centre Framework Plan – adoption, Korumburra Round Table Committee and Korumburra sale yards.</p>	<p><b>Councillors Attending:</b> Crs Kennedy, Fawcett, Harding, Hutchinson-Brooks, McEwen and Davies.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p>Presentations were made to Council by the following community members:</p>
<b>Ordinary Meeting of Council Agenda Topics Discussion – 27 November 2013</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Fawcett, Harding, Hutchinson-Brooks, McEwen, Hill and Davies.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Council Agenda Topics 27 November 2013</li> </ul>
<b>Rating Strategy Steering Committee</b>	<p><b>Councillors Attending:</b> Crs Fawcett and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Development draft Rating Strategy Principles</li> <li>• Land Categories</li> </ul>



Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 27 November 2013</b>		
<p><b>Ordinary Meeting of Council Agenda Topics Discussion – 27 November 2013</b></p>	<p><b>Councillors Attending:</b> Crs McEwen, Harding, Newton, Kennedy, Hutchinson-Brooks, Fawcett, Davies and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Council Agenda Topics 27 November 2013</li> </ul>
<p><b>Public Presentation Session</b></p> <p><b>OPEN DAY SESSION</b></p>	<p><b>Councillors Attending:</b> Crs McEwen, Harding, Newton, Kennedy, Hutchinson-Brooks, Fawcett, Davies and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p>Presentations were made to Council by the following community members:</p>
<p><b>Ms Maryanne Hall</b> regarding the Council Agenda Item E.5 – KORUMBURRA TOWN CENTRE FRAMEWORK PLAN – ADOPTION.</p>		
<p><b>Dr Neil Shaw representing Sandy Point Community Group</b> regarding sewerage and bore water at Sandy Point.</p>		
<p><b>Ms Carol McGrath</b> representing Mirboo North Times regarding Council Agenda Item E.4 COAL CREEK SUSTAINABILITY - RELOCATION OF GROW LIGHTLY CONNECT AND DESTINATION GIPPSLAND.</p>		
<p><b>Ordinary Meeting of Council Agenda Topics Discussion – 27 November 2013</b></p>	<p><b>Councillors Attending:</b> Crs McEwen, Harding, Newton, Kennedy, Hutchinson-Brooks, Fawcett, Davies and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Council Agenda Topics 27 November 2013</li> </ul>
<p><b>Section 223 Hearing of persons in support of their submission to Strategic Land Review</b></p>	<p><b>Councillors Attending:</b> Crs Kennedy, Hutchinson-Brooks, Davies, Fawcett, Harding, Newton, McEwen and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Mr Steven Savage and Ms Julie Fowkes spoke in support of their submissions made under Section 223 of the Local Government Act 1989.</p>
<p><b>Rating Strategy Review Steering Committee</b></p>	<p><b>Councillors Attending:</b> Crs Fawcett and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topic Discussed:</b></p> <ul style="list-style-type: none"> <li>• Rating Strategy Principles</li> <li>• Land Categories</li> </ul>

**RECOMMENDATION**

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

**STAFF DISCLOSURE OF INTEREST**

**Nil**

**NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 22.**

### **D.3 COUNCILLOR DISCRETIONARY FUND ALLOCATION REPORT**

Corporate Services Directorate

#### **EXECUTIVE SUMMARY**

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

This report details Councillors allocations for the period between 4 October 2013 and 22 November 2013.

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

Councillor Discretionary Fund Policy 2009

#### **COUNCIL PLAN**

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

#### **REPORT**

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

- Venus Bay Community Centre Inc.: to assist with costs of running the Venus Bay Summer Beach Shuttle Service - 2014.  
  
Cr Mohya Davies - \$300  
  
Cr Jeanette Harding - \$300  
  
Cr Kieran Kennedy - \$300
- Tarwin Lower Mechanics Institute (Hall): to assist with ongoing repair to rotting weatherboards.  
  
Cr Mohya Davies - \$200  
  
Cr Jeanette Harding - \$400

Cr Kieran Kennedy - \$400

- Port Welshpool & District Maritime Museum: purchase of vacuum cleaner.

Cr Jeanette Harding - \$350

- Venus Bay Angling Club Inc.: to assist with the purchase of 10 fishing rods and reels for junior anglers.

Cr Kieran Kennedy - \$500

Mayoral (Cr Kennedy) - \$500

- Meeniyan & Stony Creek Fire Brigade: purchase of printed shirts for members to promote the organisation at functions.

Cr Robert Newton - \$200

Cr Andrew McEwen - \$200

- Kongwak Community Group: to assist with the costs of purchasing a new refrigerator.

Cr Andrew McEwen - \$200

## **FINANCIAL CONSIDERATIONS**

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

## **CONCLUSION**

The remaining balances of Councillor Discretionary Funds for the 2013 / 2014 Financial Year as at the 22 November 2013 are as follows:

- Cr Mohya Davies - \$2,600
- Cr Jeanette Harding - \$1,850
- Cr Kieran Kennedy - \$1,200
- Cr Lorraine Brunt - \$3,500
- Cr Robert Newton - \$2,740
- Cr Andrew McEwen - \$3,000
- Cr James Fawcett - \$2,950
- Cr Don Hill - \$3,275

- Cr Hutchinson-Brooks - \$3,275
- Mayoral Fund - \$800

**RECOMMENDATION**

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

**STAFF DISCLOSURE OF INTEREST**

Nil

**NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 22.**

#### **D.4 DOCUMENTS SEALED AND CONTRACTS AWARDED UNDER CHIEF EXECUTIVE OFFICER DELEGATION - NOVEMBER 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 November 2013.

1. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 12-18 Sandy Point Road Sandy Point relating to a single dwelling and removal of vegetation - Seal Applied 1 November 2013.
2. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 420-490 Whitelaws Track Leongatha South relating extension to the existing extractive industry and removal of native vegetation - Seal Applied 6 November 2013.

### **Contract 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 contract has been awarded under the Chief Executive Officer's delegation for the month of November 2013:

<b>Contract Reference No.</b>	<b>Contractor</b>	<b>Description of goods /services/works</b>	<b>Total price including GST</b>
SGC14/04	Sure Constructions (VIC) Pty Ltd	Reconstruction of Station Street, Korumburra – Stage 1A	\$547,787.24

### **RECOMMENDATION**

**That Council note the:**

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

### **STAFF DISCLOSURE OF INTEREST**

Nil

**NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 22.**



## **SECTION E - COUNCIL REPORTS**

**Councillor Kennedy left the room with a declared indirect conflict of interest in Council Reports Item E.1 PETITION - TO PROTECT RESIDENTS FROM NUISANCE CAUSED BY OPERATIONAL NOISE FROM BALD HILLS, SOUTH GIPPSLAND WIND FARM as he has a conflicting duty in that he is a member of the Tarwin Lower Recreation Reserve Committee.**

### **E.1 PETITION - TO PROTECT RESIDENTS FROM NUISANCE CAUSED BY OPERATIONAL NOISE FROM BALD HILLS, SOUTH GIPPSLAND WIND FARM**

Development Services Directorate

#### **EXECUTIVE SUMMARY**

The purpose of this report is for Council to note the petition received at its Ordinary Meeting held on 27 November 2013 seeking Council to protect residents from nuisance caused by operational noise from the future Bald Hills Wind Farm (BHWF).

The BHWF has been a contentious proposal since the Environment Effects Statement (EES) and planning permit application were first prepared in 2003. The Victorian Minister for Planning issued planning permit TRA/03/002 on 19 August 2004 approving the use and development of land for a 52 wind turbine facility to be located approximately 10km south east of Tarwin Lower. Under the current expiry provisions of the planning permit the development is required to be completed by 19 August 2015.

Following endorsement of the development plans in August 2012 the South Gippsland Shire Council became responsible for the enforcement of permit conditions except those related to noise remained the responsibility of the Minister for Planning. In the event of non-compliance, this petition seeks Council's intervention should the Minister for Planning fail to enforce the requirements of noise related permit conditions.

This report recommends that Council note the petition and the concerns raised. It recommends that as the Responsible Authority for noise related permit conditions, it is appropriate that the Minister for Planning, in the first instance, determine any actions in the event of non-compliance. Failing this, given the development is not anticipated to be completed for a further 18 months, it is more appropriate that Council consider its position, with respect to the facts, if it is alleged that the planning permit is breached.

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

- **Attachment 1** – Planning Permit TRA/03/002
- **Attachment 2** - BHWF Site Plan
- **Attachment 3** – Petition Prayer

- **Confidential Appendix 1** - Petition with signatories (approximately 109).

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

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

- Local Government Act 1989
- Planning and Environment Act 1987

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

- South Gippsland Planning Scheme

## **COUNCIL PLAN**

Outcome:	4.0	A Leading Organisation
Strategy:	4.2.3	We will make informed decisions and provide opportunities for the community to participate in the decision making process

## **CONSULTATION**

As the Responsible Authority, the Victorian Minister for Planning undertook advertising and referral of the BHWF planning permit application in accordance with the Planning and Environment Act 1987 in 2003/04.

Following a 17 day planning panels hearing which heard submissions from a range of stakeholders including local residents, the Victorian Minister for Planning issued planning permit TRA/03/002 on 19 August 2004.

## **REPORT**

### **Background**

On 19 August 2004 planning permit TRA/03/002 was issued by the Minister for Planning for the use and development of land for a wind energy facility for the generation and transmission of electricity from wind generators (52), together with associated buildings and works, including preliminary investigative works.

Refer to **Attachment 1** for a copy of Planning Permit TRA/03/002 and **Attachment 2** for a copy of a BHWF site plan.

The BHWF has been a contentious proposal since the Environment Effects Statement (EES) and permit application were first prepared in 2003. Permit TRA/03/002 was issued on 19 August 2004 following a panel hearing and panel report, which considered submissions in respect of:

- The BHWF Farm project EES;
- The BHWF project EES supplement (SEES);
- Permit application TRA/03/002 for a wind energy facility; and
- Permit application 2003/5634 related removal of native vegetation.

Hearings were conducted by the panel over 17 days in March and April 2004 and a comprehensive panel report was released on 24 June 2004.

On 31 August 2006 the Minister extended the life of the permit by a period of five years to the present expiry dates of development, which required commencement by 19 August 2012 and completion by 19 August 2015.

On 21 December 2006, the Commonwealth Minister for the Environment and Heritage approved the construction of the BHWF pursuant to the Environment Protection and Biodiversity Conservation Act 1999.

In May 2008 the BHWF was acquired by Mitsui and Co (Australia) Limited from the original proponent.

In March 2009 an application for secondary consent under the permit was submitted to the Minister to increase the height of the turbines from 110 to 135m. The application was supported by a series of technical assessment reports including noise.

On 30 November 2009 the Commonwealth Department of Environment, Water, Heritage and Arts confirmed that the proposed increase in turbine height was acceptable to the Commonwealth Minister.

On 16 December 2009, the Minister for Planning approved by way of secondary consent to allow the wind generators to be constructed to a maximum height of 135 metres.

On 28 July 2010, VCAT dismissed an application made by the Tarwin Valley Coastal Guardians Incorporated seeking to challenge the lawfulness of the Minister's decision made on 16 December 2009.

On 3 August 2012 following an appeal by Bald Hills Wind Farm Pty Ltd on the grounds of failure to decide, the Victorian Civil and Administrative Tribunal (VCAT) ordered the Minister for Planning to endorse all of the development plans submitted by the applicant.

On 29 August 2012, Council's Statutory Planning Department determined that the BHWF development had commenced in accordance with the planning permit expiry conditions and set out the reasons for its determination. This was presented at a public presentation session held by Council.

At its Ordinary Meeting held on 27 November 2013, a petition was tabled with approximately 109 signatures seeking Council to protect residents from

nuisance caused by operational noise from Bald Hills, South Gippsland wind farm.

Refer to **Attachment 3** for a copy of the petition prayer. The full copy of the petition including signatories is available in **Confidential Appendix 1**.

### **Discussion**

Concerns were first raised about the ability of the BHWF to comply with the noise related permit conditions in a letter prepared by the Department of Planning and Community Development (DPCD) dated 6 July 2012. Concerns were about the ability of the facility to meet noise compliance levels at three dwellings and at building envelopes nominated for four tenements under the tenement plans.

During the 2012 VCAT review the concerns detailed in the letter of 6 July 2012 were considered. When providing its decision, VCAT offered the following commentary;

*'The Minister commissioned a peer review of the April 2012 Marshall Day noise assessment. Mr Gustaf Reutersward of SLR Consulting Australia Pty Ltd undertook this review and gave evidence about his findings and conclusions. Mr Reutersward's overall conclusion was that compliance with noise criteria can be achieved under the proposed development plans. A number of issues were addressed in Mr Reutersward's evidence about tonal penalties, changes to the wind farm layout, turbine height and turbine type now proposed by Bald Hills. None of these matters were of concern to Mr Reutersward and indeed were addressed and were integral in reaching his overall conclusion that the wind farm would be able to comply with the applicable noise criteria.'*

*'A permit should only be granted if it is considered such matters as noise can be dealt with appropriately. A permit should embody appropriate conditions to ensue this, which may require further detail to be provided by way of development plans to be approved under the permit. But once granted, it is fundamental to the integrity of the planning system that a permit can be relied upon to provide certainty to the permit holder that they can proceed with the development authorised by the permit, subject to complying with conditions.'*

*'Even if it was open to consider the potential to achieve noise compliance in the context of approving the development plan under condition 1(a), the combined evidence of Messrs Reutersward and Delaire satisfy us that the wind farm and location of turbines as set out under the development plans can comply with the noise related conditions. If for some reason the noise conditions are not complied with, there are processes under the permit to deal with this, with the ultimate sanction being an enforcement order. This is a risk that the applicant must manage.'*

The signatories petition the South Gippsland Shire Council to protect residents from nuisance caused by operational noise from the Bald Hills, South Gippsland Wind Farm. The petition requests Council to instruct the

Minister for Planning to detail the process for ensuring the BHWF will comply with the noise related planning permit conditions and to commit to undertake a further four actions in the event of non-compliance with the conditions.

Discussion is provided below with respect to each of the five petition requests and how these requests relate to previous noise assessments undertaken and consider as appropriate the current Victorian planning framework.

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;*

Under the heading of 'Noise' the permit sets out a series of conditions to address acoustic or noise matters. Condition 18 requires that before the development commences, background sound levels are required to be measured at two properties. This was completed to the Ministers satisfaction.

Condition 19 sets noise limits to be achieved at dwellings. Condition 20 provides exemptions to condition 19 (if applicable). Condition 21 requires noise complaint and response processes. Condition 22 provides the process for notifying and remedying breaches. Conditions 23 to 25 require post construction noise monitoring and reporting.

The permit sets clear noise limits, provides for a noise complaint and response program, details the process for notifying and remedying breaches and requires independent post construction noise monitoring to be undertaken to demonstrate compliance with the set noise levels.

The permit sets very clear processes for establishing compliance. If non-compliance is observed condition 22 provides a detailed process for remedying breaches and resultant actions failing appropriate remedy.

Those seeking further clarity on the noise related permit conditions or enforcement options in the case of non-compliance should be encouraged to contact the Minister's office directly.

2. *In the event of non-compliance of 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 condition 22 of conditional planning permit TRA/03/002;*

It is not appropriate to set a time-limit on the formal determination of non-compliance with the planning permit. The assessment of noise emitted from wind farms is very complex by nature. It is likely that in a case of alleged non-compliance further monitoring would be required to be conducted and likely to require further peer review. In the event of alleged non-compliance, Council should consider its position as appropriate, including the required facts, prior to requesting any determinations within set timeframes.

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;*

Council may apply for an enforcement order at VCAT if it considers the Minister fails to enforce compliance with the permit conditions. Given the associated costs it would be prudent to assess the severity, giving weight to supporting evidence prior to committing to undertaking any enforcement proceedings.

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 ask VCAT to notify the Commonwealth's Clean Energy Regulator of a breach; and*

Condition 22 provides clarity on the process for dealing with non-compliance in the first instance. Given the associated costs it would be prudent to assess the severity, giving weight to supporting evidence prior to committing to undertaking any enforcement proceedings.

The role of VCAT in any hearing is to consider the facts and make a determination on the matter before it. It is not within the jurisdiction or function of VCAT to act as a reporting agency.

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.*

Advice sought from the Clean Energy Regulator (CER) and the Department of Planning, Transport and Local Infrastructure (DPTLI) confirms that Council has no statutory reporting obligations with respect to breaches of planning permits and the application for Renewable Energy Certificates (RECs). Reporting obligations lie with the energy facility and assessment of the application is undertaken by the CER.

## **FINANCIAL CONSIDERATIONS**

Costs associated with appointing suitably qualified acoustic engineers and legal representation for a VCAT hearing of this nature are conservatively estimated at \$100k. This does not include any further costs associated with appeals.

## **RISK FACTORS**

Council is being asked to make decisions on a development that is incomplete and is unlikely to be completed for a further 18 months. It is not yet known whether the concerns raised in the petition will realise, and if so, to what severity.

It is not good governance to resolve an enforcement position prior to considering the appropriate facts.

## **CONCLUSION**

The Responsible Authority for determining compliance of noise related planning permit conditions is the Minister for Planning. The BHWF have been required to demonstrate the ability to comply with the set noise limits on numerous occasions. Initially it was considered through the planning permit application, subsequent 17 day planning panel hearing and assessment of the EES. Following these assessments the Minister for Planning was satisfied that noise limits could be met and a planning permit was issued.

In March 2009 an application for secondary consent under the permit was submitted to the Minister to increase the height of the turbines from 110 to 135m. The application was supported by a series of technical assessment reports including noise.

In August 2012 during a VCAT appeal, the ability of the BHWF to comply with noise related permit conditions was considered, including concerns raised in the DPCD letter of 6 July 2012. Following expert evidence presented by an independent acoustic engineer appointed by the Minister, VCAT was satisfied that the wind farm and location of turbines as set out under the development plans can comply with the noise related conditions

Through each stage of the permit assessment process the applicant has demonstrated that compliance with the noise related permit conditions can be achieved. Further to this, the Minister for Planning commissioned a peer review to evaluate the submitted noise assessment. The thoroughness of the assessment and the Minister's appointment of an independent noise acoustician should provide Council with the confidence that the Minister will continue to assess and determine compliance with the relevant permit conditions.

Failing this, given the associated costs, Council should exercise good governance and consider its position at an appropriate time, with the facts, if and when compliance is not appropriately addressed.

## **RECOMMENDATION**

That Council:

1. Note receipt of the petition and the request to protect residents from any nuisance caused by operational noise from the Bald Hills Wind Farm.
2. Inform the petition author that the petition has been considered by Council and that:
  - a. As the Responsible Authority, the Minister for Planning is the most appropriate body to determine compliance and any enforcement actions associated with the assessment of noise related conditions of planning permit TRA/03/002;
  - b. Council, at the appropriate time, will consider its position with respect to any alleged non-compliance of the noise related conditions of planning permit TRA/03/002.

## **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Hutchinson-Brooks**

**SECONDED: Cr Davies**

**THAT COUNCIL:**

1. **NOTE RECEIPT OF THE PETITION AND THE REQUEST TO PROTECT RESIDENT FROM ANY NUISANCE CAUSED BY OPERATIONAL NOISE FROM THE BALD HILLS WIND FARM.**
2. **WRITE TO THE MINISTER FOR PLANNING INFORMING HIM OF THE PETITIONERS CONCERNS AND REQUEST THAT APPROPRIATE ACTIONS ARE UNDERTAKEN IN RESPONSE TO ANY NON-COMPLIANCE WITH THE NOISE RELATED CONDITIONS OF PLANNING PERMIT TRA/03/002.**
3. **INFORM THE PETITION AUTHOR THAT THE PETITION HAS BEEN CONSIDERED AND ADVISE THE PETITION AUTHOR OF COUNCIL'S DECISION.**

**CARRIED**

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

**Against: Cr Newton**

**Cr Kennedy returned to the Meeting at 2.35pm.**



**Attachment 1  
Planning Permit TRA/03/002**

Planning and Environment Regulations 2005 Form 4

**PLANNING  
PERMIT**

<b>Permit No:</b>	TRA/03/002
<b>Planning Scheme</b>	South Gippsland
<b>Responsible Authority</b>	Minister for Planning

**ADDRESS OF THE LAND**

Lots 1 and 2 LP69123  
Lots 1 and 2 LP213921G  
Lots 1, 2 and 3 LP405962G  
Lot 6 LP69123  
Lot 1 LP76521  
Lots 1 and 2 TP758484H being Part CA17A Parish of Waratah  
CA17B and CA18B, Parish of Waratah  
CA37, CA40 and CA40A, Parish of Tarwin South  
Unmade Govt. Road south CA33B Parish of Tarwin South, CP108575

**THE PERMIT ALLOWS**

Use and development of land for a wind energy facility for the generation and transmission of electricity from wind generators, together with associated buildings and works, including preliminary investigative works.

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

**DEVELOPMENT PLANS**

- (1) Before the development starts, development plans to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning. When approved, the plans will be endorsed by the Minister for Planning and will then form part of this permit.

The plan must show:

- (a) The location of all wind generators (using Global Positioning System coordinates or another appropriate method and including dimensions from adjoining property boundaries) generally in accordance with the indicative layout shown on Figure S1 in the Supplement to the Environment Effects Statement but subject to the requirement that none are located at position number 10 or A2;
- (b) The location, layout and dimensions of all buildings and works, including the interpretive centre and any other public viewing areas, switchyards and buildings, the temporary clerk of works building and staging area, all roads, tracks, overhead distribution lines, underground cabling, car parking areas, construction lay-down area and landscaping areas;
- (c) The detailed design of wind generators (inclusive of nacelles, blade and foundations), including dimensions, elevations, materials and colours and finish of construction; and

Planning and Environment Regulations 2005 Form 4

- (d) Details of any signage proposed to be displayed as part of the wind energy facility,
- One site identification sign, with dimensions not exceeding 2 metres by 2 metres, at the entrance of the site;
  - One logo or company identification for the wind energy facility operator or wind generator manufacturer displayed on each wind turbine; and
  - Signs required specifically in relation to site safety issues
- 2) Prior to the preparation of the development plans referred to in condition 1, a comprehensive geotechnical investigation of the wind generator construction sites is to be carried out to ensure that the foundation piles will be founded in competent material and that there will be no risk of wind generator collapse or damage to adjoining properties. The results of the investigation shall be submitted to the Minister for Planning with the development plans.
- 3) The use and development as shown on the endorsed development plans or other plans to the satisfaction of the Minister for Planning must not be altered or modified in any way without the written consent of the Minister for Planning save that the micro siting of wind generators will be regarded as generally in accordance with the endorsed plans if the Minister for Planning is satisfied that it will not give rise to a material change to assessed landscape, visual, shadow or noise impacts.

**SPECIFICATIONS**

- 4) The wind energy facility must be constructed in accordance with the following specifications, which must not be changed without the prior written consent of the Minister for Planning.
- (a) A total of not more than 52 wind generators;
  - (b) Each wind generator must have an overall height of less than 110 metres and have a base diameter at ground level of no greater than 6.0 metres;
  - (c) The rotor on each wind generator must comprise of 3 blades;
  - (d) The tower, nacelle and rotor blades must be off-white or another colour satisfactory to the Minister for Planning, and must be of a salt resistant and non-reflective finish;
  - (e) All new electricity cabling associated with the collector network within the wind energy facility generator cluster must be placed under the ground with the exception of the overhead distribution lines between the northern and southern sub stations;
  - (f) The transformer associated with each wind generator must be located beside each tower and pad mounted, or be enclosed within the tower structure; and

Planning and Environment Regulations 2005 Form 4

- (g) The access tracks within the site are to be sited to minimise impacts on existing native vegetation on the site, and are to be constructed to the minimum standard practicable in order to ensure minimum impacts on the site, including impacts on overland flows.

**LANDSCAPING AND VISUAL SCREENING**

- 5) Before the development starts, a Landscaping and Visual Screening Plan to the satisfaction of the Minister for Planning must be submitted and approved by the Minister for Planning. When approved, the plan will be endorsed by the Minister for Planning. The Landscaping and Visual Screening Plan must include;

- (a) An on-site landscaping plan that provides for the visual screening of the switchyards and buildings associated with the use of land for a wind energy facility.
- (b) An off-site landscaping plan, that provides details of landscaping and other treatments that will be used to address:
- Residential amenity concerns at dwellings on the following properties, subject to agreement with landowners:
  - 910 Buffalo Waratah Road, Tarwin Lower, Lot 1 LP140140, Parish of Tarwin South
  - 930 Buffalo Waratah Road, Tarwin Lower, Lot 1 LP140966, Parish of Tarwin South
  - 12 Buffalo Waratah Road, Tarwin Lower, Lot 3 LP222525, Parish of Tarwin South
  - 1405 Buffalo Waratah Road, Tarwin Lower, Lot 1 LP81355, Parish of Tarwin South
  - 1550 Waratah Buffalo Road, Tarwin Lower, CA21 Parish of Waratah
  - 1150 Tarwin Lower Waratah Road, Tarwin Lower, Lot 1 TP431975
  - A roadside landscape and windbreak planting and management strategy for Tarwin Lower - Waratah Road, Stewarts and Dunlops Road and Buffalo - Waratah Road, which shall be prepared following consultation with the South Gippsland Shire Council and abutting landowners; and
- (c) Details of species proposed to be used for landscaping and details of the height and size of species at maturity.
- (d) A maintenance program.
- (e) A timetable of all landscaping and visual screening works identified to be undertaken.
- (f) In circumstances where agreement with landowners is not forthcoming or is unreasonably withheld, the plan may be prepared without addressing that property, subject to the written agreement of the Minister for Planning.

Planning and Environment Regulations 2005 Form 4

- (g) In circumstances where prior consultation is required, the Minister for Planning may indicate satisfaction with an otherwise reasonable plan that does not address the issues raised by all consultees.
- 6) The use and development must be carried out in accordance with the endorsed Landscaping and Visual Screening Plan.
- 7) Before the use commences, the permit holder must enter into an agreement with the Minister for Planning and Parks Victoria made pursuant to section 173 of the Planning and Environment Act 1987 ("Section 173 Agreement") to provide for the relocation and reorientation of the walking track and bird hide at the Bald Hills Wetland Reserve after construction of the northern group of turbines. The relocation and reorientation is to be to the satisfaction of Parks Victoria and designed having regard to constructed turbines, to ensure turbines cannot be viewed from the bird hide. The reasonable cost of the works are to be borne by the permit holder. Before the use commences, application must be made to the Registrar of Titles to register the Section 173 Agreement on title under section 181 of the Act. The permit holder must pay the reasonable costs of the preparation, (and) execution and registration of the Section 173 Agreement.

**TRAFFIC MANAGEMENT**

- 8) Before the development starts, a Traffic Management Plan to the satisfaction of the Minister for Planning, in consultation with the South Gippsland Shire Council and VicRoads, must be submitted to and approved by the Minister for Planning. When approved, the plan will be endorsed by the Minister for Planning. The plan must include:
  - (a) An existing conditions survey of public roads in the vicinity of the wind energy facility that may be used for access, including details of the suitability, design and construction standard of such roads;
  - (b) The designation of appropriate construction and transport vehicle routes to the wind energy facility;
  - (c) The designation of vehicle access points to the wind energy facility from surrounding roads, including main road access points to local access roads;
  - (d) The designation of vehicle access points to the interpretative facility;
  - (e) The designation of operating hours and speed limits of trucks on relevant routes accessing the site so as to avoid the time and routes of passage of school buses, and to provide for resident safety;
  - (f) Any necessary pruning of street planting or roadside vegetation to provide for transport of materials to the site, and pruning practices to be followed;
  - (g) The designation of vehicle access ways and car parking areas;
  - (h) The requirements for Over Dimensional Load permits and escorting of long or large loads along roads in the area;
  - (i) Recommendations on the need for road intersection upgrades to accommodate any additional traffic or site access requirements, whether temporary or ongoing; and



Planning and Environment Regulations 2005 Form 4

- (j) A timetable for implementation of any pre-construction works identified to be undertaken.
  - (k) A time table of regular inspections to be carried out during the construction period to identify maintenance works necessary as a result of construction traffic.
- 9) The use and development must be carried out in accordance with the endorsed Traffic Management Plan and the cost of any works including maintenance to be at the permit holders expense.

**ENVIRONMENTAL AND CULTURAL MANAGEMENT PLAN**

- 10) Before the development starts, an Environmental Management Plan to the satisfaction of the Minister for Planning must be prepared, in consultation with the Department of Sustainability and Environment, Aboriginal Affairs Victoria and the South Gippsland Shire Council (as relevant) and must be submitted to and approved by the Minister for Planning. The Environmental Management Plan may be prepared in sections or stages. When approved, the plan will be endorsed by the Minister for Planning. The Environmental Management Plan must include:

- (a) A construction and work site management plan. This also must include:
  - Procedures for access, noise and pollution management.
  - The identification of all potential contaminants stored on site.
  - The identification of all construction and operational processes that could potentially lead to water contamination.
  - The identification of appropriate storage, construction and operational methods to control any identified contamination risks.
  - The identification of waste re-use recycling and disposal procedures.

The plan must contain procedures for the removal of the clerk of works building and staging area on completion of construction of the project and for the return of the site to its former condition.

- (b) A sediment and erosion management plan. This plan must include:
  - Procedures to ensure that silt from batters, cut-off drains, table drains and road works is retained on the works site during and after the construction stage of the project. All land disturbances must be confined to a minimum practical working area and to the vicinity of the identified works areas. Soil to be removed must be stockpiled and separate soil horizons must be retained in separate stockpiles and not mixed. Stockpiles must be located away from drainage lines.
  - The installation of geotextile silt fences (with sedimentation basins where appropriate) on all drainage lines from the site which are likely to receive run-off from disturbed areas.
  - Procedures to contain any contaminated or turbid run-off during and after construction of the wind energy facility.
  - Procedures to suppress dust arising from construction-related activities. Appropriate measures may include water sprays of roads and stockpiles, stabilising surfaces, temporary screening and/or

Planning and Environment Regulations 2005 Form 4

- wind fences, modifying construction activities during periods of heightened winds and revegetating exposed areas as soon as practicable.
- Procedures to ensure that steep batters are treated in accordance with Environmental Protection Authority recommendations detailed in the 'Construction Techniques for Sediment Pollution Control.' No 275, May 1991.
  - Criteria for the siting of any temporary concrete batching plant associated with the development of the wind energy facility and the procedure for its removal and reinstatement of the site once its use finishes. The establishment and operation of any temporary concrete batching plant must be in accordance with the Environment Protection Authority's Environmental Guidelines for the Concrete Batching Industry, Publication No. 628.
  - Procedures for waste water and discharge management.
- (c) A hydrocarbon and hazardous substances plan. This plan must include:
- Procedures for the storage of any fuels, lubricants or waste oil to be stored in bunded areas.
  - Contingency measures to ensure that any chemical or oil spills are contained on-site and cleaned up in accordance with the Environment Protection Authority's requirements.
- (d) A wildlife prevention and response plan in consultation with the Country Fire Authority, the Department of Sustainability and Environment and the South Gippsland Shire Council.
- (e) An Aboriginal cultural heritage and archaeology management plan. This plan must include:
- A survey conducted by a qualified archaeologist, that locates, records and assesses aboriginal sites, places and objects on those parts of the site which have the potential to be affected by the wind energy facility. This must include land that may be disturbed by associated works such as access tracks, buildings, services and/or possible erosion arising from such works. The survey must be undertaken in association with the relevant aboriginal communities identified by Aboriginal Affairs Victoria.
  - A qualified archaeologist must be on-site during initial excavation works to identify any archaeological artefacts, and initiate measures for interim protection and reporting of any such objects or sites.
  - Protocols for the activities of construction contractors which have been identified to have potential effects on sites of cultural significance.
  - Protocols for ongoing consultation with the relevant aboriginal communities throughout the project, especially those relating to relating to the detailed on-surface and sub-surface archaeological investigations, including maintaining confidentiality (where

Planning and Environment Regulations 2005 Form 4

considered appropriate) of the locations of Aboriginal archaeological sites.

- Procedures for seeking and obtaining written consent of any identified Aboriginal local aboriginal community, as nominated for the purposes of Part 11A of the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Commonwealth), prior to disturbing any identified archaeological site, place or object.
  - Procedures providing appropriate workshops and training courses with contractors to protect all known sites of aboriginal cultural heritage value.
  - Protocols for protecting and reporting the discovery of any human remains in accordance with the requirements of the Victoria Police, the Victorian State Coroners Office and Aboriginal Affairs Victoria.
- (f) A pest animal management plan. This plan is to be prepared in consultation with the Department of Sustainability and Environment and the Department of Primary Industries. This plan must include procedures for the control of pest animals, particularly by negating opportunities for the sheltering of pests. The procedure should provide that follow-up pest animal control is undertaken on all areas disturbed by the wind energy facility construction works for a period of two years following the completion of the wind energy facility.
- (g) An environmental monitoring plan.
- (h) A training program including a site induction program relating to the range of issues addressed by the Environmental Management Plan.
- (i) A program for reporting, including a register of environmental incidents, non-conformances, complaints and corrective actions.
- (j) A timetable for implementation for any works identified in a plan referred to in paragraphs (a) to (i) above.
- 11) The Environmental Management Plan is to be reviewed every 5 years (or as required) to reflect operational experience and changes in environmental management standards and techniques and is to be submitted to the Minister for Planning for re-endorsement.
- 12) The use and development must be carried out in accordance with the endorsed Environmental Management Plan.

**NATIVE VEGETATION**

- 13) Before the development starts, a late spring/early summer survey should be undertaken to determine the presence of the following species within the areas to be disturbed:
- *Caladenia fragrantissima* subsp. *Orientalis*;
  - *Prasophyllum frenchii*
  - *Pterostylis cucullate*;
  - *Sowerbaea juncea*;
  - *Caladenia vulgaris*;

Planning and Environment Regulations 2005 Form 4

- *Agrotis avenaceavar perennis*; and
- *Monotoca glauca*

The survey is to be conducted to the satisfaction of the Minister for Planning. In the event that the presence of any of the above species is discovered, any development on that location must be resited to avoid the need to remove or destroy any such species. To facilitate the avoidance of such species micro siting of turbine number 1 may be necessary.

- 14) Before the development starts, a Native Vegetation Management Plan ("NVM Plan") to the satisfaction of the Minister for Planning, must be prepared in consultation with the Department of Sustainability and Environment, and must be submitted to and approved by the Minister for Planning. When approved, the NVM Plan will be endorsed by the Minister for Planning. The NVM Plan must include:

- (a) Identification of native vegetation to be removed, destroyed or lopped.
- (b) An evaluation of the flora values of roadside vegetation in locations proposed for construction vehicle access, turn outs or corner clearance. Locations containing *Eucalyptus Kitsoniana* should in principle be avoided.
- (c) The staging, if any, of the vegetation removal works, and procedures to prevent damage to protected native vegetation outside the identified areas.
- (d) Proposals for fencing, protecting and maintaining the remnant native vegetation on the proposed 6 ha offset area identified in Brett Lane and Associates, Net Gain Assessment, Appendix 8 of the Supplement to the Environment Effect Statement ("Offset Area") on the land described in Certificate of Title Volume 8941 and Folio 406 ("Offset Site") to replace any vegetation to be removed and to provide for a 'net gain' consistent with the requirements of the state Native Vegetation Management Framework.
- (e) Revegetation and/or rehabilitation to at least their previous condition of all areas affected by activities required for the construction of the wind energy facility, including temporary access roads and lay-down areas.
- (f) A timetable for proposed revegetation and rehabilitation works.
- (g) Procedures including laboratory analysis to identify the presence of the pathogen Cinnamon Fungus on the site. In the event that its presence is confirmed construction procedures are to be put in place to minimise the risk of spreading the pathogen, to the satisfaction of the Department of Sustainability and Environment.
- (h) Procedures to prevent the spread of weeds and pathogens from earth moving equipment and associated machinery, including tip trucks and



Planning and Environment Regulations 2005 Form 4

low loaders (including cleaning of all plant and equipment before transport to the site), and the use of road-making material comprising clean fill that is free of weeds.

- (i) A program of early identification and eradication of weeds in disturbed areas and follow-up weed control for a minimum period of two years following the completion of the works.
- 15) The use and development must be carried out in accordance with the endorsed NVM Plan.
- 16) Before the use commences, the permit holder must enter into an agreement with the Minister for Planning and the registered proprietor of the Offset Site made pursuant to section 173 of the Planning and Environment Act 1987 ("Section 173 Agreement") to provide for the fencing, protecting and maintaining of the Offset Area for the operational life of the wind farm except with the written consent of the Minister for Planning. Before the use commences, application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the Offset Site under section 181 of the Act. The permit holder must pay the reasonable costs of the preparation, (and) execution and registration of the Section 173 Agreement.

**BATS AND AVIFAUNA**

- 17) Before the development starts, a Bat and Avifauna Management Plan ("BAM Plan") to the satisfaction of the Minister for Planning, must be prepared in consultation with the Department of Sustainability and Environment, and must be submitted to and approved by the Minister for Planning. When approved, the BAM Plan will be endorsed by the Minister for Planning. The BAM Plan must include:
- (a) A pre-construction monitoring program to monitor the mortality of birds and bats on or near the wind energy facility and a post-construction monitoring program to monitor the presence and behaviour of birds and bats and their mortality on or near the wind energy facility. The monitoring program is to be carried out by an independent flora and fauna consultant and must involve reference and impact sites. The program must specify that the following data be recorded and include provision for reporting of the data to the Minister for Planning and the Department of Sustainability and Environment:
- The frequency and height of bird and bat movements across the site;
  - Seasonal changes in bird and bat movements;
  - The species involved;
  - Bird and bat mortality estimates based on dead bird and bat search protocols;
  - An assessment of Large Bent-wing Bat numbers over time at Arch Rock, to be used as a reference for impact analysis;
  - Examination of bat utilisation trends (if any), including weather, diurnal and seasonal change.

Planning and Environment Regulations 2005 Form 4

- (b) A strategy for managing and mitigating bird and bat strike arising from the wind energy facility operation. The strategy must include procedures for the regular removal of carcasses likely to attract raptors to areas near generators (ie stock and kangaroos).
- (c) A procedure for addressing significant impacts on bird and bat populations caused by the wind energy facility operation. This procedure must provide that the operator of the wind energy facility immediately investigates the possible causes of any significant impacts on bird and bat populations, and thereafter must design and implement measures to mitigate those impacts in consultation with the Minister for Planning and the Department of Sustainability and Environment.

**NOISE**

- 18) Before the development starts, new local background sound level measurements shall be taken at the following properties:
- 930 Buffalo Waratah Road, Tarwin Lower, Lot 1 LP140966, Parish of Tarwin South
  - 1150 Tarwin Lower Waratah Road, Tarwin Lower, Lot 1 TP431975,
- 19) The operation of the wind energy facility must comply with the New Zealand Standard 'Acoustics - The Assessment and Measurement of Sound from Wind Turbine Generators' (NZ 6806:1998) (the 'New Zealand Standard'), in relation to any dwelling existing at the date of approval of this document to the satisfaction of the Minister for Planning.
- In determining compliance with the New Zealand Standard, the following apply:
- (a) The sound level from the wind energy facility, when measured outdoors within 10 metres of a dwelling at any relevant nominated wind speed, should not exceed the background level (L95) by more than 5dBA or a level of 40dBA L95, whichever is the greater.
  - (b) When sound has a special audible characteristic, the measured sound level of the source shall have a 5 dB penalty applied.
  - (c) Compliance at night must be separately assessed with regard to night time data. For these purposes the night is as defined in SEPP – N1. For sleep protection purposes, a breach of the standard set out at 19(a), for 10% of the night, amounts to a breach of the condition.
- 20) Condition 19 does not apply if an agreement has been reached with a specific landowner through which the landowner accepts predicted noise levels and/or appropriate acoustic attenuation measures are installed for the landowner to ensure a reasonable level of acoustic amenity in relation to the indoor habitable areas of any dwelling, and acknowledges that the operation of the wind energy facility may still generate noise in outdoor areas on the land which may from time to time exceed the New Zealand Standard.

Planning and Environment Regulations 2005 Form 4

- 21) Before the use commences, details of a noise complaint, evaluation and response process must be submitted to and approved by the Minister for Planning to address any alleged breaches of Condition 19. This evaluation process should include, but not be limited to the following components:
- (a) A noise complaint telephone service.
  - (b) Details of validity requirements for noise complaints (that is: date, time, noise description and weather conditions at the receptor).
  - (c) Response protocol to valid noise complaints.
  - (d) A register of complaints, responses and rectifications which may be inspected by the Minister for Planning.
  - (e) Provision for review of the complaint and evaluation process, including review of the process 6 months after commencement of the operation of the wind energy facility.
- 22) Where condition 19 is found to have been breached, the Minister for Planning shall notify the wind energy facility operator, with a request that steps be taken to ascertain the relevant meteorological circumstances at the time of breach and to noise optimise the operation of the relevant turbine or turbines in such circumstances. If there is a further breach in similar circumstances, the Minister for Planning shall notify the wind energy facility operator, with a request to noise selectively shut down the operation of the relevant turbine or turbines in those circumstances. In circumstances where optimisation or selective shutdown routines have been requested but not reasonably implemented, or have been implemented but have not prevented further instances of recorded breach, the relevant turbine or turbines will be required to be decommissioned and removed.
- 23) An independent post-construction noise monitoring program must be commissioned by the Minister for Planning within 2 months from the commissioning of the first generator and continue for 12 months after the commissioning of the last generator to the satisfaction of the Minister for Planning. The program must be carried out in accordance with the New Zealand standard as varied by condition 19(a), (b) and (c) above. The permit holder must pay the reasonable costs of the monitoring program.
- 24) An independent report summarising the results of the monitoring program, and the data collected, and indicating compliance or non compliance with the New Zealand Standard, must be forwarded to the Minister for Planning within 45 days of the end of each the monitoring period. The results must be written in plain English and formatted for reading by lay people.
- 25) The Minister for Planning must make a copy of the report and any data available as soon as practicable during office hours for any person to inspect free of charge.

Planning and Environment Regulations 2005 Form 4

**PRELIMINARY INVESTIGATIVE WORKS**

- 26) Preliminary investigative works, including geotechnical investigative works, may be carried out for the purposes of gathering data or making other assessments necessary or desirable in order to prepare the Development Plan, and other plans specified in this permit.
- 27) For the purposes of this permit, the carrying out of preliminary investigative works is not considered to amount to commencement of the Development.

**FARM TENEMENT DWELLING SITES**

- 28) Prior to the preparation of the development plan, a plan shall be prepared to the satisfaction of the Minister for Planning showing all farm tenements neighbouring the development site (including those separated from the site by a road), and the location of existing houses on each separate tenement, as at 24 June 2004 (the 'tenement plan'). In the event that there are any tenements over 40 ha in area without an existing house, a potential house site for the tenement should be identified after consultation with the tenement owner. The Minister for Planning may indicate satisfaction with an otherwise reasonable plan that does not address the issues raised by all consultees.
- 29) Where a dwelling site is shown on an approved tenement plan; it shall be considered as an existing dwelling for the purposes of all other relevant conditions in this permit.

**BLADE SHADOW FLICKER AND BLADE GLINT**

- 30) No existing dwelling, other than a dwelling located on the land in respect of which this permit is issued, will experience over 30 hours blade shadow flicker per annum or undue blade glint.

**LIGHTING**

- 31) The wind generators must not be artificially illuminated at night. No external lighting of infrastructure associated with the wind energy facility, other than low level security lighting where appropriate, may be installed or operated without further consent of the Minister for Planning.

**TELECOMMUNICATION RECEPTION AND INTERFERENCE**

- 32) A pre-construction qualitative survey must be carried out of television and radio reception at all residences located within 3km of any turbine to the satisfaction of the Minister for Planning, as shown on the plan entitled "Bald Hills Wind Farm - Dwellings 3kms from turbines".

If complaints are made regarding the television and radio reception at the above residences, a post-construction qualitative survey must be carried out. If the qualitative survey establishes any detrimental increase in interference to reception, measures must be taken to mitigate the interference to return the affected reception to pre-construction quality at

Planning and Environment Regulations 2005 Form 4

the cost of the wind energy facility operator and to the satisfaction of the Minister for Planning.

**SECURITY**

- 33) All site and wind generator access points and electrical equipment must be locked and made inaccessible to the general public to the satisfaction of the Minister for Planning. Public safety warning signs must be located on all towers and all spare parts and other equipment and materials associated with the wind energy facility must be located in screened, locked storage areas that are inaccessible to the public to the satisfaction of the Minister for Planning.

**EMERGENCY ARRANGEMENTS**

- 34) Before the use starts, the operator of the wind energy facility must conduct a familiarisation visit and explanation of emergency procedures for the Country Fire Authority (CFA) and the State Emergency Service (SES), and thereafter must continue to provide such sessions for the CFA and SES on a regular basis and/or as required by those agencies.

**AVIATION SAFETY CLEARANCES**

- 35) Prior to the approval of development plans, documentation must be supplied to the Minister for Planning that demonstrates that any structure to be erected on the wind energy facility pursuant to this permit is sited and designed to the satisfaction of the Civil Aviation Safety Authority Australia.
- 36) Copies of the approved development plans are to be provided to the Civil Aviation Safety Authority Australia and to any organisation responsible for providing air ambulance services in the area, to enable details of the wind energy facility to be shown on aeronautical charts of the area.

**RE-POWERING**

- 37) No wind turbine or any component of a wind turbine, approved in the plans endorsed under Condition 1 of this permit, shall be replaced in a manner that would materially affect the location, size, external visual appearance, sound power characteristics, model, generator capacity, or electrical output of the turbine, without further written consent from the Minister for Planning.

**DECOMMISSIONING**

- 38) The wind energy facility operator must, without delay, notify the Minister for Planning in writing as soon as all or any wind energy facility generators have permanently ceased to generate electricity, whether due to planned removal, faults or otherwise. Within 12 months of that date, the wind energy facility operator, or in the absence of the operator, the owner of the land in which the relevant generator is located must undertake the following to the satisfaction of the Minister for Planning:
- (a) Remove all non-operational or downed equipment;
  - (b) Remove and clean up any residual spills;



Planning and Environment Regulations 2005 Form 4

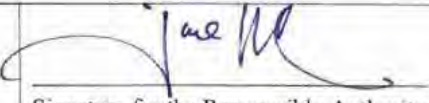
- (c) Clean up and restore all storage, construction and other area associated with use, development and decommissioning of the wind energy facility, including provision of soil cover and grassing over the wind generator site;
- (d) Restore all access roads and any other area affected by the project closure or decommissioning, if not otherwise useful to the on-going management of the land;
- (e) Prepare and submit a post-decommissioning traffic management plan to the satisfaction of the Minister for Planning and, when approved by the Minister for Planning, implement that plan; and
- (f) Prepare and submit a post-decommissioning revegetation management plan to the satisfaction of the Minister for planning and, when approved by the Minister for Planning, implement that plan.

**EXPIRY**

39) Notwithstanding other provisions of these conditions, this permit will expire if one of the following circumstances applies:

- (a) The development is not started within three years of the date of this permit.
- (b) The development is not completed within six years of the date of this permit.

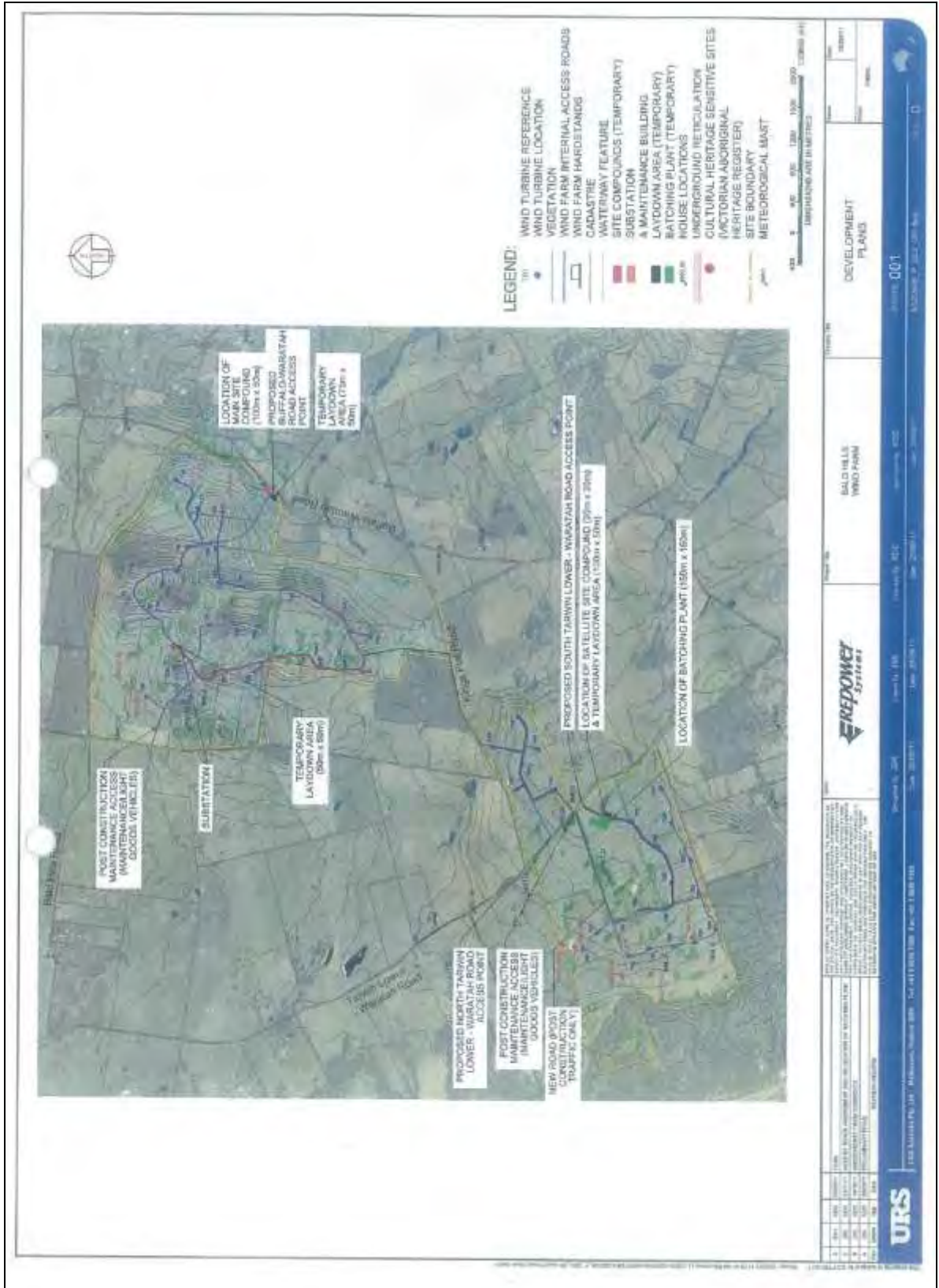
The Minister for Planning may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

19/08/2004 Date of Issued	 Signature for the Responsible Authority 09 NOV 2007
------------------------------	--

**THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:**

Date of amendment	Brief description of amendment
31 August 2006	The permit has been extended for a period of 5 years pursuant to Section 69 of the Act. The permit will expire if the development is not commenced by 19 August 2012 and completed by 19 August 2015.
9 November 2007	The permit has been corrected pursuant to Section 71 of the Act to include Lot 1 LP213921G which was previously omitted.
24 October 2013	The permit has been corrected pursuant to Section 71 of the Act to include Lot 1 PS 405962G which was previously omitted.

**Attachment 2  
BHWF Site Plan**



### Attachment 3 Petition Prayer

**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.



## **E.2 PETITION - CHILDCARE IN MIRBOO NORTH**

Community Services Directorate

### **EXECUTIVE SUMMARY**

The purpose of this report is for Council to note the petition received at its Ordinary Meeting held on 18 December 2013 regarding the continued provision of childcare in Mirboo North.

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

- **Confidential Appendix 1** - Petition with signatories

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

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

Australian Children's Education & Care Quality Authority National Quality Framework 2012

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

- Municipal Early Years Plan 2012-2015
- Early Childhood Services Building Assets Policy Framework 2013

### **COUNCIL PLAN**

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

### **CONSULTATION**

A public meeting was held at Mirboo North on 7 November with approximately 60 people attending.

Meetings have been held with St Andrew Child Care Centre Parent Advisory Group and a representative from the group was on the selection panel for an alternate provider

Council have been working in partnership with UnitingCare Gippsland and the Department of Education and Early Childhood Development (DEECD) throughout the process.

## **REPORT**

### **Background**

Council was advised in October 2013 of UnitingCare Gippsland's intention to withdraw from their role as operator of child care services in South Gippsland. Their decision directly impacts on St Andrews Child Care in Mirboo North and Prom Coast Centre for Children in Foster. UnitingCare advised that their last date of childcare service provision will be 28 February 2014 regardless of whether a new provider is found.

The St Andrews Child Care site is owned by the Uniting Church. It provides long day care, a 3 year old kinder program and before and after kinder and school care. As the landlord, the Uniting Church, supported Council's decision to advertise for Expressions of Interest. While Council can recommend a preferred alternate provider for St Andrews Child Care Centre, it will be the Uniting Church that determines who will be the tenant.

Council has developed an Expression of Interest to find an alternate licenced childcare provider. In the event that an alternate provider cannot be found, the potential of establishing a community Committee of Management will be investigated.

### **Proposal**

It is proposed that Council note the petition from the 'Save St Andrews Childcare Mirboo North' and advise the petition writer of the result of the Expression of Interest.

### **FINANCIAL CONSIDERATIONS**

There are no financial costs specifically related to the petition.

However, in managing this crisis, there is a cost to Council with the appointment of a temporary part time project manager and engagement of financial expertise. A financial contribution is being sought from DEECD.

The operating deficit currently incurred at St Andrews Child Care Centre must be addressed, if the services are to continue to operate viably. Advocacy to State and Federal government for adequate funding is essential.

### **RISK FACTORS**

The risk of not securing an alternate provider for the centre will impact on families who rely on local childcare services. Parents, dependent on childcare to retain their own employment, are likely to look at childcare services outside the district in 2014 and any reduction in numbers will add to the deficit to the centre. Staff at the centre will lose their jobs and the economic benefit to local businesses will be lost.

## **CONCLUSION**

Council acknowledges the concern of the Mirboo North community in relation to the continued provision of child care services in the town.

Council has worked closely with the community, DEECD and the Uniting Church to find an alternate provider for St Andrews Child Care service.

Council will continue to work with the community to find a solution with the aim of continuing child care services in Mirboo beyond 28 February 2014.

## **RECOMMENDATION**

That Council:

1. Note receipt of the petition and desire for Council to assist in retaining childcare provision in Mirboo North;
2. Inform the petition author that the petition has been considered by Council; and
3. Inform the petition author of the outcome of the Expression of Interest and related Council Report tabled at the 18 December 2013 Council Meeting.

## **Staff disclosure of interest**

Nil

**MOVED: Cr Davies**

**SECONDED: Cr Hill**

## **THAT COUNCIL:**

1. **NOTE RECEIPT OF THE PETITION AND DESIRE FOR COUNCIL TO ASSIST IN RETAINING CHILDCARE PROVISION IN MIRBOO NORTH;**
2. **INFORM THE PETITION AUTHOR THAT THE PETITION HAS BEEN CONSIDERED BY COUNCIL; AND**
3. **INFORM THE PETITION AUTHOR OF THE OUTCOME OF THE EXPRESSION OF INTEREST AND RELATED COUNCIL REPORT TABLED AT THE 18 DECEMBER 2013 COUNCIL MEETING.**

**CARRIED UNANIMOUSLY**

### **E.3 COUNCIL MEETING TIMETABLE 2014**

Corporate Services Directorate

#### **EXECUTIVE SUMMARY**

Council holds Ordinary Meetings of Council at which the general business of Council may be transacted. The dates and times of these meetings are usually set by Council in December each year.

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

*Nil*

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

- Local Government Act 1989 - Sections 83, 84 and 89
- Local Law No.3 2010 Processes for Municipal Government (Meeting Procedure and Common Seal) – Clause 8

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

## **CONSULTATION**

Following the Council Election 27 October 2012, Council informally reviewed the structure of its Council Meeting and Briefing Schedule. Through this it was agreed to continue with the previous practice of holding the following meetings each month (with the exception of January).

- 1st Wednesday of each month: Strategic Briefing Day
- 3rd Wednesday of each month: Public Presentation Day
- 4th Wednesday of each month: Council Meeting Day

A formal review of Council's Public Presentation schedule was also conducted and considered by Council at its Ordinary Council Meeting 26 June 2013. Council resolved to continue with the previous practice of holding public presentation sessions on the third Wednesday of each month at 2pm and 7pm (by appointment) and on Council Meeting Day on the fourth Wednesday of each month at 10am.

Following these reviews, a decision was implemented to utilise the second Wednesday of each month to hold Council's Strategic Committee meetings.

Further, it should be noted that following a Council Resolution on 24 July 2013, that Council Staff are currently in discussions with Secondary Colleges within our Shire to determine interest and capability to potentially host a Council Meeting in 2014. A Council Report will be presented in February 2014 with the outcomes and recommendations for schools to host a Council Meeting.

## **REPORT**

### **Background**

Council is required by Local Law No.3 2010 (Clause 8) to fix the time, date and place of all Council Meetings and provide reasonable notice to the public. Council publishes notice of Council Meetings (both Ordinary and Special) in Council's Notice Board section of local newspapers.

It is proposed to hold the first Council Meeting for 2014 on Wednesday 27 February 2014 and from then generally the fourth Wednesday of each month for the remainder of the year excluding December and April, where the meeting will be held on the third Wednesday. The scheduled meetings will commence at 2pm and be held in the Council Chambers, Leongatha.

Council business will continue unimpeded throughout January 2014 given the extensive delegations already provided to the Chief Executive Officer and the right of the Mayor or three Councillors to call a Meeting of Council if a situation emerged that warranted a Special Meeting.

## **FINANCIAL CONSIDERATIONS**

Costs associated with holding Council Meetings and Public Presentation Days are covered with existing budgets.

Additional costs are incurred when Council holds Council Meetings off site.

## **RISK FACTORS**

The timely determination of Council Meeting dates ensures the smooth transaction of Council business.

## **CONCLUSION**

It is recommended that the Ordinary Council Meetings for 2014 be scheduled as detailed in the Recommendation below.

## **RECOMMENDATION**

That Council:

1. Set the Ordinary Council Meetings in 2014 to be held in the Council Chambers, Leongatha on the following dates and times:
  - 26 February 2014, 2pm
  - 26 March 2014, 2pm
  - 16 April 2014, 2pm
  - 28 May 2014, 2pm
  - 25 June 2014, 2pm
  - 23 July 2014, 2pm
  - 27 August 2014, 2pm
  - 24 September 2014, 2pm
  - 22 October 2014, 2pm
  - 26 November 2014, 2pm
  - 17 December 2014, 2pm
2. Authorise the Chief Executive Officer to change the meeting location should a meeting location warrant amendment, due to the character of business, availability of the Council Chambers, or if Council resolves to host a Council Meeting at a Secondary College; and

3. Provide reasonable notice to the public via local newspapers and Council's website should a change in Meeting location warrant amendment.

### **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Kennedy**

**SECONDED: Cr McEwen**

### **THAT COUNCIL:**

1. **SET THE ORDINARY COUNCIL MEETINGS IN 2014 TO BE HELD IN THE COUNCIL CHAMBERS, LEONGATHA ON THE FOLLOWING DATES AND TIMES:**

**26 FEBRUARY 2014, 2PM**

**19 MARCH 2014, 2PM**

**16 APRIL 2014, 2PM**

**28 MAY 2014, 2PM**

**25 JUNE 2014, 2PM**

**23 JULY 2014, 2PM**

**27 AUGUST 2014, 2PM**

**24 SEPTEMBER 2014, 2PM**

**22 OCTOBER 2014, 2PM**

**26 NOVEMBER 2014, 2PM**

**17 DECEMBER 2014, 2PM**

2. **AUTHORISE THE CHIEF EXECUTIVE OFFICER TO CHANGE THE MEETING LOCATION SHOULD A MEETING LOCATION WARRANT AMENDMENT, DUE TO THE CHARACTER OF BUSINESS, AVAILABILITY OF THE COUNCIL CHAMBERS, OR IF COUNCIL RESOLVES TO HOST A COUNCIL MEETING AT A SECONDARY COLLEGE; AND**

3. **PROVIDE REASONABLE NOTICE TO THE PUBLIC VIA LOCAL NEWSPAPERS AND COUNCIL'S WEBSITE SHOULD A CHANGE IN MEETING LOCATION WARRANT AMENDMENT.**

**CARRIED UNANIMOUSLY**

#### **E.4 PLANNING SCHEME AMENDMENT C52 REZONE FARM ZONE TO RESIDENTIAL 1 ZONE KORUMBURRA - SPLIT AMENDMENT INTO 2 PARTS AND ADOPT PART 1**

Development Services Directorate

##### **EXECUTIVE SUMMARY**

This report seeks to split Planning Scheme Amendment C52, 57 - 113 Jumbunna Road Korumburra, into two Parts and for Council to adopt Part 1 (**Attachment 1**). The amendment seeks to rezone land from Farming Zone to Residential 1 Zone, apply Development Plan Overlay Schedule 7 (**Attachment 2**) and remove the Environmental Significance Overlay Schedule 5 (Land Susceptible to Erosion) from the land.

Part 1 of the amendment will complete the process East of Sommers Crescent and proposes reconsidering the remainder at the February 2014 Council Meeting.

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

- **Attachment 1** - Map showing area of rezoning
- **Attachment 2** - Development Plan Overlay Schedule 7 - Jumbunna Road - Korumburra
- **Appendix 1**: Panel Report - South Gippsland Planning Scheme Amendments C52, C66, C70 and C71
- **Appendix 2**: Council Minutes 19 December 2012

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

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

Planning and Environment Act 1987

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



## **CONSULTATION**

Consultation was undertaken in accordance with statutory requirements. The Planning Scheme Amendment has been formally exhibited for a period of 4 weeks and submissions were all heard by an Independent Planning Panel which sat at Korumburra for 3 days in September 2012 and provided its Report in November 2012 (**Appendix 1**).

## **REPORT**

### **Background**

Part 1 and Part 2 of the amendment proposes to rezone approximately 18.7ha of land from Farm Zone to Residential 1 Zone, remove the Environmental Significance Overlay Schedule 5 Land Susceptible to Erosion from the land and place Development Plan Overlay Schedule 7 Jumbunna Road - Korumburra across the development area.

This amendment was considered by Council at its 19 December 2012 Meeting (**Appendix 2**) where Council resolved to seek an extension of 12 months to 'enable completion of strategic work on development contributions and neighbourhood character as recommended by the Panel to serve the public interest and to ensure a just and fair process'.

### **Discussion**

Developer contributions have successfully been resolved with the land owner of the area shown as Part 1 of the Amendment and seek to 'split' the amendment into 2 parts to allow Part 1 to be rezoned.

Negotiations have not yet been successful with the rezoning proponent for Part 2 and therefore it is recommended not to proceed with rezoning this area until agreement is reached.

The Panel supports Amendments C52 with minor changes which are incorporated into the recommended Development Plan Overlay Schedule 7. The residential character aspects will now be considered by the Residential Zones Review Project.

### **Options**

Council previously considered the merits of this amendment and sought a period of time to resolve the developer contribution arrangements. This matter has been resolved with respect to Part 1 and Council may now consider adopting Part 1 of the amendment.

Council has the option of approving or abandoning Part 2 of the Amendment.

It is recommended that Council seek a further extension from the Minister until June 2014 to continue discussions with the proponent and land owner

and bring a recommendation to either approve or abandon the amendment to its July 2014 meeting.

### **Proposal**

It is proposed that Council split Planning Scheme Amendment C52 into Parts 1 and 2 and adopt Part 1.

### **FINANCIAL CONSIDERATIONS**

All financial costs associated with the Amendment have been met by the landowners.

If Council were to adopt Part 2 as well, it is unlikely to be able to obtain development contributions from this landowner without a Section 173 Agreement and the landowner has been reluctant to date.

### **RISK FACTORS**

If Council does not approve the amendment there is a risk that residential development will be constrained in Korumburra thereby affecting potential growth and development opportunities.

### **CONCLUSION**

With the successful resolution to Development Contributions it is recommended that Council Adopt Part 1 of Planning Scheme Amendment C52.

### **RECOMMENDATION**

That Council:

1. Split Planning Scheme Amendment C52 into 2 Parts as shown in Attachment 1.
2. Amend Development Plan Overlay Schedule 7 as recommended by the Independent Planning Panel.
3. Adopt Part 1 of Planning Scheme Amendment C52 and submit the Amendment to the Minister for Planning for approval.
4. Seek an extension until June 2014 from the Minister for Planning to determine Part 2 of the Amendment.

### **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Hutchinson-Brooks**

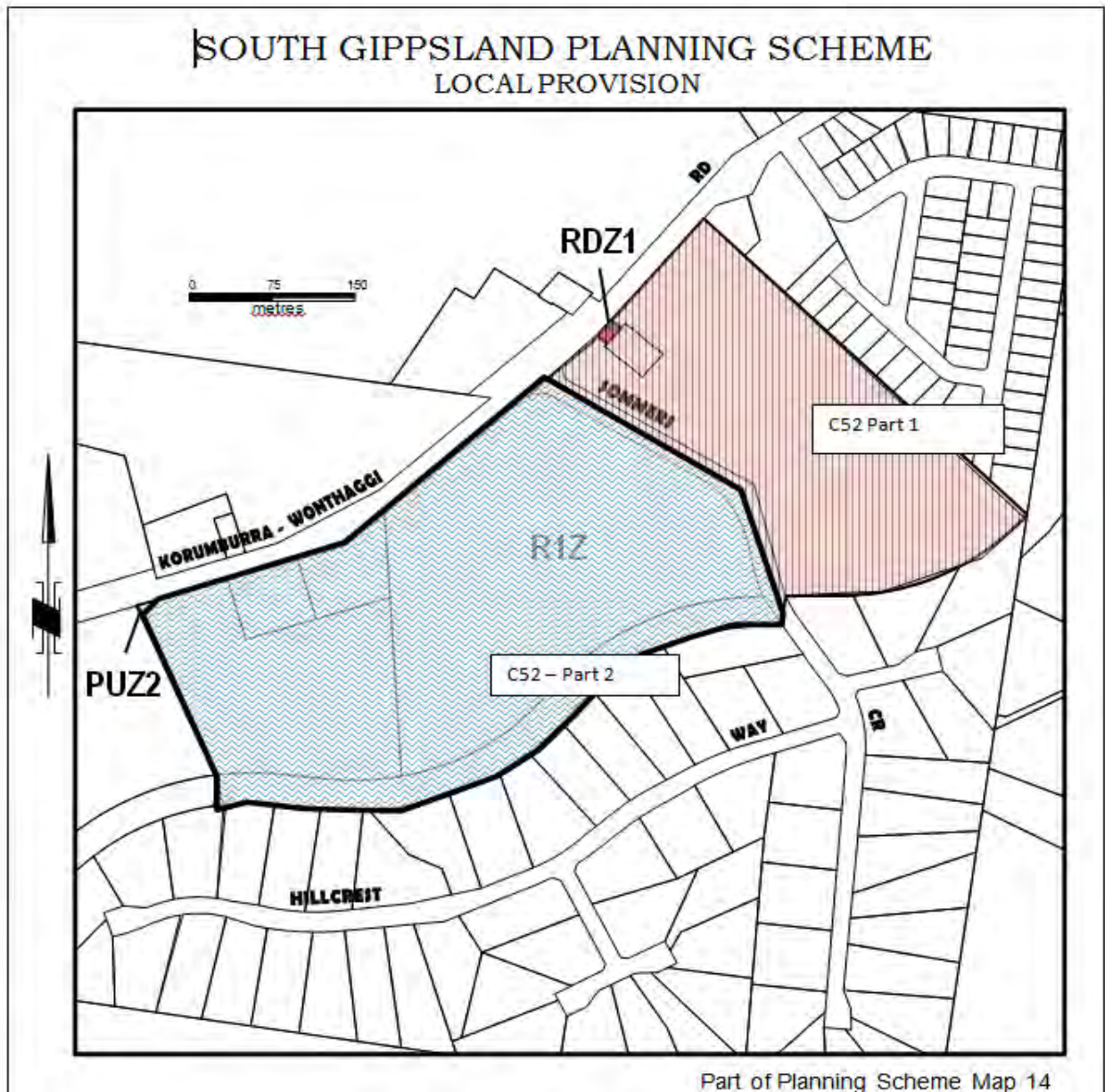
**SECONDED: Cr Newton**

**THAT COUNCIL:**

- 1. SPLIT PLANNING SCHEME AMENDMENT C52 INTO 2 PARTS AS SHOWN IN ATTACHMENT 1.**
- 2. AMEND DEVELOPMENT PLAN OVERLAY SCHEDULE 7 AS RECOMMENDED BY THE INDEPENDENT PLANNING PANEL.**
- 3. ADOPT PART 1 OF PLANNING SCHEME AMENDMENT C52 AND SUBMIT THE AMENDMENT TO THE MINISTER FOR PLANNING FOR APPROVAL.**
- 4. SEEK AN EXTENSION UNTIL JUNE 2014 FROM THE MINISTER FOR PLANNING TO DETERMINE PART 2 OF THE AMENDMENT.**

**CARRIED UNANIMOUSLY**

**Attachment 1**  
**Map showing area of rezoning**



## Attachment 2 Development Plan Overlay Schedule 7 - Jumbunna Road – Korumburra

SOUTH GIPPSLAND PLANNING SCHEME

**SCHEDULE 7 TO THE DEVELOPMENT PLAN OVERLAY**

Shown on the planning scheme map as **DPO7**

**JUMBUNNA ROAD RESIDENTIAL AREA**

**1.0 Requirement before a permit is granted**

A permit may be granted before a development plan has been prepared to the satisfaction of the Responsible Authority for the following:

- A minor extension, minor addition or minor modification to an existing development that does not prejudice the future orderly development of the general area affected by the Development Plan Overlay to the satisfaction of the Responsible Authority
- Buildings and works associated with the Jumbunna Road bus depot provided the buildings and works are contained within the established development footprint or immediate surrounds to the satisfaction of the Responsible Authority
- The use and development of land for agriculture provided it is minor in nature and does not prejudice the future residential use and development of the land, or the residential amenity of surrounding areas.
- The use, development & subdivision of land by a public authority or utility provider.

**2.0 Conditions and requirements for permits**

Before deciding on an application to subdivide land, construct buildings, or carry out works, the Responsible Authority must consider, as appropriate:

- Whether the development of the land is occurring in an efficient and orderly manner having regard to essential services, community facilities, open space and roads.
- The potential for future re-subdivision.
- The interface between proposed and existing nearby developments, to reduce the chance of conflicting developments, including in relation to the Bus Depot site.
- The need to minimise access points to Jumbunna Road.
- The design of any proposed buildings to enhance and reinforce the character of the area.
- The timing and staging of the development of the land.
- The consistency of the proposed development with the approved development plan.
- The consistency of the proposed development with the adopted Korumburra Structure Plan, where relevant.
- Any other matter, as deemed appropriate by the Responsible Authority, which the development plan should take account of based on the specific character of the land.
- The requirement for building envelopes, agreements or covenants to be registered on newly created titles to achieve the lot development restrictions set out in the development plan.
- An assessment against the requirements of Clause 56 of the South Gippsland Planning Scheme.

Page Break

SOUTH GIPPSLAND PLANNING SCHEME

SOUTH GIPPSLAND PLANNING SCHEME

Development and community infrastructure

Prior to the issuing of a Statement of Compliance (or otherwise agreed to in writing by the Responsible Authority), the landowners may enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 or other mechanisms approved by Council. Any such agreement should make provision for contributions to be made by the owners towards the provision of development and community infrastructure on public land (including the provision of land and/or the payment of financial levies) required as a consequence of the subdivision of the land.

Bus Depot development requirements

Any planning permit which creates residential lots or approves a sensitive use in the DPO7 area within 50 metres of the Jumbunna Road bus depot site may include a condition to restrict (through an appropriate restriction on title) the use of these lots for dwellings or other sensitive uses until such time as the bus depot is no longer in operation and its existing use rights are expired.

The following requirement applies to the use or development of the Jumbunna Road bus depot site:

- Before a sensitive use (e.g. residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:
  - → A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
  - → An environmental auditor appointed under the Environment Protection Act 1979 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

Fencing requirement

A planning permit which creates residential lots adjoining land in the Low Density Residential Zone or Lot 1 LP134693 or Lot 3 LP135303 must include a condition requiring fencing along the boundary of these lots. Fencing must be a minimum 1.8m high solid fence to be provided at the developer's expense and constructed prior to the issue of Statement of Compliance for the subdivision of the land.

**3.0 → Requirements for development plan**

→/20-  
C52

The development plan must be prepared to the satisfaction of the Responsible Authority.

The development plan may be approved in stages. Each development plan stage must represent a logical land development unit bounded by roads, natural features or the boundaries of the Development Plan Overlay map area.

The development plan must show / provide:

**→ Land-use and subdivision layout**

- → The proposed boundaries of the development area, and provide the strategic justification for those boundaries.
- → The overall subdivision of the area, including where possible, the proposed size and density of allotments which provide opportunities for a diverse range of housing types.



SOUTH GIPPSLAND PLANNING SCHEME¶

- → The provision of a sensitive residential interface with adjoining residential land and the school. Lots directly adjoining the Low Density Residential Zone (LDRZ) should have a minimum rear boundary width at the LDRZ boundary of an average of 20m and not less than 18 metres, and avoid (where possible) the creation of more than 2 new lots directly adjoining each established LDRZ lots. Buildings must be setback a minimum of 7m from the zone boundary.¶
- → For lots with a primary frontage to Jumbunna Road and Sommers Crescent provide:¶
  - → Minimum lot frontage of 18m¶
  - → Minimum building front setback of 7m¶
- → The provisions of a 2.5m wide reserve (unencumbered by landscaping or development) adjoining the southern side of Jumbunna Road to facilitate future widening of the shared pedestrian footpath to the school.¶
- → A street networks that limits the creation of new road access points onto Jumbunna Road and support building frontages with two way surveillance.¶
- → The overall pattern of development of the area, including any proposed re-zoning of land and proposed land uses.¶

→ **Earthworks and Land Form¶**

- → Where steeply sloping land exists on the site, the development plan shall detail how the proposed design responds to the topography and contours of the land and whether significant earthworks are likely to be required for subdivisions to ensure good development design outcomes are achieved. Where land exceeds a slope of 15% a geotechnical report must be prepared by an appropriately qualified person demonstrating the suitability of the land for development.¶

The report must provide sufficient detail to ensure environmental, access and amenity issues are appropriately addressed. The report should detail whether building envelopes or other controls are likely to be required at the subdivision stage.¶

→ **Infrastructure Services¶**

- → An integrated stormwater and flood management plan that incorporates water sensitive urban design techniques which provides for the protection of natural systems, integration of stormwater treatment into the landscape, improved water quality, and reduction and mitigation of run-off and peak flows, including consideration of downstream impacts.¶
- → A comprehensive Traffic Impact Assessment prepared to the satisfaction of the Responsible Authority, in consultation with the Roads Corporation, that identifies the pattern and location of the major arterial road network of the area including existing roads and the location and details of any required:¶
  - → road widening¶
  - → signalised/unsignalised intersections¶
  - → access points¶
  - → pedestrian crossings or safe refuges¶
  - → cycle lanes¶
  - → bus lanes and stops¶
- → The pattern and location of any internal road system based on a safe and practical hierarchy of roads including safe pedestrian and bicycle connections and crossing points in accordance with South Gippsland Paths and Trails Strategy 2010 (as

SOUTH GIPPSLAND PLANNING SCHEME

amended) and South Gippsland Open Space Strategy 2007 (as amended). The internal road network must specifically provide for:

→ A continuous road / pedestrian link from Prudence Close, across Sommers Crescent and through Lot 4 LP135303 to an exit point onto Jumbunna Road between the school and Lot 1 LP134693.

→ The potential for internal road connectivity to the existing dwelling lots that have potential for further subdivision.

→ In consultation with relevant agencies and authorities, provision of public transport stops where appropriate within easy walking distance to residential dwellings and key destinations. Stops should also be located near active areas where possible.

→ Identification of costs for infrastructure provision both onsite and offsite.

→ **Open Space and Landscaping**

→ The location and size of the proposed open spaces that cater for a range of user groups and provide a variety of functions that perform both an active and passive role for recreation, as appropriate.

→ Public open spaces designed to provide:

→ The inclusion of pedestrian and cycle paths and play equipment, that encourage active recreational opportunities.

→ Opportunities for visual surveillance to promote safety of users, through encouraging active frontages, using buildings to frame public spaces and locating open spaces within or adjacent to activity centres where possible.

→ A landscaping plan, prepared by a suitably qualified person, identifying all proposed landscaping with particular regard to the interface with surrounding residential developments, open spaces, the bus depot, roads and the school. The landscape plan must include canopy tree plantings within both the internal and external road network to soften the visual impact of new development when viewed from within and outside the development area. The landscape plan must provide a high level of detail where new development is to adjoin Jumbunna Road, Sommers Crescent and new Connector Streets especially in areas where new development is inward facing and not addressing the road.

→ **Flora and Fauna**

→ In consultation with the Department of Environment and Primary Industries, a flora and fauna survey, prepared by a suitably qualified expert which includes but is not limited to species surveys for the Gippsland Giant Earthworm, and measures required to protect the identified species.

→ An assessment of any native vegetation to be removed having regard to Victoria's native vegetation management requirements, including how it is proposed to protect and manage any appropriate native vegetation.

→ Regard must be had to the West Gippsland Native Vegetation Plan 2003. (as amended)

→ **Cultural Heritage**

→ A cultural heritage assessment including how cultural heritage values will be managed.

**Land Contamination**

An investigation by an appropriately qualified person of the potential location and forms of land contamination resulting from previous land uses, as well as measures to address



SOUTH GIPPSLAND PLANNING SCHEME

contamination in areas where sensitive land uses are proposed. The investigation must consider, but not be limited to, agricultural chemical use, informal land dumping, industrial & mining activities and former railway use.

→ **Process and Outcomes**

The development plan should be prepared with an appropriate level of community participation as determined by the Responsible Authority.

An implementation plan must be submitted as part of the development plan, indicating the proposed staging of the development and timing of infrastructure provision.

The approved development plan may be amended to the satisfaction of the Responsible Authority.

¶

-/-20-  
C52

**Decision guidelines for development plan**

Before deciding on a development plan, the Responsible Authority must be satisfied that the plan has regard to the following information:

- → National Heart Foundation of Australia (Victorian Division) 2012, Healthy by Design: a planners' guide to environments for active living®, National Heart Foundation of Australia (Victorian Division) or as amended;
- → South Gippsland Path and Trails Strategy 2010 (as amended);
- → South Gippsland Open Space Strategy 2007 (as amended);
- → Korumburra Structure Plan 2010 (as amended)

**E.5 PLANNING SCHEME AMENDMENT C96 - REZONING AND DEVELOPMENT PLAN OVERLAY AT 35-65 KORUMBURRA - WARRAGUL ROAD, KORUMBURRA**

Development Services Directorate

**EXECUTIVE SUMMARY**

Planning Scheme Amendment C96 at 35- 65 Korumburra-Warragul Road Korumburra, proposes to rezone approximately 3ha of the subject land from Farm Zone (FZ) to the General Residential Zone (GRZ) (formerly Residential 1 Zone), remove the Environmental Significance Overlay - Schedule 5 - Areas Susceptible to Erosion (ESO5) from the rezoning area and apply Development Plan Overlay Schedule 9 (DPO9) to the wider 27ha site to guide its future development including approximately 0.85ha of existing Residential 1 Zoned (R1Z) land.

It is recommended that Council seek authorisation to prepare Planning Scheme Amendment C96, exhibit Amendment C96 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** - Rezoning map and Overlay maps
- **Attachment 2** - Draft Development Plan Overlay
- **Attachment 3** - Draft explanatory report

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

- Planning and Environment Act 1987, (The Act)
- Planning Practice Note 78 - Applying the Residential Zones (July 2013)

**COUNCIL PLAN**

Outcome:	2	Closely Connected Communities
Objective:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development.
Strategy No:	3.1.2	We will collaborate with other agencies and service providers to focus attention on growth areas and avoid duplication of services.
Strategy No:	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.

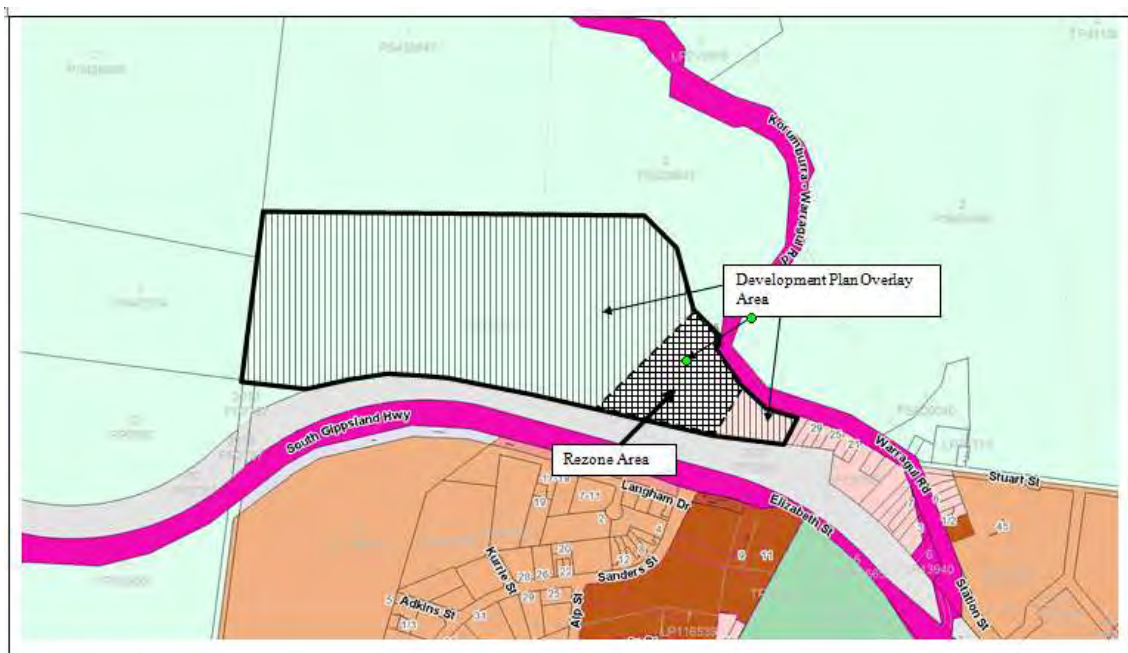
## CONSULTATION

The public will be notified by a public notice in local newspapers and letters to adjacent landowners as detailed in the Planning and Environment Act (1987) for a minimum of 28 days to commence in January 2014.

## REPORT

### Background

The land at 35 Korumburra-Warragul Road, Korumburra (Lot 1 TP119384D) is zoned R1Z and is not affected by any Overlays. The land at 65 Korumburra-Warragul Road, Korumburra (Lot 3 PS439847Q) is zoned FZ and is affected by the ESO5.



**Figure 1: Site and subject land. 35-65 Korumburra-Warragul Road, Korumburra**

### Discussion

The purpose of Amendment C96 is to recognise the use of the land for residential development in accordance with the Korumburra Framework Plan introduced into the Planning Scheme by Amendment C70. This Amendment will assist in ensuring diverse residential land supply in Korumburra.

The Amendment will rezone approximately 0.85ha of R1Z land at 35 Korumburra-Warragul Road to GRZ and will rezone approximately 3ha of the FZ land at 65 Korumburra-Warragul Road to GRZ. The ESO5 will be removed from the areas covered by the GRZ and the DPO will be applied to the wider 27ha of the land, including the balance of 65 Korumburra-Warragul Road that will remain in the FZ.

This FZ land is identified for 'future urban residential' rezoning in the Korumburra Framework Plan however the proponent is not intending to rezone this land at present. It is likely that the balance of the land will be developed for rural residential due to the topographical and site constraints such as designated waterways and identified Giant Gippsland Earthworm habitat.

The Development Plan Overlay will facilitate the orderly and efficient assessment and development of the whole of the land to guide future subdivision and to ensure the adequate provision of infrastructure such as roads, stormwater and public open space. It is also intended to protect environmental values such as waterways, flora and fauna and cultural heritage.

The proponent has approached VicRoads and has reached in principle agreement regarding a new intersection treatment with Korumburra-Warragul Road at the their expense.

Council and the proponent will enter into a Section 173 Agreement under the Act in order to levy Developer Contributions toward the provision of offsite community infrastructure in a fair, equitable and timely manner. As a result of this proposal a footpath will be constructed using some of the funds under the s173 arrangement along the southern side of Korumburra - Warragul Road to the eastern boundary of 35 Korumburra - Warragul Road to provide pedestrian connectivity into town at the time of subdivision.

### **Proposal**

It is proposed to seek authorisation from the Minister for Planning to prepare Planning Scheme Amendment C96 to rezone Lot 1 TP119384D and Lot 3 PS439847Q as per Attachments 1 to 3. Once authorised, C96 will be put on public exhibition for a period of at least 4 weeks. 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 minimal financial implications to Council in the short term. Council will meet the cost for the preparation of the Section 173 Agreement and the costs associated with execution and registration of the agreement will be paid by the proponent.

The amendment fees and Independent Planning Panel costs (if a Panel is required) will be paid by the proponent.

### **RISK FACTORS**

There are no significant risk factors associated with Amendment C96 proceeding.

## **CONCLUSION**

Implementation of the rezoned area and a Development Plan Overlay, at 35-65 Korumburra-Warragul Road Korumburra, into the South Gippsland Planning Scheme will ensure sufficient land supply is available and provide better direction on managing and promoting residential development in this area.

It is recommended that Council request that the Minister for Planning authorise the preparation of a planning scheme amendment to amend the zoning maps for Korumburra and introduce Development Plan Overlay Schedule 9.

## **RECOMMENDATION**

That Council:

1. Request that the Minister for Planning authorise the preparation of a planning scheme amendment to:
  - a. Rezone the area shown in Attachment 2 from Residential 1 Zone and Farm Zone to General Residential Zone,
  - b. Remove part of the Environmental Significance Overlay - Schedule 5 - Areas Susceptible to Erosion, and
  - c. Implement Development Plan Overlay Schedule 9 over the land.
2. Exhibit Planning Scheme Amendment C96 in accordance with the normal requirements of the Act.
3. Request the Minister for Planning to convene a Planning Panel to hear any objections to Amendment C96 that cannot be mediated.

## **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Newton**

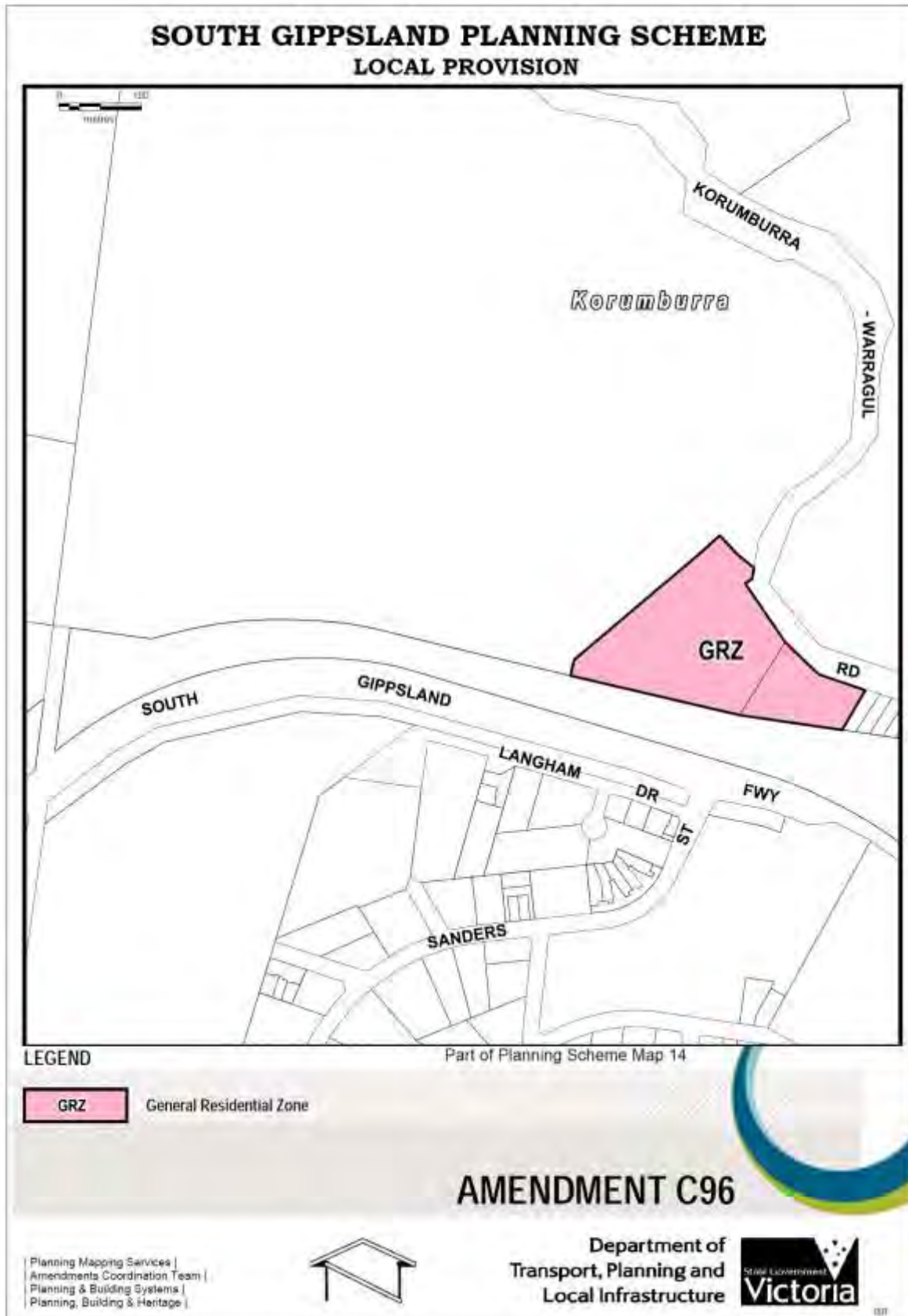
**SECONDED: Cr McEwen**

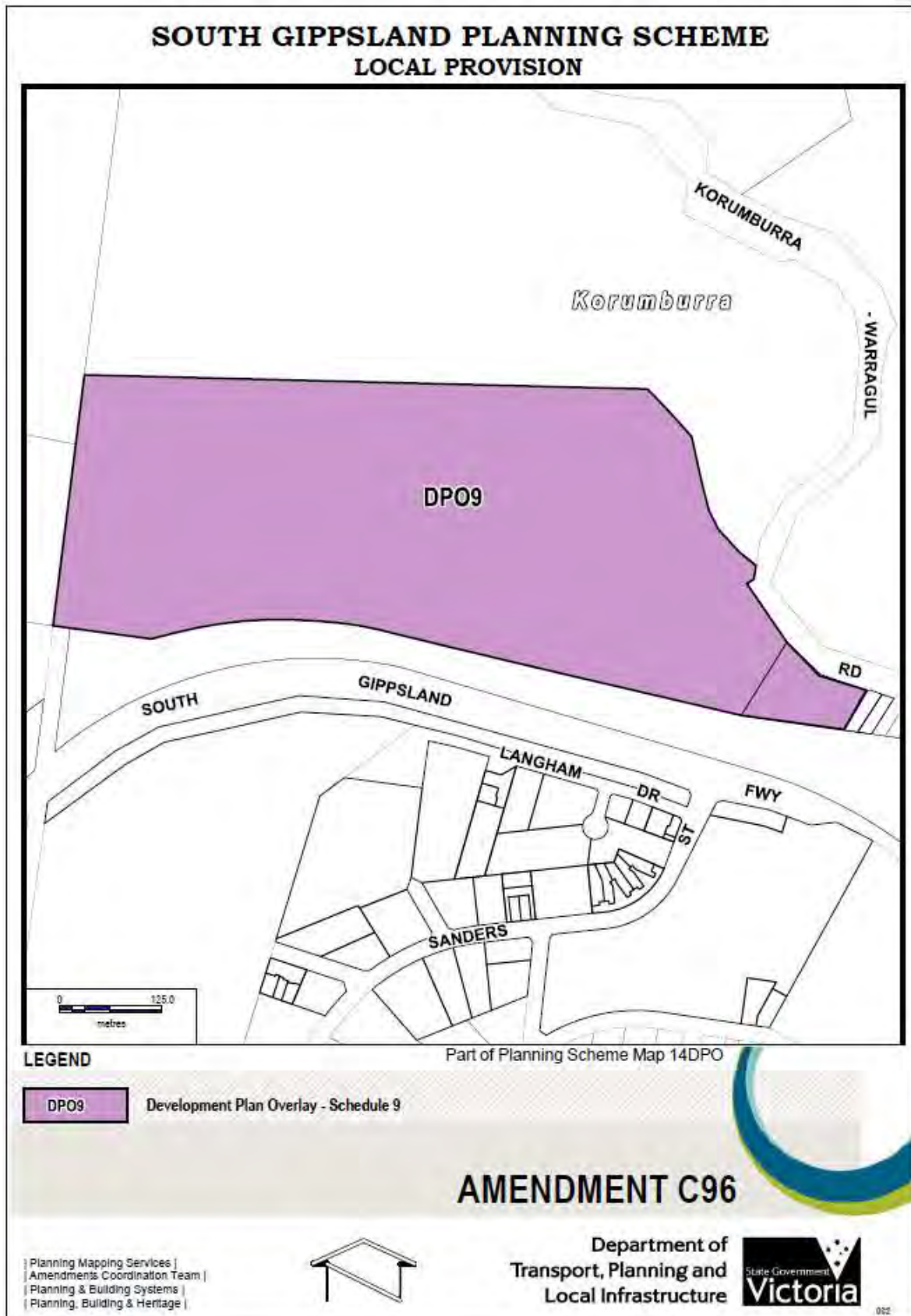
**THAT COUNCIL:**

- 1. REQUEST THAT THE MINISTER FOR PLANNING AUTHORISE THE PREPARATION OF A PLANNING SCHEME AMENDMENT TO:
  - a. REZONE THE AREA SHOWN IN ATTACHMENT 2 FROM RESIDENTIAL 1 ZONE AND FARM ZONE TO GENERAL RESIDENTIAL ZONE,**
  - b. REMOVE PART OF THE ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 5 - AREAS SUSCEPTIBLE TO EROSION, AND**
  - c. IMPLEMENT DEVELOPMENT PLAN OVERLAY SCHEDULE 9 OVER THE LAND.****
- 2. EXHIBIT PLANNING SCHEME AMENDMENT C96 IN ACCORDANCE WITH THE NORMAL REQUIREMENTS OF THE ACT.**
- 3. REQUEST THE MINISTER FOR PLANNING TO CONVENE A PLANNING PANEL TO HEAR ANY OBJECTIONS TO AMENDMENT C96 THAT CANNOT BE MEDIATED.**

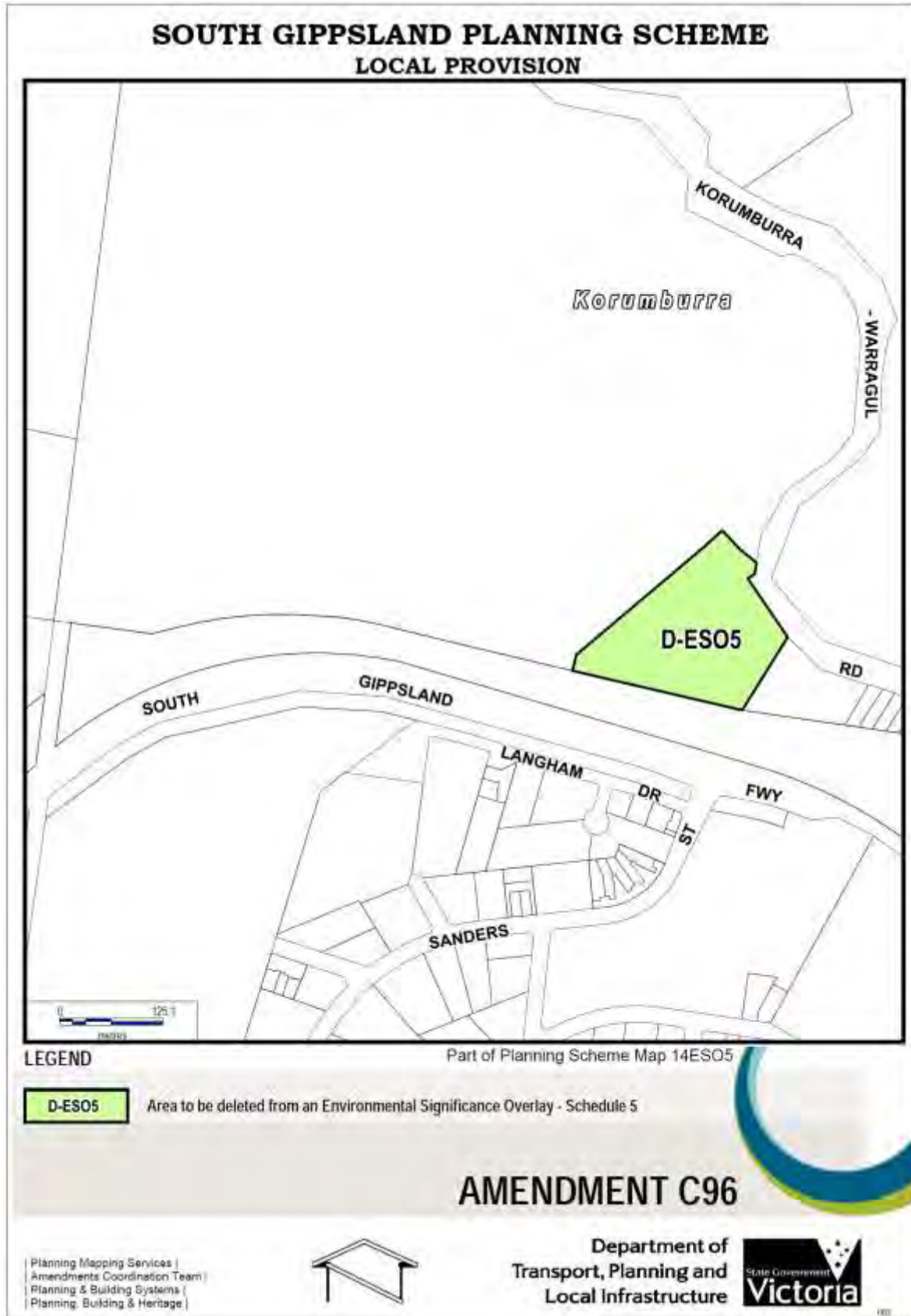
**CARRIED UNANIMOUSLY**

**Attachment 1**  
**Rezoning map and Overlay maps**









## Attachment 2 Draft Development Plan Overlay

### SOUTH GIPPSLAND PLANNING SCHEME

#### SCHEDULE 9 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO9**

#### RESIDENTIAL GROWTH AREA (NORTH WEST KORUMBURRA)

##### 1.0 Requirement before a permit is granted

A permit may be granted before a Development Plan has been prepared to the satisfaction of the Responsible Authority for the following:

- A minor extension, minor addition or minor modification to an existing development that does not prejudice the future orderly development of the general area affected by the Development Plan Overlay.

##### 2.0 Conditions and requirements for permits

Before deciding on an application to subdivide land, construct buildings, or carry out works, the Responsible Authority must consider, as appropriate:

- Whether the development of the land is occurring in an orderly manner having regard to essential services, community facilities, open space and roads.
- The potential for future re-subdivision.
- The interface between proposed and existing nearby developments.
- The need to minimise access points to Korumburra – Warragul Road.
- The timing and staging of the development of the land.
- The consistency of the proposed development with the approved Development Plan(s).
- The consistency of the proposed development with the adopted Korumburra Structure Plans, where relevant.
- Any other matter, as deemed appropriate by the Responsible Authority, which the Development Plan(s) should take account of based on the specific character of the land.
- The requirement for building envelopes, agreements or covenants to be registered on newly created titles to ensure consistency with the approved Development Plan(s).
- An assessment against the requirements of Clause 56 of the South Gippsland Planning Scheme.

##### 3.0 Requirements for Development Plan

A Development Plan must be prepared to the satisfaction of the Responsible Authority.

A Development Plan may be prepared and implemented in stages to the satisfaction of the Responsible Authority.

The plan must show:

###### Land use and subdivision

- Interface with future Low Density Residential Zoned land and existing residential land.
- Any noise mitigation requirements associated with proximity to the South Gippsland Highway and Korumburra - Warragul Road.
- The proposed boundaries and stages of the development area, and provide the strategic justification for those boundaries.
- The overall subdivision of the area, including where possible, the proposed size and density of allotments which provide opportunities for a diverse range of housing types.
- The overall pattern of development of the area, including any proposed re-zoning of land and proposed land uses.
- Street networks that support building frontages with two way surveillance.
- Street network that:
  - Limits the creation of new road access points onto Korumburra - Warragul Road and support building frontages with two way surveillance.

#### SOUTH GIPPSLAND PLANNING SCHEME

- A staging plan that demonstrates an efficient and orderly provision of infrastructure and services.
- An accessible and integrated network of walking and cycling routes for safe and convenient travel to adjoining communities (including existing and future areas included in the Development Plan Overlay), local destinations or points of local interest, activity centres, community hubs, open spaces and public transport.

#### Waterways

- A buffer zone based on the 100 year flood extent must be set aside for ecological purposes around appropriate waterways.

#### Earthworks and Land Form

- Where steeply sloping land exists on the site, the Development Plan shall detail how the proposed design responds to the topography and contours of the land and whether significant earthworks are likely to be required for subdivisions to ensure good development design outcomes are achieved. Where land exceeds a slope of 15% a geotechnical report must be prepared by an appropriately qualified person demonstrating the suitability of the land for development.

The report must provide sufficient detail to ensure environmental, access and amenity issues are appropriately addressed. The report should detail whether building envelopes or other controls are likely to be required at the subdivision stage.

#### Infrastructure Services

- An integrated Stormwater Management Plan that incorporates water sensitive urban design techniques which provides for the protection of natural systems, integration of stormwater treatment into the landscape, improved water quality, and reduction and mitigation of run-off and peak flows, including consideration of downstream impacts.

—A comprehensive Traffic Impact Assessment that identifies :-

- The pattern and location of the major arterial road network of the area including existing roads and the location and details of any required:

- ⓪ road widening
- ⓪ intersections
- ⓪ access points
- ⓪ pedestrian crossings or safe refuges
- ⓪ cycle lanes
- ⓪ bus lanes and stops

- The pattern and location of any internal road system based on a safe and practical hierarchy of roads including safe pedestrian and bicycle connections and crossing points in accordance with South Gippsland Paths and Trails Strategy 2010 (as amended) and South Gippsland Open Space Strategy 2007 (as amended).

- In consultation with relevant agencies and authorities, provision of public transport stops, where appropriate within easy walking distance to residential dwellings and key destinations. Stops should also be located near active areas, where possible.

- Identification of costs for infrastructure provision both onsite and offsite

- Consistency with Council's Infrastructure Design Manual

#### Open Space

- The location and size of the proposed open spaces that cater for a range of user groups and provide a variety of functions that perform both an active and passive role for recreation, as appropriate.

- The provision of public open space should implement any relevant objective, policy, strategy or plan (including any growth area precinct structure plan) for open space set out in this scheme.

- Public open spaces designed to provide:

- ⓪ A suitable and usable public open space area within 400 metres safe walking distance of at least 95 percent of all dwellings.
- ⓪ The inclusion of pedestrian and cycle paths and play equipment, that encourage active recreational opportunities.
- ⓪ Opportunities for visual surveillance to promote safety of users, through encouraging active



#### SOUTH GIPPSLAND PLANNING SCHEME

frontages, using buildings to frame public spaces and locating open spaces within or adjacent to activity centres where possible.

A Landscaping Plan, prepared by a suitably qualified person, identifying all proposed landscaping with particular regard to the interface with surrounding residential and industrial developments, open space and roads. The landscape plan must include canopy tree plantings within both the internal and external road network to soften the visual impact of new development when viewed from within and outside the development area. The Landscape Plan must provide a high level of detail where new development is adjoining existing development, especially in areas where new development is inward facing and not addressing the road and along pathways.

#### Flora and Fauna

- In consultation with the Department of Environment and Primary Industries, a Flora and Fauna Assessment, prepared by a suitably qualified expert(s), which includes but is not limited to species surveys for Gippsland Giant Earthworm, and measures required to protect the identified species.
- An assessment of any native vegetation to be removed having regard to Victoria's Native Vegetation Management: A Framework for Action, including how it is proposed to protect and manage any appropriate native vegetation.
- Regard must be had to the West Gippsland Native Vegetation Plan 2003 (as amended).
- Any management plan should take into account that the Strzelecki Bioregion is one of Victoria's most fragmented Bioregions and address this as a consideration.

#### Land Contamination

An investigation by an appropriately qualified person of the potential location and forms of land contamination resulting from previous land uses, as well as measures to address contamination in areas where sensitive land uses are proposed. The investigation must consider, but not be limited to, agricultural chemical use, informal land dumping, industrial & mining activities.

#### Cultural Heritage

- A Cultural Heritage Assessment including how cultural heritage values will be managed.

#### Process and Outcomes

The Development Plan should be prepared with an appropriate level of community to the satisfaction of the Responsible Authority

An Implementation Plan must be submitted as part of the development plan, indicating the proposed staging of the development and timing of infrastructure provision.

The approved Development Plan may be amended to the satisfaction of the Responsible Authority.

#### Provision of Infrastructure and Cost Apportionment

An appropriate mechanism to identify and apportion costs of land and services as development occurs whether this will be a Section 173 Agreement or alternative means.

#### Decision guidelines for a Development Plan

Before deciding on a Development Plan, the Responsible Authority must be satisfied that the plan has regard to the following information:

- Victoria's Native Vegetation Management: A Framework for Action 2002.
- National Heart Foundation of Australia (Victorian Division) 2012, Healthy by Design: a planners' guide to environments for active living®, National Heart Foundation of Australia (Victorian Division).
- Clause 56 of the South Gippsland Planning Scheme
- South Gippsland Path and Trails Strategy 2010 (as amended).
- South Gippsland Open Space Strategy 2007 (as amended).
- Korumburra Structure Plan 2012 (as amended).
- South Gippsland Shire Council Infrastructure Design Manual.

### **Attachment 3 Draft explanatory report**

*Planning and Environment Act 1987*

## **SOUTH GIPPSLAND PLANNING SCHEME**

### **AMENDMENT C96**

#### **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 the Mr and Mrs B and C O'Neill.

#### **Land affected by the amendment**

The amendment applies to 35 and 65 Korumburra-Warragul Road, Korumburra. The land at 35 Korumburra-Warragul Road, Korumburra (Lot 1 TP119384D) is currently zoned Residential 1 Zone (R1Z) and is not affected by any Overlays. The land at 65 Korumburra-Warragul Road, Korumburra (Lot 3 PS439847Q) is currently zoned Farming Zone (FZ) and is affected by the Environmental Significance Overlay - Schedule 5 - Areas Susceptible to Erosion.

#### **What the amendment does**

The amendment:

- Rezones all of the Residential 1 Zone (R1Z) land at 35 Korumburra-Warragul Road to General Residential Zone (GRZ)
- Rezone part of the Farming Zone (FZ) land at 65 Korumburra-Warragul Road to GRZ.
- Removes the ESO5 land from the areas to be rezoned GRZ.
- Applies the Development Plan Overlay Schedule 9 (DPO9) to the whole of the land, including the balance of 65 Korumburra-Warragul Road that will be retained in the FZ. The DPO will facilitate the orderly and efficient development of whole of the land, which is identified in the Korumburra Framework Plan as 'Urban Expansion Areas'. It is likely that the balance of the land will be developed for some form of Low Density Residential Zone (LDRZ) in future.

#### **Strategic assessment of the amendment**

##### **• Why is the amendment required?**

The amendment is required to facilitate the use and development of the land for residential development. Such development cannot be achieved on the portion of the land currently in the Farming Zone. The rezoning of the subject land is supported by the Korumburra Framework Plan and is identified in the 'Urban Expansion Areas'.

##### **• How does the amendment implement the objectives of planning in Victoria?**

The objectives of planning in Victoria are:

- a) to provide for the fair, orderly, economic and sustainable use and development of land;
- b) to provide for the protection of natural and man made resources and the maintenance of ecological processes and genetic diversity;
- c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;

- d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- e) to protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community;
- f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e); and
- g) to balance the present and future interests of all Victorians.

The amendment implements the objectives, in that:

It will provide for the orderly, economic and sustainable development of the land for residential purposes. The subject land is situated immediately adjacent to the existing residential development within Korumburra. It represents an appropriate and responsible expansion of the Korumburra residential area. It does not leap frog other parcels of land and allows for the integrated provision of services.

The rezoning will not have a detrimental effect on the manmade or natural processes associated with the land. The land is essentially cleared farm land with predominately introduced pasture. The few remaining native trees on the land can be successfully incorporated into the future development as appropriate.

The removal of the Environmental Significance Overlay Schedule 5 (Areas Susceptible to Erosion) is an inappropriate control for a residential area with erosion/land stability issues able to be considered in detail under the controls of the Development Plan Overlay and at time of subdivision.

The rezoning will provide the opportunity to create a pleasant, efficient and safe living environment within Korumburra.

There are no sites of scientific, aesthetic, architectural, historical or cultural significance or interest identified on the subject land.

It is anticipated that all relevant urban utilities can be extended to, or developed within the site as required. Vehicular access to the site can be provided from Korumburra-Warragul Road to the satisfaction of VicRoads.

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

**Environmental effects:**

The subject land is largely improved pasture land and has been extensively farmed for many years. There are numerous windbreaks located across the land which consist of non-native species that were planted. Remnant native vegetation is unaffected by the proposed amendment and can be appropriately protected within the future subdivision at the design stage.

The amendment has also considered the relevant strategies in clause 12.01-1 Protection of habitat in the State Planning Policy Framework. A small portion of the land is identified as potential habitat for the Giant Gippsland Earthworm, which is protected by the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* and *Victoria's Flora and Fauna Guarantee Act 1988 (FFG Act)*. The landowner will need to, where relevant, obtain approval under the EPBC Act and the FFG Act.

The Development Plan Overlay will ensure that: 1) approval of future subdivision is informed by a flora and fauna survey, and 2) appropriate mitigation measures are undertaken.

Development must accord with the provisions in the Development Plan Overlay and permit.



**Social and economic effects:**

The amendment will facilitate the development of the land for residential purposes. The scale of the proposal is such that good quality urban design is possible and practical.

It will help secure Korumburra as a prominent and desirable residential location in the Shire.

The subsequent development of the land will ensure continued growth and opportunity in the local domestic building industry.

The location of the site and existing road network provides opportunity to create pedestrian and cycle connections with the existing residential areas, local parks and town centre.

No adverse social impacts are considered likely as a result of the proposed rezoning.

The amendment will provide a net community benefit. It will encourage investment and growth in the residential sector and provide new housing opportunities in Korumburra.

• **Does the amendment address relevant bushfire risk?**

The land is not within the area of the Bushfire Management Overlay. The area is grazing land with minimal tree cover on the rezoned area or adjacent land. Development will be required to accord with relevant Building Standards and Country Fire Authority requirements. There is minimal bushfire risk associated with the area as it is outside the BMO area, largely free of vegetation and able to be serviced with reticulated water to manage and control any residential fire. Residential development of the land will require connection to the reticulated water system (town water) which will assist fire fighting.

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

The amendment has been prepared having regard to:

- Ministerial Direction No. 1 Potentially Contaminated Land – Preliminary assessment indicates that the application of an Environmental Audit Overlay (EAO) is not warranted. However, the DPO includes provision requiring further investigation before a subdivision of the land is approved.
- Ministers Direction No. 11 – Strategic Assessment of Amendments and is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

No other Ministerial Directions Apply.

• **How does the amendment support or implement the State Planning Policy Framework?**

The amendment implements or supports the SPPF, in particular:

**Clause 11.02 Urban Growth**

Clause 11.02-1 Supply of urban land states that:

- *“Ensure that sufficient land is available to meet forecast demand.”*
- *“Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur.”*

The amendment will ensure a sufficient supply of land is available for residential development in accordance with the above requirements. It is considered that the rezoning will provide sufficient residential land in conjunction with other developable

land in Korumburra until approximately 2030 based on current rates of growth. The proposed GRZ area would yield approximately 30 residential lots

- *“Restrict low-density rural residential development that would compromise future development at higher densities”.*

Rezoning the land to General Residential Zone will enable higher density residential development on the land and will assist in reducing pressure for rural residential development on the outskirts of Korumburra. Applying the Development Plan Overlay will guide future potential development of the balance of the land for Low Density Residential purposes given the topographical constraints of the balance of the land. The LDRZ would be appropriate to the balance of the land because the land constraints make GRZ unsuitable for the land. Also, applying the LDRZ in the future will not limit the township's growth as the land further to the west is too steep for any use other than agriculture. The landowner does not intend to rezone the balance land as part of this amendment.

#### **Clause 14 Natural Resource Management**

Clause 14.02-1 *‘Catchment planning and management’* seeks to:

- *“To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.”*

A small section of the land appears to be affected by the Tarwin River Catchment Gazette map; however, this is a mapping anomaly and water from the land does not drain into the Tarwin River. The land is within the Foster Creek Catchment. There are no designated waterways on the area proposed for rezoning to GRZ and Water Sensitive Urban Design (WSUD) can be integrated into any future subdivision proposal.

#### **Clause 15 Built Environment and Heritage**

Clause 15.01-3 *‘Neighbourhood and subdivision design’* seeks to:

- *“To ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods.”*

The DPO and future subdivision design will respond to these matters.

#### **Clause 16 Housing**

Clause 16.01-2 *‘Location of residential development’* seeks to:

- *“Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.”*

The Development Plan Overlay will ensure appropriate infrastructure arrangement on the land, taking into account the principles above.

- *“Ensuring land supply continues to be sufficient to meet demand.”*

The amendment will ensure a sufficient supply of land is available for residential development.

- *“Promoting good housing and urban design to minimise negative environmental impacts and keep down costs for residents and the wider community”*

The Development Plan Overlay will promote good housing and urban design outcomes.

The amendment will provide a realistic opportunity to achieve the above objectives.



### **Clause 17 Economic Development**

Clause 17.02-1 'Industrial land development' seeks to:

- *"Protect industrial activity in industrial zones from the encroachment of unplanned commercial, residential and other sensitive uses which would adversely affect industry viability."*

It is acknowledged that the land is within 150 metres of the closest Industrial zoned land to the south (across the South Gippsland Highway). The land is also approximately 350 metres to the west of the BurraFoods site which is located on the corner of Station Street and Korumburra-Warragul Road. It is considered that there is sufficient buffer between the subject land and the industrial developments to avoid any adverse effect on industrial viability or residential amenity.

### **Clause 19 Infrastructure**

Clause 19.03 'Development infrastructure' seeks to:

- *"To facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans."*

Development contributions will be agreed to between Council and the proponent via a Section 173 Agreement in order to provide for planned infrastructure and community facilities in a fair, reasonable and orderly manner.

- *"To plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment."*

The land is capable of being connected to all reticulated services.

- *"To reduce the impact of stormwater on bays and catchments."*

Water Sensitive Urban Design will be incorporated into the subdivision as previously discussed.

### **• How does the amendment support or implement the Local Planning Policy Framework?**

The Municipal Strategic Statement identifies Korumburra as a key urban centre within the Shire. It seeks to support the development and expansion of the township in an orderly manner and ensure that adequate land is available for future residential development.

**Clause 21.04 Objectives, Strategies & Implementation** sets out Council's approach to integrated land use planning for the Shire generally and each of the major towns in the municipality.

Clause 21.04-3 Settlement states

Overview

*"The Shire contains a diverse range of housing types that contribute to the lifestyle opportunities and attractiveness of the region as a place to work, live and visit."*

*Currently, the majority of housing for permanent residents is being constructed in the larger towns of Leongatha and Korumburra, however there is significant housing development within coastal towns such as Venus Bay and the rural hinterland. For the long-term sustainability of the region, it is important that adequate opportunities are provided to accommodate the changing lifestyles and housing needs of the existing and future population."*

Following on from these comments Council's specific policies for Korumburra state:

21.04-5 Korumburra

*Objective*

- *To maintain and promote Korumburra as a significant industrial, retail, service, residential and tourism centre in the Shire.*
- *To ensure that sufficient residential land, at a range of densities, is available to accommodate future township growth.*

*Strategies*

- *Promote the use and development of land in accordance with the strategic directions in the Korumburra Framework Plan and the Korumburra Town Centre Framework Plan maps.*
- *Monitor the availability and development of residential land and encourage the rezoning of appropriate areas identified in the Korumburra Framework Plan map to maintain an estimated 15-year residential land supply.*

*Actions for implementation*

- *In consultation with affected landowners and the community, prepare Development Plans that respond to the requirements of the Development Plan Overlays for Korumburra's residential growth areas.*

The Framework Plan for Korumburra, located under the same clause, identifies the land as the preferred area for residential expansion.

The "Local Structure Plan" has been developed under the direction of Council. To meet the strong demand for housing in Korumburra, the entire subject land has been identified for future urban residential expansion in the current Korumburra Structure Plan 2010.

The proposed amendment is consistent with the current planning policy context and previous Planning Panel Victoria reports.

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

The amendment makes proper use of the Victorian Planning Provisions and has been developed in accordance with the relevant directions (Planning Practice Notes) of the Department of Transport, Planning and Local Infrastructure.

The amendment seeks to include the subject land in the General Residential Zone which is considered the most appropriate zone to achieve the desired residential outcome.

The application of DPO Schedule 9 will ensure that the relevant directions in the State Planning Policy Framework and Local Planning Policy Framework can be implemented.

It should be noted that once a Development Plan is in place, any subdivision that is carried out generally in accordance with that Development Plan is not subject to notice or review rights under the Planning and Environment Act 1987.

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

The amendment does not introduce any new formal or informal requirements for any referral authorities or any relevant agencies.

Relevant agencies were consulted in the preparation and adoption of the Korumburra Structure Plan into the Shire Planning Scheme in 2013.

A future planning permit application to subdivide the land will be forwarded to the designated referral authorities as specified in the South Gippsland Planning Scheme.

Further consultation with the relevant servicing authorities, especially the water authorities, will occur, both prior to the approval of the development plan, and during the process of planning application for the subdivision of the land. VicRoads has also already been

consulted in regard to connectivity with Korumburra-Warragul Road, which is a Road Zone Category 1 (RDZ1).

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

The amendment is not considered to have a significant impact on the transport system or the *Transport Integration Act 2010*. The future subdivision's internal roads will be designed and able to cope with the expected capacity. External road networks will require detailed assessment at Development Plan and subdivision stage to determine whether additional requirements are necessary at the time.

**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 result in the assessment of a new Development Plan and the assessment of a planning permit application(s) for future subdivision.

Council will be required to assess all matters associated with the development of future subdivision(s) in both its roles, as the responsible authority for the administration of the South Gippsland Planning Scheme, and as the local authority for drainage and other appropriate services.

Both the *Planning and Environment Act 1987* and the *Subdivision Act 1988* set prescribed fees for the consideration of planning applications, certification of Plans of Subdivision and assessment of engineering plans and supervision of works etc. Accordingly no significant unfunded administrative costs are expected as a result of the proposal.

**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 - Customer Service Desk, 9 Smith Street Leongatha
- Korumburra Library - 165 Commercial Street Korumburra, 3950
- Council's web page [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au).

The amendment can also be inspected free of charge at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection).

**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: **[insert Council's address]**

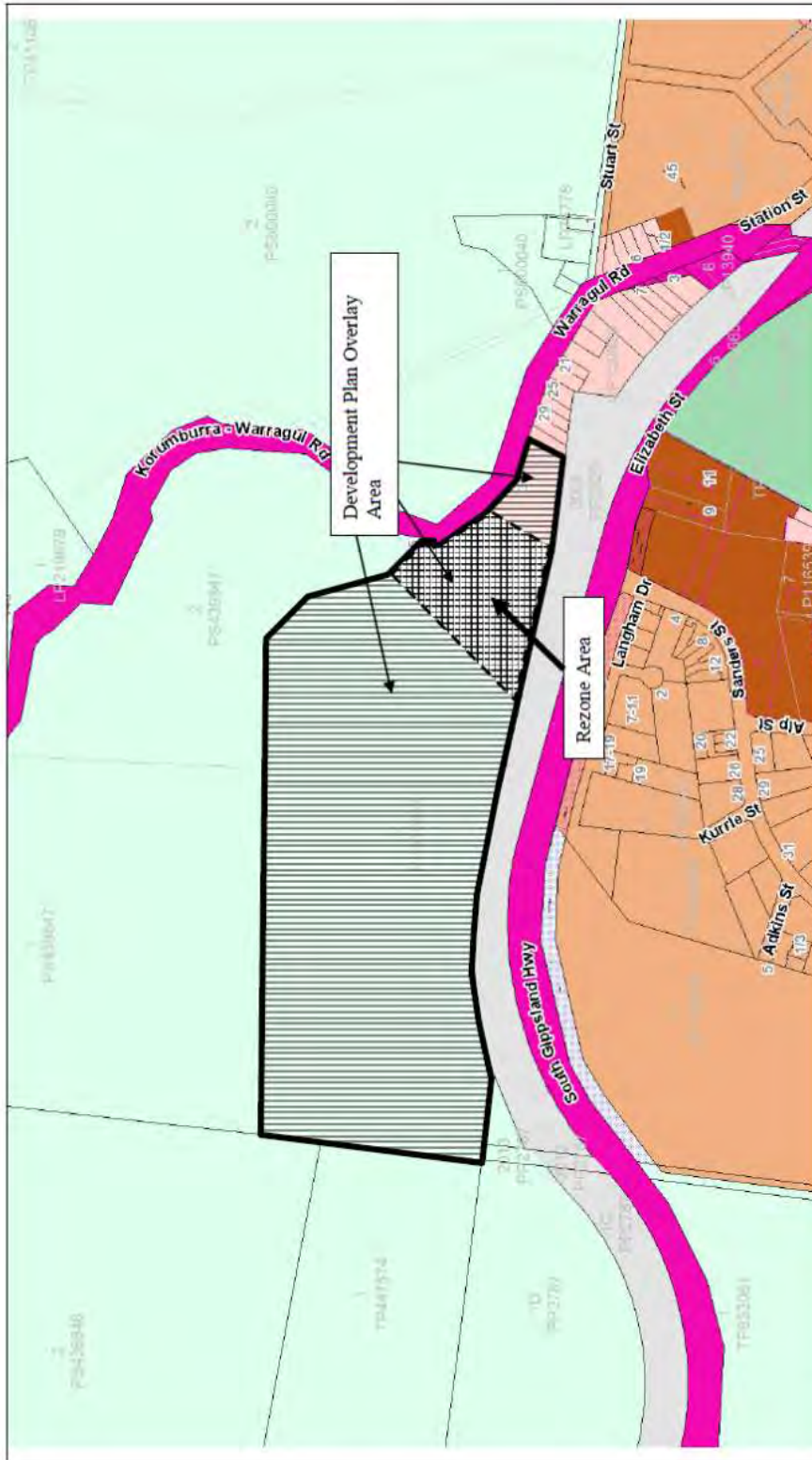
**Panel hearing dates**


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] ]**



Attachment





Map Scale: 1:661 m

---

**About this document**


This map has been created for the purpose of showing basic locality information over South Gippsland Shire Council. Property boundary line network data is supplied by State Government. Any error should be reported to the GIS section of the South Gippsland Shire Council. Aerial Photography is dated 2012.

**Disclaimer:**

This map is a representation of the information currently held by the South Gippsland Shire Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Any feedback on emissions or errors would be appreciated. ©

---

**C96 35-65 Warragul - Korumburra Road**



## **E.6 LEONGATHA HEAVY VEHICLE ALTERNATE ROUTE**

Development Services Directorate

### **EXECUTIVE SUMMARY**

A vehicle bypass of the Leongatha township has been sought since the 1970's. A number of attempts have been made over the years to secure a route and commence construction, but until now have proved unsuccessful.

In 2012 VicRoads was allocated \$270,000 to undertake a study to determine the route and design of a Heavy Vehicle Alternate Route through Leongatha to alleviate the amenity and safety issues of heavy vehicles in the town centre and to provide productivity gains for heavy vehicles operators.

Council commenced the joint project with VicRoads in 2013.

Extensive consultation has taken place with property owners, heavy vehicle operators and the community. The resultant route design is recommended to council for adoption so that it can commence negotiations with funding bodies for construction.

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

- **Attachment 1** - Leongatha Heavy Vehicle Alternate Route

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

- South Gippsland Planning Scheme - Leongatha framework Plan
- Leongatha Structure Plan (2008)

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

Nil

### **COUNCIL PLAN**

Outcome:	1	A Prosperous Shire
Objective:	1.2	Raise the awareness of Local and Regional issues with State and Federal Decision makers
Strategy:	1.2.1	We will advocate for effective integrated transport connectivity for people and freight.
Strategy:	1.2.2	We will advocate for priority projects that assist in stimulating economic growth, agricultural development, tourism infrastructure and community facilities.

## **CONSULTATION**

Council and VicRoads undertook an extensive consultation process in 2013.

A Stakeholder Reference Group consisting of road transport, business and community groups was convened. The business participants saw value in removing heavy vehicles from the CBD to allow greater shopper amenity and better parking plans over time.

Open information sessions were conducted and interested members of the public were able to discuss the design ideas with Council Officers and VicRoads design engineers.

Additionally, affected land owners and occupiers along and adjacent to the route were contacted for their input, particularly in relation to the three proposed left-in-left-out intersections on Long St, Leongatha.

The consultation provided valuable input to bring about the final design.

## **REPORT**

### **Background**

The Leongatha community and road users have sought an alternative route through the township for many years. The Leongatha Structure Plan (2008) placed into the South Gippsland Planning Scheme a route that included Hughes and Long Streets.

In 2012 the State Government made available \$270,000 to determine and design the route with an emphasis on easier transit of Heavy Vehicles through the town.

Council and VicRoads commenced the project in 2012.

### **Discussion**

The project group commenced by assessing numerous options for the route and the resultant changed intersections. These were discussed with the Stakeholder Reference Group and presented to the community on a number of occasions detailed in the consultation section above.

As a result of community feedback alternate design solutions to intersections were developed and submitted to affected parties for comment.

Key issues have been the use of 'left in - left out' intersections at Hughes St and the Strzelecki Highway, Long Street and A'Beckett and Jeffrey Streets as well as the 'right of way' of the Strzelecki Highway over the Alternate Route into Long Street.

The 'left in - left out' intersections are seen as important safety initiatives that, in addition, will assist in free movement of vehicles, especially vehicles entering Long Street heading South.

The 'right of way' of the Strzelecki Hwy at Long Street is related to heavy vehicle traffic not being able to negotiate the angle and camber of the designed route in one motion. Slowing vehicles at that point will enable safer movements and will, allow heavy vehicle traffic travelling towards Melbourne on the Strzelecki Hwy to no longer have to give way to traffic to enter the South Gippsland Hwy.

Another key feature of the design is the Ogilvy St intersection which has been designed as a signalled intersection. It is strongly recommended that Council promote the use of signals at this intersection as this will enable a signalled children/pedestrian crossing for the route from the education precinct into the Leongatha CBD area.

The possible removal and relocation of the railway points into the railyards will be considered as part of the detailed functional layout of the rail crossing in the initial stages of construction of the route.

It is intended that post construction, the Heavy Vehicle Alternate Route will become the VicRoads maintained South Gippsland Hwy and Bair Street will transfer to Council road network.

No private land is required for the construction of the route.

### **Proposal**

It is proposed that Council adopt the design of the Leongatha Heavy Vehicle Bypass for the purposes of forward planning and seeking Government funding for its construction.

### **FINANCIAL CONSIDERATIONS**

Council will seek funding for the route from government sources. The cost of the route is estimated at \$5 million including signalisation of the Ogilvy Street intersection.

Once the route is operational it will allow the pedestrianisation of the current South Gippsland Hwy (Bair St - shown in blue as a concept only on the route design). This may require further representations for government funding though it is likely to require shire contributions that would be a matter for further consideration of Council.

### **RISK FACTORS**

The present alignment of the route through Leongatha's business district has safety implications as pedestrians mix with through traffic and heavy vehicles. Realignment of the route away from the CBD will have significant amenity and safety benefits for the town.

## **CONCLUSION**

The options for an alternate route to place the majority of heavy vehicle through traffic away from the Leongatha town centre have been discussed for many years. Through the provision of funding from the state government, a design has been developed by Vic Roads, in partnership with South Gippsland Shire Council. There has been wide consultation with the community and suggestions incorporated into the design.

If adopted, Council will be able to actively seek funding from State Government for the construction of the route and lobby for early implementation.

## **RECOMMENDATION**

That Council:

1. Adopt the design as the route for the Leongatha Heavy Vehicle Alternate Route as detailed in Attachment 1 of this report.
2. Actively seek funding for construction of the route including the signalisation of the Ogilvy Street, Leongatha intersection.

## **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Hutchinson-Brooks    SECONDED: Cr Harding**

**THAT COUNCIL:**

1. **ADOPT THE DESIGN AS THE ROUTE FOR THE LEONGATHA HEAVY VEHICLE ALTERNATE ROUTE AS DETAILED IN ATTACHMENT 1 OF THIS REPORT.**
2. **ACTIVELY SEEK FUNDING FOR CONSTRUCTION OF THE ROUTE INCLUDING THE SIGNALISATION OF THE OGILVY STREET, LEONGATHA INTERSECTION.**

**Cr McEwen left the Meeting at 2.46pm.**

**Cr McEwen returned to the Meeting at 2.48pm.**

**CARRIED UNANIMOUSLY**



Attachment 1

Leongatha Heavy Vehicle Alternate Route



---

## **E.7 PROPOSAL FOR SOUTH-WEST GIPPSLAND INTEGRATED TRANSPORT STRATEGY**

Development Services Directorate

### **EXECUTIVE SUMMARY**

This report is written in response to a request by the South & West Gippsland Transport Group for support from Council in seeking a policy commitment from political parties in the 2014 election for the development of an integrated transport strategy.

It is recommended that Council support this initiative in partnership with the South & West Gippsland Transport Group.

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

- **Attachment 1** - Letter from South & West Gippsland Transport Group
- **Attachment 2** - South & West Gippsland Transport Group Transport Strategy proposal
- **Appendix 1** - South Gippsland Shire Council Priority Projects 2013 booklet
- **Appendix 2** - Gippsland Freight Strategy, 2013

A copy of **Appendix 1** can be found on Council's web site:  
[www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)

A copy of **Appendix 2** can be found on the Gippsland Local Government Network's web site: [www.glgln.com.au](http://www.glgln.com.au)

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

- South Gippsland Shire Council Priority Projects 2013 - Return of Rail Project: Developing and Connecting Our Shire
- Gippsland Freight Strategy, 2013

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

Not applicable

### **COUNCIL PLAN**

Outcome:	1.0	A Prosperous Shire
Objective:	1.2	Raise the awareness of local and regional issues with state and federal decision makers
Strategy:	1.2.1	We will advocate for effective integrated transport connectivity for people and freight.

## **CONSULTATION**

Council has been actively involved in the activities of the South & West Gippsland Transport Group (SWGT) and the SWGT has been proactive in its consultation with the communities of South Gippsland Shire, Cardinia Shire, Bass Coast Shire and Casey City councils. It is through the consultation activities of this group that this proposal has been submitted to Council. It is not envisaged that specific consultation with the community will be required until a transport strategy becomes a policy of an incoming government and such a strategy is funded. The project will then undertake specific consultation on the shape of the strategy.

## **REPORT**

Council has received a submission from the South & West Gippsland Transport Group (SWGT) proposing to work in partnership with Council in seeking a policy commitment from political parties in the 2014 election for the development of an integrated transport strategy.

The "return of rail" policy issue has been of importance locally since rail services to Leongatha were ceased in 1992. More recently in 2011, the SWGT was created to advocate for the return of rail to South Gippsland and Council has been actively involved in supporting this group, along with other participating councils.

Road and other transport infrastructure have also been of strategic importance locally, particularly as Council encourages and responds to expected population and economic growth in the next decade.

Transport infrastructure is vital to the prosperity of a local community in that, depending on its capacity, it either improves or hinders access to major population centres thereby encouraging or restricting population growth and economic activity. As identified in the Gippsland Freight Strategy, "the transport network must have sufficient capacity to manage both export-related freight tasks and production inputs into the region as well as accommodate the needs of a growing population – particularly in the western part of the region" (Gippsland Freight Strategy, 2013).

Due to the social, civil and economic infrastructure pressures that they face, the shires of Bass Coast, Cardinia, South Gippsland and Casey City Council have a mutual interest in fostering a joint position on the question of transport infrastructure in South and West Gippsland. Advocating for assistance from the Victorian Government is an obvious first step in developing this position and the SWGT has initiated this first step by writing to Council.

The approach also has strategic justification in Council's policy context. Advocating for "effective integrated transport connectivity for people and freight" (Council Plan 2013-2017) is a specific strategy in the 2013-2017 Council Plan. Council has also identified the "Return of Rail" to Leongatha as a priority in its Priority Projects 2013 document to "improve transport

connections, reduce congestion, ease population pressures on Melbourne and provide new freight opportunities" (Priority Projects 2013).

This approach also aligns with the Victorian Government's long term freight policy. 'Victoria - the freight state', outlines a supportive policy 'to improve freight efficiency, grow productivity and better connect Victorian businesses with their markets' (Victoria - the Freight State).

### **Proposal**

It is has been proposed by SWGT that Council assists it to develop a campaign that influences political policies leading up to the 2014 Victorian State Elections. It is also proposed that the affected shires, Casey, Cardinia and Bass Coast shires are consulted for support along with other community and business organisations, and that deputations be organised with political parties to present the proposal for commitment to fund a strategy.

### **FINANCIAL CONSIDERATIONS**

Coordination of meetings and deputations can be accommodated within the budgeted resources of Council. It is not anticipated that any further funding would be required to undertake preparation work for this campaign.

The state government may request that participating councils commit to contributing to the strategy's costs. If this eventuates a further report will be put to Council for decision.

### **CONCLUSION**

The proposal by SWGT is considered appropriate and strategically aligned to Council's policy environment. It is therefore recommended that the proposal be supported by Council

### **RECOMMENDATION**

That Council:

1. Assist the South & West Gippsland Transport Group to develop an advocacy campaign seeking commitment from all political parties involved in the 2014 Victorian State Election to fund an integrated transport strategy for South-West Gippsland.
2. Write to Casey City Council, Cardinia Shire Council, Bass Coast Shire Council and other community and business associations in South Gippsland requesting a commitment to the campaign.
3. Assist the South & West Gippsland Transport Group in arranging deputations with political parties to present the proposal.

### **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr McEwen**

**SECONDED: Cr Kennedy**

**THAT COUNCIL:**

- 1. ASSIST THE SOUTH & WEST GIPPSLAND TRANSPORT GROUP TO DEVELOP AN ADVOCACY CAMPAIGN SEEKING COMMITMENT FROM ALL POLITICAL PARTIES INVOLVED IN THE 2014 VICTORIAN STATE ELECTION TO FUND AN INTEGRATED TRANSPORT STRATEGY FOR SOUTH-WEST GIPPSLAND.**
- 2. WRITE TO CASEY CITY COUNCIL, CARDINIA SHIRE COUNCIL, BASS COAST SHIRE COUNCIL AND OTHER COMMUNITY AND BUSINESS ASSOCIATIONS IN SOUTH GIPPSLAND REQUESTING A COMMITMENT TO THE CAMPAIGN.**
- 3. ASSIST THE SOUTH & WEST GIPPSLAND TRANSPORT GROUP IN ARRANGING DEPUTATIONS WITH POLITICAL PARTIES TO PRESENT THE PROPOSAL.**

**CARRIED UNANIMOUSLY**

**Attachment 1**  
**Letter to South Gippsland Shire Council from South & West Gippsland  
Transport Group**

South & West Gippsland Transport Group



Chairperson  
Andrew McEwen  
102 McIlwaine St  
Meeniyan  
VIC 3956  
5 November 2013

The Mayor  
Mr Kieran Kennedy  
9 Smith St  
Leongatha VIC 3953  
Copy to CEO

Dear Kieran,

RE: - Your commitment for the return of the Rail line to South Gippsland

The South West Gippsland Transport Group, along with Council, is committed to argue for the return of the rail to South Gippsland. As you are no doubt aware, the next election in 2014 provides us with an opportunity for advancing the case for the return of the rail line in the medium to longer term and improvements to South Gippsland Highway and public transport in the short to medium term.

Given the realities of the current financial position of the State and competing transport needs and priorities, it would be unrealistic to suggest that we could gain a commitment for the return of the rail in the short run. It is proposed to advance the case, that we seek political support from all parties to include in their policies for the next election a commitment to develop a 20 year integrated transport plan for South Gippsland. This is a relatively low cost ask, that may be more palatable, given the Government and major parties are seeking to gain advantage in rural and regional areas. The political reality is that State treasuries won't approve any new initiatives without a plan, a cost benefit study and a transparent case for the proposals. The proposed study is a precondition for any further action on rail.

South West Gippsland Transport Group Transport Strategy would welcome the opportunity to meet with you to discuss the potential for developing a campaign around transport and the proposed integrated transport plan. We believe that politically it is sensible to link the deteriorating state of the highway to potentially diverting heavy vehicles off South Gippsland Highway and to declining accessibility to Melbourne for business and community because of growing congestion. Publically connecting the state of the Highway to the need for diverting freight to rail is an important argument to advance the cause. The MAV transport policy argues strongly for an integrated approach to transport planning.

It is proposed that meeting discuss the following:



**The Proposal**

*To jointly with South Gippsland Shire Council seek a policy commitment from political parties in the 2014 election for the development of an integrated transport strategy to ensure the sustainable prosperity for people, businesses and communities of South West Gippsland and adequate and affordable transport accessibility to Melbourne in the next twenty years.*

- 1. That Council and the SW Transport Group develop a campaign for inclusion for an integrated transport strategy in all political parties policies for the 2014 State Elections to ensure the sustainable prosperity of people, businesses and communities of South West Gippsland.*
- 2. That we jointly approach Casey, Carinda and Bass Coast shires for support and other community and business associations.*
- 3. That deputations be organised with political parties to present the proposal*

I have attached a draft paper on the proposed integrated transport plan for your consideration. I understand that the labour party is currently preparing its policy option for the next election. If we are going to collaborate it is important that we meet as soon as possible to prepare a joint case and strategy.

I look forward to hearing from you,


Yours Sincerely

Andrew McEwen

## Attachment 2

### South & West Gippsland Transport Group Proposal

South & West Gippsland Transport Group



### South West Gippsland Transport Group Transport Strategy

**The Proposal**

*To jointly, with South Gippsland Shire Council, seek a policy commitment from political parties in the 2014 election for the development of an integrated transport strategy to ensure the sustainable prosperity for people, businesses and communities of South West Gippsland and adequate and affordable transport accessibility to Melbourne in the next twenty years.*

**The proposed study**

It is proposed that the study be undertaken by the State Government in partnership with local Councils and key industry bodies. It would examine accessibility of Melbourne (Port of Hastings and or Bay West) for cars, people and freight from and into SW Gippsland. This would entail examination of needs for public transport (road and rail), the needs for competitive freight logistics (road & rail & intermodal) and car access to Melbourne. It is estimated that the cost for the study would be between \$250-300k. The current evaluation for a potential third airport for Melbourne near Monomeath, while a longer term prospect, heightens the potential need of the return of the rail.

**Overall Objectives**

- Identifying the most cost effective integrated (road, rail, public transport) transport strategies for South West Gippsland.
- Providing evidence based approach for projected freight and passenger traffic demand, proposed investments and their respective benefits and returns.
- Ensure that we have a cost effective and competitive transport logistics system for the South West Gippsland.
- To ensure that the transport system can cope with anticipated growth (people and freight) and the impact of growth of City of Casey and Shire of Cardinia and congestion in SE Melbourne.
- To address solutions to the deteriorating conditions of South Gippsland Highway.
- To address sustainable transport solutions in a low carbon economy with growing sovereign climate change risks.

**Current issues and challenges**

*“The region is clearly well placed to assume an increasingly important role as a resource and food based economy. It is critical that future investment decisions by the private sector can rely on an appropriately planned and operated transport network that is vertically integrated and able to satisfy a diverse array of internal and external movements.”*

*Gippsland Freight Strategy, 2013.*

South West Gippsland needs an integrated transport plan to ensure its ongoing sustainable development and prosperity. There is no current analysis of the dynamics of supply and demand for freight and people movements into and out of South West Gippsland and the implication of such a transport strategy for Melbourne. There is no analysis of how rail logistics would add to the competitiveness of the sand mining and the dairy industry in SW Gippsland and reduce the wear and tear on the highway. We are faced with increasing congestion on the Monash Freeway, which is already impacting on the timely delivery and cost of freight, public transport and car traffic into and



from Gippsland. This will become very serious in the next 5-10 years, unless appropriate planning and action is taken now!

Unless there is a clear plan and strategy we will be left behind at a time of constrained resources.

*"South Gippsland Highway Corridor Strategy.*

*It should be noted that the Gippsland Freight Strategy does not include detailed analysis of passenger transport services and traffic needs.*

*Traffic volumes on the South Gippsland Highway are between 1,000 and 8,000 vpd, with the highest volumes occurring in Leongatha. Commercial vehicles make up approximately 17% of the traffic in the rural areas. Progressively to enhance the capacity and alignment of the South Gippsland Highway in line with the current state and traffic and anticipated load.*

2013. Gippsland Freight Strategy, 2013

**Current issues include:**

- The bus system is already reaching capacity and will be confronted by escalating congestions and increasing travel times on the Monash, as it reaches its effective capacity in the next decade.
- The South Gippsland Highway is already in a sorry state and short of a \$2-300m+ investment to upgrade it, the current patching regime won't work. Without upgrading, it will continue to be subject to periods of serious deterioration in normal wet years. (Rebuild is estimated indicatively at \$2m per kilometre or \$2-300m to Leongatha).
- There has been a significant net reduction in funding for Vicroads to maintain rural and regional roads, with over \$130m net been taken away for maintenance in the past two budgets.
- The current 496,000 truck movement on the South Gippsland Highway per annum (at Leongatha) and the inevitable increase in traffic are beyond the capacity of the South Gippsland highway without serious upgrading.
- Despite the overwhelming adaption of rail logistics globally and its promise and its efficiency in moving freight, it is not been considered or utilised (Fonterra in NZ is now using rail logistics predominantly to maintain its competitiveness).
- The most recent study on the return of rail by the previous State Government found a marginal positive return, at a time when cost of oil and energy was dramatically lower. With the rapid escalation of fuel costs of around 300% to date and projected cost rises, the likely return for rail would be in excess of 10-12% per annum. (This was based on a 6% discount rate which would be less today, which in itself would change the returns)
- It appears that the new Victorian freight strategy does not address congestion into Melbourne. Despite the proposed East West Tunnel congestion will block the arteries to Melbourne along Westgate, Monash and Tullamarine freeways.
- Internationally it is well accepted that congestion can only be tackled by getting vehicles off the road, which in effect means rail logistics and public transport.
- Rail freight to Melbourne and Western Melbourne is limited by the fixed capacity of access to tracks into and out of Melbourne without a commitment to the new metro rail tunnel.
- The Port of Hastings creates new opportunities for Gippsland, but to remain competitive we need to have rail access.
- The fetishisation of low debt means, that if we don't borrow for strategic investments infrastructure, the East West Tunnel will crowd out any investments that genuinely address congestion of traffic in Melbourne and transport needs of regional and rural Victoria.
- The continued rapid growth of Casey and Cardinia Shires will cause a further deterioration of access for freight and people to Melbourne.

The do nothing approach will inevitably lead to ongoing rise in accessibility issues to Melbourne for freight, for public transport and for passenger cars and in the competitiveness of the dairy industry particularly.

The lack of rail line is a significant restricting regional growth. New population is clearly attracted along rail lines with passenger traffic. The rail line diverts a significant proportion of heavy freight would reduce future cost like road grading.

### **Why we should develop and integrated transport plan for South Gippsland**

*"4.2 As a matter of urgency, all levels of government should cooperate to develop and publicise the business case for transport alternatives. Without such a program it is unlikely that the region will be able to develop an effective structural adjustment program. This is a long-term priority and should be developed over the next five years, so that the stages of development are agreed, the funding sources in place and the schedule for development in place."*

**"Identification of opportunities to support structural adjustment in the Latrobe Valley region"**  
RMIT University 2013

Without a plan, we have no claim on our collective future. We are at the whims of politics and the reality of an area marginal in terms of State politics. Transport accessibility is an essential ingredient for our collective future. Politics has a reality that State treasuries won't approve any new initiatives without a plan, a cost benefit study and a transparent case for the proposals. Without a plan based on evidence we will run the danger of being left behind.

The proposal is that we seek funding for an integrated transport strategy that addresses public transport needs, road movements and freight requirements now and into the future. This would address the needs of people to have access to Melbourne, either by private car or public transport. Likewise rail links to Western Melbourne and or to the Port of Hastings will be critical for industry to remain competitive. Oil prices for Tapis crude (Australia's benchmark oil price) are still hovering between \$100-120. The optimism around non conventional fuels may well be more hope and hype. Even if new supplies eventuate and the problems of rapid depletion of wells are overcome, the declining EROEI inevitably means that prices will continue to rise placing financial pressure on families and businesses.

*"Even the US Energy Information Administration recognizes that the US tight oil boom will be history by the end of the current decade—though the official forecast shows production levels gently drifting thereafter when in all likelihood they will plummet, given the spectacular per-well decline rates of the Bakken and Eagle Ford formations"*

**Post Carbon Institute 2013 October Museletter Richard Heinberg**

The reality is that non conventional fuels have significantly lower Energy Return on Energy Invested (EROEI) and as a consequence require a higher price in excess of \$100 per barrel and rising. There is serious doubt that the US boom in gas and oil from non conventional sources will last more than a decade. At this point, we will face dramatic rise in prices as the only significant new production in the past 8 years was from US Non conversational fields.

We have one chance to get it right this election cycle. A future integrated transport plan for SW Gippsland would provide the framework for future proofing us to escalating congestion in Melbourne and maintaining the competitiveness of the dairy industry in the face of escalating road transport costs. The development of rail lines with passenger traffic has proven a boon for the development of towns along the regional rail lines. Taking pressure off Melbourne through

promoting living opportunities in peri urban Melbourne will be dependent on enhanced public transport and in particular rail. While this is only the first step in getting commitments, it is the necessary one to get serious consideration for new transport investments for SW Gippsland. Major transport investments are once in a generation phenomena. You either ignore the need altogether, get it right or fall victim to the challenges identified.

### **Economic Benefit**

*“The MAV Transport Policy revised in 2013 places strong emphasis on the following objectives:*

***Integrated long-term planning***

*Victoria requires integrated long-term transport planning at the local, state and national levels.*

***Economic efficiency***

*More efficient freight and passenger transport systems throughout Victoria are critical to achieving a healthy and growing economy.*

***Significantly increased and sustained transport infrastructure investment***

*A massive investment in transport infrastructure is required to ensure Victoria’s ongoing prosperity and liveability.”*

**MAV Transport Strategy 2013**

Transport investments are an essential ingredient for maintaining a competitive economy. Dairying, which is one of the major export earners from Victoria and indeed leading export from Port of Melbourne, is competing on a highly competitive global market.

- The Gippsland Freight Strategy indicates that there are 2.92m traffic movement annually on the South Gippsland Highway at Leongatha with 17% or being truck freight traffic or 496,000.
- The 2005 Government Rail Study identified some 2.3m tonnes of freight in and out of South Gippsland.
- South Gippsland Shire represents 10% of Australian Dairy production
- Murray Goulburn Leongatha, UDP Poowong, Burra Foods Korumburra are major producers in the region and dependent on an increasingly congested road system to access export facilities.
- Manufacturing is valued at \$700m in South Gippsland and Agriculture and Fisheries \$420m
- Dairy exports are the largest export out of the Port of Melbourne
- The Monash Freeway is already seriously congested and will only get worse making access to the Port of Melbourne and logistics in Western Melbourne more expensive and more difficult.
- Without the metro rail link capacity through Melbourne is problematic.
- Having rail access for South Gippsland will, as has occurred in other peri-urban areas, stimulate the growth of the Western end of the shire and Korumburra and Leongatha. Such development and population growth will, according to the Whelan Report, make Council far more financially sustainable and take pressure off the Monash Freeway.
- The previous rail study identified a marginal return on investment, when oil was less than \$30 per barrel. The study was modelled only 300,000 tonnes being diverted, which is far less than is possible. It also used a discount rate of 6% which is significantly above current levels. These combinations of factors with growing congestion and oil prices over \$100 a barrel are likely to have pushed the return on rail to economic levels.

South West Gippsland is and has been identified as a climate secure farming area. There is significant potential to enhance, intensify and diversity agricultural production aimed at Asian markets. An integrated transport plan would provide the basis for ensuring the ongoing competitiveness of the existing agricultural production, but crucially for any expanded production.

## **E.8 DRAFT RECREATIONAL VEHICLE (RV) STRATEGY**

Development Services Directorate

### **EXECUTIVE SUMMARY**

The Draft Recreational Vehicle (RV) Strategy (Draft Strategy) has been prepared to provide direction for the promotion of South Gippsland as an attractive region to RV users.

Research and indicators demonstrate a large increase in the RV market, especially in the growing baby-boomer/self-superannuated sector.

South Gippsland Shire can encourage visitation of RV users by increasing local infrastructure, developing additional signage, long vehicle parking and providing more options for free/low cost overnight stays.

Adopting a Shire-wide approach compliments and supports local commercial caravan parks and tourist operators and should increase the attractiveness of South Gippsland to adequately satisfy the needs of the growing RV, caravan and camping market.

It is recommended that the draft strategy be exhibited for a period of two months.

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

- **Attachment 1** - CMCA RV Friendly guidelines
- **Appendix 1** - Draft Recreational Vehicle (RV) Strategy

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

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

- South Gippsland Planning Scheme
- CMCA RV Friendly guidelines

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

- Council Annual Plan 2013- 2017
- Draft Economic Development and Tourism Strategy 2013- 2017
- South Gippsland General Local law No:1 Section 68

## **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 business.
Strategy:	1.1.4	We will promote and encourage tourism through development support.

## **CONSULTATION**

Development of the draft strategy included consultation existing commercial caravan/tourist park operators in South Gippsland and members of the Buckley Park Section 86 Committee.

The draft strategy will be publicly exhibited for two months. Consultation during this period will include meetings with existing commercial caravan/tourist park operators, Destination Gippsland, Prom Country Regional Tourism, Fish Creek Development Association, and the Buckley Park Section 86 Committee.

The draft strategy will be available on Council's website, distributed to printed document exhibition points and letters will be sent to relevant stakeholders including Chambers of Commerce and Progress Associations.

## **REPORT**

### **Background**

The caravan and camping market has evolved considerably over recent years and the increased availability of self-contained recreational vehicles (RVs) together with the increased domestic travel of 'grey nomads' has led to a change in the traditional caravan and camping market. Whilst the traditional market mainly utilises caravan and camping parks, the increase in RVs results in a trend towards low cost/free locations.

As a result of this growth in this sector of the tourism market it is essential that Council develops policy to increase the attractiveness of the shire to RV users.

South Gippsland Shire currently offers commercial caravan/camping parks in several towns as well as some free/low cost camping areas to cater for the RV market. There are also a number of unauthorised sites where camping occurs on an ad hoc basis.

### **Discussion**

The Campervan Motorhome Club of Australia (CMCA) has developed a trademarked "RV Friendly" scheme to encourage short stays for RV users; including specific criteria that must be met to be eligible for the scheme (see **Attachment 1**). Unfortunately, these criteria will be difficult for any town in



South Gippsland to meet due to poor access to 24hr medical care and the presence of existing caravan parks.

However, taking a Shire-wide approach still provides an opportunity to increase the attractiveness of South Gippsland as a destination for RV users. With beautiful villages, attractions and proximity to Melbourne, Council can enhance its good reputation through the provision of a new overnight stay location at Fish Creek and by creating official, signposted, long vehicle parking close to the shopping precincts in our major towns.

This draft strategy recognises the needs of caravan/tourist park operators which service the traditional caravan/camping market across the Shire and it is important that RV's staying at free/low cost sites are not in competition with commercial operators. The sewerred towns of Leongatha, Korumburra, Foster and Toora all have caravan parks and locating free/low cost sites in these towns would be inappropriate. However free/low cost camping is recognised as a necessary attractant for RV users to any area. By providing a mix of free/low cost sites and commercial caravan parks in South Gippsland, RV users can access the broader range of facilities in local towns.

The draft strategy outlines free/low cost sites in towns and locations that do not have an existing commercial caravan/tourist park. It is intended that these sites will have a maximum stay of 48 hours to encourage the RV market to extend their stay in commercial parks. These travellers will be able to utilise commercial parks' facilities to shower, replenish supplies and dump their waste.

#### Long Vehicle Parking Enhancements

The business community will be supported by the outcomes of this draft strategy by enhancing and further developing long vehicle parking in our towns which will allow RV users to stop and shop in the towns. The creation and distribution of a South Gippsland RV facilities map will provide information to RV users, encouraging them to access local town amenities and the facilities of commercial caravan/tourist parks.

#### Buckley Park

Buckley Park is ideally located on the outskirts of Fish Creek (which does not contain a caravan park) and close to town facilities and therefore is an ideal location for an additional free/low cost camping site. It is managed by a Section 86 committee, which is due for review by April 2014, and it is currently under-utilised due to the increased use by sporting clubs of Fish Creek's John Terrill Memorial Park. With running water and two toilet blocks, Buckley Park would be suitable due to the self-sufficiency of most RV users.

RV provision on this site would not restrict usage by the local cricket club. Council would need to surface the entrance with gravel and create designated areas for overnight stays. It should be noted that the long term uses of Buckley Park can be changed for different services to meet demand.

## Signage

Appropriate signage for authorised and unauthorised areas and long vehicle parking is essential to promote the appropriate use of RV's in the Shire. Signage should be installed across sites discussed in the draft strategy to limit inappropriate usage and direct RV's to acceptable parking and overnight stay locations.

## **FINANCIAL CONSIDERATIONS**

The current maintenance costs of Bass Valley Camping Ground and Franklin River Reserve are allocated in current and forward budgets. An increase of use may require more extensive maintenance.

The following will be recommended to be referred for consideration in future Council budgets:

- Buckley Park, Fish Creek - approximately \$50,000
- South Gippsland RV facilities map - approximately \$10,000
- Signage - approximately \$26,000

## **CONCLUSION**

By analysing the current RV market within South Gippsland, and identifying opportunities for increased growth of this sector, a series of recommendations have been identified. These recommendations align to objectives in the 2013-2017 Council Plan and the Draft Economic Development and Tourism Strategy. They outline a process to continue recognition of existing caravan park operators whilst growing the RV market throughout the Shire.

It is proposed that Council endorses the development of a Shire-wide approach which considers our existing caravan/tourist operators. South Gippsland will then be able to meet the demands of a growing RV market and provide an increased economic benefit to the region.

## **RECOMMENDATION**

That Council:

1. Endorse The Draft Recreation Vehicle Strategy for public exhibition until Friday 28 February 2014.
2. Receive a further report:
  - a. Detailing the responses received and any changes to the Strategy;
  - b. With the updated Recreation Vehicle Strategy for consideration and adoption in May 2014.

## **STAFF DISCLOSURE OF INTEREST**

Nil



**MOVED: Cr Davies**

**SECONDED: Cr Kennedy**

**THAT COUNCIL:**

- 1. ENDORSE THE DRAFT RECREATION VEHICLE STRATEGY FOR PUBLIC EXHIBITION UNTIL FRIDAY 28 FEBRUARY 2014.**
- 2. RECEIVE A FURTHER REPORT:**
  - a. DETAILING THE RESPONSES RECEIVED AND ANY CHANGES TO THE STRATEGY;**
  - b. WITH THE UPDATED RECREATION VEHICLE STRATEGY FOR CONSIDERATION AND ADOPTION IN MAY 2014.**

**CARRIED UNANIMOUSLY**

## **Attachment 1 RV Friendly Town**

### **RV Friendly Town™**

Criteria to be considered when assessing a town as qualifying for the RV Friendly Town Scheme.

#### **Essential**

- Provision of appropriate parking within the town centre with access to a general shopping area with groceries & fresh produce.
- Provision of short term (24/48hour) parking for self-contained vehicles no more than 5kms from the Post Office or Post Office Agency.
- Access to potable water.
- Access to a free Dump Point, within the town precinct.
- Council to provide one person as contact.

#### **Desirable**

- Provision of long term parking for self-contained vehicles.
- Access to medical facilities or an applicable emergency service.
- Access to a pharmacy or a procedure to obtain pharmaceutical products.
- Visitor Information Centre (VIC) with appropriate parking facilities.
- VIC to provide a town map showing essential facilities such as short and long term parking areas, dump point and potable water.
- RV Friendly Town signs to be erected within the town precinct.
- CMCA will offer the Council:
- 2 X 600 mm X 900 mm roadside 'RV Friendly Town' signs. These signs display the 'RV' sign and have the words 'Supported by' under it and then display the CMCA logo.
- Promotion of the Town on the Club website, in The Wanderer and The Wanderer's Mate, subject to certain terms and conditions.

### **RV Friendly Destination**

- Criteria to be considered when assessing a Destination as qualifying for the RV Friendly Destination Scheme.
- RV Friendly Destinations are businesses, such as wineries, cheese factories, specialist farms, hotels, clubs etc.

#### **Essential**

- A parking area where all size RVs are able to gain access and manoeuvre.
- Provide overnight parking for self-contained vehicles.

#### **CMCA will offer the Destination:**

- 400 mm X 400 mm 'RV Friendly Destination' signs at cost price. These signs display the 'RV' sign.
- Promotion of the Destination on the Club website, in The Wanderer and The Wanderer's Mate, subject to certain terms and conditions.

## **E.9 TARWIN VALLEY BRANDING PROPOSAL**

Development Services Directorate

### **EXECUTIVE SUMMARY**

Council has a strong interest in the promotion of local business and their products. Gippsland as a brand and location is promoted by Destination Gippsland Limited, partly funded by Council.

Council has undertaken marketing for the shire under the 'Prom Country' banner for over 10 years through annual funding provided to Prom Country Regional Tourism (PCRT).

Various sub regions in the shire including Prom Coast and Mirboo North Country undertake and fund their own promotional activities.

This report is the result of a new subregional group the 'Tarwin Valley Development Group' seeking \$30,000 to assist in the application to the State Government for branding and promotion in their area.

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

- **Appendix 1** - The Tarwin Valley Development Group proposed implementation plan for Tarwin Valley Project.

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

### **COUNCIL PLAN**

Outcome:	1	A Prosperous Shire
Objective:	1.1	Work with the business community to support existing businesses, diversify employment opportunities and to attract new businesses.
Strategy:	1.1.1	We will actively plan for growth and economic development
Strategy:	1.1.2:	We will protect and retain the unique identity of towns, villages and farming districts.
Strategy:	1.1.3:	We will actively encourage sustainable development and growth of agriculture, industry and commercial business.
Strategy:	1.1.4	We will promote and encourage tourism through development support

### **CONSULTATION**

While there has not been wider public consultation regarding this proposal, the members of the Tarwin Valley Development Group, as part of the

Advancing Country Towns Project, has consulted with the local communities of Meeniyan and Koonwarra.

## **REPORT**

### **Background**

Council has branded the shire as 'Prom Country' (which currently uses the tagline 'simply beautiful... naturally') predominantly for tourism attraction purposes since 1999. This branding for the shire was initially funded through a State Government grant and was intended as a brand for the then new South Gippsland Shire and all business and tourism activities.

Over \$400,000 has been allocated by Council to funding promotional activities under the Prom Country banner since this time.

Additionally Council contributes, along with all other Gippsland Councils, to Destination Gippsland. Destination Gippsland Limited (DGL) is the independent peak body for the Gippsland Tourism Sector. It is a 'not for profit' company limited by guarantee that is linked to Tourism Victoria. It is governed by a skills based board of seven. Council has allocated approximately \$200,000 since the inception of Destination Gippsland assisting to promote South Gippsland as part of the Gippsland Region.

A number of sub regional tourism and business bodies assist in the development and promotion of towns and regions across the shire. They include Progress Associations, Chambers of Commerce and tourism organisations such as:

- Mirboo North Country Development
- Leongatha Chamber of Commerce
- Prom Coast Tourism Association
- Korumburra Business Association
- Loch Community Development
- Meeniyan Tourism and Traders Association
- Foster Chamber of Commerce
- Beach and River Business Association (Venus Bay / Tarwin Lower)
- Fish Creek Community Development

None of these organisations receive direct financial support from Council.

## Discussion

In late 2011 the State Government, in conjunction with Council, funded a \$0.9m major development project for the Tarwin Valley through the Advancing Country Towns Project.

The Advancing Country Towns project involves a cluster of small townships and surrounding rural areas including Koonwarra, Meeniyar, Buffalo, Dumbalk, Tarwin, Tarwin Lower, Stony Creek, Venus Bay and Fish Creek.

A new promotion and development group was formed as the Tarwin Valley Development Group which has members that are predominantly from the area bounded by the lower Tarwin River Valley. This group obtained \$50,000 from the Advancing Country Towns project to develop a 'branding strategy' and engaging consultants 'Truly Deeply'.

This company has completed its task and brand concept, logo's and taglines have been developed.

The group wishes to continue expenditure on the promotion of the subregion by obtaining grant monies from the State Governments 'Putting Locals First' program. In order to achieve a \$120,000 budget the group intends to raise \$10,000 (via a function in the new year, membership, sponsorship etc) and is requesting Council consider as part of the 2014/15 Budget process a contribution of \$30,000. This could then be used to apply for an \$80,000 grant to make up the project budget of \$120,000 summarised below:

<b>Budget for Implementation of Tarwin Valley Development Group Inc</b>	
<b>Income</b>	
Sponsorships	4000
Services	4000
Membership	1000
Revenue events	1000
Council	30000
State Grant	80000
	120000
<b>Expenditure</b>	
Web development	10000
Brand extension	8000
Launch Dinner	5000
Seasonal Arts Market	5000
Open artist's studio	5000
Creative thinking weekend	10000
Arts workshops	3000
Guest Chefs Tastes of the Tarwin Valley	30000
Food Trail	4000
Season Produce Dinner	3000
Back roads trail	3000
Heritage trail	3000
Farmers market/Creative at the Prom	12000
Tour de Tarwin	3000
Sculpture in the vineyard	3000
Promotion & administration	5000
Assets audit app and web	4000
Contingency	4000
	120000
Balance	0

Major project expenditure summarised above from the report includes \$10,000 for development of their website, a \$5,000 launch dinner, a \$10,000 Creative Thinking Weekend, a Farmers Market/Creative event for \$12,000 and \$30,000 to bring guest chefs from outside the region for a 'Tastes of the Tarwin' program.

The Tarwin Valley group has supplied statistics (**Appendix 1**) that estimate a direct benefit of \$6.3 Million to the shire in 2015/16 growing to \$27.3 Million in 2019/20.

The submission states that in 2015/16 this would be made up of 63% (\$4 Million) from population growth as a result of the projects activities, 34% (\$2.1Million) from tourism spend and 3% (\$200,000) from increased value of intensive agricultural production.

### **Options**

To assist in the grant application and the group's aims, Council could resolve to allocate \$30,000 as part of the 2014/15 budget process. Alternatively, the Tarwin Valley Development Group could utilise its own funds to apply for State Government assistance without Councils financial contribution. It is suggested that, on balance, with a reasonable contribution from the Tarwin Valley Development Group demonstrating a financial commitment from the group, that Council could consider funding the group as a one-off.

### **Proposal**

It is proposed that Council consider in the 2014/15 budgeting process to commit \$30,000 towards a grant application for a branding promotion campaign for the Tarwin Valley sub-region; conditional on the Tarwin Valley Development Group contributing \$10,000 prior to grant application.

If approved in the budget process, the \$30,000 allocation would become available in June or July of 2014.

### **FINANCIAL CONSIDERATIONS**

Council contributes approximately \$40,000 annually to Prom Country Regional Tourism and \$25,000 to Destination Gippsland.

Promotional activities are expensive and need to be built up over time to gain traction in the marketplace. Allocating \$30,000 to the proposed project is a comparatively large amount in respect to Council's allocations to tourism and business promotion activities across the shire. However, if a grant is obtained a significant short term effect may be felt through promoting part of the shire.

Council would need to be conscious that without sustained effort promotion activities usually wane and that this subregional group would need to become self-sufficient or it may need to seek further funds from Council.

## **RISK FACTORS**

Council has limited funds to assist business and tourism promotional activities across the shire. There is a risk that membership of other subregional associations, the sub-regional body PCRT and the regional organisation DGL may see that funds could be better allocated to promote existing long term promotional activities and branding. Suggested activities from the project may individually be seen as promotion of certain areas of the shire or businesses rather than the shire as a whole.

## **CONCLUSION**

The recommendation of this report is that Council consider whether the Tarwin Valley Development Group's proposal should be referred to the 2014/15 budget process.

## **RECOMMENDATION**

That Council consider in the 2014/15 budgeting process the proposal to commit \$30,000 towards a grant application for a branding promotion campaign for the Tarwin Valley Sub-region Group conditional on the Tarwin Valley Development Group raising \$10,000 prior to grant application.

## **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr McEwen**

**SECONDED: Cr Kennedy**

**THAT COUNCIL DEFER ITEM E9 TARWIN VALLEY BRANDING PROPOSAL TO COUNCIL MEETING FEBRUARY 2014 TO UNDERTAKE FURTHER ECONOMIC AND TOURISM CONSULTATION.**

**The Motion was LOST on the casting vote of the Chair.**

**For: Crs Hill, Harding, Kennedy and McEwen.**

**Against: Crs Davies, Hutchinson-Brooks, Fawcett and Newton.**

**MOVED: Cr Davies**

**SECONDED: Cr Hutchinson-Brooks**

**THAT COUNCIL DEFER ITEM E9 TARWIN VALLEY BRANDING PROPOSAL TO COUNCIL MEETING MAY 2014 OR EARLIER TO UNDERTAKE FURTHER ECONOMIC AND TOURISM CONSULTATION.**

**The Motion was CARRIED on the casting vote of the Chair.**

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

**Against: Crs Hill, Harding, Kennedy and McEwen.**



## **E.10 SECTION 223 SUBMISSION CONSIDERATION - PROPOSED SALE OF 8 MCDONALD STREET, MEENIYAN**

Engineering Services Directorate

### **EXECUTIVE SUMMARY**

At its Ordinary Meeting held 25 September 2013, Council resolved to commence the statutory procedures for the proposed sale of the land known as 8 McDonald Street, Meeniyana (the Property).

The public notice was placed in the local papers the week commencing 7 October 2013 in accordance with Sections 189 and 223 of the Local Government Act 1989.

Two submissions were received and were in favour of Council selling the Property.

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

- **Attachment 1** - Submission 1
- **Attachment 2** - Submission 2
- **Attachment 3** - Locality Plan
- **Confidential Appendix 1** - Sworn Valuation

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

- Local Government Act 1989 (Sections 189 and 223)

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

- Land Ownership Policy

### **COUNCIL PLAN**

Outcome:	4.0	A Leading Organisation.
Objective:	4.1	Improve the financial sustainability of Council, including diversifying revenue streams.
Strategy:	4.1.1	We will explore innovative ways of increasing revenue and reducing expenditure where appropriate.

## CONSULTATION

External consultation has included:

1. Correspondence to property owners within the vicinity of the Property requesting feedback and explaining the Section 223 process prior to commencement of this statutory process.
2. Advertising the public notice in the local papers the week commencing 7 October 2013.
3. Posting information on Council's website.

## REPORT

### Background

At its Ordinary Meeting held 26 June 2013, Council resolved the following with regards to the Property:

- a. Prepare a plan of subdivision pursuant to Section 24A of the Subdivision Act, 1988 to excise the road from the 8 McDonald Street, Meeniyian certificate of title Volume 6334 Folio 789.*
- b. Upon completion of the Plan of Subdivision, commence the public notification for the sale of the balance of the land remaining in certificate of title volume 6334 folio 789 pursuant to Section 189 and 223 of the Local Government Act, 1989.*

With regard to (a) above, the plan of subdivision has been completed and is currently being processed by the Land Registry. Once the plan of subdivision is registered, the certificate of title for the balance of the land will be issued.

With regard to (b) above, at its Ordinary Meeting held 25 September 2013, Council resolved that the statutory procedures commence for the proposed sale of the land known as 8 McDonald Street, Meeniyian. Accordingly, the public notice was advertised in the local papers the week commencing 7 October 2013. Two submissions were received.

### Discussion

The two submissions were both in favour of the sale of the Property and were from adjoining landowners at 10 McDonald Street, Meeniyian (**Attachment 1 - Submission 1**) and 12 McDonald Street, Meeniyian (**Attachment 2 - Submission 2**).

The survey of the Property revealed that there is a minor encroachment of the gravel driveway from 10 McDonald Street, Meeniyian.

## Summary of Submissions:

### Submission 1

- This submitter owns the adjoining allotment being 10 McDonald Street, Meeniyan.
- States that the submitter has maintained the block for the past 28 years.
- Concerned that the driveway is encroaching the title and objects to the sale of the site to anyone else but them.

### Submission 2

- This submitter owns the adjoining allotment in Meikle Street, Meeniyan.
- States that the submitter has maintained the block.
- If successful in purchasing the site the submitter would fence, beautify and landscape.

A Council committee heard the two submitters speak in support of their submissions at the Section 223 Hearing Session 27 November 2013.

A question regarding adverse possession was raised at the Section 223 Hearing and an explanation provided as follows:

*Adverse possession is a legal rule that enables the occupier of a piece of land to obtain ownership if they can prove uninterrupted and exclusive possession of the land for at least 15 years.*

*Adverse possession claims are complex to prepare and cannot be made against Crown land or Council-owned land.*

As the land in question is in Council's ownership, adverse possession would not apply.

## Options

Council could sell the land to either party subject to the issue of the certificate of title. The land is not large enough for development and **if required**, a Section 173 agreement will be placed on the title to prevent development unless consolidation occurs.

## Proposal

Due to the encroachment of the driveway from 10 McDonald Street, Meeniyan, and the determination by the Valuer that the "highest and best use of the site is considered to be the sale of the land to the owners of 10 McDonald Street, Meeniyan", it is proposed to negotiate in the first instance with the owners of 10 McDonald Street, Meeniyan to sell the land subject to

issue of the certificate of title for not less than valuation in accordance with Section 189 of the Local Government Act 1989.

### **FINANCIAL CONSIDERATIONS**

The sale of the site will progress the realisation of the 2013/14 budget for the Strategic Review of Land Holdings Project.

### **CONCLUSION**

Although both submitters spoke in support of the sale of 8 McDonald Street, the Valuer has suggested that the “highest and best use of the site is considered to be the sale of the land to the owners of 10 McDonald Street, Meeniyan”.

### **RECOMMENDATION**

That Council:

1. Sell the land known as 8 McDonald Street, Meeniyan being approximately 231m<sup>2</sup> which is part of the land described within certificate of title volume 6334 folio 789 and shown as Lot 1 in proposed PS717838S to an adjoining landowner for not less than valuation in accordance with Section 189 of the Local Government Act 1989.
2. Negotiate with the adjoining land owners of 10 McDonald Street, Meeniyan in the first instance due to the encroachment of the driveway.

### **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Hill**

**SECONDED: Cr Davies**

**THAT COUNCIL:**

- 1. SELL THE LAND KNOWN AS 8 MCDONALD STREET, MEENIYAN BEING APPROXIMATELY 231M2 WHICH IS PART OF THE LAND DESCRIBED WITHIN CERTIFICATE OF TITLE VOLUME 6334 FOLIO 789 AND SHOWN AS LOT 1 IN PROPOSED PS717838S TO AN ADJOINING LANDOWNER FOR NOT LESS THAN VALUATION IN ACCORDANCE WITH SECTION 189 OF THE LOCAL GOVERNMENT ACT 1989.**
- 2. NEGOTIATE WITH THE ADJOINING LAND OWNERS OF 10 MCDONALD STREET, MEENIYAN IN THE FIRST INSTANCE DUE TO THE ENCROACHMENT OF THE DRIVEWAY.**

**Cr McEwen left the Meeting at 3.40pm.**



**Cr Kennedy left the Council Meeting at 3.41pm and did not return.**

**Cr Fawcett left the Meeting at 3.42pm.**

**Cr Harding took the Chair.**

**CARRIED UNANIMOUSLY**

**Attachment 1**  
**Submission 1 – 10 McDonald Street, Meeniyan**

	<p>Julie Fowkes 1 Farmers Road Dumbalk Vic 3956</p> <p>28<sup>th</sup> October 2013</p>
<p>CEO South Gippsland Shire Council 9 Smith Street Leongatha Vic 3953</p>	
<p>Dear Sir,</p>	
<p><u>RE: Proposed Sale of Land - 8 McDonald St Meeniyan</u></p>	
<p>My name is Julie Fowkes and on behalf of my parents MA &amp; PJ Fowkes I would like to make a submission in regards to the above mentioned sale of land. Mr &amp; Mrs Fowkes live at 10 McDonald St Meeniyan and object to the land being sold to any party other than themselves.</p>	
<p>Mr &amp; Mrs Fowkes have lived at the adjoining property since April 1985 and have maintained the land in question for the past 28 years at no cost to council.</p>	
<p>They are very concerned about the positioning of the new survey pegs as they encroach on their property and if anyone else was to purchase the land and erect a fence, then access via their driveway would be impossible. Whether these survey pegs are in the correct position or not is questionable.</p>	
<p>I believe the adjoining property holder is interested in purchasing this land to enable access to their vacant block at the rear, but as they already have an existing shire constructed driveway and double gates off Meikle street, which they use, I don't believe they require access via the land at 8 McDonald Street.</p>	
<p>I have enclosed photographs of the properties involved indicating the encroachment, the maintenance and garden of 8 McDonald St, and the existing access of the other adjoining landholder to their current vacant block.</p>	
<p>I have also enclosed a letter from my parents requesting me to lodge this submission and attend the council meeting on 27<sup>th</sup> November @ 11.30am to support the submission on their behalf as they are elderly and too unwell to attend.</p>	
<p>Thanking you in anticipation.</p>	
<p>Yours faithfully</p>	
	
<p>Julie Fowkes</p>	

**Attachment 1**  
**Submission 1 – 10 McDonald Street, Meeniyah**

MA & PJ Fowkes  
10 McDonald Street  
Meeniyah Vic 3956

28<sup>th</sup> October 2013

CEO  
South Gippsland Shire Council  
9 Smith Street  
Leongatha Vic 3953

Dear Sir,

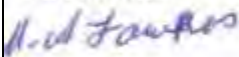
RE: Proposed Sale of Land - 8 McDonald St Meeniyah

We, Maurice Allen Fowkes and Pamela June Fowkes of 10 McDonald Street Meeniyah have requested our daughter Julie Fowkes to make a submission to council to purchase the land at 8 McDonald Street Meeniyah.

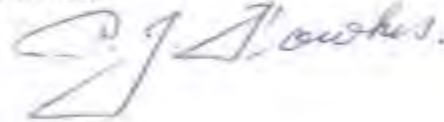
We also request that she attends the council meeting on our behalf and in our absence on 27<sup>th</sup> November @ 11.30am.

We have read the attached letter and seen the enclosed photographs and agree that it is all true and correct and have requested her to lodge the submission.

MA Fowkes



PJ Fowkes





**Attachment 1**  
**Submission 1 – 10 McDonald Street, Meeniyon**



**Attachment 2**  
**Submission 2 – 12 McDonald Street, Meeniyan**

**ATT: To the cheif executive officer at Gippsland shire**

Dear Sir/Madem,

This submission is in regards to the block of land at 8  
McDonald st Meeniyan.

This block adjoins my block at Meikle st Meeniyan. I have  
been maintaining this block for many years.

The block would be a welcome addition to my current block  
in meikle st.

If successfull in purchasing this block i will fence it and  
beautify it with landscaping and gardens that are bird  
attracting.

i wish to speak with the committee on 27th november 2013  
at 11.30am.

I can be contacted at 12 McDonald st Meeniyan or post  
office box 90 Meeniyan 3956 or phone (03)56647287

Yours Sincerly,

Steven Savage.



### Attachment 3 Locality Plan



## **E.11 FORMALISE THE ROAD OPENING OFF DEVLIN ROAD, FOSTER**

Engineering Services Directorate

### **EXECUTIVE SUMMARY**

This report is presented to Council so that it may declare the 50 metre section of unused government road, south east of Devlin Road, Foster, Parish of Wonga Wonga South, open to public traffic to provide legal abuttal to Lot 5 LP87673.

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

- **Attachment 1** - Overall Plan of the Proposed Road Opening.
- **Attachment 2** - Survey Plan of the Proposed Road Opening.

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

- Local Government Act 1989 (Sections 204(2), 207A(c) and 223)
- The Planning and Environment Amendment (General) Act 2013
- Planning and Environment Act 1987 (Section 177 (2) & 183 (2))
- Road Management Act 2004
- Road Management Plan 2013

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

- Road Opening Procedure 2013
- South Gippsland Planning Scheme
- Infrastructure Design Manual

### **COUNCIL PLAN**

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

### **CONSULTATION**

#### **25 September 2013 - Report to Council**

- Council considered a report to commence statutory procedures to declare a 50 metre section of unused government road, south east of Devlin Road, Foster, Parish of Wonga Wonga South, open to public traffic to provide legal abuttal to Lot 5 LP87673.

### 7 October 2013 - Public Consultation Session

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

### 5 November 2013 - Submission Session Closed

- Upon conclusion of the public consultation session, no submissions were received.

## **REPORT**

### **Background**

Council received a request from a land owner to open a section of unused government road to provide legal abuttal to Lot 5 LP87673 located at the rear of 22 Hall Road, Foster. This would then allow legal public road access to this property.

At its Ordinary Council Meeting held on 25 September 2013, it was resolved unanimously that Council:

*'Commence statutory procedures pursuant to Section 204(2), Section 207A(c) and Section 223 of the Local Government Act 1989, to propose to declare the 50 metre section of unused government road, south east of Devlin Road, Foster, Parish of Wonga Wonga South open to public traffic to provide legal abuttal to the applicant's property (shown cross hatched on the plan below), as a road that is required to be open to public traffic.'*

The road to be opened is currently unconstructed and will need to be constructed to standards equivalent of a 'Rural Access Road', being a 4.0 metre wide carriageway with table drains to suit, in accordance with the Infrastructure Design Manual. This is a 'formed and gravelled' no through road with traffic volumes below 50 vehicles per day.

A Special Charge Scheme could be implemented in the future if the road required upgrading to service any future development adjoining the unnamed road. This would be in accordance with the Infrastructure Design Manual.

### **Discussion**

The proposal to open the 50 metre portion of unused government road shall only proceed to gazettal, subject to the following conditions:

- The applicant enters into a Section 173 Agreement under the Planning and Environment Act 1987, to construct the road to standards equivalent of a 'Rural Access Road' and bears all costs associated with the opening and construction of the road.

- The construction of the road should be completed prior to any building or construction works occurring on the land.
- The applicant maintains the road during the twelve month Defects Liability Period agreed to by Council, following which Council will be responsible for the maintenance of the road in accordance with the Road Management Plan 2013.
- The applicant obtains all relevant Permits before commencing works to construct the road.

This Agreement shall end upon the expiry of the Defects Liability Period agreed to by Council in regards to the works provided and to the satisfactory completion of works and rectifications required during the Defect Liability Period.

### **Proposal**

It is proposed that Council:

1. Declare the road as described and as shown on the plan in the recommendation, be open to public traffic and that a notice be placed in the Government Gazette.
2. Proceed to finalise the documents and authorise the Chief Executive Officer to sign and execute all documents in relation to the agreement and affix the Common Seal of the Council where necessary, all documents associated with the recording and ending of the Section 173 Agreement.

### **FINANCIAL CONSIDERATIONS**

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

The future maintenance costs of this section of road are estimated to be \$250 per annum. This can be accommodated in Council's Road Maintenance Operating Budget when required.

### **RISK FACTORS**

Council's risks are mitigated as the process is in accordance with the Road Management Act 2004 and Council's Road Management Plan 2013.

If Council does not open the road the applicant will not have legal access to Lot 5, LP87673.

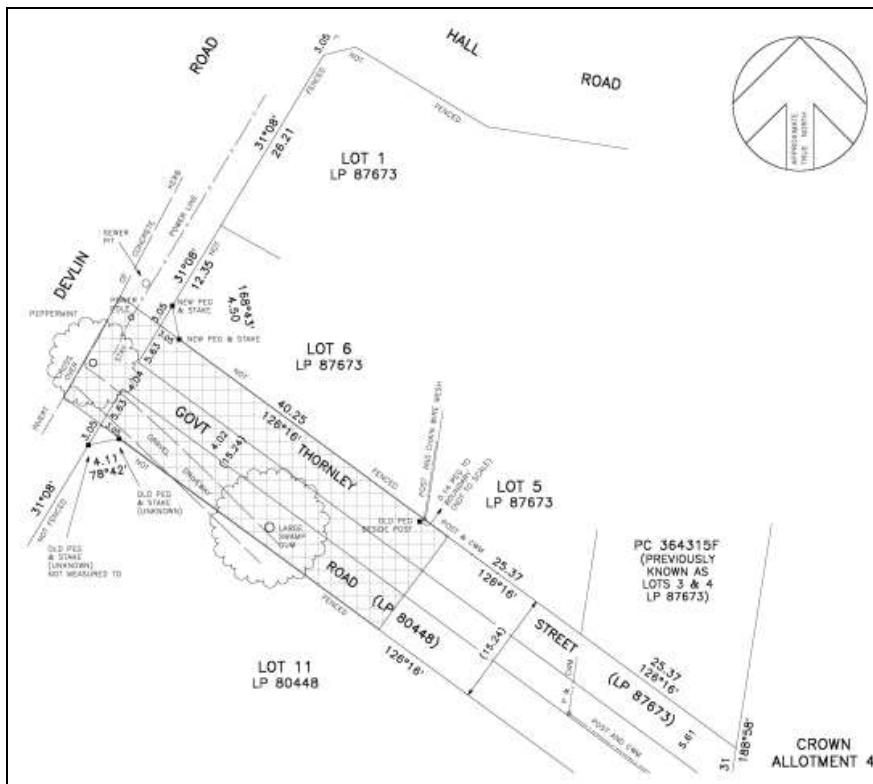
## CONCLUSION

It is considered appropriate that Council declare the 50 metre section of unused government road, south east of Devlin Road, Foster, Parish of Wonga Wonga South, open to public traffic to provide legal abuttal to Lot 5 LP87673.

## RECOMMENDATION

That Council:

1. Pursuant to Section 204(2), of the Local Government Act 1989, declare the 50 metre section of unused government road, south east of Devlin Road, Foster, Parish of Wonga Wonga South, (shown cross hatched on the plan below), is required to be open to the public for traffic as a right and declare the road to be a public highway for the purposes of the Act from the publication of this declaration in the Government Gazette.



2. Agree to proceed to enter into an agreement pursuant to Section 173 under the Planning and Environment Act 1987, between the applicant and South Gippsland Shire Council, in which the applicant bears all the costs associated with the opening and construction of the road and to maintain the road during the twelve month Defects Liability Period.
3. Authorise the Chief Executive Officer to execute all documents in relation to the agreement and affix the Common Seal of the Council to the Section 173 Agreement.
4. Direct that a notice be published in the Government Gazette.



5. Authorise the Chief Executive Officer to execute and affix the Common Seal of Council to all documents in relation to the ending of the Agreement in accordance with Section 177 (2) and Section 183 (2) of the Planning and Environment Act 1987 on satisfactory completion of works.

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

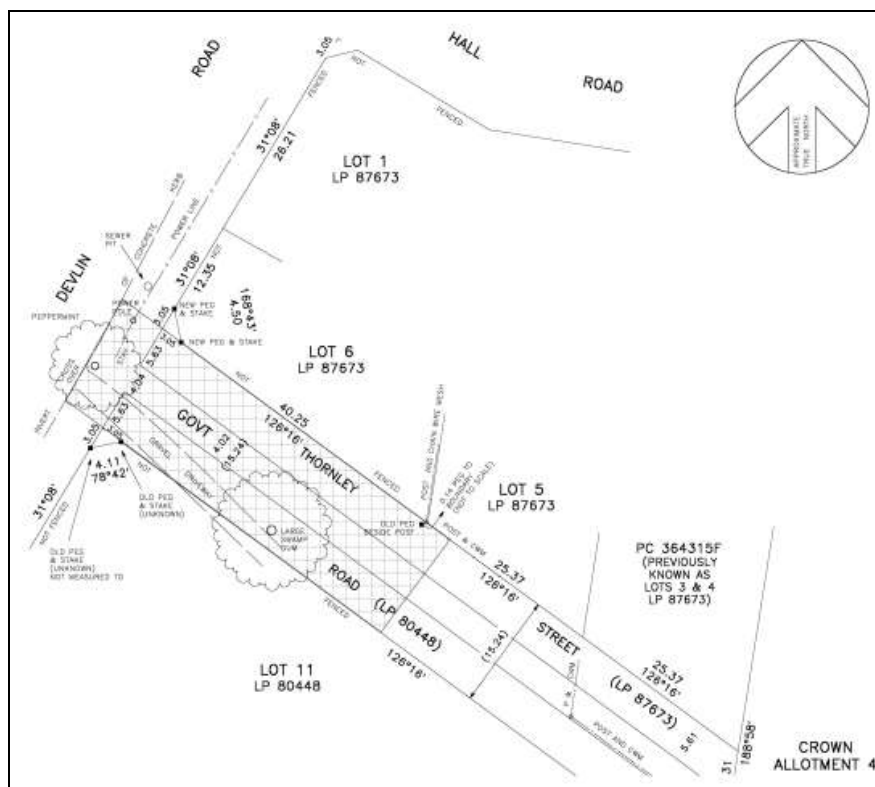
Nil

**MOVED: Cr Newton**

**SECONDED: Cr Davies**

**THAT COUNCIL:**

- 1. PURSUANT TO SECTION 204(2), OF THE LOCAL GOVERNMENT ACT 1989, DECLARE THE 50 METRE SECTION OF UNUSED GOVERNMENT ROAD, SOUTH EAST OF DEVLIN ROAD, FOSTER, PARISH OF WONGA WONGA SOUTH, (SHOWN CROSS HATCHED ON THE PLAN BELOW), IS REQUIRED TO BE OPEN TO THE PUBLIC FOR TRAFFIC AS A RIGHT AND DECLARE THE ROAD TO BE A PUBLIC HIGHWAY FOR THE PURPOSES OF THE ACT FROM THE PUBLICATION OF THIS DECLARATION IN THE GOVERNMENT GAZETTE.**



- 2. AGREE TO PROCEED TO ENTER INTO AN AGREEMENT PURSUANT TO SECTION 173 UNDER THE PLANNING AND ENVIRONMENT ACT 1987, BETWEEN THE APPLICANT AND SOUTH GIPPSLAND SHIRE COUNCIL, IN WHICH THE APPLICANT BEARS ALL THE COSTS ASSOCIATED WITH THE OPENING AND CONSTRUCTION OF THE ROAD AND TO MAINTAIN THE ROAD DURING THE TWELVE MONTH DEFECTS LIABILITY PERIOD.**
- 3. AUTHORISE THE CHIEF EXECUTIVE OFFICER TO EXECUTE ALL DOCUMENTS IN RELATION TO THE AGREEMENT AND AFFIX THE COMMON SEAL OF THE COUNCIL TO THE SECTION 173 AGREEMENT.**

4. **DIRECT THAT A NOTICE BE PUBLISHED IN THE GOVERNMENT GAZETTE.**
5. **AUTHORISE THE CHIEF EXECUTIVE OFFICER TO EXECUTE AND AFFIX THE COMMON SEAL OF COUNCIL TO ALL DOCUMENTS IN RELATION TO THE ENDING OF THE AGREEMENT IN ACCORDANCE WITH SECTION 177 (2) AND SECTION 183 (2) OF THE PLANNING AND ENVIRONMENT ACT 1987 ON SATISFACTORY COMPLETION OF WORKS.**

**Crs Fawcett and McEwen returned to the Meeting at 3.44pm.**

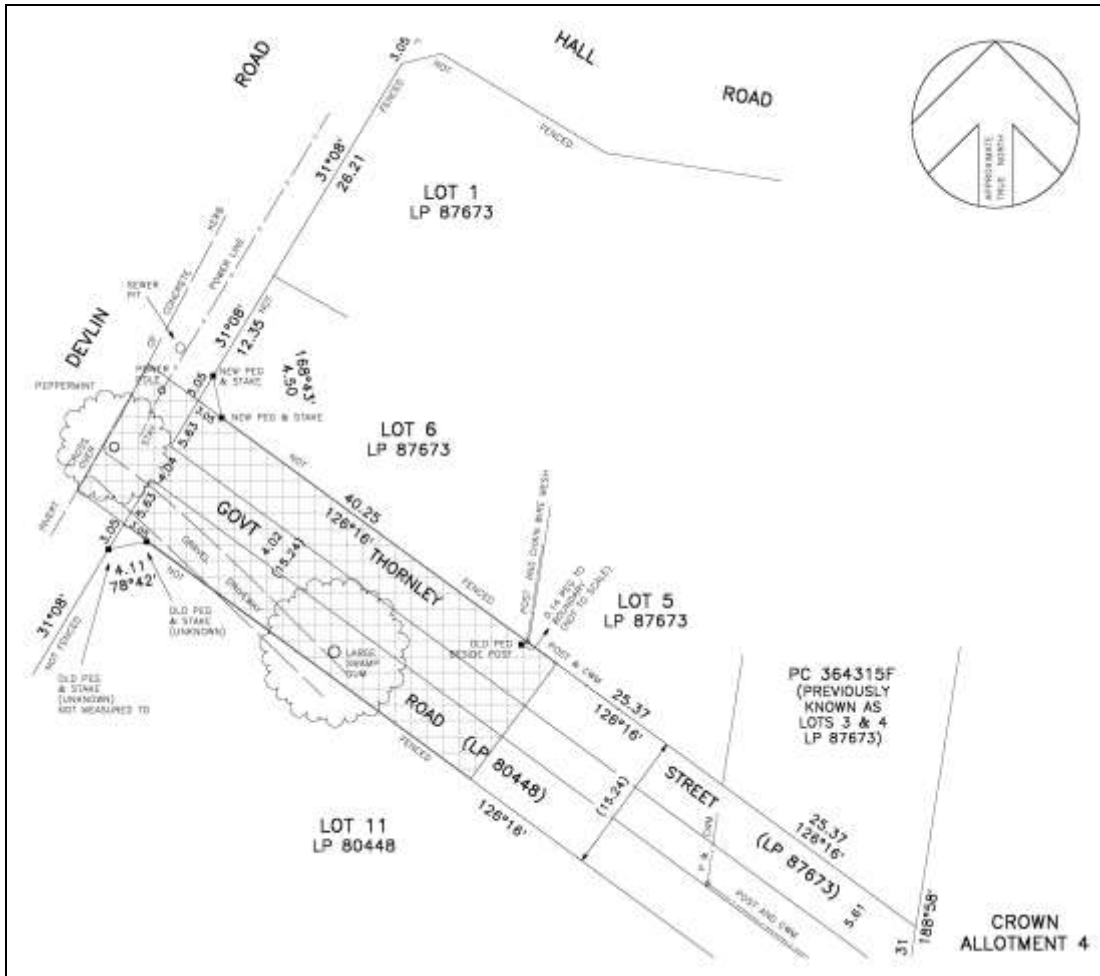
**Cr Fawcett resumed the Chair.**

**CARRIED UNANIMOUSLY**

**Attachment 1**  
**Overall Plan of the Proposed Road Opening**



### Attachment 2 Survey Plan of the Proposed Road Opening



---

## **E.12 NYORA HALL UPGRADE**

Community Services Directorate

### **EXECUTIVE SUMMARY**

This report proposes that Council support an upgrade of the Nyora Hall through a financial contribution of \$42,500.

If Regional Development Victoria (RDV) invites Council to submit an application, it is proposed that Council's contribution, together with a matching contribution from the community, be used as leverage funding to apply for \$255,000 through the Putting Locals First Program (PLFP).

<b>Project</b>	<b>Total Project Cost</b>	<b>Grant Sought</b>	<b>Community Contribution</b>	<b>Council Contribution</b>
Nyora Hall Upgrade	\$340,00	\$255,000	\$42,500	\$42,500

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

Nil

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

Nyora Community Plan (October 2010)

Nyora Public Hall Redevelopment Plan 2008

### **COUNCIL PLAN**

Outcome: 3.0 Integrated Services & 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**

This is a partnership project with the Nyora Hall Committee of Management and Council. A Project Control group has been established with 3 representatives from the Hall Committee and staff representatives from the Engineering and Community Strengthening team.

There is a strong sense of co-operation between all parties and a commitment by the Hall Committee that they will make a financial contribution towards the works.

A presentation was made to staff from RDV on 22 October 2013 about the project. The proposal was viewed favourably, particularly because it was proposed that Council would assume responsibility for the capital works project and is consistent with the objectives of the funding program.

## **REPORT**

### **Background**

The town and district of Nyora has minimal community infrastructure, yet supports a population of 1332. While Nyora does have a sporting pavilion with a small social function area, the Nyora Hall is the only community meeting space available to the public all year round.

The Nyora Hall is not a Council asset. It is built on Crown land with a DSE Committee of Management.

While Nyora has been identified as a future growth area, development is contingent on sewerage and market demand. Investment in new social infrastructure in Nyora, in part to be funded through developer contributions, is not expected to occur for up to 10 years.

In the meantime, the Nyora Hall roof is leaking and causing damage to the interior of the hall. The need for a roof replacement was identified a number of years ago with a formal budget submission made by the Nyora Public Hall Committee in May 2012. No specific budget allocation was made at the time but a commitment to further investigate the matter was made.

### **Putting Local First Fund**

The PLFP is a component of the Regional Growth Fund (RGF) initiative designed to enable regional communities to create and deliver service and infrastructure responses which reflect local priorities.

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

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

The Nyora Hall upgrade project is aligned to improving infrastructure, facilities and services. The program invests in priority infrastructure that meets local needs and strengthens the regional community and economy during both its construction and operation. Quality local facilities are important in providing



services, encouraging tourism and private investment, improving quality of life and the sustainability of many towns.

### **Discussion**

Endorsement is being sought from Council to allocate funding of \$42,500 to support a grant through the PLFP to upgrade the Nyora Hall. The total cost of the project is estimated at \$340,000. Designs have been completed, costed and include:

- Repair/replacement of roofing and gutters;
- Upgrade drainage;
- Treatment to block walls to protect the building from the rising damp;
- Operable wall installed;
- Upgrades to interior;
- A car park and new path developed;
- Redesign the entrance into the courtyard; and
- Exterior landscaped with retaining wall.

The Hall Committee of Management has agreed to Council managing the capital works project.

The upgrade to the hall is supported by the Nyora Community Plan and the Nyora Public Hall Development Plan undertaken in 2008 which was funded through Council's Community Grants Program.

### **FINANCIAL CONSIDERATIONS**

The cost of design for the upgrade was met by Council and the Nyora Hall Committee of Management.

The Quantity Surveyor's Cost Plan for the upgrade is \$340,000. It is proposed that Council apply for a grant for the capital works through RDV PLFP. Discussions with RDV regarding the project have been favourable for both the roof replacement and the other proposed improvements. This extended project scope would be aligned to PLFP funding.

PLFP funding is a maximum 3:1 contribution. A combined contribution from Council and the Nyora Hall Committee of Management for a total of \$85,000 would attract government funding of \$255,000 providing for a total project cost of \$340,000.

The Committee of Management has indicated that they can contribute \$42,500 towards the capital works and Council would need to contribute \$42,500.

There is an amount of \$38,000 in the Recreation – Future Unplanned Works budget (SRV) which has been tentatively tagged for the Nyora Hall upgrade project. This would leave a budget shortfall for Council's contribution of \$4,500 which will be met from identified savings through the 2013/14 mid-year budget review process.

### **RISK FACTORS**

There is a risk that RDV will not invite Council to submit an application to the PLFP and therefore funding will not be achieved. That risk has been minimised through the completion of designs and indicative costs for the upgrade, providing a "shovel ready" project for consideration by RDV.

To commence the funding application process, a preliminary Project Proposal must be formally submitted to RDV. RDV will consider the proposal and invite an application if it meets their criteria.

The Committee of Management appreciate that the capital works project is contingent on PLFP funding.

The risk of not proceeding with the repairs and replacement of the roof would be to the detriment of the only year-round community meeting space available to the public of Nyora and surrounding area.

### **CONCLUSION**

The Nyora Hall roof is leaking and the hall urgently requires an upgrade. Through a combined Council and community investment of \$85,000 funding of \$255,000 can be leveraged through RDV to undertake the upgrade.

The upgrade will ensure a functional all year round public meeting space in Nyora.

## **RECOMMENDATION**

That Council:

1. Endorse an application to Regional Development Victoria for the upgrade of the Nyora Hall;
2. If invited by Regional Development Victoria, seek funding of \$255,000 for the Nyora Hall upgrade from the Putting Locals First Program;
3. Request funding of \$42,500 from the Nyora Hall Committee of Management as a contribution towards the project if the application is approved by Regional Development Victoria;
4. Make an allocation of \$38,000 from the 2013/2014 Financial Budget for Recreation Future Unplanned Works (SRV) as Council's contribution towards the project if the application is approved by Regional Development Victoria;
5. Allocate \$4,500 towards the project from identified savings through the 2013/14 mid-year budget review process;
6. Provide staff resources for management of the project if approved by Regional Development Victoria; and
7. Advise the Nyora Hall Committee that any project overruns are the responsibility of the committee to fund, in accordance with Council's Community Project Management Policy.

## **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Newton**

**SECONDED: Cr Davies**

**THAT COUNCIL:**

- 1. ENDORSE AN APPLICATION TO REGIONAL DEVELOPMENT VICTORIA FOR THE UPGRADE OF THE NYORA HALL;**
- 2. IF INVITED BY REGIONAL DEVELOPMENT VICTORIA, SEEK FUNDING OF \$255,000 FOR THE NYORA HALL UPGRADE FROM THE PUTTING LOCALS FIRST PROGRAM;**
- 3. REQUEST FUNDING OF \$42,500 FROM THE NYORA HALL COMMITTEE OF MANAGEMENT AS A CONTRIBUTION TOWARDS THE PROJECT IF THE APPLICATION IS APPROVED BY REGIONAL DEVELOPMENT VICTORIA;**
- 4. MAKE AN ALLOCATION OF \$38,000 FROM THE 2013/2014 FINANCIAL BUDGET FOR RECREATION FUTURE UNPLANNED WORKS (SRV) AS COUNCIL'S CONTRIBUTION TOWARDS THE PROJECT IF THE APPLICATION IS APPROVED BY REGIONAL DEVELOPMENT VICTORIA;**
- 5. ALLOCATE \$4,500 TOWARDS THE PROJECT FROM IDENTIFIED SAVINGS THROUGH THE 2013/14 MID-YEAR BUDGET REVIEW PROCESS;**
- 6. PROVIDE STAFF RESOURCES FOR MANAGEMENT OF THE PROJECT IF APPROVED BY REGIONAL DEVELOPMENT VICTORIA; AND**
- 7. ADVISE THE NYORA HALL COMMITTEE THAT ANY PROJECT OVERRUNS ARE THE RESPONSIBILITY OF THE COMMITTEE TO FUND, IN ACCORDANCE WITH COUNCIL'S COMMUNITY PROJECT MANAGEMENT POLICY.**

**CARRIED UNANIMOUSLY**

## **E.13 RESOURCE FOR SOCIAL COMMUNITY INFRASTRUCTURE PROJECT**

Community Services Directorate

### **EXECUTIVE SUMMARY**

The Social Community Infrastructure Committee was established in response to Action 3.1.3 in the Council's 2013-14 Annual Plan "commence the development of a strategy for community facilities including the potential development of Community Hubs".

The aim of the project is to develop an integrated planning approach for social infrastructure for all of the Shire's townships and villages, ensuring that facilities are located in areas where they are most appropriate and reflect population projections.

The project has been scoped, Terms of Reference developed, guiding principles established, research commenced and a survey piloted.

To progress the project within agreed timeframes, it is recommended that the Social Community Infrastructure Committee's Terms of Reference be adopted and that a project manager be appointed to manage the project over the next 6 months.

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

- **Attachment 1** - Social Community Infrastructure Committee Project Scope
- **Attachment 2** - Guiding Principles

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

Nil

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

- Council Plan 2013-2017
- Annual Plan 203-2014
- South Gippsland Housing & Settlement Strategy 2013

## **COUNCIL PLAN**

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

## **CONSULTATION**

Community consultation has commenced through the infrastructure survey with a trial run held at a community meeting in Mirboo North. This was well received with community members generally supportive of the direction Council is taking.

The survey will be rolled out across the Shire through face to face forums, where a relevant community meeting is being held, or by letter.

## **REPORT**

### **Background**

The Social Infrastructure Committee was commenced on 9 October 2013 and consists of Mayor Fawcett, Councillors Davies, Brunt, McEwen and Hill, Council's CEO, Director Community Services, Director Engineering Services and other relevant Council staff.

Two committee meetings have been held to date. The project has been scoped and divided into 2 parts.

Part 1 - to be completed by June 2014 - includes establishing a baseline for infrastructure required in each town/group and analysing population growth and its impact on infrastructure and service demands. A "blueprint" for community facilities is the expected outcome from this work.

Part 2 - to be completed by June 2015 - is to focus on future capital works budget allocations for infrastructure, identifying all funding sources and developing a strategy for investment in community facilities that is financially sustainable.

### **Discussion**

To date the Committee has agreed to the Terms of Reference, Guiding Principles (**Attachment 2**) to drive the location, acquisition, design, building, redevelopment, refurbishment and management of Council owned community facilities across the Shire.

A desk top review of documents relating to community infrastructure has been undertaken and while a considerable list has been compiled analysis of their relevance and impact on the Social Community Infrastructure project has not occurred.

An Infrastructure survey has been developed and piloted and is ready to be distributed to all communities in the Shire for completion.

While a discussion has occurred around catchment areas, it was agreed that until the baseline data is completed and mapped that a decision around catchments could not be made

As the project has developed both the significance of the work in informing Council's future capital works investment and the extent of the work required to complete the project over the next 12 months has been clarified.

The Committee, while committed to the project, is currently not resourced to achieve the agreed outcomes of the project within the designated timeframes.

### **Proposal**

It is proposed that Council adopt the Social Community Infrastructure Committee's Terms of Reference and appoint a dedicated project manager for a 6 month period to manage the Social Community Infrastructure project to completion of Part 1.

### **FINANCIAL CONSIDERATIONS**

There is currently no budget provision for this project work, which is estimated at \$60,000 in the 2013/14 financial year. It is proposed that this unbudgeted cost will be met through identified savings achieved through the 2013/14 mid-year budget review process

### **RISK FACTORS**

If a dedicated project manager was not engaged the project milestones will require extending to allow sufficient time for existing staff to complete the required tasks.

If existing staff were to take on this additional workload they would need to defer their current work plans to devote adequate time to the project.

Increasing this time could impact the momentum of the project and affect the currency of the baseline data collected.

### **CONCLUSION**

Council has identified, as a priority, the need for a strategy for social community infrastructure which will inform future capital works investments. The Social Infrastructure Committee has scoped and progressed the project to a point where it requires a dedicated resource to manage the project to completion



## **RECOMMENDATION**

That Council:

1. Adopt the Social Community Infrastructure Committee's Terms of Reference;
2. Endorse the proposal to appoint a project manager for a 6 month period to complete Part 1 of the Social Community Infrastructure Project as set out in the agreed Project Scope; and
3. Allocate \$60,000 in the 2013/14 financial year and \$60,000 in the 2014/15 financial year to meet the costs of the project manager.

## **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Davies**

**SECONDED: Cr Hill**

**THAT COUNCIL:**

1. **ADOPT THE SOCIAL COMMUNITY INFRASTRUCTURE COMMITTEE'S TERMS OF REFERENCE;**
2. **ENDORSE THE PROPOSAL TO APPOINT A PROJECT MANAGER FOR A 6 MONTH PERIOD TO COMPLETE PART 1 OF THE SOCIAL COMMUNITY INFRASTRUCTURE PROJECT AS SET OUT IN THE AGREED PROJECT SCOPE; AND**
3. **ALLOCATE \$60,000 IN THE 2013/14 FINANCIAL YEAR AND \$60,000 IN THE 2014/15 FINANCIAL YEAR TO MEET THE COSTS OF THE PROJECT MANAGER.**

**CARRIED UNANIMOUSLY**

**Attachment 1**

**Social Community Infrastructure Committee Project Scope**

Steering Committee – Social Community Infrastructure	
Expected Outcomes	<ol style="list-style-type: none"> <li>1. A documented blueprint for community facilities/hubs in the Shire for the future.</li> <li>2. Collaborative engagement with the community to gain a mutual understanding of what versus afford.</li> <li>3. Communities understanding their role and responsibility in sourcing external funding to pursue opportunities for infrastructure that Council cannot afford.</li> <li>4. Service levels determined reflected in asset management plans and aligned with Capital Works Program.</li> </ol>
Expected Benefits	<ol style="list-style-type: none"> <li>1. Clear and transparent community Infrastructure standards established.</li> <li>2. Planned and focussed social infrastructure growth.</li> <li>3. A sustainable Capital Works and Maintenance budget.</li> <li>4. Increased community satisfaction with Council's engagement process.</li> <li>5. Community understanding increased as to what Council can afford and how the community can contribute.</li> </ol>
Project Performance Measures /Review against Outcomes/Benefits	<p>Progress on Actions:</p> <ol style="list-style-type: none"> <li>1. Annual Plan actions achieved by June 2014.</li> <li>2. An informed Capital Works program</li> <li>3. Number of communities engaged in discussion of draft document.</li> </ol>
Committee Performance Measures	<ol style="list-style-type: none"> <li>1. Discussion focuses on whole of Shire and does not become parochial</li> <li>2. Clear decision making.</li> <li>3. Project maintained within the scope of the Annual Plan.</li> <li>4. Committee members have read associated documentation for each meeting with questions raised in advance of the meeting or at the meeting.</li> </ol>
Project Chair	Jan Martin
Project Inclusions	All towns, villages and hamlets in the Shire. Council, Government, Non-Government and Private Community Facilities.
<p>Minute Taker: Gabby Roughton</p>	

## Steering Committee – Social Community Infrastructure



	Libraries, pools, youth centres, indoor leisure facilities, community centres, neighbourhood houses, health centres, function centres, education centres, community halls, aged & disability centres, parks and sports grounds.			
Project Exclusions	Nil			
Project Duration	12 months			
Rules of Engagement	Councillor Code of Conduct applies Staff Code of Conduct applies Values – Right to speak, right to be heard, agenda ahead of meeting, etc Roles and responsibilities of Councillors, Staff and Chair Engagement Style – Is a common Charter for all committees or individual committee Charters?			
Project Reporting	Council Plan/Annual Plan Update 1 <sup>st</sup> Wednesday of Month			
Budget / Resources	<ul style="list-style-type: none"> <li>- Income</li> <li>- Expenditure</li> <li>- Employees</li> <li>- Consultants</li> <li>- Materials</li> <li>- Procurement</li> </ul>			
Communication Plan	<ul style="list-style-type: none"> <li>1. Library Corporation.</li> <li>2. Cross representation from all towns, villages and hamlets – both resident and non resident ratepayers.</li> <li>3. Pool Committees from each town.</li> </ul>			
Stakeholders				
Consultation – who, how when, why				
Risk Management	<ul style="list-style-type: none"> <li>- Project risks</li> </ul>			
	<table border="1" style="width: 100%;"> <tr> <td style="width: 60%;">1. Unrealistic community expectations. 2. Time and resource constraints - No budget has been</td> <td style="width: 20%; text-align: center;">Mitigation Steps</td> <td style="width: 20%;">1. Consistent message through media and from all Councillors.</td> </tr> </table>	1. Unrealistic community expectations. 2. Time and resource constraints - No budget has been	Mitigation Steps	1. Consistent message through media and from all Councillors.
1. Unrealistic community expectations. 2. Time and resource constraints - No budget has been	Mitigation Steps	1. Consistent message through media and from all Councillors.		

### Steering Committee – Social Community Infrastructure



Risk rating:	allowed but included in Director and Social Planner's work plan for limited number of hours. 3. Community consultation to be managed within resources available 4. Major failure of a piece of infrastructure in the interim. 5. Identification of towns that are over serviced with infrastructure.	2. Any future investment must sit within the guiding principles.
Other:		

No	Project Milestones	Who	When	Timeframe
1.	Desktop review of existing community facilities.	Working Group		End September
2.	Current and forecast populations per town, village and hamlet and cluster.	Social Planner		End August
3.	Guiding principles for strategic direction agreed.	Working Group		End September
4.	Key strategic directions agreed by Council	Council		End November
5.	Draft document developed and provided to the community for discussion/input.	Working Group		February 2014
6.	Round of community engagement.	????		February, March, April 2014
7.	Strategic Plan for community facilities adopted by Council.	Council		June

---

## Attachment 2 Guiding Principles

### Steering Committee – Social Community Infrastructure



### South Gippsland Shire Council Guiding Principles

The following 7 Principles will guide the location, acquisition, design, building, redevelopment, refurbishment and management of Council owned community facilities across the Shire:

1. **Multi-purpose and flexible**
2. **Promote a positive local identity and social connection**
3. **Managed in partnership and consultation with key stakeholders and communities**
4. **Financial and community sustainability**
5. **Access for all**
6. **Safe and fit for purpose**
7. **Equitable and appropriately located**

## **E.14 CIVIC AND MAYORAL RECEPTION POLICY**

Corporate Services Directorate

### **EXECUTIVE SUMMARY**

Council does not currently have a formal Policy to guide the management of Civic and Mayoral Receptions. As part of an organisation wide review of all policies, it was identified that a Policy of this type would provide the necessary guidelines to assist in the consideration and provision of such functions.

This report provides the opportunity for Council to consider and adopt the proposed Civic and Mayoral Reception Policy.

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

- **Attachment 1** - Civic and Mayoral Reception Policy

### **COUNCIL PLAN**

Outcome:	4.0	A Leading Organisation
Objective:	4.1	Pursue best practice in organisational development and operations of the organisation
Strategy:	1.1.1	We will monitor corporate governance processes, including risk management and skills development with the aim of ongoing improvement.

### **CONSULTATION**

In developing this policy, Council undertook a 'Super 11' Benchmarking exercise to liaise with similar local government authorities. This assisted in tailoring a policy that took into consideration learnings and advice from other Councils.

### **REPORT**

While not a regular occurrence, Council is at times approached to host Civic Receptions and/or looks to recognise incredible achievements within our community through the provision of Mayoral Functions.

There are currently no clear guidelines surrounding the provision of such events and this Policy helps to clarify when a Council funded Civic or Mayoral Reception may be considered.

### **FINANCIAL CONSIDERATIONS**

Currently there is no dedicated budget for the provision of Civic and Mayoral Receptions or related functions. This Policy provides that a resolution of Council will be required to endorse the holding of such an event and that this

resolution must include details of an appropriate budget allocation to cover administrative, venue and catering costs.

### **RISK FACTORS**

There is limited risk associated with the endorsement of this Policy. However the Policy will help to avoid confusion both for Council and the community regarding eligibility requirements to hold a civic reception.

### **CONCLUSION**

It is proposed that the Policy be adopted to ensure there is a clear agreement of the process and considerations to be taken into account when Council is looking to host a Civic or Mayoral Reception or when Council is approached to host such an event.

### **RECOMMENDATION**

That Council adopt the proposed Civic and Mayoral Reception Policy.

### **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Harding**


**SECONDED: Cr Davies**

**THAT COUNCIL ADOPT THE PROPOSED CIVIC AND MAYORAL RECEPTION POLICY.**

**CARRIED UNANIMOUSLY**



## Attachment 1 Civic and Mayoral Reception Policy



*South Gippsland Shire Council*

---

### CIVIC AND MAYORAL RECEPTION POLICY

Policy Number:	TBA	Grid/Title:	Executive Office
Council Item No:	TBA	Department:	NA
Council Adoption Date:	TBA	Primary Author:	Chief Executive Officer
Revision Date:	TBA	Secondary Author:	Executive Support Staff

---

**POLICY OBJECTIVE**

To provide guidelines to assist in the consideration of, and where appropriate, the provision of Council funded Civic and Mayoral Receptions.

**LEGISLATIVE PROVISIONS**

Nil

**DEFINITIONS**

Civic Reception: Formal Council event to recognise dignitaries or significant achievements as determined by the Council.

Mayoral Reception: Less formal event not involving a major function or presentation. Mayoral Receptions are provided for persons/organisations where recognition is considered appropriate but where a Civic Reception is not deemed suitable.

**POLICY STATEMENT**

A Council funded (in whole or part) and organised Civic or Mayoral Reception may be considered for:

- Interstate or overseas visiting dignitaries as part of an official visit to the Shire
- Interstate or overseas official delegations to the Shire
- Exceptional achievement and contribution in sport, the arts, charitable endeavours, community service or similar
- Visitors of national significance
- Others as determined by the Mayor in conjunction with the Chief Executive Officer.

A resolution of Council will be required to endorse the holding of a Civic or Mayoral Reception in accordance with this Policy. This resolution must include a budget allocation required for the event to cover administrative, venue and catering costs.

The Chief Executive Officer shall be authorised to determine the format and all other administrative arrangements associated with the organisation and conduct of the Civic and Mayoral Reception.

*Civic and MAYORAL Reception Policy* Page 7 of 8



COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

#### RISK ASSESSMENT

Limited risk. This Policy helps to avoid confusion both for Council and the community regarding eligibility requirements to hold a civic reception. It also outlines the authorisation process necessary to approve a civic reception which clarifies the expectations and requirements for such an event to be held.

#### IMPLEMENTATION STATEMENT

Implementation of this Policy will be via:

- Distribution of Policy to all Councillors
- Publication of the Policy on Council's Website
- Distribution of Policy to key internal teams including Communications and Governance.

---

## SECTION F - URGENT OR OTHER BUSINESS

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

### 1. Urgent Business

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

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

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

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

### 2. Other Business

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

**Nil**

## **SECTION G – GENERAL QUESTION TIME**

### **G.1 QUESTION TIME**

-----  
**Mr Don Fairbrother provided written questions with respect of Council Agenda item E.1 - PETITION - TO PROTECT RESIDENTS FROM NUISANCE CAUSED BY OPERATIONAL NOISE FROM BALD HILLS, SOUTH GIPPSLAND WIND FARM.**

**The questions and responses were read out by the Mayor.**

**Question 1a.** Does this situation constitute a conflict of interest for Cr Kennedy and will he be absenting himself from the debate and vote about the petition?

***The Mayor responded that Cr Kennedy has declared a conflict of Interest and left the Meeting at the time of discussion and vote.***

**Question 1b.** Has South Gippsland Shire Council accepted or entered into any donation agreements with Bald Hills Wind Farm and on what basis?

***The Mayor responded No. However the Mayor indicated that in the future the Bald Hill Wind Farms may benefit recreation reserves but that this would benefit Department of Environment and Primary Industries rather than Council.***

**Question 1c.** If Council has accepted any donations from Bald Hills Wind Farm why aren't they listed in the petition report provided by Council officers in Agenda Item E.1?

***The Mayor responded by referring to answer in 1b, that there are no gifts to declare.***

**Question 1d.** If South Gippsland Shire Council is accepting donations from Bald Hills Wind farm, how can it fairly and fearlessly enforce the conditions of approval in the Bald Hills Wind Farm planning permit for which it has responsibility and avoid being compromised?

***The Mayor responded by referring to answers in 1b and 1c and noted that transparency provides protection and financial benefits would be declared.***

-----

### **G.2 ANSWERS TO PREVIOUS QUESTIONS ON NOTICE**

**Nil**

## **CLOSED SESSION**

### **Consideration of confidential matters under the Local Government Act 1989, Section 89(2).**

According to Section 89 of the Local Government Act 1989 (the Act), Council may consider items in closed session. There must be a resolution to move 'In Committee' stating the reasons why the matter(s) need to be considered in this way. The reasons provided for within the Act are matters concerning personnel, personal hardship, industrial issues, contracts, proposed developments, legal advice or any other matter that Council considers would be prejudicial, to it or any other person.

Once 'In Committee' discussions and debate have concluded, a further resolution to resume open Council is required.

**ITEM 1    2014 AUSTRALIA DAY AWARDS SELECTION**

**ITEM 2    CONTRACTUAL MATTER**

**ITEM 3    CONTRACTUAL MATTER**

**ITEM 4    CONTRACTUAL MATTER**

**ITEM 5    CONTRACTUAL MATTER**

**MOVED: Cr Newton**

**SECONDED: Cr Hill**

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

- 1.    2014 AUSTRALIA DAY AWARDS SELECTION 89(2)(h); AND**
  - 2.    FOUR CONTRACTUAL MATTERS PURSUANT TO SECTION 89(2)(d)**
- AS PROVIDED FOR BY THE LOCAL GOVERNMENT ACT 1989.**

**CARRIED UNANIMOUSLY**

**ITEM 2 AWARD OF TENDER SGC14/05 - CONSTRUCTION OF THE GREAT SOUTHERN RAIL TRAIL STAGES 2 & 3 - TOORA TO WELSHPOOL**

**THAT COUNCIL:**

- 1. AWARD TENDER SGC14/05 CONSTRUCTION OF THE GREAT SOUTHERN RAIL TRAIL STAGES 2 & 3 - TOORA TO WELSHPOOL TO ALLENS CONTRACTING ATF THE ALLEN FAMILY TRUST FOR THE LUMP SUM AMOUNT OF \$954,016.80 (INCLUDING GST).**

**ITEM 3 AWARD OF TENDER SGC14/08 - DESIGN AND CONSTRUCTION OF THREE BRIDGES FOR THE GREAT SOUTHERN RAIL TRAIL TOORA TO WELSHPOOL**

**THAT COUNCIL:**

- 1. AWARD TENDER SGC14/08 DESIGN AND CONSTRUCTION OF THREE BRIDGES FOR THE GREAT SOUTHERN RAIL TRAIL TOORA TO WELSHPOOL TO MR. WILLIAM PETERSEN T/A AGTRANS SERVICES FOR THE LUMP SUM AMOUNT OF \$412,434.00 (INCLUDING GST).**

**ITEM 4 AWARD TENDER SGC14/10 - PROVISION OF ASPHALT WORKS - VARIOUS LOCATIONS**

**THAT COUNCIL:**

- 1. AWARD TENDER SGC14/10 PROVISION OF ASPHALT WORKS – VARIOUS LOCATIONS TO FOWLERS ASPHALTING PTY LTD FOR THE LUMP SUM AMOUNT OF \$298,115.07 (INCLUDING GST).**

## **SECTION H - MEETING CLOSED**

### **NEXT MEETING**

The next Ordinary Council Meeting open to the public will be held **26 February 2014** commencing at 2pm in the Council Chambers, Leongatha.

**The Meeting closed at 4.28pm.**

**CONFIRMED:.....**

**CR JAMES FAWCETT – MAYOR**

**Date:.....**