



**South Gippsland**  
Shire Council

*Come for the beauty, Stay for the lifestyle*

# COUNCIL MINUTES

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**ORDINARY MEETING NO. 367  
WEDNESDAY 27 MARCH 2013  
COUNCIL CHAMBERS, LEONGATHA  
COMMENCED AT 2PM**

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**PRESENT:**

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

**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>Luke Anthony</b>	<b>Manager Governance Services</b>
<b>David Roche</b>	<b>Governance Coordinator</b>
<b>Natasha Berry</b>	<b>Governance Officer</b>
<b>Christian Stefani</b>	<b>Manager Customer Relations</b>
<b>Louise Brydon</b>	<b>Manager Aged &amp; Disability Services</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. 367  
WEDNESDAY 27 MARCH 2013  
COUNCIL CHAMBERS, LEONGATHA  
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**Tim Tamlin**  
**Chief Executive Officer**

## **SECTION A - PRELIMINARY MATTERS**

### **A.1 WELCOME**

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

### **A.2 OPENING PRAYER – CR HILL**

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

Amen

### **A.3 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS – CR HILL**

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 Robert Newton**

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

#### **RECOMMENDATION**

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 366, held on 27 February 2013 in the Council Chambers, Leongatha be confirmed.

**MOVED: Cr Hutchinson-Brooks**

**SECONDED: Cr Brunt**

**THAT THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL  
ORDINARY MEETING NO. 366, HELD ON 27 FEBRUARY 2013 IN THE  
COUNCIL CHAMBERS, LEONGATHA BE CONFIRMED.**

**CARRIED UNANIMOUSLY**

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

**Nil**

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## A.7 DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS

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

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

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

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

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

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

Detailed information is available in Conflict of Interest in Local Government – A Provisional Guide with amendments to 1 October 2010.

**Councillor Fawcett declared an indirect conflict of interest in Notice of Motion Item B.1 – NOTICE OF MOTION NUMBER 646 – PROGRESSION OF THE STATE GOVERNMENT SUBSIDISED RETICULATED SEWERAGE SCHEME FOR TOWNS OF NYORA, POOWONG AND LOCH and Council Reports Item E.14 - SUBDIVISION, SALE AND LEASE OF COUNCIL LAND AT 20-22 AND 24 PIONEER STREET, FOSTER TO SOUTH GIPPSLAND WATER as he has a conflicting duty in that he is a Director of South Gippsland Water.**

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).

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

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

## **A.9 PETITIONS**

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

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

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

**Cr Brunt presented a Petition to Council from Mr Denis Casey lead petitioner (refer to Prayer which is outlined below), containing 387 signatures from the Loch, Nyora and Poowong areas to Council in relation to the introduction of sewerage scheme in the town of Nyora.**

**"I would like our town to be healthy and clean with a reticulated sewerage system and have all basic services that you would expect in a small town".**

**MOVED: Cr Brunt**

**SECONDED: Cr Davies**

**THAT COUNCIL:**

- 1. RECEIVE AND NOTE THE PETITION; AND,**
- 2. THE PETITION LAY ON THE TABLE UNTIL THE COUNCIL MEETING OF 24 APRIL 2013 TO ENABLE OFFICERS TO PREPARE A REPORT TO COUNCIL.**

**CARRIED UNANIMOUSLY**



## **A.10 COUNCILLOR REPORTS**

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**Cr Davies addressed Council regarding attendance at:**

- **Municipal Association Victoria (MAV) Local Government Diploma participation.**
- **Port Welshpool Gippsland Ports Meeting and noted a discussion that included a vision for the future for the foreshore.**
- **Citizenship ceremony held for one citizen and noted Council's responsiveness in accommodating one person.**
- **Opening of Manna Garden Community Coffee shop in Foster and noted the shop that sells hand crafted items.**
- **Gippsland Local Government Network (GLGN) Councillors Conference at which regional issues are discussed.**

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**Cr McEwen addressed Council by reporting on attendance at:**

- **Waste Management and Municipal Fire Meeting.**
- **Meeniyah Art Gallery involvement in planning a Garden Party to be held in Mardan on 18 April 2013.**

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**Cr Harding addressed Council by reporting on attendance at:**

- **Port Welshpool Gippsland Ports Meeting.**
  - **Presentation of Festival of Pears Arts Award in Toora and noted that there was over 60 entries and that the volunteers are to be commended as this Art Gallery has grown tremendously and is worth a visit.**
  - **Book launch of '*Water Races and the Toora Tin Mine*' and noted the area's expansive history and that the book is available at bookshops and a copy was presented to the local primary school.**
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**Cr Brunt addressed Council by reporting on attendance at:**

- **Korumburra Business Association (KBA) breakfast meeting and noted that a tourism promotion distinction could be made between South Gippsland and Prom Country.**
- **Korumburra Primary School 100 year celebrations and noted that this event was well attended.**

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**Cr Hill addressed Council by reporting on:**

- **Researching and reading Budget papers.**
- **Potable Water issues.**

**Cr Hill tabled a summary of the minutes of the Mossvale Park Advisory Committee - 28 February 2013**

- Park History – Old photos to be found then do photo monitoring points on same area, so as to tell a story. Coral to contact the Historical Society.
- Site maintenance, M/M Nth Landcare to complete.
- Signage –re: Google maps. Shire needs to set km from towns on Website. Sign on main intersection at Leongatha would be helpful for visitors. Right turn lane on Highway as the intersection is dangerous.
- Tree Management- Spraying of CMA Stage 1-who sprayed- some trees killed. Trees need to be cleared by hand till they get big enough to smother undergrowth. Replant in April after meeting.
- Arborist Report – National Trust Oak needs attention. Dutch Elm dying (one near car park)
- Maintenance Needed – European tree - South West end is leaning over, starting to lift roots. Dead wood needs to be removed from some trees. Golden Poplar – pony shed side –needs access to remove tree. Can the shire open up barriers?
- Slashing – Contractor has done an excellent job.
- Memorial Plaque – to be placed at Pony club shed site. Blue Stone block to be installed for plaque to be attached. Suggest Pony club to organise ceremony.
- Landcare Cadets – education and working bee days – One day of each of last two school terms. Make entertaining to engage students e.g.: quizzes, find a tree, rewards (Choc). Certificate for students or school?
- S. Missen report – Pin Oak cracking, have installed bracing, will return and install more permanent system. Embankment weeds will be sprayed

shortly. Pony club shed has been removed and table installed on slab. Theft of tree ferns again! Funding for floodway has been approved.

- Forrester's Flat – Some trees – silver wattles – coming up some will need to be culled. Re: Tree list – suggest taking off Silver wattles. Access to Flat not available.
- Friends Group – Suggestions – set up a table at events, get email list. Hold a Focus day –committee to use networks to advertise event and Newspapers. Attendees on day to sign in – council insurance – bring own equipment, mainly manual work performed. BBQ after.

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

- **Opening of the Mirboo North Playgroup new shelter over the sandpit and noted the community effort in bringing this project to fruition.**
- **Dumbalk Camp Draft event and noted that the Camp Draft facilities have grown however that financial support is needed to make improvements. Cr Hutchinson-Brooks noted that this event makes a significant economic impact for the area.**
- **Gippsland Local Government Network (GLGN) Councillors Conference.**
- **Port Welshpool Gippsland Ports Meeting.**

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**Cr Kennedy addressed Council by reporting on attendance at opening of the revamped Jeetho Hall and noted that the completion of this building is an example of great community spirit.**

**Cr Kennedy addressed Council regarding some good news that he received regarding a new enterprise in South Gippsland. Burke Brandon Cheese Factory in Moyarra will supply jobs for approximately 10 people and a unique tourism experience.**

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

**Councillor Fawcett left the room at 2.22pm with a declared an indirect conflict of interest in Notice of Motion Item B.1 – NOTICE OF MOTION NUMBER 646 – PROGRESSION OF THE STATE GOVERNMENT SUBSIDISED RETICULATED SEWERAGE SCHEME FOR TOWNS OF NYORA, POOWONG AND LOCH as he has a conflicting duty in that he is a Director of South Gippsland Water.**

### **B.1 NOTICE OF MOTION NUMBER 646 – PROGRESSION OF THE STATE GOVERNMENT SUBSIDISED RETICULATED SEWERAGE SCHEME FOR TOWNS OF NYORA, POOWONG AND LOCH**

#### **PURPOSE**

The purpose of this Notice of Motion is to emphasise to the Board of South Gippsland Water (SGW), the Ministers for Planning and Water, the Member for Gippsland South Peter Ryan, Cardinia Shire Council (CSC) and the communities of Nyora, Poowong and Loch, that construction and operation of a reticulated sewerage scheme is urgently required to resolve an ongoing public and environmental health risk.

Evidence of serious health and environmental risk (E. coli readings in the millions/100ml - compared to contact health standard of 250/100ml) was found in open stormwater drains in Nyora, Poowong and Loch by testing in 2001 and re-confirmed in 2003-4. The unsanitary conditions are caused by a combination of old and inefficient septic systems, discharge of grey and black water to stormwater drains, small lot sizes, urban densities, soil type, rainfall and drainage problems.

Continuing ageing of septic systems and ongoing infill development with associated population growth in these towns in the intervening 12 years will have exacerbated this unacceptable and high risk situation. With landowners having an expectation for many years that reticulated sewerage was imminent, there has not been motivation to upgrade existing septic systems. Offensive smells in the towns during recent hot weather are a sign to locals and visitors alike that the unsanitary conditions remain.

More than six years have passed since the Minister for Water directed SGW to prepare a sewerage scheme for the towns, assisted by funding from the Country Towns Water Supply and Sewerage Program. The three towns are among the last in the state to benefit from this program, which significantly subsidises the connection cost for landowners.

Four years ago, Council resolved to acknowledge SGW's intention to sewer and instructed officers to provide support for the scheme's implementation, following approval of a scheme design and funding by both the (then) Department of Sustainability and Environment and Treasury. Scheme operation was expected by 2012.

In the interim, the Meeniyan and Alberton (in Wellington Shire) communities were proactive in pressing reticulated sewerage schemes with SGW. Meeniyan is now sewered with a lagoon system close to the town. The Alberton Scheme is underway.

Detrimental impact on the environmental health of waterways and groundwater can also be reasonably expected as a consequence given the evidence of the original e-coli readings and associated water pollution.

In 2006 when the Minister for Water directed South Gippsland Water to prepare a reticulated sewerage scheme for Nyora, Poowong and Loch, approximately 1,000 people lived in the three towns. Due to changes in ABS Census collection in 2011, urban populations are not singled out for estimates in these towns. However the 2010 Structure Plans for these towns prepared as a lead-in to Planning Scheme Amendment (PSA) C72 indicates a cumulative population in the order of 1,100-1,200. For the purposes of planning wastewater treatment capacity, South Gippsland Water has estimated the combined population numbers being potentially serviced by reticulated sewerage to the towns as 2,300 by 2035.

The net community and environmental benefit of a wastewater treatment facility as proposed by SGW at 65 Hills Road Nyora to service the population of the three towns (possibly including some industrial trade waste) through PSA C59 (Western District Sewerage Scheme) clearly exists. A proven lagoon-treatment system constructed and operated to stringent EPA standards whether for the current population or a potential future expanded population is a clear solution compared to the existing circumstances.

Council, the EPA, SGW have agreed on a coordinated exhibition and approvals assessment process provided the Minister for Planning authorises appointment of an Advisory Committee to act jointly with a Planning Panel for Amendment C59. While project delays continue, project implementation costs are rising.

## **MOTION**

I, Councillor Lorraine Brunt, advise that I intend to submit the following motion to the Ordinary Council meeting scheduled to be held on 27 March 2013.

### **“That Council:**

- 1. Reiterate strongly and urgently its commitment to and implementation of reticulated sewerage provision in the towns of Nyora, Poowong and Loch on the grounds of public and environmental health.**
- 2. Write letters affirming Council’s position and request meetings with:**
  - a. Minister for Water, Hon. Peter Walsh;**

- b. **Member for Gippsland South, Hon. Peter Ryan;**
  - c. **Minister for Planning the Hon. Matthew Guy;**
  - d. **Board of South Gippsland Water;**
  - e. **Melbourne Water; and**
  - f. **Cardinia Shire Council.**
3. **Communicate this message to the communities of Loch, Poowong and Nyora.”**

**MOVED: Cr Brunt**

**SECONDED: Cr Hill**

**THAT COUNCIL:**

1. **REITERATE STRONGLY AND URGENTLY ITS COMMITMENT TO AND IMPLEMENTATION OF RETICULATED SEWERAGE PROVISION IN THE TOWNS OF NYORA, POOWONG AND LOCH ON THE GROUNDS OF PUBLIC AND ENVIRONMENTAL HEALTH.**
2. **WRITE LETTERS AFFIRMING COUNCIL’S POSITION AND REQUEST MEETINGS WITH:**
  - a. **MINISTER FOR WATER, HON. PETER WALSH;**
  - b. **MEMBER FOR GIPPSLAND SOUTH, HON. PETER RYAN;**
  - c. **MINISTER FOR PLANNING THE HON. MATTHEW GUY;**
  - d. **BOARD OF SOUTH GIPPSLAND WATER;**
  - e. **MELBOURNE WATER; AND**
  - f. **CARDINIA SHIRE COUNCIL.**
3. **COMMUNICATE THIS MESSAGE TO THE COMMUNITIES OF LOCH, POOWONG AND NYORA.”**

**CARRIED UNANIMOUSLY**

**Cr Fawcett returned to the Meeting at 2.31pm.**

**B.2 NOTICE OF MOTION NUMBER 647 - DISCRETIONARY FUND  
ALLOCATION – TOUR DE TARWIN INC**

**PURPOSE**

Council approval is sought for a Councillor Discretionary Fund Allocation of \$402 for the Tour De Tarwin Inc. to assist with costs of hiring a generator for use during the Tour De Tarwin Event to be held at Easter.

The allocation does not conform to Councillor Discretionary Fund guidelines because the group has already received funding through the 2012/2013 Community Grants Program for the event.

This Notice of Motion provides the opportunity for Council to exercise its discretion, as provided for in the guidelines, and approve the application.

**MOTION**

I, Councillor Kieran Kennedy, advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on 27 March 2013.

**“That the following allocation is made from Cr Kennedy’s 2012/2013 Discretionary Fund:**

**\$402 for the Tour De Tarwin Inc. to assist with costs of hiring a generator for use during the Tour de Tarwin Event to be held at Easter.”**

**MOVED: Cr Kennedy**

**SECONDED: Cr Davies**

**THAT THE FOLLOWING ALLOCATION IS MADE FROM CR KENNEDY’S 2012/2013 DISCRETIONARY FUND:**

**\$402 FOR THE TOUR DE TARWIN INC. TO ASSIST WITH COSTS OF HIRING A GENERATOR FOR USE DURING THE TOUR DE TARWIN EVENT TO BE HELD AT EASTER.**

**CARRIED UNANIMOUSLY**

### **B.3 NOTICE OF MOTION NUMBER 648 – COUNCIL BUDGET 2013/ 2014**

#### **PURPOSE**

The purpose of this motion is to provide direction to the budget so that Council can deliver cost savings without further burdening the ratepayer. This request is not an endorsement of a zero based budget, but a starting point for setting the parameters for the new budget 2013/14.

Zero-based budgeting is an approach to planning and decision-making which reverses the working process of traditional budgeting. In traditional incremental budgeting (Historic Budgeting), departmental managers justify only variances versus past years, based on the assumption that the "baseline" is automatically approved. By contrast, in zero-based budgeting, every line item of the budget must be approved, rather than only changes. During the review process, no reference is made to the previous level of expenditure. Zero-based budgeting requires the budget request be re-evaluated thoroughly, starting from the zero-base. This process is independent of whether the total budget or specific line items are increasing or decreasing.

#### **MOTION**

I, Councillor Don Hill, advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on 27 March 2013.

#### **“That Council:**

- 1. Commence the development of the 2013 / 2014 budget using a ‘zero budget approach’ with the 2012 / 2013 budget as a starting point in establishing the income and expenditure for 2013/2014; then; and**
- 2. When endorsing and adopting the draft 2013/2014 budget clearly specifies resultant changes to services and service levels, to the community.”**



**MOVED: Cr McEwen**

**SECONDED: Cr Brunt**

**THAT COUNCIL:**

- 1. COMMENCE THE DEVELOPMENT OF THE 2013 / 2014 BUDGET USING A 'ZERO BUDGET APPROACH' WITH THE 2012 / 2013 BUDGET AS A STARTING POINT IN ESTABLISHING THE INCOME AND EXPENDITURE FOR 2013/2014; THEN; AND**
- 2. WHEN ENDORSING AND ADOPTING THE DRAFT 2013/2014 BUDGET CLEARLY SPECIFIES RESULTANT CHANGES TO SERVICES AND SERVICE LEVELS, TO THE COMMUNITY."**

**AMENDMENT**

**MOVED: Cr Hill**

**SECONDED: Cr Kennedy**

**THAT COUNCIL:**

- 1. COMMENCE THE DEVELOPMENT OF THE 2014 / 2015 BUDGET USING A 'ZERO BUDGET APPROACH' WITH THE 2013 / 2014 BUDGET AS A STARTING POINT IN ESTABLISHING THE INCOME AND EXPENDITURE FOR 2014/2015; AND**
- 2. WHEN ENDORSING AND ADOPTING THE DRAFT 2013/2014 BUDGET CLEARLY SPECIFIES RESULTANT CHANGES TO SERVICES AND SERVICE LEVELS, TO THE COMMUNITY; AND**
- 3. INSERT THE FOLLOWING PARAGRAPH UNDER THE PURPOSE SECTION OF THE NOTICE OF MOTION:**

***"THE PURPOSE OF THIS MOTION IS TO PROVIDE DIRECTION TO THE BUDGET SO THAT COUNCIL CAN DELIVER COST SAVINGS WITHOUT FURTHER BURDENING THE RATEPAYER. THIS REQUEST IS NOT AN ENDORSEMENT OF A ZERO RATE RISE, BUT A STARTING POINT FOR SETTING THE PARAMETERS FOR THE NEW BUDGET 2014/2015".***

The **AMENDMENT** was **CARRIED** on the casting vote of the Mayor and became the Motion before the Chair.

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

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

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

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

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

**B.4 NOTICE OF MOTION NUMBER 649 – LITTER BINS COST AND NECESSITY**

**PURPOSE**

The purpose of this motion is to consider the removal of street litter bins to save \$200,000 per year. There is a scheme in Sydney North Council whereby that council removed its street litter bins to make cost savings. I seek a decision of Council that investigates the effectiveness of a similar scheme in South Gippsland; particularly with regard to any changes in street litter problems such as Domestic garbage being dumped at street litter bins and litter being dumped where previously a bin had been provided and following to be discussed if possible.

**MOTION**

I, Councillor Don Hill, advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on 27 March 2013.

**“That Council receive a report that:**

- 1. Investigates a scheme that saves costs by removing street litter bins in South Gippsland, similar to the scheme in Sydney North Council;**
- 2. Details the benefits and liabilities of the proposed scheme; and**
- 3. Includes a financial analysis of the proposed scheme.”**

**MOVED: Cr Hill**

**SECONDED: Cr McEwen**

**THAT COUNCIL RECEIVE A REPORT THAT:**

- 1. INVESTIGATES A SCHEME THAT SAVES COSTS BY REMOVING STREET LITTER BINS IN SOUTH GIPPSLAND, SIMILAR TO THE SCHEME IN SYDNEY NORTH COUNCIL;**
- 2. DETAILS THE BENEFITS AND LIABILITIES OF THE PROPOSED SCHEME; AND**
- 3. INCLUDES A FINANCIAL ANALYSIS OF THE PROPOSED SCHEME.**

**LOST**

**For: Crs McEwen and Hill.**

**Against: Crs Fawcett, Harding, Davies, Kennedy, Hutchinson-Brooks and Brunt.**

## **B.5 NOTICE OF MOTION NUMBER 650 – PUBLIC PRESENTATION SESSION SCHEDULE**

### **PURPOSE**

The purpose of this Notice of Motion is to request a Council Report be prepared to review and improve the effectiveness of Council's public presentation session schedule.

Good governance requires that Council meetings be run effectively and smoothly and are made accessible to the community to ensure openness and transparency in decision making.

Community satisfaction outcomes depend on, and are influenced by, good governance systems and procedures. Engagement of the community in the decision making process is fundamental to achieving good governance.

The existing arrangement for public presentation sessions is inefficient in terms of Council resources and officer time. Few Community members book presentations or ask questions at the majority of the current scheduled times.

The cost, in financial terms and in the use of time for Council officers, the Executive Leadership Team and Councillors, is far in excess of what is reasonable considering the situation.

In addition, the 7pm public presentation sessions are often not booked and the 10am sessions are also poorly attended. Along with the non-requirement to book a time means that all Councillors, executive and relevant officers are required to leave that time available, therefore making it difficult to plan other work or make other appointments within that time.

### **MOTION**

I, Councillor Don Hill, advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on 27 March 2013.

**“That Council prepare a report for the Ordinary Council Meeting of 24 April 2013 that:**

- 1. Considers the extent of Community utilisation rates of the current schedule of public presentation sessions;**
- 2. Recommends improvements to Council's current public presentation schedule. Options to consider could include:**
  - a. Hold open-to-the-public presentations and Council briefing sessions on the third Wednesday of each month (excluding January) on any matter of interest to the Community commencing at 2pm, with notification required by 12noon the day prior;**

- b. Hold open-to-the-public presentations and Council briefing sessions on the fourth Wednesday of each month (excluding January) on any matter of interest to the Community, excepting agenda items for the Ordinary Council meeting of the same day, commencing at 12noon, notification of which is required by 12noon on the day prior;**
- c. Hold open-to-the-public presentations and Council briefings on another Wednesday of each month (excluding January) on particular matters of interest to the Community that have raised a high level Community interest. The requirement for this public presentation could be determined and scheduled by the Chief Executive Officer commencing at 12noon;**
- d. Ceases the scheduling of 7pm public presentation session on the 3<sup>rd</sup> Wednesday of each month.”**

**MOVED: Cr Hill**

**SECONDED: Cr McEwen**

**THAT COUNCIL PREPARE A REPORT FOR THE ORDINARY COUNCIL MEETING OF 24 APRIL 2013 THAT:**

- 1. CONSIDERS THE EXTENT OF COMMUNITY UTILISATION RATES OF THE CURRENT SCHEDULE OF PUBLIC PRESENTATION SESSIONS;**
- 2. RECOMMENDS IMPROVEMENTS TO COUNCIL'S CURRENT PUBLIC PRESENTATION SCHEDULE. OPTIONS TO CONSIDER COULD INCLUDE:**
  - a. HOLD OPEN-TO-THE-PUBLIC PRESENTATIONS AND COUNCIL BRIEFING SESSIONS ON THE THIRD WEDNESDAY OF EACH MONTH (EXCLUDING JANUARY) ON ANY MATTER OF INTEREST TO THE COMMUNITY COMMENCING AT 2PM, WITH NOTIFICATION REQUIRED BY 12NOON THE DAY PRIOR;**
  - b. HOLD OPEN-TO-THE-PUBLIC PRESENTATIONS AND COUNCIL BRIEFING SESSIONS ON THE FOURTH WEDNESDAY OF EACH MONTH (EXCLUDING JANUARY) ON ANY MATTER OF INTEREST TO THE COMMUNITY, EXCEPTING AGENDA ITEMS FOR THE ORDINARY COUNCIL MEETING OF THE SAME DAY, COMMENCING AT 12NOON, NOTIFICATION OF WHICH IS REQUIRED BY 12NOON ON THE DAY PRIOR;**
  - c. HOLD OPEN-TO-THE-PUBLIC PRESENTATIONS AND COUNCIL BRIEFINGS ON ANOTHER WEDNESDAY OF EACH MONTH (EXCLUDING JANUARY) ON PARTICULAR MATTERS**

**OF INTEREST TO THE COMMUNITY THAT HAVE RAISED A HIGH LEVEL COMMUNITY INTEREST. THE REQUIREMENT FOR THIS PUBLIC PRESENTATION COULD BE DETERMINED AND SCHEDULED BY THE CHIEF EXECUTIVE OFFICER COMMENCING AT 12NOON;**

- d. CEASES THE SCHEDULING OF 7PM PUBLIC PRESENTATION SESSION ON THE 3<sup>RD</sup> WEDNESDAY OF EACH MONTH.**

**AMENDMENT**

**MOVED: Cr Fawcett**

**SECONDED: Cr Davies**

**THAT COUNCIL PREPARE A REPORT FOR THE ORDINARY COUNCIL MEETING OF 26 JUNE 2013 TO:**

- 1. CONSIDER THE EXTENT OF COMMUNITY UTILISATION RATES OF THE CURRENT SCHEDULE OF PUBLIC PRESENTATION SESSIONS; AND**
- 2. RECOMMEND IMPROVEMENTS TO COUNCIL'S CURRENT PUBLIC PRESENTATION SCHEDULE.**

**The AMENDMENT was CARRIED and became the Motion before the Chair.**

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

**Against: Cr Hill**

**The Motion was CARRIED.**

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

**Against: Cr Hill**

**B.6 NOTICE OF MOTION NUMBER 651 – REQUEST TO CLEAN UP 8220 SOUTH GIPPSLAND HIGHWAY KORUMBURRA SITE ALSO KNOWN AS ‘KORUMBURRA SALEYARDS’**

**PURPOSE**

The purpose of this Notice of Motion is to expedite the long overdue clean-up of 8220 South Gippsland Highway Korumburra, also known as ‘Korumburra Saleyards’.

**BACKGROUND**

In my opinion, the current condition of the ‘Korumburra Saleyards’ is an environmental health risk to the public and is a blight on the amenity of the Korumburra community.

Representations have over a considerable length of time been made to Council and individual Councillors urging a clean-up of the site.

It is understood that the owners of the ‘Korumburra Saleyards’ have been requested by Council to clean up the site and a clean-up plan has been agreed to with Council. However it is evident that some effort has been made by the owners of the site to comply with these requests, but it is not up to expectations.

**MOTION**

I, Councillor Andrew McEwen advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on 27 March 2013.

**“That Council:**

- 1. Escalate the site rehabilitation progress agreement of 8220 South Gippsland Highway, Korumburra, also known as ‘Korumburra Saleyards’ with landowners to ensure compliance; and**
- 2. Instigate actions under Council’s General Local Law No.1, Clause 61 – Dangerous Land if unsatisfactory progress is not made by 30 April 2013.”**

**MOVED: Cr McEwen**

**SECONDED: Cr Fawcett**

**THAT COUNCIL:**

- 1. ESCALATE THE SITE REHABILITATION PROGRESS AGREEMENT OF 8220 SOUTH GIPPSLAND HIGHWAY, KORUMBURRA, ALSO KNOWN AS 'KORUMBURRA SALEYARDS' WITH LANDOWNERS TO ENSURE COMPLIANCE; AND**
- 2. INSTIGATE ACTIONS UNDER COUNCIL'S GENERAL LOCAL LAW NO.1, CLAUSE 61 – DANGEROUS LAND IF UNSATISFACTORY PROGRESS IS NOT MADE BY 30 APRIL 2013.**

**CARRIED UNANIMOUSLY**

## **B.7 NOTICE OF MOTION 652 - DISCOURAGE DEVELOPMENT OF THE FORMER KORUMBURRA SALEYARDS SITE FOR A SUPERMARKET DEVELOPMENT**

### **PURPOSE**

The purpose of this Notice of Motion is to respond to the potential that the former Korumburra Saleyards site may be developed for a supermarket (with a floor area up to 2,000m<sup>2</sup>) without requiring a planning permit for the use of the land. This potential exists as a result of the 'Reformed Zones for Victoria' planning initiative which proposes changes to the use and development provisions of the Industrials Zones. The former 'Korumburra Saleyards' site is zoned Industrial 3.

### **BACKGROUND**

Council adopted the Korumburra Structure Plan in September 2008. The Plan identified the potential for the former Saleyards site to be developed for a supermarket based retail development.

In April 2009 the then Minister for Planning refused to authorise a planning scheme amendment to implement the Structure Plan into the Planning Scheme due to concerns that a supermarket would fragment the town centre and damage the local economy.

In response to the authorisation refusal the Minister for Planning appointed a Priority Development Panel (PDP) to review the Structure Plan and determine preferred uses for the former Saleyards site. The PDP recommended that supermarket developments be located in the existing town centre and the former Saleyards site be rezoned Industrial 3. The PDP recommended the Structure Plan be updated and incorporated into the Planning Scheme. In accordance with the PDP recommendations, the Saleyards were rezoned Industrial 3 by Amendment C60 – approved in December 2011.

The updated Korumburra Structure Plan July 2010 was formally adopted by Council in November 2011. Amendment C70 was prepared to implement the key Structure Plan provisions into the Planning Scheme. Amendment C70 was considered by an Independent Planning Panel and recommended for adoption subject to minor clerical changes in December 2012. The new Korumburra Structure Plan provisions were gazetted in February 2013.

Since abandonment of the original Korumburra Structure Plan Council has worked for five years to prepare a planning framework that protects and improves the existing town centre and discourages uses at the former Saleyards site that would weaken the retail primacy of the town centre. The proposed changes to the Industrial Zone will undermine the recommendations of the PDP, the Korumburra Structure Plan and the Planning Scheme provisions of Amendment C70.



Decisive measures are recommended to be taken to ensure that the former Korumburra Saleyards site is not developed for a supermarket and that the integrity of the Korumburra Structure Plan and recently implemented Planning Scheme provisions are retained and built upon for the future development of Korumburra.

### **MOTION**

I, Councillor Brunt, advise that I intend to submit the following motion to the Ordinary Council meeting scheduled to be held on 27 March 2013.

#### **“That Council:**

- 1. Does not support the development of a supermarket at the former ‘Korumburra Saleyards’, 8220 South Gippsland Highway, Korumburra in accordance with the reasons set out in the Priority Development Panel Report ‘Korumburra Town Centre and Structure Plan May 2010’.**
- 2. Investigate planning scheme responses to address the potential that the ‘Reformed Zones for Victoria’ zone changes will (in their current form) allow the former ‘Korumburra Saleyards’ site to be used for a supermarket (with a floor area up to 2,000m<sup>2</sup>) without requiring a planning permit.**
- 3. Write to the Minister for Planning expressing Council’s strong concern that changes to the Industrial Zones as part of the ‘Reformed Zones for Victoria’ project allowing the use of the former Korumburra Saleyards for a supermarket will significantly weaken the economic viability of the existing town centre, split the town’s commercial operations and undermine the town centre planning principles recently established and implemented into the Planning Scheme by Amendment C70.”**

**Cr Fawcett left the Meeting at 3.36pm.**

**MOVED: Cr Brunt**

**SECONDED: Cr McEwen**

**THAT COUNCIL:**

- 1. DOES NOT SUPPORT THE DEVELOPMENT OF A SUPERMARKET AT THE FORMER 'KORUMBURRA SALEYARDS', 8220 SOUTH GIPPSLAND HIGHWAY, KORUMBURRA IN ACCORDANCE WITH THE REASONS SET OUT IN THE PRIORITY DEVELOPMENT PANEL REPORT 'KORUMBURRA TOWN CENTRE AND STRUCTURE PLAN MAY 2010'.**
- 2. INVESTIGATE PLANNING SCHEME RESPONSES TO ADDRESS THE POTENTIAL THAT THE 'REFORMED ZONES FOR VICTORIA' ZONE CHANGES WILL (IN THEIR CURRENT FORM) ALLOW THE FORMER 'KORUMBURRA SALEYARDS' SITE TO BE USED FOR A SUPERMARKET (WITH A FLOOR AREA UP TO 2,000M2) WITHOUT REQUIRING A PLANNING PERMIT.**
- 3. WRITE TO THE MINISTER FOR PLANNING EXPRESSING COUNCIL'S STRONG CONCERN THAT CHANGES TO THE INDUSTRIAL ZONES AS PART OF THE 'REFORMED ZONES FOR VICTORIA' PROJECT ALLOWING THE USE OF THE FORMER KORUMBURRA SALEYARDS FOR A SUPERMARKET WILL SIGNIFICANTLY WEAKEN THE ECONOMIC VIABILITY OF THE EXISTING TOWN CENTRE, SPLIT THE TOWN'S COMMERCIAL OPERATIONS AND UNDERMINE THE TOWN CENTRE PLANNING PRINCIPLES RECENTLY ESTABLISHED AND IMPLEMENTED INTO THE PLANNING SCHEME BY AMENDMENT C70.**

**Cr Fawcett returned to the Meeting at 3.37pm.**

**CARRIED UNANIMOUSLY**

## **SECTION C - COMMITTEE REPORTS**

**Nil**

## **SECTION D – PROCEDURAL REPORTS**

### **D.1 REPORT ON ASSEMBLY OF COUNCILLORS - FEBRUARY 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 February 2013.

Copies of responses to written questions presented and asked that were not answered at the meetings will be either provided as an attachment to this report or to a subsequent Council Meeting as is practicable to enable the development of a proper and informed response.

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

Nil

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

Local Government Act 1989, Section 3D and Section 80A

#### **COUNCIL PLAN**

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

**REPORT**

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 6 February 2013</b>		
<b>Green Waste Fees</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Davies, Fawcett, Hutchinson-Brooks, Brunt, McEwen 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>• Councillors were provided options for sustainable green waste management at transfer stations and benchmarking data from other Councils in the region.</li> </ul>
<b>Road Maintenance Initiative</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Davies, Fawcett, Hutchinson-Brooks, Brunt, McEwen 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>• Councillors were provided information regarding future resource planning for the Road Maintenance Initiative.</li> </ul>
<b>Community Transport Review</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Davies, Fawcett, Hutchinson-Brooks, Brunt, McEwen 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>• Councillors were provided information on the findings of the review.</li> </ul>
<b>Animal Registration Fee Structure Review</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Davies, Fawcett, Hutchinson-Brooks, Brunt, McEwen 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>• Councillors were provided information on proposed changes to animal registration fees.</li> </ul>
<b>Anderson Street, Leongatha - Design</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Davies, Fawcett, Hutchinson-Brooks, Brunt, McEwen 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>• Councillors were provided information updating on the progress of the Anderson Street, Leongatha entrance design.</li> </ul>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 6 February 2013</b>		
<b>Policy Review: Councillors support and Expenditure Policy – Councillor Interstate and Overseas Travel Policy</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Davies, Fawcett, Hutchinson-Brooks, Brunt, McEwen 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>• Councillors were provided information to review this Councillor Policy.</li> </ul>
<b>Planning Committee</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Hutchinson-Brooks, Brunt, Hill, Newton, 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>• VCAT Decisions</li> <li>• Planning applications of significance</li> <li>• Strategic planning briefings</li> <li>• Public acquisition overlays</li> <li>• Korumburra Community Infrastructure Plan</li> <li>• Amendment C54 Helipad Amendment</li> <li>• Permits on double blocks</li> <li>• Housing and Settlement Strategy</li> <li>• Leongatha Industrial Land Supply</li> </ul>
<b>Executive Updates</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Hill, Davies, Hutchinson-Brooks, Brunt and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Differential Rates discussion</li> <li>• Trial Council Briefing Discussion</li> <li>• Invitation to meet with Gippsland Ports Board and Management</li> </ul>
<b>Councillor / CEO session</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Hill, Davies, Hutchinson-Brooks, Brunt and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Differential Rates Submission Update</li> <li>• Draft Council Plan</li> </ul>

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Thursday 7 February 2013</b>		
<b>Housing and Settlement Strategy PCG meeting</b>	<p><b>Councillors Attending:</b> Crs Brunt 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>• Review of preliminary draft Housing and Settlement Strategy.</li> </ul>
<b>Wednesday 13 February 2013</b>		
<b>National Broadband Network (NBN) Rollout</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Newton, Davies, Fawcett, Hutchinson-Brooks, Brunt and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Council were provided with an update on the rollout of the NBN, as planning applications have been submitted for wireless towers in many South Gippsland towns.</li> </ul>
<b>Councillor / CEO session</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Davies, McEwen, Hill, Newton, Kennedy, Brunt and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Developer Contributions</li> <li>• Trial Councillor Briefing Schedule</li> <li>• Rural Summit Attendance</li> </ul>
<b>Wednesday 20 February 2013</b>		
<b>Ordinary Council Agenda Topics – 27 February 2013</b>	<p><b>Councillors Attending:</b> Crs Newton, Brunt, Kennedy, Davies, McEwen and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Cr Hutchinson-Brooks declared a conflict of interest for a particular item on the Council Agenda.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Ordinary Council Agenda – 27 February 2013</li> </ul>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 20 February 2013</b>		
<b>Dumbalk &amp; District Business Plan – Kindergarten Lease</b>	<p><b>Councillors Attending:</b> Crs Newton, Brunt, Kennedy, Davies, McEwen and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Council were provided information regarding a request from the Dumbalk Progress Association to extend its lease of the former Dumbalk kindergarten building.</li> </ul>
<b>Coal Creek Feasibility Study and Business Plan</b>	<p><b>Councillors Attending:</b> Crs Newton, Brunt, Kennedy, Davies, McEwen and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Council were provided with information on the Coal Creek Feasibility Study and Business Plan progress.</li> </ul>
<b>Wednesday 20 February 2013</b>		
<b>Long Term Financial Strategies</b>	<p><b>Councillors Attending:</b> Crs Hill, Newton, Brunt, Kennedy, Davies, McEwen and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Councillors were provided with Council's Long Term Financial Strategies.</li> </ul>
<p><b>Road Maintenance Update</b></p> <p><b>OPEN SESSION</b></p>	<p><b>Councillors Attending:</b> Crs Hill, Newton, Brunt, Kennedy, Davies, McEwen and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Councillors and the Community were provided with information regarding the Road Maintenance Initiative and future resource planning and service levels.</li> </ul>



Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 20 February 2013</b>		
<p><b>‘Deadly in Gippsland’ Event Update</b></p> <p><b>OPEN SESSION</b></p>	<p><b>Councillors Attending:</b> Crs Hill, Newton, Brunt, Kennedy, Davies, McEwen and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Councillors and the community were provided with early advice of this upcoming event to be held in 2015.</li> <li>• Council will be invited to have significant involvement.</li> </ul>
<p><b>Public Presentation Session</b></p>	<p><b>Councillors Attending:</b> Crs Hill, Newton, Brunt, Kennedy, Davies, McEwen and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Mrs Bev Handley, Mr Ed Handley and Mr Walter Aich</b> representing Dumbalk and District Progress Association regarding proposed community uses for Kindergarten site in Dumbalk.</p> <p><b>Mr Tony Nye, Mr Peter Hinksman</b> representing the South Gippsland Tourist Railway and <b>Mr Adrian Ponton</b>, Registrar Tourist and Heritage Railway regarding the operations and challenges faced by the local tourist railway.</p> <p><b>Mr Paul Norton</b> regarding Governance matters, Land Realisation Project and National Broadband.</p>	<p>Presentations were made to Council by the following community members.</p>
<p><b>Executive Update</b></p>	<p><b>Councillors Attending:</b> Crs Hill, Newton, Brunt, Kennedy, Davies, McEwen and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Timber Towns Membership</li> <li>• Gippsland Regional Plan</li> <li>• High Speed Rail</li> <li>• Whelan Model</li> <li>• Citizenship Ceremony</li> <li>• SEATS</li> <li>• Waste Water</li> </ul>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Friday 22 February 2013</b>		
<b>Access and Inclusion Advisory Committee</b>	<p><b>Councillors Attending:</b> Cr Brunt</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Access and Inclusion Plan</li> <li>• Public Health and Well Being Plan</li> <li>• Moonya update</li> <li>• Gippsland Good Business awards</li> <li>• Access for All Abilities</li> <li>• Future Planning</li> </ul>
<b>Wednesday 27 February 2013</b>		
<b>Ordinary Council Agenda Topics – 27 February 2013</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Davies, McEwen, Newton, Kennedy, Brunt and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Cr Hutchinson-Brooks declared a conflict of interest for a particular item on the Council Agenda.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Ordinary Council Agenda – 27 February 2013.</li> </ul>
<b>Public Presentation Session</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Davies, McEwen, Newton, Kennedy, Brunt and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p>Presentations were made to Council by the following community members:</p> <p><b>Ms Marie Goodwin and Ursula Camburn</b> regarding issues they have for Coal Seam Gas and mining in Gippsland.</p> <p><b>Mr Ron Wangman</b> regarding possible future uses for Council’s vacant site at Leongatha South.</p>
<b>Wednesday 27 February 2013</b>		
<b>Coal Seam Gas Update - Information from Department Primary Industry</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Hill, Davies, McEwen, Newton, Kennedy, Brunt and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Councillors were provided information from the Department of Primary Industries (DPI) relating to Coal Seam Gas.</li> </ul>

**RECOMMENDATION**

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

**STAFF DISCLOSURE OF INTEREST**

**Nil**

**MOVED: Cr Davies**

**SECONDED: Cr Harding**

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

**CARRIED UNANIMOUSLY**

## **D.2 COUNCILLOR DISCRETIONARY ALLOCATION REPORT**

Corporate Services Directorate

### **EXECUTIVE SUMMARY**

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

This report details Councillors allocations for the period between 22 January 2013 and 21 February 2013.

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

Councillor Discretionary Fund Policy 2009

### **COUNCIL PLAN**

Strategic Goal:	1.0	A Vibrant, Engaged Community
Outcome:	1.2	Active, Resilient Community
Strategy No:	1.2.1	Community Partnerships

### **REPORT**

#### **Background**

The following applications have been allocated funding from the stated Councillor's 2012/2013 Discretionary Fund:

- Toora Tennis Club: Assist with costs for Family Fun Day which will raise the profile of the newly reformed Toora Tennis Club.

Cr Mohya Davies - \$50

Cr Jeanette Harding - \$150

Cr Kieran Kennedy - \$100

- Foster & District Historical Society Inc: To assist the costs of covering the hire of space at the Stockyard Gallery for the 'Debt of Honour' photographic exhibition.

Cr Mohya Davies - \$300

Cr Jeanette Harding - \$200

Cr Kieran Kennedy - \$200

- Friends of Toora Heritage Pear Orchard Inc: Assist with the costs for musicians at the 2nd Pear Party.  
  
Cr Kieran Kennedy - \$150  
  
Cr Mohya Davies - \$250  
  
Cr Jeanette Harding - \$250  
  
Cr Nigel Hutchinson-Brooks - \$150
- Foster & District Agricultural Society Inc: Sponsorship for the Foster Idol held during the Annual Foster Show.  
  
Cr Mohya Davies - \$500
- Toora and District Swimming Pool Committee of Management: Sponsorship towards the annual outdoor Movie Night.  
  
Cr Mohya Davies - \$200  
  
Cr Jeanette Harding - \$200  
  
Cr Kieran Kennedy - \$100
- Venus Bay Community Centre: Funding towards a pilot Beach Shuttle Bus Service during December/January.  
  
Cr Kieran Kennedy - \$700  
  
Mayoral (Cr Kieran Kennedy) - \$300
- Poowong CFA: To cover insurance costs for the Freestyle Motocross riders for the CFA Mower Muster.  
  
Cr Lorraine Brunt - \$500  
  
Cr Robert Newton - \$150  
  
Cr Andrew McEwen - \$150  
  
Mayoral (Cr Kieran Kennedy) - \$200
- Poowong Playgroup: To assist with the costs of replacing vinyl flooring.  
  
Cr Lorraine Brunt - \$300  
  
Cr Robert Newton - \$300  
  
Cr Andrew McEwen - \$300

- Pound Creek Rural Fire Brigade: Assist with catering costs for the Pound Creek CFA Australia Day BBQ.  
Cr Robert Newton - \$200
- Mirboo North Golf Club: Sponsorship for Australia Day Golf Competition.  
Cr James Fawcett - \$200

### **FINANCIAL CONSIDERATIONS**

Each Councillor is allocated \$4,000 from the Councillor Discretionary Fund in the 2012/2013 Financial Budget. An additional \$2,000 has been allocated to the Mayor to cover a broader focus across the entire Municipality.

The previous Council had a pro-rata allocation of \$1,300 per Councillor from the 2012/2013 Financial Budget for their remaining term within Council. The Mayor had an additional pro-rata allocation of \$650 for his remaining term from the 2012/2013 Financial Budget. The remaining pro-rata funds have been distributed to the newly appointed Council in accordance with the Guidelines. This has equated to \$2,818 per Councillor and \$1,800 for the Mayor for the remainder of the financial year.

### **CONCLUSION**

The remaining balances of Councillor Discretionary Funds for the 2012/2013 Financial Year as of 21 February 2013 are as follows:

- Cr Mohya Davies - \$1,208
- Cr Jeanette Harding - \$1,708
- Cr Kieran Kennedy - \$1,166
- Cr Lorraine Brunt - \$1,908
- Cr Robert Newton - \$850
- Cr Andrew McEwen - \$2,008
- Cr James Fawcett - \$1,931
- Cr Don Hill - \$2,708
- Cr Hutchinson-Brooks - \$2,668
- Mayoral Fund - \$980

**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 31.**

### **D.3 DOCUMENTS SEALED - FEBRUARY 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.

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

Local Government Act 1989, Section 5

Local Law No. 3 2010

#### **COUNCIL PLAN**

Strategic Goal:	5.0	A Leading Organisation
Outcome:	5.2	Active, Resilient Community
Strategy No:	5.2.5	Risk Management

#### **REPORT**

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 months of December 2012 and January 2013.

1. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of 46 Juno Road, Venus Bay in relation to construction of caretaker cabin – Seal Applied 4 February 2013.
2. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of 56 Landscape Drive, Venus Bay in relation to construction of a single dwelling and removal of vegetation – Seal Applied 6 February 2013.



3. Contract SGC13/15 between South Gippsland Shire Council and ADA Construction Services Pty Ltd in relation to Reconstruction of Stanley Street Toora - Seal Applied 7 February 2013.
4. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of 120 Minns Road, Koonwarra in relation to an existing dwelling (occupancy permit) – Seal Applied 11 February 2013.
5. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of 270 Sheens Road, Mirboo North and 825 Boolarra- Mirboo North Road, Darlimurla in relation to Re-subdivision of the land into 2 lots – Seal Applied 15 February 2013.
6. Contract SGC13/19 between South Gippsland Shire Council and Global Synthetics Pty Ltd in relation to the Supply and Delivery of Gabion Baskets - Seal Applied 19 February 2013.
7. Section 173 Agreement and Section 181 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of land 270 Sheens Road, Mirboo North, VIC 3871 in relation to Formalise the road opening of a section of unused government road, as a continuation of Sheens Road, Mirboo North– Seal Applied 21 February 2013.
8. Section 173 Agreement and Section 181 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of land at 6 School Road, Ferny Creek, VIC 3786, in relation to the opening of a section of unused government road, abutting the land owned by the owner CA 112 Parish Of Toora, Grip Road, Toora, Victoria, 3962, with the intent that the open road be used for driveway access by the owner - Seal Applied 25 February 2013
9. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of 74 Rees Road, Jumbunna, in relation to the subdivision of the land – Seal Applied 25 February 2013.

### **RECOMMENDATION**

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

### **STAFF DISCLOSURE OF INTEREST**

**Nil**

**NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 31.**

## SECTION E - COUNCIL REPORTS

### **E.1 REQUEST BY DUMBALK AND DISTRICT PROGRESS ASSOCIATION INCORPORATED FOR A NEW LEASE OF THE FORMER DUMBALK KINDERGARTEN, 20 MILLER STREET, DUMBALK**

Engineering Services Directorate

#### **EXECUTIVE SUMMARY**

The Dumbalk and District Progress Association (DDPA) have approached Council with a request for a new lease of the former Dumbalk Kindergarten at 20 Miller Street, Dumbalk (the Premises). A copy of the request and Business Plan is provided in **Appendix 1**.

This report is presented to Council so that it may address this request. It discusses the background leading up to the request, options available to Council and financial considerations.

A recommendation is put to Council that it negotiates a new lease of the Premises to the DDPA. A 3 year term is believed appropriate. The negotiations will include reaching agreement on terms as well as ongoing maintenance responsibilities and contributions to capital works which will be discussed in a further report to Council.

During the term of the new lease, it is proposed that Council's Community Services Directorate observe the financial performance and viability of the services being delivered by the DDPA. This observation will be beneficial to Community Services Directorate when considering its future business planning and budget requirements for delivery of recognised community services.

#### **Documents pertaining to this Council Report**

- **Attachment 1** - Public Notice
- **Attachment 2** - Spreadsheet of comparable towns and their services
- **Appendix 1** - Request from the DDPA including Business Plan
- **Appendix 2** - Community Directions Statement

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**

- Local Government Act 1989, Sections 189, 190 and 223

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

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

## **COUNCIL PLAN**

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

## **CONSULTATION**

Significant consultation has occurred on this matter.

Community consultation commenced with a public notice pursuant to Section 189 and 223 of the Local Government Act, 1989 which was advertised the week of 6 April 2009. This notice advertised Council's intention to sell the Premises. A copy of this notice is provided at **Attachment 1**.

Submissions were received from the DDPa, CFA and two members of the Dumbalk community. Council heard a submission by a representative of the DDPa at a special meeting of Council on 1 July 2009. The submission process was completed via Council report of 5 August 2009 which recommended an annual lease to the DDPa and preparation of a Business Plan. It also obligated the DDPa to be responsible for all outgoings and minor maintenance. The sale process did not proceed further.

Council's Community Strengthening Team provided support to the DDPa with preparation of a Business Plan and its request for a new lease. The requirement for a Business Plan was to provide submissions as to the Lessee's reasons for the need of a community centre at the Premises and ongoing viability.

The most recent consultation has included a meeting on 30 November 2012 with six members of the Dumbalk Community, the Director of Community Services and the Director of Development Services. This consultation was for the development of the Community Directions Statement as part of 'The Lower Tarwin Valley' project. The Community Directions Statement is in draft and a copy is attached at **Appendix 2**. During consultation for this project, the Premises was identified as a priority project and received 11 votes placing it in 3<sup>rd</sup> place. This is noted on page 11 of the draft Community Directions Statement.

At its briefing session on 20 February 2013, the DDPa presented its business case to Council.

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## REPORT

### Background

The DDPA have been pursuing a longer term lease of the Premises since 2009. Previous reports have discussed the background of this matter at length. A summary of the reports is provided in Table 1 below:

Table 1: Previous Council Reports

Report Date	Title and Summary
1 April 2009	<b>Proposed sale of former Dumbalk Kindergarten Premises</b>  This report recommended commencement of the statutory procedures for the sale of the Premises.
1 July 2009	<b>Proposed sale of former Dumbalk Kindergarten Premises</b>  This report heard the submission of the DDPA (Mr Walter Aich).
5 August 2009	<b>Proposed sale of former Dumbalk Kindergarten Premises</b>  This report presented options to Council for the future of the Premises such as a sale with proceeds used to address storage needs and accommodate art groups at the existing hall. The resolution was to lease the Premises to the DDPA on yearly basis with one option and for the requirement of a business case to be prepared. All outgoings and minor maintenance to be the responsibility of the DDPA.
21 December 2011	<b>Dumbalk and District Progress Association Inc.</b>  This report discussed the granting of a new lease to the DDPA for a further term of one year and the fact that the DDPA had not provided a business case to date. It recommended a further one year lease with the business case to be prepared by August 2012.

## **Discussion**

The following discussion is offered to Council:

### *The Premises*

The Premises is a purpose built facility for Kindergarten use. Therefore, to deliver the services of the DDPA, certain capital works are required to address functionality. This is primarily the toilets. The DDPA business plan has made an allowance for the upgrade (refer page 14) and have noted an income (contribution) from Council (this has not been approved). Upgrading the toilets to meet disability access will be greater than the allowance provided.

### *Existing Lease*

The existing lease to the DDPA expired on 14 February 2013. The lease is currently on an over holding basis. Previous leases were granted on an annual basis until such time as the DDPA provided its business plan to Council's Community Services Department for approval. The business plan was provided to Community Services in October 2012 and presented to Council on 20 February 2013.

### *Business Plan*

The DDPA have put a lot of effort into preparation of its Business Plan. It has a strong focus on the social benefits to the Dumbalk Community but falls short on demonstrating feasibility insofar as the requirement to modify the Premises to function for the proposed services, address disability requirements (accessibility and disabled toilet) and the ongoing cost of services (electricity, telephone) and maintenance. The Schedule on page 14 lists expenditure items totalling approximately \$28,700.

At the briefing on 20 February 2013, the DDPA also raised the need to make the Premises accessible for disabled persons. This has not been costed in the Business Plan.

It also includes a section on Finances (page 10). The balance sheet for the period 1 July 2011 to 30 June 2012 notes a bank balance of \$7,166.49, income of \$8,810.35 and expenses of \$11,120.54. This tells us that expenses are greater than income (even after consideration to monies received from grants and discretionary funds and expenditure on capital works). However, as these figures are for the last financial year, they do not recognise the income from the CFA for the hire of the Premises. It is understood that the CFA will hire the Premises on a regular basis.

### *Service Levels*

In preparing to manage delivery of community services in its towns, Council considers the availability of its existing facilities. Dumbalk has a community hall which could accommodate the services to be offered by the DDPA. If the

community hall was used by the DDPA certain works would be required to support its activities. These works include floor coverings for the art group and creation of a dedicated storage area. This has been spoken about in previous Council reports. Reasons against using the community hall are presented in the DDPA business plan.

Similar towns to Dumbalk either have one facility or none. This is shown in **Attachment 2**.

### Asset Management of Council's Buildings

Council has a Building Asset Management Plan (the Plan). The purpose of the Plan is to provide a cost effective and efficient way of managing Council's facilities. It provides a framework for prioritising capital works, programmed maintenance and reactive maintenance. The framework includes risk assessments, condition assessments, usage and occupancy rates and the impact to the Shire if the facility was not functional.

The Premises is included in this Plan and is currently viewed as a Level 3 building in accordance with the framework. Level 3 means the Premises is a mid-tier building with moderate need to the Shire and low-medium usage and occupancy.

Minimal cost has been spent on the Premises since the use changed in 2007.

An annual building inspection in October 2012 identified maintenance needs. These are identified in the list below.

### Former Dumbalk Kindergarten – Results of Building Inspection 2012

- Paint exterior
- Replace toilet (old)
- Paint interior
- Replace lino
- Install heating/air conditioning
- Upgrade switchboard
- Minor kitchen repairs and replace stove if required
- Replace section of spouting and downpipes
- Essential safety maintenance
- Replace/repair fascia boards on West and East side of building

### **Approximate cost of \$40,000.**

A building upgrade has also been identified being a refurbishment of the toilets to provide an accessible toilet. This would cost between \$20,000 - \$30,000.

At this stage, Council's proposed building programmed maintenance program for years 2013-2014 does not include the above items. The use of the Premises will determine the priority of programming for the above maintenance works.

### **Options**

The options available to Council are:

#### **1. Lease the Premises to the DDPA**

A Lease will provide the DDPA with security of tenure and ability to apply for grants (unlike the previous annual lease arrangement which impacted on the ability of the DDPA to secure a grant). A three year lease term with a community rental is proposed. Community rental is currently \$104 per annum plus GST. Maintenance responsibilities will be negotiated with the DDPA.

During this initial lease term, Council's Community Services Department will assess the financial performance and viability of the services being provided in order to inform Council's Property Department for future lease requests.

The new lease will be negotiated to include schedules that clearly define each party's responsibility for maintenance and capital upgrades. Once negotiations are finalised, a further report will be presented to Council to present the lease and request a maintenance and/or capital works budget.

#### **2. Sell the Premises to the DDPA at market value with a buy-back provision.**

This would have the effect of removing the asset from Council's Building Asset Maintenance Register. A valuation of the premises in 2012 was \$190,000.

### **Proposal**

The proposal put to Council is to proceed with option 1 above

### **FINANCIAL CONSIDERATIONS**

#### Income

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

### Expenditure

Expenditure will include Council attending to essential safety maintenance of approximately \$1,000 annually.

The new lease will be negotiated to require the DDPA to attend to some maintenance and capital works. This will reduce financial risk to Council until such time as Council has evidence of viability of the services offered by DDPA.

The costs of negotiating the Lease will be allocated from Council's Property Services budget.

### **RISK**

The major risk to Council is if the building permit triggers the requirement for the whole building to be upgraded to DDA compliant. This has not been investigated.

### **CONCLUSION**

Since the closure of the Dumbalk Kindergarten in 2007, the DDPA has taken great measures to ensure its ongoing function and maintenance. For the past 4 years, the Premises has operated as the Dumbalk Community Centre and has played an important role within the Dumbalk Community.

Also, from consultation that has occurred on this matter, sufficient evidence has been received to support the retention of the Premises and negotiate a new lease with the DDPA. A new lease will provide the DDPA with an opportunity to demonstrate the viability of its services and enable Council to properly plan for future service delivery and budget accordingly.

### **RECOMMENDATION**

**That Council:**

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



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

**THAT COUNCIL:**

- 1.    AGREE TO PROCEED TO NEGOTIATE THE TERMS OF A LEASE OF THE FORMER DUMBALK KINDERGARTEN AT 20 MILLER STREET, DUMBALK AND COMPRISED IN CERTIFICATE OF TITLE VOLUME 10299 FOLIO 003 WITH THE DUMBALK AND DISTRICT PROGRESS ASSOCIATION.**
- 2.    INFORM THE DUMBALK AND DISTRICT PROGRESS ASSOCIATION (DDPA) AND THE COMMUNITY OF ITS DECISION.**
- 3.    RECEIVE A FURTHER REPORT ON THE OUTCOME OF NEGOTIATIONS AND AGREED LEASE TERMS.**

**CARRIED UNANIMOUSLY**

**Attachment 1  
Public Notice of Proposed Sale of Land**

**Proposed Sale of Land**  
**Former Dumbalk Kindergarten, 20 Miller Road, Dumbalk**

**South Gippsland Shire Council**  
Local Government Act 1989

Council hereby gives notice pursuant to section 189 (2) of the Local Government Act 1989 that it intends to sell, on the open market, the land described in Certificates of Title Volume 8933 Folio 827 and Volume 10299 Folio 003 shown hatched in the plan below.



Council will consider written submissions received within 28 days of this notice under Section 223 of the Local Government Act 1989. Persons who wish to be heard by Council in support of their written submission should indicate this in their submission. Submissions must be addressed to the Chief Executive Officer, South Gippsland Shire Council, Private Bag 4, Leongatha 3953. For further information please contact Andrea Wrigley, Property Coordinator on 58629309.

Any correspondence you submit will be made public in accordance with section 11 (K) of the Local Government Regulations 2004. Copies will form part of the report to a Council or Committee meeting and will be kept with the records of the meeting. This is particularly important if you think you might place personal information in the document.

*7<sup>th</sup> APRIL 2009 editions*

**Attachment 2  
Spreadsheet of comparable towns and their services**

<b>Towns Population 250 - 500</b>					
	<b>2011 Census</b>	<b>Supported by Community Services</b>	<b>Council Buildings in Town</b>	<b>Maintained by Council Y/N</b>	<b>Comment</b>
<b>Dumbalk</b>					
<b>Total Population</b>	412	Yes	Public Hall	Y	S86 Committee assists with minor maintenance.
<b>% of LGA's population</b>	1.5	No	Old Pre School/M&CH	Y	Lessee assists with minor maintenance.
<b>Tarwin Lower</b>					
<b>Total Population</b>	363	Yes	Community Centre	Y	Lessee assists with minor maintenance
<b>% of LGA's Population</b>	1.3				
<b>Welshpool</b>					
<b>Total Population</b>	439	Yes	Pre-school	Y	Lessee assists with minor maintenance
<b>% of LGA's population</b>	1.6				
<b>Koonwarra</b>					
<b>Total Population</b>	385		Nil		
<b>% of LGA's population</b>	1.4				
<b>Buffalo</b>					
<b>Total Population</b>	496		Nil		
<b>% of LGA's population</b>	1.8				
<b>Foster North</b>					
<b>Total Population</b>	446		Nil		
<b>% of LGA's population</b>	1.6				
<b>Yanakie</b>					
<b>Total Population</b>	382		Nil		
<b>% of LGA's population</b>	1.4				
<b>Stony Creek</b>					
<b>Total Population</b>	446		Nil		
<b>% of LGA's population</b>	1.6				

## **E.2 NATIONAL BROADBAND NETWORK CO- INTEREST IN LEASING COUNCIL OWNED AND MANAGED LAND**

Engineering Services Directorate

### **EXECUTIVE SUMMARY**

The purpose of the report is to:

1. Discuss the outcome of the public notice process during January and February 2013, which informed the community of Council's proposal to lease two sites, being part of 2746 Meeniyah-Promontory Road, Yanakie and part of 6 Port Welshpool Road, Port Welshpool to National Broadband Network Co. (NBN) for the construction/installation of infrastructure associated with the fixed radio (wireless) component of NBN. Copies of the notices are included in **Attachment 1 and 2**.
2. Recommend that Council proceeds to grant a Lease to NBN Co for the two sites described above and finalise lease documentation.

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

- **Attachment 1** - Public Notice (Yanakie) pursuant to Section 190 Local Government Act, 1989.
- **Attachment 2** - Public Notice (Port Welshpool) pursuant to Section 190 Local Government Act, 1989.

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

- Local Government Act Vic 1989, Sections 3E and 3F, 136, 190 and 223
- Crown Land (Reserves Act 1978, Sections 14 and 17D) (4)
- Leasing Policy for Crown Land in Victoria 2010
- Telecommunication Act 1997
- National Broadband Network Companies Act 2011

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

- Draft Economic Development and Tourism Strategy 2012

## COUNCIL PLAN

Strategic Goal:	3.	A Strong Economy
Outcome:	3.1	Economic Development
	3.3	Infrastructure
Strategy :	3.1.3	Economic Investment
	3.3.1	Accessible Networks

## CONSULTATION

- Council Report dated 19 December 2012.
- Public Notices week commencing 7 January 2013 (**Attachment 1 and 2**).

## REPORT

### Background

The last report on this matter was on 19 December 2012 in which Council resolved:

*"That Council:*

1. *Approve commencement of the statutory procedures pursuant to Section 190 and Section 223 of the Local Government Act 1989 for the proposed lease of the following sites:*

<i>Address</i>	<i>Legal Description</i>
<i>Part of 2746 Meeniyar-Promontory Road, Yanakie</i>	<i>Lot1, TP 887244 and being the land comprised in Certificate of Title volume 0871 folio 293</i>
<i>Part of 6 Port Welshpool Road, Port Welshpool</i>	<i>Crown Allotment 1A, Township Port Welshpool being Crown Land temporarily reserved for camping and recreation</i>

2. *Give public notice in the week commencing 7 January 2013 of the proposal in accordance with Section 190 and 223 of the Local Government Act, Vic, 1989."*

The above resolution has been addressed. The notices pursuant to Sections 190 and 223 of the Local Government Act, 1989 (notices) were published in the local papers the week commencing the 7 January 2013. The notices informed the community of Council's intention to enter into a lease with NBN Co. Ltd for the Yanakie and Port Welshpool sites.

No submissions were received.

## **Discussion**

The purpose of the leases is to allow construction/installation of infrastructure associated with the fixed radio (wireless) component of the National Broadband Network.

### Lease negotiations

Since the Council report of 19 December 2012, negotiations have progressed with NBN for a favourable lease outcome for Council. This has included:

1. Appointing an independent valuer to undertake a market rental for the two sites. This resulted in an increase in rental for Port Welshpool site of \$2,000 per annum, initially.
2. That NBN be responsible for municipal rates and taxes for both sites.
3. That NBN pay Council's reasonable legal costs for the preparation of the lease documentation.
4. As a community incentive NBN have agreed to supply power to land adjoining the Corner Inlet Motor Cycle to assist the Club powering their leased land (CIMCC track).

Council's solicitor is preparing the lease document to capture the above items.

### The Lease Sites

#### **Site 1: Yanakie (2746 Meeniyah - Promontory Road, Yanakie)**

The Yanakie site is Council freehold land and not subject to an existing lease. The Corner Inlet Motorcycle Club lease Council land next to this site.

#### **Proposed terms:**

- 20 years with three further terms of five years each.
- Commencement rent of \$8,000 (plus GST) per annum, payable annually in advance.
- Rent to be adjusted to Consumer Price Index (CPI) annually except for those years where a Market Rental Review takes place.
- Market Rental Review to be undertaken every five years at the commencement of the further terms.

#### **Site 2: Port Welshpool (6 Port Welshpool Rd, Port Welshpool)**

The Port Welshpool site is crown land for which Council is Committee of Management. The site forms part of the Long Jetty Caravan Park which is

leased to Glendale Glen Pty Ltd (tenant). The tenant has agreed to excise the site from his leased premises.

The Department of Sustainability and Environment have advised that as the tenant has agreed in principle to the excision (67m<sup>2</sup>) from the leased premises that Council can arrange a variation to the current lease.

**Proposed terms:**

- 20 years with three further terms of five years each.
- Commencement rent of \$10,000 (plus GST) per annum, payable annually in advance.
- Rent to be adjusted to Consumer Price Index (CPI) annually except for those years where a Market Rental Review takes place.
- Market Rental Review will be undertaken every three years throughout the further terms of the lease, in accordance with the Leasing Policy for Crown Land in Victoria, 2010.
- NBN have indicated that the proposed Lease will not adversely impact on the operations of the Caravan Park. Under the lease, NBN will be granted 24 hour / 7 days a week access, however that is a strategic requirement, but in reality will only be on site for routine maintenance twice yearly.

**Proposal**

It is proposed to finalise the Lease documents for the Sites.

**FINANCIAL CONSIDERATIONS**

Council will not be financially disadvantaged. It will not incur any costs in negotiating the Leases to NBN Co. Limited as all Council's reasonable costs will be reimbursed by NBN Co. Limited.

Council's Property Services Rental Income Budget will increase initially by \$18,000pa and will increase thereafter by CPI and market rental reviews.

**CONCLUSION**

Council has complied with its statutory responsibilities by informing the public of its intention to enter into a lease of the sites.

Council has also satisfied the Department of Sustainability and Environment's preferred process of demonstrating transparency by publicly advertising the proposed lease to NBN insofar as the Port Welshpool site is concerned.

The final item to be addressed is the execution of Lease documents by all parties, including the Minister's delegate given the Crown Land status of the Port Welshpool site.

### **RECOMMENDATION**

**That Council:**

- 1. Agree to enter into a variation of Lease with Glendale Glen Pty Ltd (Long Jetty Caravan Park) for the purpose of excising an area of 67m<sup>2</sup> from the demised premises and being part Crown land, described as Crown Allotment 1A, no Section, Township of Port Welshpool.**
- 2. Agree to proceed to enter into a Lease with National Broadband Network Co. Ltd for an area of 67m<sup>2</sup>, being part Crown land described as Crown Allotment 1A, no Section, Township of Port Welshpool for the construction / installation of infrastructure associated with the fixed radio (wireless) component of NBN.**
- 3. Agree to enter into a Lease with National Broadband Network Co.(NBN) Ltd for an area of approximately 67m<sup>2</sup>, being part of 2746 Meeniyan - Promontory Road, Yanakie, being part of Lot 1, TP887244, for the construction / installation of infrastructure associated with the fixed radio (wireless) component of NBN.**
- 4. Authorise the Chief Executive Officer or his delegate to sign all documents in relation to the documents described in the items above.**



**MOVED: Cr Davies**

**SECONDED: Cr Harding**

**THAT COUNCIL:**

- 1. AGREE TO ENTER INTO A VARIATION OF LEASE WITH GLENDALE GLEN PTY LTD (LONG JETTY CARAVAN PARK) FOR THE PURPOSE OF EXCISING AN AREA OF 67M<sup>2</sup> FROM THE DEMISED PREMISES AND BEING PART CROWN LAND, DESCRIBED AS CROWN ALLOTMENT 1A, NO SECTION, TOWNSHIP OF PORT WELSHPOOL.**
- 2. AGREE TO PROCEED TO ENTER INTO A LEASE WITH NATIONAL BROADBAND NETWORK (NBN) CO. LTD FOR AN AREA OF 67M<sup>2</sup>, BEING PART CROWN LAND DESCRIBED AS CROWN ALLOTMENT 1A, NO SECTION, TOWNSHIP OF PORT WELSHPOOL FOR THE CONSTRUCTION / INSTALLATION OF INFRASTRUCTURE ASSOCIATED WITH THE FIXED RADIO (WIRELESS) COMPONENT OF NBN.**
- 3. AGREE TO ENTER INTO A LEASE WITH NATIONAL BROADBAND NETWORK CO. LTD FOR AN AREA OF APPROXIMATELY 67M<sup>2</sup>, BEING PART OF 2746 MEENIYAN - PROMONTORY ROAD, YANAKIE, BEING PART OF LOT 1, TP887244, FOR THE CONSTRUCTION / INSTALLATION OF INFRASTRUCTURE ASSOCIATED WITH THE FIXED RADIO (WIRELESS) COMPONENT OF NBN.**
- 4. AUTHORISE THE CHIEF EXECUTIVE OFFICER OR HIS DELEGATE TO SIGN ALL DOCUMENTS IN RELATION TO THE DOCUMENTS DESCRIBED IN THE ITEMS ABOVE.**

**Cr Fawcett left the Meeting at 3.55pm.**

**CARRIED**

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

**Against: Cr McEwen**



**Attachment 1**  
**Public Notice, Yanakie - Notice of Intention to Lease Land**

The Chief Executive Officer  
South Gippsland Shire Council  
Private bag 4  
Leongatha, 3953

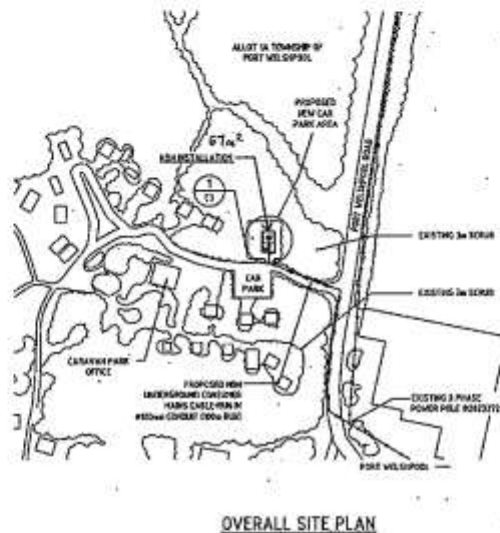
A person making the submission is entitled to request in the submission that the person wishes to appear in person, or be represented by a person specified in the submission, at a meeting of the Council (or a committee determined by Council) to be heard in support of the submission.

Tim Tamlin,  
Chief Executive Officer

## Attachment 2 Public Notice, Port Welshpool - Notice of Intention to Lease Land

### Public Notice South Gippsland Shire Council Notice of Intention to Lease Land

South Gippsland Shire Council (Council) gives notice under section 190 of the Local Government Act 1989 (Act) of its intention to enter into a lease with the National Broadband Network Co Ltd (NBN) in respect of approximately 67m<sup>2</sup> of Crown land described as Crown Allotment 1A, no Section, Township of Port Welshpool and being part of the Long Jetty Caravan Park, 6 Port Welshpool Road, Port Welshpool (the proposal). The proposed leased area is shown on the plan below:



The Council has been appointed as Committee of Management of the leased area subject to the proposal pursuant to section 14(2) of the Crown Land (Reserves) Act 1978.

The purpose of the lease will be for the installation and operation of NBN Base Station Facility.

The principle terms of the lease will be:

1. Term of 20 years, which will comprise of varying options.
2. Commencement rental to be negotiated but not less than determined by an independent valuer.
3. Outgoings, municipal rates and other charges are payable by the tenant.

Please contact Chris Van Der Ark on 5662 9391 for any further information on the proposed lease.

A person may make a submission on the proposal. Any person proposing to make a submission under section 223 of the Act must do so by close of business on Monday, 4 February, 2013.

**Attachment 2**  
**Public Notice, Port Welshpool - Notice of Intention to Lease Land**

All submissions should be addressed to the Chief Executive Officer, and can be hand delivered to Council's Office at 9 Smith Street, Leongatha or posted to the following address:

The Chief Executive Officer  
South Gippsland Shire Council  
Private bag 4  
Leongatha, 3953

A person making the submission is entitled to request in the submission that the person wishes to appear in person, or be represented by a person specified in the submission, at a meeting of the Council (or a committee determined by Council) to be heard in support of the submission.

Tim Tamlin,  
Chief Executive Officer

### **E.3 FINANCIAL STRATEGY**

Corporate Services Directorate

#### **EXECUTIVE SUMMARY**

Financial strategies provide the framework or business rules on which both the annual and longer term business plans are built. The strategies were originally adopted in 2003 and undergo an annual review process.

Council has adopted a strategic approach to business planning over the past 10 years. Since then, its overall financial performance has systematically improved.

Several refinements to the 2012 Strategies are proposed for Council's consideration. They include:

1. Minor wording change to Strategy #3 dealing with transferring funds to discretionary reserves by removing reference to 'future capital expenses' - this enables transfers to all reserves, not only those earmarked for capital expenditure);
2. Minor wording change to Strategy #4 by removing the word 'quarantined';
3. A further refinement made to Strategy #6 that deals with making transfers equivalent to the average interest earned on investments to some specific reserves. The strategy has been refined to include similar transfers being made to the general reserve when it is financially viable to do so;
4. The strategy dealing with identifying services impacted by carbon tax cost implications is no longer required and has been removed;
5. Strategy #10 has been amended from sustainability index percentages driving asset renewal funding allocations, to asset management plans funding requirements driving funding requirements;
6. Minor wording change for Strategy #12 to include the wording 'one off expenses; and
7. Minor change for Strategy #16 to include additional wording at end to emphasise the financial plan's relationship to service and asset management requirements.

All the remaining financial strategies remain unchanged.

Overall, the fundamental intent of the Financial Strategies remains unchanged from the original strategies adopted in 2003.

Document/s pertaining to this Council Report

- **Appendix 1** - Financial Strategy 2013/14

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**

Local Government Act 1989, Section 136 - Principles of sound financial management

**INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

Long Term Financial Plan 2012

**COUNCIL PLAN**

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

**CONSULTATION**

Council Briefing 20 February 2013

**REPORT**

**Background**

The Auditor General in his Annual Report to Parliament in the last four years has recommended that all Victorian councils should develop strategic performance indicators to review past performances and set targets for following years.

South Gippsland Shire Council introduced a strategic planning and performance management framework in 2003. Council has maintained, since that date, a series of financial strategies including financial performance measures and targets to ensure that Council's immediate and long term financial viability is managed in a constructive and economically viable manner.

Council's Financial Strategy is reviewed and updated on an annual basis. It is important that the financial strategies (business rules) continue to align with Council's financial objectives.

The strategies continue to provide the strategic framework for developing the Long Term Financial Plan, the Council Plan (which includes the Strategic Resource Plan) and the Annual Budget.

## Discussion

The Council Plan is a high level strategic planning document that includes objectives and strategies that cover the four year term of each Council.

The financial strategies compliment and support both higher level 'strategic plans' such as the Council Plan, and 'operational plans' such as the Annual Budget, by ensuring that Council's financial position, that is documented in the resulting Long Term Financial Plan, is sustainable both in the short and longer term.

## Proposal

Outlined in Appendix 1 is the proposed detailed Financial Strategy for Council's consideration. It outlines strategic considerations for Council, the financial strategies and background information.

Several amendments have been incorporated into the Financial Strategy 2013/14 for Council's consideration. These include:

1. Minor wording change to Strategy #3 (page 23 of **Appendix 1**) dealing with transferring funds to discretionary reserves by removing reference to 'future capital expenses' - this enables transfers to all reserves, not only those earmarked for capital expenditure);
2. Minor wording change to Strategy #4 (page 23 of **Appendix 1**) by removing the word 'quarantined';
3. A further refinement made to Strategy #6 (page 23 of **Appendix 1**) that deals with making transfers equivalent to the average interest earned on investments to some specific reserves. The strategy has been refined to include similar transfers being made to the general reserve when it is financially viable to do so;
4. The strategy dealing with identifying services impacted by carbon tax cost implications is no longer required and has been removed (page 33 of **Appendix 1**);
5. Strategy #10 has been amended from sustainability index percentages driving asset renewal funding allocations, to asset management plans funding requirements driving funding requirements (page 38 of **Appendix 1**);
6. Minor wording change for Strategy #12 to include the wording 'one off expenses (page 38 of **Appendix 1**); and
7. Minor change for Strategy #16 (page 45 of **Appendix 1**) to include additional wording at end to emphasise the financial plan's relationship to service and asset management requirements.
8. All the remaining financial strategies remain unchanged.



## **FINANCIAL CONSIDERATIONS**

Not applicable

## **RISK FACTORS**

Continuation of the strategic planning and management process will help achieve long term business viability. This will ensure that Council has sufficient financial resources for both service provision and for infrastructure asset management now and in future years.

## **CONCLUSION**

The Long Term Financial Plan, Council Plan (including the Strategic Resource Plan) and the Annual Budget will continue to be referenced back against the financial strategies. The financial strategies have been updated to respond to Councils current strategic considerations.

## **RECOMMENDATION**

That Council receive and adopt the South Gippsland Shire Council Financial Strategy 2013/14 (Appendix 1).

## **STAFF DISCLOSURE OF INTEREST**

Nil

**Cr Hutchinson-Brooks left the Meeting at 3.57pm.**

**MOVED: CR DAVIES**

**SECONDED: CR HILL**

**THAT COUNCIL RECEIVE AND ADOPT THE SOUTH GIPPSLAND SHIRE COUNCIL FINANCIAL STRATEGY 2013/14 (APPENDIX 1).**

**Cr Fawcett returned to the Meeting at 3.57pm.**

**Cr Hutchinson-Brooks returned to the Meeting at 3.58pm.**

**CARRIED UNANIMOUSLY**

**Cr McEwen left the Meeting at 3.57pm.**

**Cr McEwen returned to the Meeting at 3.59pm.**

## **E.4 COMMUNITY SATISFACTION SURVEY - JUNE 2012**

Corporate Services Directorate

### **EXECUTIVE SUMMARY**

On 22 August 2012, Council received a report which outlined initial, high level survey results for South Gippsland Shire Council (the Council) from the Community Satisfaction Survey (the 2012 survey), conducted in June 2012, by the Department of Planning and Community Development (DPCD) on behalf of Victorian Councils.

At the time of writing that report, detailed survey information was not available and it was difficult to determine what specific matters had influenced the results. A resolution was passed at the August 2012 Council Meeting, to conduct further analysis and benchmarking and to prepare a further report for Council with a proposed action plan to address areas for improvement. The full market research report 'Community Satisfaction Survey – South Gippsland Shire Council June 2012 Research Report' (**Appendix 1**) was also made available on Council's internet site.

The purpose of this Council Report is to provide the additional information to Council in relation to the 2012 survey results as required by the Council resolution, from the 22 August 2012 Council Meeting.

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

- **Appendix 1** – Community Satisfaction Survey South Gippsland Shire Council Research Report – 2012

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**

Not applicable.

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

Not applicable.

### **COUNCIL PLAN**

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

### **CONSULTATION**

The 2012 survey was undertaken by an independent market research consultancy, JWS Research commissioned by the DPCD using a newly

developed survey methodology and content following consultation with councils. The 2012 survey was conducted between 18 May 2012 and 30 June 2012 by telephone interview with 400 residents aged 18+ years residing in the South Gippsland Shire. The average interview length was 6 minutes.

## **REPORT**

### **Background**

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

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

As such, the results of the 2012 survey should be considered a new benchmark. Tracking comparisons will be possible in future years.

On 22 August 2012, Council received a report which outlined initial, high level 2012 survey results. At the time of writing that report, detailed survey information was not available and it was difficult to determine what matters had influenced the results. A resolution was passed at the August 2012 Council Meeting, to conduct further analysis and benchmarking and to prepare a further report for Council with a proposed action plan to address areas for improvement. The full market research report 'Community Satisfaction Survey – South Gippsland Shire Council June 2012 Research Report' (**Appendix 1**) was also made available on Council's internet site.

The 2013 Community Satisfaction Survey has also since been conducted between 31 January 2013 and 6 February 2013 and it is expected the results will be available in coming months.

### **Discussion**

The purpose of this report is to provide the following additional information which was not available to Council when the Council Report dated 22 August 2012 was produced.

- Benchmarking to compare performance with neighbouring and comparable Councils; and
- Analysis of verbatim comments, related to two survey questions regarding Council performance strengths and improvement opportunities, to determine specific matters which may have influenced the results.

This report will also outline an Action Plan by which Council proposes to address improvement opportunities identified as a result of the benchmarking and analysis.

## 1. Benchmarking

Each Victorian Local Government Entity is required in its Annual Report to report against 11 Local Government Indicators. Three of these indicators relate to the following core performance measures covered by the 2012 survey.

- Community satisfaction rating for overall performance generally of the Council;
- Community satisfaction rating for Council's advocacy and community representation on key local issues; and
- Community satisfaction rating for Council's community engagement in decision making on key local issues.

This annual reporting requirement has enabled Council to benchmark its performance with other neighbouring and comparable councils as outlined in the following table and as discussed in more detail below.

Council	Council Classification	Index Score (IS)		
		Overall Performance	Advocacy	Engagement
South Gippsland	Medium	50	51	53
Bass Coast	Medium	55	52	53
Wellington	Medium	64	58	58
East Gippsland	Medium	58	53	54
Cardinia Shire	Medium	57	56	57
City of Casey	Large	59	58	59
Latrobe City	Large	61	56	54
Large Rural Shires Average	Medium	56	53	54
State Average	All	60	55	57

- **Overall performance:** at an Index Score (IS) of 50 South Gippsland Shire (SGSC) was rated well below the State-wide average of 60 and below the average Large Rural Shires group of 56. SGSC rated the lowest of all Gippsland councils which reported results. Please also note the average ratings from the following age and gender groups.

- **Highest:** amongst residents aged 18-34 (53) and women aged 18-49 (52).
- **Lowest:** amongst men aged 50+, people aged 35-49 and people aged 50-64 all rated 49.
- **Advocacy:** at an IS of 51 SGSC was rated below the State Average of 55 and a little below the average Large Rural Shires group of 53. Again SGSC rated the lowest of all Gippsland councils but was close to Bass Coast at 52. Please also note the average ratings from the following age and gender groups.
  - **Highest:** amongst women aged 18-49 (54).
  - **Lowest:** amongst men, including the under and over 50's and all people aged 50-64 rated Council lowest at 50.
- **Engagement:** similarly, at an IS of 53 SGSC was rated below the State Average of 57 and a little below the average Large Rural Shires group of 54. Whilst SGSC rated the lowest of all Gippsland councils it received similar scores to Bass Coast (also 53) and East Gippsland (54). Please also note the average ratings from the following age and gender groups.
  - **Highest:** women aged 18-49 (58), 35-49 year olds (59) and all women (55) are the groups that rate SGSC performance higher than average.
  - **Lowest:** men, including the under and over 50's and all people aged 50-64 year olds generally all recording a below average rating of 51.

There were two other Performance Indicators measured by the Survey but not required to be reported as a part of the Local Government Indicators in Council's annual reports. As such these two indicators were not able to be benchmarked against specific Councils, however SGSC results for these are included below.

- **Customer service:** at an IS of 65, SGSC was rated below the State Average of 71 and marginally lower than the Large Rural Shires group average of 68.
- **Overall Council Direction:** at an IS of 43, SGSC, was rated below the State Average of 52 and Large Rural Shires group average of 48.

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

When asked whether Council's performance had improved over the last 12 months 71% of respondents indicated that Council's performance had either remained the same as last year (60%) or improved (11%). 24% had indicated

there had been deterioration in performance which is higher than the State-average (15%) and Large Rural Shire Average (18%).

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

## 2.1 Performance strengths.

Outlined in the table below is a summary of the main responses, response rates and examples of typical comments made by respondents when asked "what is the best thing about Council".

<b>Response</b>	<b>%</b>	<b>Verbatim Comment Examples</b>
"Nothing / nothing good about Council / can't think of"	31%	"They don't do a great deal. We are away from the main centre. They do very little for the outskirts. They just don't seem to listen." "I'm not happy with any of the services, I've been disappointed with the several issues I've discussed with them." "Nothing good about council. I can't think of anything." "Wouldn't have a clue, I'm not really involved." "No particular thing, it does a pretty good job overall." "Can't think of anything off the top of my head." "I don't really know, living on a farm I don't know of many of their services provided." "I can't think of anything. Nothing comes to mind."
Customer Service response time / accessible / polite.	9%	"I think their communication is good with newspapers and newsletters. The customer service has been pretty good as well." "They're very attentive to people's requests and needs. They certainly listen to what people have got to say and improved over the last two or three years." "You can get in touch with them and they will talk to you and they listen when you put forward your concerns."
Councillors work well / approachable.	8%	"The local council are always willing to meet and talk with you. If you have any problem you can go to local ward Councillor and they will take it up with the relevant staff member." "All the Councillors are approachable and all have good intentions for the Shire they serve."
Generally good overall / satisfied / good place to live.	6%	"Generally good and overall satisfied. It's a good place to live and they do their best." "Financial management, they manage finances well, spend wisely and get good value for money with limited funds." "Forward planning, for things like the new retirement village, very helpful in that sense."
Community support services approachable / community	6%	"Their community services for the aged." "Community services like Meals on Wheels mean elderly people can stay in their homes longer." "Good at putting and supporting festivals."
Road / streets well maintained.	6%	"The road repairs have been good over the winter, they've done a good job with that. There has been some very bad pot holes and they've fixed them, also if there's a tree over the road they respond very quickly." "Road and streets are well maintained including signage, lighting and gutters."
Recreational / sporting facilities.	4%	"The provision of recreational facilities and the planning for growth."
Parks and gardens well maintained.	4%	"Attend to things quickly, keep gardens and town looking quite nice." "The thing that impresses me most is the outdoor staff, I'm

Response	%	Verbatim Comment Examples
		impressed by the way they keep the parks and gardens tidy / well-mowed."
Waste management.	3%	"Waste management with extra garbage collection, recycling and green waste."

9.

Whilst 31% responded "nothing / nothing good about Council / can't think of", it is clear from analysis of the verbatim comments, that a reasonable proportion of respondents were unable to single out one specific "best thing" or immediately provide an answer due to having little direct experience with Council. This has resulted in what appears to be a high negative response rate and indicates that more can be done to inform the community of the services Council provides and improvement initiatives planned.

## 2.2 Improvement opportunities.

Outlined below is a summary of the main responses, response rates and examples of typical verbatim comments made by respondents to the question "what does Council most need to do to improve its performance?"

Response	%	Verbatim Comment Examples
Sealed roads and street maintenance.	41%	"They need to do more on the roads, there are pot holes everywhere." "Local roads are in a poor condition but I am not sure if that is a Vicroads or Council responsibility." "Liaise more with VIC Roads and other roads bodies to maintain the roads." "It needs to get more Council trucks back onto the roads to fix things up, especially the road, street signs and street lighting."
Community consultation.	10%	"To improve its performance, they should speak and listen more to the ratepayers." "Get out and about a bit more and listen to people. If they start doing that that'll be enough." "To be more supportive of what the community needs." "Go around each town and find what their problems are." "Take more notice of rate payers and listen to the people." "More consultation, more openness, that's about it."
Rates.	7%	"The rates seem very expensive." "They need to provide better services for the rates they charge. I mean we don't even have street lights or footpaths."
Town planning.	7%	"Improving the smaller towns, other than the main towns." "Provide clarity about land issues." "It takes about 12 months to get a permit and industrial permits takes too long." "Planning permits for residential and roads have too many restrictions as to what people want to do on their land." "They could improve their town planning. They don't seem to be making the right provisions for future development and progress seems to be ad-hoc rather than planned." "Here in Korumburra, they don't seem able to make decisions on what they're going to do with land. They keep changing their mind on the old sale yards site."
Financial management.	7%	"Need to be more transparent in their accounting processes and more open and honest to rate payers and the public."
Business development.	7%	"Improve infrastructure so that some economic development can happen."

Response	%	Verbatim Comment Examples
		<p>"Promote business, especially more shops and retail."                      "I think they need to improve the shopping, it hasn't improved in the 11 years I've lived here."</p>
Waste / garbage management and collection.	6%	<p>"They need to do a hard rubbish pick up."                      "I just wish it should have a green waste collection as well as a regular hard rubbish collection."</p>
Review staff / Councillors.	6%	<p>"They need to spend more time on repairing roads, infrastructure and cut down on their administration staff and improve planning."                      "Cut down staff in the office and get them out there maintaining infrastructure. Get out there and do things rather than hanging out by the coffee machine."                      "Ring people back when they say they will."</p>
Forward thinking / be more proactive / more vision.	5%	<p>"I don't think they actually advertise themselves well enough through the public."                      "It needs to cut the red tape, be more progressive with its decisions and make decisions quicker."                      "Need to plan more especially for farmers and end user services. To be a bit more proactive and let residents know what they are doing."                      "They need to inform the community of their plans and what they are doing."</p>

Many of the comments on roads maintenance indicated confusion regarding which roads within the Shire were the responsibility of VicRoads and Council, and indicate that further communications are required to clarify this for the community.

### Proposal

Following the further analysis, it is proposed for Council to adopt the following Action Plan, to address the key improvement opportunities identified by the 2012 survey to improve Council's performance in the areas identified by this survey. The Action Plan includes activities which Council has either already undertaken, are in progress or are planned to form key elements of Council's 2013 / 2014 Annual Plan.

It is also proposed to use the information from the 2012 survey, as a snapshot as at 30 June 2012, of community opinion to guide the formulation of the 2013 – 2017 Council Plan, 2013 / 2014 Annual Plan and 2050 Community Vision.

Also it is clear from many of the verbatim comments that some respondents had a low awareness, or were unaware, of the range of services provided by Council and the plans / initiatives to improve these. As such, a strong element of the Action Plan has focussed on expanding communications to improve the community's awareness and understanding of these.

Improvement Opportunity	Planned Actions
Sealed roads and street maintenance.	<ul style="list-style-type: none"> <li>• <b>"Report A Defect" website link:</b> which more accurately directs enquiries to VicRoads and Council (<b>completed</b>).</li> <li>• <b>Liaise with VicRoads:</b> to advocate on behalf of the community to ensure improved VicRoads maintenance and responsiveness and increase community awareness of which roadways are managed by VicRoads and</li> </ul>



Improvement Opportunity	Planned Actions
	<p>Council respectively (<b>ongoing</b>).</p> <ul style="list-style-type: none"> <li>• <b>Road Maintenance Initiative:</b> including team restructure, response crew, increased inspections and GPS / MAP tablets for inspections / defects, long term drainage program (100 km p.a.) and regular community updates. An additional \$1million was allocated in 2013 / 2013 to the contractor budget to address outstanding customer requests. This to date to date has reduced outstanding requests from 1,000 to 400.</li> </ul>
<p><b>Community consultation engagement.</b> /</p>	<ul style="list-style-type: none"> <li>• <b>Communication and Consultation Policy:</b> adopt, implement and communicate by 30 June 2013 (<b>in progress</b>).</li> <li>• <b>Community Engagement Charter:</b> develop and communicate by 30 December 2013 (<b>in progress</b>).</li> <li>• <b>Establish "Community Vision 2050 Committee":</b> to gain community involvement in the development of a long term vision by 30 December 2013 (<b>in progress</b>).</li> <li>• <b>Develop and implement Social Media Strategy:</b> to increase Community engagement and feedback opportunities (<b>in progress</b>).</li> </ul>
<p><b>Customer Service and Communications.</b></p>	<ul style="list-style-type: none"> <li>• <b>Continue to communicate Council's Customer Service Charter (ongoing).</b></li> <li>• <b>Quarterly performance report:</b> continue to promote Council's performance metrics and improvement initiatives (<b>ongoing</b>).</li> <li>• <b>Develop new Council Website:</b> to improve information provided to the community by 30 June 2014 (<b>in progress</b>).</li> <li>• <b>South Gippsland Matters Newsletter:</b> effectively utilise to improve community understanding of Council's services (<b>ongoing</b>).</li> <li>• <b>Additional Community Satisfaction Survey question:</b> seeking feedback on the best methods of Council communicating with our Community (<b>in progress</b>).</li> </ul>
<p><b>Rates.</b></p>	<ul style="list-style-type: none"> <li>• <b>Conduct Bi-annual Rates Re-evaluation:</b> as at 1 January 2014 (<b>in progress</b>).</li> </ul>
<p><b>Town planning.</b></p>	<ul style="list-style-type: none"> <li>• <b>South Gippsland Housing and Settlement Strategy:</b> to provide overall direction for growth in the Shire and present each of the challenges and opportunities for growing and maintaining smaller settlements by 31 December 2013 (<b>in progress</b>).</li> <li>• <b>Korumburra Saleyards rezoning:</b> to Industrial 3 Zone at Council's expense for the current owner with Subdivision Permit issued. This development now lies with the private sector (<b>complete</b>).</li> <li>• <b>Planning permit issuance improvements:</b> implemented in 2012 has reduced decision timeframe significantly with performance well above State averages, a quarter of permits are finalised in under 4 weeks and performance reported to the Community quarterly (<b>complete and ongoing</b>).</li> </ul>
<p><b>Financial management.</b></p>	<ul style="list-style-type: none"> <li>• <b>Refine Council's Financial Strategies:</b> and effectively communicate to the Community during May 2013 (<b>in progress</b>).</li> <li>• <b>Establish Service Summaries:</b> and associated program costs for the 2013 / 2014 budget (<b>in progress</b>).</li> </ul>
<p><b>Waste / garbage management and collection.</b></p>	<ul style="list-style-type: none"> <li>• <b>New transfer station operation contractor:</b> with improved service requirements commenced in January 2012 (<b>complete</b>).</li> <li>• <b>New kerb side garbage contract:</b> including new bins and expansion of optional service to Venus Bay and Walkerville commenced in February 2013 (<b>complete</b>).</li> <li>• <b>New landfill cell:</b> to expand capacity delivered in September 2012 (<b>complete</b>).</li> <li>• <b>Landfill operations brought in-house:</b> to improve management capability and services to the Community in September 2012 (<b>complete</b>).</li> <li>• <b>Public place recycling trial:</b> in Venus Bay and Tarwin Lower conducted between November 2012 and January 2013 with a proposal in place to</li> </ul>

Improvement Opportunity	Planned Actions
	continue this as an ongoing service <b>(in progress)</b> . • <b>Hard Waste Service introduced:</b> annual service introduced in September 2012 for all residents to occur each year in September and October <b>(complete)</b> .
<b>Review services provided.</b>	• <b>Conduct full service review:</b> as a part of Council's 2013 / 2014 Annual Plan process and communicate outcomes during the public consultation to be undertaken in May 2013 <b>(in progress)</b> .
<b>Forward thinking / be more proactive / more vision.</b>	• <b>Establish Council Plan 2013 – 2017 and 2050 Community Vision:</b> following effective community consultation and communicate by 30 December 2013 <b>(in progress)</b> .

Whilst not all proposed actions were in place to influence the 2013 survey results, which was conducted between 31 January 2013 and 6 February 2013, it is anticipated the proposed actions and other Council initiatives will address improvements to services and in turn address community concerns raised in the survey. The results of the 2013 survey will be reported to Council later this financial year.

## FINANCIAL CONSIDERATIONS

Provision for Council's participation in the 2013 Community Satisfaction Survey and to undertake the proposed action plan above is included in current and forward budgets.

## RISK FACTORS

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

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

## CONCLUSION

The results from the 2012 survey indicate the community's satisfaction with Council's performance against the survey core performance measures is just below the average of the Large Rural Shires group and other comparable councils.

It is important for Council and staff to understand the feedback provided by the 2012 survey and to address the improvement opportunities presented in the proposed Action Plan to improve satisfaction with Council's services.

## **RECOMMENDATION**

That Council:

1. Note the results of the South Gippsland Shire Council in the 2012 Community Satisfaction Survey, including the additional benchmarking and verbatim analysis;
2. Endorse the proposed action plan to address areas for improvement; and
3. Receive a further report once the 2013 Community Satisfaction Survey results are known with an update on the progress of the proposed action plan.

## **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Davies**

**SECONDED: Cr Hill**

**THAT COUNCIL:**

1. **NOTE THE RESULTS OF THE SOUTH GIPPSLAND SHIRE COUNCIL IN THE 2012 COMMUNITY SATISFACTION SURVEY, INCLUDING THE ADDITIONAL BENCHMARKING AND VERBATIM ANALYSIS;**
2. **ENDORSE THE PROPOSED ACTION PLAN TO ADDRESS AREAS FOR IMPROVEMENT; AND**
3. **RECEIVE A FURTHER REPORT ONCE THE 2013 COMMUNITY SATISFACTION SURVEY RESULTS ARE KNOWN WITH AN UPDATE ON THE PROGRESS OF THE PROPOSED ACTION PLAN.**

**CARRIED UNANIMOUSLY**

## **E.5 DRAFT MUNICIPAL PUBLIC HEALTH & WELLBEING PLAN 2013-2017**

Community Services Directorate

### **EXECUTIVE SUMMARY**

South Gippsland residents enjoy a level of health and wellbeing above the State average\*. Council recognises its statutory obligations in planning for the protection, improvement and promotion of the health and wellbeing of its community and demonstrates this through the range of services and infrastructure it provides. It also recognises the importance of working in partnership with other health and community service providers in setting a strategy for health promotion and disease prevention.

The draft Municipal Public Health and Wellbeing Plan 2013-2017 (MPHWBP) identifies key local health and wellbeing priorities while considering the regional, State and Federal context. The draft MPHWBP sets out a strategic direction for the next four years for Council and other health and community service providers working in the Shire. An implementation plan is being developed and will be embedded into Council business plans over the next four years.

The draft MPHWBP has been developed through consultation with the community and health and community service organisations. The draft MPHWBP has been endorsed by the Public Health and Wellbeing Reference Group for presentation to the Council.

Under Section 27 of the Public Health and Wellbeing Act 2008, a Council must, in consultation with the Secretary, prepare a municipal public health and wellbeing plan within the period of 12 months after each general election of the Council.

This report recommends the draft MPHWBP be placed on public exhibition for feedback from the community.

\* VicHealth Community Indicators Survey 2011

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

- **Appendix 1** - Draft South Gippsland Shire Council Municipal Public Health & Wellbeing Plan 2013-2017

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**

- Victorian Public Health and Wellbeing Plan 2011-2015
- Public Health and Wellbeing Act 2008

- South Coast Primary Care Partnership Health Promotion Catchment Plan 2010-2012
- South Coast Primary Care Partnership Community Wellbeing Profile 2009

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

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

### **COUNCIL PLAN**

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

### **CONSULTATION**

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

A Reference Group has been actively involved throughout the development of the draft Plan. The Reference Group has endorsed the draft Plan and now seeks further public comment.

The Reference Group includes representation from:

- Department of Health
- Gippsland Southern Health Service
- Salvation Army GippsCare

- South Coast Primary Care Partnership
- South Gippsland Hospital Service
- Uniting Care Gippsland
- South Gippsland Council

## REPORT

### Background

Under the Public Health and Wellbeing Act 2008, Local Government seeks to protect, improve and promote public health and wellbeing by creating an environment which supports the health of community members and strengthens their capacity. It achieves this through the development of a MPHWPB that provides a strategic direction and identifies local priorities for local public health planning, policy development and service delivery.

The draft MPHWPB has been developed through the collection and analysis of data, benchmarking against Regional, State and National health priorities, consultation with a broad range of the community and input from a range of health and community services represented on the Reference Group.

### Discussion

This strategic plan sets out the broad strategic direction and priorities for planning for improved health and wellbeing for the South Gippsland community. The draft MPHWPB has 4 key areas of priority with a strategic statement against each:

- **Health Protection** – We will protect the health of our community through the implementation of policies and practices to meet legislative requirements
- **Community Wellbeing** - We will enhance community wellbeing by partnering to create an environment which enables and encourages access, improves community connectedness and safety
- **Lifestyle** - We will contribute to providing environments and practices which encourage healthy lifestyle choices
- **Built and Natural Environment** - We will partner to develop and maintain a sustainable natural environment. We will ensure appropriate infrastructure is provided to support individuals to access their communities

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

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

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

### **FINANCIAL CONSIDERATIONS**

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

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

### **RISK FACTORS**

Some organisations or individuals may feel that their particular issue has not achieved the priority or focus that they would have hoped. This has been mitigated by the transparency and inclusiveness of the process and the endorsement of the draft MPHWP by the Reference Group which has broad health and community sector representation.

There is a risk that the strategic document will not translate into meaningful action. This has been mitigated through workshops with all managers in the Council and has informed the development of a realistic and achievable Implementation Plan which will be embedded in business plans.

There is a risk that there will be no measurable improvement in the health and wellbeing of the community over the next 4 years. An annual evaluation process has been established to monitor progress and the Victorian Health Indicators survey will be conducted again in 2015.

### **CONCLUSION**

The draft MPHWP demonstrates Council's commitment to the health and wellbeing of the South Gippsland community.

The Plan sets the strategic direction and priorities for health and wellbeing for South Gippsland over the next four years. It aims '*To provide safe, supportive environments for our communities to be the healthiest they can be and to flourish*'.

The collaborative process used in developing the Plan has engaged a broad range of community members and the health and community sector. Feedback is now sought from the public on the draft Plan.

### **RECOMMENDATION**

That Council:

1. Exhibit the draft Municipal Public Health & Wellbeing Plan 2013-2017 for a period of 28 days;
2. Invite written submissions from the community until the closing date of 29 April 2013;
3. Review all written submissions received for consideration for incorporation into the draft Municipal Public Health & Wellbeing Plan 2013-2017; and
4. Present the revised plan to Council for adoption as soon as practicable after the closing of submissions.

### **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Harding**

**SECONDED: Cr Brunt**

**THAT COUNCIL:**

1. **EXHIBIT THE DRAFT MUNICIPAL PUBLIC HEALTH & WELLBEING PLAN 2013-2017 FOR A PERIOD OF 28 DAYS;**
2. **INVITE WRITTEN SUBMISSIONS FROM THE COMMUNITY UNTIL THE CLOSING DATE OF 29 APRIL 2013;**
3. **REVIEW ALL WRITTEN SUBMISSIONS RECEIVED FOR CONSIDERATION FOR INCORPORATION INTO THE DRAFT MUNICIPAL PUBLIC HEALTH & WELLBEING PLAN 2013-2017; AND**
4. **PRESENT THE REVISED PLAN TO COUNCIL FOR ADOPTION AS SOON AS PRACTICABLE AFTER THE CLOSING OF SUBMISSIONS.**

**CARRIED UNANIMOUSLY**



## **E.6 KORUMBURRA COMMUNITY ROUNDTABLE**

Development Services Directorate

### **EXECUTIVE SUMMARY**

Council has a strong desire to increase its engagement with the community as partners in decision making. In response to this desire, a collaborative approach is proposed to lead social and economic development in Korumburra.

This report proposes to develop a new approach to working with the community by establishing the Korumburra Community Roundtable. This group will be a self-driven community leadership group, comprising representatives of community groups of Korumburra, ward Councillors and a member of the Executive Leadership Team.

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

- **Attachment 1** - Korumburra Community Roundtable IPA2 Engagement Spectrum

### **COUNCIL PLAN**

Strategic Goal:	1.0	A vibrant, engaged community
Outcome:	1.1	An active, resilient community
Strategy No:	1.1.1	Community partnerships

### **CONSULTATION**

A meeting to develop this proposal was held with Strzelecki Ward Councillors, the Acting CEO, Director Community Services, Acting Director Development Services, Manager Community Strengthening, Acting Manager Strategic Planning and Social Planning Officer after Council's resolution from February 2013. A discussion paper was prepared to outline key points of this proposal.

### **REPORT**

#### **Background**

Council's approach to engagement with the community has largely been to inform and consult; with a focus on specific projects. At the Ordinary Meeting of Council in February 2013, Council resolved to establish a collaborative partnership approach to the social and economic development of Korumburra based on the IPA2 Engagement Spectrum - see **Attachment 1**.

It is suggested that the Korumburra community would benefit from a common agenda, vision and voice. This report proposes the development of a Korumburra Community Roundtable to meet this need.

## **Discussion**

It is proposed to establish a 'Korumburra Community Roundtable' Community group as a pilot project to establish a partnership between Council and the community. If successful, this pilot will inform similar approaches in other communities.

The Korumburra Community Roundtable will comprise representatives from key community sectors, ward councillors and a Council director as a representative of Council staff.

It would be intended that this group comprise community leaders willing to take on the role of "community champions"; representing a broad cross-section of the Korumburra community. It is expected that this group will establish a common agenda for the positive social and economic development of Korumburra and focus on the shared needs for Korumburra and its future.

Projects based in the town will report to this group via the responsible Council staff member. These projects will also continue to invite traditional consultation with the broad community via meetings, surveys and focus groups to discuss specific issues relating to each project.

## **Proposal**

It is proposed that a Korumburra Community Roundtable is established with the support of Council comprising 15 - 17 people, including community representatives from key sectors of the community:

- A "core group" will be established and will identify other key representative sectors of the community; invite nominations and select the final, larger group
- The core group will consist of:
  - 5 - 7 community representatives,
  - Three ward councillors, and
  - A member of Council's Executive Leadership Team
- The core group will include community representatives from the following sectors:
  - Senior Citizens Club
  - Milpara Community House
  - Service groups
  - Korumburra Integrated Children's Centre

- Korumburra Business Association
- Korumburra Community Development Association

Secretariat support will be provided by the Community Strengthening team redirected from the community directions resources allocated to Korumburra.

### **FINANCIAL CONSIDERATIONS**

This group will be resourced with staff time to support this group.

Costs related to meeting rooms may need to be considered.

### **RISK FACTORS**

It is a risk that the Korumburra Community Roundtable may be perceived as an 'elite' group that is not representative of the Korumburra community. It is considered that this risk will be minimised by empowering the group to develop its own charter and agenda with support from Council.

Community participants may experience burn-out from being involved in more than one community group. The Roundtable will need to manage the membership of the group closely and provide maximum tenures, or similar controls, to ensure that other interested candidates participate over time and longer term members get relieved.

Varying agendas between different groups could lead to fragmentation between group members and an inability to reach decisions.

### **CONCLUSION**

A pilot approach to collaboratively engage the community is proposed to be undertaken in Korumburra. A Korumburra Community Roundtable will be established for discussion of the broad social and economic development issues and initiatives within Korumburra.

This group would comprise community members, Strzelecki Ward Councillors and a representative from the executive leadership team. This group would partner with Council to provide advice and recommendations on the future social and economic development of Korumburra.

## **RECOMMENDATION**

### **That Council:**

- 1. Establish a Korumburra Community Roundtable consisting of Councillor Brunt, Councillor McEwen, Councillor Newton, Director Development Services and a representative from each of:**
  - a. Korumburra Senior citizens**
  - b. Milpara Community House**
  - c. A Korumburra service club such as Lions, Rotary or Karingal Women's.**
  - d. Korumburra integrated children's centre**
  - e. Korumburra Business Association, and**
  - f. Korumburra Community Development Association: and**
- 2. Allocate resources previously used for Community Directions projects in Korumburra into supporting the Korumburra Community Roundtable.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

## **AMENDED RECOMMENDATION**

That Council:

1. Establish a Korumburra Community Roundtable comprising 15 - 17 members of the Korumburra Community, consisting of:
  - a. Strzelecki Ward Councillors
  - b. Director, Development Services
  - c. A "Core Group" of six additional community members that will identify other key representatives from the community to fill the remaining positions.
2. Request nominations from the following groups to form the 'Core Group':
  - a. Korumburra Senior citizens
  - b. Milpara Community House
  - c. A Korumburra service club such as Lions, Rotary or Karingal Women's
  - d. Korumburra Integrated Children's Centre
  - e. Korumburra Business Association
  - f. Korumburra Community Development Association; and
3. Allocate resources previously used for Community Directions projects in Korumburra into supporting the Korumburra Community Roundtable.

**MOVED: Cr McEwen**

**SECONDED: Cr Brunt**

**THAT COUNCIL:**

- 1. ESTABLISH A KORUMBURRA COMMUNITY ROUNDTABLE COMPRISING 15 - 17 MEMBERS OF THE KORUMBURRA COMMUNITY, CONSISTING OF:**
  - a. STRZELECKI WARD COUNCILLORS**
  - b. DIRECTOR, DEVELOPMENT SERVICES**
  - c. A "CORE GROUP" OF SIX ADDITIONAL COMMUNITY MEMBERS THAT WILL IDENTIFY OTHER KEY REPRESENTATIVES FROM THE COMMUNITY TO FILL THE REMAINING POSITIONS.**
  
- 2. REQUEST NOMINATIONS FROM THE FOLLOWING GROUPS TO FORM THE 'CORE GROUP':**
  - a. KORUMBURRA SENIOR CITIZENS**
  - b. MILPARA COMMUNITY HOUSE**
  - c. A KORUMBURRA SERVICE CLUB SUCH AS LIONS, ROTARY OR KARINGAL WOMEN'S**
  - d. KORUMBURRA INTEGRATED CHILDREN'S CENTRE**
  - e. KORUMBURRA BUSINESS ASSOCIATION**
  - f. KORUMBURRA COMMUNITY DEVELOPMENT ASSOCIATION;  
AND**
  
- 3. ALLOCATE RESOURCES PREVIOUSLY USED FOR COMMUNITY DIRECTIONS PROJECTS IN KORUMBURRA INTO SUPPORTING THE KORUMBURRA COMMUNITY ROUNDTABLE.**

**CARRIED UNANIMOUSLY**

**Attachment 1**  
**IPA2 Engagement Spectrum Attachment (Accessed 7 3 2013**  
**International Association for Public Participation Australasia)**



**IAP2 Public Participation Spectrum**  
Developed by the International Association for Public Participation

INCREASING LEVEL OF PUBLIC IMPACT

INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
Public Participation Goal:	Public Participation Goal:	Public Participation Goal:	Public Participation Goal:	Public Participation Goal:
To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
Promise to the Public:	Promise to the Public:	Promise to the Public:	Promise to the Public:	Promise to the Public:
We will keep You informed.	We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
Example Techniques to Consider:	Example Techniques to Consider:	Example Techniques to Consider:	Example Techniques to Consider:	Example Techniques to Consider:
<ul style="list-style-type: none"> <li>● Fact sheets</li> <li>● Web Sites</li> <li>● Open houses</li> </ul>	<ul style="list-style-type: none"> <li>● Public comment</li> <li>● Focus groups</li> <li>● Surveys</li> <li>● Public meetings</li> </ul>	<ul style="list-style-type: none"> <li>● Workshops</li> <li>● Deliberate polling</li> </ul>	<ul style="list-style-type: none"> <li>● Citizen Advisory Committees</li> <li>● Consensus building</li> <li>● Participatory decision-making</li> </ul>	<ul style="list-style-type: none"> <li>● Citizen juries</li> <li>● Ballots</li> <li>● Delegated decisions</li> </ul>

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## **E.7 COMMUNITY TRANSPORT REVIEW**

Community Services Directorate

### **EXECUTIVE SUMMARY**

South Gippsland Shire Council's Community Transport service provides accessible and affordable transport for some of the most vulnerable members of our community. It provides a door to door service to medical and/or specialist appointments and scheduled bus runs for shopping, banking and appointments.

The Community Transport Review 2013 (Review) aims to ensure the service meets the changing needs and future demands of the community while remaining a financially sustainable community service.

This report presents the Community Transport Review 2013 to Council with recommendations to retain the existing levels of service while achieving both cost and process efficiencies.

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

- **Appendix 1** - Community Transport Review 2013

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**

- National Program Guidelines for the Home and Community Care (HACC) Program 2007
- Home and Community Care Act 1985

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

- Community Transport Policy 2005
- Active Ageing Plan - 2012-2016
- Municipal Public Health and Wellbeing Plan 2013-2017
- Council Plan 2010-2014



## **COUNCIL PLAN**

Strategic Goal:	1.0	A Vibrant Engaged Community
Outcome:	1.1	Active, Resilient Community
Strategy No:	1.1.3	Social Equity

## **CONSULTATION**

Surveys were sent to 547 Clients who utilise the Community Transport service and 45 volunteers who deliver the service. The response rate for clients was 46% and volunteers 44%.

Face to face interviews or a questionnaire were completed with relevant Council staff and external stakeholders including:

- Red Cross Patient Transport
- Department Veterans Affairs
- Community Aged Care Package
- Community Healthcare including hospitals
- Gippsland HACC Managers
- Council Super 11's.

Council was briefed on the findings of the Review on 6 February 2013.

A meeting was held on 19 February with Cr Mohya Davies to discuss the proposed relocation of the Community Bus in Foster to the Leongatha Depot.

## **REPORT**

### **Background**

On average the Community Transport service assists 350 clients to 2,600 appointments each year. The service is administered through the Home and Community Care program and is reliant on volunteer drivers with approximately 217,500 kilometres travelled each year.

Those accessing the Community Transport service are some of the most vulnerable members of the community and include frail older people, people with a disability and their carers who have no other means of affordable transport.

The average net cost to Council for the Community Transport service is \$86,000 per annum. This represents 57% of the total cost of the program with a contribution from the Department of Health and clients fees covering the balance.

The current fleet for the service comprises 4 cars and 3 buses. While the cars are utilised 98% of standard business hours the buses have lower utilisation rates of 37%. The vehicles located at Foster are the least used vehicles in the fleet.

Over the last 3 years there has been a steady increase in the number of people using the Community Transport Service and the hours the service operates. With our older population predicted to increase by 2000 people or 38.2% by 2021 it is reasonable to expect that demand for the service will increase exponentially.

### **Discussion**

The Review of the Community Transport program has been completed to ensure services are aligned to meet the changing needs and demographics of the community and that the service is financially sustainable. The methodology used included a survey of clients and volunteers, interviews with a range of stakeholders, analysis of statistics, benchmarking and a literature review.

The Review has identified that it is possible to maintain and even increase the current level of service through the Community Transport program while reducing the size of the bus fleet and reducing the cost of the service to Council.

### **Proposal**

#### **Reduce Bus Fleet**

While it is expected the demand for the service will continue to increase, an increase in the vehicle fleet is not proposed.

The buses are not in use the majority of the time indicating excess in the fleet. The selling of one bus will reduce operating costs whilst maintaining current service levels and improving efficiency in delivering the service. There will still be capacity in the fleet to increase service levels if required in the future.

#### **Improved Internal Processes**

Internal processes need to be addressed to ensure a more efficient and effective service delivery. The most important of these is the development of a Priority of Access tool for all bookings. This will ensure the most in need will receive transport rather than a 'first in first served' philosophy.

#### **Investigate Partnerships**

The investigation of partnerships with both community based and private transport providers has the potential to increase transport options to clients and further improve efficiencies. In particular there is an opportunity to investigate developing a partnership with the Red Cross in Foster. There are opportunities to link trips being provided by Red Cross and the Community Transport program and achieve efficiency of both fleet costs and volunteer time. The Red Cross also utilises many of the same volunteers for their program providing opportunities for joint training and recruitment.

### **Increase Passenger Fees**

The Review suggests that Council needs to charge clients for return trips over 100 kilometres one way. Clients travelling over 100 kilometres one way are eligible to claim a Government subsidy from the Victorian Patient Transport Assistance Scheme (VPTAS) which will offset the increased fee. This will generate an increase of approximately \$8,000 additional revenue annually while ensuring client expenses remain affordable.

Processes will need to be refined to ensure staff proactively advise and support clients to access the Victorian Patient Transport Assistance Scheme.

Staff will also need to ensure the State Government Home and Community Care Financial Hardship Policy is adhered to if clients present in financial hardship.

### **FINANCIAL CONSIDERATIONS**

The Community Transport service is jointly funded by Council, passenger fees and the Department of Health. The average net cost per annum to Council was \$86,000 which represents 57% of the total cost. The Department of Health contributes approximately 24% of the total cost with passenger fees currently contributing 19%.

The proposed reduction of the fleet will reduce operating costs by \$6,000 per annum and an increase in fees will conservatively generate an additional \$8,000 per annum. The table below illustrates revenue raised and operational savings for the next 15 years.

		Total savings over 15 years
<b>Increased Revenue - Passenger fees</b>	\$8,000 per year	\$120,000
<b>Operating costs</b>	\$6,000 per year	\$90,000
<b>Ongoing fleet purchasing</b>	\$58,000 every 5 Years	\$174,000
<b>Total savings</b>		\$384,000

These savings represent a reduction in Council's contribution to the Community Transport program and the Review recommends capping Council's contribution to 50% of total operating costs, as modelled in Council's Long Term Financial Plan.

### **RISK FACTORS**

There is a risk that the relocation of the bus from Foster to Leongatha could be perceived by the community within the Corner Inlet area as a reduction in Community Transport service levels to the area. This risk will be mitigated through the implementation of a communication plan which has been

developed to inform key stakeholders and clients in a timely manner of the changes.

## **CONCLUSION**

The Community Transport program offers an accessible, affordable service to some of the most vulnerable residents in our community. It helps people to maintain their independence, enabling them to remain living in their local community.

Council can maintain current service levels and deliver the Community Transport program more efficiently by reducing the bus fleet and charging passengers for their return trip while assisting them to maximise Government transport subsidies. The improvement of internal process and procedures and the establishment of partnership will further increase efficiencies.

The implementation of the recommendations from this Review will see Council continue to deliver a high quality, person-centred service that is financially sustainable.

## **RECOMMENDATION**

**That Council:**

- 1. Maintain the existing levels of service provided through the Community Transport service and achieve efficiencies by:**
  - a. Reducing the community bus fleet by one bus**
  - b. Investigating partnerships with both community based and private transport providers**
  - c. Streamlining internal processes and procedures**
- 2. Increase passenger fees and proactively assist passengers to access the Victorian Patient Transport Assistance Scheme (VPTAS) reimbursements.**
- 3. Cap its annual contribution to the Community Transport service to 50% of the total operational cost.**
- 4. Update the Community Transport Policy to reflect Council's resolutions.**
- 5. Advocate for an additional bus stop in Leongatha to overcome access barriers for frail aged and people with mobility issues.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Davies**

**SECONDED: Cr Kennedy**

**THAT COUNCIL:**

- 1. MAINTAIN THE EXISTING LEVELS OF SERVICE PROVIDED THROUGH THE COMMUNITY TRANSPORT SERVICE AND ACHIEVE EFFICIENCIES BY:
  - a. REDUCING THE COMMUNITY BUS FLEET BY ONE BUS**
  - b. INVESTIGATING PARTNERSHIPS WITH BOTH COMMUNITY BASED AND PRIVATE TRANSPORT PROVIDERS**
  - c. STREAMLINING INTERNAL PROCESSES AND PROCEDURES****
- 2. INCREASE PASSENGER FEES AND PROACTIVELY ASSIST PASSENGERS TO ACCESS THE VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME (VPTAS) REIMBURSEMENTS.**
- 3. CAP ITS ANNUAL CONTRIBUTION TO THE COMMUNITY TRANSPORT SERVICE TO 50% OF THE TOTAL OPERATIONAL COST.**
- 4. UPDATE THE COMMUNITY TRANSPORT POLICY TO REFLECT COUNCIL'S RESOLUTIONS.**
- 5. ADVOCATE FOR AN ADDITIONAL BUS STOP IN LEONGATHA TO OVERCOME ACCESS BARRIERS FOR FRAIL AGED AND PEOPLE WITH MOBILITY ISSUES.**

**Cr Brunt left the Meeting at 4.19pm.**

**Cr Brunt returned to the Meeting at 4.21pm.**

**CARRIED UNANIMOUSLY**

## **E.8 COUNCILLOR SUPPORT AND EXPENDITURE POLICY**

Corporate Services Directorate

### **EXECUTIVE SUMMARY**

This report provides the opportunity for the Council to review and adopt a revised and updated Councillor Support and Expenditure Policy.

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

- **Attachment 1** - Councillor Support and Expenditure Policy C51

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

Local Government Act 1989, Sections 75, 75A, 75B and 75C

Local Government Act (General Regulations) 2004

Information Guide Mayor and Councillor Entitlements reimbursement of expenses and provision of resources and facilities support for Victorian Mayors and Councillors - November 2008 - Department of Planning and Community Development

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

Attached

### **COUNCIL PLAN**

Strategic Goal:	5.0	A Leading Organisation
Outcome:	5.1	Good Governance
Strategy No:	5.1.2	Leadership

### **CONSULTATION**

Councillors considered a draft policy at an Open Briefing Session held on 6 February 2013.

### **REPORT**

#### **Background**

The current Councillor Support and Expenditure Policy was revised and a new policy approved by the Chief Executive Officer-(CEO) on the 17 March 2010.

The current Policy provides for reimbursement of expenses and provision of resources and facilities support for the Mayor and Councillors that is consistent with industry standards and supports the attraction and retention of Councillors from a wide cross section of people.

## **Discussion**

Council's Policy Review timetable requires consideration of the development of a Councillor interstate and overseas travel policy by 30 June 2013. Overseas and interstate travel by Councillors is already included in the current Councillor Support and Expenditure Policy.

This Policy does not cover the payment of Mayoral and Councillor Allowances because these are subject to periodic determination by Order in Council made by the Governor in Council.

The provisions of the current internal Policy can be expanded rather than developing a new and separate policy for interstate travel, and presented to Council for adoption.

The policy has been updated to reflect recent changes to the Councillors "minimum toolkit" and has the reference to "vehicle hands free kits" removed to align with changing legislation.

Some other adjustments have been made reflecting the Department of Planning and Community Development's Information Guide on resources for Mayor and Councillors.

## **Options**

1. Council continue with the Chief Executive Policy CE03.
2. Council revoke the Chief Executive Policy CE03 and adopt a new Councillor Support and Expenditure Policy.

## **Proposal**

Council revoke the Chief Executive Policy CE03 and adopt a new Councillor Support and Expenditure Policy with the recommended changes and improvements outlined above.

## **FINANCIAL CONSIDERATIONS**

Councillor support and expenditure is provided in Council budgets annually. These funds support Councillors in fulfilling their role as elected leaders representing South Gippsland Shire communities.

## **RISK FACTORS**

Organisational and reputational risk is minimised by providing:

- Consistency with current legislation;
- Ensuring adequate support to Councillors to carry out their responsibilities and duties effectively; and
- Transparency and accountability in respect of payments to Councillors.

## **CONCLUSION**

Council revoke the Chief Executive Policy CE03 and adopt a new Councillor Support and Expenditure Policy that includes a strengthening of the interstate and overseas travel component.

## **RECOMMENDATION**

**That Council:**

- 1. Revoke the Councillor Support and Expenditure Policy CE03 dated 17 March 2010; and**
- 2. Adopt Councillor Support and Expenditure Policy C51 (Attachment 1).**

## **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Kennedy**

**SECONDED: Cr McEwen**

**THAT THE RECOMMENDATIONS IN ITEMS E.8, E.9, E.11, E.12 AND E.13 BE ADOPTED.**

**CARRIED UNANIMOUSLY**



## Attachment 1



South Gippsland Shire Council

### COUNCILLOR SUPPORT AND EXPENDITURE POLICY

Policy Number	C51	Directorate	Corporate Services
Council Item No.	TBA	Department	Governance Services
Council Adoption Date	27 March 2013	Primary Author	June Ernst
Revision Date	27 March 2015	Secondary Author	David Roche

#### POLICY OBJECTIVE

To:

1. Provide for reimbursement of expenses and provision of resources and facilities support for the Mayor and Councillors of the South Gippsland Shire Council that is consistent with industry standards and supports the attraction and retention of Councillors from a wide cross section of people; and
2. Review and replace Councillor Support and Expenditure Policy CE 03 dated 17 March 2010.

This policy does not cover the payment of Mayoral and Councillor Allowances because these are subject to periodic determination by Order in Council made by the Governor in Council pursuant to Section 74 of the Local Government Act 1989.

#### LEGISLATIVE PROVISIONS

Local Government Act 1989 Sections 75, 75A, 75B and 75C Local Government Act 1989

Local Government Act (General Regulations) 2004

*Information Guide Mayor and Councillor Entitlements reimbursement of expenses and provision of resources and facilities support for Victorian Mayors and Councillors - November 2008 – Department of Planning and Community Development*

#### DEFINITIONS

"LGA" means Local Government Act 1989

#### POLICY STATEMENT

This policy is based on:

1. Councillor conduct principles as prescribed by Sections 76B and 76D of the LGA.
2. Encouraging diversity in participation, equity and access by recognising that:
  - Councillors operate in a complex environment and bring unique skills and insights to the role;
  - Diversity in participation and access to local representation contributes to well informed decision making involving the community;

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- The role of Councillor should attract and retain a wide cross section of people, particularly those from under-represented groups;
  - Councillors need to be accessible to a wide range of constituents and stay informed about issues in the community. These are an important part of the role and use of internet is now essential to facilitate access;
  - Councillors are supported in undertaking their duties by assuring that reimbursement of expenses and access to resources support are provided in an equitable manner to cater for the full participation of all Councillors in Council business and with their communities, while recognising individual needs and circumstances; and
  - Councillors are required to attend formal Council meetings and participate in community activities.
3. Accountability, transparency and community acceptance by:
- Adopting and adhering to this policy;
  - In addition to providing expenses reimbursement, adequately reflect the basic toolkit of resources and facilities entitlements available to a Mayor and Councillors;
  - Providing flexibility to determine what Council can afford to provide beyond the minimum toolkit and what is acceptable to the community; and
  - Ensuring the details and range of benefits provided to Councillors by Council is clearly stated and fully transparent and acceptable to the local community.
4. Local flexibility according to complexity, needs and standards by recognising that:
- It is a basic cost of governance to provide for the reimbursement of expenses necessarily incurred by Councillors in the performance of their duties;
  - A 'minimum toolkit' is needed;
  - Council has a responsibility to establish and define an appropriate and reasonable level of provision beyond the minimum level of provision. This will take into account differences between Councils and levels of complexity of Councils indicated by population size and revenue base to enable Councillors to carry out their civic role; and
  - This provision should conform to legislative and statutory requirements or accepted benchmarks and standards applied in the Sector.
5. No disadvantage, in that Mayoral and Councillor Allowances are provided separately to reimbursements of expenses and the costs of facilities / resources support.

### **Councillor Support**

Council will provide the following which includes a 'minimum toolkit' for expenses, support and resources as prescribed in the Local Government Act (General) Regulations 2004 as amended from time to time.

This 'minimum toolkit' is:

1. Resources / facilities (mandatory):
  - Administrative support for the Mayor;
  - Office for the Mayor;
  - Vehicle for the Mayor;
  - Computer – desktop or laptop and associated chargers;
  - Access to Council email and internet;



- Mobile phone and landline;
- Stationary;
- Access to fax / copier / printing at Council offices; and
- Councillor accessible intranet (or equivalent) as part of Council's online environment.

2. Reimbursement:

- Travel – including reimbursement of public transport costs;
- Parking Fees;
- Phone – reimbursement of relevant call costs;
- Internet; and
- Child care / family care.

In addition the following is determined by Council in addition to the 'minimum toolkit'

- Optional access to Council vehicles for Councillors in lieu of travel reimbursement (except in cases where use of pool car is not practicable e.g. interstate travel) in accordance with Councillor Vehicles Policy CE04;
- Access to office space and furniture in the form of Councillor's room;
- For any Councillor with a disability Council may resolve to provide reasonable additional facilities and expenses, which may be necessary for the performance of their duties;
- Postage of Council related mail through Council's mail system however a copy of the mail will be kept by Council;
- Reimbursement of reasonable expenses necessarily incurred while entertaining visiting guests on behalf of Council or attending meetings, seminars or conferences (separate to accommodation and travel expenses) including the reasonable cost of drinks accompanying a meal. The Council or CEO must give approval prior to any such entertainment / seminar / conference or meeting for which reimbursement will be sought, unless the Councillor is Council's nominated representative for the event concerned;
- Where available use of meeting rooms owned and controlled by Council where a Councillor is in attendance;
- Access to the Local Government Act 1989, MAV weekly bulletin and other relevant publications; and
- Business cards, name badges and a diary.

All equipment provided by Council under this policy must be returned to Council at the end of a Councillor's term of office.

**Interstate and Overseas Travel**

Discretionary trips, interstate travel and attendance at conferences in relation to Council business

Approval by the Chief Executive Officer is required prior to the event.

Overseas travel in relation to Council business

Approval by the resolution of full Council is required prior to the event.

In both of the above circumstances it would be likely that a Councillor would be the Council's appointed or nominated Council representative, such appointment or nominations generally being made at the annual Statutory Meeting of Council.

COUNCIL POLICY

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It is expected that a Councillor will provide a full report of the outcomes of their travel to the next meeting of the Council after the travel occurs.

Councillors must, within seven days after the completion of a trip, record the following details in Council's Local Government register:

- Councillor Name;
- Destination;
- Dates/s of travel;
- Purpose of travel; and
- Total cost to the Council including accommodation costs.

#### **Claims for Reimbursement**

Claims should be submitted to the Governance Unit for authorisation within 30 days of expenditure being incurred to ensure timely reimbursement. Claims must be made on appropriate claim forms, signed by the Councillor and with supporting documentation such as receipts and invoices.

#### **Internal Review of Claims**

Support provided under this policy, including details of interstate and overseas travel, will be subject to review by the internal audit committee on an annual basis.

#### **RISK ASSESSMENT**

Organisational and reputational risk is minimised by providing:

- Consistency with current legislation;
- Ensuring adequate support to Councillors to carry out their responsibilities effectively, and
- Transparency and accountability in respect to payments to Councillors.

#### **IMPLEMENTATION STATEMENT**

Implementation of the policy will be by:

- Distribution of policy to all Councillors;
- Making the policy available for public inspection at the Council Office; and
- Publication of the policy on the Council website.

COUNCIL POLICY

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COUNCIL POLICY

## **E.9 GENERAL REVALUATION 2014**

Corporate Services Directorate

### **EXECUTIVE SUMMARY**

Council is required under the Valuation of Land Act 1960 (as amended) to revalue all rateable properties within the municipality on a two yearly cycle.

The General Valuation is the basis for the distribution of the rates, which are levied on each property within the municipality.

This report complies with the statutory process for Council to formally resolve to 'cause a general valuation of rateable land'. The report will also ask Council to note a required Statutory Declaration made by its Shire Valuer as to his impartiality and diligence in producing the best possible valuation.

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

- **Attachment 1** - Statutory Declaration of Valuer

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

Valuation of Land Act 1960 (as amended) Section 11

Valuation of Land Act 1960 (as amended) Section 13DH

Valuation of Land Act 1960 (as amended) Section 6(1)

Valuation of Land Act 1960 (as amended) Section 13H

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

Long Term Financial Plan 2012/2013.

### **COUNCIL PLAN**

Strategic Goal:	5	A Leading Organisation
Outcome:	5.2	Systems and Process
Strategy No:	5.2.3	Financial Management

### **CONSULTATION**

This report complies with the statutory process pursuant to the Valuation of Land Act 1960 (as amended).

## **REPORT**

### **Background**

Section 11 of the Valuation of Land Act 1960 (as amended) and Section 13H of the Valuation of Land Act 1960 (as amended) requires that for the purposes of the Local Government Act 1989 and the Fire Services Property Levy Act 2012, Council cause a General Valuation of rateable land to be made as at 1 January in every even calendar year, and that the revaluation be returned to Council. Section 6 of the Valuation of Land Act requires a rating authority (Council) proposing to cause a General Valuation should give to the Valuer General, and to every other rating authority interested in the valuation of land within its area, notice of this resolution.

#### *Declaration of Impartiality*

The person appointed to make the valuation must make a statutory declaration that the valuation and return will be impartial and true, to the best of that person's judgement, and will be made by that person or under that person's immediate personal supervision. Council's Valuer, has made the required statutory declaration, a copy of which is included as **Attachment 1**.

### **Proposal**

The Council resolve to cause a General Valuation of rateable land to be made as at 1 January 2014, in accordance with the provisions of Section 11 and Section 13H of the Valuation of Land Act 1960 (as amended).

That on completion of the revaluation it be returned to Council for adoption.

Advise the Valuer General and Rating Authorities interested in the resolution to cause a general valuation in accordance with Section 6(1) of the Valuation of Land Act 1960.

### **FINANCIAL CONSIDERATIONS**

Provision has been made in the 2013/14 and forward budgets to undertake the revaluation.

The intent of the revaluation process is to distribute the rate burden as equitably as possible, using property valuation as the legal basis of determining ability to pay.

### **RISK FACTORS**

This report complies with the statutory process pursuant to the Valuation of Land Act 1960 (as amended). Failure to undertake the revaluation would lead to a breach of legislation. Further, the basis for the distribution of rates could be based on out-of-date valuations, leading to an inequitable distribution of the rate burden.

Provision has been made in the 2013/14 and forward budgets to undertake the revaluation.

### **CONCLUSION**

This report complies with the statutory process pursuant to the Valuation of Land Act 1960 (as amended).

### **RECOMMENDATION**

**That Council:**

- 1. In accordance with the provisions of Section 11 and Section 13H of the Valuation of Land Act 1960 (as amended), hereby resolves to cause a General Valuation of rateable land to be made as at 1 January 2014.**
- 2. Require the revaluation be returned to Council on completion.**
- 3. Advise pursuant to Section 6(1) of the Valuation of Land Act 1960 (as amended), The Valuer General and Rating Authorities interested in such a resolution.**
- 4. Note the Statutory Declaration of Council's Valuer included in Attachment 1 to this report.**

### **STAFF DISCLOSURE OF INTEREST**

Nil

**NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 92.**



**Attachment 1  
Statutory Declaration of Valuer**

State of Victoria

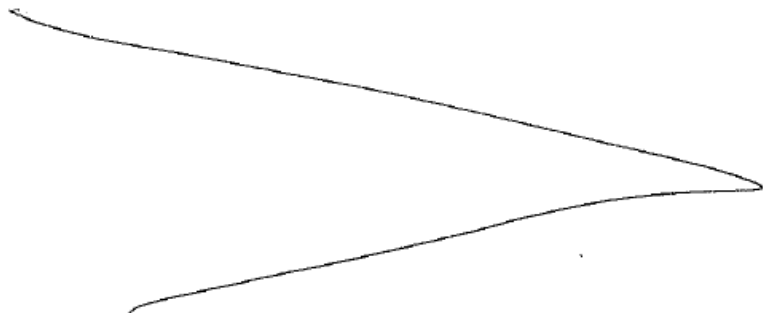
**Statutory Declaration**

I, Andrew Graeme Begg  
[full name]

of [REDACTED]  
[address]

Valuer, do solemnly and sincerely declare that:-  
[occupation]

The valuation and return of the General Valuation of all rateable properties in the Shire of South Gippsland to be made as at 1 January 2014, will be made by me or under my immediate personal supervision, and will be impartial and true to the best of my judgement.



**I acknowledge that this declaration is true and correct, and I make it with the understanding and belief that a person who makes a false declaration is liable to the penalties of perjury.**

Declared at LEONGATHA VICTORIA

this 13 day of FEBRUARY 2013

[Signature]  
Signature of person making this declaration  
[to be signed in front of an authorised witness]

Before me,  
[Signature]  
Signature of Authorised Witness

**LORELLE LOGAN JP**  
88 BRIDGE STREET,  
KORUMBURRA 3950  
JUSTICE OF THE PEACE FOR VICTORIA  
REG. NO 12425

The authorised witness must print or stamp his or her name, address and title under section 107A of the *Evidence (Miscellaneous Provisions) Act 1958* (as of 1 January 2010), (previously *Evidence Act 1958*), (eg. Justice of the Peace, Pharmacist, Police Officer, Court Registrar, Bank Manager, Medical Practitioner, Dentist)



## **E.11 PROPOSED ROAD OPENING OF UNUSED GOVERNMENT ROAD OFF ELPHICKS ROAD, FOSTER**

Engineering Services Directorate

### **EXECUTIVE SUMMARY**

This report recommends Council commence statutory procedures to declare a 354 metre section of unused government road to the east of Elphicks Road, Foster, Parish of Wonga Wonga South, open to public traffic to provide legal abuttal to Crown Allotment 9A - Section A.

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

- **Attachment 1** - Overall Plan of the proposed road opening
- **Attachment 2** - Aerial Plan of proposed road opening
- **Attachment 3** - Powers of Council

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

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

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

- Road Opening Policy 2007
- South Gippsland Planning Scheme

### **COUNCIL PLAN**

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

### **CONSULTATION**

- Council will place a public notice of the proposed declaration in the local newspapers and on Council's website week commencing 8 April 2013 in accordance with Section 223 of the Local Government Act 1989, and send letters to adjoining properties.
- The submission period is 28 days from publication and will close on Wednesday 8 May 2013.

- If people request to speak to their submission, a submission 223 hearing will be held on 22 May 2013 at 11.30am in the Council Chamber, Leongatha.
- Council will receive a further report to discuss the outcome of feedback from adjoining owners and the Section 223 process and, if appropriate, recommend declaring the road open to public traffic and that a notice is placed in the Government Gazette.

## **REPORT**

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

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

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

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

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

An overview plan of the portion of road to be opened is included in **Attachment 1**.

An Aerial plan of the proposed road to be opened is included in Attachment 2.

## **Discussion**

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

- The applicant enters into a Section 173 Agreement under the Planning and Environment Act 1987, to construct the road and bears all costs associated with the opening and construction of the road.
- The construction of the road should be completed prior to any building or construction works occurring on the land.

- To maintain the road during the twelve month Defects Liability Period agreed to by Council, following which Council will be responsible for the maintenance of the road in accordance with its Road Management Plan 2009.
- To obtain all relevant Permits before commencing works to construct the road.
- Upon satisfactory completion of works to construct the road, Council will issue a Certificate of Practical Completion.
- Provided that the owner shall be entitled to undertake maintenance works on the road exempt from obtaining a specific work authority under The Road Management Act 2009 and provided further that nothing herein vests any exclusivity of occupancy or use in the owner in respect of the road.

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

### **Proposal**

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

### **FINANCIAL CONSIDERATIONS**

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

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

### **RISK FACTORS**

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

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

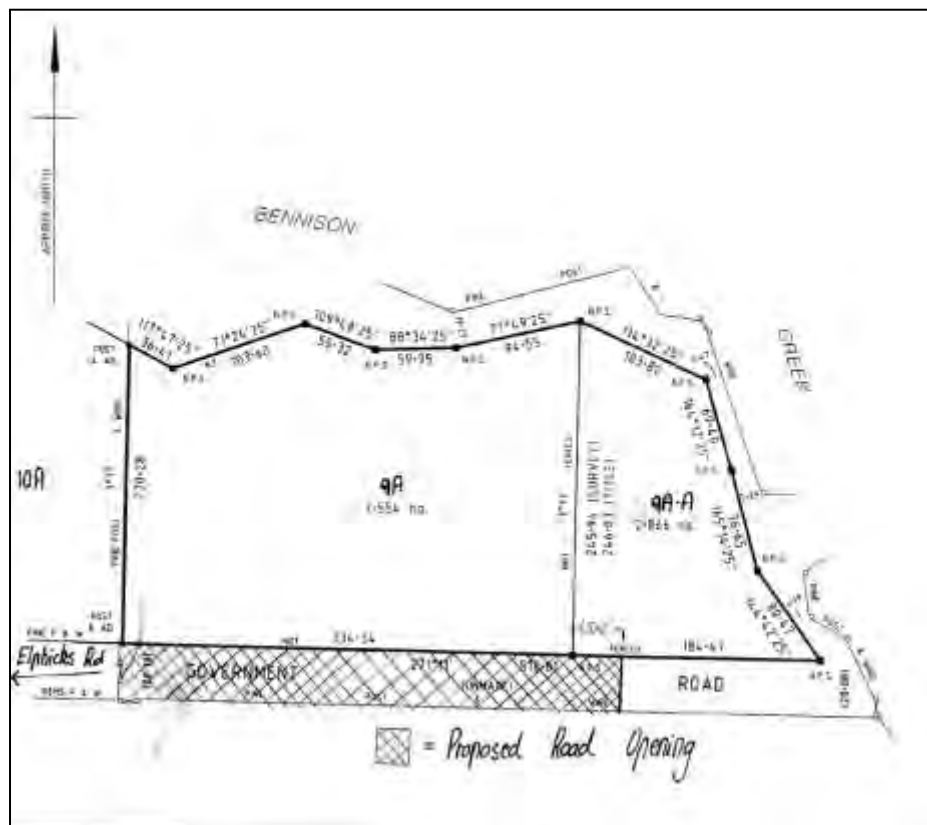
## CONCLUSION

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

## RECOMMENDATION

That Council:

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



2. Give public notice in the local newspapers and on Council's website week commencing 8 April 2013 of the proposal in accordance with Section 223 of the Local Government Act 1989 and write to all affected land owners with a property abutting the road proposed to be declared open to the public for traffic.
3. In the public notice clearly state:

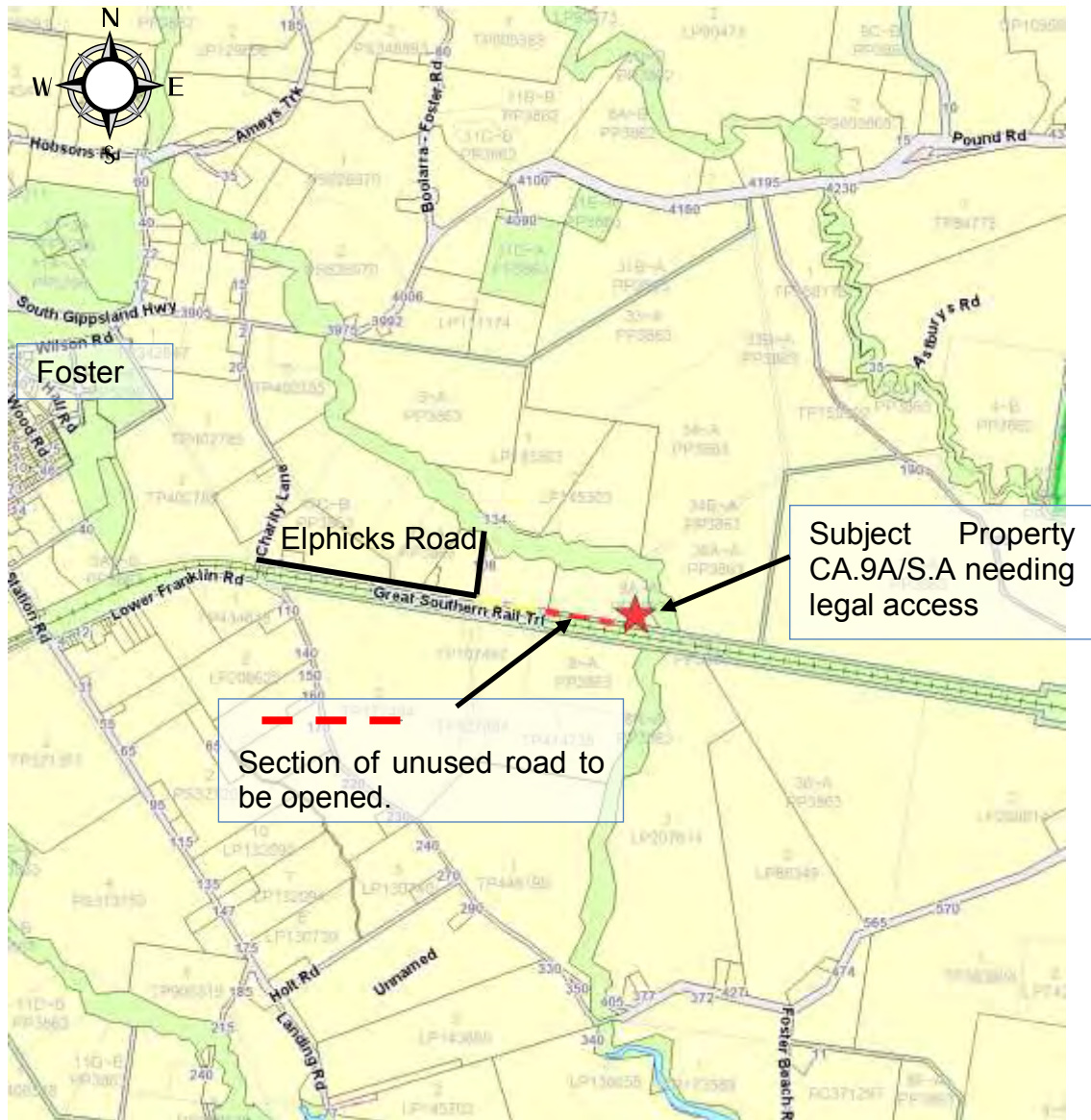
- a. **A person may make a submission to the proposal no later than Wednesday 8 May 2013 addressed to the Chief Executive Officer, South Gippsland Shire Council, Private Bag 4, Leongatha 3953 or delivered to the Council Office, 9 Smith Street, Leongatha.**
  - b. **Any person making a written submission is entitled to state in their submission that he or she wishes to appear in person, or be represented by a person specified in the submission, at a meeting to be heard in support of their submission.**
  - c. **Copies of submissions (including submitters' names and addresses) will be made available at the Council or Special Committee meeting at which the proposals are considered and Council is required to make submissions available for public inspection for a period of twelve months.**
  - d. **The time, date and place for hearing of submissions.**
4. **Fix the time, date and place for hearing persons who wish to be heard in support of their submission at the 223 Hearing Session on Wednesday 22 May 2013 at 11.30am in the Council Chamber, Leongatha and include these details in the public notice.**
  5. **Advise those persons who wish to be heard in support of their submission of the date, time and place of the hearing of submissions as soon as possible.**
  6. **Appoint a committee comprising of Councillors present at the 223 Hearing Session on Wednesday 22 May 2013 at 11.30am to hear the submissions and prepare a report containing all submissions received for the purpose of the submission hearing.**
  7. **Receive a final report at the next appropriate Council meeting of its proceedings and a summary of the outcome of the Section 223 process.**

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

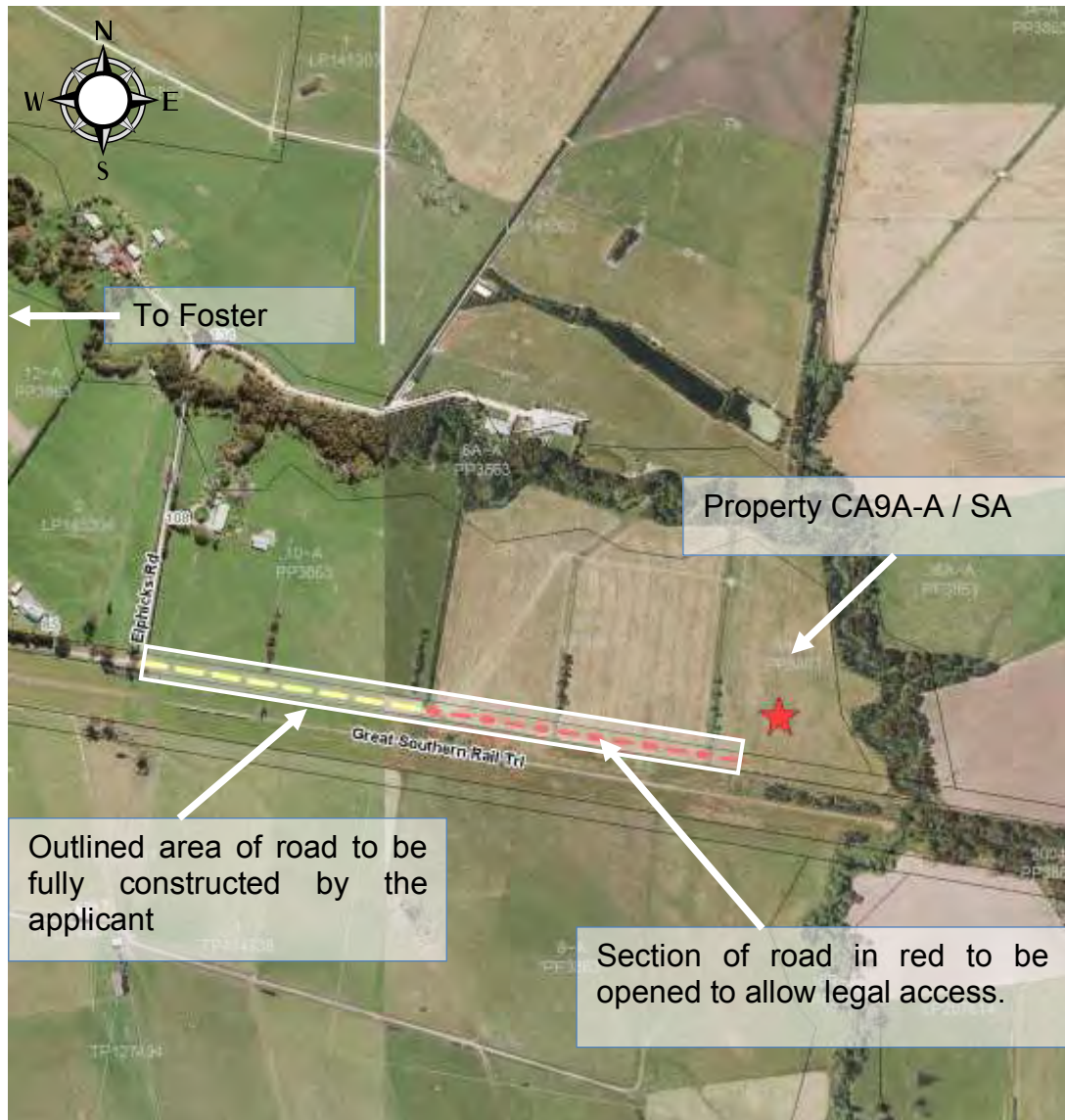
Nil

**NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 92.**

### Attachment 1 Overall Plan of Proposed Road Opening



## Attachment 2 Aerial Plan of Proposed Road Opening



### **Attachment 3 Powers of Council**

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

**204. Council May Declare A Road To Be A Public Highway Or To Be Open To The Public**

- a. A Council may, by notice published in the Government Gazette, declare a road in its municipal district to be a public highway for the purposes of this Act.
  - b. A Council may, by resolution, declare a road that is reasonably required for public use to be open to public traffic.
  - c. A road does not become a public highway by virtue of a Council resolution made under sub-section (2).
3. Where Council proposes to invoke the provision of sub-clause (2), It is a requirement under the Act to allow submission from the public under Section 207(a), Part (c) of the Local Government Act 1989.

**207A. Submissions Under Section 223**

A person may make a submission under section 223 on the proposed exercise of any power under-

4. (a) clauses 1(b), 2, 3, 7, and 8(1)(a) of Schedule 10;
5. (b) clauses 9, 10(1)(c), 11 and 12 of Schedule 11;
6. (c) sections 204(1) and (2).



## **E.12 PROPOSED ROAD NAME FOR UNAMED ROAD OFF INLET VIEW ROAD, IN THE TOWNSHIP OF VENUS BAY AND PARISH OF TARWIN**

Engineering Services Directorate

### **EXECUTIVE SUMMARY**

The purpose of this report is to gain Council support to name the 55 metre long unnamed road off Inlet View Road in the township of Venus Bay and Parish of Tarwin by calling for community comment (refer to **Attachment 1**).

It is proposed to name the road 'Ockenga Close'.

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

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

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

- Geographic Place Names Act 1998
- Guidelines for Geographic Names 2010
- Emergency Services Telecommunications
- Local Government Act 1989

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

Road Naming Policy 2009

### **COUNCIL PLAN**

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

### **CONSULTATION**

- The Leongatha and District Historical Society.
- Vicnames, Geographic Place Names - Department of Sustainability and Environment.
- Council will place a public notice of the proposed road name in the local newspapers and on Council's website week commencing 1 April 2013, and send letters to adjoining properties.

- The submission period is 28 days from publication and will close on Wednesday 2 May 2013.
- Council will receive a further report to discuss the outcome of feedback from adjoining owners and the Section 223 process and, if appropriate, recommend declaring the road open to public traffic and that a notice is placed in the Government Gazette.

## REPORT

### Background

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

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

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

### Arial Plan of the Road to be Named



## **Discussion**

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

### *Name Duplications Search*

A Vicnames 15km duplicate name search has been carried out for the name 'Ockenga', resulting in one duplication or similar sounding name of 'Oceanic Drive'. 'Oceanic Drive' is in the township of Inverloch (Bass Coast Shire) and is approximately 26kms away. This duplication should not impact on Emergency Services.

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

## **Proposal**

It is proposed that Council:

1. Commence the process to name the 55 metre long unnamed road, traversing in a southerly direction off Inlet View Road, in the Township of Venus Bay and Parish of Tarwin as 'Ockenga Close'.
2. Give public notice of the proposal and write to all land owners with a property abutting the road proposed to be named.
3. Receive a final report on the outcome of the public consultation process including copies of any submissions received.

## **FINANCIAL CONSIDERATIONS**

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

## **RISK FACTORS**

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

## **CONCLUSION**

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

## **RECOMMENDATION**

### **That Council:**

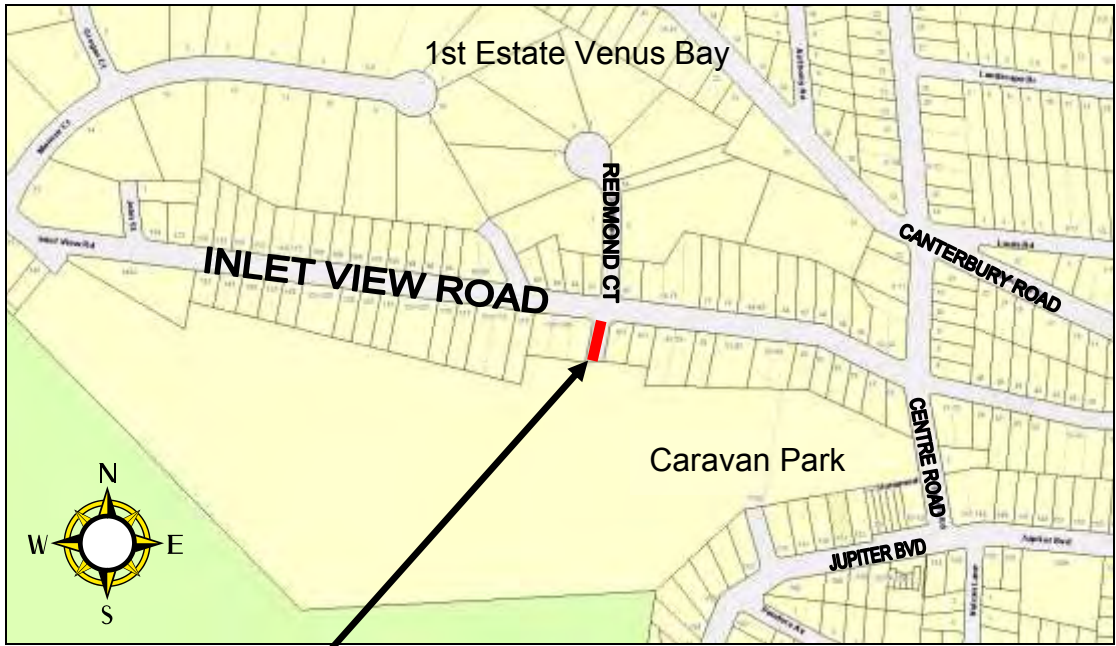
- 1. Commence the process to name the 55 metre long unnamed road, traversing in a southerly direction off Inlet View Road, in the Township of Venus Bay and Parish of Tarwin as 'Ockenga Close'.**
- 2. Give public notice of the proposal in the local newspapers and on Council's website week commencing 1 April 2013 and write to all affected land owners with a property abutting the road proposed to be named.**
- 3. In the public notice clearly state:**
  - a. A person may make a submission to the proposal no later than Thursday 2 May 2013 addressed to the Assets Technical Officer, South Gippsland Shire Council, Private Bag 4, Leongatha 3953 or delivered to the Council Office, 9 Smith Street, Leongatha.**
  - b. Copies of submissions (including submitters' names and addresses) will be made available at the Council meeting at which the proposals are considered and Council is required to make submissions available for public inspection for a period of twelve months.**
- 4. Receive a final report at the next appropriate Council meeting on the outcome of the public consultation process including copies of any submissions received.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

**NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 92.**

**Attachment 1  
Map of Road Location**



Unnamed Lane off Inlet View Road, Venus Bay.  
Proposed New Road Name as 'Ockenga Close'.

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

Council is governed by the Geographic Place Name Guidelines 2010 (GPN) and duplicate road names are a problem from a public safety and risk management perspective, as they create confusion for emergency and communication services, particularly if an address is duplicated. The Emergency Services Telecommunications Authority (ESTA) who are responsible for 000 call taking and dispatch often deal with incidents where callers need to clarify the location of their road. This can cause unnecessary delays for the dispatch of an emergency vehicle.

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

Place names must not be duplicated. Duplicates are considered to be two (or more) names within close proximity, and those which are identical or have similar spelling or pronunciation. Examples of names which are similar and considered to be duplicates are White, Whyte, Wite and Wiet.”

Duplication is not allowed within the one locality or within the following distances:

- metropolitan urban area, within 5 kilometres;
- regional urban area, within 15 kilometres; and
- rural or remote area within 30 kilometres.”

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

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

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

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

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

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

## **E.13 ASSET MANAGEMENT - ADOPTION OF POLICY AND STRATEGY**

Engineering Services Directorate

### **EXECUTIVE SUMMARY**

The purpose of the Asset Management Policy and Asset Management Strategy is to direct Council towards sustainable service delivery through systematic management of its infrastructure assets.

The broad framework and principles that are defined in the Policy will enable Council to implement a coordinated approach to the management of all assets essential for its service delivery.

The strategy has addressed the gap between current and desired status of asset management and proposed affordable asset management improvements programs to match the Council resources.

The application of the Asset Management Policy and Asset Management Strategy will help Council to build a strong knowledge foundation for informed decisions with respect to the present and future service delivery needs of the community. The intended benefits of asset management include:

- Improved stewardship and accountability for assets;
- Improved communication and relationships with service users;
- Improved risk management;
- More effective utilisation of assets; and
- The achievement of financial, social and environmental sustainability.

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

- **Attachment 1** - Current Asset Management Policy (adopted 17 December 2007)
- **Attachment 2** - Updated Asset Management Policy 2013
- **Appendix 1** - Updated Asset Management Strategy

A summary of changes with the current and amended Asset Management Strategy is addressed under 'Discussion'.

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**

- Local Government Act 1989
- Road Management Act 2004
- Road Safety Act 1986 (as amended)

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

International Infrastructure Management Manual 2011

## **COUNCIL PLAN**

Strategic Goal:	5.0	A Leading Organisation
Outcome:	5.2	Systems and Processes
Strategy No:	5.2.2	Asset Management Planning
Strategic Goal:	4.0	Appropriate Infrastructure
Outcome 1:	4.1	Roads, streets, bridges, drainage & other associated infrastructure
Outcome 2:	4.2	Council buildings and facilities

## **CONSULTATION**

- 25 January 2013 - Asset Management Policy and Strategy approved by the Asset Management Steering Committee.
- 28 February 2013 - Asset Management Policy and Strategy approved by the Executive Leadership Team.

## **REPORT**

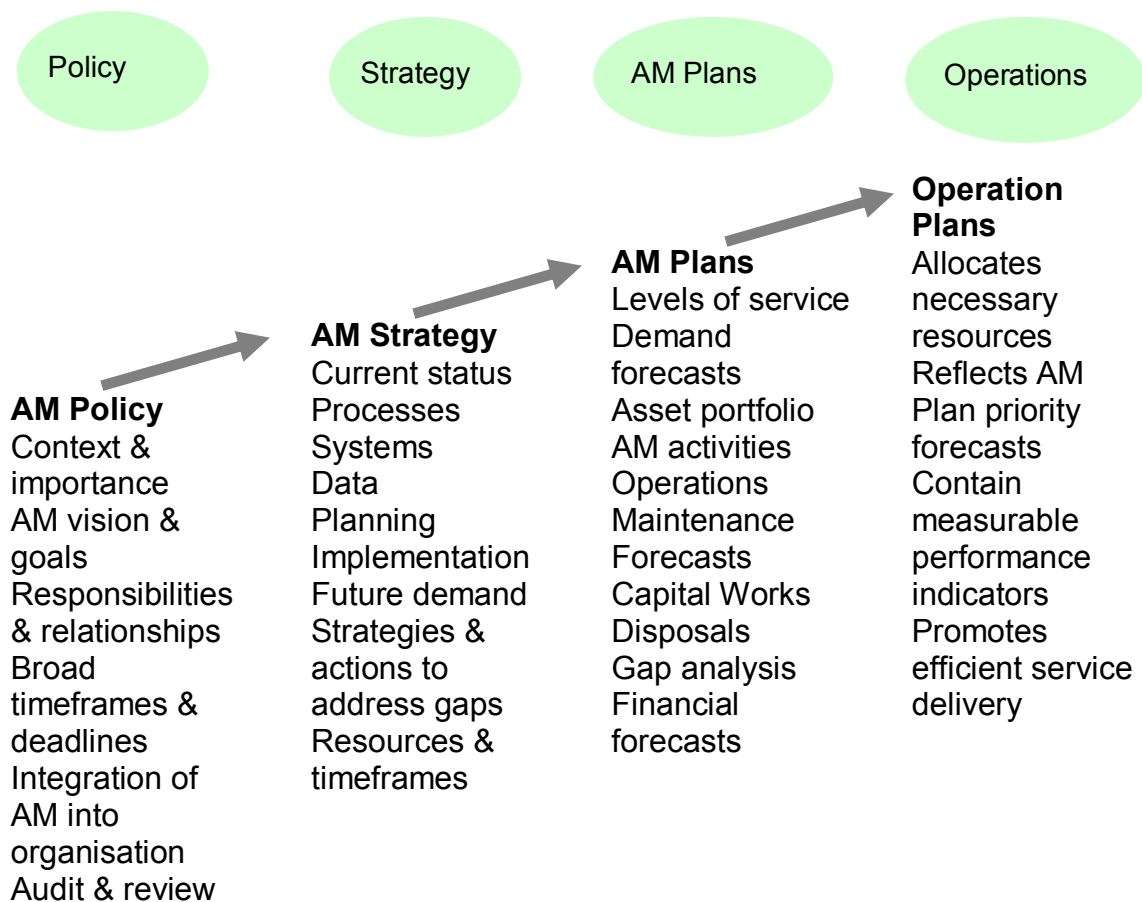
### **Background**

At its Ordinary Meeting held on 17 December 2007, Council adopted the Asset Management Policy and Asset Management Strategy. The Policy and Strategy have been reviewed and updated.

### **Discussion**

The following diagram shows the different steps involved in successful Asset Management (AM) and where the Policy and Strategy fits.





The Asset Management Policy (**Attachment 2**) aims to cover:

- Context and importance
- AM vision and goals
- AM framework within Council
- Policy statement which covers level of service, demand forecasting, life cycle planning, risk management and financial management
- Responsibilities and relationships
- Implementation, audit and review of the Policy

The summary of changes with the current Asset Management Policy and the updated version are noted below:

- Updated asset management framework to reflect current planning framework
- Roles and responsibilities changed in line with MAV guidelines in Step Program

- A section on implementation review and audit added

The Asset Management Strategy (**Appendix 1**) aims to cover:

- a. Objectives
- b. Role of local government in asset management
- c. Planning framework and links to asset management
- d. Asset Data
- e. The asset management practices that includes:
  - i. Asset management system model architecture
  - ii. Asset management process and models:
    - governance model
    - spatial model
    - customer service models
    - current service model; and
    - financial model
  - iii. Organisation wide roles and responsibilities for asset management
- f. Current asset management issues
- g. Gap analysis-shortcomings of current asset management practices
- h. Asset management improvement plan and program

The summary of changes with the current Asset Management Strategy and the updated version are noted below:

- Council's current planning framework and asset management framework included
  - Summary of asset management policy included
  - Council's current asset management system model architecture included
  - Current asset management issues included
  - Gap analysis identifying shortcomings of the current asset management practices included
-

- Updated asset management improvement program included

### **Development of the Asset Management Policy and Asset Management Strategy**

The Asset Management Policy and Asset Management Strategy have been developed from:

- MAV Advanced Step Scorecard Assessment Process
- CT Management Consultant review
- Improvement opportunities identified by staff

### **MAV Step Program**

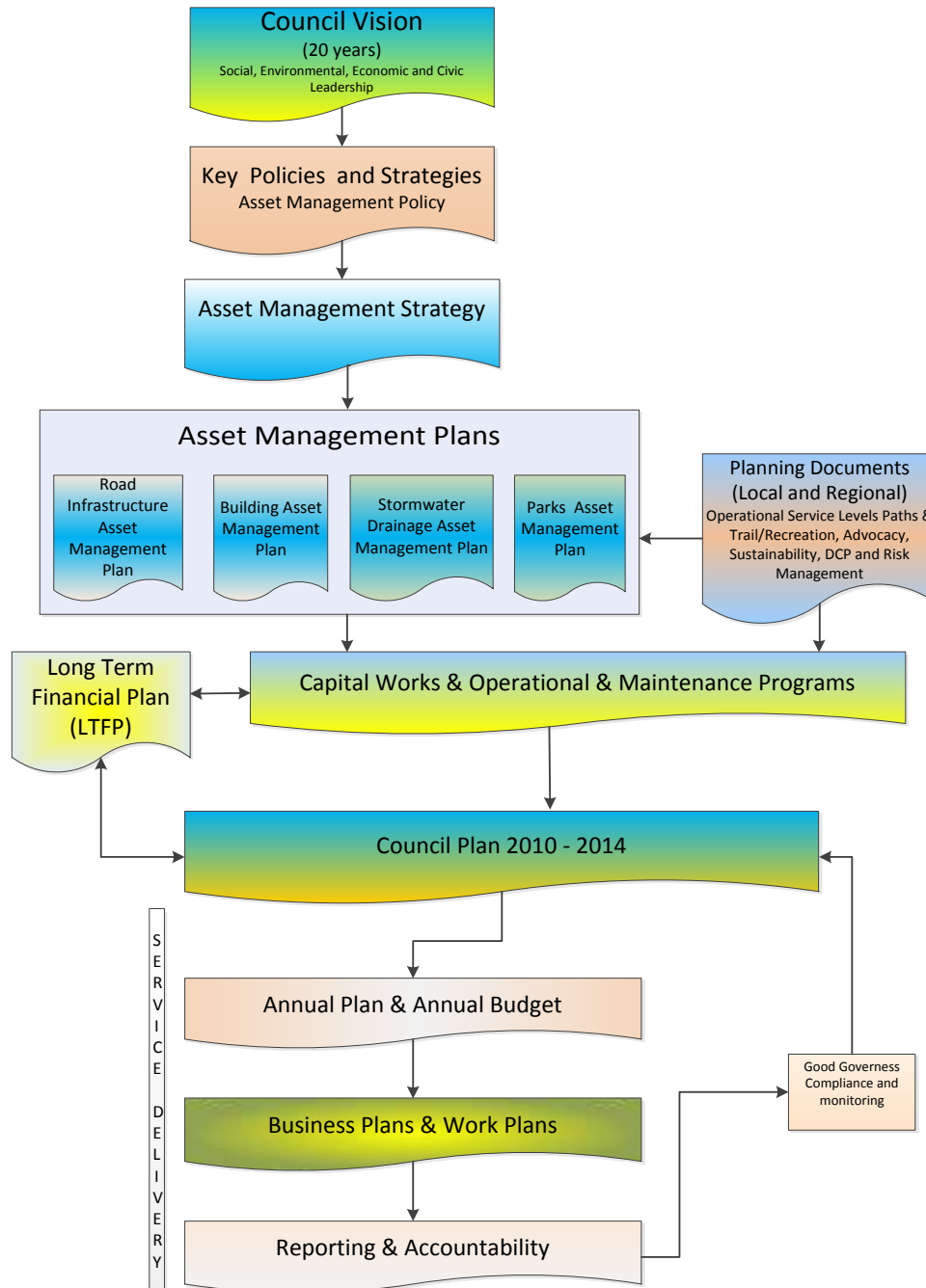
Council is committed to the 'Step Asset Management Program', which involves the gradual improvement of asset management within defined 'steps' to make the process manageable. This comprises:

- Taking a lifecycle approach
- Managing risk associated with asset failures
- Setting the priority for asset management in descending order as follows:
  - Asset renewal
  - Asset upgrade
  - Asset extension
- Adherence to key financial objectives as defined in the Strategic Resources Plan
- Developing sustainable and effective management strategies for the long term
- Providing a defined level of service and monitoring performance
- Strategies to improve customer satisfaction ratings for management and maintenance of Council's assets
- Continuous improvement in asset management practices and processes

In addition to this Policy and Strategy, Council has Asset Management Plans. The Asset Management Plans outline particular actions and resources required to provide a defined level of service in the most cost effective manner that is intrinsically linked to the Asset Management Strategy.

## Hierarchy of Asset Documents

The following diagram shows the relationship between Council's Asset Management Plans, Policy and Strategy.



## Asset Management Key Principles

The key Asset Management principles that Council needs to consider are reflected in the Asset Management Policy, Strategy, procedures and operations.

Refer to **Attachment 2**, 'Policy Statement' for a list of the key principles.

## **Options**

The options to Council are:

1. Adopt the Asset Management Policy and Asset Management Strategy.
2. Amend the Asset Management Policy and Asset Management Strategy.

## **Proposal**

It is proposed the Council adopts the Asset Management Policy and the Asset Management Strategy.

## **FINANCIAL CONSIDERATIONS**

There are no specific financial constraints in approving this Policy and Strategy.

## **RISK FACTORS**

Council's risk will be minimised in approving this Policy and Strategy as they address specific risk issues.

## **CONCLUSION**

The adoption of the Asset Management Policy and Asset Management Strategy will ensure sustainable infrastructure for now and into the future.

## **RECOMMENDATION**

**That Council adopt the updated C04 Asset Management Policy contained in the Asset Management Strategy (refer Appendix 2).**

## **STAFF DISCLOSURE OF INTEREST**

Nil

**NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 92.**

**Attachment 1**  
**Current Asset Management Policy (adopted 17 December 2007)**

**South Gippsland Shire Council**  
**COUNCIL POLICY**

Department:	Engineering & Assets
Sub-Section:	Assets
Title:	ASSET MANAGEMENT POLICY

**Policy Statement**

The intent of this Policy is to set out a broad framework to ensure Council assets are fit for their intended purpose (service levels) now and in the future. This will be achieved through a co-ordinated approach to asset management within our organisation.

This policy applies to all Council services that are reliant on the provision of assets.

**Policy Rationale**

In alignment with the Council Plan, it is Council's vision to meet a specified level of service in the most cost-effective way through the creation, acquisition, management, maintenance, operation, rehabilitation and disposal of assets to provide for present and future communities.

South Gippsland Shire Council's Asset Management goal is to provide:

- Community facilities and infrastructure assets that contribute to economic viability, mobility and improved lifestyle for the community.

The policy enables Council to meet the Council Plan objectives: *Develop and guide sustainable urban design and infrastructure that will endeavour to meet the long term needs of our communities.*

Council needs to have an Asset Management Policy to provide direction and guidance for asset management and planning based on service provision.

This policy forms part of Council's Asset Management Improvement "Step" program.

The principle objective of the Step program is to assist our Council to continue to improve on the level of asset management processes & knowledge achieved.

The intended outcomes of the application of this Policy are summarised as follows:

- Council makes better and more informed decisions;

## Attachment 1 Current Asset Management Policy (adopted 17 December 2007)

- Appropriate resources are allocated according to the defined levels of service;
- Legislative and regulatory requirements are achieved.

It is proposed that this Policy be reviewed on an annual basis.

Asset Management link to Business Planning Process



## Attachment 1 Current Asset Management Policy (adopted 17 December 2007)

### Roles & Responsibilities

The responsibilities and relationships associated with Asset Management are:

#### The Council

- To act as overall stewards for infrastructure assets that are owned or controlled by Council.
- To adopt the corporate Asset Management Policy and Strategy.
- To agree to levels of service, risk and cost standards via the annual Business Planning process.
- To approve appropriate resources for asset management activities in the Long Term Financial Plan and the annual budget.

#### Executive Management Group

- To foster and support the cross-functional Asset Management Steering Group;
- To ensure that accurate and reliable information is presented to Council for decision-making;
- To ensure that adequate resources are provided to implement approved Asset Management Strategies and plans.

#### Asset Management Steering Group

- To monitor and review the implementation of the Asset Management Policy and Asset Management Strategy
- To represent the key asset management functions e.g. Infrastructure Planning, Maintenance and Construction, Finance, Community Engagement and direct service provision such as Recreation and Community Services;
- To monitor the development and implementation of the Asset Management Practices Improvement Strategy;
- To provide guidance to develop long term (whole of life) Asset Management Plans for major asset groups.
- To ensure the community needs and expectations are considered in the development of Asset Management Plans;
- To review the performance of asset management programs such as maintenance programs and capital works programs;
- Ensure efficient and effective use of Council funds and optimising "life cycle" cost of all assets;



## Attachment 1 Current Asset Management Policy (adopted 17 December 2007)

- Promote and raise awareness of asset management to the Council, staff, key stake-holders and the community;
- To provide advice on town structure plans, land use planning and major (subdivision) developments;
- To evaluate and prioritise Capital Works projects on Council owned and controlled land and recommend the annual and 10 year program to the Executive Management Group;
- To meet monthly, report of the Executive Management Team monthly and to Council quarterly.

### Definitions

The following terms are used in this policy:

An **Asset** is a physical component of a facility that has value, enables services to be provided and has an economic life of greater than 12 months.

**Asset Management** is the combination of management, financial, economic, engineering and other practices, applied to physical assets with the objective of providing the required level of service in the most cost effective manner over a long term.

An **Asset Management Plan** is a plan developed for the management of all infrastructure assets that combines multi-disciplinary management techniques over the lifecycle of the asset in the most cost-effective manner to provide a specified level of service.

**Lifecycle** is the cycle of activities that an asset goes through while it retains an identity as a particular asset.

**Lifecycle cost** is the total cost of an asset throughout its life including planning, design, construction, acquisition, operation, maintenance, rehabilitation and disposals costs.

**LTFP** means Long-Term Financial Plan

**SRP** means Strategic Resource Plan.

### Guidelines

#### Guiding Principles

Council will take into consideration the following principles to determine asset management decisions:

## Attachment 1 Current Asset Management Policy (adopted 17 December 2007)

1. Level of service
  - a In accordance with its Council Plan and Financial Plan, provide quality infrastructure assets that support service levels that are appropriate, accessible, responsive and sustainable to the community.
  - b consult with the community and key stakeholders on determining Levels of Service and asset service standards.
2. Demand forecasting
  - a Developing sustainable and effective management strategies for the long term including demand analysis covering changes in legislations & demographics.
3. Life cycle planning
  - a Life Cycle Asset Management is fundamental to the achievement of the Council Plan and Council's Long Term Financial Strategy Plan.
  - b The decision to fund capital projects will be based on agreed criteria for the evaluation and prioritisation of Capital proposals. This will include those projects suggested by the community.
  - c Setting the priority for asset management in descending order as follows:
    1. Asset renewal
    2. Asset upgrade
    3. Asset extension
4. Risk management
  - a Resources and priorities for asset management practices will include a risk assessment.
5. Financial management
  - a The amount of renewal funding required to maintain minimum service levels will be reflected in Council's 10 Year Financial Plan.
  - b The provision of funding for new projects will only be considered after renewal requirements are identified and considered.
  - c Prior to consideration of any major new works, renewal or up-grade to an asset, a critical review, based on demonstrated service needs will be undertaken and the "whole of life" costs of that asset will be reflected in Council's 10 Year Financial Plan.
  - d Decisions today impact on future generations.

**Attachment 1**  
**Current Asset Management Policy (adopted 17 December 2007)**


**Related Legislation, Guidelines, Specifications and Codes of Practice**

- South Gippsland Shire Council Asset Management Plan – February 03
- South Gippsland Shire Council Asset Management Strategy – November 05
- Local Government Act 1989
- Road Management Act 2004
- Road Safety Act 1986 (as amended)
- International Infrastructure Management Manual – 2006 Edition
- Local Government Asset Investment Guidelines 2006

Approval Date:	21 May 2003	Approved by:	Council
Amendment 1:	20 October 2004	Approved by:	Council
Amendment 2:	1 November 2006	Approved by:	Council
Amendment 3:	19 December 2007	Approved by:	Council



## Attachment 2 Updated Asset Management Policy



*South Gippsland Shire Council*

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### ASSET MANAGEMENT

Policy Number:	C04	Directorate:	Engineering Services
Journal Item No:	TBD	Management:	Assets
Council Adoption Date:	27 March 2013	Primary Author:	Senavi Abeykoon
Revision Date:	2017	Secondary Author:	Alan Landers

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#### POLICY OBJECTIVE

The purpose of this policy is to define a broad framework and principles for the sustainable and effective lifecycle management of all asset groups required for current and future service delivery to the community of South Gippsland Shire. It will enable Council to implement a coordinated approach to the management of all assets essential for its service delivery.

#### LEGISLATIVE PROVISIONS

- Local Government Act 1989
- Road Management Act 2004
- Road Safety Act 1986 (as amended)

#### GUIDE DOCUMENTS

- International Infrastructure Management Manual 2011

#### DEFINITIONS

The following terms are used in this policy.

An **Asset** is a physical component of a facility that has value, enables services to be provided and has an economic life of greater than 12 months.

**Asset Management** is the combination of management, financial, economic, engineering, and other practices, applied to physical assets with the objective of providing the required level of service in the most cost effective manner over the life of the asset.

An **Asset Management Plan** is a plan developed for the management of specific infrastructure asset categories that combines multi-disciplinary management techniques over the lifecycle of the asset in the most cost-effective manner to provide specified levels of service.


**Criticality Tables** are a set of parameters used to weight priorities of the proposed projects.

The **Council Plan 2010-2014** is a legislative requirement where each local government must develop a four-year strategic plan. The Council Plan is a key component in the corporate planning framework. It provides guidance and direction to the organisation by setting organisational goals, outcomes, strategies, actions, resource requirements and performance measures for the next four years.

Asset Management Policy 2017



## Attachment 2 Updated Asset Management Policy



**Council Vision 2020** is a document that represents the aspirations of our diverse communities and articulates a vision of what South Gippsland should be like in the year 2020.

**Levels of Service** statements describe the outputs or objectives that Council intends to deliver to its customers.

**Lifecycle cost** is the total cost of an asset throughout its life including planning design, construction, acquisition, operation, maintenance, rehabilitation and disposals costs.

**Long-Term Financial Plan** contains a 15 year budgeted financial statements and associated key financial performance indicators that assesses the financial integrity of the plan.


### ORGANISATIONAL CONTEXT

Council's mission is *'to effectively plan and provide for the social, built, economic and natural environments that ensure the future wellbeing of South Gippsland communities'*. This is supported by a key strategic goal of *'Appropriate infrastructure'*. This policy is set within the context of Council's Vision 2020 and the corporate planning framework, as indicated in the diagram on the following page, and sets the vision and direction to support the achievement of corporate goals.

Asset Management Policy 2013



## Attachment 2 Updated Asset Management Policy



COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

- (a) Service levels will form the basis of asset management and be reviewed on an ongoing basis against budget realities, taking into account changing priorities and constraints.
- (b) In accordance with the Council Plan, provide quality infrastructure assets that support service levels that are appropriate, accessible, responsive and sustainable to the community.
- (c) Consult with the community and key stakeholders on determining Levels of Service and asset service standards.

2. Demand forecasting

- (a) Developing sustainable and effective management strategies for the long term including demand analysis covering changes in legislation & demographics and associated environmental impacts.

3. Life cycle planning

- (a) Life cycle asset management is fundamental to the achievement of the Council Plan, the sustainability of Council and Council's Long Term Financial Plan.
- (b) Asset management plans for each asset class shall articulate how the assets will be managed in the long term and informs the Long Term Financial Plan.
- (c) Asset planning shall evaluate alternative means to meeting service levels including lower cost assets and non-asset solutions.
- (d) Environmental sustainability of assets will be considered at all levels of asset management.
- (e) The decision to fund capital projects will be based on Criticality Tables for the evaluation and prioritisation of Capital proposals. This will include those projects suggested by the community.
- (f) Setting the priority for asset management in descending order as follows:
  - 1. Asset renewal
  - 2. Asset upgrade
  - 3. Asset extension

4. Risk management

- (a) Resources and priorities for asset management practices will include a risk assessment (e.g. Risk assessment for roads in the Road Infrastructure Asset Management Plan).

ASSET MANAGEMENT STRATEGY 2013-2017

## Attachment 2 Updated Asset Management Policy



COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

### 5. Financial management

- (a) The amount of renewal funding required to maintain the specified service levels will be updated into the Long Term Financial Plan subject to available resource requirements as determined by Council.
- (b) The provision of funding for upgrades, extensions and new projects will only be considered after renewal requirements are identified and considered.
- (c) Prior to consideration of any major new works, renewal or up-grade to an asset, a critical review, based on demonstrated service needs will be undertaken and the "whole of life" costs of that asset shall inform the Long Term Financial Plan, subject to Council direction.

### ROLES AND RESPONSIBILITIES

Council recognises that asset management requires a 'whole of organisation' approach. Appropriate skills development and training programs are required to increase awareness and build internal capacity to undertake required asset management functions and responsibilities.

Asset management functions are defined below.

#### The Council



- Act as overall stewards for infrastructure assets that are owned or controlled by Council.
- Adopt the corporate Asset Management Policy and Strategy.
- Set the levels of service, risk and cost standards via the annual business planning process.
- Approve appropriate resources for asset management activities in the Long Term Financial Plan and the annual budget.

#### Executive Leadership Team

- Appoint, foster and support the cross-functional Asset Management Steering Committee.
- Ensure that accurate and reliable information is presented to Council for decision-making.
- Ensure that adequate resources are provided to implement approved Asset Management Strategies and Plans.
- Ensure assets are managed in accordance with relevant legislation, best practice and comply with legal obligations.



## Attachment 2 Updated Asset Management Policy



**Asset Management Steering Committee**

- Monitor and review the implementation of the Asset Management Policy and Asset Management Strategy.
- Implement, promote and raise awareness of Asset Management for the whole organisation providing consistent direction, focus and attention for all staff from senior managers to those involved in day to day service delivery.
- Ensure a 'whole of life' approach is taken in the development of Asset Management Plans
- Monitor the development and implementation of Asset Management improvements.
- Ensure the community needs and expectations are considered in the development of Asset Management Plans.
- Meet as required and report to the Executive Leadership Team and to the Council.
- Measure and report to Council annually on asset performance and recommend adjustment to plans as required depending on priorities and financial constraints.
- Identify future funding needs so that assets can achieve their defined level of service.
- Develop service levels with the community to inform Council of asset service levels for renewal, upgrade and extension, and any funding requirements.
- Accept proposals from the Community Strengthening Department on asset requirements in completed Community Direction Statements. Priorities are then analysed and presented to Council for consideration.


**Assets Department**

- Develop an Asset Management Strategy for the Council and review as required.
- Develop and implement Asset Management Plans for individual asset classes and present to the Asset Management Steering Committee and Executive Leadership Team before presenting to the Council for endorsement.
- Assist Service Departments to define the level of service to identify asset requirements.
- Monitor the implementation of maintenance, renewal and improvement works programs in accordance with Asset Management Plans.
- Monitor the performance of assets and ensure they are in compliance with relevant acts and regulations.

ASSET MANAGEMENT STEERING COMMITTEE

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## Attachment 2 Updated Asset Management Policy



COUNCIL POLICY

- Ensure road maintenance activities are complying with Road Management Act 2004.
- Utilise an Asset Management System for asset management tasks, which includes an asset register, works management system, valuations and condition assessments.

The strategic plans that include future asset requirements are analysed to inform asset management plans.

**RISK ASSESSMENT**

The absence of this policy may result in:

- Council unable to make timely, appropriate and better informed decisions on capital investments.
- Inappropriate allocation of resources and defined levels of service not being met.
- Non-adherence to legislative and regulatory requirements.

**IMPLEMENTATION, AUDITING AND REVIEW**

This policy will be established on Council's website and intranet and also included in staff induction packs. This policy will be reviewed on a 4 yearly cycle in line with the election of a new Council.

Asset Management Implementation and Improvement Plan as set out in the Asset Management Strategy will be audited annually at the end of each financial year and reported to the Executive Leadership Team through the Asset Management Steering Committee.

The Executive Leadership Team will review compliance with this policy in June each year and report to the Council.

Asset Management Policy 2013

15/1/17

## **E.10 PUBLIC REQUEST FOR FIVE MILE TRACK TO BE INCLUDED IN PUBLIC ROAD REGISTER**

Engineering Services Directorate

### **EXECUTIVE SUMMARY**

This report is presented to Council so that it may consider a request from the 'Friends of Cape Liptrap Peninsula including Bald Hills and Kings Flat Reserves' and including the 'Walkerville Rate Payers Association' to include Five Mile Track on the Public Road Register. Refer to **Attachment 1 and 2** for the road location.

This road is currently not on Council's Public Road Register, is unconstructed, and will cost approximately \$850,000 to construct to an all-weather sealed pavement.

It is recommended that Council not include the road on the road register and approve commencement of the procedure to discontinue this road due to:

1. The high cost of constructing this road;
2. Current Boundary Road Agreement discussions with the Department of Sustainability and Environment (DSE), who prefer to have the road status from Five Mile Track removed; and
3. The road not providing primary access to any property.

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

- **Attachment 1** - Aerial Plan of road location
- **Attachment 2** - Location Plan of road
- **Attachment 3** - Council Report dated 19 January 2000
- **Confidential Appendix 1** - Letter from 'Friends of Cape Liptrap Peninsula including Bald Hills and Kings Flat Reserves' and including the 'Walkerville Rate Payers Association'

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

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

- Local Government Act 1989, Sections 204(2) - Council's powers to declare a road open to the public
- Local Government Act 1989, Sections 206 and Clause 3, Schedule 10 - Council's powers to discontinue a road
- Local Government Act 1989, Sections 207A and 223 - public notification

- Road Management Act 2004

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

- Road Opening Policy 2007
- Road Management Plan 2009
- South Gippsland Planning Scheme
- Infrastructure Design Manual 2010

### **COUNCIL PLAN**

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

### **CONSULTATION**

- Council report dated 19 January 2000 regarding Five Mile Track, Tarwin Lower. Council resolved not to construct Five Mile Track.
- Ongoing consultation with the DSE on “Road Management Act - Boundary Road Agreement” ownership and maintenance responsibilities.

### **Background**

A report was presented to Council on 19 January 2000 (**Attachment 3**) and Council resolved not to construct Five Mile Track.

### **DISCUSSION**

Council has received correspondence dated 17 December 2012 from the 'Friends of Cape Liptrap Peninsula including Bald Hills and Kings Flat Reserves' and including the 'Walkerville Rate Payers Association', requesting that the road known as Five Mile Track be re-registered, under the Road Management Act 2004, as a public access road.

#### Current Status

Five Mile Track is a government road reserve that is not on Council's Public Road Register and therefore is not inspected or maintained.

Five Mile Track does not provide primary access to any properties.

The road reserve, in its current state, is not trafficable and difficult for all terrain vehicles, due to the condition of the track and in areas is heavily vegetated. This acts as a deterrent to the general public as a beach access point.

### Construction Standards

If Council were to include Five Mile Track on the Public Road Register it would be classified as a Rural Access Road. The construction standard for a Rural Access Road is a 6.2m wide sealed pavement with 1.5m shoulders as per the Infrastructure Design Manual. The cost to construct 2.5km of road to this standard is estimated at \$850,000.

It is anticipated that traffic volumes would be up to 300 vehicles per day during summer, salmon and pipi seasons. This is based on current seasonal traffic volume on Cape Liptrap Road (27 January 2007 - peak of 404 vehicles per day).

It is not recommended to construct the road to a lower standard as this would result in:

1. Access issues with people parking on the shoulders of the road, similar to Walkerville South, on busy days.
2. Safety issues with people walking on the road.
3. Higher maintenance costs.

### DSE/Parks Victoria

Under the Cape Liptrap Coastal Park Management Plan 2003 it states that:

*“The Five Mile Track is a 4WD track along a road reserve managed by the South Gippsland Shire Council that provides access to a relatively remote section of the ocean beach in the park. Only the last 350 metres of the track is within the park. The track is rarely maintained and is in poor condition. There is a small informal camping area behind the dunes. Vehicles driven onto the beach from this access point are a consistent problem, causing damage to the dune and a midden. Driving vehicles on beaches within Victoria is prohibited under the provisions of the Land Conservation (Vehicle Control) Act 1972 (Vic.)”*

In 2007, Parks Victoria requested Council to maintain Five Mile Track and place the road on Council's Public Road Register. Council's response was that unless the road was upgraded to Council's standard, it would not be placed on the Register.

Recent discussions during 2012 with the DSE regarding the future for Five Mile Track has resulted in a preferred position that this road reserve be discontinued in order to protect sensitive flora and fauna within this section of the Cape Liptrap Coastal Park, and that the road reserve revert to Crown Land to which the Crown will be fully responsible.

The discontinuance of a right of way (or road) removes the 'road' status from a parcel of land so that the land is no longer available for public use. The Local Government Act 1989 provides Council with the power to discontinue

rights of way and roads when Council forms the view that the right of way or road is 'no longer reasonably required for public use'.

*Benefits of Opening Five Mile Track*

- Provides public access to the beach and Parks Victoria's camping area.

*Disadvantages of Opening Five Mile Track*

- Potential damage to flora and fauna in an environmental sensitive area.
- Capital cost to Council to provide a suitable access road.
- On-going maintenance cost to Council for road maintenance.

**Options**

The options available to Council are:

1. Include on the Public Road Register and fully construct the 2.5 kilometre length of road including earthworks and a sealed pavement. This would cost in the vicinity of \$850,000 based on current construction rates. It is suggested that this would be a minimum requirement for road construction, as projected traffic volumes would necessitate this type of road. If the road was constructed, it will only provide upgraded access to the Cape Liptrap Coastal Reserve parking area and beach access track.
2. Discontinue the road and hand it back to the Crown. Council then has no responsibility for any maintenance or liability whatsoever.
3. Do nothing and leave the road reserve as it is; a government road reserve.

The road reserve, in its current state, is not trafficable by fire fighting vehicles, and difficult for all terrain vehicles. This acts as a deterrent to the general public as a beach access point. In discussions with the DSE regarding the Boundary Road Agreement, DSE advised that the Country Fire Authority stated that fire access to the coastal reserve in the vicinity of Five Mile Track could be achieved via overland travel across adjacent farmland.

**Proposal**

It is proposed to adopt Option 2 and commence the road discontinuance procedure.

**FINANCIAL CONSIDERATIONS**

If Council choose to include Five Mile Track on the Public Road Register, all costs associated with the design and construction of the road will be borne by

Council. These are estimated at \$850,000 (sealed) which is not recognised in the Long Term Financial Plan.

The future maintenance cost for the road would be between \$4,000 and \$5,000 per annum. This is not included in Council's operating budget for road maintenance.

### **RISK FACTORS**

Residents will be unable to access the beach via Five Mile Track.

Council is aware that the public are currently using Five Mile Track to access the beach without the road being listed on Council's Public Road Register.

### **CONCLUSION**

From the details contained within this report it is considered that the construction of the Five Mile Track is not cost effective as the road doesn't serve as a primary access to any property, only foreshore reserve.

### **RECOMMENDATION**

That Council:

1. Does not include Five Mile Track on the Public Road Register.
2. Confirm that the subject area known as Five Mile Track (Road) as shown as the dashed area on Attachment 1 is not reasonably required as a road for public traffic or use.
3. Commence the road discontinuance procedure and revert subject land back to the Crown as unalienated Crown Land which will be the subject of a further report to Council.
4. Advise the requestor of Council's decision accordingly.

### **STAFF DISCLOSURE OF INTEREST**

Nil

**ALTERNATE MOTION**

**MOVED: Cr Davies**

**SECONDED: Cr Kennedy**

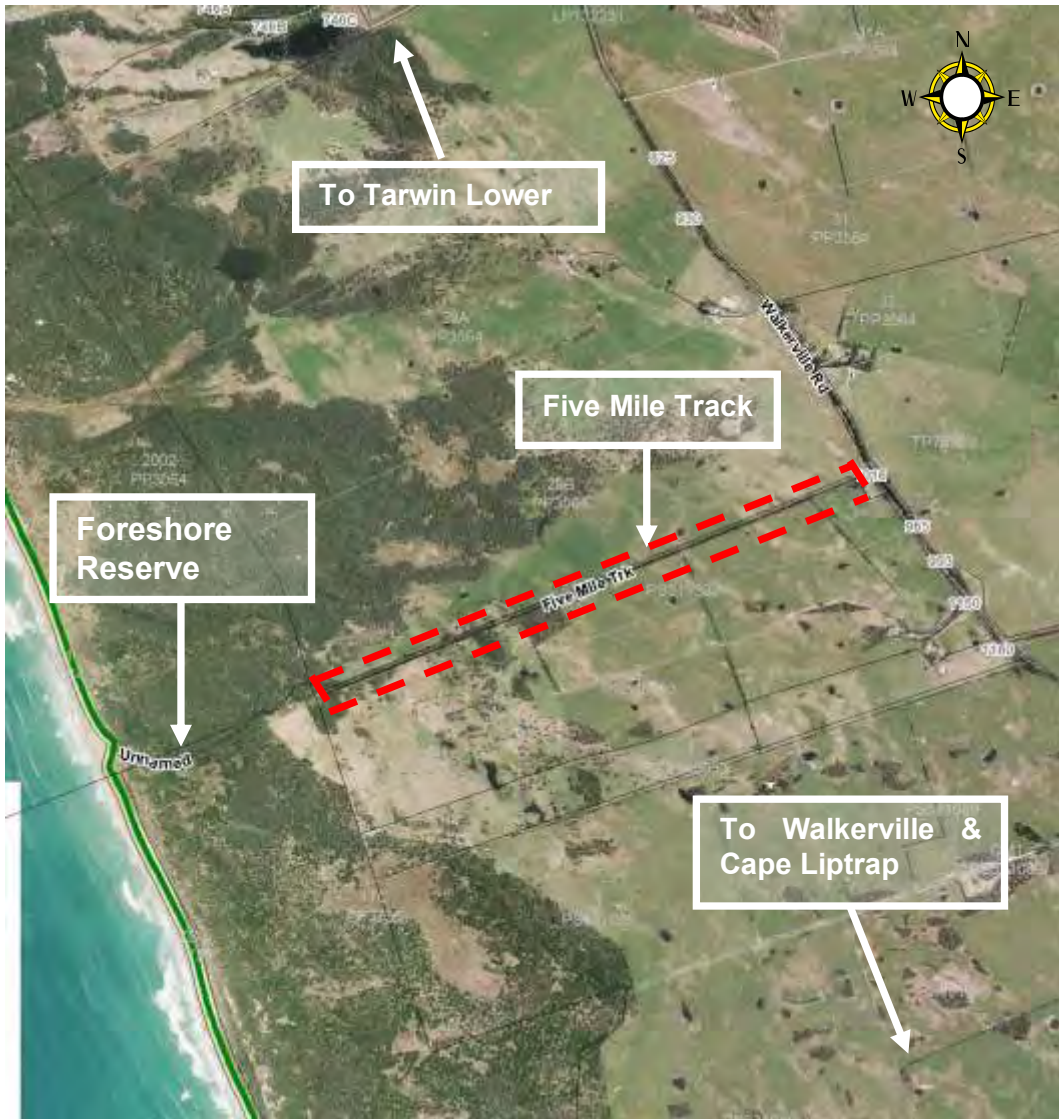
**THAT COUNCIL:**

- 1. DOES NOT INCLUDE FIVE MILE TRACK ON THE PUBLIC ROAD REGISTER; AND**
- 2. ADVISE THE REQUESTOR OF COUNCIL'S DECISION ACCORDINGLY.**

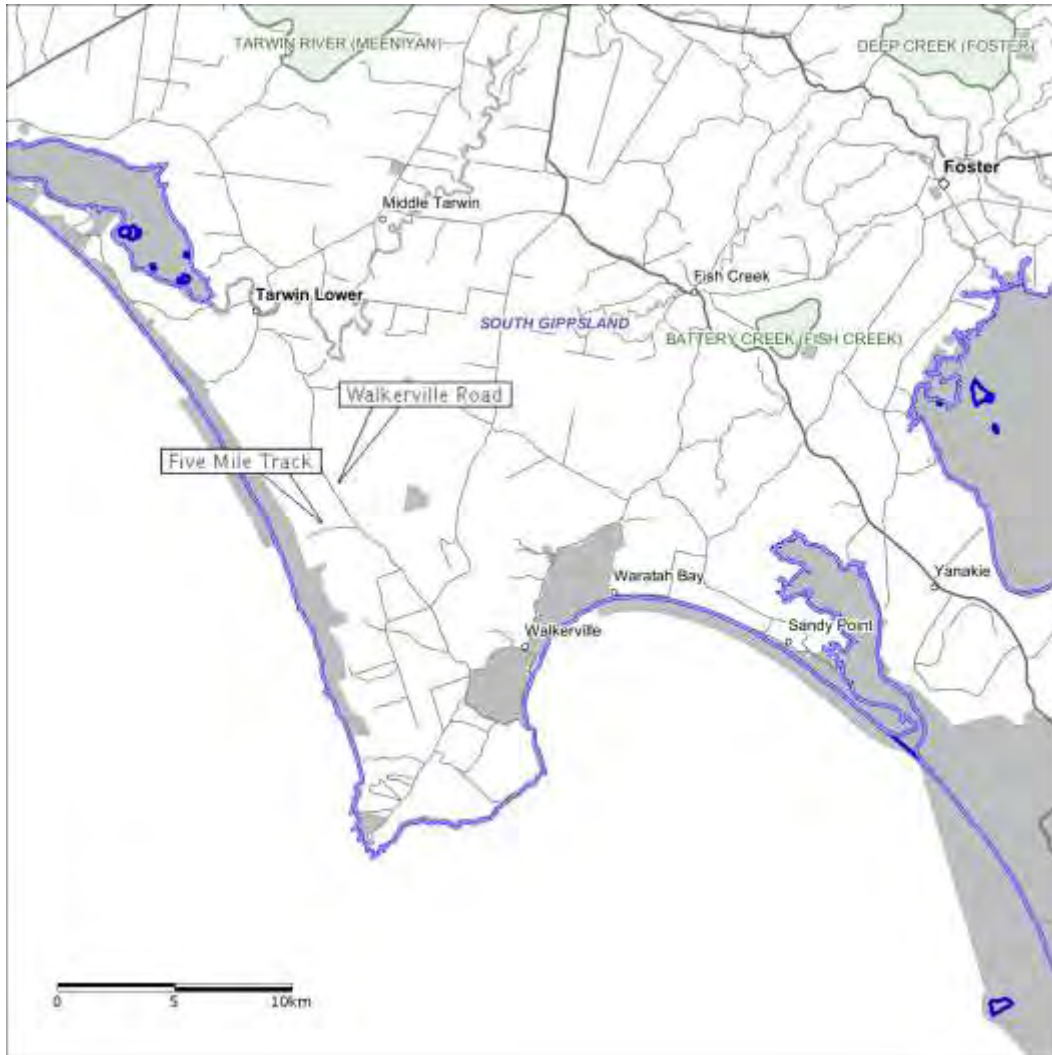
**CARRIED UNANIMOUSLY**



**Attachment 1  
Aerial Plan of Road location**



**Attachment 2**  
**Overview Plan location of Five Mile Track**



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**Attachment 3**  
**Report presented to Council on 19 January 2000**

**FIVE MILE TRACK, TARWIN LOWER – (DEA)**

Author: Paul Challis

**INTRODUCTION**

The purpose of this report is to bring to Council's attention the options and possible ramifications of constructing this currently unconstructed road to an all weather standard.

**BACKGROUND**

The Five Mile Track or "Five Mile" as it is known locally is a road reserve running in a Westerly direction starting from Walkerville Road, approximately 9 kilometres from Tarwin Lower. The road reserve is approximately 2.5 kilometres in length and terminates at the Foreshore Reserve, which is part of the Cape Liptrap Coastal Park. It is approximately 900 metres from the end of the road reserve to the beach. Refer to the attached map.

The road reserve is well vegetated and has an old narrow gravel pavement running along its length. This pavement is not suitable for use by motor vehicles except for 4 wheel drives, as it is not trafficable in wet conditions. Even unsuspecting 4 wheel drivers have been known to get bogged on the track. Horse riders and walkers also use the track.

The failure of quite a number of 4 wheel drivers to extricate themselves from boggy conditions has lead to disgruntled drivers walking to neighbouring farm houses to ask for assistance in the form of a tow via tractor. The neighbouring farmers finally got sick of this situation.

In an attempt to alleviate this problem, Council installed a chained, padlocked gate/barrier at the Walkerville Road entry to the Five Mile Track some 10-12 years ago. This was done to keep all vehicles out except those for fire fighting purposes. This measure didn't appease many of the 4 wheel drive enthusiasts and the chain was constantly cut and the padlock thrown away. The gate is currently not locked.

At the time of the gate installation, Council also explored the possibility of constructing the road to act as a beach access. The road wasn't constructed for a couple of reasons, those being:

1. That it wasn't cost effective to construct a road that didn't serve as primary access for abutting farm land, and
2. That the Department of Natural Resources & Environment wouldn't

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**Attachment 3**  
**Report presented to Council on 19 January 2000**

**CORPORATE PLAN**

*“To provide an appropriate standard of infrastructure including facilities and to plan and resource infrastructure maintenance, replacement and new infrastructure.”*

**OPTIONS**

A number of options are available to Council. They are:

1. Do nothing. Leave the road reserve as it is. Fire fighting vehicles can still gain access to the heavily vegetated foreshore reserve, as is the current situation. This would appease Parks Victoria by keeping a majority of the public out of a fragile coastal environment. As part of their Coastal Management Plan, Parks Victoria are looking to rationalise visitor sites and concentrate development to a few existing sites.
2. Fully construct the 2.5 kilometre length of road including earthworks and a sealed pavement. This would cost in the vicinity of \$340,000 based on current construction rates. It is suggested that this would be a minimum requirement for road construction, as projected traffic volumes would necessitate this type of road. If the road was constructed, it will only provide upgraded access to the foreshore reserve/beach. As already stated, Parks Victoria are looking to rationalise visitor sites.
3. Partially construct the 2.5 kilometre length of road including earthworks and a gravel pavement. This would cost in the vicinity of \$260,000 based on current construction rates. This type of construction would not be suitable for projected traffic volumes and would lead to significant amounts of on-going maintenance.
4. Discontinue the road and hand it back to the Crown. Council then has no responsibility for any maintenance whatsoever. The downfall with this option is that fire fighting vehicles won't have this point of access to the heavily vegetated foreshore reserve.

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**Attachment 3**  
**Report presented to Council on 19 January 2000**

**PROPOSAL**

It is proposed to adopt Option 1, ie, retain the status quo.

**IMPACT ON CUSTOMERS**

None if Option 1 is adopted.

**ENVIRONMENTAL CONSIDERATIONS**

Environmental impact is currently negligible due to the difficulty of access to the foreshore reserve by the general public. The construction of this road would be detrimental to the current vegetation contained within the road reserve. The road reserve in its current state is an important nature corridor. Of greater importance would be the detrimental effects of a significant increase in visitor numbers to the foreshore reserve.

**CONCLUSION**

From the details contained within this report it can be assumed that construction of the Five Mile Track isn't cost effective as the road doesn't serve as a primary access to any property, only foreshore reserve.

The road reserve, in its current state, is trafficable by fire fighting vehicles, albeit difficult and acts as a deterrent to the general public as a beach access point.

**RECOMMENDATION**

**That Council resolve to not construct the Five Mile Track.**

**Councillor Fawcett left the Meeting at 4.31pm with a declared indirect conflict of interest in Council Reports Item E.14 - SUBDIVISION, SALE AND LEASE OF COUNCIL LAND AT 20-22 AND 24 PIONEER STREET, FOSTER TO SOUTH GIPPSLAND WATER as he has a conflicting duty in that he is a Director of South Gippsland Water.**

**E.14 SUBDIVISION, SALE AND LEASE OF COUNCIL LAND AT 20-22 AND 24 PIONEER STREET, FOSTER TO SOUTH GIPPSLAND WATER**

Engineering Services Directorate

**EXECUTIVE SUMMARY**

This report discusses:

1. The outcome of the public notice in August 2012, which informed the community of Council's proposal to sell Council land by private treaty to South Gippsland Water (SGW); and
2. A proposal to proceed to finalise contract documents with SGW (contract of sale and lease) and lodge the plan of subdivision at the Land Registry.

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

- **Attachment 1** - Public Notice
- **Attachment 2** - Locality Plan of Council land to be sold and leased.
- **Attachment 3** - Plan of Subdivision 648040Y
- **Confidential Appendix 1** - Particulars of Sale.
- **Confidential Appendix 2** - Schedule to Lease.

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

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

- Local Government Act 1989, Section 189, 223 and 190
- Subdivision Act 1988, Section 35
- Transfer of Land Act 1958, Section 45
- Planning and Environment Act 1987, Section 173

**INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

- Council Land Ownership Policy 2011

- South Gippsland Planning Scheme
- Foster Local Level Structure Plan (June 2008)

### **COUNCIL PLAN**

Strategic Goal:	3.	A Strong Economy
Outcome:	3.1, 3.2, 3.3	Economic development, employment and infrastructure
Strategy No:	3.1.3	Economic investment
	3.2.1	Employment creation
	3.3.4	Land use planning

### **CONSULTATION**

A public notice pursuant to Sections 189 and 223 of the Local Government Act, 1989 (the notice) was published in local papers the week commencing 6 August 2012. The notice informed the community of Council's proposed sale of part of its land at 20-22 Pioneer Street, Foster to SGW by private treaty. A copy of the notice is provided at **Attachment 1**.

There were no submissions received by Council to this notice.

### **REPORT**

#### **Background**

Previous reports to Council have discussed the interest of SGW in purchasing the Council land as identified in **Attachment 2**. The reports have discussed the process of subdivision to create the parcel of land for sale and addressed a submission received regarding potential access and visibility issues given proximity to the skate bowl. For ease of reference, the reports are listed in Table 1 below:

*Table 1: List of previous Council reports*

<b>Report Date</b>	<b>Report summary</b>
22 June 2011	<p>This report recommended that Council commence the process to:</p> <ol style="list-style-type: none"> <li>1) Subdivide its land at 20 Pioneer Street, Foster for the purposes of:               <ol style="list-style-type: none"> <li>a) Creating a parcel of land for private treaty sale to South Gippsland Water Authority to facilitate an expansion of its existing office premises in Pioneer Street, Foster; and</li> <li>b) Preparing subdivisional design options for the balance of the land and for further discussion with Council at a later date.</li> </ol> </li> </ol>

	<p>2) Commence negotiations with SGW for the sale of the parcel of land noted in 1(a) above.</p> <p>3) Re-zone the parcel of land from Public Use Zone 6 (Local Government) to Public Use Zone 1 (Public utility).</p>
23 November 2011 (confidential)	This report discussed the progress of the subdivision of part of Council's land at 20 Pioneer St, Foster for sale to SGW.
21 December 2011 (confidential)	This report recommended that Council formally commence the statutory procedures for the sale of land with public consultation pursuant to Section 223 of the Local Government Act, Vic, 1989.
22 February 2012	<p>This report:</p> <ol style="list-style-type: none"> <li>1) Considered a submission received to Council's public notice.</li> <li>2) Recommended that Council proceed to finalise the sale of the Land by private treaty to South Gippsland Water Corporation (SGW).</li> </ol> <p>A motion was put forward and carried to amend the resolution. The amended resolution included the following items:</p> <ol style="list-style-type: none"> <li>1) Agree to negotiate for the subdivision and sale of a parcel of Council Land to SGW.</li> <li>2) Agree to negotiate a lease of Council's land for the purposes of carparking and exit onto Pioneer St, Foster.</li> <li>3) Agree to proceed to work with SGW to identify an alternative area of land for its carparking purposes (other than 2 above).</li> <li>4) Include as Part of Council's 2012/2013 Annual Plan, an investigation to determine the best use of the balance of the Council Land at Pioneer Street (ie. the Depot).</li> </ol>
25 July 2012	<p>This report:</p> <ol style="list-style-type: none"> <li>1) Presented the amended boundary of the Council land to be subdivided and sold to South Gippsland Water.</li> <li>2) Presented the boundary of the Council land to be leased to South Gippsland Water.</li> <li>3) Recommended advertising a second public notice of the proposal to sell part of Council land by private treaty to South Gippsland Water (item 1 above).</li> </ol>



## Discussion

Since the last report dated 25 July 2012, the following actions have been attended to:

- Update of the plan of subdivision to reflect the amended boundaries.
- Introduce negotiations with SGW for a lease for part of the Council land.
- Public notification of the amended boundary of Council land to be sold to SGW (**Attachment 1**).
- Negotiations on value of the Council land to be sold.
- Negotiations on annual rental to be paid for the Council land to be leased.

Council experienced a delay in negotiations as SGW wanted to investigate any soil contamination on the Council land that they want purchase. They engaged a consultant to undertake an Environmental Assessment.

On 31 January 2013, SGW confirmed that its Environmental Assessment had been completed and that they wished to proceed with the purchase. Accordingly, the documents described below can be finalised.

### Documents

- **Plan of Subdivision PS648040Y**

A copy of the latest version of PS648040Y (the Plan) is attached at **Attachment 3**. The plan consolidates the parcel of Council land to be sold (2,011m<sup>2</sup>) to SGW with SGW's existing property (main offices). The consolidated parcel is referred to as Lot 2 on the Plan.

The Plan has been certified with Council's Planning Department and a Statement of Compliance received. It will be lodged with the Land Registry once the contracts of sale have been signed.

- **Contract of Sale**

The particulars of sale are attached at **Confidential Appendix 1**. The contract is conditional upon SGW entering into an agreement pursuant to Section 173 of the Planning and Environment Act, 1987 to rezone the Council land to Public Use Zone 1 (Utilities).

- **Lease**

The schedule to the lease is attached at **Confidential Appendix 2**.

## **Proposal**

It is proposed that Council proceed to finalise the above documents and authorise its Chief Executive Officer or his delegate to sign and execute, under seal of Council where necessary, all documents associated with the sale and lease.

## **FINANCIAL CONSIDERATIONS**

The expenses incurred in finalising the plan of subdivision and negotiating the sale and lease will be offset from the sale proceeds. The valuation as stipulated in the particulars of sale and rental as stipulated in the schedule to the lease (**Confidential Appendices 1 and 2**) is agreed by Council's valuer and the Victoria Government Land Monitor (on behalf of SGW).

## **RISK FACTORS**

There are not believed to be any adverse risks associated with the recommendations of this report.

## **CONCLUSION**

Council has satisfied its statutory responsibilities provided by the Act. Given that no submissions were received, Council and SGW are able to proceed to finalise contract documents.

## **RECOMMENDATION**

**That Council:**

- 1. Agree to proceed to enter into a contract of sale with South Gippsland Water for the sale of a 2,011m<sup>2</sup> parcel of Council land contained in certificate of title volume 10252 folio 732, included in Lot 2 on PS 648040Y and known as 20-22 Pioneer St, Foster.**
- 2. Agree to proceed to enter into an agreement pursuant to Section 173 of the Planning and Environment Act, 1987 to obligate South Gippsland Water to make an application to Council to rezone the Council Land described in item 1 above to a Public Use Zone 1 (Utilities).**
- 3. Agree to proceed to enter into a lease with South Gippsland Water for a 560m<sup>2</sup> parcel of Council land contained in certificate of title volume 7482 folio 191 and located at 24 Pioneer St, Foster for use as car parking by South Gippsland Water.**
- 4. Agree to complete an application to lodge plan of subdivision PS648040Y at the Land Registry to create the parcel of Council land for sale to South Gippsland Water.**

- 5. Authorise the Chief Executive Officer or his delegate to sign all documentation in relation to the contract of sale, lease and application to lodge plan of subdivision as described in items 1 - 3 above.**
- 6. Authorise the Chief Executive Officer or his delegate to affix Council's common seal to the Transfer of Land in respect of the parcels of Council land described in items 1 and 2 above and any other documents in connection with the contract of sale or lease that must be executed under the seal of Council.**

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

Nil

**MOVED: Cr Davies**

**SECONDED: Cr Hutchinson-Brooks**

**THAT COUNCIL:**

- 1. AGREE TO PROCEED TO ENTER INTO A CONTRACT OF SALE WITH SOUTH GIPPSLAND WATER FOR THE SALE OF A 2,011M2 PARCEL OF COUNCIL LAND CONTAINED IN CERTIFICATE OF TITLE VOLUME 10252 FOLIO 732, INCLUDED IN LOT 2 ON PS 648040Y AND KNOWN AS 20-22 PIONEER ST, FOSTER.**
- 2. AGREE TO PROCEED TO ENTER INTO AN AGREEMENT PURSUANT TO SECTION 173 OF THE PLANNING AND ENVIRONMENT ACT, 1987 TO OBLIGATE SOUTH GIPPSLAND WATER TO MAKE AN APPLICATION TO COUNCIL TO REZONE THE COUNCIL LAND DESCRIBED IN ITEM 1 ABOVE TO A PUBLIC USE ZONE 1 (UTILITIES).**
- 3. AGREE TO PROCEED TO ENTER INTO A LEASE WITH SOUTH GIPPSLAND WATER FOR A 560M2 PARCEL OF COUNCIL LAND CONTAINED IN CERTIFICATE OF TITLE VOLUME 7482 FOLIO 191 AND LOCATED AT 24 PIONEER ST, FOSTER FOR USE AS CAR PARKING BY SOUTH GIPPSLAND WATER.**
- 4. AGREE TO COMPLETE AN APPLICATION TO LODGE PLAN OF SUBDIVISION PS648040Y AT THE LAND REGISTRY TO CREATE THE PARCEL OF COUNCIL LAND FOR SALE TO SOUTH GIPPSLAND WATER.**
- 5. AUTHORISE THE CHIEF EXECUTIVE OFFICER OR HIS DELEGATE TO SIGN ALL DOCUMENTATION IN RELATION TO THE CONTRACT OF SALE, LEASE AND APPLICATION TO LODGE PLAN OF SUBDIVISION AS DESCRIBED IN ITEMS 1 - 3 ABOVE.**
- 6. AUTHORISE THE CHIEF EXECUTIVE OFFICER OR HIS DELEGATE TO AFFIX COUNCIL'S COMMON SEAL TO THE TRANSFER OF LAND IN RESPECT OF THE PARCELS OF COUNCIL LAND DESCRIBED IN ITEMS 1 AND 2 ABOVE AND ANY OTHER DOCUMENTS IN CONNECTION WITH THE CONTRACT OF SALE OR LEASE THAT MUST BE EXECUTED UNDER THE SEAL OF COUNCIL.**

**CARRIED UNANIMOUSLY**

**Cr Fawcett returned to the Meeting at 4.36pm.**

## Attachment 1 PUBLIC NOTICE

### SOUTH GIPPSLAND SHIRE COUNCIL NOTICE OF INTENTION TO SELL LAND

South Gippsland Shire Council (**Council**) gives notice under section 189 of the *Local Government Act 1989 (Act)* that it intends to sell its land described below (**proposal**). The land is a 2,111 square metre portion of the land in certificate of title volume 10252 folio 732, and known as (part) 20-22 Pioneer Street, Foster (**Land**), shown hatched on the plan below. A copy of the Plan can be inspected at Council's offices by contacting Chris Van Der Ark, Property Development Co-Ordinator on (03) 5662 9391.



The proposal is that the land be sold by private treaty to South Gippsland Water Corporation. The principal terms of the Contract of Sale will be:-

1. A purchase price at not less than the market value determined by Council's valuer.
2. Payment of a deposit of 10% of the price on exchange of contracts.
3. Settlement will take place 14 days after registration of a plan of subdivision which subdivides the Land, and consolidates the Land with the Purchaser's adjoining land.
4. The purchaser to enter into a section 173 agreement to be registered on the title to the Land. The section 173 agreement will, amongst other things, require the Land to be rezoned to Public Use Zone (1).

Any person may make a submission on the proposal. Any person proposing to make a submission under section 223 of the Act must do so on or before 5:00pm Thursday 6 September 2012.

All submissions will be considered in accordance with section 223 of the Act.

Submissions should be addressed to the Chief Executive Officer, and can be hand delivered to Council's Office at 9 Smith Street, Leongatha or posted to the following address:

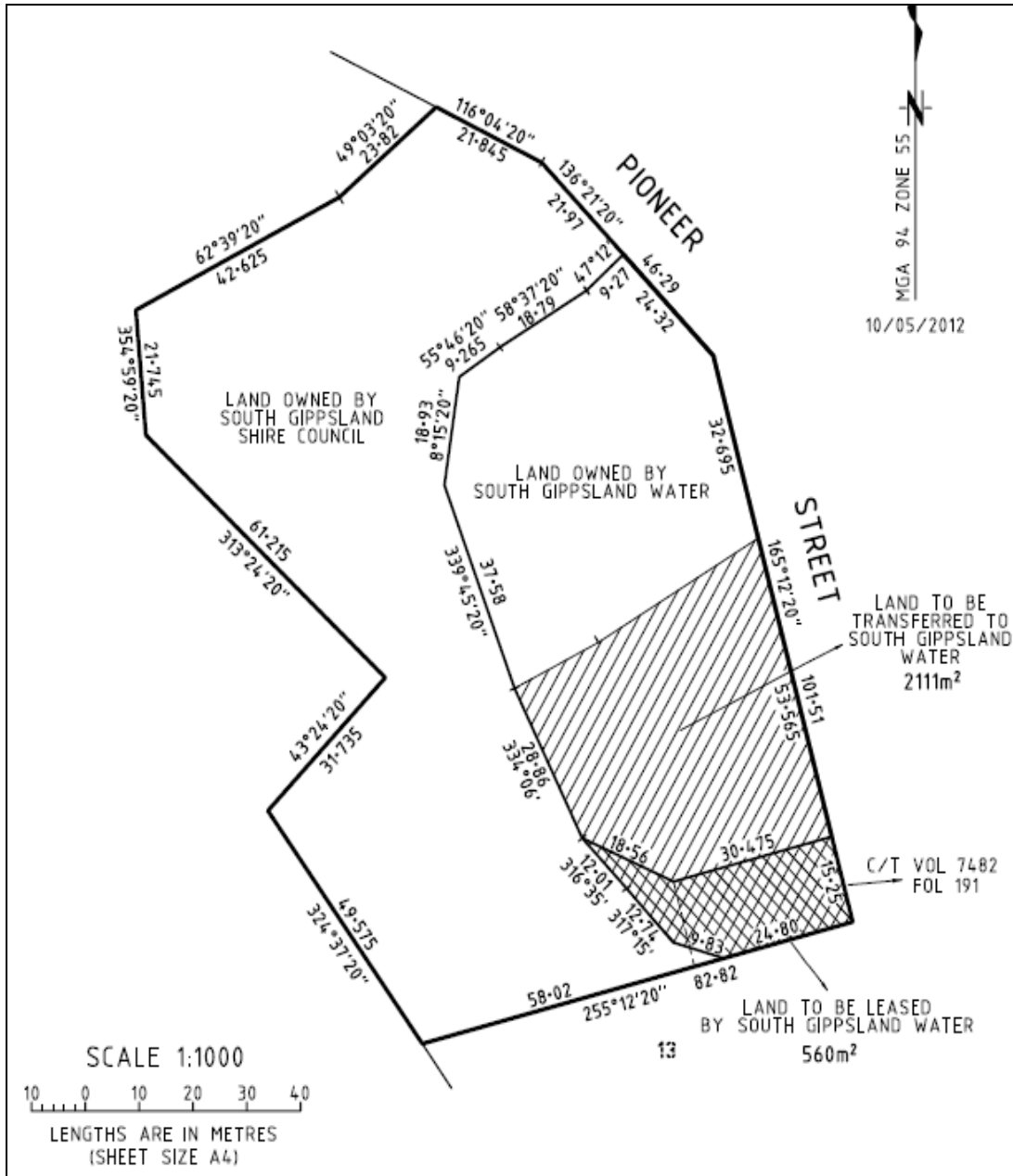
The Chief Executive Officer, South Gippsland Shire Council, Private Bag 4, Leongatha VIC 3953

Any person requesting to be heard in support of his or her submission is entitled to be heard before Council (or a Committee established by Council for this purpose) or be represented by a person acting on his or her behalf, and will be notified of the time and date of the hearing.

**Tim Tamlin**

Chief Executive Officer, South Gippsland Shire Council

**Attachment 2**  
**Locality Plan of Council Land to be sold and leased**



**Attachment 3**  
**Plan of Subdivision PS640848Y**



**E.15 ABANDONMENT OF PLANNING SCHEME AMENDMENT C54  
(LEONGATHA AND FOSTER HOSPITAL HELIPAD PROTECTION) &  
PREPARATION OF AMENDMENT C87 TO INTRODUCE NEW HELIPAD  
PROTECTION CONTROLS**

Development Services Directorate

**EXECUTIVE SUMMARY**

Planning Scheme Amendment C54 proposes to apply Design and Development Overlays (DDO) around the Leongatha and Foster Hospital helicopter landing sites. The purpose of the DDO's is to trigger a planning permit for any buildings or works which have a height that may intersect with a flight path to one of the landing sites, potentially presenting a safety concern for helicopter operations. The DDO maps displaying the affected areas are provided in **Attachment 1**.

The Amendment was exhibited in May 2010, received objections and was referred to an Independent Planning Panel. The Panel recommended the "Amendment be abandoned in its current form" and changes made to the provisions before it progresses further. The Amendment has been changed to incorporate most of the Panel's recommendations and will be re exhibited in April 2013.

Due to technical provisions of the Planning and Environment Act 1987 (the Act) it is not possible to formally re exhibit an amendment after a Panel Report has been received. In consultation with the Department of Planning and Community Development (DPCD) and Planning Panels Victoria (PPV) it is recommended that Amendment C54 be abandoned (entirely) and a new amendment commenced (Amendment C87) to implement the DDO provisions.

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

- **Attachment 1** - Amendment C54 DDO maps, Leongatha and Foster - to be abandoned.
- **Attachment 2** - Amendment C87 DDO maps and Schedule provisions for Leongatha and Foster hospital helipads - to be exhibited in April 2013.
- **Appendix 1** - Amendment C54 Panel Report December 2010
- **Appendix 2** - Council Report 23 February 2011 Adopting Panel Report

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**

Strategic Goal:	3.0	A Strong Economy
Outcome:	3.3	Infrastructure
Strategy No:	3.3.4	Land Use Planning

## **CONSULTATION**

Planning Scheme Amendment C87 will be exhibited in accordance with the normal procedural requirements of the Act. This includes postal notification to the owners and occupiers of land affected by the updated DDO provisions, public notice in the local newspapers, press release, Council website display etc.

## **REPORT**

### **Background**

Amendment C54 seeks to protect the Leongatha and Foster Hospital Helipad landing sites from developments that may hinder safe air ambulance helicopter operations. The State Government Department of Health is the amendment proponent and similar amendments have been successfully implemented into planning schemes across the State.

Despite similar amendments being supported by PPV, Amendment C54 was not supported because the Panel formed the view that the controls could be further customised to reduce their burden on surrounding land. Of particular concern to the Panel was the impact of the Leongatha DDO controls on the Southern Leongatha Growth Area, and in particular, the land fronting the South Gippsland Highway south of the Leongatha Hospital, which is identified for future commercial use.

The Amendment history, how the Amendment provisions operate and Council's response to the Panel Report are detailed in **Appendix 1 and 2**. In response to the explanatory detail provided in the Appendices, this report makes no further comment on the merits of the Panel recommendations or the views expressed in the 23 February 2011 Council Report.

The Amendment provisions (now Amendment C87) have been changed to appropriately respond to the Panel Recommendations. These changes should achieve the Panel's goal of reducing the burden of the controls on surrounding land.

## Discussion

Following receipt of the C54 Panel Report, discussions with DPCD supported the process of retaining Amendment C54 and reformulating and re exhibiting the Amendment in a manner which sought to address the Panel's recommendations. This approach was considered preferable to commencing a new amendment which would require a new Ministerial authorisation and may have confused affected residents with the change in process.

The updated C54 Amendment provisions have recently been submitted to DPCD and concern was expressed that the Act may not provide the ability for an amendment to be formally re exhibited after a Panel Report has been received. This opinion was put to PPV and they agreed that uncertainty exists regarding the legality of a 'post panel' re-exhibition and that it is procedurally cleaner to start a new amendment. PPV commented that the Panel recommendation to "Abandon the amendment in its current form" should have been read to mean 'abandon the amendment in its entirety' and start afresh with a new amendment.

The practical implications to Council of this new advice are minimal. The main impact is that Council must abandon Amendment C54 and seek Ministerial authorisation to prepare a new amendment - Amendment C87. These additional procedural steps can be achieved within a few weeks and are preferable to re exhibiting Amendment C54 and having legal uncertainties surrounding the further progress of the Amendment.

Council officers do not have delegated authority to abandon an amendment, only Council can adopt or abandon an amendment. This is the reason for this Council Report.

## Options

Council has the option to not proceed with the new Amendment however the new controls are beneficial and should be pursued to protect the flight paths to the helipad landing sites.

Council also has the option to not make a decision on Amendment C54 and let it lapse (time expire). Lapsing an amendment is discouraged by DPCD who prefer that councils make formal decisions on amendments pursuant to the requirements of the Act.

## Proposal

It is proposed that Council formally abandon Planning Scheme Amendment C54 and commence a new planning scheme amendment (Amendment C87) to include the updated DDO provisions in the Planning Scheme in a manner generally consistent with the recommendations of the Panel report.

The Amendment C87 provisions respond to most of the Panel's recommendations however some recommendations have been set aside. Panel Recommendation 2 (refer **Appendix 1**) requiring gradient controls

within the DDO areas has not been included in the new provisions. Inclusion of gradient controls would add a high level of complexity to the controls and is not justified given the significant reduction in area affected by the new DDO's. The Panel did not elaborate on how gradient controls could be included in the DDO's and no other planning scheme has used gradient controls. Planning controls should be clear and easily understood and gradient controls (likely to involve a mathematical formula) do not meet this benchmark.

Panel Recommendation 5 requires the inclusion of aeronautical technical documents called the 'International Civil Aviation Organisation - Standard Recommended Practice, Annex 14 Volume II Heliports - Second edition - July 1995' (commonly referred to as the 'ICAO SARPS') as a Reference document in the Planning Scheme. The ICAO SARPS are a copyrighted document and require purchase to be viewed. The DPCD Practice Note for the inclusion of Reference documents in the planning scheme required documents to be readily publically available. The ICAO SARPS do not meet this requirement. For example, Council would not be able to place this document on its web page. Very few permits will be triggered by the new DDO's and the Department of Health (as referral authority) will make their assessment of applications against the ICAO SARPS. Given the highly technical nature of this copyrighted document and its primary relevance to the Department of Health it has not been included as a Reference document in the new provisions.

## **FINANCIAL CONSIDERATIONS**

The statutory Amendment costs must be borne by the Amendment proponent, the Department of Health.

## **RISK FACTORS**

There is no foreseeable risk to Council in abandoning Amendment C54.

## **CONCLUSION**

Amendment C54 has been a challenging Amendment. The DDO provisions prepared by the Department of Health and applied across the State were found by the C54 Panel to be unsuited to the Leongatha helipad where a greenfield development site immediately adjoins the helipad. In order to respond to the recommendations of the Panel it is now recommended that Amendment C54 be abandoned and a new amendment commenced and exhibited. In response to the legal uncertainties surrounding the ability to re-exhibit an amendment after the receipt of a Panel Report, the cleanest way to progress this matter is by preparing a new amendment - Amendment C87.

## **RECOMMENDATION**

That Council:

1. Abandon Planning Scheme Amendment C54 pursuant to section 28 of the Planning and Environment Act 1987 and advise the Minister for Planning of this decision.
2. Following receipt of Ministerial authorisation to prepare Amendment C87, exhibit Amendment C87 planning scheme provisions as detailed in Attachment 2 of this Council Report.

## **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Hutchinson-Brooks**

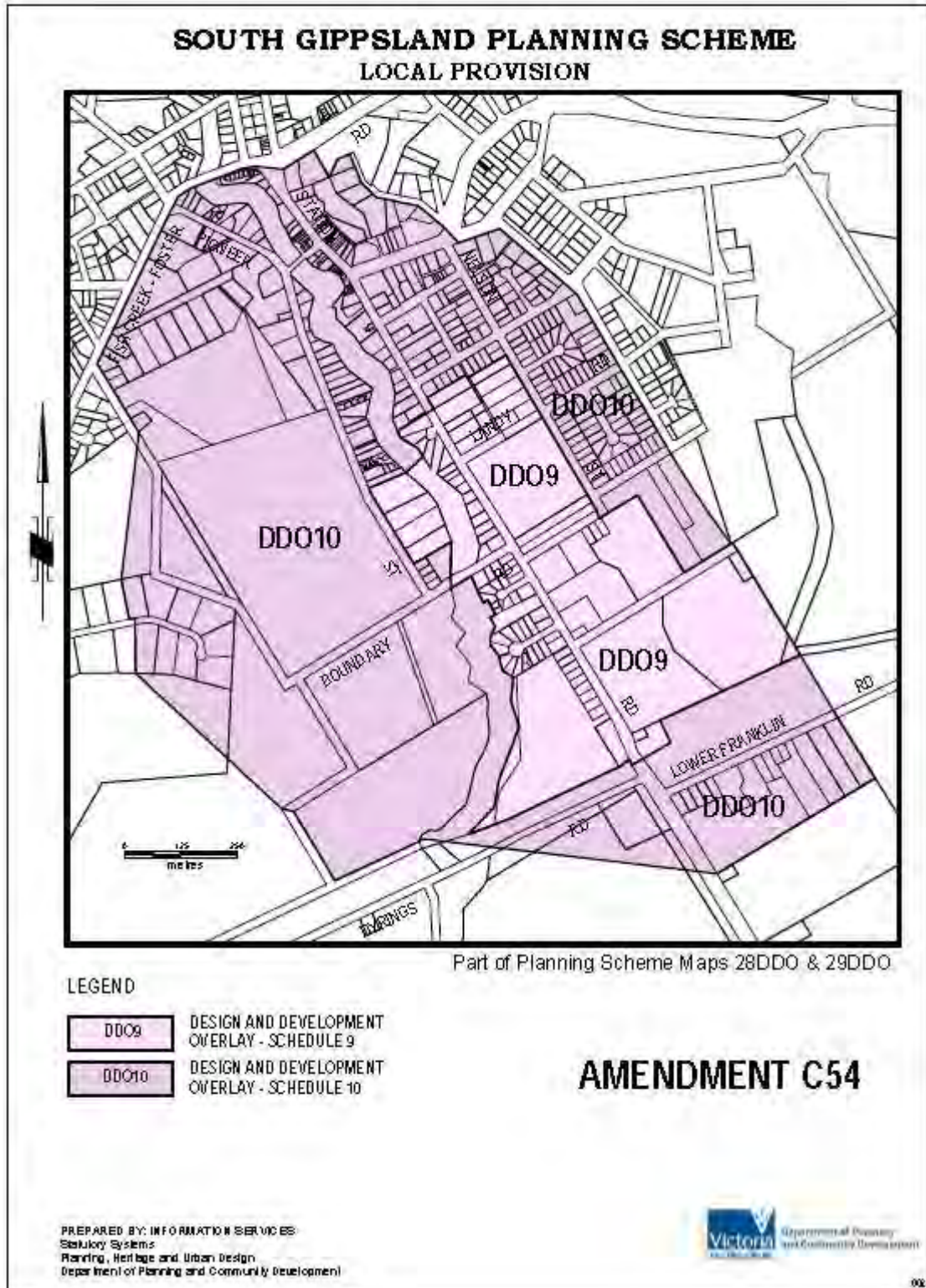
**SECONDED: Cr Davies**

**THAT COUNCIL:**

1. **ABANDON PLANNING SCHEME AMENDMENT C54 PURSUANT TO SECTION 28 OF THE PLANNING AND ENVIRONMENT ACT 1987 AND ADVISE THE MINISTER FOR PLANNING OF THIS DECISION.**
2. **FOLLOWING RECEIPT OF MINISTERIAL AUTHORISATION TO PREPARE AMENDMENT C87, EXHIBIT AMENDMENT C87 PLANNING SCHEME PROVISIONS AS DETAILED IN ATTACHMENT 2 OF THIS COUNCIL REPORT.**

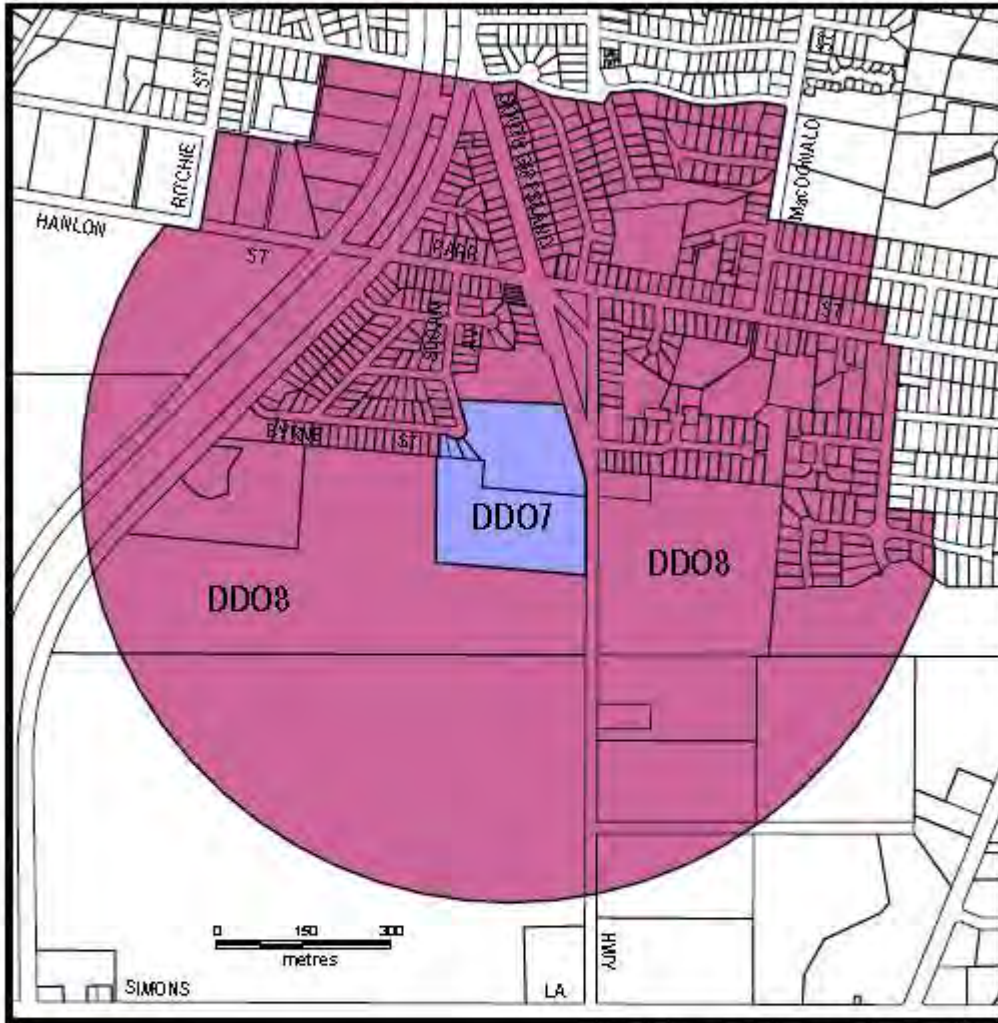
**CARRIED UNANIMOUSLY**

**Attachment 1**  
**Amendment C54 DDO maps, Leongatha and Foster - to be abandoned**





### SOUTH GIPPSLAND PLANNING SCHEME LOCAL PROVISION



Part of Planning Scheme Map 16DDO

#### LEGEND

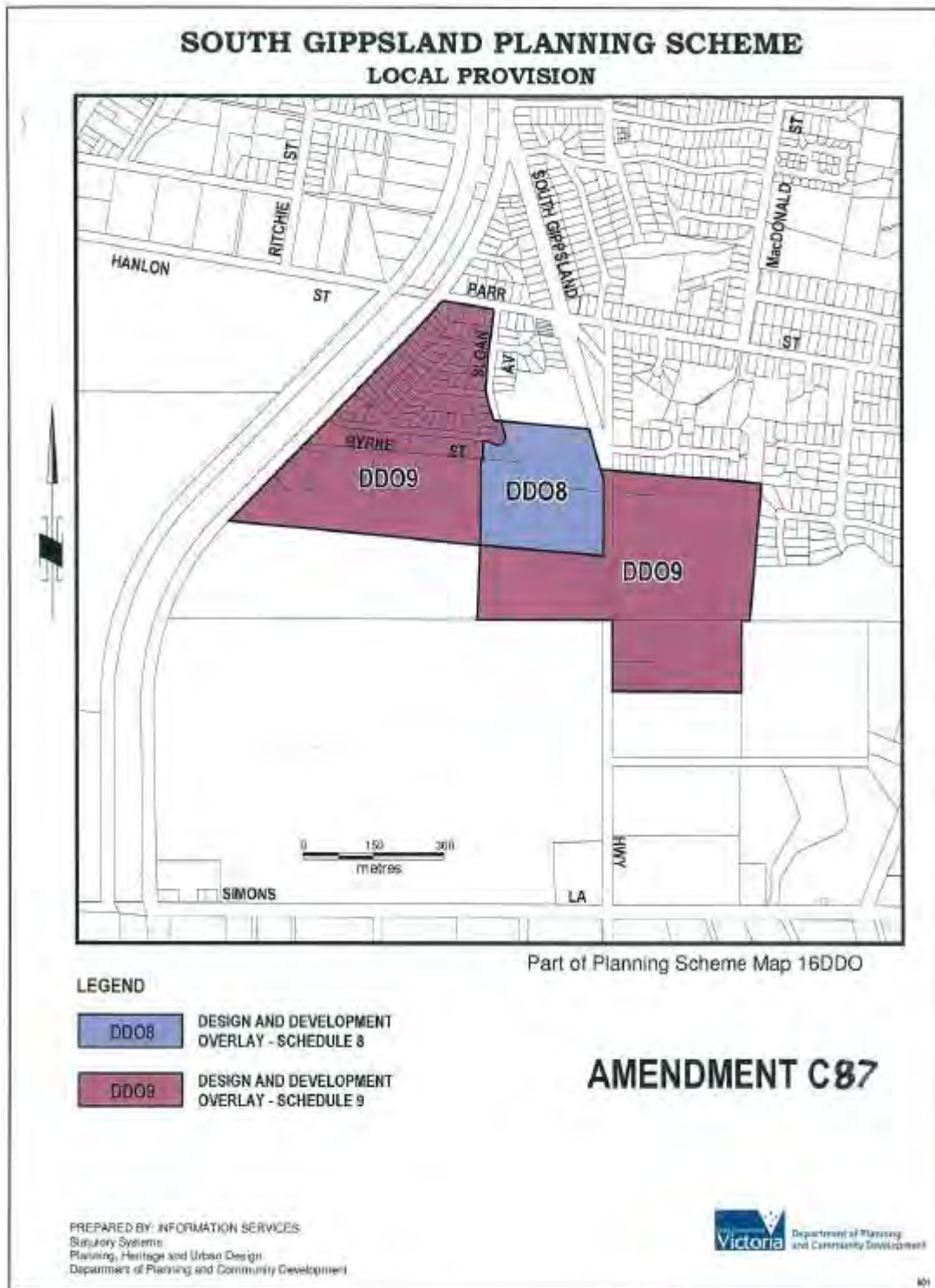
	DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 7
	DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 8

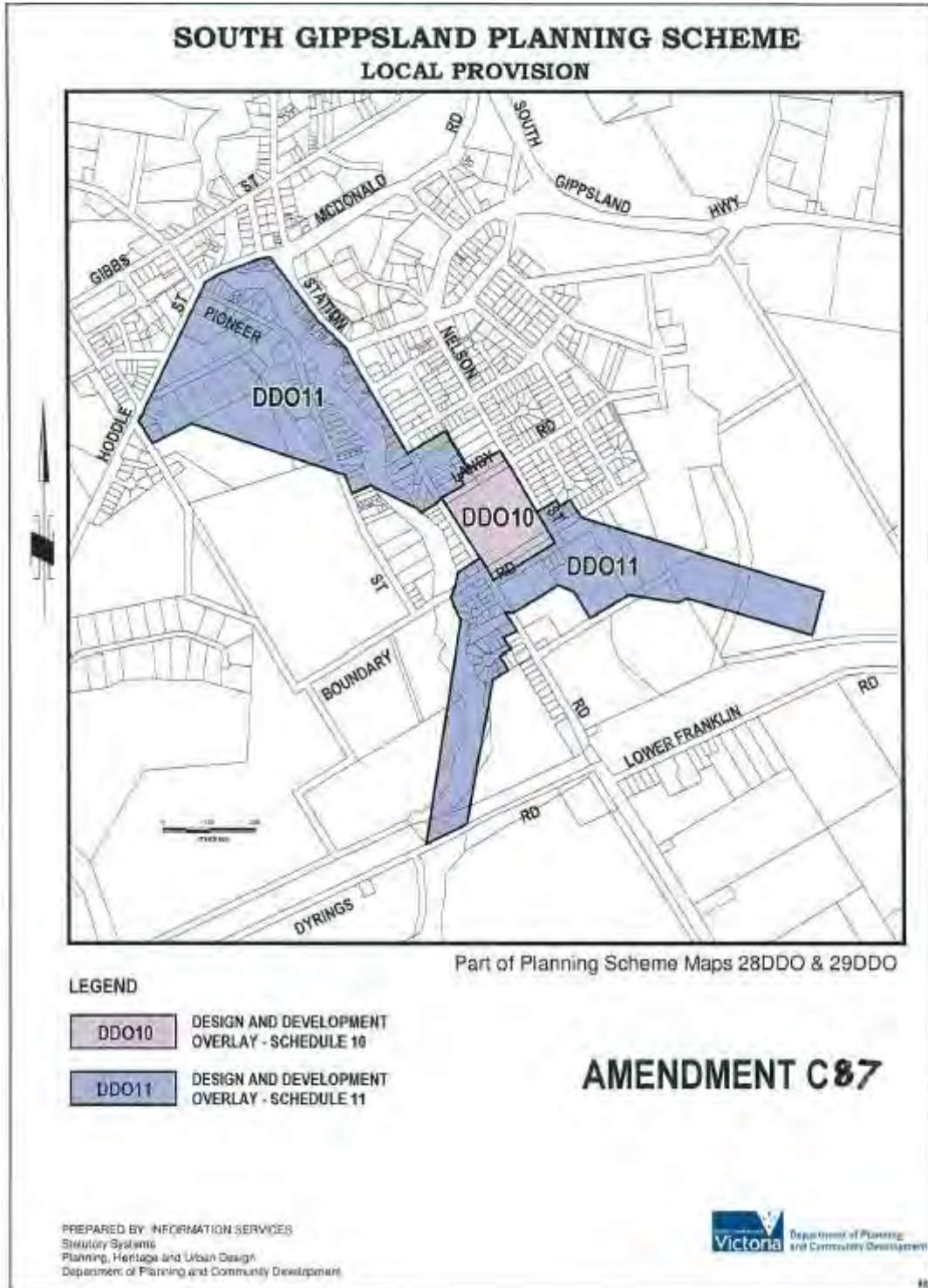
## AMENDMENT C54

PREPARED BY: INFORMATION SERVICES  
Statutory Systems  
Planning, Heritage and Urban Design  
Department of Planning and Community Development



**Attachment 2**  
**Amendment C87 DDO maps and Schedule provisions for Leongatha and Foster hospital helpads - to be exhibited in April 2013**







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## 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**

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## **SECTION G – GENERAL QUESTION TIME**

### **G.1 QUESTION TIME**

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**Mr Ron Wangman addressed Council by asking a question regarding Coal Seam Gas Update that was held at Council and will a document be released?**

*The Chief Executive Officer, Mr Tim Tamlin responded by indicating that this briefing offered Councillors the opportunities to ask questions.*

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**Cr Davies left the Meeting at 4.41pm.**

**Cr Davies returned to the Meeting at 4.43pm.**

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**Ms Danika Dent, representing The Sentinel Times addressed Council by asking a question regarding the meaning of the ‘Korumburra Round table’?**

*Cr McEwen responded by explaining that the group (Round Table) is a cooperative partnership between members of the community, Ward Councillors and Council Officers and its charter is to address social and economic issues and it has the facility of reporting directly to Council. It is an ongoing process where the community can put forward views and relates in the end to a community directions plan. He indicated that the development of a three year community development plan could be an outcome of the roundtable.*

*Ms Jan Martin, Director of Community Services commented that at this point the development of a Korumburra Community Directions statement had been put on hold with the resources of the Community Strengthening team being redirected to the Round Table process.*

**Ms Dent asked a further question in respect of the possibility of including community transport services as part Gippy Ride Share.**

*Ms Jan Martin, Director of Community Services commented that the idea had not been considered but was worth investigation.*

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**Cr Hill addressed Council by asking questions, the questions were taken on notice.**

***Could officers produce the report for rate valuation 2012 highlighting how section 3(d) and 3(f) were considered?***

***Does the process take into account that banks no longer lend on farmland? As such, how do they value such land?***

***The proposal to implement ESO2 into the SG planning scheme. Is this an initiative of South Gippsland Planning Team?***

***Research shows that it is not the outlier farming community houses that cause the septic issue but rather the urban/peri-urban areas. Will townships be exempt from these rules after ESO2?***

***Are townships exempt now for potable water? (they obviously have more than 8 dwellings per HA.***

**Cr Fawcett left the Meeting with a conflict of interest at 4.52pm.**

***Exemption in potable water (if no Waste Water Project done) must have all conditions satisfied. One condition is that lot must be minimum lot size for subdivision. Is that 80HA rather than 40HA?***

***For all intents and purposes will these rules (when ESO2 is invoked) cease all dwellings on any lots unless less than 8 dwellings per 1km circle of area?***

-----  
**Cr Harding left the Meeting at 4.54pm.**

## **G.2 ANSWERS TO PREVIOUS QUESTIONS ON NOTICE**

**Noted.**

**The following questions were taken on notice at the previous Council Meeting of 27 February 2013 and a response is now provided.**

**At Ordinary Council Meeting 27 February 2013, Cr Hill asked two questions.**

### **Question 1**

**Did the Rates Department take into account section 3(f) of part 5A - determining value of land from the Valuation of Land Act 1960 when setting the rates at the last revaluation in 2012? That being "(f) the actual and potential capacity of the land to yield a monetary return."**

### **Answer**

***Yes, all relevant sections of the Valuation of Land Act (1960) (as amended) are taken into account when determining property valuations under the Act.'***

***The full section of the Act is attached below for context. Valuation of Land Act 1960 - SECT 5A***

### **5A. Determining value of land**

- (1) Unless otherwise expressly provided where pursuant to the provisions of any Act a court board tribunal valuer or other person is required to determine the value of any land, every matter or thing which such court board tribunal valuer or person considers relevant to such determination shall be taken into account.**
- (2) In considering the weight to be given to the evidence of sales of other lands when determining such value, regard shall be given to the time at which such sales took place, the terms of such sales, the degree of comparability of the lands in question and any other relevant circumstances.**
- (3) Without limiting the generality of the foregoing provisions of this section when determining such value there shall, where it is relevant, be taken into account-**
- (a) the use to which such land is being put at the relevant time, the highest and best use to which the land might reasonably be expected to be put at the relevant time and to any potential use;**
  - (b) the effect of any Act, regulation, local law, planning scheme or other such instrument which affects or may affect the use or development of such land;**
  - (c) the shape size topography soil quality situation and aspect of the land;**
  - (d) the situation of the land in respect to natural resources and to transport and other facilities and amenities;**
  - (e) the extent condition and suitability of any improvements on the land; and**
  - (f) the actual and potential capacity of the land to yield a monetary return.**

## **Question 2**

**What can Council tell the public in relation to the new potable water supply guidelines regarding the effect and restrictions for all new permit applicants for dwellings in the farm zone?**

### **Answer**

**Council advises the public that permit applications for dwellings within declared open, potable water supply catchment areas are required to be referred to the relevant water authority. The largest catchment in South Gippsland is the 'Tarwin' catchment. The Tarwin catchment covers approximately one third of the Shire's area and the catchment supplies potable water to the Townships of Meeniyan and Dumbalk. South Gippsland Water (SGW) is the water authority responsible and Council**

***refers planning applications within the Tarwin catchment under section 55 of the Planning and Environment Act 1987.***

***In November 2012, the Department of Sustainability and Environment (DSE) on behalf of the Minister for Water released revised guidelines for 'planning permit applications in open, potable water supply catchment areas'. These guidelines assist water corporations and other referral and responsible authorities in their assessment of planning permit applications for use and development of land within all open, potable water supply catchments in Victoria. These guidelines are required to be considered under the Planning and Environment Act 1987. The most important consideration of note under these guidelines is the density of dwellings within the water supply catchment should be no greater than one dwelling per 40 hectares (1:40 ha).***

***A guidance note for determining dwelling density when assessing planning permit applications was released to the public by Victorian Water in February 2013. This guidance note offers a consistent interpretation of the 1:40 ha requirement. Unsewered dwelling density is calculated by counting the number of unsewered dwellings within a one kilometre radius (314 ha) of the site of the proposed dwelling. For an application to be supported by the water authority there should be no more than 8 dwellings within the 1km radius. There are a number of exemptions to this rule which include;***

- 1. a planning permit is not required to use land for a dwelling e.g. land is greater than 40 ha;***
- 2. proposed development will be connected to reticulated sewer;***
- 3. a catchment policy has been prepared and endorsed by the relevant water authority;***
- 4. Council has prepared, adopted and implementing a Domestic Waste Water Management Plan (MDWMP) to the satisfaction of the responsible water authority.***

***Council is in discussions with SGW to consider options for exemptions under points 3 and 4.***

***The two guidelines referred above can be found on Council's planning permit website under external links;***

- Planning permit applications in open, potable water supply catchment areas, November 2012; and***
- Guidance note for determining dwelling density when assessing planning permit applications, December 2012***

***For more information or further advice please contact South Gippsland Shire Council's planning department on 5662 9325.***

## **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    CONTRACT SGC12/11 - PLANT HIRE AND CIVIL CONTRACTOR WORKS - AMENDMENT TO THE PANEL OF PREFERRED SUPPLIERS**

**ITEM 2    DOG AND CAT POUND SERVICE TENDER**

### **RECOMMENDATION**

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

**MOVED: Cr Davies**

**SECONDED: Cr McEwen**

**THAT COUNCIL CLOSE THE MEETING TO THE PUBLIC TO ALLOW FOR CONSIDERATION OF TWO CONTRACTUAL MATTERS PURSUANT TO SECTION 89(2)(D) AS PROVIDED FOR BY THE LOCAL GOVERNMENT ACT 1989.**

**CARRIED UNANIMOUSLY**

**ITEM 1 CONTRACT SGC 12/11 - PLANT HIRE AND CIVIL CONTRACTOR WORKS - AMENDMENT TO THE PANEL OF PREFERRED SUPPLIERS**

**RECOMMENDATION**

**That Council:**

- 1. Award Tender SGC12/11 Provision of Plant Hire and Civil Works Contractors for the remainder of the three year period to four additional preferred Contractors (in accordance with Clause 1.5 of the Specification) for the Schedule of Rates prices outlined in Schedule 2 of their Tender submissions:**
  - a. Roger Bailey & Associates**
  - b. South Eastern Weed Control Pty Ltd Trading as Envirogain**
  - c. Treeworks Australia Pty Ltd**
  - d. B & M Winkler**

**ITEM 2    DOG AND CAT POUND SERVICE TENDER**

**RECOMMENDATION**

**That Council:**

- 1.    Award the tender to Innovative Animal Health T/A Korumburra - Kooweerup Veterinary Clinics for a five year term for the lump sum of \$579,903.00 including GST and amend the budget accordingly.**



## **SECTION H - MEETING CLOSED**

### **NEXT MEETING**

The next Ordinary Council Meeting open to the public will be held on Wednesday, 24 April 2013 commencing at 2pm in the Council Chambers, Leongatha.

**The Meeting closed at 5.25pm.**

**CONFIRMED:.....**

**CR KIERAN KENNEDY – MAYOR**

**Date:.....**