



South Gippsland
Shire Council

Come for the beauty, Stay for the lifestyle

COUNCIL AGENDA PAPERS

24 June 2015

**ORDINARY MEETING NO. 392
COUNCIL CHAMBERS, LEONGATHA
COMMENCING AT 2PM**

MISSION

To effectively plan and provide for the social, built, economic and natural environments that ensure the future wellbeing of South Gippsland Communities.

SOUTH GIPPSLAND SHIRE COUNCIL

**NOTICE IS HEREBY GIVEN THAT ORDINARY MEETING NO. 392
OF THE SOUTH GIPPSLAND SHIRE COUNCIL WILL BE HELD ON
24 JUNE 2015 IN THE COUNCIL CHAMBER, LEONGATHA
COMMENCING AT 2PM**

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Jan Martin
Acting Chief Executive Officer

SECTION A - PRELIMINARY MATTERS

A.1 WELCOME

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

A.2 OPENING PRAYER

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

Amen

A.3 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

A.4 APOLOGIES

A.5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 391, held on 27 May 2015 in the South Gippsland Secondary College, Foster be confirmed.

A.6 REQUESTS FOR LEAVE OF ABSENCE

A.7 DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS

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

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

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

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

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

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

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

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

Privacy

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

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

A.8 DECLARATION OF CONFLICT OF INTEREST FOR STAFF

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

A.9 PETITIONS

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

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

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

A.10 COUNCILLOR REPORTS

SECTION B - NOTICES OF MOTION AND/OR RESCISSION

B.1 NOTICE OF MOTION NUMBER 676 – PROPOSED BUSINESS PLAN COAL CREEK

PURPOSE

The South Gippsland Shire Council financial future is dependent on clear and concise directions. Therefore it is imperative for Council to ensure all fiduciary precautions going forward so that infrastructure projects are subject to rigorous scrutiny.

The intent of this Notice of Motion is to create a financial strategy to allow Coal Creek to reduce the annual cost to Council and its ratepayers by initiating a business case for the potential to have a private or Council run school camp within the grounds of Coal Creek.

Local Government Act, Section 136 Principles of Sound Financial management:

- (2)(a) Manage financial risks faced by council prudently, having regard to economic circumstances;
- (b) Pursue spending and rating policies that are consistent with the reasonable degree of stability in the level of the rates burden;
- (c) Ensure that decisions are made and actions are taken having regard to their financial effects on future generations.

COUNCIL PLAN 2013 – 2017

Outcome:	4.0	A Leading Organisation
Strategy:	4.2.2	We will monitor corporate governance processes, including risk management and skills development with the aim of ongoing improvement.

STRATEGIC RESOURCE PLAN

Recommendation 11

Any new capital works (capital extension) proposals must include a life cycle cost evaluation that identifies the asset's construction, maintenance and operating cash flow requirements as well as the depreciation impact.

Recommendation 14

For borrowing to be considered, projects must have had a full lifecycle analysis undertaken, proving that future cash inflows will exceed the cash outlays, or alternatively that the additional costs are quantified in the Long Term Financial Plan and integrity of the financial strategies are not compromised.

MOTION

I, Councillor Kieran Kennedy advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on **24 June 2015**.

'That Council:

- 1. Commence preparation of a business plan for the potential for a school camp within the grounds of Coal Creek, Korumburra; and**
- 2. Act upon the notice of motion immediately'.**

SECTION C - COMMITTEE REPORTS

Nil

SECTION D – PROCEDURAL REPORTS

D.1 FINANCE PERFORMANCE REPORT JULY 2014 - MAY 2015

Corporate Services Directorate

EXECUTIVE SUMMARY

The financial performance to May 2015 shows the following high level outcomes:

- Operating result: \$6.211 million surplus which is \$2.234 million favourable compared to the year to date budget projection of \$3.977 million surplus. The major contributors to the variation are timing of grant income (\$1.0m ahead of year to date budget) and expenditure on materials and services (\$1.1m behind year to date budget).
- Capital works: \$10.24 million expenditure which is \$199,000 behind year to date budget of \$10.441 million.
- Cash assets: Projected 30 June \$15.219 million (original budget \$9.657 million).
- Underlying working capital ratio: Projected 30 June 1.95 to 1 (original budget 1.56 to 1)
- The projected financial outcome for 2014/15 is a \$5.044 million surplus. This is \$1.045 million unfavourable compared to the original \$6.089 million budgeted surplus. The main contributors are:
 - In excess of \$3 million grant income originally projected to be received in 2014/15 now expected in 2015/16; and
 - Predominantly grant funded expenditure in excess of \$2 million being carried forward into 2015/16.
- The longer term financial performance indicators show that the financial plan (adjusted for budget carry forward and other budget adjustments) is financially sustainable.

Document/s pertaining to this Council Report

- **Appendix 1** - Financial Performance Report to 31 May 2015

A copy of **Appendix 1 - Financial Performance Report July 2014 - 31 May 2015** is available on Council's website: www.southgippsland.vic.gov.au or by contacting 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989 - Part 7 Financial Management

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Long Term Financial Strategies

COUNCIL PLAN

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

CONSULTATION

Not Applicable

REPORT

Background

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

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

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

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

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

The Financial Performance Reports are purposefully prepared outside traditional quarterly cycles. The timelines better align with strategic events that occur throughout the financial year. This enables important information

financial updates to be provided to Council and the community in a timely manner.

The reporting timelines include:

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

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

Discussion

Appendix 1 - Financial Performance Report contains detailed reporting on:

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

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

Section 2 – Annual year to date financial analysis.

This section analyses the implications of the year to date performance and the projected outcome for the financial year end.

Section 3 – Long Term Financial Plan analysis.

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

FINANCIAL CONSIDERATIONS

Activities within the Council 2014-2015 Annual Plan are funded through the 2014-2015 Budget.

The Financial Performance Report provides a high level analysis of Council's financial performance for the 11 month period from July 2014 to May 2015.

Projected year-end financial projections show the weighted average of 5 key financial ratios (including indebtedness, underlying working capital ratio, self-financing, investment gap and underlying result for the 2014/2015 Budget) is 99.58% which is above the target of 98%.

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

RISK FACTORS

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

CONCLUSION

It is recommended that Council receive and note the Financial Performance Report. The Report provides an overview of Council's financial performance for the period July to May 2015.

RECOMMENDATION

That Council receive and note the Financial Performance Report (Appendix 1) for the period July 2014 to May 2015.

STAFF DISCLOSURE OF INTEREST

Nil

D.2 REPORT ON ASSEMBLY OF COUNCILLORS - MAY 2015

Corporate Services Directorate

EXECUTIVE SUMMARY

As part of Council's ongoing efforts to enhance community engagement in Council processes, matters discussed at Councillor Briefing Sessions (other than those matters designated to be of a confidential nature) are reported on at Ordinary Council Meetings.

The matters listed in this report were presented or considered, at either an Advisory Committee Meeting, Councillor Strategic Briefing Session or Public Presentation Session in May 2015.

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

Document/s pertaining to this Council Report

Nil

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

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

COUNCIL PLAN

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

REPORT

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 6 May 2015		
Executive Update	<p>Councillors Attending:</p> <p>Crs Hill, Harding, Brunt, Davies, Kennedy, Fawcett, McEwen, Newton and Hutchinson - Brooks.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Yanakie Water Supply • Advocacy Campaign – Federal Funding Kindergarten Services • Volunteer Acknowledgement Program
Councillor / CEO Session	<p>Councillors Attending:</p> <p>Crs Hill, Harding, Brunt, Davies, Kennedy, Fawcett, McEwen, Newton and Hutchinson - Brooks.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Organisational Structure Review
Revised Aquatic Strategy Public Exhibition Results	<p>Councillors Attending:</p> <p>Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks, Hill and Davies.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Acknowledge the submissions and content reviewed • Community ownership and management models • Final strategy submitted to June 2015 Council Meeting

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 6 May 2015		
Councillor Timetable for May/ June 2015	<p>Councillors Attending:</p> <p>Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hill and Davies.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Councillor timetable for May/ June 2015
Planning Committee	<p>Councillors Attending:</p> <p>Crs Hill, Harding, Brunt, Davies, Kennedy, Fawcett, McEwen, Newton and Hutchinson - Brooks.</p> <p>Conflict of Interest:</p> <p>Cr Hutchinson-Brooks declared conflict of interest in respect of Koonwarra Agricultural Commercial Precinct.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Strategic Planning Project List • Nyora Development Strategy • Giant Gippsland Earthworm Habitat Protection Overlay • Planning Applications of Significance • Decisions for March 2015 • VCAT Decisions
Economic Development and Tourism Steering Committee	<p>Councillors Attending:</p> <p>Crs Hutchinson-Brooks, Harding, Kennedy, Davies, and Hill.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Terms of Reference • RV Strategy Review Summary of Support for Small Businesses • Rejuvenation Strategies for the main streets of Korumburra and Leongatha • Food Maps

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 6 May 2015		
Financial Sustainability Steering Committee	<p>Councillors Attending:</p> <p>Crs Hill, Harding, Davies, Kennedy, Hutchinson – Brooks, Brunt, Newton and Fawcett.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> IT Capital Works Program update in respect of the Council Budget 2015 - 2016
Wednesday 20 May 2015		
2014 – 2015 Community Grants Round 2 - Assessment	<p>Councillors Attending:</p> <p>Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks and Davies.</p> <p>Conflict of Interest:</p> <p>Cr Newton left the room with a declared direct conflict of interest as he is the author of a book and the member of the Korumburra Golf Club that is the subject of a community grant application.</p>	<p>Topics Discussed:</p> <p>Councillors were provided information to consider recommendations regarding the assessment of the 2014/2015 Community Grants Program – Round 2.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 20 May 2015		
Community Grants Program Review	<p>Councillors Attending:</p> <p>Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks and Davies.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <p>Councillors review each year the Community Grants Policy and Guidelines before the 2015 – 2016 program opens on 1 July 2015.</p>
Ordinary Council Agenda Topic Discussion – 27 May 2015	<p>Councillors Attending:</p> <p>Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks and Davies.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <p>Councillors considered Ordinary Council Agenda topics for 27 May 2015 Meeting.</p>
Executive Update	<p>Councillors Attending:</p> <p>Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks, Hill and Davies.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Council Budget S223 Hearing discussion • Aquatic Strategy • Mock Council Meeting
Short Term Holiday Accommodation and Australian Valuation Property Classification Codes	<p>Councillors Attending:</p> <p>Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks, Hill and Davies.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <p>Councillors were provided information relating to a change to the allocation of Australian Valuation Property Classification Codes (AVPCC) to some properties.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 20 May 2015		
Budget S223 Community Consultation Briefing	Councillors Attending: Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks, Hill and Davies. Conflict of Interest: Nil disclosed.	Topics Discussed: Councillors were provided information on: <ul style="list-style-type: none"> • Overview of section 223 public submissions; • Feedback from OurSay forum; and • Late submissions received for the proposed 2015-2016 Annual Budget.
Local Government Act 1989, Section 223 Hearing of Submissions in respect of Council Budget 2015 - 2016 OPEN DAY SESSION	Councillors Attending: Crs Hill, Harding, Davies, Kennedy, Hutchinson-Brooks, Brunt, Newton and Fawcett. Conflict of Interest: Nil disclosed.	
Submissions were heard by the following community members: <ol style="list-style-type: none"> 1. Megan Knight 2. Cathy Giles, representing Sandy Point Community Group 3. Lynda Rose on behalf of Carol McGrath 4. Wilma Western 5. Vincent Morfuni 6. Ian Nicholas 7. Philip Botte, representing Prom Country Region Tourism 8. Paul Norton 9. Roger and Claire Davis 10. Frank and Claire Oostermeyer 11. Tricia and John Fleming 		

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 20 May 2015		
<p>Public Presentations</p> <p>OPEN DAY SESSION</p>	<p>Councillors Attending:</p> <p>Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks, Hill and Davies.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	
<p>Presentations were made to Council by the following community members:</p> <p>David Amor, regarding the Proposed Discontinuance of Government Road, Part Of Flinders Street, Korumburra.</p> <p>Alan Center, Chair Person Loch & District Bowls Synthetic Green Committee and Findlay Luke, Green Keeper Loch & District Bowls Club representing the Committee regarding Loch Bowls Club Synthetic Green.</p> <p>Paul Norton regarding governance matters.</p>		
<p>Gippsland Safe Freight Network Safety Awareness Project</p> <p>OPEN DAY SESSION</p>	<p>Councillors Attending:</p> <p>Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks, Hill and Davies.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <p>Councillors were provided information on Gippsland Safe Freight Network.</p>
<p>Annual Budget and Local Law Advice</p>	<p>Councillors Attending:</p> <p>Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks, McEwen and Davies.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <p>Councillors were provided legal advice in relation to the adoption of the Annual Budget and the application of the Local Law in Council Meetings by external presenter from Maddocks, Melbourne.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 20 May 2015		
Post S223 Community Consultation Hearing Council Budget 2015 - 2016	Councillors Attending: Crs Hill, Harding, Davies, Brunt and Fawcett. Conflict of Interest: Nil disclosed.	Topics Discussed: <ul style="list-style-type: none">• Section 223 submissions in respect of Council Budget 2015-2016• Community feedback provided through OurSay• Round 3 Community engagement, Late submissions• Community Engagement• Survey results to a tailored question asked in the Local Government Community Satisfaction Survey• Potential amendment to the Special Meeting and/or to the final 2015-2016 Budget

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Friday 22 May 2015		
Access & Inclusion Advisory Committee	<p>Councillors Attending:</p> <p>Crs Brunt and Newton.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Achievement award guidelines • L2P Program Advocacy • Deaf Access Officer attending future Committee Meeting • Website Update • Gipps Sport Update • Rural Access Update • BIC grants • Good Access is Good Business
Wednesday 27 May 2015		
Ordinary Council Agenda Topics Discussion	<p>Councillors Attending:</p> <p>Crs Fawcett, Harding, Hutchinson-Brooks and Davies.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <p>Councillors considered Ordinary Council Agenda topics for 27 May 2015 Meeting.</p>
Executive Update	<p>Councillors Attending:</p> <p>Crs Fawcett, Harding, Hutchinson-Brooks, and Davies.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics discussed:</p> <ul style="list-style-type: none"> • Rating Strategy 2014 – 2018 • Farm Rate Differential

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 27 May 2015		
Public Presentation Session	Councillors Attending: Crs Fawcett, Harding, Hutchinson-Brooks, Kennedy and Davies.	
OPEN DAY SESSION	Conflict of Interest: Nil disclosed.	
<p>Presentations were made to Council by the following community members: Lynn Atkinson and Rebecca Matthews representing Foster Community Association regarding Foster Community Association - Foster Laneways Project.</p> <p>Peter Burgess, Paul Saulwick and Keith Armstrong representing Section 86 Foster Swimming Pool Committee regarding Foster Pool 2015/16 & Aquatic Strategy 2015 – 2020.</p> <p>Student Presenters from the South Gippsland Secondary College: Tyler Bindloss, Leuca Maclean, Zoe Hodgson, Teresa Gordon regarding Foster Swimming Pool.</p> <p>Student Presenters from the South Gippsland Secondary College: Will Chester, Tom Price, Melissa Vanin, Maxine Park Deere, Yasmin Bohn regarding pedestrian access to Varney Road Estate, Foster.</p>		
Wednesday 27 May 2015		
Ordinary Council Agenda Topics Discussion	Councillors Attending: Crs Fawcett, Harding, Kennedy and Davies. Conflict of Interest: Nil disclosed.	Topics Discussed: Councillors considered Ordinary Council Agenda topics for 27 May 2015 Meeting.

RECOMMENDATION

That Council receive and note this report.

STAFF DISCLOSURE OF INTEREST

Nil

D.3 COUNCILLOR DISCRETIONARY FUND ALLOCATION REPORT

Corporate Services Directorate

EXECUTIVE SUMMARY

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

This report details Councillors allocations for the period between and 6 May 2015 and 5 June 2015.

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Councillor Discretionary Fund Policy 2014

COUNCIL PLAN

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

REPORT

The following application has been allocated funding from the Councillor's 2014/2015 Discretionary Fund for the period between 06 May 2015 and 05 June 2015.

- Leongatha and District Cricket Association: To assist with the costs of bus transport for participants to the Gippsland Girls Carnival.

Mayoral Fund (Cr Jeanette Harding) - \$166

FINANCIAL CONSIDERATIONS

Each Councillor is allocated \$4,000 from the Councillor Discretionary Fund in the 2014/2015 Financial Budget. An additional \$2,000 has been allocated to the Mayor to cover a broader focus across the entire Municipality.

CONCLUSION

The unexpended Councillor Discretionary Funds for the 2014/2015 Financial Year as at 05 June 2015 is as follows:

- Cr Mohya Davies - \$200

- Cr Jeanette Harding - \$600
- Cr Kieran Kennedy – Nil
- Cr Lorraine Brunt - \$105
- Cr Robert Newton - Nil
- Cr Andrew McEwen - \$250
- Cr James Fawcett - Nil
- Cr Don Hill - Nil
- Cr Nigel Hutchinson-Brooks - \$199
- Mayoral Fund – Nil

RECOMMENDATION

That Council receive and note this report.

STAFF DISCLOSURE OF INTEREST

Nil

SECTION E - COUNCIL REPORTS

E.1 ADOPTION OF ANNUAL BUDGET 2015-2016, DECLARATION OF RATES AND CHARGES AND UPDATED STRATEGIC RESOURCE PLAN

Corporate Services Directorate

EXECUTIVE SUMMARY

This report is presented for Council's consideration to adopt the Annual Budget, the Strategic Resource Plan and to declare the rates and charges for the 2015-2016 financial year. This report references **Appendix 1** South Gippsland Shire Council Annual Budget 2015-2016 (Annual Budget) incorporating the 15 year Long Term Financial Plan (LTFP) and 4 year Strategic Resource Plan. This is the Annual Budget for the 2015-2016 financial year that has been prepared pursuant to Section 127 of the Local Government Act 1989.

This report also references **Appendix 2** Legal advice on rating and budget matters subsequent to the Council resolution from the 10 June 2015 Special Council Meeting (Item C10) to alter the farm land classification.

Legal advice received includes the following key points:

- The wording change for the alternate farm land classification requested from and provided by the Finance Department on 10 June 2015 was flawed. It is not appropriate to include properties that are classified within AVPCC code 117 into the farm land differential rating category.
- To put into effect Council's intent of providing 'rate relief' to properties that have an AVPCC code 117 that are greater than or equal to 18.30 hectares would require a new differential rating category to that of farm land.
- The changes proposed are considered 'material' and therefore Council would be required to modify the Proposed Budget and recommence the submission process under Section 223 of the Act. This would also require Council to seek approval from the Minister to delay adopting the budget until late August.
- It was noted that this 18.30 hectare proposal departs from the currently adopted Rating Strategy 2014-2018 which specifically set out to remove non primary production land from the farm land classification.
- It was noted that the 18.30 hectare proposal arose in a response to a submission regarding the draft budget by a property owner who owned a property of 18.38 hectares. It was considered that the 18.3 hectare proposal lacked strategic justification.

On the basis of this legal advice the Annual Budget put to Council to consider in this report does not include the resolution from Item C.10 from the 10 June 2015 Special Council Meeting. In light of this new advice, Council now has the opportunity to reconsider its previous decision.

There have also been a number of changes made to the 'Proposed Budget' presented to the 25 March 2015 Council Meeting. These are summarised below:

Income Statement	Proposed Budget (March) \$'000	Annual Budget (June) \$'000	Variation Projected to Current budget \$'000	
Total income	61,366	65,078	3,712	Increase
Total expenses	57,332	59,786	2,454	Increase
Surplus (deficit)	4,034	5,292	1,258	(Fav)

Capital Expenditure	Proposed Budget (March) \$'000	Annual Budget (June) \$'000	Variation Projected to Current budget \$'000	
Expenditure	17,089	18,475	1,386	Increase

The major changes to budgets include:

Recurrent Income

1. \$3.8m funds carried forward from 2014/15 to 2015/16, predominantly capital and operational grants. These projects are described within this report.
2. \$262,000 less gain on asset disposals due to reassessing and bringing to account increased written down value of asset disposals.

Recurrent Expenditure

1. \$2.4m additional 'material & consumable' expenditure, predominantly grant funded expenditure being carried forward from 2015/16 for uncompleted projects. These projects are described within this report.

Capital Expenditure

1. \$1.6m additional 'capital expenditure', the majority being funds carried forward from 2014/15 for uncompleted capital projects. These projects are described in this report.

Financial impact

The budget adjustments have not compromised the integrity of both the Annual Budget 2015-2016 and the budgeted financial statements in the Long Term Financial Plan.

The report also references **Appendix 3** Revised Council Plan 2013-2017 (Council Plan) that includes the updated Strategic Resource Plan 2016-2019 which is presented for adoption.

Documents pertaining to this Council Report

- **Appendix 1** – Annual Budget 2015-2016, incorporating the 15 year Long Term Financial Plan and 4 year Strategic Resource Plan
- **Appendix 2** – Legal advice on rating and budget matters
- **Appendix 3** – Revised Council Plan 2013-2017, incorporating the Strategic Resource Plan 2016-2019.

A copy of **Appendix 1** - Annual Budget 2015-2016, incorporating the 15 year Long Term Financial Plan and 4 year Strategic Resource Plan, **Appendix 2** – Legal advice on rating and budget matters and **Appendix 3** – Revised Council Plan 2013-2017 are available on Council's website: www.southgippsland.vic.gov.au or by contacting 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989, Sections 125, 126, 127, 129, 130 and 223
- Local Government (Planning and Reporting) Regulations 2014

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Long Term Financial Strategies

COUNCIL PLAN

- | | | |
|------------|-------|--|
| Outcome: | 4.0 | A Leading Organisation. |
| Objective: | 4.1 | Improve the Financial Sustainability of Council, Including Diversifying Revenue Streams. |
| Strategy: | 4.1.1 | We will explore innovative ways of increasing revenue and reducing expenditure where |

appropriate.

- Objective: 4.2 Pursue Best Practice in Organisational Development and Operations of the Organisation.
- Strategy: 4.2.3 We will make informed decisions and provide opportunities for the community to participate in the decision making process.

CONSULTATION

The development of the Annual Budget and Long Term Financial Plan has been prepared having regard to the 21 meetings/workshops and various discussions Council has held since September 2014 as part of the Financial Sustainability Steering Committee, alongside an extensive community engagement program spanning from October 2014 to June 2015, to inform the Annual Budget.

Council has actioned the resolutions required from the 25 March Council Meeting for Item 'E4 - Proposed Annual Budget 2015-2016 incorporating the 15 year Long Term Financial Plan and 4 year Strategic Resource Plan'. These included the remaining components of Council's community engagement program and the formal submission requirements to inform the Annual Budget.

Twenty-five written submissions were received for the formal S223 submission requirement by the closing time of 5.00pm on 29 April 2015. Eleven submitters asked to speak to their submissions. The Hearing of Submissions was held at 12.30pm on Wednesday 20 May 2015. All submissions were considered and determined at the Special Meeting of Council held at 12.45pm on Wednesday 10 June 2015.

A further 3 late submissions were received after the closing date. Late submitters were advised that their submissions could not be received as part of the formal process, however their documentation was considered with the informal feedback received through the third OurSay on-line forum and they were offered an opportunity to present their request to Council at a Public Presentation session, if desired.

Council resolutions from the 10 June 2015 Special Meeting, arising from the submission determinations that have a direct impact on the Annual Budget 2015-2016, include:

1. Item C2; - Allocating up to \$20,000 to the Waratah Way Shared Trail to fund investigative work that includes a cultural heritage assessment, title boundary assessments, preliminary design and scoping work.
2. Item C10- An amendment to Appendix B of the 2015-2016 Budget relating to Farm Land to include an additional section to be worded as follows:

‘OR
has a total area of between 18.30 and 20 hectares and –

- (a) Is used predominantly for farming purposes;

AND

- (b) If there is a dwelling situated on the land, or a current planning permit for construction of a dwelling on the land, and has applied to it an AVPCC code within the following range:

AVPCC117’

The submitters have been advised in writing of Council’s decisions at the 10 June 2015 special meeting. The letters provided the advice that the Proposed Budget is still subject to change until it is finally adopted by Council.

PROPOSED CHANGE TO FARM LAND CLASSIFICATION

The wording changes for the alternate farm land classification was requested and provided by the Finance Department on 10 June 2015, the day of the Special Council meeting that considered the Section 223 submissions. The wording as provided was subsequently incorporated into a motion dealing with Item C10 Objection of classification of certain property greater than or equal to 18.30 hectares, that was carried by Council.

Council officers subsequent to the Special Council Meeting sought legal advice on the validity of this proposed category as well as to ascertain what avenue of appeal options may exist if the proposed change was challenged.

Council has been subsequently advised that there was an inherent conflict between the non-primary production use of land within AVPCC 117 and the overarching requirement that farm land be used by a farming business.

The description for AVPCC code 117 ‘Residential Rural / Rural Lifestyle is: -

‘A single residential dwelling on land in a rural, semi rural or bushland setting. Primary production uses and associated improvements are secondary to the residential use’.

By definition, no properties classified as 117 Residential Rural / Rural Lifestyle can fit the criteria ‘(a) is used predominantly for farming purposes’.

In an attempt to accord with the intent of Council’s decision made 10 June 2015, the additional wording of the farming category description in the Annual Budget 2015-2016, in particular clause (a) was refined by officers as follows:

from

- a) Is used predominantly for farming purposes;
-

to

- a) where primary production and uses and associated improvements are secondary to the residential uses.

Council's legal advisors still expressed concern with this wording. The change to farm land classification as proposed, in their view, was incapable of constituting a separate classification. They however saw no difficulty in formulating a separate category for properties of a minimum size which have an AVPCC code of 117. They recommended that the new category be described as follows:

'Rural Residential Land'

Rural residential land is any land which:-

- (a) has a total area equal to or greater than 18.30 hectares; and
- (b) where primary production uses and associated improvements are secondary to the residential uses; and
- (c) has applied to it an AVPCC code 117.

The rationale for the classification being:- 'Council recognises that some ratepayers with properties greater than or equal to 18.30 hectares with an AVPCC code 117 undertake primary production activities on their property that add to the rural character and contribute to the primary production output of the municipality'.

Provided the above recommendations are accepted, the legal advice concluded that the appeal options for ratepayers are extremely limited.

Council's legal advisors also noted in their advice that:

- the determination made at the 10 June 2015 meeting was in a response to a submission by a property owner who owned property of 18.38 hectares;
- the solution that was proposed departed from the current Rating Strategy which specifically set out to remove non primary production land from the farm land classification;
- the 18.30 hectare 'proposal' lacks strategic justification;
- The change to the differential land classification constitutes a 'material' change to the budget and that Council should consider recommencing the submission process under Section 223 of the Act to minimise risk of a legal challenge;

- Council would be required to request the Minister to extend the period of time in which it must submit a copy of the budget in accordance with Section 130 of the Act; and
- This second resolution would see 49 additional properties receiving the 70% Farm differential; equating to \$37,000 that will be apportioned across all rateable properties.

It is worth noting that the Ministerial Guidelines for Differential Rating make the following comments in regard to 'Types and classes of land appropriate for differential rating'.

The use of a differential rate applicable to very few property assessments in a municipality should be considered with caution, particularly in relation to setting of higher differential rates, and have regard to the impact of the land subject to the proposed rate and the consequential impact upon the broader municipality through consideration of equity. This is especially so in the case of differential rates applied to narrowly or specifically defined activities or land use types.

It is acknowledged that the differential rates proposed for the 18.30 hectare proposal is a lower differential. All other commentary made is relevant and should be considered by Council in conjunction with the legal advice received.

OPTIONS

Council has three options:

1. Support the attached Annual Budget and refer the Rural Residential Land classification to the Rating Strategy Steering Committee (recommended option).
2. Incorporate into the Annual Budget document verbatim the resolution as determined by Council on 10 June which does not create a separate differential rate category, but note that the strategic intent of the farm land classification would be compromised and the associated risks.
3. Incorporate into the Annual Budget document the recommendation as put by Council's legal advisors to create a separate differential category that in effect captures the intent of the 10 June 2015 resolution and minimises appeal option risks.

The recommendation to this report and the actual Annual Budget document in **Appendix 1** reflects the first option by not including the resolution from Item C10 from the 10 June Special Council meeting. This is an officer recommendation based on the legal advice received. In order to preserve the strategic integrity of the Rating Strategy 2014-2018 it is also recommended that any matters dealing with differential classifications be referred to Council to consider with the Rating Strategy Steering Committee in 2017. This review

is scheduled to occur on a four yearly review cycle that aligns with the 2nd year term of a newly elected Council. This accords with the key elements described in the Rating Strategy 2014-2018 adopted by Council in June 2014.

If Council however wishes to proceed with implementing the changes to differential classifications described above for either the second or third options, it should note that Council's legal advisors view that the changes would constitute a 'material' change to the original Proposed Budget. They recommend that Council should recommence the submission process under Section 223 of the Act. Any other course of action may expose Council to the risk of legal challenge.

Council need to determine which way they want to progress this matter. If Council still wishes to incorporate into the 2015-2016 Budget the intent of the C10 resolution it is recommended that it directs the Chief Executive Officer to prepare a Proposed Budget incorporating the third option, taking into consideration legal advice received. This would involve preparing an updated Proposed Budget, subjecting it to a Section 223 review process and schedule the Budget to be adopted by late August.

BUDGET ADJUSTMENTS

The forecast projections for 2014-2015 and the Annual Budget 2015-2016 have been updated. The changes are summarised below.

Final Budget Projections for 2014/15 and Budgeted 'Carry Forwards':

Departments have reviewed their final budget projections for 2014/15, with the aim being that at financial year end (30 June 2015) actual costs incurred correlate closely to cost projected.

As part of this process there are a number of capital, grant funded and other projects identified that will not be completed by financial year end. The budget projections for these projects have been reduced in 2014/15 and corresponding increases have been made to budgets in 2015/16.

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

The following projects have had grant, contribution and other income funds carried forward from 2014/15 to 2015/16:

Cost Centre	Cost Centre Name	Activity Name	Account Name	\$
8050	Plant - Plant Purchases	General	Plant Sales - Major Items	(31,385)
8040	Fleet - Fleet Purchases	General	Vehicle Sales	(6,000)

Cost Centre	Cost Centre Name	Activity Name	Account Name	\$
9425	Buildings - Child Care Hub - Korumburra	General	Contributions to Capital	(100,000)
9425	Buildings - Child Care Hub - Korumburra	General	Capital - State Government Grant (non recurrent)	(1,600,000)
2466	MC618 - Storm Event 26 September 2013	General	Grants Commission Allocation (non recurrent)	(14,265)
2451	MC460 - Foster Mirboo Road Major Slip 21 June 2011	General	Grants Commission Allocation (non recurrent)	(35,000)
2480	MC532 - Severe Rain Event 21 July 2011	General	Grants Commission Allocation (non recurrent)	(35,000)
2461	MC664 - Severe Rain Event - 13 June 2013	General	Grants Commission Allocation (non recurrent)	(23,784)
2452	MC403 - Storm Damage 25/05/2012	General	Grants Commission Allocation (non recurrent)	(35,000)
2462	Severe Rain Event Aug 2013	General	Grants Commission Allocation (non recurrent)	(35,000)
2462	Severe Rain Event Aug 2013	General	State Government Grant (non recurrent)	(142,600)
2464	Storm Event 21 July 2014	General	State Government Grant (non recurrent)	(150,000)
9705	Bridge - Allambee Estate Rd Bridge Rehab - Allambee Reserve	General	Capital - Federal Government Grant (non recurrent)	(200,000)
9606	Meeniyen Recreation Reserve - Community Play Space	General	Other Contributions - Operating	(11,750)
9606	Meeniyen Recreation Reserve - Community Play Space	General	State Government Grant (non recurrent)	(9,300)
9605	Korumburra Recreation Centre - Training Centre of Excellence	General	Other Contributions - Operating	(9,250)

Cost Centre	Cost Centre Name	Activity Name	Account Name	\$
9605	Korumburra Recreation Centre - Training Centre of Excellence	General	State Government Grant (non recurrent)	(7,400)
8834	Yanakie Recreation Reserve Development	General	Other Contributions - Operating	(10,000)
8834	Yanakie Recreation Reserve Development	General	State Government Grant (non recurrent)	(25,000)
9827	Synthetic Green Redevelopment - Korumburra Bowls Club	Green 1 (Bottom) - Korumburra Bowls Club	Other Contributions - Operating	(51,000)
8309	Bridge - Black Spur Bridge Investigation - Koonwarra	General	State Government Grant (non recurrent)	(603,000)
8885	Corner Inlet Tourism - Great Southern Rail Trail	General	State Government Grant (non recurrent)	(500,000)
9604	Mirboo North Soccer Club Lighting Project	General	Other Contributions - Operating	(39,250)
9604	Mirboo North Soccer Club Lighting Project	General	State Government Grant (non recurrent)	(100,000)
9607	Mirboo North Netball Courts Project	General	Other Contributions - Operating	(23,400)
9607	Mirboo North Netball Courts Project	General	State Government Grant (non recurrent)	(1,660)

The 2015/16 budget projection for Victoria Grant Commission contributions was increased by \$230,000 to reflect indicative grant advice provided to Council. \$1.6m capital grant for the Korumburra Child Care Hub was also updated into 2016/17.

The following projects have had expenditure budgets carried forward from 2014/15 to 2015/16:

Cost Centre	Cost Centre Name	Activity Name	Account Name	\$
1655	Education Programs	SPP Grant	Printing and Stationery	2,000

Cost Centre	Cost Centre Name	Activity Name	Account Name	\$
1655	Education Programs	SPP Grant	Contractors	3,842
1655	Education Programs	SPP Grant	Materials	19,499
1655	Education Programs	Veterans` Affairs	Materials	5,109
1640	Museum / Curatorial	Veterans` Affairs	Materials	6,000
2410	Strategic Planning	Housing and Settlement Strategy	Consultancies	3,196
2410	Strategic Planning	Korumburra Town Centre Framework Plan	Contractors	13,228
2410	Strategic Planning	Korumburra Town Centre Framework Plan	Consultancies	112,373
2410	Strategic Planning	Nyora Development Plan and Developer Plan	Contractors	200,000
2410	Strategic Planning	Turtons Creek Environmental Significance Overlay	Materials	9,970
2410	Strategic Planning	Port Welshpool Master Plan	Contractors	5,534
2410	Strategic Planning	Industrial Land Study – Leongatha	Contractors	5,009
3275	Building Inclusive Communities	Rural Access Program	Materials	15,545
2370	Property Management	Master planning of the Foster Depot	Contractors	60,000
9606	Meeniyan Recreation Reserve - Community Play Space	General	Contractors	110,000
9605	Korumburra Recreation Centre - Training Centre of Excellence	General	Contractors	110,000
8834	Yanakie Recreation Reserve Development	General	Contractors	300,000
2425	Biodiversity	Native Vegetation Offset	Contractors	13,166
2425	Biodiversity	Jim Harvey Biodiversity Fund	Contractors	150,000
2115	Sustainability Services	Sustainability Wiki	Contractors	7,024
2115	Sustainability Services	Agricultural Resilience and Shared Climate Change	Marketing, Advertising and Promotion	501
2115	Sustainability Services	Agricultural Resilience and Shared Climate Change	Contractors	13,996
2115	Sustainability Services	Agricultural Resilience and Shared Climate Change	Consultancies	1,071
2115	Sustainability Services	Agricultural Resilience and Shared Climate Change	Catering	463
8309	Bridge - Black Spur Bridge Investigation - Koonwarra	General	Contractors	300,000

Cost Centre	Cost Centre Name	Activity Name	Account Name	\$
8885	Corner Inlet Tourism - Great Southern Rail Trail	General	Contractors	600,000
9604	Mirboo North Soccer Club Lighting Project	General	Contractors	50,000
9607	Mirboo North Netball Courts Project	General	Contractors	53,300
8271	Dredging Toora Channel	General	Contractors	24,725
4105	Executive Services Management	General	Legal Fees	20,000
1110	Development Services management	Korumburra	Contractors	19,596

There was also a 'non cash' adjustment of a \$262,000 less gain on asset disposals due to reassessing and allowing for increased written down value of asset disposals in the 2015/16 and forward budgets. This reduces both the operating and underlying operating results in the Long Term Financial Plan. The forward forecasts are still within key financial performance indicator thresholds and do not present as a strategic concern.

There was also a budget adjustment allocating up to \$20,000 to the Waratah Way Shared Trail that Council resolved to allocate from the 10 June Special Council Meeting that considered Section 223 submissions.

The following capital projects have had budgets carried forward from 2014/15 to 2015/16:

Cost Centre	Cost Centre Name	Activity Name	Account Name	\$
8876	Footpaths - Extension - Walkerville Road - Tarwin Lower	General	Contractors	93,825
8190	Playground Replacement - Mirboo North Bay Care Centre - Mirboo North	General	Contractors	15,638
8030	Information Services	GIS System Replacement	Software Purchases and Enhancements	80,000
8030	Information Services	Aerial Photography	Contractors	55,120
8030	Information Services	Technology Projects	Contractors	33,785
8050	Plant - Plant Purchases	General	Capital Plant Purchases	307,090
8040	Fleet - Fleet Purchases	General	Capital Plant Purchases	39,363
8030	Information Services	Compliance Software	Software Purchases and Enhancements	15,000

Cost Centre	Cost Centre Name	Activity Name	Account Name	\$
8030	Information Services	Online Induction Software	Software Purchases and Enhancements	30,000
8030	Information Services	VOIP	Software Purchases and Enhancements	250,000
8030	Information Services	Public WiFi	Hardware	50,000
8030	Information Services	Governance Software	Software Purchases and Enhancements	42,000
9814	Roads - Deviation of Koonwarra-Pound Creek Road - Leongatha	Land Acquisition	Contractors	21,000
9705	Bridge - Allambee Estate Rd Bridge Rehab - Allambee Reserve	General	Contractors	70,000
8292	Roads - Victory Avenue - Foster	General	Contractors	30,000
1670	Other - CCHV - Capital Projects	General	Contractors	115,845
9425	Buildings - Child Care Hub - Korumburra	General	Contractors	250,000
9523	Buildings - Public Toilets Reconstruction - Toora	General	Contractors	40,000
9524	Buildings - Public Toilets Reconstruction - Fish Creek	General	Contractors	50,000
3451	Yanakie Caravan Park Capital	General	Contractors	10,000
3461	Long Jetty Caravan Park Capital	Cabin Replacement	Contractors	5,000
3461	Long Jetty Caravan Park Capital	Power Head Replacement Program	Minor Furniture, Plant and Equipment	7,500
3461	Long Jetty Caravan Park Capital	Recreation Room Refurbishment	Contractors	5,000

FINANCIAL CONSIDERATIONS

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

2015/16 Budget	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30
Financial performance																
Underlying result	4.08%	-1.17%	1.39%	1.26%	4.04%	4.17%	3.86%	4.09%	2.66%	2.84%	3.30%	4.07%	4.88%	5.50%	6.10%	6.95%
Underlying Working Capital	1.95	1.62	1.70	1.71	1.56	2.52	1.86	1.79	1.73	1.41	1.80	1.70	1.85	2.04	2.05	2.48
Funding capacity																
Self-financing	26.06%	24.50%	29.01%	26.22%	27.02%	27.74%	27.52%	21.51%	27.42%	30.03%	30.48%	31.08%	31.45%	30.93%	31.46%	32.18%
Sustainability Index	99%	148%	95%	103%	8%	8%	161%	167%	284%	124%	93%	108%	93%	113%	103%	96%
Borrowing capacity																
Indebtedness	9.61%	8.11%	7.90%	7.75%	1.00%	1.10%	1.20%	1.30%	25.69%	27.77%	26.73%	25.74%	14.71%	14.23%	9.75%	8.74%
Total Debt as a % of Rate revenue	9.35%	8.75%	8.44%	8.14%	7.85%	0.00%	0.00%	0.00%	28.31%	30.90%	29.61%	28.35%	15.22%	14.55%	10.07%	8.81%
Debt servicing costs as a % of Total revenue	0.28%	0.22%	0.22%	0.22%	0.22%	0.08%	0.00%	0.00%	1.15%	1.25%	1.19%	1.15%	0.62%	0.60%	0.40%	0.38%

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

The 'Underlying Result' compares recurrent income and recurrent expenditure. The underlying result is forecast to be in the yellow zone in 2015/16 and then after in the green zone for all the forward budgets.

The 'Underlying Working Capital' assesses Balance Sheet strength and in particular Council's ability to pay existing liabilities. In the forward plan the ratio marginally falls below the strategic target of 1.50 to 1 in 2023/24. Council has financial capacity to accommodate unforeseen strategic opportunities or unavoidable cost events that may arise.

The 'Self Financing' indicator compares net operating cash flows to underlying revenue and capital grants. It is forecast to be in the green zone in 2015/16 and all the forward budgets.

The 'Sustainability Indicator' assesses asset renewal and upgrade expenditure spend effort over a period of time. It is forecast to be in the green zone for 2015/16. In the following years it fluctuates between the green and yellow zone and even dips into the red zone in 2018/19 and 2019/20 before fluctuating again in the green and yellow zones. This does not present as a strategic concern. It is worth noting that there are no asset renewal primary funding gaps for all major classes of assets over the 15 year Long Term Financial Plan. There are adequate funds for recurrent cost requirements for all major asset classes for the current defined service levels as documented in Asset Management Plans.

The three borrowing capacity indicators, 'Indebtedness', 'Total Debt as a percentage of Rate Revenue' and 'Debt Servicing Costs as a percentage of Total Revenue' are forecast to be in the green zone for 2015/16 and all the forward budgets.

Council Plan 2013-2017 Review – Strategic Resource Plan Update

The Local Government Act 1989 (Act) requires that Council review and update the Council Plan each year. As there have been no changes to the

strategic directions established in the Council Plan there was no requirement to undergo a Section 223 public consultation process.

The Act requires that the Council Plan is to include the updated 4 year Strategic Resource Plan and this must be reviewed and adopted by 30 June annually. To achieve this requirement, the Strategic Resource Plan 2016-2019, developed and contained within the Annual Budget, has been updated in the Council Plan.

The financial data in the 4 year Strategic Resource Plan is a 4 year slice of the 15 year Long Term Financial Plan. The Annual Budget 2015-2016 incorporates both the 15 year Long Term Financial Plan and the 4 year Strategic Resource Plan. The Strategic Resource Plan that has been appended to the Council Plan has been prepared with reference to the Local Government Model Strategic Resource Plan Better Practice Guide issued by Local Government Victoria.

It is proposed that the Council Plan 2013-2017 incorporating the Strategic Resource Plan 2016-2019 be adopted, re-issued to the Minister for Local Government and placed on Council's website.

RISKS

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

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

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

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

The Victorian State Government has announced that local government rates will be capped from 2016/17. Victorian councils will be provided definite direction by January 2016 on how rate capping will be required to be implemented for the following year's 2016-2017 Budget.

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

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

The financial performance indicators used to develop the annual and longer term budgets are also used to monitor projected financial outcomes at year end as well as the longer term financial ramifications.

CONCLUSION

A number of key financial performance indicators are used to assess the financial integrity of the annual and forward budgets. The budgeted financial statements of the Annual Budget 2015-2016 and Long Term Financial Plan referenced in **Appendix 1** and as set by the Long Term Financial Strategies are financially viable and sustainable.

RECOMMENDATION

That Council:

- 1. That the matters raised in Item C10 from the Special Council meeting held 10 June 2014 regarding rating differential classifications be referred to Council to consider with the Rating Strategy Steering Committee when it next convenes in 2017.**
- 2. Adopt the 2015/16 Annual Budget annexed to this resolution in Appendix 1.**
- 3 Authorise the Chief Executive Officer to give public notice of this decision to adopt the Annual Budget 2015/16 budget in accordance with Section 130(2) of the Local Government Act 1989.**
- 4. Determine that it intends to raise the following amounts by way of general rates, municipal charges and service charges:**

General Rate	\$35,547,692
Municipal Charge	\$Nil
Service Charges	\$2,437,665

Total **\$37,985,357**

5 General Rates

5.1 Determine that the rates set out below shall be levied on rateable land within the municipal district for the twelve months commencing on 1 July 2015 and ending on 30 June 2016:

5.1.1 General Land is any land which is not:

Commercial Land, as described in subparagraph 5.1.2;

Industrial Land, as described in subparagraph 5.1.3;

Vacant Land, as described in subparagraph 5.1.4;

Farming Land, as described in subparagraph 5.1.5; or

Cultural and Recreational Land, as described in subparagraph 5.1.6.

a 0.542455% of the Capital Improved Value of the rateable land.

5.1.2 Commercial Land is any land which is used predominantly for commercial purposes and to which any of the following AVPCC codes, or AVPCC codes in the following ranges, have been allocated:

AVPCC 202–208, 210–299, 656, 657, 669–672, 674, 675, 684, 687, 688, 690, 696, 711, 715, 803–816, 818–820, 822, 823, 825, 827 and 828.

a 0.569577% of the Capital Improved Value of the rateable land.

5.1.3 Industrial Land is any land which is used predominantly for industrial purposes and to which any of the following AVPCC codes, or AVPCC codes in the following ranges, have been allocated:

AVPCC 303–399, 400–481, 483–499, 602–612, 615–623, 626–637, 639–644, 647–649, 659, 661–664, 666, 667, 673, 676–679, 681–683, 685, 689, 691, 693, 694 and 697–699.

a 0.569577% of the Capital Improved Value of the rateable land.

5.1.4 Vacant Land is any land which is vacant, to the extent that no buildings are erected on it, and to which any of the following AVPCC codes, or AVPCC codes in the following ranges, have been allocated:

AVPCC 100–108, 150, 151, 200, 201, 300, 301, 482, 600, 601, 700–706,782 or 800–802.

a 1.084909% of the Capital Improved Value of the rateable land.

5.1.5 Farming Land is any land on which the business of farming is being carried out, and which:

5.1.5.1 has a total area of less than 2 hectares and is –

(a) used predominantly for farming purposes;

AND

(b) forms part of a farm business which straddles the boundary with an adjoining municipality;

OR

(c) (where the farm business is entirely within the municipality) to which any of the following AVPCC codes, or AVPCC codes in the following range, have been allocated:

AVPCC 540–543 or 564;

OR

(d) used predominantly for farming purposes;

AND

(e) is operated in combination with other property within Council's municipal district which, when combined, have a total area exceeding 20 hectares, to which AVPCC codes in the following range apply:

AVPCC 570–572;

OR

5.1.5.2. has a total area of between 2 and 20 hectares and –

(a) is used predominantly for farming purposes;

AND

(b) if there is a dwelling situated on the land, or a current planning permit for construction of a

dwelling on the land, has applied to it an AVPCC code within the following range:

AVPCC 540–583;

OR

- (c) if there is no dwelling situated on the land, and no current planning permit for construction of a dwelling on the land, has applied to it an AVPCC code within the following range:**

AVPCC 500–583;

OR

4.1.5.3. has a total area exceeding 20 hectares and –

- (a) is used predominantly for farming purposes;**

AND

- (b) has applied to it an AVPCC code within the following range:**

AVPCC 500–583.

a 0.3797718% of the Capital Improved Value of the rateable land.

5.1.6. Cultural and Recreational Land is any land that has the characteristics of 'recreational lands' as defined by section 2 of the Cultural and Recreational Lands Act 1963.

a 0.271227% of the Capital Improved Value of the rateable land.

5.2 Determine, in relation to general, commercial, industrial, vacant, farming and cultural & recreational land:

- a. That the characteristics of the land that is subject to differential rates in paragraphs 5.1.1, 5.1.2, 5.1.3, 5.1.4, 5.1.5 and 5.1.6 of this resolution shall be that such respective rateable land is land that is general, commercial, industrial, vacant, farming and cultural & recreational land as defined in the paragraphs 5.1.1, 5.1.2, 5.1.3, 5.1.4, 5.1.5 and 5.1.6 of this resolution and the criteria contained in paragraphs 5.1.1, 5.1.2, 5.1.3, 5.1.4, 5.1.5 and 5.1.6 in respect of the definitions of each such type of rateable land shall define the characteristics and the criteria for declaring the aforesaid differential rates.**

- b. That the definitions of the classes of land which are subject to the differential rates are those definitions contained in paragraphs 5.1.1, 5.1.2, 5.1.3, 5.1.4, 5.1.5 and 5.1.6 of this resolution.**
- c. That the reasons for the use and level of each differential rate in relation to each class of land are in respect of general, commercial, industrial, vacant, farming and cultural & recreational land, is to ensure that the burden of the payment of general rate is fairly apportioned across all rateable land and is appropriately and fairly rated having regard to the use to which such land is put, fairness being assessed on the characteristics of the property and equity being between the classes created, not between the members of each class.**
- d. The reasons for the use and level of the differential general rate in respect of general, commercial, industrial, vacant, farming and cultural & recreational land are these categories of property have been adopted as all rateable land can be divided into these categories according to the nature and use of the land.**

6 Municipal Charge

- 6.1 That the municipal charge be \$nil.**

7 Service Charge for Garbage and Recycling Services

- 7.1 That the annual service charges (that applies for properties in the Shire where the service is provided) pursuant to Section 162 of the Local Government Act 1989, be levied for the services to be provided as set out in the table below on rateable land within the municipal district for the twelve months commencing on 1 July 2015 and ending on 30 June 2016.**

Service Charge	Service
\$182.70	Waste Services Charge A - Kerbside garbage & recycling collection service charge – Residential (120 litre weekly garbage/240 litre fortnightly recycling.
\$182.70	Waste Services Charge B - Kerbside recycling only collection service charge - Commercial (2 x 240 litre fortnightly recycling service only.

Service Charge	Service
\$264.80	Waste Services Charge C - Kerbside garbage & recycling collection service – Commercial premises only (240 litre weekly garbage / 240 litre fortnightly recycling).
\$189.50	Waste Services Charge D – Kerbside garbage & recycling collection service - Sandy Point (120 litre weekly garbage/240 litre fortnightly recycling, plus 3 additional recycling collections during Summer).
\$219.90	Waste Services Charge E – Kerbside garbage & recycling collection service - Waratah Bay (120 litre weekly garbage/240 litre fortnightly recycling, plus 3 additional recycling collections during Summer).
\$111.90	Waste Services Charge G – Kerbside garbage & recycling collection service – Venus Bay (120 litre weekly garbage / 240 litre fortnightly recycling) for 6 months from November to April.
\$199.60	Waste Services Charge H – Kerbside garbage & recycling collection service – Venus Bay (120 litre weekly garbage / 240 litre fortnightly recycling) for 12 months.
\$130.15	Waste Services Charge J – Kerbside garbage & recycling collection service – Walkerville (120 litre weekly garbage / 240 litre fortnightly recycling) for 6 months from November to April.
\$230.20	Waste Services Charge K – Kerbside garbage & recycling collection service Walkerville (120 litre weekly garbage / 240 litre fortnightly recycling) for 12 months.
\$78.00	Waste Services Charge L – Kerbside Green-waste collection service (240 litre fortnightly) for 12 months.

7.2 That an annual service charge (that applies for properties in the Shire where the service is provided) be levied in respect to the services set out in the table below for the twelve months period

commencing on 1 July 2015 and ending on 30 June 2016 in respect of all land that is not rateable land but which is liable for the payment of an annual service charge under Section 221 of the Local Government Act 1989.

Service Charge	Service
\$182.70	Waste Services Charge A - Kerbside garbage & recycling collection service charge – Residential (120 litre weekly garbage/240 litre fortnightly recycling).
\$182.70	Waste Services Charge B - Kerbside recycling only collection service charge - Commercial (2 x 240 litre fortnightly recycling service only).
\$264.80	Waste Services Charge C - Kerbside garbage & recycling collection service – Commercial premises only (240 litre weekly garbage / 240 litre fortnightly recycling).
\$189.50	Waste Services Charge D – Kerbside garbage & recycling collection service - Sandy Point (120 litre weekly garbage/240 litre fortnightly recycling, plus 3 additional recycling collections during Summer).
\$219.90	Waste Services Charge E – Kerbside garbage & recycling collection service - Waratah Bay (120 litre weekly garbage/240 litre fortnightly recycling, plus 3 additional recycling collections during Summer).
\$111.90	Waste Services Charge G – Kerbside garbage & recycling collection service – Venus Bay (120 litre weekly garbage / 240 litre fortnightly recycling) for 6 months from November to April.
\$199.60	Waste Services Charge H – Kerbside garbage & recycling collection service – Venus Bay (120 litre weekly garbage / 240 litre fortnightly recycling) for 12 months.

Service Charge	Service
\$130.15	Waste Services Charge J – Kerbside garbage & recycling collection service – Walkerville (120 litre weekly garbage / 240 litre fortnightly recycling) for 6 months from November to April.
\$230.20	Waste Services Charge K – Kerbside garbage & recycling collection service Walkerville (120 litre weekly garbage / 240 litre fortnightly recycling) for 12 months.
\$78.00	Waste Services Charge L – Kerbside Green-waste collection service (240 litre fortnightly) for 12 months.

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

8 General

8.1 That the general rates and service charges be declared and levied for a period of twelve months commencing on 1 July 2015 and ending on 30 June 2016.

8.2 That the general rates and service charges referred to in these resolutions shall be levied by the service of a notice on each person liable to pay such rate or charge in accordance with Section 158 of the Local Government Act 1989.

8.3 That in accordance with Section 167 of the Local Government Act 1989, the rates and charges declared by the Council for the 2015/16 Financial Year must be paid as follows;

by four instalments made on or before the following dates:

Instalment 1 - 30 September 2015

Instalment 2 - 30 November 2015

Instalment 3 - 29 February 2016

Instalment 4 - 31 May 2016

or;

by nine instalments made on or before the following dates:

- Instalment 1 - 30 September 2015**
- Instalment 2 - 31 October 2015**
- Instalment 3 - 30 November 2015**
- Instalment 4 - 31 December 2015**
- Instalment 5 - 31 January 2016**
- Instalment 6 - 29 February 2016**
- Instalment 7 - 31 March 2016**
- Instalment 8 - 30 April 2016**
- Instalment 9 - 31 May 2015**

or;

by a lump sum payment made on or before 15 February 2016.

- 8.4 That the Rate Collector be directed and authorised to demand payment of and recover the general rates and charges referred to in these resolutions in accordance with the Local Government Act 1989.**
- 8.5 That under the provisions of Section 172 (2) of the Local Government Act 1989 interest is due on instalments or lump sum not paid by the due date from the date that each instalment or lump sum is due.**
- 9. That in accordance with Section 126 3(a) of the Local Government Act 1989 Council adopt the Strategic Resource Plan that is appended to the 2013-2017 Council Plan (Appendix 3).**
- 10. That the Minister for Local Government be provided with a copy of the adopted 2016-2017 Annual Budget and the 2013-2017 Council Plan incorporating the Strategic Resource Plan.**

STAFF DISCLOSURE OF INTEREST

Nil

E.2 C107 APPLICATION OF ENVIRONMENTAL SIGNIFICANCE OVERLAY TO PROTECT THE GIANT GIPPSLAND EARTHWORM AND ITS HABITAT

Development Services Directorate

EXECUTIVE SUMMARY

Planning Scheme Amendment C107 proposes to introduce a new Environmental Significance Overlay (ESO9), associated maps and reference document to the South Gippsland Planning Scheme.

Giant Gippsland Earthworms ("the worm") are a protected species under State and Federal legislation, and new buildings and works that may physically impact their populations can require permission from both State and Federal Government agencies. There are no mechanisms currently in the planning system to identify worm habitats or their likely presence. This has previously caused costly delays to developments and accidental harm to worm populations. This amendment provides reliable mapping and information, alerting developers to high risk areas early in the planning process.

The proposed ESO9 will focus on habitats most at risk, which are mainly outside town boundaries in areas containing water-soaked soils with moist clay subsoils. Most residential land in Loch, Nyora, Poowong and Korumburra is excluded from the overlay.

Document/s pertaining to this Council Report

- **Attachment 1** - Draft Environmental Significance Overlay Schedule (ESO9)
- **Attachment 2** - Draft Maps of Environmental Significance Overlay 9; Overlay Extent, Loch, Nyora, Poowong, Korumburra
- **Appendix 1** - Giant Gippsland Earthworm Environmental Significance Overlay Reference Document

A copy of **Appendix 1 - Giant Gippsland Earthworm Environmental Significance Overlay Reference Document** is available on Council's website: www.southgippsland.vic.gov.au or by contacting 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Federal Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)
- Victorian Flora and Fauna Guarantee Act 1988 (FFG Act)
- Action Statement #77 Giant Gippsland Earthworm as part of the FFG Act

- National Recovery Plan for the Giant Gippsland Earthworm 2010

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Sustainability Strategy 2011: Objective 5; 'Biodiversity and Natural Resource Management' which states;

"Promote land stewardship and best practice management of farms and their biodiversity."

COUNCIL PLAN

Outcome:	3.0	Integrated Services & Infrastructure
Objective:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development
Strategy:	3.1.5	We will encourage sustainable development that promotes the health, well-being and unique character of the community.

CONSULTATION

Officers at Baw Baw Shire Council were consulted during the initial scoping of the amendment as they successfully introduced a similar ESO in 2012. Amendment C105 seeks to replicate Baw Baw's consultation model and resulting success.

Public consultation (amendment exhibition) will involve a letter to landowners and occupants within the ESO9 area which will include a map of the overlay in their area and a 'Frequently Asked Questions' (FAQ) sheet to explain both the effects and opportunities this overlay will provide. This will be in addition to the standard notification procedures.

REPORT

Background

"The worm" is identified as 'Threatened' in the Federal Environment Protection and Biodiversity Conservation Act 1999 (EPBC) and the Victorian Flora and Fauna Guarantee Act 1988 (FFG Act), requiring developers and landowners to take action to protect the worm and its habitat.

A highly accurate model identifying suitable worm habitat was produced by the Department of Environment, Land, Water & Planning (DELWP - formerly DSE), which forms the basis of the overlay mapping. Identifying the habitat areas supports existing legislation by clarifying where protection measures are likely to be required.

The proposed amendment is similar to Amendment C81 to the Baw Baw Planning Scheme, approved by the Minister for Planning in 2012. The proposed amendment coordinates the approach to habitat protection across

shire boundaries. Advice from Baw Baw planning officers indicate that application of the ESO9 is both practical and effective in assisting landowners and protecting 'at risk' habitat. Amendment C81 was adopted by Baw Baw Shire Council without objections.

DELWP have provided \$10,000 grant funding to assist Council to introduce the ESO9.

Discussion

Earthworm Characteristics

The worm is endemic to South and West Gippsland, existing predominantly within an area of approximately 400 square kilometres (40,000ha) situated between Loch, Korumburra and Warragul. Populations are generally found in blue-grey clay based soils, on flats near the banks of streams, or along soaks and watercourses on south or west-facing slopes. Populations are also found within 40metres of streams or drainage channels but often restricted to within 5 to 10m of the banks. Adults spend most of their lives within 1.5m of the soil surface and embryo cocoons within 0.2m usually.

The worm are one of the largest earthworms in the world, averaging 0.8m but have been measured up to 1.8m long. They are long lived and do not move widely from their habitat areas. They are highly susceptible to disturbance and are incapable of self-healing, even from minor injuries. Their sensitivity to changes in habitat threatens their survival, making avoiding development within their habitat the best protection measure.

Benefits of the worm include improved soil fertility, increased porosity in clay subsoils and improved soil structure, adding to the agricultural values, soil production and vegetation health in habitat areas. While their preferred habitat is deep enough to make them somewhat resilient to grazing and land clearance, they are particularly sensitive to changes in habitat. Major threats to its survival include soil disturbance, altered hydrology, chemical disturbances and extreme weather or climate changes.

Legislative Protection

The protection provided by State and Federal legislation reflects the high biodiversity significance of this species. The EPBC Act requires Federal Government approval if an action could have a significant impact on the worm. Likewise, State Government approval may be required under the FFG Act to disturb the worm.

The proposed amendment identifies areas likely to contain the worm but if they are uncovered outside the overlay area, then the protection of State and Federal laws remain. These protections can include a form of offset requirement and/or relocation requirements which can involve significant cost.

An example of relocation occurred in 2002 during the construction of a road near Jumbunna. A community of worms at least 800 strong was uncovered

over a 2.5ha area requiring full relocation of the population. Despite concern over loss of some worms, evidence exists of the success of the relocation. This suggests that in certain circumstances relocation is an appropriate method of treatment but avoidance and mitigation remain the priority courses of action.

Council's Environmental Sustainability Strategy

The amendment accords with the adopted Sustainability Strategy Objective 5, "Biodiversity and Natural Resource Management". This objective accounts for protecting critical habitat of threatened fauna such as the worm. By adopting a collaborative approach with DELWP and other agencies regarding worm management, this initiative satisfies;

- *Strategy 5.1.5: Liaison with relevant stakeholders on threatened species management – plant and animal.*
- *Strategy 5.1.12 : Include partner agencies in the ongoing review and development of Council Planning Scheme by investigating the creation of Environmental Significance Overlays (ESO's) and Vegetation Protection Overlays (VPO's) to recognize ecologically significant areas of flora and fauna*

Proposed Overlay

The proposed overlay (**Attachment 1**) supports existing legislation and provides clarity to landowners considering development within areas of potential worm habitat. A series of maps identifying areas to be protected (examples in **Attachment 2**), combined with clear permit triggers, will increase confidence for landowners / developers working within likely worm areas. Implementing this overlay will:

- better facilitate existing legislation and planning policy provisions.
- provide improved planning controls over the development of land within worm habitat.
- streamline planning processes and reduce delays caused by accidental worm disruption.
- provide clarity and certainty for development proposals.
- cater for the conservation requirements of the species.

The overlay maps will exclude areas within the town boundaries, such as existing developed land (subject to site evaluation) and undeveloped residential and industrial parcels less than 0.8ha. This specific figure has been determined by DELWP from its original modelling as the minimum size that effective protection measures can be applied. Any impact to these areas has already occurred and the majority of habitat now exists on undeveloped farming land. Existing urban development within towns has already disturbed

the worm and further restrictions are unlikely to be effective in conserving remaining populations. Public and industrial land remains identified in the overlay as opportunities for habitat protection may still be possible on this land.

Within the overlay, a permit will be required for roadworks (involving earthworks), building and works on lots over 0.8ha and house alteration/extension of 100sqm floor area or greater in non-urban areas. Based on the experience at Baw Baw Shire Council, the overlay is unlikely to generate more than a few planning permits each year and where a permit is required, it is likely that other planning permit triggers already exist. Accordingly, application of the ESO9 will have a negligible impact on Council's administration of the planning scheme.

No planning permit is required for activities outside the boundaries of the proposed ESO9 or where a Giant Gippsland Earthworm Land Management Plan (GGELMP) has been approved by DELWP and Council. A GGELMP Plan addresses the potential effects of commercial activity (e.g. commercial forestry) in relation to worm habitat but provides businesses with clear requirements and management options.

Planning permits triggered by the ESO9 will be referred to DELWP for consideration. DELWP will be a 'Recommending referral authority' and will not have the power to refuse a permit application. No planning permit applications at Baw Baw Shire Council have been refused on the basis of their ESO.

Reference Document

The Giant Gippsland Earthworm Environmental Significance Overlay Reference Document (**Appendix 1**) includes details on worm habitat, significant threats to the species and advice on suitable design responses in the overlay area. It also provides technical information on how to conduct a survey (search) for the worm, what to do if any are unearthed and contact details should more information be required. This information will clarify the requirements for planning permit applicants and allow the landowner to determine whether the worm exists on their property.

Impacts on Farming

The overlay does not target farming practices but the amendment does provide guidance (through the Reference document) for those interested in maintaining the species on their land. It provides information to assist farmers to avoid detrimental impacts on the worm and retain higher levels of soil fertility and production in areas containing worm communities.

Almost the entirety of the land proposed for inclusion in the overlay coincides with other ESOs (eg ESO5, 'Erosion) or other provisions triggering the need for a planning permit in rural areas. The application of this overlay is unlikely to generate additional planning permits beyond what is currently required. For example, within the Farming Zone, a planning permit is required for building and works within 100 metres from a waterway, wetlands or designated flood

plain, which would cover almost the total proposed ESO9 area. The amendment will have a negligible administrative or financial burden on farming operations.

Options

Applying the overlay is anticipated to streamline statutory planning processes as well as protect the habitat of the worm. It is an opportunity to coordinate broad-scale protection of a native species under threat that benefits agriculture by providing specific planning or preparation advice before development commences.

Not applying the overlay maintains the existing risk of commencing a development in worm habitat area that could damage or threaten populations and potentially result in significant costs and/or remediation as required by existing State and Federal legislation.

Proposal

To seek authorisation from the Minister for Planning to include ESO9 in the South Gippsland Planning Scheme and exhibit the amendment.

FINANCIAL CONSIDERATIONS

This Amendment will have positive financial effects through streamlining the processing of planning permit applications and associated approvals by early identification of areas that need to address worm habitat protection.

Financial impacts on landowners are considered to be negligible as few permits are likely to be generated by the overlay.

DELWP has provided \$10,000 for the implementation of this overlay. The funds will assist amendment processing and the payment of Panel fees, should a Panel be required.

RISKS

Accidentally unearthing the worm during development is likely to result in costly delays and worm destruction. By not identifying likely worm impacts early in project planning, further decline in the population could result from the worm low recovery rates from disturbance.

CONCLUSION

This overlay represents a practical approach for landowners / developers to comply with existing State and Federal legislation protecting the worm and its habitat. It identifies early in the development process where there could be risk to the worm and assists in avoiding costly delays to a proposed development.

The overlay presents an opportunity to clarify existing protection measures for landowners in a manner that has minimal impact on landowners and their ability to use and develop their land.

RECOMMENDATION

That Council seek authorisation from the Minister for Planning to prepare and exhibit a planning scheme amendment to introduce the Environmental Significance Overlay Schedule 9 (Giant Gippsland Earthworm and Habitat) and ancillary planning scheme changes into the South Gippsland Planning Scheme.

STAFF DISCLOSURE OF INTEREST

Nil

Attachment 1 Draft Environmental Significance Overlay Schedule 9 (ESO9)

SOUTH GIPPSLAND PLANNING SCHEME

DD/MM/YYYY
Proposed C107

SCHEDULE 9 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as **ESO9**

GIANT GIPPSLAND EARTHWORM AND HABITAT PROTECTION

1.0

Statement of Environmental Significance

DD/MM/YYYY
Proposed C107

The Giant Gippsland Earthworm (*Megascolides australis*) (GGE) is endemic to West and South Gippsland and is one of the largest earthworms in the world. Individuals average about 80cm long but have been recorded up to 1.8m. Dispersed GGE colonies, ranging in size from a few individuals to many hundreds, occur within a 400km² area generally bounded by the towns of Loch, Korumburra and Warragul.

The GGE plays an important role in the structure of soils and soil fertility and contribute to the high agricultural value of the region.

Suitable habitat is restricted to generally moist, blue-grey clay soils on flat areas near stream banks, soaks or watercourses on south or west-facing slopes. The GGE is particularly sensitive to development activities that affect their habitats as individuals reach maturity slowly, live in discrete populations that are widely dispersed and they are unable to recover from even slight wounds. Major threats to survival include soil disturbance, altered soil hydrology, chemical disturbances and extreme weather or climate changes.

The GGE is listed as a threatened species under both the Commonwealth (*Environment Protection and Biodiversity Conservation Act 1999*) and State (*Flora and Fauna Guarantee Act 1988*) legislation. The overlay extends the support for this legislation by clearly identifying potential habitat when considering planning permit applications.

2.0

Environmental objective to be achieved

DD/MM/YYYY
Proposed C107

- To protect and maintain GGE populations.
- To protect the habitat of the GGE.
- To ensure that the type, density, designs, layout of building and works avoids, minimises or manages adverse impacts on individuals, colonies or the habitat requirements of the GGE.

3.0

Permit requirement

DD/MM/YYYY
Proposed C107

A permit is required to undertake roadworks that require earthmoving and /or changes to drainage conditions.

A permit is not required to construct the following buildings or construct or carry out the following works:

- Buildings and works on lots less than 8,000 square metres within a Low Density Residential Zone, Mixed Use Zone, Township Zone, General Residential Zone or Industrial Zone.
- An alteration or extension to a dwelling provided the building footprint of the alteration or extension does not exceed more than 100 square metres.
- an out-building associated with an existing use provided the building footprint is not more than 400 square metres
- Establishment of a replacement building or dwelling within the same construction footprint.

A permit is not required to construct a building or construct or carry out works if a Giant Gippsland Earthworm Land Management Plan has been approved by the Department of Environment, Land, Water & Planning (DELWP) and the Responsible Authority.

SOUTH GIPPSLAND PLANNING SCHEME

Application requirements

All applications must be accompanied by the following information, unless otherwise set aside by the Responsible Authority.

- Clear and precise details of the buildings and/or works proposed, including the location of any wastewater treatment systems, dispersal fields, stormwater flow, driveways, ground disturbance, changes to hydrology or drainage.
- Description of the purpose for which the development is to be undertaken.
- Detailed scale map of the subject land showing:
 - property boundaries and dimensions
 - location of proposed buildings and works site
 - all waterways, including creeks, streams, soaks, seepages or wetlands within and adjacent works site, and;
 - the locality of GGE habitat affected by the proposal
- An impact assessment of the proposal on GGE habitat conducted by a suitably qualified person and in accordance with the Reference Document, “*Giant Gippsland Earthworm Environmental Significance Overlay*”.
- Details on how the application has attempted to avoid, minimise or offset negative impact on GGE habitat,
- In the absence of an approved Giant Gippsland Earthworm Land Management Plan, high impact proposals (e.g., subdivisions greater than 5 lots, establishment of timber plantations, etc.) where the GGE is known to occur, a proposed monitoring program may be required to be submitted with the application, at Council’s discretion. This monitoring program must provide a detailed methodology evaluating the success of avoidance or mitigation measures provided within the proposal to protect habitat or colonies of the species.

All applications must be referred in accordance with Section 55 of the Act to the referral authority as specified in the schedule to Clause 66.04.

4.0

Decision Guidelines

DD/MM/YYYY
Proposed C107

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

- The environmental objectives of this schedule
- The effects and design of subdivision
- Whether the proposal can be accommodated on land not considered to contain GGE habitat
- The significance of a site with respect to GGE habitat extent, quality and connectivity, population density or genetic distinctiveness
- Opportunity to offset the negative impacts of a proposal on the GGE

Notes

Operating State legislation includes;

- *Local Government Act 1958* — provides for local council by-laws and conservation regulations (e.g. permit requirement for land clearing).
- *Flora and Fauna Guarantee Act 1988* — provides for the protection of native flora and fauna in Victoria.
- *Planning and Environment Act 1987* — provides regulations on the clearing of native vegetation on both private and public land.

SOUTH GIPPSLAND PLANNING SCHEME

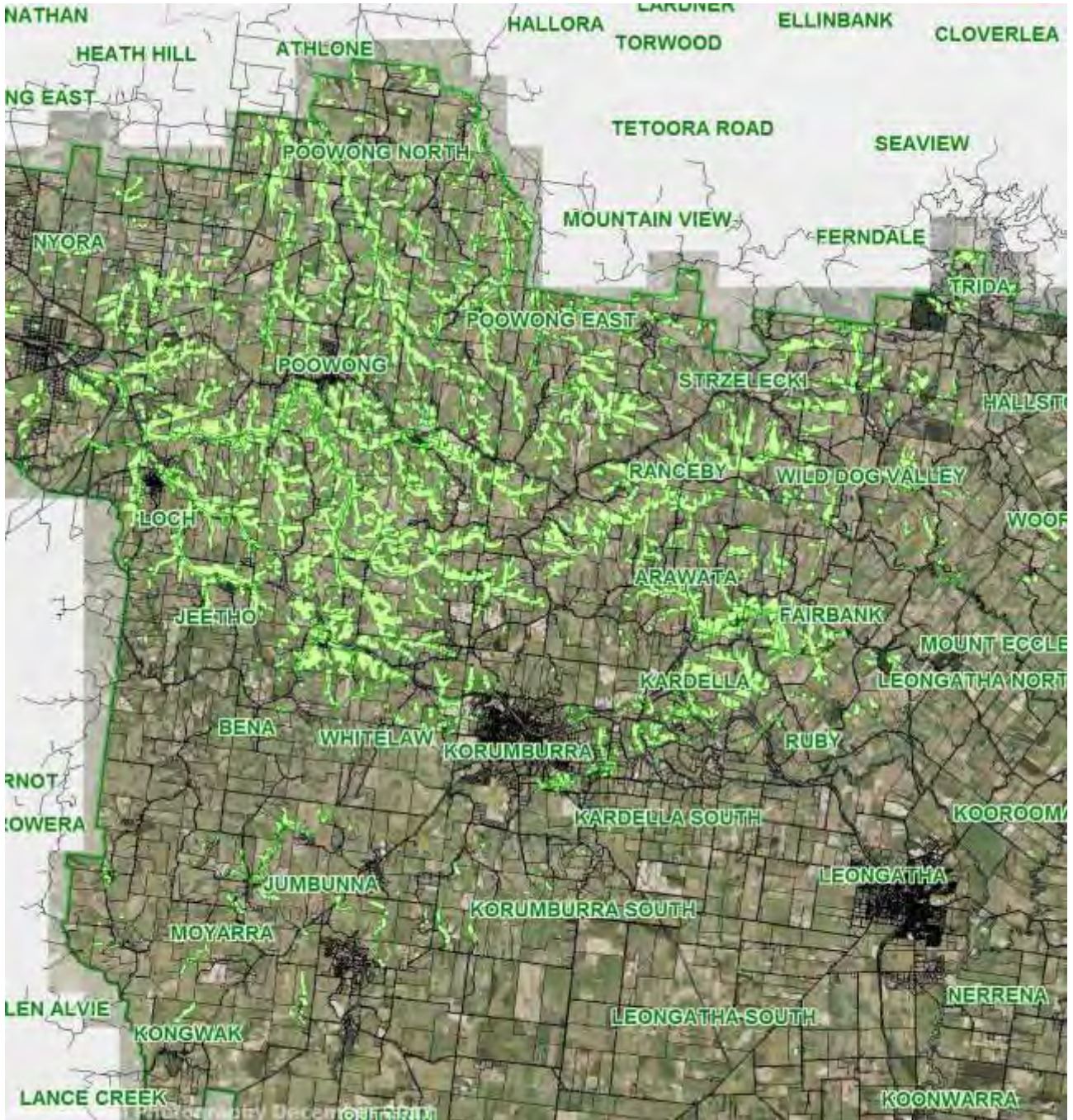
- *Catchment and Land Protection Act 1994* — provides a legal framework for protecting catchments, including soil and water management and control of noxious weeds and vermin.
- *Water Act 1989* — provides protection for the environmental qualities of waterways.
- *Wildlife Act 1975* — provides for the protection and management of wildlife (vertebrate animals other than fish and Flora and Fauna Guarantee listed invertebrates) and includes controls over the handling of protected wildlife. The status of the Giant Gippsland Earthworm as 'protected wildlife' makes the taking, destruction, display and sale of it an offence under the Act unless an appropriate authority has been obtained.
- *Wildlife Regulations 1992* make it offence to willfully damage, disturb or destroy any wildlife habitat.

Operating Federal legislation includes;

- *Commonwealth Endangered Species Protection Act 1992* lists the species as vulnerable
- *Environment Protection and Biodiversity Conservation Act 1999* lists the species as threatened

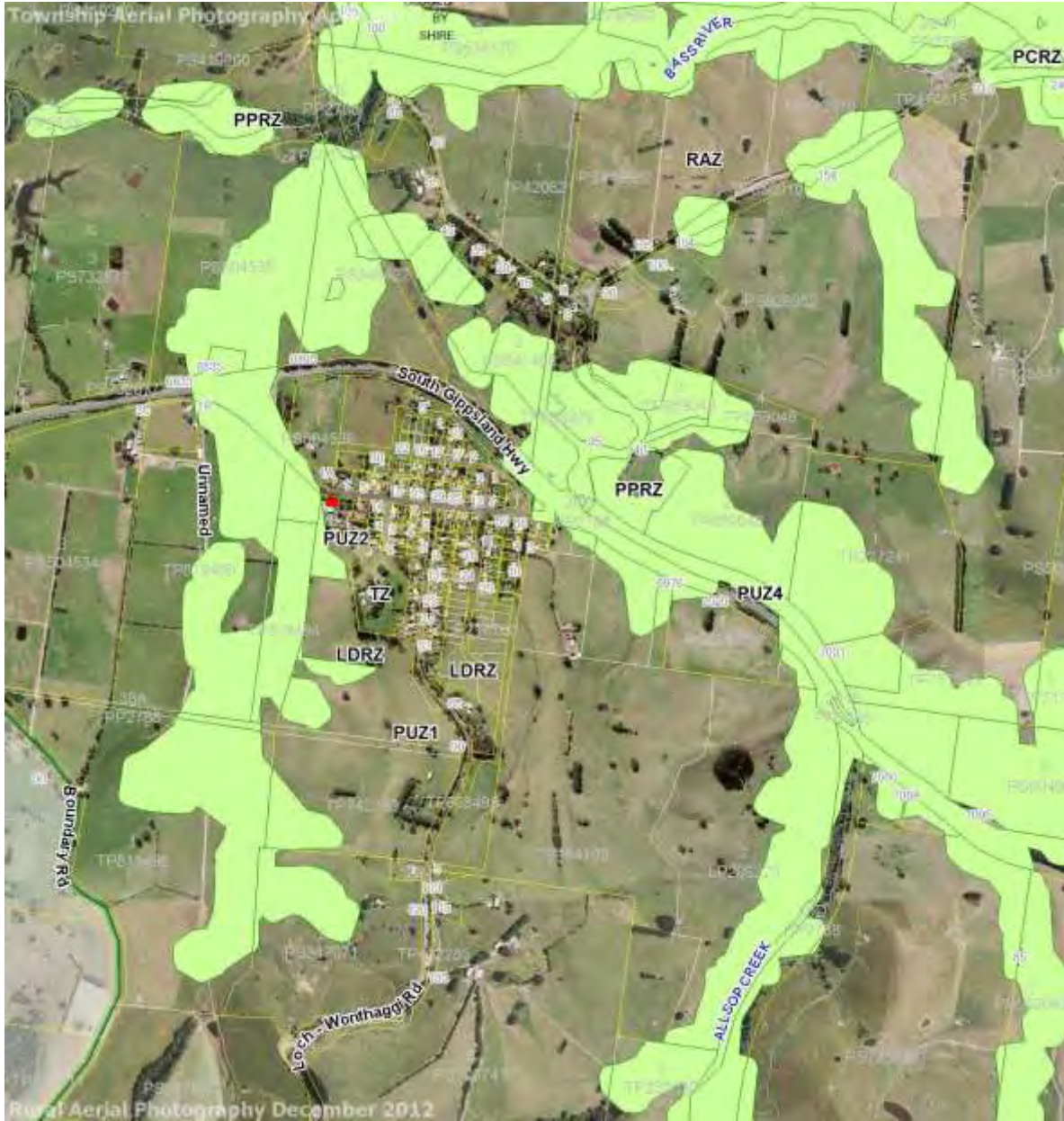
Attachment 2
DRAFT MAPS OF ENVIRONMENTAL SIGNIFICANCE OVERLAY 9

Figure 1: Overlay Extent showing the majority of the Giant Gippsland Earthworm habitat in South Gippsland.



Note: The different colours of the overlay relate to the underlying zone.

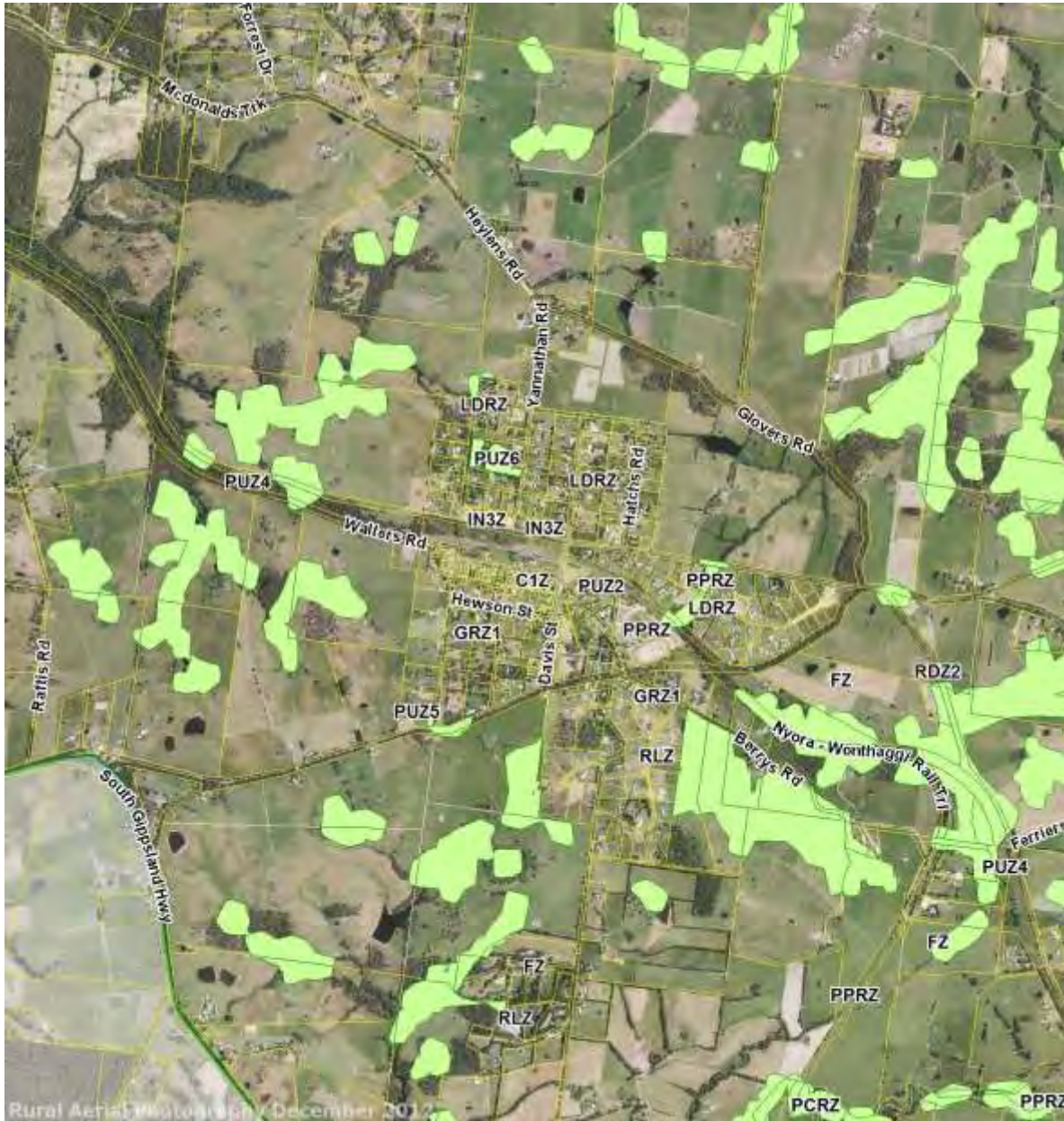
Figure 2: Draft overlay affecting Loch township.



Note: Details of the extent are still undergoing refinement but no more properties are likely to be affected.
The colour differences in the overlay relate to the underlying zone.

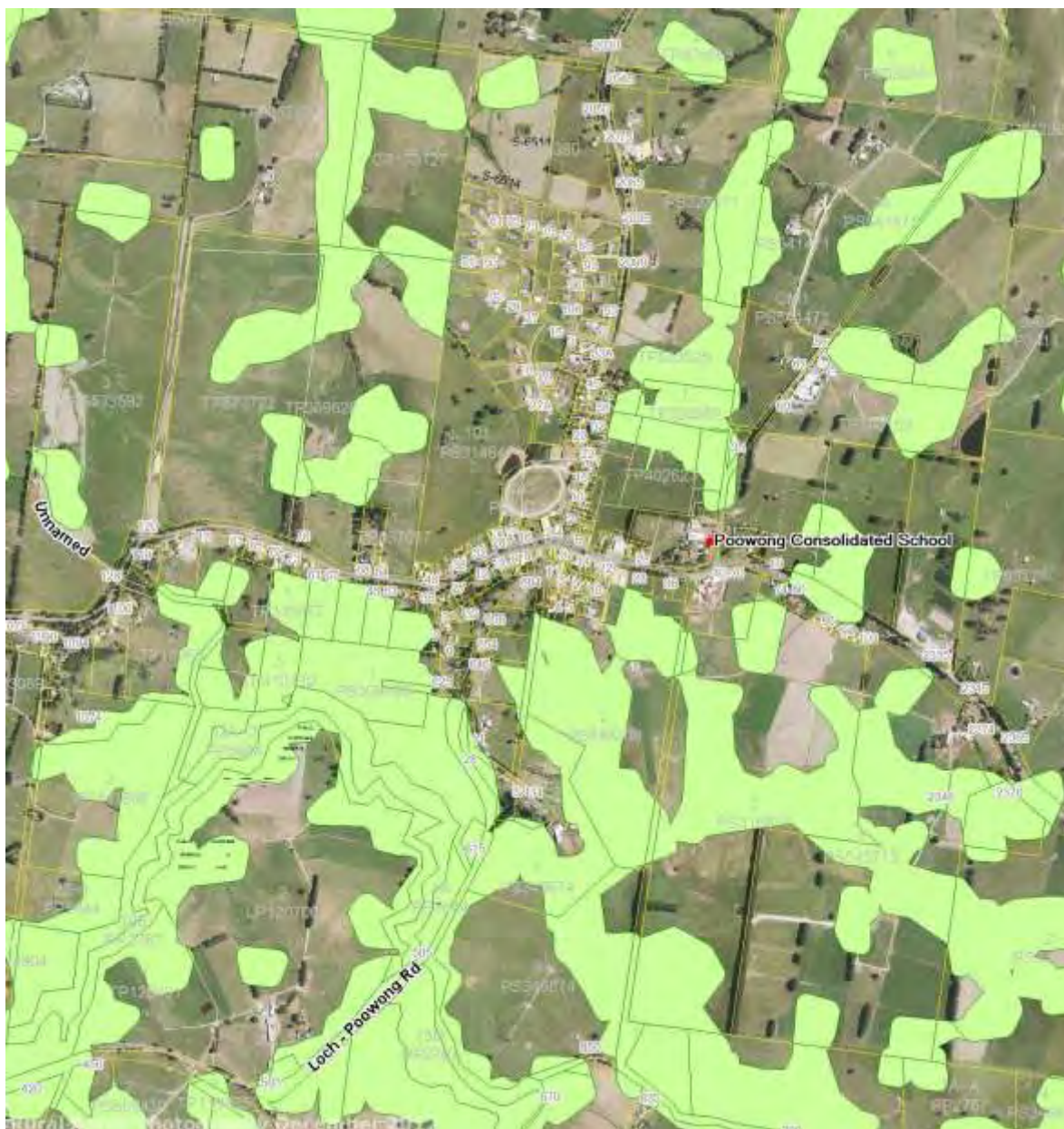
Attachment 2

Figure 3: Draft overlay affecting Nyora township.



Note: For discussion purposes only as details of the extent are still undergoing refinement. This map requires some deletion of the overlay in township areas, notably on the land south of Grovers Road (Wallis Watson residential development site). Earthworm provisions have been included in the Wallis Watson Amendment C97 planning controls (via a Development Plan Overlay) and do not require repetition in the ESO9. The colour differences in the overlay relate to the underlying zone.

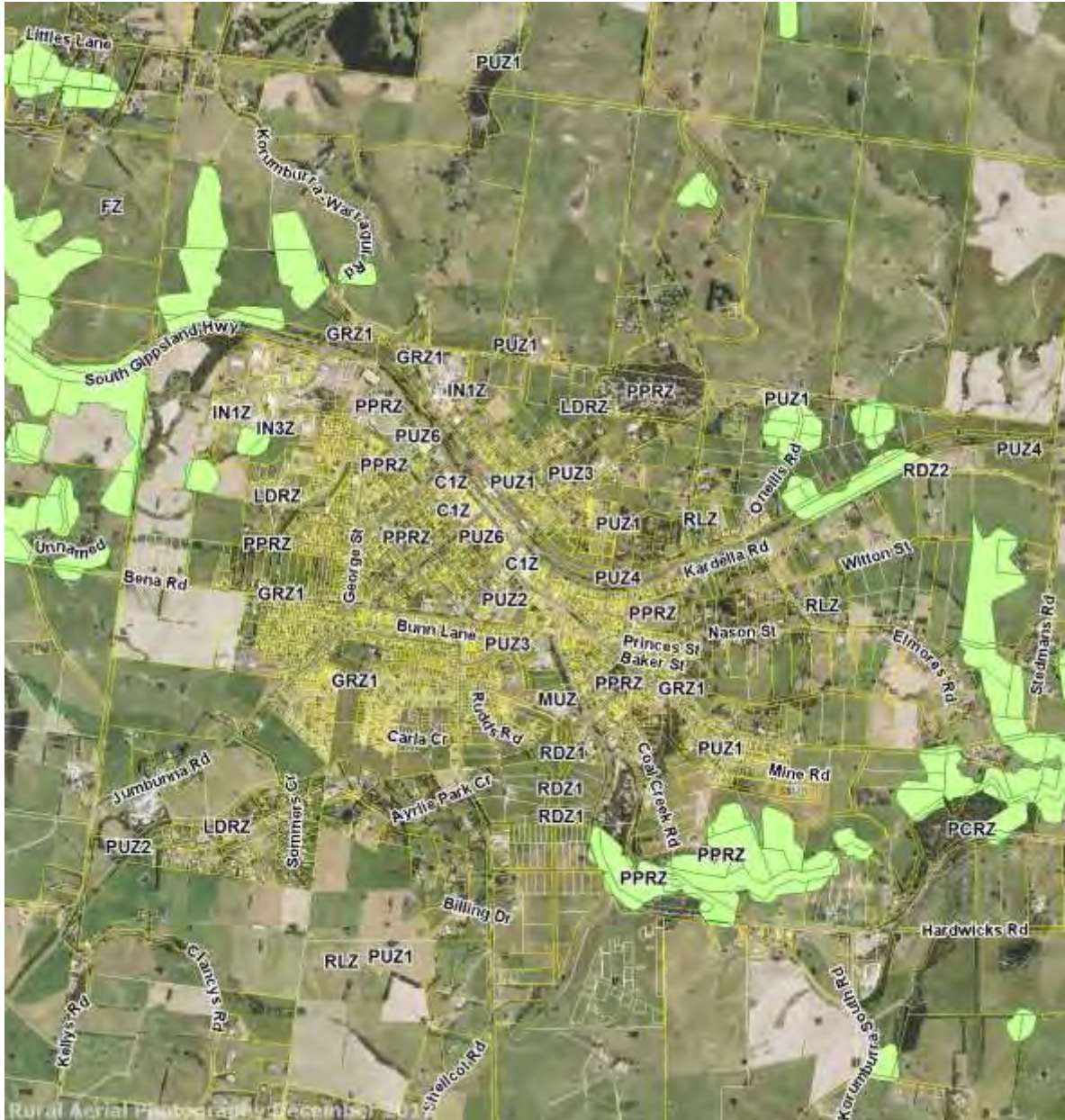
Figure 4: Draft overlay affecting Poowong township.



Note: Details of the extent are still undergoing refinement but no more properties are likely to be affected.
The colour differences in the overlay relate to the underlying zone.

Attachment 2

Figure 5: Draft overlay affecting Korumburra township.



Note: Details of the extent are still undergoing refinement and properties to the west of the township, in and close to the industrial land are likely to be affected. The colour differences in the overlay relate to the underlying zone.

E.3 DRAFT MUNICIPAL EMERGENCY MANAGEMENT PLAN – PUBLIC EXHIBITION

Community Services Directorate

EXECUTIVE SUMMARY

Changes released in April 2015 to Part 6 of the Emergency Management Manual of Victoria now state that Councils must formally adopt the Municipal Emergency Management Plan (Plan). As part of this process the draft Plan needs to be placed on public exhibition. Submissions are to be provided to the Municipal Emergency Management Planning Committee (MEMPC) for consideration and updating of the Plan prior to it being adopted by Council.

Document/s pertaining to this Council Report

Appendix 1 - Draft South Gippsland Municipal Emergency Management Plan

Appendix 2 - Emergency Management Manual Victoria Part 6

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Emergency Management Act 1986 and 2013
- Emergency Management Manual Victoria Part 6

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Community Engagement Plan & Toolkit

COUNCIL PLAN

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

CONSULTATION

The public exhibition process will follow the guidelines in the Community Engagement Plan & Toolkit.

REPORT

Background

The Emergency Management Manual of Victoria (EMMV) is the policy document that supports the Emergency Management Acts 1986 & 2013. Changes released in April 2015 to Part 6 "Municipal Emergency Management Planning Arrangements Guidelines for Committees" now states that the Municipal Emergency Management Plan (MEMP) must be adopted by Council. Previous practice required the document to be endorsed or approved by the Council CEO and endorsed by the MEMPC as sufficient.

Discussion

The current MEMP was audited on 28th May 2015. Discussion with the auditing body, the State Emergency Service (SES), has resulted in them recommending that we proceed with the process of public exhibition and adoption. Commencing the process now will demonstrate our intent to meet the new requirements, as required for the audit process.

The recent change in the EMMV clarifies that the Council now formally adopts and implements the MEMP. Previous language used the word 'endorse' which led to confusion. (EMMV Part 6 page 6.9). As one of the steps in adopting the MEMP the EMMV suggests the plan is exhibited publicly and feedback from this process is provided to the MEMPC. (EMMV Part 6 page 6.5).

Agencies with Municipal Emergency Management responsibilities must endorse the Plan ..."including revisions, before it is presented to the council for consideration." (EMMV Part 6 page 6.8).

Proposal

That the draft Plan be placed on public exhibition from 29 June to 24 July 2015 to seek feedback from the community. Public submissions received will be presented to the MEMPC meeting on 20 August 2015 for consideration and revision of the Plan will be considered. The MEMPC will endorse the updated Plan which will be presented to Council for adoption at the next available Council Meeting.

FINANCIAL CONSIDERATIONS

The costs associated with advertising the Plan for public exhibition and public submissions will be met from the Emergency Management budget.

RISKS

A Plan not adopted by Council will not meet the requirements of the audit or meet the requirements of the Emergency Management Manual of Victoria.

CONCLUSION

In order to meet EMMV and audit requirements the Plan needs to be publicly exhibited and submissions sought. The MEMPC will consider the public feedback, update the Plan where necessary, endorse the updates and the revised Plan will be returned to a future Council meeting for adoption.

RECOMMENDATION

That Council:

- 1. Exhibit the draft Municipal Emergency Management Plan (Plan) for a period of 28 days;**
- 2. Invite written submissions from the community until the closing date of 24 July 2015;**
- 3. Refer all written submissions to the Municipal Emergency Management Planning Committee (MEMPC) for consideration and amendment of the Plan where appropriate;**
- 4. Seek formal endorsement of the revised Plan by the MEMPC at their meeting on 20 August 2015; and**
- 5. Receive the revised Plan for adoption as soon as practicable after the MEMPC endorsement.**

STAFF DISCLOSURE OF INTEREST

Nil

E.4 SPECIAL (SECTION 86) COMMITTEE REVIEW - T P TAYLOR COMMUNITY FACILITY AND RESERVE SPECIAL COMMITTEE

Corporate Services Directorate

EXECUTIVE SUMMARY

This report provides the opportunity for the Council to review the Instrument of Delegation (Instrument) for the T P Taylor Community Facility and Reserve Special Committee (Committee) as a consequence of the Committee completing a Strategic Business Plan.

Document/s pertaining to this Council Report

- **Attachment 1** - Strategic Business Plan (and Marketing Plan)
- **Attachment 2** - Instrument of Delegation T P Taylor Reserve Special Committee

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989 sections 81 and 86

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Section 86 Committee Kit 2009
- C54 Volunteer Policy
- Standard Operating Procedures for a Neighbourhood Safer Place (NSP) / Place of Last Resort (PLR)

COUNCIL PLAN

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

CONSULTATION

The review of the Instrument and preparation of the Strategic Business Plan has been conducted in collaboration with the Committee and Council's Community Strengthening and Governance Services Departments.

Council's Property Department and Emergency Management Coordinator have also been consulted in the preparation of this report.

REPORT

Background

The purpose of the Committee is “To exercise Council’s functions and powers and to perform Council’s duties in relation to the management of a multi-purpose community facility and reserve”.

The facility is also a Neighbourhood Safer Place/Place of Last Resort (NSP/PLR) and this is already provided for in the Instrument.

Council when approving the Instrument on 16 April 2014 included a clause that the Instrument was to be reviewed again upon completion of the Strategic Business Plan by 30 June 2015, or earlier if feasible. In the preparation of the Strategic Business Plan Council asked that this include consideration of a lease for the facility to the Committee.

The Strategic Business Plan (**Attachment 1**) is included with this report.

Discussion

The Committee has prepared its Strategic Business Plan. In addition the Committee has prepared a comprehensive Marketing Plan for the facility. Consideration of a lease for the facility is ongoing. These plans provide an indication of the current and future planned use of the new Sandy Point Community Centre that is located on the T P Taylor Reserve.

The potential uses of the newly developed facility is considered greater than that of the previous centre. Development of these Plans has provided the Committee with a clear understanding and direction about how to maintain the Centre in peak condition, thereby optimising the use of the Centre to the advantage of the community. It is within this context that consideration of a lease as an alternative management arrangement, rather than a Special (Section 86) Committee is being considered and investigated.

In the meantime the Committee is considered to be operating very effectively, a model of good practice and at present there is not a need to amend its current Instrument of Delegation (**Attachment 2**), with the exception of updating the Committee membership.

Options

2. Council endorse the Committee's Strategic Business Plan and include this as part of the Instrument.
3. Council not endorse the Committee's Strategic Business Plan and make no changes to the Instrument.
4. Council make no changes to the Instrument, with the exception of updating the Committee membership to reflect the current membership as outlined in Attachment 2.

Proposal

It is proposed that Council, adopt Option 3, to make no change to the existing Instrument, with the exception of updating the Committees membership, because:

- The Strategic Business Plan is an internal working document to assist the Committee;
- The Committee is operating very effectively using the existing Instrument; and
- Consideration of a lease arrangement is ongoing and will take time to finalise.

FINANCIAL CONSIDERATIONS

Not applicable

RISKS

The Committee makes decisions on behalf of Council. These decisions are binding on Council. An effective Committee acting within powers delegated by Council minimise the financial, legal and reputational risks to Council and the Committee.

CONCLUSION

It is concluded that no change is required to the Instrument at this stage.

RECOMMENDATION

That Council:

- 1. Make no change to the existing Instrument of Delegation at this time with the exception of updating the Committees membership to reflect the current membership as outlined in Attachment 2;**
- 2. Encourage the Committee to continue to work towards a lease arrangement; and**
- 3. Congratulate the Committee on the development of their Strategic Plan and the work undertaken to manage this facility on behalf of Council.**

STAFF DISCLOSURE OF INTEREST

Nil

Attachment 1
Strategic Business Plan (and Marketing Plan)

27 March 2014

SANDY POINT COMMUNITY CENTRE

Strategic Plan 2014

Managed by

TP Taylor Reserve Committee of Management



TP Taylor Reserve
7 Church Parade (cnr Ocean View Parade & Church Parade)
Sandy Point VIC 3959

27 March 2014

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27 March 2014

1. Purpose

Vision

The Sandy Point Community Centre and Reserve will be a place for community activity and interaction, managed by volunteers as a sustainable community asset.

Objectives

To bring the vision to life, and maximise the use of Sandy Point Community Centre (SPCC), the TP Taylor Reserve Committee of Management (Committee of Management) will:

- Manage SPCC in line with the Local Government Act Delegation
- Manage Activities and Services at the centre
- Manage the financial viability of SPCC
- Promote SPCC & Reserve as a valuable community asset

Annually reviewed action plans will ensure the objectives are achieved (see Appendix 1).

2. SPCC Overview

Sandy Point Profile

Sandy Point is an idyllic coastal village on the South Gippsland coast nestled between Waratah Bay and Wilsons Promontory.

The township has a resident population of approximately 200 people ranging from young families to retirees, the population swelling to 4,000-5,000 over the main holiday periods.

Sandy Point Community Centre

The SPCC is an attractive addition to the township's 'commercial' precinct, located in the centre of Sandy Point on TP Taylor Reserve. The reserve was named after Thomas P. Taylor, a part-time Sandy Point resident in the 1960s.

SPCC was completed in late 2012, through a partnership of local fundraising, South Gippsland Shire Council & the Federal Government

In November 2013 the Centre was designated as a Neighbourhood Safer Place / Place of Last Resort (NSP/PLR). Should an emergency arise the sole responsibility for activating the Centre lies with the South Gippsland Shire Council, through its Emergency Management Coordinator. The Committee of Management will act in accord with the Standard Operating Procedures for a NSP/PLR.

27 March 2014

3. Management & Operation

SPCC is currently managed by a South Gippsland Shire Council appointed Section 86 Committee – TP Taylor Reserve Committee of Management. The responsibilities and duties are documented in the Instrument of Delegation (see Reference 1). The Committee is authorised by Council to incur expenditure up to specific limits.

The Committee comprises of various elected officers from the community. These are:

Role	Area of responsibility
President	Chairperson, represents committee,
Vice President	Deputy Chairperson
Secretary	Administration, reporting, record keeping (minutes)
Treasurer	Financial records
Assistant Secretary/Treasurer	Assistance and support to Secretary & Treasurer
Booking Officer	Manages Centre bookings
Grants Officer	Identify and coordinate application of available & applicable grants
General Members	Ratify committee decisions, contribute to meetings, take on responsibility as required

As part of this plan the Committee identified the need to delegate specific areas of responsibility to nominated members of the committee. These areas include:

- Marketing & Promotion
- Fundraising
- Centre Maintenance
- Volunteer Coordination

Policies and procedures will be developed to support and guide all roles and responsibilities.

The Committee aims to optimise the use of SPCC and coordinate the Centre operation to meet demand of current and future activities.

The direction of SPCC's ongoing management will be reviewed based on future needs of the Centre. An option to be considered is to become an incorporated association (under the Associations Incorporated Reform Act 2012).

4. Centre Services

The SPCC is a multifunction facility with exciting potential for a variety of activities, events and gatherings. Current events and activities provided at SPCC take into

27 March 2014

account community consultation from the Recreational Study Report 2012 (see Reference 2).

The Committee works in partnership with local community groups to engage and consult with permanent and non-permanent residents, people in outlying areas and visitors to ensure community events, recreation activities, and services meet evolving needs.

To support the Centres' operating costs and improvements income generating activities such as private functions, commercial hire and community events will be used (refer point 6).

The Committee recognises there is a need to balance private and community bookings, policy and procedures will be developed and implemented to address this.

5. Marketing Plan

To maximise the use of the SPCC and Reserve, a marketing plan has been developed to promote the facility, and its activities, to all potential users. The plan will be updated annually to meet the centre's evolving needs.

The marketing plan will seek to maintain a consistent image to ensure all activities and marketing communications align with the vision of the Centre.

6. Financial Plan

To meet the needs of the community, the SPCC must be financially viable.

To achieve this, and supplement the meagre financial maintenance support provided by Council, income generating services and activities will be held to cover operating costs. These services and activities will align with the action and marketing plans.

A 3 year rolling financial plan has been developed and implemented. The plan will be monitored monthly and reviewed annually to ensure objectives are achieved and amended as required.

Grants and sponsorship opportunities will be sought for additional development and improvement of the Centre.

7. References – available at sandypoint.vic.au

Reference 1: Instrument of Delegation

Reference 2: Recreational Study Report 2012

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8. Appendices

Appendix 1: Sandy Point Community Centre Action Plan

27 March 2014

Appendix 1: Action Plan

Goal / Objectives: Manage SPCC in line with the Local Government Act Delegation					
Strategy (How)	Timeline (When)	Lead Role (Who)	Resources needed (What)	Measure / Document	Evaluation (Was this successful?)
Determine future management structure *Delegation to be reviewed by 565C in June 2014	30 / June 2014	President	<ul style="list-style-type: none"> Review sub-committee Financial, marketing, maintenance, consultation and demographic reports 	<ul style="list-style-type: none"> Projected viability of management options Develop Future Management Response Action Provide opportunity for community input at AGM 	Community effectively provided opportunity to participate and contribute in review, assessment and implementation of outcomes
Develop appropriate policy & procedures <ul style="list-style-type: none"> Booking Policy & Procedures Commercial versus Community Use (community contingency surcharge) Activities, Events & Services plans including evaluation Customer Complaints Purchasing procedures 	June 2014	Vice President	<ul style="list-style-type: none"> Development & review committee 	<ul style="list-style-type: none"> Policies & Procedures developed and adopted 	Policies & procedures meet required needs
Goal / Objectives: Manage activities and services					
Strategy (How)	Timeline (When)	Lead Role (Who)	Resources needed (What)	Measure / Document	Evaluation (Was this successful?)
Manage activities & services	Ongoing	President	<ul style="list-style-type: none"> Treasurer's reports Booking officer reports 	<ul style="list-style-type: none"> Monthly reports completed and circulated on time Activities are reviewed within 5 months of completion Annual review completed in line with strategic plan objectives 	Annual review findings implemented
Develop, implement and maintain an effective booking system	June 2014	Vice President	<ul style="list-style-type: none"> Booking system including: <ul style="list-style-type: none"> Online shared calendar Online enquiry form Maintenance sub committee Maintenance budget 	<ul style="list-style-type: none"> System developed and online Training an implementation complete 	<ul style="list-style-type: none"> Online booking enquiries received Shared calendar available and up to date
Maintain the venue	June 2014	Maintenance Officer		Standard maintenance review & report procedures developed	Maintenance reviews and reports completed as scheduled

27 March 2015

Review potential for a commercial kitchen	July 2015	President	<ul style="list-style-type: none"> Delegated committee member to investigate, document & report. 	Report and recommendations	Report & recommendations tabled at committee meeting.
Goal / Objectives: Manage the financial viability of SPCC					
Strategy (How)	Timeline (When)	Lead Role (Who)	Resources needed (What)	Measure / Document	Evaluation (Was this successful?)
Develop a Financial Plan	30 th June 2014	Treasurer	<ul style="list-style-type: none"> Historic financial information. Projected financial requirements Services & Activities plan Expected maintenance requirements. 	Financial Plan developed	Plan accepted and meets projections
Goal / Objectives: Promote SPCC & Reserve as a valuable community asset					
Strategy (How)	Timeline (When)	Lead Role (Who)	Resources needed (What)	Measure / Document	Evaluation (Was this successful?)
Develop and implement Marketing & Promotion plans	30 th June 2014	President	<ul style="list-style-type: none"> Budget Volunteers with specialist skills (eg graphic design, Webmaster) Individual activity marketing plan Evaluation criteria for each event/activity Baseline information e.g. activity attendance, revenue raised, event participation, community involvement. 	<ul style="list-style-type: none"> Marketing & Promotions plan developed & implemented Finance report Evaluations completed Baseline information established 	<ul style="list-style-type: none"> Increased usage by community groups and individuals Increase in revenue Report and recommendations completed and presented to Committee New Marketing & Promotion Plans developed and adopted

**Attachment 2
Instrument of Delegation T P Taylor Community Facility and
Reserve Special Committee**

SCHEDULE

PURPOSE

To exercise Council's functions and powers and to perform Council's duties in relation to the management of a multi-purpose community facility and a reserve.

- It is recognised that the facility is also a Neighbourhood Safer Place and Place of Last Resort (NSP/PLR) and will act in accord with the Standard Operating Procedures for a NSP/PLR.

1. Reporting requirement

The Committee must report to Council according to Clauses 2, 3, 14, 15, 17, 20 and 23 in the Schedule of the Instrument of Delegation of T P Taylor Community Facility and Reserve Special Committee.

2. Powers and functions

To exercise Council's functions and powers to perform Council's duties in relation to the management of the Community Facility and Reserve and for those purposes.

3. Administration

3.1 To do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers;

3.2 To provide Council with monthly financial reports and minutes of every meeting and a Treasurer's report;

3.3 To provide Council with an annual report, including an evaluation of the Committee's effectiveness, to be submitted in September including:

- Patronage
- User groups
- Injuries and Accidents
- Maintenance/Improvements undertaken and future requirements
- Evaluation of operations and management
- Other matters considered relevant by the Committee

3.4 To be the point of contact for the public with respect to the operation of the T P Taylor Community Facility and Reserve. All matters shall be referred to the committee for resolution in the first instance. All requests shall be dealt with promptly and the Council shall be kept informed at all times;

3.5 To ensure that the decisions and policies of Council are implemented / adhered to without delay;

4. Facility use

4.1 The power to negotiate the use of facilities with user groups and the power to approve programs operating from the T P Taylor Community Facility and Reserve;

4.2 The power to set dates and opening / closing times;

4.3 To ensure that the T P Taylor Community Facility and Reserve is used only for purposes appropriate to the facility and reserve;

4.4 To ensure that the facility and reserve is operated in accordance with a multi - purpose community facility and reserve type guidelines;

4.5 To ensure that all licence, lease and rental agreements include an exclusion clause that acknowledges that the facility will be used as a Neighbourhood Safer Place and Place of Last Resort if deemed necessary by Council; and

4.6 To only enter into a lease or licence for the use of the facility or parts thereof by other parties with the consent of Council; and

4.7 To, in collaboration with Council, develop a Strategic Business Plan for the facility which will include as a priority consideration of a lease to a Committee.

5. Finance

5.1 The power to set user fees;

5.2 The power to enter into contracts and to incur expenditure under \$2000, with approval being required from Council for contracts over \$2000;

5.3 The power to open and maintain a bank account at a bank and branch approved by Council, into which all monies received by the Committee shall be paid. All cheques and or transactions drawn on the account shall be signed and or authorised by any two of the following:

Chairperson
Vice Chairperson
Secretary
Treasurer;

5.4 To pay all utility, municipal and water charges incurred in occupying the premises;

5.5 To provide Council with adopted Financial Statements by 31 July each year, with support documentation being available upon request;

5.6 To provide Council with a proposed budget for the forthcoming year, within seven (7) days of the end of the financial year;

5.7 The power to apply income received from facility users to the ongoing operation and management of the T P Taylor Community Facility and Reserve.

6. Maintenance

6.1 To provide an annual 'Facility Maintenance Report' detailing all anticipated maintenance for the following financial year that is submitted to Council by 31 January of the preceding year;

6.2 The authority to undertake minor repairs up to the value of \$2000, however consent from Council's Property Officer must be gained for any maintenance item over \$2000 that has not been anticipated in the 'Facility Maintenance Report'. Any works must be carried out by qualified personnel, relative to the task being performed, and all certificates of compliance must be forwarded to Council immediately, upon completion. All maintenance is to be in accord with Council's approved Maintenance Regime/Schedule;

6.3 To make no structural alterations or additions to the premises without the written consent of Council's Assets Department;

6.4 To maintain a register of keys issued by the committee and to include these details in the annual 'Facility Maintenance Report'. Council must be provided with a set of keys to all external and internal locks. Any change in locking system must be in accordance with Council's restricted lock system and should be paid for by the Committee;

7. Risk Management / Insurance

7.1 To ensure that the facility is maintained in a manner that meets all Workcover and Occupational Health and Safety Regulations. Council may provide an inspection on at least two occasions per annum;

7.2 To maintain a monthly checklist, provided by Council, relating to building safety, and make available to Council staff when requested;

7.3 To ensure that volunteers complete a registration form that is to be forwarded to Council's Insurance Advisor. Volunteer groups must be supervised by a member of the Committee at all times. Each Committee must maintain a volunteer register containing names, addresses, type of activity performed, times of work and volunteer signature;

7.4 To contact Council's Insurance Advisor, before volunteers commence any work to determine whether training is required;

7.5 To adhere to all statutory and legislative requirements;

8. Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

8.1 enter into contracts over \$5000, or incur expenditure, for an amount which exceeds the approved budget;

8.2 employ people, engage contractors or enter into leases without the prior consent of Council;

8.3 to exercise the powers and functions of Council to manage the facility as a Neighbourhood Safer Place/Place of Last Resort - this the sole responsibility of Council through its Emergency Management Coordinator - and act in accord with the Standard Operating Procedures for a NSP/PLR;

8.4 exercise the powers which, by force Section 86 of the Act, cannot be delegated;

8.5 borrow funds.

GUIDELINES — COMMITTEE DELEGATIONS

Name

These guidelines may be referred to as the T P Taylor Community Facility and Reserve Special Committee Guidelines.

Application

These guidelines have been adopted by the South Gippsland Shire Council ("Council") for the guidance of:

T P Taylor Community Facility and Reserve Special Committee

any other special committee in respect of which Council resolves that these guidelines are to apply.

Exercise of Powers

The powers, duties and functions set out in the Instrument are delegated to the Committee. This means that the Committee can only act under delegation when sitting in a formally constituted meeting.

This requires that the meeting must be called and conducted in a manner that complies with the provisions of the Local Government Act 1989 (the Act) and with the Council's meeting procedures local law.

The Committee cannot exercise its delegated powers when gathered outside the formal meeting structure as described above. For example, an informal coming together of members would not resolve to act under delegation.

Similarly, the delegations do not extend to individual members of the Committee.

The only opportunity for individual Committee members to be granted delegated powers exists where the Committee member is a member of Council staff and subject to a delegation under section 98 of the Act.

All delegations must be read in conjunction with this document and any other policies and guidelines that may be adopted by the Council from time to time.

Reporting Back

These guidelines have been developed to support the concept of delegation as a means of ensuring that the functions of Council are conducted in an efficient and timely manner.

Reporting back of delegations exercised may be necessary to ensure that adequate information regarding those actions is available to other staff, management and the Council.

Such reporting back would be by presentation of reports to Council within the time specified in the Instrument of Delegation; and production of minutes of meetings that will be circulated or available for inspection at any time.

It is to be noted that the reporting back requirements on this policy are a minimum standard only and that nothing will preclude more detailed or extensive reporting back of delegated actions if individual circumstances warrant.

Insurance

After receiving Special Committee Details Form, within 1 month of appointment, Council will, upon appointment of each committee, effect and pay for an annual public liability insurance policy to protect hirers. For events involving large numbers of people (more than 50), alcohol, some children's activities and some sporting events, Council will effect and pay for cover but may require the committee to ensure that hirers complete an insurance form which is to be directed to the insurance company by the committee. Council must be contacted before events such as carnivals, large sporting events and 'pop/rock' concerts are booked or organised, as cover may not be available for some events.

All of the above insurance arrangements are subject to Council approval based on reasonable use of facilities and frequency. If a committee is unsure about any aspect of insurance cover, they must contact Council's Risk Management Officer.

The actions of committee members, in the proper execution of the committee power and responsibilities, are covered by Council's existing public liability policy.

The members of the Committee are:

Wendy Saleeba

Dianne Cooper

Kim White

Sally Gibson

Tony Cornish

Rick Martin

Dot Devine

Geoff Grumley

Marg Grumley

Judy O'Sullivan

Joachim Pawlaczyk

Mandy Prenc

Etta Stewart

Anne Kinne

A representative nominated by Council - Councillor Davies.

E.5 COUNCIL DELEGATION TO STAFF

Corporate Services Directorate

EXECUTIVE SUMMARY

This report recommends that Council approve a new Instrument of Delegation (Instrument) to nominated staff positions (**Appendix 1**) to reflect new and changed positions as a consequence of a new organisation structure that will be effective from 1 July 2015.

Document/s pertaining to this Council Report

Appendix 1 - Instrument of Delegation Council to Staff

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989, section 98(1)

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

South Gippsland Shire Council Instrument of Delegation to Staff

COUNCIL PLAN

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

CONSULTATION

The revised Instrument has been updated following consultation with relevant Council staff, the Executive Leadership Team and Councillors.

REPORT

Background

Council's Instrument of Delegation to members of Council Staff was last reviewed on 22 October 2014.

Discussion

The effective functioning of local government is achieved by allocating formal delegations, which the Council is empowered to do by the Local Government Act 1989.

The delegation power under the Local Government Act 1989, applies to powers under any Act. However, some other Acts also include provisions dealing with delegations relating to particular issues, for example planning and development matters. The prudent approach is to comply with the more restrictive and specific delegation rules under the specific purpose legislation. This requires the delegation from Council directly to staff positions.

Over time powers in legislation change, as does Council's organisational structure. It is important to ensure that the Instrument of Delegation is reviewed periodically to reflect these changes so that delegations to staff are current and due decisions made are valid and under delegation.

The updated Instrument includes amendments in **Appendix 1** to reflect changes in the following legislation:

- Food Act 1984
- Planning and Environment Act 1997
- Residential Tenancies Act 1997
- Planning and Environment Regulations 2005
- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010

Proposal

It is proposed for Council to adopt the updated Instrument (**Appendix 1**).

FINANCIAL CONSIDERATIONS

Not applicable.

RISKS

The decision of a delegate (staff member) is "deemed" to be a decision of Council, therefore correct delegations are necessary for decisions to be valid.

Without delegations, decision making is restricted in a manner that can potentially slow down the business of local government and local economic and social development.

CONCLUSION

Updating the Instrument (**Appendix 1**) allows delegation of powers to members of staff at an appropriate level. This allows for effective and timely decision making necessary to meet community expectations in the provision of specific service areas and for development approvals.

RECOMMENDATION

That in the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached Instrument of Delegation to members of Council staff (Attachment 1), the South Gippsland Shire Council (Council) resolves that:

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation (Appendix 1) to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;**
- 2. The Instrument of Delegation to staff comes into force immediately the common seal of Council is affixed to the instrument;**
- 3. On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Instrument of Delegation to the Chief Executive Officer) are revoked; and**
- 4. The duties and functions set out in the Instrument of Delegation to Staff must be performed, and the powers set out in the Instrument of Delegation must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

STAFF DISCLOSURE OF INTEREST

Nil

E.6 2015/2016 COMMUNITY GRANTS PROGRAM POLICY REVIEW

Corporate Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is to recommend the adoption of the revised Community Grants Program Policy and Guidelines which is due for review in accordance with Council's Corporate Policy Review Timetable.

The 2015/2016 Community Grants Program will open 1 July 2015 and will utilise this revised policy.

Document/s pertaining to this Council Report

- **Attachment 1** - Community Grants Program Policy

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

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

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

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Open Space Strategy
- Recreation Plan
- Bike, Paths and Trails Strategy
- Community Strengthening Strategy
- Sustainability Strategy
- Risk Management Framework
- Asset Management Strategy
- Access and Inclusion Plan
- Public Health and Wellbeing Plan

COUNCIL PLAN

Outcome	2.0	Closely Connected Communities.
Objectives	2.1	Engage and work collaboratively with our community.
Strategy No:	2.1.3	We aim to minimise barriers and find way to support our volunteers, community groups and committees to provide services beyond those that Council, by itself, can provide.

CONSULTATION

Consultation was provided through the following activities:

- An opportunity was provided for previous applicants to provide feedback with the Grants Officer following advice of the outcome of their grant application;
- An internal review was completed; and
- A Council Briefing was conducted on 20 May 2015.

REPORT

Background

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

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

Discussion

- **Major Events Category**

The Community Grants program continues to meet the objective of the program and therefore it is recommended that the only change to the program for 2015 / 2016 is the removal of the Major Events category.

The Major Events category was introduced to the Community Grants Program in 2009. This provided eligible events with some surety for grant funding of up to a maximum five consecutive years. Although the objective of the Major Events grant was met, on review it is assessed that the category is no longer necessary.

The following list is an example of beneficiaries of Major Event grants which have become independent of Council grant funding and continue to grow;

- Summer of Soul (formerly Mossvale Music Festival)
- South Gippsland Golf Classic
- Tour De Tarwin
- Arty Gras Festival
- South Gippsland Game Fishing Tournament
- Great Southern Portrait Prize
- Prom Coast Seachange Festival

The 2014/2015 Community Grants Program was the last, fifth and final year of funding for eligible events with no other applications to the Major Events category identified. The Celebrations, Festivals and Events category will still provide an option for any eligible event to seek a Community Grant in future years.

- **Celebrations, Festivals and Events Category**

It is recommended that the guidelines for this category include:

“preference will be given to new activities or to support community events that are open to the general public but cannot reasonably cover costs through ticket sales ”

- **Smartygrants**

The 2015 / 2016 Community Grants program will see the introduction of Smartygrants. Smartygrants is an online grants management system that will provide a simple to use web portal for organisations to submit applications. The program will also assist with managing the life cycle of all grants submitted and as a result, will provide significant administration efficiencies.

Other minor amendments have been made to the guidelines; however they will not affect the objective of the Community Grants Program.

Proposal

To adopt the recommended changes to the 2015/2016 Community Grants Program Policy and Guidelines to ensure that the Community Grants Program continues to meet the objective of the program.

FINANCIAL CONSIDERATIONS

Budget provision is contained within the Annual Budget and Long Term Financial Plan.

RISKS

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

CONCLUSION

The Community Grants Policy and Guidelines have been reviewed with the objective of ensuring that funds allocated through the Community Grants Program is aligned with the needs and direction of the Community and Council.

RECOMMENDATION

That Council:

- 1. Revoke the Community Grants Policy C47 adopted by the Council on 25 July 2014;**
- 2. Adopt the Community Grants Policy C47 contained in Attachment 1; and**
- 3. Open the 2015/2016 Community Grants Program on 1 July 2015.**

STAFF DISCLOSURE OF INTEREST

Nil



CORPORATE POLICY

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CORPORATE POLICY

Attachment 1

South Gippsland Shire Council

COMMUNITY GRANTS PROGRAM

Policy Number:	C47	Directorate:	Corporate Service
Adoption date:	June 2015	Department:	Governance Services
Revision date:	June 2015	Primary Author:	Grants Officer
		Secondary Author:	

POLICY OBJECTIVE

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

Funding will contribute to obtaining the outcomes of Council's strategic goals as outlined in the Council Plan.

LEGISLATIVE PROVISIONS

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

Guiding Documents:

1. Council Plan 2014-2017
2. South Gippsland Shire Council Community Grants Procedure
3. Victorian Local Governance Association - Best Practice in Local Government Community Grants Programs
4. Administration of Grants – Better Practice Guide

DEFINITIONS

Guidelines – is a supporting document that outlines the eligibility criteria and requirements for applicants and details the processes for administering and allocating funds.

Beneficial Project/Activities – elements of beneficial projects/activities are likely to give rise to sustainable outcomes for the community of South Gippsland Shire, be consistent with Council's broader strategic aspirations, and minimise the relationship of dependence on Council.

POLICY STATEMENT

Council may at its discretion, and in accordance with this Policy and the Guidelines, provide financial support to eligible community groups to strengthen South Gippsland communities. The direction of support will be to enhance the quality of life, heritage, recreation and cultural opportunities of the broader South Gippsland community. This program is secular and apolitical. The program funds specific initiatives, activities, events and programs.



The Community Grants program will provide:

- a) Grants for a range of initiatives that support the achievement of the strategic goals and outcomes of the Council Plan and enhance the quality of life, heritage, recreation and cultural opportunities of the broader South Gippsland community.
- b) A program that is flexible and responsive to the needs of the community.
- c) A program that minimises the administrative burden on volunteers without undermining good governance and asset management principles.
- d) Further opportunities to volunteer groups and organisations, which would otherwise have limited access to funds to expand or maintain community engagement within the community.
- e) Support to community groups to increase self reliance without encouraging a relationship of dependence.

The Community Grants program will not fund:

- a) Applications for programs or initiatives where Council considers the purpose of the program or initiative, or activities within it, is to advance the organisation's religious beliefs or political positions, irrespective of what those beliefs or positions might be. However, religious or politically affiliated groups may apply for grants for programs or initiatives that comply with this policy.
- b) Commercial enterprises
- c) Applications by individuals other than where the individual is authorised to apply on behalf of a community group or organisation
- d) Applications for activities or programs that are not based within the South Gippsland Shire or cannot demonstrate that they service a significant number of residents of the South Gippsland Shire

Through the Community Grants Program:

Funding will be available under the following categories as determined in the guidelines:

- Small Emergency Grants Program
- Minor Projects and Equipment;
- Events, Celebrations and Festivals;
- Planning and Development Studies; and
- Major Projects.
-

The approval of funding allocations remains with Council. Council may, however, from time to time delegate this responsibility, either indefinitely or temporarily, to the



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Chief Executive Officer or his/her delegate. Such delegations are subject to any terms and conditions that the Council deems appropriate.

All applications are still subject to further evaluation by the Community Grants Program Assessment Panel and Council.

At the conclusion of the assessment of applications, a Council Report will be provided listing all successful and unsuccessful applications which will be made public after adoption by Council.

RISK ASSESSMENT

This policy

- Will provide transparency, openness and accessibility in respect of grant allocation and ensure best use of limited funds for community strengthening activity.
- Addresses the risk of Council assuming the responsibility for ongoing asset maintenance by requiring community groups to obtain evidence of approval from relevant authorities and/or land owners, and where appropriate, insurance and OHS policies and implementation.

IMPLEMENTATION STATEMENT

- Community groups wishing to apply for funding through the Community Grants Program need to comply with this policy's requirements and supporting Guidelines.
- Council will allocate funds annually through the Budget process to support the Community Grants Program.
- Council will endeavour to arrange for the education of Councillors and relevant staff of their responsibilities, for the allocation of the Community Grants.
- Advertise the Community Grants Program and provide application forms, comprehensive guidelines and explanatory information on the Council website and means identified in the Community and Consultation Strategy Tool Kit.
- The promotion, assistance and administration provided by Council's Grants Officer including community consultations.

E.7 POLICY REVIEW & ADOPTION - C20 HEAVY VEHICLE USAGE ON COUNCIL CONTROLLED ROADS

Engineering Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is to present the updated C20 Heavy Vehicle Usage on Council Roads Policy (**Attachment 1**), which is due for review in accordance with Council's policy review process.

The summary of the changes to the Policy are as follows:

- Policy updated to:
 - Incorporate the latest legislation and the National Heavy Vehicle Regulations Guidelines (refer to **Attachment A** in the updated Policy). This information has been updated with current responsible officer positions to the NHVR and VicRoads requirements.
 - Include the latest list of pre-approved and gazetted Council controlled local roads for use by B-Doubles and Higher Mass Limit vehicles (refer to **Attachment B** in the updated Policy).
- Comprehensive definitions of heavy vehicles included.
- Policy placed in the current policy template.

Documents pertaining to this Council Report

- **Attachment 1** - Revised C20 Heavy Vehicle Usage on Council Roads Policy - June 2015.
- **Attachment 2** - Current C20 Heavy Vehicle Usage on Council Roads Policy - June 2012.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Heavy Vehicle National Law Act 2012 (Qld)
- Heavy Vehicle National Law Application Act 2013 (Vic)
- Heavy Vehicle (General) National Regulation
- Heavy Vehicle (Vehicle Standards) National Regulation
- Heavy Vehicle National Law Application (Infringements) Regulations 2013
- Road Management Act 2004

- Road Management (General) Regulations 2005
- Road Management (Works and Infrastructure) Regulations 2005
- Road Safety Act 1986
- Road Safety (Vehicles) Regulations 2009
- Bus Safety Act 2009
- VicRoads Information Bulletin 'B-Doubles & Higher Mass Limit Trucks, May 2004'
- VicRoads Information Bulletin 'Local Roads Approved for B-doubles and Higher Mass Limit Trucks December 2008'

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Road Management Plan 2013

COUNCIL PLAN

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

CONSULTATION

External consultations have been undertaken with the National Heavy Vehicle Regulator (NHVR), Municipal Association of Victoria (MAV) and VicRoads.

Internal consultation has occurred within the Engineering and Assets Department and relevant Council officers.

REPORT

Background

The policy was updated and adopted by Council at the Ordinary Council Meeting held on 27 June 2012.

Discussion

Council is currently controlling the use of heavy vehicles on local roads, both Mass Management Vehicles and Over-dimensional Vehicles. In order for these types of heavy vehicles to operate on local roads, a permit is required

from the NHVR and VicRoads. A permit will not be issued unless consent has been obtained from Council agreeing to the use of the proposed roads.

Proposal

It is proposed that Council adopt the revised C20 Heavy Vehicle Usage on Council Roads Policy (**Attachment 1**).

FINANCIAL CONSIDERATIONS

Nil

RISKS

This Policy will:

- Provide a mechanism to support compliance by the general public and Council officers with relevant Heavy Vehicle legislation and procedural requirements; and
- Provide transparency and clarity in the management of Heavy Vehicles throughout the Shire.

CONCLUSION

The revision of this policy provides updated legislative and VicRoads requirements enabling a clear understanding and transparency of the management of Heavy Vehicles throughout the Shire.

RECOMMENDATION


That Council:

- 1. Revoke the current C20 Heavy Vehicle Usage on Council Roads Policy 2012.**
- 2. Adopt C20 Heavy Vehicle Usage on Council Roads Policy 2015.**
- 3. Place a copy of the Policy on Council's website.**

STAFF DISCLOSURE OF INTEREST

Nil

Attachment 1 Revised C20 Heavy Vehicle Usage on Council Roads Policy - June 2015

South Gippsland Shire Council2015/00011

HEAVY VEHICLE USAGE ON COUNCIL ROADS

Policy Number:	C20	Responsible:	Engineering Services
Control Number:	TBA	Department:	Engineering & Assets
Council Adoption Date:	24 June 2015	Heavy Vehicle:	Project Engineer
Review Date:	June 2019	Strategy Area:	Asset Management Coordinator Manager Engineering & Assets

POLICY OBJECTIVE

The objectives of the Heavy Vehicle Usage Policy are to ensure:

- Consistent response to applications from heavy vehicle operators to use Council control local roads.
- Council officers have the ability to assess consent applications and issue consent notification to the National Heavy Vehicle Regulator (NHVR) and VicRoads.
- A mechanism is in place to protect Council's road infrastructure assets against incurring avoidable damage.
- Heavy vehicle operators are aware of the specific conditions with regard to Council's rights to grant or refuse consent
- That approved local roads within the Shire remain suitable for Higher Mass Limits (HML) and Performance-Based Standards (PBS) category heavy vehicles.
- Council satisfies itself that heavy vehicles do not pose a risk to public safety

LEGISLATIVE PROVISIONS

- Heavy Vehicle National Law Act 2012 (Qld)
- Heavy Vehicle National Law Application Act 2013 (Vic)
- Heavy Vehicle (General) National Regulation.
- Heavy Vehicle (Vehicle Standards) National Regulation.
- Heavy Vehicle National Law Application (Infringements) Regulations 2013
- Road Management Act 2004
- Road Management (General) Regulations 2005.
- Road Management (Works and Infrastructure) Regulations 2005.
- Road Safety Act 1986
- Road Safety (Vehicles) Regulations 2009.
- Bus Safety Act 2009.

DEFINITIONS

Class 1 heavy vehicles: are oversize or over mass (OSOM) vehicles, agricultural vehicles and trailers, and vehicles with the ability to carry a large indivisible item (e.g. low loaders), that exceed prescribed mass or dimension requirements. Also includes special purpose vehicles (SPV) such as mobile cranes.

Heavy Vehicle Usage on Council Roads PolicyPage 1 of 11

Attachment 1 Revised C20 Heavy Vehicle Usage on Council Roads Policy - June 2015



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Class 2 heavy vehicles: are B-doubles, road trains, long buses and high livestock and vehicle carriers that do not exceed prescribed mass and dimension requirements. Also includes PBS vehicles.

Class 3 heavy vehicles: are vehicles that exceed prescribed mass or dimension requirements and are not Class 1 heavy vehicles, such as larger truck and dog trailer combinations and B doubles or road trains that exceed prescribed mass or dimension requirements.

POLICY STATEMENT

This policy operates under the legislative provisions outlined above and recognises that Council has the appropriate consent management and operational mechanisms to enact this policy. This policy will:

- Strengthen compliance with relevant Heavy Vehicle legislation and procedural mechanisms.
- Provide transparency in the management of Heavy Vehicles throughout the Shire.
- Ensure that Council takes account of relevant freight strategies when processing heavy vehicle road access applications.
- Potentially bring to Council's attention the need to prioritise improvement works on elements of its networks to facilitate the efficient movement of freight to and from local industries (often referred to as "Last Mile").

CONSENT MANAGEMENT AND OPERATION

Council authorises the Manager Engineering & Assets, the Asset Management Coordinator, the Projects Engineer and the Asset Planning Engineer to approve and issue consent on the prescribed form and forward it to the NHVR or VicRoads as appropriate (**refer to Attachment A – Consent Guidelines**).

Council will generally allow the use of the gazetted pre-approved local road network to be used by various types of heavy vehicles operating under higher mass limit. Pre-approval would not be granted for roads where there is a road safety or road asset integrity issue restricting safe passage of these vehicles.

All consent forms approved and issued by the Council are to be recorded in the current TRIM folder for heavy vehicle consents. Similarly, permits issued by the NHVR will be saved in the relevant and current TRIM folder for heavy vehicle permits.

Consents could be valid for a period between one and three years depending on the application.

Attachment 1 Revised C20 Heavy Vehicle Usage on Council Roads Policy - June 2015



COUNCIL POLICY

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For a particular local road which is not on the pre-approved gazetted list of roads, there will be consultation between the Engineering & Assets Department, the road maintenance supervisor and where appropriate, the bridge maintenance supervisor regarding the suitability of a particular road to be used by a particular type of vehicle. Notwithstanding, the final decision will rest with an authorised officer of the Engineering & Assets Department.

MASS MANAGEMENT

Council will allow the use of local roads for heavy vehicles where the following apply:

1. Road is pre-approved and gazetted for all heavy vehicles.
2. Roads that are not currently pre-approved or gazetted be allowed to be used by heavy vehicles on a case by case basis provided the road is geometrically suitable for that type of vehicle, there are no load limits from assessment of bridge capacities and the road is considered to have adequate pavement strength.

OVER SIZE OVER MASS (OSOM) VEHICLES

Council will approve the use of local roads for OSOM vehicles under the following conditions:

1. Lead and following escort vehicles are to be provided and operated as per NHVR requirements.
2. The mass of the load and vehicle will not exceed the safe load capacity of any structure over which it may pass.
3. The intended route must be geometrically suitable for OSOM vehicles.

RISK ASSESSMENT

Without this policy, Council will not have a structured mechanism to protect Council's road network. Therefore, roads not suitable for heavy vehicles could potentially be damaged and pose a threat to other road users.

IMPLEMENTATION STATEMENT

The responsibility for and implementation of the Policy rests with the Engineering Services Directorate. Implementation will include:

- Publication on Council's Intranet and Website.
- Inclusion of Policy reference in communications with Heavy Vehicle users.

Attachment 1
Revised C20 Heavy Vehicle Usage on Council Roads Policy - June 2015



ATTACHMENT A

CONSENT GUIDELINES

COUNCIL POLICY

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National Heavy Vehicle Regulator

The National Heavy Vehicle Regulator (NHVR) was established under Heavy Vehicle National Law (HVNL) Act 2012. The NHVR is a national regulator and is the first point of contact for operators for all heavy vehicle enquiries and access applications. The NHVR is legally responsible for contacting roads managers about applications for access and are legally responsible for notifying operators on the status and outcome of their applications.

It is the role of the NHVR to consider requests for access and make the final decision to grant a mass or dimension authority. The NHVR is also responsible for deciding whether vehicle conditions will be included in a mass or dimension authority. This responsibility is consistent with the statutory role of the NHVR to ensure that heavy vehicles comply with the heavy vehicle standards or are safely exempted from these standards. The NHVR is responsible for ensuring that restricted access vehicles may be used safely.

Road Authority


VicRoads is the Road Authority in Victoria for freeways, highways and other arterial roads and is responsible for transport regulation in general. The road authority will also be the road manager for roads for which it is the Coordinating Road Authority under the Road Management Act 2004.

Under the HVNL the Road Authority has the power to overrule the decisions of road managers in some situations through a request from the NHVR. A Road Authority can only overrule a decision of a road manager that is a public authority and is not itself the road authority. The road authority is also responsible for the major road network in each state and territory and therefore will likely be a relevant road manager for many applications for restricted access vehicle access.

Road Manager

Road managers are declared in the application law of the state and includes road authorities, local governments and usually some other road owners. The road manager is responsible for deciding whether to consent to the use of restricted access vehicles on its roads and may when consenting, require that travel conditions and road conditions be included in a mass or dimension authority. Council is the road manager for the local road network.

Attachment 1 Revised C20 Heavy Vehicle Usage on Council Roads Policy - June 2015



ATTACHMENT A

CONSENT GUIDELINES

Intent of Guidelines

These guidelines have been developed for the purpose of providing guidance and clarity on aspects of heavy vehicle access decision making under the Heavy Vehicle National Law (HVNL) as in force in Victoria.


The HVNL provides that certain types of vehicles (restricted access vehicles) despite being registered and compliant with HVNL and other legal requirements may only be used on a public road if the operator has been granted a mass or dimension authority from the NHVR. Restricted access vehicles are subject to restrictions to ensure that the use of these vehicles does not endanger public safety and to minimise any adverse impact on road infrastructure.

There are three types of restricted access vehicles:

- Class 1 heavy vehicles:**
 - Special purpose vehicles (SPV):** A special purpose vehicle is a motor vehicle or trailer other than agricultural vehicle or a tow truck built for a purpose other than carrying goods such as mobile crane, concrete pump, drill rig or fire truck.
 - Agricultural vehicles:** An agricultural vehicle is considered a class 1 restricted access heavy vehicle if it together with its load does not comply with a prescribed mass or dimension requirement.
 - Oversize/overmass (OSOM) vehicles:** An oversize or overmass vehicle is a heavy vehicle or combination which alone or together with its load exceeds prescribed mass or dimension requirements and is designed for the purpose of carrying a large indivisible item.
- Class 2 heavy vehicles:**
 - B-double:** A B-double is a class 2 heavy vehicle that consists of a prime mover towing two semitrailers with the first semitrailer being attached directly to the prime mover by a fifth wheel coupling and the second semitrailer being mounted on the rear of the first semitrailer by a fifth wheel coupling on the first semitrailer. A B-double must comply with prescribed mass and dimension requirements.
 - Buses:** A bus other than an articulated bus that is longer than 12.5m but less than 14.5m that complies with prescribed mass and dimension requirements is a class 2 heavy vehicle.
 - Vehicle carriers:** A vehicle carrier is a combination designed and built to carry vehicles on more than one deck that together with its load is longer than 19m or higher than 4.3m.
 - Livestock vehicles:** A livestock vehicle is a heavy vehicle or a combination that is higher than 4.3m and is built to carry cattle, sheep, pigs or horses.

Heavy Vehicle Usage on Council Roads Policy Page 5 of 11

Attachment 1 Revised C20 Heavy Vehicle Usage on Council Roads Policy - June 2015



ATTACHMENT A

CONSENT GUIDELINES

Performance-Based Standards (PBS) vehicles: PBS vehicles are defined as class 2 heavy vehicles. There are four levels within PBS scheme and these vehicles must meet twenty safety and infrastructure standards and are designed to offer higher levels of safety and productivity. PBS vehicles are able to operate on road networks that have been classified as suitable for their level of performance

3. Class 3 heavy vehicles:


A class 3 heavy vehicle is a heavy vehicle together with its load does not comply with prescribed mass or dimension requirements and is not a class 1 heavy vehicle. A truck and dog trailer combination consisting of a rigid truck with 3 or 4 axles towing a dog trailer with 3 or 4 axles weighing more than 42.5t is an example of a class 3 vehicle. Other examples might include a B-double or road train transporting a load wider than 2.5m.

Class 3 heavy vehicles do not include PBS vehicles or heavy vehicles complying with prescribed dimension requirements but operating under Concessional Mass Limits (CML) or Higher Mass Limits (HML).

- Higher Mass Limits (HML):** Higher mass limits allows particular heavy vehicles to access additional mass entitlements providing (1) operators of vehicles or combinations running HML on triaxle groups are accredited under the Mass Management Module of the National Heavy Vehicle Accreditation Scheme (NHVAS) with an accreditation label fitted to the hauling unit, (2) vehicles are fitted with certified road friendly suspension, (3) vehicles are on an HML route. HML provides a significant increase in the productivity of road freight transport vehicles.
- Concessional Mass Limits (CML):** Concessional mass limits allows an operator to operate at mass limits above the national general limits provided the operator is accredited under the National Heavy Vehicle Accreditation Scheme (NHVAS). Mass limits for CML are set at 5% above the General Mass Limits (GML).
- General Mass Limits (GML):** General mass limits apply to all heavy vehicles. The GML state the allowable mass for all types of heavy vehicle axle groups unless the vehicle is operating under an accreditation or an exemption under the Heavy Vehicle National Law (HVNL).
- General Access Vehicle:** General access vehicle is a heavy vehicle that is permitted to use any trafficable Local Access Road as-of-right other than Local Access Roads where types of vehicles have been specifically excluded or where length restrictions or load limits are posted. This includes the following common vehicle types (1) Rigid trucks at General and Higher Mass Limits; (2) Prime mover/semi-trailer combinations at General Mass Limits, and Higher Mass Limits where fitted with single drive or tandem axle groups only and with road friendly suspension; and (3) Mini B-doubles up to 50.0 tonnes.

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Attachment 1
Revised C20 Heavy Vehicle Usage on Council Roads Policy - June 2015



ATTACHMENT A

CONSENT GUIDELINES

Consenting to Access

The Heavy Vehicle National Law (HVNL) provides that a road manager may decide not to give consent if satisfied that the mass or dimension authority will or is likely to:

- a) cause damage to road infrastructure or
- b) impose adverse effects on the community from noise, dust, emissions or traffic congestion or
- c) pose significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions.

However, before deciding not to give consent, the road manager must satisfy itself that it is not possible to grant access subject to road or travel conditions that will avoid or significantly mitigate these relevant risks.

It is the responsibility of the road manager to determine if the use of restricted access vehicles will cause damage to road infrastructure or have adverse impacts on the amenity of the community. The road manager is also responsible for determining whether restricted access vehicles can be used safely on its road network.

However, consistent with the statutory role of the NHVR to ensure that heavy vehicles comply with the heavy vehicle standards or are safely exempted from these standards, it is the responsibility of the NHVR, and not the road manager, to determine whether restricted access vehicles are able to operate safely, although the road manager can request that the NHVR include vehicle conditions in a mass or dimension authority.

The responsibility of the road manager for providing a decision on application applies to access granted by using a NHVR prescribed consent form.


Restricted access vehicles such as Class 1, 2 and 3 currently requires consent from the Council to use local roads which is coordinated by VicRoads. Council will prepare a list of roads that will be pre-approved and gazetted for restricted access vehicles.

Heavy Vehicle Usage on Council Roads Policy

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COUNCIL POLICY

**Attachment 1
Revised C20 Heavy Vehicle Usage on Council Roads Policy - June 2015**





















ATTACHMENT A


CONSENT GUIDELINES

COUNCIL POLICY


Vehicle Type and Consents

Vehicle Type	General Mass Limits (tonnes)	Local Roads
	13.0	Yes
	22.0	Yes
	31.0	Yes
	40.0	Yes
	49.0	Yes
	58.0	Yes
	67.0	No
	76.0	No
	85.0	No


Vehicle Type	Upper Mass Limits (tonnes)	Local Roads
	16.0	Yes
	25.0	Yes
	34.0	Yes
	43.0	Yes
	52.0	No
	61.0	No
	70.0	No
	79.0	No
	88.0	No




B-double



PBS - AB double




4 & 5 Axle Crane



PBS - Level 1


Heavy Vehicle Usage on Council Roads Policy
Page 8 of 11

Attachment 1
Revised C20 Heavy Vehicle Usage on Council Roads Policy - June 2015

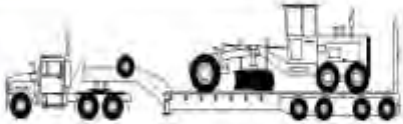


ATTACHMENT A

CONSENT GUIDELINES



PBS - Level 2



OSOM

Table 1

Table 1 Notes:

1. Vehicle Types shown in the unshaded areas of Table 1 are allowed to travel on all Council controlled local access roads provided there are no a heavy vehicle restrictions sign or signs displaying a length restriction or load limit that is less than the length or mass of the vehicle respectively.
2. Vehicle Types shown in the shaded areas of Table 1 are allowed to use only pre-approved and gazetted roads. A list of pre-approved roads within the South Gippsland Shire is shown in Attachment B.

However, it is Council's intention to also pre-approve and gazette the roads in Attachment B for other types of vehicles such as PBS - Level 1 and 2, AB double, OSOM, 4 and 5 axle cranes.

Heavy Vehicle Usage on Council Roads Policy Page 9 of 11

Attachment 1
Revised C20 Heavy Vehicle Usage on Council Roads Policy - June 2015



ATTACHMENT B

LIST OF PRE-APPROVED GAZETTED ROADS FOR 26M BD AND HML VEHICLES

No.	Road Name	Section	Locality
1	Andersons Road	-	Leongatha
2	Bena Kongwak Road	First 330m from Main Rd	Bena
3	Black Swamp Road	-	Foster/Yanskie
4	Boys Road	Up to 1km from Meenyan Prom Rd	Fish Creek
5	Buffalo Waratah Rd	Between Buffalo Tarwin Lower Rd & Wakerville Rd	Middle Tarwin
6	Charity Lane	-	Foster
7	Cochranes Road	First 2km from Drouin Korumburra Rd	Poowong
8	Cusack Road	-	Leongatha
9	Dyrings Rd	-	Foster
10	Farmers Road	Between Loves Lane & Foster Mirboo Rd	Dumbalk North
11	Fish Creek Walkerville Rd	Between Kerrs Rd and Waratah Rd	Fish Creek
12	Fish Creek Waratah Road	First 2.61km from Waratah Rd	Waratah
13	Foley Rd	-	Yanskie
14	Fullers Road	Between Lower Franklin Rd & Old Hat Rd	Foster
15	Geary Road	-	Leongatha
16	Grip Road	Up to 1.5km from South Gippsland Hwy	Toora
17	Hillgroves Road	-	Leongatha South
18	Horn Street	Between Stiz Hwy & McPherson St	Leongatha
19	Hughes Street	Between Turner St & Roughhead St	Leongatha
20	Hulls Rd	-	Nerrena
21	Kerrs Road	-	Fish Creek
22	Knights Road	-	Agnes
23	Koonwarra Inverloch Road	-	Koonwarra
24	Koonwarra Pound Creek Rd	-	Pound Creek
25	Korumburra South Road	From Stock Route Rd to Clancy Rd	Korumburra
26	Leach Road	-	Agnes
27	Leggetts Road	First 75m from Fish Creek Foster Rd	Fish Creek
28	Leongatha South Outtrim Rd	-	Leongatha South
29	Loch Poowong Road	-	Loch
30	Long Street	-	Leongatha
31	Lower Franklin Rd	Between Charity Lane & Fuller Rd	Foster
32	Main Road	-	Bena
33	Mackerricks Rd	-	Stony Creek
34	McPherson Street	-	Leongatha

COUNCIL POLICY

Attachment 1
Revised C20 Heavy Vehicle Usage on Council Roads Policy - June 2015



ATTACHMENT B

LIST OF PRE-APPROVED GAZETTED ROADS FOR 25M BD AND HML VEHICLES

35	Millar Road	-	Yarাকie
36	Mosevale Park Road	From Strzelecki Hwy up to the bridge	Berrys Creek
37	Nashes Road	-	Koorooman
38	Nicholas Road	-	Leongatha South
39	Ogilvy St	Between South Gippsland Hwy & Horn St	Leongatha
40	O'Grady's Ridge Road	-	Foster North
41	Old Hat Road	First 136m from Fuser Rd	Foster
42	Old Yarাকie Road	300m from Meenyan Promontory Rd	Yarাকie
43	Outtrim Leongatha Rd	-	Outtrim
44	Peaveys Road	-	Hedley
45	Racecourse Road	First 330m from Bass Highway	Leongatha
46	Reilly & Allens Rd	Up to 1.75km from Nerrena Rd	Nerrena
47	Rifle Range Road	-	Leongatha
48	Roughhead St	-	Leongatha
49	Salmon Road	Between South Gippsland Hwy and Peaveys Rd	Welshpool
50	Soldiers Road	Between Bass Highway & Gwyther Siding Rd	Leongatha South
51	Soldiers Road	-	Fish Creek/Yarাকie
52	Stewart & Dunlops Rd	Between Tarwin Lower Rd & Dunlops Bridge	Middle Tarwin
53	Stewarts Rd	-	Kongwak
54	Stock Route Road	-	Korumburra South
55	Stony Creek Dollar Rd	-	Stoney Creek
56	Summers Rd	-	Fish Creek
57	Timms Rd	Between Drouin Korumburra Rd & Main South Rd	Poo Wong North
58	Toora Jetty Road	Between Grip Rd & Beate Rd	Toora
59	Turner Street	Between South Gippsland Hwy & Hughes St	Leongatha
60	Walkerville Rd	-	Tarwin Lower
61	Watson Road	-	Leongatha
62	Whitelaws Track	-	Leongatha South
63	Wild Dog Valley Road	Between Strzelecki Hwy & Chainage 4.8km	Leongatha
64	Yarragon Leongatha Rd	Between Strzelecki Hwy & Grand Ridge Rd	Woreen


Updated: 05 March 2015

NOTE: Shire roads not listed above are not suitable for heavy vehicles.

Heavy Vehicle Usage on Council Roads Policy

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Attachment 2
Current C20 Heavy Vehicle Usage on Council Roads Policy
June 2012

 *South Gippsland Shire Council*

HEAVY VEHICLE USAGE ON COUNCIL ROADS

Policy Number:	C20	Director:	Engineering Services
Council Item No:	E.7	Department:	Assets
Council Adoption Date:	27 June 2012	Primary Author:	Aian Landers
Revision Date:	June 2015	Secondary Author:	Mohammad Chowdhury

POLICY OBJECTIVE


The objective of this policy is to promote the integrity of Council's road assets and the safety for all road users whilst accommodating, where feasible, the use of high productivity vehicles important to the efficiency of the freight task essential for primary and other industries within the municipality. This policy in no way attempts to restrict those vehicles having as-of-right access as General Access Vehicles to Council controlled Local Access Roads.

LEGISLATIVE PROVISIONS

- Road Management Act 2004
- Road Safety Act 1986
- Road Safety (Vehicles) Regulations 2009
- Bus Safety Act 2009
- VicRoads Information Bulletin "B-Doubles & Higher Mass Limit Trucks, May 2004"
- VicRoads Information Bulletin "Local Roads Approved for B-doubles & Higher Mass Limit Trucks December 2008"


DEFINITIONS

B-Double Vehicle: is a vehicle that consists of a prime mover with a two trailer combination, as detailed in VicRoads Information Bulletin "B-Doubles & Higher Mass Limit Trucks May 2004", and having a General Mass Limit greater than 50 tonnes.



Heavy Vehicle Usage on Council Roads Policy Page 1 of 11

Attachment 2
Current C20 Heavy Vehicle Usage on Council Roads Policy
June 2012



Bus: the definition of a Bus, in accordance with the Bus Safety Act 2009 means:

- (a) a motor vehicle that has been built;
 - (i) with seating positions for 10 or more adults (including the driver); and
 - (ii) to comply with the requirements specified in the Australian Design Rules for a passenger omnibus (within the meaning of those Rules);
- (b) a motor vehicle prescribed to be a bus;
- (c) a motor vehicle which the Safety Director has declared to be a bus under section 7(1) of the Bus Safety Act 2009;

but does not include:

- (d) subject to section 23 of the Bus Safety Act 2009, a vehicle which is a taxi-cab in respect of which a taxi-cab licence is granted under the **Transport Act 1983**;
- (e) a motor vehicle prescribed not to be a bus;
- (f) a motor vehicle which the Safety Director has declared not to be a bus;
- (g) a vehicle known as a Hummer

Examples

1. A passenger car modified to have more than 9 seats (for example, a stretch limousine) is not a bus.
2. A motor vehicle that is built as a bus but which has had seats removed so that it seats less than 10 adults is still a bus.
3. A motor vehicle built overseas as a bus is a bus unless it is a motor vehicle built to be a Hummer.


General Access Vehicle: is a Heavy Vehicle that is permitted to use any trafficable Local Access Road as-of-right (other than Local Access Roads where types of vehicles have been specifically excluded or where length restrictions or load limits are posted). This includes the following common vehicle types:

1. Rigid trucks at General and Higher Mass Limits;
2. Prime mover/semi-trailer combinations at General Mass Limits, and Higher Mass Limits where fitted with single drive or tandem axle groups only and with road friendly suspension; and
3. Mini B-doubles up to 50,0 tonnes.

Heavy Vehicle Usage on Council Roads Policy

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**Attachment 2
Current C20 Heavy Vehicle Usage on Council Roads Policy
June 2012**



COUNCIL POLICY








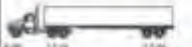










General Mass Limits			Higher Mass Limits (Road Friendly Suspension)		
Vehicle Type Column 1	Mass Limit (tonnes) Column 2	Local Road Access Column 3	Vehicle Type Column 1	Mass Limit (tonnes) Column 2	Local Road Access Column 3
 6.0t - 8.0t	15.0t	Yes	 6.0t - 10.0t	15.0t	Yes
 6.0t - 14.0t	20.0t	Yes	 6.0t - 14.0t	20.0t	Yes
 6.0t - 3.0t - 16.0t	20.0t	Yes	 6.0t - 3.0t - 17.0t	20.0t	Yes
 6.0t - 15.0t - 5.0t	25.0t	Yes	 6.0t - 11.0t - 17.0t	30.0t	Yes
 6.0t - 15.0t - 20.0t	40.0t	Yes	 6.0t - 17.0t - 25.0t	45.0t	Approved vehicles
 6.0t - 16.0t - 15.0t - 16.0t	50.0t	Yes	 6.0t - 15.0t - 17.0t - 15.0t	55.0t	Approved vehicles
 6.0t - 16.5t - 16.0t - 16.0t	55.0t	Approved vehicles	 6.0t - 17.0t - 17.0t - 17.0t	60.0t	Approved vehicles
 6.0t - 16.5t - 16.0t - 30.0t	60.0t	Approved vehicles	 6.0t - 17.0t - 17.0t - 30.0t	65.0t	Approved vehicles
 6.0t - 16.5t - 20.0t - 30.0t	65.0t	Approved vehicles	 6.0t - 17.0t - 20.0t - 30.0t	70.0t	Approved vehicles

Table 1 – Local Road Access Status

Notes to Table 1:

Unshaded areas: Travel on all Council controlled Local Access Roads is approved, provided there is not a Heavy Vehicle restriction sign or a sign displaying a length restriction or load limit that is less than the length or mass of the vehicle and load respectively.

Shaded Areas: Travel on local roads is by either of two permits:

1. A general permit (Victoria Government Gazette Notice). Check the VicRoads Information Bulletin "Local Roads Approved for B-doubles and Higher Mass Limits Vehicles, December 2008", or
2. A VicRoads permit for specific local roads – permit to be obtained from VicRoads with written consent of Council.


Exclusions to General Access Vehicle classification: Buses, and Truck/Trailer combinations, including pig, tag and dog trailers. These vehicles are defined as Heavy Vehicles.

COUNCIL POLICY

Heavy Vehicle Usage on Council Roads Policy

Page 3 of 11

Attachment 2 Current C20 Heavy Vehicle Usage on Council Roads Policy June 2012



Heavy Vehicle: means a motor vehicle, truck or trailer or combination of same with a Gross Vehicle Mass (GVM) greater than 4.5 tonnes.

Local Access Road: All roads included in Council's Road Management Plan Road Register.

Over-Dimensional Vehicle: These vehicles are those which exceed the mass and dimension limits specified in the Road Safety (Vehicles) Regulations 2009.

Truck: is any motor vehicle, including both single unit and articulated vehicles, specifically designed to carry freight or goods or to perform special services such as fire fighting, garbage collection and street cleaning.

POLICY STATEMENT

This policy operates under the Legislative Provisions outlined above and recognises that Council has the appropriate management and operational mechanisms to enact this policy. For details of the Management and Operational Mechanisms refer to Attachment A.

This policy will:

- Strengthen compliance with relevant Heavy Vehicle legislation and procedural mechanisms.
- Provide transparency in the management of Heavy Vehicles throughout the Shire.

RISK ASSESSMENT

What are the risks to Council if this policy does not exist?

Without this policy Council will not have a structured mechanism to protect Council's road network. Therefore roads not suitable for heavy vehicles could potentially be damaged and pose a threat to other road users.

IMPLEMENTATION STATEMENT


The responsibility for and implementation of the policy rests with the Engineering Services Directorate. Implementation will include:

- Publication on Council's intranet and Website;
- Inclusion of policy reference in communications with Heavy Vehicle users.

Heavy Vehicle Usage on Council Roads Policy

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Attachment 2
Current C20 Heavy Vehicle Usage on Council Roads Policy
June 2012



ATTACHMENT A

MANAGEMENT AND OPERATIONAL MECHANISMS

Management Mechanisms

1. Council authorise the Manager Assets, the Asset Management Coordinator and the Assets Engineer to approve requests for the use of B-double vehicles operating under the Mass Management System and Over-dimensional Vehicles on local roads within the Shire.
2. Council will generally allow the use of the local road network for B-doubles, vehicles operating under Mass Management, and Over-dimensional vehicles unless there is road safety or road asset integrity issue restricting safe passage by these vehicles.
3. A register shall be kept of all approvals given.

Operational Mechanisms

B-doubles

1. Any approval granted for use of a particular road by B-doubles shall be for a period of 12 months initially, after which time the approval shall lapse. Should there be no detrimental impact evident from the use of the road during the initial approved 12 month period, subsequent approvals may be issued for a period up to 3 years duration.
2. Before the approval for use of any road by B-Doubles, there shall be consultation between the Assets Department, the road maintenance supervisor and, where appropriate, the bridge maintenance supervisor regarding the suitability of a particular road, but the final decision will rest with an authorised officer of the Assets Department.
3. The suitability of a road, including bridges, for use by B-doubles shall be assessed using VicRoads B-double Route Standards, (see VicRoads B-double Route Standards – Summarised Extract – Attachment B).
4. On the basis that B-double trucks are no wider than General Access heavy vehicles, low traffic volume roads of less than two full lane widths may be considered for B-double truck use where there is low speed involved, generally short travel distance, and reasonable visibility having regard to vehicle stopping distances.


Mass Management

Council will approve the use of local roads for trucks operating under VicRoads Mass Management System except where any of the following apply:

1. The road is contained on Council's exclusion list derived from consideration of bridge capacities. (See Attachment C)
2. The road is considered unsuitable due to inadequate pavement strength and/or unsuitable road alignment/width.

Access (Vehicle Usage on Council Roads Policy) Page 2 of 7

Attachment 2
Current C20 Heavy Vehicle Usage on Council Roads Policy
June 2012



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Over-dimensional Vehicles


Council will approve the use of local roads by over-dimensional vehicles under the following conditions:

1. Lead and follow up escort vehicles as per VicRoads requirements are to be provided and operated.
2. The mass of the load and vehicle will not exceed the load capacity of any structure over which it may pass.
3. It shall be the responsibility of the vehicle operator and/or the trucking company to ensure that any proposed route is capable of accommodating the vehicles and loads.

Heavy Vehicle Usage on Council Roads Policy

Version 1.0

Attachment 2
Current C20 Heavy Vehicle Usage on Council Roads Policy
June 2012



ATTACHMENT B

VICROADS B-DOUBLE ROUTE STANDARDS – SUMMARISED EXTRACT

The following general aspects should be considered in route selections.
The spacing between the centres of adjacent axle groups must be a minimum of:

1. Single axle to tandem axle = 5m
2. Tandem axle to tandem axle = 6m
3. Tandem axle to tri-axle = 7m

- Where alternative routes exist, the most suitable route should be selected avoiding residential areas, shopping centres and schools.
- Avoid roads with significantly deteriorated pavement or shoulders.
- Investigate any potentially hazardous road conditions, which might exist on the proposed route because of the extra length and larger gross mass of the vehicle (e.g. sight distance for turns into roads with crests nearby).
- Assess the accident risk exposure of B-Doubles considering the heavy vehicle accident record of a locality in relation to volumes of heavy vehicles.
- Load capacity and condition of bridges (refer to VicRoads Bridge Dept if necessary or in doubt)
- Departure and destination terminals must have adequate access and egress arrangements and on site pavements without the need for the B-Doubles to unhook or reverse on public roadways.

Rural arterial roads (100 km/hr speed limit)

On undivided two lane, two-way roads, where the average daily traffic exceeds 1000 vehicles, the sealed width should be greater than 6.0m and the shoulder widths at least 1.0m. On roads at or near the minimum standard, trials should be conducted, particularly on curves with minimum seal and shoulder widths, to ensure there is no encroachment into oncoming lanes.

On tight radius horizontal curves (<500 metres according to VicRoads Road Design Guidelines Part 2) lane widths greater than 3.0m are needed. B-Doubles should not be permitted on road sections where they cannot be driven without encroachment into another lane.

Check advisory speed curve signage for accuracy


Isolated low radius horizontal curves (<500 metres according to VicRoads Road Design Guidelines Part 2) may not be suitable for B-Doubles with a high centre of gravity (e.g. carrying cattle, woodchips, some containers), because of possible undesirable dynamic effects if the prime mover slows during the turn.

Minor Changes Made on Council Road Policy

Page 1 of 3

(Vertical text on the left margin of the page reads: COUNCIL POLICY)

Attachment 2 Current C20 Heavy Vehicle Usage on Council Roads Policy June 2012



Intersections and turns

At some intersections (e.g. kerb radius less than 11.0m) that can accommodate a statutory 19m semi-trailer combination, it may be necessary to provide for a small amount of encroachment onto the kerbs by B-Doubles, if so the need for setbacks of roadside furniture and/or mountable kerbs should be checked. Intersections where regulation 19m vehicles encroach upon kerbs and/or opposing traffic lanes when turning would not usually be suitable for 23.0m B-Double operation.

Steep descents

On steep descent sections of road, which have special truck speed limits less than 60km/hr, B-Doubles grossing more than 42.5 tonnes should be prohibited.

Railway level crossings

In urban areas, only routes that have controlled level crossing protection shall be used.

At level crossings in rural areas, the B-Double must be able to start up from a stop and clear the crossing taking into account sight distances in accordance with AS 1742.7.

There must be sufficient clear road length available on the approach and departure sides of level crossings (before encountering intersections, traffic signals or other possible obstacles) to allow clearance of the crossing.

Structural considerations

For B-Doubles over 42.5 tonnes GCM approval must be obtained from Bridge Department to operate on Declared roads, and local roads in the metropolitan area, where the B-Double will be crossing any of the following structures:

- Any sign posted mass limited bridges.
- Any mass limited bridges in the General Mass & Dimension Permit Gazette G41, 23, October, 1991.
- Any bridge designed to less than MS 18 loading (i.e. constructed pre-1950),
- Any bridge considered not to be in good condition,
- Any bridge with continuous spans in the range 8 to 20 metres,
- Simply supported spans greater than 25 metres, and
- Any bridges with unusual forms of construction (e.g. portal frames, trusses, etc).

It is the responsibility of the municipality to assess bridges on unclassified roads outside the Melbourne metropolitan area.

Heavy Vehicle Usage on Council Roads Policy

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**Attachment 2
Current C20 Heavy Vehicle Usage on Council Roads Policy
June 2012**



ATTACHMENT C

**LIST OF APPROVED ROADS FOR 25M B-DOUBLES (68T GROSS)
VICROADS: HIGHER MASS LIMITS (HML)**


No.	Road Name	Section	Locality
1	Andersons Road	-	Leongatha
2	Bena Kongwak Road	First 330m from Main Rd	Bena
3	Black Swamp Road	-	Foster/Yanakie
4	Boys Road	1km from Meenyan Prom Rd	Fish Creek
5	Cochranes Road	First 2km from Diman Korumburra Road	Poowong
6	Cusack Road	-	Leongatha
7	Farmers Road	Between Loves Lane & Foster Mirboo Road	Dumbell
8	Fish Creek Waratah Road	First 2.61km from Waratah Road	Waratan
9	Fullers Road	Between Lower Franklin Rd & Old Hat Rd	Foster
10	Geary Road	-	Leongatha
11	Grip Road	900m from South Gippsland Hwy	Toora
12	Hillgroves Road	-	Leongatha
13	Horn Street	Between Strz Hwy & McPherson St	Leongatha
14	Hughes Street	400m south east of Turner St	Leongatha
15	Knights Road	-	Agnes
16	Koonwarra Inverloch Road	-	Koonwarra
17	Koonwarra Pound Creek Rd	-	Pound Creek
18	Korumburra South Road	From Stock Route Rd to Clancys Rd	Korumburra
19	Leach Road	-	Agnes
20	Leggatts Road	First 75m from Fish Creek Foster Road	Fish Creek
21	Loch Poowong Road	-	Loch/Poowong
22	Main Road	-	Bena
23	McPherson Street	-	Leongatha
24	Miller Road	-	Yanakie
25	Mosevale Park Road	Only as far as but not crossing the bridge	Berrys Creek
26	Nasins Road	-	Koorooman
27	Nicholas Road	-	Pound Creek
28	O'Grady's Ridge Road	-	Foster Warh
29	Old Hat Road	First 136m from Fuller Road	Foster
30	Old Yanakie Road	300m from Meenyan Prom Rd	Agnes
31	Peaveys Road	-	Yanakie
32	Racecourse Road	First 330m from Bass Highway	Leongatha
33	Rifle Range Road	-	Leongatha
34	Salmon Road	South Gippsland Hwy to Peaveys Road	Hedley
35	Soldiers Road	Between Bass Highway & Gwyther Siding Road	Leongatha
36	Stock Route Road	-	Leongatha
37	Toora Jetty Road	Between Grip Rd & Beale Rd	Toora
38	Turner Street	Between South Gippsland Hwy & Hughes St	Leongatha
39	Watson Road	-	Leongatha
40	Whitelaws Track	-	Koonwarra
41	Wild Dog Valley Road	154m from Yarragon Rd (Strz Hwy)	Leongatha

Updated: 03 March 2010 (R/M/J)

NOTE: Shire roads not listed above are not suitable for 25m B-Doubles and should not be used.

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**Attachment 2
Current C20 Heavy Vehicle Usage on Council Roads Policy
June 2012**



**LIST OF NON-APPROVED ROADS FOR 19M B-DOUBLE VEHICLES
OPERATING UNDER VICROADS: HIGHER MASS LIMITS (HML)**


A. Brownes Rd	Foster Mt Best Rd between Lays Rd & Hinkleys Rd	Old Daranuria Rd between Cornell Rd & School Rd
Agnes River Rd	Foster Mt Best Rd between Boolarra Foster Rd & Wonga Square Top Rd	Old Koorwarra Meenyan Rd between Egans Rd and Buckingham & Fowlers Rd
Allambee Estate Rd	Forrest Drive	Oseens Rd
Allambee Thorpdale Rd	Franklin River Rd	O'Sullivan's Rd
Armstrongs Rd, Meenyan	Furphy's Lane	O'Toole's Rd
Asburys Rd	Geales Rd	Parrys Rd
Base Valley Rd	Goats Rd	Phicins Lane
Bella Rd, Bena	Grand Ridge Rd between Harveys Rd and Markleys Rd	Powerys Rd
Berrys Rd, Nyora	Greens Rd, Loch	Reidy & Stevensons Rd
Beverly Rd	Gwyther Siding Rd	Rileys Rd west of Ryeoam Rd
Boolarra-Foster Rd (between SQ Hwy & Foster Mt Best Rd)	Harveys Rd, Allambee South	Ruby Rd
Bronnfields Rd	Hazel Park Rd between Morris Rd and Slades Hill Rd	Sagassars Rd
Brown & Johnsons Rd	Helms Rd (west)	Scannells Rd
Buckingham & Fowles Rd	Huttons Rd	Sewells Rd
Buffalo Tarwin Lower Rd	Jacksons Rd	Spencers Rd
Buffalo Waratah Rd between Summers Rd & Kings Flat Rd	Jeetho Rd, Bena	Stano Rd
Canavans Rd between Leongatha Yarragon Rd and Irvings Rd	Kesnie St, Fish Creek	Stevens Rd Kardella Str
Carmodys Rd	Korumbura-Warragul Rd between Drouin-Korumbura Rd and Toywood-Topiam Rd (Gazette S371, S374)	Stewart & Dunlops Rd
Cashins Rd	Korumbura-Wortaggi Rd between Korumbura-Invarloch Hill and Emboms Lane (Gazette S371, S374)	Stony Creek Rd between South Gippsland Hwy & Buffalo Stony Creek Rd
Central Rd between Turtons C Rd & Property 850 Central Rd	Lang Lang-Poowong Rd between Mt Lyall Rd and Drouin-Korumbura Rd (Gazette S371, S374)	Summers Rd
Clear Creek Rd	Leongatha Yarragon Rd between Grand Ridge Rd & Shire Boundry	Sweenays Lane
Cherry Tree Rd	Loves Lane (Meenyan Mirboo North Rd, Gazette S371, S374)	
Clarks Rd, Allambee South	Lower Twates Rd off Bena Kongwak Rd	Territory Rd
Collins Rd	Mardan Dumbalk Rd between Nerrena Rd and Mardan Rd	Thieles Rd
Cooks Rd, Hallston	Mardan Rd between Crightons Rd and Lawsons Rd	Timms Rd between Drouin Korumbura and Tahibergs Rd
Coopers Rd, Kardella Str	Markleys Rd	Trease & Robbins Rd
Cosgriffs Rd (off Wares Rd)	McBurnies & Boags Rd	Turtone Creek Rd
Darlimurta Rd	Meenyan-Nerrena Rd	Waterfall Rd
Devils Pinch Rd	Meenyan-Mirboo North Rd (Gazette S371, S374)	Wettenhalls Rd
Dumbalk East Stony Creek Rd - between Furphy's Lane and Farmers Rd	Mirboo South Rd between Clear Creek Rd & Boolarra South Mirboo Rd	Wild Dog Valley Rd, between Ross & Witherdons and Mt Eccles Rd
Dykes Rd	Misery Creek Rd	Wild Dog Valley Rd north of O'Toole's Rd
Ferriers Rd, Loch	Moosvale Park Rd beyond bridge	Writles Rd, Mt Best
	Mt. Eccles Rd between Wild Dog Valley Rd and Reidy & Stevensons Rd	Woorarra Rd between Sth Gipps Hwy and Hazel Park Rd
	McDonald Rd	Woorren Mirboo Rd
	Miller Rd, Pound Creek	Wynnes Rd

Updated 03 March 2010 (RJSJJ)

Heavy Vehicle Usage on Council Roads Policy

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**Attachment 2
 Current C20 Heavy Vehicle Usage on Council Roads Policy
 June 2012**



**LIST OF NON-APPROVED ROADS FOR GENERAL ACCESS VEHICLES
 OPERATING UNDER VICROADS: HIGHER MASS LIMITS (HML)**

A. Brownies Rd	Keane St, Fish Creek	
Agnes River Rd off South Gippsland Hwy		
Allambee Estate Rd	Leongatha Yarragon Rd (between Grand Ridge Rd & Shire boundry)	
Allambee Thorpdale Rd		
Armstrongs Rd, Meenihan	McBurnie & Boags Rd	
Astburys Rd	McDonald Rd	
	Misery Creek Rd	
Base Valley Rd	Miliar Rd, Pound Creek	
Bells Rd, Bena	Mostate Park Rd beyond Bridge	
Berrys Rd, Nyora		
Boolarra Foster Rd (between SG Hwy & Foster Mt Best Rd)	Old Darimuna Rd between Cornell Rd and School Rd	
Bromfields Rd	Oisons Rd	
Brown & Johnsons Rd	O'Sullivan's Rd	
Buffalo Waratah Rd between Summers Rd and Kings Flat Rd.	O'Toolies Rd	
Cashins Rd	Parrys Rd	
Central Rd (between Turtons Creek Rd & property @50 Central Rd)	Pinchins Lane	
Cherry Tree Rd	Powneys Rd	
Clarks Rd, Allambee Stn		
Coopers Rd, Kardella Stn	Reidy & Stevensons Rd	
Cosgriffs Rd off Wares Rd	Rileys Rd west of Ryeburn Rd	
	Ruby Rd	
Devils Pinch Rd		
Dykes Rd	Sagassers Rd	
	Scannels Rd	
Forrest Drive	Sewells Rd	
Foster Mt Best Rd (between Boovarra Foster Rd & Wonga Square Top Rd)	Slama Rd	
Franklin River Rd	Stevens Rd, Kardella	
Furphys Lane	Stony Cr Rd (between SG Hwy and Buffalo Stony Cr Rd)	
	Summers Rd	
Geales Rd	Temitory Rd	
Goeds Rd	Thieles Rd	
Greens Rd, Loch	Trease & Robbins Rd	
Harveys Rd, Allambee Stn	Turtons Creek Rd	
Helms Rd (west)		
Huttons Rd	Waterfall Rd	
	Wetherhalls Rd	
	Wild Dog Valley Rd (north of O'Toolies Rd)	
Jackson Rd	Wintles Rd, Mt Best	
Joetho Rd, Bena	Woreen Mirboo Rd	
	Wynnes Rd	

Updated: 03 March 2010 (RJ&J)

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E.8 PRE-ELECTION POLICY REVIEW

Corporate Services Directorate

EXECUTIVE SUMMARY

This report provides the opportunity for the Council to review its Pre-Election Policy (**Attachment 1**) and replace it with an updated Policy prior to the 2016 Council elections as well as to amend Council's Compliance and Enforcement Policy to remove reference to "elections".

The Pre-Election Policy provides guidance on how the Council should conduct itself in the period immediately prior to the Council elections.

Document/s pertaining to this Council Report

- **Attachment 1** - Pre-Election Policy

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989 sections 3, 55D and 93A
- Local Government Investigations and Compliance Inspectorate Information Bulletin: Election Caretaker Policy August 2012
- Local Government Victoria Practice Notes April 2004, 5 August 2004, 7 September 2004 and 9 March 2012

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Councillor Code of Conduct
- Councillor Support and Reimbursement Policy
- Staff Code of Conduct

COUNCIL PLAN

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

CONSULTATION

The proposed revised policy was considered and endorsed by the Executive Leadership Team on 22 May 2015.

In addition the policy was distributed to Councillors via the InfoSum newsletter to enable Councillor feedback by 5 June 2015. No feedback was received.

Background

Council's Pre-Election Policy was adopted by Council in September 2008 and is scheduled for review in June 2015.

Discussion

The objective of the policy is to ensure that the actions (both actual and perceived) of Council in the period immediately prior to a Council election are consistent with good governance practices and that it does not resolve matters that would be more appropriately determined by the incoming Council.

It is considered appropriate to review this policy and have it in place before the 2016 Council Election.

The reviewed policy contains much of the current policy which is still relevant regarding:

- Major policy decisions;
- Use of Council resources;
- Access to information;
- Publicity; and
- Assistance to Candidates.

However, it now includes additional information and alignment to legislative requirements and guidance provided by the State Government since 2008 primarily in respect to certification of publication and materials by the CEO.

In reviewing this policy it also provides an opportunity to remove the reference to "Conduct of Elections" in Council's Compliance and Enforcement Policy. The processes and procedures for the enforcement of offences during the conduct of elections is already set out in the Local Government Act 1989 and Local Government (Electoral) Regulations 2005.

Proposal

It is proposed that Council adopt the revised policy given that it updates the current policy with additional information provided as a result of experiences in previous Council elections and updated advice from the State Government.

FINANCIAL CONSIDERATIONS

Not applicable.

RISKS

This policy enables:

- Council, Councillors and Candidates to understand their requirements and obligations.
- Council's commitment to probity in its elections.
- Community confidence and trust in Council.
- Council to address matters that may not be explicitly captured in the Local Government Act (LGA) 1989 and when followed will mitigate the likelihood of any breaches of the LGA.

CONCLUSION

Council should revoke its existing Pre-Election policy, adopt a new Pre-Election Policy and amend the Compliance and Enforcement Policy accordingly.

RECOMMENDATION

That Council:

- 1. Revoke Council Policy C30 Pre-Election Policy which was adopted by Council on 17 September 2008;**
- 2. Adopt Council Policy C30 Pre-Election Policy (Attachment 1); and**
- 3. Remove reference to the "Conduct of Elections" in C64 Compliance and Enforcement Policy.**

STAFF DISCLOSURE OF INTEREST

Nil



Attachment 1

South Gippsland Shire Council **Pre Election Policy Review**

PRE - ELECTION

Policy Number	C30	Directorate	Corporate Services
Council Meeting	TBA	Department	Governance Services
Agenda Item No.		Primary Author	David Roche
Council Meeting	30 June 2015	Secondary Author	Luke Anthony
Adoption Date			
Revision Date	30 June 2018		

POLICY OBJECTIVE

Council will ensure that actions (both actual and perceived) of Council in the period immediately prior to a Council election are consistent with good governance practices and that it does not resolve matters that would be more appropriately determined by the incoming Council.

This policy applies to the Council, Special Committees or a person acting under delegation given by the Council.

LEGISLATIVE PROVISIONS

Local Government Act (1989) sections 3, 55D and 93A.

Governance Practice Notes and guidance prepared from time to time by the Department of Transport, Planning & Local Infrastructure (DTP&LI)

Councillor Code of Conduct

Staff Code of Conduct

Councillor Support and Reimbursement Policy

Local Government Victoria Practice Notes April 2004, 5 August 2004, 7 September 2004 and 9 March 2012

Local Government Investigations and Compliance Inspectorate Information Bulletin: Election Caretaker Policy August 2012

Definitions

CEO – Chief Executive Officer

Election Period – as defined in section 3 Local Government Act 1989

"means the period that –

- a. Starts on the last day on which nominations for that election can be received;*
- and*
- b. Ends at 6 pm on election day"*

LGA – Local Government Act 1989

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POLICY STATEMENT

If this policy or parts thereof is inconsistent with Governance Practice Notes and guidance provided by DTP&LI the latter shall prevail.

Major Policy Decisions

Chief Executive Officer

Council will not, during the election period, make a decision:

- To employ a CEO.
- To terminate the CEO's employment.
- To vary the CEO's contract.
- To alter the remuneration of the CEO.

Council may appoint an acting CEO, if necessary, during the election period.

Contracts

Council will not enter into a contract that exceeds whichever is the higher of the following amounts:

- One per cent of the Council's total revenue from rates and charges (under section 158 LGA) in the preceding financial year. This does not include revenue from special rates and charges.
- The amount fixed by Order in Council, under section 186(1) LGA, being the value at which Council must give public notice to invite tenders or expressions of interest for the contract.

At the time of making this policy the amounts fixed under section 186(1) were:

- \$150,000 for goods and services; and
- \$200,000 for works contracts.

Entrepreneurial Powers

During the election period, Council will not exercise any entrepreneurial power under section 193 of the LGA if the amount assessed under section 193(5A) exceeds the specified value.

The amount assessed under section 193(5A) is the value of the total investment and the total risk exposure.

The specified value that this must not be exceeded is the higher of the following amounts:

- One per cent of the Council's total revenue from rates and charges (under section 158 LGA) in the preceding financial year. This does not include revenue from special rates or special charges.
- \$100,000.

If the Council considers that there are extraordinary circumstances which require the making of a major policy decision during the election period, the Council may apply in writing to the Minister for an exemption.

If the Minister is satisfied that there are extraordinary circumstances, the Minister may grant an exemption subject to any conditions or limitations the Minister considers appropriate.

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An application for a ministerial direction should demonstrate that the following apply:

1. The consequences of failing to make the decision would have serious negative impact on the community.
2. The decision cannot be delayed until after the election period.
3. The Council has been unable to make the decision prior to the election period or the need to make the decision prior to the election period was unforeseeable.

If an application is made it should include the following:

1. Details of the matter to be addressed by the proposed decision along with reasons why the decision is important and urgent.
2. A description of the degree of political sensitivity involved in the matter and whether it is likely to be an issue in the Council election.
3. Details of any funding being provided by State or Federal Government, along with contact details for the relevant agency.
4. An explanation of why the matter could not have been, or was not, resolved prior to the commencement of the election period.
5. An explanation of why the decision cannot be delayed until after the election period.
6. An extract from the Council minutes recording the Council resolution to seek an exemption.

A major policy decision made during the election period is invalid.

Council may not delay a decision that is required within a specified time frame by legislation e.g. planning decisions with timelines specified under the Planning and Environment Act 1987, or decisions required by the Local Government Act 1989, such as the preparation of an Annual Report.

Other decisions (discretionary)

Council and Councillors will not during the election period:

- Allocate community grants or other forms of direct funding for community organisations.
- Allocate funding from Councillor Discretionary Funds.
- Approve major planning scheme amendments.
- Make changes to strategic objectives or strategies in the Council Plan.

Significant Decisions

During the pre-election period the Council will not make significant decisions that bind the incoming Council except where:

- (i) the issue is urgent;
- (ii) failure to make a decision would be a breach of legislative requirements;
- (iii) the issue cannot be reasonably deferred without major negative repercussions; or
- (iv) the decision relates to the completion of an activity already undertaken and endorsed by Council e.g. via the Budget, Council Plan etc.

It shall be the responsibility of the Chief Executive Officer to determine whether a matter meets these criteria.



CEO Certification of publication and materials

Council must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any advertisement, handbill, pamphlet or notice during the election period unless the advertisement, handbill, pamphlet or notice has been certified, in writing, by the CEO.

Councillors or members of Council staff must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed an electoral advertisement, handbill, pamphlet or notice during the election period on behalf of, or in the name of, a Councillor using Council resources if the electoral advertisement, handbill, pamphlet or notice has not been certified by the CEO.

Guidance about publications and resources is contained in Attachment 1 to this policy.

Council Resources

The Council will ensure that due propriety is observed in the use of all Council resources, and Council staff are required to exercise appropriate discretion in that regard. In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, advice will be sought from the Chief Executive Officer or the Chief Executive Officer's designated delegate as to the nature of the usage.

The following protocols shall apply during the pre-election period:

- Council resources, including vehicles, offices, support staff, hospitality services, equipment and stationery will be used exclusively for normal Council business during the pre-election period, and will not be used in connection with any election matter. Similarly, Council funded telephones and e-mail addresses are not to be used by Councillors as contact points in their election campaign material.
- Reimbursement of Councillors' out-of-pocket expenses during the pre-election period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign.
- No Council logos, letterheads, or other South Gippsland Shire Council branding will be used for, or linked in any way to, a candidate's election campaign.
- The title "Councillor" is for use in relation to Council business and will not be used in electoral material.

Information

The Council recognises that all election candidates have rights to information from the Council administration, subject to the Information Privacy and Data Collection Act (2014). Neither Councillors nor candidates will receive information or advice from Council staff that might be perceived to support election campaigns, and there shall be complete transparency in the provision of all information and advice during the pre-election period. However, it is important that sitting Councillors continue to receive information that is necessary to fulfil their elected roles.

- Information and briefing material prepared by staff for Councillors during the pre-election period will relate only to factual matters or existing Council

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services. Such information will not relate to policy development, new projects or matters that are the subject of public or election debate or that might be perceived to be connected with a candidate's election campaign.

- An Information Request Register will be maintained during the Pre-Election Period. This Register will be a public document that records all requests for information by Councillors and candidates, and the responses given to those requests.
- Applications for information under the Freedom of Information Act (Victoria) 1982 will be dealt with in a normal manner.

Publicity

- It is recognised that Council publicity is intended to promote Council activities and services. Council publicity will not be used in any way that might influence the outcome of a Council election.
- During the pre-election period, no Council employee may make any public statement that could be construed as influencing the election. This does not include statements of clarification that are approved by the Chief Executive Officer.
- Any requests for media advice or assistance from Councillors during the pre-election period will be channelled through the Chief Executive Officer, or the Chief Executive Officer's designated delegate. No media advice or assistance will be provided in relation to election campaign matters, or in regard to publicity that involves specific Councillors.
- Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign.

Assistance to Candidates

The Council affirms that all candidates for the Council election will be treated equally

- Any assistance and advice to be provided to candidates as part of the conduct of the Council election will be provided equally to all candidates. The types of assistance that are available will be documented and communicated to all candidates in advance.
- All election related enquiries from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the Chief Executive Officer or a designated member of Council staff.

Monitoring the Policy

The Chief Executive Officer is responsible for determining any issues that arise in the implementation of this policy.

RISK ASSESSMENT

This policy enables:

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- Council, Councillors and candidates to understand their requirements and obligations.
- Demonstrates Council's commitment to probity in its elections.
- Community confidence and trust in Council.
- Council to address matters that may not be explicitly captured in the LGA and, when followed will mitigate the likelihood of any breaches of the LGA.

IMPLEMENTATION STATEMENT

As soon as practical and no later than 30 days prior to the commencement of the pre-election period, the Chief Executive Officer will ensure that all Councillors and staff are informed of the requirements of this policy.

All staff have a responsibility to monitor the implementation of this policy and immediately refer any departures or deviations from this policy to the Chief Executive Officer.

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Attachment 1

	Publications	Resources
	<i>Council advertisements, handbills, pamphlets and notices must be certified by the CEO during an election period. Penalties apply to the certification, printing, publishing or distribution of such documents containing electoral matter.</i>	<i>Councils should ensure that Council resources, including staff, are not used for electoral campaigning purposes during elections. In some cases misuse of Council resources may be a criminal offence that can be</i>
Annual Report	<p>The Annual Report is required by law and would not normally be considered an "advertisement, handbill, pamphlet or notice". It should not require certification.</p> <p>However, the Annual Report must not include material that is electioneering or that publicises the attributes or achievements of individual Councillors.</p> <p>In addition, if a Council will be printing or distributing a greater number of copies of the Annual Report than usual, it may be regarded as a pamphlet and should be subject to certification by the CEO.</p>	<p>Section 131(8) of the Act requires the Council to normally submit its Annual Report to the Minister no later than 30 September each year.</p> <p>This is a proper use of Council resources.</p>
Annual Report summary	Any publication of an extract or summary of the Annual Report is likely to be regarded as a pamphlet and must be subject to the certification process.	Council resources should not be used to produce or distribute any summary of an Annual Report during the election that would be regarded as electoral material.
Council meetings	<p>Agenda papers and minutes of meetings would not normally be considered advertisements, handbills, pamphlets or notices and should not require certification.</p> <p>However, if Council meeting papers are printed or published for a wider distribution than normal, they should be treated as pamphlets and be subject to the certification process.</p>	The conduct of Council meetings, as well as the preparation of agenda papers and minutes, is part of normal Council business. It is expected that they would continue to be resourced by the Council administration during an election period.

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	Publications	Resources
	<i>Council advertisements, handbills, pamphlets and notices must be certified by the CEO during an election period. Penalties apply to the certification, printing, publishing or distribution of such documents containing electoral matter.</i>	<i>Councils should ensure that Council resources, including staff, are not used for electoral campaigning purposes during elections. In some cases misuse of Council resources may be a criminal offence that can be</i>
Advertisements & notices	<p>All Council advertisements and notices must be subject to the certification process during an election period. This includes job advertisements and various notices, such as, Council meetings and road closures.</p> <p>Newspaper notices of meetings are not regarded as electoral matter under section 3(1) of the Act and can be certified.</p>	
Web site – new material	<p>Any new material published on the Council's web site during the election period that may be considered an advertisement, handbill, pamphlet or notice must be subject to the certification process.</p> <p>As noted above, Council agendas, minutes of meetings and full Annual Reports do not require certification if published in the usual way.</p>	Council's web sites should not be used to convey information that could be regarded as electoral material unless it is only about the election process.
Web site – existing material	<p>It is not necessary to certify material that was published on the Council's web site well before the election period.</p> <p>However, it is recommended that web sites be checked at the start of the election period:</p> <ul style="list-style-type: none"> • Profiles of Councillors who are candidates should be removed from the web site, but not contact details. • Information prominently displayed on the web site that might be regarded as likely to influence how people vote should be removed. 	Council's web sites should not be used to convey information that could be regarded as electoral material unless it is only about the election process.



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	Publications	Resources
	<i>Council advertisements, handbills, pamphlets and notices must be certified by the CEO during an election period. Penalties apply to the certification, printing, publishing or distribution of such documents containing electoral matter.</i>	<i>Councils should ensure that Council resources, including staff, are not used for electoral campaigning purposes during elections. In some cases misuse of Council resources may be a criminal offence that can be</i>
Social media	Any publication on social media sites like Facebook or twitter, which are auspiced by the Council, will generally require certification by the CEO. Similar requirements apply to Council blog sites.	Council auspiced social media must not be used for election campaigning. It is recommended that a Council consider either limiting access to their social media sites during election periods or undertake constant monitoring to ensure no electoral matter is posted.
Email	Emails that are part of the normal conduct of Council business should not require certification. However, any emails with multiple addressees, used for broad communication with the community, should be subject to the certification process.	Council email services must not be used for electioneering purposes. If necessary, Councillors should be referred to one or more of the free email providers for private email addresses.
Correspondence	Mass mail outs or identical letters sent to a large number of people by or on behalf of Council must be subject to the certification process.	Council staff should not prepare Councillors' private mail or electoral correspondence and such material must not be printed on Council stationery or using Council equipment.
Mobile phones		Mobile phone costs associated with electioneering should not be paid by the Council. This should be addressed in Council policies and procedures and properly monitored. If Councillors are provided with a Council owned mobile phone, suitable procedures should be put in place. This may involve <ul style="list-style-type: none"> • Requiring Councillors to use another mobile phone for electioneering, or • Establishing arrangements to monitor usage and ensure reimbursement by Councillors of costs associated with electioneering or other private use.



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	Publications	Resources
	<i>Council advertisements, handbills, pamphlets and notices must be certified by the CEO during an election period. Penalties apply to the certification, printing, publishing or distribution of such documents containing electoral matter.</i>	<i>Councils should ensure that Council resources, including staff, are not used for electoral campaigning purposes during elections. In some cases misuse of Council resources may be a criminal offence that can be</i>
Council offices and libraries	Existing documents available to the public at Council offices and libraries do not normally require CEO certification. However, any increase in the availability of a publication should be subject to certification. It is also recommended that staff check material in libraries and offices to make sure that publications including electoral matter are not prominently displayed.	Electoral material, including pamphlets, posters and notices should not be visible or available at any Council premises during an election. The only exception to this is material issued by the returning officer for the purpose of conducting the election.
Media releases	Media releases should be regarded as documents that require certification by the CEO.	Council staff must not prepare, or assist in the preparation of, media releases that contain electoral material. Councillors should be advised that media releases dealing with their election campaign should only be issued privately.
Events	Material printed or disseminated during the election period to publicise a function or event must be subject to the certification process.	Functions or events for the purpose of electioneering must not be resourced or publicised by the Council. Normal Council events are not prohibited in the election period. However, it is recommended that they be kept to a minimum. Where events do occur, Councillors should be advised that they are representing the Council and should not use the opportunity for electioneering.
Speeches	Any publication or distribution of Councillors' speeches by the Council must be subject to the certification process.	Council staff and resources should not be used to prepare or publish speeches that contain electoral matter.



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	Publications	Resources
	<i>Council advertisements, handbills, pamphlets and notices must be certified by the CEO during an election period. Penalties apply to the certification, printing, publishing or distribution of such documents containing electoral matter.</i>	<i>Councils should ensure that Council resources, including staff, are not used for electoral campaigning purposes during elections. In some cases misuse of Council resources may be a criminal offence that can be</i>
Title of "Councillor"		<p>Councillors may use the title "Councillor" in their election material, as they continue to hold their positions in the period.</p> <p>To avoid confusion, Councillors should be advised to ensure that any election publication using the title "Councillor" clearly indicates that it is their own material and does not represent Council.</p>
Returning officer	<p>The election returning officer is a statutory position and does not perform his or her duties on behalf of the Council. Therefore, publications by a VEC returning officer do not need certification.</p> <p>However, if the returning officer is a member of Council staff, section 55D(4) may apply and the Council should seek advice.</p>	

SECTION F - URGENT OR OTHER BUSINESS

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

1. Urgent Business

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

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

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

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

2. Other Business

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

SECTION G – GENERAL QUESTION TIME

G.1 QUESTION TIME

G.2 ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

CLOSED SESSION

Consideration of confidential matters under the Local Government Act 1989, Section 89(2).

According to Section 89 of the Local Government Act 1989 (the Act), Council may consider items in closed session. There must be a resolution to move 'In Committee' stating the reasons why the matter(s) need to be considered in this way. The reasons provided for within the Act are matters concerning personnel, personal hardship, industrial issues, contracts, proposed developments, legal advice or any other matter that Council considers would be prejudicial, to it or any other person.

Once 'In Committee' discussions and debate have concluded, a further resolution to resume open Council is required.

ITEM 1 2014/2015 COMMUNITY GRANTS PROGRAM ROUND TWO ALLOCATIONS

ITEM 2 CONTRACTUAL MATTER

ITEM 3 CONTRACTUAL MATTER

RECOMMENTATION

That Council close the meeting to the public to allow for consideration of:

- 1. 2014/ 2015 Community Grants Program Round 2 – Allocations pursuant to Section 89(2)(h) as provided for by the Local Government Act 1989; and**
- 2. Two Contractual Matters pursuant to Section 89(2)(d) as provided for by the Local Government Act 1989.**

SECTION H - MEETING CLOSED

NEXT MEETING

The next Ordinary Council Meeting open to the public will be held on Wednesday, 22 July 2015 commencing at 2pm in the Council Chambers, Leongatha.