

E.11 PUBLIC PRESENTATION SESSION SCHEDULE

Corporate Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is to meet the requirements of a Council resolution, made at the Council Meeting held on 27 March 2013, to prepare a report for the Council Meeting of 26 June 2013 to:

1. Consider the extent of community utilisation rates of the current schedule of Public Presentation Sessions; and
2. Recommend improvements to Council's current Public Presentation Schedule.

Following the consideration of community utilisation rates of Public Presentation Sessions from February 2012 to May 2013 it is recommended:

- That Council hold additional Public Presentation Sessions as required (in addition to those scheduled for the third and fourth Wednesday of each Month, excluding January) on another Wednesday of each month (excluding January) on particular matters that have raised a high level of community interest. The requirement to initiate an additional Public Presentation Session could be determined and scheduled by the Chief Executive Officer (CEO), in consultation with the Mayor;
- That there is no other change to Council's current Public Presentation schedule; and
- That further clarity and guidance to the community and to Council for Public Presentation Sessions and other Assemblies of Council be prepared and presented to Council as soon as practicable.

Document pertaining to this Council Report

Nil

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Local Law No.3 2010 Processes of Municipal Government (Meeting Procedures and Common Seal)

Councillor Code of Conduct

Communication and Consultation Policy

COUNCIL PLAN

Strategic Goal: 5.0 A Leading Organisation
Outcome: 5.1 Good Governance
Strategy No: 5.1.1 Direction Setting
5.1.3 Community Engagement

CONSULTATION

To develop recommendations to improve Council's Public Presentation Schedule, Council has:

- Considered the extent of community utilisation rates of Council's current Public Presentation Schedule;
- Considered the intent of the original notice of motion and debate which gave rise to the Council resolution made at the Council meeting held on 27 March 2013;
- Received input from Council's Executive Leadership Team (ELT) and Governance Department;
- Analysed anecdotal feedback received from members of the community who have previously booked Public Presentations; and
- Conducted further consultation with Council regarding the recommendations contained in this report.

REPORT

Background

At the 27 March 2013 Council Meeting, Council resolved to prepare a report for the Ordinary Council Meeting of 26 June 2013 to:

1. Consider the extent of community utilisation rates of the current schedule of Public Presentation Sessions; and
2. Recommend improvements to Council's current Public Presentation Schedule.

This Council Report was requested to recommend improvements to the Public Presentation Session Schedule's efficiency in terms of cost and the effective use of Councillor's and Council officer's time. Some improvement suggestions to the Public Presentation Session Schedule were included in the original Notice of Motion which gave rise to the Council Resolution. These suggestions were considered with this review and are discussed below.

Council's current Public Presentation Schedule consists of the following options, which are provided each month for members of the community to

present to Council (except January when Council has historically resolved for no Council Meeting or Assemblies of Council to be held):

- Public Presentation Sessions: held on the third Wednesday of the month commencing at 2pm and, upon request at 7pm. Requests for a 7pm booking need to be received by the Governance Officer by 12 noon of the third Tuesday of the month so they can be scheduled in advance of the day.
- Public Agenda Presentation Session: held on the fourth Wednesday of each month commencing at 10am. These presentations are generally to discuss current Council Agenda items for the Council meeting to be held on that day.

During this review, a previously developed 'Draft Code of Practice: Council Meeting Procedure Requirements to Support Public Participation in Council Meetings ('Draft Code of Practice')' was also considered. This 'Draft Code of Practice' was originally developed and presented to Council for adoption on 28 March 2012, following a Council resolution on 23 February 2011. This resolution required a policy position to be developed on the structure and composition of Council meetings to improve community participation in Council decision making.

This 'Draft Code of Practice', however, was not adopted on 28 March 2012, primarily because it was viewed as being too prescriptive and difficult for community members to use. This Council Report, however, will recommend that Council reconsider adopting a revision of the 'Draft Code of Practice', for the reasons outlined in the Discussion below.

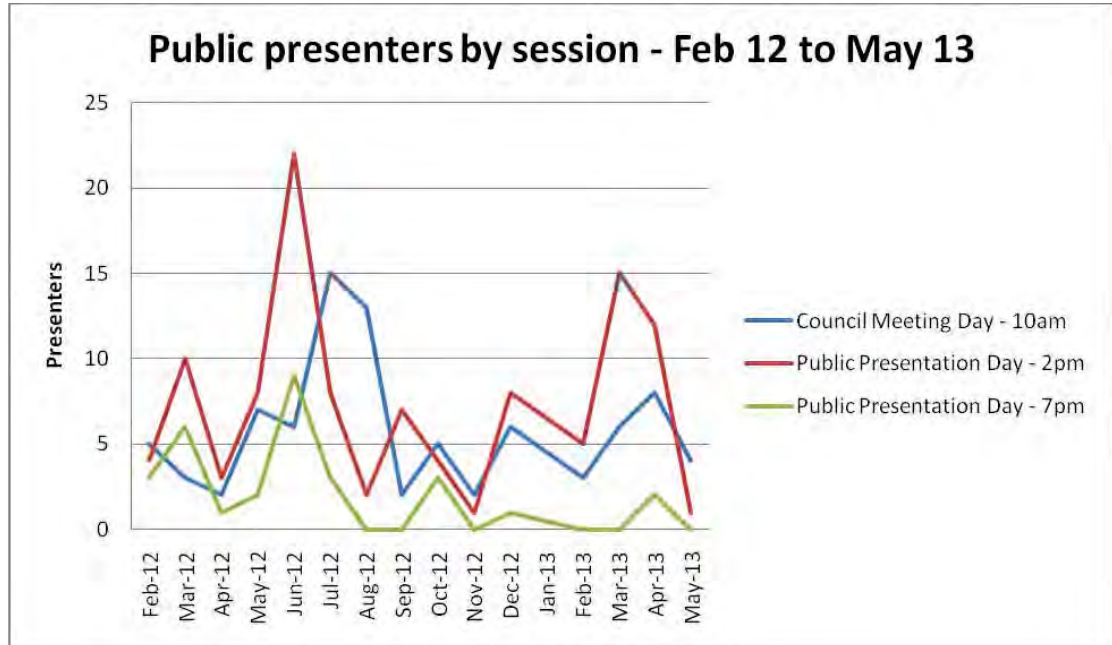
Discussion

Good governance requires that Public Presentation Sessions be run effectively and are accessible to the community to ensure openness and transparency in decision making. Community satisfaction outcomes depend on, and are influenced by, good governance systems and procedures. Community engagement in decision making is fundamental to achieving good governance, so Councillors can gain the information they require from people likely to be affected by Council's decisions.

1. Community utilisation rates of the current Public Presentation Schedule

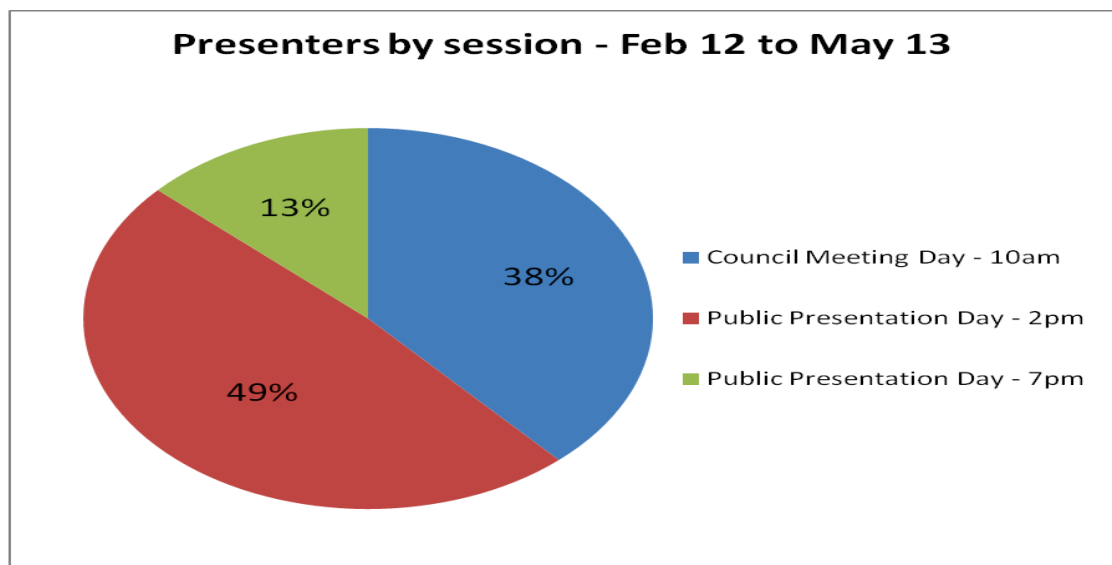
The Council Resolution of 27 March 2013 required consideration to the extent of utilisation of the current schedule of Public Presentation Sessions. Outlined below are the utilisation rates of the number of community members who presented to Council from February 2012 to May 2013.

Figure 1: Public presenters by session (Feb 2012 to May 2013)



Public Presenters	Feb-12	Mar-12	Apr-12	May-12	Jun-12	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Feb-13	Mar-13	Apr-13	May-13	Total	% Total
Council Meeting Day - 10am	5	3	2	7	6	15	13	2	5	2	6	3	6	8	4	87	38%
Public Presentation Day - 2pm	4	10	3	8	22	8	2	7	4	1	8	5	15	12	1	110	48%
Public Presentation Day - 7pm	3	6	1	2	9	3	0	0	3	0	1	0	0	2	0	30	13%
Total	12	19	6	17	37	26	15	9	12	3	15	8	21	22	5	227	100%

Figure 2: Percentage public presentation by session (Feb 2012 to May 2013)



227 people have taken advantage of the Public Presentation Sessions during this period. Presenters regularly thank Council for the opportunity to raise their issues directly with Council. A number of people regularly use these opportunities to present on a variety of matters that are important to them.

2. Public Presentation Sessions held during business hours:

The data indicates strong utilisation of Public Presentation sessions with 87% of presenters attending during business hours: 49% selecting a 2pm session on Public Presentation Day (third Wednesday of the month) and 38% selecting a 10am session on Council Meeting Day (fourth Wednesday of the month).

A suggestion raised in the original notice of motion, which gave rise to the Council Resolution, was to move the Council Meeting Day (fourth Wednesday of the month) Public Presentation Session commencement time from 10am to 12 noon. The benefits of this include:

- Enabling a greater number of Councillors to attend, who are unable to attend from 10am;
- Potentially increasing the number of presenters, as they may be able to present during the lunch period; and
- Presenters may remain to attend the Council Meeting to hear Council's decision.

The disadvantages of this, is that there is not adequate time between the conclusion of the Public Presentation Session and the commencement of the Council meeting at 2pm for Councillors to conduct the following, especially if a full 2 hours of public presentations occur:

- Consider, discuss and seek further information on the presentations before the meeting;
- Have lunch and a break; and
- Review final and discuss final information on the Council Meeting Agenda prior to the Council Meeting when all Councillors are present.

3. Public Presentation Day Sessions held outside business hours:

Public Presentation Sessions are offered by Council at 7pm, the Wednesday of the week before a Council Meeting, to ensure that those who cannot attend during business hours, due to work or other commitments, are provided an opportunity to present to Council.

The data for the period February 2012 to May 2013 indicates:

- That 30 presenters (13% of total presenters) presented at a 7pm Public Presentation Day Session;

- The usage of the 7pm session was much higher from February 2012 to July 2012, with 24 presenters (21% of total presenters during this period) and with all 7pm Presentation Sessions in all available months utilised; and
- A significant reduction in presenters choosing to present at a 7pm Public Presentation Day Session since August 2012, with only six presenters (5% of total presenters during this period) selecting this option. Presentations occurred in only three of the nine months available in this period.

If the current utilisation rates for the 7pm Public Presentation Day Session, were to continue, it is estimated that there would be approximately four to five evening sessions held per year to accommodate approximately seven or eight presenters. At this point, however, it is difficult to determine if this trend will continue or whether rates will rise again due to an increase in demand.

Anecdotal feedback provided to the Governance Officer, when booking a 7pm Public Presentation Session, is that the reason this option is selected, is due to a presenter not being able to present during business hours and that the opportunity to present after hours is appreciated.

A suggestion raised in the original notice of motion, which gave rise to the Council Resolution was to consider ceasing the scheduling of 7pm Public Presentation Evening Sessions, on the third Wednesday of each month, due to low utilisation rates. The benefits of ceasing these sessions include:

- Improved flexibility for Councillors and relevant staff time, due to there being no requirement to leave these times available for public presentations, freeing time to plan other work or make other appointments.
- There are no other additional costs to Council of conducting a 7pm Public Presentation Day Session, as Councillors, Council officers and relevant Contractors are not paid additional wages / costs for attending.
- Reduced catering costs: additional meals would need to be catered to facilitate a 7pm Public Presentation Session. Catering costs for each 7pm Public Presentation Session is estimated to be \$700.

The disadvantages of ceasing the 7pm Public Presentation Sessions are:

- Reduced options for community members to present to Council;
- Some community members will be prevented from presenting to Council due to work or other business hours commitments;
- Some presenters will be inconvenienced by having to take time off work or not attend to other activities to present during business hours; and

- This removes Council's flexibility to manage any future increase in demand for public presentations after business hours.

4. Require bookings for all Public Presentation Sessions

Bookings are currently only required for 7pm Public Presentation Day Sessions (held on the third Wednesday of the month) by 12 noon of the day prior (the third Tuesday of the month) so the Session can be confirmed in advance of the day and catering arrangements made.

Whilst bookings are taken for the 10am Public Agenda Presentation Session (held on the fourth Wednesday of each month) and 2pm Public Presentation Sessions (held on the third Wednesday of each month), any community member who wishes to present to Council at these sessions, is provided the opportunity to present if time permits, regardless of whether they have made a booking. A number of community members present each month without making a booking.

An option recommended for consideration in the original motion which gave rise to the Council Resolution from 27 March 2013, was to require bookings for all Public Presentation Sessions to be made by 12 noon of the day prior, with no public presentations being permitted without a booking.

The benefits of this option are that this allows for more effective scheduling of Public Presentation and Council Meeting days and allows for less non productive Council and staff time, especially if no or a small number of bookings are made for a business hours Public Presentation Session.

The disadvantages of this option is that it restricts and provides reduced flexibility for community members who are either unfamiliar with Council's Public Presentation booking requirements or are not aware of their need to present to Council until after the booking deadline has expired. This is often the case for people who present at Public Presentations on Council Meeting days.

5. Flexibility to schedule other Public Presentation Sessions

Also recommended for consideration in the original motion which gave rise to the Council Resolution from 27 March 2013, was the option to hold other Public Presentation Sessions (in addition to the third and fourth Wednesday of each Month) on another Wednesday of each month (excluding January) on particular matters that have raised a high level of community interest. The requirement for this additional Public Presentation Session could be determined and scheduled by the CEO in consultation with the Mayor. The time and location could be left flexible to accommodate each unique circumstance.

6. Draft Code of Practice: Council Meeting Procedure Requirements to Support Public Participation in Council Meetings

As outlined in the Background above, the 'Draft Code of Practice' was developed for, but not adopted by the former Council, at the 28 March 2012 Council meeting.

The 'Draft Code of Practice' was developed to provide practical support and guidelines to complement the implementation of Council's Local Law No.3 2010: Processes of Municipal Government (Meeting Procedures and Common Seal). A Code of Practice differs from a policy in that it provides guidelines on the implementation of the overarching policy position of Council.

The Local Law No.3 2010 provides the legal position of Council in regard to the regulation of Council meetings and formal decision making requirements by Council. Council Ordinary or Special Meetings are the only meetings at which Council is able to make formal decisions on behalf of the Shire.

A range of meetings are held every month, including presentations from the public, to provide Councillors with background information that enables them to make informed decisions at Council Meetings. The 'Draft Code of Practice' was developed to assist presenters to understand the purpose, cycle and expectation of participants within each meeting and assist the Chair, normally the Mayor, to regulate proceedings and assist participants to understand what is expected of them and what they can expect from Council.

Whilst undertaking this review of the Public Presentations Sessions Schedule, it was deemed appropriate to re-consider the relevance of the 'Draft Code of Practice' and propose its revision and consideration by Council in coming months as it:

- Is closely linked to and supports the recommendations relating to Council's Public Presentation Session Schedule made in this report;
- Provides assistance and guidance to presenters attending meetings;
- Supports the Chair to manage the timeliness of agenda items, the orderly manner in which meetings need to be regulated and to reduce the range of circumstances for which no or little guidance is available;
- Compliments the practical implementation of Council's Local Law No.3 2010: Processes of Municipal Government; and
- Is proposed to be supported by the development of a flyer to simplify the information and guidance given to community members who request to present to Council.

Wherever applicable the Local Law No.3 2010 takes precedence in the processes of municipal government. A revised 'Code of Practice' would support the practical implementation of Local Law No. 3 2010, particularly in regard to Assemblies of Councillors leading up to Council Meetings to ensure

that Council's decision making processes and meetings remain transparent and accountable to the community.

Options

Following the consideration of the extent of community utilisation rates of the current schedule of Public Presentation Sessions, there are a number of options for improvement presented to Council for consideration and decision as outlined below.

Option 1: to reschedule the commencement of Council Meeting Day Public Presentation Sessions (fourth Wednesday of each month) from 10am to 12 noon.

The benefits and disadvantages of this option are outlined in item 2 above in the Discussion. It is recommended not to adopt this option, as this does not provide adequate time between the conclusion of the Public Presentation Session and the commencement of the Council Meeting at 2pm, to allow Councillors to consider, discuss and seek further information on presentations or have lunch, especially if a full 2 hours of public presentations occur.

Even commencing the session at 11am would limit the time available to hear and consider presentations and allow Councillors time to review the Council Meeting Agenda prior to the commencement of the Council meeting at 2pm.

It is also not known, to what extent the uptake of public presentations would increase, through the movement of the Public Presentation Session to commence at either 11am or 12 noon.

Option 2: to consider ceasing 7pm Public Presentation Day Sessions, on the third Wednesday of each month, due to low utilisation rates.

The benefits and disadvantages of this option are outlined in item 3 above in the Discussion. Overall, it is recommended to continue the 7pm Public Presentation Day Sessions, as this is the only option for community members who cannot attend during business hours. It is argued that the disadvantages of reducing or eliminating some community member's options to present to Council outweigh the benefits of the catering cost savings (approximately \$3,000 per annum) and the efficiencies gained by Councillors and Council officers.

It is also recommended to continue with 7pm Public Presentation Day Sessions as it is likely, based on current utilisation, that they will only be required about four or five sessions per annum, which is not a significant cost or resource impost on Council. Retaining it does maintain the flexibility for people to meet with Council outside of business hours.

Option 3: to require bookings for all Public Presentation Sessions to be made by 12 noon the day prior, with no public presentations permitted without a booking.

This option is discussed along with its benefits and disadvantages in item 4 above in the Discussion. This option is not recommended as it restricts and provides reduced flexibility for community members to present to Council, especially for those unfamiliar with Council's Public Presentation booking requirements.

It is proposed to continue to allow the current practice of providing the opportunity for any community member who wishes to present to Council at the 10am Public Agenda Presentation Session (held on the fourth Wednesday of each month) and 2pm Public Presentation Session (held on the third Wednesday of each month) to present, regardless of whether they have made a booking.

It is also proposed to continue the requirement for bookings for the 7pm Public Presentation Session (held on the third Wednesday of the month) to be made by 12 noon of the day prior (the third Tuesday of the month) so the Session can be confirmed in advance of the day, including catering requirements.

However, this does not preclude any other person who has not made a booking from presenting to Council, following the scheduled presentations, at the 7pm Public Presentation Day Session, if time permits. A booking is required purely to determine if the session is to go ahead.

Option 4: to consider whether to hold other Public Presentation Sessions (in addition to the third and fourth Wednesday of each Month) on another Wednesday of each month (excluding January) as required, determined and scheduled by the CEO in consultation with the Mayor, with a time and location to remain flexible to suit the unique circumstances of each situation.

These are proposed to be held on particular matters that have raised a high level of community interest which either cannot be catered for by the existing Public Presentation Session Schedule and / or are more easily catered for by a specific, additional Public Presentation Session.

This option is recommended to Council as a means of flexibly meeting the specific requirements of a particular matter or circumstance requiring public consultation. However, it is proposed to not restrict these sessions to a specific time to allow the CEO to schedule the session to commence at a time, which maximises the attendance of Councillors and is suitable for the relevant community members.

Option 5: to propose a revision of the 'Draft Code of Practice: Council Meeting Procedure Requirements to Support Public Participation in Council Meetings ('Draft Code of Practice')' for consideration for adoption by Council.

Council can consider whether to require the revision of the 'Draft Code of Practice' for feedback and consideration from Council for adoption. It is recommended that Council decide to consider the revision of the 'Draft Code of Practice' for the reasons outlined in item 6 above in the Discussion.

Proposal

It is proposed that Council:

- Note the extent of community utilisation rates of the current schedule of Public Presentation Sessions from February 2012 to May 2013;
- Adopt the following recommendations:
 - Continue the commencement of Council Meeting Day Public Presentation Sessions (fourth Wednesday of each month) at 10am;
 - Continue Public Presentation Sessions, on the third Wednesday of each month, commencing at 2pm, and 7pm (by appointment);
 - Continue the requirement for bookings to only be required by 12 noon the day prior for the 7pm Public Presentation Sessions, on the third Wednesday of each month, for the purpose of confirming the need for the Public Presentation Session and to arrange catering;
 - To hold other Public Presentation Sessions (in addition to the third and fourth Wednesday of each Month, excluding January) on another Wednesday of each month as determined and scheduled by the CEO, in consultation with the Mayor; and
 - To receive a briefing on a proposed, revised 'Draft Code of Practice' for consideration by Council.

FINANCIAL CONSIDERATIONS

The primary financial consideration relates to potential catering savings. If the 7pm Public Presentation Session was ceased, a saving of approximately \$3,000 per annum is possible based on current utilisation rates. If the 7pm Public Presentation Session was continued, there is adequate budget in the Draft 2013 / 2014 Budget and forward budgets to accommodate this.

Apart from this, there are no other financial considerations regarding these recommendations. The resources required to organise the proposed Public Presentation Session schedule are covered within the Draft 2013 / 2014 Budget and forward budget allocations. Reducing, removing or changing the

times of business hour Public Presentation Sessions will have a minimal impact on Council's budget.

RISK FACTORS

The Local Government Act 1989 sets out the context, purpose and overarching controls required for Victorian Councils. Council is responsible for ensuring it performs its duties and functions in line with this legislation. Particularly in regard to ensuring community involvement in decision making, adequate consideration is given to matters coming before Council and transparency in the deliberation processes leading up to, and including, the Council Meeting.

By continuing to offer at least the current range of options for community members to present to Council, especially an after business hours option, ensures that all community members have an opportunity to present to Council on issues that affect them.

Council's reputation and image may be tarnished if Public meetings are not managed in an orderly, structured and timely manner or if the current opportunities that are available to the community are reduced or removed.

CONCLUSION

Following consideration of the extent of community utilisation rates of the current schedule of Public Presentation Sessions and potential improvements to the schedule, it is proposed to maintain the current schedule, with the addition of an option to hold other Public Presentation Sessions (in addition to the third and fourth Wednesday of each Month, excluding January) on another Wednesday of each month as determined and scheduled by the CEO, in consultation with the Mayor.

It is also proposed that further clarity and guidance to the community and to Council for Public Presentation Sessions and other Assemblies of Council be presented to Council as soon as practicable, through the revision of the 'Draft Code of Practice: Council Meeting Procedure Requirements to Support Public Participation in Council Meetings '.

RECOMMENDATION

That Council:

1. Note the extent of community utilisation rates of the current schedule of Public Presentation Sessions from February 2012 to May 2013;
2. Resolve to continue the commencement of Council Meeting Day Public Presentation Sessions, held on the fourth Wednesday of each month (excluding January), at 10am;
3. Resolve to continue the commencement of Public Presentation Sessions, held on the third Wednesday of each month (excluding January) at 2pm, and 7pm;
4. Resolve to continue the requirement for bookings to only be required for the 7pm Public Presentation Sessions, on the third Wednesday of each month (excluding January), for the purpose of confirming the need for the Session and catering purposes;
5. Resolve to hold other Public Presentation Sessions (in addition to those scheduled for the third and fourth Wednesday of each Month, excluding January) on another Wednesday (excluding January) as determined and scheduled by Council's Chief Executive Officer, in consultation with the Mayor;
6. Request a briefing on the proposed, revised 'Draft Code of Practice, Council Meeting Procedure Requirements to Support Public Participation in Council Meetings' for consideration by Council; and
7. Advise the community of this Council decision through a press release and make information relating to this decision available to the community on Council's website.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Hill

SECONDED: Cr McEwen

THAT THIS REPORT BE DEFERRED UNTIL THE AUGUST COUNCIL MEETING.

LOST

For: Crs McEwen and Hill.

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

The Original Motion was considered.

MOVED: Cr Hutchinson Brooks SECONDED: Cr Harding

THAT COUNCIL:

- 1. NOTE THE EXTENT OF COMMUNITY UTILISATION RATES OF THE CURRENT SCHEDULE OF PUBLIC PRESENTATION SESSIONS FROM FEBRUARY 2012 TO MAY 2013;**
- 2. CONTINUE THE COMMENCEMENT OF COUNCIL MEETING DAY PUBLIC PRESENTATION SESSIONS, HELD ON THE FOURTH WEDNESDAY OF EACH MONTH (EXCLUDING JANUARY), AT 10AM;**
- 3. CONTINUE THE COMMENCEMENT OF PUBLIC PRESENTATION SESSIONS, HELD ON THE THIRD WEDNESDAY OF EACH MONTH (EXCLUDING JANUARY) AT 2PM, AND 7PM;**
- 4. CONTINUE THE REQUIREMENT FOR BOOKINGS TO ONLY BE REQUIRED FOR THE 7PM PUBLIC PRESENTATION SESSIONS, ON THE THIRD WEDNESDAY OF EACH MONTH (EXCLUDING JANUARY), FOR THE PURPOSE OF CONFIRMING THE NEED FOR THE SESSION AND CATERING PURPOSES;**
- 5. HOLD OTHER PUBLIC PRESENTATION SESSIONS (IN ADDITION TO THOSE SCHEDULED FOR THE THIRD AND FOURTH WEDNESDAY OF EACH MONTH, EXCLUDING JANUARY) ON ANOTHER WEDNESDAY (EXCLUDING JANUARY) AS DETERMINED AND SCHEDULED BY COUNCIL'S CHIEF EXECUTIVE OFFICER, IN CONSULTATION WITH THE MAYOR;**
- 6. REQUEST A BRIEFING ON THE PROPOSED, REVISED 'DRAFT CODE OF PRACTICE, COUNCIL MEETING PROCEDURE REQUIREMENTS TO SUPPORT PUBLIC PARTICIPATION IN COUNCIL MEETINGS' FOR CONSIDERATION BY COUNCIL; AND**

- 7. ADVISE THE COMMUNITY OF THIS COUNCIL DECISION THROUGH A PRESS RELEASE AND MAKE INFORMATION RELATING TO THIS DECISION AVAILABLE TO THE COMMUNITY ON COUNCIL'S WEBSITE.**

CARRIED

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

Against: Cr Hill

E.12 ARTS AND CULTURE POLICY

Community Services Directorate

EXECUTIVE SUMMARY

The Council Arts and Culture Policy (Policy) has been reviewed as part of Council's agreed Policy Review schedule.

Consultation has been undertaken with the arts community, on the role Council should take in supporting the development of arts and cultural activity. The highest priority indicated is that Council to continue to focus on helping arts organisations and practitioners with partnerships, skills development and accessing external resources.

Document/s pertaining to this Council Report

- **Attachment 1** – Draft Arts and Culture Policy

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

South Gippsland 2020 Vision

Council Plan 2010-2014

South Gippsland Community Strengthening Strategy 2008

COUNCIL PLAN

Strategic Goal:	1.0	A Vibrant and Engaged Community
Outcome:	1.1	Active, Resilient Community
Strategy No:	1.1.5	Cultural Development

CONSULTATION

Consultation has been undertaken with the South Gippsland arts community during 2012 and 2013. This consultation has focused on the South Gippsland Arts Network, which has over 120 organisations and individuals with an interest in arts and cultural activity. This network has been asked to provide advice on two questions:

1. Does Council need to have an Arts Policy?
3. What are the key roles Council should play to support arts and cultural activity in South Gippsland?

The outcome of this consultation indicates that this section of the community believes that Council should have a specific Arts and Culture Policy, and this policy should focus on:

- supporting the arts community with joint marketing;

- training;
- advocacy;
- partnerships within and external to South Gippsland;
- assisting with accessing external grants;
- development and maintenance of public art, and
- encouragement of arts through prizes and awards.

REPORT

Background

The current (2002) Policy was developed and endorsed when Council had a full time Arts Officer, and a program budget for Arts and Cultural Development of over \$70,000 per annum. Council now contributes approximately \$24,000 per annum in specific arts development funding, and allocates some staff time from the Manager Community Strengthening and Community Strengthening Support Officer positions to support arts and cultural projects and partnerships.

The current resources are used to:

- support skills workshops for arts practitioners and volunteers;
- undertake some combined promotion and marketing activities to support local arts practitioners and arts organisations;
- develop and print an annual South Gippsland Arts and Culture brochure;
- maintain the South Gippsland Arts Network;
- sponsor some arts aspects of broader community events;
- contribute to costs of promoting local arts and cultural tourism in partnership with the other Gippsland LGA's via the Creative Gippsland network;
- provide the annual Music for the People concert; and
- purchase and maintain some equipment for use by community organisations, primarily for cultural activities and festivals.

It is not possible to adequately implement all aspects of the current (2002) Policy with the current level of resourcing.

Council provides to community groups five facilities whose primary purpose is for arts - Stockyard Creek Gallery (Foster), The Leongatha Courthouse(for

the use by the South Gippsland Brass Band), The Korumburra Federation Gallery (Rotary Gallery), Leongatha Arts and Crafts Gallery (Michael Place), and the Tarwin Lower Arts and Crafts Shop. Council allocates an annual maintenance and renewal allocation of approximately \$20,000 to these buildings. Council also supports a gallery at Coal Creek Community Park and Museum that is made available for a range of organisations and individuals for art exhibitions throughout the year.

Discussion

Arts and culture is an essential component of South Gippsland's growing tourism industry. The artist community, comprising artists with a national and international reputation, is a major tourism attractor through public and private galleries and collections

The fastest growing national and international tourism sector is cultural tourism. Council's support for arts and culture will contribute to creating an environment that stimulates creative expression and innovation. Council's support of cultural tourism will facilitate the attraction of new residents and entrepreneurs who want to live in an area that is rich in art, culture, heritage and food and will stimulate a more diverse and growing economy for the district.

South Gippsland has a good reputation for provision of support to community arts organisations. Council's Annual Community Grants budget, which can be accessed by the Arts community, is proportionately greater than any other Council in Gippsland. However, not many applications are currently made for arts and cultural activities or equipment. 16% (\$25,000) of the funds allocated in the first round of 2012/13 Community Grants was allocated to arts/cultural activities. Only 6% of the applications for Round 2 Community Grants have been lodged to support arts activities or groups.

The only allocation of Community Grants Major Project funds for an arts related activity has been made to the Meeniyah Gallery to support the development of a Digital Arts Trail. This project has been developed through the Advancing Country Towns project for the Lower Tarwin Valley District. The Digital Arts Trail has potential to provide significant economic value to the South Gippsland region, local community arts groups and individual artists and galleries through promotion of high profile local artists and arts events and activities. This project is a very good example of the opportunities Council can help develop through the adoption of an Arts and Culture Policy that focuses on partnership with the arts community.

Arts organisations and businesses have contributed enthusiastically to the development of an annual Prom Country Arts and Cultural guide, and this level of interest in collaborative marketing is reflected in the sectors strong response which seeks Council to continue to play a role in supporting arts and cultural partnerships.

Options

Council can choose to:

- adopt the proposed Policy;
- amend the proposed policy; or
- decide to no longer have an arts and Culture policy.

Proposal

To adopt the revised Arts and Culture Policy.

FINANCIAL CONSIDERATIONS

The revised Policy is not aspirational but reflects the current level of service and Council's current budget and long term financial plan. It does not propose Council funding for specific arts facilities or new arts programs. However, the policy is framed to allow such initiatives to be developed in partnership with the arts community and potential funding agencies.

RISK FACTORS

The proposed Arts and Culture Policy presents no financial risk to Council as it is in line with Council's current budget and long term financial plan and does not commit Council to increased resources.

CONCLUSION

Arts and cultural activity plays an important role in community resilience and vibrancy. It is a key component of South Gippsland's growing tourism industry and economic diversification. Council can make a valuable contribution to the community by assisting the arts and cultural organisations and individual practitioners with developing partnerships and collaborative projects. The adoption of an Arts and Culture policy will help guide Council's efforts in this field.

RECOMMENDATION

That Council revoke the Arts and Culture Policy 2002 and adopt the revised Arts and Culture Policy 2013.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Kennedy

SECONDED: Cr Davies


THAT THE RECOMMENDATION IN ITEM E.12 AND E.13 BE ADOPTED.

CARRIED UNANIMOUSLY

Cr Brunt left the Meeting at 4.18pm.

Cr Brunt returned to the Meeting at 4.20pm.

Attachment 1 Draft Arts and Culture Policy

COUNCIL POLICY		<i>South Gippsland Shire Council</i>	
	ARTS AND CULTURE POLICY		
	Policy Number	Directorate:	Community Services
	Council Item No	Department:	Community Strengthening
Council Adoption Date	Primary Author:	Ned Dennis	
Revision Date	May 2013	Secondary Author:	
COUNCIL POLICY	POLICY OBJECTIVE		
COUNCIL POLICY	<p>Council strives to promote and support participation by the community of South Gippsland Shire in a broad range of civic activity, recreation, arts and cultural pursuits, community service and planning for their own communities' future. This Policy is devised to direct Council's role in supporting the development of and participation in arts and cultural activity across South Gippsland Shire.</p>		
COUNCIL POLICY	LEGISLATIVE PROVISIONS		
COUNCIL POLICY	NIL		
COUNCIL POLICY	DEFINITIONS		
COUNCIL POLICY	<p>Arts and Culture activity includes production, presentation and appreciation of a wide range of activities including but not limited to: theatre, literature, film/video, music including community singing and choral groups, visual arts including painting, printmaking, sculpture, photography and ceramics.</p>		
COUNCIL POLICY	POLICY STATEMENT		
COUNCIL POLICY	<p>Council acknowledges that the health, wellbeing and vitality of the community is improved by broad participation in cultural and arts related activity. Council also acknowledges that arts and cultural activity makes an important contribution to the economy of South Gippsland through business, tourism and education. Council's 2020 Vision states that the South Gippsland community will be encouraged to participate in arts and cultural activity, and that this activity will be promoted. The Council's 2010/2014 Plan states that Council plans for a vibrant and engaged community with Cultural Development listed as a key strategy to support this intention. The 2012-13 Council Annual Plan indicates that the key platform to be used to support such developments will be by collaboration and partnership with the arts community, particularly community based arts organisations.</p>		
COUNCIL POLICY	RISK ASSESSMENT		
COUNCIL POLICY	<p>This Policy will provide guidance to Council when allocating resources to support arts and cultural activities, and when seeking to partner with other organisations to develop or provide resources for such activities. This policy will also provide the South Gippsland community and potential funding partners with a clear statement on the role of Council in encouraging further arts and cultural activity.</p>		
COUNCIL POLICY	IMPLEMENTATION STATEMENT		
COUNCIL POLICY	<p>Council will implement this policy by</p>		
COUNCIL POLICY	<ul style="list-style-type: none">• supporting the operation of a South Gippsland Arts Network;		
COUNCIL POLICY	<i>Arts and Culture Policy Policy</i>		<i>Page 1 of 1</i>



COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

- creating and distributing an annual South Gippsland Arts and Cultural Opportunities brochure;
- advocating to external bodies on behalf of South Gippsland based arts organisations;
- providing access to Council Community Grants for community arts organisations and for other community organisations planning to provide arts and cultural activities;
- promoting arts and cultural activities broadly within South Gippsland;
- participating as an active member of Creative Gippsland - the association of Gippsland LGA's directed at promoting cultural tourism and promotion of Gippsland's arts and cultural activity;
- organising skills development opportunities for arts organisations and individual arts practitioners based in South Gippsland;
- collaborating with external arts focused organisations such as Regional Arts Victoria (RAV) and Arts Victoria to support increased arts and cultural opportunities in South Gippsland;
- assisting South Gippsland arts and cultural groups to plan for new projects and/or facilities;
- creating opportunities for young people to participate in planning and delivery of arts activities including cultural events;
- encouraging individual communities to include arts and cultural development in local community planning and visioning;
- working with individual or networks of community arts organisations in the development, promotion and maintenance of public art;
- promotion of arts in the Shire through a range of mediums such as digital and print;
- assisting arts organisations to partner with other community organisations in South Gippsland e.g. recreation groups and community development organisations, to encourage participation in arts and cultural activity; and
- supporting the provision of the annual "Music for the People" concert at Mossvale Park in late February.

LINKAGES AND PARTNERSHIPS

South Gippsland Arts Network
Community based arts councils
Community theatre companies
Community managed galleries and studios
Music organisations
Commercial and private galleries and studios
Individual artists
Literature groups
Community arts festival committees/organisers
Regional Arts Victoria
Arts Victoria
Creative Gippsland network
South East Cultural Officers Network
Advancing Country Towns (DPCD)

E.13 YOUTH POLICY

Community Services Directorate

EXECUTIVE SUMMARY

The Council Youth Policy (Policy) has been reviewed and a revised policy is presented to Council for adoption. It is similar to the existing policy, with an emphasis on Council encouraging and supporting youth engagement and participation across the community.

Document/s pertaining to this Council Report

- **Attachment 1** - Revised Youth Policy

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

South Gippsland 2020 Vision

Community Strengthening Strategy 2008

South Gippsland Shire Council Youth Engagement Toolkit (2013)

COUNCIL PLAN

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

CONSULTATION

Consultation has been undertaken with members of the South Gippsland Youth Council, Council staff who contributed to the development of the Council's Youth Engagement Toolkit, South Gippsland Shire Councillors, and other youth service agencies.

REPORT

Background

Council has had a formal Youth Policy since 2001. It was last reviewed in 2006.

The South Gippsland 2020 Vision notes that South Gippsland will value young people to be active participants in their community.

Discussion

The revised Policy focuses on partnership with the community, agencies and young people to:

- foster opportunities for young people to be active within their communities;
- provide information on services provided by other agencies and groups;
- create opportunities for young people to take a leadership role with their peers; and
- champion the role of young people in the community.

The revised Policy does not advocate for Council to play a major role in specific youth service delivery. However, the Policy does allow for limited direct service provision for young people where no other existing agency is well placed to deliver the service, or where no other existing agency is willing to do so but Council believes that the service is important. The current example of Council providing a specific youth service is the L2P learner driver program.

This revised Policy provides more detail on possible implementation activities than the 2006 version. These changes increase opportunities for staff to develop external partnerships and access more external funds to support youth engagement and participation.

Adoption of a formal policy to encourage participation in community activity plays an important role in encouraging young people to feel engaged in their community, and encourages adults to look for opportunities to collaborate with the younger members of the Shire.

Options

Council can choose to:

- adopt the revised policy;
- retain the current policy unamended; or
- no longer having a specific Youth Policy.

Proposal

It is proposed Council adopt the revised Youth Policy 2013.

FINANCIAL CONSIDERATIONS

This revised Policy does not require an increased Council budget, as the actions suggested will be supported by existing Community Strengthening staff and fits within the Department's business plan and Council's Long Term Financial Plan.

RISK FACTORS

There are no risks associated with supporting this revised Youth Policy.

The Policy allows the opportunity for Council staff to hear the voice of young people.

CONCLUSION

South Gippsland Shire Council has played an active role in supporting young people to be directly involved with their local communities. Adoption of this revised Youth Policy will continue this work and will provide guidance to young people, the broader community and Council on further opportunities for youth participation in community activity.

RECOMMENDATION


That Council revoke the Youth Policy 2006 and adopt the revised Youth Policy 2013.

STAFF DISCLOSURE OF INTEREST

Nil

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 216.

Attachment 1 Revised Youth Policy



South Gippsland Shire Council

YOUTH POLICY

Policy Number:	Directorate:	Community Services
Council Item No:	Department:	Community Strengthening
Council Adoption Date:	Primary Author:	Ned Dennis
Revision Date: April 2013	Secondary Author:	

POLICY OBJECTIVE

Young people of all abilities have an important contribution to make to the civic, social, economic, recreational and cultural life of South Gippsland. The future wellbeing of the community is assisted by attracting and retaining young people to the district, and by encouraging young people to feel valued as community members. This Policy is designed to support the provision of opportunities for engagement, participation and inclusion in the wider community by young people.

LEGISLATIVE PROVISIONS

Victorian Government Youth Policy (Engage Involve Create, Youth Statement)

DEFINITIONS

Young people are defined as aged between 12 and 25 years old.

POLICY STATEMENT

South Gippsland Shire Council provides a key role in youth engagement, participation and inclusion through:

- Provision of a supported Youth Council;
- Advocating for provision of quality services for young people including education, training, social and cultural services and employment opportunities;
- Promotion of young people as active members of the community through providing opportunities to participate in community programs, initiatives and decision making processes;
- Providing a leadership role in developing strong partnerships between all stakeholders to provide a sustainable future for young people in South Gippsland Shire; and
- Providing leadership and community engagement skills development opportunities for young people.

RISK ASSESSMENT

This Policy will provide guidance to Council when allocating resources to youth engagement activities, and when seeking to partner with other organisations to develop or provide resources for such activities. This policy will also provide South Gippsland's young people, wider community and potential funding partners with a clear statement on the role of Council in supporting youth engagement and participation.

Youth Policy Policy

Page 1 of 2



COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

IMPLEMENTATION STATEMENT

- Council will endeavour to engage young people in all aspects of planning that affect young people's lives and provide opportunities to contribute to decision making and the development of policy, programs and initiatives that affect them and their community through the support of an active Youth Council.
- Council will consult with and listen to the needs, opinions and ideas of young people and provide opportunities for them to participate in their communities.
- Council will promote and facilitate strong partnerships between young people, and key stakeholders, which provide opportunities for young people to be valued, respected and involved in social, civic and economic opportunities, and live a safe and healthy life in South Gippsland.
- Council will consult with and acknowledge the diversity of young people and their needs when making decisions that affect young people.
- Council will support funding submissions and fundraising activities that benefit young people.
- Council will actively seek programs and services which enhance the engagement, participation and inclusion of young people in the community dependant on availability of funding and budget constraints.
- Council will work with service providers, youth agencies and community organisations to improve access by young people to relevant information that supports their participation in education, training, health, cultural, recreation and civic activity.

LINKAGES AND PARTNERSHIPS

Young people
Community groups
Local Government
State Government
Federal Government
Regional youth networks
Youth services organisations
Education
Business
Sport and recreation
Arts and culture
Community safety
Municipal Health and Wellbeing plan
Community health providers

REFERENCE DOCUMENTS

South Gippsland Shire Council – Youth Engagement Toolkit
Engage Involve Create – Victorian State Government Youth Statement

E.14 REVOKE POLICIES - ROAD NAMING, ROAD OPENING AND EUROPEAN WASP AND HONEYBEE CONTROL ON COUNCIL PROPERTY

Engineering Services Directorate

EXECUTIVE SUMMARY

This report is presented to Council to revoke three Council Policies which have been identified as being no longer required:

1. Road Naming Policy 2009.
2. Road Opening Policy 2007.
3. European Wasp & Honeybee Control on Council Property Policy 2004.

Document/s pertaining to this Council Report

- **Attachment 1** - Road Naming Policy 2009.
- **Attachment 2** - Road Naming Procedure 2013.
- **Attachment 3** - Road Opening Policy 2007.
- **Attachment 4** - Road Opening Procedure 2013.
- **Attachment 5** - European Wasp and Honeybee Control on Council Property Policy 2004.
- **Attachment 6** - European Wasp and Honeybee Control on Council Property Procedure 2013.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Road Naming

- Local Government Act 1989
- Road Management Act 2004
- Planning and Environment Act 1987
- Geographic Place Names Act 1998
- Guidelines for Geographic Names 2010
- Aboriginal Heritage Act 2006
- Aboriginal Heritage Regulations 2007
- AS/NZS4819 Geographic Information – Rural and Urban Addressing

Road Opening

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

European Wasp & Honeybee control within SGSC Shire Council

- Victorian Health Act 1958, Section 108(C) (1)
- South Gippsland Shire Council Local Law 12 Community
- Department of Human Services Health Protection Regulations “Guidelines for Pest Control Licensing” (95/0111), Requirements for Pest Control Vehicles
- Equipment and Records (95/0112)
- “Guidelines for Pest Control Business Registration” (950110)
- “Pest Control Approved Courses” (95/0113)

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Road Naming

- Road Naming Policy 2009

Road Opening

- Road Opening Policy 2007
- South Gippsland Planning Scheme

European Wasp & Honeybee control within SGSC Shire Council

- South Gippsland Shire Council Local Law 12 Community
- Guidelines for Pest Control Licensing (95/0111)

COUNCIL PLAN

Strategic Goal:	5.0	A Leading Organisation
Outcome:	5.1	Good Governance
Strategy No:	5.1.1	Direction Setting

CONSULTATION

Consultation has been undertaken with:

- The Engineering Department and Assets Department.
- The Executive Leadership Team.
- Councillor Briefing Session - 5 June 2013.
- Super 11 Benchmarking - Moorabool Shire Council and Surf Coast Shire Council's were the only two responding Council's with a Road Naming Policy.

REPORT

Background

Road Naming Policy 2009

The current Road Naming Policy (**Attachment 1**) was adopted by Council on 17 June 2009. The process for road naming is clearly defined in the Guidelines for Geographic Names 2010, which has been developed by the Department of Environment and Primary Industries (DEPI), to comply with current legislations, including Geographic Place Name Act 1998, Road Management Act 2004, Local Government Act 1989 and Planning and Environment Act 1987.

The Road Naming Policy should be revoked as the process can be easily managed through the proposed 2013 Road Naming Procedure (**Attachment 2**).

Road Opening Policy 2007

The current Road Opening Policy (**Attachment 3**) was adopted by Council on 21 February 2007. As the process for road openings is governed by the Local Government Act 1989 and the Road Management Act 2004, the current Road Opening Policy is not required and therefore should be revoked.

According to current records, Council receives less than five requests per year for the opening of unused road reserves for public traffic within the Shire. These requests can be dealt with by following the 2013 Road Opening Procedure (**Attachment 4**).

European Wasp & Honeybee Control on Council Property Policy 2004

The current European Wasp & Honeybee Control on Council Property Policy (**Attachment 5**) was adopted by Council on 18 February 2004. Council has a responsibility to protect the public from European wasps and bees that appear to nest on Council owned or managed property. All requests are entered into Council's Request Handling System.

In 2010 Council commissioned an independent review of its Council and Operating Policies. This review was assisted by the Policy Review and Development Committee comprising of Councillors.

During this review the relevance of existing policies was considered and the European Wasp & Honeybee Control on Council Property Policy was considered no longer required.

The European Wasp & Honeybee Control on Council Property Policy should be revoked as the process for dealing with this issue can be easily managed through the proposed 2013 Procedure (**Attachment 6**) and complies with current guidelines and legislations.

Discussion

A policy is required only if there are grey areas in the legislation, specifically applicable for the South Gippsland Shire Council, which are not addressed in the legislation. These policies are fully covered in respective legislations, as indicated, and have been incorporated into procedures with accompanying process maps for easy implementation.

The Executive Leadership Team and Councillors at a Briefing Session held on 5 June 2013 were presented with the 2013 Road Naming Procedure and 2013 Road Opening Procedure to replace the relevant policies.

Proposal

It is proposed that Council revoke the following policies as the process can be dealt with by procedures:

1. Road Naming Policy 2009.
4. Road Opening Policy 2007.
5. European Wasp and Honeybee Control on Council Property Policy.

FINANCIAL CONSIDERATIONS

Nil

RISK FACTORS

There are no associated adverse risks as the procedures for road openings, road naming and European wasp and honeybee control on Council property as they all comply with the current prevailing regulations and guidelines.

CONCLUSION

Road Naming, Road Opening and European Wasp & Honeybee Control Policies are fully covered in respective legislations as indicated above and have been incorporated into procedures with accompanying process maps for easy implementation. Therefore the associated policies should be revoked as

the respective procedures will ensure a consistent implementation of these processes.

RECOMMENDATION

That Council revoke:

1. Road Naming Policy 2009.
2. Road Opening Policy 2007.
3. European Wasp and Honeybee Control on Council Property Policy 2004.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Davies


SECONDED: Cr Harding

THAT COUNCIL REVOKE:

1. **ROAD NAMING POLICY 2009.**
2. **ROAD OPENING POLICY 2007.**
3. **EUROPEAN WASP AND HONEYBEE CONTROL ON COUNCIL PROPERTY POLICY 2004.**

CARRIED UNANIMOUSLY

Attachment 1 Current Road Naming Policy 2009



South Gippsland Shire Council

ROAD NAMING

Policy Number	C40	Directorate	Infrastructure
Council Item no	C9	Department	Assets
Council Adoption date	17 June 2009	Primary Author	Alan Landers
Revision date	17 June 2012	Secondary Author	Joanne Cox

POLICY OBJECTIVE

The Policy is required to clearly define practices and procedures relating to the naming of new roads, unnamed existing roads or private roads and the renaming of existing named roads.

The objective is to provide a consistent and defined procedure for Council staff, property developers and other interested parties when investigating and considering name proposals for roads within South Gippsland Shire.

The objectives of this Policy are to:

- Formalise detailed procedures for the proposal and approval / refusal of new road names, changes to existing road names or the naming of unnamed roads;
- Ensure a consistent approach for the naming of roads;
- Ensure all road names are appropriate and in keeping with both Councils and the community's requirements and expectations.

Consultation:

- Historical Societies of the municipality will be consulted in the naming/renaming of roads/streets throughout the Shire.
- Consultation with the community on naming proposals will be guided by Council's Communication Strategy. Naming proposals will be advertised for public comment for a period no less than 28 days.
- Council will undertake referral of naming proposals to Emergency Services Telecommunications Authority and provide notification of naming to relevant naming authorities especially Emergency Services Telecommunications Authority..

DEFINITIONS

- GPN Act 1998 – Geographic Place Names Act 1998
- ESTA – Emergency Services Telecommunications Authority
- LGA 1989 – Local Government Act 1989

LEGISLATIVE PROVISIONS

- Geographic Place Names Act 1998
- Emergency Services Telecommunications Authority
- Local Government Act 1989

Road Naming Policy Page 1 of 4

Attachment 1 Current Road Naming Policy 2009



COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

The Policy has been developed in line with the Geographic Place Names Act 1998 and associated guidelines. Under the Act, Council is the Responsible Authority for the naming of local roads and streets as well as other road features. Naming Authorities are required, when considering the naming of a place or feature (including roads), to comply with policy guidelines approved by the Governor in Council on the recommendation of the Minister.

The naming of roads and streets and provision of street numbering systems is a local government responsibility under the Local Government Act 1989. Local Government Authorities and any administering bodies naming streets, roads, tracks etc., are required to notify the Registrar of new or altered street/road names for inclusion in the Geographic Names Register. This does not preclude a naming authority having more detailed policy and procedure outlines for their own use.

POLICY STATEMENT

The GPN Act 1998 provides a number of guidelines and principles to assist the community and Council in the selection of names and these will be followed by the South Gippsland Shire Council.

RISK ASSESSMENT

There is minimal risk to Council if this Policy does not exist as the methodology for naming of roads is contained in the guidelines for *VICTORIAN GEOGRAPHIC PLACE NAMES* as required by the Act.

IMPLEMENTATION STATEMENT

To ensure a consistent implementation process for this Policy the relevant administrative guidelines shall be followed (copy attached as Appendix 1).

Attachment 1 Current Road Naming Policy 2009



APPENDIX 1

Road Naming Guidelines

The following is a summary of the guidelines set by the Registrar of Geographic Names (Victoria) - (Extracted from Geographic Place Names Guidelines):

- Names should be written in plain Australian English, easy to pronounce, spell and write, and not be derogatory or offensive when judged against community standards, including those of culturally diverse communities.
- Names should be relevant to the area having regard to the historical and cultural significance of the area.
- Names should be as short and simple as possible with no apostrophe used. Road names should preferably consist of only one word plus the road type.
- Road names must be unique within any given locality and preferably within the Municipality. Road names should not be duplicated, even if the road type is different. Similarity in road names is also to be discouraged. (eg. WHITE STREET and WHYTE STREET).
- Road name prefixes should not be used. A directional or similar device (eg. north, south, upper, lower) may only be used once at the front of a name where it is part of a locality name used in the road name (eg. NORTH MELBOURNE ROAD).
- Where road segments are unconnected, such as where a segment of road is unconstructed or where they are separated by a bridge and are likely to remain unconnected for the foreseeable future, consideration should be given to renaming one of the disjointed segments.
- Where a directional or similar convention is used to uniquely define road extremities, it should be used as a suffix to the road type (eg. PALMERSTON ROAD WEST). Exceptions are where the directional is a formal locality name used as the road name (e.g. KILMORE EAST ROAD).
- Numbers included as all or part of a road name should be written in full (eg. FIFTH AVENUE, TEN MILE ROAD). However, where the name reflects association with an entity known by its numerals and spelling out in full would disassociate the road name from that entity (eg. 3CV LANE, 3LK ROAD), numerals may be used.
- Road types are grouped into categories; 'Culs-de-sac', 'Open ended' and 'Either Culs-desac or open ended'. The assignment of a road type should realistically reflect the road type and situation. Refer to attached acceptable 'Road Types'.
- Names of Aboriginal/Koori origin must be appropriate to the locality and their use is subject to the agreement of the relevant Aboriginal/Koori community.
- The use of personal names should not be used, unless this can be demonstrated to be clearly in the public interest. Ownership of the land, or public service, should not in itself be grounds for the application of the owner's name to a geographic.

Attachment 1 Current Road Naming Policy 2009



APPENDIX 1

ROAD NAMING GUIDELINES

- Where the names of deceased persons are being considered for road naming, the person being commemorated should have had a direct and long-term association with the feature or have made a significant contribution to the area or region. Examples include:
 - Early or long time settler (20 + years);
 - Developer or restorer of the feature or place;
 - Donor of the land to the community;
 - Advocate and active protector of the land or feature for public benefit.
- A road should NOT be named after or relate to:
 - an institution, organization, or a registered commercial enterprises;
 - any living person;
 - the developer or his family;
 - any long or difficult name.
- The definite article should NOT be used as a prefix (eg. THE AVENUE).

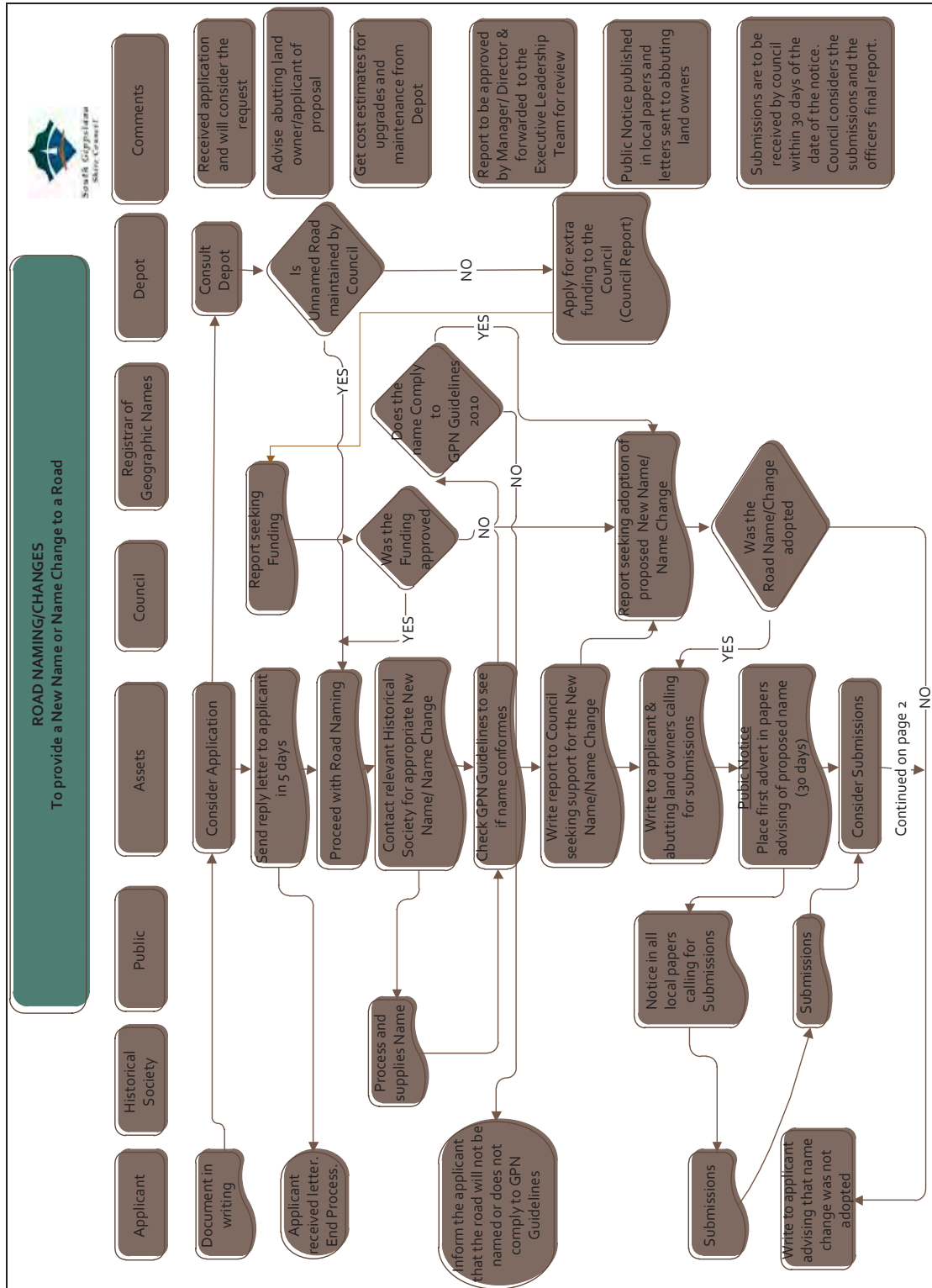
COUNCIL POLICY

COUNCIL POLICY

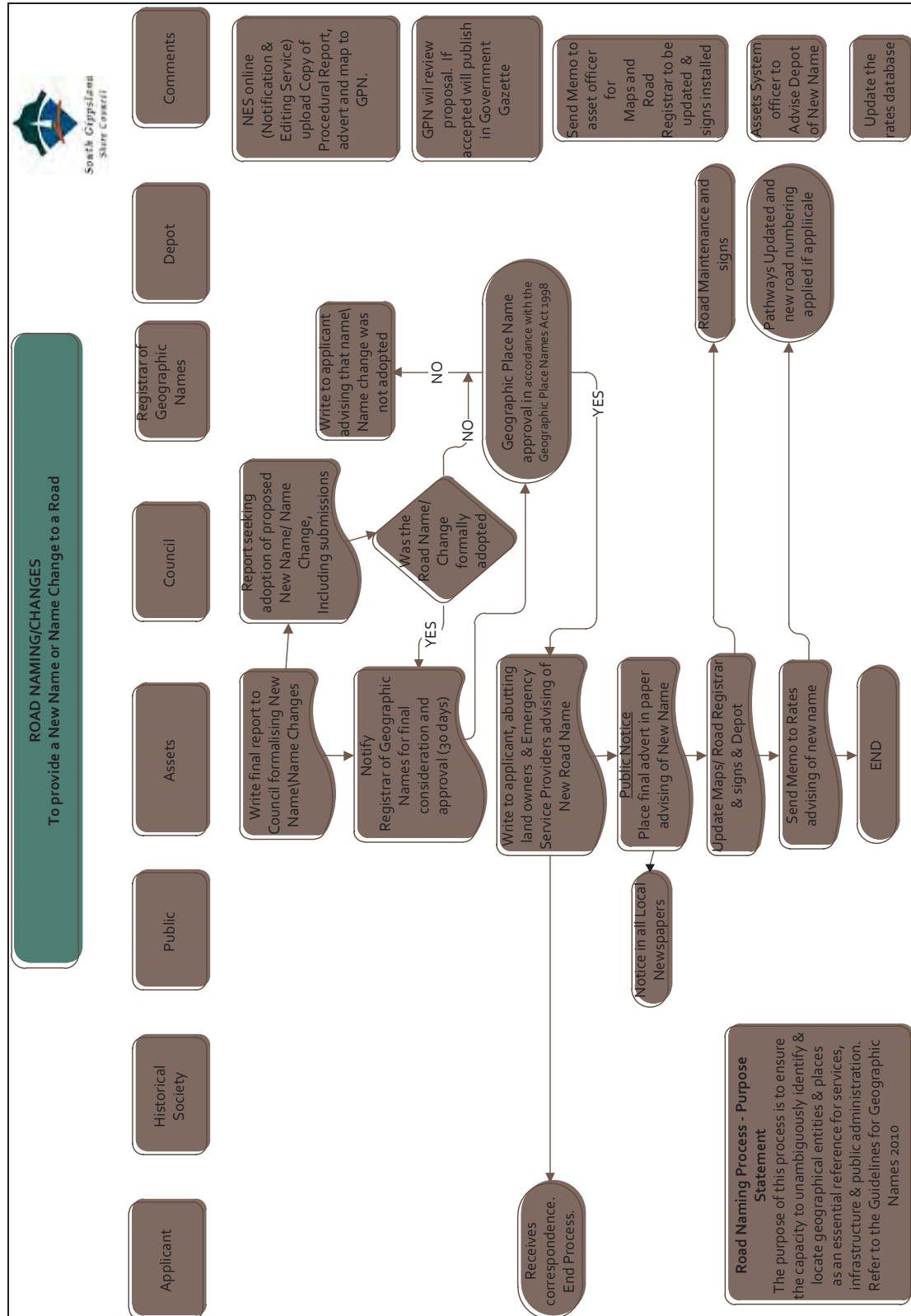
COUNCIL POLICY

COUNCIL POLICY

Attachment 2 2013 Road Naming Procedure



Attachment 2 2013 Road Naming Procedure



Attachment 3 Current Road Opening Policy 2007

South Gippsland Shire Council

COUNCIL POLICY

Department:	Engineering and Public Works
Sub-Section:	Assets
Title:	ROAD OPENING

Policy Statement

Council will exercise powers for opening and closure of roads in a considered and responsible manner having regard to Councils overall responsibility for good governance inclusive of related policies and public interest and in accordance with the guidelines outlined herein.

Policy Rationale

Council is obliged to manage road reserves and the opening of road reserves in the best interest of the Municipality and its residents, but subject to statutory requirements both now and in the future. The circumstances of a road opening will vary significantly depending upon the particular road, the purpose of the request and the impact of the request on Councils management responsibilities and available resources. Each application must be considered on its merits, but considered expeditiously, subject to the application supplying all information reasonably required for the processing of the application.

Guidelines

1. Request for Initial information

In the initial steps of the process, a formal application must be made by the applicant, for Council to fully assess the request and to determine whether to initiate further steps.

The following minimum information is generally required:

- A full site plan (prepared to survey standards, to scale and with dimensions) showing:
- The land concerned and the exact area in respect of which the opening is sought.
- The particulars of all adjacent titles and roads.
- Extents of existing roads and other infrastructure.
- Details of the person or persons known by the applicant to hold the grazing licenses issued under the Land Act 1958.

Attachment 3 Current Road Opening Policy 2007

- Full particulars of the reasons for the request for road opening, noting that in circumstances such as these, Council would need to be satisfied that it is in the interests of the public that the road be duly opened.
- An undertaking to meet Council's reasonable costs of and incidental to any enquiry that may be carried out by Council.

2. Consultation Process

Once receiving the initial information, if the Council resolves to continue its enquiry then Council is empowered under section 204(2) of the Local Government Act 1989, by resolution, to declare a road that is reasonably required for public use to be open to public traffic.

Clause 204A of the Local Government Act 1989 (LG Act) then requires Council to call for submissions under section 223 of the LG Act, where it proposes to exercise the power under section 204(2) of the LG Act.

In accordance with section 223 of the Local Government Act a public notice will be placed in the local papers calling for submissions from interested parties in relation to the proposed opening of the particular unused road. Following the receipt of submissions (if any) before Council can make a decision, or before it will support an application for the cancellation of any Grazing Licenses over the land, Council considers those submissions (including the hearing of persons who have made a submission and requested to be heard in support of those submissions) in the manner required under the Local Government Act 1989. If Council is satisfied that there exists a justification for the opening of the road in the circumstances then further statutory steps may follow.

3. Reporting

Council's officers will prepare a report to be presented to Council detailing:

- The specific nature of the request.
- A summary of submissions received.
- A schedule of those persons wishing to be heard in support of their submission.
- A recommendation from the Council officers.
- Any other information deemed relevant to the application.

The applicant and all interested parties shall be notified in writing of the determination.

Attachment 3 Current Road Opening Policy 2007

The following is the Section 223 process as contained in the Local Government Act 1989.

1. *The following provisions apply if a person is given a right to make a submission under this section (whether under this or any other Act) to the Council—*
 - (a) *the Council must publish a public notice stating that submissions in respect of the matter specified in the public notice will be considered in accordance with this section;*
 - (b) *the Council or where the Council so determines a committee of the Council must consider any written submission which is received by the Council within 14 days after the publication of the public notice stating that submissions will be considered in accordance with this section;*
 - (c) *any person who has made a written submission to the Council and requested that he or she be heard in support of the written submission is entitled to appear in person or by a person acting on his or her behalf before a meeting of the Council or the committee;*
 - (d) *the Council must—*
 - (i) *fix the day, time and place of the meeting referred to in paragraph (c); and*
 - (ii) *give reasonable notice of the day, time and place of that meeting to every person who has lodged a separate submission and in the case of a submission lodged on behalf of a number of persons, to the person specified in the submission as the person to whom notice is to be given;*
 - (e) *the Council must take into consideration all the submissions made under this section and after it has made a decision must notify in writing every person who has lodged a separate submission and in the case of a submission lodged on behalf of a number of persons, notify in writing 1 of those persons, of the decision and the reasons for the decision.*
2. *If a proposal by the Council involves the exercise of powers at the same time under more than one section giving a right to make a submission and written submissions are received under more than 1 of those sections the submission procedure may be carried out in respect of all the written submissions at the same time.*
3. *Despite section 98, a Council may authorise the appropriate members of Council staff to carry out administrative procedures necessary to enable the Council to carry out its functions under this section.'*

Attachment 3 Current Road Opening Policy 2007

4. Costs

Council's enquiry in matters such as these involves significant application of Council resources, and applicants will be required to pay a fee as set down in Council's Fees and Charges Schedule, which is subject to annual budget review.

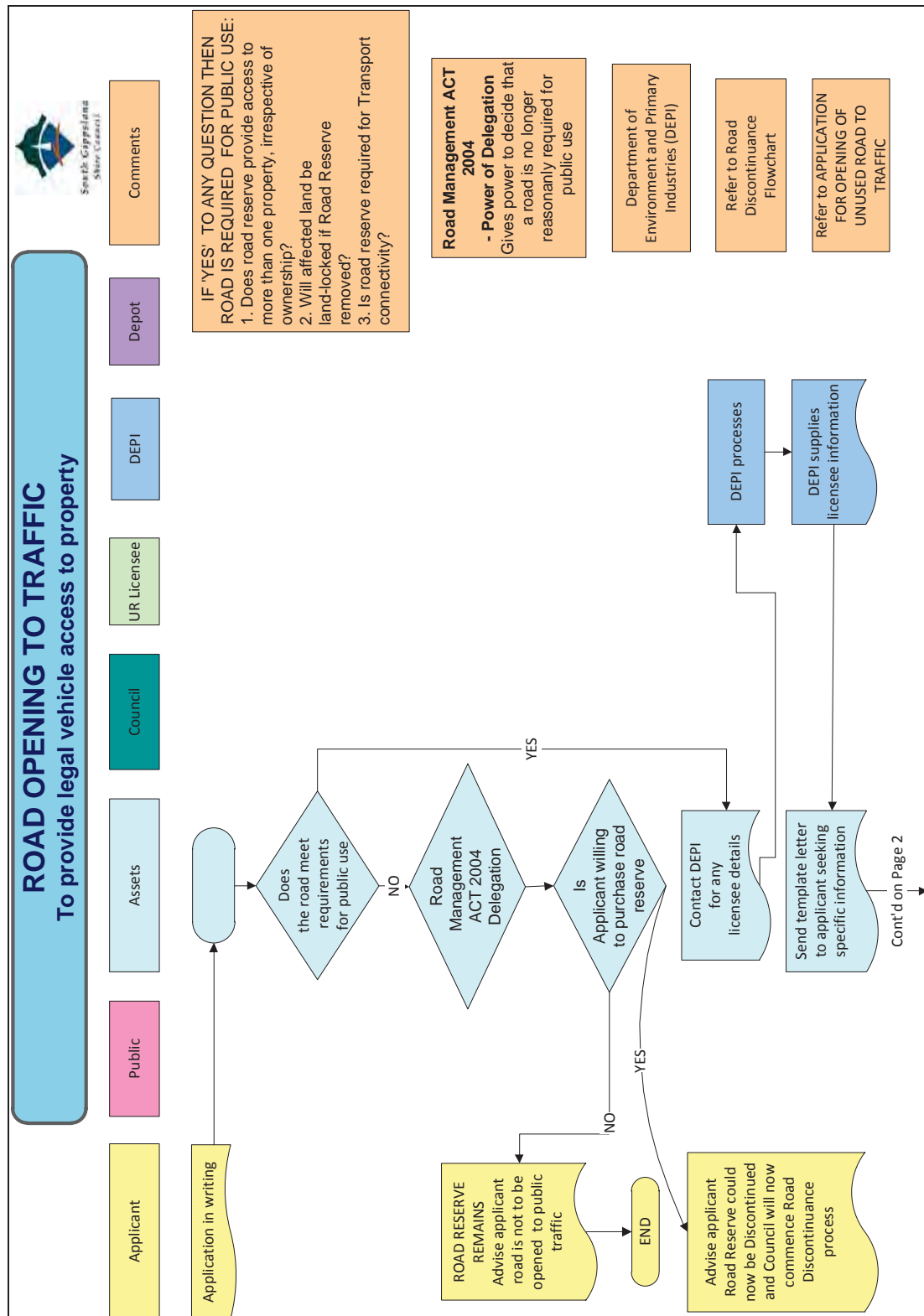
Applicants will also be required to bear the full cost of construction of the road to a standard to be set by Council having regard to the allocated road hierarchy and function, and in this regard applicants will be required to provide written undertaking as to meeting Council's costs as a result of the road construction.

Related Legislation, Guidelines, Specifications and Codes of Practice

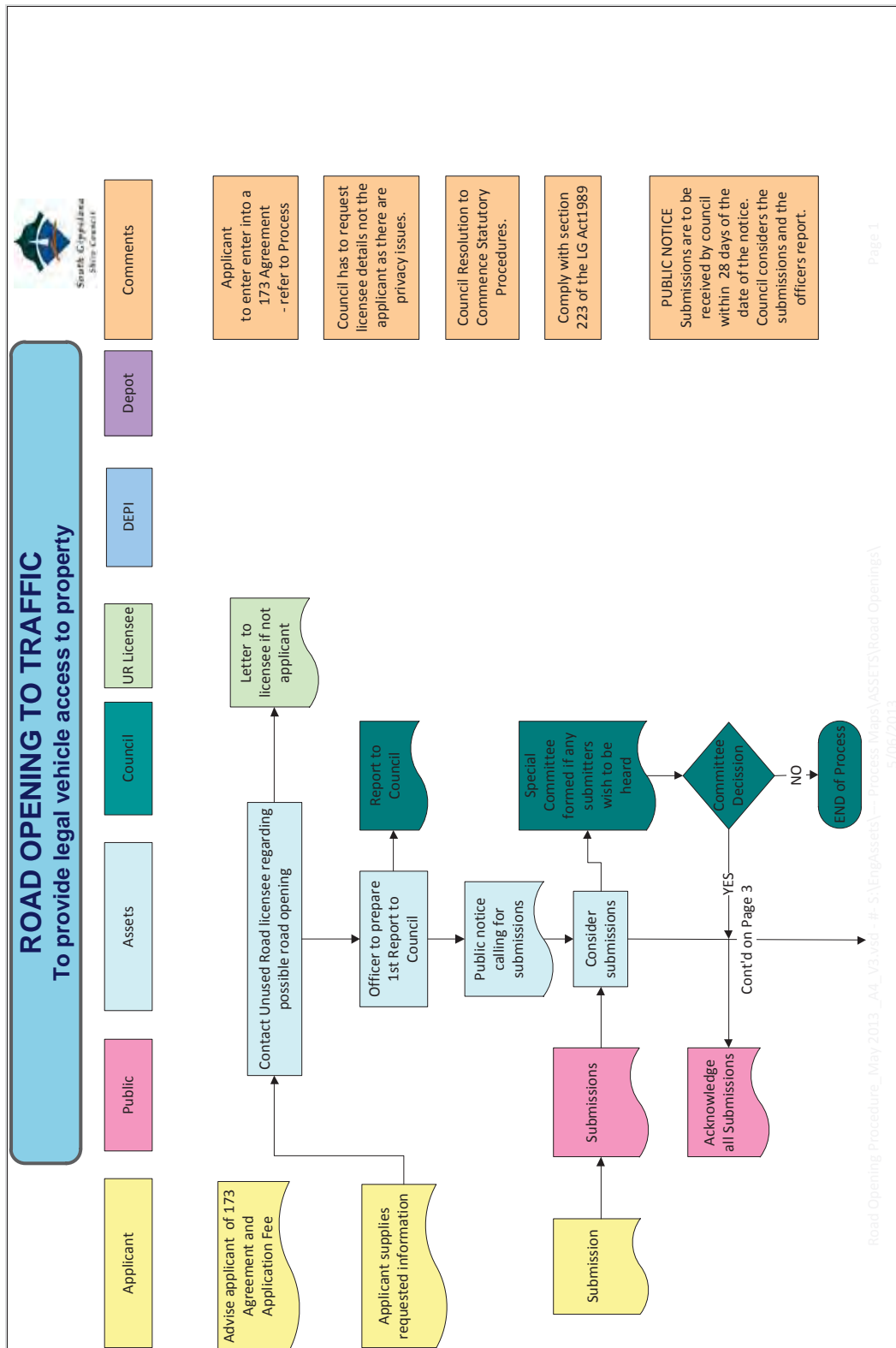
- Process Map 'Road Opening to Traffic'
- Local Government Act 1989
- Road Management Act 2004
- Land Act 1958
- Planning and Environment Act 1987

Approval Date:	21 February 2007	Approved by:	Council
Amendment 1:		Approved by:	
Amendment 2:		Approved by:	
Amendment 3:		Approved by:	

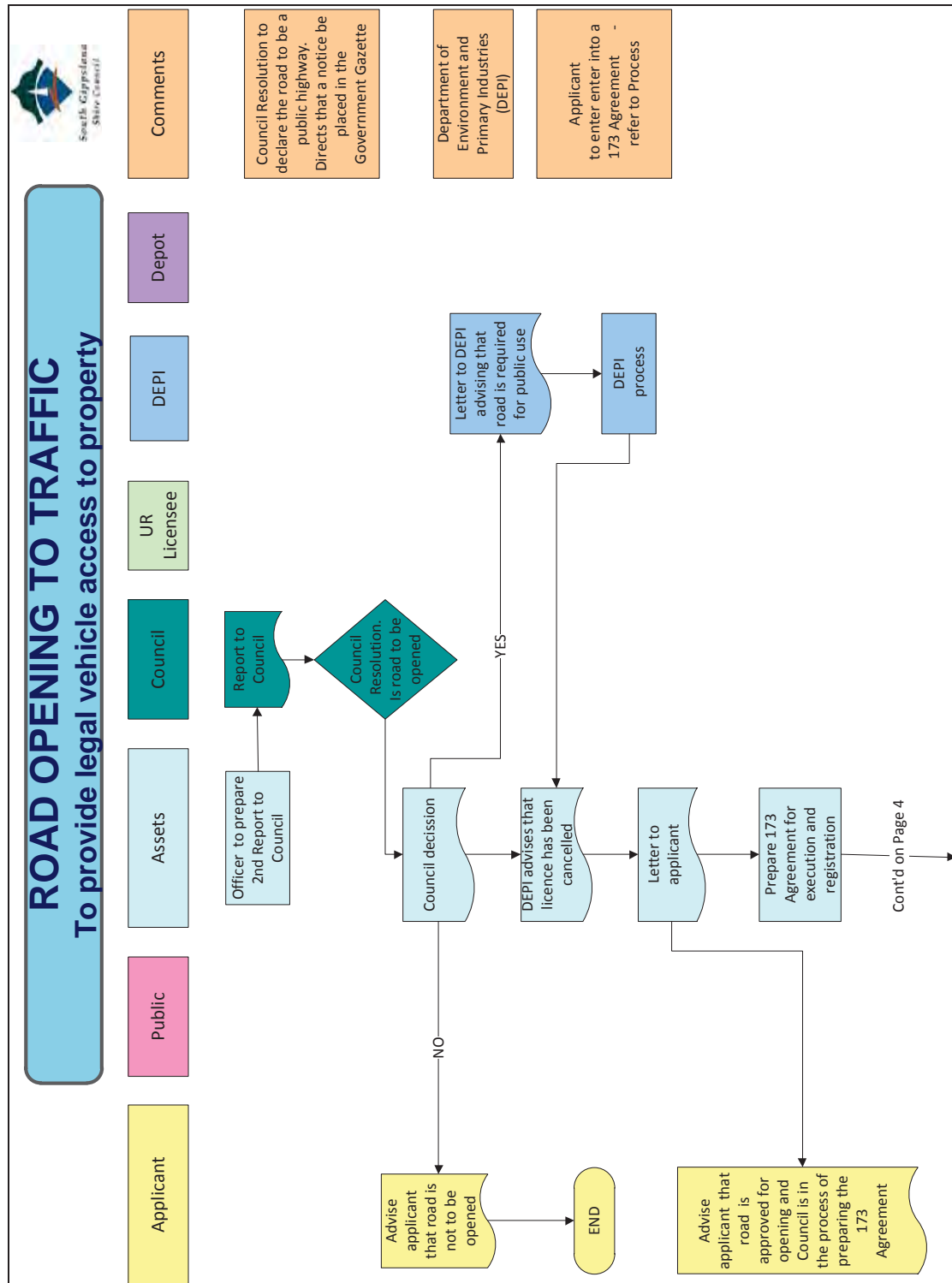
Attachment 4 2013 Road Opening Procedure



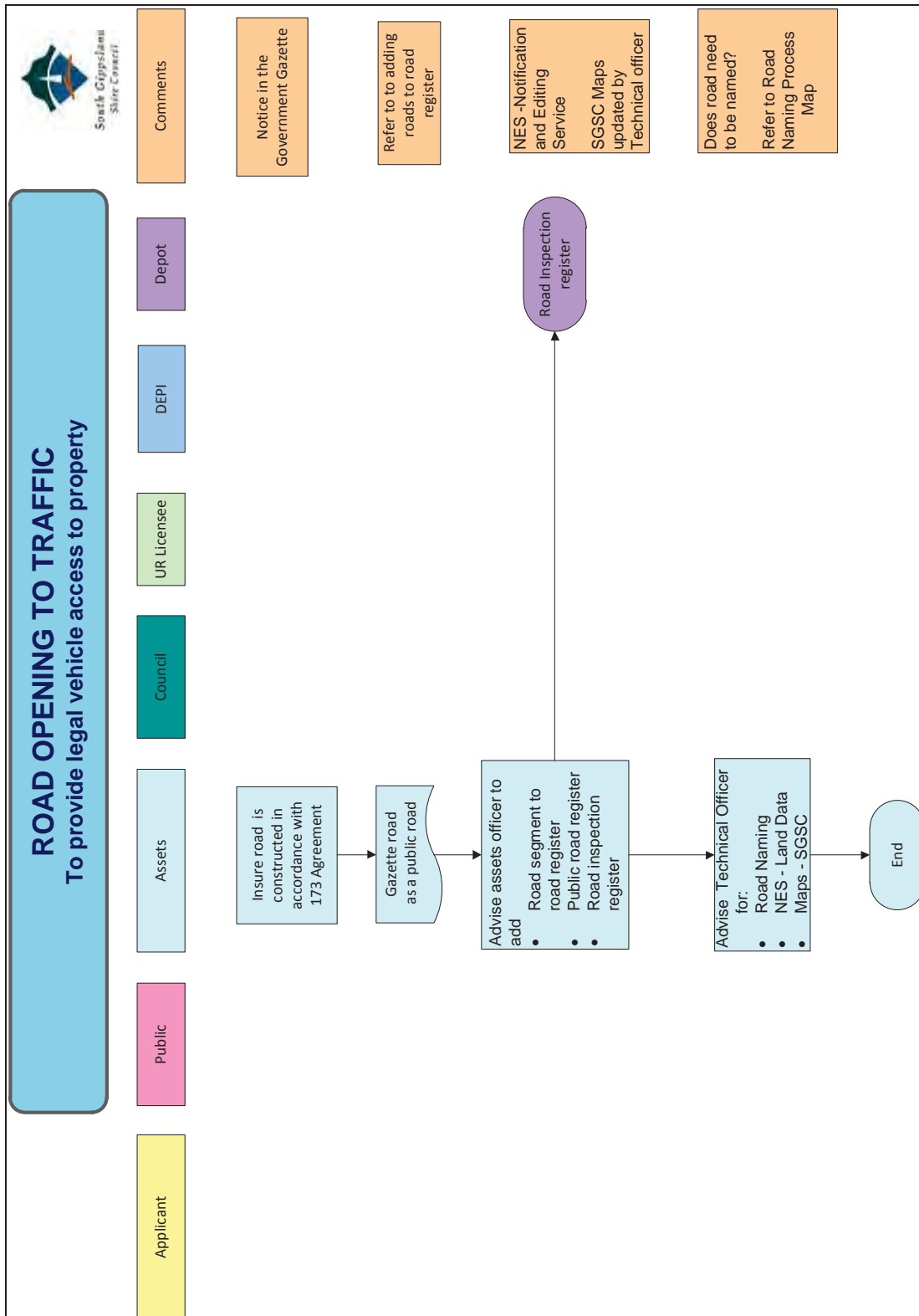
Attachment 4 2013 Road Opening Procedure



Attachment 4 2013 Road Opening Procedure



Attachment 4 2013 Road Opening Procedure



**Attachment 5
Current European Wasp and Honeybee Control on
Council Property Policy 2004**

South Gippsland Shire Council

COUNCIL POLICY

Department:	Engineering
Sub-Section:	Property Management
Title:	EUROPEAN WASP AND EUROPEAN HONEYBEE CONTROL ON COUNCIL PROPERTY

Statement of Policy

Council will destroy the nests of European Wasps and relocate the swarms of European Honeybees (where appropriate*) on Council owned or managed land and road reserves.

Policy Rationale

Council recognises its duty to destroy the nests of European Wasps and to relocate (where appropriate*) hives/swarms of European Honeybees so that the public is not hindered in its use of Council land or affected by the presence of a nest, swarm or hive on Council land.

Definition

A **wasp or bee**, for the purposes of this policy, includes the most common wasps or bees in this municipality, being the European Wasp and the European Honeybee. Other wasp or bee problems will be assessed by the Council's Environmental Health Unit as they arise and this policy may be revised.

An **approved pest controller** is a pest control operator who holds a valid licence as an authorised user of the pesticide needed to eradicate/relocate the afore mentioned insects.

Council Land is property that Council holds Certificate of Title to, has vested in its authority, has tenancy or licence of or has been delegated as the Committee of Management under the Crown Land (Reserves) Act (1978).

A **road reserve** is all land and improvements located between either property fence line adjoining the road. This will include nature strips and footpaths.

Guidelines

Pest Controller

An approved pest controller will be used by Council, to destroy the nests of European Wasps and destroy/relocate the swarms/hives of European Honeybees. The pest controller must comply with "Guidelines for Pest Control Licensing" "Requirements for Pest Control Vehicles, Equipment and Records"

Attachment 5 Current European Wasp and Honeybee Control on Council Property Policy 2004

and "Guidelines for Pest Control Business Registration", produced by the Department of Human Services or subsequent authority.

*The qualification of "where appropriate" is used to indicate that although every effort will be made to relocate a European Honeybee swarm/hive, it may be necessary to destroy a hive.

Responsibility

Council Road Reserves

Council will destroy any European Wasp nest or relocate a European Honeybee hive (where appropriate*), which is located on a road reserve.

Contact – Request Handling Officer

Council Owned or Managed Property

Council will destroy/relocate any nest or hive of a European Wasp or a European Honeybee (where appropriate*), which is located on a land that is owned or managed by Council.

Contact – Request Handling Officer

VicRoads Roads

VicRoads are responsible for wasps nests and bee hives located on VicRoads designated roads and road reserves. Where a VicRoads road passes through a town, VicRoads is responsible only for the traffic through lanes between the restriction or derestriction signs. In this case, Council is responsible for European Wasp nest or European Honeybee hive and swarm relocation/destruction on a road reserve, nature strip, median strip or footpath in the township other than on the through lanes.

Contact – VicRoads Traralgon

A list of VicRoads roads is available from the Request Handling Officer.

Crown Land

Council is not responsible for wasp/bee nest removal upon Crown land, other than Crown land that is directly managed by Council, under licence or reserve.

Contact – Department of Natural Resources and Environment Traralgon

Freehold Land

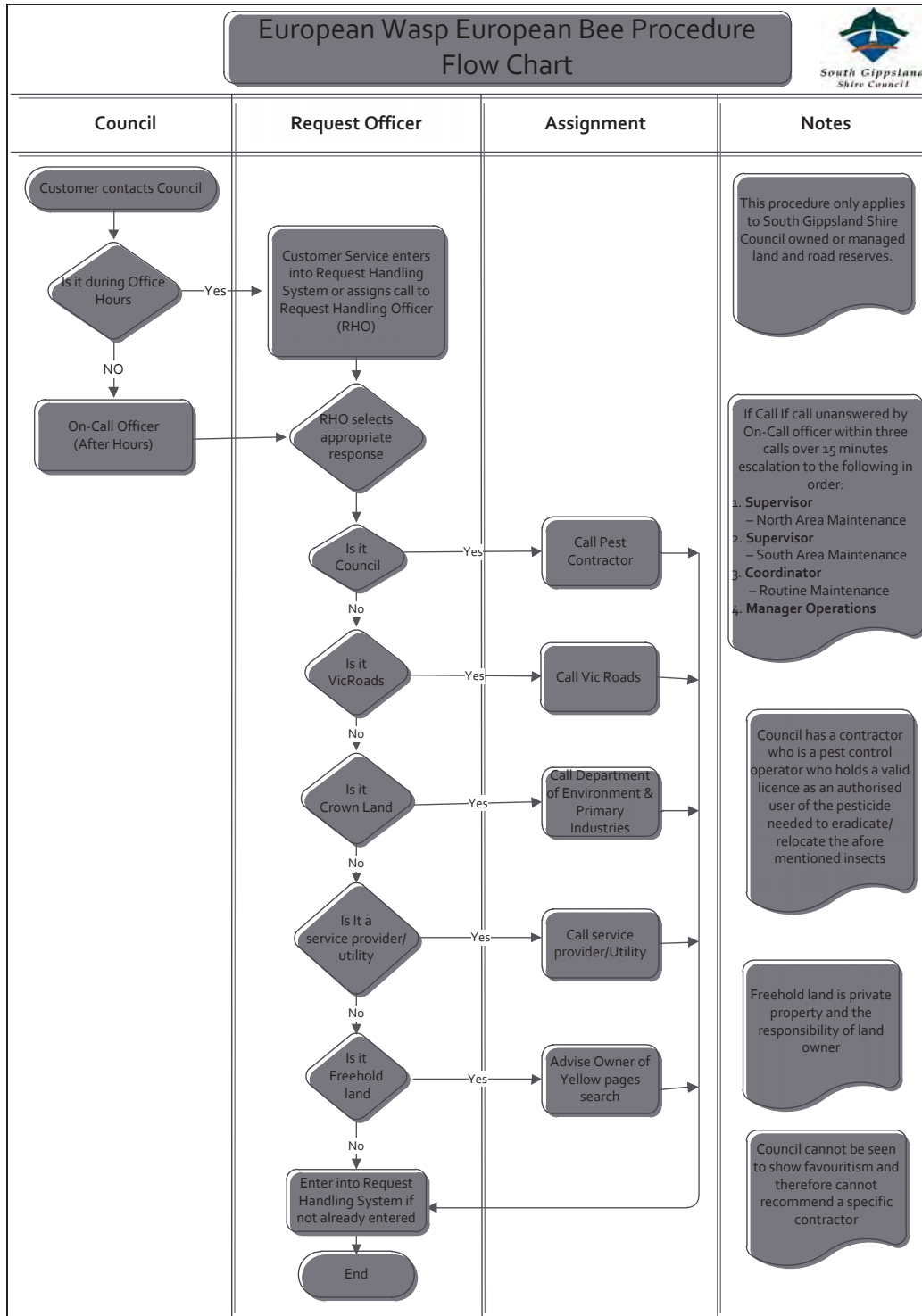
Property owners and neighbours are advised that property owners are responsible for the removal of wasps nests or bee swarms/hives on their property. Failure to remedy a nuisance nest, hive or swarm will be investigated by Council's Environmental Health Unit, under the provision of the Health Act 1958.

Initial Contact – Property Owner

Further Information

Further information about wasps and bees is available from the Department of Natural Resources and Environment. A European Wasp Hotline is available on 1800 060 864.

Attachment 6 2013 European Wasp and Honeybee Control on Council Property Procedure



E.15 ADOPTION OF THE ROAD MANAGEMENT PLAN 2013

Engineering Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is to adopt the Road Management Plan 2013 (RMP) pursuant to Sections 54 and 55 of the Road Management Act 2004.

It is a regulatory requirement to complete the review of the RMP before 30 June 2013.

Document/s pertaining to this Council Report

- **Appendix 1** - Road Management Plan 2013

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

Alternatively, please visit the Road Management Plan 2013 webpage under [A - Z / Road Management Plan 2013](#).

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Road Management Act 2004, Sections 54 and 55
- Road Management Regulations 2005, Section 301 and 304
- Local Government Act 1989, Section 125 (1)(b)
- Code of Practice for Making Road Management Plans

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Asset Management Policy 2013
- Asset Management Strategy 2013
- Road Infrastructure Asset Management Plan 2013

COUNCIL PLAN

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

CONSULTATION

External Consultation

It is a requirement under the Road Management Act 2004 and Road Management Regulations 2005 to publish notices in the Government Gazette requesting submissions from the public before reviewing the RMP.

Council advertised the intention to review the existing RMP in the Government Gazette on 8 November 2012 requesting submissions within 28 days. This advertisement appeared in the local papers also. Council did not receive any submissions at the end of the closing period.

Upon formal adoption of the Road Management Plan 2013, the general public will again be notified, in accordance with the Road Management Act 2004, of Council's decision via publishing an appropriate notice in the Government Gazette, all local newspapers and on Council's website.

Internal Consultation

Discussions and review sessions were held with the Operations Department before finalising this review of the RMP.

The Draft RMP was circulated within the Assets Department and comments were included in the final draft.

REPORT

Background

The existing RMP was adopted by Council on 3 June 2009.

According to Section 301 of the Road Management Regulations and Section 125 (1)(b) of the Local Government Act 1989, Council is required to review the RMP every 4 years in line with the Council election.

This draft RMP has been reviewed as per the guidelines given in the Code of Practice for Making Road Management Plans and the Road Management Regulations, and contains the following:

- Details of the road assets covered in the Plan.
- Inspection regime.
- Target standard to be achieved in the maintenance and repairs based on the risk imposed on the road users.
- Details of the road management system.

Discussion

A summary of the changes made in this revision are listed below.

- Included clauses in the Local Laws in relation to Road Management.
- Removed the sections on Asset Management as these are included in the Road Infrastructure Asset Management Plan.
- Improved inspection regime. All roads in road classes 1 to 3 are inspected every two months as opposed to 4 to 6 month intervals for road classes 2 to 3 (Higher standard).
- Target service level improved for Access Tracks for defects with extreme risks from priority 2 to priority 1. This means these defects will be attended to within 24 hours. Previously these defects were attended to within 7 days (Higher standard).
- Included a new auditing system using Conquest Asset Management System.
- Updated Road Register.
- A footpath register included.
- A statement pursuant to Section 304 of the Road Management Regulations 2005, to the effect that the standard of the revised RMP is higher than the relevant standard previously determined under Section 41 of the Road Management Act 2004.

Options

The options available to Council are to:

1. Adopt the Road Management Plan 2013; or
2. Amend and adopt the Road Management Plan 2013.

Proposal

It is proposed that Council adopts the Road Management Plan 2013.

FINANCIAL CONSIDERATIONS

The extra funding required for improved service levels can be offset through the savings on operational and repair costs as the implementation of the new inspection regime and the Conquest Asset Management System help to attend to the repairs in a timely manner.

The adoption of this revised RMP does not have any implications on the Long Term Financial Plan or annual budgets.

RISK FACTORS

This RMP has addressed all the risks involved in the operation and maintenance of roads and associated infrastructure. This will help to reduce the potential for claims against Council.

CONCLUSION

The adoption of the Road Management Plan 2013 will enable the administration to arrange publishing of a notice in the Government Gazette and all local newspapers within the Shire, in accordance with the Road Management Act 2004, of Council's amended Road Management Plan and its subsequent availability to the general public via Council's website.

RECOMMENDATION

That Council:

1. Pursuant to Sections 54 and 55 of the Road Management Act 2004, adopt the amended Road Management Plan 2013.
2. Place a notice of this decision in the Government Gazette and all local newspapers.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Davies

SECONDED: Cr Kennedy

THAT COUNCIL:

1. **PURSUANT TO SECTIONS 54 AND 55 OF THE ROAD MANAGEMENT ACT 2004, ADOPT THE AMENDED ROAD MANAGEMENT PLAN 2013.**
2. **PLACE A NOTICE OF THIS DECISION IN THE GOVERNMENT GAZETTE AND ALL LOCAL NEWSPAPERS.**

CARRIED UNANIMOUSLY

The Mayor adjourned the Meeting at 4.31pm for 15 minutes.

The Meeting resumed at 4.46pm.

E.16 STRATEGIC LAND REVIEW - UPDATE ON COMMUNICATION PLAN AND AMENDMENT TO LIST OF PROPERTIES

Engineering Services Directorate

EXECUTIVE SUMMARY

At its ordinary meeting held on 24 April 2013, Council considered the Strategic Land Review Project. It discussed a communication plan and proposed a list of properties for sale. Council's resolution included commencing the communication plan and the sale process for those properties listed in the Table in Attachment 1.

Proceeding with the communication plan and sale process meant further investigation into the properties proposed for sale. Accordingly, this report:

1. Discusses information found for three of the listed properties and the need for a slight amendment to the resolution of 24 April 2013 to progress the sale process.
2. Provides an update on the communication plan and the reason for advertising public notices pursuant to Sections 189 and 223 of the Local Government Act, 1989 over the following weeks:

Advertisement date	Properties
4 June 2013 -	6 Attenborough Court, Poowong 48 Bent Street, Leongatha 6A Gilfedder Terrace, Mirboo North 2A Inglis Avenue, Mirboo North
18 June 2013 -	91A Whitelaw Street, Meenivan 18 Main Street, Buffalo 1 Pioneer Street, Foster
25 June 2013 -	1 Neil Street, Venus Bay 1A Noble Street, Venus Bay 3 McMillan Street, Venus Bay 8 June Court, Venus Bay 8 Gary Court, Venus Bay 8A Margaret Avenue, Venus Bay 22-24 Fishermans Road, Venus Bay

3. Recommends that Council set the dates, times and place for the hearing of any submissions that may be received to the above public notices.

Document/s pertaining to this Council Report

- **Attachment 1** - List of properties from 24 April 2013 Council meeting.
- **Attachment 2** - Juno Road, Venus Bay.

- **Attachment 3** - 11 Smith Street, Loch
- **Attachment 4** - 8 McDonald Street, Meeniyan

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Subdivision Act 1988, Section 24A
- Local Government Act 1989, Sections 189 and 223
- Planning Restructure Overlay
- Council land ownership policy

COUNCIL PLAN

Strategic Goal:	5.0	A Leading Organisation
Outcome:	5.2	Systems and Processes
Strategy No:	5.2.2	Asset Management Planning

CONSULTATION

Internal consultation has occurred with relevant Departments.

External consultation has occurred in accordance with the communication plan and is discussed further in this report.

REPORT

Information on three properties

In progressing the properties for sale, detailed investigations into the history of land use and legal status was conducted. Further information was brought to light with three of the properties identified on the list in Attachment 1 as numbers 2, 4 and 10. This information is discussed below:

1. **Juno Road, Venus Bay – (listed property number 2)**
 - a. This property is actually comprised in 3 certificates of title, known as lots 4, 5 and 6 on Plan of Subdivision 312565. They are shown bordered in red on the plan at Attachment 2. The lots are also included in a Planning Restructure Overlay which is shown bordered in black (also shown on the second plan in Attachment 2).
 - b. The Planning Restructure Overlay is restrictive on a sale process. It means that the lots can only be sold to the owner of the property that sits in the middle of these lots.
 - c. Council had previously resolved to sell the property as described in (a) above at its meeting on 23 January 2008.

2. 11 Smith Street, Loch (listed property number 4)

It is believed that the Loch Public Hall has a septic pit that is piped under Smith Street and released onto this Property. As there is no physical or legal evidence to confirm this, this was not picked up. Whilst further investigations into this septic pit is conducted, it is recommended that the sale of this property be put on hold.

3. 8 McDonald Street, Meeniyan (listed property number 10)

- a. A road traverses part of this property (see Attachment 4).
- d. A survey plan is required to separate the road. The remaining land can be offered for sale. The adjoining landowner has expressed interest in its purchase.

Communication Plan

Council has written to property owners within the vicinity of the listed properties. We have also had numerous telephone conversations with adjoining land owners and representatives of community groups who have enquired about the project and submission process.

An information paper was prepared for the Venus Bay "Matter of Fact" – June edition.

Information will be provided at the next meeting of the South Gippsland Town Associations/District Associations network on 6 June 2013.

The community will continue to be updated on the progress of the project.

The public notification process pursuant to Sections 189 and 223 of the Local Government Act, 1989 has commenced. The public notices have been advertised over a period of weeks to adequately manage the administrative work that results from the notices.

The advertisement dates, closing dates including the properties proposed for sale are as follows:

Advertisement date	Closing date	223 Hearing Session	Properties
4 June 2013	2 July 2013	21 August 2013	6 Attenborough Court, Poowong 48 Bent Street, Leongatha 6A Gilfedder Terrace, Mirboo North 2A Inglis Avenue, Mirboo North
18 June 2013	16 July 2013	21 August 2013	91A Whitelaw Street, Meeniyan 18 Main Street, Buffalo 1 Pioneer Street, Foster
25 June 2013	25 July 2013	18 September	1 Neil Street, Venus Bay 1A Noble Street, Venus Bay

Advertisement date	Closing date	223 Hearing Session	Properties
		2013	3 McMillan Street, Venus Bay 8 June Court, Venus Bay 8 Gary Court, Venus Bay 8A Margaret Avenue, Venus Bay 22-24 Fishermans Road, Venus Bay

Proposal

With the information to hand for the properties at Juno Road, Venus Bay, 11 Smith St, Loch and 8 McDonald Street, Meeniyan, it is proposed to proceed as follows:

1. Proceed with the sale of Juno Road, Venus Bay knowing that it is comprised in multiple lots affected by the Planning Restructure Overlay and can only be sold to owners of the lots within the planning restructure overlay.
2. Delay the sale of 11 Smith Street, Loch until the effluent issues are investigated and/or resolved.
3. Proceed with the sale of 8 McDonald St, Meeniyan by preparing a survey plan to excise the road and then advertise the balance of the land for sale.

With regards to the communication plan and the advertisement dates for the public notices, it is proposed that Council:

1. Set the times, dates and place to hear and consider any submissions received to the public notices in accordance with Section 223 of the Local Government Act, 1989.

FINANCIAL CONSIDERATIONS

There are minimal financial costs to Council in proceeding with the above proposal. The expenses incurred in preparing the listed properties for sale will be allocated from the costs of sale.

RISK FACTORS

There is minimal risk to Council in proceeding with the sale of land as the process is in accordance with Sections 189 and 223 of the Local Government Act 1989.

RECOMMENDATION

That Council:

1. Agree to proceed with the sale of Juno Road, Venus Bay being the land described as:
 - a. Lot 4 PS312565 comprised in certificate of title volume 10134 folio 107;
 - b. Lot 5 PS312565 comprised in certificate of title volume 10134 folio 108; and
 - c. Lot 6 PS312565 comprised in certificate of title volume 10134 Folio 109,

by private treaty to adjoining landowners and as recognised in the Planning Restructure Overlay.
2. Delay the proposed sale of 11 Smith Street, Loch being the land contained in certificate of title Volume 4523 Folio 503 until the effluent issues are investigated and/or resolved.
3. Agree to the following process for the sale of 8 McDonald Street, Meeniyan:
 - a. Prepare a plan of subdivision pursuant to Section 24A of the Subdivision Act 1988 to excise the road from certificate of title volume 6334 folio 789.
 - b. Upon completion of the plan of subdivision, commence the public notification for the sale of the balance of the land remaining in certificate of title volume 6334 folio 789 pursuant to Section 189 and 223 of the Local Government Act, 1989.
4. Hear and consider any submissions received to the public notices advertising various properties for sale and in accordance with Section 223 of the Local Government Act, 1989 within the Townships of:
 - a. Poowong, Leongatha, Mirboo North, Meeniyan, Buffalo and Foster at a Special Meeting of Council on 21 August 2013 at the Council Chambers, Michael Place, Leongatha commencing at 12.45pm for the land known as:
 - i. 6 Attenborough Court, Poowong
 - ii. 48 Bent Street, Leongatha
 - iii. 6A Gilfedder Terrace, Mirboo North
 - iv. 2A Inglis Avenue, Mirboo North
 - v. 91A Whitelaw Street, Meeniyan
 - vi. 18 Main Street, Buffalo
 - vii. 1 Pioneer Street, Foster

- b.** Venus Bay at a Special Meeting of Council on 18 September 2013 at the Council Chambers, Michael Place, Leongatha commencing at 12.45pm for the land known as:
- i. 1 Neil Street, Venus Bay
 - ii. 1A Noble Street, Venus Bay
 - iii. 3 McMillan Street, Venus Bay
 - iv. 8 June Court, Venus Bay
 - v. 8 Gary Court, Venus Bay
 - vi. 8A Margaret Avenue, Venus Bay
 - vii. 22-24 Fishermans Road, Venus Bay

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Fawcett

SECONDED: Cr Davies

THAT COUNCIL:

1. AGREE TO PROCEED WITH THE SALE OF JUNO ROAD, VENUS BAY BEING THE LAND DESCRIBED AS:

- a. LOT 4 PS312565 COMPRISED IN CERTIFICATE OF TITLE VOLUME 10134 FOLIO 107;**
- b. LOT 5 PS312565 COMPRISED IN CERTIFICATE OF TITLE VOLUME 10134 FOLIO 108; AND**
- c. LOT 6 PS312565 COMPRISED IN CERTIFICATE OF TITLE VOLUME 10134 FOLIO 109,**

BY PRIVATE TREATY TO ADJOINING LANDOWNERS AND AS RECOGNISED IN THE PLANNING RESTRUCTURE OVERLAY.

2. DELAY THE PROPOSED SALE OF 11 SMITH STREET, LOCH BEING THE LAND CONTAINED IN CERTIFICATE OF TITLE VOLUME 4523 FOLIO 503 UNTIL THE EFFLUENT ISSUES ARE INVESTIGATED AND/OR RESOLVED.

3. AGREE TO THE FOLLOWING PROCESS FOR THE SALE OF 8 MCDONALD STREET, MEENIYAN:

- a. PREPARE A PLAN OF SUBDIVISION PURSUANT TO SECTION 24A OF THE SUBDIVISION ACT 1988 TO EXCISE THE ROAD FROM CERTIFICATE OF TITLE VOLUME 6334 FOLIO 789.**
- b. UPON COMPLETION OF THE PLAN OF SUBDIVISION, COMMENCE THE PUBLIC NOTIFICATION FOR THE SALE OF THE BALANCE OF THE LAND REMAINING IN CERTIFICATE OF TITLE VOLUME 6334 FOLIO 789 PURSUANT TO SECTION 189 AND 223 OF THE LOCAL GOVERNMENT ACT, 1989.**

4. HEAR AND CONSIDER ANY SUBMISSIONS RECEIVED TO THE PUBLIC NOTICES ADVERTISING VARIOUS PROPERTIES FOR SALE AND IN ACCORDANCE WITH SECTION 223 OF THE LOCAL GOVERNMENT ACT, 1989 WITHIN THE TOWNSHIPS OF:

- a. POOWONG, LEONGATHA, MIRBOO NORTH, MEENIYAN, BUFFALO AND FOSTER AT A SPECIAL MEETING OF COUNCIL ON 21 AUGUST 2013 AT THE COUNCIL CHAMBERS, MICHAEL PLACE, LEONGATHA COMMENCING AT 12.45PM FOR THE LAND KNOWN AS:**

- viii. 6 ATTENBOROUGH COURT, POOWONG**
- ix. 48 BENT STREET, LEONGATHA**
- x. 6A GILFEDDER TERRACE, MIRBOO NORTH**

- xi. 2A INGLIS AVENUE, MIRBOO NORTH**
- xii. 91A WHITELAW STREET, MEENIYAN**
- xiii. 18 MAIN STREET, BUFFALO**
- xiv. 1 PIONEER STREET, FOSTER**

- b. VENUS BAY AT A SPECIAL MEETING OF COUNCIL ON
18 SEPTEMBER 2013 AT THE COUNCIL CHAMBERS,
MICHAEL PLACE, LEONGATHA COMMENCING AT 12.45PM
FOR THE LAND KNOWN AS:**

- viii. 1 NEIL STREET, VENUS BAY**
- ix. 1A NOBLE STREET, VENUS BAY**
- x. 3 MCMILLAN STREET, VENUS BAY**
- xi. 8 JUNE COURT, VENUS BAY**
- xii. 8 GARY COURT, VENUS BAY**
- xiii. 8A MARGARET AVENUE, VENUS BAY**
- xiv. 22-24 FISHERMANS ROAD, VENUS BAY**

The Mayor agreed to separate the parts of the Motion.

THAT COUNCIL:

- 1. AGREE TO PROCEED WITH THE SALE OF JUNO ROAD, VENUS
BAY BEING THE LAND DESCRIBED AS:**
 - a. LOT 4 PS312565 COMPRISED IN CERTIFICATE OF TITLE
VOLUME 10134 FOLIO 107;**
 - b. LOT 5 PS312565 COMPRISED IN CERTIFICATE OF TITLE
VOLUME 10134 FOLIO 108; AND**
 - c. LOT 6 PS312565 COMPRISED IN CERTIFICATE OF TITLE
VOLUME 10134 FOLIO 109,**

**BY PRIVATE TREATY TO ADJOINING LANDOWNERS AND AS
RECOGNISED IN THE PLANNING RESTRUCTURE OVERLAY.**

CARRIED

For: Crs Fawcett, Newton, Brunt, Hill and Davies.

Against: Crs McEwen, Harding, Kennedy and Hutchinson-Brooks.

- 2. DELAY THE PROPOSED SALE OF 11 SMITH STREET, LOCH BEING
THE LAND CONTAINED IN CERTIFICATE OF TITLE VOLUME 4523
FOLIO 503 UNTIL THE EFFLUENT ISSUES ARE INVESTIGATED
AND/OR RESOLVED.**

3. **AGREE TO THE FOLLOWING PROCESS FOR THE SALE OF 8 MCDONALD STREET, MEENIYAN:**
 - a. **PREPARE A PLAN OF SUBDIVISION PURSUANT TO SECTION 24A OF THE SUBDIVISION ACT 1988 TO EXCISE THE ROAD FROM CERTIFICATE OF TITLE VOLUME 6334 FOLIO 789.**
 - b. **UPON COMPLETION OF THE PLAN OF SUBDIVISION, COMMENCE THE PUBLIC NOTIFICATION FOR THE SALE OF THE BALANCE OF THE LAND REMAINING IN CERTIFICATE OF TITLE VOLUME 6334 FOLIO 789 PURSUANT TO SECTION 189 AND 223 OF THE LOCAL GOVERNMENT ACT, 1989.**

4. **HEAR AND CONSIDER ANY SUBMISSIONS RECEIVED TO THE PUBLIC NOTICES ADVERTISING VARIOUS PROPERTIES FOR SALE AND IN ACCORDANCE WITH SECTION 223 OF THE LOCAL GOVERNMENT ACT, 1989 WITHIN THE TOWNSHIPS OF:**
 - a. **POOWONG, LEONGATHA, MIRBOO NORTH, MEENIYAN, BUFFALO AND FOSTER AT A SPECIAL MEETING OF COUNCIL ON 21 AUGUST 2013 AT THE COUNCIL CHAMBERS, MICHAEL PLACE, LEONGATHA COMMENCING AT 12.45PM FOR THE LAND KNOWN AS:**
 - xv. **6 ATTENBOROUGH COURT, POOWONG**
 - xvi. **48 BENT STREET, LEONGATHA**
 - xvii. **6A GILFEDDER TERRACE, MIRBOO NORTH**
 - xviii. **2A INGLIS AVENUE, MIRBOO NORTH**
 - xix. **91A WHITELAW STREET, MEENIYAN**
 - xx. **18 MAIN STREET, BUFFALO**
 - xxi. **1 PIONEER STREET, FOSTER**

 - b. **VENUS BAY AT A SPECIAL MEETING OF COUNCIL ON 18 SEPTEMBER 2013 AT THE COUNCIL CHAMBERS, MICHAEL PLACE, LEONGATHA COMMENCING AT 12.45PM FOR THE LAND KNOWN AS:**
 - xv. **1 NEIL STREET, VENUS BAY**
 - xvi. **1A NOBLE STREET, VENUS BAY**
 - xvii. **3 MCMILLAN STREET, VENUS BAY**
 - xviii. **8 JUNE COURT, VENUS BAY**
 - xix. **8 GARY COURT, VENUS BAY**
 - xx. **8A MARGARET AVENUE, VENUS BAY**
 - xxi. **22-24 FISHERMANS ROAD, VENUS BAY**

CARRIED UNANIMOUSLY

**Attachment 1
Listed Properties (from Council Report of 24 April 2013)**

	Address	Legal Description
1	Gilfedder Tce, Mirboo North	Reserve No. 2 on Plan of Subdivision 3025076 Certificate of title volume 10105 folio 897
2	Juno Road, Venus Bay	Lot 4 on Plan of Subdivision 312565K. Certificate of title volume 10134 folio 107
3	Attenborough Court, Poowong	Recreation and drainage reserve on Plan of Subdivision 136812 Certificate of Title volume 9485 folio 549
4	Smith St, Loch	Lot 7 on Plan of Subdivision 1887. Certificate of Title Volume 4523 Folio 503
5	Noble St, Venus Bay	Lot 1 on Plan of Subdivision PS439059S Certificate of Title Volume 439059S
6	Inglis Ave, Mirboo North	Crown allotment 44, Section 3 Certificate of Title Volume 10040 Folio 484
7	Main St, Buffalo	Lot 2 on Plan of Subdivision 305603U Certificate of Title Volume 10697 Folio 806
8	Pioneer St, Foster	Lot 1 on Plan of Subdivision 87250 Certificate of Title Volume 8842 Folio 986
9	Fishermans Road, Venus Bay	Reserve on Plan of Subdivision 56447 Certificate of Title Volume 9900/612
10	McDonald St, Meeniyan	Crown Allotment 9, Section 2 Certificate of Title volume 6334 Folio 789
11	Gary Court, Venus Bay	Reserve on Plan of Subdivision 56451 Certificate of Title Volume 9900 Folio 617
12	June Court, Venus Bay	Reserve on Plan of Subdivision 56447 Certificate of Title Volume 9900 Folio 612
13	Whitelaw Street, Meeniyan	Lot 1 on Plan of Subdivision 71040 Certificate of Title Volume 8623 Folio 481

Attachment 1
Listed Properties (from Council Report of 24 April 2013)

	Address	Legal Description
14	Margaret Ave, Venus Bay	Reserve on Plan of Subdivision 56450 Certificate of Title Volume 9900 Folio 616
15	McMillan Avenue, Venus Bay	Reserve on Plan of Subdivision 56449 Certificate of Title Volume 9900 Folio 615
16	Neil St, Venus Bay	Reserve on Plan of Subdivision 56448 Certificate of Title Volume 9900 Folio 613
17	Bent St, Leongatha	Reserve on Lodged Plan 96024 Certificate of Title Volume 8723 Folio 795

Attachment 2 Juno Road, Venus Bay – Locality Plan and Planning Restructure Overlay



SOUTH GIPPSLAND PLANNING SCHEME

SCHEDULE TO THE RESTRUCTURE OVERLAY

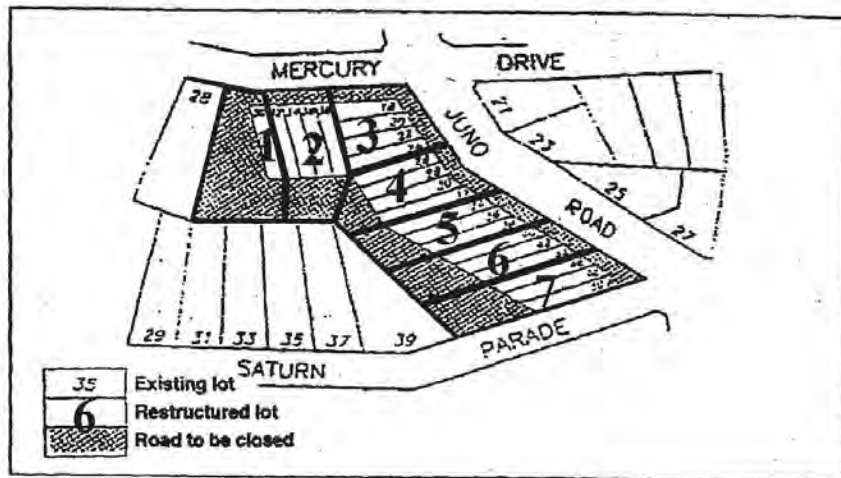


Figure 1
Juno Road Restructure Plan

Attachment 3
8 McDonald Street, Meeniyan



Attachment 3
11 Smith Street, Loch

Smith St, Loch
Use: Nil
Area: 905.80
Zone: Township Zone



E.17 FORMALISE THE ROAD OPENING OFF ELPHICKS ROAD, FOSTER

Engineering Services Directorate

EXECUTIVE SUMMARY

This report is presented to Council so that it may declare a 354 metre section of unused government road to the east of Elphicks Road, Foster, Parish of Wonga Wonga South, open to public traffic to provide legal abuttal to Crown Allotment 9A - Section A.

Document/s pertaining to this Council Report

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989 (Sections 204(2), 207A(c) and 223)
- Road Management Act 2004
- Planning and Environment Act 1987

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

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

COUNCIL PLAN

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

CONSULTATION

27 March 2013 - Report to Council

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

8 April 2013 - Public Consultation Session

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

8 May 2013 - Submission Session Closed

- No submissions were received upon conclusion of the public consultation session.

REPORT

Background

At its Ordinary Council Meeting held on 27 March 2013, it was resolved unanimously that Council:

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

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

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

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

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

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

An aerial plan of the proposed road to be opened is included in **Attachment 1**.

Discussion

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

- The applicant enters into a Section 173 Agreement under the Planning and Environment Act 1987, to construct the road and bears all costs associated with the opening and construction of the road.
- The construction of the road should be completed prior to any building or construction works occurring on the land.
- To maintain the road during the twelve month Defects Liability Period agreed to by Council, following which Council will be responsible for the maintenance of the road in accordance with its Road Management Plan 2009.
- To obtain all relevant Permits before commencing works to construct the road.
- Upon satisfactory completion of works to construct the road, Council will issue a Certificate of Practical Completion.
- Provided that the owner shall be entitled to undertake maintenance works on the road exempt from obtaining a specific work authority under the Road Management Act 2004 and provided further that nothing herein vests any exclusivity of occupancy or use in the owner in respect of the road.

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

Proposal

It is proposed that Council declare the road as described and as shown on the plan in the recommendation, be open to public traffic and that a notice be placed in the Government Gazette.

FINANCIAL CONSIDERATIONS

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

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

RISK FACTORS

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

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

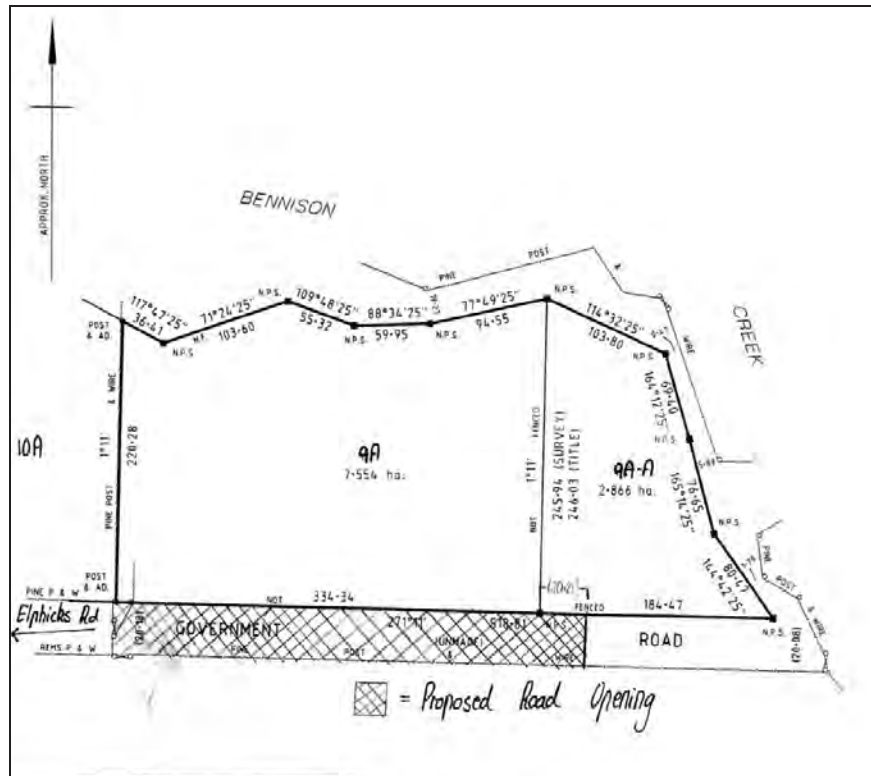
CONCLUSION

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

RECOMMENDATION

That Council:

1. Pursuant to Section 204(2), of the Local Government Act 1989, declare the 354 metre section of unused government road to the east of Elphicks Road, Foster, Parish of Wonga Wonga South, (shown cross hatched on the plan below), is required to be open to the public for traffic as a right and declares the road to be a public highway for the purposes of the Act from the publication of this declaration in the Government Gazette.



2. Prepare a Section 173 agreement for the applicant to enter into under the Planning and Environment Act 1987, and that the applicant bears all costs associated with the opening and construction of the road.
3. Direct that a notice be published in the Government Gazette.

STAFF DISCLOSURE OF INTEREST

Nil

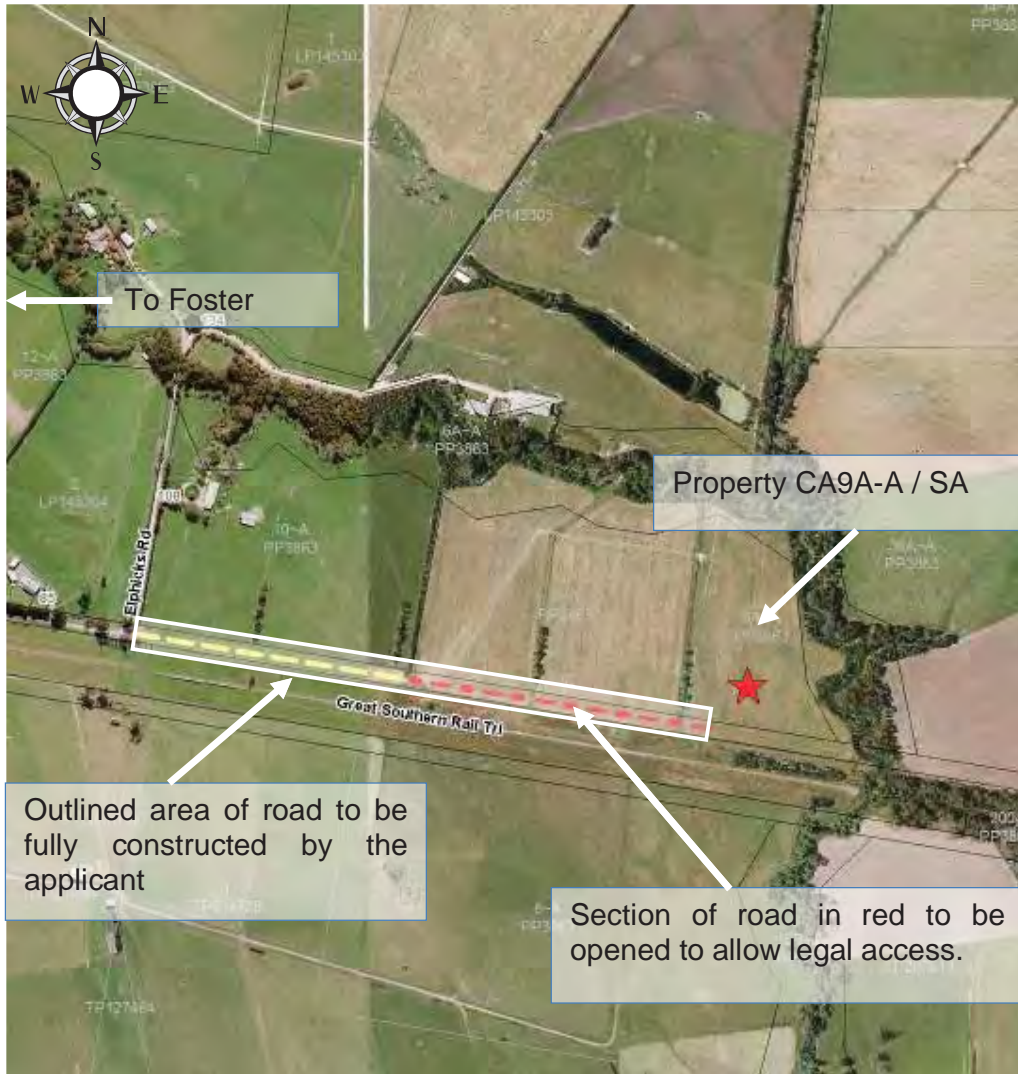
MOVED: Cr Newton

SECONDED: Cr McEwen

THAT THE RECOMMENDATION IN ITEMS E.17, E.18, E.19 AND E.20 BE ADOPTED.

CARRIED UNANIMOUSLY

**Attachment 1
Aerial Plan of Road Opening**



Attachment 2 Powers of Council

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

204. COUNCIL MAY DECLARE A ROAD TO BE A PUBLIC HIGHWAY OR TO BE OPEN TO THE PUBLIC

1. A Council may, by notice published in the Government Gazette, declare a road in its municipal district to be a public highway for the purposes of this Act.
2. A Council may, by resolution, declare a road that is reasonably required for public use to be open to public traffic.
3. A road does not become a public highway by virtue of a Council resolution made under sub-section (2).

**E.18 FORMALISE THE NEW ROAD NAME IN THE TOWNSHIP OF VENUS BAY
AS OCKENGA CLOSE**

Engineering Services Directorate

EXECUTIVE SUMMARY

This report is presented to Council to formalise the name of the 55 metre long unnamed road off Inlet View Road in the Township of Venus Bay and Parish of Tarwin as 'Ockenga Close'. Refer to **Attachment 1** for a map of the road location.

Document/s pertaining to this Council Report

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

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

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Road Naming Policy 2009.

COUNCIL PLAN

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

CONSULTATION

Consultation process

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

Council Report

- 27 March 2013 Proposed New Road Name for the Unnamed Road off Inlet View Road, in the Township of Venus Bay and Parish of Tarwin as 'Ockenga Close'.

Public submission process

- 1 April 2013 Public notice in Council Noticeboard and on Council Website.
- 8 April 2013 Letters sent to adjoining properties.
- 2 May 2013 Submissions close.

On conclusion of the public consultation period resulting from the 27 March 2013 Council Meeting for the proposed new road name of 'Ockenga Close', no submissions were received from abutting landowners or the general public.

REPORT

Background

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

"That Council:

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

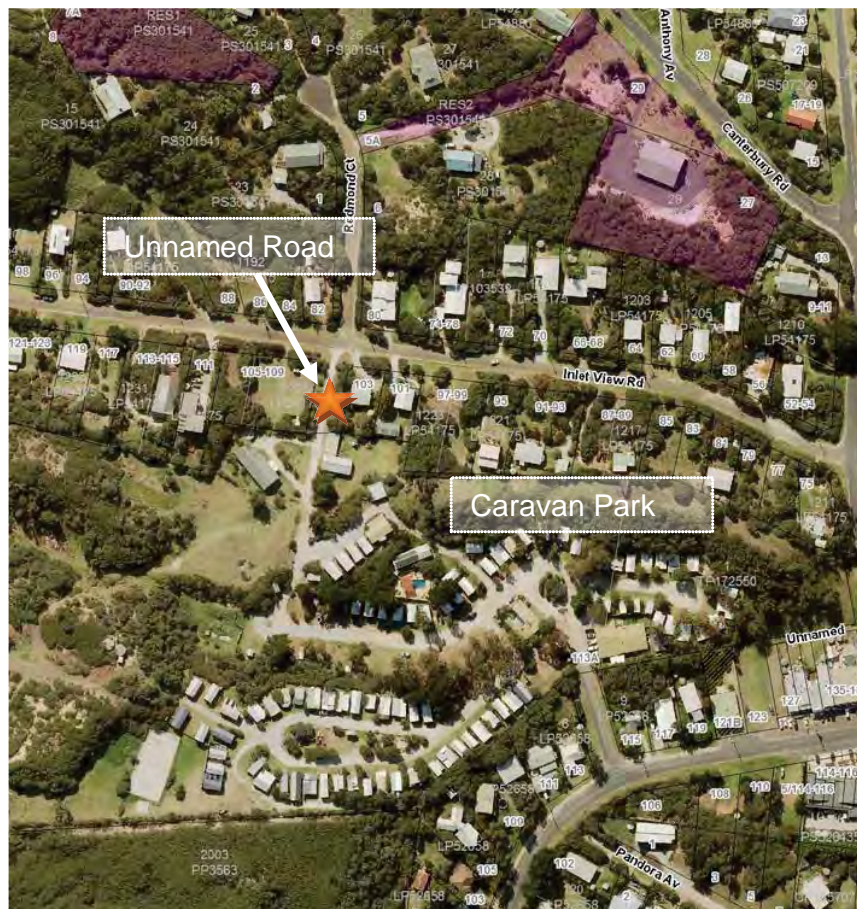
Discussion

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

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

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

Aerial Plan of the Road to be Named



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

Name Duplications Search

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

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

Proposal

It is proposed that Council formalise the new name for the 55 metre long unnamed road, traversing in a southerly direction off Inlet View Road, in the Township of Venus Bay and Parish of Tarwin as 'Ockenga Close'.

FINANCIAL CONSIDERATIONS

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

RISK FACTORS

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

CONCLUSION

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

RECOMMENDATION

That Council:

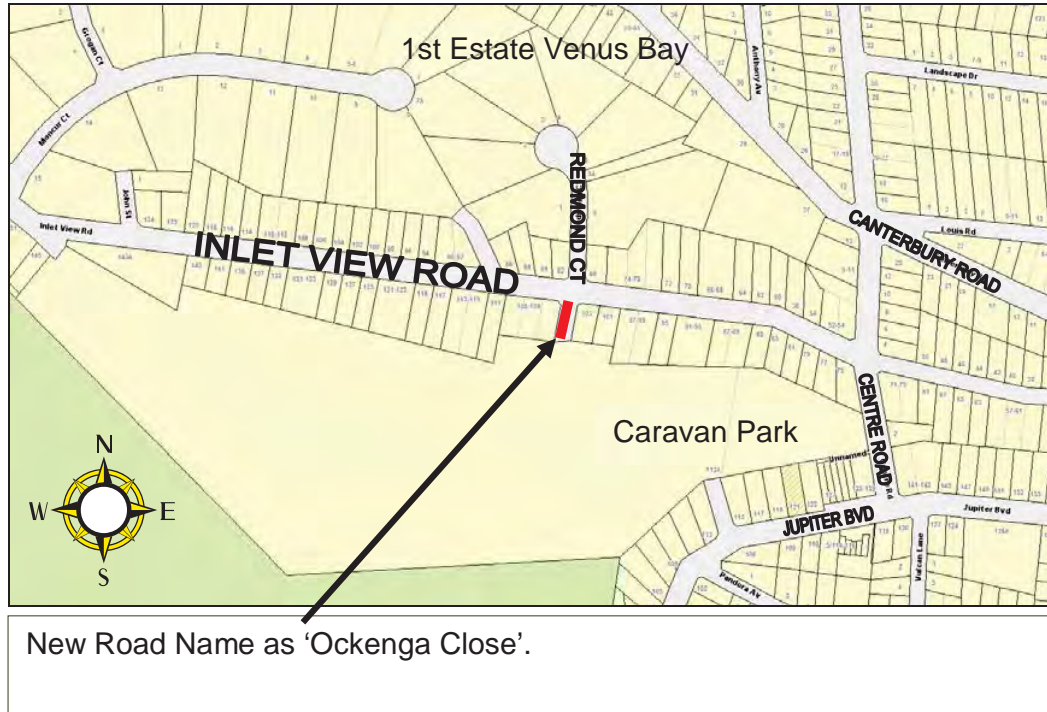
- 1. Pursuant to Schedule 10 Clause 5 (1)(a) of the Local Government Act 1989, formalise the new road name for the 55 metre long unnamed road, traversing in a southerly direction off Inlet View Road, in the Township of Venus Bay and Parish of Tarwin as 'Ockenga Close'.**
- 2. Forward the proposed new road name to the Registrar of Geographic Place Names for final consideration and approval.**
- 3. Subject to Geographic Place Names approval of the proposed new road name, place a notice in local newspapers and advise abutting land owners and Emergency Service Providers of the new road name.**

STAFF DISCLOSURE OF INTEREST

Nil

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 268.

**Attachment 1
Map of Road Location**



Attachment 2 Guidelines for Geographic Names 2010

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

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

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

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

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

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

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

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

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

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

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

E.19 PROPOSED NEW ROAD NAME FOR ROAD OFF RIFLEBUTTS ROAD TOWNSHIP AND PARISH OF KORUMBURRA

Engineering Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is to gain Council support to name the 65 metre unnamed road off Riflebutts Road in the Township and Parish of Korumburra by calling for community comment. Refer to **Attachment 1** for a map of the road location. It is proposed to name the road 'Anthony Court'.

Document/s pertaining to this Council Report

- **Attachment 1** - Map of Road Location
- **Attachment 2** - Guidelines for Geographic Names 2010
- **Attachment 3** - Letter from Applicant (developer of subdivision)
- **Attachment 4** - Letter of support from Korumburra & District Historical Society

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Geographic Place Names Act 1998
- Guidelines for Geographic Names 2010
- Local Government Act 1989
- AS/NZS4819:2011 Rural and Urban Addressing

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Road Naming Policy 2009

COUNCIL PLAN

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

CONSULTATION

- The Korumburra and District Historical Society.
- The Guidelines for Geographic Place Names 2010 (**Attachment 2**).
- Council will place a public notice of the proposed road name in local newspapers and on Council's website, week commencing 1 July 2013, and send letters to adjoining properties.
- The submission period is 30 days from publication and will close on 30 July 2013.

REPORT

Background

As a result of a recent subdivision off Riflebutts Road, Korumburra, a road has been created that requires naming as the new lots fronting the road will require formal addresses. A court bowl has been constructed at the end of the road as part of the subdivisional works. The developer of this land has submitted a request to Council to name this road 'Anthony Court' after his grandparents (refer to **Attachment 3**).

In line with Council Policy, the Korumburra and District Historical Society has been consulted regarding the proposed name for this unnamed road off Riflebutts Road, Korumburra. The Historical Society has indicated their support for the recommendation put forward to Council to name the road 'Anthony Court' (refer to **Attachment 4**).

History

The names of Thomas Anthony, H A Anthony, Don Anthony and R L Anthony are remembered among the contracting companies / contracting culture that were so much a part of the history of the former Korumburra Shire. To name the road after this family would be a tribute to the memories of this family who lived in close proximity to the road.

Discussion

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

A Vicnames 15km duplicate name search has been carried out for the name 'Anthony', resulting in no duplications or similar sounding names.

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

Proposal

It is proposed that Council:

1. Commence the process to name the 65 metre long unnamed road, in the Township and Parish of Korumburra as 'Anthony Court'.
2. Give public notice of the proposal and write to all land owners with a property abutting the road proposed to be named.
3. Receive a final report on the outcome of the public consultation process including copies of any submissions received.

FINANCIAL CONSIDERATIONS

There will be no cost to Council for the supply and installation of a new sign for the road. This will be provided by the developer of the new subdivision.

RISK FACTORS

There is minimal risk to Council as the methodology for naming roads is contained in the Guidelines for Geographic Names 2010, (version 2 January 2013) and this proposal conforms to the principles outlined in Sections 1.8 and 4.1 (refer to **Attachment 2**).

There is maximum risk in Council choosing to not apply the principles of the Guidelines and AS/NZS4819: Rural and Urban Addressing, especially where properties will not have appropriate addresses applied and the associated likelihood of emergency and public service provision being impaired or delayed.

CONCLUSION

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

RECOMMENDATION

That Council:

- 1. Commence the process to name the 65 metre long unnamed road, traversing in a southerly direction off Riflebutts Road, in the Township and Parish of Korumburra as 'Anthony Court'.**
- 2. Give public notice in the local newspapers and on Council's website week commencing 1 July 2013 of the proposal and write to all affected land owners with a property abutting the road proposed to be named.**
- 3. In the public notice clearly state:**
 - a. A person may make a submission to the proposal no later than 30 July 2013 addressed to the Assets Technical Officer, South Gippsland Shire Council, Private Bag 4, Leongatha 3953 or delivered to the Council Office, 9 Smith Street, Leongatha.**
 - b. Copies of submissions (including submitters' names and addresses) will be made available at the Council meeting at which the proposals are considered and Council is required to make submissions available for public inspection for a period of twelve months.**
- 4. Receive a final report at the next appropriate Council meeting on the outcome of the public consultation process including copies of any submissions received.**

STAFF DISCLOSURE OF INTEREST

Nil

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 268.

**Attachment 1
Map of Road Location**



Attachment 2 Guidelines for Geographic Names 2010

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

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

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

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

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

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

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

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

- (a rural or remote area is an area located outside of cities and towns, for example Nhill in West Wimmera Shire Council, Youanmite in Moira Shire Council and Harrietville in Alpine Shire Council).

“Section 1.8 - Principle 1(M) Consulting with the public

Naming authorities must consult with the public on any naming proposal. The level and form of consultation can vary depending on the naming proposal. Refer to the procedure information below for details.”

“Section 4.1 - Principle 4(A) AS/NZS 4819:2011 Rural and urban addressing

Except where provisions are already made in these guidelines, the naming of a road must conform to the provisions of AS/NZS 4819:2011 Rural and urban addressing.

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

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

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

For example, in some cases a renaming will be proposed for only one section of a road. In these instances, the coordinating road authority must clearly indicate which section of the road will be renamed and which will remain the same.

**Attachment 3
Request from Subdivider**

17/04/13

Dear Joanne

Further to our phone conversation Mon 15th April regarding the name of the court central to the Riflebutts Road subdivision.

The Anthony family were involved in construction in the Gippsland region dating back to the 1950's. Many roads, dams, school ovals and sports ovals, reservoirs and clearing for farms were results of their endeavours.

Principle contractors were Thomas Anthony, H.A. Anthony, Don Anthony, and R.L. Anthony. Also my grandparents spent their last years living in Riflebutts Road.

As a tribute to these pioneers I believe the court should be named Anthony Court.

Regards


Attachment 4
Response from Korumburra & District historical Society



*Korumburra and District
Historical Society* Inc. No. A0034717Y

P.O. Box 329 Korumburra Victoria 3950

PRESIDENT: Shirley Holland
1 Curphey Court
Korumburra 3950
Ph. (03) 56 551180

SECRETARY: Janet Wilson
165 Bena Kongwak Road
Bena 3946
Ph (03) 56 572267

TREASURER: Ahwyn Michie
100 George Street.
Korumburra 3950
Ph. (03) 56 552210

3rd May 2013.



Ms. Joanne Cox,
Technical Assets Officer,
South Gippsland Shire,
Private Bag 4,
LEONGATHA. VIC. 3953.

Dear Joanne,

At the meeting of Korumburra Historical Society held on 2nd May, a decision was taken to support the naming of the court off Riflebutt's Road as "Anthony Court".

The names of Thomas Anthony, H.A. Anthony, Don Anthony and R.L. Anthony are remembered among the contracting companies/contracting culture that were/was so much a part of the history of the former Korumburra Shire. The naming of the court would be a tribute to the memories of these and Trevor Anthony's grandparents who lived in close proximity to the court to be given their name.

Thankyou for the opportunity to be involved in the process of naming the court.

Yours sincerely,

Janet Wilson,
Secretary.
Telephone: 5657 2267

E.20 DOMESTIC ANIMAL MANAGEMENT PLAN - 2013-2017

Development Services Directorate

EXECUTIVE SUMMARY

Council is required to prepare a Domestic Animal Management Plan (DAM plan) under section 68A of the Domestic Animals Act 1994 (the Act). The DAM plan outlines the services, programs and policies Council has established to address the administration of the Act and the management of dog and cat issues in its community.

Council agreed at its April 2013 meeting to endorse the South Gippsland Shire Council Draft DAM Plan 2013 - 2017 for the purpose of public exhibition for a four week community consultation period. The four week community consultation period ended on 24 May 2013. Council did not receive any submissions on the draft DAM plan. Therefore it is proposed that Council endorse the adoption of the South Gippsland Shire Council DAM Plan 2013 - 2017 (refer **Appendix 1**).

Document/s pertaining to this Council Report

- **Appendix 1** - Domestic Animal Management Plan 2013-2017

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Domestic Animals Act 1994, Section 68A

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Domestic Animal Management Plan 2008

COUNCIL PLAN

Strategic Goal:	1.0	A Vibrant, Engaged Community
Outcome:	1.2	Health and Well Being
Strategy No:	1.1.3	Community Health

CONSULTATION

Council agreed at its April 2013 meeting to endorse the South Gippsland Shire Council Draft DAM Plan 2013-2017 for the purpose of public exhibition for a four week community consultation period. The four week community consultation period ended on 24 May 2013. Council did not receive any submissions on the draft DAM plan.

Council Officers have attended seminars provided by the Bureau of Animal Welfare to be informed of the DAM plan template and content requirements.

REPORT

Background

Council is required to prepare a DAM plan under section 68A of the Act. The DAM plan outlines the services, programs and policies Council has established to address the administration of the Act and the management of dog and cat issues in their community. Section 68A requires a plan to be prepared every 4 years.

The current DAM plan was adopted in 2008 and therefore scheduled for renewal in 2012 however due to the 2012 local government elections, the Department of Primary Industries provided councils a 12 month extension for the completion of their new plans. The new DAM plan is required to be adopted by Council prior to 30 June 2013.

Discussion

A template recommended by the Department of Primary Industries prescribes the specific contents of the DAM Plan. This template is widely used by other councils. A draft DAM plan has been prepared using this template. The draft DAM plan is for the 2013-2017 period. The recommended DAM plan contents are listed below.

1. Training of Authorised Officers
4. Registration and Identification
5. Nuisance
6. Dog Attacks
7. Dangerous, Menacing and Restricted Breed Dogs
8. Overpopulation and High Euthanasia
9. Domestic Animal Businesses
10. Other Matters
 - e. Pound Provision & Management

Council agreed at its April 2013 meeting to endorse the South Gippsland Shire Council Draft DAM Plan 2013 - 2017 for the purpose of public exhibition for a four week community consultation period. The four week community consultation period ended on 24 May 2013. Council did not receive any submissions on the draft DAM plan.

Proposal

It's proposed that Council endorse the adoption of the South Gippsland Shire Council DAM Plan 2013-2017.

FINANCIAL CONSIDERATIONS

The majority of the DAM plan has been prepared based on current service levels. Areas identified within the plan that may require financial considerations in the future, are clearly identified within the four year action plan and will be referred to Council for specific decisions.

RISK FACTORS

A new DAM plan is required to be adopted by Council by 30 June 2013. Therefore if Council does not adopt the DAM plan, Council will not be complying with section 68A of the Act after 30 June 2013.

CONCLUSION

The DAM plan outlines the services, programs and policies Council has established to address the administration of the Act and the management of dog and cat issues in their community. The DAM plan has been placed on public exhibition and no submissions were received. A new DAM plan is required to be adopted by Council prior to 30 June 2013. Endorsing the adoption of the South Gippsland Shire Council DAM Plan 2013-2017 will fulfil this requirement.

RECOMMENDATION

That Council adopt the South Gippsland Shire Council Domestic Animal Management Plan 2013-2017.

STAFF DISCLOSURE OF INTEREST

Nil

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 268.

Councillor Hutchinson-Brooks left the Meeting at 5.09pm with a declared conflict of interest in Council Reports Item E.21 ADOPTION OF AMENDMENT C72 - LOCH, NYORA, POOWONG AND MEENIYAN STRUCTURE PLAN IMPLEMENTATION as he has a conflicting duty in that he has previously been engaged by a land holder in the affected area.

Councillor Brunt left the Meeting at 5.09pm with a declared direct conflict of interest in Council Reports Item E.21 ADOPTION OF AMENDMENT C72 - LOCH, NYORA, POOWONG AND MEENIYAN STRUCTURE PLAN IMPLEMENTATION as she is a land holder in the affected area.

E.21 ADOPTION OF AMENDMENT C72 - LOCH, NYORA, POOWONG AND MEENIYAN STRUCTURE PLAN IMPLEMENTATION

Development Services Development

EXECUTIVE SUMMARY

Planning Scheme Amendment C72 implements the key recommendations of the Loch, Nyora, Poowong and Meeniyan Structure Plans into the South Gippsland Planning Scheme. Exhibition of the Amendment received 76 submissions. The submissions were referred to an Independent Planning Panel for consideration. The Panel Hearing occurred in mid-December 2012 with the Panel Report being received in February 2013.

The Panel found that "...in general the Panel concludes that the Structure Plan process and its implementation through Amendment C72 will assist in the sound planning of these settlements in the future". The Panel recommends the Amendment be adopted subject to a series of changes. The changes improve the Amendment and have been incorporated into updated versions of the Structure Plans and Amendment C72 provisions.

Document/s pertaining to this Council Report

- **Attachment 1** - Recommendations of the Independent Planning Panel.
- **Attachment 2** - Individual sites discussed in the Council Report.
- **Appendix 1** - Amendment C72 provisions for Council adoption - detailing new Clause 21.04 Local Policy Provisions, Nyora DPO Schedule, amended Zone and Overlay maps.
- **Appendix 2** - Updated Loch, Nyora, Poowong and Meeniyan Structure Plans - for readoption.
- **Appendix 3** - Independent Planning Panel Report - February 2013.

A copy of the **Appendix 1, 2 and 3** is available on Council's website: www.southgippsland.vic.gov.au or by contacting 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Planning and Environment Act 1987
- Loch, Nyora, Poowong and Meeniyan Structure Plans

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Nil

COUNCIL PLAN

Strategic Goal:	3.0	A Strong Economy
Outcome:	3.3	Infrastructure
Strategy No:	3.3.4	Land use planning

CONSULTATION

The four township structure plans were extensively exhibited prior to their adoption in August 2011. Amendment C72 was exhibited in accordance with the normal requirements of the Planning and Environment Act 1987. This involved:

- Letters to the owners and occupiers of lands affected by the Amendment. This involved notification to all townships residents.
- Public notice in the local newspapers and on community noticeboards in the townships.
- Amendment information on Council's web page and at display points in the townships.

In response to the submissions, a number of changes were made to the Amendment after the close of the exhibition period. Where required, additional notification to affected landowners was conducted.

REPORT

Background

Planning Scheme Amendment C72 implements the key recommendations of the Loch, Nyora, Poowong and Meeniyan Structure Plans into the South Gippsland Planning Scheme. Meeniyan has recently been provided with reticulated sewerage and planning for reticulated sewerage is advanced for Loch, Nyora and Poowong. The Structure Plans (and resulting Planning Scheme implementation provisions) were prepared to respond to the additional township growth pressure that is anticipated to occur as a result of the provision of sewerage. This is particularly the case for Nyora which is expected to benefit from its close proximity to metropolitan Melbourne, and relatively flat land with associated low development costs. Council is aware of

detailed development proposals for both Poowong (80 lots) and Nyora (700 lots).

Discussion

The Panel Report (see Appendix 3) provides a detailed summary and discussion of the issues raised in the submissions to the Amendment. The individual submissions were also considered by Council at the July 2012 Ordinary Council Meeting. For these reason, this report does not comment on the individual submissions but focuses on the main changes to the Amendment provisions recommended by the Panel. The Panel has recommended a large number of changes however it is to be noted that the majority of changes address matters that Council initiated and recommended to the Panel.

In addition to updating the C72 Amendment provisions, the Panel has recommended the Structure Plans be updated to reflect the changes to the Amendment. This is necessary to ensure that contradictions do not exist between the adopted Structure Plans (to become Planning Scheme 'Reference documents') and the provisions implemented into the Planning Scheme. For example, the Panel has recommended the removal of the Rural Living Zone investigation areas from the Nyora Planning Scheme provisions, and accordingly, removal of the same provisions from the Structure Plan. This report presents updated Structure Plans to Council for re adoption to address this issue (see Appendix 2). A 'Track changes' version of the updated Structure Plans and Amendment C72 documents can be viewed on the Amendment C72 web page at www.southgippsland.vic.gov.au.

Nyora changes

- Residential growth options

The Panel agrees with Council that growth will occur with the provision of sewerage. However the Panel has expressed concern that the Nyora Structure Plan identifies an excess of land for urban residential development and that the main growth area on the township's north east boundary (the Wallis Watson land) has no particular characteristics which identify it as the primary growth site above and beyond other potentially suitable areas adjoining the town. However, Council has been attracted to this site as it is one ownership and is undulating easily developed land adjacent to the township.

Similar to Council, the Panel has concluded that it is not possible to accurately determine the likely future demand for residential land in Nyora, and consequently, exactly how much land should be identified for expansion in the Planning Scheme. The Panel's view is that greenfield land release (rezoning for residential development) should be guided by the proximity of land to the Town Centre. The Panel recommends that a 1km radius from the Town Centre be used to differentiate between the 'short term' and 'longer

term' residential growth areas. The 1km radius line is displayed in the 'Land Use Framework Plan' map in the Nyora Structure Plan.

The Panel's recommendation raises two key issues. The first issue is that the area west of Patman Drive (north western township boundary) and west of Anna Close (southern township boundary) were not identified as residential expansion areas in either the Nyora Structure Plan or the exhibited C72 Amendment provisions. Consequently, it is reasonable to assume that landowners adjoining these areas are unaware of the Panel's recommendation and (were they to be made aware of the change) they would have no opportunity at this stage in the process to object. This is an important issue because residents of Hatchs Road objected to the Wallis Watson proposal because of concerns regarding the interface of new urban residential development adjoining established Low Density Residential Zone (LDRZ) land. This issue has been addressed by Wallis Watson who have concept designs that work with the LDRZ interface. The same concerns would likely be expressed by residents of Patman Drive and Anna Close regarding new development adjoining their land.

It is not practical at this stage in the Amendment process to undertake further public consultation regarding the Panel's recommendation and the Panel cannot be reconvened to hear any new submissions that may be received as a result of further consultation. While stating this, it is also acknowledged that the reasons underlying the Panel's recommendation do have veracity and should be explored. To address this impasse it is proposed to set-aside the Panel's recommended map change and to respond to the issue with a new 'Action for implementation' stating:

"In consultation with the Nyora community, investigate longer term residential development options for the Farming Zone land adjoining the township boundary in the area west of Patman Drive and south of Lang Lang Poowong Road.

In addition to the above change, the mapping of the 1km boundary delineating the 'Residential Investigation Area' from the 'Longer Term Residential Investigation Area' has been changed to better reflect the development potential of the affected lands. The central point for measuring has been moved from the corner of Mitchell Street and Henley Street to near the corner of Mitchell Street and Davis Street (the site of the disused hotel building) - see Attachment 2 - Map 1.

This change is beneficial to the Wallis Watson land in that it provides a development land parcel which is practical for development and allows for contiguous development around the eastern and northern boundaries of the established Low Density Residential Zone. A strict adherence to the 1km rule would have potentially created isolated development pockets (unconnected with each other) on either boundaries of the established Low Density Residential area. This map change is considered minor and in keeping with the intent of the Panel.

The Panel made a further series of recommendations regarding changes to the Nyora Planning Scheme provisions to better respond to the staging of land development. These changes are supported and have been integrated into the Amendment.

- Town Centre Planning

If Nyora is to grow, its growth should occur in combination with a corresponding growth in the retail and services offer of the township. Achieving this will be a challenge given the fragmented ownership and development pattern in the Town Centre. The Amendment sought to respond to this challenge by including an 'Action for implementation' requiring the preparation of a Master Plan for the Town Centre.

The Panel supports this outcome and recommends a new 'Action for implementation' requiring the preparation of a Town Centre Strategy and an 'Objective' requiring a clear commitment to the Town Centre for "...business, community and tourist services and facilities". This strengthening of the commitment to the Town Centre is welcomed and will lay the groundwork for future additional work to plan how the Town Centre should grow.

The additional work can investigate a future for the existing Industrial 3 zoned land adjoining the northern side of the railway station land as well as a future for the land on the northern side of Lang Lang Poowong Road between Forster Drive and Hatches Road (see **Attachment 2** - Map 2). This second area is zoned Low Density however it contains commercial uses. The proposal to apply the Industrial 3 Zone to this area was strongly resisted by adjoining landowners and has been removed from the Amendment.

The Panel has made a general recommendation that Council should (separate to this current Amendment) review the need for Industrial 3 zoned land in Nyora.

- Rural Living Zone Investigation Areas

Two 'Rural Living Zone Investigation Areas' were identified in the exhibited Amendment provisions (see **Attachment 2**- Map 3). The larger area (approximately 90ha) was situated on the eastern side of Yannathan Road (adjoining existing Rural Living zoned land). A smaller precinct of approximately 60ha was identified straddling both sides of Henrys Road, situated between existing pockets of Rural Living Zone. Council resolved on 25 July 2012 to:

"Advise the Panel that Council intends to refer all Rural Living Zone Investigation Areas in the Nyora Structure Plan to its imminent Housing and Settlement Strategy, with the exception of the land at Yannathan Road which Council does not support for development."

The Panel supports Council's July 2012 recommendation to remove both sites from the Amendment and the Structure Plan.

In summary, the Panel cited a number of grounds for not supporting the identification of additional Rural Living Zone opportunities around Nyora. These included the loss of productive agricultural land, the availability of alternative rural living opportunities presented in the South Gippsland Rural Land Use Strategy, distance from the Town Centre (especially in relation to the Yannathan Road proposal) and infrastructure servicing requirements. The Panel also queries how the Yannathan Road land was identified and the lack of strategic planning merit involved in the selection of this site as opposed to other adjoining sites that might also be considered. These are similar reasons addressed in the public submissions.

The Panel was more lenient in relation to the Henrys Road investigation area (given its "infill characteristic") however the Panel nonetheless recommended its removal from the Amendment - confirming Council's previously resolved position. The Panel has however, noted the option to consider the merits of this area further as part of the Housing and Settlement Strategy currently in development.

The C72 Amendment provisions and the Nyora Structure Plan have been changed to reflect all of the Panel's recommendations in relation to the Rural Living Zone.

- Nyora Development Plan Overlay

The existing Township Zone areas of Nyora are proposed to be rezoned Residential 1 in anticipation of reticulated sewerage being provided. The combination of land rezoning and reticulated sewerage significantly increase the development potential of the existing urban areas of Nyora. If not managed correctly this could result in ad hoc and disjointed development as the larger lots are developed without regard to connectivity to the surrounding area.

To address this possibility, a Development Plan Overlay (DPO) has been prepared for the area (see **Appendix 1**). The Panel supports the DPO however, they have recommended it be removed from one small lot (18 Walters Road - a small lot with limited redevelopment potential - see Attachment 2 - Map 4) and that the DPO schedule words be changed regarding how development contributions are to be arranged.

Loch Changes

The Panel has recommended approval of the Loch Amendment provisions with only minor changes required. Most of the changes reflect recommendations made to the Panel by Council, including application of the Mixed Use Zone to the land on the northern side of Victoria Street and west of the commercial area (see **Attachment 2** - Map 5). This change was made in response to the submissions from residents who were concerned that application of the Residential 1 Zone to their land would be too restrictive. The Panel's support for the Mixed Use Zone is a good outcome and will provide

greater land use flexibility in the township's main thoroughfare, especially for the establishment of tourism related uses.

The Panel's recommendation regarding the zoning of the land at 11 Roy Street (see **Attachment 2** - Map 6) requires discussion because it recommends that the land remain in the Township Zone (TZ). The TZ is being removed from Loch and replaced with a suite of new zones better suited to guide the growth of the township.

11 Roy Street has subdivision development potential however the land is quite steep. The Loch Structure Plan recommended that the land be rezoned Low Density Residential with a future potential for rezoning to the Residential 1 Zone subject to detailed site analysis demonstrating that higher density can be achieved which responds to the land constraints. The Panel agrees that the land has locational and site specific characteristics suitable for urban residential development, however has formed the view that it is better to retain the land in its current zoning (TZ) and rezone it in the future in combination with the application of a Design and Development Overlay (DDO) to control the development of the land. The Structure Plan already supports the future application of a DDO over Loch as part of a separate planning project. The Panel's recommendation adds weight to this recommendation.

The Panel's Roy Street recommendation effectively achieves the same outcome that Council supports, only by an alternative means. The Minister for Planning's 'Reformed Zones for Victoria' program will require Council to consider the character and density issues in the application of the new residential zones. This process could provide a time in which the future of 11 Roy Street can be further investigated.

All other site specific recommendations made by the Panel regarding zone changes in Loch are supported.

Poowong Changes

The main issue for Poowong is the future of the former dairy factory site opposite the primary school (see **Attachment 2** - Map 7). The land is currently in a mix of the Industrial 1 Zone (IN1Z) and the Farming Zone (FZ) - see **Attachment 2**.

The Panel has recommended that the IN1Z land be rezoned Business 1 (soon to become Commercial 1) and that the FZ remain on the eastern half of the land with the identification in the Framework Plan map as 'Short term commercial rezoning opportunity'. The Panel supports the future application of the Business 1 Zone along the road frontage and the potential for residential development in the southern half of the land however this should be achieved by a separate Amendment. The Panel supports application of a Development Plan Overlay to the land to guide its development, especially in relation to managing the land's interface with adjoining residential land. An Environmental Audit Overlay is to be applied to the entire site as part of

Amendment C72 in recognition that the historic use of the site may have resulted in land contamination.

The Panel's recommendation will require a separate planning scheme amendment to achieve the discussed outcome however the approach outlined by the Panel is supported and should be explored with the landowner at a future date and after the new 'Reformed Zones for Victoria' have been introduced.

Meeniyen Changes

The Panel's Meeniyen recommendations are limited to site specific zone changes required in response to public submissions and mapping errors identified during exhibition of the Amendment. All of the Panel's recommendations have been accepted and the zone mapping and Structure Plan mapping updated accordingly.

Options

Council has three options when considering a Panel Report and the adoption of an Amendment. It can:

- Accept the Panel's recommendations and adopt the Amendment in accordance with the Panel's recommendations.
- Modify or set-aside the Panel's recommendations and adopt the Amendment in the form it chooses.
- Abandon the Amendment.

The Panel's recommendations are broadly supported and corresponding changes have been made to the C72 Amendment provisions and the Structure Plans. The Panel's recommendations have only been varied in relation to elements of the Nyora provisions, however where these recommendations have been varied, these changes are consistent with the intent of the Panel. For these reasons it is recommended that the 'Option' for Council is that the Amendment is adopted, generally in accordance with the Panel's recommendations except where otherwise detailed in this Council Report.

Proposal

It is proposed that Council receive the Panel Report, accept the recommendations with minor modifications (as discussed in this Council Report), adopt Amendment C72 and the updated Structure Plans, and then submit Amendment C72 to the Minister for Planning for approval.

FINANCIAL CONSIDERATIONS

There are no financial considerations directly resulting from the adoption of Amendment C72.

Rezoning and development of land in accordance with the directions provided in Amendment C72 do have the potential for financial impacts on Council, particularly in terms of the demand for development and community infrastructure resulting from population growth. The Amendment provisions have requirements for development contributions to be paid to Council before larger developments, like greenfield land rezonings, will be supported. The exact nature of development contributions (financial contribution or infrastructure provision) must be considered prior to future amendments being supported.

RISK FACTORS

There are no risk factors directly associated with the receipt of the Panel Report and the adoption of the updated Structure Plans and Amendment C72 provisions.

CONCLUSION

Amendment C72 introduces new Planning Scheme policy provisions and land zonings to guide the future growth of Loch, Nyora, Poowong and Meeniyan. The Structure Plans and their implementing provisions (Amendment C72) have been prepared in consultation with the community and have achieved a high degree of community acceptance. The Independent Planning Panel has undertaken a detailed review of the submissions and made recommendations which strengthen the Amendment.

It is recommended that Council receive the Panel Report and adopt Amendment C72 and the updated Structure Plans generally in accordance with the Panel's recommendations with minor variations as detailed in this Council Report.

RECOMMENDATION

That Council:

- 1. Receive the 'Panel Report - South Gippsland Planning Scheme Amendment C72 - Township Structure Plans Loch, Nyora, Meeniyan, Poowong - 15 February 2013'.**
- 2. Adopt June 2013 Structure Plans for the townships of Loch, Nyora, Poowong and Meeniyan, generally in accordance with the recommendations of the C72 Panel Report, as detailed in Appendix 2 to this Council Report.**
- 3. Adopt Planning Scheme Amendment C72 in accordance with the provisions detailed in Attachment 1 and submit the Amendment to the Minister for Planning for approval.**

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr McEwen

SECONDED: Cr Harding

1. **THAT COUNCIL RECEIVE THE 'PANEL REPORT - SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C72 - TOWNSHIP STRUCTURE PLANS LOCH, NYORA, MEENIYAN & POOWONG - 15 FEBRUARY 2013'.**
 2. **THAT COUNCIL:**
 - a. **ADOPT THE NYORA STRUCTURE PLAN JUNE 2013 GENERALLY IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE C72 PANEL REPORT, AS DETAILED IN APPENDIX 2 TO THIS COUNCIL REPORT AMENDED TO DETAIL THE FOLLOWING CHANGES:**
 - i. **IN THE NYORA STRUCTURE PLAN MAP AND TEXT, REPLACE THE TERM 'RESIDENTIAL INVESTIGATION AREA' WITH 'FUTURE RESIDENTIAL AREA' AND REPLACE THE TERM 'LONGER TERM RESIDENTIAL INVESTIGATION AREA' WITH 'LONG TERM RESIDENTIAL AREA'.**
 - ii. **DEFINE THE BOUNDARY BETWEEN THE 'FUTURE RESIDENTIAL AREA' AND THE 'LONG TERM RESIDENTIAL AREA' ON LOT 12 LP148069 ALONG THE VEGETATED WATERWAY TRANSECTING THE LAND IN A NORTH EASTERLY DIRECTION FROM LANG LANG POOWONG ROAD.**
 - iii. **EXTEND THE 'FUTURE RESIDENTIAL AREA' TO THE BOUNDARY WITH GLOVERS ROAD AND HEYLENS ROAD.**
 - iv. **EXTEND THE BOUNDARY OF THE 'FUTURE RESIDENTIAL AREA' WEST OF WALTERS ROAD TO INCLUDE THE FULL EXTENT OF THE LAND AT LOT 2 PS305763 AND LOT 1 LP147268.**
 - b. **ADOPT PLANNING SCHEME AMENDMENT C72 IN RELATION TO NYORA IN ACCORDANCE WITH THE PROVISIONS DETAILED IN ATTACHMENT 1 AND SUBMIT THE AMENDMENT TO THE MINISTER FOR PLANNING FOR APPROVAL, AMENDED TO INCLUDE THE MAPPING AND LAND USE TERMINOLOGY CHANGES DETAILED IN 2.A.I. - IV. ABOVE.**
 3. **THAT COUNCIL:**
 - a. **ADOPT THE LOCH STRUCTURE PLAN JUNE 2013 GENERALLY IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE C72 PANEL REPORT, AS DETAILED IN APPENDIX 2 TO THIS COUNCIL REPORT.**
 - b. **ADOPT PLANNING SCHEME AMENDMENT C72 IN RELATION TO LOCH IN ACCORDANCE WITH THE PROVISIONS DETAILED IN ATTACHMENT 1 AND SUBMIT THE AMENDMENT TO THE MINISTER FOR PLANNING FOR APPROVAL.**
 4. **THAT COUNCIL:**
-

- a. **ADOPT THE MEENIYAN STRUCTURE PLAN JUNE 2013 GENERALLY IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE C72 PANEL REPORT, AS DETAILED IN APPENDIX 2 TO THIS COUNCIL REPORT.**
- b. **ADOPT PLANNING SCHEME AMENDMENT C72 IN RELATION TO MEENIYAN IN ACCORDANCE WITH THE PROVISIONS DETAILED IN ATTACHMENT 1 AND SUBMIT THE AMENDMENT TO THE MINISTER FOR PLANNING FOR APPROVAL.**

5. THAT COUNCIL:

- a. **ADOPT THE POOWONG STRUCTURE PLAN JUNE 2013 GENERALLY IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE C72 PANEL REPORT, AS DETAILED IN APPENDIX 2 TO THIS COUNCIL REPORT, AMENDED TO REPLACE THE WORDS LONGER TERM RESIDENTIAL AREA WITH THE WORDS RESIDENTIAL INVESTIGATION AREA ON THE LAND SOUTH OF THE FORMER POOWONG BUTTER FACTORY.**
- b. **ADOPT PLANNING SCHEME AMENDMENT C72 IN RELATION TO POOWONG IN ACCORDANCE WITH THE PROVISIONS DETAILED IN ATTACHMENT 1 AND SUBMIT THE AMENDMENT TO THE MINISTER FOR PLANNING FOR APPROVAL, AMENDED TO REPLACE THE WORDS LONGER TERM RESIDENTIAL AREA WITH THE WORDS RESIDENTIAL INVESTIGATION AREA ON THE LAND SOUTH OF THE FORMER POOWONG BUTTER FACTORY.**

- 6. THAT COUNCIL ADOPT INCIDENTAL CHANGES REQUIRED TO CLAUSE 21.04 OF THE SOUTH GIPPSLAND PLANNING SCHEME TO FACILITATE THE INTRODUCTION OF THE UPDATED TOWNSHIP PROVISIONS AND SUBMIT THE AMENDMENT TO THE MINISTER FOR PLANNING FOR APPROVAL.**

CARRIED UNANIMOUSLY

Crs Brunt and Hutchinson-Brooks returned to the Meeting at 5.15pm.

Attachment 1 Recommendations of the Independent Planning Panel

7 Summary of Recommendations

Based on the reasons set out in this Report, the Panel recommends:

1. General recommendations
 - a. Adopt Amendment C72 to the South Gippsland Planning Scheme as exhibited subject to the further recommendations set out in this report.
 - b. Amend the Structure Plans (reference documents) in accordance with the recommendations in this report.
2. Loch recommendations
 - a. Amend the Loch Framework Plan in Clause 21.04-9 to identify 11 Roy Street, Loch as 'Potential Residential 1 Zone Expansion Area – subject to further investigation.'
 - b. Retain 11 Roy Street, Loch within the Township Zone.
 - c. Prepare a Design and Development Overlay to determine appropriate built form outcomes, particularly in the south-west corner of the Loch township.
 - d. Amend the Loch Structure Plan March 2011 to identify 11 Roy Street, Loch as 'Potential Residential 1 Zone Expansion Area – subject to further investigation.'
 - e. Amend the Loch Framework Plan at Clause 21.04-9 to identify the land at 3-23 Victoria Road, Loch to be 'Commercial expansion - Mixed Use Zone.'
 - f. Amend Map 4 to include land at 3-23 Victoria Road, Loch in the Mixed Use Zone.
 - g. Retain land at 12 – 24 Victoria Road, Loch within the proposed Residential 1 Zone as exhibited.
 - h. Amend Map 4 to include the former Church building on the western corner of Clarence and Victoria Roads, Loch, in the Business 1 Zone.
 - i. Amend the Loch Structure Plan March 2011 to identify the land at 3-23 Victoria Road, Loch to be 'Commercial expansion - Mixed Use Zone.'
 - j. Retain the property on the south-eastern corner of Mary Street and Victoria Road, Loch within the Residential 1 Zone as exhibited.
 - k. Amend the Loch Framework Plan to identify the six allotments at the southern end of Smith Street Loch as 'Low Density Residential Development.'
 - l. Retain the six allotments at the southern end of Smith Street, Loch within the Low Density Residential Zone as exhibited.

- m. Amend the Loch Structure Plan 2011 to identify the six allotments at the southern end of Smith Street Loch as 'Low Density Residential Development.'
 - n. Amend Map 4 to include the existing Country Fire Authority site on Victoria Road, Loch, within the Residential 1 Zone.
 - o. Retain the Loch Police Station within the Public Use Zone 1 – Service and Utility as exhibited.
 - p. Retain 9 Smith Street, Loch within the proposed Business 1 Zone as exhibited.
 - q. Retain Lot 1 TP405466 Rawlings Lane and Lot 1 TP584314 Catholic Church rear lot Loch within the Farming Zone as exhibited.
 - r. Retain Lot 6 Victoria Road, Loch in the Farming Zone.
 - s. Amend the Loch Framework Plan in Clause 21.04-9 to continue the township boundary along the eastern boundary of sites fronting Mary Street, removing Lot 6 Victoria Road, Loch from the township.
 - t. Amend the Loch Structure Plan March 2011 to continue the township boundary along the eastern boundary of sites fronting Mary Street, removing Lot 6 Victoria Road, Loch from the township.
3. Nyora recommendations
- a. Amend the Nyora Framework Plan contained in Clause 21.04-8 to:
 - identify preferred short to medium (0 – 1000m) and long term (beyond 1000m) residential investigation areas within the exhibited township boundary. These should be based on distance from the town centre and should generally reflect the concentric rings as indicated on the 'Land Use Framework Plan' contained within the NPS;
 - amend the legend in the Nyora Framework Plan to alter 'Residential 1 Zone Expansion Area' to read 'Residential 1 Zone – Investigation Area'. Include land identified as 'Residential 1 Expansion Area' and located outside the short to medium term investigation area (as discussed above) within a new classification 'Longer term Potential Residential 1– Investigation Area'; and
 - retain the township boundary as exhibited with the exception of including all land in the Farming Zone within the short to medium term residential investigation area (as discussed above) within the township boundary and identifying it as 'Residential 1 Zone – Investigation Area'.
 - b. Amend Objective (dot point 2) of Clause 21.04-8 to read 'To support staged residential growth commensurate to the need for additional residential land and the improvement of development and community infrastructure in the township.'

- c. Amend Objective (dot point 4) of Clause 21.04-8 to delete reference to 'support' and to replace it with 'encourage'.
- d. Amend Strategy (dot point 2) of Clause 21.08-4 to read 'Ensure that any subdivision in the Residential 1 Zone – Investigation Areas and the Long term potential Residential 1 Zone – Investigation Areas identified in the Nyora Framework Plan does not occur until the following prerequisites have been met:....'
- e. Include an additional prerequisite (a new first secondary dot point) to Strategy (dot point 2) of Clause 21.04-8 which reads 'There is an identified need for additional residential land within the township.'
- f. Amend the Nyora Structure Plan March 2011 to reflect the changes described above.
- g. Add the following to Clause 21.04-8 in 'Actions for implementation' after the 'Prepare a Master Plan.....' dot point: 'Prepare a town centre strategy to provide greater direction for commercial development in the Mitchell Street area and to determine whether the Business 1 Zoned land is adequate in location and extent to provide for future commercial growth in Nyora.'
- h. Add an additional objective in Clause 21.04-8 which reads 'To develop the town centre in the vicinity of Mitchell and Davis Streets which is the focus for all business, community and tourist services and facilities.'
- i. Amend the Nyora Structure Plan Land Use Framework on Page 18 to remove the Industrial 3 Zone Expansion Area and remove reference in the text to this area on Page 12 of the Structure Plan.
- j. Amend the Nyora Framework Plan in Clause 21.04-8 to remove the Industrial 3 Expansion Area from the plan.
- k. Investigate the need for additional Industrial 3 Zoned land in Nyora or on a regional basis to ensure there is adequate supply.
- l. Delete the seventh major dot point in the exhibited Clause 21.04-8 under 'Strategies' which commences with 'Support development of the Rural Living Zone Expansion Areas....'.
- m. Remove the reference to 'See Nyora Map 3 – Proposed Rural Living Area' and the associated arrow on the exhibited Nyora Framework Plan (Map 1 in clause 21.04-8).
- n. Delete the Nyora Framework Plan (Map 3) from exhibited clause 21.04-8.
- o. Remove the text and plan referring to 675 Yannathan Road as an investigation area for rural living from page 14 of the exhibited Nyora Structure Plan.

- p. Add an additional Objective in Clause 21.04-8 Nyora to read 'To ensure development contributes to provision of community services and facilities.'
 - q. Delete the seventh major dot point in the exhibited clause 21.04-8 under 'Strategies' which commences with 'Support development of the Rural Living Zone Expansion Areas....'.
 - r. Remove the reference to 'See Nyora Map 2 – Proposed Rural Living Area' and the associated arrow on the exhibited Nyora Framework Plan (Map 1 in clause 21.04-8).
 - s. Delete the Nyora Framework Plan (Map 2) from exhibited clause 21.04-8.
 - t. Remove the text and plan that refer to Henrys Road as an investigation area for rural living from page 14 of the exhibited Nyora Structure Plan.
 - u. Remove the Development Plan Overlay from 18 Walters Road, Nyora.
 - v. Rezone 34 Mitchell Street to the Residential 1 Zone as part of Amendment C72.
 - w. Delete the title of 'Agreement' and the following paragraph from clause 1.0 of the exhibited Development Plan Overlay Schedule 8.
4. Poowong recommendations
- a. Amend the exhibited Poowong Framework Plan at Clause 21.04-10 to identify the balance of the Ranceby Road frontage (not already exhibited for Business 1 Zoning) at 40 – 70 Ranceby Road as 'Short term commercial rezoning opportunity'.
 - a. Amend the exhibited Poowong Framework Plan at Clause 21.04-10 to identify the southern half of 40 – 70 Ranceby Road (as shown on Figure 6 in this report) as 'Longer term residential development opportunity'.
 - b. Consider rezoning the southern half of the exhibited Business 1 Zone area at 40 – 70 Ranceby Road from the Industrial 1 Zone to the Farming Zone to recognise its longer term residential, rather than industrial, future as part of this Amendment.
 - c. Apply the Environment Audit Overlay to 40 – 70 Ranceby Road in recognition of its past industrial use.
 - d. Consider a separate short term rezoning proposal to:
 - Rezone the balance of the Ranceby Road frontage at 40 – 70 Ranceby Road to the Business 1 Zone;
 - Apply the Development Plan Overlay generally in accordance with that shown in Appendix B of this report; and
 - Remove the Environmental Significance Overlay Schedule 5 from that part of the land to be rezoned Business 1 Zone.

- e. Rezone the former CFA site at 9 Ranceby Road from the Township Zone to Business 1 Zone.
 - f. Correct the zone boundary between the proposed Residential 1 Zone and existing Low Density Residential Zone on the land at 28A Nyora Road, Poowong (lot 101 PS314647) in accordance with the Submitter's map dated 30 June 2012.
 - g. Rezone the road way entry (Crown land) to the Poowong Recreation Reserve from the Township Zone to the Public Park and Recreation Zone.
 - h. Amend the Poowong Framework Plan at Clause 21.04-10 to relocate the Township Boundary to the outside boundary of the 'Residential 1 Zone Expansion Area' east of Brisbane Street consistent with the Poowong Land Use Framework plan in the Structure Plan.
 - i. Where relevant make consequential changes to the Poowong Structure Plan to accord with the above recommendations.
5. Meeniyan recommendations
- a. Rezone the land at 81 – 87 Whitelaw Street, Meeniyan to Business 1 Zone as per the exhibited Amendment.
 - b. Rezone 144 Whitelaw Street, Meeniyan (CFA site) from the Township Zone to the Public Park and Recreation Zone as opposed to the exhibited Public Use 1 Zone.
 - c. Rezone 1 and 3 Geale Street, Meeniyan from the Township Zone to the Residential 1 Zone as opposed to the exhibited Business 1 Zone.
 - d. Rezone the unreserved Crown land at 1-15 Whitelaw Street, Meeniyan (6 lots) from the Township Zone to the Public Conservation and Resource Zone as opposed to the exhibited Residential 1 Zone.
 - e. Rezone 139 Whitelaw Street, Meeniyan (police station) from the Township Zone to the Public Use Zone 7 (Other Public Uses).
 - f. Rezone 4 Scholers Street, Meeniyan (CA10 Sec1) from the Township Zone to the Public Park and Recreation Zone as opposed to the exhibited Residential 1 Zone.
 - g. Rezone 96 Whitelaw Street, Meeniyan (CA14 Sec1) from the Township Zone to the Public Park and Recreation Zone as opposed to the exhibited Business 1 Zone.

Attachment 2
Individual sites discussed in the Council Report

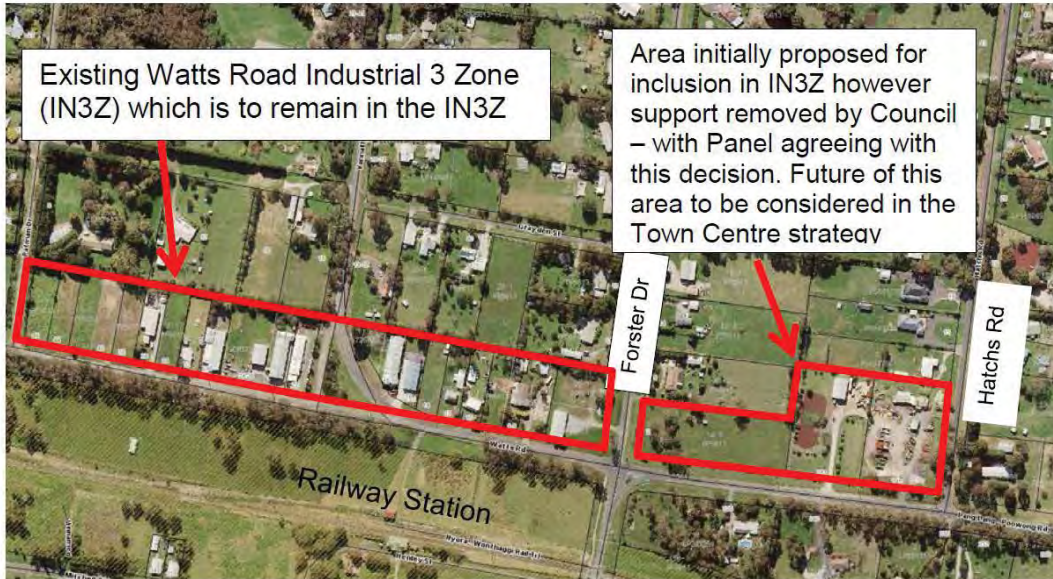
Nyora

Map 1 - Nyora Town Centre.

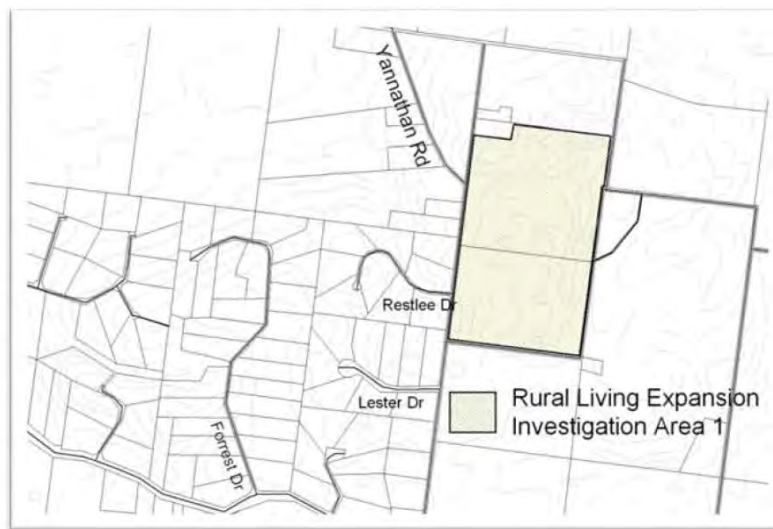


The 'Nyora Land Use Frameworks Plan' map (Nyora Structure Plan - Page 17) identifies residential growth areas based on their distance from the Town Centre. The updated Nyora Structure Plan moves the central point from which the measurements are drawn from the Post Office (corner Mitchell Street & Henley Street) to the corner of Mitchell and Davis Street. Should Nyora grow as planned, this area will likely become the focus of the Town Centre.

Map 2 – Existing Industrial Zone and area requiring further consideration as part of future Town Centre strategic planning.

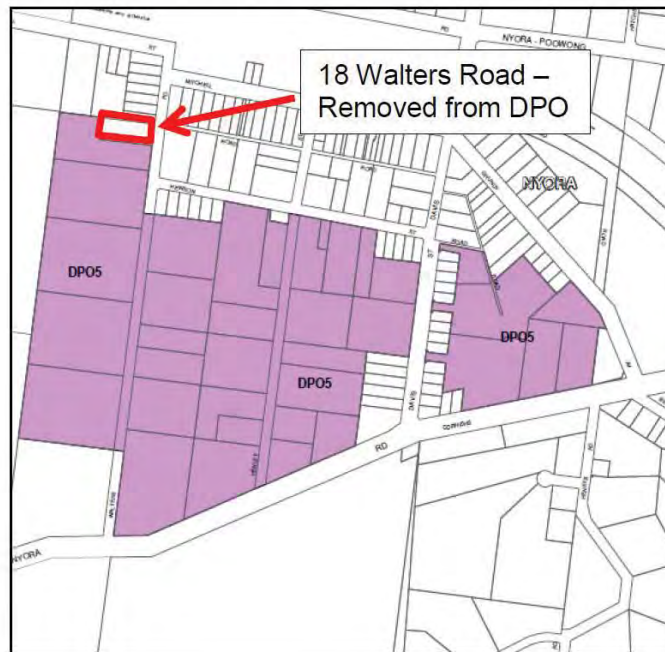


Map 3 – Rural Living Zone Investigation Areas removed from the Nyora Structure Plan and Amendment C72.





Map 4 – Development Plan Overlay to be removed from 18 Walters Road due to small lot size and existing development.



Loch changes

Map 5 – Mixed Use Zone to be applied to northern side of Victoria Road – with landowner support.

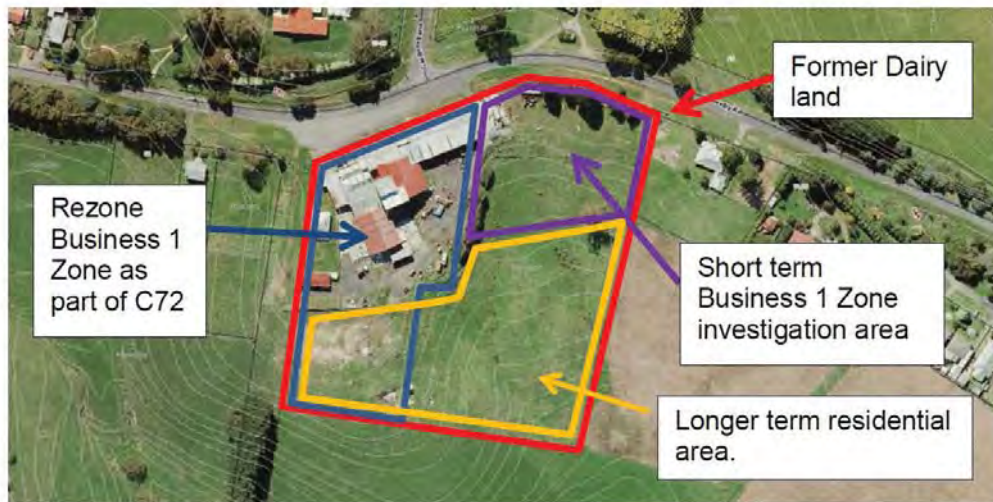


Map 6 – 11 Roy Street Loch to remain in the Township Zone



Poowong Changes

Map 7 Former Dairy Factory site



Note: Environmental Audit Overlay to be applied to the entire site (as a part of C72) in recognition that the factory use may have contaminated the land.

E.22 KORUMBURRA PLANNING SCHEME AMENDMENT C66

Development Services Directorate

EXECUTIVE SUMMARY

This report updates Council on the progress of Planning Scheme Amendment C66 which Rezones a large area of Farm Zoned land North of Jumbunna Road in Korumburra to Residential 1 Zone, applies a Development Plan Overlay Schedule 6 and deletes the Environmental Significance Overlay 5 (Areas susceptible to erosion);

This report also requests Council adopt the Amendment and authorise the Chief Executive Officer to sign the attached Section 173 Agreements approving Development Contributions.

Document/s pertaining to this Council Report

- **Attachment 1** - Development Plan Overlay Schedule 6 Jumbunna Road
- **Attachment 2** - General Residential Zone Provisions and Schedule
- **Appendix 1** - December 2012 Council Report
- **Appendix 2** - Panel Report - South Gippsland Planning Scheme Amendments C52, C66, C70 and C71.
- **Confidential Attachment 1** - Section 173 Agreements and locations

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

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Planning and Environment Act 1987

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Nil

COUNCIL PLAN

Strategic Goal:	3.0	A Strong economy
Outcome:	3.3	Infrastructure
Strategy No:	3.3.2	Transport
Strategic No:	3.3.4	Land-use planning

CONSULTATION

The amendment has been subject to consultation and notice in accordance with the Planning and Environment Act (1987) and submissions are detailed in **Appendix 1**.

REPORT

Background

Council exhibited Amendment C66 in conjunction with Amendments C70 (Korumburra Township Planning Provisions), C71 (Rezoned Korumburra Library from Public Use Zone 7 to Business 1 Zone) and C52 (Rezoned Farm Zone Land to Residential 1 Zone with a Development Plan Overlay) with full details available in **Appendix 1**. Amendment C70 was implemented into the Planning Scheme on 28 February 2013 and Amendment C71 will be further considered with the completion of the Korumburra Town Centre Framework Plan.

The key issue that led to the resolution below was the Independent Planning Panel (Panel) Directions that Council not impose Developer Contributions or Character Controls through the Development Plan Overlay process.

Following the December 2012 meeting Council resolved to:

Resolution 5: Request the Minister for Planning for a 12 Month extension of time to the period allowed for Council to adopt Amendments C52 and C66 to enable completion of Strategic Work on Development Contributions and Neighbourhood Character as recommended by the Panel to serve the public interest and to ensure a just and fair process.

Resolution 6: Consider a future report on a proposed project to undertake further strategic work on character assessment of Korumburra and to prepare amenity controls for future residential development in Korumburra

Discussion

Development Contributions

Subsequent to the Panel Report, agreement has been sought with landowners in the C66 areas. These owners' locations and details are returned in Confidential **Attachment 1** along with a copy of the Section 173 (S173) Contribution Agreement. This S173 Agreement provides for a financial contribution from developers to be made to Council at Statement of Compliance. The Statement of Compliance is the final stage of a subdivision before the release of new titles. This contribution will be spent on works external to the development area of C66 (outside Area A) which will be required to support the amendment. Such works include but are not limited to Jumbunna and Bena Road upgrades and intersections, community and social infrastructure and a shared path along Jumbunna Road.

With this key condition of the December 2012 Council Resolution met it is recommended that rezoning of C66 be continued.

Council will have a role within Area A in determining infrastructure requirements and staging of development through the Development Plan approval process. It may also be required to assist with mediation between landowners in terms of infrastructure requirements and cost sharing within the highlighted area shown below and called Area A in the Section 173 Agreements.



Plan 1 - Area A where C66 (and nearby PSA C52) Developers are responsible for all development costs.

Amenity Controls

The version of C66 DPO Schedule 6 taken to Panel proposed a number of amenity controls under Section 3.0 of the DPO. These were:

For lots with a primary frontage to Jumbunna Road, Bena Road Whitelaws Track and new internal 'Collector Connector Street - Level 1' roads (see below definition) (as per SGSC IDM), provide:

Minimum lot frontage of 18m

Maximum building site coverage of 40%

Minimum building front setback of 7m

Minimum side setback of 2m

Minimum 6m verges consistent with the IDM 'Collector Street' standard

The Panel did not support these character controls and stated that:

"ResCode provides sufficient guidance on these design parameters".

The original controls proposed are based on an assessment of Residential Character in the immediate vicinity of the C66 area, in particular along Jumbunna Road. This was to provide direction to the landowners and the community of the expected form of future development.

Subsequent to this amendment commencing the State Government has released its review of the Residential Zones. As a result of this State Government study councils are required to review their residential zones in the transitional period from 1 July 2013 to 1 July 2014. This review should recommend the appropriate new replacement Residential Zones consisting of either the Residential Growth Zone (RGZ), the General Residential Zone (GRZ) or the Neighbourhood Residential Zone (NRZ). If no recommendation is made by Council all existing Residential 1 Zones (R1Z) will transition to the GRZ.

It is likely that the General Residential Zone (Attachment 2) will apply to the majority of South Gippsland Shire's Residential 1 Zone (including the C66 area) as this zone is aimed at 'respecting and preserving neighbourhood character while allowing modest housing growth and diversity consistent with existing neighbourhood character'. This GRZ allows for individual schedules to address minimum residential character requirements.

Council is required to review all of its Residential Zones and this Shire wide response is considered the appropriate format to undertake character studies that will address development in the C66 area

Options

When considering the recommendations of a Panel Report, Council is not bound to accept the recommendations. However, the usual practice is to accept the expert independent advice and adopt the recommendations unless strong grounds exist for not doing so. The Minister for Planning must also consider the Panel's recommendation when determining whether to approve the Amendment and it is unusual for the Minister to set-aside Panel recommendations.

The options for Council are:

1. Accept and adopt all amendments now in the form recommended by the Panel and seek approval from the Minister for Planning;
2. Set aside some of the recommendations of the Panel and proceed with the amendments as Council determines

3. Where Council agrees fully with the Panel recommendations it can proceed to adoption;
4. Where Council does not agree fully with the Panel recommendations, it can request further time for adoption and negotiate with amendment proponents to obtain agreement over the matters that Council does not support; and undertake further strategic work including further Planning Scheme Amendments to address Panel concerns; or
5. Split off areas of the amendment in C66 into Part 2 where agreement is not reached.
6. Abandon all or some of the Amendments.

It is recommended that Council accept all Panel recommendations for C66 on the basis that the S173 Agreements address the developer contribution requirements and the new zones transition process will allow time to address these amenity issues.

FINANCIAL CONSIDERATIONS

The applicants are required to pay their share of Panel Report costs. There are no other financial considerations directly related to the recommendations of this report. The S173 Agreements provide the means appropriate development contributions when the land is rezoned in the C66 area. If development proceeds without appropriate development contributions it is likely to have an adverse financial implications for Council.

RISK FACTORS

As there is a formal agreement with the significant landowners of C66 land it is considered there are minimal financial liabilities if Council approves this amendment now. The amendment proponents for C66 are private development interests. The risks associated with the amendment are borne by the developer.

Council are awaiting two signed Section 173 Agreements from significant landowners in the C66 area. Rezoning these two areas without a signed agreement would leave Council and adjoining landowners without a fair and equitable contribution to development costs. It is recommended that rezoning these areas be deferred by spitting the amendment into Part 1 and Part 2 until a signed Section 173 agreement is negotiated.

CONCLUSION

The issues that previously lead to Amendment C66's extension of time, being Development Contributions and Amenity Controls, are addressed by the respective S173 Agreement and the review of the Residential Zones. Based on this assessment Planning Scheme Amendment C66 should be approved with outstanding signed S173 areas split off.

RECOMMENDATION

That Council:

1. Authorise the Chief Executive Officer to sign the Section 173 Agreements.
2. Split Amendment C66 into Part 1 and Part 2 based on Signed Section 173 Agreement in Part 1 and significant unsigned areas into Part 2.
3. Adopt Planning Scheme Amendment C66 Part 1 to the South Gippsland Planning Scheme as recommended by the C66 Panel Report;
4. Defer making a decision on C66 Part 2 until signed agreement is reached.
5. Request the Minister for Planning to approve Amendment C66 Part 1.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Newton

SECONDED: Cr Fawcett

THAT COUNCIL:

1. **AUTHORISE THE CHIEF EXECUTIVE OFFICER TO SIGN THE SECTION 173 AGREEMENTS.**
2. **SPLIT AMENDMENT C66 INTO PART 1 AND PART 2 BASED ON SIGNED SECTION 173 AGREEMENT IN PART 1 AND SIGNIFICANT UNSIGNED AREAS INTO PART 2.**
3. **ADOPT PLANNING SCHEME AMENDMENT C66 PART 1 TO THE SOUTH GIPPSLAND PLANNING SCHEME AS RECOMMENDED BY THE C66 PANEL REPORT;**
4. **DEFER MAKING A DECISION ON C66 PART 2 UNTIL SIGNED AGREEMENT IS REACHED.**
5. **REQUEST THE MINISTER FOR PLANNING TO APPROVE AMENDMENT C66 PART 1.**

CARRIED UNANIMOUSLY

Attachment 1 Development Plan Overlay Schedule 6 Jumbunna Road

SOUTH GIPPSLAND PLANNING SCHEME

-- /--/20--
C66

SCHEDULE 6 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO6**

KORUMBURRA RESIDENTIAL GROWTH AREAS

1.0

-- /--/20--
C66

Requirement before a permit is granted

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

- A minor extension, minor addition or minor modification to an existing development that does not prejudice the future orderly development of the general area affected by the Development Plan Overlay to the satisfaction of the Responsible Authority.
- The use and development of land for agriculture provided it is minor in nature and does not prejudice the future residential use and development of the land, or the residential amenity of surrounding areas.
- The use, development & subdivision of land by a public authority or utility provider.

2.0

-- /--/20--
C66

Conditions and requirements for permits

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

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

Development and Community Infrastructure

Prior to the issuing of a Statement of Compliance (or otherwise agreed to in writing by the Responsible Authority), the landowners may enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 or other mechanisms approved by Council. Any such agreement should make provision for

SOUTH GIPPSLAND PLANNING SCHEME

contributions to be made by the owners towards the provision of development and community infrastructure on public land (including the provision of land and/or the payment of financial levies) required as a consequence of the subdivision of the land.

Fencing Requirement

Fencing on sensitive interfaces (existing residential zoned land bordering DPO6) is to be a minimum 1.8m high solid fence to be provided at the developer's expense prior to the issue of Statement of Compliance on the subdivision of the land. The location and type of fencing may be varied subject to the approval of the Responsible Authority.

3.0

--/20--
C66

Requirements for development plan

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

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

The development plan must show / provide:

Land use and subdivision layout

- The proposed boundaries of the development area, and provide the strategic justification for those boundaries.
- The overall subdivision of the area, including where possible, the proposed size and density of allotments which provide opportunities for a diverse range of housing types.
- The provision of a sensitive residential interface with adjoining residential land. Lots directly adjoining the Low Density Residential Zone (LDRZ) must include a rear setback of a minimum of 7 metres from the zone boundary to any new structure, with a minimum of a 3 metre wide landscape buffer along the zone boundary, or alternative, determined to the satisfaction of the Responsible Authority.
- Street network that:
 - Limits the creation of new road access points onto Jumbunna Road and support building frontages with two way surveillance.
- The overall pattern of development of the area, including any proposed re-zoning of land and proposed land uses.
- A staging plan that demonstrates an efficient and orderly provision of infrastructure and services.
- An accessible and integrated network of walking and cycling routes for safe and convenient travel to adjoining communities (including existing and future areas included in the DPO), local destinations or points of local interest, activity centres, community hubs, open spaces and public transport.
- The provision of any commercial facilities and the extent to which these can be co-located with community and public transport facilities to provide centres with a mix of land uses and develop vibrant, active, clustered and more walkable neighbourhood destinations.

Industrial Zone interface

For subdivision and development north of Foster Creek an interface management plan is to be provided which specifies a design response and specific building and lot controls including, where required, controls to address amenity concerns related to noise, odour, vibration and lighting arising from legally occurring industrial activities within the Industrial 1 and Industrial 3 Zones. This may be executed via a Section 173 Agreement.

SOUTH GIPPSLAND PLANNING SCHEME

Earthworks and Land Form

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

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

Infrastructure Services

- An integrated stormwater and flood management plan that incorporates water sensitive urban design techniques which provides for the protection of natural systems, integration of stormwater treatment into the landscape, improved water quality, and reduction and mitigation of run-off and peak flows, including consideration of downstream impacts.
- A comprehensive Traffic Impact Assessment prepared to the satisfaction of the Responsible Authority in consultation with the Roads Corporation that identifies existing and post development traffic generation, distribution and associated analysis and the pattern and location of the major arterial road network of the area including existing roads and the location and details of any required:
 - road widening
 - signalised/unsignalised intersections
 - access points
 - pedestrian crossings or safe refuges
 - cycle lanes
 - bus lanes and stops
- The pattern and location of any internal road system based on a safe and practical hierarchy of roads including safe pedestrian and bicycle connections and crossing points in accordance with South Gippsland Paths and Trails Strategy 2010 (as amended) and South Gippsland Open Space Strategy 2007 (as amended). The internal road network must specifically provide for the potential for internal road connectivity to the existing dwelling lots that have potential for further subdivision.
- In consultation with relevant agencies and authorities, provision of public transport stops where appropriate within easy walking distance to residential dwellings and key destinations. Stops should also be located near active areas where possible.
- Identification of costs for infrastructure provision both onsite and offsite

Open Space and Landscaping

- The location and size of the proposed open spaces that cater for a range of user groups and provide a variety of functions that perform both an active and passive role for recreation, as appropriate.
- Public open spaces designed to provide:
 - The inclusion of pedestrian and cycle paths and play equipment, that encourage active recreational opportunities.

SOUTH GIPPSLAND PLANNING SCHEME

- Opportunities for visual surveillance to promote safety of users, through encouraging active frontages, using buildings to frame public spaces and locating open spaces within or adjacent to activity centres where possible.
- A landscaping plan, prepared by a suitably qualified person, identifying all proposed landscaping with particular regard to the interface with surrounding residential and industrial developments, open space and roads. The landscape plan must include canopy tree plantings within both the internal and external road network to soften the visual impact of new development when viewed from within and outside the development area. The landscape plan must provide a high level of detail where new development is adjoining Jumbunna Road, Bena Road and new Connector Street – Level 1 roads, especially in areas where new development is inward facing and not addressing the road.

Community Infrastructure and Meeting Places

- Provision for access and social interaction, particularly where this encourages physical activity. For example:
 - Consider the need for public amenities, including toilets and bicycle parking at key destinations in accordance with Path and Trails Strategy 2010 (as amended).
 - The pattern and location of pedestrian and bicycle paths should provide safe and practical access to and from community facilities and meeting places.
 - Spaces should be designed to accommodate community events.
 - Consider the need for onsite community facilities or where required, upgrades and contribution to offsite community infrastructure.

Flora and Fauna

- In consultation with the Department of Sustainability and Environment, a flora and fauna survey, prepared by a suitably qualified expert, which includes but is not limited to species surveys for Gippsland Giant Earthworm, and measures required to protect the identified species.
- An assessment of any native vegetation to be removed having regard to Victoria's Native Vegetation Management: A Framework for Action, including how it is proposed to protect and manage any appropriate native vegetation, including the provision of any offsets if required.
- Regard must be had to the West Gippsland Native Vegetation Plan 2003. (as amended)

Cultural Heritage

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

Land Contamination

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

Process and Outcomes

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

SOUTH GIPPSLAND PLANNING SCHEME

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

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

--/20--
C66

Decision guidelines for development plan

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

- Victoria's Native Vegetation Management: A Framework for Action 2002
- National Heart Foundation of Australia (Victorian Division) 2004, Healthy by Design: a planners' guide to environments for active living®, National Heart Foundation of Australia (Victorian Division) or as amended;
- South Gippsland Path and Trails Strategy 2010 (as amended).
- South Gippsland Open Space Strategy 2007 (as amended).
- Korumburra Structure Plan 2010 (as amended)

Attachment 2 General Residential Zone Provisions and Schedule

32.08 GENERAL RESIDENTIAL ZONE

and/or
V8

Shown on the planning scheme map as **GRZ** with a number (if shown).

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To encourage development that respects the neighbourhood character of the area.

To implement neighbourhood character policy and adopted neighbourhood character guidelines.

To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

32.08-1 Table of uses

and/or
V8

Section 1 - Permit not required

Use	Condition
Animal keeping (other than Animal boarding)	Must be no more than 2 animals.
Bed and breakfast	No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Dependent person's unit	Must be the only dependent person's unit on the lot.
Dwelling (other than Bed and breakfast)	
Home occupation	
Informal outdoor recreation	
Medical centre	The gross floor area of all buildings must not exceed 250 square metres. Must meet the Car parking requirements under clause 52.06-3. The site must adjoin, or have access to, a road in a Road Zone.
Minor utility installation	
Place of worship	The gross floor area of all buildings must not exceed 250 square metres. The site must adjoin, or have access to, a road in a Road Zone.
Railway	
Residential aged care facility	
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Accommodation (other than Dependent person's unit, Dwelling and Residential aged care facility)	
Agriculture (other than Animal keeping, Animal training, Apiculture, Horse stables and Intensive animal husbandry)	
Animal keeping (other than Animal boarding) – if the Section 1 condition is not met	Must be no more than 5 animals.
Car park	Must be used in conjunction with another use in Section 1 or 2.
Car wash	The site must adjoin, or have access to, a road in a Road Zone.
Community market	
Convenience restaurant	The site must adjoin, or have access to, a road in a Road Zone.
Convenience shop	
Food and drink premises (other than Convenience restaurant and Take away food premises)	
Leisure and recreation (other than Informal outdoor recreation and Motor racing track)	
Place of assembly (other than Amusement parlour, Carnival, Circus, Nightclub, and Place of worship)	
Plant nursery	
Service station	The site must either: <ul style="list-style-type: none"> ▪ Adjoin a commercial zone or industrial zone. ▪ Adjoin, or have access to, a road in a Road Zone. The site must not exceed either: <ul style="list-style-type: none"> ▪ 3000 square metres. ▪ 3600 square metres if it adjoins on two boundaries a road in a Road Zone.
Store	Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
Take away food premises	The site must adjoin, or have access to, a road in a Road Zone.
Utility installation (other than Minor utility installation and Telecommunications facility)	
Any other use not in Section 1 or 3	

Section 3 – Prohibited

Use

Amusement parlour
Animal boarding
Animal training
Brothel
Cinema based entertainment facility
Horse stables
Industry (other than Car wash)
Intensive animal husbandry
Motor racing track
Nightclub
Office (other than Medical centre)
Retail premises (other than Community market, Convenience shop, Food and drink premises, Plant nursery)
Saleyard
Stone extraction
Transport terminal
Warehouse (other than Store)

32.08-2

Subdivision

v8

Permit requirement

A permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
60 or more lots	All except Clause 56.03-5.
16 – 59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

Exemption from notice and review

An application to subdivide land into lots each containing an existing dwelling or car parking space is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

32.08-3

Construction and extension of one dwelling on a lot

v8

Permit requirement

A permit is required to construct or extend one dwelling on:

- A lot of less than 300 square metres.
- A lot of between 300 square metres and 500 square metres if specified in a schedule to this zone.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with one dwelling on:
 - A lot of less than 300 square metres, or
 - A lot of between 300 and 500 square metres if specified in a schedule to this zone, and
- The fence exceeds the maximum height specified in Clause 54.06-2.

A development must meet the requirements of Clause 54.

No permit required

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.

32.08-4

Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

---/---
v8

Permit requirement

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of four or more storeys, excluding a basement.

A permit is not required to construct one dependent person's unit on a lot.

32.08-5

Requirements of Clause 54 and Clause 55

---/---
v8

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

32.08-6

Buildings and works associated with a Section 2 use

---/---
v8

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-1.

32.08-7 Maximum building height requirement for a dwelling or residential building

---/---/---
v8

The maximum height of a building used for the purpose of a dwelling or residential building must not exceed the building height specified in a schedule to this zone.

This does not apply to:

- An extension of an existing building that exceeds the specified building height, provided that the extension does not exceed the existing building height.
- A building which exceeds the specified building height for which a valid planning or building permit was in effect prior to the introduction of this provision.

If no building height is specified, the requirement set out in the relevant standard of Clause 54 and Clause 55 applies.

32.08-8 Application requirements

---/---/---
v8

An application must be accompanied by the following information, as appropriate:

- For a residential development of three storeys or less, the neighbourhood and site description and design response as required in Clause 54 and Clause 55.
- For residential development of four or more storeys, an urban context report and design response as required in Clause 52.35.
- For an application for subdivision, a site and context description and design response as required in Clause 56.
- Plans drawn to scale and dimensioned which show:
 - Site shape, size, dimensions and orientation.
 - The siting and use of existing and proposed buildings.
 - Adjacent buildings and uses.
 - The building form and scale.
 - Setbacks to property boundaries.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of good and materials, hours of operation and light spill, solar access and glare.
- Any other application requirements specified in a schedule to this zone.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

32.08-9 Decision guidelines

---/---/---
v8

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of this zone.
- Any other decision guidelines specified in a schedule to this zone.

Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

Dwellings and residential buildings

- For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55.
- For a development of four or more storeys, excluding a basement, the Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment 2004).

Non-residential use and development

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

32.08-10 Advertising signs

vb

Advertising sign requirements are at Clause 52.05. This zone is in Category 3.

Notes: Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.

Check whether an overlay also applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.

[INSERT PLANNING SCHEME NAME] PLANNING SCHEME

--/20--
C--

SCHEDULE [NUMBER] TO THE GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as **GRZ[number]**.

NAME OF AREA

1.0

Permit requirement for one dwelling on a lot

--/20--
C--

Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?

2.0

Requirements of Clause 54 and Clause 55

--/20--
C--

	Standard	Requirement
Minimum street setback	A3 and B6	
Site coverage	A5 and B8	
Permeability	A6 and B9	
Landscaping	B13	
Side and rear setbacks	A10 and B17	
Walls on boundaries	A11 and B18	
Private open space	A17	
	B28	
Front fence height	A20 and B32	

3.0

Maximum building height requirement for a dwelling or residential building

--/20--
C--

4.0

Application requirements

--/20--
C--

5.0

Decision guidelines

--/20--
C--

E.23 LEONGATHA AND FOSTER HOSPITAL HELIPAD PROTECTION AMENDMENT C87

Development Services Directorate

EXECUTIVE SUMMARY

Planning Scheme Amendment C87 proposes to apply Design and Development Overlays (DDO's) around the Leongatha and Foster helicopter landing sites. The purpose of the DDO's is to trigger a planning permit for any buildings or works having a height that may intersect with a flight path to the landing sites, potentially presenting safety concerns for helicopter operations. The DDO maps displaying the affected areas are provided in **Attachment 1**. Amendment C87 supersedes a similar Amendment (C54) which was abandoned by Council in March 2013.

Amendment C87 was exhibited for one month (ending 13 May 2013) and received one objection. The objection is from Telstra (see **Attachment 2**). Telstra also objected to Amendment C54, resulting in that Amendment being referred to an Independent Planning Panel.

The Telstra submission is largely supportive of the Amendment however it requests changes to the provisions which the Department of Health (DoH - proponent for the Amendment) believe are unnecessary and potentially confusing. Discussions between the DoH and Telstra are soon to commence with the aim of achieving an outcome acceptable to all parties, including Council. The recommendation of this Council Report is to seek to negotiate an agreed outcome and, should negotiations fail to achieve an agreed outcome, refer the submission to an Independent Planning Panel for consideration.

Document/s pertaining to this Council Report

- **Attachment 1** - Amendment C87 provisions
- **Attachment 2** - Telstra submission
- **Attachment 3** - Amendment C54 Panel Report recommendations

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Planning and Environment Act 1987

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Nil

COUNCIL PLAN

Strategic Goal:	3.0	A Strong Economy
Outcome:	3.3	Infrastructure
Strategy No:	3.3.4	Land use planning

CONSULTATION

Exhibition of Amendment C87 occurred in accordance with the normal requirements of the Planning and Environment Act 1987. This involved:

- Letters to the owners and occupiers of lands affected by the proposed DDO's.
- Public notice in the local newspapers and on community noticeboards in both townships.
- Amendment information on Council's web page and at the Foster Library.

REPORT

Background

Amendment C87 has been prepared at the request of the State Government Department of Health (who are the official amendment proponent) and is part of a state-wide program to protect hospital helicopter landing sites. As noted above, Amendment C87 supersedes Amendment C54 which sought to introduce similar controls into the Planning Scheme. Telstra objected to Amendment C54 and it was referred to an Independent Planning Panel. The Panel made a series of recommendations requiring changes to the amendment provisions, most notably, the identification of flight paths to the landing sites and the application of the DDO's to only those areas within the nominated flight paths. The Panel also recommended the DDO's include a gradient height control which would follow the minimum safe helicopter height for approaches and departures to the landing sites. No other planning scheme in the State has a gradient control for a helicopter landing site or airfield/airport.

The Amendment C87 provisions seek to address the recommendations of the C54 Panel where practical. This has resulted in a significant reduction in the burden of the DDO controls on affected landowners and a corresponding reduction in the number of planning permit applications Council would have to assess.

The C54 Panel's recommendations have improved Amendment C87 however the recommendations in regards to introducing gradient controls have not been incorporated into the new controls.

Gradient controls could not be achieved without introducing a high level of complexity to the DDO controls that would result in an increased burden on landowners in terms of ease of ability to understand the controls. The currently drafted C87 provisions clearly set out the height above ground level at which a planning permit is required. A gradient control would change the permit trigger height in relation to a ratio of distance from the helipad - e.g. further from the helipad the higher you can go. This would greatly complicate the DDO's for an outcome that DoH believes would provide little practical benefit above and beyond the currently drafted C87 controls.

Discussion

Planning Scheme Amendment C87 is necessary to ensure the long term protection of the Leongatha and Foster hospital helicopter landing sites from the encroachment of development that may impact safe helicopter operations. Similar amendments have been successfully introduced to hospital landing sites across the State, including amendments that have been considered by Independent Planning Panels. Similar amendments have been approved by the Minister for Planning after the release of the C54 Panel Report and these amendments have not required DDO gradient controls.

The Amendment provisions have been widely exhibited on two occasions and have been accepted by the property owners on which the DDO controls are to be placed. The necessity for the new controls and the planning merits of the Amendment are not in dispute except for the very specific issues raised in the Telstra submission regarding which 'industry standard' should be referred to as a 'Reference document' in the DDO schedules.

The design and performance requirements for helicopter landing sites are guided by the 'International Civil Aviation Organisation (ICAO) 'Standards and Recommended Practices' (SARP's) Annex 14 Volume II 'Helicopters'. Where a planning permit is triggered by the new DDO controls, the DoH will assess the proposal against their publication 'Guidelines for helicopter landing sites'. This publication incorporates the key requirements of the abovementioned ICAO SARP's.

Both Telstra and the DoH have aeronautical consultants guiding their response to the Amendment. The consultants have formed different views on which elements of the SARP's should be referenced in the DDO's and if it is appropriate or not to reference the DoH guidelines. Telstra do not support the use of the DoH guidelines as they do not consider these guidelines to be public documents. The DoH guidelines are publically available however the ICAO SARPS are a copyrighted document and have to be purchased to be viewed. State planning guidelines require reference documents to be readily publically available. On this evidence it appears the DoH position has more validity.

Council is not technically proficient to make recommendations to the consultants on which elements of the ICAO SARP's should be referred in the DDO provisions or if it is sufficient to refer to the DoH guidelines in order to

consider the requirements of the ICAO SARP's. To address these issues, Council officers are (at the time of writing this report) seeking to organise a meeting between the parties to discuss their concerns, clarify the technical matters with the aim of reaching an agreed outcome. If this can be achieved it will not be necessary to refer the Amendment to a Panel.

Ministerial Direction No. 15 requires Council to pre-set Panel hearing dates prior to the exhibition of an Amendment. The Panel 'Directions Meeting' is scheduled for 12 July and the 'Panel Hearing' on 23 July 2013. In order to meet these timelines a Council Resolution is required at the June Council Meeting to refer submissions to the Panel. It is for this reason that this matter is being brought to Council prior to discussions between the two parties taking place.

Options

Council has three options.

Option 1 is to abandon the Amendment. This is not an appropriate response given the importance of the proposed controls.

Option 2 is to refer the submission to the Panel without entering into negotiations. This is not recommended because it is considered that a negotiated outcome may be achieved.

Option 3 is to seek to mediate the matters in dispute and avoid the requirement for a Panel. This is the preferred option for both time and financial reasons. If negotiations are successful, the outcomes of the negotiation will be presented to Council and the Amendment adopted.

Proposal

Amendment C87 proposes to apply Design and Development Overlays to the flight paths of the Leongatha and Foster hospital helicopter landing sites. The recommendation of this Council Report is to continue to facilitate discussions between Telstra and the Department of Health to resolve their differences regarding the DDO provisions. If the discussions fail to achieve a negotiated outcome it is proposed to refer the submission to an Independent Planning Panel for consideration.

FINANCIAL CONSIDERATIONS

The Department of Health is the Amendment proponent. If the Amendment is referred to a Panel, the Panel costs will be borne by the DoH. Financial considerations for Council are limited to Council Officer time.

RISK FACTORS

There is no risk to Council in referring the Amendment to an Independent Planning Panel.

CONCLUSION

Amendment C87 is necessary to protect the Leongatha and Foster hospital helicopter landing sites from buildings and works that may affect safe helicopter operations. The Amendment provisions have been constructed to minimise their impact on adjoining landowners and will have very little impact on Council in terms of additional planning permit workload.

The submission from Telstra supports the Amendment and seeks changes to the Amendment provisions only in relation to technical matters regarding how a planning permit application will be assessed. It is considered likely that negotiations between the parties will resolve the issues of concern and that the requirement for an Independent Planning Panel can be avoided. Should negotiations fail, this Council Report recommends that the Telstra submission, along with any late submissions, be referred to an Independent Planning Panel for consideration.

RECOMMENDATION

That Council:

1. Facilitate discussions between the Department of Health (Amendment Proponent) and Telstra (Amendment submitter) to mediate Telstra's concerns regarding Amendment C87 with the intention of Council adopting the Amendment without the requirement for the appointment of an Independent Planning Panel.
2. Should mediation fail to resolve the concerns expressed in the Telstra submission, refer the submission to Planning Panels Victoria for consideration in accordance with the previously approved Panel Hearing dates (Panel Hearing on 19 August 2013).
3. Accept late submissions to Amendment C87 up to 15 July 2013 (one week prior to the scheduled Panel Directions Hearing).

STAFF DISCLOSURE OF INTEREST

Nil

Cr Brunt and Cr McEwen left the Meeting at 5.19pm.

Cr Brunt and Cr McEwen returned to the Meeting at 5.20pm.

MOVED: Cr Hutchinson - Brooks

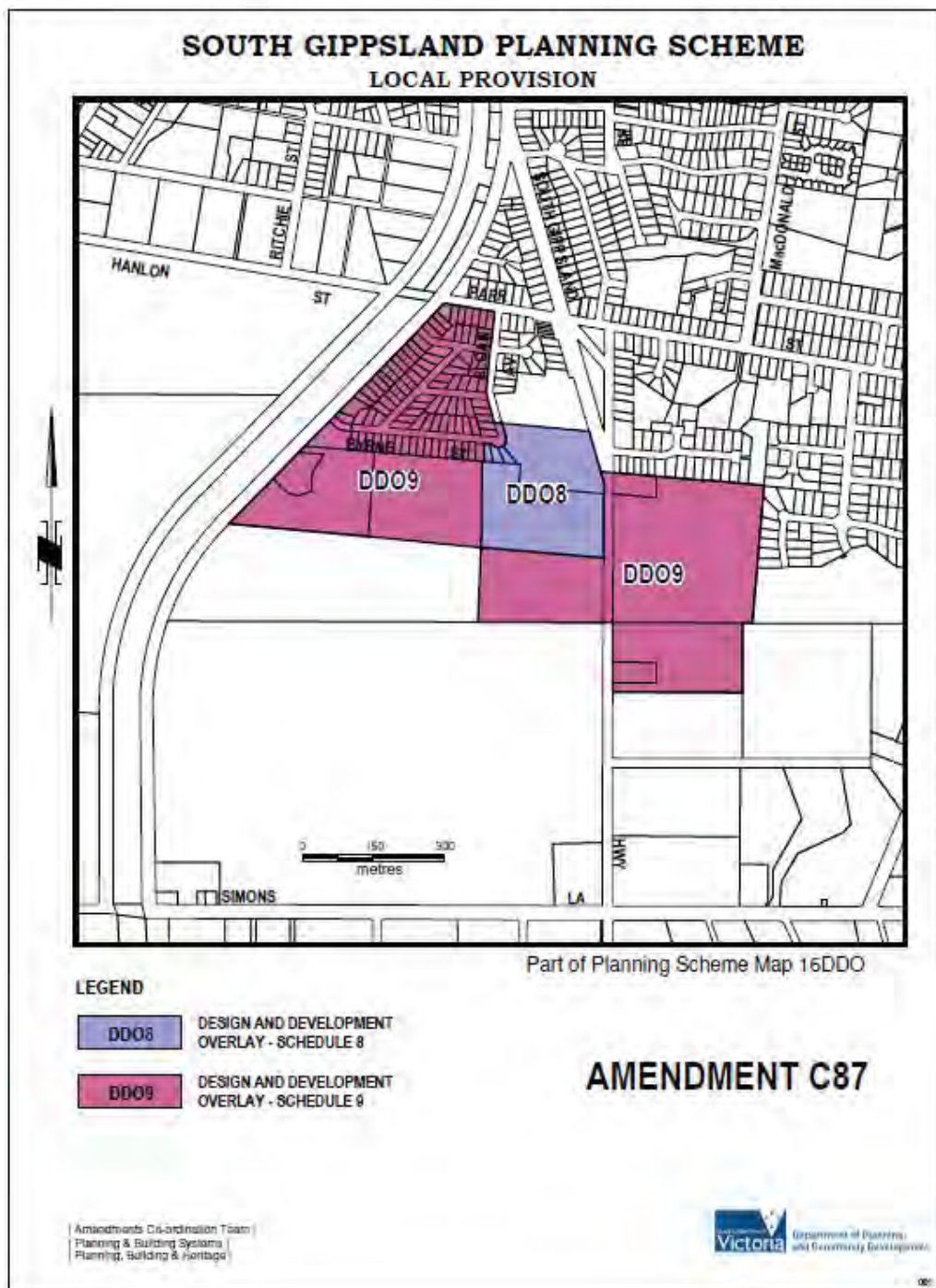
SECONDED: Cr Davies

THAT COUNCIL:

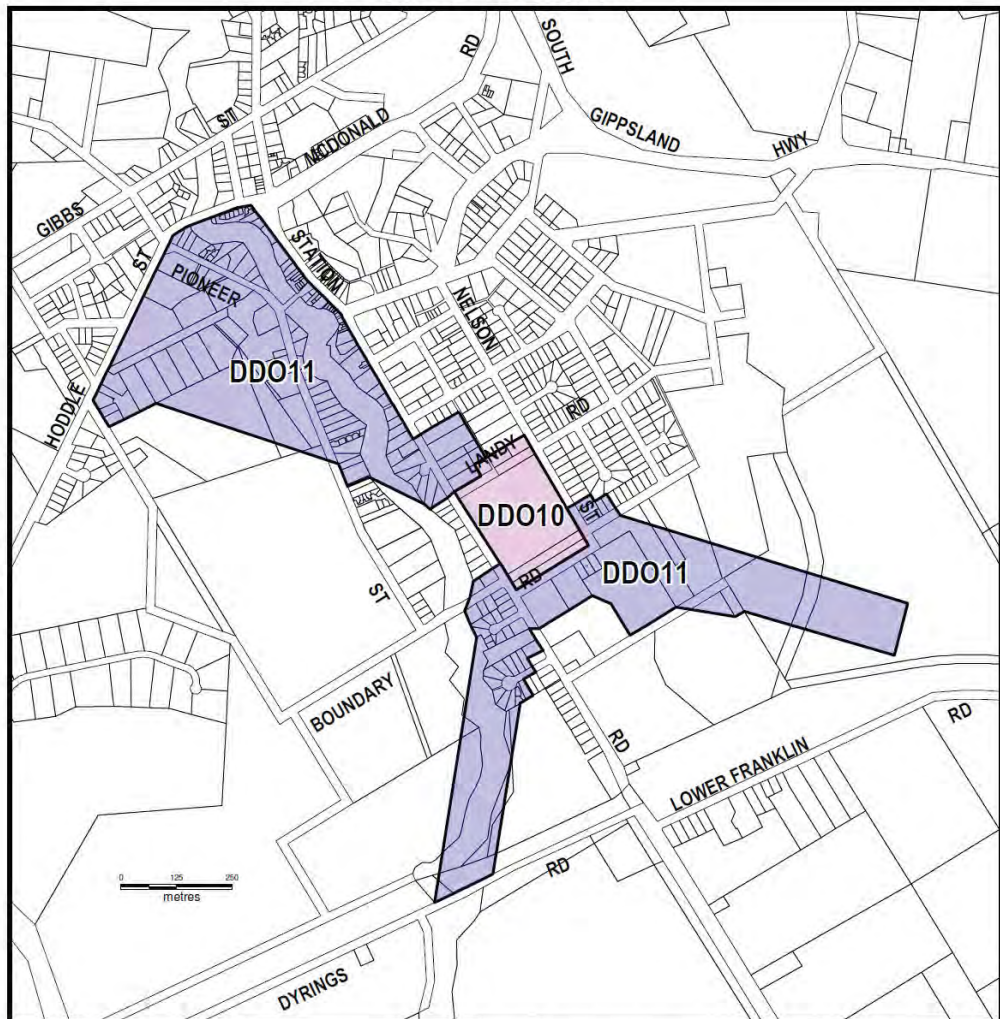
- 1. NOTE NOTIFICATION FROM TELSTRA ADVISING COUNCIL THAT IT HAS NO OBJECTION TO AMENDMENT C87;**
- 2. ADOPT AMENDMENT C87 TO THE SOUTH GIPPSLAND PLANNING SCHEME IN ACCORDANCE WITH THE EXHIBITED PROVISIONS AS DETAILED IN ATTACHMENT 1 OF THIS COUNCIL REPORT; and**
- 3. SUBMIT AMENDMENT C87 TO THE MINISTER FOR PLANNING FOR APPROVAL IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 31 OF THE PLANNING AND ENVIRONMENT ACT 1987.**

CARRIED UNANIMOUSLY

Attachment 1
Amendment C87 - Proposed Planning Scheme Amendment Provisions



SOUTH GIPPSLAND PLANNING SCHEME LOCAL PROVISION



Part of Planning Scheme Maps 28DDO & 29DDO

LEGEND

-  DDO10 DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 10
-  DDO11 DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 11

AMENDMENT C87

| Amendments Co-ordination Team |
| Planning & Building Systems |
| Planning, Building & Heritage |



002

SOUTH GIPPSLAND PLANNING SCHEME

—20—
CS7

SCHEDULE 8 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO8**

**EMERGENCY MEDICAL SERVICES HELICOPTER FLIGHTPATH AREA:
LEONGATHA HOSPITAL (INNER AREA)**

1.0

—20—
CS7

Design objectives

To ensure that the height of all buildings and works are constrained within specified limits to avoid creating a hazard to aircraft in the vicinity of the helicopter landing site serving the Leongatha Memorial Hospital, and to facilitate safe Emergency Medical Service (EMS) helicopter operations.

To ensure that flight paths associated with the Leongatha Memorial Hospital EMS helicopter landing site are protected from the encroachment of inappropriate obstacles which may affect the safe and effective operation of the Leongatha Memorial Hospital EMS helicopter landing site.

2.0

—20—
CS7

Buildings and works

A permit is not required to:

- Construct a building or construct or carry out works with a height less than 84.55 metres above the Australian Height Datum (AHD).
- Construct building additions and alterations exceeding 84.55 metres AHD, provided:
 - The additions and alterations do not exceed the existing height of the building (measured at the roofline apex) and:
 - The lot does not immediately adjoin the hospital land.

A permit is required to construct a fence with a height greater than 84.55 metres AHD. This does not apply to the construction of a fence in relation to the use of land for a dwelling provided:

- The fence height does not exceed the maximum height of the dwelling measured at the roofline apex and:
- The lot does not immediately adjoin the hospital land.

Notes:

1. *The Leongatha Hospital helicopter landing site is at an elevation of 84.55 metres above the AHD.*
2. *For the purposes of this clause buildings and works include radio masts, television antenna and flagpoles and any construction equipment associated with the buildings and works.*

3.0

—20—
CS7

Referral of applications

An application must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause. Planning permit applications will be assessed against the Department of Health (Vic) guidelines for helicopter landing sites which incorporate the relevant requirements of the International

SOUTH GIPPSLAND PLANNING SCHEME

Civil Aviation Organisation 'Standards and Recommended Practices' Annex 14 Volume II Helicopters (as amended).

4.0 Application requirements

—20—
CS7

A planning permit application must include the following information:

- The location of the land in relation to the helicopter landing site.
- The location and height of the main features on the land including trees or any other tall features.
- The proposed buildings and works on the land including details of the maximum height of the buildings and works measured from natural ground level.

Note: The Responsible Authority and the Department of Health (Vic) may request applications provide a maximum height (including the height of existing features) related to the Australian Height Datum (prepared by a suitably qualified person) if the proposal is deemed likely to impact safe helicopter operations.

5.0 Exemptions from notice and appeal

—20—
CS7

An application is exempt from the notice requirements of Section 52(1) (a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

6.0 Decision guidelines

—20—
CS7

Before deciding on an application, the responsible authority must consider whether the height and design of any proposed buildings and works will have an impact on the flights associated with the Leongatha Hospital EMS helicopter landing site.

SOUTH GIPPSLAND PLANNING SCHEME

--20--
C87

SCHEDULE 9 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO9**

**EMERGENCY MEDICAL SERVICES HELICOPTER FLIGHTPATH AREA:
LEONGATHA HOSPITAL (OUTER AREA)**

1.0

--20--
C87

Design objectives

To ensure that the height of all buildings and works are constrained within specified limits to avoid creating a hazard to aircraft in the vicinity of the helicopter landing site serving the Leongatha Memorial Hospital, and to facilitate safe Emergency Medical Service (EMS) helicopter operations.

To ensure that flight paths associated with the Leongatha Memorial Hospital EMS helicopter landing site are protected from the encroachment of inappropriate obstacles which may affect the safe and effective operation of the Leongatha Memorial Hospital EMS helicopter landing site.

2.0

--20--
C87

Buildings and works

A permit is not required to:

- Construct a building or to construct or carry out works provided the maximum height of the buildings or works does not exceed 12 metres above natural ground level.
- Construct a building or to construct or carry out works exceeding 12 metres above natural ground level provided no part of the buildings or works exceeds 96.55 metres above the Australian Height Datum (AHD). *See Note 2*

Notes:

1. *The Leongatha Hospital helicopter landing site is at an elevation of 84.55 metres above the AHD.*
2. *96.55 metres above the AHD (12 metres above the height of the Leongatha Hospital helicopter landing site) is the horizontal height plane across the DDO9 area above which buildings and works may impact helicopter operations.*
3. *For the purposes of this clause buildings and works include radio masts, television antenna and flagpoles and any construction equipment associated with the buildings and works.*

3.0

--20--
C87

Referral of applications

An application must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause. Planning permit applications will be assessed against the Department of Health (Vic) guidelines for helicopter landing sites which incorporate the relevant requirements of the International Civil Aviation Organisation 'Standards and Recommended Practices' Annex 14 Volume II Helicopters (as amended).

SOUTH GIPPSLAND PLANNING SCHEME

—/20—
CS7

SCHEDULE 10 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO10**

**EMERGENCY MEDICAL SERVICES HELICOPTER FLIGHTPATH AREA:
FOSTER HOSPITAL (INNER AREA)**

1.0 Design objectives

—/20—
CS7

To ensure that the height of all buildings and works are constrained within specified limits to avoid creating a hazard to aircraft in the vicinity of the helicopter landing site serving the Foster Hospital, and to facilitate safe Emergency Medical Service (EMS) helicopter operations.

To ensure that flight paths associated with the Foster Hospital EMS helicopter landing site are protected from the encroachment of inappropriate obstacles which may affect the safe and effective operation of the Foster Hospital EMS helicopter landing site.

2.0 Buildings and works

—/20—
CS7

A permit is required to construct a building or construct or carry out works which exceeds 27.16 metres above the Australian Height Datum (AHD). This does not apply to building additions and alterations exceeding 27.16 metres AHD providing the additions and alterations do not exceed the existing height of the building (measured at the roofline apex).

A permit is required to construct a fence within, around, or 10 metres outwards from the boundary of the sporting oval (football / cricket ground).

Notes:

- 1. The Foster Hospital Helipad is at an elevation of 27.16 metres above the AHD. This height represents the horizontal height plane across the DDO10 area at which buildings and works may impact helipad operations.*
- 2. For the purposes of this clause buildings and works include radio masts, television antenna and flagpoles and any construction equipment associated with the buildings and works.*

3.0 Referral of applications

—/20—
CS7

An application must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause. Planning permit applications will be assessed against the Department of Health (Vic) guidelines for helicopter landing sites which incorporates the relevant requirements of the International Civil Aviation Organisation 'Standards and Recommended Practices' Annex 14 Volume II Helicopters (as amended).

4.0 Application requirements

—/20—
CS7

A planning permit application must include the following information:

- The location of the land in relation to the helicopter landing site.
- The location and height of the main features on the land including trees or any other tall features.

SOUTH GIPPSLAND PLANNING SCHEME

- The proposed buildings and works on the land including details of the maximum height of the buildings and works measured from natural ground level.

Note: The Responsible Authority and the Department of Health (Vic) may request applications provide a maximum height (including the height of existing features) related to the Australian Height Datum (prepared by a suitably qualified person) if the proposal is deemed likely to impact safe helicopter operations.

5.0

~~20~~
C87

Exemptions from notice and appeal

An application is exempt from the notice requirements of Section 52(1) (a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

6.0

~~20~~
C87

Decision guidelines

Before deciding on an application, the responsible authority must consider whether the height and design of any proposed buildings and works will have an impact on the flights associated with the Foster Hospital EMS helicopter landing site.

SOUTH GIPPSLAND PLANNING SCHEME

20
C87

SCHEDULE 11 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO11**

**EMERGENCY MEDICAL SERVICES HELICOPTER FLIGHTPATH AREA:
FOSTER HOSPITAL (OUTER AREA)**

1.0

20
C87

Design objectives

To ensure that the height of all buildings and works are constrained within specified limits to avoid creating a hazard to aircraft in the vicinity of the helicopter landing site serving the Foster Hospital, and to facilitate safe Emergency Medical Service (EMS) helicopter operations.

To ensure that flight paths associated with the Foster Hospital EMS helicopter landing site are protected from the encroachment of inappropriate obstacles which may affect the safe and effective operation of the Foster Hospital EMS helicopter landing site.

2.0

20
C87

Buildings and works

A permit is not required to:

- Construct a building or to construct or carry out works provided the maximum height of the buildings or works does not exceed 12 metres above natural ground level.
- Construct a building or to construct or carry out works exceeding 12 metres above natural ground level provided no part of the buildings or works exceeds 39.16 metres above the Australian Height Datum (AHD). *See Note 2*

Notes:

1. *The Foster Hospital helicopter landing site is at an elevation of 27.16 metres above the AHD.*
2. *39.16 metres above the AHD (12 metres above the height of the Foster Hospital helicopter landing site) is the horizontal height plane across the DDO11 area above which buildings and works may impact helicopter operations.*
3. *For the purposes of this clause buildings and works include radio masts, television antenna and flagpoles and any construction equipment associated with the buildings and works.*

3.0

20
C87

Referral of applications

An application must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause. Planning permit applications will be assessed against the Department of Health (Vic) guidelines for helicopter landing sites which incorporate the relevant requirements of the International Civil Aviation Organisation 'Standards and Recommended Practices' Annex 14 Volume II Helicopters (as amended).

SOUTH GIPPSLAND PLANNING SCHEME

4.0 Application requirements

—20—
CS7

A planning permit application must include the following information:

- The location of the land in relation to the helicopter landing site.
- The location and height of the main features on the land including trees or any other tall features.
- The proposed buildings and works on the land including details of the maximum height of the buildings and works measured from natural ground level.

Note: The Responsible Authority and the Department of Health may request applications provide a maximum height (including the height of existing features) related to the Australian Height Datum (prepared by a suitably qualified person) if the proposal is deemed likely to impact safe helicopter operations.

5.0 Exemptions from notice and appeal

—20—
CS7

An application is exempt from the notice requirements of Section 52(1) (a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

6.0 Decision guidelines

—20—
CS7

Before deciding on an application, the responsible authority must consider whether the height and design of any proposed buildings and works will have an impact on the flights associated with the Foster Hospital EMS helicopter landing site.

**Attachment 2
Telstra Submission**

RECEIVED
MAY 2013
PLANNING

Tuesday, 7 May 2013

South Gippsland Planning Scheme Amendment C87


We refer to your letter dated 5 April 2013.

We write with reference to the above Amendment which seeks to introduce Planning Scheme Overlay controls to the land surrounding both the Leongatha and Foster Hospital helipad sites and thank you for the opportunity to review and comment on the Amendment.

We understand that Amendment C87 supersedes Amendment C54 and similarly proposes to introduce four (4) Design and Development Overlay (DDO) controls to the immediate and broader surrounds of the two hospital helipad sites. The proposed DDO Schedules trigger the requirement for a planning permit for buildings and works which exceed the heights specified within the DDO Schedules. The permit triggers allow the Department of Human Services (DHS) through the referral provisions to determine if an application might affect helipad operations.

Telstra Corporation Limited (Telstra) recognises the need to safeguard the Emergency Medical Services (EMS) helicopter operations to and from helipad facilities and considers the use of the Design and Development Overlay (DDO) is the appropriate planning tool for this purpose.

We note that the controls proposed under Amendment C87 have been appropriately customised to respond to land form, development pattern and helicopter performance and only restrict building heights within existing helicopter approach and departure paths. The revised controls also provide more assistance to



Telstra

Network Infrastructure Management

Level 6, Telstra House
231 Elizabeth Street
Sydney NSW 2000
Australia

Telephone: 02 85763131
Facsimile: 02 92618132
Mobile: 0439 988 926

bob.i.oice@team.telstra.com

**SOUTH GIPPSLAND
SHIRE COUNCIL**

10 MAY 2013

applicants in confirming the information required to be submitted with applications, and how the application will be assessed. We are supportive of these changes.

However, the DDO Schedules advise that applications will be assessed against the *'Department of Health (Vic) guidelines for helicopter landing sites which incorporates the relevant requirements of the International Civil Aviation Organisation (ICAO) 'Standards and Recommended Practices' Annex 14 Volume II Helicopters (as amended).'*

Whilst this is in line with the Panel's recommendations for Amendment C54, we have been advised by our consultant aeronautical expert, Mr Stephen Ormerod, that it is not appropriate to reference the Department of Health document which is an internal document and is not available to the general public. Further, ICAO's *Standards and Recommended Practices' Annex 14 Volume II Heliports (not Helicopters as stated in the DDO Schedule)* is very general in nature and does not provide detailed requirements. The document does not provide any guidance regarding the minimum obstacle free gradient for a helicopter landing and takeoff path (which would be required in the consideration of whether a proposal would impact upon the helicopter operations to and from the hospitals).

Mr Ormerod has advised that the only document in Australian Civil Aviation publications that provides any guidance is the *Civil Aviation Advisory Publication (CAAP) 92.2(1) Guidelines for the establishment and use of helicopter landing sites (HLS)*. This document should be referenced under 'Referral of Applications'.

We trust this submission is of assistance however please do not hesitate to contact the undersigned should you require further information.

Yours sincerely,



Bob Joice
General Manager, Site Acquisition
Wireless Operations
Tel: 02 8576 3131
Mob: 0439 988926
Email: bob.j.oice@team.telstra.com

Attachment 3 C54 Panel Recommendations

7. Panel Recommendations

Based on the reasons set out in this report, the Panel recommends that:

1. Amendment C54 to the South Gippsland Planning Scheme be abandoned in its current form;

The Panel further recommends that:

2. Appropriate DDO's be prepared for inclusion within the South Gippsland Planning Scheme to protect future operation of the helipads by:
 - nominating three flight paths to each helipad, and
 - restricting building heights in accordance with nominated flight gradients within these flight paths.
3. Council facilitates discussion between the relevant parties when redrafting the DDO's to specify flight paths so that future development options on the Sweeney Superannuation Fund land can, as far as practicable, be provided for.
4. Any redrafted DDO retain the Department of Health as the referral authority and include a reference to applications being assessed against ICAO SARPS Annex 14: Volume II, as appropriate.
5. The ICAO SARPS Annex 14: Volume II should be included as a Reference Document in the South Gippsland Planning Scheme.
6. The hospital owned allotment south of the Leongatha hospital building, and used as a helipad, should be rezoned to PU3 as soon as possible.
7. Any land abutting O'Connell Road and intended for the future Foster Hospital use be rezoned to PU3 as soon as possible.
8. Suitable DDO provisions be included in the South Gippsland Planning Scheme to protect the favoured approach/departure flight paths for the possible future Foster Hospital helipad site adjacent to O'Connell Road at the same time as the existing helipad at the Foster Recreation Reserve flight paths are protected.

SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C54
PANEL REPORT - DECEMBER 2010

9. Where a DDO requires landowners to have regard to AHD, the Planning Authority and/or the proponent should, as a prior condition, ensure that suitable reference points are established generally within the affected area as may reasonably be required to determine such AHD information.

E.24 PLANNING SCHEME AMENDMENT C84 SP AUSNET REZONING TO SPECIAL USE ZONE 5 WITH ASSOCIATED INCORPORATED DOCUMENT

Development Services Directorate

EXECUTIVE SUMMARY

Planning Scheme Amendment (PSA) C84:

1. Will rezone land from the Mixed Use and Residential 1 Zones to the Special Use Zone Schedule 5 (SUZ5).
2. Inserts Schedule 5 to the Special Use Zone at Clause 37.01.
3. Introduces a new Incorporated Document to the Schedule at Clause 81.01 titled 'SPI Electricity Pty Ltd Leongatha Depot 2013', to allow for the ongoing safe and efficient operation of the site.
4. Corrects zoning and overlay anomalies by rezoning land from the Public Park and Recreation Zone (PPRZ) to the SUZ5, rezoning land from the Mixed Use Zone (MUZ) to the PPRZ and deleting the Environmental Audit Overlay (EAO) from land to be rezoned PPRZ.

Following comprehensive community consultation one submission was received in support. This report recommends that Council adopt Amendment C84 and submit the Amendment to the Minister for Planning for approval.

Document/s pertaining to this Council Report

- **Attachment 1** - Special Use Zone Schedule 5 "SPI Electricity Pty Ltd" Leongatha Depot
- **Attachment 2** - Map showing the area to apply the Special Use Zone Schedule 5 provisions
- **Attachment 3** - Map showing the areas to remove the Environmental Audit Overlay to correct a mapping anomaly
- **Attachment 4** - The submission received from Mr Ken Prain
- **Appendix 1** - Explanatory Report for Planning Scheme Amendment C84
- **Appendix 2** - Incorporated document; 'SPI Electricity Pty Ltd Leongatha Depot 2013'

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Planning and Environment Act 1987

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

COUNCIL PLAN

Strategic Goal:	3.0	A Strong Economy
Outcome:	3.3	Utilities
Strategy No:	3.3.3	Advocate for and facilitate the provision of all modern infrastructure required to support the development of business and industry.

CONSULTATION

A collaborative consultation process was undertaken with SP AusNet which included the prescribed Planning Scheme Amendment process. It was focussed on neighbouring landowners and involved:

- SPI Electricity Pty Ltd (trading as SP AusNet) conducted an extensive 'door knocking' and information program for affected neighbours in January this year.
- A public information 'drop-in' session with Council staff and SP AusNet was held at the SP AusNet, Horn Street Depot on 13 May 2013.
- Approximately 60 letters were sent to potentially affected landowners on week starting 22 April 2013.
- Newspaper advertisements appeared in the same week.
- Media releases were acted upon in the papers week starting Monday April 29.
- Exhibition of the Amendment closed 27 May 2013.

DSE and the Ministers for Environment and Climate Change, Agriculture and Food Security, Water and Energy and Resources were consulted as part of the process.

REPORT

Background

The SPI Electricity Pty Ltd (trading as SP AusNet) depot and substation located in Horn Street, Leongatha, is a critical site in the South West Gippsland regional power network, servicing approximately 49,000 customers. Currently 42 employees operate from the depot.

The proposal is to relocate storage and operational areas into the recently purchased residential property to the north and west of the current depot site to improve the safety and efficiency of SP Ausnet operations. The substation will not change and is managed separately by a different business unit of SP Ausnet.

The Amendment also provides an opportunity to address historical mapping anomalies related to the site and the adjoining Council property, where zone and overlay boundaries do not match lot boundaries. These changes are shown in the attached maps.

Discussion

The discussion outlines the proposed Planning Controls and rationale:

This PSA proposes Mixed Use Zone (MUZ), Public Park and Recreation (PPRZ) and Residential 1 Zone (RZ1) be rezoned to Special Use Zone Schedule 5 (SUZ5)

SP AusNet have purchased land at 60 Horn St which is currently zoned R1Z, to accommodate a safer, more efficient depot layout. The existing SP Ausnet site is currently zoned MUZ which imposes planning permit requirements, existing zone conditions, overlays and local policies do not efficiently address the objectives and use of this site which is considered inappropriate for its intended use. Pursuant to the VPP Practice Note 3 Applying the Special Use Zone a more appropriate planning control is the SUZ

The Ministerial Direction on the 'Form and Content of Planning Schemes' requires provision of a schedule when applying the Special Use Zone. New Schedule 5, SPI Electricity Pty Ltd, Leongatha (**Attachment 1**) details the process required for development on the site. This schedule allows the use and development of the land as a depot without repeated applications for planning permits for the same site if development is in accordance with the Incorporated Document.

The Incorporated Document (**Appendix 2**)

This PSA introduces a new Incorporated Document to the South Gippsland Planning Scheme, at Clause 81.01 titled 'SPI Electricity Pty Ltd Leongatha Depot 2013', allowing for the ongoing safe and efficient operation of the site.

The Incorporated Document will clearly determine the development on site. and provides flexibility on timing for construction.

Zoning Anomalies

The amendment corrects zoning and overlay anomalies by rezoning land from the PPRZ to the SUZ5, rezoning land from the MUZ to the PPRZ and deleting the Environmental Audit Overlay (EAO) from land to be rezoned to PPRZ.

North of the current depot site 62-64 Horn Street and between the Council owned PPRZ land is Lot 1 TP164495. This lot contains an access way and storage area. Currently zoned MUZ, the boundaries extend into the neighbouring public recreation area containing a BMX track.

The misalignment of the zone and overlay boundaries to the lot is a historical mapping anomaly. The proposed alignments match current use.

Environmental Audit Overlay

The Environmental Audit Overlay (EAO) will continue to apply to the existing areas of the SP AusNet site and will be removed from the proposed PPRZ land, north of 62-64 Horn Street as it is a planning anomaly. The EAO is not to be applied to the extended SP Ausnet site as no activities in this area are considered to increase the risk of any possible contamination.

Options

Options for Council are to either endorse the proposal as presented which allows safer and more efficient activities by SP Ausnet, or to abandon the amendment, which would risk the loss of a key employer and utility provider to the Shire.

Proposal

That the Council submits the amendment C84 to the South Gippsland Planning Scheme as presented to the Minister for Planning for approval.

FINANCIAL CONSIDERATIONS

SP Ausnet is meeting all costs associated with this amendment.

RISK FACTORS

Nil

CONCLUSION

Implementation into the South Gippsland Planning Scheme by Amendment C84 of this Special Use Zone 5 and its associated Incorporated Document provides certainty and reduces unnecessary planning permit triggers for SP Ausnet.

Development on the site is guided by a new schedule to the Special Use Zone and via an associated Incorporated Document. Any works beyond those addressed in these documents require planning permits.

The successful public engagement by SP Ausnet and Council has fully informed the affected local community and no objections to the proposal have been received.

RECOMMENDATION

That Council:

1. Adopt Amendment C84 SP Ausnet Rezoning and Expansion of Depot Operational Area.
2. Submit Amendment C84 to the Minister for Planning for approval in accordance with the Planning and Environment Act 1987.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Fawcett

SECONDED: Cr Brunt

THAT COUNCIL:

1. **ADOPT AMENDMENT C84 SP AUSNET REZONING AND EXPANSION OF DEPOT OPERATIONAL AREA.**
2. **SUBMIT AMENDMENT C84 TO THE MINISTER FOR PLANNING FOR APPROVAL IN ACCORDANCE WITH THE PLANNING AND ENVIRONMENT ACT 1987.**

CARRIED UNANIMOUSLY

Attachment 1 Special Use Zone Schedule 5

SOUTH GIPPSLAND PLANNING SCHEME

--/20--
C84

SCHEDULE 5 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ5**.

SPI ELECTRICITY PTY LTD LEONGATHA DEPOT

Purpose

To promote the use and development of the the land consistent with the *SPI Electricity Pty Ltd Leongatha Depot 2013 Incorporated Document*.

To provide for the continued used and development of the Leongatha Depot in a manner which minimises the impact on the amenity of the surrounding area.

1.0

Table of uses

--/20--
C84

Section 1 - Permit not required

Use	Condition
Industry	Must be in accordance with the <i>SPI Electricity Pty Ltd Leongatha Depot 2013 Incorporated Document</i>
Minor Utility Installation	
Office	Must be in accordance with the <i>SPI Electricity Pty Ltd Leongatha Depot 2013 Incorporated Document</i>
Store	Must be in accordance with the <i>SPI Electricity Pty Ltd Leongatha Depot 2013 Incorporated Document</i>
Any use listed in Clause 62.01	

Section 2 - Permit required

Use	Condition
Any other use not in Section 1 or 3	Must be in conjunction with a Section 1 use

Section 3 - Prohibited

Use
All other uses

2.0

Use of land

--/20--
C84

Use of land should comply with the Australian Radiation Protection & Nuclear Safety Agency (ARPANSA) standards (or any subsequent update by these agencies).

Application requirements

An application to use land must be accompanied by the following, as appropriate:

- The purpose of the use and the types of activities which will be carried out.
- The likely effects, if any, on adjoining land, including noise levels, air-borne emissions, emissions to land and water, traffic, light spill and glare.

SOUTH GIPPSLAND PLANNING SCHEME

3.0 Buildings and works

--/20--
C84

A permit is not required to construct a building or carry out works if undertaken in accordance with the *SPI Electricity Pty Ltd Leongatha Depot 2013 Incorporated Document*.

4.0 Exemption from notice and review

--/20--
C84

An application under any provision of this scheme which is generally in accordance with the *SPI Electricity Pty Ltd Leongatha Depot 2013 Incorporated Document* is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

5.0 Decision Guidelines

--/20--
C84

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works or the approval of a plan prepared in accordance with the requirements of Clause 3.0 of this schedule, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The *SPI Electricity Pty Ltd Leongatha Depot 2013 Incorporated Document*.
- The views of South Gippsland Water
- The interface with adjoining areas, especially the relationship with residential and recreation areas.
- The interface with the streetscape, including the location of access points at the property boundaries and the landscaping of land adjoining a road.
- The design and elevation treatment of buildings and their appurtenances.
- The illumination of buildings and their immediate spaces.
- The drainage of the land.
- The effect of traffic to be generated on roads.
- Provision for vehicles providing for supplies, waste removal and emergency services.

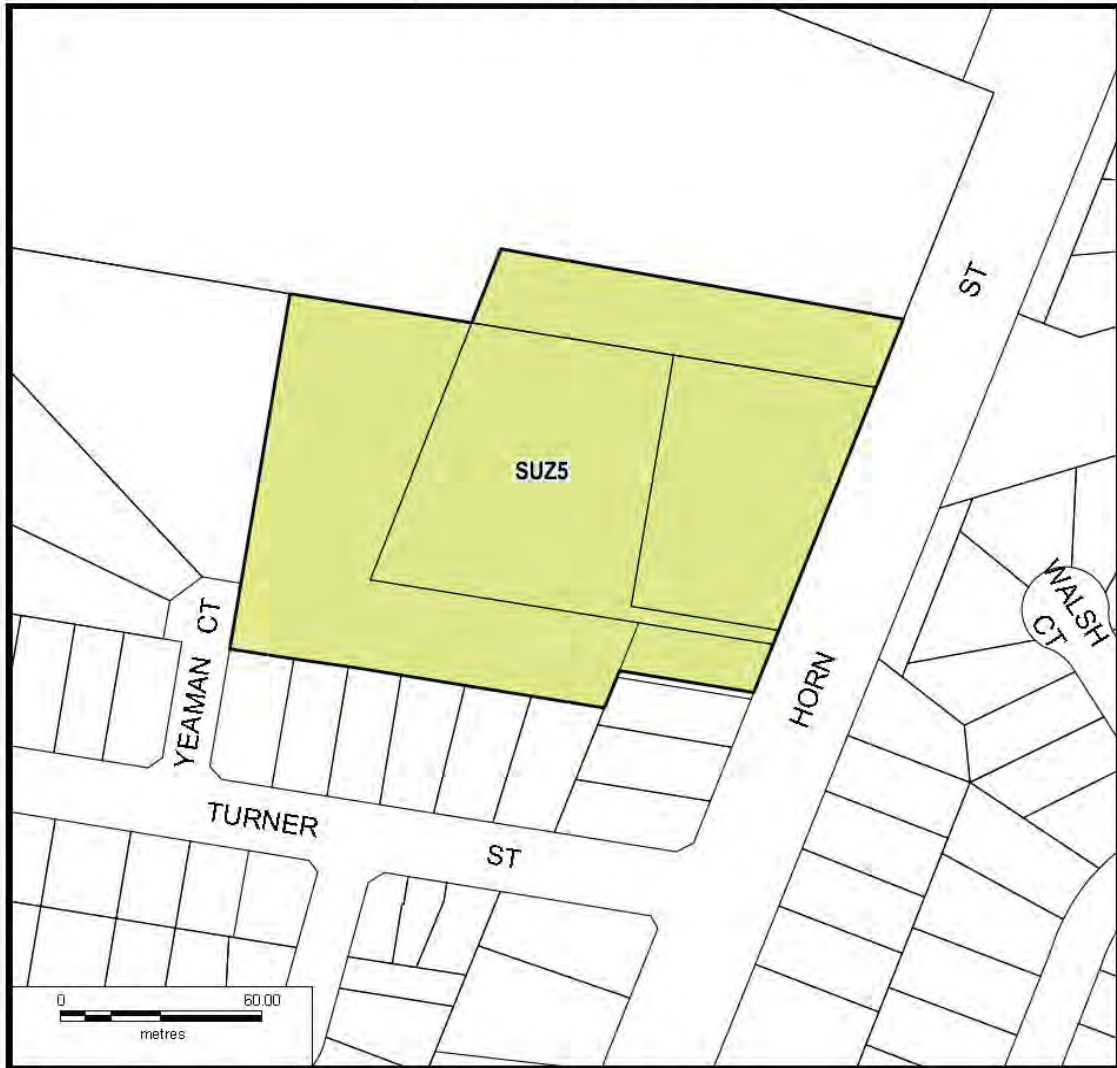
6.0 Advertising signs

--/20--
C84

Advertising sign requirements are at Clause 52.05. This zone is in Category 2.

**Attachment 2
Special Use Zone Rezoning**

**SOUTH GIPPSLAND PLANNING SCHEME
LOCAL PROVISION**



Part of Planning Scheme Map 16

LEGEND

SUZ5	SPECIAL USE ZONE - SCHEDULE 5
-------------	----------------------------------

AMENDMENT C84

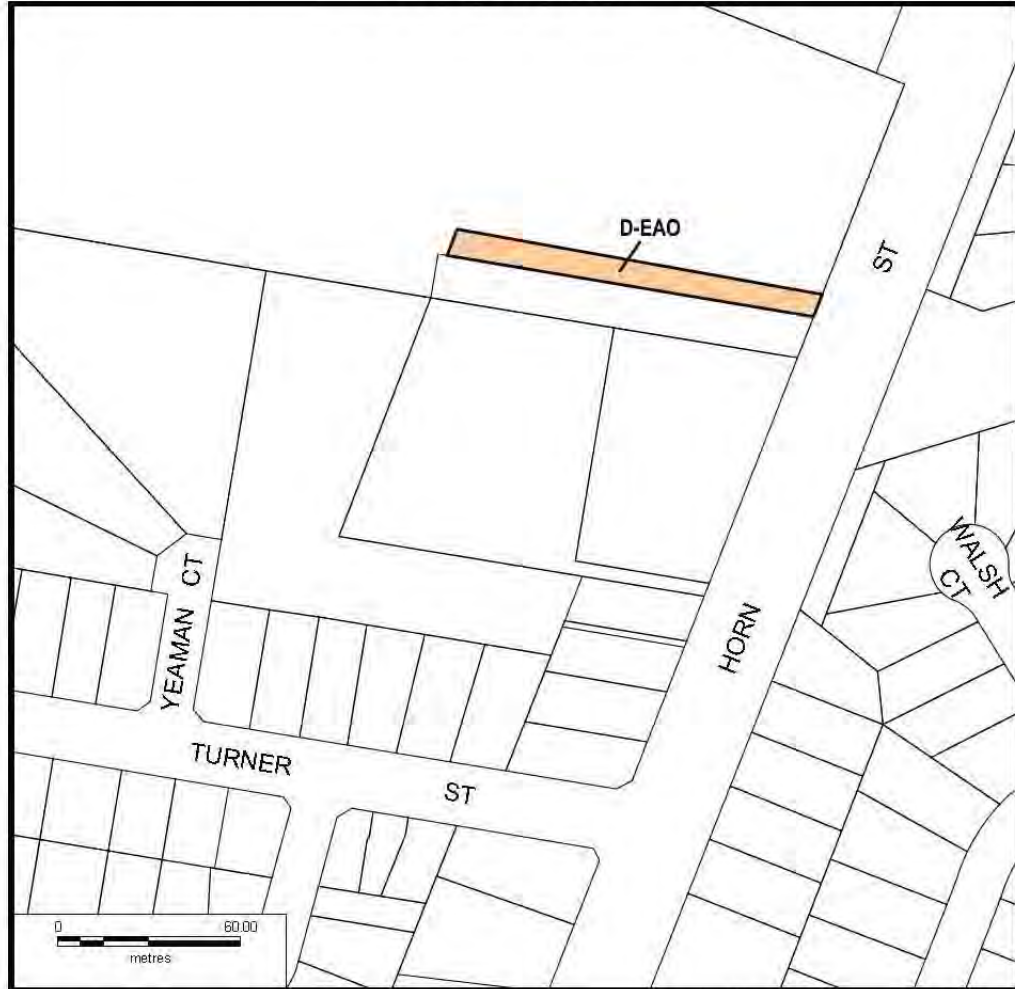
| Amendments Co-ordination Team |
| Planning & Building Systems |
| Planning, Building & Heritage |



001

**Attachment 3
Deletion of Environmental Audit Overlay**

**SOUTH GIPPSLAND PLANNING SCHEME
LOCAL PROVISION**



Part of Planning Scheme Map 16EAO

LEGEND

D-EAO DELETE ENVIRONMENTAL AUDIT OVERLAY

AMENDMENT C84

| Amendments Co-ordination Team |
| Planning & Building Systems |
| Planning, Building & Heritage |



002

**Attachment 4
Submission from Mr Ken Prain**



Leongatha



RECEIVED
24 MAY 2013
PLANNING



Re : Meeting with SP AusNet

Dear

Regarding the meeting held at SP AusNet on the 13th of May at their office in Horn Street Leongatha .

We would like to confirm with you that the back wall of the warehouse shed is to be of a concrete structure and the maximum height of the building is not to be any higher than 3.0 meters above a 1.8 meter boundary fence . We would prefer if the roof was to be of a pitch form and would be in our favour for it to run in a north / south direction .

The tree selection at the back of the warehouse shed is to be of trees which would not impede on the fence or the trees in our yard.

SP AusNet have said that the Air conditioners will be fitted at the north side of the buildings which would be fine as the noise factor would be kept to a minimum .

We are satisfied with the out come of this meeting with and We feel our concerns have been addressed and appreciate SP AusNet's offer to discuss any other questions in the future .

Yours sincerely

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

Nil

G.2 ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

Nil

CLOSED SESSION

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

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

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

ITEM 1 2012/2013 COMMUNITY GRANTS ROUND 2 ALLOCATION

ITEM 2 MATTER WHICH THE COUNCIL CONSIDERS WOULD PREJUDICE COUNCIL OR ANY PERSONS

MOVED: Cr Fawcett

SECONDED: Cr Newton

THAT COUNCIL CLOSE THE MEETING TO THE PUBLIC TO ALLOW FOR CONSIDERATION OF TWO ITEMS THAT COUNCIL CONSIDERS WOULD PREJUDICE COUNCIL OR ANY PERSONS PURSUANT TO SECTION 89(2)(h) AS PROVIDED FOR BY THE LOCAL GOVERNMENT ACT 1989.

CARRIED UNANIMOUSLY

SECTION H - MEETING CLOSED

NEXT MEETING

The next Ordinary Council Meeting open to the public will be held on Wednesday, 24 July 2013 commencing at 2pm in the Council Chambers, Leongatha.

Meeting closed at 6.50pm.

CONFIRMED:.....

CR KIERAN KENNEDY – MAYOR

Date:.....