



*South Gippsland*  
Shire Council

*Come for the beauty, Stay for the lifestyle*

# **COUNCIL AGENDA PAPERS**

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**22 July 2015**

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**ORDINARY MEETING NO. 393  
COUNCIL CHAMBERS, LEONGATHA  
COMMENCING AT 2PM**

## ***MISSION***

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

# SOUTH GIPPSLAND SHIRE COUNCIL

**NOTICE IS HEREBY GIVEN THAT ORDINARY MEETING NO. 393  
OF THE SOUTH GIPPSLAND SHIRE COUNCIL WILL BE HELD ON  
22 JULY 2015 IN THE COUNCIL CHAMBERS, LEONGATHA  
COMMENCING AT 2PM**

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**Tim Tamlin**  
**Chief Executive Officer**

## **SECTION A - PRELIMINARY MATTERS**

### **A.1 WELCOME**

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

### **A.2 OPENING PRAYER**

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

Amen

### **A.3 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS**

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

### **A.4 APOLOGIES**

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

#### **RECOMMENDATION**

That the Minutes of the South Gippsland Shire Council Special Meeting of Council, held on 10 June 2015 in the Council Chambers, Leongatha and the Minutes of the Ordinary Meeting No. 392, held on 24 June 2015 in the Council Chambers, Leongatha be confirmed.

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

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

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

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

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

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

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

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

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

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

## Privacy

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

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

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

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

## **A.9 PETITIONS**

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

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

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

## **A.10 COUNCILLOR REPORTS**

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

**Nil**



## **SECTION C - COMMITTEE REPORTS**

**Nil**

## **SECTION D – PROCEDURAL REPORTS**

### **D.1 REPORT ON ASSEMBLY OF COUNCILLORS - MAY AND JUNE 2015**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

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

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

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

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

- Nil

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

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

#### **COUNCIL PLAN**

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

**REPORT**

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 13 May 2015</b>		
<p><b>Arts Network Meeting</b></p> <p><b>Venue:</b> Korumburra Community Meeting Rooms</p>	<p><b>Councillors Attending:</b> Cr McEwen</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Arts Forum – 30 May invitation and update</li> <li>• Community Engagement Conference 27 June, invitation and update</li> <li>• Creative Gippsland update</li> <li>• Individual Art community update</li> </ul>
<b>Saturday 30 May 2015</b>		
<p><b>South Gippsland Arts Forum</b></p>	<p><b>Councillors Attending:</b> Cr Harding, Hutchinson-Brooks, Hill, McEwen and Davies.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• South Gippsland Shire Council Arts Policy and Future Arts Strategy</li> <li>• Art and Cultural Tourism and its importance to South Gippsland</li> <li>• The diversity of arts available in South Gippsland</li> </ul>

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 3 June 2015</b>		
<b>Waratah Bay Caravan Park Update</b>	<p><b>Councillors Attending:</b></p> <p>Crs Fawcett, Kennedy, Brunt, Harding, McEwen and Davies.</p> <p><b>Conflict of Interest:</b></p> <p>Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <p>Councillors were provided information on transition plan including community engagement.</p>
<b>Executive Update</b>	<p><b>Councillors Attending:</b></p> <p>Crs Fawcett, Kennedy, Brunt, Harding, McEwen and Davies.</p> <p><b>Conflict of Interest:</b></p> <p>Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <p>Korumburra access centre</p>
<b>Council Timetable for June/ July 2015</b>	<p><b>Councillors Attending:</b></p> <p>Crs Fawcett, Kennedy, Brunt, Harding, McEwen, Hill and Davies.</p> <p><b>Conflict of Interest:</b></p> <p>Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Councillor timetable for June/ July 2015</li> </ul>
<b>Foster Pool Review</b>	<p><b>Councillors Attending:</b></p> <p>Crs Fawcett, Kennedy, Brunt, Harding, Hill, McEwen and Davies.</p> <p><b>Conflict of Interest:</b></p> <p>Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <p>Councillors were provided information on Foster Swimming pool management models.</p>

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 3 June 2015</b>		
<b>Pool Contract Single Contract Outcomes</b>	<p><b>Councillors Attending:</b></p> <p>Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hill and Davies.</p> <p><b>Conflict of Interest:</b></p> <p>Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <p>Councillors were provided information on operating conditions during the 2014/15 season.</p>
<b>Compulsory Kerbside Collection Service for Venus Bay</b>	<p><b>Councillors Attending:</b></p> <p>Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hill and Davies.</p> <p><b>Conflict of Interest:</b></p> <p>Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <p>Councillors were provided information on kerbside collection service levels at Venus Bay and ongoing issues associated with dumping of household waste in and around public litter bins in Venus Bay and Tarwin Lower.</p>
<b>Planning Committee</b>	<p><b>Councillors Attending:</b></p> <p>Crs Harding, Davies, Kennedy, Brunt, Newton, Fawcett and Hill.</p> <p><b>Conflict of Interest:</b></p> <p>Two staff members declared a conflict of interest and left the room in respect of C89 Walkerville Rezoning.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Strategic Planning Project List</li> <li>• PSA C108 Koonwarra Agricultural Services Precinct – Special Use Zone</li> <li>• Planning Applications of Significance</li> <li>• Decisions for April 2015</li> <li>• VCAT Decisions</li> <li>• Amendment to Compliance and Enforcement Policy</li> </ul>

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 17 June 2015</b>		
<b>Ordinary Council Agenda Topics Discussion 24 June 2015</b>	<p><b>Councillors Attending:</b></p> <p>Crs Fawcett, Kennedy, Brunt, Harding and Davies.</p> <p><b>Conflict of Interest:</b></p> <p>Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Councillors considered Ordinary Council Agenda topics for 24 June 2015 Meeting</li> </ul>
<b>Executive Update</b>	<p><b>Councillors Attending:</b></p> <p>Crs Fawcett, Kennedy, Brunt, Harding and Davies.</p> <p><b>Conflict of Interest:</b></p> <p>Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Environment Committee and Burra Foods</li> <li>• Bald Hills Wind Farm</li> </ul>
<b>Final Strategic Direction for Aquatic Facilities in South Gippsland 2015 – 2020</b>	<p><b>Councillors Attending:</b></p> <p>Crs Fawcett, Kennedy, Brunt, Harding, Hill and Davies.</p> <p><b>Conflict of Interest:</b></p> <p>Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <p>Councillors were provided the revised draft Aquatic Strategy.</p>
<b>Local Government Section 223 Hearing of submissions in respect of <i>Proposed Discontinuance of Government Road, Part of Flinders Street, Korumburra</i></b>	<p><b>Councillors Attending:</b></p> <p>Crs Fawcett, Kennedy, Brunt, Harding, Hill and Davies.</p> <p><b>Conflict of Interest:</b></p> <p>Nil disclosed.</p>	
<b>Councillors present heard a submission made from Neil Olsen.</b>		

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 17 June 2015</b>		
<b>Toora Dredging</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Kennedy, Brunt, Harding, Hill and Davies.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Councillors were provided information on the current progress for the dredging of the access channel at the Toora boat ramp.</p>
<p><b>Public Presentations</b></p> <p><b>OPEN DAY SESSION</b></p>	<p><b>Councillors Attending:</b> Crs Fawcett, Kennedy, Brunt, Harding, Hill and Davies.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	
<p><b>Presentations were made to Council by the following community members:</b>  <b>Adrian Fyfe</b>, regarding Council Budget 2015 – 2016.  Neil Shaw, regarding Council Agenda Item E.4SPECIAL (SECTION 86) COMMITTEE REVIEW - T P TAYLOR COMMUNITY FACILITY AND RESERVE SPECIAL COMMITTEE.  <b>Paul Norton</b> regarding Leongatha Heavy Vehicle Alternate.</p>		
<b>Executive Update</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Kennedy, Brunt, Harding, Hill and Davies.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Legal proceedings (Cr Hill not present)</li> <li>• Caravan Parks Update</li> <li>• Long Jetty grant application</li> </ul>
<b>Councillor CEO session</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Kennedy, Brunt, Harding, Hill and Davies.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Councillor information provision</p>

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Friday 26 June 2015</b>		
<b>Access &amp; Inclusion Advisory Committee</b>	<p><b>Councillors Attending:</b></p> <p>Cr Brunt</p> <p><b>Conflict of Interest:</b></p> <p>Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Deaf and hearing impaired awareness of approximately 20 people in SGSC.</li> <li>• Budget for interpreters at significant Council events and to ensure Emergency Management Communications include interpreter service.</li> <li>• Resources available to support the deaf and hearing impaired.</li> </ul>
<b>Wednesday 24 June 2015</b>		
<b>Ordinary Council Agenda Topics Discussion</b>	<p><b>Councillors Attending:</b></p> <p>Crs Hill, Harding, Brunt, Davies, Kennedy, Fawcett, McEwen, Newton and Hutchinson - Brooks.</p> <p><b>Conflict of Interest:</b></p> <p>Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <p>Councillors considered Ordinary Council Agenda topics for 24 June 2015 Meeting.</p>



Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 24 June 2015</b>		
<b>Public Presentation Session</b>	<b>Councillors Attending:</b>  Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks, Hill and Davies.	
<b>OPEN DAY SESSION</b>	<b>Conflict of Interest:</b>  Nil disclosed.	
<p><b>Presentations were made to Council by the following community members:</b></p> <p><b>Paul Norton</b> regarding Council Agenda Item E.7 POLICY REVIEW &amp; ADOPTION - C20 HEAVY VEHICLE USAGE ON COUNCIL CONTROLLED ROADS.</p> <p><b>Fergus O'Connor, Ron Wangman, Ursula Camburn, Lorraine Hebenac and Roger Davis</b> regarding Council's position and advocacy regarding Coal Seam Gas. Mr O'Connor submitted questions and they have been responded to in <b>Attachment 1</b>.</p> <p><b>David Amor</b> in regards to Korumburra and Council Agenda Item E.1 ADOPTION OF ANNUAL BUDGET 2015-2016, DECLARATION OF RATES AND CHARGES AND UPDATED STRATEGIC RESOURCE PLAN.</p>		
<b>Ordinary Council Agenda Topics Discussion</b>	<b>Councillors Attending:</b>  Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks, Hill and Davies.  <b>Conflict of Interest:</b>  Nil disclosed.	<b>Topics Discussed:</b>  Councillors considered Ordinary Council Agenda topics for 24 June 2015 Meeting.

**RECOMMENDATION**

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

**STAFF DISCLOSURE OF INTEREST**

Nil

## Attachment 1

### Fergus O'Connor, representing Coal and CSG Free Mirboo North

#### Question:

**What action does the Council intend to take with regard to issuing of the coal mining exploration license to Mantle Mining? Does the Council intend to support the Mirboo North district community in their opposition to Coal and CSG exploration?**

#### Response:

In 2012 following a resolution of Council, an Objection was made to Mantle Mining Application ELA 5428. Council registered its strong objection, on behalf of the community we represent.

On 15 June 2015, Council received advice from the Department of Economic Development, Jobs, Transport & Resources as follows:

*I refer to your objection to the grant of Exploration Licence Application EL5428 and advise that as the delegate of the Minister I have granted the licence for five years. This followed consultation with the licence applicant, specifically in relation to the nature of objections raised. As a result, the licensee reduced the area covered by its application, to exclude the township of Mirboo North. **The granted licence does not include the township of Mirboo North.***

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

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

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

This report details Councillors allocations for the period between 06 June 2015 and 30 June 2015.

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

Councillor Discretionary Fund Policy 2014

### **COUNCIL PLAN**

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

### **REPORT**

The following applications have been allocated funding from the Councillor's 2014/2015 Discretionary Fund for the period between 06 June 2015 and 30 June 2015.

1. Stockyard Gallery: To assist with costs of promoting and opening night activities for the NAIDOC Exhibition.  
  
Cr Mohya Davies - \$100
2. Welshpool Memorial Hall committee: Assist with upgrade to signage and occupational health and Safety equipment for the hall.  
  
Cr Jeanette Harding - \$600
3. Poowong Loch Junior Football Club: To assist with costs associated with commencing the newly formed club.  
  
Cr Lorraine Brunt - \$105  
  
Cr Andrew McEwen - \$50

## **FINANCIAL CONSIDERATIONS**

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

## **CONCLUSION**

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

1. Cr Mohya Davies - \$100
2. Cr Jeanette Harding - Nil
3. Cr Kieran Kennedy – Nil
4. Cr Lorraine Brunt - Nil
5. Cr Robert Newton - Nil
6. Cr Andrew McEwen - Nil
7. Cr James Fawcett - Nil
8. Cr Don Hill - Nil
9. Cr Nigel Hutchinson-Brooks - Nil
10. Mayoral Fund - Nil

## **RECOMMENDATION**

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

## **STAFF DISCLOSURE OF INTEREST**

Nil

### **D.3 DOCUMENTS SEALED AND CONTRACTS AWARDED OR VARIED BY THE CHIEF EXECUTIVE OFFICER - JUNE 2015**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

This document reports to Council the following actions undertaken by the Chief Executive Officer (CEO) which occurred during June 2015, as required by the Council's Instrument of Delegation to the Chief Executive Officer and Procurement Policy:

- Documents sealed;
- Contracts awarded after a public tender process within the CEO's delegation; and
- Contracts varied by the CEO which exceeded the CEO's delegation.

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

- Local Government Act 1989 - Section 5 and 186 (the Act)
- Local Law No. 3 2010 Processes of Municipal Government (Meeting Procedures and Common Seal)
- South Gippsland Shire Council Procurement Policy
- South Gippsland Shire Council Instrument of Delegation to the Chief Executive Officer

#### **COUNCIL PLAN**

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

#### **REPORT**

##### **Documents Sealed**

Under the Act, each Council is a body corporate and a legal entity in its own right. Each Council must have a common seal (like any corporate entity) that is an official sanction of that Council. All courts, judges and persons acting judicially must take judicial notice of the imprint of the common seal of a Council on any document.

Sealing a document makes it an official document of Council as a corporate body. Documents that require sealing may include agreements, contracts, leases or any other contractual or legally binding document that binds Council to another party.

Local Law No. 3 2010, Part 9, Section 107 (f) (iv) – The Common Seal of Council, states that ‘If the Chief Executive uses the Common Seal in a manner prescribed by sub-clause (c) then he/she must advise Council of such use on a regular basis.’ Council’s Instrument of Delegation to the CEO also delegates to the CEO the power to ‘use the Common Seal of Council subject to that use being reported to Council.

In accordance with the Local Law and Instrument of Delegation, the following are presented to Council as documents sealed in the month of June 2015.

1. Deed of Release between South Gippsland Shire Council and the proprietor of the land at 5 Little Princes Street, Korumburra in relation to the acquisition of this land – Seal Applied 25 June 2015.
2. Section 173 Agreement between South Gippsland Shire Council and the Owners of 69 Ash Avenue, Sandy Point in relation to the development of a single dwelling – Seal Applied 26 June 2015.
3. Section 173 Agreement between South Gippsland Shire Council and the Owners of 4-12 Goochs Road, Jumbunna in relation to the subdivision of land to create 9 lots – Seal Applied 26 June 2015.
4. Section 173 Agreement between South Gippsland Shire Council and the Owners of 1 Telopea Drive, Sandy Point in relation to the development of a dwelling – Seal Applied 26 June 2015.

### **Contracts awarded after a public tender process within the CEO’s delegation**

The CEO's delegation of power from the Council allows the CEO to award contracts up to the value of \$250,000 (inclusive of GST). The delegation requires all contracts awarded after a public tender process that are within the CEO’s delegation to be reported to Council at the Council meeting immediately after the contract is awarded.

Council’s Procurement Policy requires recording in the Council Minutes all contracts over the statutory threshold set out in the Act (\$150,000 inclusive of GST for goods and services and \$200,000 inclusive of GST for works) for a public tender which shows the contracts purpose (a brief description of the goods, services and works that is being procured), the successful tenderer (and ABN), contract length and the total contract price.

Further, Council’s Procurement Policy requires ‘that Council will also not disclose information about procurements below the statutory thresholds, however, to ensure compliance with Council’s Instrument of Delegation to the

CEO, it will be noted in this report that a contract has been awarded following a public tender.

There were no contracts awarded under the CEO's delegation during June 2015 following a public tender.

### **Contract variations approved by the CEO**

Council's Procurement Policy authorises the CEO to approve any necessary variations to a contract which exceeds the CEO's delegation, to allow the proper fulfilment of the contract, subject to this variation being reported to the next practicable Council Meeting.

There are no contract variations which exceeded the CEO's delegation, made by the CEO during June 2015.

### **RECOMMENDATION**

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

### **STAFF DISCLOSURE OF INTEREST**

Nil

## SECTION E - COUNCIL REPORTS

### E.1 SOUTH GIPPSLAND SHIRE COUNCIL COMMUNITY SATISFACTION SURVEY RESULTS 2015

Corporate and Community Services Directorate

#### EXECUTIVE SUMMARY

The purpose of this report is to present to Council the results of the South Gippsland Shire Council Community Satisfaction Survey results for 2015 (the 2015 Survey) (**Appendix 1**).

Performance on all core measures is relatively stable in 2015 compared to past years, with 'Advocacy' the only significant shift of a four point decline compared to the 2014 results. Council's performance on all core measures remains lower than the Large Rural group and the State-wide average.

The results for the State-wide averages and those of Large Rural councils also remain relatively stable with a general reduction of one to two points in many of the core performance measures. This correlates with South Gippsland Shire Council's results that have also seen a general reduction of one or two points across various core measures along with a couple of increases by the same margins.

Results for a number of the performance areas from the 2015 Survey will be captured against indicators in Council's Local Government Performance Reporting Framework (LGPRF) for 2014-2015. These will be included in the 2014-2015 Annual Report and on the State Government's 'My Council' website.

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

- **Appendix 1** - Local Government Community Satisfaction Survey - South Gippsland Shire Council - 2015 Research Report

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

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

- Local Government Act, 1989 Part 6
- Local Government (Planning and Reporting ) regulations 2014

#### INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- South Gippsland Shire Council - Council Plan 2013 - 2017
- South Gippsland Shire Council - Annual Budget 2014 - 2015



## **COUNCIL PLAN**

Outcome:	4.0	A Leading Organisation
Objective:	4.2	Pursue best practice in organisational development and operations of the organisation.
Strategy:	4.2.3	We will make informed decisions and provide opportunities for the community to participate in the decision making process.

## **CONSULTATION**

The 2015 survey was undertaken by an independent market research consultancy, JWS Research commissioned by the Department of Environment, Land, Water and Planning on behalf of Victorian councils.

The 2015 survey was conducted as a representative random probability survey of residents aged 18+ years in South Gippsland Shire between 1 February 2015 and 30 March 2015 by telephone interview with 400 residents.

Council was provided an opportunity to include additional survey questions. Council opted to add a question asking participants to articulate the most important of five key Council functions for their family. Council also included a question asking participants to choose between rate rises versus service cuts.

Council has been provided with a brief of the results of the 2015 Survey on 1 July 2015.

## **REPORT**

### **Background**

Each year Local Government Victoria (LGV) coordinates and auspices the State-wide Local Government Community Satisfaction Survey throughout Victorian local government areas. This coordinated approach allows for far more cost effective surveying than would be possible if councils commissioned their own surveys individually.

The main objectives of the survey are to assess the performance of South Gippsland across a range of measures and to seek insight into ways to provide improved or more effective service delivery. The survey also provides councils with a means to fulfil some of their statutory reporting requirements. These results also act as a feedback mechanism to LGV.

Council's results are compared against the State-wide average and the Large Rural councils. Council groupings have changed for 2015. The Large Rural councils now consist of Bass Coast, Baw Baw, Campaspe, Colac Otway, Corangamite, East Gippsland, Glenelg, Golden Plains, Horsham, Macedon Ranges, Mitchell, Moira, Moorabool, Mount Alexander, Moyne, South

Gippsland, Southern Grampians, Surf Coast, Swan Hill, Wangaratta and Wellington.

## **Discussion**

### **1. Overall Summary of Results**

Performance on all core measures is relatively stable in 2015 compared to past years, with 'Advocacy' the only significant shift of a four point decline compared to the 2014 results. Council's performance on all core measures remains lower than the Large Rural group and the State-wide average.

57% of participants indicated they, or a member of their household, had been in contact with Council in the past 12 months. 43% indicated they had not been in contact with Council over the past 12 months.

Higher results in 2015 were for 'Overall Council Direction' and 'Customer Service'. Lower results were for 'Advocacy' and 'Community Consultation'.

In 2015 the 18-34 year aged bracket are the most favourably disposed towards Council. The 50-64 year aged bracket are the least favourably disposed towards Council.

Tarwin Valley Ward and Strzelecki Ward participants indicated higher satisfaction results, while Coastal-Promontory Ward participants were least satisfied with Council's performance.

Two additional core measures have been included in 2015. South Gippsland has achieved significantly lower scores than the Large Rural council average and also the State-wide council average on both new indicators 'Sealed Local Roads' and 'Decisions Made in the Best Interest of the Community'.

### **2. 2015 Rate Rise Versus Service Cut**

Council included an optional question in the 2015 Survey that asked:

*"If you had to choose, would you prefer to see Council rates rise to improve local services OR would you prefer to see cuts in Council services to keep rates at the same level as they are now?"*

24% of participants indicated they would definitely prefer (6%) or probably prefer (18%) rate rises, while 51% indicated they would probably prefer (21%) or definitely prefer (30%) service cuts. 25% of respondents couldn't say a preference. Coastal Promontory Ward participants included the highest percentage (46%) of participants that couldn't say a preference.

The State-wide average indicated 33% of participants would definitely prefer (10%) or probably prefer (23%) rate rises, while 48% indicated they would probably prefer (22%) or definitely prefer (26%) service cuts. 18% of respondents couldn't say a preference.

The Large Rural average indicated 29% of participants would definitely prefer (8%) or probably prefer (21%) rate rises, while 51% indicated they would probably prefer (23%) or definitely prefer (28%) service cuts. 19% of respondents couldn't say a preference.

### 3. Summary Results for Key Core Performance Measures

Outlined in the table below is a summary of results for the 2014 survey comparing Council's performance against the results it received in 2012 and 2013 against the Large Rural Shires Average and State-wide Average for 2014.

<b>Performance Measures</b>	<b>SGSC 2012</b>	<b>SGSC 2013</b>	<b>SGSC 2014</b>	<b>SGSC 2015</b>	<b>Large Rural Shires Average 2015</b>	<b>State-wide Average 2015</b>
<b>Overall Performance</b>	50	48	49	49	56	60
<b>Community Consultation</b>	53	54	51	49	54	56
<b>Advocacy</b>	51	51	49	45	53	55
<b>Making Community Decisions</b>	n/a	n/a	n/a	44	52	55
<b>Sealed Local Roads</b>	n/a	n/a	n/a	27	45	55
<b>Customer Service</b>	65	68	63	65	67	70
<b>Overall Council Direction</b>	43	42	42	44	51	53

The following demographic information can be noted in relation to the key core performance measures:

- a. Overall performance: at an Index Score (IS) of 49 for 2015 South Gippsland Shire (SGSC), remained the same as 2014. This score has not moved by more than a point or two in the last four years. SGSC was rated below the State-wide average of 60 (down from 61 in 2014) and the average Large Rural Shires group of 56 (down

from 57 in 2014). Please also note the average ratings from the following age groups and Wards.

- i. Highest: amongst residents aged 18-34 year olds (56).
  - ii. Lowest: amongst residents aged 50-64 (43) and Coastal-Promontory Ward (44).
- b. Community consultation and engagement: at an IS of 49 SGSC for 2014 saw a decrease from 51 in 2014. This index has trended down each year since 2012. It remains below the State Average of 56 (down from 57 in 2014) and Large Rural Shires group of 54 (down from 56 in 2014). Please also note the average ratings from the following age, gender and Ward groups.
- i. Highest: residents aged 18-34 (53) and Tarwin Valley Ward (51).
  - ii. Lowest: amongst residents aged 50-64 (42) and Coastal Promontory Ward (44).
- c. Advocacy/Lobbying: at an IS of 45 saw a significant decrease from 49 in 2014 and the 2012 result of 51. It was rated well below the State-wide average of 55 (down from 56 in 2014) and the average Large Rural Shires group of 53 (down from 54 in 2014). Please also note the average ratings from the following age and Ward groups.
- i. Highest: amongst residents aged 18-34 (48) and Tarwin Valley Ward (46) and Strzelecki Ward (46).
  - ii. Lowest: amongst residents aged 50-64 (40) and Coastal Promontory Ward (41).
- d. Customer service: at an IS of 65, SGSC increased by 2 points from a 2014 score of 63, rating below the State Average of 70 (down from 72 in 2014) and the Large Rural Shires group average of 67 (down from 68 in 2014). Please also note the average ratings from the following age, gender and Ward groups.
- i. Highest: amongst residents aged 35-49 (68) and 65+ (67). Highest amongst Strzelecki Ward (67) and Men (67).
  - ii. Lowest: amongst residents aged 50-64 (59).
- e. Overall Council Direction: at an IS of 44, is a 2 point increase from 2014 score. It remains rated below the State Average of 53 and Large Rural Shires group average of 51 (both unchanged from 2014).

- i. Highest: amongst residents aged 18-34 (56), Strzelecki Ward (47) and Men (46).
  - ii. Lowest: amongst residents from Coastal-Promontory Ward (37) and residents aged 50-64 (39) and 65+ (39).
- f. Performance on the condition of 'Sealed Local Roads' was the lowest of any core measure with an index score of 27, which is less than half the State-wide average score of 55 on this issue and significantly lower than the Large Rural council index of 45.
- i. Highest amongst residents aged 65+ (32), Men (30) and Tarwin Valley Ward (28).
  - ii. Lowest amongst residents aged 18-34 (21) and Women (23).
- g. The index score on 'Decisions Made in the Best Interest of the Community' was 44. The State-wide average is 55 and the Large Rural council index is 52
- i. Highest amongst residents aged 18-34 (47) and Tarwin Valley Ward (46).
  - ii. Lowest amongst residents aged 50-64 (39) and Coastal-Promontory Ward (41).

#### **4. Tailored Survey Question Results**

Council incorporated a tailored question into the Local Government Community Satisfaction Survey for South Gippsland Shire Council, to gain a demographically based representative random survey to the following question:

*In your opinion, which ONE of the following five key Council functions is the MOST important to your family?*

1. *Promoting tourism and economic and employment development of the Shire;*
2. *Providing for the good planning and orderly development of the Shire;*
3. *Provision of a range of community services, such as recreation, youth, family, aged and environmental services as examples;*
4. *Provision of physical infrastructure, such as roads, footpaths, drainage and bridges as examples;*
5. *Provision of a smaller number of basic services and a greater reduction of rates.*

Council asked the same question in the second OurSay community engagement activity. In that survey Council was able to ask participants to

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rank all five functions in priority order. This option was cost prohibitive in the State Government survey, so participants were asked to vote for only the 'Most Important' function for their family.

The correlation between the two survey results is pretty similar for Priority 1 (Most Important), except the State Government survey shows there is a bigger gap with more people indicating 'Infrastructure' is more important than 'Community Services', and the OurSay results had 'Provision of Basic Services/Reduced Rates' higher than both 'Good Planning' and 'Promoting Tourism/Economic/Education'. See below for the summary of the 'Most Important' functions for both surveys:

<b><i>Most Important Function</i></b>	<b><i>OurSay</i></b>	<b><i>State Govt.</i></b>
<i>Provision of physical infrastructure, such as roads, footpaths, drainage and bridges as examples</i>	30.82%	43%
<i>Provision of a range of community services, such as recreation, youth, family, aged and environmental services as examples;</i>	26.28%	22%
<i>Providing for the good planning and orderly development of the Shire;</i>	15.33%	14%
<i>Provision of a smaller number of basic services and a greater reduction of rates</i>	18.18%	9%
<i>Promoting tourism and economic and employment development of the Shire</i>	13.82%	8%

### **Proposal**

It is proposed that Council note the 2015 Survey results for the core performance measures and the findings of the tailored question and optional additional 'Rate Rise versus Service Cut' question.

These results, along with the verbatim comments once they are received, will be used to inform the LGPRF report, Council's Annual Report, educative material for the community, future community engagement activities and other plans and strategies of Council, as relevant.

### **FINANCIAL CONSIDERATIONS**

Provision for Council's participation in the 2015 Community Satisfaction Survey is included in current and forward budgets.

### **RISKS**

It is important for Council to fully understand the needs and views of the community to deliver improved services. The survey results are a beneficial

source of feedback outlining areas where Council can improve to better meet its service objectives and manage its risks.

Ongoing below average levels of community satisfaction with Council performance or understanding of Council's improvement initiatives will hamper Council and community efforts to work effectively together to achieve common objectives.

### **CONCLUSION**

The results from the 2015 survey indicate the community's satisfaction with Council's performance against the survey's core performance measures continues to be below the average of the Large Rural council group and the State-wide council average.

### **RECOMMENDATION**

**That Council:**

- 1. Note the results of the South Gippsland Shire Council in the 2015 Community Satisfaction Survey (Appendix 1);**
- 2. Include the relevant results in the South Gippsland Shire Council 2015 Local Government Performance Reporting Framework report.**
- 3. Analyse the results to determine if there are any improvement opportunities in raising Council's performance as measured in the survey.**

### **STAFF DISCLOSURE OF INTEREST**

Nil

## **E.2 FINAL STRATEGIC DIRECTION FOR AQUATIC FACILITIES IN SOUTH GIPPSLAND 2015 - 2020**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

Council resolved in April 2014 to bring forward the revision of the 2012/2016 Strategic Direction for Aquatic Facilities in South Gippsland.

The implementation of the original Strategy has been reviewed, and the community and Councillors have been involved in informing revisions to the Strategy.

The revised Strategy improves clarity on how communities can support the provision of aquatic services, and on what happens if a specific pool activates a trigger that requires investigation by Council.

The Strategy recommends that Council continues to support 6 pools in the Shire. Further, it recommends establishing Pool Support Groups which will replace the current Section 86 Special committees with the intention of strengthening the partnership between Council, local communities and pool operators.

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

- **Attachment 1** - Summary of Submissions
- **Appendix 1** - Strategic Direction for Aquatic Facilities in South Gippsland 2015/2020
- **Appendix 2** - Current Aquatic Facility Provision and Projected Costs
- **Confidential Appendix 1** - Full Submissions

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

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

- Recreation Plan/Strategy 2007
- Municipal Health and Wellbeing Plan 2013/17

### **COUNCIL PLAN**

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



Strategy:           3.1.6   We will refine the provision of Council services through reviews focused on evolving community needs, realistic and affordable service standards and efficient management of resources.

## **CONSULTATION**

Direct consultation on the draft Strategy was undertaken with the Combined Pools Committee, and public submissions were invited with 10 received between 30 March and 27 May. A summary of the submissions is attached (**Attachment 1**).

Council has discussed the outcomes of the community consultation at the Strategic Briefings on 6 May 2015 and 17 June 2015. Extensive consultation has been undertaken with Councillors via the Financial Sustainability Committee during September to December 2014.

Community input into operations of Council pools has been provided over the last 3 years through development of master plans for four pools, direct engagement with Section 86 committees and pool volunteers and the "Our Say" engagement process.

## **REPORT**

### **BACKGROUND**

Council established a Strategic Direction for Aquatic Facilities in South Gippsland in 2012, which was to be reviewed in 2016/17. Council resolved in April 2014 to bring forward the review to 2014/15.

The revised strategy endorses the key elements of the 2012 Strategy, including continued investment in all current facilities but with a set of key triggers that will prompt a review of the viability of a service if necessary.

This revision reflects a number of changes:

1. Strategic Principle - consideration to transfer a local outdoor pool to community ownership and management if Council, as a result of trigger report, resolves to withdraw from provision of the service;
2. Strategic Principle – consideration to transfer a local outdoor pool to community ownership and management at the request of a community,
3. Community Ownership of Outdoor Pools - a description of when community ownership would be considered by Council, the requirements of a community proposing to take on the role and the obligations of Council to facilitate the transfer;
4. Pool Closure - a description of when pool closure would be considered and the process to be undertaken;

5. Triggers - more detailed advice on the triggers and what steps Council will take, in partnership with the local community, if a trigger is activated; and
6. Recommendations - establishing Pool Support Groups, which will replace the current Section 86 Special committees. The delegations in the Section 86 committees are focused on these committees having management and operational responsibility for outdoor pools, but this role is no longer required as all Council pools are now managed and operated by contractors appointed by Council. Pool Support Groups will not have any management responsibility for the operations of the outdoor pools.

### **IMPLEMENTATION OF 2012/16 AQUATIC STRATEGY**

Since the adoption of the initial Aquatic Strategy in February 2012:

1. Master plans have been developed for the Toora, Poowong, Mirboo North and Korumburra Pools with Council endorsing the Toora and Poowong masterplans and noting the Mirboo North and Korumburra masterplans as guides for future development;
2. Council has liaised with the Mirboo North Swimming Pool Planning Committee to consider future development of this facility;
3. Poowong Pool committee resigned and a volunteer committee formed to assist Council and the YMCA to operate the venue;
4. The 2012/13 and 2013/14 seasons resulted in better attendances at all facilities than the two previous seasons due to sustained periods of hot weather during the season;
5. The 2014/15 season has seen a significant drop in attendances due to a very cool summer and a reduction in Councils service level;
6. Foster Pool activated attendance and budget trigger points, resulting in a report to Council as per the Strategy recommendations and the postponement of a Master Plan for the Foster pool;
7. The Foster Pool Working group developed and presented to Council a "Vision For Foster Pool" to assist Council when considering the future of this facility;
8. In September 2014 new contract management arrangements were put in place, with all pools excluding Toora to be managed by a single contractor; and
9. Council reduced the service level for Mirboo North, Korumburra, Poowong and Foster pools by increasing the temperature for opening of these pools to 26 degrees, reducing the opening hours at some pools to

achieve consistency across the 4 outdoor pools and by delaying the opening date for Foster by approximately two weeks.

## **DISCUSSION**

Swimming pools are strongly valued by the local community, with many of the pools built and/or funded by community members. The passion and dedication of volunteers to raise funds, construct, maintain and operate these facilities over many years has resulted in communities having a strong sense of ownership for their pools. The level of participation at the outdoor pools in South Gippsland is high when compared with other Gippsland municipalities.

The health and well-being benefits of physical exercise and active play are proven, and the current provision of pools enables ready access to this form of recreational activity to most members of the South Gippsland community, including summer visitors to South Gippsland. The suite of pools also provide a safe environment for young people and families to engage with each other.

Council released a draft Aquatic Strategy 2015-2020 for community consultation in March 2015. In general, response from the community has been positive and constructive.

The revised draft Strategy includes the following amendments as a result of community and Councillor feedback:

1. Acknowledgment of the work of the Foster community in developing a "Vision For Foster Pool";
2. Information on the level of aquatic services provided at 3 similar municipalities in south western Victoria. The areas chosen are municipalities with similar demographics, climate and proximity to coastal communities;
3. Acknowledgment that some seasonal pools have started to see increased participation in recent years;
4. Detail on the consultation process;
5. Examples of capital works upgrades and examples of capital works renewals;
6. Inclusion of swimming clubs as a key group to include in community consultations;
7. Clarification that Council would have no ongoing management role in a pool that was transferred to community ownership;
8. Deletion of the requirement for a review of grant funding after 5 years, as the annual review process is seen as satisfactory;

9. Advice that any review of a pool due to activating a trigger point will take into account extraordinary circumstances such as closure for an extended period of a pool due to emergency situation or unusually cold weather;
10. Increased detail on support for pool support groups; and
11. Retention of funds raised by a former Section 86 Committee for use at the pool served by that committee.

## **SECTION 86 COMMITTEES**

The revised Strategy will see the current Section 86 Special committees replaced with Pool Support Groups. Pool Support Groups will focus on promoting the pool and optimising its use during the pool season and will not be responsible for the management of the pool's operation.

The Section 86 committees have provided a vital role in the past, but replacement of these committees at the outdoor pools will not compromise the operations of the pools as all pools are currently managed by Council under contract.

## **ATTENDANCE TRIGGER POINT**

Concern was expressed by some submitters and some Councillors on the most appropriate calculation of a fair trigger point for attendance which would activate a review of a pool by Council. Appendix 1 (Current Aquatic Facility Provision and Projected Costs) of the draft Strategy includes an attendance trigger based on attendance at 20% below the average attendance of the last five years. It should be noted that two of the last five seasons have been very cool, resulting in low patronage. The attendance trigger varies for each pool. Activation of the attendance trigger for an investigation of a pool's operation is unlikely if local communities continue to access the seasonal pools in similar numbers to the most recent, very cool summer.

## **PROPOSAL**

That Council:

1. Adopt the draft Strategic Direction for Aquatic Facilities in South Gippsland 2015-2020;
2. Revoke the instruments of delegation of the Toora, Foster, Mirboo North and Korumburra pools Section 86 Committees prior to the commencement of the 2015/16 outdoor pool season;
3. Thank the Toora, Foster, Mirboo North and Korumburra pools Section 86 committees for the work they have undertaken over many years; and

4. Work with current pool committees, existing support groups and the broader community of pool users to establish ongoing Pool Support Groups for all seasonal pools.

### **FINANCIAL CONSIDERATIONS**

The Draft Revised Strategy does not commit Council to any expenditure that is not currently allocated in the Long Term Financial Plan and does not identify any specific savings.

However, the revised strategy does include the option to transfer ownership of a pool to a community entity if Council resolves to withdraw from provision of a specific service. Any such transfer of ownership and management of a pool is expected to provide modest operational and maintenance savings, and potentially significant long term capital savings.

### **RISKS**

Adoption of the revised Strategy commits Council to the current level of seasonal pool provision for the long term at a time when Council can expect a range of cost pressures to increase. However, this strategy provides clear direction to the community and Council on opportunities for greater involvement which would see potential for better use of these Council owned and funded assets.

### **CONCLUSION**

The provision of the Splash Indoor Aquatic Centre and the five outdoor pools across South Gippsland are highly valued by the community. Development of the revised Strategy for the next 5 years provides a clear picture of the resources required to support the pools and reduces the risk of unplanned expenditure on aquatic services.

The revised Strategy will provide greater clarity for the broader community on the costs associated with Council operating 6 pools in the Shire, and will support a stronger level of engagement between the pool community and Council.

## **RECOMMENDATION**

### **That Council:**

- 1. Adopt the revised Strategic Direction for Aquatic Facilities in South Gippsland 2015-2020;**
- 2. Revoke the instruments of delegation of the Toora, Foster, Mirboo North and Korumburra pools Section 86 Committees prior to the commencement of the 2015/16 outdoor pool season;**
- 3. Thank the Toora, Foster, Mirboo North and Korumburra pools Section 86 committees for the work they have undertaken over many years; and**
- 4. Work with current pool committees, existing support groups and the broader community of pool users to establish ongoing Pool Support Groups for all seasonal pools.**

### **STAFF DISCLOSURE OF INTEREST**

Nil

**Attachment 1  
Summary of Submissions**

<b>Submitter</b>	<b>Summary Of Comments</b>	<b>Response</b>
1.	Broadly supportive but with some requests for specific changes.	
	Trigger Points - assessment of usage needs to be improved, with a range of specific issues noted including that only swimming activity attendance should be counted, that anomalous years of high attendance due to an event should be discounted, average attendance at days when open more fair than seasonal average	Attendance now gathered per type of participation. Similar percentage of attendance under non swimming category at all outdoor pools.
	Trigger point-budget overrun. Should not be an issue for Council if the management is contracted out as this should be the responsibility of the contractor, therefore should not be listed as a trigger.	Budget overruns under the new pool contracts are the responsibility of the contractor, but this was not the case previously at all pools under the previous contracts (Foster and Toora).
	Foster grounds are too small to host big community events so foster attendances are shown as low compared with other pools because of this so foster is disadvantaged.	Foster grounds limiting attendance. The seasonal average is based on the individual facilities so Foster is only compared with its own capacity.
	Any funds currently held by a section 86 committee should be transferred to a new community pool committee	It would be appropriate that any funds raised by a Section 86 committee be transferred to a new community pool entity. In the case of a new Pool Support Group being developed it would be consistent with the assistance provided to the Poowong community after the Poowong Section 86 Committee delegation was revoked to allow these funds to be allocated to activity and

Submitter	Summary Of Comments	Response
		improvements at that Pool. The Strategy can be reworded to indicate this intention.
	If ownership is handed back then the new owners need complete autonomy, and Council should not retain any role in supervision, governance or operations.	The Strategy supports this with evidence of appropriate use of any grant provided as per agreed outcomes, which may include a requirement for a minimum number of days that the facility is open and have an agreed minimum participation. These requirements would be consistent with obligations that Council has to agree to when receiving external grants.
	The recently developed Vision for Foster swimming Pool should be listed with same status as the recently developed pool master plans	Council could note that the community has developed a Vision for Foster Pool in the strategy, but may wish to further develop the community vision through a master plan (consistent with all other outdoor pools) if Council is to retain management of this pool.
2.	Broadly supportive but seeks some wording changes to the Strategy	
	Clarify the statement “where Council can no longer justify the ratepayer expense etc to indicate that this decision has been made in relation to the pool activating trigger points and that this decision has only been made after community consultation on options available.	Additional clarification of reasons for closure not at odds with intent of the strategy.
	That community ownership be considered only if Council can no longer provide the service.	Noted
	Request that the opening temperature be set at 25, rather than the 2014/15 figure of 26.	Opening temperature for 2015/16 is an operational issue rather than a strategic



Submitter	Summary Of Comments	Response
		issue. This request will be referred to the 2014/15 pool season review.
3.	Broadly supportive but with some comments for improvement	
	No value in comparing provision with Bass Coast due to the impact of coastal beaches etc	Noted and some revision to the wording in the strategy could be considered to reflect this concern.
	Opportunities exist for greater level of promotion of the pools	Noted and will be referred to the 2014/15 pool season review
	Strengthen the item on Council no longer being able to justify provision of the service to include activation of triggers as a justification	Noted and not at odds with intent of draft strategy.
	Consider noting that the new strategy could be reviewed earlier than 2020 if exceptional circumstances arise	Noted and this can be undertaken by resolution of Council at any time, but retention of 5 year strategy preferable for some level of effective planning
	Ensure that pool support groups are given at least 1 months' notice of any master plan developments and any other major reviews such as the review of strategies.	New strategy lists intention for closer collaboration with pool users, committees and communities on all matters relating to the provision of the aquatic services. The Strategy could be re worded to provide minimum advice times for local communities and user groups on significant issues, which would preferably be six months in the case of master plan implementation.
	Requests a review of pool opening temperature with possible reduction from 26 to a lower figure.	Operational issue and will be referred to the 2014/15 pool season review.
4.	Extensive submission broadly supportive but with	

Submitter	Summary Of Comments	Response
	recommendations for some changes.	
	Allow communities the option of managing pools without owning the pool and infrastructure.	This is a major point of difference, and would result in Council retaining significant obligations in long term expenditure on maintenance and renovations of the pools.
	Retain Section 86 committee structure as the mechanism for community management and support the Section 86 committees to ensure that this mechanism is used effectively. Notes that in Mirboo North the Hall and the Recreation Reserve are managed by Section 86 committees of Council.	This is a major point of difference, seeking a return to pre 2014/15 method of community involvement. Swimming Pool operations are significantly different to the hall and recreation reserve management required by Section 86 committees. The Hall and Recreation Reserve committees focus only on maintenance and infrastructure matters, and some level of booking management, with the actual management of and responsibility for activities handled by user groups who hire the facility from the Committee. Management of a swimming pool service requires staff employment and management, technical water quality skills and taking responsibility for all people when attending the facility.
	Include more detail in Strategy on proposed capital works rather than only listing in the appendix.	Noted.
	Clarify what capital works will be funded by Council, and what constitutes an upgrade that requires 70% external funding.	Comment noted and can be accommodated in revised strategy.
	Challenges the comment that seasonal pools are becoming less attractive, and this	Attendances at Mirboo North in last century are being referred to, not in last 10

Submitter	Summary Of Comments	Response
	<p>submission states that pool attendances at Mirboo North do not support this.</p>	<p>years. Many factors impact on the use of outdoor pools now that were not present when the pools were first built, such as private swimming pools, better transport to other facilities and a wider range of leisure activities for the community to access. The participation at Mirboo North has been more consistent over the last decade than at most other outdoor pools in South Gippsland, with the community support and use by people from outside the district being key contributors to this success.</p>
	<p>Submits that the role of MN pool as a tourism and social gathering facility is understated in the Strategy.</p>	<p>The strategy does specifically note this role on page 9.</p>
	<p>Comments that there are many other shires in Victoria with more outdoor pools than South Gippsland, and that this measure is not useful.</p>	<p>Comment noted and Strategy could be reworded to compare South Gippsland with similar sized regional municipalities in Victoria.</p>
	<p>The strategy should make a commitment to improved communication with local communities and pool users on pool related issues.</p>	<p>This concern is acknowledged by Council and strategy does expressly list stronger communication processes, pages 11 and 12. Council has also recently established the seasonal position of Pool Liaison Officer to improve communication between all stakeholders.</p>
	<p>The attendance trigger point needs to be rewritten to acknowledge the impact of variable weather on this matter and the change to the opening temperature</p>	<p>This issue would be considered as part of an investigation of the reasons for a trigger being activated but some extra wording in the strategy could be included to convey this to the community.</p>

Submitter	Summary Of Comments	Response
5.	Maintaining small town pools is essential.	This is supported in the wording of the draft strategy.
	Expansion of SPLASH facilities un warranted as people cannot afford to travel to Leongatha from other towns and there is little public transport.	This work is not being undertaken to the exclusion of required works at local pools.
	Better value for ratepayers in using available funds to enable outdoor pools to stay open every day over summer than expand SPLASH facilities	SPLASH is a highly used, all weather facility.
6.	Acknowledge more clearly Councils commitment to Toora Pool as the key aquatic facility for corner inlet and confirm the season as being 7 days a week for 7 months each year.	This is possible but requires a higher subsidy level than in the current budget as the extra 2 weeks cost more than the income generated, with an extra \$9000pa required. Council acknowledges the significant role played by the Toora Pool by allocating enough funds for the facility to operate for over 6 months and for 7 days per week irrespective of temperature.
7.	Provide community opportunity to manage pools without owning pools	This is a major point of difference Council could consider developing an opportunity for a community group to lease the facility, as happens with a number of recreational facilities already. In this case Council would retain some responsibility for annual maintenance and ultimate responsibility for renovation of and any upgrades of the infrastructure, and would also be obliged to provide some insurance coverage as the owners of the facility.
	Retain section 86 committees to undertake community	This is a major point of difference Request for

Submitter	Summary Of Comments	Response
	management	retention of Section 86 committees requires Council to revert to pre 2014 system of community involvement in management with Council assuming all risk..
8.	Would like Council to consider taking back responsibility for pools if transfer to a community group does not work.	Not consistent with intention of draft strategy.
	Include swimming clubs in any consultation on a trigger point being reached.	This request is consistent with the intent of the new strategy, and wording could be included to clarify this.
	Supports community taking major role in contributing funds for upgrades but thinks that 70% might be too high.	Noted. Strategy is consistent with the Social Infrastructure Blueprint adopted by Council.
	Strongly supports Councils requirement for potential community groups to provide a 5 year business plan and sees this as evidence of genuine support for the community from Council.	Noted.
	Include greater detail in the strategy of level of financial support available from Council if a community takes on management and ownership.	Comment noted for consideration.
9.	Maintain the Toora pool so that young people can learn to swim for safety reasons/save lives	Strategy supports this request
10.	Extensive submission challenging most of the draft strategy including the comment in the strategy that pools are used less than in the past, and asserting that the strategy is a device to close all the outdoor pools and sell the land Submits that all the triggers are artificial devices designed to allow Council to close all the	This submission rejects most aspects of the revised and previous strategy, and essentially requests Council to continue to maintain and extend the current levels of service with options available for community to run the pools with Council coverings all costs and risks.

Submitter	Summary Of Comments	Response
	<p>outdoor pools Submits that the requirements of the business plan requested by Council from a potential community group to run a pool are unreasonable and that Council doesn't do similar planning itself. Challenges the comment that operational costs are increasing. Believes that Council forced local pool committees to become Section 86 committees and should not now be removing this status.</p>	
11.	<p>Maintain 7 month season at Toora.</p>	<p>Strategy supports continuation of Toora. Retention of 7 months has a cost impact that is above the current budget allocation by approx. \$9000 pa.</p>
	<p>Trends for April to become warmer mean people come and stay at Toora in April holidays because of the pool being available.</p>	<p>Noted.</p>
12.	<p>Request that Council maintain a 7 month season at Toora</p>	<p>Strategy supports continuation of Toora. Retention of 7 months has a cost impact that is above the current budget allocation by approx. \$9000 pa.</p>
13.	<p>Concern that Council plans to close Mirboo North Pool Concern that it won't be possible for Mirboo North community to maintain the pool in the long term Believes that the local pool committee can take a bigger role in management of the pool if Council maintains the pool.</p>	<p>Strategy does not propose closure of any pool that has not activated a "trigger point" and does not require a local community to take on management and ownership unless the community wants to take on that role.</p>

### **E.3 FOSTER POOL REVIEW**

Community Services Directorate

#### **EXECUTIVE SUMMARY**

Council has reviewed the operations of Foster pool, including alternative management options. After consideration of the options it is recommended that Council continue to operate the Foster Pool under the existing YMCA management arrangements for the 2015/16 and 2016/17 seasons, in line with the draft Strategic Direction for Aquatic Facilities in South Gippsland 2015-2020. It is further recommended that the local community is more closely engaged to support greater use of the Foster Pool.

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

- **Appendix 1** - A Vision for the Foster Pool (Developed by the Foster Pool Working Group)

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

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

Draft Strategic Direction for Aquatic Facilities in South Gippsland 2015-2020.

#### **COUNCIL PLAN**

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

#### **CONSULTATION**

The Foster Pool working group have made numerous presentations and submissions to Council regarding the future of Foster swimming pool, including the development of a "Vision for Foster Pool."

The YMCA has been engaged in discussions regarding the potential for changes to be made to the existing contract.

Insurance brokers have been approached for advice regarding the provision of appropriate cover for the proposed community incorporated group.

Councillors were provided a Strategic Briefing session on 3 June 2015

## **REPORT**

### **Background**

The future management of the Foster Pool has been subject to ongoing discussion and consideration since the pool activated two triggers in 2013. In April 2014 a Review of Foster Pool report was considered by Council. This report was informed by consultation with the Foster community and Pool committee between June 2013 and January 2014.

Foster Pool attendances had fallen below the 5 year average by more than 20% for two successive years (2011/12 and 2012/13).

The nett operational expenditure had exceeded the budget available for these two years, primarily due to the low attendance.

Council resolved to continue operating the Foster Pool for 2014/15 and to defer development of a masterplan for the Foster Pool until issues around its future were resolved.

The Council review of the operations of Foster pool accepted that the Pool could achieve satisfactory attendance in the future, and the average expected attendance figure used to activate a review was inflated by:

1. The impact of the attendance generated through the Great Victorian Bike Ride overnight stay in 2008; and
2. The ability of the Section 86 Committee to open the pool for longer hours than was allowed under the contract entered into between Council and the YMCA after 2011.

Foster Pool was operated from 2003 until 2010/11 by a Council Section 86 committee with the delegated authority that allowed for local decision making. Since this time the pool has been operated under contract by the YMCA. The conditions of the contract have removed the ability of the community to make decisions regarding the operation of Foster Pool. However, the Section 86 Committee still exists, successfully gaining a greater level of involvement from the community in advocating for the pool to be returned to community management and if necessary community ownership.

In November 2014 the Foster Pool working group presented a proposal to Council to take over community management of the Foster Pool. While their preference was for Council to retain ownership of the asset, they have indicated that if community management was contingent on community ownership (as proposed in the draft Aquatic Strategy 2015-2020) that they would prefer to negotiate transfer of ownership and management than to see their pool closed.



## **Discussion**

Through the 2014 “Our Say” consultation process representatives of the Foster community have expressed a clear desire to have the Foster Pool retained and enhanced. In the view of the Foster Pool committee, greater community involvement is the key to Foster Pool remaining viable and that the best way to achieve this is for management decisions to be made within the community.

The land on which the Foster pool is located is Crown Land, managed by Council as Committee of Management. For ownership of the pool to be transferred to a local community entity, the Department of Environment, Land, Water and Planning (DELWP) will need to agree to its sale to Council and Council would need to consider whether it would sell or gift the pool and land to the community.

The establishment of a volunteer community incorporated group (or an appropriate existing incorporated group) taking ownership and management of the pool, has been proposed by the Foster Pool working group. The working group also believe that their chances of increasing patronage and lowering operational costs will be best achieved through a return to community management. Under this model the working group propose that Council contribute a fixed amount of funding annually (adjusted by CPI) to assist with the operations of the Foster Pool.

Any such contribution by Council would require agreed performance measures around levels of participation and community access to the facility, as is the case with other grants made by Council to community groups. In accordance with the Draft Strategic Direction for Aquatic Facilities in South Gippsland 2015 -2020 a five year business plan outlining how the group will operate the pool would be required and would include the group’s governance structure, staff structure, proposed season length and operating hours, cash flow projections and capacity to fund essential maintenance. Such policies and processes are necessary for Council to confidently transfer ownership of the pool to the group and they would limit the risk exposure of the incorporated group.

The independent incorporated group will require its own insurance cover such as Public Liability, WorkCover and Director Liability. Initial enquiries indicate maintaining \$20 million Public Liability and other insurance cover will cost in the range of \$5,000 to \$8,000 per year.

## **Capacity of local communities to manage pools**

Communities within South Gippsland Shire had been responsible for the management of their local pools since their construction. It is only over the last decade, as compliance requirements and operational costs have increased, that contracted management and operation of the outdoor pools has taken over from volunteer management.

Across a range of community facilities maintaining a committee with the necessary skills, time, energy and commitment to fulfil the required roles is challenging. While there is no doubt about the passion and commitment being displayed by the current members of the Foster Pool working group, being able to sustain the committee in the long term is considered a threat to successfully implementing the community ownership and management proposal.

The impact on individual volunteers accepting this responsibility should not be underestimated. The management of pool plant, including plant and equipment breakdowns, requires specific technical expertise. The management of staff and the safety of the public provides a range of high risk challenges, including the potential of a patron suffering a serious injury, supervising staff and budgets, compliance and OH&S obligations. A more sustainable and measured approach for the Foster community is to commit their passion and volunteer dedication to forming a positive partnership with Council and Council's contractors to deliver the best facility and service possible. Having volunteers creating, organising and promoting community events, programs and activities is proven to deliver positive results. Utilising volunteers' time to drive community activities will deliver better long term outcomes.

The proposal of the Foster Pool working group to return the management of the pool to the Section 86 committee has been considered as a mechanism to achieve the community's desire to manage the facility until a new, independent Foster Pool Committee is established. As a committee of Council any employees of the committee would have to be engaged in line with the conditions of the Enterprise Bargaining Agreement and the committee would be required to comply with all Council policies such as procurement guidelines. These limitations would negate some of the cost benefits expected to be achieved through community management and Council would retain the risk exposure. Therefore a Section 86 Committee with full management responsibilities is not considered suitable for this situation.

It is also important to note that Council is considering, through the revised Aquatic Strategy, revoking all the current swimming pool Section 86 Committee delegations.

### **Options**

Four options were considered for the future of Foster Swimming Pool:

1. Continue to manage the pool under the current contract by the YMCA and as part of the contract review process in late 2016 consider an alternative community management and ownership model, in line with the Strategic Direction of Aquatic Facilities in South Gippsland 2015-2020;
2. Undertake the actions required to hand the Pool to a community organisation prior to the 2016/17 season;

3. Undertake the actions required to hand the Pool back to the community at the end of the current contract (June 2017); and
4. Close the Foster Pool and remediate the site prior to returning it to DELWP.

The outcome that is most likely to maximise community use of the Foster Pool over the next two seasons is for Council to continue providing the current service supported by increased level of collaboration with the Foster community.

### **Proposal**

That Council continues to operate Foster Pool for 2015/16 and 2016/17 via the current YMCA management contract and that an alternative community management and ownership model be considered in late 2016 as part of the contract review process.

### **FINANCIAL CONSIDERATIONS**

The long term financial plan contains adequate provisions for the operation and maintenance requirements for the Foster Pool and capital works as identified in the Aquatic Strategy 2015-2020. The YMCA is contracted to operate aquatic facilities within South Gippsland (excluding Toora) for a further 2 years, until 30 June 2017 with an option for an extension.

### **RISKS**

Prior to tendering for the operation and management of aquatic facilities in 2014 a risk analysis was conducted. It was identified that engaging a professional contractor with appropriate experience and expertise was the best method to mitigate potential risks in the delivery of the service.

The contract documents clearly define responsibilities, expectations and insurance requirements that actively reduce the risk to Council.

Implementing a community management model for the pools requires the community group to accept significant responsibilities and obligations. Moving these obligations from professional contractors to volunteers may alter the level of risk for Council.

There may be some negative response from the Foster Pool working group to a Council decision to retain management instead of returning this role to the community, but this should be mitigated by development of a closer partnership between this group, Council and the YMCA to support greater community participation at the facility.

### **CONCLUSION**

The desire by the community for community management of the Foster outdoor pool is driven by a belief that a locally managed pool will provide

better results than a contracted service and will reduce the risk of closure of the facility. The Strategic Direction for Aquatic Facilities in South Gippsland 2015-2020 reinforces Councils commitment to continue to operate all outdoor pools within the municipality.

The energy shown by members of the Foster community to develop their Vision for the Foster Pool indicates that the service is highly valued and Council is well placed to engage this community to encourage greater use of the facility in the coming seasons.

### **RECOMMENDATION**

#### **That Council:**

- 1. Continue to operate the Foster Pool via the current YMCA management contract for the 2015/16 and 2016/17 seasons;**
- 2. Advise the Foster working group that community management of the Foster Pool will not be considered for the 2015/16 or 2016/17 season; and**
- 3. Consider a community management and ownership model for the Foster Pool for possible implementation after the 2016/17 pool season, in line with The Strategic Direction of Aquatic Facilities in South Gippsland 2015-2020.**

### **STAFF DISCLOSURE OF INTEREST**

Nil

#### **E.4 FORMALISE THE DISCONTINUANCE OF GOVERNMENT ROAD, PART OF FLINDERS STREET, KORUMBURRA**

Sustainable Communities & Infrastructure Directorate

##### **EXECUTIVE SUMMARY**

This report is presented to Council so that it may formalise the discontinuance of government road being part of Flinders Street, Korumburra, and place a notice in the Victorian Government Gazette.

The particular section of Flinders Street, Korumburra to be discontinued is not required for public traffic, and once discontinued, the land will be transferred to the Crown. Burra Foods can then commence negotiations with the Department of Environment, Land, Water and Planning (DELWP) for the purchase of the land being a total area of 1,809m<sup>2</sup>.

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

1. **Attachment 1** – Public submission
1. **Attachment 2** – Application from Beveridge Williams on behalf of Burra Foods
2. **Attachment 3** – Final Gazettal plan showing part of road to be discontinued
3. **Attachment 4** – Plan showing minor encroachment onto road reserve
4. **Attachment 5** - Detailed Aerial Plan Showing approx. part of road to be discontinued

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

Local Government Act 1989 - Schedule 10, Clause 3

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

Road Closure and Discontinuance Process 2013

##### **COUNCIL PLAN**

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

## CONSULTATION

The following consultation has been undertaken in regards to the proposed part road discontinuance of Flinders Street, Korumburra.

- **Council Report – Proposed Discontinuance of Government Road, Part of Flinders Street, Korumburra (22 April 2015)**
    - Council received a report so that it may consider recommencing the statutory procedures for the road discontinuance for part of Flinders Street, Korumburra as a result of the submission of a revised plan from the Office of Surveyor General Victoria (OSGV).
  - **Public Notice and Community Consultation (27 April 2015)**
    - Council has completed a formal Section 223 Public Submission process for the proposed road discontinuance of part of Flinders Street, Korumburra to facilitate an expansion of Burra Foods.
    - A Public Notice was placed in local newspapers, Council's website and letters were sent to adjoining properties and DELWP under Section 223 of the Local Government Act 1989.
    - The Public Submission period opened on Monday 27 April 2015 and closed on Tuesday 26 May 2015.
    - Upon conclusion of the public consultation period, 1 submission was received objecting to the proposal and the submitter requested to be heard at the Public Presentation Session on 17 June 2015.
    - One email was also received on 18 May 2015 in relation to the minor building encroachment and this was referred to the Planning Department. This was not received as a formal submission and the encroachment enquiry has been dealt with.
    - At the Public Presentation Session held on Wednesday 17 June 2015, the objecting submitter raised concerns regarding the discontinuance. The submission is included as **Attachment 1**.
  - **External Community Consultation**
    - DELWP has been consulted and is aware that Burra Foods will contact them regarding the purchase of part of Flinders Street if the road discontinuance proceeds.
  - **Internal Consultation**
    - Both Council's Engineering & Assets Department and Property Department have advised that the road to be discontinued is not required as a public road.
-

## REPORT

### Background

Beveridge Williams on behalf of Burra Foods submitted an application (**Attachment 2**) to discontinue part of an unused road reserve (part of Flinders Street, Korumburra) to resolve a minor encroachment and also to facilitate a further expansion of its facility. After discussions with Burra Foods management it was decided that the most appropriate way forward was to discontinue the full width of the road being a total area of approximately 1,540m<sup>2</sup>, based on the original plan submitted by Beveridge Williams.

Council previously considered a report to commence statutory procedures for the road discontinuance of part of Flinders Street, Korumburra, at its meeting held on 22 October 2014.

After consultation with Beveridge Williams & DELWP, a further plan was prepared by the Office of Surveyor General Victoria (OSGV). This plan is generally in accordance with the original, but indicated an increased area of approximately 1,813m<sup>2</sup> (*now a slightly adjusted final plan from OSGV indicates an area of 1,809m<sup>2</sup>*) of unused road that was requested to be discontinued. As the extent and area of road planned to be closed differed from the original plan shown, (22 October 2014, Council meeting) it was therefore decided to recommence the statutory procedures for the road discontinuance process using the revised plan. This process was recommenced with the report to the Council Meeting on 22 April 2015.

At the conclusion of this process, Burra Foods can then commence negotiations with DELWP for the purchase of the land hatched in **Attachment 3**.

Refer to **Attachment 4** for a copy of the plan showing the minor encroachment.

At its Ordinary Council Meeting held on the 22 April 2015, it was unanimously resolved, in part, that Council:

1. *'Approve the commencement of the statutory procedures pursuant to Schedule 10 Clause 3 of the Local Government Act 1989 for the proposed discontinuance of approximate 1,813m<sup>2</sup> section of unused road, Flinders Street, Korumburra as shown hatched on the plan below and that the land from the Road be transferred to the Crown, and*
2. *'Give public notice in the local newspapers and on Council's website in the week commencing 27 April 2015 of the proposal in accordance with Sections 207A and 223 of the Local Government Act 1989.'*

## Discussion

### Current Status of the Road

- A title search confirms that the status of the road is a Government road and that it is included within a larger section of road with uses as follows:
  - The northern section is currently an unformed road reserve.
  - The southern section is Flinders Street and is a constructed Council road. It is listed on Council's Road Register as a public road.
  - A constructed driveway access from the southern section of the road onto the Burra Foods site.

These uses are shown in the aerial plan in **Attachment 5**.

- The road is not used as a road and is not required by or currently used by the public.
- Abutting properties all have reasonable alternate legal access to their properties.

### Management Response

As noted above, a submission (**Attachment 1**) was received during the public submission period. At the Public Presentation Session held on Wednesday 17 June 2015, a community member raised concerns regarding the discontinuance. The response's below from Council's Planning and Engineering & Assets Department, deal with the matters raised in the submission.

- ***Size and type of structure encroaching into the road reserve.***
  - The structure projecting into the road reserve is an awning that is part of an industrial building. Whilst the planning permit did not authorise any part of the structure to be built in the road reserve, such minor encroachments can occur due to errors in surveying.
- ***In 2014, Council prided itself on zero tolerance of planning breaches (reference Sentinel Times 5 August 2014).***
  - The article refers to a "zero tolerance crackdown on illegal dwellings, vegetation clearing, unregistered dogs and other planning breaches by the South Gippsland Shire Council". Council did not have any input into the article and therefore the article does not represent Council's position for compliance and enforcement matters. For Council's position regarding compliance and enforcement matters, refer to Council's Compliance and



Enforcement Policy adopted February 2015 which is available on Council's website.

- ***This closure was instigated by Burra Foods due to their failure to site their building correctly.***
    - Plans submitted and endorsed as part of Planning Permit 2013/121 showed the corner of the awning being within the Burra Foods property and was based on survey information. However title boundary off sets shown on this plan were incorrectly located by the consultant. Had this been correctly located, these offsets would indicate the proposed awning would encroach into Flinders Street by approximately 0.3 metres. This error was not found until after the works were completed. There are a number of ways to resolve the encroachment, including moving the building back into compliance, issuing a permit to do works within a road reserve or discontinue the road, if it is determined that it is not required. Burra Foods have therefore chosen to advance this option. However, if it were determined that the road is required, Burra Foods would be required to advance another solution.
  
  - ***Burra Foods are in breach of the Victorian Building Regulations by encroaching over a boundary.***
    - Parts of the building are located over the road reserve. The current arrangements are not causing an immediate health and safety risk. Therefore the owner has been given time to rectify the breach. The road discontinuance, if approved, would bring the building back into compliance.
  
  - ***Council's 2012 aerial photo clearly shows the building not to be square with the title boundaries and existing buildings.***
    - The title boundaries shown on Council's aerial photography provides an indication of where the title boundaries are located. However the aerial photography and cadastral boundaries, has a margin of error that varies across the Shire, as with any system.
  
  - ***Surrounding residents should not have to endure more disruption to their lifestyle and wellbeing if the factory were able to buy and further expand this land.***
    - The purchase of this land in no way provides tacit approval to any further buildings and works or expansion of the use. Planning permits would be required in such instances and Council would be required to assess any future permits on their merits according to the relevant provisions at that time.
-

- ***If road closed, and then sold to Burra Foods, 0.5 acre, they have the right to build on this land and further increase their already non-compliant operations (6 years EPA non-compliant).***
  - As discussed above, there is no 'right' to build on the land simply due to ownership. Any future application/s would need to be assessed on their merits. Council cannot provide comment on EPA compliance issues.
  
- ***In this zoning I understand there are no setbacks and therefore a very large building could be constructed.***
  - The Industrial 1 Zone (IN1Z) does not specify a minimum boundary setback for buildings or works. However, setbacks are a relevant consideration for certain land uses, especially those uses specified within Clause 52.10 of the Planning Scheme that have adverse amenity potential.
  - Any buildings and works would be assessed on their merits against the relevant provisions at that time.
  
- ***The plan states minor encroachment although "minor" has not been defined.***
  - An encroachment of approximately 0.3 of a metre, or an area of half a square metre, is considered minor in this instance.
  
- ***Adjacent landholders would lose access to their properties from Flinders Street.***
  - Landowner's to the south and north of Flinders Street have access off Flinders Street, Wills Street and Stuart Street. These adjacent properties would not be affected by the discontinuance.
  
- ***Future development of other properties will be restricted by the closure.***
  - Satisfactory alternative access to future development could be accommodated irrespective of the closure / discontinuance of the government road, part of Flinders Street, Korumburra.

## **Options**

The options available to Council are to:

1. Discontinue the 1,809m<sup>2</sup> section of road.
2. Continue to leave the road in its current status.

## **Proposal**

It is proposed that Council discontinues the road as described and shown on the plan in **Attachment 3**, and that the land from the road be transferred to the Crown as it is a government road reserve.

## **FINANCIAL CONSIDERATIONS**

There is no financial impact to Council.

## **RISKS**

There are no risks to Council in discontinuing part of Flinders Street, Korumburra.

Discontinuing the road will remove Council's responsibility for the road.

## **CONCLUSION**

The particular section of Flinders Street, Korumburra (Road) to be discontinued is not required for public traffic, and once discontinued, the land will be transferred to the Crown. Burra Foods can then commence negotiations with the DELWP for the purchase of the land being a total area of 1,809m<sup>2</sup>.

## **RECOMMENDATION**

**That Council:**

- 1. Pursuant to Schedule 10, Clause 3 of the Local Government Act 1989, approve the discontinuance of the 1,809m<sup>2</sup> section of Flinders Street, Korumburra as shown hatched on the plan (Attachment 3) and that the land from the road be transferred to the Crown.**
- 2. Publish a notice in the Victoria Government Gazette of the road discontinuance.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

## Attachment 1 Public Submission

[REDACTED]

23 May 2015

The Chief Executive Officer  
South Gippsland Shire Council  
Private Bag 4,  
LEONGATHA, Vic. 3953

Dear Sir,

**RE: Objection to Discontinuance of Government Road, Part of Flinders Street, Korumburra**

**The discontinuance of the road (Flinders Street) will facilitate a proposed expansion of the Burra Foods Plant (reference Council minutes 22 April 2015)**


At the Panel Hearing, Burra Foods legal counsel assured us there was no master plan for future expansion. The Panel requested a master plan be produced, and to my knowledge this has not been supplied. We were also informed there was no immediate plan for expansion, therefore more land is not needed.

Again, I have been unable to obtain the facts on the size and type of structure in the encroachment, and the Shire has also been unable to provide me with any accurate details. Burra Foods is railroading the Shire at any cost, over residents and neighbours.

**Listed below are the reasons for my objection to the closure of Flinders Street**

- In 2014 Council prided itself on zero tolerances of planning breaches (reference *Sentinel Times* 5 August 2014)
- This closure was instigated by Burra Foods due to their failure to site their building correctly
- Burra Foods are in breach of the Victorian Building Regulations by encroaching over a boundary
- The SGSC 2012 aerial photo clearly shows the building not to be square with the title boundaries and existing buildings. Unusual. Is this the same set out as shown on the building permit application?
- The surrounding residents should not have to endure more disruption to their lifestyle and wellbeing if the factory were able to buy and further expand on this land
- If the road is closed and then sold to Burra Foods, 0.5 acre, they have the right to build on this land and further increase their already non compliant operation (6 years EPA non compliant)
- In this zoning, as I understand it, there are no setbacks, therefore a very large building could be constructed
- The plan states minor encroachment although "minor" has not been defined
- Adjacent landholders would lose access to their properties from Flinders Street
- Future development of other properties will be restricted by the closure

Have Burra Foods been issued with a show cause notice or prosecuted for building over a boundary?



1

**Solution:** Flinders Street could be realigned to 16 metres in width and then the encroachment would fall within their title boundary

As Council have no policy on encroachment on road reserves, approval of this will set a precedent for any industry within the shire that encroaches over a boundary. Acquisition by default.

Supposedly, the offending encroachment is a veranda. This could easily be modified to fall within the title boundary, and therefore comply with building regulations. See picture below.



I wish to be heard on 17 June 2015, in support of my submission.

Yours faithfully



Neil G. OLSEN

**Attachment 2**  
**Application from Beveridge Williams on Behalf of Burra Foods**

**Beveridge Williams**

OUR REF: 1400215  
RETURN OFFICE: LEONGATHA

31st March 2014

South Gippsland Shire Council  
Private Bag 4  
LEONGATHA VIC 3953

Attention: Chris Van Der Ark

Dear Chris

**RE: BURRA FOODS – ROAD DISCONTINUANCE – PORTION OF FLINDERS STREET, KORUMBURRA**

We refer to the above mentioned matter and on behalf of Burra Foods, submit the enclosed a Road Discontinuance Diagram recently prepared for the discontinuance of a portion of Flinders Street, Korumburra. We understand that the closure will facilitate the expansion of the Burra Foods plant. We also understand that Council has already discussed the matter with Burra Foods and will be making the application for the discontinuance on their behalf.

Should you have any queries or wish to discuss the above matter further please do not hesitate to contact the undersigned.

Yours faithfully  
**BEVERIDGE WILLIAMS & CO PTY LTD**

  
**DAVID HARRIS**

Enc: Road Discontinuance Diagram

1400215LET140331.DOCX

[www.beveridgewilliams.com.au](http://www.beveridgewilliams.com.au)





**Beveridge Williams & Co Pty Ltd**  
ACN 096 197 235  
ABN 38 006 197 235  
surveying  
urban design  
town planning  
water resources  
civil engineering  
project management  
landscape architecture  
environmental consulting  
contamination assessment

**Melbourne**  
1 Glenferrie Road  
Malvern Vic 3144  
PO Box 63  
Malvern Vic 3144  
ph: 03 9524 8888

**Bairnsdale**  
Shop 7 Riviera Plaza  
80-88 Main St  
Bairnsdale Vic 3875  
Po Box 1799  
Bairnsdale Vic 3875  
ph: 03 5152 4708

**Bellarat**  
96 Main Road  
Bellarat Vic 3350  
PO Box 1465  
Bakery Hill Vic 3354  
ph: 03 5327 2000

**Geelong**  
52 Brougham St  
Geelong Vic 3220  
ph: 03 5222 6563

**Leongatha**  
45A Blair St  
PO Box 161  
Leongatha Vic 3953  
ph: 03 5662 2630

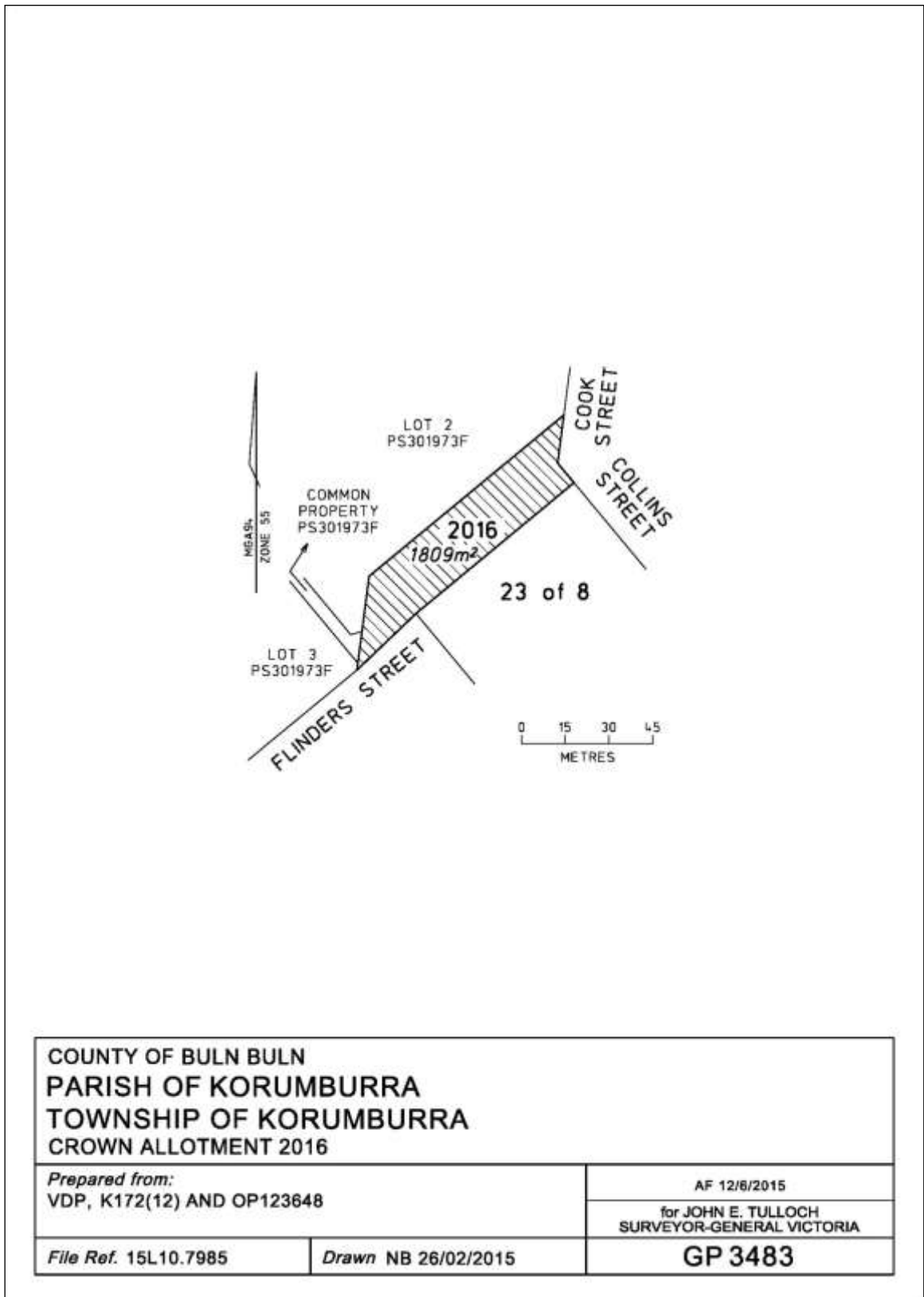
**Sale**  
45 Macalister St  
Sale Vic 3850  
ph: 03 5144 3877

**Traralgon**  
18 Hotham St  
PO Box 684  
Traralgon Vic 3844  
ph: 03 5176 0374

**Wonthaggi**  
134 Graham St  
PO Box 129  
Wonthaggi Vic 3995  
ph: 03 5672 1505

  
Quality  
ISO 9001  
@ ISO 14001  
Melbourne

**Attachment 3**  
**Final Gazettal Plan Showing Part of Road to be Discontinued**

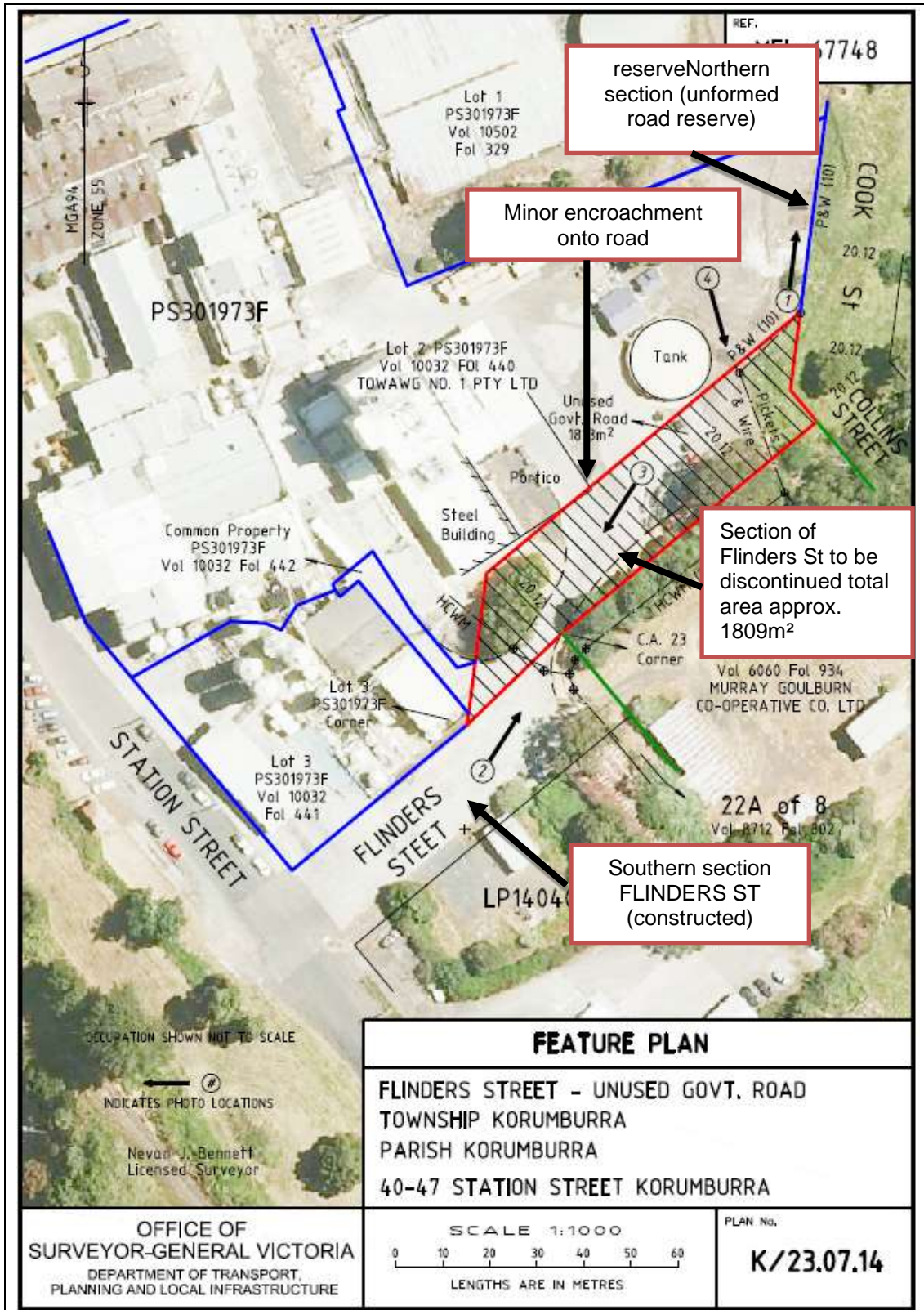


### Attachment 4 Plan Showing Minor Encroachment onto Road Reserve





**Attachment 5**  
**Detailed Aerial Plan Showing approx. Part of Road to be Discontinued**



## **E.5 COMPULSORY KERBSIDE COLLECTION SERVICE FOR VENUS BAY**

Community Services Directorate

### **EXECUTIVE SUMMARY**

The dumping of household waste in and around public litter bins in Venus Bay and Tarwin Lower has been an ongoing problem, particularly during the peak visitor season. It significantly impacts on the visual amenity of the area and potentially presents a health hazard.

While it was hoped that the introduction of an optional kerbside garbage and recycling service would address the problem, the low uptake of the optional service has not had the desired effect.

In order to alleviate the ongoing issues associated with dumped household waste it is proposed that a compulsory 6 month kerbside garbage and recycling service be introduced for all developed residential properties in Venus Bay for the period to November to April each year, with a 12 month optional service for those residents who want a year round service.

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

N/A

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

- South Gippsland Shire Council Waste Management Strategy
- South Gippsland Shire Council Sustainability Strategy
- Seasonal Population Impacts on Coastal Towns Survey 2015

### **COUNCIL PLAN**

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

### **CONSULTATION**

The recently conducted resident and non-resident survey conducted as part of the Seasonal Population Impacts in Coastal Towns project revealed that the issue most commented on (91.3% of responses) was waste management.

Overflowing litter bins and dumping in Venus Bay and Tarwin Lower were recurrent themes. Many comments also indicated a reluctance to have to pay

for any additional services. 45 comments directly related to overflowing litter bins in Venus Bay during peak holiday times.

Venus Bay residents were also surveyed in late 2011 on their views on garbage and recycling collection options with 821 responses returned to Council.

Of these responses 175 were permanent residents with the remaining 646 being classed either as holiday home owners or part-time residents. 53% of permanent residents responded that they were in favour of a kerbside collection service. Only 24% of non-permanent residents responded that they were in favour of a collection. Opposition to any additional fees was again a recurrent theme.

Councillors were provided a Strategic Briefing on 3 June 2015.

## **REPORT**

### **Background**

Venus Bay and Walkerville have until recently not been serviced by Council's kerbside garbage and recycling collection service. They are the only built up township areas within South Gippsland Shire to not have a compulsory year round collection service. Other coastal towns such as Sandy Point and Waratah Bay have had a compulsory service for a number of years.

For many years, dumping of household waste in and around public litter bins has been a problem in Venus Bay and Tarwin Lower. The subject of kerbside garbage and recycling collection services has been a topic of ongoing discussion between Venus Bay residents and Council for decades. With a high percentage of holiday properties and rentals, the main argument for those opposing kerbside services is the added cost for property owners, many stating that they will rarely be there to make use of the service.

In 2013 Council introduced optional kerbside garbage and recycling collection services to both Venus Bay and Walkerville. The new service offered residents the choice of a year round service, a 6 month service (November to April) or no service at all. 220 property owners out of approximately 1,650 opted to receive either a full year or half year service (13%).

While approximately 190 Venus Bay properties have taken up a year round collection and 30 have taken up a 6 month service since their introduction, more than 1,400 developed residential properties do not currently utilise the services on offer. Many of these are holiday homes which are only occupied at certain times of the year, while some are rented out as short term rentals over the peak season. Many tenants have to take responsibility and pay for the disposal of their own waste at the local Transfer Station due to property owners not paying for a collection service.

## Discussion

Many residents and visitors dispose of their waste responsibly through the Venus Bay Transfer Station or the existing optional kerbside collection services, many do not. Cases of illegal dumping are common around Venus Bay and Tarwin Lower, especially the illegal disposal of household waste in and around public litter bins.

While household waste dumping in litter bins occurs all year round, the problem is particularly evident over the summer months and on public holiday weekends when Venus Bay's population peaks and visitor numbers are high.

During these times, even with bins emptied daily, they regularly overflow and there are often bags of household waste piled around them. This leaves no bin capacity for the purpose the bins are designed for, that being for the disposal of litter generated by the public. Windblown litter that pollutes the environment is often a direct result of rubbish dumped around the litter bins.

Visual assessments of Venus Bay and Tarwin Lower litter bins indicate that the existing 29 litter and 21 recycling bins and the collection frequency are adequate if the bins are not used for the dumping of bagged household waste. Audits of litter bins carried out in December 2012 showed that more than two thirds of the audited waste was bagged household waste and recycling. If a compulsory service was introduced it is proposed that a review of the service including the adequacy of the litter bin network and servicing frequency be carried out after 12 months of the new service.

There are a number of rental properties in Venus Bay which attract relatively high rentals. Many of these rental properties are currently not participating in the voluntary kerbside collection service. Anecdotal evidence suggests that a tenant expects the convenience of a kerbside collection service to be included as part of their rental arrangement.

Various options to mitigate the dumping of household waste in litter bins in Venus Bay have been considered and implemented over time, including the installation of additional litter bins to cope with the excess waste. The increased bin capacity was still insufficient and further enabled illegal disposal of household waste into the bins. Increasing the frequency of collection over the peak holiday period has also been implemented into the service contracts. While the collection frequency increases to daily prior to Christmas to the end of January, bins still regularly overflow.

Another factor to consider is that Parks Victoria plan to remove litter bins from areas that they manage, which includes the beach car parks at beaches 2 to 5 at Venus Bay (bins at Beach 1 are not proposed to change). The bins will be removed from the car parks at beaches 2 to 5 from 1 August. When the bins are removed, it is possible that people will continue to dump litter in these areas, at least in the short term. While removal of any dumped litter at these beaches will be the responsibility of Parks Victoria, rubbish collection is seen by the public as a Council responsibility and is likely to reflect poorly on Council.

The introduction of optional kerbside garbage and recycling services has seen a reduction in the number of overflowing bins. However, the optional service has been adopted at a low rate and problems have continued with dumping in and around litter bins.

### **Options**

A number of options were considered and include:

#### *Option 1 - Status Quo*

The current situation is creating regular litter problems due to the dumping of household waste into public litter bins. It is likely that the problem will worsen, at least in the short term when bins are removed from beach access car parks managed by Parks Victoria.

If the status quo was maintained, increased Local Laws enforcement action would be necessary to deter dumping of household waste in public litter bins. Also, recycling rates would be lower than they would be if a kerbside collection service was provided. Previous bin audits have shown a lot of bagged household waste in the public litter bins was recyclable.

#### *Option 2 - Increase Frequency of Public Litter Bin Collections*

Increasing the frequency of collection for the public litter bins in Venus Bay and Tarwin Lower to twice daily from Christmas Day to the end of January would assist with the litter problem currently facing Venus Bay each summer but would not address the root cause of the issue and may increase dumping of waste in and around bins.

Contract rates have recently been sought to increase the collection frequency to twice per day in both Venus Bay and Tarwin Lower for the period from Christmas Day to the end of January. If this option was adopted, Council would incur additional contract costs of \$15,225. These costs would need to be funded from the general rates, meaning that all ratepayers in the Shire would be subsidising the service and effectively paying for residents to inappropriately dispose of their waste. Recycling rates would be low with recyclable materials continuing to be sent to landfill.

#### *Option 3 - Increase the Number of Public Litter Bins*

Increasing the number of bins in Venus Bay and Tarwin Lower over the peak holiday period has had little effect on the litter problem caused by the dumping of household waste in the past. It also does nothing to address the root cause of the problem. Costs to install 15 additional litter bins and service them daily from Christmas to the end of January would be approximately \$8,000, based on existing contract rates.

The additional costs would be subsidised by all ratepayers and recycling rates would be lower than they would be if a kerbside collection service was provided.

#### *Option 4 - Introduction of a Compulsory 6 Month Kerbside Garbage & Recycling Collection Service*

The introduction of a compulsory 6 month collection service is in line with the objectives of Councils Waste Management Strategy and would improve recycling rates in Venus Bay and divert waste from landfill. Currently all waste dumped in and around public litter bins is disposed of to landfill. Much of this material is recyclable.

The proposed service would include weekly collection of recyclables between Christmas and the end of January as is the case in Sandy Point and Waratah Bay. The kerbside green waste collection service would not be provided.

The option of a compulsory service for non-permanent ratepayers only was considered but it was concluded that introducing a service on that basis would be impossible to administer.

Collections would be undertaken on Mondays with bins placed out on Sundays, to accommodate weekend visitors. Residents would be encouraged to seek the assistance of their neighbours or friends to return their bins if they were unable to do so themselves. Residents in Sandy Point and Waratah Bay, which have higher rates of unoccupied dwellings in winter when compared to Venus Bay, face similar challenges but manage to utilise the service. Instances of dumped rubbish or overflowing bins in Sandy Point and Waratah Bay are also rare.

It is expected that the implementation of a compulsory kerbside collection service would significantly reduce illegal dumping, with the current number of public litter bins and frequency of collection deemed as sufficient.

#### **Proposal**

It is recommended that a compulsory six month kerbside collection service (November - April) be implemented for all developed residential properties in Venus Bay on the basis of full cost recovery. This proposal would alleviate much of the current problem of dumping in and around litter bins and reduce the associated litter that the practice creates.

#### **FINANCIAL CONSIDERATIONS**

Council's kerbside garbage and recycling collection contract includes rates for optional services in Venus Bay on either a year round or 6 month basis. However, if a compulsory 6 month service were to be introduced a variation to the contract would be required.

The quoted rates also include weekly collection of recyclables between Christmas and the end of January as is the case in Sandy Point and Waratah Bay. If this service was to be introduced, weekly recycling during that peak period would be provided to properties receiving a year round service as well.

Rates provided for the proposed compulsory 6 month service are more expensive than the current optional 6 month service. This is due to the weekly collection of recyclables between Christmas and the end of January and the requirement for an additional collection vehicle and driver to cater for the increased number of services.

The rates in Table 1 are based on 1,650 residential properties. The contract rate for the current 6 month service makes up 75% of the garbage charge payable by ratepayers for the service. Based on this rationale the garbage charge payable for the proposed compulsory service is \$142.80. The garbage charge for a 12 month service with increased recycling over the peak season would be \$223.20. It is proposed that the service be introduced on the basis of full cost recovery.

**Table 1 - Current and Proposed Rates**

Service	Contract Rate (Until Feb 2015)	Total Garbage Charge
Current 12 Month Service	\$140.16	\$195.70
Current 6 Month Service	\$84.00	\$109.70
Proposed 12 Month Service (increased recycling)	\$163.26	\$223.20
Proposed 6 Month Service (increased recycling)	\$105.60	\$142.80

The implementation of a compulsory 6 month collection service will reduce waste volumes and subsequently income at the Venus Bay Transfer Station. However, due to the structure of the transfer station management contract, there will be no negative financial impact to Council. There are no proposed changes to the Venus Bay Transfer Station operating hours.

It is expected that through the introduction of a compulsory kerbside service there will be efficiencies and cost savings achieved by not having to remove dumped rubbish or take follow up enforcement action.

Other options that have been considered, including increasing the number of public litter bins or the frequency of collections also have financial implications which have been discussed under 'Options'.

## **RISKS**

Table 2 shows identified risks and potential mitigation measures associated with the introduction of a minimum 6 month compulsory kerbside service in Venus Bay.

Table 2 - Risks & Mitigation Measures for Compulsory 6 Month Service.

Risk	Mitigation Measures
Cost increase to ratepayers causing financial hardship.	Provide a compulsory 6 month service rather than a more expensive 12 month service.
Non-permanent property owners not present to place bins out for collection.	Schedule collections for Monday with bins to be placed out on a Sunday night.
Non-permanent property owners not present to return bins to their property after collection causing security concerns.	Recommend that property owners arrange with permanent residents to assist in returning bins to properties.
Ratepayer dissatisfaction with introduction of service and associated costs.	Public awareness campaign, highlighting the benefits of the service.

## CONCLUSION

It is recommended that Council introduce a compulsory 6 month kerbside collection service, delivered on the basis of full cost recovery.

## RECOMMENDATION

**That Council:**

- 1. Introduces a compulsory 6 month kerbside garbage and recycling collection service for the period of November to April each year for developed residential properties in Venus Bay, with the service to include weekly recycling collections from the Monday immediately after Christmas Day to the end of January;**
- 2. Sets an annual service charge of \$142.80 per property to fund the 6 month compulsory service, on the basis of full cost recovery, with the fee adjusted annually in line with Councils Fees and Charges Policy;**
- 3. Offers an optional 12 month kerbside garbage and recycling service to developed properties in Venus Bay including weekly recycling from the Monday immediately following Christmas Day to the end of January to replace the current optional 12 month service that does not include weekly recycling;**
- 4. Sets an annual service charge of \$223.20 per property to fund the 12 month optional service, on the basis of full cost recovery, with the fee adjusted annually in line with Councils Fees and Charges Policy; and**
- 5. Reviews the effectiveness of kerbside garbage and recycling services in Venus Bay after 12 months, including an assessment of**



**their impact on reducing dumping of household waste in and around public litter bins.**

**STAFF DISCLOSURE OF INTEREST**

Nil

**E.6 PLANNING APPLICATION 2013/7 - USE AND DEVELOPMENT OF A HOST FARM WITH DWELLING AND ANCILLARY WORKS AT 1725 WILD DOG VALLEY ROAD STRZELECKI (BEING LOT 1 TP020698D PARISH OF ALLAMBEE)**

Development Services Directorate

**EXECUTIVE SUMMARY**

The application is for the use and development of land in the Farming zone for a Host Farm, a Dwelling and ancillary works. The land is at 1725 Wild Dog Valley Road Strzelecki and has an area of 26.5 hectares. The land is within the Farming Zone and the use and development of land for a Dwelling and Host Farm requires a planning permit.

The application has been referred to Council for a decision as eight (8) written objections have been received. Key objections relate to:

1. The suitability and viability of the proposed Host Farm activities;
2. Impacts from increased noise, traffic and loss of views; and
3. Impacts on adjoining farms and the environment arising from poor land management practices.

The application has been assessed against the relevant provisions of the South Gippsland Planning Scheme and is recommended for approval, subject to conditions regulating the use and development. It is recommended a limit on the number of people able to be accommodated on the land and a restriction on events be included in the permit conditions.

*Document/s pertaining to this Council Report*

- **Attachment 1** - Locality Plan and Aerial Photo
- **Attachment 2** - Zone and Overlays
- **Attachment 3** - Site Layout Plans
- **Attachment 4** - Floor Plans and Elevations of Dwelling
- **Attachment 5** - Floor Plans and Elevations of Cabins
- **Attachment 6** - Floor Plans and Elevations of Amenities and Meeting Room
- **Attachment 7** - Farm Plan for Whole Site
- **Attachment 8** - Farm Plan Enlargement
- **Attachment 9** - Planning Assessment

- **Attachment 10** - Summary of Objections
- **Confidential Appendix 1** - Copy of Objections

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

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

Planning and Environment Act 1987 (the Act)

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

### **COUNCIL PLAN**

Outcome:	1.0	A Prosperous Shire
Objective:	1.1	Work with the business community to support existing businesses, diversify employment opportunities and to attract new businesses.
Strategy:	1.1.3	We will actively encourage sustainable development and growth of agricultural, industry and commercial business.

### **CONSULTATION**

The application was notified by postal notice to adjoining property owners/occupiers in accordance with section 52 of the Act. The application was also available for the public to view at Council's office in Leongatha.

Eight (8) written objections have been received. Individual concerns raised in the objections are discussed later in the report.

Refer **Confidential Appendix 1** - Copy of Objections.

The application was referred to South Gippsland Water and the West Gippsland Catchment Management Authority for advice regarding development within a declared potable water supply and in relation to construction of works within 100m of a waterway. Both authorities have provided conditional support for the proposal.

Council officers met with a number of the objectors to this application on 25 May 2015 to further discuss their concerns and how they relate to the application.

The application was referred internally to Council's Wastewater Department who has provided conditional support for the proposal.

## **REPORT**

### **Background**

The subject land is located at 1725 Wild Dog Valley Road Strzelecki, being Lot 1 TP 020698D Parish of Allambee. The land is owned by the applicant.

The land is in the Farming Zone under the provisions of the South Gippsland Planning Scheme. The land is affected by the Environmental Significance Overlay Schedule 5 - Areas Susceptible to Erosion.

The land has an area of approximately 26 hectares. The majority of the land has previously been cleared of native vegetation and used for sheep and cattle grazing, with some agricultural sheds and livestock handling yards remaining on the property. Wild Dog Creek runs the whole length of the property (950 metres) and there is a steep escarpment that also runs along one side of the creek. Most of the site is within an area of Aboriginal Cultural Heritage Sensitivity as a result of its proximity to Wild Dog Creek.

The land is within the Tarwin River Potable Water Supply Catchment, a declared drinking water catchment under the Water Act.

Refer **Attachment 1** - Locality Plan and Aerial Photo

Refer **Attachment 2** - Zone and Overlays

### **Changes to the application**

In January 2013 the applicants applied for a permit for use and development of the land for a Dwelling and Group Accommodation in association with Outdoor Recreation. The application was notified to adjoining residents and land owners at that time and no written submissions were received. The application was also referred to relevant service authorities. Council's Wastewater Department and South Gippsland Water required a land capability assessment to be prepared for the land in relation to on-site effluent disposal.

Following consideration of the land capability assessment, the application was amended in October 2014 to a Host Farm, Dwelling and Outdoor Recreation in order to address the limited ability of the site to dispose of effluent and to better define the applicants intentions with respect to the land.

In January 2015 the amended application for Host Farm, Dwelling and Outdoor Recreation was required to be re-notified to adjoining residents and landowners and eight (8) people have responded. The revised application was also re-referred to relevant service authorities.

During the course of assessing the application it was found that use of the land for Outdoor Recreation requires a Cultural Heritage Management Plan under the provisions of the Aboriginal Heritage Act 1988, which has not been prepared by the applicant. At the suggestion of Council officers, the applicant

agreed to amend the application to delete the Outdoor Recreation component of the proposal. This was agreed on the basis that many of the outdoor recreation activities proposed on the land (such as cross country running, steep hill walking, basic orienteering, wildlife observation and recognition) are uses that are considered ancillary to use of the land for a Dwelling and Host Farm if those activities are undertaken by residents of the Dwelling and guests of the Host Farm.

### **Enforcement**

In February 2015 following receipt of complaints, Council's Planning and Building Enforcement Officer investigated an unpermitted event, a proposed event and illegal building works (comprising a cubby house, relocatable building (yurt) and a footbridge crossing over the creek). Council's Environmental Health Team also investigated complaints in relation to illegal toilets on the land.

Council's Planning and Building Enforcement Officer has ordered appropriate permits be obtained for the building works and advised the event should be cancelled. The landowner agreed to cancel the event. A separate planning permit application for the existing building works has now been lodged and will be considered separate to this application. The outcome of that application does not influence consideration of the current application.

### **Proposal**

The application is for use and development of the land for a Host Farm and Dwelling and for ancillary works. It is proposed people will attend the site to take part in the day to day management of the farm, with the option to seek an extended stay to experience farm life.

The Host Farm use proposes activities such as:

1. Tending and planting a proposed subtropical food forest - weeding, pruning, fertilising, harvesting, protecting the plants.
2. Orchard - planting, pruning, weeding, fertilising, harvesting, composting.
3. Animal management - milking of a dairy cow, rotating paddocks of grazing cattle or sheep, checking feed and water.
4. Horsemanship - catching, grooming, riding, washing, feeding.
5. Vegie garden - planting, weeding, fertilising, harvesting, composting.
6. Wood lot management - planting, pruning, harvesting.
7. Firewood - collection, chopping and stacking.
8. Aquaculture - stocking and harvesting fish from the dam.

9. Fencing, revegetation, maintenance of tracks, general weeding, storing, processing and preserving produce from the farm. Building and building maintenance projects such as making mud bricks is also proposed.

Proposed building works associated with the Host Farm use include:

1. 2 single storey mud brick cabins, each with capacity for 5 beds.
2. 2 single storey weatherboard cabins, each with capacity for 5 beds.
3. A single storey weatherboard amenities building with toilets, showers and a kitchen.
4. A single storey hexagonal shaped mud brick building proposed to be used as a communal meeting room as part of the Host Farm activities.

A single-storey, 3 bedroom mud brick dwelling is proposed to support the host farm use of the land and manage the on-going permaculture use of the land.

Ancillary works associated with the Host Farm and Dwelling include:

1. Proposed driveway access from Wild Dog Valley Road including a vehicle crossing over Wild Dog Creek.
2. On-site effluent disposal system.

Refer **Attachment 3** - Site Layout Plans

Refer **Attachment 4** - Floor Plans and Elevations of Dwelling

Refer **Attachment 5** - Floor Plans and Elevations of Cabins

Refer **Attachment 6** - Floor Plans and Elevations of Amenities and Meeting Room

Refer **Attachment 7** - Farm Plan for Whole Site

Refer **Attachment 8** - Farm Plan Enlargement

## **PLANNING SCHEME REQUIREMENTS AND POLICIES**

Section 60 of the Act requires the Responsible Authority consider the following:

1. The relevant planning scheme;
2. The objectives of planning in Victoria;
3. All objections and other submissions which it has received;
4. Any decision and comments of a referral authority which it has received;

5. Any significant effects which the responsible authority considers the use or development may have on the environment or which the Responsible Authority considers the environment may have on the use or development;
6. Any significant social effects and economic effects which the Responsible Authority considers the use or development may have; and
7. Any other strategic plan, policy statement, code or guideline which has been adopted by a Minister.

Council has considered all of the above matters and a detailed assessment against all relevant provisions is provided in the attachment to the report.

Refer **Attachment 9** - Planning Assessment

### **Objections**

Eight (8) written objections have been received to the application. Individual concerns, raised in the objections, are discussed later in the attachment to this report.

Refer **Attachment 10** - Summary of Objections

Refer **Confidential Appendix 1** - Copy of Objections.

### **CONCLUSION**

It is considered the proposed use and development of the land for a Dwelling, Host Farm and ancillary works can be supported by the relevant State and Local Planning Policy provisions. These aim to protect valuable farming land from inappropriate development while supporting improved environmental outcomes. In particular, Council's Rural Dwellings Policy supports the use and development of dwellings to support improved biodiversity outcomes associated with native vegetation in circumstances where at least half of the lot is affected. The proposed Farm Plan submitted in support of the proposed Dwelling on the land demonstrates the most vulnerable parts of the site will be protected and enhanced through planned revegetation works.

The proposal is considered to satisfy the relevant decision guidelines set out in the Farming Zone and Environmental Significance Overlay Schedule 5 that apply to the subject land. The location and design of buildings and works have been considered having regard to the sites physical limitations.

The proposed Host Farm use is expected to offer guests an opportunity to participate in a range of farming and land management activities proposed on the land and to contribute to the range of agricultural based tourism experiences available in the Shire. Although there will be a limited extent of farming proposed on the land, land management activities (such as weeding and fencing maintenance) will be on-going. Depending on the season, guests of the Host Farm will be able to participate in all stages of agricultural

production, from planting through to harvest and packaging. This will help ensure a meaningful farm experience is obtained.

A number of concerns raised by local residents arise from the unauthorised use of the land for large public events and the range of amenity issues associated with large numbers of people on the site. These concerns are expected to be addressed by a condition on the planning permit to limit the number of people able to be accommodated on the land in accordance with the recommendations of the Land Capability Assessment and by a condition specifying that no events may be conducted on the land except with separate written consent of Council.

On balance, it is recommended that Council issue a notice of decision to grant a permit, subject to appropriate conditions.

### **RECOMMENDATION**

**That Council issue a Notice of Decision to Grant a Permit for the use and development of a Dwelling, Host Farm (comprising 4 accommodation units, amenities building and meeting room) and ancillary works in accordance with the endorsed plans and subject to the following conditions:**

- 1. Before the building works for either Dwelling or Host Farm commence amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application/other specified plans but modified to show:**
  - a. On-site parking for 10 cars (2 for the dwelling and 2 for each accommodation unit);**
  - b. Detailed design plan for the proposed vehicular creek crossing demonstrating that the flood depth over the track/crossing does not exceed 0.3 metres over any area during a 1% AEP flood in accordance with the requirements of the West Gippsland Catchment Management Authority; and**
  - c. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant proposed to be planted within the revegetation areas demonstrated on the Farm Plan. All species selected must be to the satisfaction of the Responsible Authority and must be derived from the attached planting guide and appropriate Ecological Vegetation Class (EVC) for the land.**



2. **Prior to the commencement of any building works for the proposed Dwelling, an agreement under Section 173 of the Planning and Environment Act must be entered into which ensures that:**
  - a. **No further dwellings shall be erected on the land;**
  - b. **The land shall not be subdivided so as to create any additional lots for a dwelling;**
  - c. **A Host Farm business must be established on the land to the satisfaction of the Responsible Authority generally in accordance with the Farm Plan submitted with the permit application and endorsed as part of this permit;**
  - d. **The dwelling on the land must be occupied by the person(s) operating and managing the Host Farm; and**
  - e. **The requirements of (c) and (d) can be varied by substitution of an alternative use if approved under Condition 3 of the Permit.**

**The Agreement must be registered on title pursuant to Section 181 of the Planning and Environment Act. All costs relating to the preparation and registration of the Agreement must be borne by the applicant. The agreement must be registered prior to the issue of a Statement of Compliance.**

3. **In the event that the establishment of a Host Farm business on the land as described in the particulars and statements submitted with the application ceases, the dwelling must continue to be utilised in association with a bona fide intensive agricultural land use that requires a dwelling on the land and a new business plan must be prepared to the satisfaction of the Responsible Authority.**
4. **Prior to the development of the Dwelling commencing, the owner/applicant must enter into an Agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 in order to ensure the planting and permanent protection of native vegetation on 50% of the site (approximately 13 hectare area) as shown on the endorsed plans. The Agreement must ensure:**
  - a. **All areas of native vegetation can be accessed for vegetation management works (e.g. weed control, fencing maintenance and the like), passive recreation and in the case of an emergency;**
  - b. **Stock must be excluded from the area of native vegetation at all times;**

- c. Fencing must be maintained around the areas of native vegetation at all times;**
- d. The storing of material (machinery/rubbish) and the parking of vehicles in the area of native vegetation is not permitted;**
- e. All fallen and standing timber must be retained; and**
- f. Control noxious and environmental weeds on an annual basis in the area of native vegetation to be permanently protected.**

**The Agreement must be registered on title pursuant to Section 181 of the Planning and Environment Act. All costs relating to the preparation and registration of the Agreement must be borne by the applicant. The Agreement must be registered before works for the Dwelling commence on the land.**

- 5. The building, works and layout as shown on the endorsed plan(s) must not be altered or modified except with the written consent of the Responsible Authority.**
- 6. Once the development has started it must be continued and completed in a timely manner to the satisfaction of the Responsible Authority.**
- 7. South Gippsland Water Corporation Condition.**

**The owner/applicant must comply with the following South Gippsland Water Corporation Conditions:**

- a. The owner shall install a wastewater management system that provides a secondary level of treatment of wastewater in accordance with the Land Capability Assessment dated 3 March 2013 or otherwise to the satisfaction of the Responsible Authority; and**
- b. Prior to the issue of a permit to install a septic tank system, the owner shall supply to the Responsible Authority an assessment of the wastewater pumping system requirements, pump installation capabilities and back up requirements installed in the case of a power system failure occurring.**

**8. West Gippsland Catchment Management Authority Condition.**

**The owner/applicant must comply with the following West Gippsland Catchment Management Authority Condition:**

- a. **Prior to the commencement of development of any of the accommodation buildings, evidence must be provided to the satisfaction of the West Gippsland Catchment Management Authority that there is safe vehicular access from Wild Dog Valley Road to the buildings, including the crossing over Wild Dog Creek. This may require an upgrade to the track and/or crossing to ensure that flood depth does not exceed 0.3 metres over any point of during a 1% AEP flood.**
  9. ***Downpipe water from all buildings must be suitably directed into water tank(s), soakwell(s), or otherwise discharged, so as not to cause erosion to the subject or surrounding land, to the satisfaction of the Responsible Authority. The external finishes and materials of water tank(s) (if required) must be colour treated in muted low-reflective tones.***
  10. **The external finishes of all buildings must be colour treated and maintained in muted non-reflective tones to the satisfaction of the Responsible Authority.**
  11. **Building construction must be carried out in accordance with Construction Techniques for Sediment Pollution Control (EPA May 1991) and Control of Erosion on Construction Sites (Soil Conservation Authority) to the satisfaction of the Responsible Authority.**
  12. **All works must be undertaken in a manner that minimises soil erosion, and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of the Responsible Authority.**
  13. **Any access road, clearings and banks resulting from excavation must be stabilised by the use of retaining walls, terracing, revegetation and other means of slope stabilisation due to the steepness of the block and must be to the satisfaction of the Responsible Authority.**
  14. **The dwelling and amenities building must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from the dwelling building must be treated and retained within the boundaries of the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.**
  15. **The owner/applicant must comply with the following South Gippsland Shire Engineering Department conditions:**
-

- a. **Access and layout of the driveway must be constructed in accordance with Council's standard drawing SD 255 (Copy attached);**
  - b. **The driveway must have a minimum consolidated pavement depth of 100 mm thick crushed rock or 2nd grade gravel on a suitably prepared and firm subgrade between the road and the property boundary;**
  - c. **The remainder of the driveway must be constructed, and thereafter maintained, to an all-weather standard (gravel, crushed rock or equivalent);**
  - d. **The owner/applicant must check with the relevant authorities before any excavation work is undertaken; and**
  - e. **All work must be to the satisfaction of the Responsible Authority.**
- 16. Before the use or occupation of the development starts, the area(s) set aside for the parking of vehicles and driveways as shown on the endorsed plans must be:**
- a. **constructed;**
  - b. **properly formed to such levels that they can be used in accordance with the plans;**
  - c. **surfaced with an all-weather-seal coat;**
  - d. **drained;**
  - e. **to the satisfaction of the Responsible Authority; and**
  - f. **Car spaces and driveways must be kept available for these purposes at all times.**
- 17. This permit will expire if the development of the Dwelling is not started and completed within five (5) years of the date of this permit.**
- 18. Prior to the commencement of construction any buildings for the Host Farm, an Agreement under Section 173 of the Planning and Environment Act must be entered into with the owner of each lot created which ensure:**
- a. **The Host Farm accommodation units must not be used for permanent accommodation.**
  - b. **The Host Farm accommodation units must not be resided in by the owner or any other person for more than 42 consecutive days or more than 150 days per calendar year.**
-

**The Agreement must be registered on title pursuant to Section 181 of the Planning and Environment Act. All costs relating to the preparation and registration of the Agreement must be borne by the applicant. The agreement must be registered prior to the issue of a Statement of Compliance.**

- 19. No more than twenty (20) people may be accommodated in the Host Farm Accommodation at any time except with the written consent of the Responsible Authority. The maximum number of people is based on there being no more than 5 people occupying each of the 4 cabins at any time.**
- 20. No Events may be conducted on the land except with the prior written consent of the Responsible Authority.**
- 21. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:**
  - a. transport of materials, goods or commodities to or from the land;**
  - b. appearance of any building, works or materials;**
  - c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/or**
  - d. presence of vermin.**
- 22. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land or passing vehicles to the satisfaction of the Responsible Authority.**
- 23. All waste material or other refuse must be obscured from the view of the public and must be disposed of in a manner to the satisfaction of the Responsible Authority.**
- 24. The property must be maintained in a neat and tidy condition to the satisfaction of the Responsible Authority.**
- 25. The loading and unloading of vehicles and delivery of goods must at all times be within the boundaries of the site.**
- 26. This permit will expire if any of the following applies:**
  - a. The development of the Host Farm is not started within two (2) years of the date of this permit;**
  - b. The development of the Host Farm is not completed within four (4) years of the date of this permit; and/or**

- c. The use of the land for a Host Farm does not start within two (2) years after the completion of the development.**

**Foot Notes included on Permit:**

- 27. Pursuant to the provisions of Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the time to start development under part (a) of the expiry condition, if the request is made before the permit expires or within 6 months afterwards.**

**The Responsible Authority may extend the time to complete the development under part (b) of the expiry condition if:**

- i. the request for an extension of time is made within 12 months after the permit expires; and**
- ii. the development or stage started lawfully before the permit expired.**

**The Responsible Authority may extend the time to start the use of the land under part (c) of the expiry condition if the request is made before the permit expires or within 6 months afterwards.**

- 28. This permit allows the above land to be used or developed for the purpose specified. It is the permit holder's responsibility to ensure that any other relevant approvals are obtained prior to the commencement of the use or development.**
- 29. All works associated with the development must be in a manner consistent with the provisions of the Aboriginal Heritage Act, 2006. Aboriginal Affairs Victoria is the authority for administration of that Act and the proponent is advised to contact GPO Box 2392V, Melbourne, 3001. Telephone 1300 888 544 or (03) 9208 3287.**
- 30. A Consent to Work Within the Road Reserve Permit must be obtained from Council's Engineering Department for the construction and/or alteration of the driveway.**
- 31. A Consent to Work Within the Road Reserve Permit must be obtained from Council's Engineering Department for the construction and/or alteration of the driveway.**
- 32. The owner/applicant is encouraged to check with the relevant service authorities before any excavation work is undertaken (e.g. Telstra, SP Ausnet and South Gippsland Water).**
- 33. South Gippsland Water Corporation Note:**

**The proposed use and development poses a significant risk to waterway contamination upon any failure of the wastewater system**

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**as there are a range of limiting site and soil features associated with the installation of a wastewater system on this property.**

**34. West Gippsland Catchment Management Authority Note:**

**All works within 30 metres of a designated waterway require a Works on Waterways licence from the West Gippsland Catchment Management Authority, issued under the Water Act 1989. This includes (but is not limited to) construction of any recreational paths and crossings and the construction of any vehicular access over a designated waterway.**

**STAFF DISCLOSURE OF INTEREST**

Nil

**Attachment 1  
Locality Plan and Aerial Photo**





## Attachment 2 Zone and Overlays

### Planning Property Report

From [www.dpccd.vic.gov.au/planning](http://www.dpccd.vic.gov.au/planning) on 18 June 2015 12:46 PM

**Address:** 1725 WILD DOG VALLEY ROAD STRZELECKI 3950

**Lot / Plan:** Lot 1 TP20698

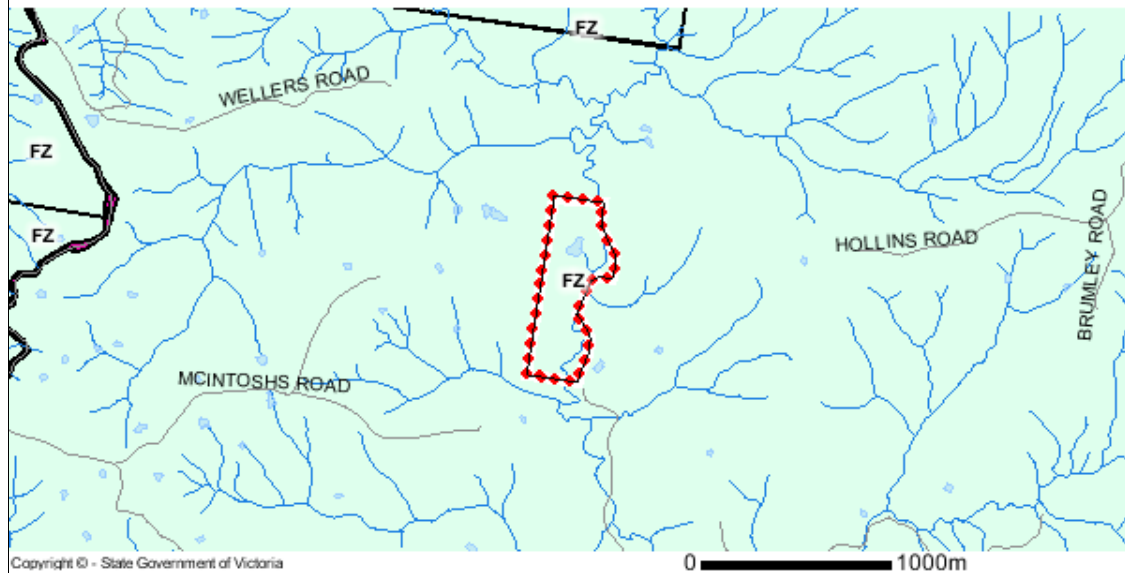
**Local Government (Council):** SOUTH GIPPSLAND **Council Property Number:** 194354

**Directory Reference:** VicRoads 96 G7

### Planning Zone

**FARMING ZONE (FZ)**

**SCHEDULE TO THE FARMING ZONE**



Note: labels for zones may appear outside the zone boundary - please compare the labels with the legend.

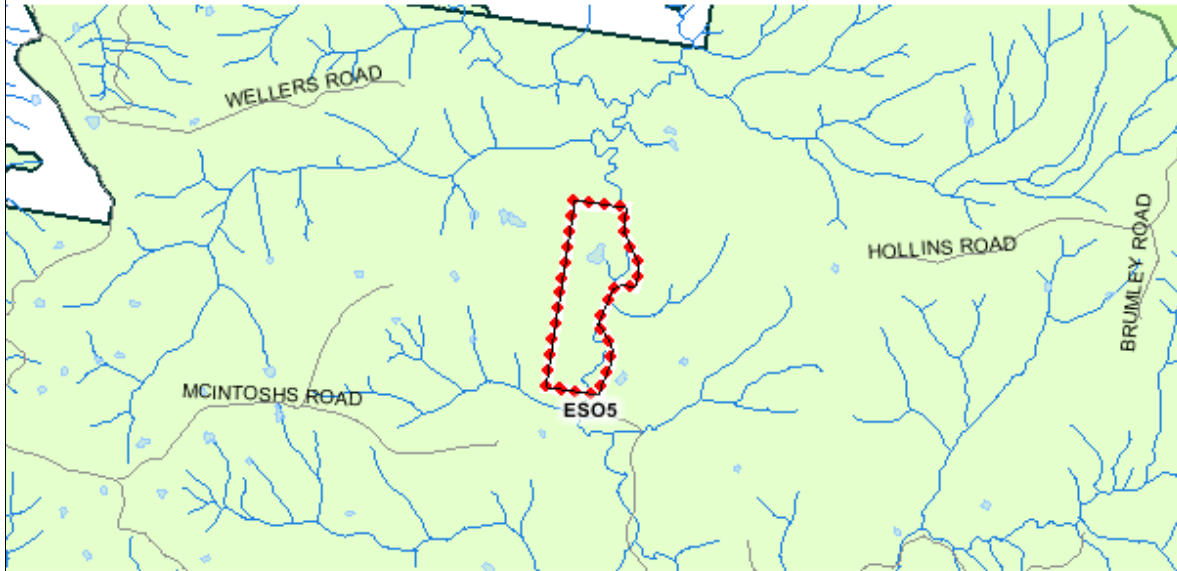
#### Zones Legend

ACZ - Activity Centre	IN1Z - Industrial 1	R1Z - General Residential
B1Z - Commercial 1	IN2Z - Industrial 2	R2Z - General Residential
B2Z - Commercial 1	IN3Z - Industrial 3	R3Z - General Residential
B3Z - Commercial 2	LDRZ - Low Density Residential	RAZ - Rural Activity
B4Z - Commercial 2	MUZ - Mixed Use	RCZ - Rural Conservation
B5Z - Commercial 1	NRZ - Neighbourhood Residential	RDZ1 - Road - Category 1
C1Z - Commercial 1	PCRZ - Public Conservation & Resource	RDZ2 - Road - Category 2
C2Z - Commercial 2	PDZ - Priority Development	RGZ - Residential Growth
CA - Commonwealth Land	PPRZ - Public Park & Recreation	RLZ - Rural Living
CCZ - Capital City	PUZ1 - Public Use - Service & Utility	RUZ - Rural
CDZ - Comprehensive Development	PUZ2 - Public Use - Education	SUZ - Special Use
DZ - Dockland	PUZ3 - Public Use - Health Community	TZ - Township
ERZ - Environmental Rural	PUZ4 - Public Use - Transport	UFZ - Urban Floodway
FZ - Farming	PUZ5 - Public Use - Cemetery/Crematorium	UGZ - Urban Growth
GRZ - General Residential	PUZ6 - Public Use - Local Government	Urban Growth Boundary
GWAZ - Green Wedge A	PUZ7 - Public Use - Other Public Use	
GWZ - Green Wedge	PZ - Port	

**Planning Overlay**

ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)



ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 5 (ESO5)



Copyright © - State Government of Victoria

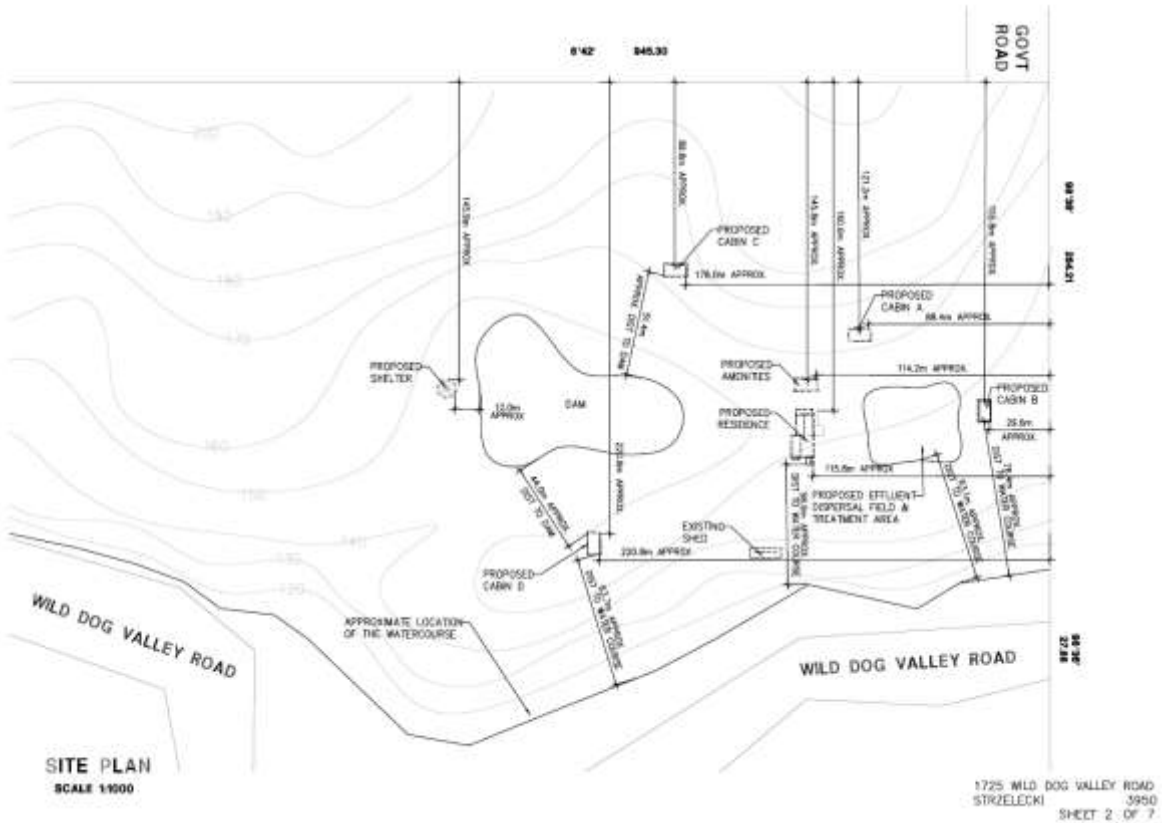
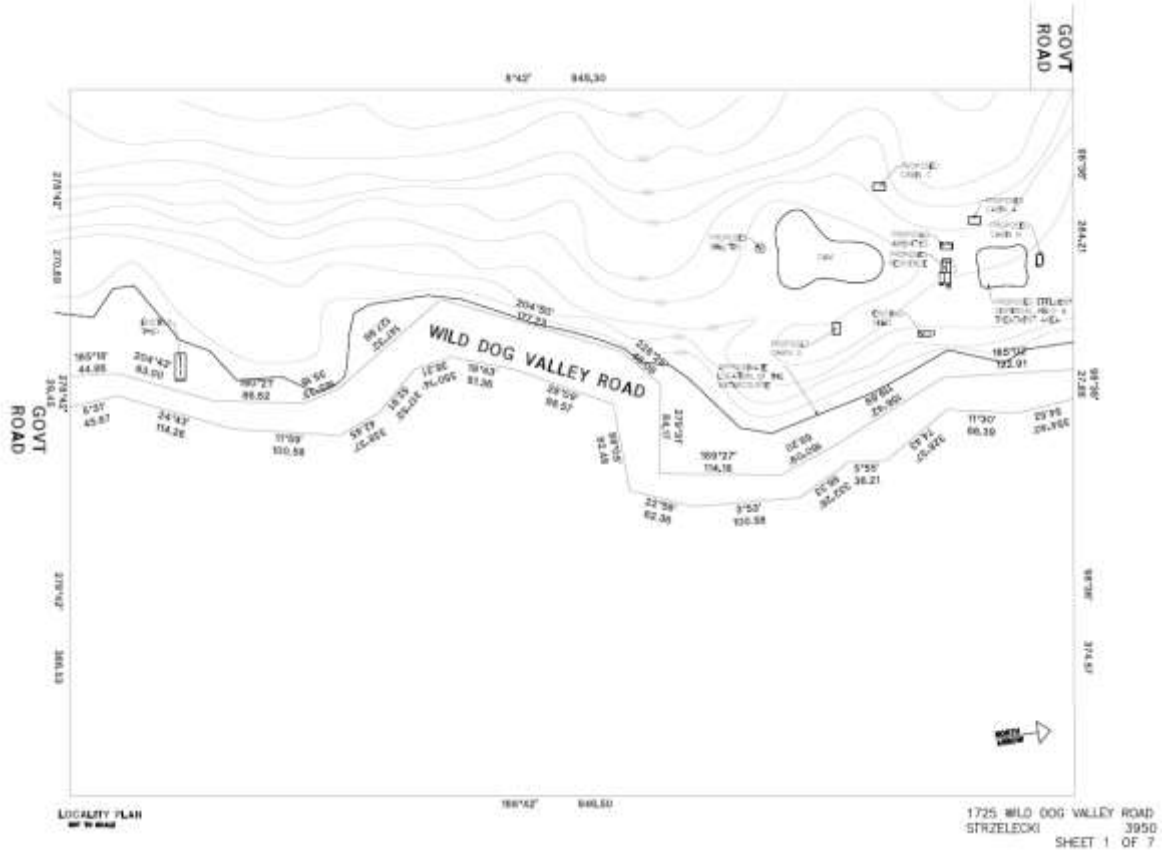
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**Overlays Legend**

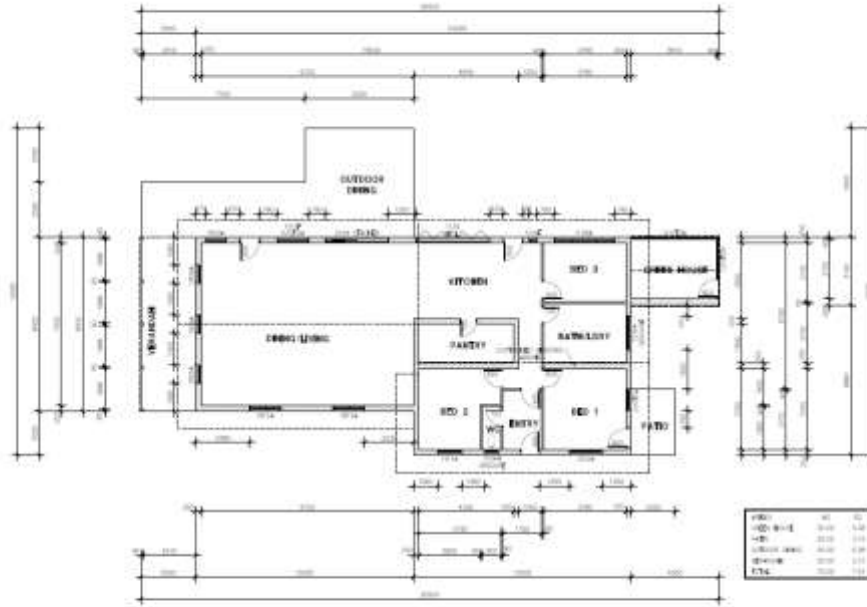
- |   |  |
|---|--|
|  AEO - Airport Environs                |  LSIO - Land Subject to Inundation    |
|  BMO - Bushfire Management (also WMO)  |  MAEO1 - Melbourne Airport Environs 1 |
|  CLPO - City Link Project              |  MAEO2 - Melbourne Airport Environs 2 |
|  DCPO - Development Contributions Plan |  NCO - Neighbourhood Character        |
|  DDO - Design & Development            |  PO - Parking                         |
|  DDOPT - Design & Development Part     |  PAO - Public Acquisition             |
|  DPO - Development Plan                |  RO - Restructure                     |
|  EAO - Environmental Audit             |  RCO - Road Closure                   |
|  EMO - Erosion Management              |  SBO - Special Building               |
|  ESO - Environmental Significance      |  SLO - Significant Landscape          |
|  FO - Floodway                         |  SMO - Salinity Management            |
|  HO - Heritage                         |  SRO - State Resource                 |
|  IPO - Incorporated Plan               |  VPO - Vegetation Protection          |

Note: due to overlaps some colours may not match those in the legend.

### Attachment 3 Site Layout Plans

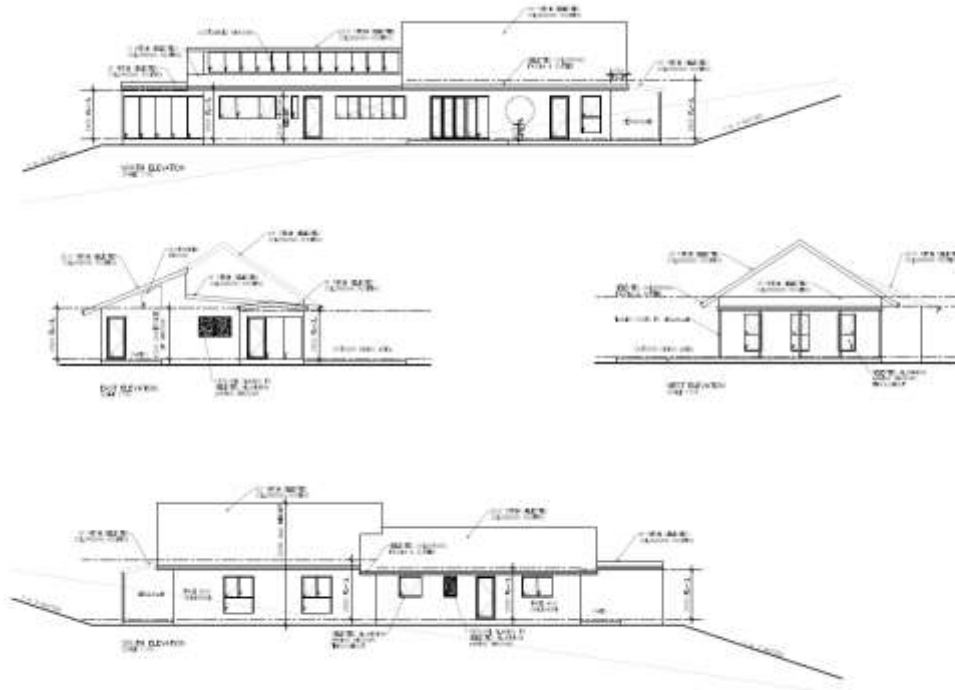


**Attachment 4  
 Floor Plans and Elevations of Dwelling**



**PROPOSED HOUSE - FLOOR PLAN**  
 SCALE 1/50

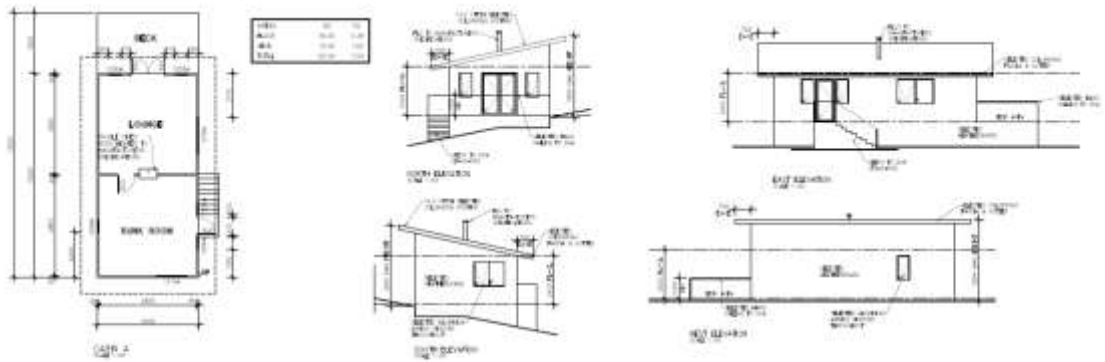
1725 WILD DOG VALLEY ROAD  
 STRZELECKI 3950  
 SHEET 3 OF 7



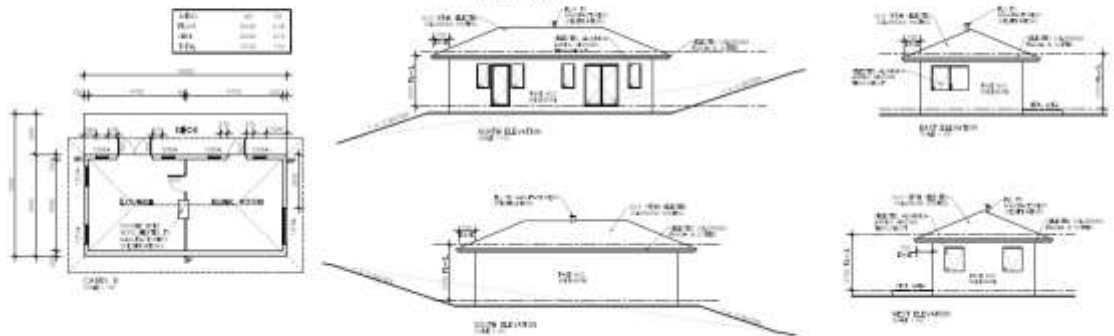
**PROPOSED HOUSE - ELEVATIONS**  
 SCALE 1/50

1725 WILD DOG VALLEY ROAD  
 STRZELECKI 3950  
 SHEET 4 OF 7

**Attachment 5  
 Floor Plan and Elevations of Cabins**

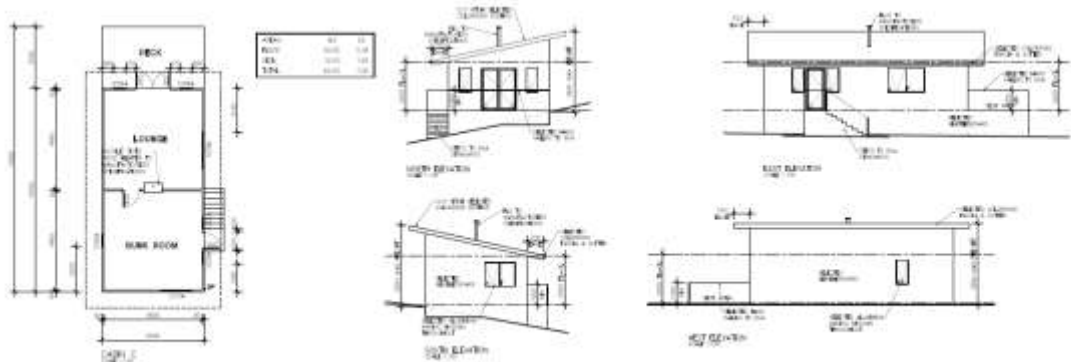


**PROPOSED CABIN A - FLOOR PLAN & ELEVATIONS**  
 SCALE 1/30

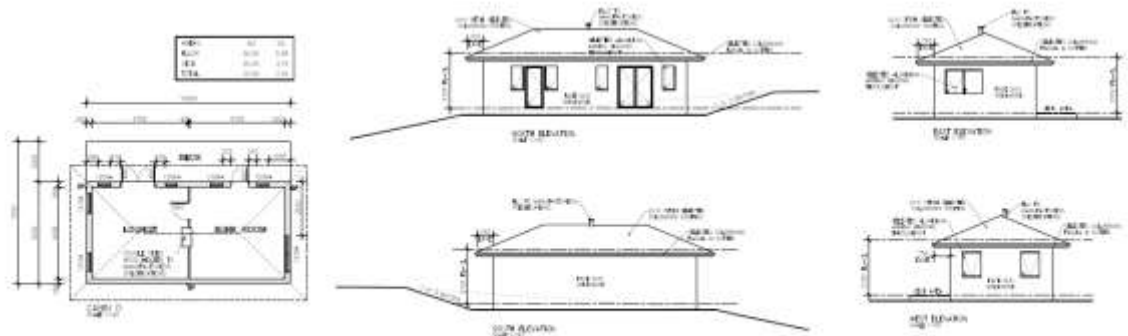


**PROPOSED CABIN B - FLOOR PLAN & ELEVATIONS**  
 SCALE 1/30

1725 WILD DOG VALLEY ROAD  
 STRZELECKI 3950  
 SHEET 5 OF 7



**PROPOSED CABIN C - FLOOR PLAN & ELEVATIONS**  
 SCALE 1/30



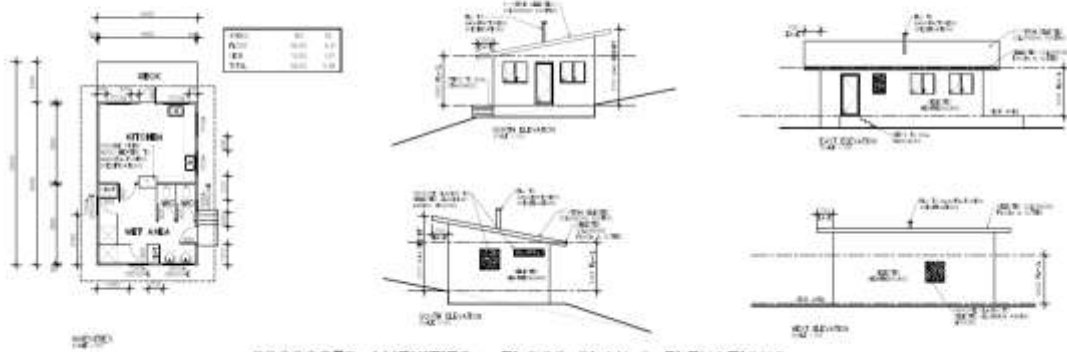
**PROPOSED CABIN D - FLOOR PLAN & ELEVATIONS**  
 SCALE 1/30

1725 WILD DOG VALLEY ROAD  
 STRZELECKI 3950  
 SHEET 6 OF 7

### Attachment 6 Floor Plans and Elevations of Amenities and Meeting Room



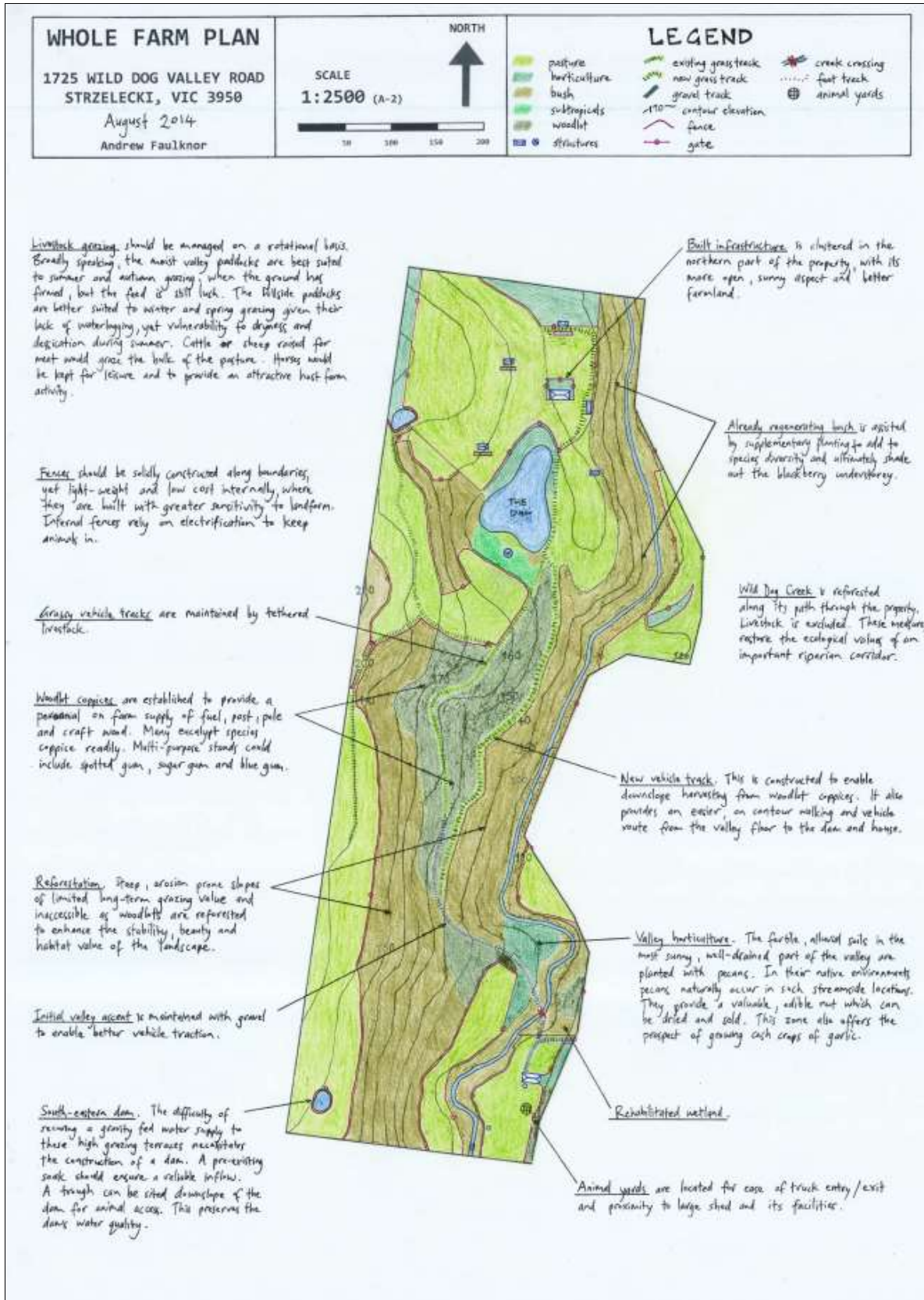
PROPOSED SHELTER - FLOOR PLAN & ELEVATIONS  
SCALE 1:100



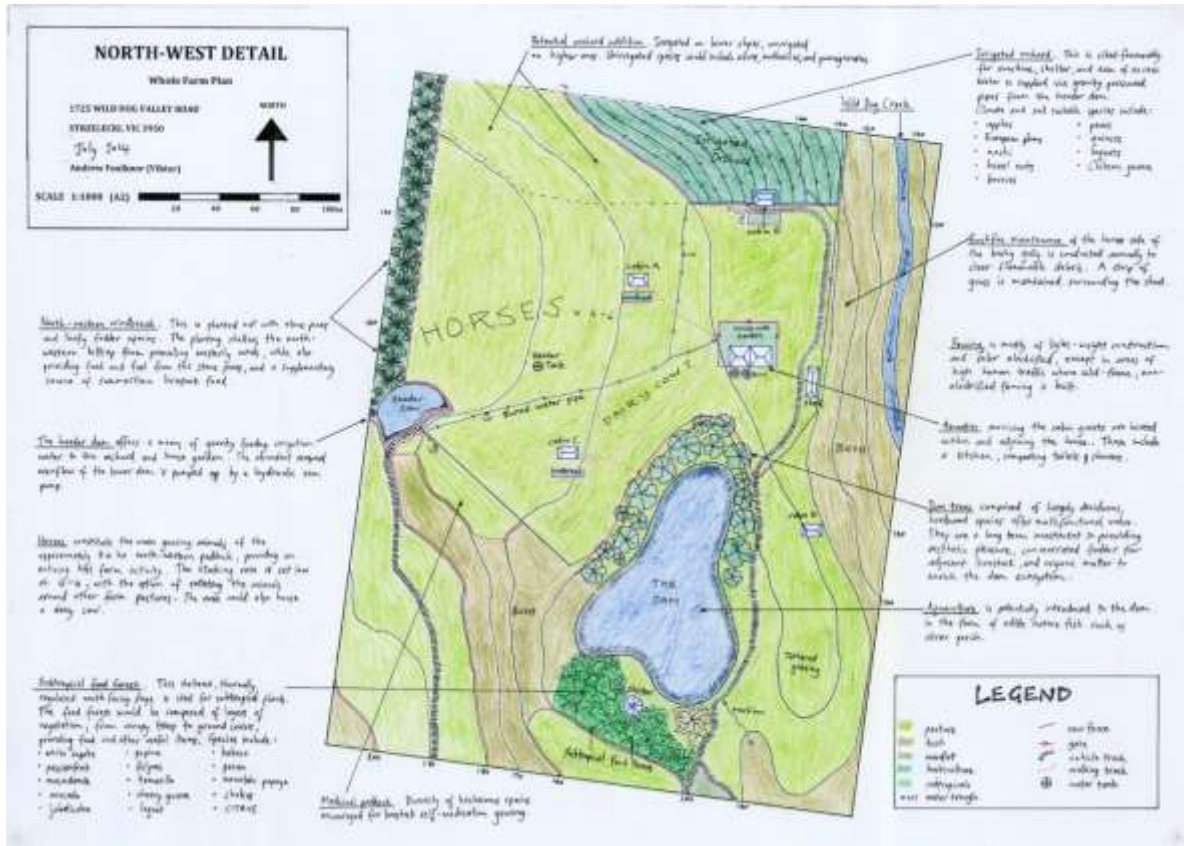
PROPOSED AMENITIES - FLOOR PLAN & ELEVATIONS  
SCALE 1:100

1725 WILD DOG VALLEY ROAD  
3950 STRZELECKI  
SHEET 7 OF 7

## Attachment 7 Farm Plan for Whole Site



### Attachment 8 Farm Plan Enlargement





## **Attachment 9 Planning Assessment**

### **HOST FARM**

Host Farm is a form of Accommodation and is defined in the Planning Scheme as:

*An agricultural property used to provide accommodation for persons, away from their normal place of residence, to experience living on land used for agricultural purposes.*

Agricultural property is not defined in the Planning Scheme. Therefore a common dictionary definition would be used to define an agricultural property as land used for agriculture. Agriculture is defined in the Planning Scheme as:

*Land used to:*

- a) propagate, cultivate or harvest plants, including cereals, flowers, fruit, seeds, trees, turf, and vegetables;*
- b) keep, breed, board, or train animals, including livestock, and birds; or*
- c) propagate, cultivate, rear, or harvest living resources of the sea or inland waters.*

The range of activities proposed on the site that fall within the definition of Agriculture include: the proposed cultivation and harvesting of plants (cultivation and harvesting of wood lot trees, fruit trees and vegetable crops); keeping of animals (a dairy cow, cattle and sheep for meat; and horses) and propagation and harvesting of living resources from an inland water (stocking and harvesting fish from dam).

The definition of agriculture does not include references to the scale or intent of the activities undertaken on the land or the land use zone in which the activities are undertaken. It therefore becomes a matter of interpretation as to how the land use is characterised and how it is distinguished from non-agricultural use of the land.

The land has a total area of 26.5 hectares. Of this it is estimated that at least half of the land (13 hectares) is not suitable for farming as a consequence of its steep slopes, remnant vegetation and its proximity to Wild Dog Creek.

The remaining 13 hectares will be used and developed for the proposed agricultural activities.

While it is acknowledged the scale of each of the proposed farm activities may not be commercially viable, it is considered the size and extent of the proposed activities exceed those normally associated with residential use of the land and comprise agriculture activities.

As the proposal is to provide accommodation for people away from their normal place of residence to experience living and working on an agricultural property, the

proposal is considered to fall within the land use definition of Host Farm under the Planning Scheme.

### **Farming Zone Decision Guidelines for Host Farm**

Use and development of a Host Farm requires a planning permit in the Farming Zone. In addition, the development of buildings (the proposed cabins, amenities building and meeting room) within 100 metres a designated waterway requires a planning permit under the provisions of the Farming Zone.

Relevant decision guidelines in the Farming Zone that are applicable to the proposal are:

1. The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
2. The capability of the land to accommodate the proposed use or development including the disposal of effluent.
3. How the use or development relates to sustainable land management.
4. Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
5. Whether the use or development will support and enhance agricultural production.
6. Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production
7. The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
8. The need to protect and enhance the biodiversity of the area, including the retention of vegetation and fauna habitat and the need to revegetate the land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
9. The need to locate buildings in one area to avoid any impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
10. The impact of the siting, design, height, bulk, colours and materials to be used on the natural environment, major roads, vistas and water features and the measures to be taken to minimise any adverse impacts.
11. The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.

## Planning Response

The land is considered suitable for the proposed use and development, having an area of 26.5 hectares and a history of development for grazing of sheep and cattle. The land has sufficient site area to collect and store rainwater for use on the site and is able to be connected to reticulated power. The land has access to a public road (Wild Dog Valley Road) and has sufficient area to contain the proposed buildings and works within the boundaries of the property. However, the land is constrained for development by the steep slope, remnant native vegetation and the proximity of Wild Dog Creek.

A Land Capability Assessment has been undertaken for the proposed Host Farm and demonstrates the land has sufficient area to dispose of effluent in accordance with appropriate standards provided the number of people accommodated in the Host Farm does not exceed 20 people (5 people in each of the 4 cabins). Provided the capacity of the effluent disposal system is not exceeded, the proposed use of the land for Host Farm is not expected to affect soil or water quality and it is recommended any planning permit impose a limit on the number of people occupying the Host Farm accommodation.

The Farm Plan submitted in support of the Host Farm demonstrates the parts of the land that are most suitable for agriculture will be used for farming and that the steep land along the waterways will be revegetated. The buildings associated with the Host Farm have been sited to utilise the part of the site most suited to effluent disposal and to minimise the extent of earthworks required for construction. No vegetation needs to be removed to construct the buildings on the land. The proposed access driveway across Wild Dog Valley Creek is not expected to result in loss of soil or water quality provided works are undertaken in accordance with a Works on Waterways Licence as required by the West Gippsland Catchment Management Authority. The crossing location is considered appropriate to minimise excavation. It is recommended it be a condition of any planning permit to require amended plans demonstrating the proposed vehicular access crossing over Wild Dog Valley Creek will meet the requirements of West Gippsland Catchment Management Authority and that all earthworks are undertaken in accordance with appropriate construction standards.

It is considered that use and development of the land for a Host Farm will benefit the sustainable management of the land and support agricultural use and production. The land is currently vacant, having previously been used for grazing. The Host Farm activities include a range of farming and land management activities that will contribute to sustainable land management and increase productivity of the land.

The Farm Plan submitted in support of the proposed Host Farm includes significant revegetation works that are expected to assist in preventing erosion along the waterways and improving water quality within the Tarwin River catchment. In particular, the proposed replanting of approximately half the site with native plant species is expected to assist in preventing erosion along the waterways and improving water quality within the Tarwin River catchment.

The proposed Host Farm is not expected to limit the operation or expansion of adjoining and nearby agricultural uses. The range of activities proposed are consistent with farming and residential activities that occur throughout the rural area.

The proposed buildings are all modest, single storey structures that will not impact on the visual character of the area. The buildings are setback from the creek and will not be significantly visible from major roads. The buildings will be partially screened from view of nearby dwellings by proposed planting and are setback from property boundaries. The buildings will be visible in the wider landscape views and vistas currently available from nearby dwellings. However, due to the small size of the buildings and their distance from existing dwellings (over 500 metres) their impact on views is not expected to be significant.

The proposed buildings and works are not expected to have a negative impact on the character and appearance of the area. The land is not within a Significant Landscape Overlay under the provisions of the Planning Scheme and there are no features of architectural, historic or scientific significance on the land. The area has natural scenic beauty as a result of its steep landforms, and creek.

The proposed use of the land for a Host Farm is not expected to generate significant traffic or require traffic management measures. The number of people able to use the site is limited by the capacity of the effluent disposal system to 20 people. The volume of traffic generated by this number of people will not exceed the capacity of Wild Dog Valley Road and Ross and Witherdons Road. Parking has not been demonstrated on the submitted plans; however there is sufficient area on the site to provide parking so that people will not need to park their cars in Wild Dog Valley Road. It is recommended it be a condition of any planning permit for 8 on-site parking spaces to be provided for the Host Farm use (being 2 spaces for each cabin).

## **DWELLING**

The use and development of the land for a dwelling requires a planning permit in the Farming Zone because the area of the lot is less than 40 hectares and because the dwelling is within 100 metres of a designated waterway.

### **Farming Zone Decision Guidelines for Dwelling**

Relevant decision guidelines in the Farming Zone that are applicable to the proposed dwelling are discussed below:

1. The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
2. The capability of the land to accommodate the proposed use or development, including the disposal of effluent.

3. Whether the site is suitable for the use and development and whether the proposal is compatible with adjoining and nearby land uses.
4. Whether the use or development will support and enhance agricultural production.
5. Whether the dwelling will result in the lost or fragmentation of productive agricultural land.
6. Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
7. The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this use on the use of the land for agriculture.

### **Planning Response**

The land is considered suitable for the proposed use and development of a dwelling. A Land Capability Assessment has been undertaken for the proposal and demonstrates the land has sufficient area to dispose of effluent from the proposed dwelling in accordance with appropriate standards. It is noted, the site is constrained in its ability to dispose of effluent because of the proximity of the land to Wild Dog Creek and the steep slopes on much of the land.

The land has sufficient site area to collect and store rainwater for use on the site and is able to be connected to reticulated power. The land has access to a public road (Wild Dog Valley Road).

Use of the land for a dwelling is compatible with adjoining and nearby farming cattle grazing properties, many of which are also developed with dwellings. The proposed dwelling is setback 115 metres from the nearest property boundary and is not expected to limit the operation or expansion of nearby farms. This setback is also expected to ensure impacts from dust, odour, noise, chemical and farm machinery use associated with adjoining farms will not significantly affect residents of the proposed dwelling.

Use and development of the land for a dwelling is expected to assist in the sustainable management of the land. The proposed Farm Plan in support of the dwelling demonstrates revegetation along waterways within the site and protection of existing native vegetation on the land. Although the development of the land for a dwelling will permanently remove a part of the land from agricultural production, the extent of land lost to agricultural production is expected to be offset by the improvements in soil and water quality arising from the proposed revegetation on the land.

Following assessment of the application against the relevant decision guidelines of the Farming Zone it is considered that a dwelling could be supported.

## **Environmental Significance Overlay Schedule 5 - Areas Susceptible to Erosion**

The development of the dwelling requires a permit under the provisions of the Environmental Significance Overlay Schedule 5 - Areas Susceptible to Erosion, as the total floor area of the building exceeds 200 square metres. The relevant decision guidelines in the Environmental Significance Overlay Schedule 5 - Areas Susceptible to Erosion applicable to the proposed Dwelling are:

1. The purpose of the overlay:
  - To protect areas prone to erosion by minimising land disturbance and vegetation loss.
  - To prevent increased surface runoff or concentration of surface water runoff leading to erosion or siltation of watercourses
2. The following publications:
  - Construction Techniques for Sediment Pollution Control, Environment Protection Authority, May 1991.
  - Control of Erosion on Construction Sites, Soil Conservation Authority
3. Any proposed measures to minimise the extent of soil disturbance and runoff.
4. The need to stabilise disturbed areas by engineering works or vegetation.
5. Whether the land is capable of providing a building envelope, which is not subject to high or severe erosion problem.
6. Whether the proposed buildings or works are likely to cause erosion or landslip.
7. Whether the proposed access and servicing of the site or the building envelope is likely to result in erosion or landslip.

### **Planning Response**

The land has some steep slopes and a watercourse and currently displays evidence of erosion. The proposal seeks to minimise the extent of soil disturbance by locating the dwelling on a moderately sloping part of the site, rather than on steeper sloping land. No native vegetation needs to be removed to construct the proposed dwelling.

The proposed dwelling requires some land disturbance in the form of cut and fill, as the dwelling will be constructed on a slab. The extent of cut and fill required has been minimised by locating the dwelling on part of the land with comparatively low to moderate slopes. The proposed earthworks are not expected to result in concentration of surface water run-off as the batter slope will distribute run-off across the width of the building.

While the extent of earthworks have been minimised by the proposal, it is recommended that it be a condition on any planning permit to ensure works on the land occur in accordance with Construction Techniques for Sediment Pollution Control and Control of Erosion on Construction Sites.

It is also recommended it be a condition of any planning permit that downpipe water from of the dwelling should be discharged in a manner which ensures run-off is not concentrated.

The proposed batter slope around the dwelling has been designed to avoid the need for engineering works. It is recommended it be a condition of any planning permit to require the batter slopes be planted with appropriate vegetation to minimise erosion.

The proposed access track to the dwelling is existing however may require upgrading. Provided works are undertaken in accordance with appropriate standards for construction, upgrading the access track is not expected to result in erosion or landslip.

#### **STATE PLANNING POLICY FRAMEWORK**

<b>Policy Objective</b>	<b>Policy Objective</b>
11.05-3 Rural productivity	To manage land use change and development in rural areas to promote agriculture and rural production.
12.01-1 Protection of biodiversity	To assist the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites.
13.03-2 Erosion and landslip	To protect areas prone to erosion, landslip or other land degradation processes.
14.02-1 Catchment planning and management	To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.
14.01-1 Protection of agricultural land	To protect productive farmland which is of strategic significance in the local or regional context.
14.01-2 Sustainable agricultural land use	To encourage sustainable agricultural land use.
14.02-2 Water quality	To protect water quality

## Planning Response

It is considered the proposed use and development of the land for a Dwelling and Host Farm and ancillary works is consistent with and achieves the objectives of the relevant State Planning Policy Framework.

The land is not considered to comprise state significant farm land. The improvements to soil and water quality arising from revegetation on the land are expected to support sustainable agricultural land use on the balance of the site and in the local area. These improvements are considered to offset the loss of land from agricultural production resulting from the proposed development.

The proposal to revegetate the steeper parts of the land will also protect areas prone to erosion and improve biodiversity on the land as well as improving water quality within the Tarwin River catchment.

## LOCAL PLANNING POLICY FRAMEWORK

Policy Objective	Policy Objective
21.07-2 Land and catchment Management	To achieve a measurable improvement in the health of the Shire's land and water resources
21.08-1 Agriculture	To maintain a viable and sustainable agricultural industry as the corner stone to the Shire's economy and its future wellbeing
21.11-4 Tourism	To encourage a diverse range of tourism opportunities
21.12-1 Transport	To maintain a safe and efficient road network across the Shire
21.13-1 Waste management and stormwater drainage	To ensure that waste disposal facilities are appropriately located, designed and managed

22.05 Rural Dwellings Policy	Objectives
	<ul style="list-style-type: none"> <li>• To discourage the proliferation of dwellings not associated with agriculture on lots over 4.1 hectares.</li> <li>• To discourage the proliferation of dwellings on lots over 4.1 hectares where the agricultural use of the land does not require the presence of a land manager.</li> <li>• To ensure that the development of dwellings on rural land does not prejudice existing agricultural activities on surrounding land.</li> <li>• To ensure that agricultural land is maintained for the cost-effective production of food and raw materials.</li> </ul>



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	<ul style="list-style-type: none"><li>• To retain the open farmed landscape as the defining visual characteristic of the Shire.</li><li>• To ensure the cost-effective servicing of towns and communities across the Shire by avoiding the impacts of a dispersed population base.</li><li>• To provide a consistent basis for considering planning permit applications for the use and development of dwellings in rural areas.</li></ul>
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**Planning Response:**

It is considered that the use and development of the land for a Dwelling and Host Farm and ancillary works is consistent with and achieves the objectives of the Local Planning Policy Framework.

Council's Rural Dwelling Policy supports the development of dwellings in association with improved native vegetation and biodiversity outcomes on the land. The proposed replanting of native vegetation on approximately half of the land satisfies this objective. The proposed revegetation of approximately half of the land is expected to improve soil and water quality within the Tarwin River drinking water catchment.

The proposal to develop the land for a Dwelling and Host Farm is expected to support the range of tourism experiences available in the area without compromising the value of agricultural production.

The land has sufficient site area to adequately treat and retain effluent and the size and scale of the proposal will not significantly impact on the local road network or the character of the area.

In addition, the Farm Plan submitted with the application proposes a number of agricultural activities will be undertaken on the land as part of the Host Farm experiences. The proposed use and development of the land for a Host Farm and Dwelling in conjunction with the Farm Plan is not expected to prejudice existing farming activities on neighbouring land.

**Attachment 10  
Summary of Objections**

<b>Submission</b>	<b>Planning Response</b>
<p>The proposal does not comply with Council's Rural Dwellings Policy as the proposed dwelling and host farm accommodation are not required to support the proposed agricultural activities.</p> <p>It follows that the primary use of the land is for accommodation and recreation, not for agriculture.</p>	<p>It is considered the proposed dwelling is reasonably required to manage the proposed agricultural activities on the land and to support improved biodiversity outcomes on the land in accordance with Council's Rural Dwelling Policy.</p> <p>The Rural Dwellings Policy supports development of a dwelling where half of the land is constrained for agricultural development by remnant native vegetation. In this instance it is considered approximately 13 hectares (50%) of the land is constrained for agricultural development by steep slopes, proximity to the Wild Dog Creek and other waterways on the land and by remnant vegetation. It is considered a dwelling is reasonably required to support revegetation and on-going land management as proposed in the Farm Plan.</p> <p>The proposed Host Farm is a form of Accommodation under the Planning Scheme and the provisions of the Rural Dwellings Policy do not apply to use of the land for Host Farm.</p>
<p>Concern that the applicant is not proposing to permanently live in the dwelling.</p>	<p>The Planning Scheme definition of a Dwelling does not specify that it must be permanently occupied.</p>
<p>The proposal will permanently remove approximately 50% of the land from agricultural development by construction of buildings, tracks, effluent disposal field and revegetation.</p>	<p>The land is not currently used for agriculture. Although the land has been used for grazing in the past, it is considered parts of the land are too steep and too close to the creek to sustain continued grazing.</p> <p>The proposed revegetation of the steeper parts of the land is supported on environmental grounds as it will assist with water quality improvements within the Tarwin River catchment and assist in minimising erosion. It is also expected to increase biodiversity on the land.</p>
<p>The assertion that the land is of limited agricultural value is false as the land has good soil and good access to water. The land has been used for livestock grazing and has</p>	<p>It is accepted the land has some value for agriculture as a turn out block for livestock.</p> <p>However, the steeper parts of the land along the creek edge are less suited to grazing due to the potential for erosion and difficulty of access.</p>

<b>Submission</b>	<b>Planning Response</b>
value as an undeveloped turnout block.	The application proposes agricultural activities to support the proposed Host Farm and Dwelling using the most suitable land for agricultural use and progressively replanting the steep parts of the land.
<p>The proposed farming activities are not sustainable and are not viable commercial agricultural operations.</p> <p>The extent of farming activity proposed does not constitute primary production for taxation purposes</p>	<p>Whether or not the farming activities are sustainable or commercially viable is not a relevant test in the Planning Scheme for either Agriculture or for Host Farm.</p> <p>Similarly, the classification of the property for taxation purposes is not a relevant test in the Planning Scheme.</p> <p>It is considered the extent of proposed farming is sufficient to reasonably require a dwelling and to characterise the use of the land as agriculture for the purpose of the proposed Host Farm use.</p>
<p>The number and distribution of buildings on the land and proposed tree plantings will change the character of the area from open farming to higher density residential use, and will affect the views from nearby properties.</p>	<p>Seven (7) new buildings are proposed on the land and this number of buildings is a significant increase in the number of buildings in the local area. However, the number and distribution of buildings on the land is not considered sufficient to change the character of the area from open farming to residential. The density of development of the land will be less than 1 building per 3 hectares and this is not considered high density development.</p> <p>The buildings will be in a cluster on the land, however will be reasonably separated from each other in order to break up their appearance. The proposed buildings are all of moderate to small size and will not dominate the landscape. The proposed building works will be setback from the edge of Wild Dog Valley Road and screened from most view of the road by their elevation above the creek and by vegetation along the Creek.</p> <p>Views from Ross and Witherdons Road are more distant views (more than 500 metres) and will be partly screened by proposed planting within the property. The number, size and distribution of buildings on the site is therefore not expected to significantly alter the character of the area.</p> <p>Views from adjoining properties over the site are not protected by the Planning Scheme. While the buildings will be visible from adjoining properties, the impact on amenity arising from being visible in the landscape is not expected to be significant.</p>

<b>Submission</b>	<b>Planning Response</b>
<p>The surrounding agricultural use of the land for farming may impact on use of the land for a dwelling and host farm. In particular, normal farming activities such as aerial spraying, timber harvest, tractor operation, grazing livestock, rabbit, fox and weed control activities may affect residents and guests.</p>	<p>It is expected the applicant would need to make themselves familiar with such impacts and modify their activities if circumstances arising from legitimate farming activities on the adjoining land result in disruption to proposed Host Farm or residential activities.</p> <p>However, such disruption is not expected to be so significant that the proposed use is incompatible with existing farming activities.</p> <p>The proposed buildings will be setback from adjoining properties in order to minimise impacts on residents and guests from neighbouring farm activities.</p> <p>In addition, the applicant proposes plantings along the property boundaries nearest the proposed dwelling and cabins and these, once established, will assist in buffering future residents and guests from farming activities on the adjoining land.</p> <p>The proposed Host Farm accommodation will not be permanently occupied and any inconvenience associated with farming activities on adjoining land will be of a temporary nature.</p>
<p>The land is not capable of disposing of effluent from the proposal, which may result in impacts on water quality in Wild Dog Creek and the water table.</p>	<p>A Land Capability Assessment has been undertaken for the land and proposed Dwelling and Host Farm use. Council's Wastewater Department considers the land has sufficient area to dispose of on-site effluent in accordance with relevant standards and the Land Capability Assessment submitted with the application.</p> <p>South Gippsland Water Corporation have also considered the proposal and raised no objections subject to conditions on any planning permit to require an assessment of the waste water pumping system requirements, pump installation capabilities and back up requirements installed in case of a power system failure occurring.</p>
<p>Concern that proposed agricultural activities are not "on going" (for example, revegetation will be completed at some point) and therefore there will be limited farm experiences available to</p>	<p>The applicant proposes a range of farm management experiences other than revegetation of the land that are expected to be ongoing and including orchard management, firewood collection, animal management and weed management.</p>

Submission	Planning Response
guests of the Host Farm.	
The land is not within an area identified for future tourism development, with no other non-farming uses in the area.	<p>The land in Wild Dog Valley is not within an area that has been specifically identified for tourism related uses and development in the formulation of tourism policies</p> <p>Notwithstanding, the Farming Zone allows consideration of a number of uses that support tourism, such as Host Farm, Group Accommodation, Outdoor Recreation and Winery.</p>
The land has not been used for agriculture by the current owners and therefore how can they run a Host Farm?	<p>The submitted Farm Plan demonstrates the land will be used and developed for range of agricultural activities. It is not a relevant matter for consideration under the Planning Scheme how the land has been used in the past or how it is currently used.</p> <p>The application is for a proposed use and development.</p>
Concerns that the proposal will not be used in the manner proposed in the application - for example, the number of people on the site may exceed the numbers stated in the application; people may camp on the land and cabins may be permanently occupied.	<p>Camping is not proposed by the applicant and has not been considered as part of this application.</p> <p>If it is found that the land is not being used in accordance with the provisions of the Planning Scheme, Council may undertake enforcement action to ensure compliance.</p> <p>It is recommended it be a condition of any planning permit to clearly specify the number of people permitted to occupy the Host Farm accommodation and to specify that such occupation is to be on a temporary basis.</p> <p>It is also recommended it be a condition of any planning permit that no Events are permitted, except with the specific written consent of the Responsible Authority.</p>
Existing land management practices have resulted in weed infestation affecting neighbouring properties and environmental degradation.	This is not a relevant matter for consideration under the Planning Scheme. The proposed dwelling and occupancy will provide greater opportunity for improved land management practices as detailed in the application.
The construction of buildings will increase risk of erosion	The proposed dwelling and two of the proposed cabins are proposed to be constructed on slabs and will require varying quantities of cut and fill. The submitted plans demonstrate the excavation will be appropriately battered to minimise erosion and risk of

Submission	Planning Response
	<p>landslip. It is recommended it be a condition of any planning permit to ensure works are undertaken in a manner that prevents erosion.</p>
<p>Information not included with the planning application in relation to:</p> <ul style="list-style-type: none"> <li>• car parking;</li> <li>• details of the bridge;</li> <li>• rubbish management</li> </ul>	<p>The applicant has demonstrated vehicular access will be provided over Wild Dog Valley Creek to the dwelling and cabins, but has not demonstrated the location of parking spaces. It is considered there is sufficient area for the provision of sufficient on-site parking to accommodate the proposed Host Farm and the Dwelling.</p> <p>It is considered this information can reasonably be required by a condition on the permit requiring revised plans showing parking within the site that is formed, level and screened from view of adjoining properties.</p> <p>The Planning Scheme does not specify a required number of car parking spaces for a Host Farm. It is recommended that at least 2 on-site parking spaces be provided for each of the proposed Host Farm cabins, which is the same requirement as for a 3-bedroom Dwelling. This would require a total of 10 on-site parking spaces to be provided.</p> <p>It is recommended it be a condition of any planning permit to require a revised site plan showing provision for 10 on-site parking spaces.</p> <p>In relation to the proposed bridge crossing over Wild Dog Creek, a Works on Waterways Permit will be required to be obtained before any works commence in order to ensure structural stability and environmental impact is minimised. It is recommended it be a condition on any planning permit to require plans for the proposed bridge crossing to be submitted and endorsed by Council before any works commence and before a Work on Waterways Permit is obtained.</p> <p>Rubbish management is not expected to be a problem provided all waste is collected and removed from the site. It is recommended it be a condition of any planning permit to require on-site waste collection and disposal be undertaken to the satisfaction of the Responsible Authority.</p>
<p>The number of people proposed to be on the land</p>	<p>Noise from the proposed number of people (20 people in the Host Farm accommodation plus</p>

<b>Submission</b>	<b>Planning Response</b>
will increase noise levels in the local area and this will affect lifestyles and agriculture.	residents of the dwelling) on the land is not expected to exceed the levels of noise generated by farming activities on the surrounding properties.
<p>Damage to farm fencing and risks to stock arising from damaged fences.</p> <p>Specifically, the location of Cabin B within 20m of the property boundary will increase the likelihood of the boundary fence being broken by inquisitive cattle</p>	<p>The proposed use and development of the land for a Host Farm and Dwelling is not expected to increase the risk of farm fencing being damaged.</p> <p>The cabin nearest an adjoining property (Cabin B) is proposed to be setback approximately 20m from the property boundary and will be screened from view of cattle by the proposed orchard when it is established. The location of the cabin is not expected to increase damage to fences.</p> <p>The remaining cabins will be setback further from property boundaries.</p>
Increased likelihood of trespass onto neighbouring farms, disregard for privacy of neighbouring properties and property boundaries	This is not a relevant matter for consideration under the Planning Scheme. If eventuating, this is a matter to be addressed by the respective landowners or reported to the police.
Wild Dog Valley Road and Ross and Witherdons Roads are narrow and hazardous roads to traverse and are not suitable for increased traffic.	Wild Dog Valley Road and Ross and Witherdons Road are both public roads managed by Council. The volume of traffic expected to be generated by the proposal is not expected to be significant enough to justify upgrading works by the applicant. The roads have sufficient capacity to accommodate the additional traffic generated by this proposal.
Car parking in Wild Dog Valley Road will limit ability for adjoining farmers to use stockyards	There is sufficient area for vehicles to be parked within the site and it is recommended it be a condition of any planning permit to ensure on-site parking is available at all times within the site.
Residents and guests are at increased risk if there is a fire due to the isolated location. Existing residents are also at risk if the road is blocked by traffic associated with the use and locals cannot use the road to escape a fire.	<p>The land is not within a Bushfire Management Overlay under the provisions of the Planning Scheme.</p> <p>The land is within a Bushfire Prone Area for the purposes of the Building Code and bushfire risk will be considered as part of the Building Permit process for the proposed Dwelling and Host Farm cabins.</p> <p>The proposed use of the land for a Host Farm and Dwelling is not expected to increase the fire risk to</p>

Submission	Planning Response
	<p>surrounding properties.</p> <p>It is not expected that traffic generated by the Host Farm and Dwelling proposal would result in Wild Dog Valley Road being blocked to through traffic.</p>
<p>Use of the land for permaculture is not consistent with surrounding agricultural uses particularly in relation to weed control. Existing land management practices have resulted in weed infestation affecting neighbours and contributing to environmental degradation.</p>	<p>Use and development of the land for agriculture does not require a planning permit under the provisions of the Planning Scheme.</p> <p>Land management practices required as part of agriculture also do not require a planning permit.</p> <p>Council cannot require particular agricultural practices as a condition on a planning permit.</p>
<p>Risk of harm to stock from trespass and from dogs</p>	<p>This is not a relevant matter for consideration under the Planning Scheme as there are no controls in the planning scheme applicable to keeping domestic pets.</p> <p>State and Local Laws can remedy this issue, if realised.</p>
<p>Impacts on the values and beliefs of neighbouring residents who may witness nudity near the dam</p>	<p>The proposed tree planting around the dam and the distance between the dam and nearby houses is expected to limit views into the site from adjoining farms.</p>
<p>Impact on stock management on adjoining properties from inappropriate tree planting along property boundaries</p>	<p>This is not a relevant matter for consideration under the provisions of the Planning Scheme, which does not require a planning permit for tree planting.</p>
<p>Not originally notified of the application</p>	<p>The original application for Group Accommodation, Dwelling and Outdoor Recreation was required to be notified. Notwithstanding, the application has since been amended to Dwelling and Host Farm and readvertised as required by the Planning and Environment Act 1987.</p>



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## **E.7 PLANNING SCHEME AMENDMENT C105 (MEENIYAN WASTEWATER TREATMENT PLANT) – ADOPTION**

Development Services Directorate

### **EXECUTIVE SUMMARY**

At the 25 March 2015 Ordinary Council Meeting, Council resolved to seek authorisation to prepare Planning Scheme Amendment (PSA) C105 to rezone the Meeniyen Wetlands Wastewater Treatment Plant site at Stony Creek from Farming Zone to Public Use Zone 1 [PUZ1] (Service and Utility). The amendment also proposes application of the Environmental Significance Overlay 4 [ESO4] (Sewage Treatment Plant and Environs) to land within 200 - 270 metres of the treatment lagoons. South Gippsland Water (SGW) is the amendment proponent.

Amendment C105 was exhibited to affected landowners/occupiers and public land managers from 12 May to 12 June 2015. One submission supporting the amendment was received. It is recommended that Council adopt Amendment C105 and submit the amendment to the Minister for Planning for approval.

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

- **Attachment 1** - Aerial photo of Proposed ESO4
- **Attachment 2** - ESO4 Schedule provisions - existing
- **Attachment 3** - Planning Scheme Amendment C105 amendment documents (Adoption version)

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

Planning and Environment Act 1987

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

Nil

### **COUNCIL PLAN**

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

## **CONSULTATION**

Amendment C105 was formally exhibited from 12 May to 12 June 2015 to potentially affected landowners/occupiers and public land managers including VicRoads, the Department of Environment, Land, Water and Planning (DELWP), and the Great Southern Rail Trail (GSRT) Committee of Management. DELWP submitted the only submission received, and advised that it supports Amendment C105.

## **REPORT**

### **Background**

The Meeniyen Wetlands Wastewater Treatment Plant is located at 1870 South Gippsland Highway and is owned by SGW. The treatment plant commenced operation in early 2012. As with its practice for other treatment plants, SGW has waited until the plant has been operational before seeking rezoning to PUZ1 and application of an ESO4. The seven other wastewater treatment plants in the Shire are zoned PUZ1 and have the ESO4 applied.

### **Discussion**

The rezoning only affects land owned by SGW. In addition to the treatment plant, the ESO4 will apply to a small part of three privately owned farming properties but does not impact any existing houses or outbuildings (see **Attachment 1** - Proposed ESO4 over aerial photo). The owner of the sole vacant property has advised that the ESO4 does not apply to the location they propose for a future dwelling.

Short sections of the South Gippsland Highway and the GSRT will also have the ESO4 applied. In practical terms, the planning permit requirements in Schedule 4 to the Environmental Significance Overlay (see **Attachment 2** - ESO4 Schedule provisions - existing) will not affect the use or management of these features.

The ESO4 application area has been designed to allow for the expansion of the treatment plant to the capacity required to meet the needs of the future population of Meeniyen. It takes account of site conditions (air movement) in the vicinity and meets the EPA requirements for a buffer area around the plant.

Application of the PUZ1 and ESO4 are appropriate for the current and future use of the site as a wastewater treatment plant operated by a public utility provider.

### **Proposal**

It is proposed that Council adopt Amendment C105 (Meeniyen Wastewater Treatment Plant) in accordance with the amendment documents in **Attachment 3** and submit it to the Minister for Planning for approval.

## **FINANCIAL CONSIDERATIONS**

Nil, SGW pays the amendment costs.

## **RISKS**

If the amendment is not adopted, the potential exists for sensitive land uses to encroach on the treatment plant, potentially endangering its ability to expand in the future. Meeniyan's future growth is aligned with the capacity of the plant to treat urban wastewater.

## **CONCLUSION**

Amendment C105 is required to apply the correct public land zoning to the wastewater treatment plant and to apply the ESO4 around the plant to protect its long term operation and expansion potential. The ESO4 application is largely procedural and is in keeping with all other similar sites in the Shire. It is recommended that Council adopt Amendment C105 and submit the amendment to the Minister for Planning for approval.

## **RECOMMENDATION**

**That Council adopt South Gippsland Planning Scheme Amendment C105 (Meeniyan Wastewater Treatment Plant) in accordance with the amendment documents in Attachment 3 and submit it to the Minister for Planning for approval.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

**Attachment 1**  
**Aerial photo of Proposed ESO4**

South Gippsland Shire Council  
Minutes

25 March 2015  
Council Chambers, Leongatha

**Attachment 1**  
**Map of ESO4 coverage**



## Attachment 2 ESO4 Schedule Provisions - existing

### SOUTH GIPPSLAND PLANNING SCHEME

19/01/2008  
VC37

#### **SCHEDULE 4 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY**

Shown on the planning scheme map as **ESO4**

#### **SEWAGE TREATMENT PLANT AND ENVIRONS**

##### **1.0**

19/01/2008  
VC37

#### **Statement of environmental significance**

The land surrounding sewage treatment plants is of high importance in its role of providing a two-way buffer zone between nearby developments and such plants. It is significant in ensuring the long term protection of such key infrastructure facilities and enabling unobstructed expansion and facilitation of compatible land uses and developments in their vicinity.

##### **2.0**

19/01/2008  
VC37

#### **Environmental objective to be achieved**

To protect sewage treatment plants from the encroachments of incompatible development.  
To provide for a buffer area around the plant as required by the Environment Protection Authority.

##### **3.0**

19/01/2008  
VC37

#### **Permit requirement**

A permit is not required to construct a building or to construct or carry out works, except those designed for:

- Accommodation, childcare, education, office, place of assembly and retail purpose.

A permit is not required to remove, destroy or lop vegetation, subject to the provisions of Clause 52.17

An application must be accompanied by supporting information and or plans to demonstrate:

- The site of the proposed buildings and works will not adversely affect or be affected by the sewage treatment facilities.

##### **4.0**

19/01/2008  
VC37

#### **Decision guidelines**

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

- The purpose of the overlay.
- The views of the Environment Protection Authority of Victoria.
- The views of the relevant water authority responsible for operating the sewage treatment facility.
- The effect of any development on the operation of the treatment facilities.
- The prevention of inappropriate development in the vicinity of the treatment facility such that the long term future of the treatment works is not threatened.

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**Attachment 3**  
**Planning Scheme Amendment C105 amendment documents**  
**(Adoption version)**

*Planning and Environment Act 1987*

**SOUTH GIPPSLAND PLANNING SCHEME**

**AMENDMENT C105**

**INSTRUCTION SHEET**

The planning authority for this amendment is the South Gippsland Shire Council.

The South Gippsland Planning Scheme is amended as follows:

**Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of 2 attached map sheets.

**Zoning Maps**

1. Amend Planning Scheme Map No. 18 in the manner shown on the one attached map marked "South Gippsland Planning Scheme, Amendment C105".

**Overlay Maps**

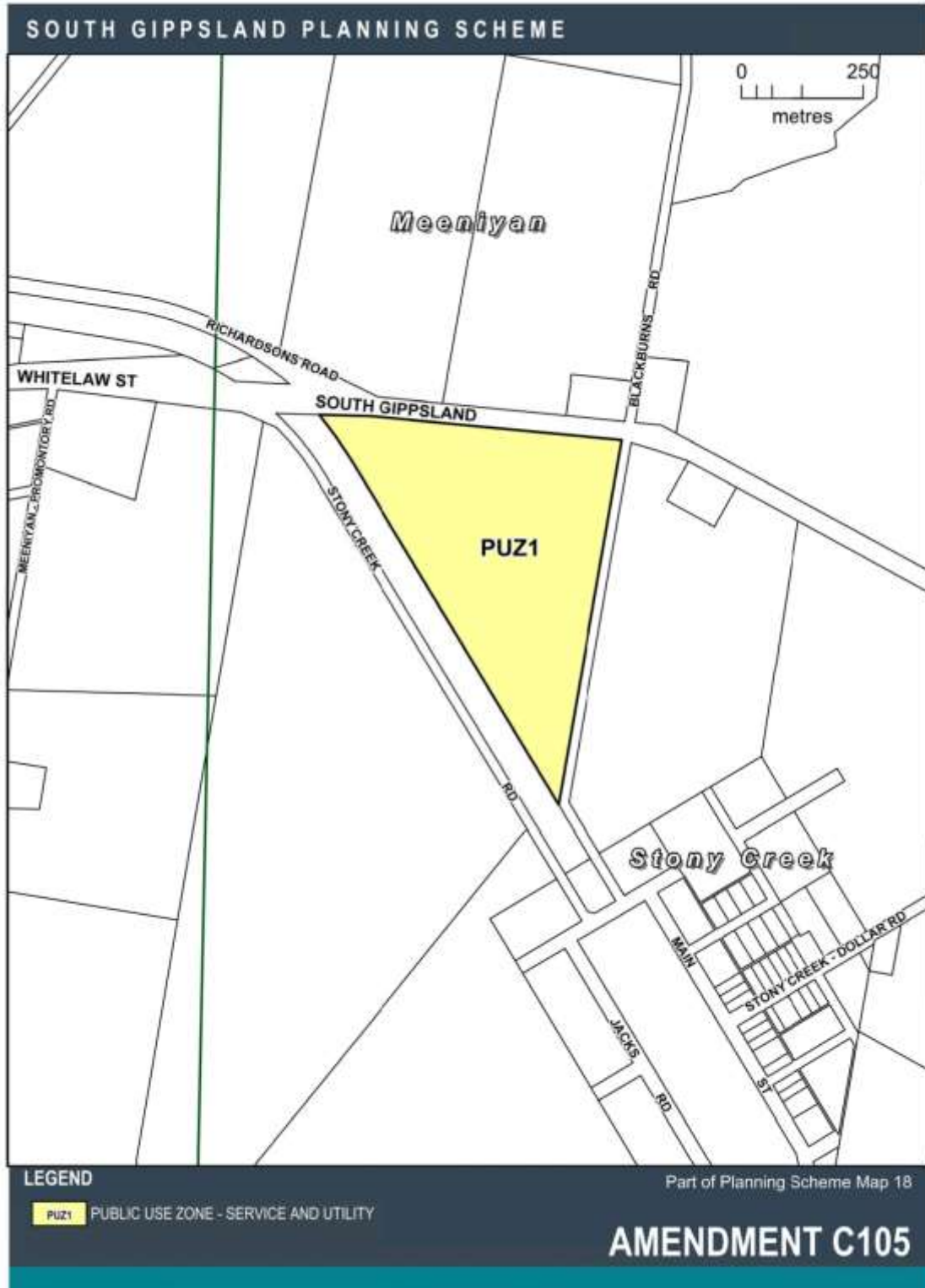
2. Insert new Planning Scheme Map No. 18ESO4 in the manner shown on the attached map marked "South Gippsland Planning Scheme, Amendment C105".

**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

3. In General Provisions – Clause 61.03, replace the schedule with a new Schedule in the form of the attached document.

End of document



| Planning Mapping Services |  
| Planning Information Services |  
| Planning |



Department of  
Environment, Land,  
Water & Planning



301



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| Planning Information Services |  
| Planning |



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902



SOUTH GIPPSLAND PLANNING SCHEME

30/10/2014  
C62  
Proposed  
Clause

**SCHEDULE TO CLAUSE 61.03**

**Maps comprising part of this scheme:**

- 1, 1ESO5, 1HO, 1LSIO, 1WMO, 1PAO, 1RXO
- 2, 2HO, 2DPO, 2RXO
- 3, 3ESO5, 3HO, 3LSIO, 3EAO, 3RXO
- 4, 4ESO5, 4HO, 4LSIO, 4PAO
- 5, 5ESO5, 5HO, 5PAO
- 6, 6ESO2, 6ESO5, 6HO, 6LSIO, 6WMO
- 7, 7EMO, 7ESO1, 7ESO5, 7ESO6, 7HO, 7WMO, 7PAO
- 8, 8ESO1, 8ESO2, 8ESO4, 8ESO5, 8WMO
- 9, 9EMO, 9ESO1, 9ESO2, 9ESO4, 9ESO5, 9HO, 9DDO, 9WMO, 9PAO, 9EAO
- 10, 10DPO, 10ESO2, 10ESO4, 10ESO5, 10LSIO, 10WMO, 10PAO, 10RXO
- 11, 11ESO5, 11HO, 11RXO
- 12, 12ESO5, 12HO, 12WMO
- 13, 13AEO, 13ESO2, 13ESO5, 13ESO6, 13HO, 13LSIO, 13WMO, 13PAO, 13RXO
- 14, 14ESO2, 14ESO5, 14HO, 14DDO, 14DPO, 14PAO, 14RXO
- 15, 15ESO5, 15HO
- 16, 16DDO, 16DPO, 16EAO, 16ESO4, 16ESO5, 16ESO6, 16HO, 16PAO, 16PO
- 17, 17ESO5, 17ESO6, 17PAO
- 18, 18EMO, 18ESO1, 18ESO2, 18ESO4, 18ESO5, 18ESO6, 18HO, 18LSIO, 18WMO, 18PAO
- 19, 19ESO5, 19ESO6
- 20, 20ESO5, 20ESO6, 20HO, 20PAO
- 21, 21ESO1, 21ESO2, 21ESO5, 21ESO6, 21HO, 21WMO
- 22, 22DDO, 22ESO3, 22ESO7, 22SLO, 22WMO
- 23, 23DDO, 23ESO3, 23ESO5, 23ESO6, 23ESO7, 23LSIO, 23SLO, 23WMO
- 24, 24DDO, 24ESO3, 24ESO6, 24ESO7, 24RO, 23SLO, 24WMO
- 25, 25DDO, 25ESO6, 25ESO7, 25HO
- 26, 26ESO1, 26ESO2, 26ESO3, 26ESO5, 26ESO6, 26HO, 26LSIO, 26PAO, 26SLO, 26WMO
- 27, 27ESO5, 27ESO6, 27HO
- 28, 28DDO, 28EMO, 28ESO1, 28ESO2, 28ESO3, 28ESO4, 28ESO5, 28ESO6, 28HO, 28LSIO, 28PAO, 28SLO, 28WMO
- 29, 29DDO, 29ESO3, 29ESO4, 29ESO5, 29ESO6, 29HO, 29PAO, 29RXO, 29SLO, 29WMO
- 30, 30ESO3, 30ESO4, 30ESO5, 30HO, 30LSIO, 30PAO, 30SLO
- 31, 31ESO1, 31ESO2, 31ESO3, 31ESO4, 31ESO5, 31ESO6, 31HO, 31LSIO, 31RXO, 31SLO, 31WMO
- 32, 32ESO5, 32HO, 32LSIO, 32SLO
- 33, 33ESO3, 33HO, 33SLO, 33WMO
- 34, 34ESO3, 34ESO5, 34SLO, 34WMO
- 35, 35ESO3, 35ESO4, 35ESO5, 35HO, 35LSIO, 35SLO, 35WMO
- 36, 36ESO3, 36ESO5, 36SLO, 36WMO
- 37, 37DDO, 37DPO, 37ESO1, 37ESO3, 37ESO5, 37ESO7, 37LSIO, 37SLO, 37WMO

SOUTH GIPPSLAND PLANNING SCHEME

- 38, 38DDO, 38ESO3, 38ESO5, 38ESO7, 38LSIO, 38SLO, 38WMO
- 39, 39ESO3, 39HO, 39LSIO, 39SLO, 39WMO

**E.8 PLANNING APPLICATION 2014/179 - 1487 KORUMBURRA WONTHAGGI ROAD KONGWAK - USE AND DEVELOPMENT OF THE LAND FOR A MARKET, REDUCTION TO THE REQUIRED NUMBER OF CAR PARKING SPACES AND PROVISION OF PARKING ON ANOTHER SITE**

Development Services Directorate

**EXECUTIVE SUMMARY**

This report considers a planning permit application for the use and development of the land for a market, a reduction to the required number of car parking spaces and provision of parking on another site.

The land is known as 1487 Korumburra Wonthaggi Road, Kongwak and vehicular access is gained via an existing access point to Korumburra Wonthaggi Road. The land has an area of approximately 5207m<sup>2</sup>, with 1610m<sup>2</sup> proposed to be used as the market. The land is zoned Township Zone (TZ) and is partly affected by the Environmental Significance Overlay - Schedule 5 - Areas susceptible to erosion (ESO5).

This application has been referred to Council for a decision as ten (10) objections (including a petition) and two (2) submissions were received. Objections primarily relate to the impacts of vehicular traffic on Korumburra Wonthaggi Road due to a lack of parking on-site for stall holders and patrons.

Consideration of the application was delayed to allow community consultation and to allow the applicant to submit revised plans showing the full extent of the land used for the market. On balance of the competing considerations, this report recommends that Council issue a Notice of Decision to grant a permit subject to appropriate conditions.

Document/s pertaining to this Council Report

- **Attachment 1** - Aerial Photograph
- **Attachment 2** - Planning Property Report
- **Attachment 3** - Proposed Site Plan
- **Attachment 4** - Detailed Planning Assessment
- **Confidential Appendix 1** - Copy of Submissions (12)

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

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

- Planning and Environment Act 1987 (the Act)
- South Gippsland Planning Scheme (the Scheme)

## **COUNCIL PLAN**

Outcome:	1	A Prosperous Shire
Strategy:	1.1.1	We will actively plan for growth and economic development.
Strategy:	1.1.2	We will protect and retain the unique identity of towns, villages and farming districts.
Outcome:	3	Integrated Services and Infrastructure
Strategy:	3.1.5	We will encourage sustainable development that promotes the health, well-being and unique character of the community.
Outcome:	4	A Leading Organisation
Strategy:	4.2.3	We will make informed decisions and provide opportunities for the community to participate in the decision making process.

## **CONSULTATION**

The application was notified by postal notice to all adjoining property owners/occupiers in accordance with Section 52 of the Act and to others that Council considered may suffer material detriment as a result of the proposal. A sign was placed on the site for a period of no less than 14 days. Council received ten (10) objections (including a petition) and two (2) submissions. Council also attended two (2) Kongwak community meetings to better understand the concerns raised and discuss options that could serve to resolve the amenity impact resulting from the lack of car parking provided on the site.

Refer **Confidential Appendix 1** - Copy of Objections.

The application was referred to VicRoads as a non-statutory referral. VicRoads does not object to the proposal.

## **REPORT**

### **Background**

The land is commonly known as 1487 Korumburra Wonthaggi Road, Kongwak and is comprised of three lots, with a total area of approximately 5207 m<sup>2</sup>. The land is zoned Township Zone (TZ) and is partly affected by Environmental Significance Overlay - Schedule 5 - Areas susceptible to erosion (ESO5).

The land contains three large commercial/warehouse buildings that have been used since 1953 as the Kongwak Store (Retail Premises) and other

uses such as a postal agency and gallery. The South Gippsland Shire Heritage Study 2004 citation provides a description of the site's history.

The land has a frontage of over 100m to Korumburra Wonthaggi Road, with approximately 50m of the frontage available for parking. Vehicular access to the side and rear of the land is gained via existing access on the eastern portion of the land.

The site contains vegetation that is not proposed to be removed, lopped or damaged as part of the application. Foster Creek borders the eastern boundary of the site.

The site is adjoined to the south by agricultural land with other lots in the vicinity occupied by residential development. Opposite the site is the former Kongwak Butter Factory that once shared an important link to this site. All adjoining properties have vehicular access to Korumburra Wonthaggi Road.

The land has been used for a market for approximately 10 years and has gradually developed since approximately 2008. The application was received by Council in July 2014. Further information was provided by the applicant to support the proposal and community consultation took place. Council has assessed the application and considers that a decision can be made.

(Refer **Attachment 1** - Aerial photograph)

(Refer **Attachment 2** - Planning property report)

### **Proposal**

The applicant seeks retrospective planning permission to use and develop part of the land as a market and a reduction in the number of car parking spaces required.

The area proposed for the use is approximately 1610m<sup>2</sup> of the entire 5207m<sup>2</sup> site. The market would be confined to one of the existing buildings on the site and to the eastern portion of the land, where carport like structures have been built sometime since 2008 without planning permission. The applicant proposes to limit the operation of the use to 8 hours on Sundays only, in accordance with current operations.

The reduction in the number of car parking spaces required equates to 128 spaces. Whilst the applicant did not originally apply to provide some of the parking on another site, they have indicated that they are agreeable to upgrading and extending public car parking areas within proximity to the site.

As such, the proposal would formalise approximately 23 spaces adjacent to the frontage of the site and approximately 19 spaces on other public land within 400m of the site. However, Council also considers that a loading bay should also be provided as a condition of the permit.

(Refer **Attachment 3** - Proposed site plan)

## **Discussion**

Section 60 of the Act requires the responsible authority to consider the following;

1. The relevant planning scheme;
2. The objectives of planning in Victoria;
3. All objections and other submissions which it has received;
4. Any decision and comments of a referral authority which it has received;
5. Any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development;
6. Any significant social effects and economic effects which the responsible authority considers the use or development may have; and
7. Any other strategic plan, policy statement, code or guideline which has been adopted by a Minister.

Council considers that the proposal has a positive economic and social effect in the locality and this must be balanced against the potentially negative amenity effects of the proposal on adjoining use and development, primarily due to a shortfall in the provision of parking. Council has considered all other matters listed above and completed a detailed assessment against the South Gippsland Planning Scheme.

(Refer **Attachment 4** - Detailed Planning Assessment)

## **RISKS**

If the application is not supported, there is a risk of losing the direct economic and social benefits that a weekly market generates in the locality of Kongwak and the indirect benefits to the broader area in terms of tourism.

## **CONCLUSION**

On balance of the relevant considerations, it is recommended that a permit be issued for the use and development of the land for a market and reduction in the required number of car parking spaces and provision of some of them on another site can be supported, subject to appropriate conditions.

## **RECOMMENDATION**

**That Council issue a Notice of Decision to Grant a Permit for Use and development of the land for a market, a reduction to the required number of car parking spaces and to provide some of the car parking spaces on another site, all in accordance with the endorsed plans and subject to the following conditions:**

### **GENERAL CONDITIONS**

- 1. Within 30 days of the issue of this permit, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:**
  - a. Floor plans and elevations for the existing buildings on L12 LP4610 Parish of Kongwak (eastern part of the site);**
  - b. The provision of a loading bay adjacent to the entry point to the market. The loading bay must have a minimum dimensions of:**
    - i. Length 7.6 m; and**
    - ii. Width 3.6 m**
  - c. Provision of line marked parking spaces along the frontage of the site in accordance with Clause 52.06-8 of the Planning Scheme, including at least one accessible space in accordance with AS2890.6-2009;**
  - d. Provision of 19 delineated parking spaces on Lot 2 and 3 TP330624 known as 1455 Korumburra Wonthaggi Road, Kongwak (R. N. Scott Memorial Park) in accordance with Clause 52.06-8 of the Planning Scheme.**
- 2. The layout and extent of the approved use, as shown on the endorsed plan/s, must not be altered or modified without the consent in writing of the Responsible Authority.**
- 3. The use may operate only between the hours of:**

**8:00 am and 4:00 pm Sunday.**
- 4. The property must be maintained in a neat and tidy condition to the satisfaction of the Responsible Authority.**

- 5. The use must be operated in a way to ensure that during the operating hours of the market, the loading and unloading of vehicles by stall holders and delivery of goods are undertaken within the boundaries of the site.**
- 6. Any external lighting on the site must be designed, baffled and located so as to prevent any adverse effect on adjoining land or passing vehicles to the satisfaction of the Responsible Authority.**
- 7. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:**
  - a. transport of materials, goods or commodities to or from the land;**
  - b. appearance of any building, works or materials;**
  - c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, and/**
  - d. or;**
  - e. presence of vermin.**

#### **CAR PARKING AND BICYCLE FACILITIES CONDITION**

- 8. Within three months of the issue of this permit the following parking upgrade and extension works must be completed to the satisfaction of the Responsible Authority:**
    - a. The loading and parking area as required to be shown on a plan by conditions 1b and 1c are to be professionally line-marked to the satisfaction of the Responsible Authority.**

**The loading bay must be signposted or ground marked and must be time limited for drop-off and pick-up of goods and/or patrons only.**

**Any accessible space/s must also be signposted or ground marked.**
    - b. The applicant is to construct the car parking area at 1455 Korumburra Wonthaggi Road, Kongwak (R. N. Scott Memorial Park) as required to be shown on a plan by condition 1d.**

**The parking area must be constructed with an all-weather surface and delineated by ground markers (or line marking), to the satisfaction of the Responsible Authority.**

**The parking area must be drained to the satisfaction of the Responsible Authority.**
-



**If there is any requirement to alter or create an access to Korumburra Wonthaggi Road as part of the works then a planning permit will be required as per the requirements of Clause 52.29 of the South Gippsland Planning Scheme and possibly under Clause 43.01 due to the Heritage Overlay.**

- c. The applicant is to erect a professionally prepared direction sign, to the satisfaction of the Responsible Authority at the entry point to the market. The direction sign is to advise patrons that parking restrictions apply in the Township area of Kongwak on Sundays and that they are enforced. It must also indicate the location of the overflow parking area at R. N. Scott Memorial Park as an alternative to parking in front of the site.**
- d. The applicant is to provide bicycle parking facilities in accordance with the requirements of Clause 52.34-3.**

#### **WASTEWATER CONDITION**

- 9. Within 60 days of the issue of this permit, the applicant must either upgrade the effluent disposal system and toilet facilities on the site to accommodate for market patrons or provide portable toilets for the use of market patrons, to the satisfaction of the Responsible Authority and in accordance with the Environment Protection Act 1970.**

**The effluent disposal system on the site has been designed to dispose of wastewater generated by the employees of the retail premises on the site and is unable to adequately treat or retain the volume of waste necessary to accommodate market patrons.**

#### **STORMWATER CONDITION**

- 10. *Downpipe water from the market buildings must be suitably directed into water tank(s), soakwell(s), or otherwise discharged, so as not to cause erosion to the subject or surrounding land, to the satisfaction of the Responsible Authority. The external finishes and materials of any water tank(s) must be colour treated in muted low-reflective tones.***

#### **PERMIT EXPIRY CONDITION**

- 11. This permit will expire if the use does not commence within two (2) years of the date of this permit.**

#### **NOTES**

- 12. The Responsible Authority may extend the time to start the use of the land under part (a) of the expiry condition if the request is made before the permit expires or within 6 months afterwards.**

- 13. This permit allows the above land to be used or developed for the purpose specified. It is the permit holder's responsibility to ensure that any other relevant approvals are obtained prior to the commencement of the use or development.**
- 14. A Consent to Work Within the Road Reserve Permit must be obtained from Council's Engineering Department and/or VicRoads prior to any works occurring within a road reserve.**

**STAFF DISCLOSURE OF INTEREST**

Nil

**Attachment 1 - Aerial photograph**



## Attachment 2 - Planning Property Report

Department of  
Environment, Land,  
Water and Planning


### Planning Property Report

from [www.dtpil.vic.gov.au/planning](http://www.dtpil.vic.gov.au/planning) on 11 June 2015 04:33 PM

**Address:** 1487 KORUMBURRA-WONTHAGGI ROAD KONGWAK 3951  
**Lot and Plan Number:** Lot 12 LP4610  
This property has a total of 3 parcels.  
For full parcel details get the free Basic Property report at [Property Reports](#)  
**Local Government (Council):** SOUTH GIPPSLAND Council **Property Number:** 185703  
**Directory Reference:** VicRoads 102 E2

See next page for planning information

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1487-KORUMBURRA-WONTHAGGI-ROAD-KONGWAK-PLANNING-PROPERTY-REPORT

Department of  
 Environment, Land,  
 Water and Planning

**Planning Zone**

TOWNSHIP ZONE (TZ)  
 SCHEDULE TO THE TOWNSHIP ZONE



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Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

**Zones Legend**

ACZ - Activity Centre	IN1Z - Industrial 1	R1Z - General Residential
B1Z - Commercial 1	IN2Z - Industrial 2	R2Z - General Residential
B2Z - Commercial 1	IN3Z - Industrial 3	R3Z - General Residential
B3Z - Commercial 2	LDRZ - Low Density Residential	RAZ - Rural Activity
B4Z - Commercial 2	MUZ - Mixed Use	RCZ - Rural Conservation
B5Z - Commercial 1	NRZ - Neighbourhood Residential	RDZ1 - Road - Category 1
C1Z - Commercial 1	PCRZ - Public Conservation & Resource	RDZ2 - Road - Category 2
C2Z - Commercial 2	PDZ - Priority Development	RGZ - Residential Growth
CA - Commonwealth Land	PPRZ - Public Park & Recreation	RLZ - Rural Living
CCZ - Capital City	PUZ1 - Public Use - Service & Utility	RUZ - Rural
CDZ - Comprehensive Development	PUZ2 - Public Use - Education	SUZ - Special Use
DZ - Dockland	PUZ3 - Public Use - Health Community	TZ - Township
ERZ - Environmental Rural	PUZ4 - Public Use - Transport	UFZ - Urban Floodway
FZ - Farming	PUZ5 - Public Use - Cemetery/Crematorium	UGZ - Urban Growth
GRZ - General Residential	PUZ6 - Public Use - Local Government	
GWAZ - Green Wedge A	PUZ7 - Public Use - Other Public Use	
GWZ - Green Wedge	PZ - Port	
		Urban Growth Boundary

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Department of  
Environment, Land,  
Water and Planning

### Planning Overlay

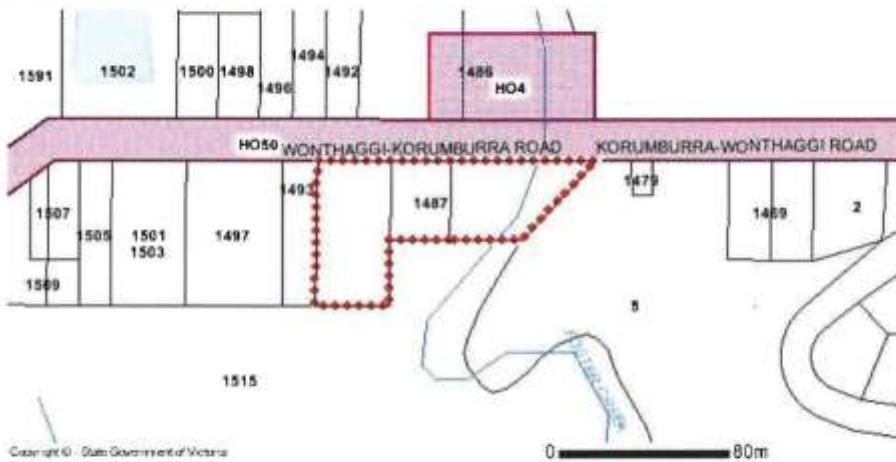
ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)  
ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 5 (ESO5)



### OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

HERITAGE OVERLAY (HO)



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1487-KORUMBURRA-WONTHAGGI-ROAD-KONGWAK-PLANNING-PROPERTY-REPORT

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**Planning Overlays Legend**

**Overlays Legend**

- |  |                                       |  |                                      |
|--|---------------------------------------|--|--------------------------------------|
|  | AED - Airport Environs                |  | LSIO - Land Subject to Inundation    |
|  | BMD - Bushfire Management (also WMD)  |  | MAEO1 - Melbourne Airport Environs 1 |
|  | CLPO - City Link Project              |  | MAEO2 - Melbourne Airport Environs 2 |
|  | DCPO - Development Contributions Plan |  | NCD - Neighbourhood Character        |
|  | DDO - Design & Development            |  | PO - Parking                         |
|  | DDOPT - Design & Development Part     |  | PAD - Public Acquisition             |
|  | DPD - Development Plan                |  | RD - Restructure                     |
|  | EAD - Environmental Audit             |  | RCD - Road Closure                   |
|  | EMO - Erosion Management              |  | SBO - Special Building               |
|  | ESO - Environmental Significance      |  | SLD - Significant Landscape          |
|  | FO - Floodway                         |  | SMD - Salinity Management            |
|  | HO - Heritage                         |  | SRO - State Resource                 |
|  | IPO - Incorporated Plan               |  | VPO - Vegetation Protection          |

Note: due to overlaps some colours on the maps may not match those in the legend.

**Areas of Aboriginal Cultural Heritage Sensitivity**

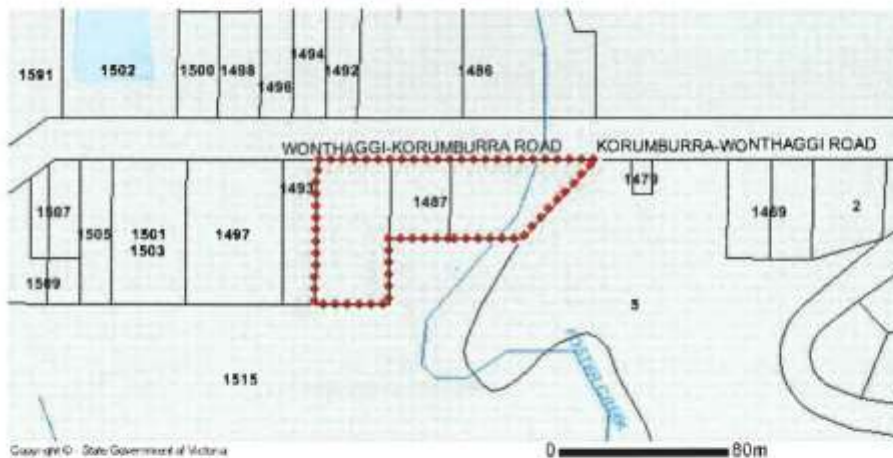
This property is within, or is affected by, one or more areas of cultural heritage sensitivity as described in the Aboriginal Heritage Regulations 2007.

The data provides indicative information about the location and extent of areas of Aboriginal cultural heritage sensitivity and is provided to assist with the decisions about the potential need to prepare a Cultural Heritage Management Plan in relation to proposed activities on this property.

For further information about whether a Cultural Heritage Management Plan is required go to [Aboriginal Heritage Planning Tool](#)

To find out if your property has any recorded Aboriginal cultural heritage places, such as scarred trees, occupation sites or places of burial, you can request information from the Victorian Aboriginal Heritage Register.

Find out more about the [Victorian Aboriginal Heritage Register](#)



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**Aboriginal Cultural Heritage Sensitivity** Aboriginal Cultural Heritage Sensitivity Selected Land

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Department of  
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### Further Planning Information

Planning scheme data last updated on 11 June 2015.

A **planning scheme** sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State, local, particular and general provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting [Planning Schemes Online](#)

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the Planning & Environment Act 1987. It does not include information about exhibited planning scheme amendments, or zonings that may affect the land. To obtain a Planning Certificate go to [Titles and Property Certificates](#)

For details of surrounding properties, use this service to get the Reports for properties of interest

To view planning zones, overlay and heritage information in an interactive format visit [Planning Maps Online](#)

For other information about planning in Victoria visit [www.dpcd.vic.gov.au/planning](http://www.dpcd.vic.gov.au/planning)

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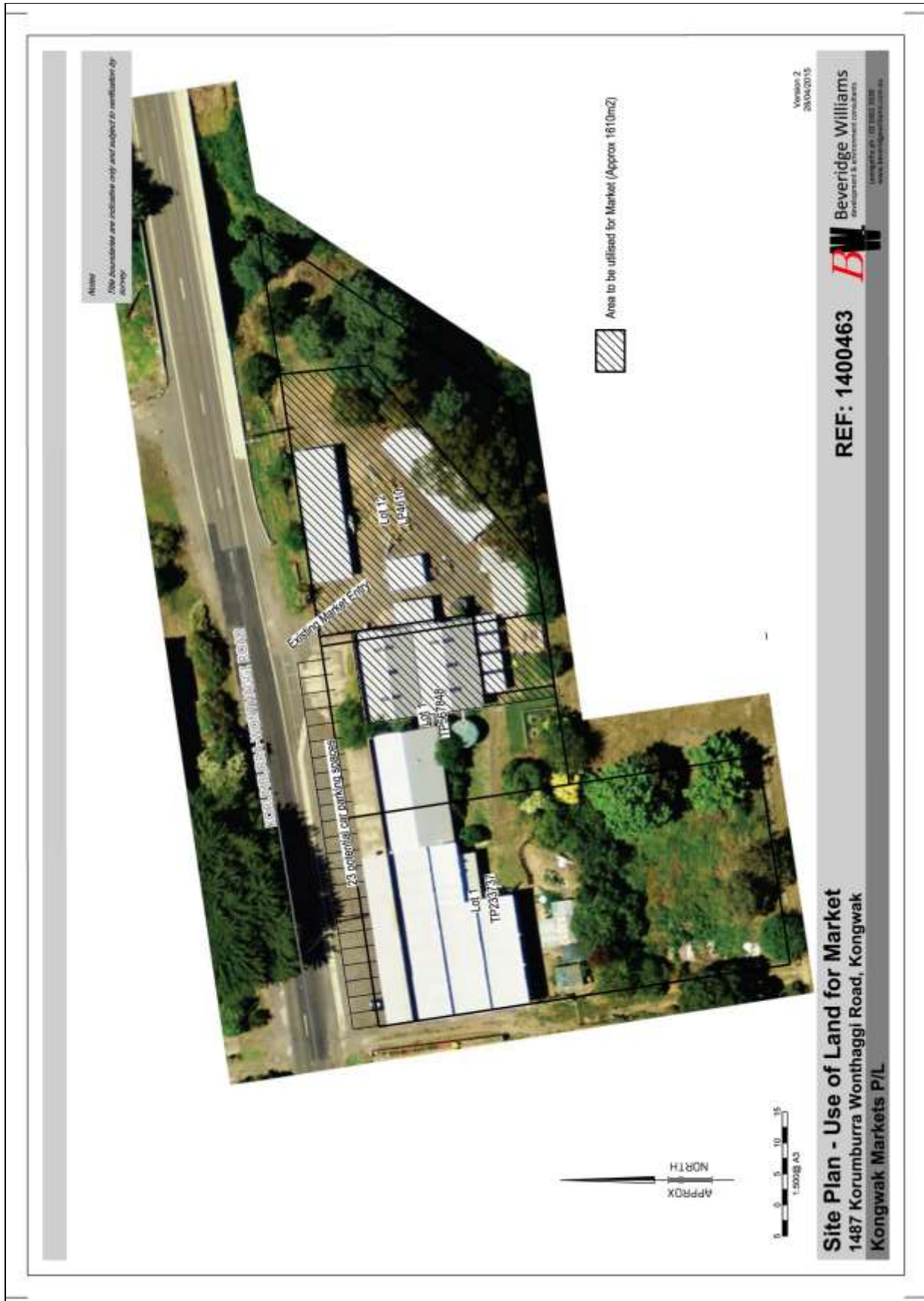
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**Attachment 3 - Proposed Site Plan**



## **Attachment 4 - Detailed Planning Assessment**

### **Clause 65 General Decision Guidelines**

Each of the relevant decision guidelines are addressed below:

1. The orderly planning of the area.

The proposal is considered to contribute to the orderly planning of the area by supporting commercial use and tourism in accordance with the policy objectives of Clause 21.11-3 and 21.11-4 of the Planning Scheme.

2. The effect on the amenity of the area.

As previously stated, the market is considered to have a positive social and economic effect on the locality. However, it also has potential to negatively affect the amenity of the area through the creation of traffic and parking issues and effluent disposal. The market itself is generally supported by the community, on the condition that the traffic and parking concerns can be addressed adequately. This is to ensure safety for road users and pedestrians within the township. It is considered that the proposed conditions will result in improvements to the amenity of the area and manage the land use to acceptable standards.

3. The proximity of the land to any public land.

The land adjoins Foster Creek which is public land (crown reserve). It will not have an effect on the Creek. The proposed off-site parking spaces are to be located on public land also (R. N. Scott Memorial Park is Council land within the Township Zone). R. N. Scott Memorial Park is approximately 350m to the east of the site and is accessible via a gravel path and the bridge over Foster Creek.

4. Factors likely to cause or contribute to land degradation, salinity or reduce water quality.

The waste water condition proposed will ensure that water quality is not adversely affected by the land use. The proposal is not likely to cause or contribute to any other form of land degradation or salinity.

5. Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.

Stormwater quality is unlikely to be affected by the proposal. However, a standard condition will ensure that stormwater from the buildings is collected into tanks or soak wells to ensure that it does not lead to any erosion.

6. The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

The land is not mapped as being affected by flooding or bushfire by an Overlay in the scheme. However, given that the eastern boundary appears to be the centreline of Foster Creek, it is likely that a small portion of the land is affected by localised flooding in an extreme rainfall event. It is also mapped as being in a Bushfire Prone Area. Although, risk of both flooding and fire are considered low. While the site is mapped as being susceptible to erosion, the risk is considered low because this layer is based on regional scale mapping and the proposal does not involve any further ground disturbance.

### **Township Zone**

Each of the relevant decision guidelines of the TZ are addressed below:

#### General

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

The relevant policies are addressed later in this report.

8. The protection and enhancement of the character of the town and surrounding area including the retention of vegetation.

The market has become a part of the character of Kongwak since it commenced operating. It is considered detrimental to the character of the town if the market were to cease operation. However, this must be balanced with the competing detriment as a result of traffic and shortfall in parking. It is considered that the proposal is acceptable subject to conditions.

9. The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.

The site has access to power and telephone services but not reticulated water, sewer or gas.

10. In the absence of reticulated sewerage, the capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

It is considered that waste water for staff of the existing retail premises can currently be treated and retained within the site in accordance with SEPP (Waters of Victoria). However, a condition requires that the system either be upgraded or that portable facilities are provided to ensure that patrons are also accounted for to Council's satisfaction.

11. Provision of car and bicycle parking and loading bay facilities and landscaping.

Loading bay facilities and bicycle parking facilities will be required as conditions of the permit in accordance with Clause 52.07 and 52.34, respectively. No additional landscaping is proposed or considered necessary. Car parking is addressed later in the report.

12. The effect that existing uses on adjoining or nearby land may have on the proposed use.

Existing uses do not, and are not likely to have any effect on the operation of the market.

13. The scale and intensity of the use and development.

The use is, and will be limited to 8 hours on a Sunday. While it does bring a considerable amount of patrons to the town, overall the scale and intensity is not considered unusual or unreasonable given that it is only periodic in nature and can be controlled by conditions.

14. The safety, efficiency and amenity effects of traffic to be generated by the proposal.

In the past, there have been considerable amenity and safety concerns regarding traffic generated by the use. This has been an ongoing problem and the recommended conditions are considered to address the safety and amenity concerns appropriately.

Since the application has been received, Council has sign posted and enforced no standing areas within close proximity of the site, where patrons have been allowed to park in dangerous positions or across driveways in the past. This initiative has been broadly accepted and is a general deterrent to such practices contributing to safety and amenity concerns. Council will need to ensure that enforcement of these parking restrictions is ongoing following issue of a permit.

#### **Clause 42.01 - Environmental Significance Overlay - Schedule 5**

The use and reduction of the number of required car spaces does not trigger a planning permit under the Environmental Significance Overlay. The structures erected since 2008 also do not trigger a planning permit because they each have a total resultant floor area of less than 200m<sup>2</sup> and are therefore exempt from a permit by Schedule 5.

#### **Clause 52.06 - Car parking**

The proposal includes a request to reduce the number of car parking spaces required on-site to zero in line with the current practices on the site. In reality, many market holders informally park on the site as part of setting up their stall however these parks have not been identified and do not form part of the plans submitted for approval. The number of car spaces required by Clause 52.06-5 of the Scheme would be 128 for a market of 1600m<sup>2</sup> (i.e. 8 spaces

per 100m of site area). However, parking will be provided at the front of the site and on another site within 350m of this site for up to 42 vehicles.

Before granting a permit to reduce the number of spaces below the likely demand assessed by the Car Parking Demand Assessment, the responsible authority must consider the following, as appropriate:

15. The Car Parking Demand Assessment.

The Car Parking Demand Assessment has been largely derived from the experiences of the market as it currently operates. However, it did not provide an empirical assessment or case study of the traffic generated by this market during either peak or slower periods. However, the applicant has suggested that on most occasions the market only generates approximately 20 vehicles per hour.

Unfortunately, Victoria does not have standards or guidelines relating to traffic generation. However, other jurisdictions such as NSW do publish accepted trip generation criteria for land uses such as markets, based on extensive surveys. It is expected that this market could generate up to 514 vehicles per day (over the 8 hours) based on such criteria. This equates to approximately 64 vehicles per hour over a day, with a peak of about 100 per hour. It is expected that in this particular instance, the market would only generate such high rates during long weekends and over the summer period, based on anecdotal evidence.

16. The availability of alternative car parking in the locality of the land, including:

- Efficiencies gained from the consolidation of shared car parking spaces.

There are no shared car spaces provided on the land, although the area adjacent to the front of the site is available for parking for the existing retail premises also on the land. It does not present any efficiencies.

- Public car parks intended to serve the land.

Whilst the public car park at the R. N. Memorial Park is not solely intended to serve the market site, as a public park it is often utilised by market patrons and/or stall holders. The irregular shape and informal nature of parking on the site currently limits the number of cars that can park on the land. The recommended conditions require this to be constructed and delineated in order to increase and improve the use of the site for parking. Signage will direct patrons to park there in the event of a shortfall adjacent to the site.

- Streets in residential zones specifically managed for non-residential parking.

Car parking is provided within the road reserve adjacent to the site. There is room available for approximately 23 car spaces in accordance with the requirements of the Planning Scheme and AS2890.6-2009 (relating to accessible parking). However, Council will require a dedicated loading bay which may reduce this slightly.

These spaces have been historically used by patrons of the other uses on this land. As previously discussed, Council has erected no parking signage in the vicinity in recent times to limit inappropriate parking in front of the adjoining residential uses.

- On street parking in residential zones in the locality of the land that is intended to be for residential use.

On street parking is limited by the no parking signage. However, most residential uses in the locality have sufficient space within their property boundaries.

17. The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.

Whilst the option of providing a part of the required number of car parking spaces on site was explored, it is not considered practical due to the location of the access point, the area affected by the wastewater system, the existing buildings and infrastructure on the site and the area of the site itself. The area required to provide the full requirement of parking in accordance with the Planning Scheme would likely equate to over 3000m<sup>2</sup>. This is almost double to site area being used as a market. Such a large area is not available on the site, even if only the existing buildings were all changed to the use as a market.

18. Any car parking deficiency associated with the existing use of the land.

The land has vacant area to construct parking associated with the existing or past uses, although such an area was never formalised into parking as there would have been no requirement to do so. As such, it could be argued that the site has a historical deficiency of 32 car spaces based on its use as a retail premises in the past. One of the buildings proposed to be used as part of the market has a leasable area of approximately 300m<sup>2</sup> and its proportion of the historical deficiency would equate to approximately 12 car space based on current standards. As such, this amount should be reduced from the 128 required by current standards in any event.

19. Local traffic management in the locality of the land.

The ongoing enforcement of 'no standing' and timed parking areas will be managed by Council. However, the conditions also require the applicant to provide direction signage to the overflow parking area and advise patrons that Council does enforce parking restrictions as they enter the site. This should act as a deterrent to patrons parking illegally along the road reserve and creating a hazard.

20. The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.

The reduced number of car spaces available has and could impact on pedestrian and residential amenity on market days. However, most pedestrian activity is generated by the market itself. Council considers that if approximately 42 spaces and a loading bay are formalised altogether, this would reduce the effect on residential amenity. During peak periods it is accepted that there may be some effect on residential amenity due to overflow parking.

21. The need to create safe, functional and attractive parking areas.

The recommendations proposed will ensure increased functionality and visual amenity of the car parking areas both adjacent to the site and at R. N. Scott Memorial Park. The gravel pathway between the park and the site is considered functional and safe.

22. Access to or provision of alternative transport modes to and from the land.

There are no alternative transportation modes in Kongwak other than for locals cycling/walking to the market. However, this would be expected to reduce parking requirements by less than 5 percent, given that most patrons would be from further afield and cycling/walking would not be particularly practical.

### State Planning Policy Framework

The State Planning Policy Framework (SPPF) provides Council's broad direction when deciding planning applications. The following SPPFs are considered the most relevant to this application.

State Planning Policy Objectives	
Clause	Objective
11.08-1 A diversified economy	<p>Support the development of industry sectors with strong prospects for increased employment, particularly knowledge industries, tourism, professional services and industries focussed on growing Asian and other international markets.</p> <p>Facilitate tourism development in existing urban settlements to maximise access to infrastructure, services and labour and to minimise impacts on the environment and exposure to natural hazards.</p>
17.01-1 Business	To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility,

<b>State Planning Policy Objectives</b>	
	efficient infrastructure use and the aggregation and sustainability of commercial facilities.
17.03-1 Facilitating tourism	To encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.
18.02-5 Car parking	To ensure an adequate supply of car parking that is appropriately designed and located.
19.02-3 Cultural facilities	To develop a strong cultural environment and increase access to arts, recreation and other cultural facilities.

### **Local Planning Policy Framework**

The Local Planning Policy Framework (LPPF) provides Council additional, locally relevant direction when deciding planning applications. The following LPPFs are considered the most relevant to this application.

<b>Local Planning Policy Objectives</b>	
21.04-2 Vision	The thriving tourism industry builds on the Shire's heritage assets, coastline, environmental qualities, rural landscape and agricultural produce.
21.05-1 Growth of towns	To ensure the growth of towns occurs in accordance with their role and function
21.09-2 Urban environment	To continuously improve all aspects of the urban environment
21.11-4 Tourism	Promote the development of new or expanding tourism enterprises that are ecologically sustainable.
21.12-1 Transport	<ul style="list-style-type: none"> <li>• To maintain a safe and efficient road network across the Shire</li> <li>• To deliver sustainable public transport, pedestrian and car parking facilities across the Shire</li> </ul>

### **Local Planning Policies**

There are no Local Planning Policies considered relevant to the assessment of this application.



## Referral Authority conditions and comments

The following table summarises the responses from referral authorities:

Authority	Clause	Response
VicRoads	Non-statutory - to seek views on traffic and parking.	No objection. No comments provided.

## Objections and Submissions

Two (2) submissions were received during the notification of the application. The submissions highlight the importance of the market in promoting Kongwak and the region as a destination and the positive impacts it has had on the community.

Ten (10) objections were received during notification of the application. Many objections expressed support for the market to continue to operate on the condition that the traffic concerns surrounding the land use are addressed appropriately. A summary of the objections relevant to the assessment and planning responses to the objections is provided below.

Concern	Planning Response
Lack of car parking promotes dangerous car parking habits and subsequent danger to pedestrians and road users.	<p>The predominant view of the people lodging objections is that the car parking and traffic management in the locality surrounding the market site does not adequately cater for patrons and stall holders without causing significant detriment to residential amenity and community safety.</p> <p>It is considered that the installation of 'no standing' and timed parking areas within close proximity of the site is assisting in creating a safer road environment in the area when able to be adequately enforced.</p> <p>Added planning recommendations, as included above, include the formal line-marking of existing parking areas adjacent to the subject and the extension of the public car park at the R. N. Scott Memorial Park.</p> <p>It is considered that the measures recommended, along with those already undertaken, will make a significant difference to the amenity of the area in regard to safe and efficient car parking.</p> <p>Speed limit reductions have been investigated, however if cars are parked in a safe and legal manner it is not considered that a speed limit reduction is necessary. The application was referred to the relevant road manager in</p>

Concern	Planning Response
	<p>VicRoads, with no comments or objections received in relation to the proposal.</p> <p>It is recognised that the car parking situation is not ideal. However, it must be noted that the use is limited to eight (8) hours per week. It is also noted that the parking issue is less prevalent on Sundays that are not part of a long weekend (i.e. ANZAC, Melbourne Cup, etc) or during the summer period. Out of the 52 weeks a year it is considered that the parking requirements could be exceeded on approximately 10 occasions.</p> <p>It is therefore considered impractical and uneconomically viable to provide the total amount of parking, either on or off site to cater for the peak periods of traffic generated for such an infrequent use. The number of spaces required to be formalised by Council is considered to cater for a majority of the demand for a majority of the time, whilst managing the effect on residential amenity and safety.</p>
<p>Concerns regarding inaccuracies in the initial application.</p>	<p>A number of objectors were concerned that the plans originally submitted with the application did not adequately reflect the extent of the market or accurately depict the number of patrons that attend the market.</p> <p>Revised information has been sought throughout the application process and Council is now satisfied that the plans represent the extent of the site currently used for the purpose of the market and proposed to continue.</p>
<p>Wastewater treatment.</p>	<p>The concern on whether the wastewater system is adequate for the site has been raised.</p> <p>It is considered that the current system has not been designed for the use of market patrons and either an upgrade to the system or the provision of portable toilets will be required as a condition of the permit if the market is to commence lawful use.</p>

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## **E.9 PLANNING SCHEME AMENDMENT C77 PART 3 (AGNES REZONING) - ADOPTION**

Development Services Directorate

### **EXECUTIVE SUMMARY**

Planning Scheme Amendment C77 implements the key recommendations of the Eastern District Urban Design Frameworks. This amendment was separated into three parts on the recommendation of the Planning Panel. Amendment C77 Parts 1 and 2 have already been approved by the Minister for Planning and included in the South Gippsland Planning Scheme. Part 3 (Agnes rezoning) proposes rezoning the existing small-lot subdivision located from 5465 to 5495 South Gippsland Highway Agnes from Farming Zone (FZ) to Rural Living Zone (RLZ). Adoption of Part 3 has been delayed by an ongoing land ownership dispute between two parties, the outcome of which may affect how zones are applied and the land used in the future.

The time extension Council obtained from the Minister for Planning to finalise Amendment C77 lapses on 30 July 2015. As the land ownership dispute remains unsettled, it is recommended that Council adopt a revised version of the rezoning which removes the disputed land from the amendment. If the dispute is resolved, any rezoning required to respond to the outcome can occur at a future date as part of a separate amendment. Amendment C77 Part 3 is also being used to make a few minor, policy neutral corrections to the planning scheme.

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

- **Attachment 1** - Proposed Clause 21.02
- **Attachment 2** - Proposed Clause 21.03
- **Attachment 3** - Heritage Overlay delete and replace map versions
- **Attachment 4** - Proposed Agnes Rezoning
- **Attachment 5** - Proposed Clause 21.16
- **Attachment 6** - Instruction Sheet

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

Planning and Environment Act 1987

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

Eastern District Urban Design Frameworks (January 2012)

### **COUNCIL PLAN**

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

## CONSULTATION

Consultation for C77 was consistent with the planning scheme amendment process. It included notification to landowners, referral to government agencies and a community drop-in session. Following receipt of objections, a Planning Panel hearing was held on 13 June 2013.

In regard to the Planning Scheme correction to the Heritage Overlay (HO) at 250 Jeetho Road Jeetho (which is one of the minor planning scheme changes being included in Part 3), the owner is aware of the map correction and supports the change.

## REPORT

### Background

Amendment C77 Parts 1 and 2 were gazetted into the South Gippsland Planning Scheme in November 2013 and September 2014 respectively. Part 3, the proposed rezoning at Agnes, relates to the land in the historic settlement near the former Agnes Railway Station. The land is on the north side of the South Gippsland Highway, east of Agnes River Road.

Figure 1: C77 Part 3 - location of rezoning, disputed land and submitters



Figure 1: C77 Part 3 - location of rezoning, disputed land and submitters.

Three landowners have made submissions in response to the proposed rezoning. Two submitters are landowners located on either side of the easement between 5479 and 5483 South Gippsland Highway. They support the proposed RLZ rezoning of the entire area. The other submitter is the owner/occupier of farmland both adjacent to the north boundary of the subdivision and opposite it, across the highway. This submitter objects to the proposed rezoning of both the easement and 5479 South Gippsland Highway. There is no objection to the balance of the proposed rezoning. The objection is made on the basis that they have an interest in using the easement (or a substitute option) for farming purposes between their properties on the north and south sides of the highway. If the easement and 5479 South Gippsland Highway are rezoned to RLZ, they are concerned it could negatively impact on future land use options in relation to their farming operation.

#### Minor planning scheme changes

The following minor procedural corrections to the Planning Scheme are also being included with Amendment C77 (Part 3) so they do not require the costly preparation of separate amendments.

Clause 21.02 - Municipal profile is to have some typographical errors for population statistics and descriptions corrected and updated. Refer to **Attachment 1**. (See sub-clauses 21.02-3 and 21.02-8).

An error at clause 21.03 Key issues is being altered to correct sentence construction by removing a redundant 'of '. Refer to **Attachment 2**. (See sub-clause 21.03-5).

Correction to the application of the Heritage Overlay (HO) to 'Glenorchy' homestead, stables and precinct at 250 Jeetho Rd Jeetho is also necessary. HO142 (for the site) was approved when Amendment C92 (Volunteer Heritage Overlay) was gazetted in October 2014. During the amendment approvals process the HO142 map was inadvertently changed by the State Government Planning GIS team resulting in the historically significant horse stables being omitted from the map. It is proposed to correct the current application by approval of a new HO142 map. Refer to **Attachment 3** for the current HO142 to be deleted (mapped as D-HO142) and the proposed HO142 to be inserted in its place.

#### **Discussion**

The parties involved in the land issue at Agnes have made presentations to Council and submissions to the Amendment C77 Planning Panel. The Panel Report recommended separating the proposed RLZ rezoning at Agnes from the balance of Amendment C77, which resulted in the Agnes rezoning proposal becoming Amendment C77 (Part 3).

The Panel further recommended that Council:

"Defer a decision on that part of the Amendment until such time as the current adverse possession application relating to the land between 5479 and 5483

South Gippsland Highway, Agnes is resolved. If the adverse possession claim is successful, the Panel recommends that the disputed strip of land should be included in the rezoning. If the claim is unsuccessful and the disputed land remains part of the larger farming lot, the Panel recommends that the land should be excluded from the rezoning."

The land ownership/use outcome to date is not as clear cut as the Panel envisaged. As part of the notification and objection process for an adverse possession claim, the landowners involved have negotiated a legal ownership/access solution involving 5479 South Gippsland Highway. However until a final agreement is implemented, the objecting party maintains their objection to the easement being rezoned. They have also advised that they extend their objection to the proposed rezoning of 5479 South Gippsland Highway. The other party maintains their ongoing support for the rezoning of all of the land.

Due to the two parties having opposing submissions, and the current situation not being addressed by the Planning Panel recommendations, Council should adopt a cautious approach and maintain the existing zoning (Farming Zone) of the easement and 5479 South Gippsland Highway.

There are no issues with proceeding to rezone the balance of the subdivision. Refer to **Attachment 4** for the proposed revised version of the Part 3 zoning. The revised rezoning will not hinder commercial agriculture in the vicinity.

Council could seek a further time extension for Amendment C77 Part 3. However there is no guarantee that the Minister for Planning will grant a second time extension given the protracted time already taken for Amendment C77 (Part 3) and the lack of a clear end date for the land issue to be resolved. The matter may still be unresolved at the end of a further time extension. If Council does not adopt the rezoning for the undisputed (and majority) part of the Agnes settlement, it will have missed the opportunity to rezone the majority of the subdivision before the amendment lapses.

If the land ownership issue is settled at a later stage, Council can rezone the land in accordance with the settlement outcome as part of either a future general amendment or as an add-on to another amendment.

#### Minor planning scheme changes

The Gippsland Regional Office of the Department of Environment, Water, Land and Planning (DELWP) has advised that the proposed minor corrections to the Planning Scheme discussed above can be added to Amendment C77 (Part 3). Therefore it is unlikely that their presence will hinder progress of the Agnes rezoning. The minor corrections are policy neutral and do not affect any third parties. Refer to **Attachment 5** for the proposed Clause 21.16 including the Eastern District Urban Design Frameworks in the list of Reference documents. **Attachment 6** contains the Instruction sheet required as part of the formal amendment documentation.

## **Options**

Council can:

1. Adopt a revised version of Amendment C77 (Part 3) that rezones all but the easement and 5479 South Gippsland Highway and includes the minor planning scheme corrections; or
2. Seek a further time extension for consideration of Amendment C77 (Part 3) to allow more time during which the ownership and access issue at Agnes can be corrected and defer the minor corrections to the next opportunity; or
3. Resolve not to proceed with Amendment C77 (Part 3) Agnes, and hold over the planning scheme minor corrections until the next opportunity.

## **Proposal**

It is proposed that Council adopt the revised version of Amendment C77 (Part 3) as detailed in Option 1 above, so that the most benefit can be achieved from the processing of the amendment to date.

## **RISKS**

Council minimises its risk in relation to the Agnes rezoning by not making change to land affected by an ongoing civil dispute. There is no risk to Council in relation to the correction of the procedural corrections.

## **CONCLUSION**

Council can maximise land use benefits and minimise its risk by adopting a revised version of the proposed rezoning at Agnes that removes the area of disputed land from the amendment. When the dispute is resolved, Council can review the zoning of the two outstanding parcels of land at a future time in a relatively simple manner based on the amendment work already conducted. The Planning Scheme will be improved if the minor corrections are corrected with C77 (Part 3).

## **RECOMMENDATION**

**That Council:**

1. **Adopt Amendment C77 (Part 3) as contained in Attachments 1-6.**
2. **Request the Minister for Planning approve Amendment C77 (Part 3) as adopted.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

## Attachment 1 Proposed Clause 21.02

### SOUTH GIPPSLAND PLANNING SCHEME

28/11/2013  
C66  
Proposed  
C27 Part  
21

#### 21.02 MUNICIPAL PROFILE

##### 21.02-1 Location

28/11/2013  
C66

The South Gippsland Shire covers an area of approximately 3297 square kilometres and is located about 100 kilometres south east of metropolitan Melbourne. It is situated on the south western boundary of the Gippsland region and abuts five municipalities: Baw Baw and Latrobe City to the north, Wellington to the east, Bass Coast to the south-west and Cardinia to the west. The Strzelecki Ranges form much of the Shire's northern boundary, while the coastline delineates the southern boundary.

##### 21.02-2 History

28/11/2013  
C66

South Gippsland has a rich and diverse cultural heritage. The land was originally occupied by Aboriginal people from the Gunai, Bun wurrung and Wurundjeri clans, however few places of aboriginal cultural heritage remain from the pre-contact period, and almost none from the post-contact period. The remaining places are therefore highly significant in demonstrating the indigenous history of the Shire. Examples of remaining aboriginal heritage places include the evidence of shell middens along the coast, artefact 'scatters' and 'scarred' trees.

The post-contact cultural heritage places in the Shire reflect the area's development and can be described through themes which provide an historical explanation of the existing physical fabric and land use patterns. The majority of post-contact heritage places reflect four key historic themes:

- Early pastoralism and settlement
- The development of railways
- The development of agricultural industries (particularly dairying)
- Coal and gold mining, which had a significant influence at Korumburra and Foster respectively.

These key historic themes are demonstrated by a variety of cultural heritage places including rural homesteads and farm buildings, public and community buildings such as halls, churches and schools, railway infrastructure, and commercial and industrial buildings such as butter factories. Other examples include war memorials, which include Avenues of Honour, routes of early explorers such as McDonalds Track, and significant cultural landscapes such as Mossvale Park and the former Mossvale nursery.

##### 21.02-3 People and settlement

28/11/2013  
C66  
Proposed  
C27 Part 21

The Shire's population of 27,937,506 (ABS 2014 Estimated Resident Population 2014 update) is spread across 26 settlements and 41 localities. The largest town within the Shire is Leongatha with a population of 5,332 (2011 ABS Census). Other significant towns are Korumburra 4,373, Mirboo North 2,296 and Foster 16,667 (2011 ABS Census).

Key demographic characteristics for South Gippsland are as follows:

- Population density in the Shire is greatest within the urban centres and in the area between Korumburra and Leongatha and Kongwah.
- There is considerable seasonal variation in the number of persons within the municipality due to the holiday homes (especially in the coastal towns) and the large influx of tourists during the summer months.
- The proportion of the population in older age groups is increasing, consistent with an Australia-wide trend.



SOUTH GIPPSLAND PLANNING SCHEME

- Household sizes are decreasing, in keeping with the trend for Victoria
- Just over half the Shire's population live outside urban areas
- There is also strong demand for dwellings outside the town areas by those seeking a more remote rural lifestyle
- The proportion of persons employed in the agricultural sector is considerably higher than for the Gippsland region
- Unemployment rates are lower than for both the Gippsland region and Victoria
- The proportion of people in the Shire born overseas is slightly lower than for the Gippsland region, and significantly lower than Victoria

**21.02-4 Environment**

28/11/2013  
C69

The Shire's natural beauty attracts residents and tourists from around the world.

South Gippsland is home to a diverse range of indigenous plants and animals. The Strzelecki Ranges contains warm temperate rainforest; the hills and plains are the home of the unique Giant Gippsland Earthworm; areas such as Corner Inlet support a wealth of marine, estuarine and freshwater plants and animals; and there are a large number of parks and reserves containing flora and fauna of State and national significance. The Shire contains areas of State, national and international natural significance, such as Wilson's Promontory National Park, Cape Liptrap Coastal Park, the Strzelecki Ranges, and Corner Inlet and Nooramunga Marine parks.

The Shire is characterised by a diverse topography of ranges, plains, low lying land and coastal areas. This has created some of Victoria's most picturesque landscapes ranging from the natural ruggedness and beauty of the coastline and beaches (including Wilson's Promontory, Cape Liptrap, Andersons Inlet, Waratah Bay and Corner Inlet), to the rolling hills of the agricultural districts and the tall tree forests of the Strzelecki Ranges.

A number of environmental challenges face the municipality, including:

- The loss of biodiversity (native flora and fauna)
- Land and water degradation
- Ensuring sustainable land use and development occurs
- Managing the environmental impacts resulting from climate change

**21.02-5 Natural resource management**

28/11/2013  
C69

The South Gippsland Shire's natural resources are essential for biodiversity, agriculture, industry and recreation. The Shire contains some of the most productive agricultural areas in Victoria and provides a substantial proportion of Victoria's milk and milk products as well as beef, prime lamb and timber products. Other forms of agricultural production include vegetables (for example, potatoes and snow peas), cereal cropping and grape growing. The relatively abundant rainfall and high quality agricultural soils of the area will likely continue to make the Shire attractive to agricultural producers.

**21.02-6 Built environment and heritage**

28/11/2013  
C69

The South Gippsland Shire is characterised by a variety of built heritage places including rural homesteads and farm buildings, public and community buildings such as halls, churches and schools, railway infrastructure, and commercial and industrial buildings such as butter factories. Other examples of heritage places include war memorials, which include Avenues of Honour, routes of early explorers such as McDonald's Track, and significant cultural landscapes such as Mossvale Park and the former Mossvale nursery.

SOUTH GIPPSLAND PLANNING SCHEME

**21.02-7 Economic development**

28/11/2013  
C98

Agricultural and associated manufacturing and service industry underpin the Shire's economy. The agricultural industry is supported by large dairy processing plants at Leongatha and Korumburra, with some value adding such as cheese production occurring on farms. Major saleyards are located at Koonwarra and abattoirs are at Foster and Poowong. Boutique farming is a small but emerging sector with activities such as alpaca rearing, olives, native bush food and organic food production have been introduced into the municipality in recent years.

Other important industries are timber production, the ESSO terminal at Barry Beach (which services the off-shore oil and gas platforms in Bass Strait) and extractive industry (sand and gravel). Manufacturing and retail sectors provide employment in the major towns and through value-adding activities.

Tourism also plays an important role in the Shire's economy, particularly within the major towns and coastal areas. The Shire's outstanding natural features, heritage significance and agricultural production leave it well placed to achieve growth in agri-tourism and eco-tourism.

**21.02-8 Transport**

28/11/2013  
C98  
[Proposed  
C77 \(PAD\)](#)

Three State highways—the South Gippsland, Bass and Strzelecki highways—serve South Gippsland. V-line buses serve commuters along the South Gippsland Highway to and from Melbourne throughout the week, and services also connect Leongatha to the Latrobe Valley via Mirboo North. Council community buses and cars in some towns provide additional services. Part of the former Great Southern Railway line still exists through much of the Shire and a tourist train operates between Nyora and Leongatha. The Shire contains one aerodrome located in Leongatha.

Although rail services to Melbourne remain discontinued, it is essential for the long term economic and social planning of the Shire that the option remains to return rail services in the future.

~~The Shire contains one aerodrome, located in Leongatha.~~

**21.02-9 Infrastructure**

28/11/2013  
C88

The towns of Korumburra, Leongatha, Foster, Mirboo North, Toora, Welshpool and Port Welshpool are serviced by reticulated sewerage and water. Other towns and coastal areas are only serviced by reticulated water or are not serviced.

**21.02-10 Community services**

28/11/2013  
C88

The Shire contains a range of community facilities and services to meet the needs of the community. Hospitals are located within the larger towns of Korumburra, Leongatha and Foster, while family, maternal and child health services are also provided in some of the smaller towns. Aged care facilities, such as nursing homes, are located at Korumburra, Leongatha, Foster, Mirboo North, Loch and Toora. A range of other facilities and organisations are provided throughout the Shire, including childcare centres, schools, community houses, libraries, public parks and reserves, community halls, sporting clubs and youth groups.

## Attachment 2 Proposed Clause 21.03

SOUTH GIPPSLAND PLANNING SCHEME

**21.03 KEY ISSUES**  
08/06/2014  
C99  
Document  
0377 (Part 3)

The key issues for the South Gippsland Shire are:

**21.03-1 Settlement**  
28/11/2013  
C99

- The need to recognise that the network of smaller rural towns throughout the Shire provide a valid alternative to the large settlements, particularly where reticulated services are provided
- The need to demarcate settlement boundaries and provide improved design guidance and control over development in coastal settlements, in order to protect settlement and coastal character as the pressure for development in these areas continues to increase
- The need to plan for housing and facilities to cater for anticipated population growth in the north-west of the Shire

**21.03-2 Environmental and landscape values**  
28/11/2013  
C99

- The need to conserve the region's biological diversity
- The poor integration of public and private land management to provide a diversity of flora and wildlife refuge areas
- The need to closely regulate industry and farming practices to ensure environmental standards are maintained

**21.03-3 Environmental risks**  
28/11/2013  
C99

- The anticipated impact of climate change on the local environment, and the need to monitor and continue to plan for these impacts in the context of broader climate change policy and new knowledge
- Pressures for development and subdivision along the coast and other environmentally sensitive areas, and the associated impacts of vegetation clearing, introduction of pest plants and animals, erosion and a decline in water quality
- The incidence of landslip and erosion (particularly within the steep areas of the Strzelecki Ranges), flooding and drainage problems affecting certain areas of the Shire, and the potential risk of fire hazard to population and property in certain areas
- The negative impacts of pest plants and animals on the ecology of the area

**21.03-4 Natural resource management**  
28/11/2013  
C99

- The need to protect and promote the importance of a strong agricultural base to the Shire's economy
- The need to preserve rural land for commercial scale agricultural production
- The diversification and restructuring of the agricultural industry through the development of more intensive farming, value-adding opportunities and the decline of traditional forms of agricultural employment

**21.03-5 Built environment and heritage**  
28/11/2013  
C99  
Document  
0377 (Part 3)

- The need to protect of the character and significance of sensitive coastal landscapes, particularly landscapes of State or regional significance where there is a high level of pressure for development

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MUNICIPAL STRATEGIC STATEMENT – CLAUSE 21.03 PAGE 1 OF 3

SOUTH GIPPSLAND PLANNING SCHEME

- The total loss or detrimental damage to heritage places through inappropriate alterations or other works

**21.03-6 Housing**

28/11/2013  
CNS

- The need to raise the awareness of people who choose to live in rural areas that they must expect rural land uses and infrastructure levels as well as a rural amenity and lifestyle, while supporting living opportunities in rural areas throughout the Shire
- The need to provide diversity in housing types to accommodate decreasing household sizes and the ageing population
- The increasing pressure for housing development along the coast
- The need to avoid landscape and servicing issues arising from the development of dwellings in rural areas that are not reasonably connected to agricultural activities

**21.03-7 Economic development**

28/11/2013  
CNS

- The increasing interest in developing timber plantations on cleared farmland
- The need to provide sufficient industrial land to accommodate and encourage existing and future industrial opportunities based on the clean and green image set by the Shire
- Commercial pressures that may result in the fragmentation of the core commercial areas of the main towns
- The changing roles and functions of some of the small towns and villages and the need to encourage each town to develop its own identity to facilitate economic development
- The steady exodus of youth to larger centres to pursue employment and educational opportunities
- The need to improve education and employment opportunities for young people within the Shire
- The strong contribution of the tourism industry to the State and local economies
- The steady increase in the number of tourists visiting the area
- The significance of the natural and cultural environment and nature based activities for tourism
- The lack of a large tourist accommodation facility in the area, particularly in the vicinity of Wilson's Promontory

**21.03-8 Transport**

28/11/2013  
CNS

- The need to improve and maintain existing roads in order to support the future needs of the community, promote economic growth and protect the environment
- The lack of public transport opportunities, which restricts movement by residents through and from the Shire and limits the number of visitors to the area who do not have access to a vehicle
- The potential for an increase in truck traffic throughout the municipality as timber harvesting activities increase, and the impact this will have on the road network
- The development of a deep-water port at Barry Beach and the promotion of major economic development opportunities that will benefit from the deep-water port
- The need to upgrade the South Gippsland Highway, Strzelecki Highway and Grand Ridge Road for future tourism benefits to the Shire

SOUTH GIPPSLAND PLANNING SCHEME

**21.03-9 Infrastructure**

28/11/2013  
C88

- The need to provide reticulated water and sewerage services and drainage improvements to many of the smaller towns and coastal villages to encourage population growth in the towns
- to improve and maintain existing infrastructure in order to support the future needs of the community, promote economic growth and protect the environment
- to accommodate large population fluctuations in some of the holiday towns and villages, which place different demands on infrastructure and services
- The need to encourage the development of alternative energy sources
- The development of a development contributions policy to guide infrastructure provision

**21.03-10 Community Services**

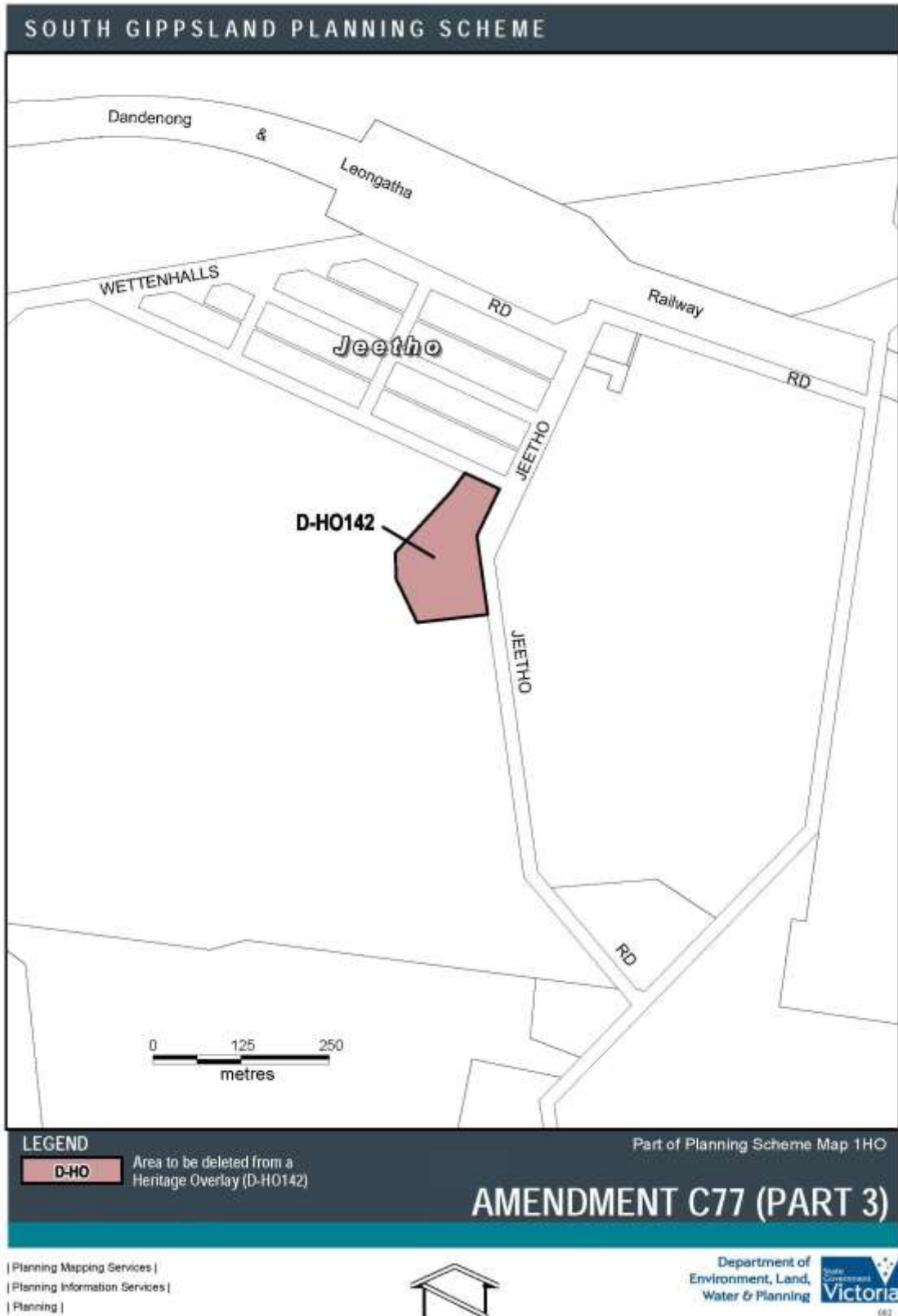
05/06/2014  
C90

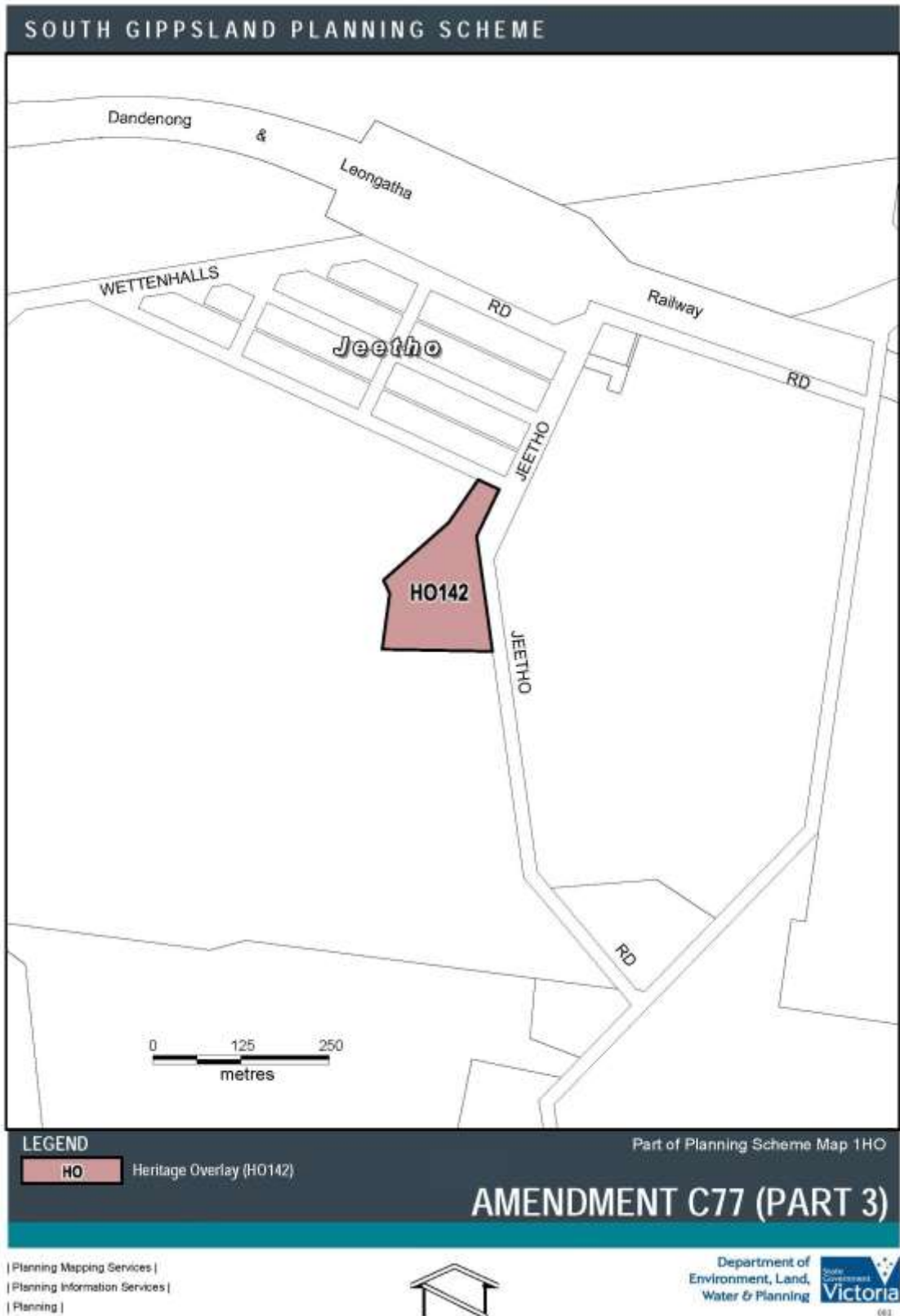
- Economic pressures that affect the viability of existing community services
- The need to provide residents with access to services and facilities, including aged care, health, recreation and education, in an efficient and equitable manner
- Catering for the needs of an ageing population

**Reference Documents**

*The South Gippsland Housing and Settlement Strategy, 2013*

**Attachment 3**  
**Heritage Overlay delete and replace map versions**





### Attachment 4 Proposed Agnes Rezoning



(Planning Mapping Services)  
(Planning Information Services)  
(Planning)



Department of  
Environment, Land,  
Water & Planning



601



## Attachment 5 Proposed Clause 21.16

SOUTH GIPPSLAND PLANNING SCHEME

**21.16**

20100204  
090  
PROPOSED  
21.16(2)

**REFERENCE DOCUMENTS**

The following strategic studies have informed the preparation of this planning scheme. All relevant material has been included in the Scheme. Decision-makers should use these for background research only. Material in these documents that potentially provides policy guidance on decision-making but which is not specifically referred to by the Scheme, should not be given any weight.

- Coastal Spaces Landscape Assessment Study, South Gippsland Municipal Reference Document (2006)
- Coastal Spaces Landscape Assessment Study, State Overview Report (2006)
- Draft Guidelines for the Assessment of Heritage Planning Applications (Heritage Victoria, 2000)
- Foster Structure Plan, (2008)
- Gippsland Regional Waste Management Plan (Gippsland Regional Waste Management Group, 1999) (as amended)
- Healthy by Design 06, A guide to planning environments for active living in Victoria, Melbourne: National Heart Foundation of Australia, updated June 2012 (as amended), National Heart Foundation of Australia (Victoria Division)
- Infrastructure Design Manual (version 4, March 2013) (as amended)
- Korumburra Structure Plan (2010) (as amended)
- Korumburra Town Centre Car Parking Strategy, June 2013
- Korumburra Town Centre Framework Plan Economic Assessment, March 2013
- Korumburra Town Centre Framework Plan: Framework Report, October 2013
- Leongatha CBD Parking Strategy (2013) (as amended)
- Leongatha Industrial Land Supply Study (2013) (as amended)
- Leongatha Structure Plan, (2005)
- Loch Urban Design Framework (2005)
- Mirboo North Structure Plan, (2004)
- Nyora Structure Plan
- Regional Sand Extraction Strategy: Long Long to Granville (1996, Department of Infrastructure)
- Rural Tourism Development Strategy (2009)
- Safer Design Guidelines for Victoria 2005
- Sandy Point Urban Design Framework: Settlement Background Paper (2006)
- *South Gippsland Eastern District Urban Design Frameworks January 2012 (as amended)*
- South Gippsland Heritage Study (2004)
- South Gippsland Shire Heritage Study Amendment C92 Heritage Citations April 2014
- South Gippsland Housing and Settlement Strategy, 2013 (as amended)
- South Gippsland Municipal Public Health and Wellbeing Plan (as amended)
- South Gippsland Open Space Strategy 2007 (as amended)
- South Gippsland Rural Land Use Strategy, (2011)

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MUNICIPAL STRATEGIC STATEMENT - CLAUSE 21.16 PAGE 1 OF 2

SOUTH GIPPSLAND PLANNING SCHEME

- *South Gippsland Shire Council Paths and Trails Strategy (2010) (as amended)*
- *South Gippsland Recreation Strategy, (2007, as amended)*
- *Tarwin Lower Urban Design Framework: Settlement Background Paper (2006)*
- *The Burra Charter: The Australia ICOMOS Charter for the Conservation of Places of Cultural Heritage Significance (1999)*
- *Tourist Signing Guidelines – Information for Tourism Businesses (Vic.Roads, 2009) (as amended)*
- *Venus Bay Urban Design Framework: Settlement Background Paper (2006)*
- *Warratah Bay Urban Design Framework: Settlement Background Paper (2006)*
- *Water Supply Catchment Development and Land Use Guidelines (South Gippsland Water, 2012)*

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## Attachment 6 Instruction Sheet

*Planning and Environment Act 1987*

**SOUTH GIPPSLAND PLANNING SCHEME**

**AMENDMENT C77 (Part 3)**

**INSTRUCTION SHEET**

The planning authority for this amendment is the South Gippsland Shire Council.

The South Gippsland Planning Scheme is amended as follows:

**Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of three attached map sheets.

**Zoning Maps**

1. Amend Planning Scheme Map No.31ZN in the manner shown on the one attached map marked "South Gippsland Planning Scheme, Amendment C77 (Part 3)".

**Overlay Maps**

2. Amend Planning Scheme Map No.1HO in the manner shown on the two attached maps marked "South Gippsland Planning Scheme, Amendment C77 (Part 3)".

**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

3. In Local Planning Policy Framework – replace Clause 21.02 with a new Clause 21.02 in the form of the attached document.
4. In Local Planning Policy Framework – replace Clause 21.03 with a new Clause 21.03 in the form of the attached document.
5. In Local Planning Policy Framework – replace Clause 21.16 with a new Clause 21.16 in the form of the attached document.

End of document

## **E.10 FINAL CLUSTER REVIEW FOR SOCIAL COMMUNITY INFRASTRUCTURE TARWIN LOWER/VENUS BAY AND MEENIYAN**

Community Services Directorate

### **EXECUTIVE SUMMARY**

A comprehensive review of community facilities has been completed for the Venus Bay/Tarwin Lower cluster and the Meeniyan cluster (as defined in the South Gippsland Shire Council's Blueprint for Social Community Infrastructure).

The review discussed utilisation of existing community facilities in the two clusters, opportunities for increased utilisation, expansion of facilities and consolidation of assets. It identified a range of funding options for consideration by the two cluster communities.

The draft Cluster Review of Social Community Infrastructure - Tarwin Lower/Venus Bay and Meeniyan (Cluster Review), was placed on public exhibition with two submissions received.

The purpose of this report is to inform Council of the submissions received and subsequent changes made to the final version of the Cluster Review and to present the final document for formal adoption.

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

- **Attachment 1** - Submissions
- **Appendix 1** - Final Cluster Review for Social Community Infrastructure – Tarwin Lower/Venus Bay and Meeniyan

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

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

- Local Government Act 1989

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

- South Gippsland Shire Council Social Community Infrastructure Blueprint 2014-2029
- South Gippsland Housing and Settlement Strategy
- South Gippsland Shire Council 2007, Recreation Plan: Volume 4: Implementation Plan
- South Gippsland Shire Council 2007 Open Space Strategy Vol. 1: Open Space Strategy

- South Gippsland Shire Council Asset Management Strategy 2013
- Town Centre Framework Plans
- South Gippsland Shire Council, 2011, Municipal Early Years Plan 2012 to 2016
- South Gippsland Shire Council (2013) Early Childhood Services Building Assets Policy Framework
- South Gippsland Shire Council, 2012, Economic Development and Tourism Strategy 2012 - 2017

### **COUNCIL PLAN**

Outcome:	3	Integrated Services and Infrastructure
Objective:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development.
Strategy:	3.1.3	We will develop an integrated planning approach for our townships and villages, so that facilities are located in areas where they are most appropriate.

### **CONSULTATION**

Consultation included:

1. Meetings with key community stakeholders managing infrastructure in the Tarwin Lower/Venus Bay and Meeniyan clusters;
2. A survey aimed to gain data for community owned and managed infrastructure in the two cluster areas;
3. Discussion with representatives from the Engineering Directorate, Social Planning and Community Strengthening departments;
4. Meetings with the internal Project Working Group, comprising Director of Engineering, Director of Community Services, Social Planner, Manager Community Strengthening.
5. Input and guidance from the Social Community Infrastructure Steering Committee consisting of Mayor Harding, Councillors Fawcett, Brunt, Davies, Hill, Kennedy and McEwen and key Council staff; and
6. A follow up meeting with the Co-ordinator of the Venus Bay Community Centre to discuss the Centre's comprehensive submission and the changes that would be made to the Cluster Review document.

## Public Exhibition

The draft Cluster Review was endorsed by Council on 22 April 2015 for public exhibition in the two cluster areas. The opportunity for community feedback on the draft document extended for one month, closing on 22 May 2015.

The Cluster Review was exhibited at the following sites within the catchment area:

1. Venus Bay Community Centre
2. Tarwin Lower District Health Centre
3. Meeniyah IGA

It was available from Council's Customer Service Team and on Council's website. The Cluster Review was also emailed to key stakeholders and advertised for two weeks in Council's Noticeboard

Two submissions were received during the exhibition period from the Venus Bay Community Centre and Tarwin Lower & District Community Health Centre

The following feedback was provided:

### *Venus Bay Community Centre*

Suggestion	Response
A request to have been able to review the draft document prior to public exhibition.	Its usual practice for Council to place documents on public exhibition to enable all community members to provide input and feedback. While on exhibition the document is considered a draft. All submissions are reviewed with time to amend the document where necessary prior to the presentation of the final document to Council for adoption.
An overview of what they like about the document.	Noted, with thanks.
Suggest that the Men's Shed, Angling Club and Friends of Venus Bay Peninsula and Community Emergency Respond Team organisations be included under 4.5	This section does not aim to list all infrastructure or services provided but identifies issues relating to particular infrastructure in the Cluster.
Removal of all reference to a new community hub in Jupiter Boulevard on page 44.	This proposal is for long term consideration, and one of a number of options to consider. It has been noted in the Review (page 47) that

Suggestion	Response
	the Venus Bay Community Centre does not currently support this proposal. However, they do support improvements to the existing centre. Page 46 amended to reflect the proposal as a long term option of 10+ years.
Amend the description of 4.5.2.1 the Venus Bay Community Centre	Some of the suggestions made have been included in the text on page 44 to better reflect the description submitted.
Challenges reference to the statement that volunteering is declining in the Executive Summary.	The comments are about volunteering in the cluster area rather than specifically about volunteering at the Venus Bay Community Centre. It is acknowledged that there are some exceptions in terms of volunteer numbers.
Remove the First three paragraphs of the Executive Summary.	No change. It is not suggested that the first 3 paragraphs are a vision for the community - it is a story of a possible future being told to capture the interest of the reader.
Remove the words "increasingly" regarding community awareness of need to raise fund.	"increasingly" removed from the last paragraph of page 3.
Numbering of Key Recommendations.	Numbers included on page 6.
Remove the final recommendation regarding Council's Strategic Land Review. The community has a documented view that no publicly owned land in Venus Bay should be sold.	No change. This is a Review document for the Cluster and not just Venus Bay. While some of the community in Venus Bay may not support the Strategic Land Review process, other towns may support it.
List issues for the different types of Voluntary Management Models on pages 10-11.	No change. Detail about volunteering models is not required for this infrastructure focussed document.
A community foundation without upfront commitment to seed funding would be a burden to the community	Noted. The Strategy identifies that for a community foundation to be successful it must be driven by the community.
Include 'education' in reasons for travel in the Tarwin Lower cluster on page 32-37.	Noted and changed on page 32.

Suggestion	Response
Removal of paragraph two from Parks and Open Space on page 46.	This is an option for future consideration. It is noted on page 46 that the Venus Bay Community Centre committee does not support the option for relocating the Centre.
Include a 'more shaded and aesthetically pleasant CBD' on page 46-47.	No change required. Section 4.5.2.4 on page 46 supports this comment.

*Tarwin Lower & District Community Health Centre*

Suggestion	Response
Amendments to 4.4.1.5 on page 36 to clarify management and provision of health services	The suggested text has been included on page 36.
Include paragraphs on 45 about the Venus Bay, Tarwin Lower & District Men's Shed and Venus Bay Angling Club.	The infrastructure identified on pages 44 to 47 represents infrastructure that has specific issues that both the Council and community should be aware of. Both sites are new and present no known concerns. No amendment required. For more information about these clubs, refer to the Social Community Infrastructure Blueprint 2014-2029 and Social Community Infrastructure Strategy & Audit.
Changes to the Facility Assessment Tool in Appendix 2.	Assessment Tool, page 56 regarding Tarwin Lower Community Health Centre has been amended where deemed appropriate and amendments requested re the Tarwin Lower Health Centre Bus Shed and the Venus Bay Tarwin Lower & Districts Men's Shed have been made on page 57.

**REPORT**

**Background**

A Blueprint for Social Community Infrastructure was developed to assist Council and the community to plan for and manage social community infrastructure, optimising utilisation of facilities and reflecting future growth of



the Shire. The Blueprint which was adopted by Council in September 2014 formed Stage One of the Social Community Infrastructure project.

The Blueprint will guide Council and the community in making infrastructure decisions over the next fifteen years.

Stage Two of the Social Community Infrastructure project incorporated a review of utilisation of community facilities of two clusters – Venus Bay/Tarwin Lower and Meeniyah and considered opportunities for increased utilisation and potential expansion of facilities. In addition a range of funding options for the two clusters, including the potential of establishing a community foundation, were investigated.

Originally the Foster township was included in the consultant's brief. However, it was later agreed that Council's Social Planner would incorporate the same terms of reference into the Foster Community Infrastructure Plan which is expected to be completed by June 2015.

Andrew Nixon Land Use Management, the consultant for Stage One, was appointed as the consultant to undertake the work for the Venus Bay/Tarwin Lower and the Meeniyah Cluster.

### **Discussion**

The Cluster Review document comprises an audit and analysis of current infrastructure and identified issues in the two designated cluster areas. It represents views expressed through considerable community consultation with key stakeholders in the two clusters. It proposes a number of solutions for the community and Council's consideration, including increased advocacy to State Government authorities to meet their obligations for appropriate levels of community infrastructure. In addition the review discusses options for increasing community fundraising capacity, including the establishment of a community foundation and opportunities for Council to raise revenue for investment in infrastructure improvements.

In summary, the review states that "there is more than an adequate quantity and type of community infrastructure (with a few exceptions)". Communities are not asking for new infrastructure but they want to see what they have well maintained and in some cases improved. It confirms the significant contribution volunteers have made, and continue to make, in supporting and improving community infrastructure and challenges Council to recognise the importance of supporting and building volunteer capacity.

There are 8 key recommendations made in the Cluster Review document for Council's consideration:

1. Provide an advisory function and initiate community forums on funding models which will assist communities to achieve financial sustainability.
2. Continue to promote volunteering and support volunteers through existing and innovative programs.

3. Enable community facility committees to achieve savings through infrastructure networks by grouping similar infrastructure initiatives, such as solar panel installation, into a single contract.
4. Provide strong advocacy to State and Federal Government Departments to take responsibility for investing in appropriate infrastructure on land owned and managed by them.
5. Initiate and build on existing infrastructure programs to alleviate seasonal pressures in coastal towns, in partnership with the community.
6. Continue to monitor population changes in respect to future social community infrastructure needs, particularly in Venus Bay and Tarwin Lower.
7. Assess the community project list against Council's Long Term Financial Plan and Capital Works budget, confirm the resulting project priorities with each town/cluster and implement where appropriate.
8. Continue Councils' 'Strategic Land Review', in consultation with the community, thereby identifying further opportunities for income generation which could be reinvested in more suitable community infrastructure programs.

### **Proposal**

It is proposed that the amended Cluster Review be adopted by Council.

### **FINANCIAL CONSIDERATIONS**

The cost of the project work came well within the 2014/15 budget allocation.

Any improvements to current infrastructure or new community infrastructure in either cluster would be considered in the framework of the Blueprint with an expectation of community contributions of a negotiated pre-set percentage. Where appropriate, projects may be included in Council's 15 year Capital Works budget.

### **RISKS**

There is a risk of raising community expectation that Council will fund new infrastructure projects or upgrades. However, the document clearly articulates the financial constraints that Council is experiencing, the realistic expectations of the community for well-maintained facilities, rather than new facilities and the importance of projects being either fully community funded or a shared funding arrangement in line with the criteria set out in the Blueprint.

### **CONCLUSION**

The Cluster Review analyses issues around utilisation of existing community facilities in the two cluster areas - Venus Bay/Tarwin Lower and Meeniyan

and articulates opportunities for increased utilisation and potential expansion of facilities. It identifies a range of funding options for the two cluster communities to consider.

### **RECOMMENDATION**

**That Council:**

- 1. Acknowledge the submissions and advise the submitters of Council's response; and**
- 2. Adopt the amended Cluster Review for Social Community Infrastructure – Tarwin Lower/Venus Bay and Meeniyan.**

### **STAFF DISCLOSURE OF INTEREST**

Nil

## Attachment 1 - Submissions



**Tarwin Lower & District  
Community Health Centre Inc.**

19 Walkerville Road,  
Tarwin Lower VIC 3956  
Telephone 03 5667 5680  
Fax 03 5667 5679

Ms Jan Martin Director Community Services  
South Gippsland Shire Council  
Private Bag 4  
Leongatha Vic 3953

18<sup>th</sup> May 2015

**Re: South Gippsland Shire Council Cluster review Tarwin Lower / Venus Bay**

Dear Jan,

We have made some comments and adjustments to the following below for your perusal

**Tarwin Lower District Community Health Centre amendments to page 36**  
**4.4.1.5. Should read**

A brick building with colorbond roof in good condition located at 19 Walkerville Road. The site owned by Council, leased to Tarwin Lower District Community Centre Committee of management with health services provided by Gippsland Southern Health Services and used by a variety of community groups. The building is managed by the Tarwin Lower District Community Health Centre Inc. a local volunteer committee responsible for the day to day operation and maintenance.

**Functions**

A district nurse provided by Gippsland Southern Health Services is available for two hours each morning to provide a range of services including pathology collection. The rest is correct see **attached Brochure** for other consultants and groups using the centre on a weekly basis.

**Enter before Public Toilets Page 45**

We believe that the following organisations should have an article written up

Venus Bay, Tarwin Lower & District Men's Shed - (# 71)  
Venus Bay Angling Club - (# 70)

**Appendix 2: Facility Assessment Tool** Page 55 and 56 - should read as follows

✓ Means correct

49	249	✓	✓	✓	5	1	5	5	4	4	6	8
50	250	✓	✓	SGSC/ COM/ LEASE	✓	✓	✓	5	✓	✓	✓	5
70	381	Venus Bay, Tarwin &District Men's Shed	✓	SGSC/ COM/ LEASE	✓	✓	✓	5	✓	✓	✓	✓

South Gippsland Shire Council's draft

Cluster review - for social community infrastructure

**A response from the committee of Venus Bay's Community Centre**

The committee discussed the review at our meeting on 2 May, 2015 and congratulates South Gippsland Shire Council for undertaking this review and for the opportunity to comment on the draft prepared by Andrew Nixon Land Use Management. We note however, it would have been preferable to provide the draft document to the key stakeholders and those who were consulted before releasing it for public comment.

**What we like about it:**

1. It's measured in tone, and doesn't close off options – rather it makes 'suggestions' (p.5).
2. The author has listened to people who live in the cluster areas and has identified key issues.
3. It draws together really useful information about community assets.
4. There's some fascinating data contained in it, which can give us all pause for thought. This includes the observation that the study areas have at least 214 pieces of social community assets for a permanent population of just over 4000 people.
5. We appreciate the way it recognises the value of the summer shuttle bus we have initiated and significantly paid for.
6. We strongly endorse the idea of community forums before council embarks on any major initiative. But we want council to talk to us about *how to set them up* and make sure everyone who wants to know is informed about them and has a chance to participate.
7. We strongly agree that people are sick of being asked to cover the same ground by council (p.5). This wastes your time and ours and contributes to the burnout we might experience.
8. The suggestion (p.17-18) for solar panel installation is strongly endorsed by us.

**4.5 Venus Bay (p. 38-47)**

Overall this is an informed and sensible discussion of our social infrastructure issues. We note that The Venus Bay Tarwin Lower Men's Shed, the Venus Bay Surf Life Saving Club, the Venus Bay Angling Club and the Friends of Venus Bay Peninsula and the Community Emergency Response Team (CERT) incorporated organisations that provide valuable community services to the district could be included.

**4.5.2.1 Venus Bay Community Centre (p. 44)**

It's not surprising that no-one has pressed for a new community centre like the one at Sandy Point. We need to do more with what we already have. We know Council can't afford a new building in Venus Bay and wouldn't waste their time or ours by pressing for it. Council couldn't afford to pay for a new shed when we asked for it. So we raised the money ourselves.

Further, we are well aware that the area already has many built public meeting spaces – far more than can be regularly used. This was very much in our minds when we formulated the idea of a recycling enterprise. It would be a shocking misuse of public resources to build a new centre. Venus Bay doesn't need a new community centre/hub. We'd certainly like modifications to the existing building. We'd like it to be more open to the world at the front. It's a great pity that access to the front is blocked off by an office, kitchen and toilets. We've taken quite a few initiatives to improve this and would like the walls to be rendered or painted in a colour such as grey or mud brick to give the building a softer and more contemporary look.

**We suggest you drop all reference to a new community hub in Jupiter Boulevard and re-word this section as follows:**

The building was constructed as a local community centre in 1995 with considerable community fundraising and support, in partnership with the Shire. It has a colour bond roof, 375 square metres of internal space, a pleasant front verandah, a solid wood floor, two small side rooms, kitchen, office, store room, toilets, and a main hall. It sits on a concrete slab. The grounds provide a demonstration orchard and community gathering space along with community veggie boxes. The property includes a 3 door aluminium shed on a concrete slab and a small garden shed. The structure is in good condition and is well maintained through a partnership between South Gippsland Shire Council and the tenant – Venus Bay Community Centre Inc.

Venus Bay Community Centre Inc (VBCC) was incorporated in 2007 and evolved from the Section 86 committee that previously ran activities in the building and oversaw its maintenance.

VBCC is funded by the Victorian Government as one of the 400 strong network of neighbourhood houses across the state. It has community development as its over-arching function. VBCC has strong links with the other three neighbourhood houses in the shire. All are funded as community development agencies and have a key role in helping to connect other organisations and supporting any joint initiatives with a community development focus.

VBCC runs a range of programs which change and develop in response to community needs. These include:

- Community recycling op shop as a social enterprise of the organisation
- Food Culture program
- Life Drawing class
- Crafty Girls
- Computer classes
- Cook n Book playgroup for pre-schoolers and their parents

- Broadband for Seniors
- Public Internet access by donation
- Book Club
- Bike hire
- Summer shuttle bus
- School holiday programs for kids
- Public forums and discussions
- Film screenings with winter soup

VBCC also publishes a free community newspaper called *Matter of Fact* every month, which serves the needs of all organisations in the district and provides the community with regular and reliable information.

Options to extend the building to meet the needs of the relatively small population expansion predicted in the next 20 years or so are:

- Extend the meeting room onto existing car parks on the eastern wall – least costly and offers the chance to open the centre up across the front. It would also provide badly needed space for extra activities if the larger meeting room included a mechanism to divide spaces off from each other with reasonable levels of soundproofing.
- Build a second storey – not recommended because a lift would be too expensive to install and maintain
- Extend with a new meeting space on the north side. This would open the building up to the community and increase space but would destroy attractive landscaping and might also remove badly needed shade.

Our other feedback on the review is listed below.

#### **Executive Summary: Issues**

1. The executive summary asserts that volunteerism is declining. We are not so sure. In our town participation rates amongst the permanent population are high.
2. It might be a stretch to say we are *increasingly* aware of our need to raise funds separate from SGSC (Executive summary). Our awareness has been at about the same level for as long as any of us can remember. At VBCC we have taken measures to generate additional income through our community recycling social enterprise and we seek alternative funding to run programs and improve infrastructure, eg new shed.
3. We'd like you to drop the first three paragraphs of the executive summary because they are a distraction and do not represent the vision of our community (ref Community vision statement, Lower Tarwin Valley Project)
4. It would be useful to number key recommendations in the final document. The first seven recommendations are sensible and constructive.



5. The final key recommendation is for council to continue with its process of identifying land for sale *in consultation with the community*, and then reinvest the proceeds in new/improved infrastructure. This alarms us more than we can say. You are aware that our community has a long-established and well-documented view that no publicly owned land in Venus Bay should be sold for this purpose. (ref 2005 Strat Plan, 2013 submission to council re Save our Reserves, Friends of Venus Bay audit 2011)

### **3.3. Volunteers (p.10-11)**

The suggestions for supporting and drawing in volunteers are good but there are gaps.

We have a terrific team of volunteers at this community centre. In our experience volunteers need clear job descriptions, the support and protection of a range of committee endorsed policies such as workplace health and safety, risk management, a statement of rights and responsibilities and so forth. We are happy to share our policies and approaches with other organisations and council could assist with that. Access to staff training and development that includes a clear understanding of the role of committees is essential.

Models and internet conduits can help but in our experience volunteers are best drawn in and sustained by *good personal relationships*. This needs to be a focus of training and development too.

It would be useful for the report to list and discuss the issues for different types of voluntary management models currently in use. Incorporated agencies like the Venus Bay Community Centre, Section 86 committees and so on.

#### **3.4.1.1 Community foundation (p. 12)**

If a sum of money is made available by the Bald Hills Wind Farm, a community foundation is feasible. If not, the effort and on-going burden of establishing and maintaining an un-resourced community foundation is out of the question.

#### **3.4.1.3 Asset Sales (p. 15)**

We are relieved that the report identifies 'few opportunities for asset sales' of land in the study area. There are no opportunities for such sales in Venus Bay.

**4.4 Tarwin Lower Cluster (p 32-37)**

You could include 'education' in the list of reasons why residents travel to nearby towns with more infrastructure.

**4.5.2.3 Parks and Open Space (p. 46)**

The suggestions for Van Cleef Park are welcome but should not soak up \$100,000. Improvements can be made to suit community needs for far less.

Paragraph 2 is not an option and should be dropped from the report along with the earlier reference to a community hub in Jupiter Boulevard.

**4.5.2.4 (p.46-47)**

We all want a more shaded and aesthetically pleasant CBD.

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## SECTION F - URGENT OR OTHER BUSINESS

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

### 1. Urgent Business

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

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

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

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

### 2. Other Business

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

## **SECTION G – GENERAL QUESTION TIME**

### **G.1 QUESTION TIME**

## **G.2 ANSWERS TO PREVIOUS QUESTIONS ON NOTICE**

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**At the Ordinary Council Meeting 24 June 2015 written questions were tabled and taken on notice from Paul Norton and responses are now provided.**

### **Preamble**

**As of the answers to my question page 57 of 27 May 2015 I believe that the 'Proposed Bridge' was to be on the North Eastern side of the existing bridge not the 'assumed' southern side. As Council decide not to take up my offer to meet on site therefore it saved both Councils and my own time being wasted. Also as listed on page 57 of 27 May minutes "Council will assume responsibility for Bair Street after the Heavy vehicle Alternate Route is completed".**

### **Question 1**

**Has at this stage Council voted to change Long Street to VicRoads and Bair street from VicRoads to Council if so where is it recorded in Council Minutes that is meeting date and number and page?**

### **Response:**

The change in responsibility for Bair Street and Long Street will occur after the Leongatha Heavy Vehicle Alternative Route is completed and will be achieved through the road declaration process initiated by VicRoads.

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**At the Ordinary Council Meeting 22 April 2015 written questions were taken on notice from Paul Norton and responses are now provided.**

**Question 1**

**Affecting the reality the Council and Vic Roads have released the Final Plans for the Leongatha Heavy vehicle Alternate Route. I believe even at this late stage Council should make a effort to get VicRoads or even Council themselves to build a separate pedestrian bridge between the Salvos and the Bair Street BP Servo over the Rail Line. The present bridge is 16 metre long 1.4 metres wide but only 1 metre wide at the BP end of the guard rail. The path on the Salvo end is 1.9 metre wide. The guard rail has had many hits. The outside of the present pedestrian part of the Bridge is only chain wire mesh. The side of the guard rail has sharp steel posts. I have to believe at this stage that Council seemly be of the belief that pedestrian including school would traverse via Bennet Street Station Street and Bass Highway to the CBD. Myself because of some of the gradients isn't suitable for the disabled. I also well aware as of the reality that council and myself have differing views as to the later.**

**I am prepared to again meet with at council officer on site if it may believed it may achieve a result.**

**Response:**

The pedestrian bridge referred to in Mr Norton's submission is assumed to be the footpath on the rail bridge leading into Bair Street from Koonwarra Road. The widths quoted in his submission do not meet the IDM specified footpath widths, being 1.5m in residential areas and 2.0m in commercial areas. However, to achieve these dimensions on an old structure such as this or new structure would be prohibitively expensive and unlikely to be funded.

It is noted that this structure is currently the responsibility of VicRoads. Council will assume responsibility for it along with Bair Street after the Leongatha Heavy Vehicle Alternative Route is completed. Satisfactorily addressing some of the matters raised in Mr Norton's submission such as the condition of the pedestrian fencing could be made a condition of Council taking responsibility for the structure. It is acknowledged that some of the gradients may not comply with the Disability Discrimination Act requirements, but given the controls of the existing bridge and the topography of the area, these standards cannot reasonably be met. As noted in Mr Norton's submission, pedestrians including school students wishing to walk to the shopping precinct from the Long Street / Nerrena Road intersection will have the choice of either crossing the rail bridge or using the path network past the V-Line Bus Stop and along Bennett Lane.

### **Question 2**

**If it was done by Council officers under CEO is it recorded on Council paper work.**

**Response:**

Refer to answer in Question 1.

### **Preamble No 3**

**As of regard to council reply to my questions 2 and 3, Minutes 25 February 2015 page 113.**

**And also as of policy review C20 Heavy Vehicle usage on Council contracted roads agenda 24 June 2015 and also passed by council.**

**Response:**

Council requires more information as we are unsure as to what this question is about?

#### **Question 2**

**Will all heavy vehicles including all cattle trucks be able to transverse to or from Bass Highway and Anderson Street (South Gippy Highway) via Bair Street to or from Koonwarra Road (South Gippy Highway).**

**Response:**

Yes. Heavy vehicles will be able to use Bair Street as some will require entry to this part of town in order to make deliveries to businesses within the CBD, for example, Safeway, IGA and Aldi produce trucks, catering trucks etc. After extensive consultation and research, over half of the heavy vehicles travel between Anderson Street, along Bair Street and through to Koonwarra Road, therefore the dedicated bypass will remove the majority of these heavy vehicles from Bair Street making the street safe for the benefit of our community. Heavy vehicles, drivers and truck companies will be encouraged to use the dedicated alternate route.

#### **Question 3**

**Will all heavy vehicles including cattle trucks travelling by way of Strzelecki Highway either to or from South Gippy Highway Koonwarra Road be able to travel though school zones along Horn Street and Ogilvy Street (Nerrena Road).**

**Response:**

It is outside of Council's control if heavy vehicles do utilise these streets. Some heavy vehicles travelling on the Strzelecki Highway into Leongatha will require access to the Industrial Estate for deliveries etc and may also enter Horn Street and Ogilvy Street when travelling to Dumbalk eg cattle trucks. Heavy vehicles, drivers and truck companies will be encouraged to use the dedicated alternate route, but this may not be the case for certain heavy vehicles as mentioned in the previous paragraph.

**Question 3**

**What classification will Council classify Bair Street as of Attachment 1 Agenda 24 June 2015 page 83 [93] when Bair Street reverts to council control. If council has not already made a design as to how council will classify Bair Street under council control that could well be a reflection of how council works.**

**Response:**

Bair Street will revert to a 'local road' status as part of the road declaration process.

**Question 4**

**Can council make some record of letter form Vic Police to myself as of Attachment 1 as I believe should be aware as to where Vic Police have placed themselves and also council and VicRoads as of the above. If Council decides to pass the letter to VicRoads so be it. Please confirm or reject Question 4, if rejected please return and note as questions 1 and will reflect.**

**Response:**

Council will forward Mr Norton's handwritten letter dated 9 January 2015 and the Victoria Police response dated 7 March 2015 to VicRoads.



## **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 CONTRACTUAL MATTER**

#### **ITEM 2 CONTRACTUAL MATTER**

### **RECOMMENDATION**

**That Council close the meeting to the public to allow for consideration of Two Contractual Matters pursuant to Section 89(2)(d) as provided for by the Local Government Act 1989.**

## **SECTION H - MEETING CLOSED**

### **NEXT MEETING**

The next Ordinary Council Meeting open to the public will be held on Wednesday, 26 August 2015 commencing at 2pm in the Council Chambers, Leongatha.