



South Gippsland
Shire Council

Come for the beauty, Stay for the lifestyle

COUNCIL MINUTE

**ORDINARY MEETING NO. 395
WEDNESDAY 23 SEPTEMBER 2015
COUNCIL CHAMBER, LEONGATHA
COMMENCED AT 2PM**

PRESENT:

Deputy Mayor: Cr Nigel Hutchinson-Brooks

Councillors: James Fawcett, Mohya Davies, Kieran Kennedy, Lorraine Brunt and Don Hill.

APOLOGY: The Mayor, Councillor Jeanette Harding.
Councillor Robert Newton.
Councillor Andrew McEwen with Leave of Council granted 23 September 2015.

OFFICERS:

Mr Tim Tamlin	Chief Executive Officer
Jan Martin	Director Community and Corporate Services
June Ernst	Director Corporate Planning and Council Business
John Moylan	Acting Director Sustainable Communities & Infrastructure
Paul Stampton	Acting Director Development Services
Natasha Berry	Corporate and Council Business Officer
Audrey Waddington	Executive Assistant Chief Executive Office

MISSION

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

SOUTH GIPPSLAND SHIRE COUNCIL

ORDINARY MEETING NO. 395
WEDNESDAY 23 SEPTEMBER 2015
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INDEX

SECTION A - PRELIMINARY MATTERS	1
A.1 WELCOME.....	1
A.2 OPENING PRAYER.....	1
A.3 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS.....	1
A.4 APOLOGIES.....	1
A.5 CONFIRMATION OF MINUTES	2
A.6 REQUESTS FOR LEAVE OF ABSENCE	2
A.7 DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS	3
A.8 DECLARATION OF CONFLICT OF INTEREST FOR STAFF	5
A.9 PETITIONS	5
A.10 COUNCILLOR REPORTS	5
SECTION B - NOTICES OF MOTION AND/OR RESCISSION.....	8
B.1 NOTICE OF MOTION NUMBER 682 – A BUSINESS CASE DEVELOPMENT OF BUDGET	8
SECTION C - COMMITTEE REPORTS	15
SECTION D – PROCEDURAL REPORTS.....	16
D.1 FINANCE PERFORMANCE REPORT JULY - AUGUST 2015.....	16
D.2 REPORT ON ASSEMBLY OF COUNCILLORS - AUGUST 2015.....	20
D.3 COUNCILLOR DISCRETIONARY FUND ALLOCATION REPORT AUGUST 2015.....	30
D.4 DOCUMENTS SEALED AND CONTRACTS AWARDED OR VARIED BY THE CHIEF EXECUTIVE OFFICER - AUGUST 2015	33
SECTION E - COUNCIL REPORTS.....	36
E.1 RESPONSE TO PETITION - COAL SEAM GAS	36
E.2 DRAFT DOMESTIC WASTEWATER MANAGEMENT PLAN 2016-2020.....	41

E.3	PLANNING APPLICATION 2014/156 - 540 YANNATHAN ROAD, NYORA - DEVELOPMENT OF AN AGRICULTURAL BUILDING ASSOCIATED WITH CHICKEN FARMING	54
E.4	DRAFT SEASONAL POPULATION IMPACTS IN COASTAL TOWNS PLAN 2015.....	88
E.5	PROPOSED LEASE TO PARKS VICTORIA FOR PREMISES LOCATED ON THE CORNER OF MCDONALD AND VICTORIA STREET, FOSTER	98
E.6	DRAFT ANNUAL REPORT 2014-2015.....	104
E.7	UNAUDITED FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT 2014-2015	110
E.8	APPLICATIONS TO THE 2016/2017 SPORT AND RECREATION VICTORIA (SRV) PROGRAMS	117
E.9	FINAL MUNICIPAL EMERGENCY MANAGEMENT PLAN 2015-2018	126
SECTION F - URGENT OR OTHER BUSINESS		129
SECTION G – GENERAL QUESTION TIME		130
G.1	QUESTION TIME.....	136
G.2	ANSWERS TO PREVIOUS QUESTIONS ON NOTICE.....	136
CLOSED SESSION		139
Item 3	AWARD TENDER RFT/74 PROVISION OF SWIMMING POOL MAINTENANCE AND TECHNICAL REPORTS.....	13640
SECTION H - MEETING CLOSED		141

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.

MOVED: Cr Fawcett

SECONDED: Cr Kennedy

THAT COUNCIL MOVE THE ORDER OF BUSINESS TO CONSIDER SECTION A.6 REQUESTS FOR LEAVE OF ABSENCE BEFORE SECTION A.4 APOLOGIES.

CARRIED UNANIMOUSLY

A.6 REQUESTS FOR LEAVE OF ABSENCE

MOVED: Cr Kennedy

SECONDED: Cr Fawcett

THAT COUNCILLOR ANDREW MCEWEN REQUEST LEAVE OF ABSENCE FOR COUNCIL MEETING 23 SEPTEMBER 2015, 28 OCTOBER 2015 AND SPECIAL STATUTORY MEETING 4 NOVEMBER 2015.

CARRIED UNANIMOUSLY

A.4 APOLOGIES

Councillor Andrew McEwen with leave of absence granted at Council Meeting 23 September 2015.

The Mayor, Councillor Jeanette Harding and Councillor Robert Newton.

A.5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 394, held on 26 August 2015 in the Council Chambers, Leongatha be confirmed.

MOVED: Cr Fawcett

SECONDED: Cr Davies

**THAT THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL
ORDINARY MEETING NO. 394, HELD ON 26 AUGUST 2015 IN THE COUNCIL
CHAMBERS, LEONGATHA BE CONFIRMED.**

CARRIED UNANIMOUSLY

A.7 DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS

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

Nil

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

Privacy

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

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

A.8 DECLARATION OF CONFLICT OF INTEREST FOR STAFF

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

Nil

A.9 PETITIONS

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

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

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

Nil

A.10 COUNCILLOR REPORTS

Cr Kennedy addressed Council regarding feedback from residents in Venus Bay in respect of waste pick up and the cost vs value for those residents who use their holiday homes only 1-3 times a year.

Cr Brunt addressed Council regarding attendance at a Youth Council dinner held in Korumburra. Cr Brunt described how a 3 course meal was prepared by the Youth Council and that Youth Council is important as it keeps them in touch with current issues.

Cr Davies addressed Council regarding attendance at TP Taylor Reserve Committee of Management Annual General Meeting held at the Sandy Point Community Hall. Another meeting following this one held by the Sandy Point Community Association raised some concerns around local toilet facilities and septic system issues.

Cr Davies also noted that the community also discussed and look forward to contributing to the Council Agenda Item E.2 DRAFT DOMESTIC WASTEWATER MANAGEMENT PLAN 2016-2020 and current exhibition item relating to Planning Scheme Amendment C81 land subject to inundation overlay.

Cr Hill addressed Council regarding attendance at:

- **Mossvale Park Advisory Committee to Council and noted that the Committee is working with Officers on a proposal to mitigate problems regarding it's overuse.**
- **Coal Seam Gas (CSG) rally held in Melbourne and commented that there was a strong contingent from South Gippsland and that each regional area had a sign with the percentage indicating how much their communities do not support Coal Seam Gas.**

Cr Hill addressed Council by commenting that he has had much interaction with community members regarding a survey that he and Cr McEwen have put together regarding Coal Seam Gas.

Cr Hutchinson-Brooks addressed Council regarding attendance at:

- **Arawata Hall Community Meeting regarding CSG, members of the Arawata Community are 100% against CSG exploration. Cr Hutchinson-Brooks explained at the meeting Council's position from the previous**

Council Meeting 26 August 2015 and the community appreciated Council's clear logical unemotional approach.

- **Rural Living Campaign meeting, the Campaign seeks equality and justice for disadvantaged rural communities and is led by Bulloak Shire Council. Cr Hutchinson-Brooks commented that South Gippsland Shire Council support Bulloak Shire Council as they experience a more difficult management experience of their Shire as they have 8,000 km² and a population of 6,000 and as such experience dire financial difficulties. As a result of the meeting the Local Government Minister Hon. Natalie Hutchins mentioned that a working group would be raised to look into the issues.**
 - **ESSO community lunch in Foster and commented that it was a great opportunity for ESSO to meet with and thank all relevant stakeholders and update on the progress of Barrys Beach and the Longford to Hastings line duplication project which is bringing increased investment in this area. Cr Hutchinson-Brooks raised a question and commented on the importance of listening to the community with respect of CSG to which ESSO stated that the reserves are approximately 30 years, and that the ESSO focus in the future will be a gas company rather than oil company in this area.**
 - **Land Care Land to Plate dinner and explained that it allowed local boutique producers the opportunity to show off their wares. Cr Hutchinson-Brooks commented that he is impressed by the initiative of boutique businesses.**
 - **Gippsland Local Government Network (GLGN) meeting held in Sale and there were many items of interest.**
-

SECTION B - NOTICES OF MOTION AND/OR RESCISSION

B.1 NOTICE OF MOTION NUMBER 682 – A BUSINESS CASE DEVELOPMENT OF BUDGET

PURPOSE

To table a report for Council consideration of a Budget Strategy which aims to avoid future austerity type budgets and to introduce a different approach that has been used successfully by other organisations and Councils to improve productivity, raise performance and diversify incomes.

MOTION

I, **Councillor Don Hill** advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on **23 September 2015**.

‘That Council:

1. Receive the report (refer Attachment 1);
2. Direct officers to return a proposed budget with 2% rate rises for the next 15 years for the proposed budget to be delivered in June 2016 taking into account the information contained in this report as well as all other ideas explored by council during the budget process.’

MOVED: Cr Hill

SECONDED: Cr Kennedy

THAT COUNCIL:

1. **RECEIVE THE REPORT (REFER ATTACHMENT 1);**
2. **DIRECT OFFICERS TO RETURN A PROPOSED BUDGET WITH 2% RATE RISES FOR THE NEXT 15 YEARS FOR THE PROPOSED BUDGET TO BE DELIVERED IN JUNE 2016 TAKING INTO ACCOUNT THE INFORMATION CONTAINED IN THIS REPORT AS WELL AS ALL OTHER IDEAS EXPLORED BY COUNCIL DURING THE BUDGET PROCESS.**

MOVED: Cr Fawcett

SECONDED: Cr Brunt

THAT CR FAWCETT SPEAKING TIME BE EXTENDED BY 3 MINUTES.

CARRIED

For: Crs Fawcett, Brunt, Hutchinson-Brooks and Davies.

Against: Crs Kennedy and Hill.

Cr Davies left the Meeting at 2.49pm and returned at 2.50pm.

LOST

For: Crs Kennedy and Hill.

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

Attachment 1

A new budget strategy

Avoiding austerity and preserving services and infrastructure

INTRODUCTION

South Gippsland at the Cross Roads

Council is clearly at a crossroads. We are facing an increasingly uncertain times with rate capping, an uncertain economy and significant losses of revenue forecast for national and state governments. Two paths are in front of it and indeed the community.

One path is to continue as is with an incremental approach, without any real focus on raising efficiency and effectiveness of operations. Without a planned strategic business approach to running the business faced with rate capping, the first response is to meet these through cuts in infrastructure spending. Once these have been done, further reduction of expenditure to CPI will mean cuts to direct services and staff. Such an approach is capitulating to austerity politics through the absence or willingness to show real courageous leadership.

The other path, the one following, is to take a strategic business approach through better leadership. To focus on raising productivity, performance and diversifying income streams. To unleash the productivity potential of the digital revolution and constructive community partnerships to reduce costs. We (Cr Hill and Cr McEwen) have been raising the need now for two years for council to focus on productivity, performance and diversifying income streams. The current budget inevitably has austerity measure in it because our advice was not heeded, falling on deaf ears. We went on spending like a drunken sailor just expecting out community to pick up the tab. As a consequence rates have risen by 7.9% annually over the past ten years.

We need to shift from:

To:

From:	To:
More of the same approaches	Strategic Business Leadership Approach
Incremental Budgeting	Strategic Budgeting with Clear Targets for Savings
Administrative Cost Plus Budgeting	Strategic Leadership & Business Strategies
Administrative Control & Bureaucracy	Annual Planned Productivity Targets
Bloated Management Structure	Lean Flat Structures with Empowered Teams
Automatic Rates Rises	Focus On Improved Performance & Diversifying Income

Council's current budget is a **gamble** in the short run that further reduction to financial assistance grants won't occur & more cost shifting to local government forcing council to deeply cut services and staff. Council's current budget is a **gamble** in the medium term as it relies on both being able to increase rates above CPI, which unless there is a change in government will be impossible and running down asset renewals and forcing the cost onto future generations. It assumes that CPI will be 3% when it is currently tracking around 2%.

We have attempted to put forward these different approaches for 2 years. We have been faced with denial that there was unallocated moneys (\$34m), which has been acknowledged by finance staff and is being used to rescue the proposed budget this year. We have been faced at best with derision and criticism about our ideas, which have been dismissed out of hand. We have been criticised for even raising ideas with the community, as if such democratic practises were wrong or evil. The jig is now up! While it is late in the day we still have the chance of turning around the 'titanic' like council. We desperately need a new approach to be able to ensure that we will not be driven into cutting staff and services, cutting pools, HACC services and community grants. We are still more than willing *to work collaboratively* with our fellow councillors and senior staff to avoid the austerity staring us in our face. But we have to go beyond new ideas being dismissed out of hand in the absence of any logical debate and discussion. We all desire fair rate rises, quality services and infrastructure. Councillors and senior managers have to show the *courageous leadership* now to change the old fashioned approaches that have simply led to exceptionally high rates and rate rises.

To move forward requires us all to work together with a more mature debate and partnership between councillors, councillors and senior staff and the community. The fear of change, of the new and failure has to be let go. We have to be open to new ideas, learn from others successes and focus on reducing rates, raising productivity and improving service. We offer these ideas to councillors, to senior staff and the community with the hope that there is a level of maturity and respect that we have to develop a share vision for the future based on a different strategic business approach. The overarching objective now must be to be more strategic in our approaches in order to protect service and have more affordable rates.

A BUSINESS STRATEGY, SUSTAINABLE FINANCIAL PLAN & AFFORDABLE RATES

Due to rate capping, we can no longer increase rates around 8% effectively with compound rate rises with impunity. Currently, with some notable exceptions (caravan parks, zero based budgeting reviews) we are really using a 'cost plus' budgeting approach. We set capital costs, add in operational cost and initiatives and establish rate rises to balance the budget.

We are a \$60m business and we need to develop a business strategy and approach to how we set targets for overall affordable budget, productivity growth, efficiency and effectiveness. We need an approach where the community can see real leadership in addressing cost pressures for council and reducing rates rises for the community. We have been very effective in reducing operating costs, but it is ludicrous when units do not have sufficient operational budget to do their job

properly. Efficiency eventually has diminishing returns and must give way to effectiveness measures.

We need to take a strategic business approach to running our organisation.

OBJECTIVES OF THE BUSINESS STRATEGY

Currently Council's plan's primarily focus is on operational planning. There is no coherent strategic business plan with clear business objectives and targets and an understanding of our products and markets. We need business strategy that:

- Develops a real vision for where people want to be in 10-20 years, as the basis for strategic business planning and what role they want council to play.
- Establishes clear quantified targets for cost savings in the organisation to deliver affordable rates rises and allow us to renew our 21st century infrastructure (community hubs etc).
- To develop business strategies/plans for shared services, raising productivity, asset realisation and organizational development to reduce costs and raise productivity, efficiency and organisational effectiveness.
- To develop business strategies for coal creek, caravan parks, pools and other key council assets/service to reduce costs and increase returns
- Strategy to pursue more cooperative partnership between council and communities in the management of local facilities.

KEY PROPOSED STRATEGIES

Raising Productivity - *Enhanced productivity & Innovation*

Up to 30% of energy is lost in bureaucracy, administration and silo thinking. Investment in cultural alignment of people and organisation and new technology can return easily 0.5% p.a. or 1% of rates per annum.

Capitalising on the digital revolution

Improving digital access to council information, increasing range of transactions and payments that can be made on line, redesigning services and function based on a customer centric approach and working with communities to transform how we collaboratively deliver services offers major scope for significant savings. Savings in banking, in retail, in media & education from such digital approaches are saving anything from 5-30% of operation costs. A digital distributed council will not need a \$20m building if it operates on a digital distributed model.

Flatter Management Structures

Reducing managers and developing high performance teams. Council in 2013/14 was 22% above the level of managers for large rural shires. (All councils pay different rates for managers – banded and senior office range) Reducing management to the average would save 1.5% of rates.

Better Procurement

Better procurement can return up to ten times investment. Council spends \$28m on materials annually. A 0.1% saving in procurement is \$280k or 0.8% rate reduction.

Second stage zero based reviews

Council has already thoroughly examined area internally. It has not as is best practice benchmarked areas against other similar councils of staffing, management and operations. We need to be open to innovation in process, structure and management. There are several areas of council that appear to be overstaffed in comparisons. Council has 17% of its resources in support function which appears high.

Improving Performance

Commercial approach to services

Clear business strategies are required for investing and managing council business units (Coal Creek & Caravan Parks) Potential for 1.4% savings.

Shared Services

Shared services are a proven ways to reduce costs. It takes a clear commitment from councillors and officers and up to 3 years to develop them. (e.g. cloud computing)

Diversifying Income

Strategic business investments

Councils following a prudent process have invested in partnerships that return significant monies. The proposed school camp could return between \$650k-\$1.2M p.a. for an initial investment of \$3.5m.

Grow the Shire slightly faster

Slowly through strategic branding increasing growth rates starting with a conservative figure under the ABS population growth figure. Initiate high end population developments drawing upon tourism and environmental areas.

SUGGESTIONS TO BRING IN A 2% BUDGET OVER 15 YEARS

In June 2014 Crs Hill & McEwen promoted 4 main areas which would bring down the rate rises to around 3.5%. If dot points 5 and 6 are included, we would have 2% rate rises for the 15 years budget.

- 1. Return the unallocated funds to ratepayers**
- 2. Reduce forward estimates for CPI to realistic levels**
- 3. Savings within pool budget reflecting reduced operating costs**
- 4. Remove unrequired infrastructure from capital works**

5. Reducing Expenditures.

Productivity Savings 1% (Staff Numbers)
Capital Works Reductions (New Works/Extensions-Splash Hydro)
Caravan Parks (Reduce Rate of Capital Expenditure)
Realistic EBA Agreement (2016-2020 and beyond)

6. Raising Diversified Revenue Streams

Coal Creek School Camp
Coal Creek Day Activities
Coal Creek Lease Café
Population Growth Increase for Shire

THE WAY FORWARD

Focus on new business development

- **Digital Strategy for refocusing Council**

Digital technology is allowing industry after industry to redesign how they provide services and to significantly reduce their transaction costs leading up to 5-30% of savings. A council utilising existing digital technologies and a distributed service approach in partnership with communities would require half the office space now required and reduce our proposed precinct by up to \$10m.

- **Business case for a digital approach to tourism and economic development**

Currently less than 1% of tourists use the visitor information centres, which are costing up to \$270k. Now over 62% of Australians access information book and buy services on hand held digital devices and over 90% now use the web. If council invested in developing a common digital platform and used a range of digital information kiosks and integrated community hubs (Korumburra, Leongatha, Foster & Mirboo north) volunteers can continue to play their role, but a seamless digital presence can get to a significantly wider audience and rationalise the data collection and proliferation of web systems (over ten currently).

- **Business case for continuous innovation project and program**

Council has sporadically set productivity improvement targets, which have been met by a variety of means. Productivity of excellent organizations is consistently raised by 1-2% per annum. Councils own staff in the Risk area and in fleet and in IT have saved of \$0.5m over 5 years or \$100k per annum. Council needs to commit, as many organisations have been required, to a target of 0.5-1% productivity improvement per annum. To do this investment is appropriate training and support is required. The target however needs to be annual and accountable.

- **Cultural transformation strategy for cultural alignment**

Given that average organisations lose 20-30% of productivity through

inefficient bureaucracy and processes with investment in appropriate cultural realignment program and development of high performance teams a return of 2% is realistic over a 10 year period. Assuming this operates only in non-capital items this would represent a saving of \$5m.

- **Partnerships and collaborations with the community**

We need to explore the potential for using such approaches to services and facilities (pools, halls, community hubs etc). Pools would save us some \$2.5Million.

- **Strategy for shared services & cloud computing**

Shared services save money. However shared services need to be developed over 3-4 years to get agreement and implementation. We need to continue the work to identify potential shared services and commence discussions with our GLGN and other councils.

- **Green bio-composting of wastes reducing tip costs and sales to farmers**

The introduction of the green bins and the study on composting opens up the potential that has been used now by tens of council to bio-compost wastes. Green and putrescibles wastes make up 50% of councils wastes collected or 12% of overall. Diverting 12% of waste stream will save around \$140k on capital costs annually. And the compost sold would bring in an additional \$100k. Assuming 12 year's operation this would bring in an additional \$4.8m.

- **Business case for investments in procurement (up to 1% savings pa is the industry norm)**

Best practice procurement approaches can save up to 1% per annum. While council is using some of the best strategies there still is substantial room for improvement and a real target of 0.25% p.a. would save \$8m over the LTFFP.

The longer we delay taking a strategic business approach the more difficulties we will have in reigning in rates rises let alone dealing with rate capping.

SECTION C - COMMITTEE REPORTS

Nil

SECTION D – PROCEDURAL REPORTS

D.1 FINANCE PERFORMANCE REPORT JULY - AUGUST 2015

Corporate Services Directorate

EXECUTIVE SUMMARY

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

- Operating result: \$578,000 surplus which is \$1.742 million favourable compared the year to date budget projection of \$1.165 million deficit.
- Capital works: \$583,000 expenditure which is \$129,000 ahead of year to date budget of \$454,000.
- Cash assets: Projected 30 June \$12.867 million (original budget \$14.201 million)
- Underlying working capital ratio: Projected 30 June 1.83 to 1 (original budget 1.82 to 1)
- The projected financial outcome for 2015/16 is a \$1.528 million surplus. This is \$3.763 million unfavourable compared to the original \$5.291 million budgeted surplus. This has been largely impacted by receiving \$4.34 million 2015/16 VGC grant allocations in the previous financial year (June 2015).
- The longer term financial performance indicators currently show that the financial plan (adjusted for budget carry forward and other budget adjustments) is financially sustainable.
- The Essential Services Commission (ESC) has released its draft report 'Local Government Rates Capping & Variation Framework Review'. The forecast annual rate caps will negatively impact on Council's financial sustainability by 2025/26. This situation will need to be strategically managed as part of the development of the forthcoming 2016/17 Annual Budget / LTFP.

Document/s pertaining to this Council Report

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

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Part 7 Financial management: - Local Government Act 1989

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Long Term Financial Strategies

COUNCIL PLAN

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

CONSULTATION

Not Applicable

REPORT

Background

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

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

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

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

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

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

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

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

Discussion

Appendix 1 - Financial Performance Report contains detailed reporting on:

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

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

Section 2 – Annual year to date financial analysis.

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

Section 3 – Long Term Financial Plan analysis.

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

Options

Not Applicable

Proposal

Not Applicable

FINANCIAL CONSIDERATIONS

Activities within the Council 2015/16 Annual Plan are funded through the 2015/16 Budget.

The Financial Performance Report provides a high level analysis of Council's financial performance for the 2 month period from July 2015 to August 2015

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

However, the forecast annual rate caps will negatively impact on Council's financial sustainability by 2025/26. This situation will need to be strategically managed as part of the development of the forthcoming 2016/17 Annual Budget / LTFP.

RISK FACTORS

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

Council can not only assess year to date performance, but can assess the annual and longer term financial implications as well.

CONCLUSION

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

RECOMMENDATION

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

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Fawcett

SECONDED: Cr Davies

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

CARRIED UNANIMOUSLY

D.2 REPORT ON ASSEMBLY OF COUNCILLORS - AUGUST 2015

Corporate Services Directorate

EXECUTIVE SUMMARY

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

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

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

Document/s pertaining to this Council Report

Nil

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

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

COUNCIL PLAN

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

REPORT

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 5 August 2015		
Proposed Applications to the 2016/2017 Sport and Recreation Victoria (SRV) Programs	<p>Councillors Attending: Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks and Davies.</p> <p>Conflict of Interest: Nil disclosed</p>	<p>Topics Discussed: Councillors were provided information on proposed applications to the 2016/2017 Sport and Recreation Victoria (SRV) Funding Programs.</p>
2015 – 2016 Budget and Community Engagement Review and Proposed Timetable for 2016 – 2017 Budget	<p>Councillors Attending: Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks, McEwen, Hill and Davies.</p> <p>Conflict of Interest: Nil disclosed</p>	<p>Topics Discussed: Councillors were provided information on the review of the 2015-2016 Budget Community Engagement activities including identified learnings that may apply to future engagement activities.</p>
Council Timetable for Aug/ Sept 2015	<p>Councillors Attending: Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks, McEwen and Davies.</p> <p>Conflict of Interest: Nil disclosed</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Councillor timetable for August/ September 2015.

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 5 August 2015		
Waste Management Facility at Leongatha South proposal	<p>Councillors Attending:</p> <p>Crs Fawcett, Kennedy, Brunt, Newton, Harding, McEwen, Hill and Davies.</p> <p>Conflict of Interest:</p> <p>Nil disclosed</p>	<p>Topics Discussed:</p> <p>Councillors were provided information on of a potential planning application for a regional waste management facility in Leongatha South.</p>
Councillor / CEO Session	<p>Councillors Attending:</p> <p>Crs Fawcett, Kennedy, Brunt, Harding, Hutchinson-Brooks, Hill and Davies.</p> <p>Conflict of Interest:</p> <p>Nil disclosed</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Recruitment update • Waratah Bay Caravan Park. • Essential Services Commission meetings with councils regarding rate capping. • CEO meeting with community members regarding Land Use Strategy and consultation processes.
Executive Update / Discussion	<p>Councillors Attending:</p> <p>Crs Fawcett, Kennedy, Brunt, Newton, Harding, McEwen, Hill and Davies.</p> <p>Conflict of Interest:</p> <p>Nil disclosed</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Monash University Rural Professional Experience Placement Program • Victoria Summit 2015 - VECCI Invitation • Essential Service Commission meeting • Legal Proceeding update

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 5 August 2015		
Planning Committee	<p>Councillors Attending:</p> <p>Crs Harding, Davies, Kennedy, Brunt, Newton, McEwen, Fawcett, and Hutchinson-Brooks.</p> <p>Conflict of Interest:</p> <p>Cr Nigel Hutchinson-Brooks declared a Conflict of Interest with respect to the <i>Koonwarra Agricultural Commercial Precinct</i> Project.</p> <p>Cr Nigel Hutchinson-Brooks declared a Conflict of Interest with respect to <i>C89 Walkerville Rezoning</i>.</p> <p>Cr James Fawcett declared a Conflict of Interest with respect to <i>C105 – Meeniyan Wastewater Treatment Plant</i>.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none">• Strategic Planning Project List• Planning Scheme Amendment C106, 10 Thorpdale Road, Mirboo North• Planning Applications of Significance• Decisions for June 2015• VCAT Decisions

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 19 August 2015		
Ordinary Council Agenda Topic Discussion – 26 August 2015	<p>Councillors Attending:</p> <p>Crs Fawcett, Kennedy, Brunt, Harding, Hutchinson-Brooks and Davies.</p> <p>Conflict of Interest:</p> <p>Cr Mohya Davies proposed that she would declare a conflict on the Foster Streetscape item contained in Council Agenda item E7 CAPITAL WORKS PROGRAM 2015/16 - PROPOSED AMENDMENTS DUE TO INCREASED - ROADS TO RECOVERY FUNDING.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Council agenda items • Agenda amendment summary
Strategic Land Review – Outcome of Latest Evaluation	<p>Councillors Attending:</p> <p>Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks and Davies.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <p>Councillors were provided information to discuss the outcome of the evaluation and consider the next steps in progressing the Land Sales Program.</p>
Community Engagement Plan for Budget 2016-2017	<p>Councillors Attending:</p> <p>Crs Fawcett, Kennedy, Brunt, Harding, Hutchinson-Brooks and Davies.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <p>Councillors were provided information on the community engagement program for the 2016-2017 Budget which is being prepared based on the IAP2 Community Engagement Model.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 19 August 2015		
<p>2014/15 Capital Works Update</p> <p>OPEN DAY SESSION</p>	<p>Councillors Attending:</p> <p>Crs Fawcett, Brunt, Newton, Harding, Hutchinson-Brooks, Hill and Davies.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <p>Councillors were provided information on the outcome of the 2014/15 Capital Works Program. This included projects for Council owned/managed assets as well as projects involving external assets generally involving grant funding.</p>
<p>Caravan Park Update</p> <p>OPEN DAY SESSION</p>	<p>Councillors Attending:</p> <p>Crs Fawcett, Brunt, Newton, Harding, Hutchinson-Brooks, Hill and Davies.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <p>Councillors were provided an update on the progress of Yanakie and Long Jetty Foreshore Caravan Park. A number of items raised included: park improvements, budget v actuals, occupancy levels, compliance timelines, number of annuals on site and 2015/16 season marketing.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 19 August 2015		
Public Presentations OPEN DAY SESSION	Councillors Attending: Crs Fawcett, Brunt, Newton, Harding, Hutchinson-Brooks, Hill and Davies. Conflict of Interest: Nil disclosed.	
<p>Presentations were made to Council by the following community members:</p> <p>Peter Wingett, Chair of Active Retirees Advisory Committee regarding presentation of their Annual Report, Action Plan and Framework for Council consideration.</p> <p>Dane Hawley, Chair of Koonwarra Recreation Reserve Committee of Management regarding presentation of their Master Plan.</p> <p>Peter Slifirski, Deputy President of Waratah Beach Surf Life Saving Club regarding general update on the operation of the Club in the community.</p> <p>Paul Norton, regarding pedestrian access and the Leongatha Heavy Vehicle Alternate route.</p> <p>Paul O’Sullivan, President of Stony Creek Racing Club regarding an update on the operations of the Club.</p>		
Executive Update	Councillors Attending: Crs Fawcett, Brunt, Newton, Harding, Hutchinson-Brooks, Hill and Davies. Conflict of Interest: Nil disclosed.	Topics Discussed: <ul style="list-style-type: none"> • Planning overlay

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 19 August 2015		
Councillor/ CEO session	<p>Councillors Attending:</p> <p>Crs Fawcett, Brunt, Newton, Harding, Hutchinson-Brooks, Hill and Davies.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • CEO annual review
Wednesday 26 August 2015		
<p>Community Engagement Plan for Budget 2016 - 2017</p>	<p>Councillors Attending:</p> <p>Crs Fawcett, Kennedy, Newton, Harding, Hutchinson – Brooks, McEwen and Davies.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <p>Councillors were provided information and continued discussion from the previous week on the community engagement program for the 2016-2017 Budget that is being prepared based on the IAP2 Community Engagement Model.</p>
<p>Ordinary Council Agenda Topics Discussion</p>	<p>Councillors Attending:</p> <p>Crs Fawcett, Kennedy, Newton, Harding, Hutchinson – Brooks, McEwen and Davies.</p> <p>Conflict of Interest:</p> <p>Cr Hutchinson-Brooks declared a conflict of interest by close association in relation to Council Agenda item E2 PLANNING SCHEME AMENDMENT C97 - REZONING OF LAND AT LANG LANG POOWONG ROAD NYORA.</p>	<p>Topics Discussed:</p> <p>Council Agenda topics Council Meeting 26 August 2015.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 26 August 2015		
Public Presentation Session	Councillors Attending: Crs Fawcett, Kennedy, Newton, Harding, Hutchinson – Brooks and Davies.	
OPEN DAY SESSION	Conflict of Interest: Nil disclosed.	
<p>Presentations were made to Council by the following community members:</p> <p>Bill Bray, Chair and Margaret Robertson, Treasurer of Walkerville Committee of Management regarding presentation of Bayside Drive Road upgrade.</p> <p>Cr Newtown read out a submission on behalf of Richard Johnson regarding Council Agenda Item E.2 PLANNING SCHEME AMENDMENT C97 - REZONING OF LAND AT LANG LANG POOWONG ROAD NYORA (WALLIS WATSON SITE) TO THE GENERAL RESIDENTIAL ZONE 1.</p> <p>Ursula Camburn attended the Council Public Presentation session with the intention of presenting a governance matter. Council’s CEO requested Ms Camburn address any correspondence on the governance matter directly to the CEO for his response, as the matter was deemed to not be suitable in the CEO’s opinion for a public presentation.</p> <p>Lorraine Halabarec regarding Council Agenda Item B.4 ENGAGING AND CONSULTING THE COMMUNITY ON THEIR PREFERRED RESPONSE TO THE VICTORIAN PARLIAMENTARY INQUIRY ON NON-CONVENTIONAL GASES and E1 PARLIAMENTARY INQUIRY INTO UNCONVENTIONAL GAS IN VICTORIA.</p>		
Black Spur Realignment – Information Session	<p>Councillors Attending:</p> <p>Crs Fawcett, Kennedy, Newton, Harding, Hutchinson–Brooks, Davies and Hill.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <p>Councillors were provided information on:</p> <ul style="list-style-type: none"> • The proposed realignment of the South Gippsland Highway at the Black Spur, also known as the Koonwarra Bends. • Current status of the project and issues associated with the planning process. • Community engagement and project funding.

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 26 August 2015		
Ordinary Council Agenda Topics Discussion	<p>Councillors Attending:</p> <p>Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson – Brooks, Davies and Hill.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Council Agenda topics Council Meeting 26 August 2015.
Thursday 27 August 2015		
Korumburra Roundtable	<p>Councillors Attending:</p> <p>Cr Newton</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Increased membership proposal for youth attendance. • Korumburra Round Table website operational. • Town Entry Signage • Council Update regarding Korumburra Access Centre. • Korumburra Round Table submission to Council. • Korumburra Arts Group update on activities.

RECOMMENDATION

That Council receive and note this report.

STAFF DISCLOSURE OF INTEREST

Nil

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 19.

D.3 COUNCILLOR DISCRETIONARY FUND ALLOCATION REPORT AUGUST 2015

Corporate & Community Services

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 23 July 2015 and 2 September 2015.

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Councillor Discretionary Fund Policy 2015

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 2015/2016 Discretionary Fund for the period between 23 July 2015 and 03 September 2015.

- 2nd Leongatha Scout Group: To assist with costs of sending a group of Scouts and leaders to attend the next Scout Association Jamboree in 2016.

Cr Jeanette Harding - \$100

Cr James Fawcett - \$300

Cr Don Hill - \$300

Cr Nigel Hutchinson Brooks - \$300

- Toora Primary School: To cover the cost of hiring the Toora Community Hall for a fundraising event for the school.

Cr Jeanette Harding - \$220

- Loch Community Development Association: To assist with meeting short fall costs for the Loch Community Storage Shed project.

Cr Robert Newton - \$333

Cr Lorraine Brunt - \$334

Cr Andrew McEwen - \$333
- Anglican Parish of Korumburra: To assist with the costs of employing a Youth Leader for their after school youth program.

Cr Robert Newton - \$334

Cr Lorraine Brunt - \$333

Cr Andrew McEwen - \$333
- Korumburra RSL Sub Branch: To assist with the production costs for a book documenting local World War 1 servicemen who gave the ultimate sacrifice.

Cr Robert Newton - \$300

Cr Lorraine Brunt - \$300

Cr Andrew McEwen - \$300
- South Coast Athletics: To assist with the costs of purchasing a Laptop.

Cr James Fawcett - \$250

Cr Don Hill - \$250

Cr Nigel Hutchinson-Brooks - \$250
- The Leongatha Primary School application to assist with costs associated with the annual School Fete was not approved for funding.

FINANCIAL CONSIDERATIONS

Each Councillor is allocated \$4,000 from the Councillor Discretionary Fund in the 2015/2016 Financial Budget. An additional \$2,000 has been allocated to the Mayor to cover a broader focus across the entire Municipality.

CONCLUSION

The remaining Councillor Discretionary Funds for the 2015/2016 Financial Year as at 02 September 2015 is as follows:

- Cr Mohya Davies - \$4,000

- Cr Jeanette Harding - \$3,680
- Cr Kieran Kennedy – \$3,800
- Cr Lorraine Brunt - \$3,033
- Cr Robert Newton - \$3,033
- Cr Andrew McEwen - \$3,034
- Cr James Fawcett - \$3,150
- Cr Don Hill - \$3,150
- Cr Nigel Hutchinson-Brooks - \$3,150
- Mayoral Fund - \$2,000

RECOMMENDATION

That Council receive and note this report.

STAFF DISCLOSURE OF INTEREST

Nil

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 19.

D.4 DOCUMENTS SEALED AND CONTRACTS AWARDED OR VARIED BY THE CHIEF EXECUTIVE OFFICER - AUGUST 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 August 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.

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 August 2015.

1. C342 Funding Agreement – Community Road Safety Grants Program between South Gippsland Shire Council and the Transport Accident Commission – Seal Applied 3 August 2015.
2. Contract SGC16/02 Supply and Delivery of Quarry Products and Road Making Materials – Holcim (Australia) Pty Ltd - Seal Applied 3 August 2015
3. Contract SGC16/02 Supply and Delivery of Quarry Products and Road Making Materials – Kennedy Haulage Pty Ltd t/a Driffield Quarry - Seal Applied 3 August 2015.
4. Contract SGC16/02 Supply and Delivery of Quarry Products and Road Making Materials – Fulton Hogan Quarries Pty Ltd - Seal Applied 3 August 2015.
5. Contract SGC16/04-A Provision of Temporary Labour Supply – US Group Pty Ltd as Trustee Frankston Unit Trust trading as CMR Personnel – Seal Applied 5 August 2015.
6. Contract SGC16/04-B Provision of Temporary Labour Supply – Work Solutions (Melb) Pty Ltd – Seal Applied 12 August 2015.
7. S173 Agreement between South Gippsland Shire Council and the owners of 951 Yannathan Road, Nyora to facilitate the residential rezoning of Subject Land – Seal Applied 12 August 2015.
8. S173 Agreement between South Gippsland Shire Council and the owners of 45 Lees Road, Venus Bay in relation to the extension to a dwelling – Seal Applied 12 August 2015.
9. Deed of Novation where Council has consented to Contract No. SGC16/01 for the Supply and Implementation of a Geographic Information System being novated from a contract with Desktop Mapping Systems Pty Ltd to Technology One Pty Ltd – Seal Applied 12 August 2015.

10. S173 Agreement between South Gippsland Shire Council and the owners of 33-35 School Road Tarwin Lower in relation to the development of a dwelling – Seal Applied 27 August 2015.

Contracts awarded after a public tender process within the CEO's delegation

The CEO's delegation from 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.

The following contracts were awarded under the CEO's delegation during August 2015 following a public tender:

- Contract SGC16/05 Supply and Delivery of One Tri-Axle Float with Widening Deck – Awarded to Australian Trailer Manufacturers Pty Ltd.

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 August 2015.

RECOMMENDATION

That Council receive and note this report.

STAFF DISCLOSURE OF INTEREST

Nil

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 19.

SECTION E - COUNCIL REPORTS

E.1 RESPONSE TO PETITION - COAL SEAM GAS

Development Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is to respond to a petition received by Council on 26 August 2015, relating to a media report which inaccurately represented Council's position on the issue of unconventional gas.

Document/s pertaining to this Council Report

- **Attachment 1** - The Petition Prayer
- **Attachment 2** - Map from Weekly Times article
- **Confidential Appendix 1** - Copy of Signatories

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Petroleum Act 1998
- Mineral Resources (Sustainable Development) Act 1990

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Economic Development and Tourism Strategy

COUNCIL PLAN

Outcome:	1.0	A Prosperous Shire.
Objective:	1.3	Improve the sustainability of the local and regional environment.
Strategy:	1.3.1	We will actively engage businesses, farmers, industries and individuals in creating a clean, green Shire, where environmental sustainability is embraced and practiced.

CONSULTATION

A petition received by Council contained signatures of members of the community.

REPORT

Background

Council received a petition at its meeting of 26 August 2015 with approximately 1,700 signatures that included the following prayer:

'We would like a policy to ban CSG and mining and South Gippsland map be changed to green, if you would like me to take this motion to council so the people in bulk have a voice sign the petition.'

Discussion

The map referred to in the prayer was from a 17 June 2015 article in The Weekly Times newspaper regarding Victorian Council's positions on unconventional gas. The map portrayed South Gippsland Shire Council as having no position on the issue.

In 2012, Council passed a resolution calling for a moratorium on coal seam gas and opposing it on any land owned or managed by Council until it is shown to be safe. The Weekly Times map is therefore incorrect and should have at least represented Council as one of the Shire's requesting an extended moratorium.

Council reinforced this position at its 26 August 2015 meeting when it passed the following resolution. "Continue to support the moratorium on all forms of unconventional gas, until it can be demonstrated that the impacts will not adversely affect the environment, economy or community".

Council does not have the power to ban unconventional gas or mining, as these are a responsibility of the Victorian Government.

Council does however have an important advocacy role on significant community issues. This was reflected in the resolution of 26 August 2015 which stated that Council would make available from its website a range of reports on the issue (including the interim and final reports of the Parliamentary Inquiry into Unconventional Gas), receive a report reviewing these and provide a written response to Government which considers community feedback.

Proposal

As Council will be providing a response to the Victorian Government on unconventional gas, it is proposed that this petition be considered as part of the community feedback process.

FINANCIAL CONSIDERATIONS

Nil

RISKS

To mitigate risk, Council's position is to support the moratorium on all forms of unconventional gas until it can be demonstrated that the impacts will not adversely affect the environment, economy or community.

CONCLUSION

The petition reflects some of the strong community concern regarding all forms of unconventional gas. The map in the newspaper article did not accurately report Council's stated position on the issue. Council has resolved to receive a report on the issue of unconventional gas and provide a response to the Victorian Government that considers community feedback.

RECOMMENDATION

That Council:

1. Note the petition and consider its contents as part of a community feedback process that will help to inform Council's response to the Victorian Government on Unconventional Gas.
2. Provide the Weekly Times with copies of Council resolutions regarding the issue.
3. Inform the lead petitioner of Council's response.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Hill

SECONDED: Cr Davies

THAT COUNCIL:

1. **NOTE THE PETITION AND CONSIDER ITS CONTENTS AS PART OF A COMMUNITY FEEDBACK PROCESS THAT WILL HELP TO INFORM COUNCIL'S RESPONSE TO THE VICTORIAN GOVERNMENT ON UNCONVENTIONAL GAS.**
2. **PROVIDE THE WEEKLY TIMES WITH COPIES OF COUNCIL RESOLUTIONS REGARDING THE ISSUE.**
3. **INFORM THE LEAD PETITIONER OF COUNCIL'S RESPONSE.**

Cr Fawcett left the Meeting at 3.03pm and returned at 3.04pm.

CARRIED

For: Crs Fawcett, Brunt, Hill, Davies and Hutchinson-Brooks.

Against: Cr Kennedy

Attachment 1
The Petition Prayer

Petition D-7

We would like a policy to ban CSG and mining and South Gippsland map to be changed to green, if you would like me to take this motion to council so the people in bulk have a voice sign the petition

Attachment 2 - Map from Weekly Times article

WEDNESDAY JUNE 17 2015 THEWEEKLYTIMES.COM.AU

12 NEWS

COAL-SEAM EXPLORATION

Local councils weigh in on gas debate

Local councils weigh in on gas debate

Determined Frank Buchanan

Western shire leads the fight

By RAYE DEWILAN

THERE is no place for unconventional gas mining in farming regions such as Victoria's Western District and South Australia, says the Minister for Agriculture, Fisheries and Forestry, Frank Buchanan.

Mr Buchanan said councils were the closest level of government to Victoria's citizens and therefore best equipped to convey community views.

"Clearly down an issue with a community more thoroughly than CSG," he said. "We're sending a clear message to the State Government: via our council we don't want CSG."

The Great South Coast Group of Councils, representing 16 councils from the Breamlea area, led by the South Australian Council, backs the current prohibition.

Colac Otway council plans to take a resolution to the next Municipal Association of Victoria state meeting, calling for extension of the prohibition.

The MAV opposes unconventional gas exploration: unconventional social and environmental impacts are not determined, there is community support for the industry and regulatory frameworks to ensure protection of the environment, local communities, rural industries and private property rights.

Mr Buchanan said councils were the closest level of government to Victoria's citizens and therefore best equipped to convey community views.

"Clearly down an issue with a community more thoroughly than CSG," he said. "We're sending a clear message to the State Government: via our council we don't want CSG."

The Great South Coast Group of Councils, representing 16 councils from the Breamlea area, led by the South Australian Council, backs the current prohibition.

Colac Otway council plans to take a resolution to the next Municipal Association of Victoria state meeting, calling for extension of the prohibition.

The MAV opposes unconventional gas exploration: unconventional social and environmental impacts are not determined, there is community support for the industry and regulatory frameworks to ensure protection of the environment, local communities, rural industries and private property rights.

Handshakes, balloons and Democratic Unionist Party flags were part of a council in taking a stand.

"It's our duty to make and take a position and be involved in the debate," she said.

A Weekly Times investigation has found seven local governments in regional Victoria now have a policy banning mining for coal-seam or unconventional gas.

Four more regional councils have required Victorian Councils to withdraw any support for CSG.

Colac Otway council has joined the growing band of regional shires to oppose mining for unconventional gas.

Local government policy on mining has no practical application in Victoria because the industry is regulated at State Government level, but that has not deterred councilors in at least 11 shires taking a stand.

Councilors at Southern Gippsland Shire, in the state's southwest, last week voted to oppose CSG, a decision that shows the shire unambiguously stands against unconventional gas.

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E.2 DRAFT DOMESTIC WASTEWATER MANAGEMENT PLAN - 2016-2020

Development Services Directorate

EXECUTIVE SUMMARY

Council is required to have a current Domestic Wastewater Management Plan (DWMP) under the State Environment Protection Policy (Waters of Victoria). The DWMP aims to identify wastewater risks and ways to improve onsite wastewater management; inform water authorities and the EPA of towns that require a reticulated sewerage system; and link planning, stormwater management and water supply policies.

A draft DWMP 2016-2020 has been prepared (refer **Appendix 1**). It's proposed the draft DWMP is placed on public exhibition for a four week consultation period. Once the DWMP is finalised a future Council report will be tabled recommending adoption, with amendments as necessary giving consideration to any public submissions.

The DWMP proposes a compliance program for domestic wastewater systems. Along with the adoption of a 'Catchment Policy', the introduction of a compliance program to South Gippsland Water's satisfaction, will address 'category' exemptions in the Ministerial Guidelines for planning permit applications in open potable water supply catchments (refer **Attachment 1**). It will allow the consideration of applications for the development of small vacant rural lots in the Tarwin Catchment where development density exceeds 1 house per 40 hectares (8 dwellings per 1km radius).

Document/s pertaining to this Council Report

- **Attachment 1** - Ministerial Guidelines - Planning permit applications in open, potable water supply catchment areas - November 2012
- **Appendix 1** - Draft Domestic Wastewater Management Plan 2016-2020

A copy of **Appendix 1 - Draft Domestic Wastewater Management Plan 2016-2020** is available on Council's website: www.southgippsland.vic.gov.au or by contacting 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Catchment and Land Protection Act 1994
- Environment Protection Act 1970
- Local Government Act 1989
- Planning and Environment Act 1987
- Public Health and Wellbeing Act 2008

- Water Act 1989
- State Environment Protection Policy (Waters of Victoria)

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Domestic Wastewater Management Plan 2007-2011

COUNCIL PLAN

Outcome:	1	A Prosperous Shire
Objective:	1.3	Improve the sustainability of the local and regional environment.
Strategy:	1.3.1	We will actively engage businesses, farmers, industries and individuals in creating a clean, green Shire, where environmental sustainability is embraced and practiced.
	1.3.2	We will promote sustainable waste management practices, energy efficiency and management of our natural resources.
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:	3.1.4	We will plan for the service needs of the Shire's changing demographic.
	3.1.5	We will encourage sustainable development that promotes the health, wellbeing and unique character of the community.

CONSULTATION

Council was briefed on the development of the DWMP on 19 September 2012, 18 February 2015 and 1 July 2015. A stakeholder reference group was created to oversee the development of the DWMP and provide feedback. The group's membership included the EPA, South Gippsland Water and internal staff and management that had an interest in the DWMP. An earlier draft of the DWMP (2012-2022 version) was placed on public exhibition in October 2012. Open house sessions were held at Port Franklin, Sandy Point, Venus Bay, Fish Creek, Leongatha and Korumburra during the consultation period.

REPORT

Background

Council is required to prepare a DWMP under the State Environment Protection Policy (Waters of Victoria). The DWMP aims to identify wastewater

risks and ways to improve onsite wastewater management; inform water authorities and the EPA of towns that require a reticulated sewerage system; and link planning, stormwater management and water supply policies.

Council does not have a current DWMP. The last DWMP adopted by Council was the DWMP 2007-2011. The development of a DWMP commenced in 2012 however it was put on hold pending resolution of issues raised by the uncertainty of the Loch, Nyora and Poowong Sewerage Scheme and the review of Ministerial Guidelines for planning permit applications in open potable water supply catchments.

The Ministerial Guidelines for planning permit applications in open potable water supply catchments restrict the granting of planning permits to develop unsewered lots where development density exceeds 1 house per 40 hectares (8 dwellings per 1km radius). This has impacted on the ability of Council to approve development of smaller lots within the Tarwin Catchment and conflicts with Council's Rural Land Use Strategy.

The Ministerial Guidelines provide several methods for varying the density requirements however the only method that would permit the development of existing small rural lots in unsewered areas is the 'Category 3' exemption. This exemption involves the adoption of a suitable Catchment Policy by the relevant water authority which must include a suitable compliance program.

Discussion

Issues raised by the uncertainty of the Loch, Nyora and Poowong Sewerage Scheme and the Ministerial Guidelines for planning permit applications in open potable water supply catchments have now been addressed. Construction of the Loch, Nyora and Poowong Scheme has commenced and now near completion. A Tarwin Catchment Policy is currently being developed in consultation with South Gippsland Water and the draft DWMP details a suitable compliance program for domestic wastewater systems.

An earlier draft of the DWMP (2012-2022 version) was placed on public exhibition in October 2012. Changes were made to the DWMP as a result of feedback provided at this time. Due to the changes and the period of time that has since elapsed, it is proposed the draft DWMP 2016-2020 is placed on public exhibition for a four week period. Comments received during the public consultation period will be considered during the finalisation of the DWMP. Once the DWMP is finalised a future Council report will be tabled recommending its adoption.

The DWMP introduces a compliance program for domestic wastewater systems. The benefits of introducing a compliance program include:

- Improved public health and amenity outcomes in townships
- Improvements to safety of reticulated drinking water supplies
- Prolonged life of wastewater systems and a reduction in failures

- Improved water quality in natural waterways
- Council compliance with legal responsibilities

The wastewater compliance program will support the Tarwin Catchment Policy with the additional benefit of increased development potential of the Tarwin Catchment area without compromising risk to local water supplies.

Proposal

It is proposed Council adopt the draft DWMP 2016-2020 to be placed on public exhibition for a four week community consultation period.

FINANCIAL CONSIDERATIONS

There are no financial considerations in relation to placing the draft DWMP on public exhibition however if adopted, there are costs associated with the introduction of a compliance program. These costs will be offset to some extent as the implementation of the compliance program will support development of small rural allotments in the Tarwin Catchment area. The implementation of a compliance program would require an additional 1.0 EFT above current staffing levels.

The initial cost of operating the compliance program is projected to be approximately \$100,000 per year however once implemented the cost is expected to reduce over time. Therefore it is proposed the compliance program is funded by general rates for the first 12 months rather than a special rate or charge scheme. Long term funding arrangements would be determined once the program commences and there is a better understanding of the program costs, impacts and benefits. Once the DWMP is finalised a future Council report recommending its adoption will also discuss these funding arrangements.

RISKS

Council requires an adopted DWMP to provide strategic direction for the management of wastewater within the municipality. The strategic direction detailed in draft DWMP 2016-2020 includes the introduction of a compliance program that will support development on small rural allotments in the Tarwin Catchment area.

Council's current DWMP is outdated. Therefore if the draft DWMP is not placed on public exhibition, it will continue to be unclear when Council is likely to have a current Council adopted strategy in place for the management of wastewater within the municipality. The timing for resolution of conflicts between the Ministerial Guidelines for planning permit applications in open potable water supply catchments and Council's Rural Land Use Strategy will remain uncertain.

CONCLUSION

Council is required to prepare a DWMP under the State Environment Protection Policy (Waters of Victoria). Council does not have a current DWMP in place. A draft DWMP 2016-2020 has been developed. Obtaining community feedback is a key step in the development of a DWMP. Placing the draft DWMP on public exhibition for a four week period will fulfil this objective.

RECOMMENDATION

That Council:

1. Endorse the South Gippsland Shire Council Draft Domestic Wastewater Management Plan 2016-2020 for the purpose of public exhibition for a four week community consultation period; and
2. Receive a final report on the outcome of the public consultation process including copies of any submissions received.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Kennedy

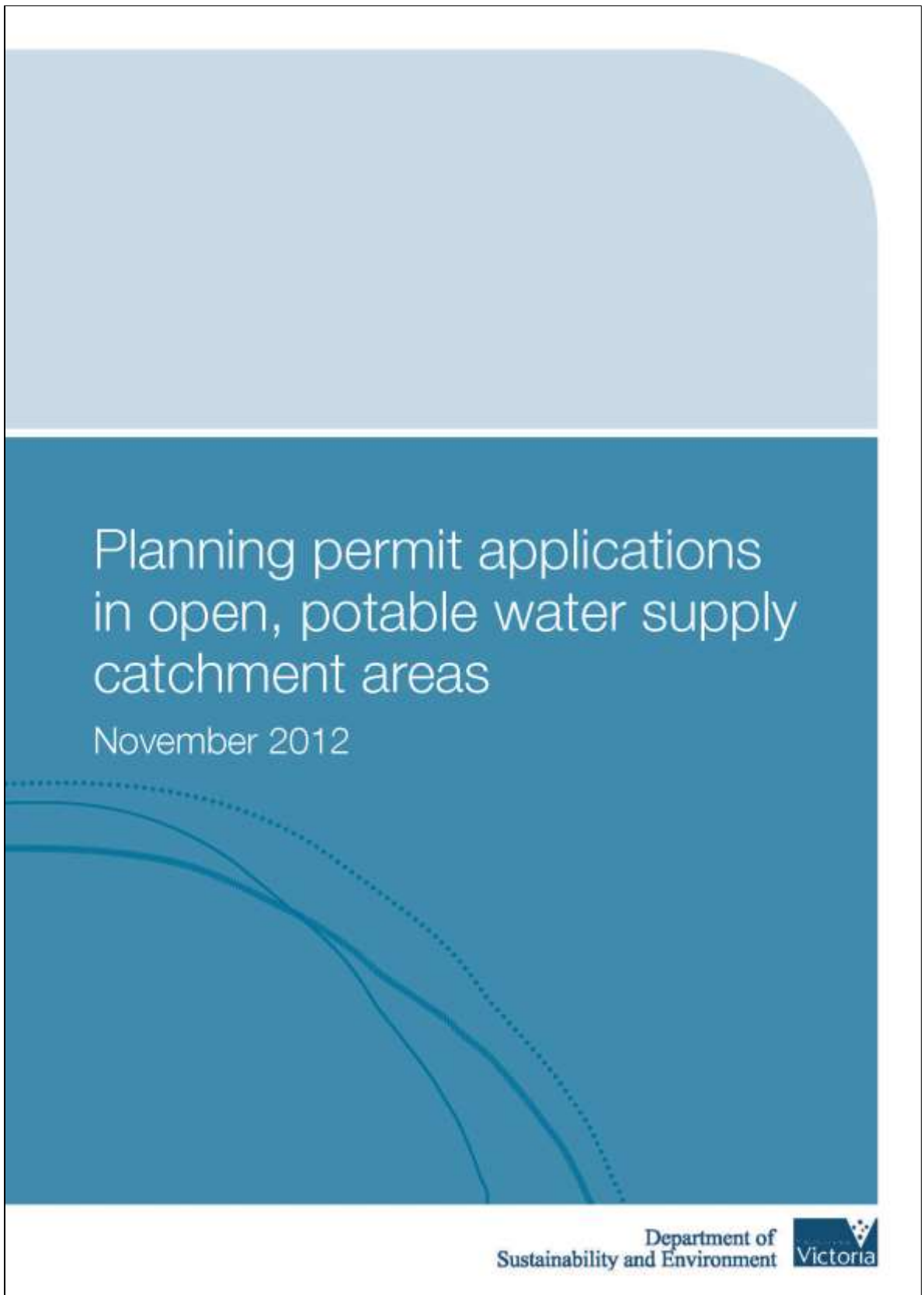
SECONDED: Cr Brunt

THAT COUNCIL:

1. **ENDORSE THE SOUTH GIPPSLAND SHIRE COUNCIL DRAFT DOMESTIC WASTEWATER MANAGEMENT PLAN 2016-2020 FOR THE PURPOSE OF PUBLIC EXHIBITION FOR A FOUR WEEK COMMUNITY CONSULTATION PERIOD; AND**
2. **RECEIVE A FINAL REPORT ON THE OUTCOME OF THE PUBLIC CONSULTATION PROCESS INCLUDING COPIES OF ANY SUBMISSIONS RECEIVED.**

CARRIED UNANIMOUSLY

Attachment 1
Ministerial Guidelines - Planning permit applications in open, potable water supply catchment areas - November 2012



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November 2012

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Planning permit applications in open, potable water supply catchment areas

As Minister administering the *Water Act 1989*, I issue the following Guidelines to assist water corporations and other referral and responsible authorities in their assessment of planning permit applications for use and development of land within all open, potable water supply catchments in Victoria. These Guidelines have been adopted for the purposes of s.60(1A)(g) of the *Planning and Environment Act 1987*.



Peter Walsh MLA
Minister for Water

Purpose of the Guidelines

The purpose of the Guidelines is to protect the quality of potable water supplies, using a risk based approach, whilst facilitating appropriate development within these catchments.

Where do these guidelines apply?

These guidelines apply to all open potable water supply catchments declared to be special water supply catchment areas under Division 2 of Part 4 of the *Catchment and Land Protection Act 1994*. Schedule 5 of the Act lists the special water supply catchment areas declared as at 1994. To find out all current declarations and which special water supply catchment areas are open potable water supply catchments and their location, contact the relevant local water corporation.

What is an open, potable water supply catchment?

A potable water supply catchment provides water resources to a reservoir (or water storage) used for domestic water supply purposes¹. There are two types of potable water supply catchments. An 'open' catchment is where part or all of the catchment area is in private ownership and access to the catchment is unrestricted. A 'closed' catchment means that the whole of the catchment area is publicly owned and public access is prohibited.

Water corporations may influence development and land use through the strategic and statutory planning process, as they do not have direct control over land in open, potable water supply catchments. However, because of the risks to public health, all use and development should be sited and managed to protect the quality of water collected from the catchment.

Most water supply catchment areas have a long history of regulation aimed to protect public health by maintaining acceptable levels of water quality flowing into, and stored in, the water storage. This has protected communities from waterborne diseases and the need for excessive chemical treatment.

All land users within catchments need to be aware of the potential effect of their activities on water quality. Residential development and agriculture particularly have the potential to impact adversely on water quality through the discharge of contaminated run-off and wastes, nutrient contributions or sediment to waterways. These key sources of pollutants present different levels of risk to catchments and are the focus of these guidelines.

¹ The catchment and/or reservoir or water storage may also be used for irrigation purposes.



White Swan Reservoir and the surrounding potable water supply catchment area, taken near Ballarat.
Source: Central Highlands Water

What State planning and environmental policy applies to open, potable water supply catchment areas?

The importance of water quality and water catchments is specifically addressed in Clause 14.02 in the State Planning Policy Framework in all planning schemes. In this clause it is State planning policy to:

- Protect reservoirs, water mains and local storage facilities from potential contamination.
- Ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.
- Discourage incompatible land use activities in areas subject to flooding, severe soil degradation, groundwater salinity or geotechnical hazards where the land cannot be sustainably managed to ensure minimum impact on downstream water quality or flow volumes.

Clause 19.03 of the State Planning Policy Framework adopts the strategy:

- Ensure water quality in water supply catchments is protected from possible contamination by urban, industrial and agricultural land uses.

Section 53M of the *Environment Protection Act 1970* provides that a municipal council must refuse a permit if a proposed onsite waste water/septic tank system is contrary to any State environment protection policy or waste management policy. The State Environment Protection Policy (Waters of Victoria) (**SEPP**) adopts the precautionary principle as a principle that should guide decisions about the protection and management of Victoria's surface waters when considering a permit for a septic tank system. Clause 32 of the SEPP specifies EPA's expectations in relation to on-site domestic wastewater management, and the EPA provides further guidance in relation to onsite treatment systems (EPA Publication 891, Code of Practice – Onsite Waste Water Management, as updated or replaced).

The proper application of the precautionary principle requires consideration of the cumulative risk of the adverse impact of onsite waste water/ septic tank systems on water quality, in open potable water supply catchments, resulting from increased dwelling density.

The importance of water catchments is also reflected in the special area plans prepared by Catchment Management Authorities, under Division 2 of Part 4 of the *Catchment and Land Protection Act 1994*. These plans assess the land and water resources of catchments in a region and identify objectives and strategies for improving the quality of those resources; they are also able to direct land use activities in a catchment. It is State Planning Policy (Clause 14.02-1) that planning authorities must have regard to relevant aspects of:

- any regional catchment strategies approved under the *Catchment and Land Protection Act 1994* and any associated implementation plan or strategy, including any regional river health and wetland strategies;
- any special area plans prepared under the *Heritage Rivers Act 1992* and approved under the *Catchment and Land Protection Act 1994*, and
- these Guidelines.

For information about any special area or catchment management plans that have been prepared for catchments in your region, contact the regional office of the relevant catchment management authority.

Water corporations, in consultation with other stakeholders, may also prepare a water Catchment Policy, water catchment risk assessment or similar project to address land use planning issues and the cumulative impact of onsite waste water/septic tank systems in a catchment area (Catchment Policy).

These policies can assist in:

- guiding appropriate land use and development within a catchment area, including the location of and conditions on particular land use and development; and
- Determining the areas where Domestic Wastewater Management of existing systems requires additional focus due to the existence of onsite wastewater systems.

Through strategic land use planning and with reference to special area plans and Catchment Policies, areas and causes of greatest risk can be identified and risk based management responses determined.

The guidelines

Each of these guidelines must be addressed where a planning permit is required to use land for a dwelling or to subdivide land.

Guideline 1: Density of dwellings

Where a planning permit is required to use land for a dwelling or to subdivide land or where a planning permit to develop land is required pursuant to a schedule to the Environmental Significance Overlay that has catchment or water quality protection as an objective:

- the density of dwellings should be no greater than one dwelling per 40 hectares (1:40 ha); and
- each lot created in the subdivision should be at least 40 hectares in area.

This does not apply where:

Category 1

A planning permit is not required to use land for a dwelling, to subdivide land or to develop land pursuant to a schedule to the Environmental Significance Overlay that has catchment or water quality protection as an objective.

Category 2

A permit is required to use land for a dwelling, to subdivide land or to develop land pursuant to a schedule to the Environmental Significance Overlay that has catchment and water quality protection as an objective but the proposed development will be connected to reticulated sewerage.

Category 3

A Catchment Policy has been prepared for the catchment and endorsed by the relevant water corporation following consultation with relevant local governments, government agencies and affected persons. The proposed development must be consistent with the Catchment Policy. Or,

The water corporation will consider allowing a higher density of development than would otherwise be permitted by Guideline 1 where:

Category 4

All of the following conditions are met:

- the minimum lot size area specified in the zone for subdivision is met in respect of each lot;
- the water corporation is satisfied that the relevant Council has prepared, adopted and is implementing a Domestic Wastewater Management Plan (DWMP) in accordance with the DWMP Requirements; and
- the proposal does not present an unacceptable risk to the catchment having regard to:
 - the proximity and connectivity of the proposal site to a waterway or a potable water supply source (including reservoir);
 - the existing condition of the catchment and evidence of unacceptable water quality impacts;
 - the quality of the soil;
 - the slope of the land;
 - the link between the proposal and the use of the land for a productive agricultural purpose;
 - the existing lot and dwelling pattern in the vicinity of site;
 - any site remediation and/or improvement works that form part of the application; and
 - the intensity or size of the development or use proposed and the amount of run-off that is likely to be generated.

Note: this requires analysis in addition to a land capability assessment required pursuant to Guideline 2.

Domestic Wastewater Management Plan Requirements

A DWMP will be considered an acceptable basis for a relaxation of Guideline 1 (as set out above) where the following requirements in relation to the DWMP are satisfied.

These requirements incorporate and build upon (but do not displace) Council responsibilities for developing DWMPs as set out in clause 32(2)(e) of the SEPP.

The DWMP must be prepared or reviewed in consultation with all relevant stakeholders including:

- other local governments with which catchment/s are shared;
- EPA; and
- local water corporation/s.

The DWMP must comprise a strategy, including timelines and priorities, to:

- prevent discharge of wastewater beyond property boundaries; and
- prevent individual and cumulative impacts on groundwater and surface water beneficial uses.

The DWMP must provide for:

- the effective monitoring of the condition and management of onsite treatment systems, including but not limited to compliance by permit holders with permit conditions and the Code;
- the results of monitoring being provided to stakeholders as agreed by the relevant stakeholders;
- enforcement action where non-compliance is identified;
- a process of review and updating (if necessary) of the DWMP every 5 years;
- independent audit by an accredited auditor (water corporation approved) of implementation of the DWMP, including of monitoring and enforcement, every 3 years;
- the results of audit being provided to stakeholders as soon as possible after the relevant assessment; and
- councils are required to demonstrate that suitable resourcing for implementation, including monitoring, enforcement, review and audit, is in place.

Guideline 2: Effluent disposal and septic tank system maintenance

The *Environment Protection Act 1970*, the SEPP, EPA Publication 891, *Code of Practice – Onsite Waste Water Management* (as updated or replaced), and other EPA publications and Australian standards regulate and guide the accreditation, installation and management of onsite treatment systems for the collection, treatment and disposal or reuse of wastewater.

Any application for a planning permit must demonstrate that a proposed use, development or subdivision of land to which these Guidelines apply will comply with all applicable laws and guidelines, including the need to obtain a Council permit under the *Environment Protection Act 1970* for the installation of an onsite wastewater management system and associated systems.

Guideline 3: Vegetated corridors and buffer zones along waterways

Planning and responsible authorities should encourage the retention of natural drainage corridors with vegetated buffer zones at least 30 metres wide along waterways. This will maintain the natural drainage function, minimise erosion of stream banks and verges and reduce polluted surface run-off from adjacent land uses.

Guideline 4: Buildings and works

Buildings and works (including such things as land forming and levee bank construction) should not be permitted to be located on effluent disposal areas, to retain full soil absorption and evaporation capabilities, and should be setback at least 30 metres from waterways to minimise erosion and sediment, nutrient and salinity-related impacts.

Appropriate measures should be used to restrict sediment discharges from construction sites in accordance with *Construction Techniques for Sediment Pollution Control*, *Environment Protection Authority, 1991* and *Environmental Guidelines for Major Construction Sites*, *Environment Protection Authority, 1995*.

Guideline 5: Agricultural activities

To prevent the pollution of waterways and damage to streamside vegetation (which contributes to bed and bank stability and filters overland flows entering the stream), stock access to waterways should be minimised.

Stocking rates should take into account the capabilities of the land to sustain grazing and the potential impact of overstocking on the catchment.

Reductions in agricultural and veterinary chemicals run-off should be encouraged by improved management of rates and frequencies of application.

The inappropriate disposal of fuel and fuel containers, the disposal of dead animals, the treatment and disposal of effluent from intensive agricultural industries, and the delivery and storage of chemicals are some of the other agricultural activities which can pose a risk to water quality. Intensive animal industry is a scheduled (regulated) activity under the *Environment Protection (Scheduled Premises and Exemptions) Regulations 2007*.

If a property owner proposes to build a farm dam for commercial or irrigation purposes in an open, potable water catchment, an application for a licence must be made under Section 51 of the *Water Act 1989*. The application for a licence must be made to the relevant Rural Water Corporation.

Kind of application	Referral authority
To use or develop land for a cattle feedlot.	Minister for Agriculture. If the site is located within a special water supply catchment area under the <i>Catchment and Land Protection Act 1994</i> , the relevant water corporation under the <i>Water Act 1989</i> and the Secretary to the Department administering the <i>Catchment and Land Protection Act 1994</i> . If the number of cattle is 5,000 or more, the Environment Protection Authority.
To use, subdivide or consolidate land, to construct a building or to construct or carry out works, or to demolish a buildings or works that are within a Special Water Supply Catchment Area listed in Schedule 5 of the <i>Catchment and Land Protection Act 1994</i> and which provides water to a domestic water supply. This does not apply to an application for a sign, fence, roadworks or unenclosed building or works ancillary to a dwelling.	The relevant water board or water supply Authority (referred to as "water corporation" throughout these Guidelines).
To use or develop land for extractive industry in Special Areas declared under s.27 of the <i>Catchment and Land Protection Act 1994</i> .	Secretary to the Department administering the <i>Catchment and Land Protection Act 1994</i> .

Other provisions of the planning scheme may also require referrals for other reasons.



E.3 PLANNING APPLICATION 2014/156 - 540 YANNATHAN ROAD, NYORA - DEVELOPMENT OF AN AGRICULTURAL BUILDING ASSOCIATED WITH CHICKEN FARMING

Development Services Directorate

EXECUTIVE SUMMARY

This report considers a planning permit application for the development of an agricultural shed to house chickens reared for meat production on an existing chicken farm. This is not an application for a 'broiler farm' because the chickens also have access to outside areas (i.e. 'free range' and classified as intensive animal husbandry).

The subject land is 540 Yannathan Road, Nyora and has an area of approximately 4.768 hectares. There are 4 existing sheds used for chicken farming and a dwelling on the land. Vehicular access to the existing sheds is gained via Hills Road (which is not bitumen sealed) and access to the existing dwelling is gained off Yannathan Road. The land is in the Farming Zone and is not affected by any overlays.

This application has been referred to Council for a decision as six (6) submissions were received from five (5) objectors. Objections primarily relate to the effects of odour, water contamination/quality, spread of disease (botulism), visual amenity, noise and attraction of vermin/pest animals. It is considered that each of the issues raised have been addressed by the applicant or can be dealt with via conditions on a permit.

The application has been assessed against the relevant considerations of the Planning and Environment Act 1987 (the Act) and the Planning Scheme. The application is considered to be acceptable and is recommended for approval subject to appropriate conditions.

Document/s pertaining to this Council Report

- **Attachment 1** - Aerial Photography
- **Attachment 2** - Planning Property Report
- **Attachment 3** - Detailed Planning Assessment
- **Attachment 4** - Proposed Site Plan
- **Confidential Appendix 1** - Copy of Submissions (6)

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.
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 be affected by the application (within 500m of the site). Council received six (6) submissions from five (5) objectors.

The application was referred to the Environment Protection Authority (EPA) and Melbourne Water as non-statutory referrals. The EPA advised that an Odour Environmental Risk Assessment should be required. Following further discussions the EPA subsequently withdrew that advice. Melbourne Water did not object and made recommendations.

The application was also referred to the Engineering department. Conditional support was provided by Engineering.

REPORT

Background

The land is commonly known as 540 Yannathan Road, Nyora. The land has frontage of approximately 156m to Yannathan Road and approximately 303m to Hills Road. Vehicular access to the existing chicken farm is off Hills Road, while access to the existing dwelling is off Yannathan Road. The land has an area of approximately 4.768ha. The land is in the Farming Zone and no overlays apply.

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

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

The land contains a dwelling and four large sheds used for intensive chicken farming. Three of the four sheds were approved by planning permits and the fourth shed is considered to have existing use rights. The first shed was approved by planning permit No. 548 in 1979. Two additional sheds were approved by planning permit No. 844 in 1983. It appears that the applicant sought to amend permit application No. 844 to include a third shed prior to the decision, although the permit only approved two additional sheds. It also appears that the sheds were not constructed entirely in accordance with the plans that were submitted. Nevertheless, the sheds were built and have been used for a continuous period of over 15 years. As such, they now have existing use rights.

It is also important to note that the applicant has provided evidence demonstrating that the sheds have previously housed up to 108,000 birds. Assessment using currently allowable stocking densities within the Broiler Code would allow the four sheds to house up to 106,253 birds in 'broiler' configuration. However, the applicant has been operating the farm in a 'free range' configuration which currently equates to approximately 77,589 birds. The farm has existing use rights that would allow it to return to its maximum capacity without any amendments to the existing permits.

There is one declared waterway on the land which runs from the south east of the site, along the southern boundary toward the western boundary. It then turns north and flows out through the north western corner of the site. A majority of the site drains to this waterway. Some native vegetation exists along the southern and western portion of the waterway, although most of it is in poor health.

The site is located on the boundary of South Gippsland Shire with Cardinia Council (to the north). The land to the north is used for grazing and contains significant stands of vegetation. It is contained in the Green Wedge Zone (GWZ). Land to the east, south and west is within South Gippsland Shire and is in the Farming Zone. There are a few rural residential lots within 500m of the development. The balance of the area is characterised by grazing land and significant stands of vegetation.

The closest dwelling to an existing shed that is not in the same ownership is approximately 85m to the east. The proposed shed will be approximately 200m from that dwelling and not visible due to the topography of the land and the other sheds.

Proposal

The application seeks a planning permit to construct an agricultural building to house chickens within 20m of a road and 100m of a waterway.

A bio-retention and sediment basin will also be required in the north western portion of the site to treat and retain water prior to controlled discharge to the waterway.

(Refer **Attachment 4** - Proposed site plan).

Discussion

It is considered that the applicant has sufficiently demonstrated existing use rights, which would allow the stocking rate of birds within the existing sheds to increase back to levels greater than those currently on site. The applicant could do so without any environmental assessment or amendment to the existing permits. This is supported by the findings of VCAT in *Yarra Ranges SC v Kylemore Enterprises Pty Ltd* [2014] VCAT 728.

The applicant and the EPA have also referred to a report titled "Free range chickens – odour emissions and nutrient management" published by the Rural Industries Research and Development Corporation (RIRDC). Whilst the report recommends further investigation into the field of 'free range' facilities, it found that odour emissions from free range facilities are comparable to conventional broiler shed facilities. On this basis, Council prepared a plan (see attachment 1) indicating the buffer distance based on the layout of the existing facility and which would be required for a new 107,000 bird farm as calculated under the Broiler Code (even though the Broiler Code does not specifically apply to Intensive Animal Husbandry). The required buffer distance would be 337m using the methodology and would encompass two existing dwellings, not in the same ownership as the farm. Attachment 1 also indicates the 337m buffer from the proposed shed in addition to the existing sheds. The additional area covered is not shown to affect any additional dwellings (sensitive uses) and occupants of the dwellings already within this buffer have not lodged any objection to the proposal. The objections have come from dwellings that are approximately 500m or more from the proposed shed.

On this basis, Council considers that the proposed building and its associated free range area does not present an environmental risk associated with odour beyond that which may already be experienced. The application presents Council with an opportunity to set a maximum stocking density, address other potential issues via appropriate conditions and require that remedial action take place in accordance with an Environmental Management Plan (EMP) should complaints ever arise.

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

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

- Any significant social effects and economic effects which the responsible authority considers the use or development may have; and
- 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 at Attachment 3.

(Refer **Attachment 3** - Detailed Planning Assessment).

CONCLUSION

Council considers that the application can be supported with respect to the objectives of the relevant SPPF and LPPF Clauses, Decision Guidelines of the Farming Zone and the relevant policies and guidelines associated with this agricultural development. 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 Development of an agricultural building associated with chicken farming, in accordance with the endorsed plans and subject to the following conditions:

1. Prior to the commencement of any works 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 generally in accordance with the plans submitted with the application/other specified plans but modified to:
 - a. Amended floor plans and elevations consistent with the revised site plan.
 - b. Detailed landscape plan including;
 - i. A minimum of a 30m buffer either side of the waterway on the western portion of the land and a strip of planting along the southern boundary.
 - ii. Use of plants from the appropriate bioregion within the "Indigenous Plants of South Gippsland Shire" publication. This includes the use of species suitable for waterways, low maintenance plants and avoiding species that are likely to spread into the surrounding the environment.
 - iii. The landscape design must include a maintenance plan that sets out maintenance responsibilities, requirements and costs.

- c.** A detailed Stormwater Management Plan is to be submitted to and approved by the South Gippsland Shire Council outlining how the stormwater will be captured, stored, treated and disposed of legally. Stormwater design is to include;

 - i.** As a minimum, stormwater detention to restrict the stormwater discharge to the equivalent discharge existing prior to the proposed development.
 - ii.** Water Sensitive Urban Design elements to satisfy Melbourne Water requirements.
 - iii.** Separation of 'clean' stormwater from water discharging from the 'free range' area. 'Free range' water is to be captured and treated to pre-development standards prior to discharge into the waterway.
 - iv.** Flow path for 1 in 100 year Design Storm.
 - v.** Appropriate litter control measures.

STANDARD CONDITIONS

- 2.** 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.
- 3.** Once the development has started it must be continued and completed in a timely manner to the satisfaction of the Responsible Authority.

FARM CAPACITY

- 4.** The capacity of the farm must be limited to a maximum of 106,000 birds, at any time in the life cycle of the birds.

ENVIRONMENTAL MANAGEMENT PLAN

- 5.** The development hereby permitted shall at all times be carried out in accordance with the Environment Management Plan for the Nyora Chicken Farm, dated 12 January 2015 (or as amended).

STORMWATER

- 6.** All works identified in the Stormwater Management Plan must be carried out to the satisfaction of the South Gippsland Shire Council prior to use of the shed.

WASTE DISPOSAL

- 7.** The management and disposal of dead birds must comply with the National Biosecurity Manual for Contract Meat Chicken Farming (or any subsequent revision) and minimises odour and dust generation.

8. Dead birds are not to be buried on-site unless in the case of an emergency and subject to approval of the Relevant Authorities.
9. Waste water from the washing and disinfecting of sheds must be left to evaporate within each shed or be disposed of to a waste water disposal system approved by the Responsible Authority.
10. Apart from stormwater, no material from the farm operation is to be discharged into the drainage system, or designated waterways, without the further approval of the Responsible Authority or Melbourne Water, as appropriate.
11. The removal of waste by machinery, from within the sheds may occur only between the hours of 7.00 am and 10.00 pm.

LANDSCAPING

12. All trees, shrubs, ground cover, or grassed areas included on the endorsed plan shall be planted prior to commencing use of the shed unless otherwise authorised in writing by the Responsible Authority. All landscaping shall be maintained to the satisfaction of the Responsible Authority

EROSION AND SEDIMENT CONTROL

13. Topsoil stripped from the site must be stored during construction in a suitably stable condition to the satisfaction of the Responsible Authority, and then spread on exposed batters as part of final landscaping works. Exposed soils shall be re-vegetated as soon as possible after construction
14. Exposed batters are to be protected from erosion by the use of silt fencing or hay bale retaining walls until permanently protected by grasses or other vegetation
15. All works are to comply with the guidelines specified in the EPA publication Environmental Guidelines for Major Construction Sites 1996 (or subsequent revisions) to minimise the risk of soil erosion during construction

VEHICLE ACCESS AND PARKING

16. Prior to the commencement of the use, areas set aside for parked vehicles and loading areas, as shown on the endorsed plans, must be constructed with crushed rock or gravel with concrete aprons to an appropriate engineering standard to carry vehicles associated with the use, and to minimise dust generation to the satisfaction of the Responsible Authority.

AMENITY

- 17.** If the Responsible Authority determines that the amenity of nearby residents is adversely affected by the emission of an unreasonable level of offensive odour from the farm the Owners must immediately take remedial actions and/or undertake works, which may include reducing stock density, or any other actions to rectify the emission of the offensive odour. The Owner of the land and the operation of the farm must comply with all written directions of the Responsible Authority in this regard.
- 18.** The amenity of the surrounding area must not be detrimentally affected by the use or development by:
- a.** transport of materials, goods or commodities to or from the land
 - b.** appearance of any buildings, works or materials
 - c.** emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products
 - d.** presence of vermin
- to the satisfaction of the Responsible Authority.
- 19.** Sheds are to be closed (and ventilation equipment turned off) for a minimum of four hours after spraying with odorous or toxic substances. Airborne sprays or chemical odours must not be transmitted beyond the site to the detriment of any person, to the satisfaction of the Responsible Authority
- 20.** All lighting must be designed, located, directed and baffled to ensure that light does not spill or cause nuisance beyond the lot boundaries of the development
- 21.** All goods and materials must be stored out of view, or so as not to be unsightly, from nearby roads or land in other occupation, to the satisfaction of the Responsible Authority
- 22.** All external wall finishes of the shed shall be colour treated and maintained in muted, non-reflective tones, to the satisfaction of the Responsible Authority

NOISE

- 23.** Any noise emitted from the land must not disturb the amenity of the area and must comply with the Noise from Industry in Rural Victoria: Recommended maximum noise levels from commerce, industry and trade premises in regional Victoria (NIRV: EPA Publication 114, and subsequent revisions).

PERMIT EXPIRY

- 24.** This permit will expire if any of the following applies:
- a.** The development is not started within two (2) years of the date of this permit.
 - b.** The development is not completed within four (4) years of the date of this permit.

NOTES

- 1.** 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:

- a.** the request for an extension of time is made within 12 months after the permit expires; and
 - b.** the development or stage started lawfully before the permit expired.
- 2.** 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.
 - 3.** The owner/applicant is encouraged to check with the relevant service authorities before any excavation work is undertaken (e.g. Telstra, Ausnet Services and South Gippsland Water).
 - 4.** A Consent to Work Within the Road Reserve Permit must be obtained from Council's Engineering Department prior to any works occurring within a road reserve.
 - 5.** Any connection to the designated waterways will require approval from Melbourne Water for a Works on Waterways permit.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Fawcett

SECONDED: Cr Brunt

THAT COUNCIL ISSUE A NOTICE OF DECISION TO GRANT A PERMIT FOR DEVELOPMENT OF AN AGRICULTURAL BUILDING ASSOCIATED WITH CHICKEN FARMING, IN ACCORDANCE WITH THE ENDORSED PLANS AND SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. PRIOR TO THE COMMENCEMENT OF ANY WORKS 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 GENERALLY IN ACCORDANCE WITH THE PLANS SUBMITTED WITH THE APPLICATION/OTHER SPECIFIED PLANS BUT MODIFIED TO:**
 - a. AMENDED FLOOR PLANS AND ELEVATIONS CONSISTENT WITH THE REVISED SITE PLAN.**
 - b. DETAILED LANDSCAPE PLAN INCLUDING;**
 - i. A MINIMUM OF A 30M BUFFER EITHER SIDE OF THE WATERWAY ON THE WESTERN PORTION OF THE LAND AND A STRIP OF PLANTING ALONG THE SOUTHERN BOUNDARY.**
 - ii. USE OF PLANTS FROM THE APPROPRIATE BIOREGION WITHIN THE "INDIGENOUS PLANTS OF SOUTH GIPPSLAND SHIRE" PUBLICATION. THIS INCLUDES THE USE OF SPECIES SUITABLE FOR WATERWAYS, LOW MAINTENANCE PLANTS AND AVOIDING SPECIES THAT ARE LIKELY TO SPREAD INTO THE SURROUNDING THE ENVIRONMENT.**
 - iii. THE LANDSCAPE DESIGN MUST INCLUDE A MAINTENANCE PLAN THAT SETS OUT MAINTENANCE RESPONSIBILITIES, REQUIREMENTS AND COSTS.**
 - c. A DETAILED STORMWATER MANAGEMENT PLAN IS TO BE SUBMITTED TO AND APPROVED BY THE SOUTH GIPPSLAND SHIRE COUNCIL OUTLINING HOW THE STORMWATER WILL BE CAPTURED, STORED, TREATED AND DISPOSED OF LEGALLY. STORMWATER DESIGN IS TO INCLUDE;**
 - i. AS A MINIMUM, STORMWATER DETENTION TO RESTRICT THE STORMWATER DISCHARGE TO THE EQUIVALENT DISCHARGE EXISTING PRIOR TO THE PROPOSED DEVELOPMENT.**
 - ii. WATER SENSITIVE URBAN DESIGN ELEMENTS TO SATISFY MELBOURNE WATER REQUIREMENTS.**

- iii. **SEPARATION OF 'CLEAN' STORMWATER FROM WATER DISCHARGING FROM THE 'FREE RANGE' AREA. 'FREE RANGE' WATER IS TO BE CAPTURED AND TREATED TO PRE-DEVELOPMENT STANDARDS PRIOR TO DISCHARGE INTO THE WATERWAY.**
- iv. **FLOW PATH FOR 1 IN 100 YEAR DESIGN STORM.**
- v. **APPROPRIATE LITTER CONTROL MEASURES.**

STANDARD CONDITIONS

- 2. **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.**
- 3. **ONCE THE DEVELOPMENT HAS STARTED IT MUST BE CONTINUED AND COMPLETED IN A TIMELY MANNER TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**

FARM CAPACITY

- 4. **THE CAPACITY OF THE FARM MUST BE LIMITED TO A MAXIMUM OF 106,000 BIRDS, AT ANY TIME IN THE LIFE CYCLE OF THE BIRDS.**

ENVIRONMENTAL MANAGEMENT PLAN

- 5. **THE DEVELOPMENT HEREBY PERMITTED SHALL AT ALL TIMES BE CARRIED OUT IN ACCORDANCE WITH THE ENVIRONMENT MANAGEMENT PLAN FOR THE NYORA CHICKEN FARM, DATED 12 JANUARY 2015 (OR AS AMENDED).**

STORMWATER

- 6. **ALL WORKS IDENTIFIED IN THE STORMWATER MANAGEMENT PLAN MUST BE CARRIED OUT TO THE SATISFACTION OF THE SOUTH GIPPSLAND SHIRE COUNCIL PRIOR TO USE OF THE SHED.**

WASTE DISPOSAL

- 7. **THE MANAGEMENT AND DISPOSAL OF DEAD BIRDS MUST COMPLY WITH THE NATIONAL BIOSECURITY MANUAL FOR CONTRACT MEAT CHICKEN FARMING (OR ANY SUBSEQUENT REVISION) AND MINIMISES ODOUR AND DUST GENERATION.**
- 8. **DEAD BIRDS ARE NOT TO BE BURIED ON-SITE UNLESS IN THE CASE OF AN EMERGENCY AND SUBJECT TO APPROVAL OF THE RELEVANT AUTHORITIES.**

9. **WASTE WATER FROM THE WASHING AND DISINFECTING OF SHEDS MUST BE LEFT TO EVAPORATE WITHIN EACH SHED OR BE DISPOSED OF TO A WASTE WATER DISPOSAL SYSTEM APPROVED BY THE RESPONSIBLE AUTHORITY.**
10. **APART FROM STORMWATER, NO MATERIAL FROM THE FARM OPERATION IS TO BE DISCHARGED INTO THE DRAINAGE SYSTEM, OR DESIGNATED WATERWAYS, WITHOUT THE FURTHER APPROVAL OF THE RESPONSIBLE AUTHORITY OR MELBOURNE WATER, AS APPROPRIATE.**
11. **THE REMOVAL OF WASTE BY MACHINERY, FROM WITHIN THE SHEDS MAY OCCUR ONLY BETWEEN THE HOURS OF 7.00 AM AND 10.00 PM.**

LANDSCAPING

12. **ALL TREES, SHRUBS, GROUND COVER, OR GRASSED AREAS INCLUDED ON THE ENDORSED PLAN SHALL BE PLANTED PRIOR TO COMMENCING USE OF THE SHED UNLESS OTHERWISE AUTHORISED IN WRITING BY THE RESPONSIBLE AUTHORITY. ALL LANDSCAPING SHALL BE MAINTAINED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY**

EROSION AND SEDIMENT CONTROL

13. **TOPSOIL STRIPPED FROM THE SITE MUST BE STORED DURING CONSTRUCTION IN A SUITABLY STABLE CONDITION TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY, AND THEN SPREAD ON EXPOSED BATTERS AS PART OF FINAL LANDSCAPING WORKS. EXPOSED SOILS SHALL BE RE-VEGETATED AS SOON AS POSSIBLE AFTER CONSTRUCTION**
14. **EXPOSED BATTERS ARE TO BE PROTECTED FROM EROSION BY THE USE OF SILT FENCING OR HAY BALE RETAINING WALLS UNTIL PERMANENTLY PROTECTED BY GRASSES OR OTHER VEGETATION**
15. **ALL WORKS ARE TO COMPLY WITH THE GUIDELINES SPECIFIED IN THE EPA PUBLICATION ENVIRONMENTAL GUIDELINES FOR MAJOR CONSTRUCTION SITES 1996 (OR SUBSEQUENT REVISIONS) TO MINIMISE THE RISK OF SOIL EROSION DURING CONSTRUCTION**

VEHICLE ACCESS AND PARKING

16. **PRIOR TO THE COMMENCEMENT OF THE USE, AREAS SET ASIDE FOR PARKED VEHICLES AND LOADING AREAS, AS SHOWN ON THE ENDORSED PLANS, MUST BE CONSTRUCTED WITH CRUSHED ROCK OR GRAVEL WITH CONCRETE APRONS TO AN APPROPRIATE ENGINEERING STANDARD TO CARRY VEHICLES**

ASSOCIATED WITH THE USE, AND TO MINIMISE DUST GENERATION TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.

AMENITY

- 17. IF THE RESPONSIBLE AUTHORITY DETERMINES THAT THE AMENITY OF NEARBY RESIDENTS IS ADVERSELY AFFECTED BY THE EMISSION OF AN UNREASONABLE LEVEL OF OFFENSIVE ODOUR FROM THE FARM THE OWNERS MUST IMMEDIATELY TAKE REMEDIAL ACTIONS AND/OR UNDERTAKE WORKS, WHICH MAY INCLUDE REDUCING STOCK DENSITY, OR ANY OTHER ACTIONS TO RECTIFY THE EMISSION OF THE OFFENSIVE ODOUR. THE OWNER OF THE LAND AND THE OPERATION OF THE FARM MUST COMPLY WITH ALL WRITTEN DIRECTIONS OF THE RESPONSIBLE AUTHORITY IN THIS REGARD.**
- 18. THE AMENITY OF THE SURROUNDING AREA MUST NOT BE DETRIMENTALLY AFFECTED BY THE USE OR DEVELOPMENT BY:**
 - a. TRANSPORT OF MATERIALS, GOODS OR COMMODITIES TO OR FROM THE LAND**
 - b. APPEARANCE OF ANY BUILDINGS, WORKS OR MATERIALS**
 - c. EMISSION OF NOISE, ARTIFICIAL LIGHT, VIBRATION, ODOUR, FUMES, SMOKE, VAPOUR, STEAM, SOOT, ASH, DUST, WASTE WATER, WASTE PRODUCTS**
 - d. PRESENCE OF VERMIN**

TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.

- 19. SHEDS ARE TO BE CLOSED (AND VENTILATION EQUIPMENT TURNED OFF) FOR A MINIMUM OF FOUR HOURS AFTER SPRAYING WITH ODOROUS OR TOXIC SUBSTANCES. AIRBORNE SPRAYS OR CHEMICAL ODOURS MUST NOT BE TRANSMITTED BEYOND THE SITE TO THE DETRIMENT OF ANY PERSON, TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY**
- 20. ALL LIGHTING MUST BE DESIGNED, LOCATED, DIRECTED AND BAFFLED TO ENSURE THAT LIGHT DOES NOT SPILL OR CAUSE NUISANCE BEYOND THE LOT BOUNDARIES OF THE DEVELOPMENT**
- 21. ALL GOODS AND MATERIALS MUST BE STORED OUT OF VIEW, OR SO AS NOT TO BE UNSIGHTLY, FROM NEARBY ROADS OR LAND IN OTHER OCCUPATION, TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY**

- 22. ALL EXTERNAL WALL FINISHES OF THE SHED SHALL BE COLOUR TREATED AND MAINTAINED IN MUTED, NON-REFLECTIVE TONES, TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY**

NOISE

- 23. ANY NOISE EMITTED FROM THE LAND MUST NOT DISTURB THE AMENITY OF THE AREA AND MUST COMPLY WITH THE NOISE FROM INDUSTRY IN RURAL VICTORIA: RECOMMENDED MAXIMUM NOISE LEVELS FROM COMMERCE, INDUSTRY AND TRADE PREMISES IN REGIONAL VICTORIA (NIRV: EPA PUBLICATION 114, AND SUBSEQUENT REVISIONS).**

PERMIT EXPIRY

- 24. THIS PERMIT WILL EXPIRE IF ANY OF THE FOLLOWING APPLIES:**
- a. THE DEVELOPMENT IS NOT STARTED WITHIN TWO (2) YEARS OF THE DATE OF THIS PERMIT.**
 - b. THE DEVELOPMENT IS NOT COMPLETED WITHIN FOUR (4) YEARS OF THE DATE OF THIS PERMIT.**

NOTES

- 25. 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:

- a. THE REQUEST FOR AN EXTENSION OF TIME IS MADE WITHIN 12 MONTHS AFTER THE PERMIT EXPIRES; AND**
 - b. THE DEVELOPMENT OR STAGE STARTED LAWFULLY BEFORE THE PERMIT EXPIRED.**
- 6. 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.**
- 7. THE OWNER/APPLICANT IS ENCOURAGED TO CHECK WITH THE RELEVANT SERVICE AUTHORITIES BEFORE ANY EXCAVATION**

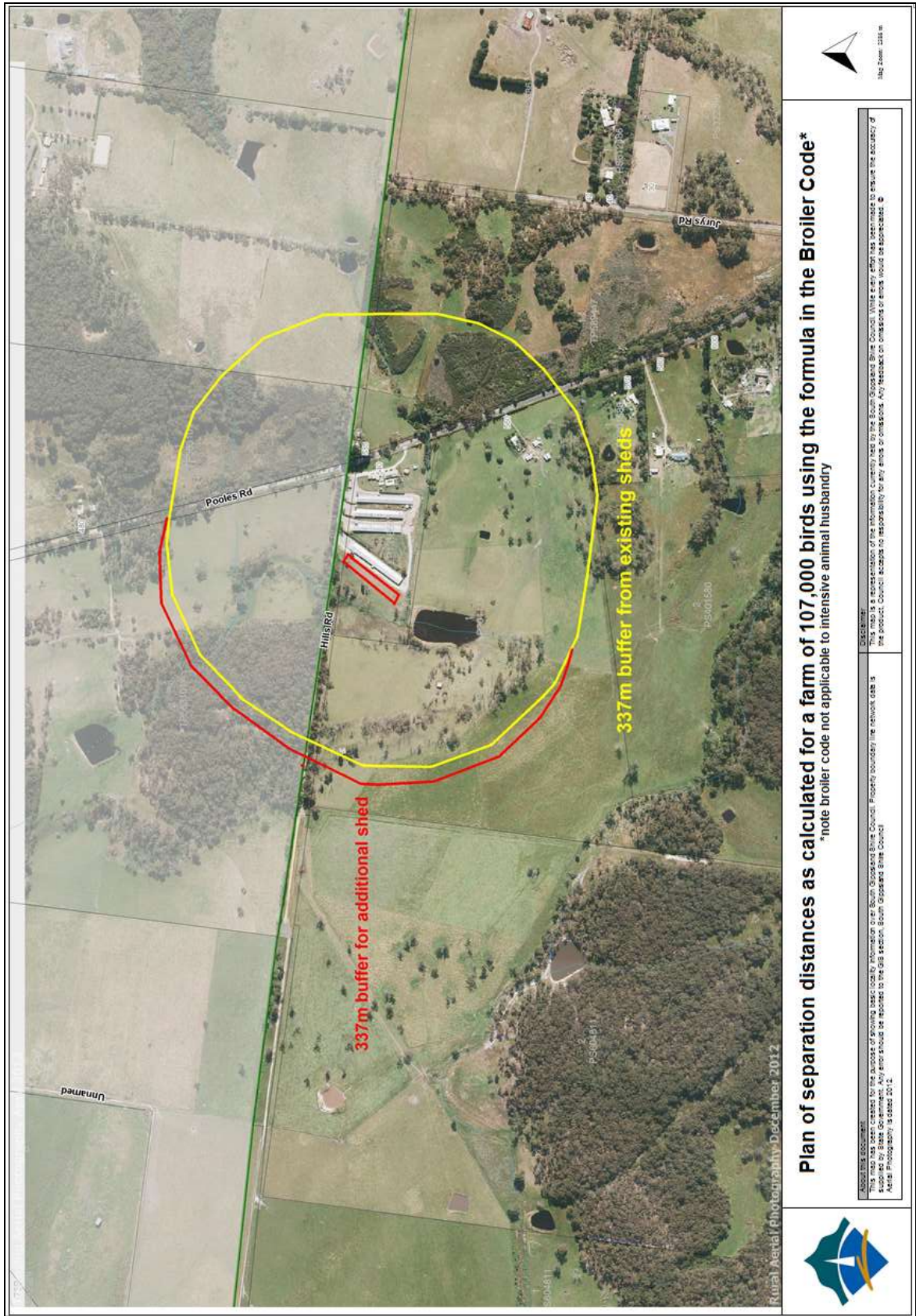
WORK IS UNDERTAKEN (E.G. TELSTRA, AUSNET SERVICES AND SOUTH GIPPSLAND WATER).

- 8. A CONSENT TO WORK WITHIN THE ROAD RESERVE PERMIT MUST BE OBTAINED FROM COUNCIL'S ENGINEERING DEPARTMENT PRIOR TO ANY WORKS OCCURRING WITHIN A ROAD RESERVE.**
- 9. ANY CONNECTION TO THE DESIGNATED WATERWAYS WILL REQUIRE APPROVAL FROM MELBOURNE WATER FOR A WORKS ON WATERWAYS PERMIT.**

Cr Hill left the Meeting at 3.18pm and returned at 3.19pm.

CARRIED UNANIMOUSLY

Attachment 1 - Aerial photography



Attachment 2 - Planning Property Report

Department of
 Environment, Land,
 Water and Planning

Planning Property Report

from www.dtpli.vic.gov.au/planning on 24 August 2015 08:00 AM

Address: 540 YANNATHAN ROAD NYORA 3987

Lot and Plan Number: Lot 1 LP131657

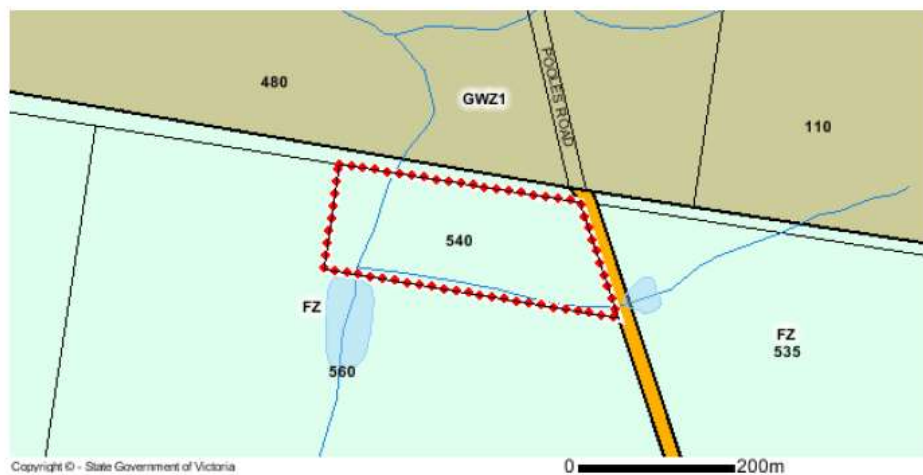
Local Government (Council): SOUTH GIPPSLAND **Council Property Number:** 182179

Directory Reference: VicRoads 96 C6

Planning Zone

FARMING ZONE (FZ)

SCHEDULE TO THE FARMING ZONE



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0 200m

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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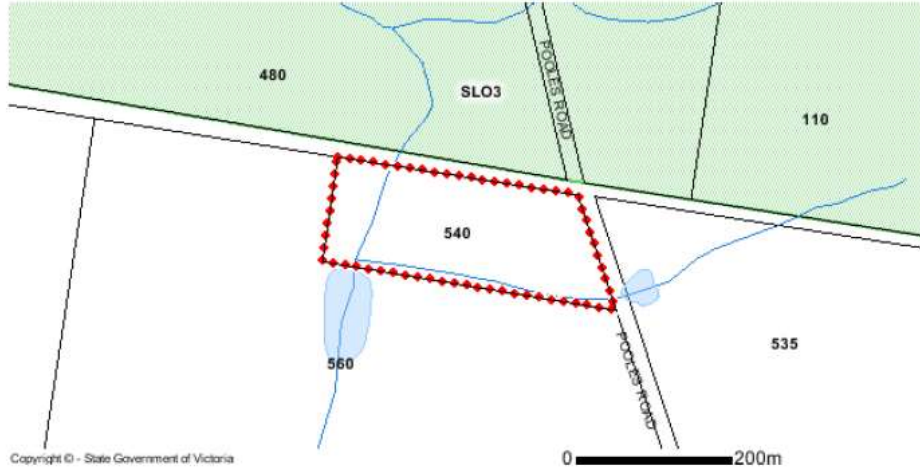
540-YANNATHAN-ROAD-NYORA-PLANNING-PROPERTY-REPORT

Page 1 of 3

Planning Overlay

None affecting this land - there are overlays in the vicinity

SIGNIFICANT LANDSCAPE OVERLAY (SLO)



Overlays Legend

- | | |
|---------------------------------------|--------------------------------------|
| AED - Airport Environs | LSIO - Land Subject to Inundation |
| BMD - Bushfire Management (also WMD) | MAE01 - Melbourne Airport Environs 1 |
| CLPO - City Link Project | MAE02 - Melbourne Airport Environs 2 |
| DCPO - Development Contributions Plan | NCO - Neighbourhood Character |
| DDO - Design & Development | PD - 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 | SMD - Salinity Management |
| HD - 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.

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Attachment 3 Detailed Planning Assessment

Clause 65 General Decision Guidelines

Each of the relevant decision guidelines are addressed below:

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

The proposal is considered to be consistent with the relevant objectives and strategies of the SPPF and LPPF that are listed in the following tables. More specifically, the proposal is considered to:

- Promote agriculture and rural production
- Be compatible with existing uses of the surrounding land
- Facilitate the expansion of poultry farms in a manner consistent with orderly and proper planning and protection of the environment
- Retain natural drainage corridors with vegetated buffer zones at least 30m wide along each side of a waterway to maintain the natural drainage function, stream habitat and wildlife corridors and landscape values, to minimise erosion of stream banks and verges and to reduce polluted surface runoff from adjacent land uses
- Undertake measures to minimise the quantity and retard the flow of stormwater runoff from developed areas
- Encourage measures to filter sediment and wastes from stormwater prior to its discharge into waterways
- Ensure that works at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses
- Ensure land use and development proposals minimise nutrient contributions to waterways
- Maintain a viable and sustainable agricultural industry as the corner stone to the Shire's economy and its future wellbeing

State Planning Policy Framework

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

State Planning Policy Objectives	
Clause	Objectives and strategies
11.05-3 Rural productivity	<ul style="list-style-type: none"> To manage land use change and development in rural areas to promote agriculture and rural production.
11.08-1 A diversified economy	<ul style="list-style-type: none"> To strengthen economic resilience by growing a more diverse economy and building on the region's traditional strengths through new investment, innovation and value-adding. Avoid loss of areas of strategic significance (agriculture and forestry). Protect productive land and irrigation assets, including the Macalister Irrigation District, that help grow the state as an important food bowl for Australia and Asia.
13.04-1 Noise abatement	<ul style="list-style-type: none"> To assist the control of noise effects on sensitive land uses.
13.04-2 Air quality	<ul style="list-style-type: none"> To assist the protection and improvement of air quality. Planning must consider as relevant: <ul style="list-style-type: none"> State Environment Protection Policy (Air Quality Management). Recommended Buffer Distances for Industrial Residual Air Emissions (Environmental Protection Authority, 1990) in assessing the separation between land uses that reduce amenity and sensitive land uses.
14.01-1 Protection of agricultural land	<ul style="list-style-type: none"> To protect productive farmland which is of strategic significance in the local or regional context. In considering a proposal to subdivide or develop agricultural land, the following factors must be considered: <ul style="list-style-type: none"> The desirability and impacts of removing the land from primary production, given its agricultural productivity. The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular

State Planning Policy Objectives	
	<p>regard to land values and to the viability of infrastructure for such production.</p> <ul style="list-style-type: none"> - The compatibility between the proposed or likely development and the existing uses of the surrounding land. - Assessment of the land capability.
14.01-2 Sustainable agricultural land use	<ul style="list-style-type: none"> • To encourage sustainable agricultural land use. • Facilitate the establishment and expansion of cattle feedlots, piggeries, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment
14.02-1 Catchment planning and management	<ul style="list-style-type: none"> • To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment. • Retain natural drainage corridors with vegetated buffer zones at least 30m wide along each side of a waterway to maintain the natural drainage function, stream habitat and wildlife corridors and landscape values, to minimise erosion of stream banks and verges and to reduce polluted surface runoff from adjacent land uses. • Undertake measures to minimise the quantity and retard the flow of stormwater runoff from developed areas. • Encourage measures to filter sediment and wastes from stormwater prior to its discharge into waterways, including the preservation of floodplain or other land for wetlands and retention basins. • Ensure that works at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses. • Ensure land use and development proposals minimise nutrient contributions to waterways and water bodies and the potential for the development of algal blooms.
14.02-2 Water quality	<ul style="list-style-type: none"> • To protect water quality. • Ensure that land use activities potentially

State Planning Policy Objectives	
	discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.
14.02-3 Water conservation	<ul style="list-style-type: none"> • To ensure that water resources are managed in a sustainable way. • Encourage the use of alternative water sources such as rainwater tanks, stormwater and recycled water by governments, developers and households.
19.03-3 Stormwater	<ul style="list-style-type: none"> • To reduce the impact of stormwater on bays and catchments. • Incorporate water-sensitive urban design techniques into developments to: <ul style="list-style-type: none"> - Protect and enhance natural water systems. - Integrate stormwater treatment into the landscape. - Protect quality of water. - Reduce run-off and peak flows. - Minimise drainage and infrastructure costs.

Local Planning Policy Framework

The Local Planning Policy Framework (LPPF) provides Council additional, locally relevant direction when deciding planning applications and includes Local Planning Policies at Clause 22. The following LPPFs and policies are considered relevant to this application.

Local Planning Policy Objectives	
Clause	Objectives and strategies
21.02-5 Natural resource management	<ul style="list-style-type: none"> • The South Gippsland Shire's natural resources are essential for biodiversity, agriculture, industry and recreation.
21.02-7 Economic development	<ul style="list-style-type: none"> • Agricultural and associated manufacturing and service industry underpin the Shire's economy.

Local Planning Policy Objectives	
21.03-4 Natural resource management	<ul style="list-style-type: none"> • 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
21.04-2 Vision	<ul style="list-style-type: none"> • Diversity in the region's agricultural base to enhance the Shire's status as one of the key agricultural regions in Australia • The region is a food bowl supplying clean, high quality food
21.07-2 Land and catchment management	<ul style="list-style-type: none"> • To achieve a measurable improvement in the health of the Shire's land and water resources
21.08-1 Agriculture	<ul style="list-style-type: none"> • To maintain a viable and sustainable agricultural industry as the corner stone to the Shire's economy and its future wellbeing
21.13-1 Waste management and stormwater drainage	<ul style="list-style-type: none"> • To implement stormwater drainage standards that minimises impacts on the environment

- The purpose of the zone, overlay or other provision.

The proposal is considered to be consistent with the purposes of the Farming Zone. In particular, the following;

- To provide for the use of land for agriculture.
 - To encourage the retention of productive agricultural land.
 - To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
 - To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- Any matter required to be considered in the zone, overlay or other provision.

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

General

- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.

The applicant was required to revise the positioning and size of the proposed agricultural building in order to allow sufficient area for water treatment and a buffer of at least 30m to the waterway. The land is considered capable of accommodating the proposed development.

- How the use or development relates to sustainable land management.

The proposed development is considered to be a sustainable with additional controls, particularly given that the site has been used for this purpose for over 35 years.

- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

The site is considered suitable for the proposed development given that the site has existing use rights and that the development can be appropriately managed through conditions. Whilst there is some objection to the proposal, the proposal is considered compatible with adjoining and nearby land uses. No objections were received from the two closest dwellings that are approximately 200m and 350m from the proposed shed, respectively.

- How the use and development makes use of existing infrastructure and services.

The proposed development makes use of existing infrastructure and services on the site. Whilst the existing use is constrained by the size of the land, it is considered an acceptable development.

Agricultural issues and the impacts from non-agricultural uses

- Whether the use or development will support and enhance agricultural production.

The proposed development will support and enhance existing agricultural production by allowing a greater number of birds on the site in a 'free range' configuration (i.e. access to an outdoor range). However, it must be noted that the applicant is not currently restricted from increasing density by planning provisions. If the applicant were to return to 'broiler' configuration the density of birds would be the same.

- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.

The development has the potential to affect soil quality through increased nutrient loading on the 'free range' area associated with the new shed. However, it should also be noted that the land owner can currently operate

the existing sheds in 'free range' configuration without a planning permit and it could have the same or worse effects if not controlled. This planning permit provides Council with the ability to control potential impacts through conditions on the permit. The proposal will not remove agricultural land from productivity.

- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.

The proposal is not considered to limit the operation and expansion of adjoining and nearby agricultural uses.

- The capacity of the site to sustain the agricultural use.

It is considered that the site can sustain the existing agricultural use and the proposed development subject to conditions.

- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.

It is considered that soil quality is not critical to the success of the proposal given that the shed will have an impervious surface of clay and that a majority of feed will be imported into the site as per current practices. The soil quality of the 'free range' area is also not considered critical to the success of the development because the feed is imported into the site. Sufficient water is gained from a 12 megalitre bore licence and supplementary water is provided in three water tanks with a capacity of 150 kilolitres. The rest of the site is already adequately developed with infrastructure required for chicken farming.

Environmental issues

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.

The proposal has the potential to impact on soil and water quality. However, Council considers that this must be measured against the existing conditions on site and the proposed measure to ensure that both soil and water qualities are protected. A condition will require the applicant to test for water quality on an annual basis as part of the Environmental Management Plan for the site.

- The impact of the use or development on the flora and fauna on the site and its surrounds.

The proposal does not require removal of any vegetation and is not considered to affect any fauna either. The proposal will require the re-establishment of an appropriate buffer along the waterway which is likely generate habitat as well as protect and enhance water quality.

- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate

land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.

As above.

- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

The proposal does not require effluent treatment, although it will require the capture, separation and treatment of potentially contaminated water prior to discharge into the waterway. This is considered to be an improvement on current practices.

Design and siting issues

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.

The applicant has sited the proposed building as close as possible to the existing sheds. That is partially to capitalise on existing services but also to avoid impacts on the waterway.

- 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 undertaken to minimise any adverse impacts.

The proposed shed is considered to be sited in the only logical and possible area for development of an additional shed due to the topography of the land, the land's limited size, vehicular access and proximity to waterways. The proposed shed will be visible from very limited aspects along Yannathan Road due to both topography and vegetation. The shed will also be screened by the existing sheds at higher elevations.

The shed will be of similar style to the existing sheds in terms of height, bulk and scale. It will be clad in Colourbond and Council will require that it is a muted, non-reflective tone. The proposed shed is not considered to have an effect on any views or vistas.

- 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.

The proposed shed is not considered to have an effect on the character and appearance of the area. It will be consistent with existing development on the site and the area around it will remain as a mix of open grazing farmland and vegetation.

- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.

The site has access to Hills Road for the existing sheds. There are existing gas tanks on the property. Water is provided by a combination of treated bore water and tank water as previously discussed. Existing stormwater drainage exists for all sheds, however, this permit will require upgraded stormwater treatment. The site has telecommunication facilities. The site does not have access to reticulated sewerage.

- Whether the use and development will require traffic management measures.

The proposed development is not considered to require any specific traffic management measures. The increase in traffic associated with the proposed shed will return to the same amount of traffic when the existing four sheds were operated in 'broiler farm' configuration.

- The orderly planning of the area.

The proposal is considered to result in the orderly planning for a purpose intended for the zone.

- The effect on the amenity of the area.

The proposal has the potential to affect the amenity of the area as expressed in the objections, primarily due to odour. However, the proposed shed is not considered to have any additional effect on the amenity of the area above and beyond the existing use and development. This permit application will provide Council the opportunity to set appropriate current standards which have not appeared on previous permits

- The proximity of the land to any public land.

The closest public land that Council is aware of is over 1km to the west of the site.

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

The proposal will implement water quality improvement measures and as such is not likely to reduce water quality. The development is not likely to cause or contribute to any other form of land degradation or salinity.

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

The applicant has provided concept drainage plans for the proposal. The applicant will be required to provide detailed stormwater plans in order to maintain or improve existing water quality discharging from the site.

- The extent and character of native vegetation and the likelihood of its destruction.

The site has some scattered native vegetation located along the waterway. As previously discussed, no removal of vegetation is proposed. The applicant will be required to plant suitable native species as a buffer around the waterway. It is noted that vegetation on the site has declined over a period of time, which is evidenced by aerial photography. This is likely due to clearing by the previous owner and natural attrition.

- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.

New native vegetation will be planted along the waterway to provide an environmental buffer and to aid with odour control.

- 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. However, the ephemeral waterway on the land would be likely to be affected by localised channel flooding during periods of heavy rainfall (storm events). There are some signs of in-stream erosion, although the land is not in an erosion overlay. The land is in a Bushfire Prone Area but not the Bushfire Management Overlay (BMO).

Clause 52.31 - Broiler Farm

For the avoidance of doubt, the proposal is not subject to assessment under Clause 52.31 of the Planning Scheme or the Broiler Code. However, VCAT has previously established that the Broiler Code can be used for guidance when considering the acceptability of proposals for intensive animal husbandry ('free range chicken farming') because the likely effects are similar.

The proposal does not comply with the minimum setback distances for a new broiler farm. Specifically, the minimum 100m setback from any boundary and the setback from any other dwelling not in the same ownership as calculated by the number of birds on the site. However, this proposal is not for a new farm and the proposed shed does not place chickens any closer to those existing dwellings. Council calculated that any new proposal for a 107,000 bird proposal would require a separation distance to any dwellings of 337m. There are two dwellings within the existing 337m and the proposed shed will only extend this buffer away from those dwellings. It would not affect any other dwellings. The setbacks to other boundaries of less than 100m are also considered acceptable because the existing sheds already do not comply. Strict compliance with the 100m setback requirement is not considered necessary because it would not serve any purpose in the context of an existing development, where the shed is not getting any closer to sensitive uses.

The Broiler Code also contains a requirement for a minimum 30m setback to waterways. Council considers that this is non-negotiable in achieving positive environmental outcomes and advised the applicant to amend the plan. The

applicant has done so to Council's satisfaction. A permit condition will require a landscape plan and detailed stormwater plans to be submitted to Council's satisfaction.

The applicant also submitted an Environmental Management Plan in support of their application. This is not a specific requirement of the planning scheme for free range proposals although Council considers it appropriate to endorse this plan for this site in order to bring it into compliance with current standards as much as possible.

Referral Authority conditions and comments

The following table summarises the responses from referral authorities:

Authority	Clause	Response
EPA	Non-statutory - to seek views on odour and other environmental matters	The EPA originally did not respond. It then responded with comments suggesting that Council require the applicant to submit an odour environmental risk assessment (OERA). Council then sought clarification from the EPA as it did not appear necessary. The EPA revised their response and clarified that an OERA is not required in this instance.
Melbourne Water	Non-statutory - to seek views on effect on waterway	Melbourne Water originally responded advising that they did not object and had no conditions. They subsequently advised Council to take into consideration a number of matters relating to water quality and treatment. Council will require the applicant to submit detailed stormwater plans for the proposed shed and to include treatment of the water prior to discharge from the site.

Objections and Submissions

Five objectors submitted six submissions during notification of the application. A summary of the objections and planning response is provided below.

Concern	Planning Response
Odour	All of the objections raised odour as an issue. The most detailed objection raised a VCAT decision relating to 'free

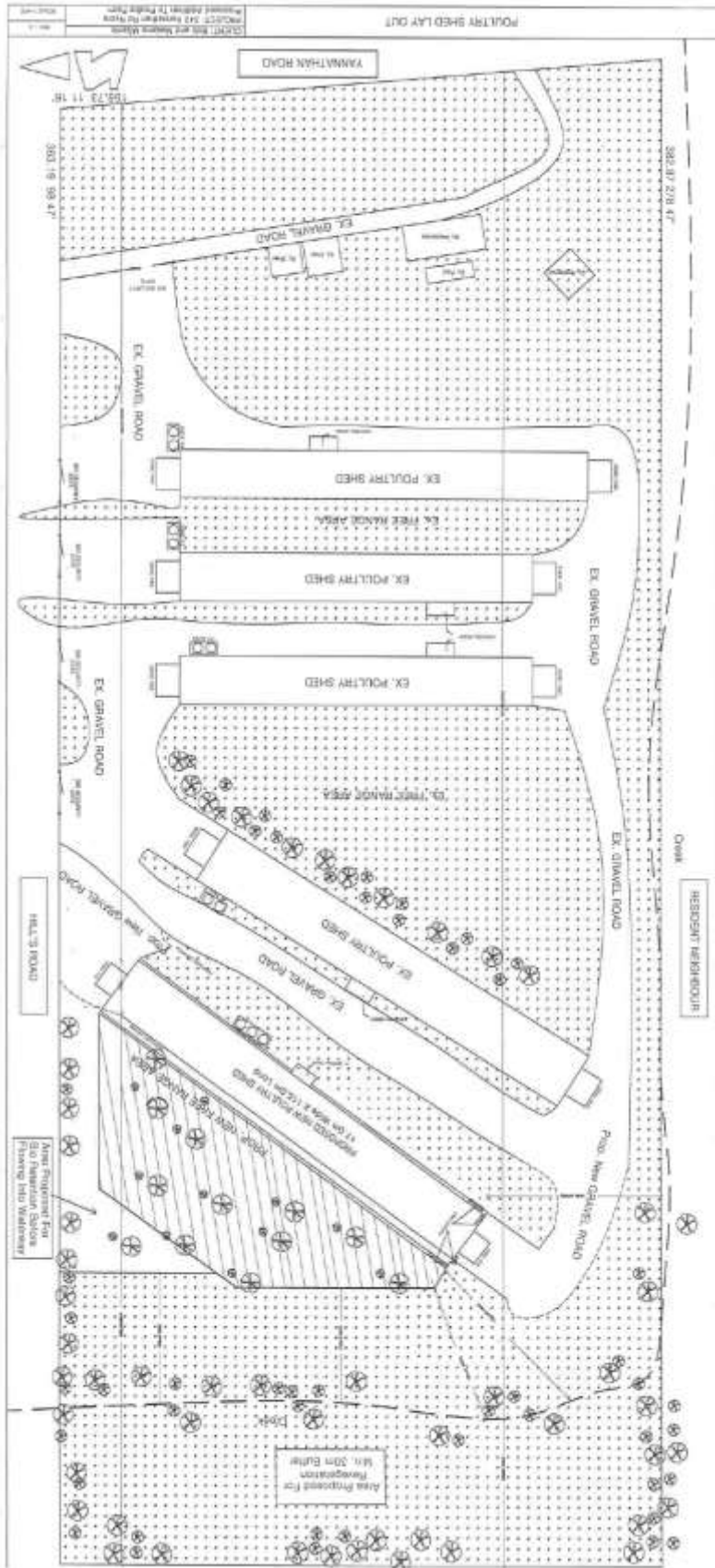
Concern	Planning Response
	<p>range' proposals.</p> <p>The objector has raised <i>White v Cardina SC</i> [2012] VCAT 1328. The EPA raised the same decision and also <i>Heath Hill Poultry Pty Ltd v Cardinia SC (Red Dot)</i> [2012] VCAT 144. Whilst Council acknowledges the findings in both the Heath Hill and White decisions, it would appear that those cases present distinct differences in odour environmental risk assessment to the current case. In both of those instances, VCAT had to consider a new farm of 480,000 birds and a substantial increase in the capacity of an existing farm by approximately 50%, respectively. It is noted that the applicants in those cases did not submit any odour modelling or assessment against SEPP (AQM) and AQ 2/86 and this was considered to be a failing of both applications.</p> <p>However, in the proposal under consideration, the applicant has demonstrated that the farm has a current capacity of 106,253 chickens at the rate of 21.5 birds per m² if using the calculation within the Broiler Code for establishing densities of existing farms operating in the 'broiler' configuration. Historical information provided by the applicant indicates that the facility housed up to 108,000 at certain times in the past.</p> <p>Whilst the farm is currently run in 'free range' configuration it can stock approximately 77,589 birds in order to comply with RSPCA / FREPA standards of 15.7 birds per m². However, the applicant retains existing use rights and could return to stocking at higher densities in 'broiler' configuration without any environmental assessment or amendment to existing permits. This is because the previous permits do not stipulate any stocking densities or maximum number of birds. In <i>Yarra Ranges SC v Kylemore Enterprises Pty Ltd</i> [2014] VCAT 728, Deputy President Gibson found that in determining existing use rights for such facilities it would be appropriate only to characterise the use as 'chicken farming' but no more or no less specifically.</p> <p>The building proposed in this application would allow a maximum of 30,144 birds at a density of 15.7 per m²; however, the applicant has suggested a maximum stocking density of 28,300. With the current stocking density and the additional building, the maximum number of birds on the land would be 105,889 (say 106,000). This would represent the equivalent number of birds stored on</p>

Concern	Planning Response
	<p>the whole of the land in 'broiler' configuration.</p> <p>Council has also taken into consideration the report "Free range chickens – odour emissions and nutrient management" published by the Rural Industries Research and Development Corporation (RIRDC) that is cited in by the EPA and the applicant. It is noted that whilst further investigation in this field is recommended, it found that odour emissions from free range facilities is comparable to conventional broiler shed facilities. On this basis, Council prepared a plan (see attachment 1) indicating the buffer distance based on the layout of the existing facility, which would be required for a new 107,000 bird farm as calculated under the Broiler Code (even though the Broiler Code does not specifically apply to Intensive Animal Husbandry). The required buffer distance would be 337m using the methodology and would encompass two existing dwellings, not in the same ownership as the farm. Council has indicated the 337m buffer from the proposed shed in addition to the existing sheds. The additional area covered is not shown to affect any additional dwellings (sensitive uses) and occupants of the dwellings already within this buffer have not lodged any objection to the proposal. The objections have come from dwellings that are approximately 500m or more from the proposed shed.</p> <p>On this basis, Council considers that the proposed building and its associated free range area does not present an environmental risk associated with odour beyond that which may already be experienced. The application presents Council with an opportunity to set a maximum stocking density, address other potential issues via appropriate conditions and require that remedial action take place in accordance with an Environmental Management Plan (EMP) should complaints ever arise.</p>
<p>Water quality / contamination and spread of disease</p>	<p>As previously discussed, the proposal is considered to have negligible impact on water quality or contamination. Council considers that it actually presents an opportunity to improve water quality on the site and re-instate a buffer to the waterway. A number of the objections cite botulism as a potential threat or issue as a result of the proposed development. Council does not consider this to be a relevant planning ground on which to assess the proposal. Botulinum toxins are generally ingested through improperly processed food in which the bacteria or the</p>

Concern	Planning Response
	<p>spores survive and produce the toxins. One of the objections states that there was previously an issue with Botulism found within the waterway while the site was under the operation of a previous owner. Whilst this may be the case, it is not a valid reason to refuse the proposed shed based on the potentially bad land management practices of a previous landholder.</p>
<p>Visual amenity</p>	<p>As previously discussed, the proposal is not considered to have any adverse effect on visual amenity. The proposed shed will only be visible from a limited number of adjoining properties or public areas due to the topography of the land, the existing sheds and vegetation.</p> <p>Even if visible, the proposed shed will be consistent with existing infrastructure of the site and not considered to be visually intrusive.</p> <p>It is not considered to be a relevant planning ground on which to refuse the application.</p>
<p>Density of birds</p>	<p>The density of birds has been discussed above with regard to the existing conditions and proposed shed. One of the objectors has stated that the application should be amended to avoid reference to 'free range' as it is misleading because it does not comply with relevant standards. It is not considered misleading to reference the proposal as 'free range' for that reason because the applicant has provided evidence of being certificated as 'free range'. However, Council considered that the proposal should be amended to its current description because what was notified to adjoining land owners was not consistent with previous findings of VCAT for a similar development. As such, Council amended the proposed description back to what the applicant originally applied for, with the consent of the applicant.</p>
<p>Effect on flora and fauna and attraction of vermin/pests</p>	<p>A number of objections suggest that the proposal may have an effect native flora and fauna and that it also attracts vermin/pests.</p> <p>The proposal will require replanting of the waterway in order to provide a minimum 30m buffer. It will also require treatment of water prior to discharge into the waterway.</p> <p>The proposed shed is not considered to attract anymore</p>

Concern	Planning Response
	vermin or pests that may already exist, or be attracted to the site. Pests and vermin are unfortunately a part of the environment and need to be appropriately controlled by each land owner. The current operator appears to be following all possible land management practices as part of their Environmental Management Plan (EMP) in order to minimise potential issues.
Speeding trucks	This is not a relevant planning consideration. Driver behaviours should be reported to the Police.

Attachment 4 Proposed Site Plan



E.4 DRAFT SEASONAL POPULATION IMPACTS IN COASTAL TOWNS PLAN 2015

Development Services Directorate

EXECUTIVE SUMMARY

The Draft Seasonal Population Impacts in Coastal Towns Plan (the draft plan) identifies the impacts of fluctuating seasonal populations on the coastal towns of Venus Bay, Sandy Point, Walkerville, Waratah Bay, Yanakie, Port Franklin, Toora and Port Welshpool.

Coastal towns in South Gippsland include land and services managed by Council, a range of government organisations and community committees of management. The draft plan provides analysis of issues arising from seasonal population increases and makes recommendations for action for all stakeholders.

A draft plan has been prepared (refer **Appendix 1**). It is proposed the draft plan is placed on public exhibition for a four week consultation period. Once finalised a future Council report will be tabled recommending adoption of the plan, with amendments as necessary giving consideration to any public submissions.

Document/s pertaining to this Council Report

- **Attachment 1** - Summary of survey results and workshop notes
- **Appendix 1** - Draft Seasonal Population Impacts in Coastal Towns Plan

A copy of **Appendix 1 - Draft Seasonal Population Impacts in Coastal Towns Plan** is available on Council's website:
www.southgippsland.vic.gov.au or by contacting 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Charter of Human Rights and Responsibilities Act 2006
- Coastal Management Act 1995
- Planning and Environment Act 1987

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Council Plan 2013 - 2017
- Annual Plan 2015 - 2016
- Coastal Spaces Landscape Assessment Study 2006
- Urban Design Frameworks - coastal towns

- Economic Development and Tourism Strategy 2015 - 2020
- Paths and Trails Strategy 2010
- South Gippsland Emergency Management Plan 2013
- South Gippsland Housing and Settlement Strategy 2013
- South Gippsland Shire Planning Scheme
- Tarwin Lower Venus Bay Community Infrastructure Plan 2014

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:	1.1.2	We will protect and retain the unique identity of towns, villages and farming districts.
	1.1.4	We will promote and encourage tourism through development support.
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:	3.1.2	We will collaborate with other agencies and service providers to focus attention on growth areas and avoid duplication of services.
	3.1.4	Plan for the service needs of the Shire's changing demographic

CONSULTATION

External consultation

- Survey of resident and non- resident ratepayers, and visitors to South Gippsland Coastal towns (5,000 plus surveys sent - 800 returned)
- Community meetings in coastal towns and Melbourne (120 people)
- Meetings with community reference groups, Parks Victoria, Fisheries Victoria, Victoria Police

Internal consultation

- Council staff representing all Council departments

REPORT

Background

A challenge for Council and other management authorities on the South Gippsland coast is the increasing popularity of our coastal towns with holiday home owners, day visitors and retirees.

Seasonal population increases during peak periods often result in congestion, can be frustrating to experience, and are particularly challenging to manage. The impact of seasonal populations on South Gippsland coastal towns varies along the coast with greatest impact in towns closer to Melbourne with high holiday home ownership.

Discussion

The Seasonal Population Impacts in Coastal Towns Plan identifies the impacts of fluctuating seasonal populations on South Gippsland coastal towns. This five part plan:

- Provides detailed analysis of the coastal populations of South Gippsland,
- Investigates the impact of seasonal population influx as identified in the literature,
- Provides detailed analysis of community consultation on the topic,
- References relevant strategies and documents and;
- Provides a town action plan.

Consultation with residents, non-resident ratepayers and visitors to coastal towns provided confirmation of issues identified in the literature and assisted in developing the prioritised town action plan to guide infrastructure and service provision by all stakeholders in South Gippsland coastal towns.

FINANCIAL CONSIDERATIONS

There are no financial considerations in relation to placing the draft plan on public exhibition however if adopted, there may be costs associated with some recommendations included in the finalised action plan.

The Plan will inform financial decision making by assisting Council to:

- prioritise asset improvements and budget allocation in coastal towns
- inform service provision by Council and other organisations.

RISKS

This draft plan may raise the community's expectations that facilities and services could be provided regardless of resourcing constraints on Council and other agencies. There is a risk that projects may not be able to be delivered to the community's expectations or in the timeframe estimated in the plan.

The draft plan provides a clear message that proposed recommendations are the responsibility of a range of organisations and that funding would need to be sought before implementation can occur.

CONCLUSION

The Seasonal Population Impact in Coastal Towns Plan provides clear direction for Council and other coastal managers to plan for current and future needs of coastal towns across the year with particular focus on catering for peak populations between November and April.

A balance between continually upgrading facilities for a relatively short peak season and promoting the availability of alternative sites or implementing people management programs needs to be achieved.

RECOMMENDATION

That Council:

1. Endorse the South Gippsland Shire Council Draft Seasonal Population Impacts on Coastal Towns Plan for the purpose of public exhibition for a four week community consultation period; and
2. Receive a final report on the outcome of the public consultation process including copies of any submissions received.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Davies

SECONDED: Cr Fawcett

THAT COUNCIL:

1. **ENDORSE THE SOUTH GIPPSLAND SHIRE COUNCIL DRAFT SEASONAL POPULATION IMPACTS ON COASTAL TOWNS PLAN FOR THE PURPOSE OF PUBLIC EXHIBITION FOR A FOUR WEEK COMMUNITY CONSULTATION PERIOD; AND**
2. **RECEIVE A FINAL REPORT ON THE OUTCOME OF THE PUBLIC CONSULTATION PROCESS INCLUDING COPIES OF ANY SUBMISSIONS RECEIVED.**

Cr Brunt left the Meeting at 3.23pm and returned at 3.24pm.

CARRIED UNANIMOUSLY

Attachment 1 Community Consultation Record

Seasonal Population Impacts in Coastal Towns – Community Discussions and Solutions

Prior to community meetings a survey of residents and non-resident ratepayers of coastal towns and visitors to coastal towns was conducted with 800 responses received. Survey responses were entered into Survey Monkey and analysis of responses developed.

Responses were categorised according to the greatest response and presented to community meetings held in coastal towns in South Gippsland between 4 – 8 April and in Melbourne 30 April 2015.

The tables below outline the issues identified with seasonal population change and solutions identified by the community in the survey and community meetings. Solutions marked in bold are those prioritised in the community meeting

Walkerville – 4 April 2015 (50 people)

Issues discussed

- Pedestrian safety on shared roads
- Walking tracks and paths
- Car parking at beaches
- Rubbish management

Pedestrian safety and shared roads

Issue	Solution
Vehicle speeds	<ul style="list-style-type: none"> ▶ Footpath on Bayside Drive Walkerville North - 20 km/hr speed limit near Casuarina Drive intersection with Tarwin Lower Road - 80 km/hr speed limit on Tarwin Lower Road from start of Cape Liptrap Coastal Park - Speed humps on Bayside Drive
Shared roads with pedestrians	<ul style="list-style-type: none"> ▶ Signs showing pedestrian use of roads from Prom Views, Casuarina Drive and Bayside Drive - Walking track and steps from Casuarina Drive to foreshore - Footpath on Acacia Road Prom Views

Car parking at beaches

Issue	Solution
Boat trailer parking at Walkerville South	<ul style="list-style-type: none"> ▶ Define boat trailer parking areas Top car park at Walkerville South – allocated trailer parking with markings Improve beach track from top car park Enforce no parking on the beach, including boat trailers
Car park congestion at Walkerville South	<ul style="list-style-type: none"> ▶ Implement car parking solutions from Walkerville Foreshore Coastal Management Plan Drop off only at bottom car park
Car park congestion at Walkerville North	Widen foreshore area Bayside Drive from hall to end and define boat trailer parking areas.

Rubbish Management

Issue	Solution
Green waste fees	Green waste collection summer only
Rubbish disposal	Vouchers for transfer station

Sandy Point, Waratah Bay and Yanakie – 7 April (30 people)

Issues discussed Sandy Point

- Dogs / cats
- Telecommunications
- Green waste
- Toilets
- Bores, septic and building approvals
- Traffic management

Dogs and cats

Issue	Solution
Unrestrained dogs in town	- dogs on leash at all time except on designated beach area

and on beach	- clearly sign post above law / rule
Cats killing birds	- cats should be kept inside or restrained at all times – local law

Public toilets and septic/bore/building

Issue	Solution
Public toilet opposite shop blocks and cannot cope with summer seasonal populations (original toilet 1980s)	<ul style="list-style-type: none"> ▶ New toilet tucked into dune opposite shops using existing septic system or toilet similar to that at Shallow Inlet. ▶ Investigate shared community / Council (community grant) funding / DELWP funding - new toilets – composting or drop toilet – similar to Shallow Inlet - New toilet using existing septic system. - investigate possible funding via DELWP as on Crown Land (\$12,000 dual septic system approx) - tuck the building back into dune to release more public space
Soiling of dunes at Ned Neale's beach	- Additional public toilet at Ned Neales Lookout
Building permits limited by rules relating to location of bores to septic tanks	- Most permanent residents do not want sewerage - investigate resolution currently impacting building and land sales.

Green waste disposal

Issue	Solution
Fire danger due to inadequate clearing of green waste	<ul style="list-style-type: none"> ▶ Extend amnesty period to include times when most non-resident ratepayers are staying ▶ Have two amnesty periods per year ▶ Investigate community based mulching business - longer and more frequent amnesty periods – extend amnesty from November to end of January - central green waste dumping and mulching area - public mulching machine located in Sandy Point or can be taken to various towns - very large green waste bins or residents

Telecommunications

Issue	Solution
Mobile telephone reception poor all year and almost non-existent in peak periods Issue when emergency warnings broadcast via text message	<ul style="list-style-type: none"> ▶ Investigate Ocean Grove model with Telstra (Telstra provide a mobile trailer in peak periods to increase telecommunications speed) ▶ Lobby to NBN co and government for priority for increased services - Locate additional tower at exchange on Sandy Point Road
Internet access is too slow to conduct business in summer peak	- As above - NBN roll out

Traffic speed

Issue	Solution
Traffic speed	- 40km/hr speed limit in town - 20 km/hr speed limit in front of shops - speed humps on Beach Parade, Ennisvale Avenue, Boulevard and main routes to Shallow Inlet

Issues discussed Yanakie

- Free camping at Yanakie Hall
- Free camping at Red Bluff

Issue	Solution
Free camping at Yanakie Hall	- investigate land available away from Hall - Council caravan park at Yanakie expand for free/low fee camping - Leasing and expanding of foreshore reserve at Shallow Inlet, next to caravan park, to increase camping areas - Yanakie eco development incorporate camping facilities

Issues discussed Waratah Bay

- Beach access for older community
- Telecommunications
- Emergency management
- Erosion of dunes at The Gap

Issue	Solution
Beach access is difficult for older community	- increase number of seats - allocate more accessible track (not boat ramp which is slippery)
Emergency management	- identify suitable alternative evacuation route - improved telecommunications
Speed of visitors in residential area a danger to pedestrians	- shared road or children on road signs - speed humps
Erosion of dunes and exposure of barbed wire fences at The Gap	- investigate erosion management options

Venus Bay - 7 April 2015 and 30 April Melbourne meeting (47 people)

Issues discussed in Venus Bay

- Waste management
- Toilets
- Car parking
- Roads
- Emergency Management
- Pedestrian
- Natural Environment

Solutions

Waste Management

Issue	Solution
Cost of tip	Weekly bin collection unnecessary. vouchers for ratepayers to dispose of rubbish at tip Lower cost for small amounts Recycling for outside tip hours
Public bins	▶ More bins empty twice a day
Tip opening times	▶ Public skip outside tip gate when closed with camera
Green waste charge	Free to drop off, charge for mulch Lower fee for green waste Green waste vouchers
Green waste amnesty	Increased time to include January More than one amnesty per year Increase advertising of amnesty
Household rubbish causing health issues, feral cats	Compulsory kerbside collection for owners of rental properties Increase fines for dumping of rubbish.
Holiday home bins left out when owners leave VB	Alternative to paid rubbish collection system – vouchers for drop off at tip Sundays.

Public toilets

Issue	Solution
No toilets at beaches 2 - 4	▶ Portable toilets for summer season at beaches 2 – 4 (all) (unisex) ▶ Drop toilets or composting toilets at all beaches (unisex) All new toilets should be unisex
Visitors do not know where toilets are	Signs directing visitors to existing toilets

Bike paths / walking paths

Issue	Solution
Pedestrian safety – beach 3	Path parallel to access roads to beaches 3 and 5 Bike path / pedestrian walk between Canterbury Road and Lees Road to beach 3. Signage indicating shared road on road to beach 3 Walking track as boardwalk over sensitive areas Extend painted lines from Beach 3 to Lees Road
Congested roads / carparks	▶ Bike stands at beaches 2 – 5 to encourage people to ride
Bike /footpath from 2 nd estate to 1 st estate	Continue bike/footpath all the way along Canterbury Road (at least from corner Lees Rd to Beach 3 access
Speeding traffic	Speed humps 40km/hr speed limit or 50km/hr throughout the town - more policing during January
Existing paths uneven and dangerous	Better maintenance of existing paths
Access to beaches	Pathway with bollards similar to that at beach 1 - engage local students with projects to create interesting signage eg protect the plover linking nature/ecology...

Roads and car parking

Issue	Solution
Pot holes	Fix up potholes
Gravel road surface difficult for pedestrians to walk on	Use different gravel road surface to finer grade that is easier for pedestrians to walk on. <i>*this was not seen as an issue for Melbourne workshop</i>
Dead trees on roads	Clear dead trees from roadsides to assist pedestrian access along roadsides
Cars parking on Jupiter Boulevard blocking traffic flow and access of emergency fire vehicles	Removable bollards or flexible bollards for emergency vehicle access to adjacent residences
Beach access roads blocked	No buses on beach access roads Seal beach 5 access road <i>*not agreed by some Melbourne workshop – over urbanisation</i> ▶ Beach 4 road pedestrian access only (in summer period) – <i>☺ agreed by many at Melbourne workshop</i>
Congested car parks at beaches	Boomgate at bridge to limit numbers during high fire days No buses to beaches (except beach bus) Pay entry fee like used to be at Wilsons Prom – funds go to services at beaches such as toilets. <i>☺ supported by some at Melbourne workshop describing as financial exploitation</i> Open car parking space away from beaches – farmland or similar and provide beach bus ▶ Ratepayer parking permits Enforce short term and disabled parking permits at beaches 1, 5.
Emergency vehicle access	Increase parking bays allocated at each beach for emergency vehicles <i>*agreed Melbourne meeting</i> Police parking – include tow away <i>* agreed Melbourne meeting</i> Pay for parking / ticketed parking – ratepayer parking passes <i>*not agreed Melbourne meeting</i>

Emergency Management

Issue	Solution
One road in and out	▶ Alternative emergency access road via dairy farm land to Tarwin Lower Recreation Reserve emergency assembly point with access gates
Visitors not aware of fire danger	Signs, information boards
Bushfire	▶ Venus Bay emergency management plan - Safe haven in case of bushfire – fire refuge bunker 3 rd estate / clearings on farms 2 nd and 1 st estates - Signs warning and evacuation information at Tarwin Lower, Venus Bay shops, 3 rd estate and transfer station

	No standing signs - Number 5 beach fire break Clarification of safe sites – Council, CFA, MFB
Flood	Clear drain on river clear of trees and debris Second access road for emergency vehicles via farmland
Lack of mobile telephone coverage in case of emergency	Local wifi spots in towns Sirens and warning systems Buddy systems Another tower on inlet side of estates

Natural Environment

Issue	Solution
Over urbanisation	Restrict felling of native vegetation Bollards – some for and some against Create mobile app to photograph/record local wildlife, locations and time etc
Recreational pipi harvesting conflicts with other beach uses and beach access	Moratorium banning pipi harvesting while further research undertaken or 5 years Limit collection times to outside 9 – 5 or between December and January Council to lobby Fisheries
Septic tank smells	Regulate systems annually
Weeds	Remove Cyprus pines

Toora, Port Franklin, Port Welshpool – 8 April 2015 (25 people)

Issues discussed – Toora

- Signs directing people to Toora town
- Walking tracks / footpath
- Seating
- Franklin River Reserve
- Car parking
- Toora beach
- Rubbish management

Signage

Issue	Solution
Knowledge of services and facilities in Toora not clear to visitors	<ul style="list-style-type: none"> ▶ Describe local services on noticeboards at Sagasser Park rotunda near rail trail, Franklin River Reserve, Service Station, Caravan Park similar to Foster North Lookout. - Clear signs on highway with range of services in Toora – businesses, local tourist attractions, community activities - sign at Franklin River Reserve to town centre - Information boards for local committees to promote local events to invite visitors
Linking Toora to Rail Trail	- signs to Toora as above describing services and opening hours

Walking tracks and town footpaths

Issue	Solution
Walking Tracks	<ul style="list-style-type: none"> - Toora football ground to boat ramp - boat ramp to Toora beach - Rail Trail at Agnes to Agnes Falls - Buckley Street and Highway to Grip Road
Footpaths not continuous or dangerous and difficult for older residents and children	<ul style="list-style-type: none"> ▶ Complete gap north end of Mill Street to Toora - path from residential area Foster side of town to town centre ▶ Fix steel surrounds on street plantings to reduce trip hazard - increased seats in Stanley Street - crossing at the top of Stanley Street

Franklin River Reserve

Issue	Solution
Promote Franklin River Reserve as an asset to the area	<ul style="list-style-type: none"> - Council make a statement of commitment to reserve ▶ Establish Friends of Franklin River Reserve to work with Council to identify needs of Franklin River Reserve

	<ul style="list-style-type: none"> - sign welcoming people to the reserve to care for it and value it. - donation box at reserve - more fire pits and wood supply - repair pot holes in and out of reserve - provide 2 extra bins - more fire pits (donated by Peter Garner and Sheryl Garland Alberton CFA) - signs – dogs on leads and clean up after dogs
Visitors staying at Franklin River Reserve do not know about Toora	<ul style="list-style-type: none"> - Noticeboard at reserve listing Toora services including pool, shops etc - signs at reserve with directions down Doran's Road to Rail Trail with rail trail map - track / path from reserve to Toora (Doran's Road?)

Swimming Pool

Issue	Solution
Pool under-utilised by visitors	<ul style="list-style-type: none"> ▶ Promote pool via signs at highway and information at visitor accommodation points and on local noticeboards near Rail Trail, Service Station, town centre, Caravan Park, Franklin River Reserve

Car parking

Issue	Solution
Parking for Doctors surgery	<ul style="list-style-type: none"> ▶ Angle car parking at doctor's surgery (dig into strip between highway and edge of Welshpool road and insert angle parking)
Car parking of residents taking visitor and business parking	<ul style="list-style-type: none"> - restrict parking time opposite doctors surgery - residents living in shops to park off main street - need more parking at the top of town - improve parking area at Sagasser Park (angle parking)

Boat Ramp and Toora Beach

Issue	Solution
Boat ramp	<ul style="list-style-type: none"> ▶ Dredge Toora Channel - Install picnic table and fish cleaning table - install information sign about Toora at boat ramp
Access to Toora Beach	<ul style="list-style-type: none"> - reopen Harriet Street - repair pot holes ▶ Install picnic area with boardwalk, walking track to link up with the bird hide, boardwalk and boat ramp.

Issues discussed – Port Welshpool

- Car and boat trailer parking at boat ramp
 - Long Jetty
- Rubbish management – public and household

Issue	Solution
Public bins at capacity in peak periods	- Increased rubbish collection in peak holiday periods
Household rubbish higher during peak periods	- rubbish collection during summer peak
Boat ramp parking congested at peak times	<ul style="list-style-type: none"> ▶ Mark parking bays at boat ramp - seating at boat ramp - seal parking area and mark with bays ▶ Fence children's playground at boat ramp to keep cars and trailers away from children
Attracting tourism to the area	<ul style="list-style-type: none"> ▶ Repair Long Jetty to attract tourism - underwater observatory at end of Long Jetty

E.5 PROPOSED LEASE TO PARKS VICTORIA FOR PREMISES LOCATED ON THE CORNER OF MCDONALD AND VICTORIA STREET, FOSTER

Engineering Services Directorate

EXECUTIVE SUMMARY

This report recommends Council commence the statutory procedures pursuant to Sections 190 and 223 of the Local Government Act 1989 for a proposed new three year lease with Parks Victoria for part of Council's premises located at the corner of McDonald and Victoria Streets, Foster.

Document/s pertaining to this Council Report

- **Attachment 1** – Locality Plan.
- **Confidential Appendix 1** – Extract from the 2014 Market Rental Valuation.

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989, Sections 190 and 223
- Retail Leases Act 2003

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Land Ownership Policy
- Leasing Policy

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.
Strategy:	3.1.3	We will plan for the service needs of the Shire's changing demographic.

CONSULTATION

The most recent internal consultation has included a report to Council on 24 September 2014.

External consultation has included ongoing discussions with Parks Victoria regarding terms of a new lease.

Further external consultation will be conducted as part of the public notification process pursuant to Section 223 of the Local Government Act 1989.

REPORT

Background

Parks Victoria has occupied part of Council's property on the corner of McDonald Street and Victoria Street, Foster (the Premises) since November 1990. The Premises is known as Stockyard Gallery.

The Premises is also occupied by:

- The Foster Library.
- Stockyard Gallery and Gift Shop.
- The Foster Visitor Information Outlet.

Lease History

The initial lease to Parks Victoria was for a period of 10 years. At its meeting on 20 October 2004, Council approved a further 10 year term for the Premises that included an extended office space. The last term ended on 18 September 2014 and since then Parks Victoria has continued in occupation and paying rental annually in advance.

The last report to Council was on 24 September 2014. This report recommended that Council commence negotiations with Parks Victoria for a new lease of 5 years with an option of a further 5 years. It also recommended that Council commence the statutory procedures in respect of the proposed new lease including advertising the proposal and enabling the community to be consulted through the required submission process.

However this recommendation was not adopted by Council and the following resolution was made by Council:

"That Council defer Council Agenda Item E.3 proposed lease to Parks Victoria for premises located on the corner of McDonald and Victoria Street, Foster to the next appropriate meeting of Council to provide Council with additional time to consider and fully appreciate the potential implications for Parks Victoria, the Library, Gallery and Visitor Information Centre in line with a short, medium and long term plan for the site and all agencies that occupy it."

Discussion

New Lease

A new 3 year lease is proposed for Parks Victoria to allow sufficient time for Council to consider a report on the potential implications for Parks Victoria, the Library, Gallery and Visitor Information Centre in line with a short, medium and long term plan for the site. Parks Victoria has agreed to this term.

This 3 year term provides security of tenure to Parks Victoria (in the short term) and for Council to meet its statutory obligations whilst Council and Parks Victoria continue its discussions regarding future tenure arrangements.

Future discussions between Council and Parks Victoria on tenure arrangements will include any interest of Parks Victoria in re-locating to the Foster Depot site for co-location with other State Government agencies. If there is any interest, it will free-up space at Stockyard Gallery for expansion of the Foster Library.

Expansion of the Foster Library

The library currently occupies an area of 137m². This area is an extension to the Stockyard Gallery and was constructed in 2000.

The wish for a bigger library and extended opening hours was raised by the Foster community during the Foster Community Plan exercise in 2011 and is supported by the West Gippsland Regional Library Corporation.

There is limited opportunity to construct a further extension to the Stockyard Gallery. Any expansion would need to be within the existing building footprint and thereby displacing one of the current occupiers such as Parks Victoria.

Proposal

It is proposed that Council commence the statutory procedures pursuant to Sections 190 and 223 of the Local Government Act 1989 for a proposed new three year lease with Parks Victoria for the Premises.

FINANCIAL CONSIDERATIONS

The ongoing minor maintenance and operations of the premises is the responsibility of Parks Victoria, therefore providing minimal financial risk to Council from an ongoing operational perspective.

The new rental will be the current rental adjusted by CPI annually. An extract from the 2014 Market Rental Valuation is provided in Confidential **Attachment 2**.

RISKS

Legal

There is minimal risk to Council in progressing with a public notice to advertise its proposal to enter into this Lease.

Maintenance

The lease will have provisions for a maintenance schedule clearly outlining each parties' responsibilities in accordance with Council's Leasing Policy 2014.

Insurance

Parks Victoria will be required to have \$20 million public liability insurance.

CONCLUSION

Negotiations for a new lease with Parks Victoria will ensure the continued delivery of this important Government service to the wider community and its continued presence in Foster.

The section 223 process allows for formal consultation with key stakeholders in respect of the proposed lease which will provide Council with a greater understanding of any implications and community concerns.

RECOMMENDATION

That Council:

1. Finalise negotiations with Parks Victoria for a new lease for a term of 3 years.
2. Commence the statutory process in respect of its proposal to lease the premises to Parks Victoria in accordance with Sections 190 and 223 of the Local Government Act 1989.
3. Appoint two Councillors and the Chief Executive Officer or his delegate as the Special Committee to hear and determine any submissions made as part of the Section 223 process and report their decision to the next Council meeting as soon as practicable.
4. Authorise the Chief Executive Officer to carry out the administrative procedures necessary to enable the Council to carry out its functions under Section 223 in respect of the proposed lease.
5. Note that the Chief Executive Officer has under delegation power to enter into a lease.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Davies

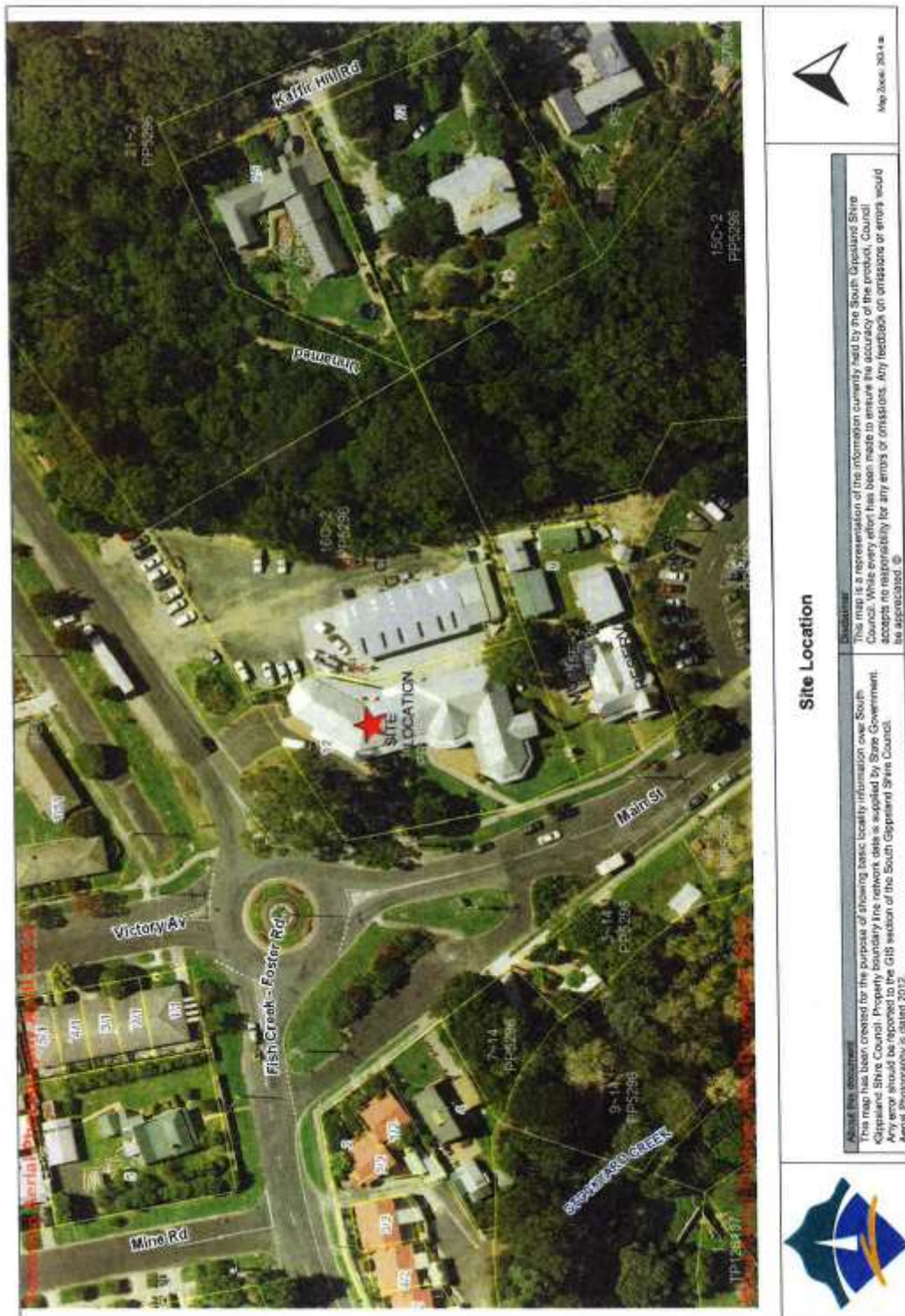
SECONDED: Cr Kennedy

THAT COUNCIL:

- 1. FINALISE NEGOTIATIONS WITH PARKS VICTORIA FOR A NEW LEASE FOR A TERM OF 3 YEARS.**
- 2. COMMENCE THE STATUTORY PROCESS IN RESPECT OF ITS PROPOSAL TO LEASE THE PREMISES TO PARKS VICTORIA IN ACCORDANCE WITH SECTIONS 190 AND 223 OF THE LOCAL GOVERNMENT ACT 1989.**
- 3. APPOINT TWO COUNCILLORS AND THE CHIEF EXECUTIVE OFFICER OR HIS DELEGATE AS THE SPECIAL COMMITTEE TO HEAR AND DETERMINE ANY SUBMISSIONS MADE AS PART OF THE SECTION 223 PROCESS AND REPORT THEIR DECISION TO THE NEXT COUNCIL MEETING AS SOON AS PRACTICABLE.**
- 4. AUTHORISE THE CHIEF EXECUTIVE OFFICER TO CARRY OUT THE ADMINISTRATIVE PROCEDURES NECESSARY TO ENABLE THE COUNCIL TO CARRY OUT ITS FUNCTIONS UNDER SECTION 223 IN RESPECT OF THE PROPOSED LEASE.**
- 5. NOTE THAT THE CHIEF EXECUTIVE OFFICER HAS UNDER DELEGATION POWER TO ENTER INTO A LEASE.**

CARRIED UNANIMOUSLY

**Attachment 1
 Locality Plan**



E.6 DRAFT ANNUAL REPORT 2014-2015

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

The Draft Annual Report 2014-2015 covering the Annual Report of Operations 2014-2015 (Report of Operations), refer to Appendix 1, is presented to Council for endorsement. The Annual Report currently excludes the Financial Statements and the Performance Statement that are subject to audit by the Auditor General and the subject of a separate report to this meeting of Council. Once these statements have been certified the two documents will be combined into the final Annual Report 2014-2015 (Annual Report)

The new Local Government Performance Reporting Framework indicators are incorporated for the first year. These indicators will be up-loaded to the My Council website managed by the State Government for each Council.

In accordance with the requirements of the Local Government Act 1989 a copy of the Annual Report will be forwarded to the Minister for Local Government by 30 September 2015. The final Annual Report will be included in the Council Meeting for 28 October 2015, incorporating a two week public display period before being presented to Council for adoption in full.

The Annual Report will be made available on Council's website and a limited print run will be provided at Council distribution points.

Document/s pertaining to this Council Report

- **Appendix 1** - Annual Report 2014-2015 (Report of Operations)

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- The Local Government Act 1989, Sections 131 to 134 - Annual Report
- Local Government (Planning and Reporting) Regulations 2014

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

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

COUNCIL PLAN

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

CONSULTATION

Council Departments have contributed to the development of information contained in the Report of Operations.

The Council's Local Government Performance Framework indicators have been reviewed by external auditors and were considered by Council's Audit Committee on 7 September 2015.

REPORT

Background

The Local Government Act 1989, section 131(6) requires Council to prepare an Annual Report that provides a succinct end of year summary of Council's performance. This year, the Local Government Act requires the document to contain three parts; Part 1 is the Report of Operations; Part 2 the Financial Statements and Part 3 is the Performance Statement.

The Report of Operations and the Performance Statement include the Local Government Performance Framework indicators (LGPRF indicators) for the first time. The indicators in the Performance Statement are independently audited by the Auditor General's office.

The Annual Report must contain a series of segments required by the Local Government Act 1989, including independently audited financial year end results in the form of Financial Statements and the Performance Statement by the Auditor General's office.

The Local Government Act 1989 requires Council's Annual Report to be presented to the Minister for Local Government by close of business on 30 September annually.

Annual Report of Operations 2014-2015 Summary

The Report of Operations 2014-2015 contained in **Appendix 1**, has been prepared to meet Council's statutory requirements and provide a detailed account of various factors that summarise Council's performance for the financial year. The Report of Operations excludes the Financial Statements and the Performance Statement. These will be combined with this report to form the Annual Report 2014-2015 after certification by the Auditor General.

The Report of Operations includes:

- A message from the Mayor and a snapshot of the year in review by the Chief Executive Officer;
- The organisational structure, senior personnel, staffing numbers and related human resource matters;
- An outline of the Wards and representative Councillors;
- A succinct overview of Council Directorate responsibilities and highlights achieved;
- The end of year status report of each Council Initiative and Major Initiative;
- Good governance requirements including a list of the registers maintained, Freedom of Information requests processed, Protected Disclosure notifications and other compliance reporting requirements;
- A financial overview;
- The Local Government Performance Reporting Framework indicators; and
- Councillor discretionary funds allocations.

This report of Council's performance is a valuable marketing tool when liaising with government agencies, community groups and investors, and it affirms Council's commitment to accountable and transparent good governance practices.

THE 2014-2015 YEAR IN REVIEW

The Report of Operations provides some highlights of the achievement of Council in the 2014-2015 financial year. These have been more thoroughly documented in Council's Quarterly Performance Reports during the year.

Below are a number of the key achievements and levels of service delivered. They showcase the breadth of involvement Council has within the community and the range of services provided.

In pursuit of Council's objective to develop 'A Prosperous Shire' Council has achieved the following:

- Funding announced by the Federal Government under the Blackspots Program for 11 new mobile phone base stations across the Shire.
- 306km (49 roads) were treated for regionally controlled weeds as part of the Roadside Weed Control Program.

- The Toora to Welshpool section of the Great Southern Rail Trail was opened in February.

In pursuit of Council's objective to develop 'Closely Connected Communities' Council has achieved the following:

- Community Engagement Conference held with 30 participants attending workshops on Mental Health, Governance, Grants, Volunteer Fatigue and the development of a Community Skills Bank.
- Council was briefed on the impact of the National Aged Care Reforms on Home and Community Care Services provided by Local Government in Victoria. Council's continuing involvement in HACC service delivery will be considered at future briefings prior to the proposed changes in funding in July 2018.
- A Council Meeting Day was held at South Gippsland Secondary College, Foster in May 2015 – Students participated in a range of activities on the day that built their understanding of local issues and local democracy.

In pursuit of Council's objective to develop 'Integrated Services and Infrastructure' Council has achieved the following:

- Funding for the Priority Project, Korumburra Integrated Children's Centre was announced (\$1.6m from both State and Federal Government), with works anticipated to commence in October 2015.
- The draft Strategic Direction for Aquatic Facilities in South Gippsland 2015 – 2020 was endorsed by Council for Public Exhibition on 25 March. Community feedback received was incorporated into the final document tabled for adoption in July.

In pursuit of Council's objective to develop 'A Leading Organisation' Council has achieved the following

- The 2015-2016 Annual Budget, containing the Annual Plan initiatives and the Long Term Financial Plan, was adopted by Council on 24 June 2015 following a community engagement program involving around 800 community members.
- Council's website redevelopment commenced with the draft website structure completed and content migration and creation continuing. Anticipated launch being August 2015.

For access to further highlights and performance results, the community is also encouraged to review the four Council Quarterly Performance Reports for 2014-2015. The end of year status report on all of Council's Annual Initiatives and Major Initiatives are contained in the Annual Report - Report of Operations contained in **Appendix 1**.

Proposal

The Report of Operations is presented to Council for endorsement at this stage, to allow the financial and performance statements to be added once certified, so that the full Annual Report 2014-2015 can be presented to the Minister for Local Government by 30 September 2015.

A further report must then be presented to Council for consideration of the full, final Annual Report 2014-2015, incorporating a two week public display period. It is intended that a Council report, incorporating the Annual Report, will be placed on display for two weeks prior to final adoption by Council at the October Council Meeting in accordance with legislative requirements. It is proposed that the Annual Report then be published and made available on Council's website and various Council distribution points which will be advertised via Council Noticeboard in the local newspapers.

FINANCIAL CONSIDERATIONS

Costs associated with the publication of the Annual Report are covered within approved budget allocations. The Annual Report is developed in-house, with limited printing to keep the costs of publishing and printing as low as possible.

RISKS

The completion of the Report of Operations and subsequent Annual Report is an annual requirement of Council. To not complete the Annual Report and not submit it to the Minister for Local Government by 30 September 2015 would be a breach of Section 131 (Annual Report) of the Local Government Act 1989.

CONCLUSION

The Report of Operations provides a summary of Council's activities and achievements throughout the 2014-2015 financial year. It also includes the Local Government Performance Reporting Framework Indicators introduced and required as mandatory reporting within this end of financial year report.

The Report of Operations 2014-2015 is presented to Council for endorsement. It will be combined with the Financial and Performance Statements, once certified and returned by the Auditor General, to create the Annual Report 2014-2015.

A copy of the Annual Report 2014-2015 will be sent to the Minister for Local Government by 30 September 2015. The full and final Annual Report will be prepared and published in the Council Agenda for the 28 October Council Meeting, where it can be viewed by the public for two weeks prior to the meeting.

RECOMMENDATION

That Council:

1. Endorse the Annual Report 2014-2015 (Report of Operations) contained in Appendix 1;
2. Upon receipt of the certified Financial Statements and Performance Statement, combine these documents with the Report of Operations into the Annual Report 2014-2015;
3. Send a copy of the Annual Report 2014-2015 to the Minister for Local Government by 30 September 2015; and
4. Consider the Annual Report 2014-2015 at the 28 October 2015 Council Meeting for adoption, allowing for the Annual Report to be available for public viewing for a two week period prior to adoption.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Davies

SECONDED: Cr Fawcett

THAT THE RECOMMENDATIONS OF ITEM E.6 DRAFT ANNUAL REPORT 2014-2015 AND E.7 UNAUDITED FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT 2014-2015 BE ADOPTED.

CARRIED UNANIMOUSLY

E.7 UNAUDITED FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT 2014-2015

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

The unaudited Financial Statements and Performance Statement for 2014-2015 are presented to Council:

1. to seek an 'in-principle' approval of the statements; and
2. to seek a resolution of Council authorising two Councillors to certify the statements following audit completion.

The complete draft Financial Statements and Performance Statement for 2014/15 have been distributed separately to the Agenda as **Appendix 1 and Appendix 2**.

Document pertaining to this Council Report

- **Appendix 1** – Annual Financial Report for Year Ended 2015
- **Appendix 2** – Performance Statement

A copy of **Appendix 1 - Annual Financial Report for Year Ended 2015 and Appendix 2 - Performance Statement** is available on Council's website: www.southgippsland.vic.gov.au or by contacting 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

The Local Government Act 1989, Section 131 Annual Report

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- South Gippsland Shire Council Annual Budget 2014/15
- South Gippsland Shire Council Plan 2013-2017
- Long Term Financial Strategies

COUNCIL PLAN

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

CONSULTATION

Council Departments have contributed to the development of information contained in the Unaudited Financial Statements and the Unaudited Performance Report.

The Council's Unaudited Financial Statements and the Unaudited Performance Report and Local Government Performance Framework indicators have been reviewed by external auditors and were considered by Council's Audit Committee on 7 September 2015.

REPORT

Background

Pursuant to Section 133(1) of the Local Government Act, Annual Report of Councils must be submitted to the Minister by the end of September. Section 131(2) also states that the audited Financial Statements and Performance Statement, including the Auditor's report on both statements, are to form part of the Annual Report. This requires the completion and audit of the statements early to mid September to allow sufficient time for inclusion into the Annual Report.

Section 132(2) states that Council must approve in principle the draft Financial Statements and Performance Statement prior to formally submitting the accounts for audit. Because of the timing restrictions noted above and a requirement that an audit review is required by the Auditor General, it is normal for the bulk of the audit work to have effectively been completed prior to Council approving the draft statements.

A meeting of the Audit Committee was held on 14 September 2015 which included reviewing the draft statements, the Final Management Letter and Closing Report 2014/15 with Council's auditors. VAGO advised they were in a position to provide an unqualified sign off following the receipt of the signed report and advised of no issues of concern. The Audit Committee endorsed the draft Annual Financial Statements 2014/15 and Performance Statement for Council's approval.

As Council's approval is only in-principle, based on the draft Financial Statements and Performance Statement, opportunities for changes to the statements may arise, particularly after review by the Auditor General's office. To cover such changes, section 132(5) requires Council to appoint two Councillors to certify the statements following any amendments that may arise after finalisation of the audit.

Financial Statements

There is a strong correlation between the Long Term Financial Plan, the Annual Budget and the actual results that are disclosed in the Financial Statements. Annual budgets are set within a strategic 15 year forward

financial planning framework. The actual financial performance achieved is also monitored within the context of the 15 year financial framework.

2014/15 The Highlights

Comprehensive (Profit & Loss)	Income Statement	2013/14 \$000's	2014/15 \$000's
Total Revenue		54,851	66,228
Total Expenses		(56,790)	(56,245)
Surplus (Deficit)		(1,939)	9,983
Net asset revaluation increment		17,081	Nil
Comprehensive result		15,142	9,983

Balance Sheet	2013/14 \$000	2014/15 \$000
Current Assets	16,870	24,141
Current Liabilities	13,761	8,928
Working Capital Ratio	1.23:1	2.70:1
Non-current Assets	487,536	488,788
Non-current Liabilities	1,241	4,614
Net Assets/Total Equity	489,404	499,387

Statement of Changes in Equity	2013/14 \$000's	2014/15 \$000's
Balance at beginning of financial year	474,262	489,404
Surplus / (deficit) for the year	(1,939)	9,983
Net Asset revaluation increment (decrement)	17,081	Nil
Balance at end of financial year	489,404	499,387

Cash Flow Statement	2013/14 \$000	2014/15 \$000
Net cash inflows from operating activities	8,832	18,539
Net cash outflows from investing activities	(10,511)	(14,418)
Net cash outflows from financing activities	3,112	(127)
Net increase (decrease) in cash held	(1,433)	3,994
Cash at the beginning of the year	9,992	11,425
Cash at the end of the year	11,425	15,419

Comprehensive Income Statement

The Comprehensive Income Statement result is \$9.98 million surplus (previous year \$15.14 million). The comprehensive result includes asset revaluation increments and decrements. The 2013/14 year's revaluation increment was \$17.08 million and predominantly related to roads, streets, kerb & channel, land, buildings and drainage assets. There was no revaluation of assets in 2014/15.

The Surplus / Deficit outcome for 2014/15 was \$9.98 million surplus. This surplus compares favourably to the prior year deficit of \$1.94 million. The favourable variance is mainly due to the Australian Accounting Standard requirement to recognise \$4.27 million Victoria Grants Commission allocation for 2015-16 as income in 2014-15 because it was received in advance. The variance between the two years is further distorted when in the previous 2012/13 financial year Council recognised over \$4.00 million grant income that was expended in 2013/14.

Balance Sheet

The Balance Sheet shows an overall marginally strengthened position, as a result of the comprehensive surplus result achieved for the financial year.

The end of financial year net current asset position is also stronger than the previous financial year. This is due to having to recognise the total \$3.35 million borrowing as a current liability in the previous 2013/14 year end which has now been reclassified in 2014/15 as a non-current liability. This is a technical adjustment. Council refinanced its outstanding borrowings by partaking in a Local Government Funding Vehicle (LGFV) bond issuance over a five year period. The decrease in the current liability at financial year end and the receiving Victoria Grants Commission allocations in advance has a favourable impact on the working capital ratio. The working capital ratio of 2.70 to 1 is stronger than the previous year's ratio of 1.23 to 1.

Statement of Changes in Equity

The total changes in equity for the 2014/15 year is \$9.98 million increase, reflecting the surplus from the Comprehensive Income Statement for the financial year. The total changes in equity for the previous 2013/14 year was a \$15.14 million increase, reflecting the surplus from the Comprehensive Income Statement for the financial year. This included a \$1.94 million operating deficit as well as a \$17.08 million asset revaluation increment adjustment

It is important not to take the financial implications of revaluation increments out of context. Revaluations are conducted periodically to ensure that the current replacement costs of assets are reflected in the Balance Sheet. Generally speaking these costs increase rather than decrease over the years, which typically have a material financial impact on the equity position of Council. These costs are largely uncontrollable. They cannot be directly performance managed and as a rule, tend to be financially favourable.

Any positive effect of the revaluation of non-current assets is ultimately reflected both in the Balance Sheet and Statement of Changes in Equity.

This favourable financial outcome does however put increased pressure on future operating results. The reason being, increased replacement costs of assets tend to translate into increased depreciation costs in future financial years. Depreciation is an expense item in the Comprehensive Income Statement.

All non-current assets have a limited useful life (they wear out over a period of time) therefore these costs have to be shown in the Comprehensive Income Statement as depreciation charges. Depreciation reflects the consumption of the service potential embodied in non-current assets in a given year. If the replacement value of an asset is increased due to periodic revaluations, so too will the annual depreciation costs associated with those assets increase.

Although the depreciation costs in the Comprehensive Income Statement is a 'book entry' as opposed to a direct 'cash' cost, it is a real cost that reflects the value of consumption or deterioration of non-current assets that the Shire owns or controls over a 12-month period.

The systematic review and revaluation of the carrying value of infrastructure assets current replacement cost, in most instances, will result in significant increases in asset values, which in turn will impact on depreciation charges in future years.

Cash Flow Statement

The Cash Flow Statement shows the movement of cash from operating activities (recurrent income and expenses), investing activities (payments and proceeds associated with non-current assets) and financing activities (new borrowings and repayments of principal). The cash position (\$15.42 million)

of the Shire has increased relative to that of the previous year (\$11.43 million).

The liquidity situation of the Council is normally assessed in conjunction with the working capital ratio, which assesses the Council's ability to meet current commitments. The working capital ratio of 2.70 to 1 (current assets to current liabilities) is also stronger than the previous year (1.23 to 1). As discussed above, the reclassification of total borrowings of \$3.35 million outstanding as a non-current liability and receiving Victoria Grants Commission grants in advance have a positive impact on the working capital ratio.

Performance Statement

The Performance Statement has been modified to previous years' statements. The State Government has introduced a new Model Annual Report.

The Performance Statement provide in **Appendix 2** is in line with the required format and content. The audited new Local Government Performance Reporting Framework indicators are incorporated for the first year. These indicators will be up-loaded to the 'Know Your Council' website managed by the State Government for each Council.

The Financial Statements and the Performance Statement will be combined with the Annual Report of Operations, once the two statements have been certified.

The Performance Statement includes material variation comments for a number of the financial and non-financial indicators, particularly those that are outside the normal range established by the State Government, or where VAGO has indicated that a comment would be beneficial to assist the reader. On the whole Council has performed well for the 2014-2015 financial year.

CONCLUSION

The Financial and Performance Statements for the 2014/15 financial year, present fairly the financial performance and position of the Council for the financial year.

It is recommended that Council approve the statements in principal, which will then be submitted to the Auditor General for further review.

RECOMMENDATION

That Council:

1. Approve in principle the draft Annual Financial Statements and the draft Performance Statement for the year ended 30 June 2015;
2. Send the draft Annual Financial Statements and the draft Performance Statement for the year ended 30 June 2015 to the Auditor General for certification; and
3. Authorise Councillors Jeannette Harding and Nigel Hutchinson-Brooks to certify the Financial Statements, Standard Statements and Performance Statement on behalf of Council, once the audit has been finalised.

STAFF DISCLOSURE OF INTEREST

Nil

NOTE: The recommendation was **CARRIED UNANIMOUSLY** as part of a single motion, refer to page 109.

E.8 APPLICATIONS TO THE 2016/2017 SPORT AND RECREATION VICTORIA (SRV) PROGRAMS

Corporate & Community Services

EXECUTIVE SUMMARY

The Nyora Recreation Reserve Committee of Management, Leongatha Golf Club, Koonwarra Leongatha RSL Cricket Club and Nyora Cricket Club are seeking Council endorsement and an allocation of Council funding to support applications to the Sport and Recreation (SRV) 2016/2017 Community Sports Infrastructure Fund programs to upgrade their facilities.

Council endorsement and an allocation of Council funding is also sought to support an application for the Poowong Pool Refurbishment Project to the same grant program.

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- South Gippsland Shire Council Pool Master Plans for Poowong and Toora
- Nyora Recreation Reserve Master Plan
- Leongatha Golf Club Inc. Strategic Plan
- Koonwarra Recreation Reserve Master Plan
- Community Project Management Policy

COUNCIL PLAN

Strategic Goal:	3.0	Integrated Services and Infrastructure
Outcome:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development
Strategy No:	3.1.1	We will deliver Council and community projects and leverage project funds to attract investment from external sources

CONSULTATION

Council was briefed on the recommended applications for funding through the Community Sports Infrastructure Fund at a Strategic Briefing on 5 August 2015. Relevant internal departments have been consulted in identifying priorities.

Community engagement was undertaken for the following projects:

1. Poowong Pool Master Plan development was presented to Council in April 2014, endorsed for public exhibition and adopted by Council on 25 June 2014.

2. Nyora Recreation Reserve Development Project and Cricket Facilities Upgrade were presented to Council by the Nyora recreation Reserve Committee of Management on 15 April 2015.
3. Leongatha Golf Club Automated Irrigation Project was presented to Council by the Leongatha Golf Club Committee on 22 April 2015 as part of their strategic plan.
4. Koonwarra Cricket Facilities Upgrade project was presented to Council by the Koonwarra Recreation Reserve Committee of Management on 19 August 2015 as part of their Recreation Reserve Master Plan.
5. The South Gippsland Rural Cricket Facilities Upgrade (Nyora and Koonwarra) projects were identified as potentially eligible for funding through SRV during the Council Briefing of the 2014/2015 Community Grants Round Two assessment.

All projects have been discussed with the regional representative from Sport and Recreation Victoria to ensure that the projects are eligible through the grant programs.

REPORT

Background

The 2016/2017 Sport and Recreation Victoria (SRV) Community Sports Infrastructure Fund was recently announced by Minister John Eren.

The Community Sports Infrastructure Fund is a Victorian Government funding program that helps provide high-quality, accessible community sport and recreation facilities across Victoria by encouraging:

- Increased sport and recreation participation for all Victorians
- Increased female and junior participation
- Increased access to sport and recreation opportunities
- Better planning of sport and recreation facilities
- Innovative sport and recreation facilities
- Environmentally sustainable facilities
- Universally designed facilities

The Community Sports Infrastructure Fund provides grants for planning, building new, and improving existing facilities where communities conduct, organise and participate in sport and recreation. Funding is available under the following categories:

- Better Pools* - Grants of up to \$3 million to build new or upgrade existing aquatic centres;
- Major Facilities* - Grants of up to \$650,000 to develop or upgrade major sport and recreation facilities;
- Small Aquatic Project* - Grants of up to \$200,000 to upgrade pools and aquatic leisure facilities;
- Minor Facilities** - Grants of up to \$100,000 to develop or upgrade local sport and recreation facilities;
- Female Friendly Facilities** - Grants of up to \$100,000 to build new or upgrade existing change rooms to prioritise female participation;
- Cricket Facilities** - Grants of up to \$100,000 to develop or upgrade cricket facilities;
- Planning - Grants of up to \$30,000 to fund initiatives that assess the future sport and recreation needs of local communities, and up to \$50,000 for regional planning initiatives.

*Only one project can be submitted under the Better Pools, Major Facilities and Small Aquatic Projects categories.

- Funding ratio is SRV \$1: Local \$1
- Project Proposals close 24 August 2015
- Applications close 29 October 2015

**Councils may apply for the maximum grant amount for up to three projects from the Minor Facilities, Cricket Facilities and Female Friendly Facilities categories with a maximum of two applications from any single category.

- Funding ratio is SRV \$2: Local \$1
- No Project Proposal required
- Applications close 29 October 2015

Discussion

Four projects have been assessed as eligible for the 2016/2017 program, noting that the Cricket Facilities Upgrade projects for Koonwarra and Nyora have been combined into one project proposal:

1. Poowong Pool Refurbishment Project
2. Nyora Recreation Reserve Development Project
3. Leongatha Golf Club Automated Irrigation Project
4. South Gippsland Rural Cricket Facilities Upgrade Project (Nyora and Koonwarra)

10. POOWONG POOL REFURBISHMENT PROJECT

Project Scope

- Change room refurbishment,
- New accessible/family change rooms
- Upgrade to entrance to be accessible for all
- New store shed
- Plant room upgrade

Estimated Total Cost - \$460,000

- SRV Small Aquatic Project Grant Category - \$200,000
- Community Contribution - \$5,000
- Council Contribution - \$255,000

11. NYORA RECREATION RESERVE DEVELOPMENT PROJECT

Project scope

- Oval sprinkler system installation
- New pumping system
- Upgrade of power to reserve

Estimated Total Cost - \$150,000

- SRV Minor Facilities Grant Category - \$90,000
- Club/Community contribution - \$30,000

- Council contribution - \$30,000

12. LEONGATHA GOLF CLUB AUTOMATED IRRIGATION PROJECT

Project Scope

- Automated sprinkler system for 18 tees and greens
- Irrigating 3 fairways
- Pump

Estimated Total Cost - \$220,000

- SRV Minor Facilities Grant Category - \$80,000
- Club/Community contribution - \$90,000
- Council contribution - \$50,000

13. SOUTH GIPPSLAND RURAL CRICKET FACILITIES UPGRADE (NYORA AND KOONWARRA) PROJECT

Project Scope

- Redevelopment of cricket practice nets for Nyora and Koonwarra
- Drainage of Koonwarra oval

Estimated Total Cost - \$160,000

- SRV Cricket Facilities Grant Category- \$100,000
- Club/Community contribution - \$40,000 (\$10,000 Nyora and \$30,000 from Koonwarra)
- Council contribution- \$20,000 (2014/2015 Community Grants Program)

Proposal

It is recommended that Council endorse all four applications (to the 2016/2017 Sport and Recreation Victoria (SRV) Community Sports Infrastructure Fund grant program and allocate funding to the projects, in accordance with the funding ratios required.

FINANCIAL CONSIDERATIONS

- There is \$64,000 allocated in the 2016/2017 Capital Works for the Poowong Pool. An adjustment to the 15 Year Capital Works program is required to bring forward the balance required of \$191,000 for the Poowong Pool project in 2016/17.

- Funding is available through Council's Long Term Financial Plan as 'Community Infrastructure Projects' to cover Council's contribution in 2016/2017 for the Nyora Recreation (\$30,000) and Leongatha Golf Club (\$50,000) projects.
- Council's contribution of \$20,000 to the Cricket Facilities project has been approved and allocated through the 2014/2015 Community grants budget.
- It is anticipated, that should the proposed four applications be successful, Council's total contribution of \$355,000 would be used to leverage \$470,000 from Sport and Recreation Victoria. Taking into account the community's contribution, the total value of the projects would be \$990,000.

As applications are to be submitted by Council, Council will be required to provide staff resources, funded within the total project cost.

RISKS

If Council doesn't support all four projects Council will miss an opportunity to obtain external funds to assist in improving recreational facilities within the Shire, all of which have been deemed priorities, based on prior strategic planning.

To mitigate the risk of project cost overruns to Council, it is recommended to advise the Nyora Recreation Reserve Committee, Leongatha Golf Club, Koonwarra Leongatha RSL Cricket Club Committee and Nyora Cricket Club Recreation Committee through, that any project cost overruns are the responsibility of the committees to fund, in accordance with Council's Community Project Management Policy. This policy states that if funds are not available within the overall project budget, the applicant will be required to provide the additional funding.

CONCLUSION

The Sport and Recreation Victoria Funding Program provides Council and the community with an ideal opportunity to gain external funding to progress projects that have been identified through strategic plans for the improvement of sport and recreation in the Shire.

RECOMMENDATION

That Council:

1. Apply to the Sport and Recreation Victoria 2016/2017 Community Sports Infrastructure Fund - Small Aquatic Project category for \$200,000 for the Poowong Pool Refurbishment project ;
2. Allocate \$255,000 capital funding for the Poowong Pool Refurbishment project in 2016/17 and adjust the 15 year Capital Works budget accordingly if the application is approved by Sport and Recreation Victoria;
3. Apply for \$90,000 to the Sport and Recreation Victoria 2016/2017 Community Sports Infrastructure Fund - Minor Facilities category for the Nyora Recreation Reserve Development project ;
4. Allocate \$30,000 from the 2016/2017 Community Infrastructure Projects budget towards the Nyora Recreation Reserve Upgrade project if the application is approved by Sport and Recreation Victoria;
5. Advise the Nyora Recreation Reserve Committee of Management that any project overruns are the responsibility of the committee to fund, in accordance with Council's Community Project Management Policy and Guidelines;
6. Apply to the Sport and Recreation Victoria 2016/2017 Community Sports Infrastructure Fund - Minor Facilities category for \$80,000 for the Leongatha Golf Club Automated Irrigation project;
7. Allocate \$50,000 from the 2016/2017 Community Infrastructure Projects budget towards the Leongatha Golf Club Automated Irrigation project if the application is approved by Sport and Recreation Victoria;
8. Advise the Leongatha Golf Club Committee that any project overruns are the responsibility of the committee to fund, in accordance with Council's Community Project Management Policy and Guidelines;
9. Apply for \$100,000 for the South Gippsland Rural Cricket Facilities Upgrade (Nyora and Koonwarra)project to the Sport and Recreation Victoria 2016/2017 Community Sports Infrastructure Fund - Cricket Facilities category;
10. Note that Council's contribution to the South Gippsland Rural Cricket Facilities Upgrade (Nyora and Koonwarra) project has already been approved and allocated through the 2014/2015 Community grants budget;
11. Advise the Koonwarra Leongatha RSL Cricket Club Committee that any Project overruns are the responsibility of the committee to fund, in

accordance with Council's Community Project Management Policy and Guidelines;

12. Advise the Nyora Cricket Club Committee that any Project overruns are the responsibility of the committees to fund, in accordance with Council's Community Project Management Policy and Guidelines; and
13. Provide staff resources, with funding allocated in the total project costs, for management of the projects if approved by Sport and Recreation Victoria in the 2016/2017 financial year.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Brunt

SECONDED: Cr Davies

THAT COUNCIL:

1. **APPLY TO THE SPORT AND RECREATION VICTORIA 2016/2017 COMMUNITY SPORTS INFRASTRUCTURE FUND - SMALL AQUATIC PROJECT CATEGORY FOR \$200,000 FOR THE POOWONG POOL REFURBISHMENT PROJECT ;**
2. **ALLOCATE \$255,000 CAPITAL FUNDING FOR THE POOWONG POOL REFURBISHMENT PROJECT IN 2016/17 AND ADJUST THE 15 YEAR CAPITAL WORKS BUDGET ACCORDINGLY IF THE APPLICATION IS APPROVED BY SPORT AND RECREATION VICTORIA;**
3. **APPLY FOR \$90,000 TO THE SPORT AND RECREATION VICTORIA 2016/2017 COMMUNITY SPORTS INFRASTRUCTURE FUND - MINOR FACILITIES CATEGORY FOR THE NYORA RECREATION RESERVE DEVELOPMENT PROJECT ;**
4. **ALLOCATE \$30,000 FROM THE 2016/2017 COMMUNITY INFRASTRUCTURE PROJECTS BUDGET TOWARDS THE NYORA RECREATION RESERVE UPGRADE PROJECT IF THE APPLICATION IS APPROVED BY SPORT AND RECREATION VICTORIA;**
5. **ADVISE THE NYORA RECREATION RESERVE COMMITTEE OF MANAGEMENT THAT ANY PROJECT OVERRUNS ARE THE RESPONSIBILITY OF THE COMMITTEE TO FUND, IN ACCORDANCE WITH COUNCIL'S COMMUNITY PROJECT MANAGEMENT POLICY AND GUIDELINES;**

6. **APPLY TO THE SPORT AND RECREATION VICTORIA 2016/2017 COMMUNITY SPORTS INFRASTRUCTURE FUND - MINOR FACILITIES CATEGORY FOR \$80,000 FOR THE LEONGATHA GOLF CLUB AUTOMATED IRRIGATION PROJECT;**
7. **ALLOCATE \$50,000 FROM THE 2016/2017 COMMUNITY INFRASTRUCTURE PROJECTS BUDGET TOWARDS THE LEONGATHA GOLF CLUB AUTOMATED IRRIGATION PROJECT IF THE APPLICATION IS APPROVED BY SPORT AND RECREATION VICTORIA;**
8. **ADVISE THE LEONGATHA GOLF CLUB COMMITTEE THAT ANY PROJECT OVERRUNS ARE THE RESPONSIBILITY OF THE COMMITTEE TO FUND, IN ACCORDANCE WITH COUNCIL'S COMMUNITY PROJECT MANAGEMENT POLICY AND GUIDELINES;**
9. **APPLY FOR \$100,000 FOR THE SOUTH GIPPSLAND RURAL CRICKET FACILITIES UPGRADE (NYORA AND KOONWARRA)PROJECT TO THE SPORT AND RECREATION VICTORIA 2016/2017 COMMUNITY SPORTS INFRASTRUCTURE FUND - CRICKET FACILITIES CATEGORY;**
10. **NOTE THAT COUNCIL'S CONTRIBUTION TO THE SOUTH GIPPSLAND RURAL CRICKET FACILITIES UPGRADE (NYORA AND KOONWARRA) PROJECT HAS ALREADY BEEN APPROVED AND ALLOCATED THROUGH THE 2014/2015 COMMUNITY GRANTS BUDGET;**
11. **ADVISE THE KOONWARRA LEONGATHA RSL CRICKET CLUB COMMITTEE THAT ANY PROJECT OVERRUNS ARE THE RESPONSIBILITY OF THE COMMITTEE TO FUND, IN ACCORDANCE WITH COUNCIL'S COMMUNITY PROJECT MANAGEMENT POLICY AND GUIDELINES;**
12. **ADVISE THE NYORA CRICKET CLUB COMMITTEE THAT ANY PROJECT OVERRUNS ARE THE RESPONSIBILITY OF THE COMMITTEES TO FUND, IN ACCORDANCE WITH COUNCIL'S COMMUNITY PROJECT MANAGEMENT POLICY AND GUIDELINES; AND**
13. **PROVIDE STAFF RESOURCES, WITH FUNDING ALLOCATED IN THE TOTAL PROJECT COSTS, FOR MANAGEMENT OF THE PROJECTS IF APPROVED BY SPORT AND RECREATION VICTORIA IN THE 2016/2017 FINANCIAL YEAR.**

Cr Fawcett left the Meeting at 3.51pm and 3.53pm.

CARRIED UNANIMOUSLY

E.9 FINAL MUNICIPAL EMERGENCY MANAGEMENT PLAN 2015-2018

Corporate and Community Services

EXECUTIVE SUMMARY

Changes released in April 2015 to Part 6 of the Emergency Management Manual of Victoria require Councils to formally adopt the Municipal Emergency Management Plan (MEMP).

The draft South Gippsland Municipal Emergency Management Plan 2015-2018 was placed on public exhibition for a 4 week period in June and July 2015 with no submissions received.

It is recommended that Council adopt the final South Gippsland Municipal Emergency Management Plan 2015-2018.

Document/s pertaining to this Council Report

- **Appendix 1** - South Gippsland Municipal Emergency Management Plan 2015-2018

A copy of **Appendix 1 - South Gippsland Municipal Emergency Management Plan 2015-2018** is available on Council's website: www.southgippsland.vic.gov.au or by contacting 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

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

COUNCIL PLAN

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

CONSULTATION

The Plan was placed on Public Exhibition from 29 June 2015 and 24 July 2015 as per the Council resolution 24 June 2015.

The Municipal Emergency Management Planning Committee (MEMPC) was informed of the outcome of the Public Exhibition process on 20 August 2015. There were no submissions received and the MEMPC has endorsed the final Plan for adoption by South Gippsland Shire Council.

REPORT

Background

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

The Plan has been developed in collaboration with all emergency services and organisations represented on the South Gippsland MEMPC. The Plan details the agreed arrangements for the prevention, response and the recovery from a range of emergencies that potentially could occur in the Shire.

Discussion

The current MEMP was audited and approved on 28 May 2015. However, during the audit process, the State Emergency Service (SES), the auditing body, recommended that Council proceed with the process for public exhibition and formal Council adoption of the Plan.

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

Public Exhibition has now been completed with no submissions received.

Proposal

That Council formally adopt the final South Gippsland Municipal Emergency Management Plan 2015-2018.

FINANCIAL CONSIDERATIONS

The cost of developing the Plan is met within the current operational budget for Emergency Management.

RISKS

The aim of a MEMP is to identify potential risks to the community, work with the community to mitigate those risks where possible and plan to safely manage a response when an emergency occurs. In developing the MEMP the MEMPC has undertaken a robust risk management process which is documented within the Plan.

Adopting the MEMP will formalise a collaborative multi-agency response and recovery to emergencies in the Shire and will ensure the MEMPC complies with the requirements of the EMMV and the MEMPC audit process.

CONCLUSION

A 3 year Municipal Emergency Management Plan 2015-2018 for South Gippsland has been developed in collaboration with a range of local and regional emergency management services and organisations. The MEMP has been placed on Public Exhibition, with no submissions received. It has been endorsed by the Municipal Emergency Management Planning Committee and now requires formal adoption by Council.

RECOMMENDATION

That Council adopt the South Gippsland Municipal Emergency Management Plan 2015-2018 (refer Appendix 1).

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Hutchinson-Brooks SECONDED: Cr Kennedy

**THAT COUNCIL ADOPT THE SOUTH GIPPSLAND MUNICIPAL
EMERGENCY MANAGEMENT PLAN 2015-2018 (REFER APPENDIX 1).**

CARRIED UNANIMOUSLY

SECTION F - URGENT OR OTHER BUSINESS

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

1. Urgent Business

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

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

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

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

2. Other Business

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

MOVED: Cr Kennedy

SECONDED: Cr Hill

THAT COUNCIL AGENDA ITEM F.1 NOTICE OF MOTION 683 - SUPPORT OF SYRIAN REFUGEES BE CONSIDERED AS URGENT DUE TO COMMUNITY REQUESTING THAT THIS ITEM IS URGENT BUSINESS.

LOST

For: Crs Kennedy and Hill.

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

MOVED: Cr Fawcett

SECONDED: Cr Davies

THAT COUNCIL AGENDA ITEM F.2 MUNICIPAL ASSOCIATION OF VICTORIA (MAV) STATE COUNCIL MOTIONS FOR CONSIDERATION BE CONSIDERED AS URGENT AS COUNCIL SUPPORTED MOTIONS ARE REQUIRED TO BE SUBMITTED TO MAV BY FRIDAY 25 SEPTEMBER 2015.

CARRIED UNANIMOUSLY

F.2 MAV STATE COUNCIL MEETING - NOTICES OF MOTION

Executive Office

EXECUTIVE SUMMARY

Municipal Association of Victoria (MAV) is holding its State Council Meeting on Friday 23 October 2015. Mayor Councillor Jeanette Harding is Council's appointed MAV Representative and has the power to vote for or against Motions at the Meeting on behalf of Council.

Each Council has the opportunity to put forward Notices of Motion for consideration and advocacy by the MAV.

This Report puts forward Council's proposed Motion for consideration and to officially endorse it's submission to MAV by the due date being Friday 25 September 2015.

Document/s pertaining to this Council Report

- **Attachment 1** - MAV State Council Motion: From Whitehorse City Council relates to protecting the health and welfare of Council authorised enforcement officers
- **Attachment 2** - MAV State Council Motion: From East Gippsland Shire Council relates to landfill levy distribution.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

N/A

COUNCIL PLAN

Outcome:	1.0	A Prosperous Shire
Objective:	1.2	Raise the Awareness of Local and Regional Issues with State and Federal Decisions Makers

CONSULTATION

Discussions have taken place at an Executive level and with Council as a whole in relation to this Motion.

REPORT

Background

Each year councils have the opportunity to put forward Notices of Motions relating to matters of strategic significance to local government for consideration at the Municipal Association Victoria (MAV) State Council Meeting.

Should the motions be carried at the State Council Meeting, MAV then make representations on behalf of Local Government to the State and Commonwealth as appropriate to advocate for the matters.

Discussion

The MAV State Council Meeting is scheduled for Friday 23 October 2015. Deadlines for Motions close on Friday 25 September 2015.

Proposal

It is proposed that Council submit the Notices of Motion as provided at **Attachment 1 and Attachment 2** by the due date for consideration at the upcoming MAV State Council Meeting.

RECOMMENDATION

That Council:

1. Endorse the Notice of Motion ' **MAV State Council Motion: From Whitehorse City Council relates to protecting the health and welfare of Council authorised enforcement officers.**
2. Endorse the Notice of Motion '**MAV State Council Motion: From East Gippsland Shire Council relates to landfill levy distribution**'.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Fawcett

SECONDED: Cr Davies

THAT COUNCIL:

1. **ENDORSE THE NOTICE OF MOTION 'MUNICIPAL ASSOCIATION VICTORIA (MAV) STATE COUNCIL MOTION: FROM WHITEHORSE CITY COUNCIL RELATES TO PROTECTING THE HEALTH AND WELFARE OF COUNCIL AUTHORISED ENFORCEMENT OFFICERS'.**
2. **ENDORSE THE NOTICE OF MOTION 'MAV STATE COUNCIL MOTION: FROM EAST GIPPSLAND SHIRE COUNCIL RELATES TO LANDFILL LEVY DISTRIBUTION'.**

CARRIED UNANIMOUSLY

Attachment 1

MOTION
MANDATORY SENTENCING TO PROTECT AUTHORISED OFFICERS

Submitted by: Whitehorse City Council

MOTION:

That the MAV state Council advocate to the State government that for the purpose of protecting the health and welfare of Council authorised enforcement officers, the need to amend and insert in the Local Government Act 1989 (currently being reviewed) the following:

- 1. A specific offence provision(s) within the Act that applies to causing serious injury or the death of a council appointed authorised officer. Specifically, the offence(s):*
 - a) To reflect the current offences to which section 10AA of the Sentencing Act applies, such as:*
 - i. Intentionally causing serious injury or the death of an authorised officer performing their duties, in circumstances of gross violence;*
 - ii. Recklessly causing serious injury or the death of an authorised officer performing their duties, in circumstances of gross violence;*
 - iii. Intentionally causing serious injury or the death of an authorised officer performing their duties; and*
 - iv. Recklessly causing serious injury or the death of an authorised officer performing their duties.*
 - b) The penalty for the offence(s) to be a significant fine or imprisonment, or both.*
 - c) The offence provision to include a subsection that makes it clear that it has effect in addition to, and not in derogation from, any Act or law relating to civil or criminal liability. This will ensure that the offence provision will not limit other criminal and civil proceedings that may be brought; and*
- 2. Including a definition of 'serious injury' that refers to the definition currently contained within section 15 the Crimes Act.*
- 3. That upon conviction, Local Governments have a capacity to recover all costs associated with the incident including additional work cover premiums from the defendant.*

RATIONALE:

The motion concerns the lack of legislative protection against violence currently afforded to authorised officers within Victoria. There is a need to enhance the level of protection as there are an increased number of instances where council appointed authorised officers have been assaulted in carrying out their duties.

Section 10AA of the *Sentencing Act 1991* (Vic) (Sentencing Act) specifies terms of imprisonment to be imposed in relation to crimes committed against emergency workers who are on duty. It also sets minimum non-parole periods. It does not, however, extend to authorised officers of Council. Nor is there any other similar legislative protection that applies to authorised officers in Victoria.

In November 2014 a Whitehorse City Council Authorised Officer was seriously injured as a result of an attack by a motorist. The officer's injuries required hospitalisation and long term rehabilitation.

While the police laid three charges against the defendant, the Magistrate in her deliberation, dismissed two charges and found the charge of causing serious injury proved. No conviction was recorded; the defendant was placed on a 12 month good behavior bond, ordered to pay \$500 to the court fund and was encouraged to continue counselling. Given the criminal nature of the incident, and Council not being a party to the prosecution (i.e. being the employer) Council was unable to appeal. This incident has significantly impacted on Council's Worker's compensation premium, financially penalizing the Council and community.

The sentence falls significantly short of those provisions provided to Emergency workers as defined.

The key reasons there should be legislative reform to increase the protection of authorised officers against violence are as follows:

- There are ongoing instances where council authorised officers have been assaulted in carrying out their duties (i.e. - assault of two regional council officers and the aforementioned matter);
- Authorised officers are not currently covered by section 10AA of the Sentencing Act or collectively protected against violence under Victorian legislation; and
- There should be equal protection for authorised officers and emergency workers because they are very similar, particularly in terms of their vulnerability in performing their duties.

Currently, section 10AA of the Sentencing Act expressly mandates terms of imprisonment be imposed in relation to crimes committed against emergency workers who are on duty, and sets minimum non-parole periods.

As advised previously, the provision does not apply to authorised officers. Nor is there another provision in the Sentencing Act that prescribes minimum sentences for offences against authorised officers. As such, it is only the standard assault provisions in the *Crimes Act 1958* (**Crimes Act**) that apply to assaults against authorised officers in the same way they apply to assaults against other individuals.

Section 10AA also prescribes a minimum term of imprisonment for the offence of causing injury intentionally or recklessly against an emergency worker.

The definition of emergency worker under section 10AA of the Sentencing Act includes the following persons:

- A police officer or protective services officer;
- An operational staff member within the meaning of the *Ambulance Services Act 1986*;
- A person employed or engaged to provide or support emergency treatment to patients in a hospital;
- An officer, employee or volunteer of the Metropolitan Fire Board, or the Country Fire Authority;
- A person employed in the Department of Environment, Land, Water and Planning with emergency response duties;
- A member or employee of the State Emergency Service;
- A voluntary emergency worker;
- Any person required or permitted under the terms of their employment or contract for services with the Crown or a government agency to respond to an emergency or provide services or perform work in relation to an emergency; and
- Any person engaged by the Crown or a government agency to provide services or perform work in relation to a particular emergency.

Authorised Officers are excluded from this definition.

Attachment 2

MOTION

LANDFILL LEVY REVENUE DISTRIBUTION

*Submitted by: East Gippsland Shire Council**

MOTION:

That the MAV:

- Seek information from the Minister detailing the amount of Landfill Levy revenue that has been collected by the Victorian Government across Victoria since its inception and the amount of that revenue that has been returned to Local Government.
- Seek information from the Minister detailing the proposed plans and timelines to disburse these funds and the projects that are likely to be funded.

RATIONALE:

The cost of providing Waste Services for Local Government Authorities has been increasing at a rate greater than CPI over a number of years. The Table below shows the CPI increase in landfill levy since 2010.

Year	MSW (\$)	% Increase	Industrial (\$)	% Increase
2011-12	22		38.5	
2012-13	24.5	11.4	48.4	25.7
2013-14	26.6	8.6	53.2	9.9
2014-15	29.3	10.2	58.5	10.0
2015-16	30.32	3.5	60.52	3.5

A large component of this cost is the Landfill Levy which is paid by Local Government to the State Government.

Since 2004 East Gippsland Shire Council has paid a total of \$5,053,885 in Landfill Levy, and has received approximately \$1,200,000 in the form of Grants, of which \$733,326 has been received.

From 1 July 2015 the administration of the Levy Fund has transferred from Sustainability Victoria to Department of Environment, Land, Water and Planning.

An article from The Age newspaper dated 3 March 2015 stated that there is more than \$311 million in the Levy Fund which has not been distributed.

In the current budget the State Government have budgeted for \$22.4m to be spent from Sustainability Victoria towards Waste Reduction, Climate Change, Contaminated Land and assisting native species to adapt to climate change.

SECTION G – GENERAL QUESTION TIME

G.1 QUESTION TIME

Nil

G.2 ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

Noted.

At the Ordinary Council Meeting 26 August 2015 written questions were taken on notice from Paul Norton and responses are now provided.

Preamble Question 1

Believing that press and perhaps Councillors and even community members go to council to get info.

Question 1

Could Council “arrange” for either or both the Director of Engineering and Director of Development Services record as of Section of agendas of the February, May, August and Decembers agendas as to process and time frames of the Leongatha Heavy Vehicle Alternate Route and also the Bair Street CBD Project?

Response:

The Leongatha HV Alternative route is being delivered by VicRoads. Latest advice is that the project is anticipated to be completed by mid 2016. Bair Street works are currently included in the 2016/17 budget.

For more information the VicRoads Community Update is available on Council’s website www.southgippsland.vic.gov.au > [More Services](#) > [Roads and Infrastructure](#) > [Current Infrastructure Projects](#) > [State and Federal Funded Projects](#) > [Leongatha Heavy Vehicle Alternative Route.](#)

Preamble Question 2

As of the VicRoads Community info update No.6 March 2015 final road design SGSC are designing the Bair Street CBD Project.

Question 2

Is VicRoads or Council doing the Bair Street redevelopment project?

Council will be delivering the Bair Street project.

Question 3

If Council are to “Do” part or all of the Bair Street CDB Project has monies been allotted in the “Budget” if so as of what pages as either the appendix to or the Councils meeting minutes are the page numbers and also the monies if any are recorded on “the Budget” I believe was apportioned at the April 2015 meeting.

Response:

The 2015/16 Annual Budget was adopted at the 24 June 2015 Council Meeting. The Bair Street Streetscape project is noted on page 5 within E.1 Appendix 1 – Annual Budget and this can be found on Council’s website www.southgippsland.vic.gov.au > [Agendas and Minutes](#) > [Council Meetings - Agendas and Minutes > Wednesday, 24th June 2015](#). The budgeted amount for this project is \$1.34m and this is recognised within the Long Term Financial Plan. It is not documented within the 2015/16 Annual Budget as the project is scheduled to be delivered during the 2016/17 financial year.

Question 4

Believing the March 2015 is in fact the Final Road design for the Leongatha Heavy Vehicle alternate Route Believing also the SGSC planners have already or perhaps should have started the planning for the Bair Street ? Project. Has or will the Council give the planners a brief as to the plans as to above.

Response:

Works have commenced on a streetscape masterplan for Bair Street.

Question 5

Do Council not VicRoads really believe the process as to SGSC aims to commence consultation process in late 2015. I believe the plans perhaps would be then completed. It may well be for the community and perhaps Councillors all over red rover.

Response:

Consultation on the streetscape masterplan will commence in late 2015.

Question 6

Re the recent road works 18 August 2015 carried out by local contractor as to clearing back vegetation and obtains between Bass Highway and Quarry Road Whitelaw Track Leongatha South. Believing that as of Holcim recent permit Holcim has to bring that section of road up to specification set out by Council as to permit . What for the quarry percentage not the amount are Holcim to pay and what percentage if any are Council to pay.

Response:

The works on 18 August 2015 were routine maintenance works carried out by Council to improve sight distance and not related to the Holcim Planning Permit.

Question 7

As of open briefing session 19 August 2015 which I didn't attend re No.6 Gray street Leongatha to quote in part " worse subgrade conditions where encountered then expected and there was a small overrun of the projected Budget" etc As Grey Street runs through what was once a swamp. Did Council geotechnical investigation include drilling and to what depths before to find out what materials would be for the natural road base and of any water that may be traversing still in the road Base before Council called for tenders for the Gray Street project. Also at this stage know the amount of small budget overrun. Also will Council be paying for the 'small' overrun or will part of the small budget overrun be referred back to the Gray Street ratepayers.

Response:

The seven test holes in the geotechnical investigation were all bored to a depth of 1.5 metres and no water was encountered.

The budget overrun was \$48k and it is not proposed to pass this cost onto abutting landowners as the overrun was contributed by increases in the size of works.

At the Ordinary Council Meeting 26 August 2015 written questions were taken on notice from Ron Wangman and responses are now provided.

Question 1

What is the cost per kilometre to re-sheet a road? In particular if it was a section of road that needs repairing.

Response:

A typical cost for the rehabilitation of rural road based on stabilisation of insitu material with a 100mm Class 2 rock sealed overlay is in the order of \$150,000 per kilometre.

Question 2

In reference to the Koonwarra Landfill, how many more cells are to be developed at Koonwarra and what is the further cost on remaining cells?

Response:

There are two more cells to be developed for Stage 1 for the Koonwarra landfill, being Cells 4 & 5. Stage 2 potentially has 5 cells but is subject to an EPA works approval application.

The budgeted costs for the construction of Cells 4 & 5 are \$1.7M and \$2.0M respectively. The budget allowance for the rehabilitation of these cells with caps is \$0.8M. All budget allowances are based on today's dollars.

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 COMMUNITY GRANTS ROUND 2 – EARLY ASSESSMENT
FESTIVAL, CELEBRATION AND EVENTS CATEGORY**

ITEM 2 PROPOSED DEVELOPMENT

ITEM 3 CONTRACTUAL MATTER

RECOMMENDATION

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

1. COMMUNITY GRANTS PROGRAM ROUND 2 - EARLY ASSESSMENT FESTIVAL, CELEBRATION AND EVENTS CATEGORY pursuant to section 89(2)(h); and
2. PROPOSED DEVELOPMENT pursuant to section 89(2)(e) as provided for by the Local Government Act 1989.
3. CONTRACTUAL MATTER pursuant to section 89(2)(d) as provided for by the Local Government Act 1989.

MOVED: Cr Fawcett

SECONDED: Cr Kennedy

THAT COUNCIL CLOSE THE MEETING TO THE PUBLIC TO ALLOW FOR CONSIDERATION OF:

1. COMMUNITY GRANTS PROGRAM ROUND 2 - EARLY ASSESSMENT FESTIVAL, CELEBRATION AND EVENTS CATEGORY PURSUANT TO SECTION 89(2)(h); AND
2. PROPOSED DEVELOPMENT PURSUANT TO SECTION 89(2)(e) AS PROVIDED FOR BY THE LOCAL GOVERNMENT ACT 1989.
3. CONTRACTUAL MATTER PURSUANT TO SECTION 89(2)(d) AS PROVIDED FOR BY THE LOCAL GOVERNMENT ACT 1989.

CARRIED UNANIMOUSLY

**ITEM 3 AWARD TENDER RFT/74 PROVISION OF SWIMMING POOL
MAINTENANCE AND TECHNICAL REPORTS**

THAT COUNCIL:

- 1. AWARD CONTRACT RFT/74 PROVISION OF SWIMMING POOL
MAINTENANCE AND TECHNICAL REPORTS TO MECHANICAL
PLUMBING SERVICES PTY LTD FOR A 5 YEAR TERM SCHEDULE
OF RATES.**

SECTION H - MEETING CLOSED

NEXT MEETING

The next Ordinary Council Meeting open to the public will be held on Wednesday, 28 October 2015 commencing at 2pm in the Council Chambers, Leongatha.

The Meeting closed at 5.05pm.

CONFIRMED:.....

COUNCILLOR JEANETTE HARDING – MAYOR

Date:.....