



*South Gippsland*  
Shire Council

*Come for the beauty, Stay for the lifestyle*

# **COUNCIL AGENDA PAPERS**

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**25 November 2015**

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**ORDINARY MEETING NO. 397  
COUNCIL CHAMBERS, LEONGATHA  
COMMENCING AT 2PM**

## ***MISSION***

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

# SOUTH GIPPSLAND SHIRE COUNCIL

**NOTICE IS HEREBY GIVEN THAT ORDINARY MEETING NO. 397  
OF THE SOUTH GIPPSLAND SHIRE COUNCIL WILL BE HELD ON  
25 NOVEMBER 2015 IN THE COUNCIL CHAMBERS, LEONGATHA  
COMMENCING AT 2PM**

## INDEX

<b>SECTION A - PRELIMINARY MATTERS .....</b>	<b>1</b>
A.1 WELCOME .....	1
A.2 OPENING PRAYER.....	1
A.3 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS.....	1
A.4 REQUESTS FOR LEAVE OF ABSENCE .....	1
A.5 APOLOGIES.....	1
A.6 CONFIRMATION OF MINUTES .....	1
A.7 DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS .....	2
A.8 DECLARATION OF CONFLICT OF INTEREST FOR STAFF .....	4
A.9 PETITIONS.....	4
A.10 COUNCILLOR REPORTS .....	4
<b>SECTION B - NOTICES OF MOTION AND/OR RESCISSION .....</b>	<b>5</b>
<b>SECTION C - COMMITTEE REPORTS .....</b>	<b>6</b>
<b>SECTION D – PROCEDURAL REPORTS .....</b>	<b>7</b>
D.1 QUARTERLY PERFORMANCE REPORT – JULY TO SEPTEMBER 2015.....	7
D.2 COUNCILLOR EXPENDITURE REPORT - 30 SEPTEMBER 2015 .....	12
D.3 REPORT ON ASSEMBLY OF COUNCILLORS: 22 SEPTEMBER – 21 OCTOBER 2015 .....	15
D.4 COUNCILLOR DISCRETIONARY FUND ALLOCATION REPORT OCTOBER 2015.....	27
D.5 DOCUMENTS SEALED AND CONTRACTS AWARDED OR VARIED BY THE CHIEF EXECUTIVE OFFICER - 26 SEPTEMBER – 4 NOVEMBER 2015.....	29

<b>SECTION E - COUNCIL REPORTS</b> .....	<b>32</b>
E.1 PLANNING APPLICATION 2015/135 - 13 CLARENCE STREET, LOCH - USE AND DEVELOPMENT OF THE LAND FOR A HOSPITAL.....	32
E.2 MUNICIPAL PRECINCT STUDY – FINAL CONSULTANTS REPORT.....	56
E.3 SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C81 – LAND SUBJECT TO INUNDATION OVERLAY – REFER SUBMISSIONS TO AN INDEPENDENT PLANNING PANEL .....	64
E.4 CAPITAL WORKS PROGRAM 2015/16 - PROPOSED AMENDMENTS .....	79
E.5 POLICY REVIEW - SOUND RECORDING OF COUNCIL MEETINGS.....	82
E.6 COUNCILLOR APPOINTMENT TO COMMITTEES 2015 – 2016.....	89
<b>SECTION F - URGENT OR OTHER BUSINESS</b> .....	<b>92</b>
<b>SECTION G – GENERAL QUESTION TIME</b> .....	<b>93</b>
G.1 QUESTION TIME .....	93
G.2 ANSWERS TO PREVIOUS QUESTIONS ON NOTICE .....	93
<b>CLOSED SESSION</b> .....	<b>94</b>
ITEM 1 2015/16 COMMUNITY GRANTS ROUND ONE .....	94
<b>SECTION H - MEETING CLOSED</b> .....	<b>95</b>

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

## **SECTION A - PRELIMINARY MATTERS**

### **A.1 WELCOME**

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

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

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

Amen

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

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

### **A.4 REQUESTS FOR LEAVE OF ABSENCE**

### **A.5 APOLOGIES**

**Councillor Kieran Kennedy with leave of absence granted at the Special Statutory Meeting of Council 4 November 2015.**

### **A.6 CONFIRMATION OF MINUTES**

#### **RECOMMENDATION**

That the Minutes of the South Gippsland Shire Council:

1. Ordinary Meeting No.396 held on 28 October 2015 in the Council Chambers, Leongatha be confirmed.
2. Special (Statutory) Meeting of Council held on 4 November 2015 in the Council Chambers, Leongatha be confirmed.

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

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

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

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

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

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

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

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

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

## Privacy

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

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

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

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

## **A.9 PETITIONS**

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

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

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

## **A.10 COUNCILLOR REPORTS**

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

**Nil**



## **SECTION C - COMMITTEE REPORTS**

**Nil**

## **SECTION D – PROCEDURAL REPORTS**

### **D.1 QUARTERLY PERFORMANCE REPORT – JULY TO SEPTEMBER 2015**

Corporate and Community Services Directorate

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

Nil

#### **EXECUTIVE SUMMARY**

The Organisational Quarterly Performance Report for the period July to September 2015 provides detailed reporting on Council's performance against the 2015-2016 Annual Initiatives, Capital Works Program and Department Budgets.

The report's Executive Overview provides a high level summary across the organisation, while the Directorate Overviews delve deeper into the key highlights, issues, updates and events that have occurred during this reporting period.

This report does not capture every achievement during the quarter. However, it focuses on key achievements that contribute to the delivery of the corporate priorities.

The organisational Quarterly Performance Report July to September 2015 is provided in **Appendix 1**.

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

- **Appendix 1** - Quarterly Performance Report July to September 2015

A copy of **Appendix 1** - Quarterly Performance Report July to September 2015 is available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) or by contacting 5662 9200.

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

Local Government Act 1989, Sections 125, 127 and 223

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

2015-2016 Annual Budget incorporating 15 year Long Term Financial Plan and Annual Plan Initiatives.

## **COUNCIL PLAN**

Outcome:	4.0	A Leading Organisation
Objective:	4.2	Pursue best practice in organisational development and operation of the organisation.
Strategy:	4.2.4	We will create an environment for people to be their best, to optimise the performance of the organisation and to deliver quality outcomes for the community.

## **CONSULTATION**

Each Department across the organisation has contributed to the report, providing highlights, outcomes and updates for the reporting period.

The community was consulted during the preparation of the 2015-2016 Annual Budget (Budget), contributing ideas that have informed the Annual Initiatives contained in Section 3 of the Budget.

## **REPORT**

### **Background**

The 2015-2016 Annual Budget (inclusive of the Annual Initiatives) was adopted by Council on 24 June 2015. It sets the indicators and initiatives/activities which are reported within the Quarterly Performance Report to Council (**Appendix 1**).

### **Discussion**

The report provides Directorate overviews outlining key highlights, issues, updates and events that have occurred during this reporting period. Where possible, comparisons are made and reflected in graphs.

A number of significant highlights during the April to June 2015 period include:

### **EXECUTIVE OFFICE**

- New Organisation Structure implemented.
- Launched Council's new website.
- Drafted the Community Budgeting proposal of \$1.6 million and promoted it in The Age.
- Updated internal policies for Protected Disclosure, Violence in the Workplace and the Staff Code of Conduct.
- Facilitated Worksafe training.

## CORPORATE AND COMMUNITY SERVICES

- New Government funded Supported Playgroup Facilitator appointed to implement State Government reforms for increased support of children 0-3 years to reduce educational disadvantage.
- The 2014/15 Annual Plan for the West Gippsland Regional Library Corporation was endorsed by the Board and made available to the public.
- The Municipal Emergency Management Plan (MEMP) achieved Best Practice in seven categories, and complied with all the relevant guidelines in all other categories during a 3 year external audit process.
- Successful tender for the construction of the Karmai Community Children's Centre announced. Construction of this early years facility in Korumburra has commenced.
- On-line community engagement activity using OurSay ran for two and a half weeks resulting in 19 ideas for Council's consideration in the development of the draft 2016/2017 Annual Budget.
- A Council workshop to inform the draft 2016-2017 Budget was held on 30 September 2015. Councillors considered the 2015 Community Satisfaction Survey results and Community feedback received through the on-line OurSay forum.
- 2014-2015 Annual Report was prepared and presented to Council for endorsement. A copy was provided to the Minister for Local Government by 30 September 2015 in accordance with legislated requirements.
- The first year results of the Local Government Performance Reporting Framework indicators were completed and incorporated into the 'Know Your Council' State Government website. The website will be opened to the community in November 2015 allowing the community to view information on our Council and compare the results to similar councils.

## DEVELOPMENT SERVICES

- Council adoption of Amendment C97 – rezoning of 104ha at Nyora for residential development.
- Approval by the Minister for Planning of Amendment C77 (Part 3) to complete implementation of the Eastern District's Urban Design Frameworks.
- 124 planning applications were received during the quarter and 133 decisions were made. This included 122 Permits or Notices of Decision, 2 Refusals and 9 withdrawals/lapses.

- Municipal Domestic Wastewater Management Plan 2016-2020 released for public exhibition.
- 6293 animals registered compared with 5402 for the same quarter last year. This represents an increase of 891 registrations. Up by 16.5%.
- Finalist at the Victorian Museums Awards for Excellence in Museum Cataloguing.
- Generational Learning Community History Project delivered through funding from Department of Education and Training.
- Submitted Long Jetty Federal Grant Application seeking \$4.6m funding.
- Finalist in the Economic Development Australia Awards for Excellence for the Business Continuity and Resilience Program.
- Launch of Business Emergency Leadership Group by Craig Lapsley, Emergency Management Commissioner.
- National Broadband Network fixed wireless towers switched on in Leongatha South, Korumburra South, Meeniyan, Dumbalk, Koonwarra, Ruby and Bena.

#### SUSTAINABLE COMMUNITIES AND INFRASTRUCTURE SERVICES

- Commenced operation of the Korumburra Centre for Sports Excellence - Indoor Training Facility. This innovative facility was developed through a partnership between South Gippsland sporting groups and Council. This development has been possible due to a combination of funds from Council, the Community and State Government.
- 80 young people and parents participated in three Safer Driver workshops across the Shire. These were presented by Council in partnership with Victoria Police and VicRoads.
- Played a key role in coordinating a strong Local Government presence at the Annual Gippsland Jobskills Expo, held at Lardner Park in July. All South Gippsland secondary colleges participated with Council contributing to costs of travel for students to attend this event.
- Installed new solar hot water heating system at Korumburra Outdoor Swimming Pool.
- Completed drainage works at Ross Street and Martins Road, Meeniyan; Jacks Road and Charltons Road, Stony Creek; Caithness Road, Koonwarra; Millars Road and Nicholls Road, Pound Creek; Masons Road and Arbuthnotts Road, Tarwin Lower; McCaughans Road and Wisdoms Road, Pound Creek; A'Beckett Street, Leongatha; Boorool Road, Berrys Creek; and Soldiers Road, Poowong.

- Completed resheets at Masons Road, Tarwin Lower; Ross Street and Martins Road, Meeniyah; Jacks Road, Charltons Road and Todds Road, Stony Creek; Foster Mirboo Road, Foster; Boys Road, Fish Creek; Caithness Road, Koonwarra; Millars Road, Nicholls Road and McCaughans Road, Pound Creek; Boorool Road, Berrys Creek Road and Mount Vernon Road, Berrys Creek; Toomeys Creek Road, Mardan; and Turtons Creek Road, Turtons Creek.
- Completed road stabilisation works Millar Road and Soldiers Road, Yanakie; Bena - Kongwak Road, Bena; Farmers Road, Dumbalk; and Loch - Poowong Road, Loch.
- Completed the new public toilets at Fish Creek, Toora and Yanakie.
- Completed footpath and skate-park works at the Meeniyah Recreation Reserve (Community Play Space project).

### **FINANCIAL CONSIDERATIONS**

Activities within the Council 2015-2016 Annual Initiatives and Capital Works Program are funded through the 2015-2016 Annual Budget.

### **RISKS**

The Quarterly Performance Report mitigates the risk of Annual Initiatives and Capital Works activities not being managed, as every Department is required to monitor and report on the progress of their respective responsibilities on a regular basis. It also provides Council and the community increased transparency in monitoring Council's performance in the achievement of its corporate objectives and adopted plans throughout the financial year.

### **CONCLUSION**

It is recommended that Council receive and note the Organisational Quarterly Performance Report July to September 2015 in **Appendix 1**. The Report provides an overview of Council's performance against both Department Budgets and the Annual Initiatives for the period July to September 2015.

### **RECOMMENDATION**

**That Council receive and note the Organisational Performance Report (Appendix 1) for the period July to September 2015.**

## **D.2 COUNCILLOR EXPENDITURE REPORT - 30 SEPTEMBER 2015**

Corporate and Community Services Directorate

### **STAFF DISCLOSURE OF INTEREST**

Nil

### **EXECUTIVE SUMMARY**

The Councillor Expenditure Report (**Attachment 1**) provides Council with a quarterly update on Councillor Expenditure from 1 July 2015 to 30 September 2015.

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

- **Attachment 1** - Councillor Expenditure Report - 1 July to 30 September 2015

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

- Local Government Act - Section 75 Reimbursement of expenses of Councillors
- Councillor Support and Expenditure Policy

### **COUNCIL PLAN**

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

### **REPORT**

#### **Background**

The Councillor Expenditure Report (**Attachment 1**) provides Council with an update on Councillor Expenditure from 1 July 2015 to 30 September 2015.

Councillor expenditure is reported on a cash basis, and adjustments are made for 'pre-paid expenditure' only at financial year end.

### **FINANCIAL CONSIDERATIONS**

The budget provision year-to-date September 2015 for Councillor Expenses was \$96,429. Actual expenses totalled \$119,325 representing a year-to-date variation of \$22,896. Councillor allowance budgets need to be re-profiled and will then be in line with actuals.

## **RISKS**

Transparency in reporting is a risk management control measure that allows the community and Council to view the financial management and expenditure of Councillors.

## **RECOMMENDATION**

**That Council receive and note the Councillor Expenditure Report for the period 1 July 2015 to 30 September 2015.**



**Attachment 1  
Councillor Expenditure Report - 1 July to 30 September 2015**

Councillor Expenditure										
From 1 July 2015 to 30 September 2015										
Councillor	Travel Expenditure			Other Expenditure						Total
	Car	Councillor Car Operating Cost *	Other travel reimbursements **	Mobile Phone	Phone/Fax/ Modem	Training & Professional Development ***	Councillor Allowance ****	Remoteness Allowance	Stationery	
Cr. Robert Newton	Council	\$ 1,902	\$ -	\$ 190	\$ -	\$ -	\$ 8,333	\$ -	\$ -	\$ 10,425
Cr. Lorraine Brunt	Council	\$ 1,905	\$ -	\$ 267	\$ -	\$ 1,000	\$ 8,333	\$ -	\$ -	\$ 11,505
Cr. Andrew McEwen	Personal	\$ -	\$ 1,721	\$ 313	\$ -	\$ 1,020	\$ 8,333	\$ -	\$ 90	\$ 11,477
Cr. Kieran Kennedy	Council	\$ 2,497	\$ -	\$ 339	\$ -	\$ 2,576	\$ 8,333	\$ -	\$ -	\$ 13,745
Cr. Mohya Davies	Council	\$ 1,998	\$ -	\$ 432	\$ -	\$ 1,000	\$ 8,333	\$ -	\$ 134	\$ 11,897
Cr. Jeanette Harding	Council	\$ 2,597	\$ -	\$ 188	\$ -	\$ -	\$ 25,783	\$ 120	\$ -	\$ 28,688
Cr. Nigel Hutchinson Brooks	Council	\$ 1,930	\$ -	\$ 11	\$ -	\$ 62	\$ 10,522	\$ -	\$ -	\$ 12,503
Cr. Don Hill	Personal	\$ -	\$ 1,876	\$ 260	\$ -	\$ -	\$ 8,333	\$ -	\$ -	\$ 10,469
Cr. James Fawcett	Personal	\$ -	\$ -	\$ 283	\$ -	\$ -	\$ 8,333	\$ -	\$ -	\$ 8,616
<b>Total Actual (Year to date September 2015)</b>		<b>\$ 12,829</b>	<b>\$ 3,597</b>	<b>\$ 2,261</b>	<b>\$ -</b>	<b>\$ 5,658</b>	<b>\$ 94,636</b>	<b>\$ 120</b>	<b>\$ 224</b>	<b>\$ 119,325</b>
<b>Total Budget (Year to date September 2015)</b>		<b>\$ 13,275</b>	<b>\$ 3,000</b>	<b>\$ 3,885</b>	<b>\$ 480</b>	<b>\$ 1,792</b>	<b>\$ 73,224</b>	<b>\$ 123</b>	<b>\$ 650</b>	<b>\$ 96,429</b>
<b>Variance</b>		<b>\$ 446</b>	<b>\$ 597</b>	<b>\$ 1,624</b>	<b>\$ 480</b>	<b>\$ 3,866</b>	<b>\$ 21,412</b>	<b>\$ 3</b>	<b>\$ 426</b>	<b>\$ 22,896</b>

\* Car operating costs are for the 3 months ended 30 September 2015 and includes depreciation, insurance and notional interest.  
\*\* Travelling expenditure for Councillors using private vehicles is at the prescribed rate of reimbursement. Reimbursements also include actual public transport costs.  
\*\*\* Training & professional development includes accommodation, conference and parking expenses.  
\*\*\*\* Training & professional development expenses of Cr. Kieran Kennedy includes \$2400 for completing a Diploma of Local Government  
\*\*\*\*\* Councillor Allowance budgets needs to be re-profiled and will then be in line with actuals.

### **D.3 REPORT ON ASSEMBLY OF COUNCILLORS: 22 SEPTEMBER – 21 OCTOBER 2015**

Corporate and Community Services Directorate

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

Nil

#### **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 on 22 September – 21 October 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.

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**REPORT**

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 23 September 2015</b>		
<b>Council Agenda Topic Discussion 23 September 2015</b>	<b>Councillors Attending:</b>  Crs Hill, Harding, Brunt, Davies, Kennedy, Fawcett, McEwen, Newton and Hutchinson - Brooks.  <b>Conflict of Interest:</b> Nil disclosed.  <b>Topics Discussed:</b>  Council Agenda topic discussion for Ordinary Council Meeting 23 September 2015.	
<b>Public Presentation Session  OPEN SESSION</b>	<b>Councillors Attending:</b>  Crs Hill, Harding, Brunt, Davies, Kennedy, Fawcett, McEwen, Newton and Hutchinson - Brooks.  <b>Conflict of Interest:</b> Nil disclosed.	
<b>Presentations were made to Council by the following community members:</b>  <b>Ron and Paul Murcott</b> regarding Council Agenda item E.3 Planning application 2014/156 - 540 Yannathan Road, Nyora - Development of an agricultural building associated with chicken farming. Ron and Paul Murcott were objectors to the application.  <b>Rodger Davis</b> regarding Coal Seam Gas and Council's current position.		

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 23 September 2015</b>		
<p><b>Municipal Emergency Management Plan Audit Results incorporating Certificate Presentation</b></p> <p><b>OPEN SESSION</b></p>	<p><b>Councillors Attending:</b> Crs Fawcett, Brunt, Harding, Hutchinson-Brooks, Hill Davies and Kennedy.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Topics Discussed:</b></p>	<p>A presentation was made by Mark Somers, Victoria State Emergency Services (SES) regarding Municipal Emergency Management Plan Audit Results incorporating Certificate Presentation.</p>
<p><b>Gippsland Waste and Resource Recovery Group</b></p>	<p><b>Councillors Attending:</b> Crs Fawcett, Brunt, Harding, Hutchinson-Brooks, Hill Davies and Kennedy.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Topics Discussed:</b></p>	<p>Councillors were provided information on Gippsland Waste &amp; Resource Recovery Group (GWRRG) and the early stages of developing a Waste &amp; Resource Recovery Implementation Plan (GWRRIP) for the Gippsland Region.</p>
<p><b>Council Agenda Topic Discussion 23 September 2015</b></p>	<p><b>Councillors Attending:</b> Crs Fawcett, Brunt, Harding, Hutchinson-Brooks, Hill Davies and Kennedy.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Topics Discussed:</b></p>	<p>Council Agenda topic discussion for Ordinary Council Meeting 23 September 2015.</p>

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 30 September 2015</b>		
<b>Budget and Annual Plan Workshop</b>	<b>Councillors Attending:</b> Crs Harding, Fawcett, Hutchinson-Brooks, Davies, Kennedy, Hill and Brunt. <b>Conflict of Interest:</b> Nil disclosed.  <b>Topics Discussed:</b>  Councillors were provided information on the Financial Results 2014/15, Financial Strategies and information required to inform the commencement of the annual budgetary planning.  Councillors were notified that this information is to remain confidential. This requirement is to be presented to the November 2015 Council Meeting for endorsement. The Briefing Papers are to remain confidential until the Proposed 2016-2017 Budget is released for public comment.	
<b>Annual Plan Workshop</b>	<b>Councillors Attending:</b> Crs Harding, Fawcett, Hutchinson-Brooks, Davies, Kennedy, Hill and Brunt. <b>Conflict of Interest:</b> Nil disclosed. <b>Topics Discussed:</b> <ul style="list-style-type: none"><li>• Councillors were provided information for consideration in the development of the initiatives for the draft Budget 2016 – 2017.</li><li>• Council considered community consultation results from the online ‘Our Say’ engagement, the customer satisfaction survey results and other community feedback.</li><li>• Priority Projects for the Shire</li></ul> Councillors were notified that this information is to remain confidential excluding the Draft Annual Plan Initiatives and OurSay community engagement results that will be released for discussion at the Community Workshop on 13 October 2015. This requirement is to be presented to the November 2015 Council Meeting for endorsement. The Briefing Papers are to remain confidential until the Proposed 2016-2017 Budget is released for public comment.	

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 30 September 2015</b>		
<b>2016/17 Proposed Capital Works Program</b>	<b>Councillors Attending:</b> Crs Harding, Fawcett, Hutchinson-Brooks, Davies, Kennedy, Hill and Brunt. <b>Conflict of Interest:</b> Nil disclosed. <b>Topics Discussed:</b> Councillors were provided information on the Capital works program 2016 – 2017.  Councillors were notified that this information is to remain confidential. This requirement is to be presented to the November 2015 Council Meeting for endorsement. The Briefing Papers are to remain confidential until the Proposed 2016-2017 Budget is released for public comment.	
<b>Wednesday 7 October 2015</b>		
<b>Executive Update / Discussion</b>	<b>Councillors Attending:</b> Crs Fawcett, Davies, Brunt, Newton, Harding and Hutchinson-Brooks. <b>Conflict of Interest:</b> Nil disclosed. <b>Topics Discussed:</b> <ul style="list-style-type: none"><li>• Gippsland Regional Plan</li><li>• Corner Inlet Kindergarten Infrastructure Review</li><li>• Industrial estate Leongatha</li><li>• Rail Trail Works</li><li>• Financial Sustainability Committee to be discontinued in its current format with relevant financial/budget planning and service reviews streamlined through regular topic-specific briefings to Council.</li></ul>	

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 7 October 2015</b>		
<b>Council Timetable for October - November 2015</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Davies, Brunt, Newton, Harding and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Topics Discussed:</b> Councillors were provided the timetable and provided input for the months of October and November 2015.</p>	
<b>Municipal Precinct Study – Project Reference Group</b>	<p><b>Councillors Attending:</b> Crs Harding, Newton, Brunt, Davies, Fawcett and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Final draft report</li> <li>• Draft Communication Plan</li> <li>• Draft Customer Service Strategy</li> <li>• End Phase and next steps</li> </ul>	
<b>Planning Committee</b>	<p><b>Councillors Attending:</b> Crs Harding, Hutchinson-Brooks, Brunt, Newton, Fawcett, Davies and Hill.</p> <p><b>Conflict of Interest:</b> Cr Hutchinson-Brooks provided declarations of conflict of interest and left the room during discussions for Agenda Items:</p> <ul style="list-style-type: none"> <li>• E4 PLANNING SCHEME AMENDMENT C89 - WALKERVILLE VILLAGE – Indirect Interest by past association as a company of which he was a Director has in the past had conversations with the proponents but have not acted for them.</li> </ul> <p>Cr James Fawcett declared a Conflict of Interest with respect to Planning Scheme Amendment C105 – Meeniyan Wastewater Treatment Plant as he is a Director of South Gippsland Water.</p>	

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 7 October 2015</b>		
<b>Planning Committee</b> <i>continued...</i>	<b>Topics Discussed:</b>	<ul style="list-style-type: none"> <li>• Minutes of Previous Meetings</li> <li>• Matters Arising from Minutes</li> <li>• Strategic Planning Project List</li> <li>• Planning Applications of Significance</li> <li>• Decisions for August 2015</li> <li>• VCAT Decisions</li> </ul>
<b>Economic Development and Tourism Steering Committee</b>	<b>Councillors Attending:</b>  Crs Hutchinson-Brooks, Harding, Brunt and Davies.  <b>Conflict of Interest:</b> Nil disclosed.	<b>Topics Discussed:</b> <ul style="list-style-type: none"> <li>• Matters arising from the Minutes</li> <li>• Annual Plan Initiatives 2015/16</li> <li>• Action Plan 2015-16</li> <li>• Discussion of items of future interest and role of Committee</li> </ul>
<b>Wednesday 14 October 2015</b>		
<b>Community Workshop Preparation</b>	<b>Councillors Attending:</b>  Crs Hutchinson-Brooks, Davies, Brunt, Newton, Fawcett and Harding.  <b>Conflict of Interest:</b> Nil disclosed.	<b>Topics Discussed:</b> <ul style="list-style-type: none"> <li>• Councillors discussed the agenda for the Community Workshop and their role in the workshop.</li> <li>• Councillors were provided information on the activities that were planned to involve community members and how the community members could vote on ideas.</li> </ul>



<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 14 October 2015</b>		
<p><b>Community Workshop: Council Draft Annual Initiatives and Activities to Inform 2016/2017 Budget</b></p>	<p><b>Councillors Attending:</b></p> <p>Crs Hutchinson-Brooks, Davies, Brunt, Newton, Fawcett and Harding.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Community participants provided ideas for Council consideration and used an anonymous voting activity to sort them into priority interest.</li> <li>• Community participants considered ideas of interest suggested by Councillors and staff and used an anonymous voting activity to sort these into priority interest.</li> <li>• All participants considered the 'OurSay' ideas and discussed those of greatest interest to the community participants.</li> <li>• All participants considered the draft Annual Initiatives Council is currently considering for inclusion in the Draft Budget and discussed those of greatest interest to the community participants.</li> <li>• Community participants considered all ideas raised and highlighted the six most important ideas for themselves and six ideas they considered the community would be most interested in.</li> </ul>	
<b>Wednesday 21 October 2015</b>		
<p><b>2015/2016 Community Grants - Round 1 Assessment</b></p>	<p><b>Councillors Attending:</b></p> <p>Crs Fawcett, Brunt, Newton, Harding and Hutchinson - Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Topics Discussed:</b></p> <p>Councillors were provided information on the current Community Grants assessment round, each application was outlined and discussed.</p>	

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 21 October 2015</b>		
<b>CEO Annual Review</b>	<b>Councillors Attending:</b> Crs Fawcett, Brunt, Newton, Harding and Hutchinson - Brooks. <b>Conflict of Interest:</b> Nil disclosed. <b>Topics Discussed:</b>	Councillors were provided information on the Chief Executive Officers annual performance review.
<b>Ordinary Council Agenda Topics Discussion 28 October 2015</b>	<b>Councillors Attending:</b> Crs Fawcett, Brunt, Newton, Harding and Hutchinson-Brooks. <b>Conflict of Interest:</b> Cr Hutchinson-Brooks provided declarations of conflict of interest and left the room during discussions for Agenda Items: <ul style="list-style-type: none"><li>• E3 PLANNING SCHEME AMENDMENT C108 - AGRICULTURAL SERVICES - Conflicting Duty as a company to which he is Director is a consultant to the proponents of the C108 Agricultural Services Zone.</li><li>• E4 PLANNING SCHEME AMENDMENT C89 - WALKERVILLE VILLAGE – Indirect Interest by past association as a company of which he is a Director has in the past had conversations with the proponents but have not acted for them.</li></ul> <b>Topics Discussed:</b>	Council Agenda topic discussion for Ordinary Council Meeting 28 October 2015.
<b>Executive Update</b>	<b>Councillors Attending:</b> Crs Fawcett, Brunt, Newton, Harding, Hutchinson-Brooks and Hill. <b>Conflict of Interest:</b> Nil disclosed. <b>Topics Discussed:</b>	<ul style="list-style-type: none"><li>• Local Government Review – workshop with Councillors and staff day</li><li>• Waiting List for Home and Community Care services</li><li>• Invitation to Councillors to the official opening of the Bald Hills Windfarm</li></ul>

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 21 October 2015</b>		
<b>Bair Street Redevelopment Project</b>	<b>Councillors Attending:</b>  Crs Fawcett, Brunt, Newton, Harding, Hutchinson-Brooks and Hill.  <b>Conflict of Interest:</b> Nil disclosed.  <b>Topics Discussed:</b>	Councillors were provided an update on the project including the community consultation program.
<b>Special Statutory Meeting of Council Preparation:</b> <ul style="list-style-type: none"> <li>• <b>Mayoral and Deputy Mayor Election process</b></li> <li>• <b>Councillor Appointment to Committees</b></li> </ul>	<b>Councillors Attending:</b>  Crs Fawcett, Brunt, Newton, Harding, Hutchinson-Brooks and Hill.  <b>Conflict of Interest:</b> Nil disclosed.  <b>Topics Discussed:</b>	Councillors were provided the script of the forthcoming mayoral and deputy mayoral election as well as a list of internal and external committees to which they can elect to be represented at the Special Statutory Meeting of Council.
<b>October Quarterly Caravan Park Update</b> <b>OPEN DAY SESSION</b>	<b>Councillors Attending:</b>  Crs Fawcett, Brunt, Newton, Harding, Hutchinson-Brooks and Hill.  <b>Conflict of Interest:</b> Nil disclosed.  <b>Topics Discussed:</b>	Councillors were provided a briefing on the quarterly performance of the Yanakie and Long Jetty Foreshore caravan parks focusing on highlights from the last quarter, current activities and planned initiatives.

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 21 October 2015</b>		
<b>Public Presentations</b>  <b>OPEN DAY SESSION</b>	<b>Councillors Attending:</b>  Crs Fawcett, Brunt, Newton, Harding, Hutchinson-Brooks and Hill.  <b>Conflict of Interest:</b>  Cr Hutchinson-Brooks provided declarations of conflict of interest and left the room during public presentations for Agenda Items: <ul style="list-style-type: none"><li>• E3 PLANNING SCHEME AMENDMENT C108 - AGRICULTURAL SERVICES - Conflicting Duty as a company to which he is Director is a consultant to the proponents of the C108 Agricultural Services Zone.</li><li>• E4 PLANNING SCHEME AMENDMENT C89 - WALKERVILLE VILLAGE – Indirect Interest by past association as a company of which he is a Director has in the past had conversations with the proponents but have not acted for them.</li></ul>	
<b>Presentations were made to Council by the following community members:</b>  <b>Bruno Gatsby</b> , CEO Key Infrastructure Australia Pty Ltd regarding Council Agenda Item E.3 PLANNING SCHEME AMENDMENT C108 - AGRICULTURAL SERVICES  <b>Kevin Jones, Joan Liley, Margaret Robertson</b> , representing Walkerville Foreshore Reserve Committee and <b>Tony Landy</b> each presented separately regarding objections to Council Agenda Item E.4 PLANNING SCHEME AMENDMENT C89 - WALKERVILLE VILLAGE.  <b>Jennie Deane</b> , Consultant and <b>Jeremy Rich</b> , representing Ansevata Nominees Pty Ltd each presented separately regarding support for Council Agenda Item E.4 PLANNING SCHEME AMENDMENT C89 - WALKERVILLE VILLAGE.  <b>Michael Buckley</b> , resident of Venus Bay regarding request to Council to turn Council owned land in Tarwin Lower behind Community Health Centre on Tarwin Lower- Walkerville Road into a Nature Reserve.  <b>Paul Norton</b> regarding Leongatha Heavy Vehicle Alternate Route construction and water use.		

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 21 October 2015</b>		
<b>Councillor/ CEO Briefing Session</b>	<b>Councillors Attending:</b>  Crs Fawcett, Brunt, Newton, Harding, Hutchinson-Brooks and Hill.  <b>Conflict of Interest:</b> Nil disclosed.  <b>Topics Discussed:</b>  • Council agenda items	

## **RECOMMENDATION**

**That Council**

- 1. Receive and note this report.**
- 2. Confirm the requirement for information provided in the 'Budget and Annual Plan Workshop', 'Annual Plan Workshop' and 'Capital Works' briefing papers for the briefing sessions on 30 September 2015 to remain confidential until the release of the Proposed 2016-2017 Budget, excluding the Draft Annual Plan Initiatives and OurSay community engagement results that were released for discussion at the Community Workshop on 13 October 2015.**

## **D.4 COUNCILLOR DISCRETIONARY FUND ALLOCATION REPORT OCTOBER 2015**

Corporate & Community Services

### **STAFF DISCLOSURE OF INTEREST**

Nil

### **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 September 2015 and 16 October 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 September 2015 and 16 October 2015.

- Sandy Point Community Group: To assist in the contribution of repair and maintenance to the public toilet facility at the Sandy Point Foreshore.

Cr Mohya Davies - \$334

- The Friends of the Mirboo North Swimming Pool: To assist with the costs of a film night to launch the 2015/2016 season.

Cr James Fawcett - \$334

Cr Don Hill - \$333

Cr Nigel Hutchinson-Brooks - \$333

### **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 16 October 2015 is as follows:

- Cr Mohya Davies - \$2,666
- Cr Jeanette Harding - \$3,680
- Cr Kieran Kennedy – \$3,400
- Cr Lorraine Brunt - \$3,033
- Cr Robert Newton - \$3,033
- Cr Andrew McEwen - \$3,034
- Cr James Fawcett - \$2,516
- Cr Don Hill - \$2,517
- Cr Nigel Hutchinson-Brooks - \$2,517
- Mayoral Fund - \$1,800

### **RECOMMENDATION**

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

**D.5 DOCUMENTS SEALED AND CONTRACTS AWARDED OR VARIED BY  
THE CHIEF EXECUTIVE OFFICER - 26 SEPTEMBER – 4 NOVEMBER  
2015**

Corporate and Community Services Directorate

**STAFF DISCLOSURE OF INTEREST**

Nil

**EXECUTIVE SUMMARY**

This document reports to Council the following actions undertaken by the Chief Executive Officer (CEO) which occurred during the period from 26 September to 4 November 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 during the period from 26 September to 4 November 2015.

1. Contract CON/74 Provision of Swimming Pool Maintenance Services and Technical Reports – Mechanical Plumbing Services Pty Ltd - Seal Applied 12 October 2015.
2. S173 Agreement between South Gippsland Shire Council and the owners of 103 Jupiter Boulevard, Venus Bay in relation to development of a dwelling – Seal Applied 5 October 2015.
3. S173 Agreement between South Gippsland Shire Council and the owners of 97 Inlet View Road, Venus Bay in relation to development of a dwelling – Seal Applied 20 October 2015.
4. S173 Agreement between South Gippsland Shire Council and the owners of 35 Bradley Avenue, Venus Bay in relation to development of a dwelling – Seal Applied 20 October 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.

- CON/80 Supply and Delivery of Guardrails – Various Locations awarded under the CEO's delegation on 21 October 2015 with the successful Tenderer being Safety Barrier Solutions Pty Ltd for the Contract amount of \$227,304.00 (including GST and contingency).
- CON/76 Provision of Services for the Nyora Development Strategy awarded under the CEO's delegation on 14 October 2015 with the successful Tenderer being Planisphere Pty Ltd for the Contract amount of \$189,200.00 (including GST).

In addition, Council resolved on 26 August 2015 to delegate to the Chief Executive Officer the power to award capital works contracts specified in the resolution, subject to the preferred tenders being within budget and that Council receive a report detailing the contracts awarded. Council is now advised that the following contracts specified in the 26 August 2015 resolution, were awarded by the CEO during the period from 24 October to 4 November 2015.

- CON/78 Reconstruction of the Leongatha Regional Skate Park awarded on 28 October 2015 with the successful Tenderer being Independent Concrete Constructions Pty Ltd for the Contract amount of \$426,543.70 (including GST and contingency).

### **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 the period from 26 September to 4 November 2015.

### **RECOMMENDATION**

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

## **SECTION E - COUNCIL REPORTS**

### **E.1 PLANNING APPLICATION 2015/135 - 13 CLARENCE STREET, LOCH - USE AND DEVELOPMENT OF THE LAND FOR A HOSPITAL**

Development Services Directorate

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

Nil

#### **EXECUTIVE SUMMARY**

This report considers a planning permit application for the use and development of 13 Clarence Street, Loch for the purpose of a hospital. The proposed use is more specifically a private hospital that is proposed to treat in-patients who are admitted for alcohol or drug addiction rehabilitation. The hospital will be run as a private hospital for the rehabilitation of up to 20 in-patients.

The subject land has an area of approximately 2892m<sup>2</sup>. It has 55m frontages to both Clarence Street and Naylor Lane. Primary vehicular and pedestrian access is from Clarence Street, although access can also be gained via Naylor Lane. There is a large building positioned centrally on the land, which was last used as a medical centre and, prior to that, an aged care facility (Greenhills Hostel for the Aged). The land is in the General Residential Zone and is not affected by any overlays.

This application has been referred to Council for a decision as 34 objections were received. Objections primarily relate to safety, traffic, parking, noise, incompatibility with existing residential amenity, inappropriate location due to lack of services and other facilities, negative effect on tourism and perceived decrease in land values. The concerns contained in the objections, relevant to planning considerations, have been addressed by the applicant or can be dealt with via conditions on a permit.

The application is considered, on balance, consistent with the South Gippsland Planning Scheme and is recommended for approval subject to appropriate conditions.

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

- **Attachment 1** - Aerial Photographs
- **Attachment 2** - Planning Property Report
- **Attachment 3** - Proposed and Existing Site Plans
- **Attachment 4** - Detailed Planning Assessment
- **Confidential Appendix 1** - Copy of objections (34)

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 by way of newspaper notices and a sign on site.

The application was referred to the Engineering and Environmental Health departments. Conditional support was provided by both.

## **REPORT**

### **Background**

The site is commonly known as 13 Clarence Street, Loch. The site has frontage of approximately 55m to both Clarence Street and Naylor Lane. Primary vehicular access and car parking is off Clarence Street, while secondary access and some limited parking is available off Naylor Lane. The site has an area of approximately 2892m<sup>2</sup>. The site is in the General Residential Zone (GRZ) and no overlays apply.

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

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

The site contains a large building positioned centrally on the land, which was last used as a medical centre and, prior to that, an aged care facility (Greenhills Hostel for the Aged).

The site has existing landscaping throughout, although the majority of it is located along the northern and southern boundaries of the property (side boundaries).

The site generally slopes from the southern boundary down to the northern boundary.

The site is approximately 170m south of the town centre of Loch. The site is surrounded by land zoned GRZ. However, a bowling club adjoins the site at the rear, across Naylor Lane. Other non-residential uses in the immediate vicinity of the site include the Loch Kindergarten (pre-school) and public hall to the north east.

### **Proposal**

The application seeks a planning permit to use the land for a hospital and to construct and carry out buildings and works associated with that use.

Up to 20 single occupancy rooms are proposed with a maximum of seven staff during the day time period and two at night. Four staff are proposed on weekends. Patients are proposed to be admitted for four week periods as part of their rehabilitation program.

Patients will arrive at the facility by organised transport or dropped off by family or friends. Visitation is to be restricted to two guests per patient for a period of 3 hours on a Sunday.

The buildings and works that require a permit are limited to the addition of an ensuite to one of the rooms that involves external works, an undercover area for smoking (carport like structure) and a demountable style building that is intended to be placed on the land with a degree of permanence. All of these buildings and works are located at the rear of the site. Internal works are also proposed in order to comply with current Department of Health, Victoria requirements. However, internal works do not require a planning permit and are not assessed as part of this application.

Ten car parking spaces are proposed to be provided at the front of the site, where parking was also previously provided for the medical centre and aged care facility. Some stack parking is also available at the rear of the property, off Naylor Lane.

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

## **Discussion**

It is considered that the applicant has appropriately addressed concerns in relation to the matters that Council must consider under the Planning and Environment Act 1987.

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. The responsible authority must (where appropriate) have regard to the number of objectors in considering whether the use or development may have a significant social effect;
- 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; and
- Any significant social effects and economic effects which the responsible authority considers the use or development may have.

A detailed assessment against the relevant provisions is provided at **Attachment 3**.

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

## **CONCLUSION**

The application can be supported with respect to the objectives of the relevant SPPF and LPPF Clauses and Decision Guidelines of the General Residential Zone. 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 Use and development of the land for a hospital, 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. Detailed floor plans and elevations for:**
    - i. The "Smoker's area and shelter".**
    - ii. The ensuite addition.**
    - iii. The Counsellors and Clinical Directors building.**
  - b. Details of fencing which ensure that patients are not able to freely exit the site to Naylor Lane or Clarence Street and that effectively screens outdoor areas of the facility from adjoining land and Naylor Lane.**

## **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.**

## **MAXIMUM NUMBER OF STAFF, PATIENTS AND VISITORS**

- 4. The maximum number of staff on-site at any one time must not exceed seven, without the written consent of the Responsible Authority.**
- 5. The maximum number of in-patients to be accommodated on-site must not exceed 20.**
- 6. Visitation must be restricted to a maximum of two people per patient, for a maximum of three hours each Sunday.**

## **STORMWATER**

- 7. All stormwater must be collected and discharged to the existing Legal Point of Discharge to the satisfaction of the Responsible Authority prior to commencement of the use.**

## **WASTE STORAGE AND DISPOSAL**

- 8. Waste must be collected and stored on site, out of direct view from adjoining private and public land.**
- 9. Waste must not be collected from the site between the hours of 10pm and 7am (excluding any collection of waste from the street by public authority vehicles).**

## **CONNECTION TO SEWER**

- 10. The development must be connected to reticulated sewer prior to commencement of use.**

## **LANDSCAPING**

- 11. All existing landscaping must be maintained to the satisfaction of the Responsible Authority.**

## **VEHICLE ACCESS AND PARKING**

- 12. Prior to the commencement of the use, areas set aside for car parking vehicles and loading areas, as shown on the endorsed plans, must be constructed with a bitumen or concrete surface to the satisfaction of the Responsible Authority.**
- 13. Car parking spaces must be line marked in accordance with the endorsed plans prior to commencement of the use and to comply with the standards of Clause 52.06 of the Planning Scheme.**

## **AMENITY**

- 14. 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.**

- 15. 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.**
- 16. 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.**

#### **PERMIT EXPIRY**

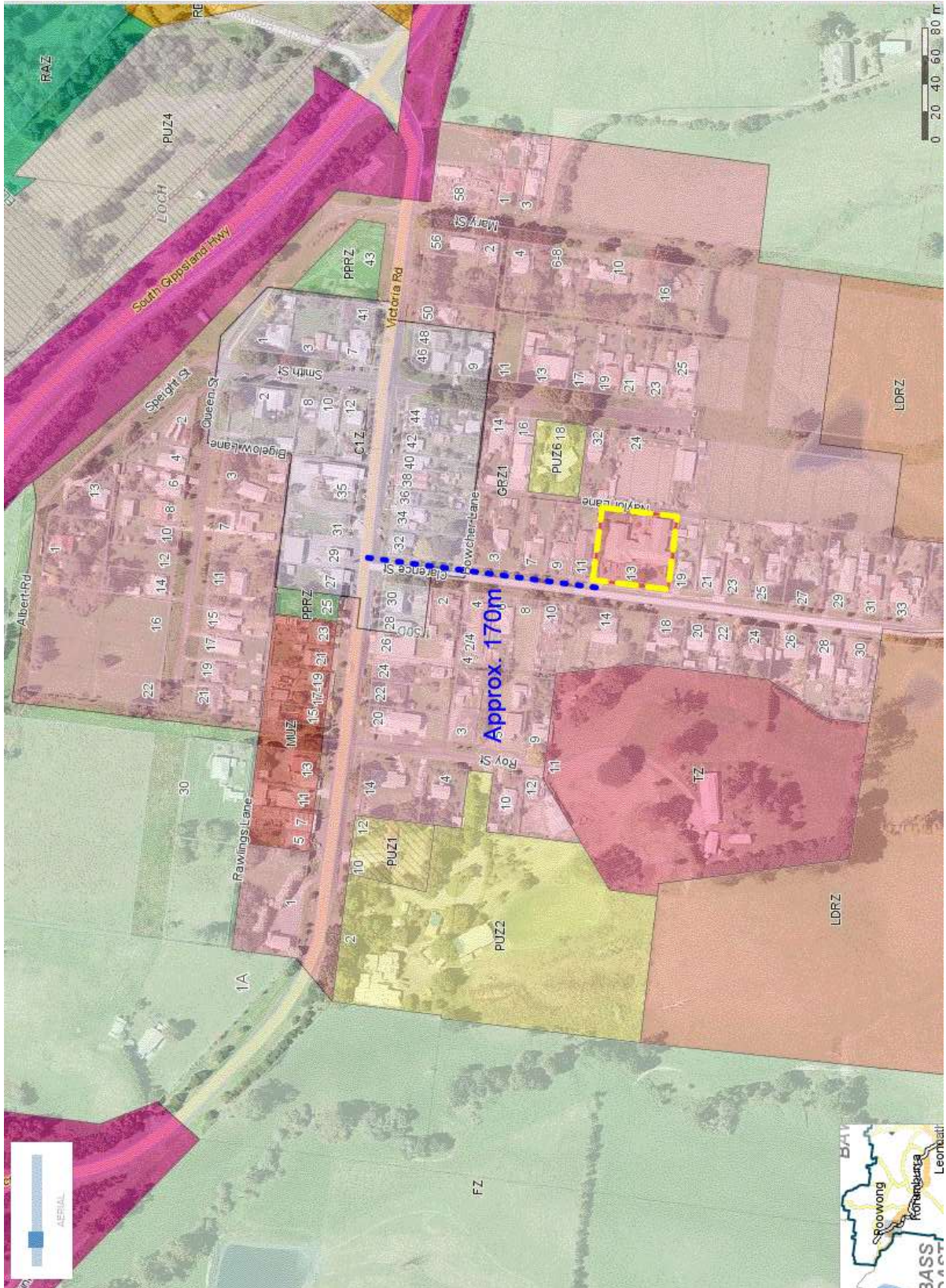
- 17. This permit will expire if any of the following applies:**
  - a. The development is not started within two (2) years of the date of this permit.**
  - b. The development is not completed within four (4) years of the date of this permit.**
  - c. The use is not started within two (2) years of completing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

#### **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 or the use under part (a) and (c) of the expiry condition, if the request is made before the permit expires or within 6 months afterwards.**
- 2. 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.**
- 3. 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.**
- 4. 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).**
- 5. 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.**

- 6. The premises will be required to be registered with Council's Environmental Health Department as a food premises under the Food Act 1984.**
- 7. The smoker's area and shelter must also comply with other relevant legislation.**

### Attachment 1 - Aerial Photographs





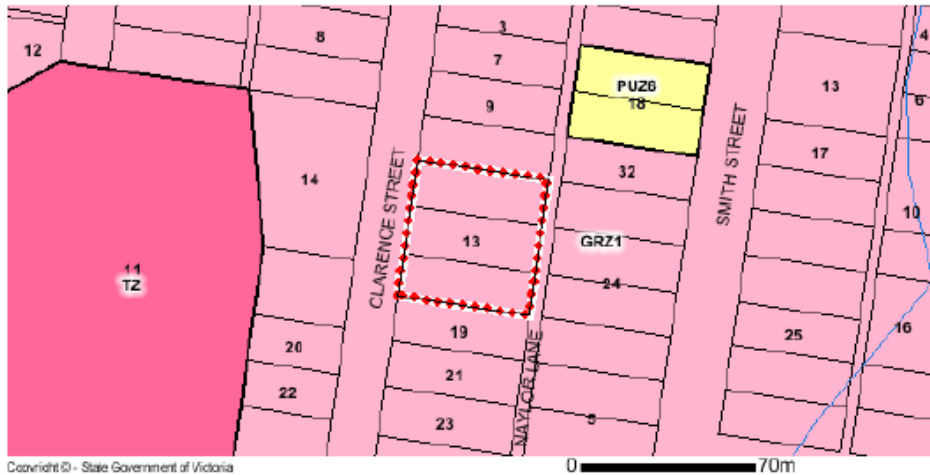
## Attachment 2 - Planning Property Report

Department of  
 Environment, Land,  
 Water and Planning

### Planning Zone

GENERAL RESIDENTIAL ZONE - SCHEDULE 1 (GRZ1)

SCHEDULE TO THE GENERAL RESIDENTIAL ZONE - SCHEDULE 1



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
E2Z - Commercial 1	IN3Z - Industrial 3	R3Z - General Residential
E3Z - Commercial 2	LDRZ - Low Density Residential	RAZ - Rural Activity
E4Z - Commercial 2	MUZ - Mixed Use	RCZ - Rural Conservation
E5Z - 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	UFBZ - Urban Floodway
FZ - Farming	PUZ5 - Public Use - Cemetery/Crematorium	UGZ - Urban Growth
GRZ - General Residential	PUZ6 - Public Use - Local Government	
GWAZ - Green Wedge A	PUZ7 - Public Use - Other Public Use	
GWZ - Green Wedge	PZ - Port	
		Urban Growth Boundary

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Department of  
Environment, Land,  
Water and Planning

### Planning Overlay

None affecting this land



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#### Overlays Legend

AEO - Airport Environs	LSIO - Land Subject to Inundation
BMO - Bushfire Management (also WMO)	MAE01 - Melbourne Airport Environs 1
CLPD - City Link Project	MAE02 - Melbourne Airport Environs 2
DCPO - Development Contributions Plan	NCD - Neighbourhood Character
DDO - Design & Development	PD - Parking
DDOPT - Design & Development Part	PAD - Public Acquisition
DPO - Development Plan	RO - Restructure
EAO - Environmental Audit	RCD - Road Closure
EMO - Erosion Management	SBD - Special Building
ESO - Environmental Significance	SLO - Significant Landscape
FO - Floodway	SMD - Salinity Management
HO - Heritage	SRD - State Resources
IPO - Incorporated Plan	VPO - Vegetation Protection

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

#### Further Planning Information

Planning scheme data last updated on 22 October 2015.

A planning scheme sets out policies and requirements for the use, development and protection of land.

This report provides information about the zone and overlay provisions that apply to the selected land.

Information about the State, local, particular and general provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting [Planning Schemes Online](#)

This report is NOT a Planning Certificate issued pursuant to Section 199 of the Planning & Environment Act 1987.

It does not include information about exhibited planning scheme amendments, or zonings that may abut the land.

To obtain a Planning Certificate go to [Titles and Property Certificates](#)

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

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

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

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**Attachment 3 - Proposed and Existing Site Plans**

DATE	BY	DESCRIPTION
15/11/15	W. J. JONES	ISSUED FOR PERMIT
15/11/15	W. J. JONES	ISSUED FOR PERMIT
15/11/15	W. J. JONES	ISSUED FOR PERMIT
15/11/15	W. J. JONES	ISSUED FOR PERMIT
15/11/15	W. J. JONES	ISSUED FOR PERMIT
15/11/15	W. J. JONES	ISSUED FOR PERMIT
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15/11/15	W. J. JONES	ISSUED FOR PERMIT
15/11/15	W. J. JONES	ISSUED FOR PERMIT

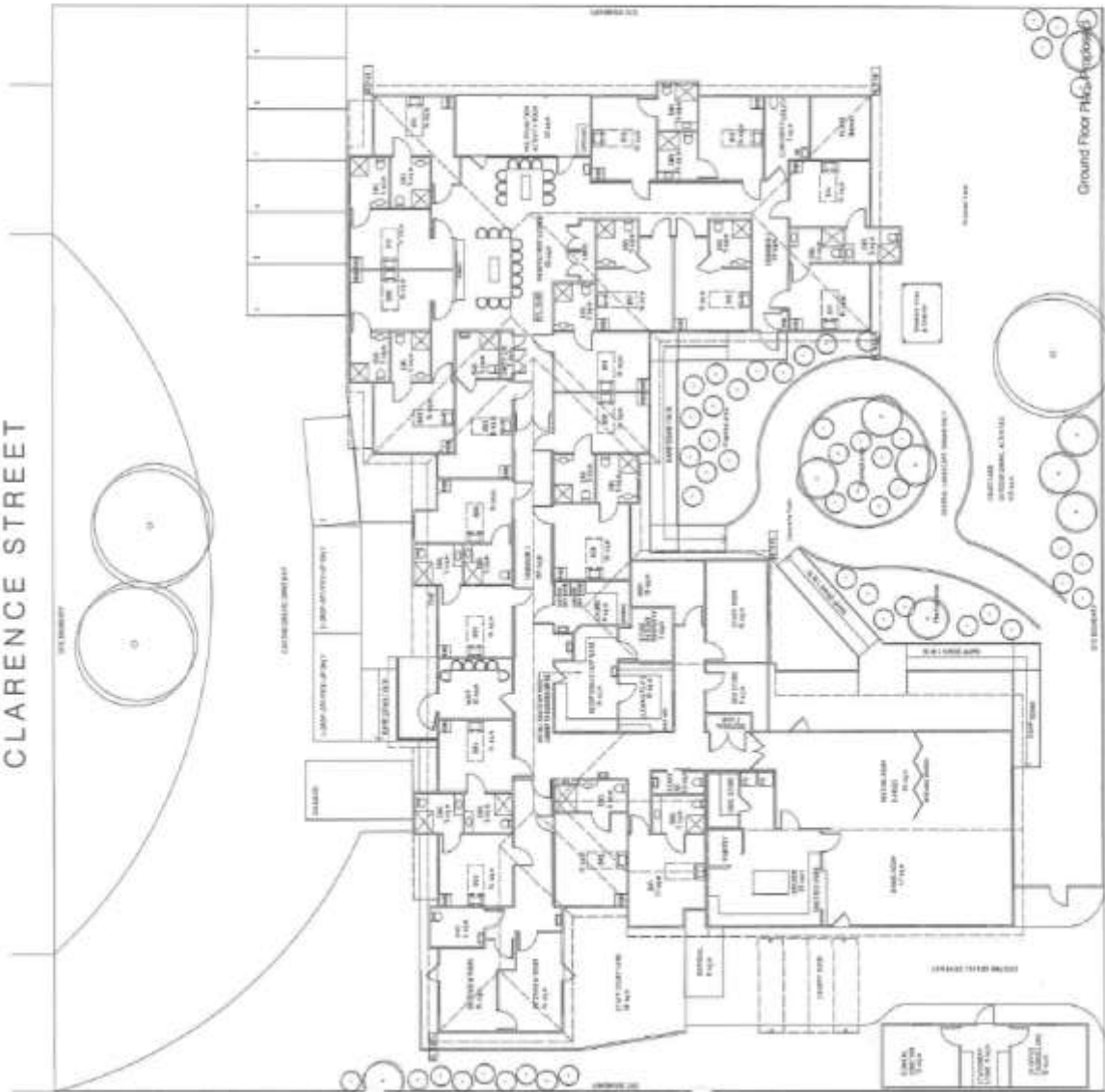
**GRATION ARCHITECTS**  
 2 Dean Street (Corner 148  
 Victoria Avenue 3908  
 Leongatha VIC 3950  
 Phone: 03 5462 2222

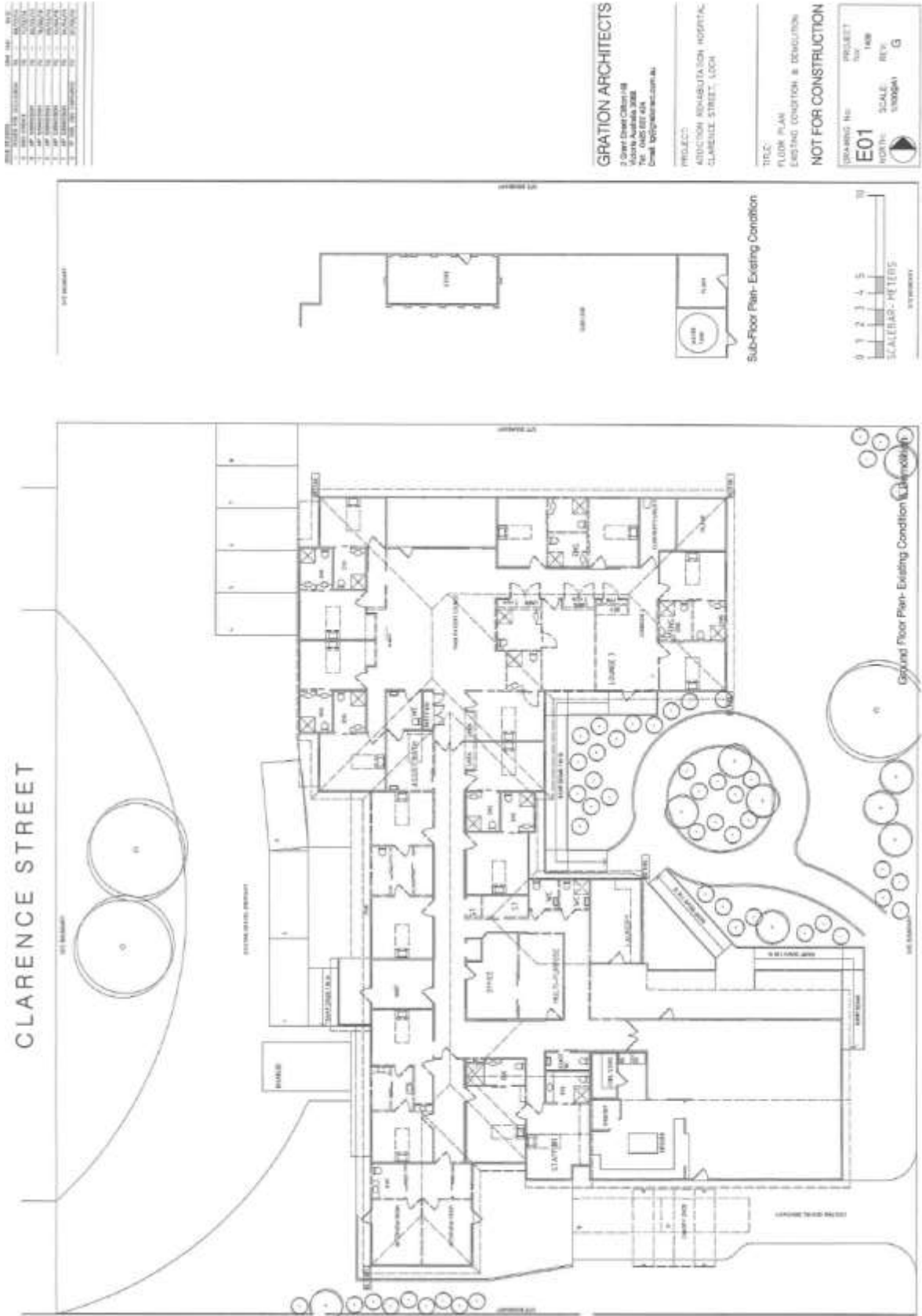
PROJECT:  
 ADDITION REHABILITATION HOUSING,  
 CLARENCE STREET, LEONG.

SCALE:  
 FLOOR PLAN  
 PROPOSED PLAN

**NOT FOR CONSTRUCTION**

GRAPHIC No: PROJECT No: 1408  
 A01 NORTH SCALE: REV: 0  
 1/10000 (rough) G







## Attachment 4 - 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.

### 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.

<b>State Planning Policy Objectives</b>	
<b>Clause</b>	<b>Objectives and strategies</b>
11.08-1 A diversified economy	<ul style="list-style-type: none"> <li>• Support diverse employment opportunities, including growth in healthcare, retail and professional and technical services.</li> </ul>
13.04-1 Noise abatement	<ul style="list-style-type: none"> <li>• To assist the control of noise effects on sensitive land uses.</li> </ul>
19.02-1 Health facilities	<ul style="list-style-type: none"> <li>• To assist the integration of health facilities with local and regional communities.</li> <li>• Facilitate the location of health-related facilities (including acute health, aged care, disability services and community care facilities) with consideration given to demographic trends, the existing and future demand requirements and the integration of services into communities.</li> <li>• Plan public and private developments together, where possible, including some degree of flexibility in use.</li> <li>• Locate hospitals and other large health service facilities in areas highly accessible to public and private transport.</li> <li>• Adequate car parking facilities should be provided for staff and visitors.</li> </ul>

### 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.

<b>Local Planning Policy Objectives</b>	
<b>Clause</b>	<b>Objectives and strategies</b>
21.03-10 Community Services	<ul style="list-style-type: none"> <li>The need to provide residents with access to services and facilities, including aged care, health, recreation and education, in an efficient and equitable manner</li> </ul>
21.04-2 Vision	<ul style="list-style-type: none"> <li>The quality of health services is continuously improving and promoted</li> </ul>
21.05-1 Growth of towns	<ul style="list-style-type: none"> <li>Small thriving rural township with moderate capacity for growth in the future. A compact, 'garden village' and heritage character with tourism retail facilities set among rolling hills</li> </ul>
21.12-1 Transport	<ul style="list-style-type: none"> <li>Ensure that the use and development of land does not prejudice the safety and efficiency of roads</li> <li>Ensure that adequate car parking facilities are provided to support land use and development and are suitable to a rural and regional area</li> </ul>
21.13-1 Waste management and stormwater drainage	<ul style="list-style-type: none"> <li>Ensure that wastewater disposal and drainage infrastructure for existing development is progressively upgraded to current standards</li> </ul>
21.14-2 Recreation, education and health services	<ul style="list-style-type: none"> <li>To ensure that the community has access to a range of quality health services that address the needs of the community</li> <li>Support and promote the development of preventive health facilities and services as well as acute health care facilities and services</li> <li>Encourage the joint usage of existing health facilities within the Shire</li> </ul>
21.15-6 Loch	<ul style="list-style-type: none"> <li>Promote the use and development of land in accordance with the strategic direction in the Loch Framework Plan.</li> <li>Develop Loch as a small thriving rural township with a distinctive garden village character</li> <li>Consolidate and develop the town centre as the preferred focus for all business, community and tourist services and facilities.</li> <li>Encourage tourist services and facilities in the township.</li> <li>Retain the existing heritage character, design and built form of the buildings along Victoria Street and Smith Street (north of Victoria Street), in recognition of their contribution to the overall image of Loch</li> <li>Ensure that new growth, infill and redevelopment maintains the town's rural township character.</li> </ul>

<b>Local Planning Policy Objectives</b>	
	<ul style="list-style-type: none"><li>• Improve community services and facilities in the township.</li><li>• Require new developments to connect to the reticulated sewerage system.</li></ul>

On balance, it is considered that the proposal is generally consistent with the relevant objectives and strategies of the SPPF and LPPF that are listed in the above tables. More specifically, the proposal is considered to support the attainment of the following objectives and strategies:

- Support diverse employment opportunities, including growth in healthcare, retail and professional and technical services
- To assist the integration of health facilities with local and regional communities.
- The quality of health services is continuously improving and promoted
- Support and promote the development of preventive health facilities and services as well as acute health care facilities and services

It is acknowledged that the proposal is not specifically supportive of some of the other relevant SPPF and LPPF clauses above. Such as:

- Locate hospitals and other large health service facilities in areas highly accessible to public and private transport
- Develop Loch as a small thriving rural township with a distinctive garden village character
- Consolidate and develop the town centre as the preferred focus for all business, community and tourist services and facilities.
- Encourage tourist services and facilities in the township.
- Retain the existing heritage character, design and built form of the buildings along Victoria Street and Smith Street (north of Victoria Street), in recognition of their contribution to the overall image of Loch

However, it is considered that the proposal is not directly opposed to, or compromises the attainment of those objectives and strategies either. In rural areas public transport opportunities are limited and although the site is not highly accessible by public transport, a V-line bus service does provide multiple options per day for travelling between Leongatha and Melbourne. It is also considered that the existing character of the area will be unaffected by

the proposal because the built form of the proposal will remain relatively unchanged from what already exists on-site. Tourist services and facilities can still be promoted through other development opportunities and it is considered that a majority of visitors to the town would be unaware of such a facility existing approximately 170m from the town centre. This is because the facility will not be actively promoting or directing people to its location and because its patients will have limited interaction with the community (restricted external access).

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

The proposal is considered to be consistent with the purposes of the General Residential Zone. In particular;

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

Whilst the proposal will not be serving the local community exclusively, it is considered that such a facility has the potential to serve the community. The site is already developed as a result of previous forms of residential and non-residential uses. Whilst there could be other various uses of the existing site, Council is required to consider the current proposal on its merit. The proposal is considered an appropriate location with regard to the residential amenity of the area.

- Any matter required to be considered in the zone, overlay or other provision.

Each of the relevant decision guidelines of the GRZ and Clause 52.06 are addressed below. There are no overlay provisions or other particular provisions relevant to the assessment of the application.

#### GRZ Non-residential use and development decision guidelines

- Whether the use or development is compatible with residential use.

The proposed use and development is generally compatible with residential use. That is because:

- It utilises and upgrades an existing facility where substantial provision was previously made to accommodate its needs and substantial provision of parking.
- It is relatively restricted in its size and intensity (20 beds), which is comparable to the amenity affects in terms of traffic and parking, if the site were developed for multiple dwellings/units instead.
- Its location on a main thoroughfare (although not a Road Zone Category 1) is advantageous as opposed to being located on a cul-de-sac or other local road.

- Whilst some noise is to be expected from any non-residential use, it is considered that for a majority of the time, noise from such a use would be comparable to noise associated with development of the land for multiple dwellings/units.
- Safety and security is a regular concern of surrounding residents to such facilities. However, whilst a patient of the facility could be a safety risk, it is considered that such risk is perceived due to the stigma associated with its patients. It is considered that the risk of your neighbour engaging in criminal activity is not something that should weigh against a proposal in terms of compatibility with residential use. This is especially because crime and its varying degrees of severity, is not limited to people who have alcohol or drug addiction.
- Whether the use generally serves local community needs.

It is acknowledged that the use will not generally or exclusively serve local community needs. That is because the applicant has stated that referrals to the facility will be from other health care service providers and it is likely that the majority of these will be from metropolitan or surrounding regional areas. However, it is considered that it could serve the local community that would similarly have the need for alcohol and drug rehabilitation. It is considered that such a facility should not discriminate or exclude treatment of patients based on origin.

- The scale and intensity of the use and development.

As discussed above, it is considered that the facility is of a low scale and intensity. It proposes to increase the number of patients that were previously able to be accommodated on the land when it was used as an aged care facility and medical centre by internal rearrangements. However, the scale of the development will appear identical when viewed from Clarence Street. The main source of traffic will be generated by employees. The level of traffic generated by employees is considered acceptable and not dissimilar to the traffic that would have been generated by previous uses of the land.

- The design, height, setback and appearance of the proposed buildings and works.

As discussed above, the appearance of the building in terms of height, setback and design will not change as viewed from the Clarence Street frontage. The proposed buildings and works are limited to the rear of the site and they are not considered to have an effect on Naylor Lane. Detailed plans for the proposed buildings and works will be required by Condition 1 of any permit granted.

- The proposed landscaping.

The applicant has not proposed any landscaping as part of the application. Although, it is expected that the current state of the landscaping will be

improved if the applicant cleans up the site (i.e. removes weeds, etc.). The existing landscaping is otherwise considered adequate and a condition of the permit will require it to be maintained.

- The provision of car and bicycle parking and associated access ways.

Eight (8) car parking spaces and 2 dedicated drop off spaces at the front of the site are considered adequate for the level of staff, visitors and patients. Clause 52.06 of the Planning Scheme does not contain a relevant parking rate/requirement. As such, Clause 52.06-5A states that parking must be provided to the satisfaction of the Responsible Authority.

The applicant has submitted an assessment of expected parking requirements based on existing experience and comparing to other 'like' uses. As the requirements of other 'like' uses are not an appropriate guide, it is considered that the provision of 8 spaces and 2 drop off spaces is adequate. This is mainly because the patients will not have their own vehicles, visitors will be limited to a 3 hour period on Sundays and staff will fluctuate between 2-7 at any one time. There is also some stack parking available at the rear of the site that could be utilised by staff.

It is accepted that during visitation by family and friends the facility could have a shortfall in the number of on-site car parking spaces. However, this is unlikely to result in a shortfall of more than 5 spaces during that period, if at all because the number of staff on weekends will generally be limited to 4. The frontage of the site has approximately 40m of unrestricted on-street parking available which equates to 6 car spaces. It is considered that any overflow of vehicles into the street for a limited duration each week is acceptable.

No provision for bicycle parking is required by the Planning Scheme nor considered necessary. The existing access way from Clarence Street is considered appropriate to accommodate parking of vehicles and allow for small trucks and vans to make deliveries at the same time.

- Any proposed loading and refuse collection facilities.

The rear of the site contains a high roofed carport where previous loading and unloading is likely to have taken place. Whilst it is still possible to use this area for deliveries, it would be restricted to small trucks and vans due to the basic construction standard and limited width of Bowcher and Naylor Lanes. The existing access way from Clarence Street is considered to be of acceptable width to allow loading and unloading of delivery vehicles with minimal conflict to parking of staff vehicles.

It is considered that refuse collection can be provided by either Council services or contractor services.

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

It is considered that the proposal will generate approximately 30-40 vehicle movements per day on average. That level of traffic is not considered to affect the safety, efficiency and amenity of the existing road network in the locality. The occasional parking of any visitors vehicles on the street on Sundays is not considered to compromise this either. Vehicles are already allowed to be parked on the street in this location and as such it is the responsibility of drivers to respond appropriately.

- The orderly planning of the area.

The proposal is considered to result in the orderly planning of the area for a purpose which is clearly considered appropriate for the zone as long as the use or development can be managed appropriately.

- The effect on the amenity of the area.

The proposal has the potential to affect the amenity of the area as expressed in some of the objections, primarily due to noise and parking. However, these have been discussed above and it is considered that the proposal will not have an unreasonable effect on the amenity of the area.

- The proximity of the land to any public land.

The closest public land to the site is 20 metres to the north east. It is currently used as a kindergarten (pre-school).

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

The proposal is not considered to have an effect on any of the above matters.

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

The proposal is not considered to have an effect on stormwater quality. A standard condition will require the applicant to direct stormwater to the Legal Point of Discharge to the satisfaction of the Responsible Authority.

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

As previously discussed, the site is landscaped due to previous uses of the site. No removal of vegetation is proposed and whilst some native vegetation may exist it is part of an established garden. The applicant will be required to maintain the existing level of landscaping but may elect to carry out further landscaping/gardening which is exempt by the Planning Scheme from requiring a permit.

- 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, erosion or fire hazard.

**Objections and the number of objectors**

Council must consider all objections and submissions that it receives. A summary of all the objections and planning response is provided below.

The responsible authority must (where appropriate) have regard to the number of objectors in considering whether the use or development may have a significant social effect. Thirty four (34) objections were submitted. This number of submissions is considered relatively high in comparison to the number of residents in Loch. Although it should be noted that it is difficult to estimate the exact population of the Loch Township due to some lots containing both commercial and residential development or multiple dwellings. There are approximately 120 lots in Loch and with an assumed household size of 2.3 people, the estimated population is 276. The number of submissions therefore represents approximately 10% of the estimated population within the Township, although it should be noted that some households made multiple submissions. Some objections were also expressed on very similar proformas and the matters raised were of broader implication rather than how the proposal may affect that particular individual.

The number of objections (34) could be perceived as having a significant social effect, although this must be balanced against the matters raised in those submissions and the actual effect that the proposal is likely to have on any of those individuals who made a submission. The application, on balance, demonstrates that despite the number of submissions, there will not be a significant social effect as a result of the proposal.

Concern	Planning Response
<p>Safety and security of existing residents being compromised by patients and incompatibility with residential amenity and adjoining uses including the kindergarten and school</p>	<p>Whilst it is accepted and recognised that some people may become violent or increasingly distressed as a result of alcohol and drugs, the risk to safety and security as a result of a facility that offers treatment of such addiction is not considered any greater than the risk of violence or crime from anyone else in the general public that may engage in criminal activity, with or without alcohol and drug addiction.</p> <p>To suggest that crime and its varying degrees of severity is only increased or committed by people with drug or alcohol addiction is considered to be a misconception. It is considered that the risk of your neighbour engaging in criminal activity is not something that should weigh against a proposal in terms of compatibility with residential use or other uses.</p>
<p>Inappropriate location due to</p>	<p>Whilst it is accepted and understood that the closest 24 hour police station and ambulance are located in</p>



Concern	Planning Response
lack of services and other facilities	Korumburra, this is not considered to weigh significantly against the proposal. It is considered that such services in close proximity would certainly be beneficial but not considered mandatory. Lack of services in regional areas is unfortunately common and response times will often vary depending on other events occurring at the same time. However, it should not prevent the establishment of other community facilities. The proposed emergency measures to be implemented by the applicant are considered satisfactory.
Inappropriate location due to Food and Wine Festival and other businesses in Town that offer alcohol for sale and consumption	<p>This is an issue that the operator of the proposed facility will be required to manage as part of their duty of care to their patients. Whilst it may not be ideal to the rehabilitation of patients, the Food and Wine Festival or licensed premises within the Town should not be a reason for refusing the permit for such a facility. If that were the case, then such facilities would be unlikely to exist anywhere other than very remote areas.</p> <p>Anyone selling or providing alcohol must do so in accordance with relevant laws. If patients were to purchase or consume alcohol or drugs in the local area then they risk expulsion from their treatment program and this is then the responsibility of the health care provider to manage.</p>
Decrease in land values	This is not a relevant planning consideration.
Traffic / Parking	As previously discussed, traffic and parking is considered to be able to be managed and provided for the proposed use. On-street parking may only be required for short periods of time one day per week. This is considered acceptable for the reasons previously discussed.
Noise	The noise from the proposed use is not considered to be detrimental to the amenity of the area because it would be comparable to the level of noise associated with development of the land for multiple dwellings/units.
Negative effect on tourism in the locality	Whilst this is a possibility, it is considered unlikely. This is because the facility is to be of a low scale and intensity that would fit within the existing character of the street. The proposed facility is not likely to be advertised more broadly than a small sign on site to identify the location. It

<b>Concern</b>	<b>Planning Response</b>
	will receive referrals from other health practitioners/providers. The majority of tourists stopping or passing through Loch via the South Gippsland Highway would probably not be aware of the existence of the facility, particularly because patients will have limited time or opportunity to interact with the community or visitors.

## **E.2 MUNICIPAL PRECINCT STUDY – FINAL CONSULTANTS REPORT**

Sustainable Communities and Infrastructure Directorate

### **STAFF DISCLOSURE OF INTEREST**

Nil

### **EXECUTIVE SUMMARY**

This report discusses the milestones in completing the investigation phase of the Municipal Precinct Study Project and presents the Final Consultant's Report prepared by Sweett (Australia) Pty Ltd for adoption by Council.

A copy of the Final Consultants Report is available in **Appendix 1 – Municipal Precinct Study Final Consultants Report (Sweett) - Version 3 - August 2015**.

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

- **Appendix 1** – Municipal Precinct Study Final Consultants Report (Sweett) - Version 3 - August 2015.
- **Appendix 2** – Service Specifications & Additional Information.
- **Appendix 3** – External Community Consultation.

A copy of **Appendix 1, 2 and 3** are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) or by contacting 5662 9200.

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

Section 21.03 - Key Issues - South Gippsland Planning Scheme.

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

- Blueprint for Social Community Infrastructure 2014-2029.
- Council Land Ownership Policy 2011.
- Environmental Site Assessment for the Leongatha Railyards Site.
- Future South Gippsland Principal Library - prepared by West Gippsland Regional Library Corporation.
- Korumburra Infrastructure Assessment 2013.
- Korumburra Structure Plan 2010.
- Leongatha CBD Parking Strategy (AECOM) 2013.
- Leongatha Structure Plan 2008.

- People Places: A Guide for Public Library Buildings in New South Wales.

## **COUNCIL PLAN**

Outcome:	3.0	Integrated Services and Infrastructure.
Objective:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development.
Strategy:	3.1.1	We will deliver Council and community projects and leverage project funds to attract investment from external sources.

## **CONSULTATION**

Internal and external consultation occurred throughout the project timeframe. This included meetings of the Project Working Group, Project Reference Group and communication with key stakeholders.

## **REPORT**

### **Background**

#### Office Accommodation

For some time, Council has been considering its options to address the issues it is facing with maintaining its office accommodation which included investigations around:

1. Building a new office and a preferred site location; or
2. Renovating the existing office.

This has seen a strategic property purchase by Council in 2010 of the "Carinos" building in order to reduce lease costs. Subsequent to the purchase, a design review was undertaken in 2013 to identify how the existing office spaces could be reconfigured for improved service delivery.

The property purchase assisted with the office space but did not address other issues such as business fragmentation, occupational health and safety and problems with ageing infrastructure. The design review in 2013 went some way to identify how to address these problems in the short-term, however, Council still needed to consider its options for the longer term.

#### Community Facilities

Council has also completed a study into its social community infrastructure, "Blueprint for Social Community Infrastructure 2014-2029". This study recognised the high number of buildings owned or managed by Council that have issues relating to underutilisation, functionality, condition and age, and resulted in the following recommendations (extract from Blueprint below):

Medium Term (5-10 years)
9. Develop two strategically located community hubs in Leongatha and Korumburra
10. Initiate planning for the expansion or upgrade of multipurpose facilities in all towns.

These recommendations provided a basis to expand a study into the preferred location for Council office accommodation in the longer term to include a library and other community spaces such as a community hub.

Considering an alternative Leongatha Library space was of particular interest given the opportunity to remove the need to pay rental.

With these issues in mind, Council agreed to establish a project budget to undertake a study into the preferred location for a Municipal Precinct that includes Council staff accommodation, a Library and improved community spaces (community hub). This was termed the Municipal Precinct Study (the Study).

## Discussion

### The Study

A summary of the Study's milestones is provided below:

- Council approved a consultancy budget of \$118,916 for the 2014/15 financial year.
- Council was briefed on two occasions to reach agreement on the contents of the service specifications to be included in the Tender document. These Briefings are listed in Table 1 below:

**Table 1: Briefings on Service Specifications**

Briefing Date	Discussion
3 September 2014	Draft Service Specification presented for Councillor comment.
5 November 2014	Revised draft Service Specification presented to Council as well as agreeing to other project documents such as a Governance Structure, Terms of Reference and Key Stakeholders.

- The Service Specifications were finalised and released to Consultants via Request for Tender SGC15/26 on Saturday 29 November 2014 and closed on Tuesday 14 January 2015. A copy of this document is available in **Appendix 2 – Service Specifications & Additional Information**.
- A Project Working Group and a Project Reference Group were established.

- Four Tenders were received and evaluated. The Contract was awarded on 2 February 2015 to Sweett (Australia) Pty Ltd (Sweett).
- The Contract to deliver the brief was signed on 11 February 2015 and the Study commenced.
- Numerous meetings with the Project Working Group and Project Reference Group were held. These are discussed further in this report.
- In August 2015 a final report on the Study was received from the Consultant.
- On 7 October 2015 the final report on the Study was presented to the Project Reference Group by Sweett and the Study was officially completed.

A copy of the final report and its appendices is available in **Appendix 1 – Municipal Precinct Study Final Consultants Report (Sweett) - Version 3 - August 2015.**

#### Internal Communication

The Study's project structure included a Project Working Group and Project Reference Group. Each had a Terms of Reference and Agenda & Action items were captured for each meeting.

The Project Working Group comprised of members from Property, Building, Engineering, Customer Service, Planning and Economic Development. The primary functions of this Group were to assist the Consultant with the provision of information and reviewing various stages of the Consultant's work prior to reporting to the Project Control Group for any decisions.

The Project Working Group met on 4 occasions during the Project timeframe as listed in Table 2 below:

**Table 2: Project Working Group Meetings**

<b>Meeting Date</b>	<b>Discussion</b>
11 February 2015	Inception meeting.
11 March 2015	General project update/information gathering.
15 April 2015	Discussion on evaluation matrix followed by a public meeting.
1 July 2015	Discussion on concept plans and recommendations of the final report.

The Project Reference Group comprised of members of the Executive Leadership Team, Mayor and Councillors. The primary functions of this Group were to review the work of the Consultant and provide the necessary decisions and approvals prior to proceeding to the next stage.

The Project Reference Group met on 5 occasions during the Project timeframe as listed in Table 3 below:

**Table 3: Project Reference Group Meetings**

<b>Meeting Date</b>	<b>Discussion</b>
11 February 2015	Inception meeting.
15 April 2015	General project update / reporting on findings to date.
6 May 2015	Evaluation matrix presented to Council for comment. Council comments received and provided to Sweett.
1 July 2015	Key findings / evaluation matrix outcomes / concept designs. Councillors asked to review prior to finalising report.
7 October 2015	Discussed recommendations of the final report and next steps.

External consultation comprised of:

- Identification of Key Stakeholders. These were identified by the Project Working Group and Project Control Group as either having a direct connection with the Project (ie. West Gippsland Regional Library Corporation and Senior Citizen Organisations) or held an office within a community organisation that could disseminate information to the broader community.
- Correspondence to Key Stakeholders informing them of the Project and inviting them to be a representative for their particular organisation. Correspondence was sent via email and/or mail.
- Information on Council's website.
- Media Release.
- Public Information Session Power Point presentation (15 April 2015).

A copy of these documents are available in **Appendix 3 – External Community Consultation**.

#### Site Evaluation

Sweett completed its analysis and evaluated the 7 candidate sites against the evaluation criteria agreed to by Council. The results are shown in Table 4 below:

**Table 4: Results of Evaluation Exercise**

Site Option	Total % Compliance	Relative Ranking
1 9 - 15 Smith Street, Leongatha (Main Administrative Offices)	88%	1
2 6 - 12 Smith Street, Leongatha (Carinos Building)	84%	2
3 6 - McCartin Street, Leongatha (Memorial Hall)	56%	3
4 Roughead Street, Leongatha (VicTrack Railway land)	48%	6
5 Daker centre land, 19 -21 Smith Street, Leongatha	51%	5
6 Yarragon Road, Leongatha (Council Depot)	42%	7
7 Korumburra Art Gallery/ Library Site	54%	4

Based on the analysis, options 1, 2 and 4, were short-listed for further consideration including the development of Architectural Concept Plans for the sites to confirm site capacity and design opportunities and constraints.

Option 7 was not included as a candidate site in the “Additional Information” provided to the Consultant (refer to **Appendix 2 - Service Specifications & Additional Information**) but was considered by the Consultant as an alternative site in accordance with Clauses 8.1.2 and 15.1 of the “Service Specifications” which required the Consultant to suggest and investigate other sites outside of the Leongatha Township.

The architectural concept plans and estimated costs for this Project are available in **Appendix 1 – Municipal Precinct Study Final Consultants Report (Sweett) - Version 3 - August 2015**.

The conceptual drawings confirmed that option 1 (9-15 Smith Street, Leongatha – main office building) as the preferred location. This was for a variety of advantages as listed in the Final Consultants Report. They include locational benefit, ownership, existing zoning and surrounding use synergies, development cost and decanting opportunities.

The other candidate sites were eliminated, leaving the opportunity open for Council to consider alternative development options or sale of these sites.

### Options

The options available to Council are as follows:

1. To note the findings of the Final Consultants Report (**Appendix 1**) and refer the recommendations in item 7.4 (Implementation Strategy / Next Steps) of the report to the new Council in 2017 for further consideration.



2. To adopt the recommendations of the Final Consultants Report and proceed with the implementation of the recommendations in item 7.4 (Implementation Strategy / Next Steps).

### **Proposal**

It is recommended that Council proceed with option 1. This option will provide Council with the opportunity of time to progress work identified or derived from the Municipal Precinct Study including:

- Progress work on sites identified as unsuitable for development as a Municipal Precinct.
- Consider the development of a Landscape Masterplan for the Leongatha Railyards site as part of the 2015/16 budget.

### **FINANCIAL CONSIDERATIONS**

By proceeding with option 1, the financial considerations are limited to agreeing to establish a budget to undertake a Landscape Masterplan for the Leongatha Railyards site.

It is estimated that a Landscape Masterplan for the Leongatha Railyards site would cost in the vicinity of \$100,000 given the need to further explore contamination issues. Opportunities for State Government and/or VicTrack funding would be pursued.

### **RISKS**

Reputational risk exposure is reduced by progressing with option 1. This is because a new Council will be afforded time to plan to address the recommendations of the Final Consultants Report as well as the existing Council demonstrating consideration to the projects derived from the Municipal Precinct Study project.

### **CONCLUSION**

By completing the Municipal Precinct Study, Council can demonstrate its attention to the issues it is facing with aged offices and community infrastructure. It is important that Council's decisions are based around the findings from the various studies completed to date. Council should pro-actively implement the option with regards to noting the findings of the Final Consultants Report and proceeding with the new projects derived from this work until such time as a new Council is appointed to implement the strategic direction.

## **RECOMMENDATION**

### **That Council:**

- 1. Adopt the Municipal Precinct Study Final Consultants Report (Sweett) - Version 3 - August 2015 (Appendix 1).**
- 2. Refer the recommendations in item 7.4 (Implementation Strategy / Next Steps) of the report to the newly elected Council in 2017 for further consideration.**
- 3. Progress work on sites identified as unsuitable for development as a Municipal Precinct.**
- 4. Consider the development of a Landscape Masterplan for the Leongatha Railyards site as part of the 2015/16 budget.**

**E.3 SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C81 – LAND SUBJECT TO INUNDATION OVERLAY – REFER SUBMISSIONS TO AN INDEPENDENT PLANNING PANEL**

Development Services Directorate

**STAFF DISCLOSURE OF INTEREST**

Nil

**EXECUTIVE SUMMARY**

South Gippsland Planning Scheme Amendment C81 (Amendment C81) proposes to apply the Land Subject to Inundation Overlay (LSIO) to inland and coastal areas susceptible to inundation. The LSIO maps a 1% Annual Exceedance Probability flood event (1 in 100 year flood) and / or coastal storm surge inundation predicted at the year 2100. The proposed LSIO mapping changes affect the area of the West Gippsland Catchment Management Authority (WGCMA) which is the authority responsible for waterway and floodplain management east and south east of Korumburra. The WGCMA are providing technical and funding assistance to Council for the Amendment.

Amendment C81 was exhibited for six weeks - concluding on 16 October 2015. A total of 23 responses were received of which 14 are objections from private landowners while a further three submissions from government agencies request changes to the provisions of the Amendment. The remaining six submissions are acknowledgements of having considered the Amendment and offer no objection or request for changes.

Where submissions cannot be resolved, an Amendment must be referred to an Independent Planning Panel (Panel) for consideration before Council can make its final decision on an Amendment. In consultation with the WGCMA, Council officers have formed the view that it is not possible to negotiate the withdrawal of all submissions and that a Panel is required. This report recommends Amendment C81 be referred to a Panel, with a further recommendation to change elements of Amendment provisions in response to issues raised in some of the submissions as discussed below.

*Document/s pertaining to this Council Report*

- **Attachment 1** - Amendment C81 Land Subject to Inundation Overlay Schedule (planning permit triggers)
- **Appendix 1** - Amendment C81 Submissions

A copy of **Appendix 1 – Amendment C81 Submissions** is available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) or by contacting 5662 9200.

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

- Planning and Environment Act 1987 (the Act)

## **COUNCIL PLAN**

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

## **CONSULTATION**

Exhibition of Amendment C81 occurred for six weeks and concluded on 16 October 2015. Exhibition notification was provided by:

- Postal notification to the owners and occupiers of all land where the LSIO is proposed to be applied, where existing LSIO mapping is being amended and where the Environmental Significance Overlay Schedule 6 (ESO6- Areas susceptible to flooding) is to be replaced by the LSIO. Postal notification was not provided to owners / occupiers of land affected by the existing LSIO in Melbourne Water's catchment area west of Korumburra. The LSIO mapping in this area is not changed by Amendment C81 and the proposed new Schedule benefits these landowners by its introduction of more planning permit exemptions. The Amendment is a net benefit to these landowners.
- Public notice, press release and newspaper articles in local newspapers, including the Yarram Standard.
- Public notices, display information, and Amendment technical documentation provided at 15 locations across the area affected by the Amendment.
- Extensive Amendment information on Council's webpage and the Planning Ministry's webpage.
- Community information drop-in sessions at Port Welshpool, Sandy Point, Tarwin Lower and Leongatha.

In general the community response to Amendment C81 has been positive with most landowners understanding from the exhibition information how the provisions might affect their land. A key benefit of the Amendment is that the removal of the ESO6, and its replacement with a more accurately mapped LSIO, removes 660 lots from any form of flood / inundation control. Feedback from these landowners has been very positive however this feedback is not represented in the submissions received.

Also evident from the exhibition process was a very clear expectation from the community that it is important that Council accurately identify inundation prone land in the Planning Scheme. In coastal areas it was also evident that landowners are informed of the potential impacts of rising sea levels and very few questions were made of the science underpinning sea level rise. This is reflected in the submissions (11 objections from residents of coastal townships) which acknowledge climate change but focus their concerns on how the Amendment provisions seek to address climate change challenges. Only two submissions clearly state that they believe that sea levels are not rising - citing a historic high tide marker at Port Arthur in Tasmania as evidence.

Amendment C81 has undergone extensive community consultation which exceeded the statutory requirements of the Act. Approximately 150 general enquiries have been made on the Amendment. Council officers are satisfied that parties likely to be affected by the Amendment have been given fair opportunity to inform themselves of the Amendment and its potential impacts.

## **REPORT**

### **Background**

The reasons for preparing Amendment C81 were discussed in detail in the 25 September 2013 Ordinary Council Report which Council considered in its decision to seek authorisation and exhibit Amendment C81. Some minor changes to the proposed LSIO Schedule did occur prior to exhibition however the September 2013 report should be referred to as the basis for Council's decision to prepare the Amendment. This report makes no further comment on the justification for the Amendment other than to note that the Planning Scheme's overlay controls should seek to accurately display land use and development constraints and risks, including the potential for storm water inundation.

It is also noted that Amendment C81 is based on similar inundation datasets and mapping rationale as Bass Coast Amendment C82 which was considered by a Panel and adopted by Bass Coast Shire Council in August 2015.

### **Discussion**

The following is a discussion of the key issues raised in the submissions to Amendment C81 (see **Appendix 1**) and a Council officer response.

#### SUBMISSION - "Application of the LSIO mapping is overly simplistic or speculative"

A common theme in the submissions is that the coastal mapping of the LSIO is overly simplistic because it fails to consider a broad range of factors that might affect rising sea levels and / or that the mapping is speculative because insufficient certainty surrounds predicted rising sea levels to accurately map likely affected areas.

In response to these submissions, how coastal areas might be affected in the future by rising sea levels is difficult to accurately determine. The modelling on which the LSIO mapping is based does not consider all of the technical factors that might allow highly accurate identification of land susceptible to inundation at any point in time up to the year 2100. For example, the modelling does consider increased storm activity however does not consider coastal geology and the potential that sand dunes and barrier islands currently protecting urban areas might disappear as a result of increased storm activity, leaving settlements more exposed to coastal storm activity.

The complexities and uncertainties surrounding the impacts of rising sea levels on coastal townships is such that it is not practical to acquire all of the required information before any action is taken. In this regard the LSIO mapping can to an extent be considered simplistic and to a degree speculative, however it is the best information currently available to identify a coastal hazard which is real and necessary to consider when land is proposed for development.

Amendment C81 is a step in what is likely to become in future years a far more detailed response to managing and planning for climate change impacts along the coastline. When new information becomes available the mapping can be updated, and when new government policies and actions are developed, they can also be considered in the context of our coastal township planning.

It is recommended that Council not amend the proposed coastal LSIO mapping in response to the submissions and allow the exhibited LSIO mapping to be considered by the Panel.

#### SUBMISSION - "Impact on land values, land sales and insurance"

A concern expressed in most submissions is the fear that application of the LSIO will detrimentally affect land values, make it more difficult to sell land and increase insurance premiums.

It is a common fear that the application of a new planning scheme overlay will affect land values. This matter has been researched in relation to many overlays in Victoria and little evidence can be found to support the assumption. This is because in the majority of cases the risks identified by an overlay (e.g. fire, flood, landslip) are evident to most informed land buyers regardless of the presence of an overlay. Exhibition of the Amendment has revealed a high degree of knowledge and understanding of the risk posed by rising sea levels.

Regarding land values and the potential to sell land, it is important to reiterate that the LSIO does not prohibit development and is 'development proactive' in that the LSIO provisions in coastal townships specifically exempt the requirement for a planning permit for a new dwelling if the floor levels are raised above inundation height. This is a positive statement that every residential zoned lot in the proposed LSIO can have a dwelling. The certainty that you can build a dwelling in a coastal township (along with the other

permit exemptions offered in the LSIO schedule) should further address concerns that application of the LSIO may affect land values or make it difficult to sell land. If land values are unaffected, it is reasonable to assume that the LSIO will not result in Council reducing its property rating of land. Reduced Council rating was queried in many submissions.

Concerns about insurance premiums are common when flood / inundation controls are applied. The key point to note is that insurance companies already have and consider the flood data Council has used to map the LSIO when they make their insurance assessments. Furthermore, insurance companies do not offer a product that covers property damage resulting from sea water storm surge or incremental sea level rise.

While the abovementioned matters are primarily private sector / market force issues, and Council is not required to consider market forces in its administration of the Planning Scheme, experience in other councils has found that application of the LSIO, or similar inundation / flooding controls, does not have any significant or lasting effect on land values, land sales or insurance premiums.

#### SUBMISSION - "What is to be done to protect land from inundation?"

In various forms, five submissions discuss the need for Council to consider measures to protect coastal townships from inundation and / or protect infrastructure in the townships. As one submission notes, there is no point in raising the height of dwellings if the infrastructure in town is flood damaged beyond repair.

There are no Council or State Government plans or policies to implement physical measures to mitigate against rising sea levels in the Shire though some other land managers have undertaken such works. Some large urban centres around Australia have commenced building works to control coastal erosion resulting from increasing storm activity however these are localised works and not part of any coordinated state or national strategy. In coastal areas, Amendment C81 seeks only to identify land that may be susceptible to coastal inundation and is not a tool through which Council can or should consider how mitigation works may be undertaken.

#### SUBMISSION - "Gradual implementation of controls"

Two submissions discuss the fact that buildings constructed today are likely to be redeveloped in 30-40 years' time and on this basis it is not appropriate to require buildings to be constructed at a worst case scenario height at the year 2100 (planning for climate change to the year 2100 is State planning policy). The argument continues that buildings constructed tomorrow should be allowed at lower heights because they will be nearing the end of their structural life by the time they might become vulnerable to rising sea levels.

This argument has some practical merit however it is difficult to capture how this outcome could work within the provisions of the LSIO planning control. It is not practical to issue planning permits requiring buildings to be removed

after a set number of years and in the absence of scientific certainty regarding the rate at which sea levels might rise, it would present a risk to assume that the next 30-40 years is a safe period and it is only the replacement structures that should consider rising sea levels.

While achieving the requested outcome in the LSIO provisions is highly problematic, the LSIO provisions do allow Council to consider buildings at any height in the overlay. This means that Council and WGCMA retain discretion to approve low floor height buildings if they are satisfied that buildings have a reduced risk. For example a relocatable dwelling or dependent persons unit does not present the same risk as a waterfront hotel. Planning permit applications can continue to be assessed on their merits.

#### SUBMISSION - "LSIO should only be applied to vacant land"

The LSIO has no retrospective powers on existing buildings and works and it is only new buildings and works that must consider its requirements. In response to this, submitters recommend that the overlay only be applied to vacant land. This recommendation is not supported. It is normal practice to apply risk related planning scheme overlay controls on land regardless of its existing use or development pattern. Applying the LSIO to developed lots allows Council to consider how these sites are redeveloped in the future, which is a reason for the Amendment.

#### Other matters raised in submissions

- "Will Council provide compensation to landowners?"

Compensation is not provided to landowners for any actual or perceived loss of land value or development potential resulting from the application of overlay controls.

- "Council legal liability resulting from LSIO application"

Application of the LSIO to recognise land potentially susceptible to inundation does not create a liability risk for Council.

- "The LSIO is an inappropriate planning tool and contrary to proper planning"

The LSIO has been used by other councils to identify both inland and coastal inundation. Applying the LSIO as proposed by Amendment C81 is considered orderly planning.

The introduction of a new form of overlay to address climate change related sea level rise has been discussed in Victorian planning for a number of years. Until such time as a new overlay tool is introduced, the LSIO is the most appropriate overlay to consider rising sea levels.

- "Inland mapping of the LSIO should be reviewed"



Three submissions from inland property owners query the remapping of the existing LSIO boundaries. Council has requested the WGCMA visit these sites and review application of the LSIO prior to the Panel hearing.

- "Disability access"

Two submissions comment that raising the floor height of dwellings will create difficulties for disability access. Disability access is controlled through the building approvals process which stipulates the minimum standards that must be achieved. Ramps may be required to access some new dwellings however for residential buildings, there is no mandatory requirement that new dwellings provide disability access.

- VicTrack request for permit exemption

A small section of existing LSIO (west of Korumburra) affects VicTrack's rail corridor. VicTrack have requested the addition of a railway specific planning permit exemption into the LSIO Schedule. The merits of the changes can be considered by the Panel.

- Gippsland Ports request for permit exemptions

The proposed LSIO Schedule provides a series of exemptions for port related buildings and works. Gippsland Ports has requested the permit exemptions be extended to include almost all buildings and works related to port activity including dredging and the construction of sea walls. These activities have the potential to affect water movements and would benefit from Panel consideration before any changes are made.

- South Gippsland Water request to remove LSIO from Public Use Zone

The majority of South Gippsland Water's (SGW) assets are zoned Public Use Zone (PUZ). As exhibited, the LSIO is proposed to be applied to PUZ land. SGW note that application of the LSIO on PUZ land is contrary to the purpose of the zone which is to limit the burden of planning schemes on utility providers. It is noted that different planning schemes approach overlay application on PUZ land in different ways. It is recommended that no change be made to Amendment C81 and that SGW's concerns be presented to the Panel for consideration along with their further request for additional exemptions where new assets are proposed outside of PUZ land.

#### Recommended changes to the LSIO provisions to discuss at Panel

A submission from a Port Welshpool resident has requested that the height above which a planning permit is not required for a dwelling be reduced from 3.4 metres to 3.0 metres above the Australian Height Datum (AHD). A review of the technical data supporting the Amendment found that the blanket application of the 3.4m AHD permit exemption across the coastline is not appropriate because storm and tidal activity on the eastern side of Wilsons Promontory is predicted to have a lower impact than that which is expected

on the western side. The WGCMA and Council officers will recommend to the Panel that the provisions of the LSIO schedule be amended to lower the Port Welshpool height to 3.0m AHD, however retain the other townships at 3.4m AHD.

The submitter has also requested that a provision be included in the LSIO Schedule to allow for the importation of soil fill onto land without requiring a planning permit. Temporary soil storage can affect the movement of flood waters, however a number of other planning schemes include a permit exemption for the importation of fill up to 100 cubic metres. This provision is of particular benefit to farmers. The WGCMA have considered this request, and Council officers agree that it be recommended to the Panel that a permit exemption be included in the LSIO Schedule to exempt planning permit requirements related to the importation of fill up to 100 cubic metres in all non-urban zones. The permit trigger should remain in urban areas to discourage ad hoc soil dumping on residential lots.

### **Options**

Having completed exhibition of Amendment C81, Council has three options.

#### Option 1 Refer Amendment C81 to an Independent Planning Panel

This is the option recommended to Council. Where unresolved submissions remain, the Act requires Council to refer submissions to a Panel for consideration and reporting before Council makes its final decision on an amendment. Referring submissions to a Panel is Council's normal practice.

#### Option 2 Negotiate with the submitters to withdraw their submissions

The nature and scope of the issues raised in the submissions means that it is highly unlikely that unconditional withdrawal of all submissions can be achieved. While stating this, Council and the WGCMA should engage with the submitters in the lead up to the Panel Hearing to seek to address any issues that might be resolved.

#### Option 3 Abandon the Amendment

Council has the option at any stage in the planning scheme amendment process to abandon an amendment. This is an extraordinary step and rarely used. Given the benefits of the Amendment (including its significant reduction in land area affected by inundation controls) abandoning the Amendment is strongly recommended against.

### **Proposal**

It is recommended that Council proceed with Option 1 where submissions to the Amendment are referred to an Independent Planning Panel for consideration.

## **FINANCIAL CONSIDERATIONS**

Financial considerations for Council directly related to the Report Recommendation are limited to payment of Panel costs.

The number of submissions received indicates that a two day panel hearing will be required. The WGCMA have committed to provide Council \$10,000 to assist with payment of Panel costs. It is anticipated that this should cover more than half the Panel costs which are likely to cost around \$15,000.

## **RISKS**

There are no risks to Council directly related to referring Amendment C81 to a Panel.

## **CONCLUSION**

South Gippsland Planning Scheme Amendment C81 significantly improves the current inundation mapping in the Planning Scheme. Removal of the ESO6 and its replacement with the LSIO removes more land from the overlay than it includes, benefitting over 660 landowners. The proposed new LSIO also greatly increases the number of planning permit exemptions provided to landowners who are already included in the LSIO.

While some objections to the Amendment have been received, it is considered that application of the LSIO as exhibited constitutes orderly planning, and in coastal areas, is an important step in what is likely to be an evolving response to the management of climate change and rising sea level impacts in coming years. It is recommended that the submissions be referred to an Independent Planning Panel so that the matters raised can be explored in detail and the Panel's recommendations considered before Council makes its final decision of Amendment C81.

## **RECOMMENDATION**

**That Council:**

- 1. Request the Minister for Planning appoint an Independent Planning Panel to consider South Gippsland Planning Scheme Amendment C81 as exhibited and all submissions received to the Amendment, including the late submission from the Gippsland Coastal Board.**
- 2. Request the Independent Planning Panel consider the merit of amending the proposed LSIO Schedule to:**
  - a. Reduce the height above which a planning permit is not required for a new dwelling in Port Welshpool from 3.4m AHD to 3.0m AHD**

- b. Include a new planning permit exemption in relation to the importation of soil fill onto properties up to 100 cubic metres in non-residential zones.**
- 3. Consider the recommendations of the Independent Planning Panel prior to making a decision on Amendment C81.**

## Attachment 1 Amendment C81 Land Subject to Inundation Overlay Schedule (planning permit triggers)

Note: Underlined text displays changes to the Schedule provisions in response to submissions received and which are to be presented to the Panel for consideration.

SOUTH GIPPSLAND PLANNING SCHEME

**SCHEDULE TO THE LAND SUBJECT TO INUNDATION OVERLAY**

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

*Note: The map on page 5 of this schedule identifies the administrative areas of the two floodplain management authorities in South Gippsland Shire.*

Inappropriate development in areas susceptible to inundation can endanger life and result in costly property damage. Buildings and household materials can be washed away and damage other properties and worsen localised flooding due to the obstruction to water flows. Inundation can flood waste water systems, causing water contamination which can cause health problems. Developments in floodplains must be appropriately managed to minimise the risk and cost to both private landowner and the broader community.

The Land Subject to Inundation Overlay (LSIO) has been applied to riverine areas to recognise existing inundation risk and in coastal areas in expectation that sea level rise will continue into the future. The impacts of rising sea levels cannot be predicted with absolute certainty however the precautionary principle should be used when considering the intensification of development in coastal areas. The application of the LSIO over existing urban zoned lots in coastal townships does not prohibit development but seeks to facilitate continued development with appropriate and practical safeguards.

**1.0 Permit requirement**

A permit is not required for any of the following:

- A new dwelling in a residential zone (including the Township Zone) in the townships of Port Welshpool, Sandy Point, Venus Bay and Tarwin Lower, provided the finished floor level of the habitable building is 3.4 metres or more above Australian Height Datum (AHD).
- A new dwelling in a residential zone (including the Township Zone) in the townships of Port Welshpool, provided the finished floor level of the habitable building is 3.0 metres or more above Australian Height Datum (AHD).
- A ground floor extension to an existing habitable building (including a dwelling) provided the proposed floor level is at or above the highest point of the existing floor level and the gross floor area of the extension does not exceed 20 square metres.
- An upper storey extension to an existing building within the existing building footprint.
- A single Replacement dwelling<sup>1</sup> provided that the floor level is above the applicable floor levels set by the relevant floodplain management authority.
- A non-habitable building (other than a building associated with the use of land for industry or for a public or commercial use) with a floor area less than 20 square metres.
- A non-habitable building, or extension to a non-habitable building (other than a building associated with the use of land for industry or for a public or commercial use) provided the finished floor levels are above the applicable floor levels set by the relevant floodplain management authority.
- A pergola, open sided carport or in-ground swimming pool / spa (including plant equipment and safety features normal to a pool / spa) associated with a dwelling.
- An open sided deck or verandah associated with an existing dwelling and has a floor area no greater than 20 square metres.
- A rainwater tank associated with an existing dwelling, or the agricultural use of land, provided that the footprint of all rainwater tanks does not exceed 20 square metres.
- A replacement fence of the same materials as an existing fence, in the same location.

LAND SUBJECT TO INUNDATION OVERLAY – SCHEDULE PAGE 1 OF 5

SOUTH GIPPSLAND PLANNING SCHEME

- Open type fencing (excluding paling and Colorbond style fencing, brick and concrete walls) and maintenance to existing fencing.
- An agricultural farm building, or structure, with permanent open sides.
- A mast, antenna, power pole or light pole.
- A non-domestic disabled access ramp.
- An outdoor advertising sign/structure, provided that it does not impede floodwater flows.
- Works ancillary to an existing building, including landscaping and pathways that do not alter the existing surface profile by more than 150 mm.
- Works associated with roads, roadsides or any other access way (public or private) that do not alter the existing surface level by more than 150mm.
- Works associated with roads, roadsides or any other access ways carried out by a public authority that have received written consent from the relevant floodplain management authority.
- Earthworks in accordance with a *whole farm plan* approved by the responsible authority and relevant floodplain management authority.
- Works associated with dams with less than 3000 cubic metres capacity, where no fill is imported to the site and where no embankment is proposed above natural ground level.
- Works associated with vine or horticultural trellises or watering systems.
- Windmills and solar units in association with the use of land for Agriculture.
- Routine and maintenance works that do not affect the height, length or location of a levee, embankment.
- Earthworks involving the receipt, importation, stockpiling or placement of more than 100 cubic metres of fill.
- Buildings and works undertaken by Gippsland Ports associated with jetties, boardwalks, landings beach refurbishment, swing moorings, navigational aids, beacons and signs.
- Buildings and works associated with bicycle pathways and trails undertaken by or on behalf of South Gippsland Shire Council that do not alter the existing surface level by more than 150mm.
- Buildings and works undertaken by or on behalf of Parks Victoria in accordance with a park management plan approved by the floodplain management authority, or where the buildings and works have otherwise received written consent from the relevant floodplain management authority.
- Buildings and works carried out by a Water Corporation to maintain and replace infrastructure related to sewer and water supply.

**Permit requirement explanatory note:**

Replacement dwelling<sup>1</sup>. For the purpose of this schedule a Replacement dwelling is a new dwelling constructed on the same area of land containing an existing dwelling which is to be demolished and replaced by a new dwelling, or a new dwelling to replace on the same area of land a dwelling damaged or destroyed after 1 January 2016.

**2.0 Application requirement**

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Unless agreed in writing by the relevant floodplain management authority an application to construct a building or construct or carry out works must be accompanied by four sets of plans, drawn to scale, which show:

- A location plan showing the boundaries and dimensions of the site, surrounding uses and the layout of existing and proposed buildings and works.

SOUTH GIPPSLAND PLANNING SCHEME

- Elevation plans showing natural ground level, finished ground level and the floor levels of any proposed buildings in relation to Australian Height Datum, taken by or under direction of a licensed surveyor.
- A detailed site plan with 0.5m contour intervals showing the layout of existing and proposed buildings and works, watercourses and access roads, taken by or under the direction of a licensed land surveyor.
- Relevant ground levels, to Australian Height Datum, taken by or under the direction or supervision of a licensed land surveyor.
- For inland waterways, the 100 year Average Recurrence Interval flood level (1 in 100 year flood level) from the relevant floodplain management authority. The flood level information must not be greater than six months old.
- Any additional information requested in writing from the floodplain management authority.

**Coastal Development**

For land below 5m AHD, the Responsible Authority or floodplain management authority may require that a coastal hazard vulnerability assessment or similar statement be prepared to accompany the following planning permit application types:

- Subdivision
- Accommodation (including Dwelling, Residential building, Residential village, Retirement village, Camping and caravan park, Corrective institution, Dependent persons unit, Group accommodation and Host farm).

This requirement does not apply where the information has been previously published in a regional Local Coastal Hazard Assessment.

The report must be prepared by a suitably qualified coastal processes engineer and / or coastal processes specialist and prepared in accordance with any approved coastal hazard guidelines to the satisfaction of the responsible authority and floodplain management authority. The assessment is to be prepared in accordance with the Victorian Coastal Hazard Guide (or superseding document) and must not be more than six months old and contain at least the following information:

- A location plan drawn to scale, showing the boundaries and dimensions of the site, surrounding uses, the layout of existing and proposed buildings and works and the distance to coast or estuary;
- Elevation plans taken by or under the direction and supervision of a licensed land surveyor showing natural ground level, finished ground level and the floor levels of any proposed buildings in relation to both Australian Height Datum and the level as nominated by the relevant floodplain management authority at 2100;
- A detailed site plan with 0.5m contours showing the layout of existing and proposed buildings and works, watercourses, access roads, vegetation and all infrastructure that may be affected by flooding, sea level rise or coastal inundation, taken by or under the direction and supervision of a licensed land surveyor;

Note: Before commencing preparation of the coastal hazards vulnerability assessment, consultation should occur with the floodplain management authority and the responsible authority to determine what information, additional to that specified above, must be provided to fulfil the requirements of the Victorian Coastal Hazard Guide.

**3.0 Referral of Applications**

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An application to construct a building or construct or carry out works, or an application to amend a permit, does not require referral to the relevant floodplain management authority if the application satisfies one of the following:

- Is accompanied by the relevant floodplain management authority's written approval, which must:
  - be granted not more than three months prior to lodging with the responsible authority;

SOUTH GIPPSLAND PLANNING SCHEME

- quote the reference number and date of the approved plans; and
- states the applicable flood level and any required floor levels.
- Is in accordance with an adopted local floodplain development plan or other agreement between the floodplain management authority and the responsible authority.
- Complies with a building envelope, filling levels and floor levels specified by the relevant floodplain management authority for the subject land in the previous six months.

**4.0 References**

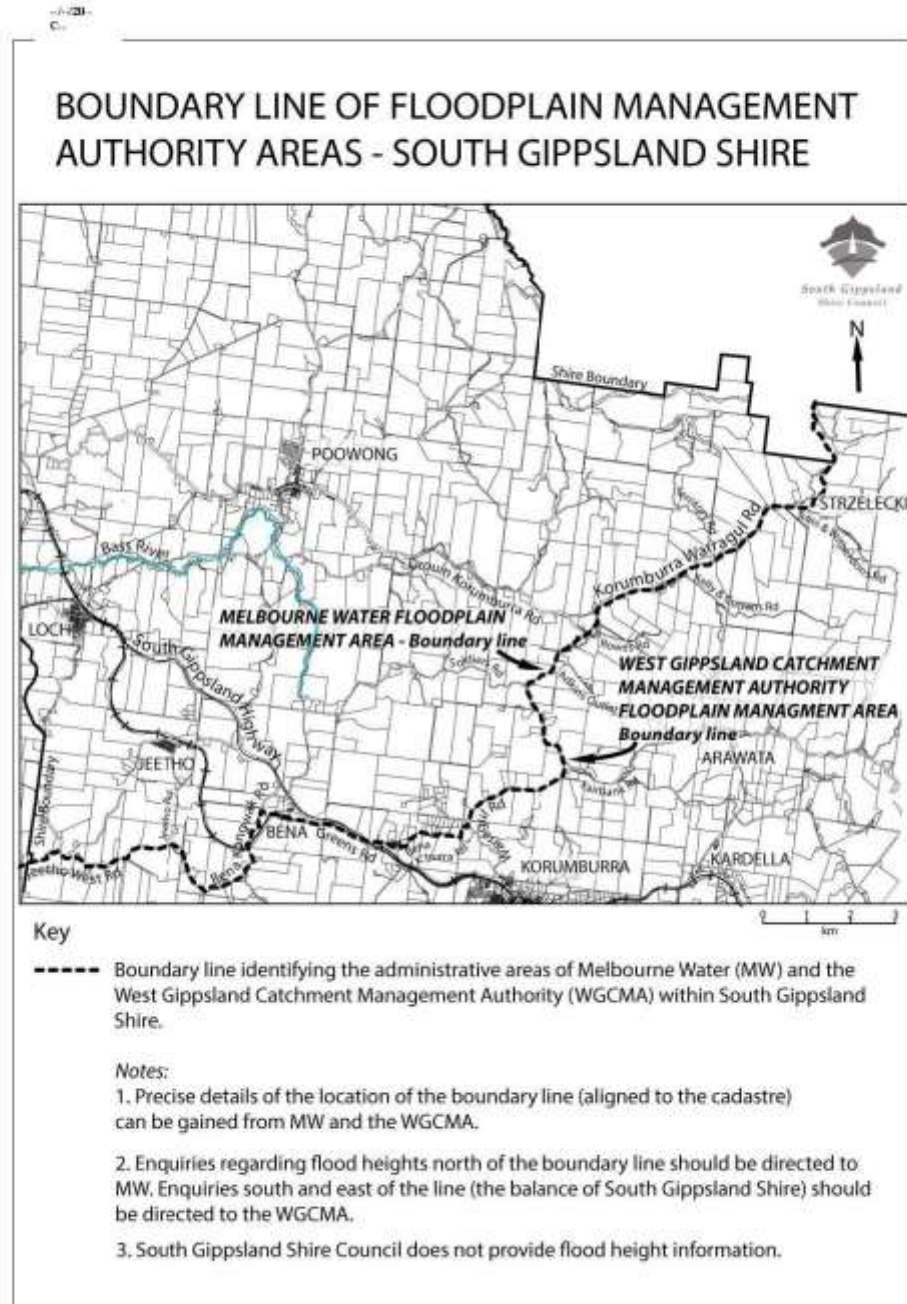
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Corner Inlet Dynamic Storm Tide Modelling Assessment – Water Technology June 2014



SOUTH GIPPSLAND PLANNING SCHEME

5.0 Map 1



## **E.4 CAPITAL WORKS PROGRAM 2015/16 - PROPOSED AMENDMENTS**

Sustainable Communities and Infrastructure Directorate

### **STAFF DISCLOSURE OF INTEREST**

Nil

### **EXECUTIVE SUMMARY**

This report recommends the following budget adjustments be made to the 2015/16 Capital Works Program, due to the delay in achieving possible grant funding for the Foster Streetscape Project (\$515,130 budget):

1. Defer works on the Foster Streetscape Project for the 2015/2016 financial year to the 2016/17 financial year.
2. Transfer funding of \$300,000 to enable the sealing of Camodys Road, Leongatha to Timmins Estate Road.
3. Carry forward the balance of \$215,130 to the 2016/17 financial year.

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

Local Government Act 1989

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

Long Term Financial Plan

### **COUNCIL PLAN**

- |            |     |  |
|------------|-----|--|
| Outcome:   | 3.0 | Integrated Services & Infrastructure.  |
| Objective: | 3.1 | Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development. |
| Outcome:   | 4.0 | A Leading Organisation.  |
| Objective: | 4.1 | Improve the financial sustainability of Council, including diversifying revenue streams.   |

### **CONSULTATION**

These proposed changes to the Capital Works Program have been discussed and agreed to by the relevant officers in the Sustainable Communities & Infrastructure Directorate.

## **REPORT**

### **Background**

The Foster Streetscape Project was programmed for delivery in the 2015/16 financial year conditional of securing adequate grant funding in the vicinity of \$350,000. Recent advice from Regional Development Victoria (RDV) indicates that a Business Case / Economic Analysis for this Project is prudent for inclusion in the grant application to enhance the likelihood of a successful application. The timeframes for this consultancy and the grant application process now prevents this Project from being delivered in 2015/16 financial year. It is now intended to undertake these works in the September – December 2016 period. It should be noted that the delay better suits the Foster traders in terms of minimising impact on businesses during the busy Christmas to Easter period.

### **Discussion**

Funding of \$861,955 is allocated to the Foster Streetscape Project for the current 2015/16 financial year. This allocation includes an assumed income of \$346,825 which results in a Council contribution of \$515,130. The following amendments to the Capital Works Program have been identified as those most appropriate to utilise this available budget:

#### **1. SEALING CARMODYS ROAD – \$300,000 budget**

At the 28 October 2015 Council meeting, Council approved the allocation of \$200,000 to Carmodys Road from the North Poowong Road budget which has been delayed due to the presence of the Giant Gippsland Earthworm. This budget would have only enabled the sealing of Carmodys Road for a distance of approximately 1 km from the South Gippsland Highway intersection. It is now considered desirable to extend the seal to Timmins Estate Road beyond the two bridges over the Tarwin River West Branch and a nearby floodway structure.

Design for the section of Carmodys Road between the two bridges was prepared for the 2013/14 Capital Works Program for a funding application under a flood repair program but Council's application was unsuccessful. This section of road is subject to flooding and has been damaged a number of times in the past and the design includes works to mitigate the risk of future flood damage.

#### **2. CARRY FORWARD TO 2016/2017 – \$215,130 budget**

The balance of the funding of \$215,130 will be carried forward to the 2016/17 budget.

### **Proposal**

It is proposed that Council approves the above amendments to the 2015/16 Capital Works Program.

## **FINANCIAL CONSIDERATIONS**

The proposed amendments have minimal change on the total budget for the 2015/2016 Capital Works Program.

## **RISKS**

The works for Carmodys Road are deemed necessary as this section of road is subject to flooding and has been damaged a number of times. These works can be delivered during the 2015/16 financial year.

The balance of the funding of \$215,130 will be carried forward to the 2016/17 budget.

## **CONCLUSION**

The proposed works will support delivery of the Capital Works Program in a timely manner, whilst accelerating improvements to the sealed road network.

## **RECOMMENDATION**

**That Council amend the 2015/16 Capital Works Program as follows:**

- 1. Defer works on the Foster Streetscape project for the 2015/16 financial year to the 2016/17 financial year.**
- 2. Transfer funding of \$300,000 to enable the sealing of Carmodys Road to Timmins Estate Road, Leongatha.**
- 3. Carry forward the balance of \$215,130 to the 2016/17 financial year.**

## **E.5 POLICY REVIEW - SOUND RECORDING OF COUNCIL MEETINGS**

Corporate and Community Services Directorate

### **STAFF DISCLOSURE OF INTEREST**

Nil

### **EXECUTIVE SUMMARY**

Council adopted the Sound Recording of Council Meeting Policy C48 on 27 October 2010 (Policy). The Policy was last reviewed in August 2011. In line with the Corporate Policy Review Program the Policy has been reviewed again and is presented to Council for adoption.

The objective of the Policy is to provide guidance and rigour around the undertaking of audio recordings of Council Meetings as a contribution to good governance and accuracy of Council Meeting minutes.

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

- **Attachment 1** - Sound Recording of Council Meeting Policy C48

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

- Local Government Act 1989
- Information Privacy Act 2000
- Freedom of Information Act 1982
- Public Records Act 1973

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

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

### **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**

Councillors considered the content of the revised Policy at a Strategic Briefing session on 28 October 2015.

The policy has been informed by relevant legislation listed in the Policy.

## **REPORT**

### **Background**

The original Policy was adopted by Council on 27 October 2010. The Policy was reviewed in August 2011 and in line with the Corporate Policy Review program the policy has been reviewed and several refinements and inclusions have been made.

The objective of the policy is to provide guidance and rigour around the undertaking of audio recordings of Council Meetings as a contribution to good governance and accuracy of Council Meeting minutes.

### **Discussion**

A copy of the revised Policy is included in **Attachment 1**. It is considered that this Policy needs to be reviewed every four years, or earlier upon request from Council. The next review is anticipated to take place in 2019.

Notice will be provided to the community attending meetings that a sound recording will be made and recordings will be destroyed once administrative use concludes.

A number of changes have been made to the previous Policy and they have been summarised below:

- Definitions include reference to Assemblies of Council.
- Removal of mention to outdated equipment i.e. cassette recorder
- Tidy up of some of the words and grammar
- Additional paragraph with regard to the Intent
  - In certain circumstances the Chief Executive Officer may authorise in writing the recording of an Assembly of Council to enable verification of the accuracy of the minute should the need arise. In this instance the nominated Assembly of Council is to comply with all aspects of this policy.
- Strengthening that audio recording is not to be destroyed if it is subject to a matter under legislation, requests or hearings:
  - Sound recordings of Council Meetings are a public record for Freedom of Information purposes. Before a sound recording is destroyed the Records Coordinator will ensure that there are no Freedom of Information requests or other matters under legislation relating to the sound recording.

- If there are requests or hearings relating to the recording, the recording will not be destroyed until after the matter has been dealt with.

### **Proposal**

It is proposed that Council adopt the revised Sound Recording of Council Meeting Policy C48 in **Attachment 1** and revoke the former version adopted in August 2011.

### **FINANCIAL CONSIDERATIONS**

There are no additional costs in recording Council Meetings in accordance with this Policy.

Additional costs are incurred where requests for audio transcriptions of sound recordings of Council Meetings are made.

### **RISKS**

Implementation of this Policy will contribute to good governance and accuracy of Council Meeting minutes. This reduces the risk of errors in capturing decisions of Council accurately.

### **CONCLUSION**

It is best practice to review policies on a regular basis to ensure the direction they provide meets changing legislative requirements and suits the current environment within which Council decisions are made.

This revised version of the Sound Recording of Council Meetings Policy (**Attachment 1**) is presented to Council for adoption to provide clearer direction to Council and the community on the management of sound recordings taken of Council meetings and of various Assemblies of Councillors when relevant.

### **RECOMMENDATION**

**That Council:**

1. **Revoke the Sound Recording of Council Meeting Policy adopted in August 2011.**
2. **Adopt the Sound Recording of Council Meeting Policy - November 2015 - C48, in Attachment 1.**

## Attachment 1 Sound Recording of Council Meeting Policy C48



South Gippsland Shire Council

### SOUND RECORDING OF COUNCIL MEETING POLICY

Policy Number	C48	Directorate	Corporate and Community Services Directorate
Council Meeting Agenda Item No.		Department	Council Business
Council Meeting Adoption Date	25 November 2015		
Revision Date	November 2019	Primary Author	Governance Coordinator
		Secondary Author	Corporate and Council Business Officer

#### POLICY OBJECTIVE

To provide guidance for the practice of audio recordings of Council Meetings as a contribution to good governance and accuracy of Council Minutes.

#### LEGISLATIVE PROVISIONS

- Local Government Act 1989 Division 2 – Procedure and Proceedings
- Information Privacy Act 2000
- Freedom of Information Act 1982
- Public Records Act 1973
- Local Law No.3 2010 – Processes of Municipal Government (Meeting Procedures and Common Seal)

#### DEFINITIONS

**Sound recording** means any recording made by any electronic device of recorded sound. This includes but is not limited to recordings made and stored on video camera, digital audio tape recorder, iphone (android), ipad (tablet) and stored on compact disc (CD) or in any other format. It does not include photographic recording by any form of visual recording device.

**Council Ordinary and Special Meetings** are types of meetings set out in Section 83 of the Local Government Act 1989.

**Assemblies of Councillors** are a type of meeting of Council set out in Section 3(1) of the Local Government Act 1989.

#### POLICY STATEMENT

Policy Classification: Municipality Specific

#### Purpose

Council will specify arrangements for creating, storing, using, disclosing and disposing of sound recordings of Council Meetings.

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Page 1 of 4

COUNCIL POLICY

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

This policy should be read in conjunction with Local Law No. 3 2010 Processes of Municipal Government, in particular clause 100 – Engagement of Public, which states that 'Council may adopt policies, guidelines and procedures relating to public participation to ensure the smooth and efficient conduct of Council meetings'.

#### **Application**

This policy applies to staff involved in creating, storing, providing access to, managing and disposing of sound recordings. Councillors and members of the community making and requesting access to records of sound recordings of Council Meetings, and staff involved in creating, storing, providing access to, managing and disposing of sound recordings of Council Meetings.

#### **Intent**

Council will make sound recordings of Council Ordinary and Special Meetings to enable verification of the accuracy of the Council Minutes of the meetings should the need arise. Council will not make recordings of Assemblies of Councillors including Public Presentations or parts of Council Ordinary or Special Meetings closed to the public for confidential items, where resolved upon by the Council.

Sound recordings will not be used or relied upon as a substitute for the original signed hard copy or an electronic copy of Council minutes.

The Council recordings will not be used for replaying Council Meetings in a public capacity without the prior permission of the Chief Executive Officer.

In certain circumstances the Chief Executive Officer may authorise in writing the recording of an Assembly of Council to enable verification of the accuracy of the minute should the need arise. In this instance the nominated Assembly of Council is to comply with all aspects of this policy.

#### **Notification**

A sign will be posted in the Council Chambers to provide members of the community notice that a sound recording of the Council Meeting will be made. The wording of the notice will be:

"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."

The notice will be provided in the following manner:

- On the agenda for the relevant meeting of Council.
- On notices at the entry doors and within the Council Meeting room.

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*Page 2 of 4*

COUNCIL POLICY

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COUNCIL POLICY



- On a notice located at the lectern where people address Council Meetings.
- On a projected screen at the commencement of a Council Meeting where appropriate technology is available.

### **Halting of Recording**

The Mayor or Chief Executive Officer may halt recording if he or she believes that the words of Councillors, Council officers and members of the public gallery may constitute defamation and therefore should not be recorded or published. Halting may be precautionary and to minimise risk of an actual offence occurring.

The Mayor or Chief Executive Officer can request other persons to halt their recording to preserve order and to continue the business of the Meeting.

Any member of the community who seeks to ask a question or make a submission or presentation in accordance with the Council Meeting Agenda procedures may request to have the recording system turned off during the time they are speaking. If this request is agreed to by the Chair the name of the community member and the nature of the issue they are speaking on will still be recorded in the minutes of the Meeting.

### **Storage and Destruction**

Council's recordings will be given to and securely stored by the Records Coordinator as soon as is practicable after each Council Meeting.

Sound recordings are considered as an input into the development of Council minutes and will be destroyed when administrative use concludes in line with the requirements of the Public Records Act 1973. These recordings are inputs into development of a master set of minutes and agenda and have temporary status. Sound recordings of Council Meetings are a public record for Freedom of Information purposes. Before a sound recording is destroyed the Records Coordinator will ensure that there are no Freedom of Information requests or other matters under legislation relating to the sound recording.

If there are requests or hearings relating to the recording, the recording will not be destroyed until after the matter has been dealt with.

### **Access**

Council will provide access to its recordings for the administrative purposes of preparing and verifying the accuracy of minutes of meetings or as required by Law.

Sound recordings will be accessed by the Chief Executive Officer, Directors and Council Business staff involved in the development and clarification of the Council Minutes with the Chief Executive Officers' approval for the purposes outlined in this policy. Access may be approved up until the time that the recordings are destroyed.

Sound recordings of meetings will not be made available to the public or disclosed to a third party, except as provided for by legislation. As sound recordings of Council Meetings are a public record for Freedom of Information purposes, access to sound recordings by the public will be provided under usual Freedom of Information access provisions.

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*Page 3 of 4*

COUNCIL POLICY

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### RISK ASSESSMENT

The policy provides a degree of assurance that minutes contain details of proceedings and resolutions made, that are clearly expressed and self-explanatory and that the transaction of Council business is open and transparent.

### IMPLEMENTATION STATEMENT

- This Policy will be distributed to all Councillors via InfoSum, staff via all staff email and press via email.
- Statements of policy existence to be included in Council Agendas and Minutes as per the 'Notification' notice in this policy.
- This Policy is to be published on Council website and Intranet.
- This Policy is to be adopted by Council and will be reviewed every four years to assess its effectiveness against its stated purpose. An earlier review would only be warranted if legislative changes invalidate parts of this policy.

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*Page 4 of 4*

## **E.6 COUNCILLOR APPOINTMENT TO COMMITTEES 2015 – 2016**

Corporate and Community Services Directorate

### **STAFF DISCLOSURE OF INTEREST**

Nil

### **EXECUTIVE SUMMARY**

Council appointed Councillors to a range of Internal and External Committees for the period of one year on Wednesday 4 November 2015. At the Meeting the final resolution Council resolved to:

9. *Consider future appointments to new Committees and/ or changes to Committee appointments made in Attachment 1 be reported to Council for adoption.*

This Report provides recommended appointments of Councillors to three (3) Committees, listed below, for the period commencing 25 November 2015 until the end of the Council term in October 2016.

- Australia Day Awards Advisory Committee (Internal Committee)
- Active Retiree Advisory Committee (Internal Committee)
- Roadsafe Gippsland (External Committee)

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

Local Government Act (1989), section 3D, section 139

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

Special Statutory Meeting of Council Minute 4 November 2015 - Item B.4  
Councillor Appointment to Committees 2015 - 2016

### **COUNCIL PLAN**

Strategic Goal:	4.0	A Leading Organisation
Outcome:	4.2	Pursue best practice in organisational development and operations of the organisation.
Strategy No:	4.2.3	We will make informed decisions and provide opportunities for the community to participate in the decision making process.

### **REPORT**

#### **Discussion and Proposal**

Consultation in preparation for the Councillor Appointment to Committees 2015 - 2016 resulted in Cr Mohya Davies appointment to the Australia Day

Awards Advisory Committee. Following the Special Statutory Meeting of Council 4 November 2015 it was apparent that Cr Davies in her appointment to the role of Deputy Mayor automatically resulted in her representation on the Australia Day Awards Advisory Committee. As is traditional past practice appointment to this Committee includes the Mayor, Deputy Mayor and one Councillor. Currently the Committee is represented by the Mayor, Cr Newton, Deputy Mayor Cr Davies and a vacancy in the Councillor appointment. To ensure adequate Councillor coverage a recommendation will be proposed to consider an additional Councillor.

Council's Active Retiree Advisory Committee has been active for 2 years and continues to be so. The Committee is a conduit of information between Council and active retiree residents of South Gippsland Shire. Its members meet at Council bi monthly. Councillor appointment was not considered at the Special Statutory Meeting of Council, to continue Councillor representation a recommendation will be proposed to consider one Councillor to the Committee.

Consultation in preparation for the Councillor Appointment to Committees 2015 - 2016 resulted in Cr Robert Newton's appointment to the Roadsafe Gippsland external Committee at the Special Statutory Meeting of Council 4 November 2015. Subsequent to the Special Statutory Meeting where he was appointed as Mayor, Cr Newton has requested that due to the nature of the work load associated with the new role that another Councillor may be appointed to the Roadsafe Gippsland Committee.

There are three recommendations for Council consideration for appointment to Committees. Councillors may self-nominate for these committees and voting will be in accordance with the process used for the election of the Mayor, with a majority vote determining the membership.

It is also proposed that Councillors continue to consider additional requests for representation on Committees throughout the year via Council adoption.

## **FINANCIAL CONSIDERATIONS**

Funds are allocated in current and forward budgets where appropriate for membership fees and any subscriptions required as part of the memberships.

## **RISKS**

The investment of Councillor time and resources returns positive outcomes and opportunities for Council and the community through access to strategic information, and Councillors providing advocacy and leadership for the advantage of the community.

## **RECOMMENDATION**

### **That Council:**

- 1. Appoint 1 Councillor <insert name> to Council's Australia Day Awards Advisory Committee.**
- 2. Appoint 1 Councillor <insert name> to Council's Active Ageing Retiree Advisory Committee.**
- 3. Amend the appointment of Councillor Newton to Councillor <insert name> to Roadsafe Gippsland (External Committee).**
- 4. Appoint Councillors to Committees listed in the Committees above for a term commencing 25 November 2015 until 6am of Council Election Day, currently forecast for Saturday 22 October 2016, when the term of Councillors ends.**
- 5. Consider future appointments to new Committees and/ or changes to Committee appointments by report to Council for adoption.**

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## SECTION F - URGENT OR OTHER BUSINESS

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

### 1. Urgent Business

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

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

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

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

### 2. Other Business

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

## **SECTION G – GENERAL QUESTION TIME**

### **G.1 QUESTION TIME**

### **G.2 ANSWERS TO PREVIOUS QUESTIONS ON NOTICE**

**At the Ordinary Council Meeting 28 October 2015 written questions were taken on notice from Paul Norton and a response is now provided.**

#### **Question**

**How many kilometres of sealed roadway were listed written South Gippsland Shire Council as at:**

**30 June 1995**

**30 June 2005**

**30 June 2015**

**Also how many kilometres were within sgsc under control of VicRoads also as listed above as of the same time frames.**

#### **Response**

30 June 1995 – no records can be found of the total length of sealed roads for South Gippsland Shire.

30 June 2005 – Council had 762.4 kms of sealed roads for which it was responsible as coordinating road authority under the road Management Act 2004.

30 June 2015 – Council had 788.3 kms of sealed roads for which it was responsible as coordinating road authority under the road Management Act 2004.

Council does not hold records in regards to the VicRoads sealed road network.



## **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 2015/16 COMMUNITY GRANTS ROUND 1**

#### **RECOMMENDATION**

That Council close the meeting to the public to allow for consideration of Item 1 2015/16 Community Grants Round 1 pursuant to section 89(2)(h) as provided for by the Local Government Act 1989.

## **SECTION H - MEETING CLOSED**

### **NEXT MEETING**

The next Ordinary Council Meeting open to the public will be held on Wednesday, 16 December 2015 commencing at 2pm in the Council Chambers, Leongatha.