



South Gippsland
Shire Council

Come for the beauty, Stay for the lifestyle

COUNCIL AGENDA PAPERS

25 May 2016

**ORDINARY MEETING NO. 402
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. 402
OF THE SOUTH GIPPSLAND SHIRE COUNCIL WILL BE HELD ON
25 MAY 2016 IN THE COUNCIL CHAMBERS, LEONGATHA
COMMENCING AT 2PM

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Tim Tamlin
Chief Executive Officer

SECTION A - PRELIMINARY MATTERS

A.1 WELCOME

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

A.2 OPENING PRAYER

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

Amen

A.3 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

A.4 REQUESTS FOR LEAVE OF ABSENCE

A.5 APOLOGIES

A.6 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 401, held on 27 April 2016 in the Council Chambers, Leongatha be confirmed.

A.7 DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS

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

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

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

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

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

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

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

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

Privacy

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

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

A.8 DECLARATION OF CONFLICT OF INTEREST FOR STAFF

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

A.9 PETITIONS

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

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

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

A.10 COUNCILLOR REPORTS

SECTION B - NOTICES OF MOTION AND/OR RESCISSION

B.1 NOTICE OF MOTION NUMBER 694 – IMPROVED GOVERNANCE ARRANGEMENTS AND A MORE OPEN TRANSPARENT COUNCIL PROCESS

PURPOSE

It has become apparent during this council that governance standards have reduced and council is arguably less transparent in its decision making processes nowadays.

At a time when other councils are beginning to implement a more open and transparent process for council meetings, at South Gippsland we are making more decisions in closed meetings and limiting the ability of open council to both question decisions and motions that come before council. We have for example decided by majority opinion not to allow individual councillors to ask question during question time despite this being normal practice for at least the last 8 years of recorded council minutes. This decision was not taken at an open council meeting-it was determined by a “straw poll” in a closed council/executive session. A practice frowned upon by the Local Government Ombudsman.

MOTION

I, **Councillor Don Hill**, advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on **25 May 2016**.

‘That Council receive a report at the 27 July 2016 Ordinary Council Meeting exploring the following options:

- 1. Live streaming of the Open Special and Ordinary Council Meetings of South Gippsland Shire Council directly to the internet, as is now occurring at some other Councils within Australia.**
- 2. Implementing a question time section for Councillors at each Council Meeting alongside the existing question time for ratepayers. The Purpose of which is to be able to hold council accountable in open Council as occurs at all other levels of Government within Australia.**
- 3. Implementation of annual training for Mayors/Chairs on correct interpretation of the Local Law and how to treat all Councillors equally and fairly as detailed within the panel report received at 27 April 2016 meeting in point 84’.**

SECTION C - COMMITTEE REPORTS

Nil

SECTION D – PROCEDURAL REPORTS

D.1 QUARTERLY PERFORMANCE REPORT – JANUARY TO MARCH 2016

Corporate and Community Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

The Organisational Quarterly Performance Report for the period January to March 2016 provides detailed reporting on Council's performance against the 2015/16 Annual Initiatives, Capital Works Program and Department Budgets.

This covering report outlines the key achievements, issues, updates and events that occurred during this reporting period.

Document/s pertaining to this Council Report

- **Appendix 1** - Quarterly Performance Report January to March 2016

A copy of **Appendix 1** is available on Council's website:
www.southgippsland.vic.gov.au or by contacting (03) 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989, Sections 125, 127 and 223

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

2015/16 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 has contributed to the report.

REPORT

Background

The 2015/16 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**).

The 2013-2017 Council Plan adopted in June 2013 and reviewed annually, includes key strategic Outcomes, Objectives and Strategies. A series of indicators are allocated to the four Outcomes and progress against these indicators is included in the 'Annual Plan 2015/16 Performance Update' section of **Appendix 1**.

Discussion

The report provides Directorate overviews. Where possible, comparisons are made and reflected in graphs.

Significant highlights during the period include:

Executive Office

- 82 per cent of the total 56 Annual Plan initiatives for 2015/16 are either completed projects (18%) or on track for completion (64%) by June 2016.
- There are nine initiatives that have been placed on hold. Seven of these initiatives have been deferred to the 2016/17 financial year which has been highlighted in the report.
- Community Budgeting lunch was held with the purpose of holding discussion on the pros and cons of the project to shape future iterations.
- Staged the Australia Day Awards and Citizenship Ceremony and supported eight South Gippsland communities to stage Australia Day events across the shire.
- Initiated Enterprise Agreement 2016 discussions with four unions.

Corporate and Community Services

- HACC Transition to the Commonwealth Home Support program is progressing with funding splits between the State and Commonwealth negotiated and service planning reflecting local service delivery.
- Community consultation for the Municipal Early Years Plan 2016-2021 has commenced. Surveys, workshops and interviews have captured the views, opinions and aspirations of children, families and agencies in South Gippsland.

- The 2015/16 Community Grants Round 2 Program received 38 applications, requesting a total of \$197,086 in funding. Council will consider recommendations in June.
- Cloud Feasibility study relating to on-premises infrastructure completed to inform future organisational IT strategic direction.
- An 'Election Period Policy' has been adopted by Council. The 'Public Participation in Meetings with Council' and 'Councillor Access to and Request for Council Information' policies have been presented to Councillors.
- Proposed 2016/17 Annual Budget/Long Term Financial Plan adopted by Council in March and placed on public exhibition.
- All valuations for the 2016 biennial revaluation completed ahead of due date and submitted to the Valuer General for audit.

Development Services

- 84 per cent of the total 24 Strategic Planning initiatives for 2015/16 are either completed projects (67%) or on track for completion (17%) by June 2016.
- Statutory Planning processed 78 per cent of Planning Permit applications within 60 Statutory Days.
- The Planning Panels Victoria Report received for Land Subject to Inundation Overlay Planning Scheme amendment supports Councils adopted documents. This continues to support appropriately constructed dwellings in coastal townships.
- Panel report received for C65 a Residential rezoning in Shingler/Gibson Streets in Leongatha provides a good compromise between proponent aims and local residents concerns. This amendment will be presented to Council for adoption in April 2016.
- Visitor Information Services review commenced with visitor/community survey underway.
- A successful peak season for the Yanakie and Long Jetty Foreshore caravan parks, with casual accommodation sales at Yanakie significantly higher than forecast.

Sustainable Communities and Infrastructure Services

- 90 per cent of the total 68 Capital Work initiatives for 2015/16 are either completed projects (50%) or on track for completion (40%) by June 2016.

- Presented the Draft 2016/17 Proposed 15 Year Capital & Major Works Program to Council on 17 February and 2 March, in readiness for the Proposed 2016/17 Annual Budget community consultation process
- Adoption of C34 Council Land Ownership Policy at the 23 March 2016 Council Meeting.
- The GPS Training Program is progressing and includes reporting requirements to enable accurate data of plant & vehicle usage.
- Staff Safety After Hours - developing the After Hours SOS Alert System for staff working in isolation.
- Participation in 2015/16 MAV Step Program including the National Asset Management Assessment Framework self-assessment has seen Council reach Core Maturity again in Asset Management and ranked in the top 20 councils in Victoria.

FINANCIAL CONSIDERATIONS

2015/16 Annual Initiatives and Capital Works programs are funded through the 2015/16 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.

CONCLUSION

There have been some significant achievements and steady progress overall for the third Quarter of the financial year.

RECOMMENDATION

That Council receive and note the Organisational Performance Report (Appendix 1) for the period January to March 2016.

D.2 REPORT ON ASSEMBLY OF COUNCILLORS: 22 MARCH – 21 APRIL 2016

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.

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

Document/s pertaining to this Council Report

- Nil

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

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

COUNCIL PLAN

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

REPORT

| Meeting Title | Councillors Attending and Disclosures of Conflict of Interest | Topics Discussed |
|---|---|-------------------------|
| Wednesday 23 March 2016 | | |
| Ordinary Council Agenda Topic Discussion – 23 March 2016 | <p>Councillors Attending: Crs Hutchinson-Brooks, Davies, Harding and Brunt.</p> <p>Conflict of Interest: nil disclosed.</p> <p>Matters Discussed:</p> <p>Councillors were provided information on Council agenda items for the Ordinary Council Meeting 23 March 2016.</p> | |
| Executive Update | <p>Councillors Attending: Crs Hutchinson-Brooks, Davies, Harding and Brunt.</p> <p>Conflict of Interest: nil disclosed.</p> <p>Matters Discussed:</p> <ul style="list-style-type: none"> • Port Welshpool Car Park – parking ticket machine replacement | |
| <p>Public Presentation</p> <p>OPEN SESSION</p> | <p>Councillors Attending: Crs Hutchinson-Brooks, Davies, Harding and Brunt.</p> <p>Conflict of Interest: nil disclosed.</p> | |
| <p>Presentations were made to Council by the following community members:</p> <p>Dilene Hinton, Lead Petitioner, addressed Council regarding Council Agenda Item E.1 PETITION – REQUEST FOR 2 STREET LIGHTS IN MILES LANE, LEONGATHA.</p> <p>Paul Norton, addressed Council regarding Section G Question Time, questions that he will table at the Ordinary Council Meeting 23 March 2016.</p> | | |

| Meeting Title | Councillors Attending and Disclosures of Conflict of Interest | Topics Discussed |
|--|--|-------------------------|
| Wednesday 23 March 2016 | | |
| Strategic Review Of Land Holdings - 2016/17 Proposed Land Sales Program & Process Amendment | <p>Councillors Attending: Crs Hutchinson-Brooks, Davies, Harding and Brunt.</p> <p>Conflict of Interest: nil disclosed.</p> <p>Matters Discussed:</p> <p>Councillors were briefed on the Strategic Review of Landholdings Project.</p> | |
| Wednesday 6 April 2016 | | |
| Proposed Development | <p>Councillors Attending: Crs Fawcett, Kennedy, Brunt, Harding, Newton, Davies, McEwen, Hill and Hutchinson-Brooks.</p> <p>Conflict of Interest: nil disclosed.</p> <p>Matters Discussed:</p> <p>Council was briefed on a development proposal.</p> | |
| Executive Update | <p>Councillors Attending: Crs Fawcett, Kennedy, Brunt, Newton, Davies and Hutchinson-Brooks.</p> <p>Conflict of Interest: nil disclosed.</p> <p>Matters Discussed:</p> <ul style="list-style-type: none"> • Mobile Library Service – temporary closure • MAV State Council Meeting • ALGA National General Assembly attendance • Long Jetty Advocacy • Caravan Parks | |

| Meeting Title | Councillors Attending and Disclosures of Conflict of Interest | Topics Discussed |
|--|--|-------------------------|
| Wednesday 6 April 2016 | | |
| Community Energy in South Gippsland – Activity Update and Council Support | <p>Councillors Attending: Crs Fawcett, Kennedy, Brunt, Newton, Davies, Harding, Hill and McEwen and Hutchinson-Brooks.</p> <p>Conflict of Interest: nil disclosed.</p> <p>Matters Discussed: Council was briefed on the activities undertaken by each level of Government in the field of Community Energy and Council's history of support and current involvement.</p> | |
| Councils Geographic Information System Project Update | <p>Councillors Attending: Crs Fawcett, Kennedy, Brunt, Harding, Newton, Davies, McEwen and Hutchinson-Brooks.</p> <p>Conflict of Interest: nil disclosed.</p> <p>Matters Discussed: Council was briefed about the capabilities of the recently implemented Geographic Information System (Intramaps).</p> | |
| Economic Development & Tourism Steering Committee | <p>Councillors Attending: Crs Hutchinson-Brooks, Newton, Davies, Harding, Kennedy and McEwen.</p> <p>Conflict of Interest: nil disclosed.</p> <p>Matters Discussed:</p> <ul style="list-style-type: none"> • Priority Projects • Economic Development and Tourism Strategy • Strategic Investment Updates • Steering Committee Development and Planning • South Gippsland Branding Review • Visitor Services Review | |

| Meeting Title | Councillors Attending and Disclosures of Conflict of Interest | Topics Discussed |
|--|--|-------------------------|
| Wednesday 6 April 2016 | | |
| Planning Briefing | <p>Councillors Attending: Crs Newton, Davies, Brunt, Kennedy, Fawcett and Hutchinson-Brooks</p> <p>Conflict of Interest:</p> <p>Cr Nigel Hutchinson-Brooks was not present in the room when item 5 C108 Koonwarra Agricultural Precinct item was discussed as he had a declared indirect conflict of interest by conflict of duty under Section 78B of the LGA (1989) as he is a Director of the Company that is acting as consultants to the proponents.</p> <p>Matters Discussed:</p> <ul style="list-style-type: none"> • Strategic Planning Project List • Planning Applications of Significance • Decisions for February 2016 • VCAT Decisions | |
| Thursday 7 April 2016 | | |
| Information Forum for Women - What being a Councillor means | <p>Councillors Attending: Crs Davies, Brunt, Fawcett, Hutchinson-Brooks and McEwen.</p> <p>Conflict of Interest: nil disclosed.</p> <p>Matters Discussed:</p> <ul style="list-style-type: none"> • What being a Councillor means – both challenges and benefits | |
| Thursday 14 April 2016 | | |
| Active Retirees Advisory Committee | <p>Councillors Attending: Cr Fawcett</p> <p>Conflict of Interest: nil disclosed.</p> <p>Matters Discussed:</p> <ul style="list-style-type: none"> • Active Ageing Plan 2017-2022 - questionnaire and community consultation • Seniors Festival 2016 | |

| Meeting Title | Councillors Attending and Disclosures of Conflict of Interest | Topics Discussed |
|--|--|-------------------------|
| Wednesday 20 April 2016 | | |
| <p>Ordinary Council Agenda Topics Discussion 27 April 2016</p> | <p>Councillors Attending: Crs Fawcett, Kennedy, Brunt, Harding, Newton, Davies, McEwen and Hutchinson-Brooks.</p> <p>Conflict of Interest: nil disclosed.</p> <p>Matters Discussed: Councillors were provided information on Council agenda items for the Ordinary Council Meeting 27 April 2016.</p> | |
| <p>Executive Update</p> | <p>Councillors Attending: Crs Fawcett, Kennedy, Brunt, Harding, Newton, Davies, McEwen and Hutchinson-Brooks.</p> <p>Conflict of Interest: nil disclosed.</p> <p>Matters Discussed:</p> <ul style="list-style-type: none"> • Karmai Children’s Centre, Korumburra • New Kindergarten Central Enrolment system launch • Section 223 Budget Submissions update • Great Southern Rail Trail | |
| <p>Governance Audit Results and Councillor Code of Conduct</p> | <p>Councillors Attending: Crs Fawcett, Brunt, Harding, Newton, Davies, McEwen and Hutchinson-Brooks</p> <p>Conflict of Interest: nil disclosed.</p> <p>Matters Discussed:</p> <ul style="list-style-type: none"> • Council was briefed on the State Government’s 2015 amendments to the Local Government Act 1989 and the requirement to review and amend the Councillor Code of Conduct. • Council was briefed on the audit report, South Gippsland Shire Council Review of Councillor Governance. | |
| <p>South Gippsland Brand Review</p> | <p>Councillors Attending: Crs Fawcett, Brunt, Harding, Davies, McEwen, Hill and Hutchinson-Brooks.</p> <p>Conflict of Interest: nil disclosed.</p> <p>Matters Discussed: Council was briefed on the South Gippsland Brand review regarding tourism and business branding.</p> | |

| Meeting Title | Councillors Attending and Disclosures of Conflict of Interest | Topics Discussed |
|---|---|-------------------------|
| Wednesday 20 April 2016 | | |
| <p>Public Presentation</p> <p>OPEN SESSION</p> | <p>Councillors Attending: Crs Fawcett, Brunt, Harding, Newton, Davies, McEwen, Hill and Hutchinson-Brooks.</p> <p>Conflict of Interest: nil disclosed.</p> | |
| <p>Presentations were made to Council by the following community members:</p> <p>Madelaine Mason, Secretary of Arthur Sutherland Reserve, Welshpool Committee of Management addressed Council regarding the Committee seeking Council assistance for a funding application for stadium flooring.</p> <p>Cr Fawcett left the room at 2.19pm with a declared interest in the Northern Towns Project.</p> <p>Paul Norton addressed Council in relation to his Submission to Council regarding his views on the Northern Towns Water Supply Pipeline Connection Project.</p> <p>Cr Fawcett returned to the room at 2.32pm.</p> <p>Matthew Sherry addressed Council regarding Council Agenda Assembly of Councillor report and why the Planning Briefing is now confidential and other related questions.</p> <p>David Amor addressed Council regarding the Daisy Bank Estate, Korumburra - querying essential service provision to this development.</p> | | |
| <p>Councillor/ CEO Session</p> | <p>Councillors Attending: Crs Fawcett, Brunt, Harding, Newton, Davies, McEwen, and Hutchinson-Brooks</p> <p>Conflict of Interest: nil disclosed.</p> <p>Matters Discussed:</p> <ul style="list-style-type: none"> • Confidential Documents at Council | |

RECOMMENDATION

That Council:

- 1. Receive and note this report;**
- 2. Make confidential pursuant to section 77(2)(b) of the Local Government Act 1989 (Act) all matters considered by the Planning Briefing at its meeting held on Wednesday 6 April 2016 on the basis that the meeting discussed:**
 - a. proposed developments (Section 89(2)(e) of the Act; and**
 - b. matters which the Council considers would prejudice the Council or any person (Section 89(2)(h) of the Act,**

until such time as the Council's Chief Executive Officer determines to include an individual matter on an Agenda for an Ordinary or Special Meeting of Council, or when required to undertake a statutory obligation, and this confidentiality then ceases to apply only to that individual matter.
- 3. Make confidential pursuant to section 77(2)(b) of the Local Government Act 1989 (Act) all matters considered in a briefing session on Wednesday 6 April 2016 on the basis that the meeting discussed:**
 - b. proposed developments (Section 89(2)(e) of the Act; and**

until such time as the Council's Chief Executive Officer determines to include an individual matter on an Agenda for an Ordinary or Special Meeting of Council, or when required to undertake a statutory obligation, and this confidentiality then ceases to apply only to that individual matter.

D.3 DOCUMENTS SEALED AND CONTRACTS AWARDED, VARIED OR EXTENDED BY THE CHIEF EXECUTIVE OFFICER - 26 MARCH TO 22 APRIL 2016

Corporate and Community Services

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 March to 22 April 2016, 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 or extended 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 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 March to 22 April 2016.

1. S173 Agreement between South Gippsland Shire Council and the owner of 125 Atherton Drive, Venus Bay in relation to the development of land with a single dwelling – Seal Applied 11 April 2016.
2. S173 Agreement between South Gippsland Shire Council and the owner of 2 Burrows Way, Tarwin Lower in relation to the development and use of a dwelling and ancillary works - amend dwelling plans – Seal Applied 18 April 2016.

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), with the exception of:

- Annual WorkCover and Council insurance premiums; and
- Any contract which complies with Council's Procurement Policy and falls within the allocation in the Council adopted Annual Budget which exceeds the value of \$250,000 (inclusive of GST).

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, the successful tenderer, contract length and the total contract price.

Further, Council's Procurement Policy requires 'that Council will not disclose information about procurements below the statutory thresholds, however, to ensure compliance with Council's Procurement Policy, it will be noted in this report that a contract awarded below the statutory threshold has been entered into following a public tender.

The following contracts were awarded between 26 March and 22 April 2016 under the CEO's delegation following a public tender.

1. Contract CON/99 Design and Construction of the Waratah Bay Public Toilet - Awarded by Chief Executive Officer on 14 April 2016 to Considine & Johnston Pty Ltd for the lump sum amount of \$145,897.40 (including GST).

In addition, Council resolved on 26 August 2015 to delegate to the CEO 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 advised that there were no contracts awarded by the CEO during the period from 26 March to 22 April 2016, which relate to the 26 August 2015 resolution.

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 and to ensure delays to key projects are avoided, following consultation with the Mayor and subject to this variation being reported to the next practicable Council Meeting.

There were no contract variations which exceeded the CEO's delegation, made by the CEO during the period from 26 March to 22 April 2016.

Contract extensions approved by the CEO

Council's Procurement Policy authorises the CEO to enter into any contract extensions subject to the satisfactory performance of the contractor and the extension being reported to Council for any contracts which in total exceeds the CEO's delegation.

1. Contract SGC13/12 Provision of Meals for the "Meal on Wheels" Service first extension for 2016/17 was approved by the CEO on 1 April 2016.

RECOMMENDATION

That Council receive and note this report.

SECTION E - COUNCIL REPORTS

E.1 2016/17 PROPOSED LAND SALES PROGRAM AND COMMUNITY CONSULTATION PROCESS AMENDMENTS (STRATEGIC REVIEW OF LANDHOLDINGS PROJECT)

Sustainable Communities and Infrastructure Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

This report recommends Council makes changes to the community consultation methods for the *Strategic Review of Landholdings Project* ("Project") as follows:

- Make available on Council website:
 - **Confidential Appendix 2** – Proposed 2016/17 Land Sales Program.
 - **Confidential Appendix 3** – Evaluation Matrix.
 - **Confidential Appendix 4** – Evaluation Matrix Scores.
- Issue a Media Release detailing the community consultation for the Project.

The report also discusses amendments to the proposed *2016/17 Land Sales Program* since the previous Confidential Council Briefing on 23 March 2016.

Document/s pertaining to this Council Report

- **Confidential Appendix 1** – Properties Removed from Proposed 2016/17 Land Sales Program.
- **Confidential Appendix 2** – Proposed 2016/17 Land Sales Program.
- **Confidential Appendix 3** – Evaluation Matrix.
- **Confidential Appendix 4** – Evaluation Matrix Scores.

Copies of the **Confidential Appendices** have been distributed separately to Councillors and the Executive Leadership Team.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989 (Sections 189 and 223)
- Council Land Ownership Policy 2016

COUNCIL PLAN

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

CONSULTATION

External Consultation

External consultation for the proposed *2016/17 Land Sales Program* has not yet occurred. External consultation on the Project and the evaluation matrix occurred in 2014.

Internal Consultation

- Internal consultation on the proposed *2016/17 Land Sales Program* occurred during the evaluation process as well as further discussions with the Planning Department and the Engineering & Assets Department on rezoning and servicing requirements.
- A Confidential Council Briefing was held on 19 August 2015 where the outcome of the evaluation exercise was discussed and feedback was received from Councillors.
- A Confidential Council Briefing was held on 23 March 2016 to discuss changes to the community consultation process to allow for a media release, posting of the proposed *2016/17 Land Sales Program* on the website, and allow for the Section 223 Meeting to be heard in a Confidential Special Meeting of Council (as opposed to a Special Committee of Council).

REPORT

Background

At the 23 September 2015 Council Meeting, a confidential report attached a proposed *2016/17 Land Sales Program* for delivery next financial year and included a recommendation that Council would receive a further report to finalise this program.

Subsequently, at the Council Briefing on 23 March 2016, the *2016/17 Land Sales Program* was discussed with an explanation on the need to attend to subdivisional and creation of easement works on some of the properties to make them suitable for sale.

The discussion at this Confidential Council Briefing also included proposed changes to the community consultation process and methods used for the

Project in light of some of the community feedback during consultation on the *2015/16 Land Sales Program*.

Discussion

Proposed 2016/17 Land Sales Program

Upon further analysis of the proposed 2016/17 properties for sale, it was evident that some of them require subdividing and/or creation of an easement to create a saleable parcel of land and that this should be attended to prior to the land being advertised for sale. This means that these particular parcels of land should be removed from the proposed *2016/17 Land Sales Program*.

These properties are available in **Confidential Appendix 1 – Properties Removed from Proposed 2016/17 Land Sales Program**.

These parcels of land will be included in a future year's Land Sales Program that will be presented to Council for approval.

Given the above, the amended proposed *2016/17 Land Sales Program* is available in **Confidential Attachment 2 – Proposed 2016/17 Land Sales Program**.

Community Consultation

Due to the feedback in some of the submissions to the public notice for the *2015/16 Land Sales Program*, there is merit in reviewing the community consultation process in order to improve the level of information provided on the statutory process for Council land sales and its intent of providing the community with an opportunity to comment. The community feedback to the *2015/2016 Land Sales Program* demonstrated a perception that a public notice of a land sale was a final decision of Council rather than it being the first step in the statutory process which provides the community with an opportunity to comment.

Provision of valuable information was received from community members regarding the history of the use of land that might not otherwise have been known from Council records (as was apparent with the 2 Berry Street, Foster site). By reflecting on this, Council has an opportunity to improve its communication methods prior to advertising its public notice for the proposed 2016/17 Program. The aim and benefit would be to reduce / eliminate community anxiety, reduce the number of submissions, and time involved to process the statutory procedures.

Proposal

It is proposed that prior to advertising the public notices for the proposed *2016/17 Land Sales Program* that Council:

1. Prepare a media release discussing the proposed *2016/17 Land Sales Program* and the date for commencement of the statutory process and

include context to the process and purpose of a Section 189 and 223 Public Notice; and

2. Make available to the public on Council's website the proposed *2016 Land Sales Program*, evaluation matrix, and evaluation matrix scores.
3. Once the above have been attended to, commence the statutory procedures pursuant to Sections 189 and 223 of the Local Government Act 1989 by placing the Public Notices for the proposed *2016/17 Land Sales Program* in the local newspapers.

FINANCIAL CONSIDERATIONS

Income generated from the *2016/17 Land Sales Program* will assist in achieving Council's forecasted budget.

The cost of advertising the public notices is allocated in this financial year's expenditure budget for Property Services.

CONCLUSION

Council is aware of the sensitive nature of land sales and perception of its community with the process. It has an opportunity to mitigate this by making available to the public the proposed *2016/17 Land Sales Program*, the evaluation matrix, and the scores on Council's website, and provide information regarding the statutory process that will follow.

RECOMMENDATION

That Council:

1. **Make public Confidential Appendix 2, 3 and 4 by publishing the proposed *2016/17 Land Sales Program*, evaluation matrix and evaluation matrix scores on its website and provide information regarding the statutory procedure that will follow in accordance with Sections 189 and 223 of the Local Government Act 1989.**
2. **Commence the statutory procedures in accordance with Sections 189 and 223 of the Local Government Act 1989 for the sale of the properties listed in Confidential Appendix 2 – proposed 2016/17 Land Sales Program.**
3. **Give public notice in its Noticeboard section of the local newspapers week commencing 6 June 2016 on the proposal in accordance with Section 223 of the Local Government Act 1989 to commence a public consultation process inviting written submissions from the community by close of business Wednesday 6 July 2016.**
4. **Authorise the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry**

out its functions under Section 223 of the Local Government Act 1989 in respect of the proposal.

- 5. If submissions are received to the public notice:**
 - a. Hear submitters who had elected to speak to their submission at a Special Meeting of Council in closed session.**
 - b. Consider submissions and decision determined at the next available Ordinary Council Meeting in open session.**
- 6. Agree to prepare and sell those properties within Confidential Appendix 2 that did not attract submissions in accordance with Sections 189 and 223 of the Local Government Act 1989 by way of private treaty or public sale.**

E.2 SUNNYSIDE PARK, LOCH - PUBLIC TOILET PROPOSAL AND COMMUNITY LEASE FOR THE LAND

Sustainability and Infrastructure Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

This report discusses the requests to Council by the Loch Community for a new public toilet to be constructed at Sunnyside Park, Loch ("the Park"). It recommends that Council commence the statutory procedures to lease a 25m² area of Council land at the Park to the Loch Community Development Association ("LCDA") for a term of 21 years for an amount of \$1.00 per annum.

The recommendation is based on Council's agreed position with regards to the provision of public toilets in South Gippsland.

Document/s pertaining to this Council Report:

Attachment 1 – Locality Plan of Proposed Leased Area

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989 (Section 190 and 223)

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Leasing Policy 2014

COUNCIL PLAN

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

CONSULTATION

Internal Consultation has included the following briefings to Council:

- 4 March 2015 – Discussion on the outcomes of a review of the *2002 Review of Public Toilets in South Gippsland* (adopted 23 May 2003).

- 17 February 2016 – The LCDA provided a public presentation on the Loch Community's desire to establish a sustainable community public toilet in Sunnyside Park, Loch.

Other internal consultation has included inter-department discussions during the review of the *2002 Review of Public Toilets in South Gippsland*.

External consultation has included meeting on site with representatives of the LCDA to discuss and assess its proposed public toilet facility as well as telephone conversations.

REPORT

Background

Council is the owner of Sunnyside Park ("the Park") situated at 43 Victoria Road, Loch. The Park was acquired in 2003.

The Park was developed in 2006. At that time, the community had requested a public toilet be constructed in the Park but due to the location of the public toilet within the main street of Loch, a new public toilet was not warranted.

The LCDA have lobbied Council on numerous occasions to provide a public toilet within the Park with the latest proposal delivered to Council at a public Briefing Session on 17 February 2016.

Council has responded that it has an agreed position on the level of service it provides for public toilets in South Gippsland. This agreed position originates from a review of public toilets in South Gippsland that was completed and adopted by Council on 21 May 2003 and a subsequent review in early 2015.

The outcome of the review in early 2015 was presented at a confidential Briefing Session on 4 March 2015. It recommended that Council consider and support the following *Guiding Principles* for the provision of additional public toilet facilities and associated services in the Shire:

- Continue to renew and upgrade existing Council owned facilities in accordance with its Building Asset Management Plan (BAMP) framework.
- Seek input from Council's Community Services Directorate and Development Services Directorate with regards to preferred location of any renewed or additional Council funded public toilet facility.
- Continue to provide funding for the maintenance, cleaning and operation of existing Council funded public toilet facilities.
- Support communities in applying for grants to renew existing community owned and operated public toilet facilities in association with large community projects (ie. Yanakie).

- Consider supporting additional Council funded, constructed or operated public toilet facilities on a case by case scenario only when the proposal / business case meets 2 of the following criteria:
 - There is no existing facility within 500m for high use areas (>250 visitations daily) and 1km in low use areas (<250 visitations daily) of an already established public toilet facility.
 - There has been a significant increase (25%) in permanent / seasonal township population using the 2011 census data as the benchmark.
 - There has been a new activity established – Playground or BBQ that attracts daily usage of greater than 20 usages.
 - There is a capacity problem at an existing public toilet – when the demand for public toilet use at the venue leads to queues on a daily basis.

Given that the public toilets in Loch are only 250 metres away from Sunnyside Park, that the population has not increased markedly and that there is no capacity problem with the current facilities, this project has not been included in Council's 15 year capital works plan.

Discussion

The LCDA are aware of Council's agreed position with regards to provision of public toilets in South Gippsland.

The proposal put to Council by the LCDA on 17 February 2016, was for Council to agree to lease a parcel of land to the LCDA so that they could construct and maintain a public toilet all at their cost. The LCDA confirmed that they have reached agreement with the Strzelecki Lions Club for ongoing assistance with maintenance of the toilet.

This public toilet would be a 9m² structure, plus the pump and collection tank, which is approximately 900mm in diameter.

A site visit to the Park confirmed the location for the public toilet and area of land to be leased. This area of land would be 25m². After meeting with the LCDA and confirming their understanding that Council would not be meeting any costs associated with the construction and maintenance of a new public toilet at the Park, it was agreed that a report to Council would discuss progressing the statutory procedures for a lease.

Proposal

It is proposed that Council commence the statutory procedures to enter into a ground lease for an area of 25m² of the Park to the LCDA. Particulars of the lease are as follows:

| | |
|-----------------|--|
| Tenant: | LCDA (pending Council decision). |
| Land: | Part of the land contained within certificate of title volume 5327 folio 272 and known as Sunnyside Park, Loch and as defined on the plan in Attachment 1 . |
| Area: | 25m ² |
| Purpose: | Public Toilet Facility and Signage. |
| Term: | 21 years |
| Rent: | \$1.00 per annum plus GST |

The lease is currently being drafted by Oakleys White and the special conditions will be defined and included in the final report to Council.

A special condition will be inserted in the lease to remove any responsibility of Council to construct, maintain, clean the structure, or provide any works of a capital nature. Signage will need to be erected with details of the LCDA for patrons to contact regarding maintenance or cleaning.

A further special condition will also be included which discusses the reporting requirements when the toilets have been spoiled or misused.

Please note that the term and amount is outside Council's Leasing Policy due to unique nature of the proposed lease. Community leases for land and structures are less than 10 year terms and the minimum annual fee is \$104.00.

FINANCIAL CONSIDERATIONS

There are no financial considerations as the lease will not require Council fund any construction or ongoing maintenance of the public toilet.

RISKS

There is a risk that the LCDA may fail to provide ongoing maintenance and cleaning of the public toilet in the longer term. If this happens, it will result in a breach of their obligations under the lease. If they do not rectify the breach, they will be in default of the lease and Council would terminate the agreement. This would mean that the LCDA would need to remove the public toilet.

RECOMMENDATION

That Council:

- 1. Commence the statutory procedures in accordance with Sections 190 and 223 of the Local Government Act 1989 to enter into a ground lease of 25m² of land contained within certificate of title volume 5327 folio 272 to the Loch Community Development Association Inc. for a term on 21 years for an amount of \$1.00 per annum.**
- 2. Give public notice in its Noticeboard section of the local newspapers week commencing 6 June 2016 on the proposal in accordance with Section 223 of the Local Government Act 1989 to commence a public consultation process inviting written submissions from the community by close of business Wednesday 6 July 2016.**
- 3. Authorise the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under Section 223 of the Local Government Act 1989 in respect of the proposal.**
- 4. If submissions are received to the public notice:**
 - a. Hear submitters who had elected to speak to their submission at a Special Meeting of Council in closed session.**
 - b. Consider submissions and decision determined at the next available Ordinary Council Meeting in closed session.**
- 3. If there are no submissions received agree to enter into the lease.**

Attachment 1
Proposed Leased Area for Public Toilet Facilities
at Sunnyside Park Loch



E.3 DOMESTIC WASTEWATER MANAGEMENT PLAN 2016-2020

Development Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

Council is required to have a Domestic Wastewater Management Plan (DWMP) under the State Environment Protection Policy (Waters of Victoria). A DWMP aims to identify wastewater risks and ways to improve onsite wastewater management and link planning, stormwater management and water supply policies.

At the September Ordinary Meeting, Council resolved to endorse the draft DWMP 2016-2020 for the purpose of public exhibition. The four week community consultation period ended on 28 October 2015. This report recommends adopting the South Gippsland Shire Council DWMP 2016-2020.

The DWMP includes an education, monitoring and compliance program to inform and ensure owners adequately maintain their septic tank systems. The introduction of a monitoring and compliance program will address public health risks in Council's unsewered townships and rural areas.

Without a robust education, monitoring and compliance program, South Gippsland Water is unable to endorse Council's DWMP for the purposes of an exemption under the Ministerial Guidelines for planning permit applications in open potable water supply catchments.

South Gippsland Water's endorsement of the DWMP enables Council to support planning permit applications consistent with Council's adopted Rural Land Use Strategy. Endorsement of the DWMP will allow the consideration of applications for the development of small vacant rural lots in the Tarwin Catchment where development density exceeds 1 house per 40 hectares (8 dwellings per 1km radius). South Gippsland Water's endorsement of the DWMP is conditional on the development of a risk assessment tool. The risk assessment tool will ensure that waste water systems approved within the Tarwin Potable Water Catchment do not compromise the water supply quality.

Document/s pertaining to this Council Report

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

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Catchment and Land Protection Act 1994
- Environment Protection Act 1970
- Local Government Act 1989
- Planning and Environment Act 1987
- Public Health and Wellbeing Act 2008
- Water Act 1989
- State Environment Protection Policy (Waters of Victoria)

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Domestic Wastewater Management Plan 2007-2011

COUNCIL PLAN

| | | |
|------------|-------|---|
| Outcome: | 1 | A Prosperous Shire |
| Objective: | 1.3 | Improve the sustainability of the local and regional environment |
| Strategy: | 1.3.1 | We will actively engage businesses, farmers, industries and individuals in creating a clean, green Shire, where environmental sustainability is embraced and practiced. |
| | 1.3.2 | We will promote sustainable waste management practices, energy efficiency and management of our natural resources |
| Outcome: | 3 | Integrated Services and Infrastructure |
| Objective: | 3.1 | Deliver affordable, modern community services and facilities through an integrated approach to planning and infrastructure development |
| Strategy: | 3.1.4 | We will plan for the service needs of the Shire's changing demographic |
| | 3.1.5 | We will encourage sustainable development that promotes the health, wellbeing and unique character of the community |

CONSULTATION

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

Bay, Fish Creek, Leongatha and Korumburra during the consultation period. Over 200 verbal, written and survey submissions were received to the original draft DWMP.

Adoption of the DWMP was previously deferred to address uncertainty over the Loch, Poowong and Nyora sewerage scheme and Tarwin Potable Water Supply Catchment issues.

Council agreed at its September 2015 meeting to endorse the South Gippsland Shire Council Draft DWMP 2016-2020 for the purpose of public exhibition for a four week community consultation period. The four week community consultation period ended on 28 October 2015. Council did not receive any additional submissions to the draft DWMP.

Following public consultation, Council has continued to work in partnership with South Gippsland Water to ensure that the DWMP is consistent with the Minister for Water's guidelines for planning permit applications in open potable water supply catchments.

REPORT

Background

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

The last DWMP adopted by Council was the DWMP 2007-2011. The development of a DWMP commenced in 2012 however it was put on hold pending resolution of issues raised by the uncertainty of the Loch, Nyora and Poowong Sewerage Scheme and the review of Ministerial Guidelines for planning permit applications in open potable water supply catchments (Ministerial Guidelines).

The Ministerial Guidelines restrict the granting of planning permits to develop unsewered lots where development density exceeds 1 house per 40 hectares. This translates to 8 dwellings per 1km radius, (refer **Attachment 1** - Ministerial Guidelines - Planning permit applications in open, potable water supply catchment areas - November 2012).

This has impacted on the ability of Council to approve development of smaller lots within the Tarwin Catchment and conflicts with Council's Rural Land Use Strategy.

The Ministerial Guidelines provide several methods for varying the density requirements however the only method that would currently permit the development of existing small rural lots in unsewered areas is the 'Category 4' exemption. This exemption requires the development and implementation of a

DWMP that the relevant water corporation is satisfied as complying with the DWMP requirements specified in the Ministerial Guidelines.

Council agreed at its September 2015 meeting to endorse the South Gippsland Shire Council Draft DWMP 2016-2020 for the purpose of public exhibition for a four week community consultation period. The four week community consultation period ended on 28 October 2015.

Discussion

Council did not receive any additional submissions to the draft DWMP during the community consultation period.

Since the community consultation period ended, Council has worked in partnership with South Gippsland Water's (SGW) to address the DWMP requirements specified in the Ministerial Guidelines.

During discussions between SGW and Council it was agreed that once implemented, the DWMP provides a number of immediate benefits to the South Gippsland community. These benefits include supporting appropriate development in the Tarwin Catchment, prolonged life of wastewater systems and improvements in public health and water quality in natural waterways.

It was also agreed there is an urgent need for a wastewater risk assessment tool to support decision making in relation to new wastewater applications and applications to rezone/subdivide land in unsewered area. The requirement to the tool within 3 months has been added to the DWMP.

SGW have endorsed the DWMP as complying with the DWMP requirements specified in the Ministerial Guidelines. The category 4 exemption will commence upon development of the wastewater risk assessment tool.

Proposal

It is proposed Council endorse the adoption of the South Gippsland Shire Council DWMP 2016-2020.

FINANCIAL CONSIDERATIONS

The DWMP introduces a compliance program for wastewater systems. The cost of the compliance program will be offset to some extent as the implementation of the compliance program will support development of small rural allotments in the Tarwin Catchment area. Implementation of the compliance program is funded in Council's 2016/17 proposed Annual Budget.

RISKS

Council requires an adopted DWMP to provide strategic direction for the management of wastewater within the municipality. The strategic direction detailed in draft DWMP 2016-2020 includes the introduction of a compliance

program that will support development on small rural allotments in the Tarwin Catchment area.

Council's current DWMP is outdated. Therefore if the DWMP is not adopted, Council's strategic direction for the management of wastewater within the municipality will continue to be unclear. The timing for resolution of conflicts between the Ministerial Guidelines for planning permit applications in open potable water supply catchments and Council's Rural Land Use Strategy will continue to remain uncertain.

CONCLUSION

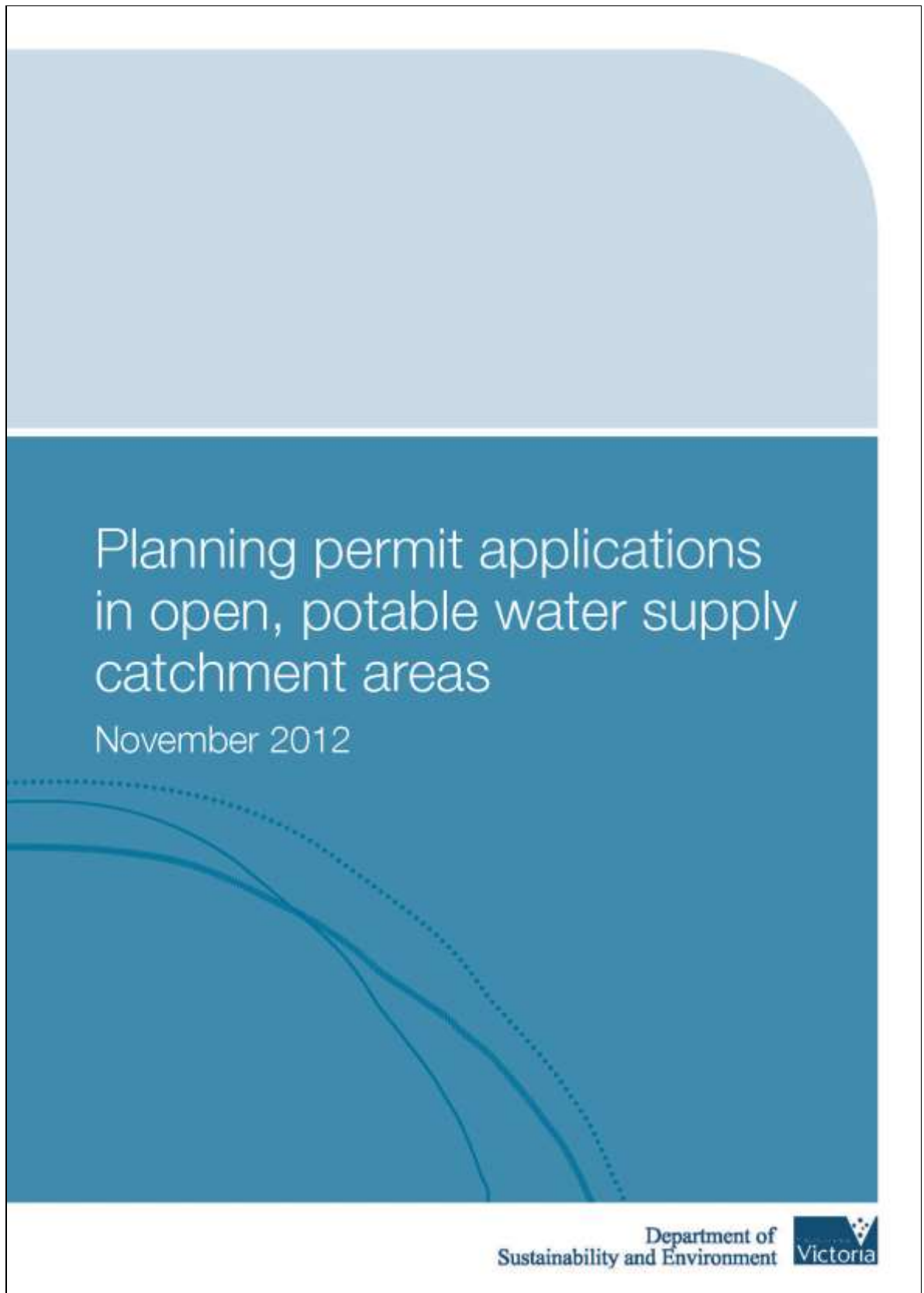
Council is required to prepare a DWMP under the State Environment Protection Policy (Waters of Victoria). Council does not have a current DWMP in place. A revised DWMP has been developed and has included significant public and stakeholder consultation over the past four years. Adopting the South Gippsland Shire Council DWMP 2016-2020 will ensure Council has a current strategy for the management of wastewater within the municipality.

South Gippsland Water's endorsement of the DWMP enables Council to support planning permit applications consistent with Council's adopted Rural Land Use Strategy. Endorsement of the DWMP will allow the consideration of applications for the development of small vacant rural lots in the Tarwin Catchment where development density exceeds 1 house per 40 hectares (8 dwellings per 1km radius). South Gippsland Water's endorsement of the DWMP is conditional on the development of a risk assessment tool. The risk assessment tool will ensure that waste water systems approved within the Tarwin Potable Water Catchment do not compromise the water supply quality

RECOMMENDATION

That Council adopt the South Gippsland Shire Council Domestic Wastewater Management Plan 2016-2020 (included in Appendix 1).

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



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November 2012

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Planning permit applications in open, potable water supply catchment areas

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



Peter Walsh MLA
Minister for Water

Purpose of the Guidelines

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

Where do these guidelines apply?

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

What is an open, potable water supply catchment?

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

2 Planning permit applications in open, potable water supply catchment areas November 2012

These policies can assist in:

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

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

The guidelines

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

Guideline 1: Density of dwellings

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

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

This does not apply where:

Category 1

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

Category 2

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

Category 3

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

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

Category 4

All of the following conditions are met:

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

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

Domestic Wastewater Management Plan Requirements

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

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

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

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

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

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

The DWMP must provide for:

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

Guideline 2: Effluent disposal and septic tank system maintenance

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

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

Guideline 3: Vegetated corridors and buffer zones along waterways

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

Guideline 4: Buildings and works

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

Appropriate measures should be used to restrict sediment discharges from construction sites in accordance with *Construction Techniques for Sediment Pollution Control*, *Environment Protection Authority, 1991* and *Environmental Guidelines for Major Construction Sites*, *Environment Protection Authority, 1985*.

Guideline 5: Agricultural activities

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

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


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

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


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


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


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



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E.4 KORUMBURRA TOWN CENTRE STREETScape MASTER PLAN - ADOPTION

Development Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

This report recommends Council adopt the proposed Korumburra Town Centre Streetscape Master Plan (SMP) and advance the project to detailed design.

The SMP details traffic and pedestrian safety enhancements and includes improvements to the town's visual appeal and functionality along Commercial Street from Bridge Street to King Street. The proposed changes to traffic movement and parking can be implemented with minimal disruption to existing infrastructure.

Based on extensive community engagement, combined with expert assessment by traffic engineers and landscape design consultants, the SMP is recommended for adoption.

Document/s pertaining to this Council Report

- **Attachment 1** - Community engagement and respondents
- **Attachment 2** - Summary of public submissions
- **Attachment 3** - Refinements to the Master Plan in response to submissions and Road Safety Audit
- **Attachment 4** - Summary of submission requests not included in Master Plan
- **Appendix 1** - Korumburra Town Centre Streetscape Master Plan - Final Report May 2016
- **Appendix 2** - Korumburra Town Centre Streetscape Master Plan - Traffic Impact Assessment Report February 2016
- **Appendix 3** – Road Safety Audit of Master Plan April 2016

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Road Management Act 2004

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Korumburra Town Centre Framework Plan October 2013

COUNCIL PLAN

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

CONSULTATION

External

Council exhibited a draft master plan which presented three different road configurations. A number of streetscape improvements were also presented for public comment including footpath treatments, landscaping, street furniture, lighting, signs and town entry.

The SMP prepared by landscape design experts Hansen Partnership included consultation with directly affected businesses and landowners, the wider Korumburra community, community groups, heavy vehicle operators and State Government departments. (refer **Appendix 1** - Korumburra Town Centre Streetscape Master Plan May 2016).

Direct and indirect consultation included meeting with Korumburra community groups and public drop-in sessions were held (refer **Attachment 1** - Community engagement and respondents).

In addition to the various meetings, 73 submissions were provided to the draft master plan. A summary and analysis of the public submissions is provided at **Attachment 2** - Summary of public submissions.

A number of refinements were made to the draft SMP in response to public submissions and the independent Road Safety Audit (refer **Attachment 3** - Refinements to the Master Plan in response to submissions and Road Safety Audit).

The road and parking layout designs were based on traffic engineering assessment provided by Ratio Consultants (refer **Appendix 2** - Traffic Impact Assessment Report).

A Road Safety Audit was conducted by TrafficWorks Pty Ltd (refer **Appendix 3** - Road Safety Audit of Master Plan April 2016).

Some submissions were not supported in the final SMP design. (refer **Attachment 4** - Summary of submission requests not included in Master Plan).

Internal

Council's Engineering, Economic Development, Parks and Gardens, Community Strengthening and Operations Departments have contributed to the preparation of the SMP.

REPORT

Background

The SMP seeks to implement several strategic recommendations contained in the Korumburra Town Centre Framework Plan ("KTCFP"). Council adopted the KTCFP in November 2013 following extensive public consultation and engagement.

The KTCFP recommends changing the highway configuration to a single through-lane in each direction. The design seeks to improve the current road conditions given that a Korumburra alternate route is not proposed by VicRoads.

The SMP focuses on traffic movement, pedestrian access and parking in detail along the South Gippsland Highway through the retail core of the town centre between Bridge St and King St. The SMP design brief required minimal disruption to existing infrastructure to reduce construction costs i.e. the centre median, which sits above a high pressure gas pipeline.

VicRoads have provided endorsement for the SMP, however ground-truthed functional design plans (detailed design) will still need to be completed to obtain the next stage of VicRoads approval.

Discussion

The number of submissions indicates a strong community interest in the Korumburra streetscape. The results were valuable in identifying the level of support for the various concepts and for guiding refinement of the design.

Safety, integration and enhancement

Public submissions and consultant analysis identified:

- Safety and accessibility enhancements to pedestrian infrastructure;
- Safety issues relating to heavy vehicles travelling through the town centre;
- Landscape improvements to enhance visual amenity;

- Problems with pedestrian and traffic flows in the Council-owned car park on the north side of Commercial St;
- Lack of public open space;
- Visitors are unaware of various town centre facilities; and
- The town centre has a tired, cluttered and haphazard appearance.

Some submissions did not support the SMP. These preferred a Korumburra alternate route, alternative projects or concern that rates would be increased to fund the improvements.

Proposals

The principal changes proposed to enhance the Korumburra town centre streetscape received majority support from submitters.

The final SMP design recommended to Council for adoption incorporates public submissions, the consultants' recommendations, an independent Road Safety Audit and discussions with VicRoads.

The main proposals in the SMP are:

Bridge St dog-leg reconfiguration - removal of parking, changes to splitter, queuing lanes, kerbs and installation of avenue trees.

See Master Plan pages 9, 15, 27 and 29 for relevant diagrams.

The removal of parallel parking spaces, alteration of kerb splays and moving the central traffic splitter will significantly reduce the risk of truck rollovers. Heavy vehicles could negotiate the dog-leg in a smoother, more stable movement while traffic calming measures will control traffic speed.

The proposal removes four carparks on the west side (in front of Pattens on Main and the side of the Commonwealth Bank) and one space plus a taxi rank on the east side (in front of the Austral Hotel).

These parking changes provide:

- More space for truck manoeuvres;
- Allow for heavy vehicle body roll;
- Increases length of queuing lanes for vehicles turning into Bridge St (north and south);
- Reduce congestion for through-traffic;
- Removes parking that is unsafe to access on the driver's side; and

- Provides a refuge point for pedestrians where pedestrians commonly cross the road.

The SMP includes a traffic island that enforces the left turn for vehicles exiting from Little Commercial St. This prevents unsafe and illegal eastbound turns currently being made onto the highway.

A total of 85% (49/58 commenting on this issue) of respondents supported this proposal which rated as the top priority out of 11 for implementation.

A single 3.5-metre wide through-lane in each direction, parallel parking protected by a two-metre parking buffer lane for parking movements on the south side of Commercial St and a 1.5-metre parking buffer lane with 30-degree angle parking on the north side.

See Master Plan pages 6-9 for relevant diagrams.

A single through-lane in each direction would improve safety by:

- Allowing for a wider lane (the existing lanes vary from 3.2 to 3.4m wide);
- Providing consistent lane width (3.5 all the way through the town centre);
- Removing confusion (reducing the number of lane changes);
- Preventing cars from overtaking heavy vehicles on the left hand side (a risk if trucks want to turn left and also prompting increased speed next to the drivers' side of parked cars); and
- Reducing the distance of roadway that pedestrians are required to cross.

The parking buffer lanes separate parking manoeuvres from through traffic and provide a safe area for accessing the driver's side and car boot of parked vehicles.

The 30-degree angle parking on the north side of Commercial St provides an easier parking alternative for people who do not feel comfortable parallel parking on a hill and provides a safe area for people to access their vehicle. Providing easier parking options will encourage through traffic to stop in Korumburra.

A total of 75% (45/60) of respondents supported this concept.

Footpaths

See Master Plan page 18.

In response to a number of submissions, a range of light-coloured exposed aggregate concrete surfaces have been recommended to provide durable, safe and visually appealing footpaths. Colouring and templates can be used

to introduce visual interest and highlights. The poor performance and condition of the existing footpaths was commonly raised during the community consultation. Tactile indicators need to be installed accurately and consistently to meet Australian standards. A total of 78% (39/50) of respondents supported the improvements to footpaths.

Avenue trees and kerb outstands

See Master Plan pages 8-9 and 23-24.

Avenue trees are proposed in kerb outstands at intervals between parallel parking spaces on the south side of Commercial St and in tree pits at intervals between some angle parking spaces on the north side.

The visual effect of narrowing the road (combined effect of trees, kerb outstands and parking buffer lanes) encourages drivers to reduce speed, signals the location of a town centre pedestrian precinct and removes the current 'raceway' impression of the road. All trees can be sited and maintained to meet VicRoads guidelines.

Avenue trees will improve the streetscape visual amenity. They soften the extent of hard surfaces and provide additional shade and a windbreak. The kerb outstands protect the parking areas and when incorporated as part of informal crossings, reduce the distance that pedestrians are exposed to traffic when crossing the road.

A total of 80% (44/50) of respondents supported this proposal.

Reconfiguration of parking spaces

See Master Plan pages 8-9, 30 and 47.

Despite the proposed reconfiguration of parking proposed in the SMP, there is no net loss of conventional or taxi parking spaces in the town centre study area. If the Radovick St intersection is signalised in the future (removing the current pedestrian crossing outstands) an additional car parking space may be provided. If land uses change on the north side of Commercial St and businesses no longer require vehicle crossovers at their frontage, an additional four 30-degree car parking spaces could be provided. The number of disabled parking spaces proposed in the SMP increases by 1 to a total of 4.

Other parking changes address current standards for approach and departure distances for bus stops, increasing the length of parallel parking spaces for easier manoeuvring, and removing unsafe parking spots.

Reconfiguration of the 'central plaza' Council car park (between the post office and Kelly's Bakery) plus upgrades to Council land between the rear of shops on north side of Commercial St and the railway.

See Master Plan pages 8-9 and 13-14.

Without changing the number of parking spaces, parking layout improvements reduce the chance of accidents involving vehicles simultaneously reversing from both sides of the car park. The design separates pedestrian and vehicle movements in this area and upgrades an existing disabled parking spot to meet the current Australian standard. Additional public open space provides opportunities for greater outdoor dining and introduces more landscaping for shade and visual appeal. The car park can be temporarily closed for special events, if desired.

The SMP proposes sealing the un-named road between the rear of the shops and the railway. It further recommends new car park marking, additional long vehicle parking and traffic movement lanes. Directional signage to town facilities and picnic infrastructure will add to the appeal of this spot to locals and tourists.

A total of 64% (34/54) of respondents supported this proposal.

Radovick St intersection

See Master Plan pages 9 and 11-12.

Staged improvements to the kerb alignments, public spaces, landscaping and pedestrian crossings can be completed without compromising the future signalisation of the intersection. Even considering forecasted growth, traffic volumes warranting signalisation are not anticipated until at least 2030. In the interim, truck turning movements, pedestrian safety, landscaping and the southern town entry statement could be enhanced.

A total of 85% (41/48) of respondents supported this proposal.

Reconfiguration of Bridge St car park (outside Italian Social Club/Alex Scott)

See Master Plan pages 9 and 15-16.

To enable kerb alterations for safety improvements to the Bridge St dog-leg five existing car parking spaces in front of buildings that also have rear car parking provisions are removed. The proposal adds public open space with associated seating, rural views and landscaping. The design will highlight the route of the highway around the dog-leg and reduce the number of accidental left turns into Bridge St by traffic intending to travel towards Leongatha.

A total of 74% (38/50) supported the exhibited design which proposed relocation of all of the parking. Now that the final design retains four parking spaces, support for the proposal is expected to be higher as 15% opposed the change due to removal of parking.

Informal crossings

See Master Plan pages 8-9

Informal (non-signalised) pedestrian crossings have been located and designed to maximise pedestrian safety. Some crossings proposed by submitters have not been included in the final version because they are too close to the pedestrian lights or are unsafe.

All informal crossings will have matching features i.e. pram ramps, tactile indicators on both sides of the road and will meet current standards for refuge width and kerb access. Kerb outstands would be used where possible to reduce roadway crossing distances.

Street furniture, signage and town centre entries

See Master Plan pages 17 and 19-20

The final version of the SMP recommends style preferences that respond to submissions to the exhibition options for street furniture, signs and town centre entry highlighting features. The community expressed a clear preference for a simple, rustic and heritage-theme design that was sturdy and practical. Use of timber for all or part of the object was especially favoured. A touch of a mid-blue paint (described as 'Burra blue') can be added to all types of off-the-shelf street furniture and signs for a consistent look. The new style could be introduced when existing fixtures need replacement.

Improvements to directional signage for rear parking, long vehicle parking, toilets and major facilities attracted the highest response with respect to signage improvement options. There was support for the removal of some public and business signage that is considered outdated and/or cluttered. Some signage was specifically identified by submitters as an eyesore and recommended for removal.

A total of 96% of submitters (48/50) favoured a street furniture style that is simple, rustic, sturdy and incorporates timber and/or a 'heritage' look.

Lighting and laneways

See Master Plan pages 20-21

Simple feature, decorative tree and under bench lighting was favoured by those who commented on accent lighting. Many submitters were not interested in the topic.

A total of 45% (21/47) supported accent lighting.

Plain heritage theme street lights, laneway decoration and lighting for pedestrian laneways including the rail underpass was supported.

A total of 79% (37/47) want a simple, heritage style street-light pole or laneway arch-style light fitting.

Landscaping

See Master Plan pages 24-25

The Master Plan recommends selecting hardy tree species. Respondents preferred colourful, flowering species that require little maintenance. Cascading species could be added to existing landscaping. Deciduous avenue trees can continue the themes that make many of Korumburra's side streets particularly attractive.

Choices and specific placements of plants in the streetscape need to consider the effect of mature height and shape in terms of meeting VicRoads safety guidelines.

A total of 80% (36/45) supported the landscaping principals and proposals exhibited. The landscaping proposals have been refined in the final report due to some concerns raised by submitters, the Road Safety Audit and VicRoads.

FINANCIAL CONSIDERATIONS

Council has allocated \$175k in the 2017/18 Capital Works Program to complete the detailed design to advance the project. The 2020/21 Capital Works Program allocates \$1.5m for the Korumburra town centre streetscape. An estimated \$1.5m in grant funding is required to complete the works.

RISKS

In the absence of an over-arching SMP, Korumburra's town centre will continue to have safety issues and fragmented enhancements from time to time. Existing problems associated with truck traffic (especially through the Bridge St dog-leg), poor visual amenity and sub-standard pedestrian facilities will continue.

PROPOSAL

It is recommended that Council adopt the proposed Korumburra Town Centre Streetscape Master Plan and advance the project to detailed design.

CONCLUSION

The SMP details traffic and pedestrian safety enhancements and includes improvements to the town's visual appeal and functionality along Commercial Street from Bridge Street to King Street. The proposed changes to traffic movement and parking can be implemented with minimal disruption to existing infrastructure.

Based on extensive community engagement, combined with expert assessment by traffic engineers and landscape design consultants, the SMP is recommended for adoption.

RECOMMENDATION

That Council:

- 1. Adopt the Korumburra Town Centre Streetscape Master Plan May 2016 (included in Appendix 1); and**
- 2. Progress the project to detailed design.**

Attachment 1 Community Engagement and Respondents

Community Engagement

Community engagement was undertaken as follows:-

1. Meetings with the following community organisations:
 - Korumburra Business Association
 - Korumburra Round Table
 - Korumburra Community Development Action Association
 - Korumburra Arts Group
2. Meeting with Council's Access and Inclusion Advisory Committee;
3. Three public drop in sessions:
 - Footpath stall outside Karmai Arcade in Commercial Street on Saturday 21 November 2014 from 9.30am-11.30am; and also
 - Monday 23 November 2015 2.00pm – 4.00pm
 - A drop-in session at Korumburra Community Meeting Room on Monday 23 November 2015 from 5.30pm-7.30pm.
4. Letters to the relevant landowners, occupiers and community organisations;
5. Press releases to local print media including the Burra Flyer;
6. Displays, hard copy reports and survey forms (plus survey collection boxes) at Korumburra Library, Coal Creek Community Park foyer and at Council's reception foyer;
7. Notification to 'Korumburra contacts' comprising submitters to the Korumburra Town Centre Framework Plan, members of Korumburra Business Association, and a range of community organisations, and residents;
8. Notification to a range of businesses and government departments;
9. Notification to a range of businesses that regularly have heavy vehicles travel through Korumburra; Burra Foods, Murray Goulburn, Westport Buslines, Evans Petroleum, Stoitse Transport, Ryans Transport, Debenham Livestock Transport, Riseleys Transport, Dyers Transport, Browns Stockfeeds, Riverbank Stockfeeds
10. Council's web page;
11. Posts on Council's Facebook page;

12. Inclusion in the electronic display in Council's foyer; and

13. Posters displayed at several locations in Korumburra.

Analysis of Respondents

Of the 73 separate responses providing specific feedback in response to all or some aspects of the Master Plan exhibition report, the breakdown by respondents' responses related to:

- 18 directly affected businesses owners and/or commercial property owners (25% of respondents);
- 4 businesses elsewhere in Korumburra or surrounds (*not* including livestock transporters) (5%)
- 33 Korumburra residents (45%);
- 5 Shire residents but not Korumburra residents (7%);
- 5 businesses in heavy transport industry (7%);
- 2 Government agency/department responders (3%);
- 2 Community groups (includes Council's Access and Inclusion Advisory Committee) (3%);
- 4 Council staff (5%)

(Note: Many respondents were associated with more than one category but they have been categorised by the prime basis of their feedback response).

Attachment 2 Summary of submission comments and preference scores

| TOPIC & RECOMMENDATION | SUBMISSIONS and COMMENTS |
|--|--|
| | <i>Italics used for officer comments</i> |
| Single through-lane in the town centre and Parking options – Commercial St | <p>75% (45 of the 60 responding on this issue) support angle parking on the north side of Commercial St</p> <p>Rated as 2nd top priority out of 11 with a score of 8.5</p> |
| Adopt proposal for a single through-traffic lane in both directions, install 30-degree angle parking on the north (railway) side of Commercial St and retain parallel parking on the south side, with each side having a parking buffer lane (for manoeuvring) as recommended. | <p>4 out of the 5 heavy vehicle industry respondents favoured angle parking on the north side and parallel on the south side (with the buffer lanes) and the 5th did not mind whether parking was angle or parallel.</p> <p>17 people wanted parallel parking on both sides, 18 wanted angle parking on both sides, 2 were undecided and the balance did not provide a view. <i>Traffic engineering experts advised angle parking on the steep sections on south side would be unsafe due to uphill reversing, visibility and speed issues.</i></p> <p>Other comments: Parking buffer lanes a necessity so that through-traffic is not disrupted or collided with. <i>Agreed</i></p> <p>Retain sections of parallel parking for long vehicles (trucks in the early morning), caravans and trailers on the north side. <i>Unfortunately this reduces the number of parking spaces and introduces an inconsistent road layout. (Simpler is safer).</i></p> <p>2 of the 5 who didn't want angle parking believed drivers were incapable of using angle parks. <i>Angle parking is legal in Victoria and 30-degree angle is the easiest form of angle parking to use.</i></p> <p>Install some angle parks on the flat section of the south side. <i>This would require expensive alteration of the centre median and introduces an inconsistent road layout.</i></p> |
| Install kerb outstands | <p>80% (44/55 responding on this issue) support installing kerb outstands and tree pits along Commercial St due to opportunities for plants, creating safer places for pedestrian crossing and for protecting the parking lane even though existing parking may be reduced or relocated.</p> |
| Adopt proposal to install kerb outstands & tree pits in Commercial St. | <p>11 people opposed kerb outstands. The balance did not comment on this issue.</p> <p>Other comments: Landscaping to be selected and maintained so as not to obscure vision. <i>Required for safety & by VicRoads.</i></p> <p>Reduce the number of outstands proposed to minimise loss of parking. <i>Reduction in number of outstands would not impact on the number of parking spaces unless virtually all were removed. Overall, parking space numbers are maintained in the town centre.</i></p> |

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| | <p>Coordinate the changes with improved parking (and signage to parking) behind Kellys Bakery and in Little Commercial St. <i>Improved signage recommended prior to any changes. Improvements to sealing and marking in the locations noted are recommended as future projects.</i></p> |
| Changes to Bridge St dog-leg | <p>85% (49/58 responding on this issue) support removal/relocation of the parking spaces/ taxi rank and alterations to the splitter so that this section of road can be made safer to heavy vehicles to negotiate.</p> |
| Adopt the final Bridge St dog-leg concept design | <p>Rated as top (1st) priority out of 11 with a score of 8.6</p> <p>Heavy vehicle industry responders were extremely supportive of this proposal.</p> <p>8 people opposed the proposal, 1 was undecided and the balance did not comment on this issue.</p> <p>Arguments against the changes include: The parking spaces have existed there for a long time and no-one has yet been injured or killed when using these parking spaces, there have not been fatalities from truck accidents nor has a crash occurred outside a specific business. <i>Proposal significantly improves safety in several ways and requires the entire road width and length to implement the improvements. Buildings on both sides of the dog-leg have been impacted by heavy vehicles on this section. Majority of community views received during the engagement for KTCFGP and KTCSMP want improvements before a fatality occurs.</i></p> <p>If the camber on the dog-leg is fixed, then the road would be safer and there would be no need to remove parking spaces. <i>Engineering traffic experts advise the camber is not relevant to the safety of heavy vehicle movements in this location.</i></p> <p>Removal of the 4 parking spaces on the west side of Bridge St will cause local businesses to fail or will prevent the buildings being leased. <i>Community safety (especially in relation to potential rollover of vehicles transporting hazardous materials) and heavy vehicle safety is the most important priority. The number of parking spaces in the town centre is maintained and there are many other spaces in close proximity. Relocation of 4 parking spaces shared by several businesses is not sufficient to cause business failure.</i></p> |
| Provide a safe as possible pedestrian refuge in the Bridge St dog-leg. | <p>74% (40/54 respondents) support installation of a safe as possible informal crossing on the Bridge St dog-leg.</p> <p>14 people opposed the idea and the balance did not comment on the proposal.</p> |
| Adopt proposal to install an informal pedestrian crossing on the Bridge St dog-leg as part of the changes to this section of road. | <p>Comment: The dog-leg was recognised by submitters as a location where pedestrians strongly desire to cross. Those opposed to a crossing wanted to protect people from their own behaviour while those in favour of a crossing wanted to improve safety given the persistent practice. <i>The Road Safety Audit expressed some concern about the proposed crossing however the refuge and matching pram ramps are an improvement on the</i></p> |

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| | <p>existing situation. A proposed avenue tree has also been removed from the plan to improve visibility of pedestrians to drivers.</p> |
| Intersection of Commercial St and Radovick St | <p>85% (41/48 respondents) supported the exhibited Radovick St intersection design concept which has since been modified in the final version in response to submitter comments and the Road Safety Audit.</p> |
| Adopt the final Radovick St intersection concept design | <p>Exhibition proposal rated as 5th top priority with a score of 6.37</p> <p>7 people opposed the design concept, 1 was undecided and the balance did not comment on the proposal.</p> <p><i>The concept allows for future land use change where the former motor vehicle services were located and can be implemented in stages independent of potential future signalisation of the intersection and without requiring interim changes to be further altered should signalisation occur.</i></p> |
| Council car park between Post Office and Kellys Bakery | <p>64% (34/54 respondents) supported the exhibited 'Central Plaza' design concept which removed 2 parking spaces.</p> <p>The final design has been altered significantly in response to submissions so the level of support would now be higher.</p> |
| Adopt the final 'Central Plaza' concept design | <p>The exhibition proposal rated as 4th priority out of 11 with a rating of 7.05</p> <p>35% (19 people) opposed the design. 1 person was undecided about the proposal and the balance did not comment on the proposal.</p> <p>12 of these objecting did not want a loss of parking spaces. <i>The revised design retains the same number of parking spaces and upgrades the disabled parking space.</i></p> <p>5 wanted one-way traffic flow (with division on which direction). <i>Not feasible given safety issues with either exiting onto Bridge St or complexity of directing vehicles to enter via Bridge St, and because the alternative - the track up the railway embankment at the west entry into Korumburra – is not suitable, even if upgraded.</i></p> <p>3 wanted the whole area converted into public open space with no vehicular access. <i>This involves too much loss of vehicular access to post office (including delivery area) toilets, picnic facilities and parking.</i></p> |
| Parking area in front of Alex Scott and Italian Social Club | <p>74% (38/50 respondents) supported the exhibited concept design, which removed all 9 standard parking spaces, created a small park and redesigned the informal pedestrian crossing over Bridge St north.</p> <p>The final design has since been altered in response to submissions so the level of support would now be higher.</p> |
| Adopt the final Bridge St north/Commercial St concept design | <p>Exhibition proposal rated as 6th priority out of 11 with a score of 6.03</p> <p>23% (12 people) opposed the exhibited concept, 2 were undecided and the balance did not comment on the proposal.</p> <p>7 opposed it due to loss of loss of parking. <i>Redesign reduces parking loss. 3 standard parking spaces have been retained, one Australian standards</i></p> |

disabled parking space has been introduced and it is noted that premises nearby have rear parking. A disabled parking space that conforms to the current Australian Standard, located on a flat area separated from traffic and close to a taxi rank was specifically requested at this location by the Access and Inclusion Committee.

4 felt the location would not be suitable or sufficiently used for sitting or viewing. Terracing would raise seating so that rural views can be seen; Some submitters have the opposing view and feel it would be a good spot for a pocket park; Part of the area's redesign relates to taking land for the purpose of widening the eastbound approach into the dog-leg to increase safety for heavy vehicles. Inclusion of a landscaped area continues the avenue theme. It therefore signals the continuation of the highway around the dog-leg. This should minimise some of the mistaken turns into Bridge St north by eastbound traffic.

Adopt signage proposals in Master Plan and coordinate de-cluttering and new signs/replacement signs with community requests, VicRoads and recommendations in the Korumburra Traffic and Parking Study produced as part of the KTCFP.

Liaise with Council's Economic Development, Local Laws and Statutory Planning teams to educate business owners on commercial signs (including sandwich boards) and on-street product displays.

As above

As above

Changes to signage rated 8th out of 11 with a score of 5.15

Feedback about signs to remove to reduce clutter

- The private sign 'Have you thought of living in Korumburra' was the most consistently mentioned sign for removal due to being faded and unnecessary.
- Community Access Centre – now irrelevant (Radovick St) x 2 signs
- Outtrim Motocross sign (Radovick St)
- St Vincent de Paul sign (Radovick St) x 2 signs
- Private businesses advertising their wares, from pottery to fish and chips, Burra Foods to wineries (Many locations).
- Signs with too much writing to read while driving.
- Comments were also received about footpath clutter such as products on display.

Changes to signs only received the 8th top priority score for action. However improvements to signs especially for parking and use of public facilities are associated with 2 of the high ranking priority actions.

Note that town centre entries include Radovick St, the eastern approach from Leongatha and the Korumburra-Warragul Rd, not just the western approach from Melbourne on the South Gippsland Highway.

Feedback about signs that need replacing or updating/better location or visibility

- Hospital (and Alchera House - aged care)
- Signs about the centre of town wayside stop – toilets, picnic facilities – giving information to travellers from all directions and also advising the distance ahead & placed so they are visible.
- 50kph speed limit
- Coal Creek Community Park and Museum signs shabby. Some confusion and perhaps too many signs.
- Caravan park (and RV dump site)

Feedback about new signs or improvements to signs:

- Welcome to Korumburra – please stop and visit
- Thank you for visiting Korumburra – please come again
- Rear parking behind shops – giving number of spaces (include this up ahead for advice as well as directional to reach it).

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| | <ul style="list-style-type: none">- Long vehicle parking- Botanical gardens down Bridge St north- Caravan parking- Directions to the caravan park down Bridge St north- Visitor information – and also move the 'Town Guide' map from the west end of town to the public toilet/picnic shelter in the centre of town. |
| Town gateway highlighting | 64% (29/45 respondents) supported a simple, rustic style of sign or art work for highlighting the town centre entries especially if wood was incorporated. Specimen landscaping to highlight the gateways was also popular. |
| Adopt town entry proposals as outlined in the Master Plan. | Rated as 7th priority out of 11 with a score of 5.61 In reference to the town's café culture, 1 submission suggested installing a giant tea cup and cake on vacant land near T for Tyres (Melbourne entry eastbound). Vertical gateway features, fluoro lights and flags were not supported. There was limited support for seasonal banners. 36% (16 people) objected to town entry highlighting on the grounds it was not needed or would be a waste of money. <i>Note: The new Welcome to Korumburra sign by the Korumburra Round Table was installed at the west end of town at approximately the same time as the public display period was ending for this project, however it is located further out than the town centre entry. (3 more KRT welcome signs are due to be installed at the other town entries.)</i> |
| Street furniture | 96% (48/50) liked the predominantly timber furniture on page 39 of the Draft report. |
| Adopt street furniture concepts as outlined in the Master Plan (simple style, incorporate timber, Burra blue highlights and heritage theme where possible). | Improvements to street furniture rated 9th out of 11 with a rating of 5.08 A 'Burra blue' (mid-blue) highlight colour was suggested, but since this was picked to align with the football club's team colour, the club has changed its colour theme to orange and black. Consequently several people no longer wanted blue but nor did they want orange and black, even though some new businesses in town have adopted these colours. One respondent suggested highlighting with black both the match part of the club's colours but also to avoid a clash with heritage theme colours in town. Several people queried the suitability of 'Burra blue' in the heritage context while others asked the blue to be a lighter colour to match the new bins installed in town. Some asked for cream or dark green colour highlight. Include wheelchair space at any tables. Include armrests on seating so people can lever themselves up or down if they have restricted mobility. (And these people are more likely to need to sit and rest or wait). Consider use of street furniture now made in South Gippsland Shire by Levey |

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| | Engineering P/L at Nyora. |
| Footpaths | 78% (39/50) liked the footpath suggestions on page 40 of the draft report. |
| Adopt footpath recommendations as outlined in the Master Plan. (Pale-coloured, exposed aggregate concrete surface with colours and templates for highlights plus Australian Standards tactile indicators). | <p>Rated as 3rd top priority out of 11 with a score of 7.08</p> <p>Pavers that might lift and cause a trip hazard were definitely not wanted, with many asking for the current brick pavers to be removed promptly. (In contrast, 2 people favoured extending the brick paving).</p> <p>A non-slip (including when wet), non-trip, continuous surface was strongly favoured. Consequently exposed aggregate, concrete (coloured or with designs or images) or bitumen were favoured. One respondent cautioned that the surface shouldn't be made too rough for grip purposes as it also needed to allow for the wheels of walking frames to roll readily.</p> <p>Some respondents felt that a 'warmer' colour than those in the report would be preferable. ('Flax' was suggested). The examples were also described as 'too grey'.</p> <p>Council's Access and Inclusion Committee specifically asked for application of Australian Standards installation of Tactile Ground Surface Indicators. This group also asked for final colour selection to take account of the affect of colour and contrasts in distracting or deceiving people with low vision or vision-impacts (strokes, dementia etc) about direction and surfaces.</p> <p>Council's Depot Manager Leongatha prefers exposed aggregate concrete and minimise use of pavers as the latter cause issues over time.</p> |
| Light poles | 80% (37/46) wanted a simple heritage-style light pole installed. |
| Adopt concepts outlined in the Master Plan. (Simple heritage style and add Burra blue touch). | A further 7% (3/46) wanted new light poles but not a heritage theme. 4.3% of respondents (2 people) did not want changes to existing lighting (poles or accent lighting). |
| Accent lighting/lighting | 46% (21/46) supported accent lighting as shown by examples on page 43 of the draft report. |
| Adopt lighting concepts outlined in Master Plan. (Modest accent, under-bench and tree lighting, preferably solar powered) | <p>Lighting in trees and under benches was specifically noted as being desirable.</p> <p>Changes to lighting rated 10th out of 11 with a rating of 4.59</p> <p>Good lighting near taxi ranks and disabled parking was specifically requested.</p> |
| Street trees and Garden beds | 82% (36/45) generally liked the ideas for street trees and garden beds/landscaping proposed on pages 46 and 47 of the draft report. |
| Adopt landscaping principles and recommendations outlined in the Master Plan. | <p>A few wanted landscaping similar to that proposed but at a lower density.</p> <p>Changes to landscaping rated 11th out of 11 with a score of 4.43</p> <p>However conversely, many people wanted the kerb outstands (a high priority for action) due to the benefit of providing an opportunity to install extra street trees.</p> |

Note occupational health requirements for landscaping maintenance need to be met. Landscaping must also meet VicRoads placement and visibility maintenance guidelines.

Special asks included edible plants (introduced and bush tucker species), native plants; install more planter boxes or remove existing planter boxes; and more contemporary planting (e.g. vertical green wall).

Comments asked that nothing with nuts or acorns or prickly pods be planted. (Walking hazard).

Invasive species (including gazanias also not wanted.)

Some concern expressed about size and spread of some of the trees proposed. (Oaks especially). The ornamental pears were favoured.

Some supported more vegetation to soften the look of the street but stressed that visibility for drivers needed to be maintained. (Wanted ground cover and avenue trees only).

A minority wanted fewer trees and plants, partly due to screening a specific business and partly due to obstructing driver visibility.

2 wanted more tiered roses like the existing embankment planting opposite the library.

Issues of any landscaping receiving regular maintenance and irrigation were raised.

1 occupier with frontage to Bridge St believes that proposed trees will block the view of the business at 33 Bridge St. and reduce parking opportunities.

1 submission asked that Council buy the former plant nursery site at 12 Commercial St and turn it into a park.

Council Parks & Gardens Coordinator recommends that the centre median should only contain avenue of trees and simple structure planting and grass due to traffic control (staff safety) requirements. He suggests that landscaping be focused in public spaces, on pavements (including outstands) and Radovick St away from noisy highway.

Informal pedestrian crossings – Commercial St

Adopt location of informal pedestrian crossings in the final version of the Master Plan.

Suggestions for informal crossing locations were:

East end...opposite

- Newsagent x 4 (now at 27 Commercial St was at 39 until very recently, so not sure which location submitters were referring to).
- Kellys Bakery x 5 (16-22 Commercial St)
- Karmal Arcade (close the U-turn) x 3 (43-49 Commercial St)
- Post office (30 Commercial St)
- National Australia Bank (85 Commercial St)
- Williams Edwards & Findlay (accountants) (19 Commercial St)

West end...opposite

- Hardware x 2 (87-89 Commercial St)
- Heathers Café (99 Commercial St)
- Vline coach stop x 2

- Radovick St x 3
- Chinese restaurant (64 Commercial St)
- Checko's Pizza (117 Commercial St)
- Middle Pub x 2

Note: The newsagent moved from 39 Commercial St to 27 Commercial St around the time the project public display occurred, so unsure whether people are referring to the old or the new address as a place for a crossing.

Project priorities

47 people listed their priorities for what they would most like improved. The top three priorities were:

Recommend that Council focus on funding, obtaining VicRoads approval and construction of the first three rated priorities.

1. Changes to the Bridge St 'dog-leg' layout.
2. Change to a single through-lane, alter parking and install kerb outstands in Commercial St
3. Changes to footpaths

Given the association of improvements to directional signs and Commercial St landscaping with the successful outcome of the top 2 priorities, it is recommended that Council also pursues these issues as a priority.

Powerlines

A few people asked for powerlines to be undergrounded. Others asked about this at the pre-engagement sessions but only one included this in a submission.

Recommend Council investigate cost and feasibility of undergrounding the powerlines prior to footpath improvements being undertaken.

Undergrounding powerlines is very expensive and if funding spent on this aspect, it may preclude other works being able to be undertaken.

Vline coach stop

Build public toilets by Vline coach stop near library

Recommend Council considers requesting PTV to install toilets at Korumburra depending on the context of other opportunities for additional public toilets being made available in the town centre.

A good idea however Public Transport Victoria (PTV) generally only installs them at major interchanges. Korumburra is not a major interchange. Note that Council would be responsible to clean and maintain.

Recommend Council advises PTV of its interest in matching and

Install matched and practical shelters at Vline stops at west end of Commercial St

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| <p>practical bus shelters being installed at the Vline stops in Korumburra.</p> | <p><i>PTV advises it is currently undertaking a project that includes reviewing roadside infrastructure such as V/Line Coach Shelters like those at Korumburra. One aspect of this project is to develop standardised shelter designs that meet customer requirements.</i></p> |
| <p>Pedestrian access to railway station</p> | <p>Install pedestrian crossing over rail tracks between railway station and picnic shelter/public toilet area at rear of post office/bakery car park.</p> |
| <p>Recommend Council considers applying to VicTrack for construction of a pedestrian crossing over the railway line between the public toilets and the railway station given the tourist railway has closed.</p> | <p>VicTrack advise that State Government policy prevents development of new level crossings, including pedestrian crossings, of rail lines in use. <i>The tourist railway has since closed so the rail line is no longer in use. Therefore a pedestrian crossing could be considered. The KTCFP recommends a mix of alternative uses that could be undertaken to activate the former railway station.</i></p> |
| <p>Council consider lobbying VicRoads for a Korumburra bypass or heavy vehicle alternative route.</p> | <p>Other comments 5 people asked for a town by-pass and/or heavy vehicle alternate route despite the project advising that these matters were not within its scope. They urged Council and the community to lobby the State Government and VicRoads for these to be built. 1 submission asked for the 50kph speed limit through the retail centre to be reduced to 40kph.</p> |
| <p>Council consider lobbying VicRoads for a 40kph speed limit through Korumburra town centre.</p> | <p><i>Council has previously made a concerted effort to lobby VicRoads and the State Government for a by-pass/heavy vehicle alternative and was rebuffed on the grounds it was cost prohibitive for the Korumburra location. Council may also wish to lobby VicRoads for a 40kph speed limit through Korumburra's Town Centre.</i></p> |
| <p>Council's Community Strengthening team and Economic Development team assist Korumburra Business Association with advice regarding provision of Wi-Fi service in the town centre.</p> | <p>8 people reiterated that the streetscape plans were good and/or needed to be 'cracked on with' and done consistently rather than in disjointed bits and pieces. 2 submissions requested improvements respectively to the showground facilities and Little Commercial St car park and to pedestrian crossings at Chaffeys and Mechanics Lanes and Boston Place. 1 submission asked that Korumburra retail centre offer free Wi-Fi and advertise this with appropriate signs.</p> |

Attachment 3

Refinements to the Master Plan in response to submissions and Road Safety Audit

| Change requested | Response |
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| <ul style="list-style-type: none"> Minimise loss of parking spaces in town centre. | <ul style="list-style-type: none"> There is no net loss of standard parking spaces in the town centre however there has been some relocation required. Use of out of sight parking also anticipated to improve if recommended directional signage is installed. Parking study for KTCFP concluded that Korumburra was well-supplied with parking spaces in the town centre. Disabled spaces increased by one and taxi spaces relocated but no net loss. Number of Commercial St on-street parking spaces will be increased in the future if Radovick St intersection is signalised and again if land uses at the west end on the north side no longer require vehicle crossovers. Potential increase of five standard 30-degree angle spaces in Main St. |
| <ul style="list-style-type: none"> Provide additional disabled parking spaces, with one specifically located in the flat car park in Bridge St (outside Italian Social Club/Alex Scott.) Access and Inclusion Advisory Committee (AIAC) request. Make the three other existing disabled parking spaces in the town centre compliant with the current Australian Standard. AIAC request. | <ul style="list-style-type: none"> Australian Standards compliant disabled space provided at Bridge St dog-leg car park as requested. One extra disabled parking space provided. Australian Standards compliant disabled space provided (and relocated) in the Council car park between the post office and Kelly's Bakery. Making the other existing spaces near public toilets and library compliant with the Australian Standard has been flagged for further investigation at the functional design stage. |
| <ul style="list-style-type: none"> Minimise loss of parking spaces in 'Central Plaza' (the car park between the post office and Kelly's Bakery). Increase safety for pedestrians and reversing vehicles in Central Plaza. | <ul style="list-style-type: none"> Parking layout revised to retain the same number of both standard and disabled parking spaces in this car park. Location of parking spaces in 'back to back' format greatly reduced, with one of two remaining being a disabled parking space, so that chances of low speed reversing accidents or near misses is significantly lower. Bollards, feature surfacing, seating terrace, landscaping and informal pedestrian crossing define pedestrian areas and alert drivers to pedestrian use. Lawn, seating terrace and kerb outstands extend pedestrian areas and allow for flexible and pop-up uses. |
| <ul style="list-style-type: none"> Reduce parking space loss in area in Bridge St dog-leg car park (outside Italian Social Club/Alex Scott Real Estate.) | <ul style="list-style-type: none"> Proposed public open space area reduced by half. Proposed taxi space relocated to Mine Rd near Austral Hotel to enable additional standard parking space. Turning space (blind alley) provided. |

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| <ul style="list-style-type: none"> • Vehicles using parking area must be able to exit this car park in a forwards direction. | |
| <ul style="list-style-type: none"> • Make proposed public space on the Bridge St dog-leg more practical for locals to use. (Improve view to hills and make seating more realistic.) | <ul style="list-style-type: none"> • Install terraced seating/seating terrace. • Change concept from private café seating to public seating. |
| <ul style="list-style-type: none"> • Provide a barrier on extended footpath at the Radovick St 'T' intersection to improve security from errant traffic for pedestrians. | <ul style="list-style-type: none"> • Barrier included in design. |
| <ul style="list-style-type: none"> • Increase amount of long vehicle parking • More parking space marking at rear of shops on north side of Commercial St | <ul style="list-style-type: none"> • 43.5 metres extra of long vehicle parking space proposed to be marked east of the public toilets. • Marked parallel parking spaces added in area rear of the post office. • Parking areas rear of shops on north side of Commercial St recommended for sealing and marking. |
| <ul style="list-style-type: none"> • Request that recommendations for paver use (perceived as trip hazard) in footpath and public space treatment recommendations be removed/reduced. • Lighter colours for footpath option recommendations requested • Example of compliant tactile directional indicators to be included in the footpath treatment section. | <ul style="list-style-type: none"> • Changed as requested. • Changed as requested. • Example inserted as requested. |
| <ul style="list-style-type: none"> • Seating with arm rests (easier to get out of) and wharf benches preferred as seating recommendations. | <ul style="list-style-type: none"> • Seat without arms removed from example, seats with arms included and a bench seat option retained. |
| <ul style="list-style-type: none"> • Non-urban style and timber theme requested for wayfinding and directional signage and town entry feature examples. • Include 'Welcome to' and 'thank you for visiting' messages at town entries | <ul style="list-style-type: none"> • Examples in recommendations confined to rustic and timber styles. • Example included |
| <ul style="list-style-type: none"> • Visibility of businesses and drivers obscured by low to mid-height vegetation on central median. • Parks and gardens maintenance workers need to be able to safely work on central median without the single through-lane needing to be closed to meet safety requirements under the Road Management Act Code of Practice. | <ul style="list-style-type: none"> • Central median trees to be retained but garden beds replaced with lawn. • Where central median too narrow to meet work safety requirements, concrete is retained and not replaced with lawn or garden beds. Concrete edging strip (including rolled kerb) included on both sides of the central median. |
| <ul style="list-style-type: none"> • Changes requested to landscaping. <ul style="list-style-type: none"> - reduce hazardous item drop - exclude invasive species - include more native species | <ul style="list-style-type: none"> • Several alterations made accordingly including removal of a few proposed avenue trees affecting visibility of pedestrians about to cross at the informal crossing on Bridge St dog-leg and on |

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| <p>examples</p> <ul style="list-style-type: none"> - reduce screening of businesses - improve sightlines at intersection of King St and Commercial St | <p>Commercial St. and groundcover only recommended for Bridge St north central median.</p> |
| <ul style="list-style-type: none"> • Include and name examples where the parking (especially 30-degree angle parking), a buffer lane and a single through-lane have been constructed elsewhere. | <ul style="list-style-type: none"> • Examples inserted and named as requested. |
| <ul style="list-style-type: none"> • Install informal pedestrian crossing points at requested locations | <ul style="list-style-type: none"> • Preferences added where safe but not included where consultants and Road Safety Audit advise are unsafe. E.g. west side of Radovick St intersection prior to signalisation. • Kerb outstands realigned so informal pedestrian crossings can be created safe from parking vehicles, away from property crossovers and at reduced width crossings points. |
| <ul style="list-style-type: none"> • Feature lighting examples requested to be simple heritage style | <ul style="list-style-type: none"> • Changed as requested. |
| <ul style="list-style-type: none"> • Request that emphasis on banners be reduced | <ul style="list-style-type: none"> • Changed as requested but some modest fittings retained in central median recommendation to provide vertical effect and opportunity for information display. |
| <ul style="list-style-type: none"> • Remove very modern lighting examples (rail underpass and feature lights) from recommended examples | <ul style="list-style-type: none"> • Changed as requested. |
| <ul style="list-style-type: none"> • Greater clarity requested about 'current' and 'proposed' circumstances for: <ul style="list-style-type: none"> - parking space numbers - changes at the Radovick St intersection including timing of changes relative to intersection signalisation | <ul style="list-style-type: none"> • Greater clarity and detail provided, including swept path diagrams, larger diagrams, legends for plans, comparison table, inset graphics, extra information and re-formatting of some contents. • Note that the Traffic Impact Assessment Report contains detailed information however a summary version of some has been added to the Streetscape Master Plan Report. |
| <ul style="list-style-type: none"> • Capacity of intersections for turning queues and truck manoeuvres questioned. | <ul style="list-style-type: none"> • Text and diagrams revised to clarify and better illustrate capacity and to compare proposed layout to current situation. |
| <ul style="list-style-type: none"> • Improve safety for informal pedestrian crossings | <ul style="list-style-type: none"> • Align kerb outstands for matching crossing points on both sides of the road and to ensure no crossing point is in line with a vehicle cross-over. • Remove informal crossing points that are close to signalised lights and therefore encourage pedestrians not to use the traffic lights. • Prior to Radovick St signalisation, mark or paint the pedestrian crossing over Radovick St to increase its visibility to vehicles turning in from Commercial St. |
| <ul style="list-style-type: none"> • Ensure town centre entry artworks or highlighting items are not solid objects within the clear zone. | <ul style="list-style-type: none"> • Items such as art works on the roadside either to be outside the clear zone or to be 'frangible' (i.e. will shatter on impact if hit by a vehicle). |
| <ul style="list-style-type: none"> • Chevron marking on buffer parking | <ul style="list-style-type: none"> • Use non-slip paint to mark the buffer lane. Future |

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| lane may be slippery for cyclists | project – encourage cyclists to use Victoria St as an alternative to Commercial St. as the buffer lane is not a cycling lane. |
| <ul style="list-style-type: none"> Vegetation and kerb alignments proposed for the concept design for Radovick St as signalised may obscure traffic lights. | <ul style="list-style-type: none"> Redesigned layout. Kerb on north side set back further and lights indicated to be installed on kerb outstands. |
| <ul style="list-style-type: none"> Vline coach stops do not have required approach and departure distances free from parking | <ul style="list-style-type: none"> Change as required to meet standard requirements. |
| <ul style="list-style-type: none"> Line markings to indicate location of fire hydrants to be changed so not same colour and pattern as zebra crossings. | <ul style="list-style-type: none"> Use alternative colour or pattern of line marking to indicate location of fire hydrants. |
| <ul style="list-style-type: none"> Vehicles heading east when existing Little Commercial St into Bridge St are ignoring the 'left turn only' sign and making a hazardous entry eastbound onto the South Gippsland Hwy (Mine Rd). | <ul style="list-style-type: none"> Traffic island added to plan to enforce left turn only vehicle movement. |
| <ul style="list-style-type: none"> Un-named road between rear of shops and railway lacks lane markings and has poor surface | <ul style="list-style-type: none"> Master Plan recommends line markings and re-surfacing |
| <ul style="list-style-type: none"> Recommended priorities for construction that that can occur independently of road and parking alterations to align with community desires. | <ul style="list-style-type: none"> Order of priority changed to match scoring list with exception of improved signage directing to out of sight parking and toilet/picnic facilities. (This remains a higher priority for safety reasons). |

Attachment 4 Summary of submission requests not included in Master Plan

| Change requested | Response |
|---|---|
| Relocate Bridge St dog-leg taxi space next to the new disabled space in the dog-leg car park. | Maximising the number of standard parking spaces in this location was considered a greater priority as a taxi can be asked to pick up/drop off at this spot. Council can request the taxi park be reinstated from proposed Mine Rd relocation at the expense of a standard parking space. |
| 'Central Plaza' Council car park: | Plaza can be temporarily closed for special events. |
| Ban vehicles from the area between the post office and Kellys Bakery | Unable to satisfy all requests due to contradictory nature. |
| Have 'one-way' (both directions requested) vehicle movement only | Decision made to retain two-way vehicle movement due to level of quality alternative access points. (Limited sight distance on Bridge St north exit and steepness of hill/cost of improvements to track up railway embankment at west end of town). Easy vehicle access to public toilets and picnic area important for visitors and people with disabilities. |
| Increase amount of long vehicle parking on Commercial St or in locations that are easy for heavy vehicles to access. | Unable to provide this without significant loss of standard parking on Commercial St and no other easy options available on Council-owned land. Proposed to improve signage to long vehicle parking, both existing and when extended. |
| Do not add any avenue trees to Bridge St dog-leg | The dog-leg is the town centre entry point for westbound traffic and this area would benefit from beautification and highlighting. The trees have been located to meet setback guidelines for safety and visibility. One proposed tree removed from the plan. |
| Do not remove any car parking spaces | The total number of parking spaces in the town centre has been maintained. Some spaces have been relocated for safety reasons that benefit the wider community. |
| Include fruit trees in landscaping | Landscaping is located in small spaces with pedestrian movement close by. Species selected to reduce hazard underfoot and to minimise maintenance. |
| Change angle of kerb at entry to 'central plaza' car park to reduce speed of vehicles entering. Improve sightlines for vehicles exiting onto Bridge St from the un-named road between the rear of shops and the railway. | Entry needs to remain as designed to accommodate entry by long vehicles. Lowering the railway bridge or removing the electricity pole to improve sightlines is not considerable feasible due to high cost for a low benefit. |

E.5 ENVIRONMENTAL OVERLAY REVIEW & BUILDING ON STEEP SLOPES GUIDELINES

Development Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

The existing erosion controls in the South Gippsland Planning Scheme have been in place since the new format planning schemes were introduced in 1999. This review seeks to improve these controls so that they better address erosion risk. An improved Erosion Management Overlay (EMO) schedule is proposed to replace the existing EMO schedule and Environmental Significance Overlay schedule 5. Design guidelines are also proposed to guide development on sloping land in urban and rural areas. Once introduced into the planning scheme, these guidelines will be considered in decision making where a planning permit is required. It is recommended that the draft EMO and design guidelines be adopted by Council for the purpose of undertaking public exhibition.

Document/s pertaining to this Council Report

- **Attachment 1** - Draft Erosion Management Overlay Schedule
- **Attachment 2** - Table Explaining Proposed Permit Triggers
- **Attachment 3** - Table Explaining Changes to Local Exemptions
- **Attachment 4** - Draft Design Guidelines for Building on Steep Slopes

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Planning and Environment Act 1987

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- South Gippsland Planning Scheme
- Infrastructure Design Manual

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

Internal Consultation

Internal consultation has been undertaken with the Statutory Planning, Building, Engineering, Sustainability and Environment teams.

External Consultation

Consultation has also been undertaken with external representatives from West Gippsland Catchment Management Authority (WGCMA), the Department of Environment, Land, Water and Planning and the Department of Economic Development, Jobs, Transport and Resources who were involved with the WGCMA's Soil Erosion Management Plan (2008).

REPORT

Background

The Environmental Significance Overlay Schedule 5 (ESO5), which applies to large areas of the Shire, identifies land susceptible to erosion and was originally mapped by the (then) Department of Natural Resources and Environment (DNRE) in the 1990's. The EMO, which affects a much smaller area of land, was originally introduced into the planning scheme from a similar control that existed in the former Shire of Mirboo Planning Scheme. The ESO5 and EMO only apply to rural land. Areas affected by the EMO are also affected by the ESO5, meaning the overlay controls overlap, which is an unnecessary burden on landowners.

The ESO is not the ideal planning tool for erosion management. While the ESO aims to identify areas where environmental constraints apply, it also aims to ensure that development is compatible with identified environmental values. By contrast, the EMO specifically deals with erosion and soil stability issues. It seeks to protect areas prone to erosion, landslip or other land degradation processes by minimising land disturbance and inappropriate development.

Council has encountered a number of issues with the existing controls. Foremost amongst these is the lack of consistency in the application of erosion controls across the Shire as described above. Secondly, the ESO is not an appropriate overlay for erosion management and thirdly, developments unlikely to pose an erosion issue are triggering permits via the ESO5 (e.g. extension to a site that is already 'benched'). This is compounded by the fact that development with potentially serious erosion and landslip risk areas are not being captured (e.g. in the case of some buildings with a total resultant floor area under 200sqm affected by ESO5). At present, slope and excavation are not considered in the erosion control permit triggers.

While the Victorian Planning Provisions refer to slope, landscape and levels, there is limited guidance for development assessment on steep slopes. In South Gippsland Shire, this deficiency has in recent years been addressed in

urban areas through the application of Development Plan Overlays (DPO) which include soil erosion, landslip and geotechnical requirements based on the site specific characteristic of the proposed development. While this is beneficial for new developments where land is being rezoned, the current planning scheme provisions remain deficient in most other areas, especially in the Farming Zone. The new EMO schedule and Guidelines address these deficiencies.

Discussion

The purpose of the project is to:

- Replace the ESO5 with the more appropriate EMO Planning Overlay, and
- Design guidelines for development on sloping land in rural and urban areas.

Once introduced into the planning scheme, these guidelines will be considered in decision making where a planning permit is required. They will also be considered where land is being rezoned for urban development.

Erosion Management Overlay

The Erosion Management Overlay (EMO) is the most appropriate tool to protect areas prone to erosion, landslip or other land degradation processes. It is proposed that this tool will be used to replace the existing Environmental Significance Overlay (ESO) – Schedule 5 Areas Susceptible to Erosion that was placed into the scheme at its inception. The replacement of the ESO5 with the EMO is similar to Council's recent decision to replace the ESO6 (flooding) with the Land Subject to Inundation Overlay. These corrections bring the South Gippsland Planning Scheme into alignment with state-wide best practice in planning overlay application.

No changes to the mapped extent of the erosion controls are proposed. The extent of the existing controls broadly covers areas that West Gippsland Catchment Management Authority identified as at risk of erosion in their Soil Erosion Management Plan (2008). This information covered the majority of South Gippsland Shire and is useful data however it is too coarse to be used to further refine boundaries at a lot-by-lot scale. Further work to refine the boundaries by a suitably qualified specialist was determined to be well beyond the project budget.

Changes to the permit triggers are proposed so that permits are required where erosion risk impacts are more likely and generally not required where erosion risk is not increased.

The following local exemptions are proposed to be included in the revised Erosion Management Overlay (EMO) schedule:

No permit is required to:

- Construct or carry out building or works where the difference between finished ground level and natural ground level as a result of excavation or filling does not exceed 1 metre.
- Construct a building extension where the extension floor area does not exceed 100 square metres.
- Construct roadworks provided the roadworks are undertaken by or on behalf of a public authority.

The proposed EMO schedule is set out at **Attachment 1**. A table explaining the permit trigger exemptions (including State-set exemptions and the proposed local exemptions) is available at **Attachment 2**. The proposed changes to local permit trigger exemptions are explained at **Attachment 3**.

These permit triggers have been selected because they are:

- Relevant to erosion risk.
- Easy to measure (and therefore understand, administer and enforce).
- Expected to only involve assessment of proposals that adds value (through risk minimisation) beyond what the building system provides.

The 1 metre cut and fill exemption provides for minor earthworks unlikely to exacerbate erosion risk. It is a trigger for building permits and commonly used as a trigger for planning permits (e.g. East Gippsland's EMO, Moreland's EMO, Colac Otway's EMO, and South Gippsland's ESO7).

The 100 square metre extension exemption provides for minor building extensions where any erosion risk will not be substantially changed and the building system is considered adequate for addressing any risks. This figure is used in the Farming Zone as a permit trigger for existing dwelling extensions. It provides for small - medium extensions, though slightly larger than the existing dwelling extension exemption of 50sqm in the existing EMO.

An exemption is also provided for roadworks undertaken on behalf of a public authority. There is currently no planning permit requirement for roadworks in the ESO5. This has been retained for public authorities (typically Council and VicRoads) who already have systems in place to minimise erosion risk.

These exemptions would mean that minor applications would not require a planning permit. It is expected only to result in additional planning permit applications in limited instances where greater erosion risk is present. In these cases, the planning assessment process will provide better built form and landscaping outcomes than the current planning controls.

Application information requirements in the overlay schedule have also been updated to take into consideration the standard application requirements

included in the EMO. They also provide the option for Council to request a geotechnical hazard and risk assessment where Council considers that a high risk of erosion and / or landslip may exist.

Steep Slope Guidelines

As residential rezoning and subdivisions move into steeper land around our major towns, Council and new residents have experienced difficulty with excessive site cut and fill, resulting in less than desirable dwelling construction.

The proposed design guidelines provide guidance for building, subdivision and vegetation removal on steep slopes in urban and rural areas. The proposed guidelines are available at **Attachment 4**.

The aim of the guidelines is to achieve development and residential lot subdivisions that take into account the slope of the land. The report outlines the issues, sets out objectives and strategies and provides useful illustrations as well as definitions and other references.

The following diagram is an example included in the guidelines. The diagram illustrates housing design that follows the contours, stepping down along the slope, and minimises the need for earthworks.

Diagram showing split level house on land sloping up towards the street



Diagram showing split level house design with slope across the lot



Adapted from Baw Baw (2012)

The report draws on work prepared by other councils and state governments including:

- Baw Baw Shire Council's 2012 Design Guidelines for Residential Development on Sloping Land
- WGCMA's 2008 Soil Erosion Management Plan
- Australian Geomechanics Society guidelines (various)

Proposal

It is proposed that Council adopt the proposed erosion controls in **Attachment 1** and the draft design guidelines at **Attachment 4**.

FINANCIAL CONSIDERATIONS

The project's consultation and implementation is provided for within existing budget allocations.

RISKS

Existing local permit exemptions do not always reflect the potential erosion and land slip risk which could have environmental, landscape, servicing and health and safety impacts. Avoiding landslip risk to person and property is an important element of Council's risk management obligations.

CONCLUSION

Council can improve erosion controls so that planning permits are required where erosion and land slip risk is more likely and is not required where risk is low and the planning system does not add value through application assessment. Replacement of the ESO5 with the EMO and the introduction of the new Guidelines will greatly improve the current situation where the absence of planning guidelines and assessment tools means that landowners and Council are making decisions without proper regard to managing erosion and landslip risk.

RECOMMENDATION

That Council:

- 1. Adopt the draft erosion controls (Erosion Management Overlay schedule) and draft Design Guidelines for Development on Sloping Land for public exhibition.**
- 2. Seek Authorisation from the Minister for Planning to prepare and exhibit a Planning Scheme Amendment to remove the ESO Schedule 5, remove the existing EMO Schedule, and place the adopted EMO Schedule based on the current ESO5 mapping into the South Gippsland Planning Scheme.**

Attachment 1 Draft Erosion Management Overlay Schedule

SOUTH GIPPSLAND PLANNING SCHEME

4-20-
6-

SCHEDULE 1 TO THE EROSION MANAGEMENT OVERLAY

Shown on the planning scheme map as **EMO1**.

1.0 Permit requirement

4-20-
6-

No permit is required to:

- Construct or carry out building or works where the difference between finished ground level and natural ground level as a result of excavation or filling does not exceed 1 metre.
- Construct a building extension where the extension floor area does not exceed 100 square metres.
- Construct roadworks provided the roadworks are undertaken by or on behalf of a public authority.

Application requirements

An application must be accompanied by a written response to the *Design South Gippsland - Design Guidelines for Development on Sloping Land (2016)*.

In the following circumstances, additional information may be required at the discretion of the Responsible Authority:

- The extent of earthworks is likely to cause erosion.
- Landslip and erosion are present in the vicinity and/or have occurred in the past.
- There is risk to life, property and the environment.
- The soil type, slope and the proposed development may have an adverse impact on soil and slope stability.
- The proposal may affect a waterway.
- The proposal is within an open potable water supply catchment.

In these circumstances, the following information may be required:

- 1 metre contours in the vicinity of proposed development or vegetation removal.
- Geotechnical Assessment report and a completed Geotechnical Declaration and Verification Form (Form A of Appendix D of AGS 2007c (as amended/updated)) prepared by a Geotechnical Practitioner. The Geotechnical Assessment report should state whether or not a Landslide Risk Assessment is required and if the development should be approved subject to conditions and specify what conditions should be included in the permit.
- Landslip Risk Assessment report prepared by a Geotechnical Practitioner in accordance with AGS 2007c if required by the Geotechnical Assessment.
- A completed Geotechnical Declaration of Minor Impact (Form D of Appendix D of AGS 2007c (as amended/updated)) prepared by a Geotechnical Practitioner to justify why a Geotechnical Assessment is not required.

Reference Documents for Decision Guidelines

Australian Geomechanics Society (AGS) (2007a) Guideline for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning, Vol. 42, No. 1, Australian Geomechanics, March 2007 (as amended / updated)

AGS (2007b) Commentary on Guideline for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning, Vol. 42, No. 1, Australian Geomechanics, March 2007 (as amended / updated)

AGS (2007c) Practice Note Guidelines for Landslide Risk Management, Vol. 42, No. 1, Australian Geomechanics, March 2007 (as amended / updated)

SOUTH GIPPSLAND PLANNING SCHEME

South Gippsland Shire (2016) Design South Gippsland - Design Guidelines for Development on Sloping Land

West Gippsland Catchment Management Authority (2011) Soil Erosion Management Plan

Definitions

Geotechnical Practitioner means a specialist Geotechnical Engineer or Engineering Geologist who is degree qualified, is a member of a professional institute, and who has achieved chartered professional status as a:

- Chartered Professional Engineer (CPEng); or
- Chartered Professional Geologist (CPGeo); or
- Registered Professional Geologist (RPGeo);

With experience in the management of slope stability problems and landslip risk as core competence to the satisfaction of the Responsible Authority.

**Attachment 2
Table Explaining Proposed Permit Triggers**

| Factor | Needs a Planning Permit? | State Exemptions (summary) | Proposed Local Exemptions |
|--------------------|--------------------------|---|---------------------------|
| VEGETATION | | | |
| Vegetation Removal | Generally | Gardening (Clause 62.02) Clause 44.01-3 Bracken On Crown land Emergency works in case of risk of personal injury or damage to property or by public authority for emergency access or emergency works For fire protection (including fuel breaks up to 6m wide, where vegetation is ground fuel within 30m of a building, to keep clear of an electric line) To comply with land management notices and land use conditions Noxious weeds (except Australian Dodder (<i>Cuscuta australis</i>)) To enable the removal of pest animal burrows Planted vegetation (including Crop raising that includes timber production and grown as a result of Extensive animal husbandry) To maintain safe and efficient railways Regrowth (except after natural disasters) For road safety To enable geothermal energy exploration and extraction, greenhouse gas sequestration or its exploration, mineral exploration, stone exploration or stone extraction To establish sight lines for surveying | None |

| Factor | Needs a Planning Permit? | State Exemptions (summary) | Proposed Local Exemptions |
|---|--|---|---|
| BUILDING & WORKS | | | |
| Building or constructing or carrying out works | Generally | Clause 62.02-2 Fencing * Bicycle pathways and trails * Sign * Any works necessary to prevent soil erosion, or to ensure soil conservation or reclamation * For other exemptions see 62.02 at: http://planningschemes.dpcd.vic.gov.au/schemes/vpps/62.pdf * Exemptions able to be varied locally | Proposal does not result in cut or fill greater than 1m in depth or height or A building extension floor space is less than 100sqm |
| Buildings and works associated with a dependent person's unit | Yes | None | None |
| Domestic swimming pool or spa | Yes | None | None |
| Roadworks | Yes unless exempted locally (in which case roadworks on behalf of a public authority are exempt) | None | Roadworks on behalf of a public authority |
| SUBDIVISION | | | |
| Subdivision of land | Yes | None | None |

Attachment 3
Table Explaining Changes to Local Exemptions

| Existing Local Exemptions | Proposed Changes |
|---|---|
| Agricultural activities including ploughing and fencing (EMO & ESO5) | Removed. New exemptions will provide for most building and works to occur without a planning permit since they are generally proposed on flat or gently sloping land with minimal need for cut or fill. Minor extensions to existing buildings will also be exempt while any new larger extensions or buildings that require more than 1m cut / fill where erosion risk is greater will require a planning permit. |
| Agricultural activities including the construction of a dam with a capacity of less than 3000 cubic metres (ESO5) | Removed. For the same reasons as above. A dam up to 3000 cubic metres could require large amounts of cut and pose significant erosion risk if inappropriately located and designed. It is noted that no planning permit is required for building and works associated with a dam if a licence is required to construct the dam or to take and use water from the dam under Water Act 1989 according to Clause 62.02-1 of the planning scheme. |
| Buildings or works specifically identified in a whole farm plan prepared to the satisfaction of the responsible authority (EMO & ESO5) | Removed. It is important to know the design details of building and works to determine the erosion risk of a proposal. This is best undertaken when the details of any building and works are clear rather than as part. |
| The lay out of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land (ESO5) | Removed. Building and works associated with a minor utility already receive an exemption in the planning scheme at Clause 62.02-1. Similarly, oil pipelines already receive an exemption at Clause 62.02-2. It would be useful for Council to be made aware of and be able to assess any works from major utilities that involve a cut or fill of more than 1m. |
| Telephone or power lines provided they do not involve the construction of towers (EMO & ESO5) | Removed. Building and works associated with a telecommunications facility do not require planning permit in any case, provided that the requirements of Clause 52.19 are met. |
| A building or extension to an existing building where the total resultant floor area is less than 200 square metres, | Removed. New exemptions will provide for small extensions (less than 100sqm) to existing dwellings with a total floor area greater than 200sqm to be exempt from a planning permit. It also only requires planning permits for buildings |


| Existing Local Exemptions | Proposed Changes |
|---|---|
| <p>provided the construction is carried out in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) and Control of Erosion on Construction Sites (Soil Conservation Authority) (ESO5)</p> | <p>where works involve cut and fill greater than 1m.</p> |
| <p>An extension to an existing dwelling provided the additional floor area is less than 50 square metres and provided the construction is carried out in accordance with Construction Techniques for Sediment Pollution Control (EPA May 1991) and Control of Erosion on Construction Sites (Soil Conservation Authority) (EMO)</p> | <p>Removed. The new exemption simplifies this permit trigger and provides for an exemption in more instances.</p> |
| <p>Remove, destroy or lop vegetation in a domestic garden (ESO5)</p> | <p>Removed. Gardening is already included as an exemption in the planning scheme at Clause 62.02.</p> |
| <p>Remove, destroy or lop vegetation for the use as firewood for heating or cooking purposes within the dwelling on the lot from which the wood was collected (ESO5)</p> | <p>Removed. In the past, this permit exemption has been found to be of little use or relevance. It does not relate to the risk of vegetation removal to result in erosion. There are already State-set permit exemptions for vegetation removal for vegetation as a result of crop raising (including plantations) or extensive animal husbandry (e.g. wind breaks and trees established to shelter grazing animals).</p> |

Attachment 4 Draft Design Guidelines for Building on Steep Slopes

DESIGN SOUTH GIPPSLAND

Design Guidelines for development on sloping land

DRAFT FOR CONSULTATION
For Exhibition Approval at 25 May 2016 Council Meeting



DRAFT

Introduction

South Gippsland Shire, known for its rolling hills, is characterised by a diverse topography of ranges, plains, low lying land and coastal areas. Development design needs to respond to this context.

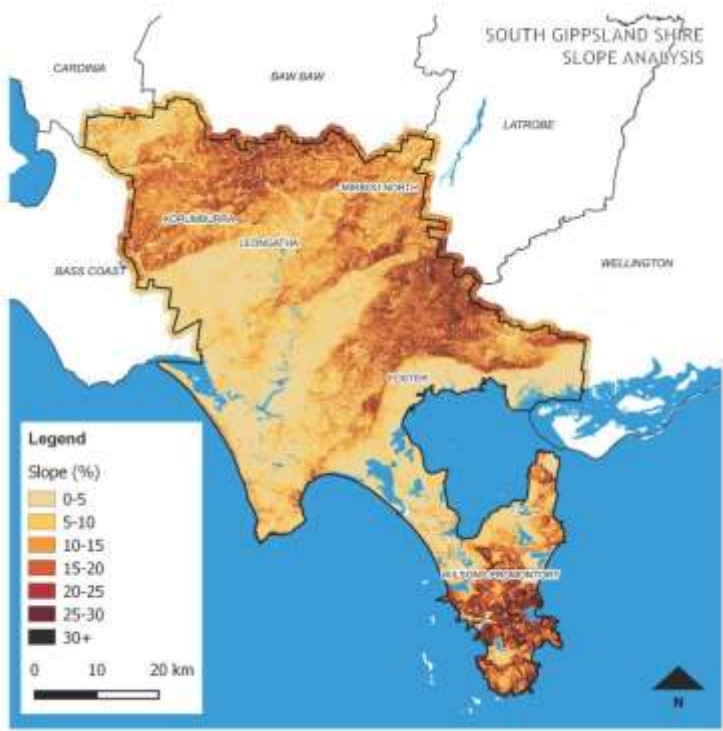
As shown opposite, there are many steep areas within the Shire such as the Strzelecki Ranges and the Hoddle Range.

When do these guidelines apply?

These guidelines will assist landowners and developers in the design of development on sloping land in both urban and rural areas. The guidelines also make reference to vegetation removal.

They will be used for assessment of planning applications (where a planning permit is required) where development and tree removal is proposed on sloping land.

Development includes earthworks, road building, land subdivision and house construction.



Legend

Slope (%)

- 0-5
- 5-10
- 10-15
- 15-20
- 20-25
- 25-30
- 30+

0 10 20 km

DRAFT

The Problem

Why are these guidelines needed?

The development of sloping land is often undertaken in association with landforming earthworks to facilitate the construction of paths, roads, drains, open space, installation of services and the creation of lots with flatter building pads. Some degree of earthworks is almost inevitable with any development. However, it is important that earthworks are carried out in a planned and careful manner to help minimise problems that can be associated with development on sloping land (Baw Baw 2012).

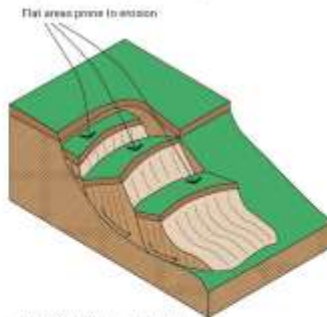
These design guidelines have been prepared to address issues relating steep slopes in South Gippsland Shire. Building and vegetation removal on steep slopes can lead to and exacerbate landslip and erosion. It can have impacts on the:

- Environment (e.g. water quality)
- Landscape (e.g. visual impact)
- Health and safety (e.g. risk to life)
- Agricultural productivity (e.g. soil nutrient decline)
- Amenity (e.g. solar access to and overlooking of neighbouring properties)
- Provision of services to land (e.g. emergency vehicle access, infrastructure costs)

Is erosion linked steep land?

Erosion is more likely on steep land because steep land is generally more unstable than flat land. While erosion is less likely to occur on flat land, it is still possible. This may occur due to other factors that contribute to erosion including the location of previous landslips, the soil type and the extent that the soil holds water from recent rainfall.

Diagram showing flat areas prone to erosion



Source: Yarra Ranges Shire Council

What affects erosion?

When considering the possibility for landslip and erosion, the following factors are important:

- Earthworks (including volume of cut, volume of fill and details of batters and height of back wall cut)
- Impacts from access (vehicle)
- Location of water catchments (which supply drinking water)
- Drainage
- Groundwater and springs (soil type, compaction)
- Topography (steepness of slope)
- Vegetation removal

What is the risk?

Across the West Gippsland region, tunnel and gully erosion are perceived to be the greatest risk. Sheet and rill erosion are also seen as being major erosion issues in some cropping areas and in steeper parts of the region. Wind erosion is generally limited to coastal dune fields (WGCMA, 2008).

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Objectives

- To minimise the adverse environmental, landscape, health and safety, agricultural productivity, amenity and servicing impacts of development and vegetation removal on steep slopes

Environment objectives

- To minimise the risk of erosion and landslip
- To plan for and manage the potential impacts of climate change
- To protect areas prone to erosion, landslip or other land degradation processes (Clause 13.03-2 of South Gippsland Planning Scheme)
- To promote vegetation retention, planting and rehabilitation in areas prone to erosion and land instability (Clause 13.03-2)
- To provide drainage that manages erosion risk and reduces stormwater impacts
- To ensure water quality in water catchments is protected from possible contamination by urban, industrial and agricultural land uses (Clause 19.03-2)
- To reduce the impact of stormwater on bays and catchments (Clause 19.03-3)
- To ensure development design responds to the topography of the land
- To minimise the requirement for earthworks

Landscape objectives

- To recognise the natural landscape for its aesthetic value and as a fully functioning system (Clause 12.04-2)
- Ensure natural key features are protected and enhanced (Clause 12.04-2)
- To ensure that development is subordinate to the natural, visual and environmental landscape character and significance (Objective 5, Clause 21.06)

Servicing objectives

- To minimise risk to safety and the costs of essential service installation and maintenance

Agricultural objectives

- To protect productive farmland which is of strategic significance in the local or regional context (Clause 14.01-1)

Housing objectives

- To provide for a range of housing types to meet increasingly diverse needs (Clause 16.01-4)
- To provide for a variety of lot sizes and dwelling types
- To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling with appropriate solar access, private open space and vehicle access and parking

- To provide residential lots that make use of solar energy and daylight to dwellings and private open space
- To minimise impacts on the amenity of existing and future residents on adjoining lots

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Strategies

BUILDING

Avoid development on and in close proximity to steep and very steep land

Avoid development in unstable areas and on land prone to erosion and landslip

Where development cannot be avoided in steep locations or prominent hill faces:

- Site development in the lower one third of the visible slope, wherever possible
- Set buildings and structures among existing vegetation, and/or establish gardens of locally appropriate species
- Design buildings to follow the contours or step down the site to minimise earthworks
- Articulate buildings into separate elements, and avoid visually dominant elevations (Clause 21.06)

Design buildings to follow the contours, step down along slopes and minimise the need for earthworks

Articulate buildings into separate elements on slopes to avoid visually dominant elevations

Consider the use of split levels (AGS 2007) on moderately sloping to very steep land

Consider the use of stumps rather than concrete slabs on moderately sloping to very steep land

Use flexible structures on sloping land rather than movement intolerant structures (AGS 2007)

Set back buildings at least 1 metre from the base of retaining walls

Diagram showing split level house on land sloping up towards the street



Diagram showing split level house design with slope across the lot



Adapted from Baw Baw (2012)

DRAFT

DWELLINGS

Site and design buildings to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced (standard B10, Clause 55.03-5)

Locate living areas and private open space on the north side of the development, if practicable (standard B10, Clause 55.03-5)

Design developments so that solar access to north-facing windows is maximised (standard B10, Clause 55.03-5)

Site dwellings at least 2 metres from the northern boundary on moderately sloping to very steep south facing slopes

Diagram showing why greater separation is needed between dwellings on south-facing slopes to ensure good solar access is achieved



Source: SEAV

The shadowing impacts created by level changes between lots and retaining walls should be taken into consideration, particularly on south-facing slopes where it is more difficult to achieve good solar access. This is illustrated on the diagram opposite.

A building setback from the northern boundary will help to achieve better solar access to habitable room windows and private open space. Consideration should also be given to the need for retaining solar access for existing dwelling(s) and open space on adjoining properties.

(Baw Baw 2012)

DRAFT

EARTHWORKS

- Retain natural contours wherever possible (AGS 2007)
- Minimise depth of cut and the height of fill (AGS 2007)
- Provide drainage measures and erosion control when cutting or filling (AGS 2007)
- Avoid blocking natural drainage lines (AGS 2007)
- Support any cut or fill with retaining walls or batters (AGS 2007)
- Construct any required retaining walls or batters as soon as possible after cut or fill operation (AGS 2007)
- Use clean fill materials and compact to engineering standards where fill is used (AGS 2007)
- Found retaining walls on rock where practicable (AGS 2007)
- Avoid disturbing or undercutting detached rock outcrops and boulders (AGS 2007)

Earthworks and structures which prevent water from entering high risk sites can be an important method of preventing soil erosion. For example, construction of diversion banks and grassed waterways can be used to divert water from high risk areas. Preventative measures can be a necessary adjunct to the repair of a degraded site
(West Gippsland CMA 2008)

Diagram showing acceptable earthworks and benching with retaining walls and batters

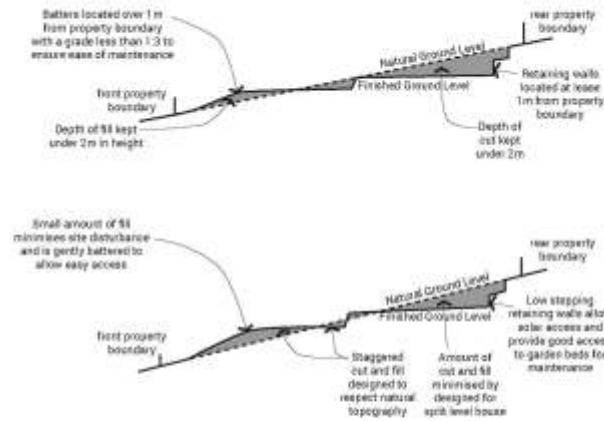
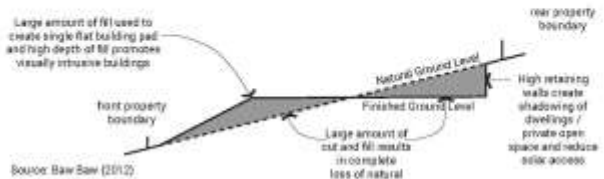


Diagram showing unacceptable earthworks and benching



SUBDIVISION

- Design subdivision layouts to respond to topography
- Ensure smaller lots (and medium density development) are only created on flat to moderately sloping land
- Create large or very large lots on steeply sloped land
- Establish building envelopes in the case of subdivision on steep and very steep land
- Consider the impact of subdivision layout design on the grade of road access, pedestrian paths, drainage etc.

Larger lot sizes are encouraged on land that is constrained by steeply sloping topography, as larger lots allow more flexibility in providing access to and around dwellings, more space for retaining wall structure and siting of building to ensure they achieve good solar access.
Larger lot sizes are discouraged on land that has a flat to moderate slope, as large lots increase the rate at which the supply of land is taken up, placing further pressure on urban boundaries.
(Baw Baw 2012)

ACCESS

- Ensure subdivision on sloping land allows for safe and efficient access by vehicles and pedestrians to be achieved
- Ensure the maximum grade of roads, car park areas and court bowls is generally no steeper than 1:15 (Engineering department)
- Consider the need for driveways and car parking areas to be fully supported on piers on sloping land (AGS 2007)

VEGETATION

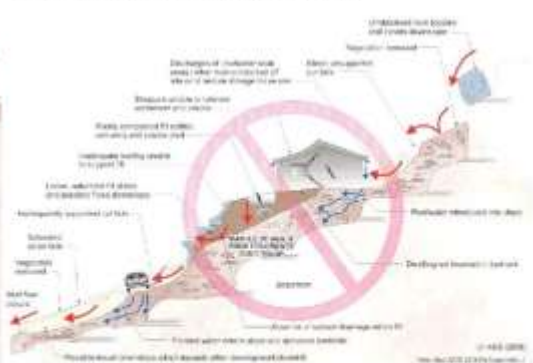
- Retain vegetation wherever possible on sloping land (AGS 2007) and near sloping land, especially remnant vegetation, with the exception of noxious weeds
- Avoid the removal of vegetation, particularly trees and shrubs, on steep land and land prone to erosion
- Revegetate (especially with trees and shrubs) cleared areas on steep land and land prone to erosion
- Plant indigenous vegetation along ridgelines, gullies and waterways

DRAFT

Example of good practice siting and design on steep slopes



Example of poor siting and design on steep slopes



DRAFT

Definitions

Amenity: means pleasantness. It has a physical component which can include character and appearance of building and works (Victoria General's Solicitor's Office 2008)

Batter: the excavated or constructed face of a dam wall, cutting or embankment (Baw Baw 2012)

Benching: a form of earthmoving that involves removing or cutting earth from one area of land to fill another, creating an area which has a lesser grade or flat pad referred to as a 'bench' (Baw Baw 2012)

Building: includes -

- a structure and part of a building or a structure; and
- fences, walls, out-buildings, service installations and other appurtenances of a building; and
- a boat or a pontoon which is permanently moored or fixed to land (Planning and Environment Act 1987)

Building envelope: building envelopes set the design parameters for development on an allotment (DSE 2003)

Cutting: earthworks that involve excavating or removing earth from an area of land (Baw Baw 2012)

Development: includes -

- the construction or exterior alteration or exterior decoration of a building; and
- the demolition or removal of a building or works; and
- the construction or carrying out of works; and
- the subdivision or consolidation of land, including buildings or airspace; and
- the placing or relocation of a building or works on land; and
- the construction or putting up for display of signs or hoardings (Planning and Environment Act 1987)

Earthworks: land forming, laser grading, levee banks, raised access roads and tracks, building pads, storage embankments, channel banks and drain banks and associated structures (Clause 72 of South Gippsland Planning Scheme) Please note that earthworks are a type of 'works' under the planning scheme

Filling: earthworks that involve embanking earth (Baw Baw 2012)

Flat land: land with a slope gradient less than 5%

Ground level: the natural level of a site at any point (Clause 72)

Land capability assessment: the assessment of the physical ability of the land to sustain specific uses having regard to its management, and without long term on-site detriment to the environment (Clause 72)

Landslide: denotes the movement of a mass of a mass of debris or earth down a slope (AGS 2000)

Large lots: single dwelling lots between 1,000 and 2,000 square metres*

Moderately sloping land: land with slope gradient of between 5% and 10% (2.9 to 5.7 degrees or 1:20 to 1:10) (Baw Baw 2012)

Noxious weed: plants declared as noxious weeds in Victoria under the Catchment and Land Protection Act 1994 which cause environmental or economic harm or have the potential to cause such harm and may present human health risks

Section 173 agreement: an agreement usually between the owner of land and the Council in the land's jurisdiction as provided for by section 173 of the Planning and Environment Act 1987

Sloping land: land with a slope gradient of 5% or more (>2.9 degrees or >1:20)

Small lots: single dwelling lots between 300 and 600 square metres

Standard lots: single dwelling lots ranging between 600 and 1,000 square metres*

DRAFT

Steep land: land with a slope gradient of between 10% and 20% (5.7 to 11.3 degrees or 1:10 to 1:5)

Very steep: land with a slope gradient of 20% or more (>11.3 degrees or >1:5)

Very large lots: single dwelling lots over 2,000 square metres*

*These figures were determined with consideration of existing residential lot patterns in South Gippsland Shire



Gully erosion on rural land



Damage to house due landslide



Cut and retaining wall at residential property

DRAFT

Key Resources

Infrastructure Design Manual

South Gippsland Planning Scheme

West Gippsland Catchment Management Authority (WGCMA) (2008) West Gippsland Soil Erosion Management Plan

References

Baw Baw Shire (2012) Design Guidelines for Residential Development on Sloping Land

Department of Sustainability and Environment (DSE) (2003) Building Envelopes Information Kit - First edition

Environment Protection Authority (EPA) (1991) Construction Techniques for Sediment Pollution Control

EPA (1996) Environmental Guidelines for Major Construction Sites

Planning and Environment Act 1987







Sustainable Energy Authority Victoria (SEAV) (Date unknown) Siting and Solar Access Info Fact Sheet

Victorian Government Solicitor's Office (2008) What is Amenity? vgso.vic.gov.au/content/amenity. Accessed 7 April 2016



Proposal on steep land in Walkerville

Slope Conversion Table

| Slope Gradient | | | |
|----------------|----------|---------|---|
| Percentage | Rise:Run | Degrees | |
| 5% | 1:20 | 2.86 |  |
| 10% | 1:10 | 5.71 |  |
| 15% | 1:6.7 | 8.49 |  |
| 20% | 1:5 | 11.31 |  |
| 25% | 1:4 | 14.04 |  |
| 30% | 1:3.3 | 16.70 |  |



Erosion in Mirboo North

E.6 PLANNING SCHEME AMENDMENT C81 - LAND SUBJECT TO INUNDATION OVERLAY - ADOPTION

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 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 for the portion of the shire 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 25 responses were received of which 13 were objections from affected landowners. Of the remaining 12 submissions, seven supported the amendment but requested changes while five supported the amendment as exhibited and did not request changes.

Council resolved at its 25 November 2015 Council Meeting to refer the submissions to an Independent Planning Panel for consideration. The Panel Hearing occurred on 23 & 24 February 2015 at Leongatha. The Panel Report has been received and recommends Council adopt Amendment C81 subject to minor mapping and LSIO schedule changes. This Council Report recommends Council adopt Amendment C81 in the form recommended by the Panel Report and that it be submitted to the Minister for Planning for approval.

Document/s pertaining to this Council Report

- **Attachment 1** - Amendment C81 Planning Scheme provisions for adoption
- **Appendix 1** - Planning Scheme Amendment C81 Panel Report
- **Appendix 2** - Corner Inlet Dynamic Storm Tide Modelling Assessment - June 2014

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Planning and Environment Act 1987

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

Extensive public consultation has been undertaken. Consultation actions were discussed in detail in the 25 November 2015 Ordinary Council Report (available on Council's web page) and also discussed in the Panel Report in **Appendix 1**.

To summarise the executive summary, a total of 25 responses were received of which 13 were objections from affected landowners. Of the remaining 12 submissions, seven supported the amendment but requested changes while five supported the amendment as exhibited and did not request changes. The amendment submissions were summarised and responded to in the 25 November 2015 Ordinary Council Report and also considered in detail in the Panel Report. As these matters have been extensively discussed in these reports, this Council Report does not discuss individual submissions.

REPORT

Background

The reasons for preparing Amendment C81 were discussed in detail in the 25 September 2013 Ordinary Council Report in which Council considered its decision to seek authorisation and exhibit Amendment C81. Some minor changes to the Amendment provisions were made at the 25 November 2015 Ordinary Council Report (post exhibition) however the September 2013 Council Report is referred to as the basis for Council's decision to prepare the Amendment.

Discussion

Most of the submitters to Amendment C81 were from coastal areas where the LSIO is proposed to be applied in recognition of the risks presented by rising sea levels and anticipated increasing storm surge activity in coming years. The methodology used by Council and the WGCMA to map the LSIO in both inland and coastal areas was considered in detail at the Panel Hearing. In response to the evidence presented the Panel Report states (page 11):

"The Panel is satisfied that the topographical data used by WGCMA is appropriate for the purpose of providing a base for flood mapping and the data is the best available information with an appropriate degree of accuracy.

The Panel concurs with Council that the Amendment is not necessarily a comprehensive planning response to the management of coastal climate change risks, however the LSIO mapping is based on the best available and verified information, and its application to land (regardless of zoning) is considered to be consistent with the climate change policy at Clause 13.01-1. For this reason the Panel finds that the LSIO mapping is appropriate for mapping areas subject to inundation from predicted climate change risks and it is not considered to be premature."

A critical element of the Panel's support for the LSIO mapping methodology is its support for LSIO application over urban areas based on coastal inundation levels predicted at the year 2100 where sea levels have risen by 0.8 metres and storm surge is considered. The reasons supporting the Panel's decision are complex and relate to how the State Planning Policy Framework (SPPF) is interpreted and the precedence and guidance provided by previous Panel Reports, including Bass Coast's Amendment C82 LSIO Panel Report.

In brief overview, the C81 Panel supports application of the LSIO to all coastal areas (based on the 2100 storm surge scenario) because additional investigation of the impacts of rising sea levels and storm surge activity has been undertaken and verified through the preparation of the 'Corner Inlet Dynamic Storm Tide Modelling Assessment' - June 2014 (see **Appendix 2**). The Assessment verifies the accuracy of the proposed LSIO mapping, and in doing so, provided the additional justification the SPPF requires to apply the LSIO based on 0.8m sea level rise and not the default 0.2m sea level rise which is otherwise applicable where additional information is unavailable. This is a good outcome and removes the otherwise problematic outcome which would have resulted in a 0.2m sea level rise planning requirement within township areas and 0.8m outside of townships. Township boundaries have no relationship to how land will be impacted by rising sea levels and the Panel's decision to apply a consistent level across the coastline is considered a common sense and practical outcome.

In addition to supporting the LSIO mapping, the Panel supports the LSIO Schedule, which is the planning scheme provision setting out the planning permit requirements and exemptions in LSIO affected areas. Of particular note is the Panel's support for the post exhibition change to the Schedule, as

they relate to Port Welshpool, where the new dwelling floor height requirements (to avoid the need for a planning permit) has been lowered from 3.4m above the Australian Height Datum (AHD) to 3.0m AHD. This reduction is justified by the findings of the Corner Inlet Dynamic Storm Tide Modelling Assessment referred to above, which the Panel also recommends be adopted by Council as a 'Reference document' in the Planning Scheme.

In response to submissions from affected landowners, the Panel supports the LSIO mapping changes detailed in Appendix D of the Panel Report. The WGCMA inspected these sites, undertook further detailed investigation and amended the maps in consultation with the affected landowners. It is recommended that Council adopt the exhibited Amendment C81 maps, however amended to include the mapping changes detailed in the four maps in Appendix D of the Panel Report.

Options

Council has three main options in determining how it proceeds with Amendment C81. These are:

1. Adopt Amendment C81 in accordance with the Panel Report's recommendations.
2. Adopt Amendment C81 in a form that varies some of the requirements of the Panel Report's recommendations.
3. Abandon Amendment C81.

This report recommends that Council adopt Amendment C81 in accordance with the Panel's recommendations. There are no planning grounds supporting a variation to the Panel's recommendation. There is no reason to abandon the Amendment.

Proposal

It is proposed that Council adopt South Gippsland Planning Scheme Amendment C81 in accordance with the Amendment documents in **Attachment 1** and submit the Amendment to the Minister for Planning for approval.

FINANCIAL CONSIDERATIONS

There are no financial implications for Council directly related to the adoption of Amendment C81.

RISKS

There is no risk to Council in adopting Amendment C81. Application of the LSIO is based on the best available information and has been supported by an Independent Planning Panel.

Applying the LSIO allows Council and the WGCMA to appropriately consider risk to people and property when planning permit applications are being considered in the LSIO.

CONCLUSION

South Gippsland Planning Scheme Amendment C81 significantly improves the current inundation mapping in the Planning Scheme. Removal of the dated and poorly mapped ESO6, and its replacement with the LSIO, removes more land from the overlay than it includes. 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 were received, the issues raised in the submissions have been considered by an Independent Planning Panel which has recommended that Amendment C81 be adopted by Council.

RECOMMENDATION

That Council:

- 1. Adopt the Corner Inlet Dynamic Storm Tide Modelling Assessment June 2014 (Appendix 2) for the purpose of being a 'Reference document' in the South Gippsland Planning Scheme.**
- 2. Adopt South Gippsland Planning Scheme Amendment C81 ordinance provisions in accordance with the documents contained in Attachment 1.**
- 3. Adopt South Gippsland Planning Scheme Amendment C81 Land Subject to Inundation Overlay (LSIO) mapping as exhibited however amended in accordance with the mapping changes detailed in Appendix D of the Panel Report.**
- 4. Submit the Adopted South Gippsland Planning Scheme Amendment C81 to the Minister for Planning for Approval.**

Attachment 1 Amendment C81 Planning Scheme provisions for adoption

SOUTH GIPPSLAND PLANNING SCHEME

1-20

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

1-20
c.

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 township 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 dwelling¹ 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.

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.
- On non-urban zoned land, earthworks involving the receipt, importation, stockpiling or placement of not more than 100 cubic metres of fill, to a depth of no more than 150mm.
- 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 dwelling¹. 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

~~2.1~~
6

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.

If a report is required, 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

3.0

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:

SOUTH GIPPSLAND PLANNING SCHEME

- be granted not more than three months prior to lodging with the responsible authority;
 - 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.

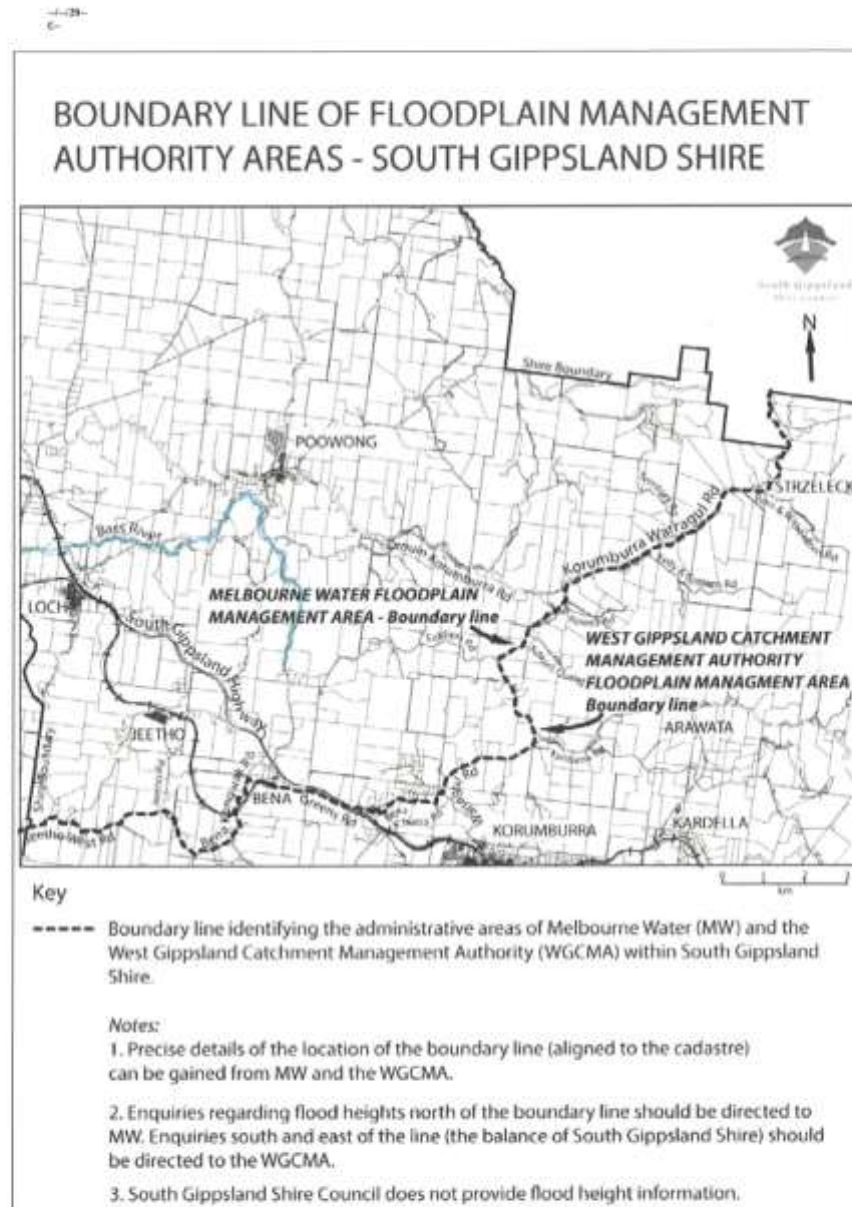
4.0 References

1-09-
C-

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

SOUTH GIPPSLAND PLANNING SCHEME

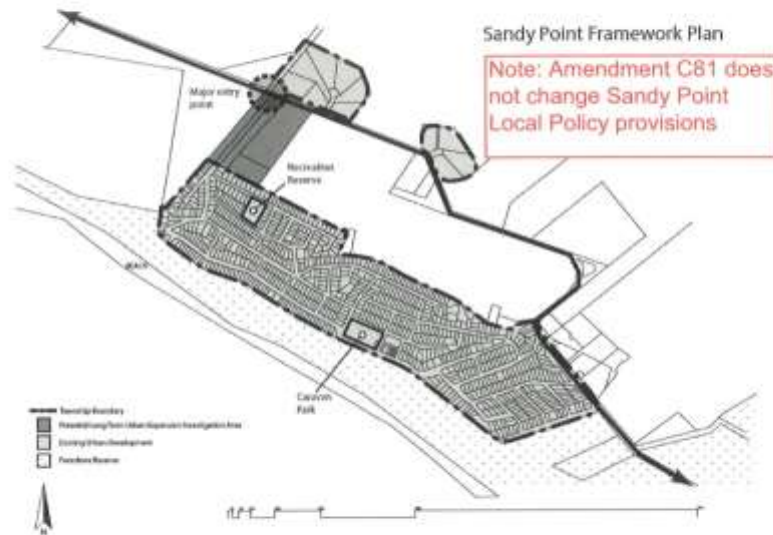
5.0 Map 1



The below four pages are extracts from the Planning Scheme Local Policy and only pages where changes are made by Amendment C81 are displayed.

SOUTH GIPPSLAND PLANNING SCHEME

- Healthy by Design 2012 (as amended)*
- South Gippsland Open Space Strategy 2007(as amended)*
- South Gippsland Recreation Plan 2007 (as amended)*
- The South Gippsland Housing and Settlement Strategy, 2013*



21.15-12 Tarwin Lower

9509/2014
 C81
 Proposed
 C81

Amendment C81 changes to the Tarwin Lower Local Policy provisions

Future population growth for Tarwin Lower will be promoted within the existing zoned land and in the growth areas defined on the *Tarwin Lower Framework Plan* following detailed investigation of site constraints such as flooding and acid sulphate soils. Unobtrusive development will continue to demonstrate the low key character of the hamlet.

Local area implementation

- Ensure that any proposed use and development of land in Tarwin Lower is generally in accordance with the *Tarwin Lower Framework Plan*
- Promote Tarwin Lower as an important local centre serving the needs of the local community and tourists in the southern portion of the Shire

Settlement

- Maintain the current housing density
- Encourage infill development of suitable vacant lots within the Township Zone and Low-Density Residential Zone
- Ensure that any expansion into the long term development areas identified on the *Tarwin Lower Framework Plan* does not occur until the following Development Prerequisites have been met:

SOUTH GIPPSLAND PLANNING SCHEME

- a significant proportion of vacant lots within the Township Zone and Low Density Residential Zone have been developed
- reticulated water and sewerage is made available
- further investigation is undertaken to confirm the extent of potential problems associated with flooding
- further investigation is undertaken to confirm the location of sites of recognised cultural heritage significance
- further investigation is undertaken to confirm the location of sites of recognised environmental significance

Environment

- Protect the environmental values of the Tarwin River environment and Anderson Inlet
- Maintain areas of indigenous and native vegetation where possible in new development

Economy

- Focus new commercial and industrial use and development within the existing commercial precinct in Evergreen Road between Walkerville Road and School Road
- Discourage commercial and industrial use and developments within the residential areas

Landscape and built form

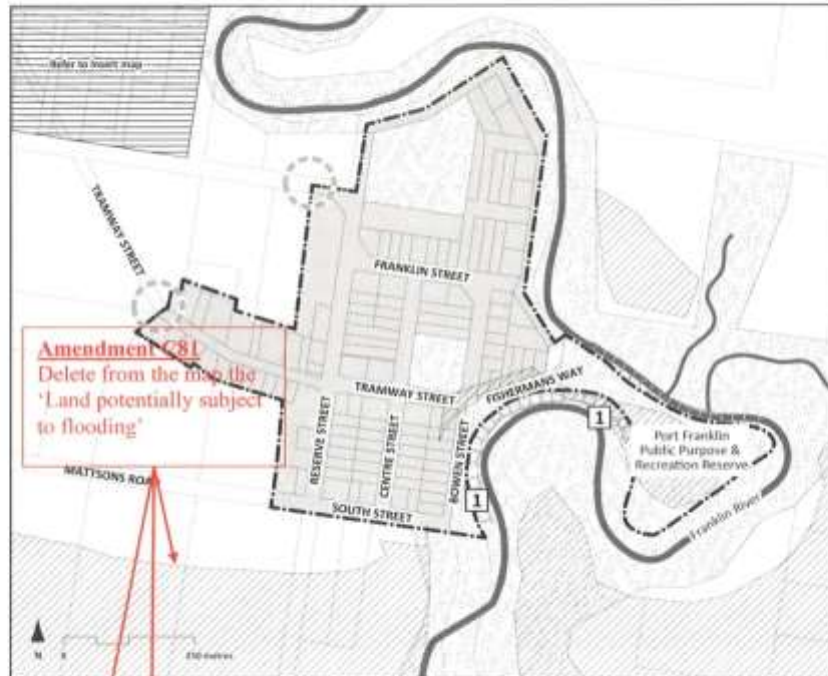
- Maintain the low-key rural character of Tarwin Lower
- Encourage development that enhances the character of the commercial precinct
- Maintain the rural buffer between Tarwin Lower and Venus Bay
- Promote environmentally sustainable principles including the use of best practice water sensitive urban design measures for new developments

Further strategic work

- ~~Review the suitability of Environmental Significance Overlay, schedule 6, and develop amended or new controls as appropriate, to address land potentially affected by flooding~~
- When demand can be demonstrated, investigate rezoning land defined for urban and residential purposes on the *Tarwin Lower Framework Plan*, subject to the detailed investigation of issues including the extent of flooding and acid sulfate soils
- Review the suitability of planning controls relating to land potentially affected by acid sulfate soils and develop amended or new controls as appropriate

SOUTH GIPPSLAND PLANNING SCHEME

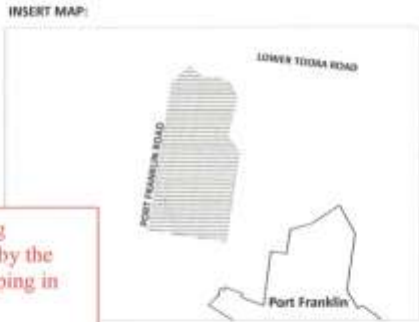
Port Franklin Framework Plan



Amendment C81
 Delete from the map the
 'Land potentially subject
 to flooding'

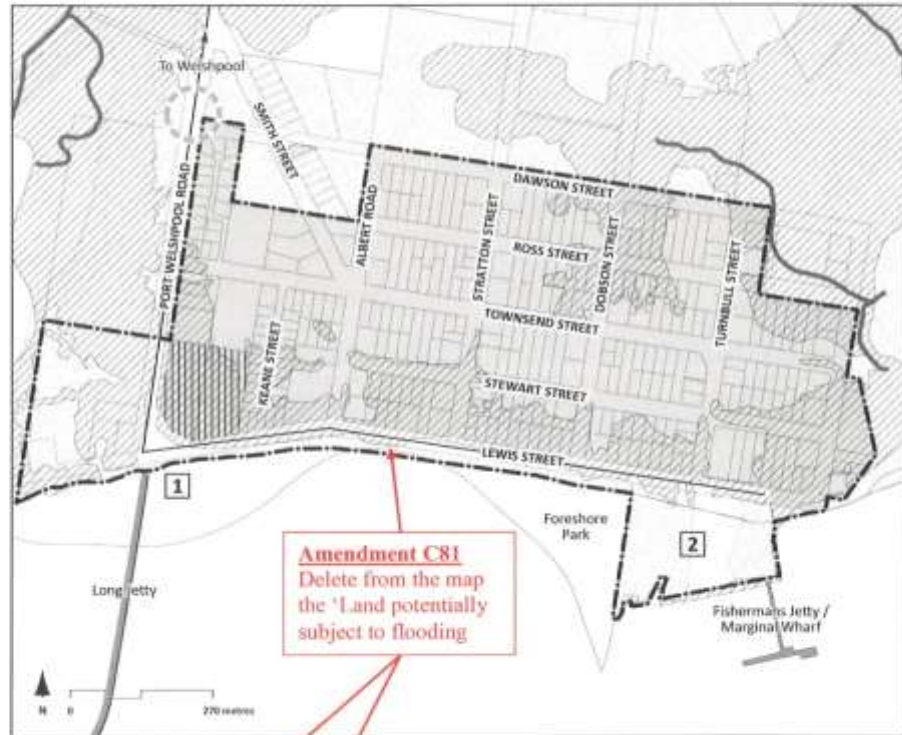
Amendment C81 Note: The flood mapping
 displayed in this map is being superseded by the
 'Land Subject to Inundation Overlay' mapping in
 the Planning Scheme maps.

SUPPORT TOURISM OPPORTUNITIES:
 1 Bowen Street & Fishermans Way Precinct



SOUTH GIPPSLAND PLANNING SCHEME

Port Welshpool Framework Plan



Amendment C81
 Delete from the map
 the 'Land potentially
 subject to flooding'

- Urban Zoned Land
- Open Space / Public Use / Education & Environmental Areas
- Preferred for Tourism-related Use
- Land potentially subject to flooding*
- Township Boundary
- Major Traffic Route
- Waterway
- Township Gateway

SUPPORT TOURISM OPPORTUNITIES:

- 1** Long Jetty Precinct
- 2** Marine Facility

Amendment C81 Note: The flood mapping displayed in this map is being superseded by the 'Land Subject to Inundation Overlay' mapping in the Planning Scheme maps.

*Note: Refer to Catchment Management Authority for precise flood extent information.

SOUTH GIPPSLAND PLANNING SCHEME

21.16

30/10/2014
CIS
Proposed
CE1

REFERENCE DOCUMENTS

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

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

SOUTH GIPPSLAND PLANNING SCHEME

20/10/2014
C63
Proposed
C63

SCHEDULE TO CLAUSE 61.03

Maps comprising part of this scheme:

- 1, 1ESO5, 1HO, 1LSIO, 1WMO, 1PAO, 1RXO
- 2, 2HO, 2DPO, 2RXO
- 3, 3ESO5, 3HO, 3LSIO, 3EAO, 3RXO
- 4, 4ESO5, 4HO, 4LSIO, 4PAO
- 5, 5ESO5, 5HO, 5PAO
- 6, 6ESO2, 6ESO5, 6HO, 6LSIO, 6WMO
- 7, 7EMO, 7ESO1, 7ESO5, ~~7ES06~~, 7HO, 7LSIO, 7WMO, 7PAO
- 8, 8ESO1, 8ESO2, 8ESO4, 8ESO5, 8WMO
- 9, 9EMO, 9ESO1, 9ESO2, 9ESO4, 9ESO5, 9HO, 9DDO, 9WMO, 9PAO, 9EAO
- 10, 10DPO, 10ESO2, 10ESO4, 10ESO5, 10LSIO, 10WMO, 10PAO, 10RXO
- 11, 11ESO5, 11HO, 11RXO
- 12, 12ESO5, 12HO, 12LSIO, 12WMO
- 13, 13AEO, 13ESO2, 13ESO5, ~~13ES06~~, 13HO, 13LSIO, 13WMO, 13PAO, 13RXO
- 14, 14ESO2, 14ESO5, 14HO, 14DDO, 14DPO, 14PAO, 14RXO
- 15, 15ESO5, 15HO
- 16, 16DDO, 16DPO, 16EAO, 16ESO4, 16ESO5, ~~16ES06~~, 16HO, 16LSIO, 16PAO, 16PO
- 17, 17ESO5, ~~17ES06~~, 17LSIO, 17PAO
- 18, 18EMO, 18ESO1, 18ESO2, 18ESO5, ~~18ES06~~, 18HO, 18LSIO, 18WMO, 18PAO
- 19, 19ESO5, ~~19ES06~~
- 20, 20ESO5, ~~20ES06~~, 20HO, 20LSIO, 20PAO
- 21, 21ESO1, 21ESO2, 21ESO5, ~~21ES06~~, 21HO, 21LSIO, 21WMO
- 22, 22DDO, 22ESO3, 22ESO7, 22SLO, 22LSIO, 22WMO
- 23, 23DDO, 23ESO3, 23ESO5, ~~23ES06~~, 23ESO7, 23LSIO, 23SLO, 23WMO
- 24, 24DDO, 24ESO3, ~~24ES06~~, 24ESO7, 24RO, 23SLO, 24LSIO, 24WMO
- 25, 25DDO, ~~25ES06~~, 25ESO7, 25HO, 25LSIO
- 26, 26ESO1, 26ESO2, 26ESO3, 26ESO5, ~~26ES06~~, 26HO, 26LSIO, 26PAO, 26SLO, 26WMO
- 27, 27ESO5, ~~27ES06~~, 27HO, 27LSIO
- 28, 28DDO, 28EMO, 28ESO1, 28ESO2, 28ESO3, 28ESO4, 28ESO5, ~~28ES06~~, 28HO, 28LSIO, 28PAO, 28SLO, 28WMO
- 29, 29DDO, 29ESO3, 29ESO4, 29ESO5, ~~29ES06~~, 29HO, 29PAO, 29RXO, 29SLO, 29WMO
- 30, 30ESO3, 30ESO4, 30ESO5, 30HO, 30LSIO, 30PAO, 30SLO

SOUTH GIPPSLAND PLANNING SCHEME

- 31, 31ESO1, 31ESO2, 31ESO3, 31ESO4, 31ESO5, ~~31ESO6~~, 31HO, 31LSIO, 31RXO, 31SLO, 31WMO
- 32, 32ESO5, 32HO, ~~32LSIO~~, 32SLO
- 33, 33ESO3, 33HO, 33SLO, ~~33LSIO~~, 33WMO
- 34, 34ESO3, 34ESO5, 34SLO, 34WMO
- 35, 35ESO3, 35ESO4, 35ESO5, 35HO, 35LSIO, 35SLO, 35WMO
- 36, 36ESO3, 36ESO5, 36SLO, 36WMO
- 37, 37DDO, 37DPO, 37ESO1, 37ESO3, 37ESO5, 37ESO7, 37LSIO, 37SLO, 37WMO
- 38, 38DDO, 38ESO3, 38ESO5, 38ESO7, 38LSIO, 38SLO, 38WMO
- 39, 39ESO3, 39HO, 39LSIO, 39SLO, 39WMO

E.7 PLANNING SCHEME AMENDMENT C107 - GIANT GIPPSLAND EARTHWORM ENVIRONMENTAL SIGNIFICANCE OVERLAY - ADOPTION

Development Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

At the 24 June 2015 Ordinary Council Meeting, Council resolved to seek authorisation and exhibit Planning Scheme Amendment C107, which will result in policy support to protect the Giant Gippsland Earthworm as well as map its habitat locations. Exhibition occurred during October and November 2015 and eight submissions were received; three gave support to the amendment, three requested minor policy changes and two requested minor mapping changes.

In response to the submissions received, some minor changes have been made to the exhibited version of the Amendment. These changes have resolved all of the issues or concerns raised. This means that there will be no need to refer the matter to a Planning Panel for consideration, and it is considered appropriate for Council to adopt the revised Amendment C107 and submit the amendment to the Minister for Planning for approval.

Document/s pertaining to this Council Report

- **Attachment 1** - Giant Gippsland Earthworm Habitat Mapping
- **Attachment 2** - Submission Summary Table
- **Attachment 3** - Amendment Documents Post Exhibition (with changes)
- **Appendix 1** - Giant Gippsland Earthworm Environmental Significance Overlay Reference Document (Sept 2015)

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Federal 'Environment Protection and Biodiversity Conservation Act 1999' (EPBC Act)
- Victorian Flora and Fauna Guarantee Act 1988 (FFG Act)
- Action Statement #77 Giant Gippsland Earthworm as part of the FFG Act
- National Recovery Plan for the Giant Gippsland Earthworm 2010
- Planning and Environment Act 1987

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- South Gippsland Planning Scheme
- Sustainability Strategy 2011: Objective 5; 'Biodiversity and Natural Resource Management' which states;

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

COUNCIL PLAN

| | | |
|------------|-------|---|
| Outcome: | 3.0 | Integrated Services and Infrastructure |
| Objective: | 3.1 | Deliver affordable modern community services and facilities 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

Formal exhibition was undertaken from 23 October until 23 November 2015 in the following manner:

- Letters to affected land owners, public authorities and Ministers.
- Public Forums held on 5 November at Poowong Uniting Church and 10 November at Loch Masonic Lodge.
- Notices in local papers and Government Gazette.

As a result of exhibition there were a number of submissions received in response to the amendment; these submissions are discussed in greater detail within the next section of this report. One late submission was received after the closure of the exhibition period and it has not been considered.

REPORT

Background

Amendment C107 has been made at the request of the Department of Environment, Land, Water and Planning (DEWLP). The amendment provides a mechanism to identify areas that are likely to contain habitat for the giant earthworm prior to building or works commencing. Once applied, the Environmental Significance Overlay Schedule 9 Giant Gippsland Earthworm (ESO9) will trigger the need for a planning permit when development or works occur within the ESO9 extent. This will provide clarity for land owners and developers and provide the opportunity to avoid, mitigate or minimise negative effects on giant earthworm habitat from planned building works.

In brief the amendment will:

- Introduce an Environmental Significance Overlay Schedule 9 (ESO9) to areas of the South Gippsland Shire identified as containing suitable habitat for the Giant Gippsland Earthworm,
 - Update the Planning Scheme maps 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15 to show the ESO9, the maps are shown in **Attachment 1**.
- Include the “Giant Gippsland Earthworm Environmental Significance Overlay Reference Document (Sept 2015)”
- Include DELWP as a 'Recommending authority' for planning permit referrals where the ESO9 triggers a planning permit.
- Make minor policy changes in Clause 21.06 - Biodiversity to reflect the importance of identifying opportunities to enhance and expand native flora and fauna habitat

Amendment C107 is considered consistent with the approach undertaken by the Baw Baw Shire and has been encouraged by the DELWP, in particular the National Recovery Plan for the Giant Gippsland Earthworm 2010.

Discussion

As a result of this exhibition eight (8) submissions were received;

- three (3) gave support to the amendment,
- three (3) requested minor policy changes, and
- two (2) requested minor mapping changes.

Six (6) of the submissions were from public authorities/State Government Agencies and two (2) were from private individuals. For ease of discussion a table has been developed to explain each of the submissions in greater detail (see **Attachment 2**).

In this instance, it has been possible to incorporate all of the changes and resolve the issues that have been raised without resulting in any significant changes in substance to the proposed Amendment.

Both VicRoads and South Gippsland Water made submissions that requested the inclusion of exemptions in the ESO9 for particular planning permits;

- SGW requested an exemption from the need for a permit where emergency works are required to be undertaken; and,
- VicRoad's requested an exemption from the need for a planning permit where works are required to be undertaken within established roads.

As a result of these submissions, changes have been drafted to the ESO9 (with input from both authorities). A copy of the drafted documents forms **Attachment 3** to this report and outlines the changes that are proposed.

A submission from DELWP has resulted in some minor updates to Clause 21.06 within the MSS, ESO9 and also a very minor change to the Reference Document. These changes are also shown in the final draft of the documents at **Attachment 3**.

The mapping changes that were requested have also been agreed to and re-mapped. The changes have been based on submissions from individuals who were able to provide evidence (through studies and / or ground-truthing) that there was no GGE habitat within the areas that were originally mapped. Both mapping changes have resulted in a reduction of the extent of the overlay on the specific sites. A copy of proposed maps forms **Attachment 1**.

Proposal

The recommendation of this report is that Council adopt Amendment C107 (Giant Gippsland Earthworm Environmental Significance Overlay) in accordance with the revised amendment documents in **Appendix 1** and submit it to the Minister for Planning for approval.

FINANCIAL CONSIDERATIONS

Financial impacts on landowners are considered to be negligible as few permits are likely to be generated by the overlay as landholders may well resite proposed uses to avoid the giant earthworm habitat

DELWP has provided \$10,000 for the implementation of this overlay. The funds will assist processing of Amendment C107 and payment of fees.

RISKS

The use of an overlay will identify early in the planning process when works might impact the GGE and will provide an opportunity to allow an appropriate planning response. Not identifying the GGE and allowing works to occur unregulated may result in the destruction of giant earthworm populations.

Additionally if a landowner destroys giant earthworms they become liable under the provisions of the Commonwealth's Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) which may result in fines and delays in process. The use of the overlay is a way of identifying areas that are currently known as habitat areas and will allow landowners to consider other alternatives when planning their buildings and works.

CONCLUSION

Amendment C107 is required to ensure the ongoing protection of the Giant Gippsland Earthworm.

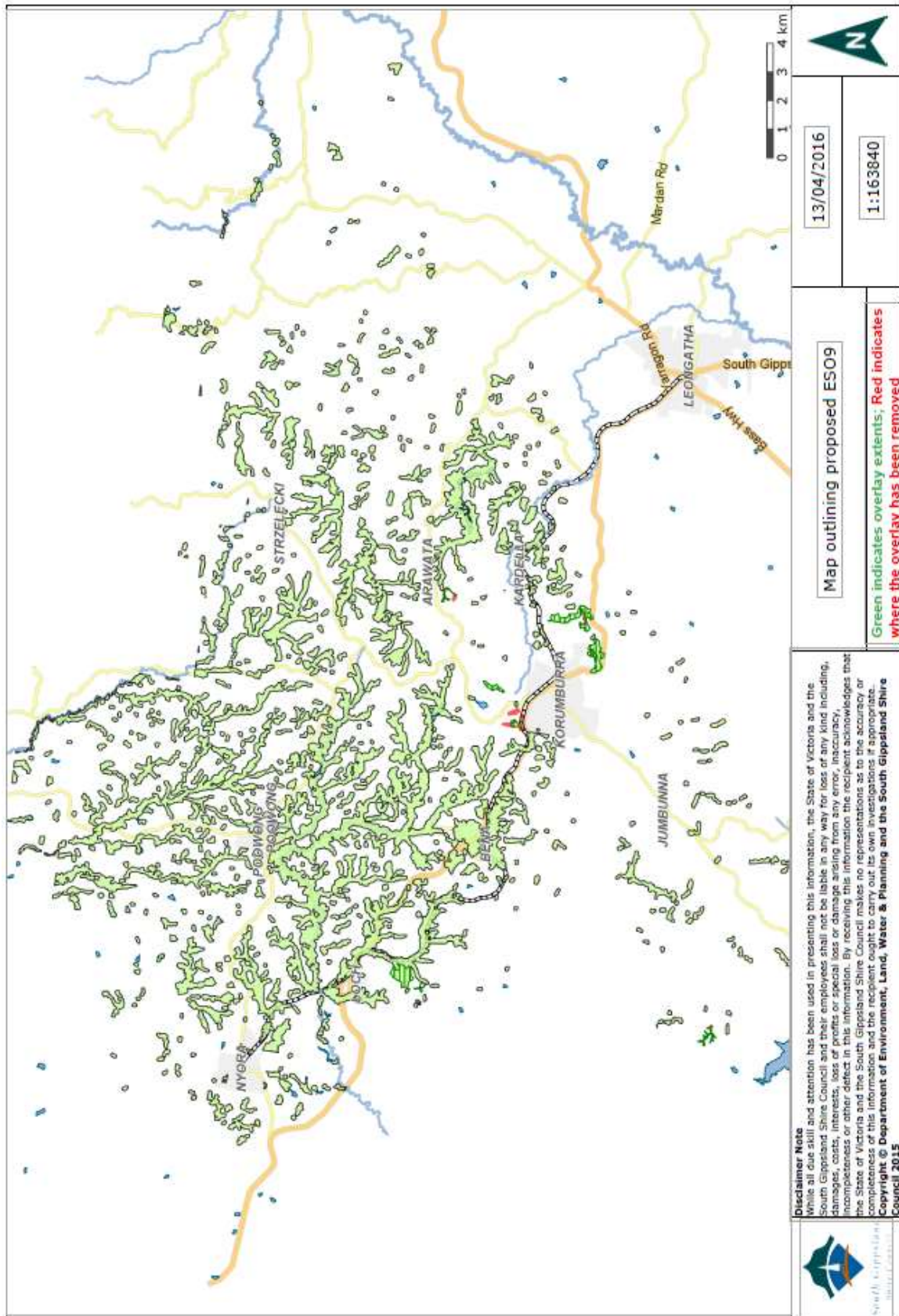
It is recommended that Council adopt Amendment C107 and the supporting reference document 'Giant Gippsland Earthworm Environmental Significance Overlay Reference Document (September 2015)' and submit the amendment to the Minister for Planning for approval.

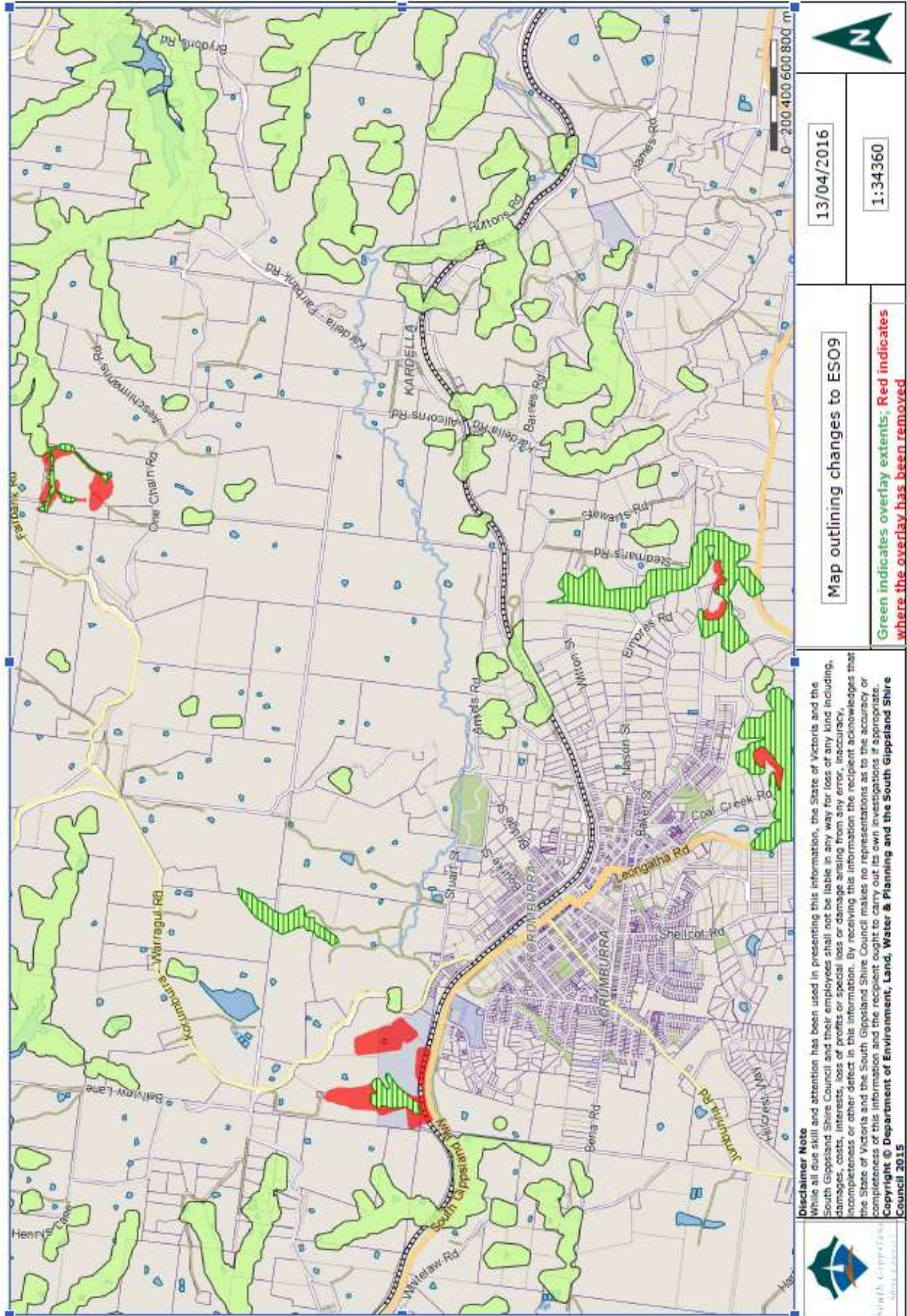
RECOMMENDATION

That Council:

- 1. Adopt the reference document 'Giant Gippsland Earthworm Environmental Significance Overlay Reference Document - September 2015' (included in Appendix 1).**
- 2. Having considered the submissions to Amendment C107, agree to changes proposed, and adopt South Gippsland Planning Scheme Amendment C107 consistent with the documents at Attachment 2 of this report.**
- 3. Submit South Gippsland Planning Scheme Amendment C107 to the Minister for Planning for approval.**

Attachment 1 Giant Gippsland Earthworm Habitat Mapping



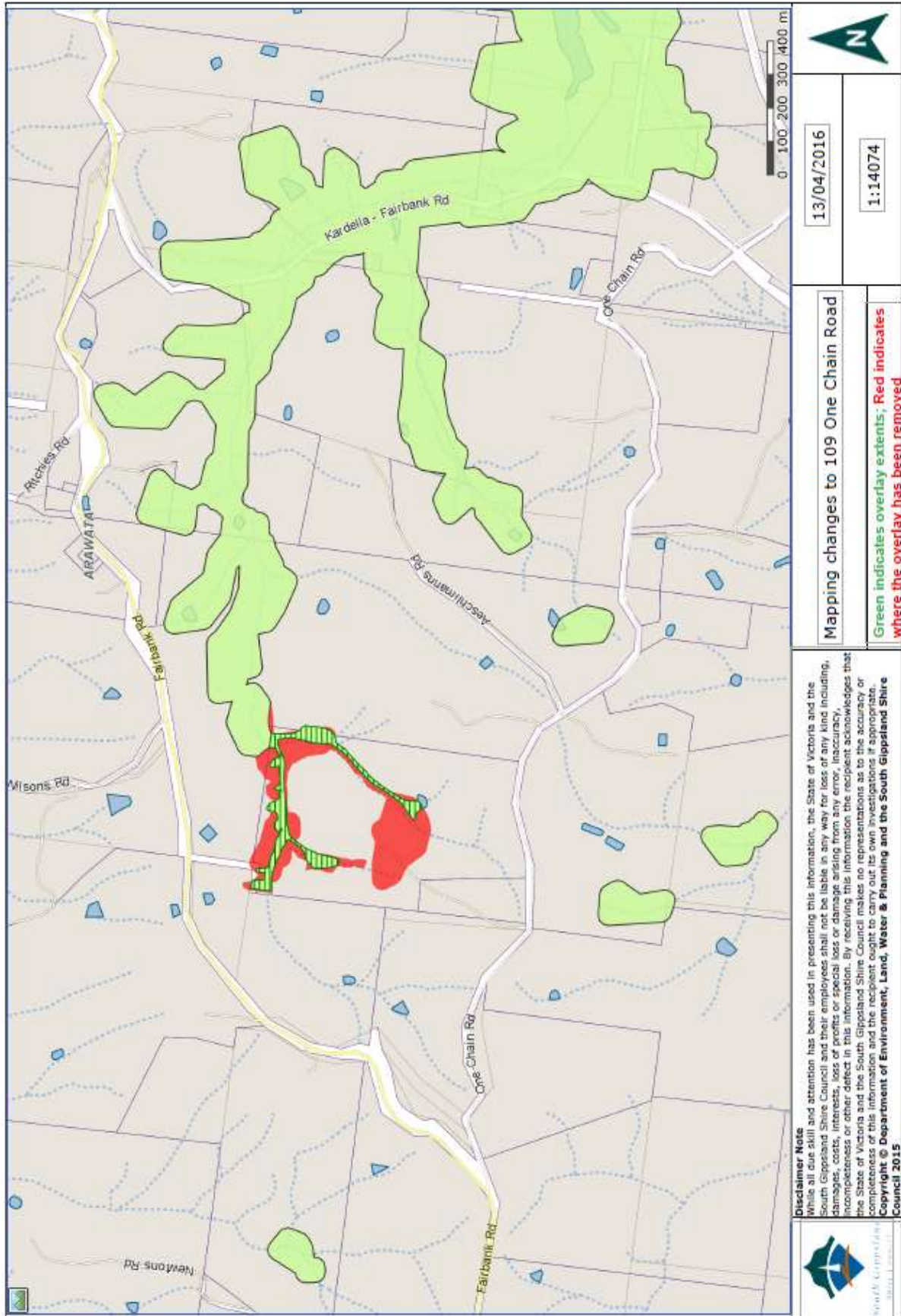


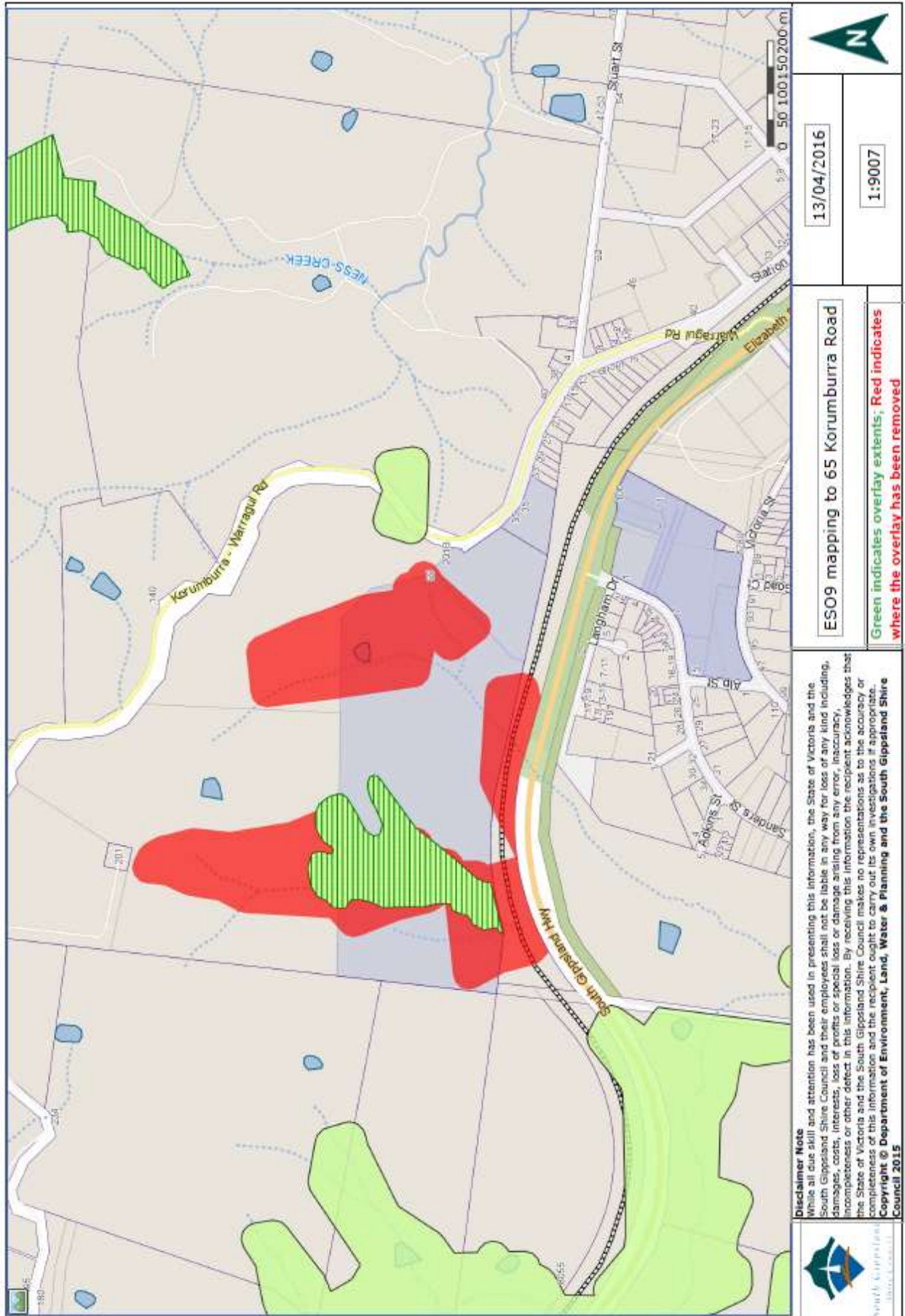
13/04/2016
 1:34360

Map outlining changes to ESO9
 Green indicates overlay extents; Red indicates where the overlay has been removed

Disclaimer Note
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**Attachment 2
 Submission Summary Table**

| No. | Submitter | Property address | Summary of Issue | Response/Changes incorporated |
|-----|--|---|---|--|
| 1 | DELWP | N/A | Requested a number of changes including making changes to the Reference Document, and other minor wording changes. | Changes have been made in response to the DELWP requests. All changes are minor and will not change the intent of C107. |
| 2 | WGCMA | N/A | Support. | No change required |
| 3 | VicTrack | N/A | Support | No change required |
| 4 | Southern Rural Water | N/A | Support | No change required |
| 5 | VicRoads | N/A | Seeks an exemption from need for a planning permit to undertake road maintenance, rehabilitation or improvement works within the formation of an existing arterial road | Requested changes have been made and incorporated into the final documentation |
| 6 | South Gippsland Water | N/A | Request that Council include as a permit exemption, the provision for SGW to attend to emergency works without the need for a planning permit. | Requested changes have been made and incorporated into the final documentation There is now an exemption for emergency works which is consistent with the approach by other overlays. |
| 7 | MGH Planning and Development on behalf of Property Owner | 35 and 65 Korumburra – Warragul Road, Korumburra. | Requested changes to the extents of the ESO9 over the property based on mapping that has already been undertaken (for earlier amendments and permits) regarding the extent of the surveyed habitat areas. | Requested mapping changes have been made. A revised map has been provided and agreed to. |
| 8 | Property Owner | 15 Mitchells Road, Leongatha | Raised concern regarding the mapping. | Requested mapping changes have been made. Final correspondence to confirm this was received in April 2016. |

Attachment 3 Amendment Documents Post Exhibition (with changes)

21.16

201600014-000
Proposed CSOT

REFERENCE DOCUMENTS

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

- Coastal Spaces Landscape Assessment Study, South Gippsland Municipal Reference Document (2006)
- Coastal Spaces Landscape Assessment Study, State Overview Report (2006)
- Draft Guidelines for the Assessment of Heritage Planning Applications (Heritage Victoria, 2000)
- Foster Structure Plan, (2008)
- Giant Gippsland Earthworm Environmental Significance Overlay Reference Document, (2015)
- Gippsland Regional Waste Management Plan (Gippsland Regional Waste Management Group, 1999) (as amended)
- Healthy by Design ®, A guide to planning environments for active living in Victoria, Melbourne: National Heart Foundation of Australia, updated June 2012 (as amended), National Heart Foundation of Australia (Victoria Division)
- Infrastructure Design Manual (version 4, March 2013)(as amended)
- Korumburra Structure Plan (2010) (as amended)
- Korumburra Town Centre Car Parking Strategy, June 2013
- Korumburra Town Centre Framework Plan Economic Assessment, March 2013
- Korumburra Town Centre Framework Plan: Framework Report, October 2013
- Leongatha CBD Parking Strategy (2013) (as amended)
- Leongatha Industrial Land Supply Study (2013) (as amended)
- Leongatha Structure Plan, (2008)
- Loch Urban Design Framework (2005)
- Mirboo North Structure Plan, (2004)
- Nyora Structure Plan
- Regional Sand Extraction Strategy: Lang Lang to Grantville (1996, Department of Infrastructure)
- Rural Tourism Development Strategy (2009)
- Safer Design Guidelines for Victoria 2005
- Sandy Point Urban Design Framework: Settlement Background Paper (2006)
- South Gippsland Heritage Study (2004)
- South Gippsland Shire Heritage Study Amendment C92 Heritage Citations April 2014
- South Gippsland Housing and Settlement Strategy, 2013 (as amended)
- South Gippsland Municipal Public Health and Wellbeing Plan (as amended)
- South Gippsland Open Space Strategy 2007 (as amended)
- South Gippsland Rural Land Use Strategy, (2011)
- South Gippsland Shire Council Paths and Trails Strategy (2010) (as amended)
- South Gippsland Recreation Strategy, (2007, as amended)
- Tarwin Lower Urban Design Framework: Settlement Background Paper (2006)
- The Burra Charter: The Australia ICOMOS Charter for the Conservation of Places of Cultural Heritage Significance (1999)

- *Tourist Signing Guidelines – Information for Tourism Businesses (VicRoads, 2009) (as amended)*
- *Venus Bay Urban Design Framework: Settlement Background Paper (2006)*
- *Waratah Bay Urban Design Framework: Settlement Background Paper (2006)*
- *Water Supply Catchment Development and Land Use Guidelines (South Gippsland Water, 2012)*

E.8 MANNA GUM COMMUNITY HOUSE INC. (FORMERLY FOSTER AND DISTRICT COMMUNITY HOUSE AND LEARNING CENTRE INC.) LICENCE AND MANAGEMENT ARRANGEMENT STATUS

Sustainable Communities & Infrastructure Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

This report discusses:

1. Council's Committee of Management status over Crown Land that comprises the Foster Court House and surrounding Manna Gum Gardens (located on the corner of Station Road and Court Street, Foster).
2. Proposed changes to the boundaries of Council's Committee of Management ("CoM") status in order to progress granting a new licence to *Manna Gum Community House Inc.* (formerly the Foster and District Community House and Learning Centre Inc.).

Document/s pertaining to this Council Report

- **Attachment 1** – Locality Plan showing the area of Council's current Committee of Management Status at the Foster Court House and area referred to in the Council Resolution of 26 April 2012.
- **Attachment 2** – Locality Plan showing the proposed area for Council's Committee of Management Status and to be licensed to *Manna Gum Community House Inc.*

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989
- Section 17B Crown Lands (Reserves) Act 1978
- Retail Lease Act 2003
- Crown Land Leasing Policy 2010

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Leasing Policy 2014

COUNCIL PLAN

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

CONSULTATION

External consultation has included meetings and telephone conversations with representatives of the Manna Gum Community House Inc, the users of the community gardens (Manna Gum Gardens) and the Department of Environment, Land, Water & Planning (“DELWP”).

REPORT

Background

At the Council Meeting held on 26 April 2012, it was resolved that Council:

- “1. Approve a new licence to Foster and District Community House and Learning Centre Inc. for use of part of the reservation of the Foster Court House and surroundings including the Manna Gum Garden.*
- 2. Approve the term of licence for 5 years, with an option of a further 3 years.*
- 3. Set the rental at \$1.00 plus GST per annum to validate the licence under the Crown Land (Reserves) Act 1978, Section 17B.”*

Upon actioning the above resolution, it was identified that Council was unable to progress the resolution as Council was not the CoM for part of the land that comprises part of the Foster Court House and the surrounding Manna Gum Gardens. This is evident from the locality plan in **Attachment 1** which shows Council’s current CoM status bordered in a dotted red line.

Discussion

As a result of the above issue, contact was made with the DELWP to confirm the exact parcel of land for which Council is the CoM as well as understanding the DELWP’s preferred course of action.

The DELWP responded with:

1. Confirmation of our understanding that Council is only the CoM for part of the land upon which the Foster Court House building is located and

that a section of the Foster Court House building is outside Council's CoM status; and

2. The DELWP's preference is that Council be appointed as CoM over the entire Reserve that includes the omitted section of the Foster Court House building, the surrounding Manna Gum Gardens, and the rundown stables.

Careful consideration was given to Council becoming the CoM for the entire Reserve due to the following reasons:

1. Responsibility for safety issues arising from a large Manna Gum tree located on the Reserve.
2. Responsibility for the rundown, but heritage significant stables, on the Reserve.
3. There was a community group managing the Manna Gum Garden area that would need to agree to relinquish any management rights it has in order for Council to become the Committee of Management of that particular part of the Reserve.

Discussions ensued between Council, the DELWP, and the users of the Reserve to work through the above issues and agree to a way forward. The preferred way forward was as follows:

1. The DELWP's preference remained that Council should become the CoM for the entire Reserve as it is best placed to assess and manage local community needs in respect of the Reserve. This would mean:
 - a. the area of the Reserve for which Council would become CoM is shown bordered black in **Attachment 2 – Proposed Council Committee of Management Area and Licenced Area**.
2. The users of the Reserve reach agreement on who will manage the Reserve.
 - a. The users of the Reserve reached an agreement and the *Manna Gum Community House Inc.* will manage the entire Reserve.

Proposal

The proposal is Council seek to become the CoM for the entire Reserve to enable Council to issue a licence to the *Manna Gum Community House Inc.* (area bordered in black in **Attachment 2**).

This would seem to be in the spirit and intention of Council's previous resolution. It would also promote the concept of a community activity hub.

The Licence Agreement

The licence agreement would have a term of 5 years with an option for a further term of 3 years. The rental would be a community rental of \$104.00 + GST per annum in accordance with Council's *Leasing Policy 2014*.

The license agreement will require the *Manna Gum Community House Inc.* to have public liability insurance, maintain the premises in good order / condition, and provide Council with notice of any defects, hazards, and risks irrespective of who is on the committee.

The Reserve will also be subject to periodic inspections and monitoring of the obligations of the *Manna Gum Community House Inc.*

FINANCIAL CONSIDERATIONS

Council will receive an annual licence fee of \$104.00 + GST.

There are no additional building maintenance costs to Council in being appointed as the CoM as Council already provides programmed maintenance and essential safety maintenance in accordance with the Building Asset Management Plan framework.

There are no additional standard ground maintenance costs as the tenant will be required to attend to this.

RISKS

If Council becomes the CoM for the whole of the Reserve, responsibility for the Reserve will revert to Council at the expiration or default of the licence.

There is a risk that in the future, the *Manna Gum Community House Inc.* may not have the capacity to maintain the Manna Gum Gardens. In this situation Council will be responsible for maintenance. Council's Parks and Gardens Team have confirmed it is not resourced to provide labour or material to the Manna Gum Gardens at this point in time.

CONCLUSION

To leave the situation as it is with uncertain management arrangements and a previous Council decision that is difficult to progress is undesirable. The most practical and achievable outcome is for Council to become the CoM for the whole of the Reserve and grant the licence agreement.

RECOMMENDATION

That Council:

- 1. Seek appointment as Committee of Management over Crown Allotment 7, Section 11, Township of Foster, Parish of Wonga Wonga South thereby making it the Committee of Management for the whole of the Reserve; and**
- 2. After this appointment is made, proceed with issuing a licence over the whole of the Reserve to the *Manna Gum Community House Inc.* for:
 - a. A term of five years with an option of a further 3 years.**
 - b. At a rental of \$104 plus GST per annum.****

Attachment 1
Locality Plan showing the area of Council's current Committee of Management Status and area referred to in the Council Resolution of 26 April 2012



..... = Council as Committee of Management

———— = Area referred to in Council resolution of 26 April 2012

Attachment 2
Proposed Council Committee of Management Area and Licenced Area



**E.9 RELINQUISHMENT OF COUNCIL'S COMMITTEE OF MANAGEMENT
STATUS - PROPERTY: CROWN LAND ADJACENT TO FORMER CFA
SITE, ANDERSON STREET, LEONGATHA**

Sustainable Community & Infrastructure Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

This report recommends Council relinquish its Committee of Management ("CoM") status for a small parcel of Crown Land that formed part of the former Country Fire Authority (CFA) site in Anderson Street, Leongatha.

Document/s pertaining to this Council Report

- **Attachment 1** – Locality Map - Crown Land Proposed to be Sold to CFA, Anderson Street, Leongatha.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Crown Land (Reserves) Act 1978 (Section 14)

COUNCIL PLAN

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

CONSULTATION

Discussions have been held with representatives of the Department of Environment, Land, Water, and Planning (DELWP) regarding this matter due to approaches made by the CFA with a request to purchase the particular strip of Crown Land in order to improve the saleability of their adjoining freehold land.

Given Council is the CoM for the particular strip of Crown Land, the DELWP have subsequently asked Council to confirm that it will agree to relinquish its CoM status in order to facilitate a sale of the land by the DELWP to the CFA.

REPORT

Background

In 1999, Council first became CoM of a strip of Crown Land ("the Land") in Anderson Street, Leongatha, being Crown Allotment 5, Section 17, Township of Leongatha (Leongatha Court House site).

Council entered into a license agreement with the CFA for the Land in order to address their construction and occupancy of a shed on the Land.

As the CFA have relocated to Bair Street, Leongatha, they have commenced a sale process for their freehold land in Anderson Street and wish to purchase the Land to incorporate it into the sale process.

Discussion

The Land in question is part of Crown Allotment 5, Section 17, Township of Leongatha, and has an area of approximately 170m². It is identified in **Attachment 1 – Locality Map - Crown Land Proposed to be Sold to CFA, Anderson Street, Leongatha.**

The Land has not been used by the public and forms the appearance of being part of the adjoining CFA freehold property. A sale by the DELWP to the CFA for on-selling by the CFA with its adjoining freehold land would not be detrimental to the public amenity.

FINANCIAL CONSIDERATIONS

There are no financial considerations. The Land is Crown Land and any sale income will be received by the Department of Treasury and Finance.

RISKS

There are not considered to be any risks to Council in relinquishing its CoM status over the Land.

CONCLUSION

The Land has always given the appearance as being part of the adjoining CFA freehold land. Given this, and the fact that there is no impact to public amenity or risk to Council, Council should proceed to relinquish its CoM status from the Land and support the sale to the CFA.

RECOMMENDATION

That Council relinquish its Committee of Management status from part of Crown Allotment 5, Section 17, Township of Leongatha, being an area of approximately 170m² as shown in the Plan identified in Attachment 1 to allow for this area of land to be sold to the Country Fire Authority.

**Attachment 1
Locality Map – Crown Land Proposed to be Sold to CFA,
Anderson Street, Leongatha.**



E.10 SECTION 193 ENTREPRENEURIAL POWERS INCORPORATION OF RURAL COUNCILS VICTORIA

Chief Executive Office

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

Rural Councils Victoria (RCV) is currently operating as an unincorporated association; there is a risk that its individual members, including Council, will be exposed to liability if RCV fails to properly conduct its business. It is proposed Council votes in favour of authorising Jim Nolan, Chief Executive Officer of Pyrenees Shire Council, to apply to the Registrar of Incorporated Associations for the incorporation of Rural Councils Victoria Incorporated

Document/s pertaining to this Council Report

- **Appendix 1** – Rural Councils Victoria Incorporated Rules

A copy of **Appendix 1** is available on Council's website:

www.southgippsland.vic.gov.au or by contacting 5662 9200.

REPORT

Background

Rural Councils Victoria (RCV) is an unincorporated organisation which represents the interests of rural councils within Victoria and currently has 38 members, of which South Gippsland Shire Council is one.

RCV's work includes:

- providing opportunities for networking and professional development;
- activities directed at ensuring the sustainability of rural councils; and
- activities to assist rural communities to remain sustainable.

This occurs via a number of mechanisms, including the:

- organisation of forums and conferences for member councils;
- engagement of consultants to undertake project work; and
- applying for Government grants, particularly through Regional Development Victoria.

Given that RCV is not a separate legal entity, it conducts its business through a 'Secretariat'. This involves the Executive appointing a willing council

member to act as its agent providing administrative support and entering into contracts on its behalf.

Incorporation of RCV

As RCV is currently unincorporated, Council is, together with all other member councils, exposed to liability in respect of its operations.

To address this, and to enable RCV to operate with greater independence and ease, it is proposed to integrate the RCV as an incorporated association. It will be called 'Rural Councils Victoria Incorporated' and will operate in accordance with the draft rules, attached to this report as **Appendix 1**.

The benefits of RCV being incorporated include that it:

- is recognised as a separate legal entity, with protection from debts for members and perpetual succession;
- has the power to own and hold property, enter into contracts and otherwise act as any other legal entity would;
- cannot distribute profit to its members;
- must operate in accordance with a set of rules, including a statement of purpose – being the draft rules attached to this report as Appendix 1; and
- is operated by a Committee of Management and a Secretary, which are responsible for ensuring that all legislative obligations are complied with, and purposes are being achieved.

RCV fulfils a number of functions that are important to rural councils in Victoria. Perhaps most importantly, it currently has responsibility for applying for Government grants, particularly through Regional Development Victoria, which are of benefit to rural councils.

It will be important that RCV is incorporated to enable it to carry on those functions with greater independence and flexibility while still being subject to the views of its member councils.

It is not expected that the manner in which RCV operates will be different from its current operations, although election to the Committee of Management will be based on slightly different zones, as set out in the draft rules attached to this report as **Appendix 1**.

FINANCIAL CONSIDERATIONS

As Council will, if in favour of this proposal, be participating in the formation and operation of a separate legal entity, it is required in accordance with section 193 of the *Local Government Act 1989* (the Act), to have regard to the risks involved and comply with section 193(5A) and (5B) of the Act.

Council is advised that:

- the total investment involved in Council's participation in the formation of Rural Councils Victoria Limited is:

\$0

Council will be required to continue paying membership fees, as fixed by the Committee from time to time, but will not be required to invest anything in respect of the incorporation; and

- the total risk involved in Council's participation in the formation of Rural Councils Victoria Limited is:

\$0

Any liability for the activities of Rural Councils Victoria Limited will attach to it, not to the individual members.

The total investment and risk exposure will be \$0, meaning that Council is not required to take any further action in relation to this matter under s193(5C) of the LG Act.

CONCLUSION

If RCV continues operating as an unincorporated association, there is a risk that its individual members, including Council, will be exposed to liability if RCV fails to properly conduct its business. Furthermore, it will be unable to enter into contractual arrangements on its own behalf, instead relying on the Secretariat council to do so.

It is therefore recommended that Council accepts the analysis of Council's investment and risk exposure and votes in favour of RCV being incorporated on the basis of the draft rules attached to this report as **Appendix 1**.

It is proposed that a vote of all current members will be held at the next meeting of RCV to be held on 10 June 2016. The vote will, if a majority is in favour, authorise Jim Nolan, Chief Executive Officer of Pyrenees Shire Council (the current Secretariat council), to apply to the Registrar of Incorporated Associations for the incorporation of RCV and approve the draft Rules.

RECOMMENDATION

That Council:

- 1. Supports the proposed incorporation of Rural Councils Victoria.**
- 2. Notes that the proposed incorporation of Rural Councils Victoria does not involve an investment and/or risk exposure that exceeds the thresholds set out in Section 193(5C) of the *Local Government Act 1989*;**
- 3. Authorises Jim Nolan, Chief Executive Officer of Pyrenees Shire Council, to apply to the Registrar of Incorporated Associations for the incorporation of Rural Councils Victoria Incorporated;**
- 4. Approves the draft rules attached to this report as Appendix 1 as the Rules for Rural Councils Victoria Incorporated; and**
- 5. Authorises Councillor [insert name] to vote on Council's behalf on this matter, in accordance with this resolution, at the meeting of Rural Councils Victoria to be held on 10 June 2016.**

E.11 POLICY REVIEW: C54 VOLUNTEER POLICY 2016

Sustainable Communities & Infrastructure Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

This report recommends the adoption of the revised *C54 Volunteer Policy* ("the Policy") which was last adopted on 22 May 2013. The Policy provides direction and guides the management of Council volunteers (Volunteers).

Document/s pertaining to this Council Report

- **Attachment 1** – Amendments to C54 Volunteer Policy 2013.
- **Attachment 2** – C54 Volunteer Policy 2016 (For Adoption).

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Federal Privacy Act 1988
- Victorian Information Privacy Act 2000
- Occupational Health & Safety Act 2004
- Equal Opportunity and Antidiscrimination 2010
- Volunteering Australia's National Standards for Involving Volunteers in Not for Profit Organisations 2001

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- CE52 Fitness for Work – Drug & Alcohol in the Workplace Policy 2015.
- Community Strengthening Strategy 2008.

COUNCIL PLAN

Outcome: 2.0 Closely Connected Communities
Objective: 2.1 Engage and work collaboratively with our community.

CONSULTATION

Policy Review

Volunteers, staff who have a role in supervising Volunteers, and coordinating services utilising Volunteers were consulted and provided their input on the revised Policy.

Council's Website

Volunteer information and an online application form is available on Council's website under "Support for Community Groups > Volunteers", (<http://www.southgippsland.vic.gov.au/volunteers>).

REPORT

Background

On 22 May 2013, Council adopted the newly developed *C54 Volunteer Policy* to provide direction and guide Volunteer management.

Discussion

Council engages over 900 Volunteers annually to assist with the delivery of a wide range of Council services. Volunteers are currently involved in the provision of numerous activities such as:

- Meals on Wheels.
- Community Transport.
- Coal Creek Community Park & Museum.
- Visitor Information Centres.
- L2P Learner Driver Program.
- Caravan Parks.
- Biodiversity Projects.
- Section 86 Committees.
- Council Advisory Committees.

The revised Policy lists all the services and committees that include Volunteers.

The Review

Minor amendments are proposed to the current 2013 Policy to reflect changes that have occurred during the last three years. The existing 2013 Policy is comprehensive and effective but some improvements can be made to assist staff with implementing the revised Policy, improve clarity for Volunteers and their supervisors, and to reflect changes to some Council services.

- **Legislative Provisions**

Inclusion of Council's *CE52 Fitness for Work - Drug and Alcohol in the Workplace Policy* adopted by the Executive Leadership Team on 22 January 2015. This Policy was not in operation in 2013 when the existing Policy was adopted, and it applies to paid and unpaid staff.

- **Definitions**

- Inclusion of reference to Recreation and Caravan Parks to acknowledge Volunteers in these areas.
- Update to the list of Advisory Committees and Section 86 Committees to reflect changes that have taken place since May 2013.

- **Policy Statement**

- Deletion of one paragraph (paragraph 2) that was effectively a duplication.

- **Implementation Statement**

- The inclusion of the word 'participation' in place of 'programs' to more accurately reflect that Council partners with individual people to provide specific services.
- Advice that some roles require a Volunteer to undergo a *Police Check* and *Working With Children Check*.
- A statement that Volunteers have the right to be reimbursed for authorised out-of-pocket expenses, eg. parking fees when Volunteer drivers escort clients to medical appointments.

- **Volunteer Participation Core Values**

- Inclusion of reference to Council's *Annual Plan* instead of Council's Management Plan.
- Recognition that Volunteers form part of the workforce, instead of the term 'Council's team'.

- **Accountability and Responsibilities**

The review date changed from annually to a 4 year cycle which is consistent with other Council Policies.

A copy of these amendments is available in **Attachment 1 – Amendments to C54 Volunteer Policy 2013**.

A final version of the Policy is available in **Attachment 2 – C54 Volunteer Policy 2016 (For Adoption)**.

Proposal

It is proposed that Council adopt the revised *C54 Volunteer Policy 2016* and that the next review occur in the 2019/20 financial year (4 year cycle) or earlier, upon request by Council.

FINANCIAL CONSIDERATIONS

No impact is anticipated on Council's Long Term Financial Plan if the proposed changes are made.

RISKS

Inclusion of statements on requirements to undergo *Police Checks* and *Working With Children Checks*, and a statement on 'reimbursement' of certain costs reduces Council's reputational risk and increases clarity for potential volunteers and staff who supervise them.

CONCLUSION

Council is assisted with delivering a range of important services by community Volunteers. Attraction and retention of Volunteers, and supporting staff who manage Volunteers is vital to maintaining these community services.

Adoption of this Policy will guide the management and support of Volunteers and is an important step in encouraging community members to continue to assist Council in this manner.

RECOMMENDATION

That Council:

- 1. Revoke C54 Volunteer Policy (adopted 22 May 2013).**
- 2. Adopt the revised C54 Volunteer Policy 2016 (Attachment 2).**
- 3. Makes available C54 Volunteer Policy 2016 on Council's website.**

Attachment 1 Amendments to C54 Volunteer Policy 2013



South Gippsland Shire Council

VOLUNTEER POLICY

| | | | |
|-------------------------|-------------|------------------|--|
| Policy Number | C54 | Directorate | Sustainable Communities & Infrastructure |
| Council Agenda Item No. | TBA | Department | Sustainable Communities |
| Council Adoption Date | 22 May 2016 | Primary Author | Coordinator Community Strengthening |
| Revision Date | 2019/20 | Secondary Author | Volunteer Coordinator |

POLICY OBJECTIVE

This policy demonstrates South Gippsland Shire Council's commitment to encouraging volunteer and community participation in the delivery of services to the community. It has been developed to comply with Volunteering Australia's National Standards for *Involving Volunteers in Not for Profit Organisations, 2001*. The objective is to ensure:

- Safe, sustainable, and rewarding experience through participation in South Gippsland Shire Council's volunteering opportunities;
- Cooperative development of new and innovative programs which add value to the South Gippsland community;
- Coordinated and targeted contribution by volunteers in the delivery of Council managed services and programs, enjoyment of natural and cultural environments, and visitor experience.

LEGISLATIVE PROVISIONS

- Federal Privacy Act 1988,
- Victorian Information Privacy Act 2000,
- Occupational Health & Safety Act 2004
- Equal Opportunity and Antidiscrimination 2010.
- Volunteering Australia's National Standards for Involving Volunteers in Not for Profit Organisations 2001.
- CE52 Fitness for Works – Drug & Alcohol in the Workplace 2015.

DEFINITIONS

1. Defining Volunteers

Volunteering is an activity, which takes place through not-for-profit organisations or projects and is undertaken:

- ~~To~~ be of benefit to the community and the volunteer;
- ~~At~~ of the volunteer's own free will and without coercion;

Attachment 1 Amendments to C54 Volunteer Policy 2013



COUNCIL POLICY

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COUNCIL POLICY

- ~~F~~or no financial payment; and
- ~~i~~n designated volunteer positions.

2. Defining Community Participation

Volunteers involved in South Gippsland Shire Council programs include:

- Aged & Disability Services – Meals on Wheels and Community Transport,
- ~~Coal Creek Community Park and Museum~~
- Community Strengthening – Arts, Youth, Culture,
- ~~Coal Creek Community Park and Museum~~
- Environment / Biodiversity,
- Operations - Parks & Gardens, Caravan Parks,
- Tourist Information Centre,
- L2P Learner Driver Mentor Program,
- Advisory Committees:
 - Access and Inclusion,
 - SPLASH,
 - Leongatha Memorial Hall Active Retirees,
 - Toora Railway Reserve Park,
 - Mossvale Park,
 - Youth,
- ~~or~~ Section 86 Committees:
 - Allambie South Community Centre,
 - Corner Inlet Seawalls,
 - Dumbalk Hall & Ladies Auxiliary,
 - Foster Showgrounds,
 - Foster Stockyard Gallery,
 - ~~Foster Swimming Pool~~

Attachment 1 Amendments to C54 Volunteer Policy 2013



COUNCIL POLICY

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- Foster War Memorial Arts Centre & Senior Citizens
- John Terrill Memorial Park & Fish Creek Recreation Reserve
- Korumburra Access Centre
- Korumburra Botanic Park
- Korumburra Recreation Reserve
- ~~Korumburra Swimming Pool~~
- Leongatha Court House
- Mardan Hall
- Meeniyar Sports Stadium
- Mirboo North Hall
- ~~Mirboo North Swimming Pool~~
- Port Welshpool & District Maritime Museum
- ~~Toora & District Swimming Pool~~
- ~~Toora Tennis Reserve~~
- TP Taylor Reserve
- Walter Tuck Reserve

POLICY STATEMENT

South Gippsland Shire Council acknowledges the vital role volunteers play in the delivery of services to the community and their contribution to the health and wellbeing of the South Gippsland community.

~~Volunteer participation in the delivery of services to the community and supporting the management of Council resources is vital to the continuing health and well-being of the South Gippsland community.~~

Volunteer participation can extend and enhance the management of facilities and delivery of programs. It encourages people to engage with Council and can generate a greater sense of community spirit, responsibility, and belonging.

Participation through volunteering helps to build the capability of the community through improved relationships, skills development, networks, and sharing of resources, and gives some volunteers development skills development to improve employability.

Attachment 1 Amendments to C54 Volunteer Policy 2013



COUNCIL POLICY

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RISK ASSESSMENT

Requirements to undergo *'Police Checks'* and *'Working with Children Checks'*, and a statement on 'reimbursement' of certain costs reduces Council's reputational risk and increases clarity for potential volunteers and staff who supervise them.

IMPLEMENTATION STATEMENT

Volunteer Management Code of Practice

- Volunteer ~~programs-participation are~~ is a core part of South Gippsland Shire Council's business.
- Volunteer activities and projects should be collaboratively planned to align South Gippsland Shire Council's priorities and capacity, with the interests, skills, and aspirations of volunteers.
- Volunteer activities must meet South Gippsland Shire Council's standards and external standards regarding quality and safety, and be subject to the normal South Gippsland Shire approval, monitoring, and evaluation processes.
- South Gippsland Shire Council will provide adequate and appropriate insurance cover for volunteers undertaking approved activities.
- South Gippsland Shire Council will provide clear definitions of volunteer roles which differentiate between paid and unpaid work.
- Normal principles of personnel management apply to working with volunteers including induction, competency assessment, privacy, anti-discrimination, ~~Occupational Health & Safety (OH&S), and Equal Opportunity~~ legislation, reward and recognition, access to appropriate information and policies, grievance procedures, and opportunities for personal development.
- Some programs may require volunteers to undergo Police Checks and Working with Children Checks.
- Volunteers need a level of supervision or direction appropriate to the activity.
- Managers and volunteer supervisors need to ensure that adequate staff time is available to support volunteer activity and that this is documented in individual staff work plans.

Volunteer Rights

- Unlike paid staff, volunteers are not covered by award conditions or workplace agreements. Volunteers however do have rights, some of which are enshrined in legislation and some of which are the moral obligations of an organisation involving volunteers. These include:

Attachment 1 Amendments to C54 Volunteer Policy 2013



COUNCIL POLICY

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- To work in a healthy and safe environment in accordance with OH&S, equal opportunity and antidiscrimination legislation;
- To be adequately covered by insurance for public liability and personal injury;
- To be given accurate information about the organisation in which they volunteer;
- To be given a copy of the organisation's ~~V~~volunteering ~~p~~Policy and other policies that effect their work;
- Not to be engaged in work which displaces employees;
- To be given clear instructions about work requirements and have agreed work hours;
- To be provided with orientation to the organisation;
- To have confidential and personal information dealt with in accordance with the principles of the *Federal Privacy Act 1988* and the *Victorian Information Privacy Act 2000*; and
- ~~To be provided with sufficient training to do their allocated tasks.~~
- ~~Being reimbursed for authorised out-of-pocket expenses~~

Principles of Volunteering

- Volunteering benefits the community and the volunteer;
- Volunteer work is unpaid;
- Volunteering is always a matter of choice;
- Volunteering is a legitimate way in which citizens can participate in the activities of their community;
- Volunteering is a vehicle for individuals or groups to address human, environmental and social needs;
- Volunteering is an activity performed in the not-for-profit sector only;
- Volunteering is not a substitute for paid work;
- Volunteers do not replace paid workers nor constitute a threat to the job security of paid workers;
- Volunteering respects the rights, dignity, and culture of others; and
- Volunteering promotes human rights and equality.

Attachment 1 Amendments to C54 Volunteer Policy 2013



COUNCIL POLICY

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Volunteer Participation Core Values

South Gippsland Shire Council is committed to encouraging and supporting opportunities for volunteering and community participation which:

- ~~p~~Provides safe, meaningful and sustainable participation opportunities;
- ~~e~~Complements Council's ~~management-Annual~~ Annual pPlan;
- ~~a~~Are appropriate to the interests, skills and aspirations of all parties;
- ~~v~~Values and encourages diverse participation and reflects community demographics;
- ~~e~~Establishes effective dialogue and trust between South Gippsland Shire Council and the community;
- ~~e~~Encourages the development of community capability including skills, leadership and effective decision making; and
- ~~r~~Recognises and promotes volunteers as part of the South Gippsland Shire Council's ~~team~~ workforce.

Accountabilities and Responsibilities

- The ~~p~~Policy will be reviewed ~~annually~~ every 4 years.
- All Managers are responsible for ensuring their staff understand and comply with this Policy.
- ~~The nominated~~ Council staff with volunteer supervision roles and the Volunteer Coordinator Officer is responsible for ensuring the effective relationships with Council managed volunteers.
- All staff are responsible for implementing ~~the~~ Volunteer Policy when working with volunteers.
- All staff should ensure their volunteers are aware of this ~~p~~Policy and provide access to the ~~p~~Policy at their request.
- Council will formally and publicly acknowledge the contribution of volunteers at every opportunity and by participating in celebrations such as *National Volunteers Week*.

LINKAGES AND PARTNERSHIPS

- South Gippsland Community ~~Community~~ Groups.
- Federal Government Departments.

Attachment 1 Amendments to C54 Volunteer Policy 2013



COUNCIL POLICY

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- State Government
- Community Health Providers
- Business community
- Regional Networks of community organisations and volunteers.
- ~~Services Organisations~~
- Volunteering Australia.
- Volunteering Victoria.
- Sport and Recreation agencies including Gippsport.

Attachment 2 C54 Volunteer Policy 2016 (For Adoption)



South Gippsland Shire Council

VOLUNTEER POLICY

| | | | |
|-------------------------|-------------|------------------|--|
| Policy Number | C54 | Directorate | Sustainable Communities & Infrastructure |
| Council Agenda Item No. | TBA | Department | Sustainable Communities |
| Council Adoption Date | 22 May 2016 | Primary Author | Coordinator Community Strengthening |
| Revision Date | 2019/20 | Secondary Author | Volunteer Coordinator |

POLICY OBJECTIVE

This policy demonstrates South Gippsland Shire Council's commitment to encouraging volunteer and community participation in the delivery of services to the community. It has been developed to comply with Volunteering Australia's National Standards for *Involving Volunteers in Not for Profit Organisations, 2001*. The objective is to ensure:

- Safe, sustainable, and rewarding experience through participation in South Gippsland Shire Council's volunteering opportunities;
- Cooperative development of new and innovative programs which add value to the South Gippsland community;
- Coordinated and targeted contribution by volunteers in the delivery of Council managed services and programs, enjoyment of natural and cultural environments, and visitor experience.

LEGISLATIVE PROVISIONS

- Federal Privacy Act 1988.
- Victorian Information Privacy Act 2000.
- Occupational Health & Safety Act 2004
- Equal Opportunity and Antidiscrimination 2010.
- Volunteering Australia's National Standards for Involving Volunteers in Not for Profit Organisations 2001.
- CE52 Fitness for Works – Drug & Alcohol in the Workplace 2015.

DEFINITIONS

1. Defining Volunteers

Volunteering is an activity, which takes place through not-for-profit organisations or projects and is undertaken:

- To be of benefit to the community and the volunteer;
- At the volunteer's own free will and without coercion;

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Attachment 2 C54 Volunteer Policy 2016 (For Adoption)



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- For no financial payment, and
- In designated volunteer positions.

2. Defining Community Participation

Volunteers involved in South Gippsland Shire Council programs include:

- Aged & Disability Services – Meals on Wheels and Community Transport.
- Coal Creek Community Park and Museum.
- Community Strengthening – Arts, Youth, Culture.
- Environment / Biodiversity.
- Operations - Parks & Gardens, Caravan Parks.
- Tourist Information Centre.
- L2P Learner Driver Mentor Program.
- Advisory Committees:
 - Access and Inclusion.
 - SPLASH.
 - Active Retirees.
 - Toora Railway Reserve Park.
 - Mossvale Park.
 - Youth.
- Section 86 Committees:
 - Allambee South Community Centre.
 - Corner Inlet Seawalls.
 - Dumbalk Hall & Ladies Auxiliary.
 - Foster Showgrounds.
 - Foster Stockyard Gallery.
 - Foster War Memorial Arts Centre & Senior Citizens.
 - John Terrill Memorial Park & Fish Creek Recreation Reserve.

Attachment 2 C54 Volunteer Policy 2016 (For Adoption)



COUNCIL POLICY

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- Korumburra Access Centre.
- Korumburra Botanic Park.
- Korumburra Recreation Reserve.
- Leongatha Court House.
- Mardan Hall.
- Meeniyah Sports Stadium.
- Mirboo North Hall.
- Port Welshpool & District Maritime Museum.
- TP Taylor Reserve.
- Walter Tuck Reserve.

POLICY STATEMENT

South Gippsland Shire Council acknowledges the vital role volunteers play in the delivery of services and their contribution to the health and wellbeing of the South Gippsland community.

Volunteer participation can extend and enhance the management of facilities and delivery of programs. It encourages people to engage with Council and can generate a greater sense of community spirit, responsibility, and belonging.

Participation through volunteering helps to build the capability of the community through improved relationships, skills development, networks, and sharing of resources, and gives some volunteers development skills to improve employability.

RISK ASSESSMENT

Requirements to undergo *Police Checks* and *Working with Children Checks*, and a statement on 'reimbursement' of certain costs reduces Council's reputational risk and increases clarity for potential volunteers and staff who supervise them.

IMPLEMENTATION STATEMENT

Volunteer Management Code of Practice

- Volunteer participation is a core part of South Gippsland Shire Council's business.
- Volunteer activities and projects should be collaboratively planned to align South Gippsland Shire Council's priorities and capacity, with the interests, skills, and aspirations of volunteers.

Attachment 2 C54 Volunteer Policy 2016 (For Adoption)



COUNCIL POLICY

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- Volunteer activities must meet South Gippsland Shire Council's standards and external standards regarding quality and safety, and be subject to the normal South Gippsland Shire approval, monitoring, and evaluation processes.
- South Gippsland Shire Council will provide adequate and appropriate insurance cover for volunteers undertaking approved activities.
- South Gippsland Shire Council will provide clear definitions of volunteer roles which differentiate between paid and unpaid work.
- Normal principles of personnel management apply to working with volunteers including induction, competency assessment, privacy, anti-discrimination, occupational health & safety (OH&S), equal opportunity legislation, reward and recognition, access to appropriate information and policies, grievance procedures, and opportunities for personal development.
- Some programs may require volunteers to undergo *Police Checks* and *Working with Children Checks*.
- Volunteers need a level of supervision or direction appropriate to the activity.
- Managers and volunteer supervisors need to ensure that adequate staff time is available to support volunteer activity and that this is documented in individual staff work plans.

Volunteer Rights

- Unlike paid staff, volunteers are not covered by award conditions or workplace agreements. Volunteers however do have rights, some of which are enshrined in legislation and some of which are the moral obligations of an organisation involving volunteers. These include:
 - To work in a healthy and safe environment in accordance with OH&S, equal opportunity and antidiscrimination legislation;
 - To be adequately covered by insurance for public liability and personal injury;
 - To be given accurate information about the organisation in which they volunteer;
 - To be given a copy of the organisation's Volunteering Policy and other policies that effect their work;
 - Not to be engaged in work which displaces employees;
 - To be given clear instructions about work requirements and have agreed work hours;
 - To be provided with orientation to the organisation;

Attachment 2 C54 Volunteer Policy 2016 (For Adoption)



COUNCIL POLICY

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- To have confidential and personal information dealt with in accordance with the principles of the *Federal Privacy Act 1988* and the *Victorian Information Privacy Act 2000*; and
- To be provided with sufficient training to do their allocated tasks.
- Being reimbursed for authorised out-of-pocket expenses

Principles of Volunteering

- Volunteering benefits the community and the volunteer;
- Volunteer work is unpaid;
- Volunteering is always a matter of choice;
- Volunteering is a legitimate way in which citizens can participate in the activities of their community;
- Volunteering is a vehicle for individuals or groups to address human, environmental and social needs;
- Volunteering is an activity performed in the not-for-profit sector only;
- Volunteering is not a substitute for paid work;
- Volunteers do not replace paid workers nor constitute a threat to the job security of paid workers;
- Volunteering respects the rights, dignity, and culture of others; and
- Volunteering promotes human rights and equality.

Volunteer Participation Core Values

South Gippsland Shire Council is committed to encouraging and supporting opportunities for volunteering and community participation which:

- Provides safe, meaningful and sustainable participation opportunities;
- Complements Council's *Annual Plan*;
- Are appropriate to the interests, skills and aspirations of all parties;
- Values and encourages diverse participation and reflects community demographics;
- Establishes effective dialogue and trust between South Gippsland Shire Council and the community;

Attachment 2 C54 Volunteer Policy 2016 (For Adoption)



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- Encourages the development of community capability including skills, leadership and effective decision making; and
- Recognises and promotes volunteers as part of the South Gippsland Shire Council's workforce.

Accountabilities and Responsibilities

- The Policy will be reviewed every 4 years.
- All Managers are responsible for ensuring their staff understand and comply with this Policy.
- Council staff with volunteer supervision roles and the Volunteer Officer is responsible for ensuring the effective relationships with Council managed volunteers.
- All staff are responsible for implementing this Policy when working with volunteers.
- All staff should ensure their volunteers are aware of this Policy and provide access to the Policy at their request.
- Council will formally and publicly acknowledge the contribution of volunteers at every opportunity and by participating in celebrations such as *National Volunteers Week*.

LINKAGES AND PARTNERSHIPS

- South Gippsland Community Groups.
- Federal Government Departments.
- State Government.
- Community Health Providers.
- Business community.
- Regional Networks of community organisations and volunteers.
- Volunteering Australia.
- Volunteering Victoria.
- Sport and Recreation agencies including Gippsport.

E.12 POLICY REVIEW: C53 DEBT RECOVERY ON UNPAID RATES & CHARGES AND C15 RATES AND CHARGES HARDSHIP POLICY

Corporate and Community Services

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

The Debt Recovery on Unpaid rates and Charges Policy and the Rates & Hardship Policy are two inter-related policies that have been reviewed and revised, with minor amendments and are presented to Council for consideration and adoption.

Document/s pertaining to this Council Report

- **Attachment 1** - C53 Rates & Hardship Policy
- **Attachment 2** - C15 Debt Recovery on Unpaid Rates and Charges Policy

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act, 1989 – Division 2- Payment of Rates and Charges

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Long Term Financial Strategies

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

Both policies were previously adopted by Council on 22 May 2013. Both policies were subsequently reviewed and endorsed by the Rating Strategy Steering Committee in the first instance and then by Council during the process of adopting the Rating Strategy 2014-2018.

During this review the Rating Strategy Steering Committee recommended introducing an additional monthly payment option for ratepayers. This was implemented for the 2015/16 financial year (9 monthly instalments).

REPORT

Background

Both policies were adopted by Council on 22 May 2013. The Debt Recovery on Unpaid rates and Charges Policy was an existing policy that had minimal revisions made to it.

The Rates & Hardship Policy was a new policy that was developed to formalise processes for providing rate relief to individual rate payers experiencing financial hardship and needing assistance.

The Rates and Hardship Policy is due for review in May 2016 and the Debt Recovery on Unpaid Rates and Charges Policy is due for review in May 2017. Because these policies are inter-related both policies have been reviewed at the same time.

Review - Strategic fit

Council's approach to rates and charges debt management practices has changed over the past five years.

In the preceding years, Council staff, guided by the then Debt Recovery on Unpaid rates and Charges Policy, took a prescriptive approach to debt management. The outcome was financially effective with outstanding debtors at financial year end consistently trending below the 5 per cent target.

This operational approach to debt recovery over the past five years was gradually relaxed. The change was in part influenced by a broader community concern emerging about Victorian Councils diligence in debt recovery practices when compared to other service providers (water, power, gas), influenced the policy position of Council

A consequence of a more relaxed policy has been that the arrears outstanding figure has gradually grown over the past few years as shown in the table below.

| | 30 June 2009 | 30 June 2010 | 30 June 2011 | 30 June 2012 | 30 June 2013 | 30 June 2014 | 30 June 2015 |
|-----------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| Rates & Arrears owing | \$0.69m | \$0.77m | \$0.87m | \$1.06m | \$1.44m | \$1.99m | \$2.36m |
| % of total Rates | 2.79% | 2.96% | 3.04% | 3.48% | 4.44% | 5.08% | 5.74% |

The debt and associated costs are a secure debt as they are secured against the rateable property.

The interest charged on outstanding rates and charges in prior years is shown in the table below.

| | 2008/ 2009 | 2009/ 2010 | 2010/ 2011 | 2011/ 2012 | 2012/ 2013 | 2013/ 2014 | 2014/ 2015 |
|-----------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Interest Income | \$178k | \$161k | \$195k | \$187k | \$233k | \$150k | \$187k |

The interest charges associated with outstanding rates and charges is influenced by several factors.

- The level of outstanding debt impacts on the level of interest income. Typically, the greater the debt, the greater the interest income expected to be received. However, ratepayers that enter into arrangements that put a deferral on interest charges have a moderating impact.
- The applicable interest rate. The interest on outstanding rates and charges calculated at the rate fixed under section 2 of the Penalty Interest Rates Act 1983.

The interest rates charged over the past years have been:

| | 2008/09 | 2009/10 | 2010/11 | 2011/12 | 2012/13 | 2013/14 | 2014/15 |
|------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| % of total Rates | 12% | 10% | 10.5% | 10.5% | 10.5% | 10.5% | 11.5% |

It is worth noting that in 2013 the Local Government Act was amended to include that interest charged be applicable only to when the particular payment falls due. Previously the interest owing was calculated back to the day that the original rate was formally raised by Council.

There is a balance in terms of having processes in place that ensure that overdue property debts are recovered in a timely and fair manner and to provide rate relief to ratepayers who are suffering from financial hardship and need assistance.

Review - Operational effectiveness

Council's Rates & Valuation Team were asked to provide comment and input into the operational aspects of the policy. They considered both policies to be operationally effective and recommend minimal revisions.

The administrative process taken for any ratepayers that contact staff asking for consideration is not dissimilar to the formal hardship process. This is considered an important principle.

The Rates staff feel empowered to be able to efficiently and effectively work with ratepayers experiencing financial difficulties.

Proposal

Minimal changes are recommended to both policies. They include:

Rates & Hardship Policy:

Title change for authorising officer to align with current organisation structure.

Clarity in policy statement regarding waiving rates.

Clarity in consideration of applications for deferral and waiver as it pertains to interest and legal costs.

Debt Recovery on Unpaid Rates and Charges Policy.

Additional wording inserted in the Guidelines 'If an arrangement to pay rates at regular intervals or by an agreed date exceeds 12 months the ratepayer will be advised that they are required to make application for further rate relief under the Rates And Charges Hardship Policy'.

FINANCIAL CONSIDERATIONS

The financial impact of a more relaxed policy is that outstanding arrears have more than doubled over the past three years. There is no immediate concern to the working capital ratio.

A financial scenario modelling exercise was conducted to assess the financial impact on the balance sheet in future years if the amount of rates and arrears owing gradually increased to 10 per cent of total rate income. It showed that in the longer term (from 2022/23 onwards) that the underlying working capital ratio would move into the caution zone.

RISKS

The consequence of a more relaxed policy has been that the arrears outstanding figure has gradually grown.

While the trend in recent years is undesirable, it should be noted that it is a very secure debt. The debt and associated costs are secured against the rateable property.

The amount outstanding at year end will continue to be monitored over the next two years. The intention is to review and report on debt recovery practices when the Rating Strategy is to be reviewed in 2017/18.

CONCLUSION

It is considered that the policies provide administrative flexibility to enable staff to provide a consistent approach in providing flexible arrangements to ratepayers for repayment of debt that can stand up to audit scrutiny.

RECOMMENDATION

That Council:

- 1. Adopt the revised C53 Rates and Charges Hardship Policy; and**
- 2. Adopt the revised C 15 Debt Recovery on Unpaid Rates & Charges Policy**

Attachment 1 C53 Rates & Hardship Policy



South Gippsland Shire Council

RATES AND CHARGES HARDSHIP POLICY

| | | | |
|-----------------------|-------------|------------------|--------------------------------|
| Policy Number | C53 | Directorate | Corporate & Community Services |
| Council Item No. | E3 | Department | Finance |
| Council Adoption Date | 22 May 2013 | Primary Author | Tom Lovass |
| Revision Date | 22 May 2016 | Secondary Author | Bill Middleton |

POLICY OBJECTIVE

To provide rate relief to individual rate and special charge scheme payers who are suffering from financial hardship and need assistance.

LEGISLATIVE PROVISIONS

Sections 170, 171 and 171A of the Local Government Act 1989.

DEFINITIONS

A "**deferral**" of payment can be provided in whole or in part and be for a specified period and subject to any conditions determined by Council. When rates are deferred, payment is not required until the Council sends the person a request requiring payment.

A "**waiver**" removes the liability to pay and may be offered to include the whole or part of any interest.

The "**penalty interest rate**" is the interest that is fixed under Section 2 of the Penalties Interest Rates Act 1983 and applied on unpaid rates and charges.

POLICY STATEMENT

Whilst Council must consider its overall revenue requirements from a strategic perspective taking into account the needs of the community as a whole, it is important that Council has a further mechanism to consider the needs of individuals and businesses who are suffering financial hardship. The purpose of this Rates and Charges Hardship Policy is to provide Council with a policy framework to provide rate relief to individuals who need assistance.

Under the Local Government Act 1989, Council may defer a whole or part of any rate or charge or interest if a person is suffering financial hardship.

The Act goes on to say Council may waive, in whole or part, any payment due on the grounds of hardship.

The difference between a deferral and a waiver is that a deferral suspends payment for a period of time whereas a waiver permanently exempts payment of the fee or charge under discussion. South Gippsland Shire Council will not waive rates, municipal charges or service charges, but will consider applications to waive interest and legal charges



Applications for deferral and waiver of interest and legal costs and will be individually assessed against the criteria stated in this policy.

This policy defines the process for considering applications for deferment of rates and charges including special rates and charges.

RISK ASSESSMENT

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

- Inconsistent and non transparent decisions made outside of a determined framework.
- Non compliance with legislation and poor governance practices.

BACKGROUND

Council currently uses a Debt Recovery on Unpaid Rates and Charges Policy which also provides options for financial hardship. This Rates and Charges Hardship Policy provides specific guidelines for rates and charges deferment and waiver requests made pursuant to Sections 170, 171 and 171A of the Local Government Act 1989. Its purpose is to provide financial relief to ratepayers who can demonstrate that they are suffering severe financial hardship.

IMPLEMENTATION STATEMENT

1 Deferring Rates and Charges - Residential Properties

Ratepayers may have rates and charges, or part thereof, deferred although rates and charges will continue to be levied subject to compliance with the following conditions:

1. The ratepayer is able to evidence severe financial hardship as certified by an assessment carried out by a qualified financial counsellor; and
2. An application is submitted to the Council by the ratepayer's representative providing evidence of such circumstances referred to in 1 above.

The application must address the following matters:-

1. Confirm the applicant is eligible to make application to defer rates and charges
2. Validate whether the applicant is suffering short term hardship, that is, hardship likely to be for a period of less than 12 months; or
3. Whether the applicant is suffering chronic hardship, that is, financial hardship for an indefinite period; and
4. Recommend a repayment schedule and / or interest waiver

In all applications for rate deferrals, the applicant will be encouraged to continue to pay the portion of rates that is affordable given their individual circumstances. This will be mutually agreed on a case by case basis.

Interest on deferred rates will be levied at the penalty interest rate unless an interest waiver is granted.

2 Deferring Rates and Charges– Industrial, Commercial and Farm Properties



The Shire of South Gippsland acknowledges that a significant proportion of its rate revenue is derived from rateable properties categorised as 'Commercial', 'Industrial' and 'Farm'.

As a consequence, this Policy makes provision for Commercial, Industrial and Farm ratepayers to make application for a rate deferral agreement. Each application will be considered on an individual basis with Council taking the following criteria into account in considering whether to accept the application:

1. The ratepayer is able to evidence severe financial hardship as certified by an assessment carried out by a qualified public accountant (either ACA or CPA) or qualified financial planner; and
2. Evidence that a deferral of rates will assist in keeping employment at South Gippsland; and
3. A commitment from the applicant to an agreed timeframe in which the deferred rates will be paid.
4. An application is submitted to the Council by the ratepayer's representative providing evidence of such circumstances referred to in 1, 2 and 3 above.

The application must address the following matters:-

1. Confirm the applicant is eligible to make application to defer rates and charges
2. Provide evidence that a deferral of rates will assist in keeping employment at South Gippsland
3. Validate whether the applicant is suffering short term hardship, that is, hardship likely to be for a period of less than 12 months; or
4. Whether the applicant is suffering chronic hardship, that is, financial hardship for an indefinite period; and
5. Recommend a repayment schedule and / or interest waiver

Rate deferral agreements will be for a maximum of two financial years, with applicants having a maximum of three further financial years in which to fully repay all rates deferred. Rates that accrue during this interim period must also be paid by the extended payment date.

It is acknowledged that industrial/commercial businesses may have tenants who are not directly paying Council rates. Council will consider applications from landlords on behalf of tenants.

As any unpaid rates will ultimately be a charge on the property, no rate deferral agreement will be entered into without the express consent of the property owner.

3 Waiving Rates and Charges

Council will not waive rates, municipal charges or service charges as the value of each property provides the owner with a potential source of funds if liquidated. It is considered inequitable for the majority of ratepayers to subsidise the property assets of hardship applicants. A more equitable solution for the community is to defer payment of rates and charges.

4 Waiving Interest and Legal Costs



Interest and legal cost waivers fall under two categories which are:

- Administrative waivers
 - Waiver on compassionate grounds
1. Waiver for Administrative Reason/Error - Ratepayers may have interest and / or legal costs waived in the event of an administrative issue, error or omissions which caused or significantly contributed to the failure to pay rates in a timely manner.
 2. Waiver on Compassionate Grounds - Ratepayers may have interest and / or legal costs waived where they have demonstrated compassionate grounds for a payment being late.

The Rate Collector, Finance Manager, Director Corporate and Community Services and the Chief Executive Officer shall have discretionary power to waive interest and / or legal costs for Administrative Reason / Error. The financial limits being:

| | Interest | Legal Costs |
|---|----------|-------------|
| Rate Collector | \$250 | \$1,000 |
| Finance Manager | \$500 | \$5,000 |
| Corporate and Community Services Director | \$1,000 | \$10,000 |
| Chief Executive Officer | >\$1,000 | >\$10,000 |

Requests for interest rate waivers on compassionate grounds will be considered under the parameters of Sections 1 and 2 above 'Deferring Rates and Charges'.

5 Consideration of applications for deferrals and or waiver of interest and legal costs

The Rate Collector will prepare a report for the Finance Manager on each application for deferring rates and / or waiving Interest and / or waiving legal costs (administrative waivers excepted).

The report will take into consideration and make recommendations to the Finance Manager as follows:-

- a) Whether the applicant is eligible
- b) Whether the applicant is suffering short term hardship, that is, hardship is likely to be a period of less than 12 months; or
- c) Whether the applicant is suffering chronic hardship, that is, financial hardship for an indefinite period; and
- d) A recommended repayment schedule and / or interest waiver

The Finance Manager will advise the applicant of the decision.

6 Rate Deferral Agreements (Change of Ownership)

Where a property ownership changes on any assessment with a rate deferral agreement in place, all rates and charges must be fully paid at the point of this change. Rate deferral agreements are not transferable.

7 Rate Payment Arrangements



Any ratepayer who does not qualify for either a rate deferral and / or interest waiver arrangement may still apply to pay outstanding rates by way of a payment arrangement. This is detailed in Council's Debt Recovery on Unpaid Rates and Charges Policy. Payment arrangements will attract penalty interest rates on outstanding balances but allow ratepayers the required time to make payments without any legal action being taken by Council to recover rates and charges.

COUNCIL POLICY

8 Confidentiality

Any information provided in accordance with this Policy will be treated as strictly confidential.

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

Attachment 2
C15 Debt Recovery on Unpaid Rates and Charges Policy



South Gippsland Shire Council

DEBT RECOVERY ON UNPAID RATES & CHARGES

| | | | |
|-----------------------|-------------|------------------|--------------------------------|
| Policy Number | C15 | Directorate | Corporate & Community Services |
| Council Item No. | E3 | Department | Finances |
| Council Adoption Date | 22 May 2013 | Primary Author | Tom Lovass |
| Revision Date | 22 May 2017 | Secondary Author | Bill Middleton |

COUNCIL POLICY

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COUNCIL POLICY

POLICY OBJECTIVE

Council will ensure rate and other overdue property debts are recovered in a timely and fair manner.

LEGISLATION

Part 8 Division 2 Payment of Rates and Charges of the Local Government Act 1989

DEFINITIONS

"**Default accounts**" are deemed to be unpaid, with no arrangement made to pay off or no other valid reason provided for non payment.

The "**penalty interest rate**" is the interest that is fixed under Section 2 of the Penalties Interest Rates Act 1983 and applied on unpaid rates and charges

POLICY STATEMENT

The policy is required to provide quantitative guidelines to the general statutory obligations of the Local Government Act 1989 in relation to property debt recovery.

GUIDELINES

Within 1 month after the due date of the principal charge Reminder Notices or Final Notices will be sent for default accounts. The Reminder Notices or Final Notices will advise the ratepayer of the Rates and Charges Hardship Policy.

If a ratepayer wishes to make application for rate relief under the Rates and Charges Hardship Policy, they must advise Council in writing within 10 days of receiving the Reminder Notice or Final Notice that they will be submitting an application to defer payment of rates. Ratepayers will be advised in writing that an application for rate relief must be submitted to Council within a month otherwise the default accounts will be referred to Council's debt collection agency for issuing of Demand Letters.

Within 1 month after the due date of the Reminder Notice or the Final Notice, refer default accounts to Council's debt collection agency for issuing of Demand Letters.

Within 1 month after the due date of the Demand Letter, Council's debt collection agency will refer Default Accounts to Council's Rate Office for authorisation to proceed with legal action.



Within 1 month after receiving Default Accounts from the debt collection agency the Rate Office will review unpaid accounts, and those still deemed to be Default Accounts will be referred back to the debt collection agency for legal action.

Default Accounts 3 years in arrears will be referred to Council's debt collection agency for a rate recovery sale of the property in accordance with the provisions of the Local Government Act 1989.

Any letter of demand sent by Council or its agents must provide at least 10 days notice for payment from the date of issue.

Ratepayers experiencing financial hardship who are unable to pay in full, by quarterly instalments or by 9 payments; may enter into an arrangement to pay rates off at regular intervals or on an agreed date. Such arrangements are subject to late payment interest penalties. As a guideline for determining the minimum repayment arrangement the debt should be divided by 52, 26 or 12 for determining weekly, fortnightly or monthly repayments. Delayed payment in full should be made within the current financial year. If an arrangement to pay rates at regular intervals or by an agreed date exceeds 12 months the ratepayer will be advised that they are required to make application for further rate relief under the Rates and Charges Hardship Policy.

Alternatively ratepayers may make application under the Rates and Charges Hardship Policy to defer rates and charges for a period of time.

Council Delegated officers shall have discretionary power to waive interest in cases of financial hardship in accordance with the Rates and Charges Hardship Policy.

RISK ASSESSMENT

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

- Inconsistent and non-transparent decisions made outside of a determined framework.
- Non-compliance with legislation and poor governance practices.

E.13 POLICY REVIEW: C05 COAL CREEK COMMUNITY PARK AND MUSEUM COLLECTION POLICY

Development Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

This report provides for the revocation of Council's current Coal Creek Collection Policy C05 and adoption of a new Coal Creek Community Park and Museum Collection Policy as part of Council's agreed Policy Review Timetable 2015/16.

Document/s pertaining to this Council Report

- **Attachment 1** - Coal Creek Community Park and Museum Collection Policy

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989 sections 3C, 3D, 3E
- Commonwealth Copyright Act 1968
- Historic Shipwrecks Act 1976
- Victorian Information Privacy Act 2000
- Public Records Act 1973
- International Council of Museums Code of Ethics for Museums 2006
- Aboriginal Heritage Act 2006 Section 24
- Crown Land (Reserves) Act 1978
- Museums Act 1983
- Heritage Act 1995
- National Museum of Australia Collection Care and Preservation Policy 2012

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Museum accreditation documentation

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

Feedback was sought from the Coal Creek Curatorial Advisory Committee at their meeting held on 25 February 2016, with no suggested alterations received.

REPORT

Background

Coal Creek Community Park and Museum exists to promote awareness and understanding of the natural, industrial and social history of South Gippsland from pre-European settlement to 1920, through the collection, preservation and communication of relevant material culture.

The Coal Creek Collection Policy was last reviewed by Council in 25 June 2014.

The policy has been reviewed to ensure that:

1. The content reflects the requirements for achieving Museum Accreditation through the Museum Accreditation Program (MAP);
2. It strengthens collection documentation to minimise public reputation risk and litigation resulting from poor collection management;
3. Processes for management of collection items that do not belong to Council are clarified; and
4. The Legislative and International Code of Ethics for Museum's responsibilities are included

The review has resulted in no material changes, with only minor updates made for clarification purposes.

Discussion

A Council Policy articulates a matter of public policy. It is a statement of Council's strategic direction in relation to decision-making and guides its behaviour in matters affecting the wider community.

It may also include guiding principles in the way Council deals with internal operations, other levels of Government, Government agencies and the business community.

Proposal

It is proposed that the new Coal Creek Community Park and Museum Collection Policy be adopted (refer **Attachment 1** - Coal Creek Community Park and Museum Collection Policy).

FINANCIAL CONSIDERATIONS

The cost of managing the Coal Creek Community Park and Museum collection items and documentation is allocated in the Annual Budget 2015/16 and subsequent budgets.

The collection items and documentation are managed by the Curatorial Officer in consultation and with guidance from the Coordinator Coal Creek Community Park and Museum, in accordance with the Museum Accreditation Program.

RISKS

A failure to properly manage the collection may lead to:

1. Loss of a valuable component of regional, state or national heritage;
2. Disputes over collection care resulting in litigation;
3. Disposal of items through damage;
4. Lack of community confidence in Council's custodial role over an important and significant part of local history; and
5. Damage to Council's reputation in the wider museum and educational community.

CONCLUSION

On the basis of ensuring good governance, it is recommended that the revised Coal Creek Community Park and Museum Collection Policy (**Attachment 1**) be adopted.

RECOMMENDATION

That Council adopt the reviewed Coal Creek Community Park and Museum Collection Policy C05 contained in Attachment 1.

Attachment 1 Coal Creek Community Park and Museum Collection Policy



South Gippsland Shire Council

COAL CREEK COMMUNITY PARK MUSEUM AND COLLECTION POLICY

| | | | |
|------------------------|-----------|-----------------|--|
| Policy Number: | C05 | Directorate: | Development Services |
| Council Item No. | E.15 | Department: | Economic Development Tourism and Customer Services |
| Council Adoption Date: | June 2014 | Primary Author: | Coordinator Coal Creek Community Park and Museum |
| Revision Date: | May 2016 | | |

POLICY OBJECTIVE

The objective of this policy is to:

1. Provide guidance about the Coal Creek Community Park and Museum collection.
2. Ensure that acquisition and disposal of collection items meet significance criteria through their relevance to the stated time-line period and to the planned themes of the site appropriate to the interpretation of the policy statement.
3. Replace existing Coal Creek Collection Policy C05 adopted by Council on 25 June 2014.

This policy is intended to be separate from, and implemented independently from, Council's Asset Disposal Policies.

Coal Creek Community Park and Museum exists to promote awareness and understanding of the natural, industrial and social history of South Gippsland from pre-European settlement to 1920, through the collection, preservation and communication of relevant material culture.

LEGISLATIVE PROVISIONS

- Local Government Act 1989 sections 3C, 3D, 3E
- Commonwealth Copyright Act 1968
- Historic Shipwrecks Act 1976
- Victorian Information Privacy Act 2000
- Public Records Act 1973
- Code of Ethics for Museums (ICOM 2006)
- Aboriginal Heritage Act 2006 Section 24
- Crown Land (Reserves) Act 1978
- Museums Act 1983
- Heritage Act 1995



COUNCIL POLICY

COUNCIL POLICY

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COUNCIL POLICY

DEFINITIONS

International Council of Museums Code of Ethics

The International Council of Museums (ICOM) Code of Ethics for Museums was adopted in 1986 by ICOM and revised in 2004. It establishes the values and principles shared by ICOM and the international museum community. It is a reference tool translated into 36 languages and it sets minimum standards of professional practice and performance for museums and their staff.'

Significance

The National Museum of Australia describes significance as follows:

"'Significance' refers to the values and meanings that items and collections have for people and communities. Significance helps unlock the potential of collections, creating opportunities for communities to access and enjoy collections, and to understand the history, cultures and environments of Australia."

The Coal Creek Community Park and Museum collection consists of artefacts catalogued and held in trust for the community. These items are displayed for interpretation of the theme of the site. The collection includes outright donations to the site and loan items.

Collection

The word collection refers to objects catalogued into the museum's collection for display or interpretation.

BACKGROUND

Coal Creek Community Park and Museum exists to promote awareness and understanding of the natural, industrial and social history of South Gippsland from pre-European settlement through to 1920, through the collection, preservation and communication of relevant cultural material.

The collection is integral to this awareness and promotion as well as the collection being of value in its own right.

The Coal Creek Community Park and Museum Collection Policy provides information about the underpinning principals for:

1. Development of the collection
2. Defining the range of objects the museum chooses to collect or not collect
3. Ensuring that a high standard of care of the current collection is maintained

POLICY STATEMENT It is the intention of Council that acquisitions and any necessary disposals of for the museum collection at Coal Creek Community Park and Museum meet significant criteria through relevance to the stated time period and to the planned themes of the site. Themes are developed in order to interpret the following areas of South Gippsland regional history: indigenous culture, coal mining, farming and dairying, forestry and saw milling, transport industry and the development of the towns.



Policy Guidelines

1. Method of Acquisition

- a. Acquisitions to the collection may be in the form of donations or bequests, or by purchase or exchange. Purchasing will be in accordance with Council's procurement policy.
- b. All decisions regarding acquisitions and de-accessioning will be made by the Curatorial Advisory Committee in consultation with the Curatorial Officer or authorised representative.
- c. If original objects are not obtainable for exhibitions; replicas, models, photographs or other graphic representations may be considered as viable alternatives.
- d. An object will not be assessed as significant simply because of its age.

2. Coal Creek Community Park and Museum will only acquire those objects that:

- a. Are of significance to Coal Creek Community Part and Museum
- b. Can be appropriately cared for and maintained i.e. Storage requirements, conservation needs.
- c. Will be utilised in the exhibition in the foreseeable future even though no commitment can be made that any particular item will be permanently displayed.
- d. Have adequate provenance to ensure their authenticity.
- e. Have adequate provenance to ensure the legality of donation or purchase
- f. Are not restricted or encumbered as to their use i.e. by copyright, patent, trademark or due to any hazardous nature of the object.
- g. Are not restricted or encumbered in their use through conditions set by the donor.
- h. Do not duplicate objects already held in the existing collection, unless multiple examples of this object are necessary for display or the item for consideration is of superior condition or historic value than those currently in the collection.
- i. If loans are acquired only on a short-term basis.

3. Documentation and Storage

South Gippsland Shire Council recognises that it is a custodian of the material culture entrusted to it for preservation for future generations. Council is committed to ensuring that the collection is properly catalogued and appropriately stored, subject to its resourcing and budgetary constraints.

N.B. Objects may be collected for use as spare parts for the existing collection.

4. Contractual Considerations

Coal Creek Community Park and Museum will remain mindful of any legal restrictions and ethical guidelines, as set out in the International Council of Museums (ICOM) Code of Ethics, governing the acquisition of objects and will not acquire or exhibit an object in breach of these restrictions and guidelines.



COUNCIL POLICY

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COUNCIL POLICY

Coal Creek Community Park and Museum will be attentive to the regulations and procedures of any relevant tax incentive for the Arts Scheme, when considering any gift proposed through this scheme.

A Donor Agreement Form must be co-signed by the Donor and a Curatorial Officer or authorised representative of Coal Creek Community Park and Museum in order to ensure the transfer to South Gippsland Shire Council of legal ownership of the object.

5. De-accessioning

5.1 Criteria for De-accession of Objects

Coal Creek Community Park and Museum Curatorial Advisory Committee, in consultation with the Curatorial Officer or authorised representative, may dispose of items in the collection because they are:

- a. Not relevant to the functions and aims of the site.
- b. There is insufficient supporting information to enable proper identification or to establish relevance.
- c. Damaged beyond repair.
- d. Unnecessary duplicates thereof or they are inferior to other similar items in the current collection.
- e. Under exceptional circumstances, subject to a substantiated request for the return of the item to the original owner/donor.

5.2 Legal and Ethics

Coal Creek Community Park and Museum Curatorial Advisory Committee will remain mindful of any legal restrictions and ethical guidelines governing the disposal of objects and will not dispose of an object in breach of these restrictions and sanctions.

5.3 Method of Disposal

5.3.1 Options for Disposal

Disposal of de-accessioned items will be carried out in one of the following ways:

- a. Return to the donor or donor's family if the donor is deceased.
- b. Offered to another museum or educational or cultural institution (not for profit).
- c. If neither of these options is successful, the item/s may be offered for public sale or auction/tender.
- d. Collection items received under the Deductible Gifts Program will be offered to another institution with Deductible Gifts Program status.

5.3.2 Proceeds from Sale

Proceeds from public sale/auction of collection items will be credited solely to collection funds and used specifically for collection maintenance and development.

5.3.3 Personal acquisition and de-accessioning

At no time will a staff member, Coal Creek Community Park and Museum Curatorial Advisory Committee member, volunteers at Coal Creek Community Park and Museum, persons connected with South Gippsland Shire Council or



COUNCIL POLICY

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COUNCIL POLICY

any person formally connected with Coal Creek Community Park and Museum, be permitted to acquire a de-accessioned object directly from Coal Creek Community Park and Museum or South Gippsland Shire Council.

Council will ensure that reasonable efforts have been made between making the decision to de-accession an object and the disposal of that object unless emergency management is required due to public safety or damage to other collection items.

6. Review of Collection Policy

Coal Creek Community Park and Museum Collection Policy will be reviewed two years after its adoption and every five years prior to the Museum Accreditation Program reaccreditation process, or more frequently as required.

7. Loans Inward

South Gippsland Shire Council and Coal Creek Community Park and Museum Curatorial Advisory Committee do not accept permanent loans unless the item on offer is assessed to be of particular significance to the permanent exhibition. Short-term loans may be accepted as necessary for temporary exhibitions. All inward loans will be for a fixed time and the conditions agreed to in writing on a Loan Agreement form. The loan agreement may include provision for the lender to assist with financial support of the item for restoration, storage, maintenance or insurance.

8. Loans Outward

South Gippsland Shire Council and Coal Creek Community Park and Museum Curatorial Advisory Committee, in consultation with the Curatorial Officer or authorised representative, will assess outward loan requests from other institutions on individual merit. Borrowers will be required to sign a loan agreement which provides a condition report of the loaned item, length of loan period and any specific requirements regarding care during the loan period.

9. Winding up of Operations

In the event that Coal Creek Community Park and Museum ceases its operations, South Gippsland Shire Council will dispose of the collection and will remain mindful of any legal restrictions and ethical guidelines governing the disposal of the objects. South Gippsland Shire Council will not dispose of an object in breach of these restrictions and sanctions and will use the following means:

9.1 Method of Disposal

- a. Return to the donor or donor's family if the donor is deceased.
- b. Offered to another museum, educational or cultural institution which is not for profit.
- c. If neither of these options is successful, the item/s may be offered for public sale or auction/tender.
- d. Any collection items received under the Deductible Gifts Program will be offered to another organisation with Deductible Gifts Program status.



COUNCIL POLICY

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- e. At no time will a staff member, Coal Creek Community Park and Museum Curatorial Advisory Committee member, volunteers at Coal Creek Community Park and Museum, persons connected with South Gippsland Shire Council or any person formally connected with Coal Creek Community Park and Museum, be permitted to acquire any object directly from Coal Creek Community Park and Museum or South Gippsland Shire Council.

RISK ASSESSMENT

A failure to properly manage the collection may lead to:

- Loss of a valuable component of regional, state or national heritage
- Disputes over collection care resulting in litigation
- Disposal of items through damage
- Lack of community confidence in Council's custodial role over an important and significant part of local history
- Loss of Council's reputation in the wider museum and educational community

IMPLEMENTATION STATEMENT

- All staff and volunteers at Coal Creek Community Park and Museum will be provided with a copy of this policy.
- All donors of items will be provided with a copy before donations are made and accepted.
- Owners of items, where they can be identified, will be provided with a copy of the policy.
- Council will arrange insurance cover for the collection for values agreed between Council and the insurers.

SECTION F - URGENT OR OTHER BUSINESS

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

1. Urgent Business

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

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

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

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

2. Other Business

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

SECTION G – GENERAL QUESTION TIME

G.1 QUESTION TIME

G.2 ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

Nil

CLOSED SESSION

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

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

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

- ITEM 1 2015/16 COMMUNITY GRANTS PROGRAM ROUND TWO - EARLY ASSESSMENT OF AN APPLICATION TO THE FESTIVALS, CELEBRATIONS AND EVENTS CATEGORY**
- ITEM 2 AUDIT COMMITTEE REPORT FOR 15 MARCH 2016**

RECOMMENDATION

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

- 1. Item 1 2015/16 COMMUNITY GRANTS PROGRAM ROUND TWO - EARLY ASSESSMENT OF AN APPLICATION TO THE FESTIVALS, CELEBRATIONS AND EVENTS CATEGORY pursuant to section 89(2)(h) containing matters which the Council considers would prejudice the Council or any person as provided for by the Local Government Act 1989.**
- 2. Item 2 AUDIT COMMITTEE REPORT 15 MARCH 2016 pursuant to section 89(2)(h) containing matters which the Council considers would prejudice the Council or any person as provided for by the Local Government Act 1989.**

SECTION H - MEETING CLOSED

NEXT MEETING

The next Ordinary Council Meeting open to the public will be held on Wednesday, 22 June 2016 commencing at 2pm in the Council Chambers, Leongatha .