



South Gippsland
S h i r e C o u n c i l

Come for the beauty, Stay for the lifestyle

COUNCIL AGENDA PAPERS

24 August 2011

**ORDINARY MEETING NO. 350
NYORA PUBLIC HALL, NYORA
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. 350
OF THE SOUTH GIPPSLAND SHIRE COUNCIL WILL BE HELD ON
24 AUGUST 2011 IN THE NYORA PUBLIC HALL, NYORA
COMMENCING AT 2PM**

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Tim Tamlin
Chief Executive Officer

SECTION A - PRELIMINARY MATTERS

A.1 Opening Prayer – The Deputy Mayor

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

Amen

A.2 Acknowledgement of Traditional Custodians – The Mayor

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

A.3 Apologies

Councillor Kieran Kennedy with Leave of Council granted on 27 July 2011.

A.4 Confirmation of Minutes

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 349, held on 27 July 2011 in the Council Chambers, Leongatha be confirmed.

A.5 Requests for Leave of Absence

A.6 Declaration of Conflict Of Interest

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 Organisational Development Department (Governance) 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 in Local Government – A Provisional Guide with amendments to 1 October 2010.

| 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 and public briefings 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.7 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.8 Councillor Reports

SECTION B - NOTICES OF MOTION AND/OR RESCISSION

B.1 NOTICE OF MOTION NUMBER 632 - DISCRETIONARY FUND ALLOCATION – FOSTER AMATEUR MUSIC & DRAMA ASSOCIATION (FAMDA)

PURPOSE

Council approval is sought for a Councillor Discretionary Fund Allocation of \$200 for the Foster Amateur Music & Drama Association (FAMDA) for Prize Money at the 11th Annual Festival of One-Act Plays to be held over the weekend of the 13 & 14 August 2011.

The allocation does not conform to Councillor Discretionary Fund guidelines because the group has previously received Discretionary Funding for the same request twice within this term of Council.

This Notice of Motion provides the opportunity for Council to exercise its discretion, as provided for in the guidelines, and approve the application.

MOTION

I, Councillor Mohya Davies, advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on 24 August 2011.

**“THAT THE FOLLOWING ALLOCATION IS MADE FROM CR DAVIES’S
2010/11 DISCRETIONARY FUND:**

**\$200 FOR THE FOSTER AMATEUR MUSIC & DRAMA ASSOCIATION
(FAMDA) FOR PRIZE MONEY AT THE 11TH ANNUAL FESTIVAL OF
ONE-ACT PLAYS TO BE HELD OVER THE WEEKEND OF THE 13 & 14
AUGUST 2011”.**

SECTION C - COMMITTEE REPORTS

C.1 AUDIT COMMITTEE REPORT APRIL AND JUNE 2011

Corporate Services Directorate

EXECUTIVE SUMMARY

The Audit Committee met on 11 April and 29 June 2011 and a copy of their reports is attached (**Attachment 1** and **Attachment 2**).

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989 – Section 139

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Audit Committee Charter and Terms of Reference

COUNCIL PLAN

| | | |
|-----------------|-------|------------------------|
| Strategic Goal: | 5.0 | A Leading Organisation |
| Outcome: | 5.2 | Systems and Processes |
| Strategy No: | 5.2.5 | Risk Management |

CONSULTATION

The Audit Committee reports have been circulated to the Chair of the Audit Committee.

“Audit Committees A Guide to Good Practice for Local Government” January 2011.

REPORT

The Audit Committee is an advisory committee, whose role is to oversee and monitor Council’s audit processes, including internal control activities. The committee comprises two community members and two Councillors (Councillors Raabe and Fawcett). The Committee is independent from management but does not have any executive powers, management functions or delegated financial responsibility.

The Audit Committee recommends that Council adopt a new Audit Charter (**Attachment 3**) that is based on the recommended Audit Committee Charter contained in “Audit Committees A Guide to Good Practice for Local Government” issued by Local Government Victoria January 2011.

FINANCIAL CONSIDERATIONS

Funds for the internal audit function are allocated in the current and forward budgets.

RISK FACTORS

The Audit Committee through its work undertakes an integral and active role in risk mitigation (including environmental) and ensuring organisational compliance with legislation.

RECOMMENDATION

That Council:

- 1. Receive and note the report of the meetings of the Audit Committee held 11 April and 29 June 2011; and,**
- 2. Adopt the new Audit Committee Charter as recommended by the Audit Committee.**

Attachment 1

| Minutes Audit Committee Meeting | | |
|---------------------------------|---|---|
| Date: | 11 April 2011 | Duration: 2 hours Location: Meeting Room 2, Council Chambers, Michael Place, Leongatha |
| Time: | Meeting commenced 9.00am | |
| Meeting Objective: | Audit Committee Meeting | |
| Attendees: | <u>Members:</u> Cliff Hammond (Chair), Craig Nisbet, Cr Warren Raabe, Cr James Fawcett <u>Support Staff:</u> Tim Tamin CEO, June Ernst Director Corporate Services, David Roche Governance Coordinator <u>Apologies:</u> Nil | |
| No | What | Action/Agreement |
| 1 | SafetyMAP requirements: Updates and/or evacuation procedures | Requirements noted. |
| 2 | Disclosures of Conflict of Interest. | Nil |
| 3 | Confirmation of Minutes of 24 November 2010 – Appendix 1 | Moved: Cliff Hammond Seconded: Cr Fawcett 'That the minutes of the Audit Committee meeting held on 24 November 2010 be confirmed Carried |
| 4 | Introduction of new Directors and business areas: June Ernst - Director Corporate Services, Jan Martin – Director Community Services Phil Stone – Director Development Services and Anthony Seabrook – Director Infrastructure attended the meeting, each introduced themselves and their business areas, and provided an overview of possible reputational, financial, economic, social, public safety and OH&S. Each Director indicated where external reviews and oversight were in place. | Noted for consideration in preparation of overall risk identification and audit plan. |

| | | |
|---|---|--|
| 5 | <p>Overview of Insurance arrangements/coverage – Insurance Policy Summary</p> | <p>Details of coverage and possible levels of excess arising from recent flood event noted.</p> |
| 6 | <p>Recommendations from recent CMP Risk Liability Audit – CMP Public Liability & Liability Audit report</p> | <p>Noted that this is a preliminary report only and will be used to planning the development of risks and strategies for the Risk Management Plan 2011-2014. <i>Further advice provided to Committee after meeting.</i></p> |
| 7 | <p>Overview of Bushfire Risk Mitigation Strategies – SGSC Municipal Fire Prevention Plan (MFPP)</p> | <p>Noted. Further noted that the preparation and review of the MFPP is required and regulated by the CFA Act 1958 and CFA Regulations 1992. <i>Municipal Emergency Management Plan (MEMP) is audited by the State Emergency Service and Department of Human Services. Municipal Fire Prevention Plan is audited by the Country Fire Authority.</i></p> |
| 8 | <p>Provision of future Audit Services by contract.</p> | <p>Noted that tenders close on 27 April 2011 and arrangements will be made to involve Committee in assessment and selection of contractor.</p> |

| | | |
|----|--|--|
| 9 | <p>Risk Management Framework Internal Audit Report - update on implementation of Management Action Plan.</p> | <p>The following documents were tabled and noted:</p> <ul style="list-style-type: none"> • Council and Community Planning Framework • Risk Management Policy • Framework for Integrated Risk Management Risk Management Plan 2011 – 2014. <p>Further noted that:</p> <ul style="list-style-type: none"> • these documents provide for progressing recommendations made in a recent report by Deloitte in respect of Risk Management • The Framework for Integrated Risk Management Risk Management Plan 2011-2014 will split into two parts – Risk Management Strategy and Risk Management Plan. <p>Agreed that a review be undertaken of Council's contract management system and terms of reference be prepared for consideration by the Committee.</p> |
| 10 | <p>Audit Committees – A Guide to Good Practice for Local Government January 2011</p> | <p>Agreed that:</p> <ul style="list-style-type: none"> • the current Charter and Charter recommended in the Guide be provided |

| | | |
|----|--|---|
| | | to the Committee for consideration. <ul style="list-style-type: none"> Committee agenda be aligned to Responsibilities of the Audit Committee set out in the Guidelines |
| 11 | Instances of Material Non Compliance | Nil |
| 12 | General Updates of significant matters | Presentation about recovery from the recent flood event made by Director of Corporate Services noted. |
| 13 | Financial Performance report including Performance Statement/Report for period ending 31 December 2010 | Noted. Further noted that KSAs in the report are being reviewed after which Committee may wish to consider. VAGO Audit Strategy for financial year ending 30 June 2011 provided to Audit Committee after meeting. |
| 14 | Whistleblower, Ombudsman and FOI Issues. | Brief update provided and noted. |
| 15 | General Business | Nil |
| 13 | Meeting dates: Proposed: 29 June 2011, 14 September 2011 – required for consideration of Financial and Audit Reports, 30 November 2011 | Dates agreed to with meeting on 29 June 2011 to commence at 8.00am without Committee meeting in camera to allow for consideration of major risks and development of new audit plan. Noted that Cr Raabe will be an apology for meeting 29 June 2011. |

Attachment 2

| Meeting Objective | | Report of Audit Committee Meeting | |
|-------------------|---|---|--|
| Date | Wednesday 29 June 2011 | 8.30am Committee to meet in-camera for 9.00am start | 2 hours Duration: Location: Meeting Room 2, Council Chambers, Michael Place, Leongatha |
| Attendees | Cliff Hammond (Chair), Craig Nisbet, Councillor James Fawcett, Councillor Mimmie Jackson Support Staff – June Ernst Director Corporate Services, Anthony Seabrook Director Engineering Services, David Roche Governance Coordinator | | |
| Apologies | Councillor Warren Raabe Tim Tamlin CEO | | |
| Distribution List | As per attendees with copy to Deputy Mayor | | |
| Files located | | | |
| No | Action or Agreement | Items prepared to reflect | Status |
| 1. | Report of Audit Committee Meeting 11 April 2011 – Appendix 1 | responsibilities ¹ | Moved Cr Fawcett Seconded Craig Nisbet That the report be received and noted Carried |
| 2. | Financial Report 2.1 Financial Performance Report for period ending 31 March 2011 | | Monitoring and refinement of KSAs for inclusion in Financial Performance noted and report received Agreed that Annual Plan KSAs be reported to Audit |

| No | Action or Agreement Agenda Items prepared to reflect Audit Charter responsibilities ¹ | Status |
|----|--|--|
| 3. | <p>Internal Control</p> <p>3.1 Review of Acceptance of Gifts and Donations Policy</p> <p>3.2 Review of Procurement Approval levels</p> <p>3.3 Management of Waste Management Contract and associated capital works</p> <p>3.4 Flood Recovery Claims</p> | <p>Committee quarterly</p> <p>Noted</p> <p>Development of timelines and scoping of processes for way forward in respect of Procurement Breakthrough Project noted.</p> <p>Noted that Council is determining a way forward Agreed that copy of report to Council and outcome be provided to Audit Committee when completed</p> <p>Processes for claim and possible adjustment of priorities noted</p> |
| 4. | <p>Risk Management</p> <p>4.1 Civic Mutual Plus Public Liability & Professional Liability Audit No. 15 12 May 2011</p> | <p>Provide comparison with/benchmark against other Councils to Committee</p> |
| 5. | <p>Business Continuity</p> | <p>Nil report</p> |
| 6. | <p>Internal Audit</p> <p>5.1 Appointment of Internal Auditors – H L Mann Judd</p> <p>5.2 Meeting with Internal Auditors</p> <p>5.3 Draft Audit Plan 2011 - 2014</p> | <p>Noted</p> <p>To be arranged but may be at meeting on 14 September 2011 when first internal audit presented to Committee</p> <p>Contract Management Scope agreed as first audit for 2011/12. Building and Local laws to be second audit for 2011/12 and second and third audit for 2011/12 be considered at next meeting based on information about</p> |

| No | Action or Agreement Agenda Items prepared to reflect Audit Charter responsibilities ¹ | Status |
|----|---|--|
| | | <p>major risks from Risk Management Review .</p> <p>Update on Risk management profile to be provided to next meeting to enable discussion about risk identification, risk appetite range and risk tolerances</p> |
| 7. | <p>External Audit</p> <p>6.1 VAGO Audit Strategy for year ending 30 June 2011</p> <p>6.2 VAGO Interim management letter – Interim financial audit 2010-11</p> <p>6.3 VAGO Briefing on Performance Audit: Business Planning for Major Capital Works and Recurrent Services in Local Government</p> <p>6.4 Council response to 6.3</p> | <p>Noted</p> <p>To be considered at meeting on 14 September 2011.</p> <p>Noted</p> <p>Noted. Director of Corporate Services to report back to Committee about approach taken by Council to link/integrate service plans to Council Plan and Long Term Financial Plan.</p> <p>Committee to be provided with list of internal and external audits/reviews during the year including SafetyMap to enable inclusion in Annual Report to Council by Committee Chair</p> |
| 8. | <p>Compliance</p> <p>7.1 Council Plan 2010 - 2014</p> <p>7.2 Council Budget 2011 – 2012</p> <p>7.1 Policy Framework Policy adopted by Council</p> | <p>Noted and copy to be provided to Committee</p> <p>Noted</p> <p>Noted</p> |
| 9. | <p>Reporting Responsibilities</p> <p>8.1 Adoption of Recommended Audit Committee Charter</p> | <p>Noted that independent members of Committee agreed</p> |

| No | Action or Agreement Agenda Items prepared to reflect Audit Charter responsibilities ¹ | Status |
|-----|--|---|
| | | <p>with the recommended Audit Committee Charter provided in "A Guide to Good Practice for Local Government January 2011"</p> <p>Moved Cliff Hammond Seconded Craig Nisbet</p> <p>That the Charter be adopted subject to minor amendment for committee to consist of four members, two of whom must be independent, and a quorum of three members one of whom must be an independent member</p> <p>Carried</p> <p>The alignment of the Committee agenda with the Charter responsibilities and sample Committee Agenda provided in the Guide was discussed.</p> |
| 10. | <p>Other responsibilities 9.1 Freedom of Information 9.2 Privacy</p> | <p>Information about applications and enquiries noted</p> |
| 11. | <p>Other Business</p> | <p>Include as agenda item in subsequent agendas – agenda item "Fraud".</p> |
| 11. | <p>Close / Next Meeting: Wed 14 September 2011</p> | |

Attachment 3

South Gippsland Audit Committee Charter

Goal

The main goal of the Audit Committee is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk including Council's exposure to fraud, maintaining a reliable system of internal control and facilitating the Council's ethical development.

Role

The Audit Committee does not have any management functions. The Audit Committee is independent of management and capable of a high degree of objectivity and independence in carrying out its duties. In undertaking this role the Audit Committee can provide oversight of the following:

- Corporate governance
- Information and communications (ICT) technology
- Management and governance of the use of data, information and knowledge
- Internal and external reporting – financial and performance
- Risk management including fraud prevention, business continuity planning and disaster recovery
- Internal and external audit
- Internal control framework
- Compliance with the Local Government Act 1989 and other applicable legislation and regulations including national competition policy

Authority

The audit committee has the responsibility for advising the South Gippsland Shire Council (Council) on:

1. seeking resolution on any disagreements between management and the external auditors on financial reporting reviewing all auditing, planning and outcomes.
2. seeking any information it requires from Councillors, and Council staff via the Chief Executive Officer and external parties.
3. formally meeting with Council staff, internal and external auditors as necessary.

Composition

The Audit Committee will consist of four members, two of whom must be independent, and a quorum of three members one of whom must be an independent member.

The Council will appoint Audit Committee members and the Audit Committee Chair. The Chair of the Audit Committee must be independent.

One Audit Committee member should be financially literate.

Meetings

The Audit Committee will meet at least four times a year, with authority to convene additional meetings, as circumstances require.

All Audit Committee members are expected to attend each meeting, in person or through teleconference or video conference.

The Chief Executive Officer will facilitate the meetings of the Audit Committee and invite members of management, auditors or others to attend meetings to provide pertinent information, as necessary.

Meeting agendas will be prepared and provided at least one week in advance to members, along with appropriate briefing materials.

Minutes will be prepared.

Support

To facilitate the operation of the audit committee, the Chief Executive Officer has responsibility to provide secretariat services and officer advice in respect of matters before the audit committee.

Responsibilities

The Audit Committee will carry out the following responsibilities:

1. Financial Report

Review significant accounting and reporting issues, including complex or unusual transactions and highly judgemental areas, and recent accounting, professional and regulatory pronouncements and legislative changes, and understand their effect on the financial report.

Review with management and the external auditors the results of the audit, including any difficulties encountered.

Review the annual financial report, and consider whether it is complete, consistent with information known to audit committee members, and reflects appropriate accounting principles.

Review with management and the external auditors all matters required to be communicated to the audit committee under the Australian Auditing Standards.

2. Internal control

Understand the scope of internal and external auditors' review of internal controls over financial reporting, and obtain reports on significant findings and recommendations, together with management's responses.

3. Risk management

Monitor the systems and process via the Council's risk profile to ensure that material operational risks to the Council are dealt with appropriately.

Monitor the process of review of the Council's risk profile.

Consider the adequacy of actions taken to ensure that the material business risks have been dealt with in a timely manner to mitigate exposures to the Council.

4. Business continuity

Monitor processes and practices of the Council to ensure for effective business continuity.

5. Internal audit

Review with management and the internal auditor the charter, activities, staffing, and organisational structure of the internal audit function.

Review and recommend the annual audit plan for approval by the Council and all major changes to the plan.

Monitor processes and practices to ensure that the independence of audit function is maintained.

As part of the audit committee's annual assessment of performance, determine level of satisfaction with internal audit function having consideration of the Institute of Internal Auditors' International Standards for the Professional Practice of Internal Auditing.

Monitor that the internal auditor's annual plan is linked with and covers the material business risks.

Provide an opportunity for the Audit Committee to meet with the internal auditor to discuss any matters that the audit committee or internal auditor believes should be discussed privately.

6. External audit

Note the external auditor's proposed audit scope and approach, including any reliance on internal auditor activity.

Provide an opportunity for the Audit Committee to meet with the external auditors, to discuss any matters that the Audit Committee or the external auditors believe should be discussed privately.

7. Compliance

Review the systems and processes to monitor effectiveness of the system for monitoring compliance with legislation and regulations and the results of management's investigation and follow-up (including disciplinary action) of any instances of non-compliance.

Keep informed of the findings of any examinations by regulatory agencies and any auditor (internal or external) observations and monitor management's response to these findings. Obtain regular updates from management about compliance matters.

Reporting responsibilities

Report regularly to the Council about Audit Committee activities, issues, and related recommendations through circulation of minutes and annual report. Additional updates may be appropriate should issues of concern arise.

Monitor that open communication between the internal auditor, the external auditors, and the Council occurs.

Report annually to stakeholders, describing the audit committee's composition, responsibilities, how they were discharged, and any other information required by regulation, including approval of non-audit services.

Consider the findings and recommendations of relevant Performance Audits undertaken by the Victorian Auditor-General and to ensure the Council implements relevant recommendations.

Other responsibilities

Perform other activities related to this charter as requested by the Council.

Review and assess the adequacy of the Audit Committee charter annually, requesting Council approval for proposed changes, and ensure appropriate disclosure as might be required by legislation or regulation.

Confirm annually that all responsibilities outlined in this charter have been carried out. Evaluate the Audit Committee's performance annually.

C.2 ADVISORY COMMITTEES REVIEW - MOSSVALE PARK ADVISORY COMMITTEE

Corporate Services Directorate

EXECUTIVE SUMMARY

As part of the continuing review of Council Advisory Committees and Special (Section 86) Committees refreshed terms of reference and membership for the Mossvale Park Advisory Committee (**Attachment 1**) is provided for adoption by Council.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989 - Sections 3, 80A & 86

COUNCIL PLAN

| | | |
|-----------------|-------|------------------------|
| Strategic Goal: | 5.0 | A Leading Organisation |
| Outcome: | 5.1 | Good Governance |
| Strategy No: | 5.1.3 | Community engagement |

CONSULTATION

Consultations undertaken with Advisory Committees during review in 2010.

Attendance at and further consultations with Committees in 2011.

Consideration at Council Briefings.

REPORT

Council on 22 November 2010 finalised a broad review of Advisory Committees and Section 86 Special Committees and agreed to recommendations contained within the report.

As a consequence Council has scheduled consultations with each of the Advisory Committees to review their terms of reference and structure to ensure they are set up to deliver the outcomes of the purpose of each of the Committees.

A clause has been inserted to provide for the circumstance of where the committee meeting may be an Assembly of Council and the assistance Council will provide in this instance:

“If one Councillor or more is present at the meeting the meeting is deemed an Assembly of Councillors. Council will provide the Committee with a template for, and advice about, reporting back to Council that will enable the Chief Executive Officer to keep a written record of the meeting if it is an Assembly of Councillors.”

The draft Terms of Reference for Mossvale Park included a request for Council to provide an increased level of administrative and general secretarial support to the Committee. This change in service levels for this committee would likely have a flow on effect to the majority of other committees that undertake their own secretarial services. It is an increased level of service that has not been deemed necessary and therefore has not been included the final Terms of Reference.

FINANCIAL CONSIDERATIONS

In respect of this Committee, Council will provide technical and governance advice and assistance as per the Terms of Reference.

RISK FACTORS

Clear terms of reference will enable the Committee to operate in a manner that will achieve its purpose, provide relevant and timely advice, encourage community engagement; and facilitate compliance by Council and the Committee with relevant legislation. Council will however support the committee with providing input into Council’s maintenance and Capital Works Programs regarding Mossvale Park.

RECOMMENDATION

That Council:

- 1. Adopt the terms of reference for Mossvale Park Advisory Committee contained in this report (Attachment 1); and,**
- 2. Confirm the appointment of community members contained in this report as members of the Committee for a two year term.**

Attachment 1

South Gippsland Shire Council

Mossvale Park Advisory Committee

1. Goal

Contribute to the preservation and enhancement of Mossvale Park and environs as a public facility.

2. Role of Committee

To guide and advise Council on the current and long term management of the Park.

3. Membership

- a) The Committee will have up to:
 - i) 12 Community representatives, and
 - ii) 1 nominated Councillor
- b) In the case of casual vacancies where the number of vacancies at a particular time is less than the quorum number, new members may be appointed;
- d) In the case of casual vacancies, where the number of vacancies at a particular time is greater than the quorum number, then Council will be given the opportunity to appoint new members for any or all of the positions after consultation with the Committee;
- e) Councillor representatives will be appointed / reappointed as soon as practicable after Council elections and on an annual basis at the Special (Statutory) Council Meeting;
- f) Members may be granted Leave of Absence and replaced by secondment for the period of absence with the agreement of the Chairperson;
- g) A member shall cease to hold office if he or she is absent from 4 consecutive meetings without a leave of absence with the agreement of the Chairperson;
- h) A member may have his or her term of office revoked by Council upon request by the Committee following a resolution carried by a two thirds majority vote of members of the committee;

- i) Council may at its discretion, revoke the membership of any member or the entire Advisory Committee at any time after consultation with the Committee;
- j) Council may disband the Committee at any time;
- k) Copies of resignations are to be submitted to the Committee who will forward these to Council: and
- l) The Committee will be an active participant in the recruitment and induction of new members

4. Committee Operations

- a) The Committee will appoint the Chairperson and Deputy Chairperson for a term of 2 years;
- b) Council officers should be invited to attend at least two meetings of the Committee each year to provide technical, governance advise/assistance and reports on capital works and budgets relating to Mossvale Park to ensure a smooth flow of communication between Council and the Committee;
- c) The Committee does not have the power to direct any Council officer to undertake any work but may make recommendations to Council or its delegate through formal recommendations made by the Committee at Committee meetings.
- d) Council will offer training and development to the Committee as part of any training and development arranged for volunteers
- e) If one Councillor or more is present at the meeting the meeting is deemed an Assembly of Councillors. Council will provide the Committee with a template for, and advice about, reporting back to Council that will enable the Chief Executive Officer to keep a written record of the meeting if it is an Assembly of Councillors.
- f) Council will reimburse printing and stationary costs incurred by the Committee.

5. Proceedings

5.1 Meetings

- a) The Committee will meet at least 2 times per year;
- b) The duration of each meeting should not generally exceed 2 hours;
- c) Meetings will follow standard meeting procedures. Council's Meeting Procedure Local Law No. 3 will be used as a guide for determining these standards;

- d) The Secretary will prepare and distribute an agenda, at least 7 days before a Committee meeting. The Secretary should liaise with the Chairperson when preparing the agenda, while other Committee members may also contribute to the matters for consideration; and
- e) Brief minutes from each meeting will be recorded. Minutes with all recommendations will be distributed to all members and appropriate staff within the following week and will be stored in a minute folder maintained by the Governance Officer. A copy of all minutes with recommendations and decisions should be formally provided to Council via its Governance Officer. The Governance Officer will ensure that all recommendations are presented to a Council meeting for the consideration of Council and the minutes are distributed to all Councillors.

5.2 Quorum

- a) A minimum of 5 members constitutes a quorum; and
- b) If at any meeting of the Committee a quorum is not present within 30 minutes after the time appointed for the meeting, the meeting will not be able to make any binding decisions. The notes from this meeting can be ratified at the next meeting, provided of course a quorum is present at that meeting.

5.3 Voting

Matters will be resolved by a majority of the votes of members present, and the Chairperson shall have the casting vote if the votes are equal.

6. Reporting

- a) In reporting to Council, recommendations should be by resolution of the Committee;
- b) Reports to Council will be co-ordinated through the Governance Officer;
- c) Reports about Committee meetings will be made by Council's representative to the next appropriate Council meeting
- d) The Committee will disseminate information about its activities to the broader community on a regular basis
- e) The Committee can expect a response from Council to recommendations made by the Committee to the Council within 45 days of the making of the recommendations.

7. Term of Committee, Evaluation and Review

The Committee may be disbanded by Council at any time after consultation with the Committee.

However Council may undertake a review of the Committee when deemed necessary by Council. The Committee will reflect upon its role and its effectiveness as part of this process and be an active participation in any review.

8. Conflicts of Interest

The Committee members are to disclose any conflict of interest to the Chairperson (or nominated Councillor in the case of the Chairperson) if they consider they have an interest in any matter to be considered by the Committee. The conflict of interest may be of a direct or indirect nature. The disclosure should be made at the commencement of the meeting and the committee member should leave the meeting when the matter is being considered. The committee member may return to the meeting immediately after the matter is decided. Committee members should be guided by the Conflict of Interest legislation and guidelines as they apply to Councillors. A copy of this legislation and guidelines can be obtained from Council's Governance Officer.

9. Confidentiality

On some occasions the Committee may deal with items of a confidential nature. Committee members are to deal with all such items and issues with confidentiality, discretion and sensitivity. If there are members of the public in attendance (that are not official members of the Committee), they should be asked to leave during such discussions.

10. Misconduct

Council retains the right to withdraw the membership of any person found to be acting outside the interests of the South Gippsland Shire Council.

11. Dispute resolution and grievance procedure

Should a dispute or grievance arise in the operation of the Committee the Committee in the first instance should attempt to resolve the matter. If the Committee is unable to resolve the matter it should refer the matter to Council's Director Corporate Services who will arrange guidance and an appropriate dispute resolution process if necessary.

Proposed Membership:

| | |
|-----------------|------------------|
| John Smallman | Suzanne Wightman |
| Rodney Emmerson | Richard Allen |
| Phil Piper | Kate Williams |
| Jean Carnell | Richard Lester |
| Les Hutchinson | Coral Hughes |
| Jill Vella | |

C.3 TOORA RAILWAY RESERVE PARKLAND DEVELOPMENT ADVISORY COMMITTEE - APPOINTMENT OF MEMBERS

Corporate Services Directorate

EXECUTIVE SUMMARY

This report seeks the endorsement by Council of representatives of the Franklin River Landcare to the Toora Railway Reserve Parkland Development Advisory Committee.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989 – Section 3

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Toora Railway Reserve Parkland Development Advisory Committee Terms of Reference.

Toora Railway Reserve Parkland Management Plan 2006.

South Gippsland Shire Council Instrument of Delegation to the Chief Executive Officer January 2009.

COUNCIL PLAN

| | | |
|-----------------|-------|------------------------|
| Strategic Goal: | 5.0 | A Leading Organisation |
| Outcome: | 5.1 | Good Governance |
| Strategy No: | 5.1.3 | Community Engagement |

CONSULTATION

The Committee has been consulted with in the review of Advisory Committees and recently adopted new Terms of Reference for the Committee.

REPORT

The purpose of the Committee is to advise Council on the development and management/maintenance of the Toora Railway Reserve Park.

The Committee's Terms of Reference include provision for the appointment of two members to the Committee nominated by the Franklin River Landcare. Landcare has nominated Mrs Judy Bacon and Mr Bruce Knee. The Chief Executive Officer has the power under delegation issued by Council (**Attachment 1**) to determine any issue, take any action or do any act or thing subject to conditions and limitations. It is proposed that the Chief Executive Officer endorse future appointments to Advisory Committees under this delegation.

Appointments to the Committee require the endorsement of Council. The term of the Committee is until completion/implementation of the Toora Railway Reserve Parklands Management Plan 2006 or until disbanded by Council.

It is proposed that the appointment of Mrs Judy Bacon and Mr Bruce Knee is endorsed by Council.

FINANCIAL CONSIDERATIONS

Not applicable

RISK FACTORS

Representation from a wide cross section of the Toora community is necessary for an effective Advisory Committee and successful community based implementation of the Toora Railway Reserve Parkland Management Plan.

RECOMMENDATION

That Council:

- 1. Endorse the appointment of Mrs Judy Bacon and Mr Bruce Knee as members of the Toora Railway Reserve Parkland Development Advisory Committee; and,**
- 2. Confirm that the Chief Executive Officer under existing delegation has the authority to endorse the future appointment of members to Advisory Committees.**

Attachment 1

S5. Instrument of Delegation to the Chief Executive Officer



South Gippsland Shire Council

Instrument of Delegation to the Chief Executive Officer

Attachment 1

Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act* 1989 ('the Act'), section 58A(1) of the *Food Act* 1984 and section 188(1) of the *Planning and Environment Act* 1987, the South Gippsland Shire Council ('Council') delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that:

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 21 January 2009.
2. the delegation
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 is subject to any conditions and limitations set out in the Schedule; and
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts.
3. the member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98(3) of the Act or a power under the *Food Act* 1984, the *Planning and Environment Act* 1987, Part 9B of the *Environment Protection Act* 1970 and Part III of the *Health Act* 1958) which this Instrument of Delegation delegates to him or her.

The Common Seal of the
South Gippsland Shire Council
was affixed in the presence of:

Chief Executive Officer:

SCHEDULE

The power to:

1. determine any issue;
2. take any action; or
3. do any act or thing,

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

Sign and seal agreements under section 173 of the Planning & Environment Act 1987.

Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing:

1. if the issue, action, act or thing is an issue, action, act or thing which involves:
 - 1.1 Awarding a contract exceeding the value of \$100,000. Awarding of contracts under the value of \$200,000 are subject to:
 - The expenditure being contained with the budget; and
 - The power being exercised and performed in accordance with any guidelines, policies or directions of the Council that may be adopted from time to time.
 - 1.2 making a local law under section 119 of the Act;
 - 1.3 approval of the Council Plan under section 125 of the Act;
 - 1.4 adoption of the Strategic Resource Plan under section 126 of the Act;
 - 1.5 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
 - 1.6 adoption of the Auditor's report and Annual Financial Statements under Part 6 of the Act;
 - 1.7 noting Declarations of Impartiality by Valuers pursuant to section 13DH(2) of the *Valuation of Land Act* 1960;
 - 1.8 determining pursuant to section 37 of the Act that an extraordinary vacancy on Council not be filled;

- 1.9 exempting a member of a special committee who is not a Councillor from submitting a return under section 81 of the Act;
- 1.10 appointment of Councillor or community delegates or representatives to external organisations; or
- 1.11 the return of the general valuation and any supplementary valuations;
2. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
3. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a:
 - 3.1 policy; or
 - 3.2 strategyadopted by Council; or
4. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act, section 188 of the *Planning and Environment Act 1987* or section 58A of the *Food Act 1984* or otherwise; or
5. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

SECTION D – PROCEDURAL REPORTS

D.1 COUNCILLOR EXPENDITURE REPORT - 30 JUNE 2011

Corporate Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with a quarterly update on Councillor Expenditure from 1 July 2010 to 30 June 2011 as resolved in 2003.

Attachment 1 - Councillor Expenditure Report.

LEGISLATIVE/ ACTION PLANS/ STRATEGIES/ POLICIES

Local Government Act - Section 75 Reimbursement of expenses of Councillors

Councillor Support and Expenditure Policy

COUNCIL PLAN

| | | |
|-----------------|-------|------------------------|
| Strategic Goal: | 5.0 | A Leading Organisation |
| Outcome: | 5.1 | Good Governance |
| Strategy No: | 5.2.3 | Financial Management |

CONSULTATION

Not applicable

REPORT

Background

This report covers expenditure from 1 July 2010 to 30 June 2011.

Councillor Expenditure is reported on an accrual basis being financial year end. Pre paid expenses are not included in this report.

FINANCIAL CONSIDERATIONS

Expenditure is in line with budget.

RISK FACTORS

Not applicable

RECOMMENDATION

That Council receive and note the Councillor Expenditure report for the period 1 July 2010 to 30 June 2011.

Attachment 1

| Councillor Expenditure | | | | | | | | | | | | | |
|----------------------------------|----------|--------------------|--------------------------------------|--------------|------------------|-----------------|-------------------------------------|----------------------|----------------------|---------------|---------------------|-------------------|-------|
| From 1 July 2010 to 30 June 2011 | | | | | | | | | | | | | |
| Councillor | Car | Travel Expenditure | | | | Km's | Other Expenditure | | | | | | Total |
| | | Cost for Fuel * | Cost to Reimburse kms / Fuel Cost ** | Mobile Phone | Phone/Fax/ Modem | | Conferences / Accommodation/Parking | Councillor Allowance | Remoteness Allowance | CityLink | Internet Account*** | | |
| Cr. Robert Newton | Council | \$ 733 | \$ - | 6741 | \$ 79 | \$ - | \$ - | \$ 22,672 | \$ 40 | \$ - | \$ 891 | \$ 24,415 | |
| Cr. Jennie Deane | Council | \$ 874 | \$ 84 | 8421 | \$ 217 | \$ 1,737 | \$ 1,412 | \$ 22,672 | \$ 40 | \$ 13 | \$ 936 | \$ 27,985 | |
| Cr. Warren Raabe | Council | \$ 298 | \$ 1,991 | 6083 | \$ 177 | \$ - | \$ - | \$ 49,122 | \$ 40 | \$ 21 | \$ 891 | \$ 52,540 | |
| Cr. Kieran Kennedy | Council | \$ 2,128 | \$ - | 18837 | \$ 768 | \$ - | \$ 2,468 | \$ 22,672 | \$ - | \$ 39 | \$ 891 | \$ 28,966 | |
| Cr. Mohya Davies | Council | \$ 1,658 | \$ - | 17404 | \$ 339 | \$ 91 | \$ 2,956 | \$ 22,672 | \$ - | \$ 69 | \$ 2,113 | \$ 29,898 | |
| Cr. Jeanette Harding | Council | \$ 1,019 | \$ - | 15446 | \$ 528 | \$ - | \$ 3,909 | \$ 22,672 | \$ 400 | \$ 3 | \$ 891 | \$ 29,422 | |
| Cr. David Lewis | Council | \$ 1,087 | \$ - | 9591 | \$ 358 | \$ - | \$ 174 | \$ 22,672 | \$ 40 | \$ 71 | \$ 1,644 | \$ 26,046 | |
| Cr. Mimmie Jackson | Personal | \$ - | \$ 884 | 1465 | \$ 120 | \$ - | \$ 1,893 | \$ 22,672 | \$ - | \$ - | \$ 891 | \$ 26,460 | |
| Cr. James Fawcett | Personal | \$ - | \$ - | 0 | \$ 1,052 | \$ - | \$ 306 | \$ 41,418 | \$ - | \$ - | \$ 891 | \$ 43,667 | |
| Total | | \$ 7,797 | \$ 2,959 | 83988 | \$ 3,638 | \$ 1,828 | \$ 13,118 | \$ 249,244 | \$ 560 | \$ 216 | \$ 10,039 | \$ 289,399 | |

* Travelling expenditure for Councillors with council vehicles represents cost of fuel purchases from 1 July 2010 to 30 June 2011.

** Travelling expenditure for Councillors using private vehicles is at the prescribed rate of reimbursement.

*** Cr. Davies Internet Expenditure includes : standard internet expenditure , trial wireless mobility connect modem and service , and Cr. Lewis Internet Expenditure includes : standard internet expenditure , wireless modem and service.

D.2 COUNCILLOR DISCRETIONARY FUND ALLOCATIONS REPORT

Corporate Services Directorate

EXECUTIVE SUMMARY

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

This report details Councillors recommendations for the period between 1 July 2011 and 1 August 2011.

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Councillor Discretionary Fund Policy 2009

COUNCIL PLAN

| | | |
|-----------------|-------|------------------------------|
| Strategic Goal: | 1.0 | A Vibrant, Engaged Community |
| Outcome: | 1.2 | Active, Resilient Community |
| Strategy No: | 1.2.1 | Community Partnerships |

REPORT

Background

The following applications have been allocated funding from the stated Councillor's 2011/2012 Discretionary Fund:

Prom Coast Soccer Club: To assist with purchase of First Aid Kit & Bag.

- Cr Jeanette Harding - \$100
- Cr Mohya Davies - \$99

South Gippsland Winter Badminton Association: For the purchase of equipment to help re-establish reformed club.

- Cr Mohya Davies - \$500
- Cr Jeanette Harding - \$200

Corner Inlet Pony Club: To assist with cost of purchasing a photocopier/printer.

- Cr Jeanette Harding - \$75
- Cr Mohya Davies - \$75

Kongwak Public Hall Inc: Replace concrete tank with 23,650 litre plastic tank.

- Cr Robert Newton - \$500

Leongatha Lyric Theatre Inc: To assist with the running of Musical Production in lights and sounds.

- Cr Mimmie Jackson - \$500
- Cr David Lewis - \$500

Leongatha SES Unit: For the purchase of an electric DYMO label printer and several rolls.

- Cr David Lewis - \$300

Mirboo North Grainstore: To assist with costs of installing a sliding door.

- Cr David Lewis - \$1,000

Conclusion

The remaining balances of Councillor Discretionary Funds as of 1 August 2011 as follows:

- Cr Mohya Davies - \$3,326
- Cr Jeanette Harding - \$3,625
- Cr Kieran Kennedy - \$4,000
- Cr Jennie Deane - \$4,000
- Cr Robert Newton - \$3,700
- Cr Warren Raabe - \$4,000
- Cr James Fawcett - \$4,000
- Cr Mimmie Jackson - \$3,500
- Cr David Lewis - \$2,200
- Mayoral Fund - \$1,000

FINANCIAL CONSIDERATIONS

The Councillor Discretionary Fund is currently funded in the 2011/2012 Annual Budget.

RECOMMENDATION

That Council receive and note this report.

**D.3 REPORT ON ASSEMBLY OF COUNCILLORS AND ITEMS DISCUSSED
AT COUNCILLOR BRIEFING SESSION AND COMMUNITY
PRESENTATIONS - JULY 2011**

Corporate Services Directorate

EXECUTIVE SUMMARY

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

The matters listed in this report were presented or considered at either an Advisory Committee meeting, Councillor Strategic Briefing Session or Public Presentation Sessions in July 2011.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

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

COUNCIL PLAN

| | | |
|-----------------|-------|--|
| Strategic Goal: | 5.0 | A Leading Organisation |
| Outcome: | 5.1 | Good Governance |
| Strategy No: | 5.1.3 | Community Engagement: Involve the community in Council processes, issues and deliberations through a participative Committee structure, direct engagement in areas of interest and opportunities to provide input. |

| Meeting Type | Councillors Attending | Topics Discussed & Disclosures of Conflict of Interest |
|---|---|--|
| Wednesday 6 July 2011 | | |
| Planning Committee | Crs Lewis, Deane, Davies, Fawcett, Jackson, Harding, Newton and Kennedy. | <ul style="list-style-type: none"> • Conflict of Interest: Crs Fawcett and Jackson left the room due to a declared conflict of interest. • VCAT decisions • Planning applications • Shingler Street Outline Development Plan • Western Townships Structure Plans • Southern Leongatha Outline Development Plan • Eastern Districts Urban Design Framework |
| Municipal Early Years Plan | Crs, Lewis, Deane, Davies, Fawcett, Jackson, Harding, Newton and Kennedy. | <ul style="list-style-type: none"> • Conflict of Interest: Nil • Councillors were provided with an overview of structure and process for community consultation of the Municipal Early Years Plan. |
| Strategic Direction For Aquatic Facilities | Crs Lewis, Deane, Davies, Fawcett, Jackson, Harding, Newton and Kennedy. | <ul style="list-style-type: none"> • Conflict of Interest: Nil • Councillors were presented with changes made to the draft community consultation document and feedback from a Combined Pool Advisory Committee. |
| Caravan Park – Update Photographic Tour | Crs Lewis, Deane, Davies, Fawcett, Jackson, Harding, Newton and Kennedy. | <ul style="list-style-type: none"> • Conflict of Interest: Nil • Councillors were provided with a photographic tour of each of the Shire’s Caravan Parks including a general overview of the condition of capital assets. |
| Land Ownership Policy & Land Rationalisation Project | Crs Lewis, Deane, Davies, Fawcett, Jackson, Harding, Newton and Kennedy. | <ul style="list-style-type: none"> • Conflict of Interest: Nil • Councillors were provided with an introduction of the Land Asset and Rationalisation project and discussion ensued regarding a proposed Land Ownership Policy. |
| Asset Management Plan for Roads | Crs Lewis, Deane, Davies, Fawcett, Jackson, Harding, Newton and Kennedy. | <ul style="list-style-type: none"> • Conflict of Interest: Nil • Councillors were presented with information on the current status of the Road Asset Management Plan. |
| Elections and Electoral Representation Review | Crs Lewis, Deane, Davies, Fawcett, Jackson, Harding, Newton and Kennedy. | <ul style="list-style-type: none"> • Conflict of Interest: Nil • Councillors were presented with information relating to the Council Elections and Electoral Representation Review. |

| Meeting Type | Councillors Attending | Topics Discussed & Disclosures of Conflict of Interest |
|---|--|--|
| Budget – S223 Update | Crs Lewis, Deane, Davies, Fawcett, Jackson, Harding, Newton and Kennedy. | <ul style="list-style-type: none"> • Conflict of Interest: Nil • Councillors were provided with the details of submissions made to the budget and long term financial plan. |
| Wednesday 13 July 2011 | | |
| Rural Land Use Strategy – The Next Steps | Crs Fawcett, Kennedy, Jackson, Deane, Lewis and Harding. | <ul style="list-style-type: none"> • Conflict of Interest: Nil • Councillors discussed the content and direction of the Rural Land Use Strategy. |
| Policy Review – Gifts & Donations | Crs Fawcett, Kennedy, Jackson, Deane, Lewis and Harding. | <ul style="list-style-type: none"> • Conflict of Interest: Nil • Councillors reviewed the acceptance of gifts and donations policy. |
| Localities Review Project | Crs Fawcett, Kennedy, Jackson, Deane, Lewis and Harding. | <ul style="list-style-type: none"> • Conflict of Interest: Nil • Councillors considered the Council Report and confidential appendix prior to consideration at Council Meeting of 27 July 2011. |
| Policy Review – Councillor Correspondence Code of Practice | Crs Fawcett, Kennedy, Jackson, Deane, Lewis, Newton and Harding. | <ul style="list-style-type: none"> • Conflict of Interest: Nil • Councillors considered the content of the new Councillor Correspondence Code of Practice. |
| S223 Submission Hearings – Budget and Long Term Financial Plan | Crs Jackson, Harding, Lewis, Kennedy, Fawcett and Newton. | <ul style="list-style-type: none"> • Conflict of Interest: Nil • Special Meeting of Council whereby Councillors considered and heard community members (8) speaking in support of their submissions. |
| Discussion to Finalise Budget and Long Term Financial Plan | Crs Jackson, Harding, Lewis, Kennedy, Fawcett and Newton. | <ul style="list-style-type: none"> • Conflict of Interest: Nil • Councillors considered Council reports relating to the Budget and Long Term Financial Plan prior to consideration at Council Meeting 27 July 2011. |
| Executive Updates | Crs Jackson, Harding, Lewis, Kennedy, Fawcett and Newton. | <ul style="list-style-type: none"> • Conflict of Interest: Nil • Poowong Abbattoir • Franklin River Reserve • Kongwak Tennis Courts • Neighborhood Safer Places • Public Library Funding |

| Meeting Type | Councillors Attending | Topics Discussed & Disclosures of Conflict of Interest |
|--|--|---|
| Monday 18 July 2011 | | |
| SG SPLASH Advisory Committee | Cr Jackson | <ul style="list-style-type: none"> • Conflict of Interest: Nil • SG SPLASH Committee Terms of reference • Managers Reports • Danny van der Burgh Memorial • Watch around water |
| Tuesday 19 July 2011 | | |
| Youth Council | Cr Jackson | <ul style="list-style-type: none"> • Conflict of Interest: Nil • Youth Council Terms of reference • Competitions and opportunities for young people • Youth Forums • FREEZA |
| Wednesday 20 July 2011 | | |
| Southern Leongatha Outline Development Plan | Crs Davies, Jackson, Fawcett, Kennedy, Harding, Deane, Newton and Lewis. | <ul style="list-style-type: none"> • Conflict of Interest: Nil • Councillors discussed the options and consequences of closing Simons Lane. • Councillors were presented information provided on the likely costs to Council involved in providing infrastructure. |
| Local Government Community Satisfaction Survey 2011 | Crs Davies, Jackson, Fawcett, Kennedy, Harding, Deane, Newton and Lewis. | <ul style="list-style-type: none"> • Conflict of Interest: Nil • Presentation made to Councillors on the Local Government Community Satisfaction Survey 2011, highlighting the trends over the last 5 years and areas the community noted for improvement at Council. |
| Waste Management Submission Briefing | Crs Davies, Jackson, Fawcett, Kennedy, Harding, Deane, Newton and Lewis. | <ul style="list-style-type: none"> • Conflict of Interest: Nil • Councillors were provided details of submissions made to the Waste Management Strategy. |

| Meeting Type | Councillors Attending | Topics Discussed & Disclosures of Conflict of Interest |
|--|--|--|
| The Gippsland Transport Strategy presented by the State Government | Crs Davies, Jackson, Fawcett, Kennedy, Harding, Deane, Newton and Lewis. | <ul style="list-style-type: none"> • Conflict of Interest: Nil • Representatives of the Victorian State Government, Department of Transport provided an update to Councillors on Government Transport Policy commitments, recent Gippsland transport achievements, Gippsland Freight Strategy and transport solutions. |
| Policy Review – redundant policies | Crs Davies, Lewis, Fawcett and Jackson. | <ul style="list-style-type: none"> • Conflict of Interest: Nil • Presentation made to Councillors highlighting policies that are redundant. |
| Public Presentation Session – 2pm Session | Crs Davies, Jackson, Fawcett, Kennedy, Harding, Deane, Newton and Lewis. | <ul style="list-style-type: none"> • Conflict of Interest: Nil • Presentations were made to Council by the following community members: |
| <p>Mr Ian Campbell made a presentation to Council regarding concerns for his locality boundary.</p> | | |
| <p>Mr Paul Norton made a presentation to Council regarding governance matters.</p> | | |
| Rural Land Use Strategy – the next steps | Crs Davies, Jackson, Fawcett, Kennedy, Harding, Deane, Newton and Lewis. | <ul style="list-style-type: none"> • Conflict of Interest: Nil • Councillors discussed the content and direction of the Rural Land Use Strategy. |
| Executive Updates | Crs Davies, Jackson, Fawcett, Harding, Deane, Newton and Lewis. | <ul style="list-style-type: none"> • Conflict of Interest: Nil • Use of Council Logo • SP AusNet Expansion • Youth Grant |
| <p>Public Presentation – 7pm - Nil Presentations</p> | | |

| Meeting Type | Councillors Attending | Topics Discussed & Disclosures of Conflict of Interest |
|--|---|--|
| Wednesday 27 July 2011 | | |
| Executive Update | Crs Fawcett, Kennedy, Harding, Lewis, Raabe, Davies and Newton. | <ul style="list-style-type: none"> • Conflict of Interest: Nil • Library Funding • Aquatic Strategy Strategic Directions |
| Public Presentation Session – Council Agenda Items – 10am | Crs Fawcett, Kennedy, Harding, Lewis, Raabe, Davies and Newton. | <ul style="list-style-type: none"> • Conflict of Interest: Nil • Nil presentations were made to Councillors by the community. |
| Electoral Representation Review - discussions | Crs Fawcett, Kennedy, Harding, Lewis, Raabe, Davies and Newton. | <ul style="list-style-type: none"> • Conflict of Interest: Nil • Councillors discussed factors within their Wards that may contribute towards the Electoral Representation Review. |
| Executive Update | Crs Fawcett, Kennedy, Harding, Lewis, Raabe, Davies and Newton. | <ul style="list-style-type: none"> • Conflict of Interest: Nil • Agenda topics - 27 July 2011 • Colleen Hartland MLC Request for Council Support of Member's Bill • MAV Rural Gippsland Regional Meeting – September • Corner Inlet Motorcycle Track • Funding Proposal – Sustainable Sports Grounds Program |

RECOMMENDATION

That Council receive and note this report.

D.4 DOCUMENTS SEALED – JULY 2011

Corporate Services Directorate

EXECUTIVE SUMMARY

Under the Victorian Local Government Act, each Council is a body corporate and a legal entity in its own right. Each Council must have a common seal (like any corporate entity) that is an official sanction of that Council.

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

LEGISLATIVE/ ACTION PLANS/ STRATEGIES/ POLICIES

Local Government Act 1989 - Section 5

Local Law No. 3 2010

COUNCIL PLAN

| | | |
|-----------------|-------|--|
| Strategic Goal: | 5.0 | A Leading Organisation |
| Outcome: | 5.2 | Active, Resilient Community |
| Strategy No: | 5.2.5 | Take a risk management approach to all activities to enhance community safety and minimise Council exposure to external adverse claims, adverse impacts or financial loss. |

REPORT

The Local Government Act 1989 requires that every Council must have a common seal and all courts, judges and persons acting judicially must take judicial notice of the imprint of the common seal of a Council on any document.

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.’

In accordance with the Local Law, the following are presented to Council as documents sealed in the month of July 2011.

1. Contract SGC11/14 between South Gippsland Shire Council and HLB Mann Judd (Vic) Pty Ltd in relation to Provision of Internal Audit Services – *Seal Applied 4 July 2011.*

2. Contract SGC11/17 between South Gippsland Shire Council and GBS Hire Pty Ltd in relation to Provision of temporary labour supply – *Seal Applied 6 July 2011.*
3. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and owners of 24 Paris Crescent Venus Bay in relation to development of the land for the purposes of a dwelling and associated works – *Seal Applied 6 July 2011.*
4. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and owners of 23 Reserve Street Port Franklin in relation to development of a dwelling, shed and associated works and vegetation removal on the land – *Seal Applied 6 July 2011.*
5. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and owners of 25 Bradley Avenue Venus Bay in relation to construction of a dwelling and removal on vegetation – *Seal Applied 6 July 2011.*
6. Contract SGC11/17 between South Gippsland Shire Council and ASA Personnel Pty Ltd in relation to provision of temporary labour supply – *Seal Applied 6 July 2011.*
7. Contract SGC11/10 between South Gippsland Shire Council and Artcraft Pty Ltd in relation to supply and delivery of traffic management signs and associated products – *Seal Applied 6 July 2011.*
8. Contract SGC11/19 between South Gippsland Shire Council and Goldsmith Civil and Environmental Pty Ltd in relation to supply and delivery of quarry products and road marking materials – *Seal Applied 6 July 2011.*
9. Contract SGC11/17 between South Gippsland Shire Council and Personnel Management Pty Ltd ATF Bodando Unit Trust (Workforce Extensions) in relation to provision of temporary labour supply – *Seal Applied 6 July 2011.*
10. Contract SGC11/17 between South Gippsland Shire Council and ADA Construction Services Pty Ltd in relation to provision of temporary labour supply – *Seal Applied 6 July 2011.*
11. Contract SGC11/19 between South Gippsland Shire Council and K & R R J Matthews Quarries Pty Ltd in relation to supply and delivery of quarry products and road making materials – *Seal Applied 7 July 2011.*
12. Contract SGC11/06 between South Gippsland Shire Council and Terrafirma Excavations Pty Ltd in relation to provision of tree and vegetation maintenance services – *Seal Applied 7 July 2011.*

13. Contract SGC11/19 between South Gippsland Shire Council and Goldsmith Civil and Environmental Pty Ltd in relation to supply and delivery of quarry products and road making materials – *Seal Applied 7 July 2011.*
14. Contract SGC11/19 between South Gippsland Shire Council and P & T Eygenraam T/A Demerlo Contractors in relation to supply and delivery of quarry products and road making materials – *Seal Applied 8 July 2011.*
15. Contract SGC11/18 between South Gippsland Shire Council and Gippsland Asphalt Pty Ltd in relation to supply of hot and cold bituminous products – *Seal Applied 8 July 2011.*
16. Contract SGC11/19 between South Gippsland Shire Council and South Gippsland Quarries Pty Ltd in relation to supply and delivery of quarry products and road making materials – *Seal Applied 11 July 2011.*
17. Contract Q2011/37 between South Gippsland Shire Council and Grouts Electrical Ltd in relation to connection of power supply to Coal Creek Building Korrumburra – *Seal Applied 11 July 2011.*
18. Contract SGSC 11/06 between South Gippsland Shire Council and Peter and Karen Bateman (Arborzone Total Tree Care) in relation to provision of tree and vegetation maintenance services – *Seal Applied 13 July 2011.*
19. Contract SGSC 11/19 between South Gippsland Shire Council and F & T Concrete Pty Ltd in relation to supply and delivery of quarry products and road making materials – *Seal Applied 13 July 2011.*
20. Tender SGSC 11/16 between South Gippsland Shire Council and Ada Construction Services Pty Ltd in relation to provision of plant hire and minor civil works – *Seal Applied 19 July 2011.*
21. Tender SGSC 11/16 between South Gippsland Shire Council and T & M Southern Cranes Pty Ltd in relation to provision of plant hire and minor civil works – *Seal Applied 19 July 2011.*
22. Tender SGSC 11/16 between South Gippsland Shire Council and Sure Constructions (Vic) Pty Ltd in relation to provision of plant hire and minor civil works – *Seal Applied 19 July 2011.*
23. Tender SGSC 11/16 between South Gippsland Shire Council and Allens Contracting Pty Ltd ATF The Allen Family Trust in relation to provision of plant hire and minor civil works – *Seal Applied 19 July 2011.*
24. Tender SGSC 11/16 between South Gippsland Shire Council and Graeme and Karen Newton in relation to provision of plant hire and minor civil works – *Seal Applied 19 July 2011.*

25. Tender SGSC 11/16 between South Gippsland Shire Council and Neil Williams Sparkes in relation to provision of plant hire and minor civil works – *Seal Applied 19 July 2011.*
26. Tender SGSC 11/16 between South Gippsland Shire Council and Mr Dean Edward Gow in relation to provision of plant hire and minor civil works – *Seal Applied 19 July 2011.*
27. Tender SGSC 11/16 between South Gippsland Shire Council and Gerke Plant Hire Pty Ltd in relation to provision of plant hire and minor civil works – *Seal Applied 19 July 2011.*
28. Tender SGSC 11/16 between South Gippsland Shire Council and Beyer Contractors Pty Ltd in relation to provision of plant hire and minor civil works – *Seal Applied 19 July 2011.*
29. Tender SGSC 11/16 between South Gippsland Shire Council and Michael and Honnie Whelan in relation to provision of plant hire and minor civil works – *Seal Applied 19 July 2011.*
30. Tender SGSC 11/16 between South Gippsland Shire Council and Goldsmith Civil and Environmental Pty Ltd in relation to provision of plant hire and minor civil works – *Seal Applied 19 July 2011.*
31. Tender SGSC 11/16 between South Gippsland Shire Council and David Alan Rounds in relation to provision of plant hire and minor civil works – *Seal Applied 19 July 2011.*
32. Tender SGSC 11/16 between South Gippsland Shire Council and Services South East ATFT Ports and Co in relation to provision of plant hire and minor civil works – *Seal Applied 19 July 2011.*
33. Tender SGSC 11/16 between South Gippsland Shire Council and ASH (Vic) Pty Ltd T/A Hughes Plant in relation to provision of plant hire and minor civil works – *Seal Applied 19 July 2011.*
34. Tender SGSC 11/16 between South Gippsland Shire Council and Gippsland Land Services in relation to provision of plant hire and minor civil works – *Seal Applied 19 July 2011.*
35. Tender SGSC 11/16 between South Gippsland Shire Council and Barry William Winkler in relation to provision of plant hire and minor civil works – *Seal Applied 19 July 2011.*
36. Tender SGSC 11/16 between South Gippsland Shire Council and Gippsland Land Services in relation to provision of plant hire and minor civil works – *Seal Applied 19 July 2011.*
37. Tender SGSC 11/16 between South Gippsland Shire Council and Michael Gary Hancock in relation to provision of plant hire and minor civil works – *Seal Applied 19 July 2011.*

38. Tender SGSC 11/16 between South Gippsland Shire Council and Cutting Edge Drainage Pty Ltd in relation to provision of plant hire and minor civil works – *Seal Applied 19 July 2011.*
39. Tender SGSC 11/16 between South Gippsland Shire Council and T G & D A Williams in relation to provision of plant hire and minor civil works – *Seal Applied 19 July 2011.*
40. Tender SGSC 11/16 between South Gippsland Shire Council and South Gippsland Quarries Pty Ltd in relation to provision of plant hire and minor civil works – *Seal Applied 19 July 2011.*
41. Tender SGSC 11/16 between South Gippsland Shire Council and Paul and Tanya Eygenraam in relation to provision of plant hire and minor civil works – *Seal Applied 19 July 2011.*
42. Contract SGC11/17 between South Gippsland Shire Council and Skilled Group Ltd in relation to provision of temporary labour supply – *Seal Applied 19 July 2011.*
43. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and owners of Morgans Road Hedley in relation to construction of a dwelling, ancillary works and vegetation removal – *Seal Applied 26 July 2011.*
44. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and owners of 22 Crichton Crescent Venus Bay in relation to a single dwelling – *Seal Applied 26 July 2011.*
45. Contract SGC11/16 between South Gippsland Shire Council and KND Maintenance Pty Ltd in relation to plant hire and minor civil works – *Seal Applied 26 July 2011.*
46. Contract SGC11/16 between South Gippsland Shire Council and Porter Constructions (Vic) Pty Ltd in relation to plant hire and minor civil works – *Seal Applied 26 July 2011.*
47. Contract SGC11/16 between South Gippsland Shire Council and Michael Mileto in relation to plant hire and minor civil works – *Seal Applied 26 July 2011.*
48. Contract SGC11/16 between South Gippsland Shire Council and Brenton John Williams in relation to plant hire and minor civil works – *Seal Applied 26 July 2011.*
49. Contract SGC11/16 between South Gippsland Shire Council and Sherrin Rentals Pty Ltd in relation to plant hire and minor civil works – *Seal Applied 26 July 2011.*

50. Contract SGC11/16 between South Gippsland Shire Council and Cecil and Sons Pty Ltd in relation to plant hire and minor civil works – *Seal Applied 26 July 2011.*
51. Contract SGC11/16 between South Gippsland Shire Council and Stable Roads Pty Ltd in relation to plant hire and minor civil works – *Seal Applied 26 July 2011.*
52. Contract SGC11/16 between South Gippsland Shire Council and JTB Nominees Pty Ltd T/A 'Provision of Plant Hire and Civil Works Contractors' in relation to plant hire and minor civil works – *Seal Applied 26 July 2011.*
53. Contract SGC11/06 between South Gippsland Shire Council and The Botanical Tree Surgery Company Pty Ltd in relation to provision of tree and vegetation maintenance services – *Seal Applied 26 July 2011.*
54. Contract SGC11/06 between South Gippsland Shire Council and Gippsland Contracting Pty Ltd T/A BJ & BJ Murphy Contracting in relation to provision of tree and vegetation maintenance services – *Seal Applied 26 July 2011.*
55. Tender SGC11/16 between South Gippsland Shire Council and H2O Group (Aust) Pty Ltd T/A 'Provision of Plant Hire and Civil Works Contractors' in relation to plant hire and minor civil works – *Seal Applied 28 July 2011.*
56. Tender SGC11/16 between South Gippsland Shire Council and Forrester Haulage Pty Ltd in relation to plant hire and minor civil works – *Seal Applied 28 July 2011.*
57. Tender SGC11/16 between South Gippsland Shire Council and Global Traffic Management Pty Ltd in relation to plant hire and minor civil works – *Seal Applied 28 July 2011.*
58. Tender SGC11/16 between South Gippsland Shire Council and Stablime Distributors Pty Ltd in relation to plant hire and minor civil works – *Seal Applied 28 July 2011.*
59. Tender SGC11/16 between South Gippsland Shire Council and Boral Resources (Vic) Pty Ltd T/A Boral Asphalt in relation to plant hire and minor civil works – *Seal Applied 28 July 2011.*
60. Tender SGC11/16 between South Gippsland Shire Council and Pipeline Services & Equipment Pty Ltd in relation to plant hire and minor civil works – *Seal Applied 28 July 2011.*
61. Tender SGC11/16 between South Gippsland Shire Council and Accurate Group (Aust) Pty Ltd in relation to plant hire and minor civil works – *Seal Applied 28 July 2011.*

62. Contract SGC11/06 between South Gippsland Shire Council and Citywide Service Solutions Pty Ltd in relation to provision of tree and vegetation maintenance services – *Seal Applied 28 July 2011.*
63. Contract SGC11/06 between South Gippsland Shire Council and Accurate Group (Aust) Pty Ltd in relation to provision of tree and vegetation maintenance services – *Seal Applied 28 July 2011.*
64. Contract Quotation Q2012/01 between South Gippsland Shire Council and Maskells Maintenance Service Pty Ltd in relation to replacement of windows – Coal Creek Main Building Korumburra – *Seal Applied 28 July 2011.*

RECOMMENDATION

That Council note that the listed documents have been signed and sealed.

SECTION E - COUNCIL REPORTS

E.1 LOCH, NYORA, POOWONG AND MEENIYAN STRUCTURE PLANS

Development Services Directorate

EXECUTIVE SUMMARY

Township Structure Plans have been prepared for Loch, Nyora, Poowong and Meeniyan. The Plans have been prepared with funding assistance from Regional Development Victoria. Draft Structure Plans were exhibited during January and February and 85 submissions were received. The submissions were reviewed and a series of changes made to the Structure Plans in response to the comments provided. The final versions of the Structure Plans are provided in **Appendix 1-4**.

The changes made to the Nyora and Poowong Structure Plans were extensive and introduced new elements into the Plans that the communities had not presently been aware of. In response to this situation Council resolved at the 27 April 2011 Ordinary Council Meeting to exhibit the four Final Draft versions of the Structure Plans requesting community feedback. The exhibition period ended on 29 July 2011 and 20 submissions were received.

This report recommends Council formally adopt the four Structure Plans and commence the process to implement the key recommendations of the plans into the Municipal Strategic Statement section of the Planning Scheme.

South Gippsland Shire Council *Loch, Nyora, Poowong and Meeniyan Structure Plans* are provided in **Appendix 1-4** and can be accessed on council's website <http://www.southgippsland.vic.gov.au/> or by contacting Governance on 03 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

There are no statutory / policy requirements directly related to the preparation of township structure plans.

COUNCIL PLAN

| | | |
|-----------------|-------|-------------------|
| Strategic Goal: | 3.0 | A Strong Economy |
| Outcome: | 3.3 | Infrastructure |
| Strategy No: | 3.3.4 | Land Use Planning |

CONSULTATION

Public exhibition of the Structure Plan Discussion Papers occurred during January and February 2011. Exhibition was achieved by postal notification to all residents of the townships (and immediate surrounds), displays in the

townships, township meetings and other various measures including display on Council's web page, press release and listing in the Community Noticeboard in the local papers. Separate to Council's exhibition processes, the development company Wallis Watson convened a Nyora community meeting to discuss their proposal for land rezoning on the eastern boundary of Nyora – between Glovers Road and Lang Lang Poowong Road.

The submissions are divided by townships as follows:

- Nyora 45
- Loch 10
- Meeniyan 15
- Poowong 12
- Non town specific – 4

Submissions were also received from various State Government and statutory agencies / authorities. All submission have been made public and copies provided to all Councillors.

Additional consultation

As noted above, a series of changes were made to the Structure Plans in response to the submissions received. Some of these changes were significant and justified the Plans being placed on a further round of public exhibition. This additional exhibition occurred between 27 April 2011 and 29 July 2011. Exhibition occurred via postal notification to all submitters to the initial round of public consultation and by notification to the owners of lands likely to be affected by the specific changes to the Structure Plans. Public displays within the townships, at Council, Council's web page and newspaper public notices also occurred. A public meeting was held at Nyora on 18 July 2011 to discuss the changes made to the Nyora Structure Plan.

A total of 20 additional written submissions have been received.

- Nyora 14
- Loch 2
- Poowong 2
- Meeniyan 0
- Non town specific 2 (Government Agencies)

Most of these submissions are from parties that made submissions to the exhibition of the Structure Plan Discussion Papers earlier in the year. The balance of the submissions are new, some of which express concerns

regarding the newly amended elements of the Structure Plans. These matters are discussed below.

Copies of all submissions have been provided to the Councillors.

REPORT

Background

Council has received funding from Regional Development Victoria, through the Planning for Growth program, to prepare Structure Plans for the townships of Loch, Nyora, Poowong and Meeniyan. The common theme in the development of the Structure Plans is the need to plan for the impending provision of reticulated sewerage.

The Meeniyan sewerage treatment scheme is expected to commence operation in late 2011. The Loch, Nyora and Poowong sewer scheme is anticipated to be completed in 2015. The provision of sewerage will remove the main impediment to growth in the townships and may be the catalyst for accelerated residential development growth rates, especially in Nyora, given its close proximity to Melbourne.

The goal of the Structure Plans is to implement into the South Gippsland Planning Scheme new township planning provisions that will guide the development of the townships as development pressures increase.

Discussion

As noted above, each submission has been individually assessed. Changes have been made to the final versions of the Structure Plans in response to these submissions. It is not practical in this Council Report to respond to each individual submission however a number of themes emerged that do require comment. The following is a summary of the key changes made to the Structure Plans.

Nyora (Appendix 2)

The main issue in the development of the Nyora Structure Plan is the future of the 99ha land parcel east of the township, situated between Glovers Road and Lang Lang Poowong Road – the Wallis Watson land. The Discussion Paper identified this land as preferred Low Density Residential. The Structure Plan has been amended to identify this land for future Residential 1 Zone. The reasons supporting this decision are set out below.

The Wallis Watson land is one of the two key preferred greenfield development areas in Nyora. The Nyora Structure Plan is planning for the next 25 years and beyond, however the decisions made now on key sites will have very long term implications for the form of a township. For example, applying the Low Density Residential Zone (LDRZ) to this land means that future options to gain higher density development on this land is likely to be lost permanently. While many of the Nyora submissions would support this

outcome (entrenchment of lower density development), applying the LDRZ now would remove future planning discretion to achieve a more intensive use of the land.

Applying the LDRZ and the Rural Living Zones around the current township boundary is a definitive step that effectively states the township will not grow in a particular direction at any density above that established across its low density peripheries. It is extremely difficult to increase development density once a low density residential environment has been established. Given the development pressures growing in the South-eastern metropolitan corridor, and the currently evolving State Government response to the management of these pressures, it is the view of the officers that insufficient planning justification currently exists to categorically conclude that the long term, and very long term planning for Nyora should exclude this land for potential development at Residential 1 Zone density. While this decision has been made, application of the Residential 1 Zone is also highly problematic and shifts the planning problems from the long term (lack of future options) to the short term (how to manage growth).

It is understood that Wallis Watson seek to rezone the entire 99ha land parcel to the Residential 1 Zone in one step and not stage the rezoning. The current substandard state of Nyora's physical and social infrastructure is ill equipped to handle additional pressure and Council has not as yet undertaken the detailed costings required to determine how much investment is actually required in the township to bring it up to an acceptable level. This work needs to be done before cost recovery methods can be developed and implemented. If significant investment is required, this has 'whole of Shire' implications as infrastructure expenditure required for Nyora is likely to reduce capital expenditure in other areas of the Shire – should it not be provided by the developer.

In addition to these Shire based concerns, Nyora is not currently recognised by the State Government as a township identified for residential growth. It is unclear if the necessary State Government support would be provided to rezone all, or a large part of the subject land, prior to its State recognition as a growth area, or prior to Council undertaking the further work necessary to demonstrate to the State Government that appropriate planning measures have been implemented to manage growth. Higher growth levels in Nyora will have implications for State Government service provision (education, social services, roads etc) and the timely provision of these services will be essential to ensuring effective management of development.

The above comments apply equally to the potential application of the Residential 1 Zone to the greenfield area on the western boundary of the township.

Nyora – Future Residential 1 Zone

The key outcome of the Nyora Structure Plan is the definitive statement that the township peripheries should not be wrapped in a zone (LDRZ or RLZ) that

will permanently restrict further development. Following this decision, the below matters must be considered in the near term before any greenfield land is rezoned Residential 1 (R1Z).

- *The State Government support for the directions of the Nyora Structure Plan.* Implementation of the Plan into the Planning Scheme will require various levels of State Government approval (including Independent Planning Panel Review) and this will provide the opportunity for various State Government agencies to comment on the merits of the plan. If an element of the Structure Plan is not supported by an Independent Planning Panel, that element is unlikely to make it into the Planning Scheme.
- *Housing and Settlement Strategy.* Council is shortly to commence preparation of a Housing and Settlement Strategy. Opening up Nyora to growth that feeds off metropolitan Melbourne has the potential to change the role and functions of the key townships in the Shire. Rezoning that potentially change the relationship of towns to each other (their role and function) should be informed by a Housing and Settlement Strategy. Ideally this project should be completed and implemented before greenfield R1Z rezoning occurs in Nyora.
- *Infrastructure Review.* Council does not currently have an infrastructure cost recovery method included in its Planning Scheme (Development Contributions Plan Overlay – or similar) and does not have a clear understanding of the likely costs involved in upgrading Council's social and physical infrastructure to an acceptable level. Wallis Watson have indicated their willingness to provide developer contributions on a 'per lot' basis which will assist this matter, however it remains unclear what the extent of the shortfall may be between the offer provided and the cost of provision. Before greenfield application of the R1Z occurs, Council needs to undertake a detailed investigation of its infrastructure obligations in the township. As a case-in-point highlighted by the Nyora submissions, existing demand on the Recreation Reserve is very high. If additional land is released it is likely that an additional full size oval will be required to meet demand. Where it is located and how it will be funded, will have to be planned. Stormwater drainage is poor, many roads are unsealed and without footpaths and street lighting. Bringing Nyora up to a physical infrastructure standard of a township like Korumburra or Leongatha will require significant capital investment.
- *Master Planning.* The layout of the town centre is informal and not structured like a typical small country town. Growth will create demand for additional retail and community uses that should be located in a town centre. High growth will necessitate (as a priority) Master Planning for the town centre to establish principles for consolidation. This should occur in consultation with VicTrack who own critical town centre land. It should also address the use of the land between the established industrial area and the garden supplies place, which an adjoining landowner is strongly opposed to. A submission recommends moving

the focus of the town centre to the industrial area north of the railway land. A detailed look at the operation of the town centre will provide an opportunity for these matters to be considered in greater detail.

- *Residential Development Controls.* Greenfield development should be accompanied by plans that demonstrate 'whole of precinct' planning. Wallis Watson has prepared draft plans to this effect. Similar plans should be included in the Planning Scheme if land is rezoned. These plans can address the critical interface issues with the established residential areas. Controlling this interface is a matter of concern to many residents in the northern LDRZ estate.

Nyora Rural Living Investigation Areas

Two areas have been identified as Rural Living Zone Investigation Areas. The Yannathan Road proposal is identified as Area 1 in the Structure Plan. Two submissions have been received from adjoining landowners expressing concerns with this proposal sighting traffic, drainage, visual amenity, loss of agricultural land and lack of social and physical infrastructure in Nyora.

The second Rural Living Zone area (Area 2) adjoins Henrys Road. A developer has expressed interest in rezoning land on the eastern side of Henrys Road. One objection has been received to this proposal sighting similar issues to those raised above.

At a minimum, both proposals will require the developer to provide for the upgrading of the physical infrastructure (notably roads) necessary to support these new developments. In a general planning sense, Area 2 may be viewed as an infill development that continues a logical progression of development down Henrys Road. The Area 1 proposal, for which a detailed development submission has been received, extends Rural Living outside of the established and fully developed Rural Living precinct to the west.

Application of the Rural Living Zone can be challenging due to the high level of strategic justification required to support its use. Furthermore, the infrastructure Council will require the developers to provide is presently unknown. These issues should be explored further prior to Council pursuing implementation of the Structure Plan recommendations into the Planning Scheme. The term 'investigation area' is not suitable for inclusion in the Planning Scheme (especially when specific lots are identified) and their implementation into the Scheme should provide a clear statement of Council's intent for the land. Council and the developers should seek to establish a firm position on these proposals prior to the implementation amendment occurring.

The Nyora Structure Plan (Final) presented to Council for adoption (see **Appendix 2**) contains a number of minor changes consisting of amended wording, deleted text and one map change. None of these changes affect the merits of the Structure Plan or introduce any new element that may necessitate further public exhibition. The map change is found in the

Framework Plan map and replaces the 'Land Use' legend term Residential 1 Zone Investigation Area with the words 'Proposed Residential 1 Zone'. The new wording is clearer in its intention and should also be used for the map that introduces the Structure Plan into the Planning Scheme.

Loch, Poowong and Meeniyah Structure Plans

The changes made to the Loch, Poowong and Meeniyah Structure Plans following their initial exhibition in January and February 2011 were discussed in the 27 April 2011 Council Report that can be viewed on Council's web page. The following is a discussion of the small number of submissions received in the second exhibition process.

Loch (Appendix 1)

Two submissions request changes to the Loch Structure Plan. Both submissions relate to the identification of land (see 'Loch Proposed Zoning' map) for inclusion in the 'Low Density Residential Zone (LDRZ)' instead of the 'Residential 1 Zone (R1Z)'. Application of the LDRZ reduces the potential lot yield achieved by subdivision.

The submission from the owner of 11 Roy Street (Lot 6 LP214466) requests the inclusion of their land (3.04ha) in the R1Z. The subject land forms part of a larger area proposed for inclusion in the LDRZ – see **Attachment 1**. Likewise, the owner of the land at the southern end of Smith Street requests their land also be zoned R1Z. The Smith Street land has been subdivided however the land and servicing road have not been constructed.

The main reason for recommending both landholdings be included in the LDRZ is topography. The contour lines displayed in **Attachment 1** are at 1m intervals. In relation to the Roy Street land, a road into this area would exceed Council's preferred 10 percent gradient and the creation of small lots would exacerbate the amount of earthworks required to site dwellings. Small lots on steep land often result in extensive earthworks because modern dwelling construction is cheaper when done on concrete slab. The southern half of the Smith Street land is steeper than the Roy Street land and for the same reasons is poorly suited to application of the R1Z. The existing approved subdivision pattern over this land appears to recognise this fact given that large lots have been created on the steep land and smaller lots on the flat land. The smaller lots owned by this same party (adjoining the large lots) are proposed to be included in the R1Z.

While making the recommendations to include the lands in the LDRZ it is acknowledged that careful development of Roy Street land in particular could allow for application of the R1Z. To achieve this, a development plan would be required that conclusively shows how sensitive subdivision design can be achieved while having minimal impact on the land. The same may also be the case for some of the more flat Smith Street lots. Without having this information the immediate zone translation should be to the LDRZ. If application of the R1Z is proposed, it should be at the initiation of the benefiting landowner and considered on its merits at a later date.

Poowong (Appendix 3)

Two submissions have been received to the second exhibition of the Poowong Structure Plan, both in support of the Plan.

One of the submissions requests clarification of the future Residential 1 Zone boundary for the land east of Brisbane Street – as displayed in the Poowong Framework Plan map. The words 'Indicative boundary' has been added to this map to demonstrate that the line on the map is not intended to display a firm intention of where the future zone boundary should be located. The future zone boundary can be determined on site specific merits.

Meeniyah (Appendix 4)

No submissions were received to the second exhibition of the Meeniyah Structure Plan. The only change that has been made to this plan is to update the completion date for the sewerage scheme, which is now anticipated to be completed in late 2011.

Conclusion

The four township structure plans have been amended to respond to many of issues identified in the submissions to the Discussion Papers. In addressing the submissions the officers have sought to find a balance between competing interests, while at the same time recommending outcomes that can be supported on their planning merit as the structure plans progress through the planning scheme implementation process.

The decision to identify significant areas adjoining Nyora as 'Future Residential 1 Zone' is an important decision and brings with it long term implications for Council should these recommendations be implemented into the Planning Scheme. The decision to promote growth will require further investigations to be undertaken, especially in relation to the provision of physical infrastructure. This work must commence soon if Council is committed to act on the growth of Nyora. It is anticipated that the Independent Planning Panel process required as a step in the implementation process will be valuable in providing Council, the community and the development interests the opportunity for independent review of the key recommendations of the Structure Plans.

The Structure Plans (as detailed in **Appendix 1-4**) have been completed. It is recommended they be adopted by Council and that Council commence the process to implement the key recommendations of the Structure Plans into the South Gippsland Planning Scheme.

RECOMMENDATION

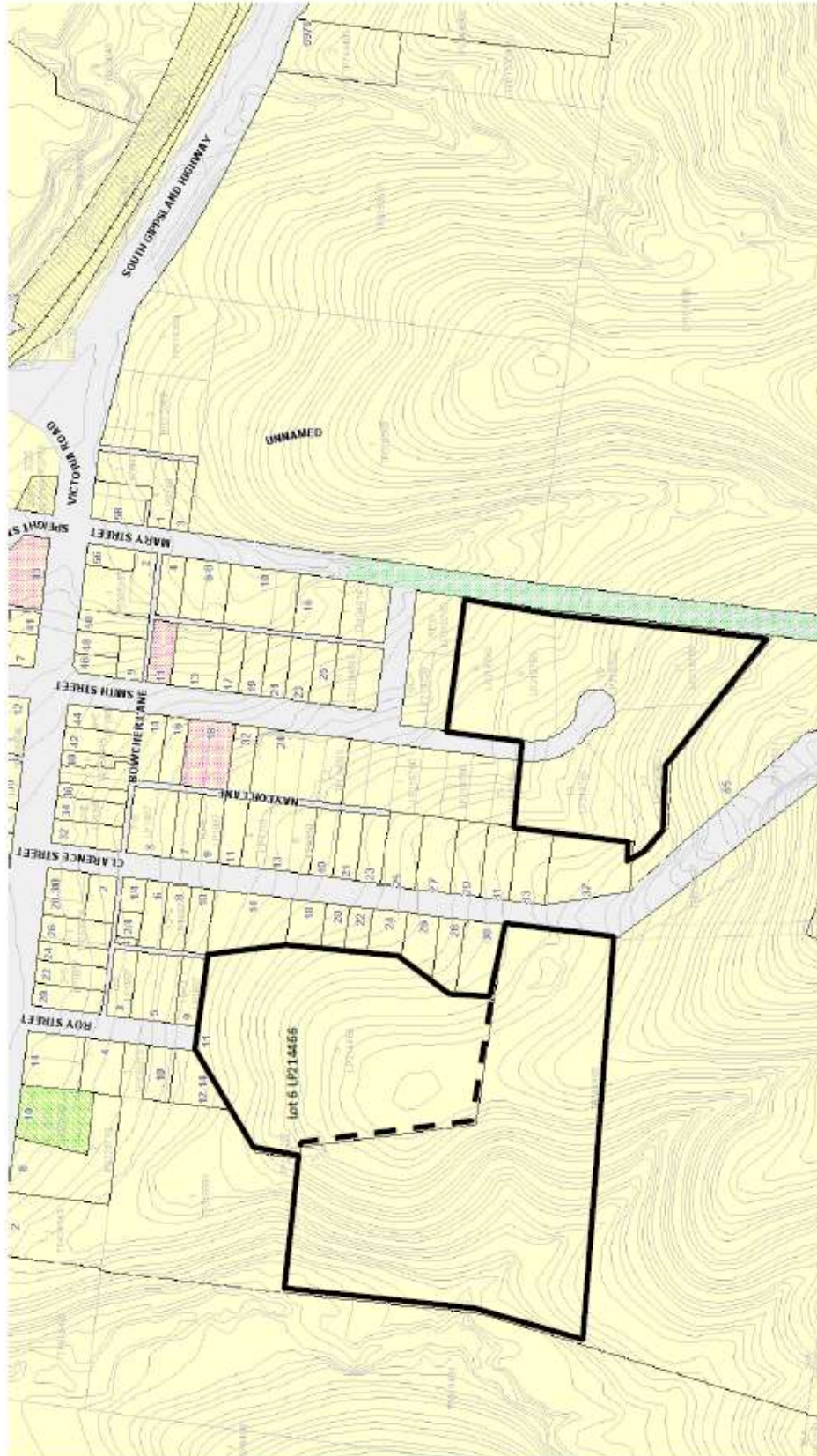
That Council:

- 1. Adopt the Loch, Nyora, Poowong and Meeniyah Structure Plans;**
- 2. Commence the preparation of a planning scheme amendment to implement the key recommendations of the Structure Plans into the Municipal Strategic Statement section of the South Gippsland Planning Scheme; and,**
- 3. Continue discussions with development interests to inform the understanding of both Council and developers of the infrastructure requirements associated with the rezoning and subdivision of new residential areas.**

Attachment 1

Loch Structure Plan

Contours on land proposed for inclusion in the Low Density Residential Zone.



Contours at 1.0m intervals.

E.2 RURAL LAND USE STRATEGY AUGUST 2011

Development Services Directorate

EXECUTIVE SUMMARY

The South Gippsland Rural Land Use Strategy August 2011 (RLUS, **Appendix 1**) represents over five years of community engagement, research and consideration of rural issues by Council. It utilises the South Gippsland Draft Rural Land Use Strategy 2008, the Rural Tourism Development Strategy 2009, and the Rural Land Use Strategy Draft for Public Consultation April 2011, as the basis for its policy direction.

The RLUS details:

- Rural Dwellings Policy (clause 22.08).
- Rural Subdivision Policy (clause 22.09).
- Rural Activity Policy (clause 22.10).
- Introduction of Rural Activity Zone areas.

This report recommends Council adopt the RLUS and commence the process to implement the RLUS into the Municipal Strategic Statement section of the Planning Scheme and seek immediate implementation of the amendment by the Minister for Planning.

South Gippsland Shire Council *Rural Land Use Strategy August 2011* is provided in **Appendix 1** and can be accessed on Council's website <http://www.southgippsland.vic.gov.au/> or by contacting Governance on 03 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

The implementation of the RLUS will be required to adhere to processes detailed in the Planning and Environment Act (1987) and by the Department of Planning and Community Development.

COUNCIL PLAN

| | | |
|-----------------|-------|-------------------|
| Strategic Goal: | 3.0 | A Strong Economy |
| Outcome: | 3.3 | Infrastructure |
| Strategy No: | 3.3.4 | Land Use Planning |

CONSULTATION

Rural Land Use Strategy Draft for Public Consultation April 2011

The Rural Land Use Strategy Draft for Public Consultation April 2011 has been built on the previous Draft Rural Land Use Strategy Final Report December 2010 and the South Gippsland Rural Tourism Development Strategy 2009. All of these documents were produced after extensive community and industry consultation; including workshops and public meetings.

The Rural Land Use Strategy Draft for Public Consultation April 2011 should now be read as a background document to the Rural Land Use Strategy August 2011 (RLUS) as it contains significant information that has informed the RLUS.

Section 223 Submission Summaries

Thirty-six responses were received as part of the consultation under Section 223 of the Local Government Act in accordance with the April 2011 resolution of Council. A smaller number of submitters chose to present their submissions to Council.

Common themes drawn from the submissions were:

- Rural Activity Zone is a useful addition to the rural zones of the Shire and should be widely distributed across the shire.
- The Shire is large and contains a number of different soil types with varying topography that result in different land values and productivity which the Planning Scheme should acknowledge.
- Small lots should be allowed to contain a dwelling.
- Crown townships are no longer appropriate subdivisions.
- Agriculture is the mainstay of the Shire's economy.
- Farmers should be able to continue farming without interference from others users of the rural landscape, particularly dwellings.
- Farm gate sales are an important addition to farm income (VFF).
- 60ha should be the dwelling permit trigger (VFF).
- Calf rearing is a legitimate agricultural use and as legitimate justification for a dwelling.
- Revegetation of rural areas should be actively encouraged.
- Succession planning is difficult to achieve as it usually results in the fragmentation of farms.
- There should be no restrictions on subdivision or the right to build a dwelling.

These themes are consistent with those drawn from previous periods of community consultation.

Copies of all submissions have been provided to Councillors.

REPORT

Background

The South Gippsland Shire Council has been engaged in the process of developing a RLUS since 2006. Council has undertaken a comprehensive research project in partnership with RM Consulting Group (RMCG). This project has informed the RLUS along with:

- South Gippsland Draft Rural Land Use Strategy 2008.
- Rural Strategy Reference Group.
- Rural Tourism Development Strategy 2009.
- C51 Amendment Review Committee.
- Ministerial Amendments: C36, C48 and C51.

Rural Land Use Strategy August 2011

It is submitted that the final RLUS presented to Council in this report is a reasonable balance between the competing issues identified in the consultation process. This includes the sentiment and concerns expressed by the community and the information in the RMCG and officer research work detailed in the Rural Land Use Strategy Draft for Public Consultation April 2011. It has been intentionally developed as a succinct, but thorough document, detailing a suggested Council position on the following:

- Rural Dwellings Policy at clause 22.08 of the planning scheme.
- Rural Subdivision Policy at clause 22.09 of the planning scheme.
- Rural Activity Policy at clause 22.10 of the planning scheme.
- Introduction of Rural Activity Zone areas.

Each section of the RLUS includes a summary for information purposes. A comparison of differences between the RLUS and Amendment C51 incorporated documents is shown in a table later in this report.

Agriculture

The South Gippsland economy is underpinned by the dairy industry. The soils and climate of South Gippsland provide ideal conditions for pasture-based milk production enabling producers to be globally competitive. Gippsland produces around a third of Victoria's milk and is the focus of regional milk processing with three major milk processing facilities in the shire. The natural attributes of South Gippsland also make it attractive for production of other agricultural products including beef, vegetables and for a number of emerging industries.

A key aim of the RLUS is to ensure the continued development of dairy and traditional agricultural industries and provide for the diversification into new industries.

Rural Dwellings

There are a large number of small farms in the Shire Representative, in part, of the growing desire for rural residential dwellings. This sector brings benefits to the shire such as cultural diversity and the economic re-invigoration of rural areas. The RLUS contains planning policy for the rural residential use of land by allowing lots under 4.1ha in size to be used for a new dwelling without the need to justify an agricultural use in the Farming Zone.

Rural Subdivision

The rural land of South Gippsland has been substantially subdivided, the legacy of historic land use and settlement patterns. The RLUS supports the current planning provisions that include a minimum subdivision area of 80ha and clear links between agricultural benefit and the excision of existing dwellings.

Rural Activity Zone

The Rural Tourism Development Strategy 2009 affirmed the community sentiment that prospective tourism uses in South Gippsland were negatively affected by the Ministerial application of the Farming Zone in 2007. It identified areas of particular tourism demand and these areas were mapped and included for public comment in the Rural Land Use Strategy Draft for Public Consultation April 2011.

The RLUS contains detailed mapping of the selected areas for the application of Rural Activity Zone (RAZ) and RAZ Policy for inclusion into the South Gippsland Planning Scheme at Clause 22.10. The Policy makes it clear that new dwellings are encouraged if they are to be used with a separate tourism use on lots under 4.1ha, and details the requirements for lots between 4ha and 40ha. The RAZ Policy also presents a position on other uses in the zone that are tailored to enhance the amenity and tourism business potential of the selected areas.

Comparison Table – C51 with Rural Land Use Strategy August 2011

| | C51 Amendment 2010 | Rural Land Use Strategy August 2011 |
|---------------------|---|--|
| Dwellings | <p>Only some lots up to 2.1ha</p> <p>Some recently subdivided lots up to 8ha.</p> <p>TOTAL approx. 230 dwellings</p> | <p>All lots up to 4.1ha</p> <p>TOTAL approx. 2000 dwellings</p> |
| Subdivision | 80ha minimum subdivision area | 80ha minimum subdivision area |
| Tourism Uses | Severely restricted | Rural Activity Zone introduced to seven areas across the Shire |

CONCLUSION

The RLUS represents a major policy position of the South Gippsland Shire Council. Consultation and communication with the community, industry bodies and the State Government over many years has enabled the strategy to be developed to provide continuation of productive agriculture whilst allowing for compatible rural residential and tourism uses.

By adopting the RLUS, Council will provide clarity and simplicity in the assessment of rural land use and development within the Shire. By striking a balance between competing issues identified in the consultation process.

RECOMMENDATION

That Council:

- 1. Adopt the Rural Land Use Strategy August 2011;**
- 2. Commence the preparation of a Planning Scheme Amendment to implement the key recommendations of the Rural Land Use Strategy August 2011 into the South Gippsland Planning Scheme; and,**
- 3. Seek a Ministerial Planning Scheme Amendment to immediately implement the key recommendations of the Rural Land Use Strategy August 2011 into the South Gippsland Planning Scheme.**

E.3 SOUTHERN LEONGATHA OUTLINE DEVELOPMENT PLAN

Development Services Directorate

EXECUTIVE SUMMARY

The Southern Leongatha Outline Development Plan July 2011 (ODP) will guide the use and development of southern Leongatha (area north of Simons Lane / Boags Road and the established township – east of the Rail Trail) over the next 20 years and beyond. The ODP is required to manage the infrastructure and amenity issues that will arise as a consequence of the long term development of the area. The ODP Discussion Paper was exhibited in August 2010 and received twelve submissions.

In January 2011 Council received the Transport and Traffic Impact Assessment Study – Southern Leongatha. In response to a range of issues raised in both the Traffic Study and the submissions to the Discussion Paper, the updated ODP was presented to Council at the 27 April 2011 Ordinary Council Meeting. Council resolved at this meeting to place the ODP on exhibition for one month prior to a *“final version of the Southern Leongatha Outline Development Plan being presented to Council for adoption as soon as practicable following the exhibition period”*.

South Gippsland Shire Council *Southern Leongatha Outline Development Plan* is provided in **Appendix 1** and can be accessed on Council’s website <http://www.southgippsland.vic.gov.au/> or by contacting Governance on 03 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Planning Environment Act 1987

Local Government Act 1989

COUNCIL PLAN

| | | |
|-----------------|-------|-------------------|
| Strategic Goal: | 3.0 | A Strong Economy |
| Outcome: | 3.3 | Infrastructure |
| Strategy No: | 3.3.4 | Land Use Planning |

CONSULTATION

As noted above consultation of the ODP Discussion Paper initially occurred in August 2010 via postal notification to all landowners in the subject area. The ODP was placed on Council’s web page and received press coverage in the local newspapers. The Traffic Study was made public in February 2011 and has received press coverage, including discussion of the potential closure of Simons Lane.

Exhibition of the updated ODP (Final Draft) occurred following Council's adoption of the abovementioned 27 April 2011 Council resolution. The ODP final draft was placed on Council's webpage and the matter received press coverage, mostly focusing around the issue of the potential closure of Simons Lane.

REPORT

Background

The history of the Outline Development Plan (why it is required / what it does) is discussed in detail in the 27 April 2011 Council Report. The April 2011 report also discusses in detail the reasons why Simons Lane is recommended for closure – including construction cost estimates. The April report provides important background to the recommendations of this report.

Discussion

A total of ten responses were received to the exhibition of the ODP (final draft). Of these, eight submissions focus on concerns regarding the closure of Simons Lane, while two submissions express comments broadly in support of the objectives of the ODP. Copies of all submissions have been provided to Councillors.

Simons Lane – current and proposed levels of use

Before discussing the submissions and the recommendations of this report, it is beneficial to provide some statistics on the current and potential use of Simons Lane now and in the future. The statistics quoted below have been drawn from Council's traffic study (SMEC Consultants) and the 'O'Brien Traffic' report prepared for the proponents of the proposed Business 4 Zone. See the ODP Road Infrastructure Plan in **Appendix 1** for a map of the area detailing road names.

1. In 2003, an average of 101 vehicle movements per day were recorded on Simons Lane at a point 100m east of the intersection with the Bass Highway. In 2010, the average count at this same location was 128 vehicle movements (SMEC Traffic Report page 11). It is noted that Council's Engineering guidelines recommend the sealing of dirt roads when average daily movements exceed 150 vehicles.
2. In 2008 O'Brien Traffic conducted a traffic count on Simons Lane at a location situated between Davis Court and the South Gippsland Highway. The count measured 277 average weekday movements and 232 Saturday and 224 Sunday movements. It is logical that these counts are significantly higher than the SMEC figures quoted above because the majority of residents living in Ditchly Court and Davis Court would use the South Gippsland Highway on more occasions than the Bass Highway.

3. VicRoads 'Crashstats' database' reveals only one 'casualty crash' in the ODP area between 2005 and 2009. The incident occurred at the intersection of the South Gippsland Highway and Boags Road and resulted in three serious injuries.
4. O'Brien Traffic estimate that 4ha of bulky goods retailing adjoining the western side of the South Gippsland Highway would (at full development) result in 1,460 average vehicle movements per day on Simons Lane. SMEC estimate that commercial developments on both sides of the South Gippsland Highway will generate 1,060 peak hour vehicle trips to and from the area. SMEC estimate that 6% of this traffic will use Simons Lane to access the area. Note. Both the O'Brien and SMEC traffic generation rates are based on metropolitan scenarios. These traffic volumes will not be generated in a rural environment.
5. Both O'Brien and SMEC support the upgrading of Simons Lane and the intersection with the Bass Highway. The O'Brien report comments "It is inconceivable to us that the southern section of Leongatha could be developed in the manner contemplated in the Structure Plan without Simons Lane being sealed over its full length". A copy of SMEC's proposed Bass Highway intersection design is provided in **Attachment 1**.
6. SMEC recommend the upgrading of the current Simons Lane / Bass Highway intersection (as detailed in **Attachment 1**), however they also comment that "It is also strongly recommended that the new intersection arrangements be redesigned to improve the safe intersection sight distance to achieve compliance with Austroads guidelines" (SMEC report page 49). This can only be achieved by the relocation of the intersection further to the north. This option is displayed in the ODP Infrastructure Plan. Intersection relocation will necessitate the acquisition of private land and will require the support of VicRoads.
7. In relation to points 5 and 6 above, SMEC comment that "If the current intersection configuration at Bass Highway / Simons Lane cannot be modified, then it is recommended that Simons Lane be truncated at the Bass Highway as it poses a safety risk due to the restriction sight distances" (SMEC report page 49).
8. Both traffic reports recommend that a full development scenario will require the upgrading of the Simons Lane / Boags Road intersection with the South Gippsland Highway. A roundabout is recommended. Depending on design, it is likely that some acquisition of private land will be required. The roundabout is not required if Simons Lane is closed, however will be required in a full development scenario.

The SMEC Traffic Report can be viewed on Council's web page. The O'Brien Traffic Report can be viewed in hard copy at Council.

Treatment of Bass Highway/Simons Lane intersection

A number of common themes are evident in the eight submissions discussing the closure of Simons Lane at the Bass Highway intersection. The following is an overview of the submissions received.

1. Closure of Simons Lane will require existing residents to change their currently preferred travel routes. This is inconvenient and will add to travel times.
2. Closure will increase traffic movements at the eastern end of Simons Lane, affecting the amenity of residents, and increasing traffic movements at the Simons Lane, South Gippsland Highway intersection. Some submissions note that this intersection presents, in their opinion, a greater risk to motorists than the Simons Lane / Bass Highway intersection.
3. Commercial operations along Simons Lane (agricultural businesses) will be inconvenienced by increased travel distances. Closure may increase heavy vehicle traffic movements in the town centre – Young Street and McCartin Street. Increased use of Gwythers Siding and Soldiers Road may result, especially in relation to Koonwarra Saleyard traffic.
4. Closure may disrupt safe access to school bus drop off points. This matter was addressed in a number of submissions. Many students currently use the bus stop on the Bass Highway near Simons Lane. If the road is closed, parents would not be able to drive their children to the bus stop and children may be forced to cross the Bass Highway, exposing them to traffic danger. A school bus stop currently exists on the South Gippsland Highway that may be used as an alternative however some of the submissions note that this may be dangerous and may require children to cross the South Gippsland Highway at a highly trafficked intersection. It is not viewed by the submitters as an acceptable alternative.
5. A submission from the Leongatha South CFA comments that closing Simons Lane may increase the Brigade's response times for emergency calls to locations east of the closure point.
6. Simons Lane and all other infrastructure necessary to support development in the ODP area should be in place before the new uses commence. Council and VicRoads should provide the funding for all necessary features.
7. Closure of Simons Lane may be contrary to the connectivity requirements of the Planning Scheme.
8. Closure may be an overreaction and the same outcome can be achieved by road signs restricting right hand turns out of Simons Lane at the Bass Highway.

9. The timelines for road closure (noted in the ODP as occurring in the 'short to medium term') are not clearly set out and once the road is closed, concern is expressed that it may not be reopened.

Discussion

The matters raised in the submissions present legitimate concerns for these residents and it is clear that closing Simons Lane will provide a detrimental impact to local residents, and flow-on traffic effects may impact the surrounding road network. It was noted in the 27 April 2011 Council Report that Council has an apparent issue, in the immediate term, to fund the infrastructure works necessary to support the level of development currently proposed across the area. Preliminary cost estimates for upgrading Simons Lane and the Bass Highway intersection exceed \$2.5 Million. While some of these costs may be apportioned to developers, a majority will fall back onto the public purse. To secure new development in this area, Council needs to consider its financial position to determine whether to close Simons Lane or fund the new infrastructure required.

VicRoads position on Simons Lane

It is important to note that VicRoads support development in the area on the proviso that the Bass Highway/Simons Lane intersection is upgraded. Alternatively, VicRoads would have no objection to closing Simons Lane in the short term – see **Attachment 2**. This is a critical point and provides clear advice to Council that the decision to either close or upgrade Simons Lane must be made before promoting development in the area. It is strongly recommended that Council decides on the immediate future of Simons Lane/Bass Highway intersection in conjunction with adopting the Outline Development Plan to strengthen Council's position before an Independent Planning Panel and provide clarity for the community. It should also be noted that Council should review its forward Capital Works program if provision of the Bass Highway/Simons Lane upgrade is the preferred option.

Further public consultation before road closure

If Council decides that closing Simons Lane is the most appropriate short-term action, it should view adoption of the ODP as a first step in the process. A statutory process exercised through the Local Government Act 1989 or the Planning and Environment Act 1987 is required before the physical closure of the road may occur. Both processes require further public consultation and a review process. This is critical as it will provide the opportunity for the matters presented in the above discussed submissions to be tested further.

When the statutory process should commence and when the road closure should occur will require consideration after the adoption of the ODP. In relation to this, Council officers have recently sought Ministerial Authorisation to prepare a planning scheme amendment to rezone land on the northern side of Simons Lane to the Low Density Residential Zone. The rezoning will facilitate the creation of 16 residential lots. Although a modest development, this rezoning will increase the usage of the Simons Lane / Bass Highway

intersection and requires the future of the intersection to be determined before this amendment processes to exhibition and Planning Panel.

Other Matters

The Beveridge Williams submission, made on behalf of the owner of the land south of the Leongatha Hospital site, express concerns with the requirement to reserve a 4.0ha parcel of land for public open space and a 1.0ha parcel for future community infrastructure on their land. An indicative area for these uses has been included in the Land Use Plan (see **Appendix – Attachment 1**). It is acknowledged that both of these requirements are not explicitly detailed in the ODP (location / dimensions / uses), however it is appropriate to flag these requirements as a means to further discussions with the landowners as part of the preparation of planning scheme amendments necessary to facilitate development. The land on the western side of the South Gippsland Highway is a major greenfield residential area and further investigation of this matter is required to ensure that future opportunities for community assets are not lost when development occurs.

The wording of Section 4.2 'Area C' (see **Appendix 1**) has been amended to acknowledge the need to discuss these matters with the affected landowner prior to land rezoning.

It is also to be noted that the State Government recently announced a review of the Victorian planning systems methods for providing development contributions. The review was announced in May 2011. The Ministry states that the new system will be "ready for implementation in early 2012". This review is welcomed and should not slow Council's consideration of development proposals however it must be acknowledged that the development contributions environment may change in the midst of Council's consideration of an amendment. Changes to the ODP may also be required to reflect changes to the development contributions environment.

Conclusion

The Southern Leongatha Outline Development Plan represents Council's current best understanding of how development should occur across the subject area over its anticipated development lifespan – 20 years and beyond. Likewise, the infrastructure requirements are based on what is likely to be required if the area were to be developed today. To provide clarity to the community, Council should determine whether it is inclined to close Simons Lane at the Bass Highway intersection or commit in its future plans to fund the infrastructure needed to upgrade the intersection.

It is inevitable that this Outline Development Plan will require amending and updating as developments occur and the regulatory environment evolves. It is a guiding document and is a statement of "intent" as to how land will be developed in the area. The ODP provides basic development principles and expectations and should be used by Council, developers and other stakeholders, to coordinate the integrated long term planning of the ODP area.

FINANCIAL CONSIDERATIONS

The funding of infrastructure to upgrade Simons Lane/Bass Highway intersection is estimated at \$2.5 million via preliminary cost estimates. Should Council decide to explore this option, then Council will need to review the forward Capital Works program as soon as practicable to identify funding streams.

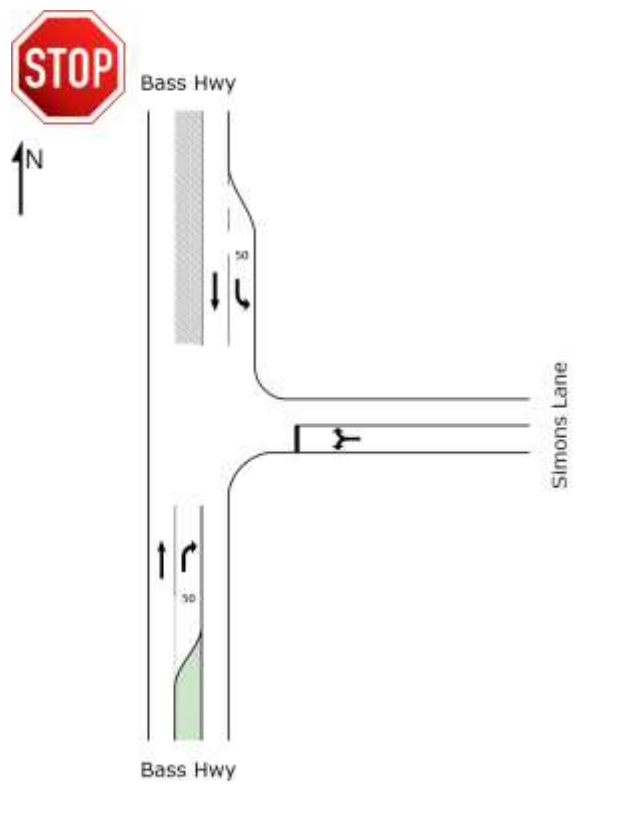
RECOMMENDATION

That Council:

- 1. Adopt the Southern Leongatha Outline Development Plan July 2011;**
- 2. Commence preparation of a Planning Scheme amendment to incorporate the key recommendations of the Southern Leongatha Outline Development Plan into the South Gippsland Planning Scheme;**
- 3. Continue negotiations with rezoning proponents to prepare planning scheme amendment requests in accordance with the requirements of the Southern Leongatha Outline Development Plan July 2011; and,**
- 4. Either:**
 - a. Commence preparation of the statutory processes necessary to close Simons Lane;**
 - OR**
 - b. Commence investigations to upgrade the Bass highway/Simons Lane intersection in the 2012/13 budget year.**

Attachment 1

SMEC Transport and Traffic Report – Southern Leongatha
Design recommendation for intersection of Simons Lane and the Bass Highway.



Source: SMEC Traffic Report page 43.

Attachment 2



SOUTH GIPPSLAND SHIRE COUNCIL
RECORDS MANAGEMENT
- 3 [REDACTED]

Eastern Victoria Headquarters
PO Box 158 Traralgon Victoria 3844
Telephone (03) 5172 2666
Fax (03) 5176 1016
vicroads.vic.gov.au

[REDACTED] Council
DX 94026
LEONGATHA VIC 3953

Date: 29 July 2011
Contact: [REDACTED]
Telephone: [REDACTED]
Our Ref: 903369
Your Ref:

Dear [REDACTED]

SOUTHERN LEONGATHA OUTLINE DEVELOPMENT PLAN

I refer to the above South Gippsland Planning Scheme proposed Outline Development Plan which includes the closure options for Simons Lane at the Bass Highway.

VicRoads has no objection to the overall plan and provides the following comments.

Any development of the land contained within the OPD will trigger the need to upgrade the intersection of Simons Lane and the Bass Highway. However, if Council sees fit to close this intersection, VicRoads would have no objection.

The construction of the intersections on the Bass Highway and the South Gippsland Highway must be to VicRoads requirements.

The Construction of the roundabouts shown within the Traffic reports may require land acquisition. The mechanism for this must be agreed with by the South Gippsland Council and VicRoads.

Should you require any further information please contact [REDACTED] in his office on telephone 5172 2693, who would be pleased to assist.

Yours sincerely



[REDACTED]
STATUTORY PLANNING OFFICER



VicRoads ABN 61 700 960 460
VIC 14

E.4 PROPOSED ROAD NAME CHANGES AND NEW ROAD NAME FOR UNNAMED ROADS IN STONY CREEK

Engineering Services Directorate

EXECUTIVE SUMMARY

This report is presented to Council to commence the process by calling for community comment to re-name two roads and name one unnamed road in the Township of Stony Creek.

A report was presented to Council on 25 May 2011 which recommended Council commence a process of calling for community comment to re-name two roads and name one unnamed road in the Township of Stony Creek.

A recommendation passed was *'to defer the naming of these roads to allow Council officers to discuss mutually acceptable options with the interested parties being the proponent and two submitters at the Public Presentation Session held on 25 May 2011 Council Meeting'*.

A Meeting was held on the 5 July 2011 between Council officers, residents and abutting landowners of the roads under consideration.

Refer to **Attachment 1** for road locations and proposed names.

To complete the road naming process Council must now commence the statutory process of consultation to confirm the proposed road names. A subsequent report with the outcome of this process will then be presented to Council.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Road Naming Policy 2009

Geographic Place Names Act 1998

Local Government Act 1989

COUNCIL PLAN

| | | |
|-----------------|-------|--|
| Strategic Goal: | 4.0 | Appropriate Infrastructure. |
| Outcome: | 4.1 | Roads, streets, bridges, drainage & other associated Infrastructure. |
| Strategy No: | 4.1.2 | Infrastructure implementation |

CONSULTATION

Meeting Date

| | |
|-------------|---|
| 25 May 2011 | Council Meeting to consider the Report titled: <i>Proposed Road Name Changes and New Road Name for Roads in the Township of Stony Creek.</i> |
| 25 May 2011 | Public Presentation Session |
| 5 July 2011 | Meeting held with 13 residents. |

Council resolved (25 May 2011) to defer the naming of the roads listed below, to allow Council Officers to discuss mutually acceptable options with the interested parties being the proponent and two submitters at the public presentation session of 25 May 2011 Council Meeting.

Road names presented to Council on the 25 May 2011 were as follows:

- **Road 1 – ‘Helms Road’ off Stony Creek Road, in the Township of Stony Creek.**

Proposal to change the name from ‘Helms Road’ to ‘Bengtsson Road’

Mr George Bengtsson was a local citizen and bus proprietor. He had most of the school bus services that served the area east of Leongatha.

- **Road 2 - ‘Helms Park Road’ off Main Street, in the Township of Stony Creek.**

Proposal to change the name from ‘Helms Park Road’ to ‘Zeuchner Road’.

The Zeuchner family owned an allotment in that area early in the 1900’s.

- **Road 3 – ‘Unnamed Road’ off current Helms Road, Stony Creek.**

Proposed name – ‘Molloy Road’.

Dr Molloy served in the area of Stony Creek for many years including through several epidemics.

- **Road 4 – ‘Helms Road’ off Maddisons Road, Stony Creek.**

Proposal to leave as ‘Helms Road’.

Mr Arnold Helms purchased Crown Allotment 72B in 1898, near this road.

Five submissions have been received from residents of Stony Creek and abutting land owners of the roads under consideration. Refer to **Confidential Appendix 1**. The Appendix has been distributed separately to Councillors and Executive Leadership Team.

On 5 July 2011, a meeting was held in Leongatha and included Council Officers, residents and abutting landowners of the roads under consideration.

This meeting was well represented with 13 residents attending and 4 apologies, along with Council's Coordinator Engineering and Design and Council's Technical Officer Assets.

Numerous names for these roads were suggested by all. The outcome of this meeting was *carried unanimously*, with all parties in favour of naming the roads as follows:

- **Road 1 – 'Jacks Road'**.
- **Road 2 – 'Frankcom Road'**.
- **Road 3 – 'OConnor Road'**.
- **Road 4 – 'Helms Road'**

These names were chosen as they recognise local servicemen who served our country (further detail provided below).

Upon inspection of Council's Public Road Registrar, these road names do not appear elsewhere within the Shire. A VicNames duplicate road name search within South Gippsland Shire has also been carried out with no conflicts therefore avoiding duplication of road names.

These names are in keeping with community expectation and conform with the principals outlined in sections 1.8 and 4.1 of the Geographic Names Guidelines 2010. These names have also been approved by Geographic Place Names and can be included in the 'Anzac Commemorative Naming Project'. The road name signs will display an official Anzac logo to recognise these servicemen who served our country.

REPORT

On conclusion of the residents Meeting (5 July 2011) all parties were in support of naming the roads as proposed below:

- **Road 1 – 'Jacks Road'**

Mr Jack Helms was born in Meeniyan on the 12th January 1917. He enlisted in World War Two on the 1st December 1939 in Laverton, Victoria. Next of kin listed as Harold Helms. Jack served as Flight Sergeant, RAAF 1 Flying Boat Repair Depot until discharged on 22nd

March 1946. He was cousin to Rupert Thomas and Reginald Frank Helms.

- **Road 2 – ‘Frankcom Road’**

Mr Norman Frankcom was born in Stony Creek on the 26th September 1898, and was the son of Albert Frankcom of Stony Creek, South Gippsland. He enlisted in World War One on the 14th January 1918, aged 19 years old and was killed in action. Occupation listed as farmhand and marital status as single.

- **Road 3 – ‘OConnor Road’**

Mr Jack O’Connor was born in Bendigo, and enlisted in World War One on the 14th July 1915, aged 26 years old, with his address listed as residence with Mrs Tobin, Stony Creek, Gippsland, Victoria. He served in the 21st Battalion, 8th Reinforcement and was wounded in action on 12th April 1918, suffering shrapnel wounds to his face and hands, as a result his left eye was removed in surgery. Jack returned to Australia on the 19th October 1918, and went on to settle in Stony Creek. In 1947 Jack died of his war related injuries. Jack known as Bucky will always be remembered as a prominent resident and remarkable person, being associated with the local football club, school committee, tennis club, sports, recreation reserve, hall, band and clay target shooting.

- **Road 4 – ‘Helms Road’**

Mr Arnold Helms purchased Crown Allotment 72B in 1898, near this road and is the father of Rupert and Reginald.

Reginald was born in Brunswick, Melbourne on the 28th August 1923 and enlisted in World War Two on the 30th January 1942 in Buffalo, Victoria. Occupation listed as farm hand and served in the 130 Australian General Transport. He was discharged on the 20th November 1944.

Rupert was born in Leongatha on the 17th February 1919 and enlisted in World War Two on 1st August 1940, serving as a Flight Sergeant with RAAF. He was discharged on 13th November 1945.

Refer to **Attachment 1** for road locations.

Proposal

It is proposed that Council commence the process to consider naming the roads in the Township of Stony Creek as;

- **Road 1** – re name ‘Helms Road’ off Stony Creek Road, in the Township of Stony Creek, as ‘**Jacks Road**’.

- **Road 2** – re name ‘Helms Park Road’ off Main Street, in the Township of Stony Creek as **‘Frankcom Road’**.
- **Road 3** – name the unnamed road off Helms Road, Stony Creek as **‘OConnor Road’**.
- **Road 4** – do not re name ‘Helms Road’ off Maddisons Road, Stony Creek.

FINANCIAL CONSIDERATIONS

The estimated cost to undertake the consultation process is currently in Council’s approved budget.

RISK FACTORS

There is minimal risk to Council as the methodology for the naming of roads is contained in the guidelines for Geographic Names 2010, and this proposal conforms to the principals outlined in sections 1.8 and 4.1.

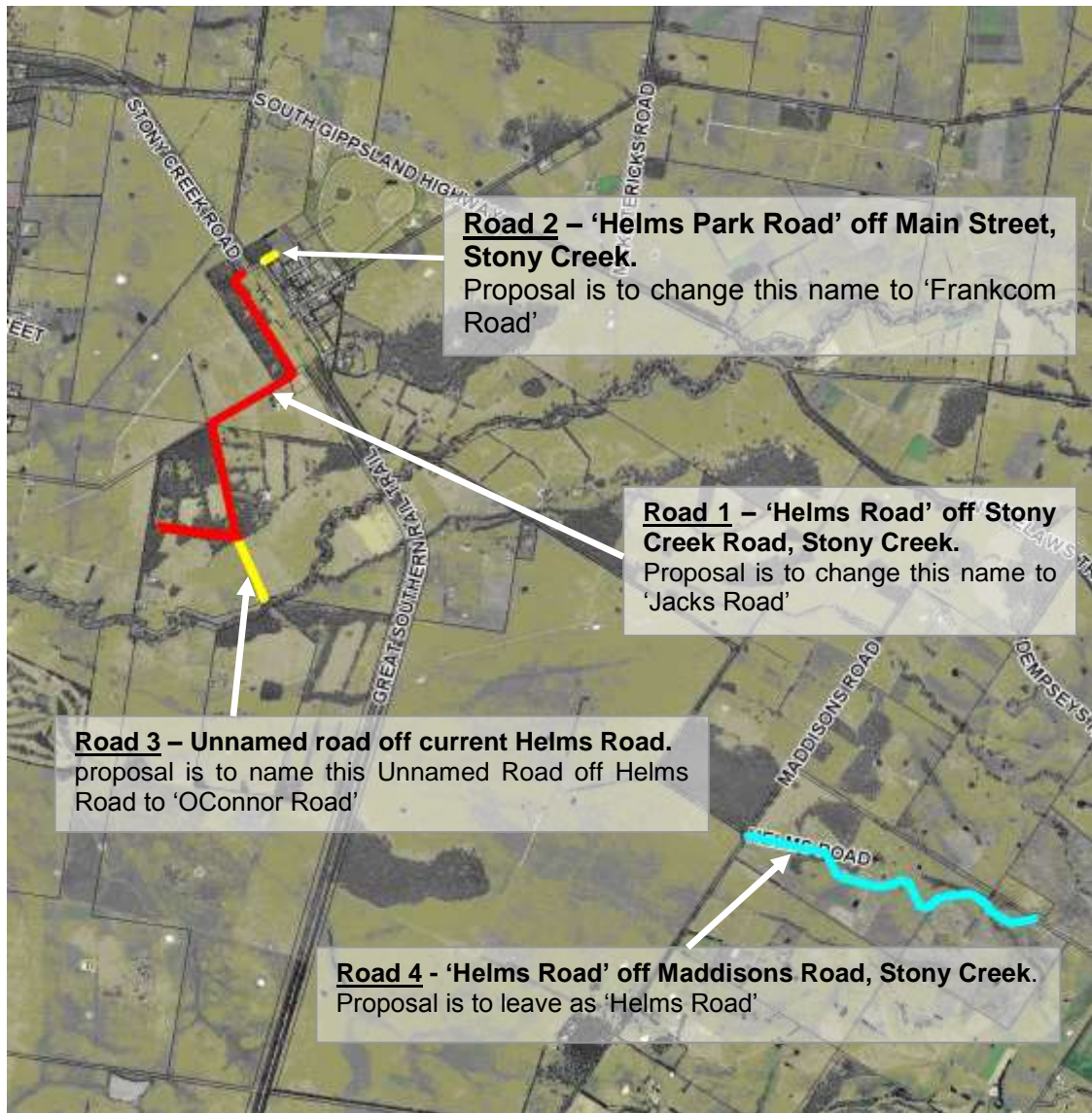
RECOMMENDATION

That Council:

1. **Commence the statutory process to consider the naming of the roads in the Township of Stony Creek as follows:**
 - a. **Re-name the road described as Road 1, ‘Helms Road’ off Stony Creek Road, in the Township of Stony Creek, as ‘Jacks Road’;**
 - b. **Re-name the road described as Road 2, ‘Helms Park Road’ off Main Street, in the Township of Stony Creek as ‘Frankcom Road’; and**
 - c. **Name the unnamed road described as Road 3, off Helms Road, Stony Creek as ‘OConnor Road’;**
 - d. **Name the road described as Road 4, ‘Helms Road’ off Maddisons Road, Stony Creek as ‘Helms Road’.**
2. Place a notice via Council Noticeboard in local newspapers and write to abutting land owners, seeking comment on the proposed new names for these roads;
3. Receive a Report detailing the outcome of the above consultation process and recommending preferred names for Council’s consideration; and
4. Advise the invitees and participants of the Meeting held 5 July 2011 of Council’s decision.

Attachment 1

**PROPOSED ROAD NAME CHANGES AND NEW ROAD NAME FOR
UNNAMED ROAD IN THE TOWNSHIP OF STONY CREEK**



E.5 AWARD OF PROCUREMENT AUSTRALIA CONTRACT 1110/0905 TRUCK PURCHASES

Engineering Services Directorate

EXECUTIVE SUMMARY

Council's Operations Department has a requirement to replace and upgrade six trucks to carry out its maintenance and construction works.

Council invited tenders for the procurement of vehicles through the agency of Procurement Australia. This satisfies the requirements of Section 186 of the Local Government Act 1989 which requires Council to expose all procurement above the amount of \$150,000 to a competitive process.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Procurement Best Practice Guidelines

Occupation Health and Safety Act 2004

Local Government Act 1989, Section 186

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

10 year Plant Replacement Program

Procurement Policy 2009

Financial Strategies 3,6,10,11 and 15

COUNCIL PLAN

| | | |
|-----------------|-------|---|
| Strategic Goal: | 4.0 | Appropriate Infrastructure |
| Outcome: | 4.1 | Roads, streets, bridges, drainage & other associated infrastructure |
| Strategy No: | 4.1.3 | Infrastructure Maintenance |

CONSULTATION

Tender specifications were developed by Procurement Australia in consultation with five Councils involved in the tender. Procurement Australia, as the agent, undertook the tender process for these Councils.

REPORT

Background

In accordance with Council's Procurement Policy 2009, an agent, Procurement Australia, was appointed to undertake the public tender process on behalf of five Councils including the South Gippsland Shire Council.

Tenders were received and evaluated by Procurement Australia and the results forwarded to Council.

A summary of the Procurement Australia evaluation score sheet and individual vehicle pricing has been included as an **in-committee** document, refer to **Confidential Appendix 1**, and has been distributed separately to Councillors and Executive Leadership Team.

Proposal

It is proposed:

1. that the purchases and trade-ins be awarded to CMI Hino Pty Ltd; and,
2. to notify Procurement Australia of Council's decision.

Discussion

The selected fleet items recommended are all Hino trucks and therefore become part of a cumulative value of over \$250,000.00. This therefore requires Council approval for the purchase as it falls outside the delegations of the CEO and Capital works evaluation committee.

Whilst Hino was not the highest scorer on all occasions, the evaluation panel saw great benefit in having the same type of trucks from a maintenance perspective.

Tenderers were required to provide options for Outright Purchase, Finance Lease and Operating Lease for each item.

The following plant items need replacing as detailed:

- *Plant No. 640 Isuzi Giga – Heavy Tipper purchased July 2003 – 295000km.* It is proposed to buy a heavy tipper replacement and to keep this as a replacement for the water truck 617. The water truck will be sold at action.

- *Plant No. 606 Mitsubishi FV 517KW – Heavy tipper purchased January 2001 – 483000km.* It is proposed to trade this for a new heavy tipper.
- *Plant No. 605 Mitsubishi FV 517KW – Heavy tipper purchased January 2001 – 421000km.* It is proposed to trade this for a new heavy tipper.
- *North Gardner's Ute* is being replaced with 4500kg tipper truck due to changes in traffic management legislation requiring substantially more traffic management signs to be displayed to comply. It is proposed to keep the ute for traffic management purposes for Leongatha Depot to assist North Maintenance and Parks and Gardens with the changes in legislation. The ute will also be used to assist in moving people to different worksites
- *Tree Crew Ute* is being replaced with 4500kg twin cab tray truck due to changes in traffic management legislation requiring substantially more traffic management signs to be displayed to comply. It is proposed to keep the ute to assist with customer request for tree inspections.
- *Constructions Light Truck* short term rental is being replaced due to whole of life savings. Anticipated savings owning verses short term rental is approximately \$15,000 pa.

Full details of the items purchases are listed below:

1. **Hino 700 Series FS2844 - 24,000kg heavy tipper truck with turntable;**
2. **Hino 700 series FS2844 - 24,000kg heavy tipper truck;**
3. **Hino 700 series FS2844 - 24,000kg heavy tipper truck;**
4. **Hino 300 Series 616 Dump 4,500kg tipping truck;**
5. **Hino 300 Series 716 Dump 4,500kg tipping truck; and**
6. **Hino 300 Series 716 Crew 4,500kg twin cab tray truck.**

FINANCIAL CONSIDERATIONS

The total purchase cost of these vehicles is \$680,984.00, prior to trade in.

The funds for the purchases are within allocated budgets. A cost benefit analysis over the vehicle's life was undertaken in regards to lease versus purchase which identified that outright purchase would provide the best value for money. Further, financial modelling has confirmed that this initiative will reduce the capital funds required for fleet by \$1.35 million over a ten year period.

RECOMMENDATION

That Council:

- 1. Award the supply and delivery of the following trucks through Procurement Australia Contract 1110/0905 for a total value of \$680,984.00, prior to trade in for:**
 - a. Hino 700 Series FS2844 - 24,000kg heavy tipper truck with turntable;**
 - b. Hino 700 series FS2844 - 24,000kg heavy tipper truck;**
 - c. Hino 700 series FS2844 - 24,000kg heavy tipper truck;**
 - d. Hino 300 Series 616 Dump 4,500kg tipping truck;**
 - e. Hino 300 Series 716 Dump 4,500kg tipping truck;**
 - f. Hino 300 Series 716 Crew 4,500kg twin cab tray truck; and,**
- 2. Authorise the Chief Executive Officer to sign the purchase orders and tender recommendation letters to Procurement Australia.**

E.6 COUNCIL FLEET VEHICLE PROCUREMENT CONTRACT ACCESS APPROVAL

Engineering Services Directorate

EXECUTIVE SUMMARY

This report is presented to Council to:

- Approve a panel of suppliers for vehicle procurement, incorporating leasing and disposals through an agency agreement with the Procurement Australia Contract 1405/0214. The term of the contract is three years with two x one year options to extend.
- Approve a panel of suppliers for vehicle procurement through the use of the State Purchasing Contract Vic Fleet No:06-07-048.
- Provide authorisation for the Chief Executive Officer (or the CEO's delegate) to approve and sign contracts for the purchase of vehicles.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Council's Procurement Policy 2009

COUNCIL PLAN

Strategic Goal: 5.0 A Leading Organisation

CONSULTATION

N/A

REPORT

Background

In 2000 Council engaged the services of a Fleet service provider called Fleet Wise. Fleet Wise were a non-for-profit business unit of two local government Councils (Central Goldfields and Mount Alexander Shires) and provided tendering, procurement and disposal services for a number of local Councils.

By utilising the services provided by Fleet Wise, Council were able to purchase and dispose of vehicles in a timely and cost effective manner in accordance with Local Government Act 1989.

In August 2010, Fleet Wise ceased operations and Council's Fleet service was then managed in-house. To maintain best practice and comply with Local

Government Acts, Council procured vehicles through an approved State Purchasing Contract.

In 2009, the Minister for Local Government announced State Purchasing Contracts (SPCs) and Whole-of-Victorian Government Contracts (WoVg) would be made available to local government, in line with this announcement and acting under the provisions of section 186 of the Local Government Act 1989, the Minister approved SPCs and WoVg as arrangements for the purposes of this section.

Council procure fleet passenger and light commercial motor vehicles using a State Purchasing Contract SPC through the Department of Treasury and Finance and administered through Vic Fleet.

Vic Fleet has established a WoVg for vehicles that provide significant discounts and other benefits to Government Departments and agencies that can access them. The contracts can be accessed by all Government departments, public sector agencies and statutory authorities.

To increase Council's options in the procurement of fleet vehicles, Procurement Australia was engaged to tender for vehicle manufacturers not covered by the Vic Fleet WoVg.

Leasing options offered within the Procurement Australia contract will also be considered should the need for leasing over purchasing be required over the contract period. This may be required with short term employment contracts.

Procurement Australia agency advertised the Vehicle Procurement, Leasing & Disposals Tender 1405/0214 in the Melbourne Herald Sun on April 2011.

Council along with 54 other Councils signed an agency agreement with Procurement Australia to tender on their behalf.

The contract is in accordance with the provisions of Section 186 of the Local Government Act 1989.

Proposal

It is proposed that Council:

1. Appoint the following panel(s) of suppliers for the Procurement Australia Contract 1405/2014 Vehicle Procurement, Leasing and Disposal:
 - a. Vehicle Manufacturers
 - i. Hyundai Motor Company
 - ii. Honda Australia
 - iii. Kia Motors Australia
 - iv. Subaru Melbourne

- b. Leasing Companies:
 - i. Custom Fleet
 - ii. Hoare Bros
 - iii. Porter Plant
 - iv. Summit Auto Lease Australia
 - v. Toyota Fleet Management
- c. Disposal Companies:
 - i. Manheim Fowles
 - ii. Pickles Auctions

and;

- 2. Appoint the following panel of suppliers for procurement of vehicles through the State Purchasing Contract 06-07-048
 - a. Holden
 - b. Ford
 - c. Toyota
 - d. Mitsubishi

Conclusion

By procuring vehicles under these arrangements, this enables the timely and cost effective delivery of vehicles.

FINANCIAL CONSIDERATIONS

Council's 2011/12 Fleet Capital Expenditure Budget of \$1,469,614 has been allocated for the purchase of Council fleet vehicles.

RISK FACTORS

It was identified by the recent Procurement Breakthrough Project , that the State Purchasing Contract had not been presented to Council for approval and as such was not compliant with section 186 of the Local Government Act for accumulated purchases over \$150,000.

By adopting the recommendation, this will ensure compliance with Section 186 and reduce Council's exposure.

RECOMMENDATION

That Council:

- 1. Appoint the following panel(s) of suppliers for the Procurement Australia Contract 1405/2014 Vehicle Procurement, Leasing and Disposal for a period of three years with the option of two x one year extensions:**
 - a. Vehicle Manufacturers**
 - i. Hyundai Motor Company**
 - ii. Honda Australia**
 - iii. Kia Motors Australia**
 - iv. Subaru Melbourne**
 - b. Leasing Companies:**
 - i. Custom Fleet**
 - ii. Hoare Bros**
 - iii. Porter Plant**
 - iv. Summit Auto Lease Australia**
 - v. Toyota Fleet Management**
 - c. Disposal Companies:**
 - i. Manheim Fowles**
 - ii. Pickles Auctions**
 - and;**
 - 2. Appoint the following panel of suppliers for procurement of vehicles through the State Purchasing Contract 06-07-048 for the period of one year:**
-

- a. **Holden**
 - b. **Ford**
 - c. **Toyota**
 - d. **Mitsubishi**
3. **Authorise the Chief Executive Officer to approve and sign the contracts for the fleet purchase of vehicles.**
 4. **Authorise the Chief Executive Officer to extend the use of the Procurement Australia Contract 1405/2014 for a further two x one year options upon demonstrated satisfactory performance.**

E.7 ADOPTION OF COUNCIL LAND OWNERSHIP POLICY

Engineering Services Directorate

EXECUTIVE SUMMARY

This report recommends that Council adopts the Council Land Ownership Policy and by doing so replaces the current Real Estate Disposal Policy (adopted 15 November 2006).

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989 - Sections 3C, 3D, 3E & 187

Land Acquisition and Compensation Act 1986

Victorian State Government Best Practice Guidelines for the Sale and Exchange of Land

Victorian Government Land Monitor Policy for the Purchase Compulsory Acquisition and Sale of Land

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Council's Vision 2020

COUNCIL PLAN

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

CONSULTATION

At a Council Briefing Session held on the 6 July 2011, Council was introduced to the context of this Policy and the Council Land Asset Rationalisation Project.

Furthermore, this Policy was considered by the Executive Leadership Team on 30 July 2011 and more formally at a Council Briefing on the 3 August 2011.

BACKGROUND

The Council Land Ownership Policy will replace Council's current adopted Real Estate Disposal Policy which was approved on the 15 November 2006.

PROPOSAL

It is proposed that Council adopt the Council Land Ownership Policy (the Policy), refer to **Attachment 1**, which will provide the appropriate guidelines when dealing with Council land and any associated sale, exchange, purchase and/or development. This should facilitate better investment opportunities and economic growth within the Shire.

It is recommended that this Policy be reviewed every four years, or earlier upon request by Council, with the next review to take place in 2015.

DISCUSSION

At a Council Briefing Session held on the 6 July 2011, Council was introduced to the context of the Policy and the Council Land Asset Rationalisation Project. The adoption of the Policy will provide the foundation for the Council Land Asset Rationalisation Project. The deliverables for this Project are as follows:

1. Development of a Council Land Ownership Policy.
2. Development of transparent processes for the sale, purchase and development of Council land.
3. Preparation of a report to Council identifying Project Opportunities on Council land.
4. Identifying the individual project methods for the Project Opportunities (for example sale, exchange or development to facilitate a public purpose).

RISK FACTORS

As noted in the Policy, in the absence of appropriate policies and procedures, Council exposes itself to risk in the areas of increased maintenance costs, public and legal liability, poor planning and reputation.

Accordingly, this Policy will contribute to reducing risk by recognising legislative requirements and following the Victoria State Government's Best Practice Guidelines for the Sale and Exchange of Land.

This document can be accessed from:

http://www.dpcd.vic.gov.au/_data/assets/pdf_file/0017/53081/Local-Government-Best-Practice-Guideline-for-the-Sale-and-Exchange-of-Land.pdf

Although Council is not bound by State Government procedures for the purchase, compulsory acquisition and sale of its Land, reference can be made to the Victoria Government Land Monitor Policy for the Purchase, Compulsory Acquisition and Sale of Land which provides useful information when purchasing land for government purposes.

http://www.dse.vic.gov.au/_data/assets/pdf_file/0020/104096/Policy_and_Instructions_for_the_Purchase_Compulsory_Acquisition_and_Sale_of_Land.pdf.

RECOMMENDATION

That Council adopt the Council Land Ownership Policy as provided at Attachment 1 and by doing so replaces the current Real Estate Disposal Policy (adopted 15 November 2006).

Attachment 1



South Gippsland Shire Council

COUNCIL LAND OWNERSHIP POLICY

| | | | |
|-----------------------|---------------|------------------|----------------------|
| Policy Number | C34 | Directorate | Engineering Services |
| Council Item No. | | Department | Property Development |
| Council Adoption Date | 3 August 2011 | Primary Author | Chris Van Der Ark |
| Revision Date | 3 August 2015 | Secondary Author | |

POLICY OBJECTIVE

The objective of this Policy is to provide the guiding principles when dealing with Council land on such matters as sale, exchange, purchase and development, with the aim of:

- Providing transparent processes when selling, exchanging, purchasing and developing Council land.
- Reducing long term maintenance costs for land which has no efficient community use.
- Facilitating better investment opportunities and economic growth.
- Reducing risk/liability for Council.
- Ensuring best value is achieved in land dealings.

LEGISLATIVE PROVISIONS

| Act | Section or Clause |
|---|--|
| Local Government Act, Vic, 1989 | 186A, 187A, 189, 189(2)(b), 190, 191, 192, 193, 223, clause 3, schedule 10 |
| Land Acquisition and Compensation Act, 1986 | All |
| Planning and Environment Act, 1987 | All |
| Subdivision Act, 1988 | Sections 20, 24 and 35 |
| Property Law Act, 1958 | All |
| Transfer of Land Act, 1958 | All |
| Sale of Land Act, 1962 | All |
| Land Act 1958 | All |
| Road Management Act, 2004 | All |
| Valuation of Land Act 1960 | 13DA(1A) |

DEFINITIONS

"Council" means South Gippsland Shire Council or its predecessors.

"Land" means land for which Council:

1. is the registered proprietor;
2. is entitled to be the registered proprietor; or
3. is required to be the registered proprietor in order to facilitate its core business.



“LGA” means the Local Government Act, 1989

“Public Open Space” for the purposes of this Policy, Public Open Space is defined as land for which Council is the registered proprietor and which has been created as a Reserve on a Plan of Subdivision or is contained within a Public Park and Recreation Zone within the South Gippsland Planning Scheme.

POLICY STATEMENT

As Council’s Vision 2020 represents the aspirations of our diverse communities and articulates a vision of what South Gippsland should be like in the year 2020, this Policy will contribute to Council’s Vision by providing appropriate guidelines when dealing with Council land and any associated sale, exchange, purchase and/or development to facilitate better investment opportunities and economic growth.

RISK ASSESSMENT

In the absence of appropriate policies and procedures, Council exposes itself to risk in the areas of increased maintenance costs, public and legal liability, poor planning and reputation. Accordingly, this Policy will contribute to reducing risk by recognising legislative requirements and following the Victoria State Government’s Best Practice Guidelines for the Sale and Exchange of Land¹.

IMPLEMENTATION STATEMENT

Once adopted by Council, this Policy will be reviewed on a 4 year cycle.

GUIDING PRINCIPLES FOR THE SALE, EXCHANGE, PURCHASE AND DEVELOPMENT OF LAND.

1. LAND EVALUATION

To determine whether or not Land is:

- surplus and can be sold or exchanged; and/or
- required to be purchased to facilitate a public purpose.

Council must conduct a land evaluation exercise to gain sufficient information on the manner and extent to which the Land contributes to Council achieving the objectives in its Vision and existing or proposed strategic initiatives.

The land evaluation exercise will consider, but is not limited to, such items as:

¹ In March 2008, the Department of Planning and Community Development released its paper entitled ‘Local Government Best Practice Guideline for the Sale and Exchange of Land’. This document can be accessed from http://www.dpcd.vic.gov.au/__data/assets/pdf_file/0017/53081/Local-Government-Best-Practice-Guideline-for-the-Sale-and-Exchange-of-Land.pdf



1. The current use, status and condition of the Land.
2. Council's planning scheme, strategic policies, strategies and plans that may govern the use of the land.
3. Is the land recognised in a community plan for the locality.
4. Can the Land contribute to an overall development which would facilitate positive economic and/or financial outcomes.
5. What is the environmental and social (cultural or otherwise) status of the Land.
6. What level of public consultation is required when treating with the Land? For example, should public consultation be over and above that required by Sections 189 and 223 of the Local Government Act, 1989.

2. REPORTING TO COUNCIL

Once the land evaluation exercise has been completed, an initial report to Council must be prepared which clearly articulates the justification for dealing with the Land in the manner proposed and seek a resolution to proceed. Further reports to Council may be required subject to the nature of the project.

3. LOCAL GOVERNMENT BEST PRACTICE GUIDELINES

The general principles for the sale and exchange of Land as provided in the Local Government Best Practice Guidelines should be followed. These guidelines are summarised as follows:

- 3.1. All sales and exchange of Land must comply with the provision of the LGA.

Sales and exchange of Land must be conducted through a public process (i.e. public advertising for sale or auction, public tender or by registration of expressions of interest) unless circumstances exist that justify an alternative method of sale, for example the sale or exchange of Land by private treaty². Council is to explain to its community the circumstances which led to its decision to use an alternative method of sale in the interests of probity, public accountability and transparency.

- 3.2. Sales and exchange of Land should be in the best interest of the community and provide the best result, both financial and non-financial, for Council and the community.

² An example of a private treaty sale is the sale of a discontinued road to an adjoining land owner, sale of land in an inappropriate subdivision, sale of land which is not suitable for sale by a public process due to access issues or constraints on Certificate of Title to the Land or local historical reasons.



3.3. Generally, all sales and exchange of Land should occur at not less than the market value assessed by a valuer engaged by Council. However, in the event that land is sold for less than the market value, an explanation must be provided as to the circumstances, reasons or factors which led to the decision to recommend accepting a sale price that is less than market value.

3.4. Prior to being offered for sale or exchange, the Land should be appropriately zoned. This will ensure that the ultimate use of the Land is determined by that zone and the highest possible sale price is achieved.

4. **SPECIFIC LEGISLATIVE REQUIREMENTS FOR THE SALE OR EXCHANGE OF COUNCIL LAND**

4.1. Restriction on power to sell or exchange Land – Section 189 LGA

Council must comply with section 189³ of the LGA when selling or exchanging Land. Council can only be exempted from complying with Section 189 of the LGA with the approval of the Minister for Local Government pursuant to Section 193 of the LGA.

4.2. Valuation - Section 189(2)(b) LGA

Council must comply with section 189(2)(b) of the LGA. This section requires that the valuation must be obtained from a valuer holding the qualifications and experience specified under section 13DA(1) of the Valuation of Land Act 1960.

4.3. Public Open Space – Section 20 Subdivision Act 1988

Council must comply with section 20 of the Subdivision Act 1988. Section 20 requires Council to use the proceeds from the sale of any Public Open Space to:

1. Buy land for use for public recreation or public resort, as parklands or for similar purposes; or
2. Improve land already set aside, zoned or reserved (by the Council, the Crown, a planning scheme or otherwise) for the use for public recreation or public resort, as parklands or for similar purposes; or
3. With the approval of the Minister administering the LG Act, improve land (whether set aside on a plan or not) used for public recreation or public resort, as parklands or for similar purposes.

³ Section 223 does not apply to Land that has been discontinued from a Road status. Public consultation for Road is subject to a separate process and dealt with at Clause 3, Schedule 10 of the LGA.



5. PROCEEDS FROM THE SALE OF LAND

- 5.1. Where the Land is not within the definition of Public Open Space, the proceeds of sale will be placed into a strategic reserve for reinvestment into Land purchases and development for enhanced community facilities and infrastructure generally.
- 5.2. Where the Land is public open space, then Council will comply with the provisions described at 4.3 above.

6. PURCHASE AND DEVELOPMENT OF LAND

From time to time, Council will be required to purchase and/or develop Land in order to accommodate a public purpose and in connection with the performance of its functions. Examples of public purposes are:

1. Drainage easements.
2. Road widening.
3. Recreational activity.
4. Community services.
5. Office purposes.
6. Infrastructure generally.

Council will allocate funds for purchase and/or development through its annual budget process, capital works program, or strategic reserve. Certain funds/accounts are available only for specific purposes.

A summary of the general principles for the purchase of Land for development are as follows:

- 6.1. All purchases must comply with the provisions of the LGA and where relevant, the *Land Acquisition and Compensation Act, 1986* and *Planning and Environment Act, 1989*.
- 6.2. Purchases must be in the best interest of the community and provide the best result, both financial and non-financial, for Council and the community.
- 6.3. Recognise Council's right of first refusal over Government land within its Shire⁴ and the opportunity this right presents to facilitate an identified public purpose.

⁴ Refer to clause 4.3 of the Victoria Government Land Monitor Policy and Instructions for the Purchase, Compulsory Acquisition and Sale of Land (August 2000).



COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

- 6.4. Generally, all purchases should occur at not more than the market value assessed by a valuer engaged by Council. However, in the event that land is purchased for more than the market value, an explanation must be provided into the circumstances, reasons or factors which led to the decision to recommend offering a purchase price that is more than market value.
- 6.5. Prior to purchasing Land an investigation into the suitability of the Land for the purpose for which the Land is being bought will be conducted and in particular, an enquiry into the history of the prior uses of the Land in order to identify any potential contamination issues.
- 6.6. Once the Land has been purchased and, if necessary, the Land should be appropriately zoned for the purpose for which it was purchased (ie. a public zone).

7. LEGISLATIVE REQUIREMENTS FOR THE PURCHASE OF LAND

- 7.1. The legislative requirement for the purchase of Land is provided at Section 187 of the LGA, 1989. The *Land Acquisition and Compensation Act*, 1986 may also apply.
- 7.2. Although Council is not bound by State Government procedures for the purchase, compulsory acquisition and sale of its Land, reference can be made to the Victoria Government Land Monitor Policy for the Purchase, Compulsory Acquisition and Sale of Land which provides useful information when purchasing land for government purposes.

This Policy can be accessed from:

http://www.dse.vic.gov.au/_data/assets/pdf_file/0020/104096/Policy_and_Instructions_for_the_Purchase_Compulsory_Acquisition_and_Sale_of_Land.pdf

E.8 SOUND RECORDING OF COUNCIL MEETINGS POLICY

Corporate Services Directorate

EXECUTIVE SUMMARY

This report seeks Council's adoption of a revised Sound Recording of Council Meetings Policy.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989 Division 2 – Procedure and Proceedings

Information Privacy Act 2000

Freedom of Information Act 1982

Public Records Act 1973

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

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

Information Privacy Policy

Policy Framework Policy

COUNCIL PLAN

| | | |
|-----------------|-------|------------------------|
| Strategic Goal: | 5.0 | A Leading Organisation |
| Outcome: | 5.1 | Good Governance |
| Strategy No: | 5.1.3 | Community Engagement |

CONSULTATION

A revised Sound Recording of Council Meetings Policy was considered by the Executive Leadership Team on 19 July 2011 and at Council Briefing on 3 August 2011.

REPORT

The objective of the Sound Recording of Council Meetings Policy is to provide guidance for the practice of audio recordings of Council meetings as a contribution to good governance and accuracy of Council meeting minutes. The original policy was adopted by Council on 27 October 2010.

As part of its original implementation, the policy was to be reviewed annually to assess its effectiveness against its stated purpose. This review has been undertaken by the Executive Leadership Team and by Councillors. As a result of this review, it is proposed that sound recordings will be made at Council Ordinary and Special Meetings to assist in the accurate reflection of minutes. Notice will be provided to the community attending meetings that a sound recording will be made and recordings will be destroyed once their administrative use concludes.

Sound recordings of Public Presentation Sessions for the purpose of determining minutes are no longer deemed necessary as these are captured at the meetings by Council staff. Council has limited ability to regulate recordings of meetings made by others, so guidelines are currently being prepared to raise awareness of the responsibilities to other community members and the media attending Council Meetings and Public Presentation Sessions.

The revised policy is attached (**Attachment 1**) for Council consideration. It is recommended that this policy be reviewed every four years, or earlier upon a request from Council, with the next review to take place in 2015.

FINANCIAL CONSIDERATIONS

There are no financial implications.

RISK FACTORS

Implementation of this policy will contribute to good governance and accuracy of Council meeting minutes.

RECOMMENDATION

That Council adopt the revised Sound Recording of Council Meetings Policy (Attachment 1).

Attachment 1



South Gippsland Shire Council

SOUND RECORDING OF COUNCIL MEETINGS

| | | | |
|-----------------------|-------------|------------------|--------------------|
| Policy Number | C48 | Directorate | Corporate Services |
| Council Item No. | E.9 | Department | Corporate Support |
| Council Adoption Date | August 2011 | Primary Author | David Roche |
| Revision Date | August 2015 | Secondary Author | June Ernst |

POLICY OBJECTIVE

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

LEGISLATIVE PROVISIONS

Local Government Act 1989 Division 2 – Procedure and Proceedings

Information Privacy Act 2000

Freedom of Information Act 1982

Public Records Act 1973

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

DEFINITIONS

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

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

POLICY STATEMENT

Policy Classification: Municipality Specific

Purpose

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

Local Law No.3 2010

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



Application

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

Intent

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

Sound recordings will not be used or relied upon as a substitute for a hard copy of Council minutes.

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

Notification

Notice will be provided to members of the community attending meetings that a sound recording of the Council meeting will be made. The wording of the notice will be:

"An audio recording of this meeting is being made for the purpose of verifying the accuracy of minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, and subpoena or by any other law such as the Freedom of Information Act 1982.

It should be noted that other people present at the meeting may be recording the meeting and Council has limited power to regulate this."

The notice will be provided in the following manner:

- on agenda for the relevant meeting of Council
- on notices at the entry doors and within the Council meeting room
- on a notice located at the lectern where people address Council meetings
- on a projected screen at the commencement of a Council meeting where appropriate technology is available

Halting Of Recording

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

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



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

Storage and Destruction

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

Sound recordings are considered as an input into the development of Council minutes and will be destroyed when (a) administrative use concludes in line with the requirements of the Public Records Act 1973 or (b) no later than 28 days after the confirmation of the minutes to which the sound recording relates. Sound recordings are considered a public record under the Public Records Act 1973. These recordings are inputs into development of a master set of minutes and agenda and have temporary status that are destroyed when administrative use concludes

Sound recordings of Council meetings are a public record for Freedom of Information purposes. Before a sound recording is destroyed the Records Coordinator will ensure that there are no Freedom of Information requests relating to the sound recording. If there are requests relating to the recording, the recording will not be destroyed until after the request is dealt with.

Access

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

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

Sound recordings will be retrieved by the Director Corporate Services for Councillors with the Chief Executive's approval for the purposes in this policy. Use of the recordings by Councillors must take place in the Council Offices in an allocated space designated by the Chief Executive Officer.

Access to the sound recordings will be provided up until such time as the minutes of the meeting to which the recording relates are confirmed by Council or the recording is destroyed.

Sound recordings of meetings will not be made available to the public or disclosed to a third party, except as provided for by legislation.

RISK ASSESSMENT

Assurance that minutes contain details of proceedings and resolutions made, are clearly expressed and self-explanatory and the transaction of Council business is open and transparent.



IMPLEMENTATION STATEMENT

Distribution of policy to all Councillors, staff and press

Statements of policy existence included in Council Agendas and Minutes

As per 'Notification' in this policy

Publishing of policy on Council website and Intranet

This policy will be adopted by Council and will be reviewed every four years to assess its effectiveness against its stated purpose.

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

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E.9 COUNCIL POLICY REVIEW - REDUNDANT POLICIES

Corporate Services Directorate

EXECUTIVE SUMMARY

This report provides the opportunity for Council revoke to eight Council Policies identified as being no longer required in a recent review of Council and Operational Policies.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989 - Sections 3C, 3D, 3E

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Policy Framework Policy 2011

COUNCIL PLAN

| | | |
|-----------------|-------|------------------------|
| Strategic Goal: | 5.0 | A Leading Organisation |
| Outcome: | 5.1 | Good Governance |
| Strategy No: | 1.1.1 | Direction Setting |

CONSULTATION

The revocation of the policies named in this report was considered by the Executive Leadership Team on 19 July 2011 and Councillors at a Council Briefing on 20 July 2011.

REPORT

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

During this Review the currency and relevance of existing policies was considered and as a consequence the following policies are considered no longer required.

| Policy to be revoked | Reason for revocation |
|---|---|
| C08 Community Infrastructure Levy 2005 | Unenforceable under Planning legislation |
| C25 Laneways 1999 | Covered by Road Management Act 2004 |
| C26 Obstruction on Roads and Road Reserves 1999 | Included in Road Management Act 2004 and Regulations |
| C29 Pavement Marking and Guidepost 2005 | Covered in Infrastructure Design Manual |
| C41 Subdivision Development (Guidelines) 2003 | Replaced by Infrastructure Design Manual |
| C42 Urban Street Construction 2001 | Replaced by Special Charge Policy |
| C43 Urban Street Lighting 1997 | Replaced by Infrastructure design Manual |
| C44 Wards Initiatives Fund 2005 | Replaced by Councillor Discretionary Funds and Community Grants |
| C16 European Wasp & Honeybee Control on Council Property 1999 | More appropriate as an Operational Policy/procedure |

FINANCIAL CONSIDERATIONS

Not applicable

RISK FACTORS

The existence of policy that is no longer relevant or superseded that is used to guide decision making can lead to poor, inconsistent and confused decision making that could impact on reputation, compliance and budget.

RECOMMENDATION

That Council revoke the following redundant policies:

- 1. C08 Community Infrastructure Levy;**
- 2. C25 Laneways;**
- 3. C26 Obstruction on Roads and Road Reserves;**
- 4. C29 Pavement Marking and Guidepost;**
- 5. C41 Subdivision Development (Guidelines);**
- 6. C42 Urban Street Construction;**
- 7. C43 Urban Street Lighting; and,**
- 8. C44 Wards Initiatives Fund.**

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 89) allows 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'.

In raising the motion the Councillor will be allowed a 'short period' to indicate the reason(s) why the matter should be considered as a matter of urgent business. If the Chairperson accepts the motion as meeting the urgent business criteria, normal debating rules 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

The following questions were taken on notice at the previous Council Meeting of 27 July 2011 and responses are now provided.

Mr Paul Norton asked questions and answers have been provided.

Question 1

Has the Council's consultation with Vic Track regarding Vic Track's land which is critical to the Nyora plan is or will be available to the public before the 24th August Council Meeting, at which the Nyora Plan will I believe will be an agenda item.

Answer:

Council sought to gain the input of VicTrack during the preparation of the Nyora Discussion Paper and again during the public exhibition of the Nyora Discussion Paper. On both occasions VicTrack provided no comment.

Question 2

Is the Nyora Vic Track land in any way related back to the Leongatha Railway Line Strategic Corridor Plan that was an agenda item on the 2nd September 2009 in " Closed Session" by way of 89 (2) of the Act.

Answer:

The Nyora VicTrack land was identified in the Leongatha Railway Line Strategic Corridor Plan, which is the same plan that also discussed options for the VicTrack land at Leongatha. It is Council's understanding that VicTrack are no longer using the Corridor Plan as a decision making document and its recommendations will not be central to their future consideration of how VicTrack land assets in South Gippsland will be considered.

Question 3

Is the items of questions No: 1 & 2 related to Mr Tamlin's letter (enclosed) of 25th June 2010.

Answer:

The letter from Mr Tim Tamlin, Chief Executive Officer dated 25 June 2010 relates exclusively to the matter of the Expression of Interest process regarding the Leongatha Rail Yards land. This matter is not related to VicTrack's Nyora landholdings or the Nyora Structure Plan.

Question 4

Is any report relating the question 3 been tabled and listed at Council, and therefore available to the public for review, and if so, where.

Answer:

A Council Report discussing the Leongatha Rail Yards Expression of Interest process may be found in the Council Minutes of 16 April 2008, a copy has been forwarded to Mr Norton.

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 PROPOSED DEVELOPMENT

ITEM 2 CONTRACTUAL MATTER

RECOMMEDATION

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

- 1. a proposed development pursuant to section 89 (2)(e); and,**
- 2. a contractual matter pursuant to section 89 (2)(d);**

as provided for by the Local Government Act 1989.

SECTION H - MEETING CLOSED

NEXT MEETING

The next Ordinary Council Meeting open to the public will be held on Wednesday, 28 September 2011 commencing at 2pm in the Council Chambers, Leongatha.