



*South Gippsland*  
Shire Council

*Come for the beauty, Stay for the lifestyle*

# **COUNCIL AGENDA PAPERS**

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**28 May 2014**

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**ORDINARY MEETING NO. 380  
COUNCIL CHAMBERS, LEONGATHA  
COMMENCING AT 2PM**

## ***MISSION***

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

# **SOUTH GIPPSLAND SHIRE COUNCIL**

**NOTICE IS HEREBY GIVEN THAT ORDINARY MEETING NO. 380  
OF THE SOUTH GIPPSLAND SHIRE COUNCIL WILL BE HELD ON  
28 MAY 2014 IN THE COUNCIL CHAMBERS, LEONGATHA  
COMMENCING AT 2PM**

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

## **SECTION A - PRELIMINARY MATTERS**

### **A.1 WELCOME**

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

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

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

Amen

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

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

### **A.4 APOLOGIES**

Councillor Kieran Kennedy with Leave of Absence (granted 19 March 2014).

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

#### **RECOMMENDATION**

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 379, held on 16 April 2014 in the Council Chambers, Leongatha be confirmed.

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

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

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

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

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

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

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

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

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

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

## Privacy

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

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

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

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

## **A.9 PETITIONS**

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

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

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

## **A.10 COUNCILLOR REPORTS**



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

### **B.1 NOTICE OF MOTION NUMBER 663 - GUIDELINES FOR INCORPORATING EXPENDITURE INTO 15 YEAR BUDGET PROJECTIONS**

#### **BACKGROUND**

It has recently come to my attention that it has historically been possible for expenditure items to be incorporated into the capital works program via a less than transparent method of fiscal responsibility than is required or expected from this council. Council is required under the local government act to be responsible and show prudent financial management of the development of the shire.

In year 2013-2014 a sum of \$34 million was incorporated into the 15 year budget without sufficient level of rigorous debate or reasoning to justify its inclusion. At this point in time, it appears to have no works assigned to it and is therefore extraneous to future requirements of this council at this time.

Other processes that lack a suitable transparent nature are internal transfers from one cost centre code to another when it has been identified that monies are surplus to requirements in a cost centre. Rather than being removed from the budget as a saving, it is my understanding that they are reallocated without council approval into another cost centre-thereby raising unapproved expenditure.

Some expenditure items with or without the required process may be based on external funding such as developer contributions or government grants. At present, if external funding does not occur it is unclear whether such items get removed or remain within the 15 year projections.

#### **PURPOSE**

The purpose of this Notice of Motion is to request a Council Report on a revised policy be prepared to;

- a. Review the methods that should be employed in the future to ensure that additional expenditure to that already planned in terms of good governance should only be added into the 15 year projections after a clear and transparent process, which allows for rigorous debate and informed decision making.
- b. Ensure that all such decisions and processes reflect the financial strategies of council.
- c. Itemise current items of expenditure that have not been previously approved using such methods or that are not covered by a current asset management plan, which identifies a sustainable expenditure program.

- d. To remove from the 15 year projections those identified expenditure items and only to reallocate them if determined to do so after following the policy guidelines developed from this report.
- e. Improve the reporting and governance issues so all expenditure items linked to external funding are clearly identifiable and their funding links clearly shown.

## **MOTION**

I, Councillor Don Hill, advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on 28 May 2014.

**That Council prepare a report on good governance procedure for the capital works budget that:**

- 1. Reviews the policy and methods to be employed to add future additional expenditure into the 15 year projections.**
- 2. Such methods should be a clear and transparent process which allows for rigorous debate and informed decision making. All such processes must reflect the financial strategies of council.**
- 3. Itemise current items of expenditure that have not been previously approved using such methods or that are not covered by a current asset management plan which identifies them as part of a sustainable expenditure program.**
- 4. To remove from the 15 year projections those identified expenditure items and only to reallocate them if council determines to do so after following the policy guidelines developed from this report.**
- 5. Identify all future expenditure items required to be funded from developer contributions or other external funding sources and indicate this in the 15 year financial projections.**

## **SECTION C - COMMITTEE REPORTS**

**Nil**

## **SECTION D – PROCEDURAL REPORTS**

### **D.1 QUARTERLY PERFORMANCE REPORT JANUARY TO MARCH 2014**

Corporate Services Directorate

#### **EXECUTIVE SUMMARY**

The organisational Quarterly Performance Report for the period January to March 2014 provides detailed reporting on Council's year to date performance against the 2013/14 Annual Plan and Department Budgets.

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

This report does not capture every achievement during the quarter. However, it focuses on key achievements that contribute to the delivery of the corporate priorities. The contents summarise the performance for the quarter and the status of the Annual Plan and Key Strategic Activities as at 31 March 2014.

The organisational Quarterly Performance Report January to March is provided in **Appendix 1**.

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

- **Appendix 1** - Quarterly Performance Report January to March 2014

A copy of **Appendix 1 - Quarterly Performance Report January to March 2014** is available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) or by contacting 5662 9200.

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

Local Government Act 1989, Sections 125, 127 and 223

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

- 2013/14 Annual Plan
- 2013/14 Annual Budget incorporating 15 year Long Term Financial Plan and Key Strategic Activities

#### **COUNCIL PLAN**

Outcome:	4.0	A Leading Organisation
Objective:	4.2	Pursue best practice in organisational development and operation of the organisation.
Strategy:	4.2.4	We will create an environment for people to be

their best, to optimise the performance of the organisation and to deliver quality outcomes for the community.

## **CONSULTATION**

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

The community was consulted during the preparation of the 2013/14 Annual Plan.

### **Background**

The 2013/14 Annual Plan, adopted by Council on 26 June 2013 set the indicators and activities, including the Key Strategic Activities (KSA's), which would be reported within the Quarterly Performance Report to Council (**Appendix 1**).

### **Discussion**

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

Of the 71 Annual Plan commitments 6 were achieved, 64 are currently progressing on track and 1 is behind the target. This item is Strategy 3.1.4 (2) for service levels associated with Asset Management Plans where the 'percentage of customer requests completed in time' is below the desired standard, due to a backlog in requests for unsealed roads requiring grading.

There are eight KSA's of which 3 are complete and 5 activities are on target.

A number of significant highlights during the January to March 2014 period include:

- Completed landslip repairs at Canavans Rd and Old Canavans Rd, Mount Eccles; Toora-Gunyah Rd, Mount Best; Loch Wonthaggi Rd, Loch; and Turtons Creek Rd, Turtons Creek.
- Completed drainage works at Nippards Track, Foster; Korumburra South Rd, Korumburra; Boys Rd, Fish Creek; Mount Eccles Rd, Mount Eccles; Whitelaws Track, Foster North; Ross St and Martin Rd, Meeniyan; Stony Creek Dollar Rd, Stony Creek; Sheens Rd and Boolarra Mirboo North Rd, Mirboo North.
- Completed the playground replacement at Falls Road, Fish Creek.
- Completed the reconstruction of Meeniyan Dumbalk United netball court surface.

- Council facilitated a highly successful South Gippsland Men's Shed network meeting in February, which attracted 65 participants from 12 separate sheds. This network encourages men from surrounding shires to participate, effectively broadening the range of information and connections available to the South Gippsland organisations. Men's Sheds from Baw Baw, Wellington and Bass Coast also participated at this February event.
- The 45th consecutive 'Music for the People' concert provided at Mossvale Park in February through the collaborative effort of seven South Gippsland voluntary organisations, two South Gippsland orchestras, one Bass Coast based band, the Victorian Concert Orchestra and Council. The event was well attended by over 700 people
- YMCA confirmed they will provide childcare at St Andrew's Child Care Centre in Mirboo North from 1 May 2014. A new era of early childhood provision will now begin with stronger connections between the kindergarten and Maternal and Child Health service. Prom Coast Centre's for Children became incorporated and licenced as a community managed service provider. Agreement on transmission of business has been reached between UnitingCare Gippsland and the providers.
- Construction of the extension of the Cell 3 liner at the Koonwarra Landfill was completed providing sufficient landfill airspace for Council's waste disposal requirements until approximately February 2016. A new landfill cell will be constructed and ready to receive waste, prior to the filling of Cell 3.
- Pioneer Reserve Infrastructure Upgrade Launch – Sun 30 March 2014. Over 120 people attended the launch and explored the reserve. The project included funding of \$37,300 from the Bass Coast Landcare Network and was administered by the Kongwak Hill Landcare Group with an in-kind contribution of labour (approx. 120 hours) and materials (including signage) from Council. The funds enabled the upgrade of the information shelter, new track signage, picnic tables, and a complete new walking track and associated infrastructure.
- The Rating Strategy Steering Committee, involving seven community members representing the main rating bases, developed a Rating Strategy Discussion Paper for community consultation. Community feedback was used in developing the Proposed 2014-2018 Rating Strategy for Council's consideration in April 2014.
- Australia Day Awards Celebration evening was well supported in January, along with the seven local events throughout the community. Anne McIntyre was named Citizen of the Year and the Leongatha Courthouse Centenary named Community Event of the Year.

- Repairing Our Roads Campaign Survey attracted approximately 850 responses with the details forwarded to Council and presentation made to VicRoads. A final report of the survey will be provided to State Government in lobbying for additional funds to repair South Gippsland roads
- Liaised with all the Secondary Colleges in South Gippsland resulting in a recommendation to conduct a Council Meeting at South Gippsland Secondary College Foster in August 2014 and consider meetings at other Colleges going forward.
- The Minister for Planning approved five planning scheme amendments during the quarter:
  - C73 Rezones VicTrack land in Bena (former railway land & dwellings) to the Township Zone to facilitate VicTrack's sale of the land.
  - C79 General Amendment to correct 31 zone and overlay errors and anomalies in the Planning Scheme.
  - C82 Introduces an Incorporated Document to allow temporary continuation (two years) of manufacturing operations (Shakanda Engineering) on land in Simons Lane Leongatha.
  - C83 (Part 1) Applies the Public Acquisition Overlay to land in Little Princes Street Korumburra to facilitate site assembly for the future development of the Korumburra Integrated Children's Centre.
  - C85 Introduces the Parking Overlay over land in the Leongatha Town Centre to facilitate financial contributions for the provision of additional car parking in the Town Centre.
- 40th Anniversary of Coal Creek's opening as a cultural asset to South Gippsland, including a photographic chronological exhibition and performance of the play, 'A Question of Honour'.
- Public consultation process completed for proposed General Local Law 2014. 18 submissions received from members of the public regarding the proposed General Local Law 2014. One member of the public presented their submission to Council on 19 February 2014. As a result of the consultation process some minor amendments have been made to the proposed General Local Law 2014.

## **FINANCIAL CONSIDERATIONS**

Activities within the Council 2013/14 Annual Plan are funded through the 2013/14 Budget.

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The weighted average of 5 key financial ratios (including indebtedness, underlying working capital ratio, self-financing, investment gap and underlying result for the 2013/2014 Budget) is 115% at 31 March 2014.

### **RISK FACTORS**

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

### **CONCLUSION**

It is recommended that Council receive and note the Organisational Quarterly Performance Report January to March 2014 in **Appendix 1**. The Report provides an overview of Council's performance against both Department Budgets and the Annual Plan for the period January to March 2014. The Key Strategic Activities are subject to audit. A final result on all Annual Plan actions and Key Strategic Activities will be presented to Council in the 2013/14 Annual Report.

### **RECOMMENDATION**

**That Council receive and note the organisational Quarterly Performance Report (Appendix 1) for the period January to March 2014.**

### **STAFF DISCLOSURE OF INTEREST**

Nil



## **D.2 COUNCILLOR EXPENDITURE REPORT - 31 MARCH 2014**

Corporate Services Directorate

### **EXECUTIVE SUMMARY**

The Councillor Expenditure Report (**Attachment 1**) provides Council with a quarterly update on Councillor Expenditure from 1 July 2013 to 31 March 2014, as resolved in 2003.

#### Document pertaining to this Council Report

- **Attachment 1 - Councillor Expenditure Report 1 July 2013 – 31 March 2014**

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

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

### **COUNCIL PLAN**

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

### **REPORT**

#### **Background**

The Councillor Expenditure Report (**Attachment 1**) provides Council with an update on Councillor expenditure from 1 July 2013 to 31 March 2014.

Councillor expenditure is reported on a cash basis, and no adjustments are made for 'pre-paid expenditure' except at financial year end.

### **FINANCIAL CONSIDERATIONS**

Overall expenditure is in line with budget.

### **RISK FACTORS**

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

## **RECOMMENDATION**

**That Council receive and note the Councillor Expenditure Report for the period 1 July 2013 to 31 March 2014.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

**Attachment 1  
Councillor Expenditure Report 1 July 2013 – 31 March 2014**

Councillor Expenditure From 1 July 2013 to 31 March 2014											
Councillor	Car	Travel Expenditure				Other Expenditure					Total
		Councillor Car Operating Cost *	Other travel reimbursements **	Mobile Phone	Phone/Fax/ Modem	Accommodation/Parking ***	Councillor Allowance	Remoteness Allowance	Printing & Stationery		
Cr. Robert Newton	Council	\$ 6,588	\$ -	\$ 284	\$ -	\$ 496	\$ 20,335	\$ -	\$ 115	\$ 27,818	
Cr. Lorraine Brunt	Council	\$ 6,584	\$ -	\$ 706	\$ -	\$ 434	\$ 20,335	\$ -	\$ 97	\$ 28,156	
Cr. Andrew McEwen	Personal	\$ -	\$ 7,183	\$ 364	\$ -	\$ 931	\$ 20,335	\$ -	\$ 158	\$ 28,971	
Cr. Kieran Kennedy	Council	\$ 6,999	\$ -	\$ 668	\$ -	\$ 1,280	\$ 38,368	\$ -	\$ 97	\$ 47,412	
Cr. Mohya Davies	Council	\$ 6,805	\$ -	\$ 670	\$ 32	\$ 463	\$ 20,335	\$ -	\$ 97	\$ 28,402	
Cr. Jeanette Harding	Council	\$ 6,398	\$ -	\$ 432	\$ -	\$ 2,031	\$ 20,335	\$ 480	\$ 171	\$ 29,847	
Cr. Nigel Hutchinson Brooks	Council	\$ 6,856	\$ -	\$ 334	\$ -	\$ -	\$ 20,335	\$ -	\$ 97	\$ 27,622	
Cr. Don Hill	Personal	\$ -	\$ 2,783	\$ 601	\$ 271	\$ 351	\$ 20,335	\$ -	\$ 97	\$ 24,438	
Cr. James Fawcett	Personal #	\$ 137	\$ -	\$ 382	\$ -	\$ 141	\$ 44,887	\$ -	\$ 215	\$ 45,762	
<b>Total Actual (Year to date March 2014)</b>		<b>\$ 40,367</b>	<b>\$ 9,966</b>	<b>\$ 4,441</b>	<b>\$ 303</b>	<b>\$ 6,127</b>	<b>\$ 225,600</b>	<b>\$ 480</b>	<b>\$ 1,144</b>	<b>\$ 288,428</b>	
<b>Total Budget (Year to date March 2014)</b>		<b>\$ 49,050</b>	<b>\$ 9,450</b>	<b>\$ 5,265</b>	<b>\$ 6,921</b>	<b>\$ 15,775</b>	<b>\$ 231,956</b>	<b>\$ 369</b>	<b>\$ 2,016</b>	<b>\$ 320,802</b>	
<b>Variance</b>		<b>\$ 8,683</b>	<b>\$ 516</b>	<b>\$ 824</b>	<b>\$ 6,618</b>	<b>\$ 9,648</b>	<b>\$ 6,356</b>	<b>\$ 111</b>	<b>\$ 872</b>	<b>\$ 32,374</b>	

\* Notes to Councillor Car Operating Costs:  
 -Car operating costs are for the 9 months period ended 31 March 2014;  
 -Car Depreciation is based on 2 years useful life;  
 -Depreciation is net of estimated sale value of car at the end of two years;  
 -Car Insurance cost is based on average unit cost premium; and  
 -Notional interest is calculated @3.5% per annum on Capital cost of car.  
 \*\* Travelling expenditure for Councillors using private vehicles is at the prescribed rate of reimbursement. Reimbursements also include actual public transport costs.  
 \*\*\* Accommodation/Parking also includes Training & professional development expenses.  
 # Cr. Fawcett utilised Council car for a short period.

### **D.3 REPORT ON ASSEMBLY OF COUNCILLORS - APRIL 2014**

Corporate Services Directorate

#### **EXECUTIVE SUMMARY**

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

The matters listed in this report were presented or considered, at either an Advisory Committee Meeting, Councillor Strategic Briefing Session or Public Presentation Session in April 2014.

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

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

Nil

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

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

#### **COUNCIL PLAN**

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

**REPORT**

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 2 April 2014</b>		
<b>Alliance of Councils for Rail Freight Development</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Newton, Hutchinson-Brooks, McEwen, Davies and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Councillors were provided information relating to the Alliance of Councils for Rail Freight Development and benefits of membership.</p>
<b>Foster Relocation Plan – Co-location Services with other Government Agencies</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Newton, Hutchinson-Brooks, McEwen, Davies and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Councillors were provided information relating to the proposed Consultancy Brief for the co-location of government services on Council land in Pioneer Street, Foster.</p>
<b>Policy Review - Leasing Policy</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Newton, Hutchinson-Brooks, McEwen, Davies and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Councillors were provided information relating to the proposed new policy.</p>
<b>Foster Pool Review</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Newton, Hutchinson-Brooks, McEwen, Davies and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Councillors considered outcomes and recommendations of the Foster Pool Review prior to a report on the review being considered at the 19 April 2014 Council Meeting.</p>
<b>Pool Contract Specification</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Newton, Hutchinson-Brooks, McEwen, Davies and Brunt, Hill and Harding.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Councillors were updated on the key matters to be addressed in the pool contract specification.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 2 April 2014</b>		
<b>Annual Plan and 2nd Draft Budget Discussion</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Newton, Hutchinson-Brooks, McEwen, Davies, Brunt, Hill and Harding.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Annual Plan and 2nd Draft Budget Discussion</li> </ul>
<b>Planning Committee</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Davies, Harding, Brunt, Newton, McEwen, Hill and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Council decisions</li> <li>• VCAT decisions</li> <li>• Statutory Applications</li> <li>• Strategic Planning and Development Projects</li> <li>• Enforcement Matters</li> </ul>
<b>Planning Scheme Amendment C52 Update – Jumbunna Road, Korumburra</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Newton, Hutchinson-Brooks, McEwen, Davies, Brunt, Hill and Harding.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Councillors were provided information on the processing of Planning Scheme Amendment C52.</p>
<b>Burra Foods Amenity Buffer Planning Control</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Newton, Hutchinson-Brooks, McEwen, Davies, Brunt, Hill and Harding.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Councillors were provided information on the preparation of Planning Scheme Amendment C99.</p>
<b>Council Plan Actions and Council Timetable for April/ May 2014</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Newton, Hutchinson-Brooks, McEwen, Davies, Brunt, Hill and Harding.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Council Plan Actions</li> <li>• Council Timetable April/ May 2014</li> </ul>
<b>Executive Update</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Newton, Hutchinson-Brooks, McEwen, Davies, Brunt, Hill and Harding.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Sth Gippsland Water – dinner</li> <li>• Childcare Services in Shire – update</li> <li>• Meals on Wheels</li> <li>• Councillor Bus Tour</li> </ul>

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 9 April 2014</b>		
<b>Ordinary Council Agenda Topics Discussion 16 April 2014</b>	<p><b>Councillors Attending:</b> Crs Davies, McEwen, Brunt, Harding, Fawcett, Hutchinson-Brooks and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Ordinary Council Agenda Topics Discussion 16 April 2014.</p>
<b>Constructing Unmade Roads Policy</b>	<p><b>Councillors Attending:</b> Crs Davies, McEwen, Brunt, Harding, Fawcett, Hutchinson-Brooks and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Councillors were provided information relating to the proposed new policy.</p>
<b>Final Review of Annual Plan Wording</b>	<p><b>Councillors Attending:</b> Crs Davies, McEwen, Brunt, Harding, Fawcett, Hutchinson-Brooks and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Finalisation of proposed Annual Plan</li> </ul>
<b>Leongatha Rail Yards Lease/Purchase Options</b>	<p><b>Councillors Attending:</b> Crs Davies, McEwen, Brunt, Harding, Fawcett, Hutchinson-Brooks and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Councillors were provided information relating to the progress of discussions with Leongatha Railway Land and VicTrack regarding Council's options to control the Site.</p>
<b>Council Basic Toolkit - iPads</b>	<p><b>Councillors Attending:</b> Crs Davies, McEwen, Brunt, Harding, Fawcett, Hutchinson-Brooks and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Councillors were provided with a demonstration of iPads and how they can effectively operate at Council.</p>
<b>Coal Creek – Strategic Direction</b>	<p><b>Councillors Attending:</b> Crs Davies, McEwen, Brunt, Harding, Fawcett, Hutchinson-Brooks and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Councillors were provided information on Coal Creek Community Park and Museum Strategic Direction.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 9 April 2014</b>		
<p><b>Public Presentations</b></p> <p><b>OPEN SESSION</b></p> <p><b>Presentations were made to Council by the following community member:</b></p> <p><b>Mr Steven W. Rath</b>, regarding Coal Seam Gas, GM (Genetically Modified) Foods and Creating Local Laws with regard Economic Sustainability.</p>	<p><b>Councillors Attending:</b> Crs Davies, McEwen, Brunt, Harding, Fawcett, Hutchinson-Brooks and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	
<p><b>Councillor / CEO Session</b></p>	<p><b>Councillors Attending:</b> Crs Davies, McEwen, Brunt, Harding, Fawcett, Hutchinson-Brooks and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Representation at the Australian Local Government Association and National General Assembly ALGA</li> <li>• Staff matters</li> </ul>
<p><b>Executive Update</b></p>	<p><b>Councillors Attending:</b> Crs Davies, McEwen, Brunt, Harding, Fawcett, Hutchinson-Brooks and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Enforcement Policy</li> <li>• Priority Projects</li> <li>• Council Facility Subsidy Information</li> <li>• Australia Local Government Association</li> <li>• Foster Swimming Pool</li> </ul>
<p><b>Public Presentations</b></p> <p><b>OPEN SESSION</b></p> <p><b>Presentations were made to Council by the following community member:</b></p> <p><b>Mr Ian Lyon</b>, representing Section 86 Committee - Foster Swimming Pool regarding Council Agenda item E.1 - FOSTER SWIMMING POOL REVIEW RESULTS.</p>	<p><b>Councillors Attending:</b> Crs Davies, Brunt, Harding, Fawcett, Hutchinson-Brooks and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	



Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 16 April 2014</b>		
<b>Ordinary Council Agenda Topics Discussion 16 April 2014</b>	<b>Councillors Attending:</b> Crs McEwen, Hill, Brunt, Fawcett, Harding, Hutchinson-Brooks and Davies.  <b>Conflict of Interest:</b> Nil disclosed.	<b>Topics Discussed:</b> Ordinary Council Agenda Topics Discussion 16 April 2014.
<b>Public Presentations</b>  <b>OPEN SESSION</b>	<b>Councillors Attending:</b> Crs McEwen, Hill, Brunt, Fawcett, Harding, Hutchinson-Brooks and Davies.  <b>Conflict of Interest:</b> Nil disclosed.	<p><b>Presentations were made to Council by the following community members:</b></p> <p><b>Mr Ian Lyon</b>, representing Section 86 Committee – Mirboo North Swimming Pool regarding Council Agenda item E.1 - FOSTER SWIMMING POOL REVIEW RESULTS.</p> <p><b>Mr Greg Cox, Dr David Iser and Mr David Blake</b> regarding Council Agenda item E.1 - FOSTER SWIMMING POOL REVIEW RESULTS.</p>
<b>Agnes Falls Scenic Reserve Development Project Parks Vic</b>	<b>Councillors Attending:</b> Crs McEwen, Hill, Brunt, Fawcett, Harding, Hutchinson-Brooks and Davies.  <b>Conflict of Interest:</b> Nil disclosed.	<b>Topics Discussed:</b> <ul style="list-style-type: none"> <li>• Councillors were presented the detailed design and costing for Stage 2 of Agnes Falls Scenic Reserve Development.</li> </ul>
<b>Media Forum – Budget Discussion</b>	<b>Councillors Attending:</b> Crs McEwen, Hill, Brunt, Fawcett, Harding, Hutchinson-Brooks and Davies.  <b>Conflict of Interest:</b> Nil disclosed.	<b>Topics Discussed:</b> <ul style="list-style-type: none"> <li>• Proposed Council Budget</li> <li>• Proposed Rating Strategy</li> <li>• Community Consultation process for two documents</li> </ul>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Tuesday 22 April 2014</b>		
<b>South Gippsland Youth Council (Advisory Committee)</b>	<p><b>Councillors Attending:</b> Crs McEwen</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Potential Youth Meeting venues</li> <li>• Leongatha Skate Park</li> <li>• Science Expo</li> </ul>
<b>Wednesday 23 April 2014</b>		
<b>Community Engagement and Evolving Vision Steering Committee</b>	<p><b>Councillors Attending:</b> Cr Fawcett, Davies, Harding, McEwen and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Community workshop results and identified learnings to be utilised in future</li> <li>• Road Survey</li> </ul>
<b>Economic Development and Tourism Steering Committee</b>	<p><b>Councillors Attending:</b> Cr Hutchinson-Brooks, Harding, Davies and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Community consultation process for Economic Development and Tourism Strategy</li> <li>• Future of committee after Strategy adoption</li> </ul>
<b>Financial Sustainability Steering Committee</b>	<p><b>Councillors Attending:</b> Cr Hutchinson-Brooks, Harding, Davies and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Financial Sustainability and growth of Shire</li> <li>• Future focus of committee</li> </ul>
<b>Social Community Infrastructure Committee</b>	<p><b>Councillors Attending:</b> Cr Fawcett, Davies, Brunt and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Final facility audit document and analysis of findings</li> <li>• Example of proposed map tabled for the committee's consideration.</li> <li>• Draft key strategic directions developed by the working group</li> <li>• Levels of service and triggers continued from previous meeting.</li> <li>• Discussed the draft Social Community Infrastructure Blueprint to be tabled at the next meeting.</li> </ul>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Thursday 24 April 2014</b>		
<b>Korumburra Round Table</b>	<p><b>Councillors Attending:</b> Crs McEwen, Brunt and Newton.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Gateway Signage project</li> <li>• Response to C93 Planning Scheme Amendment</li> <li>• Council Meeting updates including Saleyards, Rating Strategy</li> <li>• Community Group updates</li> <li>• South Gippsland Water</li> <li>• Meeting Chair nominations</li> <li>• Future Round Table projects</li> </ul>
<b>Tuesday 29 April 2014</b>		
<b>Foster Swimming Pool Committee</b>	<p><b>Councillors Attending:</b> Crs Davies and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Future management of Foster Swimming Pool</li> <li>• Options for Local management</li> <li>• Request from Committee that Council consider separate contract for Foster Swimming Pool</li> </ul>
<b>Wednesday 30 April 2014</b>		
<b>Councillor Bus Tour</b>	<p><b>Councillors Attending:</b> Crs Fawcett, McEwen, Harding, Davies, Hutchinson-Brooks and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Councillors toured the local Shire including:</p> <ul style="list-style-type: none"> <li>• Corner Inlet Seawalls</li> <li>• Toora Boat Ramp</li> <li>• ViPlus Dairy Facility</li> <li>• Port Anthony Marine Terminal</li> <li>• Port Welshpool Long Jetty and Marina site</li> <li>• Long Jetty Caravan Park</li> <li>• Agnes Falls Scenic Reserve</li> </ul>

**RECOMMENDATION**

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

**STAFF DISCLOSURE OF INTEREST**

**Nil**

## **D.4 COUNCILLOR DISCRETIONARY FUND ALLOCATION 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 individuals in accordance with the guidelines developed for this purpose.

This report details Councillors allocations for the period between 21 March 2014 and 2 May 2014.

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

Councillor Discretionary Fund Policy 2014

### **COUNCIL PLAN**

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

### **REPORT**

The following applications have been allocated funding from the Councillor's 2013/2014 Discretionary Fund for the period between 21 March 2014 and 2 May 2014.

- Venus Bay Tarwin Lower & District Men's Shed: Sponsorship towards the monthly community lunches hosted by the men's shed.

Cr Jeanette Harding - \$200

- Country Women's Association of Victoria - South Gippsland Group: Sponsorship towards an exhibition of Handicrafts, Arts and Home Industries which will be held over the Melbourne Cup Weekend.

Cr Jeanette Harding - \$100

- Meeniyah Golf Club: Assist with costs to ensure compliance for the Responsible Serving of Alcohol accreditation.

Cr Loraine Brunt - \$200

Cr Robert Newton - \$200

Cr Andrew McEwen - \$260

- Loch Memorial Reserve: To assist with the costs of developing Building Plans for the levelling of the clubroom steps.

Cr Loraine Brunt - \$500

Cr Robert Newton - \$200

Cr Andrew McEwen - \$300

- Bena Hall Inc.: To assist with costs of upgrading three emergency exit doors with new safety locks.

Cr Loraine Brunt - \$306

Cr Andrew McEwen - \$306

- South Gippsland Bass Swimming Club: To assist with costs for coaching courses.

Cr Loraine Brunt - \$100

Cr Andrew McEwen - \$100

Cr Don Hill - \$100

Cr Nigel Hutchinson-Brooks - \$150

- Poowong Basketball Association: To assist with costs of purchasing new women's singlets for the Poowong Basketball Association.

Cr Andrew McEwen - \$250

- Bass Coast/South Gippsland Reconciliation Group: To assist with the costs of purchasing three banners for promotional use.

Cr Andrew McEwen - \$200

Cr James Fawcett - \$200

- Fish Creek and District Primary School: To assist with the costs for repair and renovation of an existing building which will be used for multipurpose activities.

Cr James Fawcett - \$200

Cr Don Hill - \$100

Cr Nigel Hutchinson-Brooks - \$400

- Leongatha Swimming Club: To assist with the costs of purchasing a storage cupboard and whiteboard for training purposes.  
  
Cr James Fawcett - \$300  
  
Cr Don Hill - \$300  
  
Cr Nigel Hutchinson-Brooks - \$300
- Leongatha Football Netball Club: To cover the costs of purchasing a Spine Board for use by the club and other groups that participate at the Leongatha Recreation Reserve.  
  
Cr James Fawcett - \$221  
  
Cr Don Hill - \$221  
  
Cr Nigel Hutchinson-Brooks - \$221
- Italian Australian Seniors Group, Mirboo North: To assist with cost for minor upgrades to the toilets at the St Paul's Hall.  
  
Cr James Fawcett - \$200  
  
Cr Don Hill - \$148  
  
Cr Nigel Hutchinson-Brooks - \$300
- Leongatha Junior Football Club: To assist with the costs of holding an outdoor family movie night.  
  
Cr Don Hill - \$150  
  
Cr Nigel Hutchinson-Brooks - \$150

### **FINANCIAL CONSIDERATIONS**

Each Councillor is allocated \$4,000 from the Councillor Discretionary Fund in the 2013/14 Financial Budget. An additional \$2,000 has been allocated to the Mayor to cover a broader focus across the entire Municipality.

### **CONCLUSION**

The remaining balances of Councillor Discretionary Funds for the 2013/14 Financial Year as at the 21 March 2014 is as follows:

- Cr Mohya Davies - Nil
- Cr Jeanette Harding - \$100
- Cr Kieran Kennedy - \$500

- Cr Lorraine Brunt - \$161
- Cr Robert Newton - \$682
- Cr Andrew McEwen - \$700
- Cr James Fawcett - \$358
- Cr Don Hill - Nil
- Cr Hutchinson-Brooks - \$198
- Mayoral Fund - Nil

### **RECOMMENDATION**

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

### **STAFF DISCLOSURE OF INTEREST**

Nil

## **D.5 DOCUMENTS SEALED AND CONTRACTS AWARDED UNDER CHIEF EXECUTIVE OFFICER DELEGATION - APRIL 2014**

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.

Council's Procurement Policy requires that Council be advised of the award of contracts after a public tender process that fall within the Chief Executive Officer's delegation.

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

- Local Government Act 1989 - Section 5 and 186
- Local Law No. 3 2010
- South Gippsland Shire Council Procurement Policy
- South Gippsland Shire Council Instrument of Delegation to the Chief Executive Officer

### **COUNCIL PLAN**

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



## **REPORT**

### **Documents Sealed**

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 April 2014.

1. Contract SGC14/11 Provision of Building Programme and Reactive Maintenance and Essential Safety Measure Inspections and Maintenance – Seal Applied 1 April 2014.
2. Section 173 Agreement between South Gippsland Shire Council and owners of 79-81 Harbour View, Sandy Point in relation to the development of land under the Design and Development Overlay Schedule 3 and Environmental Significance Overlay Schedule 7 and native vegetation removal – Seal Applied 7 April 2014.
3. Deed of Variation of Lease between South Gippsland Shire Council and Leongatha Children’s Centre Incorporated in relation to 1 Symmons Street, Leongatha – Seal Applied 7 April 2014.
4. Section 173 Agreement between South Gippsland Shire Council and the Owners of 37 Korumburra South Road, Korumburra South in relation to the Use and Development of a Dwelling – Seal Applied 10 April 2014.
5. Section 173 Agreement between South Gippsland Shire Council and the Owners of Townsend Street, Port Welshpool in relation to a 21 Lot Subdivision and native vegetation removal – Seal Applied 14 April 2014.
6. Section 173 Agreement between South Gippsland Shire Council and the Owners of 25 Victory Ave, Foster in relation to the development of land for 6 dwellings and subdivision of the land into 6 lots –Seal Applied 14 April 2014.
7. Section 173 Agreement between South Gippsland Shire Council and the Owners of 17 Ross Street, Port Welshpool in relation to the development of a single dwelling and vegetation removal – Seal Applied 14 April 2014.

8. Section 173 Agreement between South Gippsland Shire Council and the Owners of 127-129 Atherton Drive, Venus Bay in relation to the development of a single dwelling and vegetation removal – Seal Applied 23 April 2014.
9. Section 173 Agreement between South Gippsland Shire Council and the Owners of 185 Simons Lane, Leongatha South in relation to a 17 lot subdivision – Seal Applied 23 April 2014.
10. Section 173 Agreement between South Gippsland Shire Council and the Owners of 335 & 345 Korumburra Warragul Road, Korumburra in relation to re-subdivision of land - Seal Applied 28 April 2014.

### **Contracts Awarded Under Chief Executive Officer Delegation**

The Chief Executive Officer's delegation of power from the Council allows the Chief Executive Officer to award contracts up to the value of \$250,000 (inclusive of GST) after a public tender process, subject to the exercise of this power being reported to the Council meeting after the contract is awarded.

All of the legislative requirements of section 186 of the Local Government Act 1989 and the requirements of Council's Procurement Policy are met in respect of the tender/s.

Procurement Policy requires recording in the Council Minutes all contracts over the statutory threshold set out in the Local Government Act 1989 (\$150,000 inclusive of GST for goods and services and \$200,000.00 inclusive of GST for works) for a public tender which shows the contracts purpose, a brief description of the goods, services and works that is being procured, the successful tenderer and the total contract price.

### **RECOMMENDATION**

**That Council note this report.**

### **STAFF DISCLOSURE OF INTEREST**

Nil

## SECTION E - COUNCIL REPORTS

### E.1 RECREATIONAL VEHICLE (RV) STRATEGY

Development Services Directorate

#### **EXECUTIVE SUMMARY**

The Draft Recreational Vehicle (RV) Strategy (the 'Strategy') was presented to Council on 18 December 2013. The RV Strategy has been prepared to provide direction for the promotion of South Gippsland as an attractive region to RV users. South Gippsland Shire can encourage visitation of RV users by increasing local infrastructure, developing additional signage, long vehicle parking and providing more options for free/low cost overnight stays.

Feedback received during the public exhibition and community consultation period during January and February 2014 has now been incorporated into the final RV Strategy contained in **Appendix 1**.

This report recommends that Council adopt the Recreational Vehicle Strategy.

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

- **Attachment 1** - Summary of online submissions
- **Attachment 2** - Summary of written submissions
- **Attachment 3** - Summary of community meeting
- **Confidential Appendix 1** - Copies of submissions
- **Appendix 1** - Recreational Vehicle Strategy 2014

A copy of **Confidential Appendix 1** has been distributed separately to Councillors and the Executive Leadership Team as it contains personal information of submitters.

A copy of **Appendix 1 - Recreational Vehicle Strategy 2014** is available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) or by contacting 5662 9200.

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

- South Gippsland Planning Scheme  
([www.planningschemes.dpced.vic.gov.au/schemes/southgippsland](http://www.planningschemes.dpced.vic.gov.au/schemes/southgippsland) )
- CMCA RV Friendly guidelines ([www.cmca.net.au](http://www.cmca.net.au))

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

- Council Annual Plan 2013-2017
- Draft Economic Development and Tourism Strategy 2014-2019
- South Gippsland General Local Law 2014 Section 16(1)

## **COUNCIL PLAN**

Outcome:	1.0	A Prosperous Shire
Objective:	1.1	Work with the business community to support existing businesses, diversify employment opportunities and to attract new business.
Strategy:	1.1.1	We will promote and encourage tourism through development support.

## **CONSULTATION**

### ***External Consultation***

At the conclusion of public exhibition on 28 February 2014:

1. 68 responses were received via the online submission form
2. 12 written submissions were received via post and email
3. Meetings were held with Fish Creek Development Group, Terrill Park Committee of Management, Destination Gippsland, Parks Victoria and Caravan and Motorhome Campers Association (CMCA)

### ***Internal Consultation***

Included meetings and conversations with the following departments:

1. Engineering--Assets and Property, Parks and Gardens, Regulatory Services, Risk, Community Strengthening, Recreation, Waste, Emergency Management and Foster Depot.

## **REPORT**

### **Background**

The RV Strategy will provide direction for the promotion of South Gippsland as an attractive region to RV users. The RV Strategy will guide the development and improvement of RV infrastructure and facilities, which will encourage visitation to the region.

## Discussion

Caravan Parks are important to the tourism industry on a local, regional and national level. They provide visitors a range of accommodation and camping options and facilities such as amenity blocks, BBQ, laundry and recreational activities.

However, there has been a change in the caravan and camping sector with the increase of self-contained RV's travelling throughout Australia. The RV market expects freedom of choice when visiting regions and due to their self-sufficiency do not rely solely on commercial caravan/tourist parks.

Council has investigated potential free/low cost overnight sites in South Gippsland. Research has included investigating potential RV sites on Crown land and discussing this opportunity with the Department of Environment and Primary Industries (DEPI).

It is DEPI's view that it is inappropriate for facilities supporting RV campervans to be placed on Crown lands that are directly managed by DEPI or a volunteer committee of management.

Proposals which are not in keeping with the purpose for which the land has been reserved, or where conflict might arise between a proposed new use and existing users, are also not supported by DEPI.

The investigation of further free/low cost sites will be continued in towns of South Gippsland that currently do not have caravan/camping facilities to attract visitors. Development of sites in these towns will encourage visitation and bring an economic benefit to the towns.

The RV Strategy recognises the needs of caravan/tourist park operators which service the traditional caravan/camping market across the Shire. It also assists in the development of facilities such as long vehicle parking, directional and site signage, development of low/free cost sites and dump points to ensure South Gippsland attracts this emerging market.

A summary of submissions to the RV Strategy including officer observations is included in **Attachments 1, 2 & 3**.

Copies of Submissions are also included in **Confidential Appendix 1**.

## Main Submission Themes

Main themes were gleaned from the submissions through the consultation period. Within some themes, different submissions had opposing views. All submissions' opinions have been summarised below:

### 1. **Economic Data**

- a. Data is required in regard to commercial and non-commercial camping and the potential benefits for the South Gippsland economy.
- b. The establishment of benchmarking research. Including economic analysis, feedback from visitors and industry.

### 2. **RV Sites**

- a. The development of RV sites is essential to attract the RV market. It is important to have multiple locations strategically placed in a region.
- b. Rate payers should not bear the cost of building and maintaining RV sites and there should be no further development.
- c. Stop free camping entirely.
- d. Identify potential sites for Recreational Vehicle Friendly Towns (RVFT).
- e. Concerns with the proposed Buckley Park included distance from town centre, unsafe access to town, cost to establish site facilities and proximity to adjoining land owners.
- f. Requests to investigate Terrill Park recreation reserve as an alternative site in Fish Creek. Proximity and safe access to town centre, established facilities at the reserve.

### 3. **Public dump points**

- a. Public dump points are essential; some RV users may not use caravan park dump points.
- b. Insufficient number of public dump points in South Gippsland.
- c. Towns wishing to install a public dump point should be responsible for the costs and not borne by South Gippsland Shire Council.
- d. Current key procedure for Korumburra dump point is problematic.

### 4. **Long Vehicle Parking**

- a. Requires directional and appropriate site signage.

- b. Useful in generating trade to local businesses, bypass towns that don't have appropriate long vehicle parking.

**5. Signage**

- a. Ensure signage is clear, effective and strategically placed.
- b. Signage includes site guidelines and general information of the region.
- c. Do not overregulate by placing 'no camping' signs throughout the region.
- d. A common, enforced message of 'No camping or overnight stays' in any public places within the Shire, monetary fine listed on the sign.

**6. Advertising**

- a. Utilise existing resources such as websites, apps, online forums to circulate RV information.
- b. Existing regional publications can be modified to include RV facilities and information included on the website and app.
- c. Collaborate with Gippsland regions to promote RV sites and attractions of the region.

**7. Council managed sites**

- a. Council to ensure resources are provided to maintain trees and open space for public safety.
- b. In peak periods rubbish bins can be at capacity, with extra rubbish located near the bins.
- c. Unregulated fires are established possibly due to the limited number of fire pits provided. Council to consider installing additional fire pits to alleviate this issue.
- d. Damage to infrastructure can increase maintenance costs.

Some submissions received were not responses directed at the Draft RV Strategy but were from local residents who are RV travellers and expressed the requirements of the RV market and the perceived benefits to South Gippsland in attracting the RV sector. These are included in the Copy of Submissions (**Confidential Appendix 1**).

### Changes to Draft RV Strategy

Notable changes to the RV Strategy included:

1. The inclusion of economic analysis in relation to the commercial caravan/camping and RV market.
2. Amendment to Recreational Vehicle Friendly Town essential criteria, this has been updated since the creation of the draft RV Strategy.
3. The inclusion of designated long vehicle parking in Toora and Foster.
4. Non designated long vehicle parking to be renamed 'available long vehicle parking'.
5. Long vehicle parking to be appropriately line marked and/or sign posted where appropriate.
6. Recommendations are now titled Action Plan and the following changes to the Action Plan:

#### **Action 3 - Development of long vehicle parking in South Gippsland**

Makes reference to Long Vehicle parking in general and not specifically Smith St, Leongatha.

#### **Action 4 - Provide new signage.**

The consultation period has enabled Council to determine the signage requirements for RV Strategy. A signage plan will be developed outlining the signs required for long vehicle parking, Council managed sites and unauthorised sites if required.

#### **Action 5 - Inclusion of South Gippsland RV facilities in print and online**

Include RV facilities in existing publications such as the Prom Country Official Touring Map, website and 'app'. Utilise travellers' websites and online forums to distribute RV information. Work with the CMCA and explore if there are opportunities to include information on its website and publications.

#### **Action 6 - Terrill Park Recreation Reserve Trial**

Council in conjunction with Terrill Park Committee of Management undertakes a trial at the rear of Terrill Park Recreation Reserve for six months over the peak tourist season. The site to be available for self-contained vehicles, a maximum stay of 2 nights / 48 hours.



### **Action 7 - Dump Point**

Council supports community groups in their aims to install a public dump point and encourages community groups to contact the CMCA to obtain information regarding the CMCA dump point scheme. Council recommends community groups communicate with the land owner and South Gippsland Water to ensure they meet their requirements and obtain the relevant approvals.

Additional Actions

### **Action 1 - Maintain Bass Valley Camping Ground and Franklin River as a free site:**

Maintain the current operation of these sites and ensure resources are provided to allow for a safe environment for the visiting public. Apply a maximum stay of 2 nights / 48 hours.

### **Action 8 - Establish economic data and visitor profile of the RV market**

Collaborate with Gippsland Councils to develop the appropriate mechanisms to obtain economic data, visitor profiles and industry feedback.

### **Proposal**

It is proposed that the RV Strategy be adopted to assist in developing South Gippsland as an attractive region for the RV market. The adopted RV Strategy will be reviewed yearly to ensure that the direction of the Strategy meets the requirements of the RV market and assists in the development of RV facilities.

### **FINANCIAL CONSIDERATIONS**

Council can pursue certain recommendations through normal operations, however future budget allocations are recommended for establishment of additional RV sites and the maintained existing sites.

The Meeniyan community have approached Council to support the installation of a CMCA provided dump point unit, on private land within the town. This submission was made in under Section 223 of the Local Government Act in relation to the Council budget process of 2014/15. Council may support this request in future budget considerations.

## **RISKS**

The RV Strategy provides Council with a strategic basis for delivering a range of recommendations to improve the facilities of the region.

Communicating appropriate locations and encouraging visitors to adhere to the regulations will reduce risk. It is recommended that Council ensures sufficient resources are provided for site maintenance to minimise risk to the visiting public.

As can be seen from the submissions of the RV Strategy there is a diverse opinion of RV usage within the shire. The final RV Strategy assists in the delivery of RV opportunities across the Shire in commercial caravan/tourist parks, existing RV overnight sites and parking in each of the larger commercial areas.

## **CONCLUSION**

The RV Strategy has been prepared in consultation with the South Gippsland community and tourism community including key stakeholders and the RV sector.

The RV Strategy provides an overview of RV usage in South Gippsland and includes a series of actions that will assist in developing facilities and attracting the RV market to the region.

Many of the actions can be facilitated through normal operations with a minimal cost to Council. To expand the network of free/low cost sites and ensure that the current sites are fully operational allocation in future budgets is recommended.

The RV Strategy, including the recommendations will be reviewed in May 2015. The RV market is growing, and evolving the review of the Strategy will allow Council to ascertain if the actions are consistent with the current status of the market.

It is recommended that the RV Strategy be adopted by Council and work commence towards implementing the Strategy actions.

## **RECOMMENDATION**

**That Council adopt the Recreational Vehicle Strategy 2014 (Appendix 1).**

## **STAFF DISCLOSURE OF INTEREST**

Nil

**Attachment 1  
 Summary of online Submissions**

TOPIC	DETAILS	No.	OFFICER OBSERVATION
<p>Endorse South Gippsland as an RV attractive Shire</p>	<p><b>29 stated-yes/good idea</b></p> <ul style="list-style-type: none"> <li>• Market is growing efforts are likely to bring rewards.</li> <li>• Provide an economic benefit to the region if wants/needs RV market provided.</li> <li>• RV friendly shire will bring additional revenue and benefit to businesses.</li> <li>• Competitive neutrality needs to be respected; a fee to be applied to all sites, non-participation in the RV Friendly scheme would not be a significant disadvantage.</li> <li>• One South Gippsland town to become a CMCA RV Friendly Town.</li> </ul> <p><b>6 stated-opposed</b></p> <ul style="list-style-type: none"> <li>• Support businesses that provide services to the RV industry. Shire should stop free camping around South Gippsland costing rate payers.</li> <li>• South Gippsland is capable of attracting stronger levels of tourism without having to provide free facilities at rate payers expenses. Support local caravan parks that inject business into local businesses.</li> <li>• Do not introduce a lockout of recreational vehicles that do not have a fixed self-contained capability.</li> <li>• Free camping should not be allowed. Conflict of interest to other accommodation and caravan parks. Rates will be used to set up sites with minimal return &amp; extra expenses.</li> </ul>	<p>54 provided a response</p>	<p>Over half of the respondents supported recommendation 1, retained in the strategy.</p>

TOPIC	DETAILS	No.	OFFICER OBSERVATION
<p>Provide additional line-marked long vehicle parking in Smith Street Leongatha</p>	<p>Majority of responses are in favour of long vehicle parking not limited to Smith St. Responses included:</p> <ul style="list-style-type: none"> <li>• All towns require long vehicle parking.</li> <li>• Advantage to local businesses.</li> <li>• Useful in generating trade.</li> <li>• Long Vehicle parking requires signage &amp; good directional signage.</li> <li>• Maximum 2 hour limit.</li> <li>• Existing Leongatha designated long vehicle parking requires appropriate signage.</li> <li>• Bypass towns that don't provide long vehicle parking.</li> <li>• Long vehicle parking would be supported provided there was no disadvantage to local residents or commercial businesses.</li> <li>• Required in Foster along Pearl Park, McDonald St &amp; Court St</li> <li>• The Smith Street location seems to be located in a residential area, so traffic/safety issues could be a concern</li> <li>• 17 no comment</li> </ul>	<p>51 provided a response</p>	<p>Respondents in favour of long vehicle parking not limited to Smith St. Long vehicle parking to be appropriately line-marked and/or sign posted where appropriate.</p>
<p>Creation and distribution of a South Gippsland RV facilities map</p>	<p>Overall a positive response to the concept suggestions included:</p> <ul style="list-style-type: none"> <li>• Useful for travellers to the region</li> <li>• Include GPS coordinates</li> <li>• Consideration of online &amp; apps not only a hard copy.</li> <li>• Promoted through CMCA wanderer magazine &amp; website.</li> <li>• Independent traveller websites through traveller reviews</li> </ul>	<p>56 provided a response</p>	<p>Work with Prom Country Regional Tourism to include RV facilities in existing publications, website and app.</p> <p>Utilise existing traveller websites and online forums to distribute information regarding RV facilities in South Gippsland.</p>

**Attachment 1**

<p><b>TOPIC</b>                  Provide New Signage</p>	<p><b>DETAILS</b>                  Signage was seen to be a requirement, comments included:  <ul style="list-style-type: none"> <li>• Include directional signage to the sites and long vehicle parking</li> <li>• Clear/legible/effective &amp; strategic placed signage</li> <li>• Create a sense of welcome, ensure signage includes site guidelines, don't overregulate include general information</li> <li>• Think twice about erecting no camping signs all over the Shire. They are confronting to all visitors &amp; give the impression of an unfriendly council.</li> </ul> </p>	<p><b>No.</b>                  56 provided a response</p>	<p><b>OFFICER OBSERVATION</b>                  Site signage to create a sense of welcome, include appropriate information pertaining to the site and tourist information.                   If regulatory signage is required, an appropriate sign to be installed outlining where the closest RV site and caravan park is located.</p>
<p>Differing views included:  <ul style="list-style-type: none"> <li>• This is a duplication &amp; waste of money.</li> <li>• Zero cost if a South Gippsland town became an "RV Friendly Town" the CMCA would advertise the town free of charge on their website &amp; many online forums would also stream this to the travelling RVers.</li> <li>• Low priority, creation of new RV facilities is more important.</li> <li>• Refer this to Prom Country Regional Tourism &amp; develop a joint marketing map/flyer/app. It would be more appropriate to be included in RV industry publications rather than producing a separate map.</li> <li>• Prom Country Regional Tourism suggested the current official touring map be modified to include RV facilities &amp; the website &amp; app be effectively utilised. Reduce costs &amp; management responsibilities.</li> <li>• 12 No comment</li> </ul> </p>			

TOPIC	DETAILS	No.	OFFICER OBSERVATION
<p><b>Creation of a network of free camping reserves</b></p>	<p>Differences of opinion in regards to this recommendation.                      Positive comments:</p> <ul style="list-style-type: none"> <li>• Good idea</li> <li>❖ Encourage extended stay in the region</li> <li>❖ Ensure max time restrictions</li> <li>❖ Keep areas small max 10 units</li> <li>❖ Utilise CP when choose too, not forced to</li> <li>❖ Strategy doesn't state options for dumping grey water</li> <li>• Essential to attract RV market</li> <li>• Important to have multiple options.</li> <li>• Assist in bringing economic benefits to the region.</li> <li>• Need not be free. Low cost fee for service.</li> <li>• Except in towns which have existing commercial caravan parks.</li> <li>• Important to consider competitive neutrality, community support &amp; costs are considered when establishing sites.</li> <li>• Within reason to not affect the local camping and caravanning businesses already established.</li> </ul> <p>Comments opposing the recommendation:</p> <ul style="list-style-type: none"> <li>• Why should rate payer funds be applied to provide free holiday sites &amp; facilities? Nothing is free –rate payers will bear the cost of building &amp; maintaining camping reserves, as well as taking on additional public liability</li> </ul>	<p>55 provided a response</p>	<p>Reasonable level of support for RV sites and funding for sites. A small portion of respondents do not believe that Council should be developing these sites and they come at a cost to the rate payers.</p>

Attachment 1

<p><b>TOPIC</b>                  Dump Point</p>	<p><b>DETAILS</b>                  General consensus that public dump points are essential. Comments include:</p> <ul style="list-style-type: none"> <li>• Will not utilize dump point in caravan park. Dump points located in caravan park are not deemed RV friendly.</li> <li>• Dump points help RV visitors stay longer.</li> <li>• Gippsland extremely limited with free dump points.</li> <li>• Dump points are like public toilets &amp; should be considered at no cost.</li> <li>• Two or three located in towns &amp; spaced through the shire would be of benefit.</li> <li>• Consult with CMCA if installing a dump point.</li> <li>• Petrol stations are the best place for dump stations.</li> </ul> <p>Other comments included:</p> <ul style="list-style-type: none"> <li>• Dump points are in good supply in caravan parks across the region.</li> <li>• Install extra dump points if the town pays or local businesses wishes to bear the cost. Ratepayers should not pay for these.</li> <li>• Is it necessary &amp; why do public dump points need to be locked?</li> <li>• Figures on current usage would help to determine if the existing number of dump points is adequate.</li> </ul>	<p><b>No.</b>                  57 provided a response</p>	<p><b>OFFICER OBSERVATION</b>                  Public dump points are important attractant of the RV market.</p> <p>Encourage community groups to establish their own dump point in consultation with South Gippsland Water CMCA and the land owners. Ensure that all regulations are adhered.</p>
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TOPIC	DETAILS	No.	OFFICER OBSERVATIONS
<p>What facilities do you think should be available at Council managed RV sites?</p>	<ul style="list-style-type: none"> <li>• 5 respondents advised that no facilities are required.</li> <li>• Respondents advised that following should be available:                             <ul style="list-style-type: none"> <li>❖ Potable water (19)</li> <li>❖ Dump point (18)</li> <li>❖ Toilets (9)</li> <li>❖ Rubbish bins (9)</li> <li>❖ Level ground (7)</li> <li>❖ Site rules (2)</li> <li>❖ Picnic table (2)</li> <li>❖ Marked sites (1)</li> <li>❖ Cold showers (1)</li> </ul> </li> <li>• Respondents advised the following is desirable:                             <ul style="list-style-type: none"> <li>❖ Toilets (9)</li> <li>❖ Rubbish bins (6)</li> <li>❖ Dump point (5)</li> <li>❖ Water (4)</li> <li>❖ Picnic tables (3)</li> <li>❖ BBQ (1)</li> <li>❖ Lighting (1)</li> </ul> </li> <li>• 4 respondents advised a fee for service at the sites.</li> <li>• 1 respondent did not endorse Council managed RV sites. The management of such sites is not core business for Councils, who may be unlikely to manage this efficiently as a result. Also, Councils may find themselves in breach of competitive neutrality principles in providing services in competition with local businesses.</li> </ul>	<p>52 provided a response</p>	<p>RV market does not require a high level of facilities due to their self-containment.</p> <p>Although Council managed sites do not provide a dump point on site, they contain limited infrastructure such as toilets and rubbish bins to reduce the overall operational costs.</p>



Attachment 1

TOPIC	DETAILS	No.	OFFICER OBSERVATION
What do you consider to be a reasonable length of stay at an overnight RV site? 24 hours OR 48 hours	<ul style="list-style-type: none"> <li>5 no response</li> <li>47 responded 48 hours</li> <li>5 responded 24 hours</li> </ul>		Overwhelming response 48 hour length of stay per vehicle.
Please identify any additional non-designated long vehicle parking locations not identified? Please list the locations (including address and town)	<ul style="list-style-type: none"> <li><b>Korumburra</b>—Parallel to Commercial St, 2-3 bays in Victoria St.</li> <li><b>Toora</b>—rear of Toora bowls</li> <li><b>Meeniyan</b>—Corner of Whitelaw &amp; Merrima -Meeniyan Rd, just east of Ute Pods building. Respondent has parked there on numerous occasions, 14mtr in length, signs required.</li> <li><b>Foster</b>—McDonald and Court St</li> <li><b>Leongatha</b>—Bruce St, Smith St &amp; redevelop access to old railway yards as a long bay parking area.</li> <li>RV parking in all towns. Higher quantity in larger towns &amp; lower quantity in smaller towns.</li> <li>The existing additional long vehicle parking areas proposed in the draft document are sufficient but they all require appropriate signage.</li> </ul>	10 provided a response	Long Vehicle parking established in Toora & Korumburra.  Foster identified and is included in the Foster car parking plan and that will be presented to the community on 28 April for further consultation.
What other recommendations would enhance the profile of	<ul style="list-style-type: none"> <li>Aim to RV towny/destination status.</li> <li>Hold a CMCA rally in the region</li> <li>48hour too short a limit</li> <li>Lack of safe sites &amp; public dump points are not</li> </ul>	34 provided a response	Officer Observation Liaise with CMCA to have RV facilities listed on their website. Work with the CMCA to learn more about Chapter events, State Rally and National Rally to

<p><b>South Gippsland as an attractive region to RV Users?</b></p>	<p>favourable.</p> <ul style="list-style-type: none"> <li>• Promote activities of the region</li> <li>• Utilise CMCA, online services to promote the region</li> </ul>		<p>establish if South Gippsland has potential to host one of these events.</p>
<p><b>TOPIC</b>                  Please provide general comments regarding the draft RV strategy.</p>	<p><b>DETAILS</b>                  Key comments include:</p> <ul style="list-style-type: none"> <li>• Good document</li> <li>• Well thought out</li> <li>• Good to see Council being proactive and addressing the issue publicly</li> <li>• Strategy designed to protect caravan parks</li> <li>• Dump point policy needs to be revised, RV will not utilise caravan park dump points</li> <li>• Gippsland not RV friendly</li> <li>• Believe Terrill Park better option than Buckley Park— safer access to town, existing entrance/exit to site, existing toilets, minimal set up cost to Council.</li> <li>• Extremely loaded providing free services to campers, no consideration of existing caravan parks</li> <li>• Strategy perceived to be encouraging free camping rather than self-contained vehicles</li> <li>• Free camping is at rate payers expense</li> </ul>	<p><b>No.</b>                  55 provided a response</p>	<p><b>OFFICER OBSERVATION</b></p>

## Attachment 2 - Summary of Written Submissions

TOPIC	DETAILS	No.	OFFICER OBSERVATION
Foster to gain Recreational Vehicle Friendly Town Status (RVFT)	<ul style="list-style-type: none"> <li>Request has been sent to DEPI to consider Station Park as an overnight RV site</li> <li>Public dump point to be installed in service station. Discussions held with manager of service station and CMCA</li> <li>Potential Long Vehicle Parking in McDonald and Court Street.</li> </ul>	2	<p>Confirmation from DEPI is yet to be received.</p> <p>Long Vehicle Parking in McDonald St &amp; Court St has been identified and is included in Foster car parking plan to be provided to the Foster community on Monday 28 April for further consultation.</p>
Port Welshpool to gain Recreational Vehicle Friendly Town Status (RVFT)	<ul style="list-style-type: none"> <li>Existing car ferry terminal car park as a potential overnight RV site</li> <li>Public dump point location, Lewis St amenities block</li> </ul>	1	<p>Response from DEPI yet to be received.</p> <p>Dump point exists at the Long Jetty Caravan Park which is available to the public.</p>
Consideration of the following locations in Korumburra as a potential overnight RV site	<ul style="list-style-type: none"> <li>Rest area opposite the showgrounds</li> <li>Coal creek car park</li> <li>Recreation Reserve on Richard St</li> </ul>	1	<p>Coal Creek car park heavily utilised by patrons of Coal Creek and the Visitor Information Centre and not a suitable location for a potential RV site.</p> <p>Response from DEPI yet to be received.</p>
Potential long vehicle locations in South Gippsland	<ul style="list-style-type: none"> <li>Korumburra—Kardella Rd near the IGA supermarket</li> <li>Korumburra—Station St (Bridge St end)</li> <li>Korumburra—Old railway station car park</li> <li>Foster—McDonald St</li> <li>Foster—Court St</li> <li>Leongatha—Smith St</li> </ul>		<p>Further investigation and consultation required for potential long vehicle parking in Korumburra.</p> <p>Long Vehicle Parking in McDonald St &amp; Court St has been identified and is included in Foster car parking plan to be provided to the Foster community on Monday 28 April for further consultation.</p>

TOPIC	DETAILS	No.	OFFICER OBSERVATION
Turtons Creek	<ul style="list-style-type: none"> <li>Remove from strategy, should not be promoted as a free camp location.</li> </ul>	1	2014 Turtons Creek Strategic Plan makes reference to camping within the reserve.
TOPIC	DETAILS	No.	OFFICER OBSERVATION
Key drivers to establish an RV region have been ignored.	Inadequate emphasis on developing RV friendly towns and public dump points.	1	Council is supportive of an RV friendly shire. Emphasis is on increasing the number of visitors to our region and also supporting town that currently don't have the facilities to attract overnight visitors
TOPIC	DETAILS	No.	OFFICER OBSERVATION
Improving RV tourism in Victoria	CMCA would like to work with closely with South Gippsland Shire which has tremendous potential & to develop opportunities to grown RV tourism.	1	Council to continue with the CMCA.
TOPIC	DETAILS	No.	OFFICER OBSERVATION
Dump point scheme	CMCA offer the Local Government area a dump point unit (value at \$3000 each) and installation costs are covered by the applicant.	1	Encourage towns who wish to install a dump point to engage with the land owner to meet their requirements and approval, investigate the CMCA scheme, and adhere to South Gippsland Water guidelines to obtain their approval.
TOPIC	DETAILS	No.	OFFICER OBSERVATION
Attracting RV related events	Numurkah held a state rally in 2013 (250 vehicles) rebooked for March 2015	1	Work with the CMCA to learn more about Chapter events, State Rally and National Rally to establish if South Gippsland has potential to host one of these events
TOPIC	DETAILS	No.	OFFICER OBSERVATION
Definition of RV to be expanded	Strategy to include caravans, camping & non self-contained vehicles. Important to note all campers are not self-contained, CMCA who endorse RV friendly towns & destinations	1	Strategy is designed in regards to self-contained vehicles. Bass Valley is deemed a camping reserve non self-contained vehicles will continue to utilise this site.



**Attachment 2**

	don't define RV in the same narrow terms as this strategy.		
<b>TOPIC</b>	<b>DETAILS</b>	<b>No.</b>	<b>OFFICER OBSERVATION</b>
Common enforced message on all unauthorised sites	Signs to read 'no camping or overnight stay' and have an associated monetary fine listed on the signs.	1	Site signage to create a sense of welcome; include appropriate information pertaining to the site and tourist information.  If regulatory signage is required, an appropriate sign to be installed outlining where the closest RV site and caravan park is located.
<b>TOPIC</b>	<b>DETAILS</b>	<b>No.</b>	<b>OFFICER OBSERVATION</b>
Stop free camping entirely	South Gippsland well serviced by caravan parks and not necessary to provide free camps. Current sites are a cost to Council and these will increase as usage increases.	1	The market exists and it would be more appropriate to provide facilities, instead of visitors parking in ad hoc sites throughout the region.
<b>TOPIC</b>	<b>DETAILS</b>	<b>No.</b>	<b>OFFICER OBSERVATION</b>
Alternatively charge a commercial rate	Register sites and comply with applicable regulations and charge an appropriate fee.	1	Council operates two commercial caravan parks that comply with applicable regulations. These sites have limited facilities and not deemed to be commercial caravan parks.
<b>TOPIC</b>	<b>DETAILS</b>	<b>No.</b>	<b>OFFICER OBSERVATION</b>
Dump points	Sufficient number of dump points should not be at the expense of the rate payer.	1	Council encourages communities who wish to install a dump point work with the CMCA, South Gippsland water and the land owner to facilitate the installation of dump point.
<b>TOPIC</b>	<b>DETAILS</b>	<b>No.</b>	<b>OFFICER OBSERVATION</b>
Inclusion of economic data in the strategy	Inclusion of data is required in regards to commercial and non-commercial camping and the potential benefits for South Gippsland.	3	Available economic data to be included in the strategy.
<b>TOPIC</b>	<b>DETAILS</b>	<b>No.</b>	<b>OFFICER OBSERVATION</b>

Establishment of regional data	Establishment of benchmarking research, including economic analysis, feedback from visitors and industry.	1	Collaborate with Gippsland regions to develop the appropriate mechanisms to obtain this information. Establish research for individual regions and Gippsland.
<b>TOPIC</b>	<b>DETAILS</b>	<b>No.</b>	<b>OFFICER OBSERVATION</b>
Collaboration	Collaborate with Gippsland regions to promote RV sites and attractions to the region.	1	Six Gippsland councils & Destination Gippsland have established the Gippsland Caravan & Camping map. Next edition to include further RV facilities if agreed by all.

### Attachment 3 Summary of community meeting

TOPIC	DETAILS	No.	OFFICER OBSERVATION
Development of Buckley Park as an RV site	<ul style="list-style-type: none"> <li>■ Benefit to the town to have an RV site</li> <li>■ Consensus from attendees that Buckley Park may not be the most appropriate location</li> <li>■ Concerns included:                             <ul style="list-style-type: none"> <li>❖ Buckley Park too far from town centre, may not provide a benefit to the town</li> <li>❖ Access to town is unsafe, there isn't a made pathway &amp; road very busy.</li> <li>❖ Disruption to adjoining land owners.</li> <li>❖ On site facilities are run down, cost to rate payers to establish the site.</li> </ul> </li> </ul>		<p>Met with Terrill Park Committee of Management &amp; the users groups to discuss the possibility of Terrill Park as an option.</p>
Consideration of Terrill Park	<ul style="list-style-type: none"> <li>■ Closer to town centre</li> <li>■ Safe access to the town centre</li> <li>■ Established facilities</li> <li>■ Back section of Terrill Park under utilised</li> <li>■ This section can be subject to flooding</li> <li>■ Terrill Park consists of many user groups, especially in the winter months</li> <li>■ Terrill Park COM would seek assistance from Council in the upkeep of facilities such as:                             <ul style="list-style-type: none"> <li>❖ Rubbish collection</li> <li>❖ Toilet cleaning</li> <li>❖ Site maintenance</li> <li>❖ Improve access around the oval</li> </ul> </li> </ul>		<p>A six month trial in Terrill Park from July 2014 to April 2015 to establish:</p> <ul style="list-style-type: none"> <li>❖ No. of users</li> <li>❖ Gain economic &amp; user data</li> <li>❖ Benefits to the town &amp; region</li> <li>❖ Charge a nominal fee for the use of the site maximum \$10 per vehicle</li> <li>❖ Seek assistance from the local businesses to issue a permit &amp; fee.</li> <li>❖ Costs to the COM to maintain such a site and the assistance required from Council</li> <li>❖ If the Terrill Park COM would like to commit with a site on a permanent basis</li> </ul>

## **E.2 GRAY STREET, LEONGATHA - FINAL DECLARATION OF SPECIAL CHARGE SCHEME**

Engineering Services Directorate

### **EXECUTIVE SUMMARY**

This report is presented for Council under the Local Government Act 1989 (Act) to declare a Special Charge Scheme for the purposes of constructing Gray Street, Leongatha (between Sapphire Court and Allison Street) and providing ancillary works including drainage and footpaths.

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

- **Attachment 1** - Declaration of Special Charge.
- **Attachment 2** - Plan of the Special Charge Scheme Area.
- **Attachment 3** - Listing of Rateable Properties.

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

Local Government Act 1989 (Section 163)

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

Special Charge Scheme Policy 2010

### **COUNCIL PLAN**

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

### **CONSULTATION**

- Confidential Briefing Session on 2 May 2012.
- Public Meeting with residents and Ward Councillors on 19 June 2012.
- Council Meeting on 27 June 2012 – Petition tabled from residents objecting the proposed scheme.
- Confidential Briefing Session on 3 July 2013.
- Public Meeting with residents and Ward Councillors on 19 November 2013.
- Initiation of Special Charge Scheme at Council Meeting on 26 February 2014.



- Public Notice advertised calling for submissions (closed 2 April 2014). There were no submissions received during this period.

## **REPORT**

### **Background**

The reconstruction of Gray Street between Sapphire Court and Allison Street has been in Council's Capital Works Program since 1999. It has always been Council's intention to deliver the project under a Special Charge Scheme arrangement. This section of Gray Street is one of the few remaining residential streets in Leongatha to be constructed.

A presentation was made to the previous Council in a Confidential Briefing Session on 2 May 2012 which included details of the recommended cost apportionments for the proposed reconstruction of Gray Street, Leongatha. Following that meeting, letters were sent to residents dated 9 May 2012 inviting individual discussion. A meeting with affected residents was held on 19 June 2012.

At the Ordinary Council Meeting held on 27 June 2012, a petition was tabled regarding the objection from some residents to the proposed Special Charge Scheme. It was proposed at that meeting that further consideration of this matter would be held over until after the caretaker period and Council elections in late 2012.

A presentation was made to Council in a Confidential Briefing Session on 3 July 2013. The report detailed significantly revised apportionments compared to those presented to Council in May 2012. Council indicated its support for the revised apportionments. Letters dated 19 July 2013 were subsequently sent to all affected property owners offering the opportunity for individual discussions on the revised apportionments with Council Officers. Contact was made with all but two property owners over the following 2 - 3 month period.

A Public Meeting was then held with residents and Ward Councillors on 19 November 2013. All property owners subject to this special charge scheme attended the meeting with the exception of one resident who lives in Melbourne.

Letters dated 21 November 2013 were then sent to property owners as an outcome of this meeting detailing the special charge scheme contribution for each property based on both the one-off total contribution and the instalment options. These letters also detailed the proposed process to progress the Scheme.

At its meeting on 26 February 2014, Council unanimously agreed to commence the statutory process to declare a Special Charge Scheme. The date for making submissions was no later than 2 April 2014 and no submissions were received. A Special Meeting of Council was scheduled for

7 May 2014 at 11.15am to hear any submissions and that meeting was subsequently cancelled due to nil submissions received.

## Discussion

### 1. Scenarios Assessed

The broad scenarios have been investigated as part of this apportionment exercise. The scenarios adopted as part of the recommended option are shown in **bold** below.

#### External Benefits

- a. Drainage
  - Assumed minimum drainage requirements vs actual drainage requirements.
  - **Estimated Gray Street abuttal and road catchment vs total catchment to Gray Street.**
- b. Kerb & Pavement
  - Traffic generated from existing abuttals vs projected future traffic for Gray Street.
  - **Traffic generated from existing abuttals vs projected future traffic based on Higgs study.**
  - Use of different local traffic generation trip numbers per lot.
- c. Footpath
  - Zero external benefit.
  - External benefit proportion equivalent to that calculated for traffic.
  - **100% external benefit consistent with footpath extension program.**

#### Manner of Apportionment

- Abuttal method only.
- Abuttal for kerb/nature strip and remainder on abuttal (50%) and special benefit units (50%).
- **50% abuttal and 50% area.**

## 2. Statutory Process

A brief summary of the statutory process in relation to this Special Charge Scheme is as follows:

- a. Initiate the Special Charge Scheme at the 26 February 2014 Council Meeting.
- b. Letters were sent to affected property owners immediately after the 26 February 2014 Council Meeting enclosing a copy of the Public Notice and amongst other things, advising the amount for which the property owner will be liable.
- c. Public Notices were placed in the Great Southern Star and South Gippsland Sentinel Times on 4 March 2014.
- d. Period for submissions closed on 2 April 2014 and there were no submissions.
- e. Council to consider the Final Declaration of the Special Charge Scheme at the 28 May 2014 Council meeting.
- f. Special Charge Scheme commences 1 July 2014 for a period of five years.

Included in **Attachment 1** is the 'Declaration of Special Charge'. **Attachment 2** details a plan of the Special Charge Scheme Area and **Attachment 3** is a listing of the rateable properties.

### Proposal

It is proposed that Council declares a Special Charge Scheme for the purposes of constructing Gray Street, Leongatha and providing ancillary works including drainage and footpaths.

### FINANCIAL CONSIDERATIONS

The Council has prioritised the reconstruction of Gray Street between Sapphire Court and Allison Street. The Project is included in the Capital Works Program with a projected expenditure of \$599,300 in the 2014/15 financial year and an expected income of \$144,828 which results in a net contribution of \$454,472.

The Engineer's estimate presented to Council in May 2012 was \$635,636. This estimate was further reviewed and reduced to \$599,300. This was largely due to refined rates and quantities for drainage, review of the allowance for extras (unsuitable ground, service relocation etc.) and deletion of speed humps.

The apportionment proposed in May 2012 was based on the minimum contribution by Council of one third of the total cost of the scheme (\$216,116

Council carry forward, \$419,511 property owners) in accordance with Council's Special Charge Scheme Policy pursuant to Section 163 of the Local Government Act. This is because external benefits from traffic and drainage were assessed at less than this level.

The review carried out since May 2012 has further investigated external benefits from these items as well as footpaths. The recommended apportionment is based on an assessment of the external benefits for drainage, traffic and footpaths. The assessment for drainage considers the total drainage catchment to Gray Street compared with the Gray Street abuttal and road catchment area. This results in an external benefit assessment of 89%. For external traffic benefit, the traffic generation within Gray Street is compared with the projected future traffic based on current counts plus the contribution from the Shamrock Rise Development. This results in an external benefit assessment of 54%.

Two options were investigated for apportioning the external benefit for footpaths. The first option was an assessment using the same apportionment as for traffic (54% external benefits). The second and recommended option assesses the external benefit at 100% on the basis of footpaths being fully paid for by Council consistent with the footpath extension program.

The apportionment to the abutting properties has been based on the "Special Rates and Charges" Ministerial Guideline published by Department for Victorian Communities in September 2004. This involves the calculation of the maximum levy using the following formula:

$$R \times C = S$$

**R** is the benefit ratio

**C** is the total cost

**S** is the maximum total levy

The benefit ratio is calculated using the estimated total special benefits for the properties included in the scheme as a proportion of the total benefits including community benefits. The benefit ratio is calculated at 0.242 meaning that the property owners included in the scheme bear 24% of the total cost of the scheme. By comparison, the assessment in May 2012 was based on the property owners bearing 66% of the total cost of the scheme in accordance with the Council policy as noted above.

The apportionment method used is 50% based on abuttal length and 50% based on property area. This is consistent with the pro-forma for roads used in the Macquarie Local Government Lawyers Manual published in 2012. The financial details for the recommended option are presented in the table below:

<b>Proposed Budget</b>	
Estimate/Expenditure	\$599,300
Budgeted Income	\$144,828
Council Contribution	\$454,472

It is noted that the revised apportionments for abutting property owners is based on current day costs. These owners will be able to take advantage of a scheme repayment method whereby they are able to repay apportioned costs over a 5 year period. Council's Finance Department has calculated these costs on the basis of twenty quarterly instalments using an interest rate that does not exceed the estimated borrowing costs for Council (currently around 5%) by more than 1%. This is in accordance with legislative requirements. Owners have been provided details of this option in the letter dated 21 November 2013.

### **RISKS**

This section of Gray Street is one of the few remaining residential streets in Leongatha to be constructed. Not proceeding with its construction will result in a continuation of the lower standard of access for these residents and adjacent residential areas. In particular, the open drains in this low lying area are difficult to maintain which results in water pooling and this is undesirable in an urban area.

### **CONCLUSION**

It is considered that the proposed apportionments are fair and reasonable to the abutting landowners and Council should support the recommendation.

### **RECOMMENDATION**

**That Council:**

- 1. Declare a Special Charge Scheme for the purposes of defraying the cost of constructing Gray Street, Leongatha between Sapphire Court and Allison Street and providing any ancillary works including drainage, kerb & channel and footpaths in accordance with the attached declaration.**
- 2. Authorise the Chief Executive Officer to levy the Special Charge by sending notices to those persons liable to pay the Special Charge in accordance with Section 163 of the Act.**
- 3. Confirm its decision to implement the scheme and provide notice in writing of Council's decision to all owners of properties included in the Scheme.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

### **Attachment 1 Declaration of Special Charge**

1. South Gippsland Shire Council (**Council**) having complied with the requirements of Sections 163A and 223 of the Local Government Act (**Act**), and otherwise according to the law, and having, so far as can be ascertained from available records and can be reasonably concluded, ascertained that the Road for which it is proposed the Special Charge will be declared has not previously been constructed by way of a Special Rate or Special Charge, hereby declares a Special Charge (**Special Charge**) under Section 163 (1) of the Act for the purposes of defraying expenses incurred or to be incurred by Council in relation to the construction of Gray Street between Sapphire Court and Allison Street in Leongatha and the provision of any ancillary works including drainage, kerb & channel and footpaths (**Road** or **Scheme**).
2. The criteria which form the basis of the declaration of the Special Charge are the ownership of rateable land in the area of the Scheme which, based on scheme benefit units and calculated by frontage as to 50% and area as to 50%, has and enjoys an abuttal to or access from the Road, and having regard to:
  - a. zoning and existing and potential use, including subdivision potential;
  - b. frontage of the lands to the proposed works;
  - c. area of the lands; and
  - d. accessibility of the works to the lands

which rateable land is situated within the geographical area in which the properties described in paragraphs 7 and 8 of this proposed declaration are included.

3. In declaring the Special Charge, Council is performing functions and exercising powers in relation to the peace, order and good government of the municipal district of the Shire of South Gippsland, in particular the provision of proper, safe and suitable roads and property services within the area for which the proposed Special Charge is declared.
4. The total cost of the performance of the function and the exercise of the power by Council (in relation to the provision of proper, safe and suitable roads and property services in the area for which the proposed Special Charge is to be declared) is \$599,300 being the estimated cost of the works to be undertaken.
5. The total estimated amount to be levied under the Scheme as the Special Charge is \$144,827.91.

**Attachment 1**  
**Declaration of Special Charge**

6. The Special Charge will commence on 1 July 2014 and remain in force for a period of five years.
  7. The area for which the proposed Special Charge is declared is all of the land shown on the plan set out in the attachment forming part of this proposed declaration (being **Attachment 2**).
  8. The land in relation to which the Special Charge is to be declared is all that rateable land described in the listing of rateable properties set out in the attachment forming a part of this declaration (being **Attachment 3**).
  9. The Special Charge will be declared and assessed in accordance with the amounts set out alongside each property in the attachment forming a part of this declaration (being **Attachment 3**), such amounts having respectively been assessed based on the length of the frontage (as to 50%) and the area (as to 50%) which a property included in the Scheme has to the Road.
  10. The Special Charge will be levied by sending a notice of levy in the prescribed form annually to the person who is liable to pay the Special Charge.
  11. Because the performance of the function and the exercise of the power in respect of which the Special Charge is declared and levied relates substantially to capital works, the Special Charge will be levied on the basis of the options of a one-off total contribution or an instalment plan being given to ratepayers whereby:
    - a. One-off total contribution made at the commencement of the Scheme;
    - b. Quarterly instalments are to be paid over a five year period, or other period as negotiated; and
    - c. Quarterly instalments will include a component for reasonable interest costs, the total of which will not exceed the estimated borrowing costs for Council in respect of the construction of the Road by more than 1%.
  12. Council will consider cases of financial and other hardship and may reconsider other payment options for the Special Charge.
  13. No incentives will be given for payment of the Special Charge before the due date for payment.
-



### **Attachment 1 Declaration of Special Charge**

14. Council considers that there will be a special benefit to the persons required to pay the Special Charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the proposed Special Charge, and directly or indirectly as a result of the expenditure

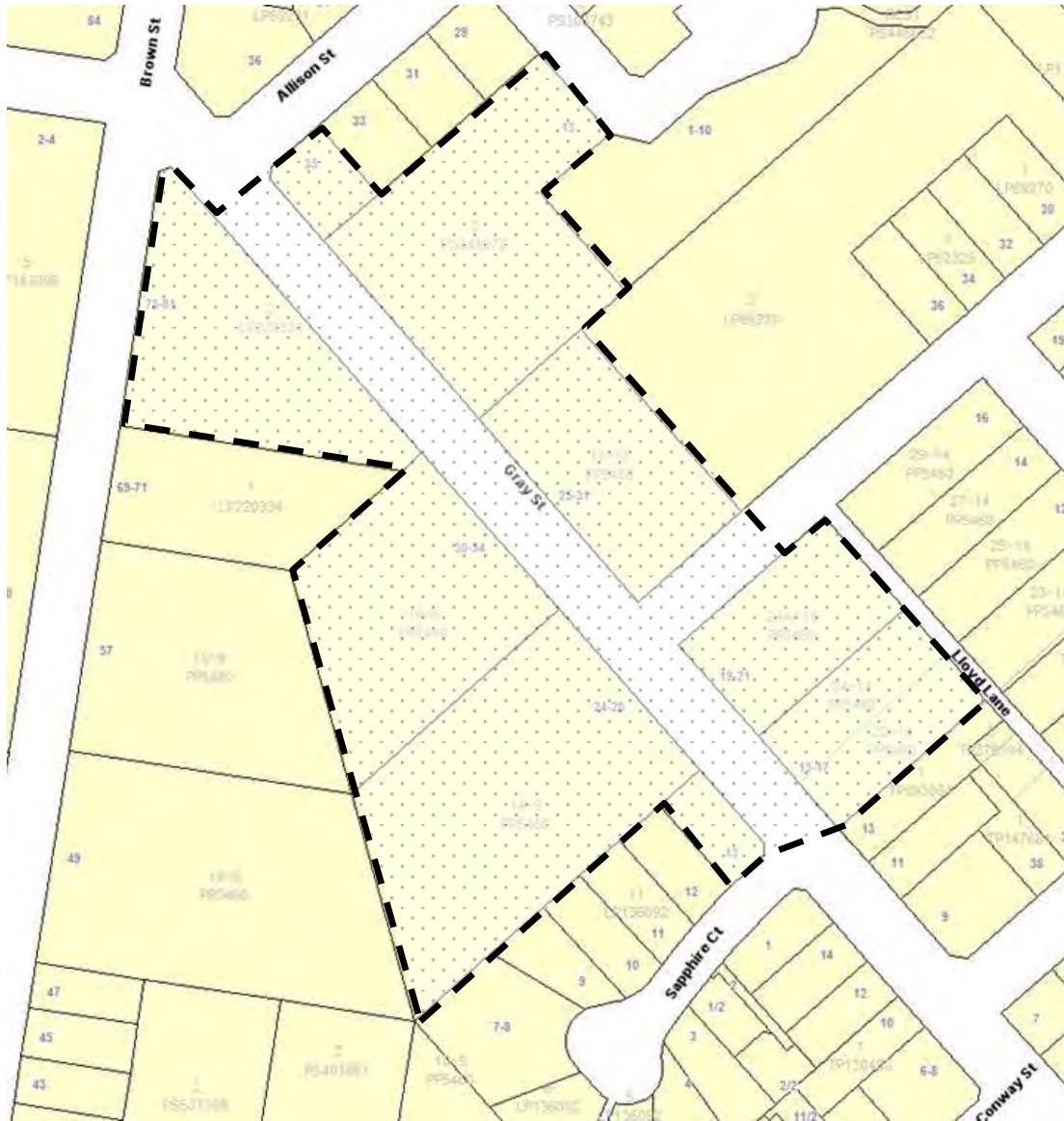
of the Special Charge the value and the use, occupation and enjoyment of the properties included in the Special Charge Scheme area will be maintained or enhanced through the provision of proper, safe and suitable roads and property services. Without limitation, Council considers that the works to be provided under the Special Charge Scheme will:

- a. improve vehicular access to and from the properties abutting on or accessing the Road via the works;
  - b. improve safety and amenity for motorists, cyclists and pedestrians;
  - c. reduce wear and tear on vehicles;
  - d. eliminate dust on the Road, being an unmade Road;
  - e. reduce the need for future grading and associated maintenance of the Road;
  - f. reduce erosion and sediment transfer; and
  - g. enhance the amenity and character of the land and the local area.
15. For the purposes of having determined the total amount of the Special Charge to be levied under the Scheme, Council further considers and formally determines for the purposes of sections 163 (2) (a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the Scheme to which the performance of the function and the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the Special Charge is in a ratio of 24:76 (or 24%). This is on the basis that, in the opinion of Council:
- a. there are properties in the Scheme area which will receive a special benefit but which are not included in the Scheme because Council considers the special benefits received by the properties are marginal and do not warrant including the properties in the Scheme (and which should not, in the interests of equity and fairness make any contribution towards the cost of the works); and

**Attachment 1  
Declaration of Special Charge**

- b. community benefits are considered to exist in circumstances where the works will provide tangible and direct benefits to people in the broader community.
16. Notice be given to all owners of properties included in the Scheme and all persons who have lodged a submission in writing of the decision of Council to declare and levy the Special Charge commencing on 1 July 2014, and the reasons for the decision.
17. For the purposes of paragraph 16, the reasons for the decision of Council to declare the Special Charge are that:
- a. There is minimal objection to the Scheme and it is otherwise considered that there is a broad level of support for the Special Charge from all property owners;
  - b. Council considers that it is acting in accordance with the functions and powers conferred on it under the Local Government Act 1989, having regard to its role, purposes and objectives under the Act, particularly in relation to the provision of proper, safe and suitable roads and property services in the Scheme area;
  - c. All persons who are liable and required to pay the Special Charge and the properties respectively owned by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or a maintenance or enhancement in the use, occupation and enjoyment of the properties;
  - d. The basis of the distribution of the Special Charge amongst those persons who are liable or required to pay the Special Charge is considered to be fair and reasonable;
  - e. The works proposed by the Scheme are consistent with the policies and objectives set out in the Planning Scheme for the area; and
  - f. The works proposed for the construction of the Road are necessary, reasonable, not excessive, sufficient, suitable and not costly having regard to the locality or environment and to the probable use of the Road.

**Attachment 2**  
**Plan of Special Charge Scheme Area**



**LEGEND**



Properties included in Special Charge Scheme Area

**Attachment 3**  
**Listing of Rateable Properties**

<b>Property Address</b>	<b>Legal Description</b>	<b>Cost</b>
15 Gray Street	CA 22 SEC 14	\$6,210.35
17 Gray Street	CA 24 SEC 14	\$6,518.92
19-21 Gray Street	CA 24A SEC 14	\$13,037.83
25-31 Gray Street	CA 17 SEC 13	\$22,294.08
35 Allison Street	Lot 1 PS448872	\$4,231.18
13 Sapphire Court	Lot 13 LP 136092	\$7,423.00
24-28 Gray Street	CA 14 SEC 9	\$29,072.30
30-34 Gray Street	CA 16 SEC 9	\$25,458.59
73-81 Brown Street	LOT 2 LP220334H	\$30,581.66
	<b>TOTAL</b>	<b>\$144,827.91</b>

### **E.3 COAL CREEK COMMUNITY PARK AND MUSEUM - STRATEGIC DIRECTION**

Development Services Directorate

#### **EXECUTIVE SUMMARY**

This report provides recommendations to Council to set the direction for Coal Creek Community Park and Museum. Developed after a comprehensive feasibility study and development of a draft development plan, the report seeks to provide an overall picture of the current operations of Coal Creek, and utilising the findings of the strategic work, provide recommendations to Council on the future strategic direction for the park.

It recommends that Council note that Council's investment in Coal Creek provides an economic return of \$2.9million and therefore also recommends that Council continue to support Coal Creek Community Park and Museum.

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

- **Attachment 1** - Coal Creek report from 2013
- **Appendix 1** - Coal Creek draft Development Strategy
- **Confidential Appendix 1** - Coal Creek Community Park and Museum – Financial Analysis (Pitcher Partners Report) October 2010
- **Confidential Appendix 2** - Coal Creek Operational Budget and financial forecast to 2020
- **Confidential Appendix 3** - Coal Creek Proposed Works Program
- **Confidential Appendix 4** - Site Rationalisation & Core Route revised Budget

A copy of **Confidential Appendices 1 to 4** has been distributed separately to Councillors and the Executive Leadership Team.

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

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

Coal Creek Feasibility Study

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

Coal Creek Collection Policy

### **COUNCIL PLAN**

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

### **REPORT**

#### **Background**

As a response to Council's adoption of a cost neutral strategy for Coal Creek Community Park and Museum, Council resolved in April 2013 to endorse the Feasibility Study for Coal Creek and implement a Site Rationalisation project seeking to reduce the maintenance burden and rationalise buildings within the Coal Creek site and facilitate the creation of a core visitor route with interactive technology (see **Attachment 1**).

Council also agreed that it would consider a business case for creation of an interactive core route for the visitor experience to generate additional income and support a Development Strategy to provide further detail on possible investments from the feasibility study; namely a School Camp Precinct and a Restaurant and Son et Lumiere (sound and light show).

Following this resolution, the Coal Creek Steering Committee reviewed a draft development strategy but considered that more information was required beyond the scope of the feasibility study project's brief. Therefore the development strategy was accepted in draft by the Steering Committee and it requested an analysis of current operations to be considered alongside the strategy's findings:

- Analysis of current operations
- Economic impact of current operations
- Impact of new development scenarios on current operations
- Recommendations as a result of the above analysis

It should be noted that Council is also conducting a service review of Council's operations and that this report will inform that service review process.

Therefore, this report seeks to provide an overall picture of the current operations of Coal Creek, and utilising the findings of the feasibility study and

draft development strategy, provide recommendations to Council on the future strategic direction for the park.

History of Coal Creek

Coal Creek Community Park and Museum (Coal Creek) is the site of an original black coal mine in Korumburra, South Gippsland. The State government and community provided funding to develop a Heritage Village that depicted life in a coal mining town between the 1870s and 1920s, and the attraction was opened to the public in 1974 by the Premier of Victoria.

The former Shire of Korumburra and South Gippsland Shire Council (Council) have at various times maintained and supported Coal Creek since its inception. In 2006 Council took over direct management of the park after the annual visitation decreased to approximately 11,000. Over the last four years, Council has invested on average \$561,000 annually into Coal Creek operations. Significant effort has been concentrated on increasing visitation – mainly through community events and removal of the entrance charge. Visitation currently sits at approximately 68,000 visits per annum.

*Pitcher Partners Report*

In 2011, Council received a report from Pitcher Partners that provided a financial assessment of the known and anticipated operating costs of the facility over the next 10 years. The Report forecast an annual deficit of approximately \$763,174 per annum and a cost of \$2.44million to close the park and return the land to the State government - see Confidential **Appendix 1** for Pitcher Partners Report.

**Analysis of Current Operations**

SWOT Analysis

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>• 40 years of branding</li> <li>• High volunteer base</li> <li>• Crown land (no ownership costs such as lease)</li> <li>• Established Collection</li> <li>• High visitation</li> <li>• Strong social media presence</li> <li>• Strong market profile spanning multiple generations</li> <li>• High community usage</li> <li>• Prominent location</li> <li>• Strong local economic benefit</li> <li>• High public profile across the heritage, education and tourism sector</li> </ul>	<ul style="list-style-type: none"> <li>• On crown land (constraints compared with private land as an independent operator)</li> <li>• Bureaucratic structure hampering flexibility of business model</li> <li>• 40 year old infrastructure leading to high maintenance costs</li> <li>• Very lean staff structure limiting capacity for growth</li> <li>• Site under-utilised in retail opportunities</li> <li>• Poor brand awareness</li> <li>• High community usage which is non income generating</li> <li>• Museum accreditation not yet</li> </ul>

Strengths	Weaknesses
	attained
Opportunities	Threats
<ul style="list-style-type: none"> <li>• Steady increasing trend in usage</li> <li>• Spare buildings available for increased retail/income opportunities</li> <li>• High community sentiment</li> <li>• Social media marketing to a new generation</li> <li>• Land is under-utilised</li> <li>• Increasing Asian and overseas tourist market</li> <li>• Economies of scale with other visitor services</li> <li>• Central space for events</li> <li>• Event coordination as a service</li> <li>• Marketing (see Tarwin Valley)</li> <li>• Education hub enabling higher exposure and promoting social/educational outcomes</li> </ul>	<ul style="list-style-type: none"> <li>• No clear strategic direction</li> <li>• Lack of succession planning</li> <li>• Some consider money could be better spent</li> <li>• Increasing costs for care of collection to meet compliance</li> <li>• Future direction may present a reputation risk to Council</li> </ul>

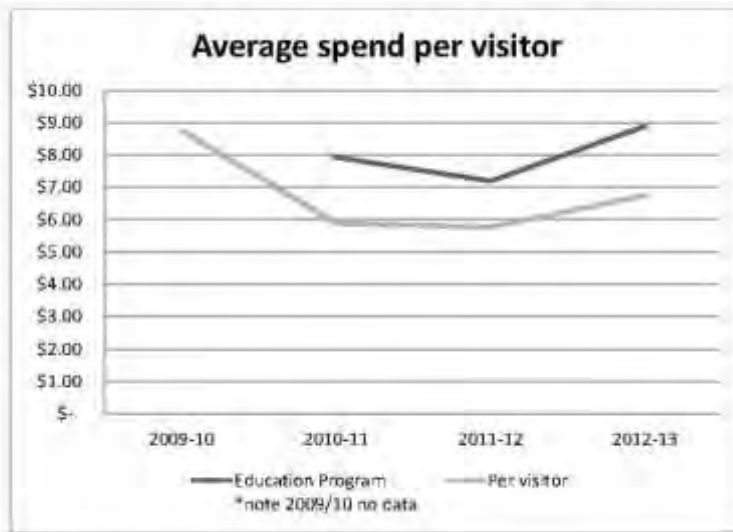
### Income

Coal creek has several methods of earning income:

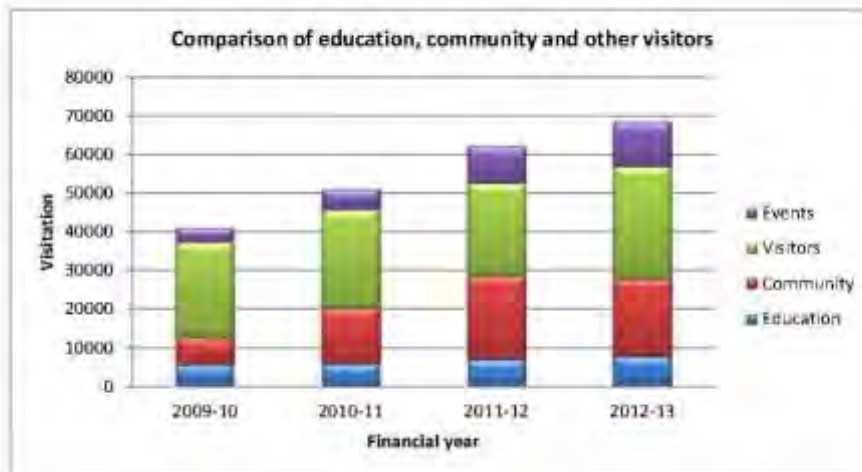
1. On sell stock with a structured profit margin via: The General Store, Printers, Blacksmiths, Pig and Whistle Café, and Front Foyer;
2. Selling tickets for Bush Tramway and Tractor Rides;
3. Venue hire for corporate functions, weddings, gallery space, oval or café usage;
4. Event tickets such as Halloween, Teddy Bear's Picnic;
5. Delivery of education programs.

The average spend per visitor has decreased over time, as shown in the chart below, and highlights that unless there are more opportunities for a visitor or student to spend money, income will not increase.





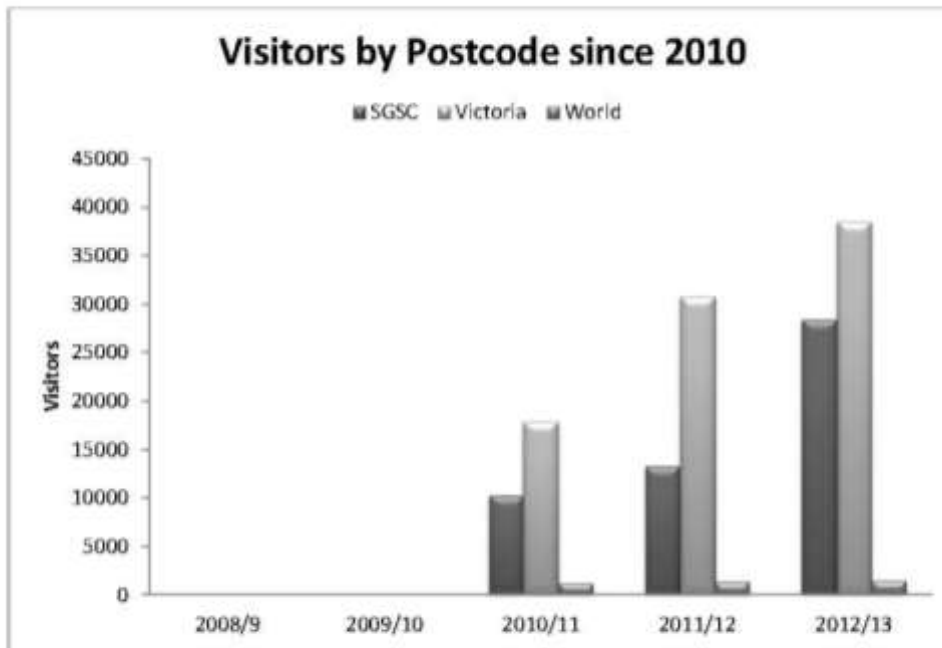
Visitation



Since Council reopened Coal Creek in 2007, visitation has increased on average 9% per annum to a total of more than 68,000 in the 2012/13 financial year.

It should be noted that community engagement activities - hosting of community groups, a place for social interaction, Council's connection with the community - as a proportion of visitation, are approximately 38%. Community engagement activities do not generate income for the site, but add to community space and social outcomes for South Gippsland.

Education program participation, visitation and participation in events have all increased steadily over the last four years.



### Museum

While many may see Coal Creek as a tourist attraction, first and foremost the park is a working museum providing interpretive displays of a coal mining town in the late 19th and early 20th Centuries. An estimated 30,000 collection items exist in Coal Creek and they are managed with a part time (.40 Equivalent Full Time) Curatorial Officer. Despite the limited resources, Coal Creek is confident to obtain Museum Accreditation status this year with considerable effort from the Coal Creek Coordinator.

Museum Accreditation provides a stronger profile for the museum nationally and allows a structured governance of Coal Creek's collection. Once accreditation is obtained, heritage industry support and free advertising from Museums Victoria is made available. Accreditation also holds strong weighting when applying for grants at state and federal level and allows further support from the Museums sector in Australia. Coal Creek's application for Museum Accreditation was submitted on the 31 March 2014.

Also, of note is the work undertaken recently to assist the Port Welshpool Museum with the management of its collection. The Port Welshpool Museum is run via a Section 86 Special Committee of Council providing a passionate and committed effort in delivering a maritime museum service to the Shire and this work should be acknowledged. It should be noted that there are inherent risks of loss, theft or damage in managing a significant collection of museum items within one site. These risks are compounded by affiliation with another museum (Port Welshpool) in a separate location, and a significant art collection in Shire buildings. Essentially, there are many highly valued (either

financially or historically) collection items and art work across the Shire without a consistent management approach.

The buildings and collection form the core of Coal Creek's thematic interpretation. The importance of Museum Accreditation, and the risks present in holistic collection management, highlights the need for an appropriate level of curatorial function to manage these risks. To achieve this, the Equivalent Full Time for the curatorial position will be increased by 0.6 EFT to 1.0 EFT.

### Education

Coal Creek also provides an education facility for almost 10,000 children per year from preschool to secondary school. The education department has two streams of business:

1. Paid education programs, and
2. Strategic Partnerships Program

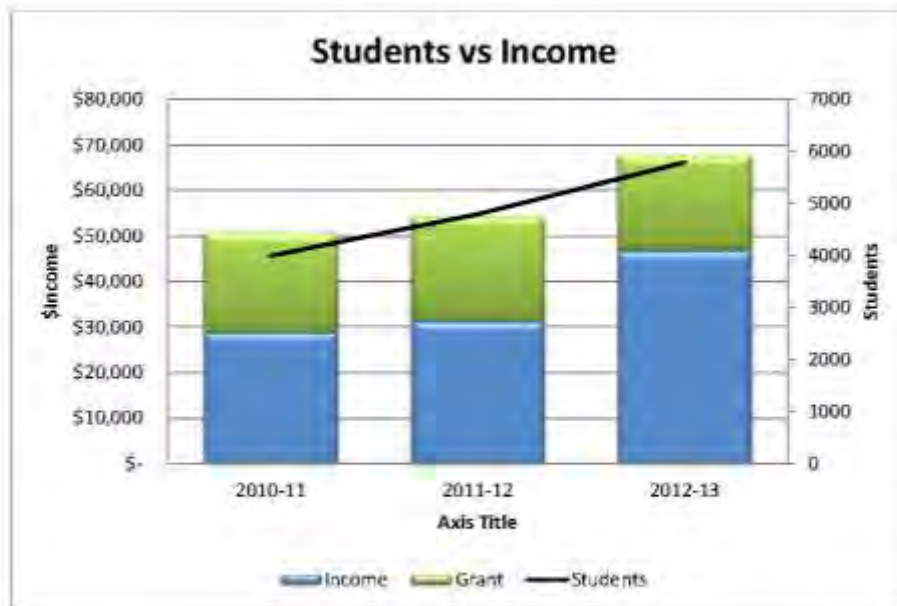
The paid education programs consist of seven different educational experiences for schools. The program is funded through the schools purchasing education packages for individual children delivered by a team of casual teachers, interpretative demonstrators and volunteers. All programs are directly linked to the Australian-Victorian Essential Learning Standards and are made up of packages as follows:

1. Experience 1 ('Going to School in 1901', 'Life in an early settlement tour', and 'Bush Tramway' or 'Tractor ride')
2. Experience 2: ('Going to School in 1901', and 'Bush Tramway' or 'Tractor ride')
3. Experience 3: ('Going to School in 1901', 'Bush Cooking and General Store experience')
4. Coal at the Creek: ('Coal! The Black Gold of Gippsland Tour', 'Bush Tramway' or 'Tractor ride')
5. It's a Child's Life! 1901 Style: ('Bush Tramway or Tractor ride', 'Old fashioned craft', and 'Bush Cooking and General Store experience')
6. A Pioneer's Life: ('Pioneer Timber Skill Demonstration', 'Bush Cooking and General Store experience', and 'Life in an early settlement tour')
7. Lessons from the Past: ('Going to School in 1901', 'Sustainability, a Thing of the Past?')

The Strategic Partnerships program is funded by the Victorian Department of Education and Early Childhood development (DEECD) through four areas of delivery:

1. The Young Ambassadors program - a multi-generational local history project, where local schools learn about their heritage through senior members in the community.
2. Maths @the Creek - local secondary schools can use the site for practical Maths activities.
3. Resource Smart AussieVic consortium for Gippsland - a professional development program for teachers in the area of sustainability
4. A support network and professional development for volunteer educators throughout the Gippsland area.

Coal Creek receives \$21,000 per year through a triennial grant from DEECD; this grant enables the purchasing of equipment and development of connections with local schools with the park. The grant also covers the delivery of the Strategic Partnerships program. Council funds the Education Program Leader part time (.40EFT) who coordinates the education program.



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### Reputation

Across South Gippsland, there are differing views about the value of Coal Creek to the community and the region. Many anecdotal views have been received, including submissions to the budget process and letters to the editor in the local press, expressing dismay at the cost to run Coal Creek; inferring that the rate payer contribution could be put to better use. Contrastingly,

submissions have been received encouraging Council to do more with Coal Creek. As a particular example, there was a community outcry in 2006 when Council proposed to remove a number of buildings to save on operating costs. Moreover, the response from the community during consultation on the Feasibility Study was encouraging and indicated that there is still much community support for Coal Creek.

Outside the community, Coal Creek's reputation is significant. Coal Creek management have entered into arrangements with Old Gippsdown, State Coal Mine, Vietnam Veterans Museum, Philip Island Nature Park and other Gippsland historical institutions to assist with developing Educational Programs. These workshops have been funded by DEECD to assist Coal Creek to become an educational hub for the Gippsland region.

Requests have also been received from Sovereign Hill and the educational arms of other heritage parks seeking insight into Coal Creek's success with engaging the community. Coal Creek's Education Program Leader has been invited to be guest speaker at regional forums and the Site Coordinator was a guest speaker at the 2013 Victoria Museums conference.

### Budget

Confidential appendices 2 and 3 detail Coal Creek's financials for the last four years and estimate forecast expenditure until 2020; particularly in comparison with forecast financials contained in the Pitcher Partners report (Confidential **Appendix 1**). To summarise, Coal Creek has seen net expenditure of approximately \$561,000 per annum over the last four years, including both operating and capital expenditure. This average expenditure is less than the forecast \$763,174 per annum average yearly expenditure presented in the Pitcher Partners report due to a deliberate attempt to minimise expenditure while Council develops an alternative approach. This alternative approach is provided in the remainder of this report; however the following paragraphs provide comments for Council's consideration.

The current staff structure does not provide flexibility for a seven-day-a-week operation and limits the discretionary effort able to be achieved to implement entrepreneurial activities. When sick leave, holidays and increased demand on service levels occur, casual employees are engaged at comparatively uncompetitive rates.

There are synergies between work responsibilities within the Visitor Information Centres (customer service, interpretive activities), Caravan Park management (customer service, hospitality services, parks maintenance) and Coal Creek. Therefore, it would be prudent to investigate whether these 'visitor services' could be combined into a single department for more streamlined management and resourcing.

Furthermore, Coal Creek's budget is structured differently to other Council departments. For example, all Council's internal departments' utilities costs are budgeted and paid for centrally as a Council business overhead, where Coal Creek's 'overheads' are managed within its own budget. This

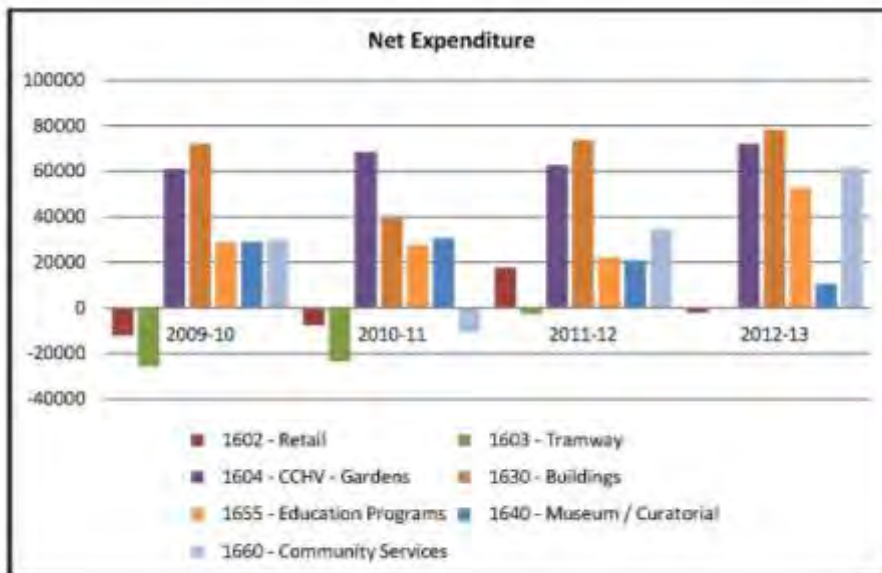
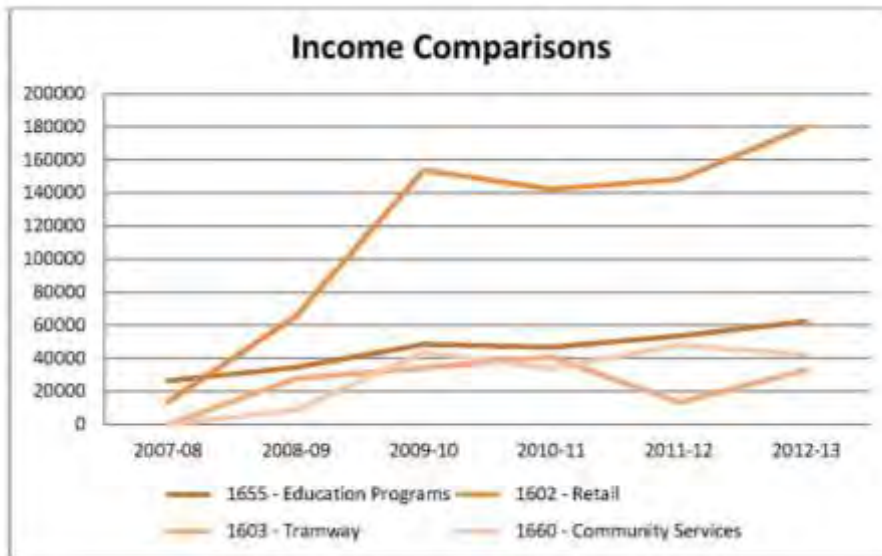
discrepancy accounts for approximately \$25,000 per annum in additional budget required and allocated to Coal Creek.

Analysis of Current Operations - Conclusion

Despite the success with increasing visitation, more visitors to the park has not translated to increased revenue.



Moreover, as the increased visitation comprises a mix of visitors and community members using the park for other purposes - that is, not all of the people using the park are "paying customers" - it is also considered a limitation that there are not many opportunities for people to spend their money when they do visit the park. As can be seen in the table "Visitation vs Financial Results", expenditure has grown commensurate with visitation, but revenue has not grown at the same rate.



As shown in the above charts, income has increased steadily with the exception of the Bush Tramway, hampered by the derailment in October 2011 and the subsequent repair work to the tramway and the track. Retail has been the most successful revenue earner, but the net profit has been sporadic with increased prices of stock and taking advantage of bulk purchasing opportunities. However, the most significant factor in the lack of profit is the cost of building maintenance, gardens and service delivery. Any revenue raised is offset by staff costs and materials; which would be compounded if Coal Creek was not dependent on volunteers to provide much of the services. It is estimated that volunteer time equates to approximately \$500,000 in equivalent salaries per year.

## **Economic Impact of Current Operations**

An economic analysis of Coal Creek considered Coal Creek's ability to generate flow-on economic activity as both a business entity and as a tourism provider.

### *Business Function*

The analysis of Coal Creek as a business entity takes into account the direct impact on the economy, flow-on industrial effects in terms of local purchases of goods and services, indirect impacts, corresponding impact on local jobs as a result of the wages and salaries paid to employees or consumption effect. These effects include multiple flow-ons as servicing sectors increase their own output and demand for local goods and services.

Examination of the combined Direct, Industrial and Consumption effects indicates that the impact of Coal Creek on local output is \$1.5million per annum. In addition to its own workforce this would generate three additional jobs with a contribution of about \$340,000 in wages and salaries. These indicate a contribution to the Gross Regional Product of about \$700,000 per annum from the Park.

### *Tourism*

Further analysis was undertaken on the local impact of tourism visitation. This analysis was based on examination of the Coal Creek Visitor statistics and the capacity of these visitors to generate revenue to the local economy through their expenditure on activities such as accommodation, food and services and their flow on to other economic sectors.

The visitor expenditure patterns were based on those identified in the Prom Country Tourism Impact Study. It should be noted that the Park generates considerable community benefit as a museum and a community facility for local residents but this analysis is based purely on likely economic benefit visitors provide. The community benefits to low income groups is worthy of note as the facility is a low cost excursion activity.

This analysis indicates an annual impact of \$1.4 million to the local economy from visitation generated by Coal Creek.

### *Conclusion*

For a complete understanding of the impact of tourism and economic benefit a more detailed analysis would be required based on:

1. Seasonal visitor surveys taken over a year
2. Seasonal interviews with local business operators and customers



3. A more complete understanding of the spend related to visitors within the park especially around event days that contribute considerably to visitation numbers
4. Local expenditure from 'outside' activity such as the Farmers Market

Considering the limitations of available data, the analysis indicates an estimated economic impact of Coal Creek Community Park and Museum of \$2.9million per annum and three additional jobs to the South Gippsland economy. It is also estimated that approximately 60% of Coal Creek expenditure is spent within the local community.

Whilst it is acknowledged that this analysis may be viewed sceptically by some, the analysis has been undertaken as scientifically as the available data has allowed.

### **Impact of Development Scenarios on Current Operations**

In accordance with the resolution of Council from the Coal Creek Feasibility study, the steering committee produced a development plan providing the following insight:

- To move towards cost neutrality requires the full implementation of the four strategies: site rationalisation, development of a core route, restaurant and son et lumiere and Overnight Education Facility (School Camp) within one year of commencement

#### The costs

Extracted from the Development Strategy, the table below summarises the capital costs for each strategy proposed in the development strategy.

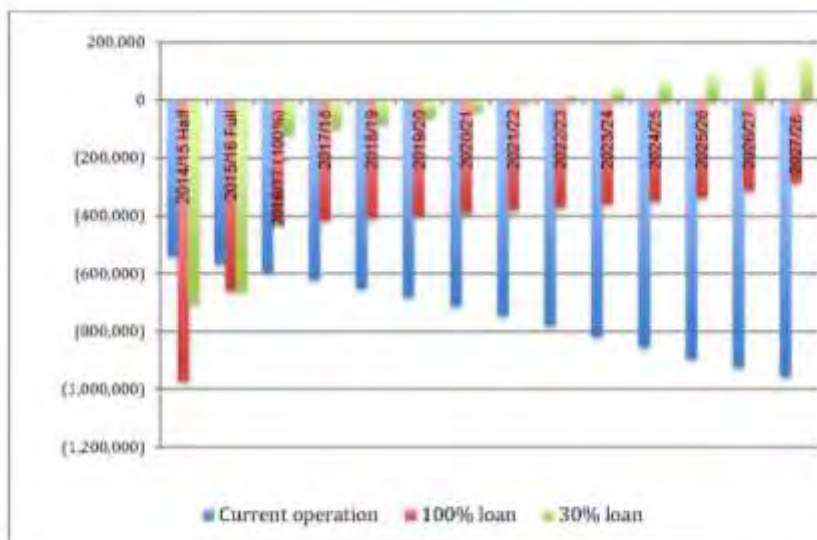
<b>Major costs (strategies)</b>	<b>Costs already funded in CC Budget</b>	<b>Costs yet to be funded</b>
Site rationalisation	\$395,636	
Core route with core demonstrations and mobile interactive technology		\$374,696
Restaurant, function centre & son et lumiere		\$2,726,500
Overnight education		\$2,860,000
Overall project management		
Council project officer (PT over 2 years)		\$120,000
External consultant to assist project officer		\$50,000
<b>Total costs</b>	<b>\$395,636</b>	<b>\$6,131,196</b>
	<b>\$6,526,832</b>	

It should be noted that the Site Rationalisation and Core Route projects have been revised to \$287,000 and \$369,000 respectively - please refer to **Confidential Appendix 4**.

### The potential results

Assuming hypothetically that the new initiatives are completed in 2014 and the first full year operations is 2015/16, a 14 year forecast (see chart below) was provided in the Development Strategy using a conservative model of 1-3% growth and two finance models to cover the debt needed for capital works:

1. Council borrowing the full capital and paying interest for the debt at 7% per annum (but not paying off the loan during the forecast period); and
2. The State government funding 70% and Council borrowing the remaining 30% on the same terms.



### **Development Strategy 14-year estimate 1**

The Development strategy recommended that Council should therefore seek the assistance of the State government to jointly fund the capital costs of implementing the strategies.

If the investment outlined above was agreed to, the Development Strategy estimates that cost neutrality would only be achieved by 2022 assuming implementation in 2014 - a mediocre return for a significant investment, but better than the current operation.

Furthermore, it is apparent that there would be reluctance by parts of the community for Council to proceed with the two major investments - overnight education and the restaurant - if it reduced Council's ability to fund other important community projects.

In light of current operations; it is clear that Council's exploration into a cost neutral strategy will not be able to be achieved without significant investment, and that this investment does not guarantee cost neutrality. Therefore, the investment may not be supported by members of the community, however it is important that the community realise it is not unusual for Council to fund community facilities that do run at a deficit - recognising that providing a community service comes at a cost. Council's operation of swimming pools and provision of visitor information centres are particular examples where this continues to occur.

### **Options**

Considering the analysis above there are three main options which could be adopted by Council:

1. Close the park
2. Proceed with the recommendations of the Feasibility and Development Strategy
3. Continue current operations and proceed with a more incremental strategic direction.

### **Discussion on Options**

Option 1: Close the Park.

According to the Pitcher Partners report from 2010, closing the park, including removal of buildings, site rehabilitation and collection relocation and storage, would cost \$2.44million. Council would also still need to maintain the park in its rehabilitated form as the state government appears reluctant to take back the management of the Crown land. Furthermore, if the park was closed it would impact 16 user groups currently using Coal Creek; including the Korumburra Men's Shed, which has recently invested \$38,000 in upgrades to its building. A new home would also need to be found for the Visitor Information Centre. This option is not recommended.

Option 2: Proceed with the recommendations of the Feasibility Study and Development Strategy

If Council were to proceed with the pace and approach of the development strategy - seeking state government assistance for 70%-100% of the capital costs or borrowing the full investment - it appears probable that the returns would be realised as outlined. It would support Council's objective of exploring "innovative ways of increasing revenue and reducing expenditure" (strategy 4.1.1) and eventually work towards achieving "cost neutrality"; however, it is considered not conducive to Council's risk appetite and therefore this approach is recommended.

Option 3 (recommended): Continue current operations, seek incremental ways to increase income in the short term and proceed with a more

incremental strategic direction. The recommendation proposes to explore the recommendations of the Development Strategy further, but more deliberative and less quickly.

The strategy would look to target investment into the smaller initiatives identified in the feasibility study to increase income and thereby reduce the financial deficit over time. The proposal is to continue the rationalisation of buildings into a core visitor route and develop supporting technology to enhance the visitor experience. The strategy would also seek to provide investment in the restoration of the black diamond mine. As shown in **Confidential Appendix 3**, the long term financial plan of the Coal Creek capital works program, could be adjusted to see this expenditure in the shorter term but not exceed the total longer term capital works expenditure over the long term. The strategy also proposes to clarify governance arrangements for Coal Creek and seek support from the state government for major investment. After development of a more succinct precinct (core route) with enabling technology and black diamond mine reopened, an enhanced visitor experience will provide increased attraction to potential retail providers thereby providing new opportunities to lease out buildings for additional revenue.

This option would be an acknowledgement that Council will continue to operate Coal Creek at its forecast deficit for a period of time, but would be more conducive to Council's risk appetite.

### **Proposal**

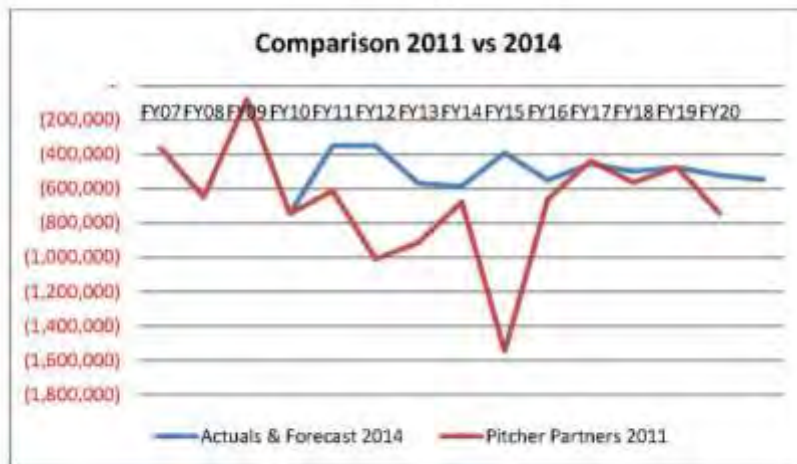
It is proposed that Council agree to proceed with the following plan, via three phases:

1. Immediate Term Strategy (within 2 years) - Clarify Governance of Coal Creek and restate strategic support:
  - a. Continue to support Coal Creek by subsidising the operational cost of up to \$600,000.
  - b. Complete the site rationalisation of redundant buildings to develop a more succinct precinct-based visitor route.
    - i. This project is 40% complete, with designs developed and a timeline in place for relocation and removal of buildings and vegetation (see **Confidential Appendix 4**).
  - c. Receive a business case for establishment of the Black Diamond Mine and a business case for interactive technology and interpretive displays to complete the Core Route established in the site rationalisation project. (see **Confidential Appendix 3** for the revised proposed capital program)
  - d. Establish a more formal governance structure for Coal Creek to provide closer oversight on behalf of Council.

- e. Improve the curatorial function of Coal Creek
    - i. Increase the Curator officer role by 0.6 to 1.0 EFT to maintain Museum accreditation, and
    - ii. Seek a strategy regarding management of museum and art collections across the shire
  - f. Explore new retail or licence opportunities for retail or appropriately themed visitor attractions in existing buildings and proceed where profitable
  - g. Seek the support of State Government for this strategy and determine interest by the State Government in providing major investment in the park
2. Medium Term Strategy (2-6 years) - Grow the Park's capacity and longer term direction:
- a. Implement the core route technology project after Council's consideration of the business case
  - b. Implement the restoration and reopening of the Black Diamond Mine after Council's consideration of the business case
  - c. Develop a master Plan of the park, including functional designs for a potential new school camp precinct and seek expressions of interest for leasing, construction and/or operating the camp.
  - d. Explore integration of Coal Creek with other 'visitor services' functions such as Visitor Information Centres, management or mentoring of shire collection assets (art/collections) and more formal marketing & event management
3. Longer Term Strategy (6 years and beyond)
- a. Council decide on School Camp option after master planning, expressions of interest and full design and costs, and consideration of state government support
  - b. Investigate providing other accommodation on site and/or full featured restaurant
  - c. Investigate further a Sound and Light Show or other "feature" attraction

## FINANCIAL CONSIDERATIONS

The table below shows a comparison of net results for Coal Creek in 2014 against forecasts detailed in the Pitcher Partners report in 2010. It demonstrates that Coal Creek operations have not shown as dramatic a result as first forecast due to capital expenditure being put on hold, pending Council determining the future of Coal Creek.



While clearly the deficit for Coal Creek is unpalatable to many in the community, many others in the community are proud of the park and are regular users. Moreover, it provides a significant economic benefit and a community service to hundreds of people across South Gippsland.

The proposal outlined in this report provides the ability for Council to gradually improve the financial situation in Coal Creek through careful consideration of entrepreneurial activities under the direction of a more formal governance structure.

It should be noted that there is little 'spare' capacity within the team; hence the requirement for increased curatorial capacity.

It is also considered prudent to proceed with the core route and Black Diamond mine projects as soon as possible, pending acceptance of the business cases by Council. **Confidential Appendix 3** has been modelled to demonstrate that the capital works program for Coal Creek can be refined to accommodate these two projects without exceeding the overall expenditure across the long term. While government assistance for these two projects will be sought, the capital works modelling has assumed the projects would be fully funded by Council.

## **RISKS**

In terms of risk, Council is in a 'no-win' situation with Coal Creek. By closing the park the risks are high; politically, economically, financially and socially. When buildings were to be removed in the past, the community has questioned Council's understanding of the community's emotional connection to the site. Economically, closing the park would save more than \$500,000 per year, but would also cost \$2.4million to rehabilitate the site and remove \$2.9 million per year from South Gippsland's economy, without consideration of implementation issues such as collection storage and heritage overlays on the site. Socially it would remove the site as a community engagement area and 'home' to more than 27 community groups.

Alternatively, keeping the park open presents a different suite of risks - political and financial. With the diverse opinion in the community about Coal Creek, adopting any of the options to keep the park operating would be met with criticism by those who see the money put to better use elsewhere. Moreover, maintaining current operations with no change presents a financial dilemma - operating a park at a deficit when Council is trying to find ways to prudently improve its financial situation.

While the recommendation does not eliminate any of these risks, a 'slowly, but surely' approach, is considered the best option to minimising the social, reputation, political and economic risks.

## **CONCLUSION**

The analysis and consideration of entrepreneurial initiatives over the last two years has been a valuable exercise. It demonstrates to the community that Council has thoroughly considered many options to provide a community park and museum that 'pays its way'. Closing the park is the least attractive option given that it incurs liabilities and ongoing maintenance to Council for little or no return at all, and introduces logistical problems with trying to relocate community groups and a significant museum collection.

Delivering the recommendations of the feasibility study within the suggested timelines is considered not conducive to Council's risk appetite and would be 'too fast' for the community.

A 'slowly but surely' approach with a clear long term direction is the most appropriate method. The recommendation provides a mechanism for improving the governance of Coal Creek, makes more capacity available within the curatorial function eliminating management risks for the collection, and prudently considers over time major capital investments to grow the park's value to the community

## **RECOMMENDATION**

### **That Council:**

- 1. Not proceed at this time with a Restaurant and Son et Lumiere as outlined in the Coal Creek Feasibility Study;**
- 2. Develop a Coal Creek Overnight Education Precinct Plan, including concept designs and cost estimates for the purposes of developing a project for co-investment by the Victorian Government;**
- 3. Endorse an incremental strategy for Coal Creek Community Park and Museum seeking to reduce operating costs, through:**
  - a. Receiving a further report outlining a business case for developing an interactive technology application to support the 'core route' at Coal Creek by October 2014;**
  - b. Considering alternative governance options for Coal Creek by December 2014;**
  - c. Developing strategic options for the management of Council's museum and art collections across the Shire by December 2014;**
  - d. Seeking new opportunities for retail or appropriately themed visitor attractions within existing Coal Creek buildings and implementing where profitable;**
- 4. Note the economic return of Council's annual investment in Coal Creek equates to approximately \$2.9million and three jobs for the South Gippsland economy;**
- 5. Continue to seek financial support from the Victorian Government for investment in Coal Creek; and**
- 6. Receive a further report outlining a business case for the restoration and reopening of the Black Diamond Mine to further enhance the Core Route by June 2015.**

## **STAFF DISCLOSURE OF INTEREST**

Nil



**Attachment 1**  
**Council Report Coal Creek Community Park and Museum Feasibility Study,**  
**April 2013**

South Gippsland Shire Council Minutes	24 April 2013 Council Chambers, Leongatha
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**E.14 COAL CREEK COMMUNITY PARK AND MUSEUM FEASIBILITY STUDY**

Development Services Directorate

**EXECUTIVE SUMMARY**

As a response to Council's adoption of a cost neutral strategy for Coal Creek Community Park and Museum, this report submits the Coal Creek Feasibility Study Report (Feasibility Study) and Stakeholder Feedback on Coal Creek Feasibility Study (Feedback Report) for Council's consideration.

The Feasibility Study recommends a site rationalisation of Coal Creek, development of a core route with interactive technology to enhance patron experience, Education Camp precinct and a restaurant with sound and light show. The Feasibility Study shows a total investment of \$6-\$8 million will provide a return to council of \$542k - \$860k per annum.

This report recommends that Council implements the site rationalisation project at a cost of \$186,000 utilising current and future budgets and agrees to investigate grant opportunities to implement the core route with interactive technology project to compliment the site rationalisation. This report also recommends that Council notes that the Coal Creek Business Development project will undertake a development strategy.

Document/s pertaining to this Council Report

- **Appendix 1** - Coal Creek Feasibility Study dated 14 December 2012
- **Attachment 1** - Stakeholder Feedback on Coal Creek Feasibility Study report dated 11 February 2013

A copy of **Appendix 1** is available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) or by contacting 5662 9200. Please note that the diagrams contained within this Appendix may be difficult to read. Should you require assistance please do not hesitate to contact Council.

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

- Local Government Act 1989

**INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

- Draft Economic Development and Tourism Strategy 2012-2017

**COUNCIL PLAN**

Strategic Goal	1.0	A Vibrant, Engaged Community
Outcome:	1.4	Heritage and History
Strategy:	1.4.2	Heritage protection

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Strategic Goal:	3.0	A strong economy
Outcome:	3.1	Economic development
Strategies:	3.1.3	Economic investment
	3.1.4	Tourism
Outcome:	3.2	Employment
Strategy:	3.2.1	Employment creation

### CONSULTATION

There has been extensive community participation throughout the Coal Creek Feasibility Study and Business Plan project, including workshops, interviews, information newsletters and visitor surveys. The draft feasibility report was exhibited for comment between 22 December 2012 and 18 January 2013 and feedback was sought on the report's recommendations. Following a review of the received submissions, Council was briefed on 20 February 2012, and the Feedback Report forms part of this report.

### REPORT

#### Background

On 22 June 2011, Council resolved 'in committee' to pursue a strategy for Coal Creek Community Park and Museum to become "cost neutral" within the next five to seven years and to create a Coal Creek Business Development Project committee consisting of two Councillors and selected staff to pursue the strategy.

Following this decision, the Coal Creek Business Development Project committee sought fixed price quotations from experienced consultants to undertake the project. Council subsequently awarded the contract to Mawland Pty Ltd in August 2012.

#### Discussion

The Coal Creek Business Development Project has approached the project using three stages:

- Ideas Gathering (completed)
- Develop Feasibility Study (completed)
- Develop Business Plan (not yet commenced)

The first stage of the project involved investigation through site visits, consultation and interviews with community members and stakeholders, an "ideas" competition and visitor surveys. The potential ideas were analysed and scored based on competitive strength, indicative capital cost and

potential financial result. This data was presented to the steering committee and a short list of ideas was selected for further consideration.

The shortlisted ideas were then market tested for levels of interest, acceptable price ranges, and potential improvements to make the ideas more attractive to purchase.

Once the options had been market tested and subsequently refined, a competitor analysis was undertaken to identify the key strengths and limitations of similar profit generating products to those being considered for Coal Creek.

#### **Options**

In the draft Feasibility Study report, four recommendations were proposed for community consultation:

**1. Site rationalisation, involving:**

- Creating three Precincts within the site delivering distinct uses, moving some uses and buildings to consolidate the purpose of each zone, and establishing relevant new uses for empty buildings
- Removing surplus buildings and infrastructure that do not have heritage significance or high value to the interpretive experience, to reduce long term maintenance costs and risk
- Reducing vegetation, to reduce long term maintenance and risk

**2. The development of a core route through the historic precinct involving:**

- Core set of volunteer delivered demonstrations within Historic Precinct and Stabilisation and reopening of the Black Diamond mine for guided tours
- Paid driver to reliably operate the historic diesel and steam locomotive
- Establishment of the 'Coal Creek Conspiracy' (interactive technology)

**3. Restaurant, function facility and son et lumiere (sound and light show), built in one of three locations:**

- Option 1: Restaurant in Visitor Centre
- Option 2 Mezzanine restaurant outside Visitor Centre
- Option 3 New building opposite Mine Poppet Head (recommended)

**4. Overnight education facility, built to one of two scales:**

- Option 1: 240 students
- Option 2: 480 students (recommended up front or as a later stage)

**Feedback Report**

People providing feedback to the Feasibility Study comprised the following:

- Visitors to Coal Creek - 67%
- Staff / volunteers - 11%

There was minimal difference between the responses of visitors compared to those of local residents. Most respondents (78%) reviewed the Feasibility Report as their main source of information, suggesting that the views provided are well informed. A summary of the feedback on the ideas presented in the Feasibility Study is shown in Figure 1.

**Figure 1: Indexed positive versus negative feedback results**

Funding strategies	Support	Rejection	Indifferent
Fin charge for anyone (ratepayers would need to fund any deficit)	12%	87%	1%
No charge for anyone, but charge for experiences as per the Feasibility Report (ratepayers would need to fund any smaller deficit than 4c)	40%	53%	7%
Charge visitors but not locals, so visitors pay more than normal to make it up	72%	21%	7%
Close it down (even if it costs \$2M to do so.) then there will be no more funding issues	33%	66%	1%

Cost saving and profit generating strategies	Support	Rejection	Indifferent
Site rationalisation overall	76%	4%	20%
• Site rationalisation: Creating three precincts within the site delineating distinct uses, moving some uses and buildings to consolidate the purpose of each zone, and establishing relevant new uses for empty buildings	76%	23%	1%
• Site rationalisation: Removing surplus buildings and infrastructure that do not have heritage significance or high value to the interpretive experience, to reduce long term maintenance and risk	77%	23%	0%
• Site rationalisation: Reducing vegetation, to reduce long term maintenance and risk	75%	25%	0%
The development of a core route through the historic precinct overall	66%	34%	0%
• Core route: Core set of volunteer delivered demonstrations within Historic Precinct	33%	67%	0%
• Core route: Stabilisation and reopening of the Diamond Head Mine for guided tours	34%	66%	0%
• Core route: Paid driver to reliably operate the historic train	33%	67%	0%
• Core route: Establishment of the Coal Creek Conspiracy (Interactive Technology)	29%	71%	0%
Restaurant overall	77%	23%	0%
Function Centre overall	74%	26%	0%
Sound and light show overall	70%	30%	0%
• Restaurant and sound and light show in Visitor Centre	68%	32%	0%
• Mezzanine restaurant and sound and light show outside Visitor Centre	76%	24%	0%
• New restaurant building and sound and light show opposite Mine Poppet Head	78%	22%	0%
Overnight education camp overall	78%	22%	0%
• Overnight education for 240 students	79%	21%	0%
• Overnight education for 480 students	78%	22%	0%

### **Proposal**

Whilst the Feedback Report suggests an implementation strategy on page 16, Council's financial position has led to the conclusion that a smaller interim step would be more appropriate.

It is proposed that Council utilises the remainder of the Coal Creek Feasibility and Business Plan project budget to undertake a development strategy to provide further detail on the key investments of the School Camp Precinct and the Restaurant and Son et Lumiere. The development strategy would provide:

- a. Strategies for investment,
- b. Financial forecasts for each investment item and its impact on the Coal Creek long term budget,
- c. Options for staging and implementation,
- d. Options for Governance of Coal Creek into the future.

The Development Strategy would provide further detailed costs and investment strategies, including approaches to engage the private and public sector in investment and operation. The Development Strategy would also provide a basis for Council to secure public and/or private sector investment. Once additional public and private sector funding is secured, the private sector proponent(s) - if appropriate - and Coal Creek would prepare a business plan for Council review.

Concurrently, it is also proposed to utilise existing budgets to commence implementation of the site rationalisation project and seek grants for implementation of the core route with interactive technology project.

This approach would allow Council to work within existing budgets to secure ROI as soon as practical to reduce Coal Creek's net operational expenditure and add value to the visitor experience in the short term. At the same time, the more strategic considerations can be modelled and planned for accordingly. Council can then decide separately whether the larger investments can proceed into the future.

### **FINANCIAL CONSIDERATIONS**

The Feasibility Study states that implementing all of the recommendations will cost between \$6 million and \$8 million. As a consequence of this investment, Coal Creek could reduce its required Capital Works Program by \$1 million over ten years, and reduce its annual deficit by between \$520,000 and \$860,000. A minimum investment of \$6 million will generate a Return on Investment (ROI) of 9.1% while the more substantial investment of \$8 million will generate an ROI of 10.7%.



The Feasibility Study indicates that it would cost approximately \$186,000 to implement the Site Rationalisation project. This cost can be funded in Coal Creek's current (12/13) and forward (13/14) capital budgets. It would also provide an opportunity to reduce the future years' capital works program in light of a changed site plan.

Leveraging this investment, the core route with interactive technology can then be implemented at a cost of \$309,000 allowing generation of approximately \$225,000 per annum in gross profit. Therefore, the capital cost for this combined initiative (total \$495,000) is likely to be recovered in approximately two years and thereafter reduce the operating deficit by \$225,000 per annum. There is no budgeted capital funding for the core route so therefore it is proposed that a contribution towards a potential grant from the state government be referred to the 2013/14 budget process.

**Figure 2: Summary of Capital Costs for Site Rationalisation and Capital Costs for Core Route**

Capital costs for Asset Improvement Program and Site Rationalisation		
Cost item	Subtotal	Cost
<b>Building - infrastructure transfer &amp; strategy</b>		
1. Transfer existing (22, 27, 30) and new (24, 25, 26, 27, 31, 32) Main Railway	\$11,000	
2. Workstation relocation and upgrade	\$2,000	
<b>Total building - infrastructure transfer costs</b>		<b>\$13,000</b>
<b>Building - infrastructure removal</b>		
1. Building 24, 25, 26, 27, 31, 32 @ \$1,500 per building	\$15,000	
Removal of signage	\$2,000	
Maint and Service Streets	\$2,000	
Rebuild Coal Mine	\$2,000	
<b>Total building - infrastructure removal</b>		<b>\$21,000</b>
<b>Vegetation reduction</b>		
Harvest (Pines)	\$1,000	
Plant Purpose Plant	\$2,000	
Demolish Existing Pines	\$2,000	
<b>Total vegetation reduction</b>		<b>\$5,000</b>
<b>Use transfer</b>		
Deliveries (Applied Nutrition)	\$2,000	
Staffer Visit Information Centre (placement 1)	\$2,000	
Sustainability Centre to house existing (in form of playground 1)	\$2,000	
Plant for use area at Building 24 and Building 25	\$2,000	
Remove Play (20m x 10m) from building site (in form of playground 1)	\$2,000	
<b>Total use transfer costs</b>		<b>\$10,000</b>
<b>Upgrade (1800) Centre displays and retail area (\$75,000)</b>		<b>\$75,000</b>
<b>New front-end retail product</b>		<b>\$23,000</b>
<b>Total capital costs for Asset Improvement Program and Site Rationalisation</b>		<b>\$186,000</b>
<b>Capital costs for core route</b>		
Cost item	Subtotal	Cost
Core route (20m x 10m) (20m x 10m)	\$500	
Signage and lighting for the Core Route (20m x 10m)	\$14,000	
Propaganda and lighting for the Core Route (20m x 10m)	\$2,000	
6 columns of recycled concrete to provide structural support	\$2,500	
<b>Total core route preparation costs</b>		<b>\$19,000</b>
<b>Coal Creek Consignatory</b>		
Sign writing and production	\$20,000	
Printing, photo, design, supply, install, install	\$20,000	
Propaganda, IT equipment, data capture for distribution	\$20,000	
40 letters to 2000000000000000	\$20,000	
<b>Total Coal Creek Consignatory</b>		<b>\$80,000</b>
<b>Total capital costs for core route</b>		<b>\$309,000</b>
<b>Total costs for South Gippsland Budget 2013-14</b>		<b>\$495,000</b>

**Figure 3: Summary of Financial Analysis**

Strategies	Capital Investment (one off)	Operational Expenditure Coal Creek (per annum)	Capital Program Road (over 10 years)
Site Rationalisation	-\$116,000	0	0
Capital Works Program	0	0	\$1,250,000
Development With Life Demonstration and Liveability Infrastructure	-\$215,000	\$20,000	0
Expanded Functional centre and retail hub	-\$3,300,000	\$114,700	0
Service Recommendation - 440 bus per 8 weeks	0	-\$21,500	0
<b>Total</b>	<b>-\$4,711,000</b>	<b>\$98,200</b>	<b>\$1,250,000</b>

**RISK FACTORS**

There is a risk that the high level estimated costs in the Feasibility Study are inaccurate for the works required for the Site Rationalisation and core route projects. However, the proposal includes developing more specific costs for the project within a project plan which will be managed by the Coal Creek Development Project steering committee before works are undertaken. If there are material variations to the high level estimates, the Coal Creek Development Project steering committee will take necessary steps to address or provide recommendations to council if necessary.

**CONCLUSION**

It is evident from the Feasibility Study report that there is considerable potential in advancing the recommendations of the Coal Creek Feasibility Study to achieve Council's strategy of cost neutrality. While finding sufficient funds for investment will be a challenging objective, it appears logical to deliver as much of the feasibility as can be afforded in the short term whilst concurrently developing a strategy for the larger investments.

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**RECOMMENDATION**

**That Council:**

1. **Endorse the Coal Creek Feasibility Study dated 14 December 2012 and note the Stakeholder Feedback on Coal Creek Feasibility Study report dated 11 February 2013.**
2. **Note the commencement of a Coal Creek Development Strategy that will provide further detail on the key investments of the School Camp Precinct and the Restaurant and Son et Lumiere, including:**
  - a. **Strategies for investment,**
  - b. **Financial forecasts for each investment item and its impact on the Coal Creek long term budget,**
  - c. **Options for staging and implementation,**
  - d. **Options for Governance of Coal Creek into the future,**
3. **Implement the Coal Creek Site Rationalisation project as outlined in the Feasibility Study as soon as practical, utilising the remaining unallocated 2012/13 Coal Creek capital works budget of \$80,000, and refer the balance of the estimated Coal Creek Site Rationalisation project expenditure to the 2013/14 Budget Process; proposing to utilise the anticipated Coal Creek Capital Works program of \$100,000 for 2013/14.**
4. **Consider the allocation of \$309,000 for the "Core Route with Interactive Technology" project in line with the 2013/14 Budget.**

**STAFF DISCLOSURE OF INTEREST**

Nil



**MOVED: Cr McEwen**

**SECONDED: Cr Hutchinson-Brooks**

**THAT COUNCIL:**

1. **ADOPT THE COAL CREEK FEASIBILITY STUDY DATED 14 DECEMBER 2012 AND NOTE THE STAKEHOLDER FEEDBACK ON COAL CREEK FEASIBILITY STUDY REPORT DATED 11 FEBRUARY 2013.**
2. **NOTE THE COMMENCEMENT OF A COAL CREEK DEVELOPMENT STRATEGY THAT WILL PROVIDE FURTHER DETAIL ON THE KEY INVESTMENTS OF THE SCHOOL CAMP PRECINCT AND THE RESTAURANT AND SON ET LUMIERE, INCLUDING:**
  - a. **STRATEGIES FOR INVESTMENT,**
  - b. **FINANCIAL FORECASTS FOR EACH INVESTMENT ITEM AND ITS IMPACT ON THE COAL CREEK LONG TERM BUDGET,**
  - c. **OPTIONS FOR STAGING AND IMPLEMENTATION,**
  - d. **OPTIONS FOR GOVERNANCE OF COAL CREEK INTO THE FUTURE,**
3. **IMPLEMENT THE COAL CREEK SITE RATIONALISATION PROJECT AS OUTLINED IN THE FEASIBILITY STUDY AS SOON AS PRACTICAL, UTILISING THE REMAINING UNALLOCATED 2012/13 COAL CREEK CAPITAL WORKS BUDGET OF \$80,000, AND REFER THE BALANCE OF THE ESTIMATED COAL CREEK SITE RATIONALISATION PROJECT EXPENDITURE TO THE 2013/14 BUDGET PROCESS; PROPOSING TO UTILISE THE ANTICIPATED COAL CREEK CAPITAL WORKS PROGRAM OF \$100,000 FOR 2013/14.**
4. **APPROVE THE ALLOCATION OF \$309,000 FOR THE "CORE ROUTE WITH INTERACTIVE TECHNOLOGY" PROJECT WITHIN THE 2013/14 BUDGET; SUBJECT TO A BUSINESS CASE SHOWING COST BENEFIT ANALYSIS AND DETAILED PROJECT PLAN AND SUBJECT TO APPROVAL BY THE IT GOVERNANCE BOARD OF COUNCIL.**

**Cr Fawcett left the Meeting at 4.31pm.**

**Cr Fawcett returned to the Meeting at 4.33pm.**

**Cr Davies left the Meeting at 4.36pm.**

**Cr Davies returned to the Meeting at 4.37pm.**

**CARRIED UNANIMOUSLY**

## **E.4 NYORA COMMUNITY INFRASTRUCTURE PLAN**

Development Services Directorate

### **EXECUTIVE SUMMARY**

The Draft Nyora Community Infrastructure Plan was presented to Council on 26 February 2014. Following a period of public exhibition and community consultation, a final plan has been prepared to be presented to Council (see **Appendix 1**). This report recommends that Council adopt the Nyora Community Infrastructure Plan.

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

- **Attachment 1** - Summary of Submissions and Workshop Comments
- **Appendix 1** - Nyora Community Infrastructure Plan - 2014
- **Confidential Appendix 1** - Submissions

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

A copy of **Appendix 1 - Nyora Community Infrastructure Plan - 2014** is available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) or by contacting 5662 9200.

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

- Charter of Human Rights and Responsibilities Act 2006
- Disability Act 2006
- Equal Opportunity Act 2010
- Planning and Environment Act 1987

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

- Active Ageing Plan 2012 - 2016
- Annual Plan 2013 - 2014
- Council Plan 2013 - 2017
- Disability Action Plan 2013 - 2017
- Early Childhood Services Building Assets Policy Framework 2013
- Economic Development and Tourism Strategy 2012 - 2017
- Municipal Early Years Plan 2011 - 2016

- Municipal Public Health and Wellbeing Plan 2013 - 2017
- Nyora Structure Plan June 2013
- Nyora Urban Design Framework 2005
- Open Space Strategy 2007
- Recreation Plan 2008
- South Gippsland Municipal Emergency Management Plan (version 1.6 April 2013)
- South Gippsland Planning Scheme
- South Gippsland Shire Council Asset Management Strategy 2013
- South Gippsland Youth Policy

### **COUNCIL PLAN**

Outcome:	3.0	Integrated Services and Infrastructure
Objective:	3.1	Affordable modern community services and facilities through an integrated approach to planning and infrastructure development
Strategy:	3.1.4	Plan for the service needs of the changing demographic
	3.1.5	Sustainable development that promotes health, wellbeing and unique character of the community.

### **CONSULTATION**

During the public exhibition period, six written submissions were received (**Confidential Appendix 1**). Four community meetings were held in preparation of the final plan. Prior to development of the draft plan a community, work, school and shop survey was conducted. The promotion of the survey included a community meeting. Following the development of the draft plan, three additional community meetings were held and 31 people attended the community meetings in total.

### **REPORT**

#### **Background**

The Nyora Community Infrastructure Plan will guide the development, timing and possible location of community facilities and services for the short, medium and long term to meet the needs of a growing population.

## Discussion

It is expected that with the provision of sewerage to Nyora that the population will grow considerably. In 2011 the population of Nyora & District was 1,332. By 2031 the population is expected to have grown to over 2,000 people.

Community infrastructure priorities for Nyora include:

- Incremental development of footpaths and shared trails beginning with the town centre and linking new developments to the town centre, school and sport and recreation facilities,
- Support increased retail development,
- Detailed viability study of early years services,
- Forward planning for a community hub / shared service centre for development after 2024, and
- Planning for open space in future residential areas of Nyora within easy reach of residents for recreation.

Community infrastructure development in Nyora is required to meet the needs of the current population and will become more viable with growth in the population. The highest priority over the short term is for pedestrian access around the central business area of the town and from residential areas to the school, recreation reserve, pony club and the town centre.

For the next 10 years, renovations to the Nyora Community Centre and reliable fast internet connection to the mobile library service will ensure that these facilities continue to provide adequate services to the community. Strategic planning for a community hub or service hub beyond 10 years to cater for a range of activities and services is required to ensure the allocation of land for these facilities occurs.

Comments provided via written submissions and at three workshops supported the broad priorities of the draft plan whilst providing suggestions to change some details within priorities. Submissions and workshop comments are summarised in **Attachment 1** with the names of submitters and written submissions included in **Confidential Appendix 1**.

### Submissions (Confidential Appendix 1)

Six submissions were received and the main themes of the submissions are summarised in **Attachment 1**. The submission themes are detailed below.

1. Early years - strong support for kindergarten and before and after school care.
2. Youth - support for establishing youth space.

3. Library - support for mobile services next 10 years and forward planning required for a permanent collection.
4. Commercial and retail - more shops required to support larger community with questions regarding viability.
5. Footpaths and trails - timeline adjustment on some footpath timelines, specifically Nyora-Poowong Rd from Wallis Watson development and Hatch's Rd to town centre.
6. Open space in Wallis Watson development - suggestion of wetlands, wildlife corridor and careful planning of recreation reserve within this area due to drainage issues.
7. Small corrections and details.

### **Proposal**

It is proposed that the Nyora Community Infrastructure Plan be adopted to assist in the allocation of developer contributions and other funds towards community infrastructure.

### **FINANCIAL CONSIDERATIONS**

The community infrastructure plan will inform financial decision making by Council to:

- Allocate developer contributions;
- Support funding applications for community infrastructure.

### **RISKS**

This plan may raise the community's expectations that facilities and services will be provided should growth occur. There is a risk that Council may not be able to deliver to the community's expectations or in the timeframe estimated in the plan.

The plan provides a clear message that proposed infrastructure are 'recommendations only' requiring further investigation for funding and budget allocation.

### **CONCLUSION**

The provision of footpaths and shared trails in Nyora is an immediate priority to allow pedestrian access around the town centre and from residential areas. The provision of spaces and places for participation in community life is essential to ensure a connected and vibrant community. The park in Mitchell Street provides valuable, central open space around which community activity can occur. The Nyora Community Infrastructure Plan identifies future

community infrastructure needs for a growing population providing priorities for the next 20 years.

Decisions on the allocation for funding for community infrastructure in Nyora from developer contributions and grants can be made with reference to this document.

### **RECOMMENDATION**

**That Council adopt the Nyora Community Infrastructure Plan 2014 (Appendix 1).**

### **STAFF DISCLOSURE OF INTEREST**

Nil



Topic	Details	No. of responses	Officer observations
	<ul style="list-style-type: none"> <li>- To balance the cost of services to ratepayers</li> <li>- So Nyora can become a town not a village</li> </ul>		3 growth scenarios provided in Nyora Structure Plan.
Chapter 3: Community Survey Summary			
Chapter 4: Early Years and Primary School Education			
Before / After School	- Before and after school care and kindergarten in Nyora supports children attending Nyora Primary School	Community Meetings 2	Confirms existing recommendation for investigation of viability of early years services. Previous before and after school care service not viable; Many parents of preschool children use childcare in Lang Lang or attend kindergarten in Loch or Poowong.
Kindergarten	- Families travel out of Nyora for kindergarten then attend school in that town Maternal Health Nurse at school on/in a permanent building	2	
Chapter 5: Youth and Library			
Outdoor gym	- Outdoor gym in Village Green	Community Meetings 1	Included in sport and rec chapter Recommended in document - retain Rail building would not provide enough space for a library
Youth space and activities	<ul style="list-style-type: none"> <li>- Good for railway building to be utilised for youth</li> <li>- Very little in the way of support and activities for young people</li> <li>- Library and youth service in the rail building would be a start</li> </ul>		
Youth	- More support for local sports activities and clubs	1	Included in sport and rec chapter
Library	<p>Strong support for:</p> <ul style="list-style-type: none"> <li>- intention of the plan</li> <li>- that mobile library service can provide sufficient services and facilities up to 10 years or 2,500 pop</li> <li>-each priority for 10 year timeframe</li> <li>-Community hub with library services supports early years and youth</li> <li>- reliable fast internet connection (currently 3G) is critical for current and future library service provision</li> </ul>	2	Confirmed in plan and supported by WGRLC



Topic	Details	No. of responses	Officer observations
	- location of library in community hub with youth and early services or in a health focussed hub		
Chapter 6: Commercial and Retail			
Shops needed	- Immunisation visits every 2 months Preferences for café, bakery and pharmacy	Community Meetings	Adjust immunisation section of plan No influence on retail businesses Preferences reiterate survey responses
Allocation of retail space	- Adequate allocation of space for supermarket, parking, office and medical services Accessible facilities	2	Council has agreed to create a development plan for both the Wallis Watson development area and the town centre. This will be an opportunity for more detailed planning with close community consultation. Structure plan and economic report describe a combined retail space of between 1000m2 and 2000m2 which includes all town retail and parking Change: Emphasise that expansion of supermarket to the back of the current store caters only for the initial needs of the current community. Health and office space was discussed in association with a pharmacy or in a community hub. A community hub is likely to be located adjacent to the current community centre outside the business zone.

Topic	Details	No. of responses	Officer observations
Retail not viable	- Fuel outlet not competitive with major outlets in Lang Lang on price - With population of 2000 by 2031 businesses not viable	2	Reference to viability of businesses included in final plan
<b>Chapter 7: Community Groups, Community Plan and Meeting Places</b>			
Community centre	- Rebuild current town hall should be a priority, can be used by many services and residents	2	Noted in plan. Community centre refurbishment to occur
<b>Chapter 8: Footpaths and Trails</b>			
Shared path for horse riders  Connections between footpaths	- Shared path providing safe equestrian access to / from pony club - Need to connect paths around town to and from key areas such as school, rec reserve, post office etc.	Community Meetings	Confirms draft plan with minor adjustments  Confirms draft plan
Footpaths  Lang Lang – Poowong Rd footpaths  Hatch's Rd. Forster Rd Footpaths	- Footpaths are a main concern around town Issue on section of Nyora – Poowong Road between Hatch's Rd and Davis St and to shared path to school - Install shared road signs where pedestrians walk on roadside NO footpath for Hatch's Rd (a dead end street) - Please keep Hatch's Road a no through road - Developer not interested in paying for Hatch's and Forster Rd paths - Path network does not provide direct access from southern part of Wallis Watson site to town	Community Meetings 5  1  1  2	Reprioritise footpath for Lang Lang – Poowong Rd btw Hatch's and Davis with proposed developer funding Make adjustments to footpath map and remove proposal for footpaths on Hatch's Rd and Forster Rd  Refer to revised footpath map and note responsibility for southern access and timing to Wallis Watson.
Nyora – Lang Lang Rail trail	'A great idea' - Could be constructed over the sewerage pipeline to Lang Lang Rail Trail Should be in phase 3 Wuchatsch reserve to rec reserve should change from phase 3 to phase 2	1 1 1	Include proposal for trail development with sewerage pipe installation. Also strongly supported in survey
<b>Chapter 9: Nyora Services</b>			
Health	- Not enough population to support	1	No change as older

Topic	Details	No. of responses	Officer observations
Services Doctor's services	- / need our own doctor		people are less likely to be able to travel for doctor – particularly if Loch consulting rooms close. Current timelines are relatively long term.
<b>Chapter 10: Sport Recreation and Open Space</b>			
Available ovals, seating, facilities at rec reserve	<ul style="list-style-type: none"> <li>- Only one oval in rec reserve currently. Cricket uses school oval</li> <li>More shaded seating at oval/ BBQ area</li> <li>- A second ground for cricket needed and indoor training</li> <li>- Updated clubrooms</li> <li>- Play equipment at recreation reserve</li> <li>- Indoor facilities for basketball and netball</li> </ul>	Community Meetings	Correction to recommendation for 3rd oval to 2nd oval Identify that cricket uses school oval Shaded seating, BBQ and playground as outlined in rec reserve master plan Plan identifies indoor basketball and netball at school
4ha East Hatch's Rd  Wetlands and wildlife corridor and boardwalk	<ul style="list-style-type: none"> <li>- Council / Developers must consult and listen to houses that back onto the open space reserve</li> <li>- Very waterlogged site</li> <li>- Needs to still give residents along</li> <li>- Wildlife corridor along the back fences for Hatch's Rd residents.</li> <li>- A great spot for a wetlands reserve/boardwalk open space habitat for the southern bandicoot.</li> <li>2m – 3m wide treed wildlife corridor between properties east of Hatch's Rd and development site.</li> </ul>	Community Meetings  1  2	Development / precinct structure plan to be prepared for Wallis Watson development area and town centre. This plan will consider location and access to recreation land, paths to and from the development and roads accessing the development site Include this as an option for this area
Nyora Speedway	<ul style="list-style-type: none"> <li>- Keep Nyora speedway open, relocation is not a viable</li> <li>Nyora speedway could be located at the Lang Lang Proving grounds along with other sports such as shooting club etc.</li> </ul>	1  1	Additional notes about Nyora speedway included in plan
<b>Other priorities</b>			
Public Transport  School Bus	<ul style="list-style-type: none"> <li>- Public transport – more buses, reinstate 11am bus service</li> <li>- Bus going to and from Nyora - Primary School</li> </ul>	Community meetings	Changed in document

Topic	Details	No. of responses	Officer observations
<p>Sand trucks</p> <p>Drainage and roads</p>	<ul style="list-style-type: none"> <li>- Train to Melbourne</li> <li>- Express bus service to Melbourne (Korumburra bus always full)</li> <li>- Reinstating train line for domestic use as well as local sandmining</li> <li>- Drainage and roads upgrades required if population is to grow</li> <li>Access road from Hatch's Rd to Wallis Watson development site not supported</li> </ul>	<p>1</p> <p>1</p>	<p>To be identified in development precinct master plan</p>
<p>Total Submissions</p>	<p>Written submissions</p>	<p>6</p>	
	<p>Focus group / community discussion</p>	<p>29</p>	<p>3 x community meetings</p>

## **E.5 TARWIN VALLEY BRANDING PROJECT**

Development Services Directorate

### **EXECUTIVE SUMMARY**

Council has a strong interest in the promotion of local business and their products. Gippsland, as a brand and location, is promoted by Destination Gippsland Limited which is partially funded by Council.

Council has undertaken marketing for the Shire under the 'Prom Country' banner for over 10 years through annual funding provided to Prom Country Regional Tourism (PCRT).

Various sub- regions, in the Shire including Prom Coast and Mirboo North Country, undertake and fund their own promotional activities.

Council considered a proposal by the 'Tarwin Valley Development Group' in December 2013. This report is an update on the resolution of Council and the activities of the various community and tourism groups involved in branding within the Shire.

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

Nil documents

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

Draft Economic Development and Tourism Strategy 2014

### **COUNCIL PLAN**

Outcome:	1	A Prosperous Shire
Objective:	1.1	Work with the business community to support existing businesses, diversify employment opportunities and to attract new businesses.
Strategy:	1.1.1	We will actively plan for growth and economic development.
Strategy:	1.1.2	We will protect and retain the unique identity of towns, villages and farming districts.
Strategy:	1.1.3	We will actively encourage sustainable development and growth of agriculture, industry and commercial business.
Strategy:	1.1.4	We will promote and encourage tourism through development support.

### **CONSULTATION**

The Tarwin Valley Development Group, as part of the Advancing Country Towns Project, consulted with the local communities of Meeniyah and

Koonwarra in 2013. Subsequently the group has met with PCRT and convened a number of meetings with a range of community associations.

## **REPORT**

### **Background**

Council has branded the Shire as 'Prom Country' (which currently uses the tagline 'simply beautiful... naturally') predominantly for tourism attraction purposes since 1999. This branding for the Shire was initially funded through a State Government grant and was intended as a brand for the then new South Gippsland Shire and all business and tourism activities.

Over \$400,000 has been allocated by Council to funding promotional activities under the Prom Country banner since this time.

Additionally Council contributes, along with all other Gippsland Councils, to Destination Gippsland. Destination Gippsland Limited (DGL) is the independent peak body for the Gippsland Tourism Sector. It is a 'not for profit' company limited by guarantee that is linked to Tourism Victoria. It is governed by a skills-based board of seven. Council has allocated approximately \$200,000 since the inception of Destination Gippsland, assisting to promote South Gippsland as part of the Gippsland Region.

A number of sub-regional tourism and business bodies assist in the development and promotion of towns and regions across the Shire. They include Progress Associations, Chambers of Commerce and tourism organisations such as:

- Mirboo North Country Development
- Leongatha Chamber of Commerce
- Prom Coast Tourism Association
- Korumburra Business Association
- Loch Community Development
- Meeniyan Tourism and Traders Association
- Foster Chamber of Commerce
- Beach and River Business Association (Venus Bay / Tarwin Lower)
- Fish Creek Community Development

None of these organisations receive direct financial support from Council.

## Discussion

In late 2011 the State Government, in conjunction with Council, funded a \$0.9m major development project for the Tarwin Valley through the Advancing Country Towns Project.

The Advancing Country Towns Project involves a cluster of small townships and surrounding rural areas including Koonwarra, Meeniyan, Buffalo, Dumbalk, Tarwin, Tarwin Lower, Stony Creek, Venus Bay and Fish Creek.

A new promotion and development group was formed as the Tarwin Valley Development Group which has members that are predominantly from the area bounded by the lower Tarwin River Valley. This group obtained \$50,000 from the Advancing Country Towns project to develop a 'branding strategy' and engage consultants, 'Truly Deeply'.

This company has completed its task and brand concept, logos and taglines have been developed.

In 2013 the group aimed to continue expenditure on the promotion of the sub-region by obtaining grant monies from the State Governments 'Putting Locals First' program. In order to achieve a \$120,000 budget the group intended to raise \$10,000 (via a function in the new year, membership, sponsorship etc.) and requested Council consider, as part of the 2014/15 Budget process, a contribution of \$30,000 to apply for an \$80,000 grant to make up the project budget of \$120,000.

Proposed major project expenditure included \$10,000 for development of their website, a \$5,000 launch dinner, a \$10,000 Creative Thinking Weekend, a Farmers Market/Creative event for \$12,000 and \$30,000 to bring guest chefs from outside the region for a 'Tastes of the Tarwin' program.

After considering the proposal Council at its December 2013 meeting resolved:

### **That Council:**

**Defer item E9 Tarwin Valley branding proposal to Council meeting May 2014 or earlier to undertake further economic and tourism consultation.**

Council officers assisted the Tarwin Valley Development Group to convene a meeting with PCRT and the group has since met with a number of community associations with the aim of understanding their branding and promotion activities.

The Tarwin Valley Development Group and PCRT intend on bringing a new proposal to Council to advance the promotion of tourism and branded products later in 2014.

## **Proposal**

To accept a report from PCRT and the Tarwin Valley Development Group on the future of South Gippsland Shire tourism and branding promotion based on their consultation with community groups.

## **FINANCIAL CONSIDERATIONS**

Council contributes approximately \$40,000 annually to Prom Country Regional Tourism and \$25,000 to Destination Gippsland.

Promotional activities are expensive and need to be built up over time to gain traction in the marketplace.

Council would need to be conscious that, without sustained effort, promotion activities usually wane and that sub-regional groups need to become self-sufficient.

## **RISK FACTORS**

Council has limited funds to assist business and tourism promotional activities across the Shire. PCRT and the Tarwin Valley Development Group intend to provide Council with a cost conscious plan to utilise funds from their membership base to leverage State Government support.

A risk exists that Council's funds will be required on an ongoing basis to support activities such as product branding that are not currently directly supported.

## **CONCLUSION**

The recommendation of this report is that Council consider, when available, a report from PCRT and the Tarwin Valley Development Group based on their consultation program.

## **RECOMMENDATION**

**That Council note this report and consider further information, when available, from Prom Country Regional Tourism and the Tarwin Valley Development Group.**

## **STAFF DISCLOSURE OF INTEREST**

Nil



## **E.6 NEW POLICY FOR ADOPTION - LEASING POLICY 2014**

Engineering Services Directorate

### **EXECUTIVE SUMMARY**

The purpose of this report is to recommend the adoption of the newly developed 'Leasing Policy' which will provide the guiding principles for the leasing and licensing of Council owned and managed buildings and land (including Crown Land).

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

- **Attachment 1** - Leasing Policy 2014
- **Appendix 1** - Crown Land Leasing Policy Victoria 2010

A copy of **Appendix 1 - Crown Land Leasing Policy Victoria 2010** is available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) or by contacting 5662 9200.

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

- Local Government Act 1989 - 190(1) 191 (3), Sections 223 (a), (b), (d), 11 (m) regulations
- Crown Land Leasing Policy Victoria 2010
- Retail Leases Act 2003 (Vic)
- Retail Leases Regulations 2003 - Sections 15 and 17
- Residential Tenancies Act 1997
- Planning and Environment Act 1997
- Crown Land (Reserves) Act 1978 (Vic) – Sections 17B, 17D, 17 (Telco)
- Coastal Management Act 1995 (Vic)
- Land Act 1958

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

- Land Ownership Policy
- Vision 2020

## **COUNCIL PLAN**

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

## **CONSULTATION**

The newly developed 'Leasing Policy' was introduced to Councillors at a Briefing Session held on 2 April 2014 to discuss the objective, purpose and content.

Discussions have been held with internal service providers on the requirement of key objectives and principles to be included in the Policy.

## **REPORT**

### **Background**

In 1994, the Local Government Board conducted a review into the most appropriate local government structure for municipal districts. This resulted in the South Gippsland Shire Council being constituted on 2 December 1994. It comprised of the former Shires of Korumburra, Mirboo North, South Gippsland and Woorayl.

As a result of the constitution, the South Gippsland Shire Council became the successor in law to all property rights and assets of the former Councils, including all the leases and licences.

Each of the former Shires had different approaches to lease management and operation, presenting a level of inconsistency for the newly created Council.

### **Discussion**

This Policy has been developed to provide the guiding principles for the leasing and licensing of Council owned and managed buildings and land, (including Crown Land). It specifically excludes Council freehold assets operated by Section 86 Committees under delegation from Council and Sporting Clubs that have seasonal use licences.

#### *Policy objectives*

- Providing transparent, consistent, and impartial processes when leasing and licensing Council owned and managed buildings and land.

- Being consistent and complimentary to Council's strategies. In particular, the Municipal Health and Wellbeing Strategy.
- Be open to public community scrutiny at the same time maintaining appropriate levels of confidentiality.
- Ensuring compliance with legislative provisions.
- Optimising occupancy of Council owned and managed buildings and land, by encouraging co-location of services with similar synergies.
- Ensuring that Council owned and managed buildings and land are appropriately maintained and developed.
- Providing clear conditions for tenants regarding their obligations and responsibilities.
- Ensuring equitable access to Council's assets.
- Developing standard lease and licence documents in line with industry standards and legislation, including fee structures and maintenance schedules.

### **Proposal**

It is proposed that Council adopt the 'Leasing Policy'.

If adopted, the Policy will be reviewed every 4 years in accordance with Council's Corporate Policy Register. The next review will occur in the 2018/19 financial year.

### **FINANCIAL CONSIDERATIONS**

The 'Leasing Policy' will improve Council's financial position by the adoption of a standardised approach to community rental fees and improve / reduce maintenance expenditure.

### **RISKS**

Risks will be mitigated with the adoption of this Policy by clearly defining all stakeholders' maintenance, legislative and legal responsibilities. Refer to **Attachment 1** – 'Leasing Policy', Risk Assessment section.

Without the appropriate policies and procedures in place, Council is exposed to risk of stakeholders not being aware of their permitted use and associated obligations and responsibilities. This has an impact to Council resulting in increased maintenance costs, equity of access and managing noncompliance with lease obligations.

## **CONCLUSION**

The adoption of the 'Leasing Policy' will assist with streamlining our leasing and licencing processes and will provide our community with certainty of what is required when they are interested in using Council's owned / managed buildings and land.

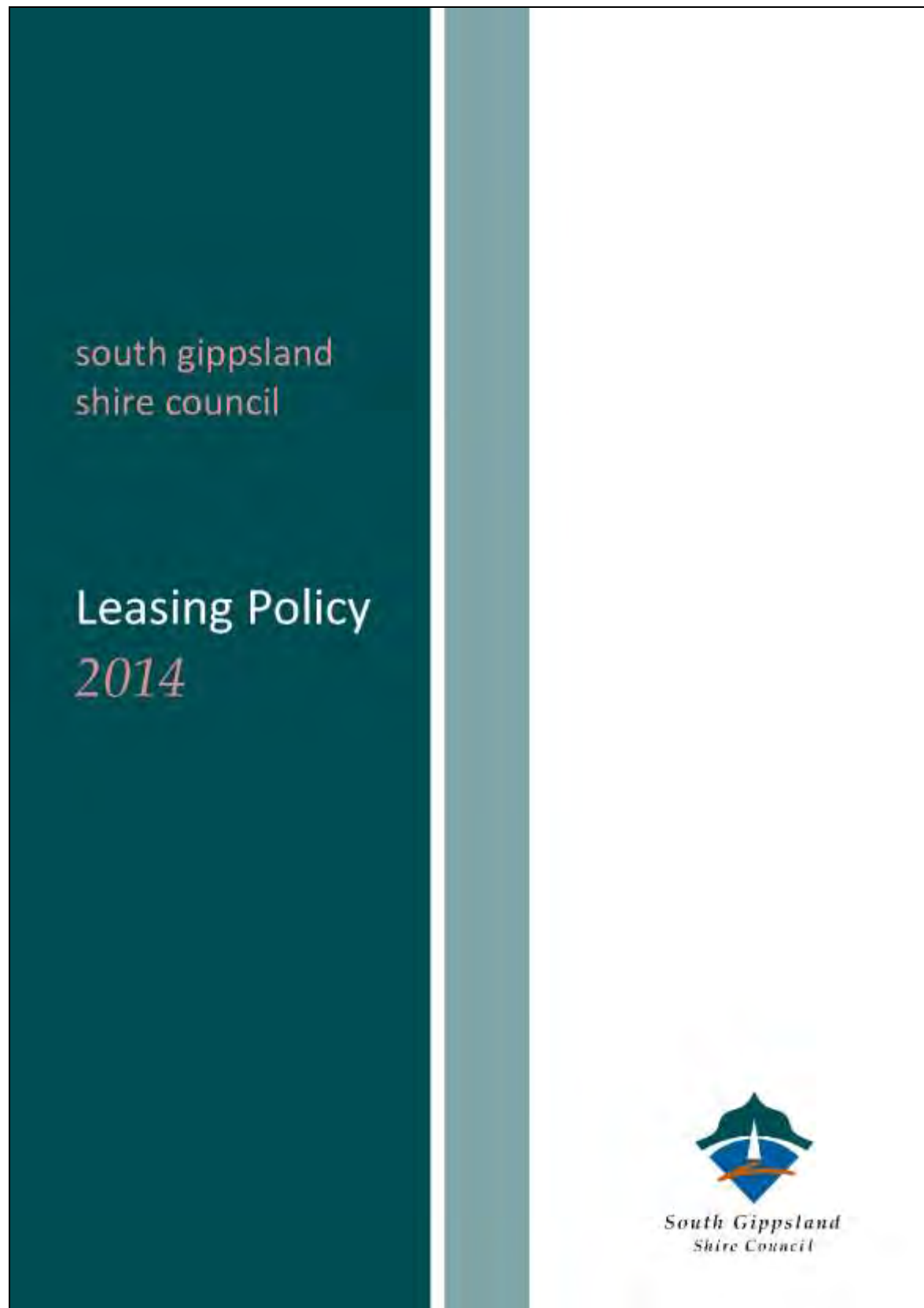
## **RECOMMENDATION**

**That Council adopt the 'Leasing Policy' (Attachment 1).**


## **STAFF DISCLOSURE OF INTEREST**

Nil

**Attachment 1  
Leasing Policy 2014**



## Attachment 1 Leasing Policy 2014



South Gippsland Shire Council

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### LEASING POLICY

Policy Number:	C62	Directorate:	Engineering Services
Council Item No:	TBC	Department:	Property
Council Adoption Date:	28 May 2014	Primary Author:	Property Coordinator
Revision Date:	2018	Secondary Author:	Manager Property

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COUNCIL POLICY

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## Attachment 1 Leasing Policy 2014



COUNCIL POLICY

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This Policy provides the guiding principles for the leasing and licensing of Council owned and managed buildings and land, (including Crown Land). It specifically excludes Council freehold assets operated by Section 86 Committees under delegation from Council and Sporting Clubs that have seasonal use licences

### POLICY OBJECTIVE

The objectives of this Policy are as follows:


- Providing transparent, consistent, and impartial processes when leasing and licensing Council owned and managed buildings and land.
- Being consistent and complimentary to Council's strategies. In particular, the Municipal Health and Wellbeing Strategy
- Be open to public community scrutiny and at the same time maintaining appropriate levels of confidentiality.
- Ensuring compliance with legislative provisions.
- Optimising occupancy of Council owned and managed buildings and land, by encouraging co-location of services with similar synergies.
- Ensuring that Council owned and managed buildings and land are appropriately maintained and developed.
- Providing clear conditions for tenants regarding their obligations and responsibilities.
- Ensuring equitable access to Council owned and managed buildings and assets.
- Developing standard lease and licence documents in line with industry standards and legislation, including fee structures and maintenance schedules.

### DEFINITIONS

In this Policy the following definitions apply:

<b>Community</b>	Not for profit community groups that provide a service to the community such as neighbourhood houses, learning centres, kindergartens, pre-schools, play groups and sporting clubs.
<b>Council</b>	South Gippsland Shire Council or its predecessors.
<b>CPI</b>	The Consumer Price Index.

## Attachment 1 Leasing Policy 2014



**Crown Land** Land that is controlled by the State of Victoria for the benefit of the Victorian Community.

**DEPI** The Department of Environment and Primary Industry.

**Freehold land** When Council is the registered proprietor.

**GST** Federal Government Tax on rental.

**Lease** Exclusive possession of the building or land for a fixed term, in return for rental payment.

**LGA** Local Government Act, 1989 (Vic).

**Licence** A person or group permitted to occupy part of the building or land on particular conditions.

**Market Rent** Refers to either:  
a. the highest confirming bid of a competitive tender, or  
b. the highest and the best value which might be obtained given the limitations and constraints of the building or land and as determined by a certified valuer.

**Minister** The Minister for Environment and Climate Change.

**RLA** The Retail Leases Act 2003 (Vic) including amendments.

**Tenant** An authorised person or incorporated body that has entered into or proposes to enter into a lease or licence with Council for the use of a Council owned building or land.

**POLICY STATEMENT**

This Policy will contribute to Council's Vision 2020 by providing appropriate guidelines for the leasing and licensing of Council owned and managed buildings and land.

Whereas Council has the ability to enter into long term leases, this Policy supports the granting of leases and licences that commence with an *initial* term of no longer than five (5) years plus option periods. This is to avoid repeating history with long term periods that did not include option periods and created difficulties with negotiating variations and/or addressing breaches of lease.

**RISK ASSESSMENT**

Without the appropriate policies and procedures in place, Council is exposed to risk of stakeholders not being aware of their permitted use and associated obligations and responsibilities. This has an impact to Council resulting in increased

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**Attachment 1  
 Leasing Policy 2014**



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maintenance costs, equity of access and managing noncompliance with lease obligations. This Policy will contribute to reducing risk by clearly defining all stakeholders' responsibilities and recognising legislative requirements.

**LEGISLATIVE PROVISIONS**

ACT	SECTION or CLAUSE
Local Government Act, Vic 1989 190(1) 191 (3)	s.223(a), (b) and (d) s.11(m) regulations
Crown Land Leasing Policy Victoria 2010	N/A
Retail Leases Act 2003 (Vic)	N/A
Retail Leases Regulations 2003	s.15 & s.17
Residential Tenancies Act 1997	N/A
Planning and Environment Act 1997	N/A
Crown Land (Reserves) Act 1978 (Vic)	s.17B, 17D, 17 (Telco)
Coastal Management Act 1995 (Vic)	N/A
Land Act 1958	N/A

**INTRODUCTION**

South Gippsland Shire Council has a diverse leasing portfolio. The majority of the leases and licences are to community users with a small percentage to commercial. The community users contribute a minor financial return to Council but off-set this with the benefit of the particular service being provided to the broader community of South Gippsland.


By applying the objectives of this Policy, Council has the opportunity to encourage efficiencies with its community spaces as well as negotiating improved rental returns from commercial users.

Currently our existing leases and licenses are difficult to interpret and enforce. The Leasing Policy provides Council with an opportunity to improve the structure of its leases and licenses to capture up-to-date legislation and industry trends and standardise terms and conditions for ease of negotiations and addressing requests in a timely manner. This can easily be achieved with development of standard leases, licenses and introduction of Maintenance Schedules to clearly identify the obligations of each party.

Accordingly, the actions to be addressed by this Policy are:

- Working closely with our Community Services and Economic Development Departments to encourage co-location of similar services to reduce underutilisation of Council's facilities and ultimately the disposal of surplus assets and / or opportunity to invest in new facilities.

## Attachment 1 Leasing Policy 2014



COUNCIL POLICY

- Developing standard leases and licenses for different categories of users (refer to **Attachment 1 - "Schedule 1 - Categories of Users"**).
- Introducing community rental fees and standard process for Market Rentals to ensure consistency across Council owned and managed buildings and land (refer to **Attachment 2 - "Schedule 2 - Fee Schedules for Council Freehold, Crown Land and Buildings"**).
- Introducing maintenance schedules to clearly identify responsibilities of both Council and user (refer to **Attachment 3 - "Schedule 3 – Draft Maintenance Schedule"**).

**APPROVAL PROCESS AND APPLYING LEGISLATION**

Council has the powers to negotiate the use of its buildings or land with individuals in their own right, corporations, incorporated associations or other legal entities. Council will not negotiate the use of its buildings or land with unincorporated associations or committee members on behalf of the unincorporated associations.

The different ownership status of buildings and land results in Council having to apply different legislation and processes. For example:

- 1. FREEHOLD LAND**
  - Approval Process**

Where Council is the freehold owner of the building or land it will follow the process outlined in its Leasing Process attached at Attachment 4.
  - Legislation**

For freehold land, Council is required to comply with sections 190 and 223 of the LGA. A summary of each section is provided below:

    - **Section 190**
      - Term of lease must not exceed fifty (50) years.
      - Council must comply with Section 190 of the (LGA) if it leases any land to any person or incorporated group.
      - Council must publish a public notice of the proposed lease at least 4 weeks before the lease is made if the lease be:
        - (a) For one (1) year or more and –
          - the rent for any period of the lease is \$50,000 or more a year; or
          - the current market rental of land is \$50,000 or more a year.
        - (b) For ten (10) years or more or;
        - (c) A building or improving lease.

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**Attachment 1  
 Leasing Policy 2014**



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**Section 223**

Section 223 calls for submissions on the lease either in support or against the lease, the submission process is open for 28 days. It provides the opportunity for submitter's to present their submissions in writing and to be heard in person.

Council is to consider the submissions and make a decision on granting the lease.

POWER OR DUTY	SECTION OF THE ACT OR REGULATIONS
POWER to lease land	s.190(1) Act
DUTY to advertise / publish a public notice of certain lease	s.190(3) & s.223(a) Act
DUTY to consider submissions resulting from public notice	s.223(b) Act
DUTY to make a decision regarding any issues where submission have been made	s.223(d) Act
DUTY to notify each separate submitter of the decision & reasons	s.223(d) Act
DUTY to make details of all leases available for public inspections	s.11(m) Regulations

**2. COMMITTEE OF MANAGEMENT OF CROWN LAND**

**Approval Process**

Where Council is the Committee of Management of Crown Land, the approval process will follow the 'Leasing Policy for Crown Land in Victoria 2010'. This is available on the Department of Sustainability and Environment website at [http://www.dse.vic.gov.au/data/assets/pdf\\_file/0008/140777/Crown-land-leasing-policy-Oct-2010.pdf](http://www.dse.vic.gov.au/data/assets/pdf_file/0008/140777/Crown-land-leasing-policy-Oct-2010.pdf).


**Legislation**

This will be in accordance with the 'Leasing Policy for Crown Land in Victoria 2010'.

**STANDARDISED DOCUMENTS**

The preparation of standard leases / licences for the categories identified in Schedule 1 will provide a starting point for negotiating particular terms and conditions relevant to the particular user. It will also assist with reducing the negotiation timeframe and legal costs associated with preparation.

## Attachment 1 Leasing Policy 2014



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### SCHEDULES

The Schedule plays an important part to the lease/license. It lists essential terms and conditions and is a quick reference point for parties to refer to. It must at least contain information on the following:

1. Landlord (Council) name, address and contact details.
2. Tenant name, address and contact details.
3. Address and legal description for the building and / or land. Usually referred to as the Premises.
4. Attached plan with dimensions of the leased area.
5. Commencement date.
6. Expiry date.
7. Further terms.
8. Last date for exercising the option for a further term.
9. Rent.
10. Rent review dates.
11. Permitted use.
12. Reference to the Appendix regarding maintenance obligations.

### MAINTENANCE RESPONSIBILITIES

Regardless of Council as Owner or Committee of Management of Crown Land, the maintenance responsibilities of the landlord and tenant must be clearly defined to avoid uncertainty of the responsibilities of each party.

A maintenance schedule for all leases and licences, specific to the use of the premises, will form part of the lease as Appendix 1 and it must outline the landlords and tenants maintenance responsibilities. This will provide a clear and comprehensive outline of each party responsibility (see attached example).

### IMPLEMENTATION STATEMENT


This policy will be reviewed on a four (4) year cycle.

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**Attachment 1  
 Leasing Policy 2014**




**ATTACHMENT 1**  
**Schedule 1 - Categories of Users**

Category	Type	Description	Example
1	Commercial	<p>Commercial tenants are tenants that occupy the premises on a commercial basis, based on the rent and may or not be subject to the Retail Leases Act (Vic) 2008</p> <p>The tenant is responsible for all outgoings including municipal rates and charges, electricity, water, telephone, internet and sewerage. The lease has annual rental increments, ie CPI or renewal to market rental at the commencement of a new term of the lease.</p>	<ul style="list-style-type: none"> <li>• Caravan Parks</li> <li>• Office Accommodation</li> <li>• Restaurants and Quarry</li> </ul>
2	Community	<p>These tenants include community groups that service the community, usually dependent, on some form of funding by Council.</p> <p>This category has a small percentage of salaried staff, but relies heavily on community volunteers to deliver the service.</p>	<ul style="list-style-type: none"> <li>• Pre-Schools</li> <li>• Senior Citizens</li> <li>• Neighbourhood Houses and Learning Centres</li> </ul>
3	Clubs & Organisations	<p>These tenants include recreational and community groups that service the community and include member fee –paying clubs and organisations that have the capacity to generate income from the facility or other activities, ( but do not make a commercial profit)</p>	<ul style="list-style-type: none"> <li>• Tennis Clubs</li> <li>• Pony and Equestrian Clubs</li> <li>• Bowling Clubs</li> <li>• Motorcycle track</li> </ul>

*Leasing Policy*
*Final 01/14*

**Attachment 1  
Leasing Policy 2014**



**ATTACHMENT 2**

**Schedule 2 - Fee Schedules for Council Freehold,  
Crown Land and Buildings**

This policy supports the rental for the Council's identified categories:

Category	Type	Rental
1	Commercial	Market Rental determined by a certified valuer).
2	Community	\$104.00 per annum, plus GST.
3	Clubs and Organisations	\$104.00 per annum, plus GST.

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**Attachment 1  
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**ATTACHMENT 3**

**Schedule 3 - Building Maintenance Schedule**


**Building (Internal & External)**

Item	*Landlord Responsibility	*Tenant Responsibility
Air conditioning / cooling systems and heating fixtures	Full responsibility for renewal / replacement	Full responsibility for cleaning, servicing and repairs
Building alterations	Full responsibility for renewal / replacement	Consent from Landlord required for any building alterations the tenant wishes to complete and all relevant permits.
Building – External	Programmed maintenance as determined by Council's Building Asset Management Plan	Cleaning, repairs and maintenance including washing down of walls
Building – Internal (includes painting of walls, ceilings and other surfaces) –	Programmed maintenance as determined by Council's Building Asset Management Plan	Cleaning and repairs
Cleaning, including purchase of cleaning materials	No responsibility.	Full responsibility
Curtains and blinds	No responsibility	Full responsibility
Doors (including cupboard doors, door locks and fittings)	Programmed maintenance as determined by Council Building Asset Management Plan	Cleaning and repairs.
Electrical wiring and fittings in building	Full responsibility for wiring renewal	Renewal of light fittings / globes
	Programmed maintenance as determined by Council Building Asset Management Plan	Cleaning and repairs. Battery operated smoke alarms.
Essential Safety Items - maintenance and inspections	Full responsibility	No responsibility
Exit and emergency lighting	Full responsibility.	No responsibility.
Fire extinguishers and fire hose reels	Full responsibility, including regular servicing and maintenance	No responsibility, but payment of repairs / replacement due to misuse.
Floor surfaces and coverings	Full responsibility for renewals / replacement other than due to a result of misuse	Cleaning and repairs.
Furniture and fittings	No responsibility.	Full responsibility

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## Attachment 1 Leasing Policy 2014




**ATTACHMENT 3**  
**Schedule 3 - Building Maintenance Schedule**

Building (Internal & External)		
Item	*Landlord Responsibility	*Tenant Responsibility
Glass	No responsibility	Cleaning, repairs and renewal
Grease traps	No responsibility.	Full responsibility
Keys	Initial installation of Landlord Restricted locking system locks and keys	Responsible of all keys issued
	Maintain a register of key holders	Provide the Landlord with a register of key holders. Additional keys will be charged to the tenant.
		Locks not to be fitted without Landlord consent
Plumbing and fixtures (drains, toilets, basins, taps and hot water service)	Programmed maintenance as determined by Council Building Asset Management Plan	Cleaning and repairs.
		Servicing, maintaining and pumping out septic systems.
Roof	Full responsibility except for gutter cleaning	Clean gutters.
Signage	Full responsibility for Corporate signage only	Full responsibility
		Consent required from Landlord for all signage and permits.
Skylights	Full responsibility for renewal / replacement	No responsibility
White goods (stoves, cooking equipment, fridges, dishwashers and ums etc)	No responsibility	Full responsibility

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## Attachment 1 Leasing Policy 2014



**ATTACHMENT 3**

**Schedule 3 - Building Maintenance Schedule**

COUNCIL POLICY

### Grounds Maintenance

Item	*Landlord Responsibility	*Tenant Responsibility
Boundary fences	Full responsibility for renewals	Full responsibility for maintenance
External furniture	No responsibility	Full responsibility
External seating	No responsibility	Full responsibility
Gardening and landscaping	No responsibility	Full responsibility
Gas bottles (if appropriate)	No responsibility	Full responsibility
Grading of unmade car parks and entrance roadways	All maintenance.	No responsibility
Graffiti	No responsibility	Full responsibility
Hard rubbish	As per annual residential collection (kerbside collection) or green waste collection (bin/s) provided by Council.	Removal of hard rubbish  The Committee of Management must pay all costs for any hard rubbish collection services.
Paths, decks, entrances and car parks	Full responsibility for renewals (as determined by the Landlord)	Cleaning and repairs
Playground areas	Annual inspections  Providing maintenance schedule to Tenants	Maintenance in accordance with schedule provided by Landlord.
Rubbish collection	Emptying of rubbish bins once per week.  Provide adequate bins for property.	Picking up of rubbish around property and ensuring that bins are in the correct position for collection.
Security lighting <i>Building perimeter only</i>	Full responsibility for renewals	Cleaning and repairs.
Shade sails	Full responsibility for renewals	Cleaning and repairs.
Signage	No responsibility	Full responsibility with Council consent.
Trees	Removal of trees when required	Pruning and general maintenance

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## Attachment 1 Leasing Policy 2014



**ATTACHMENT 3**

**Schedule 3 - Building Maintenance Schedule**

COUNCIL POLICY

### Playground Area

Item	Council Responsibility	Committee of Management Responsibility
Daily playground equipment inspection	No responsibility	Check playground equipment, including playground / yard for wear and deterioration. Possibly using a daily checklist  Checklist can be supplied by Council if requested
Digging patch soil	No responsibility	Committee of Management to maintain in accordance with Regulations  Sweep or rake back soil into contained areas to keep paths and lawn areas clean
Existing fixed outdoor playground structures	Annual inspections  Providing maintenance schedule to Tenants	Maintenance in accordance with schedule provided by Landlord
Existing sandpit and digging patch structures	No responsibility	Full responsibility
Lawn mowing	No responsibility	Full responsibility
Leaf Litter	No responsibility	Sweep and rake up leaf litter twigs and branches within playground area
Security systems	No responsibility	Full responsibility
Watering	No responsibility	Full responsibility
Irrigation systems	No responsibility	Full responsibility
Soft fall mulch	No responsibility	To maintain in accordance with Regulations.  Rake back softfall mulch in touch down areas, i.e. under swings and at base of slides on a daily basis.  Sweep or rake back softfall mulch back into contained areas to keep paths and lawn areas clean.

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## Attachment 1 Leasing Policy 2014



**ATTACHMENT 3**

**Schedule 3 - Building Maintenance Schedule**

### Playground Area

Item	Council Responsibility	Committee of Management Responsibility
Playground fences	No responsibility	Full responsibility
Recycled rubber surfacing	Renewal/replacement	Cleaning and repairs
Sand	No responsibility	Full responsibility
Sandpit covers and fittings	No responsibility	Full responsibility
Storage sheds and water features	Council to assess and approve works before commencement	All costs, including maintenance associated with extra outdoor storage sheds and water features
Timber edging/retaining walls	No Responsibility	Full responsibility

**NOTE:**

Any damage to the items listed within the maintenance schedule caused by misuse by the Tenant will be repaired at the cost of the Tenant.


**GLOSSARY:**

<b>Landlord Responsibility</b>	This reflects Councils existing Level of Service provided to our Facility user groups and is subject to alterations at the time of lease negotiation.
<b>Tenant Responsibility</b>	This reflects the current obligations imposed on Tenants of Council facilities and will be subject to change during negotiations.
<b>Cleaning</b>	The action required to preserve the condition of an asset in a safe and functional state.
<b>Maintenance</b>	The required action for retaining an asset as near as practicable to its original state.
<b>Programmed Maintenance</b>	The maintenance that is required to: <ul style="list-style-type: none"> <li>• Meet statutory regulations.</li> <li>• Prevent potential asset component failure.</li> <li>• Retain the asset in a state fit for its intended use.</li> </ul>
<b>Renewal</b>	To return an asset to its original state.
<b>Repair</b>	Work undertaken to return a component or section of a component back to a functional condition.

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**Attachment 1  
 Leasing Policy 2014**



**ATTACHMENT 4**

**Leasing Procedure / Checklist**



*South Gippsland Shire Council*

*Creating the Leasing Experience*

Internal Form: Property Development  
 DGS-PROP-Leasing (out) Checklist

### Property: Leasing (out)

(Note: some of the items can run in parallel/cross timeframes)

**PROPERTY ADDRESS:** \_\_\_\_\_

\_\_\_\_\_

ITEM	DESCRIPTION	DATE	COMPLETED
1.	<p><b>Site Inspection/Building condition report</b></p> <p>Use site inspection sheet template #8</p> <p>Request building condition report from Building Co-ordinator.</p>		
2.	<p><b>Title Search</b></p> <p>Request title search of the Property;</p> <p>(Confirm status of the land as indicated on the title (e. Ltd, Reserve, owner, restricted covenants, easements).</p>		
2A	<p><b>Certificate of Title</b></p> <p>Confirm we hold the certificate of title to the land (if owned by the owner in Council's records.</p> <p>What is the record number?</p>		
3.	<p><b>Internal comments</b></p> <p>Seek comments from relevant Council departments on the proposal. Use internal memo/mail template #11. Record responses for Council reporting purposes.</p>		
4.	<p><b>Report to Council</b></p> <p>Report to Council (if necessary - given delegation powers).</p> <p>When seeking expressions of interest to lease recommend:</p> <ul style="list-style-type: none"> <li>• Prepare property for lease;</li> <li>• Advertise the property for lease in local media;</li> <li>• Negotiate terms with interested tenants;</li> <li>• Discuss any town planning requirements.</li> </ul> <p>When approach made to Council to Lease recommend:</p> <ul style="list-style-type: none"> <li>• Prepare property for lease;</li> <li>• Public notification of Council's intention to Lease pursuant to S190 of LGA (if required due to term and rental);</li> <li>• Discuss any town planning requirements.</li> </ul> <p>Refer draft report template #8</p>		

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**Attachment 1  
 Leasing Policy 2014**



**ATTACHMENT 4**

**Leasing Procedure / Checklist**



South Gippsland Shire Council  
 Local Government Victoria

Internal Form: Property Development  
 305-PROP-Leasing (out) Checklist

ITEM	DESCRIPTION	DATE	COMPLETED
1	<p><b>Legal</b></p> <ul style="list-style-type: none"> <li>• Instruct lawyers to prepare draft lease</li> <li>• Prepare plan of the lease area to attach to draft lease.</li> <li>• Capture financials of lease in budget, BS.</li> <li>• Send leases for stamping and assessment of duty if required</li> <li>• Send copy of signed lease to tenant (with the amount of duty payable to the tenant, if required)</li> <li>• Record final lease in TRIM, note number on file</li> </ul>		
2	<p><b>Valuation</b></p> <p>Obtain valuation for rental purposes. Use valuation instruction template as</p>		
3	<p><b>Communications</b></p> <p>Attend to either of the following:</p> <p><b>1. When an EDI Appointment of Real Estate Agent</b></p> <ul style="list-style-type: none"> <li>• Prepare Quote to Agents (1) – attach copy title</li> <li>• Summarise quotes received</li> <li>• Select and appoint preferred agent</li> <li>• Perusal of proposed advertising template and approval of that template and notice board</li> </ul> <p><b>2. Advertise ourselves</b></p> <ul style="list-style-type: none"> <li>• Arrange advertisement using template #6</li> <li>• Forward to Communications Department for placement on Council's Noticeboard</li> <li>• Arrange advertising in local papers over a 4 week period</li> </ul>		
4	<p><b>Negotiations</b></p> <ul style="list-style-type: none"> <li>• Negotiate with interested parties.</li> <li>• If required, prepare report to Council on outcome of negotiations and if necessary, commence statutory procedures pursuant to 5190 and 223 of the LGA.</li> </ul>		
5	<p><b>Public Notice</b></p> <p>Prepare 5190 public notice and arrange for advertising (use template #8)</p>		
6A	<p><b>No objections:</b></p> <ul style="list-style-type: none"> <li>• If no objections, prepare further report to Council seeking resolution to proceed to enter into Lease</li> <li>• Delegation to CEO for execution of all documentation</li> </ul> <p>(Use report template #9)</p>		


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**Attachment 1  
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**ATTACHMENT 4**

**LEASING PROCEDURE / CHECKLIST**



*South Gippsland Shire Council*

COMMUNITY AND ECONOMIC DEVELOPMENT

Internal Form - Property Development

DM-PROP - Leasing (and Checklist)

ITEM	DESCRIPTION	DATE	COMPLETED
08	<p><b>Objections</b></p> <ul style="list-style-type: none"> <li>if objections, further consultation with submitters via correspondence;</li> <li>if request to be heard - advise/ remind submitters of the Council hearing date referred to in the public notice;</li> <li>Prepare for the hearing with a summary report to the Executive Leadership Team and Councilors setting out the details of the submitters and nature of objections;</li> <li>Following the hearing of submissions, <b>prepare a further report to the full Council advising the recommendation of the hearing.</b> Use report template #11</li> <li>Advise submitters of the outcome of the recommendations.</li> </ul>		
10	<p><b>Housekeeping matters</b></p> <ul style="list-style-type: none"> <li>Give tenant a key making sure Council retains a set (not to key register)</li> <li>Perform any required maintenance before tenants move in</li> <li>PA signs copy of lease to records. Record TBM supplies</li> <li>Record lease details on lease register</li> <li>Ensure all buildings involved in the lease are insured</li> <li>Ensure property is on the asset register</li> <li>Verify accounts of debtor creation/alteration</li> <li>Value property for rating purposes if available</li> </ul>		
11	<p><b>During lease</b></p> <ul style="list-style-type: none"> <li>Ensure tenant is paying rent on time</li> <li>Arrange annual inspections of the premises (on the anniversary of the commencement date) (use inspection checklist #1)</li> </ul>		

Version: 1

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*Leasing Policy*

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## **E.7 PLANNING SCHEME AMENDMENT C92 (VOLUNTEER HERITAGE OVERLAY) - ADOPTION**

Development Services Directorate

### **EXECUTIVE SUMMARY**

Amendment C92 (as exhibited) proposed to apply the Heritage Overlay (HO) to 16 properties at the request of their owners. The HO (map and schedule) proposals are based on the 'South Gippsland Heritage Study, Amendment C92 Heritage Citations, January 2014' which Council adopted on 26 February 2014.

In response to the exhibition, owners of two more properties have requested to join the amendment. Council's heritage consultant recommends that they are suitable to have the HO applied. No objections have been received. This report recommends Council adopts a revised version of C92 that includes the additional two properties and to request the Minister for Planning to approve the amendment.

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

- **Attachment 1** - Extract of Minutes from Ordinary Council Meeting 26 February 2014
- **Attachment 2** - C92 Submissions
- **Attachment 3** - C92 clause 21.16
- **Attachment 4** - C92 Schedule to clause 43.01
- **Attachment 5** - C92 Explanatory Report
- **Attachment 6** - C92 Heritage Overlay maps
- **Attachment 7** - C92 Schedule to clause 61.03
- **Attachment 8** - C92 Instruction sheet
- **Appendix 1** - South Gippsland Heritage Study, Amendment C92 Heritage Citations April 2014

A copy of **Appendix 1 - South Gippsland Heritage Study, Amendment C92 Heritage Citations April 2014** is available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) or by contacting 5662 9200.

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

Planning and Environment Act 1987

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

- South Gippsland Heritage Study 2004
- South Gippsland Heritage Study, Amendment C92 Heritage Citations, January 2014

## **COUNCIL PLAN**

Outcome:	3	Integrated services and infrastructure.
Objective:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development.
Strategy:	3.1.5	We will encourage sustainable development that promotes the health, well-being and unique character of our community.

## **CONSULTATION**

C92 was exhibited in accordance with the requirements of the Planning and Environment Act (1987) from Tuesday 18 March until Monday 28 April 2014. This is a slightly longer period than usual in order to allow for the Easter and Anzac Day public holidays.

All of the volunteer owners requesting the amendment, plus any occupiers, were sent letters. Letters were sent to all neighbouring owners and occupiers close to the five properties where the 'prohibited use option' is proposed to be activated in the Schedule to clause 43.01. Letters were sent to prescribed Ministers and to agencies that could potentially be affected. Online copies of the exhibition documents were available on Council's web site and that of the Department of Transport, Planning and Local Infrastructure. A hard copy was available for viewing at Council's reception or could be posted on request. Advertisements were also published in the Council Noticeboard in local papers and in the Victorian Government Gazette.

## **REPORT**

### **Background**

At its 26 February 2014 meeting, Council resolved to seek Ministerial authority to prepare the amendment and to split any of the 16 properties from the amendment if any objections received could not be mediated. The reason was to allow C92 to proceed promptly so the proponent's HO and related subdivision application were not held up by issues for any of the volunteer properties joining C92. Council also adopted the heritage consultant's report providing assessments and recommendations about the heritage significance of the 16 properties.

(See **Attachment 1** - Extract of Minutes from Ordinary Council Meeting 26 February 2014).



## Submissions

Four submissions (**Attachment 2**) were received as a result of exhibition. Two submissions were received from property owners requesting to join C92 and have the HO applied. These are:

- 21 Bridge Street Korumburra, which has an intact inter-war period bungalow (house) built for Arthur Jurathowich who was a prominent community member. This house is also in the immediate vicinity of three other properties proposed for HO application;
- Fish Creek Memorial Hall at 13 Falls Road Fish Creek. This building is also inter-war (1930) and a good example of the work by local architect T.E. Molloy. The hall is owned by a community committee, which is currently preparing a hall master plan. The committee want to retain the integrity of the hall and are keen to be eligible for grants to maintain the building for community use.

General submissions supporting C92 were received from the Department of Environment and Primary Industries and submitter four, who is the owner of one of the properties proposed for HO. No objections were received.

## Discussion

The house at 21 Bridge Street, Korumburra is not included in the South Gippsland Heritage Study 2004 however Fish Creek Memorial Hall is included and it is recommended to have the HO applied to the whole property. Council's heritage consultant has assessed the two additional properties as being suitable for inclusion in the HO. The new and updated citations respectively have been included in a revised heritage citations report for C92 (**Appendix 1**). Now titled, 'South Gippsland Heritage Study, Amendment C92 Heritage Citations April 2014', this report is recommended for inclusion in the planning scheme at clause 21.16 (Reference documents) [See **Attachment 3**]. Due to the title and contents of this report changing in response to submissions, it is recommended that Council adopts it even though the January version is already adopted.

The HO provisions in the Schedule to Clause 43.01 (see **Attachment 4**) allow for activation of a 'prohibited use option' for specified properties. When activated, a planning permit can be sought for a use or development that is prohibited by the underlying zone provisions. When activated, this option can potentially impact on nearby land owners and occupiers. Since activation is not proposed for either of the two properties joining C92, there is no need to advertise the proposed HO application. Owners of both properties (a private individual and a Committee respectively) have had the implications of the HO planning provisions explained to them and consent has been given in addition to their submitted request.

This amendment is only sought for properties where the land owner has requested the HO be applied. While C92 has an important effect on the specified properties, it has little to no impact on neighbouring properties. Where the HO is proposed by C92, planning permission would need to be obtained for demolition of the described heritage features that are located within the overlay. Buildings on the property outside of the HO application are not affected. Most of the C92 sites only have the HO applied to part of the property.

C92 has no impact on external painting of the specified buildings unless it comprises an advertisement, and there is no impact on internal alterations. External changes only require a permit if they are significantly changing the existing type of material or making additions. Tree controls only apply to two properties - a group of trees around a former homestead at Mirboo North and a remnant avenue of trees at 'Glenorchy' in Jeetho.

Neighbours of the five properties where C92 proposes to activate the 'prohibited use' option in the Schedule to clause 43.01 are not immediately affected. However they were notified on the grounds that the possibility for a prohibited use to be sought nearby is a change in existing circumstances. This option may never be taken up by owners of the five properties, but if an application for a prohibited use was made, the relevant owner/occupier neighbours would be notified of the specific proposal and invited to make a submission prior to a decision being made. The 'prohibited use' option potentially broadens the range of commercial uses the heritage site can be used for.

The amendment provides benefit to the community by assisting with the protection of heritage assets that add to the Shire's character and which represent links with settlement and development of the area. The assessment of the properties' heritage significance has been undertaken in a strategic context by a heritage expert with considerable experience both within and outside the Shire.

As well as **Attachments 3 and 4**, and **Appendix 1** noted above, the post-exhibition revised amendment documents can be viewed as follows:

- **Attachment 5** - C92 Explanatory Report
- **Attachment 6** - C92 Heritage Overlay maps
- **Attachment 7** - C92 Schedule to clause 61.03
- **Attachment 8** - C92 Instruction sheet

### **Options**

Council may resolve to adopt the revised version of the exhibited C92 (to include the additional two properties) and request the Minister for Planning to approve the amendment. Alternatively, Council may abandon C92.

## **Proposal**

That Council adopt Planning Scheme Amendment C92 and submit the Amendment to the Minister for Planning for approval.

## **FINANCIAL CONSIDERATIONS**

Application of the HO may generate a nominal number of planning applications however it is insignificant and covered by the normal operational budget and application fees.

Properties with HO status are eligible for grants from Heritage Victoria. It is possible that C92 will draw external funds into the municipality as a result.

## **RISKS**

There are no significant risks to Council in adopting Amendment C92.

## **CONCLUSION**

C92 provides benefits to the affected volunteer property owners and to the wider community. Adoption and approval of C92 is required to realise the benefits of the proposed HO application.

## **RECOMMENDATION**

**That Council:**

- 1. Adopt the revised version of the C92 Heritage Citations report, now titled 'South Gippsland Heritage Study, Amendment C92 Heritage Citations April 2014';**
- 2. Adopt South Gippsland Planning Scheme Amendment C92 (Volunteer Heritage Overlay) in accordance with the documents provided in Appendix 1 and Attachments 3 to 8;**
- 3. Request the Minister for Planning to approve South Gippsland Planning Scheme Amendment C92 (Volunteer Heritage Overlay).**

## **STAFF DISCLOSURE OF INTEREST**

Nil.

## Attachment 1

### Extract of Minutes from Ordinary Council Meeting 26 Feb 2014

South Gippsland Shire Council  
Minutes

26 February 2014  
Council Chambers, Leongatha

#### **E.3 PLANNING SCHEME AMENDMENT C92 - VOLUNTEER HERITAGE OVERLAY - JEETHO AND OTHERS**

Development Services Directorate

##### **EXECUTIVE SUMMARY**

A planning application to excise a house lot from a farm at 250 Jeetho Rd Jeetho includes the applicant requesting a planning scheme amendment to apply a Heritage Overlay (HO) to the excised lot (**Attachment 1**). The proposed small lot contains the homestead 'Glenorchy', associated stables and the remnants of an avenue of trees. The applicant has agreed to other 'volunteer' HO properties joining the amendment at no cost provided delay is not caused. Including the proponent, a total of 16 properties have volunteered to be part of this amendment. (**Appendix 1**)

With Council's agreement, the next step in the process is to make a formal Request to the Minister for Planning to Authorise preparation of a planning scheme amendment titled C92 - Volunteer Heritage Overlay (Jeetho and others).

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

- **Attachment 1** - Proponent's request for Heritage Overlay amendment
- **Attachment 2** - Schedule to the Heritage Overlay - track changes showing
- **Attachment 3** - Explanatory report - authorisation
- **Appendix 1** - Heritage citations - 16 volunteer properties
- **Appendix 2** - Maps of proposed Heritage Overlay application

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

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

Planning and Environment Act 1987

South Gippsland Planning Scheme

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

South Gippsland Heritage Study 2004

### COUNCIL PLAN

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

### CONSULTATION

In a press release with an accompanying photo of 'Glenorchy' published in local newspapers on 17 December 2013, heritage property owners were advised of the opportunity to join the amendment. This resulted in 16 property owners lodging expressions of interest in joining the proponent's amendment.

Fifteen volunteer landowners have signed consent to a draft Heritage Schedule entry (**Attachment 2**) and a draft map illustrating the proposed overlay application on their property (**Appendix 2**). Correspondence and on-site visits included discussions and explanations about the potential implications of the proposed overlay with minor variations to the maps and schedules made at the owners' request.

Existing citations of properties in the South Gippsland Heritage Study 2004 were also sent to owners where applicable.

### REPORT

#### Background

The amendment proponent supported their planning application for a two-lot subdivision at 250 Jeetho Rd, Jeetho on the grounds that the required maintenance of 'Glenorchy' is beyond the level that is practical for a commercial farm operation. The proponent contends the heritage value of 'Glenorchy' house, stables, significant trees and their setting would be enhanced by excising a house lot (2.2 hectares approximately) containing the features and applying the HO to that lot as recommended by an expert heritage consultant.

The volunteer HO properties are wide spread across the Shire, being located in Fish Creek (2), Jeetho (1), Korumburra (4), Leongatha (3), Mirboo North (2), Strzelecki (1), Toora (1), Toora North (1) and Trida (1). They include residential, commercial, urban and rural properties.

Below is a table indicating the locations.

South Gippsland Shire Council  
Minutes

26 February 2014  
Council Chambers, Leongatha

<b>Heritage place</b>
<b>FISH CREEK</b>
'Greenfields', 915 Falls Road
'Bosley Farm', 425 Harding-Lawson Road
<b>JEEETHO</b>
'Wrigwell' (later 'Glenorchy'), 250 Jeetho Road
<b>KORUMBURRA</b>
House, 14 Bridge Street
House, 23 Bridge Street
House ('Lismore'), 48 Bridge Street
House, 1A Victoria Street
<b>LEONGATHA</b>
House, 42 Brown Street
'Egerton', 37 Jeffrey Street
McGuinness House (former), 19 Long Street
<b>MIRBOO NORTH</b>
'Clestron' (Ogilvy Homestead and trees), 600 Boolarra South-Mirboo North Road
Colonial Bank of Australasia (former), 60 Ridgway
<b>STRZELECKI</b>
Strzelecki Railway Station Turntable, 2 Wild Dog Road
<b>TOORA &amp; TOORA NORTH</b>
Bank of Victoria (Former), 35 Stanley Street
'Ingleside' (former, later 'Gully Humphrey'), 46 Scannells Road
<b>TRIDA</b>
Pope House, 1790 Grand Ridge Road

There are currently 85 heritage features in the HO schedule 11 of those are private features. The number of heritage features in the proposed Schedule to HO will go from 85 to 101 (19% increase) and the number of private features listed will go from 11 to 27 (147% increase). At clause 22.04 Heritage, the Local Policy Objectives of the South Gippsland Planning Scheme are:

*To ensure that the future conservation, development and management of heritage places is guided by the reasons for their significance as set out in the South Gippsland Heritage Study (2004)*

*To ensure that the cultural significance of heritage places identified by the South Gippsland Heritage Study (2004) is not diminished by:*

- the loss of any fabric which contributes to the significance of the heritage place*
- inappropriate new development*

*To promote the conservation of heritage places in accordance with the principles and procedures recommended by the Australian ICOMOS Charter for the Conservation of Places of Cultural Significance (the Burra Charter)*

As the Responsible Authority for the planning scheme, Council is required to implement these objectives.

Strategic planning studies such as Town Centre Framework Plans and Urban Design Frameworks for various locations in the Shire have also included recommendations and policies for identification and protection of heritage features on the grounds of their contribution to culture and contribution to a unique sense of place.

To date, Council's policy has been to apply the HO to features in public ownership and to features that have been volunteered for the HO.

#### **Discussion**

The property owners who have volunteered to join the amendment are passionate about the individual and community value of retaining heritage assets on their properties. This has been shown through positive comments reinforcing the owners' desire for protection and recognition for these features in the long term. Both Council and the amendment proponent have been thanked by many of the volunteers for their initiative in offering the opportunity for others to join the amendment without cost. Some of the volunteers had previously asked Council for an HO amendment for their property but were deterred by the costs involved in the amendment process.

Several of the volunteer landowners wanted more restrictive controls to be applied to their heritage features than those proposed. However for consistency and practicality of planning application processing, this has not been done.

The South Gippsland Heritage Study is a reference document in the South Gippsland Planning Scheme. The study's author, David Helms, has assessed the C92 volunteer features for suitability for inclusion in this amendment (**Appendix 1**). He confirms that all features are worthy of inclusion. He has revised existing citations and created citations both for features listed in the



study but lacking a citation and for those not listed in the study. (The invitation to join C92 identified some new significant features.) Mr Helms is also the proponent's heritage consultant.

Based on the assessments, Mr Helms made recommendations for entries into the planning scheme's schedule to the HO at cl.43.01.

#### **Benefits of HO application**

Due to their age, heritage features often require more upkeep than their modern equivalents. The uniqueness of the architectural features and materials on heritage buildings can make renovation expensive as replacements can be difficult to source or require custom order. The existence of an HO can provide opportunities for the property owner to be eligible for grant funding from State Government to assist with maintenance and renewal. Most of the features are in excellent condition for their age. The owners of physically deteriorated assets are hoping to undertake suitable maintenance and renewal, and appreciate the HO increasing their eligibility for grants.

Another method of assisting property owners with resources to maintain heritage features is to use the Heritage Schedule to activate the option of being able to apply for permit for a use otherwise prohibited by the zone. This increases the options for using the property for commercial return. C92 proposes this option be applied to five of the volunteer properties (Refer to **Attachment 2**). All of these are located either in the Business 1 Zone (B1Z) or are adjoining or very close to the B1Z or other non-residential uses such as a school, a transport hub or a hall. Some have been used for commercial purposes in recent times. Further, these properties have limited proximity to other residential uses (located on corners). In the event that Council receives a planning application for an otherwise prohibited use, the application would be advertised to adjoining and nearby owners/occupiers.

The owners want to see their properties protected for the wider community benefit. The wider community benefits from the HO application because a planning permit is required to demolish heritage features. This gives a chance for alternatives to demolition to be considered and for the community to voice its opinion on the value of a heritage feature and its contribution to local history and character.

#### **Exhibition approach**

It is proposed that Council seeks a partial exemption from the Minister for Planning for giving notice of an amendment (exhibition). The partial notice exemption would be requested in respect of giving notice to owners and occupiers of adjoining or adjacent to those volunteer sites where it is not proposed to activate the prohibited use option. The request would be made on the grounds that these groups would not be materially or potentially affected by the proposed amendment.



With respect to the properties where the 'prohibited use' option is recommended to be turned on via the Schedule to the Heritage Overlay, it is proposed to advertise the site-specific amendment contents by written notice to adjoining and adjacent owners and occupiers.

The wider public would be notified of the amendment (all properties) by advertisement in the Government Gazette and in the Council Noticeboard which is published in the four local papers. Prescribed Ministers and relevant public authorities would also be notified as required by the Act.

All of the affected landowners volunteering their properties for the amendment would be provided notice, which effectively gives them a second chance to reconsider their decision to join the amendment and in some cases provides them with a revised version of the documents they signed in consent. (Some revisions occurred following the heritage assessments).

Following advice from the Gippsland Regional Office of the Department of Transport, Planning and Local Infrastructure, it is not recommended that Council seek a 20(4) 'Ministerial' amendment. A copy of the formal 'Explanatory report' required to accompany an Authorisation request is located at **Attachment 3**.

#### **Heritage policy development**

As a result of the discussions with the volunteer property owners, there appears to be a desire by members of the community for Council to develop a Heritage Policy. Such a policy could consider ways in which Council would support the retention and enhancement of significant heritage features in the Shire, for example:

- An annual 'Volunteer' Heritage Overlay amendment funded by Council
- A heritage grants program
- Waiver of fees for planning permit applications directly triggered by the HO
- Rate reduction for properties in the HO
- Production of educational material for owners and occupiers of properties with heritage features and for neighbouring owners/occupiers (for instance in commercial centres), so that renovations, painting and other work enhances rather than detracts from the heritage character
- Assistance with advice on applying for grants from State Government
- Employment of a heritage advisor on an as-needed contract basis to provide free advice to owners/occupiers of heritage features, especially those with HO

This suggestion appears appropriate and it is therefore recommended that council initiates the development of a heritage policy. This will be the subject of a further report to Council.

#### **Proposal**

It is proposed that Council:

- 1 Proceeds with the next step for C92 by requesting the Minister for Planning to authorise preparation of C92 (Volunteer Heritage Overlay) with a partial exemption from giving notice under s.20 (1) as described above.

Undertakes exhibition of Planning Scheme Amendment C92 in accordance with any authorisation received; and

Directs officers to develop a Heritage Policy for Council's consideration in six months' time.

#### **FINANCIAL CONSIDERATIONS**

The proponent is paying the amendment stage fees. Pursuing the amendment through the next steps of the process is part of Council's normal operations.

If Council adopted a Heritage Policy it may include consideration of costs associated with the policy. However this would be assessed at the time of consideration of policy adoption.

#### **RISKS**

If any objections arising during the exhibition that cannot be mediated the relevant property would be split from the amendment to avoid delay. Therefore a Planning Panel is not expected to be convened for the amendment.

In the absence of a Heritage Overlay, valuable heritage features of identified significance may be demolished at no notice and without need for a planning permit.

The volunteer property owners are pleased with the invitation to join C92 and would be disappointed if their requests for inclusion in the Heritage Overlay are not supported.

#### **CONCLUSION**

Council is fulfilling its obligations under the planning scheme and supporting landowners across a range of communities in the Shire at very little expense by proceeding with C92. The volunteer and inclusive nature of the amendment is innovative in Local Government planning practice and is an example of Council advocating and leading on behalf of its community.

#### **RECOMMENDATION**

South Gippsland Shire Council  
Minutes

26 February 2014  
Council Chambers, Leongatha

That Council:

1. Request the Minister for Planning for Authorisation to prepare Planning Scheme Amendment C92 - Volunteer Heritage Overlay, Jeetho and others.

Request the Minister for Planning for exemption from giving notice of the amendment to landowners and occupiers adjoining or adjacent to the volunteer HO sites where it is not proposed to activate the prohibited use option in the Schedule to the heritage Overlay.

Formally exhibits Planning Scheme Amendment C92 - Volunteer Heritage Overlay, Jeetho and others, after receipt of relevant Authorisation from the Minister for Planning.

Split off any properties from the amendment if there are any objections that cannot be mediated in relation to those properties.

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

Nil

South Gippsland Shire Council  
Minutes

06 February 2014  
Council Chambers, Leongatha

**MOVED: Cr Davies**

**SECONDED: Cr Brunt**

**THAT COUNCIL:**

**1. ADOPT THE REPORT TITLED SOUTH GIPPSLAND HERITAGE STUDY, AMENDMENT C92 HERITAGE CITATIONS, JANUARY 2014, FOR THE PURPOSES OF INCLUSION IN PLANNING SCHEME AMENDMENT C92 AS A REFERENCE DOCUMENT.**

**REQUEST THE MINISTER FOR PLANNING FOR AUTHORISATION TO PREPARE PLANNING SCHEME AMENDMENT C92 - VOLUNTEER HERITAGE OVERLAY, JEETHO AND OTHERS.**

**REQUEST THE MINISTER FOR PLANNING FOR EXEMPTION FROM GIVING NOTICE OF THE AMENDMENT TO LANDOWNERS AND OCCUPIERS ADJOINING OR ADJACENT TO THE VOLUNTEER HO SITES WHERE IT IS NOT PROPOSED TO ACTIVATE THE PROHIBITED USE OPTION IN THE SCHEDULE TO THE HERITAGE OVERLAY.**

**FORMALLY EXHIBITS PLANNING SCHEME AMENDMENT C92 - VOLUNTEER HERITAGE OVERLAY, JEETHO AND OTHERS, AFTER RECEIPT OF RELEVANT AUTHORISATION FROM THE MINISTER FOR PLANNING.**

**SPLIT ANY PROPERTIES FROM THE AMENDMENT WHICH ARE THE SUBJECT OF OBJECTIONS THAT CANNOT BE MEDIATED.**

**CARRIED UNANIMOUSLY**

## Attachment 2

### C92 Submissions: Submission 1



## Department of Environment and Primary Industries

Our ref: SP449597  
Your ref: C92

26 March 2014

Paul Stampton  
Manager Strategic Planning and Development  
South Gippsland Shire Council  
Private Bag 4  
**LEONGATHA VIC 3875**

71 Hotham Street  
Traralgon Victoria 3844  
Telephone: (03) 5172 2111  
Facsimile: (03) 5172 2100  
ABN 90 719 052 204  
OX 219284

Dear Paul

#### **AMENDMENT C92 TO SOUTH GIPPSLAND PLANNING SCHEME**

Thank you for your correspondence dated 18 March 2014 in respect of Planning Scheme Amendment C92 (Amendment), which was referred to the Minister for Environment and Climate Change, as the Minister responsible for administering the *Conservation, Forests and Lands Act 1987*, and also to the Minister for Agriculture and Food Security, as the Minister responsible for administering the *Sustainable Forest (Timber) Act 2004* pursuant to section 19(1)(c) of the *Planning and Environment Act 1987*. The correspondence was received on 21 March 2014.

The land affected by the Amendment is land situated within various zones.

The Amendment proposes to:

- Apply the Heritage Overlay (HO) of the South Gippsland Planning Scheme to 16 heritage buildings/features.
- Update the Schedule to Clause 43.01 (Heritage Overlay) to include heritage listings for the additional 16 features to be protected (listings HO140-HO149 and HO151- HO156).
- Update and include new Heritage Overlay maps to identify the geographic extent of the heritage controls on the 16 features. (Amends Planning Scheme Maps HO1, HO6, HO7, HO9, HO14, HO16, HO21, HO28 and HO30 and introduces Map HO26 to the South Gippsland Planning Scheme).
- Update Clause 21.16 to include The *South Gippsland Shire Heritage Study Amendment C92 Heritage Citations January 2014*.
- Update the Schedule to Clause 61.03 (list of Planning Scheme maps) to acknowledge the inclusion of one new HO map sheet.

The proposed Amendment has been considered by the Department of Environment and Primary Industries (DEPI) on behalf of the Minister for Environment and Climate Change and the Minister for Agriculture and Food Security, and supports the Amendment.

These comments are submitted without prejudice for the consideration of the Amendment by the Minister for Planning under Section 35 of the *Planning and Environment Act 1987*.

All written correspondence should be sent electronically to [gippsland.planning@depi.vic.gov.au](mailto:gippsland.planning@depi.vic.gov.au) or mailed to:

#### **Privacy Statement**

Any personal information about you or a third party in your correspondence will be protected under the provisions of the **Information Privacy Act 2000**. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or Governmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the **MIRAGE Privacy**, Department of Environment and Primary Industries, PO Box 500, East Melbourne, 3002.



Program Manager, Regional Planning  
Department of Environment and Primary Industries  
71 Hotham Street  
TRARALGON VIC 3844

If you have any queries regarding this matter, please contact Regional Planning - Gippsland at the Traralgon DEPI office on (03) 5172 2111.

Yours sincerely



**John Brennan**  
Program Manager, Regional Planning



## Submission 2

**Sent:** Tuesday, 8 April 2014 6:55 PM  
**To:** Fiona Mottram  
**Subject:** RE: C92 - Heritage Overlay information

Dear Fiona,

Thank you very much for your response following our recent telephone conversation.

I would like SGSC to consider 21 Bridge Street Korumburra in the present round of HO applications.

I realise the property is not as old style as the other properties seeking application however I believe the house is over 80 years old as I have seen it featured in photos dated 1936 at the Middle Hotel in Korumburra.

I understand a survey is part of the application process and agree to the fee involved.

The house is quite unique in style, a Bungalow of some sort, however your expert could clarify this.

This information will influence decisions I make regarding a new front fence which is in need of replacement and changes to the side access fence and gate as required as they are quite out of character

The Ginko Bilboa, Copper Beech & Mountain Laurel trees in the garden are quite significant also.

Some residents of Korumburra have been forthcoming with relevant information regarding the Jurathowich family and Sister Gannon an area midwife, who I believe occupied the house over the years.

Mr Arthur Jurathowich ( Phone Korumburra # 16 ) was a very active prominent figure in the community. There is a lot of relevant information about this involvement on the Internet.

I feel the house should be included not just because of its unique style but also because of its past residents.

The inclusion in this round would in affect create a precinct of listed properties in a small area of Korumburra.

A pamphlet could be produced for a walking tour noting these properties, a brief description of their history / style, their gardens and their original occupants.

As a newcomer to Korumburra I appreciate the unique and colourful history. My decision to purchase the house to retire to was based on this and information gleaned whilst researching the town, its history and the strategic plans for the future of the main street and environs.

As a community we need to cherish the past and embrace the future.

Yours faithfully



---

### Submission 3

Fish Creek Memorial Hall  
Committee of Management

23-4-14

Fiona Mottram- C92  
Strategic Planning Officer  
Private Bag 4  
South Gippsland Shire Council  
Leongatha, Vic , 3953

Dear Fiona,

**Re South Gippsland Shire Council- Planning Scheme Amendment C92**

The Fish Creek Memorial Hall Committee of Management would like to formally request as the managing authority for the Hall that the Fish Creek Memorial Hall be included in the planning scheme amendment.

We believe that the Fish Creek Memorial Hall has heritage significance that would benefit from the protection of a Heritage Overlay. The Hall is a valued community asset that contributes greatly to the streetscape of Fish Creek. The protection and appropriate enhancement of the Hall is important to the history and visual character of the Fish Creek community and to the wider South Gippsland Shire.

Our committee have agreed to submit this letter as a submission to the C92 amendment and if you would like to discuss this further, please contact me on 0423 721 593.

Yours sincerely



Kerry Spokes  
President, Committee of Management  
Fish Creek Memorial Hall



**Submission 4**

Shire of Sth Gipps. 915 Falls Road  
Leongatha. Fish Creek 3959  
23-4-2014

Dear Fiona

"As owners of  
"Greenfields" at Fish Creek we  
state that we support the  
Planning Scheme Amendment C9:  
(Volunteer Heritage Overlay)

Yours Sincerely

The signature and contact information are redacted with black ink. There are three distinct horizontal blacked-out areas, one above the signature, one below it, and one further down, likely covering a name, address, and phone number.

### Attachment 3 - C92 clause 21.16

#### SOUTH GIPPSLAND PLANNING SCHEME

#### 21.16

13/04/2014  
09:04  
Proposed  
C92

#### REFERENCE DOCUMENTS

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

- *Coastal Spaces Landscape Assessment Study, South Gippsland Municipal Reference Document (2006)*
- *Coastal Spaces Landscape Assessment Study, State Overview Report (2006)*
- *Drift Guidelines for the Assessment of Heritage Planning Applications (Heritage Victoria, 2009)*
- *Foster Structure Plan, (2008)*
- *Gippsland Regional Waste Management Plan (Gippsland Regional Waste Management Group, 1999) (as amended)*
- *Infrastructure Design Manual (version 3.0 September 2010) (as amended)*
- *Korumburra Structure Plan (2010) (as amended)*
- *Korumburra Town Centre and Structure Plan Priority Development Panel Report (May 2010)*
- *Leongatha CBD Parking Strategy (2013) (as amended)*
- *Leongatha Structure Plan, (2008)*
- *Loch Urban Design Framework (2005)*
- *Mirboo North Structure Plan, (2004)*
- *Nyora Structure Plan*
- *Regional Sand Extraction Strategy: Lang Lang to Grantville (1996, Department of Infrastructure)*
- *Rural Tourism Development Strategy (2009)*
- *Sandy Point Urban Design Framework: Settlement Background Paper (2006)*
- *South Gippsland Heritage Study (2004)*
- *South Gippsland Municipal Public Health and Wellbeing Plan (as amended)*
- *South Gippsland Rural Land Use Strategy, (2011)*
- *South Gippsland Shire Council Paths and Trails Strategy (2010) (as amended)*
- [South Gippsland Shire Heritage Study Amendment C92 Heritage Citations April 2013](#)
- *Tarwin Lower Urban Design Framework: Settlement Background Paper (2006)*
- *The Burra Charter: The Australia ICOMOS Charter for the Conservation of Places of Cultural Heritage Significance (1999)*
- *Tourist Signing Guidelines – Information for Tourism Businesses (VicRoads, 2009) (as amended)*
- *Venus Bay Urban Design Framework: Settlement Background Paper (2006)*
- *Waratah Bay Urban Design Framework: Settlement Background Paper (2006)*
- *Water Supply Catchment Development and Land Use Guidelines (South Gippsland Water, 2012)*

**Attachment 4 - C92 Schedule to clause 43.01**

South Gippsland Planning Scheme

**SCHEDULE TO THE HERITAGE OVERLAY**

The requirements of this overlay apply to both the heritage place and its associated land.

PS Map Ref	Heritage Place	External Point Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
<b>ALLAMBEE &amp; DISTRICT</b>									
H022	Allambee East Cemetery (former) Grand Ridge Road, Allambee East.	no	no	no	no	no	no		no
H024	Allambee South State School No. 2075 (former) Grand Ridge Road, Allambee South	no	no	yes	no	no	no		no
<b>BENA &amp; DISTRICT</b>									
H026	Bena Primary School (former) Pn 3082 40 Greens Road, Bena	no	no	no	no	no	yes		no
<b>BERRY'S CREEK &amp; BOOROOOL</b>									
H028	Berry's Creek Historic Avenue Berry's Creek Road, Berry's Creek	no	no	yes	no	no	no		no
H03	Mossvale Park Mossvale Park Road, Berry's Creek The heritage place comprises the Argemone Oak (Quercus Canadensis) situated next to the sound shell, Quercus Plane (Platanus Orientalis), next to the rear gate leading to garden shed, Chestnut Uprised Oak (Quercus Castaneifolia), next to the block, London Plane (Platanus Acerifolia), next to sound shell, the	no	no	yes	no	no	no		no

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South Gippsland Planning Scheme

PS Map Ref	Heritage Place	External Point Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
	concrete block shelter, brick toilet block, ruins of original timber bridge on river bank, and other native trees including English Elm (Ulmus procera), other Oaks, Planes, Copper Beech, and the Variegated Elm (Ulmus Minor Variegatus) situated on pasture land on east facing slope behind park								
<b>DOLLAR &amp; DISTRICT</b>									
H032	Dollar State School No. 3473 (former) Dollar Hall Road The heritage place comprises the school, the adjacent shelter sites and surrounding land to a minimum extent of 5m	no	yes	no	yes	no	no		no
<b>FISH CREEK &amp; DISTRICT</b>									
H013	Bank of Australasia (former) 19 Falls Road, Fish Creek	yes	yes	no	no	no	yes		no
H0140	<a href="#">Gorsefields</a> 618 Falls Road, Fish Creek The heritage place comprises the dwelling and the surrounding land to a minimum extent of 5m	no	no	no	no	no	no		no
H0141	<a href="#">Spooky Farm</a> 420 Haulers Lane Road, Fish Creek The heritage place comprises the dwelling and	no	no	no	no	no	no		no

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South Gippsland Planning Scheme

PS Map Ref	Heritage Place	External Point Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1996?	Prohibited uses may be permitted?	Name of incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
	<a href="#">the surrounding land to a western edge of Jim</a>								
HO257	<a href="#">Fish Creek Memorial Hall</a> <a href="#">13 Lake Road, Fish Creek</a>	no	no	no	no	no	no		no
<b>FOSTER &amp; DISTRICT</b>									
HO15	Victory Mine and Rail (18) Reserve, Foster	yes	no	yes	no	no	no		no
HO16	Exchange 43 Main Street, Foster	yes	yes	no	no	no	yes		no
HO39	South Gippsland Historical Society Museum Main Street, Foster The heritage place comprises the Foster Post Office (former) and the former Agnes State School No. 3043.	no	yes	no	no	no	no		no
HO32	Foster World War I Soldiers Memorial Main Street, Foster The heritage place comprises the memorial and surrounding land to a minimum extent of 1m	no	no	no	no	no	no		no
HO40	Foster Court House and Police Stables (former) 33 Station Road, Foster	no	no	no	no	no	no		no
HO41	Wigna (swelling) 50 Station Road, Foster	no	no	no	no	no	no		no

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South Gippsland Planning Scheme

PS Map Ref	Heritage Place	External Point Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1996?	Prohibited uses may be permitted?	Name of incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO43	Foster Recreation Reserve Pavilion Station Road, Foster	no	no	no	yes	no	no		no
<b>HEDLEY &amp; DISTRICT</b>									
HO44	Hedley Public South Gippsland Highway, Hedley	no	no	no	no	no	no		no
<b>JEETHO</b>									
HO42	Shire of Poyang & Jeetha Offices & Hall (former) Jeethic Public Hall Jeetha Road, Jeetha	yes	yes	no	no	no	yes		no
HO141	<a href="#">Wingwell (later Glenormie)</a> <a href="#">210 Jeetha Road, Jeetha</a> The heritage place comprises the original station and trees along the former carriage drive	no	no	yes - trees along former carriage drive	yes - bushes etc	no	no		no
<b>JUMBUNNA</b>									
HO47	Brisa Lynn Street, Jumbunna	no	no	no	no	no	no		no
<b>KARDILLA</b>									
HO48	Kardella Avenue of Honour Kardella Road, Kardella	no	no	yes	no	no	no		no
HO49	Boer War Memorial Oak Trees Kardella Road, Kardella	no	no	yes	no	no	no		no

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South Gippsland Planning Scheme

PS Map Ref	Heritage Place	External Point Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
<b>KONGWAK</b>									
H04	Kongwak Co-operative Butter & Cheese Factory (former) Korumburra-Warratagg Road, Kongwak	yes	yes	no	no	no	yes		no
H050	Kongwak Avenue of Trees Korumburra-Warratagg Road, Kongwak	no	no	yes	no	no	no		no
<b>KOONWARRA &amp; DISTRICT</b>									
H051	Three Railway Bridges over Tarwin River South Eastern Railway, Koonwarras	no	no	no	no	no	no		no
H052	Claske Home (Lashed, Lyrebird Mount) 590 Koonwarras-Inverloch Road, Koonwarras	no	no	yes	yes	no	no		no
<b>KORUMBURRA &amp; DISTRICT</b>									
H053	Korumburra Post & Telegraph Office (former) 24-26 Bridge Street, Korumburra	yes	yes	no	yes - listed outbuilding	no	no		no
H054	Cool Creek Heritage Park South Gippsland Highway, Korumburra The heritage place comprises the former Korumburra Court House, Kicunda Road State School No.1037 (former) and the Wattle and Dahl Cottage	yes	yes	no	no	no	no		no
H057	Korumburra Drill Hall 8 Charles Street, Korumburra	no	no	no	no	no	no		no
H058	Korumburra Staszek Memorial Korumburra-Warratagg Road (Cr. Old Lane	no	no	no	no	no	no		no

Heritage Overlay - Schedule 1

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South Gippsland Planning Scheme

PS Map Ref	Heritage Place	External Point Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
	Road)) Korumburra The heritage place comprises the memorial and surrounding land to a minimum extent of 3m								
H061	Korumburra Baptist Church 101 Mine Road, Korumburra	no	yes	no	no	no	no		no
H062	Korumburra World War 1 Soldiers Memorial (Coleman) Queen Street, Korumburra	no	no	no	no	no	no		no
H063	Korumburra Comfort Station for Women (former) Radovick Street, Korumburra	no	no	no	no	no	no		no
H065	Part of Korumburra Railway Station Complex Station Street, Korumburra	no	no	no	no	no	no		no
H016	Korumburra Railway Station complex Station Street, Korumburra	-	-	-	-	yes (No H157)	no		no
H0143	18 Birnie Street, Korumburra <a href="#">Viewing</a>	no	no	no	no	no	yes		no
H0150	21 Birnie St, Korumburra <a href="#">Viewing</a>	no	no	no	no	no	no		no
H0144	23 Birnie Street, Korumburra <a href="#">Viewing</a>	no	no	no	no	no	yes		no

Heritage Overlay - Schedule 1

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South Gippsland Planning Scheme

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1996?	Prohibited uses may be permitted?	Name of incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
H0145	<u>Leongath</u> <u>48 Bridge Street, Leongatha</u> The heritage place comprises the decking and land to a depth of 25m from the old bridge.	no	no	no	no	no	no		no
H0146	<u>Leongath</u> <u>1A Victoria Street, Leongatha</u> The heritage place comprises the ceiling and land to a depth of 25m from the old bridge.	no	no	no	no	no	no		no
LEONGATHA, KOORODMAN & DISTRICT									
H028	Leongatha South State School (former) 7875 Base Highway, Leongatha South	no	no	no	no	no	no		no
H064	Springdale 190 Gwyther Siding Road, Leongatha South The heritage place comprises the house designed by Harold Osbourne-Anneer and constructed in 1905 and surrounding land to a minimum extent of 10m.	no	yes	no	no	no	no		no
H065	South Gippsland Water Purification Plant Harveys Road, Leongatha The heritage place comprising the Ronald M Scott designed brick building (constructed 1958-60) and one metre around the building	yes	no	no	no	no	no		no

HERITAGE CONTROL - SCHEMES

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South Gippsland Planning Scheme

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1996?	Prohibited uses may be permitted?	Name of incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
	(excluding plant equipment)								
H066	Kooroodman Avenue (former) Hydes Road, Kooroodman	no	no	yes	no	no	no		no
H067	Leongatha Railway Station Long Street, Leongatha	yes	yes	yes	no	no	yes		no
H068	Leongatha Station Memorial Long Street, Leongatha	no	no	no	no	no	no		no
H069	Cassey Island Pines (Phoebus Camerariae) Ayers Park, McCarth Street, Leongatha	no	no	yes	no	no	no		no
H070	Leongatha Court House (former) 2 McCarth Street, Leongatha	yes	yes	no	no	no	no		no
H071	Leongatha Post & Telegraph Office 4 McCarth Street, Leongatha	yes	no	no	no	no	no		no
H072	Memorial Hall & Woodall Shire Offices (former) 6-8 McCarth Street, Leongatha	yes	yes	no	no	no	yes		no
H073	Leongatha Mechanics Institute & Free Library (former) 10 McCarth Street, Leongatha	yes	yes	no	no	no	yes		no
H074	Leongatha Secondary College (former) Leongatha Agricultural College Napiers Road, Leongatha	yes	no	no		yes (R1) No (R2)	yes		no
H075	Ret Leongatha Secondary College	no	no	no	no	no	no		no

HERITAGE CONTROL - SCHEMES

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South Gippsland Planning Scheme

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1996?	Prohibited uses may be permitted?	Name of incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
	Werrina Road, Leongatha								
HQ10	Knox's Rockall Farm complex 530 Werrina Road, Leongatha	yes	yes	no	no	no	yes		no
HQ78	Leongatha Showgrounds Disposal and Gates, Leongatha Recreation Reserve Roughhead Street, Leongatha	yes	no	no	no	no	no		no
HQ77	Leongatha World War I Memorial Avenue of Honour Wid Dog Valley Road & Managon Road, Leongatha	no	no	yes	no	no	no		no
HQ9	Hayes' (PA Dunne's) Store (former) 4 Roughhead Street Leongatha	yes	yes	no	no	no	yes		no
HQ8	Leongatha Batts and Cheese Factory (former), corner Strzelecki Highway and Roughhead Street	yes	yes limited to the hexagonal windows/facades	no	no	no	yes		no
HQ147	<a href="#">41 River Street, Leongatha</a> <a href="#">Viewing</a> The heritage place comprises the dwelling and land to a depth of 20m from the lot boundary.	no	no	no	no	no	no		no
HQ148	<a href="#">Eaton</a>	no	no	no	yes - sightlines	no	no		no

(HERITAGE CONSULT - SCREEN 1)

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South Gippsland Planning Scheme

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1996?	Prohibited uses may be permitted?	Name of incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
	<a href="#">47 Jeffrey Street, Leongatha</a> <a href="#">Viewing and map</a>								
HQ149	<a href="#">McQuinn's House (later Lambert House)</a> <a href="#">31 Lam Street, Leongatha</a> <a href="#">Viewing and former boundary subdivisions</a> The heritage place comprises the dwelling and land to a depth of 20m from the lot boundary.	no	no	no	yes - detached	no	yes		no
	LOCH								
HQ2	Chestnut-Lined Oak (Quercus Castaneifolia) Victoria Road, Loch The heritage place the Oaks in the paddock at the rear of the Loch Catholic Church.	no	no	yes	no	no	yes		no
HQ07	Loch Primary School No. 2812 Victoria Road, Loch	no	no	no	no	no	no		no
	MEEHAYAN & DISTRICT								
HQ98	Railway Bridge - over Tarwin River South Eastern Railway, Meehan	no	no	no	no	no	no		no
HQ00	Meehan Public Hall Wynnew Street, Meehan	no	no	no	no	no	no		no
HQ91	Meehan & Stony Creek World War I Memorial	no	no	no	no	no	no		no

(HERITAGE CONSULT - SCREEN 1)

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SOUTH GIPPSLAND PLANNING SCHEME

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
	Whitewash Street, Mbernyan The heritage place comprises the memorial and surrounding land to the edge of the median strip.								
<b>MIRBOO &amp; DISTRICT</b>									
HQ22	Mirboo on Towers Hill 285 Mirboo South Road, Mirboo					yes Ref H1975	no		no
HQ95	Mirboo Shire Hall and Offices (former) 50 Ridgway Mirboo North	no	yes	no	no	no	no		no
HQ97	Mirboo North Railway Station (former) Ridgway, Mirboo North The heritage place comprises the Station building and platform and surrounding land to a minimum extent of 10m.	no	yes	no	no	no	no		no
HQ98	Mirboo North Strzelecki Memorial Ridgway, Mirboo North	no	no	no	no	no	no		no
HQ101	<a href="#">Gallivie (Daly's homestead site and fence)</a> 805 Boonah South Mirboo North Road Mirboo North The heritage place comprises a circle with a diameter of 25m centring the ruins of the site surrounding the home, Dalvie homestead.	no	no	yes	no	no	no		no
HQ105	<a href="#">50 Ridgway Mirboo North</a> Colonial Bank of Australasia (former) and	no	no	no	no	no	yes		no

(WWW.PUBLIC.CITYOFMELB.CA)

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SOUTH GIPPSLAND PLANNING SCHEME

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
	<a href="#">Luscombe</a>								
<b>NERRENA &amp; DISTRICT</b>									
HQ102	Nerrena Public Hall Nerrena Hall Road, Nerrena	yes	no	no	no	no	no		no
<b>NYORA &amp; DISTRICT</b>									
HQ103	Nyora Railway Station Mitchell Street, Nyora	yes	yes	no	no	no	yes		no
<b>POOWONG &amp; DISTRICT</b>									
HQ1	Wesleyan Church (former) 35 Nyora Road, Poowong	yes	yes	no	no	no	yes		no
HQ21	Flaxton Log Cottage 920 Nyora-Poowong Road, Poowong					yes Ref H1987	yes		no
HQ104	Poowong World War 1 Soldiers Memorial Nyora Road, Poowong The heritage place comprises the memorial and surrounding land to a minimum extent of 3m.	no	no	no	no	no	no		no
<b>PORT WELSHPOOL &amp; DISTRICT</b>									
HQ17	Carriart Turnhill Street, Port Welshpool	yes	yes	no	no	no	yes		no
<b>STONY CREEK &amp; DISTRICT</b>									
HQ111	Woodlands 210 Stony Creek-Dalriet Road, Stony Creek	no	no	no	no	no	no		no

(WWW.PUBLIC.CITYOFMELB.CA)

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South Gippsland Planning Scheme

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
	The heritage place comprises the two-room house constructed c1905 and the main verandah constructed in 1929 and surrounding land to a minimum extent of 10m.								
HQ112	Stony Creek Mechanics Institute & Free Library Main Street, Stony Creek	yes	yes	no	no	no	yes		no
<b>STRZELECKI</b>									
HQ113	Strzelecki Avenue of Honour Koorimbura/Warragul Road, Strzelecki	no	no	yes	no	no	no		no
HQ119	<a href="#">Strzelecki railway and station - original timetable site</a> <a href="#">2 War Day Board, Strzelecki</a> The heritage place comprises a circle with a diameter of 20m located over the turbine and remains.	no	no	no	no	no	no		no
<b>TARWIN LOWER &amp; DISTRICT</b>									
HQ117	John Simpson Memorial River Drive, Tarwin Lower The heritage place comprises the memorial and surrounding cast iron fence and surrounding land to a minimum extent of 2m.	no	no	no	no	no	no		no
HQ118	Tarwin Lower Memorial Hall (Former	yes	yes	no	no	no	no		no

(HERITAGE CONTROL) (SCHEDULE)

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South Gippsland Planning Scheme

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
	Mechanics Institute & Free Library River Drive, Tarwin Lower								
<b>TOORA &amp; DISTRICT</b>									
HQ114	Tim Mires Toora Creemery Valley Road & Woosens Creek Road, Toora	no	no	no	no	no	no		no
HQ120	Toora Avenue of Honour Grip Road, Toora	no	no	yes	no	no	no		no
HQ123	Toora State School Jubilee Gates 33 Gray Street, Toora The heritage place comprises the memorial gates, the surrounding land to a minimum extent of 2m and all of the land between the gates and the Grey Street School building frontage.	no	no	no	no	no	no		no
HQ127	Toora World War I Soldiers Memorial Wendyhope Road, Toora The heritage place comprises the memorial and surrounding land to a minimum extent of 5m.	no	no	no	no	no	no		no
HQ124	<a href="#">Bank of Victoria former land residence</a> <a href="#">35 Stanley Street, Toora</a> The heritage place comprises the entire of (Lot 1 7857/245)	no	no	no	no	no	yes		no

(HERITAGE CONTROL) (SCHEDULE)

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SOUTH GIPPSLAND PLANNING SCHEME

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1996?	Prohibited uses may be permitted?	Name of incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
H0145	<a href="#">Inletside (aka Surf) Interlakes</a> 48 Swainville Road, Turra Turra The heritage place comprises the two dwellings and the surrounding land to a maximum extent of 2 m. <b>TRIDBA</b>	no	no	no	no	no	no		no
H0148	<a href="#">1700 Grand Ridge Road, Turra</a> The heritage place comprises the dwelling and the surrounding land to a maximum extent of 2m. <b>TURTON'S CREEK &amp; DISTRICT</b>	no	no	no	no	no	no		no
H011	Turton's Creek Goldfield Turton's Creek Road, Turton's Creek <b>WALKERVILLE &amp; WARATAH BAY</b>	no	no	no	no	no	no		no
H0128	Walkerville North Public Hall Bayside Drive, Walkerville	no	no	no	no	no	no		no
H0129	Walkerville Lime Kilns (former) Formerly reserve, off Bayside Drive, Walkerville South	-	-	-	-	yes Ref H2045	no		no
H0130	Bell Point Lime Kilns (former) Formerly reserve, off Walkerville South Road, Bell Point	-	-	-	-	yes Ref H2035	no		no

HERITAGE CONTROL - SCHEDULE

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SOUTH GIPPSLAND PLANNING SCHEME

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1996?	Prohibited uses may be permitted?	Name of incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
H0132	The Gap Gate Street & Fyfe Creek-Waratah Road (Ch.) / Waratah Bay <b>WELSHPOOL</b>	no	no	yes	no	no	no		no
H0133	Welshpool Avenue of Honour The heritage place comprises the rows of Elm trees planted on the sides of Main Road, Port Welshpool Road & Woorarra Road, Welshpool	no	no	yes	no	no	no		no
H0134	Northk Island Pine Avenue Port Welshpool Road, Welshpool The heritage place comprises the Northk Island Pine on either side of Port Welshpool Road south of Welshpool	no	no	yes	no	no	no		no
H0135	Welshpool World War I Soldiers' Memorial Welshpool Road, Welshpool The heritage place comprises the memorial and surrounding landscape paintings. <b>WONGA &amp; DISTRICT</b>	no	no	yes	no	no	no		no
H013	Shearing Shed Wonga <b>WOOGREEN &amp; DISTRICT</b>	yes	yes	no	no	no	yes		no
H0137	Wooden Avenue of Honour Leongatha-Yaragon Road, Woodend <b>WILSONS PROMONTORY</b>	no	no	yes	no	no	no		no

HERITAGE CONTROL - SCHEDULE

Page 12 of 17

South Gippsland Planning Scheme

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of incorporated Plan under Clause 43.01-7	Aboriginal heritage place?
H0159	Refuge Cove Wilson Promontory Wilson Promontory National Park	-	-	-	-	yes Ref HT339	no	yes	no
H0161	Wilson Promontory Lightstation Wilson Promontory National Park	-	-	-	-	yes Ref HT542	no	yes	no
H000	Sealers Cove Wilson Promontory National Park	-	-	-	-	yes Ref H2019	no	yes	no

Updated Council Website

Date 17/05/17

## Attachment 5 - C92 Explanatory Report

*Planning and Environment Act 1987*

### SOUTH GIPPSLAND PLANNING SCHEME

#### AMENDMENT C92

#### EXPLANATORY REPORT

##### Who is the planning authority?

This amendment has been prepared by the South Gippsland Shire Council, which is the planning authority for this amendment.

The amendment has been made at the request of Beveridge Williams & Co Pty Ltd on behalf of KerrChris P/L with 17 other landowners voluntarily joining the amendment with the proponent's agreement.

##### Land affected by the amendment

The amendment applies to 18 sites across the Shire as detailed in the below table. For precise details of the application of the Heritage Overlay (HO) see the official HO exhibition maps.

Location of Heritage Feature	Extent of application of the Heritage Overlay (HO) on subject land.	HO Item No.
<b>Fish Creek</b>		
Greenfields (dwelling) 915 Falls Road (Lot 1 TP112894)	Dwelling and immediate surrounds as per exhibition map.	HO140
Bosley Farm (dwelling) 425 Harding – Lawson Road (CP171155)	Dwelling and immediate surrounds as per exhibition map.	HO141
Fish Creek Memorial Hall 13 Falls Road (Lot 1 TP198453P)	Entire lot.	HO157
<b>Jeetho</b>		
Glenerchy (dwelling) 250 Jeetho Road, (Lot 1 TP346336)	Dwelling, stables and immediate surrounds. Trees along former carriage drive.	HO142
<b>Korumburra</b>		
Dwelling, 14 Bridge Street (CA Allot 7 Sec 4 Parish of Korumburra)	Entire lot.	HO143
Dwelling, 21 Bridge Street (Lots 1 & 2 TP341788)	Entire lot.	HO157
Dwelling, 23 Bridge Street (Lot 1 TP247677)	Entire lot.	HO144
Lismore (dwelling) 48 Bridge Street (Lot 1 TP319533)	Area of dwelling - 25m depth from lot frontage.	HO145
Dwelling, 1A Victoria Street (Lot 1 TP319533)	Area of dwelling - 25m depth from lot frontage.	HO146

<b>Leongatha</b>		
Dwelling, 42 Brown Street (Lot 2 LP128228)	Area of dwelling – 30m depth from lot frontage	HO147
Egerton (dwelling) 37 Jeffrey Street (Lot 1 TP444868)	Entire lot	HO148
McGuinness House (former) 19 Long Street (Lot 1 & 2 LP45459) Commonly known as Lamont House	Dwelling boarding house / stable – 35m depth from Long Street frontage	HO149
<b>Mirboo North</b>		
Clestron (Ogilvy Homestead site and trees) 600 Boolarra South Mirboo North Road (Lot 1 TP180015)	A circle with a diameter of 75m situated over the trees surrounding the former homestead as per exhibition map.	HO151
Colonial Bank of Australasia (former) 60 Ridgway (Lot 1 TP393890)	Area of bank building – 30m depth from frontage.	HO152
<b>Strzelecki</b>		
Strzelecki Railway Station – Engine turntable, 2 Wild Dog Road (CA 10D Parish of Allambee)	A circle with a diameter of 20m situated over the turntable bed remains as per exhibition map.	HO153
<b>Toora</b>		
Bank of Victoria (former) 35 Stanley Street (Lot 1 TP577245)	The entire lot containing the building. The HO is not being applied to the back yard which is on a separate lot.	HO154
<b>Toora North</b>		
Gully Humphrey (dwelling) 46 Scannels Road (Lot 1 TP126566)	Dwelling and immediate surrounds as per exhibition map.	HO155
<b>Trida</b>		
Dwelling 1790 Grand Ridge Road (Lots 1 & 2 TP81006)	Dwelling and immediate surrounds as per exhibition map.	HO156

Note: Only land in the HO map is affected by the HO. The balance of any lot not included in the HO is entirely unaffected by the provisions of the HO.

#### **What the amendment does**

The amendment includes 18 additional features (mostly dwellings) in the Heritage Overlay of the South Gippsland Planning Scheme. All landowners agree to the inclusion of their heritage building / feature in the HO.

The amendment:

- Updates the Schedule to Clause 43.01 (Heritage Overlay) to include heritage listings for the additional 18 features to be protected (listings HO140-HO157).
- Updates and includes new Heritage Overlay maps to identify the geographic extent of the heritage controls on the 18 features, (Amends Planning Scheme Maps HO1, HO6, HO7, HO9, HO14, HO16, HO21, HO27, HO28 and HO30 and introduces Map HO26 to the South Gippsland Planning Scheme.)

- Updates Clause 21.16 to include *The South Gippsland Shire Heritage Study Amendment C92 Heritage Citations April 2014*.
- Updates the Schedule to Clause 61.03 (list of Planning Scheme maps) to acknowledge the inclusion of one new HO map sheet.

### **Strategic assessment of the amendment**

#### **Why is the amendment required?**

The amendment is required to include 18 additional features (as listed above) in the Heritage Overlay (HO) of the South Gippsland Planning Scheme. The heritage significance of the features is recognised in heritage studies *South Gippsland Heritage Study 2004* and the *South Gippsland Shire Heritage Study Amendment C92 Heritage Citations April 2014*. These studies, by themselves, do not provide statutory protection for the features. Inclusion of the features in the HO provides statutory protection from building and works that may diminish, damage or destroy the heritage feature.

The amendment initially commenced with an approach to Council from the owner of the dwelling (Glenorchy) at 250 Jeetho Road, Jeetho to include their dwelling, outbuilding and trees in the HO. Council was aware of other privately owned heritage features where the landowners were favourably disposed to the inclusion of their heritage feature (mostly dwellings) in the HO. Council contacted these landowners and provided a press release to local newspapers requesting feedback from other landowners interested in voluntary inclusion in the HO as part of the Glenorchy amendment request. A positive response was received resulting in 15 additional parties agreeing to the inclusion of their heritage features in the HO. During exhibition, a further two landowners requested their properties be included in the amendment.

#### **How does the amendment implement the objectives of planning in Victoria?**

The amendment is consistent with the objectives included in section 4 of the *Planning and Environment Act 1987* ("the Act"), specifically the following objective "To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value".

#### **How does the amendment address any environmental, social and economic effects?**

The amendment will have positive social effects as it seeks to protect and enhance the cultural heritage of the South Gippsland Shire for future generations. The protection of historical buildings is important to both help understand the settlement pattern of the municipality and inform the cultural identity of the area.

The amendment will not cause any adverse environment effects, but rather maintain the unique built heritage character of the municipality.

The amendment will not cause significant economic impacts. There may be some additional costs to be borne by the property owner(s) through the need to apply for a planning permit for any redevelopment of the site and the need to consider the heritage value and architectural character of the existing dwelling. The owners of the lands affected by the amendment have been informed of the statutory requirements and implications of HO application.

The Amendment provisions allow prohibited uses to be considered at five of the subject sites. This may have positive economic effects in terms of allowing commercial uses to occupy the buildings when this may not otherwise have been possible without rezoning.

As noted above the amendment is being undertaken at the suggestion of, and with the co-operation of the property owners.



**Does the amendment address relevant bushfire risk?**

The amendment has no effect on bushfire risk. Tree controls are proposed at 600 Boolarra South Road and 250 Jeetho Road. The tree stands are situated on grazing land and distant from buildings. Protection of the trees does not present a potential bushfire risk. These sites are not affected by the Bushfire Management Overlay.

**Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

The amendment is also consistent with Ministerial Direction No. 11 Strategic Assessment of Amendments. No other Ministerial Direction relates to this amendment.

**How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?**

Clause 15.03-1 'Heritage conservation' provides the following strategies relevant to the amendment:

- Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
- Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance, or otherwise of special cultural value.
- Retain those elements that contribute to the importance of the heritage place.
- Encourage the conservation and restoration of contributory elements.
- Ensure an appropriate setting and context for heritage places is maintained or enhanced.
- Support adaptive reuse of heritage buildings whose use has become redundant.

The amendment supports the State Planning Policy Framework (SPPF) and is consistent with its objective to "ensure the conservation of places of heritage significance"

With regard to the objective and strategies, the amendment protects buildings and features of architectural, social, aesthetic and Victorian Railways history. Inclusion of the features in the HO will assist their long term protection by raising awareness of the significance of the features and, in some cases, by finding uses for buildings (via the 'prohibited uses provisions') that will assist their adaptive reuse and avoid building redundancy.

The heritage citations prepared for each feature to be included in the HO will assist in ensuring that future additions and alterations to heritage features have appropriate regard to the contributory elements of the feature and do not diminish the setting and context of the place.

**How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The amendment supports the Local Planning Policy Framework:

Clause 21.04 of the Municipal Strategic Statement (MSS) refers to Council's Municipal Vision and Framework Plan which identifies the South Gippsland Shire's land use planning and development vision for the municipality as follows:-

Settlement:

*The environment, landscape, built form and heritage of the Shire is retained, managed and promoted in a way that adds to, rather than diminishes, its significance.*

This vision for the South Gippsland Shire is supported by broad planning objectives at Clause 21.09, including:-

Clause 21.09-1 Heritage

Overview

*"The South Gippsland Heritage Study, 2004 identifies the rich and diverse heritage of the Shire. Heritage places of the Shire include buildings, trees, railways, and public infrastructure. Apart from the important cultural and social values of heritage places, they provide significant economic benefits by enhancing the appeal of the Shire as a place to live, work and visit."*

Objectives and strategies

Objective 1

*To ensure that heritage places in the Shire are used, managed and developed in a way that conserves or reveals their heritage significance*

*Strategy 1.1 Protect heritage places from inappropriate development that would diminish their significance*

*Strategy 1.2 Support the on-going viable use of heritage places as an essential part of their conservation and management*

The majority of the 18 features identified for inclusion in the Heritage Overlay were identified as heritage significant in the South Gippsland Heritage Study 2004. Features that were not identified in the 2004 study were separately investigated in January and April 2014 respectively, and found to justify inclusion in the HO. Inclusion of the features in the HO is consistent with the abovementioned provisions of the SPPF and the Local Planning Policy Framework.

Planning permit applications triggered by HO inclusions will be assessed against the requirements of Local Policy Clause 22.04 'Heritage'. The HO schedule provisions and the heritage citations (statements of significance) composed for each site in the amendment provide sufficient information to allow a permit application to be appropriately assessed against the policy requirements.

**Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the Victorian Planning Provisions. The HO's are being applied to sites in a manner consistent with the Practice Note 'Applying the Heritage Overlay'. The subject sites meet the heritage criteria (heritage significance) necessary to justify their inclusion in the Overlay.

The HO Schedule table entries (lot specific customised provisions) respond to the recommendations of the Heritage Study property citations (statements of significance) provided in support of the amendment. The individual citations were separately exhibited as part of the amendment.



**How does the amendment address the views of any relevant agency?**

The views of other agencies are not required. The amendment is straightforward and does not introduce any new referral requirements. Views of relevant agencies will be sought via the exhibition process.

**Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment has no impact on the Transport Integration Act 2010.

**Resource and administrative costs**

• **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

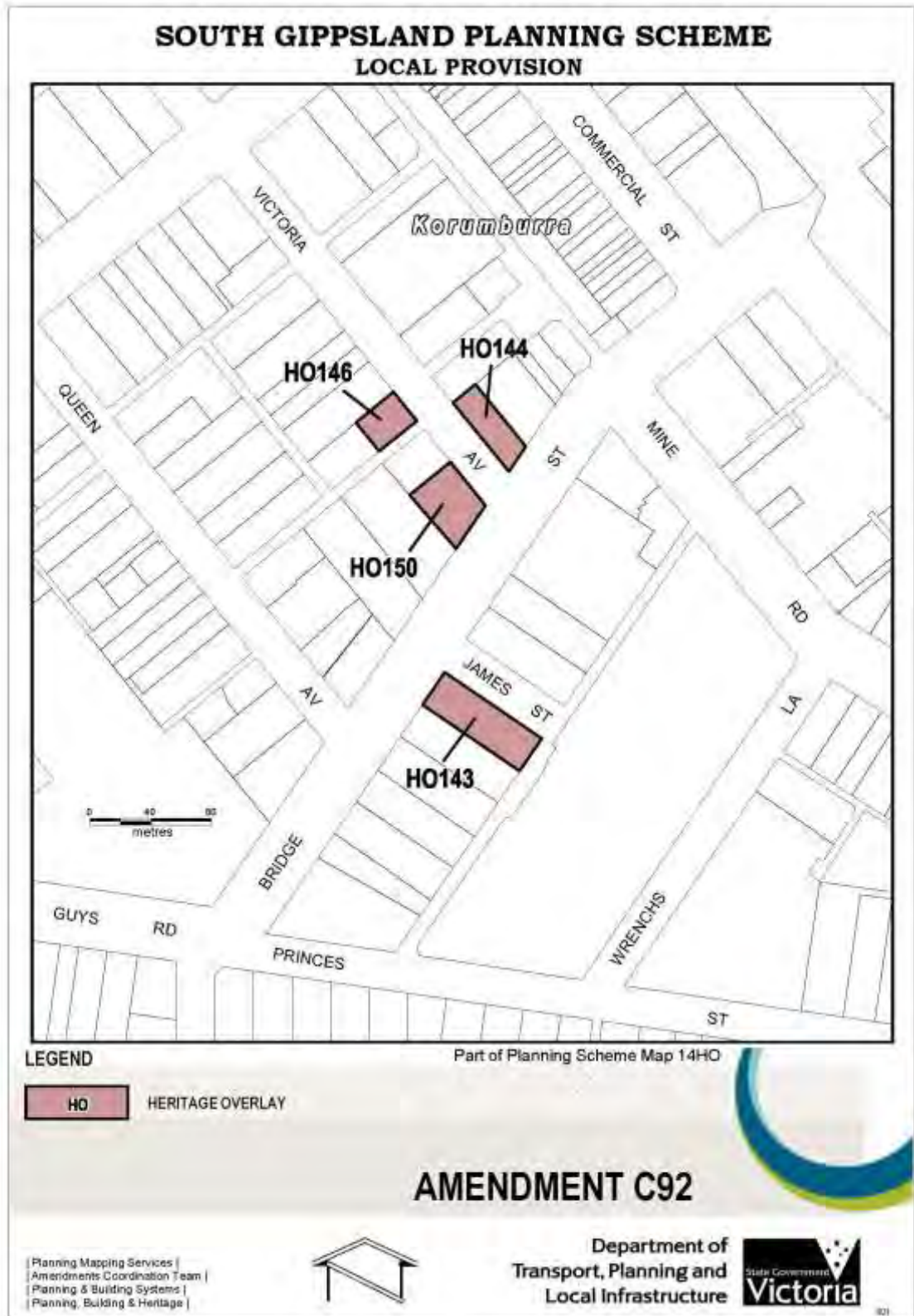
The amendment will have minimal impact on the resource and administrative costs of Council. Application of the Heritage Overlay introduces the requirement for a planning permit for buildings and works that would otherwise not be required. It is expected that the amendment would be unlikely to generate (on average) more than one planning permit application per year.

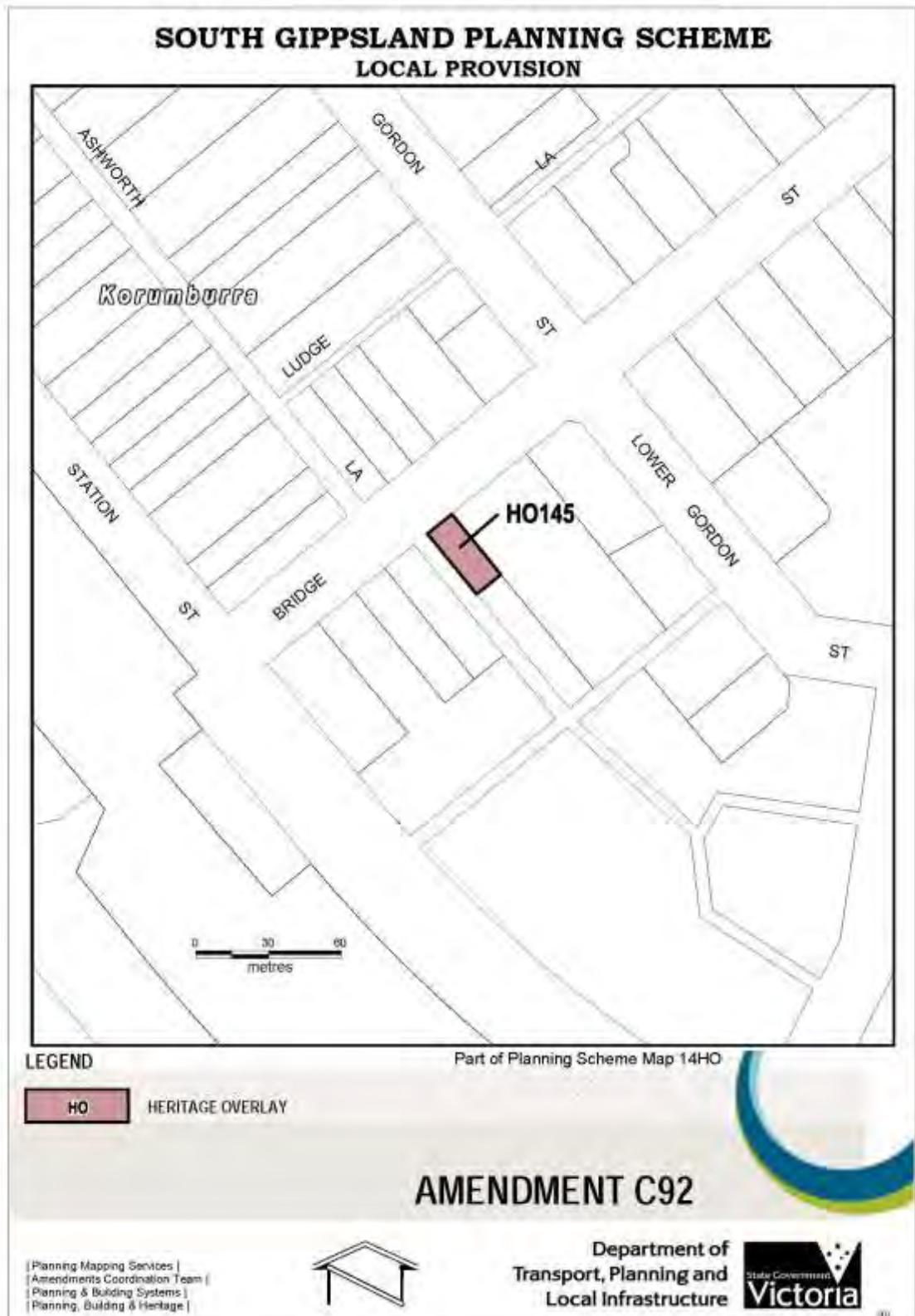
**Where you may inspect this Amendment**

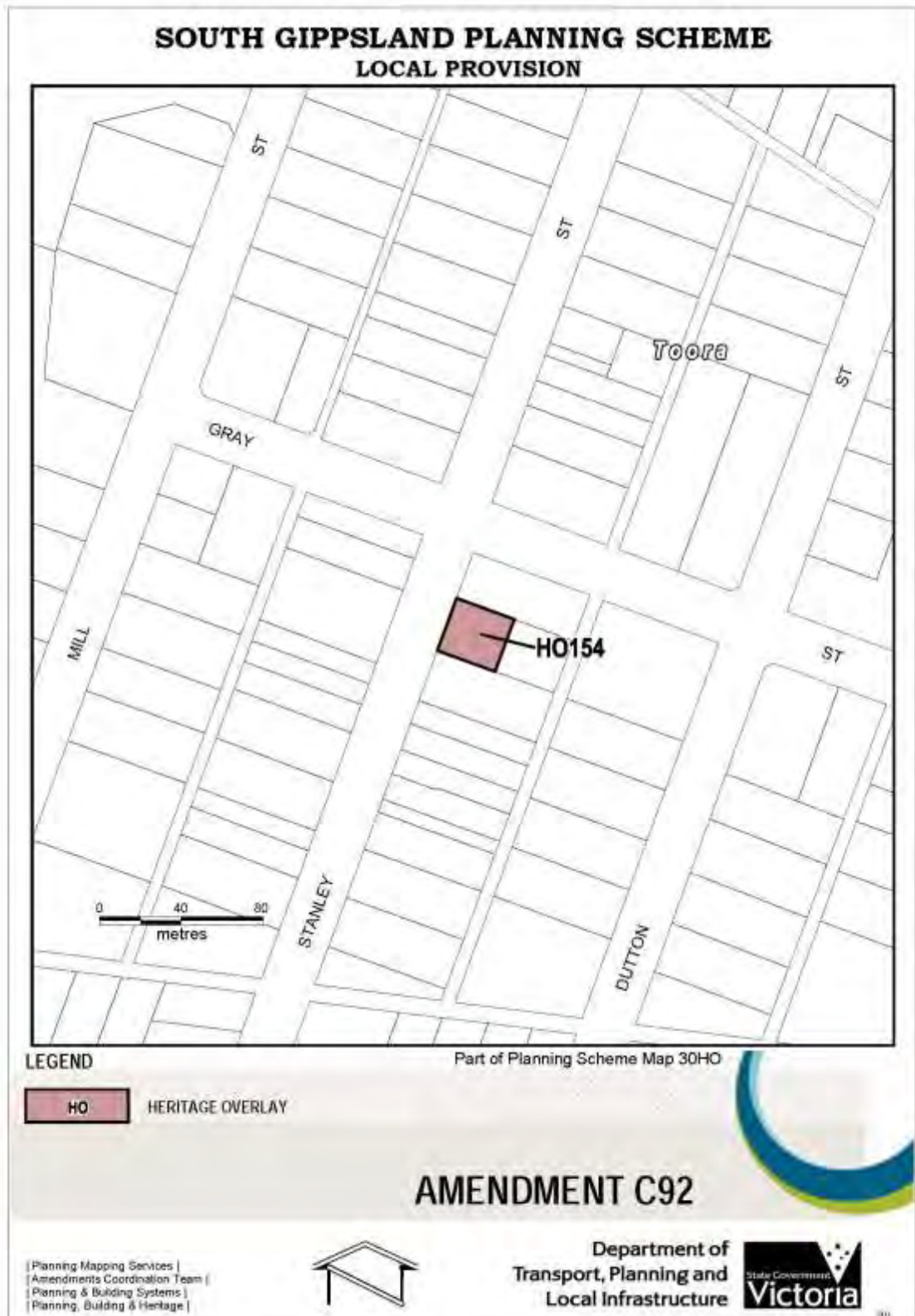
The amendment was available for public inspection, free of charge, during office hours at the following places:

- Council's offices, 9 Smith St Leongatha
- Council's web site [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)  
and
- the Department of Transport, Planning, and Local Infrastructure website at <http://www.dpcd.vic.gov.au/planning/publicinspection>.

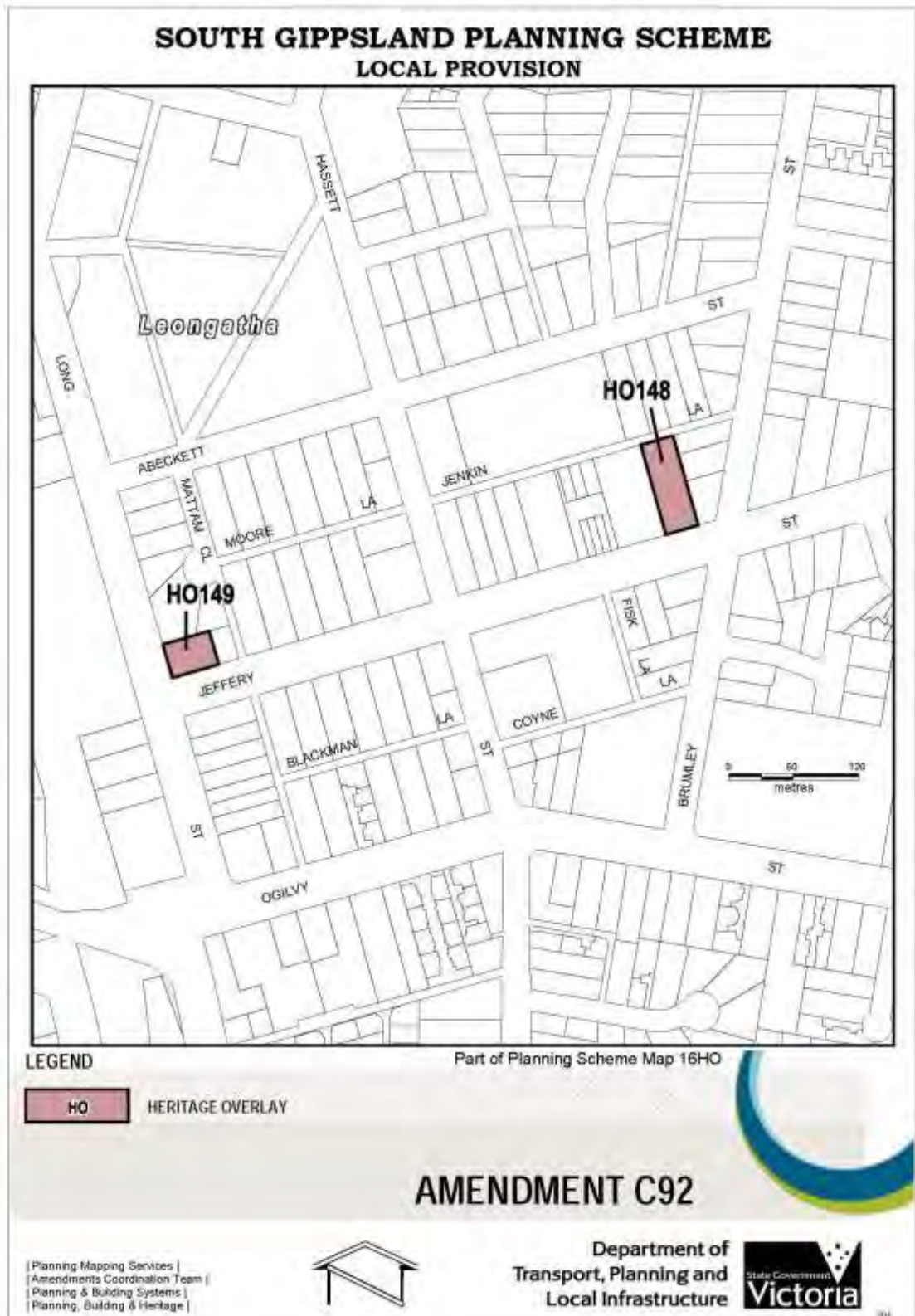
**Attachment 6 - C92 Heritage Overlay maps**

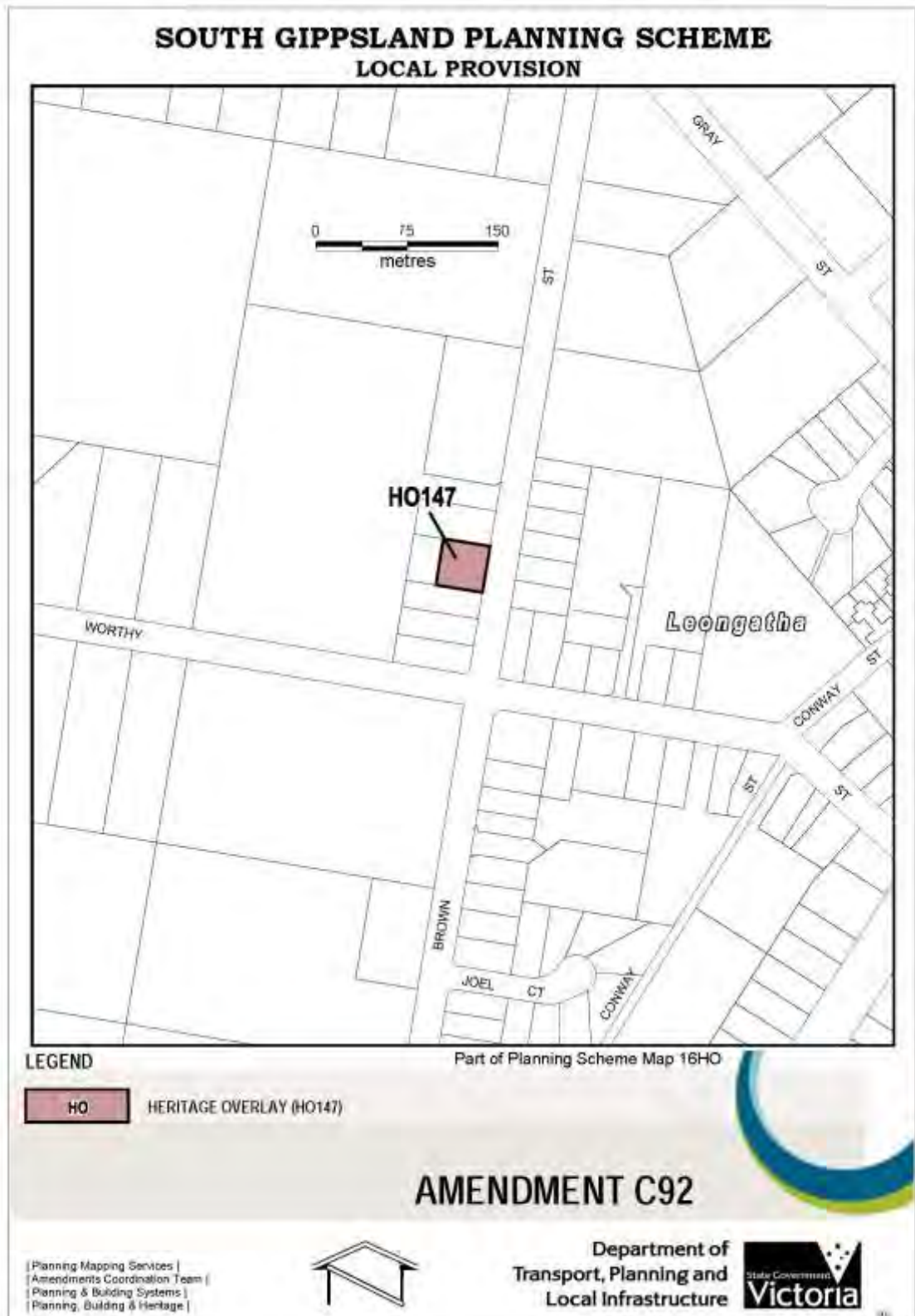


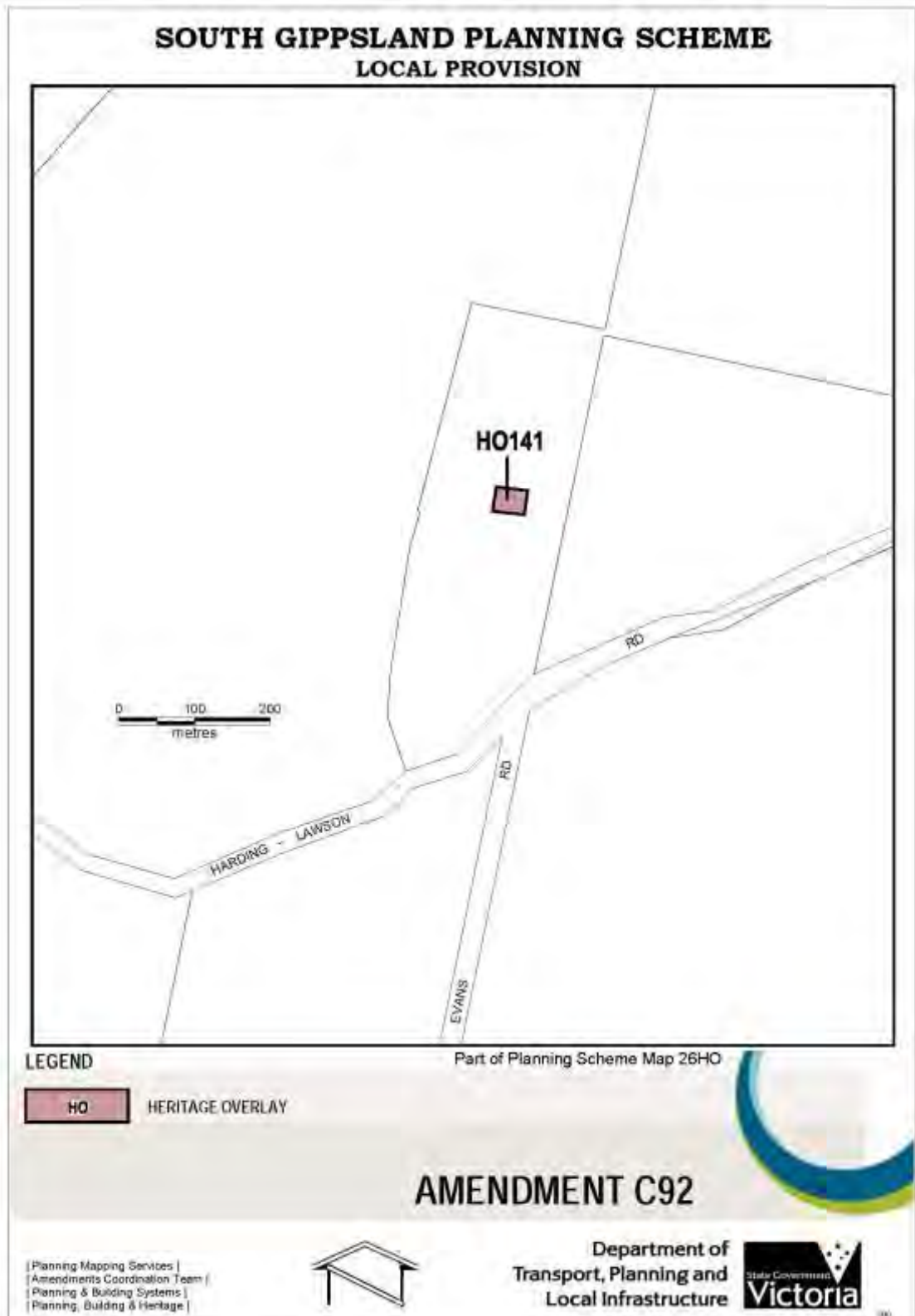


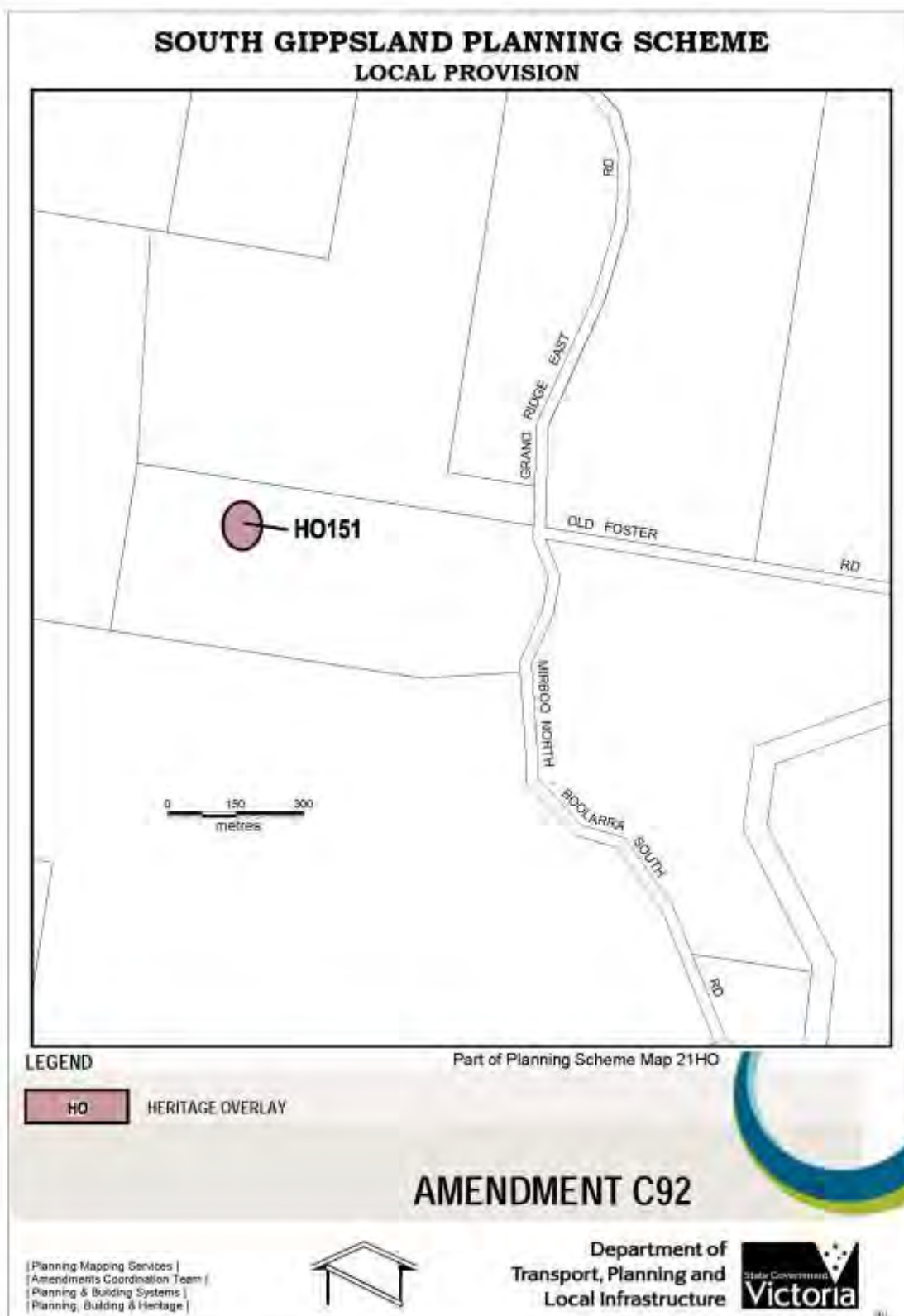




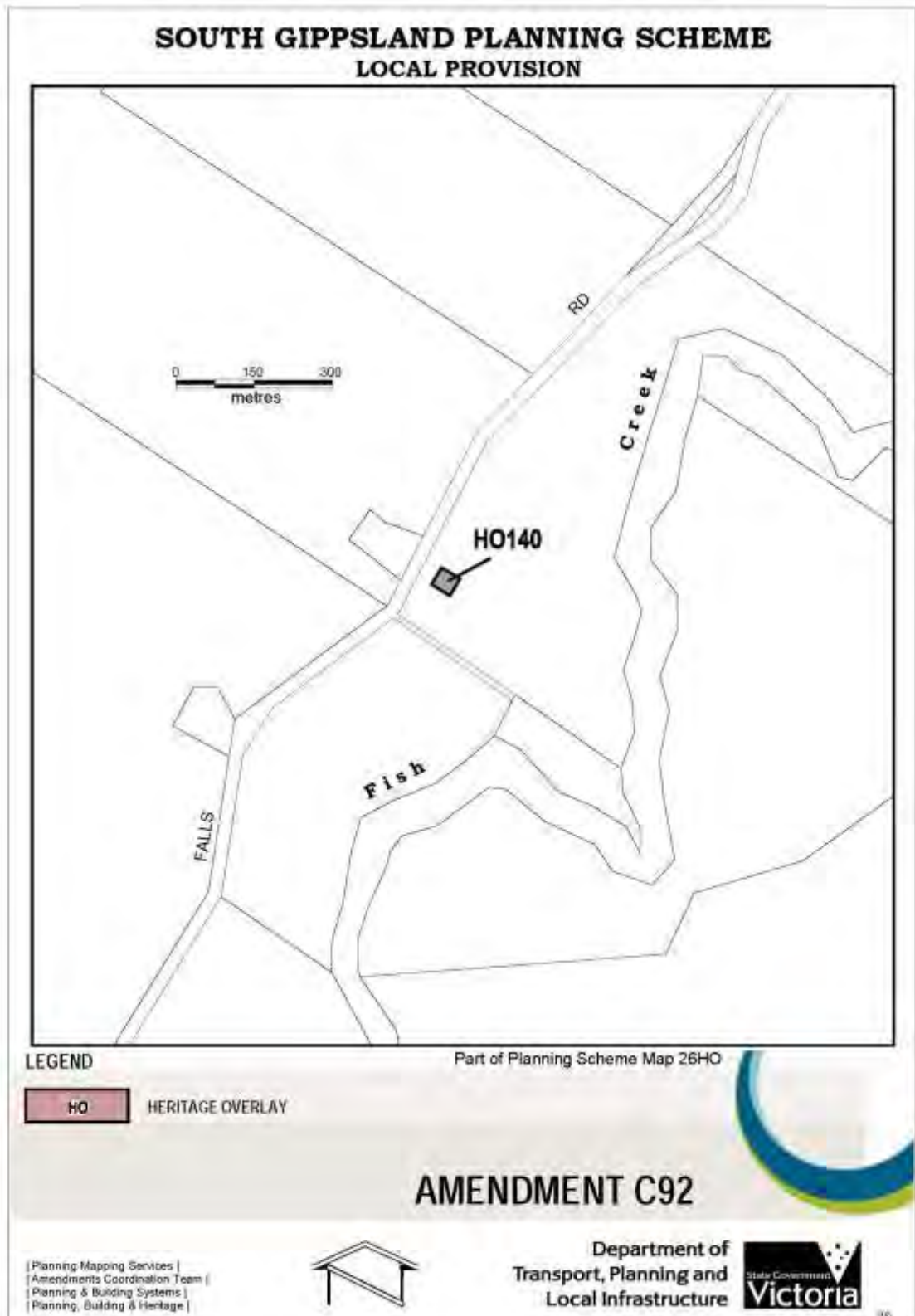


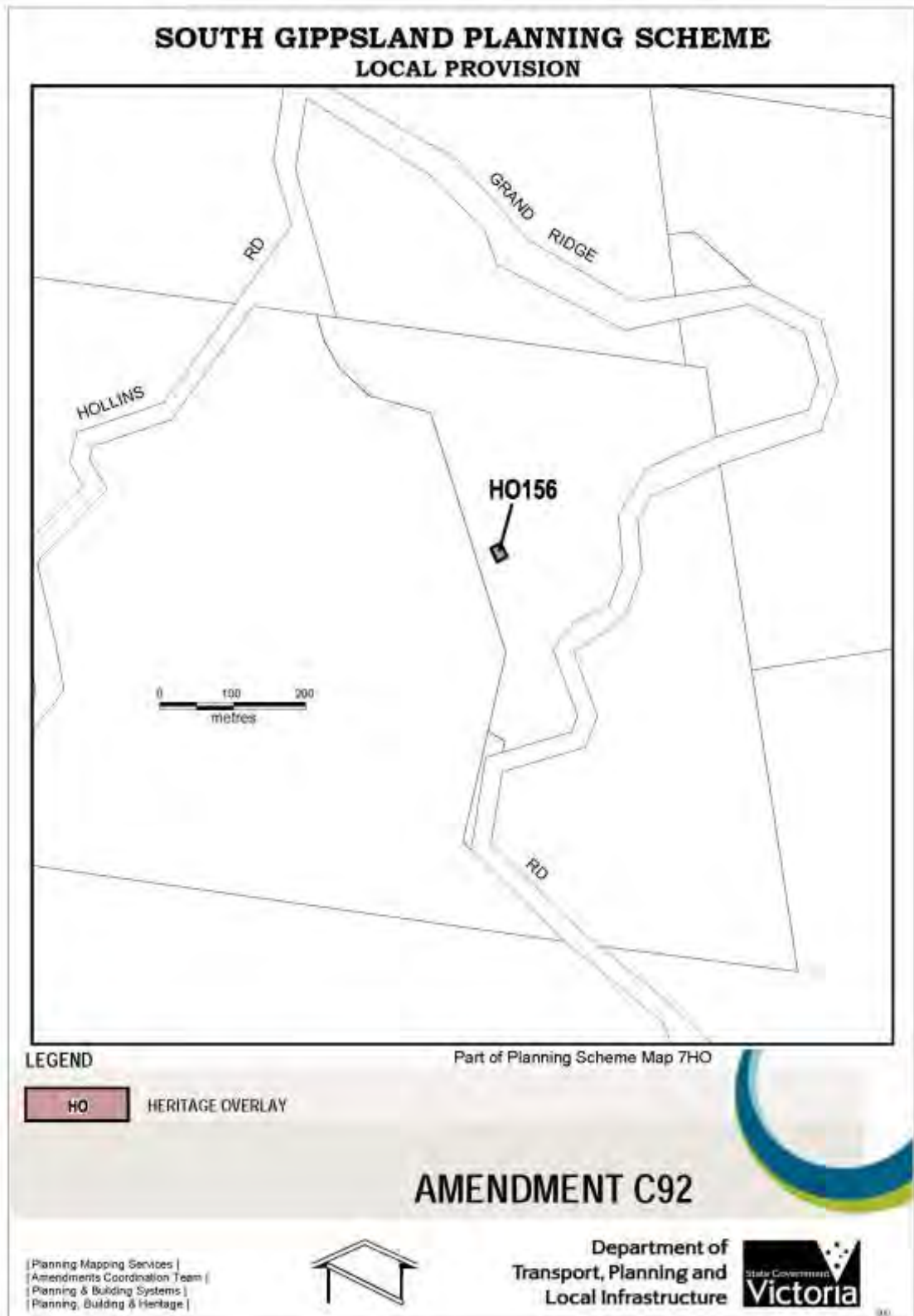


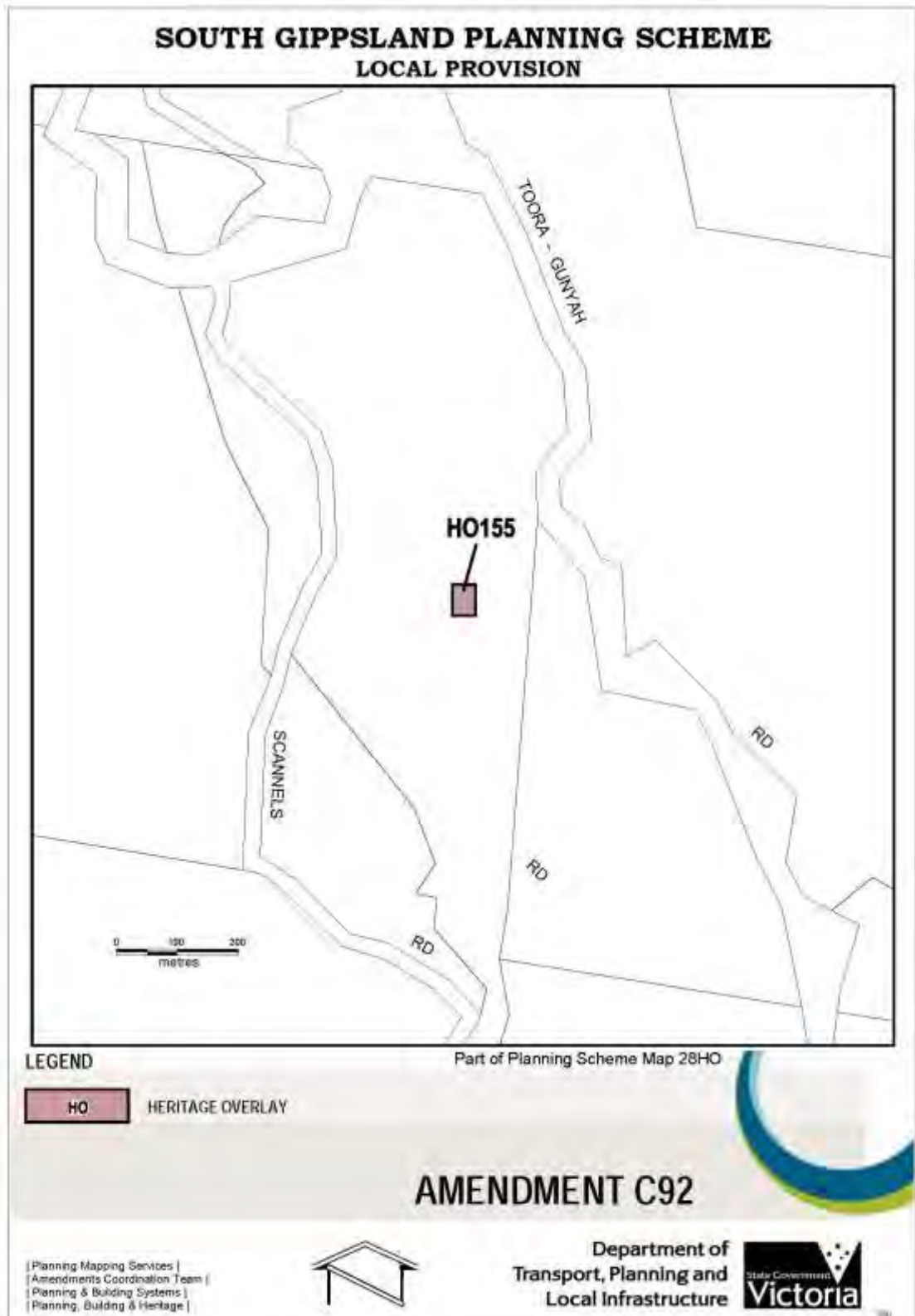


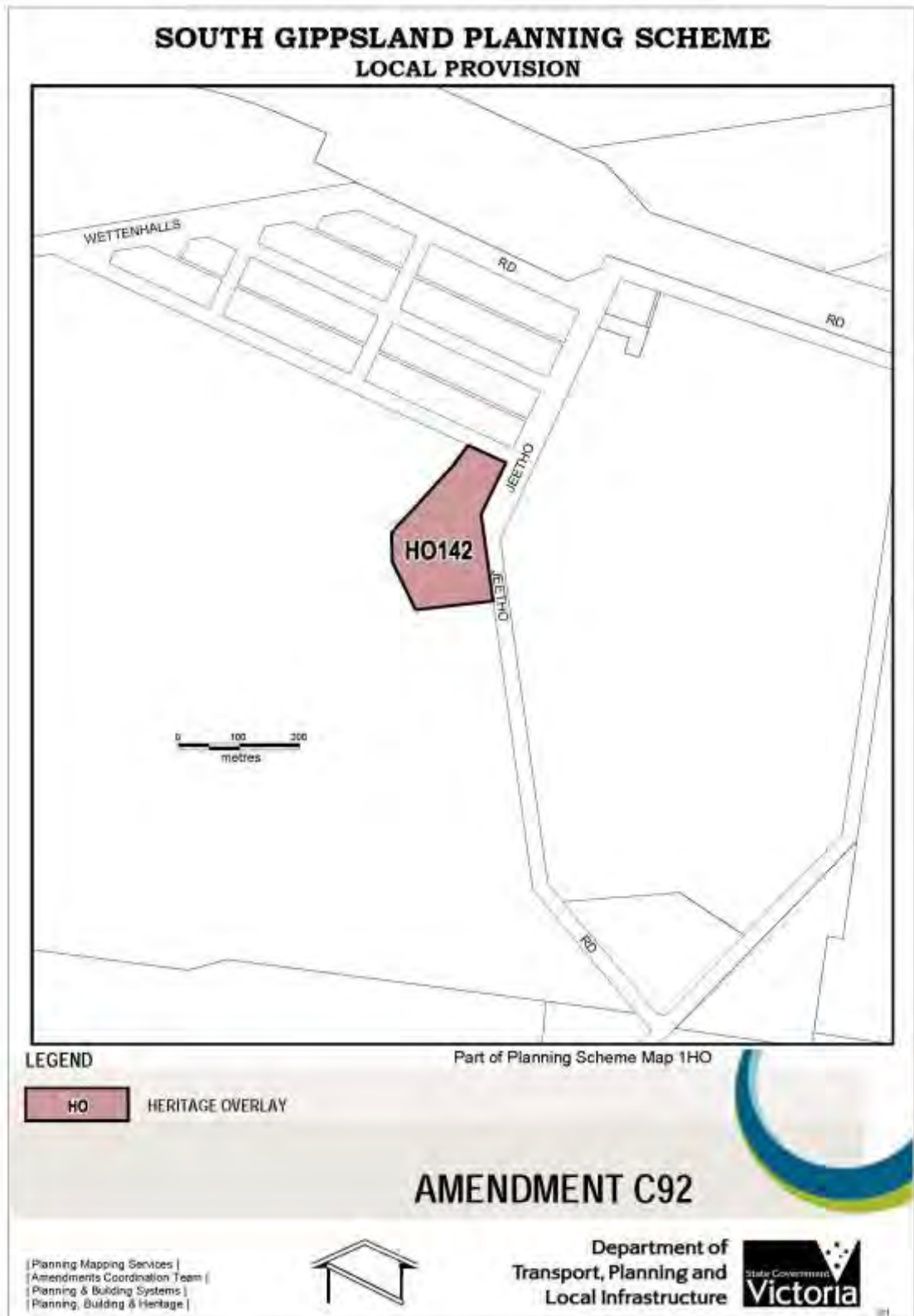


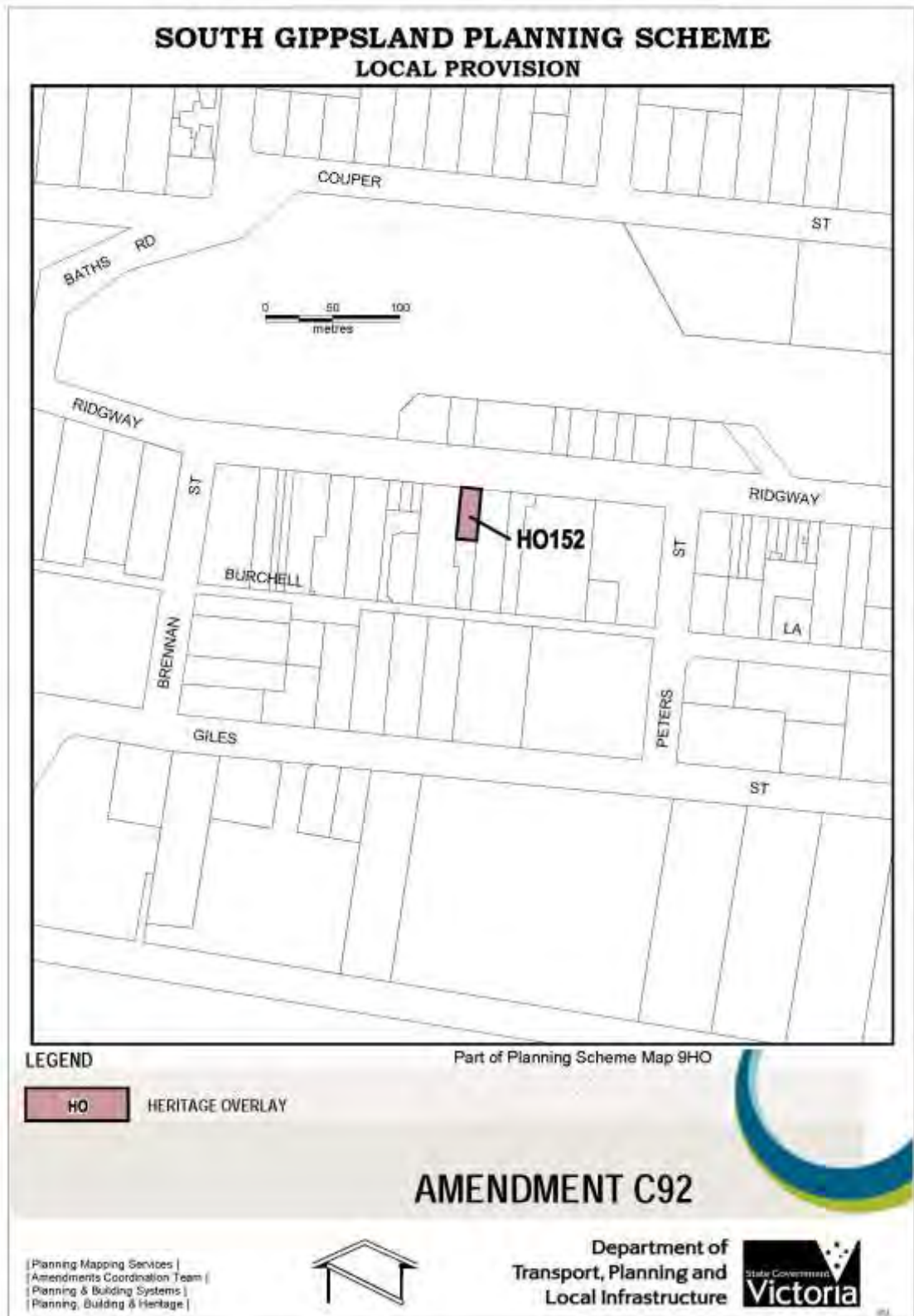




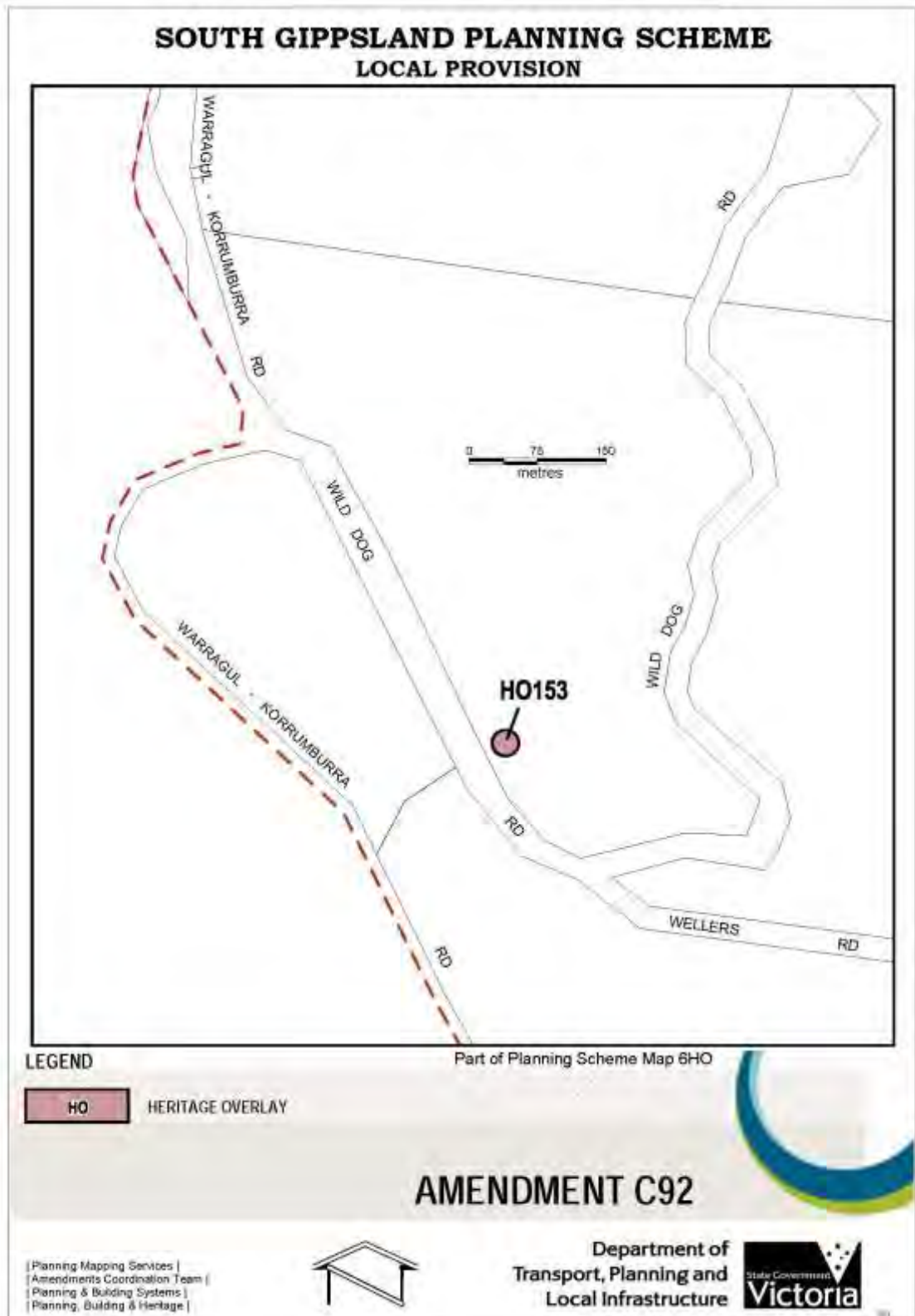


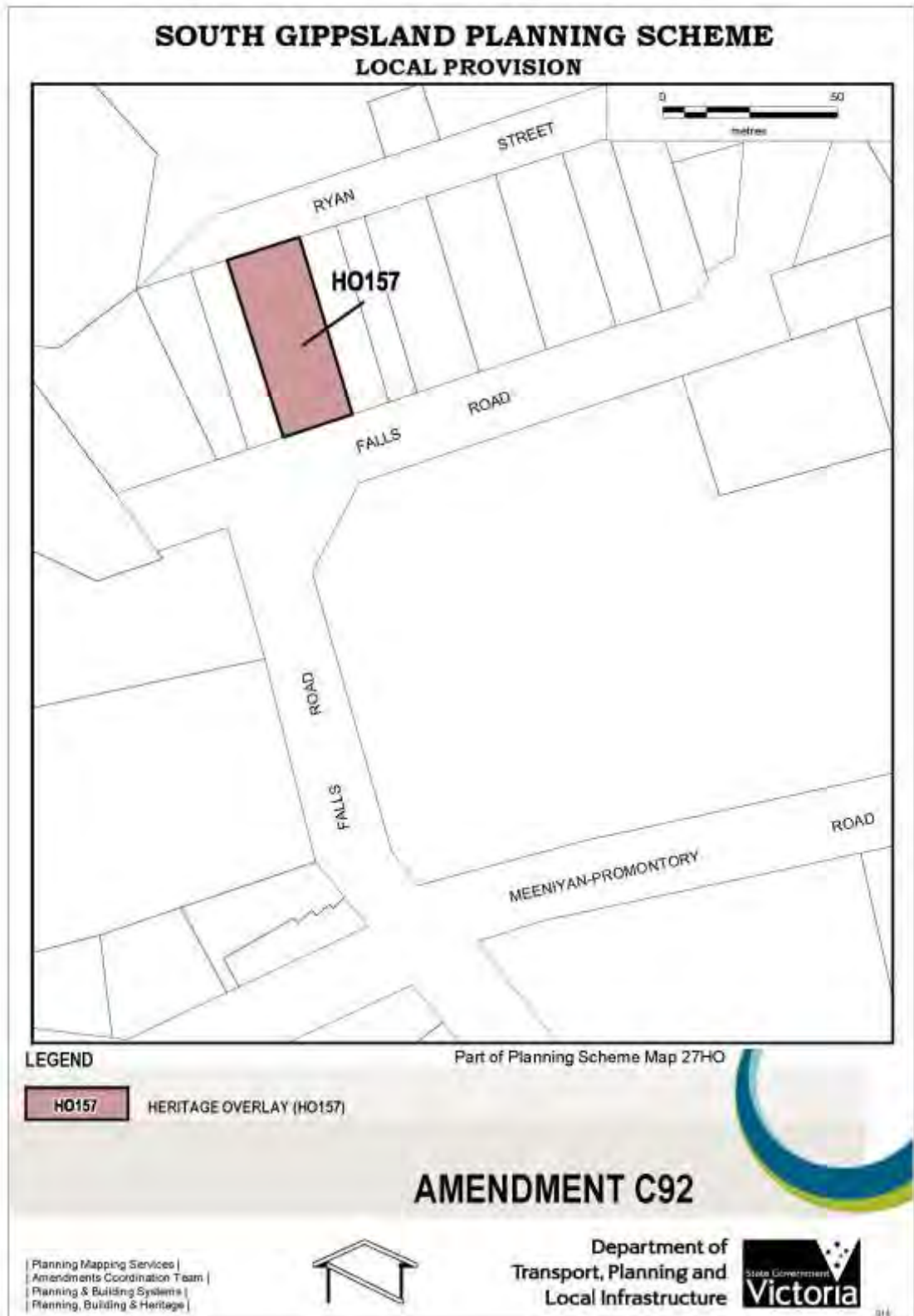












**Attachment 7 - C92 Schedule to clause 61.03**

SOUTH GIPPSLAND PLANNING SCHEME

13/02/2014  
CSC  
Proposed  
C92

**SCHEDULE TO CLAUSE 61.03**

**Maps comprising part of this scheme:**

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

GENERAL PROVISIONS - CLAUSE 61.03 - SCHEDULE 7

Page 1 of 2



SOUTH GIPPSLAND PLANNING SCHEME

- 34, 34ESO3, 34ESO5, 34SLO, 34WMO
- 35, 35ESO3, 35ESO4, 35ESO5, 35HO, 35LSIO, 35SLO, 35WMO
- 36, 36ESO3, 36ESO5, 36SLO, 36WMO
- 37, 37DDO, 37DPO, 37ESO1, 37ESO3, 37ESO5, 37ESO7, 37LSIO, 37SLO, 37WMO
- 38, 38DDO, 38ESO3, 38ESO5, 38ESO7, 38LSIO, 38SLO, 38WMO
- 39, 39ESO3, 39HO, 39LSIO, 39SLO, 39WMO

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## Attachment 8 - C92 Instruction Sheet

*Planning and Environment Act 1987*

**SOUTH GIPPSLAND PLANNING SCHEME**

**AMENDMENT C92**

**INSTRUCTION SHEET**

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

The South Gippsland Planning Scheme is amended as follows:

**Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of 14 attached map sheets.

**Overlay Maps**

1. Amend Planning Scheme Map No[s], 1HO, 6HO, 7HO, 9HO, 14HO, 16HO, 21HO, 27HO, 28HO and 30HO in the manner shown on the 13 attached maps marked "South Gippsland Planning Scheme, Amendment C92".
2. Insert new Planning Scheme Map No.26HO in the manner shown on the 1 attached map marked "South Gippsland Planning Scheme, Amendment C92".

**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

3. In Local Planning Policy Framework – replace Clause 21.16 with a new Clause 21.16 in the form of the attached document.
4. In Overlays – Clause 43.01, replace Schedule 43.01s with a new Schedule 43.01s in the form of the attached document.
5. In General Provisions – Clause 61.03, replace the Schedule with a new Schedule in the form of the attached document.

End of document

## **E.8 PLANNING SCHEME AMENDMENT C93 (KORUMBURRA TOWN CENTRE FRAMEWORK PLAN) - ADOPTION**

Development Services Directorate

### **EXECUTIVE SUMMARY**

Amendment C93 proposes to implement the key recommendations of the Korumburra Town Centre Framework Plan into the South Gippsland Planning Scheme and, in particular, to revise the 'Local Areas' policy that applies to Korumburra. The purpose of the policy changes are to define the Korumburra Town Centre as the prime retail precinct, to retain its character, to stimulate economic and community benefits, and to give direction to potential developers and investors.

In response to C93's exhibition, Council has received eight submissions. Most support the proposed planning scheme changes. All concerns raised have been mediated, so a Planning Panel is not required. This report recommends that Council adopt C93 and submit the amendment to the Minister for Planning for approval.

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

- **Attachment 1** - Extract of Council Minutes 26 February 2014
- **Attachment 2** - C93 Submissions
- **Attachment 3** - C93 Clause 21.15-2 (Local Areas - Korumburra) (track changes showing)
- **Attachment 4** - C93 Clause 21.16 (track changes showing)
- **Attachment 5** - Instruction Sheet
- **Appendix 1** - Safer Design Guidelines for Victoria (June 2005)

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

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

- Planning and Environment Act 1987
- Safer Design Guidelines for Victoria (Department of Sustainability and Environment and Crime Prevention Victoria)

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

- Korumburra Town Centre Framework Plan: Framework Report (October 2013)
- Korumburra Town Centre Framework Plan Economic Assessment (March 2013)
- Korumburra Town Centre Parking Strategy (June 2013)
- South Gippsland Heritage Study 2004

## **COUNCIL PLAN**

Outcome:	3	Integrated Services and Infrastructure
Objective:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development.
Strategy:	3.1.5	We will encourage sustainable development that promotes the health, well-being and unique character of our community.

## **CONSULTATION**

Exhibition of C93 commenced on 25 March and closed on 30 April. (The longer period allowed for Easter and Anzac Day public holidays). Exhibition included more than 350 letters sent to owners and occupiers of properties within or immediately around the area proposed to be defined as the Korumburra Town Centre. Letters were also sent to relevant Government Departments, Ministers, agencies and community groups (including Korumburra Round Table). Notice was included in the 'Council Noticeboard' advertisements in local newspapers and in the Victorian Government Gazette. Hard copies of amendment documents were available for inspection at Korumburra Library, Milpara Community House and Council reception. Online, the amendment details could be viewed at Council's web site and that of the Department of Transport, Planning and Local Infrastructure.

At the request of Korumburra Round Table (KRT), a meeting was held with KRT representatives to discuss the amendment documentation and process.

## **REPORT**

### **Background**

At its 27 November 2013 meeting, Council adopted the Korumburra Town Centre Framework Plan: Framework Report (October 2013), the Korumburra Town Centre Framework Plan Economic Assessment (March 2013) and the Korumburra Town Centre Parking Strategy (June 2013). It also resolved to prepare a planning scheme amendment based on these reports.

At its 26 February 2014 meeting, after viewing amendment documents drafted for exhibition, Council resolved to seek authorisation to prepare C93 (**Attachment 1** - Extract of Council Minutes).

### **Submissions**

Eight submissions were received in response to exhibition (**Attachment 2** - C93 Submissions). Korumburra Round Table, the Department of Environment and Primary Industries and the West Gippsland Catchment Management Authority supported the amendment. Letters from the Environment Protection Authority and West Gippsland Library Corporation (WGRLC) advised they had no objections. WGRLC specifically noted it had no concern with the policy wording proposed under the sub-heading 'Landscape and Built Form' that encourages redevelopment of the library and adjoining sites.

Letters expressing concerns were received from one individual (a non-resident town user) and two business property owners (Austral Hotel at 34 Bridge St and the former CBC bank at 15 Commercial St respectively).

The individual has formally withdrawn the original submission following a meeting to clarify what C93 proposed and the geographical area it applied to. She has confirmed that she prefers the current senior citizen's site as a preferred location for a future major retail development such as a supermarket due to its relative flatness and central location in the retail core.

While listing support for numerous policies, the owners of the Austral Hotel wanted to alert Council to the following concerns:

- Any future Heritage Overlay (HO) be applied to the heritage building (hotel) only, rather than the whole title as recommended by the 2004 Heritage Study;
- Confirmation that the 'dog-leg' realignment concept option (traversing their title) contained in **Appendix 1** of the Framework Report was not supported by Council; and
- Detail (but not the concepts) of implementation of recommendations in the Framework Report relating to car parking and landscaping in the vicinity of the hotel.

In a discussion with this submitter, officers reached agreement on the first two concerns by confirming that:

- HO application on the heritage building only, would be acceptable when such an amendment was proposed; and
- Wording in the Framework Report could be varied to specify that "South Gippsland Shire Council and VicRoads" (as well as project stakeholders and the majority of community respondents already listed) did not support the Report's **Appendix 1** dogleg realignment option on four (listed) grounds.

Officers have also advised that affected parties would be consulted by Council's Engineering team about any future parking or landscaping proposals made in line with the Framework Report recommendations.

The submitter has consequently advised that provided Council adopts C93 with the proposed variation, they do not wish their submission to be considered by a Planning Panel.

The owners of 15 Commercial St raised concerns about:

- Designation of the pedestrian link between Commercial and Little Commercial Streets, which is located on their title, as a 'preferred pedestrian connection' on the proposed Korumburra Town Centre Framework Plan map. (Although the submitter does not have any concern about pedestrian link policies in C93, several cogent arguments were put in support of deleting this particular link from the map.); and
- Application of any future Heritage Overlay. It was requested that any HO be applied solely to the front 'heritage' section of the former bank building, (not the recent additions), or the whole title as recommended by the 2004 Heritage Study;

In a discussion with this submitter, officers agreed to vary the Framework Plan (map) in proposed clause 21.15-2 to omit the mapped link at 15 Commercial Street. Officers confirmed that HO application on the original CBC bank building would be acceptable when such an amendment was proposed.

The submitter has consequently advised that provided Council adopts C93 with the proposed variation, they do not wish their submission to be considered by a Planning Panel.

### **Discussion**

C93 contains the principles developed in the adopted Framework Report for development of Korumburra's Town Centre that are appropriate for insertion as planning scheme policies. These principles include retaining country town character and strategic rural views, providing equal access, improving public spaces, traffic safety and walkability, and concentration of retail and community services. These matters were strongly supported during the community engagement process which resulted in the Framework Report.

In addition to introducing the principles as policies, changes to the Local Area policies for Korumburra at clause 21.15-2 (Local Areas - Korumburra), as shown in **Attachment 3**, include:

- Separating 'general' Korumburra policies from the specific 'Town Centre' and Town Centre Retail Core policies. (This is similar to the separation of policies at 21.15-1 for Leongatha and the Southern Leongatha Outline Development Plan Area. It makes the scheme easier for users as they can concentrate on the relevant parts.);

- Revising existing policies so they fully express the principles of the adopted Framework Report, are expressed clearly and are consistent with other parts of the planning scheme;
- Replacing the existing Framework Plan (map) with one that embodies the new policies;
- Removing outdated or repetitive policies, including the one that requires Council to develop a Town Centre Framework Plan;
- Outlining future recommended strategic work; and
- Adding the three related reports previously adopted by Council (the Framework Report, the Economic Assessment and the Parking Strategy) as 'Reference documents'. A fourth document, the 'Safer Design Guidelines for Victoria' (**Appendix 1**) jointly produced by the Department of Sustainability and Environment and Crime Prevention Victoria, is also added. This document gives excellent guidance to public and private land managers as well as developers. It provides high-level design suggestions to increase the amenity of public areas.

A typographical error (identifying a site being on a west corner instead of an east corner) in the exhibited clause 21.15-2 needs to be corrected by Council agreeing to adopt C93 with the required variation.

As well as **Attachment 3** and **Appendix 1** noted above, the formal amendment documents can be viewed as follows:

- **Attachment 4** - C93 Clause 21.16 (track changes showing)
- **Attachment 5** - Instruction sheet

C93 (a 'Town Centre Framework Plan') is one of the outcomes anticipated in Council's successful application to Regional Development Victoria for \$160,000 funding equally shared by the related studies for the Korumburra Town Centre Framework Plan and the Korumburra Traffic and Drainage projects.

### **Proposal**

That Council adopt Planning Scheme Amendment C93 with the variations recommended, and submit the Amendment to the Minister for Planning for approval.

### **FINANCIAL CONSIDERATIONS**

Most of the new policies have no financial implications for Council as they are applied when planning applications for development are received by Council. Potential developers can inform themselves of the policy considerations before making a planning application. The 'Further strategic work' listed in clause 21.15-2 would be subject to future Council budget decisions.

By agreeing to the mediated variations discussed above, Council can avoid the need to convene a Planning Panel for C93, which is an estimated \$10,000 saving. If Council does not agree to the mediated variations, a Planning Panel is required to be convened to consider the submissions prior to C93 adoption.

## **RISKS**

There are no significant risks to Council in adopting C93 as recommended to be varied.

## **CONCLUSION**

Planning Scheme Amendment C93 will benefit Korumburra and the wider community by guiding change and improvement in ways that will retain the elements that locals and visitors appreciate. It encourages improved outcomes when changes are made to the existing land use and infrastructure. The mediated variations and the typographical correction are minor changes.

## **RECOMMENDATION**

**That Council:**

- 1. Adopt the Safer Design Guidelines for Victoria (June 2005) exhibited as part of C93.**
- 2. Adopt Planning Scheme Amendment C93 (Korumburra Town Centre Framework Plan) in accordance with the documents provided in Attachments 3 to 5 and Appendix 1 with the following variations:**
  - a. In clause 21.15-2, delete the 'Preferred pedestrian connection' traversing 15 Commercial Street from the Korumburra Town Centre Framework Plan (map);and**
  - b. Replace ' south west' with 'south east' in the fifth dot point under the sub-heading 'Landscape and built form' in order to correct a typographical error.**
  - c. In the Korumburra Town Centre Framework Plan: Framework Report October 2013, amend sentences on pages 31 and 59 referring to the option of realigning the "dogleg and the South Gippsland Highway and Bridge Street intersection". Describe the option as "not supported by South Gippsland Shire Council, VicRoads, the project stakeholders and majority of community feedback."**
- 3. Request the Minister for Planning to approve South Gippsland Planning Scheme Amendment C93 (Korumburra Town Centre Framework Plan).**



## **STAFF DISCLOSURE OF INTEREST**

Nil

**Attachment 1**  
**Extract of Council Minutes 26 February 2014**

South Gippsland Shire Council  
Minutes

26 February 2014  
Council Chambers, Leongatha

**E.9 PLANNING SCHEME AMENDMENT C93 - KORUMBURRA TOWN CENTRE FRAMEWORK PLAN - AUTHORISATION REQUEST**

Development Services Directorate

**EXECUTIVE SUMMARY**

At its 27 November 2013 meeting, Council resolved to commence preparation of a planning scheme amendment to implement the key recommendations of the Korumburra Town Centre Framework Plan into the South Gippsland Planning Scheme.

This report seeks Council's resolution to formally request the Minister for Planning for Authorisation to prepare the planning scheme amendment.

Document/s pertaining to this Council Report

- **Attachment 1** - South Gippsland Planning Scheme clause 21.15 Local areas - Korumburra (proposed - track changes showing)
- **Attachment 2** - South Gippsland Planning Scheme clause 21.16 Reference documents (proposed - track changes showing)
- **Attachment 3** - Explanatory Report - Authorisation
- **Attachment 4** - Extract from Council Minutes - 27 November 2013

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

- Planning and Environment Act 1987
- South Gippsland Planning Scheme

**INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

- Korumburra Town Centre Framework Plan (October 2013)
- Korumburra Town Centre Framework Plan Economic Assessment (March 2013)
- Korumburra Town Centre Car Parking Strategy (June 2013)
- Korumburra Town Centre and Structure Plan - Priority Development Panel Final Report May 2010

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South Gippsland Shire Council  
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26 February 2014  
Council Chambers, Leongatha

**COUNCIL PLAN**

Outcome:	3	Integrated Services and Infrastructure
Objective:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development.
Strategy:	3.1.1	We will deliver Council and community projects and leverage project funds to attract

investment from external sources.

### CONSULTATION

Council adopted the Korumburra Town Centre Framework Plan (KTCFP) and its related Economic Assessment and Car Parking Strategy reports on 27 November 2013 (Appendix 1 - Extract of Minutes). Requesting the Minister's authorisation to prepare an amendment is the first step in the formal process of amending the planning scheme. The proposed revisions implement the key recommendations of the KTCFP, including insertion of a new Framework Plan map

A community and stakeholder engagement process was undertaken to develop and refine the KTCFP to its final version prior to Council's adoption. More than 300 participated in this process.

Assuming receipt of amendment authorisation from the Minister, the community will be formally consulted about the amendment during the statutory exhibition period. Advertisements, press releases and hard copies available at relevant community locations are part of the exhibition procedure.

### REPORT

#### Background

The KTCFP was developed as a result of a recommendation to Council by the Priority Development Panel in May 2010. This Panel was convened by the Planning Minister at Council's request to help resolve the future direction for Korumburra. The KTCFP aims to enhance Korumburra's economy, vitality and attraction.

The KTCFP, and its associated documents, the Korumburra Town Centre Framework Plan Economic Assessment (March 2013) and the Korumburra Town Centre Car Parking Strategy (June 2013) are available on Council's web site as public documents.

#### Discussion

The first priority action in the Implementation section of the KTCFP is a:

*"Planning Scheme Amendment to implement the recommendations of the Framework Plan into the South Gippsland Planning Scheme This includes:*

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- *Revision of Objectives, Strategies and Actions in relevant clauses;*
- *Inclusion of the KTCFP and Korumburra Town Centre Car Parking Strategy as Reference Documents;*
- *Revision of zones and overlays including a Design and Development Overlay;*
- *Introduction of Design and Development guidelines."*

The action is timetabled as "immediate to short term"

To implement the key contents of the KTCFP, proposed revisions to the planning scheme's clauses 21.15-2 and 21.16 (Attachments 1 and 2) are

shown as track changes to the current provisions. Attachment 3 contains the 'Explanatory Report' required to accompany an amendment authorisation request.

Given the scope of the application of the proposed amendment, submissions are to be expected as a result of formal exhibition. Following exhibition if there are any submissions that are unable to be resolved, an Independent Planning Panel will be convened to hear and make recommendations on submissions.

#### **Options**

Council can adopt or reject the amendment documentation.

#### **Proposal**

It is proposed that Council implement its resolution of 27 November 2013 and submit the proposed South Gippsland Planning Scheme clause 21.15 (Local Areas) and clause 21.16 (Reference documents) to the Minister as part of the Authorisation request material.

Furthermore, it is proposed that after receipt of any such Authorisation, Council undertake formal exhibition of Planning Scheme Amendment C92 in accordance with the requirements of the Planning and Environment Act 1987.

#### **FINANCIAL CONSIDERATIONS**

The amendment process is covered by the Development Services Directorate's operational budget and was anticipated as part of the KTCFP process.

#### **RISK FACTORS**

Failure to seek the Minister's Authorisation to prepare the proposed amendment would:

- be contrary to Council's previous resolution on the topic and

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South Gippsland Shire Council  
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- would disappoint community expectations of action being taken on 'immediate to short term' initiatives identified by the KTCFP

#### **CONCLUSION**

Requesting Ministerial authorisation to prepare C93 is the next administrative step in the amendment process and is required before formal exhibition can be undertaken.

#### **RECOMMENDATION**

That Council:

1. Request the Minister for Planning for Authorisation to prepare Planning Scheme Amendment C93 - Korumburra Town Centre Framework Plan.
2. Formally exhibit Planning Scheme Amendment C93 - Korumburra Town Centre Framework Plan, after receipt of relevant Authorisation from the Minister for Planning.
3. Request the Minister for Planning convene an Independent Planning Panel to hear any objections to Planning Scheme Amendment C93 that

cannot be mediated.

**STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED:** Cr McEwen

**SECONDED:** Cr Hutchinson-Brooks

**THAT COUNCIL:**

1. **REQUEST THE MINISTER FOR PLANNING FOR AUTHORISATION TO PREPARE PLANNING SCHEME AMENDMENT C93 - KORUMBURRA TOWN CENTRE FRAMEWORK PLAN.**
2. **FORMALLY EXHIBIT PLANNING SCHEME AMENDMENT C93 - KORUMBURRA TOWN CENTRE FRAMEWORK PLAN, AFTER RECEIPT OF RELEVANT AUTHORISATION FROM THE MINISTER FOR PLANNING.**
3. **REQUEST THE MINISTER FOR PLANNING CONVENE AN INDEPENDENT PLANNING PANEL TO HEAR ANY OBJECTIONS TO PLANNING SCHEME AMENDMENT C93 THAT CANNOT BE MEDIATED.**

**CARRIED**

**For:** Crs Davies, Hill, Hutchinson-Brooks, Harding, Fawcett, Brunt, McEwen and Kennedy.

**Against:** Cr Newton

**Attachment 2 - C93 Submissions**

**Submitter 2**

**RECEIVED**  
- 2 APR 2014  
PLANNING

**West Gippsland**  
Catchment Management Authority

CMA Application No: **WG-F-2014-0164**  
Document No: **1**  
Council No: **Amendment C93**  
Date: **2 April 2014**

Fiona Mottram  
Strategic Planner  
South Gippsland Shire Council  
Private Bag 4  
Leongatha Vic 3953

Dear Fiona,

**Application Number (CMA Ref):** WG-F-2014-0164

**Regarding:** South Gippsland Planning Scheme Amendment C93 (Korumburra Town Centre Framework Plan)

Thank you for your enquiry, received at the West Gippsland Catchment Management Authority ('the Authority') on 27 March 2014 in relation to South Gippsland Planning Scheme Amendment C93 (Korumburra Town Centre Framework Plan).

The Authority has reviewed the details of the amendment and advises that it supports the proposal. No designated waterways are within the area included in the Korumburra Town Centre Framework Plan and the Authority does not consider that the proposal would have an impact on flood hazard, downstream waterways or stormwater leaving the area.

Should you have any queries, please do not hesitate to contact Linda Tubnor on 1300 094 262. To assist the Authority in handling any enquiries please quote **WG-F-2014-0164** in your correspondence with us.

Yours sincerely,



**Adam Dunn**  
Statutory Planning Manager

The information contained in this correspondence is subject to the disclaimers and definitions attached.

F:00140164 Pg 1 of 2

03 5175 8100  
Correspondence PO Box 1374, Traralgon VIC 3844  
Telephone: 1300 094 262 • Facsimile: (03) 5175 7889 • Email: westgippsland@wgcmha.vic.gov.au • Website: www.wgcmha.vic.gov.au  
Traralgon Office: 10 Rutland Street, Traralgon VIC 3844 • Leongatha Office: Corner Young & Bair Streets, Leongatha VIC 3953

**Submitter 2**

**Fiona Mottram**

**From:** Karen Taylor <Karen.Taylor@epa.vic.gov.au>  
**Sent:** Thursday, 3 April 2014 2:57 PM  
**To:** Fiona Mottram  
**Subject:** C93 PSA

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13 APR 2014  
PLANNING

Hi Fiona

EPA has no objections, issues or concerns regarding the Planning Scheme Amendment C93 (Korumburra Town Centre Framework Plan).

Kind Regards,

Karen.

**Karen Taylor**  
Planning Assessment Officer  
Gippsland



**EPA Gippsland**  
7 Church Street, Traralgon VIC 3844 | GPO Box 4395 Melbourne Vic 3001 | DX 219292  
☎ 1300 372 842 (1300 EPA VIC) | E [karen.taylor@epa.vic.gov.au](mailto:karen.taylor@epa.vic.gov.au) | [www.epa.vic.gov.au](http://www.epa.vic.gov.au)

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Submitter 3 page 1



Department of  
Environment and Primary Industries



Our ref: SP449654  
Your ref: C93

3 April 2014

Fiona Mottram  
Strategic Planning Officer  
South Gippsland Shire Council  
Private Bag 4  
**LEONGATHA VIC 3953**

71 Hotham Street  
Traralgon Victoria 3844  
Telephone: (03) 5172 2100  
Facsimile: (03) 5172 2111  
ABN 90 719 052 204  
DX 219284

Dear Fiona

**AMENDMENT C93 TO SOUTH GIPPSLAND PLANNING SCHEME**

Thank you for your correspondence dated 25 March 2014 in respect of Planning Scheme Amendment C93 (Amendment), which was referred to the Minister for Environment and Climate Change pursuant to section 19(1)(c) of the *Planning and Environment Act 1987*. The correspondence was received on 28 March 2014.

The Amendment proposes to:

- amend Clause 21.15 Local Areas to incorporate strategic directions and key recommendations of the Korumburra Town Centre Framework Plan: Framework Report: October 2013;
- update the Korumburra Town Centre Framework Plan; and
- amend Clause 21.16 Reference Documents.

The proposed Amendment has been considered by the Department of Environment and Primary Industries (DEPI) on behalf of the Minister for Environment and Climate Change and supports the Amendment.

These comments are submitted without prejudice for the consideration of the Amendment by the Minister for Planning under section 35 of the *Planning and Environment Act 1987*.

All written correspondence should be sent electronically to [gippsland.planning@depi.vic.gov.au](mailto:gippsland.planning@depi.vic.gov.au) or mailed to:

Program Manager, Regional Planning  
Department of Environment and Primary Industries  
71 Hotham Street  
TRARALGON VIC 3844

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Submitter 3 page 2

If you have any queries regarding this matter, please contact Regional Planning - Gippsland at the Traralgon DEPI office on (03) 5172 2111.

Yours sincerely



**John Brennan**  
Program Manager, Regional Planning

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- 14/5/14

PLANNING



Submitter 4

West Gippsland Regional Library Corporation

3<sup>rd</sup> April, 2014

Fiona Mottram  
Strategic Planning Officer  
South Gippsland Shire Council  
Private Bag 4  
Leongatha 3953



65 Victoria Street,  
Warragul, Victoria 3820  
P: 03 5622 2849  
F: 03 5622 3089  
ABN 90 793 610 846

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7 APR 2014  
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**South Gippsland Planning Scheme Amendment C93**

Dear Fiona

Thank you for your letter of 25 March advising the Corporation that Amendment C93 which proposes to translate the key recommendations of the Korumburra Town Centre Framework Plan is being exhibited for public comment.

We have studied the amendment documentation. We wish to confirm that we have no objections to the wording relating to the library and particularly to Clause 21-15-2 and the relevant wording under the heading **Landscape and Built Form**:

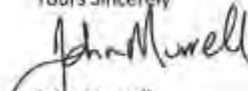
*Encourage the redevelopment of the existing library site and adjoining sites (south west corner of Commercial and King Streets) for a major retail use such as an additional supermarket. Ensure any new development of the site respects and enhances the town character by application of the following guidelines:*

- *Provide a skin of fine-grain speciality retail shops and active pedestrian interfaces to Commercial Street.*
- *Provide a distinctive and attractively designed landmark statement with the building and landscape treatments in recognition of the site's gateway entrance into the Town Centre.*
- *Appropriately articulate, screen or treat any blank walls.*
- *Consider inclusion of co-located community facilities and services, such as a library, meeting spaces, public toilets and the like.*

We recognise that this is a complex matter, about which Council has made considerable endeavours to consult both with the Corporation as a stakeholder and with the community. We understand from previous consultations with Council that if the current library site is developed in a manner that precludes continuation of library services, a prominent alternative site will be found.

We look forward to continuing to work with Council to achieve the best possible library service and facilities for the whole of South Gippsland, as well as in Korumburra.

Yours Sincerely

  
John Murrell  
Chief Executive Officer



[www.wgrlc.vic.gov.au](http://www.wgrlc.vic.gov.au)  
[wgrlc@wgrlc.vic.gov.au](mailto:wgrlc@wgrlc.vic.gov.au)

Submitter 5



**Korumburra Round Table**

c/o South Gippsland Shire Council  
Private Bag 4  
Leongatha VIC 3953

28 April 2014

Mr Tim Tamlin  
CEO  
South Gippsland Shire Council  
Private Bag 4  
Leongatha VIC 3953

Dear Tim,

At the 24 April 2014 meeting of the Korumburra Round Table there was some discussion about the Planning Scheme Amendment C93 (Korumburra Town Centre Framework Plan).

The consensus of the meeting was that the Korumburra Round Table generally supports the amendment. The meeting felt that it would help to keep the town's character and amenity while encouraging improvements to the local economy.

The meeting asked me to submit this view to Council. Whilst we understand that the closing date for submissions on this matter was 17 April, the Korumburra Round Table did not meet until 24 April to discuss this matter. We trust you will note our support.

Regards

A handwritten signature in dark ink, appearing to be "John Davies".

John Davies  
Chair  
Korumburra Round Table  
Mob: 0411 485 113

cc: David Simon SGSC

**Submitter 6**

Fiona Mottram  
South Gippsland Shire Council

RECEIVED

7<sup>th</sup> May 2014

MAY 2014

PLANNING

Dear Fiona,

Re: submissions to planning scheme amendment C93 (Korumburra Town Centre Framework Plan)

Further to my recent letter and discussion with you and Ken yesterday I am writing to confirm the outcome following my submission regarding the proposed Korumburra Town Centre Framework Plan and amendment C93. I once again thank you for giving me the opportunity to make comments on the proposed KTCFP, your assistance in this matter is most appreciated. Please note I do not wish the previous letter to proceed further as I do not wish to incur delays or unnecessary costs for the township of Korumburra, and I therefore withdraw my previous letter of submission. Instead I have expressed my preference for the proposed supermarket site below.

I consider the supermarket needs to be on flat ground. It is most important that we have suitable areas for people of all abilities to carry out their shopping as independently as possible. To install a second supermarket at the bottom of the hill (where the library exists) only means that the other shops need to be accessed by moving up and down this hill. I therefore prefer the alternative site where the elderly citizen's building now exists, where the terrain is not as steep and wish my preference to be recorded accordingly.

Thank you for allowing me this opportunity to voice my opinion..

Yours sincerely

Submitter 7 1995 1

MGH Planning and Development

RECEIVED  
- 5 MAY 2014  
PLANNING

4 May 2014

Attention: Ms Fiona Mottram  
Strategic Planning Officer  
South Gippsland Shire Council  
By email: [fiona.mottram@southgippsland.vic.gov.au](mailto:fiona.mottram@southgippsland.vic.gov.au)

Dear Fiona,

**Amendment C93 to the South Gippsland Planning Scheme**

We act on behalf of OFE Pty Ltd, the owners of the Austral Hotel at No.34 Bridge Street, Korumburra (Property Key: 1B4174).

On behalf of our clients, we provide you with the following submission in relation to Amendment C93 to the South Gippsland Planning Scheme. This submission is not an objection that our clients are seeking to take to a Panel Hearing. It is however a representation of both positive and negative elements of Amendment C93 as it affects their landholding and interests. A formal written response from Council on these matters would be greatly appreciated.

The amendment applies to all land within the Korumburra Town Centre extending from Henry Street in the south-east through to a group of land parcels located on the western side of King Street. Amendment C93 seeks to introduce the *Korumburra Town Centre Framework Plan: Framework Report October 2013* ('KTCFP Framework Report') and the *Safer Design Guidelines for Victoria (2005)* as reference documents as Clause 21 of the South Gippsland Planning Scheme.

We acknowledge many of the positive elements of the KTCFP Framework Report including the encouragement of office development above and at the rear of shops and active retail frontages. Other initiatives contained within the KTCFP Framework Report such as the development of a business plan for the town centre and undertaking promotion and marketing activities for the town centre are positive recommendations. Finally, encouraging an increase in outdoor dining opportunities and other street-based business activities is also something that our client is supportive of and may pursue in the future.

The review and implementation of the *South Gippsland Heritage Strategy (2004)* is a recommended action within the KTCFP Framework Report. This would result in amendments to the Heritage Overlay, as it relates to the town centre. Clause 21.09-1 Heritage recognises the important role that heritage buildings make in the context of the streetscape and character of the township. The Explanatory Report for Amendment C93 identifies the intention to support the future inclusion of additional heritage properties. We note that our client's property was identified in the Heritage Study but the Heritage Overlay was never applied to their landholding. The extent of the designation for the Austral Hotel (formerly the Bridge Hotel) was "*The whole of the property as defined by the Title*". Although any revision of the Heritage Study will necessitate a separate amendment in the future, our client's would like to put on record their desire to limit the extent of any designation to the Austral Hotel building only. The associated car park and bottle shop should be excluded from any future listing. Against this context, our clients seek to maintain the future opportunity to enhance the overall functionality and useability of the site. The potential to construct a new commercial and/or retail building on the northern side of the Austral Hotel (effectively filling in the void between the Austral Hotel and the Italian Social Club) should not be curtailed or restricted by any future heritage listing for the site.

1/2

phone: 03 99389463 | 3 Crampton Crescent, Rosanna 3084 | email: [mghplanning@gmail.com](mailto:mghplanning@gmail.com)

Submitter 7 page 2



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2014 MAY  
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## MGH Planning and Development

It is understood that two options were prepared for portions of the 'dogleg' as part of the KTCFP Framework Report. It is unclear as to the location of Option 1. Option 2 depicts a road extending from the eastern end of Commercial Road through the northern part of the Austral Hotel site before connecting into Mine Road to the east. This plan is attached at Appendix 1 of the KTCFP Framework Report. It is unclear as to why this option is specifically included in the KTCFP Framework Report. According to the adopted the KTCFP Framework Report, *this option was found to be not supported by project stakeholders the majority of community respondents due to insufficient benefit for the cost, volume of traffic, its impact on traffic calming for the town centre and the time frame of this project.* We question why this discounted option continues to form part of the KTCFP Framework Report. Our clients are strongly opposed to this as an option to overcome the 'dogleg' and seek an assurance from Council that there is no intent by Council to develop or support this option either now or in the future.

The KTCFP Framework Report identifies the removal of car parking spaces on Bridge St in the dog-leg section. It is unclear as to how many car spaces could be removed by this recommendation. Preserving the existing supply of onstreet car parking on Bridge Street for customers of the Austral Hotel as well as the surrounding commercial and retail properties is important. Again, we note this as a concern for Council's future reference.

The KTCFP Framework Report identifies extensive streetscape improvements for the Korumburra town centre. In particular, the opportunity to provide formal avenue street landscaping on Bridge Street and Mine Road is denoted. Our clients are generally supportive of this as part of a broader suite of township enhancement initiatives. Their concern however is with the potential landscaping treatments identified for Mine Road in front of the Austral Hotel. With the existing hotel verandah, there is little to no scope to accommodate landscaping treatments (i.e. canopy trees) as envisaged within the KTCFP Framework Report. Our clients want to ensure that the integrity of the hotel structure is preserved and not affected by a street tree planting program.

In summary, our clients would welcome an opportunity to discuss these matters further. They do not want to delay the progression of Amendment C93. We note the heritage related matter for Council's future reference and accept that this will form part of a future amendment to the South Gippsland Planning Scheme.

A formal written response from Council on the foregoing matters would be greatly appreciated.

On behalf of our clients, we look forward to hearing from you.

Yours faithfully

Greg Harrison  
Director  
MGH Planning and Development Pty Ltd  
Ph: (03) 99399463  
Email: [mghplanning@gmail.com](mailto:mghplanning@gmail.com)  
<http://www.mghplanning.com>

Copy to: OFE Pty Ltd

3/1

phone: 03 99399463 | 3 Crampton Crescent, Rosanna 3064 | email: [mghplanning@gmail.com](mailto:mghplanning@gmail.com)

Submitter 8 page 1



MGH Planning and Development

4 May 2014

Attention: Ms Fiona Mottram  
Strategic Planning Officer  
South Gippsland Shire Council  
By email: [fiona.mottram@southgippsland.vic.gov.au](mailto:fiona.mottram@southgippsland.vic.gov.au)

Dear Fiona,

**Submission on Amendment C93 to the South Gippsland Planning Scheme**

We act on behalf of Commercial Street Properties Pty Ltd, the owners of No.15 Commercial Street, Korumburra (Property Key: 183838). On behalf of our clients, we provide you with the following submission in relation to Amendment C93 to the South Gippsland Planning Scheme.

The amendment applies to all land within the Korumburra Town Centre extending from Henry Street in the south-east through to a group of land parcels located on the western side of King Street. Amendment C93 seeks to introduce the *Korumburra Town Centre Framework Plan: Framework Report October 2013* ('KTCFP Framework Report') and the *Safer Design Guidelines for Victoria (2005)* as reference documents at Clause 21 of the South Gippsland Planning Scheme.

We acknowledge many of the positive elements of the KTCFP Framework Report such as the encouragement of office development above and at the rear of shops and active retail frontages to Little Commercial Street. The addition of the *Safer Design Guidelines for Victoria (2005)* will also help deliver positive planning outcomes for Korumburra in the future. Other initiatives contained within the KTCFP Framework Report such as the development of a business plan for the town centre and undertaking promotion and marketing activities for the town centre are positive recommendations.

Our clients are however concerned with Amendment C93, as currently proposed. The replacement of the existing Korumburra Town Centre Framework Plan contained at Clause 21.15 of the South Gippsland Planning Scheme with the updated version (refer Page 1 of the Explanatory Report), clearly identifies our client's landholding as a preferred pedestrian connection linking Commercial Street with Little Commercial Street and beyond. Direction 7.1 of the KTCFP Framework Report seeks to "improve and formalise existing pedestrian connections between Little Commercial Street and Commercial Street".

Although it has existed as a private pathway for a number of years, the proposed pedestrian connection is freehold land and forms part of our client's property, (see attached Certificate of Title, Vol. 9642, Fol.309). A gate is currently provided along Commercial Street to restrict general public access. The existing pathway is located on the eastern side of our client's building. It has a width of only 1.2 metres. The pathway is aligned in a north-south direction and provides access to our client's building from both Commercial Street to Little Commercial Street.

The identification of our client's site as a preferred pedestrian connection is strategically opportunistic and is not a well-founded or considered option for a public pedestrian connection. If Council has a strong desire or preference for this to be a public pedestrian connection, it should be applying a Public Acquisition Overlay (PAO). We would argue that applying a PAO is inappropriate given the historical design deficiencies of the private pathway. Particular concerns for our clients include safety, security and the risk of future legal action.

The design of our urban environments should clearly promote personal safety and help to reduce people's fear of crime. The *Safer Design Guidelines for Victoria (2005)*, which are being introduced into the South Gippsland Planning Scheme, set out a range of principles, objectives and suggestions for designing safer urban environments.

1/2

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Submitter 8 page 2



## MGH Planning and Development

Of particular relevance, the *Safer Design Guidelines for Victoria (2005)* state that:

*Pedestrian routes and bike paths should be designed and located to support a high level of use and natural surveillance. Under-utilised routes and paths will be perceived as unsafe and deter public use.*

How does Council see that the proposed pedestrian link addresses CPTED Principles? This requires consideration. The KTCFP Framework Report identifies that footpaths should have a minimum width of 1.5 metres. In New South Wales, the four principles that need to be used in the assessment of development applications to minimise the opportunities for crime are:

- Surveillance
- Access control
- Territorial reinforcement
- Space management

People feel safe in public areas when they can easily see and interact with others. The existing pathway contains inadequate lighting. Lighting and visibility help to reduce opportunities for crime. There is anecdotal evidence of anti-social activity already occurring along the pathway. Has Council undertaken a risk assessment process involving a crime analysis, a safety audit, and an overall site design review? Given the short distance to Bridge Street, pedestrians are generally more likely to walk via Bridge Street rather than use what they perceive to be an unsafe pedestrian connection.

Once a plan or map forms part of a planning scheme, then experience suggests that they get applied by Council and the local community as the "default position". If our client's private property continues to be identified as a future pedestrian connection, then that is what will be applied by Council once the amendment forms part of the planning scheme. This will effectively constrain any future development of this private owned space. We note for Council's reference that our clients acquired the subject property on 27 February 2014.

On a separate matter, Clause 21.09-1 Heritage recognises the important role that heritage buildings make in the context of the streetscape and character of the township. The Explanatory Report identifies the intention to revisit the *South Gippsland Shire Heritage Study (2004)* and support the future inclusion of additional properties. Our client's property was identified in the Heritage Study and the extent of the designation was "The whole property as defined by the Title". Although any revision of the Heritage Study will necessitate a separate amendment in the future, our client's would like to put on record their desire to limit the extent of any designation to the front section of the former bank building only. The southern section of the building, together with the private walkway and car parking at the rear of the site should be excluded from any future listing. Against this context, our clients seek to maintain the future opportunity to enhance the overall functionality and useability of the site including the existing building.

In summary, our clients would like to amicably resolve the issue of the potential future pedestrian connection now. Our clients are a key corporate citizen in the local Korumburra and Leongatha communities. They do not want to delay the progression of Amendment C93 and sincerely hope that a mutually agreeable position can be reached with Council. We note the heritage related matter for Council's future reference and accept that this will form part of a future amendment to the South Gippsland Planning Scheme. On behalf of our clients, I look forward to hearing from you.

Yours faithfully

Greg Harrison  
Director  
MGH Planning and Development Pty Ltd

Copy to: Commercial Street Properties Pty Ltd

3/2

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Submitter 7 and 8 Mediation confirmation

**Fiona Mottram**

**From:** Greg Harrison <mghplanning@gmail.com>  
**Sent:** Thursday, 8 May 2014 7:59 AM  
**To:** Fiona Mottram; FionaM@southgippsland.vic.gov.au  
**Cc:**  
**Subject:** Fwd: PSA C93 - Confirmation on Council's position re. submissions @ 15 Commercial & 34 Bridge Sts Korumburra

Hi Fiona,

Thanks for the opportunity to work through the two Amendment C93-submissions yesterday.

On behalf of our clients, we thank you for the positive approach that you have employed to addressing the identified issues.

Subject to Council adopting Amendment C93 with the agreed changes detailed in your email dated 07/05/2014, my clients do not seek to have their submissions considered by a Planning Panel.

We note two things that require clarification. Firstly, at Item 1, the reference to the 'southernmost pedestrian connection' could be changed to refer to the 'pedestrian connection' shown as traversing 15 Commercial St Korumburra on the Korumburra Town Centre Framework Plan. There appear to be other pedestrian connections further to the south albeit not linking Commercial Street to Little Commercial Street. To avoid confusion, the word 'southernmost' could be removed.

The second matter relates to Items 2 and 4. It is very minor but the reference to a 500mm buffer should not be viewed as a 'non-development' area. It is merely a reference to the extent of a potential heritage registration that might apply to each site in the future. As confirmed by you in our teleconference yesterday, the approach followed in relation to heritage registrations has changed since the 2004 Study and generally the heritage structure rather than the whole site is defined as the extent of registration.

We would appreciate being provided a copy of the Council Report in advance of the Council meeting. That will give us all a level of comfort that what has been agreed will go before Council. Confirmation that the Amendment has been adopted by Council with the agreed changes would also be appreciated.

Once again, thanks for addressing our clients' concerns.

Kind regards,

**Greg Harrison**  
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**Attachment 3 - C93 Clause 21.15-2 (Local Areas - Korumburra) (track changes showing)**

SOUTH GIPPSLAND PLANNING SCHEME

**21.15-2 Korumburra**

28/11/2013  
DFO  
Engineered  
GAS

Situated on the South Gippsland Highway in a picturesque landscape of rolling hills, Korumburra is the second largest town in the municipality and a key service provider to the smaller towns and communities in the Shire's western region. Ongoing improvements in the highway and the development of the Pakenham Bypass make Korumburra increasingly accessible to metropolitan Melbourne and help underpin population and economic growth that will contribute to securing the town's growth into the future.

Challenges for Korumburra include improving the retail offer, function and appearance of the Town Centre; responding to the existing highway traffic management problems; achieving appropriate redevelopment of the former Korumburra Saleyards site; planning new residential growth areas; and, continuing to define a role and character for Korumburra that distinguishes its place in the Shire's western region.

**Local area implementation**

- Maintain and promote Korumburra as a significant industrial, retail, service, residential and tourism centre in the Shire.
- Ensure the use and development of land in accordance with the strategic directions in the Korumburra Framework Plan and the Korumburra Town Centre Framework Plan ~~map.~~

**Settlement**

- Provide sufficient residential land, at a range of densities, available to accommodate future township growth.
- Plan for sequential and staged residential development that integrates with existing infrastructure networks.
- Monitor the availability and development of residential land and encourage the rezoning of appropriate areas identified in the Korumburra Framework Plan map to maintain an estimated 15-year residential land supply.
- Promote the development of new residential estates that establish appropriate integration with existing residential areas and infrastructure; provide pedestrian and cyclist connectivity to the Town Centre and key community features; and, protect the environmental values of the land, especially the waterways.
- Promote higher density residential development and retirement living on land within the inner township residential areas that can be provided with convenient pedestrian access to the Town Centre.
- Focus industrial development within the established industrial areas, and at the site of the former Korumburra Saleyards. Development of the former saleyards land must have close regard to the amenity interface with the adjoining showgrounds and residential areas.
- Consider the potential adverse amenity impacts of the milk manufacturing operations in the Station Street Industrial Area on rezoning proposals that allow, or intensify, the establishment of sensitive land uses in the immediate area surrounding the manufacturing operations.

**Economy**

- ~~Support and encourage Korumburra's role as a retail and service centre with civic and community functions for its population and nearby small communities.~~
- ~~Maintain the primacy of the Town Centre as the civic and service hub of the town.~~
- ~~Actively support the establishment of new retail opportunities in the Town Centre Retail Corridor.~~

MUNICIPAL STRATEGIC STATEMENT - CLAUSE 21.15 PAGE 9 OF 50

SOUTH GIPPSLAND PLANNING SCHEME

- ~~• Maintain a compact, convenient and well-connected Town Centre that is the primary activity hub of the town.~~
- ~~• Actively encourage major retail, office and community developments to concentrate in the Town Centre Retail Core, comprising the blocks bounded by Commercial Street, King Street, Victoria Street and Bridge Street.~~
- ~~• Encourage the consolidation of sites in the Town Centre Retail Core to accommodate new large floor space developments.~~
- Strongly discourage the development of new retail uses outside of the Town Centre Retail Core where such uses may weaken the principal role of the Town Centre.
- Support tourism developments that promote Korumburra as a tourist destination and plan for the provision of services and features that support highway tourism traffic.

**Landscape and built form**

- ~~• Promote development in the Town Centre that improves pedestrian connectivity and the layout and operation of car parking, and enhances the amenity of the streetscape.~~
- Promote site responsive residential subdivision design (supported by geotechnical reports on land exceeding 15% slope) that allow for the creation of appropriately sized and configured lots that minimise the impact of earthworks.
- Ensure a high standard of building design, layout and landscaping for all new development, and particularly at the ~~western~~ highway entrances to the town.
- Support the conservation and enhancement of the town's heritage places and streetscapes in recognition of their central role in establishing Korumburra's 'rural township' character and 'sense of place'.

**Infrastructure**

- Improve highway traffic movement through the town.
- Provide strong pedestrian and cycling connectivity to the Town Centre, key community assets and the schools.
- Discourage land uses that may compromise the proposed highway realignment at the south east entry to the town.
- Ensure new development and road traffic improvements do not compromise the longer-term potential return of rail services to Melbourne.

**Further strategic work**

- ~~• Prepare an updated town centre framework plan to encourage major retail, office and community developments to concentrate in the town centre retail core in accordance with the principles established in the Korumburra Town Centre and Structure Plan Priority Development Panel Report (May 2010)~~
- Investigate applying a Restructure Overlay over the old Crown Township to the south-east of the town.
- Review and implement ~~Continue implementation of~~ the recommendations of the *South Gippsland Heritage Study 2004* in consultation with affected landowners and the community.
- ~~• Investigate with VicRoads plan for traffic management, signage and pedestrian safety improvements along South Gippsland Highway and Radwick Street within the Town Centre in accordance with the Minister for Planning's Priority Development Panel recommendation.~~
- In consultation with affected landowners and the community, prepare development plans and overlays for Korumburra's growth areas.
- Investigate the implementation of a planning policy to assist long term management of the amenity interface issues between the Station Street milk manufacturing operations and surrounding residential areas.



SOUTH GIPPSLAND PLANNING SCHEME

~~Review the existing application of the Mixed-Use Zone in response to the three objectives to maintain the primacy of the Town Centre for retail development.~~

**Town Centre**

Korumburra Town Centre and the Korumburra Town Centre Retail Core are defined on the Framework Plan map. The Retail Core is centred on Commercial St along the section from King St in the north west to Bridge St in the south east, and is bounded by the railway line to the north east and Victoria St to the south west. The Town Centre is a wider area which in addition to the Retail Core includes peripheral areas with commercial and civic services. It includes the block on Mine Road between John and Bridge Streets, the courthouse and police station in Bridge St, the existing supermarket in South Railway Crescent and the service station on the north west corner of the highway and King Sts.

**Local Area Implementation**

- ~~Ensure the use and development of land occurs in accordance with the strategic directions in the Korumburra Town Centre Framework Plan.~~

**Settlement**

- ~~Encourage the long term development of under-used and vacant land identified in the Town Centre Framework Plan as 'potential future development'.~~
- ~~Encourage quality office and high density residential development, in locations identified in the Korumburra Town Centre Framework Plan, to improve the local demand for goods and services and to extend the hours of activity in the Town Centre.~~

**Economy**

- ~~Maintain the primacy of the Town Centre as the compact retail and service hub of the town.~~
- ~~Actively support the establishment of new retail opportunities in the Town Centre Retail Core.~~
- ~~Actively encourage outdoor, street-based activity within the Town Centre.~~
- ~~Actively encourage major retail, office and community developments to concentrate in the Town Centre Retail Core, comprising the blocks bounded by Commercial Street, King Street, Victoria Street and Bridge Street.~~
- ~~Focus active retail uses on the Town Centre's 'main streets', being Commercial Street, Radovick Street and Bridge Street.~~
- ~~Encourage the consolidation of sites in the Town Centre Retail Core to accommodate new, large floor-space developments.~~
- ~~Consider the use of Council-owned sites and Council's potential power to acquire land in order to consolidate sites to facilitate large floorspace retail development.~~
- ~~Actively encourage the development of a major retail use such as an additional supermarket on either of the preferred development sites nominated on the Korumburra Town Centre Framework Plan.~~
- ~~Promote tourism, community and other associated uses and activities at the Korumburra Railway Station Precinct to improve diversity of activities on either side of Commercial Street.~~
- ~~Encourage transition from light industrial to commercial, retail and tourism uses in the Town Centre Retail Core.~~

**Landscape and built form**

- ~~Ensure all new development within the Town Centre respects existing built form character by the application of the following guidelines (as appropriate):~~

SOUTH GIPPSLAND PLANNING SCHEME

- Conserve and enhance heritage places in recognition of their contribution to the overall image of the Korumburra Town Centre.
- Encourage the reuse, refurbishment, enhancement and conservation of heritage places as identified in the *South Gippsland Heritage Study 2004*.
- Strongly discourage the demolition of heritage places.
- Maintain the traditional built form scale of 2-3 storeys that respect identified view lines.
- Ensure any infill development adjoining heritage places sensitively reflects the particular characteristics of the adjoining places and avoids visual dominance.
- Ensure the fine-grain pattern of development is retained.
- Encourage reinstatement and continuation of traditional verandahs to provide weather protection.
- Encourage active and attractive shop frontages throughout the Town Centre and the concealment of loading, car parking and service areas to the rear.
- Encourage the development of buildings that create a positive Town Centre image and are reflective of its character.
- Improve and formalise pedestrian connections especially between Little Commercial Street and Commercial Street. As part of any future development proposals, investigate opportunities to provide additional mid-block pedestrian connections between Little Commercial Street parking areas and Commercial Street.
- Improve the layout and operation of car parking, pedestrian, cycling and mobility scooter facilities.
- Advertising signs to be designed and located to respect the sensitivity of heritage places, strategic views and the town's future desired character as identified in the Korumburra Town Centre Framework Plan.
- Encourage the redevelopment of the existing library site and adjoining sites (south west corner of Commercial and King Streets) for a major retail use such as an additional supermarket. Ensure any new development of the site respects and enhances the town character by application of the following guidelines:
  - Provide a skin of fine-grain speciality retail shops and active pedestrian interfaces to Commercial Street.
  - Provide a distinctive and attractively designed landmark statement with the building and landscape treatments in recognition of the site's gateway entrance into the Town Centre.
  - Appropriately articulate, screen or treat any blank walls.
  - Consider inclusion of co-located community facilities and services, such as a library, meeting spaces, public toilets and the like.
- Promote coordinated directional and wayfinding signage in the Town Centre and surrounds.
- Ensure infill development provides active interfaces to the street through maximising windows and entry points.
- Support redevelopment of the site on the north-west corner of Bridge and Commercial Streets to a retail use and form that is reflective of its main street corner address and consistent with the town's character.
- Encourage development of two-storey built form on the potential future development sites on the north-east side of Commercial Street, to address the significant change in ground level so as to allow pedestrian access between the Korumburra Railway Station Precinct and the Town Centre.
- Maintain strategic views from key vantage points identified in the Korumburra Town Centre Framework Plan by the application of the following guidelines (as applicable):



SOUTH GIPPSLAND PLANNING SCHEME

- Maintain a modest two storey traditional built form scale with appropriate roof form designs to ensure the maintenance of long views to landscape.
- Frame views to attractive features such as the rolling hills beyond the town and to provide a visual link to surrounding rural land.
- Retain and enhance existing streetscape vegetation.
- Maintain and extend streetscape plantings in the Town Centre and surrounding area to enhance the town's existing 'boulevard' character.
- Encourage the provision of additional public open space in the Town Centre, with spaces ranging in size from pocket parks to plazas suitable for accommodating festivals and community events.
- Encourage provision of artworks in the Town Centre.
- Encourage pedestrian and street activity by applying the principles identified in the Safer Design Guidelines for Victoria (Department of Sustainability and Environment and Crime Prevention Victoria 2005) (as amended) to new developments and redevelopments.

**Infrastructure**

- Implement traffic management and calming measures within the Town Centre (in consultation with VicRoads) to reduce the impact of heavy vehicles, to increase pedestrian safety and to improve streetscape amenity.
- Improve location of pedestrian crossing points throughout the Town Centre.
- Improve streetscape amenity and pedestrian safety throughout the Town Centre by increasing public open spaces and defining pedestrian access areas, particularly in Commercial and Little Commercial Streets.
- Encourage the reconfiguration of Little Commercial Street as a pedestrian, cyclist and mobility-scooter friendly space, which provides safe and convenient linkages to existing and new community and retail facilities.
- Upgrade the pedestrian railway underpass and connections between Commercial Street and Station Street.
- Where appropriate and in reference to the Korumburra Town Centre Car Parking Strategy June 2013 consider reduction or waiving of car parking provision to encourage commercial outcomes, heritage retention, alternative transport use and active frontages.

**Community Hub**

- Strongly encourage the re-location of community services within the Town Centre at the preferred Community Hub site (existing kindergarten in Victoria St) nominated in the Korumburra Town Centre Framework Plan. Ensure the Community Hub is designed, sited and located to:
  - Provide active uses on the ground floor at public interfaces.
  - Incorporate links to pedestrian connections between Commercial Street and Little Commercial Street.
  - Provide a generous public open space / landscape opportunity along the Little Commercial Street frontage.
  - Maintain and encourage active through-access to Victoria Street and Boston Place to maximise site frontage and accessibility.

**Further strategic work**

- Continue implementation of the recommendations of the Korumburra Town Centre Framework Plan: Framework Report October 2013 as appropriate in consultation with landowners, stakeholders and the community.

SOUTH GIPPSLAND PLANNING SCHEME

- Investigate the most appropriate zone to be applied to 4 Victoria Street (existing kindergarten and preferred Community Hub site) based on a consideration of the land ownership, management and range of land use and activities to be accommodated on the site.
- Prepare and implement a Design and Development Overlay for the Town Centre, especially for the Town Centre Retail Core, in order to protect and enhance the town's character.
- Review and implement recommendations of the *South Gippsland Heritage Study 2004* relevant to the Korumburra Town Centre in consultation with affected landowners and the community.
- Investigate applying a Public Acquisition Overlay to sites in Victoria Street, King Street, Radovick and Bridge Street to facilitate consolidation of and access to major development sites, improvement of access to Little Commercial Street car parking and/or to maintain view lines.
- Investigate appropriate zoning and layout of Council-owned car parking land.

**Reference documents**

*Korumburra Structure Plan, July 2010 (as amended)*

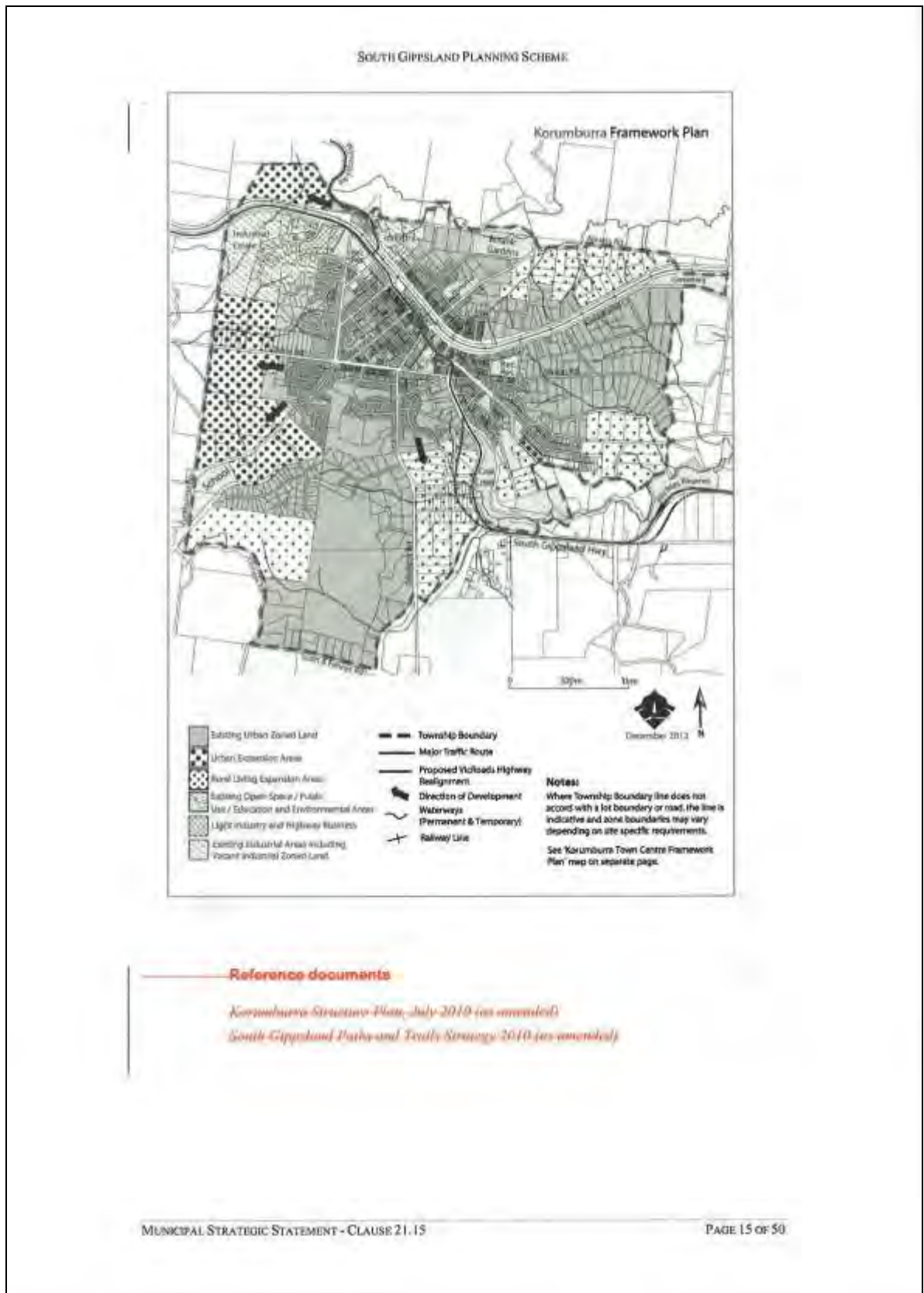
*South Gippsland Paths and Trails Strategy 2010 (as amended)*

*Korumburra Town Centre Car Parking Strategy June 2013*

*Korumburra Town Centre Framework Plan Economic Assessment March 2013*

*Korumburra Town Centre Framework Plan: Framework Report October 2013*

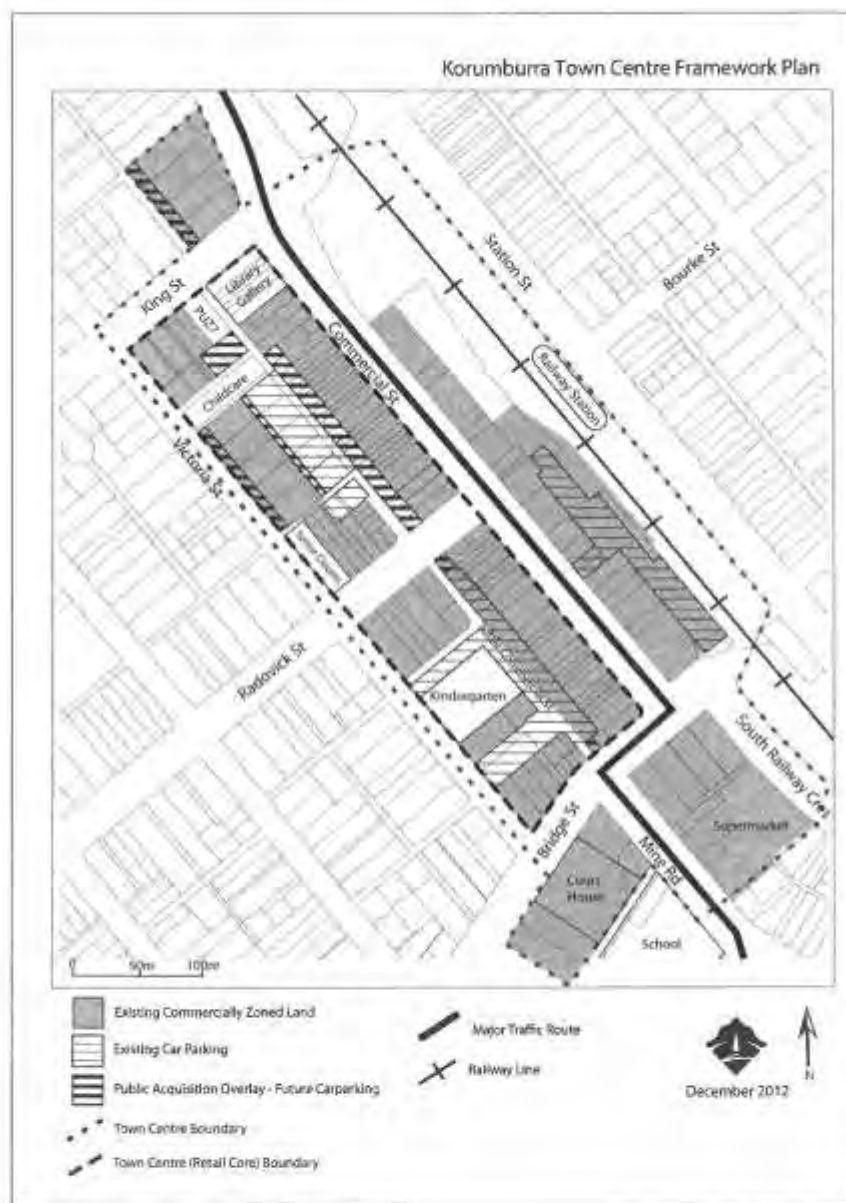
*Safer Design Guidelines for Victoria (Department of Sustainability and Environment and Crime Prevention Victoria 2005) (as amended)*







SOUTH GIPPSLAND PLANNING SCHEME



## Attachment 4 - C93 Clause 21.16 (track changes showing)

SOUTH GIPPSLAND PLANNING SCHEME

**21.16 REFERENCE DOCUMENTS**

12032014  
C93  
Gippsland  
C93

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

- *Coastal Spaces Landscape Assessment Study, South Gippsland Municipal Reference Document (2006)*
- *Coastal Spaces Landscape Assessment Study, State Overview Report (2006)*
- *Draft Guidelines for the Assessment of Heritage Planning Applications (Heritage Victoria, 2000)*
- *Foster Structure Plan, (2008)*
- *Gippsland Regional Waste Management Plan (Gippsland Regional Waste Management Group, 1999) (as amended)*
- *Infrastructure Design Manual (version 3.0 September 2010) (as amended)*
- *Korumburra Structure Plan (2010) (as amended)*
- ~~*Korumburra Town Centre and Structure Plan Priority Development Panel Report (May 2010)*~~
- *Korumburra Town Centre Car Parking Strategy, June 2013*
- *Korumburra Town Centre Framework Plan Economic Assessment, March 2013*
- *Korumburra Town Centre Framework Plan: Framework Report, October 2013*
- *Leongatha CBD Parking Strategy (2013) (as amended)*
- *Leongatha Structure Plan, (2008)*
- *Loch Urban Design Framework (2005)*
- *Mirboo North Structure Plan, (2004)*
- *Nyora Structure Plan*
- *Regional Sand Extraction Strategy: Lung Lang to Grantville (1996, Department of Infrastructure)*
- *Rural Tourism Development Strategy (2009)*
- *Safer Design Guidelines for Victoria 2005*
- *Sandy Point Urban Design Framework: Settlement Background Paper (2006)*
- *South Gippsland Heritage Study (2004)*
- *South Gippsland Municipal Public Health and Wellbeing Plan (as amended)*
- *South Gippsland Rural Land Use Strategy, (2011)*
- *South Gippsland Shire Council Paths and Trails Strategy (2010) (as amended)*
- *Tarwin Lower Urban Design Framework: Settlement Background Paper (2006)*
- *The Burra Charter: The Australia ICOMOS Charter for the Conservation of Places of Cultural Heritage Significance (1999)*
- *Tourist Signing Guidelines – Information for Tourism Businesses (VicRoads, 2009) (as amended)*
- *Venus Bay Urban Design Framework: Settlement Background Paper (2006)*

MUNICIPAL STRATEGIC STATEMENT - CLAUSE 21.16

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SOUTH GIPPSLAND PLANNING SCHEME

- *Waratah Bay Urban Design Framework: Settlement Background Paper (2006)*
- *Water Supply Catchment Development and Land Use Guidelines (South Gippsland Water, 2012)*

## Attachment 5 - Instruction Sheet

*Planning and Environment Act 1987*

**SOUTH GIPPSLAND PLANNING SCHEME**

**AMENDMENT C93**

**INSTRUCTION SHEET**

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

The South Gippsland Planning Scheme is amended as follows.

**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

1. In Local Planning Policy Framework – replace Clause 21.15 with a new Clause 21.15 in the form of the attached document.
2. In Local Planning Policy Framework – replace Clause 21.16 with a new Clause 21.16 in the form of the attached document.

End of document

## **E.9 SPECIAL (SECTION 86) COMMITTEES REVIEW – KORUMBURRA PUBLIC PARK SPECIAL COMMITTEE**

Corporate Services Directorate

### **EXECUTIVE SUMMARY**

This report provides the opportunity for the Council to review the current Instrument of Delegation (Instrument) for the Korumburra Public Park Special Committee (Committee) and approve a new Instrument as part of Council's adopted Special (Section 86) Committee Instrument of Delegation Review schedule.

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

- **Attachment 1** - Korumburra Public Park Special Committee Instrument of Delegation

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

Local Government Act 1989 - sections 81 and 86

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

- Section 86 Committee Kit 2009
- Korumburra Public Park Management Plan 2004

### **COUNCIL PLAN**

Strategic Goal:	4.0	A Leading Organisation
Outcome:	4.2	Pursue best practice in organisational development and operations of the organisation
Strategy No:	4.2.2	We will monitor corporate governance processes, including risk management and skills development with the aim of ongoing development

### **CONSULTATION**

The review of the Korumburra Public Park Special Committee has been conducted in collaboration with Council's Community Strengthening, Property, Risk, OHS, Parks & Gardens, People & Culture and Governance Departments.

Councillors were provided with a briefing about this matter in InfoSum and the review has been considered by the Executive Leadership Team.

## **REPORT**

### **Background**

Council commenced a review of the operation of all its Special (Section 86) Committees (Committees) in 2010.

On 26 June 2013 Council adopted a Special (Section 86) Committee Instrument of Delegation Review schedule. This schedule requires that the Korumburra Public Park Special Committee was to be reviewed by April 2014.

The purpose of the Committee is to exercise Council's functions and powers and to perform Council's duties in relation to the management of a reserve.

The site consists of an arboretum (a park of trees) rather than a botanical garden. It covers approximately 30 acres and a comprehensive management plan was prepared for it in 2004. The Committee has worked to implement this plan. The Committee was once an advisory committee but was changed to a Special Committee in 2000.

It is important to acknowledge that decisions of Special Committees are deemed to be decisions of Council. Further, Special Committees play an integral part in managing Council owned or controlled properties and facilities that are essential for community activities and engagement. The process of review provides for the continuation of community engagement in a way that minimises risk to both community members who make up the Special Committees, without over burdening these members.

During the review the compliance with the Instrument was considered good and in the main the Instrument adequate. As a consequence it is intended to make only minor changes to the Instrument to include a clause for the Committee to carry out an annual self-evaluation of Committee effectiveness and changing the purpose to include continuing to implement the Korumburra Public Park Management Plan 2004. In addition a further clause has been added to provide for management of maintenance of the facility to be in accordance with Council's approved Maintenance Regime / Schedule for the facility

At an operational level the following action is proposed:

- Remind the Committee of the need to comply with the Instrument particularly in respect of contracts and employment of staff, current Council / volunteer recruitment processes and advise Council of any injuries / concerns relevant to public liability / property insurance as soon as they are aware of any issues;
- OH&S Coordinator to visit the Park to review and provide recommendations in respect of any significant OHS risks; and

- Staff to confirm the area of the park and prepare a map of the area for inclusion in the Instrument.

This report facilitates the confirmation of the current Committee membership by Council. However, it should be noted that the Chief Executive Officer has the power under delegation from Council to appoint and remove members to Special Committees subject to appointments and removals being reported to Council.

### **Options**

Council has the options of:

- Making a new Instrument with the proposed changes outlined in **Attachment 1**; or
- Revoking the current Instrument and returning direct management to Council.

### **Proposal**

It is proposed that Council make a new Instrument of Delegation with schedule and guidelines, incorporating minor changes outlined in this report. **Attachment 1** sets out the Schedule Instrument of Delegation Korumburra Public Park Special Committee.

### **FINANCIAL CONSIDERATIONS**

Ongoing support, reviews, monitoring and development of Section 86 Committees is included in Council's budget. Assistance is provided by the Community Strengthening, Governance and Property Departments.

### **RISKS**

By conducting this review of delegations Council will be provided with a level of assurance that the Committee and the Council will act within the limits of their respective powers and in conformance with the Local Government Act 1989.

### **CONCLUSION**

Special Committees are integral to the proper management of Council owned or controlled properties and facilities that are essential for community activities and engagement. The process of review as proposed in this report provides for the continuation of community engagement in a way that minimises risk to both Council and community members who make up the Special Committee, without over burdening these members.



## **RECOMMENDATION**

**That Council in exercise of the powers conferred by sections 86 and 87 of the Local Government Act 1989 (the Act), Council resolves that:**

- 1. This report is endorsed.**
  - 2. From the date of this resolution, there is established as a special committee the Korumburra Public Park Special Committee.**
  - 3. The purposes of the Committee are those set out in Attachment 1 as the Schedule Instrument of Delegation Korumburra Public Park Special Committee, to this resolution.**
  - 4. The members of the Committee are:**
    - a. Michael Belvedere**
    - b. Robert Buchan**
    - c. Andrew Fernleigh**
    - d. Robert Freene**
    - e. John Grenville**
    - f. Jan Hewitt**
    - g. John Kurrle**
    - h. Keith Marshall**
    - i. Helen Pearce**
    - j. Warren Raabe**
  - 5. It recognises the Chief Executive Officer has the power, under delegation from Council, to appoint and remove external members to Special Committees subject to appointments and removals being reported to Council.**
  - 6. The Committee is required to report to Council at the intervals specified in the schedule to this resolution.**
  - 7. The members of the Committee are exempted from being required to submit a Primary Return or Ordinary Return.**
  - 8. The Chairperson of the Committee is appointed by the Special Committee.**
  - 9. A quorum for the Committee is a whole number that is an absolute majority of the number of members of the Committee.**
-

- 10. All members of the Committee have voting rights on the Committee.**
- 11. There be delegated to the Committee the powers, duties and functions set out in the Attachment 1 Schedule Instrument of Delegation Korumburra Public Park Special Committee Instrument).**
- 12. The Instrument:**
  - a. Comes into force immediately the common seal of Council is affixed to the Instrument; and**
  - b. Remains in force until Council determines to vary or revoke it.**
- 13. The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with any guidelines or policies Council may from time to time adopt.**
- 14. The Instrument be sealed.**

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

Nil

## Attachment 1

### Instrument of Delegation

#### Korumburra Public Park Special Committee

#### SCHEDULE

#### PURPOSE

To exercise Council's functions and powers and to perform Council's duties in relation to the management of a reserve including the continuing implementation of the Korumburra Public Park Management Plan 2004.

#### 1. Reporting requirement

The Committee must report to Council according to Clauses 3.2, 3.3, 5.5, 5.6, 6.1, 6.4 and 7.3 in the Schedule of the Instrument of Delegation of Korumburra Public Park Special Committee.

#### 2. Powers and functions

To exercise Council's functions and powers to perform Council's duties in relation to the management of the Korumburra Public Park including the continuing implementation of the Korumburra Public Park Management Plan 2004, and for those purposes.

#### 3. Administration

- 3.1 To do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers;
- 3.2 To provide Council with monthly financial reports and minutes of every meeting and a Treasurer's report;
- 3.3 To provide Council with an annual report, including a self-evaluation of the Committee's effectiveness, to be submitted in September including:
  - Patronage
  - User groups
  - Injuries and Accidents
  - Maintenance/Improvements undertaken and future requirements
  - Self-evaluation of operations and management
  - Other matters considered relevant by the Committee
- 3.4 To be the point of contact for the public with respect to the operation of Korumburra Public Park. All matters shall be referred to the Committee

for resolution in the first instance. All requests shall be dealt with promptly and the Council shall be kept informed at all times;

- 3.5 To ensure that the decisions and policies of Council are implemented/adhered to without delay;

**4. Facility use**

- 4.1 The power to negotiate the use of facilities with user groups and the power to approve programs operating from the Korumburra Public Park;
- 4.2 The power to set dates and opening/closing times;
- 4.3 To ensure that the Korumburra Public Park is used only for purposes appropriate to the facility;
- 4.4 To ensure that the facility is operated in accordance with public park type guidelines;

**5. Finance**

- 5.1 The power to set user fees;
- 5.2 To enter into contracts and to incur expenditure under \$2000, with approval being required from Council for contracts over \$2000;
- 5.3 The power to open and maintain a bank account at a bank and branch approved by Council, into which all monies received by the Committee shall be paid. All cheques and or transactions drawn on the account shall be signed and or authorised by any two of the following:
- Chairperson
  - Vice Chairperson
  - Secretary
  - Treasurer;
- 5.4 To pay all utility, municipal and water charges incurred in occupying the premises;
- 5.5 To provide Council with adopted Financial Statements by 31 July each year, with support documentation being available upon request;
- 5.6 To provide Council with a proposed budget for the forthcoming year, within seven (7) days of the end of the financial year;
- 5.7 The power to apply income received from facility users to the ongoing operation and management of the Korumburra Public Park.

**6. Maintenance**

- 6.1 To provide an annual 'Facility Maintenance Report' detailing all anticipated maintenance for the following financial year that is submitted to Council by 31 January of the preceding year;
- 6.2 The authority to undertake minor repairs up to the value of \$500, however consent from Council's Property Co-ordinator must be gained for any maintenance item over \$500, that has not been anticipated in the 'Facility Maintenance Report'. Any works must be carried out by qualified personnel, relative to the task being performed, and all certificates of compliance must be forwarded to Council immediately, upon completion. All maintenance must be in accord with Council's adopted Maintenance Regime / Schedule;
- 6.3 To make no structural alterations or additions to the premises without the written consent of Council's Engineering Services Directorate;
- 6.4 To maintain a register of keys issued by the Committee and to include these details in the annual 'Facility Maintenance Report'. Council must be provided with a set of keys to all external and internal locks. Any change in locking system must be in accordance with Council's restricted lock system and should be paid for by the Committee;

**7. Risk Management / Insurance**

- 7.1 To ensure that the facility is maintained in a manner that meets all Workcover and Occupational Health and Safety Regulations. Council may provide an inspection on at least two occasions per annum;
- 7.2 To maintain a monthly checklist, provided by Council, relating to building safety, and make available to Council staff when requested;
- 7.3 To ensure that volunteers complete a registration form that is to be forwarded to Council's Insurance Advisor. Volunteer groups must be supervised by a member of the Committee at all times. Each Committee must maintain a volunteer register containing names, addresses, type of activity performed, times of work and volunteer signature;
- 7.4 To contact Council's OHS Coordinator, before volunteers commence any work to determine whether training is required;
- 7.5 To adhere to all statutory and legislative requirements;

**8. Exceptions, conditions and limitations.**

The Committee is not authorised by this Instrument to:

- 8.1 enter into contracts over \$2000, or incur expenditure, for an amount which exceeds the approved budget;

- 8.2 employ people, engage contractors or enter into leases without the prior consent of Council;
- 8.3 exercise the powers which, by force Section 86 of the Act, cannot be delegated;
- 8.4 borrow funds.

## **GUIDELINES – COMMITTEE DELEGATIONS**

### **Name**

These guidelines may be referred to as the Korumburra Public Park Special Committee Guidelines.

### **Application**

These guidelines have been adopted by the South Gippsland Shire Council ("Council") for the guidance of:

- Korumburra Public Park Special Committee
- any other special committee in respect of which Council resolves that these guidelines are to apply.

### **Exercise of Powers**

The powers, duties and functions set out in the Instrument are delegated to the Committee. This means that the Committee can only act under delegation when sitting in a formally constituted meeting.

This requires that the meeting must be called and conducted in a manner that complies with the provisions of the Local Government Act 1989 (the Act) and with the Council's meeting procedures local law.

The Committee cannot exercise its delegated powers when gathered outside the formal meeting structure as described above. For example, an informal coming together of members would not resolve to act under delegation.

Similarly, the delegations do not extend to individual members of the Committee.

The only opportunity for individual Committee members to be granted delegated powers exists where the Committee member is a member of Council staff and subject to a delegation under section 98 of the Act.

All delegations must be read in conjunction with this document and any other policies and guidelines that may be adopted by the Council from time to time.

### **Reporting Back**

These guidelines have been developed to support the concept of delegation as a means of ensuring that the functions of Council are conducted in an efficient and timely manner.

Reporting back of delegations exercised may be necessary to ensure that adequate information regarding those actions is available to other staff, management and the Council.

Such reporting back would be by presentation of reports to Council within the time specified in the Instrument of Delegation; and production of minutes of meetings that will be circulated or available for inspection at any time.

It is to be noted that the reporting back requirements on this policy are a minimum standard only and that nothing will preclude more detailed or extensive reporting back of delegated actions if individual circumstances warrant.

**Insurance**

After receiving Special Committee Details Form, within 1 month of appointment, Council will, upon appointment of each Committee, effect and pay for an annual public liability insurance policy to protect hirers. For events involving large numbers of people (more than 50), alcohol, some children's activities and some sporting events, Council will effect and pay for cover but may require the Committee to ensure that hirers complete an insurance form which is to be directed to the insurance company by the Committee. Council must be contacted before events such as carnivals, large sporting events and 'pop/rock' concerts are booked or organised, as cover may not be available for some events.

All of the above insurance arrangements are subject to Council approval based on reasonable use of facilities and frequency. If a Committee is unsure about any aspect of insurance cover, they must contact Council's Insurance Advisor.

The actions of Committee members, in the proper execution of the Committee power and responsibilities, are covered by Council's existing public liability policy.



## **E.10 SPECIAL (SECTION 86) COMMITTEES REVIEW – WALTER TUCK RECREATION RESERVE SPECIAL COMMITTEE**

Corporate Services Directorate

### **EXECUTIVE SUMMARY**

This report provides the opportunity for the Council to review the current Instrument of Delegation (Instrument) for the Walter Tuck Recreation Reserve Special Committee (Committee) and approve a new Instrument as part of Council's adopted Special (Section 86) Committee Instrument of Delegation Review schedule.

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

- **Attachment 1** - Walter J Tuck Recreation Reserve Special Committee Instrument of Delegation

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

Local Government Act 1989 - sections 81 and 86

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

- Section 86 Committee Kit 2009
- Walter Tuck Recreation Reserve Master Plan 2012

### **COUNCIL PLAN**

Strategic Goal:	4.0	A Leading Organisation
Outcome:	4.2	Pursue best practice in organisational development and operations of the organisation
Strategy No:	4.2.2	We will monitor corporate governance processes, including risk management and skills development with the aim of ongoing development

### **CONSULTATION**

The review of the Walter Tuck Special Committee has been conducted in collaboration with Council's Community Strengthening, Property, Risk, OHS, Parks and Gardens, People and Culture and Governance Departments.

Councillors were provided with a briefing about this matter in InfoSum and the review has been considered by the Executive Leadership Team.

## **REPORT**

### **Background**

Council commenced a review of the operation of all its Special (Section 86) Committees (Committees) in 2010.

On 26 June 2013 Council adopted a Special (Section 86) Committee Instrument of Delegation Review schedule. This schedule requires that the Walter Tuck Reserve Special Committee was to be reviewed by April 2014.

The purpose of the Committee is to exercise Council's functions and powers and to perform Council's duties in relation to the management of a reserve.

The site is the main recreational facility in the north east of the Shire at Mirboo North. The committee is made up of representatives from all permanent user groups. The reserve has undergone considerable improvements over time and provides modern facilities for a range of sports including football, soccer, tennis and netball.

Council holds in trust funds from a bequest for improvements of a permanent nature to the reserve. A Master Plan was completed in 2012 which provides a clear direction for the Committee and Council to improve facilities at the Reserve. Reference to the Master Plan has been included in the new Instrument.

In 2008 Council was appointed Committee of Management for the Crown Land situated within the vicinity of the reserve that was leased by the Mirboo North Golf Club Incorporated. This transfer was to enable the Committee to manage and lease the land. The current Instrument does not reflect this change and so the new Instrument has been changed to reflect this transfer.

It is important to acknowledge that decisions of Special Committees are deemed to be decisions of Council. Further, Special Committees play an integral part in managing Council owned or controlled properties and facilities that are essential for community activities and engagement. The process of review provides for the continuation of community engagement in a way that minimises risk to both community members who make up the Special Committees, without over burdening these members.

During the review the compliance with the Instrument was considered good, however could be improved. It is considered that a way to improve compliance, reporting, support and communication between Council and the Committee would be for the Instrument to include provision for a Council representative, either a Councillor or Council officer, to be appointed to the Committee. This appointment would also reflect the significance of the reserve as part of Council's recreation infrastructure. A clause to this effect has been included in the new Instrument. In addition a further clause has been added to provide for management of maintenance of the facility to be in accordance with Council's approved Maintenance Regime / Schedule for the facility. Further, the Committee has requested the following minor changes:

- Increasing the authority for approving expenditure and entering into contracts from \$2,000 to \$5,000 which is considered appropriate given the size of the facility;
- Increasing the authority to undertake minor repairs from \$500 to \$2,000 which is also considered appropriate given the size of the facility; and
- Changing the title from Walter Tuck to Walter J Tuck in references to the Reserve to more appropriately reflect the correct name of the Reserve.

These changes have been incorporated into the proposed new Instrument (**Attachment 1**).

The Committee does an excellent job of maintaining a frequently utilised major recreation reserve. Stakeholder groups are well informed on Committee decisions which are representative of the interests of stakeholders.

As with other Special Committees a clause will be included for the Committee to carry out an annual self-evaluation of Committee effectiveness.

At an operational level the following action is proposed:

- Remind the Committee of the need to comply with the Instrument particularly in respect of contracts and employment of staff, current Council / volunteer recruitment processes and advise Council of any injuries / concerns relevant to public liability / property insurance as soon as they are aware of any issues;
- OH&S Coordinator to visit the Reserve to review and provide recommendations in respect of any significant OHS risks; and
- Staff to confirm the area of the reserve and prepare a map of the area for inclusion in the Instrument.

This report facilitates the confirmation of the current Committee membership by Council with the addition of a Council representative, as outlined above. It is proposed that a Council representative be appointed to the Committee, subject to annual review at the Special (Statutory) Meeting. It should be noted that the Chief Executive Officer has the power under delegation from Council to appoint and remove external members to Special Committees subject to appointments and removals being reported to Council.

### **Options**

Council has the options of:

- Making a new Instrument with changes outlined in **Attachment 1**; or
- Revoking the current Instrument and returning direct management to Council.

## **Proposal**

Council make a new Instrument of Delegation with schedule and guidelines, with minor changes outlined in this report and set out in **Attachment 1**.

## **FINANCIAL CONSIDERATIONS**

Ongoing support, reviews, monitoring and development of Section 86 Committees is included in Council's budget. Assistance is provided by the Community Strengthening, Governance and Property Departments.

## **RISKS**

By conducting this review of delegations Council will be provided with a level of assurance that the Committee and the Council will act within the limits of their respective powers and in conformance with the Local Government Act 1989.

## **CONCLUSION**

Special Committees are integral to the proper management of Council owned or controlled properties and facilities that are essential for community activities and engagement. The process of review as proposed in this report provides for the continuation of community engagement in a way that minimises risk to both Council and community members who make up the Special Committee, without over burdening these members.

## **RECOMMENDATION**

**That Council in exercise of the powers conferred by sections 86 and 87 of the Local Government Act 1989 (the Act), Council resolves that:**

- 1. This report is endorsed.**
- 2. From the date of this resolution, there is established as a special committee the Walter J Tuck Reserve Special Committee.**
- 3. The purposes of the Committee are those set out in Attachment 1 Instrument of Delegation Walter J Tuck Recreation Reserve to this resolution.**
- 4. The members of the Committee are:**
  - a. Wayne Roberts**
  - b. Paul Van Der Ryt**
  - c. Janine Alexander**
  - d. Bernice Snell**
  - e. Stephen Anthony**

- f. Doug Taylor**
    - g. Steven Rogers**
    - h. Angie Rogers**
    - i. Mathew Snell**
    - j. John Mercer**
    - k. Wendy Gervasi**
    - l. Garry Austin**
    - m. A representative nominated by Council.**
  - 5. It recognises the Chief Executive Officer has the power, under delegation from Council, to appoint and remove external members to Special Committees subject to appointments and removals being reported to Council.**
  - 6. The Committee is required to report to Council at the intervals specified in the schedule to this resolution (Attachment 1).**
  - 7. The external members of the Committee are exempted from being required to submit a Primary Return or Ordinary Return.**
  - 8. The Chairperson of the Committee is appointed by the Special Committee.**
  - 9. A quorum for the Committee is a whole number that is an absolute majority of the number of members of the Committee.**
  - 10. All members of the Committee have voting rights on the Committee.**
  - 11. There be delegated to the Committee the powers, duties and functions set out in the Attachment 1 Instrument of Delegation Walter J Tuck Special Committee.**
  - 12. The Instrument:**
    - a. Comes into force immediately the common seal of Council is affixed to the Instrument; and**
    - b. Remains in force until Council determines to vary or revoke it.**
  - 13. The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with any guidelines or policies Council may from time to time adopt.**
  - 14. The Instrument be sealed.**
-

- 15. That Councillor <Name to be inserted> be appointed to the Walter J Tuck Special Committee, as Council's representative to the Committee.**

## Attachment 1

### Instrument of Delegation

#### Walter J Tuck Special Committee

### SCHEDULE

#### PURPOSE

To exercise Council's functions and powers and to perform Council's duties in relation to the management of a reserve including Crown Allotment 10A, Section 8, Township of Mirboo North, Parish of Mirboo and the continuing implementation of the Walter J Tuck Master Plan 2012.

#### 1. Reporting requirement

The Committee must report to Council according to Clauses 3.2, 3.3, 5.5, 5.6, 6.1, 6.4 and 7.3 in the Schedule of the Instrument of Delegation of Walter J Tuck Reserve Special Committee.

#### 2. Powers and functions

To exercise Council's functions and powers and to perform Council's duties in relation to the management of a reserve including Crown Allotment 10A, Section 8, Township of Mirboo North, Parish of Mirboo and the continuing implementation of the Walter J Tuck Master Plan 2012, and for those purposes.

#### 3. Administration

3.1 To do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers;

3.2 To provide Council with monthly financial reports and minutes of every meeting and a Treasurer's report;

3.3 To provide Council with an annual report, including a self-evaluation of the Committee's effectiveness, to be submitted in September including:

Patronage

User groups

Injuries and Accidents

Maintenance/Improvements undertaken and future requirements

Self-evaluation of operations and management

Other matters considered relevant by the Committee;

- 3.4 To be the point of contact for the public with respect to the operation of Walter J Tuck Reserve. All matters shall be referred to the Committee for resolution in the first instance. All requests shall be dealt with promptly and the Council shall be kept informed at all times;
- 3.5 To ensure that the decisions and policies of Council are implemented/adhered to without delay;

**4. Facility use**

- 4.1 The power to negotiate the use of facilities with user groups and the power to approve programs operating from the Walter J Tuck Reserve;
- 4.2 The power to set dates and opening/closing times;
- 4.3 To ensure that the Walter J Tuck Reserve is used only for purposes appropriate to the reserve;
- 4.4 To ensure that the facility is operated in accordance with reserve type guidelines;

**5. Finance**

- 5.1 The power to set user fees;
- 5.2 To enter into contracts and to incur expenditure under \$5000, with approval being required from Council for contracts over \$5000;
- 5.3 The power to open and maintain a bank account at a bank and branch approved by Council, into which all monies received by the Committee shall be paid. All cheques and or transactions drawn on the account shall be signed and or authorised by any two of the following.
  - Chairperson
  - Vice Chairperson
  - Secretary
  - Treasurer;
- 5.4 To pay all utility, municipal and water charges incurred in occupying the premises;
- 5.5 To provide Council with adopted Financial Statements by 30 September each year, with support documentation being available upon request;
- 5.6 To provide Council with a proposed budget for the forthcoming year, within seven (7) days of the end of the financial year;
- 5.7 The power to apply income received from facility users to the ongoing operation and management of the Walter J Tuck Recreation Reserve;



**6. Maintenance**

- 6.1 To provide an annual 'Facility Maintenance Report' detailing all anticipated maintenance for the following financial year that is submitted to Council by 31 January of the preceding year;
- 6.2 The authority to undertake minor repairs up to the value of \$2000, however consent from Council's Property Co-ordinator must be gained for any maintenance item over \$2000, that has not been anticipated in the 'Facility Maintenance Report'. Any works must be carried out by qualified personnel, relative to the task being performed, and all certificates of compliance must be forwarded to Council immediately upon completion. All maintenance must be in accord with Council's adopted Maintenance Regime / Schedule;
- 6.3 To make no structural alterations or additions to the premises without the written consent of Council's Engineering Services Directorate;
- 6.4 To maintain a register of keys issued by the Committee and to include these details in the annual 'Facility Maintenance Report'. Council must be provided with a set of keys to all external and internal locks. Any change in locking system must be in accordance with Council's restricted lock system and should be paid for by the Committee;

**7. Risk Management / Insurance**

- 7.1 To ensure that the facility is maintained in a manner that meets all Workcover and Occupational Health and Safety Regulations. Council may provide an inspection on at least two occasions per annum;
- 7.2 To maintain a monthly checklist, provided by Council, relating to building safety, and make available to Council staff when requested;
- 7.3 To ensure that volunteers complete a registration form that is to be forwarded to Council's Insurance Advisor. Volunteer groups must be supervised by a member of the Committee at all times. Each Committee must maintain a volunteer register containing names, addresses, type of activity performed, times of work and volunteer signature;
- 7.4 To contact Council's OHS Coordinator, before volunteers commence any work to determine whether training is required;
- 7.5 To adhere to all statutory and legislative requirements;

**8. Exceptions, conditions and limitations.**

The Committee is not authorised by this Instrument to:

- 8.1 enter into contracts over \$5000, or incur expenditure, for an amount which exceeds the approved budget;

- 8.2 employ people, engage contractors or enter into leases without the prior consent of Council;
- 8.3 exercise the powers which, by force Section 86 of the Act, cannot be delegated;
- 8.4 borrow funds.

**STAFF DISCLOSURE OF INTEREST**

Nil

## **GUIDELINES – COMMITTEE DELEGATIONS**

### **Name**

These guidelines may be referred to as the Walter J Tuck Special Committee Guidelines.

### **Application**

These guidelines have been adopted by the South Gippsland Shire Council ("Council") for the guidance of

- Walter J Tuck Special Committee
- any other special committee in respect of which Council resolves that these guidelines are to apply.

### **Exercise of Powers**

The powers, duties and functions set out in the Instrument are delegated to the Committee. This means that the Committee can only act under delegation when sitting in a formally constituted meeting.

This means that the meeting must be called and conducted in a manner that complies with the provisions of the Local Government Act 1989 ("the Act") and with the Council's meeting procedures local law.

The Committee cannot exercise its delegated powers when gathered outside the formal meeting structure as described above. For example, an informal coming together of members would not resolve to act under delegation.

Similarly, the delegations do not extend to individual members of the Committee.

The only opportunity for individual Committee members to be granted delegated powers exists where the Committee member is a member of Council staff and subject to a delegation under section 98 of the Act.

All delegations must be read in conjunction with this document and any other policies and guidelines that may be adopted by the Council from time to time.

### **Reporting Back**

These guidelines have been developed to support the concept of delegation as a means of ensuring that the functions of Council are conducted in an efficient and timely manner.

Reporting back of delegations exercised may be necessary to ensure that adequate information regarding those actions is available to other staff, management and the Council.

Such reporting back would be by presentation of reports to Council within the time specified in the Instrument of Delegation; and production of minutes of meetings that will be circulated or available for inspection at any time.

It is to be noted that the reporting back requirements on this policy are a minimum standard only and that nothing will preclude more detailed or extensive reporting back of delegated actions if individual circumstances warrant.

#### **Insurance**

After receiving Special Committee Details Form, within 1 month of appointment, Council will, upon appointment of each Committee, effect and pay for an annual public liability insurance policy to protect hirers. For events involving large numbers of people (more than 50), alcohol, some children's activities and some sporting events, Council will effect and pay for cover but may require the Committee to ensure that hirers complete an insurance form which is to be directed to the insurance company by the Committee. Council must be contacted before events such as carnivals, large sporting events and 'pop/rock' concerts are booked or organised, as cover may not be available for some events.

All of the above insurance arrangements are subject to Council approval based on reasonable use of facilities and frequency. If a Committee is unsure about any aspect of insurance cover, they must contact Council's Insurance Advisor.

The actions of Committee members, in the proper execution of the Committee power and responsibilities, are covered by Council's existing public liability policy.

**E.11 SPECIAL (SECTION 86) COMMITTEES REVIEW – JOHN TERRILL  
MEMORIAL PARK AND FISH CREEK RECREATION RESERVE SPECIAL  
COMMITTEE**

Corporate Services Directorate

**EXECUTIVE SUMMARY**

This report provides the opportunity for the Council to review the current Instrument of Delegation (Instrument) for the John Terrill Memorial Park and Fish Creek Recreation Reserve Special Committee (Committee) and approve a new Instrument as part of Council's adopted Special (Section 86) Committee Instrument of Delegation Review schedule.

*Document/s pertaining to this Council Report*

- **Attachment 1** - John Terrill Memorial Reserve Park and Fish Creek Recreation Reserve (Buckley Park) Special Committee

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

Local Government Act 1989 - sections 81 and 86

**INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

Section 86 Committee Kit 2009

**COUNCIL PLAN**

Strategic Goal:	4.0	A Leading Organisation
Outcome:	4.2	Pursue best practice in organisational development and operations of the organisation
Strategy No:	4.2.2	We will monitor corporate governance processes, including risk management and skills development with the aim of ongoing development

**CONSULTATION**

The review of the Committee has been conducted in collaboration with Council's Community Strengthening, Property, Risk, OHS, Parks and Gardens, People and Culture and Governance Departments.

Councillors were provided with a briefing about this matter in InfoSum and the review has been considered by the Executive Leadership Team.

## REPORT

### Background

Council commenced a review of the operation of all its Special (Section 86) Committees (Committees) in 2010.

On 26 June 2013 Council adopted a Special (Section 86) Committee Instrument of Delegation Review schedule. This schedule requires that the Instrument was to be reviewed by April 2014.

The purpose of the Committee, set out in the current Instrument of Delegation (Delegation) refer **Attachment 1**, is to exercise Council's functions and powers and to perform Council's duties in relation to the management of a reserve.

The Committee manages two facilities at Fish Creek:

- John Terrill Park: which is a substantial and well utilised recreation reserve used for football, netball, cricket, bowling, tennis, scouts/guides and associated social functions; and
- Fish Creek Recreation Reserve (also known as Buckley Park): used for cricket / training.

It is important to acknowledge that decisions of Special Committees are deemed to be decisions of Council. Further, Special Committees play an integral part in managing Council owned or controlled properties and facilities that are essential for community activities and engagement. The process of review provides for the continuation of community engagement in a way that minimises risk to both community members who make up the Special Committees, without over burdening these members.

During the review the compliance with the Instrument was considered to need improvement. It is considered that a way to improve compliance, reporting, support and communication between Council and the Committee would be for the Instrument to include provision for a Council representative, either a Councillor or Council officer, to be appointed to the Committee. This appointment would also reflect the significance of the reserve as part of Council's recreation infrastructure. A clause to this effect has been included in the new Instrument. In addition a further clause has been added to provide for management of maintenance of the facility to be in accordance with Council's approved Maintenance Regime / Schedule for the facility. Further, the following minor changes are recommended:

- Increasing the authority for approving expenditure and entering into contracts from \$2,000 to \$5,000 which is considered appropriate given the size of the facility; and
- Increasing the authority to undertake minor repairs from \$500 to \$2,000, which is also considered appropriate given the size of the facility.

These changes have been incorporated into the proposed new Instrument (**Attachment 1**).

Whilst compliance with the instrument was considered to require improvement as outlined above, the Committee does an excellent job of maintaining a frequently utilised major recreation reserve. Stakeholder groups are well informed on Committee decisions which are representative of the interests of stakeholders.

As with other Special Committees a clause will be included for the Committee to carry out an annual self-evaluation of Committee effectiveness.

At an operational level the following action is proposed:

- Remind the Committee of the need to comply with the Instrument particularly in respect of contracts and employment of staff, current Council / volunteer recruitment processes and advise Council of any injuries / concerns relevant to public liability / property insurance as soon as they are aware of any issues;
- OH&S Coordinator to visit the Reserve to review and provide recommendations in respect of any significant OHS risks; and
- Staff to confirm the area of the reserve and prepare a map of the area for inclusion in the Instrument.

This report facilitates the confirmation of the current Committee membership by Council with the addition of a Council representative, as outlined above. It is proposed that a Council representative be appointed to the Committee, subject to annual review at the Special (Statutory) Meeting. It should be noted that the Chief Executive Officer has the power under delegation from Council to appoint and remove external members to Special Committees subject to appointments and removals being reported to Council.

### **Options**

Council has the options of:

- Making a new Instrument with the changes outlined in **Attachment 1**; or
- Revoking the current Instrument and returning direct management to Council.

### **Proposal**

Council make a new Instrument of Delegation with schedule and guidelines, with the minor changes outlined in this report and set out in **Attachment 1**.

## **FINANCIAL CONSIDERATIONS**

Ongoing support, reviews, monitoring and development of Section 86 Committees is included in Council's budget. Assistance is provided by the Community Strengthening, Governance and Property Departments.

## **RISKS**

By conducting this review of delegations Council will be provided with a level of assurance that the Committee and the Council will act within the limits of their respective powers and in conformance with the Local Government Act 1989.

## **CONCLUSION**

Special Committees are integral to the proper management of Council owned or controlled properties and facilities that are essential for community activities and engagement. The process of review as proposed in this report provides for the continuation of community engagement in a way that minimises risk to both Council and community members who make up the Special Committee, without over burdening these members.

## **RECOMMENDATION**

**That Council in exercise of the powers conferred by sections 86 and 87 of the Local Government Act 1989 (the Act), Council resolves that:**

- 1. This report is endorsed.**
- 2. From the date of this resolution, there is established as a special committee the John Terrill Memorial Park and Fish Creek Recreation Reserve (Buckley Park) Special Committee.**
- 3. The purposes of the Committee are those set out in Attachment 1 as the Schedule Instrument of Delegation John Terrill Memorial Reserve Park and Fish Creek Recreation Reserve (Buckley Park) Special Committee to this resolution.**
- 4. The members of the Committee are:**
  - a. Keith Straw**
  - b. Norm Wilkins**
  - c. Graeme Watkins**
  - d. Darren Staley**
  - e. Paul Kerr**
  - f. Janice Pell**



- g. Greg Bradshore**
    - h. Tim McLean**
    - i. Arthur Buckland**
    - j. Nev Buckland**
    - k. A representative nominated by Council.**
  - 5. It recognises the Chief Executive Officer has the power, under delegation from Council, to appoint and remove external members to Special Committees subject to appointments and removals being reported to Council.**
  - 6. The Committee is required to report to Council at the intervals specified in the schedule to this resolution (Attachment 1).**
  - 7. The external members of the Committee are exempted from being required to submit a primary return or ordinary return.**
  - 8. The Chairperson of the Committee is appointed by the Special Committee.**
  - 9. A quorum for the Committee is a whole number that is an absolute majority of the number of members of the Committee.**
  - 10. All members of the Committee have voting rights on the Committee.**
  - 11. There be delegated to the Committee the powers, duties and functions set out in Attachment 1 Instrument of Delegation John Terrill Memorial Reserve Park and Fish Creek Recreation Reserve (Buckley Park) Special Committee.**
  - 12. The Instrument:**
    - a. Comes into force immediately the common seal of Council is affixed to the Instrument; and**
    - b. Remains in force until Council determines to vary or revoke it.**
  - 13. The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with any guidelines or policies Council may from time to time adopt.**
  - 14. The Instrument be sealed.**
  - 15. That Councillor <Name to be inserted> be appointed to the John Terrill Memorial Reserve Park and Fish Creek Recreation Reserve (Buckley Park) Special Committee, as Council's representative to the Committee.**
-

**Attachment 1 DON'T FORGET TO UPDATE THIS INSTRUMENT**

**Instrument of Delegation**

**John Terrill Memorial Park & Fish Creek Recreation (Buckley Park)  
Special Committee**

**SCHEDULE**

**PURPOSE**

To exercise Council's functions and powers and to perform Council's duties in relation to the management of a reserve.

**1. Reporting requirement**

The Committee must report to Council according to Clauses 3.2, 3.3, 5.5, 5.6, 6.1, 6.4 and 7.3 in the Schedule of the Instrument of Delegation of John Terrill Memorial Park & Fish Creek Recreation (Buckley Park) Special Committee.

**2. Powers and functions**

To exercise Council's functions and powers and to perform Council's duties in relation to the management of a reserve.

**3. Administration**

- 3.1 To do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers,
- 3.2 To provide Council with monthly financial reports and minutes of every meeting and a Treasurer's report.
- 3.3 To provide Council with an annual report, including a self-evaluation of the Committee's effectiveness, to be submitted in September including:
  - Patronage
  - User groups
  - Injuries and Accidents
  - Maintenance/Improvements undertaken and future requirements
  - Self-evaluation of operations and management
  - Other matters considered relevant by the Committee
- 3.4 To be the point of contact for the public with respect to the operation of John Terrill Memorial Park & Fish Creek Recreation (Buckley Park) Recreation Reserve. All matters shall be referred to the committee for

resolution in the first instance. All requests shall be dealt with promptly and the Council shall be kept informed at all times;

- 3.5 To ensure that the decisions and policies of Council are implemented/adhered to without delay.

**4. Facility use**

- 4.1 The power to negotiate the use of facilities with user groups and the power to approve programs operating from the John Terrill Memorial Park & Fish Creek Recreation (Buckley Park) Recreation Reserve;
- 4.2 The power to set dates and opening/closing times;
- 4.3 To ensure that the John Terrill Memorial Park & Fish Creek Recreation (Buckley Park) Recreation Reserve is used only for purposes appropriate to the facility;
- 4.4 To ensure that the facility is operated in accordance with Museum type guidelines.

**5. Finance**

- 5.1 The power to set user fees;
- 5.2 To enter into contracts and to incur expenditure under \$2000, with approval being required from Council for contracts over \$2000;
- 5.3 The power to open and maintain a bank account at a bank and branch approved by Council, into which all monies received by the Committee shall be paid. All cheques and or transactions drawn on the account shall be signed and or authorised by any two of the following:
- Chairperson
  - Vice Chairperson
  - Secretary
  - Treasurer;
- 5.4 To pay all utility, municipal and water charges incurred in occupying the premises;
- 5.5 To provide Council with adopted Financial Statements by 30 September each year, with support documentation being available upon request;
- 5.6 To provide Council with a proposed budget for the forthcoming year, within seven (7) days of the end of the financial year;
- 5.7 The power to apply income received from facility users to the ongoing operation and management of the John Terrill Memorial Park & Fish Creek Recreation (Buckley Park) Recreation Reserve.

**6. Maintenance**

- 6.1 To provide an annual 'Facility Maintenance Report' detailing all anticipated maintenance for the following financial year that is submitted to Council by 31 January of the preceding year;
- 6.2 The authority to undertake minor repairs up to the value of \$500, however consent from Council's Property Co-ordinator must be gained for any maintenance item over \$500, that has not been anticipated in the 'Facility Maintenance Report'. Any works must be carried out by qualified personnel, relative to the task being performed, and all certificates of compliance must be forwarded to Council immediately, upon completion. All maintenance must be in accord with Council's adopted Maintenance Regime/Schedule;
- 6.3 To make no structural alterations or additions to the premises without the written consent of Council's Engineering and Assets department;
- 6.4 To maintain a register of keys issued by the committee and to include these details in the annual 'Facility Maintenance Report'. Council must be provided with a set of keys to all external and internal locks. Any change in locking system must be in accordance with Council's restricted lock system and should be paid for by the committee.

**7. Risk Management / Insurance**

- 7.1 To ensure that the facility is maintained in a manner that meets all Workcover and Occupational Health and Safety Regulations. Council may provide an inspection on at least two occasions per annum;
- 7.2 To maintain a monthly checklist, provided by Council, relating to building safety, and make available to Council staff when requested;
- 7.3 To ensure that volunteers complete a registration form that is to be forwarded to Council's Risk Management Coordinator. Volunteer groups must be supervised by a member of the committee at all times. Each committee must maintain a volunteer register containing names, addresses, type of activity performed, times of work and volunteer signature;
- 7.4 To contact Council's Risk Management Coordinator, before volunteers commence any work to determine whether training is required;
- 7.5 To adhere to all statutory and legislative requirements.

**8. Exceptions, conditions and limitations**

The Committee is not authorised by this Instrument to:

- 8.1 enter into contracts over \$2000, or incur expenditure, for an amount which exceeds the approved budget;
- 8.2 employ people, engage contractors or enter into leases without the prior consent of Council;
- 8.3 exercise the powers which, by force Section 86 of the Act, cannot be delegated;
- 8.4 borrow funds.

## **GUIDELINES – COMMITTEE DELEGATIONS**

### **Name**

These guidelines may be referred to as the John Terrill Memorial Park & Fish Creek (Buckley Park) Recreation Reserve Special Committee Guidelines.

### **Application**

These guidelines have been adopted by the South Gippsland Shire Council ("Council") for the guidance of:

- John Terrill Memorial Park & Fish Creek (Buckley Park) Recreation Reserve Special Committee
- any other special committee in respect of which Council resolves that these guidelines are to apply.

### **Exercise of Powers**

The powers, duties and functions set out in the Instrument are delegated to the Committee. This means that the Committee can only act under delegation when sitting in a formally constituted meeting.

This means that the meeting must be called and conducted in a manner that complies with the provisions of the Local Government Act 1989 (the Act) and with the Council's meeting procedures local law.

The Committee cannot exercise its delegated powers when gathered outside the formal meeting structure as described above. For example, an informal coming together of members would not resolve to act under delegation.

Similarly, the delegations do not extend to individual members of the Committee.

The only opportunity for individual Committee members to be granted delegated powers exists where the Committee member is a member of Council staff and subject to a delegation under section 98 of the Act.

All delegations must be read in conjunction with this document and any other policies and guidelines that may be adopted by the Council from time to time.

### **Reporting Back**

These guidelines have been developed to support the concept of delegation as a means of ensuring that the functions of Council are conducted in an efficient and timely manner.

Reporting back of delegations exercised may be necessary to ensure that adequate information regarding those actions is available to other staff, management and the Council.

Such reporting back would be by presentation of reports to Council within the time specified in the Instrument of Delegation; and production of minutes of meetings that will be circulated or available for inspection at any time.

It is to be noted that the reporting back requirements on this policy are a minimum standard only and that nothing will preclude more detailed or extensive reporting back of delegated actions if individual circumstances warrant.

### **Insurance**

After receiving Special Committee Details Form, within 1 month of appointment, Council will, upon appointment of each committee, effect and pay for an annual public liability insurance policy to protect hirers. For events involving large numbers of people (more than 50), alcohol, some children's activities and some sporting events, Council will effect and pay for cover but may require the committee to ensure that hirers complete an insurance form which is to be directed to the insurance company by the committee. Council must be contacted before events such as carnivals, large sporting events and 'pop/rock' concerts are booked or organised, as cover may not be available for some events.

All of the above insurance arrangements are subject to Council approval based on reasonable use of facilities and frequency. If a committee is unsure about any aspect of insurance cover, they must contact Council's Risk Management Coordinator.

The actions of committee members, in the proper execution of the committee power and responsibilities, are covered by Council's existing public liability policy.

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## **E.12 SPECIAL (SECTION 86) COMMITTEES REVIEW - PORT WELSHPOOL AND DISTRICT MARITIME MUSEUM SPECIAL COMMITTEE**

Corporate Services Directorate

### **EXECUTIVE SUMMARY**

This report provides the opportunity for the Council to review the current Instrument of Delegation Schedule (Schedule) for the Port Welshpool and District Maritime Museum Special Committee (Committee), and approve a new Schedule as part of Council's adopted Special (Section 86) Committee Instrument of Delegation Review timeframe.

Whilst Council adopted the Committee's Instrument of Delegation at the April 2014 Council meeting, an amendment is required to update a clause in the Schedule that has been identified as being incorrect. The amended clause is Item 1 of the Schedule which amends reference to specific clauses relating to the Committee's reporting obligations.

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

- **Attachment 1** - Port Welshpool and District Maritime Museum Special Committee Instrument of Delegation

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

Local Government Act 1989 - sections 81 and 86

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

Section 86 Committee Kit 2009

### **COUNCIL PLAN**

Strategic Goal:	4.0	A Leading Organisation
Outcome:	4.2	Pursue best practice in organisational development and operations of the organisation
Strategy No:	4.2.2	We will monitor corporate governance processes, including risk management and skills development with the aim of ongoing development

### **CONSULTATION**

The review of the Port Welshpool and District Maritime Museum Special Committee has been conducted in collaboration with Council's Community Strengthening, Property, Risk, OHS, People & Culture and Governance Departments.



Councillors were provided with a briefing about this matter in InfoSum and the review has been considered by the Executive Leadership Team.

## **REPORT**

### **Background**

Council commenced a review of the operation of all its Special (Section 86) Committees (Committees) in 2010.

On 26 June 2013 Council adopted a Special (Section 86) Committee Instrument of Delegation Review timeframe.

Council approved a new Instrument of Delegation and Schedule on 16 April 2014. It was subsequently found that reference to clauses in the Reporting requirement of the Schedule was incorrect and required change. The correct clauses are now included in the Schedule. The change is considered minor.

### **Options**

Council has the option of:

- Maintaining the current Schedule with incorrect references; or
- Make a new Schedule with the correct references in **Attachment 1**.

### **Proposal**

It is proposed that Council make a new Schedule – Instrument of Delegation, with minor changes outlined in this report and set out in **Attachment 1**.

## **FINANCIAL CONSIDERATIONS**

Ongoing support, reviews, monitoring and development of Section 86 Committees is included in Council's budget. Assistance is provided by the Community Strengthening, Governance and Property Departments.

## **RISKS**

By conducting this review of delegations Council will be provided with a level of assurance that the Committee and the Council will act within the limits of their respective powers and in conformance with the Local Government Act 1989.

## **CONCLUSION**

Special Committees are integral to the proper management of Council owned or controlled properties and facilities that are essential for community activities and engagement. The process of review as proposed in this report provides for the continuation of community engagement in a way that minimises risk to both Council and community members who make up the Special Committee, without over burdening these members.

**RECOMMENDATION:**

**That Council make a new Schedule - Attachment 1 to the Instrument of Delegation Port Welshpool and District Maritime Museum made by Council on 16 April 2014.**

**STAFF DISCLOSURE OF INTEREST**

Nil

## Attachment 1

**Instrument of Delegation  
Port Welshpool and District Maritime Museum  
Special Committee**

**SCHEDULE**

**PURPOSE**

To exercise Council's functions and powers and to perform Council's duties in relation to the management of a museum.

**1. Reporting requirement**

The Committee must report to Council according to Clauses 3.2, 3.3, 5.5, 5.6, 6.1, 6.4 and 7.3 in the Schedule of the Instrument of Delegation of Port Welshpool and District Maritime Museum Special Committee.

**2. Powers and functions**

To exercise Council's functions and powers to perform Council's duties in relation to the management of the Centre, and for those purposes.

**3. Administration**

3.1 To do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers;

3.2 To provide Council with monthly financial reports and minutes of every meeting and a Treasurer's report;

3.3 To provide Council with an annual report, including an evaluation of the Committee's effectiveness, to be submitted in September including:

Patronage

User groups

Injuries and Accidents

Maintenance/Improvements undertaken and future requirements

Evaluation of operations and management

Other matters considered relevant by the Committee

Valuations of artworks/items contained within the grounds of the museum

- 3.4 To be the point of contact for the public with respect to the operation of Port Welshpool and District Maritime Museum. All matters shall be referred to the committee for resolution in the first instance. All requests shall be dealt with promptly and the Council shall be kept informed at all times;
- 3.5 To ensure that the decisions and policies of Council are implemented/adhered to without delay;

**4. Facility use**

- 4.1 The power to negotiate the use of facilities with user groups and the power to approve programs operating from the Port Welshpool and District Maritime Museum;
- 4.2 The power to set dates and opening/closing times;
- 4.3 To ensure that the Port Welshpool and District Maritime Museum is used only for purposes appropriate to the facility;
- 4.4 To ensure that the facility is operated in accordance with Museum type guidelines;

**5. Finance**

- 5.1 The power to set user fees;
- 5.2 To enter into contracts and to incur expenditure under \$2000, with approval being required from Council for contracts over \$2000;
- 5.3 The power to open and maintain a bank account at a bank and branch approved by Council, into which all monies received by the Committee shall be paid. All cheques and or transactions drawn on the account shall be signed and or authorised by any two of the following:
  - Chairperson
  - Vice Chairperson
  - Secretary
  - Treasurer;
- 5.4 To pay all utility, municipal and water charges incurred in occupying the premises;
- 5.5 To provide Council with adopted Financial Statements by 31 July each year, with support documentation being available upon request;
- 5.6 To provide Council with a proposed budget for the forthcoming year, within seven (7) days of the end of the financial year;

- 5.7 The power to apply income received from facility users to the ongoing operation and management of the Port Welshpool and District Maritime Museum.

**6. Maintenance**

- 6.1 To provide an annual 'Facility Maintenance Report' detailing all anticipated maintenance for the following financial year that is submitted to Council by 31 January of the preceding year.
- 6.2 The authority to undertake minor repairs up to the value of \$500, however consent from Council's Property Co-ordinator must be gained for any maintenance item over \$500, that has not been anticipated in the 'Facility Maintenance Report'. Any works must be carried out by qualified personnel, relative to the task being performed, and all certificates of compliance must be forwarded to Council immediately upon completion. All maintenance is to be in accord with Council's approved Maintenance Regime/Schedule.
- 6.3 To make no structural alterations or additions to the premises without the written consent of Council's Engineering and Assets department.
- 6.4 To maintain a register of keys issued by the committee and to include these details in the annual 'Facility Maintenance Report'. Council must be provided with a set of keys to all external and internal locks. Any change in locking system must be in accordance with Council's restricted lock system and should be paid for by the committee.

**7. Risk Management / Insurance**

- 7.1 To ensure that the facility is maintained in a manner that meets all Workcover and Occupational Health and Safety Regulations. Council may provide an inspection on at least two occasions per annum.
- 7.2 To maintain a monthly checklist, provided by Council, relating to building safety, and make available to Council staff when requested.
- 7.3 To ensure that volunteers complete a registration form that is to be forwarded to Council's Insurance Advisor. Volunteer groups must be supervised by a member of the committee at all times. Each committee must maintain a volunteer register containing names, addresses, type of activity performed, times of work and volunteer signature.
- 7.4 To contact OHS Coordinator, before volunteers commence any work to determine whether training is required.
- 7.5 To adhere to all statutory and legislative requirements.
- 7.6 Exceptions, conditions and limitations.

**8. The Committee is not authorised by this Instrument to:**

- 8.1 enter into contracts over \$2000, or incur expenditure, for an amount which exceeds the approved budget,
- 8.2 employ people, engage contractors or enter into leases without the prior consent of Council,
- 8.3 exercise the powers which, by force Section 86 of the Act, cannot be delegated,
- 8.4 borrow funds.

## **GUIDELINES – COMMITTEE DELEGATIONS**

### **Name**

These guidelines may be referred to as the Port Welshpool and District Maritime and District Museum Committee Guidelines.

### **Application**

These guidelines have been adopted by the South Gippsland Shire Council ("Council") for the guidance of:

- Port Welshpool and District Maritime Museum Special Committee
- any other special committee in respect of which Council resolves that these guidelines are to apply.

### **Exercise of Powers**

The powers, duties and functions set out in the Instrument are delegated to the Committee. This means that the Committee can only act under delegation when sitting in a formally constituted meeting.

This means that the meeting must be called and conducted in a manner that complies with the provisions of the Local Government Act 1989 ("the Act") and with the Council's meeting procedures local law.

The Committee cannot exercise its delegated powers when gathered outside the formal meeting structure as described above. For example, an informal coming together of members would not resolve to act under delegation.

Similarly, the delegations do not extend to individual members of the Committee.

The only opportunity for individual Committee members to be granted delegated powers exists where the Committee member is a member of Council staff and subject to a delegation under section 98 of the Act.

All delegations must be read in conjunction with this document and any other policies and guidelines that may be adopted by the Council from time to time.

### **Reporting Back**

These guidelines have been developed to support the concept of delegation as a means of ensuring that the functions of Council are conducted in an efficient and timely manner.

Reporting back of delegations exercised may be necessary to ensure that adequate information regarding those actions is available to other staff, management and the Council.

Such reporting back would be by presentation of reports to Council within the time specified in the Instrument of Delegation, and production of minutes of meetings that will be circulated or available for inspection at any time

It is to be noted that the reporting back requirements on this policy are a minimum standard only and that nothing will preclude more detailed or extensive reporting back of delegated actions if individual circumstances warrant.

#### **Insurance**

After receiving Special Committee Details Form, within 1 month of appointment, Council will, upon appointment of each committee, effect and pay for an annual public liability insurance policy to protect hirers. For events involving large numbers of people (more than 50), alcohol, some children's activities and some sporting events, Council will effect and pay for cover but may require the committee to ensure that hirers complete an insurance form which is to be directed to the insurance company by the committee. Council must be contacted before events such as carnivals, large sporting events and 'pop/rock' concerts are booked or organised, as cover may not be available for some events

All of the above insurance arrangements are subject to Council approval based on reasonable use of facilities and frequency. If a committee is unsure about any aspect of insurance cover, they must contact Council's Risk Management Department.

The actions of committee members, in the proper execution of the committee power and responsibilities, are covered by Council's existing public liability policy.



### **E.13 SPECIAL (SECTION 86) COMMITTEES REVIEW - T P TAYLOR COMMUNITY FACILITY AND RESERVE SPECIAL COMMITTEE**

Corporate Services Directorate

#### **EXECUTIVE SUMMARY**

This report provides the opportunity for the Council to review the current Instrument of Delegation Schedule (Schedule) for the T P Taylor Community Facility and Reserve Special Committee (Committee), and approve a new Schedule as part of Council's adopted Special (Section 86) Committee Instrument of Delegation Review timeframe.

Whilst Council adopted the Committee's Instrument at the April 2014 Council meeting, an adjustment is required to amend a clause in the Instrument that has been identified as being incorrect. The amended clause is Item 1 of the Schedule which amends specific clauses relating to the Committee's reporting obligations.

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

- **Attachment 1** – Schedule Instrument of Delegation T P Taylor Community Facility and Reserve Special Committee

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

Local Government Act 1989 - sections 81 and 86

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

Section 86 Committee Kit 2009

#### **COUNCIL PLAN**

Strategic Goal:	4.0	A Leading Organisation
Outcome:	4.2	Pursue best practice in organisational development and operations of the organisation
Strategy No:	4.2.2	We will monitor corporate governance processes, including risk management and skills development with the aim of ongoing development

#### **CONSULTATION**

The review of the T P Taylor Community Facility and Reserve Special Committee has been conducted in collaboration with Council's Community Strengthening, Property, Risk, OHS, People & Culture and Governance Departments.

Councillors were provided with a briefing about this matter in InfoSum and the review has been considered by the Executive Leadership Team.

## **REPORT**

### **Background**

Council commenced a review of the operation of all its Special (Section 86) Committees (Committees) in 2010.

On 26 June 2013 Council adopted a Special (Section 86) Committee Instrument of Delegation Review timeframe.

Council made a new Instrument of Delegation and Schedule on 16 April 2014. It was subsequently found that a reference to clauses in the Reporting requirement of the Schedule was incorrect and required change. The correct clauses are now included in the Schedule – **Attachment 1**. The correction is considered minor.

### **Options**

Council has the options of:

- Maintaining the current Schedule with incorrect references; or
- Making a new Schedule with the correct references outlined in **Attachment 1**.

### **Proposal**

Council make a new Schedule - Instrument of Delegation, with the minor changes outlined in this report and set out in **Attachment 1**.

## **FINANCIAL CONSIDERATIONS**

Ongoing support, reviews, monitoring and development of Section 86 Committees is included in Council's budget. Assistance is provided by the Community Strengthening, Governance and Property Departments.

## **RISKS**

By conducting this review of the Instrument, Council will be provided with a level of assurance that the Committees and the Council will act within the limits of their respective powers and in conformance with the Local Government Act 1989.

## **CONCLUSION**

Special Committees are integral to the proper management of Council owned or controlled properties and facilities that are essential for community activities and engagement. The process of review as proposed in this report provides for the continuation of community engagement in a way that

minimises risk to both Council and community members, who make up the Special Committee, without over burdening these members.

### **RECOMMENDATION**

**That Council approve a new Schedule – Attachment 1 to the Instrument of Delegation T P Taylor Community Facility and Reserve Special Committee made by Council on 16 April 2014.**

### **STAFF DISCLOSURE OF INTEREST**

Nil

Attachment 1 **DON'T FORGET TO UPDATE THIS INSTRUMENT**

**Instrument of Delegation**

**T P Taylor Community Facility and Reserve  
Special Committee**

**SCHEDULE**

**PURPOSE**

To exercise Council's functions and powers and to perform Council's duties in relation to the management of a multi-purpose community facility and a reserve.

It is recognised that the facility is also a Neighbourhood Safer Place and Place of Last Resort (NSP/PLR) and will act in accord with the Standard Operating Procedures for a NSP/PLR.

**1 Reporting requirement**

The Committee must report to Council according to Clauses 3.2, 3.3, 5.5, 5.6, 6.1, 6.4 and 7.3 in the Schedule of the Instrument of Delegation of T P Taylor Community Facility and Reserve Special Committee.

**2 Powers and functions**

To exercise Council's functions and powers to perform Council's duties in relation to the management of the Community Facility and Reserve and for those purposes.

**3 Administration**

3.1 To do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers;

3.2 To provide Council with monthly financial reports and minutes of every meeting and a Treasurer's report;

3.3 To provide Council with an annual report, including an self-evaluation of the Committee's effectiveness, to be submitted in September including:

- Patronage
- User groups
- Injuries and Accidents
- Maintenance/Improvements undertaken and future requirements
- Self-evaluation of operations and management

- Other matters considered relevant by the Committee
- 3.4 To be the point of contact for the public with respect to the operation of the T P Taylor Community Facility and Reserve. All matters shall be referred to the committee for resolution in the first instance. All requests shall be dealt with promptly and the Council shall be kept informed at all times.
- 3.5 To ensure that the decisions and policies of Council are implemented / adhered to without delay.
- 4. Facility use**
- 4.1 The power to negotiate the use of facilities with user groups and the power to approve programs operating from the T P Taylor Community Facility and Reserve;
- 4.2 The power to set dates and opening / closing times;
- 4.3 To ensure that the T P Taylor Community Facility and Reserve is used only for purposes appropriate to the facility and reserve;
- 4.4 To ensure that the facility and reserve is operated in accordance with a multi - purpose community facility and reserve type guidelines;
- 4.5 To ensure that all licence, lease and rental agreements include an exclusion clause that acknowledges that the facility will be used as a Neighbourhood Safer Place and Place of Last Resort if deemed necessary by Council;
- 4.6 To only enter into a lease or licence for the use of the facility or parts thereof by other parties with the consent of Council; and
- 4.7 To, in collaboration with Council, develop a Strategic Business Plan for the facility which will include as a priority consideration of a lease to a Committee.
- 5. Finance**
- 5.1 The power to set user fees;
- 5.2 The power to enter into contracts and to incur expenditure under \$2000, with approval being required from Council for contracts over \$2000;
- 5.3 The power to open and maintain a bank account at a bank and branch approved by Council, into which all monies received by the Committee shall be paid. All cheques and or transactions drawn on the account shall be signed and or authorised by any two of the following:
- Chairperson

- Vice Chairperson
- Secretary
- Treasurer;

- 5.4 To pay all utility, municipal and water charges incurred in occupying the premises;
- 5.5 To provide Council with adopted Financial Statements by 31 July each year, with support documentation being available upon request;
- 5.6 To provide Council with a proposed budget for the forthcoming year, within seven (7) days of the end of the financial year;
- 5.7 The power to apply income received from facility users to the ongoing operation and management of the T P Taylor Community Facility and Reserve.

**6. Maintenance**

- 6.1 To provide an annual 'Facility Maintenance Report' detailing all anticipated maintenance for the following financial year that is submitted to Council by 31 January of the preceding year;
- 6.2 The authority to undertake minor repairs up to the value of \$2000, however consent from Council's Property Officer must be gained for any maintenance item over \$2000 that has not been anticipated in the 'Facility Maintenance Report'. Any works must be carried out by qualified personnel, relative to the task being performed, and all certificates of compliance must be forwarded to Council immediately, upon completion. All maintenance is to be in accord with Council's approved Maintenance Regime/Schedule;
- 6.3 To make no structural alterations or additions to the premises without the written consent of Council's Assets Department.
- 6.4 To maintain a register of keys issued by the committee and to include these details in the annual 'Facility Maintenance Report'. Council must be provided with a set of keys to all external and internal locks. Any change in locking system must be in accordance with Council's restricted lock system and should be paid for by the Committee.

**7. Risk Management / Insurance**

- 7.1 To ensure that the facility is maintained in a manner that meets all Workcover and Occupational Health and Safety Regulations. Council may provide an inspection on at least two occasions per annum;
- 7.2 To maintain a monthly checklist, provided by Council, relating to building safety, and make available to Council staff when requested;

- 7.3 To ensure that volunteers complete a registration form that is to be forwarded to Council's Insurance Advisor. Volunteer groups must be supervised by a member of the Committee at all times. Each Committee must maintain a volunteer register containing names, addresses, type of activity performed, times of work and volunteer signature;
- 7.4 To contact Council's Insurance Advisor, before volunteers commence any work to determine whether training is required;
- 7.5 To adhere to all statutory and legislative requirements.

**8. Exceptions, conditions and limitations**

The Committee is not authorised by this Instrument to:

- 8.1 enter into contracts over \$5000, or incur expenditure, for an amount which exceeds the approved budget;
- 8.2 employ people, engage contractors or enter into leases without the prior consent of Council;
- 8.3 to exercise the powers and functions of Council to manage the facility as a Neighbourhood Safer Place/Place of Last Resort - this the sole responsibility of Council through its Emergency Management Coordinator - and act in accord with the Standard Operating Procedures for a NSP/PLR;
- 8.4 exercise the powers which, by force Section 86 of the Act, cannot be delegated;
- 8.5 borrow funds.





## **E.14 AWARD OF TENDER SGC 15/01 SUPPLY AND DELIVERY OF TRAFFIC MANAGEMENT SIGNS AND ASSOCIATED PRODUCTS**

Engineering Services Directorate

### **EXECUTIVE SUMMARY**

The purpose of this report is to recommend awarding Tender 'SGC 15/01 Supply and Delivery of Traffic Management Signs and Associated Products' to a panel of preferred suppliers, in accordance with relevant Australian Standards.

The Contract will operate on a schedule of rates. The Contract will be for a 16 month term from signing of the Contract documents with the option of a one year extension.

The suppliers are encouraged to propose innovative service delivery arrangements, technical expertise and alternative products, aimed at enhancing the achievement of Council's service objectives.

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

- **Confidential Appendix 1** – Evaluation Summary

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

- Local Government Procurement Best Practice Guidelines
- Occupation Health and Safety Act 2004
- Local Government Act 1989
- Australian Standards AS 1742.1-2003 Manual of Uniform Traffic Control Devices
- Australian Standards AS / NZS 1906.1:2007 Retro Reflective Materials and Devices for Road Traffic Control Purposes - Retro Reflective Sheeting

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

- Procurement Policy 2013
- Road Management Plan 2013
- Road Infrastructure Asset Management Plan

## **COUNCIL PLAN**

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

## **CONSULTATION**

Tender specifications were developed in consultation with all relevant officers involved in the use of traffic management signs and associated products.

This Tender was advertised on Council's website, in The Age and local papers in February 2014.

## **REPORT**

### **Background**

In accordance with Council's Procurement Policy, Council is required to go out to open tender for the supply and delivery of traffic management signs and associated products.

An evaluation panel was convened on 7 April 2014 to assess the tenders in accordance with the criteria specified in the Contract documents.

### **Discussion**

Five submission were received from the following Tenderers:

1. Artcraft Pty Ltd.
2. Road Signs and Marking Supplies Pty Ltd.
3. Roadside Products Pty Ltd.
4. Delnorth Pty Ltd.
5. DeNeefe Signs Pty Ltd.

The evaluation summary has been included in **Confidential Appendix 1**.

So that Council may obtain value for money, the evaluation panel has proposed to award the Tender to more than one supplier. Successful Tenderers will be placed on a panel of preferred suppliers.

## **Proposal**

It is proposed that Council award Tender 'SGC15/01 Supply and Delivery of Traffic Management Signs and Associated Products' for a 16 month term from signing of the Contract documents to:

1. Artcraft Pty Ltd;
2. DeNeefe Pty Ltd; and
3. Road Signs and Marking Supplies Pty Ltd.

## **FINANCIAL CONSIDERATIONS**

The purchase of signs is accommodated within the Operations Department's budget. Council has spent approximately \$100,000 per year on signs over the last two years.

It is estimated that Council could spend up to \$150,000.00 within this Contract.

This Contract will be a Schedule of Rates Contract and shall be subject to rise and fall provisions.

## **RISKS**

Replacing signs as required will reduce Council exposure to litigation.

## **CONCLUSION**

Awarding this Tender will enable Council to purchase signs as required to assist in providing a safe and trafficable road network for our community.

## **RECOMMENDATION**

**That Council:**

1. **Award Tender 'SGC15/01 Supply and Delivery of Traffic Management Signs and Associated Products' for a 16 month term from the award of this tender:**
  - a. **Artcraft Pty Ltd;**
  - b. **DeNeefe Pty Ltd; and**
  - c. **Road Signs and Marking Supplies Pty Ltd.**
2. **Authorise the Chief Executive Officer to sign and affix the Common Seal of the Municipality to the Contract documents.**
3. **Authorise the Chief Executive Officer to approve a one year extension subject to a satisfactory Contractor performance review.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

## **E.15 AWARD OF TENDER SGC 15/02 SUPPLY AND DELIVERY OF HOT AND COLD LIQUID BITUMINOUS PRODUCTS**

Engineering Services Directorate

### **EXECUTIVE SUMMARY**

The purpose of this report is to recommend awarding Tender “SGC 15/02 Supply and Delivery of Hot and Cold Liquid Bituminous Products” to Downer EDI Works.

The Contract will operate on a schedule of rates basis. The Contract will be for a three year term from signing of the Contact documents with the option of two one year extensions.

The suppliers are encouraged to propose innovative service delivery arrangements, technical expertise and alternative products, aimed at enhancing the achievement of Council’s service objectives.

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

- **Confidential Appendix 1** – Evaluation Summary

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

- Local Government Procurement Best Practice Guidelines
- Occupation Health and Safety Act 2004
- Local Government Act 1989
- Dangerous Goods Act 1985

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

- Procurement Policy 2013
- Road Management Plan 2013
- Road Infrastructure Asset Management Plan

### **COUNCIL PLAN**

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

## **CONSULTATION**

Tender specifications were developed in consultation with all relevant officers involved in the use of hot and cold liquid bituminous products.

This Tender was advertised on Council's website, in The Age and local papers in February 2014.

## **REPORT**

### **Background**

As part of Council's Operations, the maintenance crew use cold emulsion products in potholing and regulation of our sealed road network.

Cationic Rapid Setting (CRS) emulsion is a liquid bitumen product, which is also used in the minor patching within the sealed road network. There are 2 x 10,000 litre and 1 x 14,000 litre storage tanks for this product at the Leongatha Depot.

The sealing crew uses the hot liquid bitumen product, C170 bitumen and polymer-modified bitumen for primer seals and reseals. There are 2 storage tanks (34,000 and 22,000 litres) at the Leongatha Depot for these products, as they need to be stored and handled at temperatures of between 160 and 190 degrees celsius.

Bitumen cutter is a product used for blending the C170 and polymer-modified bitumen for primer seals and reseals.

Due to the difference in these products, Council requires the flexibility to select the appropriate product for each situation. Bitumen is purchased in tanker loads between 18,000 and 27,000 litres, at a cost of between \$17,000.00 and \$34,000.00. This would equate to one days work. Tankers need to be ordered with two days' notice, and dependant on what work and where the work is, there is an advantage in being flexible in the ordering process.

In accordance with Council's Procurement Policy, Council is required to go out to public tender for the supply and delivery of hot and cold liquid bituminous products.

An evaluation panel was convened on 7 April 2014 to assess the tenders in accordance with the criteria specified in the Contract documents.

### **Discussion**

Two submissions were received from the following Tenderers:

1. Downer EDI Works.
2. SAMI Bitumen Technologies Pty Ltd.

The evaluation summary has been included in **Confidential Appendix 1**.

### **Proposal**

It is proposed that Council award Tender 'SGC 15/02 Supply and Delivery of Hot and Cold Liquid Bituminous Products' for a three year term from signing of the Contact documents to Downer EDI Works.

### **FINANCIAL CONSIDERATIONS**

The purchase of hot and cold liquid bituminous products is accommodated within the Operations Department's budget. Council has spent approximately \$1,000,000 per year on hot and cold liquid bituminous products over the last two years.

It is estimated that Council could spend up to \$3,000,000 within this Contract.

This Contract will be a Schedule of Rates Contract and shall be subject to rise and fall provisions.

### **RISKS**

Maintaining our road network as required will reduce Council's exposure to litigation.

### **CONCLUSION**

Awarding this Tender will enable Council to purchase hot and cold liquid bituminous products as required to provide a safe and trafficable road network for our community.

### **RECOMMENDATION**

**That Council:**

- 1. Award Tender 'SGC15/02 Supply and Delivery of Hot and Cold Liquid Bituminous Products' for a three year term from signing of the Contact documents to Downer EDI Works.**
- 2. Authorise the Chief Executive Officer to sign and affix the Common Seal of the Municipality to the Contract documents.**
- 3. Authorise the Chief Executive Officer to approve two one year extensions subject to satisfactory Contractor performance review.**

### **STAFF DISCLOSURE OF INTEREST**

Nil

## **E.16 AWARD OF TENDER SGC 15/04 SUPPLY, DELIVERY AND LAYING OF HOT AND COLD ASPHALT BITUMINOUS PRODUCTS**

Engineering Services Directorate

### **EXECUTIVE SUMMARY**

The purpose of this report is to recommend awarding Tender “SGC 15/04 Supply, Delivery and Laying of Hot and Cold Asphalt Bituminous Products” to a panel of preferred suppliers.

The Contract will operate on a schedule of rates. The Contract will be for a three year term from signing of the Contact documents with the option of two one year extensions.

The suppliers are encouraged to propose innovative service delivery arrangements, technical expertise and alternative products, aimed at enhancing the achievement of Council’s service objectives.

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

- **Confidential Appendix 1** – Evaluation Summary

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

- Local Government Procurement Best Practice Guidelines
- Occupation Health and Safety Act 2004
- Local Government Act 1989
- Dangerous Goods Act 1985

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

- Procurement Policy 2013
- Road Management Plan 2013
- Road Infrastructure Asset Management Plan

### **COUNCIL PLAN**

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



## **CONSULTATION**

Tender specifications were developed in consultation with all relevant officers involved in the use of hot and cold asphalt bituminous products.

This Tender was advertised on Council's website, in The Age and local papers in February 2014.

## **REPORT**

### **Background**

As part of Council's Operations, the maintenance crew use hot, warm and cold pre-mix asphalt products in potholing and regulation of our sealed road network.

Due to the difference in these products, Council requires the flexibility to select the appropriate product for each situation.

In accordance with Council's Procurement Policy, Council is required to go out to public tender for the supply, delivery and laying of hot and cold asphalt bituminous products.

An evaluation panel was convened on 7 and 14 April 2014 to assess the tenders in accordance with the criteria specified in the Contract documents.

### **Discussion**

Five submissions were received from the following Tenderers:

1. Fowlers Asphalting Pty Ltd.
2. A1 Asphalting Pty Ltd.
3. Quality Roads Asphalt Paving.
4. Fulton Hogan Industries Pty Ltd.
5. Gippsland Asphalt Pty Ltd.

The evaluation summary has been included in **Confidential Appendix 1**.

So that Council may obtain value for money, the evaluation panel has proposed to award the tender to more than one Tenderer. Successful Tenderers will be placed on a panel of preferred suppliers.

### **Proposal**

It is proposed that Council award Tender 'SGC 15/04 Supply, Delivery and Laying of Hot and Cold Asphalt Bituminous Products' for a three year term from signing of the Contact documents to:

1. Fowlers Asphaltting Pty Ltd.
2. A1 Asphaltting Pty Ltd.
3. Quality Roads Asphalt Paving.
4. Fulton Hogan Industries Pty Ltd.
5. Gippsland Asphalt Pty Ltd.

### **FINANCIAL CONSIDERATIONS**

The purchase of hot and cold asphalt bituminous products is accommodated within the Operations Department's budget. Council has spent approximately \$500,000 per year on hot and cold asphalt bituminous products over the last two years.

It is estimated that Council could spend up to \$1,500,000 within this Contract.

This Contract will be a Schedule of Rates Contract and shall be subject to rise and fall provisions.

### **RISKS**

Maintaining our sealed network as required will reduce Council exposure to litigation.

### **CONCLUSION**

Awarding this Tender will enable Council to maintain our sealed road network as required to assist in providing a safe and trafficable road network for our community.

### **RECOMMENDATION**

**That Council:**

1. **Award Tender 'SGC 15/04 Supply, Delivery and Laying of Hot and Cold Asphalt Bituminous Products' for a three year term from 1 July 2014:**
  - a. **Fowlers Asphaltting Pty Ltd;**
  - b. **A1 Asphaltting Pty Ltd;**
  - c. **Quality Roads Asphalt Paving;**
  - d. **Fulton Hogan Industries; and**
  - e. **Gippsland Asphalt Pty Ltd.**

- 2. Authorise the Chief Executive Officer to sign and affix the Common Seal of the Municipality to the Contract documents.**
- 3. Authorise the Chief Executive Officer to approve two one year extensions subject to satisfactory Contractor performance review.**

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

Nil

## **E.17 AWARD OF TENDER SGC 15/06 PROVISION OF PAVEMENT MARKING SERVICES**

Engineering Services Directorate

### **EXECUTIVE SUMMARY**

The purpose of this report is to recommend awarding Tender 'SGC 15/06 Provision of Pavement Marking Services' to Laser Linemarking (Vic) Pty Ltd.

The Contract will operate on a schedule of rates. The Contract will be for a three year term from signing of the Contract documents with the option of two one year extensions.

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

- **Confidential Appendix 1** – Evaluation Summary

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

- Local Government Procurement Best Practice Guidelines
- Occupation Health and Safety Act 2004
- Local Government Act 1989
- Road Management Act 2004

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

- Procurement Policy 2013
- Road Management Plan 2013
- Road Infrastructure Asset Management Plan

### **COUNCIL PLAN**

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

### **CONSULTATION**

Tender specifications were developed in consultation with all relevant officers involved in pavement marking services.

This Tender was advertised on Council's website, in The Age and local papers in February 2014.

## **REPORT**

### **Background**

In accordance with Council's Procurement Policy, Council is required to go out to public tender for pavement marking services.

An evaluation panel was convened on 8 April 2014 to assess the tenders in accordance with the criteria specified in the Contract documents.

### **Discussion**

Three submissions were received from the following Tenderers:

1. Fowlers Asphaltting Pty Ltd.
2. Laser Linemarking (Vic) Pty Ltd (conforming submission).
3. Laser Linemarking (Vic) Pty Ltd (non-conforming submission).

The evaluation summary has been included in **Confidential Attachment 1**.

Two conforming tenders were received and they were evaluated against the selection criteria.

The non-conforming submission from Laser Linemarking (Vic) Pty Ltd was not considered as it did not comply with the specification.

### **Proposal**

It is proposed that Council award Tender 'SGC 15/06 Provision of Pavement Marking Services' for a three year term from signing of the Contract documents to Laser Linemarking (Vic) Pty Ltd.

## **FINANCIAL CONSIDERATIONS**

The purchase of pavement marking services is accommodated within the Operations Department's budget.

Council's expected annual budget for pavement marking is about \$150,000 for programmed works and there is likely to be works associated with other projects that will require the involvement of these pavement marking services.

This Contract will be a Schedule of Rates Contract and shall be subject to rise and fall provisions.

## **RISKS**

By providing pavement marking services as required will reduce Council exposure to litigation.

## **CONCLUSION**

Awarding this Tender will enable Council to undertake pavement marking services to assist in providing a safe and trafficable road network for our community.

## **RECOMMENDATION**

**That Council:**

- 1. Award Tender 'SGC15/06 Provision of Pavement Marking Services' for a three year term from 1 July 2014 to Laser Linemarking (Vic) Pty Ltd.**
- 2. Authorise the Chief Executive Officer to sign and affix the Common Seal of the Municipality to the Contract documents.**
- 3. Authorise the Chief Executive Officer to approve two one year extensions subject to a satisfactory Contractor performance review.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

## **E.18 AWARD TENDER SGC 15/07 PROVISION OF TREE MAINTENANCE AND VEGETATION SERVICES**

Engineering Services Directorate

### **EXECUTIVE SUMMARY**

The purpose of this report is to recommend awarding Tender 'SGC 15/07 Provision of Tree Maintenance and Vegetation Services' to a panel of preferred suppliers.

The Contract will operate on a schedule of rates. The Contract will be for a three year term from signing of the Contract documents with the option of two one year extensions.

The suppliers are encouraged to propose innovative service delivery arrangements, technical expertise and alternative products, aimed at enhancing the achievement of Council's service objectives.

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

- **Confidential Appendix 1** – Evaluation Summary

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

- Local Government Procurement Best Practice Guidelines
- Country Fire Authority Act 1958
- Occupation Health and Safety Act 2004
- Local Government Act 1989
- Road Management Act 2004

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

- Procurement Policy 2013
- Road Management Plan 2013
- Road Infrastructure Asset Management Plan

### **COUNCIL PLAN**

Outcome:	3.0	Integrated Services and Infrastructure.
Objective:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development.
Strategy:	3.1.1	We will deliver Council and community projects

and leverage project funds to attract investment from external sources.

## **CONSULTATION**

Tender specifications were developed in consultation with all relevant officers involved in the use of tree maintenance and vegetation services.

This Tender was advertised on Council's website, in The Age and local papers in February 2014.

## **REPORT**

### **Background**

In accordance with Council's Procurement Policy, Council is required to go out to open tender for the provision of tree maintenance and vegetation services.

An evaluation panel was convened on 14 April 2014 to assess the tenders in accordance with the criteria specified in the Contract documents.

### **Discussion**

Fourteen submissions were received from the following Tenderers:

1. Gippsland Contracting Pty Ltd t/a BJ and BJ Murphy Contracting.
2. Asplundh Tree Experts (Australia) Pty Ltd.
3. Citywide Service Solutions Pty Ltd.
4. Arborzone Total Tree Care.
5. Joeys Tree Services.
6. RF and CH Wilson.
7. Terrafirma Excavations Pty Ltd.
8. Fowlers Asphaltting Pty Ltd.
9. Craig Brodie Pty Ltd t/a Total Tree Contracting.
10. Skyrider Tower Hire Pty Ltd.
11. Clean Cut Tree Services.
12. Tree Works Australia Pty Ltd.
13. David McFee.
14. The Botanical Tree Surgery Company Pty Ltd.



The evaluation summary has been included in **Confidential Appendix 1**.

The intent of the panel of preferred suppliers is to have a diverse group of tree and vegetation maintenance services Contractors that are able to provide a variety of services required, from time to time, to supplement Councils existing tree and vegetation works.

### **Proposal**

It is proposed that Council award Tender 'SGC 15/07 Provision of Tree Maintenance and Vegetation Services' for a three year term from signing of the Contract documents to a panel of preferred suppliers as listed:

- a. Citywide Service Solutions Pty Ltd;
- b. Terrafirma Excavations Pty Ltd;
- c. Gippsland Contracting Pty Ltd;
- d. Asplundh Tree Experts (Australia) Pty Ltd;
- e. Sky rider Tower Hire Pty Ltd;
- f. S G & M C Cameron, J L & R J Dowel, D J Thomas and H Pickering t/a Clean Cut Tree Services;
- g. Peter and Karen Bateman t/a Arborzone Total Tree Care; and
- h. Tree Works Australia Pty Ltd.

### **FINANCIAL CONSIDERATIONS**

Council's expected annual budget for Contractor services is approximately \$200,000 of programmed works within the various budget areas, and there is likely to be works associated with other projects that will require the involvement of some of these services.

This Contract will be a Schedule of Rates Contract and shall be subject to rise and fall provisions.

### **RISKS**

By awarding this Tender to a panel of preferred suppliers to undertake tree maintenance and vegetation services as required will reduce Council's exposure to litigation.

Council has an obligation under the Road Management Plan to minimise the hazards to users of the road network, and to maintain the integrity of road and parks network. Under the CFA Act 1958, Council also has an obligation to manage the fire risk on Council owned or managed land including the Shire's natural reserves.

## **CONCLUSION**

Awarding this Tender will enable Council to undertake tree maintenance and vegetation services to assist in providing a safe and trafficable road network for our community.

## **RECOMMENDATION**

**That Council:**

- 1. Award Tender 'SGC 15/07 Provision of Tree Maintenance and Vegetation Services' for a three year term from 1 July 2014 to:**
  - a. Citywide Service Solutions Pty Ltd;**
  - b. Terrafirma Excavations Pty Ltd;**
  - c. Gippsland Contracting Pty Ltd;**
  - d. Asplundh Tree Experts (Australia) Pty Ltd;**
  - e. Sky rider Tower Hire Pty Ltd;**
  - f. S G & M C Cameron, J L & R J Dowel, D J Thomas and H Pickering t/a Clean Cut Tree Services;**
  - g. Peter and Karen Bateman t/a Arborzone Total Tree Care; and**
  - h. Tree Works Australia Pty Ltd.**
- 2. Authorise the Chief Executive Officer to sign and affix the Common Seal of the Municipality to the Contract documents.**
- 3. Authorise the Chief Executive Officer to approve two one year extensions subject to satisfactory Contractor performance review.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

## **E.19 AWARD OF TENDER SGC 15/03 SUPPLY AND DELIVERY OF QUARRY PRODUCTS**

Engineering Services Directorate

### **EXECUTIVE SUMMARY**

The purpose of this report is to recommend awarding Tender 'SGC 15/03 Supply and Delivery of Quarry Products' to a panel of preferred suppliers.

The Contract will operate on a schedule of rates. The Contract will be for a one year term from signing of the Contact documents with the option of a one year extension.

The suppliers are encouraged to propose innovative service delivery arrangements, technical expertise and alternative products, aimed at enhancing the achievement of Council's service objectives.

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

- **Confidential Appendix 1** – Evaluation Summary.

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

- Local Government Procurement Best Practice Guidelines
- Occupation Health and Safety Act 2004
- Local Government Act 1989

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

- Procurement Policy 2013
- Road Management Plan 2013
- Road Infrastructure Asset Management Plan

### **COUNCIL PLAN**

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

## **CONSULTATION**

Tender specifications were developed in consultation with all relevant officers involved in the use of quarry products.

This Tender was advertised on Council's website, in The Age and local papers in February 2014.

## **REPORT**

### **Background**

As part of Council's Operations, maintenance for sealed and unsealed roads utilises quarry products from various sources. The use of these materials is varied across the Shire and depends on the location and type of materials required.

Council in the past has used several suppliers for these materials to provide maximum flexibility in their use. This has been dependent on the economics and the applications for each particular job.

In accordance with Council's Procurement Policy, Council is required to go out to open tender for the supply and delivery of quarry products.

An evaluation panel was convened on 14 April 2014 to assess the tenders in accordance with the criteria specified in the Contract documentation.

### **Discussion**

Twelve submissions were received from the following Tenderers:

1. Holcim (Australia) Pty Ltd.
2. Kennedy Haulage Pty Ltd.
3. South Gippsland Quarries Pty Ltd.
4. K & RJ Matthews Quarries Pty Ltd.
5. DeMerlo Contractors.
6. Allens Contractors.
7. F & T Concrete Pty Ltd.
8. Goldsmith Civil & Environmental Pty Ltd.
9. David Harris Earthmoving Pty Ltd.
10. Defor Pty Ltd t/a Evans Quarries.
11. Casacir Pty Ltd t/a Neerim North Quarry.

## 12. Fulton Hogan Construction Pty Ltd.

The evaluation summary has been included in **Confidential Appendix 1**.

So that Council may obtain value for money, and to ensure supply of a diverse range of products from across the Shire, the evaluation panel has proposed to award the Tender to all of the Tenderers. Successful Tenderers will be placed on a panel of preferred suppliers.

The location of the quarry (or point of supply) has a major influence on the 'landed cost to site' of the material. Transport costs are high. The distance from the quarry to the worksite can influence the cost so much that it is often more cost effective to pay more for a product if the quarry is closer to the worksite.

For larger projects, such as resheets, reseals and construction works over \$20,000.00, or products not listed in the schedule of rates, Council may choose to seek quotes from the panel and/or from other suppliers.

By accepting all tenders it would also provide maximum financial and product value to Council. No one supplier offers the full range of products.

### **Proposal**

It is proposed that Council award Tender 'SGC 15/03 Supply and Delivery of Quarry Products' for a one year term from signing of the Contact documents to a panel of preferred suppliers.

### **FINANCIAL CONSIDERATIONS**

The purchase of quarry products is accommodated within the Operations Department's budget. Council has spent approximately \$3,500,000 per year on quarry products over the last two years.

It is estimated that Council could spend up to \$3,500,000 within this Contract.

This Contract will be a Schedule of Rates Contract and will not be subject to rise and fall.

### **RISKS**

Maintaining our road network as required will reduce Council's exposure to litigation.

### **CONCLUSION**

Awarding this Tender will enable Council to purchase quarry products as required to assist in providing a safe and trafficable road network for our community.

## **RECOMMENDATION**

### **That Council:**

- 1. Award Tender 'SGC15/03 Supply and Delivery of Quarry Products' for a one year term from 1 July 2014 to:**
  - a. Holcim (Australia) Pty Ltd;**
  - b. Kennedy Haulage Pty Ltd;**
  - c. South Gippsland Quarries Pty Ltd;**
  - d. K & RJ Matthews Quarries Pty Ltd;**
  - e. DeMerlo Contractors;**
  - f. Allens Contractors;**
  - g. F & T Concrete Pty Ltd;**
  - h. Goldsmith Civil & Environmental Pty Ltd;**
  - i. David Harris Earthmoving Pty Ltd;**
  - j. Defor Pty Ltd t/a Evans Quarries;**
  - k. Casacir Pty Ltd t/a Neerim North Quarry; and**
  - l. Fulton Hogan Construction Pty Ltd.**
- 2. Authorise the Chief Executive Officer to sign and affix the Common Seal of the Municipality to the Contract documents.**
- 3. Authorise the Chief Executive Officer to approve a one year extension subject to satisfactory Contractor performance review.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

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## **E.20 COUNCIL REPRESENTATION AT AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NATIONAL GENERAL ASSEMBLY**

Corporate Services Directorate

### **EXECUTIVE SUMMARY**

This Report is presented so that Council may officially consider and confirm the deputation to attend the Australian Local Government Association (ALGA) National General Assembly to be held in Canberra Saturday 14 June – Wednesday 18 June 2014.

The ALGA National General Assembly provides an opportunity for local government to identify and discuss issues which it believes should be addressed by the new Federal Government.

Council will be advocating for Federal funding of the Korumburra Integrated Children's Centre at the Assembly this year.

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

Councillor Support and Expenditure Policy C51

### **COUNCIL PLAN**

Outcome:	1.0	A Prosperous Shire
Objective:	1.2	Raise the awareness of local and regional issues with State and Federal decision makers.
Strategy:	1.2.2	We will advocate for priority projects that assist in stimulating economic growth, agricultural development, tourism infrastructure and community facilities.
Action:	1.2.2	Identify and advocate adopted Priority Projects.
Outcome:	3.0	Integrated Services and Infrastructure
Objective:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development.
Strategy:	3.1.1	We will deliver Council and community projects and leverage project funds to attract investment from external sources.
Action	3.1.1	External funding sought for the Korumburra Integrated Children's Centre.

## **CONSULTATION**

Preferred attendance was discussed at Council Briefing Sessions on 9 April and 23 April 2014.

## **REPORT**

### **Background**

The ALGA National General Assembly provides an opportunity for local government to identify and discuss issues which it believes should be addressed by the new Federal Government.

Council will be advocating for Federal funding of the Korumburra Integrated Children's Centre at the Assembly this year.

Council have discussed representation for the 2014 ALGA National General Assembly and indicated their preference that Deputy Mayor Councillor Jeanette Harding, Councillor Nigel Hutchinson-Brooks and the Chief Executive Officer (CEO) Tim Tamlin will make up the delegation for this year.

### **Discussion**

Council attendance in Canberra is vital to personally advocate to the relevant Minister for funding of the Korumburra Integrated Children's Centre (KICC).

The KICC is a community initiated project, planned to meet a critical need for child care, kindergarten, out of school hours care, maternal & childhood services and specialist children's services. It will co-locate current services that are unable to meet increasing demand and have no capacity to expand.

The project is tender ready for construction and requires urgent Federal funding to allow construction to commence at the earliest time and ensure the children and families of Korumburra and surrounding districts are not disadvantaged.

The attendance of two Councillors supported by the CEO is seen as a sufficient delegation.

## **FINANCIAL CONSIDERATIONS**

Standard Registration for the Conference (payment received on or before Friday 30 May 2014) is \$999. Flights and Accommodation for a single delegate are expected to be approximately \$1,250. Meals and General Assembly Dinner (\$130/person) should also be considered.

## **RISKS**

Should Council not be represented at the ALGA National General Assembly, opportunities to meet with key Ministers and Parliamentary Staff may be missed. These opportunities allow Councillors and the CEO to advocate in



person for Council's Priority Projects, specifically the Korumburra Integrated Children's Centre which requires urgent Federal funding.

### **RECOMMENDATION**

**That Council confirm that the Deputy Mayor Councillor Jeanette Harding, Councillor Nigel Hutchinson-Brooks and the Chief Executive Officer Mr Tim Tamlin make up the delegation to the 2014 Australian Local Government Association National General Assembly in Canberra.**

### **STAFF DISCLOSURE OF INTEREST**

Nil

## **E.21 MAV DEBT PROCUREMENT PROJECT**

Corporate Services Directorate

### **EXECUTIVE SUMMARY**

The Municipal Association of Victoria (MAV) is progressing the establishment of a pooled financing facility named the 'Local Government Funding Vehicle' (LGFV), on behalf of its 79 Victorian member Councils. The objective of the LGFV is to raise funding from the public bond market on behalf of participating councils, providing a more cost competitive financing solution to Victorian councils.

The LGFV initiative arose following the Vision Super defined benefit superannuation shortfall. A funding options evaluation was undertaken to review the debt procurement model of the sector. The purpose of this review was to determine the optimal funding platform to address the defined benefit shortfall and ongoing borrowing requirements of the sector.

The key benefits of the LGFV for councils include significant savings, diversification of funding source, low cost, transparency and best practice.

This report seeks Council's endorsement to participate in the LGFV as a source of future borrowing requirements and specifically for the outstanding debt balance of \$3.35 million in July 2014.

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

- **Attachment 1** - Local Government Funding Vehicle Council Participation Agreement
- **Attachment 2** - Term Sheet - Victorian Local Government Funding Vehicle

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

Local Government Act 1989 Part 7 Financial Management

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

Financial Strategy 2014

### **COUNCIL PLAN**

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

## **CONSULTATION**

The MAV has provided a number of briefing sessions about the proposed Local Government Funding Vehicle. Council officers have attended these sessions.

## **REPORT**

### **Background**

The MAV established a Defined Benefit Taskforce in response to the \$453m defined benefit shortfall, to provide recommendations that will reduce the cost of the shortfall to councils and reduce the risk of future calls arising. The first recommendation of the taskforce was to establish a working group to:

- develop detailed specifications for a debt placement;
- prepare a tender for aggregated debt for the sector;
- test the sector's firm commitment to borrowing;
- ensure that transactional banking is excluded from the specifications.

### ***Aggregated Borrowing***

The MAV engaged Ernst & Young's (EY) independent Debt & Capital Advisory Team to undertake a funding options analysis to evaluate available funding sources and structures to determine the optimal funding platform for Victorian councils. The EY report identified significant savings could be achieved through aggregating council borrowings, obtaining a credit rating on a pooled basis and subsequently issuing a bond into the wholesale bond market. Savings identified are as follows:

- Approximately a 100 basis point (i.e. 1%) reduction in the interest rate when compared to borrowing directly from banks through a tender process.
- For each \$100m of debt procured via the LGFV, the sector can save up to \$10m over a ten year period.
- Based on the total sector debt of \$1bn, the LGFV could save the sector \$100m over ten years.

EY assisted MAV in establishing an interim funding facility in June 2013, through conducting a competitive tender on behalf of 23 Councils which included South Gippsland. The tender was highly successful and confirmed the benefits of scale and collective borrowing. The LGFV long term financing strategy was presented to councils in November 2013, with 56 councils, including South Gippsland, responding positively to the expressions of interest (EoI) totalling in excess of \$450m of borrowing requirements. MAV

made the decision to proceed with the LGFV financing strategy on behalf of the sector, based on widespread support by councils.

### ***Bank Commitment and Involvement***

Commonwealth Bank of Australia and National Australia Bank were appointed by MAV as co-arrangers for the LGFV bond issuance following an EoI. MAV has worked with EY and the banks over the last two months to finalise the LGFV financing structure. MAV presented the final structure to councils at the end of March 2014 advising that Council commitments for the inaugural July 2014 bond issuance were required by May 2014.

### **Discussion**

#### ***The bond market***

A bond is simply a loan from another source; the wholesale bond market. Cheaper funding is available in the wholesale bond market than from banks for highly rated borrowers such as councils. The investors (or lenders) in the bond market are institutional investors such as superannuation funds, banks and foreign governments. The bond market is a key source of funding for the Commonwealth Government of Australia, State Governments and major corporations. There are numerous examples of Local Government bonds in other jurisdictions such as New Zealand, USA, Canada and Europe. The LGFV transaction is a market standard structure of 'pooling' loans to access the bond market and is considered tried and tested.

#### ***Savings***

MAV Procurement has accessed the wholesale market to deliver savings to the Victorian council sector in other tenders (eg. trucks). The LGFV represents a change in the debt procurement model which cuts out the middle person to deliver cheaper funding costs by going direct to the wholesale bond market. Banks currently borrow money from the wholesale bond market and on-lend these funds to councils, but in the process add in a profit margin. Access to the wholesale bond market is achieved through the credit strength, collective bargaining, scale and diversification that the LGFV delivers.

The savings are estimated at approximately 100 basis points (i.e. 1%), with pricing savings expected to improve over time. The final pricing will be determined at the time of the first bond issuance via a wholesale market bidding process. This ensures transparency, probity and best price. The wholesale market provides a step change improvement in pricing, compared to borrowing rates available in the bank market.

#### ***LGFV loan terms***

Aggregated purchasing arrangements lead to savings where there are standard terms. The first bond issue will be on a 5 and/or 7 year basis with a fixed interest rate and repayment of interest only over the term.

Other terms and conditions such as security, conditions precedent, representations and warranties, covenants and undertakings, event of default and reporting requirements will be in line with existing standard terms in the bank market.

While the LGFV first bond issuance necessitates a change in how councils borrow, the standardised terms proposed will drive an optimal pricing outcome and will be the most advantageous solution for the sector.

### ***Borrowing process***

The borrowing process for councils will be simplified under the LGFV. Councils submit a drawdown notice to the LGFV, with no requirement to undertake a tender to determine best price. Debt is available on an 'as needs' basis during the year through a combination of regular bond issuances (annual or more frequently based on demand by councils) and an ongoing interim finance facility which provides short term funding, which will be refinanced through subsequent bond issuances.

### ***Cost***

A one off LGFV establishment fee of \$4,000 is payable by councils following confirmation of participation. MAV have invested heavily to date on upfront costs including Ernst & Young (financial advisor), Moody's (credit rating) and legal costs.

### ***Governance***

The LGFV will be governed by a small Board comprising representative and independent skills based members, likely to include Council CEOs, or nominees, MAV and independent financial market experts. The skills possessed by Board members will include technical expertise relevant to bond insurance (financial/legal).

The LGFV Board will be appointed by the MAV Board for a period of two years.

The role of the LGFV Board will include:

1. Reporting to councils
2. Risk management
3. Market review and analysis
4. Management / selection of service providers
5. Future and ongoing strategic decision making

The LGFV Board terms of reference and composition will be finalised by MAV prior to the first bond issuance in July 2014.

## **Options**

The alternative to participation in the LGFV is for Council to solely source funds via a tender process with the major banks on a bilateral basis, as the sector has done historically.

## **Proposal**

It is proposed that Council agree to participate in the LGFV bond issuance in July 2014 and refinance an amount of \$3.35 million which will be the outstanding borrowings as at 30 June 2014.

A bond issue on a five year basis at 5.5% would incur annual interest charges of \$150,700 per annum (\$753,750 over the period of the bond). The reduced cash outflows when compared to a normal principal and interest payment arrangement would enable additional interest on investments to be generated over the five years.

Council should allocate \$670,000 annually to an internal reserve to ensure that it has \$3.35m on hand when the bond is payable in July 2019.

The above scenario has been modelled into the Long Term Financial Plan, which shows an improvement in both the underlying result and underlying working capital ratio over the five years.

## **FINANCIAL CONSIDERATIONS**

Analysis suggests the LGFV will provide councils with an approximately 100 basis point (i.e. 1%) reduction in the interest rate when compared to a tender process undertaken with the banking sector. This saving is significant when the borrowing amounts are considered.

When applying a conservative assumption that the bond rate for a five year term would be 5.5% and interest rate on investments will be 3.5%, the financial modelling shows a net benefit of between \$30,000 and \$70,000 over the five years after allowing for the \$4,000 establishment fee.

It should be noted that if Council participates in the bond issuance that the structure of the existing short term funding facility means that the \$3.35 million outstanding at 30 June will have to be disclosed as a current liability in the balance sheet. This will have an adverse technical impact on the working capital ratio. This does not present as a strategic concern. In the following years the amount outstanding will be classified as a non-current liability.

## **RISKS**

There are two risks associated with Council participating with the LGFV bond issuance. The first being, that the pricing of the bond may be greater than if Council were to pursue borrowing from the traditional bank lenders. The Ernst & Young Debt & Capital Advisory team has assessed this to be a low risk.

The other risk is interest rates on investments falling during the tenor of the bond. If this were to occur, the earning capacity of 'cash flow' savings from not having to pay back principle over the five years would be impacted. The financial modelling exercise used a very low rate (3.5%) for the five years that showed positive outcomes still being achieved. Economic forecasts suggest that the interest rates have flattened and that there is likelihood that they will gradually trend up in future years.

### **CONCLUSION**

The key benefits of the LGFV for Council include significant savings, diversification of funding source, low cost, transparency and best practice.

It is recommended that Council's endorse participating in the LGFV as a source of future borrowing requirements and specifically for the outstanding debt balance of the \$3.35 million in July 2014.

### **RECOMMENDATION**

**That Council:**

- 1. Approve the Local Government Funding Vehicle as a new source of funding for future borrowing requirements; and**
- 2. Participate in the first Local Government Funding Vehicle bond issuance in July 2014 for an amount of \$3.35M.**

### **STAFF DISCLOSURE OF INTEREST**

Nil

**Attachment 1**  
**Local Government Funding Vehicle Council Participation Agreement**

By signing a copy of this correspondence, \_\_\_\_\_  
Council hereby accepts the conditions outlined in this letter and attached term sheet  
acknowledges and agrees to participate in the inaugural issuance of the Local  
Government Funding Vehicle (LGFV).

**X** \_\_\_\_\_

Signed for and on behalf of \_\_\_\_\_ Council by its  
authorised representative

Dated \_\_\_\_\_  
(dd/mm/yy)

**Borrowing requirements (councils can select one or both 5 and 7 year tenor):**

**Total amount:** \_\_\_\_\_

*of which*

**5 year tenor amount:** \_\_\_\_\_

**7 year tenor amount:** \_\_\_\_\_

NE: If insufficient funds are allocated to either tenor (i.e. <\$100m), the tenor of the first issuance  
will be determined based upon the majority requirement of councils.

**Upon receipt of this agreement, MAV will raise an invoice to your council for a  
one off LGFV establishment fee of \$4,000 (excluding GST).**

**Primary Council Contact for LGFV:**

Name: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Position: \_\_\_\_\_  
Email: \_\_\_\_\_

**Secondary Contact for LGFV:**

Name: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Position: \_\_\_\_\_  
Email: \_\_\_\_\_



**Attachment 2  
 Victorian Local Government Funding Vehicle Term Sheet**

Borrowing structure	Councils will borrow on an individual and standalone basis (i.e. no cross guarantee)
Lender	Victorian Local Government Funding Vehicle ("LGFV")
Tenor	5 and/or 7 years
Repayment structure	Interest only
Interest Rate	Fixed interest rate, indicative pricing as follows: 5 years 4.4% to 4.5% 7 years 4.9% to 5.0%
Fees	A one off LGFV establishment fee of \$4,000 is payable by Councils
Documentation	Standardised bilateral loan documentation with common terms and conditions for each individual Council. The terms will be in line with existing customary terms in the bank market.
Security	Security is to comprise a mortgage over the rates of each individual Council
<p>The initial structure has been determined based on bank advice to maximize the probability of a successful inaugural issuance and drive an optimal pricing. Increased flexibility is envisaged over time through:</p> <ul style="list-style-type: none"> <li>adjusted terms (e.g. tenor, interest rate)</li> <li>incorporating debt amortization through various bond maturities</li> <li>supplementary arrangements for individual councils (e.g. P&amp;I bank debt, sinking funds)</li> </ul>	

## SECTION F - URGENT OR OTHER BUSINESS

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

### 1. Urgent Business

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

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

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

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

### 2. Other Business

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

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

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

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

The following questions were taken on notice at the previous Council Meeting 16 April 2014 and responses are now provided.

#### **Question 1**

**After Vic Track demolished the pedestrian bridge from the Leongatha Bus Stop to the CBD, by which I believe left Mung Heng restaurant without a legal fire escape. I also believe the Shire had part of the responsibility and maybe the cost of the current above fire escape, if so what was the cost of the fire escape and what if any did the Shire pay for?**

#### ***Response***

*The removal of the pedestrian bridge made access to the gas bottles at this restaurant inaccessible. Therefore, a Memorandum of Consent was signed by the proprietor of the restaurant for a new staircase from the rear of the premises connecting to the side laneway off Bair Street, Leongatha to allow access to the existing gas bottle storage cage to retain current security levels. This was not for the purpose of a fire escape as mentioned in your correspondence. All costs associated with these works were costed as part of the overall Leongatha Pedestrian Demolition Project and therefore Council is unable to obtain costs as the project was fully funded by VicTrack.*

#### **Question 2**

**A few years ago the Shire rebuilt pedestrian at the corner of Bass Highway and Bair Street Leongatha CBD. If so, what was the total cost of “that” and of what part of the total cost to the Shire for that rebuilt pedestrian path?**

#### ***Response***

*The pedestrian path at the corner of Bair Street and McCartin Street, Leongatha, directly outside the Great Southern Outdoors (Clothing & Camping, Saddlery & Fishing) business was replaced with new footpath and a pedestrian safety fence was installed to assist with channelling pedestrians to designated crossing points. The old footpath was uneven and unsightly.*

*Funding was allocated to undertake the footpath upgrade works as a result of the former pedestrian footbridge over the railway yards being demolished. Total cost of the footpath works was \$48,141 and funding came directly through Council’s footpath replacement program. The safety fencing works cost approximately \$6,500 and were funded through Council’s minor works program.*

## **CLOSED SESSION**

### **Consideration of confidential matters under the Local Government Act 1989, Section 89(2).**

According to Section 89 of the Local Government Act 1989 (the Act), Council may consider items in closed session. There must be a resolution to move 'In Committee' stating the reasons why the matter(s) need to be considered in this way. The reasons provided for within the Act are matters concerning personnel, personal hardship, industrial issues, contracts, proposed developments, legal advice or any other matter that Council considers would be prejudicial, to it or any other person.

Once 'In Committee' discussions and debate have concluded, a further resolution to resume open Council is required.

### **ITEM 1 CONTRACTUAL MATTER**

#### **RECOMMEDATION**

That Council close the Meeting to the Public to allow for consideration of 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, 25 June 2014 commencing at 2pm in the Council Chambers, Leongatha.