



*South Gippsland*  
Shire Council

*Come for the beauty, Stay for the lifestyle*

# **COUNCIL AGENDA PAPERS**

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**24 August 2016**

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**ORDINARY MEETING NO. 405  
LEONGATHA RETURNED SERVICEMAN LEAGUE (RSL)  
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. 405  
OF THE SOUTH GIPPSLAND SHIRE COUNCIL WILL BE HELD ON  
WEDNESDAY 24 AUGUST 2016 IN THE  
LEONGATHA RSL COMMENCING AT 2PM

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**Anthony Seabrook**  
**Acting Chief Executive Officer**

## **SECTION A - PRELIMINARY MATTERS**

### **A.1 WELCOME**

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

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

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

Amen

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

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

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

### **A.5 APOLOGIES**

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

## **RECOMMENDATION**

That the Minutes of the South Gippsland Shire Council:

1. Special Meeting of Council held on 13 July 2016 in the Council Chambers, Leongatha to hear submissions to proposed Land Sales 2016-2017 in a closed session as Council considers the matters would prejudice council or any person pursuant to section 89(2)(h) of the Local Government Act 1989 be confirmed; and
2. Ordinary Meeting No. 404, held on 27 July 2016 in the Council Chambers, Leongatha be confirmed.

Council Minutes are available on Council's website:

<http://www.southgippsland.vic.gov.au/meetings>

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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).

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## 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.

Jan Martin, Director Corporate and Community Services has an indirect conflict of interest with Council Agenda Item E.1 2016/17 LAND SALES PROGRAM – CONSIDER AND DETERMINE SUBMISSIONS – STRATEGIC REVIEW OF LANDHOLDINGS PROJECT – property number 3 – 5 Sloan Avenue, Leongatha by way of conflicting duty (Local Government Act 1989, Section 77A(3)(c)) as she is a Board member on the Gippsland Southern Health Service.

Paul Stampton, Manager Planning has an indirect conflict of interest with Council Agenda Item E.7 PLANNING APPLICATION 2015/398 - BAYSIDE DRIVE WALKERVILLE -DEVELOPMENT OF THE LAND FOR ROADWORKS AND CAR PARKING, SEA WALL AUGMENTATION, NATIVE VEGETATION REMOVAL AND WORKS IN HERITAGE OVERLAY by way of conflicting duty (Local Government Act 1989, Section 77A(3)(c)) as he is a member of the Walkerville Foreshore Committee of Management.

A staff member, has an indirect conflict of interest with Council Agenda Closed Item 3 MATTER THAT COUNCIL THAT COUNCIL CONSIDERS WOULD PREJUDICE THE COUNCIL OR ANY PERSONS by way of indirect financial interest (Local Government Act 1989, Section 77A(3)(b)).

## 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

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

### **B.1 NOTICE OF MOTION NUMBER 700 – GOOD GOVERNANCE AND REPORTING ON THE CUMULATIVE EFFECT OF CAPITAL WORKS FUNDING BY TOWNS**

#### **BACKGROUND**

The Local Government Act in its section on objectives states in 3c 1 “that the primary objective of a Council is to endeavour to achieve best outcomes for the local community having regard to the long term and cumulative effects of decisions.” And further section 3c 2 e says “to ensure that service and facilities are provided by Council are accessible and equitable.”

Normal practice for annual reports and audit statements for publicly accountable organisations is to assess organisational performance against key objectives of the organisation and their respective legislation. This motion is seeking good governance, accountability and transparency by ensuring that the annual report of council in future years reports back to the community on the cumulative effects of decisions by reporting on new capital works expenditure by council and through grant to community organisations for capital works. It is proposed that this reporting be back casted from 2003/4 to 2016/17 and for the last fifteen years of new capital works and grants to community organisations for new capital works and assess the impact

#### **PURPOSE**

The proposal is for Council to through good governance practice report on how it is or isn't fulfilling the requirements of the Local Government Act in its section on objectives states in 3c 1 and 3c 2.

#### **MOTION**

I, **Councillor Andrew McEwen** advise that I intend to submit the following notice of motion to the Ordinary Council Meeting scheduled to be held on **24 August 2016**.

**‘That Council in its Annual Report from 2016/2017 onwards include details of new capital works from the proceeding 10 years and the following 15 years, including details of funding sources and localities.’**

## **SECTION C - COMMITTEE REPORTS**

**Nil**

## **SECTION D – PROCEDURAL REPORTS**

### **D.1 COUNCILLOR EXPENDITURE REPORT - 30 JUNE 2016**

Corporate and Community Services

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

Nil

#### **EXECUTIVE SUMMARY**

The Councillor Expenditure Report (**Attachment 1**) provides Council with an update on Councillor Expenditure from 1 July 2015 to 30 June 2016.

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

- **Attachment 1** - Councillor Expenditure Report - 1 July 2015 to 30 June 2016

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

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

#### **COUNCIL PLAN**

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

#### **REPORT**

##### **Background**

The Councillor Expenditure Report (**Attachment 1**) provides Council with an update on Councillor Expenditure from 1 July 2015 to 30 June 2016.

Councillor Allowances reflect the Mayoral allowance being paid to Cr Jeanette Harding through to the appointment of the new Mayor, Cr Robert Newton on 4 November 2015.

In line with the revised Councillor Support and Expenditure Policy (July 2016) printing, sound recording and transcripts have been included for the last quarter of the financial year.

## **FINANCIAL CONSIDERATIONS**

Councillor expenditure of \$366,148 for the year ended 30 June 2016 is within budget, with a favourable variance.

## **RISKS**

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

## **RECOMMENDATION**

**That Council receive and note the Councillor Expenditure Report for the period 1 July 2015 to 30 June 2016.**

**Attachment 1  
Councillor Expenditure Report - 1 July 2015 to 30 June 2016**

Councillor Expenditure											
From 1 July 2015 to 30 June 2016											
Councillor	Car	Travel Expenditure			Other Expenditure					Total	
		Councillor Car Operating Cost *	Other travel reimbursements **	Mobile Phone / I pads	Phone/Fax/ Modem	Training & Professional Development ***	Councillor Allowance	Remoteness Allowance	Printing / Sound recording transcripts ****		Other Costs
Cr. Robert Newton	Council	\$ 4,251	\$ 45	\$ 882	\$ -	\$ 138	\$ 62,388	\$ -	\$ 48	\$ 153	\$ 67,905
Cr. Lorraine Brunt	Council	\$ 4,599	\$ -	\$ 1,706	\$ -	\$ 1,045	\$ 26,184	\$ -	\$ 5	\$ 56	\$ 33,595
Cr. Andrew McEwen	Personal	\$ -	\$ 9,021	\$ 1,438	\$ -	\$ 1,804	\$ 26,184	\$ -	\$ 834	\$ 235	\$ 39,516
Cr. Kieran Kennedy	Council	\$ 4,910	\$ -	\$ 1,409	\$ -	\$ 3,497	\$ 26,184	\$ -	\$ 48	\$ 69	\$ 36,117
Cr. Mohya Davies	Council	\$ 4,918	\$ -	\$ 1,912	\$ -	\$ 2,104	\$ 26,184	\$ -	\$ -	\$ 293	\$ 35,411
Cr. Jeanette Harding	Council	\$ 4,484	\$ -	\$ 708	\$ -	\$ 3,212	\$ 45,309	\$ 480	\$ -	\$ 109	\$ 54,302
Cr. Nigel Hutchinson Brooks	Council	\$ 5,204	\$ -	\$ 577	\$ -	\$ 1,003	\$ 26,184	\$ -	\$ -	\$ -	\$ 32,968
Cr. Don Hill	Personal	\$ -	\$ 8,340	\$ 1,210	\$ 645	\$ 754	\$ 26,184	\$ -	\$ 1,556	\$ 228	\$ 38,917
Cr. James Fawcett	Personal	\$ -	\$ -	\$ 1,040	\$ -	\$ 138	\$ 26,184	\$ -	\$ -	\$ 55	\$ 27,417
<b>Total Actual (Year to date June 2016)</b>		<b>\$ 28,366</b>	<b>\$ 17,406</b>	<b>\$ 10,882</b>	<b>\$ 645</b>	<b>\$ 13,695</b>	<b>\$ 290,985</b>	<b>\$ 480</b>	<b>\$ 2,491</b>	<b>\$ 1,198</b>	<b>\$ 366,148</b>
<b>Total Budget (Year to date June 2016)</b>		<b>\$ 37,572</b>	<b>\$ 12,000</b>	<b>\$ 15,540</b>	<b>\$ 1,920</b>	<b>\$ 17,200</b>	<b>\$ 292,932</b>	<b>\$ 492</b>	<b>\$ -</b>	<b>\$ 4,600</b>	<b>\$ 382,256</b>
<b>Variance</b>		<b>\$ 9,206</b>	<b>\$ 5,406</b>	<b>\$ 4,658</b>	<b>\$ 1,275</b>	<b>\$ 3,505</b>	<b>\$ 1,947</b>	<b>\$ 12</b>	<b>\$ 2,491</b>	<b>\$ 3,402</b>	<b>\$ 16,108</b>

\*Car operating costs are for the 12 months ended 30 June 2016 and includes depreciation, insurance and notional interest.

\*\* Travelling expenditure for Councillors using private vehicles is at the prescribed rate of reimbursement. Reimbursements also include actual public transport costs.

\*\*\* Training & professional development includes accommodation, conference and parking expenses.

\*\*\*\* Training & professional development expenses of Cr. Kieran Kennedy includes \$2400 for completing a Diploma of Local Government

\*\*\*\*\* Printing and sound audio recording transcription costs have been included in the report from the Quarter ended 30 June 2016.

## **D.2 REPORT ON ASSEMBLY OF COUNCILLORS: 22 JUNE – 21 JULY 2016**

Corporate and Community Services Directorate

### **STAFF DISCLOSURE OF INTEREST**

Nil

### **EXECUTIVE SUMMARY**

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

The matters listed in this report were presented or considered, at either an Advisory Committee Meeting, Councillor Strategic Briefing Session or Public Presentation Session between 22 June and 21 July 2016.

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

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

### **COUNCIL PLAN**

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

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**REPORT**

<b>Meeting Title</b>	<b>Details</b>
<b>Wednesday 22 June 2016</b>	
<b>Ordinary Council Agenda Topic Discussion – 22 June 2016</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Harding, McEwen, Brunt, Newton, Davies, Hutchinson-Brooks and Kennedy.</p> <p><b>Conflict of Interest:</b> Cr Davies made a declaration of indirect conflict of interest by close association with respect of Council Agenda Item E3 PROPOSED ROAD OPENING / DECLARATION – WOOD COURT as a relative has a home at Wood Court, Foster.</p> <p>The item was not discussed in the briefing session.</p> <p><b>Matters Discussed:</b> Councillors were provided information on Council agenda items for the Ordinary Council Meeting 22 June 2016.</p>
<b>Public Presentation  Open Public Session</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Harding, McEwen, Brunt, Newton, Davies, Hutchinson-Brooks and Kennedy.</p> <p><b>Conflict of Interest:</b> nil disclosed</p>
<p><b>Presentations were made to Council by the following community members:</b></p> <p><b>Michael Hogan</b>, Principal Librarian West Gippsland Regional Library Corporation addressed Council regarding Council Agenda Item E.2 FOSTER COMMUNITY INFRASTRUCTURE PLAN 2016.</p> <p><b>Walter Birkenbeil</b>, representing Section 86 Foster Stockyard Gallery addressed Council regarding Council Agenda Item E.2 FOSTER COMMUNITY INFRASTRUCTURE PLAN 2016.</p>	

Meeting Title	Details
<b>Wednesday 22 June 2016</b>	
<b>Ordinary Council Agenda Topic Discussion – 22 June 2016</b>	<b>Councillors Attending:</b> Crs Fawcett, Harding, McEwen, Brunt, Newton, Davies, Hutchinson-Brooks, Kennedy and Hill. <b>Conflict of Interest:</b> nil disclosed <b>Matters Discussed:</b> Councillors were provided information on Council agenda items for the Ordinary Council Meeting 22 June 2016.
<b>Ordinary Council Agenda Topic Discussion – 22 June 2016</b>	<b>Councillors Attending:</b> Crs Fawcett, Harding, Brunt, Newton, Davies, Hutchinson-Brooks, Kennedy and Hill. <b>Conflict of Interest:</b> Councillor Don Hill declared a direct conflict of interest in respect of Council Reports Item E.5 PROPOSED ROAD OPENING / DECLARATION OF A SECTION OF UNUSED GOVERNMENT ROAD OFF GILES STREET IN THE TOWNSHIP OF MIRBOO NORTH, PARISH OF MIRBOO as he is the applicant and owns land adjoining the unused road.  The item was not discussed in the briefing session. Councillor Robert Newton declared an indirect conflict of interest in respect of two items included in the Closed Session Item 1 2015/16 COMMUNITY GRANTS ROUND 2 – ASSESSMENT as he is a Committee member on two clubs whose grant applications were under consideration.  The items were not discussed in the briefing session. <b>Matters Discussed:</b> Councillors were provided information on Council agenda items for the Ordinary Council Meeting 22 June 2016.



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Meeting Title	Details
<b>Wednesday 22 June 2016</b>	
<b>Executive Update</b>	<b>Councillors Attending:</b> Crs Fawcett, Harding, Brunt, Newton, Davies, Hutchinson-Brooks, Kennedy and Hill. <b>Conflict of Interest:</b> nil disclosed. <b>Matters Discussed:</b> <ul style="list-style-type: none"><li>• Council Caravan Parks</li><li>• Korumburra Development Plan</li><li>• Procurement</li></ul>
<b>Korumburra Round Table</b>	<b>Councillors Attending:</b> Crs Brunt and McEwen. <b>Conflict of Interest:</b> nil disclosed. <b>Matters Discussed:</b> <ul style="list-style-type: none"><li>• Korumburra Round Table membership, office bearers and annual public meeting.</li><li>• Community Direction Statement for Korumburra, projects from the community received.</li><li>• Community Engagement Conference.</li></ul>

<b>Meeting Title</b>	<b>Details</b>
<b>Saturday 25 June 2016</b>	
<b>Community Engagement Conference 2016</b>	<b>Councillors Attending:</b>  Crs Newton, Davies, McEwen, Hill and Hutchinson-Brooks. <b>Conflict of Interest:</b> nil disclosed.  <b>Matters Discussed:</b> <ul style="list-style-type: none"><li>• Conference Theme: Plan, Grow and Thrive – Future Proofing Community Organisations.</li><li>• Strategic Planning, Project Planning and Management, Position Descriptions, Inclusiveness for your group, Risk, Safety and Insurance and Social Media Strategy</li><li>• Building a community economy – skills share activity</li></ul>
<b>Thursday 30 June 2016</b>	
<b>Access and Inclusion Advisory Committee</b>	<b>Councillors Attending:</b>  Crs Newton and Brunt. <b>Conflict of Interest:</b> nil disclosed.  <b>Matters Discussed:</b> <ul style="list-style-type: none"><li>• Rural Access Update</li><li>• GippSports Update</li><li>• Victorian State Disability Plan</li></ul>

Meeting Title	Details
<b>Wednesday 6 July 2016</b>	
<b>Planning Briefing</b>	<p><b>Councillors Attending:</b></p> <p>Crs Newton, Davies, Harding, Kennedy, Hutchinson-Brooks, McEwen and Brunt.</p> <p><b>Conflict of Interest:</b></p> <p>Cr Nigel Hutchinson-Brooks declared an indirect conflict of interest by conflict of duty under Section 78B of the Local Government Act 1989, in Item 5 – C108 <i>Koonwarra Agricultural Commercial Precinct Project</i>, as he is a Director of the Company that is consultant to the proponents.</p> <p>The item was not discussed in the briefing session.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"><li>• Strategic Planning Projects</li><li>• Planning Scheme Amendment C100 – General Amendment</li><li>• Planning Applications of Significance</li><li>• Planning decisions for April 2016</li><li>• VCAT decisions</li></ul>
<b>Nyora Development Strategy – Final for Adoption</b>  <b>Open Day Session</b>	<p><b>Councillors Attending:</b></p> <p>Crs Fawcett, Harding, McEwen, Brunt, Newton, Davies, Hutchinson-Brooks and Kennedy.</p> <p><b>Conflict of Interest:</b> nil disclosed.</p> <p><b>Matters Discussed:</b></p> <p>Councillors were provided the final Nyora Development Strategy to be presented for adoption at the Ordinary Council Meeting 24 August 2016.</p>

Meeting Title	Details
<b>Wednesday 6 July 2016</b>	
<b>Executive Update</b>	<b>Councillors Attending:</b> Crs Fawcett, Harding, McEwen, Brunt, Newton, Davies, Hutchinson-Brooks and Kennedy. <b>Conflict of Interest:</b> nil disclosed. <b>Matters Discussed:</b> <ul style="list-style-type: none"><li>• Local Law No3. clauses</li><li>• Proposed Land Sales</li><li>• Community Grants Presentation postponement</li><li>• Legal Proceedings update</li><li>• Korumburra Development Plan</li><li>• Council Caretaker Period update</li><li>• Tarpomatic Landfill Cover System</li><li>• Enterprise Bargaining Agreement update</li></ul>
<b>Councillor CEO Briefing Session</b>	<b>Councillors Attending:</b> Crs Fawcett, Harding, McEwen, Brunt, Newton, Davies, Hutchinson-Brooks and Kennedy. <b>Conflict of Interest:</b> nil disclosed. <b>Matters Discussed:</b> <ul style="list-style-type: none"><li>• Chief Executive Officer annual review</li></ul>
<b>Bullying and Harassment Awareness Training</b>	<b>Councillors Attending:</b> Crs Fawcett, Harding, McEwen, Brunt, Newton, Davies, Hutchinson-Brooks and Kennedy. <b>Conflict of Interest:</b> nil disclosed. <b>Matters Discussed:</b> Councillors were provided training and information by Council's Insurers regarding what constitutes Bullying and Harassment in the workplace. A facilitated workshop followed to assist Councillors to work together professionally and respect the processes of Council.

Meeting Title	Details
<b>Monday 11 July 2016</b>	
<b>Walkerville Foreshore Committee and Anglers Club Meeting</b>	<b>Councillors Attending:</b> Cr Newton <b>Conflict of Interest:</b> nil disclosed. <b>Matters Discussed:</b> Amendments to the Walkerville Foreshore Committee of Management plan submitted to Council as part of a Planning Permit application.
<b>Leongatha Recreation Reserve Concept Design Meeting</b>	<b>Councillors Attending:</b> Cr Fawcett <b>Conflict of Interest:</b> nil disclosed. <b>Matters Discussed:</b> Concept design for the reconstruction of access roads in Leongatha Recreation Reserve seeking feedback from Leongatha Recreation Reserve committee.
<b>Toora Station Park Advisory Group</b>	<b>Councillors Attending:</b> Cr Harding <b>Conflict of Interest:</b> nil disclosed. <b>Matters Discussed:</b> Management Plan of the Toora Station Park
<b>Wednesday 20 July 2016</b>	
<b>Leongatha Streetscape Master Plan – Outcome of Second Round Community Consultation</b>	<b>Councillors Attending:</b> Crs Fawcett, McEwen, Brunt, Harding and Hutchinson-Brooks. <b>Conflict of Interest:</b> nil disclosed. <b>Matters Discussed:</b> Councillors were provided with the outcomes of community engagement for Leongatha Streetscape Master Plan Project.

Meeting Title	Details
<b>Wednesday 20 July 2016</b>	
<b>VicTrack Community Use Program – Funding Opportunity for Korumburra Railway Station Building</b>	<b>Councillors Attending:</b> Crs Fawcett, McEwen, Brunt, Harding and Hutchinson-Brooks. <b>Conflict of Interest:</b> nil disclosed. <b>Matters Discussed:</b> Councillors were provided information on VicTrack’s Community Use Program.
<b>South Gippsland Brand Review Final Report</b>	<b>Councillors Attending:</b> Crs Fawcett, McEwen, Brunt, Harding and Hutchinson-Brooks. <b>Conflict of Interest:</b> nil disclosed. <b>Matters Discussed:</b> Councillors were provided with the South Gippsland Brand Review Report and recommendations.
<b>Caravan Park Review</b>	<b>Councillors Attending:</b> Crs Fawcett, McEwen, Brunt, Harding, Hutchinson-Brooks and Kennedy. <b>Conflict of Interest:</b> nil disclosed. <b>Matters Discussed:</b> Councillors were provided information regarding the Caravan Park review.
<b>2015/16 Venus Bay Kerbside Waste Service Review</b>  <b>Open Public Briefing Session</b>	<b>Councillors Attending:</b> Crs Fawcett, Harding, Brunt, Newton, Hutchinson-Brooks, Hill, Kennedy and McEwen. <b>Conflict of Interest:</b> nil disclosed. <b>Matters Discussed:</b> Councillors were provided with an update on the performance of the six month kerbside collection service in Venus Bay.

Meeting Title	Details
<b>Wednesday 20 July 2016</b>	
<b>Tarpomatic Landfill Cover System</b>  <b>Open Public Briefing Session</b>	<b>Councillors Attending:</b> Crs Fawcett, Harding, McEwen, Brunt, Newton, Hutchinson-Brooks, Hill and Kennedy. <b>Conflict of Interest:</b> nil disclosed. <b>Matters Discussed:</b> Councillors were provided with an update on the performance of the new Tarpomatic Landfill Cover System introduced at the Koonwarra Landfill in July 2015.
<b>Public Presentation</b>  <b>Open Public Session</b>	<b>Councillors Attending:</b> Crs Fawcett, Harding, McEwen, Brunt, Newton, Hutchinson-Brooks, Hill and Kennedy. <b>Conflict of Interest:</b> nil disclosed.
<b>Presentations were made to Council by the following community members:</b>  <b>Brett Hume</b> , representing the Nyora Recreation Reserve Committee of Management addressed Council regarding Nyora Recreation Reserve Master Plan.  <b>Paul Norton</b> , addressed Council regarding Submission – Pedestrian Access to Leongatha Town Centre and other governance matters.  <b>David Amor</b> , addressed Council regarding the Municipal Association of Victoria (MAV) sponsored Candidate Information Session that was held at Council on Monday 18 July 2016.	

Meeting Title	Details
<b>Wednesday 20 July 2016</b>	
<b>Ordinary Council Agenda Topic Discussion – 27 July 2016</b>	<b>Councillors Attending:</b> Crs Fawcett, Harding, McEwen, Brunt, Newton, Hutchinson-Brooks, Hill and Kennedy. <b>Conflict of Interest:</b> Councillor Don Hill declared a direct conflict of interest in respect of Council Reports Item E.11 PROPOSED ROAD OPENING / DECLARATION OF A SECTION OF UNUSED GOVERNMENT ROAD OFF GILES STREET IN THE TOWNSHIP OF MIRBOO NORTH, PARISH OF MIRBOO as he is the applicant and owns land adjoining the unused road. <b>Matters Discussed:</b> Councillors were provided information on Council agenda items for the Ordinary Council Meeting 27 July 2016.
<b>Ordinary Council Agenda Topic Discussion – 27 July 2016, session continued after break</b>	<b>Councillors Attending:</b> Crs Fawcett, Harding, McEwen, Brunt, Newton, Hutchinson-Brooks, Hill and Kennedy. <b>Conflict of Interest:</b> Councillor Don Hill declared a direct conflict of interest in respect of Council Reports Item E.11 PROPOSED ROAD OPENING / DECLARATION OF A SECTION OF UNUSED GOVERNMENT ROAD OFF GILES STREET IN THE TOWNSHIP OF MIRBOO NORTH, PARISH OF MIRBOO as he is the applicant and owns land adjoining the unused road. Cr Hill left the Meeting when the matter was discussed. Cr McEwen declared that he may have a conflict of interest with Council Agenda Item E.12 PROPOSED ROAD NAME CHANGE FOR TWO SECTIONS OF MCILWAINE STREET, MEENIYAN as he resides on this street. Cr McEwen left the Meeting when the matter was discussed. <b>Matters Discussed:</b> Councillors were provided information on Council agenda items for the Ordinary Council Meeting 27 July 2016.



Meeting Title	Details
<b>Wednesday 20 July 2016</b>	
<b>Executive Update</b>	<b>Councillors Attending:</b>  Crs Fawcett, Harding, Brunt, Newton, Davies, Kennedy and Hutchinson-Brooks. <b>Conflict of Interest:</b> nil disclosed.  <b>Topics Discussed:</b> <ul style="list-style-type: none"><li>• Corporate Timetable 2016-17</li><li>• DEWLP Report – Extractive Resources in Victoria</li><li>• Art work</li><li>• Contractors breakfast</li><li>• Proposed site tour of Karmai Integrated Children’s Centre</li></ul>

**RECOMMENDATION**

**That Council:**

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

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

**D.3 DOCUMENTS SEALED AND CONTRACTS AWARDED, VARIED OR EXTENDED BY THE CHIEF EXECUTIVE OFFICER - 25 JUNE TO 22 JULY 2016**

Corporate and Community Services Directorate

**STAFF DISCLOSURE OF INTEREST**

Nil

**EXECUTIVE SUMMARY**

This document reports to Council the following actions undertaken by the Chief Executive Officer (CEO) which occurred during the period from 25 June to 22 July 2016, as required by the Council's Instrument of Delegation to the Chief Executive Officer and Procurement Policy:

- Documents sealed;
- Contracts awarded after a public tender process within the CEO's delegation; and
- Contracts varied or extended by the CEO which exceeded the CEO's delegation.

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

- Local Government Act 1989 - Sections 5 and 186 (the Act)
- Local Law No. 3 2010 Processes of Municipal Government (Meeting Procedures and Common Seal)
- South Gippsland Shire Council Procurement Policy
- South Gippsland Shire Council Instrument of Delegation to the Chief Executive Officer

**COUNCIL PLAN**

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

## REPORT

### Documents Sealed

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

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

Local Law No. 3 2010, Part 9, Section 107 (f) (iv) – The Common Seal of Council, states that ‘If the Chief Executive uses the Common Seal in a manner prescribed by sub-clause (c) then he/she must advise Council of such use on a regular basis.’ Council’s Instrument of Delegation to the CEO also delegates to the CEO the power to ‘use the Common Seal of Council subject to that use being reported to Council.

In accordance with the Local Law and Instrument of Delegation, the following are presented to Council as documents sealed during the period from 25 June to 22 July 2016.

1. Contract CON/105-B Annual Supply - Plant Hire and Cartage Contractors between South Gippsland Shire and Sure Constructions (Vic) Pty Ltd - Seal Applied 1 July 2016;
2. Contract CON/105-D Annual Supply - Plant Hire and Cartage Contractors between South Gippsland Shire and Whelans Group Investments Pty Ltd - Seal Applied 4 July 2016;
3. Contract CON/105-E Annual Supply - Plant Hire and Cartage Contractors between South Gippsland Shire and Luxton Plant Pty Ltd - Seal Applied 29 June 2016;
4. Contract CON/105-F Annual Supply - Plant Hire and Cartage Contractors between South Gippsland Shire and SR Excavations Pty Ltd - Seal Applied 5 July 2016;
5. Contract CON/105-G Annual Supply - Plant Hire and Cartage Contractors between South Gippsland Shire and Porter Excavations Pty Ltd t/a Porter Plant - Seal Applied 1 July 2016;
6. Contract CON/105-J Annual Supply - Plant Hire and Cartage Contractors between South Gippsland Shire and ADA Construction Services Pty Ltd - Seal Applied 5 July 2016;
7. Contract CON/105-K Annual Supply - Plant Hire and Cartage Contractors between South Gippsland Shire and David Harris Earthmoving Pty Ltd - Seal Applied 4 July 2016;

8. Contract CON/105-O Annual Supply - Plant Hire and Cartage  
Contractors between South Gippsland Shire and JTB Nominees Pty Ltd  
- Seal Applied 4 July 2016;
9. Contract CON/105-P Annual Supply - Plant Hire and Cartage  
Contractors between South Gippsland Shire and David Rounds Bobcat  
Hire - Seal Applied 4 July 2016;
10. Contract CON/105-R Annual Supply - Plant Hire and Cartage  
Contractors between South Gippsland Shire and KND Maintenance Pty  
Ltd - Seal Applied 4 July 2016;
11. Contract CON/105-T Annual Supply - Plant Hire and Cartage  
Contractors between South Gippsland Shire and Brenton Williams t/a  
BJ's Earthmoving - Seal Applied 4 July 2016;
12. Contract CON/105-U Annual Supply - Plant Hire and Cartage  
Contractors between South Gippsland Shire and Forrester & Co Pty Ltd  
- Seal Applied 4 July 2016;
13. Contract CON/105-V Annual Supply - Plant Hire and Cartage  
Contractors between South Gippsland Shire and C & D Earthworks Pty  
Ltd - Seal Applied 1 July 2016;
14. Contract CON/105-X Annual Supply - Plant Hire and Cartage  
Contractors between South Gippsland Shire and M Mileto & B A Whale  
(M & M Paving) - Seal Applied 1 July 2016;
15. Contract CON/105-Y Annual Supply - Plant Hire and Cartage  
Contractors between South Gippsland Shire and Darren Harris  
Excavations & Cartage - Seal Applied 5 July 2016;
16. Contract CON/105-AA Annual Supply - Plant Hire and Cartage  
Contractors between South Gippsland Shire and ACE Earthmoving Pty  
Ltd - Seal Applied 1 July 2016;
17. Contract CON/105-CC Annual Supply - Plant Hire and Cartage  
Contractors between South Gippsland Shire and Dean Gow - Seal  
Applied 29 June 2016;
18. Contract CON/105-DD Annual Supply - Plant Hire and Cartage  
Contractors between South Gippsland Shire and Brooks Hire Service  
Pty Ltd - Seal Applied 5 July 2016;
19. S173 Agreement between South Gippsland Shire Council and the owner  
of 56 Ross Street, Port Welshpool in relation to the development of a  
dwelling and ancillary outbuilding – Seal Applied 11 July 2016.
20. Contract CON/105-A Annual Supply - Plant Hire and Cartage  
Contractors between South Gippsland Shire Council and Hiway  
Stabilizers Australia Pty Ltd - Seal Applied 11 July 2016;

21. Contract CON/105-M Annual Supply - Plant Hire and Cartage Contractors between South Gippsland Shire Council and Beyer Contractors Pty Ltd - Seal Applied on 11 July 2016;
22. Contract CON/105-N Annual Supply - Plant Hire and Cartage Contractors between South Gippsland Shire Council and The Trustee for the Allen Family Trust t/a Allens Contracting - Seal Applied on 11 July 2016;
23. Contract CON/105-S Annual Supply - Plant Hire and Cartage Contractors between South Gippsland Shire Council and T G & D A Williams - Seal Applied 11 July 2016;
24. Contract CON/105-Z Annual Supply - Plant Hire and Cartage Contractors between South Gippsland Shire Council and Russell Hinds - Seal Applied 11 July 2016;
25. Contract CON/105-BB Annual Supply - Plant Hire and Cartage Contractors between South Gippsland Shire Council and Coast N Country Earthmoving Pty Ltd - Seal Applied 12 July 2016;
26. Contract CON/105-C Annual Supply - Plant Hire and Cartage Contractors between South Gippsland Shire Council and Fulton Hogan Industries Pty Ltd - Seal Applied 18 July 2016;
27. Contract CON/105-L Annual Supply - Plant Hire and Cartage Contractors between South Gippsland Shire Council and The Trustee for Wiltrack Family Trust t/a Wiltrack Earthmoving - Seal Applied 18 July 2016;
28. Contract CON/105-H Annual Supply - Plant Hire and Cartage Contractors between South Gippsland Shire Council and South Gippsland Quarries Pty Ltd - Seal Applied 18 July 2016;
29. Contract CON/105-W Annual Supply - Plant Hire and Cartage Contractors between South Gippsland Shire Council and P & T M Eygenraam t/a DeMerlo Contractors - Seal Applied 18 July 2016;
30. S173 Agreement between South Gippsland Shire Council and the owner of 185 Agnes River Road, Agnes in relation to the use and development of land for group accommodation comprising two (2) cabins and associated works – Seal Applied 20 July 2016.

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

The CEO's delegation from Council allows the CEO to award contracts up to the value of \$250,000 (inclusive of GST), with the exception of:

- Annual WorkCover and Council insurance premiums; and

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

Council's Procurement Policy requires recording in the Council Minutes all contracts over the statutory threshold set out in the Act (\$150,000 inclusive of GST for goods and services and \$200,000 inclusive of GST for works) for a public tender which shows the contracts purpose, the successful tenderer, contract length and the total contract price.

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

The following contracts were awarded between 25 June and 22 July 2016 under the CEO's delegation following a public tender.

1. Contract CON/108 Manufacture, Supply and Installation of Signage for the Great Southern Rail Trail - Leongatha to Port Welshpool - awarded to ADA Construction Services on 29 June 2016 for the amount of \$180,590.88 (inc. GST); and
2. Contract CON/109 Internal Audit Services (Joint Tender with Baw Baw Shire Council) awarded to Richmond, Sinnott and Delahunty on 29 June 2016 for an initial term of three years for the lump sum amount of \$102,700.00 (ex GST). A further extension option of three years is available for the lump sum amount \$107,900 (ex GST).

Council also delegates to the CEO the power to pay annual WorkCover and Council Insurance Premiums subject to these payments being reported to the next Council Meeting immediately after the payment is made. To meet this requirement the Council is advised that from 29 June to 22 July 2016 the CEO authorised the following insurance coverage for 2017/18:

1. WorkCover Insurance Premium \$472,062.14 (GST inclusive) insured by CGU Workers Compensation (Vic) Limited.
2. Local Government Liability Insurance Premium of \$199,862.30 (GST inclusive) insured by MAV Insurance.
3. Public Liability - Coal Creek Tramway \$17,958.05 (GST inclusive) insured by XL Insurance Company SE.
4. Motor Vehicle Insurance Premium of \$146,754.08 (GST inclusive) insured by AAI Limited T/As Vero Insurance.
5. Councillor and Officers Liability Insurance Premium of \$7,183.00 (GST inclusive) insured by AAI Limited T/A Vero Insurance.

6. General Products Liability (Hire of Halls) Insurance Premium of \$4,956.60 (GST inclusive) insured by QBE Insurance (Australia) Ltd through Thistle Underwriting Services (QBE).
7. Municipal Assets Protection Plan Insurance Contribution of \$225,121.68 insured by Jardine Lloyd Thompson Pty Ltd Discretionary Trust.
8. Commercial Crime Insurance Premium of \$5,010.85 (GST inclusive) insured by Zurich Australian Insurance Limited.
9. Personal Accident Insurance Premium of \$2,793.91 insured by QBE Insurance (Australia) Ltd.
10. Cyber Liability Premium of \$7,727.50 insured by Chubb Insurance Company of Australia Ltd.

### **Contract variations approved by the CEO**

Council's Procurement Policy authorises the CEO to approve any necessary variations to a contract which exceeds the CEO's delegation, to allow the proper fulfilment of the contract and to ensure delays to key projects are avoided, following consultation with the Mayor and subject to this variation being reported to the next practicable Council Meeting.

There were no contract variations which exceeded the CEO's delegation, made by the CEO during the period from 25 June to 22 July 2016.

### **Contract extensions approved by the CEO**

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

There were no contract extensions approved by the CEO for any contracts which in total exceeded the CEO's delegation during the period 25 June to 22 July 2016.

### **RECOMMENDATION**

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

## **SECTION E - COUNCIL REPORTS**

### **E.1 2016/17 LAND SALES PROGRAM – CONSIDER AND DETERMINE SUBMISSIONS – STRATEGIC REVIEW OF LANDHOLDINGS PROJECT**

Sustainable Communities and Infrastructure Directorate

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

Jan Martin, Director Corporate and Community Services has an indirect conflict of interest with Council Agenda Item E.1 2016/17 LAND SALES PROGRAM – CONSIDER AND DETERMINE SUBMISSIONS – STRATEGIC REVIEW OF LANDHOLDINGS PROJECT – property number 3 – 5 Sloan Avenue, Leongatha by way of conflicting duty (Local Government Act 1989, Section 77A(3)(c)) as she is a Board member on the Gippsland Southern Health Service.

#### **EXECUTIVE SUMMARY**

Council resolved at its meeting on 25 May 2016 to commence the statutory procedures for the proposed 2016/17 Land Sales Program as listed in **Attachment 1 – Proposed 2016/17 Land Sales Program.**

This commenced with public notices pursuant to Ss. 189 and 223 of the Local Government Act 1989. The date for receipt of submissions pursuant to s. 223 of the Local Government Act 1989 was 6 July 2016.

A total of 315 submissions were received with the vast majority relating to the sale of 29 River Drive, Tarwin Lower. Of these, 20 submitters elected to be heard in support of their submission. The submissions were heard in closed session at a Special Meeting of Council on 13 July 2016.

This report provides Council with a summary of the main issues from all submissions to enable Council to proceed to consider and determine them. Copies of the submissions are included in **Appendix 1 – All 223 Submissions.**

A proposal is also made to remove 29 River Drive, Tarwin Lower from the 2016/17 land sales process for consideration by Council.

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

- **Attachment 1** – Proposed 2016/17 Land Sales Program.
- **Appendix 1** – All Section 223 Submissions.

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

Local Government Act 1989 (Sections 189 and 223).

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



- C34 Council Land Ownership Policy 2016 – [web link](#).
- Strategic Review of Landholdings Project.

### **COUNCIL PLAN**

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

### **CONSULTATION**

A public notice pursuant to Section 189 and 223 of the Local Government Act 1989 was advertised in the local papers edition 7 June 2016. Submissions closed 6 July 2016 (the Proposal).

Prior to releasing the Proposal, the proposed 2016/17 Land Sales Program was placed on Council's website together with the evaluation matrix, scores for the listed properties, and a media release.

Correspondence was sent to land owners within the vicinity of the subject properties notifying them of the Proposal and the timing for lodging of submissions.

Telephone discussions were held with representatives of the Tarwin River Craft Group (property 29 River Drive, Tarwin Lower) informing them of the Proposal. The Craft Group were advised that the advertising of a public notice did not mean Council had determined that 29 River Drive, Tarwin Lower would be sold but simply sought feedback from the broader community on its views for the current and future use of the listed properties. Council offered to meet with the Craft Group to discuss the Proposal but this offer was not taken up.

Following the public notification, general enquiries relating to the Proposal were answered by email and telephone.

### **REPORT**

#### **Background**

The proposed 2016/17 Land Sales Program is the second round of land sales. The first round commenced in the 2015/16 financial year and included 23 properties. When considering the s.223 process for this latest round of land sales, Council considered its experience with the first round of land sales and resolved at its meeting on 25 May 2016 to:

- “1. HEAR SUBMITTERS WHO HAD ELECTED TO SPEAK TO THEIR SUBMISSIONS AT A SPECIAL MEETING OF COUNCIL IN*

*CLOSED SESSION (AS OPPOSED TO A SPECIAL COMMITTEE OF COUNCIL).*

2. *CONSIDER SUBMISSIONS AND DETERMINE AT THE NEXT AVAILABLE ORDINARY COUNCIL MEETING IN OPEN SESSION.*
3. *AGREE TO PREPARE AND SELL THOSE PROPERTIES THAT DID NOT ATTRACT SUBMISSIONS IN ACCORDANCE WITH SECTIONS 189 AND 223 OF THE LOCAL GOVERNMENT ACT 1989 BY WAY OF PRIVATE TREATY OR PUBLIC SALE."*

**Discussion**

*Hearing of Submissions*

One of the purposes of the submission process is to draw information from a broad range of our community that can enlighten Council on historic factors and allow Council to formally consider the public views.

A total of **315 submissions were received** to the public notices. All submissions are summarised by Property in Table 1 below and copies of these submissions are available in **Appendix 1 – All Section 223 Submissions.**

*Table 1: Summary of All Submissions by Property*

<b>#</b>	<b>Property</b>	<b>For</b>	<b>Against</b>	<b>Total</b>
<b>1)</b>	29 River Drive, Tarwin Lower	0	295	295
<b>2)</b>	3-5 Marine Parade, Venus Bay	0	11	11
<b>3)</b>	5 Sloan Avenue, Leongatha	1	3	4
<b>4)</b>	Sutherland Lane, Welshpool	0	2	2
<b>5)</b>	6A Warralong Court, Leongatha	1	0	1
<b>6)</b>	13 Symmons Street, Leongatha	1	0	1
<b>7)</b>	11 Smith Street, Loch	1	0	1
	<b>TOTAL SUBMISSIONS</b>	<b>4</b>	<b>311</b>	<b>315</b>

*Notes:*

11. Of the 295 submissions received against the proposed sale of 29 River Drive Tarwin Lower, 275 were pro-forma (pre-printed) submissions

mostly signed by visitors to the area after being approached in the street and had no direct interest or knowledge of this particular property.

12. No submissions were received for 82A Victoria Street, Toora. This means Council can proceed to remove the reservation status, create appropriate easements, and prepare the property for sale in accordance with its resolution of 25 May 2016.

The 3 properties that submitters elected to speak to were:

1. 29 River Drive Tarwin Lower,
2. 3-5 Marine Parade Venus Bay, and
3. 5 Sloan Avenue Leongatha.

Council heard the submitters at its Special Meeting of Council on 13 July 2016.

A summary of the main concerns of these submissions are provided below:

*Submissions that were heard*

**1. 29 River Drive, Tarwin Lower**

Main concerns:

- A market is held on the site and funds generated from the market help to support the adjacent Mechanics Hall.
- The community come together at the market.
- Local flora needs to be preserved.
- Tour de Tarwin is held on the site.
- The craft shop members donate funds to community groups within the district.
- The school bus and mobile library park on the site.
- The site was donated by the Fisher Family.
- The Shire of Woorayl loaned \$9,000 to a community group to construct the craft shop.

General Information:

- The Shire of Woorayl purchased the site for \$15,000 in March 1984.

## 2. 3-5 Marine Parade, Venus Bay

Main concerns:

- a. ***Current lack of open space given 5-10% rule and claim Venus Bay has less than 2% Public Open Space (POS).***

Council has completed a desktop assessment into the amount of POS in Venus Bay. The assessment revealed that the total amount of Public Open Space from Council land and Crown land is approximately 49%.

- b. ***Stewardship Programs - that enables neighbouring landholders to maintain and enhance their local areas of Public Open Space.***

Some residents of Venus Bay have registered as Council Volunteers but there is no formal agreement in place for these volunteers and/or residents to maintain Council reserves.

- c. ***Consolidation and connecting of public open space to Council land would protect and preserve flora and fauna in particular native grasses***

Council's planning scheme is the trigger for the protection of native vegetation and development.

## 3. 5 Sloan Avenue, Leongatha

The submission against the Proposal was because of the historical use of the site as a playground and existing playground equipment.

The submission in favour of the Proposal was for the benefit of the Land in becoming part of a development to extend the Hospital adjacent to the site.

### **OTHER SUBMISSIONS (not heard)**

## 4. Sutherland Lane, Welshpool

Submissions that opposed the sale of the site were on the basis that the site is required for community space in connection with the Great Southern Rail Trail and required to be developed in future.

## 5. 6A Warralong Court, Leongatha

Council received one submission expressing an interest in purchasing the site.

**6. 13 Symmons Street, Leongatha**

Council received one submission expressing an interest in purchasing the site.

**7. 11 Smith Street, Loch**

Council received one submission advising that the site was transferred to Council by the Loch Hall Trustees for the purpose of the discharge of effluent from the Hall and Kindergarten. The submission does not oppose the sale of the site.

**Proposal**

It is proposed that Council:

1. Having heard submissions at its Special Meeting on 13 July, proceed to consider and determine all submissions.
2. In attending to 1 above, consider removing 29 River Drive, Tarwin Lower from the 2016/17 land sale process due to:
  - a. the ongoing use of the site for community purposes (markets); and
  - b. the existing interest of Riverside Craft Shop.
3. Negotiate a ground lease over part of 29 River Drive, Tarwin Lower land with the Riverside Craft Shop in accordance with Council's Leasing Policy.

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## RECOMMENDATION

### That Council:

1. **Sell / not sell the following properties as part of the Strategic Review of Landholdings Project:**

PROPERTY NO.	PROPERTY & LEGAL DESCRIPTION
1)	<p><b>29 River Drive Tarwin Lower</b> being the land described in Certificate of Title Volume 2470 Folio 902 being crown allotment 3 Section 1 Township of Tarwin Lower and Parish of Tarwin.</p> <p><b>Not Sell</b></p> <p><b>Lost/Carried/Carried Unanimously</b></p> <p><b>For: Councillors</b></p> <p><b>Against: Councillors</b></p>
2)	<p><b>3-5 Marine Parade Venus Bay</b> being the part of the land described in Certificate of Title Volume 9900 Folio 612 being Reserve 1 PS56447.</p> <p><b>Sell / Not Sell</b></p> <p><b>Lost/Carried/Carried Unanimously</b></p> <p><b>For: Councillors</b></p> <p><b>Against: Councillors</b></p>
3)	<p><b>5 Sloan Avenue Leongatha</b> being the land described in Certificates of Title Volume 8649 Folio 900, Volume 8649 Folio 901 and Volume 8649 Folio 902 being 106, 107 &amp; 108 LP58798.</p> <p><b>Sell / Not Sell</b></p> <p><b>Lost/Carried/Carried Unanimously</b></p> <p><b>For: Councillors</b></p> <p><b>Against: Councillors</b></p>

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<b>4)</b>	<b>Sutherland Lane Welshpool(Rear of Main Street)</b> being the land described within Certificate of Title Volume 9999 Folio 030 and Certificate of Title Volume 3419 Folio 611 being Lot 1 TP145202Q and Lot 16 PS4756.  <b>Sell / Not Sell</b>  <b>Lost/Carried/Carried Unanimously</b>  <b>For: Councillors</b>  <b>Against: Councillors</b>
<b>5)</b>	<b>6A Warralong Court Leongatha</b> being the land described within Certificate of Title Volume 9583 Folio 578 being Reserve 1 PS 145738.  <b>Sell / Not Sell</b>  <b>Lost/Carried/Carried Unanimously</b>  <b>For: Councillors</b>  <b>Against: Councillors</b>
<b>6)</b>	<b>13 Symmons Street Leongatha</b> being the land described within Certificate of Title Volume 11183 Folio 262 being Lot 2 PS 448872Q.  <b>Sell / Not Sell</b>  <b>Lost/Carried/Carried Unanimously</b>  <b>For: Councillors</b>  <b>Against: Councillors</b>
<b>7)</b>	<b>11 Smith Street, Loch</b> being the land described in Certificate of Title Volume 4523 Folio 503 being Lot 7 Section F PS001887 by way of private treaty or by public sale.  <b>Sell / Not Sell</b>  <b>Lost/Carried/Carried Unanimously</b>  <b>For: Councillors</b>  <b>Against: Councillors</b>

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- 2. Agree that Council's decision to sell or not to sell either of the properties listed in item 1 above includes consideration to the following reasons:**
  - a. That each property has been thoroughly assessed using the Evaluation Matrix that was adopted by Council on 23 July 2014.**
  - b. The Evaluation Matrix was the subject of public consultation and the feedback received from the community was used to inform the evaluation criteria.**
  - c. The matters raised in each submission were appropriately addressed in the evaluation phase.**
  - d. That Council has followed the requirements of the Local Government Act 1989 (Sections 189 and 223).**
  - e. The determination made is consistent with the objectives of the Council's Land Ownership Policy.**
- 3. Notify each submitter of Council's determination and the reasons as listed in recommendation 2(a)-(e) above.**
- 4. Note that there were no submissions received for 82A Victoria Street Toora being the land described within certificate of title volume 9083 folio 249 that will be prepared for sale.**
- 5. Negotiate the terms of a ground lease over part of 29 River Drive, Tarwin Lower with the Riverside Craft Group.**
- 6. As required, commence the processes to rezone and/or remove the reservation status from those listed properties listed in item 1 and 4 above that Council has resolved for sale and create or remove easements as required.**
- 7. Sell those properties resolved for sale in item 1 above by way of private treaty or by public sale.**
- 8. Authorise the Chief Executive Officer to sign and seal all documentation relating to the sale and transfer of the properties resolved for sale in items 1 and 4 above.**



**Attachment 1  
Proposed 2016/17 Land Sales Program**

**1 Lot 7 LP1887 (Smith Street Loch)**



**2 Reserve 1 LP87706 (82A Victoria Street Toora)**





**Attachment 1**  
**Proposed 2016/17 Land Sales Program**

**3 Lot 16 LP4756 & Lot 1 TP145202 (Rear of Main Street, Welshpool)**



**4 Lot 2 PS448872 (13 Symmons Street Leongatha)**





**Attachment 1**  
**Proposed 2016/17 Land Sales Program**

**5 106, 107 & 108 LP58798 (5 Sloan Avenue Leongatha)**



**6 Reserve 1 LP145738 Warralong Court Leongatha**





**Attachment 1**  
**Proposed 2016/17 Land Sales Program**

**7 CA3 Section 1 Parish Tarwin CT 2470/902 (29 River Drive  
Tarwin Lower)**



**8 Reserve 1 LP56447 (3-5 Marine Parade Venus Bay)**



## **E.2 KOONWARRA RAILWAY PUBLIC TOILETS**

Sustainable Communities and Infrastructure Directorate

### **STAFF DISCLOSURE OF INTEREST**

Nil

### **EXECUTIVE SUMMARY**

A request has been received from the Great Southern Rail Trail Committee (GSRTC) for Council to consider the availability and management of public amenities in the towns near the Great Southern Rail Trail (GSRT), in particular Koonwarra, Buffalo, and Leongatha.

To provide a consistent response to these types of requests, a further review of public amenities in the Shire should be undertaken (not just along the GSRT) and a policy developed that articulates Council's position regarding the level of service it will provide for public amenities.

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

- **Attachment 1** – Letter from the GSRTC.
- [Attachment 2](#) – Locality Plan of Public Amenities Along or in Towns Near the GSRT.
- **Confidential Appendix 1** – Confidential Council Briefing - Public Toilets in South Gippsland - 4 March 2015.

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

**Confidential Appendix 1** is confidential information on the grounds that it relates to a matter specified under Section 89(2)(h) that Council considers would prejudice the Council or any persons; respective of the Local Government Act 1989.

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

- Building Asset Management Plan 2013

### **COUNCIL PLAN**

Outcome:	3.0	Integrated Services and Infrastructure.
Objective:	3.1	Deliver affordable modern services and facilities through an integrated approach to planning and infrastructure development.
Strategy:	3.1.6	We will refine the provision of Council services through reviews focused on evolving community

needs, realistic and affordable service standards and efficient management of resources.

## **CONSULTATION**

### Internal

Discussions have been held with the officers in the Building Asset Maintenance, Public Amenities to understand the cost impacts of Council becoming responsible for additional public amenities and Community Strengthening Departments regarding the availability of public amenities along the GSRT.

### External

A letter of response was sent to the GSRTC President confirming that a report will be presented to Council regarding the request. No further consultation has occurred to date. A copy is available in **Attachment 1 – Letter from the GSRTC**.

## **REPORT**

### **Background**

The question of which public amenities are maintained by Council has been a topical issue of late.

Over the past year, Council has received interest from its community regarding public amenities in the Shire.

Recently, Council heard the request of the Loch Community regarding the construction of a public amenity in Sunnyside Park, and also the Sandy Point Foreshore Committee regarding ongoing maintenance of their public amenity. This raises the question of how Council determines the location, maintenance, number of public amenities it should be / is responsible for, and whether our current level of service is sufficient for the Shire.

The most recent request has been from the GSRTC, which has expressed a variety of concerns regarding the public facilities on or in towns in close proximity to the Great Southern Rail Trail (GSRT).

### **Discussion**

On 8 April 2016, Council received a letter from the GSRTC regarding concerns about public amenities servicing the GSRT. The main concerns were:

- The towns of Koonwarra and Buffalo do not have any public amenities.
- The public amenities in or near these towns that service the GSRT are not up to standard.

- Increasing cost of maintenance and cleaning/vandalism/water rates.
- Management arrangements for public amenities not on the GSRT.
- The closest public amenities to the GSRT in Leongatha are at Michael Place.
- Toilets are needed at the start of the GSRT.

Public Amenities Located Along the GSRT

There are 12 public amenities that serve users of the GSRT.

Table 1: List of Public Amenities along the GSRT

<b>Location (12)</b>	<b>Accessible Facility</b>	<b>Council Owned / Managed</b>	<b>Council Cleaned / Maintained</b>	<b>Public Access</b>
Buffalo Rail Trail	✓	x	x	✓
Fish Creek (new facility)	✓	✓	✓	✓
Foster Pearl Park	✓	✓	✓	✓
Gwyther Siding	x	x	x	✓
Koonwarra Rail Trail	✓	x	x	✓
Leongatha Rec Reserve (Cycling Club)	x	x	x	x
Leongatha Railway Station	x	x	x	x
Meeniyah	✓	✓	✓	✓
Port Welshpool	✓	✓	✓	✓
Stony Creek Rail Trail	✓	x	x	✓
Toora	✓	✓	✓	✓
Welshpool	✓	✓	✓	✓
<b>TOTAL</b>	<b>9</b>	<b>6</b>	<b>6</b>	<b>10</b>

Six of the above public amenities are Council owned / managed and cleaned by Council. These do not include Buffalo, Koonwarra, or Leongatha which are of particular interest to the GSRTC.

Koonwarra

The nearest Council owned / managed public amenity to the Koonwarra section of the GSRT is Meeniyah. Another public amenity option would be Gwyther.

Buffalo

The nearest Council owned / managed public amenity to the Buffalo section of the GSRT is Fish Creek. Another public amenity option would be Stony Creek.

Leongatha

The nearest Council owned / managed public amenity to the Leongatha section of the GSRT is McCartin Street, Leongatha. Another public amenity option and the option that is of interest to the GSRTC is the Leongatha Railway Station (currently not open to the public). This option can be explored further as part of the Leongatha Station Precinct Masterplan project.

Maintenance Costs

The approximate cost for Council to maintain an additional public amenity facility is shown in Table 2 below:

*Table 2: Maintenance Costs*

<b>Maintenance</b>	<b>Annual cost</b>
<b>Cleaning</b>	
7 days per week from 2nd week in December to 31st January, Easter & School holiday's	\$6,722
3 per week other times	\$2,240
<b>Sub Total (Cleaning)</b>	<b>\$8,962</b>
<b>Building Maintenance</b>	
Reactive maintenance	\$1,000
Programmed maintenance	\$1,000
<b>Sub Total (Building Maintenance)</b>	<b>\$2,000</b>
<b>TOTAL ANNUAL COST</b>	<b>\$10,962</b>

**Options**

The options available to Council are:

1. Take on responsibility for the maintenance of the Koonwarra public amenities whilst conducting a review of public amenities in the Shire. The review is to be completed by 30 June 2017.



2. Proceed to conduct a review of public amenities in the Shire as mentioned in 1 above prior to deciding whether to take on responsibility for any other public amenities.
3. Do nothing and retain the status quo.

### **Proposal**

It is proposed to proceed with Option 1.

As the Koonwarra amenities are the only public toilets in Koonwarra and is highly frequented given their visibility and surrounding cafes and retail, it is reasonable for Council to become responsible for maintenance.

A review of public amenities in the Shire will assist Council in understanding its current service levels with regards to the public amenities at Buffalo and Leongatha and provide a basis for determining any need to increase the level of service at these and other locations.

### **FINANCIAL CONSIDERATIONS**

The budget for Council's Public Amenities Team will need to be increased by \$9,000 per annum (and indexed annually). The Council's budget for programmed and reactive building maintenance will need to factor in the ongoing costs to maintain the Koonwarra amenities in future years.

### **RISKS**

The preparation of a policy for public amenities, Council will increase awareness in the community of Council's position regarding provision and management of these facilities.

### **CONCLUSION**

There are many reasons why Council receives requests to take on the ongoing management of public amenities in the Shire. This is primarily due to the ongoing cost of maintaining aged facilities, limited revenue raising potential by committees of management, and ongoing willingness of volunteers to attend to the maintenance.

Public amenities play a pivotal role to tourism and economic development in the Shire, and this role will be a key focus in the review and development of a policy position for public amenities.

## **RECOMMENDATION**

### **That Council:**

- 1. Take on responsibility for the cleaning and building maintenance of the Koonwarra Public Amenities and add the asset to its Building Asset Management Plan.**
- 2. Increase the Public Amenities Cleaning budget by \$9,000 per annum (indexed annually).**
- 3. Undertake a review of public amenities in the Shire in order to determine a service level.**
- 4. Develop a Public Amenities Policy confirming Council's responsibility for the ongoing management of existing and planning for new public amenities.**
- 5. Report back to Council on the outcome of 3 and 4 prior to 30 June 2017.**

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**Attachment 1**  
**Letter from Great Southern Rail Trail Committee**



PO Box 332  
FOSTER 3960  
8<sup>th</sup> April 2016

Mr T Tamlin  
Chief Executive Officer  
South Gippsland Shire  
9 Smith Street  
LEONGATHA 3953

Dear Tim

Re: Toilet facilities along the Great Southern Rail Trail (GSRT)

Our Committee of Management (CoM) has been looking at the availability of toilet facilities along the rail trail and more particularly in the towns along the Trail.

The towns of Koonwarra and Buffalo do not have any public toilets. There is a toilet provided and serviced by the Rail Trail CoM on the trail near these towns but these are not up to the standard expected by the public in a town. These facilities were not built as public toilets but as rail trail toilets for bike riders, walkers, horse riders etc. Over time with the lack of facilities in the towns they have been used as public toilets with the increasing costs of maintenance and cleaning met by the GSRT CoM. An annual allowance of \$1,000 has been made by SGSC since September 2015 to assist with these costs. As an example the cost of the Koonwarra toilet is close to \$3,000 p.a. including maintenance, water rates and fixing up vandalism.

As part of our investigation into the matter, we have now established that the Koonwarra toilet is built on land managed by SGSC and not the GSRT CoM. The ongoing use, management and appropriateness of the toilet facility is a matter we need to resolve with the Shire. Given it is on land managed by SGSC the GSRT CoM is not keen to continue to manage the facility.

It would seem in this day and age that the provision of a high standard of public toilet facilities in these two towns is a community and public expectation. The GSRT CoM does not have the funding to provide public toilets at the standard required.

We note that a public toilet is also needed in Horticultural Park, Leongatha at the start of the Rail Trail as the nearest public toilet is located in Michael Square.

**Attachment 1**  
**Letter from Great Southern Rail Trail Committee**

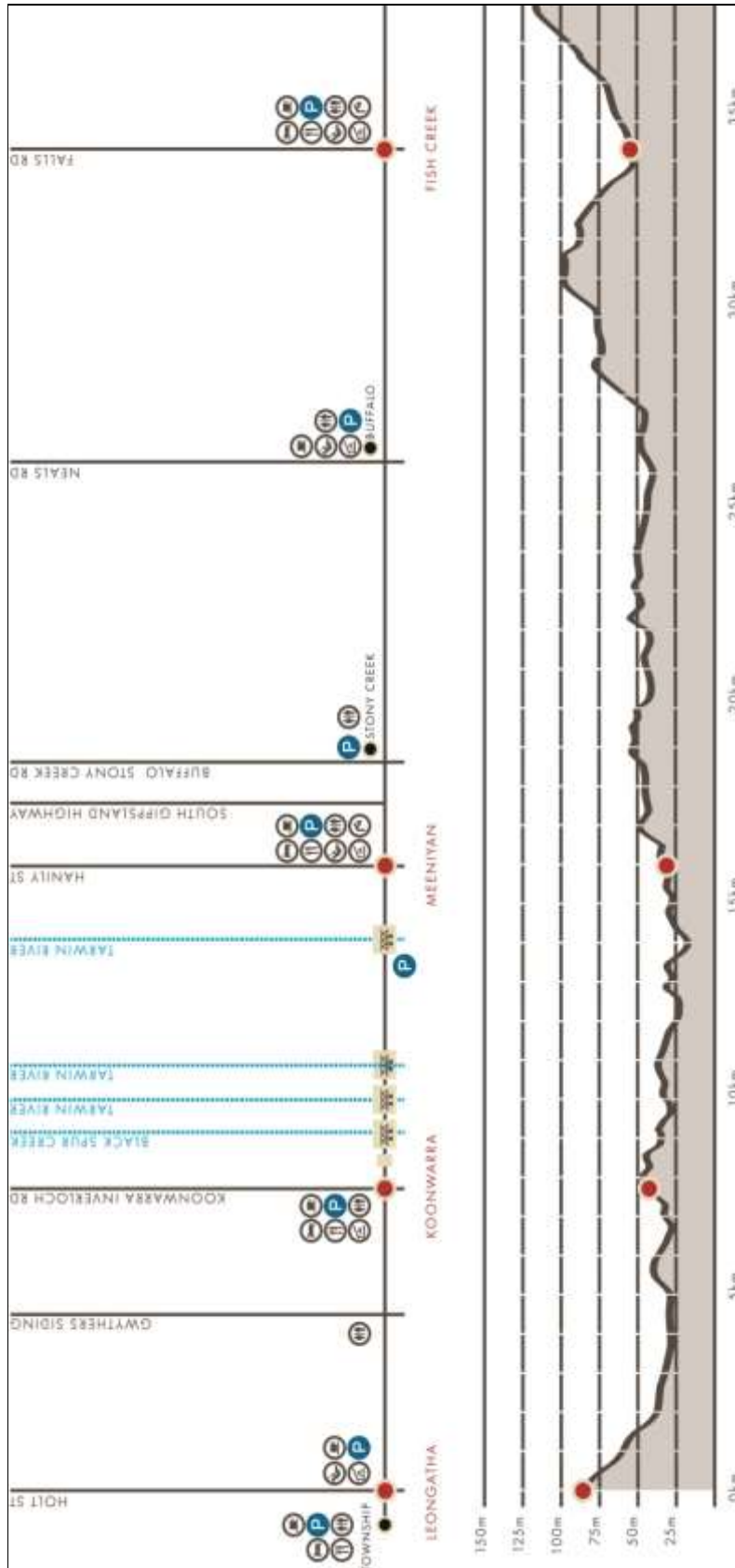
We would appreciate the opportunity to discuss the matter with you as a matter of urgency.

You may care to contact our Secretary, Rob Knight, on 0429 703905 or 5682 1378 to arrange a mutually convenient time.

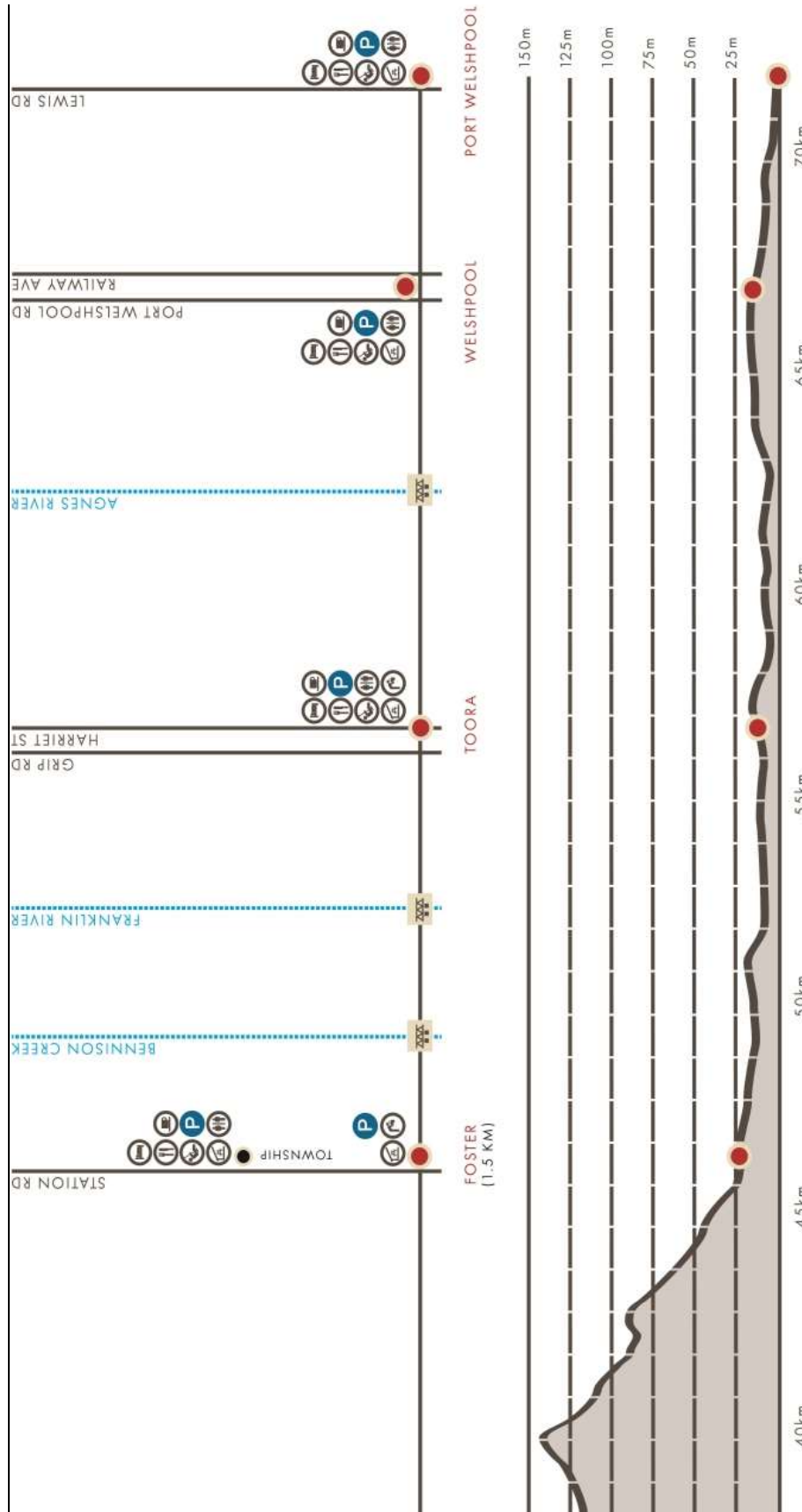
Yours sincerely

Neville Pulham  
President

## Attachment 2 Locality Plan of Public Amenities Along or in Towns Near the Rail Trail



## Attachment 2 Locality Plan of Public Amenities Along or in Towns Near the Rail Trail





### **E.3 SUSTAINABILITY STRATEGY 2016-2020 – FINAL FOR ADOPTION**

Sustainable Communities and Infrastructure Directorate

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

Nil

#### **EXECUTIVE SUMMARY**

This report presents Council with the final version of the revised Sustainability Strategy 2016-2020 for adoption (2016 Strategy).

Council adopted the inaugural Sustainability Strategy in May 2011. The revised 2016 Strategy builds on the work achieved through the implementation of the original Strategy.

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

- **Appendix 1** – Sustainability Strategy 2016-2020.

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.

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

- Climate Change Act 2010.
- Victorian Adaptation and Sustainability Partnership.
- Victorian Climate Change Adaptation Plan.

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

- Sustainability Strategy 2010
- Local Environmental Sustainability Priority Statement (LESPPS) 2009

#### **COUNCIL PLAN**

Outcome:	1.0	A Prosperous Shire.
Objective:	1.3	Improve the sustainability of the local and regional environment.
Strategy:	1.3.1	We will actively engage businesses, farmers, industries, and individuals in creating a clean, green Shire, where environmental sustainability is embraced and practiced.
	1.3.2	We will promote sustainability waste management practices, energy efficiency, and management of our natural resources.



## **CONSULTATION**

A draft version of the 2016 Strategy was presented to Council at a briefing on 18 May 2016.

Following the briefing, the Strategy was placed on public exhibition from 23 May to 17 June 2016 for public comment. It was placed on Council's website, at all libraries within the municipality, and at Council's customer service centre. No comments were received from the public.

## **REPORT**

### **Background**

The Sustainability Strategy 2010 (2010 Strategy) was developed after receiving funding from what was then known as the Sustainability Accord. The Accord has since evolved into the Victorian Adaptation and Sustainability Partnership (VASP). The 2010 Strategy was formally adopted by Council on 25 May 2011 and included more than 100 activities / strategies to be implemented.

The implementation of the 2010 Strategy was very successful, with most actions completed, currently in the final stages of completion, or incorporated into business as usual activities.

### **Discussion**

This latest iteration of the 2016 Strategy will further build on the work achieved through the implementation of the 2010 Strategy. The document has been refined from a broad all-encompassing strategy to a more focused plan to guide Council, and more specifically the Sustainability Team, towards achieving a sustainable future for Council and the South Gippsland community.

The final version of the revised 2016 Strategy focuses more on objectives and actions that are able to be implemented with consideration of Council's approved budgets, long term financial plans, and staff resources.

Key themes that are responded to within the revised 2026 Strategy are:

- Climate change;
- Community;
- Energy and water;
- Biodiversity; and
- Waste Management.

## **Proposal**

It is proposed that Council adopt the Sustainability Strategy 2016-2020.

## **FINANCIAL CONSIDERATIONS**

The adoption of the 2010 Strategy saw Council secure over \$450,000 in grant funding towards the implementation of the Strategy's actions. The Sustainability Strategy demonstrates that Council is committed to addressing sustainability issues and mitigating risks associated with climate change. This commitment translates to ensuring that Council is best placed to successfully apply for funding assistance.

In general, activities within the revised 2016 Strategy are funded from allocated budgets. When opportunities to apply for grants arise, an additional budget allocation may be sought to support a desired project.

## **RISKS**

The risks associated with sustainability, in particular climate change, were considered during the implementation of the initial 2010 Strategy and development of the revised version. Implementation of the 2016 Strategy will ensure that risks associated with sustainability continue to be considered, and actions developed and implemented to address them.

## **CONCLUSION**

The adoption of the revised 2016 Strategy will allow for the implementation of the actions developed which responds to the key themes identified being .

## **RECOMMENDATION**

**That Council adopt the Sustainability Strategy 2016–2020.**

#### **E.4 AWARD OF 2016/17 CAPITAL WORKS CONTRACTS UNDER CEO DELEGATION AND FOSTER STREETScape BUDGET AMENDMENT**

Sustainable Communities and Infrastructure Directorate

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

Nil

#### **EXECUTIVE SUMMARY**

This report recommends Council to:

1. Delegate to the Chief Executive Officer the power to award the Black Spot – Guardrail Contract on the basis the preferred tender is within the budget estimate of \$550,000.
2. Approve a project budget increase for cost centre 8314 - Foster Streetscape Project from \$1.005M to \$1.4M in the 2016/17 Capital Works Program.
3. Note the contracts to be awarded by the Chief Executive Officer (CEO) in accordance with Clause 4.1 - *Instrument of Delegation to the CEO – 16 December 2015*, for the 2016/17 financial year.

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

**Attachment 1** – Instrument of Delegation to the Chief Executive Officer - 16 December 2015.

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

- Local Government Act 1989
- Road Management Act 2004

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

- C32 Procurement Policy 2015
- Road Infrastructure Asset Management Plan 2013

#### **COUNCIL PLAN**

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

## **CONSULTATION**

The proposed 2016/17 Capital Works Program was presented to Council throughout the 2015/16 financial year in the lead up to the 2016/17 Annual Budget adoption.

In preparing this report, internal consultation has been held within the Engineering and Assets Department, and with the Finance, Risk & Procurement Department.

## **REPORT**

### **Background**

#### *Black Spot Funding 2016/17*

Council received Black Spot funding from the Federal Government after the 2016/17 budget was adopted for the following roads:

- Leongatha Yarragon Road - \$786,600
- Loch – Poowong Road - \$632,288
- Loch – Wonthaggi Road - \$420,523
- Lower Toora Road - \$35,190
- Mount Eccles Road - \$279,493
- Walkerville Road - \$162,574

#### *2016/17 Annual Budget Adoption*

The 2016/17 Annual Budget and the Capital Works Program was adopted on 22 June 2016.

#### *Instrument of Delegation to the CEO – 16 December 2015*

The CEO proposes to use his delegation under Clause 4.1 to award the 2016/17 contracts that fall within the adopted budget as detailed in this report. A copy is available in **Attachment 1 – Instrument of Delegation to the Chief Executive Officer - 16 December 2015**.

Projects that falls outside the Council adopted budget will require a Council Report for Council's consideration.

## **Discussion**

### *Black Spot Funding*

The Black Spot program will be delivered by Council's Operations Department and include a guardrail contract estimated at \$550,000. The total

budget for the Black Spot Program is \$2,316,668 and is fully funded by the Federal Government. This report is seeking Council to delegate to the CEO the power to award the contract if it falls within the \$550,000 budget.

Foster Streetscape Project Budget Increase

The estimate for the Foster Streetscape Project has increased due to a number of reasons. The first is that the project now includes the Foster Laneway Project which has arisen out of a Community Grant to the Foster Community Association. It has been decided to incorporate the Foster Laneway Project into the Streetscape Project which will minimise disruption to the Foster community by delivering these two projects together. These two projects were incorporated to enhance Council's chances of being successful with its grant application to Regional Development Victoria (RDV) for this project. The current estimate for the laneway project is \$150,000.

The other major change to the estimate has been for pavement construction. The original design was based on a simple 40mm asphalt overlay over the existing pavement. However, recent pavement investigation and design carried out by Council's pavement design consultant has resulted in a more expensive 155mm full depth asphalt pavement supported by a Class 2 rock layer being adopted. This has increased the pavement costs by \$170,000

There have also been other refinements to the estimate that have resulted in the \$400k increase.

This report details in the financial section below how the increase in the Foster Streetscape budget can be accommodated by savings from other capital works projects I 2015/16.

Contracts

Detailed in the table below is the list of contracts which are intended to be publically advertised this financial year. CEO delegation is sought for the following projects if the tendered price falls within the estimated budget price.

No.	Cost Centre - Project Name	Budget (excl. GST)
8)	8841 - Footpath Renewal	\$287,629
9)	9825 - Guardrail Replacement 9000 - Federal Blackspot Program - Guardrail	\$137,692 \$550,000
10)	8314 - Foster Streetscape <i>(subject to grant funding)</i> 9556 - Foster Carpark	*\$1,400,000 \$300,000
11)	9739 - Anderson Street, Leongatha	\$1,407,000
12)	8610 - Koonwarra Leachate Evaporation System	\$411,805
13)	9586 - Mirboo North Pool Design	\$203,905

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No.	Cost Centre - Project Name	Budget (excl. GST)
14)	9471 - Poowong Pool Plant Room / Toilet Upgrade	\$452,250
15)	9470-4126 - Leongatha Memorial Hall Painting	\$235,000
16)	9818 - Leongatha South Golf Club Irrigation	\$220,000
17)	8050 - Purchase of Williams Adams Grader	\$440,000

\* Increased from \$1,005,000 to \$1,400,000 subject to approval of this report.

It is noted that a non-works item in the form of the purchase of a grader for the Depot is also included in the list above to facilitate the earliest possible delivery of this item.

The construction period in South Gippsland is quite short due to the weather patterns in the region. Therefore it critical that projects commence as early as possible in the construction season to enable contractors the maximum available time to complete the construction works.

Contracts are typically advertised for three weeks followed by a period to evaluate tenders, clarify any tender issues, carry out the necessary referee checks, and then prepare the contract approval report. Without the power delegated under Clause 4.1, there is typically a month's delay incurred in order to present the report at the next available Council meeting. Delegating approval to the CEO the power to approve these contracts greatly assists in helping to deliver the Capital Works Program and reduces the risks of increased costs due to delays.

### **Proposal**

It is proposed that Council:

1. Delegate to the Chief Executive Officer the power to award Blackspot – Guardrail Contract on the basis the preferred tender is within the budget estimate of \$550,000.
2. Approve a project budget increase for cost centre 8314 - Foster Streetscape Project from \$1.005M to \$1.4M in the 2016/17 Capital Works Program.
3. Note the contracts to be awarded by the Chief Executive Officer (CEO) in accordance with Clause 4.1 - *Instrument of Delegation to the CEO – 16 December 2015*.

## **FINANCIAL CONSIDERATIONS**

### Foster Streetscape Project

Currently the Foster Streetscape project has an allocation of \$1.005M in the 2016/17 Annual Budget which was based on an estimate carried some time ago prior to the commencement of detailed design. A recent estimate carried out on the completed detailed design has shown that the current budget allocation is inadequate and needs to be increased to \$1.4M.

### Project Savings

With respect to the proposed increase to the Foster Streetscape budget, the following projects / programs have been identified as having savings in 2015/16 that will assist in funding the Foster Streetscape budget increase:

- Princes Street, Korumburra \$70,000
- Waratah Bay Public Toilet \$40,000
- Carmodys Road, Leongatha \$120,000
- 2015/16 Road Rehabilitation Program \$120,000
- Design Services \$50,000

It is also noted that this project has an assumed income of \$502,500. The grant application for the Foster Streetscape Project has recently been considered by RDV's Regional Programs Panel and Council has now been formally invited to apply for funding. This application has been submitted. In the unlikely event that this grant application is unsuccessful, a further report will be provided to Council to recommend the way forward.

## **RISKS**

Providing delegation to the CEO will reduce the risk of delay costs associated with the time to award contracts and the short construction season.

The risk associated with not increasing the Foster Streetscape budget is that the Foster Laneway Project would need to be deleted from the scope.

Based on the geotechnical investigation of the existing pavement, there is a real risk that a simple 40mm asphalt overlay of the existing pavement would exhibit early deterioration which would not be a good outcome for a newly completed streetscape project.

## RECOMMENDATION

### That Council:

1. Delegate to the Chief Executive Officer the power to award the Black Spot – Guardrail Contract on the basis the preferred tender is within the budget estimate of \$550,000.
2. Approve a project budget increase for cost centre 8314 - Foster Streetscape Project from \$1.005M to \$1.4M in the 2016/17 Capital Works Program.
3. Note the contracts to be awarded by the Chief Executive Officer (CEO) in accordance with Clause 4.1 - Instrument of Delegation to the CEO – 16 December 2015:

No.	Cost Centre - Project Name	Budget (excl. GST)
18)	8841 - Footpath Renewal	\$287,629
19)	9825 - Guardrail Replacement 9000 - Federal Blackspot Program - Guardrail	\$137,692 \$550,000
20)	8314 - Foster Streetscape ( <i>subject to grant funding</i> ) 9556 - Foster Carpark	*\$1,400,000 \$300,000
21)	9739 - Anderson Street, Leongatha	\$1,407,000
22)	8610 - Koonwarra Leachate Evaporation System	\$411,805
23)	9586 - Mirboo North Pool Design	\$203,905
24)	9471 - Poowong Pool Plant Room / Toilet Upgrade	\$452,250
25)	9470-4126 - Leongatha Memorial Hall Painting	\$235,000
26)	9818 - Leongatha South Golf Club Irrigation	\$220,000
27)	8050 - Purchase of Williams Adams Grader	\$440,000

\* Increased from \$1,005,000 to \$1,400,000 subject to approval of this report.



**Attachment 1  
Instrument of Delegation to the Chief Executive Officer  
16 December 2015**

**South Gippsland Shire Council**

**Instrument of Delegation**

**to**

**The Chief Executive Officer**

Page 1 of 4

**Attachment 1  
Instrument of Delegation to the Chief Executive Officer  
16 December 2015**

**Instrument of Delegation**

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989 (the Act)* and all other powers enabling it, the South Gippsland Shire Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that:

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 16 December 2015;
2. the delegation
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 is subject to any conditions and limitations set out in the Schedule;
  - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.4 remains in force until Council resolves to vary or revoke it.
3. the member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her.

The Common Seal of the South Gippsland Shire Council  
was affixed in the presence of Tim Tamlin Chief Executive Officer



Date: 17 December 2015



**Attachment 1  
Instrument of Delegation to the Chief Executive Officer  
16 December 2015**

**SCHEDULE**

The power to:

1. Determine any issue;
2. Take any action: or
3. Do any act or thing

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

In addition Council also delegates to the Chief Executive Officer the power to undertake the following functions, which must remain a delegation to the Chief Executive Officer:

- Endorse the appointment of members to fill casual vacancies in Advisory Committees subject to appointments being advised to Council;
- Appoint / remove members to a Special Committee established under section 86 of the Act subject to appointments and removals being advised to Council;
- Use the Common Seal of Council subject to that use being reported to Council; and
- Payment of annual WorkCover and Council Insurance premiums subject to payments being reported to the next Council meeting immediately after payment is made.

**Conditions and Limitations**

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

4. if the issue, action, act or thing is an issue, action, act or thing which involves
  - 4.1 awarding a contract equal to or exceeding the value of \$250,000 (inclusive of GST) with the exception of:
    - annual WorkCover and Council insurance premiums; and
    - any contract which complies with Council's procurement policy and falls within the allocation in the Council adopted Annual Budget which exceeds the value of \$250,000 (inclusive of GST);
  - 4.2 making a local law under Part 5 of the Act;
  - 4.3 approval of the Council Plan under s.125 of the Act;
  - 4.4 adoption of the Strategic Resource Plan under s.126 of the Act;
  - 4.5 adoption of the Budget or a Revised Budget under Part 6 of the Act;

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**Attachment 1**  
**Instrument of Delegation to the Chief Executive Officer**  
**16 December 2015**

- 4.6 adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
- 4.7 determining pursuant to s.37 of the Act that an extraordinary vacancy on Council not be filled;
- 4.8 exempting a member of a special committee who is not a Councillor from submitting a return under s.81 of the Act;
- 4.9 appointment of councillor or community delegates or representatives to external organisations; or
- 4.10 the return of the general valuation and any supplementary valuations.
- 4.11 the ending of agreements made pursuant to section 173 of the Planning and Environment Act 1987 as provided for under section 177(2) of the Planning and Environment Act 1987.
5. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
6. if the issue, action, act or thing is an issue, action, act or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
7. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
  - 7.1 policy; or
  - 7.2 strategy
  - 7.3 annual budget or compromise the long term financial plan adopted by Council; or
8. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
9. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

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**E.5 APPLICATIONS TO THE 2017/18 SPORT AND RECREATION VICTORIA (SRV) COMMUNITY SPORTS INFRASTRUCTURE FUND (CSIF) PROGRAMS**

Corporate and Community Services Directorate

**STAFF DISCLOSURE OF INTEREST**

Nil

**EXECUTIVE SUMMARY**

The Nyora Recreation Reserve, Arthur Sutherland (Welshpool) Recreation Reserve, and the Leongatha Knights Football (Soccer) Club Committees are seeking Council endorsement and an allocation of Council funding to support applications to the Sport and Recreation Victoria (SRV) 2017/18 Community Sports Infrastructure Fund (CSIF) programs to upgrade their facilities. The Project Proposals for these applications have been successful in being invited to proceed to full application by SRV.

*Document/s pertaining to this Council Report*

- **Attachment 1** - Letter from Department Health and Human Services Successful Project Proposals
- **Attachment 2** – Letter from Department Health and Human Services - Unsuccessful Project Proposal

**INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

- Nyora Recreation Reserve Master Plan
- Arthur Sutherland (Welshpool) Recreation Reserve Master Plan
- South Gippsland Soccer Facilities Plan (Draft)
- Community Project Management Policy

**COUNCIL PLAN**

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

## **CONSULTATION**

Council considered the projects after the following Community engagement was undertaken;

1. The Nyora Recreation Reserve Committee made a presentation to Council on 15 April 2015 requesting support for a range of identified improvements. Council supported an application to SRV for the 2016/17 funding program however it was not approved.

Feedback was sought from SRV to amend the project scope which will align better to the objectives for the funding. This has been discussed with the Nyora Recreation Reserve Committee, which has agreed to the recommendations.

2. The Arthur Sutherland (Welshpool) Recreation Reserve – Stadium Floor Upgrade was presented to Council by the Committee on 20 April 2016.
3. The Leongatha Knights Soccer Club - Lights and Oval Upgrade project was presented to Council on 18 May 2016. The project is an identified outcome from the development of a South Gippsland Soccer Facilities Plan (draft). The plan identifies the needs and future facility requirements for the sport, and provides a prioritised list of facility improvements that will guide the future development and upgrade of soccer facilities.

All projects have been discussed with the regional SRV representative to ensure that the projects are eligible through the grant programs.

## **REPORT**

### **Background**

In April 2016 Minister John Eren announced the 2017/18 Sport and Recreation Victoria (SRV) Community Sports Infrastructure Fund program. The process for applying to the program was improved to include two stages:

- Step One - Project Proposals
- Step Two - Full Applications

Project Proposals were submitted after Council identified four projects that could meet the programs objectives during at a Strategic Briefing on 1 June 2016. These projects were:

- Nyora Recreation Reserve Oval Development (resubmission)
- Arthur Sutherland (Welshpool) Recreation Reserve – Stadium Floor Upgrade
- Leongatha Knights Soccer Club – Lights and Pitch Upgrade

- SG SPLASH - Warm water program pool, dry programs and gymnasium.

On 20 July 2016, Council was formally invited to submit full applications for three of the four project proposals by 31 August 2016. The Splash Aquatic Centre Development Project Proposal was not supported in proceeding to full application at this stage, with further work required to strengthen the business case.

### **The Community Sports Infrastructure Fund**

The Community Sports Infrastructure Fund (CSIF) is a Victorian Government funding program that helps provide high-quality, accessible community sport and recreation facilities across Victoria.

The Community Sports Infrastructure Fund provides grants for planning, building new, and improving existing facilities where communities conduct, organise and participate in sport and recreation.

### **Discussion**

The following three projects have been invited to proceed to full application for the 2017/18 program;

#### **8. Nyora Recreation Reserve Oval Development (Resubmission)**

Project scope

- Oval sprinkler system installation
- Oval resurfacing with Santa Anna couch
- New pumping system and power upgrade

<b>Nyora Recreation Reserve Oval Development Estimated Total Cost</b>	<b>\$210,000</b>
SRV Cricket Facilities Grant	\$100,000
Club/Community contribution -	\$55,000
Recommended Council contribution	\$55,000

#### **9. Arthur Sutherland (Welshpool) Recreation Reserve – Stadium Floor Replacement**

Project scope

- Replacement of existing floor with new sprung timber floor
- Installation of subsurface drainage

<b>Arthur Sutherland Recreation Reserve Estimated Total Cost</b>	<b>\$200,000</b>
SRV Minor Facilities Grant -	\$100,000
Club/Community contribution	\$50,000
Recommended Council contribution -	\$50,000

## 10. Leongatha Knights Soccer Club – Lights and Pitch Surface Upgrade

Project scope

- Upgrade of lights to 100 Lux which will meet training standard requirements
- Playing surface redevelopment and run off improvements
- Improvements to pedestrian movement to the ground

<b>Leongatha Knights Soccer Club Estimated Total Cost</b>	<b>\$180,000</b>
SRV Minor Facilities Grant	\$100,000
Club/Community contribution	\$40,000
Recommended Council contribution	\$40,000

### Proposal

It is recommended that Council endorse all three applications to the 2017/18 Sport and Recreation Victoria (SRV) Community Sports Infrastructure Fund (CSIF) program and allocate funding to the projects, in accordance with the funding ratios required.

### FINANCIAL CONSIDERATIONS

- Funding is available through Council's Long Term Financial Plan as 'Community Infrastructure Projects' to cover Council's contribution in 2017/18 of a total \$145,000 for the three projects - \$55,000 for the Nyora oval, \$50,000 for the Arthur Sutherland stadium floor and \$40,000 for the Leongatha soccer lights and pitch.
- It is anticipated, that should the proposed three applications be successful, Council's total contribution of \$145,000 would be used to attract \$300,000 from SRV. Taking into account the community's contribution the total value of the three projects would be \$590,000.



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

## **RISKS**

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

To mitigate the risk of project cost overruns to Council, it is recommended to advise the Nyora Recreation Reserve, Arthur Sutherland (Welshpool) Recreation Reserve, and the Leongatha Knights Soccer Club Committees that any project cost overruns are the responsibility of the committees to fund, in accordance with Council's Community Project Management Policy. This policy states that if funds are not available within the overall project budget, the applicant will be required to provide the additional funding.

## **CONCLUSION**

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

## **RECOMMENDATION**

**That Council:**

- 1. Apply for \$100,000 to the Sport and Recreation Victoria 2017/18 Community Sports Infrastructure Fund - Cricket Facilities category for the Nyora Recreation Reserve Development project;**
- 2. Allocate \$55,000 from the 2017/18 Community Infrastructure Projects budget towards the Nyora Recreation Reserve Oval Development project if the application is approved by Sport and Recreation Victoria;**
- 3. Advise the Nyora Recreation Reserve Committee of Management that any project overruns are the responsibility of the committee to fund, in accordance with Council's Community Project Management Policy and Guidelines;**
- 4. Apply for \$100,000 to the Sport and Recreation Victoria 2017/18 Community Sports Infrastructure Fund - Minor Facilities category for the Arthur Sutherland (Welshpool) Recreation Reserve – Stadium Floor Upgrade project;**
- 5. Allocate \$50,000 from the 2017/18 Community Infrastructure Projects budget towards the Arthur Sutherland (Welshpool)**

**Recreation Reserve – Stadium Floor Upgrade project if the application is approved by Sport and Recreation Victoria;**

- 6. Advise the Arthur Sutherland (Welshpool) Recreation Reserve Committee that any project overruns are the responsibility of the committee to fund, in accordance with Council's Community Project Management Policy and Guidelines;**
- 7. Apply for \$100,000 to the Sport and Recreation Victoria 2017/18 Community Sports Infrastructure Fund - Minor Facilities category Leongatha Knights Soccer Club – Lights and Pitch Upgrade project;**
- 8. Allocate \$40,000 from the 2017/18 Community Infrastructure Projects budget towards the Leongatha Knights Soccer Club – Lights and Pitch Upgrade project if the application is approved by Sport and Recreation Victoria;**
- 9. Advise the Leongatha Knights Football (Soccer) Club Committee that any Project overruns are the responsibility of the committee to fund, in accordance with Council's Community Project Management Policy and Guidelines; and**
- 10. Provide staff resources, within funding allocated in the total project costs, for management of the projects if approved by Sport and Recreation Victoria in the 2017/18 financial year.**

## Attachment 1

### Letter from Department Health and Human Services Successful Project Proposals



#### Department of Health and Human Services

50 Lonsdale Street  
Melbourne Victoria 3000  
Telephone: 1300 650 172  
GPO Box 4057  
Melbourne Victoria 3001  
www.dhhs.vic.gov.au  
DX 210081

Mr Tim Tamlin  
Chief Executive Officer  
South Gippsland Shire Council  
Private Bag 4  
LEONGATHA VIC 3953

Dear Mr Tamlin

#### 2017/2018 COMMUNITY SPORTS INFRASTRUCTURE FUND

Thank you for your council's Project Proposals submitted to Sport and Recreation Victoria's 2017/2018 Community Sports Infrastructure Fund.

Each Project Proposal's scope, proposed outcomes, strategic justification and consultation has been assessed against the program's objectives and assessment criteria.

The following Project Proposals are invited to proceed to Stage Two – Online Full Application:

Project Name	Category	Proceed Amount	Full Applications Link
Arthur Sutherland (Welshpool) Recreation Reserve - Stadium Floor Upgrade	Minor Facilities	\$ 100,000	<a href="https://dhhsgrants1.force.com/u/ctheinoseuua">https://dhhsgrants1.force.com/u/ctheinoseuua</a>
Leongatha Knights Soccer Club - Lights and Pitch Surface Upgrade	Minor Facilities	\$ 100,000	<a href="https://dhhsgrants1.force.com/u/imtns9k2sarj">https://dhhsgrants1.force.com/u/imtns9k2sarj</a>
Nyora Recreation Reserve - Oval Development	Cricket Facilities	\$ 100,000	<a href="https://dhhsgrants1.force.com/u/blqx4wao98en">https://dhhsgrants1.force.com/u/blqx4wao98en</a>

**PLEASE NOTE:** Each project proposal has a unique full application link in the table above. This link will allow you to create one application only. Once you have clicked on it and logged in to your Grants Online account this link will no longer be valid to start a new application. You can access your saved draft application via <https://dhhsgrants1.force.com/>

Full Applications addressing all criteria and including all required documentation must be submitted by 11.59pm Wednesday 31 August 2016.

Please submit all supporting documentation to [csif@sport.vic.gov.au](mailto:csif@sport.vic.gov.au) quoting your category and project name in the subject line of your email. Alternatively, you can send attachments on a CD or USB to the above postal address.



Should you have any questions about proposals proceeding to full application please contact Mr Michael Meyer, Manager - Sport and Recreation Victoria - Gippsland Region, on telephone 5177 2548.

We look forward to working with your staff on your council's proposals.

Yours Sincerely



**PHILIP SAIKALY**  
Acting Assistant Director  
Sport and Recreation Infrastructure and Events

20/07/2016

**Attachment 2**

**Letter from Department Health and Human Services - Unsuccessful Project Proposal**



Department of Health and Human Services

50 Lansdale Street  
Melbourne Victoria 3000  
Telephone: 1300 650 172  
GPO Box 4057  
Melbourne Victoria 3001  
www.dhhs.vic.gov.au  
DX 210081

Mr Tim Tamlin  
Chief Executive Officer  
South Gippsland Shire Council  
Private Bag 4  
LEONGATHA VIC 3953

Dear Mr Tamlin

**2017/2018 COMMUNITY SPORTS INFRASTRUCTURE FUND**

Thank you for your council's Project Proposals submitted to Sport and Recreation Victoria's 2017/2018 Community Sports Infrastructure Fund.

Each Project Proposal's scope, proposed outcomes, strategic justification and consultation has been assessed against the program's objectives and assessment criteria.

We received many strong applications for this fund. Unfortunately, the following Project Proposal is unsuccessful in proceeding to Stage Two - Full Application:

Project Name	Category
Splash Aquatic Centre Development	Better Pools

I would encourage your staff to seek feedback about this Project Proposal by speaking with Mr Michael Meyer, Manager - Sport and Recreation Victoria - Gippsland Region, on telephone 5177 2548.

Yours Sincerely

PHILIP SALKALY  
Acting Assistant Director  
Sport and Recreation Infrastructure and Events

20/07/2016



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**E.6 PLANNING APPLICATION 2006/79/J - 1 DALE DRIVE LEONGATHA - USE AND DEVELOPMENT OF THE LAND FOR A RETIREMENT VILLAGE - AMENDMENT TO INCLUDE BUILDINGS AND WORKS ASSOCIATED WITH DRAINAGE INFRASTRUCTURE**

Development Services Directorate

**STAFF DISCLOSURE OF INTEREST**

Nil

**EXECUTIVE SUMMARY**

The application is for the amendment of an existing permit to use and develop the land for a retirement village and subdivision (including ancillary buildings and works) at 1 Dale Drive Leongatha. The amendment proposes to construct drainage infrastructure including three tanks capable of holding up to 68,100L of water in total, associated pipe work and a diesel generator pump in the south east corner of the property. This infrastructure is proposed to convey excess stormwater from the southern portion of the site to a legal point of discharge in the north east corner of the site. There is currently no legal point of discharge at the south eastern corner of the land, even though the applicant has engineering plans endorsed showing water flowing to this point.

The applicant has previously entered into a private agreement with the adjoining landowner to the south to provide an easement (legal point of discharge) through that land. Unfortunately, this agreement is now in dispute and Council has no power to intervene, adjudicate or enforce the agreement because it is a civil matter. The proposal seeks to rectify the existing issue of not having a legal point of discharge, but also to enable the applicant to request Statement of Compliance for the next stage of the subdivision.

Council has received 10 objections to the application, however it should be noted that they originate from three adjoining households. The objections primarily relate to the private agreement for the easement, the most efficient / sustainable way of draining the land and on visual and acoustic amenity. The nearest dwelling is approximately 12m to the east of the proposed generator / pump unit.

Whilst the proposed solution is not the preferred engineering or planning outcome, it is considered to be acceptable as a short to medium term option. The application is recommended for approval subject to conditions requiring the land owner to connect the existing stormwater infrastructure to an easement to the south, once it becomes available.

*Document/s pertaining to this Council Report*

- **Attachment 1** - Locality Plan
- **Attachment 2** - Aerial photo

- **Attachment 3** - Proposed Infrastructure Plans
- **Attachment 4** - Site Photos
- **Attachment 5** - Detailed Planning Assessment and Summary of Submissions
- **Confidential Appendix 1** - Copy of Submissions

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

**Confidential Appendix 1** is confidential information on the grounds that it relates to a matter specified under Section 89(2)(h) that Council considers would prejudice the Council or any persons; respective of the Local Government Act 1989.

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

- Planning and Environment Act 1987 "the Act"
- Subdivision Act 1988
- South Gippsland Planning Scheme "the Planning Scheme"

#### **COUNCIL PLAN**

Outcome	1	A Prosperous Shire
Objective	1.3	Improve the sustainability of the local and regional environment.
Outcome	2	Closely Connected Communities
Objective	2.1	Engage and work collaboratively with our community.
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.
Outcome	4	A Leading Organisation
Objective	4.2	Pursue best practice in organisational development and operations of the organisation

## **CONSULTATION**

The application was notified to all adjoining land owners and occupiers as well as all occupiers within the existing development. A site notice at 1 Dale Drive was also displayed in accordance with Section 52 of the Act.

Ten written submissions to the application were received from landowners adjoining the subject site. However, it should be noted that they were confined to submissions from three households.

Council's Engineering Department provided conditional support and advised that whilst the drainage solution is not considered to be the most effective and efficient way of draining the land, it is acceptable subject to conditions.

The application was referred to SPAusnet, South Gippsland Water (SGW) and Multinet Gas as determining referral authorities. SGW and Multinet Gas responded advising that they do not object to the proposal and have no conditions. SPAusnet did not respond within the statutory timeframe.

## **REPORT**

### **Background**

The subject land is S3 PS717009K and is known as 1 Dale Drive Leongatha. The land is partially developed in accordance with the existing permit (2006/79/I) for use and development of the land for a retirement village and subdivision, including ancillary works.

The land is zoned General Residential Zone with no overlays. The land slopes generally from its highest point in the north western corner toward the east and south east. Approximately half of the land drains naturally to a legal point of discharge to the north (going into Shingler Street). The southern half of the property naturally drains to the south, toward one of the objector's properties.

There is a private agreement in place between the two land owners to provide a drainage easement on the land to the south in favour of the applicant. The particulars of the private agreement have been in dispute for at least 2 years. Council has no power to enforce the agreement, or intervene because it is a civil matter.

Representations to Council advise that there is a separate private agreement relating to the number of units allowed to be constructed along the southern boundary of the retirement village. A previous amendment to this permit allowed the applicant to re-arrange the number of units within the development to provide for 10 units along the southern boundary. The adjoining owner considers that the applicant has breached their agreement; however this is also a civil dispute which Council is unable to enforce.

The adjoining land to the south has a current permit for the staged subdivision of the land into 28 lots (2008/215/F). This land has also been partially



developed in accordance with that permit. A condition of that permit is that the land owner must provide a suitable drainage easement to benefit Council so that the land uphill can be provided with a legal point of discharge. The condition is required to be satisfied prior to obtaining Statement of Compliance for the third stage of that subdivision. That land owner has also recently sought permission from Council to amend the third stage into two separate stages, with the easement to be provided in the next stage to be released.

**Refer Attachment 1 – Locality Plan**

**Refer Attachment 2 – Aerial Photo**

**Proposal**

The proposed infrastructure is designed to capture and then convey excess stormwater from the southern portion of the site to a legal point of discharge in the north east corner of the site.

The drainage infrastructure includes; three tanks capable of holding up to 68,100L of water in total, associated pipe work and a diesel generator pump in the south east corner of the property. The tanks are proposed to be above ground, being 2.6m high with a diameter of 3.2m. It should be noted that there is existing infrastructure in the ground capable of holding an additional 67,000L of water, given a total detention capacity of 135,100L.

The proposed diesel pump is able to discharge approximately 72.8L of water per second (or 4368L per minute) but is proposed to operate at 70L per second. Therefore it would take slightly longer than 32 minutes to empty the proposed tanks and existing underground infrastructure following a 1% AEP storm event (with a 15 minute duration).

The applicant has provided specifications for a comparative diesel pump which is also housed in a sound attenuated enclosure. The comparative pump has a larger displacement and output and has been noise rated to the following:

- 71.4dB at 1m,
- 66.7dB at 4m; and
- 61.2dB at 7m.

The tanks and pump are proposed in an area that was originally designated in the development for additional storage and parking of caravans/trailers. The parking area being lost is not required to satisfy the parking requirements of the development pursuant to Clause 52.06.

**Refer Attachment 3 – Proposed Infrastructure Plans**

**Refer Attachment 4 - Site photos**

## **Discussion**

### **PLANNING AND ENVIRONMENT ACT 1987, SUBDIVISION ACT 1988 AND PLANNING SCHEME PROVISIONS**

#### **Section 73 of the Act**

Section 73 of the Act provides procedures for dealing with amendment applications. Section 73 (2) of the Act relevantly states that if the responsible authority decides to grant an amendment to a permit subject to conditions, the conditions must relate to the amendment to the permit.

#### **Section 62 of the Act and Section 36 of the Subdivision Act 1988**

Section 62 of the Act provides clarification on what conditions can be put on a permit (or an amendment to a permit). Section 62 (2) (l) states the following:

*(2) The responsible authority may include any other condition that it thinks fit including—*

*(l) a condition stating that it considers that the economical and efficient subdivision, consolidation or servicing of, or access to, land requires the holder of the permit to acquire or remove—*

- (i) a right of way over the land covered by the permit; or*
- (ii) an easement over land not covered by the permit but in the vicinity of that land - using the procedure in section 36 of the Subdivision Act 1988 and that the acquisition or removal will not result in an unreasonable loss of amenity in the area affected by the acquisition or removal;*

Section 36 (1) of the Subdivision Act provides that where Council includes the above condition, the owner may apply to the Victorian Civil and Administrative Tribunal for leave to acquire the easement compulsorily. Section 36 (1AA) states that,

*In conferring powers on a Council or referral authority under subsection (1) it is the intention of Parliament that, in considering a matter for the purposes of that subsection, the Council or referral authority should make an assessment of the engineering and amenity aspects of the matter, is not bound to notify anyone affected or to hear objections, but objections to that assessment may be raised before the Tribunal.*

This is discussed further in the Detailed Planning Assessment.

#### **Planning Scheme**

The proposal is generally consistent with the objectives of the relevant State Planning Policy Framework and the decision guidelines of the Zone.

## **Refer Attachment 5 - Detailed Planning Assessment and Summary of Submissions**

### **Public Submissions**

A detailed list of issues raised in objections is discussed at **Attachment 5 - Summary of Submissions**

### **RISKS**

Approval of this amendment application will address the stormwater management issues that have arisen due to a private dispute between the adjoining landowners subject to a private agreement to facilitate an easement. Inclusion of permit conditions that require future connection of the development to the easement provide Council with confidence that the preferred long term drainage solution will be provided.

### **CONCLUSION**

Whilst the proposal is not the preferred long term engineering or planning solution to drain stormwater from the land, it is considered appropriate to allow the amendment subject to conditions which make it a short/medium term solution. This can be done by utilising a Section 173 agreement that requires the landowner to discontinue use of the pump and connect the infrastructure to the easement when and if it becomes available. The amended permit also proposes to provide the landowner with appropriate opportunity to seek leave from VCAT to compulsorily acquire the easement. This is primarily because there is currently a non-compliance and there is otherwise very limited scope for the landowner to drain the land to a legal point of discharge if the agreement with the adjoining land owner is not able to be executed.

### **RECOMMENDATION**

**That Council issues a Notice of Decision for the amendment of planning permit 2006/79/I to amend condition 20 in the following ways:**

- 1. Delete condition 20. c)**
- 2. Add the following as condition 20. i):**
  - i) Prior to the issue of a Statement of Compliance for Stage 3, the following conditions must be complied with to the satisfaction of the South Gippsland Shire Council;**
    - i. The applicant must submit a Maintenance Schedule for the Mountainview development that is amended to state that the operation and fuel level of the diesel engine must be checked weekly and after rain events.**
    - ii. The applicant must install all works detailed in Crossco Consulting Drawing No 1695-022 (Revision D), titled**

**Stormwater Rising Main Layout Plan and the detention system at the south eastern corner of Stage 3 of the Mountainview development as per Crossco Consulting Drawing No's 1695-1035 (Revision J) and 1695-1038 (Revision J).**

- iii. **The applicant must enter into a Section 173 agreement with Council to the effect that it will;**
- **Repair or replace the diesel pump within seven (7) days of a pump failure being detected.**
  - **Connect to the drainage network on the adjoining land to the south that discharges to the Brown Street drainage network, when requested to by Council, after the adjoining drainage network becomes a Council controlled asset.**
  - **Remove the pump, storage tanks and any other assets shown on Crossco Consulting Drawing No 1695-022 (Revision D) as agreed to at the time with Council, when requested to by Council after the adjoining drainage network becomes a Council controlled asset.**

**3. Add the following as condition 20. j):**

**j) The applicant is to submit an acoustic assessment to the Responsible Authority prepared by a suitably qualified and experienced person within 2 months of installing the diesel pump. The acoustic assessment must be to the satisfaction of the Responsible Authority and provide noise measurements for the adjoining dwelling façade at 2 Hilton Court Leongatha.**

**If the noise measurements exceed the relevant noise criteria contained within the Noise from Industry in Regional Victoria Publication (NIRV, EPA) and any relevant sleep disturbance criteria, then the assessment must also recommend mitigation/attenuation measures to ensure compliance with those criteria.**

**Any recommended mitigation/attenuation measures must be installed or carried out to the satisfaction of the Responsible Authority within twenty-eight (28 days) of Council providing written acceptance of the acoustic assessment.**

**4. Add the following as condition 21. and renumber all other conditions accordingly:**

**21. The Responsible Authority considers that the economical and efficient subdivision or servicing of the land requires the holder of**

**the permit to acquire an easement over land known as Lot 1 TP842751 not covered by the permit but in the vicinity of that land, using the procedure in section 36 of the Subdivision Act 1988.**

**The acquisition is not considered to result in an unreasonable loss of amenity in the area affected by the acquisition.**

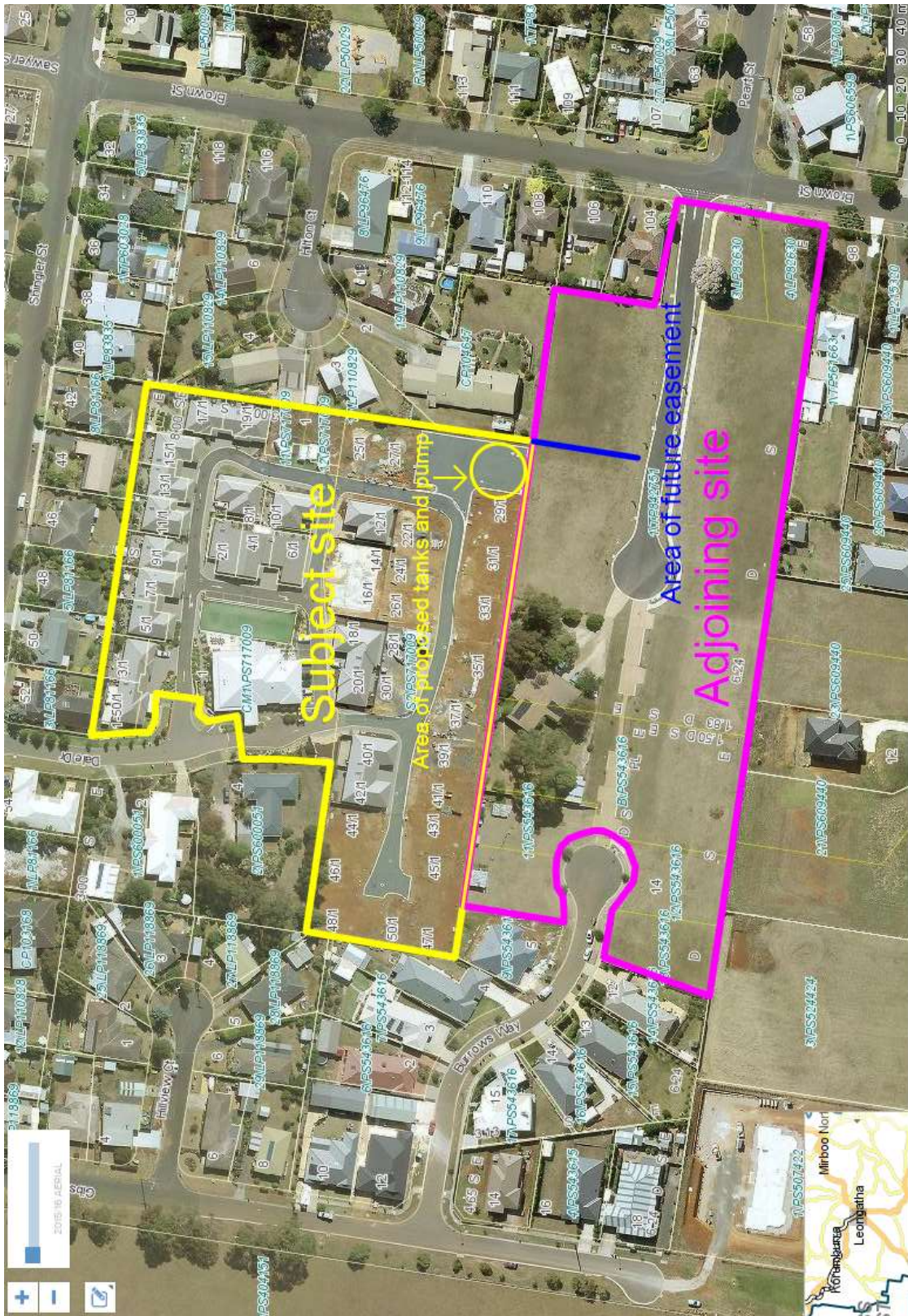
- 5. Include a note 14. to describe the amendment and the date on which it was amended.**

**Attachment 1 - Locality Plan**





Attachment 2 - Aerial Photo

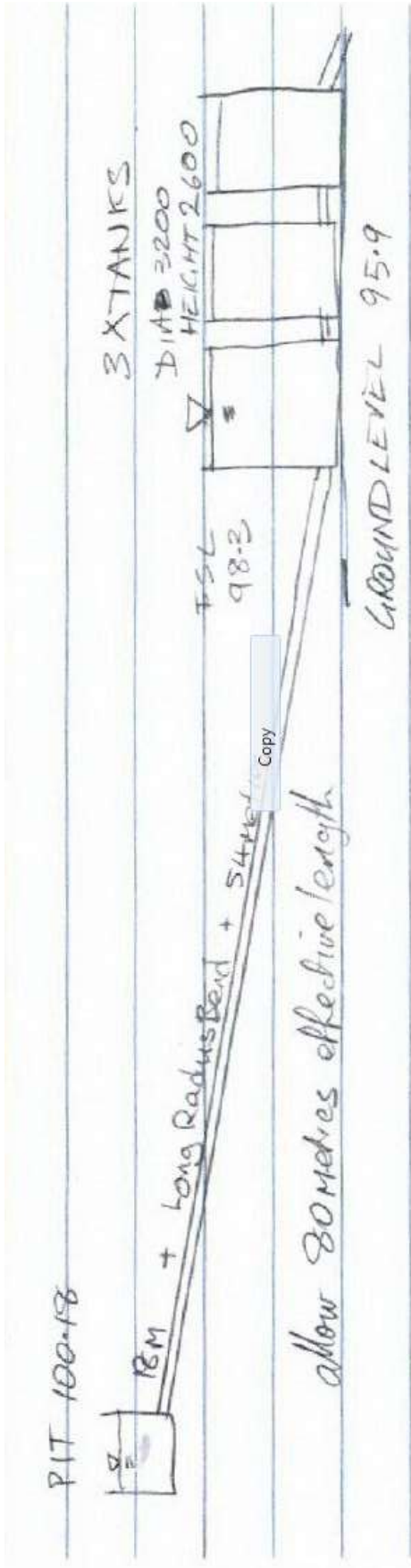




Attachment 3 - Proposed Infrastructure Plans







### Attachment 4 - Site Photos



Proposed location of the tanks and pump, looking south east from the internal driveway. New fence currently under construction between land owner to the east.



Looking west from the proposed tank and pump location. Units currently under construction. The neighbouring dwelling to the south is located within the patch of vegetation on the left side of the photo.



Looking north from the proposed tank and pump location.



Looking directly east from proposed tank and pump location.

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## Attachment 5 - Detailed Planning Assessment and Summary of Submissions

The relevant trigger for inclusion of the tanks and pump is Clause 32.08-6 because they are buildings and works associated with a use in Section 2 of Clause 32.08-1, for which there are no other relevant exemptions in the Planning Scheme. The Decision Guidelines of the GRZ require Council to consider the relevant SPPF and LPPF and the purpose of the Zone. Unfortunately the purposes listed in the GRZ are of no particular relevance or direction in this matter. However, the following SPPF clauses and Clause 56.07-4 are considered to be of assistance:

<b>Policy</b>
<p>19.03-2 Water supply, sewerage and drainage</p> <p><b>Objective</b> To plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment.</p> <p><b>Strategies</b> Ensure water quality in water supply catchments is protected from possible contamination by urban, industrial and agricultural land uses</p>
<p>19.03-3 Stormwater</p> <p><b>Objective</b> To reduce the impact of stormwater on bays and catchments.</p> <p><b>Strategies</b> Support integrated planning of stormwater quality through a mix of on-site measures and developer contributions. Mitigate stormwater pollution from construction sites. Incorporate water-sensitive urban design techniques into developments to:</p> <ul style="list-style-type: none"><li>• Protect quality of water.</li><li>• Reduce run-off and peak flows.</li><li>• Minimise drainage and infrastructure costs.</li></ul>
<p>56.07-4 Urban run-off management objectives</p> <p>To minimise damage to properties and inconvenience to residents from urban run-off.</p> <p><b>Standard C25</b> The urban stormwater management system must be:</p> <ul style="list-style-type: none"><li>• Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.</li><li>• Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended.</li><li>• Designed to ensure that flows downstream of the subdivision site are restricted to predevelopment levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.</li></ul> <p>The design of the local drainage network should:</p> <ul style="list-style-type: none"><li>• Ensure run-off is retarded to a standard required by the responsible drainage</li></ul>

authority.

- Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, run-off should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.
- Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner

Whilst not ideal, the amendment application is considered to have addressed the relevant SPPF objectives and strategies listed above by reducing the run-off and peak flows of water onto adjoining land to the south and east. Unfortunately, the amendment does increase, rather than minimise drainage and infrastructure costs because the private agreement between land owners is in dispute.

The applicant has demonstrated that the proposal can be designed and managed to the satisfaction of the relevant drainage authority (Council's Engineering Department). It ensures that flows downstream of the subdivision site are restricted to predevelopment levels, whereas that is currently not the case. All lots within the subdivision will be able to discharge into the street drainage system (in Shingler Street) via a legal point of discharge until the preferred and alternate means of drainage to the south can be provided.

In including proposed condition 21, Council has made an assessment of the engineering and amenity aspects of the matter. Council is satisfied that the economical and efficient subdivision or servicing of the land requires the holder of the permit to acquire an easement over land to the south being Lot 1 TP842751 using the procedure in section 36 of the Subdivision Act 1988 and that the acquisition will not result in an unreasonable loss of amenity in the area affected by the acquisition. The reasons being:

Engineering:

- Whilst the proposed amendment allows for the excess stormwater to be conveyed to a legal point of discharge, the applicant will incur unnecessary expense in providing infrastructure that would not be needed if an easement to the south could be obtained.
- A majority of the infrastructure to the south has been installed already but cannot be accessed unless the agreement between the two land owners is resolved or the land owner to the south provides Council with the easement in accordance with conditions on their permit.
- Council would not normally support proposals to pump stormwater from a development and in this exceptional set of circumstances is prepared to allow it temporarily in order to deal with an existing non-compliance until a solution can be achieved and to ensure that land downhill of the development is not detrimentally affected by excessive flows of water
- There is ongoing costs and inefficiency in pumping stormwater that could otherwise drain from the land without use of electricity or fuel.

Planning:

- The acquisition is not considered to result in any amenity impacts given that the land owner to the south has already agreed to provision of an easement in that very location, albeit subject to conditions of a private agreement.
- The landowner to the south has a planning permit which requires creation of an easement in that location and has stated that they consider it to be the most logical solution in their own objection to this application.
- There are no other buildings or works existing or currently proposed in the location of the required easement and therefore the provision of the easement in that location should be of negligible amenity impact to the landowner.

Ten objections were received to the application. The issues raised are summarised below with planning responses to each:

<b>Concerns raised</b>	<b>Response</b>
<p>The applicant is not complying with the private agreements regarding stormwater works and the number of units along the southern boundary</p>	<p>Council cannot enforce private agreements made between parties regarding civil matters and the land owner to the south has been advised of this on multiple occasions.</p> <p>It is fair to say that when the agreement between the two parties was prepared, Council considered an amendment to the existing drainage plans for Mountain View Retirement Village favourably on the basis that it provided Council with reasonable assurance that the land owners had agreed to a legal point of discharge and the subdivision of the objector's land to the south was progressing at that time. However, that agreement is now in dispute.</p> <p>Council is also aware that there is another agreement regarding the number of units to be built along the southern boundary of the Mountain View development. However, this is also a civil matter.</p>
<p>The development has been and is discharging an excessive amounts of water across the objector's property, which is not a legal point of discharge</p>	<p>Council's Municipal Building Surveyor issued the applicant with a minor works order under the Building Act to rectify the issue. Since that time, the applicant has been discussing potential solutions with Council's Engineering and Planning Departments, which has culminated in this amendment application being made to Council. The private building surveyor responsible for issuing building permits and overseeing works at the site, is responsible for ensuring the Legal Point of Discharge (LPD) has been obtained from Council and that the onsite stormwater drainage system discharges the collected stormwater to the LPD.</p>

Concerns raised	Response
<p>The pre-arranged easement through the land to the south is a much safer, cheaper and environmentally friendly solution for all</p>	<p>Council acknowledges that the easement is by far the preferred drainage solution for the applicant's land. However, the applicant has requested Council to decide whether or not it is appropriate to drain the land to an existing legal point of discharge because they believe that it may take a significant period of time to resolve the current dispute, particularly if the matter proceeds through the civil courts.</p> <p>Given the existing non-compliance and the need to address the matter, Council considers that there is no other option but to permit the temporary pumping of the stormwater to a legal point of discharge, even though it is not the preferred option or considered to be a long-term solution.</p> <p>Neither of the land owners has instigated civil proceedings against the other land owner to Council's knowledge. As such, it could take more than 12 months to resolve the dispute and Council does not consider this to be a reasonable timeframe in which to achieve compliance on the applicant's land.</p>
<p>Trespass onto the objector's land by the applicant in order to construct the drainage works within the proposed easement</p>	<p>Council acknowledges that there was an incident in early 2016 regarding trespass onto the objector's land. However, this is a civil matter and not something that Council can take into consideration when deciding a planning permit.</p>
<p>The appearance of the tanks</p>	<p>The tanks will be located in the corner of the property behind a 1.8m high boundary fence and mainly visible within the property itself. Approximately 800mm of the tanks would protrude above the fence line. Whilst water tanks are not considered to be particularly attractive buildings, they serve a practical purpose and are a relatively common feature in the suburban landscape to capture stormwater, even if not generally this size in a residential context.</p> <p>The tanks will not create overshadowing of any Private Open Space or dwelling. This is not considered to be a relevant basis on which to refuse the amendment application.</p> <p>Council will also require the pump and tanks to be removed when/if the easement to the south becomes available.</p>

<p>Damage as a result of pump failure and water flowing onto adjoining properties</p>	<p>It is considered that whilst there is a possibility for this to occur, it is not likely for a number of reasons. The Mountain View Retirement Village has a permanent presence of occupants and has site manager and maintenance personnel. As such, the pump can be monitored and maintained regularly. In the event of a failure, there would be someone onsite to report the problem and to respond to the issue. Council will also require the applicant to enter into a 173 agreement that requires weekly checks of the pump.</p>
<p>Fumes and pollution (from the diesel pump)</p>	<p>This objector's property is approximately 180m to the west of the proposed pump. It is considered highly unlikely to have any effect on that dwelling in terms of fumes or pollution, not only because of the separation distance but because the engine is muffled and must comply with emissions standards.</p>
<p>Noise generated by the diesel pump</p>	<p>Council acknowledges that this could be an issue for the adjoining land owner to the east, but considers that no other dwellings would be directly impacted by it.</p> <p>Based on the information provided by the applicant it appears that the pump would be audible at the property boundary. However, the pump noise is comparable to a domestic air conditioner. Therefore, it is considered that the noise impacts will be negligible.</p> <p>As a precaution, it is recommended to include a condition on the amendment that requires the applicant to submit an acoustic assessment to demonstrate that the pump complies with relevant noise criteria. If it does not, the assessment is to recommend measures to mitigate/attenuate the noise to an acceptable level. It also then requires those measures to be implemented.</p>
<p>Some of the objectors claim that their subdivision has been held up for 2.5 years as a result of the dispute</p>	<p>Council does not consider this to be reasonable or relevant grounds in relation to this matter. Council has not refused statement of compliance for the objector's subdivision. If the objector has not requested statement of compliance and not proceeded to complete the subdivision due to a dispute over the personal agreement then this is not a matter for Council to get involved in. The objectors could provide the necessary easement and then seek to recover any disputed costs against the applicant under the terms of the private agreement.</p>



**E.7 PLANNING APPLICATION 2015/398 - BAYSIDE DRIVE WALKERVILLE - DEVELOPMENT OF THE LAND FOR ROADWORKS AND CAR PARKING, SEA WALL AUGMENTATION, NATIVE VEGETATION REMOVAL AND WORKS IN HERITAGE OVERLAY**

Development Services Directorate

**STAFF DISCLOSURE OF INTEREST**

Paul Stampton, Manager Planning has an indirect conflict of interest with Council Agenda Item E.7 PLANNING APPLICATION 2015/398 - BAYSIDE DRIVE WALKERVILLE -DEVELOPMENT OF THE LAND FOR ROADWORKS AND CAR PARKING, SEA WALL AUGMENTATION, NATIVE VEGETATION REMOVAL AND WORKS IN HERITAGE OVERLAY by way of conflicting duty (Local Government Act 1989, Section 77A(3)(c)) as he is a member of the Walkerville Foreshore Committee of Management.

**EXECUTIVE SUMMARY**

The application is for the development of the land for roadworks and car parking, sea wall augmentation, native vegetation removal and works in the heritage overlay at Bayside Drive Walkerville. The application has been made by the Walkerville Foreshore Committee of Management (WFCoM) with the consent of the Public Land Manager, being the Department of Environment, Land, Water and Planning (DELWP).

The proposal requires a permit pursuant to the Public Conservation and Resource Zone (PCRZ), the Environmental Significance Overlays (Schedules 3 and 5), the Heritage Overlay (HO) and Clause 52.17 (Native vegetation).

Council has received seven objections to the application. The objections primarily relate to the number of car spaces to be provided, the size of car and trailer parking, traffic safety, the lack of need for the works and the consultation process.

The applicant amended the proposal on 25 July 2016 following a mediation meeting with the Walkerville Bluewater Boating and Angling Club (WBBA), who was one of the objectors to the proposal.

Council's engineering department and DELWP have provided comments and conditions in support of the application.

Whilst car parking has become a focal and contested aspect of the proposal, it is considered that the proposal has numerous beneficial outcomes. These include; stabilisation and protection of the land from erosion (sea wall augmentation), delineation and separation of pedestrian and vehicular areas, improved amenities (seating), improved drainage and improved weed management of landscaped areas. The application is therefore recommended for approval subject to conditions.

Document/s pertaining to this Council Report

- **Attachment 1** - Locality Plan
- **Attachment 2** - Zones and Overlays
- **Attachment 3** - Proposed Plans
- **Attachment 4** - Site Photos
- **Attachment 5** - Detailed Planning Assessment and Summary of Submissions
- **Confidential Appendix 1** - Copy of Submissions

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

**Confidential Appendix 1** is confidential information on the grounds that it relates to a matter specified under Section 89(2)(h) that Council considers would prejudice the Council or any persons; respective of the Local Government Act 1989.

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

- Planning and Environment Act (1987) "the Act"
- South Gippsland Planning Scheme "the Planning Scheme"

**INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

Seasonal Population Impact in Coastal Towns Plan 2015

**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.
Objective	1.3	Improve the sustainability of the local and regional environment.
Outcome	2	Closely Connected Communities
Objective	2.1	Engage and work collaboratively with our community.
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.



## **SEASONAL POPULATION IMPACT IN COASTAL TOWNS PLAN 2015**

The application is consistent with the objectives of the study and addresses the issues raised in the community engagement and survey results (pages 41 and 42). The proposal is also consistent with all of the recommended actions in the Action Plan for Walkerville (pages 71-75). The proposal also addresses the issues raised in the Gippsland Boating Coastal Action Plan 2013 prepared by the Gippsland Coastal Board (page 41), which are consistent with the issues raised in Council's Seasonal Population Impact in Coastal Towns Plan 2015.

### **CONSULTATION**

The application was notified to land owners adjoining the proposed works in Bayside Drive and by displaying a site notice at the Walkerville Public Hall, in accordance with Section 52 of the Act.

Seven written objections to the application were received from users of the adjoining boat ramp.

A mediation meeting was held between one of the objectors, the applicant and Council. That particular objector is the Walkerville Bluewater Boating and Angling Club President (WBBA) who represents 66 members. The proposal was formally amended by the applicant on 25 July 2016 to include additional parking in response to the concerns of the WBBA raised at that mediation. The amended proposal has not been re-notified formally because it provides additional parking, rather than less parking. The amended plans have been discussed and circulated to some of the objectors. Council does not consider that any objectors would perceive more material detriment as a result of the amendment. Nor is it considered that any new objections would raise any new issues as a result of re-notification because the proposal is fundamentally the same the original proposal. Pursuant to Section 57A(7)(b) of the Act, all objections made in relation to the original application are to be taken to be objections to the amended application.

The application was referred to Council's Engineering Department. Council's Engineering Department provided conditional support.

DELWP was referred the application as both a recommending referral authority (native vegetation removal) and a determining referral authority (ESO3) under Clause 66 of the Planning Scheme and Section 55 of the Act. DELWP had no objection to the application, subject to conditions which are recommended for inclusion in the Notice of Decision.

### **REPORT**

#### **Background**

The subject land is CA 2002, 2008, 2009, 2010, 2014 and 2018 Township of Walkerville (Parish of Waratah). The Bayside Drive road formation is mainly contained within CA 2002 and is a Council road under the Road Management

Act 2004. CA 2002 also contains the Walkerville Hall and amenities building. CA 2014 contains the majority of the sea wall within it and the other lots are primarily covered with vegetation.

The proposal is within the Public Conservation and Resource Zone (PCRZ), the Environmental Significance Overlays (Schedules 3 and 5), the Heritage Overlay (HO) and Clause 52.17 (Native vegetation).

**Refer Attachment 1 – Locality Plan**

**Refer Attachment 2 – Zone and Overlays**

**Proposal**

The area of the proposed works is approximately 8000 sq m. The area of vegetation proposed to be removed equates to approximately 0.037ha.

The applicant originally proposed the formalisation of 15 dedicated car and trailer spaces and 26 car only spaces. Following a mediation meeting with the WBBA the applicant revised the proposal to include 15 dedicated car and trailer spaces, 19 car only spaces and a section of "multi-use" parallel parking spaces that can accommodate a further 16 car and trailer spaces, or 43 car only spaces. There will also be new turning areas constructed at the southern and northern end of the proposed works.

The proposal also includes works to augment the existing sea wall in accordance with the Walkerville Foreshore Coastal Protection Works report prepared by Water Technology (April, 2015). The works also include provision of a footpath between the sea wall and the road, seating on both sides and landscaping. Some retaining walls will be required to stabilised the areas where new parking is proposed on the western side of Bayside Drive.

**Refer Attachment 3 – Proposed plans**

**Refer Attachment 4 - Site Photos**

**Discussion**

**PLANNING SCHEME PROVISIONS**

**State Planning Policy Framework**

<b>Policy</b>
12.01-1 Protection of biodiversity - Objective: To assist the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites.
12.01-2 Native vegetation management - Objective: To ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.
12.02-1 Protection of coastal areas - Objective: To recognise and enhance the value of the coastal areas to the community and ensure sustainable use of natural coastal resources.

<b>Policy</b>
12.02-2 Appropriate development of coastal areas - Objective: To ensure development conserves, protects and seeks to enhance coastal biodiversity and ecological values.
12.02-3 Coastal Crown land - Objective: To achieve development that provides an environmental, social and economic balance.
12.02-5 Bays - Objective: To improve the environmental health of the bays and their catchments.
13.01-1 Coastal inundation and erosion - Objective: To plan for and manage the potential coastal impacts of climate change.
13.03-2 Erosion and landslip - Objective: To protect areas prone to erosion, landslip or other land degradation processes.
14.02-2 Water quality - Objective: To protect water quality.
15.03-1 Heritage conservation - Objective: To ensure the conservation of places of heritage significance.
18.02-1 Sustainable personal transport - Objective: To promote the use of sustainable personal transport.
18.02-2 Cycling - Objective: To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.
18.02-4 Management of the road system - Objective: To manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.
18.02-5 Car parking - Objective: To ensure an adequate supply of car parking that is appropriately designed and located.

The proposal is consistent with the State Planning Policies, particularly in relation to ensuring that development on coastal foreshore Crown land maintains safe, equitable public access and improves public benefit whilst protecting local environmental and social values. The proposal is located within an existing defined activity or recreation node. The proposal seeks to protect native vegetation and biodiversity as much as possible, improve and maintain water quality in the area and encourage sustainable transport by providing a safe footpath within the road works. The proposal is considered to provide an adequate supply of car parking in the area available, even though the Clause 52.06 of the Planning Scheme does not regulate or provide direction regarding the minimum number of spaces.

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## Local Planning Policy Framework

<b>Policy</b>
21.06-1 Biodiversity - Objective: To achieve a measurable net gain in the extent and quality of the Shire's biodiversity.
21.06-2 Coastal and hinterland landscapes - Objective 1: To ensure that coastal development at the edge of settlements responds appropriately to the landscape setting and character Objective 4: To maintain locally significant views and vistas that contribute to the character of the coastal and coastal hinterland region
21.07-1 Climate change - Objective: To manage the impacts resulting from climate change
21.09-1 Heritage - Objective: To ensure that heritage places in the Shire are used, managed and developed in a way that conserves or reveals their heritage significance
21.11-4 Tourism - Objective 1: To encourage a diverse range of tourism opportunities Objective 2: To recognise the importance of the Shire's natural environment and built form to the tourism industry.
21.12-1 Transport - Objective 1: To maintain a safe and efficient road network across the Shire Objective 3: To deliver sustainable public transport, pedestrian and car parking facilities across the Shire
21.13-1 Waste management and stormwater drainage - Objective 3: To implement stormwater drainage standards that minimises impacts on the environment
Clause 21.15-15 Landscape Character Areas: Character Area 2.3 – Cape Liptrap <ul style="list-style-type: none"><li>• Maintain the dominance of the natural landscape and vegetation on hill faces and ridges throughout Cape Liptrap</li><li>• Preserve the landscape setting for landmarks or features of cultural heritage significance, such as the Cape Liptrap Lighthouse and limestone kilns at Walkerville</li><li>• Control the design and siting of development in Walkerville / Walkerville South by:<ul style="list-style-type: none"><li>• minimising visual intrusion of development into public use areas on the beach</li><li>• maintaining continuous indigenous vegetation canopy</li><li>• reducing distant visibility through the use of darker colours / non-reflective materials)</li></ul></li><li>• Ensure development on private land adjoining the coast is set back from the cliff top / coast so as to retain a dominant natural character and views to coastal and near-coastal hinterland features</li></ul>

The proposal is considered to be consistent with the Local Planning Policy Framework, particularly in relation to ensuring that the proposal has minimal impact on biodiversity and the coastal character of the locality. The proposal seeks to improve road and drainage infrastructure at the same time as protecting it from the effects of climate change and erosion.

### **Public Conservation and Resource Zone**

The proposal is considered to be consistent with the purposes of the zone. DELWP has provided conditional consent to the application as the relevant Public Land Manager. The development is considered to be appropriately located and designed, although it will require some minor amendment as a result of engineering and planning conditions to ensure appropriate traffic safety is achieved and biodiversity is maintained.

### **Overlays**

The proposal will protect the natural beauty and environmental quality of the area by aiming to minimise the risk of erosion in the vicinity of the works as a result of coastal processes and climate change. The proposal is considered to be compatible with the environment and does not result in any adverse impacts on coastal processes. The proposal is consistent with the recommendations of the Walkerville Foreshore Coastal Protection Works report prepared by Water Technology. The proposal is not considered to have any effect on the heritage significance of the Walkerville Hall.

### **Clause 52.17 of the Planning Scheme - Native Vegetation**

Council's Biodiversity Officer conducted an assessment of the vegetation and found that the extent of the native vegetation proposed to be removed was minimal. Its condition was assessed as being moderate. Its strategic biodiversity score is in the lowest band and is unlikely to be important habitat for rare or threatened species.

The offset required is 0.005 equivalent biodiversity units. DELWP have provided planning permit conditions, requiring a suitable offset, should a Notice of Decision be issued to Grant a Permit.

### **Refer Attachment 5 – Detailed Planning Assessment and Summary of Submissions**

#### **Public Submissions**

There were seven objections received. A detailed list of issues raised in public submissions is discussed at **Attachment 5 - Summary of Submissions**

### **FINANCIAL CONSIDERATIONS**

The project is being managed by the Walkerville Foreshore Committee of Management and is estimated to have an overall project cost of \$600k.



Council through its 2016/17 Annual Budget have allocated a contribution of \$130k towards the project.

## **CONCLUSION**

Whilst car parking has become a focal and contested aspect of the proposal, it is considered that the proposal has numerous beneficial outcomes. These include; stabilisation and protection of the land from erosion (sea wall augmentation), delineation and separation of pedestrian and vehicular areas, improved amenities (seating), improved drainage and improved weed management of landscaped areas.

The amended proposal which can provide up to 31 car and trailer spaces and 19 car only spaces at the same time is considered to achieve the best possible balance between the competing Planning Scheme policies which seek to protect the environment and the physical area available to carry out the works.

## **RECOMMENDATION**

**That Council issues a Notice of Decision for the development of the land for roadworks and car parking, sea wall augmentation, native vegetation removal and works in the heritage overlay, in accordance with the endorsed plans, subject to the following conditions:**

### **Proposed Conditions:**

- 1. Before the development start(s), including the removal of native vegetation, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:-**
  - a. Increased road way width in the area of car spaces that require reversing, based on turning templates for the anticipated vehicles (cars with trailers and without).**
  - b. A "shared zone" for vehicles and pedestrians along the length of the proposed parking bays which limits vehicle speeds to 20km/h. The shared zone is to include traffic calming / management devices and signage.**
  - c. The footpath is to be protected and separated from the road way and parking area by bollards or other suitable means.**
  - d. A detailed landscape plan utilising species from the Indigenous Plants of South Gippsland Shire publication. The vegetation must be selected from the appropriate "planting**

- zones" for that area and the number of plants must be provided to offset the loss of vegetation. The plan must detail appropriate control and management of weed species.**
- e. A detailed description of the measures to be implemented to protect the native vegetation to be retained during construction works, and the person/s responsible for implementation and compliance. The measures must include the erection of a native vegetation protection fence around all native vegetation to be retained on site, to the satisfaction of the Responsible Authority, including the tree protection zones of all native trees to be retained. All tree protection zones must comply with AS 4970-2009 Protection of Trees on Development Sites, to the satisfaction of the Responsible Authority.**
  - f. An amended site plan drawn to scale with dimensions and geo-references (such as VicGrid94 co-ordinates), that *clearly* shows:
    - i. the location and identification of the land affected by this permit, including standard parcel identifiers for freehold land**
    - ii. the location and area of all native vegetation present, including scattered trees, that are permitted to be removed under this permit****
- 2. Prior to the commencement of any works, an Environmental Management Plan (EMP) must be submitted to and approved by the Responsible Authority. It must be prepared in accordance with the Environment Guidelines for Major Construction Sites, Environment Protection Authority, February 1996. The EMP must contain measure to deal with the risk of erosion of the land and ensuring that the works do not affect the quality of water in Waratah Bay during the construction phase.**
  - 3. Prior to the commencement of any works, a Traffic Management Plan (TMP) must be submitted to and approved by the Responsible Authority. It must set out how vehicular and pedestrian traffic will be managed during the construction phase.**
  - 4. The building, works and layout as shown on the endorsed plan(s) must not be altered or modified except with the written consent of the Responsible Authority.**
  - 5. Once the development has started it must be continued and completed in a timely manner to the satisfaction of the Responsible Authority.**

- 6. The civil works must be carried out in accordance with the Environmental Management Plan and Traffic Management Plan at all times.**
- 7. Landscaping must be provided to the satisfaction of the Responsible Authority in accordance with the landscaping plan. This must occur within 3 months after completion of the civil works authorised by this permit. The landscaping must be maintained for the life of the development and any dead or dying vegetation replaced.**

**DELWP conditions**

- 8. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.**
  - 9. To offset the removal of 0.037 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the Permitted clearing of native vegetation – Biodiversity assessment guidelines (DEPI – 2013) and Native vegetation gain scoring manual (DEPI – 2013) as specified below:**
    - a. a general offset of 0.005 general biodiversity equivalence units with the following attributes:**
      - i. be located within the West Gippsland Catchment Management Authority boundary or South Gippsland municipal district**
      - ii. have a strategic biodiversity score of at least 0.122**
  - 10. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the Responsible Authority. The offset evidence can be:**
    - a. a security agreement signed by both parties, to the required standard, for the offset site or sites, including a 10 year offset management plan and/or**
    - b. an allocated credit extract from the Native Vegetation Credit Register.**

**A copy of the offset evidence will be endorsed by the Responsible Authority and form part of this permit**
  - 11. In the event that a security agreement is entered into as per condition 4, the applicant must provide the annual offset site**
-

**condition report to the Responsible Authority by the anniversary date of execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.**

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

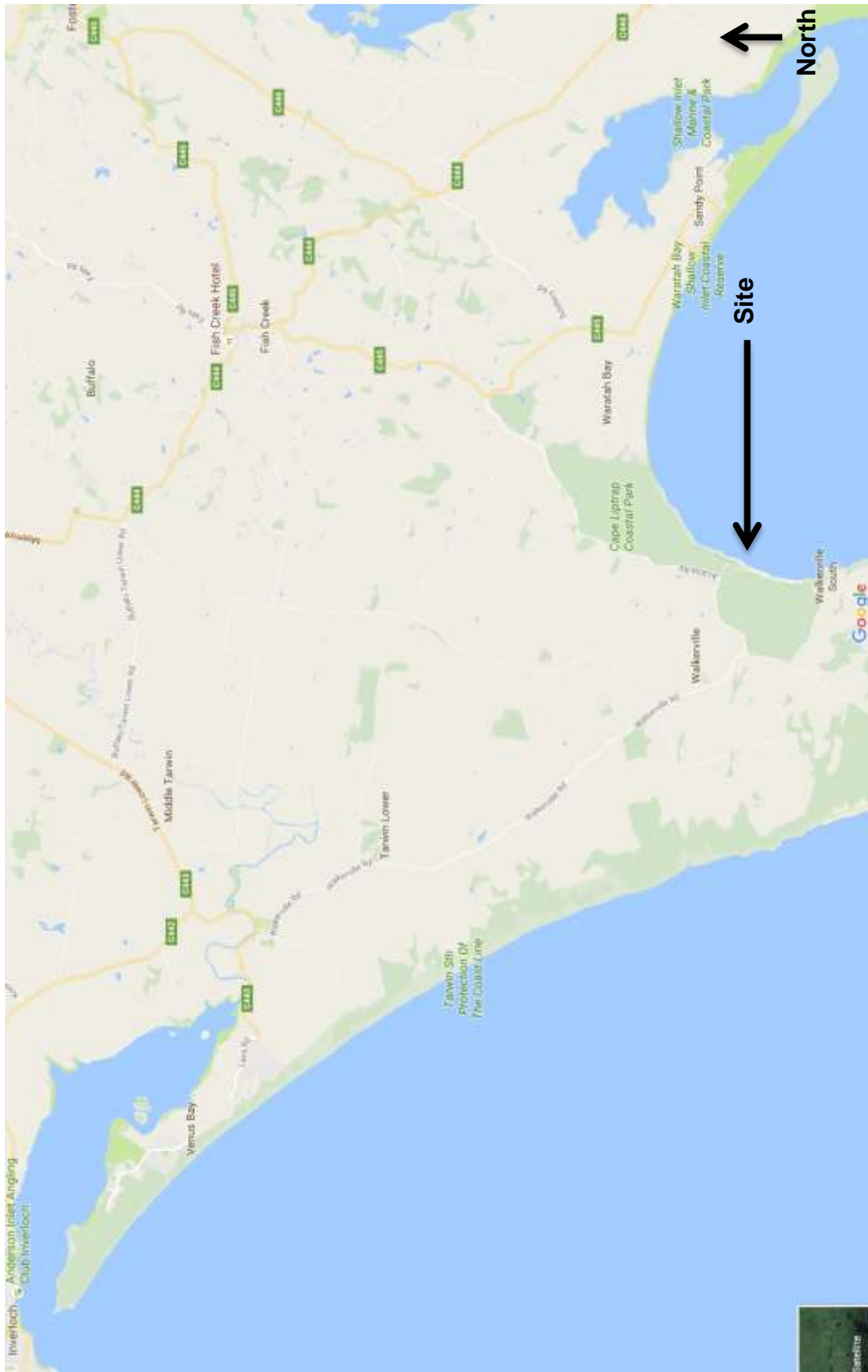
### **Proposed Notes**

- 1. Pursuant to the provisions of Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the time to start development under part (a) of the expiry condition, if the request is made before the permit expires or within 6 months afterwards.**

**The Responsible Authority may extend the time to complete the development under part (b) of the expiry condition if:**

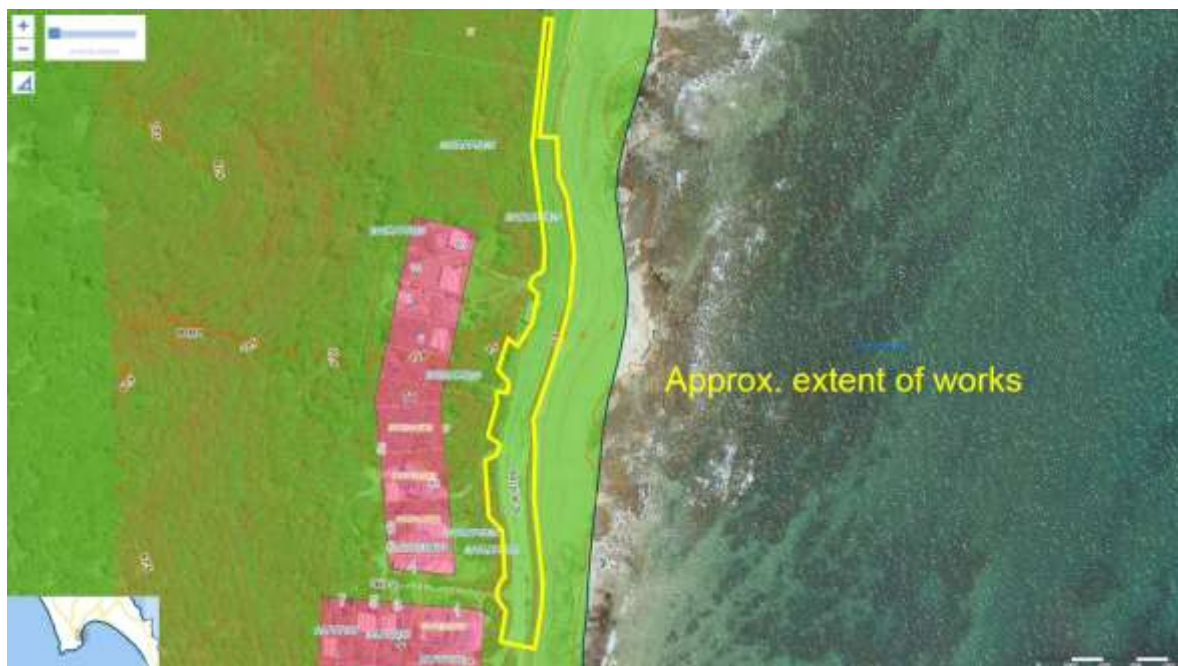
- a. the request for an extension of time is made within 12 months after the permit expires; and**
  - b. the development or stage started lawfully before the permit expired.**
- 2. This permit allows the above land to be used or developed for the purpose specified. It is the permit holder's responsibility to ensure that any other relevant approvals are obtained prior to the commencement of the use or development.**
- 3. The owner/applicant is encouraged to check with the relevant service authorities before any excavation work is undertaken (e.g. Telstra, SP Ausnet and South Gippsland Water).**
- 4. A Consent to Work Within the Road Reserve Permit must be obtained from Council's Engineering Department for the construction and/or alteration of the driveway crossover.**
- 5. Before any works on public land start, a permit to take protected flora under the *Flora and Fauna Guarantee (FFG) Act 1988* may be required. To obtain an FFG permit, please contact Healthy Landscapes at the Traralgon regional office of the Department of Environment, Land, Water and Planning on (03) 5172 2111**

**Attachment 1 - Locality Plan**



## Attachment 2 - Zone and Overlays

### Zone



### ESO3





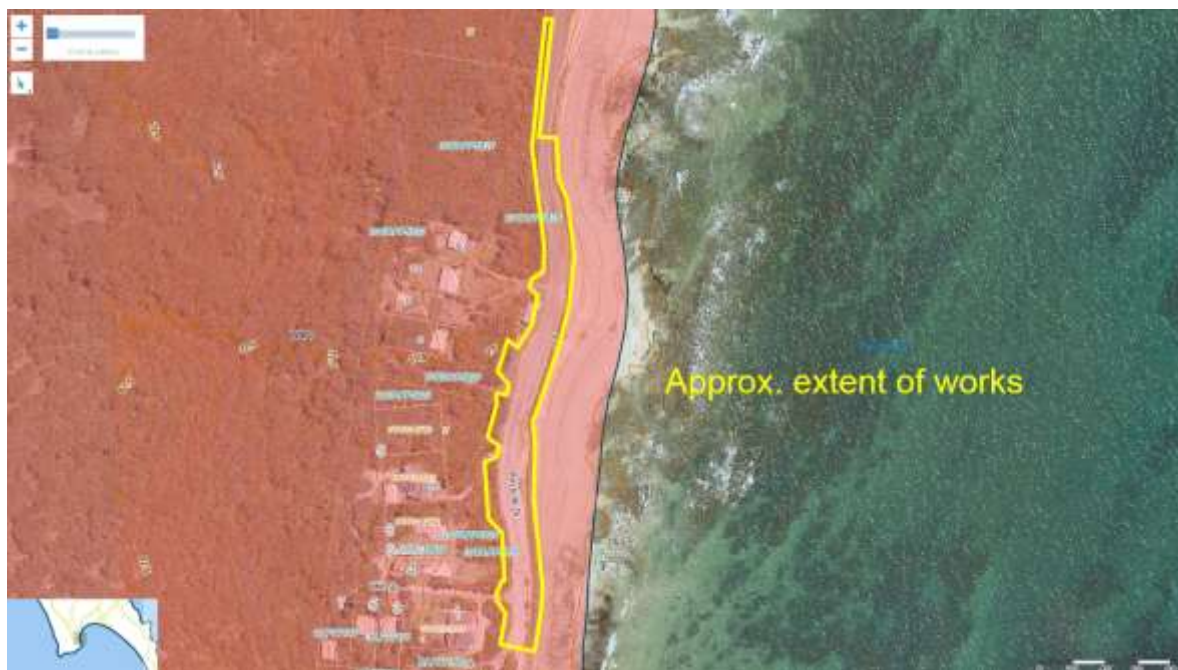
ESO5



HO



BMO





**Attachment 3 - Proposed Site Plan**





### Attachment 4 - Site Photos



Southern end of Bayside Drive where proposed spaces 39 and 40 are to be located, looking south west



Southern end of Bayside Drive where proposed spaces 31-38 are to be located, looking north west





Looking north from the southern end of Bayside Drive along the existing sea wall toward the Walkerville Hall



Example of vegetation along the western side of Bayside Drive that requires removal. Note the non-native and weed species among the native vegetation



Access road between proposed boat trailer spaces 8 and 9. Note some of this vegetation is proposed to be removed and a retaining wall of approx 1.5-2m will be required.



Nicoll Street looking west



Existing BBQ, amenities building and Walkerville Hall looking north from Nicoll Street



Walkerville Hall (heritage item) looking south west



Example of existing drainage on the eastern side of the road (note pooling of water adjacent to the road)



Example of erosion along the sea wall. This photo is looking north from the existing steps that go from Bayside Drive down to the beach





Location of proposed northern turning area looking north west. The measuring tool marks the approximate location of the 9m turning radius



Location of proposed "multi-use" car parks along the northern section of works.



## Attachment 5 - Detailed Planning Assessment and Summary of Submissions

### PCRZ

PCRZ Decision Guidelines	Response
The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.	DELWP has provided conditional consent to the application as the relevant PLM.
Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.	The development is considered to be appropriately located and designed, although it will require some minor amendment as a result of engineering conditions.

### ESO3 and ESO5

ESO3 Decision Guidelines	Response
The purpose of the overlay.	<p>The relevant objectives of the overlay are:</p> <ul style="list-style-type: none"> <li>• To protect and enhance the natural beauty of the coastal area.</li> <li>• To protect and enhance the environmental quality of the coastal area.</li> <li>• To minimise the risk of erosion, pollution and destruction of the environment through poorly managed development.</li> <li>• To ensure that development adjacent to coastal areas is compatible with the environment and does not result in adverse impacts on coastal processes.</li> </ul> <p>The proposal will protect the natural beauty and environmental quality of the area by aiming to minimise the risk of erosion in the vicinity of the works as a result of coastal processes and climate change. The proposal is considered to be compatible with the environment and does not result in any adverse impacts on coastal processes. The proposal is consistent with the recommendations of the Walkerville Foreshore Coastal Protection Works report prepared by Water Technology.</p>

<b>ESO3 Decision Guidelines</b>	<b>Response</b>
The maintenance and improvement of the stability of the coastal dunes and coastlines.	Whilst some vegetation is proposed to be removed, these sections of the works will be stabilised during and following completion of the works to ensure the stability of the coastal dunes is not compromised. The proposed seawall augmentation is considered to be beneficial to prevent inundation and erosion of the existing and proposed roadworks. This is considered to be a fundamental positive of the proposed works because it will improve the stability of the coastline in this locality.
The preservation of any existing natural vegetation.	Unfortunately some vegetation must be removed to accommodate the proposed parking areas. The proposal is considered to be a reasonable balance between maximising car parking, sea wall augmentation and vegetation removal. Vegetation removal is discussed in greater detail at Clause 52.17.
The conservation of any areas of environmental importance or significance.	The sea wall augmentation will aid in the conservation of the area.
The intensity of human activity which the landscapes and the environment in the area can sustain.	The area does receive heavy volumes of visitors and residents during peak periods; However, this decision guideline is not considered specifically applicable as this proposal is not expected to increase the intensity of human activity in the area rather than allow it to be maintained.
The existing use and possible development of the land and nearby land.	The existing use is not proposed to change. Development of the land and nearby land is expected to stay generally consistent with existing development and the proposal should not affect that.
The effect of development on the use and development of other land which has a common means of drainage.	There are a number of Crown Allotments in the vicinity that are not part of the application that have a common means of drainage along the foreshore. This can only be improved by the proposed works which will ensure that future drainage minimises erosion as much as possible.
Whether the development of the land will be detrimental to the natural environment.	The proposal is not considered to be detrimental to the natural environment in terms of water, air or soil quality.

<b>ESO3 Decision Guidelines</b>	<b>Response</b>
<p>The siting, colour and design of buildings and works.</p>	<p>The proposed works are considered appropriate for the area. No specific colours are proposed for the retaining wall although that is not considered necessary to specify because it will either be made of wood or steel/concrete and will not be visually intrusive. The existing sea wall will be augmented and will be in-keeping with the existing works.</p> <p>The parking areas are considered adequate as discussed previously.</p>
<p>The protection of the area for its recreational value.</p>	<p>Whilst it is arguable that some area of recreational value will be lost to car parking, this is considered negligible because those grassed areas are already used informally for parking and there is no defined footpath/walkway, which is also proposed to enhance the recreation value of the area by making it safer for pedestrians.</p>
<p>Any relevant coastal study adopted by the Shire of South Gippsland.</p>	<p>Council has adopted the Coastal Spaces Landscape Assessment Study, South Gippsland Municipal Reference Document (2006). The land is within Character Area 2.3 – Cape Liptrap. The proposal is considered to be consistent with the Landscape Management Guidelines for this area and is not considered to have any adverse effect on the Key Features or Values of this area. The redevelopment of the area is being kept as minimal as possible whilst trying to provide as much parking as possible.</p>
<p>The views of DEWLP</p>	<p>DELWP have provided conditional consent to the application and supplied planning permit conditions, should a Notice of Decision be issued to Grant a Permit.</p>

<b>ESO5 Decision Guidelines</b>	<b>Response</b>
<p>The purpose of the overlay.</p>	<p>The objectives of the overlay are:</p> <ul style="list-style-type: none"> <li>• To protect areas prone to erosion by minimising land disturbance and vegetation loss.</li> <li>• To prevent increased surface runoff or concentration of surface water runoff leading to erosion or siltation of watercourses.</li> </ul> <p>The proposed works do require vegetation removal although that vegetation loss will be offset and also stabilised by retaining walls. The disturbance is kept to a minimum while balancing the need to provide for formal parking areas.</p> <p>The works will include management of stormwater runoff to ensure that the concentration of surface water does not lead to erosion or siltation of Waratah Bay.</p>
<p>The following publications:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Environment Guidelines for Major Construction Sites, Environment Protection Authority, February 1996.</li> <li><input type="checkbox"/> Construction Techniques for Sediment Pollution Control, Environment Protection Authority, May 1991</li> <li><input type="checkbox"/> Control of Erosion on Construction sites, Soil Conservation Authority.</li> </ul>	<p>Prior to any works commencing, the applicant will be required to submit an Environmental Management Plan (EMP) to the satisfaction of the Responsible Authority, which outlines the risks and measures to prevent those risks from occurring in accordance with Environment Guidelines for Major Construction Sites, Environment Protection Authority, February 1996. Particularly in relation to erosion and siltation of the land and ensuring that the works do not affect the quality of water in Waratah Bay.</p>
<p>Any proposed measures to minimise the extent of soil disturbance and runoff.</p>	<p>As above.</p>
<p>The need to stabilise disturbed areas by engineering works or vegetation.</p>	<p>As above.</p>

<b>ESO5 Decision Guidelines</b>	<b>Response</b>
Whether the proposed buildings or works are likely to cause erosion or landslip.	The proposed works are not considered likely to cause erosion or landslip because they will be carried out in accordance with the relevant guidelines and adequately retained.
The views of DEWLP	DELWP have provided conditional consent to the application and supplied planning permit conditions, should a Notice of Decision be issued to Grant a Permit.

HO128 - Heritage Overlay

<b>HO Decision Guidelines</b>	<b>Response</b>
The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.	<p>The South Gippsland Heritage Study 2004 states, "The Walkerville Public Hall is of local social significance to the district of Walkerville. It demonstrates the significance of halls to the development of small rural communities, and is an important part of the identity of the local area."</p> <p>The works within curtilage of the heritage item will not adversely affect its cultural significance. The works within the HO include some of the roadworks to the existing road and seating.</p>
Any applicable statement of significance, heritage study and any applicable conservation policy.	<p>See statement of significance above. The study further states:</p> <p>Extent of Designation: The building and surrounding land to a minimum extent of 5m</p> <p>Conservation Recommendations: Maintain and conserve building and site context.</p> <p>The proposal maintains building and site context.</p>
Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.	The proposed works within the HO are considered negligible and will not affect the location, bulk, form or appearance of the heritage item.

<b>HO Decision Guidelines</b>	<b>Response</b>
Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place	See above.
Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.	See above

52.17 – Native vegetation

<b>52.17 Decision Guidelines</b>	<b>Response</b>
<p>The contribution that native vegetation to be removed makes to Victoria's biodiversity. This is determined by:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The extent and condition of the native vegetation.</li> <li><input type="checkbox"/> The biodiversity value of the native vegetation, including whether the native vegetation is important habitat for rare or threatened species.</li> </ul>	<p>The vegetation proposed to be removed is considered to make a negligible contribution to Victoria's biodiversity. Council's Biodiversity Officer conducting an assessment of the vegetation and found that the extent of the native vegetation was minimal. Its condition was assessed as being moderate. Its strategic biodiversity score is in the lowest band and is unlikely to be important habitat for rare or threatened species.</p> <p>The offset required is 0.005 equivalent biodiversity units. DELWP have provided planning permit conditions, requiring a suitable offset, should a Notice of Decision be issued to Grant a Permit.</p>

<b>52.17 Decision Guidelines</b>	<b>Response</b>
<p>Whether the removal of native vegetation is defined as being in the low, moderate or high risk-based pathway, as defined in the Permitted clearing of native vegetation – Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013) and apply the decision guidelines accordingly.</p>	<p>Low.</p>
<p>The need to remove, destroy or lop native vegetation to create defensible space to reduce the risk of bushfire to life and property, having regard to the other available bushfire risk mitigation measures.</p>	<p>N/A. It is not being cleared to create defensible space or reduce the risk of bushfire.</p>
<p>The role of native vegetation in:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Protecting water quality and waterway and riparian ecosystems, particularly within 30 metres of a wetland or waterway and in special water supply catchment areas listed in the Catchment and Land Protection Act 1994.</li> <li><input type="checkbox"/> Preventing land degradation, including soil erosion, salination, acidity, instability,</li> </ul>	<p>The role of the vegetation in protecting water quality or stabilising to prevent erosion is considered moderate. Even though it currently stabilises the dune, replanting and retaining will have the same or better outcome in the locality.</p> <p>There are no signs of acid sulfate soils in the locality and it is likely that they would have been exposed by previous works in the locality if they did exist.</p>

<p>and water logging, particularly:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Where ground slopes are more than 20 per cent.</li> <li><input type="checkbox"/> On land which is subject to soil erosion or slippage.</li> <li><input type="checkbox"/> In harsh environments, such as coastal or alpine area.</li> <li><input type="checkbox"/> Preventing adverse effects on groundwater quality on land:</li> <li><input type="checkbox"/> Where groundwater recharge to saline waterbodies occurs.</li> <li><input type="checkbox"/> That is in proximity to a discharge area.</li> <li><input type="checkbox"/> Which is a known recharge area</li> </ul>	
<p>Managing native vegetation to preserve identified landscape values.</p>	<p>Not all of the vegetation to be removed is native or desirable. Some are “weed species”. The offset revegetation and improvement works will preserve the landscape values of the locality.</p>
<p>The conservation of native vegetation protected under the Aboriginal Heritage Act 2006.</p>	<p>N/A. It is not protected under the Aboriginal Heritage Act.</p>

There were 7 objections received. The issues raised are summarised and addressed below:

<b>Concerns raised</b>	<b>Response</b>
<p>Lack of consultation or input into the proposal/design. Also, proper procedure has not been followed regarding consultation with interested parties and residents</p>	<p>A number of submissions raise concern regarding the consultation process. It appears that they would have liked the applicant to take into account their views/opinions prior to making the application. However, Council cannot force or be responsible for the level of consultation an applicant undertakes prior to submitting an application.</p> <p>Council required the applicant to send postal notices to all properties in the direct vicinity of the proposed works. A site notice was placed at the Hall. Council considers this to be a reasonable level of notice for the purpose of</p>



	<p>Section 52 of the Act.</p> <p>One objector has mentioned on several occasions that he considers proper process/procedure has not been followed, but when questioned, will not elaborate on what level of consultation is considered necessary, other than stating that Council should hold a public meeting. The application will be determined by Council at a public meeting because there are more than five objections.</p> <p>Council has also discussed the proposal with the Walkerville Resident's and Ratepayers Association Inc., who represents a large number of residents in the area. The President of the Association advised that their members had differing views on the proposal so the Association would stay neutral.</p> <p>Council received amended plans from the applicant on 25 July 2016 showing additional car parking, with shared spaces shown for cars with boat trailers and without. This was forwarded to the Association President, the Walkerville Bluewater Boating and Angling Club (WBBA) and one other objector who made contact with Council. No further submissions were received in relation to the amended plan.</p> <p>Council acknowledges that all previous objections apply to the amended proposal as they have not been withdrawn.</p>
<p>Reduction in the number of existing (informal) parking spaces and lack of proposed parking spaces (primarily for cars with boat trailers)</p>	<p>There are claims by some objectors that there is sufficient existing area to accommodate parking for 50 cars with trailers and 25 cars without. Whilst this number of cars may have been present during peak periods in the past, it is considered that if that had occurred, those people must have been parking dangerously or illegally along the road reserve. This is because there is simply not enough space to accommodate that many cars and trailers in the area available. At the moment, there is approximately 350 linear metres of area off the road way that can be used for parking without interfering with the function of the road. If each car and trailer has an average length of 11m and each car has an average length of 5m, then to accommodate the amount of vehicles claimed there would need to be at least 675m of space (550m for cars with trailers and 125m for cars without). Even if some of these vehicles parked on angles then they would probably be interfering with the function of the road.</p> <p>Furthermore, it is not considered to be a safe practice</p>

	<p>having people park wherever they desire without some formal delineation of spaces. Whilst it may have been acceptable for a long period of time, it is not considered reasonable to leave the situation as it currently exists in perpetuity.</p> <p>In consultation with the WBBA, the WFCoM amended the plans to include additional parking and delineate spaces as “multi-use”. The new proposal allows boat users the opportunity to park in parallel spaces along the foreshore as well as the 15 originally designated spaces that require reversing. The proposal now allows up to 31 car and trailer spaces and 19 without, or up to 15 car and trailer spaces and 62 without. This is considered to be a reasonable and flexible amount of spaces given the restricted physical space in which to provide them.</p> <p>It should also be noted that none of the objectors have adduced evidence of 50 car and boat trailers being parked in the locality even though it may be physically possible. One objector provided a photo showing 17 cars with trailers and 13 without, taken on or about 25 January 2012. The objector states that there are only 3-4 times per year (but then also states 5-6 times) where there would be more than 20-25 cars with trailers present at any one time. Council considers that the revised proposal would provide sufficient parking for the majority of the time if this is the case (i.e. <math>359/365 = 98.4\%</math> of all days during the year there would be ample parking). Council does not consider it reasonable to require any applicant to provide car parking for any use or development to account for absolute peak periods. Such a requirement would simply not be economically viable and physically impossible in most cases.</p>
<p>The reduction in parking will adversely affect all users including recreational fishing operators</p>	<p>As stated above, there has been no evidence provided that would substantiate this claim. The applicant is providing 31 car and trailer spaces, which should be sufficient to cater for the majority of boat users for a majority of the time.</p>

Concerns raised	Response
<p>Boat trailer parking is too small and won't accommodate all vehicles</p>	<p>The spaces have been designed to be a minimum of 11m long and varying widths depending on whether they are angle or parallel parking. Some spaces will be longer than 11m. It is noted that some people have larger vehicles and boats that can exceed this length; However, most vehicles are less than 5m long and an average boat is estimated to be 3.6-5m long. As such, the spaces that are a minimum of 11m long should accommodate the average car and trailer comfortably.</p> <p>On Council's 2015 aerial photography of the area, of the three cars with trailers, only one is 11.9m long and the other two only slightly over 10m. On the 2012 aerial, all seven cars with trailers are equal to, or less than 11m long.</p> <p>The amended plan will allow larger cars with trailers to be accommodated in the "multi-use" spaces.</p>
<p>Traffic safety, particularly reversing of vehicles from spaces</p>	<p>Council's engineering and assets department has considered the potential effects of the proposal on road safety for vehicles and pedestrians. They have proposed conditions for any permit requiring a road safety audit that will need to recommend appropriate traffic calming devices and signage to advise of reversing vehicles as well as pedestrians in a "shared zone". Whilst not considered to be ideal, with the limited space available and in a low speed, low volume (cul-de-sac) environment it is considered acceptable to allow reversing of vehicles into the flow of traffic.</p>
<p>Monitoring of illegal parking</p>	<p>If the application is supported and the parking is then signposted, Council may monitor illegal parking similarly to any other area within the Shire that has sign posted parking. This is a responsibility of Council under other legislation.</p>
<p>That there is no need for the proposed works as there is no existing issue with parking and it is a waste of the Shire's and applicant's money</p>	<p>This is considered to be a subjective claim that is not substantiated. It also only focuses on one aspect of the proposal (parking) and ignores the other significant component which attempts to protect the foreshore itself.</p> <p>Whilst there may be differing views on what is or isn't needed and what is or isn't a good use of money, these are not normally planning considerations. The SPPF contains one provision which relates to 'need' in relation to works on coastal crown land. However, the works to augment the sea wall are considered relatively high in</p>

	<p>terms of 'need', in order to protect the foreshore and existing road infrastructure and to provide ongoing access to existing residents and users of the area. Proposed LSIO mapping shows that without the augmented sea wall, parts of Bayside Drive would become inundated by future storm events.</p> <p>It is also considered that just because something is not 'needed', does not mean that Council cannot or should not grant a permit. If that were the case then many other permits would not be granted.</p> <p>Council's contribution of money toward the construction or carrying out of works is a separate matter for Council to consider under its budgeting process and is also not a relevant planning consideration.</p>
<p>The proposal will restrict the number of recreational fishers and is against State Government Policy to increase recreational fishing</p>	<p>This is not considered a reasonable argument to weigh against the proposal. Firstly, the proposal aims to provide as many parking spaces that are able to be located in the available physical space and within a defined budget. Providing formalised parking spaces may restrict the number of people that can park in the area in an ad hoc manner; however, that is not considered to weigh against a broad State policy to increase recreational fishing across the State.</p>
<p>The application is an attempt to restrict the use of the Walkerville area to the general public</p>	<p>This is considered a subjective statement that has not been substantiated. The WFCoM have been given consent by the PLM (DELWP) to make the application to Council. The works are identified in the Committee's plans for the area.</p>
<p>The WFCoM is not representative of the wider community interest</p>	<p>This is also considered to be a subjective statement that has not been substantiated, nor does the WFCoM need to be representative of the wider community. Like any other Committee of Management, they have responsibility for the management of a particular piece of land. They are only required to be representative of themselves and the relevant PLM. If anyone else in the community has different interests or views in relation to the application then they have been given the opportunity to object through the planning permit process. Only seven objections have been received to the application and this is not considered to be a substantial number of objections to a proposal.</p>

## **E.8 BENA ROAD DEVELOPMENT PLAN - 82 LOT RESIDENTIAL SUBDIVISION**

Development Services Directorate

### **STAFF DISCLOSURE OF INTEREST**

Nil

### **EXECUTIVE SUMMARY**

A combined development plan and planning permit application has been submitted to Council which proposes the development of an 82 lot residential subdivision on the land at 66 - 90 Bena Road Korumburra.

Before the planning permit application can be assessed, a development plan must be approved for the land in accordance with the requirements of the Development Plan Overlay Schedule 6 (DPO6). The DPO6 was applied to Korumburra's main residential growth area by Amendment C66 in December 2013. The purpose of the DPO6 is to facilitate coordinated residential development across the many lots in different ownerships that combine to form the 75 hectares included by the DPO6.

The development plan for 66 - 90 Bena Road has been exhibited and four submissions received objecting to elements of the plan. One of the submissions is a group submission with 13 local residents as signatories. The purpose of this Council Report is for Council to consider the issues raised in the submissions and consider approval of the development plan.

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

- **Attachment 1** - Subject Land - including identification of submitter locations
- **Attachment 2** - Development Plan Overlay Schedule 6 'Korumburra Residential Growth Areas'
- **Attachment 3** - Proposed development plan
- **Attachment 4** - Development Plan exhibited in November 2015 (not approved)
- **Appendix 1** - Submissions to development plan

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.

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

- Planning and Environment Act 1987 (the Act)
- South Gippsland Planning Scheme

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

- Infrastructure Design Manual

## **COUNCIL PLAN**

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

## **CONSULTATION**

Exhibition of the development plan occurred between 4 July and 22 July 2016. Exhibition involved letters to the owners / occupiers of adjoining and surroundings lands (including all residents adjoining Bena Road), Community Noticeboard listing in the local newspapers, A3 yellow sign on the subject land, public noticeboard display in Commercial Street, and Council webpage with a link from the Homepage 'Documents on public exhibition'.

A community meeting was convened on Tuesday 12 July 2016 at Coal Creek Heritage Park and Museum to discuss the development plan. Ten local residents attended.

At the close of exhibition, four submissions (including a group submission of 13 local residents) were received objecting to, or requesting changes to the development plan. Submissions were also received from the West Gippsland Catchment Management Authority (WGCMA), VicRoads, South Gippsland Water and the Department of Environment Land Water and Planning (DELWP). Submissions are provided in **Appendix 1**.

The DELWP submission (requesting 30 metre waterway buffers) was received at Council after the agreement was reached between Council, the developer and the WGCMA on the extent of waterway buffers required on the land. DELWP has subsequently been advised of the agreement with the WGCMA.

It is noted that a previous development plan for 66 Bena Road was exhibited in November 2015. That development plan proposed 71 lots on 8.5 hectares and received 19 submissions, most of which were objections. The exhibition of the former plan, which was not approved, was beneficial in informing local

residents and developers of the development constraints in the area and Council's expectations for new residential subdivisions. Submitters to the previous development plan were notified for the new development plan.

## REPORT

### Background

As noted above, the subject land (**Attachment 1**) and broader surrounding area is affected by the Development Plan Overlay Schedule 6 'Korumburra Residential Growth Areas' (DPO6) provisions of the planning scheme (**Attachment 2**). The DPO6 was applied at the same time the land was rezoned General Residential Zone 1 (GRZ1) by Amendment C66 in 2013. Amendment C66 received objections and was considered by a Panel. The Panel supported the rezoning of the subject land from the Farming Zone to the GRZ1 and the application of the DPO6 Schedule. A number of the Schedule provisions are directly relevant to matters raised in the submissions to the development plan.

Importantly, the DPO6 Schedule seeks to ensure that the future subdivision of the DPO6 land has a sympathetic interface (boundary) with existing residential development (particularly land in the Low Density Residential Zone) as well as land in the Industrial Zone on the northern boundary of the DPO6. This point is highlighted to demonstrate that many of the issues addressed in the submissions were envisaged as potential concerns to local residents when the DPO6 Schedule was prepared for inclusion in the planning scheme in 2013.

Exhibition and approval of the development plan is an important stage in the approvals process for the subdivision of the subject land. The DPO provisions state that where a planning permit application accords with the requirements of an approved development plan, the permit application is exempt from notice (advertising) and appeal (VCAT). This means that once a development plan is approved, no further public consultation or engagement is required. Council's exhibition of the development plan clearly noted this point so that residents with potential concerns were aware that the development plan assessment process was the time to make a submission.

A final background point to note in relation to the development plan approval process is that how Council approves a development plan is not guided or controlled by provisions of the Act. Unlike planning scheme amendments which must be formally adopted by Council, a development plan can be approved by a delegated Council officer. Although there is no statutory reason to bring this development plan before Council, the fact that the next stages in the subdivision's approval occur without public involvement, means that Council and the community should be advised, and able to comment on, the development plan subdivision layout (**Attachment 3**) proposed to be approved as the basis for the development plan. Should Council support the siting and design principals set-out in the development plan the other

technical documents requiring approval (e.g. traffic study, stormwater plan, flora and fauna study) will be approved at Council officer level.

### **Discussion**

Residential subdivision of the subject land is not straightforward, the subject land is undulating to steep, is affected by waterways, is potential habitat of protected flora and fauna and requires some extent of off-site infrastructure upgrades to integrate effectively with surrounding infrastructure networks. The nature of these development constraints means that an ideal development outcome that satisfies all parties is difficult to achieve.

The proposed development plan in **Attachment 3** seeks to respond to these constraints in an appropriate manner.

### Waterways

The subject land is affected by two waterways, Foster Creek to the south and an unnamed ephemeral (temporary) tributary of Foster Creek to the north. Being declared waterways, the State Planning Policy and the WGCMA usually require 30 metre environmental buffers on both sides of these waterways as the default position. The buffers can be reduced where a reduction can be justified.

Waterway buffers provide environmental benefits, however buffers in new subdivisions can become an ongoing Council maintenance responsibility, and for developers, buffers reduce the potential lot yield of a development site.

Council's initial position was that the northern waterway should be piped and developed over. This would reduce Council's ongoing maintenance costs and increase the lot yield for the developer. The WGCMA were not responsive to this request and require the waterway to remain open and buffered.

After extensive discussions between the parties it has been agreed that the WGCMA would allow reduced waterway buffers subject to waterway management plans being prepared and development restrictions being placed on some of the lots to be created within the 30 metre buffer areas (see **Attachment 3**). This outcome benefits Council as it reduces the extent of land Council has to maintain and is especially significant for the land on the northern side of Foster Creek which is very steep and inaccessible for Council equipment to maintain. This land is discussed in further detail below.

The developer has compromised by reducing the lot yield for the lots adjoining the northern waterway (two large lots proposed) and reducing the size and development potential of the lots on the northern side of Foster Creek. At the request of the WGCMA a 5 metre wide maintenance reserve has also been included in this area.

How the waterways are rehabilitated, treated for stormwater management and flood management, vegetated and then maintained by Council and the buffer area landowners is central to the long term success of this proposal.



The applicant has provided a flood study which demonstrates that the lots will not be affected by flooding and provided a basic landscape plan for the future Council reserve areas. A much higher level of detail will be required by Council as part of the planning permit conditions for the subdivision of the land, however the detail provided thus far is considered sufficient to approve the development plan in relation waterway management. Design specific issues, such as the location of gross pollutant traps (issue raised in the group submission) will be considered as part of the planning permit process.

While a final understanding is yet to be reached, it is currently expected that some of the land on the southern side of Foster Creek will be identified for public open space, however the remaining waterway buffer area will be fenced off by post and wire fence and gated to allow maintenance vehicle access. Crushed rock access tracks within the buffer area will be required.

While public access to the actual waterway might have some amenity and aesthetic benefits (issue raised in the group submission), the steepness and instability of the banks makes public access unsafe. Fencing this area, removing invasive species and planting it out with native species presents the most effective long term environmental, safety and Council maintenance option for this waterway. Fencing has environmental benefits as it assists in protecting native fauna from human and domestic animal disturbance. The submitters note that koalas have been sighted in this area. Grassed areas in Council management are to be minimised or avoided entirely. Council mowing is labour intensive and has proven problematic in other residential subdivisions adjoining Foster Creek to the northeast of the subject land.

#### Impacts on adjoining residential land

The residents of 6 and 7 Willow Court object to the proposed creation of three new lots adjoining their rear boundaries. Willow Court is zoned Low Density Residential and both of the submitter's lots are over 8,000 square metres and have rear boundaries with the subject land over 100m long. The dwelling on 6 Willow Court is off-set only a few metres from the rear boundary and enjoys an outlook over the subject land. This submitter notes that new dwellings (especially two storey dwellings) could impact their privacy and they request that restrictions be placed on the new subdivision requiring single storey dwelling construction along this boundary. The submitter also comments on the difficulties they experience maintaining the undeveloped steep parts of their land where the slope is similar to that on the subject land where new lots are proposed to be created.

As noted above, the DPO6 provisions (**Attachment 2**) were prepared in anticipation that Willow Court residents may not welcome the creation of new residential lots adjoining their land. The DPO6 seeks to manage this interface with its requirement for:

*"The provision of a sensitive residential interface with adjoining residential land. Lots directly adjoining the Low Density Residential Zone (LDRZ) must include a rear setback of a minimum of 7 metres from the zone boundary to*

*any new structure, with a minimum of a 3 metre wide landscape buffer along the zone boundary, or alternative, determined to the satisfaction of the Responsible Authority."*

These buffer requirements are accepted by the developer and have been included in the development plan and will subsequently be included in the subdivision planning permit conditions as ongoing restrictions on the newly created lots. Combined with the other requirement of the DPO6 that the developer provide (at their expense) a 1.8m high fence along the interface boundary, this is considered a satisfactory response to the management of this development interface. A restriction requiring the creation of only single storey dwellings is not supported. Overlooking and privacy is managed by existing provisions of the planning and building approvals systems and placing additional restrictions on the new lots is not considered warranted.

It is noted that the previously exhibited version of the development plan (**Attachment 4**) proposed four and a half new lots adjoining both 6 and 7 Willow Court. The reduction down to 3 new adjoining lots is considered by Council officers to be an acceptable outcome. The new plan also seeks to configure the lot boundaries to avoid the existing lots sharing between them a rear boundary with a newly created lot.

Ideally zoning boundaries should not occur at fence line however sometimes this cannot be avoided. Requiring the developer to further reduce the number of adjoining lots is not consistent with the General Residential zoning of the land that promotes the creation of smaller lots. The reduction in the number of adjoining lots, their alignment in relation to the neighbouring land and the buffer provisions of the DPO6 will combine to reduce the amenity impact of the new development on 6 and 7 Willow Court.

#### Slope of the land

In addition to the challenges posed by the waterways, the slope of the land provides more restrictive impacts on the land's development potential. Of particular concern is the land on the northern side of Foster Creek (proposed lots 56 to 61) where the slope of the land is approximately 20%. Parts of this area exceed the slopes found in Abby Road and Lauren Way in the new subdivision on the eastern side of Jumbunna Road commonly referred to as the Hanna Rise Estate. The submitters draw comparisons between Hannah Rise Estate and the subject land in arguing that this steep area should not be developed, or developed as part of larger lots.

The DPO6 was prepared with the management of steep land specifically considered. The DPO 6 states:

*"Where steeply sloping land exists on the site, the development plan shall detail how the proposed design responds to the topography and contours of the land, and whether significant earthworks are likely to be required for subdivisions to ensure good development design outcomes are achieved. Where land exceeds a slope of 20% a geotechnical report must be prepared*

*by an appropriately qualified person demonstrating the suitability of the land for development".*

The current development plan proposes the creation of 9 lots in the steep area north of Foster Creek. To assist in address the slope constraints the proposed lots are large, ranging between 1,130 square metres and 2,358 square metres, providing an average lot size of 1,300 square metres. In addition to area, the lots are wide, with most of the lots exceeding a width of 32 metres, which is 10 metres wider than the steepest lot in Hannah Rise Estate.

Lot size and width is important when creating subdivisions on steep land. It creates design and siting options and provides sufficient room to develop without requiring retaining walls on or close to lot boundaries. While these benefits are provided, these lots will be the steepest residential lots in Korumburra and will be challenging to build on. Lots 56 to 61 are particularly steep and dwellings will have to be set close to the road, most likely requiring reduced front setbacks to minimise earthworks. Geotechnical investigation will be required as part of the planning permit approvals process to ensure that dwelling development is safe.

The submitters note the steepness, wetness and related maintenance difficulties that subdivision of this area will involve. The submitter at 6 Willow Court notes the difficulties they have maintaining their steep land. While creating lots on steep land is problematic the only alternative option is for Council to take on this area as a Council reserve. This is not an acceptable outcome as the land is too steep to place mechanical equipment on, meaning that maintenance would have to occur manually which would be cost prohibitive. The land is currently in private ownership and it is recommended that retaining the land in private ownership through the creation of large appropriately configured lots, is the best option for this area.

The submitters note that the steep land might be difficult to sell and maintenance of the unsold residential lots may create problems especially in relation to fire management. Council can require appropriate land maintenance (including fire prevention works) on any undeveloped parcel of land through its Local Laws functions. There are no land management reasons requiring the steep land to become a Council reserve.

Slope is also a challenge for road design. The road on the norther side of the crossing of Foster Creek will be steep. In response to strong concerns expressed by Council officers in relation to the previous development plan proposal, the developer has secured an additional existing lot fronting Bena Road, providing a wider development area across the steepest part of the land. This allows the road to be moved further to the west where it has been aligned to reduce its grade. The road will still be steep however it will comply with Council's Infrastructure Design Manual. This is a critical improvement to the layout of the subdivision.

A proposed pedestrian connection between the waterway crossing and Road 1 in Stage 3 (adjoining lot 56) has had to be removed from the plans as this area is too steep for a pathway and providing steps is a safety and maintenance concern. While unfortunate, the length of the road in Stage 3 is not excessive and should not discourage pedestrian use.

#### Off-site infrastructure upgrades

The group submission, comments that Bena Road is substandard and requires upgrading to support new development. Of particular concern is the intersection of Bena Road and Jumbunna Road which is a complex intersection also involving the intersection with George Street.

The traffic report prepared by the developer as a part of the development plan states that upgrading of this intersection is not required to facilitate the proposed development. Jumbunna Road is a VicRoads road and their views were specifically sought on this intersection. VicRoads has responded that the existing arrangement is sufficient to manage the proposed subdivision. While not specifically addressed in their formal response, VicRoads has also commented that the proposed development is unlikely to place additional pressure on the intersection of Whitelaw Road and the South Gippsland Highway, northwest of the subject land.

Although Bena Road is a Council road, any speed reduction on the road will require the approval of VicRoads. At present the speed limit adjoining the subject land is 100kph. Were this speed limit to remain, VicRoads advise that the proposed vehicle sight lines for vehicles heading west on Bena Road towards the proposed T intersection at the subdivision, will not satisfy Austroads standards. This means that either the speed limit must be reduced or a protected right-hand turn intersection treatment provided. Reducing the speed limit is the logical response, especially as the proposed subdivision has lots with direct driveway access to Bena Road, however in the event that a protected turn is required, the road reserve is wide enough to allow these works to occur. These issues are manageable and whatever outcome eventuates must satisfy Austroads standards and Council's Infrastructure Design Manual before the subdivision is approved.

The developer has acknowledged Council's intentions to place conditions on the subdivision planning permit requiring them to provide pedestrian connectivity on the northern side of Bena Road to connect the subdivision to the existing footpath network which currently ends 160m east of the subject land. They will also be required to widen the road seal on the northern side of Bena Road. Kerb, channel and drainage will be provided directly adjoining the subject land; however Council cannot require these works to occur outside of the direct frontage. A development contributions agreement is registered on the titles to the subject land and monies collected from this agreement can be put towards upgrading off site works such as kerb and drainage works. Upgrading of the road and drainage east of the subject land will assist in addressing existing drainage problems in the locality unrelated to the subject land.

The group submission requests confirmation that the existing landowners adjoining Bena Road will not be required to contribute to infrastructure upgrades directly required to facilitate the proposed subdivision. No special charge scheme is proposed for Bena Road and any off-site works Council requires directly related to the proposed subdivision must be borne entirely by the developer directly or through contributions and not adjoining landowners.

#### Other Submitter issues

##### *Flora and Fauna*

Two of the submissions comments on deficiencies in the flora and fauna study submitted as part of the development plan. The local residents have extensive knowledge of the area and have advised the developer and Council of the presence of koalas, endangered fish (Galaxia) and other species local to Korumburra including the Narracan burrowing crayfish. The crayfish is often co-located with the Giant Gippsland Earthworm, however a survey of the site for the worm failed to detect its presences. This does not mean it is not on the site and if worms are found, Federal Government approval is required to disturb or destroy their habitat. Prior to the development plan being approved, Council officers will request this additional information be added to the consultant reports as an addendum where required.

##### *Education and Recreation*

The group submission discusses the potential educational benefits of providing a 'showcase riparian zone' and walkways along both waterways. While valuable suggestions it is not possible to commit to provide pathways within the wetland areas. Walkways, interpretative information and riparian recreational features are increasingly common in metropolitan Melbourne and are key attractants for residents looking to purchase land in new developments. However such developments typically occur in Melbourne Water's jurisdiction where Melbourne Water's development services schemes (developer levies) assist in the funding and ongoing provision of such works. Any feature built, or use occurring in the Council reserve waterway buffer area will require ongoing maintenance and management by Council. The WGCMA is not funded to undertake the same programs undertaken by Melbourne Water. If signage or educational / interpretive information is provided in the subdivision it will become an ongoing Council responsibility and must be inexpensive to maintain.

#### Unmade Road Reserve / emergency vehicle access

The subject land is adjoined on its western boundary by an unmade road reserve running north from Bena Road, crossing both waterways and ending at the South Gippsland Highway. The road reserve adjoins Road 3 in Stage 2 of the development plan. The developer has commented that the road reserve and / or the adjoining privately owned land to the west might provide a secondary access point for emergency vehicle access. Council does not consider this practical and is assessing the proposal on the basis that only one access point will be provided to the development.

A similar single entry point was proposed in the first development plan exhibited. In response to that plan the CFA note that it was not preferred, however they would not object to its approval. Thus far the CFA has not commented on the updated development plan however a similar response if forthcoming would be anticipated. The subdivision provisions of the planning scheme have no mandatory requirement for secondary access to be provided, only that emergency vehicles be able turn around at the end of the road. Where practical, secondary access should be provided, however the practical option does not exist on the subject land at this time.

#### Water pollution

A submission includes extensive details of waterway pollution that occurred in Foster Creek when a residential subdivision was constructed upstream of the subject land in the last 1980's. The pollution was the result of topsoil disruption during the development of the subdivision. The EPA issued a pollution abatement notice on the developer.

Since the 1980's significant improvements have occurred to sediment runoff control practices in the development industry. Any planning permit issued for the subdivision of the land will require, by planning permit conditions, best practice sediment and stormwater management controls be used during the construction of the subdivision. This will be especially important given the slope of the land on the northern side of Foster Creek.

#### Aboriginal Cultural Heritage Assessment

The development plan was exhibited with a preliminary assessment document called an 'Aboriginal cultural heritage due diligence assessment'. This document has now been superseded by a completed and endorsed Aboriginal Cultural Heritage Management Plan (CHMP). The CHMP is required because the land adjoins a named waterway. Some aboriginal artefacts have been found on the land and their preservation will require consideration as part of the subdivision of the land. The CHMP has been placed on Council's webpage.

#### Public Consultation

A submission comments that insufficient time has been provided to comment on the proposal. Exhibition of the development plan occurred for three weeks. This is one week longer than required for the exhibition of a planning permit application. Exhibition of a development plan is not required by the Act and the exhibition undertaken is considered sufficient to inform local residents of the proposed development and respond accordingly.

#### South Gippsland Water

The key issue raised in the response from South Gippsland Water (SGW) is the statement that the existing sewer main crossing the subject land is in poor condition and poorly suited to manage new connections. How sewer connection is provided is the responsibility of the developer to address

through consultation with SGW. The subdivision must be connected to the sewer system and it is the responsibility of the developer to achieve connection (to the satisfaction of SGW) before any lots are released for sale.

#### Department of Environment Land Water and Planning (DELWP)

The DELWP submission comments that lots will back onto the waterway buffers, providing poor passive surveillance (safety) in these areas. DELWP's submission was made without knowledge of the discussions occurring with the WGCMA regarding waterway management or Council officer's preference that Foster Creek not be open to public access. With the possible exception of a small pocket park within the Foster Creek reserve, the balance of this reserve is not intended to be open to the public.

The northern waterway buffer area has excellent passive surveillance from the roads and dwellings on the southern side of the waterway.

#### **Proposal**

It is proposed that Council adopt the development plan as the subdivision plan for the land and that all other elements that form the requirements for the development plan be approved by Council officers provided they are generally consistent with this plan. Following adoption of the development plan it is proposed to consider the planning permit application for the staged subdivision of the land provided it is consistent with the recommendations of the approved development plan.

#### **FINANCIAL CONSIDERATIONS**

There are no financial implications for Council directly related to the assessment and approval of the development plan.

#### **RISKS**

Careful consideration of the development plan reduces the risk posed to Council from ongoing maintenance and management of development infrastructure in the subdivision.

#### **CONCLUSION**

The development plan for 66 - 90 Bena Road has been subject to detailed consideration and public exhibition on two occasions in the past year. The current development plan is a significant improvement on the earlier plan and appropriately responds to the development constraints provided by the waterways, land slope and various other environmental and infrastructure constraints. The plan does not satisfy all of the concerns of the submitters however significant improvements have been made to the plans to lessen the impact of the proposed development on adjoining and surrounding landowners.

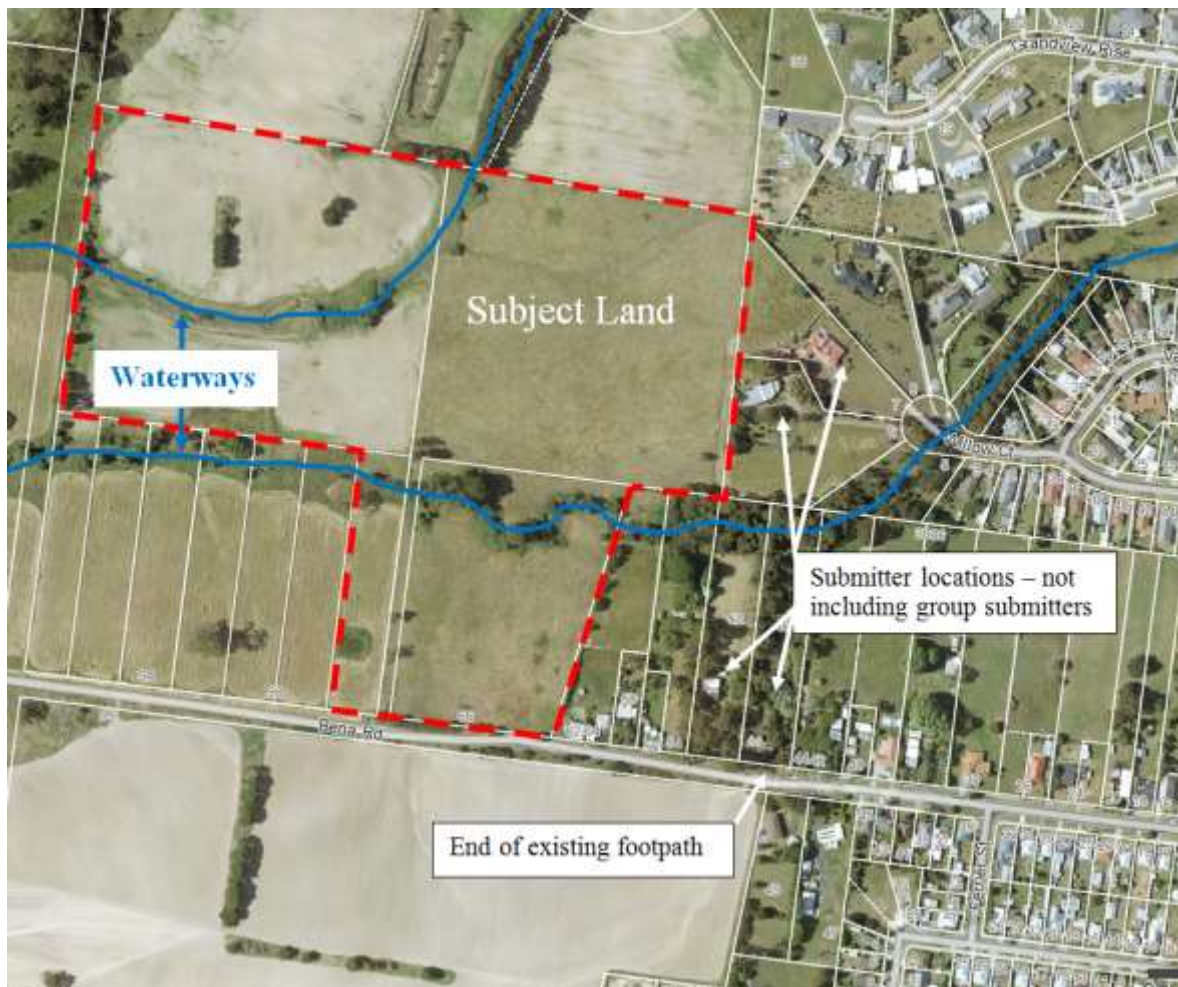
## **RECOMMENDATION**

### **That Council:**

- 1. Adopt the development plan generally in accordance with the subdivision layout plan for the land at 66 - 90 Bena Road Korumburra as detailed in Attachment 3.**
- 2. Authorise the Planning Department to approve all additional technical documents generally consistent with the plan in Attachment 3 to fulfil the requirements of the Development Plan Overlay Schedule 6 'Korumburra residential growth areas'.**



**Attachment 1**  
**Subject Land - including identification of submitter locations**



Bena Road Korumburra

## Attachment 2 Development Plan Overlay Schedule 6 'Korumburra Residential Growth Areas'

Note: This document is already in the South Gippsland Planning Scheme. No changes are proposed to this document.

SOUTH GIPPSLAND PLANNING SCHEME

06/12/2013  
CSE      **SCHEDULE 6 TO THE DEVELOPMENT PLAN OVERLAY**

Shown on the planning scheme map as **DPO6**.

**KORUMBURRA RESIDENTIAL GROWTH AREAS**

09/12/2013  
CSE      **1.0 Requirement before a permit is granted**

A permit may be granted before a development plan has been prepared to the satisfaction of the Responsible Authority for the following:

- A minor extension, minor addition or minor modification to an existing development that does not prejudice the future orderly development of the general area affected by the Development Plan Overlay to the satisfaction of the Responsible Authority.
- The use and development of land for agriculture provided it is minor in nature and does not prejudice the future residential use and development of the land, or the residential amenity of surrounding areas.
- The use, development & subdivision of land by a public authority or utility provider.

09/12/2013  
CSE      **2.0 Conditions and requirements for permits**

Before deciding on an application to subdivide land, construct buildings, or carry out works, the Responsible Authority must consider, as appropriate:

- Whether the development of the land is occurring in an efficient and orderly manner having regard to essential services, community facilities, open space and roads.
- The potential for future re-subdivision.
- The interface between proposed and existing nearby developments, to reduce the chance of conflicting developments, especially in relation to the industrial zoned land north of Bena Road.
- The need to minimise access points to Jumburra Road.
- The design of any proposed buildings to enhance and reinforce the character of the area.
- The timing and staging of the development of the land.
- The consistency of the proposed development with the approved development plan.
- The consistency of the proposed development with the adopted Korumburra Structure Plan, where relevant.
- Any other matter, as deemed appropriate by the Responsible Authority, which the development plan should take account of based on the specific character of the land.
- The requirement for building envelopes, agreements or covenants to be registered on newly created titles to achieve the lot development restrictions set out in the development plan.
- An assessment against the requirements of Clause 56 of the South Gippsland Planning Scheme.

Development and community infrastructure

Prior to the issuing of a Statement of Compliance (or otherwise agreed to in writing by the Responsible Authority), the landowners may enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 or other mechanisms approved by Council. Any such agreement should make provision for

DEVELOPMENT PLAN OVERLAY – SCHEDULE 6 PAGE 1 OF 5

SOUTH GIPPSLAND PLANNING SCHEME

contributions to be made by the owners towards the provision of development and community infrastructure on public land (including the provision of land and/or the payment of financial levies) required as a consequence of the subdivision of the land.

Fencing Requirement

Fencing on sensitive interfaces (existing residential zoned land bordering DPO6) is to be a minimum 1.8m high solid fence to be provided at the developer's expense prior to the issue of Statement of Compliance on the subdivision of the land. The location and type of fencing may be varied subject to the approval of the Responsible Authority.

**3.0**

05/12/2013  
CSE

**Requirements for development plan**

The development plan must be prepared to the satisfaction of the Responsible Authority.

The development plan may be approved in stages. Each development plan stage must represent a logical land development unit bounded by roads, natural features or the boundaries of the Development Plan Overlay map area.

The development plan must show / provide:

**Land use and subdivision layout**

- The proposed boundaries of the development area, and provide the strategic justification for those boundaries.
- The overall subdivision of the area, including where possible, the proposed size and density of allotments which provide opportunities for a diverse range of housing types.
- The provision of a sensitive residential interface with adjoining residential land. Lots directly adjoining the Low Density Residential Zone (LDRZ) must include a rear setback of a minimum of 7 metres from the zone boundary to any new structure, with a minimum of a 3 metre wide landscape buffer along the zone boundary, or alternative, determined to the satisfaction of the Responsible Authority.
- Street network that
  - Limits the creation of new road access points onto Jumbunna Road and support building frontages with two way surveillance.
- The overall pattern of development of the area, including any proposed re-zoning of land and proposed land uses.
- A staging plan that demonstrates an efficient and orderly provision of infrastructure and services
- An accessible and integrated network of walking and cycling routes for safe and convenient travel to adjoining communities (including existing and future areas included in the DPO), local destinations or points of local interest, activity centres, community hubs, open spaces and public transport.
- The provision of any commercial facilities and the extent to which these can be co-located with community and public transport facilities to provide centres with a mix of land uses and develop vibrant, active, clustered and more walkable neighbourhood destinations.

Industrial Zone interface

For subdivision and development north of Foster Creek an interface management plan is to be provided which specifies a design response and specific building and lot controls including, where required, controls to address amenity concerns related to noise, odour, vibration and lighting arising from legally occurring industrial activities within the Industrial 1 and Industrial 3 Zones. This may be executed via a Section 173 Agreement.

SOUTH GIPPSLAND PLANNING SCHEME

**Earthworks and Land Form**

- Where steeply sloping land exists on the site, the development plan shall detail how the proposed design responds to the topography and contours of the land, and whether significant earthworks are likely to be required for subdivisions to ensure good development design outcomes are achieved. Where land exceeds a slope of 20% a geotechnical report must be prepared by an appropriately qualified person demonstrating the suitability of the land for development.

The report must provide sufficient detail to ensure environmental, access and amenity issues are appropriately addressed. The report should detail whether building envelopes or other controls are likely to be required at the subdivision stage.

**Infrastructure Services**

- An integrated stormwater and flood management plan that incorporates water sensitive urban design techniques which provides for the protection of natural systems, integration of stormwater treatment into the landscape, improved water quality, and reduction and mitigation of run-off and peak flows, including consideration of downstream impacts.
- A comprehensive Traffic Impact Assessment prepared to the satisfaction of the Responsible Authority in consultation with the Roads Corporation that identifies existing and post development traffic generation, distribution and associated analysis and the pattern and location of the major arterial road network of the area including existing roads and the location and details of any required:
  - road widening
  - signalised/unsignalised intersections
  - access points
  - pedestrian crossings or safe refuges
  - cycle lanes
  - bus lanes and stops
- The pattern and location of any internal road system based on a safe and practical hierarchy of roads including safe pedestrian and bicycle connections and crossing points in accordance with South Gippsland Paths and Trails Strategy 2010 (as amended) and South Gippsland Open Space Strategy 2007 (as amended). The internal road network must specifically provide for the potential for internal road connectivity to the existing dwelling lots that have potential for further subdivision.
- In consultation with relevant agencies and authorities, provision of public transport stops where appropriate within easy walking distance to residential dwellings and key destinations. Stops should also be located near active areas where possible.
- Identification of costs for infrastructure provision both onsite and offsite

**Open Space and Landscaping**

- The location and size of the proposed open spaces that cater for a range of user groups and provide a variety of functions that perform both an active and passive role for recreation, as appropriate.
- Public open spaces designed to provide:
  - The inclusion of pedestrian and cycle paths and play equipment, that encourage active recreational opportunities.

SOUTH GIPPSLAND PLANNING SCHEME

- Opportunities for visual surveillance to promote safety of users, through encouraging active frontages, using buildings to frame public spaces and locating open spaces within or adjacent to activity centres where possible.
- A landscaping plan, prepared by a suitably qualified person, identifying all proposed landscaping with particular regard to the interface with surrounding residential and industrial developments, open space and roads. The landscape plan must include canopy tree plantings within both the internal and external road network to soften the visual impact of new development when viewed from within and outside the development area. The landscape plan must provide a high level of detail where new development is adjoining Jumbunna Road, Bena Road and new Connector Street – Level 1 roads, especially in areas where new development is inward facing and not addressing the road.

**Community Infrastructure and Meeting Places**

- Provision for access and social interaction, particularly where this encourages physical activity. For example:
  - Consider the need for public amenities, including toilets and bicycle parking at key destinations in accordance with Path and Trails Strategy 2010 (as amended).
  - The pattern and location of pedestrian and bicycle paths should provide safe and practical access to and from community facilities and meeting places.
  - Spaces should be designed to accommodate community events.
  - Consider the need for onsite community facilities or where required, upgrades and contribution to offsite community infrastructure.

**Flora and Fauna**

- In consultation with the Department of Sustainability and Environment, a flora and fauna survey, prepared by a suitably qualified expert, which includes but is not limited to species surveys for Gippsland Giant Earthworm, and measures required to protect the identified species.
- An assessment of any native vegetation to be removed having regard to Victoria's Native Vegetation Management: A Framework for Action, including how it is proposed to protect and manage any appropriate native vegetation, including the provision of any offsets if required.
- Regard must be had to the West Gippsland Native Vegetation Plan 2003. (as amended)

**Cultural Heritage**

- A cultural heritage assessment including how cultural heritage values will be managed.

**Land Contamination**

An investigation by an appropriately qualified person of the potential location and forms of land contamination resulting from previous land uses, as well as measures to address contamination in areas where sensitive land uses are proposed. The investigation must consider, but not be limited to, agricultural chemical use, informal land dumping, industrial & mining activities.

SOUTH GIPPSLAND PLANNING SCHEME

**Process and Outcomes**

The development plan should be prepared with an appropriate level of community participation as determined by the Responsible Authority.

An implementation plan must be submitted as part of the development plan, indicating the proposed staging of the development and timing of infrastructure provision.

The approved development plan may be amended to the satisfaction of the Responsible Authority.

**4.0**

06/12/2013  
CE6

**Decision guidelines for development plan**

Before deciding on a development plan, the Responsible Authority must be satisfied that the plan has regard to the following information:

- Victoria's Native Vegetation Management: A Framework for Action 2002
- National Heart Foundation of Australia (Victorian Division) 2004, Healthy by Design: a planners' guide to environments for active living®, National Heart Foundation of Australia (Victorian Division) or as amended;
- South Gippsland Path and Trails Strategy 2010 (as amended).
- South Gippsland Open Space Strategy 2007 (as amended).
- Korumburra Structure Plan 2010 (as amended)



### Attachment 3 Proposed development plan











## **E.9 PLANNING SCHEME AMENDMENT C90 HOUSING AND SETTLEMENT STRATEGY - ADOPTION OF POLICIES AND STRATEGY REVISIONS FOR AUTHORISATION AND EXHIBITION**

Development Services Directorate

### **STAFF DISCLOSURE OF INTEREST**

Nil

### **EXECUTIVE SUMMARY**

Council adopted the Housing and Settlement Strategy (HSS) in September 2013 as part of a process to define and implement a long term settlement plan for the Shire so that values requiring protection (agricultural production, environment, landscape, community character, safety, prosperity and affordable services/facilities) can be balanced with pressures for development and population growth over the next 15 to 20 years.

Planning Scheme Amendment C90 (Housing and Settlement Strategy), which proposes to implement the key recommendations of the HSS into the Planning Scheme, is the next step in that process. Some minor and procedural changes are also required to the HSS for policy consistency and clarity. If adopted, the recommended policies and strategies will proceed to a request to the Minister for Authorisation and then Exhibition.

#### *Documents pertaining to this Council Report*

- **Appendix 1** - Clause numbers unchanged and HSS revisions or corrections
- **Appendix 2** - New clause numbers and HSS revisions - Clauses 21.15, 21.16, 21.17, 21.18, 21.19, 21.20, 21.22, 21.23 and 21.24
- **Appendix 3** - Restructure Overlay, Rezoning and other Overlay maps
- **Appendix 4** - Incorporated Document 'Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2016'

A copy of **Appendices 1-4** 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 1984

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

Housing and Settlement Strategy, September 2013

## **COUNCIL PLAN**

Outcome:	3.0	Integrated Services and Infrastructure
Objective:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development.
Strategy:	3.1.3	We will develop an integrated planning approach for our townships and villages, so that facilities are located in areas where they are most appropriate

## **CONSULTATION**

Preparation of the HSS, and the draft amendment documents, has involved extensive consultation with a broad range of agencies and authorities likely to have an interest in the implementation of the amendment. Particular attention has been given to consultation on the recommended Restructure Overlay (RO). These plans guide where new development can occur, which means they must respond to the issues and concerns of agency land managers and service providers before the plans are exhibited. This extensive consultation has been beneficial in identifying changes required to the draft ROs initially adopted as part of the HSS in 2013.

If Ministerial authorisation is provided, formal public exhibition will occur. This will include postal notification to the owners and occupiers of all lands directly affected by the amendment and relevant agencies, as well as wider community advertising. Particular attention will be given to engagement with landowners in areas affected by the ROs.

## **REPORT**

### **Background**

Council adopted the HSS at the Ordinary Council Meeting on 25 September 2013. The HSS was included in the Planning Scheme as a Reference document by amendment C80 in June 2014. Since that time, comprehensive lot-by-lot revisions of the Restructure Overlays, Framework Plans and HSS text have been undertaken in light of referral agency responses, State Government policy changes on issues such as potable water catchments and agricultural land, other planning amendments such as C81 (Land Subject to Inundation and Flood Overlay), lot consolidations, land ownership changes and ongoing conversations with potentially affected landowners. Procedural improvements to the HSS have also been proposed for policy consistency, clarity and accuracy.

### **Discussion**

Implementation of the HSS into the Planning Scheme is achieved through introducing the key recommendations as changes and additions to local policies. Minor adjustments arising from the HSS are recommended to local

policies about economy, industry and the like. Redundant provisions are deleted and text corrections to the planning scheme are also included. (See **Appendix 1**).

Mapping changes will introduce:

1. New and revised Framework Plans for 24 settlements (included in **Appendix 2**);
2. 12 new (and two revised) Restructure Overlays for old and inappropriate subdivisions (See **Appendix 3**);
3. 12 new Restructure Plans (included by inserting a new Incorporated document – see **Appendix 4**); and
4. Two rezonings one proposed (from C1Z to TZ) by existing planning policy that seeks to consolidate the Venus Bay commercial hub at the 'First Estate' rather than potentially disperse it between first and second estates and the other to fix a split zoning anomaly at Jumbunna that has a related erosion overlay deletion. (See **Appendix 3**)

#### *Restructure Overlays and Framework Plans*

The implementation of Restructure Plans will improve development potential from the existing situation of dwelling prohibition to limited dwelling development in association with lot restructuring.

Some landowners of multiple lots may well have an unrealistic and often long-held expectation of a much higher development density than is appropriate for their Restructure Area. Many are within the Farming Zone where proliferation of dwellings are not supported. Some land owners in this situation have expressed disagreement with restructuring as proposed in the adopted HSS and again during consultation since that time. It is clear that many of the areas were originally envisaged for townships that never developed, or declined dramatically in the 19<sup>th</sup> Century after mining ceased operations.

Landowners who disagree with Restructure Plans for their properties will be encouraged to make submissions during the formal exhibition period, to negotiate adjustments if possible, and to present any unresolved issues at a Planning Panel for independent, expert assessment.

There may be some people who feel similarly in regards to the specific delineation of some settlement boundaries. Formal exhibition of the revised RO maps and the Framework Plans provides Council the opportunity to test the draft documents in detail with landowners and communities, and for a Planning Panel to be convened if required.

## **Proposal**

That Council adopts the Amendment C90 draft policies and documents and seeks authorisation from the Minister for Planning to prepare and exhibit Amendment C90.

## **FINANCIAL CONSIDERATIONS**

Amendment C90 is a Council amendment and will be processed as part of the Planning Department's existing operational budget.

## **RISKS**

Amendment C90 addresses risks to both Council and landowners by seeking to provide a clear planning policy environment that removes uncertainties regarding how small settlements may expand and how historic inappropriate subdivisions can be developed. Failure to implement the Council adopted HSS is likely to result in land continuing to be sold without the new owners having knowledge of its development restrictions. This can present a risk to Council regarding transparent implementation of its policies.

## **CONCLUSION**

Adoption of the draft amendment documents, and procedural revision of the HSS, allows Council to progress a major project through the planning scheme amendment process for the benefit of communities, landowners, the economy, and the environment.

## **RECOMMENDATION**

**That Council adopts the draft South Gippsland Planning Scheme Amendment C90 (Housing and Settlement Strategy) documents contained in Appendices 1 to 4, to support a request to the Minister for Planning to authorise preparation of South Gippsland Planning Scheme Amendment C90 (Housing and Settlement Strategy).**

**E.10 PLANNING SCHEME AMENDMENT AND PLANNING PERMIT - VENUS BAY CARAVAN PARK SPECIAL USE ZONE AND SUBDIVISION - AUTHORISATION REQUEST**

Development Services Directorate

**STAFF DISCLOSURE OF INTEREST**

Nil

**EXECUTIVE SUMMARY**

A Planning Scheme Amendment and combined planning permit application has been submitted to Council which proposes to rezone the Venus Bay Caravan Park, and adjoining undeveloped grazing land, from Farming Zone to a combination of the Special Use Zone (SUZ), Low Density Residential Zone (LDRZ) and Township Zone.

The SUZ will be applied to the existing development footprint of the Caravan Park and its immediate surrounds to facilitate its ongoing use. The LDRZ will be applied to the undeveloped land west of the Caravan Park, where the combined planning permit application proposes to subdivide the land into 6 lots for residential development.

The benefit of the Amendment is that the provisions of the SUZ specifically encourage the land to continue to be used as a caravan park and discourage the site changing to a form of permanent accommodation, which has happened to many caravan parks in recent years. If Council supports the proposal and Ministerial authorisation is provided, the next step is to exhibit the amendment and combined planning permit application.

*Document/s pertaining to this Council Report*

- **Attachment 1** - Proposed Aerial and Rezoning Map
- **Attachment 2** - Proposed Plan of Subdivision
- **Attachment 3** - Proposed Special Use Zone Schedule

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

Planning and Environment Act 1987 (the Act)

## **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:	3.1.3	We will develop an integrated planning approach for our townships and villages, so that facilities are located in areas where they are most appropriate.

## **CONSULTATION**

Exhibition will occur in accordance with the requirements of the Act and include notice in the local newspapers, Victorian Gazette and postal notification to the owners and occupiers of all lands potentially affected by the amendment. Exhibition will occur for one month.

## **REPORT**

### **Background**

Caravan Parks are an affordable tourist accommodation option for visitors to rural and regional Victoria. In smaller communities, caravan parks often form an important part of the local economy and community. They are also important to help accommodate the surge in temporary resident and visitor numbers during key holiday periods.

Coastal caravan parks in private ownership are attractive to developers wishing to develop in coastal townships. Councils do not have control over private business and cannot require them to stay in operation. Therefore, where opportunities arise to protect the kind of asset which provides a net benefit to the community, the protection of the ongoing use can be encouraged through the application of appropriate land use controls in the planning scheme.

Council was approached by the owners of the Venus Bay Caravan Park to rezone and subdivide their land to help facilitate the ongoing use of the land as a caravan park by subdividing off surplus land and placing the park in a SUZ specifically prepared to encourage the ongoing caravan park use of the land. The owners have also sought to purchase a Council Reserve lot, which is being sold by Council as part of its land sales program. This land has been included as part of the rezoning and subdivision proposal. The location of this lot is shown in **Attachment 1**.

### **Discussion**

#### Rezoning and Subdivision

The proposal seeks to rezone and subdivide the land in general accordance with **Attachment 1 and 2**.



This complex proposal includes a six lot Low Density Residential subdivision, a two lot Township Zone boundary realignment and subdivision, execution of a Section 173 Agreement (development contributions) and the rezoning of the land from Farming Zone to Low Density Residential, Township and a Special Use Zone.

The Special Use Zone is tailored specifically to the site. A copy of the draft Special Use Zone schedule can be found in **Attachment 3**. The intent of the rezoning is to encourage the land to be used primarily as a caravan park with ancillary uses permissible with planning approval. It will also mean any future landowners (or lessee) of the caravan park will be aware of the expectation this land will continue to be used for caravan park purposes.

Separate to this process, the landowner has entered into arrangements to purchase a reserve lot which has been identified as surplus to Council's needs. This land is proposed to be rezoned Low Density Residential Zone and is shown on **Attachment 1**.

#### Proposed Special Use Zone Schedule

The proposed Special Use Zone schedule, drafted in consultation with the landowner, provides certainty for the caravan park and allows for certain ancillary uses to occur with a planning permit such as a backpackers lodge and hostel. The Special Use Zone schedule sets out the notification (advertising of permit applications) requirements for certain subdivision and developments within the zone. Subdivision is exempt from the notice requirements except where a subdivision creates more than two lots and subdivision increases the number of lots adjoining residential zoned lots adjoining the Special Use Zone. An application for buildings and works is exempt from the notice requirements except where buildings and works are located 25 metres or less from the external boundary of the Special Use Zone. Use of the land is not exempt from the notice requirements.

#### Proposed Low Density Residential Zone

The area west of the Venus Bay Caravan Park is identified on the Venus Bay Framework Plan as 'Potential Long Term Urban Expansion Investigation Area'. The land is currently zoned Farming Zone which does not facilitate residential development or subdivision. Due to the size of the Farming Zone land that is surplus to the Caravan Park and the strategic direction of the Framework Plan, it is considered appropriate to consider a residential zone in this area. Due to environmental constraints such as soil capability, bushfire risk considerations and native vegetation, it is considered a low density residential zone would be appropriate as this zone facilitates larger residential lots.

The rezoning of this portion of land will not hinder the expansion of the caravan park if current or future owners wish to do so. The land identified for low density residential has been identified by the caravan park as surplus to their needs. The low density component will rezone approximately 3.2 hectares of land while 7.910 hectares will remain as Special Use Zone.

## **Proposal**

It is proposed that Ministerial authorisation be sought to prepare and exhibit the planning scheme amendment and related planning permit for one month.

## **FINANCIAL CONSIDERATIONS**

The amendment proponent is responsible for the payment of all relevant statutory fees and charges including Panel costs should a Panel be required.

## **RISKS**

Risks associated with the amendment are primarily borne by the amendment proponent.

Should Council choose not to proceed with this amendment, the opportunity to secure the land for the ongoing use of land for a caravan park may not be realised.

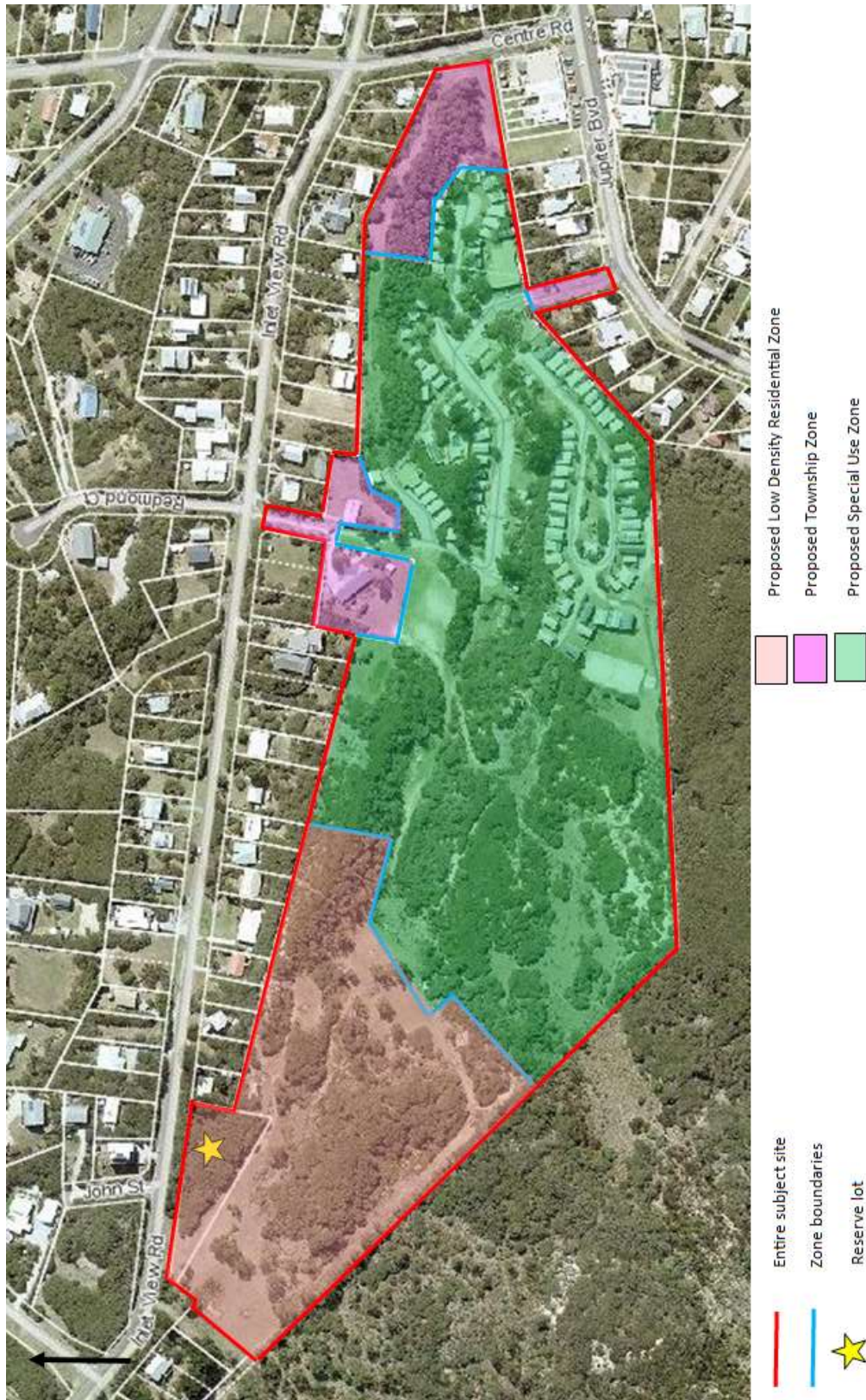
## **CONCLUSION**

Tourism is an important economic driver in the Shire, with caravan parks providing an important role as an affordable and sometimes preferred method of accommodation for visitors and permanent caravan park users alike. The Amendment seeks to encourage the Venus Bay Caravan Park's ongoing use of the land in combination with a small scale residential subdivision of the balance of the land not required for future Caravan Park use.

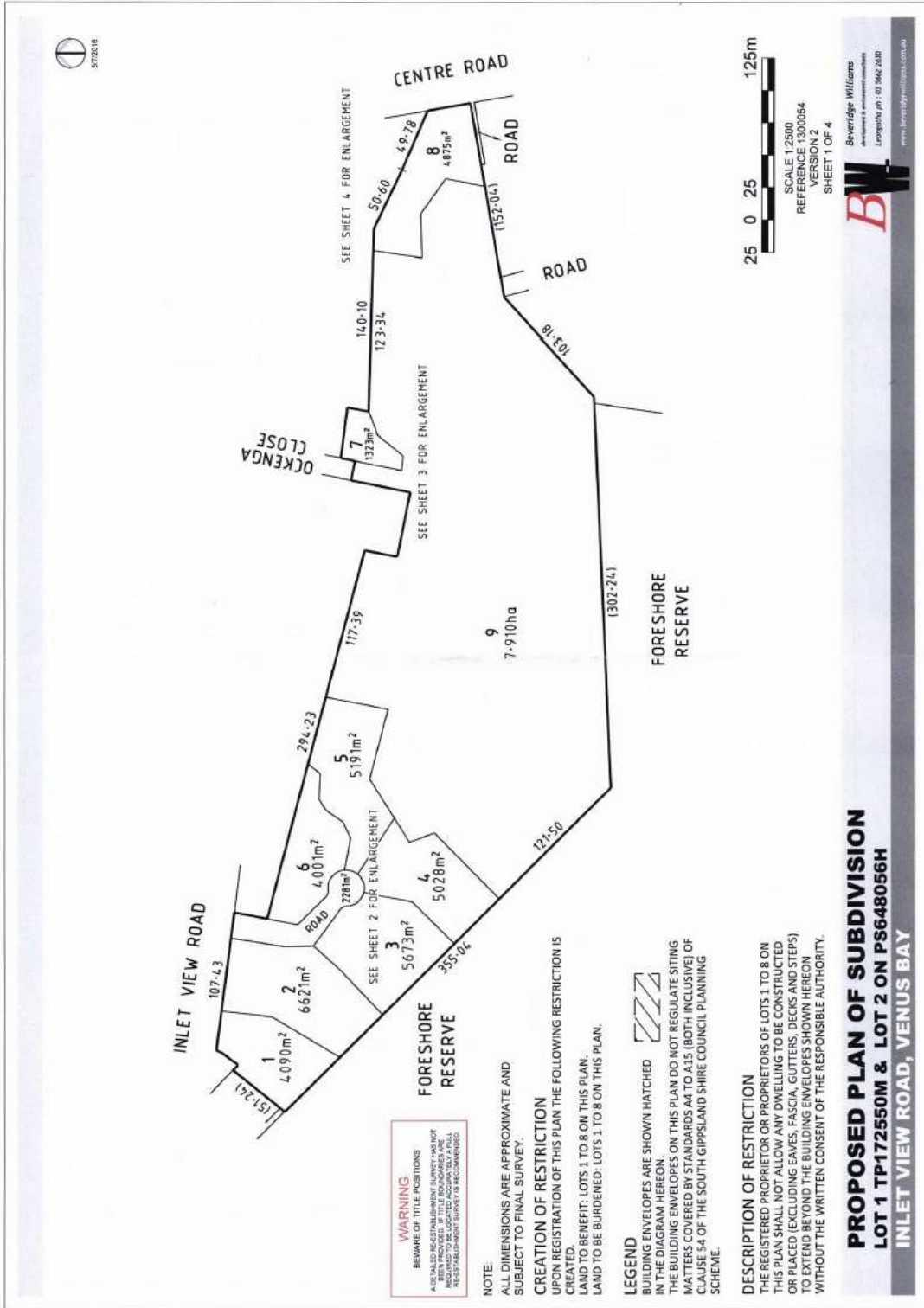
## **RECOMMENDATION**

- 1. Request Authorisation from the Minister for Planning to prepare a Planning Scheme Amendment to rezone the land generally in accordance with the map in Attachment 2 and the SUZ Schedule in Attachment 3.**
- 2. Following receipt of Ministerial Authorisation, formally exhibit the Planning Scheme Amendment.**
- 3. Following the completion of the public exhibition period, present any submissions to Council and request that the Minister for Planning appoint an Independent Planning Panel to consider any submissions received to the Amendment C1 that cannot be resolved by negotiation between Council and the submitters.**

### Attachment 1 Proposed Aerial and Rezoning Map



**Attachment 2  
 Proposed Plan of Subdivision**





### Attachment 3 Proposed Special Use Zone Schedule

SOUTH GIPPSLAND PLANNING SCHEME

~~1-20-~~  
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**SCHEDULE [NUMBER] TO THE SPECIAL USE ZONE**

Shown on the planning scheme map as **SUZ[number]**.

**VENUS BAY CARAVAN PARK**

**Purpose**

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

To recognise and provide for the ongoing use of the site for the Venus Bay Caravan Park and related tourism facilities.

To ensure that the development of the precinct and its facilities takes place in an orderly and proper manner and does not cause loss of amenity to the surrounding area or neighbourhood.

To provide for sustainable tourism activities and ensure a range of available accommodation opportunities complementary to the Caravan Park use.

**1.0**

**Table of uses**

~~1-20-~~  
 C-

**Section 1 - Permit not required**

Use	Condition
Apiculture	Must meet the requirements of the Apiary Code of Practice, May 1997.
Camping and caravan park	
Minor utility installation	
Caretaker's house	Must be the only Caretaker's house on the land.
Informal Outdoor Recreation	Must be in conjunction with the Caravan Park.
Search for stone	Must not be costeaning or bulk sampling.
Telecommunications Facility	Buildings and works must meet the requirements of Clause 52.19.
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01

**Section 2 - Permit required**

Use	Condition
Backpacker's Lodge	Must be used in conjunction with the Caravan Park
Hostel	
Child care centre	
Office	
Carpark	
Minor sports and recreation facility	
Restaurant	
Take away food premises	
Convenience shop	
Restricted recreation facility	

SOUTH GIPPSLAND PLANNING SCHEME

Utility installation (other than Minor utility installation)

Renewable energy facility

Any Section 1 use where the condition is not met

**Section 3 - Prohibited**

**Use**

Accommodation (other than Caretaker's house, Camping and Caravan, Backpacker lodge and Hostel)

Agriculture (other than Apiculture)

Adult bookshop

Brothel

Crematorium/Cemetery

Warehouse

Industry

Liesure and recreation (other than Minor sports and recreation facility and Informal Outdoor Recreation)

Retail premises (other than Restaurant and Convenience shop)

Fuel Depot

Any other use not in Section 1 or 2 or if the Section 2 condition is not met.

**2.0 Use of land**

**Application requirements**

An application to use land must be accompanied by the following information:

- The purpose of the use and the type of activities to be carried out.
- How the proposed use supports, or is ancillary to the use of the land for a Caravan park and camping ground
- The likely effects, if any, on adjoining land, including but not limited to;
  - noise levels
  - traffic
  - the hours of delivery and dispatch of goods and materials (including garbage collections)
  - hours of operation; and,
  - potential light spill.

**3.0 Subdivision**

A permit is required to subdivide land.

**Application requirements**

An application to subdivide land must be accompanied by the following information, as appropriate:

- A report which explains how the proposed subdivision promotes the purpose of the zone and how the proposed subdivision is supported by the decision guidelines of the Planning Scheme and the zone. The report must address how the subdivision will facilitate the ongoing use of the land for a caravan park and camping ground.

SOUTH GIPPSLAND PLANNING SCHEME

- A plan drawn to scale which shows for each lot:
  - The location and dimensions of existing development or proposed building envelopes, car parking areas and driveway access.
  - The natural topography and features of the site.
  - The location and dimensions of wastewater treatment and disposal areas.
  - Any areas of common property.
- A land capability assessment which demonstrates that each lot is capable of treating and retaining all waste water in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

**4.0 Buildings and works**

4.0-20-  
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A permit is required to construct a building or construct or carry out works. This does not apply to:

- An alteration or extension to an existing building provided the floor area of the alteration or extension is not more than 50 square metres.
- A rainwater tank.

**Application requirements**

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
  - The boundary and dimensions of the site
  - Adjoining roads
  - The location, height and purpose of buildings and works on adjoining land
  - Proposed landscape areas
  - Elevation drawings to scale showing the colour, materials of all buildings and works
- A report which explains how the proposed development promotes the purpose of this zone and how the proposed development is supported by the decision guidelines of the Planning Scheme and this zone.
- A land capability assessment which demonstrates that each lot is capable of treating and retaining all waste water in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970

**5.0 Exemption from notice and review**

5.0-20-  
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An application to subdivide land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act except where a subdivision creates more than two lots and subdivision increases the number of lots adjoining residential zoned lots adjoining the Special Use Zone.

An application for buildings and works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act except where buildings and works are located 25 metres or less from the external boundary of the Special Use Zone.

**6.0 Decision Guidelines**

6.0-20-  
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SOUTH GIPPSLAND PLANNING SCHEME

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

**General issues**

- The need to protect the ongoing use of the Caravan park and camping ground and to support appropriate ancillary uses complementary to the Caravan park and camping ground.
- The capability of the land to accommodate the proposed use or development in relation to existing infrastructure and services.
- The effect of traffic to be generated on roads.
- Any impact upon the amenity of the existing use of the land and any impacts on the amenity of the surrounding area especially the interface with adjoining residential areas and other public use areas.

**Environmental issues**

- The capability of each lot and/or area of common property to treat and retain all waste water on-site in accordance with the State Environment Protection Policy (Waters of Victoria).
- The impact of the proposal on the natural physical features and resources of the area, in particular on vegetation, soil and water quality.
- The impact of the use or development on the flora, fauna and landscape features of the locality.
- The impact of the proposal on the adjoining foreshore areas.
- The need for the planting of additional locally indigenous vegetation to complement the existing vegetation on the site and adjoining foreshore areas.

**Design and siting issues**

- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads and vistas and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The need for building materials to be non-reflective or of colours that complement the surrounding landscape.
- Whether the proposal is consistent with maintaining the landscape significance of the area.
- The extent of landscaping proposed around buildings and throughout the site using indigenous species to minimise the visual impact of buildings.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use or development will require traffic management measures.
- The movement of vehicles, cyclists, and pedestrians on the site, and service vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.



## **E.11 NYORA DEVELOPMENT STRATEGY - FINAL FOR ADOPTION**

Development Services Directorate

### **STAFF DISCLOSURE OF INTEREST**

Nil

### **EXECUTIVE SUMMARY**

The Nyora Development Strategy ("Strategy") is the next step for Nyora's long-term future planning and builds on the key recommendations of the Nyora Structure Plan (2013). The Strategy seeks to provide orderly planning, development and infrastructure provision as the population potentially approaches 4,000 in 20 years time.

The Nyora Development Strategy (**Appendix 1**) proposes:

1. Indicative development layouts for key precincts including a town centre master plan.
2. Transport improvement including intersection upgrades, road sealing and new road / pedestrian connections.
3. Stormwater management using pipes, retarding basins and water sensitive urban design.
4. Design controls and guidelines.
5. Improved facilities and landscaping.
6. Implementation plan with preferred funding options.

This work will affect new development in Nyora (notably subdivision), inform future Council budgets and work plans and require some changes to the planning scheme for implementation.

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

- **Appendix 1** - Nyora Development Strategy
- **Appendix 2** - Nyora Development Strategy Engagement Summary Report
- **Confidential Appendix 1** - Community Feedback - Survey Responses

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

A copy of **Confidential Appendix 1** - Community Feedback - Survey Responses has been distributed separately to Councillors and the Executive Leadership Team.

**Confidential Appendix 1** is confidential information on the grounds that it relates to a matter specified under Section 89(2)(h) that Council considers would prejudice the Council or any persons; respective of the Local Government Act 1989.

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

- Planning and Environment Act 1987

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

- Nyora Community Infrastructure Plan 2014
- South Gippsland Shire Council Social Community Blueprint 2014-2029

### **COUNCIL PLAN**

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

### **CONSULTATION**

#### **External**

Community members were informed and updated at key stages of the project via mail outs, community meetings at the Nyora Hall, project posters in town, email list, website, online survey, project Facebook page and information at Council offices and the Nyora Post Office. Two community bulletins were mailed out to all Nyora residents. The community response can be illustrated using the following figures:

- Approximately 85 people 'liked' the project Facebook page.
- Approximately 40 people attended the community meeting in March 2016.
- Approximately 30 people are on the project email list and completed the online survey.
- Over 30 land owners have had a one-on-one discussion with Council about the intentions for their land.

For more detail about the consultation, refer to **Appendix 2 - Nyora Development Strategy Engagement Summary Report**.

### **Internal**

The project group primarily consisted of the Planning and Engineering departments. Community Strengthening and Economic Development and Tourism departments were consulted during key phases of the project.

Council Briefings were held on 4 May 2016 and 6 July 2016.

### **REPORT**

#### **Background**

The Nyora Development Strategy is the next step for Nyora's long-term future planning and builds on the key recommendations of the Nyora Structure Plan (2013). The Structure Plan sets the direction for the town's growth. This project is not revisiting the work prepared as part of the Structure Plan. Nyora's population (figure includes surrounding areas) is currently estimated at 1,468.

#### **Proposal**

The Strategy applies to land identified within Nyora's township boundary. With the population anticipated to reach 3,776 in 2036 under a high growth scenario, this Strategy seeks to enable orderly planning, development and infrastructure provision. It specifically focuses on improvement to drainage, community facilities, roads, the town centre area and pedestrian and bicycle linkages.

It considers the different sections of the town according to precinct. A summary of the Strategy is provided in the following map (page 43 of **Appendix 1**).



The Strategy proposes:

1. Indicative development layouts for key precincts including a town centre master plan.
2. Transport improvement including intersection upgrades, road sealing and new road / pedestrian connections.
3. Stormwater management using pipes, retarding basins and water sensitive urban design.
4. Design controls and guidelines.
5. Improved facilities and landscaping.
6. Implementation plan with preferred funding options.

This work will inform development in Nyora and assist with determining developer contribution requirements. The implementation plan will inform future Council budgets and work plans (see Chapter 6 and Appendix A of **Appendix 1**). The implementation of the strategy will also involve some changes to the planning scheme (see pages 94-97 of **Appendix 1**).

Full details of the strategy and its supporting documents (including stormwater management plan, traffic impact assessment, proposed overlay controls and implementation plan) are available at **Appendix 1** Nyora Development Strategy.

## **FINANCIAL CONSIDERATIONS**

The Strategy proposes funding options for implementation including development contributions. A well-considered and detailed strategy ensures that the required infrastructure to support population growth is provided within appropriate timeframes and within Council's future budgetary capacity.

## **RISKS**

Without co-ordinated planning in Nyora, there is a risk of ad hoc subdivision and development which will have adverse effects on stormwater, road and other infrastructure.

Without understanding the infrastructure upgrades necessary to support township growth, and the cost of providing this infrastructure, there is a risk that growth in Nyora will have adverse impacts on Council's budget.

## **CONCLUSION**

With the township of Nyora expected to more than double in size under a high growth scenario, the Nyora Development Strategy provides additional planning guidance for the area, building on the Nyora Structure Plan. The Strategy identifies improvements to drainage, community facilities, roads, the town centre area and pedestrian and bicycle linkages. It also provides an implementation plan which sets out responsibilities, funding expectations as well as infrastructure costings.

## **RECOMMENDATION**

**That Council:**

- 1. Adopt the Nyora Development Strategy July 2016; and**
- 2. Seek Authorisation from the Minister for Planning to prepare and exhibit a Planning Scheme Amendment to implement the Nyora Development Strategy.**

## **E.12 DAIRY INDUSTRY RESPONSE**

Development Services Directorate

### **STAFF DISCLOSURE OF INTEREST**

Nil

### **EXECUTIVE SUMMARY**

The purpose of this report is to:

1. Provide Council with an overview of matters relating to the reduction of farm gate milk prices for the local dairy industry, and
2. Recommend the allocation of \$22,220 to provide further assistance for targeted community support programs and events, with a further \$15,000 to be allocated to the same upon receipt of funds from the Victorian Department of Health and Human Services.

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

- Economic Development and Tourism Strategy 2015-2020
- Community Strengthening Strategy

### **COUNCIL PLAN**

Outcome:	1.0	A Prosperous Shire
Objective:	1.1	Work with the business community to support existing businesses, diversify employment opportunities and to attract new businesses.
Strategy:	1.1.3	We will actively encourage sustainable development and growth of agriculture, industry and commercial business.

### **CONSULTATION**

#### 1. External Consultation

Victorian Government Agencies - Agriculture Victoria, Regional Development Victoria, Department of Health and Human Services, Centrelink, Regional Dairy Working and Leadership Groups, GippsDairy, Agribusiness Gippsland, Rural Financial Counselling Service, dairy companies, health providers and community groups.

#### 2. Internal Consultation

Economic Development and Tourism; Grants and Emergency Management; Community Strengthening and Communications.

## **REPORT**

### **Background**

The dairy sector plays a crucial role in the South Gippsland economy, directly and indirectly generating around \$1 billion in local economic output and contributing over 3,000 jobs.

With 438 dairy farms accounting for one third of the farms in Gippsland—which in turn accounts for around one third of Victoria's milk—the shire is one of the most important dairy regions in the state.

In April 2016, the shire's two biggest milk processors—Murray Goulburn and Fonterra—announced a sudden drop in 2015/16 farm gate milk prices.

In June 2016, the major processors announced their 2016/17 milk prices with the large majority announcing further reductions.

These announcements have had a serious impact on the immediate-term viability of many local farming businesses, with the cost of production exceeding the rate of return in some cases.

Council has already provided considerable in-kind support through its Economic Development and Community Strengthening teams, who have been working with both government and the private sector to help coordinate the response effort.

Others have so far avoided any business continuity threat due to either having sufficient equity or other means by which to sustain them during the downturn.

Both the Federal and State Governments have announced support packages to assist the sector, primarily for the purposes of psychological and social support; financial advisory services and localised initiatives.

It is expected that the sector will continue to feel the effects of these changes for several years to come, during which time a well-coordinated response program will need to be maintained to help the sector return to a more sustainable financial environment.

South Gippsland also has significant dairy manufacturing with three major processing plants, Murray Goulburn, Burra Foods and ViPlus Dairy located in the Shire.

Dairy farming is the largest employer in the Shire and combined with the milk processors it is estimated that the sector employs about 1,700 people directly.

### ***Milk price downgrades***

In April 2016 major dairy processors Murray Goulburn Cooperative and Fonterra announced a substantial step down in the price paid to producers for milk solids.

In the case of Murray Goulburn, the company announced in April that its Southern Milk Region Farmgate Milk Price of \$5.602 per kilogram milk solids (kgms) previously published on 29 February 2016 would no longer be achievable due to a range of issues including unfavourable international exchange rates and low commodity prices.

The effect of this change was a reduction in milk price from \$5.602 down to between \$4.75 and \$5.001 per kilogram milk solids, which for many farmers represents a significant decrease in farmgate revenue.

In Murray Goulburn's case, they also instituted an arrangement to top up the price referred to as the Milk Supply Support Package (MSSP), which needs to be paid back by farmers within three years.

A further reduction was announced in June 2016 with an opening 2016/17 price of \$4.312 per kgms (including the MSSP payment of \$0.14 per kgms).

These price drops followed one of the driest seasons in South Gippsland for many years.

The combined effects of these factors have led to financial issues for many farmers with flow on effects to the wider community.

### **Discussion**

South Gippsland is more exposed to the issues affecting the dairy industry than other Gippsland local government areas.

The impact of the downturn in milk prices has manifested itself in many different ways, resulting in a complex array of needs from financial assistance through to social, psychological and jobs and skills loss.

### ***Economic impacts***

Many local dairy farmers are now coming to terms with the prospect of lower 2016/17 milk prices and assessing their viability for the 12-months ahead.

It is important to note that not all farmers are affected in the same way. Some will be better off than others depending on variables including the impact of the recent dry period; equity and debt levels and capacity to access alternative or secondary incomes.

Share farmers and those with low equity in their farms for example, may have a higher exposure.



Many have already found themselves in a position where they have little choice but to reduce input expenditure. This has resulted in secondary and tertiary flow-on impacts to local businesses providing input goods and services such as veterinary services; feed, fertiliser and other farm products and transport providers.

#### *Social impacts*

Officers are aware of the psychological stress that many farmers will be facing due to their financial situation.

Some will also be dealing with the ongoing effects of the recent dry conditions; the challenges associated with working outdoors in harsh winter conditions; increased workload having being forced to lay workers off and in some cases, calving.

More broadly, many local suppliers such as veterinarians, feed suppliers and transport providers will also be facing challenging financial circumstances as their clients seek to wind back input costs.

#### *Employment and skills impacts*

Some farmers have already, or will be faced with the prospect of having to lay off staff as they seek to reduce operating costs.

The effects of these decisions include potential loss of employees, skills and knowledge, which could lead to future challenges for business as they seek to rebuild their workforces when milk prices are restored.

#### *Regional response to date*

In May 2016, the Victorian Government established a Dairy Task Force.

This operates in the Gippsland region through two connected groups being the Regional Dairy Leadership Group which is focussed on farming issues and the Regional Dairy Working Group, which is primarily focussed on post-farm gate matters.

These groups are comprised of members from industry bodies, government agencies, local government, dairy companies and health providers.

Their primary role is to provide advice into the Dairy Task Force on the most prevalent issues and priorities and, to help with the coordination and sharing of information.

A series of response programs have already been rolled out, including:

- 'Tactics for Tight Times' workshops hosted by GippsDairy
- 'Look over the Farm Gate' community sessions sponsored through United Dairy Farmers Victoria

- One-on-one sessions held by the Rural Financial Counselling Service
- Farmer Household Payment Allowance through Centrelink, and
- Use of hardship provisions for Council rate payments and workshops for non-farm businesses through Regional Development Victoria
- Small business mentoring support provided by Small Business Victoria

Several financial support packages have also been announced, including:

- \$4.5 million set aside by the Victorian Government to support affected dairy farming communities
- Counselling services through the Department of health and Human Services
- Farm Household Allowance through Centrelink
- Dairy Recovery Concessional Loans

The Victorian government has established a new dedicated website called Dairy Farmer Central to help with the dissemination of information and updates, which can be accessed at [www.dairyfarmercentral.com.au](http://www.dairyfarmercentral.com.au).

#### *Community response to date*

The broader community has responded by organising a number of events to support the farming community, particularly from a social perspective.

Council has assisted with a number of these events and is continuing to promote them on the Council website and Facebook page.

#### *Council's response to date*

Council's has provided support to local businesses by filtering and disseminating important information via Council's website.

Council officers have also participated in the local working groups, liaising closely with Victorian government officers and industry groups like GippsDairy and Agribusiness Gippsland and providing local knowledge and input to help inform the decision-making processes.

Council's Economic Development and Sustainable Communities teams are responding to the dairy crisis, and this is expected to continue until at least the end of the 2016/17 financial year.

### *Council's response moving forward*

Council will continue to support regional stakeholder groups in connecting them with local businesses that may benefit from the services and programs they are offering.

Council has received advice from the Victorian Department of Health and Human Services that it will be allocating a further \$15,000 to each of the Gippsland Councils to support the response effort. It is yet to be determined how these funds might best be used.

Officers are also aware of unexpended 2015/16 funds of approximately \$22,220 in Council's 2015/16 Community Grants budget and it is understood that these funds could potentially be accessed for the purpose of assisting with community events and health and well-being activities.

While Council can continue to provide information via its website, it is important to recognise that not all affected local businesses will access this form of communication.

Based on preliminary consultation with industry representatives, it is seen that the most effective form of engagement would be of an interpersonal field-based nature.

### **Proposal**

That Council continues to work closely with agencies, industry and community groups to support the farming community by:

- Continuing to provide in-kind resourcing to participate the regional working and leadership groups established by the Victorian Government
- Allocating funds of \$37,220 to support local programs and events throughout the remainder of the 2016/17 financial year. These funds could be administered in a similar way to the Community Grants - Small Emergency Grants Program stream whereby the panel could assess and determine grants of up to \$5,000 based on a specific criteria

### **FINANCIAL CONSIDERATIONS**

Council has approximately \$22,220 in unallocated community grants funding from the 2015/16 financial year.

These funds could be reallocated to the dairy crisis response to assist community and stakeholder groups to deliver targeted community support programs and events.

Council is expecting to receive a further \$15,000 from the Victorian Government—via the Department of Health and Human Services—for the purpose of augmenting the above.

## **RISKS**

The impacts of these issues represent a potential serious risk to the shire from an economic and community perspective.

Council's response is designed to minimise these risks as much as possible by working closely with other agencies and groups in a coordinated way.

## **CONCLUSION**

The South Gippsland dairy industry represents a major pillar of the regional economy, both in terms of both output and employment.

While the effects of the dairy crisis are significant, the sector has a very strong future in South Gippsland as the backbone of the economy and our community provided that the appropriate support is provided.

A coordinated response is being implemented but the impacts will likely persist for a considerable time and flowing on to other parts of the economy.

Council will continue to work closely with other agencies and the community to support affected farmers and non-farm businesses.

## **RECOMMENDATION**

**That Council:**

- 1. Notes the importance of the dairy industry in South Gippsland and the impacts on the sector and the rest of the community from the recent drop in milk prices**
- 2. Continues to allocate in-kind resourcing for the purpose of supporting and participating in the regional dairy leadership and working groups**
- 3. Allocates funds of \$22,220 to support local dairy sector support programs and events throughout the remainder of the 2016/17 financial year, to be administered in a way that is consistent with Council's Small Emergency Grants program, with a further \$15,000 to be allocated to the fund upon receipt from the Victorian Government**

## **E.13 LEONGATHA STREETSCAPE MASTER PLAN - ADOPTION**

Development Services Directorate

### **STAFF DISCLOSURE OF INTEREST**

Nil

### **EXECUTIVE SUMMARY**

The Leongatha Streetscape Master Plan ("Master Plan") is a priority project of Council. It aims to enhance Leongatha's town centre as a "place". As previously discussed in the Council Agenda Report on 27 April 2016, the project seeks to improve the amenity, pedestrian use and economic sustainability of the town. The Master Plan will guide road and footpath improvements, new landscaping, street furniture, and other upgrades to revitalise Bair Street.

The Final Master Plan has been prepared for Council adoption in response to community feedback received. The Master Plan is based on the preferred option, Option B, which was available for feedback in June and July 2016. The Master Plan responds to best practice urban design and sustainability principles. It presents a valuable opportunity to directly influence the future social and economic vibrancy of Leongatha and South Gippsland. The next step for the project would be to prepare detailed plans for construction.

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

- **Attachment 1** - Final Leongatha Streetscape Master Plan
- **Appendix 1** - Community Engagement Report
- **Confidential Appendix 1** - Draft Master Plan Submissions

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

A copy of **Confidential Appendix 1 - Draft Master Plan Submissions** has been distributed separately to Councillors and the Executive Leadership Team.

**Confidential Appendix 1** is confidential information on the grounds that it relates to a matter specified under Section 89(2)(h) that Council considers would prejudice the Council or any persons; respective of the Local Government Act 1989.

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

- Disability Act 2006
- Equal Opportunity Act 2010
- Planning and Environment Act 1987

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

- South Gippsland Planning Scheme
- Leongatha CBD Car Parking Strategy 2013
- South Gippsland Shire Council Economic Development and Tourism Strategy 2015-2020
- South Gippsland Shire Council Asset Management Strategy 2013
- South Gippsland Shire Council Paths and Trails Strategy 2010
- South Gippsland Shire Council Recreation Plan. Volume 4: Implementation Plan 2007
- South Gippsland Shire Council Social Community Blueprint 2014-2029

## **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.
Strategy:	3.1.5	We will encourage sustainable development that promotes the health, well-being and unique character of the community.

## **CONSULTATION**

### **External**

Initial public consultation occurred during November and December 2015 with 75 submissions being received.

The second round of public consultation occurred during June and July 2016 and approximately 80 submissions were received. Approximately 90 people attended the public meetings where the Draft Master Plan was presented and

community questions were answered. The community engagement report provides details of the engagement process and consultation findings (see **Appendix 1 - Community Engagement Report**).

### **Internal**

Council's Engineering, Economic Development, Parks and Gardens, Community Strengthening, Planning and Depot Management teams have provided input throughout the project.

## **REPORT**

### **Background**

For detail on the project background refer to the Council Agenda Report for 27 April 2016 at Item E.1 Leongatha Streetscape Master Plan - Draft for Consultation.

### **Project**

The Leongatha Streetscape Master Plan ("Master Plan ") is a priority project of Council as a result of the change to the road status to a local road related to the Leongatha Heavy Vehicle Alternate Route. The Master Plan will guide road and footpath improvements, new landscaping, street furniture, and other upgrades to revitalise Bair Street and surrounds. The study area includes Bair Street from McCartin Street to the railway bridge, Lyon Street, Gollers Lane, Lardner Place, parts of Church Street and Horticultural Park. The project aims to enhance Leongatha's town centre as a "place" and improve the amenity, pedestrian use and economic sustainability of the town. The Master Plan responds to best practice urban design and sustainability principles. It presents a valuable opportunity to directly influence the future social and economic vibrancy of Leongatha and South Gippsland.

### **Community Engagement**

The Final Master Plan has been prepared for Council adoption in response to community feedback received. Two Revitalisation Options, Option A and Option B, were presented to the community in June and July 2016 as part of the project's second round of engagement (refer to **Appendix 1** for full detail). The Council Agenda Report for 27 April 2016 discussed the findings of the first round of community engagement.

Council received approximately 80 submissions mostly from people who live in, work in and / or visit Bair Street. There were also several people who own land or businesses in Bair St or other parts of Leongatha. Other interests that were represented included a transport business.

Approximately 90 people attended public meetings where the Draft Master Plan was presented and community questions answered.

Public responses were generally positive with a number of suggestions for changes. Option B was clearly the preferred design for Bair Street between McCartin Street and Church Street.

### **Changes in Response to Feedback**

The top concerns received about the Draft Master Plan were:

- Trees in Gollers Lane (13 submissions) - concern trees might impede vehicle movement.
- Need public toilets at or near Horticultural Park (12 submissions).
- Changes to parking in Lyon Street (11 submissions).
- Not all the pedestrian crossings on Bair St are needed (9 submissions).

Some other concerns that influenced changes:

- Delivery access in Lardner Place (4 submissions).
- Insufficient weather protection (3 submissions).
- Queensland Brush Box is inappropriate for Bair St (verbal comment at public meeting).

In response to public comment, the following key changes have been made to the Option B plan (preferred design):

- Remove a proposed pedestrian crossing in Bair Street.
- Re-organise the parking to retain angle parking in Lyon Street, redevelop the accessible car parking space to meet current standards and ensure space is retained for planting and seating.
- Remove proposed in-ground trees from Gollers Lane and install removable planting beds on a trial basis.
- Remove proposed trees along footpath in Lardner Place.

In response to the request for toilets at or near Horticultural Park, no changes have been made to the Plan. For a town of approximately 5,000 people, Council already provides public toilets at Anderson St, behind the Memorial Hall, McIndoe Park and at the skate park. One submission suggested moving the Anderson Street toilets to Horticultural Park. This was considered and not deemed worth the expense (estimated to cost over \$100,000).

The Leongatha Railway Site Transformation project due to commence in 2016 will consider the status of the existing station platform toilets and the potential to improve connections to Bair Street and the Great Southern Rail Trail.



It is also worth noting that there are toilets available at the library, Daker Centre and Memorial Hall when these public buildings are open and along the rail trail halfway between Leongatha and Koonwarra.

Other changes that were made to the plans are as follows:

- Propose weather protection in Lardner Place.
- Replace Queensland Brush Box (evergreen) species with Magnolia grandiflora 'Exmouth'.
- Make pedestrian crossing across Bair Street near Horticultural Park into a raised crossing.
- Propose signs saying "Leongatha" at the entrances from Korumburra, Mirboo North, Inverloch and Foster and signs saying "Bair St" and "McCartin St" in the town centre.
- Remove large trees at the entrance to the petrol station and CFA.
- Use tree pits to capture storm water and provide water quality treatment.
- Modify mural / public art opportunity locations in Gollers Lane.
- Move proposed public seating out of the way of existing outdoor seating area at McCartin's Hotel.
- Provide greater clarity about the existing and proposed trees on the plans.
- Show loading zones.
- Show vehicle access (one way / two way) so that it is clear that no traffic direction changes are being made.

More detail about the community engagement process and findings are available at **Appendix 1** - Community Engagement Report and **Confidential Appendix 1** - Draft Master Plan Submissions. A copy of the Final Leongatha Streetscape Master Plan proposed for adoption is available at **Attachment 1**.

### **Next Steps**

The Final Master Plan is based on the preferred option, Option B, which was available for feedback in June and July 2016. The next step for the project is to prepare detailed plans and final reports required to proceed with construction.

### **FINANCIAL CONSIDERATIONS**

Council has committed funds in the 2016/2017 Annual Budget to complete the detailed design of the Master Plan. The indicative costing prepared by

MDG Consultants estimated that the Draft Master Plan Option B would cost approximately \$4.8 million; however, the detailed design process will inform the final project cost.

### **RISKS**

There are some economic risks associated with not proceeding with the Master Plan and not taking the opportunity to improve the street for the future. Community expectation is that Council will invest in the redesign of Bair Street as a result of its change of status to a local Council road. There is a risk that grant funding may not be secured to assist Council in delivering the project. Having an adopted Master Plan greatly assists opportunities to secure grant funding.

### **CONCLUSION**

The Final Master Plan has been revised in response to community feedback received in June and July 2016. The Plan needs to be adopted by Council before commencing detailed design.

### **RECOMMENDATION**

**That Council:**

- 1. Adopt the Final Leongatha Streetscape Master Plan for Bair Street and its surrounds; and**
- 2. Commence detailed design phase of the project.**

# Attachment 1 Final Leongatha Streetscape Master Plan



## **E.14 SOUTH GIPPSLAND BRANDING REVIEW REPORT**

Development Services Directorate

### **STAFF DISCLOSURE OF INTEREST**

Nil

### **EXECUTIVE SUMMARY**

Council undertook to review South Gippsland branding arrangements as a priority action in the 2015/16 annual plan.

The two primary objectives of the project were to:

- Evaluate the effectiveness and suitability of the existing Prom Country brand; and
- Receive independent expert recommendations as to the key principles upon which a future integrated place-based brand could be developed.

Council engaged branding agency Copy Transmission to undertake the project which involved a comprehensive data and literature review; extensive internal and external consultation and the eventual development of expert recommendations based on the cumulative evidence and findings.

The consultant's findings and recommendations are contained within **Appendix 1**.

This report recommends that Council:

1. Receives the South Gippsland Shire Council Brand Review - Research and Recommendations (Copy Transmission) report
2. Refers the South Gippsland Shire Council Brand Review - Research and Recommendations (Copy Transmission) report to Council's Economic Development and Tourism Steering Committee to provide Council with a future report that:
  - a. responds to each of the recommendations,
  - b. identifies a proposed implementation program, and
  - c. provides a recommended implementation budget

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

- **Appendix 1** - South Gippsland Shire Council Brand Review - Research and Recommendations (Copy Transmission) report

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

Economic Development and Tourism Strategy 2015-2020

### **COUNCIL PLAN**

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

### **CONSULTATION**

Branding agency Copy Transmission was engaged to undertake the branding review project on behalf of Council.

The project included extensive internal and external consultation, with a combination of qualitative and quantitative techniques.

External consultation included input from visitors and potential visitors; South Gippsland tourism and business communities; residents of South Gippsland; key tourism bodies including Prom Country Regional Tourism, Destination Gippsland, Visit Victoria and Parks Victoria and tourism and economic development officers from other Councils in Gippsland.

Internal consultation took place with Councillors and relevant Council officers.

The outcomes of this process were analysed and used to inform the consultant's expert recommendations.

### **REPORT**

#### **Background**

For the past 15 years, South Gippsland has been promoted to external markets under the 'Prom Country' identity.

Council has invested considerably in the development and ongoing support of the Prom Country brand during this time, having initially developed it with financial support from the Victorian Government as a means by which to promote the shire from an economic development perspective.

In the ensuing years, the brand has continued to evolve under the dual custodianship of Council and Prom Country Regional Tourism (PCRT), and is now primarily used for tourism purposes.

South Gippsland is also promoted as a sub-region within the 'Inspired by Gippsland' campaign, under the auspice of Destination Gippsland and more

specifically as part of localised campaigns designed and delivered by a range of active community and business township associations.

All of these groups bring their own unique expertise, enthusiasm and approach to marketing the region.

### **Discussion**

Council engaged Copy Transmission to independently assess the effectiveness and suitability of the region's existing official 'Prom Country' brand, together with other existing sub-regional brands.

The process undertaken by Copy Transmission was methodical, impartial and evidence-based. It involved extensive consultation and research, including community, business, officer and Councillor discussions.

Copy Transmission have provided Council with a comprehensive report which details the process undertaken. The report contains some 33 recommendations for further developing and enhancing an integrated place-based branding approach for South Gippsland.

Clearly informed advice is provided in respect to recommended brand focus, attributes, target markets and marketing. The report also provides recommendations as to how local marketing structures could be further enhanced to achieve greater strategic alignment and cohesion.

In order to progress the recommendations towards implementation, Council will need to carefully consider its response to each of the 33 recommendations. This will involve further investigations into the potential costs, practicality and approach to stakeholder and community engagement.

### **Options**

1. Receive the South Gippsland Shire Council Brand Review - Research and Recommendations (Copy Transmission) report and refer it to the Council's Economic Development and Tourism Steering Committee to prepare a future report to Council responding to each of the recommendations
2. Receive and endorse all recommendations contained in the South Gippsland Shire Council Brand Review - Research and Recommendations (Copy Transmission) report and refer it to officers to prepare a future report containing detailed implementation costings and delivery timeframes
3. Partially accept the recommendations contained within the South Gippsland Shire Council Brand Review - Research and Recommendations (Copy Transmission) report and instruct officers to undertake further work to consider other options as directed

4. Reject the recommendations contained within the South Gippsland Shire Council Brand Review - Research and Recommendations (Copy Transmission) report

### **Proposal**

It is recommended that Council receives the South Gippsland Shire Council Brand Review - Research and Recommendations (Copy Transmission) report and refers it to the Council's Economic Development and Tourism Steering Committee to prepare a future report to Council responding to each of the recommendations

### **FINANCIAL CONSIDERATIONS**

The South Gippsland Shire Council Brand Review - Research and Recommendations (Copy Transmission) report contains preliminary cost estimates for implementing each of the actions.

Council has the opportunity to receive the report and refer it to Council's Economic Development and Tourism Steering Committee for further consideration, the outcome of which will provide Council with a more accurate indication as to the likely future budgetary implications should Council resolve to adopt the recommendations therein.

### **RISKS**

The report provides balanced, impartial and evidence-based recommendations as to how Council can achieve a more cohesive and effective branding framework into the future.

The process for developing the report and recommendations has involved extensive stakeholder and community consultation, the outcome of which is reflected in results and recommendations.

Should Council choose to reject the report; it should acknowledge the risks of discarding the expertise and insights of those who have contributed.

### **CONCLUSION**

The South Gippsland Shire Council Brand Review - Research and Recommendations (Copy Transmission) report contains strong evidence-based advice for improving local place-based branding to the shire's most valuable target markets in the context of tourism visitation, new residents and investment.

Council now has the opportunity to respond to these recommendations which are expected to lead to improved strategic, structural and marketing effectiveness outcomes.

In doing so, further consideration will need to be given to determining Council's agreed response to each of the recommendations, an implementation program and associated budgetary allocations.

## **RECOMMENDATION**

### **That Council:**

- 1. Receives the South Gippsland Shire Council Brand Review - Research and Recommendations (Copy Transmission) report**
- 2. Refers the South Gippsland Shire Council Brand Review - Research and Recommendations (Copy Transmission) report to Council's Economic Development and Tourism Steering Committee to provide Council with a future report that:**
  - a. responds to each of the recommendations,**
  - b. identifies a proposed implementation program, and**
  - c. provides a recommended implementation budget.**



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**E.15 PROPOSED ROAD NAME CHANGE FOR SUMMERS ROAD, FISH CREEK TO 'KERRS ROAD'**

Sustainable Communities and Infrastructure Directorate

**STAFF DISCLOSURE OF INTEREST**

Nil

**EXECUTIVE SUMMARY**

The current situation of 'Summers Road' and 'Kerrs Road', Fish Creek is causing confusion for the general public, transport vehicles, and emergency services due to:

- 'Summers Road' and 'Kerrs Road' being located on a continuous uninterrupted length of road between Buffalo Waratah Road and Fish Creek Walkerville Road.
  - 'Summers Road' starts at Buffalo Waratah Road and ends at the intersection of Stamp Road and Kerrs Road.
  - 'Kerrs Road' starts at Fish Creek Walkerville Road and ends at the intersection of Stamp Road and Summers Road.

Refer to **Attachment 1 – Map of 'Summers Road' and 'Kerrs Road', Fish Creek and Current Road Numbering.**

- The majority of properties on 'Summers Road' are addressed as 'Kerrs Road'.
- There is another road named 'Summers Road' approximately 7km away to the north east which runs off Waratah Road, Fish Creek.

Refer to **Attachment 2 – Location of the Two Roads Named 'Summers Road' (Name Duplication).**

It is proposed to commence the public consultation process by calling for community comment on the proposal to rename '**Summers Road**' to '**KERRS ROAD**'.

Refer to **Attachment 3 – Map of Proposed Name Change for 'Summers Road' to 'KERRS ROAD'**.

*Document/s pertaining to this Council Report*

- **Attachment 1** – Map of 'Summers Road' and 'Kerrs Road', Fish Creek and Current Road Numbering
- **Attachment 2** – Location of the Two Roads Named 'Summers Road' (Name Duplication)

- **Attachment 3** – Map of Proposed Name Change for ‘Summers Road’ to ‘KERRS ROAD’
- **Attachment 4** – Survey to Rate Payers and Occupiers

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

- Local Government Act 1989 (Schedule 10, Clause 5(1a) & 5(2), and Section 89(2)(h))
- Road Management Act 2004
- AS/NZS4819: 2011 Rural and Urban Addressing
- Geographic Place Names Act 1998
- Geographic Place Name Guidelines 2010 (Version 2)
- Emergency Services Telecommunications Authority

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

- Road Naming Procedure 2013

#### **COUNCIL PLAN**

Outcome:	2.0	Closely Connected Communities.
Strategy:	2.1	Engage and work collaboratively with our community.
Outcome:	3.0	Integrated Services and Infrastructure.
Strategy:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development.

#### **CONSULTATION**

##### **1. Community Consultation Undertaken (June 2016)**

Letters were sent out to all rate payers and residents abutting ‘Summers Road’ and ‘Kerrs Road’ which included a survey to gauge public feedback on the proposed name change.

This outlined the proposal to rename the section of ‘Summers Road’ off Buffalo Waratah Road to the intersection of Stamp Road and Kerrs Road, to ‘**KERRS ROAD**’ so that the entire length of road, from Buffalo Waratah Road to Fish Creek Walkerville Road, would be named ‘**KERRS ROAD**’.

The survey allowed one vote to the owner of the property and one vote to the occupier of the property to register their agreement or disagreement to the proposed road name change.

When a survey is sent to the immediate affected community, consent is considered to be achieved when the number of respondents expressing consensus, added to the number of non-respondents, considered to be tacit consent, is greater than 50 per cent of the total surveyed community.

## 2. Survey Results - Immediate Community Rate Payer / Occupier

Population in immediate community:	16
Respondents who objected:	0
Respondents who expressed consent:	8
<u>Non-responses (tacit consent):</u>	<u>8</u>
<i>Total tacit and responded consents:</i>	<i>16</i>
<u><i>Total community that consents:</i></u>	<u><i>100%</i></u>

A copy of the survey sent to affected residents is available in **Attachment 4 – Survey to Rate Payers and Occupiers.**

## 3. Further Public Consultation

- Council will place a public notice of the proposed new road name (the Proposal) in the Noticeboard section of the local newspapers and on Council's website week commencing 29 August 2016 calling for community comment.
- Council will send letters to adjoining property owners / occupiers, inviting written comment.
- The community consultation period is 30 days from the publication and will close on Tuesday 27 September 2016.
- Council will receive a further report to discuss:
  - The outcome of the community consultation process including copies of any submissions received.
  - If appropriate, recommend renaming 'Summers Road' to 'KERRS ROAD'.
- That a notice is placed in the Government Gazette.
  -
- All name submissions must comply with naming rules for places in Victoria – statutory requirements for naming roads, features and localities.

## REPORT

### Background

Council officers have had a request to look into to the possible road name change of '**Summers Road**' to '**KERRS ROAD**' from Buffalo Waratah Road to the intersection of Stamp Road and Kerrs Road. The entire length of road would then be called '**KERRS ROAD**'.

This will help avoid confusion for the general public, transport vehicles, and emergency services with respect to road names / property numbers, and the fact that there is another road named Summers Road approximately 7km away to the north east which runs off Waratah Road, Fish Creek.

There is only one property addressed to 'Summers Road' and Council have consulted the property owner who strongly indicated 'in favour' of 'Summers Road' being changed to 'KERRS ROAD'.

#### History of Summers Road - Brian Summers

The Summers family have lived and farmed the land surrounding 'Summers Road' off Buffalo Waratah Road since the early 1900s. Brian Summers, son of Clare Summers, purchased the land off his father and constructed this section of road in the early 1950s with a 'Plow Shear'. The bush was very dense and this added to the curvature of the road, as the trees were too big to go through.

The other 'Summers Road' off Waratah Road was also named after Brian Summers' father and brother who owned the land surrounding this road.

It is important to record information about why a road, feature, or locality name was chosen. This relevant history and association to the area, and the significance of the family/person to the area/land will be uploaded to the historical information section in the [VICNAMES](#) website, Council's Geographic Information System (GIS), and Council's website. This will ensure the history behind 'Summers Road' is recorded and available to future generations, and to provide transparency in the naming process.

#### Current situation

- 'Summers Road' starts at Buffalo Waratah Road and ends at the intersection of Stamp Road and Kerrs Road.
- 'Kerrs Road' starts at Fish Creek Walkerville Road and ends at the intersection of Stamp Road and Summers Road.

#### Proposed outcome

- 'Kerrs Road' will start at Buffalo Waratah Road and end at Fish Creek Walkerville Road.

## Discussion

### Geographic Place Name Guidelines 2010

Council is governed by the [Geographic Place Name Guidelines 2010](#) (GPN) and appropriate naming is essential to identify locations for providing emergency services and delivering goods and services in Victoria. The naming rules are based on national standards and policies. They provide a strong basis for standardised and unambiguous naming procedures across the state.

Geographic names must not risk public and operational safety for emergency response, or cause confusion for transport, communication, and mail services. Many emergency response and other public service providers (such as mail) are determined by locality boundaries or road extents, so proposals must ensure that operations will not be adversely affected. A road name must not be applied in an ambiguous or confusing way for road use.

Emergency response and public service providers rely on road names being officially registered and signed. This ensures that a road's location and extent is uniquely identified in the Victorian Government's spatial databases, and is therefore accessible on the majority of relevant organisational and public mapping products.

Council use the Vicmap database as the underlying database for its IntraMaps and GIS.

### Name Duplications

Road Name duplicates are considered to be two (or more) names within close proximity, or names that are identical or have similar spelling or pronunciation. Duplicate or similar sounding/spelling names must not be duplicated within a 15km Radius under the GPN Guidelines. Summers Road does not comply with these guidelines as there are two roads named Summers Road within a 7km radius. Refer to **Attachment 2**.

## Options

The options available to Council are:

1. To commence the public consultation process by calling for community comment on the proposal to rename '**Summers Road**' to '**KERRS ROAD**'.
2. To leave the road as 'Summers Road'.

Option 2 is not considered a viable option due to the confusion it is creating with:

- Two road names on a continuous uninterrupted length of road; and

- The other 'Summers Road' off Waratah Road 7km away.

### **Proposal**

It is proposed that Council proceed with Option 1 and commence the public consultation process by calling for community comment on the proposed road name change of '**Summers Road**' to '**KERRS ROAD**'.

### **FINANCIAL CONSIDERATIONS**

The cost to Council will be for the supply and installation of new signage for the affected road if approved by Council. The estimated cost to install new signage is approximately \$150 and can be accommodated in Council's approved signage budget.

### **RISKS**

There is minimal risk to Council as the methodology for the naming of roads is contained in the GPN and this proposal conforms to the principles outlined in Sections 1.8 and 4.

There is a risk to Council choosing not to apply the principles of the GPN and *AS/NZS4819: Rural and Urban Addressing*, especially where properties will not have appropriate addresses applied and the associated likelihood of emergency and public services provision being impaired or delayed.

### **CONCLUSION**

Renaming 'Summers Road' to 'KERRS ROAD' as recommended, and aligning the road numbering will remove the confusion for emergency services and the general public.

### **RECOMMENDATION**

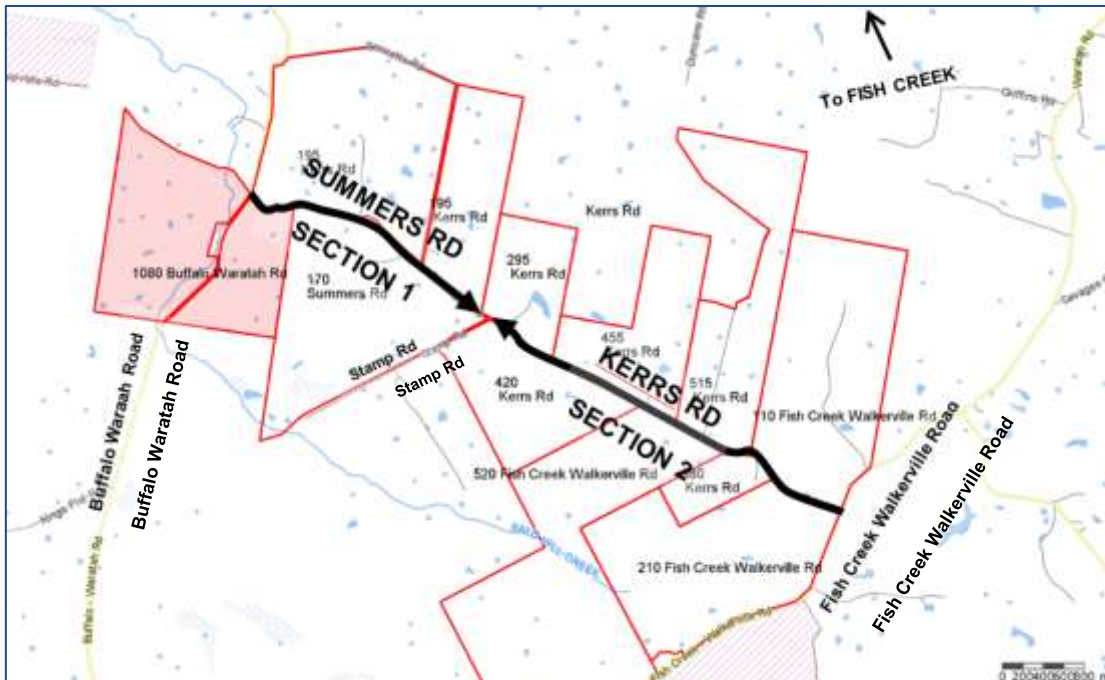
**That Council:**

- 1. Commence a process pursuant to Section 10, Clause 5 of the Local Government Act 1989, by calling for community comment on the proposed renaming of 'Summers Road' to 'KERRS ROAD', from Buffalo Waratah Road to the intersection of Stamp Road and Kerrs Road (the Proposal).**
- 2. Give public notice in its Noticeboard section of the local newspapers and on Council's website week commencing 29 August 2016 on the Proposal, and the notice to clearly state:**
  - a. A person may make a submission to the Proposal no later than Tuesday 27 September 2016 addressed to the Assets Technical Officer, South Gippsland Shire Council, Private Bag 4, Leongatha 3953 or delivered to the Council Office, 9 Smith Street, Leongatha.**

- b. Copies of submissions (including submitters' names and addresses) will be made available at the Council meeting at which the proposals are considered and Council is required to make submissions available for public inspection for a period of twelve months.**
- 3. Receive a final report at the next available Council Meeting detailing:**
  - a. The summary of the outcome of the public consultation process including copies of any submissions received.**
  - b. If appropriate, a recommendation to rename 'Summers Road', Fish Creek to 'KERRS ROAD'.**
  - c. Place of a notice in the Government Gazette.**

**Attachment 1**  
**Map of Summers Road and Kerrs Road, Fish Creek**  
**and Current Road Numbering**

**CURRENT SITUATION**



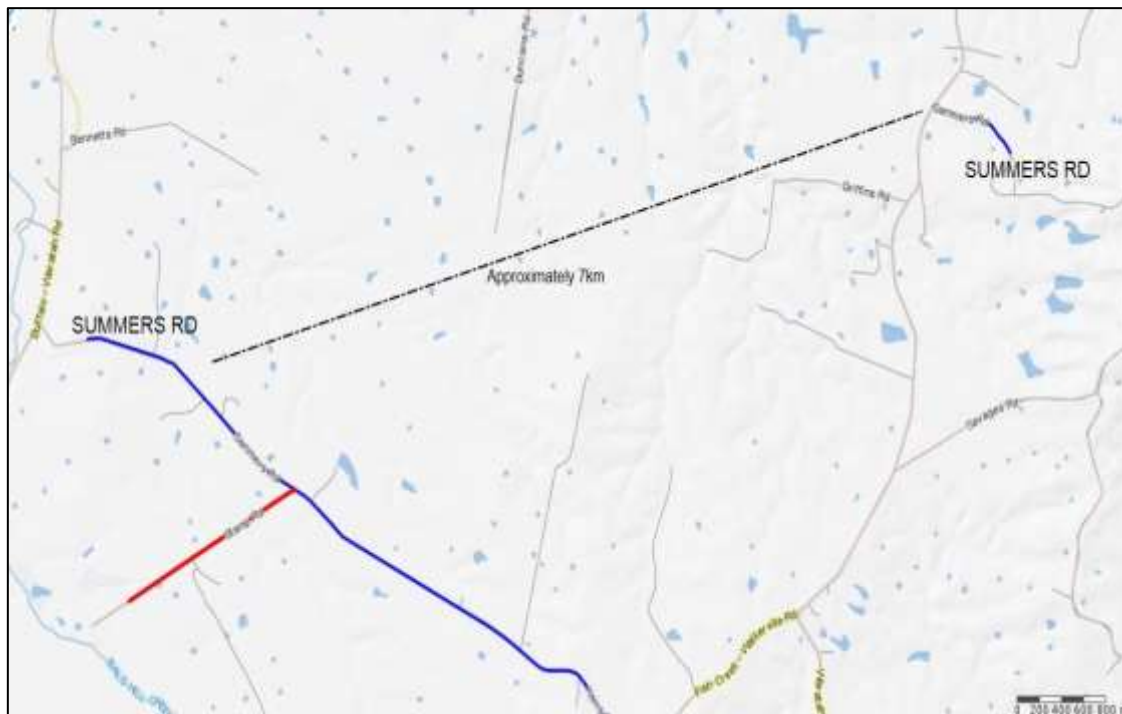
**Section 1** – ‘Summers Road’ starts at Buffalo Waratah Road and ends at the intersection of Stamp Road and Kerrs Road.

**Section 2** – ‘Kerrs Road’ starts at Fish Creek Walkerville Road and ends at the intersection of Stamp Road and Summers Road.

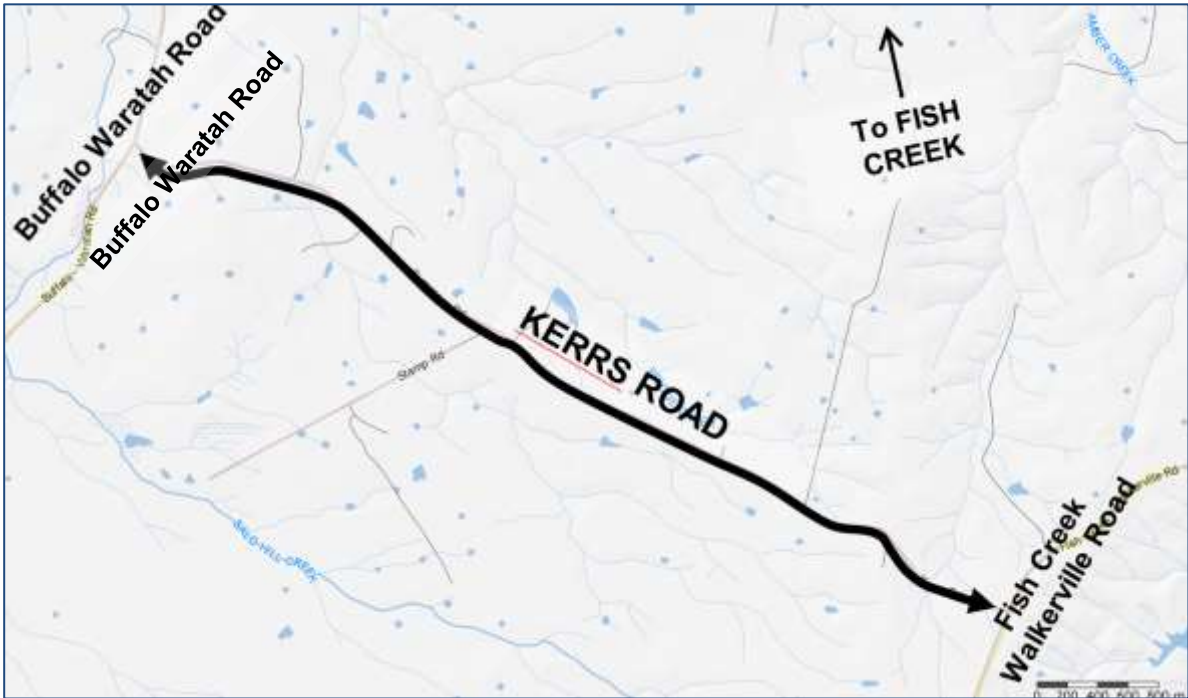


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**Attachment 2**  
**Location of the Two Roads Named 'Summers Road'**  
**Name Duplication**



**Attachment 3**  
**Map of Proposed Name Change for Summers Road to 'KERRS ROAD'**



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**Attachment 4**  
**Survey to Rate Payers and Occupiers**

South Gippsland Shire Council  
Joanne Cox  
9 Smith Street  
Leongatha VIC  
3953

**Please circle your preference below & return in the reply paid envelope 30 days from this letter or before close of business Monday 20<sup>th</sup> June 2016.**

Council proposes to rename the section of 'SUMMERS ROAD' off Buffalo Waratah Road, as 'KERRS ROAD' for the entire length, from Buffalo Waratah Road to Fish Creek Walkerville Road in the locality of FISH CREEK.

YES

I support the proposed road name change

NO

I do not support the proposed road name change

A non-return of surveys will be treated as 'tacit approval' for the proposal.

Your responses will form the basis of a proposal that will be forwarded to Council in due course. This is a lengthy process and will involve 2 reports to Council, 1 seeking community comment & community consultation, the second to formally adopt the name change if approved it will be then forwarded to The Office of Geographic Names for final consideration & approval.

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## SECTION F - URGENT OR OTHER BUSINESS

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

### 1. Urgent Business

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

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

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

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

### 2. Other Business

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

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

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

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

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## **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    AUDIT COMMITTEE REPORT FOR 14 JUNE 2016 A MATTER THAT COUNCIL THAT COUNCIL CONSIDERS WOULD PREJUDICE THE COUNCIL OR ANY PERSONS**
- ITEM 2    MATTER THAT COUNCIL THAT COUNCIL CONSIDERS WOULD PREJUDICE THE COUNCIL OR ANY PERSONS**
- ITEM 3    MATTER THAT COUNCIL THAT COUNCIL CONSIDERS WOULD PREJUDICE THE COUNCIL OR ANY PERSONS**

### **RECOMMENDATION**

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

- 1.    AUDIT COMMITTEE REPORT FOR 14 JUNE 2016 pursuant to section 89(2)(h) a matter which Council considers would prejudice the Council or any person as provided for by the Local Government Act 1989; and**
- 2.    TWO MATTERS THAT COUNCIL CONSIDERS WOULD PREJUDICE THE COUNCIL OR ANY PERSONS pursuant to section 89(2)(h) of the Local Government Act 1989.**

## **SECTION H - MEETING CLOSED**

### **NEXT MEETING**

The next Ordinary Council Meeting open to the public will be held on Wednesday, 28 September 2016 commencing at 2pm in the Council Chambers, Leongatha.